CHAPTER II

ADMINISTRATIVE MACHINERY FOR ELECTION.
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"Free elections are essential to the success of democratic Government. The United States, England, Switzerland, and a few other countries have been able to enjoy free elections for many years even in the face of growing dictatorship in many parts of the world. Elections represent something more than the mechanical processes involved in the use of ballots, voting machines and other devices. Man has struggled long and hard to get the use of the ballot. It represents his privilege and opportunity to express himself upon the choice of candidates the basic issue of the day. It is on election day that the common man assumes a new sense of dignity and prestige. Elections provide a genuine, levelling process in that rich and poor, humble and exalted, ignorant and educated, all have equal voting power. Elections make possible the practice of democratic theory so that it is sometimes more than idle words or lip service.
Elections provide a practical education in the art of democracy. To secure real and effective social progress in a democracy there must be intelligent voting on the part of an increasing proportion of the electorate.¹

Exclusive powers are given to the Election Commission in electoral matters by the constitution. "The superintendence, direction and control of the preparation of 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 the President and Vice-President held under this constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to Parliament and to the Legislatures of States shall be vested in the Commission."²

Until 1966 Article 324 of the Constitution also vested the power to appoint election tribunals in the Election Commission. The Constitution (Nineteenth Amendment) Act, 1966, deleted the reference to the appointment of election tribunals from Article 324, and the relevant provision in the Representation of the People Act, 1951, was modified vesting the power to try

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2. Article 324(1) of the Constitution of India.
election petitions in the High Courts.

Article 327 confers power on Parliament to make laws with respect to all matters concerning elections. Article 328 authorizes a State Legislature to make laws with respect to matters concerning elections to that legislature in so far as provision in that behalf is not made by Parliament. No State Legislature has so far made any Law under this article.

The entire electoral machinery of the Centre as well as the States is thus placed in the hands of Independent central body, the Election Commission.

Election Commission.

The Chief electoral authority is the Election Commission with its headquarters at New Delhi. In the Commission is vested complete power to superintend, direct and control all elections. This power is to be exercised in accordance with the provisions of the Constitution and the two Representation of the People Acts, 1950 and 1951.

Clause(2) of Article 324 of the Constitution envisages that the Election may consist of the Chief
Election Commissioner and such number of other Election Commissioners as may be fixed from time to time. The appointment of Chief Election Commissioner and other Election Commissioners are to be made by the President. Under Clause(3) of the same article, it is further provided that when any Election Commissioner is appointed, the Chief Election Commissioner will act as the Chairman of the Election Commission. So far the Election Commission has been a single-man body, comprising only the Chief Election Commissioner. The Constitution has ensured that this officer shall perform his duties un-influenced by party or political considerations and free from executive interference. The Chief Election Commissioner cannot be removed from office except in like manner and on the like grounds as a judge of the Supreme Court. His condition of service cannot be

1. Clauses(4) and (5) of Article 124 of the Constitution prescribe the procedure for the removal from office of a Supreme Court Judge:

4) A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

5) Parliament may by Law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under Clause(4). In terms of Clause(5), Parliament has enacted the Judges (Inquiry) Act, 1968.
varied to his disadvantage after his appointment. The President and the Governors of the States are required to make available to the Commission such staff as it may consider necessary for the discharge of its functions.

The Chief Election Commissioner is assisted at the headquarters by two Deputy Election Commissioners and other competent staff. The Election Commission was then assisted by three Deputy Election Commissioners who were temporarily appointed with their headquarters in Delhi. One of these three posts was continued on a regular basis. No additional Deputy Election Commissioners were appointed for the general elections of 1962. The functions of the Election Commission at present normally exercised by the Chief Election Commissioner may also be performed by a Deputy Election Commissioner or by a Secretary to the Commission, subject to general or special directions given by the Commission. The unique feature of the election provisions under our new Constitution is that the whole election machinery is in the hands of a Central Election Commission, which alone is entitled to issue directives to Returning Officers, Polling Officers and other engaged in the preparation and revision of electoral rolls so that no injustice may be done to any citizen in India.

who under this Constitution is entitled to be brought on the electoral rolls.

