



THE ELECTORAL SYSTEM IN INDIA

By

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Election Commission of India

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Introduction

India is a Socialist, Secular, Democratic Republic and the largest democracy in the World. The modern Indian nation State came into existence on 15th of August 1947.

India is a constitutional democracy with a parliamentary system of government, and at the heart of the system lies a commitment to hold regular, free and fair elections. These elections determine the composition of the government, the membership of the two Houses of Parliament, the State and Union Territory Legislative Assemblies, and the Presidency and Vice-Presidency.

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Indian Elections, the Largest Event in the World

Conduct of General Elections in India for electing of a new House of the People (Lower House of Indian Parliament), involves management of the largest event in the world. The electorate exceeds 605 million, voting in nearly 800,000 polling stations, spread across widely varying geographic and climatic zones. Polling stations are located in the snow-clad mountains in the Himalayas, the deserts of the Rajasthan, and in sparsely populated islands in the Indian Ocean.

India has recently conducted the biggest electoral exercise of the century on this earth, when it held the twelfth general election to the House of the People in the months of January-March, 1998. The general election was unexpected, as there was sudden premature dissolution of the House on the 4th December, 1997. The country was taken somewhat off-guard for such a big event, involving the participation of over 605 (Six Hundred Five) million electors, needing a huge electoral machinery comprising about 5 million election officers

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at various levels. Also, for a peaceful atmosphere conducive to free and fair polls, nearly one million civil police forces were deployed for maintenance of general law and order, and security of electors, polling personnel and polling materials, at polling stations and counting centres.

Simultaneously, general elections were also held to five of the twenty five State Legislative Assemblies in the States of Himachal Pradesh, Gujarat, Meghalaya, Nagaland and Tripura.

The Constitution of India has vested, in the Election Commission, the superintendence, direction and control of the entire process, for conduct of elections to Parliament and Legislature of every State, and to the offices of President and Vice-President of India. Village and city local elections have been left to the State Governments under local Commissioners.

The Election Commission can, justifiably, take pride in having successfully conducted the above electoral exercise to the satisfaction of all stake holders and participants, namely, political parties, candidates and the electorate.

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Electoral Laws & System

Elections are conducted according to the constitutional provisions, supplemented by laws made by Parliament. The major laws are Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls, and the Representation of the People Act, 1951, which deals, in detail, with all aspects of conduct of elections and post election disputes. The Supreme Court of India has held that where the enacted laws are silent or make insufficient provision to deal with a given situation in the conduct of elections, the Election Commission has the residuary powers under the Constitution to act in an appropriate manner.

Election Commission - a Constitutional Body

Election Commission of India is a permanent Constitutional Body. The Election Commission was established in accordance with the Constitution on 25th January 1950.

Originally, the commission had only a Chief Election Commissioner. From 1st October, 1993, the Election

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Commission is a three- member body, consisting of Chief Election Commissioner and two Election Commissioners.

Appointment & Tenure of Commissioners

The President appoints Chief Election Commissioner and Election Commissioners. They have tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and service conditions as are enjoyed by the Judges of the Supreme Court of India. The Chief Election Commissioner can be removed from office only through impeachment by Parliament.

Transaction of Business

The Commission transacts its business by holding regular meetings and also by circulation of papers. All Election Commissioners have equal say in the decision making of the Commission. The Commission, from time to time, delegates some of its executive functions to its officers in its Secretariat.

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Commission Secretariat & Election Machinery

The Commission has a separate Secretariat at New Delhi, consisting of about 300 officials, in a hierarchical set up.

Two Deputy Election Commissioners who are the senior most officers in the Secretariat assist the Commission. They are generally appointed from the national civil service of the country, and are selected and appointed by the Commission with tenure. Directors, Principal Secretaries, and Secretaries, Under Secretaries and Deputy Directors support the Deputy Election Commissioners in turn. There is functional and territorial distribution of work in the Commission. The work is organised in Divisions, Branches and sections; each of the last mentioned units is in charge of a Section Officer. The main functional divisions are Planning, Judicial, Administration, Information Systems, Media and Secretariat Co-ordination. The territorial work is distributed among separate units responsible for different Zones into which the 25 constituent States and 7 Union Territories of the country are grouped for convenience of management.

