

# The Review of Election Commission in Operational of Democracy

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**ABSTRACT:** *India's election commission is developing major recognized organization; another three are the executive, legislature, and judiciary. Also it was voted by the people as one of the most respected of all organizations, in a countrywide poll. But EC requires to verbalize a deliberate strategy in the direction of democratization in addition to implementation if it is to developed means to end a legitimate besides vivacious elected demonstrative. This article looks at India's Election Commission (the EC) to determine the importation of this constitutional body in India's broader democratization process. Two points are put forward, one is that EC is important recognized framework, other three executive, legislature in addition to judiciary, in christened separation of the Indian political system's power scheme; and other is that EC obligation be sympathetic towards the complexities of the Indian autonomous upsurge. That is important in advancing time for additional institutionalization of independent principles and proper working of democracy.*

**KEYWORDS:** *Election Commission, Representation of People Act, Constitution, President, Parliament.*

## INTRODUCTION

The EC's increased position has a great deal to do with rise of association politics in addition to coalition control. The rise of coalition government itself is, to a large degree, a consequence of the acquisition by excluded communities of political words. Those societies or groups are becoming politically assertive, largely delved by occupation. They are either grouped as partisan party or as powerful indigenous assemblies with a modest edge in democratic politics. This democratization, taking place in such an unprompted and chaotic manner, has one-party ruling structure and commanded to multi-party governments emerging. It is here that the role of the institution such as the EC has developed unparalleled position. The EC must guarantee that newly-politicized groups do not trample independent norms in the rush to attain power. By doing so, though, the EC will also ensure that it is not being a power that is clamping down on democratization [1].

Upon independence, the conduct of selections in India has become obligation of Election Commission. The Indian Election Commission was constituted as a legislative body in 1950 and entrusted with the task of superintending, guiding and regulating all elections at the national in addition to state level. Elections rolls were also assigned the task of planning and revising. The Constitution has a dream for a single EC to handle parliamentary and state legislative elections. The Constituent Assembly had a lot of debate about location up a new body to demeanor elections at both levels. It was seen by members of Constituent Assembly in the form of step toward a centralization, nevertheless initiative carried forward [2].

The EC have important mean in operation because its authority derives directly from the Constitution. In order to allow EC to function in a fairly independent manner short of undue intervention from government, a pro-vision was made Chief Electoral Commissioner shall be dismissed from his headquarters but in the same manner besides on same grounds as Supreme Court's judge besides that his terms of provision should

not be adversely affected after he took office. After his election as Chief Electoral. The Supreme Court also vested the EC with residual powers to take decisions alone on matters where enacted laws had been silent or regulations were insufficient to deal with electoral issue. The Constitution contained clauses Parliament should, create laws that would assist EC in showing elections.

The requirement for institutional protection of democratic principles has not diminished in India as politicization has increased or democracy has deepened, but it has taken on more importance. To comprehend why, one must examine the substance of politicization and determine who is also politicized. Every other form of politicization (such as class or gender) in India lags far behind primordial politicization. This means people become politicized as members of major communities—ethnic, sub regional, and caste—and then enter political and bureaucratic positions as members of these groupings. By the way, a substantial number of women who enter politics do so as members of "a group", rather than as womenfolk or individual. As a result, persons who had hitherto avoided public sphere enter it in great numbers, but not as peer commodified personalities or even as representatives of a class, but as parallels activated [3].

In one sense, societies are approaching public life as political persons, connected as individuals in relation to one another, and engaging in a radical fight to proclaim their place in social besides regional hierarchies. Something else that requirements to be emphasized is that main demographics that enter public realm are always those who have no previous possessions. Those socioeconomic classes that have lived in the most primitive and terrible conditions, who have been social and economic disadvantaged against for the vast majority of recorded history, are the ones who assert themselves in democratic politics. We've lived lives devoid of dignity, social standing, and organized politics.

They lacked possession of economic capital excluding for imperfect household tools besides craftsmanship services that could made small-scale manufacturing. And, they haven't had opportunities for personal achievement and successes that carry any degree of personal trust. These are person's social classes that have victims of social humiliation besides have had little moral dignity in their lives, apart from having faced extreme economic hardship. It is these deprived and underprivileged social classes that find a party-political voice besides join public arena through incentives that democratic procedures in India proposal. Democracy has transported an intelligence of self-worth in addition to self-dignity to them. It's earned an assertive expression. The development of democracy in India over the years has led to a loosening of social stringency and an affirmation of the desire for greater self-respect besides opportunity to change[4].

