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Citizens' Periodic Reports on the Performance of State Institutions

Conducting Elections in the World's Largest Democracy: A Case Study of India

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Pakistan Institute of Legislative Development And Transparency

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PILDAT is an independent, non-partisan and not-for-profit indigenous research and training institution with the mission to strengthen democracy and democratic institutions in Pakistan.

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CONTENTS

Preface
Abbreviations and Acronyms
About the Author
Executive Summary

Conducting Elections in the World's Largest Democracy 12

Women's Participation 13

Youth Voters 13

Challenge of Voter Apathy 13

Election Security 14
- Executing Non-Bailable Arrest Warrants 14

Use of Technology 14
- EVMs: The Wonder Machine of Indian Democracy 14
- Voter Verifiable Paper Audit Trail 15

Hallmarks of a Credible Election 16
- Independence 16
- Transparency 16
- Neutrality 16

Professionalism 17
- Empowerment of the Election Commission 17
- Empowerment by the Constitution 17
- Composition of the ECI 17
- Empowerment by the Parliament 18
- Empowerment by the Supreme Court 18
- Empowerment by Political Parties 19
- Empowerment by the Bureaucracy 20
- Empowerment by the Media 20
- Empowerment by the People of India 20

President's Rule during Elections 21

Five Essential Electoral Reforms 21

The New Media - an Emerging Force 21
- The Reach and Spread of Social Media 22
- Social Media - The Downside 22

Conclusion 23

References 24

PREFACE

Free, fair and credible Elections in Pakistan have been an area of focus of PILDAT under our overarching work on strengthening democracy and democratic institutions. For nearly a decade, PILDAT has been working on areas requiring electoral reforms in Pakistan as well as the independence, integrity and performance of the Election Commission of Pakistan (ECP) resulting in a rich body of work of over 60 papers and publications on the subject.

This paper, authored for PILDAT by **Dr. Shahabuddin Yaqoob Quraishi**, former Chief Election Commissioner of India, looks at the Election Commission of India (ECI) and how the institution ably manages **Conducting Elections in the World's Largest Democracy**. The paper discusses the key strengths of the ECI, the various challenges faced by it especially in recent times, and in conducting India's Lok Sabha and State Elections 2014 and how have those challenges been overcome by the ECI. The paper especially argues, in the context of Pakistan, on how some of the good practices from the ECI can be considered in strengthening the ECP and resultantly the electoral process in Pakistan.

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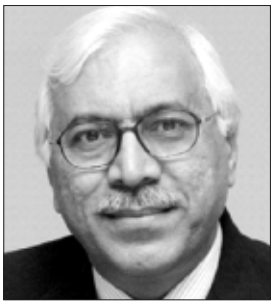
Disclaimer
The views expressed in this paper are those of the author and do not necessarily represent the views of PILDAT or that of DANIDA, the Government of Denmark, and the Royal Danish Embassy, Islamabad.

Islamabad
February 2015

Abbreviations and Acronyms

AIR	All India Reporter
BJP	Bharatiya Janata Party
DGP	Director General Police
CAG	Comptroller and Auditor General
ECI	Election Commission of India
ECP	Election Commission of Pakistan
EVM	Electronic Voting Machine
FIR	First Information Report
GE	General Elections
IIDEM	India International Institute of Democracy and Election Management
IIT	Indian Institute of Technology
IT	Information Technology
KABP	Knowledge, Attitude, Behaviour and Practices
MCC	Model Code of Conduct
NIC	National Informatics Centre
NVD	National Voters Day
RP Act	Representation of the People Act
SC	Supreme Court
SC/ST	Scheduled Castes/Scheduled Tribes
SVEEP	Systematic Voters' Education and Electoral Participation
UP	Uttar Pradesh
VVPAT	Voter Verifiable Paper Audit Trail

ABOUT THE AUTHOR



Dr. Shahabuddin Yaqoob Quraishi is the former Chief Election Commissioner of India (2010 – 2012). During his tenure, Dr. Quraishi introduced a number of electoral reforms, including the establishment of an Expenditure Control Division, through which, money power in elections was more effectively controlled. Dr. Quraishi also established a Voter Education Division in the Election Commission of India and launched the Youth United for Voter Awareness and the National Voters Day, as part of his ongoing initiatives to increase the participation of youth voters.

Prior to his work in the Election Commission of India, Dr. Quraishi served as Secretary, Ministry of Youth Affairs and Sports, Government of India. He has also held the offices of Special Secretary (Health) & Director General of the National AIDS Control Organization, Director General, Doordarshan (National Television Network), and Director General of Nehru Yuva Kendra Sangathan, India's largest rural development agency.

Dr. Quraishi has authored a number of books and articles, pertaining to democracy and elections, health, and women and child development amongst others. More recently, he published, 'Elections: An undocumented Wonder', a book on the conduct of elections in the largest democracy in the world.

