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**Influence Of Race and Religion on Electoral Method**

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### Abstract

The essence of a democratic election is freedom of choice, but in a country like India where race, religion, caste, language plays a crucial role in the life of citizens, such aspect tends to be misused by political candidates for their electoral agenda.

Dr. B. R Ambedkar who is well known as the “father of Constitution of India” introduced the Representation of People's Act 1951 in the Parliament of India to provide a conduct of election for the house of Parliament. The act declares gaining or influencing the prohibition of votes for a particular race, caste, creed, community an act prohibited by law.<sup>25</sup>

Election is pivotal to the quality of a country's governance, it relates to political liberty and equality. Hence, it must be conducted in a Free and fair manner. The right to vote must be practiced without any strain of corruption. It is worth mentioning that though, in a country of diversity like India, race, religion are inherent to the Individual. However, it shouldn't be an influence in the political regime.

This research intensively studies the importance of free politics of all traces of religious controversies; it is solely based on research, legislation, policies, and responses to the impact of religion and race on the choice of candidates. The paper emphasizes an approach that the mix of religion and politics with vengeance must be discouraged at all times.

**Keywords:** Communal Riots, Representation Of People’s Act, Voting Behaviour, Religious Influence.

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<sup>25</sup> Sec 123(3) of the Representation of People’s Act 1951

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## 1. Introduction

India is a land with a diversity of religions and the purity of devotions. India has a population embracing different religions and cultures; it is the foundation for most areas of life for individuals and families. However, the integral connection of an individual to its religion and its race is witnessed to be misused in the political arena. India is a home to individuals from nine religions and is considered to be a birthplace to some major religions in the world. Religions since ancient times have played a crucial role in human life; from religion shaping the personal development of an individual, it also prescribes rules of human conduct.

While all the religions are different from others in a unique way, this difference is used to gain votes or refrain votes against a candidate in the electoral process. The electoral candidates in the world's largest democracy are endorsing religion-based voting rather than a secular democratic election.

Religion has proved to have a strong grip over the thought process of the citizens. Religious considerations dominate every sphere of human life. India is a secular nation where religion is entitled to play no role in politics. However, religion is playing a dominant role in election campaigning, voting behavior, policymaking. Politicians cater to the needs of specific religious groups in return for political support, poverty in India is used as a target to cater votes; individuals living in poverty are given monetary benefits and voting behavior is influenced by emotions rather than rationality. Illiteracy of the voters also hampers the purity of the election process. Politicians are also not well qualified which is also another reason why focus on religious faith is more than the need for adequate policies and programs for the benefit of all.

In a country like India, religion is inseparable from politics. A support of a political party in India is from the religious group it acknowledges. Support of a political party towards a specific religion also enumerates hate among the groups in society, also resulting in riots such as riots in Muzaffarpur before the Uttar Pradesh elections.

Even now when COVID 19 pandemic has taken so many lives globally, it has turned out to be a battle of Hinduism- Islamic belief after the "tablighi jamaat" incident which increased the number of COVID 19 positive cases in India. Where a disease with the capability to eradicate the human race is treated as a battle of religion in India, it is imperative that it affects the regular political regime. It is believed among the commoners that Bhartiya Janata Party came to force due to support from northern India which is known as the Hindu belt and Aam Aadmi Party won state legislative election in Delhi due to support from the Muslim Community.

The diplomacy of the Indian National Congress in the early eighties was nothing however exploitation of spiritual sentiments of Indian society. In India where personal laws play an important role in society, it must be isolated from the electoral process. While freedom to profess, celebrate diverse religions is in the roots of Indian history, it should not be used as a tool to influence the governance. It must be noted that an election should be conducted to achieve smooth functioning and effective growth of the state, there is no role of faith and personal affairs of an individual.

The influence of race on the electoral process has low emotional appeal comparative to the role of religion in Indian politics. In the state of Tamil Nadu, the movement lead by Dravida Munnetta Kazhakam is based on racial consideration viz the conflict between aryas and dravidas. It is surprising to note that no election appeal in Tamil Nadu questioning the validity of elections on the ground of race has come up.

## 2. Religious Riots and Politics

Eighteenth-century witnessed innumerable revolts; there were communal riots in the state of Ahmadabad in 1714; in 1719-20 in the state of Kashmir, in Delhi in 1729, and Vidarbha in 1786.