**Machinery in the State.**

There is a Chief Electoral Officer for every State, designated or nominated by the Election Commission in consultation with the State Government. A senior executive or judicial officer of the State is usually appointed to this important post, because the election machinery in a State has to be in constant and intimate touch with the State Government and a large number of its officers are deputed for the conduct of the elections. He is usually the senior officer of the Government of rank and status of a Secretary or Joint Secretary to the State Government. During the period between two general elections the duties of a Chief Electoral Officer are light and can be performed by him in addition to other duties. But for a period of four months before a general election, he should not be burdened with other work. During and immediately before the last general elections, there were whole time Electoral Officers in nine States. Closest collaboration with the State Government is required for the preparation and the holding of the elections. The duties of the Chief Electoral Officer are to supervise the preparation of the
electoral rolls and the conduct of the elections in the State. In order to perform his duties, he functions under the authority and control of the Election Commission.

During the general elections, there were whole-time Chief Electoral Officers in all States except Kerala, Punjab, Uttar Pradesh and West Bengal.

Every Chief Electoral Officer is assisted by a permanent and whole-time Deputy and provided with a secretariat staff the strength of which varies from State to State. The presence of a permanent and whole-time Deputy Chief Electoral Officer in each State, an office created on the recommendation of the Commission, has proved very useful in maintaining the efficiency of the supervisory organization, particularly when there is a change in the incumbent of the office of the Chief Electoral Officer. The Commission recommended that this appointment should be continued in every State on a permanent basis. ¹

This centralised election machinery is assisted by Regional Commissioners who are not subject to the control of the State Government but work under the supervision and control of the Central Election Commission. ²

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The Chief Election Commissioner is absolutely independent of the executive and enjoys the same status as the judges of the supreme court so far as his removability from service is concerned. When appointed the conditions of his service cannot be varied subsequently. Likewise any other Election Commissioner, a Regional Commissioner or Deputy Election Commissioner cannot be removed from office except on the recommendation of the Chief Election Commissioner.

Duties of the Election Commission.

The duties of the Election Commission were varied and manifold. On its shoulders lies the entire burden of conducting the elections in a free, fair and impartial manner throughout the whole country. Under its orders and supervision electoral rolls are prepared and maintained up to date at all times. It superintends all general elections as well as elections to fill casual vacancies in Parliament and State Legislatures. Under Article 103 and 192 of the Constitution of India the opinion of the Commission has to be obtained by the President or the Governor before he decides any question relating to the disqualification of a member of Parliament or State Legislature mentioned in Articles 102 and 191 of the Constitution.

2. Ibid.
Regional Commissioners and Deputy Election Commissioners.

During the first general elections of 1951-52, the President of India sanctioned four posts of Regional Commissioners to assist the Election Commission. Out of these only two Regional Commissioners were appointed. One appointed was Shri M.R. Meher, L.C.S. (Retired) with headquarters at Bombay, and the other was Shri T.G.N. Iyer, L.C.S. with headquarters at Patna. These appointments continued until the April 1, 1952.

In the second general elections of 1957, three Deputy Election Commissioners were temporarily appointed with their headquarters at Delhi. But no Regional Commissioners were appointed. The post of one Deputy Election Commissioner had to be continued till the publication of the report and the Election Commission favours the continuation of this post on a permanent basis. As already mentioned the Election Commission was then assisted by three Deputy Election Commissioners who were temporarily appointed with their headquarters in Delhi. One of these three posts was continued on a regular basis. No additional Deputy Election Commissioners were appointed for the general elections of 1962. There was little addition to

3. Ibid. pp. 29.
the staff of the Election Commission specially for supervising the general elections. Besides the permanent Deputy Election Commissioner, the Commission was assisted by other officer who was appointed temporarily as a Deputy Election Commissioner for less than two months. He and the Secretary to the Commission were specially deputed to supervise polling arrangements and the counting of votes in Jammu and Kashmir. An additional Secretary was also appointed from December 1966 for about six months to cope with the extra work in the office of the Commission.

The Deputy Election Commissioners under the orders of the Election Commissioner toured the States with the idea to check and expedite the preparations made for the election. They visited the headquarters of the Chief Electoral Officers and also some of the districts. They examined the election machinery and actually verified the stock and conditions of election materials like ballot boxes and ballot papers etc. They were also required to report on the progress made in the preparation of lists of polling stations. The Deputy Election Commissioners met the Collectors of the Districts and discussed with them the practical difficulties and problems.

In short the Deputy Election Commissioners at the time of tour, were mainly directed by the Commission to observe the following items:

1. "Ballot Boxes"
   (a) Shortage and actual physical verifications of the stock of the ballot boxes, and
   (b) checking the condition and state of repair of ballot boxes.