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At the State level, the election work is supervised, subject to overall superintendence, direction and control of the Commission, by the Chief Electoral Officer of the State, who is appointed by the Commission from amongst senior civil servants proposed by the concerned State Government. He is, in most of the States, a full time officer and has a team of supporting staff.

Field administration at the District and Sub-Divisional levels in India is run by the District Magistrates (Deputy Commissions/Collectors), Sub-Divisional Magistrates, Revenue Divisional Officers, Tahisldars etc. They are senior officers of the State Governments, belonging to the national and State civil services. The Election Commission utilises the same State Governments officers, for election work, by designating them as District Election Officers, Electoral Registration Officers, Returning Officers, Assistant Electoral Registration Officers, Assistant Returning Officers, etc. They all perform their functions relating to elections in addition to their other responsibilities. During election time, however, they are available to the Commission, more or less, on a full time basis.

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The gigantic task force for conducting a countrywide general election consists of nearly five million polling personnel, besides civil police forces. This huge election machinery is deemed to be on deputation to the Election Commission and is subject to its control, superintendence and discipline during the election period, extending over a period of one and a half to two months.

Budget & Expenditure

The Secretariat of the Commission has an independent budget, which is finalised directly in consultation between the Commission and the Finance Ministry of the Union Government. The latter generally accepts the recommendations of the Commission for its budgets. The major expenditure on actual conduct of elections is, however, reflected in the budgets of the concerned constituent units of the Union - States and Union Territories. If elections are being held only for Parliament, the expenditure is borne entirely by the Union Government, while for the elections being held only for the State Legislature, the expenditure is borne entirely by the concerned State. In case of simultaneous elections to Parliament and State Legislatures, the expenditure is shared equally between the Union and the

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State Governments. For Capital Equipment, expenditure related to preparation for electoral rolls and the scheme for Electors' Identify Cards too, the expenditure is shared equally.

Executive Interference Barred

In the performance of its functions, the Election Commission is insulated from executive interference. It is the Commission which decides the election schedules for the conduct of elections, whether general elections or bye-elections. Again, it is the Commission, which decides on the location of polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters.

Advisory Jurisdiction & Quasi-Judicial Functions

Under the Constitution, the Commission also has advisory jurisdiction in the matter of post election disqualification of sitting members of Parliament and State Legislatures. Further, the cases of persons found guilty of corrupt practices at

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elections which are decided by the Supreme Court and High Courts are also referred to the Commission for its opinion on the question as to whether such persons shall be disqualified for contesting future elections and, if so, for what period. The opinion of the Commission in all such matters is binding on the President or, as the case may be, the Governor to whom such opinion is tendered.

The Commission has the power to disqualify a candidate who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law. The Commission has also the power for removing or reducing the period of such disqualification as also other disqualifications under the law.

Judicial Review

The decisions of the Commission can be challenged in the High Courts and the Supreme Court of India by appropriate petitions. But, by a constitutional embargo and long standing convention and a catena of judicial pronouncements, once the actual process of elections has started, the judiciary does not intervene in the actual conduct of the polls. Once the polls are

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completed and result declared, the Commission cannot review any result on its own. This can only be reviewed through the process of an election petition, which can be filed before the High Court of the State concerned, in respect of elections to Parliament and State Legislatures. In respect of elections for the offices of the President and Vice-President of India, such petitions can only be filed before the Supreme Court.

Parliament

The Parliament of the Union consists of the President, the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). The President is the head of State, and he appoints the Prime Minister, who runs the government, according to the political composition of the Lok Sabha. Although the government is headed by a Prime Minister, the Cabinet is the central decision making body of the government. Members of- more than one party can make up a government, and although the governing parties may be a minority in the Lok Sabha, they can only govern as long as they have the confidence of a majority of the members of the Lok Sabha. As well as being the body, which determines whom, makes up the

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government, the Lok Sabha is the main legislative body, along with the Rajya Sabha.

