

In the era of Globalization, Electoral Corruptions and Human Rights violations in India

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Abstract

The aspect of free and fair elections is pertinent in any democratic society. Elections offer an opportunity to reconsider and decide how a country will be governed by its people. Bribery, unfair influence, gun threats and hate words are some of the most pressing election-related issues in India. These are all unethical actions taken to undermine the credibility of the Election Commission. Electoral corruption in India, including threatening to cast vote, vote-buying, voter suppression, political killings and opaque financing, directly violates human rights by undermining democratic participation, equality, and dignity. It restricts the right to free and fair elections, enables criminal elements in politics, and diverts resources from welfare, impacting rights to health and education. When big powers of the World are enhancing economic growth and military power rapidly in the era of globalized economy, India is weakening her with electoral corruptions to destroy political and economic stability.

Conversely, electoral malpractices are difficult to prove and detect due to the sheer size of the Indian elections. The judicial approach to abolishing electoral fraud and malpractice is strict in nature. Whenever there is no compliance with the legislative impediments or where there are loopholes in the statute, then, in such a scenario, the judicial organ is the ultimate savior and provides a stringent mechanism to curb the wrong and illegal practices. In the 21st century, as the largest democracy in the world, India did not correct her electoral system based on rights, equality and justice for all. A lot of human rights are violating after and before of elections. The impacts of electoral corruptions are analyzed by this paper to establish a true democratic culture in favor of human rights. To know the forms and causes of electoral malpractices will be explored by this intensive study.

Keywords: *Democracy, rights, equality, violence, Booth capturing, electoral corruption, political rights, ECI, Human Rights,*

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I. Introduction

Electoral corruption in India, including threatening to cast vote, vote-buying, voter suppression, political killings and opaque financing, directly violates human rights by undermining democratic participation, equality, and dignity. These corruptions restrict the right to free and fair elections, enable criminal elements in politics, and divert resources from welfare, impacting rights to health and education in our country.

This study has focused the issues with corrupt practices and election reforms in a democracy. Election offers an opportunity to reconsider and decide how a country will be governed by its people. By choosing their leader, the people indirectly impose their will on the country's common citizen. Through elections, the general public chooses the elected officials who run the government and the system. According to Black's Law Dictionary, an election is the procedure through which a person is officially confirmed to hold an office of national trust. In such a situation, the role of the government is to guarantee democratic elections that are free and fair. However, polling is a system where the preparation, evaluation, and delineation of the voting register are done (Plattner *et al.*, 2007).

In particular, the feature of elections is not related to the attribute of free and fair elections. In addition, a free and fair election also implies that no one is used as a pawn in the entire election system and that no unjustified control or authority is used in the political mandate of religious belief, tribe, gender, racial group, or ethnicity. However, as discussed above, once a person enters the race, their only objective is to win the votes under any circumstances. The entire concept of democracy is undermined by the illegal activities and unethical practices related to elections. Additionally, these are the actions that obstruct the peaceful exercise of the right to vote and also involve bribery, improper pressure, polling booth capture, empty assurances in election campaigns,

etc. The average population feels insecure because of these negative strategies and the unattractive actions of the politicians. Similarly, there is enough data to conclude that a politician's prospects of winning a vote are increased by their financial position. The misuse of money has corrupted the minds of the candidates. The political class, those who are the crucial representatives of a democracy, is incapable of caring for the welfare of the people because of its bribery, incompetence, indiscipline, and moral instability. In light of this background, various law commission findings, political initiatives, law reforms, and judicial strategies have attempted to reduce the problem of voting malpractice and election violations (Kohli *et al.*, 2001).

II. Statement of Problem

“Government of the people, by the people and for the people is democracy”, and people have a say in elections, since there is a rampant corruption (electoral) in India, people are not free on making their own decision. These two remarks by Abraham Lincoln doesn't appear to fit in with today's scenario, in which democracy's true spirit is under attack.

India being the world's largest democracy and we also has the honor of hosting the world's largest democratic elections in history; India faces a great problem of corruption which trashes the name of our country holding the largest democracy.

