ABSTRACT

India is the largest democracy in the world with an electorate of nearly 670 million adults and elections as the basic element of democracy, they play a very important role in the democratic setup. At the heart of the system is a commitment to hold regular, free and fair elections. It is through elections that the political system receives legitimacy. The credibility of the electoral process has an important bearing on the healthy functioning of a political system. Therefore, holding of free and fair elections is the sine-qua-non of democracy. But the problem is how to conduct these elections in free, fair and an impartial manner. Article 324 to 329 part XV of the Indian Constitution deals with matters relating to election. The framers of the Constitution realized the necessity of independent and impartial constitutional body for conduct and superintendence of elections for the success of democracy, for this purpose they established independent Election Commission under Article 324, the preparation direction and conduct of all elections to Parliament and to the Legislature of every state and of the election to the President and Vice-President have been vested in a permanent constitutional body called the Election Commission. Article 325 of the Constitution prohibits exclusion from participation in the electoral process on the ground of religion, race, caste or sex. Article 326 establishes adult suffrage that right to vote has been given to every citizen above 18 years of age. Article 327 vests in Parliament the supreme power to make laws relating to election at central as well as state levels. However, Article 328 gives the states also certain limited powers of legislation with respect to elections. This was found necessary in order to avert the fear from the mind of minorities in the states of being discriminated against by the majority and the courts are barred from interfering in electoral matters
under Article 329. However, these constitutional provisions do not cover the details of an electoral process. These details were left to Parliament and State Legislatures. Parliament passed two essential measures laying down the detailed law under which elections were to be held (1) the Representation of People Act, 1950 which provided for qualifications of voters and matters connected with the preparation of electoral rolls, laid down the procedure for delimitation of constituencies and the number of seats in Parliament to the States and fixed the number of seats in the respective state legislatures, and (2) the Representation of People Act, 1951, which provided for the actual conduct of elections and dealt in detail with subject like administrative machinery for conducting elections, the poll, election disputes, by-elections, etc. some amendments were made later in these Acts. The most important of them was with regard to the preparation of electoral rolls. Originally, it had been decided to prepare separate rolls for the Parliamentary and Assembly constituencies. Later, it was resolved to have only one electoral roll for all constituencies. To supplement these Acts, the Registration of Electoral Rules, 1960, the Conduct of Election Rules, 1961 were made by the Government. Election Commission on its own has issued various orders, the most important being the Reservation Symbol Order, 1968. Above laws and orders were made to facilitate the conduct of fair and free elections to Parliament and State Legislatures. So far Election Commission has successfully been conducted 14 general elections and a score of bye-elections. The matters that pertain to elections, the only authority with credibility, apart from the courts to which one can look for help, guidance and redressal of grievances is the Election Commission. Now, the Election Commission of India is emerging as the fourth important institution the other three being the Executive, the Legislature and the Judiciary. It has also been voted by the
people in a Country wide poll as the most trusted of all institutions. But the Election Commission needs to formulate a conscious policy towards democratization and rule-enforcement if it has to become the means to the end of a fair and vibrant representative democracy. According to the Report of the Election Commission (2004), it’s role has enhanced regarding its customary task of preparation and conduct of elections. The size of electorate which was 17.32 crore in 1951 went up to 67.15 crore in 2004. The voting percentage which was 44.87 during the first general elections went up to 63.56 in eight general elections (1984) and was 58.07 during the 14th general elections (2004). The number of political parties contesting elections has gone up by four times from the first general elections. Also, the number of those who feel that their vote has an effect on the political state of affairs of the Country has gone up to 58.6 percent in 1996 from 48.5 percentage in 1971. This indicates that elections are held in high esteem by the electorate. The smooth functioning of democracy in such a situation necessitates a steady and efficient working of electoral machinery. The Election Commission has to oversee not merely the voting process but has to perform tasks which, if left unattended to, would make a mockery of the entire democratic process in India, especially in a situation of greater politicization. The role of institutions like the Election Commission has acquired unprecedented importance with the rise of alliance politics and coalition rule in India. It has to ensure that in the rush for attaining power, newly politicised groups do not trample upon democratic norms. It has to check ruling party/parties excesses and arbitrariness before and during elections and as such prevent the abuse of power by them. It also has to impress upon the executive to maintain or improve law and order in the regions going to polls. It has to see that the voice of the political minority or political opposition and even the ordinary
people is not stifled in the matter of conduct of elections. It has to arbitrate between the Central and State Governments as also between political parties on matters that have implications for elections. It also has to see that the model code of conduct is followed by all the political parties. However, in doing this the Election Commission also has to see that it does not become a force that clamps down on democratisation. Its functioning by and large has generated public confidence in the electoral process and a faith in the people that the electoral process would bring a government of their choice and preference. People have accepted major changes of power because the Commission's integrity has hardly ever been a subject of controversy. The Commission as an institution has brought credit to our Parliamentary democracy. The tenth general election is very significant in our electoral history. T.N. Seshan was appointed as a Chief Election Commissioner, he used his constitutional powers effectively, efficiently and impartially, he has not become the instrument of political parties that is way the Commission came to be heavily criticized. The Commission in tenth general elections has evoked reaction which have left its institutional integrity greatly eroded. Almost all the major political parties criticized the Chief Election Commissioner, though each for different reasons. But nobody can deny the fact that the Countries Electoral Law is in dire need of certain reforms. Despite its flaws and inadequacies, this Electoral Law has remained substantially the same for many years, the most regrettable aspect is that the Government of India or other political parties has not yet made up its mind towards the introduction of electoral reforms whereas various reports of Election Commission and number of formal and informal group discussions at various forums and by individuals have categorically pointed out the shortcomings in the electoral system, some of
them have ventured to come out with useful suggestions, yet the problem remaining to be as critical and challenging as ever.

