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## **Avinash Kumar**



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **PERSPECTIVES ON ELECTORAL REFORMS IN INDIA: INSIGHTS FROM THE SUPREME COURT AND LAW COMMISSION**

AURTHORED BY - SOFTY TIBRIWAL<sup>1</sup> & GANESH SHARMA<sup>2</sup>

## **ABSTRACT**

In India, electoral reforms have been primarily driven by court decisions and legal advice. These reforms have enhanced the public's perception of the electoral system. In a democracy like India, perception refers to public opinion gathered through surveys or electoral studies. Political campaigns, electoral process reforms, and ECI interventions, as well as judicial rulings on reforms (such as candidate affidavits) and reports from reform-focused commissions, all aim to reflect this perception. Successful reforms backed by the judiciary and legal system reinforced the view that elected officials who hindered such reforms undermined democracy. This study aimed to examine the role of public perception in judicial and legal opinions regarding electoral reforms. Specifically, it investigated whether judicial and legal interventions in the electoral process reflected societal beliefs about the need for these reforms. Despite government commissions releasing suggestions for electoral reforms, they went ignored until the Supreme Court of India (SCI) backed civil society efforts for change and the Election Commission of India (ECI) aided in their implementation, such as with candidate affidavit submissions. Similarly, the Law Commission pushed for various electoral process reforms, highlighted in its reports from 1999, 2014, and 2015. This study aims to analyze key SCI rulings and Law Commission reports on electoral reforms to determine if these judicial and legal inputs considered public perceptions about the electoral process.

Keywords: Election, Electoral reforms, Election Commission of India, Law Commission of India.

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<sup>1</sup> 5<sup>th</sup> year, B.B.A., LL.B. (Hons.) at Amity University, Rajasthan

<sup>2</sup> 5<sup>th</sup> year, B.Com LL.B. (Hons.) at Amity University, Rajasthan

## RESEARCH METHODOLOGY

1. Literature Review: We summarized research on Supreme Court decisions, Law Commission reports, and other sources relevant to Indian electoral reforms.
2. Case Study Analysis: We examined case studies to demonstrate the real-world effects of proposed electoral reforms from the Supreme Court and Law Commission, highlighting successes and areas for improvement. We gratefully reviewed key Supreme Court judgments and Law Commission reports to determine effective reforms and ongoing challenges in the electoral system.
3. Interpretation: Also, examined how court decisions and legal actions in elections reflect societal beliefs about necessary electoral reforms.
4. Conclusion: We analyze key Supreme Court rulings and Law Commission reports to demonstrate how public opinion influences electoral reforms in India. Specifically, highlight the role of public perception in shaping these reforms.

## INTRODUCTION

India's electoral reforms have primarily been driven by the courts, the Election Commission (ECI), and citizen groups. Notably, Parliament has not actively participated in reform efforts.<sup>3</sup> Despite the establishment of committees and commissions by elected governments, elected officials have been hesitant to address critical issues like political corruption, campaign spending limits, donation transparency, and exploring alternative voting systems. The Supreme Court of India (SCI) has collaborated with the Election Commission of India (ECI) to clarify the Representation of People's Act (RPA). On January 2, 2017, a seven-judge Constitution Bench<sup>4</sup> headed by the Chief Justice of India ruled on an appeal filed in 1990.<sup>5</sup> The appeal questioned whether appealing for votes based on religion, race, caste, community, or language would constitute corrupt practice and warrant disqualification.<sup>6</sup>

In a democratic society like India, public perceptions about the electoral process are ascertained

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<sup>3</sup> The first electoral reform bill was presented in Lok Sabha in 1973, but it was never approved.

<sup>4</sup> [The minimum number] of judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this constitution or for the purpose of hearing any reference under article 143. DD Basu, *Indian Constitution*, Lexis-Nexis India, 2011, 312 (8th ed., 2011).

<sup>5</sup> *Abhiram Singh v. C.D. Commachen (Dead) by Lrs. & Ors.* Civil Appeal No. 37 of 1992 & 8339 of 1995 at 57-58.