President and Vice-President

The President is elected by the elected members of the Vidhan Sabhas, Lok Sabha, and Rajya Sabha, and serves for a period of 5 years (although he can stand for re-election). A formula is used to allocate votes so that there is a balance between the population of each State and the number of votes Assembly members from a State can cast, and to give an equal balance between States and national assembly (Parliament) members. If no candidate receives a majority of votes, there is a system by which losing candidates are eliminated from the contest and votes for them transferred to other candidates, until one gains a majority. The Vice-President is elected by a direct vote of all members, elected and nominated, of the Lok Sabha and Rajya Sabha.

Lok Sabha - the House of the People

Under the Constitution of India, the total number of elected members of the House of the People shall not exceed

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550. The House, at present, consists of 543 elected members, who are chosen directly from single member territorial Parliamentary constituencies, that is to say, each constituency elects one member to the House. Thus, the whole of the country is divided into 543 territorial Parliamentary Constituencies

The Constitution also provides for nomination, by the President, of two members belonging to the Anglo-Indian community, if that community is not adequately represented in the house of the People.

System of Election to Lok Sabha

Elections to the Lok Sabha (and also to Vidhan Sabhas) are carried out using a first-past-the-post electoral system. The country is split up into separate geographical areas/known as constituencies, and the electors can cast one vote each for a candidate, the winner being the candidate who gets the most votes.

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Rajya Sabha - the Council of States

The members of the Rajya Sabha are elected indirectly, rather than by the citizens at large. Rajya Sabha members are elected by each State Vidhan Sabha using the single transferable vote system. Unlike most federal systems, the number of members returned by each State is roughly in proportion to their population. At present, there are 233 members of the Rajya Sabha elected by the Vidhan Sabhas, and there are also twelve members nominated by the President ' as representatives of literature, science, art and social services. Rajya Sabha members can serve for six years, and elections are staggered, with one third of the assembly being elected every 2 years.

State Legislatures

India is a federal country, and the Constitution gives the States and Union Territories significant control over their own government. The Vidhan Sabhas (Legislative Assemblies) are directly elected bodies set up to carrying out the administration of the government in the 25 States of India. In five States, there is a bicameral organisation of legislatures, with both an Upper

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and Lower House [Vidhan Parishad (Legislative Council) and Vidhan Sabha (Legislative Assembly)]. Two of the seven Union Territories, viz., the National Capital Territory of Delhi and Pondicherry, have also Legislative Assemblies.

Elections to the Vidhan Sabhas are carried out in the same manner as for the Lok Sabha election, with the States and Union Territories divided into single-member Assembly constituencies, and the first-past-the-post electoral system used. The Assemblies range in size, according to population. The largest Vidhan Sabha is for Uttar Pradesh, with 425 members; the smallest Pondicherry, with 30 members.

Vidhan Parishads consist of representatives chosen by the members of the Vidhan Sabhas and local authorities, and also by graduates and teachers in the State having such Parishad. The Governor of the State also nominates certain members to give representation to art, science, literature, social service and co-operative movement. The elections to these Parishads are held under the system of proportional representation by means of a single transferable vote.

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Constituencies & Reservation of Seats

The country has been divided into 543 Parliamentary Constituencies, each of which returns one MP to the Lok Sabha, the lower House of Parliament. The size and shape of the parliamentary constituencies are determined by an independent Delimitation Commission, which aims to create constituencies which have roughly the same population, subject to geographical considerations and the boundaries of the States and administrative areas.

How Constituency Boundaries are drawn up

Delimitation is the redrawing of the boundaries of parliamentary or assembly constituencies to make sure that there are, as near as practicable, the same number of people in each constituency. In India, boundaries are meant to be examined after the ten-yearly census to reflect changes in population, for which Parliament by law establishes an independent Delimitation Commission, made up of the Chief Election Commissioner and two judges or ex-judges from the Supreme Court or High Court. However, under a constitutional amendment of 1976, delimitation was suspended until after the

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census of 2001, ostensibly so that States' family-planning programmes would not affect their political representation in the Lok Sabha and Vidhan Sabhas. This has led to wide discrepancies in the size of constituencies, with the largest having over 25,00,000 electors, and the smallest less than 50,000.

Reservation of Seats

The Constitution puts a limit on the size of the Lok Sabha of 550 elected members, apart from two members who can be nominated by the President to represent the Anglo-Indian community. There are also provisions to ensure the representation of scheduled castes and scheduled tribes, with reserved constituencies where only candidates from these communities can stand for election.

