A CRITICAL STUDY ON EVALUATION OF ELECTION AND ELECTORAL SYSTEM IN INDIA

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ABSTRACT

Voting is the bedrock of a democratic government. India, the world's biggest democracy, has a well-organized voting process. A distinct sub-genre of studies on democracy, election studies are more concerned with the "mechanics" than the "substance" of representative democracy (here defined as scholarly work focusing on the major phases of the electoral process, i.e. the campaign, the vote, the announcement of results, and the subsequent formation of government). This study argues that election studies should be contextualized since they lie somewhere between the realms of science and politics. This study makes an effort to dissect the Indian electoral process.

KEYWORDS: Election procedure, Democracy, Candidates, Parties, Lok Sabha, Rajya Sabha, Election.

INTRODUCTION

Maintaining a set of universal election criteria is challenging. To begin, despite being spelled out in detail and made legally enforceable by international legal instruments, international standards are inherently vague and subject to individual interpretation and application. In addition, it may be difficult to draw a broad judgment about an election based on current rules alone; there is no clear formula on how instances of infractions or anomalies connect to a larger quality evaluation of an election or its results.

A genuinely representative Government based on universal adult suffrage needed to be elected after India's independence in August 1947, hence General Elections were called. As a result, Article 324, which establishes the Election Commission as an autonomous constitutional body, went into effect on November 26th, 1949, while the majority of the other articles went into effect on January 26th, 1950. (when the Constitution of India became effective). On January 25, 1950, the Election Commission was officially established, one day before India became a Sovereign Democratic Republic. On March 21, 1950, Shri Sukumar Sen was appointed as the first Chief Election Commissioner. Between 1950 through October 16, 1989, the Commission consisted of a single member; between October 16, 1989, and January 1, 1990, the Commission had three members. As of January 1st, 1990, the system of a single member body was reinstated. The Commission used to have five members, but has only had three since October 1, 1993. The Chief Election Commissioner and the other two Election Commissioners are compensated at the same level as a Supreme Court judge. Each of the three Commissioners is given an equal voice in deliberations, and in the event of a tie, the deciding vote goes to the Commissioner who holds the greater of the two prevailing views. Six years, or until age 65, whichever comes first, is the length of service for the CEC and ECs.

On August 13th, 1951, the President, in conjunction with the Election Commission and with the agreement of Parliament, issued the first delimitation order for the purpose of the first General Elections to the Lok Sabha and the Vidhan Sabhas. On May 12th, 1950, Parliament passed the first Act (Representation of the People Act, 1950) providing primarily for the preparation of electoral rolls, and on July 17th, 1951, Parliament passed the second Act (Representation of the People Act, 1951) outlining the process for holding elections to both Houses of Parliament and the Vidhan Sabhas for each State. By November 15th, 1951, all states had released their official electoral rolls. In comparison to the entire population of India (excluding J&K), which was 35,66,91,760 in 1951, the number of registered voters was 17,32,13,635. From October 1951 to March 1952, India conducted its first-ever General Elections for the Lok Sabha and the Vidhan Sabhas. On April 2, 1952, the first Lok Sabha was established with 497 members. On April 3, 1952, the first Rajya Sabha was established with 216 members.

The first presidential election was conducted in May of 1952, and the newly elected president took office on May 13th, 1952, after the creation of the two houses of parliament and the state legislative assemblies. During the first General Election in 1951–1952, the Commission officially recognized 14 political parties that were active in more than one state and 39 parties that were active in individual states. There are now 40 State Parties and 7 National Parties. The 'Balloting System' was approved by the Election Commission for use in the first and second General Elections, held in 1951–1952 and 1957, respectively. A ballot box for each candidate was placed in a secure area of the polling place, and voters just had to place their ballot, which had been preprinted centrally, into the box corresponding to the candidate they favored. After the third General Election in 1962, the Commission began using a "marking system" for votes. The voter uses an arrow cross mark rubber stamp to indicate his or her preference for a candidate by placing it on or near the symbol of that candidate's election symbol on a shared ballot paper with the names and election symbols of all contending candidates.

