



ELECTIONS

**Prepared by:
Thomas G.M.,
Associate professor,
Pompei college Aikala.**

INTRODUCTION:

- **Regular, free & fair elections are an essential requisite for the successful practice of large democracies.**
- In a Direct democracy the will of the people is formulated & expressed by the people themselves without any representatives or intermediaries.
- **But in an Indirect Democracy, elections are very necessary to elect peoples representatives who runs the government on behalf of the people.**
- In short, elections are the means through which political communication between the government and the governed are established.
- Thus, elections are the organized method of periodical popular expression.
- Therefore, elections means voting to select the holders of political office.
- Voting may be public(open) or through secret ballots.



GENERAL ELECTIONS:

- A general election is an election being held throughout the country on the same day.
- General elections are held periodically depending on the term of the legislatures.
- This term originated in the UK where there is general elections to the House of Commons.
- **Thus, general election is an election in which all or most of the members of a given political body(state) are involved in the election.**



GENERAL ELECTIONS.....

- It is distinguishable from the bye-elections or local elections.
- In India general elections to Lok Sabha takes place after every five years, if the house is not dissolved earlier.
- In USA, general elections to elect the president takes place after every four years during November. General elections to the House of Representatives in the Congress after every two years.



BYE-ELECTIONS:

- **A special election held between regular elections/general elections is called as bye-election.**
- When an elected representative died/resigned/expelled and a constituency fall vacant this special election may be conducted so as to fill the vacancy.



CONSEQUENCES OF BYE-ELECTIONS:

- **Majority of bye-elections are unimportant.**
- In bye-elections voter turnout are less.
- Bye-elections can become crucial when the ruling party has only a small margin of majority in the assembly, especially in a parliamentary system of government.
- In the bye-elections local issues and charisma of the candidate counts more than on national issues or opinion on the ruling party.



FEATURES OF INDIAN ELECTORAL SYSTEM:

- **Part XV** of the Indian constitution deals with the electoral system and highlights its features.
- In most of the democracies elections are regarded as a subject to be left to the jurisdiction of the legislature & executive.
- However in the Indian context the constitution has a separate chapter on elections to safeguard the political rights of the people.



FEATURES OF INDIAN ELECTORAL SYSTEM:

- It has the following features –
 1. The constitution has a separate chapter on Elections,
 2. Independent Election Commission,
 3. Power to legislate on Electoral matters by the Parliament,
 4. Single or General Electoral Roll,
 5. Universal Adult Suffrage,
 6. Election disputers are decided in High courts & Supreme Court,
 7. Electoral Machinery, &
 8. Courts not to interfere in Election matters, etc.



1. THE CONSTITUTION HAS A SEPARATE CHAPTER ON ELECTIONS:

- The constitution has a separate chapter on elections, to safeguard the political rights of the people of India.
- The framers of the constitution wanted to avoid the interference by the executive in matters of elections.
- **Part XV** of the Indian constitution deals with the electoral system .



2. INDEPENDENT ELECTION COMMISSION:

- The constitution has provided for an independent election commission(**Art.324**).
- The superintendence, direction and control of all elections in India are vested in the election commission.
- It decides the qualification, duration of MPs & MLAs.
- It also reserves the seats for SCs & STs in the Lok Sabha & Assemblies.



3. POWER TO LEGISLATE ON ELECTORAL MATTERS:

- Parliament is vested with the supreme power to legislate on all matters relating to elections including elections to state legislatures.
- Under Art.328, the states have also been vested with certain limited powers to legislate on elections.
- But such legislation should not be in conflict with the parliamentary legislation in this regard.
- **The parliament passed 2 major Acts according to which elections are to be held.**



3. POWER TO LEGISLATE.....

- **The Representation of Peoples Act of 1950**, provided for qualification of voters & matters connected with the preparation of electoral rolls, delimitation of constituencies & allocated the number of seats in the respective state legislatures.
- **The Representation of Peoples Act of 1951**, provided for the actual conduct of elections , administrative machinery for the conduct of elections, election disputes, bye-elections, etc.



