

# Code of Conduct and Laws

To regulate election campaign, there are some election laws. According to these laws, no party or candidate can

- bribe or threaten voters
- appeal to them in the name of caste or religion
- use government resources for election campaign
- spend more than ₹ 25 lakh in a constituency for a Lok Sabha election or ₹ 10 lakh in a constituency in an Assembly Election.

If any party or candidate is found practising any of the above, their candidature can be rejected by the court even after they have won the election. In addition to the laws, all the political parties in our country have agreed to a Model code of conduct for election campaign.

According to this,

- no party or candidate can use any place of worship for election propaganda.
- no candidate can use government vehicles, aircrafts and officials for elections.
- once elections are announced, ministers shall not lay foundation stones of any project, take any big policy decision or make any promise of providing public facilities.

## Polling

On the day, when the voters cast or 'poll' their vote is called an **Election day**. Every person whose name is on the voters' list can go to a nearby polling booth and cast his/her vote through a Secret ballot. Once the voter goes inside the booth, the election official identify him/ her, put a mark on the voter's finger and allow him/ her to cast his/ her vote.

An agent of each candidate is allowed to sit inside the polling booth and ensure that the voting takes place in a fair way. Earlier voting was done by putting a stamp on the ballot paper.

A **ballot paper** is a sheet of paper on which the names of the contesting candidates alongwith party name and symbols are listed. Now **Electronic Voting Machines (EVMs)** are used to record votes. Where voter presses button against name of his candidate, he/she wants to cast his/her vote.

# Counting of Votes

Once the polling is over, all the EVMs are sealed and taken to a secure place. A few days later, on a fixed date, all the EVMs are opened and the votes secured by each candidate are counted. The candidate who secures the highest number of votes from a constituency is declared elected.

# What Makes Elections in India Democratic?

There are many factors which ensure that elections held in India are democratic. Independent Election Commission, popular participation and acceptance of election outcome are among such factors.

## Independent Election Commission

In our country, elections are conducted by an independent and very powerful **Election Commission (EC)**. It enjoys the same kind of independence that the judiciary enjoys. The **Chief Election Commissioner (CEC)** is appointed by the President of India. After appointed, CEC is not answerable to even the President or the government.

## Powers of Election Commission

*Powers enjoyed by the Election Commission are*

- It takes decisions on every aspect of conduct and control of elections.
- It implements the code of conduct and punishes any candidate or party that violates it.
- During the election period, the Election Commission can order the government to follow some guidelines to prevent use and misuse of governmental power to enhance its chances to win elections or to transfer some government officials.
- Government officers on election duty, work under the control of the Election Commission and not the government.
- If election officials come to the opinion that polling was not fair in some booths or even an entire constituency, they order a repoll.

## Popular Participation

If the election process is not free or fair, people will not continue to participate in the exercise. People's participation in election is usually measured by voter turnout figures. Turnout indicates the per cent of eligible voters who actually cast their vote. In India, there is greater voter turnout of poor illiterate people as compared to Western democracies.



# Acceptance of Election Outcome

If elections are not free or fair, the outcome always favours the powerful. In such a situation, the ruling parties do not lose elections. Usually, losing party does not accept the outcome of a **rigged election**.

*The outcome of India's election speaks for itself*

- The ruling parties routinely lose elections in India both at the national and state level.
- In the US, an incumbent or sitting elected representative rarely loses an election. But in India, about half of the sitting MPs or MLAs lose elections.
- Candidates who are known to have spent a lot of money on buying votes and those with known criminal connection often lose elections.
- Except some disputed elections, the electoral outcomes are usually accepted by the defeated party as 'people's verdict'.

# Challenges to Free and Fair Elections

*The challenges to free and fair elections are listed as follows*

- Candidates and parties with a lot of money may not be sure of their victory but they do enjoy an unfair advantage over smaller parties and independent candidates.
- Some candidates with criminal records are able to secure party tickets from major parties due to their political connections.
- Some families tend to dominate political parties; a tendency for dynastic rule is very common.
- Elections offer only little choice to ordinary citizens. All the major parties are quite similar to each other in policies and practice.
- Smaller parties and independent candidates suffer a huge disadvantage compared to bigger parties in terms of money power and organisational support.

These challenges exist not only in India but also in many established democracies. This is a matter of concern for all who believe in democracy.