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# Role of the Election Commission of India

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## ABSTRACT

*The Election Commission of India (ECI) is an independent and autonomous constitutional authority entrusted with overseeing and managing the entire electoral process in India. Established under Article 324 of the Indian Constitution, the ECI plays a pivotal role in ensuring free, fair, and transparent elections across the country. Its jurisdiction extends to conducting elections for the Lok Sabha (House of the People), the Rajya Sabha (Council of States), and the State Legislative Assemblies. Additionally, it administers elections for the offices of the President and the Vice President of India, which are critical for maintaining the democratic framework of the nation. The ECI's mandate is not limited to merely organizing elections; it encompasses a broad range of responsibilities, including the preparation of the electoral rolls, supervision of the voting process, and regulation of political parties under the Representation of the People Act, 1951. It ensures adherence to the Model Code of Conduct, monitors election expenditures, and takes measures to curb corrupt practices to uphold the sanctity of the democratic process. As a non-partisan body, the ECI operates independently of the executive branch, ensuring its decisions are impartial and insulated from political influence. It is headed by the Chief Election Commissioner (CEC) and may include up to two Election Commissioners, collectively forming a multi-member commission. These officials are appointed by the President of India and enjoy a high degree of security of tenure, further safeguarding the commission's autonomy. ECI has embraced technology to modernize electoral processes, such as the introduction of Electronic Voting Machines (EVMs) and Voter Verifiable Paper Audit Trails (VVPATs), ensuring accuracy and*

*transparency. Through its unwavering commitment to democracy, the ECI remains the cornerstone of India's electoral integrity.*

## **KEYWORDS**

*Election, president, democracy, constitution, parliament.*

## **INTRODUCTION**

India, renowned as the largest democracy in the world, is a Socialist, Secular, and Democratic Republic. The modern Indian nation-state came into being on 15<sup>th</sup> August 1947, marking its independence. Since then, the country has adhered to the principles enshrined in its Constitution to conduct free and fair elections at regular intervals. These elections are a cornerstone of India's democratic ethos, governed by a robust framework of electoral laws and systems. As it operates as a constitutional democracy under a parliamentary system of government, where the essence of governance lies in the commitment to uphold the democratic process. Elections in India determine the leadership and composition of the government at multiple levels: the two Houses of Parliament (Lok Sabha and Rajya Sabha), the State and Union Territory Legislative Assemblies, and the offices of the President and Vice-President. These elections ensure that power rests in the hands of the people, reflecting their collective will and aspirations.

The Election Commission of India (ECI) is the cornerstone of this electoral process. Established as a constitutional body under Article 324 of the Indian Constitution, the ECI is tasked with ensuring the conduct of impartial, transparent, and efficient elections across the nation. It is led by the Chief Election Commissioner, supported by two Election Commissioners, who collectively oversee the commission's operations. Together, they ensure that every election—be it at the national, state, or local level—adheres to the highest democratic standards.

India's electoral system stands as a testament to its commitment to democracy, fostering inclusive participation and ensuring that governance remains accountable to its citizens. This steadfast dedication continues to uphold India's position as a global beacon of democracy.

## **THE ELECTORAL SYSTEM IN INDIA**

Indian Elections, the Largest Event in the World Conduct of General Elections in India for electing of a new House of the People

(Lower House of Indian Parliament), involves management of the largest event in the world. The electorate exceeds 605 million, voting in nearly 800,000 polling stations, spread across widely varying geographic and climatic zones. Polling stations are located in the snow-clad mountains in the Himalayas, the deserts of the Rajasthan, and in sparsely populated islands in the Indian Ocean.

India has recently conducted the biggest electoral exercise of the century on this earth, when it held the twelfth general election to the House of the People in the months of January-March 1998. The general election was unexpected, as there was sudden premature dissolution of the House on the 4<sup>th</sup> of December, 1997. The country was taken somewhat off-guard for such a big event, involving the participation of over 605 (Six Hundred Five) million electors, needing a huge electoral machinery consisting of approximately 5 million election officers.

