

# 66 Years of Electoral Reforms in India

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# Highlights of the Indian Electoral System

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## On the Dot Delivery

- Periodic & credible elections the lifeline of democracy.
- ECI has delivered all elections on the dot even in most trying circumstances.
- Conducted elections under extraordinary circumstances:
  - Assam - 1982-83. Punjab - 1992
  - J&K - 1987-89, 1996, 2002 and in 2008
- Dissolutions of Legislative Assemblies following General Elections to Parliament in 1971 and in 1977 broke the cycle of simultaneous elections.

# Media Response

The Times of India 15.05.09

## The wonder that is India's election

The World marvels at how the country puts up such a complicated and mammoth show of democracy

Indrani Bagchi | 794

New Delhi: "How do you prevent electoral fraud?" "How do you ensure that the voting machines are not hijacked?" These are questions to which Indian electoral juggernaut has now answers to. But, for the outside world, how a



Hemali Chappala

Chhattisgarh, Gujarat, Bihar and even Mizoram. They ambled through villages in Chhattisgarh and had 'cha' with village voters, talked to them about their electoral concerns and came away charmed. Japanese and Australians, knew UP was complicated, but after a visit to the state and talks with leaders of every political party there, we found the complications to be more complicated," said a diplomat. Another spoke in wonder: "You know, Lucknow is like ancient Rome, it has so many statues." Sept 12, when the A limited ses

With a continent-sized 714

Asian Age 14.05.09

## EC did great job; can it be better?

WITH THE month-long election process to elect the 15th Lok Sabha coming to a close on Wednesday without going off the rails at any stage, some have predictably begun to question the length of time taken to wind up the poll exercise. That perhaps is at the heart of being Indian — to complain when all has thankfully gone well. The typical grouse, whether based on right premises or not,

Hindustan Times 19.5.09

## Well-done, EC

It was a smooth election, although slow

IT is a measure of the deep roots that democracy has struck in the country that an exercise in which an estimated 714 million voters were called upon to elect the new Lok Sabha passed off without any major mishap, barring a few Naxalite attacks in the early phases. The Election Commission, however, in an atmosphere of acrimony and malice that prevailed, the commission thought it fit to err on the side of caution. Sizable forces were deployed to ensure that violence was kept under check. However, considering that governance comes to a virtual standstill when there are elections, and this the country

Hindustan Times 19.05.09

## Well begun and very well done

The EC has pulled off a magnificent job. But we need to shorten the long election period

IT IS said Indian democracy is what Pakistanis admire the most about their neighbour, why Americans take the country seriously and Chinese find it baffling. The exercise of popular sovereignty that takes place in India is the single-most important reason why this subcontinent-sized country has belied

