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Electoral Reforms in India: Challenges, Trajectories, And Democratic Deepening

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Abstract

However, even though India remains the largest democracy in the world, it does not necessarily mean that India has the electoral process that would be entirely free from structural distortions. For more than seven decades since the country gained its independence, India has achieved remarkable success in electoral reforms: implementation of the Electronic Voting Machine system, declaration of criminal history, the Lily Thomas case which denied convicted members of the legislature the right to delay their conviction, and the Supreme Court verdict in 2024, which ruled that the Electoral Bonds scheme was unconstitutional. However, during the same period, the share of parliamentarians with criminal backgrounds reached 46%, spending on elections reached an estimate of one lakh crore rupees, and the issue of Electronic Voting Machine transparency has resurfaced with new force in disputed state elections. This article aims to analyse the history of electoral reforms in India under the following categories: institutional process, institutional structural problems, and institutional future directions. Utilising insights from Law Commission reports, jurisprudence of the Supreme Court, Association for Democratic Reforms database, and examples from other countries, the article concludes that India's reforms in electoral laws were largely reactive, and did not anticipate crises but rather dealt with them when political conditions became untenable. Among issues to be solved in the area of electoral laws are: criminalisation of politics, opacity in funding of parties, lack of voting rights for internal migrants, and issues regarding the EVM-VVPAT verification problem. All four reform items constitute the agenda that is urgent but hindered by the very nature of institutional structure: people in charge of enacting reforms are themselves beneficiaries of them.

Keywords: electoral reforms; India; criminalisation of politics; Electoral Bonds; EVM; Election Commission; democratic deepening; VVPAT; campaign finance; Representation of the People Act

Introduction:

Whereas one of India's greatest achievements may be the magnitude of its electoral process – almost 96.8 crore voters eligible to vote in India's 2024 general election, a staggering half billion votes cast across 543 parliamentary constituencies in an overwhelmingly diverse

country – another of India's most troubling achievements is the proportion of newly elected Lok Sabha members who had cases pending against them (46 percent). The logistical miracle that constitutes India's election process is remarkable in itself; that this achievement coexists with a political system marked by pathologies that have defied generations of efforts at reform is no less remarkable.

Electoral reform in India is not a single event. Rather, it is a long-running process characterised by a wide array of actors, including the Election Commission of India, the judiciary, non-governmental organisations such as the Association for Democratic Reforms, parliamentary standing committees, and the various Law Commissions of India. Each actor has made its contribution to the reforming effort, and all together, India's democratic institutions have improved in some areas despite deterioration in others. The task of evaluating the results of this decades-long reform process necessitates considering the dual truths that India's election system is far more transparent, technologically advanced, and judicially accountable than it was two decades ago and is still beset by distortions such as money power, criminalisation, disenfranchisement of migrants, and opaque party finance. This essay moves in three general stages. First, it surveys the history of the electoral reform process, charting the important phases by which the current election system was developed. Next, it addresses the problems that remain, threatening the quality of electoral competition. Finally, it identifies potential paths to reform, some already passed into legislation and others still on the table but promising a significant improvement in Indian democracy if pursued.

Literature Review:

The scholarly discourse on the topic of electoral reforms in India covers political science literature, constitutional law, and comparative studies of democracy. The seminal work by Austin about the history of the Indian constitution provides an important backdrop – when India's constitutional fathers were drafting the Constitution, they understood well the risks posed by money and muscle power in politics; hence, the constitution delegated such extensive powers to the Election Commission in Articles 324-329 prior to the enactment of the Representation of the People Act in 1951. Probably the defining moment in the evolution of the institution, in terms of its potential to act as a bulwark against election malpractice, was the early tenure of the Chief Election Commissioner T.N. Seshan (1990-96) – a man who did not hesitate to fully exercise the constitutional prerogatives of the EC in the implementation of the Model Code of Conduct against the will of incumbent governments (JETIR, 2023).

