

A Study Report Based on Electoral Management System in India

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Acknowledgement

This report is prepared on the basis of the study visit to India especially IIIDEM, Chief Electoral Office, Delhi and a Registration office in Delhi. Direct observation of the offices, comprehensive discussions with the experts of training and their power point presentation are some of the tools that we have used to collect information. Despite the limitation of time, resources and mandate, we have put our best efforts to make the report ready.

We want to express our sincere thanks to Election Commission of Nepal for nominating us as the members of delegation to India.

The very beginning day of the visit was spent at India International Institute for Democracy and Election in Delhi having concrete discussions with senior officers of the training and some experts. The second day of the tour was started with the visit to the Electoral Registration Office and Chief Electoral office at Delhi. Later part of the day, final setting with some expert team at IIIDEM was made.

We wish to extend special appreciation to Dr. Noor Mohammad, Consultant at IIIDEM, Vivek Khare, training director, V.N Shukla, Director, IT and S.D Sharma, Former State Election Commissioner, Jharkhanda for their valuable ideas regarding the election management. We are equally thankful to Dr. Chandra Bhushan kumar, Chief Electoral Officer who shared a lot of information regarding voter registration and overall works of election management as well. We also gratefully acknowledge the sharing of S.Chakraborty, Rajesh kumar and the team. We would also like to express warm thanks to State Election Commission for the great service rendered to us during Agra visit.

Last but not the least, a very special thanks goes to all of the protocol Officers for their warm hospitality and support.

Mr. Surya Prasad Sharma, Joint secretary
and the team.

Members of the delegation

The three member delegation team was sent to India in the leadership of Joint Secretary Mr. Surya Prasad Sharma. Other members of the team were as follows:

Joint Secretary, Mr. Surya Prasad Sharma: Coordinator

Under Secretary, Mr. Sushil Koirala: Member

District Election Officer, Mr. Baburam Ghimire: Member

1. Background of the study

Nepal has just promulgated the new constitution adopting the federal democratic system of governance. In order to prepare for the free fair and credible election management in the future, Election Commission of Nepal felt the necessity for reviewing existing Constitutional, Legal, Organizational, Operational, and technological aspects in the new context. Exposure of some international best practices, especially of SAARC region, regarding election management seemed to be desirable. For that particular purpose Election Commission of Nepal nominated a three member delegation team lead by Joint Secretary Mr. Surya Prasad Sharma to study on some particular issues in India from 26-31, December, 2015. India, being the largest Democracy, has a very good experience of Federal system since its independence. The team was also suggested to be focused on Constitutional, legal, organizational, financial aspects as well as voter Registration, Election operation mechanism and Election management in federal, Provincial and local level there.

2. Significance of the Study:

Regular, free and fair elections constitute the heart of Democracy. Elections decide Presidency, Vice-Presidency, composition of Government, membership of Parliament and state legislatures. The significance of this study lies on the fact that it may be helpful in credible election management of federal, Provincial and local level in the near future through legal, structural, organizational, technological and other operational reforms. The significance of this study is:

- To establish new structure as well to reform some old ones as Nepal has just changed from unitary system of governance to federal system of governance.

- To prepare for the new changes on Election management as per the new constitutional mandate.
- To learn about constitutional, legal, organizational, managerial and technology aspects of ECI.
- To study about the voter Registration, Voter Education and other electoral systems in India and examine whether they are applicable in Nepalese context.
- To learn from their best practices in free, fair and credible election management, getting some international exposures.
- To know about the organizational set up of ECI in federal structure.

3. Objectives

The general objectives of the study is to learn about the legal, physical, financial, human resources, organizational and procedural aspects of the ECI so as to re-engineer, design, setup and operate the different organizational aspects and procedures of the Election Commission of Nepal.

The specific objectives includes as follows:

- ✓ to learn about the legal provisions for performing assigned responsibilities in federal, provincial and local levels.
- ✓ to learn about the physical and organizational setup of the EMBs in federal provincial and local levels.
- ✓ to learn about the allocation of the resources (financial, human , informational and other) in federal, provincial and local levels.
- ✓ to learn about the models, extent of decentralization , flow of authority and responsibility in federal, provincial and local levels.
- ✓ to learn about the chain of command, span of control , channels and procedures of operation (decision making , supervision ,monitoring and reporting) in federal, provincial and local levels.

