

Role of Election Management body in India after Independence

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Abstract

India is the largest democratic country in the world. On 26 January 1950, India has adopted constitution and gave the ideal of liberty, equality and justice for all people of India. Voting is essential part of any Democratic nation. It is backbone of democracy and Government is legitimated by elections. It maintains link between government and people of the state. People enjoy their political rights through elections. It helps to solve the problem of leadership competition. These representatives should work for the welfare of their people. Election can ensure a change in leadership. Election is means of self evolution after five years. Leaders can review their performance and try to fulfill the demands of citizens by elections that are conducted time to time.

Introduction

Indian constitution has provided parliamentary democracy because framer of constitutions has experience of this system.¹ They wanted such a system where everyone has equal right. Democratic system protects the right of people and free and fair election is main feature of this system.² Success of parliamentary democracy depends on the free and fair election. For this success Indian constitution gives an institutional Election commission of India under article 324.³ Election commission conducts election in an impartial manner so that right of people is not harmed. Election commission administers election in lok sabha, Rajya sabha, state assembly and office of the President and vice President of the country.

Keywords

Election, Management body, election process

Review of literature

Daisy, Changmi & Manashi, Kallita. (2021).⁴ in his article “**Cleansing Election Process- The Ethos of Electoral Reforms**” She described that free and fair election is very important for democracy. Recently democracy has unethical issues as a result it has lost his faith of people. **Neelam, Sharma (2015)⁵** in his article “**Free and Fir Election: An Effective Tool to Strengthen the Indian Democracy**” she explained the features of representative Democracy and she also described that free and fair election depends on the three elements such as impartial electoral machinery, political party and electorate. **Diva, Rai. (2021)⁶** in his article "**Election commission of India: role and duty in reality**" he explained that Election commission of India is a autonomous body which conduct elections regularly. Election commission of India is an independent permanent constitutional body, whose main task is free and fair election in India's union and State level. **Pedada, Mohan Roy. (2019)** in his article “Election commission of India and its independence a critical study” he highlighted the election commission and his function. Election is the fourth pillar of democracy. He also described power of election commission like superintendent and direction of election allocation of seats and allotting of symbol to political partiesel. **Doli, S. (2019)** in his paper Reforms “Role of Election Commission in Electoral” she focused on the role, functions and composition of election commission”

Research Methodology

This study is descriptive and analytical by nature that is based on secondary data. Secondary data also used to get or to analyze needful information. The secondary sources of data are such as Books, Journals, Newspaper, Articles and Internet etc. The Secondary data has been collected from different Libraries of Universities, Colleges and other institutions.

Election Management Body

Constitution framers had indicated the desire about the need to have impartial and autonomous body for conducting elections. Article 324 to 329 established the Election Commission of India. This article provides machinery, who conducts the entire process of election. Election Commission of India has a powerful autonomous body and one of most trusted electoral body. The Election commission of India was constituted on 25 Jan. 1950.⁷ It is the pillar of Democracy. Election commission has

emerged an autonomous body in Indian democracy. It conducts elections in impartial manner. Election commission administers election in lok sabha, Rajya sabha, state assembly and office of the President and vice President of the country.

In 1993 under the Commission there is multi member body with three members Commission which has been operational since then. The resolution by the Chief Election commission and two Election Commissioners who are generally retired IAS officer, as well as those judge of Supreme Court of India. The Election Commission consists of a Chief Election Commission and two other Election Commissioners⁸.

Objective

To understand the role of election management body

To understand the election Process in India

Composition of Election Commission

Election commission holds their office for a term of 6 years or until they attain age of 65, which ever come earlier. Constitution does not refer qualification either academic or any other regarding member of Election Commission of India. They receive salary and allowances similar as the judge of Supreme Court. His salary and allowances cannot be reduced except during financial crisis in country⁹

