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THE NEED FOR EDUCATIONAL QUALIFICATIONS FOR ELECTED MEMBERS: A STUDY

AUTHORED BY - VAISHNAVI RANJANA

OVERVIEW

This is an important research topic in the present time as the need for educational qualifications for elected Members is much debated and much needed. In this research work, an attempt is made to analyze the possibility of prescribing educational qualifications for Members of the Lok Sabha. It is an interesting paradox that the Constitution of India and the Representation of the People Act 1951 prescribe no educational qualifications for the Members of Parliament. The Constitution of India only requires that a person be a citizen of India at 25 years of age to be a Member of Lok Sabha. Only in Article 84(c), it was left open to the future Parliaments to decide on such qualifications as the need be. In contrast, for holding any public office in India, there are requirements regarding having minimum primary education. One should note that the task of an elected Member of Lok Sabha, amongst others, is primarily law-making for the entire nation.

There is an urgent need to introduce education as an essential eligibility criterion for becoming an elected Member of the Lok Sabha. The elected Members are the representatives chosen by the people. They represent the legislative think tank, discuss and deliberate over laws, and repeal obsolete, redundant, and archaic laws. The role and responsibility of the elected Member of Lok Sabha are to legislate and hold the government accountable. Under Article 75(3) of the Constitution, the Union Cabinet is responsible to the Lower House. Therefore, not only an elected Member of Lok Sabha holds the responsibility of legislation and representation of people, but they also hold the government accountable. It is argued that the educational qualifications of the elected Members would provide heterogeneous character to the Lok Sabha, smooth functioning of the house, the incentive to get educated, and ultimately less litigation in courts, amongst others. It is argued that the educational qualifications of the elected Members of the Lok Sabha impact the functioning of the Lower House.

In the Constitution of India, the educational qualifications for being an elected Member of the Lok Sabha have not been prescribed. The only qualification is that a person should be a citizen

of India and must be 25 years of age to contest elections to the House of People (Lok Sabha). There are no educational qualifications prescribed. It is argued that the criterion of prescribing minimum educational qualification is a gray area that requires in- depth study and research. The primary question is- why the Constitution of India has not prescribed educational qualifications for being an elected Member of the Lower House. Moreover, what is the need to introduce education as an eligibility criterion for becoming a Member of the Lower House?

Interestingly, the Parliament of India can prescribe “such other qualifications” when necessary. Under Article 84(c) of the Constitution, the Parliament has the power to prescribe such other qualifications by or under any law made by Parliament. This means that Parliament ‘may’ prescribe an educational qualification for contesting elections to the Lower House.

In this research work, after a comprehensive study and analysis regarding the need for the educational qualifications of elected Members of the Lok Sabha since Independence, the following conclusions have been derived:

1. LACK OF CONSTITUTIONAL PROVISION

1.1 Historical Factors

India is a diverse country. At the time of Independence, it had enormous poverty, illiteracy, and lack of opportunities for education, employment, etc. The drafting of the Constitution of India took two years and eleven months to complete it. The Constitution makers were determined to give the right to vote to all, irrespective of colour, class, race, or religion, so that every citizen participates in the making of Indian democracy. At that point in time, the Constituent Assembly thought it inappropriate to prescribe educational qualifications for the elected Members of the Lok Sabha and therefore, left it open for future Parliaments to pass laws prescribing the educational qualifications for being an elected Member of the Lok Sabha. Article 84(c) added a clause to allow future Parliaments to devise and implement such qualifications as required at an appropriate time when the country is stabilized and the literacy rate is improved.

1.2 Literacy Rate

After India gained Independence, the population of India was largely illiterate. The Census of India 1951 depicted a literacy rate of only 18.33%. Prescribing any kind of educational qualifications at that time would significantly debar more than 80% of the population from participating in the democratic process. No democracy will function if a large part of the

population is excluded from the election process. Therefore, it may be wise not to impose educational qualifications for becoming a member of the Lok Sabha at that time. Nevertheless, today, according to the National Survey of India 2021, the literacy rate is 77.7%. With the rising literacy rates, it would be appropriate now to include the minimum educational qualifications for an elected Member of the Lower House, maybe by amending the relevant Constitutional provision or the Statute.

1.3 Nascent Democracy

India got freedom from British slavery and took charge of the country by devising a Constitution that would suit the Indian realities. Prescribing such exclusionary qualifications would mean excluding many participating in the democratic process. It was perceived that this provision would threaten democracy. Therefore, though extensive debates in the Constituent Assembly were conducted on prescribing educational qualifications in the Lok Sabha, it was left open for the future.

