



The role of election commission of India: New emerging trends

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Abstract

The Election Commission of India is a constitutional body and the head of the commission is called the Chief Election Commissioner (CEC). The Election Commission is the agency of the Indian Government responsible for conducting free and fair selection in the country.

It is one of the few agencies in the country that is wholly independent and its only constitutional duty is to conduct elections in a fair and impartial manner.

The Election Commission of India which will include the various works that the body has done in the last 70 years in an independent India.

India is a country with many different cultures and languages as well as a diversified population.

The Commission is charged with conducting free and fair elections, safeguarding the electoral process, and ensuring that votes are accurately counted. The Commission is also in charge of drafting and implementing India's electoral rules.

The Election Commission of India is trying to bring about development in the election scenario to help in making the procedure even easier and better.

The system further introduced the system of 'voter ID' in the year 1993. This also helped the electoral process in many ways. The voter ID serves as an identity proof in the government document that eases up the process.

The Election Commission of India (ECI) is the apex body in charge of election administration in India. The Commission is led by a chairman who is appointed by the president on the Prime Minister's advice for a seven-year term, subject to Lok Sabha confirmation. Another great achievement by the ECI is the introduction of the voter ID cards for the people of the country.

The people with the help of this body elect the member who on behalf of the people are ruling the country. This body has created great independence in the procedure of the election.

Keywords: the role, election commission, emerging trends

Introduction

The Election Commission of India is an autonomous constitutional authority responsible for administering union and state election processes in India.

The body administers elections to the Lok Sabha, Rajya Sabha and State Legislative Assemblies in India and the offices of the president and vice president in the country.

Background

Part XV of the Indian Constitution deals with elections and establishes a commission for these matters.

The Election Commission was established in accordance with the constitution on 25th January 1950.

Since its inception in 1950 and till 15 October 1989, the election commission functioned as a single member body consisting of the Chief Election Commissioner. On 16 October 1989, the President appointed two more election commissioners to cope with the increased work of the commission on account of lowering the voting age from 21 to 18 years. 3

However, the two posts of election commissioners were abolished in January 1990 and the election commission was reverted to the earlier position. Again in October 1993, the president appointed two more election commissioners. Since then it has been functioning as a multi-member body consisting of three election commissioners. 4

Articles 324 to 329 of the constitution deal with the power, function, tenure, eligibility, etc. of the commission and the members.

Articles related to Elections

- **Article 324:** Superintendence, direction and control of the elections to be vested in an Election Commission.
- **Article 325:** No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on the ground of religion, race, caste or sex.

- **Article 326:** Election the House of the people and to the legislative Assemblies of states to be on the basis of adult suffrage.
- **Article 327:** Power of Parliament to make provision with respect to elections to legislatures.
- **Article 328:** Power of legislature of a state to make provision with respect to elections to such legislatures.
- **Article 329:** Bar to interference by courts in electoral matters.

Structure of the Commission

The Commission had only one Election Commissioner but after the Election Commissioner amendment Act 1989, it has been a multi member body.

It consist of one chief commissioner and two Election Commissioners. The appoints Chief Election Commissioners and Election Commissioners.

They have a fixed tenure of six years or up to the age of 65 years, whichever is earlier. It enjoy the same status and receive salary and perks as available to judges of Supreme Court of India.

The Chief Commissioner can be removed from office only through a process of removal similar to that of a Supreme Court judge for the by parliament.

Functions of Election Commission of India

- Election Commission of India superintendents direct and control the entire process of conducting election to parliament and legislature of every state and to the officers of President and Vice President of India.
- It decide the election schedule for the conduct of periodic and timely election, whether general or bye election.
- It prepare electoral roll, issue electronic photo identity card (EPIC).
- It grants recognition to political parties and allot election symbols to them along with setting disputes related to it.
- The commission also has advisory jurisdiction in the matter of post-election disqualification of sitting Member of Parliament and state legislatures.
- It issues the Model Code of Conduct in election for political parties and candidates so that the no one indulges in unfair practice or there no arbitrary abuse of power by those in power.
- It sets limits of campaign expenditure per candidate to all the political parties and monitors the same.

Importance of ECI for India

- a. The ECI has been successfully conducting national as well as state elections since 1952.
- b. It uphold the value enshrined in the constitution *viz*, equality. Equity, impartiality, independence.
- c. It conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.
- d. It engages with political parties and all stakeholder in the interest of the electoral process.
- e. It creates awareness about the electoral process and electoral governance amongst stakeholder namely, voters, political parties, election functionaries, candidates and at people.

Major challenges of ECI

- The ECI has been unable to arrest the deterioration that has been increased by criminal element in politics along with violence and electoral malpractices.
- There has been rampant abuse of power by the State Government who at times makes large scale transfer on the eve of elections.
- The ECI is not adequately equipped to regulate the political parties.
- In the recent years, an impression is gaining ground that the Election Commission is becoming less and less independent of the Executive.

