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## Legislature and Judiciary Role on Electoral Reforms

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### Abstract

Introducing present scenario of elections in India and challenges about electoral mal practices of elections and its measures that is undertaken and suggest some other measures to resolve this issues, India is the largest democratic country in the world and free and fare elections is the integral part of every democratic system due to some involvement of electoral malpractices like freebies buying votes and paid media caste, creed, religions and criminal background are playing vital role undermine the vibrant largest democracy under the veil of democracy, Mobocracy is in the sense money and muscle powers are playing vital role in order to curb this anomalies law commission and other committees, election commission of India proposes that an Amendment be made to section 29A of the representation of the peoples act 1951 adding across authorizing commission of India to issue necessary orders for deregistration of political parties and discussions and debates about electoral reforms are taking place everywhere in India including judicial pronouncements so also the committees recommendations the government of India must take the serious view about the recommendations on electoral reforms if the government fails to entertain such recommendations the democracy of India will become a sinking ship in Bay of Bengal.

**Keywords:** Electoral reforms, Judiciary, RTI Act

### Introduction

India is a socialist, sovereign, secular, democratic, republic country and largest vibrant democracy in the world and having written constitution and parliamentary system of government and having election commission of India under article 324 of Constitution of India conducts free and fair elections from Panchayat and local bodies to parliament once in 5 years to win the people confidence and real Sovereignty and supremacy lies in the people, elections in India seeks overwhelming popular participation and electoral voters try to woo the voters by false promises and promising long term reforms such as better governance socioeconomic welfare measures equity and poverty elevation and money and muscle power with criminal records and religion based politics apart from favouritism and nepotism these are the threat to free and fair elections, the rate of conviction for politician a decimal and there is no speedy trials due to lack of special courts and Fast track courts.

### Amendments of RTI Act

Section 33(7)-Representation of the people's Act 1996 permit a person to contest from 2 constituencies but as per this provision a person is entitled to contest from 2 constituencies this provision was introduced in 1996 prior to this there was no bar on the number of constituencies.

One person one vote and one candidate one constituency is a dictum of democracy, however as per the law as it stands today a person can contest the election from 2 constituencies

simultaneously this is also corrupt electoral process and ramifications on financial burden on the public exchequer government man power and other resources for holding by elections is also injustice to the voters of the constituency which the candidate is quitting from one constituency in this aspect the view of the Supreme Court of India issued notices to government of India so also to ECI, Supreme Court (SC) has said that practice of one candidate contesting multiple seats was a drain in the exchequer.

Section 123 of the Representation of people's Act 1951 this act speaks about corrupt practices there are mushroom of laws are in constitution that are being practiced by the candidates and political parties in broad day light they are murdering the electoral process so also vibrant largest democracy of our country even though the government machinery, print media, voters, are all become a silent spectators including the judiciary which is sitting the ivory towers and seeing the scenes but no suo motto cases if this trend persists further the Indian democracy will be diminished very soon.

By virtue of the newly inserted section 33A a candidate would be required to furnish information regarding whether he had been accused of any offence punishable with imprisonment for two years or more confining information in violation to conviction under section 8 of the representation of the peoples act 1951.

### Electoral Reforms Committees and Its Recommendation

Goswami committee 1990, Indrajit Gupta committee state

financing of Elections 1998. There is a dire need of Electoral reforms in India. The criminalization of our political system has been observed almost unanimously by all recent committees on politics and Electoral reforms.

Electoral reform is the distillations of general will of the Citizens of the India. Apex court has held that free and fair [3:46 pm, 03/03/2023] +91 86880 35046: Elections are the structure of basic structure of the constitution there is an urgent need to break the communal political nexus unless some decisive action is taken soon so public will loose faith in politics.

In Ramesh Polal vs union of India in 2005 case under this a legislator is disqualified from contesting elections if on the day of filing the nomination papers of e/c convicted in a court of law.

In Lilly Thomas vs union of India 2013 case the nature of disqualification for being the member of the house is provided under article 101 (3) and 190 (3) is automatic takes place that is qualification with effect from.

In peoples union of civil liberties vs union of India 2013 case Voters enjoy the right to negative vote and directed the ECI to include choice of NOTA.

### Measures by Judiciary

Supreme Court on the following cases recommended various reforms. In union of India/s Association of demacraticeforms2002.

Case contesting candidates need to disclose all other assets and criminal convictions etc.at the time of nomination papers.

In Ramesh polal v\s union of India in 2005, under this a legislator disqualified from contesting on the day of filing the nomination paper electoral candidates convicted in court of law.

In lily Thomas v\s union of India 2003 the nature of disqualifications for being the member of the houses provided under article 101(3) and 190(3) automatic takes place disqualification.

In peoples union of civil liberty v/s union of India2013case voter right to enjoy the negative vote directed E.C to include Nota choice

### Conclusion

Legislative reforms on state funding of election limits on party expenditure and it should be made public.

Auditing of political party fund political parties not only declaring the assets and liabilities and but the source of income also must be furnished.

Autonomy of the all public institutions must be reinforced as of right now almost all institutions are being politicized.

Registration of political parties ideologies including manifestos and the biggest lagging is for election commission its not having its own staff and it has to depend on state machinery. Multi-party system should be abolished

Religion and Regional parties should be abolished as those parties are threat.to integrity Recall system must be introduced in the constitution Nota is of no use why because winning is declared on even on marginal votes Pre independence laws are to be repealed Retirement age for political field must be incorporate in the constitution

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