



## ISSUES AND CHALLENGES OF THE ELECTION COMMISSION OF INDIA IN PRESENT SCENARIO

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### Abstract

The Election Commission (EC) is an autonomous body. It is a permanent constitutional body. It is essential for the success of democracy. The Right to Vote is just a legal right at first instance but there are several facts, which form an integral part of the electoral system. The Election Commission of India (ECI), established in 1950, has played a pivotal role in conducting free and fair elections, ensuring that the voice of the people is present correctly. Despite its significant contributions, the commission faces multifaceted challenges. In the current situation, the ECI is facing various problems. The main reason for this is the current political situation, degradation of the values of various political parties, lack of awareness among people, and so on. This paper discusses key milestones in the evolution of the Election Commission in India. The paper also observes the statistical analysis and accordingly defines issues and challenges regarding the current situation in the EC and gives some suggestions for conducting fair and impartial elections in the current situation.

**Keywords:** *Election Commission, Democracy, Governance, Constitution, Challenges*

### Introduction

India is the world's largest democratic and republic country in the world. In any democratic and republican country, elections are necessary and a heart to the democracy. Elections are an important part of a democratic nation because they reflect the faith of the citizens of the country in its Constitutional Democracy. Indian citizens are in sovereign authority and have the power vested in them to elect their representatives, they have the power to form and change their government. However, these elections should be free, fair, transparent, and impartial. For this purpose, the Constitution of India provides an Election Commission. One of the most important features of democracy is that elections are held regularly. The Commission has made a great deal of effort for the success of the election and, its consequences, for democracy. Thus, it is regarded as the Guardian of both, democracy and free and fair elections. The EC has reduced the campaign period from 21 to 14 days for the elections in Lok Sabha and the Assembly; it is to reduce election expenses. In addition, the EC takes the details of its assets by affidavit when presenting the nomination paper.

The Electoral Commission is trying to improve the electoral process using scientific and technological advances. Introducing Electronic Voting Machines (EVMs) is a step in this direction. It has been used to reduce misappropriation and improve efficiency. On an experimental basis, it was first tried in 1982 for parliamentary elections in the state of Kerala. After a successful trial and legal investigation, the board took the historic decision to go ahead and start using EVMs. The criminalization of politics is a serious

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problem for India. This menagerie started in Bihar and gradually spread across the country. In 2003, an act was passed to ban the election of criminals to legislative bodies. However, people with criminal backgrounds have retained seats in Parliament and the State House. It creates a very undesirable and embarrassing situation when offenders become legislators.

**Objectives of the Study:** The following are some objectives of the study:

1. To examine the function of the Election Commission of India (ECI).
2. To evaluate the success and failure of the ECI.
3. To highlight issues of the Indian Electoral system.
4. To explain problems faced by the ECI.
5. To find out some suggestions to conduct the electoral process more competently.

**Methodology:** The methods used for this research are historical, analytical, and descriptive. Primary and secondary sources will both be used in this study but the major portion of the study material constitutes secondary sources. Primary sources of data and information are collected from government reports, verdicts of courts, etc. Secondary data are collected from different books, articles in various journals, newspapers, websites, etc.

**Importance of Elections:** It gives the decision of authority, and political support, through this, an individual can likewise speak more loudly about their disdain against a decision party and it is a self-restorative framework. Through this framework, after regular intervals, decision assemblies are held in a row and are done to think about the common people's interests. Give us a chance to reveal to you that Article 324-329 in Part XV of the Constitution manages the Electoral System of India. Article 324 of the Constitution accommodates an autonomous Election Commission to guarantee free and reasonable races in the nation. The appointment of Lok Sabha and the state congregations are to be based on the grown-up establishment. Hence, every individual who is a resident of India and who is 18 years old, is qualified to vote in the political decisions gave isn't precluded under the arrangements of the Constitution or any law made by the suitable legislature on the ground of non-living arrangement, unsound personality, wrongdoing or degenerate or legitimate practice.