Indian Express 16.05.09

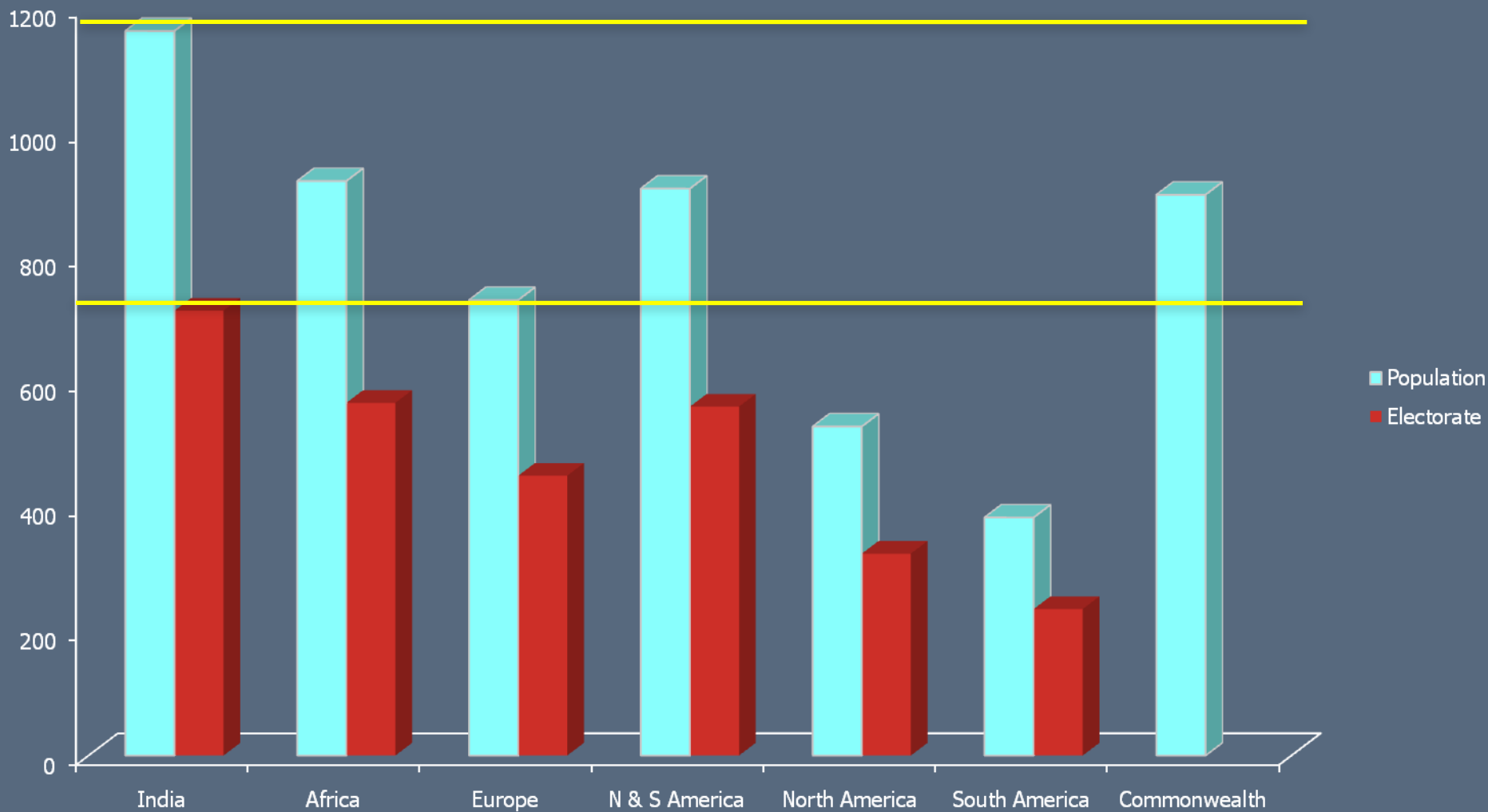
## Thank you, EC

This election was an enormous project. The EC pulled it off well

AS votes are counted today, and the election to the 15th Lok Sabha draws to a close, we are reminded of one thing: that the Election Commission of India is not an institution that habitually invites reprimand for the way it

At this very moment, the EC should deservedly take pride in a job well done, in a non-partisan manner. Perhaps, the more than usual sense of relief this time round comes from two factors: first, the ominous beginnings of

# The Electorate – Larger than every Continent!



“It is truly the greatest show on Earth, an ode to a diverse and democratic ethos....an inspiration to all the World”

- V Mitchell, New York Times  
May 22, 2009

ECI is the most powerful  
Election Commission of the world.

What makes it so powerful?

# Pillars of the Electoral System

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Constitution

Acts of Parliament

Judicial Pronouncements

Executive Orders of Govt

Orders of Election Commission

Local Innovations

# ECI: The Constitutional Design

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- Free and fair elections so important that Constituent Assembly even considered treating the independence of elections as a **Fundamental Right** of the citizens. Ultimately 'a matter of **Fundamental Importance**'.
- Founding fathers had great wisdom to provide an institutional design and framework to ECI to be **fiercely independent body**.



