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C.K. MATHEW, SURENDRA NATH TRIPATHI
C. SHEELA REDDY & A.P. SINGH

Viksit Bharat @2047

Governance Transformed

C. K. MATHEW, SURENDRA NATH TRIPATHI, C. SHEELA
REDDY, A. P. SINGH, EDITORS

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Chapter 5. Building of a Thriving Democracy in India

Dr. Noor Mohammad¹¹

*The spirit of democracy cannot be imposed from the outside.
It must come from within.
Mahatma Gandhi*

Introduction

The spirit of democracy comes from within. Democratic governance takes root when the environment is congenial to its growth and survival. It suffers reversals when the environment deteriorates, but it often asserts itself again with the changing times. Till then the spirit lies dormant. After a large number of countries adopted democracy as the system of governance, the next step was the deepening of democracy. This necessitated an assessment of the strengths and weaknesses of democracy. A number of international institutions took it upon themselves to study the democratic practices worldwide, so that shortcomings could be identified and corrective measures taken. Free and fair elections being the prerequisite for a good democracy, the practice of observing elections started. Upon invitation, elections are observed by expert groups; the strengths and shortcomings are identified; and recommendations to improve future elections are made. In addition, the Perception of Electoral Integrity Index, calculated under the Electoral Integrity Project, highlights the areas of concern that need to be

¹¹ Dr. Noor Mohammad is Electoral Management Expert at India International Institute for Democracy and Election Management in New Delhi; Secretary at the National Disaster Management Authority in New Delhi

addressed to ensure an election attains high integrity and to make the elections free and fair.

In this chapter, the growth and challenges of democracy in India, particularly electoral democracy, will be discussed. Additionally, an effort will be made to explore possible electoral reform proposals to deepen democracy in India.

The Evolution of Democracy

Democracy has evolved over time and across different geographies. In India, many tribal and traditional societies had some form of collective decision-making. Institutions such as *sabhas* and *samitis* existed during the Vedic period, around 1000 B.C. (Basham, 1981). Around the time of Buddha, several *janpadas* and assemblies of nobles made decisions through debates (Basham, 1981). However, comprehensive consultative decision-making involving the general populace seems to have been lacking, as the society was highly stratified. Later with the transformation of the *varna system* into caste system, the consultative process would have been further limited. Ancient Greece had city-states as early democracies in the West. In these states, the entire voting population—which was not very large—participated in decision-making. However, the eligibility for being a voter was not inclusive; women, slaves, and some other categories were excluded, and the entire voter population was around 10% only (Dahl, 1991). This compares well with the situation in India after the *varna system* ceased to be merit-based.

The idea of representative-based decision-making evolved in the Roman republic. The people chose their representatives from amongst the nobles and the aristocracy, and these representatives had the right to make decisions for the entire population. Later, these representatives were elected through an electoral process, initially with a limited electorate that, over time, became more and more inclusive—women were the last to

be included. The process of inclusion was slow, and universal adult franchise came to fruition in Europe only in the early twentieth century. Early democracies were developed countries, and as a result, economic development and stability were attributed to democratic governance—a factor that attracted many rulers towards democracy. Rule by the people and rule of law were attractive features of democratic governance which involved the people in governance and guaranteed equality before the law to all citizens. The ruling elites saw merit in sacrificing some of their powers and privileges because of these advantages of democratic governance. However, there have been occasions when the merits of democracy took a back seat, and democracy suffered reverses—democracies returned to autocracies. Such reversals happened when citizens and the civil society became weaker. This led to waves of democratisation followed by reversals.

As evident from the above, the path of democracy faces various challenges during its journey. However, the Indian experience with democracy has been more consistent. India's democratic experiment began with the adoption of its Constitution on January 26, 1950. The story of Indian democracy is one of both successes and challenges, but never of reversals as seen in many other countries. It was shaped by India's democracy warriors—enlightened political leadership, thriving democratic institutions and its citizens. The framers of the Constitution envisioned a nation where citizens would actively participate in governance, fundamental rights would be upheld and justice for all would be ensured. Over the decades, India has navigated through political, social, and economic challenges, ultimately emerging as a vibrant democracy. In a democracy, the very first step that ensures the involvement of the people is the process by which they elect their representatives to form the government. These representatives, sitting in the parliament, make people-friendly legislations and various institutions and constitutional bodies enforce the legislations thus made. Therefore, regular elections conducted in a free and fair

manner constitute a necessary condition for a thriving democracy. Among various institutions created for enforcing the will of the people, the Election Commission of India (ECI) is the most important institution that has helped democracy to take root in India.

India's Electoral Journey

The Indian story of democratisation has been unique. After the British Parliament took over from the East India Company under the Government of India Act, 1858, it provided for the constitution of bodies to legislate on local laws under the Indian Councils Acts of 1861 and 1892. However, the legislative bodies created thereunder were small, consisting only of nominated members, with no representation of the local people under the former Act, and with a small element of local representation under the latter. The representation of the people began with the first Central Legislative Council¹² constituted in 1909 under the Indian Councils Act, 1909. The members of the Council were elected not by the common people of India, but by special constituencies, such as municipalities, district and local boards, universities, chambers of commerce, trade associations, and groups of persons such as landholders or tea-planters. The said Act provided that certain seats in the legislative councils would be reserved exclusively for Muslims and the members to hold those seats were elected by separate electorates consisting of Muslim electors only. The council functioned until 1915. The Government of India Act, 1919, which brought the Montagu-Chelmsford Reforms, provided for a bi-cameral legislative body at the Centre—the Central Legislative Assembly¹³ and the

¹² The Council had 68 members of which only 68 were elected, the rest were nominated members.

¹³ The total number of members was 145 of which 105 were elected members. The members had a 3-year term.

Council of States.¹⁴ It continued reservation for Muslims and provided reservation to Sikhs as well. Though the Act provided for direct elections from the constituencies to both Houses, only a limited number of persons were granted the right to vote based on certain high qualifications, such as the ownership of property, payment of income tax, payment of municipal tax, or the holding of land.¹⁵

The Government of India Act, 1935, provided for a federal set-up of the British Provinces and the Indian Princely States. The Council of States and the Federal Assembly Assembly was to continue with increased number of Members and a tenure of 5 years for the Assembly and 9 years for the Council of which one-third were to retire every 3 years. The concept of constituencies for Hindus, Indian Christians, Anglo-Indian, Europeans, and Scheduled Castes was added to the existing constituencies (Rama Devi and Mendiratta, 2007).

