



ELECTORAL SYSTEM IN INDIA

Elections enable every adult citizen of the country to participate in the process of government formation. You must have observed that elections are held in our country frequently. These include elections to elect members of the Lok Sabha, Rajya Sabha, State Legislative Assemblies (Vidhan Sabhas) Legislative Councils (Vidhan Parishad) and of, President and Vice-President of India. Elections are also held for local bodies such as municipalities, municipal corporations and Panchayati Raj justifications. If you have attained the age of 18, you must have voted in some of these elections. If not, you will have the opportunity to vote in the next round of elections. These elections are held on the basis of universal adult franchise, which means all Indians of 18 years of age and above have the right to vote, irrespective of their caste, colour, religion, sex or place of birth.

Election is a complex exercise. It involves schedules rules and machinery. This lesson will give you a clear picture of the voting procedure, as also about filing of nominations, their scrutiny and the campaigns carried out by the parties and the candidates before actual polling. In this lesson you will read about the Election Commission, electoral system in India and also some suggestions for electoral reforms.



Objectives

After studying this lesson, you will be able to

- describe the composition of the Election Commission of India;
- enumerate the functions the Election Commission and explain its role;
- recall the procedure of election from the announcement of schedule, to the declaration of the result;
- mention various stages in the electoral process;
- recognise the poll-related officers and describe their functions;
- identify the drawbacks and need for electoral reforms;
- suggest the electoral reforms and those already carried on.



Notes

18.1 Election Commission of India

The architects of the Indian Constitution attached special significance to an independent electoral machinery for the conduct of elections. The Constitution of India provides for an Election Commission of India which is responsible for superintendence direction and control of all elections. It is responsible for conducting elections to both the Houses of Parliament and State Legislatures and for the offices of President and Vice-President. Besides, it is also responsible for the preparation revision, updation and maintenance of lists of voters. It delimits constituencies for election to the Parliament and the State Legislatures, fixes the election programme and settles election disputes. It performs many other functions related to elections.

18.1.1 Composition

The Election Commission consists of the Chief Election Commissioner and such other Election Commissioners as may be decided by the President from time to time. Ever since the first Chief Election Commissioner was appointed in 1950, there was no other Election Commissioner till 1989. The Chief Election Commissioner was assisted by a larger number of officials. The Election Commission became a multi-member body on 16 October 1989 when the President appointed two more Election Commissioners. The senior of the two Election Commissioners is appointed as the Chief Election Commissioner.

18.1.2 Tenure and Removal

Chief Election Commissioner and other Election Commissioners are appointed for a term of six years, or till the age of 65 whichever is earlier. It is important that Chief Election Commissioner and other Election Commissioners should be free from all political interferences. Therefore, even if they are appointed by the President, they cannot be removed by him. And no changes can be brought in the conditions of service and the tenure of office after their appointment. The Chief Election Commissioner cannot be removed from office, except on the grounds and in the manner on which the Supreme Court judges can be removed. However, since the other Election Commissioners and the Regional Election Commissioners work under the Chief Commissioner, they may be removed by the President on his recommendations.

18.2 Powers and Functions of The Election Commission

The primary function of the Election Commission is to conduct free and fair elections in India. For this purpose, the Election Commission has the following functions:

18.2.1 Delimitation of Constituencies

To facilitate the process of elections, a country has to be divided into several constituencies.

Constituency	It is territorial area from where a candidate contests elections
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The task of delimiting constituencies is generally performed by the Delimitation Commission consisting of five serving or retired judges of the Supreme Court and the Chief Election Commissioner who is its ex-officio member. All secretarial assistance (at all levels, national, state, district) is provided to the Delimitation Commission by the Election Commission. The Delimitation Commission is constituted by the Government from time to time.

18.2.2 Preparation of Electoral Rolls

Each constituency has a comprehensive list of voters. It is known as the Electoral Roll, or the Voters' List. The Commission prepares the Electoral Roll for Parliament as well as Legislative Assembly elections. The Electoral Roll of every constituency contains the names of all the persons who have right to vote in that constituency. The electoral roll is also revised from time to time generally before every general election, by-election and mid-term election in the constituency.

