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EXPLORING THE INTERSECTION OF HUMAN RIGHTS AND ELECTION LAWS IN EMERGING DEMOCRACIES

AUTHORED BY - NAFIZ NASRIN

ABSTRACT

The intersection of human rights and election laws in emerging democracies is a critical area of study as electoral processes serve as both a measure and a mechanism of democratic governance. This paper explores how elections laws can be either promote or restrict fundamental rights, including the right to vote, freedom of expression, political participation and access to justice. While fair election laws uphold democratic integrity and protect human rights, weak or manipulated legal frameworks can lead to disenfranchisement, political exclusion, and electoral violence, biased legal frameworks and the disenfranchisement, political exclusion and electoral fraud. Key challenges in emerging democracies include restrictions on civil liberties, electoral violence, biased legal frameworks and the disenfranchisement of marginalized groups. This paper also examines best practices for aligning elections laws with human rights principles such as ensuring independent electoral commissions adopting inclusive voting procedures and safeguarding political freedoms. Strengthening the legal and institutional frameworks governing elections is essential for fostering democracy, political stability and human rights protection in emerging democratic states.

Keywords: Human Rights, Election Laws, Emerging Democracies, Political Participation, Electoral Integrity, Freedom of Expression, Electoral Reform, Rule of Law.

RESEARCH OBJECTIVE

The primary objective of this research is to explore the dynamic and complex relationship between human rights and election laws in emerging democracies. Specifically the research aims to analyze how legal frameworks governing elections can either protect or hinder human rights and how rights standards can be integrated into electoral systems to ensure inclusive, transparent and fair political processes. The specific objective of this research paper firstly, to

access the legal frameworks governing elections in emerging democracies. Secondly, investigate the role of human rights in shaping election laws and to identify the barriers to free & fair elections. Thirdly, explore the impact of electoral reforms on human rights and examine the interaction between national election laws and international norms. Lastly, understand the role of civil society and political institutions in ensuring electoral integrity and offer policy recommendations for strengthening the intersection of human rights and election laws. The research aims to contribute to the broader discourse on democratic governance and human rights by highlighting the critical role of election laws in shaping the political participation of citizens. By addressing gaps in the literature the research will ultimately support the development of more inclusive, transparent and right – respecting electoral systems in emerging democracies.

LITERATURE REVIEW

The intersection of human rights and election laws in emerging democracies is a well-documented yet evolving area of study. The literature review examines key themes, theoretical frameworks, case studies.

“Human Rights and Elections” By the office of United Nations High Commissioner for Human Rights (OHCHR): this publication outlines international human rights norms and standards related to electoral processes. It discusses how these standards guarantee political participation states to implement them.

“Democracy and Human Rights: Concepts, Measures, and Relationships” by Todd Landman: This scholarly article examines the conceptual and empirical relationships between democracy and overlaps in their conceptualizations and emphasizes the need for specificity in their operationalization.

“The Nexus Between Human Rights and Democracy” by the Heinrich Boll Foundation: This paper explores how different democratic systems incorporate human rights into their governance structures. It provides an analysis of various governance models and their effectiveness in upholding human rights within democratic frameworks.

“Democracy, Human Rights and the Emerging Global Order” by the Brookings Institution: This report discusses emerging trends in international support for democracy and human rights.

It analyzes the complex drivers shaping foreign policies and the implications for emerging democracies.

“Free and Informed Elections, Disinformation and Democratic Governance” by the Human Rights Law Review: This article examines the impact of disinformation on free elections and democratic governance. It analyzes jurisprudence concerning free human rights considerations.

“Human Rights and Elections” by the Carter Center: This guide discusses the human rights aspects of elections and provides insights into the role of international organizations in supporting free and fair electoral processes in emerging democracies.

“ Democracy Capacity, and the implementation of Laws Protecting Human Rights” by Wade Cole: This study analyzes cross national and cross – temporal variations in the implementation of laws protecting human rights , focusing on the right to a fair trial , children’s rights and worker’s rights to form unions . It examines the factors to form influencing the gap between de jure (legal) commitments and de facto (practical) compliance, providing insights relevant to emerging democracies.