The number of these reserved seats is meant to be approximately in proportion to the number of people from scheduled castes or scheduled tribes in each State. There are currently 79 seats reserved for the scheduled castes and 41 reserved for the scheduled tribes in the Lok Sabha.

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There was an attempt to pass legislation to introduce reservation of one-third of the seats for female candidates, but the dissolution of Lok Sabha for the 1998 election occurred before the Bill had completed its passage through Parliament.

Who can vote for Lok Sabha or Vidhan Sabha Elections

The democratic system in India is based on the principle of universal adult suffrage; that is to say, any citizen over the age of 18 can vote in an election to Lok Sabha or Vidhan Sabha (before 1989 the age limit was 21). The right to vote is irrespective of caste, creed, religion or gender. Those who are deemed unsound of mind, and people convicted of certain criminal offences are not allowed to vote.

There has been a general increase in the number of people voting in Indian elections. In 1996, the turnout for the general election was 57.94 per cent, whereas for 1998 elections the voters' turn out was the highest ever, i.e., 62.04%. There have been even more rapid increases in the turnout of women and members of the scheduled castes and scheduled tribes, who had tended in the past to be far less likely to participate in

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elections, and voting for these groups has now moved closer to the national average.

The Electoral Roll

Unlike in most of the other modern democracies, where the electors themselves have to take steps for getting their names registered in electoral rolls, the onus of registering electors in India is taken up by the State. The Election Commission sends officials enumerators, from house to house, to collect data about eligible electors, on the basis of which electoral rolls are prepared for each constituency, polling station wise. Only those people with their names on the electoral roll are allowed to vote.

The electoral roll is normally revised every year to add the names of those who are to turn 18 on the 1st January of that year or have moved into a constituency and to remove the names of those who have died or moved out of a constituency. If some one is eligible to vote and is not on the electoral roll, he can apply to the Electoral Registration Officer of the constituency, who will update the register. The updating of the

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Electoral Roll only stops during an election campaign, after the nominations for candidates have closed.

Computerisation of Rolls

The Election Commission is currently undertaking the computerisation of the electoral rolls throughout India, which should lead to improvements in the accuracy and speed with which the electoral roll can be updated. This has already been completed in the northern States of Haryana, Punjab and Himachal Pradesh and the Eastern State of Tripura and Rolls in the new computerised format put to use for the general election in 1998.

Electors' Photo Identity Cards

In an attempt to further improve the accuracy of the electoral roll and prevent electoral fraud, the Election Commission has pressed for the introduction of photo identity cards for voters. This is a massive task, and at present over 338 million have been provided with cards. The Commission is providing ways and methods to deal with the problems with the

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issue of cards, and difficulties in keeping track of voters, especially the mobile urban electorate.

When do elections take place

Elections for the Lok Sabha and every State Legislative Assembly have to take place every five years, unless called earlier. The President can dissolve Lok Sabha and call a general election before five years is up, if the government can no longer command the confidence of the Lok Sabha, and if there is no alternative government available to take over.

General elections to the Lok Sabha took place in 1952, 1957, 1962, 1967, 1971, 1977, 1980, 1984, 1989, 1991 and 1996, and the twelfth Lok Sabha general election was recently held in January-March 1998. Governments have found it increasingly difficult to stay in power for the full term of a Lok Sabha in recent times, and so elections have often been held before the five-year limit has been reached.

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Bye-elections

If an elected member of Parliament or a State Legislature dies, or is disqualified, or resigns, or his election is set aside on an election petition, his vacancy in the concerned House is filled by holding a bye-election, in the same manner in which his election had originally been held. The successful candidate at the bye-election serves for the remainder of the term of his predecessor.

The bye-election is normally held within six months of the occurrence of the vacancy. However, no bye-election is held where the vacancy is for less than one year.

Scheduling the Elections

When the five-year limit is up, or the Legislature has been dissolved and new elections have been called, the Election Commission puts into effect the machinery for holding an election. The Constitution states that there can be no longer than 6 months interval between the last session of the dissolved Lok Sabha and the recalling of the new House, so elections have to be concluded before then.