The Constitution of India, from day one, granted universal suffrage to all citizens above 21 years of age in the country which had barely 17% literacy and widespread poverty—birth and survival of democracy in such a setting was doubted by many. The voting age was revised to 18 years in 1989. The community-wise reserved seats were abolished, but the Scheduled Castes and Scheduled Tribes were given reservation in the lower houses in the central and the state legislatures. It goes to the credit of the great people of India that they not only nursed democracy but improved it over the years. The Election Commission of India came into existence a day before India became a republic on January 25, 1950, as a one-member commission, which was made into a three-member commission in 1993.

¹⁴ The number of members was 60 of which 34 were elected. The members had a 5-year term.

¹⁵ Rule 8 read with Schedule II of the Legislative Assembly/Council of State Electoral Rules under Sections 23 and 64 of the Government of India Act, 1919.

Social and Economic Dimensions of Democracy

A holistic development of a nation and the well-being of its citizens depend on strengthening the political, social, and economic dimensions of governance. Dr. B. R. Ambedkar's vision for India was one where social and economic democracy went hand in hand with political democracy. He believed that for India to be truly democratic, it must ensure social equality and economic independence for all its citizens. He said, "Political democracy cannot last unless there lies at the base of it, social democracy." His advocacy for the annihilation of caste and the upholding of social justice, state socialism, labour rights, and economic planning remains a guiding framework for policies aimed at achieving an inclusive and equitable society. Ambedkar's insights continue to resonate as India strives to fulfil the promises of its democratic ideals.

Political democracy is characterised by its robust framework of representative institutions, free and fair elections, and the rule of law. India has made significant progress in conducting free and fair elections regularly and periodically, when the people get the opportunity to hold the government accountable. The institutional framework given in India's Constitution provides a solid foundation for political democracy by guaranteeing fundamental rights and laying down the structure of government. Regular elections at the national, state, and local levels ensure that political power remains accountable to the people. The Election Commission of India plays a pivotal role in maintaining the integrity of the electoral process. The presence of numerous political parties allows for a diversity of opinions and competition, which is essential for a healthy democracy. The independent judiciary acts as a guardian of the Constitution, ensuring that the executive and legislature do not overstep their boundaries and protecting the citizens' rights. Civil liberties are guaranteed through freedom of speech, assembly, and association.

India, through its Constitution, aims to ensure equality and social justice for all its citizens by addressing the historical and contemporary inequalities that persist in society. Affirmative action through policies like reservations in education and employment for Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), and the Economically Weaker Sections (EWS) aims to address historical injustice and promote social equity. Legal frameworks and policies aimed at promoting gender equality, such as the Protection of Women from Domestic Violence Act and reservations for women in local governance (Panchayati Raj institutions), are critical steps towards social democracy. Reservation for women in the House of the People and the State Legislative Assemblies through recent legislation is another step in the direction of gender justice. Social welfare initiatives like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the Public Distribution System (PDS) provide social safety nets for the economically disadvantaged. Efforts to provide universal access to education and health care, such as the Right to Education, Right to Information, and the National Health Mission, are essential steps for promoting social democracy. Besides, the active participation of non-governmental organisations and civil society groups in advocating social justice and the rights of marginalised communities enhances social democracy. India has traversed a considerable distance in this direction, though a lot remains to be done.

India focuses on ensuring equitable distribution of wealth and opportunities and creating conditions for sustainable economic development. Economic policies aim at ensuring that the benefits of growth are distributed equitably across different sections of society. Programmes like Pradhan Mantri Jan Dhan Yojana (financial inclusion), Pradhan Mantri Awaas Yojana (Housing for All), and various social security schemes aim to reduce poverty and improve living standards. Redistribution of land through land reforms and providing land rights to the marginalised attempt to address economic inequalities rooted in

land ownership. Ensuring fair wages, safe working conditions, and the right to unionise are crucial for economic democracy. Labour laws and reforms are continuously evolving to better protect workers' rights. In addition, financial inclusion initiatives, such as expanding banking services to rural areas and providing microfinance, empower individuals economically and support small businesses which are other steps intended to move towards economic democracy. In this regard too, India is continuously on the march ahead, though a lot of space yet remains to be covered.

Quality Concerns

The quantitative progress in terms of an increased number of democratic countries led to concerns about qualitative progress. A number of international organisations invested significant resources in the assessment of democracy:

1. Variety of Democracy (V-Dem) considers five high-level principles of democracy, namely electoral, liberal, participatory, deliberative, and egalitarian aspects, to assess democracies and to share its assessment results through its Democracy Reports. The core principles such as free and fair elections, civil liberty, judicial independence, executive control, gender equality, media freedom, and civil society guide the assessment process. According to assessments made by V-Dem, India is categorised as an electoral autocracy with a rank of 104. According to this assessment, there is an urgent need to improve democracy in India with regard to some of the core principles under assessment (V-Dem Institute, 2024).
2. The Economist Intelligence Unit (EIU), in its Democracy Index Report 2023, found that the average global score for democracy fell to its lowest level since the Index began in 2006 (Economist Intelligence Unit, 2023). According to this report, less than 8% of the world population lives in full

democracy, while almost 40% live under authoritarian rule. Increasing incidents of violent conflicts have badly dented global democracy even as world democracies seem powerless to prevent wars. The EIU's Democracy Index provides a snapshot of the state of democracy in 165 independent states and two territories. The EIU places India at rank 41 in the flawed democracy category.

3. Another important assessment is done by Freedom House, and its assessments are disseminated through its annual reports. The latest *Freedom in the world report 2023* identified manipulations in elections as the leading cause for the decline in global freedom (Freedom House, no date). The report observed that electoral manipulations were widespread; there were efforts to overturn the outcomes of elections; an uneven playing field for the opposition inhibited fair contests; electoral violence; voter apathy; etc. all contributed to the decline in global freedom. Freedom House placed India in rank 161 among 180 countries and in the partly free category. This report also underlines the need for improvement.