Powers and Functions of Election management body

Every Constituency has a list of it which is known as elected or the voter list. The Election Commission also prepares the electoral and decides the constituency for parliament as well as legislative Assembly election. The task of delimiting Constitution is completed by the Delimitation Commission consists of five serving or retired judge of Supreme Court and the Chief Election Commission. Political party is an essential feature of Parliamentary democracy. Law providing to his registration process came under 1989 and number of parties got registered by Commission. This provision came into exist from June 15; 1989.¹⁰ Another important work of election commission is allowing symbols to the candidate and political party. The election commission has rectified certain symbols as reserve and others as free. The reserved symbols are only available for those candidate sponsored by political parties and other free symbols are divided equally and are made available to other candidate. Election Commission of India had arranged of issued the identity card to the entire

citizen for efficient and non-corrupt election system in India to avoid the duplicate voting and to prevent the booth capturing systems. Election commission decides the nomination of candidates withdrawing their names and the date of the checking of nomination papers. The Commission also declares the date of the election. Election Commission is regarded as a guardian of democracy. It issues a model code of conduct for political parties to hold elections in free and impartial manner. If any voter or a candidate feels that the election in his constituency has not been conducted fairly he can file an election petition in the court against it. The Commission receives election petition challenging the validity of elections. Political parties spend a lot of money for getting votes Election Commission has fixed expense limits on the amount of money which candidate can spend.

Electoral Reforms by Election Commission

The various reports of EC and a number of formal informal group discussions at different forums and by individuals have shown the defects in the electoral system, some of them gave some useful suggestions, yet the problems continued to be as critical and challenging as ever. The Joint Parliamentary Committee on Amendments to Election Law (1971-72), the Tarkunde Committee Report of 1975, the Goswami Committee Report of 1990, The Constitution Bill 1994 and the Representation of the People (Second Amendment) Bill, 1994 (passed by Parliamentary), the Election Commission’s Recommendations in 1998 and IndrajitGupta Committee Report of 1998 etc. produced comprehensive set of recommandation taken by the Government. The reports of various EC and a number of formal informal group discussions at various forums and by individuals have categorically pointed out the defects in the electoral system, some of them have ventured to come out with some useful suggestions, yet the problems continued to be as critical and challenging as ever. The Joint Parliamentary Committee on Amendments to Election Law (1971-72), the Tarkunde Committee Report of 1975, the Goswami Committee Report of 1990, The Constitution Bill 1994 and the Representation of the People (Second Amendment) Bill, 1994 (passed by Parliamentary), the Election Commission’s Recommendations in 1998 and Indrajit Gupta Committee Report of 1998 etc¹¹. The whole country is now worried regarding serious concern over the anti-social and criminal elements that enter the electoral process. Mr. T.N. Seshan tried his best to cleanse the system, but he failed Mr. Seshan’s successor, Mr. Gill faced the same problem. The Ex-CEC, Mr. Lingdoh also found himself in such a pitiable position, that he has found no suitable remedy to malpractices in elections. This

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cleaned the system but, to appeal the voters not to vote for the criminals was not made. Mr. T.S. Krlshnamurtby, N. Gopalaswami and Navin B. Chawala the CECs also faced the same problem. CEC, T. S. Krishnamurthy has in a proposal letter suggested to PM Manmohan Singh a set of poll reforms that anyone who is charge sheeted at least six months before elections should be barred from contesting elections. The EC has taken several new initiatives in the recent past by a use of state owned Electronic Media for broadcasting or telecasting by political parties, checking: criminalization in polities, whole electoral process streamlining the procedure for registration of political parties and requiring them to hold regular organizational elections. A variety of measures with strict compliance of Model Code of Conduct for providing a level playing field to contestants during the elections, and so on In India, the EC has established a set of guidelines known as the Model Code of Conduct that must be obeyed by political parties and candidates in the run-up to an election¹². These guidelines are intended to ensure that the ruling party at both the national and state levels - does not misuse its official position to gain an unfair advantage in an election. There is a pervasive feeling that something is wrong with the way elections are conducted in India. It is expected to do away with the distortions which adversely affect electarol process so as to conduct free and fair elections. It can be done immediately controlling and eliminating these adverse method or at least, by making suitable changes in the law governing the conduct of elections. Now, time has come to provide some rules and laws in our constitution to keep away those anti-social evils from legislative and parliament regarding electoral reforms. A few reforms have been implemented but still a lot has to be done. The whole country is now expressing serious concern over the anti-social and criminal elements entering into the electoral arena. An indomitable Mr. T.N. Seshan tried his best to cleanse the system, but he failed Mr. Seshan“s successor, Mr. Gill faced the same problem. The Ex-CEC, Mr. Lingdoh also found himself in such a pitiable position, that he has found no suitable remedy to malpractices in elections¹³. This leads to clean the system but, to appeal the voters not to vote for the criminals. Mr. T.S. Krlshnamurtby, N. Gopalaswami and Navin B. Chawala the CECs also faced the same problem. CEC, T. S. Krishnamurthy has in a proposallett suggested to PM Manmohan Singh a set of poll reforms¹⁵ that anyone charge sheeted at least six months before elections should be barred from contesting elections. The EC has taken several new initiatives in the recent past as a use of state owned Electronic Media for broadcast or telecast by political parties, checking: criminalization of polities, providing

with electoral identify cars, streamlining the procedure for registration of political parties and requiring them to hold regular guidelines known as the Model Code of Conduct that must be obeyed by political parties and candidates in the run-up to an election.