Hyde, 2011: Organizations like European Union and the Carter Center monitor elections to ensure compliance with international standards. However, their influence is often limited by democratic resistance to external oversight.

“Democracy and Human Rights in U.S. Foreign Policy: Evolution, Tools, and Considerations for Congress” by the Congressional Research Service: This report provides an overview of how democracy and human rights haven been integrated into U.S. foreign policy. It discusses the evolution of policy tools and the considerations for promoting these principles in emerging democracies.

RESEARCH GAPS

Despite the growing body of literature on human rights and election laws in emerging democracies, several gaps remain that warrant further exploration.

Limited Focus on Emerging Democracies: The existing literature mostly focuses on established democracies or conflict – ridden authoritarian states, leaving a gap in understanding

how transitional and emerging democracies navigate the intersection of human rights and election laws. There is a lack of comprehensive analysis of how historical, cultural and socio-political context in emerging democracies shape their electoral frameworks and human rights practices.

Marginalized Groups and Electoral Inclusion: While voter suppression and disenfranchisement are well documented but there is limited research on specific barriers faced by marginalized groups, such as women, ethnic minorities. Persons with disabilities and LGBTQ+ individuals in the context of emerging democracies .

Role of Technology in Electronic processes: The impact of technological innovations such as electronic voting, biometric registration and block chain based system on human rights in elections remains underexplored

Interconnection Between Domestic and International Norms: Limited analysis exists on how emerging democracies reconcile domestic election laws with international human rights standards, particularly when these norms conflict. And also the role of international election observers, sanctions and treaties in influencing national electoral reforms is under researched.

Electoral Justice and Dispute Resolution: While the importance of judicial independence in resolving election dispute recognized, there is lack of detailed studies on how courts in emerging democracies handle such disputes in the context of human rights. Research is needed on alternative dispute resolution mechanisms and their effectiveness in protecting electoral integrity.

Electoral issues: The interplay between electoral corruption, political violence, and human rights violations is insufficiently studied. There is need for research that explores how structural issues, such as poverty and inequality, intersect with election laws to influence human rights outcomes.

RESEARCH METHODOLOGY

Research Design: The research methodology for exploring the intersection of human rights and election laws in emerging democracies will combine qualitative and comparative approaches to analyze legal frameworks, practices and outcome. In qualitative approach the study will examine the relationship between election laws and human rights in emerging democracies it include document analysis, case studies. On the other hand in comparative approach the study will focus on election laws and their impacts on human rights will be compared across multiple emerging democracies to identify patterns, similarities and differences.

Data Collection: The data will be collected for this research from primary sources and secondary sources. For primary sources, the data will be collected from legal texts such as national constitution, election laws, and regulations from selected countries. And from international human rights treaties such as universal declaration of human rights (UDHR) , international covenant on civil and political rights (ICCPR) , and regional human rights charters . Lastly from election observers reports which will include report from organizations like United Nations, European Union and African Union on electoral process in emerging democracies. On the other hand for secondary sources the data will be collected from academic articles such as, peer review journal articles on human rights and election laws. Case studies, NGO reports etc.

Data Analysis: Firstly Thematic Analysis like, identifying recurring themes such as voter suppression, accessibility barriers or judicial challenges in the collected data and categorize findings into key human rights principles such as universal suffrage, equality, freedom of expression and freedom from discrimination. Secondly Comparative Analysis in which examine the differences in how election laws are designed and implemented across case studies and compare the extent to which these laws align with international human rights standards. Lastly Legal Analysis in which, evaluate the compatibility of national election laws with international human rights treaties and identifying the gaps and purpose legislative reforms.

RESEARCH QUESTION

How do election laws in emerging democracies impact the right to universal suffrage, and what measure can be taken to ensure inclusivity in the electoral process?

