

The Types of Peculiarities in Electoral System

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ABSTRACT

There is a wonderful quotation by someone that no one is perfect but practice makes a man perfect similarly the Indian electoral system is not perfect but it can be improved. India being a democratic country it was really necessary to adopt a system where each and every person shall have the right to choose their representative and after India accomplished Independence in August 1947, there was a need to hold General Elections to choose a genuinely representative Government based on all-inclusive grown-up suffrage. Article 324, which accommodates the setting up of Election Commission as a free protected specialist, was in this way brought into power from November 26th, 1949, while, a large portion of alternate arrangements were made compelling from January 26th, 1950 (when the Constitution of India ended up successful). But are these elections held without any kind of political games, Hence this paper mainly focuses on the evolution of electoral system, process of how elections are conducted in the country, peculiarities of the electoral system and recommendations that how this system could be improved.

INTRODUCTION

India is the seventh biggest (by zone) and the second most crowded nation on the planet, with approximately one-sixth of its populace, of around a billion and a quarter. India is a major nation and henceforth should be administered in an appropriate and compelling way. The delegates Chosen by the general population are the ones who take the decisions for the betterment of the country on behalf of the people who have elected them [1].

It is really necessary to conduct elections in every country because it helps to maintain the peace and harmony in the country, without elections there would be autocracy and as said "Power tends to corrupt and absolute power corrupts absolutely." Collins dictionary defines elections as "An election is a process in which people vote to choose a person or group of people to hold an official position." [2]

WHICH BODY IS IN CHARGE FOR CONDUCTING ELECTIONS?

The Election Commission of India is an independent, unavoidably settled government specialist in charge of managing all the constituent procedures in the Republic of India. Under the supervision of the commission, free and reasonable races have been held in India at ordinary interims according to the standards revered in the Constitution.

The Election Commission has the intensity of superintendence, heading, and control of all races to the Parliament of India. Creation of race commission It comprises of a central Election official and some different individuals. They are delegated by the leader of India. Their term and state of administration are controlled by the Decision commissioners Election Commissioner of India is an individual from Election Commission of India. He is typically an individual from the Indian common administration and generally from the Administrative administration. The Election Commission

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presently comprises of a Chief Election Commissioner and two Election Commissioners.

ELEMENTS OF ELECTION COMMISSION IN INDIA

Thereafter, selection papers are investigated.

The following stage is the battle by every one of the applicants and the gatherings. The election campaign closes 48 hours before the polling. The last stage is the tallying of votes and statement of result.

Present structure

After India got Independent in August 1947, there was a need to hold General Elections to choose a representative Government. Article 324 [3], which accommodates the setting up of Election Commission as an autonomous constitutional authority, which was in this way brought into power from November 26th, 1949, though, the vast majority of alternate arrangements were made viable from January 26th, 1950 (when the Constitution of India wound up viable).

Decision Commission was formally comprised on January 25th, 1950, a day before India progressed towards becoming as the Sovereign Democratic Republic. The First Chief Election Commissioner, Shri Sukumar Sen, was named on March 21st, 1950. The Commission worked as a solitary part body from 1950 to October sixteenth, 1989 yet was changed over into a three part body on October 16th, 1989 to January first, 1990. In the year 1990, January first, it was returned to the arrangement of single part body. In any case, since October first, 1993, the Commission is consistently working as a three member body.

The Chief Election Commissioner and two Election Commissioners are given indistinguishable compensation and stipends from of a Judge of the Supreme Court. All the three Commissioners have square with forces in basic leadership and in the event of any distinction of assessment on any issue, the choice is taken by the dominant part. The term of the workplace of CEC and ECs is six years or till the age of 65, whichever is prior.

With the end goal of first General Elections to the Lok Sabha and Vidhan Sabhas, the principal delimitation arrange was issued by President, in meeting with Election Commission and with the endorsement of Parliament on August thirteenth, 1951.

To give a legitimate structure to conduct elections, Parliament passed the principal Act on May twelfth, 1950 (Representation of the People Act, 1950) giving essentially to the readiness of discretionary rolls and second Act on July seventeenth, 1951 (Representation of the People Act, 1951) setting out the methodology for the direct of decisions to the two Houses of Parliament and Vidhan Sabhas for each State.

