

Election Commission of India (ECI)

- India is the most successful example of democracy in the third world.
- India is known as procedural democracy. There is enough contribution of ECI in strengthening the credential of India's electoral democracy & ensuring the fidelity of electoral process in the country.
- General elections are the biggest public event management exercises in the world.
ECI has a credit of organising elections, helping people to exercise their right to vote in one of the most challenging social & environmental conditions.
- India is perhaps the unique example where ^{election Commission} ECI has a constitutional status.

Constitutional provisions

- Art. 324 provides for appointment of Election Commission. It provides for scope for a multimember body also. It mentions that if other ECs are appointed, EC will act as a Chairperson & will be known as CEC. (Chief Election Commissioner).
- Besides other ECs, Constitution also provides for Regional Election Commissioners appointed by President to assist ECI.

Debate on status of CEC

- In 1989, for the 1st time, for a short period, Election Commission was made a multimember body because of the increased burden due to lowering of voting age. (61st C.A. Act).

At that point of time, a question arose that what is the status of CEC vis-à-vis other ECs.

- SC's view in S.S. ~~Sh~~ Dhanoo case
 - SC held that the status of CEC has primacy

Arguments

- While it is mandatory to appoint CEC, it is not mandatory on the govt. to appoint other ECs.
- Constitution mentions the terms & conditions of CEC's services like
 - > He cannot be removed except in a similar manner like that of SC Judge & terms & conditions of his service shall not be changed to his disadvantage.
 - > System of removal and terms & conditions of others is to be based on Parliament by law. With only 1 condition, i.e., other elect EC shall not be removed except on the recommendation of CEC.
- TN Shesha case
 - TN Shesha challenged the law of Parliament dealing with conditions of services of CEC & other ECs, 1994. This Act makes other ECs at par with CEC. CEC is just a Chairperson. Decision by consensus or majority.

SC overruled its earlier view & held that even though service conditions are different, status of CEC is not different than other ECs.
Reason: Constitution provides for multimember body.

Jurisdiction & Functions of CEC

- Superintendence, direction & control over elections to
 - > For Both Houses of Parliament
 - > President, Vice President
- Quasi-judicial function

This is w.r.t. disqualification of MPs & MLAs where President or Governor is to act on the advice of the ECI.

Scope of the Powers w.r.t. the conduct of Free & Fair elections.

- It has vast scope of power & can take any measures to ensure free and fair elections.
- It has residuary powers to make electoral rules and regulations. Even SC does not entertain any dispute related to the decision of ECI during elections.
- It is the responsibility of Union & state govt. to make their staff available when called by ECI during for the purpose of conducting elections.

25/12/14 | FAQs on ECI website

Reforms suggested

- More broadbased selection of Election Commissioner through a committee.
- Amendment should be made to give equality of status to other election commissioners.
- The expenditure of ECI should also be made expenditure charged on the Consolidated Fund of India.
- There should be a ^{restriction} ~~prohibition~~ on ECs accepting future appointments under Union & state govt.

○ Analyse the role of ECI towards achieving free & fair elections.

- From 1990s onwards ECI has made immense contribution in improving electoral process in the country. Some of the initiatives include
 - Introduction of 'Model Code of Conduct'.
 - Introduction of EVMs.
 - Voter awareness campaigns.
 - ECI has made proposals for strengthening voters' right to information & stopping the entry of criminals in politics.
 - It has used the techniques like GIS for

- Organised many voters' awareness campaigns.

Electoral Reforms

Significance of Elections

- Free & fair elections is the 1st condition for existence of democracy. SC of India in Indira Gandhi vs Raj Narayan case has held that free & fair elections are basic structure of the Constitution.

What type of electoral process should be there?

Electoral process should be such that popular will can be distilled. It should be such that helps in realisation of the constitution & the statutory rights of the people related to elections w.r.t right to voting & right to stand in elections can be achieved.

Status in India

Most successful electoral democracy among third world countries. Increasing participation of voters reflect the faith of voters in the electoral system. India has an unparalleled record in 3rd world countries where the change of power has happened

Through peaceful & constitutional means.
However there are some serious problems still prevailing.

- Criminalisation of politics.
- Money power

- Besides above two reforms, some procedural reforms are also needed

- Change of the electoral system itself.

There is a need to shift from plurality system to ~~first~~ proportional representation.

There is a mismatch betn vote share and seat share.

- Reservation of women in Parliament & Assemblies.
 - Introduction of Right to reject & right to recall.
 - ECI should have power to deregister the parties.
- ending independents.

Electoral behaviour

only get 1 chance in 5 yrs.
so vote sensibly.

According to the experts, voters in India have voted quite sensibly even in comparison to voters in developed countries. Voters in India are the real strength of Indian democracy. Voting behaviour in India has been shaped by long term as well as immediate concerns.

long term trend shaping voters' choices include
✓ caste

Caste has been the most important determinant.
~~Elitist~~ It is said that in India people do not cast their vote but vote their caste.

James
Manor

The trend is caste alone is not the determinant.
& voters are going for identity plus politics.

Christopher
Jeffrey

Religion

The role of religion has always been there but its role has been increasing since 1990s.

Book:
Safran
waves.

Recent trend

In present elections to Lok Sabha, 554 million voters voted for 8000 candidates and besides independents there were 464 parties & approximately \$5 billion were spent on the elections. According to Milan Vashnav, present elections may be an indicator of some major change that is going to impact some of our traditional assumptions about voting trend in India. Some of the stereotypes associated with voting trend in India.

- Caste & Religion - the chief determinants
- Preference for regional parties.
- In general participation of men has been higher than women.
- In general participation in rural areas has been higher than urban areas.

Present elections show that

- Voters preferred to concentrate their votes to core parties. It may stop the fragmentation of Parliament.
- Youth participation has been significant and they give preference to development.
- There has been very minor difference in demographic terms. ~~Male~~
- There has been no difference in rural & urban voting percentage. The avg. all-India voting has been 66.4%. The avg. winning voting percentage has been 37%.
- There has not been much change in the trend of minority voting. Most of the minority votes went to Congress ~~except~~ in states like U.P. where there was competition among parties for minority votes.
- There is a slight jump in minority votes for BJP also i.e. 8% more than last elections.

hegemony.
UK. - USA
Congress - BJP

Features of recent elections.

- Role of media
- anti-incumbency factor.
- Personality factor

EPW

U.P.
vacuum &
intellectual
class

EPW analysis.

Hindi: Election studies.