As evident from the above discussions, there is a case for taking corrective steps. A number of initiatives have been taken to promote and deepen democracy at the global level. The International Institute for Democracy and Electoral Assistance (The IDEA) was established on February 27–28, 1995, to support democracy globally, with India being one of the 14 founding member countries. The UN Democracy Fund was created in 2005 to support projects that empower civil society, promote human rights, and encourage participation in the democratic process. The India International Institute of Democracy and Election Management (IIIDEM), created by the Election Commission of India in 2011, imparts training to officials of Electoral Management Bodies worldwide to build their capacity to conduct free and fair elections.

There have been efforts to evaluate the quality of elections too. The Perception of Electoral Integrity (PEI) Index, calculated under the Electoral Integrity Project, highlights the areas of concern to be addressed for making an election attain high integrity levels and making the elections free and fair. According to the *Electoral Integrity Global report 2023*, India has been assigned 59 as the PEI Index score (Garnett et al., 2023). In addition, at the invitation of the countries concerned, the Electoral Observation Missions precisely conduct such evaluations on a real-time basis. The missions carry out an assessment of the entire electoral exercise during poll preparations and also during the poll, providing recommendations in line with international electoral practices so that future elections can be conducted in a more free and fair manner.

However, not all countries welcome election observers, with India being one such country. India has an Election Visitor's programme. Under this programme, participants willing to study Indian elections are allowed to observe the entire process as visitors in pre-decided locations; visitors are not required to submit any reports. Such locations are identified carefully so that the electoral machinery is able to organise such visits without disturbing the poll process.

Free and Fair Election: A Prerequisite for Democracy

A survey conducted in 40 countries in 1990–1991 revealed a global shift from materialistic values to relatively ethereal values, such as a desire for freedom, self-expression, and a better quality of life. The sample for the survey was drawn from Western countries as well as low-income countries. This change in values is compatible with democratic governance (Abramson and Inglehart, 1995). And free and fair elections that elect representative governments and make democratic decision-

making possible are the prerequisites for democratic governance.

There are distinct advantages of democratic governance, such as (Khandwalla, 1999):

1. Relatively greater legitimacy for governments.
2. Greater ability to make decisions without coercion and bloodshed.
3. There are better chances that the government acknowledges mistakes and takes corrective action.
4. Elections provide an opportunity for voters to reward or punish the government based on its performance. This facilitates a change in government through ballots rather than bullets.
5. A democratic government can decentralise operations and engage a far larger talent pool, thereby increasing efficiency in governance.
6. Governance reforms can be introduced more smoothly in a democracy than in any other system.

However, publications like *How democracies die* encourage us to ask questions like “Is our democracy in danger?” (Levitsky and Ziblatt, 2018). The authors studied the breakdown of democracies in Europe and Latin America to reach the conclusion that democracies no longer end with a bang but with the slow, steady weakening of critical institutions such as the judiciary and the press, and the gradual erosion of long-standing political norms. Other publications such as *Why elections fail* (Norris, 2015) and *How to rig an election* (Cheeseman and Klaas, 2018) show that the biggest threat to democracy lies in the stealing of elections. Therefore, while discussing democracy in India, there is a strong case for examining how elections are being conducted, what the strengths and weaknesses of the system are, and what can be done to reform the system. The discussion below on the practices in India will explore the strengths and weaknesses of the electoral practices in India and

will also discuss various proposals for reform to strengthen the electoral process and democracy.

Electoral System

There is no legal stipulation that a particular kind of electoral system is preferable to another. However, there is increasing recognition of the importance of issues that are affected by electoral systems, such as fair representation of all citizens, the equality of women and men, the rights of minorities, special considerations for the disabled, and so on (International Institute for Democracy and Electoral Assistance, 2008). These are formalised in international legal instruments such as the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights, and in various conventions and commitments concerning democratic elections made by regional organisations such as the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE).

India has adopted the First Past The Post (FPTP) system for all direct elections. State Election Commissions conduct elections to elect representatives to the Panchayat Raj institutions and the urban local bodies through this system. The Election Commission of India conducts polls to elect members of the Parliament and the Members of the State Legislative Assemblies through this process. The election of the President and the Vice President and members of the Council of States and the State Legislative Councils are carried out through the process of Proportional Representation with Single Transferable Votes.

The FPTP is easy to use and most suited to a country with low literacy. India embarked on universal suffrage with barely 17% literates in 1947. The FPTP system was best suited to that situation. That is the reason why the voting method has undergone changes thrice. The first two general elections in

1951–1952 and 1957 were conducted using as many ballot boxes as the number of candidates—each candidate was assigned one box, and his/her symbol was pasted on that box to facilitate illiterate individuals in identifying the box in which they had to insert their voter's slip. Ballot papers could be introduced only in 1962 when literacy had gone up, and voters had to choose their representatives by putting a cross mark against their chosen candidates. A pre-inked cross mark was provided to the voters so that the wrong marking of ballot papers could be avoided.

The Election Commission of India introduced Electronic Voting Machines (EVMs) in 1970, and the elections to the House of the People in 2014 were conducted with the EVMs in all polling stations country-wide. These EVMs had the Control Unit and the Balloting Unit, but there was no paper trail of the vote cast by the voter. On the intervention of the Supreme Court of India, the Voter Verifiable Paper Audit Trail (VVPAT) was introduced, which prints a slip stating the candidate's name, his/her party name, and party symbol which is visible to the voter for 7 seconds. These voter slips are verified with the results given by the Control Units in respect of randomly selected five polling stations in every assembly constituency. The demand for counting VVPAT slips in respect of all polling stations has been raised by some political parties and civil society organisations, but the Supreme Court refused to intervene.

The changing voting systems mentioned above have kept pace with time and the adoption of technology in the country. These changes have made it possible to conduct elections under adverse circumstances. The electoral system of FPTP is not known to deliver governments by a majority of votes (International Institute for Democracy and Electoral Assistance, 2008). And, in India, it has done just that. It never delivered a government elected by the majority of voters as evident from Table 1.

