Chapter 1

INTRODUCTION
Chapter I
INTRODUCTION

With the birth of modern democracy, elections have become a universal way of choosing legislative representatives and government leaders and are standard practice in many public and private organisations.\(^1\) Elections lie at the heart of the democratic process; it is through the act of voting that government is secured. Elections in modern democracies are called on to perform many functions in additions to the most obvious one of selecting those people who will exercise responsibility for the government of the country. They are the principal mechanisms by which citizens hold governments accountable, both retrospectively for their policies and more generally for the manner in which they govern.\(^2\)

Free and fair election is a necessary ingredient for the successful working of real democracy. The ultimate power and authority of the state rests with the people in a democratic country. Through elections the government derives its power from the people. Democracy gives adequate opportunities to all and assumes everyone full justice. A change in government according to constitutional provisions is provided in a democratic country.\(^3\) However, elections are not confined to democracies, they have been used in other more authoritarian kinds of government. Rulers who are not accountable to the people may be elected by the vote of an elite group such as a feudal aristocracy or party bosses.\(^4\)

---

In a democratic country, the sovereign people act to choose from amongst themselves their governors through elections. It is only through the elections that the government of the state gets recognition, acceptance and authority to govern. No political system can ever effectively and enduringly operate without having undergone through an election process. Through election the dichotomy between the governing and the governed gets forget in favour of the rule of the people, by people, and for the people. It is this reason which compels the acceptance of elections as the bed-rock of a genuine representative government.

In countries with an established tradition of free competitive elections, it is in the voting returns the social scientists and others can regularly discern the mood of the electorate. The percentage of the voter turnout, the votes obtained by the political parties, and the strength or weakness of the incumbent parties or candidates are all routinely examined and analysed in the aftermath of any election. Often, these can tell us a great deal about the state of democracy in which they occur.⁵

**Meaning of Election**

Elections are the means of making choices by voting. They are used in the selection of leaders and in the determination of issues. This conception of elections implies that the voters are presented with alternatives, that they can choose among a number of proposals designed to settle on issue of public concern. The presence of alternatives is a necessary condition, for although electoral forms may be employed to demonstrate popular support for incumbent leaders and their policies, the absence

---

of alternatives disqualifies such devices as genuine elections. According to Lexicon Universal Encyclopedia, an election is a method of choosing leaders or making decisions by a process of voting.

Election is a procedure for choosing officers or making binding decisions concerning policy by the vote of those formally qualified to participate. Elections may be regarded as one procedure for aggregating preferences of a particular kind. Election is defined as a form of procedure, recognized by the rules of an organization, whereby all or some of the members of the organisation choose a smaller number of persons or one person to hold office of authority in the organization. It is the procedure of choosing a candidate for office in an organisation by the vote of those enfranchised or privileged to cast a vote.

In the Indian context, the word ‘election’ has been used in Part-XV of the Constitution in the wide sense, that is to say, to cannohe the entire procedure to be gone through to return a candidate to the legislature. The use of the expression “conduct of election” in Article 324 specifically points to the wide meaning and that meaning can also be read consistently into the other provisions which occur in part-XV including Article 329 (b).

---

The word election can be and has been appropriately used with reference to the entire process which consists of several stages and embraces many steps, some of which may have an important bearing on the result of the process. Improper rejection of nomination paper is included in the word election.\(^{11}\)

**Origin of Elections**

The origin of election as a means of choosing among alternatives is shrouded in mystery. The historical evidence from the Greece of Homer and the Germany of Tacitus suggests that acclamation of the victorious leader in tribal wars, by the vanquished and winning sides alike, may have served the important functions of re-establishing political peace. Although a practically compulsory form of "choice" only remotely related to what is an election, the losing side's recognition through acclamation of the new state of affairs, served to reduce tension and integrated the community. The selection of leader or the settlement of controversy seems to have been the next step on the evolution of election.\(^{12}\)

The practice of voting probably preceded the institution of representation and quite certainly preceded any theoretical understanding of representation. The Greek system of representation was not highly developed and was thought of as limiting rather than extending the participation of citizens in government. Voting on measures in the Greek and Roman assemblies was usually open and by show of hands although acclamation by voice was sometimes used. In some voting situations, decisions were

---

made by use of secret ballots in the form of white and black pebbles, marked and unmarked shells, or carved wooden tablets.