The Election Commission of India is a body constitutionally empowered to conduct free and fair elections to the national, the State Legislative Assemblies, State Legislative Councils and the offices of the President and Vice-President.

The powers are exercised by the Election Commission in terms of Article 324 of the Constitution and subsequently Representation of the People Act. State election commissions conduct local body elections in their respective states. The election commission decides on the dates for the filing of nominations, voting, counting, and announcement of results. It also comes up with a Model Code of Conduct for political parties and candidates for ensuring that the elections are carried out in a free and fair manner. The Code of Conduct was first issued during the 5th Lok Sabha elections in 1971 and has been revised several times since then. It outlines rules for the behaviour of political parties and candidates in the course of an election period. Violations of the code by different political parties and misuses of official machinery by the candidates are dealt with according to the law. A law on the registration of political parties was passed in the year 1989. The registration ensures that the political parties are recognized as national, state, and regional parties. The election commission can allot symbols to the political parties according to the status. The same symbol cannot be allocated to two political parties even if they do not contest in the region.

The commission develops electoral rolls and also maintains a voter list. To avoid electoral malpractices, Electors Photo Identity Cards were issued in the year 1993. Some other documents like ration cards are still allowed for casting their vote in some instances. The commission has been vested with powers to prohibit the publication or broadcasting of voting trends which

have the tendency of influencing the voters by opinion polls or exit polls. The Election Commission is responsible to scrutinize and approve the nomination forms of the contestants who seek to contest in the election.

A person can be disqualified from contesting the elections if wrong or incomplete information is given in the affidavits and if he/she has been convicted by any court in India in which a jail term of two or more years has been awarded. In 2017, the Election Commission supported the case for a lifetime ban on convicted felons from contesting elections in an affidavit filed in the Supreme Court. The Election Commission limits the election expenditure incurred by candidates in the period of campaigning. It is also reportedly known to nominate Income Tax Department officers belonging to the Indian Revenue Service as Election Observers. The commission collects an affidavit at the time when the nomination paper is being submitted detailing the assignment of the candidate, and they are required to provide details.

### **WHAT IS ECI?**

The Election Commission of India is an independent constitutional authority. Who is responsible for managing Union and State election processes in India. The body conducts elections to the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India, the presidencies, and the offices of the Vice President within that country.

### ***Functions***

Election Commission of India superintendents, directs and controls the whole process of holding elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.

The most important function of the commission is to decide election schedules for the conduct of periodic and timely elections, whether general or bye-elections. It prepares electoral roll, issues Electronic Photo Identity Card (EPIC). 2/4 It determines location of polling stations, distribution of voters to the polling stations, location of counting centres, arrangements to be made in and around the polling stations and counting centres and all allied issues. It grants recognition to political parties & allots election symbols to them along settling disputes regarding the above.

The Commission holds advisory jurisdiction in the question of post-election disqualification of sitting members of Parliament and State Legislatures. It spells Model Code of Conduct during elections for political parties and their candidates so that nobody

resorted to the practice of unfairness and no arbitrary abuse of power occurs by those in positions of power. It fixes ceilings on expenditure on election for all political parties, besides keeping an eye on such expenses

### **IMPORTANCE OF ECI FOR INDIA**

The ECI has conducted both national and state elections remarkably since 1952. In recent years, however, the Commission has started to play the more active role to ensure greater participation of people. The Commission had gone to the extent of disciplining the political parties with there 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 <sup>3/4</sup>.

### **MODEL CODE OF CONDUCT.**

The ECI is not well-endowed to regulate the political parties. The ECI has no authority in the implementation of inner-party democracy and regulation of party finances. In the last couple of 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. EVMs malfunctioning, getting hacked and not registering votes corrodes general masses trust from the institution.

