



ELECTION COMMISSION AND ELECTORAL REFORMS IN INDIA : IMPORTANCE ,ISSUES AND CHALLENGES.

(SAHERA KHATUN)

M.a , B.ed , Wb Set And Ugc Net Qualified in Political science.

Abstract

The Election commission is an autonomous body. It was established on 25th January, 1950. It is a permanent constitutional body. For the success of democracy it is indispensable. Article 324 of the Constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India shall be vested in the election commission. Originally the commission had only one election commissioner but after the Election Commissioner Amendment Act 1989, it has been made a multi-member body . However, the two posts of election commissioners were abolished in January 1990 and the Election Commission was reverted to the earlier position. Again in October 1993, the president appointed two more election commissioners. Since then and till today, the Election Commission has been functioning as a multi-member body consisting of three election commissioners.

Election Commission of India superintends, directs and controls the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India. Demarcation of parliamentary and Assembly Constituencies. Recognition of political parties and allotment of symbols . Preparation of electoral roll. Scrutiny of nomination papers of the contesting candidates. Scrutiny of election expenses of the contesting candidates. Deciding model code of conduct for contesting candidates and political parties . Deciding election schedules for conduct of election. Disqualifying candidates stopping or cancelling elections in a particular polling booth or station on the basis of allegations.

Keywords– Election Commission , Democracy, Reforms, Constitutional Bodies, Political Parties, Major committees.

Introduction

Major Challenges In The Indian Electoral System are Over the years influence of money and criminal elements in politics has increased along with violence and electoral malpractices resulting in criminalization of politics. The ECI has been unable to arrest this deterioration. The ECI is not adequately equipped to regulate political parties. The ECI has no power in enforcing inner-party democracy and regulation of party finances. There has

been rampant abuse of power by the state government who at times make large-scale transfers on the eve of elections and posts pliable officials in key positions, using official vehicles and buildings for electioneering, flouting the ECI's model code of conduct. In the recent years, an impression is gaining ground that the Election Commission is becoming less and less independent of the Executive which has impacted the image of the institution. One of the major institutional drawback is non- transparency in election of CEC and other two commissioners and is based on the choice of presiding government.

Objective of the Study -

1. Therefore one of the primary objectives of the present study is to examine the function of The Election Commission of India (ECI) :role and duty in reality.
2. Therefore, another objective of the present study is to evaluate the success and failure of the Election commission of india.
3. To study the Major Challenges In The Indian Electoral System. And what are Measures Taken By ECI For Electoral Reforms.
4. To study the Various Committees On Electoral Reforms.
5. To explain the nature of people's participation in the political process in India .
6. To identify factors that hinder the participation of people in elections.

Electoral Reforms(Major committees)

1. Joint Parliamentary committee and amendment to election laws (1971-72).
2. Tarkunde committee in 1974 by Jai Prakash Narayan during his total revolution movement.
3. Dinesh Goswami committee on electoral reforms (1990).
4. Vohra committee on nexus between crime and politics (1993) .
5. Election commission of India Recommendations on electoral reforms (1998).
6. Indrajeet gupta committee on state funding of elections (1998) .
7. Law commission of India 170th report on reforms of electoral laws (1999).
8. National commission to review the working of the constitution (2000-2002) headed by MN Venkatachaliah.
9. Election commission of India report on proposed electoral reforms (2004).
10. Second Administrative reforms commission of India report on ethics in governance (2007 headed by Veerappa Moily).
11. Tankha committee (2010).
12. J.S. Verma committee report on amendments to criminal law (2013).
13. Law Commission of India 244th Report on Electoral Disqualifications (2014).
14. Law Commission of India 255th Report on Electoral Reforms (2015).

Electoral Reforms in India

Based on recommendations made by these committees, various reforms have been introduced in our electoral system, election, machinery and election process. This can be studied under the following Electoral Reforms before 1996, Electoral Reforms of 1996, Electoral Reforms after 1996, Electoral Reforms after 2010.

★ Electoral Reforms before 1996-

- A.** Lowering of voting age -- The 61st constitutional amendment act of 1988 reduced the voting age from 18 years to 21 years for the Lok Sabha as well as the assembly elections.
- B.** Increase in Number of Proposers: In 1988, the number of electors which are required to sign as proposers in nomination papers in nomination papers for elections to the Rajya sabha and state legislative council was increased to 10 percent of the electors of the constituency.
- C.** Electronic Voting Machines: Provision of EVM was made in 1989, these are used for the first time on experimental basis in selected constituencies of Rajasthan, Madhya Pradesh and Delhi in 1998.
- D.** Booth Capturing: In 1989, a provision was made for adjournment of poll in case of booth capturing.
- E.** Elector's Photo Identity Card (EPIC) a decision was taken by the election commission in 1993 to issue photo identity cards to elect the country to check bogus voting.