2. NEED FOR EDUCATIONAL QUALIFICATIONS

2.1 Elected Representatives Make Laws

The most crucial role and responsibility of an elected Member of the Lok Sabha is to make laws for the country. They are expected to read and write several statutes, reports, etc., and ponder over and discuss various points with others, inside and outside of the Parliament. They are ultimately required to give well-thought opinions and suggestions to make the laws better and acceptable to all and as per the needs of the community at that point in time. Therefore, the task of making laws requires deep thinking and experience and it is always better if members possess some minimum educational qualifications.

2.2 Checks and Balances on the Functioning of Government

The Lok Sabha, being the bigger House in the Indian Parliament often provides for the desired checks and balances required for the efficient functioning of the Government. According to Article 75(3) of the Constitution of India, the Union Council of Ministers are responsible to the Lok Sabha. The Lok Sabha has enormous powers to make the Government accountable for its actions. The elected Members' educational qualifications can play a considerable role in exercising these powers.

3. CHANGE IN THE SOCIO-ECONOMIC PROFILE OF ELECTED MEMBERS OF THE LOK SABHA

For analyzing the change in the socio-economic profile of the Elected Members, four parameters namely- education background, age profile, gender, and professional profile¹ have been assessed. For clarity, one Lok Sabha from each decade was picked to analyze these indicators. Hence, the First, Third, Fifth, Seventh, Tenth, Fourteenth, and Sixteenth Lok Sabhas have been selected. The brief final outcome has been discussed hereunder:

3.1 Educational Qualifications of the elected Members

After independence, in the first Lok Sabha, it has been found that the under-matriculation or below was the lowest education level with 23.48% of elected Members being under-matriculいたes. The number of graduates was 37.1% and the number of post-graduates was 17.62%.

Interestingly, the under-matriculation category has reduced over the years as elected Members possess higher educational levels. If we look at the number of elected Members belonging to the under-matriculation category, their number has continuously declined. The First (23.48%), Third (28.77%), and Fifth Lok Sabha (23.15%) spotted the highest number of under-matriculation Members but since then the percentages have been on a decline, with the lowest number of elected Members having matriculation, 2.9% in the Sixteenth Lok Sabha. This is a positive trend as most elected Members are scaling up to higher degrees.

The next category is the matriculation category which includes higher secondary, and intermediate certificate holders. In the First Lok Sabha, this percentage was 18.44% but then it started showing a decline in the Fifth Lok Sabha at 15.95%. This category again showed an upward trend in the Seventh Lok Sabha (22.35%) to a decline in the Sixteenth Lok Sabha (18.8%). This analysis is interesting as the matriculation category declined leading to an increase in the graduate's category. This clearly depicts that the Indian population is moving to higher education categories now.

The next category was a graduate or equivalent category. The graduate category has always had the major chunk of elected Members. The First (37.1%), the Third (32.04%), the Fifth (36.63%), Seventh (40.34%), Tenth (43.66%), Fourteenth (45.85%), Sixteenth (40.8%) had a good

¹ The professional profile is only available till Tenth Lok Sabha on the relevant websites.

representation of graduate elected Members. This depicts a positive trend as most elected Members fall at least to a graduate degree or equivalent category now.

The next category is the post-graduate category. The post-graduates, including technical education, have slowly and steadily increased with each consecutive Lok Sabha, from 17.62% in the First Lok Sabha to 29.9% in the Sixteenth Lok Sabha. This illustrates that the elected Members are possessing Masters or equivalent degrees over time.

The last category is doctoral degrees. The category of elected Members with doctoral degrees has improved its position from First Lok Sabha (3.16%) to Sixteenth Lok Sabha (7.6%).

It is evident that the educational qualifications of elected Members of Lok Sabha have increased as more Members move to the graduate or above qualifications. After an extensive reading of the educational qualifications of the Members of Lok Sabha as illustrated above, one can safely conclude more than 70% of the Members of the Lok Sabha have at least a graduate or post graduate in the last three general elections. The Members with doctoral degrees have also been dwindling between 4-5% on an average. Further, an average of 27% of Members have just a matriculation degree. The 13th, 15th, and 16th Lok Sabha has been the most educated, with 80.29%, 82%, and 81% of the Members possessing above graduate qualifications, including a doctorate. With the rise in literacy rate since Independence, the educational qualification of the Members has improved tremendously.