2. "Ballot Papers and Paper Seals"
   (a) Shortage
   (b) Physical verification of the stock.

3. "Progress made in preparing the lists of polling stations.

4. Miscellaneous
   (a) Electoral Rolls.
   (b) Election Rehearsals."

Report of the Deputy Election Commissioner:

In the report submitted to the Election Commissioner, some difficulties, defects and irregularities were pointed out in maintenance of the election material accounts and in order to remove the above mentioned defects and irregularities, suggestions, were also made by the Commission. The Chief Election Commissioner, after

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2. Ibid.
having given due weight to the suggestions for the removal of such defects and irregularities, issued directions to all the States. Where the Deputy Election Commissioner could not go for inspection in any part of any States due to certain reasons, the State Governments were directed by the Commission to depute the Election Officers to go and inspect those places, and what-so-ever irregularity or defects they could detect, they brought it to the notice of the Chief Election Commissioner at the earliest.

Election Machinery at the State Headquarters.

The preparation of electoral rolls is the pre-requisite of any election. In order to cope with the problem of the preparation of electoral rolls the necessity of creating an election office in this State was felt. Accordingly during the general elections of 1951-52, officers were appointed by the State Government with designations such as State Election Officers who were entrusted with the election work. In some States these officers were whole-timers while in others they performed election duties over and above their normal duties of office. Later on in order to secure uniformity

in the designations of the Officers Incharge of Elections, they were designated as Chief Electoral Officers at the suggestion of the Election Commissioner.\(^1\)

During the first general elections of 1951-52, the Chief Electoral Officer of this State had no statutory status. The term 'Chief Electoral Officer' was defined in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, to mean the officers appointed by the State Government to perform the functions of the Chief Electoral Officer under Rules 2(b).\(^2\) The legal status was given to them only for the purpose of preparing the electoral rolls.

According to the Amendment of Act of 1956, the Chief Electoral Officer is to be an Officer of Government designated or nominated by the Election Commission in consultation with the State Government.\(^3\) But in actual practice certain names are recommended to the Commission for final selection and appointment of Chief Electoral Officer. This system has proved satisfactory. On certain occasions the State Government has overlooked the legal aspect and has transferred a Chief Electoral Officer to another post. But on such occasions the Election Commission has drawn the attention of the State Government concerned to the irregularity.

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2. Ibid.
The Chief Electoral Officer of Uttar Pradesh during four general elections of 1951-52, 1957, 1962 and 1967, as well as in the elections of Legislative Councils supervised the preparation of electoral rolls, revised the same and conducted all elections of the State. During the second, third and fourth general elections in this State, there were no whole time Chief Election Officer but on a part-time basis in addition to the other duties of the State Government. It is however necessary that for a period of at least four months before a general election, he should not be burdened with other work. During and immediately before the last general election, there were whole-time Chief Electoral Officers in nine States.  

Election Machinery at the Uttar Pradesh Headquarters.

The election machinery in Uttar Pradesh acts with the help and services of the personnel of the Uttar Pradesh Government. It is already mentioned above that a new amendment in R.P.A. provides that officers of the Government are to be appointed by the Election Commission in consultation with the State Government as the Chief Electoral Officer.  

as the Chief Electoral Officer in the State, but
till now no such officer has been appointed.

The Uttar Pradesh election machinery is
always in constant touch with the State Government in
order that urgent and intricate work of making preparation
for and holding elections can be carried out smoothly and
speedily. Invariably, the Election Commission appointed
Senior Executive or Judicial Officers of the State
Government as the Chief Electoral Officer of the State.

As recommended by the Commission, every
Chief Electoral Officer in a State is now assisted by
a permanent and whole time deputy who is in-charge of
the office and maintains continuity of supervision and
control. The office of the Chief Electoral Officer
has to be at Lucknow as headquarter in this State of
Uttar Pradesh.

Electoral Machinery in the Districts of Uttar Pradesh.

