

# **THE BLUEPRINT FOR A BETTER BALLOT**

## **Introduction**

As the nation prepares for a new cycle of elections virtually every year, whether at the Union or State level, the media is filled with commentators from both sides. Some media houses and influencers, especially those based abroad, lament the death of democracy in India, and others contend that there is nothing that could possibly go wrong and that all of these cries for change are nothing but voices of anti-nationalism. However, in the tumult and noise of these elections, citizens forget their supreme duty in such times—the duty to ask questions and nudge the system to strive for the best outcomes. While the free decision-making ability of the citizens is immensely influenced by such narratives<sup>1</sup>, a natural question arises for many. Is India still a free democracy? It shall be discussed why India still remains a hallmark of democracy in the world, and what can be done to improve this system, and how.

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<sup>1</sup>Nov.2,2015),  
[https://www.worldwidejournals.com/paripex/recent\\_issues\\_pdf/2015/November/November\\_2015\\_1446637758\\_11.pdf](https://www.worldwidejournals.com/paripex/recent_issues_pdf/2015/November/November_2015_1446637758_11.pdf).

## The Enigmatic Election Regime

Over the past decade, prevalent issues such as the misuse of money and government machinery, undue influence over media houses, candidates who are either not serious or have criminal records, unstable coalitions, and identity-based politics have been raised before the Election Commission of India<sup>2</sup>

The Association for Democratic Reforms found that all the national parties declared by the Election Commission have Members of Parliament (MPs) with prior criminal records, out of which 44% were Union Ministers and 25% had grave criminal allegations against them. It is notable that the net worth of 53 of these MPs exceeds a billion<sup>3</sup>. In *Union of India v. Association for Democratic Reforms*<sup>4</sup>, the Supreme Court held that candidates should disclose details about their income, criminal records, and educational qualifications. However, the gaps in the implementation of this rule remain widespread. The Indian political system has become conducive to criminally-affiliated politicians because contesting elections requires influence over a specific area or constituency, which can be easily acquired by a political party by appointing a local goon as its representative, who then rises to great levels of power<sup>5</sup>. Moreover, schemes like the Electoral Bond Scheme recently scrapped by the Supreme Court are also an example of unchecked flow of money and the subsequent influence that it causes on elections<sup>6</sup>

Election money is diverted towards two verticals, election campaigns and media narratives. Election campaigns have their own problems, such as the huge rallies organised by national parties, not allowing a level-playing field to regional parties, and the use of caste or religion-based slurs in these rallies, but the issue of biased media narrative is becoming highly prevalent today, which is pernicious to the health of free will in a democratic society<sup>7</sup>. The paper ‘The Role of News Media

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<sup>2</sup>Sartaj Singh, *Electoral reforms in India: Challenges and the way forward*, (Apr. 26, 2025), <https://www.journalofpoliticalscience.com/uploads/archives/7-4-40-193.pdf>.

<sup>3</sup>Author Kalyani Shankar, *Curbing money and muscle power in elections*, Association for Democratic Reforms (Apr. 6, 2024), <https://adrindia.org/content/curbing-money-and-muscle-power-elections>.

<sup>4</sup>Association For Democratic Reforms & Anr. v. Union of India & Ors. (2002) 5 SCC 294. India Const. art. 329, cl.(b).

<sup>5</sup>(Oct. 26, 2023), <https://www.ijfmr.com/papers/2023/5/8007.pdf>.

<sup>6</sup>Alauddin Ali, (June 29, 2021), <https://ijcrt.org/papers/IJCRT2106757.pdf>.

<sup>7</sup>Dell, (July 4, 2025), <https://ijcrt.org/papers/IJCRT1136069.pdf>.

in Enhancing Voter Engagement'<sup>8</sup> argues that media houses exert high influence on the voters due to the eye-catching and provocative statements that they make during their telecasts to proliferate existing ideologies. This trend has particularly increased over the past decade for all political parties in the country, following the advent of cheap internet services<sup>9</sup>.

Other problems, such as coalition governments that form due to common political motives but are not able to function well due to the lack of a common aim set by the leaders of such coalitions, are becoming more prevalent ways of keeping the voter in the dark about progress on real issues by making an excuse of instability<sup>10</sup>. Politicians also try to capitalise on the demographic division (such as caste or religion) of a constituency for their benefit by invoking votes from the uneducated members of these communities by showing false solidarity with them<sup>11</sup>.