Electoral rolls for voting demographics were distributed in all States by November fifteenth, 1951. The aggregate number of voters (barring J&K) was 17,32,13,635 as against the aggregate

populace of India (barring J&K), 35,66,91,760 as indicated by 1951 registration, The primary General Elections to the Lok Sabha and Vidhan Sabhas were held between October, 1951 and March, 1952. The first Lok Sabha comprising of 497 individuals was established on April second, 1952. The first Rajya Sabha comprising of 216 individuals was established on April third, 1952.

After the constitution of the two Houses of Parliament and the State Legislative Assemblies, the main Presidential race was held in May, 1952 and the principal appropriately chosen President accepted the charge of office on May thirteenth, 1952. At the season of the principal General Election in 1951-52, the Commission hosted perceived 14 political gatherings as multi-state parties. Also, 39 parties as the state parties. By and by, there are seven perceived National Party and 40 State Party.

For the first and second General Elections in 1951-52, and 1957, the Election Commission embraced the 'Balloting System' of casting a ballot. Under this framework, each applicant was allocated a different tallying station at each surveying station in a screened compartment and the voter was required just to drop his vote paper, the midway pre-printed ticket papers into his preferred voting booth of the competitor.[4]

From the third General Elections in 1962 onwards, the Commission changed over to 'stamping framework' of casting a ballot. Under this framework, a typical ticket paper containing the names and decision images of all challenging hopefuls is imprinted on which the voter needs to put a check with a bolt cross check elastic stamp on or close to his preferred image of the applicant. All the stamped ticket papers are put into a typical polling booth.

The Electronic Voting Machines (EVMs) were utilised without precedent for part of Parur Assembly Constituency in Kerala in 1982, on test premise. Afterward, the broad utilization of EVMs began in 1998. The EVMs were utilized at all surveying stations in the nation in the fourteenth General Elections to the Lok Sabha in 2004 out of the blue. From that point forward all decisions to Lok Sabha and Legislative Assemblies have been held utilizing EVMs.

Since 1951-52, fifteen General Elections have been held to the Lok Sabha and 348 General Elections to the Vidhan Sabhas and the nation is currently completely designed for the sixteenth nationwide broad races to Lok Sabha .

HISTORY OF EVOLUTION

The history of elections in India, in dates to the Act of 1919 there unique, be that as it may, is established in the Act of 1861 itself. Boss among the reason for the Indian Revolt of 1857 was the absence of any touch between the principles and the ruled. "It was unmistakably risky to proceed", as Sir BERTLE FRERE, in his celebrated moment of 1860 watched, "to enact for millions of individuals with few methods for knowing, aside from by defiance whether the laws suit them or not". It was, along these lines, carefully chose to give some non-official

portrayal on the Governor Generals and the Governors boards. The Indian Chambers Act of 1861 were the aftereffect of this choice. The Act gave the arrangement extra individuals, not less than six and not more than twelve, for a long time, of whom not less than half were to be non-authorities. Incorporation of Indians in the gathering did not depend on the standards of law based portrayal, for constantly the individual named were the Indian sovereigns, their Dewan or enormous land holders.

The arrangements of the Indian Council Act again neglected to fulfill the Indians. At that point, the Indians Councils Act 1909 prominently known as the Morley Minto Reforms of 1909 further broadened the authoritative committees both of the Governor General and that of the areas [5]. They additionally presented, out of the blue the strategy for the race, however circuitous, as the methods for comprising a segment of the non-official individuals. Each Legislative Council was to comprise of three classes of individuals: the official chose and the selected non-authorities. The elective rule, in any case, was confined somewhere around serious impediments, limitations, and contortions. The establishment was to a great degree thin based, and, as a result, ransacked the elective standard of its genuine significance and reason. On account of the Imperial Legislative Council the normal number of voters in the general voting public was 21, and in one case the number of voters was . They add up to a number of votes, by which all the chose individuals from this Council are returned (U.P.), can hardly surpass 4,000. That gives not exactly the average of 150 for every part. Additionally, individuals from the Legislative Council of the province:s are chosen by around 3,000 votes, or a normal of around 143 for each chosen part.

