

CHAPTER 4

Elections

SYLLABUS

Elections

Meaning; Composition of Election Commission (in brief); Direct and Indirect election; General election; Mid-term election and By-election.

MEANING OF ELECTIONS

Democracy is a form of government in which the people have a say in who should hold power and how the power should be used. In a democracy, citizens choose or elect their representatives either directly or indirectly to run the country.

Election is a procedure whereby persons are chosen, by voting, to represent the voters for running the government. Generally, there is a contest between different candidates for the same position. Thus, in the elections there are winners and losers.

In modern societies elections are fought on party lines. A political party is a group of people holding similar views or beliefs. Any political party or a combination of parties getting the largest number of votes, form the government.

KINDS OF ELECTIONS

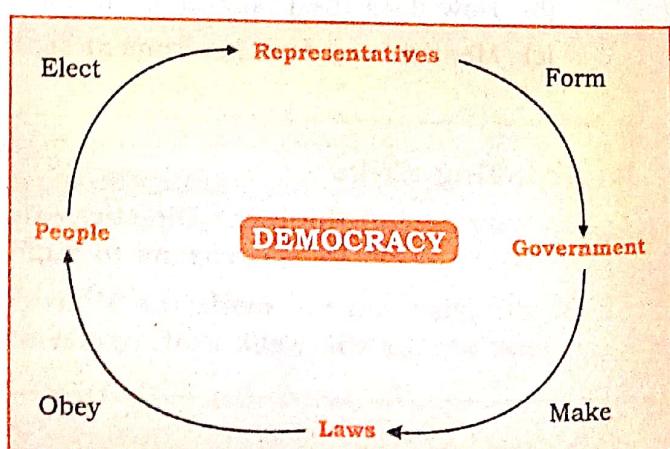
DIRECT ELECTIONS

People of India directly elect their representatives to the Lok Sabha and the State Legislative Assemblies. The members of the State Legislative Assembly, known as MLAs, are directly elected by the people of the State. The members of the

Lok Sabha are known as Members of Parliament (MP) or Members of the Lok Sabha. Under the existing political system elections are held on party lines. The party or a combination of parties having the largest number of legislators elect their leader from amongst themselves, who is made the Chief Minister or the Prime Minister, as the case may be.

INDIRECT ELECTIONS

India has two types of legislatures both at the Union and State level. At the State level only some States have the second house called *Vidhan Parishad*, the Legislative Council or the Upper House. At the Union Level the upper house is known as *Rajya Sabha*, which is a permanent house. The election to both houses at the State and the Union level is *Indirect* i.e., the representatives are not directly elected by the people. The elected representatives of the people elect the members of the Upper House, both at the Centre as well as the State. In the case of the Legislative Council, members are elected by members of the Legislative Assembly



from amongst persons who are not the members of the Legislative Assembly.

The Rajya Sabha consists of not more than 250 members. Out of these, 238 members are elected by the elected members of the Legislative Assembly of each State. The remaining 12 members are nominated by the President from among persons having special knowledge or practical experience in matters such as literature, science, art and social service.

Election of the President and the Vice-President of India: In both these cases the elections are *Indirect*. The President of India is elected indirectly by the members of an *Electoral College* consisting of the elected members of both Houses of Parliament and the elected members of the Legislative Assemblies of the States including National Capital Territory of Delhi and the Union Territory of Puducherry. The election takes place in accordance with the system of proportional representation by means of a single transferable vote. Like the President, the election of the Vice-President is also *Indirect*. The Vice-President is elected by members of both Houses of Parliament. In this election, the State Legislatures do not take part.

GENERAL ELECTIONS

The elections held to elect the members of the Lok Sabha after expiry of the normal term of five years are called the General Elections. Elections to some State Legislative Assemblies may be held

along with the Parliamentary Elections. Earlier up to 1957 simultaneous elections were held for both the Lok Sabha and the State Assemblies. However, on account of early dismissal and mid-term elections the two got gradually separated.

MID-TERM ELECTION

This type of election is held when a State Legislative Assembly or the Lok Sabha is dissolved before the completion of its full term (5 years). The new house will normally have a full five year term. This election is called Mid-term Election.

BY-ELECTIONS

When a seat held by any member of the Legislative Assembly in the Centre or State falls vacant on account of death, resignation of the member before completion of his/her term, to fill up this vacancy the election which is held called *By-Election*. The person so elected remains the member for the unexpired term of the House.

ELECTION COMMISSION

Election is the best way by which representatives of the people can be sent to the legislatures. India being a federal country makes provisions for holding elections both for the Central and State legislatures. Hence, elections need to be free and fair with wide participation. Keeping in view the great impact and significance of the elections, the Constitution has made detailed provisions for the free and fair conduct of elections in Part XV, Articles 324 to 329.

