

## **Role of Election Commission in Electoral Reforms – A Study**

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### **Introduction**

After gaining independence, India embraced a parliamentary democracy that is founded on concepts such as the authority of the people, the supremacy of law, and accountable governance. The effectiveness of a parliamentary democracy is significantly reliant on the execution of unbiased and fair elections, as well as the existence of moral, ethical, and democratic principles among its citizens. Elections offer the populace a chance to select their leaders and demand accountability from them. To facilitate the effective operation of this democratic mechanism, the Indian Constitution created a self-sufficient constitutional body called the Election Commission of India (ECI) as outlined in Article 324.

The Election Commission of India is a constitutional entity tasked with managing and overseeing elections throughout the nation. It was founded on 25 January 1950, which is now observed as National Voters' Day, with the main goal of guaranteeing fair, transparent, and trustworthy elections. The Commission organizes elections for the Parliament, State Legislatures, and the positions of the President and Vice-President of India. In this way, it protects the democratic structure of the country and represents the desires of the citizens.

Article 324 of the Constitution grants the Election Commission the authority for oversight, guidance, and regulation of elections. This clause safeguards the autonomy of the Commission from executive influence, which is crucial for upholding impartiality and equity. The Election Commission of India is made up of the Chief Election Commissioner along with additional Election Commissioners, and their job security aids in shielding the organization from political influence. This autonomy enhances the trust of the public in the electoral system.

Over time, the Election Commission has been crucial in reinforcing democracy in India by implementing numerous reforms. The adoption of Electronic Voting Machines and Voter Verifiable Paper Audit Trails has improved transparency and minimized the chances of electoral misconduct. The application of the Model Code of Conduct guarantees that political factions and candidates follow ethical principles during their election efforts. Additionally, the Commission oversees campaign financing to curb the misuse of financial resources and guarantees fair chances for every participant.

In conjunction with overseeing elections, the ECI also carries out programs aimed at educating voters and raising awareness to enhance informed involvement. Efforts like streamlining the voter registration process, utilizing online resources, and fostering the engagement of young people have played a significant role in expanding the democratic framework. Additionally, the Commission implements rigorous measures against unethical practices, including capturing polling stations, intimidating voters, and exploiting government resources.

The Election Commission of India plays a vital role in the country's parliamentary democracy. By upholding elections that are free, fair, and transparent, it reinforces democratic principles and maintains the integrity of the political framework. Despite ongoing challenges, the ECI's sustained independence and efficiency are crucial for the effective operation of democracy in India.

### **Structure of ECI**

The commission's secretariat consists of 300 officials and is situated in New Delhi. The Deputy Election Commissioners and the Director General hold the highest positions within the secretariat. The Chief Election Commissioner is appointed by the President of India and serves a term of six years, with mandatory retirement at the age of 65. Typically, the commissioner is an individual from the civil services, frequently from either the Indian Administrative Services (IAS) or the Indian Revenue Services (IRS). The commissioner can be dismissed from their position through impeachment, which is a process that must occur in Parliament. Additionally, the President of India has the authority to remove other officials based on the recommendations of the Chief Election Commissioner.

### **Role of Election Commission in Electoral Reform**

In 1969, for the first time, Parliament witnessed a call for electoral reforms based on insights gained from the implementation of election laws and recommendations provided by the Election Commission of India. To thoroughly investigate the issue of electoral reforms from various perspectives, a Joint Parliamentary Committee focused on Amendments to Election Law was established. However, this Committee, which was initiated in 1970, did not endure for an extended period. With the Lok Sabha's dissolution in December 1970, the Committee's existence also concluded. Another significant development occurred in 1974 when Jayaprakash Narayana initiated a movement that subsequently became 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 politics, 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 on.

### **Model code of conduct**

Model code of conduct was developed through a political agreement when, in 1968, the Election Commission created, after discussions with political parties, a guideline that aimed to manage the behavior of political parties and candidates for a constructive and serene election campaign. The commission distributed its initial code during the fifth general elections, which took place in 1971. Its purpose is to create an equal environment for all political parties, maintain fairness and health in the campaign, prevent confrontations and disputes among parties, and guarantee calm 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"<sup>6</sup>. 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 system of political parties is a crucial component of parliamentary democracy. Political organizations are officially recorded with the Election Commission in accordance with Section 29A of the Representation of People Act from 1951. The Election Commission awards recognition to registered political organizations at both State and National levels based on their electoral performance in general elections, following specific criteria set forth by the commission. Numerous political groups have registered with the commission not to participate in elections, but rather to create uncertainty among voters regarding their choices. In order to address the rapid increase of these parties, the Election Commission had to implement strict measures. 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**

The primary responsibility of the Election Commission of India is to compile a precise list of voters, as a free and fair election cannot occur without it. Voter rolls for each constituency are created under the oversight, guidance, and authority of the Election Commission, as intended by the framers of the Constitution. The Commission takes an active approach to eliminate fraudulent voters and register legitimate ones, recognizing that an error rate exceeding two percent renders voter lists inadequate. Voters frequently relocate and request that their names be transferred or switched to their new residences. 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 in 1993 to prevent electoral fraud. From 2004 elections these were made mandatory.

### **Election commission and Criminalization of politics**

The issue of political criminalization poses a significant challenge in India. Many argue that the involvement of criminals in politics obstructs democracy in the country. This troubling trend originated in Bihar and has gradually infiltrated all states. In the past, politicians would protect criminals, offering them legal immunity in exchange for their muscle strength during elections. According to G.V.G. Krishnamurthy, a former Chief Election Commissioner, approximately 700 of the over 4000 MLAs nationwide are categorized as "history-sheeters" or have faced criminal charges. The Election Commission of India has raised serious alarms regarding the participation of anti-social elements and criminals in the electoral process. In light of the rising influence of criminals in politics, the Election Commission took a stringent stance on Section 8 of the Representation of the People Act, 1951, interpreting it in a manner unfavorable to criminals. 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 facie 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**

Wealth and physical strength are intricately linked to the electoral processes in India. Conducting elections in India requires substantial funds. Political parties are gathering financial resources to cover electoral costs. These parties are failing to keep accurate records of their financial contributions and expenditures. The financial burden of elections in 1952 was significantly lower than it is now. In the past, political figures and their supporters regarded it improper to seek any form of compensation for their efforts. However, the current situation has shifted. The cost of elections within Indian politics is rising consistently, and the disparity between actual spending and what is legally allowed has widened over time. The detrimental impact of financial influence cannot be effectively curtailed simply by imposing limits on spending. 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<sup>11</sup> 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**

Clearly, the Media has consistently served an essential function in protecting the democratic entitlements of citizens by enlightening and informing voters regarding their responsibilities during elections. However, its ability to shape public perception has, more recently, led to its flagrant exploitation by political parties and candidates, who colluded with compliant editors and media proprietors to promote paid news. This was revealed during the electoral processes 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**

Consequently, the results of this study suggest that the Election Commission of India plays a significant role in preserving democracy in India. The Election Commission makes every effort to implement various enhancements and reforms in the electoral process. These changes are both sufficient and commendable. The electoral system, aided by the Election Commission, merits recognition for its contributions. It is hopeful about fortifying and enhancing the operation of democracy through impartial and transparent elections. It has consistently developed improved methods and is employing cutting-edge scientific technologies to uphold the esteemed status of 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.

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