CHAPTER - I
INTRODUCTION

ELECTION - What it means?

According to Websters’ dictionary ‘Election’ means the act or process of choosing a person for an office, position or membership by voting. In the Representation of the People Act, 1951, Section 2(d), the word ‘election’ is defined as “Election means an election to fill a seat or seats in either House of Parliament or in the House or either House of the Legislature of a State”. The word ‘Election’ implies those who are to elect, called the ‘Electors’, the Office to which election is to be made, and the person who is to be elected, called the ‘Candidate’.¹

¹ CHAWLA’S Election Law & Practice, 1991 p. 3-4.
MODES OF ELECTIONS.

There are two systems of election in vogue generally. One is of proportional representation by a single transferable vote. This method is adopted where representation is desired to be given to each group according to its strength in the electorate and two, or more than two, persons are to be elected. Every voter has one vote which he may exercise in favour of one or give his preference by marking 1, 2, 3, 4, and so on against such number of candidates, as are to be elected, on the ballot paper. The other system of election is by multiple vote with distributive voting. The voter is given as many ballot papers as the number of candidates to be elected and he marks every ballot paper for the candidate of his choice, sometimes, one ballot paper carrying the names of all the candidates, is issued and the elector puts the mark against as many candidate as is the number of seats to be filled.2

The processes used in two systems of voting are contained in Form 13D under rule 231(d) of the conduct of Election Rules, 1961. The form contains directions to the electors in case of election to the House of the people or to the Legislative Assembly of a State and election to the Council of States or to the Council of a State, separately. Firstly, it describes the process of multiple vote with distributive voting and secondly, the process of proportional representation with single transferable vote. Now, multiple constituencies for House of People and the legislative Assemblies, do not exist. Only one vote is to be cast for the candidate of choice by the elector.

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2 Ibid p. 4.
The word 'Election' as used in the Representation of the people Act, 1951 includes every stage from the time the notification calling for election is issued till the declaration of the result.

SIGNIFICANCE OF ELECTION

Election is the contrivance through which a modern state creates amongst its citizens a sense of involvement and participation in public affairs. It enables the public to influence policies and thereby provides representation. Election produces a Government and then attunes the Government to the concerns and preference of the voters. Democracy today implies not Government by the people which is an impossibility but effective control over Government by the people. Elections constitute the principal mechanism for exercising this control and it is this that gives special significance to them.

It is through popular elections that the authority of a Government is clothed with legitimacy. In a monarchy of the traditional type, it is blood-descent that gives this title or legitimacy. In dictatorships, it is the command over the Army on which this title is based through in several of them this is combined with control over a single political party which alone is permitted to exist under the law of the land. In all these cases it is Government that control the people. It is only in a democracy that people control their Government. "Elections in a democracy can be defined as a process "Polistischer Willens Bildung" i.e. as means through which the political opinion of the public is
shaped. They help people to crystallise their interests, to give expression to them. In the elections it is decided who shall govern and who shall have the control over the Government. In a word, elections are thus the carriers of the people's will. It is through elections that the continuity and future of democracy is ensured, also as it makes a peaceful and orderly transfer of authority to new leaders possible.

Doubtless, the elections play a very important role in a democratic set up. The basic problem, however is how to conduct these elections in an impartial manner. It is a generally accepted fact that the purity and freedom of election can be ensured only if the electoral administration which is the foundation of representative democracy, is placed beyond the reach of party Government. Realising the importance of electoral administration to a democratic system, Pollock observed “unless public elections are conducted with accuracy and efficiency, not only the public are discredited but the whole democratic system is endangered.” T.E. Smith also remarked “In the development of a genuine electoral administration what is required is an administrative machinery, capable of conducting elections with impartiality and without confusion.”

The framers of the constitution of India were already meticulous about this uphill task, while dealing with the part XV of the Constitution. Therefore, they provided for the establishment of an Independent high level Commission for the effective conduct of elections in India in a fair manner. Needless to say that one of the peculiar features of our constitution is the mention of a permanent and statutory

3 HORST HARTMAN Political Parties in India, Meerut, Meenakshi, 1977 p. 145.
4 JAMES POLLOCK German Electoral Administration, (NEW YORK, 1934) p. 1.
5 T.E. SMITH Elections in Developing Countries, (NEW YORK, 1960) p. 3

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Election Commission in which it has been armed with the powers of Superintendence, direction and control and conduct of all kinds of elections to the Parliament, the State Legislatures, and to the offices of the President and Vice-President of the Indian Union respectively.

Although, without doubt, over many years, suspicions and misgivings along with criticism from different quarters have been expressed about the sanctity of the autonomy or independence of the Election Commission, on the whole, it was worthy to note that the Election Commission has seriously taken many administrative steps and introduced new devices in order to ensure free and fair elections in India. The entire process of election in the General Elections and in the bye-elections held so far, commencing with the delimitation of constituencies to the conclusion thereof, bears an imprint of the independence of the Election Commission, and demonstrates its efficiency.