### **Election Commission of India (ECI)**

The Election Commission of India is a permanent Constitutional body established by the Constitution on 25 January 1950. The main office is located in New Delhi. Dr. B. R. Ambedkar expressed the objectives of the ECI in the following words: *"Our country is vast, consisting of different races, languages, cultures, religions, classifications, etc. So, the Election Commission consisting of the Chief Election Commissioner for all India levels is required to prevent injustice that may otherwise happen to mixed populations. This central body works with, free from local influences, and shall have control over the entire election machinery in the country"*.

In the Indian Constitution Part XV, Articles 324-329 deal Election Commission of India. Originally, the Commission had only a Chief Election Commissioner, at present it consists of a Chief Election Commissioner and two Election Commissioners. Two additional Commissioners were appointed for the first time on 16 October 1989 but their tenure was very short until 1 January 1990. Then the Elections Commissioner Act passed on January 1, 1990, and established the commission as a multi-stakeholder organization; a three-member commission has been in office ever since and the commission's decisions are taken by a majority vote. The President of India appoints these individuals for periods of six years each, and they are ineligible for removal from office except through the process of legislative impeachment. At the State level, the State Election Commissioner is headed by the Chief Election Commissioner to be appointed by the Governor of that particular State. According to the Articles 243K and 243ZA of the Constitution of India, the State Election Commission is vested with the powers to conduct free and fair elections to Local Bodies and superintendence, direction, and control of preparation of electoral rolls to conduct all elections in regular intervals to Panchayat Raj and Municipal bodies (Local Bodies).

India's Electoral Commission is an independent Constitutional authority responsible for the administration of the electoral process in India at the national, state, and district levels. The body conducts elections to Lok Sabha, Rajya Sabha, State Assemblies, State Legislative Councils, the President, and the Vice President of the country. The Commissioner of Elections and the two Commissioners of Elections, who are usually retired IAS officers, receive salaries allowances equivalent to those of Supreme Court Justices, under the Elections Commissioners and other Electoral Commissioners Regulations, 1992.

### **Important Milestones in the Evolution of the Election Commission of India**

1. **Formation and Early Years:** The Election Commission of India was established on 25 January 1950, under the provisions of the Constitution of India. Sukumar Sen, a distinguished civil servant, served as the first Chief Election Commissioner. The early years focused on laying the foundations for free governance and fair elections in a diverse and largely democratic nation.
2. **First General Elections:** The first general elections in India were held in 1951-1952 under the supervision of the Election Commission. These elections mark a historic moment as Indian citizens exercise their right to vote in a democratic system.
3. **Expansion of the Election Commission's Role:** The Election Commission's role expanded to include the conduct of elections to the offices of the President and Vice President of India. Efforts were made to streamline the electoral process, including the introduction of Electronic Voting Machines (EVMs) in the 1980s to enhance accuracy and efficiency.
4. **Introduction of Election Symbols:** In 1977, the concept of election symbols was introduced to facilitate the recognition of various political parties and independent candidates on the ballot.
5. **Usage of Technology:** The 1990s and 2000s saw a significant shift towards incorporating technology into the electoral process. EVMs were introduced to replace traditional paper ballots, to reduce malpractice and streamline the counting process.
6. **Model Code of Conduct:** In 1991, the EC implemented the Model Code of Conduct to ensure fair and ethical campaigning during elections, setting guidelines for political parties and candidates.
7. **Introduction of Voter Verified Paper Audit Trail (VVPAT):** In 2013, the EC introduced the VVPAT machines to enhance transparency and build trust in the electoral process. VVPATs provide a paper trail for voters to verify their choice.
8. **Focus on Inclusivity:** In the 21st century, the EC has increasingly focused on ensuring inclusivity and representation in the electoral process, addressing issues such as gender disparity and minority representation.