Model Code of Conduct

Election Commission first issued a Model Code of Conduct for political parties at the time of the fifth general elections, held in 1971. Since then, the code has been revised from time to time and the elections are announced by Commission, Ministers and other authorities cannot announce any financial grants, make promises of constitution of roads, carryout ant appointments in government and public undertaking which may have the effect of influencing the voters in favour of the ruling parties.

Electoral Reform in India

A number of measures have been suggested to improvise and strengthen the existing electoral practices in India.

Committees That Covered Political Funding Reform

The problem with political party funding reform is that the reformer and the reformee are one and the same. If public pressure is not maintained, the committee's suggestion will either be implemented in diluted form, or sometimes ignored altogether.

Committees Quotes about Political Funding

1. Dinesh Goswami Committee report, 1990
2. Santhanam Committee
3. Tarkunde Committee
4. Indrajit Gupta
5. Election Commission of India and the proposed electoral reforms of 2004

Dinesh Goswami Committee report, 1990:

- Dinesh Goswami Committee was concerned with electoral reforms.
- It suggested providing state funding in kind to political parties.
- It also suggested that a candidate should not be allowed to contest election from more than two constituencies.

Santhanam Committee

- The Committee on prevention of corruption made a range of recommendation to fight the menace of corruption.
- The committee suggested rules to be framed for governing the conduct of civil servants.
- The committee also suggested a systematic review of the laws, rules, procedure and practices of the ministers so that the possible scope and modes of corruption may be identified and remedial measures prescribed.
- The committee further suggested that on completing 25 years of services or 50 years of age, a government servant may be retired without prescribed any reason, if the government think it fit.

Tarkunde Committee

- This committee was appointed by Jaiprakash Narayan to study and report on the scheme for electoral reforms in 1947.
- It was held by V.M. Tarkunde.
- It submitted its report in 1975.
- The Election Commission should be a three member body.
- The minimum age of voting should be 18 years.
- The TV and radio should be placed under the control of autonomous statutory corporation.
- A voter's council should be formed in as many constituencies as possible which can help in free and fair election.

Indrajit Gupta Committee

- Indrajit Gupta was the chairman of all party parliamentary committee on state funding of elections. The 8 member committee that set up by the all party conference in may, 1998, submitted its report in January, 1999 with the following recommendation.
- State funding should be in kind, that is, no financial support is to be given to parties and also, part of the financial burden of the parties should be initially borne by the state.
- A Rs.600 crore contribution from the center and an equal amount by the states, annually, towards an election corpus fund for the purpose.
- Only EC recognized political parties should be given the state support in terms of printing material and facilities; electronic media time; vehicle and fuel etc.
- All donations above Rs,10,000 by the parties should be in the form of cheque/draft and the names of the donors should be disclosed in the accounts.
- Ban on donations by government companies for political purposes will continue, but whether other companies can donate or not is to be determined by the parliament.

Election Commission of India and the proposed electoral reforms of 2004

The Election Commission of India gave its detailed views on the set of proposals which were also discussed in various political parties. In addition, the Election Commission also made certain other proposals. The proposals for strengthening Section 8 of the Representation of the People Act, 1951 to check criminals from contesting elections were: 5

1. In sub-sections (1) to (3) of section 8, the period of disqualification of the person may be enhanced from the existing six years to a suitable period. A person may be disqualified either for life or for a suitable enhanced period, says for fifteen years.
2. An explanation may be inserted to clarify that notwithstanding the suspension of the conviction and release of conviction on bail in an appeal to a higher court, the convicted person shall incur the disqualification in section 8 unless conviction itself is set aside in the appeal.
3. The Nomination paper of a candidate may seek details of previous convictions/pending charges /pending cases, etc. in respect of the Candidate.

Registration of Political Parties

The party system is an essential feature of parliamentary democracy. However, there is no direct reference of political parties in the Constitution of India. The statutory law relating to registration of political parties was enacted in 1989, which was quite liberal. 6

Conclusion

1. The Election Commission conducted a number of laudable electoral reform to strengthen democracy and enhance the fairness of elections these reforms are quite adequate and admirable. The election machinery, under the aegis of the EC, deserve credit for conducting election in a free and fair manner.
2. In order to stamp out these unfair tendencies, there is a need to strength the hands of the EC and to give it more legal and institutional powers.
3. Our Election Commission tries its best to weed out the virus of malpractices, it is optimistic of strengthening and improving the working of democracy through free and fair elections.
4. The Commission has taken a scheme for use of state owned Electronic Media for broadcast/ telecast by political parties, checking criminalization of electoral rolls, providing electors with identity cards, simplifying the procedure for maintenance of accounts and filling of the same by candidates.

Suggestion for Electoral Reform

- Remove criminals from politics.
- Declaration of sources of income by candidates.
- Implement a multiparty system for appointment of the CEC and SEC.
- Implement ceiling on expenses of political parties during election period.
- The requirement for winning election should be “50% +1 of the registered votes cast”.
- Reduce the time provided for filing election expenses.
- Action against candidates who fail to file their election expenses.
- Legal sanction for the filing election petition against candidate who lose elections’
- Strict penalties against those involved in electoral malpractices.
- Law against the use of excessive money in election by candidates.
- Provision for verifying the declaration in affidavits of the candidates.

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