3.2 Age Profile of the Lok Sabha Members

It is evident that the First Lok Sabha was the youngest amongst all the Lok Sabhas till date, with around 17.75% of elected Members falling into the *25-35 years category*. This percentage continued to decline till the Sixteenth Lok Sabha, with 5% of elected Members within this range. The category of Members belonging to *36-45 years* has shown a consistent presence over the seven decades. Interestingly, this percentage is now reduced in the Sixteenth Lok Sabha to 14.6% only.

The age group of *46-55 years* is considered the most versatile and experienced group that has shown consistent presence over the years, with more than 25% in all the Lok Sabha.

Even the category of Members belonging to *56-65 years* has seen a consistent rise over the years.

The lowest number in the 56-65 years was the First Lok Sabha, with 16.45% Members. This category has been the highest in the Sixteenth Lok Sabha with 33.7% Members.

Similarly, the category of Members in the *66-75 age group* has also made slow but steady improvement in its representation. It was at its lowest in the First Lok Sabha with just 2.38 percent. This peaked in the Sixteenth Lok Sabha with 16.7% Members.

The Members of the age group of *76-85 years* have shown a constant improvement over the seven decades.

Even the age category of *86-95 years* has revived in the sixteenth Lok Sabha with 0.18%.

3.3 Professional Background of the elected Members of Lok Sabha

At the outset, the data for the professional profile of the Lok Sabha was available only till the Tenth Lok Sabha. Broadly, in the First Lok Sabha, agriculturists, lawyers, political and social workers, and businessmen were the maximum professions ticked. Over the years, 39% elected Members have declared political and social work as their occupation.²

It is evident that there has been a steady increase in the representation of agriculturists in the Lok Sabha from 22.45% in the First Lok Sabha to 32.09% in the Tenth Lok Sabha. Ironically, the representation of lawyers in the Lok Sabha has steadily reduced from being the highest at 35.42% in the First Lok Sabha to as low as 16.32% in the Tenth Lok Sabha. The representation of lawyers in the Lok Sabha is 4.12% in the Seventeenth Lok Sabha.

The percentage of elected Members declaring themselves political and social workers rose massively from the Third to Seventeenth Lok Sabha. Today, 38% are engaged in agricultural activities. 23% Members are businessmen. Only 4% of Members are lawyers. Several Members have declared more than one occupation.

The diverse representation of people from various professions depicts a positive picture of the Lok Sabha.

² PRS Legislative Research, *Profile of the newly elected 17th Lok Sabha*, PRS LEGISLATIVE RESEARCH (May 5, 2023, 1.20 PM), <https://prsindia.org/parliamenttrack/vital-stats/profile-of-the-newly-elected-17th-lok-sabha>.

3.4 Female Representation in the Lok Sabha

Since inception, the Lok Sabha does not have a good female representation. While the First Lok Sabha had only 4.5% females, this number rose to 12.17% in the Sixteenth Lok Sabha. In the Seventeenth Lok Sabha, the number of females is 14.92%. This is much lower than the world average of 30%. Traditional norms and pre-assigned male and female roles may have prevented women from participating in the country's law-making body.

4. IMPACT OF EDUCATIONAL QUALIFICATIONS ON VOTER PARTICIPATION AND ON THE FUNCTIONING OF LOWER HOUSE

In the last section, it was observed that educational qualifications have increased over the years. This is to be seen that if the increase in educational qualifications has improved the voter participation and what is its impact on the functioning of the Lower House. For this purpose, the first Lok Sabha from each decade was studied and analyzed to assess the functioning of the Lower House on the parameters of the number of sittings, bills introduced and bills passed, time lost due to disruptions/interruptions, and the number of bills lapsed. For the purpose of clarity, the First, Third, Fifth, Seventh, Tenth, Fourteenth, and Sixteenth Lok Sabha have been studied.

Also, in this section, a comparative analysis of democracies between the United Kingdom, Canada, and Malaysia with India has been conducted. In the Western world, the countries chosen were the United Kingdom and Canada. The UK and Canada have some similarities with India's Parliamentary form of Government and a bicameral system. From the South Asian countries, Malaysia was chosen for comparison with India whose democracy is on similar lines with that of India, though not the same. Obviously, India need not follow the same path as them but valuable lessons can be learned. The rationale behind choosing these countries-the United Kingdom, Canada, and Malaysia was, apart from the Parliamentary form of Government and bicameral legislatures, they have high literacy rates, and therefore, the elected Members of their Lower House are well-educated, which has impacted the voter participation and the functioning of the Government.