EXECUTIVE SUMMARY

Dr. S. Y. Quraishi argues in this paper that over the past 64 years, the Election Commission of India has successfully delivered 16 elections for the Lok Sabha, (the House of the People) and over 360 elections to State Legislative Assemblies, ensuring peaceful, orderly and democratic transfer of power. As the world's largest democracy, with millions added to the number of voters, after each cycle, the ECI has a major task to continuously improve its performance.

The General Election in India in May 2014 was the biggest election in the world. 554 million of 834 million registered voters exercised their franchise at 931, 986 polling booths on 1.8 million Electronic Voting Machines (EVMs), and allowed for a successful and smooth transition of governments, in spite of the sheer size of the electorate. While the ECI has performed well in the conduct of elections, through the increase of election security, and the addition of youth voters to the electorate, it is important to recognize the need to identify areas of weakness and continuously improve. For the ECI, some key essentials are recommended to help in maintaining efficiency, while preventing wrongdoing in elections:

i. Bar candidates facing heinous criminal charges from contesting elections by amending the Representation of the People Act, 1951
ii. Bring transparency to political funding by ensuing all transactions by cheque and auditing the accounts of all registered political parties through CAG (Comptroller and Auditor General of India) and putting the audit reports in public domain.
iii. Ensuring transparent inner-party democracy by making annual elections mandatory for office-bearers at all levels and considering tenure limits for political party executives
iv. Checking the role of unaccounted and tainted money in the elections by replacing corporate and political donations by a transparent state funding based on electoral performance
v. Making the Election Commission of India stronger with a budget charged to the Consolidated Fund of India, ensuring full financial autonomy and making the selection process to the Election Commission more participatory involving a collegium.

Using the example of the ECI, similar institutions in other parts of the world, such as Pakistan, may consider reforms based on what are perceived as the hallmarks of a credible election: independence, transparency and neutrality in all election related operations.

Institutions such as the ECI succeed due to their openness to new ideas and the ability to learn from their mistakes and achievements. Experience sharing is the need of the time and democracies around the world look forward to sharing the knowledge, skills and expertise at ECI's disposal.

Conducting Elections in the World's Largest Democracy

A vibrant electoral democracy has been India's most distinct identity, long before it established itself as an economic, nuclear or IT major. Founded by a great Constitution, it has been nurtured by the Parliament, judiciary, political parties, media, and above all, by the people of India, with some distinct contribution from the Election Commission of India and its bureaucracy.

Despite doubts and fears from many quarters, founders of modern India adopted universal adult suffrage reposing faith in the wisdom of the common Indian to elect his/her representative to the seat of power. Choice of electoral democracy was variously termed: a giant leap forward, a bold enterprise, an unparalleled adventure. In the aftermath of a bloody partition, this was a period when 84% of Indians were illiterate, living in an unequal society fractured by a caste-based hierarchical system. The country adjusted itself to the new environment of freedom and democracy in no time. India went on to prove Nobel laureate Amartya Sen's famous statement that a country does not become fit for democracy it becomes fit through democracy.

Over the past sixty-four years, the Election Commission of India has delivered sixteen elections to the Lok Sabha (the House of the People) and over 360 elections to State Legislative Assemblies, ensuring peaceful, orderly and democratic transfer of power.

The fourteenth General Election (GE) in May 2014 was the biggest election in the world history. As many as 554 million of 834 million registered voters exercised their franchise at 931,986 polling booths on 1.8 million Electronic Voting Machines (EVMs). In sheer size, the Indian electorate is bigger than the combined voter population of each continent. In fact, it is like 90 countries rolled into one, not just in terms of numbers alone but the complexities as well.

Prime Minister Narendra Modi visits former Prime Minister Manmohan Singh at his house just after taking oath

And the numbers are always growing. The GE 2014 saw the addition of over 118 million voters since the previous General Election in 2009. In terms of the voting, this is like adding an entire Pakistan, or South Africa and South Korea combined, or three Canadas, or four Australias, or 10 Portugals or 20 Finlands to the population!
India is perhaps the most diverse country in the world - multi-religious, multi-cultural, multi-lingual, and multi-ethnic, besides geographical diversity (deserts, mountains, plains, forests, islands, and coastal areas). The demands of this diversity can be mind-boggling.

Equally difficult are the other challenges of fighting terrorism, security threats, adjusting to globalisation and rising expectations of an information savvy growing middle class. There is a responsibility on the ECI to deliver free, fair, transparent and peaceful elections, ensuring total inclusiveness, especially of women, minorities and depressed classes. Special strategies are adopted for their inclusion.

Women's Participation

To ensure the equitable participation of women, electoral rolls are regularly monitored to ensure that their ratio in the electoral roll corresponds to their ratio in the population. This exercise, begun in 2006, has brought about a remarkable increase in women voters. Several steps have encouraged and facilitated women's participation on the polling day. For one, there are separate queues for men and women. To make it faster for women, in Uttar Pradesh elections in 2012, it was decided to allow two women in the queue to proceed for every one man. This worked wonders as their queues moved very fast, which motivated others to go and vote. This has been made a nationwide practice. Posting invariably one female polling staff member, all-women polling stations in areas with *purdah nasheen* (veiled) voters, and deployment of women police force are some of the gender sensitive measures that have enhanced women's participation.