Table 1: Vote Share of Winners and Runner-Ups: Lok Sabha General Elections

<i>Election year</i>	<i>Winner*</i>			<i>Runner up</i>		
	<i>Party</i>	<i>Seats</i>	<i>Vote share % of valid votes polled</i>	<i>Party</i>	<i>Seats</i>	<i>Vote share % of valid votes polled</i>
1951	INC	354	44.99	CPI	16	3.29
1957	INC	371	47.78	CPI	27	8.92
1962	INC	361	44.72	CPI	29	9.94
1967	INC	283	40.78	SWA	44	8.67
1971	INC	352	43.68	CPM	25	5.12
1977	BLD	295	41.32	INC	154	34.52
1980	INC(I)	353	42.69	JNP(S)	41	9.39
1984–85	INC	424	48.12	CPM	22	5.71
1989	INC	197	39.53	JD	143	17.79
1991–92	INC	244	36.4	BJP	120	20.07
1996	BJP	161	20.29	INC	140	28.8
1998	BJP	182	25.59	INC	141	25.82
1999	BJP	182	23.75	INC	114	28.3
2004	INC	145	26.53	BJP	138	22.16
2009	INC	206	28.55	BJP	116	18.8
2014	BJP	282	31.34	INC	44	19.52
2019	BJP	303	37.7	INC	52	19.67

Note 1. Asterisk () indicates the party leading the coalition. As can be seen, during 1989–2009 the parties shown as winners did not get the majority in the house.*

Note 2. BJP = Bharatiya Janata Party; BLD = Bharatiya Lok Dal; CPI = Communist Party of India; CPM = Communist Party of India (Marxist); INC = Indian National Congress; INC(I) = Indian National Congress (Indira); JD = Janata Dal; JNP(S) = Janata Party (Secular); SWA = Swatantra Party.

The limitations of FPTP in respect to delivering a government elected by the majority of voters are further complicated due to the high level of diversity in India. A political party with a 45% vote share may win 55% of the seats in this system—a disproportionately higher number of seats compared to its vote share. However, it is simple to use and, in addition, it assigns a geographical area for the representative to serve and be accountable to the constituency. It also delivers relatively stable governments. On the negative side, it is divisive, and various ideological groups may collude to target just enough votes, not the majority of votes. The electoral campaigns tend to become violent and divide society—Papua New Guinea responded to this challenge by changing FPTP for Limited Preferential Voting (LPV) with positive results.

The FPTP has a tendency to convert electoral battles into a two-party or, at the most, three-party system. However, it has failed to limit the number of contesting parties in India, primarily due to the rise of caste-based regional parties. These parties will survive until national parties become aggressive enough to threaten their existence; this may force them to ally with one of the national level parties. There have been concerns about addressing the anomalies of mismatch between the vote share and the seats won, but no solution has been found yet. Nepal has recently adopted a mixed system with 60% of seats elected through FPTP and 40% through proportional representation. A mixed system needs to be considered as a solution to address these concerns in India too. There was an opportunity in India to convert the electoral system into the mixed system while granting reservation to women in the House of the People and the State Legislative Assemblies. The

additional seats to be given to women could be filled through the Proportional Representation System, as has been done in Bangladesh and Pakistan.

Gender Justice

The Constitution of India prescribes non-discrimination on the grounds of gender. UN Millennium Development Goal 3, “Promote Gender Equality and Empower Women,” provides for empowering women and increasing their representation in governance as well. In a patriarchal society like India, it is easier said than done. The achievements in this direction have been, at best, gradual (Rai, 2017).

Voting Rights to Women

Women in India got voting rights and the right to contest elections without much effort. Once they got these rights, they were very slow to take advantage of them. The British extended suffrage to women over 30 years of age only in 1917, and that too on the satisfaction of conditions such as being holders of a college degree, being owners of house property, or being married to a house owner. This was extended to universal adult suffrage after more than a decade, in 1928. A delegation of prominent Indian women met the then Viceroy and demanded suffrage rights for all women in India in 1917 itself, but the government did not concede the demand in the 1919 constitutional reforms. Instead, the provincial legislatures, which came into being through the 1919 reforms, were given the freedom to consider and grant these rights. The Madras province was the first to concede this demand for the women of the province, and Muthulakshmi Reddy became the first woman of the Madras Legislative Council in 1927.

The Motilal Nehru Committee, set up by the All Parties Conference to determine the basic principles for India's

Constitution in 1928, advocated universal suffrage for all Indians, including women. The Constituent Assembly incorporated universal adult suffrage for all persons above 21 years of age. Universal suffrage was granted to all, including women, in the Indian Constitution. However, this age limit was subsequently revised to 18 years by the Constitution (61st Amendment) Act, 1988.

Gap in Registration of Women as Electors

In the initial years, the registration of women suffered a setback; it was considered below the dignity of the family to give their full name, and they were registered as the wife of or daughter of so and so. Such entries were prohibited by the Election Commission of India to encourage their names to appear on the list. Some such entries were found in the Jammu and Kashmir electoral list as late as 2002—this shows the hesitation of men to reveal the names of the women in the family. Indeed, this hesitation resulted in lower registration of women. Election Commission of India devised a novel method to detect such anomalies. The percentage of women in the polling station area, as in the census figures, was compared with their names in the actual electoral rolls, thus identifying the gaps. Special drives were launched by the Commission to bridge the gap. Electors/population ratio, gender ratio, and age cohorts in the census figures are used to improve the health of the electoral roll.

Women Candidates

Women contestants in Indian elections have grown with time. The numbers increased from 355 in 2004 and 556 in 2009 to 668 in 2014 (Rai, 2017). There were 726 contestants in 2019 and 797 in 2024 (Mundhra, 2024). However, the number of contesting candidates is dismally low. Its root can be traced to

the doctrine of winnability that the political parties follow. In addition, women feel handicapped due to a lack of financial resources and are nominated to contest in lesser numbers by the political parties. The reservation of women in the House of the People and the State Legislative Assemblies, when it comes into effect, will definitely increase their number as candidates and those elected. However, the women from disadvantaged groups will still lag behind unless proactive measures are taken to help them overcome the disabilities. The UN Development Fund for Women and the UN Development Programme have been supporting the participation of women in the political process in many countries. They even provide training to women candidates in political campaigning. Some such initiatives will be desirable in the Indian context too.