This is where institutions besides institutional protections come into picture besides play a part in upholding democratic standards. The EC must safeguard that there is no clogging of electoral systems by malpractice. Everyone needs to ensure that there is no stirring up of social animosity-religion or caste to win elections. This must ensure that illegal activity is not used to undermine political adversaries. It has to strongly apply electoral rules besides ensure strict conformity to the criteria. It must safeguard that elections are conducted in a non-coercive as well as fair means in an atmosphere in which self-ruled expectations expand rapidly and democratic norms need to keep up with them. The EC must also be responsive to democratization which is enchanting place. It must be careful with brash in addition to unruly forms of present-day policymaking. It must attitude issue more strategically than managerially and into account particular features of Indian situation, somewhat than looking at it commencing European demo perception.

### **MOST TRUSTED INSTITUTION**

The EC has been dubbed both a bastion for free elections in India and a means of dismantling a functioning democratic system. After the 1st general election, the EC was the most trusted institution by citizens, followed by the judiciary, local authority, local self-government, and so on, according to a country-wide study done by the Delhi-based Center for the Study of Developing Societies (CSDS). The EC has tended to

hold this elevated position in subsequent CSDS polls. An analysis of the EC's position in 1990s indicates that "strengthening of its governing position overlapped with time during which cabinet and parliamentary self-confidence, instruments of the democratic, integrationist state, eroded.

What should be noted here is that institutes which are not elected or appointed by a democratic command enjoy a degree of self-assurance than whose constituency voters relish an electoral option such as legislatures. People are pleased with functioning of institutions in which one make no choice than those political structures in which they make a choice. One reason for this is that succeeding governments have struggled to address "life problems-jobs, food, housing, safety-that people have suffered individually or collectively." To common opinion, the political leadership's unfulfilled promises are a case of gross negligence of the leadership's primary duty and that's why mistrust. This statement describes why citizens mistrust the political leadership, but does not explain the high degree of confidence in legitimate institutions such as EC [5].

An answer to this may be that, in common opinion, the EC fulfills its primary responsibility for the smooth conduct of elections in a commendable manner, and is thus deserving of from head to foot trust. The EC like bureaucracy as well as police have originate into straight communication with people, but dissimilar bureaucracy besides police, it wasn't a harsh besides threatening body. Unlike military, the judiciary, and elected legislatures, the EC has not acted as a random exercise of authority. It is a rule-oriented constitutional body and not one assumed to arbitrariness. People therefore consider it worthy of trust and not despicable as they consider others, particularly police and bureaucracy.

The results of CSDS poll that significant number of persons found elections to be critical in making program exertion. The survey originate that it is majority of poor, disadvantaged besides socially and educationally deprived who create out to vote in great numbers associated to highly cultivated, urban population besides upper standings who make up a greater proportion of non-voters . The low turnout among these parts was due to "a streak of apathy" and "poor turnout in women's people." Commenting on this sectional divide in voting, a Electoral Commissioner says, "if middle class is displeased with numerous facets of politics, it is believed in the democracy which is run by the government.

It's the poor, deprived persons out there who have more confidence in system for all battering they get. The middle classes show out to vote in less numbers. It is critical and scholar not sure how dedicated the political system is when openly criticizing. It explains the disparities in voting, somewhat. The underprivileged are still coming out in huge records, to exercise their electoral option despite being disgruntled with political leader-ship-expecting some possibilities to be satisfied, and livelihood matters to be taken up and, be granted equal consideration of their aspirations. The EC needs to reciprocate public support for EC and enhancement of civic contribution by being politically aware of systemic changes in polity undertaken by citizens who really use EC's services [6].

### **ENHANCED ROLE OF EC**

The position of the EC has increased with respect to its usual function of planning and conducting elections. The electorate's size of 17.52 crore in 1961 rose in 2004 to 68.15 crore. After the first election, the voting percentage age of 44.87 rose to 64.55 in eighth election and was 57.06 in 14th general election. Since the first general election, the number of radical parties contesting elections has increased times. That indicates the electorate holds elections in esteem.

In such a setting, the particular feature of democracies need a steady and efficient election machinery, coming at a time when democratic is no more a phenomena of the middle class, but has taken on a dimension in all senses, such as a shift in voting public communal makeup and a higher degree of public engagement in the public sector. The EC must not only supervise the election process, but also execute jobs that, if left

unchecked, would make a spectacle of India's whole democratic process, particularly in a context of increased politicization, which, as previously stated, is mostly occurring among the physically and economically disadvantaged.

