ELECTORAL SYSTEM OF INDIA: MAJOR ISSUES AND CHALLENGES

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Abstract

Modern democracy, or representative democracy, is the subject of this paper. Voters or Electors are the ones who cast ballots, and we'll analyse the merits and demerits of universal adult franchise. The current electoral system does not provide adequate representation for all voters, resulting in a large number of votes being cast in vain. However, a proportional representation system does exist. A candidate has been proclaimed victorious in state assembly elections where the margin of victory was less than 100 votes. Unless there is some unusual circumstance, a candidate usually wins an election with only 30 to 35 percent of the total votes cast. As a result, he or she cannot be considered the result of a popular vote. As the world's most populous democracy, the United States will be the focus of this investigation.

Keywords: Political Race, Election, Voting, Legislature

INTRODUCTION

India is a democratic, constitutional, communist country based on popular support. In the social, monetary, and political fabric woven by the Constitution handed to "We, the People of India," popular government runs like a magnificent string. It is implicit in the Constitution's depiction of a majority rule government that persons in Parliament and state legislatures are depicted by the method of political choice. There are many reasons why India's Supreme Court believes that majority rule governs the country, and that it is a vital part of its constitutional system. The Indian government is now a Parliamentary one, thanks to the country's new constitution. The Rajya Sabha and Lok Sabha are the two Houses of the Indian Parliament, which are headed by the President of India. Each state in India, which is a union of states, is administered by a separate state administrative body. A state's legislature consists of two houses, the Legislative Assembly and the Legislative Council.

In today's democratic era, the people own the keys to the kingdom. There is a lower likelihood of electing capable representatives using the method of direct election, but a higher likelihood of electing them using the method of indirect election, because the voters who elect the candidates are often better than common voters. Indirect elections are used. It's because of this that they use their votes wisely; the country is divided into equal territorial sections from which the people elect their representatives. More and more democratic states are relying on the simple majority system these days. In this method, the candidate who receives the most votes is proclaimed the winner of the election.

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This country is the world's largest democratic and republican state. Elections are both a necessity and a core of democracy in each country with a democratic and republican government. In a democracy, citizens have the opportunity to elect their own government. There are elections in all democracies around the world, and this is a common element of democracy. Only then can we have a really democratic process for these elections. An Election Commission with autonomous (Art 324-329), which includes the Chief Election Commissioner and other Election Commissioners, has been established under the Indian constitution for this purpose (Art 324-329). (at present two other election commissioners). The Election Commission of India has been working hard to ensure that elections are held according to the principles outlined in the Indian Constitution at regular intervals. In order to accomplish this goal, it has taken a number of new measures in the recent past. A plan for political parties to broadcast or telecast using state-owned electronic media, preventing the criminalization of politics, computerising electoral rolls, giving voters identity cards, streamlining the process for maintaining accounts and having candidates fill them out, as well as a number of other measures for strict adherence to the Model Code of Conduct, levelling the playing field for candidates during the elections, and appointing electoral judges are all included.Other measures include appointing election observers Many committees and commissions, such as the V.M. Tarkunde Committee, the Dinesh Goswamy Committee, the Indrajith Gupta Committee, and the Law commission, have been appointed up until this time. In spite of the fact that the Indian election system has been plagued by a large number of defections, including some of those that will be detailed below, various electoral system changes have been implemented there.

Objectives of the Study
The study aims to explore the Election Commission of India and the Indian electoral system and specifically to trace out problems being faced by the Indian electoral system.

Methodology
Since the present research work is a descriptive research, it will exclusively investigate the Electoral system of India. It adopts modern historical methodology in recording the events, the Descriptive and Analytical Methodology are followed besides statistical analysis has also been attempted.

DISCUSSION

IMPORTANCE OF ELECTIONS

It gives decision of authority, political support, through this an individual can likewise speak more loudly their disdain against a decision party and furthermore it is a self-restorative framework. Through this framework, after at regular intervals, the decision gatherings are held in line and made to think about the interest of people in general. Give us a chance to reveal to you that "Articles 324 to 329 in Part XV of the Constitution manages the Electoral System of India. Article 324 of the Constitution accommodates an autonomous Election Commission" so as to guarantee free and reasonable races in the nation. The appointment of Lok Sabha and the state congregations are to be based on grown-up establishment. Hence, every individual who is a resident of India and who is 18 years old, is qualified for vote at the political decision gave isn't precluded under the arrangements of the Constitution or any law made by the suitable legistalture on the ground of non-living arrangement, unsound personality, wrongdoing or degenerate or legitimate practice.