In GE 2014, the turnout of women went up from 55.82% to 65.63% - a jump of nearly 10 %, as against 8% for men. Moreover, in 16 out of 35 states, they outnumbered their male counterparts, despite their adverse gender ratio. This also meant shrinking of the gender gap that used to hover between 10-15% to an all time low of 1.46%.

Youth Voters

We had also seen that a large number of newly eligible voters were not getting enrolled, in spite of the annual revision exercise for reasons of apathy or ignorance. It was decided to take up vigorous campaigns to identify all eligible voters who had attained the age of eighteen years or would do so, as on January 01. A drive was launched to locate such youth well in advance and enrol them as soon as the electoral rolls are notified in the first week of January (many months earlier than ever before) and hand over their voter cards on January 25, at a felicitation to be organised at all the 800,000 polling stations to be celebrated as the National Voters Day (NVD).

The President of India inaugurated the first NVD on January 25, 2011, in the presence of Chief Election Commissioners of over thirty countries, including that of Pakistan. The beauty of the programme is that for this countrywide celebration, not a single extra rupee was demanded. The normal funds for electoral registration activities were used and converted it into a major national 'event'. Many countries evinced interest in this unique zero cost but effective model and some subsequently adopted it.

Challenge of Voter Apathy

Elections have to be not only free and fair but also socially just and more participative. During the sixty-four years of our democratic history, the voter turnout has remained around 55-60%. It is a reasonably good figure compared to the declining voter interest in several societies, but it is definitely far less than what the ECI aspires to achieve. The urban voter apathy has been a constant concern for us, with the so-called educated people not only refraining from voting but bragging about it.

The President of India inaugurated the first NVD on January 25, 2011, in the presence of Chief Election Commissioners of over thirty countries, including that of Pakistan

To address this, the ECI came up with a Systematic Voters' Education and Electoral Participation (SVEEP) wing that rolls out multi-media campaigns to bring all citizens, especially the urban upper and middle class and the youth, into electoral participation.

The process begins with a scientific survey of Knowledge, Attitude, Behaviour and Practices (KABP) of voters and based on which voter awareness programmes are launched in partnership with civil society organisations and the media. This initiative has returned dramatic dividends in terms of higher registration and record turnout in each of the recent state elections in thirty states, besides the national election 2014. In 22 of 35 states, women turnout has been higher than the men.

Election Security

Participation is also influenced by the public confidence in security and fairness of the systems. Security, therefore, is a major drill for the Election Commission. A free and fair election is not possible without utmost vigilance and foolproof security, ruling out all possible threats, leaving nothing to chance. An elaborate security plan is, therefore, the biggest weapon in Election Commission's armour.

To name the major steps:

i. Preventive actions and special drives to update lists of history sheeters, declared absconders, criminals who are bound down under under section 107: Security for keeping the peace in other cases, section 109: Security for good behaviour from suspected persons, and section 116: Inquiry as to truth of information, of the Criminal Procedure Code
ii. Expediting the investigation and prosecution of pending election-related cases
iii. Unearthing illicit liquor
iv. Seizure of illegal arms and ammunitions,
v. Checking and depositing of licensed arms with the police
vi. Ban on issuing new arms licenses

Vulnerability Mapping

To pre-empt any trouble during the election process, an elaborate exercise called Vulnerability Mapping is done of the entire region – down to every polling booth. Booths are classified as normal, sensitive and hyper sensitive based on a thorough antecedent check of the area. The following aspects are taken into account:

i. Past history of the constituency or the polling area.
ii. Incidents of booth capturing, violence, riots, large-scale impersonations etc.
iii. Information regarding an abnormal law and order situation in a particular area.
iv. Specific complaints made by political parties and candidates.
v. Political profile of candidates.
vi. Political rivalries.
vii. Number of history sheeters and absconders.
viii. Number of Scheduled Castes (SC)/Scheduled Tribes (ST)* electors.

*The deployment of force is done based on this analysis to get optimum effect.

Executing Non-Bailable Arrest Warrants

A very critical feature of election security is the execution of pending non-bailable arrest warrants. The ECI often receives complaints that many criminals, against whom the court had issued non-bailable warrants of arrest, continued to roam free, evading arrest with the help of their political protectors. These elements are then used by politicians to help them during elections. A few months before the due date of the polls, the Election Commission of India starts monitoring the execution of all non-bailable arrest warrants and ensures that all the absconders are rounded up. This has greatly contributed to making elections peaceful and free from crime and intimidation.