<sup>6</sup> Promoting or attempting to promote on ground of religion, race, caste, community, or language, feeling of enmity or hatred, between different classes of the citizens of India. S. 125 at 71, & 153A, Chapter VIII of the IPC, Gazette of India, Representation of the People Act, 1951.

through surveys and election studies.<sup>7</sup> These perceptions shape political campaigns, electoral reforms, initiatives by the Election Commission of India (ECI)<sup>8</sup>, court rulings on modifications like candidate disclosures, and official reports from electoral reform commissions.<sup>9</sup> Legal interpretations and judicial rulings that supported changes to the voting system also reinforced the idea that elected officials had failed to take action to improve the election process, undermining democratic principles. The repeated and unresolved violations of laws and the public's trust in elections had eroded confidence in the electoral system itself.<sup>10</sup> Despite the successful implementation of electoral reforms like electronic voting and voter ID cards, public perception of the electoral process remained unfavorable, even though the Election Commission of India (ECI) was widely trusted as an impartial institution. Reforms aimed at improving the electoral process alone were insufficient for a healthy democracy; it was equally essential to gain the confidence of voters in order to drive further necessary changes. Due to support from the judiciary and legal experts, this study examines whether judicial and legal involvement in the electoral process considered perceptions about electoral reforms. Despite recommendations from government-appointed commissions on electoral reforms, they remained unimplemented until the Supreme Court (SCI) backed civil society advocacy for reforms and the Election Commission of India (ECI) facilitated their execution, as seen in the requirement for candidate affidavits. Like the Supreme Court of India (SCI), the Law Commission has also emphasized the need for improvements in the electoral process. Three of their most notable reports, released in 1999, 2014, and 2015, reflect this stance. This research aims to examine the rulings of the SCI regarding electoral reforms and the recommendations of the Law Commission. It will investigate whether the opinions expressed by the public about the electoral process have been taken into account by both the judiciary and the legal system when considering reforms.

## **INSIGHTS INTO PUBLIC PERCEPTION THROUGH SUPREME COURT VERDICTS**

The ECI and civil society through the judiciary have taken the initiative to implement reforms, even though the committees' and commissions' recommendations may have been ignored entirely

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<sup>7</sup> NES 2014 Pre-Poll, Lokniti.org, available at <http://www.lokniti.org/nes-2014-pre-poll.php>, last seen on 04/02/2017.

<sup>8</sup> Model Code of Conduct for the Guidance of Political Parties and Candidates, Election Commission of India, available at [http://eci.nic.in/eci\\_main/MCC-ENGLISH\\_28022014.pdf](http://eci.nic.in/eci_main/MCC-ENGLISH_28022014.pdf), last seen on 04/02/2017.

<sup>9</sup> People's Union for Civil Liberties & Anr. v. Union of India, Lok Satta & Anr. v. Union of India and ADR v. Union of India 2003 SC 490, 509, 515.

<sup>10</sup> Ministry of Law and Justice, Government of India, Background Paper on Electoral Reforms, 2010, at 5.

or in part. The principal court decisions that brought about the reforms that the government had been putting off since 1990, if not 1973,<sup>11</sup> were listed below.

- A. *Association for Democratic Reforms vs. Union of India* (2000)<sup>12</sup> and *People's Union of Civil Liberties & Anr. vs. Union of India & Anr* (2003)<sup>13</sup>: The Supreme Court of India (SCI) declared that candidates must submit affidavits for election transparency. The court recognized that voter access to candidate information enhances freedom of expression (Article 19(1)(a))<sup>14</sup> and electoral rights. Voting itself is considered an act of free expression. However, the SCI struck down Section 33B of the Representation of People (3rd Amendment) Act, 2002, which imposed strict limits on the dissemination of information not explicitly mentioned in the legislation. The Supreme Court of India (SCI) affirmed the importance of Section 33A,<sup>15</sup> which guarantees the right to information about ongoing legal cases. However, the court also expressed concern that excluding pending cases from the scope of disclosure was unreasonable. The SCI criticized the current system where elected officials declare their assets and liabilities to the Speaker or Chairman of the House. The court found this inadequate for ensuring transparency and promoting the right to information of voters.<sup>16</sup> The SCI emphasized that the Parliament should have mandated the disclosure of assets and liabilities of elected candidates and their families at the time of nomination. The court's observation is that the failure to do so violates the guarantee of freedom of expression under Article 19(1)(a) of the Indian Constitution.
- B. *Lily Thomas vs. Union of India & Ors.*<sup>17</sup>: The Supreme Court of India (SCI) ruled on the disqualification of convicted candidates for public office. The court examined whether this rule violated the Constitution in cases where elected officials appealed their convictions within three months and their appeals were still pending. The SCI held that under the Representation of the People Act (RPA), disqualification begins on the date of conviction for specified offenses and remains in effect indefinitely. However, candidates who were not aware of the court ruling at the time of their convictions were protected from disqualification. However, future candidates convicted of these offenses would be

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<sup>11</sup> Recommendations of Goswami Committee Report (1990) had also considered recommendations of an earlier Tarkunde Committee Report (1973) that had addressed reforms of Indian electoral system and machinery.