INTRODUCTION

The intersection of human rights and election laws in emerging democracies represents a critical area of study in the fields of law, governance, and international relations. Elections are not merely procedural events but are a fundamental expression of the will of the people and a cornerstone of democratic governance. The protection of human rights, particularly the rights to vote, to participate governance, and to freedom expression, assembly and association is essential to ensuring that election are free, fair and inclusive. Emerging democracies defined as nations transitioning from authoritarian regimes or conflict toward democratic governance, face unique challenges in integrating human rights principle instability, weak institutions, and socio – economic inequalities. In such contexts, election laws serve as both a tool for fostering

democratic participation and a potential source of human rights violations if poorly designed or implemented. International human rights instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), underscore the importance of elections that reflect genuine voter choice, conducted in an environment that guarantees equal participation and freedom from coercion. However, the practical realization of these principles in emerging democracies often encounters obstacles, including voter suppression, gerrymandering, disenfranchisement of marginalized groups, and restrictions on political freedoms. The research aims to explore how election laws in emerging democracies align with international human rights standards, the challenges faced in ensuring this alignment and role of domestic and international actors in promoting electoral integrity. Emerging democracies are nations transitioning from authoritarian regimes, conflict or colonial rule toward system of democratic governance. These countries are characterized by their efforts to establish democratic institutions, uphold the rule of law and protect fundamental human rights. While the specific trajectories of emerging democracies vary, they often face common challenges including political instability, weak institutions and socio-economic inequalities.

CHARACTERISTICS OF EMERGING DEMOCRACIES

Transitional Governance Structures: Emerging democracies typically operate under transitional or newly adopted constitutional frameworks designed to establish democratic principles and these frameworks often aim to balance power among branches of government, decentralize authority, and ensure political representation.

Institutional Weaknesses: Democratic institution such as electoral commissions, courts, and legislatures are often in the early stages of development, making them susceptible to corruption, inefficiency and political interference. Enforcement of laws and policies, including election laws may be inconsistent.¹

Political Instability: Political transitions in emerging democracies are frequently accompanied by instability, such as contested elections, civil unrest or coups. Fragile political systems may struggle to manage diverse interests leading to polarization or conflict.

¹ Universal Declaration of Human Rights, G.A.Res.217A, U.N. Doc .A / 810 (Dec.10.1948).

Social and Economic Inequalities: Deep-seated socio economic disparities, often exacerbated by historical injustices can limit equal access to political participation and human rights. Marginalized groups, including women, ethnic minorities and the economically disadvantaged may face systemic barriers to representation and participation.

Integration with International Norms: Emerging democracies often align their legal frameworks with international human rights standards, such as those outlined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). International organizations and donors frequently play a role in shaping electoral and legal reforms.

Regional Emerging Democracies

Africa: In South Africa transitioned from apartheid to democracy in 1994 with a focus on reconciliation and inclusion. In Nigeria continues to navigate challenges in its multiparty electoral system amid issues of corruption and voter intimidation.

Asia: In Indonesia, in the late 1990s transitioned from the Suharto regime to democracy, introducing reforms such as decentralized governance and open list proportional representation. In Myanmar, experienced democratic reforms starting in 2011 but has faced setbacks due to military coups and human rights abuses. In Nepal, Transitioned from monarchy to a federal democratic republic in 2008, facing challenges in managing ethnic and regional diversity².

Eastern Europe: In Ukraine, shifted toward democracy following the orange revolution (2004) and Euromaidan protest (2014), focusing on electoral reforms and anti corruption measures. In Georgia, transitioned after the rose revolution (2003), emphasizing judicial and electoral reforms but struggling with political polarization. In Moldova, continues to balance democratic reforms with challenges posed by external influences and internal divisions.

Latin America: In Chile, in the year of 1990 transitioned from dictatorship to democracy, focusing on human rights and institutional reforms. In Colombia, strengthened its democracy through peace agreements with armed groups and efforts to enhance electoral inclusion. In Guatemala, transitioned from civil war to democracy in the 1990s, grappling with corruption and systemic inequalities.

² International Covenant on Civil and Political Rights art. 25, Dec. 16, 1966, 999 U.N.T.S. 171.