In ancient northern and eastern Europe, acclamation in support of leaders or decisions by the clashing of spears or shields signified unanimity and unanimous consent was sought. But once the condition of equality gave way to inequality in status and power as in the medieval Polish diet or the Aragonese cortes, the unanimity rule proved unworkable because it represented, in effect a form of veto that made collective choice impossible. 13

Decline of Elections in the Medieval Period

The medieval period witnessed the decline of the Roman Empire and the emergence of absolute monarchy in the 16th century. During this period elections probably survived at the local level in towns and regional assemblies. With the collapse of the Roman Empire began an era of establishment of small principalities and kingdoms by conquerors who ruled their territories as despots. There was no body of the people or their representatives to claim a right to make laws or have any effective say in government of these territories. 14 Thus the medieval social structure was not congenial to electoral practices.

Although medieval writers, following the Roman tradition often recognized election as the potential source of popular sovereignty, there was no significant concern

13. Ibid., p. 528.
with electoral processes. In reality inheritance of positions and officers became the effective procedure of regulating succession. In the royally convened assemblies nothing either called for unanimous consent or involved manipulation by the king's men to overcome recalcitrant opposition. Thus with the fall of the Roman republic the rule of the people came to an end in the ancient world. Local self-government went on for many generations in the cities, but in an oligarchic form, and it, too, ultimately died out.\textsuperscript{15}

It is difficult to determine when democracy in its modern representative form re-emerged after medieval times. But as people acting through, their representatives form the main, if not the sole element in a democracy, its growth may be traced through history of the British parliament which has been generally accepted as the mother of parliament. Not only in England, but even elsewhere there were competent people who helped to establish their individual democratic patterns of governments of the present times.\textsuperscript{16}

The Extension of Suffrage

The extension of the suffrage has largely been a consequence of the rapidity of change in a society's social structure and the customary relations among its people. The universal suffrage did not come about in a day. Popular governments at first allowed only a small part of the populace to vote. In western democratic societies the suffrage has been gradually extended to new groups each extension has been in response to

\begin{itemize}
\end{itemize}
demands by or on behalf of a group emerging from political subordination and seeking a voice in the management of public affairs.\textsuperscript{17}

The step-by-step extension of the suffrage has brought with it far reaching changes in the methods and strategy of politics. Where social change was relatively slow as in ancient Rome and in postmedieval England through 19th century, ruling groups could successfully maintain effective power through gradual extension of the suffrage to would-be opposition groups, thereby co-opting them into the governamental process. On the other hand, where, after a protracted period of social stagnation, changes in social structure went unrecognised, as in many European areas in the postfeudal era through the period of absolutism to the French Revolution, the later battle for the suffrage was not only often violent, but the speed in extending it often found the new electorate unprepared to meet its obligations, thereby contributing to governamental instability.\textsuperscript{18}

The extension of the suffrage to the working class in 19th century Europe was anticipated by the formation of workingmen's associations and parties. The United States of America enfranchised all males only around 1850 but deprived the negroes of the right to vote at that time. It was not until almost a century later that the black population could provide sufficient organization and leadership to make the right to vote and other civil rights an effective demand on society. Women were enfranchised in various countries only between the two World Wars. It was as late as 1945 that France confered the right to vote on women. Belgium did this four years later i.e. in

\footnote{17}{V.O. Key,Jr., \textbf{Politics, Parties and Pressure Group} (New York : Y. Crawell Company, 1934), p. 597.}

\footnote{18}{\textit{The New Encyclopaedia Britannica}, Vol. 6 (Chicago : William Benton Publisher, 1943 - 1973), p. 528.}
1949. During the 1918-20 period alone, women achieved the voting rights in the Netherlands, Germany, Poland, Canada, the United States and many other countries.

Early fears about the extension of the suffrage to groups with presumed low stakes in the social order—the propertyless, enslaved, uneducated, itinerant, disinterested, women, or young-appear, in retrospect, as little more than either ill-founded prejudices or strategems to maintain the status quo. Devices invented to offset the effects of extending the suffrage, such as giving property owners or the highly educated persons more than one vote or highly restrictive residence requirements, failed in their purpose. Social and economic development hardly to be anticipated at the end of 18th century so radically transformed modern societies in the next century that few of the arguments advanced in favour of property, income or educational qualifications could be defended in either logic or fact. Indeed, as it became evident that more and more of the population had a stake in society, the suffrage came to be recognised as an instrument of governance that is both a private right and a public duty. The next stage in the extension of the suffrage has been a movement to reduce the voting age, normally 21 to 18.19 In the present century, the right to participate in the election of the representatives has been greatly extended and it is no more the privilege of a small minority. Most of the qualifications which were once required before granting the right to vote are now no more considered necessary. In other words, the principle of Universal Adult Franchise has been accepted in most of the countries, and qualifications like property, education, sex, etc. have been done away with.