Role of Election Commission after Independence

Election Commission performs some autonomous power from executive. Executive controls finance and administrative power. Beginning in its first 20 years, India was dominated by Congress, a single party at both state and National level. Congress did not make autonomous body during this period. In 1967 Congress has lost power in much state. Under the leadership of Indira Gandhi and Rajiv Gandhi Congress hold on power became weak. In this period the influence of Election Commission was limited. During this period it was observed that Election Commission had become absorbed into the Congress system and government had lost sight of its border to provide the democratic structure to Indian electoral system. The ECE has nominal power which was reflected in the public figure of the CEC. Main test of election commission of India came in 1975, when the President of India on advice of Prime Minister Indira Gandhi imposed emergency under article 352 of Indian constitution. It was the first time when Indian Congress lost Parliamentary election. It observed that under Congress dominance and during its decline chief Election commission attained some independence despite executive power. In 1990 collation government came at National level. Collation government came to Central level it means that Election Commission was free from control of the executive power. Election commission was willing to clean up the electoral process and many other political parties spotted them. After 1989 no party has got a majority various collitation government were formed. So Election Commission faced some challenges in its regard.¹⁴ It was not able to function properly. Election Commissions started to maintain authority over political leaders during elections period. T.N. Seshan was introduced many changes in election process and Seshan was a success to win concession from the Congress to position in warrant of presidency from that High court judge to that of a Supreme Court justice. He also introduced the voter ID cards, correction observed for state assembly Election. Publicity to politicians was given to share personal attention norms and model code of conduct. Before T.N. Sheshan the Election Commission’s main work was to affirm the election result only.

Recent State Assembly election has raised a question on role of Election Commission of India and need to strengthen it as an independent institution. In simple words model code of conduct is a set of rules and codes for political parties and leaders. Recently a comment by West Bengal chief minister Mamata Banerjee asking for the model code of conduct as Modi code of conduct has very integrity with Election commission which has been questioned by her, so idea of free and fair election has come under a shade. This is time when a single party has majority in Parliament and current year has once again raised a main problem that is heavy influence of executive on Election Commission of India under scrutiny again in West Bengal. There has been accusation that Central armed police force is under manipulated of ruling party. These allegations are raising the question mark on the independent and autonomous body Election Commission of India.

2019 lok sabha election cast distrust on the credibility of Election Commission and raised the question about EVM. Responding to all petitions the election commission give clean chit to Narendra Modi and Amit Shah and has also made it clear that model code of conduct has not been misused in the election. The strength of Election Commission as observed in April 1991, period in which it played a vital role but weak role and in post 1991 period in which it was under a weakened executive and led by strengthened institution.¹⁵ On the other hand the dates for the 2019 general election with biggest number of voters in world history with 90 Crore registered voters, 10 lakh polling station, 23.358100 point 4 lakh VVP tips and approximately 1.1crore polling staff were deployed and a number of other factor come into elections regarding convenience. For example month of March is not suitable because in this month, held examination so at many schools and lot of teachers are on election duty. So this is very bad practice to add a long list of other consideration such as agriculture, weather, condition, social and religious festivals at time of election of election many questions have been raised in media and political establishment. Recently held the election shows that Commission is not successful in checking the behavior of political parties and leaders. Many questions have been raised about its impartial and fair actions. Recently conducted in legislative assembly during corona period, some issues were raised about role of Election Commission. All accept BJP party blamed Election commission.

They rose following issues:-

During election many rallies were held in West Bengal, Assam, Pondicherry etc.

These rallies were responsible to spread corona. Kolkata High court stated that these rallies were responsible for rising corona.135 official employees had expired during Bihar election duty in 2020 due to corona.

It is concluded that election commission is independent organ to conduct free and fair elections. Over the period Election Commission has conducted many electoral reforms to enhance the honesty of elections. These reforms are appreciable. However, Indian electoral process is troubled by much wrong practice. Many challenging social elements have entered in electoral process. Issue is not lake of laws, but problem of their lake of strict execution.

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