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MASTER'S DEGREE THESIS

Management of Elections in Himachal Pradesh

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Author's Statement

I, Manisha NANDA hereby certify to be the author of this Master's Thesis, which was written under mentorship of Prof. Meteka Tekavcic and in compliance with the Act of author's and related rights-Para-1, Article 21.

I herewith agree this thesis to be published on the website pages of ICPE and the Faculty of Economics.

(Manisha NANDA)

Ljubljana dated September 09, 2006.

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ABBREVIATIONS

S. No.	Name	Abbreviation
1.	Acknowledgement	Ack.
2.	Assistant Chief Electoral Officer	ACEO
3.	Additional Chief Electoral Officer	ADDL.CEO
4.	Assistant Returning Officer	ARO
5.	Ballot Paper	BP
6.	Contesting Candidate	CC
7.	Chief Election Commissioner	CEC
8.	Chief Electoral Officer	CEO
9.	Classified Service Voters	CSV
10.	Daily Allowance	DA
11.	Deputy Election Commissioner	DEC
12.	District Election Officer	DEO
13.	Election Agent	EA
14.	Election Commissioner	EC
15.	Election Commission of India	ECI
16.	Electoral Officer	EO
17.	Electoral Registration Officer	ERO
18.	Electoral Roll	ER
19.	Electoral System	ES
20.	Election Related Management Bodies	ERMB
21.	Electronic Voting Machine	EVM
22.	First Past The Post	FPTP
23.	International Institute for Democracy & Electoral Assistance	IDEA
24.	International Labour Organisation	ILO
25.	Lok Sabha	LS
26.	Legislative Assembly	LA
27.	Model Code of Conduct	MCC
28.	Notification	Noti.
29.	Non Government Organisation	NGO
30.	Political Agent	PA
31.	Presiding Officer	PO
32.	Political Party	PP
33.	Proportional Representation	PR
34.	Polling Station	PS
35.	Preferential Vote	PV
36.	Returning Officer	RO
37.	Representation of People Act	RP
38.	Rajya Sabha	RS
39.	Scheduled Caste	SC

40.	Section	Sec.
41.	State Legislative Assembly	SLA
42.	Section Officer	SO
43.	Superintendent of Police	SP
44.	Scheduled Tribe	ST
45.	Travelling Allowance	TA
46.	Vidhan Sabha	VS

CHAPTER-1

INTRODUCTION

1.1 THE RESEARCH PROBLEM:

1.1.1 PROBLEM STATEMENT:

In a democratic set-up the established governance institutions viz. national government (federal) and state government (provincial) derive their power as they are duly elected through established election management processes, laws, statutes passed by the parliament and enshrined in the country's constitution. The important principle of equality, objectivity, proportionality and principle of focus needs to be followed by any management who is involved in such crucial power transition processes.

Governance and management are intricately linked whereas former is determined by socio-economic system, source of power and authority, determines major goal strategies, policies, monitors and changes top management, the latter being organizational process coordinates, plans, organizes, controls, executes and exercises power (Rudy Rozman, "The organizational functions of governance and management" Slovene Economic Review, 1998). Majority of management carry out the task of providing vision and mission to the organization with set goals and objectives both qualitatively and quantitatively.

In India system of bureaucratic management exists which is based on rules, set hierarchy, detailed procedures, clear division of labour and unity of command. Management of elections encompasses various processes, planning, execution and control, which are based on laws and statutes, and are dynamic in nature. All three aspects of i.e. operational, strategic and project basis are an integral part of election management. On the accessibility, efficiency, effectiveness and credibility of the election management institutions hinges the survival of constitutional democracies (URL: <http://www.dca.gov.uk/elections>).

BACKGROUND:

India is a socialist, secular, democratic republic and one of the largest democracies in the world. Since its existence, free and fair elections have been held at regular intervals as per the principles enshrined in the constitution, electoral laws and system. The constitution of India has vested in the Election Commission of India (ECI) the superintendence, direction and control of the entire process for the conduct of elections to Parliament and Legislature of the 35 constituent states and union territories and to the offices of President and Vice-President of India.

India is a constitutional democracy with a parliamentary system of government, and at the heart of the system is a commitment to hold regular, free and fair elections. These elections determine the composition of the government, the membership of the two houses of parliament, the state and union territory legislative assemblies, and the Presidency and Vice-presidency (Subhash C Kashyap. *History of the Parliament of India*, p 55).

COMPOSITION OF LEGISLATURE:

India is a federal country and functions at two level i.e. federal and state level. The Parliament consists of the President, the LS (House of the People) and the RS (Council of States). The members of the council of states are elected indirectly, rather than directly by the citizens at large by each state VS (LA) using the STV system. The council of states members can serve for six years, and elections are staggered, with one third of the assembly being elected every two years.

The constitution gives the states and union territories significant control over their own government. The state assemblies are directly elected bodies set up to carrying out the administration of the government in the twenty eight states of India. Elections to the Legislative Assemblies are carried out with the states and union territories divided into single-member constituencies, and the First Past The Post (FPTP) electoral system used. The assemblies range in size, according to population. Elections for every state legislative assembly (LA) have to take place every five years, unless called earlier (V S Rama Devi and S K Mehndiratta-How India Votes (2000), Election Laws, Practice and Procedure).

Elections are conducted according to the constitutional provisions, supplemented by laws made by parliament. The major laws are Representation of People Act, 1950, which mainly deals with the preparation and revision of electoral rolls, whereas the Representation of People Act, 1951 determines the procedure for conduct of elections and post election disputes. Elections in India are conducted by independent body formed under constitution of India i.e. election commission of India which currently consists of Chief Election Commissioner and two Election Commissioners.

The ECI has a separate secretariat at New Delhi wherein the territorial work is distributed among separate units responsible for different zones into which the thirty five constituent states and union territories of the country are grouped for convenience of management of elections. At the state level, the election work is supervised, subject to overall superintendence, direction and control of the ECI, by the Chief Electoral Officer (CEO) of the state, who is appointed by the ECI from amongst senior civil servants. At the district and constituency levels, the District Election Officers (DEOs), Electoral Registration Officers (EROs) and Returning Officers (ROs), who are assisted by a large number of junior functionaries, perform election work. They all perform their functions relating to elections in addition to their other responsibilities.

The study area in this research problem is a small hilly state named Himachal Pradesh is situated in the northwestern part of India with a population of more than 6 million. It attained its statehood in 1971. It is surrounded by other northern states like Punjab, Haryana, Delhi, Uttranchal, Jammu & Kashmir. It has a unique topography, with geographically inaccessible areas and extremely tough hilly terrain with road infrastructure connectivity not sufficiently available for effective governance and administration. The state has also three natural passes (Rohtang Pass-3979 Meters, Kungzum Pass-4590 Meters & Sach Pass-4200 Meters) which leads to major accessibility problem. This poses an extremely challenging and difficult task for management and conduct of elections (Himachal Pradesh Human Development Report, 2002, Deptt. of Planning and Finance, Government of Himachal Pradesh, Shimla, H.P. India Pg-2).

ECI has to take into account different factors while deciding the schedule for elections for sixty eight assembly constituencies and four parliamentary constituencies. These are weather conditions, snow bound constituencies, agriculture cycle, examination schedule for schools, religious festivals etc. Consequently the elections are invariably held in two phases in the state. The snow bound and difficult areas constituencies are held in the second phase when the weather conditions and the accessibility of the region are smooth. The state has to therefore establish polling station at these heights despite the number of voters being very less and area being sparsely spread, therefore the administrative costs of conduct and supervision of elections becomes very high (Report published by CEO, HP on General Elections to VS-2003).

The problems during the management of elections can be broadly categorized as pertaining to pre-election phase, election phase and post election phase which are as under:

Pre-election Phase:

- Scheduling of elections.
- Preparation of electoral rolls – multiple registration of voters, non inclusion of eligible voters, non deletion of dead voters, non correction of change of address, name of polling station.
- Preparation of Electoral Photo Identity Cards (EPIC) – issuance of duplicate identity cards, non coverage of registered voters for EPIC, left out new registered voters.

Election phase:

- Deployment of polling personnel – difficulty in selection of election personnel, problems relating to their training and logistics.
- Sending out Electronic Voting Machines (EVMs).
- Violation of Model code of conduct – by government in power, different political parties, election administration officials.

Post Election phase:

- Settlement of election petitions.
- Winding - up of election process.

1.1.2 RESEARCH PROPOSITION/HYPOTHESIS:

The proposition/hypothesis for the research is “Equality, objectivity, proportionality, accessibility, credibility, civic participation, non-partisan election management body results in conduct of free and fair elections”.

1.2 RESEARCH QUESTIONS:

1. What are the issues, problems and challenges of election management in a mountainous state Himachal Pradesh, India?
2. What are the strengths and capacities of election related infrastructure, administrative machinery in the state of Himachal Pradesh?
3. What are the major problems encountered during the preparation of electoral rolls, verification, preparation of photo identity card, establishment of polling station?

4. What are the various components of training and capacity building of the election related administrative machinery in the state?
5. What has been different electoral reforms introduced for bringing transparency, accountability for government in power and different political parties?
6. What are the different component of Model Code of Conduct (MCC) prescribed by ECI for party in power at federal government and state government and bureaucracy?
7. How are free and fair elections conducted to the general Parliament and State Legislative Assemblies under the supervision of ECI in state of Himachal Pradesh?

1.3 RESEARCH OBJECTIVES:

1. To analyze and provide alternate solutions to the issues, problems and challenges of election related management in the state.
2. To analyze strength and capacity of election related administrative machinery.
3. To study, review and to suggest ways for verification of electoral rolls, better coverage of photo identity cards, establishment/rationalization of polling station.
4. To suggest various means to enhance the capacity building of election related bureaucracy.
5. To analyze and establish link of different electoral reforms introduced through enactments for strengthening democratic processes of elections.
6. To analyze the various components of Model Code of Conduct prescribed by ECI.
7. To give specific recommendations for smooth conduct of free and fair elections to Parliament and State Legislative Assemblies.

1.4 CRITICAL LITERATURE/CURRENT STATUS:

Management of elections encompasses processes, whose detailed procedures, laws; statutes are passed and enacted by the Parliament. From time to time-different state high Courts and supreme Court of India have passed judgments/rulings in major areas of election conduct and management, which necessitated the amendments in major Acts. Key areas are preparation of electoral rolls, photo-identity cards, use of electronic voting machines, election campaigns, model code of conduct, booth capturing, and allurements of voters by the political parties. Besides Representation of People Act of 1950 and Representation of People Act 1951, number of handbooks for Returning Officers (ROs), Presiding Officers (POs), Hand Book of Counting etc. are available which clearly laid down procedures to be followed at different stages of election management.

• PREVIOUS WORK:

A critical review of the literature is necessary for a through understanding of and insight into previous research that relates to research questions and objectives viz. “what are the most important theoretical and practical contributions in the field till date and who are the most important contributors”.

Elections in H.P. were held since 1952 i.e. prior to attaining statehood. It acquired statehood after reorganization in 1972. The different State Assemblies and Parliament Constituencies were recommended by the Delimitation Commission, which was later enacted by Parliament in 1976.

These were determined on the basis of geographic area, administrative continuity, convenience of general public and reservation of certain seats in specific categories with respect to population.

History shows that as far as from 1952 ECI had issued detailed instruction regarding registration/ Deletion of voters. Primarily Electoral Rolls is very significant from management point of view. It is important because of vast size of country, population, large scale migration, higher growth rate of population and problem of duplication. (Historical background of Electoral Roll (ER) mentioned in the guidelines issued by ECI in October 2003)

As per article 326 of the constitution of India which says that “The Election to the House of People and to the Legislative Assembly to states to be based on the basis of adult franchise. Every person who is citizen of India and not less than 18 years of age on such date as may be fixed on that behalf and is not other wise disqualifies under this constitution or any law made by appropriate legislature on the ground of non residence, unsound mind, crime or court illegal practise should be entitle to be registered as a voter at any election further no person is to be enrolled in more than one AC or two places in same AC.

Constitution has further strengthened election machinery through article 329(B) which states that once the process of election commences in a AC the court cannot interfere until it is complete and culminate in the declaration of the result. A lot of work has been done in the ERM, which is the key document on which whole election processes are built. Every Political Party (PP) has this apprehension that names of their supporters have either been deleted or not included. ECI for the last three years has introduced the process of vetting of ER. in the General house meeting of villages and urban local bodies has tried to bring transparency and accountability in the Electoral Rolls before its final publication. The vetting procedure needs an analytical approach.

Second important management process is Photo Identity Card, its brief history indicates that on experimental basis in Calcutta in south west Assembly in 1957, it was initiated which was not successful. In 1975 it was again tried in the state of Sikkim as a preparatory to Legislative Assembly in September, 1979 which was not successful, the scheme was shelved till 1993. In 1992 ECI resubmitted the proposal to the government of India and since August 1993 the scheme is in operation.

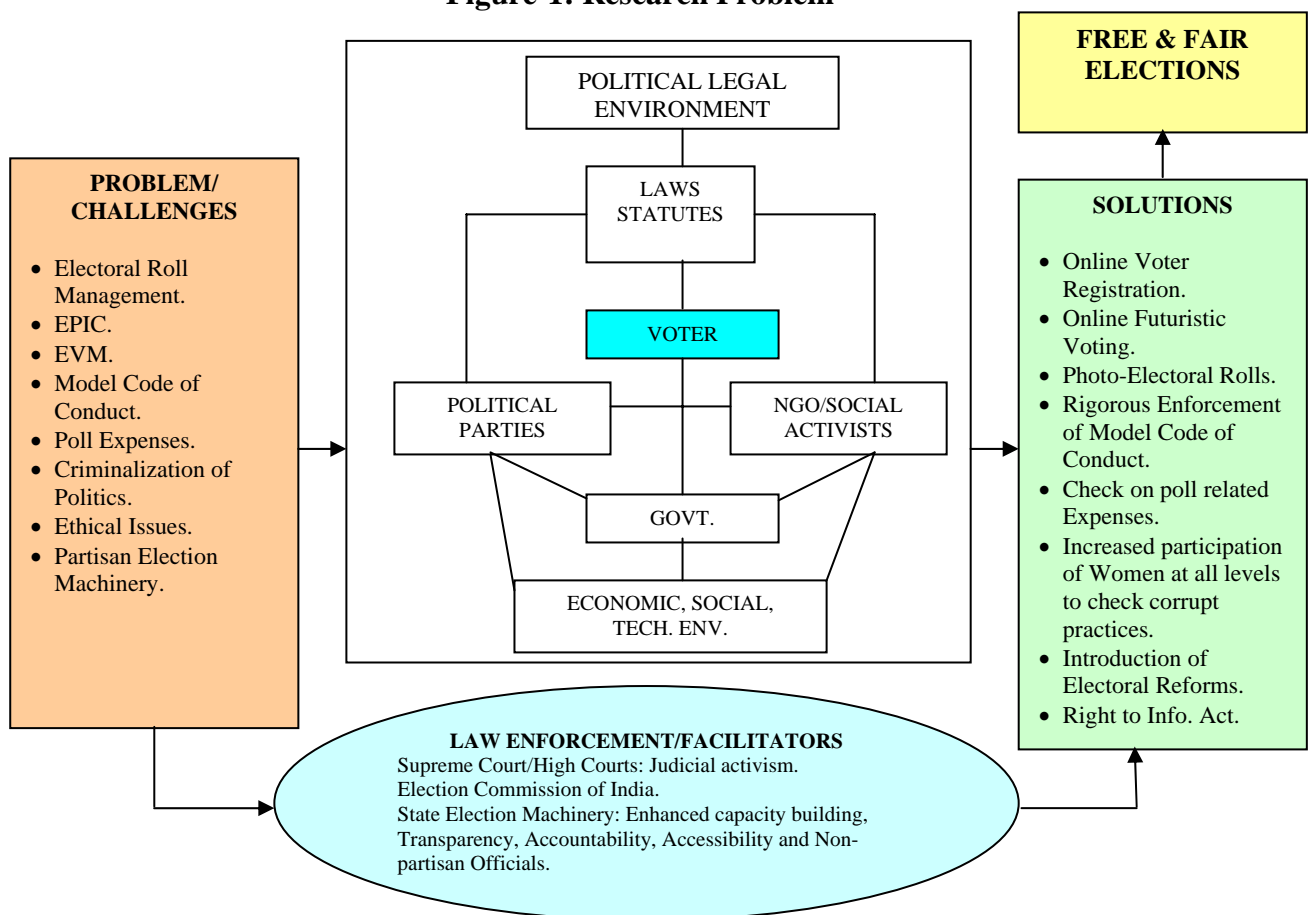
Recent phenomenon in the Indian election has been voting through EVM which has been successfully tested in the country with total involvement of stakeholders and end users. Its functioning has been accepted by the major stakeholders, Political Parties, Non Government Organisation (NGOs), administrative machinery and above all the voters. Its user friendly and time saving operation should lead to further R&D (innovation) in the area of its inter linkages for counting purposes which will to a considerable extent reduce the time & biasness of political parties towards area from where the voters were not favourable to its candidates.

One of the most important tool for measuring the neutrality of election administrative machinery which needs focus, is strict enforcement of Model Code of Conduct for Political Party and Government in power at Federal and State level along with election officials. Broader framework

for Model Code of Conduct (MCC) has been comprehensively issued by ECI. International Institute for Democracy & Electoral Assistance (IDEA), Stakeholders has also issued guidelines for member countries. As elections are contest for power therefore the role of partisan election officials is a major source of irritant for their not being neutral to the general electorate. Therefore, the number and nature of complaints received needs review for examining the neutrality of the machinery, as in the eyes of voting public, it may indirectly influence the election process.

1.5 MODEL: RESEARCH PROBLEM

Figure-1: Research Problem



The principle of equality, its promise and empowerment for ordinary people, its guarantee of basic freedom, its commitment of pluralism and dialogue to resolve disagreement, its prospective of political and social renewal without convulsions is the fountainhead of democracy.

- The people are the best judge to assess the quality of Country/States democratic arrangements.
- The democracy has basic principles of popular control over public decision making and decision makers plus
- Equality of respect and voice between citizens in the exercise of that control. The starting point of participation is the authorisation of the officials through the free and

fair electoral device which produces legislature i.e. representatives of different sections of public opinion.

