Role of Election Commission in Electoral Reforms

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Abstract

Free and fair elections are indispensible part of Democracy. Election provides an opportunity to the people to express their faith in government, to recognize the power of providing legitimacy to the authority of the government. Elections constitute the signpost of democracy. India is the largest Democracy in the World but we feel that due to certain reasons, Democracy is not working properly. The Election Commission of India is regarded as guardian of free and fair election. The Election Commission has conducted a number of worthy electoral reforms to reinforce democracy and enhance the fairness of elections. In this paper, the role of Election Commission to make reforms is described with some measures taken by the election commission of India to control malpractices. Some of the challenges the election commission is facing are: Supremacy of money power and Force power, Criminalization of politics, Financing of election exceeding the legal limit, Booth capturing, Fear of voters, Buying Voters, Tampered electoral rolls, Large-scale rigging of elections, Abuse of religion and caste in the enlistment of voters. The paper evaluates the role of election commission in electoral reforms in India after independence.

“It needs little argument to hold that the heart of the Parliamentary system is free and fair elections periodically held, based on adult franchise, although social and economic democracy may demand much more.”

– Supreme Court of India (1978)
After independence India adopted the parliamentary democracy. Success of parliamentary democracy depends upon the free and fair election, moral, ethical democratic values among public. Thus for fulfillment of this purposes Indian constitution provides an institution, Election Commission of India (ECI) in Article 324. The ECI is a constitutional body responsible for administering elections in India. It was established on 25 January, 1950 with an aim to define and control the process for elections conducted at various levels Parliament, state legislatures, and the office of the President and vice president of India.

**Structure of ECI**

The secretariat of the commission has 300 officials, and is located in new Delhi. The Depty Election commissioners and Director General are the senior most officers in the secretariat. The president of India appoints the Chief Election commissioner, who serve for six years and must retire the age of 65. The commissioner is generally a member of civil services, and more often, of the Indian Administrative Services (IAS)or the Indian Revenue Services (IRS). He can be removed from his office through the process of impeachment, which needs to be carried out in the Parliament. The president of India can remove other officers on the Chief Election commissioner’s recommendation.

**Role of Election Commission in Electoral Reform**

For the first time, it was in 1969, that the demand was made in the Parliament for electoral reforms in accordance with the experience about the working of the election laws and the suggestions made by the Election Commission of India. A Joint Parliamentary Committee on Amendments to Election Law was set up to examine the question of electoral reforms from all angles. This Committee, formed in 1970, did not last long. With the dissolution of the Lok Sabha in December, 1970, this Committee’s life also came to an end. Additional momentous development in this direction took place in 1974 when Jayaprakash Narayana threw a movement which later on came to be known as "A Movement for Total Revolution". On behalf of Citizens for Democracy, Jayaprakash Narayan set up the Tarkunde Committee for electoral reform which, too, after holding discussions with representatives of numerous organizations, produced a comprehensive set of recommendations. Apart from this, the Election Commission as well as various Committees also have come out with suggestions for electoral reforms. The EC has taken several new initiatives in the recent past as a use of state owned Electronic Media for broadcast or telecast by political parties, checking :
criminalization of polities, providing with electoral identify cards, reform the procedure for registration of political parties and requiring them to hold regular organizational elections, a variety of measures of strict compliance of Model Code of Conduct for providing a level playing field to contestants during the elections, and so on⁵.

Model code of conduct

Model code of Conduct emerged out of a political consensus when in 1968 the Election Commission formulated, in consultation with political parties, in every elections ECI issues a code that was intended to regulate the conduct of political parties and candidates for a healthy and peaceful election campaign. The commission circulated its first code at the time of fifth general elections, held in 1971. It is intended to provide a level playing field for all political parties, to keep the campaign fair and healthy, avoid clashes and conflicts between parties, and ensure peace and order. The main aim of the Model Code is to ensure that the ruling party, either at the Centre or in the states, does not misuse its official position to gain an unfair advantage in an election. Unfortunately the code of conduct does not have statutory sanction. T.N. Sheshan was strongly enforced the code after taking over as the Chief Election Commissioner. Rudolph and Rudolph say that the most visible success of the Election Commission “has been getting India’s parties and candidates ……… comply with its code of conduct”⁶. The Sheshan's tradition continued and the successive Election Commissioners took serious note of any violation of the code. Despite sincere efforts on the part of EC to check malpractices, in each and every election India witnesses violation of model code of conduct.

Election Commission and Registration of Political Parties

The party system is an essential feature of parliamentary democracy. Political parties are registered with the Election Commission under Section 29A of Representation of People Act, 1951. The registered political parties are granted recognition at the State and National levels by the Election Commission on the basis of their poll performance at general elections according to criteria prescribed by it. Many political parties got registered with commission not to contest election but for create confusion among electors as to whom they vote. To eliminate the mushrooming parties the ECI had to take some rigorous steps. The commission now register a party which has at least 100 registered electors as its members and is also charging nominal processing fee of rs.1000 to cover the administration expenses which it will
have to incur on correspondence with the parties after their registration. The registered political parties are granted recognition at the State and National levels by the Election Commission on the basis of their poll performance at general elections according to criteria prescribed by it.

