

## STRENGTHENING THE ELECTORAL SYSTEM IN INDIA: INSTITUTIONAL CHALLENGES AND REFORM PATHWAYS

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### ABSTRACT

*India's freedom brought the rule of democracy with it, which is strongly reflected in our Constitution. The concept of "OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE" reflects the same democratic principle. The ideas of democracy, equity, justice and fundamental rights form the core principles of our Constitution. Elections are the primary requirement of a democracy. The "Right to Vote" is not merely a legal right but also an integral part of India's electoral system. The responsibility to strengthen and maintain this system lies in ensuring free and fair elections in India. This paper discusses the electoral system in India and the concept of free and fair elections, while highlighting the institutions involved and the challenges faced during elections. It also proposes reforms required to strengthen the electoral system in order to sustain democracy in India. With an understanding of these issues and the solutions proposed, the Election Commission will be better equipped to promote good governance and eradicate unjust and unfair electoral practices. This, in turn, will help preserve democracy, which is the heart and soul of our Constitution. By assessing both the progress made and the gaps that persist, the study emphasises the need for ongoing reforms to ensure transparency, inclusivity and accountability within the electoral framework. Ultimately, it highlights that safeguarding the integrity of elections is essential for strengthening democratic values and upholding the nation's constitutional vision.*

**Keywords:** Democracy, Electoral System, Challenges, Reforms, Transparency.

### 1. INTRODUCTION

The Constitution of India provides for a very important feature of elections to its citizens for the purpose of democracy. In a democratic country like India the concept of election is very important as it restores the faith of the citizens in the government. The concept of elections will only be justified if they are free and fair from any form of biasness and are transparent. Here comes the role of the Election Commission as provided by the Constitution of India. The burden of conducting elections in a free and fair form lies in their hands and therefore the Election

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Commission is considered the guardian of the elections in order to maintain the democracy of the country.<sup>1</sup>

Elections are the bedrock of democracy which empowers the citizens of a country to elect their representatives and shape the governance. India is the world's largest democracy and conducts one of the most complex electoral exercises on a large-scale basis. This makes the electoral process both a testament to democratic endurance and also a subject requiring continuous scrutiny and reform.

### **OBJECTIVES OF STUDY**

- To examine the Election Commission of India and the current electoral system.
- To identify the challenges and propose suitable reforms.
- To assess the impediments to ensuring transparency in the current electoral framework.
- To suggest reforms that strengthen democratic values and uphold the spirit of the Constitution of India.

### **RESEARCH METHODOLOGY**

The research work is descriptive in nature. The research includes analytical and doctrinal methods to evaluate the judgments and legal frameworks. The research work incorporates research articles, published documents including the information available from the publications of Election Commission of India. It deeply analyses the Electoral system of India.

## **2. THE ELECTION COMMISSION OF INDIA**

Since Independence the concept of free and fair elections have been an ongoing process and has been held at regular intervals in accordance with the Constitution of India, the power to conduct and protect the elections from biasness has been given to the Election Commission of India. The Election Commission of India is a permanent Constitutional Body which was established on 25th January 1950. Election Commission of India consists of a Chief Election Commissioner and two Election Commissioners.

The Chief Election Commissioner and Election Commissioners are appointed by the President of India for a term of six years, or up to 65 years of age, whichever

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<sup>1</sup> Moumita Saha Roy, "Issues, Challenges of Election Commission of India in Present Scenario" *The Social Science Review, a Multidisciplinary Journal* 212 (2024).

is earlier. Moreover, they receive the same salary as that given to the Judges of the Supreme Court of India. Similarly the grounds for the removal of the Chief Election Commissioner are the same as for the judge of the Supreme Court.<sup>2</sup>

### 3. CONSTITUTIONAL FRAMEWORK OF ELECTIONS IN INDIA

The objective of the framers of the Constitution regarding the electoral system is to ensure equitable governance. The path for the same is provided under Article 324- Article 329 of the constitution. These articles provide the basic framework for conducting elections to the state legislature and the parliament.

The power of superintendence, direction and control of the same is vested upon the Election Commission of India under Article 324. The Election Commission of India is a constitutional body that is vested with a duty to ensure transparency and neutrality in electoral processes.

The Supreme Court Of India in the case of Indira Gandhi v. Raj Narayan has expanded the scope of free and fair elections as it is an essential part of the doctrine of basic structure of the Constitution. It is also known as the ‘Election Case’.<sup>3</sup> Electoral fairness with constitutionalism was also upheld as the constitutional supremacy in the case of Keshwananda Bhartiv. Union of India.<sup>4</sup>

The Representation of People’s Act 1951 provides the procedure to prevent the irregularities in the election procedure if any including any misconduct, undue influence, or any other malpractices.