Table-1 Democracy's Mediating Values

Points	Basic requirements	Institutional means of realization
1. Participation	1. Rights to participate 2. Capacities/resources 3. Agencies 4. Participation value/culture	a) Civil political rights system b) Economic and social rights c) Election, Parties, NGOs. d) Education.
2. Authorisation	5. Validation of constituencies 6. Choice of office holders/ Prog. 7. Control of elected over non elected executive personnel.	e) Referenda f) Fair and free elections g) System of subordination to elected officials.
3. Representation	8. Legislative representative of main currents of popular opinion 9. All public institutions representative of social composition of electorate	h) Electoral and Party System i) 1. Anti discrimination law 2. Affirmative action policies.
4. Accountability	10. Clear lines of accountability, equal, financial political to ensure effective performance 11. Civil Services and Judicial integrity	j) Rules of Law, separation of powers k) Legally enforceable standards and strong legislative secreting powers.
5. Transparency	12. Govt. open to legislative and public scrutiny	l) Freedom of information laws and independent media
6. Responsiveness	13. Accessibility of Govt. to electors and different sections of public opinion in policy formation implementation and service delivery.	m) Systematic and open procedure of public constitution n) Effective legal redressal and local Govt. close to people.
7. Solidarity	14. Support for democratic governments	o) Civil and human rights education, NGOs etc.

Source: David Beetham, Sarah Bracking, Iain Kearton and Stuart Weir, International IDEA Handbook on Democracy Assessment, Pg.-5.

The model is based on the problems and challenges faced by the election enforcement machinery, its relationship with government, political parties, voters, voluntary organizations in the given economic, social and technological environment (PEST). The solutions proposed has been based on the analysis on the data available and their relationship between law enforcement/facilitators with state election machinery with central focus being electorate.

1.6 RESEARCH STRATEGY:

In accordance with the research proposal, research questions, and the research objectives as specified earlier, the general plan was drawn up. In the thesis, the reliance has primarily been placed on the secondary data, which has been procured from a number of sources and agencies.

Out of the different research strategies available, 'case study approach' fits in appropriately with the research proposal, research questions, and the research objectives. The 'case study' as a strategy involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence. Further, the case study strategy also generated answers to the question 'why', 'what' and 'how'?

The data so collected was analyzed and commentary on the state of elections has been made. This has given descriptive and explanatory perspective to the research strategy.

Both formal and informal discussions with acknowledged experts in the subject area associated in the key area of election management of vast, rich theoretical and practical knowledge has also been undertaken. Besides, focus group approach has been specifically used to find out the role of NGOs and of election officials to establish their ability to function as a dual role of the protector of the voting system and of individual voting rights

1.7 MEASUREMENT ISSUES:

The research proposal involves general description of the area in terms of special geographical context of the state. Special problem of this state is inaccessibility due to high altitude passes which becomes a limiting factor for the conduct of smooth elections. This is an important dimension for holding simultaneous elections in all 68-assembly constituencies of the state as special logistic arrangements are required for this purpose.

In order to ascertain the accessibility I studied the various aspects of election related processes with its variables. The data with respect to variables for example poll related complaints during elections, deletion of names from the voters list, non-availability of photo-identity cards etc. It has been collected and analyzed in view of existing standard procedure. Fairness and accuracy depends on these variables, it is therefore of immense significance that while measuring the variables the threats to reliability and validity issues have been taken care off.

1.8 DATA COLLECTION & SAMPLING:

In the proposed thesis, data has been collected from the ECI, New Delhi and State CEO, HP and other related departments viz. Census of India, Economics & Statistical Department of Government of H.P. The reliance has been placed on the secondary data that includes both raw and compiled data, which has been procured from a number of sources and agencies. The reliance has been placed on the data of the state's election department and other regulatory and developmental agencies of the state, besides discussions with stakeholders viz. government agencies, NGOs, community, political parties and their pointed role and participation etc. The data has been analyzed and recommendations made for conduct and management of free and fair elections in the state of H.P. Existing data has been collected from various sources, which have

good reputation of gathering the data with the set performance standards, as they are used to collecting large-scale data, which are accurate and precise.

Tertiary literature such as index and catalogues has been used to locate secondary data search. The care has been taken to ascertain to answer research questions in a logical, scientific and rational manner. As I am already working with the state government, gaining access to different database had not been a problem at all. Further, Rights to Information Act, 2005 passed by our parliament has been of help.

Primarily the secondary data is being relied due to its fewer resource requirement in terms of money and time, unobtrusive nature, possibility for longitudinal studies, triangulation and cross verification. The care has been taken to reduce, if not eliminate, all the disadvantages that are associated with secondary data collection.

An important aspect here while dealing with the secondary data is evaluating the suitability of data for my research. Since there are limited numbers of sources of secondary data, which are providers of precise information, here range of validity, credibility and reliability criteria and measurement bias has not been an issue. While evaluating the secondary data sources, overall and precise suitability, and cost and benefits have been kept in mind. I also checked if with the data set I can answer my research question, and meet research objectives; do I require them; does it cover the population that is the subject of my research; can unwanted data be separated, etc.

Besides semi-structured discussions with the stakeholders at local level viz. government agencies, NGOs, community, employees union etc. has been undertaken as well. I also had informal discussions with experts in the key areas of election management who have vast and rich theoretical and practical knowledge.

1.9 DATA ANALYSIS:

Quantitative data is a product of the research strategies as referred hereto before. This data needs to be analyzed and interpreted. This is undertaken with the help of quantitative analysis techniques. In my research thesis it ranges from creating simple tables through establishing statistical relationship between variables. The data analysis has been preceded by a consideration to data type and data layout. In my research I have used quantifiable data pertaining to elections that are discrete in nature.

Once my data was entered and checked for errors. I started my data analysis by exploratory data analysis approach. This includes trends over time, proportions and distributions. The most appropriate in my research has been tables, bar charts, line graphs, multiple line graphs, pie charts etc. Out of these line graphs and bar charts have been used most frequently. Control Charts came handy here with respect to conduct of free and fair elections.

1.10 SCIENTIFIC CONTRIBUTION:

With a thorough analysis of election processes and management in the state the recommendations for the conduct and management of free and fair elections in the state of Himachal Pradesh have

been made. This is of immense importance as elections are required to create confidence in electorate and to reaffirm their faith in the institution of democracy. Besides this, the other goals were as under:

1. Analysis of election process for example electoral rolls, establishment of polling station etc.
2. Assess the strength and capacity of election related infrastructure, administrative machinery in the state.
3. To provide appraise, sensitize the election related machinery to have a relook at the issues which can drastically their image in the eyes of the electorate, boost their own self-confidence and finally to cut administrative costs by effectively pulling in the resources and rationalizing the needs.
4. To provide ground & basis for further key issue related research by planners, research scholars, election economists etc.

In the background of the research problem, the institutional role of ECI along with its supervisory and directional control in the context of Indian general election and state legislative assemblies assumes an extremely significant role.

CHAPTER-2

ELECTION PROCESS IN INDIA

2.1 INTRODUCTION:

India is a constitutional democracy with a parliamentary system of government, and at the heart of the system is a commitment to hold regular, free and fair elections. India a Socialist, Secular, Democratic Republic and the largest democracy in the World came into existence on 15th of August 1947. Since then free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral Laws and System. These elections determine the composition of the government, the membership of the two houses of parliament, the state and union territory legislative assemblies, and the Presidency and vice-presidency.

2.1.1 ELECTORAL LAWS & SYSTEM:

Elections are conducted according to the constitutional provisions, supplemented by laws made by Parliament. Manual of election law as published by ECI (with the approval of Government of India, Ministry of Law and Justice) contains extracts from the Constitution, Acts of Parliament, Rules & Orders under the Constitution, Laws relating to disqualification, Statutory Rules & Orders provides detailed information to Election Related Management Bodies for smooth conduct of elections. Besides, the landmark judgements on election law pronounced by Hon'ble Supreme Court of India, High Courts and ECI becomes the guiding stars not only for the courts, but also for the election commission, its electoral machinery, Government in the Centre and State, PPs and the candidates contesting the election. These judgements has bearing on various aspects of election system and procedures in India and also helps the concerned in settling any disputes. The Supreme Court of India has held that where the enacted laws are silent or make insufficient provision to deal with a given situation in the conduct of elections, the ECI has the residuary powers under the Constitution to act in an appropriate manner.

2.1.2 A CONSTITUTIONAL BODY- INDEPENDENT ELECTION COMMISSION:

ECI is a permanent Constitutional Body. The ECI was established in accordance with the Constitution on 25th January 1950. Originally the commission had only a Chief Election Commissioner. It currently consists of Chief Election Commissioner (CEC) and two Election Commissioners (ECs). For the first time two additional Commissioners were appointed on 16th October 1989 but they had a very short tenure till 1st January 1990. Later, on 1st October 1993 two additional ECs were appointed. The concept of multi-member Commission has been in operation since then, with decision-making power by majority vote.

The Constitution of India has vested in the ECI the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India. (URL: <http://www.eci.gov.in>)

APPOINTMENT & TENURE OF COMMISSIONERS:

The President of India appoints the CEC and ECs. They have tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks as

available to Judges of the Supreme Court of India. The CEC can be removed from office only through an impeachment process by the Parliament.

ELECTION MACHINERY:

The ECI has a separate Secretariat at New Delhi, consisting of about 300 officials, in a hierarchical set up. Two or three Deputy Election Commissioners (DECs) who are the senior most officers in the Secretariat assist the Commission. They are generally appointed from the national civil service of the country and are selected and appointed by the ECI with tenure. Directors, Principal Secretaries, and Secretaries, Under Secretaries and Deputy Directors support the DECs in turn. There is functional and territorial distribution of work in the ECI. The work is organised in Divisions, Branches and sections; each of the last mentioned units is in charge of a Section Officer. The main functional divisions are Planning, Judicial, Administration, Information Systems, Media and Secretariat Co-ordination. The territorial work is distributed among separate units responsible for different Zones into which the thirty five constituent States and Union Territories of the country are grouped for convenience of management.

At the state level, the election work is supervised, subject to overall superintendence, direction and control of the ECI, by the CEO of the State, who is appointed by the ECI from amongst senior civil servants proposed by the concerned state government. He/she is, in most of the States, a full time officer and has a small team of supporting staff.

At the district and constituency levels, the DEOs, EROs and ROs, who are assisted by a large number of junior functionaries, perform election work. They all perform their functions relating to elections in addition to their other responsibilities. During election time, however, they are available to the ECI, more or less, on a full time basis.

The gigantic task force for conducting a countrywide general election consists of nearly five million polling personnel and civil police forces. This huge election machinery is deemed to be on deputation to the ECI and is subject to its control, superintendence and discipline during the election period, extending over a period of one and half to two months.

BUDGET & EXPENDITURE:

The Secretariat of the ECI has an independent budget, which is finalised directly in consultation between the ECI and the Finance Ministry of the Union Government. The latter generally accepts the recommendations of the ECI for its budgets. The major expenditure on actual conduct of elections is, however, reflected in the budgets of the concerned constituent units of the Union - States and Union Territories. If elections are being held only for the Parliament, the expenditure is borne entirely by the Union Government while for the elections being held only for the State Legislature, the expenditure is borne entirely by the concerned State. In case of simultaneous elections to the Parliament and State Legislature, the expenditure is shared equally between the Union and the State Governments. For Capital equipment, expenditure related to preparation for electoral rolls and the scheme for Electors' Identity Cards too, the expenditure is shared equally.

2.1.3 SYSTEM OF ELECTIONS:

THE PRESIDENT AND VICE-PRESIDENT:

The President is elected by the elected members of the VS, LS, and RS, and serves for a period of five years (although he/she can stand for re-election). A formula is used to allocate votes so there is a balance between the population of each state and the number of votes assembly members from a state can cast, and to give an equal balance between state and national assembly Parliament members. If no candidate receives a majority of votes there is a system by which losing candidates are eliminated from the contest and votes for them transferred to other candidates, until one gains a majority. The Vice President is elected by a direct vote of all members elected and nominated, of the LS and RS.

THE PARLIAMENT:

The Parliament of the Union consists of the President, the LS (House of the People) and the RS (Council of States). The President is the head of state, and he appoints the Prime Minister, who runs the government, according to the political composition of the LS. Elections to the LS are carried out using a first-past-the-post (FPTP) electoral system. The country is split up into separate geographical areas, known as constituencies, and the electors can cast one vote each for a candidate (although most candidates stand as independents, most successful candidates stand as members of political parties), the winner being the candidate who gets the maximum votes. Although the government is headed by a Prime Minister, the Cabinet is the central decision making body of the government. Members of more than one party can make up a government, and although the governing parties may be a minority in the LS, they can only govern as long as they have the confidence of a majority of MPs, the members of the LS. The LS is the main legislative body, along with the RS. (B. Shiv Rao, The framing of India's Constitution, A Study P-33)

THE RAJYA SABHA - THE COUNCIL OF STATES:

The members of the RS are elected indirectly, rather than by the citizens at large. RS members are elected by each state VS using the single transferable vote system. Unlike most federal systems, the number of members returned by each state is roughly in proportion to their population. At present there are two hundred thirty three members of the RS elected by the VSs, and there are also twelve members nominated by the President as representatives of literature, science, art and social services. RS members can serve for six years, and elections are staggered, with one third of the assembly being elected every two years. (<http://parliamentofindia.nic.in/dated-14-8-2006>)

NOMINATED MEMBERS:

The president can nominate two members of the LS if it is felt that the representation of the Anglo-Indian community is inadequate and twelve members of the RS, to represent literature, science, art and the social services.

STATE ASSEMBLIES:

Within the federal setup, the Constitution of India gives the states and union territories significant control over their own government. The VSs (Legislative Assemblies) are directly elected bodies set up to carrying out the administration of the government in the twenty eight States of India. In some states there is a bicameral organization of legislatures, with both an upper and Lower House. Two of the seven Union Territories viz., the National Capital Territory of Delhi and Pondicherry, have also legislative assemblies.

Elections to the VSs are carried out in the same manner as for the LS election, with the states and union territories divided into single-member constituencies, and the first-past-the-post electoral system used. The assemblies range in size, according to population. The largest VS is for Uttar Pradesh, with four hundred three members, the smallest Pondicherry, with thirty members.

CONSTITUENCIES & RESERVATION OF SEATS:

The country has been divided into five hundred forty three Parliamentary Constituencies, each of which returns one MP to the LS, the lower house of the Parliament. The size and shape of the parliamentary constituencies are determined by an independent Delimitation Commission, which aims to create constituencies, which have roughly the same population, subject to geographical considerations and the boundaries of the states and administrative areas.

HOW CONSTITUENCY BOUNDARIES ARE DRAWN UP:

Delimitation is the redrawing of the boundaries of parliamentary or assembly constituencies to make sure that there are, as near as practicable, the same number of people in each constituency. In India boundaries are meant to be examined after the ten-yearly census to reflect changes in population, for which Parliament by law establishes an independent Delimitation Commission, made up of the CEC and two judges or ex-judges from the Supreme Court or High Court. However, under a constitutional amendment of 1976, delimitation was suspended until after the census of 2001, ostensibly so that states' family-planning programs would not affect their political representation in the LS and VSs. This has led to wide discrepancies in the size of constituencies, with the largest having over 25,00,000 electors, and the smallest less than 50,000. Delimitation exercise, with 2001 census data released on 31st December 2003, is now under process. Delimitation Commission was constituted under Delimitation Act-2002 which became effective from 3rd June 2002. A minor amendment was carried out to include the delimitation to be held on 2001 Census data.

RESERVATION OF SEATS:

The Constitution puts a limit on the size of the LS of five hundred fifty elected members, apart from two members who can be nominated by the President to represent the Anglo-Indian community. There are also provisions to ensure the representation of scheduled castes and scheduled tribes, with reserved constituencies where only candidates from these communities can stand for election.

INDIAN ELECTIONS -SCALE OF OPERATION/ THE LARGEST EVENT IN THE WORLD:

Conduct of General Elections in India for electing a new Lower House of Parliament (LS) involves management of the largest event in the world. The electorate exceeds six hundred seventy million electors in about 700,000 polling stations spread across widely varying geographic and climatic zones. Polling stations are located in the snow-clad mountains in the Himalayas, the deserts of the Rajasthan and in sparsely populated islands in the Indian Ocean, e.g. Elections in India are events involving political mobilisation and organisational complexity on an amazing scale. In the 2004 election to LS there were 1351 candidates from six National parties, 801 candidates from 36 State parties, 898 candidates from officially recognised parties and 2385 Independent candidates. A total number of 38,99,48,330 people voted out of total electorate size of 67,14,87,930. The ECI employed almost 4 million people to run the election. A vast number of civilian police and security forces were deployed to ensure that the elections were carried out peacefully. (<http://www.eci.gov.in>)

WHO CAN STAND FOR ELECTION?

Any Indian citizen who is registered as a voter and is over twenty five years of age is allowed to contest elections to the LS or State Legislative Assemblies. For the RS the age limit is thirty years. Every candidate has to make a deposit of Rs. 10,000/- for LS election and 5,000/- for RS or VS elections, except for candidates from the Scheduled Castes and Scheduled Tribes who pay half of these amounts. The deposit is returned if the candidate receives more than one-sixth of the total number of valid votes polled in the constituency. Nominations must be supported at least by one registered elector of the constituency, in the case of a candidate sponsored by a registered Party and by ten registered electors from the constituency in the case of other candidates. ROs, appointed by the ECI, are put in charge to receive nominations of candidates in each constituency, and oversee the formalities of the election.

(Ref.: Representation of People Act 1951, Universal Publications 2004, Pg.-34.)

In a number of seats in the LS and the VS, the candidates can only be from either one of the scheduled castes or scheduled tribes. The number of these reserved seats is meant to be approximately in proportion to the number of people from scheduled castes or scheduled tribes in each state.

ELECTION SCHEDULE/WHEN DO ELECTIONS TAKE PLACE?

Elections for the LS and every State Legislative Assembly (SLA) have to take place every five years, unless called earlier. The President can dissolve LS and call a general election before five years is up, if the government can no longer command the confidence of the LS, and if there is no alternative government available to take over.

Governments have found it increasingly difficult to stay in power for the full term of a LS in recent times, and so elections have often been held before the five-year limit has been reached. A constitutional amendment passed in 1975, as part of the government declared emergency, postponed the election due to be held in 1976. This amendment was later rescinded, and regular elections resumed in 1977. Holding of regular elections can only be stopped by means of a

constitutional amendment and in consultation with the ECI, and it is recognised that interruptions of regular elections are acceptable only in extraordinary circumstances.

The constitution states that there can be no longer than 6 months between the last session of the dissolved LS and the recalling of the new House, so elections have to be concluded before then. In a country as huge and diverse as India, finding a period when elections can be held throughout the country is not simple. The ECI, which decides the schedule for elections, has to take account of the weather - during winter constituencies may be snow-bound, and during the monsoon access to remote areas restricted -, the agricultural cycle - so that the planting or harvesting of crops is not disrupted, exam schedules - as schools are used as polling stations and teachers employed as election officials, and religious festivals and public holidays. On top of this there are the logistical difficulties that go with holding an election - sending out ballot boxes or EVMs, setting up polling booths, recruiting officials to oversee the elections.