General Election	Election to constitute a new Lok Sabha or Assembly is called General Election.
By-Election	If at any time there is a mid-term vacancy due to the death or resignation of a member either in Lok Sabha or Legislative Assembly only one seat falls vacant. The election for that seat is known as by-election.
Mid-term Election	If the Lok Sabha or State Assembly is dissolved before completion of five years and the election is held to constitute new Lok Sabha or new State Assembly, etc. is called mid-term election.

The revision is carried out from house to house by the enumerators appointed by Election Commission and all eligible voters are registered. A person can be registered as a voter if he/she fulfils the following conditions:

1. He/she is a citizen of India.
2. He/she is 18 years of age.
3. He/she is resident of the constituency.

18.2.3 Recognition of Political Parties

One of the important functions of the Election Commission is to recognise political parties as all India (National) or State (Regional) Political Parties. If in a general election, a particular party gets four percent of the total valid votes polled in any four states it is recognised as an all India (National) Party. If a party gets four percent of the total valid votes in a state, it is recognized as a State or regional party. (You will read in details about Political Parties in the following Lesson No.19). The Indian National Congress, the Bharatiya Janata Party (BJP), the Communist Party of India (CPI), The Communist Party of India (Marxist) the Bahujan Samaj Party (BSP) and the Nationalist Congress Party are at present (2006) major recognised national parties.

18.2.4 Allotment of Symbol

Political Parties have symbols which are allotted by the Election Commission. For example, Hand is the symbol of the Indian National Congress, Lotus is the symbol of the Bharatiya Janata Party (BJP) and Elephant is the symbol of Bahujan Samaj Party. These symbols are significant for the following reasons:

1. They are a help for the illiterate voters who cannot read the names of the candidates.
2. They help in differentiating between two candidates having the same name.


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18.3 Officers on Election Duty

To ensure that elections are held in free and fair manner, the Election Commission appoints thousands of polling personnel to assist in the election work. These personnel are drawn among magistrates, police officers, civil servants, clerks, typists, school teachers, drivers, peons etc. Out of these there are three main officials who play very important role in the conduct of free and fair election. They are Returning Officer, Presiding Officer and Polling Officers.

18.3.1 Returning Officer

In every constituency, one Officer is designated as Returning Officer by the Commission in consultation with the concerned State government. However, an Officer can be nominated as Returning Officer for more than one constituency. All the nomination papers are submitted to the Returning Officer. Papers are scrutinised by him/her and if they are in order, accepted by him/her. Election symbols are allotted by him/her in accordance with the directions issued by the Election Commission. He/she also accepts withdrawal of the candidates and announces the final list. He/she supervises all the polling booths, votes are counted under his/her supervision and finally result is announced by him/her. In fact, the Returning Officer is the overall incharge of the efficient and fair conduct of elections in the concerned constituency.

18.3.2 Presiding Officers

Every constituency has a large number of polling booths. Each polling booth on an average caters to about a thousands votes. Every such booth is under the charge of an officer who is called the Presiding Officer. He/she supervises the entire process polling in the polling booth and ensures that every voter gets an opportunity to cast vote freely. After the polling is over he/she seals all the ballot boxes and deliver them to the Returning Officer.

18.3.3 Polling Officers

Every Presiding Officer is assisted by three to four polling officers. They check the names of the voters in the electoral roll, put indelible ink on the finger of the voter, issue ballot papers and ensure that votes are secretly cast by each voter.

[*Indelible ink* – This ink cannot be removed easily. It is put on the first finger of the right hand of the voter so that a person does not come again to cast vote for the second time. This is done to avoid impersonation.]



Intext Questions 18.1

Tick mark (✓) the appropriate alternative out of the four alternatives.