Other important issue is that in which the electoral corruption hinders the economic growth of a country like India for decades, basically promoting only few sectors, but not all since there's corruption, there will always be communal disputes and wrong hierarchy of people making the wrong decisions, which destroys the spirit of national integrity.

On top all these factors, the problem of electoral dishonesty will classify people on castes and religion, which leads to imbalance, the majority of people will give out poverty and unhealthy political environment.

People's equality and dignity, Right to Vote, Right to expression, Right to life and property and Right to freedom of religion and many more fundamental rights with many legal rights are in acute crisis in the era of electoral offences and violence. Overall development of the country is impossible without eradication of electoral malpractices immediately.

III. The objectives of the study:

1. To know the types and causes of electoral corruptions.
2. To understand the negative impacts of electoral violence.
3. To explore how electoral offences destroy democratic culture and human rights.
4. To know the policies for free and fair electoral procedure.

IV. Research Methodology

This research is mainly analytical and explorative in nature. Both primary and secondary data have been used to complete this paper. Primary data is collected through the survey by preparing a structured questionnaire by many authors. Secondary data is generated from exiting sources such as scholarly article and other publications. This secondary data provides context, background information, and a foundation for understanding current trends and practices in electoral corruption.

V. Constitutional provisions related to corrupt practice in India:

Corrupt practices and electoral offences are the two categories of acts and omissions that are deemed to be void in election. “Corrupt practices are dealt with in the Representation of Peoples Act, 1951”⁴, whereas “electoral offenses” are covered by both the Indian Penal Code, 1960⁵. In chapter IXA under the title of “Offences Relating to Elections” To begin with, any corrupt practice carried out by a candidate himself or by his agent with his consent may result in the cancellation of the entire election, as the candidate's nomination will be rejected and the election will be considered as void, whereas in the case of an electoral offence, no such major penalty is imposed other than criminal liability, secondly, if a person engages in corrupt practices, he or she faces civil consequences, such as having his or her election cancelled and the constituency remains without any representative until the next election, however, if an electoral offence is committed, the person may face imprisonment, a fine or even both⁶. Thus corrupt practice is more of a grievous crime than electoral offence, often both are misunderstood as same but the gravity of the offence and its punishment differs.

VI. Forms of corruptions in elections

Electoral corruption in India manifests through vote-buying, illicit campaign financing, abuse of state resources by incumbents, and voter manipulation, despite reduced instances of physical booth capturing due to Electronic Voting Machines (EVMs). Key forms include distributing cash/goods for votes, using undeclared campaign funds, voter intimidation, and violation of the Model Code of Conduct.

Key forms of electoral corruption in India include:

- Vote Buying and Bribery: Widespread distribution of cash, liquor, or gifts to voters to influence their choices, often intensified by poverty.
- Campaign Finance Violations: Use of black money (unaccounted funds) and anonymous donations, particularly through mechanisms like former Electoral Bonds which facilitated quid pro quo, where companies donate to parties in exchange for business contracts.
- Abuse of Official Position/Resources: Incumbents using government vehicles, aircraft, personnel, or public media for campaigning, and transferring officials to manage election machinery.
- Voter Manipulation and Intimidation: Influencing voters through false information, hate speech, caste and communal polarization, and threatening or preventing certain communities from casting vote.
- Illegal Campaigning Practices: Campaigning within 100 meters of polling stations, exceeding expenditure limits, and organizing public meetings during the prohibited 48-hour period before polls.
- Criminality by Design: Misuse of law enforcement to target rivals, alongside the nomination of candidates with criminal records, who often use funds and intimidation to sway outcomes.
- Violence by bombing and Gun power:
- Booth capturing:
- Threatening to Life and property:
- Conspiracy of giving false criminal case:

Electoral corruption is monitored by the Election Commission of India (ECI), though challenges remain in enforcing penalties and punishment effectively.

