

Role of the Election Commission in Indian Democracy

Bimal Prasad Singh

Professor
Department of Political Science
A. N. College, Patna, Bihar.

Abstract:

Any democratic society must have elections in order for the people to select and hold responsible their representatives. India, the largest democracy in the world, offers a distinctive electoral environment influenced by its massive population, intricate social structure, and the world's longest written constitution. Free and fair elections at the state and national levels are to be administered, overseen, and carried out by the Election Commission of India (ECI), an independent constitutional body. This essay examines how election changes in India are changing and how important the Election Commission is to preserving democratic principles. The Election Commission of India (ECI), which would be impartial and free from the influence of political parties, would oversee a free and fair election in order to prevent history from repeating itself. However, the ECI's approach has changed in recent years, frequently taking a negative turn when it comes to election fairness. The purpose of this essay is to describe the Election Commission's function in Indian democracy.

Keywords: Election Commission of India (ECI), electoral process, disqualification, politicization, voting, Indian Democracy, Democracy.

Introduction:

The independent constitutional body in charge of overseeing India's state and union elections is the Election Commission of India. The body oversees elections for India's State Legislative Assemblies, Lok Sabha, Rajya Sabha, and presidential and vice-presidential seats. A democratic political system is built on elections. The Election Commission of India is in charge of holding elections in India in a fair and transparent manner.

An essential part in maintaining and advancing democracy in India is the Election Commission of India (ECI). The ECI was created in accordance with Article 324 of the Indian Constitution and is in charge of overseeing, managing, and controlling the entire electoral process for the offices of President and Vice-President of India, as well as Parliament and the Legislature of each State (Constitution of India, 1950). This mandate emphasizes the Commission's essential role in maintaining democracy by guaranteeing free, fair, and transparent elections. In order to combat voter fraud and guaranty that all eligible individuals can exercise their right to vote, the ECI also makes extensive efforts to maintain accurate and current electoral rolls. This includes using technology to expedite the registration process and making

updates on a regular basis. Campaigns for voter education are also essential in promoting informed and engaged election participation. One noteworthy effort in this area is the ECI's Systematic Voters' Education and Electoral Participation (SVEEP) program, which aims to raise voter knowledge and turnout. The ECI still has a lot of obstacles to overcome, such as voter intimidation, political meddling, and the dissemination of false information. [1–5]

Original Structure of the Election Commission of India:

The Election Commission's structure and powers, as well as its supervisory arrangements for guaranteeing the impartial and efficient operation of the electoral machinery, are so vital to the functioning of the electoral system that any plan for electoral reform would be essentially ineffective without certain fundamental modifications to the Commission's structure and powers, as well as a more suitable system of oversight over the electoral machinery. According to Article 324 Clause 2 of the Indian Constitution, the Chief Election Commissioner and any other members of the Election Commission may be appointed by the President for a term of six years, or until the age of sixty-five, whichever comes first. The Chief Election Commissioner shall serve as the Chairman of the Election Commission upon the appointment of any other Election Commissioner, as stated in clause 3 of Article 324. The Chief Election Commissioner shall carry out his duties without interference from the executive branch or political parties, according to the Constitution. The Chief Electoral Officer (CEO) of the State, who is chosen by the Commission from among senior civil servants suggested by the relevant state government, is in charge of overseeing, directing, and controlling the election activity at the state level. Election work is carried out at the district and constituency levels by the District Election Officers (DEO), Electoral Registration Officers (ERO), and Returning Officers (RO), who are supported by several subordinate employees. [6-7]

Corruption of the ECI:

Even though they are supposed to be morally upright, political parties make a number of pledges prior to elections in order to win seats. It is not unheard of for politicians to use kitchenware, cereals, pulses, cash rewards, and other luxuries to buy votes from the masses living in impoverished urban and rural areas. Despite being immoral, these actions do not constitute a serious transgression of the moral rule of behavior. However, if these politicians instead turn to more violent methods that seriously damage the model code of conduct, this could likewise take a horrifying turn. This could be exploiting religion to stir animosity, threatening or attacking other candidates in their constituency, buying off election officials to rig the results, and disparaging other opposition parties. One of the common practices is communal conflict. Election commissions are therefore established to guaranty adherence to these norms, and infractions are appropriately penalized. The ECI's enormous power is demonstrated by the dismissal of several Members of Parliament who had a conviction record during the previous six years. [8–9]

Importance of Election Commission for India [10-11]

- Since 1952, the Election Commission has conducted state and federal elections with success. These days, it actively works to guaranty that more people participate.

- The Commission has imposed discipline on the political parties, threatening to revoke their recognition if they fail to uphold internal democracy.
- It upholds the principles of equality, equity, impartiality, independence, and the rule of law in terms of supervision, guidance, and control over electoral governance.
- Elections with the greatest standards of credibility, fairness, openness, integrity, accountability, autonomy, and professionalism are facilitated by ECI.
- It guarantees that all eligible individuals will participate in the voting process in a welcoming, voter-centric, and inclusive setting.
- In the interest of the election process, the Indian Election Commission interacts with political parties and all relevant parties.
- It increases and strengthens confidence and trust in this nation's electoral system by educating stakeholders (political parties, voters, election officials, candidates, and the general public) about the electoral process and electoral governance.

