

**EFFECTIVE ROLE OF ELECTION COMMISSION IN PROTECTING INDIAN
DEMOCRACY**

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DOI : 10.36893.IJMIE.2018.V8I4.367-376

Abstract

We frequently blame our political system for the current state of affairs, but is this system operating in a Hoover? According to the experts, the society is clearly involved in this problem. Our political system's behaviour is their response to society. Reforming this political system necessitates reforming society and its systems. This is where electoral reform comes into play. In a vibrant democracy like India, it is critical that the best citizens are elected as public representatives to ensure the country's good governance. This increases the number of candidates who win elections on the basis of positive votes while also promoting moral values in public life. The voter should be given the opportunity to choose or reject the candidate in this democratic system, which forces political parties to field good candidates in elections. Any democracy is based on the assumption that elections will be free and fair. The quality and performance of the people elected is what makes our democracy effective, not the election process itself.

While analysts are concerned about the state of Indian democracy as the country celebrates 75 years of independence, most commentators agree on one point: elections. This upbeat assessment of the Election Commission of India's professional conduct is no small compliment to one of the world's most powerful apex election bodies.

Keywords: Election Commission, Governance, Indian democracy, Political system, Society

Introduction

The Election Commission of India is a constitutional body in charge of conducting elections in India in accordance with the rules and regulations outlined in the Indian Constitution. It was founded on January 25, 1950. As a result, the Election Commission of India ensures the discharge and successful operation of democracy. Initially, the Election Commission had only one Chief Election Commissioner. It is currently made up of a Chief Election Commissioner and two other Election Commissioners. Two additional commissioners were appointed for the first time on 16 October 1989, but their tenure was brief, lasting only until 1 January 1990. Following that, it was reconstituted as a single-member commission. However, on October 1, 1993, two additional Election Commissioners were appointed to the commission, and it became a three-member commission once more. Deb, R. (2013).

The role of the Election Commission of India has now become effective in the context of changing circumstances. The role of the legislature and the executive has gradually declined in recent years, while the role of the Election Commission and the judiciary has gradually increased. Keeping this in mind, the Election Commission has been empowered to monitor political parties and candidates and take appropriate action in the event of violations. Deva, S. (2016).

Article 324 of the Constitution established the Election Commission. The commission has broad powers to "supervise, conduct, and control" the election. While some members of the Constituent Assembly expressed reservations about centralising election oversight in a federal institution, the drafters eventually realised that only a strong central agency could ensure uniformity in elections across the country and avoid the loss of local control. Kiangte, L. (2018).

The Election Commission of India was originally led by a Chief Election Commissioner (CEC), who was assisted by a permanent staff. The PV Narasimha Rao government appointed two additional election commissioners in 1993, reducing the body to three members, which it remains to this day. However, the Election Commission's low profile is only for show because the commission expands dramatically during elections. Thousands of government employees who are entrusted with the responsibility of conducting elections at the state level conduct

general elections. Although the majority of these officers are not permanent Election Commission employees, the Commission has complete control over this network of officers during elections.

In fact, the framers of the Constitution established the Election Commission in Article 324 to conduct elections in a free and fair manner, and the Commission, according to the basic spirit of the Constitution, should not only be fair, but also appear to be so. It is not visible because the commission is part of the executive, and whichever party controls the centre does not want the commission to be free of its influence. The ruling parties in the states exert pressure on the election machinery. Ross, D. H. (2011).

Our country is plagued by a variety of issues, including corruption, nepotism, the nexus of politics-bureaucracy and criminals, mis-governance, and the capture of opportunities for advancement by a small group of people. Justice is also out of reach for the average person. The source of all of these issues is our electoral system. These distortions can only be overcome by reforming the electoral system, and reforming the electoral system requires making the Election Commission independent and fair, as well as changes in the law for voters and political parties. Because the Election Commission is currently part of the executive, questions about its impartiality are frequently raised. As a result, the need today is to establish the commission's credibility. Sinha, S. (2008).