VII. The practices of election reforms

Every election, whether it be a local election, a Panchayat election, a constituent assembly election, etc., exhibits issues related to electoral violations. The majority of these issues are clearly outlined in a number of pieces of legislation, including the Representation of the People Act of 1951 and the Indian Penal Code of 1860. These are all unethical actions taken to undermine the credibility of the electoral commission and the conduct of free and fair elections. As noted above, the most significant issue with election corruption is the matter of bribery. In this instance, public funds are being wasted and misused for private gain. Furthermore, the nation's immoral atmosphere is a result of the misuse of public funds. Nonetheless, corruption has crept into everyday life, and honesty has turned into an oddity. Unfair influence, on the other hand, refers to situations in which power over a particular group of people or an individual is misused or controlled. Unfair influence has several components, including false promises and obligations. Then again, votes are asked based on fictitious pledges. Despite this, the issue of improper influence mostly affects the weaker members of society. (Fourth Report, 2007).

Evidently, the appeal to vote on the basis of caste, race, community, or religion is mostly witnessed in areas where a majority of the population is caste or religion-specific. Through a social agenda or favoritism for a certain tribe, the political parties seek to preserve the authority of individuals who are motivated by their religious beliefs. In short, the legislation should completely forbid any moral appeals depending on ethnicity, religion, or other factors. For this reason, promoting hatred or enmity on the grounds of religion is the case when a specific candidate belonging to a specific religion tries to extort votes by using this tactic. Specific hate words are used in order to create a negative impact in the minds of the voters. Thus, booth capturing is the issue where the candidate himself or through his agents indulges in activities such as seizure of a polling station or a place fixed for polling, allowing their supporters to vote and preventing the coercion of others to vote in favor of a specific candidate. Accordingly, seizure of a place where the counting of votes is taking place. The finest illustration of an election campaign is focusing on the cash needed to cast a ballot. Subsequently, the erosion of democratic and legal standards in political cultures is due to ongoing resignations and the toppling of regimes. It is a fact that the citizens of the nation support one particular political party by embracing cash in the legislature and the executive branch. To be more precise, there are a few more offenses with respect to elections, such as impersonation in an election booth. It refers to those instances where any person at an election votes in the name of another person or applies for a voter card in the name of another person. Also of importance is the issue of concealing election expenses, which is considered an offense. A separate and correct account of the election expenses is mandatory for every candidate contesting the election. Notwithstanding, free conveyance of voters on the day of voting is another major offense that has been witnessed recently in different elections (Fourth Report, 2007).

VIII. Legislative Gaps to meet the problems

As previously stated, legislative efforts and intervention are insufficient to address the issues associated with electoral offenses and electoral corruption. Despite the fact that the Indian Penal Code 1860 is the primary source for punishing wrongdoers involved in electoral campaigns and practices. The Representation of the

People Act, 1951, is a significant piece of legislation dealing with election administration, election organization, and so on. Most of the offenses have been added by the amendments to the original Act. A total of eight offenses are described as corrupt practices under the Act. Despite such a detailed description of the offenses in the RP Act, 1951, electoral offenses and malpractices have persisted. In particular, the ground-level reality and implementation of honest practices are difficult (Kaur, 2008).

The earlier discussion on the election commission has been quite assertive and has wielded significant influence. But election fraud has evolved over time. Subsequently, new forms of electoral corruption and malpractice are observed. According to a study, over the last 15-20 years, at least one fifth of India's electorates were paid in cash for their vote casting. In spite of leaked internet sources and political leaders private discussions about vote bribery, the campaign spending cap is consistently violated and breached by candidates. However, electoral malpractices are difficult to prove and detect due to the sheer size of the Indian elections. The judicial approach to eradicate these malpractices is strict in nature. The following section of this paper will go over judicial approaches to preventing electoral fraud (Kaur, 2008).

