

[Interim Report Series: Vertical Accountability in Asia]

Electoral Accountability in India: Emerging Discourse in the Historical Context

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(Participatory Research in Asia)

1. Introduction

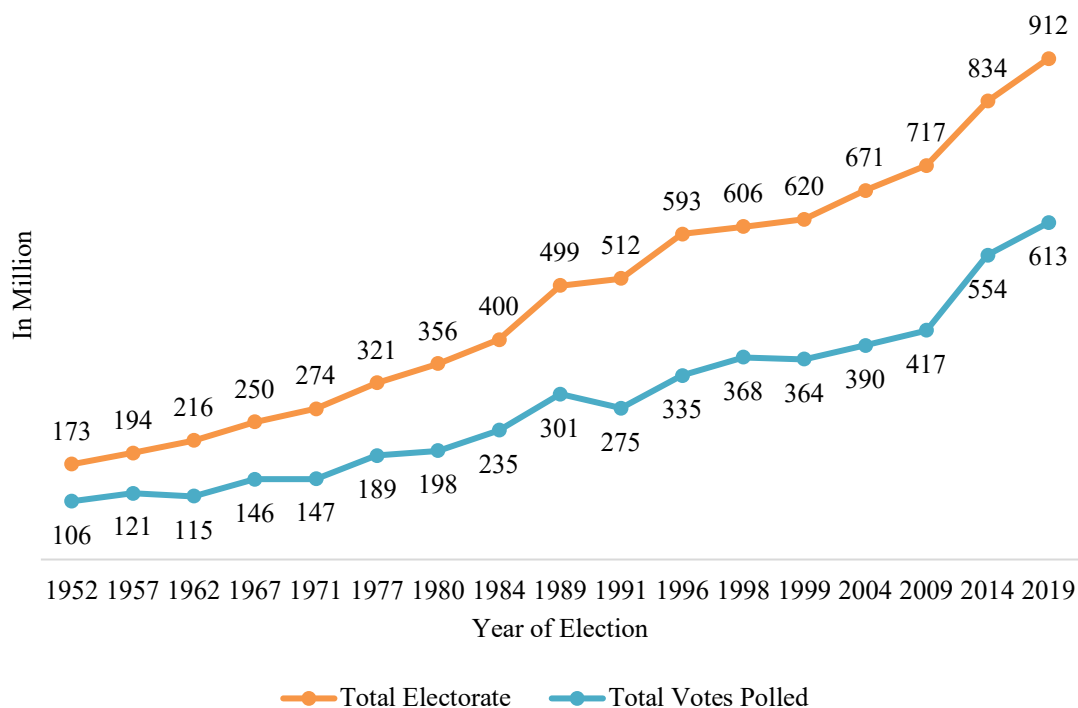
India's electoral democracy has thrived over the past 77 years since the country gained independence from British colonial rule. Its foundation has been fortified through distinct contributions of various pillars, including the parliament, the judiciary, political parties, media, civil society, and most significantly, the citizens. Despite concerns and uncertainties from various corners, the framers of the Indian Constitution and the Constituent Assembly made a pivotal decision by embracing universal franchise. This move opened up the opportunity for every adult Indian to participate in voting and select their representatives. India embraced constitutional federalism with a unitary structure featuring two tiers of government: the union government and state governments. Subsequently, in 1992, two significant constitutional amendments introduced a third tier of government as an institution of local governance, comprising Panchayats (village councils) in rural areas and Municipalities in urban areas. This paper focuses on recent political discourses concerning electoral accountability at the national level.

2. Citizen Participation in Elections

The voter turnout, or electoral participation of citizens, is a key indicator of the strength of a democracy. India is frequently designated as the world's largest democracy due to the significant number of people who exercise their right to vote as granted by the Indian Constitution. Given the country's diverse population, encompassing different genders, religions, castes, ethnicities, geographies, languages, abilities, and more, the specific breakdown of participation has been a topic of interest for scholars. This section will explore the historical context of overall voter turnout, with a particular focus on the participation of women and youth.