Differences Between Direct and Indirect Elections

Direct Elections	Indirect Elections
1. People vote directly to elect their representatives.	1. People elect their representatives indirectly through their elected representatives. For example, members of Rajya Sabha are elected by the elected members of State Legislative Assemblies.
2. Law regulates the qualifications, age, etc. of voters and establishes eligibility requirements for state officials.	2. All elected representatives are treated at par. There are no further qualifications. Eligibility requirement for State officials is similar to that in the direct elections.
3. Every adult person holds the right to vote.	3. Every elected representative holds the right to vote.
4. There is a very large body of voters called the <i>electorate</i> .	4. There is a very small body of voters.
5. Members of Legislative Assemblies and members of Lok Sabha are elected directly.	5. The Members of state Legislative councils, Members of Rajya Sabha, the president of India and the Vice President are elected indirectly.

COMPOSITION OF THE ELECTION COMMISSION

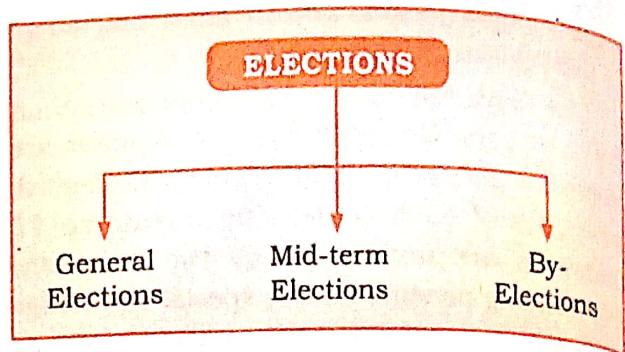
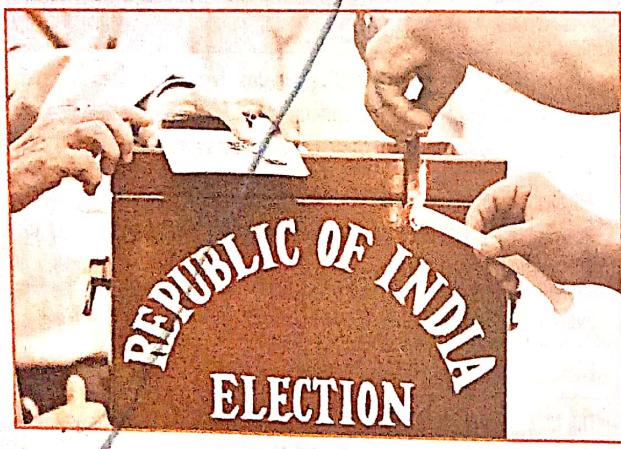
Article 324, Clauses 1 to 6 deal with the composition of the Election Commission and other related issues. The Chief Election Commissioner (CEC) stands at the top in the hierarchy of the Election Commission. The Election Commission consists of a Chief Election Commissioner and other Election Commissioners.

From 1950 to 1989 the Election Commission was a single member Constitutional body. In 1989, the Election Commission was made a multi-member body. Two more Commissioners were appointed and the Chief Election Commissioner was designated as the Chairman of the Commission. Thus, at present the Election Commission consists of three members.

The Chief Election Commissioner (CEC) and the other Commissioners are appointed by the President of India. This is done at the behest of the Prime Minister as per Article 74. The Regional Election Commissioners are also appointed by the President in consultation with the Election Commission.

TERM OF OFFICE AND CONDITIONS OF SERVICE

The Parliament of India passed an Act in 1994, as laid down in Article 324 Clause 5 of the Constitution. Under this Act the terms of office and the conditions of service of the Chief Election Commissioner and other Commissioners were determined.



- (i) They are appointed for a term of 6 years. During this tenure if they attain the age of 65 years, they shall vacate office on the day of attaining this age.
- (ii) The salary of the Chief Election Commissioner and other such Commissioners shall be equal to the salary of a Supreme Court judge. They are also entitled to pension after retirement.
- (iii) Any difference of opinion between the Chief Election Commissioner and the other Commissioners shall be decided in favour of the majority opinion.

POWERS AND FUNCTIONS OF THE ELECTION COMMISSION

The Election Commission has wide ranging powers under the *Representation of the People (Amendment) Act, 1996*.

The functions of the Election Commission with respect to the conduct of elections to Parliament and to the legislature of every state and of elections to the offices of President and Vice President are given as follows:

(a) Preparation of Electoral Rolls and Photo Identity Cards: The Constitution provides for one "general electoral roll" for every territorial Constituency of the Lok Sabha and State Assembly. An electoral roll is a voter's list containing the name, father's name, age and sex of the voter. These electoral rolls are updated from time to time to provide for new entrants and deaths as well as other changes.