The ECI normally announces the schedule of elections in a major Press Conference a few weeks before the formal process is set in motion. The formal process for the elections starts with the Notification or Notifications calling upon the electorate to elect Members of a House. As soon as Notifications are issued, Candidates can start filing their nominations in the constituencies from where they wish to contest. These are scrutinised by the RO of the constituency concerned after the last date for the same is over after about a week. The validly nominated candidates can withdraw from the contest within two days from the date of scrutiny. Contesting candidates get at least two weeks for political campaign before the actual date of poll. On account of the vast magnitude of operations and the massive size of the electorate, polling is held at least on three days for the national elections. A separate date for counting is fixed and the results declared for each constituency by the concerned RO. The ECI compiles the complete list of Members elected and issues an appropriate Notification for the due Constitution of the House. With this, the process of elections is complete and the President, in case of the LS, and the Governors of the concerned States, in case of State Legislatures, can then convene their respective Houses to hold their sessions. The entire process takes between five to eight weeks for the national elections, 4 to 5 weeks for separate elections only for Legislative Assemblies

CAMPAIGN:

The campaign is the period when the political parties put forward their candidates and arguments with which they hope to persuade people to vote for their candidates and parties. Candidates are given a week to put forward their nominations. These are scrutinised by the ROs and if not found to be in order can be rejected after a summary hearing. Validly nominated candidates can withdraw within two days after nominations have been scrutinised. The official campaign lasts at least two weeks from the drawing up of the list of nominated candidates, and officially ends forty eight hours before polling closes.

During the election campaign the political parties and contesting candidates are expected to abide by a Model Code of Conduct evolved by the ECI on the basis of a consensus among political parties. The model code lays down broad guidelines as to how the political parties and candidates should conduct themselves during the election campaign. It is intended to maintain

the election campaign on healthy lines, avoid clashes and conflicts between political parties or their supporters and to ensure peace and order during the campaign period and thereafter, until the results are declared. The model code also prescribes guidelines for the ruling party either at the Centre or in the State to ensure that a level field is maintained and that no cause is given for any complaint that the ruling party has used its official position for the purposes of its election campaign.

Once an election has been called, parties issue manifestos detailing the programmes they wish to implement if elected to government, the strengths of their leaders, and the failures of opposing parties and their leaders. Slogans are used to popularise and identify parties and issues, and pamphlets and posters distributed to the electorate. Rallies and meetings where the candidates try to persuade, cajole and enthuse supporters, and denigrate opponents, are held throughout the constituencies. Personal appeals and promises of reform are made, with candidates travelling the length and breadth of the constituency to try to influence as many potential supporters as possible. Party symbols abound, printed on posters and placards.

POLLING DAYS:

Polling is normally held on a number of different days in different constituencies, to enable the security forces and those monitoring the election to keep law and order and ensure that voting during the election is fair.

BALLOT PAPERS & SYMBOLS:

After nomination of candidates is complete, the RO prepares a list of competing candidates, and ballot papers are printed. Ballot papers are printed with the names of the candidates (in languages set by the ECI) and the symbols allotted to each of the candidates. Candidates of recognised Parties are allotted their Party symbols.

HOW THE VOTING TAKES PLACE:

Voting is by secret ballot. Polling stations are usually set up in public institutions, such as schools and community halls. To enable as many electors as possible to vote, the officials of the ECI try to ensure that there is a polling station within two km of every voter, and that no polling stations should have to deal with more than 1500 voters. Each polling station is open for at least eight hours on the day of the election. (Ref.: Handbook for RO 2002, pg.-102-117)

On entering the polling station, the elector is checked against the Electoral Roll, and allocated a ballot paper. Since 1998, the ECI has increasingly used Electronic Voting Machines instead of ballot boxes. In 2003, all state elections and bye-elections were held using EVMs. Encouraged by this the ECI took a historic decision to use only EVMs for the LS election due in 2004. More than one million EVMs were used in this election.

THE ELECTORAL ROLL:

The democratic system in India is based on the principle of universal adult suffrage; that any citizen over the age of eighteen which was introduced by Article 326 of the Constitution in the year 1989 can vote in an election. The right to vote is irrespective of caste, creed, religion or

gender. Those who are deemed unsound of mind, and people convicted of certain criminal offences are not allowed to vote.

The electoral roll is a list of all people in the constituency who are registered to vote in Indian Elections. Only those people with their names on the electoral roll are allowed to vote. The electoral roll is normally revised every year to add the names of those who are to turn eighteen on the 1st January of that year or have moved into a constituency and to remove the names of those who have died or moved out of a constituency. (Ref.: Representation of People Act-1950, P.13-14)

COMPUTERISATION OF ROLLS:

In 1998 the ECI took a land marking decision to computerise the entire electoral rolls of 620 million voters. This work has been completed and now well-printed electoral rolls are available. The photo identity card number of the voter has also been printed in the electoral rolls, for cross-linking. The printed electoral rolls as well as CDs containing these rolls are available for sale to general public. National and State parties are provided these free of cost after every revision of electoral rolls. Entire country's rolls are also available on different state's websites & on website of ECI.

ELECTOR'S PHOTO IDENTITY CARDS (EPIC):

In an attempt to improve the accuracy of the electoral roll and prevent electoral fraud, the ECI ordered the making of photo identity cards for all voters in the country in August 1993. To take advantage of latest technological innovations, the ECI issued revised guidelines for EPIC Program in May 2000. More than 450 million Identity Cards have been distributed till now.

2.1.4 STATUS OF POLITICAL PARTIES:

Political parties are registered with the ECI under the law. The ECI ensures inner party democracy in their functioning by insisting upon them to hold their organizational elections at periodic intervals. Political Parties so registered with it are granted recognition at the State and National levels by the ECI on the basis of their poll performance at general elections according to criteria prescribed by it. The ECI, as a part of its quasi-judicial jurisdiction, also settles disputes between the splinter groups of such recognised parties.

ECI ensures & keep a vigilant watch on the political parties in election fray, through strict superintendence, observance by them of a Model Code of Conduct evolved with the consensus of political parties. Periodical consultations with the political parties are held on matters connected with the conduct of elections; compliance of Model Code of Conduct and measures related to election matters.

REGISTRATION WITH ELECTION COMMISSION:

Political parties have to be registered with the ECI. The ECI determines whether the party is structured and committed to principles of democracy, secularism and socialism in accordance with the Indian Constitution and would uphold the sovereignty, unity and integrity of India. Parties are expected to hold organisational elections and have a written constitution.

RECOGNITION AND RESERVATION OF SYMBOLS:

According to certain criteria, set by the ECI regarding the length of political activity and success in elections, parties are categorised by the ECI as National or State parties, or simply declared registered-unrecognised parties. How a party is classified determines a party's right to certain privileges, such as access to electoral rolls and provision of time for political broadcasts on the state-owned television and radio stations - All India Radio and Doordarshan - and also the important question of the allocation of the party symbol. Party symbols enables illiterate voters to identify the candidate of the party they wish to vote for. National parties are given a symbol that is for their use only, throughout the country. State parties have the sole use of a symbol in the state in which they are recognised as such Registered-unrecognised parties can choose a symbol from a selection of 'free' symbols. (Ref.: Political Parties & Election Symbols, Publication of ECI, 2004)

2.1.5 POLITICAL PARTIES AND ELECTIONS LIMIT ON POLL EXPENSES:

There are tight legal limits on the amount of money a candidate can spend during the election campaign. Since December 1997, in most LS constituencies the limit was Rs 15,00,000/-, although in some States the limit is Rs 6,00,000/- (for VS elections the highest limit is Rs 6,00,000/-, the lowest Rs 3,00,000/-). Recent amendment in October 2003 has increased these limits. For LS seats in bigger states, it is now Rs 25,00,000. In other states and Union Territories, it varies between Rs 10,00,000 to Rs 25,00,000. Similarly, for Assembly seats, in bigger states, it is now Rs 10,00,000, while in other states and Union Territories; it varies between Rs 5,00,000 to Rs 10,00,000. Although supporters of a candidate can spend as much as they like to help out with a campaign, they have to get written permission of the candidate, and whilst parties are allowed to spend as much money on campaigns as they want, recent Supreme Court judgments have said that, unless a political party can specifically account for money spent during the campaign, it will consider any activities as being funded by the candidates and counting towards their election expenses. The accountability imposed on the candidates and parties has curtailed some of the more extravagant campaigning that was previously a part of Indian elections. (Ref.: Conduct of Election Rules, 1961, Pg.-97)

FREE CAMPAIGN TIME ON STATE OWNED ELECTRONIC MEDIA:

All recognised National and State parties have been allowed free access to the state owned electronic media-AIR and Doordarshan- on an extensive scale for their campaigns during elections. The total free time allocated extends over one hundred twenty two hours on the state owned Television and Radio channels. This is allocated equitably by combining a base limit and additional time linked to poll performance of the party in recent election.

MEDIA COVERAGE AND POLICY:

In order to bring transparency as much as possible to the electoral process, the media are encouraged and provided with facilities to cover the election, although subject to maintaining the secrecy of the vote. Media persons are given special passes to enter polling stations to cover the poll process and the counting halls during the actual counting of votes.

Under a comprehensive policy for the media, ECI holds regular briefings for the mass media-print and electronic, on a regular basis, at close intervals during the election period and as and when required. At the State and District level, CEO and DEO regularly give press briefings and statements about the arrangement of the poll. The representatives of the media are also provided facilities to report on actual conduct of poll and counting. They are allowed entry into polling stations and counting centres on the basis of authority letters issued by the ECI. They include members of both international and national media.

SUPERVISING ELECTIONS, ELECTION OBSERVERS:

A large number of Observers amongst the senior civil servants from all over India are appointed to ensure that the campaign is conducted fairly, and that people are free to vote as they choose. Under Section 20-B of Representation of People Act, 1951, the observers are appointed who have the power to direct the RO of the constituency for which he/she has been nominated to stop the counting of votes at any time before the declaration of result and can report the matter to ECI. Their role is to oversee the efficient and effective management of the electoral process at the field level. Their schedule of activity is fixed. It is mandatory for them to visit three times in the constituency. There are two types of observers general and expenditure observers. Later observer keeps a check on the amount that each candidate and party spends on the election. (Ref.: Guidelines for Observers, ECI Publication-2004)

COUNTING OF VOTES:

After the polling has finished, the votes are counted under the supervision of ROs and Observers appointed by the ECI. After the counting of votes is over, the RO declares the name of the candidate to whom the largest numbers of votes have been given as the winner, and as having been returned by the constituency to the concerned house.

2.1.6 ADVISORY JURISDICTION & QUASI-JUDICIAL FUNCTIONS OF ECI:

Under the Constitution, the ECI also has advisory jurisdiction in the matter of post election disqualification of sitting members of Parliament and State Legislatures. Further, the cases of persons found guilty of corrupt practices at elections which come before the Supreme Court and High Courts are also referred to the ECI for its opinion on the question as to whether such person shall be disqualified and, if so, for what period. The opinion of the ECI in all such matters is binding on the President or, as the case may be, the Governor to whom such opinion is tendered.

The ECI has the power to disqualify a candidate who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law and simultaneously it can remove or reduce the period of such disqualification as also other disqualification under the law.

JUDICIAL REVIEW:

The decisions of the ECI can be challenged in the High Court and the Supreme Court of the India by appropriate petitions. By long standing convention and several judicial pronouncements, once the actual process of elections has started, the judiciary does not intervene in the actual conduct of the polls. Once the polls are completed and result declared,

the ECI cannot review any result on its own. This can only be reviewed through the process of an election petition, which can be filed before the High Court, in respect of elections to the Parliament and State Legislatures. In respect of elections for the offices of the President and Vice President, such petitions can only be filed before the Supreme Court.

Against the backdrop of democratic transition of power, the role, superintendence, control of ECI is paramount as it oversees the election administrative machinery at different function level all over the country by involving all important stakeholders.

CHAPTER-3
ORGANIZATIONAL HIERARCHY OF THE ELECTION ADMINISTRATION
MACHINERY

3.1 SALIENT FEATURES OF INDIA - ECI'S NETWORK OF ELECTION MACHINERY

India is one of the largest democracies in the world with a developing economy has a second largest human population. As per Census 2001 data, the total number of 1,028,610,328 consisting of 532,156,772-males and 496,453,556-females, with an area of 3,287,263 square kilometers is surrounded by neighbors Pakistan, China, Nepal, Bhutan, Myanmar, Bangladesh & Sri Lanka. Bay of Bengal & Arabian Sea make the coast line of India. It boasts of 671524934 (Male- 348908852 & Female- 321773846) number of electorate including 842236 of service electors.

Table-2: Administrative Structure of India.

Administrative Divisions:		
No. of States		28
No. of Union Territories		7
No. of Districts		466
No. of Tahsils / Talukas		3,987
No. of CD Blocks		5,886
No. of Statutory Towns		2,987
No. of Census Towns		1,702
No. of Inhabited Villages		587,226
No. of Uninhabited Villages		47,095
Largest State	Madhya Pradesh	443,446 Sq km
Smallest State	Goa	3,702 Sq km
Rural Urban Distribution		
	Population	%
Rural:	622,812,376	74.27%
Urban :	215,771,612	25.73%
State with highest proportion of Urban Population	Mizoram	46.1
State with lowest proportion of Urban Population	Himachal Pradesh	8.7
UT with highest proportion of Urban Population	Delhi	89.93
No. of Parliamentary Constituencies	543	
No. of Assembly Constituencies	4120	

Source: URL: <http://www.censusindia.net/>

Map of India



(URL: <http://www.mapsofindia.com/maps/india/indiastateandunion.htm>)

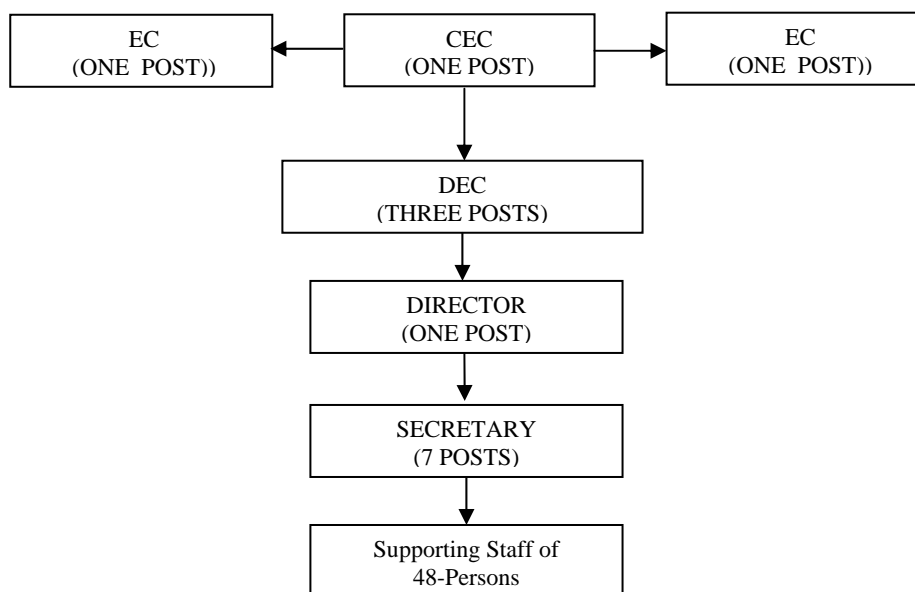
Over a period of fifty years i.e. right from the conduct of first General Election in 1952 to 2004, a massive transition has occurred in the role of ECI due to various amendments in the Constitution, important laws passed by the Parliament and pronouncement of important judgment connected with election laws. The Census of India 2001 reveals changing profile of age-wise distribution of the population an interesting feature. India has one of the youngest populations with 55.6% below the age of twenty four and 46.7% below the age of twenty. This statistics alone poses a significant challenge to the registration of new voters, establishment of new polling stations, Photo Identity Cards along with the social economic and development issues.

With this broader framework and statistics, the organizational structure of ECI for holding elections to such a large magnitude has not only been the pillar of strength to Election Related

Management Bodies (ERMBs), but also provides enormous resources of technical and managerial capabilities who have excellent leadership qualities.

3.2 THE DETAILED ORGANIZATIONAL STRUCTURE OF ECI IS DEPICTED IN THE CHART GIVEN BELOW:

CHART-1: ORGANIZATIONAL CHART OF ELECTION COMMISSION OF INDIA



The ECI is the main nerve centre of the election related administrative machinery in the states. At the regional level CEOs operate at state level & under them the DEO's, ERO's etc. which have functional staff. Hierarchy is very well laid which works exceedingly well due to set rules, regulations, procedures. Due to lack of political interference in day to day functioning of the ECI & Election Department at the State level, the delivery mechanism comes up to the expectation of the electorate.

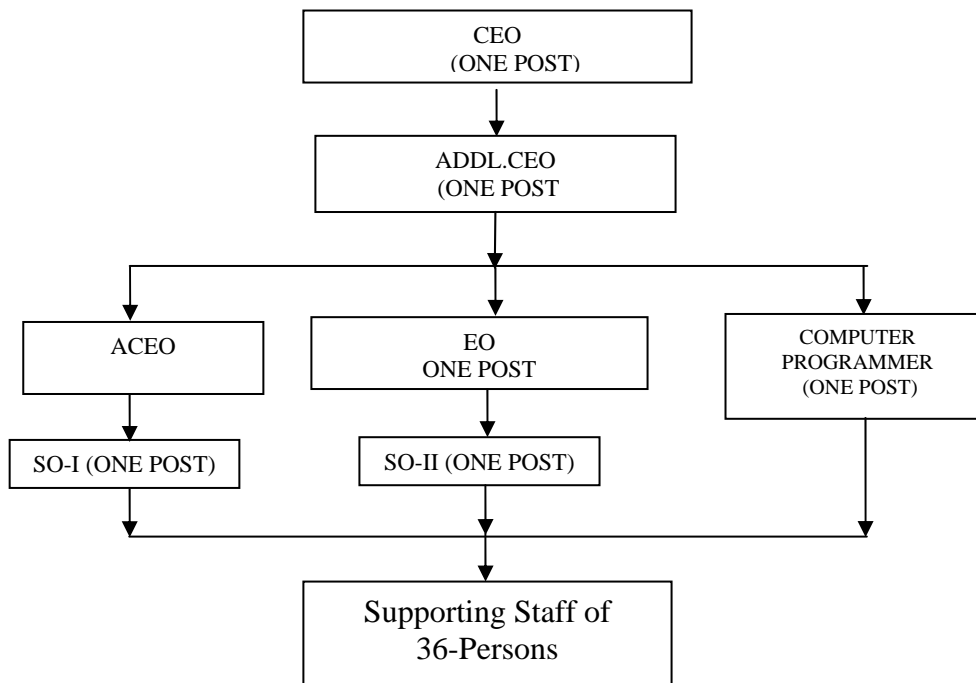
3.3 OFFICE OF THE STATE CHIEF ELECTORAL OFFICER, HIMACHAL PRADESH AND ORGANIZATIONAL STRUCTURE

At the State level, CEO is appointed by the ECI in consultation with the respective State Govt. CEO directly reports to ECI and works under the full control of the ECI. CEOs and DEOs are senior level Civil Servant selected through All India Level Competitive Exams. With respect to budget of the CEO's office, same is provided by the State Govt. and Ministry of Law and Legal Affairs, Govt. of India under different heads. The expenditures are accordingly rendered to the State Govt. and Ministry of Law, Govt. of India.