The completed ballots are collected and placed in one central vote box. Part of the Parur Assembly Constituency in Kerala was the first place in the world to deploy electronic voting machines (EVMs) in 1982. After then, widespread implementation of EVMs began in 1998. In the 14th General Elections to the Lok Sabha in 2004, the first nationwide usage of EVMs was implemented. Since then, electronic voting machines (EVMs) have been used for all elections to the Lok Sabha and the state legislatures. The country has been preparing for the 16th nationwide general elections to the Lok Sabha since 1951–52, after 15 General Elections to the Lok Sabha and 348 General Elections to the Vidhan Sabhas.

LITERATURE AND REVIEW

Grace Carswell et al (2014) Through an anthropological examination of the significance of voting in rural Tamil Nadu, this research enriches our empirical and theoretical knowledge of democracy and political involvement in India. This report draws on research on voter turnout in a rural district during the 2009 midterm elections to examine the many factors that encourage citizens to cast ballots. There's discussion of how things like programmatic ideas and their local execution, staunch caste and party loyalty, and the power of charismatic leaders all play a role in shaping voters' decisions. High rates of voter turnout may be traced back to a foundation of political awareness and rights education, which is examined in this research. It argues that elections are

singular occasions when common persons may feel a part of something bigger than themselves and the democratic process, while also working on personal goals of belonging, esteem, and affirmation within their local communities. For the modern electorate in India, this dual quality is what makes voting so appealing.

Rohit Kumar et al (2018) This research looks at how people voted in Uttar Pradesh's 2017 assembly election's reserved constituencies. Voting patterns (Turnout and vote shares) may shift or stay stable from one election to the next and across geographic locations. There are a total of 80 parliamentary districts and 403 assembly districts in the state of Uttar Pradesh, each of which corresponds to one of five geographical regions: the Ganga Yamuna Doab, the Ruhelkhand area, the Bundelkhand region, the Awadh region, and the Purvanchal region. Voters fall into one of three categories based on their social background: general (317), reserved (84), and scheduled (02). The remaining two reserved assembly constituencies for Scheduled tribe out of 02 have been assigned in the Purvanchal area. The regional allocation of reserved assembly constituencies is as follows: Ganga-Yamuna doab 26, Ruhelkhand 09, Bundelkhand 05, Awadh 26 and Purvanchal 18 seats. The primary purpose of this article is to analyze the voting patterns of reserved assembly seats in the 2017 election and to identify the causes of variations in voting behavior among districts. Information for this research was gathered from the Election Commission of India's website, as well as other public and unpublished sources, and is therefore considered secondary data (Assembly Election 2017). Reserved constituency voter participation in the state was recorded at 61.45 percent, which is 0.41 percentage points higher than the statewide average.

Michael Collins (2021) Politicians and political commentators often talk about voting and the results of elections. Election results are tabulated and patterns are evaluated by pundits, who then use tired cliches about popular mandates and the people's verdict to condense the data into narratives about the "pulse of the country." Such narratives reduce elections to a simple barometer of the "public will" without considering the unique circumstances of individual voters or the challenges faced by historically marginalized communities as they negotiate today's complicated institutional framework. Instead than being miraculous occurrences that level the playing field, elections are a period when power structures are established, challenged, and solidified. This happens not only via voting, but also by influencing the institution's design and making strategic use of its regular operations. One such organization is the Viduthalai Chiruthaigal Katchi (VCK; Liberation Panthers Party), an influential Dalit-led (ex-untouchable) political party in India. This article utilizes election symbols as a diagnostic to study the architecture of the electoral institution, looking at how its tools and techniques—which are neither neutral nor freely available to all—consolidate structural advantages that privilege well-resourced players while hindering those historically excluded from political power. The data comes from interviews with VCK candidates, party leaders, and grassroots activists. [elections, democracy, caste system, India, inequality]