Use of Technology

Managing elections in a country of Sub-Continental dimension cannot be done easily without the application of every possible technology. This has brought great efficiency in the electoral process. These technologies are rigorously field-tested before adoption to ensure absolute reliability. We have seen many elections in several countries collapsing because of hasty introduction of untested technology. Many of the innovations actually originated in the field and were subsequently adopted at the national level.

EVMs: The Wonder Machine of the Indian Democracy

No discussion on the use of technology in Indian elections can be complete without a reference to the Electronic Voting Machines (EVM). It was pilot tested in 1982. Although technology was successful, legal challenges arose.

Managing elections in a country of Sub-Continental dimension cannot be done easily without the application of every possible technology

The Supreme Court declared it illegal in the absence of any mention of EVM in the Representation of the People Act. This lacunae was removed by the Parliament after which there was no stopping it.

The EVMs have been used in all bye-elections to Parliamentary and Legislative Assembly constituencies since November 1998. The General Elections to the Lok Sabha in 2004, 2009 and 2014 were conducted exclusively with the EVMs. It has revolutionised counting, making it quick, peaceful, efficient and free from invalid votes. The counting-day disputes and tensions have just disappeared. No wonder, it has come to be described as a wonder machine of the Indian democracy.

Many countries have adopted EVMs including Bhutan, Nepal and Namibia. Several technological changes were made in EVMs in 2001 and again in 2006 to upgrade them. The Commission does not take any technical decision without the recommendation or approval of an independent committee of experts drawn from different IITs.

Voter Verifiable Paper Audit Trail

Despite its repeated success, several political parties at one time or the other has questioned the EVM. When they lost, they questioned the EVMs, when they won they forgot to compliment the EVM. There were several failed challenges in the courts as well.

It led to the demand for a Voter Verifiable Paper Audit Trail (VVPAT) in the EVMs. A VVPAT allows voters to verify that their vote was cast correctly, and to provide a means to audit the stored electronic results.

An all-party meeting was called and, on their suggestion, the Commission referred the proposal to the Independent Technical Experts Committee. The Committee held consultations with political parties, civil society organisations and manufacturers of

EVMs, who developed a prototype VVPAT system.

A field trial was conducted in Thiruvananthapuram (coastal area in Kerala), Delhi (capital of India), Jaisalmer (hot, desert region in Rajasthan), Cherrapunji (in Meghalaya, that receives highest rainfall in the world) and Leh (snowbound region in Jammu & Kashmir) in July 2011. All stakeholders including political parties, civil society organisations and the media attended.

Based on the feedback, the manufacturers were asked to make important changes in the design, which were tested in the field once again in July-August 2012 at the same places where the first field trial was held.

The Technical Expert Committee approved the final design of the VVPAT on February 19, 2013. The system was demonstrated in another all-party meeting held on May 10, 2013. All political parties recommended that VVPAT should be used in elections as soon as possible. The Commission decided to use the system initially on September 04, 2013 in a bye-election for an assembly constituency in Nagaland, and subsequently in Delhi Assembly elections in December 2013, and in the National election in 2014, though in selected constituencies, using only 20,000 VVPAT machines as could be manufactured by then. It is hoped that the next General Election 2019 will be held fully with these machines.

Hallmarks of a Credible Election

Four hallmarks characterise the way in which the ECI handles the mammoth task of holding elections in India:

i. Independence
ii. Transparency
iii. Neutrality
iv. Professionalism

Independence

The ECI is not only independent in its structure but it is, unquestionably, fiercely independent in its functioning. Once appointed, a CEC cannot be removed except by impeachment, like judges of the Supreme Court with whom the Commissioners are equated. It maintains an 'arms length distance' from the Government.

For instance, Returning Officers are from the Indian Administrative Service and Provincial Civil Service officers. The judiciary is only a part of this when FIR is filed for violation of the Representation of the People Act, which makes it a court case and brings it in judicial domain. Only after the results are announced the judiciary comes in in the form of election petition filed in the high court. The Supreme Court comes down heavily on any court that interferes during the election process. 'Election process' is defined as the period from the moment the Election Commission of India announces the election schedule till the announcement of the results.

Transparency

No effort is spared to ensure that the entire electoral process is transparent and there is a level playing field for all. Some of these measures are listed here:

i. Electoral rolls are shared with all political parties/candidates and hosted on web portals for the voters to see
ii. Any applications for additions, deletions and corrections in the rolls are published locally and read-out in *gram sabhas* (in rural areas) and in *ward sabhas* (in urban areas)
iii. All candidates are made to declare their assets and details of criminal cases in an affidavit filed by them along with their nomination papers. These are then displayed on all notice boards and shared with civil society; any citizen is free to get a copy of these on a nominal payment. These details are also put on the website.
iv. All EVMs are checked by engineers before deployment in the presence of agents of political parties
v. All candidates are entitled to have their agents present at the polling stations and counting centres. Publication and announcement of results is done after every round of counting to prevent later manipulation
vi. Video recording of all critical elements of the electoral process is done
vii. Every decision of the Commission is uploaded on the website of the commission on a day-to-day basis

Once appointed, a CEC cannot be removed except by impeachment, like judges of the Supreme Court with whom the Commissioners are equated

Neutrality

Unquestionable neutrality of the entire election machinery is ensured at all times. Strict implementation of the Model Code of Conduct ensures than no one, especially the ruling party, gets an unfair incumbency advantage.