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In a country as huge and diverse as India, finding a period when elections can be held throughout the country is not simple. The Election Commission, which decides the schedule for elections, has to take account of the weather - during winter, constituencies may be snow-bound, and during the monsoon, access to remote areas restricted, - the agricultural cycle, so that the planting or harvesting of crops is not disrupted, - exam schedules, as schools are used as polling stations and teachers employed as election officials, and religious festivals and public holidays. On top of this, there are the logistical difficulties that go with holding an election - sending out ballot boxes, setting up polling booths, recruiting officials to oversee the elections.

Who can stand for Election

Any Indian citizen who is registered as a voter and is over 25 years of age is allowed to contest elections to the Lok Sabha or Vidhan Sabhas. For the Rajya Sabha and Vidhan Parishads, the age limit is 30 years. Candidates for the Rajya Sabha, Vidhan Sabha and Vidhan Parishads should be a resident of the same State from which they wish to contest.

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Every candidate has to make a deposit of Rs. 10,000/- for Lok Sabha election and 5,000/- for Rajya Sabha or Vidhan Sabha or Vidhan Parishad elections, except for candidates from the Scheduled Castes and Scheduled Tribes, who pay half of these amounts. The deposit is returned if the candidate receives more than one-sixth of the total number of valid votes polled in the constituency. Nominations for Lok Sabha and Vidhan Sabha must be supported at least by one registered elector of the constituency, in the case of a candidate sponsored by a recognised Party and by ten registered electors from the constituency in the case of other candidates. Returning Officers, appointed by the Election Commission, are put in charge to receive nominations of candidates in each constituency, and oversee the formalities of the election.

Nominations, Withdrawals and Final Contestants

Under the Indian electoral laws, 8 days, including the date on which the election notification is issued, are provided for filing nominations in each constituency. Scrutiny of nominations normally takes place on the day following the last date for making nominations. Thereafter, two days are provided for

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withdrawal of candidatures, before the final list of contestants in each constituency emerges. For the 1998 general election, the total number of nominations filed was 6,199 and rejected on scrutiny was 807. 642 candidates subsequently withdrew their candidatures, leaving 4750 contestants in the field for 543 parliamentary constituencies.

The number of candidates contesting each election has steadily increased. In the general election of 1952 the average number of candidates in each constituency was 3.8; by 1991 it had risen to 16.3, and in 1996 stood at 25.6. Some commentators have criticised the openness of the nomination process, arguing that it is far too easy for 'frivolous' candidates to stand for election, and that this confuses the electoral process. Certain remedial measures have been taken, at the instance of the Election Commission, in August 1996, which included increasing the size of the deposit and making the number of people who have to nominate a candidate larger. The impact of such measures was quite considerable at the elections which were subsequently held, where the number of contestants came down quite significantly. In 1998, the number of nominations for the Lok Sabha has come down from 13,952 (in

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1996) to 4,750 - an average of 8.7 per constituency in comparison to 25.6 per constituency in 1996.

Campaign

The campaign is the period when the political parties put forward their candidates and arguments with which they hope to persuade people to vote for their candidates and parties. The official campaign lasts at least two weeks from the drawing up of the list of nominated candidates, and officially ends 48 hours before polling closes.

Once an election has been called, parties issue manifestos detailing the programmes they wish to implement if elected to government, the strengths of their leaders, and the failures of opposing parties and their leaders. Slogans are used to popularise and identify parties and issues, and pamphlets and posters distributed to the electorate. Rallies and meetings where the candidates try to persuade, cajole and enthuse supporters, and denigrate opponents, are held throughout the constituencies. Personal appeals and promises of reform are made, with candidates travelling the length and breadth of the constituency to try to influence as many potential supporters as

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possible. Party symbols abound, printed on posters and placards.

Model Code of Conduct

During the election campaign the political parties and contesting candidates are expected to abide by a Model Code of Conduct evolved by the Election Commission on the basis of a consensus among political parties. The model Code lays down broad guidelines as to how the political parties and candidates should conduct themselves during the election campaign. It is intended to maintain the election campaign on healthy lines, avoid clashes and conflicts between political parties or their supporters and to ensure peace and order during the campaign period and thereafter, until the results are declared. The model code also prescribes guidelines for the ruling parties, either at the Centre or in the States, to ensure that a level playing field is maintained and that no cause is given for any complaint that the ruling party has misused its official position for the purposes of its election campaign.