1. Responsibility for conducting free and fair elections rests on:
 - a) The Chief Justice of India
 - b) The Election Commission
 - c) The President
 - d) The Comptroller and Auditor General

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2. The Chief Election Commissioner is appointed by:

- a) The Chief Justice of India
- b) The President
- c) The Law Minister
- d) The Prime Minister

Fill in the blanks :

3. The Chief Election Commissioner is appointed for _____ years. (four/five/six)
4. The procedure for the removal of Chief Election Commissioner is the same as that of the _____. (Speaker of the Lok Sabha/Judge of the Supreme Court/The Prime Minister of India)
5. Match the following symbols with the respective Political Parties:
- | | |
|-----------------------------|-------|
| a) BJP | Cycle |
| b) Indian National Congress | Lotus |
| c) Telgu Desam | Hand |
6. Which of the following is referred to as Mid-term election ?
- a) the election held in middle of the year
 - b) the election held out of schedule
 - c) the election held any time during the term when ruling party loses a vote of confidence.
7. Which of the following is essential to be voter?
- a) the person should be 21 years of age
 - b) the person should be a citizen of India
 - c) the person should have passed secondary examination

18.4 Electoral Process

Elections in India are conducted according to the procedure laid down by law. The following process is observed.

18.4.1 Notification for Election

The process of election officially begins when on the recommendation of Election Commission, the President in case of Lok Sabha and the Governor in case of State Assembly issue a notification for the election. Seven days are given to candidates to file nomination. The seventh day is the last date after the issue of notification excluding Sunday. Scrutiny of nomination papers is done on the day normally after the last date of filing nominations. The candidate can withdraw his/her nomination on the second day after the scrutiny of papers. Election is held not earlier than twentieth day after the withdrawal.



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18.4.2 Filing of Nomination

A person who intends to contest an election is required to file the nomination paper in a prescribed form indicating his name, age, postal address and serial number in the electoral rolls. The candidate is required to be duly proposed and seconded by at least two voters registered in the concerned constituency. Every candidate has to take an oath or make affirmation. These papers are then submitted to the Returning Officer designated by the Election Commission.

18.4.3 Security Deposit

Every candidate has to make a security deposit at the time of filing nomination. For Lok Sabha every candidate has to make a security deposit of Rs.10,000/- and for State Assembly Rs. 5,000. But candidates belonging to Scheduled Castes and Scheduled Tribes are required to deposit Rs. 5,000/- for if contesting the Lok Sabha elections and Rs. 2,500/- for contesting Vidhan Sabha elections. The security deposit is forfeited if the candidate fails to get at least 1/6 of the total valid votes polled.

18.4.4 Scrutiny and Withdrawal

All nomination papers received by the Returning Officer are scrutinised on the day fixed by the Election Commission. This is done to ensure that all papers are filled according to the procedure laid down and accompanied by required security deposit. The Returning Officer is empowered to reject a nomination paper on any one of the following ground:

- (i) If the candidate is less than 25 years of age.
- (ii) If he/she has not made security deposit.
- (iii) If he/she is holding any office of profit.
- (iv) If he/she is not listed as a voter anywhere in the country

The second day after the scrutiny of nomination papers is the last date for the withdrawal of the candidates. In case that day happens to be a holiday or Sunday, the day immediately after that is fixed as the last day for the withdrawal.

18.4.5 Election Campaign

Campaigning is the process by which a candidate tries to persuade the voters to vote for him rather than others. During this period, the candidates try to travel through their constituency to influence as many voters as possible to vote in their favour. In the recent times, the Election Commission has granted all the recognised National and Regional Parties, free access to the State-owned electronic media, the All India Radio (AIR) and the Doordarshan to do their campaigning. The total free time is fixed by the Election Commission which is allotted to all the political parties. Campaigning stops 48 hours before the day of polling. A number of campaign techniques are involved in the election process. Some of these are:

- i. Holding of public meetings
- ii. Distribution of handbills, highlighting the main issues of their election manifesto (election manifesto is a document issued by political party. It is declaration of policies and programmes of the party concerned – about this you will read in details in the following Lesson 19.