19. Ibid., pp. 528 - 529.
Functions of Elections

Elections are essential for every democratic system. In every democratic system, only the representatives elected by the voters run the government. Election is that weapon in the hands of the electorate through which they can change the government. It is because of the election system that the governments remain responsible to the people and they cannot turn autocratic. Electors have a significant role in influencing the government. The majority of voters give a particular party the right to form the government. Election legitimizes the assignment of a person to an office of authority. The electoral system serves many other functions beside choice of a government; the party organization based on it serves as a market place and reconciler of interest, a ladder for the political careers of national and local officials, a form of national discussion, and so on.20

In the absence of elections democracy cannot be successful. Through election the people elect their representative for the union and state legislatures. It is again through the process of election, that the people keep vigilance over the government and check its despotic tendencies. It gives the people an opportunity to participate in the affairs of the government and impart political training and also it helps in the peaceful change of the government. Citizens derive a sense of satisfaction from participating in the selection of their governmental leaders, through a constitutional procedure. In fact this creates a sense of legitimacy in the minds of the masses.21

Emergence of Election System in India

In the ancient India, democracy was known to the people. Democratic institutions like popular assemblies had been in existence in our country as early as the vedic age. Popular assemblies like the Samiti and the Sabha, the former a get-together of people and the latter, a smaller but a selected body of elders, had been functioning more or less as a parliament for disposing of public business by debate and discussion. Beside the Samiti and the Sabha, democracy at the grassroot had thrived in the country since centuries in the form of Gram Sabhas or Village Assemblies. Not only this, but our Panchayat system was taken on democratic lines. Majority decisions always prevailed and that was considered binding. The decisions of the Panchayat could not be challenged anywhere. The country was thus already enriched in democratic traditions and the democratic ethos and temper of our people have facilitated the adoption of parliamentary from of government in modern times.22

When the Indian administration was taken over by the British Crown in 1858, the British Government slowly introduced democratic reforms as a step for establishing rapport with public opinion. With the assumption of the reins of powers by the Imperial Crown, additional steps began to be taken towards the growth of local government, responsible government and later self-government. The slow impact of the growth of British liberalism, philosophical radicalism and movement for political and economic reform was, to some extent, felt in the country. It was in terms of the concepts of liberty, rights, participant citizenship and freedom from imperialistic exploitation that some of the leaders of the Indian renaissance and early nationalism made their appeals. It remains thus a historical fact that the organs of democracy as operating in India today

have been based upon and in some respects borrowed from the political experience and developments of the West.\textsuperscript{23}

The India Council Acts of 1861 and 1892, the Minto-Morley Reforms Act, 1909, and the Chelmsford Reforms Act (The Government of India Act), 1919 were some of the landmarks under the British Crown in the parliamentary history of country. In 1921 the first legislative assembly under the Government of India Act, 1919, at the centre came into existence. The reforms establishing responsible governments in the provinces, did not introduce any element of responsibility at the centre, but proved totally inadequate to meet the popular demand for responsible government, and opinions gathered momentum for a sovereign parliament. After a number of Round Table conferences held in London, the Government of India Act, 1935 was enacted. The Government of India Act, 1935 was brought into operation in 1937 and it was an important landmark in India’s march towards self-government. It gave an autonomy to the states where even the executive was elected by the legislative assemblies and responsible to it. The most important innovations of the Indian Constitution relating to the Parliament and the legislative assemblies in the states were, firstly, that the executives were made solely responsible to the elected bodies and secondly, the members were elected on adult franchise and not on the restricted franchise as before 1947.\textsuperscript{24}

Under the Cabinet Mission Plan of May 16, 1946 a Constituent Assembly of India was formed, for framing a Constitution for the country. With ‘Partition’ the Constituent Assembly became a fully sovereign body. It also assumed full powers for


the governance of the country. Under the Indian Independence Act, 1947, the then existing Central Legislature was abolished and the Constituent Assembly was asked to function as a dominion legislature. The function of the Assembly as a constitution making body and legislature was separated. The draft constitution came into force on January 26, 1950 under the provisional Parliament of India till the first General Elections held in 1952 on the basis of adult franchise.25

Constitutional Provisions of Elections in India

The important constitutional provisions are given in the following Articles: 26

Article 324. Superintendence, direction and control of elections to be vested in an Election Commission – The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections of Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under the Constitution shall be vested in a commission referred to in this constitution as the Election Commission.