From the purely electoral point of view,
a parliamentary constituency would be the ideal
territorial unit for making efficient arrangements at
a simultaneous general election. Since, however, the
district is the unit for various administrative purposes,
electoral arrangements also have to be based on the

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1 Report on the Fourth General Elections in India, 1967,
district and its revenue sub-divisions. Under the Election Law as it stood before 1967, the district officer as such had no statutory responsibility for supervising the elections but in fact he performed this function and was in over-all incharge of multifarious election arrangements within his district. On the recommendation of the Commission, the Representation of Peoples Act, 1951 was amended towards the end of 1966 providing for the appointment of a District Election Officer for each district in a State. This Officer, subject to the control of the Chief Electoral Officer of the State, was empowered to co-ordinate and supervise the work in connection with the preparation and revision of electoral rolls, and with the conduct of elections in his district.

To provide for cases where these functions could be performed satisfactorily by one person, the Law authorised the Commission to nominate more than one such officer and to specify their respective areas of jurisdiction.\(^1\)

Besides the general duty of supervision mentioned above, certain specific functions were also conferred on the District Election Officer under the

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amending Act. The duty of providing an adequate number of polling stations, which previously was thrown on the Returning Officer for each constituency, was transferred to the District Election Officer. The power to appoint Presiding and Polling Officers for various polling stations in the whole district was similarly centralised in him so that at a general election he was able to utilise the available man powers in the best possible way. The accounts of election expenses, which formerly had to be lodged with the returning officer of the constituency, were now required to be lodged with the District Election Officer. Similarly, by an amendment of the conduct of Election Rules, 1961, the District Election Officer was made the custodian of the papers relating to all elections held within the district after the completion of the elections. This meant, from the practical point of view, the establishment of a separate election office in each district and its continuance on an organised permanent footing.¹

In almost all the States the Commission, in consultation with the State Government, designated the District Collector or Deputy Commission as District Election Officer for the district. The exceptions were that in Bihar and in Orissa the Additional District Magistrate was so appointed, and in Uttar Pradesh a particular Additional District Magistrate, City Magistrate or Senior Deputy Collector in the District was nominated.

as the District Election Officer. In the cities of Hyderabad, Madras, and Bangalore, the Commissioners for the City Corporations were so appointed. The power to appoint more than one District Election Officer for a district was utilized only in respect of Calcutta district and the districts of Assam.¹

For each assembly constituency, there is an Electoral Registration Officer whose duty is to prepare and revise the electoral roll for the constituency as required by Law. He is usually of the rank of a sub-divisional officer and is assisted by one or more assistant electoral registration officers of the rank of tehsildar. In some of the larger Municipal Corporations, however, the Executive Officer is appointed as Electoral Registration Officer. There were in all 951 Electoral Registration Officers and 2,410 Assistant Electoral Registration Officers in 1967 as against 1017 Electoral Registration Officers and 1958 Assistant Electoral Registration Officers in 1962.²

The scheme for the appointment of Returning Officers and Assistant Returning Officers for the

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² Ibid. p.17.
various constituencies is similar. The Returning Officers for assembly constituencies are generally drawn from the cadre of sub-divisional officers while those for the Parliamentary constituencies are usually District Officers. When elections are held simultaneously to the State Legislative Assemblies and to the House of People, the Returning Officers and Assistant Returning Officers of all the Assembly constituencies comprised within one parliamentary constituency are appointed as Assistant Returning Officers for the Parliamentary constituency. This is done in order to facilitate the coordination of statutory and supervisory functions vesting in them at different stages of the elections and more particularly at the stage of counting of votes.

There were 1931 Returning Officers and 5,526 Assistant Returning Officers as against 1,602 Returning Officers and 4,499 Assistant Returning Officers in 1962.¹

Amendments Regarding the Power of Counting

Old Provisions.

The original Peoples Representation Act, 1951-52, lays down that Assistant Returning Officer would not be entrusted with the work of counting of votes by the Returning Officers.² The counting of votes

² Sub. Section(2) of Sections 22 of the R.P.A. 1951.
must be done personally by the Returning Officer unless certain unavoidable circumstances occur which prevents him from doing such functions. Accordingly "at every election where a poll is taken, votes shall be counted by or under the (supervision and direction) of the Returning Officer." In big constituencies where the counting work was distributed at various places which resulted in great delay and inconvenience. The difficulty was genuine. Keeping in mind this difficulty, an amendment was passed in the Peoples' Representation Act as mentioned above and thus all the Assistant Returning Officers from now are all powerful to discharge the duty of counting of votes. The Assistant Returning Officers have to work under the strict control of the Returning Officers.