### 4. NEED FOR FREE AND FAIR ELECTIONS

Elections simply provide the authority and decision-making power to run the country by providing political support. Elections are held at regular intervals so as to give the democratic power to the citizens to choose their representatives. The Constitution of India Articles 324 to 329 in Part XV discusses the Electoral System of India. The voting rights are established on the concept of Universal Adult Suffrage which provides that every individual who is a citizen of India and is 18 years of age has a right to vote irrespective of class, status or education.

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<sup>2</sup> The Election Commission of India *available at*: <https://www.eci.gov.in/about-eci> (last visited on 26th September 2025).

<sup>3</sup> AIR 1975 SC 2299.

<sup>4</sup> AIR 1973 SC 1461.

The foundation principle of democracy is free and fair election. The fairness in the election procedure is not only a goal but also a constitutional need. The Court has clearly linked electoral rights with Article 19(1)(a), strengthening the voter's fundamental right to know in the case of *People's Union for Civil Liberties v. Union of India*.<sup>5</sup>

This approach of the Supreme Court has been later upheld in the case of *Union of India v. Association for Democratic Reforms*. It was held that the participation of the citizens is required for the democratic processes. In spite of such judicial approach there have still been the undermining influence of money and muscle power to influence the election procedure. The election is always under the threat of abuse of power and government apparatus, state funds and booth capturing. All these are procedural failures which often sparks the debates regarding the fairness in the election system of India.<sup>6</sup>

## 5. ELECTORAL REFORMS AND THEIR EFFECTIVENESS

Several electoral reforms have been implemented in India from time to time. The introduction of Electronic Voting Machines (EVMs) in 1999 followed by Voter Verified Paper Audit Trail (VVPAT) in 2013, was a reliable step towards the voting process. Through VVPAT the voters can check their votes but with time there was a need to update the technology and therefore EVMs were introduced for the purpose of counting votes. Though with the passage of time, there have been allegations of vote tampering of votes. There was a serious allegation In the 2019 General Elections of EVMs being tampered though the allegations were defended by the Election commission on the ground of no credible evidence.<sup>7</sup>

## 6. ISSUES IN ELECTORAL SYSTEM OF INDIA

Elections require a large amount of money and muscle power in order to win the elections. There are several flaws in the current election system of our country including criminalisation of politics, infiltration in the pooling system, booth capturing, casteism, unjust influence, etc.

### 6.1. Monetary influence

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<sup>5</sup> AIR 2003 SC 2363.

<sup>6</sup> Shubhank Khare, "The Future of Indian Elections: Between Constitutional Promises and Practical Realities; Reassessing Financial Fairness, Digital Safeguards, and Social Justice" 11 *International Journal of Environmental Sciences* 1658 (2025).

<sup>7</sup> Sartaj Singh, "Electoral reforms in India: Challenges and the way forward" 7 *India International Journal of Political Science and Governance* 150 (2025).

Money influence is a serious issue in our country which is a threat to our democracy. The elections are now influenced by the buying and selling of votes. Earlier some industrialists and businessmen used to support the political parties by means of money but now they participate directly in elections by buying seats in state legislatures and in Rajya Sabha from these political parties.<sup>8</sup>

## 6.2. Misuse of Government Machinery

The ruling party is often criticised for using government provided means like government cars provided for official use are used during campaigns, advertisement, etc., and even the government funds are misused to buy the opposition party's MLAs, etc. This is an example of abuse of the political machinery provided by the government. This in turn provides an unfair edge to one party and turns out to be a disadvantage to the other party.<sup>9</sup>

## 6.3. Criminalisation of Politics

Another serious problem in today's election system is the influence of criminal dominance within the constituency. The criminalisation of politics has become a serious issue. According to the Association of Democratic Reforms (ADR) around 43% of sitting MPs and 35% of MLAs have been charged with criminal charges in election affidavits of 2019. This is a serious threat to the democracy of the country where the innocent voters are either threatened with muscle power or by some undue influence to change their votes.<sup>10</sup>

This problem has been recently dealt with by the Supreme Court order of 2002 whereby the candidate with criminal records has to declare it before contesting the elections. Some candidates are even barred from contesting elections if they fall under the heads of those mentioned for committing serious offences under the Representation of People Act. Despite such laws there are certain loopholes like corruption which influences the election procedures and they need to be cured.<sup>11</sup>

## 6.4. Paid Media

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<sup>8</sup> Zakar Hussain Naik, 'Electoral Reforms in India: Issues and Challenges', *American International Journal of Humanities, Arts and Social Sciences* 72 (2018).

<sup>9</sup> *Ibid.*

<sup>10</sup> *Supra* note 7.