Election Commission of India (ECI):

The "Election Commission of India (ECI) is a body that was mandated by the Constitution of India to be founded in the year 1950 in order to further the democratic process in India. The main office is located in New Delhi. It is composed of three individuals: a chief election commissioner, along with two other commissioners. These individuals are appointed by the President of India for periods of six years each," and they are ineligible for removal from office except through the process

of legislative impeachment. The Elections and Citizenship Commission (ECI), which is responsible with ensuring that elections are conducted in a manner that is both fair and orderly, is almost completely immune to political pressures and is strictly nonpartisan.

All of India's elections are overseen, directed, and controlled by the Electoral Commission of India (ECI), which includes elections for national parliament, state legislatures, and the national president and vice president's positions. All of these duties fall within its purview: registering and categorising political parties, supervising nominations of candidates for public office, and overseeing the conduct of the election campaigns. Aside from that, it aids in arranging polling places, counts votes, and makes the results public. It also helps enable media coverage. When it comes to elections, the Election Commission of India (ECI) is authoritative and final; yet, it is susceptible to judicial challenge in courts of law.

A secretariat employing perhaps about 300 persons manages the ECI. Civil officers perform the duties of election officials at the district and constituency levels. One or more key employees work under the direction of the state's chief election officer. There is a large team of temporary personnel, ranging from one to five million, who are responsible with administering the vote in general elections. In order to keep its operations viable, the ECI has taken a number of these measures. This includes using state-owned electronic media for political campaigns, making measures to prevent criminalization of politics, computerising the electoral rolls and distributing voter-identification cards, and following to a code of conduct that assures fairness for all parties and candidates.

Indian Electoral System:

Electoral processes for India's president and vice president as well as the Parliament and state legislatures are under the jurisdiction of the Election Commission of India, which has been granted broad responsibility to oversee, direct, and govern the process. This authority comes directly from the Constitution of India. Direct election, which is based on territorial constituencies, and proportional representation, which is accomplished through the use of a single transferable vote are the two primary components that make up the Indian electoral system. Members of the Lok Sabha, state legislatures, and local governments in Union Territories are chosen via the first system. This is the standard across all of India. Members of the Rajya Sabha and Legislative Councils were also up for grabs in the second round of voting. Using a single transferable vote, this election was conducted on the basis of proportional representation.

The main features of Indian electoral system:

- Describes the Election Commission of India's makeup.
- Describes the Election Commission's functions and responsibilities.
- Election procedures are described, including when candidates are nominated and when results are announced.
- Discusses the many steps of the election process.
- Describes the roles and responsibilities of polling-related officers.
- Outlines the problems with the current system and the need for changes.
- Suggests electoral reforms, as well as those that have been implemented already.

RESERVATION OF SEATS

Anglo-Indian representatives can only be given two seats in the Lok Sabha because of the

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Constitution's restriction on the number of elected members. Additional arrangements are in place to ensure that only up-and-comers from established ranks and clans are allowed to represent political race. In mid-1999, a bill was introduced in the Lok Sabha to protect 33% of the seats reserved for female candidates. There was a split in Parliament's Lower House before the legislation could be examined and passed.

MAJORITY SYSTEM

The current system of majority rule is the root of many of our issues. It only decides who wins the majority of votes among the contestants, regardless of the percentage of votes they receive, but since this percentage is sometimes less than 25 percent of the total votes cast, even though they win the election, this can lead to a winning person representing a constituency that has a minority of votes, despite the fact that they are elected to represent all of the people. Caste and communal lines become the focal points of contentious politics in the society as a direct result of this system.

An alternative is to receive more than 50% of the vote in any given election in order to win. There should be a run-off election if the top two candidates aren't able to make it past the first stage. As a result, there is a greater sense of unity among people and a decrease in the use of political devices, such as casteism and communalism. Without the backing of all segments of society, no political party can win an election.

ISSUES IN ELECTORAL POLITICS OF INDIA

Because of the vast amounts of money and muscular force that are required to win elections, presently the elections aren't held under ultimate setting. This is due to the fact that winning elections requires large amounts of both money and muscle power. The election system in India is plagued by a number of severe flaws, including but not limited to the following: the power of money; the power of muscle; the criminalization of politics; poll violence; booth capture; communalism; casteism; non-serious and independent candidates; and so on.

Money Power

Another serious flaw in our democratic process is the role of money in politics. Elections have become increasingly expensive in recent years. Political parties and aspirants can be apprehensive about the frequency with which elections are held. The buying and selling of votes is akin to a market for goods. In the past, industrialists and businessmen supported political parties, but now they participate directly in elections, run for office themselves, and sometimes buy seats in state legislatures and the Rajya Sabha from political parties. As a result of their nominations, many political figures become involved in public contracts, government agencies, and businesses, as well as entrepreneurs and businessmen. Eighty percent of the members of the Lok Sabha are crorepatis, according to a survey conducted by the Association for Democratic Reforms (ADR). This is a substantially greater percentage than the 30 percent and the 58 percent of Lok Sabha MPs in 2004 and 2009. The average assets of the 16th Lok Sabha M.Ps from each party are shown in the following chart.

