

## General Studies – 2 Topic: Functions and responsibilities of various Constitutional Bodies

### Role of Election Commission

#### 1) Introduction

- The Election Commission of India is an autonomous constitutional authority responsible for administering election processes in India.
- The body administers elections to the Lok Sabha, Rajya Sabha, state legislatures, and the offices of the President and Vice President in the country.
- The Election Commission operates under the authority of Constitution per Article 324, and subsequently enacted Representation of the People Act.

#### 2) Role of EC:

- Guardian of Free & Fair Elections.
- Issues a Model code of Conduct for political parties and candidates to conduct elections in free & fair manner.
- Registration of Political Parties and Allotment of Symbols
- The Election Commission has fixed the legal limits on the amount of money which a candidate can spend during election campaigns.
- Use of Scientific and Technological Advancement like introduction of EVM and computerizations of the electoral rolls,
- Election Commission – A Tribunal for Adjudication
- Checking Criminalization of Politics.
- Cancellation of Polls due to rigging at any polling booth
- The Election Commission has the power to disqualify a candidate if he or she does not file election returns within a prescribed period.

#### 3) EC's powers in a dispute over the election symbol in case a party splits?

- Para 15 of the Symbols Order, 1968, states "when rival sections or groups of a recognised political party each of whom claims to be that party, the commission after taking into account all the facts and circumstances of the case decides that
  - a) one such rival section or group is recognised
  - b) none such section or group is recognised
  - c) decision of the Commission shall be binding on all such rival sections or groups
- This applies to disputes in recognised national and state parties.
- For splits in registered but unrecognised parties, the EC usually advises the warring factions to resolve their differences internally or to approach the court.
- In case of disagreement the EC asks the party to prove its strength through its elected representatives (MPs and MLAs)
- The party claiming the particular symbol if proves its majority through its elected representatives claims the symbol
- So far there hasn't been any court case with respect to allocation of symbols.
- In cases like the split of CPI in 1968 a breakaway group approached the ECI urging it to recognise them as CPI(Marxist)
- The ECI recognised the faction as CPI(M) after it found that the votes secured by the MPs and MLAs supporting the breakaway group

- In case of split in AIADMK in 1987 the issue was resolved before EC was forced to make a decision on which group should retain the symbol.
- In 1997 ECI introduced a new rule in which the splinter group had to register itself as separate party and could claim national or state party on the basis of its performance in state or central elections after registration.

#### **4) Role of EC to increase voter's participation**

- The steady increasing electoral participation points out to the positive interventions made by Election Commission of India to secure the same.
- Free and fair elections attract more voters. The measures taken by ECI to attract voters include:
- Employing “Awareness Observer” across the country in order to compile a report on voting numbers and reasons behind low or high participation in each constituency so that ECI can work upon the hurdles
- Introducing Voter Verifiable Paper Audit Trail (VVPAT) to make voting process interactive by showing the details of their votes
- Introducing Short Message Service and Toll Free Numbers so that people can ask details regarding enrolment process and address of polling station
- Live Monitoring of Sensitive Areas to ensure that no mischievous activities are carried at the polling station
- Systematic Voters Education and Electoral Participation (SVEEP) to increase awareness and education about the electoral process
- Replacing ballot papers through electronic voting machine to make the voting process easier
- Organizing National Voters’ Day, Voter Fest and employing school children and renowned personalities as ambassadors to persuade people to cast their votes

#### **5) local body polls**

- Panchayat and municipal corporation elections come under the purview of the State Election Commissions, which does not provide for the independence enjoyed by the Central Election Commission
- Because State Election Commission's terms and conditions are subject to the whims and fancies of the state government.
- Consequently, these elections are not as free and fair as those conducted by the Election Commission of India.
- There are a number of high court judgements questioning the fairness of such elections.
- These are dominated by local issues based on caste, creed and other petty matters that the opposition parties always question the neutrality of the conduct of such polls.
- **Solution**
  - a) Bringing the administrative control of State Election Commissions under the purview of the Central Election Commission
  - b) Appointment of state election commissioners and deployment of central paramilitary forces by the Election Commission of India can help conduct more fair elections.

#### **6) Conclusion**

- The Commission over the years has conducted number of laudable electoral reforms to strengthen democracy and enhance fairness of elections.
- The Commission should be empowered to punish the greedy politicians for violation of Code, Laws, and Orders of the Courts.

- A country's administration should be governed not by the bullet but by the ballot.