★ Electoral Reforms of 1996-

Some of the recommendations of Dinesh Goswami committee were implemented in 1996.

- A.** Listing names of candidates : Candidates to be classified in three categories for the purpose of listing their names. They are : (i) Candidates of recognized political parties (ii) Candidates of registered unrecognized political parties (iii) Other candidates.
- B.** Prohibition on the Sale of Liquor
- C.** Time Limit for By-Elections Now, by-elections are to be held within six months of occurrence of the vacancy in any House of Parliament or a state legislature
- D.** Contestant Restricted to two Constituencies: A candidate would not be eligible to contest from more than two parliamentary or assembly elections.
- E.** Prohibition of Arms: Entering into the neighborhood of a polling station with any kind of arms is to be considered a cognizable offense. It is not applicable to returning officer, presiding officer or any other police officer.
- F.** Effective Campaigning Period Reduced : Minimum gap between the last date for withdrawal of candidate and the polling date has been reduced from 20 to 14 days.

★ electoral Reforms after 1996-

- A.** Presidential and Vice Presidential Elections: In 1997 the number of electors as proposers and seconders for contesting election to the office of president was increased from 10 to 50 and 5 to 20 for vice president. Security deposit was increased from 2500 to 15000 for both.
- B.** Requisition Of Staff For Election Purpose(1998).

- C. Voting through Postal Ballot (1999).
- D. Vote Through Proxy (2003).
- E. Declaration Of Criminal Antecedents Assets Etc, By The Candidates(2003).
- F. Changes in rajya sabha election (2003)
- G. Free Supply of Electoral Rolls, etc. According to a 2003 provision", the Government should supply, free of cost, the copies of the electoral rolls and other prescribed material to the candidates of recognised political parties for the Lok Sabha and Assembly elections.
- H. .Parties can Accept donations (2003).
- I. Allocation of Time on Electronic Media (2003).
- J. Introduction of Braille Signage Features in EVMs (2010)

★ Electoral Reforms after 2010-

- A. Restrictions imposed on exit polls.
- B. Increase in security Deposit: Security deposit for Lok Sabha elections was increased from 10000 to 25000 for the general candidates and from 5000 to 12500 for SC and ST candidate. Security deposit for state assembly elections was increased from 5000 to 10000 for general candidates and 2500 to 5000 for SC and ST candidates.
- C. Introduction of NOTA Option: According to the supreme court direction the election commission made provision in the ballot papers / EVMS for None of the Above option.
- D. . Introduction of VVPAT : The Voter Verifiable Paper Audit Trail is a system attached with the EVMS that allows the voters to verify that their votes are cast in the correct way i.e. to the persons they casted vote. Its usage was first started in bye election to Noksen Assembly election of Nagaland.
- E. Persons in Jail on police custody can contest elections: Two new provisions have been included in the representation of People Act 1951: (1) It provides that by the reason of prohibition to vote either due to in fail or in police custody, a person whose name is in electoral list shall not cease to be an elector. (ii) Members of parliament or state legislature shall be disqualified only as per the provision of act.
- F. Online Enrollment in Electoral Roll: In 2013, it was made possible to fill online applications for enrollment in the electoral roll.
- G. Photos of Candidates on EVMS and Ballot Papers: After the May 2015 election it was made a provision that the ballot papers and EVMs will carry the picture of the candidate with his/her name and party symbol to avoid confusion among voters.
- H. Introduction of electoral bonds(2018).
- I. In the 2018 budget the receiving of foreign funds by the political parties has been allowed.

Conclusion

Nowadays, it is very important to study voting behavior, electoral reforms in india. Electoral reforms are necessary for healthy democracy, establishment of responsible government and other purposes. In India, electoral reforms are not a single time effort, but a continuous process. Therefore, there is a continuous attempt by the

Election Commission, National Law Commission, the Parliamentary Committees on electoral reforms, legislative acts, high courts, supreme court to reform the electoral system in India. The degree and nature of electoral reforms will require wider debate and political consensus. The ECI and the Supreme Court can be enablers of these electoral reforms. But the functions of the Election Commission should be transparent and independent.

- **Reference**

- 1.Laxmikant, M. (2019). *Indian Polity-For Civil Services and Other State Examinations/*: by M. Laxmikant. McGraw-Hill; Sixth edition (27 December 2019); McGraw Hill.
2. Mahapatra, A.k.(2016).*Bharater sasan babostha o rajniti* ;suhird publication, Calcutta.
- 3.Chelameswar, J. J., & Naidu, J. D. S. (2019). MP Jain Indian Constitutional Law. Lexis Nexis.
- 4.Kumar, V. (2020).Electoral reforms in India: Needs, issues and challenges.
- 5.Chatterji, R. (2001). *Politics India: The State-society Interface*. South Asian Pub Pvt Limited. Page 119-133.
- 6.<https://eci.gov.in/files/file/9315-the-representation-of-people-act-1951/>