

## ELECTION MACHINERY IN INDIA

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### Introduction

India is a vast peninsula with a total land area of approximate 33 million Sq. Kms, and 1.22 billion people in 2014<sup>1</sup>. India is a plural society. India is said to be a synthesis of diverse social and cultural elements. A grand synthesis of cultures, religions and language of the people belonging to different castes and communities has upheld its unity and cohesiveness despite foreign invasions, and the Mughal and British rule.

Elections enable every adult citizen of the country to participate in the process of government formation. Everyone must have observed that elections are held in our country frequently. These include elections to elect members of the Lok Sabha, Rajya Sabha, State Legislative Assemblies (Vidhan Sabhas) Legislative Councils (Vidhan Parishad) and of, President and Vice-President of India. Elections are also held for local bodies such as municipalities, municipal corporations and Panchayati Raj justifications. If you have attained the age of 18, you must have voted in some of these elections.

Election is a complex exercise. It involves schedules, rules and machinery. This study will give a clear picture of the voting procedure, Election Commission, electoral system in India. **So the**

### **objective of the study as below:**

- Describe the composition of the Election Commission of India,
- enumerate the functions of the Election Commission and explain its role,
- mention various stages in the electoral process, and
- recognise the poll-related officers and describe their functions.

Electoral system can either be considered in a narrow or in a broad fashion. In a narrow form, it is concerned with the allocation of seats on the basis of given distribution of votes. In a general fashion, it is concerned two other problems, which are pre-requisites to the way in which votes

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are likely to be distributed that is the determination of the conditions which must be fulfilled by individuals in order to become electors and the determination of the conditions under which individuals or parties are entitled to participate in an electoral contest.

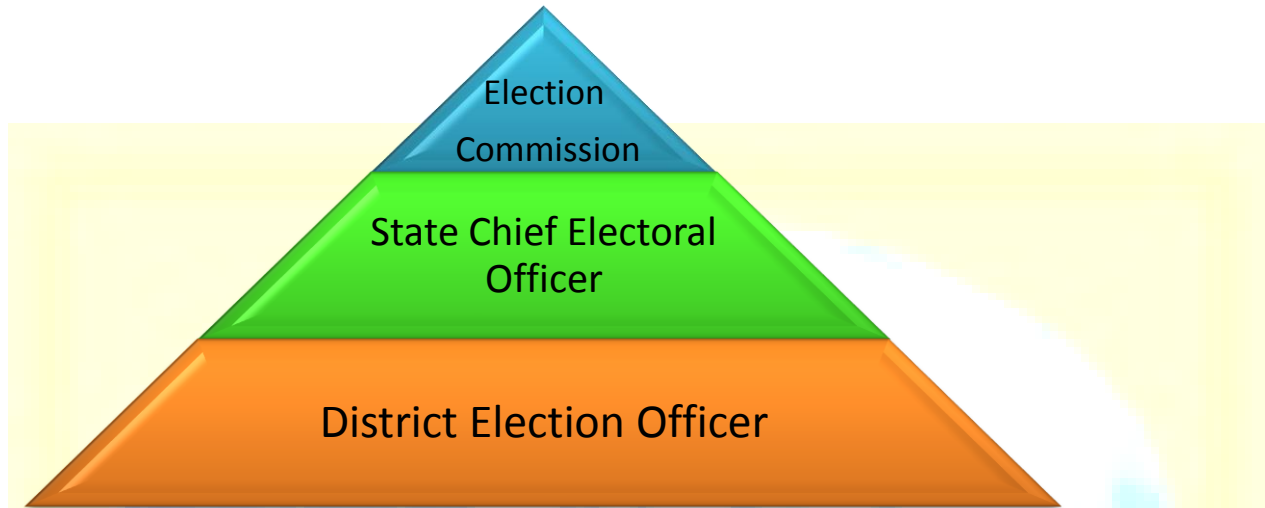
The problem of determination of the conditions which must be fulfilled by individuals in order to become electors has been tackled in the Indian Constitution itself.

