

MODULE-4 ELECTION COMMISSION OF INDIA AND PARTIES

The Constitution of India has established a permanent and independent body to ensure free and fair elections in the country known as the Election Commission. The commission is responsible for holding Lok Sabha elections of India.

The Constitution provides the Election Commission of India with the power of direction, superintendence, and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India.

The Election Commission is an all-India body that is common to both the Central government and the State governments. It must be noted here that the commission does not deal with the elections to the Municipalities and Panchayats in the states. Hence, a separate State Election Commission is provided by the Constitution of India.

Constitutional Appointment of ECI

Since its inception in 1950 and till 15 October 1989, the election commission was a one-member body with only the Chief Election Commissioner (CEC) as its sole member.

- On 16 October 1989, the voting age was changed from 21 to 18 years. So, two more election commissioners were appointed by the president in order to cope with the increased work of the election commission.
- Since then, the Election Commission was a multi-member body that consisted of 3 election commissioners.
- Later on, the two posts of election commissioners were eliminated in January 1990 and the Election Commission was reverted to the previous position.
- This was repeated again later in October 1993 when the president appointed two more election commissioners. Since then, the Election Commission functions as a multi-member body comprising of 3 commissioners.
- The chief and the two other election commissioners have the same powers and emoluments including salaries, which are the same as a Supreme Court judge.
- In case of a difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by a majority.

- The office is held by them for a term of 6 years or until they attain 65 years, whichever happens first. They can also be removed or can resign at any time before the expiry of their term.

Independence of the Election Commission

Article 324 of The Constitution of India mentions the provisions to safeguard and ensure the independent and impartial functioning of the Election Commission which is as follows.

- The chief election commissioner is provided with security of tenure. He cannot be removed from his office except in the same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the [President](#) on the basis of a resolution passed to that effect by both the Houses of Parliament with a special majority, either on the ground of proved misbehaviour or incapacity.
- Thus, he does not hold his office until the pleasure of the president, though he is appointed by him.
- The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.
- Any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the chief election commissioner.
- Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws can be noted, ie:
 - The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
 - The Constitution has not specified the term of the members of the Election Commission.
 - The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

Powers, Functions, and Responsibilities of Election Commission

Among the major Constitutional Bodies in India, Election Commission is a permanent Constitutional Body. It was established in accordance with the Constitution on 25th January 1950.

- The Constitution has vested to this body superintendence, direction and control of the entire process for conduct of elections.
- The Commission's functions and powers with respect to elections to the offices of the President, the Vice President, the state legislators and the Parliament are divided under three headings:
 - Administrative

- Advisory
- Quasi-judicial

Powers of Election Commission of India

In details, these powers of the Election Commission of India are:

- Determining the Electoral Constituencies' territorial areas throughout the country on the basis of the Delimitation Commission Act of Parliament.
- Preparing and periodically revising electoral rolls and registering all eligible voters.
- Notifying the schedules and dates of elections and scrutinising nomination papers.
- Granting recognition to the various political parties and allocating them election symbols.
- Acting as a court to settle disputes concerning the granting of recognition to political parties and allocating election symbols to the parties.
- Appointing officers for inquiring into disputes concerning electoral arrangements.
- Determining the code of conduct to be followed by the political parties and candidates during elections.
- Preparing a program for publicising the policies of all the political parties on various media like TV and radio during elections.
- Advising the President on matters concerning the disqualification of MPs.
- Advising the Governor on matters concerning the disqualification of MLAs.
- Cancelling polls in case of booth capturing, rigging, violence and other irregularities.
- Requesting the Governor or the President for requisitioning the staff required for conducting elections.
- Supervising the machinery of elections throughout the country for ensuring the conduct of free and fair elections.
- Advising the President on whether elections can be held in a state that is under the President's rule, in order to extend the period of emergency after 1 year.
- Registering political parties and granting them the status of national or state parties (depending on their poll performance).

The Commission is aided in its function by deputy election commissioners. The deputy ECs are taken from the civil services and they are appointed by the Commission. They have a fixed tenure. They are aided by the secretaries, deputy secretaries, joint secretaries and under-secretaries posted in the commission's secretariat.