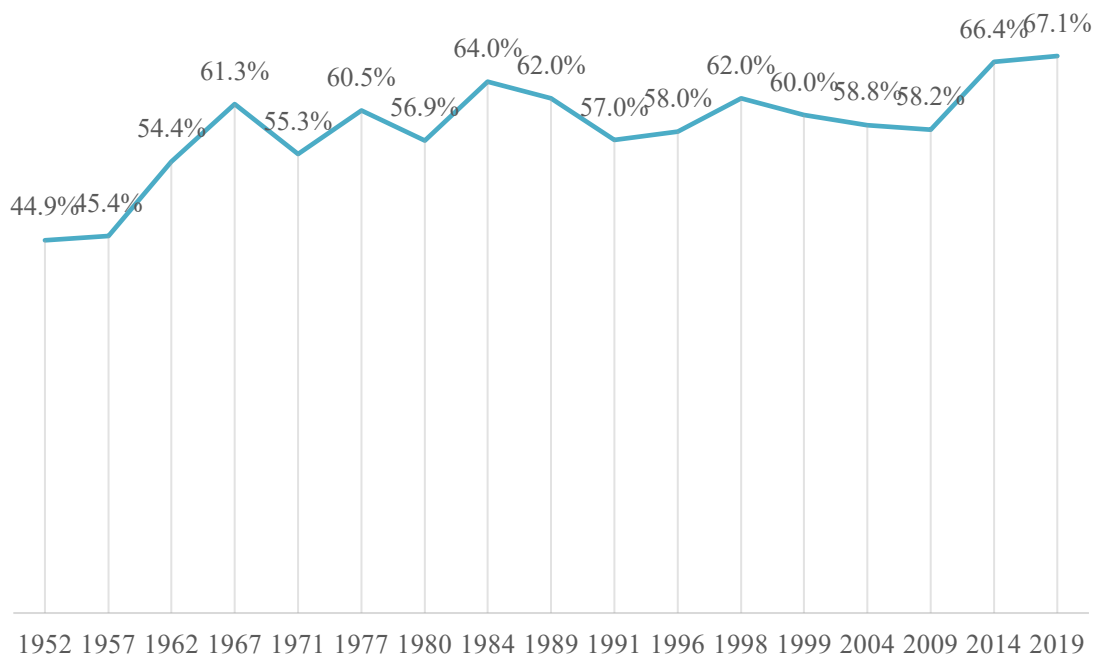
As illustrated in Figures 1 and 2, voter participation has increased substantially over the years. The voter turnout has gone up from 44.9 percent in the first Lok Sabha (parliamentary) elections held in 1952 to 58.2 percent in 2009. The 2014 Lok Sabha election marked a notable shift in electoral participation, observing a turnout of 66 percent, exceeding the previous record of 64 percent set during the 1984 national elections. This election witnessed a turnout that was approximately 8 percent higher than that of the 2009 Lok Sabha elections, which had a turnout of 58.2 percent. The 2019 Lok Sabha elections registered an even higher turnout, reaching 67.1 percent.

Figure 1. Participation in Lok Sabha Elections (1952 to 2019 Elections)