4. Observations

4.1. Introduction of Election Commission of India

Election Commission of India was set up on 25 Jan 1950, a day before India became a republic. The commission is a constitutional entity and is independent of executive. The commission is given the responsibility of preparation and revision of electoral roll and conducting elections to the Indian Parliament, State Legislatures and election of President and Vice-President of India. (Article no. 324 of the constitution)

For elections to local self government bodies, there are separate and independent State Election Commissions in each State.

The election Commission of India constitutes a Chief Election Commissioner and such Election Commissioners. When any other Election Commissioner is appointed, the Chief Election Commissioner acts as the chairman. The Chief Election Commissioner and other Election Commissioners are appointed for a period of 6 years or till the age of 65 years whichever is earlier. The Chief Election Commissioner can be removed only through a manner like that for the removal of a Supreme Court Judge. **Other Commissioners can be removed only on recommendation of Chief Election commissioner.**

The President or the Governor of a State should provide necessary budget and human resource which may be necessary for the discharge of functions conferred on the Election Commission.

4.2 Constitutional Provisions for different Tires

The constitution of India, under Part XIV, Articles 324-329, has the following provisions related to Election Commission of India, State Election Commissions and Election management:

324. Superintendence, direction and control of elections to be vested in an Election Commission.

(1) 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.

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.

326. Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

327. Power of Parliament to make provision with respect to elections to Legislatures.—

Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.

328. Power of Legislature of a State to make provision with respect to elections to such Legislature.—

Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of a State may from time to time by law make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due constitution of such House or Houses.

329. Bar to interference by courts in electoral matters.

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;
- (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

4.3. Legal framework:

1) Constitution (Article-324-329) of India

2) Parliamentary legislation under Article 324 i.e. Representation of the Peoples' Act 1950 / 1951

- Representation of the Peoples' Act 1950 / 1951 provides very strong and effective provisions for management of elections to the Parliament and the State assemblies

- The provisions of State legislations for elections to Panchayats and Municipalities vary from State to State thereby accommodate diversity at grassroots level.

3) THE REGISTRATION OF ELECTORS RULES, 1960

4) Within the Constitutional Framework, each State has made its own legislation for Panchayats and Municipalities and this legislation includes detailed provisions for elections also.

5) To facilitate and guide the electoral process a 'Model Panchayat Act' was drafted in 2012 with supplementary documents on rules, procedures and the legal pronouncements.

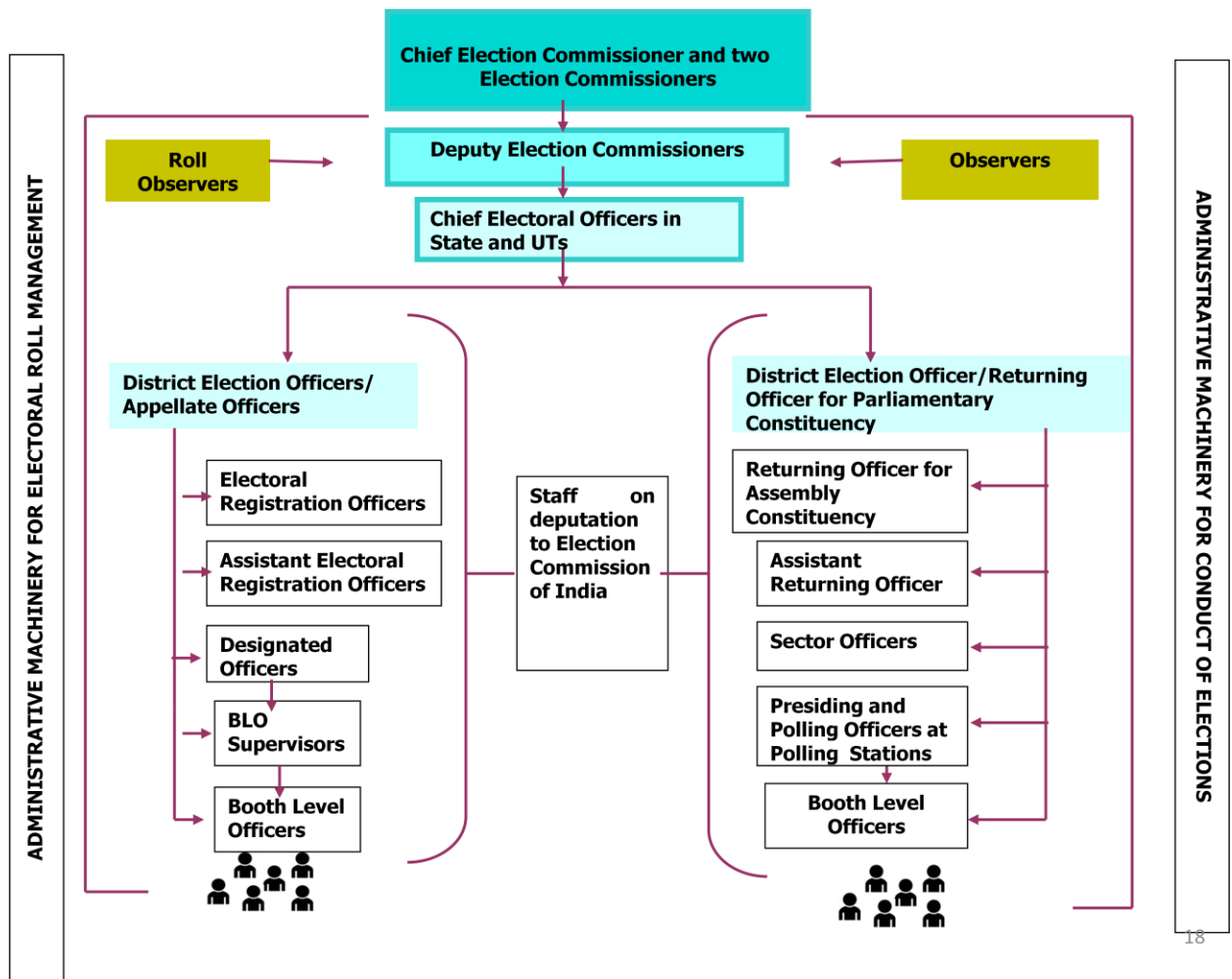
6) In this way, there are two laws related to Election management:

- 1) Representative Laws
- 2) Procedural laws

Apart from this, Election Commission of India exercises the final authority of making any rules and orders, whenever necessary.

4.4. Administrative/Organizational structure

Election Commission of India has its unique administrative structure. Mainly, there is separate administrative machinery for electoral roll management and separate administrative machinery for conducting election. Some of the staffs are permanent to election commission while some others are from All India Service especially for roll management. The administrative and Organizational structure of Election Commission of India is as follows:



Power and duties (for different tiers)

The election management body of India is found to be highly decentralized. Power, duties and authority has been divided into different tiers. Election Commission of India, at the centre, holds election to president, vice-president and elections of parliament for the union. While elections to local bodies and state assemblies are managed by state Election Commission, Chief Electoral Officer and District Election Officers. The power and duties for different tiers can be listed as:

Election Commission of India

- The superintendence, direction and control of the preparation of the electoral rolls, and the conduct of, all elections to Parliament and to the Legislature of every State and election of President and Vice-President.

- Deciding the dates of elections in Consultation with political Parties, government, media and other stakeholders. In case of premature dissolution elections within six months.
- Conducting bye-elections when a seat falls vacant. By-elections are normally held within 6-months of vacancy. No Bye-elections if vacancy for less than one year.
- Election Commission of India also tenders opinion to the President of India in the matters of disqualification of elected MPs and to the Governor in the matters of disqualification of elected Members of Legislative Assembly.
- Registration of political parties and recognizing them as national and state parties.
- Allocation of symbols to the candidates and parties.
- Disqualify candidates who do not submit accounts of election expenses for each election according to law.
- Removal of disqualification on above matters.
- Make available Central and State Security forces as needed for States and Union territories. The ECI ensures full optimization of the State Security Forces, Comprising the State Armed Police (SAPs), Home Guards, and the Districts Police and so on.
- There is the clear distribution of the work under different divisions in Election Commission of India at the centre.
 - 1) Functional Divisions: Planning, Judicial, Administration, Information Technology, Election Materials, Finance, Expenditure Monitoring, Voter Education (SVEEP) and Training.
 - 2) Territorial Divisions: Election divisions looking after specific states.

Election of President

Election Commission of India conducts the election to president and vice-president. The constitutional provision for the election of president is as follows:

Article no. 54. Election of President.—The President shall be elected by the members of an electoral college consisting of—

(a) the elected members of both Houses of Parliament; and (b) the elected members of the Legislative Assemblies of the States.

55. Manner of election of President.—(1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.

(2) For the purpose of securing such uniformity among the States inter se as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:—

(a) every elected member of the legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;

(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;

(c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

State Election Commission

Each State has a **State Election Commissioner** who is an independent authority and the Commission is charged and fully empowered to conduct free and fair elections. The State Election Commissioner has the status of a High Court Judge and can be removed only by way of impeachment by the Parliament and not otherwise. Thus, State Election Commission is independent of State Government.