**Power of Scrutiny.**

The Assistant Returning Officers are not permitted to scrutinise nomination papers. But at times the Returning Officer feels to take the help of the Assistant Returning Officer as he has been permitted by law. Besides the Returning Officer and Assistant Returning Officer, the Election Commission by

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Delimitation of Parliamentary and Assembly Constituencies Order 1957, appoints Electoral Registration Officers and Assistant Registration Officers for each Assembly Constituencies in the Union Territory.¹

In the State of Uttar Pradesh the following categories of Government Officers were appointed as Electoral Registration Officer, Returning Officer and Assistant Returning Officer.²

<table>
<thead>
<tr>
<th>Designation</th>
<th>Categories</th>
<th>No.of officers in the country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electoral Registration Officers</td>
<td>Revenue Officials, Magistrates, Commissioners, Sub-Divisional Officers, District Election Officers, Head Clerks, Personal Assistant to the Collector</td>
<td>1,130</td>
</tr>
<tr>
<td>Assistant Electoral Registration Officers</td>
<td>Revenue Officials, Magistrates, Commissioners, Sub-Divisional Officers, Special Officers, Municipal Officers, District Election Officers, Head Clerks to the Collector and Personal Assistant to the Collector</td>
<td>1,116</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position</th>
<th>Number of Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Officials</td>
<td>1003 (1957)</td>
</tr>
<tr>
<td>Secretaries of the State Government</td>
<td>1253 (1951-52)</td>
</tr>
<tr>
<td>Magistrates</td>
<td></td>
</tr>
<tr>
<td>Commissioners</td>
<td></td>
</tr>
<tr>
<td>Sub-Divisional Officers</td>
<td></td>
</tr>
<tr>
<td>Municipal Officers</td>
<td></td>
</tr>
<tr>
<td>Personal Assistant to Collector</td>
<td></td>
</tr>
<tr>
<td>Assistant Returning Officers</td>
<td>1260 (1957)</td>
</tr>
<tr>
<td>Revenue Officials</td>
<td>1962 (1951-52)</td>
</tr>
<tr>
<td>Secretaries of the State Government</td>
<td></td>
</tr>
<tr>
<td>Magistrates</td>
<td></td>
</tr>
<tr>
<td>Commissioners</td>
<td></td>
</tr>
<tr>
<td>Sub-Divisional Officers</td>
<td></td>
</tr>
<tr>
<td>Municipal officers</td>
<td></td>
</tr>
<tr>
<td>District Election Officers</td>
<td></td>
</tr>
<tr>
<td>Special Officers</td>
<td></td>
</tr>
</tbody>
</table>

There were in all 1951 Electoral Registration Officers and 2,410 Assistant Electoral Registration Officers in 1967 as against 1017 Electoral Registration Officers and 1958 Assistant Electoral Registration Officers in 1962.¹

There were 1,931 Returning Officers and 5,526 Assistant Returning Officers as against 1,602 Returning Officers and 4,499 Assistant Returning Officers in 1962.²

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2. Ibid. pp. 18.
Revising Authorities.

The State Government at the time of the preparation of electoral rolls, is authorised to appoint Judicial Officers or Senior Revenue Officers to decide the claims and objections, as the Revising Authorities. The appointments made by the State Government are subject to the approval of the Election Commission. The Election Commission also reserves the discretion to appoint any body as the Revising Authority. In case the number of cases accumulates and hinders the early dispositions, Additional Revising Authorities can be appointed by the State Government for quick disposal of cases, after the consultation of the Election Commission. Before due publication of the final electoral rolls of 1956, the number of the Revising Authorities was 1479.

Polling Personnel in Uttar Pradesh Districts.

The second general elections of 1957, proved a hard task for the actual conduct of the polling. A large number of Presiding and Polling Officers were made in this State. Each polling station needs the services of a Presiding Officer and a few Polling Officers. Normally a polling party consists of:—

2. Ibid., pp. 34 & 35.
(1) "A Common Presiding Officer (of as high an official as may be practicable).

(2) A Common Polling Officer (who is called the Assistant Presiding Officer) previously authorised by the Returning Officer in writing to act as the Presiding Officer, in case the Presiding Officer has, for some reason or other, to be temporarily or all together absent from the polling station on the day of the poll.

(3) One Polling Officer in charge of the distribution of official identity slips to the voters.

(4) One Polling Officer to check the identity of voters inside the polling station.

(5) One Polling Officer to issue ballot papers to voters.