<sup>12</sup> *Association for Democratic Reforms v. Union of India and Anr.*, AIR 2000 Delhi 126, 2000; (57) DRJ 82.

<sup>13</sup> *People's Union for Civil Liberties & Anr. v. Union of India, Lok Satta & Anr. v. Union of India and ADR v. Union of India* 2003 SC 490, 509, 515.

<sup>14</sup> Article (19)(1)(a) All citizens shall have the right to freedom of speech and expression.

<sup>15</sup> Section 33A, Representation of People Act, 1951.

<sup>16</sup> *Supra* 14, para 2, Conclusion of Judgment of Justice PV Reddi.

<sup>17</sup> *Lily Thomas vs Union of India & Ors with Lok Prahari vs Union of India & Ors.*, 2013 SC 490, 231.

subject to disqualification as per the law. The SCI also stated that sitting members of Parliament and state legislatures who had been convicted of the specified offenses and whose appeals were pending "should not, in our view, be permitted to continue as members, and should be disqualified."<sup>18</sup> According to the Court, Members of Parliament or State Legislatures who were sentenced after the judgment in the current case, and are now subject to disqualification under Section 8 (1)(2)(3) of the Act, will not benefit from the protection provided by Section 8 (4) of the Act. This is the case even if they file an appeal or seek a revision of their conviction and/or sentence.

- C. *People's Union for Civil Liberties vs. Union of India & Anr.*<sup>19</sup>: The Supreme Court of India (SCI) emphasized the significance of NOTA (None of the Above) in a democracy. NOTA allows voters to secretly reject all candidates on the ballot, a crucial aspect of democratic expression. The court noted that when voters exercise their disapproval through NOTA, it sends a message to political parties. This disapproval can drive parties to reconsider their candidates and ultimately lead to improvements in the electoral process. Previously, voters dissatisfied with the candidates would often abstain from voting, creating an opportunity for "undesirable individuals" to impersonate voters. The court affirmed that the NOTA option (None of the Above) for Parliamentarians is equivalent to abstention, as the voter explicitly declares their unwillingness to vote for any candidates presented on the ballot.<sup>20</sup>
- D. *Dr. Subramanian Swamy vs. Election Commission of India*<sup>21</sup>: After implementing Electronic Voting Machines (EVMs), the Election Commission of India (ECI) considered introducing a paper trail for votes. They tested a Voter Verified Paper Audit Trail (VVPAT) system in Noksen, Nagaland, and found it successful in 21 polling stations. The ECI reported that paper slips from VVPAT would not be counted by the Returning Officer unless requested by a candidate. However, to ensure accuracy in the pilot case, the ECI counted the paper slips in Noksen and confirmed their accuracy. After the success of Voter-Verified Paper Audit Trails (VVPAT), the Election Commission of India (ECI) decided to implement it gradually nationwide. The ECI requested government approval to purchase 20,000 VVPAT units (10,000 each from BEL and ECIL) at a cost of approximately Rs. 38.01 crore.<sup>22</sup> The Supreme Court of India recognized the importance

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<sup>18</sup> *Supra* 23, at 39-40.

<sup>19</sup> *People's Union for Civil Liberties & Anr. vs Union of India & Anr.*, 2013 SC 161.

<sup>20</sup> *Supra* 26, at 45-46.

<sup>21</sup> *Dr. Subramanian Swamy vs Election Commission of India*, 2013 SC 9093, 406.

<sup>22</sup> *Supra* 29, at para 27.

of the paper trail provided by VVPAT, deeming it essential for ensuring free and fair elections. The Court emphasized that voter trust in Electronic Voting Machines (EVMs) required the introduction of this paper trail. It believed that VVPAT could enhance voter confidence and increase the transparency of the voting system.