Association for Democratic Reforms (ADR), founded after the landmark decision of the Supreme Court in *Union of India v. Association for Democratic Reforms* (2002), provides the most comprehensive account of the electoral malpractice in India, based on systematic quantitative evaluation of candidate affidavits required by the Court, an initiative for which ADR played an important part (Lukmaan IAS, 2025). Besides tracking the increasing number of cases of crimes committed by candidates running for office, the data collected by ADR reveal the increasing gap between allowable and real expenditures on elections and the share of contributions made via electoral bonds coming from a select few companies. Without the research by ADR, much of the electoral distortions in India would remain anecdotal.

Finally, the book by Vaishnav (*When Crime Pays*) provides, probably, the most thorough explanation of the structural factors that explain the politicization of crime in India.

Although depressing, this book is indispensable in our understanding of the matter as it shows that criminalization of politics cannot be explained as lack of enforcement. Indeed, in the context of absence of enforceable contracts, criminal reputation is a legitimate signal of candidates' ability to deliver what they promise – in other words, becoming a criminal is beneficial for one's electoral success. This means that disclosure of criminal records of the candidates and voter education is inadequate to address this problem as it is structural and not informational in nature – the electorate knows their representatives well.

Finally, the literature about electoral finance reform is quite vast; however, there are several publications that deserve mention. For example, Fergusson's (2000) evaluation of the US experience with regulating campaign funding, and Casas-Zamora's (2005) comparative study of party financing in Latin America, suggest that, in order to have success, the regulation should include not only restrictions on the financing supply side but also incentivize political parties on the demand side. Specifically, imposition of strict caps on individual donations combined with state subsidies turns out to be more effective than mere disclosure.

Rationale of the Study:

This paper draws upon three interrelated insights. First, the ruling delivered by the Supreme Court in February 2024, which declared the Electoral Bonds scheme to be unconstitutional based on the premise that anonymous contributions violate the constitutional right to information as guaranteed under Article 19(1)(a), left behind an institutional vacuum as well as a policy window which has not yet been seized by an appropriate alternative. The discourse of reform initiated by this judicial decision represents precisely that rare political opportunity where structural change is possible, provided academic scholarship is able to contribute towards shaping the alternatives currently being considered. Second, the Constitution (Amendment) Act 2023 (106th Amendment) – commonly referred to as the Nari Shakti Vandan Adhinyam– sought to address the single most prominent dimension of gender-based representation in elections but is yet to find concrete implementation beyond the delimitation period, thereby complicating the linkages between these proposals and any plausible reform trajectory. Third, the 2024 general elections, which resulted in India's first truly competitive coalition government in over a decade, has reopened debates on the autonomy of the Election Commission, an issue which arguably constitutes a far more fundamental reform measure than anything currently on the table.

Research Questions:

1. What are the principal phases of electoral reform in India, and what institutional actors and events have driven each phase?
2. Which structural challenges – criminalisation, money power, migrant disenfranchisement, EVM transparency – have proven most resistant to reform, and why?
3. What reform trajectories – including the post-Electoral Bonds framework, the One Nation One Election proposal, and ECI appointment reform – are likely to shape the next phase of India's electoral evolution?

Statement of the Problem:

The core issue in question could be referred to as the institutional paradox of electoral reform in India. Structural reform– such as enforceable caps on political spending, criminal

disqualification at the stage of charges being framed as opposed to following conviction, public funding of elections as an alternative to reliance on corporate contributions – is possible only if a consensus can be reached among the very politicians who derive the most benefit from the present system. This is, however, not a uniquely Indian problem but one that has confronted most other established democracies. What distinguishes India's case is its combination of the first past the post system, which favors the better funded incumbent, the glacial pace of its criminal justice system, and until early February 2024, the unrestricted use of anonymous corporate funding of political parties.