After a comparative analysis with the UK, Canada, and Malaysia, it was found that the countries with higher educational qualifications for elected Members perform better on the Global Democracy Index. Countries with high literacy rates tend to have more educated elected

Members. The comparative study between the UK, Malaysia, Canada, and India found significant differences in indicators of the political participation, functioning of Governments, and protection of rights and civil liberties. It was observed that the educational qualifications of elected Members impact the functioning of a democracy. Let us analyze the impact of educational qualification on voter participation and on the functioning of the Lower House in detail.

4.1 Voter Participation

4.1.1 Voter Turnout

Education of the electorate and candidates leads to a win-win situation. On the one hand, it encourages the voters to participate in the democratic process; on the other, it brings educated leaders to the Lower House. Systematic Voters' Education and Electoral Participation program (SVEEP), is the flagship program of the Election Commission of India for voter education, spreading voter awareness, and promoting voter literacy in India. In India, the voter turnout at elections was 67.4% in the last general elections of 2019. Education instils a sense of responsibility and gives the power of judgment to the electorate to choose the government they like. The ECI's pioneering initiative to ensure free and fair elections was the introduction of Electronic Voting Machines (hereinafter referred to as EVMs) under article 324 of the Constitution.³ The EVMs were introduced in India in 1998 on an experimental basis. The law against the tampering of EVMs has been laid down in sec. 135, sec. 135-A of the Representation of the People Act, 1951. None of the Above (NOTA) option was first upheld in the case of *People's Union for Civil Liberties v. Union of India* to give vote a choice not to vote for any candidate.⁴

Below is the analysis of the First, Third, Fifth, Seventh, Tenth, Fourteenth, and Sixteenth Lok Sabha. The voter turnout has increased with the rise in literacy levels. One can observe that with the rise in the literacy rate since 1952, voter turnout has increased.

³ Over the last twenty years, the Commission has successfully conducted 107 State Legislative Assembly elections and 03 Lok Sabha elections using EVMs. Since September 2013, Voter Verifiable Paper Audit Trail (VVPAT) machines have also been used in various State Assembly and Parliamentary constituencies for enhanced transparency and credibility in the voting process.

⁴ (2003) 4 S.C.C. 399.

Voter Turnout in Lok Sabha General Elections⁵

1952	1962		1971	1980	1991	2004	2014
45.7%	55.42%		55.27%	56.92%	55.88%	58.07%	66.3%

Literacy Rates in India⁶

1951	1961	1971	1981	1991	2001	2011	2021
18.33%	28.3%	34.45%	43.57%	52.21%	64.7%	74.04%	77.70%

It was observed that the United Kingdom, Canada, and Malaysia have better political participation in terms of voter turnout at elections, and women participation, overseas voting, and prisoners' right to vote because of high literacy rates in the country. The higher the literacy rate, the better the voter participation in the elections.

In the UK, the voter turnout in the last general election of 2019 was 67.3% of eligible voters which was a 1.5 percent drop as compared to the previous general elections of 2017.⁷ In the general election of 1950, the voter turnout was as high as 83.9%. In 2001, it dropped to 59.4%. In Canada, in the last general elections, the voting was 62.6%. Malaysia has a good voter turnout. In the last general elections, Malaysia had a 74.04% voter turnout. In the 2018 general elections, the voter turnout was 82.32%.

4.1.2 Impact of Literacy on Voter Turnout

India's literacy rate has continued to rise since Independence. At the time of Independence, the literacy rate was only 18.33%. In 2021, this percentage increased to 77.7%. With the rise in literacy rate, Indian voter turnout has also increased. In 1951, India had 17.32 crore registered voters, and only 45.67 percent turned out to vote. But, in 2019, general elections had 91.20 crores registered voters, out of which 67.4 percent turned out to vote. Therefore, the literacy rate positively impacts voter turnout at elections.

⁵ National Portal of India, *Voter Information*, GOVERNMENT OF INDIA (July 18, 2022, 4.13 PM), <https://www.india.gov.in/spotlight/voter-information>.

⁶ Census of India, *Literacy Rate of India*, GOVERNMENT OF INDIA (July 14, 2022, 4.35 PM), https://censusofindia2021.com/literacy-rate-of-india-2021/#Total_Literacy_rate_of_whole_population_of_India_Since_1901_to_2021.

⁷ Elise Uberoi, *Turnout at elections*, HOUSE OF COMMONS LIBRARY (Aug. 26, 2021, 8.30 PM), <https://assets-learning.parliament.uk/uploads/2021/12/Turnout-at-Elections.pdf>.

