

The Characteristics and Challenges of Electoral Legitimacy in Nigeria and India

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Abstract- This study examines the complex dynamics of electoral legitimacy and its effect on gender equality in the electoral systems of Nigeria and India from 2004 to 2015. It emphasises the significant barrier that gender inequality in politics poses, the challenges that female candidates face within political parties, and the implications for the legitimacy of elections in these two democratic systems. In addition, it investigates the barriers to achieving gender representation in the context of electoral legitimacy. A comparative analysis is conducted to determine the similarities and differences between the electoral legitimacy of the two countries. Utilising a secondary qualitative research methodology, the current study relies on various secondary sources, such as peer-reviewed academic papers and official government reports meticulously compiled from credible academic databases. The study's findings indicate that India's emphasis on electoral autonomy and technological progress has increased public confidence. In contrast, Nigeria needs help to maintain the independence and openness of its electoral commission. The study suggests a series of measures that should be prioritised to strengthen the legitimacy of electoral procedures.

Index Terms- Electoral legitimacy, Electoral framework, Gender representation, elections, political representation, Gender policies, Public perception, Nigeria, India

I. INTRODUCTION

The research investigates how the electoral legitimacy process has inhibited gender equality, creating gender disparity and party bottlenecks for female candidates and women. The United Nations Secretary (Antonio Guterres) says gender equality is “still 300 years away.” Guterres emphasised that it’s growing more distant than envisaged and called for a collective action to bridge the divide.” In a conference report, paradoxically, it was stated: “Achieving gender equality of 50% representation, be it elective positions, can no longer be possible by 2030 under the millennium goals previously estimated and set out” (UNDESA, 2022). This unusual claim has wider implications for this research and is one of the strongest reasons why a study of this nature is so relevant.

II. RESEARCH OBJECTIVES

1. Appraisal of the legal frameworks for 2015-2004 elections as laid out in the constitution and electoral laws of both countries
2. To review various challenges of electoral legitimacy on gender representation and historical background of electoral legitimacy process in both India and Nigeria elections.
3. Comparatively identify the differences and similarities in electoral legitimacy process between India and Nigeria.
4. To examine the gaps in Electoral Acts and other existing gender policies, that impacts negatively on electoral legitimacy with reference to the 2014-2024 elections and gender representations.

III. GAPS IN THE LITERATURE

First and foremost, a gap exists in the caste system. In India, for example, the traditional method of the ‘Caste Class System subjects citizens to voter suppression tactics aimed at intimidating and keeping people away from exercising their right to vote, leading to a vast underrepresentation of women in political offices. In addition to caste suppression, candidates going into the electoral process, particularly women, face various forms of biased judgement, discrimination, ill-conceived plans, and a lack of campaign resources and support (Amegnran, 2017). Also, the Indian voter registration gap exists, as most Indian citizens are said to lack the basic requirements to register to vote, such as a valid national identification card, which disproportionately affects women. According to Kruks-Wisner (2018), the discriminatory method of the “Caste-Class system “subjects” citizens to voter suppression aimed at intimidating and keeping people away from exercising their right to vote, leading to a vast underrepresentation of women in political offices. As per the findings of Akinyetun et al. (2021), the pre-election violence of hate speech was used as a vanguard to intimidate and coerce voters, particularly women. Comparatively, only one female prime minister in India has been recorded since India’s independence in 1947.

IV. ELECTORAL LEGITIMACY

According to Valentini (2017), electoral legitimacy is an essential model in egalitarian societies; it is the foundation for any ruling party (government) given the right to rule. The legal definition is based on the idea that a government is recognised as having authority because it adheres to a set of electoral laws, practises, and regulations and can enforce these laws (Batory, 2016). Also, the element of moral legitimacy is based on the idea that the ruling party or government is seen as having the ethical norms and values to rule because of the people's mandate to protect the public interest and enforce good governance. Public interest is often measured by how well the government can meet its citizens' needs and expectations from the campaign manifestos. As a result, political or electoral legitimacy is based on the idea that a government has the right to rule because it represents the values and interests of its citizens (Bekkers and Edwards, 2016). Being an independent variable, electoral legitimacy Acts (Laws) are foundational rules that describe the legal framework governing all elections. These laws apply to all levels of elections, from the local to the national level. They outlined the eligibility criteria for candidates, the process of voter registration, the dates and duration of polls, the rules and regulations governing the conduct of elections, the right of citizens to vote and the right of political parties to contest elections. Sule et al. (2017) stated that the laws also provide for the appointment of the Election Commission of India, the body responsible for conducting and supervising elections in the country. The Electoral Legitimacy Act is often subject to periodic amendments to keep up with changing times.