- iii. Door to door appeal by influential people in the party.
- iv. Broadcasting and telecasting of speeches by various political leaders.

18.4.6 Model Code of Conduct

During the campaign period the political parties and the contesting candidates are expected to abide by a model code of conduct evolved by the Election Commission of India on the basis of the consensus among political parties. It comes into force the moment schedule of election is announced by the Election Commission. The code of conduct is as follows :

- (i) Political Parties and contesting candidates should not use religious places for election campaign.
- (ii) Such speeches should not be delivered in a way to create hatred among different communities belonging to different religions, castes and languages, etc.
- (iii) Official machinery should not be used for election work.
- (iv) No new grants can be sanctioned, no new schemes or projects can be started once the election dates are announced.
- (v) One cannot misuse mass media for partisan coverage.

18.4.7 Scrutinisation of Expenses

Though the Election Commission provides free access for a limited time to all the recognised National and State parties for their campaign, this does not mean that political parties do not spend anything on their elections campaign. The political parties and the candidates contesting election spend large sum of amount on their election campaign. However, the Election Commission has the power to scrutinise the election expenses to be incurred by the candidates. There is a ceiling on expenses to be incurred in Parliamentary as well as State Assembly elections. Every candidate is required to file an account of his election expenses within 45 days of declaration of results. In case of default or if the candidate has incurred (expenses) more than the prescribed limit, the Election Commission can take appropriate action and the candidate elected may be disqualified and his election may be countermanded.

18.4.8 Polling, Counting and Declaration of Result

In order to conduct polling, large number of polling booths are set up in each constituency. Each booth is placed under the charge of a Presiding Officer with the Polling Officers to help the process.

A voter casts his/her vote secretly in an enclosure, so that no other person comes to know of the choice he/she has made. It is known as secret ballot.

After the polling is over, ballot boxes are sealed in the presence of agents of the candidates. Agents ensure that no voter is denied right to vote, provided the voter turns up comes within the prescribed time limit.

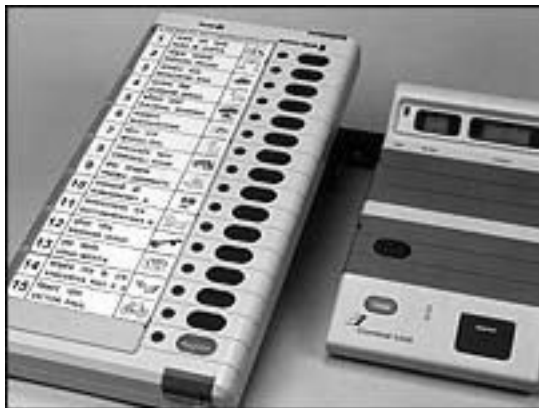
18.4.9 Electronic Voting Machines (EVMs)

The Election Commission has started using tamper proof electronic voting machines to



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ensure free and fair elections. Each machine has the names and symbols of the candidates in a constituency. One Electronic Voting Machine (EVM) can accommodate maximum of 16 candidates. But if the number exceeds 16, then more than one EVM may be used. If the number of candidates is very large, ballot papers may be used. The voter has to press the appropriate button to vote for the candidate of his/her choice. As soon as the button is pressed, the machine is automatically switched off. Then comes the turn of the next voter. The machine is easy to operate, and with this the use of ballot paper and ballot boxes is done away with. When the machine is used, the counting of votes becomes more convenient and faster. The EVMs were used in all the seven Lok Sabha constituencies in Delhi in 1999, and later in all the State Assembly constituencies. In 2004 General Elections EVMs were used all over the country for Lok Sabha elections.



Electronic Voting Machine (EVM)

The sealed ballot boxes or EVMs are shifted in tight security to the counting centre. Counting takes place under the supervision of the Returning Officer and in the presence of candidates and their agents. If there is any doubt about the validity or otherwise of a vote, decision of the Returning Officer is final. As soon as counting is over, the candidate securing the maximum number of votes is declared elected (or returned) by the Returning Officer.