The United Kingdom and Canada have literacy rates of 99% each. In the UK, in the last general election of 2019, the voter turnout was 67.3% of eligible voters which was a 1.5 percent drop as compared to the previous general elections of 2017.⁸

In Canada, in the 44th general election, the voter turnout was 62.6%. In the 43rd general elections of 2019, the turnout of voters was 67%.⁹

In Malaysia, the literacy rate is 95.71% in 2022. The voter turnout in Malaysia's last general election was 74.04%.

4.1.3 Modification in the Age Limit

With the increase in the educational qualifications of elected Members, the legislation on voting age got modified. The educated elected Members understood the value of the adult franchise for a robust democracy. Therefore, in India, the age limit was modified through the Constitution (Sixty-First) Amendment Act, 1988 under Article 326 of the Constitution of India. This amendment lowered the voting age from 21 years to 18 years.

In the UK, voting rights were a long-drawn constitutional struggle. The Equal Franchise Act, of 1928 granted voting rights to males and females of 21 years of age. But with the Representation of People Act, of 1969, the voting age in the UK was lowered from 21 to 18 years.

In Canada, voting rights were formed as a part of Section 3 of the Canadian Charter of Rights and Freedoms in 1982, and as of today, the voting age is 18 years of age.

Malaysia passed a Constitutional Amendment Act in 2019 named Undi18 means "Vote at 18", enfranchising several million voters of 18 years to vote. This amendment lowered the voting age from 21 to 18 amending Article 119 (1)(a) of the Constitution of Malaysia.

4.1.4 Categories of Voters

To increase voter participation, the educated elected Members also increased the categories of voters. In India, there is a need to increase the categories of voters. There is no voting right for

⁸ *Ibid.*

⁹ *Voter Turnout at Federal Elections and Referendums*, ELECTIONS CANADA (Sept. 25, 2022, 9:22 PM), <https://www.elections.ca/content.aspx?section=eledir=turn&document=index&lang=e>.

prisoners/undertrials as per section 62(5) of the Representation of People Act, 1951. The impugned section's constitutional validity has been challenged in the Supreme Court of India in the *Ankul Chandra Pradhan v. Union of India*.¹⁰ In this case, the three-judge bench upheld the constitutional validity of Section 62(5) of RPA, 1951. Expat or overseas electors still do not have voting rights in India. For accessibility to disabled, the Election Commission of India's motto "no voter left behind" underlines a more accessible and equitable world. The ECI has also introduced postal ballot facility for PwDs, braillable signage on EVMs and PwD mobile app to help the physically challenged voters to register themselves and avail of assistance to the polling station and also to cast their vote.¹¹

In the United Kingdom, the educated elected Members are constantly putting efforts to increase the categories of voters. After the *UK v. Hirst*¹² case, the prisoners have voting rights. For overseas voting, the Elections Act 2022 has brought drastic changes by bringing the "voter for life" policy. It removed the provision of the 15 years rule and changed it to lifetime voting. The Government of the UK is proactive to include disabled voters. The Election Act 2022 provides appropriate equipment to assist voters with disabilities at the polling stations.

In Canada also, the educated elected Members played a significant role in increasing the categories of voters. The prisoner's voting rights were granted through *Sauve v. Canada (Chief Electoral Officer)*.¹³ For overseas voting, through the *Frank v. Canada*¹⁴ case, expat voting rights were granted. For accessibility of electors, the Elections Modernization Act 2019 redrafted the provisions around assistance for a disabled elector by an election officer, a friend, or a relative to ensure support where necessary. The "Voting at home" concept was brought about by this Act.

In Malaysia, prison inmates have no right to vote. However, if a prisoner is registered as a voter before conviction has the right to vote. Overseas electors can vote by postal ballots. Not many efforts have been made to make polling stations accessible to the disabled in Malaysia.

¹⁰ A.I.R. 1997 S.C. 2814.

¹¹ Bhari Jain, *Marked rise in registered voters with disabilities; EC to mamake upcoming state polls more 'accessible'*, THE TIMES OF INDIA (May 5, 2023, 10.51 PM), http://timesofindia.indiatimes.com/articleshow/86402246.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

¹² (2005) ECHR 681.

¹³ [1996] 1 F.C. 857.

¹⁴ (2019) S.C.C. 1.

4.1.5 Legislative Changes

In order to include more voter participation, the Election Commission has recommended the Law Ministry make several amendments to the Representation of People Act, 1951. Firstly, the need for linking Aadhar to Voter ID cards would pave the way for internet-based voting and for giving 'remote' voting rights to domestic migrant workers. Secondly, a proposal to amend section 14(b) of the RPA, 1951 for automatically registering first-time voters as they turn 18. Thirdly, amending section 20(6) of the Act to allow the husband of a female officer to be registered as a service voter where she holds office. Along with NOTA and SVEEP, these amendments would be helpful in enabling voting rights to eligible voters.

