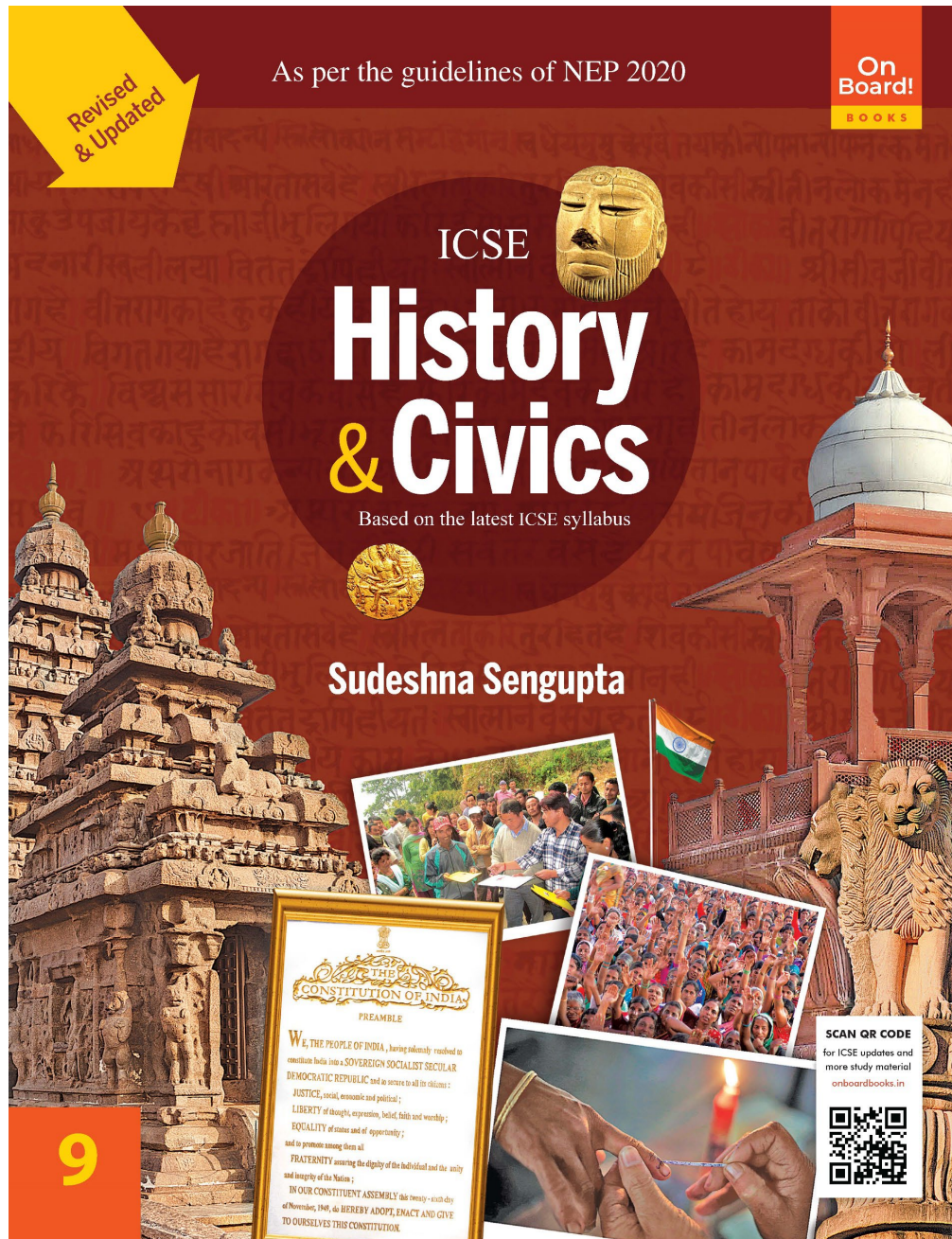


On Board!