### **WAY FORWARD**

The challenge before the commission is to be vigilant and watchful against the collusion at the lower level of civil and police bureaucracy in favor of the ruling party of the day. Until the controversy regarding glitches in EVM settles down, commission needs to install its trust amongst people by installing (Voter Verifiable Paper Audit Trail System) VVPATS in more and more constituencies.

More legal support needs to be given to the mandate of the commission and the processes that support that mandate. As history shows, inadequate leadership is the bane of our public institutions. Safeguards to ensure that ethical and competent persons lead them are absolutely essential. 2nd ARC report suggested that collegium headed by the Prime Minister with the Speaker of the Lok Sabha, the Leader of Opposition in the Lok Sabha, the Law Minister and the Deputy Chairman of the Rajya

Sabha as members should advise the President for appointment of the Chief Election Commissioner and the Election Commissioners. Threat of derecognizing if the parties failed in maintaining inner-party democracy. It upholds the values enshrined in the Constitution viz, equality, equity, impartiality, independence and rule of law in superintendence, direction, and control over the electoral governance. Carries out elections with the highest possible level of credibility, freedom, fairness, transparency, integrity, accountability, autonomy and professionalism.

Strives to ensure the participations of all eligible voters in the electoral process in an inclusive voter-centric, voter-friendly environment. Leads engagement with political parties and all stakeholders in support of the electoral process. Promotes awareness relating to the electoral process and governance among the stakeholders including voters, political parties, election functionaries, candidates and people at large; and to enhance and strengthen confidence and trust in the electoral system of this country.

## **MAJOR CHALLENGES**

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. Any elector or candidate can file an election petition if he or she thinks there has been malpractice during the election.

An election petition is not an ordinary civil suit but treated as a contest in which the whole constituency is involved. Election petitions are tried by the High Court of the State involved, and if upheld can lead to the restaging of the election in that constituency. The election petition can be filed within 45 days of the declaration of result. Appeals from the orders of the High Courts lie to the Supreme Court of India.

- ***Media Coverage***

In order to bring as much transparency as possible to the electoral process, the media are encouraged and provided with facilities to cover the election, subject, however, to maintaining the secrecy of the vote. The Election Commission has a comprehensive policy for the media. It holds regular briefings for the mass media-print and electronic, on a regular basis, at close intervals during the election period and on specific occasions as necessary on other. The country-wide manpower for a general election comprises an almost five million strength

of poll personnel, along with civil police forces. Such an enormous election machinery is generally regarded as deputation to the Election Commission and is subjected to its control, superintendence and discipline during the election period which lasts about one and a half to two months.

- ***Budget & Expenditure***

The Secretariat of the Commission has an independent budget, which is finalized directly in consultation between the Commission and the Finance Ministry of the Union Government. The latter generally accepts the recommendations of the Commission for its budgets. The major expenditure on actual The conduction of elections is, however reflected in the budgets of the concerned constituent units of the Union - States and Union Territorial Administrations. If elections are held only to the Parliament, the entire burden is upon the Union Government. And, if only to the State Legislature, then the burden rests squarely upon the concerned State. When there are elections both to the Parliament as well as to the State Legislature simultaneously, the expenditure is divided equally between the Union and the State Governments. For Capital Equipment, expenditure pertaining to preparation for electoral rolls and the scheme for Electors.

Identify Cards too, the expenditure is divided equally. Executive Interference Barred In the discharge of its duties, the Election Commission is protected from executive interference. It is the Commission which determines the election schedules for the conduct of elections, whether general elections or bye-elections. Again, it is the Commission, which decides on the location of polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters.

