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## The problems and challenges of the Election Commission in India in the current situation

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**Abstract:** In every democracy, elections and the electoral process has a special significance. In order to sustain and implement the democratic system in today's world, it is necessary to have fair and impartial elections. The Preamble of the Constitution of India proclaims democracy and republic. All of us who work to protect and respect the civil rights of Indian citizens are deeply concerned about the country's democratic policy. In the case of India, the Electoral Commission assumes this specific responsibility. In the current situation, the Election Commission of India is facing various problems. The main reasons for this are the current political situation, the erosion of the values of various political parties, the lack of awareness among the people and so on. Therefore, conducting fair and impartial elections has become a major challenge in the current situation.

Key words: Erosion of values, impartial elections, improve efficiency, political reality of rural India.

### INTRODUCTION

India's Electoral commission is an independent constitutional authority responsible for the administration of electoral process in India at the national, state and district levels. The body administers the elections in Lok Sabha, Rajya Sabha, the Legislative Assemblies of the state, the Legislative Council of the state, the President and the Vice-president of the country. The Election Commission functions under the authority of the constitution, in accordance with Article 324 and subsequently adopted the Law on Representation of the people. The Election Commission of India was set up on 25 January, 1950 and originally had only one electoral commissioner. Two more commissioners were appointed to the commission for the first time on October 16, 1989, but their terms were very short, ending on January 1, 1990. Then the Elections commissioner Act passed on January 1, 1990 and established the commission as a multi-stakeholder organization; a three members commission has been in office ever since and the commission's decisions are taken by a majority vote. The Commissioner of Elections and the two commissioners of Elections, who are usually retired IAS officers, receive salaries allowances equivalent to those of Supreme Court Justices, pursuant to the Elections Commissioners and other Electoral Commissioners Regulations, 1992.

One of the most important characteristics of democracy is that elections are held regularly. The Commission has made a great deal of effort for the success of the elections and, consequently, for democracy. Thus, it is regarded as the Guardian of both, democracy and free and fair elections. The party system is necessary for parliamentary democracy. Legislation relating to this registration process was promulgated in 1989 and the number of parties was registered with the Commission. It helps to avoid the confusion and headaches of the administrative apparatus and also the confusion of the electorate. It makes it possible for political parties to practice democracy only by registering them. The campaign period has been reduced by the Electoral Commission from 21 to 14 days for the elections in Lok Sabha and the Assembly; it is to reduce election expenses. The Electoral Commission has taken a step in the right direction by attempting to impose such measures. In addition, the Electoral Commission takes the details of its assets by affidavit when presenting the nomination paper.

The Electoral Commission is trying to improve electoral procedures by making use of scientific and technological advances. Introducing EVM – Electronic Voting Machines is a step in this direction. It has been used to minimize misappropriation and improve efficiency. On an experimental basis, it was first attempted in the state of Kerala in 1982 for the parliamentary elections. After successful trials and legal investigations, the board made the historic decision to move forward and begin using EVMs. The criminalization of politics is a serious issue for India. This menagerie started in Bihar and progressively spread over the nation. In 2003, an act was passed to prohibit the election of criminals to legislative bodies. However, individuals with criminal backgrounds continue to hold seats in Parliament and State Houses. It results in a very unwanted and embarrassing situation when offenders become legislators.

## OBJECTIVES

1. To highlight issues of Indian Electoral system.
2. To explain problems face by the Election Commission of India.
3. To find out some suggestion to conduct election process more competently.

## METHODOLOGY:

The study is based on primary and secondary sources of data. The primary data has been collected from, government documents, verdict of Courts etc. Secondary data has been collected from different journals, books, websites etc.

## PROBLEM FACING ECI AT THE PRESENT SITUATIONS:

The influence of monetary power is also one of the major shortcomings of our electoral system. Nowadays Elections are costly affair. Sometimes the political parties and also the aspiring ones are afraid of these frequent elections. The votes are as a commodity market through purchase and sale.

In the past industrialists, businessmen help political parties but currently they are directly involved in elections, they are running in direct elections, sometimes they buy as MPs, MLC seats from Rajya Sabha and State Legislative Councils respectively political parties, etc. In many cases, political leaders also get involved through their candidates in public procurement, government agencies and they also become industrialists and business people.

The current majority system creates numerous problems. It simply decides who gets the majority among the opponents regardless of the percentage of vote, but sometimes that percentage is below 37% of the total votes, even if they win elections, he leads a winner represents to a riding with minority votes, but he/she represents 100 per cent of the people. This system leads to the policy of division within society on the basis of caste and community. Instead, to win, candidates have to get more than 50 per cent of the votes in any election. If no one can get in the first round, the second round election should be held between the two main candidates. Every political party should get the support of all the people's groups, otherwise no one can win the elections.

Criminalization of policy is a serious issue in our current policy. Legislators should not be subject to criminal charges, so the legislation should keep them out of elections. In the sixteenth Lok Sabha, 53 members out of 543 face serious criminal charges, if convicted, they will be disqualified.

Muscular power and dominance is another major step backward in the Indian electoral system. Booth capture, rig, frighten voters and also personal poling, violence before, during and after elections are various forms of muscular power. The present measures are not sufficient to avoid the aforementioned embezzlements and fair elections. Sometimes it's handled as well. All polling stations are covered by CC cameras and web broadcast. CC cameras should be repaired at all polling stations and on-line broadcasts. Biometric system with ADHAR number linkage will be introduced, as ATM electors can use their vote through individual centers for a period of time. This can be done by issuing electronic voting cards.