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<sup>8</sup>*ResearchGate*, [https://www.researchgate.net/publication/358929138\\_Role\\_of\\_News\\_Media\\_in\\_Enhancing\\_Voters'\\_Engagement\\_A\\_Literature\\_Review\\_based\\_Study](https://www.researchgate.net/publication/358929138_Role_of_News_Media_in_Enhancing_Voters'_Engagement_A_Literature_Review_based_Study).

<sup>9</sup>*JSTOR*: <https://www.jstor.org/stable/24480739?seq=6>.

<sup>10</sup> Mahendra Joshi, (Dec. 18, 2023), <https://ijrar.org/papers/IJRAR22A2890.pdf>.

<sup>11</sup> (Oct. 15, 2024), <https://www.ijfmr.com/papers/2024/5/28839.pdf>.

## The Way Ahead

Renowned scholars like Rae and Lijphart argue that such issues in elections cannot be simply countered by reforms taken in a vacuum, and that they have to be comprehensive to encompass solutions addressing electoral formula, district magnitude, term limit, and campaign finance<sup>12</sup>. Unfortunately, judicial activism in this context has neither historically nor contemporarily, in any substantial way. Supreme Court judgements and guidelines regarding the conduct of elections are often overlooked by influential candidates and political parties, with an almost attitude of perceived impunity. In *N. Ponnunswamy v. Returning Officer*<sup>13</sup>, the court held that the judiciary could not intervene much in the affairs of conducting elections, especially before the polls, as it would be ultra vires Article 329(b)<sup>14</sup> of the Constitution. Nevertheless, in *Mohinder Gill v. Chief Election Commissioner*<sup>15</sup>, it also encouraged the ECI and expressly declared that it had the authority to make innovative changes to the election procedure.

Firstly, the Supreme Court directive regarding document disclosure should be met properly. Furthermore, a deeper societal issue should be solved first. Criminally convicted or accused candidates do not fear the judicial system because they are aware that they are backed by the public itself. Owing to what the common citizen calls the systematic delay or denial of justice by the state, people turn to such gangster-politicians for help. They provide the protection, the mechanism to resolve disputes, and the economic opportunities to people that the State, which was ideally supposed to accomplish this goal, failed to provide<sup>16</sup>. Unless these issues of ordinary administrative or judicial function are solved by the State, it would be difficult to separate the crime pervasive in politics from elections.

Secondly, the punishment for financial crimes, which could potentially influence elections, should be carved out separately. The Election Commission must be given some degree of power to enforce these provisions, along with the power to enforce the Model Code of Conduct (MCC) that it currently cannot. Until now, actions like the demonetization in 2016, enacted to eliminate the use

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<sup>12</sup>Kumaran P, (June 7, 2025), <https://www.ijnrd.org/papers/IJNRD2506052.pdf>.

<sup>13</sup>*N. Ponnunswamy v. Returning Officer* (1952) SCR 218.

<sup>14</sup>India Const. art. 329, cl.(b).

<sup>15</sup>*Mohinder Gill & Anr. v. The Chief Election Commissioner & Ors.* (1978) (1) SCC 405.

<sup>16</sup><https://thebetterindia.com/125954/india-politics-money-muscle-power/>.

of black money in politics, have failed because the Election Commission has no power to enforce these provisions<sup>17</sup>. Donations made to political parties should be publicly disclosed on a regular basis, and such donations must be audited by independent firms to detect forensic fraud or conflicts of interest. This could be managed separately for each district by a Voters' Council, as recommended by the Tarkunde Committee Report, 1975<sup>18</sup>.

Thirdly, candidates should not be able to influence people from different regions by giving different and often conflicting promises. One candidate should be able to contest elections from a constituency with an increased candidature fee and a penalty for not fulfilling the promises made during their campaign, as solicited by The Dinesh Goswami Committee Report<sup>19</sup> in 1990. The attempt to persuade voters to vote on the basis of caste or religious identity should be strictly criminalized. Additionally, the anti-defection provisions should also apply to political parties as a whole, and a bar on the number of times they can form a coalition with a certain party during a specified election cycle.

India is indeed the mother of democracy in its own great ways, but this greatness must not be confused with infallibility. The lacunae that exist in it must be resolved through comprehensive measures like those mentioned to realise the true value of a free will, in letter and spirit, which truly makes us a 'republic'.

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<sup>17</sup>*Why Money and Muscle Still Rule in Indian Politics*, Carnegie Endowment for International Peace <https://carnegieendowment.org/posts/2017/01/why-money-and-muscle-still-rule-in-indian-politics?lang=en>.

<sup>18</sup>Tarkunde Committee Report on Election Expenses, 1975.

<sup>19</sup>Dinesh Goswami Report on Electoral Reforms, 1990.