CHART-2: ORGANIZATIONAL CHART OF CEO'S OFFICE

During non-election phase the routine work pertaining to updation of electoral rolls, EPIC, photo electoral rolls, is carried out in the field offices as per the instructions of ECI. Normally, the administrative machinery at the State HQ/ District/ Sub-Divisional follows the instructions of

ECI in letter & spirit within a control and regulatory mechanism. However, additional thrust to the ERMB is provided by the officers who have high degree of commitment, motivation, leadership skills and they perceive, that in the end elections must be valid, accurate, fair, open & transparent, objective & are non-partisan in nature.

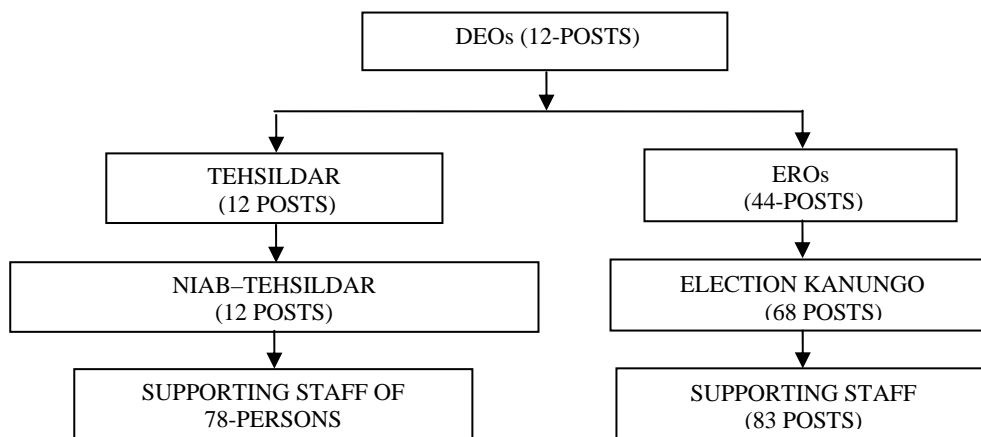


After the announcement of elections, the Officers are deemed to be on deputation to ECI:- The RO, Assistant Returning Officer (ARO), presiding officer, polling officer and any other officer appointed under this part, and any police officer designated for the time being by the State Government, for the conduct of any election shall be deemed to be on deputation to the ECI for the period commencing on and from the date of the notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officers shall, during that period, be subject to the control, superintendence and discipline of the ECI.

3.4 ORGANISATIONAL STRUCTURE AT THE DISTRICT LEVEL/ SUB DIVISIONAL LEVEL

DEO has multifarious functions at the district level, he/she is responsible for regular, development, revenue, magisterial law & order function and he/she co-ordinates work on behalf of various departments of government at the district level. The role of DEO in normal time is to supervise, implement, co-ordinate all the election related matter under the given Act's and Rules. Once the elections are announced, ECI has sole power over their functioning. Any slackness, partiality, disobedience is reviewed seriously & disciplinary actions are initiated by ECI for non compliance of its orders.

CHART-3: ORGANIZATIONAL CHART OF DISTRICT ELECTION OFFICES/ SUB-DIVISIONAL ELECTION OFFICES



At the Sub-Divisional Level, SDM is responsible for magisterial, revenue, development functions. In addition to it, he/she also acts as an ERO. The principles are applicable on EROs, once the elections are announced by the ECI.

These administrative structures derive the statutory powers as laid down in the various provisions of election law. Multifarious handling of various tasks and support of adequate infrastructure gives the administrative machinery sounding board to effectively manage public resources with clarity. These administrative functions are primarily responsible for taking steps preparatory to the announcement of election.

CHAPTER-4

GENERAL DESCRIPTION OF ELECTION PROCESS

4.1 STEPS IN THE PREPARATORY PHASE PRIOR TO ANNOUNCEMENT OF ELECTIONS

Election process is a long and lengthy process. There are different steps which are generally followed and can be used effectively for the management, monitoring supervision from the announcement of the election till the conclusion of the poll. On the basis of past election record and data, check list can be tabulated which can work as control chart for the election administrators. First step before announcement of election is the setting up of polling stations by the election machinery.

POLLING STATIONS

(SECTION 25 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951)

INTRODUCTORY

Under the law (Section 25 of the Representation of People Act, 1951), the DEO is responsible for the provision of Polling Stations (PSs) and the publication of the list of PSs. The electoral rolls are prepared PS-wise. The PSs are also set up more or less on a permanent footing, covering well-defined polling areas. That to be with the prior permission of ECI.

DRAWING UP OF LIST OF POLLING STATIONS

These lists are drawn up as far as practicable keeping in view of instructions which indicates:

- (a) The optimum number of PSs to be set up in an Assembly Constituency should be determined by dividing the total number of voters in the constituency by 1000. This number will be average for both rural and urban constituencies.
- (b) A PS should be provided for a well-defined polling area, normally covering not more than 1500 electors. However, in exceptional cases such number may exceed 1500 to avoid the break up of any polling area in large villages or urban areas.
- (c) When the number of voters exceeds 1600, auxiliary PSs are set up subject to conditions stipulated by the ECI.

LOCATION OF POLLING STATIONS

- To the extent practicable, PS should be located more or less permanently, so that the voters go and cast their votes always at one PS.
- PS should be set up in such a manner that ordinarily no voter is required to travel more than two kms for recording his vote. In sparsely populated, hilly or forest area this rule may have to be relaxed.
- In urban areas, not more than four PS and, in rural areas, not more than two PS should be located in the same building in any case, in order to avoid overcrowding and to facilitate maintenance of peace and order.
- In places where two PS are set up in the same building or compound there is no objection to allotting one of them for men and the other for women; but normally common PS with separate queues for men and women should do. When separate PS

are provided for men-voters and women-voters of a particular polling area, these should as far as possible be located in the same building.

- No PS should be located in police stations, hospitals, temples or places having religious significance. As far as possible polling stations are not located in private buildings or premises unless become unavoidable. (Handbook of Returning Officers, P-12-21)

SETTING UP OF POLLING STATION FOR VOTERS FOR WEAKER SECTIONS:

Due to manipulative tactics, location of PS in some cases is fixed in such a way that the electors belonging to weaker sections are intimidated and prevented from going to PSs for voting. Specific directions have been issued to identify the localities predominantly inhabited by weaker sections and locate PSs in these localities irrespective of the number of electors. Welfare associations or voluntary organisations championing the cause of such weaker sections should also be associated in identifying such localities and locating the PS.

PUBLICATION OF THE LIST OF POLLING STATIONS IN DRAFT

- Under section 25 of the R.P. Act, 1951, the DEO is required with the previous approval of the ECI, to provide a sufficient number of PSs for every constituency, the whole or greater part of which lies within his jurisdiction alongwith the map.
- It should not ordinarily be difficult to decide the district in which the greater part of a constituency lies. Where, however, a Parliamentary constituency comprises, say, eight Assembly Constituencies and four of them lie in one district, and the remaining four in another district it may not be so easy to ascertain the district in which the greater part of the constituency lies. In such a case the CEO should decide the question with reference to the location of the headquarters of the RO of the constituency, the number of voters of that constituency in different parts in the different districts or of the population of those parts, and communicate the same to the DEOs of the districts concerned. The DEO of the district in which, according to the CEO, the greater part of the constituency lies, will then be responsible for the provision of PS for the entire Parliamentary Constituency.

FINAL PUBLICATION OF THE LIST OF POLLING STATIONS

The DEO for an Assembly Constituency shall publish the list of PSs provided by him/her, with the previous approval of the ECI, by making a copy thereof available for inspection, in the manner prescribed by the ECI in its Order and displaying at his office a notice in the On such publication, the list shall be the list of PSs for that constituency.

AUXILIARY POLLING STATION

If the lists of PSs are approved before final publication of the electoral rolls, they are reviewed after the rolls are finally published, particularly with respect to the number of electors allotted to each PS. If there has been a substantial increase in the number of electors allotted to any PS, making such number far in excess of the normal permissible limit of 1500 and it is considered desirable to provide an auxiliary polling station, such cases are referred to the ECI for its approval. In such cases as far as practicable, the auxiliary PS are provided in the same premises

in which the earlier PS is located or as near that premises as possible.

SUPPLY OF COPIES OF THE LIST

- 1 As soon as may be, after the list of PS has been finally published in the manner specified, a copy of such finally published list shall be supplied, free of cost, to every recognised political party to whom copies of draft lists were earlier supplied.
- 2 Each contesting candidate at an election shall be supplied, free of cost, with three copies of the list of PSs for that constituency, immediately after the last date for withdrawal of candidatures. Copies are made available for sale at the price fixed and may be freely sold to all persons who demand copies.
- 3 The DEO for any Assembly Constituency should also supply the required number of copies to the Director General of Police or Superintendent of Police, as the case may be. Copies should also be supplied to the RO for the Parliamentary/Assembly Constituency, Election Department of the State Government and ARO(s).

ELECTION MATERIALS

Each polling party has to be supplied with necessary election materials for the poll. Estimation is done by the election machinery as per the requirement and stock position of election material available. Estimates of total requirements for the same and procurement has to be done timely to avoid risk factor at the last moment.

ELECTRONIC VOTING MACHINES

- Each polling party is provided with one complete voting machine, consisting of a Control Unit and such number of Balloting Units as are to be used at the PSs having regard to the number of Contesting Candidates (CCs). As there is provision only for sixteen candidates in one Balloting Unit, the number of Balloting Units to be provided in each PS would be dependent on the number of CCs at the election.
- Each voting machine is individually tested sufficiently in advance and if any repairs are needed the same is carried out carried out, well before use in an election.
- The machine uses a modern micro-computer and other large scale integration chips. It operates on a battery and can be used anywhere and under any conditions. It is tamper-proof, error free and easy to operate. Both the Units of the machine are supplied in two separate carrying cases, which are easily portable. The polling information once recorded in the machine is retained in its memory even when the battery is removed.
- The machine, especially balloting unit, is so designed as to keep intact all essential features of the present voting system and the only change is that the voter is required to press the button provided against the name and symbol of the candidate of his choice as against the use of four arrow cross mark rubber stamp which is put on the ballot paper on or near the symbol of his choice. All the safeguards taken under the present system against the tampering of the ballot boxes and violation of secrecy of vote are fully maintained in the voting machine. The process of voting in the voting

machine is very simple and quick and even illiterate voters have no difficulty in using the voting machine to record their votes.

(Ref.: Handbook of Training on use of EVM-2003 published by ECI, Pg.2-11)

MOCK POLL:

Before commencing the poll, Presiding Officer (PO) have to satisfy not only himself but also all polling agents present that the voting machine is in perfect working order and that no votes have already been recorded in the machine. For satisfaction of all who are present Presiding Officer(PO) has to show them that all counts have been set to ZERO by pressing the Clear button. When the Clear button is pressed, the Display Panels must display zero vote in display panel of each candidate. The display of the above information on the display panels satisfy the polling agents present at the polling station that no votes are already recorded in the machine.

Presiding Officer performs the mock poll by performing the following operations by recording some votes for each of the candidate at random:-

- (a) He presses the Ballot button on the ballot section of the control unit. On pressing the Ballot button, Busy lamp in the display section will glow red. Simultaneously, the Ready lamp on the balloting unit will also start glowing green.
- (b) He can ask any polling agent to press, according to his choice, any of the candidate's blue button on the balloting unit. He ensures that each of the blue (unmasked) buttons is pressed at least once, so that each button left unmasked is tested and found functioning properly.
- (c) On the candidate's button being so pressed, the Ready lamp on the balloting unit will go off and the candidate's lamp near the button will start glowing red. Also, a beep sound will be heard emitting out from the control unit. After a few seconds, the red light in the candidate's lamp, red light in the Busy lamp and the beep sound will go off. This will be the indication that the vote for the candidate, whose blue button has been pressed, has been recorded in the control unit and the machine is now ready to receive the next vote.
- (d) This process is repeated in the preceding paras (a), (b) and (c) for recording one or more votes for each of the remaining candidates. Keep a careful account of the votes so recorded in respect of each candidate.
- (e) When the votes are being so recorded, PO presses the Total button on the ballot section of the control unit to verify at any time that the total votes recorded in the machine tally with the number of votes which have been polled upto that stage. Total button should be pressed only after the vote has been recorded for any candidate and the Busy lamp in the Display Section is off.
- (f) At the end of the mock poll, PO presses the Close button in the result section. The EVM will show number of candidates and total votes polled during the mock poll. Then PO press the 'Result' button to show to polling agents that equal votes has been recorded in EVM during the mock poll. Then PO press the Clear button to ensure that all counts has been set to zero.

FORMS:

During the process of election many forms are used. Most of the forms are printed by the State Election Department. There may not, however, be a sufficient supply of these forms to satisfy

the public demand. ROs/AROs may accept the forms in any other way which may be typewritten, cyclostyled other than the Govt. printed forms so long as the text is the same.

4.2 ELECTION SCHEDULE ANNOUNCED BY ECI FOR CONDUCT OF ELECTIONS:

Date of Announcement

1. The ECI normally announces the schedule of elections in a major Press Conference a few weeks before the formal process is set in motion.
2. The Model Code of Conduct for guidance of candidates and PP immediately comes into effect after such announcement.
3. The formal process for the elections starts with the Notification or Noti. calling upon the electorate to elect Members of a House. As soon as Noti. are issued, Candidates can start filing their nominations in the constituencies from where they wish to contest.
4. These are scrutinized by the RO of the constituency concerned after the last date for the same is over after about a week. The validly nominated candidates can withdraw from the contest within two days from the date of scrutiny.
5. CCs get at least two weeks for political campaign before the actual date of poll. On account of the vast magnitude of operations and the massive size of the electorate, polling is held at least on three days for the national elections.
6. A separate date for counting is fixed and the results declared for each constituency by the concerned RO. The ECI compiles the complete list of Members elected and issues an appropriate Notification for the due Constitution of the House.
7. With this, the process of elections is complete and the President, in case of the LS, and the Governors of the concerned States, in case of State Legislatures, can then convene their respective Houses to hold their sessions. The entire process takes between 5 to 8 weeks for the national elections, 4 to 5 weeks for separate elections only for Legislative Assemblies.

4.3 FILING OF NOMINATIONS OF CANDIDATES & PUBLICATION OF FINAL LIST OF CANDIDATES:

NOMINATIONS

NOTIFICATIONS FOR ELECTIONS TO THE HOUSE OF THE PEOPLE

1. In the case of a general election to the House of the People, the President of India, under section 14 of the Representation of People Act, 1951, shall, by one or more notifications published in the Gazette of India on such date or dates as may be recommended by the ECI, call upon the parliamentary constituencies to elect members for the purpose of constituting a new House.
2. Notifications in respect of bye-elections to the House of the People will be issued by the ECI under the provisions of Section 149 of that Act.
3. On the same date on which the above notification calling the election is issued, the ECI will issue a notification in the official gazette under Section 30 of that Act fixing the programme for the various stages of the election.

NOMINATION PAPERS - FORM OF

- The nomination of a candidate for election to the House of the People shall be made in Form 2A appended to Conduct of Elections Rules, 1961. Relevant form for making nomination of a candidate at an election to the State Legislative Assembly is Form 2B alongwith the copy of Form 26.

WHO CAN FILE NOMINATION PAPERS

- All nomination papers must be presented personally, either by the candidate or by his proposer or any one of his proposers and by no one else, at the office of the RO or of the Specified ARO, between 11 a.m. and 3 p.m. on any of the notified days other than a public holiday.

NUMBER OF NOMINATION PAPERS

- Under sub-section (6) of section 33 of the Act, a maximum of four nomination papers only can be presented by or on behalf of any candidate or accepted for election in the same constituency.

DEPOSITS

- Under the Law, i.e., section 34 of the Representation of People Act, 1951, every candidate at an election to the House of the People must make a security deposit of Rs.10,000/- (Rupees Ten Thousand only). For an election to a State Legislative Assembly, the amount of security deposit is Rs.5,000/- (Rupees Five Thousand only).
- A candidate belonging to a Scheduled Caste/Scheduled Tribe is required to make a security deposit of only half of the amounts mentioned above, even in a general constituency.
- Every candidate presenting a nomination paper must have deposited either in cash with you or in the Reserve Bank of India or a Government Treasury the appropriate sum as required by section 34. Unless the sum is deposited in cash with RO, a receipt in proof of the deposit must be enclosed with the first nomination paper presented on behalf of the candidate.

SCRUTINY

SCRUTINY OF NOMINATIONS BY RO

- The scrutiny of the nomination papers should be done by RO. The only exception to this mandatory requirement is when RO is unavoidably prevented from doing so, in which case one of the AROs authorised by RO in this behalf can do the scrutiny. Such exceptions are, however, extremely rare.

LIST OF VALIDLY NOMINATED CANDIDATES

- When the scrutiny has been completed, a list of the validly nominated candidates is drawn in Form 4. There will be one entry only in respect of each validly nominated candidate in the list, although more nomination papers than one in respect of him/her may have been accepted as valid by RO.