Re-poll – If at the time of polling, a booth is captured by some anti-social elements, the Election Commission may order holding of re-poll in either the entire constituency or particular booths.

Countermanding of Election. If a duly nominated candidate belonging to a recognised party dies at any time after the last date of nomination and before the commencement of polling, the Election Commission orders countermanding the elections. This is not just postponement of polling. The entire election process, beginning from nominations is initiated afresh in the concerned constituency.



Intext Questions 18.2

1. Who issues the notification for elections?
 - a) Election Commission
 - b) Returning Officer

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- c) President
- 2. Which day is the last date for filing nominations?
 - a) 4th day
 - b) 5th day
 - c) 7th day
- 3. Election schedule is spread over:
 - a) 7 days
 - b) 20 days
 - c) 1 month
- 4. Nomination papers should be duly proposed and seconded by:
 - a) 2 voters of the concerned constituency.
 - b) 3 voters of any constituency
 - c) 4 voters of the concerned constituency.
 - d) 6 voters of the concerned constituency.
- 5. Campaigning is stopped
 - a) 12 hours before the polling.
 - b) 24 hours before the polling.
 - c) 48 hours before the polling.
- 6. The polling booth is manned by the
 - a) Polling Officers
 - b) Returning Officer
 - c) Presiding Officer
- 7. The Electronic Voting Machine can accommodate a maximum of:
 - a) 10 candidates
 - b) 16 candidates
 - c) 20 candidates

18.5 Shortcomings of Indian Electoral System

There has been universal appreciation of the Indian electoral system. People have hailed the manner in which elections have been conducted in India. But there are its weaknesses. It has been seen that in spite of the efforts of Election Commission to ensure free and fair election, there are certain shortcomings of our Electoral system. Some notable weaknesses are discussed below:



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18.5.1 Money Power

The role of unaccounted money in elections has become a serious problem. The political parties collect funds from companies and business houses, and then use this money to influence the voter to vote in their favour. The business contributions are mostly in cash and are not unaccounted. Many other corrupt practices are also adopted during election such as bribing, rigging or voters intimidation, impersonation and providing transport and conveyance of voters to and fro the polling stations. The reports of liquor being distributed in poor areas are frequent during election.

18.5.2 Muscle Power

Earlier the criminals used to support the candidates by intimidating the voter at a gunpoint to vote according to their direction. Now they themselves have come out openly by contesting the elections leading to criminalisation of politics. As a result violence during elections has also increased.

18.5.3 Caste and Religion

Generally the candidates are given tickets by the political parties on the consideration whether the candidate can muster the support of numerically larger castes and communities and possesses enough resources. Even the electorates vote on the caste and communal lines. Communal loyalties of the voters are used at the time of propaganda campaign.

18.5.4 Misuse of government machinery

All the political parties do not have equal opportunity in respect of access to resources. The party in power is always in advantageous position than the opposition parties. There is widespread allegation that the party in power accomplishes misuse of government machinery.

All these features lead to violence, booth capturing, rigging bogus voting, forcible removal of ballot papers, ballot boxes burning of vehicles, etc. which result into loss of public faith in elections.

18.6 Electoral Reforms

In order to restore the confidence of the public in the democratic electoral system, many electoral reforms have been recommended from time to time by Tarkunde Committee and Goswami Committee which were particularly appointed to study and report on the scheme for Electoral Reforms in the year 1974 and 1990 respectively. Out of these recommendations some have been implemented. In fact, it was under the chairmanship of the then Chief Election Commissioner, T.N. Seshan, that Election Commission initiated many more measures to ensure free and fair elections. Some of the reforms which have been implemented so far are as follows:

1. The voting age has been lowered from 21 years to 18 years. This has helped increase the number of voters and response confidence in the youth of the country.
2. Another landmark change has been the increase in the amount of security deposit by the candidate to prevent many nonserious candidates from contesting elections with a ulterior motive.