Chief Election Commissioner Vs Election Commissioner

The Election Commission is a group of people. As a result, the Chief Election Commissioner and the two other Election Commissioners have equal powers, and their salaries, allowances, and other benefits are comparable to those of a Supreme Court judge. The Chief Election Commissioner's sole responsibility is to preside over the Election Commission's meetings. When the Chief Election Commissioner and two other Election Commissioners disagree, the Commission makes a decision based on majority rule. Because Election Commissioners are appointed by the President, the President has the authority to remove them, and the Chief Election Commissioner cannot remove Election Commissioners on his or her own initiative. Laskar, S. M. (2016).

Role of the Election Commission

The ruling party's use of government machinery in elections is not a new phenomenon. Opposition parties have long been vocal in their opposition to the abuse of administrative machinery in elections. However, when the opposition parties are in power, they are accused of abusing government machinery during elections. Unfair political pressure is being applied to election officials. Prasad, K. (1991).

The central government and state ruling parties are putting pressure on the commission and the state election machinery. The state governments fill important positions with trusted officers just before elections, which is why the formation of the Election Commission has been recommended in the states as well.

Currently, the Chief Electoral Officer of the state is an IAS officer of the state, who, like other public servants, is a servant of the state government and can be influenced by the ruling party. District Magistrates are the only election officers who report to them. To say that during elections, the entire machinery is under the control of the Election Commission, whose own impartiality is constantly called into question?

In fact, the process of electoral reform had begun as early as 1951. From Tarkunde Committee in 1974 to Tankha Committee in 2010, around 8 committees were formed in order to make the commission impartial and to stop the use of unfair means such as money power and muscle power in elections. Everyone made several suggestions to bring order to the election process, and all of them were implemented. Such as going to the High Court rather than the Tribunal for an election petition, lowering the voting age from 21 to 18 years, using EVM machines, using voter ID cards, prohibiting contesting elections from more than two constituencies, and directing elections to polling personnel. Many reforms include subordination to the commission, limiting election expenditure, and so on. However, no action was taken on the Commission's reform recommendations. Thiruvengadam, A. K. (2017).

Challenges before Election Commission

Almost from the very beginning, the Election Commission has been facing a host of difficult challenges. With the objective of creating ballot papers for the largely illiterate population, the Election Commission allotted election symbols to each political party. The Election

Commission was also entrusted with the herculean task of ensuring that every Indian irrespective of caste, creed or class gets his name in the voter list and has an equal opportunity to exercise his franchise on the day of election. Instead of putting the burden on the voters to get their names written in the voter list, the Election Commission has taken this responsibility upon itself. To ensure a level playing field between the ruling party and the opposition, the Election Commission promoted and then implemented the Model Code of Conduct (MCC). The Model Code of Conduct is an inter-party, non-statutory agreement in which standards of proper conduct have been set for political parties during election campaigns, elections and governance. Wilkins, D. E., & Stark, H. K. (2017).

In the constitution and subsequent laws, where the Election Commission has been given a strong framework, within which it has to work, but this framework has also become a hindrance for this organization many times. As the party system fragmented and the cost of elections increased in the 60s and 70s, the Election Commission faced two important challenges to maintain electoral sanctity: money and serious crime or colloquialisms. "muscle power". With increasing political competition, increasing population, increasing voter expectations during election campaigns and the number of elections due to the introduction of Panchayati Raj in the 90s, elections became a lucrative deal. Khan, N. U., & Akhter, S. (2016).

The Election Commission has devoted a major part of its resources to the audit and monitoring of expenditure during elections, but despite this, its power has proved to be insufficient in the matter of checking the rising election expenditure. Election expenditure has increased even more in recent years. The introduction of electoral bonds, the easing of restrictions on foreign funding and the cap on corporate donations—all changes that have come into effect in the last five years—have created a political funding system that the Election Commission can easily crack down on. Can't stop.

The exorbitant cost of standing for election has also helped strengthen a nexus between crime and politics. According to data compiled by the Election Commission and analyzed by the non-profit Association for Democratic Reforms (ADR), 24 percent of Lok Sabha members who won elections in 2004 had declared criminal cases against themselves at the time of election. . 12 percent of the Lok Sabha members had announced that a serious case would be registered

against them, in which if proved guilty, there would be a minimum sentence of two years. With every national election held after that, there has been a steady increase in such figures. In 2019, 43 percent of newly elected MPs were facing criminal cases against them while 26 percent had serious cases against them. Yadav, S. (2018).