NOTICE OF WITHDRAWAL

- Any candidate may withdraw his/her candidature by a notice in Form 5 signed by him and delivered before three O'clock in the afternoon of the last date fixed for such withdrawal. Any withdrawal after that hour is invalid and has no legal effect. Every notice of withdrawal must be delivered to RO/ARO by (i) the candidate, or (ii) any of his proposers, or (iii) his/her election agent. The said proposer or the election agent must, however, have been authorised in writing by the candidate to deliver the notice of withdrawal on his/her behalf. If there is no such authority or if the person so authorised by the candidate is neither his proposer nor his election agent, the withdrawal is of no effect and must be ignored.
- Nominations of candidates set up by registered un-recognised political parties and independent candidates have to be subscribed by ten proposers. The candidate may authorise any one of them to deliver his notice of withdrawal to RO and it will be valid and must be given effect to if it has been delivered to RO in time.
- The notice of withdrawal can be delivered before three O'clock in the afternoon of the last date fixed for the withdrawal of candidatures. On the day of scrutiny of nominations and the next day, if it is not a public holiday, such notices can be delivered during the normal working hours of the RO's office, that is to say, even before 11.00 A.M. or after 3.00 P.M.

LIST OF CONTESTING CANDIDATES

- Immediately after 3 P.M. on the last day fixed for withdrawal of candidatures, RO draws up a list in Form 7A of contesting candidates one or more of whose nomination papers was found to be valid and who have not withdrawn their candidatures.
- The list of contesting candidates in Form 7A shall be drawn up in accordance with the instructions.
- In the list of contesting candidates, RO mention the party affiliation, if any, of each candidate and the symbol allotted to him.
- Immediately after the preparation of the list of contesting candidates cause a copy of the list to be affixed in some conspicuous place in RO's office.
- Sub-rule(1) of rule 31 requires a copy of the list of contesting candidates to be displayed outside each polling station.

4.4 DEPLOYMENT OF POLLING PERSONNEL, EVMS, MODEL CODE OF CONDUCT AND COUNTING OF VOTES

POLLING PERSONNEL

LEGAL PROVISIONS

Under section 26 of the Representation of People Act, 1951, the DEO will be responsible for the appointment of the Presiding Officer and Polling Officers and staff for each polling station, in the District. When the constituency extends over more than one district, CEO is consulted for the appointment of the polling staff.

PROPER MIXING OF POLLING PERSONNEL DRAWN FROM DIFFERENT OFFICES

In order to avoid any allegation of collusion among the polling personnel in favour of any candidate or political party and to instil confidence in the minds of political parties and candidates about free and fair elections, RO should ensure proper mix of polling personnel drawn from different offices and departments at the time of formation of a polling party. Further, polling personnel should be drawn both from the State Government departments as well as the Central Government offices, as far as practicable.

RESERVE POLLING PERSONNEL

ROs has a reserve list of Presiding and Polling Officers for the constituency to deal with emergencies at any of the polling stations in the constituency as well as for conducting re-polls, if required.

POLICE PERSONNEL TO ACCOMPANY POLLING PARTIES

RO consults the police authorities for the deployment of police personnel with each polling party.

TRANSPORT FOR POLLING PARTIES AND ACCOMMODATION AND FOOD FOR POLLING PARTIES

Arrangements for the transport of the polling parties, police parties, accompanying the polling parties, polling materials, like Voting Machines, etc. Requisition of the vehicles is done as per the requirement. The movement programme is accordingly drawn carefully for each polling party so that the arrangements may not fail at the last moment, with reserves of transport handy to meet emergencies.

MODEL CODE OF CONDUCT:

- With a view to maintaining a healthy and peaceful atmosphere during the election period which would be conducive for ensuring a free and fair election, the ECI has evolved a Model Code of Conduct for Guidance of Political Parties and Candidates.
- It hardly needs to be emphasized that for the smooth conduct of an election a peaceful atmosphere should prevail during the election period. The most potent cause which tends to mar the conduct of the election and disturbs the atmosphere of friendly competitiveness that should prevail is the violation of statutory provisions of election law relating to corrupt practices and electoral offences and indulgence other malpractices by some or the other political party or the candidate or their workers. This, apart from vitiating the general atmosphere in the constituency, creates problems for the authorities responsible for the maintenance of law and order as well.

COUNTING OF VOTES

GENERAL

- Counting of votes is one of the most important stages of the election procedure. The result of the entire election may be nullified by wrong, irregular or careless counting. Being entrusted with this important work, RO has to exercise great vigilance on the

work of the counting and also in maintenance of discipline inside the counting hall.

- Under the traditional system of voting by means of ballot papers and ballot boxes, the counting of votes is a very complex, laborious and time-consuming process. The validity of each and every ballot paper polled at an election has to be decided after proper scrutiny and examination of each such ballot paper. Very often, there are controversies with regard to the availability or otherwise of a ballot paper and the ROs has to resolve such controversies in respect of each such ballot paper under dispute. All these are totally eliminated by the use of the voting machine. The machine records correctly each vote cast by a voter by means of the voting machine and keeps an exact and up-to-date account candidate-wise of each vote so cast. All votes cast by means of voting machines are valid votes and as such there will be no invalid or rejected vote in respect of any polling station where the voting machines have been used. Thus, the process of counting has become very simple, easier and quicker because of the voting machines.

(Ref.: Handbook for Electronic Voting Machine-2004 published by ECI)

DATE, PLACE AND TIME FOR COUNTING

At the time of general elections to the House of the People and the State Legislative Assemblies, the ECI normally fixes the date and time before which the counting should not start in any constituency. The ECI fixes such date and time keeping in view the dates of poll in various States at a country-wide general election to the House of the People or the general elections to more than one State Legislative Assembly or to the dates of poll in various constituencies at a general election in a particular state. In the case of bye-elections also when simultaneously held from more than one constituency, the ECI normally issues such directions having regard to the dates of poll in various constituencies.

COUNTING AT DIFFERENT PLACES AND OTHER STATUTORY REQUIREMENTS

Counting is done as per the schedule approved by ECI at a fixed place & time. Persons who are authorized inside the counting hall are counting supervisors and counting assistants; persons authorised by the ECI; public servants on duty in connection with the election; and candidates, their election agents and counting agents.

COMMENCEMENT OF COUNTING. WARNING ABOUT MAINTENANCE OF SECRECY

Commencement of the counting is usually at the hour fixed for the purpose. Everyone present in the counting hall is instructed to maintain secrecy of vote. For that purpose, the provisions of section of the Representation of People Act, 1951 is brought to the notice of everyone by reading that section aloud by RO.

COUNTING OF VOTES RECEIVED BY POST

- Under the law (rule 54A) the postal ballot papers are to be counted first.
- Covers in Form 13-C containing postal ballot papers received after the hour fixed for the commencement of the counting of votes is not to be opened. They are rejected and kept in a separate packet and sealed, noting thereon the appropriate particular.

- Only the valid votes are counted and each candidate credited with the votes given to him. The total number of postal votes received by each candidate is then calculated, entered in the Result Sheet in Form 20 in the appropriate place and announced for the information of the candidates.
- Hereafter, all the valid ballot papers and all the rejected ballot papers are separately bundled and kept together in a packed and sealed with RO's seal and the seals of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon. The particulars such as the name of the constituency, the date of counting and a brief description of the contents is recorded on the sealed packet for identifying it. Covers in Form 13-C referred to in sub rule (2) of Rule 54(A), i.e. received late, is sealed separately with endorsement on the top of the packet.

COUNTING OF VOTES RECEIVED BY POST FOR PARLIAMENTARY CONSTITUENCY

The ARO for the Parliamentary Constituency who will count the votes polled at a component Assembly Constituency, will have nothing to do with the votes received by post for the Parliamentary Constituency. According to rule 65 of the Conduct of Elections Rules, 1961, if votes are counted at more places than one (as in most cases they will be in the case of Parliamentary election), the provisions of rule 54-A of the said rule applies only to the counting at the last of such places. It is possible to regard the place at which the RO finally counts and declares the result as the last place of counting in point of time. In other words, the procedure for RO of that Parliamentary Constituency will be to get Form 20 result sheet duly completed from all AROs, then take up the counting of postal ballot papers as provided in rule 54-A and then proceed under rules 63 and 64 of the Rules. (Ref.: Manual of Election Law)

COUNTING OF VOTES RECORDED IN VOTING MACHINES

RO/ARO may have the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such machines counted simultaneously.

SCRUTINY AND INSPECTION OF CONTROL UNITS

- While RO/ARO are engaged in counting the votes received by post, the work of distribution of control units of voting machines on the various counting tables is done. Distribution of control units to the counting tables should be done in the serial order of the polling stations, that is to say, in the first round of counting control unit used at polling station number one should be given to counting table number one, that of polling station number two to counting table number two, and so on.
- Along with the control unit used at a polling station, the relevant Account of Votes Recorded in Form 17C pertaining to that polling station is also supplied to the counting table.

CHECKING SEALS ON CONTROL UNITS

Before the votes recorded in any control unit of a voting machine are counted, the candidates or their election agents or their counting agents present at the counting table are allowed to inspect

the outer strip seal, the special tag, the papers seals and such other vital seals as may have been affixed on the carrying case and the control unit and to satisfy themselves that the seals are intact. RO has to satisfy that none of the voting machines is tampered with.

PREPARATION OF FINAL RESULT SHEET

- The officer in-charge of compiling the final result and preparing the Final Result Sheet in Form 20 has to make entries on that Form showing the votes polled by each candidate polling station- wise strictly in accordance with the entries made in Part II Result of Counting of Form 17C in respect of each polling station. The number of tendered votes (If a person present in the PS & seeks to vote representing himself/herself to be a particular elector after another person has already voted as such elector, the PO of the PS shall satisfy himself about the identity of the elector concerned. After thoroughly satisfying himself the PO shall allow the elector concern to vote by means of tendered ballot paper, but not through the voting machine) polled, if any, at a polling station are noted in the appropriate column in Form 20 against the polling station concerned. Tendered votes are not counted. (Ref.: Handbook for Returning Officer, 2002, P.119)
- The entries so made in Form 20 in respect of each polling station are announced so that the candidates and their agents may take note of the result of counting in respect of each polling station.

COMPLETION OF FINAL RESULT SHEET

- If RO/ARO are counting the votes of an Assembly constituency, he/she have to prepare the Final Result Sheet only in Part I of Form 20. In that Part, the number of votes polled by each candidate by means of postal ballot papers has also to be shown against the appropriate entry provided in that Form.
- After the total number of votes polled by each candidate at every PS and by means of postal Ballot Papers (BPs) has been entered in the Final Result Sheet, strike thereon the grand total of the number of votes credited to each candidate, and also the grand total of postal and residual votes.

SAFE CUSTODY OF ELECTION RECORDS BY DEO

- Immediately after the declaration of result of the election, on the same day and, in any case not later than the noon of the following day, all the voting machines and the sealed trunks(s) containing the packets mentioned in para 34.1 should be dispatched to the DEO at his headquarters and on receipt of the voting machines and the sealed trunks(s) the DEO should forthwith arrange to deposit them for safe custody in the Treasury/Sub-treasury under double lock.
- The armed police guard posted at the room where the voting machines are stored before the counting of votes, should not be removed after the counting is over, but should continue to keep guard of the room till the transport of the voting machines and election records to the District Headquarters. As far as possible, the same guard should be used for protection during the transport also, and this fact should be

mentioned in the log book maintained by the guard.

To achieve democracy in India, established electoral roll system with above election process needs elaborate and meticulous planning and implementation by incorporating time tested management practices. ERMB is well oiled to face any challenges encountered during the planning, execution and implementation phase of election management.

CHAPTER-5

EXISTING MECHANISM FOR ELECTION MANAGEMENT

5.1 PLANNING, EXECUTION & IMPLEMENTATION MECHANISM

Election process encompasses various stages namely Election preparedness, Notification phase, Poll Phase and Post Poll through which Election Administrative machinery prepares themselves at different functional levels. These levels vary from top management in ECI to the office of State CEO and 12 field level offices supported by Sub-Divisional level EROs along with core and supporting staff. Election schedule at a glance includes date of dissolution of the house, (whether Parliament or State Assembly). There after major announcement for the date of Election is done by ECI and detail programme of election is announced which includes issue of notification, last date for making of Nomination, Withdrawal of candidature, Date and Hour of Poll, Date of Counting and date of completion of Election.

A) ELECTION PREPAREDNESS

1. ELECTORAL ROLLS

The Electoral Rolls of a Assembly shall be prepared in such a language as Election Commission of India may direct. Major stages of Electoral Roll are

- Preparatory work
- Enumeration/ Survey
- Draft Roll
- Claim and objection
- Final roll
- Revision of Electoral Roll
- Up dation of Electoral Roll

Four types of revisions under section 21 of Representation of People Act and Rule 25 of Rules 1961 are carried out. These are:

- Intensive Revision
- Summary Revision
- Partly Intensive Revision
- Partly Summary Revision

Intensive revision involves door to door survey by enumerators. The Electoral Rolls are prepared by house to house visits by verification of existing electors and registration of new electors through a Intensive Revision as ordered by the ECI, after the completion of process, final publication of rolls is done. The electoral rolls are further revised and updated every year by a Summary Revision on the basis of claims and objections received during election period and these updated electoral rolls as on the last date of filing nominations, are used during Lok Sabha and Assembly Elections. Discrepancies found during adhoc and random checking needs elaborate correction and printing before final publication. This is major activity and ERM checks the date of last final publication of the Electoral Roll, whether the changes have been made after

the last date of nomination, whether sufficient copies of Electoral Roll are available for use/ sale and recognized PP have been provided with the same. The preparation of the working copies of the Electoral Rolls is also checked.

SERVICE VOTERS

Decision to include names of service voters was taken by ECI in the year 1961. Since then it has become a regular feature. The last part of the electoral roll contains the names of service voters i.e. the members of the armed forces on which the provision of Army Act apply and amendment was carried out in the Section under rule 27P(2) in 1961.

The service voters are provided with the facility to opt to vote in General Election /Assembly elections either through proxy or postal ballot paper. Such service voters who opt to vote through proxy have been categorized as Classified Service Voters (CSV). The CSVs are required to appoint a person who is resident of the area covered by the constituency concerned, as his proxy. The proxy should be of atleast 18 years of age and shall not be disqualified for registration as an elector as per instructions issued in 2003. The proxy will be entitled to vote on behalf of the CSV in addition to the vote that he may cast in his own name if he is a registered elector in the Constituency, at the polling station to which he has been normally assigned. (Ref.: Detailed instruction issued by ECI to all the CEOs vide Letter No.3/1/2003/JS-II dated 23 September, 2003)

2. POLLING STATIONS

ERM checks the date of the last final publication of PSs its availability of the sufficient stock (atleast fifty to sixty copies), its supply to PPs free of cost along with contesting candidate, whether the physical verification of all buildings of PSs is done before the Elections and necessary approval for change of location of PSs is obtained from the ECI and up-to-date Assembly Constituency- wise printed list of PSs is made available for conduct of elections.

3. ELECTORS PHOTO IDENTITY CARDS

There are provisions under section 61 and 62 of the Representation of People Act, 1951 for use of Electoral Photo Identity Cards (EPICs) for electors as the means of establishing their identity at the time of polling. Rules 28, 35(3) and 37(2) (6) of the conduct of Elections Rules, 1961 relates about the EPICs to electors issuance and to produce EPICs by the electors at the PSs and failure or refusal on their part to produce their EPICs may result in the denial to vote.

Keeping in view less coverage of EPICs, the ECI has given permission to such electors, who are not in possession of EPICs to produce one of the alternative documents for establishing their identity before Presiding/Polling Officers on the day of poll.

Alternative Documents in lieu of EPIC:

- Passports,
- Driving Licenses,
- Income Tax Identity (PAN) Cards,

- Service Identity Cards issued to its employees by State/Central Government, Public Sector Undertakings, Local Bodies or other Private Industrial Houses,
- Bank/Kissan/Post Office Passbooks (Accounts opened on or before 31st March, 2004),
- Student Identity Cards issued by Recognised Educational Institutions on or before 31st March, 2004.
- Property Documents such as Pattas, Registered Deeds etc.
- Ration Cards issued on or before 31st March, 2004,
- SC/ST/OBC Certificates issued by competent authority on or before 31st March, 2004.
- Pension Documents such as ex-servicemen's Pension Book/Pension Payment Order, ex-servicemen's Widow/Dependent Certificates, Old Age Pension Order, Widow Pension Order.
- Railway Identification Cards,
- Freedom Fighter Identity Cards,
- Arms Licenses,
- Certificate of Physical Handicap by competent Authority issued on or before 31st March, 2004.
- Copy of Parivar Register as maintained by Gram Panchayat/Urban Local Bodies like Municipal Committees etc. and duly issued by Gram Panchayat and Vikas Adhikari/competent Authorities (upto 31-12-2003),
- Domicile Certificate (Himachali Certificate) issued by a Revenue Officer like SDM/Tehsildar/Naib Tehsildar (upto 31-12-2003).

4. TRAINING & CAPACITY BUILDING OF ELECTION RELATED PERSONNEL BEFORE & DURING THE ELECTION PHASE

Detailed training plan is drawn up by the State HQ at CEO's level and is communicated to DEOs. They further draw a detailed action plan for training of the polling personnel to be deputed prior to the elections. Three to four election rehearsals are imparted to the polling personnel with emphasis on hands-on-training.

The main items of work in that regard are briefly mentioned as below:-

- drawing up a detailed programme well in advance for the poll with the procurement of EVMs and all election materials in sufficient quantity;
- issue of public notice of election in Form 1 of the Conduct of Elections Rules, 1961 on the day on which the notification calling the election is issued;
- reception of nomination papers, security deposits, administering oath or affirmation

- to candidates after they have filed their nomination papers;
- dissemination of information contained in the affidavits filed by the candidates; scrutiny of NP and recording of reasons in brief for rejecting them;
 - receipt of notices for withdrawal of candidatures and allotment of symbols to contesting candidates; and publication of notice of nominations, list of validly nominated candidates;
 - assessing the requirements of (i) BPs for use in the balloting units of the EVMs; (ii) postal BPs for service voters and voters on election duty, etc., and (iii) tendered BPs and arranging the printing and supply thereof and preparing the lists of classified service voters who have appointed proxy voters;
 - establishing contact with the CCs and PPs to ensure free, fair and smooth election and convening of meeting of the Constituency Committee to discuss common problems relating to review of law order situation, enforcement of code of conduct for PP, etc.;
 - preparation and commissioning of EVMs about one week in advance before the date of poll and transport arrangements for the polling parties;
 - fixing of date, time and place of counting and actual counting of votes;
 - overall supervision of election work

PPs and candidates are also to be invited to polling rehearsals. While inviting representatives of the political parties, both recognized and registered-unrecognized parties, to the polling rehearsals, CCs are also invited to such rehearsals, if such rehearsals are held after the last date for withdrawal of candidatures. The operation of the voting machine and the safeguards provided are explained and demonstrated for ensuring the secrecy of vote, inoperability of the machines and the safe preservation of memory of the votes recorded by the machines. This procedure is adopted to avoid the criticism and suspicion of the PPs regarding the functioning of EVMs.