Artlce 325. No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex - There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House of either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Article 326. Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage - The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage, that is to say every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under the Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

Article 327. Power of Parliament to make provision with respect to election to Legislatures - Subject to the provision of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with elections to either House of Parliament or to the House or either House of Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the constitution of such House or Houses.

Article 328. Power of Legislature of a State to make provision with respect to elections to such Legislature - Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of a State may from time to time by law make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due constitution of such House or Houses.
Article 329. Bar to interference by courts in electoral matters. – Notwithstanding anything in this Constitution -

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 327 or Article 328 shall not be called in question in any court;

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

Article 330. Provides for reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People. According to Article 331, notwithstanding anything in Article 81, the President may; if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of the community to the House of the People. Further, Article 332, provides for reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

The Election Commission of India

Under the Constitution it is provided that there shall be an Election Commission which shall be headed by the Chief Election Commissioner. The elections to legislative and public bodies are conducted and supervised by the Election Commissioners
which are appointed by the President of India. The Election Commissioners of India enjoys as much security of services as the Judges of the Supreme Court enjoy. In order to ensure fair and impartial election in the country the intention of the Constitution makers was to keep the election machinery free from executive influence.\textsuperscript{27}

The main functions of the Election Commission are:\textsuperscript{28}

(i) the preparation of electoral rolls before every General Election to the Union and State legislatures.

(ii) the delimitation of constituencies.

(iii) to act like a court for settling matters as given recognition to a political party or allotting a symbol for electoral purposes, including derecognition of a party or withdrawal of its symbols.

(iv) the preparation of a code of conduct for the political parties.

(v) the tendering of advice to the President regarding disqualification of members of Parliament and to the Governor about the disqualification of a member of the state legislature.

(vi) the conduct of elections to Parliament, State Legislature and the offices of President and Vice-President.

(vii) the appointment of election officers for inquiring into disputes relating to electoral arrangement.


\textsuperscript{28} Ibid.
(viii) the preparation of roster for Central broadcasts and telecasts by various political parties.

(ix) keep voters lists up to date at all times.

(x) to issue identity cards to the voters.

**Code of Conduct for Political Parties**

It is the main responsibility of the Election Commissioner to see that election are conducted throughout the country very peacefully. It is with the help and co-operation of political parties that this purpose can be achieved. Unless major political parties contesting election give co-operation, no code of conduct can be a success. It is at the time of every election that such a code is revised in the light of experience gained at the time of last elections.

The code of conduct released by the Election Commission to be observed by the political parties and candidates during election are as follows: 29

(i) When the code even last given it was provided that no political party or individual candidates should involve himself in any activity which creates hatred or aggravates difference or results in creating of tension between castes and communities, both religious and linguistic.

(ii) No political party or candidate should try to disturb or obstruct meetings and processions of any other political party or candidate.

---

(iii) Under these codes of conduct, the ministers both at the Centre and in the state were no longer permitted to use their official cars for election work not even indirectly, by combining their official tours with electioneering. They are also barred from misusing their official staff for election work.

(iv) No religious place should be used for election purposes.

(v) No candidate should try to secure votes in his own favour or in the favour of his party candidate by touching religious sentiments of the voters or in the name of caste or by arousing communal feelings.

(vi) Under the Constitution there are certain offences and practices which have been categorised as "corrupt practices." It is the duty of each one to avoid indulging in these practices.

(vii) No liquor, should be sold or distributed on the election day and 12 hours proceeding the election.

(viii) No political party or individual candidate shall use walls for writings slogans or pasting posture, etc. without the permission of the owner of the house or property. No election meeting should be organised on private land without clear permission of the owners.

(ix) The code also provided that effigies of leaders of the political parties or individual candidates should not be carried or burnt as these result in tensions on high order.

