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DISADVANTAGES OF ELECTION SYSTEM IN INDIA WITH SPECIAL REFERENCE TO ASSAM AND THEIR REMEDIAL MEASURES



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ABSTRACT

Article 324-329 in Part XV of the Constitution of India deal with the Election and Electoral Process in India. Part XV of the constitution and Representation of the People's Act, 1951 are regarded as the basis of our election system. There is an Election machinery named Election Commission of India which is entrusted with superintendence, direction and control of Election. Broadly speaking, there are three system of Election, namely, simple plurality system or First Past the Post System (FPTP), Proportional Representation system and Majority system. The Election system In India with special reference to Assam has been confronted with a lot of disadvantages.

The constitution and function of the Election Commission, its independence and neutrality, the political parties, their candidates and agents, nature of contesting Elections, voters' voting behaviour etc. have become subject to questions.

KEYWORDS :Disadvantages of Election system, causes of disadvantages, Election Commission, Remedial Measures.

INTRODUCTION

Election system is regarded as the basis of the present democracy. In ancient times, the size of the state and the number of population was small. The people could have gathered in a particular place for legislation but in recent times this is not possible because of bigger size of the state and larger number of population. As such, there is indirect democracy or representative democracy at present.

The political party which wins the election gets the right to rule. It is Elections that give legitimacy or a valid title to rule to Government in a democracy.

It is election which provides facilities for voters to participate in decision making and exercise control on the government. It is election through which the person's General Will is expressed. The Election system should be free from disadvantages so that the representatives elected by the people could perform function and exercise powers in the interest of the people. If the Election system is not free and neutral, ineligible persons will be elected and the government would be constituted with such ineligible representatives and the value of democracy would be lost. If the election machinery is defective, or is not efficient or is worked by people whose integrity cannot be depended upon democracy will be poisoned at the source. (H.N. Kunzru).

The responsibility of conducting our Election has been entrusted to an independent and neutral agency, namely Election commission instead of executive or legislature of the government. "The superintendence, direction and control of elections shall be vested in the Election Commission- Act.- 324." The Constitution, functions, independence and neutrality of the Election Commission, role of different Political Parties, dependence of the Election Commission on the Union and state governments for making available such staff as may be necessary for the discharge of the function conferred on the Election Commission, obedience to law and code of conduct maintenances of law and order during elections, the contesting candidates' behaviour, voters' voting behaviour etc. have become subject to questions.

The Political interference in every election matter by the party/ parties in power, choosing the criminals' Candidates for election, engagement of defeated Candidates in coveted Posts/ jobs, use of money and muscular power in election, intimidation to voters, use of outfit forces etc. have complicated the election system.

OBJECTIONS OF THE STUDY:

The paper is designed with the following basic objections:

- (i) To find out the disadvantages of election system.
- (ii) To find out the socio-economic and political causes leading to such disadvantages.
- (iii) To suggest remedial measures to get rid of these disadvantages.

METHOD OF THE STUDY:

The Present paper is descriptive. The paper is basically compiled with the help of various sources like Books, journals, magazines, newspapers, television, internet etc.

DISCUSSION:

The Election Commission of India (ECI) entrusted with the responsibility of superintendence, direction and control of the election could not perform its functions effectively and neutrally, because there is political interference in it in the following ways.

- A. (i) The appointment of the Chief Election Commissioner and other election Commissioners shall be made by the president of India- Art.- 324(2). But the appointment is made on the advice of the Prime Minister who is a leader of the Party in power. The person who is obedient to the existing government and the party in power is considered for appointment as Chief Election Commissioner and as such he cannot be expected to discharge his functions independently and neutrally.
- (ii) The future prospect of re-appointment after retirement has a great impact on the chief Election

Commissioners to be loyal and obedient to the union government. Because of sympathy for and obedience to the union government, some Chief Election Commissioners were re-appointed, for example- a) R.K. Trivedi was appointed Governor of Gujrat, b) Sukumar Sen was appointed vice-Chancellor of Bardhaman University, West Bengal and c) V.K. Sunderam was appointed chairman of the law Commission after their retirement.

(iii)The future prospect of extension of service exercises an impact on the chief Election Commissioners. Any Chief Election Commissioner capable of satisfying the union government and pays loyalty to the party in power is given an extension of service up to eight years. For example, Sukumar Sen and V.K. Sunderam were given an extension of eight years service. Having been influenced by the Union government for extension of service, the Chief Election Commissioners cannot be expected to be impartial in the discharge of their functions.

(iv)There is political interference in the Election Commission on the fixation of the date of Election, submission, scrutiny and withdrawal of nomination papers and as such the impartiality of Election commission is doubtful.

B.The Government is not under compulsion to accept and implement the recommendation of the Election Commission, if it goes against the interest of the government.

C.The Election Commission, being devoid of its own employees, depends on the Union and state governments to make available of such staff as may be necessary for the discharge of the functions conferred on the election commission. These employees are more sympathetic and loyal to their governments than the election commission.

D.The Election Commission is entrusted with the responsibility of conducting election in a systematic way. The responsibility of maintaining law and order during election is entrusted to the state government. But we cannot expect the state government's police and civilians to discharge their duties impartially.