Over the years, the Election Commission has been sternly enforcing the model code of conduct and ensuring

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its strict observance by the ruling parties, at the Centre and in the States, so as to provide a level playing field, for all parties and candidates in the electoral fray.

Polling Days

Polling is normally held on a number of different days in different constituencies, to enable the security forces and those monitoring the election to keep law and order and ensure that voting during the election is fair. For the last general election, polling took place mainly on 16th, 22nd and 28th February, 1998.

Ballot Papers and Election Symbols

After nomination of candidates is complete, a list of competing candidates is prepared by the Returning Officer, and ballot papers are printed. Ballot papers are printed with the names of the candidates (in languages set by the Election Commission) and the election symbols allotted to each of the candidates. Candidates of recognised Parties are allotted their Party symbols.

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How voting takes place

Voting is by secret ballot. Polling stations are usually set up in public institutions, such as schools and community halls. To enable as many electors as possible to vote, the officials of the Election Commission try to ensure that there is a polling station within 2km of every voter, and that no polling stations should have to deal with more than 1200 voters. Each polling station is open for at least 8 hours on the day of the election.

On entering the polling station, the elector is checked against the Electoral Roll, and allocated a ballot paper. The elector votes by marking the ballot paper with a rubber stamp on or near the symbol of the candidate of his choice, inside a screened compartment in the polling station. The voter then folds the ballot paper and inserts it in a common ballot box which is kept in full view of the Presiding Officer and polling agents of the candidates. This marking system eliminates the possibility of ballot papers being surreptitiously taken out of the polling station or not being put in the ballot box.

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Some electors, including members of the armed forces or government of India officials serving outside the country, are allowed to vote by post.

Political Parties and Elections

Political parties are an established part of modern mass democracy, and the conduct of elections in India is largely dependent on the behaviour of political parties. Although many candidates for Indian elections are independent, the winning candidates for Lok Sabha and Vidhan Sabha elections usually stand as members of political parties, and election results show that people tend to vote for a party rather than a particular candidate. Parties offer candidates organisational 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.

Registration with Election Commission

Political parties are registered with the Election Commission. The Commission determines whether the party is

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structured and committed to principles of democracy, secularism and socialism in accordance with the Indian Constitution and would uphold the sovereignty, unity and integrity of India. Parties are required to hold organisational elections and have a written constitution. The Anti-defection law, passed in 1985, prevents MPs or MLAs elected as candidates of one party forming or joining a new party, unless they comprise more than one-third of the original party in the legislature.

Recognition and Reservation of Symbols

According to certain criteria, set by the Election Commission regarding the length of political activity and success in elections, parties are categorised by the Commission as recognised National or State parties, or simply declared registered-unrecognised parties. How a party is classified determines a party's right to certain privileges, such as access to electoral rolls and provision of time for political broadcasts on the state-owned television and radio stations - All India Radio and Doordarshan - and also the important question of the allocation of the party symbol. Party symbols enable illiterate voters to identify the candidate of the party they wish to vote for. National parties are given a symbol that is for their use only,

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throughout the country. State parties have the sole use of a symbol in the State in which they are recognised as such. Registered-unrecognised parties can choose a symbol from a selection of 'free' symbols.

Splits and mergers and anti defection law

Splits, mergers and alliances have frequently disrupted the compositions of political parties. This has led to a number of disputes over which section of a divided party gets to keep the party symbol, and how to classify the resulting parties in terms of National and State parties. The Election Commission has to resolve these disputes, although its decisions can be challenged in the courts.

At the time of 1998-general election, there were 7 National Parties, and 35 State Parties, with 620 registered-unrecognised parties.

Limit on poll expenses

There are legal limits on the amount of money a candidate can spend during the election campaign. In most Lok

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Sabha constituencies, the limit, as recently amended in December, 1997, is Rs 15,00,000/-, although in some States the limit is Rs 6,00,000/- (for Vidhan Sabha elections the highest limit is Rs 6,00,000/-, the lowest Rs 3,00,000/-). Although supporters of a candidate can spend as much as they like to help out with a campaign, they have to get written permission of the candidate, and whilst parties are allowed to spend as much money on campaigns as they want, recent Supreme Court judgements have said that, unless a political party can specifically account for money spent during the campaign, it will consider any activities as being funded by the candidates and counting towards their election expenses. The accountability imposed on the candidates and parties has curtailed some of the more extravagant campaigning that was previously a part of Indian elections.