(x) All political parties should ensure that there are no prohibitory orders in force in the area in which meeting is proposed to be organised.
(xi) The ruling party should ensure that no cause is given for any complaint that it has used its official position for the purpose of its election campaign.

(xii) All parties and candidates should co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subjected to any annoyance or obstruction.

(xiii) All political parties and candidates should agree that the identity slips supplied by them to the voter will be on plain paper and will not contain any symbol, name of the candidate or the name of the party.

(xiv) For the use of loud speakers, the party should apply to the authority concerned well in advanced and obtain such permission of licence.

(xv) The code also prohibited the making of announcement of any financial grants in any form of promises thereof, laying of foundation stone, provision of drinking water facilities, adhoc appointment, all of which may have the effect of influencing voters in favour of the party in power.

(xvi) While taking out procession, political parties or candidates should ensure that the processionists do not carry articles.

(xvii) The Government should not impose any undue restrictions on the civil liberties of the people, to cast their vote in favour of their choice.

(xviii) A party or a candidate should inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable necessary arrangements being made for controlling traffic and maintaining peace and order.
(xix) A party organising a procession should decide before hand, the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There should ordinarily be no deviation from the programme.

Election Process

The process of election consists of more than one formalities. It goes through various processes prescribed by law. The electoral process in India is operationalised in several stages, which can be explained as under:

Delimitation of constituencies. The delimitation of constituencies can be described as the first step in conducting the elections. The different constituencies have to be delimited after every census. This work is done by a body called the Delimitation Commission appointed after every census by the President. 30 The Commission demarcates single member territorial constituencies. In all constituencies the proportion of population is approximately equal. Generally, a constituency which elects a member of the Lok Sabha in twice or thrice the size of a constituency constituted for electing a member of a state Vidhan Sabha. The decisions of the Delimitation Commission are final and cannot be challenged in any court.

Preparation of electoral roles. List of voters - called the electoral rolls form the basis of elections. An important step in the conduct of elections is to get prepared constituency wise the Electoral Rolls which record the names of the eligible voters.

The roll is common for both Assembly and Parliamentary elections. In India, no person is ineligible to be included in the electoral roll on grounds of religion, race, caste, sex or any of them. The electoral rolls are revised after each census as well as after regular intervals. The eligible voters can themselves get their names enrolled in the Electoral Rolls during a fixed period of the year. The voters are also invited to file within a specified time their objections against any names which stand enlisted in the Electoral Rolls. After disposal of claims and objections, the rolls are finally published. The law provides for the inclusion of names, deletion of names and correction of particulars even after the final publication of electoral rolls. However, the electoral rolls become final and unalterable after the last date for the receipt of the nominations. No changes can be made till the poll is over. In an election only those voters can vote whose names stand recorded in the electoral rolls.

**Notification of elections.** When general elections are to be held, the President of India sends a communication to the Election Commission and the later, after consulting the central and state Governments, announces the poll calendar i.e. the last date for the receipt of nominations, the date of scrutiny, the last date for the withdrawal of candidature, the date of the poll and the date by which the election shall be completed. The entire polling programme is thus laid down in this notification. The Election Commission then appoints Returning Officers for various constituencies and a Chief Election Officer for each State.

---


Filing of nomination papers. Nominations are received only by the Returning Officers and by the Assistant Returning Officers during certain specified hours. No nomination can be received on a public holiday. There is a prescribed form for making nominations. The name of each candidate has to be proposed by a voter and seconded by another voter. If the candidate is a voter in a different constituency, he should produce a copy of the electoral roll of that constituency. A candidate should also make a deposit of a fixed amount as security money. In case, he fails to secure at least 1/6th of the votes polled, he loses his security money. A candidate should also make and subscribe an oath or affirmation to the Constitution of India.34 Usually the candidates are sponsored by various political parties. However, independents owing allegiance to no political party can also contest elections. A party candidate contests the election on his party's election symbol. This provision applied only to the parties registered with the Election Commission. The non-party candidates have to opt for their election symbols out of the list of available symbols released by the Election Commission. The final decision in respect of allotment of election symbol rests with the Election Commission.