Baer (2019) discussed that Electoral Legitimacy is adjudged ethically controversial with the rule of law because what qualifies as a legitimate form of government may continue to be a topic of great philosophical controversy in another atmosphere. For instance, the duo discussed the modern political concept of constitutionalism, which establishes the law as "supreme over the private will." Arguably, in the same direction, Paul Itua (2012) appraised Section 42 (2) of Nigeria's constitution and inheritance rights as an example of a succession plan of political parties feared as an impediment to gender representation (Callund et al., 2023). It shows that some actions of the government or political parties are legitimate because they abide by the laws codified in political regulations. However, since the elected government abides by democratic principles in governing, it is also perceived as legally accountable to its people.

V. ISSUES REVOLVING ELECTORAL REFORMS

There is doubt if electoral act reform in the two nations has yielded a constructive change in gender representation or women's marginalisation in the electoral process (Hamalai et al., 2017). Marginalisation in this context (India Wikipedia) is defined in many words as "relegation, sidelining, demotion, downgrading, disregarding, and ostracism. According to Usher et al. (2018), all of these are akin to the typical female political prejudice in question in this research, making them a crucial marker of electoral legitimacy discourse and requiring systemic studies of legitimacy regulations and their operations. This is the context for this research.

Furthermore, the trio (public, domestic, and international) election observers have adjudged Nigerian electoral legitimacy riddled with fraud, intimidation, and manipulation. According to Ojukwu et al. (2023), the 2019 and 2023 general elections in Nigeria have been queried as marred by significant levels of irregularities, including ballot stuffing, manipulation, including the use of fake voter identity cards (IDs), the bribing of election officials and multiple voting buying (Idea observation reports). Hitherto, electoral candidates have faced no constitutional or legal backing. There are adjudged loopholes from the onset for candidates going for top elective and appointive positions (Kopecký, 2017). Such examples include how the ruling party prefers to stay in office longer than the electoral rules allow for two terms.

Thirdly, there are discrepancies in Electoral Acts that affect legitimacy and gender representation, along with mechanisms to eliminate women candidates from party lists. There is a need to justify these assertions with field data from India's 2019 elections to compare the analysis with Nigeria's 2023 elections (Nwagwu et al., 2022). Various mechanisms to deter many qualified candidates include the Independent National Electoral Commission's (INEC) high control of nomination form fees, preference for experienced senior party members and tactics of zoning formulae to select candidates. Also, the primary elections speak volumes about how party members donate funds for campaigns, mostly from the most popular, wealthier candidates acceptable beyond gender and public choices (Cohen et al., 2016). These factors would also be examined to see how money in politics can undermine electoral legitimacy and representation and how men are preferred to protect individual and party interests.

VI. METHODS

This study has adopted a secondary qualitative research design. The data for this research was sourced from secondary materials, including peer-reviewed articles and government reports. These sources were systematically gathered from reputable academic databases, primarily utilising Google Scholar, employing specific keywords and Boolean operators to ensure the relevance and comprehensiveness of the collected information: "Electoral legitimacy", AND "Electoral framework", AND "Gender representation", AND "elections", AND "political representation", AND "Gender policies", AND "Public perception", AND "Nigeria" AND "India"

The selection of secondary sources allowed for a comprehensive examination of existing literature and official reports, providing valuable insights into the subject matter. This approach enabled the research to build upon the wealth of knowledge and scholarly work already available in the field of electoral legitimacy in Nigeria and India.

Subsequently, the gathered data was subjected to content analysis, a qualitative research method commonly used to analyse textual information systematically. Content analysis involved categorising, coding, and interpreting the data to identify recurring themes, patterns, and key findings related to the research objectives. This method facilitated a structured and rigorous examination of the materials, ensuring the extraction of meaningful insights and the development of a well-informed discussion and conclusion.