The constitutional provisions for Election Commission of India and State Election Commissions seem to be identical so far as their plenary powers for superintendence, direction and control of preparation of electoral rolls and conduct of all elections are concerned, though the domains are distinctly separate. The State Election Commission is given the full authority for conducting local bodies' election and other election management issues. The commissions has got the following power and duties:

1) Conduct the free fair and credible Elections in the Local Level

The entire electoral process for Municipalities/Panchayats is similar to the process in elections to the Lok Sabha or the State Assemblies.

- 2) **Delimitation of constituencies:** State Election Commission works for the delimitation of constituencies. It is done as per guidelines provided by the state legislation and the rules. Delimitation is carried out under the directions of the State Election Commissions unless otherwise prescribed under the law. Last published census is the base of delimitation.
- 3) **Reservation of seats:** State Election Commissions direct and control in the work of reservation of seats in panchyat and municipal for the members of scheduled casts, scheduled tribes and backward classes unless otherwise provided under the law. It is done as per the proportion to their population in the last census published.
 - Reservations are made for women in each of above categories.
 - Reservations are done as prescribed under law on rotational and quota basis and detailed guidelines are provided for rosters.
 - Special provisions of law are made for Scheduled Areas.
- 4) **Preparation and maintenance of electoral rolls** for conduct of elections to Panchayats and Municipalities. State Election Commissions adopt the electoral rolls of Assembly constituencies which are prepared by the Election Commission of India.
 - The aforesaid electoral rolls are disintegrated Panchayat/Municipality constituency wise as per prescribed guidelines of the SEC.
 - Such rolls are published in a prescribed manner and final rolls are prepared and used in the elections. The work is carried out at the district level according to the direction of state Election Commission.
- 5) **Election monitoring through model code of conduct.**
- 6) **Election Observation Management: Appointment of election observers so as to ensure free, fair and credible elections.**
- 7) **Deployment of the manpower for conduction of elections.**

Structure of Local bodies

- There is a Zilla Parishad at district level, Panchayat Samiti at block level and Gram Panchayat at Village level.

- A Gram Panchayat is divided into territorial constituencies called Wards with near about 500 population. A member is elected from each of the wards and one Mukhiya is elected from a Panchayat directly as head .
- Each Panchayat Samiti is divided into territorial constituencies of about 5000 population each, one member is elected from each of the constituencies, and the Block Pramukh is elected by these members.
- Each Zilla Parishad is divided into territorial constituencies of about 50000 populations each and one member is elected from each constituency and these members elect Chairman, Zilla Parishad.
- Thus each voter in Panchayats casts simultaneous four votes for the following :
 - 1)Ward member
 - 2) Mukhiya
 - 3) Member of Panchayat Samiti
 - 4) Member of Zilla Parishad.
- Block Pramukh and Chairman Zila Parishad are elected by the elected Members under indirect election.
- In Municipalities each voter casts simultaneous two votes for the following:
 - 1) Head of a Municipality
 - 2) A Ward Member.
- Deputy Chairperson of a Municipality is elected by the elected Members.

5) Staffing: Designation, naming and duties(at different tiers- Federal provincial and Local level)

Election Commission of India has permanent secretariat of 375 officers and staff that consists of:

- 1) Deputy Election Commissioner and Director General (7)
 - 2) Principal Secretary and Director
 - 3) Secretary
 - 4) Under Secretary
 - 5) Section Officer
 - 6) Staff (Assistant and Clerk)
- Deputy Election Commissioner, Director General and Directors are appointed on deputation basis from amongst officers belonging to All India Services or Central Services
 - Others are permanent officers of ECI.

Officers at State Level:

1) Chief Electoral Officers

- Senior IAS officer of the State is appointed as Chief Electoral Officer in consultation with State Government. There are 35 CEOs.
- The CEO is supported by as small secretariat having approximately 15 – 25 officers and staff.
- The above positions are the only full time staff available to the ECI to conduct elections. All of them work under Election Commission of India.

2) District Election Officers:

They are the district magistrate, not permanent official of ECI. During election period they are appointed as DEOs and work under election commission. There are 601 District Election officers in total.