5. PUBLICATION AND MATERIAL MANAGEMENT

It is checked whether sufficient stock of different publications in connection with holding of election is available or not these manual/ publication includes handbook for RO, Presiding Officer (PO), Candidates, Model Code of Conduct, Symbols and latest order of disqualifications besides this booklet containing valid and invalid cases of voting is also procured. A large numbers of forms is required to be printed in connection with Elections. These are printed in bulk under strict security and confidence preferably at the Government Printing Press. Special arrangements are made to supply these materials to difficult and snow bound areas and keep sufficient reserve stock.

6. COMMUNICATION MANAGEMENT

Communication is the key tool for effective supervision and monitoring by the ERM. Various steps are currently taken to install hotline to establishing connectivity between ECI, CEO, DEOs and ROs. For speedy transmission of data computers and fax machines are installed for the use of Observers, DEOs and ROs and remote and inaccessible areas wide police wireless network is installed.

7. LAW & ORDER AND SECURITY ARRANGEMENTS

The Law & Order situation during pre-poll, poll and post-poll periods is monitored on day to day basis through a Daily Report which is collected from the Superintendent of Police (SPs) by the Home Deptt. of the State and submitted to the ECI through CEO, HP. Special vigil is kept in the areas bordering the State with other States. During the elections Police Personnel and Home Guards of different cadres are drafted for poll duty, law & order duties and other VIP duties. Apart from above, Central Para Military Forces are deployed during the elections. Major task is identification of sensitive, Hyper sensitive PSs by the DEOs/ ROs in consultation with the Police authorities. Appointment of the Sector Officers and Magistrates for coverage of the whole constituency jointly with the Police personnel, so that no area remain uncovered.

5.2 ADMINISTRATIVE MEASURES

(B) All those ROs/AROs and other officers having home postings needs to be shifted as per the ECIs instructions action is also taken to identify and shift officers having four years of stay in a district ban on transfers, use of official vehicles personnel. Use of loudspeakers and defacement of public/ private property which causes public nuisance is checked. Establishment of control room and complaint cell is open round the clock at State, District and Sub-Divisional Head Quarters.

(1) NOTIFICATION PHASE

Notification under various provision of Law varies for LS and VS Elections. For LS elections Presidential notification for General Election under section 14 of Representation of People Act, 1951 is done. Issue of notification regarding Election Programme under section 30 followed by issue of public notice by RO under section 31 is done. Under section 56 ECIs fixes the hour of poll. For VS elections notification by calling upon election by Governor of the state under section 51 of Representation of People Act, 1951. These notification are simultaneously listed in the gazette. Daily information of nominations filed, total nominations and finally scrutiny and withdrawal are communicated to DEO who inform CEO and latter sends consolidated information to ECI.

(2) PRINTING & SUPPLY OF BALLOT PAPERS

The postal BPs to the service electors, whose names appear in the last part of the Electoral Rolls are required to be issued to them within forty eight hours from the last hour fixed for withdrawal of candidature. This forty eight hours time includes the period required for printing of such BPs. Therefore, as usual, the postal BPs were got printed by the respective DEOs at their own level from the local printers under tight security and dispatched in time to the concerned service electors through their respective Record Offices by the ROs as per set procedure laid down by the ECI.

C) POLL PHASE

This phase is forerunner for the election day and is extremely critical for ERM. The movement of the election material along with polling parties as per the movement programme is chalked out is ensured by the ROs and DEOs constant monitoring is required at state Head Quarter for confirming the arrival of the polling parties at their destination i.e. Polling Station. Poll day

activity includes three statutory report by RO includes information regarding percentage of poll. Important and interesting poll event including completion of poll piece fully and successfully is collected and informed in the press and electronic media.

1. COUNTING MANAGEMENT

Place date and time of counting is identified in advance and notified in all cases. A detailed counting programme is chalked out which includes physical verification of the place where the counting is to take place. During the actual process of counting, procedure is adopted as per the instruction laid down in the act. Announcement of round wise trend to public and information to the ECI is submitted. In case of any unusual event clearance of ECI is obtained before declaring the result by RO who has to submit documents ranging from Form-20(declaration of Results), round wise table wise results, declaration of results in Form-21 D, return of Election in Form 21-E.

D) POST POLL PHASE

Like the previous three phases the last phase has activities which culminates the election process. Major activity is issue of notification under section 67 of Representation of People Act regarding of declaration of results by the ROs and its publication in the state gazette. RO has also to confirm the preservation of sealed election record in their treasuries. Submission of check memos and election index cards are also carried out in this phase.

Due to changing economic structure, desire and aspirations of the people to shape and influence the public policies relating to elections, the transitions have also occurred in the Election management as elsewhere in the world. Therefore, the analysis of the election processes along with the measurement issues in the present thesis focuses on hilly state of India i.e. Himachal Pradesh which provides an interesting facet of election management.

CHAPTER-6
ANALYSIS OF THE ELECTION MANAGEMENT & PROCESS

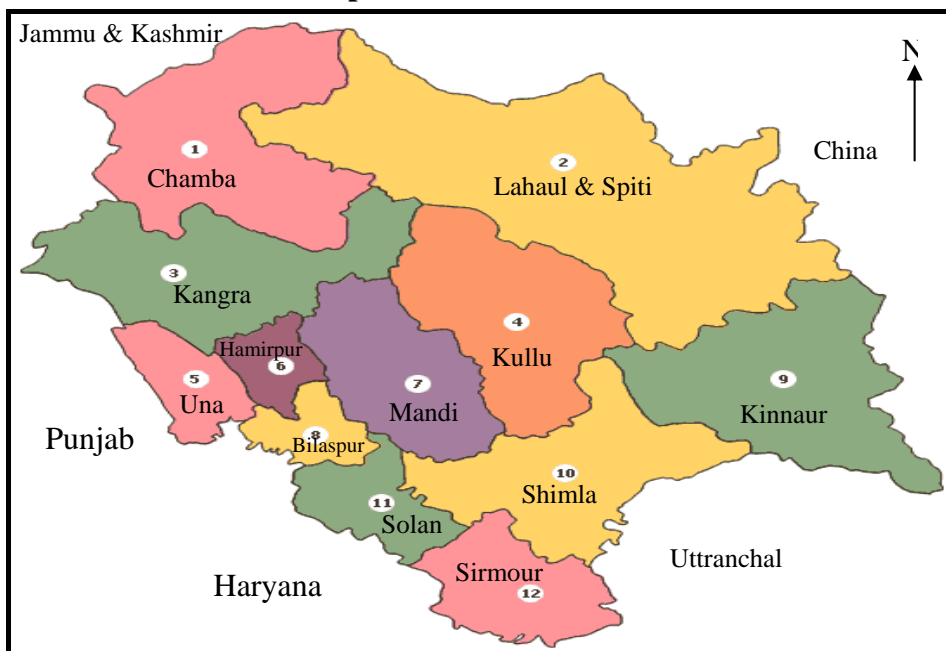
6.1 STATE OF HIMACHAL PRADESH-BACKGROUND

Himachal Pradesh is situated in the North corner of India. Snow clad mountains, beautiful Deodar and Pines forests adds to its pristine beauty and glory. The state of Himachal Pradesh has boundaries with the Jammu and Kashmir in the North, Uttar Pradesh in the Southeast, China on east, Haryana in the South and Punjab in the West. It is located between 30°22' and 30°12' north latitude and between 75°47' and 79°4' east longitude. The mountainous state has altitudes ranging from 350 to 7000 meters (1050 ft. to 21000 ft.) above the sea level. Out of twelve districts, L&S district has the largest area and smallest district being Hamirpur. Its countryside offered wide varieties of colonial mansions, forts, palaces which are century old and adds to the scenic glory of countryside.

Physical Features

The altitude of Himachal Pradesh varies from 350 m to 7000 m above sea level. The physiography of Himachal Pradesh can be divided into three zones. They are the outer Himalayas or the Shivaliks, the inner or the middle Himalayas and the greater Himalayas or the Alpines. The Shivaliks include the districts of Hamirpur, Kangra, Una, Bilaspur, and the lower parts of Solan, Sirmour and Mandi. The altitude of lower Himalayas ranges between 350 m to 1500 m and the rainfall in this zone ranges between 150 cm to 175 cm. The middle region includes the parts of Sirmour, Mandi and parts of Kangra, Shimla and Chamba and experiences rainfall between 75 cm to 100 cm. This zone remains under snow for almost give to six months. The Alpine zone is at an altitude of 4,500 m and beyond and comprises of the Kinnaur and Pangi tehsils of Chamba and some parts of Lahaul and Spiti. An important component of nature's gifts to Himachal Pradesh are its five rivers – the Beas, the Chenab (Chander-Bhaga), the Ravi, the Satluj and the Yamuna.

Map of Himachal Pradesh



(URL: <http://www.mapsofindia.com/maps/india/indiastateandunion.htm>)

HIMACHAL PRADESH AT A GLANCE

Table-3 HP at a Glance

1.	Area	55673 Sq. Kms.			
2.	Population (As per 2001 Census)				
		Total	SC	ST	
	Urban	595581	331867	263714	
	Rural	5482319	2756073	2726246	
	Total	6077900	3087940	2989960	
3.	Districts	12			
4.	Parliamentary Constituencies	04 (one reserved for Scheduled Caste)			
5.	Assembly Constituencies	Total = 68: General = 49, SC = 16, ST = 03			
6.	Sub Divisions	51			
7.	Tehsils/ Sub Tehsils	75/34=109			
8.	Development Blocks	75			
9.	Municipals Corporation	01			
10.	Municipal Councils	20			
11.	Nagar Panchayats	28			
12.	Special Areas	03			
13.	Cantonment Boards	07			
14.	Police Stations	95			
15.	Gram Panchayats	3243			
16.	Villages	20118 (Inhabited=17495+ un-Inhabited =2623)			
17.	Kanungo Circles	245			
18.	Patwar Circles	2284			
19.	Polling Station	6230+2 Auxiliary Polling Stations = 6232			
20.	Average number of electors assigned to a Polling Station	668			
21.	(a) Total electors with reference to 01-01-2006 as qualifying date				
	Date of Final Publication: 16-01-2006 (17 ACs of 4-Hamirpur PC)				
	30-01-2006 (46ACs of 1-Shimla(SC), 2-Mandi and 3-Kangra PCs)				
	05-06-2006 (5 ACs of Solan District of 1-Shimla(SC) PC)				
	(Photo Electoral Rolls)				
			Male	Female	Total
	General		2099719	2063799	4163518
	Service		42469	15761	58230
	Total		2142188	2079560	4221748
		(b) Percentage of electors on Census-2001 population i.e. 6077900			69.46%
	(C) EPICs position:				
	EPICs holder Electors			3044117 (73.11%)	
	Residual Electors			1119401 (26.89%)	
	Total General Electors			4163518	
22.	(a) Electoral Registration Officers			DC= 2 ADM= 2 SDM= 40 Total= 44	
	(b) ROs for PCs			4	
	(c) ROs for ACs			44	

Source: Administrative Report-2006.

POLITICAL HISTORY OF HIMACHAL PRADESH:

The Himachal Pradesh has no pre-constitutional history-the State itself is a post-Independence creation. It first came into being as a centrally administered territory on April 15, 1948 by the integration of thirty erstwhile princely States. The first important event was the inclusion of Himachal Pradesh as part "C" State on 26th January, 1950. It was administered by a Chief Commissioner, aided and advised in the discharge of his functions by an Advisory Council Consisting of Nine members, three of whom represented on erstwhile princely States and six being public representatives. In 1951, it became a part 'C' State. Vide Section 3 of Part 'C' State's Act, 1951. Himachal Pradesh was brought under a Lt. Governor with 36 member Legislative Assembly. First general election to the state assembly were held in November, 1951 and state's first Chief Minister, Dr. Y.S. Parmar was sworn on 1st March, 1952. In 1954 Bilaspur, another part-C State, was merged with Himachal Pradesh and the strength of its Assembly was raised to 41.

In 1956, despite majority recommendation of the States Reorganization Commission for its merger with Punjab, Himachal Pradesh retained its separate identity, but a great price had to be paid as Himachal was made a Union Territory sans Legislative Assembly and was placed under an Administrator designated as Lt. Governor. Instead of a Legislative Assembly it was provided with a Territorial Council with limited powers. Thereafter, the people and the political leadership of the state left no stone unturned for the restoration of democratic edifice. Their efforts finally bore result in 1963, when a bill was passed by the Union Parliament for providing Legislative Assemblies and Council of Ministers to certain Union Territories including H.P. It was enforced in the case of HP from 1st July, 1963 after receiving President's assent. The Territorial Council which was a replica of a diarchic form of government was converted into a Legislative Assembly of the Union Territory. The strength of the House was raised to 63 (60 elected and 3 nominated) after section 24 (3) of Punjab Reorganization Act, 1966 (Act No. 31 of 1966) came into force in 1967. Finally it was on January 25, 1971, HP made its debut as the 18th State of the Union of India. The declaration of a full fledged State came from the then Prime Minister of India Mrs. Indira Gandhi. After delimitation of Assembly seats, the number of Members in the Assembly now stands at 68. (Ref.: <http://hpvidhansabha.nic.in/hist.htm>)

6.2 ELECTION HISTORY OF HIMACHAL PRADESH has shown interesting features with respect to dates of poll on which elections were conducted, the percentage of Electorate & Service Voters, Photo Identity Card, Computerisation of ER, Establishment of Polling Stations, Introduction of EVMs, Voter-Turnout, Expenditure on Elections, Model Code of Conduct. Performance of women candidates of different PP in LS & VS elections have been added so that further analysis can be done by the researchers, electoral activists to suggest steps to increase their participation in party, in government, in committees and in opposition.

DATES OF POLL IN HIMACHAL PRADESH IN OPEN AND SNOW BOUND AREAS

Geographical condition of Himachal Pradesh varies from district to district. Some districts are plains, others hilly and snow bound. In latter (Two Districts Kinnaur, Lahaul & Spiti and Bharmour-Pangi Constituency of Chamba District) elections can be conducted in summers only when these areas are easily approachable.

Table-4: Showing Details of Election Dates in Open/Snow Bound Areas

Particulars of Elections	Year of Election	Date of Notification	Date of poll	
			Open area	Snow bound area
1.	2.	3.	4.	5.
I. LS & VS Elections	1951-52	Not available	25.10.1951 11-29 Jan., 1952	-
2. Only Elections to LS were held as there was no LA in H.P.	1957	Not available	24 th to 31 st May & 2-7 June, 1957	-
3. Only Elections to LS were held as there was no LA in H.P.	1962	Not available	27 th & 29 th April, 1962	-
4. LS & VS Elections	1967	Not available	18&21 Feb., 1967 27&29 Apr., 1967	28 th & 31 st May, 1967
5. LS Election	1971	Not available	2.3.1971 & 5.3.1971	16.5.1971
6. VS Election	1972	Not available	5.3.1972 & 8.3.1972	4.6.1972
7. LS Election	1977	10.2.1977	16.3.1977	10.6.1977
8. VS Election	1977	11.5.1977	10.6.1977	10.6.1977
9. LS Election	1980	3.12.1979	3.1.1980	15.6.1980
10. VS Election	1982	17.4.1982	19.5.1982	19.5.1982
11. LS Election	1984-85	20.11.1984	24.12.1984	25.5.1985
12. VS Election	1985	1.2.1985	5.3.1985	25.5.1985
13. LS Election	1989	23.10.1989	22.11.1989	22.11.1989
14. VS Election	1990	27.1.1990	27.2.1990	5.6.1990
15. LS Election	1991	19.4.1991	20.5.1991	20.5.1991
16. VS Election	1993	9.10.1993	9.11.1993	9.11.1993
17. LS Election	1996	27.3.1996	27.4.1996	7.5.1996
18. LS & VS Elections	1998	28.1.1998	28.2.1998	3.6.1998
19. LS Election(13 th)	1999	30.8.1999	25.9.1999	25.9.1999
20. VS Election(10 th)	2003	31.1.2003	26.2.2003	8.6.2003
21 LS Election(14 th)	2004	16.4.2004	10.05.2004	10.05.2004

Source: A Statistical Report on General Election to Lok Sabha, 2004 published by CEO, HP Pg.-C-2.

- From the table given above it is quite clear that when the elections are conducted between May and November, it has been held for both the areas (Open and Snow Bound). During the remaining part of the year elections are conducted in two phases i.e. one for open area and another for snow bound areas as per the announcement of election schedule by ECI.
- During winter due to heavy snowfall on passes through which these areas are connected viz (Rohtang Pass-3979 Meters, Kungzum Pass-4590 Meters & Sach Pass-4200 Meters) and heavy snowfall in these areas itself are not assessable from other areas through road. During elections, the state government makes special efforts to

open the passes and roads by deploying men & machinery so that transportation of material and polling parties may not get disrupted during elections.

- When these passes are closed, the material is transported and lifted through air. During LS Elections 2004 election material was transported by leased helicopter for which Rs.8,62,000 has been expended. The cost & time of administration and supervision gets reduced when elections for both snow bound and open area are conducted on same date. ERMB can easily maintain law and order, procure election material and also decrease the double process of all the activities. Elections when conducted in two phases, the real choice of electorate is not reflected, as the government is formed in the first phase itself and second phase is mere formality as the electorate is wise enough to vote for the party in power.

ANALYSIS OF ELECTORATE VIZ. POPULATION

- From Bar chart of both LS and VS Elections it is quit clear that electorate percentage hovers between 47.86% to 73.23%. In 1952 the percentage of electorate to population is 47.86% which is much below the average percentage of Electorate. Reason behind this may be non vigilant public and less publicity.
- In 1999 the percentage of electorate to population is 73.23% which is above the average percentage of population. One of the reason for this is census was done in the year 1991 which was held eight years ago and secondly in HP, new Industrial units have also been established due to liberal taxation policy. Launching of the “Voter Awareness Campaign” by the ECI have made people aware of their voting rights. Media and NGOs have also played a very important role in sensitising the people just before run up to the election.