VII. FINDINGS

Discrimination as a Challenge in Electoral Legitimacy in India and Nigeria

It was found that about seven females have been nominated for ministerial positions in the APC ruling party cabinet. Still, during the 2023 elections, about 92% of Nigerian female contestants left their posts voluntarily to their male competitors in the wake of INEC election reports (Page et al., 2021). This goes to show that the role of money in politics, starting from payment of high expression of interest fees to buying nomination forms from INEC Nigeria, has changed the picture of electoral legitimacy from its definition of impartial conduct of elections to monetised politics where only a few can go into election to compete particularly women. According to Hope et al. (2016), the extent to which these issues have deterred more women than men from electoral participation shall be examined.

From the era of the first election in Nigeria in 1923 to date, only a handful of women, like Indira Gandhi of India, who came from privileged backgrounds, could participate in elections, particularly to be voted for (Ngara and Aaron, 2022). Until now, most women, unlike men, are being exploited mainly to vote instead of being allowed or supported to stand in for elections. Such tokens in Nigeria had no constitutional backing and were thus subject to change (Mbah et al., 2019).

Also, research findings by the World Conservation and Classifications International Parliamentary Union (IPU 2019; 2014) revealed that Nigeria ranked 184 in 2019 and 180 in 2014 out of 193 countries on female representation in legislative positions (Stefani, 2019). In 2014, Nigeria represented barely 13 (3.6%) females elected out of 360 members to the lower house of assembly. Also, as few as eight females (2.3 %) were selected out of 109 members to the upper house in Abuja, Nigeria (Adamu, 2018). Comparatively, in 2014, India ranked 144 out of 193 countries, far ahead of Nigeria, with 524 elected members in the upper house (Bridges, 2020). In the lower place of representative, females selected were 81 (14.9%). In 2019, the lower legislative had 33 (13.9%) females elected out of the 237 legislators. The trend remained the same in India hitherto.

Also, Nigeria's 2023 general election saw that only three females won senatorial seats among the 92 female contestants for the senate. Of the 286 who contested seats in the House of Representatives, only 15 women have been declared winners (OSIMOSU and ADEFISOYE, 2023). In India and Nigeria, electoral legitimacy is backed by the constitutions as a key mechanism for ensuring that citizens can hold their governments accountable for who represents them in governance and whether or not they are equitably represented in the process becomes a legitimate panacea in this study.

According to Olonisakin et al. (2018), the assumption that electoral legitimacy in Nigeria elections has been severely questioned as riddled with evidence of election violence, and politicians' lack of moral obligations to implement electoral acts to the brim is also a pointer to some sequential bias and gender discriminations requiring further research. This further explains the importance of gender equity in stimulating public debates on gender or development issues for increased visibility and balanced representation in the government. From the electoral laws and

constitutional preference, gender neutrality meant that a fair playground for ambitious candidates had been created for all to participate equally as voters, registration officers, polling agents, and election monitors without interference. However, women, unlike men, are disproportionately marginalised in these facades.

Comparative Analysis of Electoral Legitimacy in India and Nigeria

Nigeria's legal framework for elections from 2004-2015 was primarily rooted in its 1999 Constitution (LeVan, 2019), which established the foundational principles of democratic elections and delineated the roles of key institutions like the INEC. However, concerns arose about the independence and impartiality of INEC, especially in the appointment process of electoral commissioners. The issues mentioned above greatly influenced the general public's view on the legitimacy of the electoral process, leading to widespread scepticism regarding its fairness and integrity. Furthermore, significant modifications were made to Nigeria's Electoral Act, particularly by introducing electronic voting and voter identification cards, as Ojo (2022) and Alao and Lanre (2022) mentioned. These provisions aimed to bolster transparency and credibility in the elections. Nevertheless, there were still persistent challenges, such as irregular voter registration, multiple voting cases, and accusations of fraudulent activities, which had a detrimental effect on public confidence in the electoral system.