- E. *Krishnamoorthy vs Shiv Kumar & Ors.*<sup>23</sup>: The Supreme Court of India (SCI) asserted that disclosing criminal records by a candidate is crucial and non-disclosure hinders voters' right to make informed choices.<sup>24</sup> It considered this non-disclosure a form of interference with their voting rights. Candidates are aware of any pending cases against them, so failing to disclose such information during nomination filing constitutes undue influence. Thus, the Election Tribunal should declare the election null and void according to Section 100(1)(b) of the 1951 Act.<sup>25</sup>

## INSIGHTS INTO PUBLIC PERCEPTION THROUGH LAW COMMISSIONS REPORTS ANALYSIS

The Law Commission analyzed Supreme Court (SCI) interpretations of electoral laws and public perceptions to develop reform recommendations. In its 1999, 2014, and 2015 reports, it proposed reforms covering election financing and alternative electoral systems. In 2014, the Law Commission cited the SCI ruling in *Ashok Shankarrao Chavan vs. Madhavrao Kinhalakar*<sup>26</sup>, which recognized the significant influence of "money power" in elections. The SCI expressed concern that voters sold their votes for small amounts of money and were manipulated by dishonest individuals seeking electoral victory and political power.<sup>27</sup>

- A. *Reform of the Electoral Law (1999)*: In 1999, the Law Commission of India issued the 170th Report on electoral law reform, proposing changes to the Constitution and the Representation of the People Act (RPA).<sup>28</sup> Concerned about the drawbacks of candidates winning on a minority vote share, the Commission explored the "List System" in Chapter II of Part III and recommended amending Articles 81 and 170 of the Constitution.<sup>29</sup> Specifically, the Commission proposed the following amendments:

<sup>23</sup> *Krishnamoorthy v. Sivakumar & Ors*, AIR 2015 SC 1478.

<sup>24</sup> *Supra* 32, at para 86 (a).

<sup>25</sup> *Ibid*, at para 86 (d). Section 100(1)(b) of the 1951, RPA: that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent.

<sup>26</sup> *Ashok Shankarrao Chavan vs. Dr. Madhavrao Kinhalakar & Ors.*AIR 2014 SC 5044, 5045, 5078.

<sup>27</sup> Notice of Motion, *Association for Democratic Reforms v. Union of India & Anr.* 2014, available at [https://adrindia.org/sites/default/files/ADR\\_Writ\\_Election\\_Expenditure.pdf](https://adrindia.org/sites/default/files/ADR_Writ_Election_Expenditure.pdf), last seen on 04/02/2017.

<sup>28</sup> Law Commission of India, Government of India, 170th Report on Reform of the Electoral Laws, 1999, available at <http://lawcommissionofindia.nic.in/lc170.htm#>, last seen on 04/02/ 2017.

<sup>29</sup> Article 81 (1): Composition of the House of the People (1) Subject to the provisions of Article 331 the House of

- Article 81: Increase the total number of Parliament members to 530, with 530 elected directly, 20 from Union Territories, and 138 through the List System.
- Article 170: Define a state assembly as having 60 members, with 60 elected directly and 60 through the List System.

The amendments aimed to ensure that a significant proportion of Parliament and state assemblies would be elected through the List System, reducing the potential for candidates to win on a minority of votes. The proposed List System aimed to treat the entire country as one unit, as the commission had abandoned its previous concept of territorial divisions. According to the First Schedule of the Representation of the People Act (RPA), the number of Lok Sabha seats would remain fixed for 25 years. To achieve this, an amendment to Article 81(3) of the Constitution was proposed to extend the freezing of Lok Sabha seats from 2000 to 2025.

The Law Commission proposed an alternative voting method where candidates must secure 50% plus 1 vote in their constituency, along with the "negative vote" option. Experts believed this reform would promote integrity in elections by deterring criminals and other undesirable elements. It would also reduce the influence of caste and religion in politics. Voters would have the power to reject unsuitable candidates nominated by political parties. This would encourage parties and candidates to appeal to a broader voter base with their ideologies and policies, rather than relying on caste or religious affiliations. Despite supporting the idea of implementing a negative vote system, the Commission raised concerns about its feasibility. These concerns included:

1. Staggered Elections: Parliamentary and state assembly elections were not held on the same day, making it difficult to implement a uniform negative vote system.
2. Delayed Counting: Votes were not counted immediately after each election but after all elections were completed nationwide, further complicating the process.
3. Run-Off Elections: In a 50%+1 system, run-off elections would require printing new ballots and repeating the entire election process, including security arrangements.