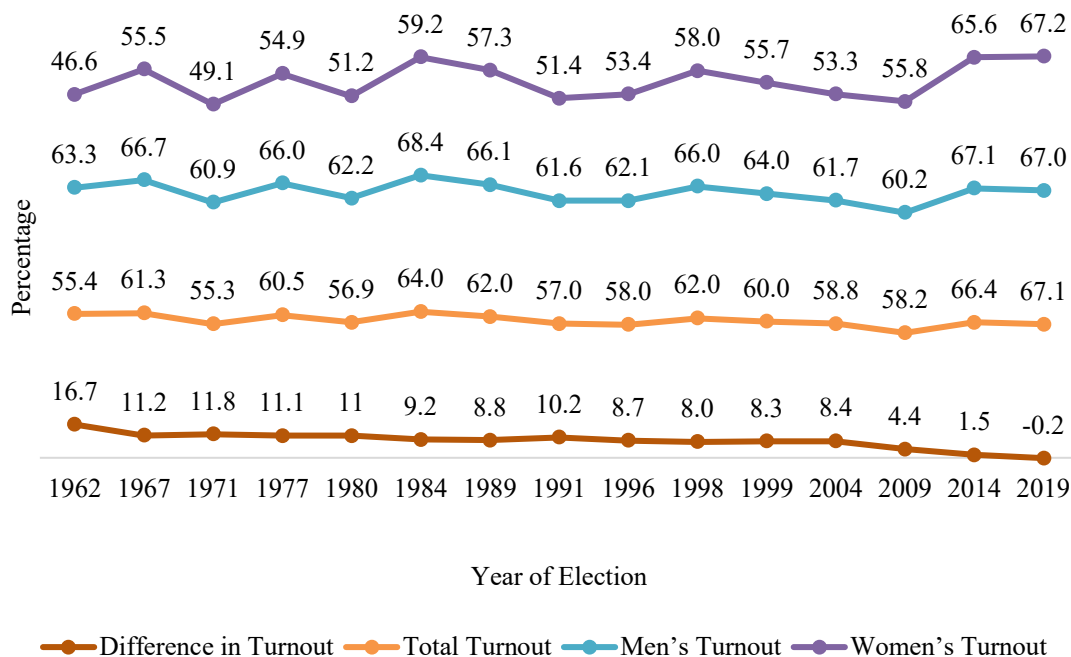


Source: Election Commission of India

Figure 2. Voter Turnout Percentage in Lok Sabha Elections (1952 to 2019)



Source: Election Commission of India

Figure 3. Gender Gaps in Lok Sabha Election Participation (1962 to 2019)

Source: Election Commission of India

The participation of women in elections is an essential indicator of the development of a democratic system in any country around the world (Thomas and Wilcox 2005). In India, women of voting age have been eligible to vote since the first general election, with minimal resistance. This was a truly historic achievement, considering that in numerous developed countries, women's suffrage was only attained through arduous and often violent struggles (Roychowdhury 2024).

This remarkable surge in female voter participation is undoubtedly a cause for celebration. However, it also reveals several paradoxical aspects. Firstly, although female voter turnout in India is increasing, female labor force participation, which is a crucial driver of women's political engagement, remains lower than that of peer economies (Roscher 2024). Secondly, numerous studies confirm that women remain less engaged in various measures of political involvement than men, including contacting elected representatives, attending public meetings, and participating in campaign activities (Kumar 2024). Despite the increasing number of female voters in India, the representation of women in parliament and state legislatures remains significantly lacking (Deshpande 2004).

Based on these observations, some theorists argue that the electoral processes in India are biased in favor of male dominance, deliberately excluding women from equal power sharing. However, this argument is countered by others who highlight the fact that since the 1990s, there has been a rise in women's participation in electoral competition and their involvement in grassroots politics, particularly in local governance, suggesting a move towards greater gender inclusivity (Rai 2017). The rise in female participation as candidates in local government elections can be attributed, at least in part, to affirmative action policies that reserve seats for women.

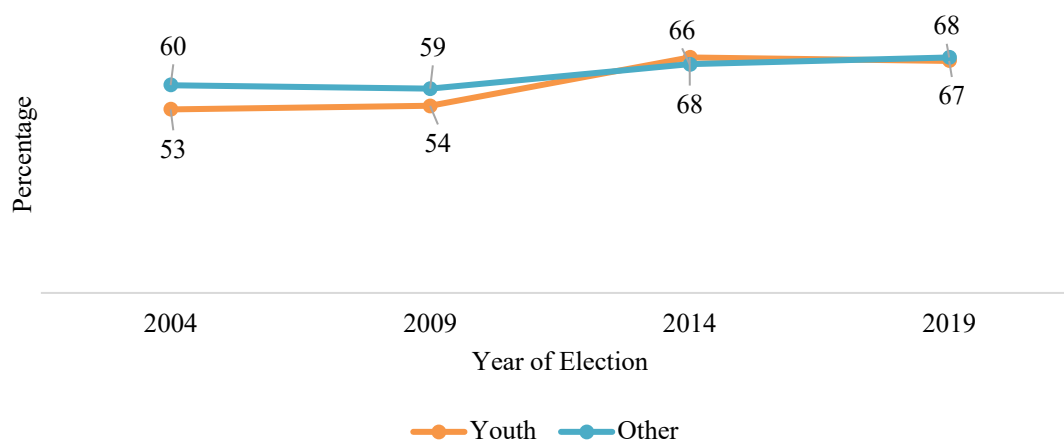
In recent years, political scholars have accorded several plausible reasons for such an increase in female voter participation. Rai (2017) posits that the role of electronic media in creating awareness

about rights, awareness generation, and advocacy efforts by civil society and women's groups, the initiatives of the Election Commission of India in conducting free, fair, and violence-free elections, reservations for women at the local governance, and changing positive perceptions of women about politics, have collectively contributed to increased women's participation.