It also goes to the credit of the fathers of the constitution that they had realized the importance of holding periodic elections to the central Legislature, State Assemblies and other representative bodies. Parliamentary democracy in India was put on trial in 1950 with the inauguration of sovereign, Democratic, Republican Constitution. The Indian parliamentary form of government has adopted the principle of adult franchise. Article 326 of the Indian constitution lays down the guidelines for elections to the different legislatures. The elections to the house of the people and to the legislative Assembly of every state shall be on the basis of adult franchise; that is to say, every persons who is a citizen of India and who is not less than Eighteen years of age on such dates as may be fixed in that behalf by or under any law made by the appropriate legislature and is not otherwise disqualified under this constitution or any law made by the appropriate legislature on the ground of non-residence, unsoundness of mind , crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election<sup>2</sup>. With the adoption of adult suffrage the importance and significance of the electoral administration becomes all the greater.

The freedom and fairness of elections can be ensured if the electoral administration – the basics foundation of democracy, is placed beyond the manipulative power of the party government. In short, the administration is responsible for the conduct of elections. These should be independent and free from the pressure of any political party and individual. The fundamental rights Subcommittee of the constituent assembly had unanimously upheld the need for independence of elections and avoidance of interference by the executive. It also proposed that elections should be regarded as a fundamental right to be included in the chapter dealing with the subject. Finally however separate group of articles were included, Articles 324 to 329(A) deal with the elections in India. India, after experimenting with the process of establishment and stabilisation of democratic society at various stages, has adopted a unique and autonomous system of electoral machinery in the form of Election Commission. These Articles provided for a single centralised

Election Commission. So to conducted, all the processor of elections, there are three stage bodies built in India see in Fig: 1.

Figure 1: Elections management structure in India



### **Election Commission: Composition, power and Functions**

The stupendous task of organising election in India has been entrusted to an Election Commission. The Election Commission is primarily concerned with the organising and conducting the elections starting from the preparation of electoral rolls, through the conduct of voting to the counting and compiling of election results. Indian constitution provided the total responsibility of the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to parliament and to the legislature of every State and of elections to the offices of president and vice-president held under this constitution shall be vested in a commission referred as election commission in this constitution<sup>3</sup>.

The Election commission consists of the chief Election commissioner and such number of other Election Commissioners, as the president may from time to time fix. The appointment of Chief Election Commissioner and other election commissioners is made by the president, subject to the provisions of any law made in this behalf by the parliament<sup>4</sup>. The president may also appoint after consultation with the Election Commission such regional Commissioners as he may also consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission<sup>5</sup>.

Subject to the provisions of any law made by parliament, the condition of service and tenure of office of the Election Commissioners and the regional Commissioners shall be such as the president may by rule determine.

Provided that the Chief Commissioner is not be removed from his office except in like manner and on the like grounds as a judge of supreme court . The condition of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment.

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from his office except on the recommendation of the Chief Election Commissioner<sup>6</sup>. The Indian electoral system is based on the careful determination of the condition to be fulfilled by candidates and parties. A electoral system in India allocates seats on the basis of single member constituencies. This has been done on account of its simplicity which was found to be highly desirable in a country where vast majority were not only illiterate but had no primer experience of the exercise of vote. The single member constituencies are so distributed that the number of electors, as far as possible are equal. But on account of variation in population over time, re-distribution becomes necessary. The delimitation is undertaken by the Election Commissioner, whether the re-distribution and question of boundaries of constituencies is affected by “Gerry mandering” is a mute question.

No person to be ineligible for inclusion in or to claim to be included in a special , electoral roll on grounds of religion, race, caste or sex<sup>7</sup>.

Article 327 confers powers on the parliament to make law with respect to all matters concerning election. Article 328 confers power of the legislature to make prevision with respect to election to such Legislatures. The Constitution of India neither prescribes the specific number of Commissioners to be appointment. It does not prescribe any qualifications, administrative, legal or judicial for the appointment of Chief Election Commissioner, other Election Commissioner and Regional Election Commissioner. These matters have been left for the President to be determined under the rules framed from time to time. To leave such wide discretions with the President is a point of criticism. He can appoint a person belonging to a political party. The report of the committee on electoral reforms appointed by Jay Parkash Narayan suggested that the members of Election Commission should be appointed by the president on the advice of a

committee consisting of prime minister and leader of opposition in the lok Sabha and the chief justice of India<sup>8</sup>. However , this recommendation has not been carried out so far. The Election Commission though entrusted with the responsibility of conducting elections to the Union, State Legislatures, President and vice-President , was not authorised to recruit and regulate the conditions of service for its secretariat staff. This power has been given of the both the houses of parliament and the Supreme Court. The question of independence of the Election Commission from the parliament and the Executive was discussed by the constitution- makers. Dr Ambedker had felt that separate staff for the commission was neither necessary nor desirable. Elections are only held periodically. Maintaining a separate and independent machinery for its conduct and management would have become a heavy burden on the state exchequer.