We must safeguard that certain principles and rubrics are followed to in order to make functioning of democracy successful, that democratic values are strengthened in accordance with increasing democratic political competition. In this capacity the EC must check excesses and arbitrariness of the ruling party / parties before as well as during elections, such avoid abuse of power. It must reassure executive on sustaining or strengthening law in addition to order in regions that go to polls. It seen that when it comes to conduct of elections, speech of political party or political disagreement and common individuals is not muted. It has to arbitrate on matters that have consequences for election between central besides state governments as well as among political parties. It also needs to see that all political parties follow model code of conduct. A few instances can demonstrate how that position was recently played by the EC [7].

The role of the EC during September 2002 Kashmir elections is worthy of notice. It undertook some measures at behest of electorate and antagonism parties that ensured that the difficulties of citizens in engaging in the electoral process were minimized. The polling stations were clubbed in the 1996 elections in Kashmir that had been a source of troublesomeness to voters. During the 2002 elections the EC attempted to reverse this. The polling stations were constructed in 2002 according to the list accepted in 1988. This added a further 900 sites. The EC's aim was for the electorate not to drive more than two kilometers to reach polling station.

Violations of the Model Code of Conduct were dealt with harshly by the EC. The EC blocked Maharashtra's presiding Front (consisting of Congress, Nationalist Congress Party, and others coalition partners) government's attempt to entice agriculturalists with a plan to write roughly Rs 110 crore in interest received before the 2004 Maharashtra assembly elections. Although the decision to forgive the loan was made before the election schedule was revealed, the resolution to put it into effect was passed thereafter. The EC stuck to the plan despite the fact that it violated the election model code of conduct [8].

The EC also noted the death of 22 people during BJP's Uttar Pradesh leader Lalj Tandon's birthday celebrations during the 2004 Lok Sabha elections, where sarees had been openly dispersed leading to rush deaths. The EC directed the BJP a note of violation of code which was trailed by a admonishment. Examples of the ruling party violating code are severed. The RJD president, was understood on television channels before assembly elections in Bihar in February 2004, dispensing cash to Dalit women. The EC informed reports and requested a response since party over the episode as to why the party could not be recognized. Prasad held that he disregarded and refused to comply with the model code of conduct and strongly condemned his action.

A classic code of behavior was produced as a consensus of parties for the peaceful conduct of elections, to be followed by all parties in addition to candidates contesting elections. This takes consequence as soon as the EC announces the election dates. This began to be enforced more strictly. For failing to follow the EC's model code of conduct or guidelines, the EC has authority to overhang or withdraw a dogmatic party's recognition. With great frequent, however, violations occur, the EC has rarely resorted to this force. It gave alerts and rebukes and stopped at that. This can be perceived as a positive mindset. The EC was professional in highlighting the breaches. Pressure the excesses to rectify and strongly request clarification.

Recognizing a political party is a severe type of chastisement to which no redress is possible. In a polity transition scenario, a step such as no recognition should have effect of depoliticizing. This is additional of a police method, which attempts to transaction with each issue as matter of "law in addition to order." That method would have the effect of what I called the clamping down on democratization earlier. Additionally,

it may not have desired chastising consequence. It could lead to hardened attitudes in addition to further criminalization. Rule-breaking might be treated through firmness. It must be seriously rebuked, so it shouldn't end up coming out of game a candidate. Or, if contestant turns out, chances of re-entering game should not be locked or completed hard for an individual.

This is especially imperative today that states have recently are entering electoral arena as well as are learning about the legal and institutional debates about what is permitted and what is unlawful. Taking them out of the election process means taking them a democratic position that they have worked hard to achieve. It may also have the unexpected effect of criminalising emerging political leaders, who may believe that if they are facing harsh punishment, it makes little difference whether the illegal behaviour is little or significant. In most cases, parties found guilty of infringing the code of ethics went on the defense when asked to prove their acts, according to the EC's own practice. They have implemented EC decisions, albeit reluctantly. Rather from being hostile to the European Commission, they have worked to defend their decision and even correct the faults.