The polling staff is carefully selected and randomised for deployment and anyone suspected of partisanship is removed forthwith irrespective of the rank. The polling staff employees are selected from the Government or a Public Service Undertaking, not from private companies. The staff is recruited from various Government departments, companies, and Government run universities. There is careful scrutiny on the selection, randomisation, and transfer of staff members on the basis of complaint or even perception of partisanship, for which there is zero tolerance. A transfer policy ensures that all those who are posted for three years are shifted without exception. On reasonable suspicion of political partisanship/leanings or complaint, any one, irrespective of rank, is moved out. Even Chief Secretaries, Home Secretaries and Directors General of Police (DGPs) have been removed.

Professionalism

One of the secrets of the ECI's success is the professionalism of the election machinery. Every person engaged in any manner in election management is properly trained for her/his job; be it the Returning Officer or the observer or videographer whose role is to cover the campaigns of the candidates and the poll day activities. It is not just fear of the powers that the ECI derives from the Indian Constitution, but also the respect that it generates due to its commitment to exercising these powers without fear, favour or discrimination. And that affords it the success rate with which elections have been held on time every time for six decades.

The General Election of 2014 was a milestone in the proud electoral history of India. What empowers ECI to conduct the world's largest management event with such aplomb, election after election? It is primarily the solid constitutional and legal foundation.

Empowerment of the Election Commission

There are seven pillars on which the strong edifice of the Election Commission is solidly built, four of which relate to legal and constitutional remit:

- The Constitution of India
- Parliament which legislates the Acts
- Supreme Court of India and the state High Courts
- Political Parties who voluntarily adopted a Model Code of Conduct
- The Bureaucracy that conducts the mammoth exercise with extreme efficiency and fearlessness in an absolute non-partisan way
- The Media that acts as the eyes and ears and an ally of the Commission
- The People of India, who repose full trust in democracy and the Election Commission and regularly throw out any dispensation they don't like but in the most peaceful manner

The mandate given to the Election Commission by the Constitution was to conduct free and fair elections in which the people are in a position to express their will fearlessly and according to their own free choice, in a fully secure and secret manner

Empowerment by the Constitution

The mandate given to the Election Commission by the Constitution was to conduct free and fair elections in which the people are in a position to express their will fearlessly and according to their own free choice, in a fully secure and secret manner. Care was taken to ensure that the Commission was vested with all necessary powers to discharge its functions independently, insulated from interference or pressures from the political executive.

Composition of the ECI

Article 324 (2) of the Constitution provides that the Election Commission shall consist of the CEC and such number of other Election Commissioners, if any, as the President may, from time to time, fix. Initially a single-member body with only the CEC as its head, it was made a three-member body in 1993, which was a welcome step. When vast powers are exercised by an institution that is accountable to none, it is politic to entrust its affairs to more hands than one. It helps to check arbitrariness and assures judiciousness.

The Constitution empowered the Parliament to formulate laws under Article 327 of the Constitution 'with respect to all matters relating to, or in connection with, elections to either House of the Parliament or Legislature of a State.' However, this power of Parliament to make laws is 'subject to the provisions of this Constitution.'

Thus, Parliament cannot make any law, which may have the effect of diluting or whittling down the powers given to the Commission by the Constitution. In fact, any such law may amount to affecting the basic structure of the Constitution. In this context, the Supreme Court observed in Special Reference No. 1 of 2002 (AIR 2003 SC 87) that, 'The Parliament is empowered to frame laws as regards conduct of elections, but conducting elections is the sole responsibility of the Election Commission. As a matter of Constitutional mandate, the plenary powers of the Election Commission cannot be taken away by law framed by Parliament. If Parliament makes any such law, it would be repugnant to Article 324.' The apex

court further held that, 'where any law made by Parliament is silent, Article 324 gives power to the Commission to act in such a vacuous area.'

It is in exercise of such inherent powers under Article 324 that the Election Commission promulgated the Election Symbols (Reservation and Allotment) Order, 1968 governing, inter alia, the recognition of political parties as national and state parties.

Empowerment by the Parliament

The Parliament has made all necessary provisions in the laws governing the conduct of elections, mainly the Representation of the People Act of 1950 and 1951 and the Presidential and Vice Presidential Act, 1952 to effectuate the powers of the Election Commission of India. Wherever these legal provisions were found wanting in any respect, amendments were made to overcome them. For instance, under Section 159 of the People Act, 1951, the Commission could requisition the services of employees only of the Government and local authorities. But their number being found inadequate, Section 159 was amended in 1997 on the recommendation of the Commission to provide for the services of employees of the Government-run or founded universities and companies as well.