Ce Dr Sumanta Bhattacharya (2022) The Election Commission of India has made a number of changes to the way elections are held in the country over the years. These include the transition from paper ballots to electronic voting machines, the introduction of proxy voting for overseas and military voters, the introduction of a "None of the above" option for voters, the introduction of a paper audit trail to ensure that votes are counted accurately, and more. and the establishment of an example code of ethics

(MCC) however we have many issues that need electoral changes for a democratic India to see a worthy candidate win, The media must abide by a number of restrictions, including those outlined in sections 125A and 126 of the Representation of the People Act (1951), as well as a ban on government-sponsored advertisements, a freeze on conducting exit polls, and a freeze on publishing results of such polls. Introduction What we mean by "electoral system" is the process by which voters' ballots are physically moved from the polling place to the seats they've awarded to their preferred political parties and candidates. The outcomes and types of representation achieved by various election systems vary. In India, each voter has the same amount of influence in the election as the person who cast the first vote. The winner of the elections is the candidate who collects the most votes within the constituency. One selects the candidate(s) for whom he will cast his vote based on predetermined categories. In the original The post system is a straightforward approach that gives voters the freedom to choose their preferred political party and candidate while also providing continuity in government. Fast and definitive majority governances may be formed, ensuring political stability and allowing policies to be put into effect more quickly. One advantage of the first-past-the-post voting system is that it allows independent candidates and members of minor parties to run for office. Another is that the system fosters robust oppositions by ensuring that minor parties have enough representation in parliament to play a meaningful role. As representatives are chosen from particular districts, they have a vested interest in the welfare of the people in those districts, as their own re-election campaigns rely on their success in improving the lives of those residents. A major flaw in India's electoral system is that it prevents women and members of minority groups from participating in free and fair elections. This is because parties usually nominate the most qualified candidate from each constituency, and due to social norms and expectations, these individuals are often women or members of minority groups. Because of the way parliament is set up, half the country's population isn't represented, which means the resulting laws are discriminatory against women and minorities.

Dip Jyoti Bhuyan (2019) It is essential for every country that its election process be safe and transparent so that its inhabitants may exercise their right to vote. Article 19(1)(a) of the Constitution of India and the Representation of the People Act 1951 make the right to vote a constitutional and basic one in India. Virtually all votes cast in India's general election are recorded by use of electronic voting machines (EVMs) developed by two state-owned firms during the previous two decades. In India, however, where they are known as Electronic Voting Machines, these devices have been both lauded and criticized in recent years. Despite the criticism, however, many specifics of the machineries' design have never been made public and they have not undergone a thorough, independent security evaluation. This study will include a comprehensive analysis of the machine's performance and usefulness, as well as a discussion of its security in light of relevant election practices. Current Electronic Voting Machines (EVM) in India have been praised for their user-friendliness, reliability, and ease of use, but they have also been criticized in the wake of widespread claims of racial anomalies. Despite this input, many nuanced portions of the machines' blueprint have never been fully revealed, nor have they undergone a comprehensive, independent security evaluation. However, the electronic voting machine (EVM) is universally disregarded, and only a small number of countries actually use them (EVM). In light of recent changes in the electoral system in India, this article analyzes the performance of electronic voting machines.

ELECTIONS

The Constitution of India establishes the Election Commission as the central government agency in charge of overseeing and managing all elections in the country. All elections must be conducted without interference from any outside party or influence by this body. The election process checks that all candidates and elected officials follow the law before, during, and after the vote.

The Election Commission is responsible for resolving any complaints about the election process. Where the laws are silent or provide inadequate provisions to deal with a certain circumstance in the conduct of elections, the Election Commission has the residuary powers under the Constitution to intervene as appropriate, according to the Indian Supreme Court. Sukumar Sen was the first Election Commissioner.

Types of elections

The Republic of India has elections for a variety of positions, such as President, Vice President, and many more.