# ECI: The Constitutional Design (2)

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- To ensure concerns of linguistic & cultural minorities for electoral rolls & conduct of elections a single EC for the whole country.
- If we were to have a perfect electoral roll... I am sure we must have an independent Commission"... Dr. B.R. Ambedkar
- Federalist concerns vs. credibility of the electoral system of the plural India.

# The Constitutional Provisions

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- Part XV of the Constitution deals with “Elections”
  - **Article 324 (1)** vests in the EC the superintendence, direction and control of all elections to Parliament and Vidhan Sabhas, office of President and Vice President.
  - **Article 324 (6)** provides that the President or the Governor of a State, shall, when so requested by the EC, make available to the EC such **staff** as may be necessary for the discharge of the functions conferred on the EC by clause (1).
  - **Article 329 (b)** stipulates that no election shall be called in question except by an election petition.

# The Constitutional Provisions (2)

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- The Chief Election Commissioner shall not be removed from his office except like a judge of the Supreme Court. (Art.324 (5))
- No Election Commissioner shall be removed from office except on the recommendation of the Chief Election Commissioner. (Art,324 (5))
- Multi-member Commission -
  - From 16<sup>th</sup> October 1989 to 1<sup>st</sup> January 1990
  - Continuously since 1<sup>st</sup> October 1993

# Judicial Support

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- Where the existing laws are absent and yet a situation has to be tackled, the Chief Election Commissioner has not to fold his hands and pray to God for divine inspiration to enable him to exercise his functions and perform his duties or to look for any external authority for the grant of powers to deal with the situation. He must lawfully exercise his power **independently**, in all matters relating to the conduct of elections, and see that the election process is completed properly in a **free and fair** manner.”

- Supreme Court of India, in M.S.Gill and Anor V Chief Election Commissioner and Ors, AIR 1978 SC 851

# Highlights of Indian Electoral System

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- Universal Adult Franchise – from day one.
  - A giant leap forward, a defining moment in the socio-political history of India.
  - Other democracies in the world took long and arduous path.
- EC a powerful **neutral umpire**.
- In many democracies election schedule decided by the Government. In India **EC decides the date**.

# Highlights of Indian Electoral System (2)

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- **Disciplinary Control Over the Election Machinery**
  - Apart from its small Secretariat, EC has no independent electoral machinery in the field.
  - Temporary seconding of state/central government staff.
  - **Deemed deputation** to EC (R.P.Act as amended in 1988).
- Governments regularly thrown out by voters. Transfer of power always smooth. Never a problem of succession.
- Acceptance of people's verdict by all political formations. No one dares to question the wisdom of the electorate.

# Highlights of Indian Electoral System (3)

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- Model Code of Conduct
  - A unique document, evolved with the consensus of political parties, a singular contribution to strengthen roots of democracy in the political system.
  - **Model** Code has since emerged as the **Moral** Code.
  - It has no statutory backing and many of its provisions are not legally enforceable.
  - At some point EC wanted legal backing to the MCC but later changed mind
    - The Model Code far more efficacious for quick decisions which would not be possible if it becomes part of statute book.

# Process Improvements

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## 1. From Ballot to Button

- 1952 - separate ballot boxes for candidates during first General Elections.
- 1962 - Marking system of voting. It worked fairly well
  - If the invalid votes outnumber the winning margin, legitimacy of representation becomes questionable on moral grounds.



# Process Improvements

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## 1. From Ballot to Button <sup>(2)</sup>

- In 1982, EVMs used on experimental basis, at 50 out of 84 PSs in Parur in Kerala.
- In many other constituencies on an experimental basis later.
- Law had to be amended to enable use of EVMs in elections
- Use of EVM was challenged in the Courts of Law.
- There was popular demand for use of EVMs from different parts of the country.
- Universal use of EVMs at a general elections in 2004.
- EVMs were used at 6,87,402 polling stations.