Scrubtny of nomination papers. After the nominations are filed, all the nomination papers are scrutinised by the Returning Officer in the presence of the candidates. The candidate, his election agent, one proposer for each candidate and one more person so authorised may attend the scrutiny. The scrutiny is conducted for determining as to whether the nomination papers have been filled properly, the candidates possess the necessary qualifications and have complied with all rules and regulations or not. Nomination papers can be rejected during scrutiny for failure to comply with the provisions of section 33 and 34 of the Act. Nomination can also be rejected if, on the

date of scrutiny, the candidate is not qualified to be chosen. A candidate has the right to raise objections against the nomination papers of other candidates. Thereafter the Returning Officer decides all cases and notifies the names of those candidates whose nomination papers are found in order. The candidates whose nomination papers are rejected can petition to the High Court. The latter can over-rule or accept the decision of the Returning Officer.

Withdrawal of nominations. After the scrutiny is over, the validly nominated candidates are allowed to withdraw from the contest till a certain hour on the last date fixed for withdrawal of candidates by the Election Commission. They can do so by giving a notice in writing in a prescribed form. This notice has to be delivered to the Returning Officer by the candidate himself or by election agent or proposer duly authorized in this behalf. Notice of withdrawal has to be affixed in the office of the Returning officer who, after the expiry of the hour on the date fixed for the withdrawal of the candidatures, prepares a list of contesting candidates. Withdrawal is allowed to make the electoral process clear. The withdrawal process assures the minimum wastage of votes.

Election campaign. The next stage in the electoral process involves the general public and the political parties in a big way. After the completion of the process of fielding the candidates the contest-lines are drawn and the parties get engaged in their election campaigns. Each party, issues an Election Manifesto which states its policies, programmes and promises. The independent candidates organise their campaigns on personal basis. The aim is to influence public opinion in its favour. The

35. Ibid.
various contestants and their parties try to impress the voters by the use of public meetings, wall posters, placards, advertisements, personal appeals, handbills, door-to-door canvassing and several other such means. The election campaign continues upto 48 hours before the time of the actual polling.

Polling of votes. After the campaign period is over, polling of votes is done on a particular day. According to section 56 of the Act, the Election Commission shall fix the hours during which the poll will be taken; and the hours so fixed shall be published in such manner as may be prescribed : Provided that the total period allotted on any day for polling at an election in a Parliamentary or assembly Constituency shall not be less than eight hours.\textsuperscript{37} Several polling stations are established in each constituency. Each polling station is under the control of a presiding Officer who is assisted by several Polling Officers. The candidates contesting the elections also nominate their polling agents who are present in the polling stations in fact in the room where votes are being polled. Any irregularity on the party of the polling staff or the identity of voter can be challenged by these polling agents. Every voter has the information about the polling station at which he can cast his vote on the election day. In the polling station the voter, after establishing his identity, is given a ballot paper which bears the names of all the contestants as well as their respective election symbols against their names. At the time of handing over the Ballot Paper to the voter, a polling officer puts an indelible ink mark on his first finger, just below nail. Thereafter in the polling booth the voter records his vote by putting the stamp in front of the name of the candidate whom he wants to be his representative, and deposits his vote in the Ballot Box. After the polling ends, the ballot boxes are sealed in the presence of the agents of the candidates and are despatched to the office of the Returning Officer for counting.

Counting of votes and declaration of results. The next important stage is the stage of the counting of votes. In Assembly and Parliamentary elections there is the single non-transferable vote. Thus, every voter has only one vote and if the vote is a valid one, it can be only for one candidate. A mere total of votes thus gives the results of election, the candidate receiving the largest number of votes being declared successful. However, when Council elections and elections to the Council of States are held, we have proportional representation by means of the single transferable vote. According to section 64 of the Act, votes have to be counted under the superintendence of the Returning Officers. Each candidate, his election agent and counting agent have the right to be present at the time of counting. Invalid votes are not counted. A candidate who gets more valid votes are declared elected under the section 66 of the Act, the Returning Officer has to declare the results of the election after the counting is over.

Election petition for settlement of electoral disputes. After the declaration of the results, the election of a winning candidate can be challenged either by the defeated candidates or by a voter or a group of voters. For this purpose an election petition can be filed before the High Court within a fixed period. The petition can be preferred on grounds of electoral malpractices or irregularities in the conduct of elections. The High Court hears the petitioners as well as the respondents and gives its judgement. The candidates can appeal in the Supreme Court of India against the decision of the High Court. The Supreme Court then gives the final verdict.