3) Returning Officers (Parliament) – 543

4) Returning Officers (Assembly) – 4120 (Electoral Registration Officers)

5) Asstt. Electoral Registration Officers - 4800

Officers at District Level:

The major work of ECI is done by the regular state bureaucracy, at the district and sub-district level. Regular State Government functionaries are given the responsibility of preparation and revision of electoral roll. These officers are not full time officers of ECI. They are under superintendence, direction and control of ECI. Officers at District Level work in different positions, normally:

1) Preparation and Revision of Electoral Roll:

- District Election Officer(total no.601) – Appellate Officers for electoral roll matters
- Electoral Registration Officer – In-charge of electoral roll of one or two assembly constituency
- Assistant Electoral Registration Officer – In-charge of electoral roll of one assembly constituency
- Designated Officer – permanent officer who receives claims and objections round the year

- Booth Level Supervisor – responsible for 8-10 polling stations
- Booth Level Officer – responsible for one polling station.

2) Conduct of Assembly Elections:

- District Election Officer – provides all kind of supports to Returning Officers
- Returning Officer – The Electoral Registration Officer in-charge of electoral roll of an assembly constituency functions as Returning Officer for that constituency
- Assistant Returning Officer – The Assistant Electoral Registration Officer of an assembly constituency functions as Assistant Returning Officer for that constituency
- Sector/ Zonal Officer/Magistrate – Responsible for 10 polling stations
- One Presiding Officer and three Polling Officers are appointed for each polling station for conducting poll
- Booth Level Officer – Sits outside polling station to assist voters.

3) Conduct of Lok Sabha Elections:

- a. Returning Officer for Parliamentary Constituency – District Election Officer becomes now RO
- b. Assistant Returning Officer – The Electoral Registration Officer in-charge of electoral roll of an Assembly Constituency now functions as ARO
- c. Sector/ Zonal Officer/Magistrate – Responsible for 10 polling stations
- d. One Presiding Officer and three Polling Officers are appointed for each polling station for conducting poll
- e. Presiding Officers are central government/ PSUs employees
- f. Booth Level Officer – Sits outside polling station to assist voters. The Booth Level Officer are generally school teachers, municipal clerks, Anganwadi workers etc. This was introduced from the year 2006. The Booth Level Officers are assigned the polling station area in which they reside. They are appointed by Electoral Registration Officer of the Constituency.

4) Officers and Staff during elections

Police Officers: As soon as the ECI notifies the elections, the police personnel right from DGP to Constabulary comes under superintendence direction and control of ECI.

Observers: They are senior executives from other States and are deputed during the election period as observers to oversee the electoral process. To ensure neutrality and fairness of the electoral process, the ECI deposes observers in each constituency.

Types of Observers: General Observer, Expenditure Observer, Roll Observers, Awareness Observers, Police Observers

Micro Observers are appointed to assist general and expenditure observers.

There are no provisions for international observer but observer may come for observation on their own.

5. Election Management

5.1. Electoral system with Election Operation mechanism

1) **Electoral System:** The electoral system of India seems to be the mixture of FPTP and Indirect voting System. There is the provision of Reservation for scheduled casts and scheduled tribes only in the lower houses.

- FPTP system.
- Indirect voting system

Election Operation:

Election commission of India has the final authority to call for elections. The commission does it by making a planned schedule. The Election Operation is carried out in the following ways:

1) Election process starts with issue of notification, although Model Code of Conduct starts from the date of announcement of election Schedule.

- 7 days for filing nominations
- Scrutiny a day following the last date for nominations.
- Thereafter 2 days provided for withdrawal
- Final list prepared after withdrawal
- Campaign period of 14 days or more
- Ends 48 hours before polling close

- 2) Staff, Drawn from various Central and State Government departments, are mobilized & deployed by the CEO under Commission's instruction.
- 3) **Different types of database** like polling personnel database, Police force database, ROs and AROs database etc are generated for Human Resource and Training management in elections.
- 4) Randomization of Polling Personnel, EVMs & VVPATs is done.
- 5) EVM have been used since 1998. Last button on the EVM is kept for NOTA.
- 6) There are checks on party in power through model code of conduct.
- 7) There is the system of proxy votes only for the armed forces.
- 8) **Election Monitoring Mechanism:**
 - ECI does overall monitoring of all elections.
 - ECI Observers monitor the campaign process, election expenditure by the candidates, poll day events, post-poll document verification and the counting process
 - Micro-observers deployed at sensitive PSs to observe the Poll Process at Polling Station
 - Model code of conduct is made and operated during elections.
- 9) **Expenditure Monitoring:** Expenditure Monitoring Division set up and Expenditure Observers are appointed to monitor that the prescribed ceiling is not exceeded.
 - Election Expenditure Statement of all candidates put in public domain, after 30 days of declaration of results.
 - Tax officials engaged to track money movement in the constituency during elections and also investigate expenditure account.
 - Regulations to monitor expenses incurred on Paid News.