4. SINGLE OR GENERAL ELECTORAL ROLL:

- Separate electorates have been abandoned which existed during the British rule.
- **There is one single general electoral roll irrespective of their religion, caste, Race or sex.**
- Thus, a composite political community has been established by the constitution.



5. UNIVERSAL ADULT FRANCHISE:

- It is one of the important feature of the Indian Political System.
- All citizens who is of 18 years of age has the right to vote during general elections.
- The ground of disqualification are -1. Non-residence, 2. Unsoundness of mind, 3. Crime, 4. Corrupt or illegal practices.
- It is regarded as the fountain spring of Indian democracy.
- It recognized the principle of one man, one vote and one value.



6. ELECTION DISPUTES ARE DECIDED IN THE HIGH COURTS & SUPREME COURT(ART.329)

- The power to decide election disputes at present vest in the High courts with a right to appeal to supreme court.
- But disputes regarding the election of the president & Vice-President are to be settled by the supreme court only.



7. ELECTORAL MACHINERY:

- **Election Commission of India which is independent of the executive & constitute the main electoral machinery for the conduct of elections in India.**
- And it is also clearly laid down that the President and Governor shall, when so requested by the election commission, make available to the Chief Election Commissioner such staff as may be necessary for the discharge of functions conferred on the Election Commissioner.



8. COURT NOT TO INTERFERE IN ELECTION MATTERS(ART.329):

- According to Art. 329, the validity of the law relating to **the delimitation of the constituencies** cannot be questioned in the court of law.
- **In the election matters the decision of the Election commission is final.**
- Ponnuswami v/s the Returning officer of Namakkal case AIR 1962 S.C.64



CONCLUSION:

- Thus, the subject of election have been given a **constitutional recognition** in our country and forms the integral part of the constitution of India.
- Our electoral system has all the features to ensure the existence of **a fair & free elections** and an effective and meaningful democracy.



ELECTION COMMISSION OF INDIA:

- **Introduction:**
- Art. 324 of the constitution provides for the establishment of an independent Election Commission in order to ensure a fair free election of the representatives of the people at all levels.
- **We have a single and centralized electoral machinery.**
- **It is free from political or executive influence.**
- It is an independent body, having all India jurisdiction over elections to the Parliament and State legislatures and offices of the President & Vice-President.



COMPOSITION & ORGANIZATION :

- The Election Commission consists of the Chief Election commissioner and such number of election commissioners, as the President may fix from time to time.
- All these commissioners are appointed by the President, subject to the provisions of law as enacted by Parliament for the purpose.
- The Chief Election Commissioner stands at the apex of the hierarchy of the election commission of India and acts as its chairman.
- In Oct. 1, 1993 the election commission was converted into a three member body, by appointing two more election commissioners(M.S. Gill & D.V.G. Krishnamurthy).
- The government had taken this decision(Making it a Multi-member commission) due to proactive, unilateral role of T.N. Sheshan as Chief election commissioner leading to controversy



COMPOSITION.....

- The Supreme Court is also in favour of a multi-member Election **Commission(S.S. Dhanao v/s Union of India)**.
- The ordinance issued by the President to make multi-member Election Commission was subsequently converted into an Act of Parliament
- **T.N. Sheshan** challenged this Act in the court as violative of his power & authority.
- But the court upheld the new legislation providing for the appointment of two new commissioners under Art.324(2).
- The ruling of the court is “the question whether it is necessary to appoint other election commissioner besides, the CEC is for the government to decide and that it is not a justiciable matter.”



CONDITIONS OF SERVICE:

1. **The conditions of service of the Election Commissioners have been placed on par with those of the CEC & Supreme Court judges.**
2. They will **have a six year term** or serve up to 65 years of age whichever is earlier.
3. The CEC of India will now be entitled to the salary and other facilities, like rent-free accommodation, equivalent to that of a judge of the Supreme Court.
4. It is also laid down that the conditions of service of the CEC shall not be varied during the term of his office to his disadvantage.
5. The term of office is independent of the executive. They are eligible for re-appointment.



