



## Electoral Reforms in India

**For Prelims:** [Election Commission](#), [Electronic Voting Machines](#), [61st Constitutional Amendment Act of 1989](#), [Booth capturing](#), [Model Code of Conduct](#), [Voter-Verifiable Paper Audit Trail system](#), [CEC and Other ECs \(Appointment, Conditions of Service and Term of Office\) 2023](#).

**For Mains:** Key Electoral Reforms in India, Provision Related to Appointment of Chief Election Commissioner and Other Election Commissioners

[Source: TH](#)

### Why in News?

With India's ongoing **General Elections 2024**, there's a spotlight on **past electoral reforms**, from the founding of the [Election Commission](#) to the introduction of [Electronic Voting Machines](#) and recent changes in the procedure for appointment of election commissioners.

- These reforms reflect the continuous evolution and enhancement of India's electoral system, capturing the essence of democratic progress.

### What are the Key Electoral Reforms Enacted in India?

- **Foundation of Election Commission and First General Election:** The Election Commission of India was founded on **25<sup>th</sup> January 1950**, under the leadership of **Sukumar Sen** (originally the commission had only a Chief Election Commissioner).
  - Inaugural General Election held from **October 1951 to February 1952**, marking the participation of 17.5 crore voters amidst logistical hurdles.
  - Despite an illiterate electorate and refugee populations, India embraced [universal suffrage for citizens above 21 years](#).
- **Lowering of Voting Age:** The [61<sup>st</sup> Constitutional Amendment Act of 1989](#) reduced the **voting age from 21 years to 18 years** for the Lok Sabha as well as the assembly elections.
  - This was done to provide the unrepresented youth of the country an opportunity to express their feelings and help them become a part of the political process.
- **Deputation to Election Commission:** In 1985, a provision was made that the officers and the staff engaged in the preparation, revision and correction of electoral rolls for elections are **deemed to be on deputation to the Election Commission** for the period of such employment.
  - These personnel, during that period, would be under the control, superintendence and discipline of the Election Commission.

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# Election Commission of India (ECI)

## About

- **Autonomous Constitutional Authority** - Administers Union/state election
  - LS, RS, State LA, the offices of the President and VP
- Estd - **25<sup>th</sup> Jan 1950** (National Voters' Day)



## Constitutional Provisions

Part XV - Article 324 to 329

## Structure

- 1 Chief Election Commissioner and 2 Election Commissioners **appointed by President**
- **Tenure- 6 years, or up to the age of 65 years**, whichever is earlier
- Retiring ECs – **eligible for further appointment by the govt.**
- **Removal of CEC-** Resolution on the **ground of proven misbehaviour or incapacity**, with majority of 2/3rd members present and voting, supported by more than 50% of the total strength of the house



## Major Roles and Responsibilities



- Determining Electoral Constituencies
- Preparing/Revising electoral rolls
- Notifying the schedules and dates of elections
- **Registering political parties and granting them the status of national or state parties**
- Issuing the Model Code of Conduct (MCC) for political parties
- Advising the President on **matters concerning the disqualification of MPs**

## Challenges

- Truncated Tenure of CEC
- Executive Influence in Appointments
- Dependence on Centre for Finance
- Lack of Independent Staff



**Drishti IAS**

- **ECI as Multi-Member Commission:** The Election Commission of India (ECI) became a Multi-Member Commission for the first time in **1989**.
  - On 1<sup>st</sup> January 1990, the positions of these additional election commissioners were abolished.
  - However, the ECI became a three-member body again on **1<sup>st</sup> October 1993** (with one Chief Election Commissioner and two election commissioners), which remains the structure today.
- **Transition to Ballot Papers from Coloured Ballot Box:** In the early years of Indian elections, **individual coloured ballot boxes were used for each candidate**.
  - Voters would cast their votes by dropping paper ballots into the respective boxes, a method that required meticulous counting and posed challenges in preventing fraud and manipulation.
  - The **introduction of ballot papers marked a crucial step towards streamlining the voting process**.
    - Voters would mark their preferences on paper ballots, which were then collected and counted manually.
    - While this **method improved vote counting accuracy**, it still had limitations such as potential errors and delays in announcing results.
- **Electronic Voting Machines:** In 1989, a provision was made to facilitate the use of **Electronic Voting Machines (EVMs)** in elections.
  - The EVMs were used for the first time in 1998 on experimental basis in selected constituencies in the elections to the Assemblies of Rajasthan, Madhya Pradesh and Delhi.
  - The EVMs were used for the first time in the **general elections (entire state) to the Assembly of Goa in 1999**.
  - They are indigenously designed, developed and manufactured by **Bharat Electronic Ltd. and Electronics Corporation of India Ltd.** under technical guidance of the Election Commission's Technical Expert Committee.
- **Provision Against Booth Capturing:** In 1989, a provision was made for adjournment of poll or countermanding of elections in case of booth capturing. **Booth capturing** includes:
  - seizure of a polling station and making polling authorities surrender ballot papers or voting machines
  - taking possession of polling station and allowing only one's own supporters to exercise their franchise
  - threatening and preventing any elector from going to polling station
  - seizure of the place being used for counting of votes.
- **Model Code of Conduct (MCC):** T.N. Seshan's tenure as CEC was one the most influential periods for the ECI, marked by his efforts to enforce the **Model Code of Conduct (MCC)** with greater efficacy.
  - Originating in Kerala in 1960, the MCC initially comprised basic 'Dos and Don'ts.'
  - By **1979**, the ECI, in collaboration with political parties, expanded the code, including measures to curb the misuse of power by the ruling party for unfair advantages in elections.
  - It was also during his tenure that **electors' photo identity cards (EPICs)** were introduced in 1993.
- **Allocation of Time on Electronic Media:** Under a 2003 provision, the Election Commission should **allocate equitable sharing of time on the cable television** network and other electronic media during elections to display or propagate any matter or to address the public.
- **Restrictions Imposed on Exit Polls:** According to a **2009 provision**, conducting exit polls and publishing results of exit polls would be prohibited during the election to **Lok Sabha and State Legislative Assemblies**.
  - **"Exit-poll" is an opinion survey regarding how electors have voted at an election or how all the electors** have performed with regard to the identification of a political party or candidate in an election.
- **Online Enrolment in the Electoral Roll:** In 2013, a provision was made for online filing of applications for enrolment in the electoral roll. For this purpose, the Central Government, after consulting the Election Commission, made the rules known as the **Registration of the Electors**