Challenges Faced by Emerging Democracies

Electoral Integrity Issues: Voter suppression, gerrymandering and electoral violence are common problems that undermine public confidence in elections. Weak electoral management bodies often struggle to enforce impartiality and transparency.

Human Rights Violations: Violations such as restrictions on freedom of expression assembly and association hinder genuine political participation; marginalized communities often face systemic exclusion from electoral processes.

Political Corruption: Corruption within political parties, election commissions and public institutions undermines trust in democracy also vote buying, patronage networks and lack of accountability remain pervasive.

Opportunities for Emerging Democracies

International Support: Assistance from international organizations such as the United Nations, European Union, and African Union provides technical support; monitoring and capacity building and also collaboration with global civil society organizations can enhance electoral transparency and human rights protections.

Youth and Civil Society Engagement: Youth movements and civil societies organizations often play a vital role in advocating for democratic reforms and ³mobilizing voters and grassroots efforts can challenge entrenched power structures and promote accountability.

Technological Innovations: The adoption of technology, such as electronic voting and digital voter registration can improve electoral efficiency and transparency; also social media platforms offer opportunities for political mobilization and awareness rising.

Emerging democracies represent a dynamic space where the principles of human rights and democratic governance are tested and refined. While these nations face significant challenges in ensuring electoral integrity and human rights they also present opportunities for innovation, collaboration and reform. Understanding the unique context of these countries is essential for fostering sustainable democratic development.

³ European Commission for Democracy Through Law (Venice Commission), Code of Good Practice in Electoral Matters , Eur. Parl. Doc. CDL – AD (2002) 023 (Oct. 30, 2002).

HUMAN RIGHTS IN DEMOCRATIC SYSTEMS

Fair and free elections are a cornerstone of democracy and are universally recognized as a fundamental human right. They provide the foundation for legitimate governance, ensuring that the will of the people is reflected in the composition of governments. Human rights in a democratic system refer to the fundamental freedoms and protections that enable individuals to participate fully in political, social and economic life. These rights are essential for ensuring democracy functions fairly, inclusively, and transparently. In a true democracy governments must protect and uphold human rights to ensure political equality, freedom and justice for all citizens. Core human rights in a democratic system divides into three parameters those are;⁴

Political Rights and Freedoms: There are several political rights are available for the citizens in a democratic country and those are; Right to Vote and be elected, every citizen has the right to participate in elections without any discriminations. Freedom of Expression, citizens must be able to express opinions and they must be able to speak up against government if any wrong occurs in the society also advocate for political change without fear. Freedom of Assembly and Association, people have the right to organize political parties, hold rallies and protest peacefully. Right to Political Participation, All individuals including marginalized groups should have equal opportunities to engage in politics.

Civil Rights: Every democratic country holds various civil rights for its people and those rights are; Right to Equality and Non-Discrimination, no citizen should be excluded from political participations due to race, gender, and other factors. Right to Fair Trial and Legal Protection, courts must be independent and fair, protecting citizens from political persecution. Right to Privacy, governments should not conduct unlawful surveillance on political opponents or citizens. Freedom of Religion and Belief, everyone should be free to practice any religion or have no religious beliefs without political opponents restrictions.

Social and Economic Rights Related to Democracy: Democracy offers various social and economic rights to its people those are; Right to access Information, citizens must have access to transparent government information to make informed decisions. Right to Education, education empowers people to participate effectively in democratic processes. Right to Work and Fair Wages, economic rights contribute to social stability, which strengthens democracy.

⁴ African Charter on Democracy , Elections and Governance, art . 4, Jan. 30 , 2007, A.U. Doc. Assembly/AU/Dec. 147.