In the UK, Election Act 2022 has brought about legislative changes in the electoral process. The Election Act, 2022 has introduced voter photo identification cards, rights of expats to vote, and making polling stations more accessible to the disabled, etc. In Canada, Elections Modernization Act, 2019 has brought progressive changes in electoral laws. The Modernization Act has introduced new offences related to foreign interference in elections, mainly online or digital, and inclusion of citizens in the democratic process. In Malaysia, the Undi18 Act has lowered the voting age and made automatic voter registration possible.

4.1.6 Women's Participation

Comparing India's democracy with the UK, Canada, and Malaysia, one could conclude that the countries with educated elected Members have greater women's political participation. The UK has 35% of females in the Lower House. Canada has 30.5% of the females in their Lower House. On the other hand, India has just 14.92% of females in its current Lok Sabha. Malaysia has only 13.9% of the females in its Lower House. Malaysia and India are South Asian countries where women's political participation is still not traditionally approved.

4.2 Functioning of Lower House

This study is based on the First, Third, Fifth, Seventh, Tenth, Fourteenth, and Sixteenth Lok Sabha. The first Lok Sabha from each decade has been picked up, the functioning of which has been summarized hereunder:

4.2.1 Number of Sittings

While the number of sittings in the First Lok Sabha was 677, it steadily reduced to 331 in the Sixteenth Lok Sabha. There was a declining trend for the number of sittings over the years. The

reduction in the number of sittings could be mainly due to disruptions and interruptions.

4.2.2 Number of Bills introduced and passed

The number of Bills introduced and passed went on decreasing over the years. In the First Lok Sabha, the number of Bills introduced was 282. This increased in the Fifth Lok Sabha to 379 but then it reduced to 219 in the Sixteenth Lok Sabha.

The number of Bills passed has also reduced over the years. In the First Lok Sabha, the number of Bills passed was 333 but then it was reduced to 205 in the Sixteenth Lok Sabha.

One of the reasons could be that after Independence, India was in a nascent stage, where the need to legislate was more, but over the years, as India became a more stable democracy, the need to introduce and pass laws became lesser.

4.2.3 Number of Bills Lapsed

The number of Bills lapsed has reduced over the years. In the First Lok Sabha, the number of bills lapsed was 7. This number increased to 38 in the Third Lok Sabha. In the Fourteenth Lok Sabha, the number of Bills lapsed was highest at 39. While the number of Bills lapsed was Zero in the Sixteenth Lok Sabha.

With the rise in educational qualifications in the Sixteenth Lok Sabha, the number of Bills that lapsed has become zero. One can conclude that the elected Members finish the tasks assigned to them within time; as a result, the Bills have not lapsed. Another reason could be that the lesser introduction of Bills leads to lesser Bills being lapsed. The educated elected Members are performing well in passing the Bills presented to them.

4.2.4 Significance of Discussions

4.2.4.1 Question Hour

As per Parliamentary Rules and Procedures, the Question Hour and Zero House are supposed to be held every day for 60 minutes in the Lok Sabha. The Sixteenth Lok Sabha spent 13% of its time on Question Hour, 10% on short-duration discussions, and 0.7% on calling attention motions. The Question Hour in Lok Sabha functioned for 67% of its scheduled time and a

significant part of this Hour was lost due to disruptions.¹⁵

The House of Commons of the UK has an hour allotted to it from Monday to Thursday for Question Hour time. Each government department answers questions according to a rota called “the Order of Oral Questions.” The questions asked must relate to the responsibilities of the government department concerned. It is important to note that Question Time is taken seriously and held regularly in the UK. The last general elections of 2019 depict that almost all of the elected Members of the UK are educated. The educated elected Members are more likely to contribute to healthy debates and discussions, legislating new laws, and keeping a check on government spending. It is worth noting that there have been little to no disruptions in the Lower of the UK Parliament.

In Canada, daily 45 minutes are allotted to the Question Hour period posed to any Prime Minister or Cabinet Minister in Canada. This Hour is held regularly. Also, in terms of disruptions, there have been no disruptions clocked in the Canadian House of Commons in recent decades. This might be because countries like the UK and Canada have specific ‘Opposition Days’ in the Parliament where the Opposition can set the agenda and discussion can take on subjects of importance to the opposition. Separate Opposition Days means that time is given to the opposition party to raise their viewpoints and question the Government without hampering the functioning of the Lower House. This measure can strengthen the functioning of the Lower House.