**Issues and Challenges in India:** The Election Commission of India is evolving to adapt to new challenges and technological advancements while upholding the principles of democracy and ensuring free and fair elections in the world's largest democracy. Here are some of the persistent issues and challenges in India:

1. **Poverty:** Despite economic growth, a significant portion of the population still lives below the poverty line, leading to issues of income inequality and inadequate access to necessities.
2. **Unemployment:** High levels of unemployment, particularly among the youth, are a significant challenge. Creating sufficient job opportunities remains a priority.
3. **Education:** Although progress has been made in improving education, there are many challenges related to access, quality, and regional disparities in educational outcomes.
4. **Healthcare:** Access to quality healthcare is a concern, especially in rural areas. It is important to address issues such as inadequate infrastructure, shortage of healthcare professionals, and disparities in health services.
5. **Corruption:** Corruption is a persistent problem at various levels of government and society. Efforts to combat corruption include strengthening anti-corruption measures and promoting transparency.
6. **Infrastructure Development:** Despite progress, infrastructure development lags in some areas, affecting economic growth and the overall quality of life. Improving transportation, energy, and urban infrastructure is an ongoing challenge.

7. **Environmental Concerns:** India faces environmental challenges, including air and water pollution, deforestation, and the effects of climate change. Sustainable development and conservation efforts are essential.
8. **Caste System and Social Discrimination:** The caste system continues to affect social dynamics, leading to discrimination and inequality. Efforts to promote social harmony and equality are ongoing.
9. **Political and Electoral Challenges:** Challenges to political stability, electoral integrity, and effective governance persist. Issues like political polarization and regional tensions can affect the functioning of the democratic system.
10. **Border Disputes and National Security:** India faces long-standing border disputes with neighboring countries. Ensuring national security and managing diplomatic relations in the region are ongoing challenges.
11. **Cyber Security Threats:** With updated reliance on technology, cyber security threats have become a concern. Protecting critical infrastructure and personal data from cyber attacks is a priority.
12. **Population Growth:** India's population continues to grow, creating challenges in resource management, urbanization, and the provision of essential services.
13. **Women's Safety:** Ensuring the safety and security of women is an important issue. Addressing gender-based violence and promoting gender equality are ongoing challenges.
14. **Public Health Crises:** Events like the COVID-19 pandemic highlight the need for a strong public health infrastructure and effective crisis management.

### **Key Challenges Faced by the Election Commission of India**

1. **Electoral Malpractices:** Even in the new era and world of developments, voters are still being captured at the booth, and the fear of assault or violence is still there. Voter bribery, booth capturing, and other forms of electoral malpractice remain a challenge. The EC must take measures to prevent and deal with such activities during elections.
2. **Misusing the Government Machinery:** The use of government machinery is strictly prohibited during election time, but in reality, the ruling party uses the government machinery for advertisement and other purposes to get votes from people. It gives an unfair advantage of resources to the ruling party and their candidates.
3. **Money Power in Politics:** Money power is used to buy the votes of people, to gather crowds at rallies, and various campaigns run by candidates to fulfill their dream of winning the election. Controlling campaign finance and enforcing spending limits are ongoing concerns.
4. **Political Interference:** Perceptions of political interference in the functioning of the EC can undermine its credibility. Ensuring the Commission's independence from political pressure is crucial.
5. **Voter Education and Awareness:** Despite efforts, there are challenges in creating voter awareness and education. Ensuring that voters are well informed about the electoral process, candidates, and the importance of voting is an ongoing task.
6. **Inclusivity and Representation:** Issues related to inclusive representation, including gender disparity and the representation of minorities, need attention. The EC must work towards creating a more diverse and representative political landscape.
7. **Use of Technology:** While technology, such as Electronic Voting Machines (EVMs), has improved the efficiency of elections, concerns about hacking and manipulation persist. Ensuring the security and integrity of technology used in elections is a constant challenge.
8. **Electoral Roll Management:** Maintenance of an accurate and up-to-date voter list is essential. Challenges related to duplicate entries; wrong information and exclusion of eligible voters need to be addressed through robust data management and verification processes.
9. **Model Code of Conduct Enforcement:** Enforcing the Model Code of Conduct during election campaigns is challenging. The EC needs to strengthen its mechanisms to promptly address violations and maintain a level playing field for all candidates.
10. **Security Concerns:** Ensuring the security of voters, candidates, and election officials during the electoral process is a significant challenge, especially in regions prone to political unrest.