Importance of Free and Fair Elections in Democracy

Free and fair ensure that governments derive their legitimacy from the people, uphold the rule of law and protect fundamental human rights. Without free and fair elections democracy weakens leading to political instability, corruption and authoritarianism. A free election means that all eligible citizens can participate without coercion, discrimination or fear. A fair election ensures equal opportunities for all political candidates, a transparent electoral process, and impartial institutions managing the elections. It's very important for a democratic country to host free and fair elections for its citizen, the importance of free and fair elections are; Legitimacy of ⁵Government, elections give governments a mandate to govern ensuring they represent the will of the people. A legitimate government is more stable and less prone to political unrest or opposition challenges. Protection of Human Rights, citizens can express their political choice freely without fear of persecution and elections help hold governments accountable for protecting civil rights and freedoms. Political Stability and Peace, fair elections prevent conflicts protests and political violence caused by electoral fraud and a transparent process reduces disputes over election results. Accountability and Good Governance, leaders who fail to deliver can be voted out, ensuring government responsiveness to the people also reduces corruption by making leaders accountable to voters rather than to elites or special interests. Representation and Inclusivity, ensures all groups, including minorities and marginalized communities have a voice in governance and promotes gender equality by allowing women equal participation in elections. Encourages Civic Participation, encourages citizens to engage in political processes and decision making, builds a culture of democracy where people feel empowered shape their future. But there is several challenges to free and fair elections those are, Election fraud and manipulation, like vote rigging, ballot stuffing on the other hand vote suppression, intimidation and restrictive voter laws also media bias and misinformation, lack of access to independent information. Corruption and vote buying is also an other challenge and lack of transparency in election management.

CASE LAWS

In emerging democracy courts play a crucial role in ensuring that election laws align with human rights principles. Various landmark cases have shaped election – related human rights, addressing issues such as voter suppression, electoral fraud, political participation and free

⁵ Susan D. Hyde, *The Pseudo – Democrat's Dilemma: Why Election Monitoring Became an International Norm* 12 (Cornell Univ. Press 2011).

speech .

⁶Indira Gandhi v. Raj Narain, AIR 1975 SC 2299, SCC 1

The case of Indira Nehru Gandhi v Raj Narain is one of the most significant judgments in Indian constitutional history, it revolves around the challenges to the election of then prime minister Indira Gandhi in the 1971 general elections. The petitioner, raj narain was a political opponent of Indira Gandhi and had contested against her from the rae bareli constituency in uttar Pradesh. He alleged electoral malpractices and challenged the validity of her election.

Key Issues

Whether Indira Gandhi's election was valid under the Representation of the People Act, 1951?

Whether the retrospective amendment made to the election laws by the government was constitutional?

Whether the decision of the Allahabad High Court disqualifying Indira Gandhi was justified?

Whether the amendment violated the basic structure of the constitution?

Allahabad High Court Judgment (1975)

On June 12 1975 justice Jagmohan Lal Shina of the Allahabad High Court ruled that Indira Gandhi had engaged in corrupt electoral practice under section 123(7) of the Representation of the People Act 1951 , the court held that , she misuse government machinery for her election campaign also she took the help of Yashpal Kapoor a government officer in her campaign and she illegally used state resources including the service of government officials for election work . The declared her election void and disqualified her from holding office for six years. Following the high courts decision, Indira Gandhi appealed to the supreme court. Meanwhile, on 25 June 1975, she declared a state of Emergency. Citing internal disturbances. During this period, the government passed the 39th Constitutional Amendment Act 1975, which barred the judiciary from reviewing the election of the Prime Minister, President, Vice President and Speaker. This amendment was meant to nullify the High Courts judgment.

Supreme Court Judgment (1975)

A Constitution Bench of the Supreme Court, Consisting of chief Justice A.N Ray, Justice H.R

⁶ Indira Nehru Gandhi v. Raj Narain, (1975) 2 S.C.R. 347 (India).

Khanna, K.K Mathew, M.H Beg , and Y.V. Chandrachud , heard the appeal .

Verdict

The Supreme Court upheld the basic structure doctrine and ruled that the 39th Constitutional Amendment was constitutional. The Court held that judicial review is a fundamental part of the Basic Structure of the Constitution and the parliament cannot use amendments to curb the powers of the judiciary. Indira Gandhi's election was upheld on the basis of the new amendment to the Representation of the People Act, 1951, which retrospectively validated her election practices.