Two-thirds of India's population is below the age of 35, contributing to the country's youthful demographic profile. Despite their active engagement in various social movements, there is a need to enhance youth participation in elections, both as registered electorates and voters. Several factors contribute to this situation, including voter apathy, cynicism towards the electoral process, a lack of political representation from their demographic, administrative challenges, logistical hurdles like paperwork processing, and the opportunity costs associated with voting (*The Economic Times* 2024-04-05).

As evidenced by studies conducted by Lokniti-CSDS, the youth voter turnout increased from 54 percent in 2009 to 68 percent in 2014, surpassing the overall voter turnout rate. However, despite a 9.3 percent increase in the electorate size, the 2019 elections witnessed a stagnation in voter turnout, with approximately 67.4 percent. The Election Commission of India identified that the youth, especially those from urban areas, display less interest in participating in the elections.

Figure 4. Voter Turnout among Youth and Others (2004-2019)



Source: Attri and Mishra 2020, based on CSDS Surveys

The data is weighted as per the actual voter turnout.

The political parties and civil society must assume greater responsibility for mobilizing young people in electoral processes. Although the student wings of major political parties have played a significant role in introducing young people to politics and fostering political leadership, their integration into political parties requires closer examination. The aspirations of younger political leaders frequently encounter obstacles when they interact with more experienced figures within the party. The majority of political parties are unwilling to disrupt the status quo, which leaves young aspirants feeling increasingly adrift and marginalized. As a result, many individuals choose to leave the party, while others become disillusioned and withdraw from active politics entirely (Hazarika 2024). The issue of youth voter apathy is complex and requires a collaborative and multi-pronged approach to resolve it.

3. The Election Commission of India

The Election Commission of India has a long and distinguished history since its formation in 1950. It has overseen 17 parliamentary elections (Lok Sabha or Lower House) and several hundred State Assembly elections. The Constitution of India (Articles 324–329) provides for the Election Commission of India and also stipulates clear guidelines to ensure its autonomy. In contrast to other Indian institutions, the Election Commission of India is not a colonial legacy. Rather, it represents the values and democratic principles that a nascent India aspired to achieve (Kumar 2022).

The Election Commission of India is currently constituted as a three-member body, comprising one Chief Election Commissioner (CEC) and two Election Commissioners (ECs). Under Article 324(2) of the Constitution, the President appoints the CEC and ECs. Furthermore, the Constitution stipulates that the President, who acts on the advice of the Prime Minister and the Council of Ministers, shall make the appointments ‘subject to the provisions of any law made in that behalf by Parliament’ (Anand 2022).

The independence of the CEC and ECs is paramount in ensuring free and fair elections. This is obviously contingent upon the degree of independence and transparency in the appointment procedures of the CEC and ECs, which have been subjects of political and legal discourse for some time. The current debate was triggered by a Constitution bench, constituted in 2022, comprising five judges of the Supreme Court. This was in response to a batch of four public interest litigations (submitted in 2015, 2017, 2021, and 2022) which broadly sought the issuance of directives to the union government for the establishment of a neutral and independent selection panel for the purpose of recommending names to the President for appointment as CEC and ECs. In the absence of a legal framework that defines the appointment process, the CEC and ECs have been appointed by the President on the advice of a committee comprising the prime minister, the leader of the opposition in the Lok Sabha, and in case that no leader of the opposition is available, the leader of the largest opposition party in the Lok Sabha in terms of numerical strength, and the Chief Justice of India.

In December 2023, Parliament enacted a new Act, replacing the 1991 Act, which outlines a procedure for appointing the CEC and ECs. The law established a committee comprising the Prime Minister, the leader of the opposition in the Lok Sabha, and a Cabinet Minister nominated by the Prime Minister. The selection will be made from five names that have been shortlisted by a screening panel, which is headed by the law minister and comprises two union secretaries (Chopra 2024).

Since the Supreme Court bench had specified that its appointment norms are “subject to any law to be made by parliament,” the union government was well within its rights to bring this law. However, the appointment process proposed in the law has been perceived as a potential threat to the reforms sought by the Supreme Court and other civil society groups. Additionally, opposition political parties also criticized the committee’s composition, citing the potential for it to effectively sideline the leader of the opposition, who could be consistently outvoted by the Prime Minister and the union minister.

The Election Commission of India is frequently lauded for its adept management of the massive and intricate election processes using the Electronic Voting Machine (EVM). However, despite the EVM being considered an important Indian innovation, there are reservations regarding its credibility and critics who challenge its reliability. Since its introduction, the EVM has been the subject of considerable mistrust, with political parties and observers frequently making claims that it can be hacked or tampered with.