Caste has always been at the forefront of Indian politics. Various caste groups have their loyalties behind totally different political parties and their ideologies. As soon as people are born, they inherit a caste and grow up as members of a particular group of castes. They are either a superior caste or a posterior caste. Caste values and caste interests ultimately influence socialization and consequently individual political thought, consciousness and participation.

It is obvious that the superior castes which control the affairs of this village and the community and the rural economy can't tolerate the changes under way established by distributed democratic institutions. Consequently, from the outset of the implementation of the tensions of the panchayat system, Violence and murder occurred in order to withstand the transformation. Elections to local government organs were first and foremost a point of attack for caste groups.

The crime against historically marginalized programmed castes and tribes programmed by the higher caste represents an extreme form of prejudice and discrimination. Similar to the hate crime in other parts of the world, these groups have remained target to the crimes and atrocities at the hands of the upper caste people mainly on account of their low caste identity in the form of rape, abuse by the police personnel, harassment, illegal land encroachments, forced evictions and so on. The growing terrorization of lower castes by higher castes, even middle castes, is now part of the political reality of rural India.

In countries like Maharashtra, Bihar, Haryana, Rajasthan and extreme Pradesh, caste violence has risen the head, even in some urban areas. Caste-based mobilization has become one of the most important tools of electoral mobilization for all political parties in India. Most political parties have either direct or indirect foundations. In Bihar, nearly all the regional parties have their own caste base, Ram Vilas Paswan Lok Janshakti Party (LJP) example. In Uttar Pradesh, where the Samajwadi Party is closely identified as a Yadav Party, whilst the Bahujan Samaj Party is identified as the Dalit Party. The JD(s) of Karnataka is known to be part of the dominant peasant community, the Vokkaligs, while the Shiv Sena in Maharashtra is identified as predominantly for Marathas.

Castes affect the development of government policies. The programs, policies and statements of political parties are done while taking caste into account. The caste factor influences the formation of the cabinet and the appointments to the various political positions of the government. Politicians negotiate votes over caste lines.

India's elections seek overwhelming popular participation, where electoral candidates try to seduce voters by promising long-term reforms such as better governance, greater socio-economic equity, rising poverty, etc. However, corrupt politicians with criminal records, caste and religion-based policies and allegations of vote-buying have defeated the very purpose of such a democratic process. Caste politics over the past three decades has been marked by the desire for power over caste lines rather than by a substantial program of social reform of the oppressed.

India is currently experiencing the 2nd wave of the COVID-19 pandemic. Although the spike is still to come, the fury has already amazed the world. The blame game started about the insensitive and pathetic lack of preparation of organizations to deal with the crisis while the lack of oxygen takes dozens of lives.

Some blames the pride of the government, others blame the traditions of religious holidays such as the Holi and Kumbha, and others blame the lack of human capital among Indians. These discussions and debates about accountability are based less on facts and numbers than on ideology and emotion.

However, while India has become the global capital of COVID-19, during this time she was busy in the assembly elections in four of its states and one union territory: Assam, Kerala, Pondicherry, Tamil Nadu, and West Bengal. There were huge public meetings and extensive tours throughout states during the election campaign. In all these states, spreading of COVID-19 has become much direr for the election to take place in a pandemic situation.

### SUGGESTIONS:

1. The Election Commission of India will have to impose more restrictions on the formation of a new political party
2. Apart from the National Party and the major opposition parties in the different states of India, all other parties shall be dissolved pursuant to the Board's special powers. However, in this case, the Electoral Commission must be set up a time limit, exactly how long it may take to finish this work.
3. Political parties that have been trained on the basis of fundamentalism and religious practices should be monitored by the Commission.
4. The Commission shall pay subtle attention to ensuring that juveniles are not allowed to attend in any party's meeting, procession etc. as a preacher.
5. As promised in the electoral manifesto, even after taking office, if a political party does not manage to complete 70-80% of the work of the manifesto of its official mandate. It should not have the rights for standing in the next election for 10 years. The commission has to pay special attention to that.
6. People who are related in anti-social activities such as rape, murder, etc. should be excluded for being an election candidate.
7. Separation between caste discrimination and caste infringement policies.
8. Deploy the central and state armed forces and the armed forces of the Electoral Commission in various sectors throughout the electoral process.
9. Importance of elections should be included in syllabus at upper primary school level.
10. Organize election workshops at least once in a month in every panchayat zone at the village level.
11. Stop the social media campaign 72 hours before the survey amongst the recommendations.
12. Biometric voter ID card with online voting process.
13. The Electoral Commission should pay subtle attention to ensure that there are no losses of life during the electoral process.

### CONCLUSION:

In the end, we can say that it is a real challenge for the Election Commission to play a neutral and constructive role in such a large democratic country as India. And various factors are responsible for this, such as racism, religious fundamentalism, the nefarious motives of political leaders, the unconsciousness of the people, and so on. Because in the present party system of India, many political parties have somehow formed on the basis of caste system and religious customs which is not desirable in the case of secular, democratic India. Today, the country's tradition and solidarity is an extreme crisis. At present, capital has become a special instrument in the electoral process. Where the rich and merchant class people have spent a lot of money for their own interests, the fourth pillar of democracy (Media) has been used to protect the interest of ruling party and capitalists and become their puppets. As a result, the people are being deprived from the real purpose of democracy. On the eve of the election, almost all political parties have made numerous promises in their election manifestos but the sad thing is that till date no political party or government has fulfilled their promise in the last 5 years. As a result all hopes, trust and faith of the people have been crushed on the mountain

of false promises of the leaders. Therefore, in the current situation, the Election Commission needs to take a much more relevant and constructive role so that Indian democracy can become a true democracy.

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