(6) One or more extra Polling Officers to help or replace others, as necessary.

(7) Peons, as necessary, and

(8) Police-men on duty at the Polling Station."

The total number of polling personnel excluding the police-men, were approximately 900,000 at the time of First General Elections of 1951-52. The strength of the polling personnel were 9,36,328 during the General Elections of 1957. The polling stations were 27084 in 1957 elections.

2. Ibid.
3. Ibid. pp.36.
Lady Assistant at the Polling Station.

The conservative nature of the women in India compelled the authorities to make provision for the lady voters. Touching the fore-fingers and putting the mark of the indelible ink were intolerable things for the village women. So ultimately lady assistants were provided at the polling station. They helped the lady voters to cast their votes properly. They put the marks of indelible ink on the fore-fingers of the lady voters. Finally the lady assistant at the polling station assists the Presiding Officers in various other matters. Satisfactory results of these arrangements were noticed.

Election Machineries of U.K., U.S.A. and U.S.S.R.

United Kingdom:
Constituencies.

For electoral purposes the United Kingdom is divided into geographical areas known as constituencies, each having separate representation in the House of Commons. There are two types—(a) Borough Constituencies and (b) County Constituencies. All constituencies are single member constituencies.

There are four Parliamentary Boundary Commissions, one each for England, Scotland, Wales and Northern Ireland. They were set up under the House of Commons (Redistribution of Seats) Act, 1949 and 1958. The function of the Commission is to keep the size of the parliamentary constituencies under review, as they are authorized to recommend changes which appear desirable owing to movements of population and other causes.

**Composition of the Boundary Commission.**

Each Boundary Commission consists of the Speaker as ex-officio Chairman, a Judge of High Court (in case for Scotland a Judge of the Court of Session) as Deputy Chairman and two members appointed by the appropriate Ministers. The Ministers are for England - the Home Secretary and the Minister of Housing & Local Government, for Scotland - the Secretary of State for Scotland, for Northern Ireland - the Home Secretary. Ministerial appointments are in each case, made in agreement with the other political parties, subject to the provision that Minister of Housing and Local Government shall appoint persons with a knowledge of Local Government. Lastly, a member of the House of Commons or of either House of the Northern Ireland Parliament, is ineligible to be member of Boundary Commission.
According to the modified Act of 1958, the number of the constituencies must not be greater or fewer than 613, of which Scotland must have not fewer than 71, Wales not fewer than 35, and Northern Ireland 12 (the present number of members is 630; England 511, Scotland 71, Wales 36 and Northern Ireland 12). In 1953 when the Commissions began their latest review (their recommendations were implemented early in 1955), the electoral quota was 55,670. The Act provides for a separate electoral quota for each part of the U.K.

There are two main stages in the review procedure. Firstly, when a Commission has provisionally determined on the recommendations, it is required to publish its proposed recommendations in each constituency concerned. A month is allowed for representations to be made to the Commissions. Next a report embodying the Commission final recommendation is submitted to the Home Secretary who is required to submit the report for parliamentary approval as soon as possible, together with the drafts of orders in Council giving effect to the recommendations with or without modifications.

Electoral Administration.

From 1900 to 1918 electoral arrangements were governed primarily by the Representation of the People Act, 1867, as modified by the Ballot Act, 1872, the Corrupt Practices Act, 1883, the Franchise Act, 1884, the Registration Act, 1885, and the Redistribution of Seats Act, 1885. The Representation of the People Act, 1918, the Equal Franchises Act, 1928 and the Representation of the People Act, 1948 (consolidated in 1949) constitute the only major legislation in the country.

The Franchise. From 1885 the United Kingdom had a system of fairly widespread male franchise, limited however by a year's residence qualification and some other restrictions. Voting in more than one constituency was permitted to owners of land, to occupiers of business premises, and to university graduates. The Representation of the People Act, 1918, reduced the residence qualification to six months and enfranchised some categories of men who had not previously had the vote. It also enfranchised women over 30. In 1928 the Equal Franchise Act lowered the voting age for women to 21. In 1948 the Representation of the People Act abolished the business and university votes for parliamentary elections; it also abolished the six months' residence qualification.