B O O K S

History and Civics 9



Civics 9

Chapter 5: Elections and the Election Commission

Inside the Chapter

THE NEED FOR ELECTIONS

Kinds of elections

Types of elections

Constituencies

Reservation of seats

The single transferable vote system

THE ELECTION COMMISSION

Composition and organization

Appointment

Conditions of service, independence and tenure of office

Powers and functions

Model Code of Conduct

When to hold elections

Who can stand for election

THE ELECTION PROCESS

Media coverage

Electronic Voting Machines

To Remember

Chapter 5: Elections and the Election Commission

According to the Constitution, all Indian citizens, who are 18 years of age and above and who are not otherwise disqualified under any law, shall be entitled to vote in the elections. Every Indian who fulfills the above criteria finds a place in the Voters' List, which is revised every six years. India has the world's largest electorate comprising over 91 crore voters.

THE NEED FOR ELECTIONS

India is a constitutional democracy with a parliamentary system of government. Elections in India are effective tools to ensure that the government in power works according to the provisions of the Constitution and looks after the needs of the people. The people's control over the government through the election process makes it so important in a thriving democracy.

Kinds of elections

There are two kinds of elections in our democratic system—direct elections and indirect elections.

Direct election: adult citizens of the country directly elect their representatives to the legislatures. The members of the Parliament and the State Assemblies are elected in this manner.

Indirect election: The people elect an intermediary group, which then goes on to elect members of the legislature. The members of the Rajya Sabha, President and the Vice President are elected by this method.

ADVANTAGES AND DISADVANTAGES OF DIRECT AND INDIRECT ELECTIONS

Both the direct and indirect kinds of elections have their own advantages and disadvantages.

ADVANTAGES

Direct elections

- ◆ It generates more interest in the people as they play a part in the actual formation of the government.
- ◆ As the persons elected are answerable to the people directly, they work more efficiently and with responsibility.

DISADVANTAGES

- ◆ In a large country, where illiteracy and poverty is rampant, too much power placed in the hands of a few people can be too risky.
- ◆ Voting based on rational thinking may easily give way to religious, caste and class considerations and money power.

Indirect elections

- ◆ It reduces the play of people's emotions and passions as the choice is made by a handful of representatives.
- ◆ It is really suited in a country where the electorate is very large and mistakes might easily occur due to this.
- ◆ The distance between the voters and the voted makes the entire system less democratic as only a few are directly involved in the process.
- ◆ As the size of the electorate is relatively small there can be horse-trading and bribery to secure votes according to party lines.

Types of elections

In our electoral system there are three types of elections namely: i. General election, ii. By-election and iii. Midterm election.

General election: The very first election of this kind was held in India in 1952 wherein the adult citizens of the country elected their representatives to the first Lok Sabha and to the State Assemblies.

By-election: When a candidate representing a constituency dies during his tenure or resigns, a by-election is held to fill that seat. The new member elected stays in office for the remainder of the term.

Midterm election: When the Lok Sabha or the State Assembly, is dissolved before completion of the full term of five years, midterm elections are held to form a new government. However, all elections to constitute a new Lok Sabha are now called General Elections. Hence the use of the term midterm elections has become redundant.

Constituencies

The country has been divided into 543 Parliamentary Constituencies, each of which returns one member to the Lok Sabha, the lower house of the Parliament. In India, every constituency is a single-member constituency. Only one representative is sent from each constituency.

Reservation of Seats

The Constitution puts a limit on the size of the Lok Sabha at 550 elected members. By the 104th Amendment Act 2019, the provision of special representation of the Anglo-Indian community is no longer effective. There are also provisions to ensure the representation of Scheduled Castes and Scheduled Tribes. Attempts are onto reserve one-third of the seats for women.

The Single Transferable Vote System

Election of the President and the Rajya Sabha members are carried out using the single transferable vote system. This system is designed to ensure more diverse representation by reducing the opportunity for major blocks of voters to dominate minorities. The ballot paper or the Electronic Voting Machine (EVM) lists all candidates standing for election and the voters list them in order of preference.

THE ELECTION COMMISSION

An independent Election Commission has been established under the Constitution (Article 324) in order to carry out and regulate the holding of elections in India.

