

Election Commission - Election Process of India

Introduction Election Commission

Election Commission of India (ECI) is a permanent constitutional body established on 25th January 1950. It ensures free and fair elections in the country. These elections are conducted periodically to uphold the democracy of the country.

ECI plans and conducts two different types of elections: Direct Election and Indirect Election.

Types of Elections in India

Elections form a vital part of the Indian democratic system and decides the functioning of the country and thus its economy. Elections are the way and tool for people to elect their representative from specific political parties, who then run the country.

Being a democratic republic, while the President is the head of the country, the Prime Minister is the head of the government, in India.

Elections are conducted as per constitutional provisions and the laws made by the Parliament. Article 324 of Indian Constitution explains about the provision of election commission in India.

Elections in India are held for the Lok Sabha and Rajya Sabha, the State Legislative Assemblies (Vidhan Sabha) and Legislative Council (Vidhan Parishad).

1. Presidential Elections

All elected Members of Legislative Assemblies and Members of Parliament (Lok Sabha and Rajya Sabha), elect the President of India. The nomination of a candidate for election to the office of the President must be subscribed by at least 50 electors as proposers and 50 electors as seconders. The election is held by means of a secret ballot under the single transferable vote system. The winner of the Presidential election is not the person who gets the most number of votes, but the person who gets more votes than a certain quota. The quota is decided by adding up the votes polled for each candidate, dividing the sum by 2 and adding '1' to the quotient.

2. General elections (Lok Sabha)

Members of Lok Sabha or Lower House of the parliament are elected directly by voting, by the citizens of India. The elections are held every 5 years, where every adult eligible voter, irrespective of his/her social status, religion, caste, race etc, from India can vote from their concerned constituency. Candidates who win the Lok Sabha elections are the Members of Parliament and hold their seats for the period of 5 years.

The maximum strength of the House envisaged by the Constitution is 552. This includes 530 members from the states, up to 20 members from the Union Territories and two Anglo-Indian community members nominated by the President.

Any party needs atleast 272 MPs to hold a claim to form the central government. The leader of that party/alliance then takes oath as the Prime Minister.

3. Rajya Sabha Elections

Candidates of Rajya Sabha, or the Upper House of the parliament are not elected directly by the citizens of India. The members are rather elected by the candidates who have already won the Lok Sabha Elections or who were nominated by the President of India.

Rajya Sabha cannot have more than 250 members according to the Constitution of India. Twelve members, who have earned distinction in the fields of literature, art, science and social service, are nominated by the President.

Each Member of the Parliament in Rajya Sabha get a tenure of six years but one-third of its members retire after every two years.

Rajya Sabha is the second level review body when a bill has to be converted into an act, in the country.

The Indian constitution, however, places some restrictions on the Rajya Sabha, making it less powerful than the Lok Sabha, in some areas.

4. State Assembly Elections (Vidhan Sabha)

Members of State Legislative Assemblies are also elected directly by voting. Every adult citizen of India can exercise their right to vote, from their concerned constituency. Candidates who win the State Legislative Assembly Elections are termed as 'Member of Legislative Assembly'.

The maximum strength is fixed at 500 and minimum strength at 60. The governor can nominate one member from Anglo-Indian community if, in his opinion, the community is not adequately represented in the House.

The elected candidates hold their seats for five years. The leader of the party or the alliance, which secures more than 50% of seats, takes oath as the Chief Minister of the state.

5. Legislative Council Elections (Vidhan Parishad)

The composition of legislative council is partly through indirect election, partly through special constituencies and partly by nomination.

The Councils are meant to play the role of the Rajya Sabha in the states and hence the composition, process of election is quite different from that of the state assembly. The councils consist of members elected through five different constituencies through a process of single transferable vote (STV) system. The size of the State Legislative Council cannot be more than one third of the membership of the State Legislative Assembly. However, its size cannot be less than 40 members. The actual strength of a council is fixed by the parliament.

One third are elected by the members of local bodies such as municipalities, Gram panchayats, Panchayat samitis and district councils. One third are elected by the members of Legislative Assembly of the State from among the persons who are not members of the State Legislative Assembly. One sixth are nominated by the governor from persons having knowledge or practical experience in fields such as literature, science, arts, the co-operative movement and social service. One twelfth are elected by persons who are graduates of three years' standing residing in that state. One twelfth are elected by persons engaged for at least three years in teaching in educational institutions within the state not lower than secondary schools, including colleges and universities.

6. Gram Panchayat Elections

A gram panchayat or village panchayat is the only grassroots-level of panchayat raj institutions (PRIs). It is the formalised local self-governance system in India at the village or small-town level, and has a sarpanch as its elected head. India has about 250,000 gram panchayats.

The gram panchayat is divided into wards, where a Ward Member or Commissioner also referred to as a Panch or Panchayat Member, represents each ward. He is directly elected by the villagers. The panchayat is chaired by the

president of the village, known as a Sarpanch. The term of the elected representatives is five years.

The gram panchayat also has a Secretary, who is a non-elected representative, appointed by the state government, to oversee panchayat activities.

7. Panchayat Samiti Elections

Panchayat Samiti, also called as Block Development Councils and Taluka panchayat, are rural local governments (panchayats) at the intermediate level in panchayat raj institutions (PRI). Operating at the Tehsil level, the Panchayat Samiti is a link between the gram panchayat (village council) and the zila parishad (district board).

A Panchayat Samiti is comprised of elected members, like the block development officer, members of the state's legislative assembly, members of parliament belonging to that area, otherwise unrepresented groups (Scheduled Castes, Scheduled Tribes and women), associate members (such as a farmer, a representative of the cooperative societies and one from the agricultural marketing services sector) and the elected members of that panchayat block (tehsil) on the zila parishad (district board).

The samiti is elected for five years and is headed by a chairman and deputy chairman elected by the members of the panchayat samiti.

8. Zila Panchayat Elections

The Zila Panchayat or District Council or Zila Parishad or District Panchayat, is the third tier of the Panchayati Raj system. The members of the State Legislature and the members of the Parliament of India are members of the Zila Parishad.

Members of the Zila Parishad, which has minimum of 50 and maximum of 75 members, are elected from the district when Indian adults exercise their right to vote. The elected members have a term of five years. These councillors are chosen by direct election from electoral divisions in the district.

The parishad is headed by a president and a vice-president. The chief executive officer, who is an IAS officer or senior state service officer, heads the administrative setup of the Zila Parishad. His main job is to supervise the divisions of the parishad and is assisted by deputy CEOs and other officials at district- and block-level officers.

Article 325 {No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex}

There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Article 327 {Power of Parliament to make provision with respect to elections to Legislatures}

Subject to the provisions of this Constitution, Parliament may from time to time by law make provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.

Article 328 {Power of Legislature of a State to make provision with respect to elections to such Legislature}

Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of a State may from time to time by law make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due constitution of such House or Houses.

Article 329 {Bar to interference by courts in electoral matters}

Notwithstanding anything in this Constitution -

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.