Significance

This case reaffirmed that certain features of the constitution, such as judicial review and democracy, cannot be altered by parliament, it strengthened the basic structure doctrine. The judgment acted as a check on excessive government power also after the emergency ended, elections were held in 1977 and Indira Gandhi was defeated by the janata party led by Morarji Desai. Indira Gandhi v Raj Narain remains a landmark case in Indian Constitutional law as it reinforced the principle that political authority cannot subvert democracy and the rule of law. The Supreme Courts ruling was a turning point in preserving the independence of the judiciary and ensuring the accountability of elected officials.⁷

Association Democratic Reforms v Union of India 2024 INSC 113

The Electoral bond scheme allowed individuals and corporate entities to purchase bonds from designated State Bank of India branches and donate them to political parties. The identity of the donors was kept anonymous, leading to concerns about the opacity of political funding and potential avenues for corruption, critics argue that scheme violated the citizen's right to know, which is an integral part of the freedom of speech and expression under Article 19(1)(a) of the Indian Constitution.

Key Issues

Violation of Right to Information: Whether the anonymity provided to donors under electoral bond scheme infringes upon the citizens right to information thereby affecting their ability to make informed electoral choice.

⁷ Association for Democratic Reforms v. Union of India, (2024) 3 S.C.R. 417 (India).

Potential for Corruption: Whether the scheme facilitates unchecked political donations, leading to a compromise in the integrity of the electoral process.

Constitutionality of Amendments: Whether the amendments made to various statutes to facilitate the electoral bond scheme were constitutionally valid.

Supreme Court Judgment

On February 15, 2024 a five judge Constitution Bench of the Supreme Court of India unanimously declared the Electoral Bond Scheme unconstitutional. The bench held that the scheme violated the citizens right to information under article 19(1)(a) of the constitution. The court emphasized that transparency in political funding is essential for the voters to make informed choices, and the anonymity provided by the scheme undermined this principle.

Significance

This landmark judgment reinforced the importance of transparency in the electoral process and upheld the citizens right to information. It underscored the necessity for accountability in political funding to ensure the integrity of democratic processes.

People's Union for Civil Liberties (PUCL) v. Union of India AIR 2003 SC 2363

The case of PUCL v Union of India (2003) is a landmark judgment dealing with voter rights and the right to information in the context of electoral democracy. The people's union for civil liberties (PUCL), a civil rights organization, challenged certain provisions of the Representation of the People Act 1951, which restricted voter access to information about candidates contesting elections. The case emerged response to the Association for Democratic Reforms (ADR) v. Union of India (2002)(AIR2002 SC 2112), where the supreme court had ruled that voters had a fundamental right to know about the criminal antecedents, financial status and educational qualifications of candidates, in reaction, the government amended the Representation of the People Act , 1951, through Ordinance No . 4 2002, which diluted the supreme courts ruling by limiting what information candidates were required to disclose. PUCL challenged this amendment arguing that it violated the fundamental rights of voter under article 19(1)(a) (Right to Freedom of Speech and Expression)

Key Issues

Whether voters have a fundamental right to know about the criminal records, assets, liabilities

and educational qualifications to electoral candidates?

Whether the amendments to the Representation of the People Act, 1951, which limited disclosure requirement, were unconstitutional?

Whether the right to information about candidates falls under article 19(1)(a) of the constitution (Freedom of Speech and Expression)⁸

Supreme Court Judgment

A three-judge bench of the Supreme Court consisting of Justice M.B. Shah, P. Venkatarama Reddi and D.M.Dharmadhikar delivered a landmark judgment. The court reaffirmed that the right to know about the candidates contesting elections is a fundamental right under Article 19(1)(a), this right empowers voters to make an informed choice and is an essential aspect of free and fair elections a core features of democracy. The Supreme Court struck down the amendments made to the Representation of the People Act 1951, which had sought to limit the disclosure of information by candidates. The Court held that these provisions were unconstitutional as they violated citizens right to information. The Mandatory Disclosure by Candidates, the court ruled that every candidate contesting elections must mandatory disclose like, criminal records (convictions and pending cases), Assets and liabilities(including those of spouses and dependents), educational qualifications .