The Commission identifies eligible voters in each constituency and prepares the list of all eligible voters. This is called *voters list*. In order to carry out this function, the Photo Identity Card

for every voter is issued. This prevents fraudulent voting by impersonators.

(b) Registration and Recognition of Political Parties: The Election Commission grants recognition to political parties.

(c) Allotment of Symbols: The Election Commission allots symbols to the recognised political parties and the candidates for elections. The Commission may have some symbols as reserved and others as free. The Election Commission on recognition of a political party allots it a reserved common symbol. The political party uses the symbols for all candidates sponsored by it.

The independent candidates or non-registered political parties can select a symbol of their choice on the first-come-first served basis from the list of free symbols. In case of a split in a political party the Election Commission verifies claims and counterclaims and may freeze the reserved symbol. It asks the factions to choose some other symbols.

(d) Fixing Dates and Conducting Elections: The Election Commission fixes dates for elections. Under the Constitution, the Government decides as to when the elections should be held. The fixing of exact dates rests with the Election Commission. The Commission states the reasons for holding or not holding the elections during a particular period. The Election Commission may refuse to hold elections at a particular duration to ensure free and fair elections even if the political parties insist on having elections at that particular period.

(e) Ensuring Free and Fair Elections: The Election Commission has to ensure free and fair elections. The Commission prescribes a code of conduct for the guidance of candidates and all others concerned. In addition, the Election Commission takes the following steps to ensure free and fair elections.

(i) The Commission may send Central observers to the constituencies where there is danger of violence or booth capturing. This is done to ensure that citizens can vote freely without fear.

(ii) The Commission countmands polling where it has reasonable doubt that some malpractices have occurred.

(iii) In terms of the recent amendments to *Representative of Peoples Act* the Commission prescribes severe punishment for booth capturing.

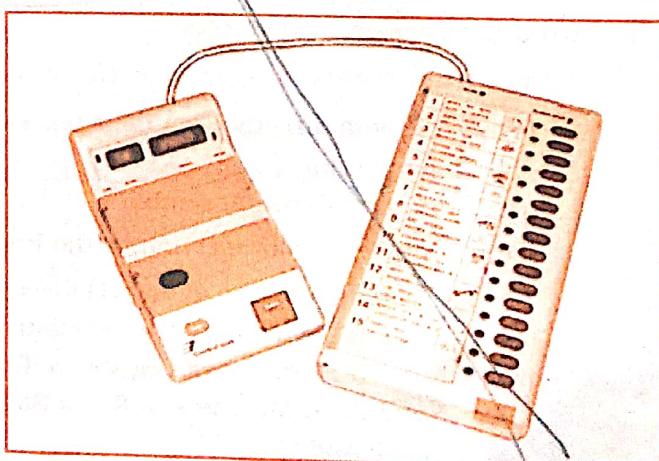
(f) Appointment of Polling Officers: The Election Commission appoints polling officers for the constituencies. This process is set into motion as soon as notification for the conduct of elections is made.

Each Constituency is put under the overall supervision of an officer not less than the rank of a Deputy Commissioner of the district or the Magistrate. The Officer is designated as the '*Returning Officer*'. It is his responsibility to declare a candidate fit for contesting elections.

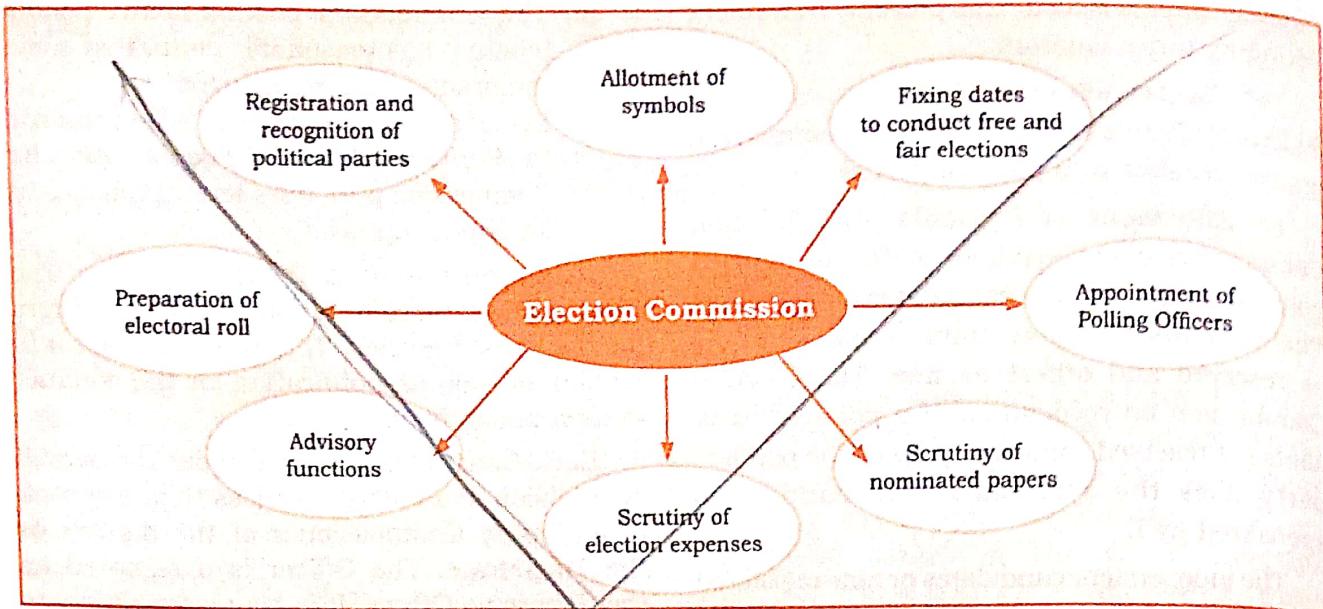
At the time of elections *Presiding Officers* in-charge of polling booths and counting centres are also appointed.