Graph-1: Population versus Electorate during LS Election 1952 onwards

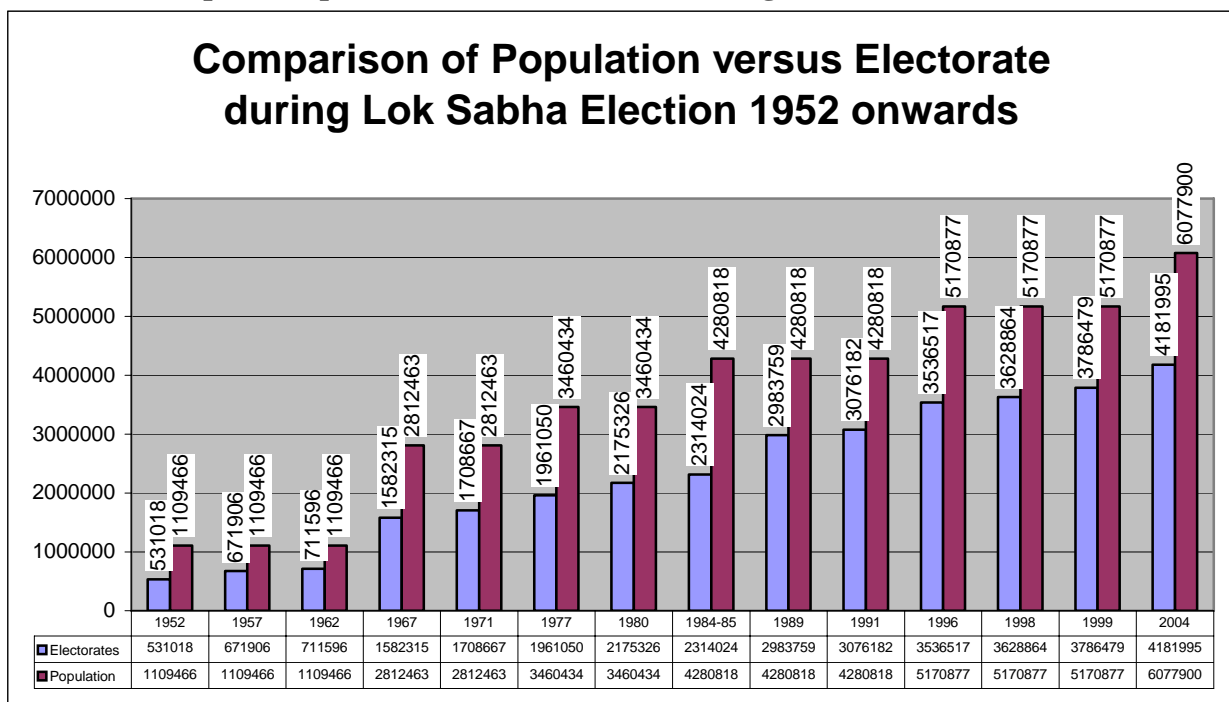


Table-5: Population versus Electorate during Lok Sabha Election 1952 onwards

Particulars of Elections	Year of Election	Year of Census	Census Population	Total Electorates	%age
LS Elections	1952	1951	1109466	531018	47.86
LS Elections	1957	1951	1109466	671906	60.56
LS Elections	1962	1951	1109466	711596	64.14
LS Elections	1967	1961	2812463	1582315	56.26
LS Elections	1971	1961	2812463	1708667	60.75
LS Elections	1977	1971	3460434	1961050	56.67
LS Elections	1980	1971	3460434	2175326	62.86
LS Elections	1984-85	1981	4280818	2314024	54.06
LS Elections	1989	1981	4280818	2983759	69.70
LS Elections	1991	1981	4280818	3076182	71.86
LS Elections	1996	1991	5170877	3536517	68.39
LS Elections	1998	1991	5170877	3628864	70.18
LS Elections	1999	1991	5170877	3786479	73.23
LS Elections	2004	2001	6077900	4181995	68.81

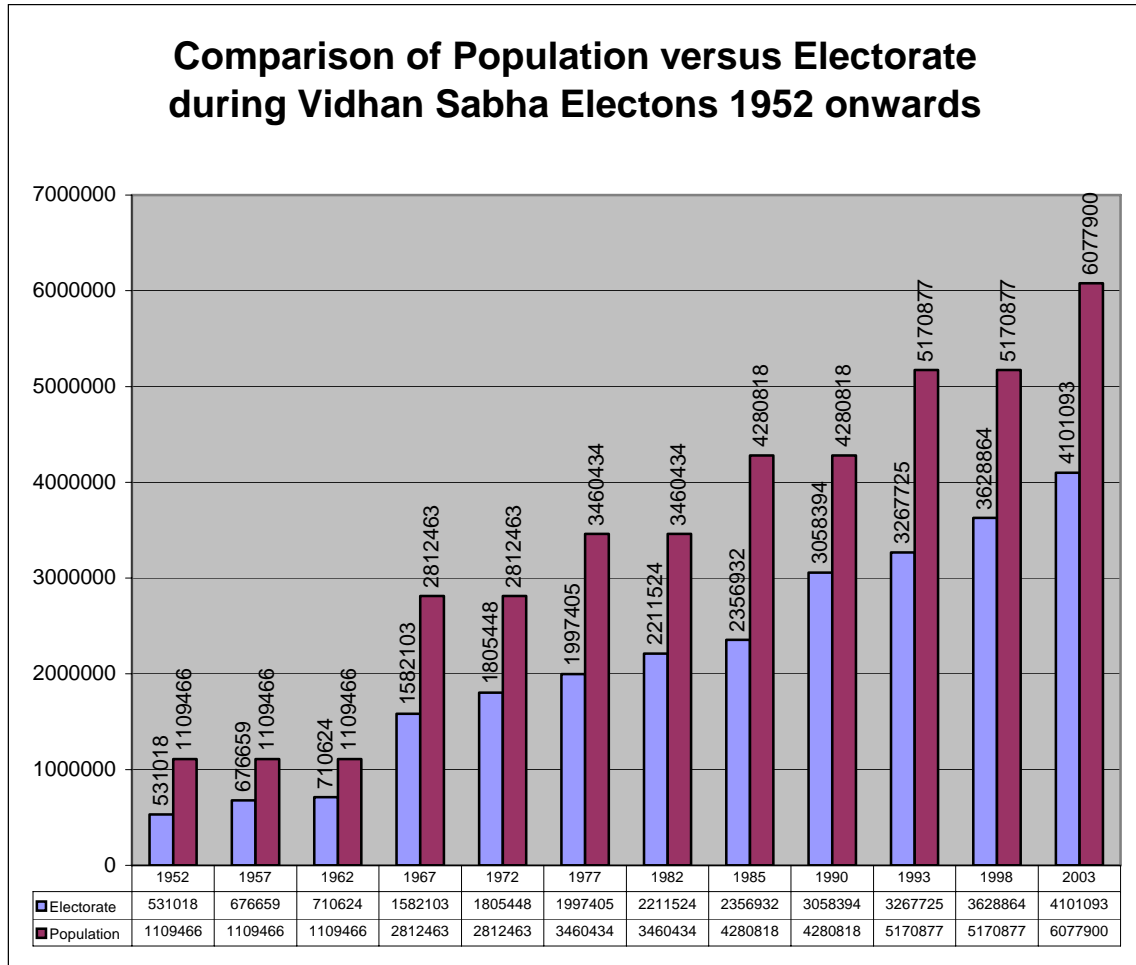
Source: Report on Lok Sabha Election, 2004 published by CEO, HP Pg.C-88-96.

Table-6: Population versus Electorate during Vidhan Sabha(VS) Election 1952 onwards

Particulars of Elections	Year of Election	Year of Census	Census Population	Total Electorates	%age
VS Elections	1952	1951	1109466	531018	47.86
HP TC	1957	1951	1109466	676659	60.99
HP TC	1962	1951	1109466	710624	64.05
HP TC	1967	1961	2812463	1582103	56.25
VS Elections	1972	1961	2812463	1805448	64.19
VS Elections	1977	1971	3460434	1997405	57.72
VS Elections	1982	1971	3460434	2211524	63.91
VS Elections	1985	1981	4280818	2356932	55.06
VS Elections	1990	1981	4280818	3058394	71.44
VS Elections	1993	1991	5170877	3267725	63.19
VS Elections	1998	1991	5170877	3628864	70.18
VS Elections	2003	2001	6077900	4101093	67.48

Source: Report on Vidhan Sabha Election, 2003 published by CEO, HP Pg.C-XIII-XVIII.

Graph-2: Population versus Electorate during VS Election 1952 onwards



(Ref.: Report on Vidhan Sabha Election, 2003 published by CEO, HP Pg.C-XIII-XVIII)

SERVICE ELECTORS: In the last part of the ER, the names of service voters are registered. Only those voters who are serving in either Army, Air Force and Navy under the RPA Act 1950 are eligible to be registered as voters. In HP, the service voter are concentrated especially in Districts Hamirpur & Kangra who are serving in infantry have been registered. Data of service electors in respect of Himachal Pradesh as on 1st January for the last 10 years is given below:

Table-7: Data of Service Electors as on 30-6-2006

S. No.	Year	Men	Women	Total
1.	1996	17573	9569	27142
2.	1997	No revision ordered by ECI		
3.	1998	19966	10146	3012
4.	1999	20236	10210	30446
5.	2000	28780	13195	41975
6.	2001	31603	14336	45939
7.	2002	7679	2951	10630
8.	2003	22699	7980	30679
9.	2004	33227	12382	45609
10.	2005	39866	15200	55066
11.	2006	42469	15761	58230

Source: HP Election Department

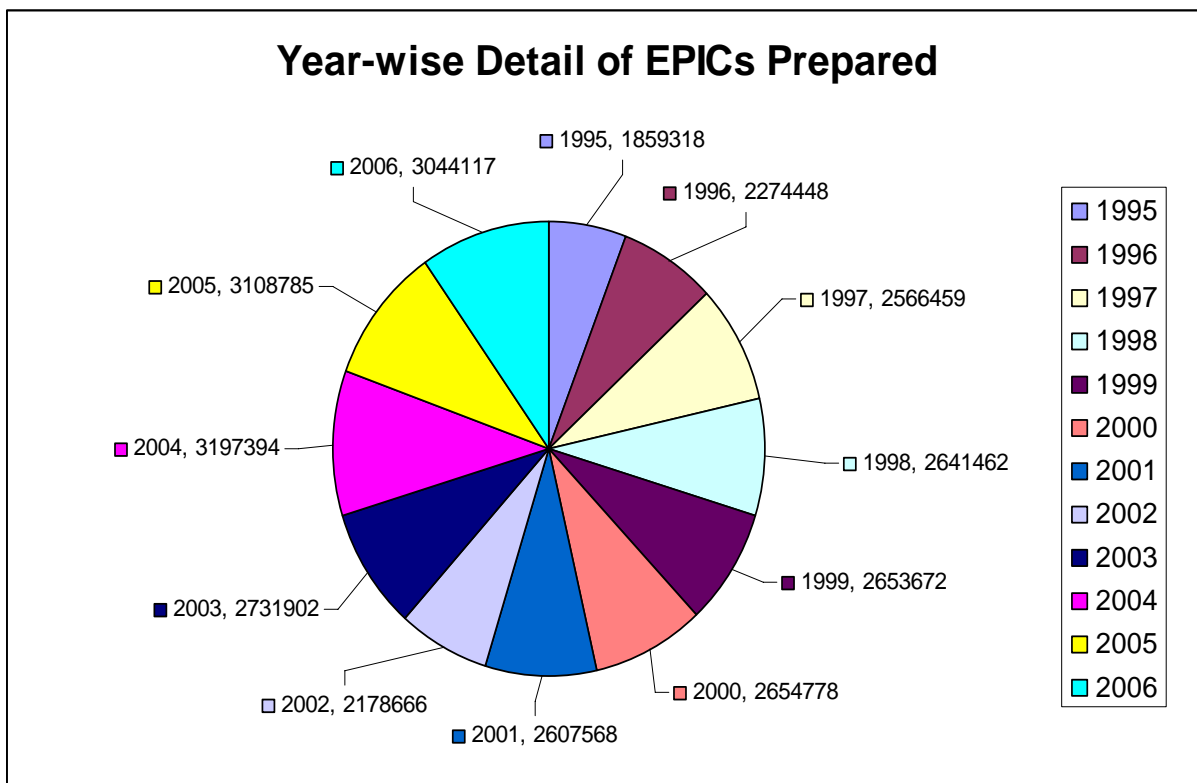
COMPUTERISATION OF ELECTORAL ROLL

- Computerisation of Rolls began in HP, 1993-94. Initially, the objective of the programme was to capture the photographs as per the names registered in the Electoral Rolls. In 1999, the manual system of recording the data was changed and massive computerisation was introduced to reduce the errors & to have permanent computer database. As a result drudgery has been replaced by efficiency and data is easily accessible.
- After the computerisation of ER, data has been put on the website in 2002 with search facility. To bring reforms and transparency, dissemination of ERs at a wider scale was introduced by ECI in which steps were taken to publish the ER section-wise at rural (Panchayats) and urban local bodies (Municipal Committees & Corporation). Copies of the relevant parts of the roll were also provided to Resident Welfare Associations (RWAs), NGOs etc. The availability of ER in these organizations was helpful in eliciting their cooperation in the summary revision and also in the continuous updation of rolls later.
- In the rural areas, the Village Panchayat Officer, who is Secretary of the Gaon Sabha convened the Gaon Sabha/ Ward Sabha meetings and necessary claims and objections can be got filled in during the meeting itself. A single uniform date for reading out the ER in the whole state for the last three years continuously has not only made the ER transparent but also disseminated its importance. In these meetings, 25926 additions of new voters and 126451 deletions were done.
- The vetting of ER through Gram Panchayat & Urban Local Bodies has certainly cleans the ER, however, no data is available with CEO's office which can provide necessary forward link as to how many number of people actively participated and rendered necessary co-operation and co-ordination in the whole process. It is strongly felt that the institution of Gram Panchayats who holds the Gram Sabhas should be strengthened and efforts should be improve the economic base of the poor within the legal and policy framework. Different studies have clearly established a relationship between the economic and social empowerment of the people which has led to increased participation in the democratic institutions.

ELECTORAL PHOTO IDENTITY CARDS

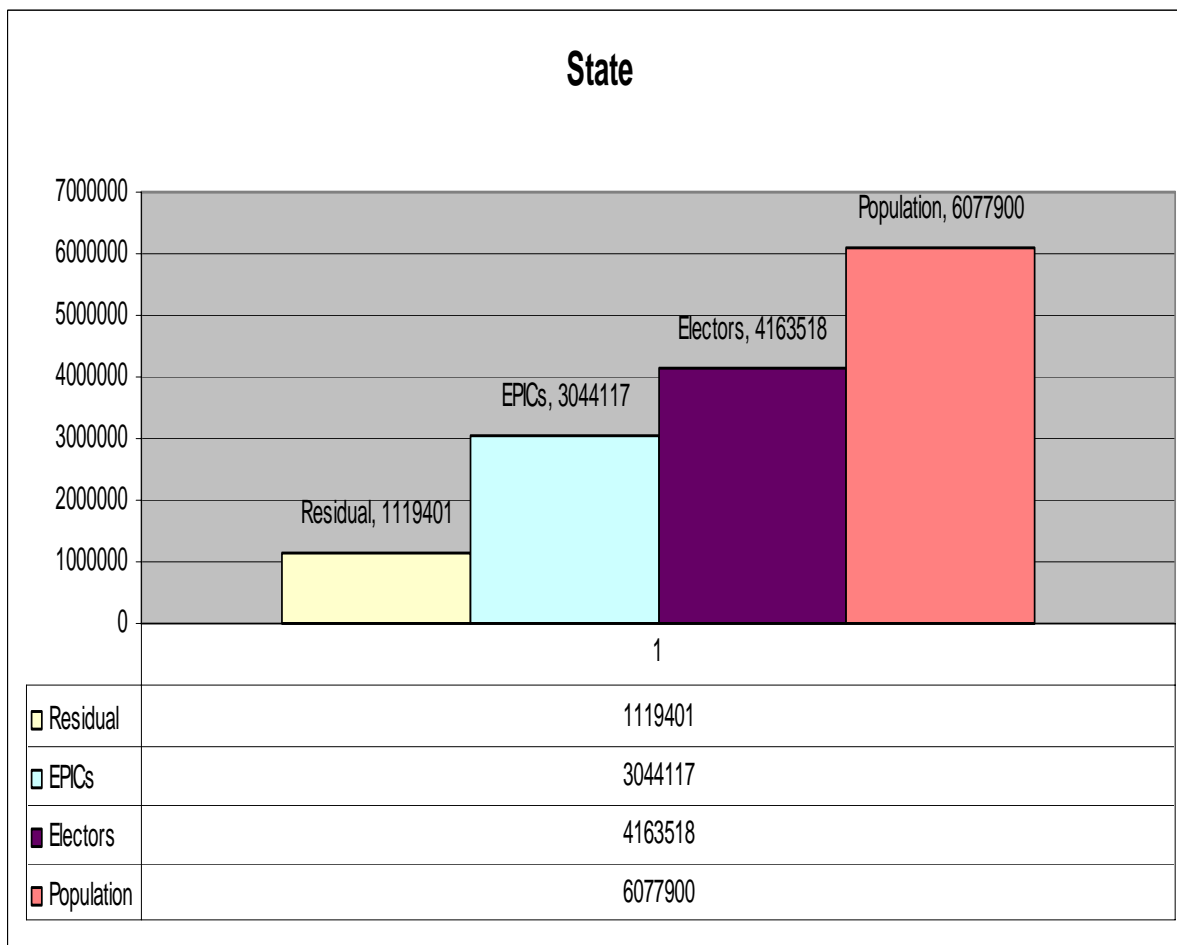
- The scheme for preparation and issuance of Photo Identity Cards to electors was introduced by the ECI in the year, 1993-94. 27,37,390 EPICs were prepared till 28-02-1998 covering 76.42 % electors under this programme. 8,75,987 new electors were enrolled and 6,72,023 electors deleted due to Intensive Revision 2002. Data analysis(Graphs- 3 & 4) shows that EPICs reduced from 71% to 55%. Further increase in percentage from 55% to 77.36% which was as a result of fresh campaign undertaken in year 2003.