It is, therefore, in the light of this matter that this thesis makes an attempt to analyse the working of Electoral Administrations in Mizoram in the General and bye-elections to the Legislative Assembly. It is a modest attempt at describing and analysing a particular sub-system within the ambit of the larger system as a whole. (The Election Commission).

In Mizoram, the Chief Electoral Officer (C.E.O) is the head of electoral machinery. Subject to the superintendence, direction and control of the election Commission, the CEO supervised the preparation of electoral rolls and conduct of
elections. The successive CEO's were all part time Officers selected from the high ranking officials of the Government of Mizoram. A full-time Deputy Chief Electoral Officers was appointed to assist the CEO right from the first general election held in 1972. The Deputy Commissioner of each of the three districts is the head of electoral machinery at the district level and are assisted by one full-time election officer each. During the actual conduct of elections, the Deputy Commissioners who also functioned as Returning Officers in their respective Districts are assisted by one or more Assistant Returning Officers.

The Election Commission in consultation with the Government of Mizoram also appoints the Electoral Registration Officers and the Assistant Electoral Registration Officers whose primary duties lie in the preparation and revisions of the electoral rolls. Then, at the field level the Presiding Officers and Polling Officers appointed by the Returning Officers carried on the actual conduct of the Poll. Thus, in brief, are the hierarchy of election administrations as established in Mizoram, the working of which this thesis proposes to deal with.

METHODOLOGY, SCOPE AND OBJECTIVE OF THE RESEARCH.

The methodology employed in the research comprises perusal of Chief Electoral Officers, Mizoram reports on the General and bye-elections to Mizoram Legislative Assembly; the records of election documents in the offices of the Deputy Chief Electoral Officer and Election Officers in the three districts of Aizawl, Lunglei and
Saiha; interviews and discussions with the Officers of the Government of Mizoram, who were detailed on election duties as well as with the Prominent Party leaders and with the former and sitting members of the Legislative Assembly in Mizoram. The Government of Mizoram publications (Gazettes) and official handbooks along with other important documents were read and consulted from the Libraries of Mizoram Assembly House, State Archives and the Law Department.

Apart from these, scholarly works on election studies, electoral laws and hosts of other well-known published works relating to the subject were widely consulted comprising both the Indian and Foreign authors as available in the Libraries of EC, New Delhi; JNU & GU. Also, several unpublished Doctoral thesis written by eminent scholars from Mizoram were also read and well utilised.

The direct participation of the scholar in the election tours and campaigns and as casual observer to all the General and bye-elections held to the Mizoram Assembly since 1972 to 1989 (The period covered in the present work) renders better insight to the actual state of affairs. In this regard, however, since the area of study is relating to the community and State to which the scholar belongs, there is always a tendency to fall into such traps and developed a biased attitude and judgement towards one political party or groups. The utmost endeavour was taken to make the analysis as factual, empirical and impartial as possible.

The primary survey data included in the Thesis were collected by means of questionnaire in the urban areas of Aizawl and Lunglei Town. The scholar felt the need
to restrict the study to the urban area for manageability with available resources. The respondents comprising of 510 persons among various cross-section groups were asked to answer only those pertinent questions, which were carefully prepared. The findings made from the survey are incorporated in the relevant chapters towards the concluding part in each of them.

The Scope of the research is exclusively set within the limits of the subject-matter viz. “The administration of Elections in Mizoram since 1952”. Hence, the origin, growth and development of the electoral law and electoral mechanism at the Union level which are significantly important but that do not have relevance to the subject concerned are not deal with. The main focus is given to the studies and analysis of the electoral machineries at the State, District and Constituency level. Perforce, it excludes the study of electoral behaviour, election campaigns, election manifestoes, Party Organisation, cases of corruption, and Social background of candidates. In a nut shell, it is a reflection on the mechanism of elections not its dynamics.

The main objective of the research is to highlight the workings of the administration in the conduct of elections to Mizoram Legislative Assembly and bring out the functional drawbacks and lapses of the electoral machineries Vis-a-Vis the political parties, contesting candidates and general Public and thereby offer suggestions and measures from the observations made thereon. This thesis being the first and pioneer attempt ever on the question of Election Administration with reference to Mizoram, to cover only the Legislative Assembly Elections is felt necessary in order to make the analysis complete and thereby provide some principles, guidelines and
information to future researchers intending to conduct research in the electoral politics of Mizoram, as a large scope is open in this field. Not forgetting the main objectives, the recommendations and other observations made from this long and painstaking study deserve serious consideration of the Government, political parties and the public in general.