Review of Literature:

In a paper titled "Definition and Analysis of Election Processes," **Mohammad S. Raunak, Bin Chen, Amr Elssamadisy, Lori A. Clarke, and Leon J. Osterweil (2006)** state: "We identified how to iteratively enhance the process to make it resilient against increasingly complex fraudulent behavior, and we verified a key property for a particular election process and a particular combination of agent behaviors." In my opinion, the election process needs to be intricate, thorough, and staffed by enthusiastic individuals. [12]

According to **Stephanie Tawa Lama-Rewal's 2009** work, "Studying Elections in India: Scientific and Political Debates," an evaluation of the literature highlights how the different techniques complement one another and are therefore equally significant. Indian election studies, at least nationally and state-wise, have dominated during the 1990s. Unfortunately, despite the fact that voting is definitely the final step in the political process, research on Indian elections in all domains frequently focuses just on the vote. In my opinion, the author explained how political and scientific methods contribute to a successful election. Elections must be conducted in an honest and orderly manner. A pivotal moment is crucial to the election process. [13]

According to **Elisabeth Carter (2010)**, who wrote a paper on the subject of "Electoral Systems and Election Management," the dramatic rise in democracies over the previous few decades and their strong desire to create transparent election processes and institutions have played a significant role in the global emergence of EMBs. According to the author, election management is crucial to holding a good election. [14]

Research Methodology:

In light of optional information, the review is exploratory and scientific in character. The review's information came from various distributed sources, including books, diaries, studies, articles, and pages.

The essential focal point of the review has been to acquire a comprehension of the issues through top to bottom conversations with subject matter experts, scientists, and other outstanding figures in the field.

Role of Election Commission in Electoral Administration

A modern state uses elections as a tool to foster a sense of engagement and participation among its citizens in public affairs. The legitimacy of government is bestowed through popular elections, which allow for the peaceful transfer of power to new leaders. So, a good voting system is therefore, the core concept of truly representative governance. However, it depends on how the electoral system functions, i.e., whether elections are carried out effectively, impartially, and without political bias by capable administrators. The public's trust in the democratic process may be destroyed and it may be discredited if there is no confidence in the outcome of the voting process. [15–18]

1. Election roll preparation: According to Article 325 of the Constitution, each territorial constituency must have a single general electoral roll; creating electoral rolls based on caste, religion, race, or sex is prohibited. Preparing and maintaining accurate and comprehensive electoral rolls is a necessary precondition for holding elections. In order to organize free and fair elections, the electoral rolls must be accurately created for all eligible voters, regardless of their ethnicity, religion, caste, or gender, according to Article 326 of the Constitution.

2. Election roll preparation: According to Article 325 of the Constitution, each territorial constituency must have a single general electoral roll; creating electoral rolls based on caste, religion, race, or sex is prohibited. Preparing and maintaining accurate and comprehensive electoral rolls is a necessary precondition for holding elections. In order to organize free and fair elections, the electoral rolls must be accurately created for all eligible voters, regardless of their ethnicity, religion, caste, or gender, according to Article 326 of the Constitution.

3. Political Party Recognition: In compliance with Section 29A of the R.P. Act, 1951, the Election Commission must register political parties. Sub-Section 29A of the R.P. Act, 1951 will serve as the basis for the ultimate judgment regarding political party registration. When registering political parties, the Election Commission must function in a quasi-judicial manner and adhere to natural justice principles.

4. Symbol Allotment: In accordance with Rule (5) of the Conduct of Elections Rules 1961, the Election Commission is permitted to publish a notice in the Gazette of India and the Official Gazette of each State outlining the symbols that candidates may select during elections in parliamentary and assembly constituencies, as well as the limitations to which their selection may be subject. The Commission's superintendence, direction, and control over elections encompasses the authority to issue Symbols Orders.

5. Disqualifying the Candidate and Voters: Following each general election, candidates are required by Section 10 A of the People's Representation Act, 1951, to report their election returns. The Election Commission has the authority to disqualify a candidate if they fail to file election returns within the allotted time. The Election Commission has the authority to erase any disqualification list under Section 11 of the Representation of the People Act, 1951. The Election Commission also has the authority to remove voter disqualification under Section 11B of the R.P. Act, 1951.

6. Vote counting and result declaration: Under the direction of the Assistant Returning Officer (ARO), the votes may be counted at one location for each Assembly segment of a Parliamentary

Constituency or at separate locations for each Assembly segment. The Returning Officer gathers the final results at his headquarters and announces them with the Election Commission's permission.

7. **Delimitation of Constituencies:** The Election Commission has the authority to rectify any printing errors in any of the Delimitation Commission's orders under section 11 of the Delimitation Act of 1972.

8. **Laws:** The area of election law in India is located between constitutional law and political science. It examines "the politics of law and the law of politics." Since 1950, India has enacted a number of laws relevant to election administration.