<sup>11</sup> *Ibid.*

Another serious allegation on the current system is that the media has been paid by a certain political party in order to influence the viewers. Earlier the news houses were seen as unbiased information sources but now they are alleged to have been biased towards a certain political party. Many Media channels and debates are often seen as spokesperson for a particular party. Therefore, the citizens are sometimes negatively influenced.<sup>12</sup>

### 6.5. Casteism

There are a few instances which signify the political parties being inclined to a particular caste group. Many votes are influenced due to casteism. For example, Hindus almost always vote for a Hindu candidate and similarly Muslim community's vote are inclined towards a Muslim candidate if any. The political parties also give appealing proposals in the name of 'Mandir- Masjid' and influence the target audience. Today in many political parties the concept of ideological polarisation has been replaced by caste considerations for the purpose of nomination of candidates. Another issue is the formation of regional parties which hinders the national view and spirit of elections. The candidates who are not selected end up being selected on their skills, achievements or abilities. The whole system is trapped under the cover of caste, creed and community.<sup>13</sup>

## 7. REMEDIAL MEASURES

There are a few ways in order to fix the issues persisting in India's electoral system. The reforms that have been widely talked about in many debates include digital voting, state financing of elections and synchronisation of elections nationwide. It is proposed that a digital voting system will cure the issue of vote fabrication, booth capturing and in turn will bring about transparency. The country is moving towards the concept of 'Digital India' therefore it will be plausible in India given the current development of the nation. With internet access expanding rapidly across India, the idea of digital voting is becoming increasingly realistic. Such a system could make it much easier for people to vote remotely, particularly for Indians living abroad, those in rural areas, and individuals with disabilities. This in turn will even reduce the cost of conducting the current election procedure thereby making the election system more efficient and less time consuming, thereby giving transparency and more accuracy in results. Another useful impact of digital voting

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<sup>12</sup> *Supra* note 8.

<sup>13</sup> *Ibid.*

shall be the curb of abuse of money thereby reducing corruption and protecting the state funds.<sup>14</sup>

Some other suggestions that ought to be taken into consideration in order to have a free and fair election system are as follows:

- The citizens have a fundamental and constitutional right to know everything about the election. There should be complete transparency in the electoral process regarding the spending of public funds, the campaign expenses, etc.
- Political corruption needs to come to an end by providing financial means in order to support honest candidates, also the accounts should be open to scrutiny. Any candidate who is found to be involved in any kind of corrupt activity should be removed from the process.
- To protect democracy, the process of registering political parties should be free from any influence.
- There should be complete freedom available to the citizens for casting their votes. There should be no booth capturing or undue influence on the citizens for casting their votes. There should not be any buying or selling of votes. Only this could in turn protect democracy.
- Parliament must make laws to deal with the issue of de-listing valid voters from the electoral polls.

## 8. RESEARCH FINDINGS

The article highlights the current situation of electoral reforms in India while discussing the issues in our electoral system. According to one of the key findings, the reforms of Electronic Voting Machines (EVMs) have increased the accuracy of the election system but with time EVM has always been subject to objections regarding vote tampering while the Election Commission denies the allegations. This has increased the reduced faith of the citizen in the concept of a free and fair election system. There is a need for strong electoral reforms including strict laws to restore the faith of the citizens in the democracy of the country. Another crucial finding pertains to the criminalisation of politics. Another finding is that criminalising politics still persists despite legal mechanisms to stop the same. There are still buying and selling of votes and MLAs. There are still serious allegations of undue influence in the voting process. Money influence and muscle power still continue to influence the weak in the electoral process. The article talks about the need for reforms to ensure transparency. It addresses the lack of adequate

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<sup>14</sup> *Supra* note 7.

system for the protection of voters from any sort of undue influence or mind washing by any means including the media houses. Finally, the study strongly recommends that the introduction of digital voting will reduce the cost of conducting elections and increase the efficiency of the electoral system by increasing transparency.

## 9. CONCLUSION

The electoral system of the world's largest democracy is in a tough spot and is adversely affected by the need for transparency and fairness. The transformational reforms in form of Electronic Voting Machines (EVMs) and Voter IDs have failed in today's time as they are unable to [provide for transparency in the voting system as the termite of corruption and undue influence, buying and selling of votes, money and muscle power has eaten and disgraced the concept of free and fair election system in our country. These challenges have raised the demand for reforms addressing the technological advancements. In order to restore the faith of the citizens of the nation in its election procedure and in its democracy, it is required to strengthen the Election Commission of India by strengthening and having strict electoral laws. Digital voting system, state funding of the elections, strict laws are the only ways for restoring democracy. It is suggested that technological advancement requires to be holistically approached by using technology with institutional strengthening and social awareness. India is in a state to technological advancement and on the path of making Digital India so it is only fair to achieve the complete digital advancement by adapting the digital voting system in our electoral process Society need to be aware and removed away from the digital manipulations happening by means of media houses and every citizen must be aware of his rights and should be free to cast his vote without and fear or undue influence. Everyone has a right to vote and therefore in order to uphold the democracy of the nation every vote should count. This is the only correct way and the path to protect democracy.