IX. Legislative impediments during election campaigns

What is more, the Supreme Court, the High Courts, and the subordinate judiciary are the final protectors of rights. Whenever there is no compliance with the legislature or where there are loopholes in the statute, then, in such a scenario, the judicial organ is the ultimate savior and provides a stringent mechanism to curb the wrong and illegal practices. On one hand, the Supreme Court of India has been quite strict with respect to accountability in the conduct of elections and the behavior of the candidates participating in the elections. Another point to consider is that the provision is not unlawful, but it was decided that it would be assumed that the applicant or his election agent approved expenses in relation to the vote of the contestant that they knew about. It is important to highlight that the Election Commission received a censure from the Supreme Court for failing to take action against politicians who used bigotry during their campaigns. In effect, the Commission has limited ability to intervene in such cases. As of now, the judiciary has not taken any substantial action in response to the claims of hate speech in political campaigns. The electoral board needs to take more initiative on these problems. The electoral board, meanwhile, has asserted that they are "powerless" in cases involving bigotry (SCO, 2022).

On the other hand, there is a serious issue with the criminalization of politicians. Also, individuals with a fugitive history remain in office in state and local legislatures. As a result, when convicted criminals write the laws and move about with police surveillance, a highly awkward and unfavorable scenario arises. The infiltration of criminals and deviant people into the voting process has drawn the attention of electoral boards. It has established standards and given advice to the state to stop legalizing such politicians. Consequently, the electoral board has implemented a series of admirable election changes to enhance transparency and improve electoral justice. Undoubtedly, these changes are wonderful and completely appropriate. Without a doubt, the electoral boards and the electoral equipment have to be commended for holding impartial and transparent votes. Rather, politicians use dishonest tactics and unethical behavior to win over voters. This kind of malice motivates immoral elements to participate in the democratic process. Not having enough laws is not the issue, but it is how strictly they are applied. The electoral board's authority must be increased in both the legislative and administrative realms so as to combat these unjust trends. Finally, the electoral board must be given the authority to reprimand bad candidates who disobey and break the voting rules (Mainstream Weekly, 2008).

X. Compliance of laws with Paid media

In summary, the legislative efforts and the intent of the legislature have been quite clear to abolish the malpractices existing in electoral practices. However, there are still loopholes in the system. As a consequence, the judicial approach has not been quite strict enough to resolve the electoral malpractices. Hence, the act of the judiciary is very limited, as it can only resolve those issues that come before the court. All suggestions and recommendations are provided in light of the various law commission reports constituted from time to time by the government. It is clear that a strict approach and compliance are required with respect to the law commission's reports. The very first suggestion is with specific reference to keeping track of, examining, and disbursing records of the costs expended by a political party and its political leader in the campaign before the election. The second recommendation can be in the form of a disqualification from contesting the election if any candidate is found involved in electoral malpractices. The disqualification needs to be strict and stringent, as the electoral offenses affect society at large. The witness in the prosecution case should be given protection from these political leaders, as these leaders have strong political clout and influence. As a result, protection must ensure that the witness provides credible testimony in court (Plattner *et al.*, 2007).

The most obvious situation of the "paid media" in the election scene is the variety of "packages" that news sources provide to politicians. In comparison, many news companies are funded by political parties in

exchange for advantageous publicity. It is to be noted that unique content, front-page stories, unfavorable publicity of rivals, etc., are all included in packages. Therefore, politicians spend enormous funds as a part of a “package” agreement to fabricate positive news material in an effort to sway voters. Likewise, campaign strategists use the news to spread spoiling, sensational, and repulsive content. This conflicts with the view held by newspapers and television that they won't give a political party's advertisement coverage unless the party is prepared to pay the media the money it seeks. To this end, the practice of publishing news for money also includes withholding or postponing the broadcast. As stated previously, this has two effects: a) it impacts the legitimacy of voting, lynching a politician's chances to his monetary capacity to pay the press for attention; and b) the electorate's right to information, which is a component of their fundamental right under Article 119(1)(a), is affected. Lastly, politicians who are willing to spend money are given special preference in the media. The aforementioned issues with premium content are being addressed gradually. By focusing on sponsored news, it is not categorically forbidden, nor is there a law that addresses election ads. Therefore, it is necessary to make laws and establish standards to stipulate punishments in cases of breach. However, election campaigning and sponsored news are impacted by the characteristics of the existing legal framework that governs elections (Law Commission of India, 2015).