The historians observe and record evidence of occurrence of riots for the 19<sup>th</sup> Century, Benaras (1809-15), Koil (1820), Moradabad in the year 1833, Bareilly, Kanpur and Allahabad (1837-52) Bayly in the year 1883, Bengal 1907, Peshawar (1910), Ayodhya (1912), Agra (1913), Shahabad (1917) and Katarpur (1918). Between the years 1920 and 1924 there have been revolts in Malegaon, Multan, Lahore, Saharanpur, Amritsar, Allahabad, Calcutta, Delhi, Gulbarga, Kohat, Lucknow. The year 1950, has the highest number of reported riots, 50, till the 1980s. The period between the years 1950-1976 witnessed an average of about 16 riots reported per year. The period of 1981-2001, witnessed an increased rate of incidents of about 47 riots reported per year from across the nation.

The death of Indira Nehru Gandhi by her Sikh bodyguards in 1984 was trailed by a spate of anti-Sikh riots. During this time, the BJP along with other ancillary associations of the RSS started a movement to construct a temple at the site of the controversial Babri Mosque or Babri Masjid in Ayodhya. This was another political move by the Bhartiya Janata Party which gained them an 11% increase in votes in the coming elections. The Supreme Court in November 2020 put an end to the Babri mosque battle between Hindus and Muslims. Riots were seen before

the judgment had to be delivered. The political moves of Babri mosque give rise to years of hatred between the Hindu and Muslim communities.

In 2002, a series of riots were witnessed in the state of Gujarat, where leaders of the Bhartiya Janata Party were said to be allegedly involved. These riots resulted in the death of a thousand people, forcing approximately 98,000 people into refugee camps. This was followed by a period of silence till the year 2013, when revolts were again witnessed in Kishtwar in Jammu and in Muzaffarnagar, Uttar Pradesh which resulting in 62 casualties.

The February 2020 Delhi riots, which left more than 40 dead and hundreds injured, were triggered by protests against a Citizenship law which many critics view as anti-Muslim and part of Bhartiya Janata Party's Hindu nationalist agenda. Reports state that religious violence has increased by 28% under the leadership of present Prime Minister Shri Narendra Modi<sup>26</sup>

According to data released by the Lok Sabha, 7486 communal riots have been witnessed in India between the periods of 2008-2017, killing over 1,100 people.<sup>27</sup>

### **3. Introduction to The Representation of the People Act, 1951**

The Representation of the People Act, 1951 is a sanction enacted by the Parliament of India which makes provisions for the conduct of the election of the Houses of Parliament and the House of the general assembly of each state, the capabilities and exclusions for membership of those Houses, the corrupt practices and other offenses in connection with such elections and the decision of disputes arising out in connection with such elections. It was introduced in Parliament by India's First Law and Justice Minister, Dr. B.R. Ambedkar. The Act was enacted by the probationary parliament under Article 327 of the Constitution of India, before the primary elections.

The Representation of People Act, 1950 extends to the whole of India. The Act was commenced on the 17<sup>th</sup> of July 1951. The act has been amended several times; the latest amendment was in the year 2001. The Representation of people's Act contains 13 elements. Each element is divided into different sections making it a total of 171 sections.

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<sup>26</sup> Data by Home Ministry of India <http://164.100.47.190/loksabhaquestions/annex/14/AU590.pdf>

<sup>27</sup> Lok Sabha Data on Feb 8, 2018; Aug 8, 2017; Dec2, 2014; May 7, 2013 and Aug2010  
[http://164.100.47.193/Annexure\\_New/lq15/5/au2545.htm](http://164.100.47.193/Annexure_New/lq15/5/au2545.htm)

#### 4. Race and Religion as a Ground of Appeal

Appeal to influence voters on the ground of religion, race, caste, community, and the use of or appeal to national symbols constitute corrupt practice. Section 123 of the R.P. Act, 1951, preceding the revision act of 1961, subsection 3 of section 123 was as follows:

*“The appeal by a constituent competitor or his agent or by some other individual with the assent of such applicant or his agent to cast a ballot or cease from deciding in favor of any competitor on the ground of his religion, race, caste, community, or Language or the utilization of religious symbol, or the utilization of, or bid to, national image, such a national Flag or national symbol, for the Furtherance of the possibilities of the appointment of that candidate or for preferentially influencing the election of such candidate.”*

For explanatory purposes, appeal on the ground of race and religion is taken together, and claim to religious or national images is restrained individually.