IMPEACHMENT PROCESS:

- **Art. 324(5) provides for the independence of the election commission.**
- It says that the CEC shall not be removed from office except in the manner and the grounds which are prescribed for the judges of the supreme court.
- Other Election Commissioners shall not be removed except on the recommendation of the CEC.
- The process of removal is known as impeachment motion.
- This motion should be passed by both the houses of Parliament by special majority i.e. absolute majority of the whole house and 2/3 majority of the members present and voting. Then only the President can remove him.
- One of the main drawback of the commission is that it has been denied the right to recruit and regulate the conditions of **service of its secretariat staff** – a right available to organs like the UPSC or CAG or the Supreme Court, etc.



FUNCTIONS AND POWERS:

- The commission has entrusted with following functions –
 1. It has **to conduct the elections** of the president of India, Union Parliament and the State Legislatures. It exercises the superintendence, direction and control over all matters pertaining to these elections.
 2. It has **to prepare and revise the electoral rolls** for these elections subject to the provisions of the constitution and laws made by the union and state legislatures.
 3. After the elections, it advises the president and governors **regarding the disqualifications**, if any, incurred by a member of union or state legislatures.



POWERS & FUNCTIONS.....

4. It may request the president **to appoint regional Election Commissioner**, to help it in the performance of its duties during the Lok Sabha or State Assembly elections. It may also request them (president & Governors) to appoint such staff as it may deem necessary for the conduct of elections.
5. If any doubts or disputes arise pertaining to the election arrangements, the election commission is empowered to **appoint election officers for inquiry**.
6. **Allotment of symbols to the political parties** at the time of elections and settling the disputes regarding it are also the functions of elections.



POWERS & FUNCTIONS

7. If there are complaints regarding booth capturing, rigging, violence, etc. it may issue, violence etc., **it may issue orders for repolling** or may postpone the dates of elections.
8. If there is disturbance in any constituency, **it may visit the disturbed area** and make appeals for peace through the mass communication media.
9. It **decides the dates for central broadcasts & telecasts** on particular days and allots times to parties during elections.



POWERS AND FUNCTIONS:

10. It also deals with matters relating to the reservation of seats in the House of the people & State Assemblies for the SCs & STs
11. It **may order for the rectification of the mistake** made by the Delimitation Commission.
12. The Election Commission also deals with the **determination of Population for the purpose of election.**
13. If the government intends to extend the duration of emergency in any state under Art. 356 of the constitution beyond one year, then **such proposal must be supported by the advice of the election commission.**
14. The election commission has **the power to issue guidelines on the eve of elections which must be observed by all.**
15. Once the election is over, the Election Commission is required to **issue a notification that the house is duly constituted.**



ELECTORAL MACHINERY AT THE STATE LEVEL:

- The election commission requires to maintain the electoral machinery at different levels of administration in order to carry out its operations throughout the length and breadth of the country.
- At the State or Union territory level, there is **the Chief Electoral Officer** who is the kingpin in the electoral machinery.
- He is nominated by the election commission in consultation with the state government/ government of the union territory.
- A senior executive or judicial officer of the state government is nominated for the post.
- He is **assisted by the joint deputy or assistant chief election officers** and the remaining staff are appointed by him in consultation with the state government.
- He is **in charge of the supervision and preparation of the electoral rolls and the conduct of elections.**



ELECTORAL MACHINERY AT THE DISTRICT LEVEL:

- At the district level, the electoral duties are discharged by the district officer in addition to his normal administrative routine.
- He was accorded statutory status only in 1966.
- The personnel consisting of presiding and polling officers for the actual conduct of poll are appointed by the district election officer.
- The presiding officer keeps order at the polling station and ensures the fair conduct of the poll.