A similar trend has also been seen regarding the money with the candidates. In 2004, 30 percent of MPs were kept in the category of crorepatis. After 15 years, a record 88 percent of MPs declared themselves to be crorepatis (the average assets of the candidate who won the election in 2019 was around 21 crores). The data show that the importance of muscle power is due, at least in part, to the money that comes with winning elections. The ability of the Election Commission to deal with money and serious crimes depends on the authority and willingness of the Parliament to take legal steps to curb them. Not surprisingly, the Parliament, which includes politicians who are profiting from the current situation, is not interested in such reforms. Parliament has become even more tolerant regarding the funding of elections. Datta, P. K. (2013).

Internal challenges before Election Commission

However, the Election Commission faces internal as well as external challenges. After the Bharatiya Janata Party (BJP) came to power in 2014, the Election Commission significantly weakened its ability to uphold electoral standards by fixing election timings, enforcing the Model Code of Conduct, and cancelling elections due to rigging. In fact, all of the "impartial institutions" that thrived during the coalition era from 1989 to 2014 have struggled under the new one-party dominance system. Mehta, P. B., & Walton, M. (2014).

During the early decades of the Indian Republic, the Congress' dominance left little room for independent institutions to flourish. It was neither in the interest of Congress to limit its power nor of fair institutions to oppose the popular political executive who remained in power. With the Congress's hold on power eroding in the early 1990s and the rise of coalition governments, impartial institutions such as the Election Commission were given the freedom to operate without opposition or interference.

With one-party rule returning in 2014, the Election Commission's willingness to defer to the executive is surprising. Concerning the election schedule, the Commission has delayed

announcing the election date. As a result, the ruling party has more time to announce large public welfare schemes. Aside from that, the Election Commission has paid little attention to or ignored cases of the ruling party flagrantly violating the Model Code of Conduct. As a result, in the midst of the 2019 elections, an Election Commissioner publicly questioned his colleagues. Initially, the Election Commission was opposed to the introduction of Electoral Bonds, but it later reversed its position and approved this murky scheme.

Finally, one's assessment of the Election Commission is determined by the expectations placed in it. In comparison to other countries, such as India, which are dealing with inefficient or ineffective electoral institutions, India appears to be in very good shape. In fact, when we compare the Election Commission's performance to that of the State Election Commissions of India (state-level organisations that conduct local body elections in urban and rural areas), we can see how effective it has been. In many cases, state election commissions have demonstrated local control, demonstrating that the framers of the Constitution were correct in protecting the Election Commission of India. Kumar, C. (2015).

Conclusion

The Election Commission has implemented numerous commendable electoral reforms over the years in order to strengthen democracy and improve election fairness. These reforms are significant and commendable. Without a doubt, the elections were held in a free and fair manner under the supervision of the Election Commission. However, our system still has many flaws. To gain votes, political parties engage in dishonest and corrupt practises. Such distortions encourage anti-social elements to enter the electoral fray; the issue is not one of a lack of laws, but of their strict enforcement. To rein in these unwarranted tendencies, the Election Commission's hands must be strengthened by granting it more legal and institutional powers. The Election Commission should be given the authority to punish political leaders who commit crimes or violate election laws.

The Election Commission is dedicated to promoting democracy by holding free and fair elections. To maintain the high prestige of Indian elections, it has always devised better systems and continuously used new advanced scientific techniques. However, the success of

reforms will be heavily dependent on political parties' willingness to follow and implement such reforms. Reforms are the only way to achieve free media and enlightened public opinion. Because the standards are so high, the frustrations are audible. The Election Commission was authorised by Parliament in 2021 to link voter lists to individual Aadhaar identification numbers. For this reason, the arguments presented based on perception cannot be refuted. The linking of Aadhaar data with electoral rolls can effectively ensure identity verification, reduce fraud, and eliminate multiple names of the same voter in electoral rolls. In practise, however, the Election Commission's experiment with "cleansing" the voter list using technology has disenfranchised millions of Indians. While the gender gap in voter turnout has narrowed, thanks in part to the Election Commission's efforts, the representation of women on electoral rolls remains systematically lower than that of men. Finally, while the Election Commission has the authority to register political parties, it lacks the authority to cancel the registration of political parties that violate established standards.

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