In **Harcharan Singh v. Sajjan Singh**,<sup>28</sup> the court held that “single appeal by the candidate or his election agent or by any other person on the ground of religion, race, caste or

Community would be a corrupt practice ”.

However, the corrupt practice, committed by a person other than the candidate or his election agent without the consent of such candidate is excluded from the purview of the provision. This provision intends to remove race, religion, and caste factors from the election process. The peculiar scenario which exists in the world’s largest democracy has compelled the lawmakers to enact such provision.

Purity of election demands that consideration of race should not play any role in the election and such considerations should not influence the voters while exercising their franchise. The constitution of India recognizes universal adult franchise which grants the right to vote to all citizens above the age of 18 years without any discrimination on caste, color, religion, or gender. The principle of Universal adult franchise is the essence of the Democratic Government. Therefore, the election law specifies that an appeal on the ground of race is a corrupt practice.

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<sup>28</sup> AIR 1958 SC 236,238

An appeal on the ground of race would be a corrupt practice even if the rival candidates belong to the same religion.<sup>29</sup> Though appeal on the ground of race is a ground for setting aside the election, no election petition seems to have been filed so far alleging the corrupt practice of appeal to vote on the ground of race. This may be owing to the reason that in India there exists no conflict among the people on a racial basis.

The first part of the model code of conduct given by the Election commission of India for the guidance of political parties and candidates expressly provides prohibition of any kind of speech that encourages, or attempts to encourage, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, community by the candidate or his agent or any other person with the consent of the candidate<sup>30</sup>

### **5. Voting Appeal on Ground of Race and Religion: A Corrupt Practice**

It cannot be denied that the quality of any democratic establishment relying upon the purity of the electoral method. If the elections are free and fair, then only there would be a true illustration of the people within the government. Indeed, racism is not prominent in India, rather religion since the primitive times have played a dominant role in the political process. However, the appeal to vote or prohibition of the vote on the ground of race and religion is unlawful, penalized by the Representation of people's acts. There is a possibility of manifestation of racial based voting.

The less educated part of the society is prone to racial based voting. Race is used as a factor alone in combination with other factors such as religion, community to gather votes.

The choice of a suitable candidate should be made depending upon the merits and demerits of the candidate and programs by the political party. When considerations other than the capabilities of the candidates and policies overtake the mind of the elector or influence his choice of vote, it can be concluded that the method of election has been contaminated such acts of interference constitute corrupt practice.

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<sup>29</sup> Kultur singh V Muktair Singh AIR 1966 SC 141

<sup>30</sup> Sec 123(A) of the Representation of People's Act, 1951



It is on the law to preserve the purity of the electoral method. Therefore race and religion must not be used to gather votes and therefore the same is prohibited by section 123 of the Representation of People's Act. Racial discrimination hampers democracy and the protection of the same is the responsibility of law of the land. In a country like India, Afro-phobia is prominent, black people have been discriminated against. However, the same cannot be traced to politics.

## 6. Key Cases

- **Abhiram Singh v. C.D. Commachen by LRS. And Ors.**<sup>31</sup>

The seven-judge bench decision of the Supreme Court of India that electoral Candidate cannot gain a vote on grounds of religious faith, race, caste, community, or Language seems a progressive step that could potentially rewrite the principles of engagement in India. India is a secular state and, the court argues, It is solely in the fitness of things that race, religion are likely to be kept out of the electoral method.

The Apex Court analyzed the law on corrupt practices under the R.P Act 1951 taking into

Account series of case laws. The Court interpreted the two clauses: subsection 3 (A) under section 123 of the RP Act and section 153 A of the Indian penal code, both of which deal with the promotion of feelings of enmity or hatred between different categories of voters of the Republic of India.

The judges traced legislative history to support their broad interpretation. The question was the interpretation of the pronoun “his” under subsection Three of section 123 of the R.P Act and If it is qualified for only electoral candidate or whether it qualified the voters as well.

The majority judgment penned by Justices Madan Lokur and Nageshwars Rao, aided by the judgment of justice Bobde and chief Justice (currently retired) Tirath Singh Thakur gave section 123 (3) an additional expansion meaning “for maintaining the purity of the electoral method and not vitiating it, sub-section (3) of section 123 of the Representation the People's

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<sup>31</sup> (1996) SC 665,(2014) 14 SCC 382

Act, 1951 should tend a wide and purposive understanding thereby bringing within the definition of corrupt practice, any appeal made to an elector by a candidate or his agent to vote or refrain from voting for the furtherance of the probability of the election of that candidate.