11. **Social Media and Disinformation:** The rise of social media has introduced new challenges, including the spread of misinformation and fake news. The EC needs to address the impact of social media on elections and devise strategies to counter confusion.
12. **Logistical Challenges:** Conducting elections across a vast and diverse country like India poses logistical challenges. Ensuring the smooth deployment of electoral personnel, materials, and technology is a complex task.
13. **Post-Election Disputes:** Addressing post-election disputes and ensuring a fair resolution process can be time-consuming and challenging. Streamlining the dispute resolution process is crucial to maintain public trust.

**Recent Trends in the Election Commission:** Keep in mind that specific developments in the Election Commission can vary by country. Here are some notable trends-

- **Technological Advancements:** Many ECs across the world are embracing technology to improve the efficiency and security of the electoral process. This includes the use of electronic voting machines, online voter registration systems, and blockchain technology for secure and transparent voting.
- **Cyber Security Concerns:** With the increasing reliance on technology in elections, there is a growing awareness of cyber security threats. ECs are prioritizing the development of robust cyber security measures to protect electoral systems from hacking and other malicious activities.
- **Voter Registration and Identification:** Efforts are being made to enhance voter registration and improve methods of identification. This includes the use of biometric data and other advanced technologies to ensure the accuracy and integrity of voter rolls.
- **Transparency and Accountability:** There is a global trend toward promoting transparency and accountability in the electoral process. ECs are adopting measures such as open data initiatives, public reporting, and greater access to information to build trust in the electoral system.
- **Inclusive and Accessible Elections:** ECs are focusing on making elections more inclusive and accessible. This involves addressing barriers to voting for marginalized communities, implementing measures to assist voters with disabilities, and providing information in multiple languages.
- **Social Media Regulation:** The influence of social media in elections has prompted ECs to explore ways to regulate and monitor online political advertising and combat the spread of misinformation.
- **COVID-19 Response:** The pandemic has necessitated adaptations in the conduct of elections. ECs are exploring options such as expanded postal voting, early voting, and the use of technology to minimize in-person contact during elections.
- **Post-Election Dispute Resolution:** ECs are placing a greater emphasis on efficient and transparent mechanisms for resolving post-election disputes. This includes improving the legal structure for dispute resolution and enhancing the independence of electoral tribunals.
- **International Collaboration:** ECs are engaging in increased international collaboration to share best practices, expertise, and resources. Organizations such as the International Institute for Democracy and Electoral Assistance (International IDEA) play a role in facilitating this exchange of knowledge.
- **Environmental Sustainability:** Some ECs are exploring ways to make elections more environmentally sustainable. This includes reducing the environmental impact of printed materials, exploring eco-friendly voting technologies, and implementing green practices in election logistics.

These trends reflect the ongoing efforts of Election Commissions worldwide to adapt to changing circumstances, advantage technology for improvement, and address emerging challenges to ensure the inclusivity of the electoral system. To obtain the most current and specific information on trends in the ECI or any other country, it is recommended to refer to the latest reports and official statements.

### **Steps Taken by Government**

The reports of the Election Commission of India from time to time and several discussions at various levels have categorically pointed out the defects in the electoral system and some useful suggestions, yet the problems remain as critical and challenging as ever. The Joint Parliamentary Committee on Amendments to Election Law (1971-72), the Goswami Committee Report 1990, the Constitution Bill 1994, the Representation of the People (Second Amendment) Bill 1994, the Election Commission

Recommendations in 1998, and Indra Gupta Committee Report 1998, etc. produced a comprehensive set of recommendations regarding electoral reforms. Some reforms have been implemented but much remains to be done. The entire country is now expressing serious concern over the entry of anti-social and criminal elements into the electoral arena. The EC has taken several new initiatives in the recent past. Such as the use of state-owned Electronic Media to broadcast or telecast by political parties, checking, and criminalizing policies, providing electoral identification cards, streamlining the procedure of registration of political parties, and requiring them to hold regular organizational elections, various measures for strict compliance to Model Code of Conduct to provide a level playing field to contestants during the elections, and so on. In India, the EC has established a set of guidelines known as the Model Code of Conduct that political parties and candidates must adhere to in the run-up to elections. These guidelines are intended to ensure that the ruling parties at both national and state levels do not misuse their official position to gain an unfair advantage in an election. There is a widespread feeling that something is wrong with the way elections are conducted in India. Now, the time has come to provide some hard rules and laws in our Constitution to keep away those anti-social evils from the electoral system of India.