During the same time period, India's electoral legal system was governed by its Constitution and the Representation of the People Act of 1951 (Mate, 2018). The Indian Constitution emphasised ensuring the autonomy and impartiality of the Election Commission of India (Bhat, 2020), which was entrusted with overseeing elections. This independence was crucial in fostering high public trust in the election process since citizens believed the Election Commission functioned autonomously. In addition, India introduced technological advancements such as Voter-Verified Paper Audit Trails (VVPATs) (Pawlak et al., 2019) alongside electronic voting machines (EVMs) to enhance transparency and accountability (Bhadoria et al., 2022). Recent research studies conducted by Shum (2021) and Nwangwu et al. (2018) have proposed evaluating the legitimacy of elections based on three key determinants - voter turnout, instances of electoral fraud and political participation. Voter turnout is considered to be a significant factor in determining the authenticity of an election because it serves as a reflection of citizens' engagement in the democratic process, as found by Chiamogu et al. (2018). In India, which has a vast and diverse population, there have been fluctuations in voter turnout over time, according to Dash et al. (2023). Nonetheless, Sircar's (2020) research suggested that there has been consistently high voter turnout with an average rate of approximately 66% during national elections between 2014 and 2019. Furthermore, India's legal framework has enforced stringent regulations on political party financing and transparency that promote fairness in electoral procedures. These measures have significantly enhanced perceptions of electoral legitimacy by providing voters with a paper trail for verification purposes. Mitra et al.'s (2022) research on the 2019 Lok Sabha elections also supports this observation with a turnout rate of approximately 67%, demonstrating significant public engagement in the electoral process. This higher level of participation is attributed to various

factors, such as India's large and diverse populace, along with efforts made by the Election Commission to enhance accessibility and awareness among voters. In contrast, Adigun (2020) suggests that Nigeria has struggled to achieve high levels of voter turnout due to various challenges its citizens face, such as security concerns and logistical complexities besides apathy towards perceived electoral irregularities. Richard's (2021) report on Nigerian presidential polls held in 2015 witnessed only about a 43% participation rate from eligible voters, which declined further in subsequent years, recording only around 35%, distinctly lower than India's figures.

According to research by Berlinski et al. (2023), electoral fraud poses a significant threat to electoral legitimacy and trust in the voting process beyond just voter turnout. To combat fraudulent practices effectively, India has adopted EVMs, as noted by Desai and Lee (2021). However, Sudharsan and Alagappan (2019) reported some isolated alleged tampering with EVMs. Despite that fact, measures taken by the Election Commission to ensure transparency and the judiciary's prompt handling of election-related disputes have significantly helped maintain electoral integrity. In contrast, Nigeria faces more severe challenges regarding electoral fraud than India. Olaniyan (2020) described the country's history of irregularities ranging from vote buying to ballot box snatching and result manipulation. As a result, these issues have undermined public confidence in the fairness of elections and hindered progress towards higher levels of electoral legitimacy.

Political participation encompasses a range of activities beyond casting votes, such as enrolling in political parties, participating in campaigns, and advocating for political transformation (Wray-Lake, 2019). India has a thriving culture of political involvement with active political organisations, civil society groups, and a strong media landscape. As a result, citizens engage in discussions, demonstrations and advocacy that foster an energetic political atmosphere (Neyazi et al., 2021). Conversely, Nigeria's participation level is also significant but often characterised by party loyalty and patronage politics. The domination by a small number of major parties has restricted diversity and competition within the political arena. Moreover, financial influence can hinder legitimate representation from independent candidates. Nevertheless, Nigerians have demonstrated an unwavering commitment to democratic processes through voting exercises or civic engagement amidst these challenges (Orisadare, 2019).

The determination of electoral legitimacy is greatly influenced by public perception. Despite occasional accusations of electoral malpractice, the Indian population has maintained a relatively high level of trust in the electoral system (Avgerou et al., 2019). According to Asunka et al. (2019), this trust is bolstered by the Election Commission's impartiality, the judiciary's oversight, and the widespread acceptance of election results. In Nigeria, public perception of electoral legitimacy has been more contentious. Many citizens view the electoral process as flawed due to irregularities and allegations of rigging. This scepticism has sometimes resulted in post-election violence and legal challenges that further complicate the path to electoral legitimacy (Wellman et al., 2018). Hence, building trust in the electoral process remains a challenge, but efforts to improve transparency and accountability are ongoing (Mbah et al., 2019).

In a comparative analysis, the differences in the legal frameworks and their amendments during this period become evident. As per Ugoh (2022), Nigeria faced challenges related to the independence of its electoral commission, impacting the perception of impartiality and legitimacy (Ugoh, 2022). On the other hand, India's legal framework emphasises the autonomy of the Election Commission, the use of technology, and stringent regulations on political party financing (Bhat, 2021). These factors collectively contributed to higher trust in India's electoral process. While Nigeria and India made efforts to improve their electoral legal frameworks from 2004 to 2015, notable differences in their impact on the perception of electoral legitimacy were noted. Nigeria's challenges with electoral commission independence and transparency issues affected how the public perceived elections. In contrast, India's emphasis on autonomy, technology, and transparency contributed to a stronger perception of electoral legitimacy (Sasseti, 2019). Addressing these disparities remains crucial for Nigeria to strengthen its electoral legitimacy further.