Significance

The case established that voters have a constitutional right to know about the background of candidates before voting and the judgment became the basis for later electoral reforms and strengthened the importance of transparency in the election process also the ruling gave the Election Commission of India the authority to ensure that candidates disclose relevant information in their nomination papers. The PUCL v. Union of India (2003) judgment played a critical role in enhancing electoral transparency and accountability in India, by declaring the right to information as a fundamental right under Article 19(1)(a), the Supreme Court reinforced the importance of free and fair elections in a democracy. This case continues to serve as a foundational ruling in the fight against corruption and lack of transparency in Indian politics.

⁸ People's Union for Civil Liberties v. Union of India, (2003) 4 S.C.C. 399 (India).

DISCUSSION

The intersection of human rights and election laws in emerging democracies is a crucial area, as elections are both a mechanism for democratic governance and litmus test for human rights protection. Emerging democracies often face significant challenges in ensuring that election laws promote free, fair and inclusive political participation while upholding fundamental human rights. Elections in democratic societies are underpinned by key human rights principles its including, Right to Vote and be elected it enshrined in international human rights instruments such as the Universal Declaration of Human Right (UDHR, Article 21) and the International Covenant on Civil and Political Rights (ICCPR, Article 25) this right ensures that all citizens have an equal opportunity to participate in governance. Freedom of Expression and Association, essential for a competitive political environment these rights allow political parties, candidates and civil society to operate freely. Freedom from Discrimination it ensuring that electoral laws do not disenfranchise any group based on gender, ethnicity, religion or political affiliation. Access to Justice and Electoral Dispute Resolution, a fair electoral process requires legal mechanisms to address electoral grievances and ensure compliance with democratic norms. On the other hand emerging democracies often struggle with electoral laws that may either strengthen democratic governance or entrench authoritarian it key challenges include, firstly, Electoral integrity and Manipulation, some governments manipulate election laws to exclude opposition candidates, restrict media coverage or impose unreasonable voter registration requirements and cases of gerrymandering, vote buying and fraudulent voter rolls undermine electoral credibility. Disenfranchisement of Marginalized Groups, women ethnic minorities and displaced populations often face legal and procedural barriers that limit their participation and lack of accessible voting procedure for persons with disabilities. To strengthen democracy and uphold human rights and emerging democracies should firstly, its need to ensure independence of electoral bodies and also adopt inclusive voting laws like eliminate legal and logistical barriers for marginalized groups, promote transparency and accountability also safeguarding freedom of expression and assembly, leverage technology for fair elections.⁹

Election laws in emerging democracies significantly impact the right to universal suffrage by defining eligibility criteria, voter registration processes and accessibility of voting mechanisms

⁹ Nathan Brown, Egypt's Failed Transition: The Constitutional and Political Challenges, 24 J. DEMOCRACY 58, 59 (2013).

however this laws face challenges such as discriminatory practices, logistic barriers and political interference, which undermine the principle of inclusivity. There are several issues like, disenfranchisement of marginalized groups, complex registration processes, geographical and technological barriers to eradicate these issues certain measures need to be taken such as reforming legal frameworks like align election laws with international human rights standards also including accessibility for example mobile polling stations, assistive voting technology most importantly public awareness campaigns, international collaborations. By addressing this issues, emerging democracies can foster electoral systems that uphold universal suffrage promote human rights and contribute to democratic consolidation.

CONCLUSION

The intersection of human rights and election laws in emerging democracies is fundamental to building inclusive, transparent and legitimate political system. Elections serve as a primary mechanism for democratic participation but without strong legal frameworks, which protect fundamental rights such as freedom of speech and expression, equal political participation and access to justice. To foster genuine democracy emerging state must ensure that electoral laws align with international human right standards. Also independent electoral commission, robust legal protections and dispute resolution mechanism for preventing electoral malpractices and upholding democratic integrity. The success of emerging democracies depends on their ability to balance electoral regulations with human rights protections and ensuring that all voices are heard and that governance remains accountable to the people.