Muscle Power

It's all about physical power: intimidation before and after the vote; rigging of any kind, both silent and violent; and booth capturing, both silent and brutal. Cancer is slowly spreading to southern states like Andhra Pradesh from northern states like Bihar and western Uttar Pradesh and Maharashtra. In today's free society, criminalising politics and politicising "criminals are like two sides of the same coin, and they are primarily responsible for the display of armed force during elections." Violence is used by criminals as a means of winning elections for their supporters.

Misuse of Government Machinery

Most people believe that the government in power during an election uses official apparatus to help its party candidates win. Government cars are used for campaigning, advertisements are published at taxpayers' expense and discretionary funds are disbursed by ministers. These are all examples of how government machinery is being abused. Because of the tactics outlined above, ruling parties have an unfair edge in elections because of this. Public funds are misused to support candidates from one political party over another.

Criminalisation of Politics

The criminalization of politics is a big problem in our politics right now. Lawmakers shouldn't have criminal records, so the law should keep them from running for office. Reports from 2015 say that 53 of the 543 members of the Lok Sabha are facing serious criminal charges. If they are found guilty, they will be kicked out of office. According to the ADR report, 34% of the new MPs have been charged with a crime. In 2004 and 2009, the numbers were 24% and 30%, respectively. "The average length of criminal cases declared by MPs under Sections 8(1) and 8(3) of the Representation of Peoples' Act, according to the ADR report, is 10 years".

Opportunistic Coalition Governments

Our political system also has a big flaw when it comes to post-election coalitions. Despite their differences in ideology, they join together to establish the government on the pretext of preventing re-elections, which is also against public sentiment. So only pre-election coalitions will be allowed, and the law will have to be changed to accommodate this. Political defections, particularly at the state level, are also a serious problem. After the election, they switch from one political party to another, notwithstanding the public's support for that party's beliefs. A third of the party or even any component of the party should not be permitted this privilege. The party will be permitted upon a resignation, the end of a term, or a merger. To nullify political defections, which are currently handled by the speaker of parliament, the Election Commission of India should retain this ability.

Paid News

The Indian electoral system is currently facing a new and serious challenge in the form of paid news. According to the Press council of India, "Any news or analysis appears in any media either Print or Electronic for a price in cash or kind as payment." This statement was made in reference to the publication of news and analyses. In practise, it is tough to scrutinise, and as a result, the mechanism will be strengthened.

CAUSES OF POLITICAL INSTABILITY

Over the course of the past few decades, there has been a significant amount of political unrest. The administration as well as the policies have been unstable as a result, which is typical of governments that are made up of a minority. It is not difficult to understand the reasons why. "The Westminster Model, which we have chosen to follow, is one that functions primarily on the basis of a constrained number of political parties. There are just two major political parties in the United Kingdom at the present time." On the other hand, India's extremely divided society, in conjunction with the politicisation of everyday life that has taken place there, has resulted in the proliferation of political parties. Each of these survives not because of a distinct philosophy or economic programme, but rather because it has cultivated a small and insular identity for itself and its circle of supporters, an identity that is based, for the most part, on caste or religion. This is the primary reason for each of these groups' continued existence. Even this support is often achieved not by performing any constructive work for the concerned group but rather by adversely badmouthing others and persistently pitting one group against the other. This kind of behaviour is known as "pitting one group against the other." This is the norm. As a direct consequence of this vote split, it has become

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increasingly difficult for individual parties to amass a majority vote that can be used to create a government at the centre.

Compromises had to be reached in order to cobble together a workable majority to establish governments, and any ideology or conceptions of quality of governance had to vanish from the scene. Because of this, the quality of governance has suffered severely, which has resulted in a number of negative effects. Corruption has been allowed to thrive, law and order has been weakened, and control mechanisms have either completely disintegrated or grown extremely lax. The average citizen has been made to suffer as a direct consequence of all of the resulting poor governance. This circumstance has sparked its own discussion, and some people have put up the idea that there should be a cap placed on the number of independent candidates and political parties that are eligible to run for office at the national level.

Castism:

In spite of the fact that there are relatively few examples of a political party in India being totally linked with a single caste group, numerous castes provide major support to specific political parties. Meaning that political parties compete to gain the support of various caste groups by providing appealing proposals to those groups while also trying to exert pressure on political parties for the selection of members of their group as candidates. This interaction is especially noticeable when the caste group in question is the most prominent one and the political party in question is a significant one. In many political parties, ideological polarisation has been replaced by a process in which caste considerations are taken into account during the nomination of election candidates, the determination of policies and programmes, and the provision of support to those candidates. Politics is largely determined by one's caste, particularly at the more local levels. Another crisis is triggered as a result of the formation of regional parties and the "withering away of national view and spirit." Candidates end up being selected based on on their achievements, abilities, or merit but on the trappings of caste, creed, and community instead. When all is said and done, caste winds up being the deciding factor in selection. The notion of "unity" is being eroded in the name of regional autonomy by policies that are caste-based and castism.