Operational Definition:

By electoral reform in this paper is meant any planned change in the laws and procedures for conducting elections such as the Representation of the People Act, 1951; the Conduct of Elections Rules; the constitutional mandate for the Election Commission; and court-ordered obligations to ensure that elections are more free, fair, open, and transparent. "Democratic deepening," on the other hand, entails the bettering of the quality of the environment in which democratic competition takes place, namely the existence of true political equality, choice, the accountability of elected representatives, and the absence of built-in bias for certain candidates and parties.

Objectives and Hypotheses:

1. To trace the historical phases of electoral reform in India from 1952 to 2024, identifying the actors, events, and judgments that have been most consequential.
2. To analyze the structural persistence of electoral pathologies – particularly criminalisation and money power – in the face of sustained reform effort.
3. To evaluate the reform potential of pending and recently legislated measures, including the post-Electoral Bonds framework, ECI appointment process, One Nation One Election, and the 106th Amendment.

Hypothesis: Electoral reform in India has been most successful in circumstances involving both judicial activism as well as civil society mobilization, and least successful in situations that require only legislative action, because the relationship between legislator and elector provides powerful disincentives for reform.

Delimitation of the Study:

The current study concentrates on parliamentary elections at the national level and the institutions involved in their administration, taking into account state elections when such provide particular insight into reforms. Electoral rolls, demarcation issues, and inner party democracy are not covered in detail in this study, but are recognized as being significant related areas for reform. Information from relevant legal, administrative, and electoral sources up until April 2025 is used in this paper.

Methods:

Research methodology of documentary nature combining the use of primary sources (judgments of the Supreme Court, reports of the Law Commission, circulars of the ECI, ADR affidavits), and the use of secondary peer-reviewed and institutional sources via the method of systematic review. The analytical paradigm of the work is based on the theoretical frameworks of comparative studies in electoral systems and reform political economy.

Results:

Phase I: Laying the Foundation (1952-1990)

The first general election held in India in 1951-52 defied expectations in its sheer scale and logistical complexity, with only a 16% literacy rate, 17 crore voters and lack of precedence for democracy. The Election Commission headed by Sukumar Sen nevertheless managed to hold an election which gained wide acceptance as a legitimate democratic process. This legitimacy was established on the basis of some fundamental design principles of Indian institutions, such as universal adult suffrage, an independent multi-member Election Commission, and the Representation of the People Act.

The next major technological improvement would occur in 1989, when electronic voting machines would be introduced, used experimentally in selected constituencies in 1998, and eventually made compulsory in 2004. Indeed, there were several problems these devices helped to resolve, reducing significantly the number of invalid votes, speeding up counting, and making booth capturing considerably harder. On the symbolic side, one can mention lowering the voting age from 21 to 18 years in accordance with 61st Constitutional Amendment Act in 1988, adding tens of millions of new young voters.

The problem of penetration of electoral process by criminal groups that was not solved during the second phase became especially pronounced in the following decades. The Vohra Committee report, commissioned after a long period of instability in 1993, provided the first comprehensive documentation of that trend, which was ignored and suppressed by the authorities at the time.

Phase II: Transparency and Technology (1996-2010):

The general elections of 1996 and the ensuing time of political unrest were especially remarkable in this regard. As mentioned in the research of Gopal Singh Chaudhary concerning the history of the ECI, there have not been any legislative changes since then; nevertheless, the attitude towards the model code of conduct of T.N. Seshan has already impacted the elections process in India. The next and, undoubtedly, the most essential step towards ensuring proper elections was made by the Indian courts through the ADR judgment made in 2002. This judgment laid down the foundations for disclosing criminal record, financial status, and educational background of the candidates through affidavits.

The introduction of NOTA (None of the Above voting system) following instructions from the Supreme Court of India in 2013 can be regarded as one more measure to make the elections process more transparent. Even though being a revolutionary step on the symbolic level, it cannot be considered truly groundbreaking because of the fact that the candidate who wins is determined based on the number of votes cast regardless of the fact that NOTA received more votes than each of the candidates individually. However, there is another new technology, namely Voter Verifiable Paper Audit Trail (VVPAT), introduced in 2013 and widely implemented by 2019. It gives an opportunity to verify that the person has voted correctly and the ballot was placed in a sealed container properly. As for now, the use of this technology became controversial due to the 2024 Supreme Court ruling prohibiting 100% VVPAT usage and requiring only 5% checking of microcontrollers.

