

CHALLENGES BEFORE ELECTION COMMISSION OF INDIA**Dr Meenu,*****Head, Department of Political Science, Baba Mastnath University, Rohtak, Haryana, India*****ABSTRACT**

The Election Commission of India is an autonomous, quasi-judiciary constitutional body of India. Its mission is to conduct free and fair elections in India. It was established on 25 January, 1950 under Article 324 of the Constitution of India. The Election Commission has taken several new initiatives in the recent past as a use of state owned Electronic Media for broadcast or telecast by political parties, checking: criminalization of politics, providing with electoral identify cars, streamlining the procedure for registration of political parties and requiring them to hold regular organizational elections, a variety of measures of strict compliance of Model Code of Conduct for providing a level playing field to contestants during the elections. The Election Commission has conducted a number of laudable electoral reforms to strengthen democracy and enhance the fairness of elections. In this paper, the challenges before the Election Commission are described with some measures taken by the election commission of India to control malpractices. Some of the challenges the election commission is facing are: Dominance of money power and Muscle power, Criminalization of politics, Financing of election exceeding the legal limit, Booth capturing, Intimidation of voters, Buying Voters, Tampered electoral rolls, Large-scale rigging of elections, Abuse of religion and caste in the enlistment of voters.

Keywords: Elections, Criminalization of politics, Electoral reforms, Paid media, Democracy,

INTRODUCTION

Election commission is arguably single most important institution in a democracy. It is so critical for a democracy that quality of this institution is a baseline to evaluate the overall veracity of representative institutions. The Election Commission of India is an autonomous, quasi-judiciary constitutional body of India. Its mission is to conduct free and fair elections in India. It was established on 25 January, 1950 under Article 324 of the Constitution of India. Since establishment of Election Commission of India, free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral Laws and System.

ELECTORAL REFORMS

The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India. The Joint Parliamentary Committee on Amendments to Election Law (1971-72), the Tarkunde Committee Report of 1975, the Goswami Committee Report of 1990, The Constitution Bill 1994 and the Representation of the People (Second Amendment) Bill, 1994 (passed by Parliamentary), the Election Commission's Recommendations in 1998 and Indrajit Gupta Committee Report of 1998 etc. produced comprehensive set of recommendations regarding electoral reforms. A few reforms have been implemented but a lot has to be done.

The Election Commission is headed by the Chief Election Commissioner and other Election Commissioners. There was just one Chief Election Commissioner till October, 1989. In 1989, two Election Commissioners were appointed, but were removed again in January 1990. In 1991, however, the

Parliament of India passed a law providing for the appointment of two Election Commissioners. This law was amended and renamed in 1993 as the Chief Election Commissioner and other Election Commissioners (Conditions of Service) amendment Act 1993. The commission presently consists of a Chief Election Commissioner and two Election Commissioners, appointed by the president.

POWERS AND FUNCTIONS OF ELECTION COMMISSION

The Election Commission enjoys complete autonomy and is insulated from any kind of executive interference. The body also functions as a quasi-judiciary body in matters of electoral disputes and other matters involving the conduct of elections. The decisions of the body are liable for independent judiciary reviews by courts acting on electoral petitions. The Election Commission is responsible for planning and executing a whole amount of complex operations that go into the conduct of elections. During the elections, the entire Central (Federal) and State government machinery including para-military forces and the Police is deemed to be on deputation to the Election Commission which takes effective control of personnel, movable and immovable Government Properties it deems necessary for successful completion of the electoral process.

The whole country is now expressing serious concern over the anti-social and criminal elements entering into the electoral arena. The Election Commission has taken several new initiatives in the recent past as a use of state owned Electronic Media for broadcast or telecast by political parties, checking: criminalization of politics, providing with electoral identify cars, streamlining the procedure for registration of political parties and requiring them to hold regular organizational elections, a variety of measures of strict compliance of Model Code of Conduct for providing a level playing field to contestants during the elections, and so on¹.

At Present, the Election Commission does not have independent staff of its own. Whenever elections take place, the Election Commission has to depend upon staff of Central and State Governments. The dual responsibility of the administrative staff, to the government for ordinary administration and to the Election Commission for electoral administration is not conducive to the impartiality and efficiency of the Commission. Along with it comes the problem of disciplinary control over the staff deputed to do election work which generally generates confrontation between the Government and the Election Commission. Now, when the elections have ceased to be a mere periodical affair, it is desirable that the Election Commission should have a permanent electoral administration with adequate disciplinary control over the staff. Efficient Electoral Commission is a requirement of the day to conduct free and fair elections. Democracy and fearless elections cannot exist without each other².