Election Commission and the Preparation of voter list

First and foremost function of the ECI is to prepare the accurate voter list, without which no free and fair election can be possible. Electoral Rolls of every Constituency, as desired by the Constitution makers, is prepared under the superintendence, direction and control of the Election Commission. The Commission plays an ‘activist’s role’ to root out the bogus voters and enlist the genuine ones as it knows that more than two per cent error makes voter lists unacceptable. The voters keep migrating from one place to another and demand for transfer or transposition of their names to the new place of residence. Those who attain 18 years of age apply for inclusion of their names. As and when a voter dies, his name has to be deleted from the Electoral Rolls. Computerized electoral rolls were launched to meet this problem. Electoral photo identity cards were also issued in1993 to prevent electoral fraud from 2004 elections these were made mandatory.

Election commission and Criminalization of politics

Criminalization of politics is a major problem in India. Presence of criminals in politics, many believe, stands on the way of democracy in India. This menace began in Bihar and gradually spread to every states. Earlier, politicians used to patronise criminals and provided them protection from the law-enforcement agencies in exchange for the use of their muscle power during elections. As per the estimate of G.V.G. Krishnamurthy, the former CEC some 700 of the 4000 odd MLAs in the country are “history-shetters” or had been charged in criminal cases. The ECI has expressed its serious concern over the entry of anti-social and criminal persons into the electoral arena. The Election Commission taking serious view of the increasing role of criminals in politics gave criminal un-friendly interpretation to Section 8 of Representation of People Act, 1951. The Commission ordered that no convicted person will be allowed to contest elections even if an appeal against the conviction was pending in a high court or the person was on bail. The exception was, however, given to sitting members of Parliament and State Legislatures. The candidate to an election are also obliged to submit an affidavit in a prescribed form declaring their criminal record, including convictions, charges.
pending and cases initiated against them. The Commission also recommended that when a
person is accused of serious crimes and a court is prima facia satisfied about his involvement
in the crime, he should be kept out of the electoral arena as it would be a reasonable
restriction in the interest of the public. And those accused of criminal offences carrying a
sentence of five years or more be automatically disqualified from fighting elections.

Limits on poll expenses

Money and muscle power are so closely connected with the elections in India. Elections in
India are expensive. The political parties are collecting party funds to meet election expenses.
The political parties are not maintaining the regular accounts of the party funds and donations
received and the expenses incurred by it. The elections were not as costly in 1952 as they
have become today. Political leaders and workers considered it unethical to work with a
desire for any reward. But scenario now has changed. The elections in Indian polity are
becoming increasingly expensive and the gap between the expenses incurred and legally
permitted is increasing over the years. This evil influence of money power can’t be
eliminated substantially merely through ceiling on expenditure. Even with strict supervision
invisible money power will always operate to the detriment of candidates with comparatively
feeble resources. This problem ought to be considered from an entirely different angle. In
India, a solution to this baffling problem can be found only if it is accepted in principle that
all expenses ought to be legitimate charge on public funds. The Election Commission in its
report made some important suggestions to curb money power in elections, namely, that a
limit be imposed on the number of vehicles that may be used for elections; that procession
and demonstrations to banned during elections; that use of peripatic loudspeakers on roads be
prohibited; that no paid canvassers be allowed; that parties be made to account for expenses
incurred by them in promoting the election of particular candidates. The contestants are also
required to give details of expenditure within 30 days of the declaration of election results.

Election commission and Use of IT Techniques and Media

No doubt the Media has over the years played a crucial role in safeguarding the democratic
rights of the people by educating and informing voters about their electoral duties. But its
power to influence public opinion has, of late, also encouraged its blatant misuse by parties
and candidates, who connived with obliging editors and media house owners to encourage
paid news. This came to light during elections in 2004 and 2009. Today, it is a major
challenge in the way of fair elections because on one hand it provides wealthier candidates with an edge over other candidates, on the other it defeats the very principle of fair elections by denying equal opportunity to other candidates. The ECI has been trying to bring improvement in election procedure by taking advantage of scientific and technological advancement. The introduction of electronic voting machines is one of the steps in that direction. It has saved money, solved several logistical issues, and also counting the votes more fast and accurate.

**Conclusion**

Therefore the findings of the present study indicate that the Election Commission of India has been greatly responsible for the survival of Indian democracy. Election Commission tries its best in order to bring about various improvements and reforms in the election procedure. These reforms are adequate and admirable. The election machinery with the help of Election of Commission deserves the credit for the same. It is optimistic of strengthening and improving the working of democracy through free and fair elections. It has always devised better systems and is using advanced scientific technologies for maintaining the high reputation of the Indian elections. The problem is not the lack of laws but the lack of strict implementation. There is need to strengthen hands of election commission must be entrusted with power to punish errant politicians who violate electoral rules. Though the EC is working hard in this direction, but it cannot succeed unless all political parties and voters realize their responsibility. Only public opinions and independent media pushing through are not sufficient. It is in the hands of people to vote and give themselves free and fair democracy.

**Endnotes**