Elections in the Local Level

The election process in the local level starts once the Governor issues the notification of elections as per the recommendation of the State Election Commission. State Election Commission also issues simultaneous notifications of detailed election programme.

In some state, there are independent candidates systems. There is not the provision of party wise candidates .State Election Commission provides them independent symbol for each candidates for election purpose. In some states there is party wise competition also. It is determined by the respective state what system should be applied.

- The process of nomination, scrutiny, acceptance of nominations, allotment of symbols and ballot preparation is identical to the Lok Sabha/State Assembly. Simultaneous election process follows for multi member/post elections.
- All District Magistrates are notified as District Election Officers, then there are Deputy Election Officers in each district.
- Returning Officers and Assistant Returning Officers are appointed for each constituency.
- Polling parties, Polling Station, training of personnel, deputation of security forces, management of law and order is similar to that of the Lok Sabha/State Assembly Elections.
- Electronic Voting Machines/Ballot Papers are used for polling purposes. In Panchayats simultaneous polling takes for four posts. In case of Municipalities simultaneous polling takes place for two posts.
- Model Code of Conduct is brought in place from date of declaration of elections by the State Election Commission This ensures fairness in election for all the stakeholders. The model Code of conduct regulates campaign and is enforced till the declaration of the results.
- All the polling materials, ballot papers and other high security items are arranged in a well organized exercise so that all actions are completed on time.
- Generally same Polling Stations are listed for conduct of polling.
- Besides Polling Stations, strong Rooms for storage of polled EVM's and Counting Centers are set up.
- As per Article 243 K (3) of the constitution, the Governor of a state has to provide adequate number of staff for conduct of elections when so requested by the State Election Commission.
- The staff deployed for elections work under the control of the State Election Commission. Their deputation is made as per a special software programme so that no one can indulge in any malpractices. Well designed Training follows.

- Election Observers are appointed by the SEC to ensure free and fair elections. They act as eyes and ears of the SEC. Their reports are important.
- Expenditure Observers are also appointed by the SEC to ensure proper checks on expenditure.
- Entire polling process is conducted in a transparent manner, voters exercise their franchise through a secret ballot.

Security arrangements

- District deployment plan is prepared under the chairmanship of District Magistrate/DEO in consultation with Police Officers and to be approved by Observers – No deviation without express prior approval of Observer.
- State deployment plan and district deployment plan would be finalized at least one week before the poll.
- State deployment plan is prepared in consultation with Chief Electoral Officer taking into account the available forces of State Police and Central Police Forces which will be made available by the Ministry of Home Affairs.

5.2. Voter Education

Voter education is found to be given high priority in India for that particular purpose the following provisions are made:

- Separate Division is set up to strengthen voters awareness and increase participation.
- Scientific survey of Voters behaviour and targeted interventions is done.
- Special campaigns launched to increase voters' registration, updating of electoral rolls, voter ID card distribution and voter turnout.
- Collaboration with NGOs, Educational Institutions and Media is given importance.
- The awareness programmes are organised at the state level, district level and sub district level.
- Structured information (both print and electronic) are publicized through media.
- Awareness programmes also include making public alert against any malpractices and publicizing the help lines.

- Training programmes are organised at state, district and sub-district levels.
- State level training institutions have been built with infrastructures.
- Training manuals are prepared and disseminated in printed and e copies.
- Candidates are also given training/education for the electoral process.
- Electoral campaigns as per regulations of State Election Commission.
- Continued efforts have been put in order to improve the process.
- Financial through regular Budgetary support/Finance Commission grants besides developing own resource of the local governments ;
- Monitoring of the system on continued basis at all levels.

5.3. Voter Registration System

The process of voter registration is also found to be the easier one. Once the voters drop application for registration, an epic number is given to every one of them which is the permanent identification out of which the detailed information can be seen at any time. The registration system has the following features:

- 1) Four different types of forms are developed, mainly for:
 - New Registration (form no. 6)
 - Deletion (form no. 7)
 - correction (form no. 8)
 - Transfer (form no.8 A)
- 2) National voters' service Portal has been created where thirty eight varieties of Applications are well-connected. Big server is created for data security.
- 3) Online registration is also done. The office registers the forms got to the office by any means like postal. Moreover, house to house visit is done once in the year for the verification of electoral rolls.
- 4) VOTER IDENTITY DOCUMENT (EPIC) is generated and EPIC distributed but biometric information is not given.
- 5) Final Electoral Rolls is published in January each year. Electoral Registration officer has got the final authority for electoral Roll management.
- 6) Overseas voter Registration has just started.
- 7) Computerization of Electoral Rolls/Photo Electoral Rolls since mid 90s for process improvement.