Electoral Acts, Gender Policies, and Gaps in India and Nigeria

Examining the gaps in Electoral Acts and existing gender policies that negatively impacted electoral legitimacy concerning the 2004-2015 elections and gender representations in Nigeria and India, is crucial to understanding the challenges faced during this period. Nigeria's electoral legislation lacked robust provisions about gender quotas during the stated timeframe, which impeded women's involvement in politics (Iloka, 2022). The lack of specific quotas for females in elective offices within the Electoral Act 2010 evidenced the absence of such regulations. Consequently, there was a limited female representation in the National Assembly, with only 7.5% and 6.5% in the House of Representatives and Senate, respectively, as of 2015 (Adegbite et al., 2023). This underrepresentation was detrimental to Nigeria's democratic process as it failed to espouse its diverse populace adequately. Although the Electoral Act included measures to encourage gender equality, such as prohibiting gender-based discrimination, these provisions were not effectively enforced (Kelly, 2019). According to Uwa et al. (2018), the absence of stringent enforcement mechanisms enabled political parties to disregard these mandates, resulting in an uneven distribution of male and female candidates. In many cases, parties preferred male candidates over their female counterparts, further exacerbating gender disparities in political representation.

Conversely, concerning the electoral legal framework of India, it was determined that it lacked sturdy gender quotas during the period mentioned earlier. The Representation of the People Act 1951 did not encompass explicit provisions for gender quotas in Parliament or state legislatures (Gowda and Santhosh, 2022). This resulted in a meagre representation of women in the Indian Parliament, with a mere 11% female representation in Lok Sabha (House of the People) in 2014 (Kalra and Joshi, 2020). This underrepresentation of genders impacted the legitimacy of India's electoral system since it failed to represent the diversity within its population appropriately. Furthermore, according to the research conducted by Gupta et al. (2019) and Odera and Mulusa (2020), there is a lack of accountability among political parties in India regarding promoting gender equality. Despite guidelines issued by the Election Commission of India that encourage parties to nominate more female candidates, compliance remains voluntary, and parties often need to pay more attention to these

recommendations. This deficiency in accountability within political parties hampers gender representation in electoral positions as well (Hickey and King, 2018). In both Nigeria and India, the absence of robust gender quotas, coupled with poor enforcement mechanisms and limited political party accountability, had significant ramifications. These gaps not only impeded gender representation but also undermined the credibility of the electoral process. The paltry number of women holding elected offices indicated a democratic shortfall since it failed to reflect the diverse demographics of both countries (Verge, 2023).

VIII. CONCLUSION

To summarise, this research has provided meaningful insights into the intricate workings of electoral systems in both nations. A comprehensive analysis of the democratic processes in both India and Nigeria has been presented through an evaluation of legal frameworks, gender representation, and obstacles to electoral legitimacy. India's emphasis on the autonomy and impartiality of its Election Commission, as well as its use of advanced technologies like Voter-Verified Paper Audit Trails (VVPATs), have enhanced public trust in the fairness of its electoral process. However, Nigeria has encountered challenges related to the independence of its electoral commission and transparency issues that have led to doubts about equity and transparency during elections. These concerns have ultimately impacted public perceptions regarding electoral legitimacy.

The research findings indicate that gender representation remains a significant issue in both countries. The ineffective implementation of gender quotas and enforcement mechanisms has hindered women's political participation, leading to exclusion from diverse demographics within these nations. This exclusion presents a fundamental challenge to the validity of the democratic process, making it crucial to address this gender representation gap for more inclusive and representative electoral systems.

Furthermore, obstacles to achieving electoral legitimacy were also evident in both countries such as voter fraud, low voter turnout in specific regions, and accusations of electoral irregularities. These challenges erode public trust and raise concerns about elections' fairness and integrity, underscoring the need for significant reforms. Hence, to bolster electoral legitimacy in both countries, several crucial recommendations emerge. These include prioritising the independence and transparency of electoral commissions, implementing and enforcing robust gender quotas in electoral laws, employing technology to augment transparency while decreasing fraudulence, conducting comprehensive civic education programs, and undertaking necessary legal reforms to address gaps and ambiguities in electoral legislation.

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