Composition and Organization

The Election Commission was established on 25 January 1950. Originally, the Commission comprised a Chief Election Commissioner. However, the President can appoint more Commissioners, if needed. The Commission has its headquarters, called Nirvachan Sadan in New Delhi. At the state level, it comprises a Chief Electoral Officer and core staff of varying numbers. At the district and constituency levels, officers and staff of the civil administration double up as election officials.

Appointment

At present, there are two Election Commissioners in addition to the Chief Election Commissioner. The Election Commissioners are appointed by the President on recommendation of the Prime Minister. The regional or state Commissioners are also appointed by the President to assist the Election Commission to carry out its duty in all parts of the country.

Conditions of Service, Independence and Tenure of Office

Currently, the Act of Parliament (1994) determines the conditions of service and tenure of office of the Election Commissioner. The main provisions of the Act include:

- The Chief Election Commissioner and the other Commissioners hold office for a term of six years or till they attain the age of 65 years, whichever is earlier.
- They are paid a salary at par with the Judge of the Supreme Court. Their salary is charged on the Consolidated Fund of India and cannot be changed to their disadvantage. They are also entitled to a pension on retirement.
- The Chief Election Commissioner can be removed from office only by the Parliamentary procedure of impeachment similar to the manner of removal of a Judge of the Supreme Court.
- The Commission decides most matters by consensus but in case of any dissension, the majority view prevails.

Powers and Functions

Making the electoral roll The electoral roll is a list of all registered voters in a constituency. Only those people with their names on the electoral roll are allowed to cast their vote. The Election Commission is working towards computerization of the electoral rolls all over the Country. The Election Commission has also introduced photo identity cards for voters.

Recognizing political parties The Election Commission recognizes the political parties under three categories—national parties, state parties and unrecognized registered parties. The parties are also given election symbols.

Conducting elections When the five-year term of a Legislature is up, or it has been dissolved and new elections have been called, the Election Commission puts into effect the machinery for holding the election. The Constitution states that there can be no longer than six months between the last session of the dissolved Lok Sabha and the recalling of the new House, so elections have to be concluded within this period.

The Election Commission, which decides the schedule for elections, has to take into account various factors like: i. the weather—during winter some constituencies may be under snow cover, while during the monsoon access to remote areas may be restricted, ii. the agricultural cycle, so that the seasonal planting or harvesting of crops is not disrupted, iii. the exam schedules, as schools are often used as polling stations and teachers employed as election officials, and iv. religious festivals and public holidays.

Ensuring free and fair elections That the elections are conducted in a free and fair manner is the responsibility of the Election Commission. It sends Central Observers to sensitive areas to secure the safety of the voters while they exercise their franchise. If any malpractice or booth capturing is reported, the voting is countermanded and new dates are announced for fresh voting in that polling booth.

Scrutiny of nomination papers All nomination papers have to be checked thoroughly by the Returning Officer. Incomplete and invalid papers have to be returned and the nomination of the candidates rejected. The candidates have to be qualified, genuine and meeting all criteria regarding deposit money, symbol, etc.

Scrutiny of election expenses The candidates have to submit before the Election Commission a detailed account of all their expenses incurred during the election. There is a limit that a candidate can spend and if on scrutiny he is found to transgress or to have made illegal use of the government machinery for personal gains, even a winning candidate can be asked to step down and the election declared invalid.

Model Code of Conduct

To ensure free and fair elections the Election Commission enforces a model code of conduct to be followed by the candidates, parties and the government. These include:

- The government officials cannot in their official capacity take part in political activities.
- Sitting MPs and MLAs cannot use official machinery for election purposes. Their official duty cannot be clubbed with the electioneering works.
- A place of worship cannot be used for election purposes like canvassing the voters.
- To incite communal, regional or sectarian feelings through speeches or printed material is prohibited and can lead to disqualification.
- Handing over gifts to the voters in exchange of votes is considered an act of corruption.

