



## Reimagining Free and Fair Elections

This editorial is based on [“India is paving the way for truly accessible elections”](#) which was published in Hindustan Times on 06/12/2022. It talks about the Elections in India and associated challenges.

**For Prelims:** Elections in India, Representative Parliamentary Democracy, Election Commission of India, State Election Commissions, Article 326, Article 324, Irrational freebies, Model Code of Conduct (MCC), Politicisation of Social Media.

**For Mains:** Constitutional Provisions Related to Elections in India, Challenges Associated with Free and Fair Elections in India, Law Commission 255<sup>th</sup> Report on Electoral Reforms.

The **founding fathers of our [Indian Constitution](#)** conceived of **representative parliamentary democracy** as the polity most suited to **India's ethos, background and needs**.

They envisaged equal participation of all the adult citizens in the democratic process without any discrimination. **Selection of representatives** of the people through universal adult franchise and **[free and fair elections](#)** seemed to be the **best fit for the Indian republic**.

**[Elections in India](#)** are held to elect members of the **Lok Sabha, Rajya Sabha, State Assemblies, Legislative Council**, to the posts of **President, Vice-President, Local Bodies**, Municipal Corporation, Gram Panchayat, Zila Panchayat and Block Panchayat.

But the current election system is facing a number of challenges that **raise doubts about its "free and fair" nature**. It is therefore imperative that these issues are carefully scrutinised and addressed holistically.

### What are the Constitutional Provisions Related to Elections in India?

- **Article 326** of the Constitution provides that the **elections to the House of the People and to the Legislative Assembly of every State** shall be on the basis of adult suffrage.
- **Article 324** vests the **superintendence, direction and control of the preparation of electoral rolls** and conduct of elections in an independent **[Election Commission](#)**.
- Under **Articles 243K and 243ZA** elections to local bodies - **[Panchayats and Municipalities](#)** - are the responsibility of **[State Election Commissions](#)**.
- **Article 328** gives power to the Legislature of a State to make **provision with respect to elections to such Legislature**.

### What are the Powers and Responsibilities of the Election Commission?

- Determining the **Electoral Constituencies'** territorial areas throughout the country.

- **Preparing and periodically revising electoral rolls** and registering all eligible voters.
- Notifying the **schedules and dates of elections** and scrutinising nomination papers.
- **Granting recognition to the various political parties** and allocating them election symbols.
- The **Commission also has advisory jurisdiction in the matter of post-election disqualification** of sitting members of Parliament and State Legislatures.
- It is also responsible for conducting **bye-elections** in any constituency whenever the need arises.

## What are the Challenges Associated with Free and Fair Elections in India?

- **Distorting Informed Decision Making of Voters:** Unregulated populism that offers and distributes **'irrational freebies'** during election campaigns causes voters to be biased, especially the **unprivileged**, since freebies can sway them and **affect the informed decision making process for choosing their representatives.**
- **Lack of Independent Staff:** Since **ECI does not have its own staff**, it relies on those of the **Central and State Governments** whenever elections are held.
  - As a result, the **administrative staff** is also responsible for **ordinary administration**, as well as **electoral administration**, which makes the electoral process less impartial and efficient.
- **No Statutory Backing for Enforcing Model Code of Conduct (MCC):** As far as enforcing **Model Code of Conduct (MCC)** and other **election-related decisions** are concerned, there is no clarity regarding the powers of **Election Commission of India (ECI)** to **enforce them on ground.**
- **Booth Capturing:** A polling booth, which is the **designated location where voters exercise their right to vote**, is the most important part of the election process.
  - There are many instances of **booth capturing due to decay in the standards of political morality where party loyalists or hired criminals "capture" a polling booth and vote in place of legitimate voters** to ensure that a particular candidate wins.
- **Politicisation of Social Media:** **Social media** reflects public opinion, that is a **currency of democracy**. But one of the most common criticisms of social media is that it **creates echo chambers where people only see viewpoints they agree with.**
  - The **political campaigns on social media sometimes spark religious and social tensions** in different parts of the country that affect the **impartial electoral process.**
- **Inaccessibility of Booth for PwD:** A large number of **persons with disability (PwD)** faced immense problems in casting their vote due to **lack of supporting infrastructure** at polling booths.

## What are the Recent Initiatives by Election Commission of India?

- **Systematic Voters' Education and Electoral Participation (SVEEP)**
  - **Model Polling Station**
- **Committe for Accessible Elections at National and State Level**
- **Electors Verification Programme.**
- **Cvigil App** - to report the violations of Model Code of Conduct (MCC)
- **Voter Helpline App**- to ease the registration process
- **Divyang Sarathi and Divyang Doli**

## What Should be the Way Forward?

- **Democratizing Elections:** In a democracy, **equality for all parties is demanded**, and free & fair elections ensure those opportunities.
  - To **ensure equal attention is given to minority political campaigns**, strict norms must be established for the **use of social media for political purposes.**
    - The **Election Commission of India** can go to great lengths to make sure that **one party doesn't have an undue advantage over another just because it is in power.**

- Regulations should also be maintained to ensure **checks on use of personal data** in the context of **electoral campaigns complies with national laws**.
- **No Voter to be Left Behind:** Apart from conducting free and fair polls, the Election Commission should take steps to ensure **“participative, accessible, inclusive” elections by providing necessary infrastructure and facilities specially to the persons with disabilities**.
- **Voter Awareness:** Voters hold the **power to block or permit the march of freebies**. There must be a consensus on regulating irrational freebies and **ensuring voters are not swayed by irrational promises**.
  - All of this requires **eternal vigilance on the part of the voting class**.
- **Enforcing Model Code of Conduct:** There is a need to enforce the **Model Code of Conduct For Guidance of Political Parties and Candidates** by providing it a statutory backing to **effectively regulate election manifestos** in order to **prevent the manipulation of informed voter behaviour**.
- **Law Commission 255<sup>th</sup> Report on Electoral Reforms:** A permanent and independent Secretariat for the **Electoral Commission of India (ECI)** along the lines of Lok Sabha/Rajya Sabha Secretariat is recommended in this report.
  - Furthermore, **State Election Commissions** can also be provided with similar provisions to **guarantee their autonomy and fairness**.

### ***Drishti Mains Question***

Discuss the major challenges related to elections in India and suggest measures to make the electoral process more inclusive and fair.

## **UPSC Civil Services Examination, Previous Year Questions (PYQs)**

### **Prelims**

#### **Q. Consider the following statements: (2017)**

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

#### **Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 3 only

**Ans: (d)**

### **Mains**

**Q. Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. (2022)**

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