The Commission also felt handicapped in disciplining officers deployed on election duties for any acts of omission or commission in performing their election related duties in the absence of any express provision in law. Such officers and staff were governed by their own service rules. The Parliament amended the law mandating that all officers deployed on election duties shall be deemed to be on deputation to the Election Commission of India during the period of such deployment and that they shall be subject to the control and discipline of the Commission during that period.

The authority that the Commission wields and the respect it enjoys today comes substantially from the Supreme Court's benevolent interpretation of the various provisions in the Constitution and the laws relating to elections and the Election Commission of India

When the Commission decided to use electronic voting machines, legislative sanction for the use of such machines was provided by Parliament in 1989 by making necessary provisions in Section 61 A of the Representation of the People Act, 1951. Earlier, the Supreme Court had held in 1984 that such machines cannot be used by the Commission in the absence of a law providing for their use. There are several other examples where Parliament came to the aid of the Commission to arm it with necessary powers to discharge its functions more effectively.

Empowerment by the Supreme Court

The authority that the Commission wields and the respect it enjoys today comes substantially from the Supreme Court's benevolent interpretation of the various provisions in the Constitution and the laws relating to elections and the Election Commission of India. After the first General Election itself, the Supreme Court interpreted the word 'election' in Clause (b) of Article 329 as the entire process starting with the issue of the notification calling the elections and culminating in the declaration of the result (N.P. Ponnuswami versus Returning Officer, Namakkal - AIR 1952 SC 64). It also placed a bar on the interference by courts, including Supreme Court itself, in electoral matters.

There were doubts in some minds whether the election schedule drawn by the Election Commission was binding on the President and Governors, who have to issue notifications setting the electoral process in motion, or if the Council of Ministers at the centre and in the states could make any alterations in such schedule, as under the Constitution, the President and Governors have otherwise to act on the aid and advice of their Council of Ministers. This doubt was set at rest by the Supreme Court. The Court held that, "So far as the framing of the schedule or calendar for election is concerned, the same is in the exclusive domain of the Election Commission, which is not subject to any law framed by the Parliament" (Special Reference No. 1 of 2002 AIR 2003 SC 87).

Another direction of far reaching importance was given by the Supreme Court in 1993 to the Government that the Commission be provided with the services of central armed police forces it required for ensuring

Model Code of Conduct is a unique compact evolved with the consensus of political parties in India and is a singular significant contribution by them to the cause of democracy

peaceful polls. It also put its seal of approval on the power of the Government personnel seconded to it for deployment on election duties, including the power to suspend and transfer them. This has ensured that officials deployed for elections remain non-partisan. Again, endorsement that the Model Code of Conduct will come into force from the date of announcement of the election schedule by the Commission has ensured clean and orderly campaigning. Upholding the constitutional validity of the Election Symbols (Reservation and Allotment) Order, 1968 which provides for, inter alia, the recognition of political parties as national and state parties very significantly confirmed the power of the Election Commission to make subordinate legislation. Its order that all candidates intending to contest will have to furnish two affidavits declaring their educational qualifications, financial assets and liabilities and criminal cases pending against them, has dramatically contributed to transparency and empowered the citizens to make an informed choice.

Empowerment by Political Parties

The much-maligned political parties have also contributed to empowering of the ECI in no small measure by agreeing to a voluntary model code of conduct during elections.

Model Code of Conduct is a unique compact evolved with the consensus of political parties in India and is a singular significant contribution by them to the cause of democracy. The Election Commission enforces it right from the day it announces any election schedule. MCC has no statutory backing and many of its provisions are not legally enforceable. Yet the compliance is immense. Public opinion is the moral sanction for its enforcement.
What does Model Code regulate?

Peaceful and orderly conduct: For every meeting or procession, candidates and parties are required to obtain prior permission from the district administration. The code stipulates observing traffic regulations, avoiding congestion on the roads and maintaining orderly behaviour.

Equal opportunity: Public places like Government guest houses or schools etc. are not allowed to be monopolised by any party or candidate, for meetings, helicopter landings, etc. Everyone must take prior permission for using such facilities. To prevent discrimination, applications are entered in a register (not on loose sheets) to ensure that the 'first come first served' principle is strictly observed.

Right of Citizens to peace: Parties and candidates cannot indulge in wall writing and sticking posters without prior permission of the owner or occupier of the property. These provisions are aimed at preventing public nuisance and defacement of property. They also protect the general public against harassment and intimidation. Prior permission of the returning officer is needed to deploy vehicles for electioneering and to use loudspeakers, to ensure that children in schools, patients in hospitals and people at worship are not disturbed. Use of loudspeakers is prohibited from 10:00 pm to 6:00 am

Decorum in a campaign: Parties and candidates are to refrain from personal attacks and criticism of the private lives of individuals and from raising allegations based on unverified facts. The code aims at promoting an issue-based election campaign, not only to maintain the dignity of the elections but also to prevent violent clashes.