Free Campaign time on State owned electronic media

By a recent order of the Election Commission, all recognised National and State parties have been allowed free access to the State owned electronic media - AIR and

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Doordarshan - on an extensive scale for their campaigns during elections. The total free time allocated extended over 122 hours, each on the State owned Television and Radio channels. This was allocated equitably by combining a base limit and additional time linked to poll performance of the party in the past election.

Supervising Elections, Election Observers

The Election Commission appoints a large number of Observers to ensure that the campaign is conducted fairly, and that people are free to vote as they choose. Election expenditure Observers keep a special check on the amount that each candidate and party spends on the election.

Counting of Votes

After the polling has finished, the votes are counted under the supervision of Returning Officers and Observers appointed by the Election Commission. After the counting of votes is over, the Returning Officer declares the name of the candidate to whom the largest number of votes have been given as the winner, and as having been returned by the constituency to the concerned House.

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Election Petitions

Any elector or candidate can file an election petition if he or she thinks there has been malpractice during the election. An election petition is not an ordinary civil suit, but treated as a contest in which the whole constituency is involved. Election petitions are tried by the High Court of the State involved, and if upheld can lead to the restaging of the election in that constituency. The election petition can be filed within 45 days of the declaration of result. Appeals from the orders of the High Courts lie to the Supreme Court of India.

Media Coverage

In order to bring as much transparency as possible to the electoral process, the media are encouraged and provided with facilities to cover the election, subject, however, to maintaining the secrecy of the vote.

The Election Commission has a comprehensive policy for the media. It holds regular briefings for the mass media-print and electronic, on a regular basis, at close intervals during the election period and on specific occasions as necessary on other

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occasions. The representatives of the media are also provided facilities to report on actual conduct of poll and counting. They are allowed entry into polling stations and counting centres on the basis of authority letters issued by the Commission. They include members of both international and national media. The Commission also publishes statistical reports and other documents which are available in the public domain. The library of the Commission is available for research and study to members of the academic fraternity; media representatives and anybody else interested.

Further, the Election Commission has, in co-operation with the State owned media - Doordarshan and All India Radio, taken up a major campaign for awareness of voters. The Prasar Bharati Corporation which manages the national Radio and Television networks, has brought out several innovative and effective short clips for this purpose.

Opinion Polls and Exit Polls

Media are also free to conduct Opinion Polls and Exit Polls. However, by a recent set of Guidelines issued, the Election Commission has stipulated that the results of opinion

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polls can not be published during the period between two days before the start of polling and the close of poll in any of the constituencies. Results of exit polls can only be published or made otherwise known only after the end of polling hours on the last day of poll (which was 28th of February in the last election of 1998).

International Co-operation

India is a founding member of the International Institute for Democracy and Electoral Assistance (IDEA), Stockholm, Sweden. In the recent past, the Election Commission of India has expanded international contacts by way of sharing of experience and expertise in the areas of Electoral Management and Administration, Electoral Laws and Reforms. Delegates of the Commission have visited Sweden, U.K, Russia, Bangladesh, and the Philippines in recent years. Election Officials from the national electoral bodies and other delegates from several countries - Russia, Sri Lanka, Nepal, Indonesia, South Africa, Bangladesh, Thailand, Nigeria, Australia and the United States, have visited the Commission for a better understanding of the Indian Electoral Process. The Commission has also provided experts and observers for elections to other countries in co-

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operation with the United Nations and the Commonwealth Secretariat.

New Initiatives

The Election Commission has taken several new initiatives in the recent past, a reference to some of which has already been made above. Notable among these are, a scheme for use of State owned Electronic Media for broadcast/telecast by Political parties, restrictions on Opinion and Exit Polls, checking criminalisation of politics, computerisation of electoral rolls, providing electors with Identity Cards, simplifying the procedure for maintenance of accounts and filling of the same by candidates and a variety of measures for strict compliance of Model Code of Conduct, for providing a level playing field to contestants during the elections.