- 8) Voter's slip is distributed.
- 9) Constituency wise, vdc/ward wise electoral Rolls is prepared for conducting local level election.

5.4. Use of technology in Election Management & Voter Education

There is the engagement of technology in all parts of the polling process. This includes webcasting from a large number of polling stations to get a first-hand picture of the polling stations, especially in vulnerable areas.

- Use of videography and digital camera during elections process. All major meetings and speeches are captured in videos. Videos are watched every evening and report is given to the Observer.
- Video/digital photography of proceedings inside the critical polling stations is taken.
- Computerization of Electoral Rolls was found to be started since mid 90s.
- From Ballot to Button: Universal use of EVMs in general elections in 2004, 2009 & 2014.
- COMET (Communication for Election Tracking) has been used. Direct connectivity with all Polling Stations (landline telephones, mobile phones, HF, VHF wireless networks, Sat phones and even runners) is assured. Proved an effective tool for tracking poll day events. It is deterrent for trouble makers.
- 'Safety-Net' & Security is applied for vulnerable persons. 'Tracking' of Intimidators is done for that purpose.
- Poll day strategy is made to facilitate vulnerable persons to vote.
- Identification of Critical Polling station and Security arrangements for those Polling Stations is done.
- Control room arrangements are made.
- Arrangement for escorting of the polling personnel, EVMs and poll material are made.
- Storage of polled EVMs at Collection Centre is done.
- Polled EVM are guarded by Central Police Force and State Police.

It was found that all most all the processes of electoral management, from voter registration to polling station monitoring, decision making to day to day official functioning are done with the use of well managed software and programme.

5.5. Finance allocation

- Govt. of India share all the Expenditure for elections to Rajya Sabha and to the offices of the President and Vice President.
- Govt. of India share 50% of the Expenditure for simultaneous elections to Lok Sabha and State Legislative Assemblies.
- Govt. of India share 50% of the Expenditure for annual revision of Electoral Rolls.
- State Government share 100% of the Expenditure for elections to local bodies.
- State Government share 50% of the Expenditure for simultaneous elections to Lok Sabha and State Legislative Assemblies.
- State Government share 50% of the Expenditure for annual revision of Electoral Rolls.

Budgeting

Central and State Governments make necessary budget proposals every year for the conduct of elections and annual revision of Electoral Rolls. Some other provisions are as follows:

- Necessary allocations are made under the relevant heads of accounts for each purpose.
- Allocations are made under the relevant minor heads of account under the major head.
- Token provisions will be made in the budget under the heads of account related to elections every year, to provide money for any elections, be it elections to the Lok Sabha or State Legislatures that may be needed in case of contingencies.
- If suddenly the Central or State Government falls before the completion of its tenure, additional authorisation is made under the respective heads under which token provisions are made in the budget, by the Central/State Government.

- The Chief Electoral Officers of the States, under the direct control of the ECI, are the officers competent to utilise the budget provisions under the Election heads of accounts in the Budget.
- The State Election Commissioners are also authorised to utilise the funds provided for the conduct of elections in the State and for preparation of electoral Rolls for that purpose.
- The Chief Electoral Officers will allocate the funds provided in the budget for each purpose to the DEOs after assessing the requirements of each district.
- The DEOs will submit necessary proposals to the CEO with proper justification for the expenditure to be incurred by them for each purpose.
- The DEOs will allocate funds to the EROs as per the requirements on getting requests from them.
- Proper accounting will be done by EROs for the expenditure incurred for each purpose.
- Proper accounting will be made by CEOs for the allocation made to DEOs.
- The expenditure incurred by the DEOs will be closely monitored by the CEOs through the accounting procedure prescribed by the statutes laid down for the purpose.
- The expenditure incurred from the budgeted funds by each DEO will be reconciled by the officials of the CEO/DEO with the books of account.
- Audit teams from the office of CEO will conduct preliminary audit in the office of EROs and DEOs.
- A team from the office of Auditor General conduct audit in the office of CEO, DEOs and EROs.

7) Findings and recommendations:

- Election Commission of India decides the dates of elections in Consultation with political Parties, government, media and other stakeholders. Moreover, the Commission also has got the final authority of making any rules and orders, whenever necessary. It seems inevitable Election Commission of Nepal has that authority as well.