Finally, there is one last important landmark event, namely Lily Thomas judgement in 2013, that needs to be mentioned because of its huge importance at the time. Indeed, the verdict stating that section 8(4) of the Representation of the People Act is unconstitutional resulted in automatic suspension of the elected officials' mandate in case of conviction. Undoubtedly, it deserves to be considered groundbreaking because of the fact that it did not

allow the parliamentarians to work for the next three months after the trial. Nevertheless, this law is limited in its application because of being concerned only with conviction.

Phase III: Crisis and Contestation (2010–2024):

In my opinion, the introduction of the Electoral Bond Scheme in 2018 can be described as one of the major structural changes in India's electoral finance, which, despite its failure to bring about transparency to political finances, made possible the creation of the most extensive political fund-raising campaign using anonymity, which, in turn, required judicial intervention by way of unconstitutionality determination by the Constitutional Bench of the Supreme Court of India. According to the decision adopted by the Court in the case *Association for Democratic Reforms v. Union of India* in 2024, political anonymity violates the fundamental right to know guaranteed by the Constitution in the First Schedule Article 19(1)(a). All legislative measures that have secured political anonymity were found unconstitutional, and even the entirety of the financing scheme was considered to be a violation of fundamental principles enshrined in the Constitution. Additionally, the order to disclose information resulted in discovering that some of the main political donors have been under investigation by either Enforcement Directorate or Central Bureau of Investigation at the moment of donation. Without considering the possibility of a bargain involved in such cases, it would be unreasonable not to think about its possible effects on the impartiality of the decision-makers within the agencies responsible for investigating the case.

One of the electoral reforms that have recently been adopted is related to the composition of the Election Commission, namely the 2023 ECI Appointment Act. The adoption of the Act resulted from the Supreme Court's decision to form a special committee composed of representatives of the Prime Minister, Chief Justice of India, and the Leader of the Opposition, who should have been responsible for the appointment of election commissioners. According to the new law, there will be no representative of the Chief Justice; the Prime Minister's representative will be a Cabinet Minister, chosen by the Prime Minister. Hence, the appointment committee will include only representatives of the Prime Minister and the Leader of the Opposition. The issue has now reached the Supreme Court, whose decision will determine whether or not this process meets the requirements of the Constitution. In my opinion, such selection process cannot be impartial in view of the two votes received by the executive branch in the committee. It might, however, raise the question about how one can achieve impartiality of the appointment process without excluding executive branch members from participating in it. Interestingly enough, the same issue arose in Canada and Germany, which managed to find an effective solution to it.

Simultaneous Lok Sabha and State Assembly Elections have become another hot topic in the field of Indian electoral reforms. According to the suggestions of the High-Level Committee on One Nation One Election, such elections should be phased in as soon as possible in view of a lot of advantages they provide for the country. Despite the popularity of the idea, some critics claim that simultaneous elections should not take place owing to the need to amend the Constitution, which means that there will be a change in the basic structure of the Constitution, which, in turn, will lead to the deprivation of the right to express dissatisfaction with the government during its term of office.

Findings and Discussion:

There is a recurring theme throughout each phase: reforms introduced following judicial rulings, including the ADR disclosure obligations, the Lily Thomas disqualification ruling, and the Electoral Bonds ruling, have been implemented and had demonstrable impact. In contrast, reform measures relying upon legislative changes, such as criminal disqualification at charge framing, election finance state funding, and effective limits on party spending, remain stalled despite repeated recommendations from the Law Commission, Parliamentary Standing Committees, and civil society over several decades. The 2014 recommendation in the 244th Law Commission report to introduce candidate disqualification in the event that a court frames charges against candidates for offenses deemed serious prior to conviction has yet to come to fruition in legislation, more than a decade later. The logic behind this stasis in legislative progress is hardly arcane knowledge: the parties responsible for legislating such a measure have many of its affected candidates among their ranks.