State Legislative Council Members, State Legislative Assembly Members (including the legislative assembly of the three union territories of Delhi, Puducherry, and Jammu & Kashmir), and Members of Local Governance Bodies (Municipal bodies and Panchayats),

When the incumbent of a certain constituency passes away, resigns, or is disqualified, a by-election is called.

Parliamentary general elections (Lok Sabha) All eligible adult citizens of India cast votes for candidates running for seats in the lower house of India's Parliament, known as the Lok Sabha (House of the People). All eligible adults in India may only cast ballots in the district where they live. Winners of the Lok Sabha elections are sworn in as "Members of Parliament" and serve for a term of five years or until the body is dissolved by the President on the suggestion of the council of ministers. Located in New Delhi's Sansad Bhavan, the Lok Sabha is responsible for making and revising laws that apply to the whole population of India. The Lok Sabha is comprised of 543 elected representatives and elections are held every 5 years (Lower house).

There are many phases to India's election process:

Electoral Constituencies: Initially, the whole nation is split up into several regions for voting reasons. The term "electoral constituency" describes these regions.

The residents of a certain district vote for their only representative.

When the districts have been established, the next stage is to compile a list of eligible voters and those who are not. We can't afford to wait until the last minute to make this call. In a democratic election, the list of eligible voters is compiled well in advance and distributed to all citizens.

Any citizen who is eligible to vote and who wants to run for office must submit a nomination form to the Election Commission by the deadline set by the commission.

Each nominee is required to submit a monetary security deposit along with their nomination papers.

The Election Campaign The two weeks between the release of the final candidate list and the day of voting are dedicated to the election campaign. At this time, candidates reach out to voters, party officials speak at rallies, and activists work to have their candidates elected.

The day when voters cast their ballots in person at a polling location and have their votes counted marks the conclusion of the electoral process. The day in question is often referred to as Election Day. Anyone whose name appears on the list of registered voters may cast a ballot at any polling location. When a voter enters a voting booth, election workers will check his or her ID, mark his or her finger, and then let him or her cast a ballot. Currently, ballots are recorded using electronic voting machines (EVMs). It displays the candidates' names and party emblems. To cast a vote, a voter need just depress the button next to the name of his or her preferred candidate.

The electronic voting machines are locked up and stored safely once the polls close. The electronic voting machines (EVMs) in a certain district are opened and the votes for each candidate are tallied a few days later, on a predetermined day. The winner of a constituency's election is the candidate who receives the most votes there.

Elections in India are governed by each country's unique set of laws and procedures. The rules for voting are laid forth in theRepresentation of the People Act, which was passed in 1950. The Act provides for (1) the assignment of seats and constituencies and (2) qualification, criteria or removal of the members and candidates running for elections for both the Housesof Parliament as well as the State Legislative Councils. Election corruption and malpractice are addressed under the Act, as is the resolution of any litigation that may result from these activities.

Basic election processes include

(1) establishing or adjusting electoral districts for the Lok Sabha and the Legislative Assembly in light of the decennial census.

(2) Putting in an application to run for a seat in the Lok Sabha or Rajya Sabha. The Returning Officer receives these. Elections for the Rajya Sabha require candidates to be at least 30 years old, whereas those for the Lok Sabha and State Legislative Assembly have a lower threshold of 25. Election participation is barred from anybody who is not a citizen of India, is of unsound mind, is serving in a paid public position, or is otherwise ineligible under the law.

(3) Filing nominations and having the Reporting Officer handle them. All legitimate election candidates must post a bond in the form of a monetary deposit. The minimum amount required to vote in the Lok Sabha is 25,000 Rupees, whereas the minimum for the State Assembly is 10,000 Rupees.

(4) Candidate election campaigns, in which candidates publish manifestos outlining their platform and platform concerns. These tend to spread at political rallies and other gatherings. But they need to end 48 hours before the polls open. It's important to remember that you'll need to file a report detailing your election's costs. Costs may go

as high as 70 million rupees in the Lok Sabha, but just 6 million in a State Assembly. When these boundaries are crossed, it's seen as corrupt.