XI. Key Human Rights Impacts of Electoral Corruption:

Electoral corruptions in India, including vote-buying, voter suppression, and opaque financing, directly violates human rights by undermining democratic participation, equality, and dignity. It restricts the right to free and fair elections, enables criminal elements in politics, and diverts resources from welfare, impacting rights to health and education.

- **Violation of Political Rights:** Fraudulent practices, voter suppression, and voter roll manipulation prevent citizens from exercising their right to vote, breaking trust in democratic institutions.
- **Criminalization of Politics:** A significant percentage of representatives have pending criminal charges—nearly 14% of MPs in some datasets—which often translates to systemic corruption and intimidation of vulnerable populations.
- **Opaque Funding & Corporate Nexus:** Systems like the former electoral bonds allowed anonymous "donations" (often termed "chanda do, dhanda lo" - give donation, get business), enabling undue corporate influence, extortion, and laundering, which undermines governance and public welfare.
- **Voter Suppression & Coercion:** The use of muscle power, illegal money, and intimidation inhibits the free choice of voters, especially in rural or underprivileged areas, violating their rights to free expression and fair representation.
- **Systemic Inequity:** The high cost of campaigning often restricts access to political competition to wealthy elites, ensuring that elected officials represent vested interests rather than the populace.

XII. Remedial Suggestions:

Based on these work findings, the following strategic steps are proposed to improve democratic practices and promote transparent free and fair elections in India:

- a) **Voter Awareness and Education Campaigns:** Implement structured awareness programs to educate citizens on the significance of free and fair elections. Promote civic education emphasizing the rights and responsibilities of voters in a democratic system.
- b) **Electoral Process Reforms:** Ensure financial transparency by mandating clear disclosure of election expenditures by candidates. Enforce strict regulations to curb vote-buying and introduce legal penalties for electoral fraud and malpractice.
- c) **Use of Technology in Elections:** Invest in secure and transparent electoral technologies, such as electronic voting systems and digital monitoring platforms, to reduce human error and fraud.
- d) **Strengthening Election Monitoring Systems:** Deploy independent observers and watchdog agencies to monitor elections and report irregularities. Encourage citizen participation in election monitoring initiatives to promote community accountability.
- e) **Restoring Trust in Governance:** Conduct public engagement programs to bridge the trust deficit between citizens and government institutions. Encourage ethical leadership and accountability mechanisms to improve governance outcomes.
- f) **Combating Vote Bribery:** Launch behavioral change campaigns to discourage voters from accepting incentives in exchange for votes. Collaborate with NGOs and civil society organizations to promote clean electoral practices at the grassroots level.

XIII. Conclusion

The current study is an elaborative and illustrative study of the electoral malpractices and corruption existing in the elections of India. Legislative intervention has been there, but the same cannot be said to be up to par. Instead of relying on any other entity, they should start making electoral changes on their own. The role of the judicial wing has fulfilled the expectations of the common man of the nation by providing a clear interpretation of the gray areas of the electoral system. In order to restrict the printing, advertising, or distribution of any election-related information by print or digital media, Section 126(1) (b) of the Representation of the Peoples Act, 1951, should be changed. The prohibition on polling data in digital news does not apply to print advertising. Through any other method, such as but not limited to, advertisements, forums, polls, media coverage, and public announcements, within the forty-eight hours prior to the polls' closing. The strength of such an approach is that the citizens' need to be sufficiently informed that polling results are assumptions of forecasts, and so they are susceptible to error. That is why legislation on polling results is essential to confirm that the credentials of the organizations conducting the poll are known to the public. Secondly, the citizens have the opportunity to evaluate the authenticity of the techniques used in the polling results. As a result, the RPA needs to include new sections 126C and 126D (Law Commission of India, 2015).

To conclude, the existing structure is a profusion of autonomous electors, most of whom are puppets or non-serious individuals or stand with a similar name to confuse voters. Thus, it is advisable to ban independent candidates from running in elections. Consequently, it is necessary to change Sections 4 and 5 of the RP Act to limit the election participation of political parties that have registered with the election board (Law Commission of India, 2015).

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