The migrant voter issue presents itself as one of the least appreciated aspects of the larger electoral inclusion challenge faced by India. Of the estimated 40-50 crore internal migrants who have left their registered constituency in order to work in cities and across state lines, many either forgo their vote entirely or must incur prohibitively high transportation expenses in order to exercise their right. In this regard, the Remote EVM project of the ECI to allow these registered voters to exercise their vote in specially designed polling stations far from their constituency continues to sit idly within the stage of all-party consultation. Solving this problem technically would be straightforward. What is currently missing is the political will necessary to implement such a solution, due largely to the fact that the majority of the migrant voters belong to the lower-caste, rural, and youth demographics and thus are of no consistent political advantage to any particular party, leading to a collective action issue whereby the entire status quo benefits and none has incentive to effect a change.

Regarding the EVM controversy, there are two important clarifications to be made. First, the independent technical audit of the Indian EVMs belonging to the M3 generation did not find any software vulnerabilities, while the Indian Statistical Institute has shown that a random sample size of 5% in favor of the VVPAT mechanism is statistically sufficient in detecting any manipulation of the electoral process at significance levels beyond that of mere coincidence. The latter consideration is important, however, since, irrespective of whether there may exist technical issues with voting systems, the sociological fact of public lack of trust towards the institutions administering the electoral system is a governance concern. In that vein, Germany's 2009 return to paper ballot voting should be understood not so much from a technological perspective but rather from a democratic one. While it may be argued that a return to paper balloting is logistically impossible in India, that is certainly a legitimate debate.

Summarization, Recommendations, Implications and Conclusion:**Summarization**

The history of electoral reforms in India is neither as dismal as its critics say nor as successful as the government likes to claim. Rather, it is a mixed bag of institutional evolution and structural distortions, both of which coexist within the larger context of a complex, contested, and ongoing process that allows for some genuine institutional gains while at the same time perpetuating certain structural anomalies that cannot be corrected easily simply

because they are entrenched by the very nature of the incentives that drive the legislators themselves.

Recommendations:

Many measures are not only possible but also justified from a democratic perspective. Disqualification from voting for persons charged with offences punishable with five years or more imprisonment, as suggested by the Law Commission in its 2014 report and endorsed by the Supreme Court in Public Interest Foundation (2018), must be enacted immediately. It is difficult to explain why it took a decade-plus before implementing this suggestion. Replacing Electoral Bonds by a system with limits on individual contributions, mandatory disclosure of all contributions exceeding Rs 2,000, and partial state funding of political parties according to their vote share would deal with distortion of campaign financing better than mandatory disclosure. The Remote EVM system designed for internal migrants must be implemented urgently. Finally, it may be worthwhile to consider changing the composition of the selection committee for appointing ECI members to include at least one person whose institutional independence is guaranteed from the executive, whether a constitutional court judge like the Chief Justice, a former constitutional court judge, or another equivalent body.

Implications and Conclusion:

No matter how much reform occurs, it is impossible for any reform to magically create a transformed Indian democracy overnight. The changes will have to occur through institutional reform in terms of the way candidates are selected, in terms of how political parties are financed, in terms of expanding the franchise, and in terms of conducting elections. There are many things about India's democracy that are resilient in a very positive sense of the term: India's democracy has survived divided elections, intense fights over election results, and even major political crises without breaking apart. This resilience is genuine. Yet resilience does not mean perfection. A democracy that has 46 percent of its members of the Lok Sabha under investigation for criminal charges, spending one lakh crore rupees on elections, and having crore of migrant voters who vote with their feet but not their ballots is not necessarily on a path towards becoming a developed democracy by 2047.

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