India's national elections are a huge administrative undertaking involving 11 million government workers, 930,000 polling stations and 1.7 million electronic voting machines, with administrative costs expected to exceed \$645 million. The Election Commission sends personnel and supplies to every corner of India using cars, trains, planes, elephants, mules, camels and boats³.

Over the years, the Election Commission has conducted a number of laudable electoral reforms to strengthen democracy and enhance the fairness of elections. These reforms are quite adequate and admirable. Undoubtedly, the election machinery, under the aegis of the Election Commission, deserves credit for conducting elections in a free and fair manner. However, our system is still plagued by many vices. To win votes, political parties resort to foul methods and corrupt practices. Such maladies encourage the anti-social elements to enter the electoral fray. The problem is not lack of laws, but lack of their strict implementation. In order to stamp out these unfair tendencies, there is a need to strengthen the hands of the Election Commission and to give it more legal and institutional powers. The

Election Commission must be entrusted with powers to punish the errant politicians who transgress and violate the electoral laws.

CHALLENGES BEFORE THE ELECTION COMMISSION

The diversity of geography and demography of India is truly reflected in the challenges faced during the election process. Some of the challenges are: Dominance of money power and Muscle power, Criminalization of politics, Financing of election exceeding the legal limit, Booth capturing, Intimidation of voters, Buying Voters, Tampered electoral rolls, Large-scale rigging of elections, Abuse of religion and caste in the enlistment of voters, etc⁴

1. Increase in population and increase in number of polling stations

There has been an increase of about 10 crore (*100 million*) voters between the 2009 and 2014 general elections. It means there is need of more polling stations. About 100,000 thousands polling stations were added across the country. This also means an increase in the size of the election machinery and security personnel. Besides, there is also need to create auxiliary polling stations where the number of electors in a particular polling station is higher.

2. Difficult to maintain accurate voter list

First and foremost challenge is the sheer magnitude of the electoral population in India. The voters keep migrating from one place to another and demand for transfer or transposition of their names to the new place of residence. Those who attain 18 years of age apply for inclusion of their names. As and when a voter dies, his name has to be deleted from the Electoral Rolls. Every year many people migrate to urban areas in search of job and to earn their living from neighbouring areas. In this way maintaining of proper and accurate voter list is a difficult task.

3. Criminals contesting election

The 16th Lok Sabha has the highest number of MPs with criminal cases against them. According to the Association for Democratic Reforms, which analyzed the election affidavits filed before the Election Commission, 34 per cent of the new MPs face criminal charges. The percentage in 2009 and 2004 stood at 30 and 24 respectively. 5,380 candidates contesting the Lok Sabha election 2014, 17 per cent have declared criminal charges in the affidavits submitted to the Election Commission; 10 per cent have declared serious criminal charges such as murder and rape charges. States that top the list with the highest percentage of candidates facing criminal cases are Goa (32 per cent), Kerala (29 per cent), Bihar (26 per cent) and Jharkhand (26 per cent). On the lower end lie Rajasthan (6 per cent candidates face criminal charges), Haryana (7 per cent candidates face criminal charges) and Assam (7 per cent candidates face criminal charges). Among the 232 constituencies analyzed 94 (i.e. 41 per cent) have at least three candidates with criminal cases. The proportion of MPs in the 15th Lok Sabha facing criminal charges is not only high but actually increased between the 2004 and 2009 Lok Sabhas. The proportion of MPs facing serious criminal charges (like murder, kidnapping and extortion) also showed an increase from 12 per cent in 2004 to 14 per cent in 2009⁵.

There is need of setting up special courts for trying the cases of criminalization of politics. Keeping in view the ever deteriorating standards of politics, it would be more desirable to try all cases of politicians by special courts. It will help maintain sanctity and purity of elections.