The opposition judgment delivered by Justice Goel, Lalit, and Chanderchud held that that the expression “his” in section 123 (3) must denote to religion, race, community, or language of the candidate in whose favor a request to cast a vote is made or that of another candidate against whom there is an appeal to refrain from voting on the religion, caste, community or language of with one sweep, the Apex course was reiterated the founding values of the Indian constitution, the complete separation of the church and the state what it means that religion is a purely personal affair of private domain. While every person has the right to preach, practice, and propagate his or her faith, it has no place in the public affairs of the nation. This judgment would recharacterize the Indian strategy and purge it of all the aberrations that have crept into the electoral arena since the principle general appointment of 1952.

- **Zlauddin Burhanuddin Bukhari v. Brijmohan Ramdassmehran** <sup>32</sup>

The reason why appeal on the ground of race, religion, caste, community, or language in election are considered reprehensible and a corrupt practice has been succinctly explained by the supreme court in the above-mentioned citation. Our constitution makers certainly intended to set up a democratic republic the binding split of which is summed up by the objectives outlined in the preamble of the Constitution. No democratic political and social order, within which the conditions of freedom and their progressive growth for all produce some regulation of all activities imperative, might endure without any agreement on the

Necessities and which could unite citizens together despite of constraints of religion, race, caste, and community.

It appears that section 123, subsection (3) and (3A) were enacted so as to eliminate, from the electoral method, appeals to those factious factors that arouse irrational passion that run counter to the fundamental tends of the constitution and so of any political and social order.

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<sup>32</sup> AIR 1975 SC 1788 ,1975 SCR 453

## 7. Conclusion

Though the Indian Government, through the autonomous constitutional body, the election commission of India and the Representation of the People's Act 1951 has made numerous efforts to isolate the aspects of race, religion, community, language from the Political Process. The bitter reality is that even present political parties i.e. Bhartiya Janata Party.

Indian National Congress and Aam Aadmi party use race, religion to cater to votes in the elections. The Representation of People's Act 1957 and the code of conduct election commission have failed to completely eliminate elections from religious sentiments. Where elections should solely be based on the merits and demerits of candidates, policies, and programs of the political party, it has witnessed a major influence due to race, religion, caste, creed, and language.

## 8. Recommendations

In a country like India where religion and culture form the identity of an individual, it is not realistically possible to eliminate religion out of politics and elections. Since the partition of British India, Muslims in India are national minorities who feel left out from the mainstream hence resulting in the Hindu Muslim conflict, comfortably used by politicians to increase their vote bank. It is impossible in India to eliminate religion and politics. However, efforts must be made to minimize the use of religion for political benefits.

- Literacy should be the primary concern of the government. The more literate the citizens are, the less likely they would fall into the trap of religious-based voting.
- Efforts must be made to provide the same benefits to all the religious groups in society. Any law favoring one religious community shall be considered violating Article 14 of the Indian Constitution.

- Education must be important eligibility criteria to be a Political Candidate. This is long required in the Indian statute.
- Laws need to change to suit the changing scenario. The law identifying Corrupt Practices needs a subsequent look. A rigid statute must be enacted to completely govern all the possible scenarios arising in elections with its penalized punishment. Cancellation of candidature is an easy punishment.
- To ensure purity of elections is not only the responsibility of the Election Commission of India but also the Government and the electoral Candidates as well. To signify this perspective the constitutions must have a provision to that effect. Article 326 should be amended to include fair and free elections.
- The Election Commission of India is the only executive body which is responsible for conducting elections of legislative bodies. The scope of power of the Election Commission should be widened; granting power to Election Commission to file a petition in the appropriate court to set aside the election of a candidate who it finds to have indulged in any of the Corrupt Practices.
- The Representation of People's Act 1951 should be amended to apply the provisions of Corrupt Practices on the candidate from the date he has been duly nominated.
- A committee must be established under The Representation of People's Act 1951 to monitor the activities of Political Candidates and submit the report to the Election Commission of India to take any further action if the conclusion of the report highlights any activity against the model code of conduct.
- When the election of a candidate is set aside for being guilty of corrupt practices, the question to determine the period of disqualification has been left to the President of India who shall be advised by the Election Commission of India. This provision appears to be absurd and in our submission, such a question must be left to the decision of the judiciary and not the executive.
- The law governing qualifications and disqualifications for being a legislator needs reformulations.