E.It is money instead of candidate's ability, experience, personality and educational qualification which plays important role in our election system. The candidate who spends huge amount of money in the constituency is sure to win the election. As a result, illiterate, ineligible and unexpected candidates are elected and efficient and suitable candidates are defeated.

F.The Company Act, 1956 allows the companies to donate some amount of their profit to the party candidates or the party for political purpose. As a result, the candidates after they win the election represent the rich and the multinational company/companies instead of representing the people of their constitutions.

G.The Representation of the people's Act, 1951 asserts on it that the political parties, their candidates or agents should not appeal to the voters to vote or debare any voter from exercising voting on the basis of caste, creed, language, sex, community etc. But the political parties and their leaders do not follow this principle, rather they nominate candidates and appeal to the voters to vote this candidates on the basis of caste creed, language, sex; community etc.

H.Criminalization of politics is a common phenomenon. The murderers, rapists, big cheats, extortionists, smugglers, drugs paddlers etc, against whom criminal cases are there in various police stations, law courts are chosen as candidates by the political parties to contest election.

I.Sometimes, the Government tries to win the election spending public money. The government arranges loan mela for the voters to avail loan from bank. But in course of time, these loans are not repaid by the beneficiaries and as a result, the banks become bankrupt. Sometimes, some attractive schemes are announced and launched on the eve of election. But these schemes come to an end due to

back of money. And in this way public money is misused.

J. In Assam, some people are baselessly treated as doubtful citizens and the letter 'D' meaning doubtful is put before the name of the head of the family and there by all the voters of that particular family are debarred from exercising their right to vote.

K. In Assam, all the voters have not been provided with Photo Identity Card as a result of which some of the political parties, their candidates or agents induce some voters to resort to proxy voting.

L. In Assam, illiteracy rate is higher than other states in India. Illiterate voters are accustomed to voting in the traditional ballot paper instead of EMV. They do not know how to press button of the EVM in favour of the candidates of their own choice and as such their votes go astray.

M. In Assam, some of the outfit organizations, namely, ULFA (United Liberation Front of Assam), NDFB (National Democratic Front of Bodoland), GNLA (Garo National Liberation Army), BTF (Bengali Tiger Force) etc. threaten the voters to vote the candidates of their (Outfit) choice or against the candidates whom the outfits do not want.

SUGGESTIONS FOR ELECTORAL REFORMS:

The following suggestions may be put forward for electoral reform:

1. In order to stop political interference in the composition and functioning of Election Commission, it is suggested that the chief Election Commissioner should be appointed not only on the basis of Prime Minister's advice but also in consultation with the chief justice of the Supreme Court, Prime Minister and the leader of the opposition in Lok Shaba.

2. As the re-appointment and extension of service of the chief Election Commissioner is done on political consideration, so re-appointment and extension of service should be stopped.

3. The Election Commission while fixing the date of election, submission, scrutiny and withdrawal of nomination papers, should consult the intellectual but not the government in order to avoid government interference.

4. The state and union government employees entrusted with election duty, maintenance of law and order be warned of serious consequences, if they are found negligent of duty and obedient to any government or political party.

5. It is desirable that the President's Rule (PR) should be proclaimed in the state (s) where election is going to be held so that the government cannot misuse power in its favour to win election.

6. Electronic Photo Identity Card (EPIC) should be provided for each and every voter to stop proxy voting and evil design of some candidates.

7. The Election Commission should fix up ceiling of expenditure in the election so that money power could not play decisive role.

8. The Election Commission should make it mandatory for the candidates or agents to submit the audited accounts of expenditure before the election commission within the period fixed by the commission.

9. The Election Commission should be strict so that in no way the accused like murderers, rapists, extortionist, cheats, Smugglers etc. can contest election.

10. The Election Commission should organize awareness camps among the illiterate voters to ensure increase of voting percentage, use of electronic voting machines efficiently and thereby decreasing the percentage of cancelled vote.

11. The Election Commission should be strict so that no genuine Indian citizen should be harassed merely on ground of doubt. The Assam government should take up the matter seriously so that the citizens having the letter 'D' before their names could exercise their right to vote.

12.The Representation of the people's Act, 1951 should be strictly followed by all. No candidate should be nominated and voters should not be appealed to exercise voting on the basis of caste, creed, language, sex, place of birth etc. with a view to maintaining Peace, harmony, unity, integrity and brotherhood. The candidature of the candidate violating this principle should be cancelled.

13.The number of polling centre should be increased to facilitate the voters to exercise their franchise easily and comfortably.

14.The Director General of Police, Home Ministry, CID, S.B, government etc. in close cooperation, should leave no stone unturned to defuse the activities of different outfit organizations so that they cannot disturb the election in any way.

15.The Election Commission should appoint and engage observers, inspectors, Supervisors. Magistrates, Intelligence Bureau, and such other personnel as may be necessary for impartial observation, inspection, supervision and reporting their of to the Election Commission forthwith for smooth conduct of election.

CONCLUSION:

The existence of multi party system, holding of elections at regular intervals, participation of the people directly or indirectly in the government and administration has made India the largest democratic country in the world. It is our privilege and pride that we belong to the largest democratic country in the world. It is expected that the Election Commission of India (E.C.I.) should play active, efficient and decisive role in the maintenance of impartial election. The impartial and effective role of the election commission will be possible only when there is close cooperation between Election Commission and the people, between Election and NGOs.

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