Over the years, the technology utilized in EVMs has undergone advancements. The third generation of EVMs consist of three units: a ballot unit, a control unit, and a Voter Verifiable Paper Audit Trail (VVPAT) machine. The majority of former and current CECs have expressed strong support for the use of EVMs. They argue that EVMs are more efficient and reduce malpractices such as rigging and booth capturing, which were prevalent with paper ballots. Furthermore, the issue of invalid votes due to improper marking or ink smudging in paper ballots is frequently highlighted. Debnath et al. (2017) found that the introduction of EVMs has led to a significant decline in electoral fraud, particularly in politically pivotal regions where rigging was prevalent. Additionally, there has been a decrease in crimes like murder and rape. In its judgment rendered in April 2024, the Supreme Court reaffirmed its trust in the integrity of the electoral process. While the controversies surrounding the procedure for EVM use were temporarily resolved by the Supreme Court judgment in April 2024, it is highly unlikely that the debate will be considered definitively settled for all time.

4. One Nation, One Election: Simultaneous Election

In India, the Lok Sabha (the Lower House) and State Legislative Assembly elections were simultaneously held during the first four rounds in 1952, 1957, 1962, and 1967. Subsequently, due to the premature dissolutions of the Lok Sabha, State Legislative Assemblies, or both, the elections to the Lok Sabha and State Legislative Assemblies are held at different times.

In its election manifesto for 2014, the Bharatiya Janata Party (BJP), the ruling party in India, promised to hold simultaneous elections for the Lok Sabha, the State Legislative Assemblies, and the Local Government (including Panchayati Raj Institutions and Municipalities). The concept of simultaneous elections has been mooted in the past by the Election Commission of India in 1982 and the Law Commission in 1999. While a few political parties, part of the National Democratic Alliance (NDA) headed by the BJP, have argued that holding simultaneous elections at all three levels is the only way to ensure ‘free and fair’ elections, most opposition parties have presented a variety of arguments against this move.

The Kovind Committee, established in September 2023, has been mandated to examine and make recommendations for conducting simultaneous elections in accordance with the existing constitutional framework. The panel has been tasked with proposing specific amendments to the Constitution and any other legal changes necessary to enable simultaneous elections. Additionally, the panel is tasked with providing an assessment of whether the proposed amendments necessitate the assent of at least half of the state assemblies, as stipulated in Article 368. Subsequently, the High Level Committee (HLC) has started intensive consultations with various stakeholders including political parties, civil society groups, elected representatives, and Law Commissions, among others.

Those in favor of simultaneous elections present compelling arguments regarding the financial burden and constraints on governance and development caused by frequent elections. The preparation of a single electoral roll would result in cost savings, as would a reduction in the number of security forces and civilian officials required. It would reduce the influence of money in the electoral process, as the necessity for campaign financing by political parties would be significantly reduced. Additionally, it is argued that an excess of elections leads to voter fatigue.

On the other hand, there are compelling arguments against implementing simultaneous elections. Firstly, the initiative of the BJP-led union government is perceived as hostile to the idea

and spirit of constitutional federalism, particularly given the lack of meaningful consultation with non-BJP-ruled states. Secondly, the implementation of simultaneous elections may result in the eclipsing of salient local and regional concerns in favor of national interests, which could potentially give rise to regional discontent. Thirdly, proponents of simultaneous elections argue that it would save costs, but this claim is negated by the need to procure a large number of EVMs and VVPATs. Furthermore, biennial elections to the Upper House (Rajya Sabha) and by-elections would require the allocation of resources and financial expenditure. Lastly, periodic elections ensure that important issues remain in the public domain and keep political parties and elected representatives accountable (Kumar 2024).

5. Financing of Political Parties and Election Campaigns

The issue of financing political parties and election campaigns in India has remained unresolved for decades. The absence of transparency and inconsistent policies pertaining to this matter have had a negative impact on the accountability and transparency of political parties. As Gowda and Sridharan (2012) have observed, flawed political party funding and election expenditure laws are one of the main contributing factors to corruption in the government and political system. These legislative provisions facilitate the exploitation of discretionary powers by political parties and their representatives for the purpose of raising funds for electoral campaigns and parties. Similarly, Vaishnav (2019) posited, “as the costs of elections have increased, politicians – and the bureaucrats under their influence – have become experts at skillfully manipulating regulations and policies in exchange for campaign funds. Moreover, should a candidate be fortunate enough to secure a higher office, the subsequent effort to rebuild their financial resources for future elections starts anew.” Given the Indian people’s aspirations for a democratic polity, it is imperative to identify a more effective solution to this problem.