In Malaysia, the Question Time is just six minutes. The Ministers can reply to them within half-an-hour time. The Question Time is held regularly. Disruptions are controlled by the Speaker in Malaysia for suspending or expelling the MP from the Lower House.

4.2.4.2 Half-an-Hour Discussions

Half-an-hour discussions on important issues is the backbone of any democracy. In India, the number of half-an-hour discussions has reduced.

In the First Lok Sabha, there were 38 half-an-hour discussions held. In the Third and Fifth Lok Sabha, the number of half-an-hour discussions was 109 and 124 respectively. After that, this number has gone down. In the Sixteenth Lok Sabha, there were just 5 half-an-hour discussions

¹⁵ PRS Legislative Research, *Functioning of Sixteenth Lok Sabha*, PRS LEGISLATIVE RESEARCH (May 1, 2023, 8.09 PM), <https://prsindia.org/parliamenttrack/vital-stats/functioning-of-16th-lok-sabha-2014-2019>.

in the span of five years.

Ideally, rising educational qualifications should have initiated more half-an-hour discussions, but the result is quite the opposite. Some of the reasons could be the elected Members' lack of commitment, seriousness and dedication toward carrying out the basic tenets of democracy. Also, there are no incentive for doing good legislative work.

The UK, Canada, and Malaysia do not have half-an-hour discussions.

4.2.5 Time Lost Due to Disruptions/Interruptions

In India, the functioning of the Government is largely hampered by disruptions in the Lower House. Nowadays, disruptions are mainly due to the more heterogeneous composition of the Parliament as compared to the first three decades, the replacement of the dominant party system with coalition governments, televising of Parliamentary proceedings, and the acceptance that disruptions are a part of Indian parliamentary culture.

The time lost due to disruptions/ interruptions has increased over the last seven decades of the Lok Sabha functioning. The disruptions in the Lok Sabha hamper the functioning and result in the loss of taxpayers' money. While the First Lok Sabha had zero disruption hours, the Sixteenth Lok Sabha has a massive disruption record of 422 hours and 50 minutes. One of the reasons could be the lack of dedication and seriousness of conducting Lok Sabha sessions in a disciplined manner.

It is worth noting that the UK and Canada have no/less disruptions. In Malaysia also, the disruptions are minimal.

4.2.6 Civil Liberties

In India, since the educational qualifications of elected Members have improved, India has begun to devise proactive laws for women and the disabled. Much is yet to be done. Introducing voting rights for overseas electors, prisoners' right to vote, regulated government control of media and surveillance etc. is yet to be worked upon. Proactive laws in this regard can be made if the elected Members come from highly educated backgrounds and understand the importance of such rights.

The United Kingdom and Canada have performed well on the civil rights and liberties indicator

as they have devised inclusive laws for the marginalized. Malaysian democracy has not been good with this indicator. Though civil liberties are a really broad concept, a few indicators like accessibility to the disabled to polling stations, the magnitude of free speech and privacy laws, voting right to prisoners, the right of overseas electors to vote etc. were analyzed.

The United Kingdom has educated elected Members because of this the laws devised are proactive and inclusive. The UK has voting rights for prisoners, the right to overseas electors to vote, and making polling stations disabled-friendly, the right to privacy from Government surveillance, etc.

In Canada as well, the educated elected Members devise proactive laws for the citizens. Canada has devised more proactive laws for prisoner's voting rights, introducing overseas voting, making voting accessible for the disabled, free speech and the right to privacy.

In Malaysia, civil liberties and rights have not been the best. Malaysian political context has been shaped by balancing and harmonizing varied communal interests in the multi-ethnic, multicultural, and multi-religious developing nation. Malaysia has postal voting for prisoners on request voting for overseas citizens, and accessibility to polling stations for the disabled. Although free speech is a fundamental right though not absolute, the Malaysian Penal Code, Sedition Act, Peaceful Assembly Act, and Communication and Multimedia Act contain overbroad and vaguely worded provisions that allow police to arrest or investigate people for a wide range of activities that the government dislikes.

5. SUGGESTIONS

The following suggestions are based on the conclusions drawn above. If implemented, these suggestions would bring quality, efficiency, and a better-functioning democracy.

5.1 Statutory Amendment

As per Article 84(c) of the Constitution, statutory incorporation can be made in section 4 of the Representation of People Act, 1951. In section 4 of the RP Act, 1951, the following words may be added, "he/she should have the capacity to read and write and to comprehend laws."