Gap in Women Turnout

The Election Commission of India has worked to reduce the women's turnout gap in elections. The gap has decreased from 8.3% in 1999 to 1.55% in 2014 (Kumar, 2024). In the 2019 elections, the female voter turnout of 67.18% overtook the male voter turnout of 67.01%. The National Election Study data helped studies conclude a positive correlation between women's turnout and factors such as political knowledge, literacy, and media exposure (Kumar, 2024). The efforts of the ECI's Systematic Voter Education and Voter Participation (SVEEP) programme which started in 2009 have delivered good dividends.

Reservation for Women

Representation of women in elected bodies in India has been very low despite constitutional provisions for universal adult suffrage and for non-discrimination on grounds of sex. As we have already seen, Madras was the first to allow the right to vote

and contest elections in pursuance of constitutional reforms in 1919 and gave Dr. Muthulakshmi Reddy as the first woman member of the Legislative Council. The number of women candidates contesting elections was negligible. After India became a democratic republic with the adoption of its constitution in 1950, the number of women contestants and law makers has improved, though it is way below the international norm of one-third of the House. Previously, there was a reluctance to question the democratic credentials of the country, even if women were de facto or de jure excluded from representation. The demand for affirmative action through quotas was rejected by women members of the Constituent Assembly representing the All India Women's Congress on the grounds of equality with men (Dahlerp, 2007). However, women lagged behind men even after more than seven decades. The demand for better representation of women in politics rests primarily on the arguments of justice, the fact that women's interests cannot be safeguarded by men, or the need to include women's experiences on the political agenda. But now, gender balance in political decision-making is increasingly seen as a prerequisite for democracy itself (Dahlerp, 2007).

A number of initiatives were put forth at the international level. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979 recommended that members take temporary special measures to improve the representation of women. The Beijing Platform for Action, UN Resolution 1325, and many other international declarations in the past decades supported affirmative action (Krook, 2004). In India, women received reservation in local democratic bodies in the early 1990s through the 73rd and 74th amendments to the Constitution, which provided for not less than one-third of seats for women in Panchayats and Municipalities. And the demand for reservation in the House of the People and the State Legislative Assemblies was accepted in principle. The Constitution (81st Amendment) Bill to reserve one-third of the seats for women was introduced in the House of the People on

September 12, 1996. The Bill was referred to the joint committee of the two Houses of Parliament which submitted its report in less than 4 months, but the Bill lapsed in 1997. Subsequently, two Constitution Amendment Bills were introduced on December 14, 1998, and December 23, 1999, respectively, but could not be passed.

In yet another attempt, the Constitution (108th Amendment) Bill, 2008, was introduced to reserve not less than 30% of seats for women in the Upper House and was passed on March 9, 2010, but the Lower House referred it to the Parliamentary Standing Committee on the Ministry of Home Affairs. The Committee could not submit its report, and the Bill lapsed. Finally, the Constitution (128th Amendment) Bill, 2023, saw the light of day. The Bill was passed by both Houses of Parliament, and a new Article 334A was added to the Constitution. The new provision shall be effective after a new census exercise is conducted following this amendment and shall provide reservation for 15 years. Women have to wait until the next delimitation after the said census.

Even after the reservation is made operational, women candidates will face problems with funding as they do not control family resources. They may have to fight the menace of patriarchy and may find it difficult to compete with richer women supported by muscle power. The battle for qualitative representation will still have to be fought in the future.

One Nation, One Election

Elections to the House of the People and the State Assemblies were conducted simultaneously in 1951–1952, 1957, 1962, and 1967. This synchronisation was disturbed because the Constitution of India provided for the dissolution of the house(s) before the completion of their full term. The premature dissolution of the houses increased over time, which has now created a situation resulting in an election to one or more state

assemblies or the House of the People, or both, every year. In addition, the State Election Commissions conduct Panchayat and Municipal elections. These multiple elections lead to disruptions in the working of the state and central governments. There have been demands from many stakeholders to address this problem and to realign all these elections in a way that all elections are conducted simultaneously. The main arguments for simultaneous elections are to address disruptions in government functioning, as valuable human resources have to be diverted to elections again and again, and to reduce election expenditure on the public exchequer and for political parties.

However, there are others opposed to the move. Their argument is that frequent elections provide an opportunity for the voters to hold governments accountable, and this makes it possible to conduct a mid-term evaluation of the government's performance. This leads to increased accountability of the government and also the deepening of democracy.

A number of committees and commissions examined this issue. The reports by the Law Commission (Law Commission of India, 1999, 2015, 2018), Parliamentary Standing Committee (Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 2015), NITI Aayog (NITI Aayog, 2017), and finally by the High-Level Committee on "One Nation, One Election" (High-Level Committee Report on One Nation, One Election, 2024) went into the issue in great detail and made their recommendations. The Election Commission of India, being one of the main stakeholders, was also consulted. These reports echo the political agenda to have simultaneous elections so that the political parties are not required to answer to the electorate every year. The fatigue among the political parties from long electoral campaigns is understandable. However, this fatigue can be addressed by excluding the ministers in the state and the centre, including the Chief Ministers and the Prime Minister, from campaigns. With this, the misuse of government machinery will be reduced, and the work of the government will suffer the least. In addition, the concerns about the disruption

of the development work can be addressed by reforming the Model Code of Conduct (MCC) suitably. The Code needs to be improved, keeping in view the current needs of the electoral process.

Political Parties in India

A political party is an organised group of people that exercises its legal right to identify with a set of aims and objectives commensurate with the Constitution and the law of the land (ACE Electoral Knowledge Network, 2013). They nominate candidates to contest in an election and, through their elected representatives, influence the policies of the country. They channelise public opinion from citizens to the government and form a government when elected to govern. The guiding principles for political parties include civil and political rights, such as freedom to organise, freedom to stand for election, and freedom of speech and assembly. They include the requirement for the political system to function democratically through fair and peaceful competition, choice from more than one party, engaging parties in various electoral operations, a level playing field to contest elections, media access, transparent and accountable political finance, and internal party democracy.