### **(Amendment) Rules, 2013.**

- **None of the Above Option:** The Supreme Court directed the Election Commission to include the **[None of the Above \(NOTA\) option](#)** in ballot papers and EVMs, allowing voters to abstain from voting for any candidate while maintaining ballot secrecy.
  - NOTA was introduced in elections **in 2013**, ensuring voters' right to abstain from voting discreetly.
- **Voter-Verifiable Paper Audit Trail System:** ECI started exploring the possibility of introducing a **[Voter-Verifiable Paper Audit Trail \(VVPAT\) system](#)** to increase transparency and verifiability in the poll process.
  - In 2011, a prototype was developed and demonstrated before the ECI and its expert committee.
  - In August 2013, the Central government notified the amended **Conduct of Elections Rules, 1961**, enabling the ECI to use VVPAT with EVMs.
  - The VVPAT was used with EVMs for the first time in a **bye-election** from the 51-Noksen Assembly Constituency of **Nagaland**.

### **Note**

As per Indian Statistical Institute (ISI) calculations, even **counting slips from 479 randomly [selected VVPATs across the country would guarantee over 99% accuracy](#)**.

- **Appointment of Election Commissioners:** Previously, the chief election commissioner and election commissioners were appointed by the President on the recommendation of the central government.
  - However, in March 2023, the Supreme Court in **[Anoop Baranwal vs Union of India Case](#)** highlighted the recommendations from the **Dinesh Goswami Committee on Electoral Reforms (1990)** and the **Law Commission's 255<sup>th</sup> report on Electoral Reforms (2015)**.
    - Both committees suggested a committee comprising the **Prime Minister, Chief Justice of India (CJI), and the Leader of the Opposition** for appointing the CEC and ECs.
  - The recent **[CEC and Other ECs \(Appointment, Conditions of Service and Term of Office\) 2023](#)** supersedes the Election Commission Act, 1991 covering the appointment, salaries, and dismissal procedures for the CEC and ECs.
    - Under the new law, the President appoints them based on recommendations from a **Selection Committee** comprising the **Prime Minister, a Union Cabinet Minister, and the Leader of the Opposition** or the leader of the largest opposition party in the Lok Sabha.

### **What are the Key Committees Related to Electoral Reforms?**

- **Dinesh Goswami Committee** on Electoral Reforms (1990)
- **Vohra Committee** on Crime-Politics Nexus (1993)
- **Indrajit Gupta Committee** on State Funding of Elections (1998)
- **Second Administrative Reforms Commission** Report on Ethics in Governance (2007) headed by **Veerappa Moily**
- **Tankha Committee (Core Committee)** on Election Laws and Reforms (2010)

### **Indelible Ink- Symbol of Indian Elections**

- The **indelible ink**, a symbol of Indian elections, is used to prevent multiple voting. It contains **silver nitrate** and remains visible even after exposure to soap or liquids for up to 72 hours.
- The ink, initially made by the **[Council of Scientific & Industrial Research \(CSIR\)](#)** and patented by the National Research Development Corporation, is now solely produced by **Mysore Paints & Varnish Ltd., a prominent undertaking of Govt. of Karnataka** and exported to over 25 countries.

## Note

- EVMs and VVPATs are designed and manufactured indigenously by **Bharat Electronic Limited (BEL)**, a PSU under the Defence Ministry, and the **Electronic Corporation of India Limited (ECIL)**, another PSU under the Department of Atomic Energy.

### **Drishti Mains Question:**

Examine the influence of electoral reforms in India, encompassing technological advancements, voting age changes, and measures to enforce ethical conduct.

## **UPSC Civil Services Examination Previous Year Questions (PYQ)**

### **Prelims:**

#### **Q.1 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.1** To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful? **(2017)**