5.2 Adult Literacy Programmes- In order to ensure continuing education, the Government

should conduct adult literacy programs at a broad scale so that the citizens of India understand the importance of education and can effectively participate in the electoral process. These programs can include increasing reading and writing abilities, teaching a skill like public speaking, etc. There is a need to change people's perception of politics in India so that more educated people enter politics. This can happen only through education.

In UK and Canada, adult/vocational training is provided at a nominal cost for citizens of any age.

5.3 Regular training regarding the significance of Elections- Free and fair elections are the backbone of any robust democracy. With regular training and literacy programs, the citizens can understand the significance of elections and their participation may enhance.

In UK, various political literacy programs are introduced all over Britain to induce more political participation. They believe that political literacy needs to be inculcated in the children right from school.

In Canada (Ontario), there is a compulsory civic education course in Grade 10.¹⁶ Some other methods are experimental classroom education, including using more participatory and experimental methods to teach politics, media literacy training focusing on authenticating information received, citizen assemblies, and public campaign to counter fake news.

5.4 Regular Training to Members of Lower House- At the induction of new members, ordinarily the training is imparted regarding the Parliamentary rules and procedures. It is suggested that regular courses and training programs on different aspects of parliamentary procedures must be organized. It may be made mandatory for every Member to attend some minimum number of such courses/programms.

5.5 Categories of voting- A road map incorporating overseas voting and email voting should be introduced with proper safeguards. This can increase voter turnout at elections. Many citizens of India who have settled in another country or have a migration history are not able to vote. The Government should focus on increasing the categories of voters with migration backgrounds and internet voting. For migrant workers also, some scheme may be devised to allow them to vote at

¹⁶ Samara Centre for Democracy, *Investing in Canadian's civic literacy*, SAMARA CENTER FOR DEMOCRACY (May 12, 2022, 7.12 PM), <https://www.samaracanada.com/research/active-citizenship/investing-in-canadians'-civic-literacy>.

the place of their work, if it is not possible for them to be stationed at one place.

In UK, overseas voting/expat voting is provided. Another kind of voting is proxy voting introduced for service professionals like armed forces professionals. If an eligible voter cannot vote on polling day, has a medical issue, or cannot vote because of work or military service, they can ask someone to vote on their behalf.

Canada has incorporated non-resident or expat voting in their election process. Malaysia has introduced postal voting for overseas electors.

5.6 Automatic Voter Registration at 18- Currently, those who turn 18, by January 1st of that year are registered as voters. To ensure that no 18-year-old is denied voting rights, registration should be permitted any day of the year or they are registered as voters automatically, may be through their birth certificate or Aadhar Card.

In UK, Canada have yet not implemented Automatic Voter Registration, though some states in Canada have started to implement it. Malaysia has made Automatic Voter Registration possible as soon as a citizen turns 18.

5.7 Aadhaar-Voter ID linkage- Linking Aadhar to Voter ID would weed out duplications and misinterpretations. This reform would also be critical in introducing electronic or internet-based voting and giving remote voting right to domestic migrant workers.

5.8 “Voting at home” concept- Accessibility to disabled voters is required for proper inclusion in the electoral process. Voting at home would enable a disabled voter to cast his vote without being excluded because of infrastructural difficulties.

5.9 Women's participation- Women members should be especially encouraged to participate in the elections. Learning from the UK and Canada, the Parliament should have more caregiving facilities so that more and more women with children can enter politics without hesitation. Above all, the Women Reservation Bill needs to be passed, reserving 1/3rd of seats for women in the Lok Sabha.

5.10 Mandatory Participation- To address the problem of lack of quorum in the Lok Sabha, a

“roster system” for ensuring at least 50% of the attendance of legislatures should be introduced.

5.11 ‘Opposition Days’ in Parliament: In order to combat disruptions, one can learn from the UK and Canada. These countries have specific ‘Opposition Days’ in the Parliament where the Opposition can set the agenda and discussion can take on subjects of importance to the Opposition. Implementation of this could reduce the disruptions and strengthen democracy.

5.12 Enhancing Transparency- The elected members must compulsorily visit their constituency once in six months and discuss the people's grievances. A report on MPLAD funds spending should be presented after each year. Spending on education facilities should be a priority for every member.

In this study, after a comprehensive study of the educational qualifications of the elected Members and their impact on the functioning of the Lower House, one can conclude that the educational qualifications have increased over the years with the rise in the literacy rate of India. The voter participation has increased but the functioning of the Lower House has not improved, as expected. Hence, the hypothesis stands partly proved.