### **Suggestions**

- **None of the above (NOTA)** – It is observed that even the educated class or some voters do not vote only because available candidates in their constituency are not the ones they want to vote for. However, unwillingness to vote just because of this has to be changed, even your voice of not liking the available candidates is as important as the one's vote for the winning candidate. It is been more than ten years since EC introduced the NOTA option to the citizens, but still, the awareness has increased amongst people.
- **One Candidate limited to One Constituency** – EC has allowed candidates to be open for two constituencies but a limit should be imposed to cut down the expenses of EC to one constituency.
- **One Nation, One Election** – It can help to solve the burden of checking the poll expenses, reduce the administration burden, ensure that the ruling party does not intervene in term decisions, and help to solve the problems of governance.
- **One Campaign** – Candidates tend to arrange big rallies, and spend huge amounts of money on paid radio and internet advertisements for their campaigns. Rallies also create a nuisance because there are multiple candidates in one constituency, which can be brought down by the help of arranging one campaign where all candidates can come together and talk with their potential voters.
- **Strict regulation of Social Media, TV, Newspaper, and Radio** – During the time of the election, people are most likely to get on a wave of fake news, nowadays just as how information is available at your fingertips, fake information is available at your fingertips too, for which people are most likely to fall for. This spreads fake facts or misleads the voters, and spreads hatred in society. Strict Regulation is necessary and strict actions must be taken against those who violate.
- **Accessibility to the information** – Voters should know their rights and should have access to their candidate's background information (education and achievements). Now this information is made available to the public via EC but there are only a few who know, and more awareness amongst voters about their rights should be there. Voter registration should be more accessible for easier registration should be made available to the workplace, community centers, tribal offices, and schools that have to be done by EC.
- **Awareness Campaigns / Workshops** – EC should organize awareness campaigns more effectively and efficiently in regional languages by distributing pamphlets in regional languages so the language barrier should not be there, street plays can be acted on roads before the elections
- **Performance scheme local wise** – The EC is a centralized body and there are state commissions to regulate elections but the whole process to bring even a minute change is very time-consuming, and more power to make actual decisions that can bring real change should be given to states and local authorities.
- **More importance to a candidate than for his caste** – To avoid casteism, communism can make changes regarding the caste of candidates. Political parties make propaganda of castes of their

candidates to gain votes, to set an example of having free and fair elections, and to set an example in front of the world candidate's caste or religion should not be disclosed, but his aim and vision, skills should be given more importance.

- **Localization of issues** – Voters as ‘Supervisors’ in their constituency – to supervise the electoral campaigns, a supervision committee will collect the problems of voters and can be formed; they can be supervisors of their constituency. Taking Feedback from people pre-elections, and post-elections, and implementing changes to let the voters that their problems are being heard and necessary steps are taken is necessary for keeping people's faith and trust in the EC.

## Conclusion

In the end, we can say that it is a challenge for the EC to play a neutral and constructive role in such a large democratic country as India. Various factors are responsible for this, such as racism, religious fundamentalism, the nefarious motives of political leaders, the unconsciousness of the people, and so on. In the present party system of India, many political parties have somehow formed based on the caste system and religious customs, which is not desirable in the case of secular, democratic India. Today, the country's traditions and solidarity are in an extreme crisis. As a result, the people are being deprived of the real purpose of democracy. On the eve of the election, almost all political parties have made numerous promises in their election manifestos but the sad thing is that to date no political party or government has fulfilled their promise in the last 5 years. As a result, all hopes, trust, and faith of the people have been crushed on the mountain of false promises of the leaders. Therefore, in the current situation, the EC needs to take a much more relevant and constructive role so that Indian democracy can become a true democracy it is not only a work of the EC alone but it also lies in the attitude of people, and their effort to fulfill the real purpose of ‘Elections’ in the democracy.

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