- Chief Election Commissioner of Election Commission of India has the special authority that other Election Commissioners cannot be removed from their office without his recommendation.
- Election Commission of India conducts directs and controls the election of president, vice-president, all election to parliament and to the legislature of every state and State Election Commission directs and controls the election of local bodies.
- Out of the 453 seats in Lok Sava about 80 members come from reservation. The commission allocates certain constituencies for the scheduled casts and scheduled tribes.
- State Election Commissions do the work of reservation of seats in panchyat and municipal for the members of scheduled casts, scheduled tribes and backward classes unless otherwise provided under the law. It is done as per the proportion to their population in the last census published.
 - Reservations are made for women in each of above categories.
 - Reservations are done as prescribed under law on rotational and quota basis and detailed guidelines are provided for rosters.
 - Special provisions of law are made for Scheduled Areas.
- For conducting local body elections, there is independent candidate system in some states. There is not the provision of party wise candidates. State Election Commission provides them independent symbol for each candidate for election purpose. In some states there is party wise competition also. It is determined by the respective state what system should be applied.
- The weightage of votes for the election of president in India is found to be varying from one state to another. According to the constitution of Nepal the weightage of votes for the election of president shall be as per the federal law and nothing is further explained. Indian example might be appropriate for us.
- Leaving some exceptions, all the elections in India –from houses of the people to state assemblies, have been conducted on time as per schedule. Moreover, the commissions' authority to call for either of the elections at any time is the great exercise of democracy.
- Election Commission of India is found to be a good example for its maximum utilization of modern information technology. The information technology is so well managed that the tracking of every decisions and every action of the office can be done from a place at once. This is how transparency is guaranteed.

- The process of voter registration is also found to be the easier one. Once the voters drop application for registration, an epic number is given to every one of them which is the permanent identification out of which the detailed information can be seen at any time. Moreover, voter registration can be done from anywhere and update is continuously verified by the server at the center which reduces the duplications.
- Election Commission of India leads the delimitation commission and gets the work done. It would be better if Election Commission of Nepal has the representation in Nirwahan Chhetra Nirdharan Aayog which is not guaranteed in our constitution yet.
- State Election Commission decides the delimitation of constituencies and reservation of the seats for local elections.
- Different types of Observers like General Observer, Expenditure Observer, Roll Observers, Awareness Observers, and Police Observers are appointed separately. Micro Observers are appointed to assist general and expenditure observers. There are no any provisions for international observer but observer may come for observation on their own.
- Election Commission of India declares the list of winning candidates in Lok sava and Vidhan sava election and notified it to the president. Similarly, Chief Electoral office notifies the result of state legislative assemblies to the governor.
- All the actions in the election management process, from voter registration up to polling are caught in videos in India. Having the videography of every action in election management ensures free, fair and credible elections.
- It was found that political parties in India are coming front with growing maturity. This is proved to be helpful in election management.
- Election Management body in India is found to be totally decentralized. Even if, there is no any constitutional provisions, Election Commission of Nepal can also exercise decentralization through the establishment of local level organizations like State Election Commission or Office of the Deputy Election Commissioner in the district or in the state. Devolution of authority seems to be essential at least.

8. Conclusions:

From the above made observation, we can reach at the conclusion that:

- Election Commission of Nepal should have authority to declare the dates of elections.
- According to the constitution of Nepal the weightage of votes for the election of president shall be as per the federal law and nothing is further explained. Indian example might be appropriate for us.
- It was found that political parties in India are coming front with growing maturity. This is proved to be helpful in election management.
- Election Commission of India leads the delimitation commission and gets the work done. It would be better if Election Commission of Nepal has the representation in Nirwachan Chhetra Nirdharan Aayog which is not guaranteed in our constitution yet.
- Election Commission of India is found to be a good example for its maximum utilization of modern information technology. The information technology is so well managed that the tracking of every decisions and every action of the office can be done from a place at once. This is how transparency is guaranteed.
- Election Management body in India is found to be totally decentralized. Even if, there is no any constitutional provisions, Election Commission of Nepal can also exercise decentralization through the establishment of local level organizations like State Election Commission or Office of the Deputy Election Commissioner in the district or in the state. Devolution of authority seems to be essential at least.

9 References:

- Manual of Election Law, volume I & Volume II.
- A journal: Election to The office of President of India, 2012.
- Discussions held at ERO office, Chief Electoral Office and IIIDEM, Delhi.

10. Some of the snapshots during Delhi visit



Having discussion at Electoral Registration Office, Delhi



Meeting at Chief Electoral Office, Delhi



Meeting at IIIDEM, Delhi



.....
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Tanahun

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