Redistribution. The Redistribution of Seats Act, 1885, left the House of Commons with 670 members. The 1885 Act, while removing the worst anomalies, specifically rejected the principle that constituencies should be approximately equal in size. This principle was however substantially accepted in the Representation of the People Act, 1918, on the recommendation of the Speaker's Conference of 1917, although Wales, Scotland and Ireland were allowed to retain disproportionate numbers of seats. The 1918 Act increased the size of the House of Commons to 707 but this fell to 615 in 1922 on the creation of the Irish Free State. Population movements produced substantial anomalies in representation and the Redistribution of Seats Act, 1944 authorised the immediate subdivision of constituencies with more than 100,000 electors, which led to 25 new seats being created at the 1945 election and raised the size of Parliament to 640. It also provided for the establishment of Permanent Boundary Commissioners to report every three to seven years. The Boundary Commissioners' first recommendation were enacted in the Representation of the People Act, 1948 (with the controversial addition by the Government of 17 extra seats as well as the abolition of the 12 University seats) and the 1950 Parliament had 625 members. The next reports of the Boundary Commissioners, given effect by resolutions of the House in December 1954 and January 1955, increased the number of constituencies to 630. The controversy caused by these changes led to the Redistribution of Seats Act, 1958, which modified the rules governing the Boundary Commissioners' decisions and asked them to report only every 10 to 15 years.

Electoral Procedure.

Electoral procedure in Britain is mainly laid down in the Representation of the People Act, 1949, a measure which consolidated most of the previous legislations on the subject.

When it has been decided to dissolve the Parliament, orders are made by the Queen in Parliament directing the Lord Chancellor (a) to affix the great seal to the Royal Proclamation (one for dissolving the old and calling the new Parliament, and the other for electing the Scottish Representative Peers in the House of Lords) and (b) to issue the writs of Election (which are thereupon issued from the office of the clerk of the then crown in Chancery). When a by-election is to be held, the writ is issued on the speaker's warrant to the clerk of the crown.

"The election themselves are fairly simple, though spirited, affairs. When the Prime Minister has decided on the date of the general election a Royal Proclamation dissolves Parliament writs of election are then dispatched to the election officials all over the country. Eight days after the proclamation (Sunday and Holidays not counting), all candidates must have been nominated. This is known as election day."1

Returning Officers.

In each constituency the Sheriff, Mayor or Chairman of the Urban District Council (in Scotland, the Sheriff, and in Northern Ireland the Under-Sheriff) is appointed Returning Officer and is responsible for conducting the election in accordance with the statutory election rules. Most of the Returning Officer’s duties are discharged by the Registration Officer, who is called for this purpose the acting Returning Officer. The clerk of the Crown sends a writ to the Returning Officer, or his authorised Deputy in each constituency or, in Scotland, to a Sheriff substitute. The election machinery in Britain is, therefore, not completely independent of the Government of the day.

Notice of the Election.

The notice of the election, published by the Returning Officer must state:

(a) The place and time at which nominations are to be delivered, and

(b) The date of the poll.
United States of America.

Nominations:

In a democratic government, some machinery is essentially set up for taking care of the nominating process. In big and congested cities of U.S.A., where people do not even know their neighbours, require many more officials who come up for elections than formerly. "There are about 1,75,000 governments in the United States with approximately 7,00,000 to 8,00,000 elective officials." Therefore, keeping in view the above complex condition adequate machinery, which will function smoothly and efficiently in accordance with the democratic process to facilitate the nomination and election of public officials.

Election Administration.

The electoral system in U.S.A. is not under the control of the Federal Government. The States provide, pay for, and supervise an election machinery, which chooses the representatives in the Congress. The State and Local Authorities have full control in the regulations of primaries and elections. The National Government does not interfere. In U.S.A., the election matters are mainly controlled by the Secretary of State.

Governor and Attorney General are also made responsible to some extent. The Secretary of State is entrusted to complete and publish the State election Laws, publish notices of the election and help in the canvassing of the votes. For the elections administration, county serves the main and principle unit and the big cities have independent organizations to conduct their elections. The county clerk or the auditor is the main controlling officer. The county clerk assists the county canvassing Board in making up the final count and report of the elections and report to the Secretary of State.

"The smallest unit in the organisation of election is the precinct, which in 1936 election had an average of 360 voters over the entire country."¹ Local party leaders select a Board of elections, consisting of three or four persons, which controls the election or primary in each precinct.

The State functions to regulate the suffrage.