### **Poll Machinery at the State Level :**

The Election Commission is dependent on the Central and state government for the preparation of electoral rolls and conduct of election and for this purpose, it requires huge manpower. The constitution prescribes that the president or the Governor or the state shall, when so requested by the Election Commission, make available to the Election Commission or the Regional Election Commissioners such staff as may be necessary for the discharge of the functions conferred on Election Commission<sup>9</sup>. Now when the elections have ceased to be a mere periodical affairs, there is a strong case for the parliament electoral administration. Moreover the elections to the state Legislatures are more or less delinked from the parliamentary elections, thus the need for the electoral administration with all the electoral rolls revised up to date, to meet the eventuality of elections at any time, become very strong. At present, the Election Commission has been reduced to only a supervisory body. The scrutiny of nomination of candidates and the actual conduct of elections are all in the hands of the government officials, though they are under the direct control of the Election Commission.

### **Chief Electoral officers: Role and Function:**

For each state the chief Electoral officer is appointed by the Election Commission in consultation with the government of concerned state. He is the officer-in-charge of the electoral administration of the state. He is assigned the task of supervision of the preparation of electoral rolls and conducting of elections in the state under the guidance of Election Commission. Chief

Electoral officers of every state are appointed during the first general elections but they had no statutory status, nor were they vested with any statutory functions<sup>10</sup>. The office of chief Electoral officer has been given direct statutory recognition by second Amendment in Representation of the people Act in 1956. He is appointed by the Election Commission from the panel of names suggested by the state government. The Commission generally appoints a senior executive of judicial officer of the state. The Chief Electoral officer is provided with nucleus secretariat staffs which is reinforced during the time to elections.

### **Staff and their Functions:**

The organisation and strength of staff of chief Electoral officer varies from state to state. In most of the states, the post of Deputy Chief Electoral officer was created on the recommendation of Election Commission during Third General Elections. Accordingly the deputy Chief Electoral officers were appointed by the Commission in consultation with the government of the state concerned. At present in all the states and union territories except few one, have whole time officer. These appointments have been proved very useful in maintaining the efficiency of the supervisory organisation.

### **The District Election Officer**

The chief Electoral officer of a state is assisted by a District Election Officer of a state assisted by a District Election officer at the district level. As the districts are the basic units of electoral administration, electoral arrangements are also based on district and its revenue sub-divisions. District Election officer is the head of the district election machinery. This office was created by the Representation of the people (Amendment) Act in 1966 on the recommendation of the Election Commission. The District Election officer is designated or nominated by the Election Commission of India in consultation with the concerned State Government. He supervises all the work in the district concerning to elections such as preparation and revision of electoral rolls and arrangements for conducting of elections. He is also the appointing authority of presiding and polling officers for the various polling stations set up to the whole district. The account of election expenses are lodged with him by the candidates contesting elections. All the records about parliament, state Assembly and council of State elections is kept with him after the completion of the elections.

### Constituting a Constituency:

Constituency is that division of a district formed for the purpose of electing representatives by the electorates. Article 82 of the Indian constitution provides; upon the completion of each census, the allocation of seat in the house of people, to the states and the division of each states in to territorial constituencies shall be readjusted by such authority and in such manner as parliament may by law determine.

Provided that such readjustment shall not effect representation in the house of people until the dissolution of the then existing house.

Provided further that such readjustment shall take effect from such data as the president may by order specify and until such readjustment takes effect , any election to the house may be held on the basis of the territorial constituencies existing before such readjustment .

Provided also that until the relevant figures for the first census taken after the year 2000 have been published, it shall not be necessary to readjust the allocation of seats in the house of people to the states and the division of each state in to territorial constituencies under this Article.

Article 82 has been amended by the constituencies (42<sup>nd</sup> Amendment) Act, 1976 in order to provided that election need not await the delimitation of constituencies and reallocation of seats as a result of a census , but that such readjustment and reallocation would henceforth take effect only from such date as may be specified by the president . The position under the 1971 census has, therefore, been further frozen till the year 2001.

Preparation and revision of rolls and conduct of election are two major tasks which are performed at the level of constituency.

## Reference

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- 4 Indian Constitution " Article 324(II)"
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