Political parties are considered an established part of modern democracy of masses, and the conduct of election in India is largely depend on the behaviour of political parties. Although many candidate for Indian election are independent the winning candidate for Lok Sabha and Vidhan Sabha elections usually stands as members of political parties, and polls suggest that people tend to vote for a party rather than a particular candidate. Parties offer candidates organizational support and by offering a broader election campaign looking at the record of government and putting forward alternative proposals for government, help voters make a choice about how the government is run. Political parties have to be registered with the Election Commission. The Commission determines whether the party is structured and committed with the Indian Constitution and would uphold the unity and integrity of India. Parties are expected to hold organizational elections and have a written Constitution. Because in democracies, political parties provide an organization through which policies are formulated and political propaganda is carried out. They are the chief mechanism of informing and influencing the electorate, educating and activating them. They are the backbone of democracy the whole machinery of government depends on it.

The present study is divided into five chapters. Chapter first discuss the 'Role of the Election Commission'. As the nature of every such office is to some extent rooted in the past it was thought indisputable and essentials to trace the historical background. In this connection we discuss the Genesis of the Election Commission, Constitutional provisions of the Election Commission, controversies of single multi-Commission.
Changing trends and nature of functions of the Election Commission, conflict between political parties and Election Commission and lastly we discussed the supervisory arrangements for ensuring efficient and impartial functioning of the electoral machinery undoubtedly they are of such crucial importance to the working of the electoral system that any scheme of electoral reforms would be largely ineffective without certain essential changes in the electoral laws. Since the Election Commission plays very important role in the election in India, it is necessary to ensure that the Election Commission is so constituted that its integrity and fairness are unquestionable.

Chapter second focuses on the 'Electoral Machinery and complete Electoral Process in India'. It assess the machinery the Constitution devised for conducting free and fair elections and comments on its efficacy as an institution. It also include preparation for an election, formation and demarcation of constituencies, electoral rolls, the selection of candidates by the political parties, nominating process, as also the conduct of the poll and election campaign, counting of votes and declaration of results, election petitions and election system. It must be readily appreciated that the success of general election largely depends upon the adequacy, competence, integrity and impartiality of the Electoral Machinery.

Chapter Third analysis the 'Corrupt Practices and Electoral Offence', This Chapter highlights the categories of corrupt practices which are rampant in Indian electoral system, such as bribery, undue influence, appeal on the ground of religion, race, caste, community or language and the use of appeal to religious or national symbols, promotion of enmity or hatred between different classes of citizens on the ground of religion race, caste, community or language, publication in relation to the personal
character or conduct of any candidate, hiring of vehicles or use of such vehicles for free conveyance of voters, including booth capturing and procuring the assistance of government servants and in addition several electoral offences are prescribed by the Representation of People Act, 1951 itself and speedy disposal of election petitions are also discussed in this chapter.

Chapter Fourth exclusively deals with ‘Electoral Reforms’ which are continuous process. From time to time political leaders, associations, various Committees and Law Commission have come out with detailed proposals for electoral reforms. The Election Commission too, has suggested many electoral changes on different occasions, this chapter gives a list of those reforms although some of them have already been implemented and some of which require immediate attention for a fresh look at the election law.

The subsequent chapter highlight the ‘Role of Political Parties and Electoral Reforms in India’. It include the moral elements which is deteriorating and seriously affecting the fabric of Indian Parliamentary system. The role of political parties in India have not risen to the expectations of the people. They have shaken the people’s confidence in the parliamentary democracy just for their selfish ends. It is very distressing that the role of political parties their intra-democratic functioning is not properly regulated either by the Constitution or under any law. Therefore, the prime need of the hour is to workout a code of conduct for Members of Parliament and Assemblies. In this chapter we discussed the role of political parties on different aspects of Indian politics such as political defection, criminalization of politics, election expenditure and state aid, ban of independents, women’s reservation, media and poll
reform, caretaker government in the period leading to elections and model code of conduct for political parties.

Finally, the conclusion of the thesis derived from what has been stated in the above mentioned comprehensive and exhaustive commentary relating to Electoral Reforms and the Role of Political Parties in India. Certain suggestion and necessary amendments are offered so as to make electoral reforms more convenient for all concerned authorities.