The Election Commission of India (ECI) has conducted 18 General Elections to the House of the People peacefully, and there has always been a smooth transfer of power. A large number of political parties, as well as a large number of independent candidates, contested elections. There have been month-long electoral campaigns. Political parties have devised a code for candidates and political parties which is implemented by the ECI. All these positives are success stories for Indian democracy. However, there are numerous areas where things can be improved. Some of these are discussed in the sections that follow.

Laws to Regulate Political Parties

Political parties face numerous challenges in areas of internal democracy, transparency in mobilisation and use of resources, adherence to the Constitution and laws of the land, human rights, gender justice, and so on (United Nations Development Programme, no date). In India, there was no legal provision for registration or de-registration, oversight, and supervision of activities of the political parties. The Election Commission of India came up with The Election Symbols (Reservation and Allotment) Order, 1968, using its plenary powers under Article 324 of the Indian Constitution (Election Commission of India, 2017). Due to the rise in the number of political parties and in the absence of any legal provisions in this regard, this had become necessary. Surprisingly, there was no mention of political parties in the Constitution until the Anti-Defection Law was passed in 1985 (Anti-Defection Law in India, no date). The Representation of the People Act, 1951, was amended by Act 1 of 1989 by inserting “Part IVA: Registration of Political Parties,” for registering them with entitlement to accept donations and the obligation to declare all such donations.

Legal provisions on political parties are even now highly inadequate. Most political parties are controlled by only a few people. Political parties take advantage of democracy to attain power but desist from following internal democracy in decision-making on issues such as the nomination of candidates in an election, their internal elections, and so forth. Though these parties give a commitment to work under the Constitution and the laws of the land, there is no mechanism to ensure that they, in practice, follow these provisions. As a result, there is no dearth of political parties that appeal only to certain castes, religions, or regions. There is no mechanism to de-register or disqualify a political party for violating constitutional guarantees like fundamental rights and human rights. As a result, there are many political parties that have never contested

elections but are still on the register. Several recommendations have been made to bring about a comprehensive law on political parties with no positive outcome. There is an urgent need for a comprehensive political party law.

Level Playing Field and the Party in Power

Level playing field is an essential pre-requisite for a free and fair election. The Model Code of Conduct for the Guidance of Political Parties and Candidates precisely aims to achieve this (Election Commission of India, no date). Part VII of the Code puts some restrictions on the misuse of government machinery in favour of the party in power. However, there are a number of areas of concern that need attention. Ministers, Chief Ministers, and even Prime Ministers use government facilities; they campaign like political functionaries at a great cost to the exchequer and at the cost of the work of the offices they occupy. The politicians occupying other government positions also do the same. The Election Commission has the responsibility to ensure that Code violations do not go unaccounted for. The decisions on Code violations are uploaded on the ECI website and are watched by political parties and other stakeholders. Therefore, the ECI decisions should not only be fair but should appear as fair. The party in power also gets disproportionate coverage in the media which puts the other parties to disadvantage. The Code needs comprehensive revision so that it can address these issues to improve the quality of elections.

Political Finance in India

Political parties need financial resources to maintain their offices and to campaign for their candidates to seek the support of the people. These resources are mobilised through donations and contributions from individuals and corporates. During the freedom movement, the Birlas were one of the leading donors to

the Indian National Congress. In the 1960s, the Congress and the Swatantra Party were the main beneficiaries of donations from big business companies such as Tata and Birla, who together accounted to almost 34% of total company contributions between 1962 and 1968.

In 1969, the Indira Gandhi government imposed a complete ban on corporate funding (via the deletion of Section 293A of the Companies Act) to break the nexus between politics and businesses. Thereafter, the political parties started raising funds by publishing souvenirs, in which advertisements were placed by business houses. This also gave rise to cash donations and the entry of black money in political donations. To end these malpractices, the Rajiv Gandhi government took the crucial decision of lifting the ban in 1985. Post-liberalisation in 1991, the volume of corporate funding increased to a point which the country had never witnessed before. Neutral electoral trusts became the major source of political funding. These trusts made the donor anonymous. A major change affecting corporate donations was brought in 2013 by amending the Companies Act. This legislation raised the earlier 5% limit to 7.5%, allowing corporates to donate up to 7.5% of the net average profits earned in the preceding 3 years. The Finance Act, 2017, removed the earlier limit by amending Section 182 of the Companies Act 2013. In addition, changes were made in the Foreign Contribution Regulation Act (FCRA), 2010, via the 2018 Finance Bill to allow foreign companies registered in India to make political donations. The electoral trusts scheme was floated as early as 1996 by the Tata Group. This method of corporate donations received legal sanctity in 2013 by bringing these entities under Section 25 of the Companies Act, 1956.

Another dimension to corporate donations was added with the introduction of the Electoral Bonds Scheme through the Finance Act, 2017. It allowed anyone, including corporates, to donate to political parties via Electoral Bonds. The Election Commission of India expressed its reservations about the Electoral Bonds, and the Reserve Bank of India did not support

the proposal. The Association for Democratic Rights and some others approached the Supreme Court on the grounds that the scheme is illegal as it will promote shell companies and lead to crony capitalism. The Supreme Court of India held these bonds illegal in a recent judgment. The Association for Democratic Rights published data which showed disproportionately higher donations to the ruling parties in the states and at the centre. This will have much more serious implications for the health of democracy in India in the near future.

There is enough proof to suggest that money plays a disproportionate role in determining election outcomes in India and elsewhere. Precisely, this is the reason why many democracies have adopted public funding mechanisms to provide a level playing field to all political parties big, small, old, and new. Equity in political finance is the hallmark of a healthy democracy. The Indrajit Gupta Committee went into detail on the subject of state funding of elections in India but could not come up with an acceptable proposal (Indrajit Gupta Committee, 1998). It is high time India reconsiders the proposal in the interest of democracy. While reformulating the proposal, points to be kept in mind, among other things, are the potential damage a wrong political funding policy can inflict on the quality of democracy in the country. The safest mode of political finance is the state funding of elections. The handbook published by the International IDEA documents various modes of financing political parties and a suitable mix applicable to Indian circumstances can be adopted (International Institute for Democracy and Electoral Assistance, 2014).

