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Q. The role played by the Election Commission of India has bestowed a very high level of confidence in the minds of Indian citizens in ensuring the purity of the elected legislative bodies in the country. Critically examine. (250 Words)

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Approach

- Start with writing constitutional powers of the Election commission of India (ECI).
- Discuss the significance of ECI in ensuring confidence in the minds of Indian citizens.
- Critically discuss the issues and challenges associated with the ECI.
- Conclude suitably.

Introduction

The Election Commission of India (ECI) is a creation of the Constitution. Article 324 says the superintendence, direction, and control of all elections to Parliament, the State legislatures, and the offices of the President and Vice-President shall be vested in the ECI.

Body

Significance of ECI for India

- The ECI has been successfully conducting national as well as state elections since 1952. In recent years, however, the Commission has started to play a more active role to ensure greater participation of people.
- The Commission had gone to the extent of disciplining the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It upholds the values enshrined in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.
- It conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.
- It ensures participation of all eligible citizens in the electoral process in an inclusive voter-centric and voter-friendly environment.

Associated Issues With The ECI

- **Undefined Scope of Powers:** Besides the MCC, the ECI issues from time to time directions, instructions, and clarifications on a host of issues that crop up in the course of an election.
 - The code does not say what the ECI can do; it contains only guidelines for the candidates, political parties, and the governments.
 - Thus, there exists a considerable amount of confusion about the extent and nature of the powers which are available to the ECI in enforcing the code as well as its other decisions in relation to an election.

- **No Legal Backing of MCC:** MCC is framed on the basis of a consensus among political parties, it has not been given any legal backing.
 However, it does not have statutory value, and it is enforced only by the moral and constitutional authority of the EC.
- **Conflict With the Law:** According to the MCC, ministers cannot announce any financial grants in any form, make any promise of construction of roads, provision of drinking water facilities, etc or make any ad hoc appointments in the government.
 However, Section 123 (2)(b) of the Representation of the People Act, 1951 says that the declaration of a public policy or the exercise of a legal right will not be regarded as interfering with the free exercise of the electoral right.
- **Lack of Enforceability:** The EC does not have the power to disqualify candidates who commit electoral malpractices. At best, it may direct the registration of a case.
 That is why, in the 2019 general election, ECI admitted to the Supreme Court that it was “toothless”, and did not have enough powers to deal with inflammatory or divisive speeches in the election campaign.

Conclusion

- The commission needs to be more vigilant and watchful against the collusion at the lower level of civil and police bureaucracy in favour of the ruling party of the day.
- There is a need to provide more legal support to the commission’s mandate and the processes that support that mandate.
- There is a need for debate and discussions in the Parliament on the issue of independence of ECI and consequently passing of required legislation.