Preventing corrupt practices and electoral offences: Parties and candidates are to refrain from using religion and religious sentiments for obtaining votes, indulging in activities, which may create mutual hatred between different castes and communities, and from bribing voters.

Preventing misuse of Government machinery: The Code places restrictions on ruling parties and the Government of the day. It stipulates that during electioneering, ministers shall not use official machinery, vehicles or personnel, sanction grants/payments out of discretionary funds, announce or promise new financial grants in any form, lay foundation stones for projects, make promise of projects like roads, water facilities, etc., or make any ad hoc appointments in Government or public sector

undertakings. This is necessary to neutralise the incumbency advantage.

Empowerment by the Bureaucracy

Government employees under direct control of the Election Commission of India conduct the entire election. Most people around the world find it incredible how Government bureaucracy can be neutral. Election Commission would not trust anybody but Indian bureaucracy that has repeatedly proved its neutrality and professionalism when it comes under the ECI. The secret is insulating them from political parties pressure and instant punishment and reward for their performance. That's how a workforce of 11 million Government officials conducted the previous three General Elections without a blemish – a no mean achievement. This is due to an order of the Supreme Court in 2002, which made it clear that the Election Commission of India has absolute power over the staff deputed for election duty

Empowerment by the Media

For enabling the Commission to discharge its duties effectively, the media can be its most potent and formidable ally. The media not only acts like society's watchdog by spotting malpractices and violations of laws and the Model Code of Conduct, it also becomes a provider of vital evidence when the Commission has to initiate action against any person or party. Although we deploy our men in large numbers, the media often gets the information first. Therefore, election officials have been asked to treat all media reports of malpractices as 'complaints' and initiate action without waiting for formal orders from the ECI.

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Media, of course, is free to criticize the ECI as well, and it does so, without mincing words. But, as the conduct and performance of the ECI has been generally flawless, it ends up praising it, often profusely. Two examples below clearly show how media looks at the ECI.

Empowerment by the People of India

Democracy is about people, their participation and their perception of the institutions. The trust of the

My Vote is for EC, Real Custodian of the Idea of India

When did you last hear that quaint phrase booth- capturing? If you haven't come across it even as elections are on in places like Uttar Pradesh, have you wondered why? The answer is quite simple. It is because of the Election Commission (EC). It is an oasis of excellence in an otherwise muddied atmosphere simply because it is executing its constitutional mandate without fear or favour.

The heartwarming message is that the system works, irrespective of who is the Chief Election Commissioner.

From the days of EC activism by Seshan, today the EC has become a well-oiled machine with the CEC SY Quraishi preferring to stay out of the spotlight and get on with the job, and very well at that.

Today, the EC has perfected the art of letting the caravan move on and managing elections with very few glitches. So much so that other countries, including developed countries, are trying to study the Indian model.

But the lesson for me lies in what miracles can be wrought when you empower a person and his office and leave well alone. Incorruptibility combined with efficiency has streamlined one of the biggest and most complicated electoral systems in the world.

But where the EC has bucked the trend in so many of our personality driven institutions is in that it has superseded the persona of the person who heads it. Its work is carried forward by the thousands of people who endure considerable hardship to go to all corners

people that ECI enjoys will be the envy of any election managing body in any country. The ECI always stands at the top in public perception of trustworthiness

President's Rule during Elections

There was a time when opposition parties clamoured for the imposition of a caretaker Government or the President's rule when elections were announced, to prevent parties in power from unduly influencing the electoral process. In neighbouring Bangladesh, demand for an interim, non-political Government to conduct the General Elections on January 05, 2104, and a boycott of the elections by the main opposition party when the demand was not met, almost brought the country to the brink of disaster. Scores of polling booths were torched and many people were killed. Such lack of trust in the election machinery spells danger for democracy. However, in India, the Election Commission has been vested with adequate constitutional authority and administrative powers to prevent the ruling parties from unsettling the level playing field in any manner during elections. Here, once the elections are announced, the police, paramilitary forces and the bureaucracy come under the jurisdiction of the Election Commission of India while implementation of the Model Code of Conduct neutralises the incumbency advantage of the ruling party. Indeed the system has virtually all the trappings of President's rule! In fact, it is even better, as President's rule still means the rule of a political party at the centre, while the Election Commission is totally non-political and neutral.

Having achieved enormous trust and credibility, we can still not claim that the system is as yet perfect. The ECI has been suggesting several electoral reforms of which the following reforms have the potential to be game changers in establishing a healthy democratic culture in the country.