Be that as it may, the race was backhanded. To the non-official individuals from the nearby sheets was given the privilege to choose the delegates of the overall population to the common boards. In like manner, the non-official individuals from the common boards were enabled to choose delegates of the overall population to the Imperial Legislative Council. The connection between the normal man and the agent was, thusly, remote and, subsequently incapable and good for nothing. There was "definitely no association between the alleged essential voter and the man who sits at his agent on the Legislative Council, and the vote of the alleged essential voter has no impact upon the procedures of the Legislative Council." [6]

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Notwithstanding regional portrayal, the races concurred acknowledgment to class, collective, and uncommon electorate. In like manner, the electorate was assembled under three classes, as pursues:

General electorate comprising of the non-official individuals both of Provincial Legislative Councils or of the Municipal and District Boards;

Class electorate involving supporters, and Mohammedan electorate; and

The exceptional electorate, including Universities, Chambers of Commerce, Port Trusts, Presidency Corporations, Planting & Trade interests, and so on.

Be that as it may, even this was not viewed as a decent arrangement for decisions but rather than Mr. Montagu, at that point, visited India in 1917-18 and from that point A Report on Indian sacred Reforms which came to be known as the Montagu-Chelmsford Report was distributed. As per the announcement and the report: the Government of India Act of 1919 was established in the British Parliament. In the meantime, a different Franchise board of trustees was likewise designated to think about the inquiries associated with establishment and races. The proposals of the Franchise board of trustees framed the entire plan for future races under the Act of 1919.

The new focal governing body was to comprise of two chambers: The gathering of states and focal Legislative Assembly. Under the principles encircled by the Government of India, the gathering of states was to comprise of 60 individuals, out of them 34 were to be chosen - 20 by general electorate, 3 by the European assemblies of trade and 11 by mutual electorate (10 by Muslims and 1 by Sikhs). The Assembly was to comprise of 143 individuals, of them 103 were to be chosen 51 by the general bodies electorate, 32 by shared voting public (30 by Muslims and 2 by Sikhs) and 20 by unique supporters (7 via arrive holders, 9 by Europeans and 4 by Indian Commerce). The Franchise Committee suggested an arrangement of circuitous decisions for the Indian Legislative Assembly, on the grounds that as its would see it coordinate choose however best, were impracticable. Voting demographics, it clarified, surrounded based on Provincial establishment would be excessively expansive and inconvenient; and a smaller establishment would be both 'unreasonable' and 'politically unfortunate'. But the Government of⁷ India decided in favour of direct election for both the Houses of the Central Legislature. In the same way, the majority of the members of the Legislative Councils taken together, they formed 77.8% of the total number .

Another achievement in the historical backdrop of decisions in India is the Government of India Act, 1935 which was just

incompletely actualized. as just the commonplace piece of the Act came into power. The topic of establishment pulled in the consideration of a few bodies amid the development of this Act. The Indian statutory commission, famously known as the Simon Commission, suggesting in 1928, showed itself for liberating no less than 10% of the aggregate, or 20% of the grown-up populace, and incredibly expanding the proportion of ladies voters

The apparatus for elections remained essentially as equivalent to that of 1919. Out of the blue, the decisions were held in 1937 under the Government of India Act of 1935. The races conveyed to the fore the different patterns of the Indian political supposition at that point existing in the nation. Indeed, they uncovered the evil aftereffects of various public, exceptional and separate portrayals which were purposely presented by the Britisher's through a long range of time. It was anything but a vote based race by any means. It was a race dependent on a restricted establishment partitioned informally among the majority of political thought.

TYPES OF PECULARITIES IN ELECTORAL SYSTEM

Use of money

The Election Commission of India allows Rs 25 lakh per candidate for campaign expenditure, but it is best known secret that most candidates spend much more than what is officially allowed and what candidates declare after the poll but it is never considered by the parties. According to the CMS pre-post poll study, upwards of Rs 5,500 crore were spent by major political parties in the just-concluded assembly election in Uttar Pradesh⁸ alone and over Rs 100 crore in Punjab were confiscated, the report said, adding that what gets to electoral campaign pipeline is 4-5 times more than what gets confiscated by authorities.