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3. The photo identity cards have been introduced to eradicate bogus voting or impersonation.
4. With the introduction of Electronic Voting Machine (EVM) the voting capturing, rigging, and bogus voting may not be possible. The use of EVM will in the long run result in reducing the cost of holding elections and also the incidence of tampering during counting of votes.
5. If a discrepancy is found between the number of votes polled and number of total votes counted, the Returning officer must report the matter forthwith to Election Commission. Election Commission on such report may either declare the poll at the particular polling station as void and give a date for fresh poll or countermand election in that constituency.

There is no doubt that India needs drastic poll reforms but still the fact remains that Indian elections have been largely free and fair and successfully conducted. It gives the country the proud distinction of being the largest democracy in the world.



Intext Questions 18.3

1. Some of the notable shortcomings of the Indian Electoral system are
 - (a) _____ (b) _____
 - (c) _____ (d) _____
2. The most significant electoral reforms implemented in India are:
 - (I) _____
 - (II) _____
 - (III) _____
 - (IV) _____



What You Have Learnt

In order to conduct free and fair elections in India, Election Commission as an impartial body has been established by the Constitution itself. It is a three-member body. The main functions of the Election Commission are to delimit the constituencies, recognise the political parties, allot the symbols, and appoint officials to conduct and supervise the elections. The electoral process begins with the issue of notification by the President. The Election Commission releases the schedule for election and, issues model code of conduct to be followed during elections. The contesting candidates file their nomination papers. Their papers are scrutinised by the concerned Returning Officers after which they are either accepted or rejected. The candidates can also withdraw their nominations. During the election campaign, political parties and their candidate release their respective Election Manifestos. A large number of public meetings, and door-to-door campaign are organised

and the electronic media, TV and Radio etc. are used to win the people's confidence. On the polling day the Election Commission ensures that voters cast their votes in free and fair manner. The candidate who secures highest number of votes in a constituency is declared elected.

Recently Electronic Voting Machine has been introduced, it has replaced the use of ballot papers and ballot boxes. This change has yielded positive outcomes, as no bogus voting, rigging or booth capturing can happen now, and the counting can be completed in no time.

Though Election Commission tries its best to conduct free and fair elections our electoral system is faced with the problems like use of money and muscle powers, and other corrupt practices. To avoid all this certain electoral reforms have been introduced from time to time.

**Notes****Terminal Exercises**

1. What are the functions of Election Commission of India?
2. Explain briefly the electoral process followed during Lok Sabha or Assembly Elections.
3. Write in brief the shortcomings of electoral system in India. Suggest reforms for improving the system.

**Answers to Intext Questions****18.1**

1. b)
2. b)
3. Six
4. Judge of the Supreme Court
5. a – Lotus; b – Hand; c – Cycle
6. c)
7. b)

18.2

1. c)
2. c)
3. c)
4. a)
5. c)
6. a)
7. b)

18.3

1. a) Money power
b) Muscle power
c) Role of Caste and religion
d) Misuse of government machinery
2. i) Lowering of voting age
ii) Increasing the amount of security deposit

- iii) Introduction of Photo Identity Card
- iv) Introduction of Electronic Voting Machines

Hints for Terminal Exercises

1. Refer to Section 18.2
2. Refer to Section 18.4
3. Refer to Sections 18.5 and 18.6



Notes



Let us ponder over adolescence issues

How can I know whether or not I am in a healthy relationship/friendship?

These are the things, which makes a relationship healthy:

- Mutual respect
- Trust
- Honesty
- Support
- Fairness and equality
- Separate identities
- Good communication

Also there are warning signs of a relationship including friendship.

Ask yourself the following questions:

Is your partner/friend trying to control you, make you feel bad about yourself, isolate you from the rest of the world, or harm you physically or sexually?

If yes, then it's time to speak to ones partner and if this does not help on must definitely reconsider this relationship/friendship. Let a trusted adult know what's going on, and make sure that you are safe from this person. Even if you know that the person hurting you loves you, it is not healthy at all.