"The modern concept of the voting is that it is privilege rather than a right."² Commonly the voting requires age.

residence and citizenship. There is thus no centralized independent organisation to secure fairness and impartiality in the United States of America. According to a Government decision in July, 1971 any one who attains the age of eighteen years is eligible to vote in the elections.

U.S.S.R.

The Constitution of Russia lays down that a person who has attained the age of eighteen years is eligible to vote in the elections and a person who has attained the age of twenty-three years may be elected.

Soviet elections have a different function. Soviet election system, "writes Wyshinsky", is a mighty instrument for further educating and organising the masses politically, for future strengthening the bond between the state mechanism and the masses, are for improving the state mechanism and grubbing out the remnants of bureaucratism. ¹

Comparative Study.

A comparative study of the election machinery obtaining in other democratic countries of the West reveals that the like of the Indian Election Machinery

does not exist anywhere else. In the United Kingdom and U.S.A., there is no independent election machinery. The system of election is based on tradition and is the product of an evolutionary process. A parliamentary election in U.K. is held in pursuance of a writ issued by the Clerk of the Crown in Chancery to the Returning Officer, whose duties and responsibilities are defined under various acts of Parliament. The British Cabinet advises for a general election and the Clerk of the Crown looks after the operational matters with the assistance of the Returning Officers.

In U.S.A., the Precinct Election Board looks after electoral matters. It is a Board appointed by some Local Authority on the recommendation of the Committees of two major parties. The State Government exercises control and supervision over this machinery. Although utmost care is taken in both countries of U.S.A. and U.K. to ensure impartiality and fairness in elections and many reformative measures have been borrowed from other countries, yet the election machinery in these countries is far from perfect and leaves much to be desired.

In Dominions of Common Wealth of Nations independent election machinery in some form or other
has been devised. In South Africa the Chief Electoral Officer who heads the election machinery is appointed by the Ministry of Interior. He looks after the electoral operations with the assistance of other officers under him. In Australia the Governor General in Council appoints the Chief Electoral Officer, who is the pivot of the election machinery. He enjoys an independent status and appoints other officers for the purposes of election work.

In Canada, the Electoral Officers are above parties. The Chief Electoral Officer is appointed by and is responsible to the Parliament rather than to Government of the day. His tenure of office is of ten years during which he can only be removed like a judge of the Superior Court by the address of both the Houses of Parliament. Recently the Returning Officer, the Principal electoral officer in constituency, has been made a permanent official and his appointment and removal lie in the hands of the Chief Electoral Officer.

In the South American countries of Brazil, Chile, Cuba, Dominion, Republic, Ecuador, and Nicaragua an independent election machinery has been constituted under the provision of the constitution to supervise, control and superintend the electoral operations.
Experience has shown that in order to save democracy from being vitiated by political gangsterism, bootlegging and gerrymandering, the creation of an independent machine to look after and safeguard the fundamentals of democracy is an imperative necessity.

**Comparison with similar provisions.**

In sharp contrast to the centralised election machinery of India, the election apparatus in U.S.A. is highly decentralised. The Federal Government leaves the matter of the regulation of primaries and election to the States and Local Authorities. In most of the States of U.S.A., the Secretary of State is the Chief Officer in charge of the elections. The Governor and the Attorney General also share some responsibility in the matter. In some States there are Election Boards. The Secretary of State is required to compile and publish the State election laws and notices of elections. Below the State the county serves as the principal unit for the administration of elections. Some of the large cities have their own independent organisation for the conduct of their election. In some places, there is a division of responsibility and consequently there is a good deal of confusion also. In the county it is the county clerk or auditor, an effective official who holds general charge
of elections and primaries in his county. The smallest unit in the organisation of elections is the Precinct which in the 1936 election had an average of 360 votes over the entire county. In each Precinct there is, for each election or primary, a Board of Elections made up of usually three or four persons who are selected by the local party leaders.

Various flaws have been noticed in the election administration of U.S.A. The common American practice of bi-partisan appointments of election officials, has too often resulted in shady deals. It has, therefore, been proposed to select election officials on a non-partisan basis through competitive examinations. The office of the county judge hearing election fraud cases, should be on a non-partisan basis. It has been suggested that the county judge should be appointed for life like a Federal Judge in order to do away with the influence of partisan politics.

This review of some foreign electoral machines brings out clearly by comparison the independent character of the Indian Electoral Organisation which is more non-partisan and is free from Government interference. It can be safely depended upon to ensure free, fair, and impartial election.