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the People shall consist of (a) not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States, and (b) not more than twenty members to represent the Union territories, chosen in such manner as parliament may by law provide.

Article 170 (1): Composition of the Legislative Assemblies (1) Subject to the provisions of Article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.

4. 50%+1 Requirement with Negative Vote: Implementing a negative vote with a 50%+1 system could result in no candidate receiving the required majority, even in a run-off election.

B. Electoral Disqualification (2014): In 2014, the Law Commission released its 244th Report on Electoral Disqualification.<sup>30</sup> This report was commissioned by the Supreme Court of India (SCI) following the Public Interest Foundation & Ors. v. Union of India<sup>31</sup> case. Upon releasing its initial consultation paper, the Commission received only two responses from political parties: the Welfare Party of India and an unnamed party. Despite releasing a second consultation paper, the Commission again received a limited response, with only five parties responding, including the Zoram Nationalist Party and the People's Party of Arunachal Pradesh.<sup>32</sup> The Law Commission suggested guidelines for disqualifying candidates from elections based on criminal charges and false affidavits. They advised against disqualification based solely on charges or convictions due to delays in trials and convictions, which has been ineffective in preventing the increasing involvement of criminals in politics. Additionally, the Commission recommended against disqualification at the charge-filing stage because of the lack of sufficient judicial review. However, they emphasized that with appropriate legal protections to prevent misuse, disqualification based on false affidavits could be an effective tool in combating the spread of criminalization in politics. To prevent misuse, the Commission proposed these recommendations:

- Include only offenses carrying a maximum sentence of five years or more.
- Excluding charges filed within a year before election nominations.
- The provision should expire when an acquittal is obtained or after six years, whichever comes first.
- For charges against current MPs/MLAs, trials should be expedited daily and completed within a year.

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<sup>30</sup> Law Commission of India, Government of India, Report No. 244: Electoral Disqualifications, 2014, available at <http://lawcommissionofindia.nic.in/reports/report244.pdf>, 2014, last seen on 5/02/2017.

<sup>31</sup> Public Interest Foundation & Ors. v Union of India and Anr.(W/P Civil No. 536 of 2011) quoted from Law Commission of India, Government of India, Report No. 244: Electoral Disqualifications, 2014.

<sup>32</sup> Jagdeep S. Chhokar, Revisiting India's electoral reforms, Livemint, 18/03/2015, <http://www.livemint.com/Opinion/VJe9yfsux8vLD33rOgOn0N/Revisiting-Indias-electoral-reforms.html> last seen on 5/02/2017.

Regarding false affidavits, the Commission recognized their widespread violation due to inadequate legal protections. They recommended strengthening the Representation of the People Act (RPA) by:

- Increasing the minimum sentence to two years.
- Expanding the definition of "conviction" to include cases where an individual is found guilty under Section 125A (false statement in an election return) as a disqualification ground.
- Classify the filing of false affidavits as a corrupt practice under Section 123 of the RPA. Additionally, the Commission suggested a one-week gap between the last day for filing nominations and the paper scrutiny date, allowing time for objections to be filed against nominations.

C. Electoral Reforms (2015): In 2015, the Law Commission released its 255th Report on Electoral Reforms.<sup>33</sup> The report recommended revisions to campaign finance regulations, requiring political expenditures to be tracked from the announcement of elections rather than nomination dates. It also called for companies to receive approval for political donations through their Annual General Meetings instead of solely from board members. Regarding electoral systems, the Commission noted that proportional representation provides better representation, while the First-Past-The-Post system promotes stability. However, lessons from other countries suggest that changing India's electoral system would require combining direct and indirect elections, leading to an increase in the number of members of Parliament (Lok Sabha). The Commission proposed measures to reinforce the Election Commission of India (ECI) and address issues like paid news, opinion polls, and compulsory voting. The report ruled out invalidating elections based on a majority of "None of the Above" (NOTA) votes, citing the secrecy of the ballot and the belief that good governance can be achieved through political accountability and inner party democracy. The Commission rejected the proposal of a right to recall, expressing concerns about "excessive democracy" that could undermine the independence of elected candidates and minority interests. It further highlighted the potential for instability, abuse, and high implementation costs associated with the right to recall, especially in a FPTP system. The Commission preferred using vote totalizers to count votes because it would

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<sup>33</sup> Law Commission of India, Government of India, Report No. 255: Electoral Reforms, 2015, available at <http://lawcommissionofindia.nic.in/reports/Report255.pdf>, 2015, last seen on 5/02/2017.

prevent voters from being harassed by knowing the voting trends at each polling station.

