



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 255th 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**
- **Committee for Accessible Elections at National and State Level**
- **Elector's 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 255th 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)