In the 2014 national election, applicants detailed a median abundance of Rs 23.8 lakh – roughly multiple times the ostensible per capita pay of India in 2014-2015 of Rs 88,533– which is, thusly, altogether wealthier than the all-inclusive community.⁹

There are motivations to be stressed over this ascent of self-financing competitors in India. To begin with, if hopefuls should be well off to challenge a decision, just a little subset of the general public can practically hold office, resulting in legislators that have less in common with the citizens they represent. Second, if parties increasingly look at personal wealth to select candidates, instead of characteristics of “quality” such as education or constituency service, then elected politicians may become worse at representing their constituents.

Finally, and most importantly, if campaigns must be self-financed, then candidates may view contesting elections as an investment rather than a sunk cost, leading to greater levels of corruption in office as legislators try to recoup the costs of contesting elections.

Criminal in politics

In some parts of the country, candidates with criminal connection have been able to push others out of the electoral race and to secure a ‘ticket’ from major. "Our Indian democracy has seen an unfaltering increment in the dimension of criminalization crawling into the Indian nation. This will, in general, disturb established ethos, strikes at the base of law based type of government, and influences residents to endure," the judges included.

Specialists opine that a noteworthy motivation behind why debasement is so settled in the framework is on the grounds that there is no stringent law that requires political gatherings to deny the enrolment of corrupted applicants.

"Except if the Parliament corrects Article 102 of the Constitution and arrangements of the People's Act to preclude contemptible applicants, nothing will change," concedes High Court legal advisor and extremist Sapna Narang. "In any case, odds of the legislature doing as such are thin on the grounds that spoiled applicants have clout and accompanied a 'win ability' factor. Truth be told so loose are the tenets that at present, even hopefuls imprisoned for under two years can challenge decisions!"

Holding that the criminalization of governmental issues is a "to a great degree terrible and disastrous circumstance," the five-judge constitution seat headed by recent Chief Justice Dipak Misra said this "unsettlingly expanding pattern" has the penchant to "send shake down the spine of a protected majority rule government." The court included that the criminalization of legislative issues was "not hopeless" but rather the issue was required to be managed soon before it moves toward becoming "lethal" to vote based system [7].

The majority of the selected candidates are corrupted and India continues to be in thick of the most corrupt countries in the world, according to Transparency International. The international corruption watchdog declares its closely watched Corruption perception Index (CPI), which ranks 180 countries based upon institutional recognition of public sector corruption on a scale of 0-100. A score of zero indicates a “highly corrupt” nation while 100 indicates a “very clean” one. The CPI has become as one of the leading barometers of public sector corruption in the world. The loss faced by the country due to these politician are that they lead to various scamps leading to distortion of various lives.

CONCLUSION AND SUGGESTION

Weaknesses (defects) in indian electoral

The peculiarities of the electoral system can only be reduced when more educated people will enter into politics that may be a common point stated by all but if women being educated start entering in these fields at a high level then these flaws will be

removed because we always state that having an educated women in a family tends to educate the whole family and is much more capable of handling thing hence this could be on of the major remedies.

The other small steps which can be taken are that

A person having any sort of criminal record must not be entertained because these people are the major roots of implementation of corruption and manipulating the EVM records. They are also responsible to distribute liquor and money before the day of voting.

Being a secular nation the citizens must understand the importance of elections and not to give votes due to religious aspects. There ought to be finished restriction on the utilization of standing and religious interests in the crusade. There ought to be a law to direct the working of political gatherings and to guarantee that they work in a straightforward and vote based habits. Hopefuls with any criminal case ought to be banished from challenging races , regardless of whether their allure is pending under the steady gaze of court.

Our elections ought to be transformed from the FPTP(First Past The Post Vote) to some variation of the EVM framework. This would guarantee that parties get seats ,beyond what many would consider possible, in extent to the votes they get.

Their ought to be stricter arrangements to control the job of cash in constituent governmental issues.

The amount for the promotion of the parties must be only spent which has been decided by the election commission. The parties even practise muscle power and not provide money to most of

the works which lead to a huge loss for the people and spending crores of rupees also arises a question that where this money comes from the simple answer to the is corruption.

The bad part is that these practises could never be stopped because if a person who has a good faith to end corruption will lighter be killed or be later involved in these practices hence the confusion is that even if we try to end the peculiarities they won't come to an end but but can be reduced to some extent because the ocean water can't have all good fishes it'll always have some sharks which will make the water dirty.

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