9. **The 1950 Representation of the People Act:** This law provides information. creates the procedures for delineating constituencies. outlines the allocation of seats in the house of representatives, state legislative councils, and legislative assemblies. creates the procedure for assigning seats and making electoral rolls. specifies the prerequisite for voting.

10. **Representation of the People Act, 1951:** This law provides information. It regulates the actual conduct of elections and by-elections. It provides the administrative resources required to conduct elections. It has to do with registering for political parties. It describes the prerequisites and barriers to house membership. It has policies in place to prevent corruption and other crimes. It lays forth the procedure for settling disputes and queries after elections.

11. **Delimitation Act, 2002:** This activity discusses. A bill has been proposed to alter the number of seats in each state's legislative assembly, the distribution of Place of Delegates seats among the states, and the division of all states and association domains with legislative gatherings into regional voting demographics for races to the Place of Agents.

In conclusion, an all-encompassing approach is required for a free and fair election in India. Strong cyber security measures, informed voters, an unbiased election commission, and strict campaign funding regulations are all essential to preserving the integrity of the democratic process. By following these guidelines, India may ensure that the votes it holds fairly represent the desires of the populace.

Table 1: History of Lok Sabha Elections (1952-2009)

Election year	Total seats	Party won	Percentage	Seats won	Prime Minister
1952	489	Indian National Congress	44.99%	364	Jawaharlal Nehru
1957	494	Indian National Congress	47.78%	371	Jawaharlal Nehru
1962	494	Indian National Congress	44.72%	361	Jawaharlal Nehru, Gulzarilal Nanda, Lal Bahadur Shastri

1967	520	Indian National Congress	40.78%	283	Indira Gandhi
1971	518	Indian National Congress	43.68%	352	Indira Gandhi
1977	542	Janata Party	41.32%	295	Moraji Desai, Charan Singh
1980	529	Indian National Congress	42.69%	353	Indira Gandhi
1984	541	Indian National Congress	48.12%	414	Rajiv Gandhi
1989	529	Indian National Congress	39.53%	197	Vishwanath Pratap Singh, Chandra Shekhar
1991	534	Indian National Congress	36.40%	244	P.V. Narasimha Rao
1996	543	Bharatiya Janata Party	20.29%	161	Atal Bihari Vajpayee, H.D.Deva Gowda, Inder Kumar Gujral.
1998	543	Bharatiya Janata Party	25.59%	182	Atal Bihari Vajpayee
1999	543	Bharatiya Janata Party	23.75%	182	Atal Bihari Vajpayee
2004	543	Indian National Congress	26.53%	145	Manmohan Singh
2009	543	Indian National Congress	28.55%	206	Manmohan Singh

Conclusion:

Elections are essential to establishing a robust democratic government in a given nation. The future of the nation and the wellbeing of its citizens are at jeopardy if the election is conducted fraudulently. The future of the nation and the welfare of its citizens are secure if elections are conducted fairly.

By holding free and fair elections, the Election Commission of India (ECI) plays a crucial role in preserving the nation's democratic principles. In order to maintain electoral integrity, the commission has received court approval and broad constitutional authority.

REFERENCES:

1. Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405.
2. India Const. art. 324.
3. India Const. art. 324, cl. 5.
4. India Const. art 324, cl. 1.
5. Representation of the People Act, 1951, §10A, No.43, Act of Parliament, 1951 (India).
6. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299.
7. Union of India v. Association for Democratic Reforms, (2002) 5 SCC 294; People's Union for Civil Liberties v Union of India, (2003) 4 SCC 399.
8. Basu DD. Introduction to the Constitution of India, 386.
9. Section 14 and Section 15, The Representation of the People Act, 1950.
10. Sachindra Nath Tripathi v. Doodhnath, 1987 All LJ 667 5
11. Bhalla, R. P. (1998). "Elections in India: Legacy and Vision". S. Chand and Company. New Delhi.
12. Raunak, M. S., Chen, B., Elssamadisy, A., Clarke, L. A., & Osterweil, L. J. (2006). *Definition and Analysis of Election Processes*. International Software Process Workshop (ISPW 2006), pp. 178–185. DOI: 10.1007/11754305_20.
13. Lama-Rewal, S. T. (2009). *Studying Elections in India: Scientific and Political Debates*. **South Asia Multidisciplinary Academic Journal**, 3. DOI: 10.4000/samaj.2784.
14. Carter, E., & Farrell, D. M. (2010). *Electoral Systems and Election Management*. In *Comparing Democracies* 3. SAGE. DOI: 10.4135/9781446288740.n2.
15. Role of Election Commission in Upholding Democracy, (2007) 3 LW (JS) 55
16. T.N. Seshan v. Union of India, 1995 4 SCC 611
17. Fadia, B.L., 1992. Reforming the Election Commission. *The Indian Journal of Political Science*, 53(1), pp.78-88.
18. Government of India, Ministry of Law and Justice, Legislative Department, Report of the Committee on Electoral Forms (May, 1990),