Use of Technology

Use of technology for elections is essentially concerned with meeting three needs: firstly, an anonymous voting interface to ensure secrecy in voting; secondly, an accurate, inclusive, and comprehensive list of electors which ensures universal suffrage and that the eligibility to vote is not challenged at the time of

poll; and thirdly, management of the voting process which covers activities from the declaration of the poll schedule, nomination of candidates, electoral campaigns, preparation for elections like deployment and training of staff, all logistics, supervising the voting process on the poll day, counting of votes, and declaration of results. Use of technology increases efficiency in all these processes (ACE Electoral Knowledge Network, no date).

The ECI leverages technology in all these areas very effectively and covers the pre-election, during-election, and post-election periods. A separate Information Technology Division has been set up in the ECI headquarters to plan and execute electoral technology solutions for managing elections. The ECI has also created a training module on the use of electoral technology and imparts training on the subject to election professionals across the world. Some of these IT solutions used in Indian elections are detailed below.

Technologies During Pre-election Period

The pre-election activities include the preparation of electoral rolls. During this period, the election machinery is engaged in improving the health of the rolls. elector/population ratio (E/P ratio) is used to see if males, females, and various age groups are registered in proportion to their population. In addition, online registration of new voters, deletion of names of the deceased and relocated voters, and correction of electors' details, etc. are carried out using *National Voter Service Portal*. An innovative mobile application, *Voter Helpline*, allows electors to search for their names on the rolls. In addition, a universal toll-free number, 1950, is available across India through which voter information can be obtained in more than 22 Indian languages. Such information can also be obtained through SMS on a designated number.

Besides, the ECI has launched such a facility for people with disabilities through its *PWD App*. The Right to Information portal, *RTI Online Portal*, Systematic Voters' Education and Electoral Participation web portal (*SVEEP Portal*), and the *ECI main website* facilitate stakeholders to seek all information relevant to them. Movement of EVMs from the manufacturers to district warehouses and from one district to another district of the state is done using *EMS software*. Randomisation software is used to allocate EVMs to constituencies and polling stations.

Technologies During the Election Phase

Multiple IT solutions are used by the ECI during the election phase. These are briefly listed below:

1. *cVIGIL* is a mobile app which enables people to report code of conduct violations to the ECI on poll day. Users can upload photographs and videos in real time along with a brief description of the violations. The photographs and videos are geo-tagged which helps in identifying the place of violation. This is valuable evidence for disposal of the complaints in a time-bound manner.
2. On *MCC Violation Portal* the Model Code of Conduct violation cases, along with notices issued and decisions taken by the ECI, are uploaded for transparency reasons.
3. The application *Enabling Communication on Real-Time Environment (ENCORE)* is meant for candidate management, poll turnout, and counting management. It integrates all other applications to provide a seamless interface for the Returning Officers to manage candidates, the poll, and the counting of votes. The *Candidate Scrutiny App* forms a part of ENCORE. The stakeholders can view affidavits filed by the candidates on the *Affidavit Portal* and can file counter-affidavits if there is a mistake in the affidavit, which is also uploaded on the *ECI website*.
4. The political parties and candidates can now seek permission

for meetings, rallies, etc. online using the *Election Permission Application* and track their application. Moreover, the *Suvidha Candidate Application* can also be used for tracking the application.

5. The *Electronically Transmitted Postal Ballot System (ETPBS)* has improved turnout of service voters considerably.
6. The *Booth App* is used by the Polling Officials, Booth Level Officer, and Sector Magistrate during the poll; the *Voter Helpline Mobile App* is used by the voters to print voter slips which in the near future will serve the purpose of identifying the voter. Another mobile application, *Voter Turnout App*, is designed to provide polling station wise turnout data in real time in the coming days.
7. Election results are published in real time through the ECI website and on the mobile app.

Technologies for the Post-poll Period

Election expenditure incurred by the candidates is monitored by the *Election Expenditure App*. This has made the task of monitoring election expenditure much easier. The ECI prepares a statistical report after every election. The *Index Card Application* is used to collect all relevant information for the statistical report with accuracy and in a very short time. As evident from the above, the ECI has leveraged technology in almost every activity carried out in the preparation and conduct of elections. Some of these applications are for improving the efficiency of the electoral process, while others are to facilitate transparency among the stakeholders. ECI has the practice of taking the stakeholders on board, particularly before introducing a technology. The stakeholders are consulted, and all relevant suggestions are incorporated before the technology is launched.

Electoral Reforms

There have been regular elections in India, and all elections have resulted in a smooth transition of power. In addition, the mammoth size of the electoral operations adds to the complexities. After each election, the Election Commission of India conducts a post-election workshop to review the performance of various stakeholders and to identify the areas needing reform. Reform proposals are prepared and sent to the government for necessary legal, administrative and political reforms. Besides, a number of commissions and committees have submitted their reports for consideration by the government. Civil society and advocacy groups have also submitted their recommendations from time to time. Some of these are listed in the box below:

Box 1: Recommendations of Civil Society and Advocacy Groups for a Thriving Democracy in India

1. Dinesh Goswami Committee on Electoral Reforms (1990), <http://lawmin.nic.in/ld/erreports/Dinesh%20Goswami%20Report%20on%20Electoral%20Reforms.pdf>
2. Vohra Committee on Criminalisation of Politics (1993), https://adrindia.org/sites/default/files/VOHRA%20COMMITTEE%20REPORT_0.pdf
3. Indrajit Gupta Committee on State Funding of Elections (1998), [http://lawmin.nic.in/ld/erreports/Indrajit Gupta Committee Report.pdf](http://lawmin.nic.in/ld/erreports/Indrajit%20Gupta%20Committee%20Report.pdf)
4. The Recommendation of the Second Administrative Reforms Commission (2007), <http://arc.gov.in/4threport.pdf>
5. Core Committee on Electoral Reforms (2010), lawmin.nic.in/legislative/ereforms/bgp.doc
6. Justice Verma Committee on Amendments to Criminal Law (2013), [http://www.prsindia.org/uploads/media/Justice%20verma%20committee/js%20verma%20committe%20report.pdf](http://www.prsindia.org/uploads/media/Justice%20verma%20committee%20report.pdf)
7. Law Commission Report on Electoral Reforms (2015), <http://lawcommissionofindia.nic.in/reports/Report255.pdf>
8. Recommendation of Election Commission of India (2016),