This approach aimed to address concerns about intimidation and victimization.

## CONCLUSION

The election was seen as a beacon of hope, with voters expressing a deep belief in the power of the vote to create a more just and equitable society. Despite the persistent inequalities and injustices, this aspiration served as a driving force behind the election.<sup>34</sup> This belief underscores the critical importance of electoral reforms, which were deemed "imperative" by the 2010 Core Committee on Electoral Reforms. These reforms cover various aspects of the election process, from candidate selection to campaign financing. Failure to address these reforms could have serious consequences for the health and integrity of our democratic system. One major form of electoral corruption is the high number of elected officials facing criminal charges. Another concern is the influence of money in elections. Candidates who spend large sums to get elected may feel pressure to recoup those expenses once in office, potentially leading to self-serving decisions. Winners may prioritize the interests of their financial backers over those of the public.<sup>35</sup> In these cases, candidates may lack the knowledge or motivation to respond to the needs of their constituents.

The study found that court rulings and legal actions in the election process also influenced public opinion on electoral reforms. This was true even when legal decisions went beyond the issue of electoral reforms. For example, besides the Election Commission of India (ECI), the courts supported a landmark judgment requiring election candidates to submit affidavits disclosing their criminal and financial histories<sup>36</sup>. The Nirbhaya tragedy in 2012 reignited the debate about criminals in politics<sup>37</sup>. The Justice Verma Committee, tasked with reviewing criminal law amendments, emphasized electoral reforms. Justice J.S. Verma (Retd.) believed that electoral reforms were crucial for addressing gender justice and preventing sexual crimes against women. The Committee expressed concerns about the potential impact on the fairness of the criminal justice reform process if legislators involved in the reform efforts have unresolved criminal

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<sup>34</sup> Mukulika Banerjee, *Why India Votes?* 19 (2014).

<sup>35</sup> National Commission for Review of the Working of the Constitution, *A Consultation Paper on Review of Election Law, Processes and Reform Options*, Vol. 2, 481 (2002), available at <http://lawmin.nic.in/ncrwc/finalreport/v2b1-9.htm>, last seen on 6/02/2017.

<sup>36</sup> *Union of India V ADR & Anr.* 2002 SC 7178.

<sup>37</sup> Neeraj Chauhan, Dwaipayan Ghosh & Raj Shekhar, *Delhi gang rape case: Victim battles for life, 3 accused held*, *The Times of India* (18/12/2012), available at <http://timesofindia.indiatimes.com/city/delhi/Delhi-gang-rape-case-Victim-battles-for-life-3-accused-held/articleshow/17656605.cms?>, last seen on 6/02/2017.

charges that a court has acknowledged. According to the Committee, reforms are crucial to prevent any potential bias or conflicts of interest that could compromise the legislators' ability to fulfill their legislative responsibilities effectively. To ensure the integrity of candidates, the Committee proposed two measures:

1. Making a certificate from a High Court Registrar essential for nominating candidates.
2. Expanding the list of crimes in Section 8(1) of the Representation of the People Act (RPA) to encompass all serious offenses. Upon being charged with any of these offenses, a candidate would be automatically disqualified. Additionally, candidates who fail to disclose any such offenses in their nomination affidavits would face similar disqualification.

The Committee believes that elected officials facing criminal charges should step down from office to demonstrate respect for their position and the Constitution. Setting such a precedent would improve public opinion of them. Furthermore, political parties should refrain from nominating candidates with criminal histories. If such candidates with questionable backgrounds were nominated for office, the report cautioned that this could trigger widespread social unrest. For instance, the report discovered that fielding candidates with criminal records led to a decrease in women exercising their right to vote.

In societies where elections are seen as a means to achieve fairness and logical decision-making, electoral reforms may not only focus on technical aspects but also on how citizens perceive the outcomes of democracy. The perspectives shared by the Supreme Court of India (SCI) and the Law Commission of India provide a framework for understanding these reforms and paving the way for a more robust democratic system.