(g) Scrutiny of Nomination Papers: The Commission announces the date of elections and the date of filing nomination papers and the last date of withdrawal for nominations. Scrutiny of the applications is made by the Returning Officer. The Returning Officer has to verify whether the provisions concerning the deposit, election symbol, election agent, etc., have been fulfilled.

(h) Scrutiny of Election Expenses: The Election Commission scrutinises the accounts of election expenses submitted by the contestants. In order to downplay the role of money influencing elections, the contesting candidates



Electronic Voting Machine



Functions of the Election Commission

should submit the Statement of Accounts to the Returning Officer, who submits it to the Commission for scrutiny. The election of the winning candidate can be declared invalid, if there was malpractice.

(i) Advisory Functions: The Election Commission also advises the President or the Governors of the State in respect of electoral matters, disqualification of members, election disputes, petitions etc.

TERMS TO REMEMBER

<i>Proportionate Representation</i>	: A system in which parties in an election gain seats in proportion to the number of votes cast for them.
<i>Franchise</i>	: The right to vote.
<i>By-Election</i>	: An election held for a particular seat or seats to fill the vacancy for the remaining period of an elected body.
<i>Mid-Term Election</i>	: An election held in the middle of a period of office.

EXERCISES

I. Multiple-Choice Questions

Choose the correct answers to the questions from the given options.

1. People of India directly elect their representatives to the Lok Sabha and the _____.
 - (a) Rajya Sabha
 - (b) State Legislative Council
 - (c) State Legislative Assemblies
 - (d) Parliamentary Committees.
2. If a person stands for election as the President of India, he/she requires the votes of
 - (P) : Elected Members of both Houses of Parliament.
 - (Q) : Elected Members of the Legislative Assemblies of the States.
 - (R) : Elected Members of Legislative Councils.
 - (S) : Nominated Members of Rajya Sabha.
 - (a) P and Q
 - (b) R and S
 - (c) P and R
 - (d) Q and R

II. Short Answer Questions

1. What is meant by the term: *election*?
 2. Under which method of elections are the elections to Lok Sabha held? Name the system of election to the office of the President of India.

3. What is meant by (a) by-election and (b) mid-term election?
4. Who allots the symbols to political parties? What role do election symbols play in an election?
5. Name two important powers and functions of the Election Commission.
6. What is known as the Voters List? Who prepares the Voters List?
7. Write a short note on the advisory function of the Election Commission.

III. Structured Questions

1. With reference to Democracy and Elections, answer the following questions:
 - (a) Distinguish between two types of elections.
 - (b) What type of elections are direct and what type are indirect in a Parliamentary Democracy?
 - (c) How are the elections of the President and Vice-President of India held? Give reasons to support your answer.
2. With reference to types of elections, answer the following:
 - (a) What is known as General Elections?
 - (b) State two points of difference between a by-election and mid-term election.
 - (c) When were the last General Elections held in India? What do you understand by the term 'electorate'? What are the rights of the electorate?
3. With reference to terms of office and conditions of service of the Election Commission, answer the following questions:
 - (a) Who constitutes the Election Commission? Who is the head of the Election Commission? Who appoints him?
 - (b) What is the term of the Election Commissioners? What happens in case there is a difference in opinion between the Election Commissioners?
 - (c) State any four functions of the Election Commission.

IV. Thinking Skills

1. Suppose the Class Representative of your class is to be elected by means of single transferable vote through secret ballot. Write down the steps for election starting from filling the forms by those who want to stand for election till the final selection is made.
2. If you have to bring certain reforms in the system of elections to Lok Sabha and Vidhan Sabha in States, which ones would you like to introduce and why?