(5) People cast their ballots at a polling place under the watchful eyes of law enforcement officials.

(6) Sending ballots to the counting office, where they are tabulated and the winner is announced.

The High Court has been granted the authority to rule on any electoral disputes.
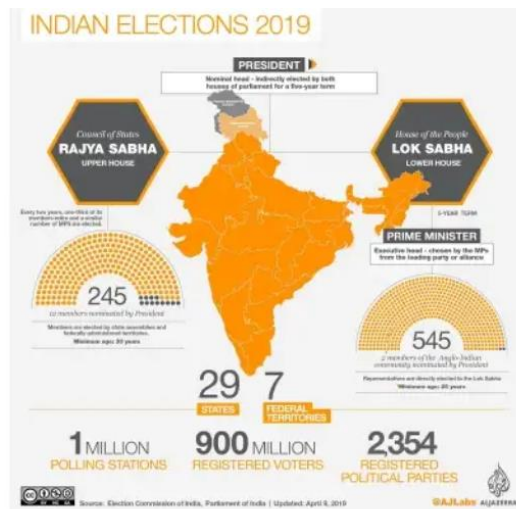
Figure 1: Details of the election procedure in India for the Lok Sabha and Rajya Sabha.

Guiding principal

There are several goals that might be set for or facilitated by a particular election system. These include powerful parties, stable coalitions, and effective governance. Varying parties may place different importance on the same objectives.

Additionally, there are broad concepts that may be utilized to influence the design of voting systems and the selection procedure. Notable guidelines include the following:

Representation

An election system's primary responsibility is to actualize the will of the voters by electing representatives who reflect that will. Even though different countries have different standards for what constitutes fair representation (geographic representation, descriptive representation, ideological or party-political representation), the notion of representation is universally important when crafting an election system.

Transparency

To prevent misunderstanding and disbelief in the outcomes they generate during elections, it is crucial that the mechanics of the electoral system be as open as possible and understood to voters, political parties, and candidates well in advance.

Transparency is helpful for the same reasons in the process through which the election system is selected. The legitimacy of the process and the resulting voting system will increase if stakeholders' arguments and influence over the process of review, reform, or adoption are presented openly.

Inclusiveness

If the election system is seen to be inclusive, it will have a better chance of being acknowledged as fair and genuine. Assuring that the electoral legislation does not blatantly discriminate against any one group in society, minority or otherwise, includes ensuring that as many individuals as possible are able to vote (via measures like universal suffrage, clear instructions, and easy access to polling places). In addition, the legitimacy and ownership of the election system, as well as the process by which it is arrived at, may improve if as many stakeholders as possible are allowed to provide proposals and participate in the process of determining the most suitable system for the society in question.

Issues associated with elections in India

Indians exercise their right to vote for their leaders at every level of government, from village councils and village panchayats all the way up to the Parliament. M. Venkaiah Naidu, India's Vice President, has called the country's democratic experiment a "remarkable success tale." But he also highlighted two distortions that need to be addressed immediately: the use of enormous money power in politics and elections, and the increasing attempts to entice the voters with short term benefits at the expense of long term goals of basic amenities, infrastructure, quality education, healthcare, growth, job opportunities, etc.

Electoral reforms are actions made with the intention of improving the procedures surrounding elections. The volatility of Indian politics makes them essential. Implementing periodic changes is essential for making India the kind of democratic republic envisioned in the preamble and elsewhere in the constitution.

CONCLUSION

Understanding the nature of elections and its connection to political parties and political behavior is crucial for understanding electoral processes. If voters had a deeper knowledge of what elections signify, they would see that they have more to do with minority representation than majority dominance. A deeper understanding of election processes would pave the way for a more inclusive, transparent, and accountable form of democracy. Election fraud, manipulation, and violence may be avoided if people see voting as a process rather than an event. Long-term threats to democracy may be mitigated if voters are aware of the function electoral systems play in the functioning of political parties.

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