In India, political parties have traditionally obtained funding through private donations and membership fees. Corporate contributions to political parties were permitted, although certain restrictions were in place. The Representation of the People Act (RPA), 1951, regulated campaign expenditures during elections. Candidates who exceeded the spending limits set by the RPA could face disqualification and have their election results nullified.

The debate on the subject of political party financing was revived in 2024, when a Constitution bench of five judges, led by the Chief Justice of India, invalidated the ‘Electoral Bond’ scheme implemented by the BJP-led union government. The Electoral Bond Scheme was introduced in 2017 through the Finance Bill, thereby allowing Indian citizens or bodies incorporated in India to purchase unlimited quantities of electoral bonds from specified State Bank of India (SBI) branches. Subsequently, these bonds could be donated to registered political parties, which could then redeem them through their verified accounts.

In the same year, Association for Democratic Reforms (ADR), an Indian non-governmental organization (NGO), filed petitions with the Supreme Court challenging the amendments to the Finance Act. The petitions alleged that the acts were passed as money bills improperly to avoid scrutiny by the Upper House (Rajya Sabha). The petitioners also contended that the Electoral Bond Scheme would encourage opacity in political funding and could result in widespread electoral corruption. However, in 2018, the union government notified the Electoral Bond Scheme.

In 2023, a three-member bench of the Supreme Court referred the petition against the validity of the Electoral Bond scheme to a Constitution bench of five judges. On February 15, 2024, the Constitution bench ruled the Electoral Bond Scheme unconstitutional, stating that anonymous Electoral Bonds violated the Right to Information and Article 19(1)(a) of the Constitution. Furthermore, the Supreme Court directed the SBI to disclose details of Electoral Bond donations to the Election Commission and ordered the Election Commission to publish this information on its website by March 13, 2024. On March 4, the SBI requested an extension until June 30, 2024, to provide information about Electoral Bonds to the Election Commission. Despite the SBI's procrastination, the Supreme Court ordered the disclosure of information regarding electoral bonds by the close of business on March 12, 2024 (*Outlook* 2024-03-12).

The lack of transparency in political party financing has been identified as a significant concern, particularly in relation to the opacity of campaign finance. As evidenced by the data, the ruling BJP received 47.5 percent of the total funds, followed by the All India Trinamool Congress (AITMC) with 12.6 percent and the Indian National Congress (INC) with 11.1 percent. While this data suggests potential wrongdoing, the ruling party has unequivocally denied any such allegations. A preliminary analysis revealed that several companies that donated bonds to political parties were also facing financial offense charges by investigative authorities of the union government. A number of political pundits and opposition parties have raised concerns about the possibility of a quid pro quo arrangement (Bose 2024).

6. Conclusion

India is continuously regarded as the largest electoral democracy in the world. Despite concerns raised by a multiplicity of political groups about transparency and accountability of electoral processes, voter participation has consistently increased in recent elections. As India seeks to establish itself as a global leader based on its democratic credibility, it is crucial to maintain and enhance the internal democratic framework. The attainment of this objective is contingent upon the maintenance of electoral process integrity. Similarly, ensuring the representation and inclusivity of various sections of society, particularly women and youth, in elections would make the process more inclusive. Political parties have already recognized the growing participation of women as voters, despite their lower participation in the economy and broader political activities.

Indian politics has consistently demonstrated a notable degree of competitiveness and vibrancy. However, over the past decade, India has witnessed an unprecedented level of polarization among political parties. This has had an impact on the intense competition among political parties, which has often been conducted in a manner that is devoid of basic decency. In this context, the role of the Election Commission as an independent and impartial institution is of paramount importance in restoring a sense of decency in electoral competition. The rule of law must be complemented by a sense of morality and values based on democratic principles.

The Supreme Court's annulment of the Electoral Bond Scheme has also resulted in a policy vacuum with regard to the future of political funding. As the new government is formed in the next couple of months, it would be prudent for Parliament to prioritize extensive consultations among political parties, businesses, and civil society to develop a transparent and accountable mechanism for financing political parties and election campaigns. ■

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