This indicates that the European Commission has framed its regulatory position in such a way that the application of laws will not politicise groups that enter the public sphere. When there are major concerns, Parliamentary bodies and tribunals are there to deal with them. Cases of serious constitutional infractions will be investigated by such entities. When the Constitution's core framework is tampered with, for example, the authorized body will step in. The Supreme Court has authority to resolve disputes amongst governments inside India's borders and to serve as an elected capacity for the resolution of legal problems. They have a long history of driving past action and will continue to do so in the future. This could help the EC bring misconduct under check without having to resort to political recognition.

### **NON-COMMITTED INSTITUTION**

The EC needs to be politically non-affiliate in order to successfully conduct its tasks. In reality, it was visualized as an uncommitted organization to carry out its mission without being attached to or affected by political executive, just like bureaucracy. The bulk of EC leaders is drawn from bureaucracy. The Indian Administrative Service in addition to its predecessor Indian Civil Service in particular, because work involves a reasonable quantity of administrative expertise. Like the organizational services, however, EC must protect alongside political executive's pulls in addition to pressures in order to avoid being a committed bureaucracy.

There are the dangers of submitting to political pressure appointments are appointments after all. Governments have always reflected conventional views and commonly viewed as being averse to fundamental change. There is an implicit tendency, therefore, to perceive any socio-political shift as dangerous. The EC must beware of falling victim to these two tendencies. This needs to e become socially stagnant or status quo politically. It should be open to the institutional changes that arise from the workings of democracy in India. Minor political considerations may be immediate cause of EC's expansion, but bigger made the expansion unavoidable. It were EC self-call for depersonalize or democratization. One way of making sure this was by naming commissioners. It was of avoiding power accumulation in a single person, in reality it was important to save a legitimate body after transforming into a pure postponement of whims of an discrete.

### **DISCUSSION & CONCLUSION**

Working in addition to deepening democratic government has enhanced EC's role, putting it on a par with the executive, state senate, and judiciary in terms of importation. So far, the EC has been able to perform its enhanced function reasonably well, thanks to the electorate's trust. Given that the unfolding of democracies expectations occurs in an untidy manner, the success shows that it has encouraged more or less the growth

of representative democracy expectations. This has also sought to safeguard that democratic goals are carried in an atmosphere of laws and standards where underprivileged are not trampling on each other besides wealthy are not trampling on. This has sought to regulate use of money besides muscle power and ruling party arbitrary in this position of an umpire.

What needs to be emphasized here, however, is that its acts were essentially ad hoc in nature. The EC took decisions on spot evaluations of circumstances. While these decisions were mostly rational, this ad hoc way of operating will carry EC in opposite direction of rising democratic tidal wave. The EC must ensure that there is politicization, that it stays within limits of self-governing norms, and that those standards themselves do not fall lopsidedly on disputed sides and contribute to the poor being depoliticized. A long-term plan or mindful policy must be established where development of democratic values goes hand in hand with enforcement of law. This is important if democratic principles are to be strengthened and the jolts and unexpected problems that may arise.

#### REFERENCES

- [1] S. Folarin, C. Ayo, A. Oni, and D. Gberevbic, "Challenges and prospects of e-Elections in Nigeria," 2014.
- [2] Y. M. Kim *et al.*, "The Stealth Media? Groups and Targets behind Divisive Issue Campaigns on Facebook," *Political Communication*, 2018, doi: 10.1080/10584609.2018.1476425.
- [3] C. Calimbahin, "Exceeding (low) expectations: Autonomy, bureaucratic integrity, and capacity in the 2010 elections," *Philippine Political Science Journal*. 2011, doi: 10.1080/01154451.2011.9723533.
- [4] X. Meng and L. Zhang, "Democratic participation, fiscal reform and local governance. Empirical evidence on Chinese villages.," *China Economic Review*, 2011, doi: 10.1016/j.chieco.2010.09.001.
- [5] D. Kumar, R. Kumar, R. Chauhan, V. Chander, and S. Raina, "Pattern of health promises for Indian democracy: A qualitative review of political manifestos," *Journal of Family Medicine and Primary Care*, 2017, doi: 10.4103/jfmmpc.jfmmpc\_308\_17.
- [6] S. Routray, "The imaginary institution of India: politics and ideas," *Contemporary South Asia*, 2011, doi: 10.1080/09584935.2011.594265.
- [7] J. Melorose, R. Perroy, and S. Careas, "Exchange Rate Impact on Bilateral Trade between India and China," *Journal of Finance, Accounting and Management*, 2012, doi: 10.1017/CBO9781107415324.004.
- [8] J. de Wit, *Urban poverty, local governance and everyday politics in Mumbai*. 2016.