## **ADVISORY JURISDICTION & QUASI-JUDICIAL**

- ***Functions***

Under the Constitution, the Commission also has advisory jurisdiction in the matter of post-election disqualification of sitting members of Parliament and State Legislatures. In addition, the judgments of persons convicted of corrupt practices at elections determined by the Supreme Court and High Courts are also brought before the Commission for its opinion on the question as to whether such persons shall be disqualified for contesting future elections and, if so, for what

period. The opinion of the Commission in all such matters is binding on the President or as the case may be, the Governor to whom such opinion is tendered. The Commission has the power to disqualify a candidate who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law. The Commission has also the power for removing or reducing the period of such disqualification as also other disqualifications under the law.

- ***Judicial Review***

The decisions of the Commission can be challenged in appropriate petitions in the High Courts and the Supreme Court of India. However, by constitutional embargo and a long-standing convention and also by catena of judicial pronouncements, the judiciary does not interfere in the actual process of conducting elections, once its actual process begins. Once the polls are over.

- The ECI has managed to successfully introduce EVMs and VVPATs, which have considerably reduced the number of human errors in voting and counting and increased the transparency.
- MCC introduced an ethical benchmark in campaigning for fairness in electoral contests.
- SVEEP has now become an initiative that has helped voter turnout increase by effectively engaging millions in the democratic process.
- The ECI ensured free and fair elections in the largest democracy where more than 900 million eligible voters participate in determining governance.
- The collegium system of appointing Election Commissioners may make them even more independent of political pressures, which will give greater confidence to the ECI.
- Institution of a constitutional status of the MCC may also mean a stricter form of implementation of enforcement, that will motivate further political actors to behave better. The Election Commission of India is identified as an autonomous and independent body that is under the constitution of India was established in the year 1950. The roles and responsibilities of the election commission of India are to conduct free and fair elections in the country and this is to implement the values of democracy and secularism in the society.

The Election Commission of India is the supreme body in control of election administration in India. The Election

Commission of India is a constitutional organization established under the Indian Constitution with the mandate to oversee the conduct of elections and referendums in the country. The Commission is headed by a chairman appointed by the President for five years; the appointment must be ratified by Lok Sabha, House of the People. All other members are appointed by the President on advice from the Prime Minister, for seven years, with ratification of Lok Sabha.

There are quite a few milestones that the Election Commission of India has ushered in with these 70 years of its existence in the country. Some of the most prominent achievements of the ECI happen to be the electronic voting machine first introduced in the Lok Sabha elections of 2004. Another great achievement by the ECI is the introduction of voter ID cards for the people of the country. The concept of NOTA introduced during the year 2014 depicts how well the ECI works on its own. The model code of conduct in the year 2009 was another such milestone achieved boldly and strongly.

The Election Commission of India has played a great role to make India a democratic country. This body helps people elect members who, in the name of the people, govern the country. The procedure of election has got great independence through this body.

Indian elections have always been at the centre of attraction based on its massive democratic decision making all over the country. After assessing the key features of the Indian election, it can be said that the Election Commission of India has a major intervention in the election process based on its impartial perspective of conducting the election on the national level. Therefore, it can be said that through the use of Article 324, the election commission has achieved great control over the process of elections in India, including both the Lok Sabha and the vidhan Sabha elections in India. The Election Commission of India has made several modifications to the process of conducting elections since it began its functions. While it has mostly received appreciation for the advancements that it has achieved and for the smooth and effective holding of elections in one of the largest democracies of the world, it has also had to suffer certain criticism as has been above stated. Yet, notwithstanding such condemnation, the Election Commission works with utmost dedication.

India is the largest democracy in the world. Conducting elections in the country that has over 800,000 polling booths is indeed the largest political activity organized worldwide. The

Election Commission of India has received praises for accomplishing this massive task successfully over and over again. The role of the Election Commission is not an easy one. It has to be vigilant at all times and observe every little detail to ensure that the elections are conducted efficiently without any glitch. A lot of hard work goes into this. EC starts preparing for the same months before the elections begin and has to be on its toes until the polling results are out. The changes brought about by the Election Commission of India have eased the election process in the country.

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