4. Malpractices during the election

During elections, the Election Commission uses State Police forces, State Excise Departments and the Investigation Directorate of Income Tax to conduct seizures. More importantly, the Election Commission

mobilizes Flying Squads and creates static Surveillance Teams in each constituency to conduct seizures. During the 16th Loksabha election following incidents of malpractices noticed by the Election Commission:

- (1) Cash seized: maximum cash was seized from Tamil Nadu, 1.04 crores seized per constituency, from Punjab, 2.77 crores seized per constituency and from Andhra Pradesh, 2.96 crores seized per constituency next is Karnataka with 73 lakhs seized per constituency.
- (2) Liquor seized: from Gujarat, 65 thousand litres seized per constituency, from Himachal Pradesh, 127 thousand litres seized per constituency and from Punjab, 501 thousand litres seized per constituency. More impressive is Punjab. The state accounted for 40% of all alcohol seized during the elections in India. Half a million litres of alcohol per constituency.
- (3) Drugs seized: from Haryana 25 kilos seized per constituency, from Rajasthan, 172 kilos seized per constituency and from Punjab, 650 kilos seized per constituency. Punjab accounted for 50% of all drugs seized across India.
- (4) Illegal arms: from Assam, 39 arms seized per constituency, from Uttar Pradesh, 62 arms seized per constituency and from Madhya Pradesh, 80 arms seized per constituency. Bihar was extremely low on the list with 16 arms seized per constituency.
- (5) Persons against whom action taken under preventive laws: in Gujarat, 2,224 persons per constituency, in Rajasthan, 3,745 persons per constituency and in Uttar Pradesh, 7,045 persons per constituency. 49% of all preventive action across India was in the state of UP⁶.

5. Paid media or misuse of media by political parties during elections

- (1) The unaccounted advertisements dressing up as news were estimated to be worth 50 billion rupees per month in the 2009 general election.
- (2) A sting operation by a private news channel exposed a leading opinion poll agency and reveals how opinion polls are misleading the people and running the Ballot-game.
- (3) The Election Commission warned the media houses against telecasting or publishing exit polls "by showing them as opinion polls".
- (4) In all 694 cases of paid news (which are published as news but are advertisement in nature for which the media organizations charge money) were detected in this election⁷.

No doubt the Media has over the years played a crucial role in safeguarding the democratic rights of the people by educating and informing voters about their electoral duties. But its power to influence public opinion has, of late, also encouraged its blatant misuse by parties and candidates, who connived with obliging editors and media house owners to encourage paid news. This came to light during elections in 2004 and 2009. Today, it is a major challenge in the way of fair elections because on one hand it provides wealthier candidates with an edge over other candidates, on the other it defeats the very principle of fair elections by denying equal opportunity to other candidates. The Election Commission does have some powers to deal with the problem of paid news. However, the measures and guidelines are not enough as the media houses or publications are beyond the Election Commission's purview and it can only forward these cases to the Press Council of India and the News Broadcasting Standards Association.

TO CURB ELECTORAL MALPRACTICES, THE ELECTION COMMISSION HAS COME UP WITH A NEW MEASURE WHICH IS FOLLOWING:

1. Allows citizens to upload video and audio clips of inflammatory speeches, or distribution of cash or liquor among voters, to the Commission's website.
2. Deployed unique Android-based software which automatically generates the geographical location coordinates, date and time of a clip uploaded to its website. This will help to weed out fake video and audio clips, and thus avoid confusion among voters and election officials.
3. Install hidden cameras in randomly selected sensitive polling booths all across the State. The cameras would be directly linked via internet to the office of the Election Commission of India in New Delhi and the Chief Electoral Officer, Jammu and Kashmir, specially selected polling stations in the sensitive areas.

The new facility has been set up at the offices of all the Chief Electoral Officers across the country, and instructions have been issued to them to keep the name and identity of such whistle-blowers a secret⁸.

CONCLUSION

Three challenges still remained in the electoral system. The real empowerment and participative governance at the third tier of the government was still a work in progress. Despite stringent efforts, unaccounted election expenses constitute the major expenditure of political parties and their candidates. These related to the distribution of freebies, liquor and cash during elections, the phenomenon of surrogate advertisements, and the extensive media-related malpractice of "paid news" and "coverage packages." "Each of these is a blot on the democratic process and on the objective of free and fair elections. Corrective action by the EC and political parties is imperative."

Election Commission tries its best to weed out the virus of malpractices. It is optimistic of strengthening and improving the working of democracy through free and fair elections. It has always devised better systems and is using advanced scientific technologies for maintaining the high reputation of the Indian elections. However, the success of reforms will largely depend upon the will of the political parties to adhere to and implement such reforms. An independent media and an enlightened public opinion have no substitute in pushing through reforms. If people vote according to their convictions and punish those who infract the rules, corrupt practices will automatically disappear. And this will go a long way towards enabling democracy to flourish and grow to its full capacity.

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