<https://eci.gov.in/files/file/9236-proposed-election-reforms/>

9. Initiatives from the civil society/ Advocacy groups,
<http://www.adrindia.org/sites/default/files/ADR-NEW%20Recomendations-April20%202011-Final.pdf>

Some of the legal reforms accepted by the government include lowering the age for enrolment as an elector from 21 to 18; open ballot voting at elections to the Rajya Sabha to avoid cross-voting and corruption; voting through proxy for voters belonging to armed forces and para-military forces, introduced by amendment of the Act in 2003; and provisions for enrolment of overseas Indians in the electoral roll made in a recent amendment in 2011. In addition, a provision for the registration of political parties was introduced by amending the Electoral Law, though it was far below the desired level. A detailed political party law, which prescribes internal democracy, transparency and universal outreach, besides detailed provisions for registration and de-registration, and accountability, is urgently needed. An analysis of the reform proposals sent, and those accepted, clearly reveals that only a few of them have been accepted so far, and there is an urgent need to expedite the process.

Political reform proposals on making the Election Commission of India independent by reforming the appointment process of Commissioners and Chief Election Commissioners need to be addressed urgently. The recent amendments made in this regard have not fully addressed the question of transparency in their appointment. In addition, the proposal for parity in the process for removal from office in respect of Commissioners and Chief Election Commissioners has been pending for more than two decades.

Reforms through the court orders. Surprisingly, a number of reforms in the electoral management process have come through the courts. Given below are some of these reforms:

- In *N.P. Ponnuswamy v. Returning Officer, Nammakkal* (1952) and *Mohinder Singh Gill v. Chief Election Commissioner and*

Others (1978), a blanket ban was prescribed on the jurisdiction of the courts before the electoral process in completed. This ensures that the electoral process is not halted once started.

- In 1986, the Supreme Court upheld the constitutional validity of the Symbols Order, 1968, and in compliance, Sub-sections 29A, 29B, and 29C were added to the Representation of the People Act, 1951.
- The Commission became a three-member body in 1993, and all the Commissioners were treated equally. The decision-making in the Commission thereafter has been guided by this ruling. However, the constitutional amendment for the removal of Election Commissioners on par with that of the Chief Election Commissioner (CEC) through impeachment is yet to be enacted.
- At the insistence of the Supreme Court, a consultative mechanism was set up in 1993 for placing Central police forces under the supervision of the Commission during elections. This mechanism helps rationalise the deployment of the forces as per needs assessed by the Commission.
- In *Common Cause v. Union of India and Others* (1995), the apex court directed that the political parties must file their income tax returns, and that the Election Commission could ask, under Article 324, the parties to submit their statements of election expenses to it for scrutiny.
- In 2003, the Supreme Court prescribed that the contesting candidates must file an affidavit on their background so that the voters can make an informed choice at the time of voting.
- Persons in custody were debarred from contesting elections (*Jan Chaukidar v. Union of India*). The Patna High Court judgment, upheld by the Supreme Court in 2013, was nullified by an amendment in the Representation of People Act, 1951.
- MPs and MLAs were disqualified from the date of conviction (*Lily Thomas v. Union of India*).
- Voters gained the right for negative vote (NOTA case).

- VVPAT was introduced (*Subramanian Swamy v. Election Commission of India*).
- Ruling on manifestos (*S. Subramaniam Balaji v. Election Commission of India*), as a result, the ECI added Part VIII to the Model Code of Conduct.
- Media Certification and Monitoring Committees to vet campaign materials during elections were introduced in compliance with a Supreme Court judgment.
- Laws on political funding are highly inadequate. The law on electoral bonds has been found illegal by the Supreme Court of India only recently.

Reforms carried out by the Election Commission of India. Many improvements in the electoral management process have been brought about by a finer reading of the constitutional and legal provisions in place, and by their innovative interpretation to improve the process. Effective use of videography to make the process transparent, printing photographs in the electoral rolls, vulnerability mapping to create a level playing field, and the introduction of EPIC (Elector's Photo Identity Card) are some of the initiatives taken by the ECI.

There are a number of reform proposals that need immediate attention to improve the process further. Provisions to check the criminalisation of politics and to curb the influence of money power in manipulating elections and even buying elected representatives using the defection provisions need to be changed for effective improvement on the ground.

Conclusion

India has made remarkable progress in setting up democratic governance infrastructure and improving upon it with time. India's progress towards political democracy has been remarkable, as described above. The Election Commission of India has excelled in managing elections. The elections it conducts have been called a gold standard, though further

improvements and reforms are still under consideration, even in the absence of the needed reforms. Managing electorates of India's size is in itself a miracle. Its institutions are moving apace and making progress. Empowering social and economic democracies is a significant challenge. In developing societies, the material deprivations—both in absolute terms and in relation to affluent societies—are very large and the people have to choose between freedom and necessities. It is often not easy for them to opt for democracy, and when such a choice is made, it is difficult to sustain. India has proved to be an exception to this general rule.

As evident from the above discussion, India adopted democratic governance in 1950 and has continued to be governed democratically. It has had regular elections that led to the smooth transfer of power in the past 75 years. Side by side, it has worked towards addressing the question of providing for the necessities of society. The Constitution of India mandated social and economic democracy through fundamental rights, and several legislations facilitated a clearer direction to this end. The political parties express their commitment to eradicating social injustices and ensuring economic justice through their manifestos. India has marched forward by launching various social welfare schemes and by proactively pursuing social and economic justice as mentioned above. It is still a work in progress.

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