Functions of Election Commission

1. To direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
2. To decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections
3. To decide 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
4. To prepare electoral roll and issues Electronic Photo Identity Card (EPIC)
5. To grant recognition to political parties & allot election symbols to them along with settling disputes related to it
6. To sets limits of campaign expenditure per candidate to all the political parties, and also monitors the same
7. To advise in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
8. To issue the Model Code of Conduct in the election for political parties and candidates so that no one indulges in unfair practice or there is no arbitrary abuse of powers by those in power.

Composition of Election Commission

Article 324 of the Constitution has made the following provisions with regard to the composition of the election commission:

- The President appoints the Chief Election Commissioner and other election commissioners.
- When any other EC is so appointed, the CEC acts as the Election Commission's Chairman.
- The President can also appoint regional commissioners to assist the Commission, if necessary after consulting with the Election Commission.
- The tenure of office and the conditions of service of all the commissioners shall be determined by the country's President.

Importance of Election Commission for India

- The Election Commission has been successfully conducting national as well as state elections since 1952. Now, it plays an active role to ensure the greater participation of people.

- The Commission has brought discipline among the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It supports the values preserved in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.
- ECI helps in conducting elections with the highest standard of credibility, fairness, transparency, integrity, accountability, autonomy and professionalism.
- In the electoral process, it ensures the participation of all eligible citizens in an inclusive voter-centric and voter-friendly environment.
- The Election Commission of India engages with political parties and all stakeholders in the interest of the electoral process.
- It creates awareness about the electoral process and electoral governance amongst stakeholders (political parties, voters, election functionaries, candidates and people at large) to enhance and strengthen confidence and trust in the electoral system of this country.

Challenges faced by Election Commission

1. Increased violence and electoral malpractices under influence of money have resulted in political criminalization, which ECI is unable to arrest.
2. Election Commission is not adequately equipped to regulate the political parties. It has no power in enforcing inner-party democracy and regulation of party finances.
3. ECI is becoming lesser independent of the Executive which has impacted its image.
4. Allegations of EVMs malfunctioning, getting hacked and not registering votes, corrodes the trust of the general masses in ECI.

The following articles of the Constitution of India are related to ECI:

Important Articles related to Election Commission of India	
Article 324	Superintendence, direction and control of elections to be vested in an Election Commission.
Article 325	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.
Article 326	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

Article 327	Power of Parliament to make provision with respect to elections to Legislatures.
Article 328	Power of Legislature of a State to make provision with respect to elections to such Legislature.
Article 329	Bar to interference by courts in electoral matters.

Definition and Types of Political Parties

Political parties are voluntary associations or organised groups of individuals who share the same political views and who try to gain power via constitutional means and who desire to promote national interests.

In modern democratic states, there are four types of political parties

1. Reactionary parties which cling to the old socio-economic and political institutions
2. Conservative parties that believe in status-quo
3. Liberal parties that aim to change and reform the existing institutions
4. Radical parties which aim at establishing a new order by overthrowing the existing institutions

Political parties are also classified as per the ideologies. Political scientists have placed radical parties on the left, liberal parties in the centre and reactionary and conservative parties on the right.

In India, CPI and CPM are examples of leftist parties, Congress of centrist parties and the BJP is an example of rightist parties.

There are three kinds of party systems in the world:

(i) The one party system in which only one party rules and no opposition party is permitted. The Soviet Union was an example of one party system.

(ii) Two-party system on which two major parties exist. For example the Republicans and the Democrats in the United States.

(iii) Multi-party system on which there are a number of political parties lead to the formation of coalition governments. India, France and Switzerland are examples of multi-party systems.

Characteristics of Party System in India

The following are the characteristics of the party system in India:

1. **Multi-Party System:** The continental size of the, the diversified characteristics of the Indian society, the adoption of universal adult franchise, the peculiar type of political processes have given rise to a large number of political parties. In fact, India has the largest number of political parties in the world. Further, India has all categories of parties – left parties, centrist parties, right parties and so on. Consequently the hung Parliaments, hung assemblies and coalition governments have become a common phenomenon in Indian politics.
2. **One-Dominant Party Systems:** In spite of the multiparty system, the political scene in India was dominated for a long period by the Congress. Hence, Rajni Kothari, an eminent political analyst, preferred to call the Indian party system as ‘one party dominance system’ or the ‘Congress System’. The dominant position enjoyed by the Congress has been on the decline since 1967 with the rise of regional parties and other national parties like the Janata Dal and BJP.
3. **Lack of Clear Ideology:** Except the BJP, the CPI and CPM, all other parties do not have a clear-cut ideology. They (i.e., all other parties) are ideologically closer to each other. They have a close resemblance in their policies and programmes. Almost every party advocates democracy, secularism, socialism and Gandhism. Moreover, every party, including the so-called ideological parties, is guided by only one consideration – power capture. Thus, politics has become issue-based rather than ideology and pragmatism has replaced the commitment of its principles.
4. **Personality Cult:** Quite often, the parties are organised around an eminent leader who becomes more important than the party and its ideology. Parties are known by their leaders and their ideology. Parties are known by their leaders rather than by their manifesto. It is a fact that the popularity of the Congress was mainly due to the leadership of Nehru, Indira Gandhi and Rajiv Gandhi. It is the same case for the AIADMK in Tamil Nadu and TDP in Andhra Pradesh which got recognition with MG Ramachandran and NT Rama Rao respectively.
5. **Based on Traditional Factors:** In the western countries, the political parties are formed on the basis of socio-economic and political programmes. On the other hand, a large number of parties in India are formed on the basis of religion, caste, language, culture and so on. For example, Shiv Sena, Muslim League, Hindu Maha Sabha and so on. These parties work for the promotion of a given community and sectional interests that undermine the general public interest.
6. **Emergence of Regional Parties:** Another significant feature of the Indian party system is the emergence of a large number of regional parties and their growing role. They have become the ruling parties in various states like BJD in Orissa, DMK or AIADMK in Tamil Nadu, Akali Dal in Punjab and so on. In the beginning, they were confined to

regional politics only. But of late they have come to play a significant role in the national politics due to coalition governments at the Centre.

7. **Faction and Defections:** Factionalism, defections, splits, mergers, polarisation and so on have been an important aspect of the functioning political parties in India. Lust for power and materialistic conditions have made political parties leave their party and join another party. The practice of defections gained greater currency after the fourth general elections in 1967. This phenomenon caused instability both at the Centre and in the states and led to disintegration of the parties.
8. **Lack of Effective Opposition:** An effective Opposition is very essential for the successful operation of the parliamentary democracy prevalent in India. It checks the autocratic tendencies of the ruling party and provides an alternative government. However, in the last 50 years an effective, strong, organised and visible national Opposition could never emerge except in flashes.

The opposition parties have no unity and very often adopt mutually conflicting positions with respect to the ruling party. They have failed to play a constructive role in the functioning of the body politic and in the process of nation building.

Recognition of National and State Parties

The Election Commission registers political parties for the purpose of elections and grants them recognition as national or state parties on the basis of their poll performance. The other parties are simply declared as registered-unrecognised parties.

The recognition granted by the Commission to the parties determines their right to certain privileges like allocation of the party symbols, provision of time for political broadcasts on the state-owned television and radio stations and access to electoral rolls.

Every national party is allotted a symbol exclusively reserved for its use throughout the country. Similarly, every state party is allotted a symbol exclusively reserved for its use in the states in which it is so recognised. A registered-unrecognised party, on the other hand, can select a symbol from a list of free symbols.

In other words, the Commission specifies certain symbols as 'reserved symbols' which are meant for the candidates set up by the recognised parties and others as 'free symbols' which are meant for the other candidates.

The conditions for recognition as National Party and State Party are as follows:

National Party:

1. Secure at least 6% of the valid vote in an Assembly or a Lok Sabha General Election in any four or more states and won at least 4 seats in a Lok Sabha General Election from any State or States

2. If a party wins two % of seats in the Lok Sabha at a general election and these candidates are elected from three states. An additional criteria includes if the party is recognised as a state party in four states.

State Party:

1. If the party secures 6% of the valid votes polled in the state at a general election to the legislative assembly of the state concerned and in addition wins 2 seats in the assembly of the state concerned.
2. The state party secures 6% of the valid votes polled in the state at a general election to the Lok Sabha from the state concerned. In addition if it wins 1 seat in the Lok Sabha from the state concerned.
3. If it wins 3% of the seats in the legislative assembly at a general election to the legislative assembly of the state concerned or 3 seats in the assembly, whichever is more.
4. If it wins 1 seat in the Lok Sabha for every 25 seats or any fraction thereof allotted to the state at a general election to the Lok Sabha from the concerned states
5. If the state party secures 8% of the total valid votes polled in the state at a General Elections to the Lok Sabha from the state or to the legislative assembly of the state. The condition was added in 2011.