Communalism:

The formation of India as a "secular" state, the politics of communalism, and the religious fundamentalism that emerged in the decades following the country's independence all contributed to the development of a variety of distinct movements throughout the country's varying states and regions. The "political culture of pluralism, parliamentarianism, and federalism" in India has come under attack as a result of growing communal polarisation, or more accurately, multi-polarization. Despite adopting "secularism" as a constitutional doctrine, which ironically permits communal parties to compete, communalism and fundamentalism in Indian politics are expanding. This despite secularism being a constitutional belief. It seems that India's politics have lost the spirit of tolerance needed to be labelled "secular." The last decade's national and state politics have been marked by clashes between "secularists" and "communalists." The minority Government introduced a comprehensive constitutional modification Bill (80th Amendment Bill) and the Representation of the People (Amendment) Bill 1993 to de-link polities from communalism, castism, and linguism, but these bills failed to pass Parliament. Caste and religion have become "election rallying issues" in recent years. Sadly, candidates often run for office with an eye on caste and religious sensitivities. This must be avoided.

REMEDIAL MEASURES
The following are some proposals that ought to be taken into consideration in order to make the election system free and fair:

- As of right now, the EC does not have any independent employees working for it. Whenever there are elections to be held, the Election Commission is required to rely on officials from both the Central Government and the individual state governments. "It is not conducive to the impartiality and efficiency of the Commission for the administrative staff to have dual responsibilities to the government for ordinary administration and to the EC for electoral administration. Along with it comes the difficulty of disciplinary control over the staff that has been deputed to undertake electoral work, which in most cases produces friction between the Government and the BC." Now that elections aren't only a cyclical occurrence like they used to be, it would be ideal for the British Columbia government to establish a permanent electoral administration that has sufficient disciplinary authority over its employees.

- In order to hold elections that are free and fair, it is imperative that the Electoral Commission be as effective as possible. It is impossible to have free and fair elections separate from democratic government. Following measures or procedures should be employed in order to put an end to unfair election practises such as vote rigging through the use of official machinery and to ensure that democracy continues to exist.

- The CEC should not have to rely on the discretion of the Executive or the Parliament in order to fulfil its responsibilities. In order to improve the agency's objectivity and impartiality, he ought to have a separate and independent election department.

- It is necessary to put an end to political corruption by providing financial support to honest candidates through political parties, the accounts of which should be open to scrutiny. Any candidate who is involved in corrupt activity should be eliminated from consideration.

- In order to have a genuine democracy, the process of registering political parties and gaining legitimacy ought to be open, objective, and free of any type of influence.

- The cornerstone of a democratic society is regularly held elections. Every potential candidate must have unrestricted freedom to declare himself a candidate for office and to run his campaign whatever he pleases, as long as he abides by the law, for an electoral system to be fair.

- It is imperative that every voter be able to cast their ballots as they see fit, without fear of consequences or undue influence from anyone using improper means and inducement or any other type. Because illiterate electors live in remote communities, they are unable to monitor the publication of electoral lists. Parliament must pass a law to deal with this major issue of de-listing valid voters from the electoral rolls.

- The Commission on Elections will be responsible for the preparation of electoral rolls, which will be supervised at the village level. Officials who construct electoral registers will also be required to certify that the electoral rolls have been completely amended. They do not include the individuals in question or citizens who have been stripped of their voting rights, and it is intended that there should be no names left in them.

- The names of the voters may be included in the electoral rolls even at the time of casting votes by the polling officer, when he finds a valid case, if accountability is established for the intentional exclusion of the voter's name from the electoral records.

CONCLUSION

There is a good chance that the elections in India will be the most extensive electoral activity ever held anywhere in the world. The responsibility for the entire procedure lies with the Election Commission. They are able to operate more effectively and get things done more quickly because to the organization's autonomy, which helps them achieve their goals. In a democratic system, the most powerful entity is the general population. "If the public does not vote for criminals, dishonest politicians, or corrupt politicians who desire to purchase their votes with money or physical powers, everything will function smoothly, and democracy will shine in the dark spectrum of a hitherto corrupt and criminalised

political system." Therefore, despite the fact that the EC is exerting a lot of effort in this area, it will not be possible for it to succeed until all political parties and voters acknowledge their duty. At long last, there ought to be a proper mechanism that is fully operational and properly ready to contend with any insignificance.

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