The trust of the people that ECI enjoys will be the envy of any election managing body in any country. The ECI always stands at the top in public perception of trustworthiness

Five Essential Electoral Reforms

The improvement of the electoral system is a continuing concern. With the type of constitutional mandate that the Commission has, it cannot afford to sit on its laurels. There are several reform proposals from the Commission that aim at cleaning up the electoral process. Some of these proposals deal with criminalisation of politics and regulation of campaign finance, internal democracy of political parties, etc. The following constitute 5 essential reforms as we see them.

i. Barring candidates facing heinous criminal charges from contesting elections by amending the Representation of the People Act, 1951
ii. Bringing transparency to political funding by ensuing all transactions by cheque and auditing the accounts of all registered political parties through CAG (Comptroller and Auditor General of India) and putting the audit reports in public domain
iii. Ensuring transparent inner-party democracy by making annual elections mandatory for office-bearers at all levels and considering tenure limits for political party executives
iv. Checking the role of unaccounted and tainted money in the elections by replacing corporate and political donations by a transparent state funding based on electoral performance
v. Making the Election Commission of India stronger with a budget charged to the Consolidated Fund of India, ensuring full financial autonomy and making the selection process to the Election Commission more participatory involving a collegium. This will lend it greater public trust and insulate it from unwarranted finger pointing. It is worth noting that there is no limit on expenditures made by political parties.

The New Media - an Emerging Force

A distinctive new feature of the latest General Election was the significant role played by the New Media, including mobile telephony and social media, in any election for the first time. Some went so far as to call social media the new election 'battleground' and GE 2014 the first social media election. Adam Sharp of Twitter described it as the country's first Twitter election with 'candidates, journalists and citizens using the Twitter platform to discover election content, converse with others in real time and express their views'. The Aam Aadmi Party had started the trend. They used new media most powerfully and managed a fantastic outreach to the people but failed in their

The Internet and Mobile Association of India estimates that a well-executed social media campaign can swing 3-4% of votes. Indians are now familiar with how just a 1 or 2% swing can have a decisive impact on results

messaging strategy, ending up with just 2% vote share.

However, it was, undoubtedly the BJP that used the media most effectively. 'The social media effect was huge for BJP... They really understood that social media is an extended version of the campaign trail", remarked Michael Kugelman of the Woodrow Wilson Centre. Arvind Gupta, head of the BJP's Information Technology Cell confirmed this by saying, 'We saw a trend. We read this trend where the youth of the country were embracing social media as their first tool when they started using Internet. We made sure of our presence there'. According to his estimates the social media affected the outcome of 30 to 40 % of overall seats.

The Reach and Spread of Social Media

It is estimated that there are 900 million mobile devices in India, of which 165 million are connected to Internet. Moreover, 75 per cent of the online population is below 35 years of age. Of these, 18-23 year old first- time voters constituted 149 million in GE 2014, and were the most targeted segment. The focus was on India's 160 'digital constituencies' (so-called because at least 20 % voters in these areas have internet connections). The IRIS Knowledge Foundation arrived at the same conclusion, calculating that number of Indian Facebook users was now about 10% of the voting population. The Internet and Mobile Association of India estimates that a well-executed social media campaign can swing 3-4% of votes. Indians are now familiar with how just a 1 or 2% swing can have a decisive impact on results.

Social Media - The Downside

There was, however, a downside too. The election saw the social media discourse being highly polarised, with vicious language, hate speech and trolling 'dotting the landscape'. In Internet parlance, 'trolls' are defined as those who post inflammatory messages, start arguments or otherwise upset people (Business Today, November 24, 2013). For this reason, many politicians were afraid to use social media as they found it double-edged; they feared that harsh feedback on public platforms, so easy to generate for trolls on the prowl, would be prejudicial to their interests.

Conclusion

Mr. Virbhadra Singh and Mr. Prem Kumar Dhumal: two Chief Ministers of Himachal Pradesh who have won and lost against each other multiple times

One of the secrets of the success of the Election Commission of India is its openness to new ideas and to learning from its mistakes and achievements. We, therefore, expect that every election is better than the previous best. ECI's efforts in pursuit of excellence must go on. Not just India but the world has a great stake in the success of democracy in the region.

Our interactions with our counterparts made it clear that experience sharing is the need of the time and that aspiring democracies around the world look forward to sharing the knowledge, skills and expertise at ECI's disposal. Responding to increasing global demands, especially from Afro-Asian nations, the Commission set up the India International Institute of Democracy and Election Management (IIDEM), as a training and resource centre in elections and democratic processes for both national and international participants. In just three years of its existence, the institute has imparted training to election managers of over fifty Afro Asian and Commonwealth countries, besides thousands of domestic master trainers. The Institute has now become a training hub for assisting representative democracy worldwide.

A stage has come in India when holding a free and fair election is taken for granted. In fact not holding one would be news. We must not let that happen. This is India's promise to its own people and to the world. At the time of its Diamond Jubilee (2010), the Commission articulated its vision as, 'Elections that are completely free of crime and abuse of money, based on a perfect electoral roll and with full participation of voters.' The progress on this road is sure and steady. Election Commission will give the election all it takes. And God, as they say, favours the brave.

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