When to Hold Elections

Elections for the Lok Sabha and every State Legislative Assembly have to take place every five years, unless called earlier. If the government in power no longer commands the confidence of the Lok Sabha and there is no alternative government available to take over, the President can dissolve the Lok Sabha and call a general election before its five-year term is up. Holding of regular elections can be stopped only by means of a constitutional amendment and in consultation with the Election Commission.

Who Can Stand for Election

Any Indian citizen who is a registered voter and is 25 years of age or above can contest elections to the Lok Sabha and the State Legislative Assemblies. For Rajya Sabha, the age limit is 30 years. Usually, the members of the Rajya Sabha represent the interests of the State. However, it is no more obligatory for a Rajya Sabha member to be a resident of the State he represents.

THE ELECTION PROCESS

After the election dates are announced the political parties gear up for the election process. The process involves a set pattern, which goes as follows:

The election manifesto The political parties place their policies and programmes in front of the voters in the form of a document called the Election Manifesto. This document appraises the people of the policies and objectives of the party in question so that the voters can make their electoral choice based on it.

Filing and scrutiny of nomination papers The candidates either belonging to a political party or independent have to file in their nomination papers within the stipulated period. After the last date the scrutiny of the nomination papers begins.

The election campaign The success of the candidates depends largely on how well they are able to convince the voters before the actual voting. The campaign generally involves the use of posters featuring the photographs, symbols and party promises all over the constituencies. The candidates also hold public meetings.

The poll On the election day, the voters go to their respective polling booths and exercise their franchise. At the polling booth, the electoral officers first confirm inclusion of the voter's name in the voters' list and then mark his/her finger with an indelible ink. The voter then proceeds to cast his/her vote.

Counting and declaration of results Once the voting is over, all the ballot boxes or the electronic voting machines are sealed and taken to the counting centre assigned for each area. The counting is done in the presence of the Returning Officer and representatives of the candidates. After all the votes are counted, the candidate obtaining the maximum number of votes is declared elected.

Election petition 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 Courts, and if upheld, they can even lead to re-election in that constituency.

Re-elections are also ordered where cases of booth capturing, loss or destruction of the EVMs, etc. are confirmed. The election may also be countermanded due to the death of a candidate.

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. The media also have the freedom to conduct opinion polls and exit polls. By a recent set of guidelines issued, the Election Commission has stipulated that the results of opinion polls cannot be published between two days before the start of polling and after the close of poll in any of the constituencies.

Electronic Voting Machines

An EVM not only retains all features of voting by ballot papers, but also makes polling a lot more expedient. Being fast and absolutely reliable, it saves considerable time, money and manpower. It is 100 per cent tamper-proof and also helps to maintain total secrecy about voting. Moreover, in comparison with the manual counting of ballot papers after the poll, an EVM can give the results at the press of a button.

An EVM consists of two units: i. a ballot unit which a voter uses to exercise his vote, ii. a control unit which is used by the polling officials.

To Remember

The need for elections—Essential in a democracy, all key people are appointed through elections, ultimate power in the hands of the people.

Kinds of election—Direct election: It generates more interest, directly answerable to the people, too much power placed in the hands of the people, rational voting may be replaced by caste and class considerations. Indirect Election: It reduces the emotional involvement of the people, suited where the electorate is large, less democratic, frequent examples of horse trading and bribery. Types of election—General elections, by-elections, midterm elections. Constituencies—Parliamentary constituencies in India are single-member constituencies, multi-member constituency not very popular. Reservation of seats—Seats reserved for SCs and STs in the Lok Sabha and the State Assemblies, President can nominate Anglo-Indian representatives if not adequately represented.

The single transferable vote system—Ensures diverse representation, simple majority is one more than half.

The Election Commission—The Chief Election Commissioner and other Commissioners appointed by the President, stays in office till 65 years, can be removed only by parliamentary impeachment, responsible for the conduct of free and fair elections, updates electoral rolls, supervises nominations, registers political parties, monitors election campaign and the counting and declaration of results, introduces the model code of conduct, when to hold elections, who can stand for elections.

Thank You