Emergence of election system in Manipur

The people of Manipur started movement against the monarchical form of government for the establishment of a democratic and responsible government since early 1930s. Hijam Irabot Singh started social reform movements under his two organisations, the Manipur Seva Committee and the Praja Mandal. Under the leadership of Jadonang a Kabui Naga, a small movement was started in the hills in 1930-31.

Under the Presidentship of the Maharaja Churachand Singh, a social religious organisation named "Nikhil Hindu Manipuri Mahasabha" was formed. The Mahasabha was initially a social organisation but after the "Chinga Session", in 1938 it became the first political party in Manipur with Hijam Irabot as its President. The name Nikhil Hindu Manipuri Mahasabha was changed into Nikhil Manipuri Mahasabha after omitting the word "Hindu", however, the Mahasabha followed the ideology and policy of the Indian National Congress, but the Programme had to be modified to suit local conditions.

The Nikhil Manipuri Mahasabha submitted a petition signed by 356 members of the state (Manipur) in 1938 to His Highness, the Maharaja of Manipur. It demanded the setting up of a "Legislative Council". However after minute discussion by the Maharaja along with the Darbar and political agent, it was decided that the establishment of democratic norm in Manipur was not ripe on the ground of lack of

finances. However, all the responsible people of the Colonial government admitted that the mismanagement in the administration was the main reason for the dissatisfaction of the people and so they wanted to bring some positive changes in the administration.

The Darbar adopted a resolution asking all the members of the Darbar to submit their suggestion for reforms in Manipur before the end of April 1939. In the meantime, H. Irabot Singh, the President of the Nikhil Manipuri Mahasabha submitted an outline of the legislature. There he specifically pointed out the immediate need for the establishment of the legislature as a preliminary step to responsible government. Thus just after, the establishment of this political party, the people come across a series of political movements for the establishment of a responsible government in Manipur.

In the meantime, different political organisations was formed viz, the Manipur Praja Sammelon, the Manipur Praja Sangha, Manipur Krishak Sammelon, etc. which demanded the establishment of responsible government in Manipur.

Due to the growing political consciousness among the people of the state, the Maharaja announced his desire to introduce a fully democratic and constitutional form of Government in Manipur. On December 12, 1946 the Maharaja issued a formal order to constitute a ‘Constitution making Committee’ consisting of 16 members. The Committee submitted the Draft Constitution to the Maharaja on July 12, 1947. The Draft constitution came to be known as “the Manipur State Constitution Act 1947” after getting the approval of the Maharaja. It laid down the constitutions, powers and functions of the three organs of Government - Legislative, Executive and Judicature. It also laid down the Foundational Rights and duties of the citizens.
The Manipur Constitution Act, 1947, however proved to be a failure in the sense that it could not provide a fully popular and democratic government. The Act was only an attempt on the part of the Maharaja to keep people pacified by granting some democratic practises. On July 1, 1947 the Manipur State Darbar which was established in 1907 was abolished and in place of the Darbar the "Manipur State Council" was established. All the members were designated as Council of Ministers and government as the State Council. On July 15, 1947 F.F. Pearson, the President of Manipur State Darbar was appointed as the first Chief Minister of Manipur.

On August 13, 1947 i.e. within a short time of thirty days the Maharaja issued a new order and accordingly "Manipur State Council" was dissolved and a new "Interim Council" was established. M.K. Priyobrata Singh the younger brother of the Maharaja, became the Chief Minister. However the policy of the formation of the Interim Council was not supported by other political parties. Meanwhile, the intensity of the movement for a responsible democratic government became very serious.

On November 23, 1947, the Chief Minister of Interim Council finally made an official announcement that a full responsible government could be established in Manipur by April 1948. The political parties in Manipur welcomed the Chief Minister's declaration.

Meanwhile the State government had already formed a "Franchise Sub-Committee" on October 14, 1947 and its duty was to enact rules for the election. An "Election Tribunal" to settle the election dispute was also formed by the Committee. Thus after having a full preparation, the date of election was fixed and P.C. Deb was appointed as the Returning Officer. The first general election in Manipur was held in

1948, under the Manipur State Constitution Act, 1947 by framing Manipur State Election Rules, 1948. After the merger of Manipur into the Indian Union in 1949, the first general elections were held in 1952, under the Constitution of India.