# Recent Initiatives...

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## 2. Voter Awareness Campaign

- Voting is **not compulsory** but, no doubt a healthy voter turnout is a visible sign of a vibrant democracy.
- Some States like **West Bengal, Kerala and North Eastern States** are known for **higher voter turnout**. But, the urban apathy in general is appalling.
- When **voters in Naxal affected** Chhattisgarh, Jharkhand defy boycott urban elite stay at home or go for picnic.
- The ECI launched voter awareness campaign to encourage better voter turnout
  - **Pappu Campaign in Delhi**

# Recent Initiatives

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## 3. Expenditure Monitoring

- The Commission has already directed that Expenditure Statement summary of all winning candidates be put on the CEO's websites for easy access by public.
- Commission is planning to create an **Expenditure Monitoring Division**.
- Expenditure details and affidavits of candidates will be made available to CDBT for follow up.

# Process Improvements 3

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## 4. Electoral Rolls

- **Computerization** of Electoral Rolls since mid 90s is a major technological leap forward.
- **Photo Electoral Rolls** (99.5%).
- Fidelity of rolls is the constant focus.
  - Phenomena of SAD Voters.
- Compulsory identification and EPIC a major initiative at curbing impersonations.

# Process Improvement

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- A National Electoral Database for –
  - Better Citizen services and accessibility
  - Avoidance of duplicates in the database
  - Better data safety and security
  - Better Election management

# Process Improvement Recent

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- Booth Level Officers (BLO) System
- Booth Level Agents
- Vulnerability Mapping
- ComET: Communication for Election Tracking
- Micro Observers
- Video as a Weapon
- NOTA

# Process Improvement Recent

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- Use of State of Art Technology
  - **GIS** for constituency maps, route for movement of polling staff and security personnel and for deciding phasing options for multi-phase elections.
  - **Google Earth** used for locating polling stations on the map with geo co-ordinates.
  - **Sat phones** in shadow areas esp. Maoist
  - **Live web-casting** directly from polling station was experimented in Arunachal during GE 2009 and subsequently used in all elections.
  - Use of **Biometrics**

# Process Improvement Recent

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- Voter Assistance
- Voter Slips
- **Voter Assistance Booths** in places where there are more than one polling booth in one campus
- **Alphabetical Voters' lists** for easier search
- Voters' lists on the CEOs websites
- Provision of ramps for disabled voters
- Provision of **Braille** strip and Braille ballot paper for visually disabled voters



# Issues of Concern

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- **Urban Apathy**
  - Measures to ensure enhanced participation (IEC Divn.)
- Role of **Money Power** in electoral politics
  - Expenditure monitoring will be more complex and tough
  - “Paid News” and surrogate advertisements
- **Criminalization** of electoral landscape
  - Crying need for reforms
- **Dependence on Central Police Force**
  - Lack of faith in State Police
- **Paid News**

# Proposed Electoral Reforms

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- Debar candidates charged with **Offences punishable with 5 years** imprisonment or more (sent on 15-7-1998)
- Amend section 127-A of RP Act to make it mandatory for the advertiser's name to be published in advertisements (Sent on 5-07-2004)
- **Compulsory audit of Political Parties** by agencies specified by **CAG** (sent on 5-07-2004)
- **Government sponsored advertisements** should be prohibited for six months before the expiry of the term of the House (Sent on 5-07-2004)

# Proposed Electoral Reforms (2)

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- **Removal procedure** of Election Commissioners to be the same as CEC (Sent on 15-07-1998)
- EC expenditure to be charged and not voted (Sent on 15-07-1998)  
– A bill was introduced in 1996 but lapsed
- Use of Common electoral rolls by ECI and SECs (Written to all CMs on 22-11-1999)
- False declaration in connection with an election to be an offence by amending RP Act (Sent on 15-07-1998) – (False statement for ER enrollment is already an offence)
- Rule making authority to be vested in the Election Commission in consultation with Law Ministry (Sent on 15-07-1998)
- **Power to deregister** a Political Party (Sent on 15-07-1998)



AN UNDOCUMENTED  
**WONDER**  
The Making of the  
**GREAT INDIAN  
ELECTION**  
S.Y. QURAIISHI

**THANK  
YOU**