Graph-3 Year-wise EPICs prepared

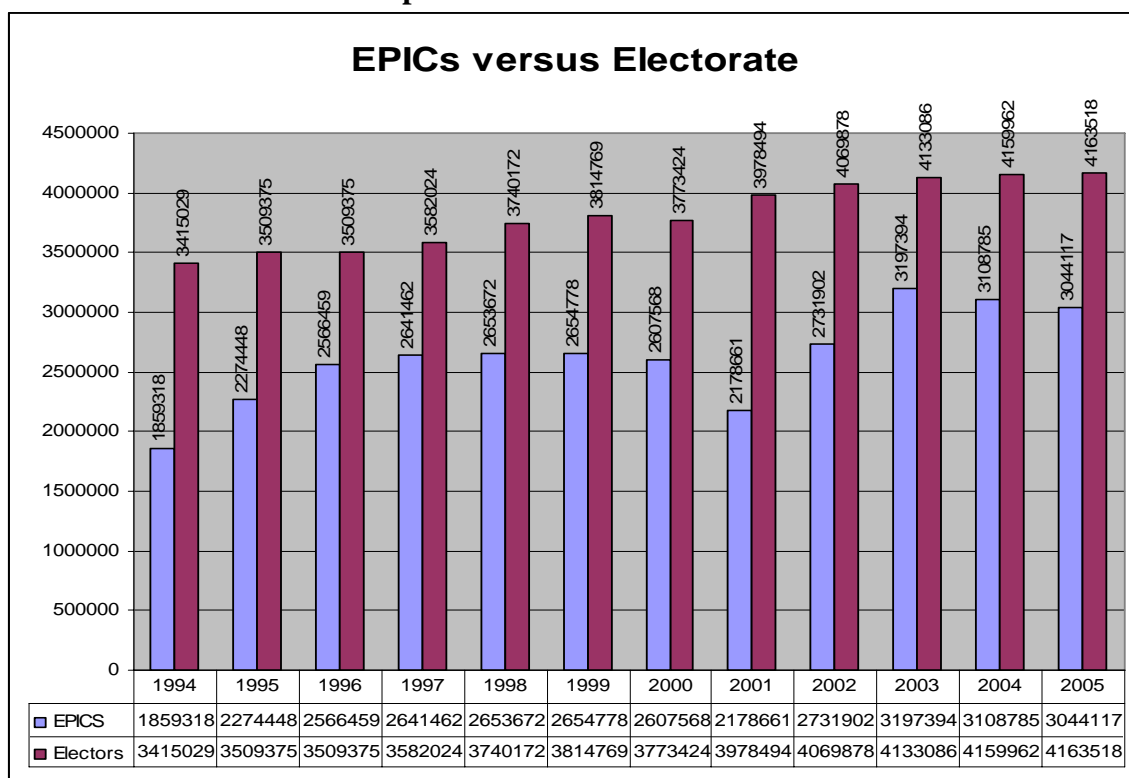


Data Source: CEO's Office, HP

Graph-4: Population, Electors, EPICs & Residual



Graph-5 EPICs versus Electorate



Data Source: CEO's Office, HP

The details of EPICs issued to electors in the State upto 05-06-2006 is as under:-

Table-8: Detail of Population, Electors, EPICs & Residual

Population	Total electors	No. of electors issued EPICs	Residual electors
6077900	4163518	3044117 73.11%	1119401 26.89%

Data Source: CEO's Office, HP

PHOTO ELECTORAL ROLLS:

ECI gave approval for a “new initiative” as a pilot project to prepare photo electoral rolls (whereby EPIC & ER databases are merged) in the tribal district of Kinnaur which is single assembly constituency. As per direction of ECI, Intensive Revision of Electoral Rolls with reference to 01-01-2005 as qualifying date for the Pilot Project of Photo Electoral Rolls in 1-Kinnaur (ST) Assembly Constituency was undertaken. During this Project total 9,120 EPICs were prepared and distributed to the electors. During Summary Revision of Electoral Rolls, 2006 with reference to 01-01-2006 as the qualifying date total 450 EPICs were prepared and distributed to the electors in the said AC where Photo Electoral Rolls was prepared.

ECI has now ordered to print the Electoral Rolls alongwith the photographs of electors. There are provisions under section 61 and 62 of the Representation of People Act, 1951 for use of Electoral Photo Identity Cards (EPICs) for electors as the means of establishing their identity at the time of polling. Rules 28, 35(3) and 37(2) (6) of the conduct of Elections Rules, 1961 relates about the EPICs to electors issuance and to produce EPICs by the electors at the polling stations

and failure or refusal on their part to produce their EPICs may result in the 73% electors have been issued EPICs in the state of Himachal Pradesh. Out of 12 Districts, two districts have been covered on the pilot basis for Photo Electoral Rolls. Photo electoral rolls for rest of the districts covering 62 Assembly Constituencies needs to be taken up by the Election Department. It will reduce discrepancies, increase transparency and decrease bogus voting during elections.

As per finally published Photo Electoral Rolls (05-06-2006) of Kinnaur and Solan District the data of electors having photo Identity Cards is as under :-

Table-9: Data of Photo Electoral Roll of 2-Districts

District Name	General electors	No. of Electors with EPICs No. Indicated	Residual
Kinnaur	48804	38635	10169
Solan	317597	252268	65329

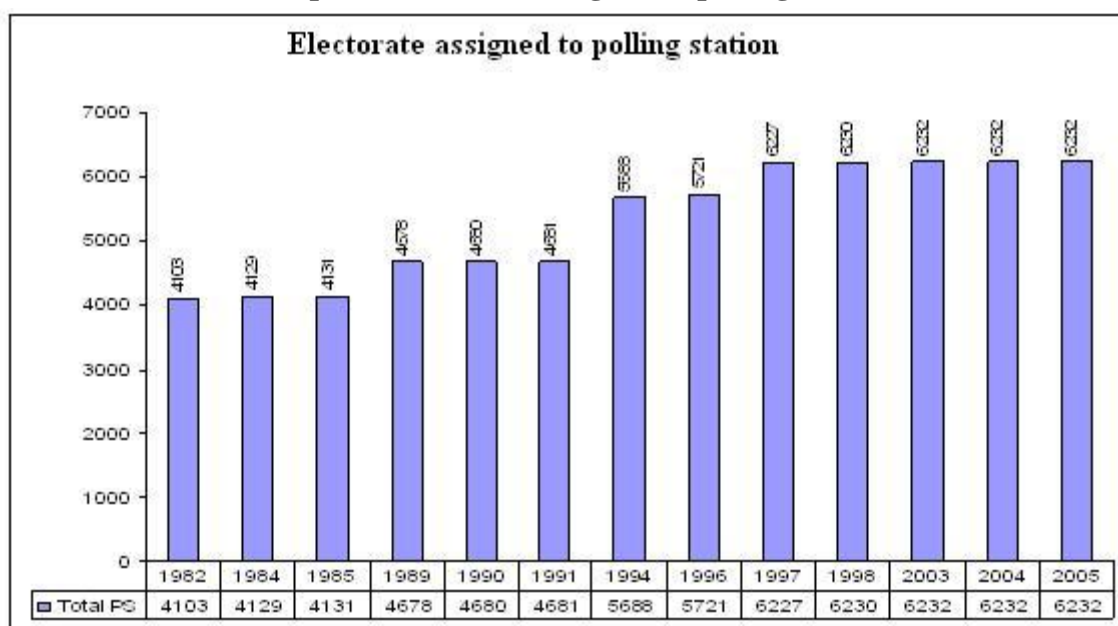
Data Source: State Election Department, 2006.

POLLING STATIONS

(i) Polling Stations has been set up in such a manner that ordinarily no voter is required to travel more than two kms for recording his/her vote. Analysis of the polling stations from 1982 to 2005 indicates that in the year-1997, around 506 new polling stations were added due to rationalisation and increase in the population. Total 6232 polling stations have been setup out of which two polling stations are exclusively for women voters. Six PSs out of 6232 have more than 1400 electors. The average number of electors per PS has come down considerably from 1043 to 975 due to rationalisation. i.e. more facility to the voters.(Table-10, Graphs-6 & 7)

(ii) In respect of 5576 PS, the polling parties have to walk 3 kms on foot from the road head, 3 to 10 kms for 590 PS, and above 10 kms (Graph-9) 66-PS. One of the salient features is the establishment of polling station at a height of 15,000 feet with 305 voters at Hakkim in L&S District. Similarly the maximum voters registered are in Solan District 1498 voters and the minimum number of voters registered are 23 in Banikhet constituency of Chamba District.

Graph-6: Electorate assigned to polling station



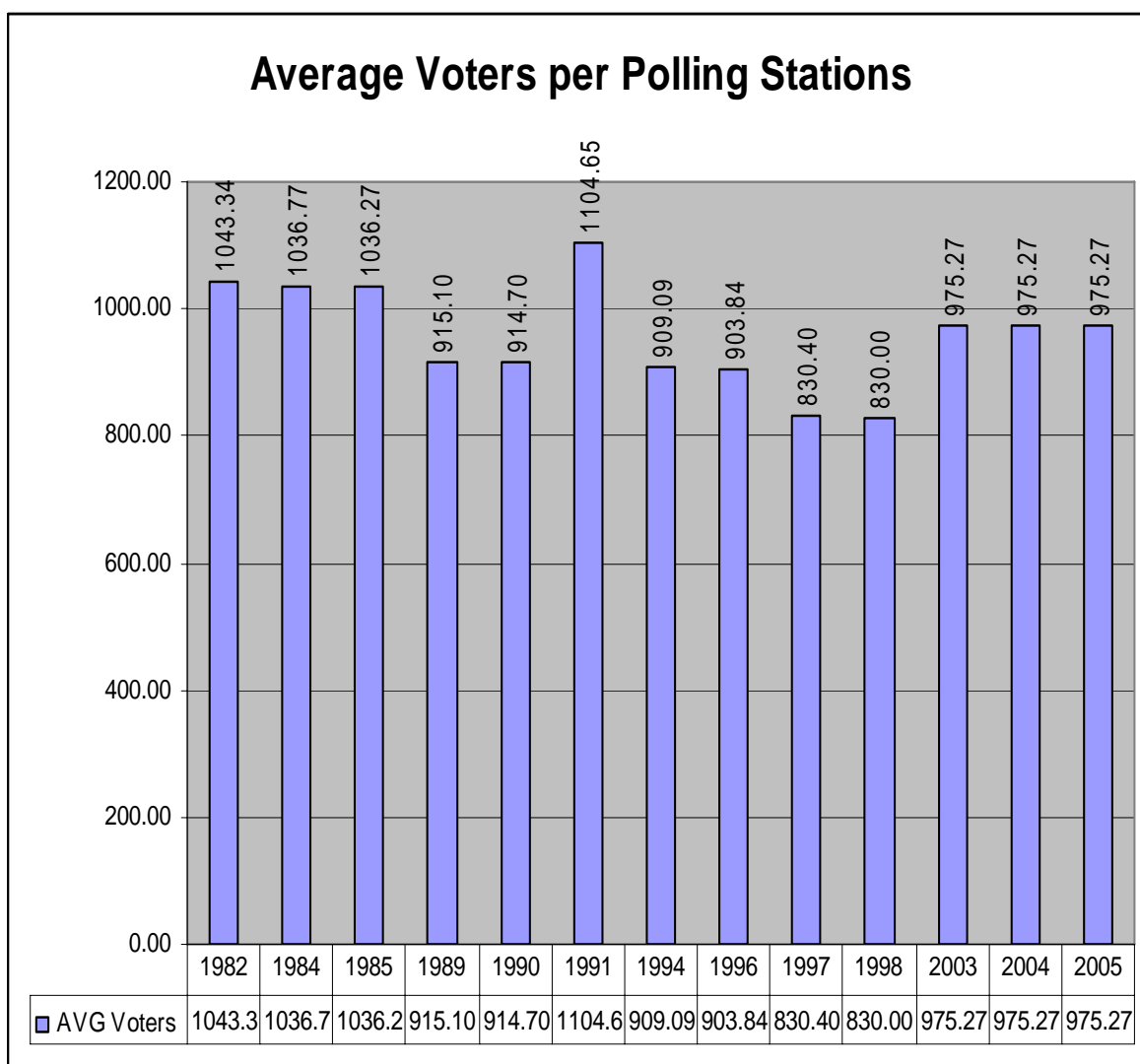
Source: HP Election Department

Table-10: Rationalisation of PS

YEAR	Population	TOTAL	INCREASE	Voters Per PS	Reason
1982	4280818	4103	0	1043.34	
1984	4280818	4129	26	1036.77	Rationalisation of PS
1985	4280818	4131	2	1036.27	-do-
1989	4280818	4678	547	915.10	-do-
1990	4280818	4680	2	914.70	-do-
1991	5170877	4681	1	1104.65	-do-
1994	5170877	5688	1007	909.09	-do-
1996	5170877	5721	33	903.84	-do-
1997	5170877	6227	506	830.40	-do-
1998	5170877	6230	3	830.00	Creation of New PS from Auxil PS
2003	6077900	6232	2	975.27	Creation of New Auxil PS for women
2004	6077900	6232	0	975.27	
2005	6077900	6232	0	975.27	

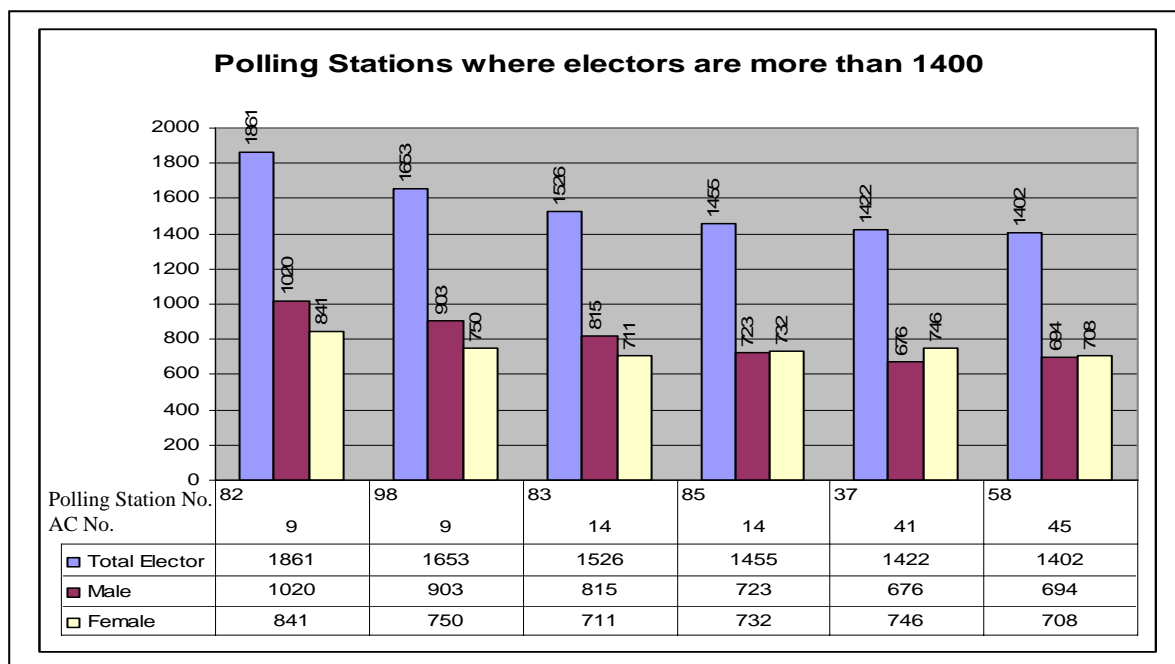
Source: HP Election Department

Graph-7 Average Voters per PS



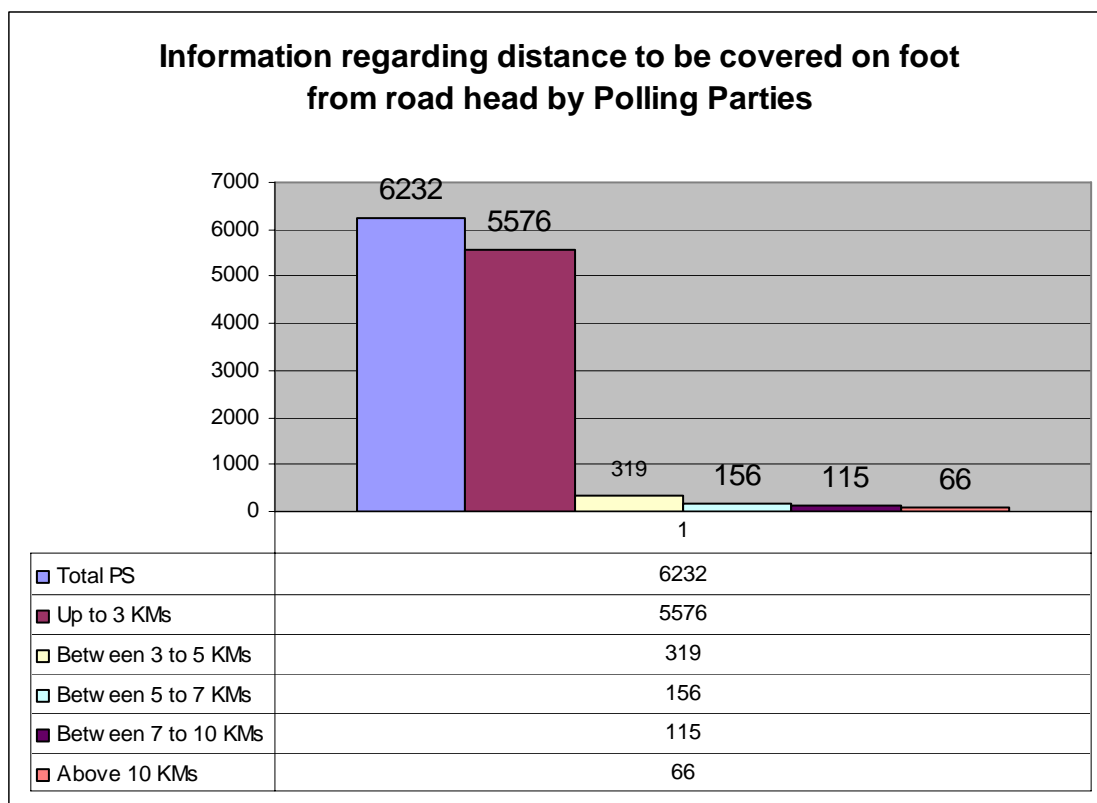
Source: HP Election Department

Graph-8: PS having more than 1400 Electors



Data Source: HP Election Department

Graph-9 Information regarding number of polling stations for which distance to be covered on foot from Road Head



Data Source: HP Election Department

More than three hundred applications have been forwarded by various DEOs with a recommendation to open new PSs in these areas. It is strongly recommended that new PS should only be opened keeping in view of road infrastructure, connectivity and availability of buildings.

CONDUCT OF ELECTIONS (COMPARATIVE ANALYSIS OF USING BALLOT BOX AND EVM):

- Before the introduction of EVMs the election were conducted by the use of 17,317 ballot boxes. They were not only heavy but also required a lot of space for safety and security, maintenance before and after conduct of elections. Accordingly the number of ballot papers printed were 38,50,000 for 68-ACs. With the use EVMs, number of ballot papers reduced drastically to about 1,74,500. Similarly, during the process of counting of votes sufficient time took place to open polled ballot boxes and the counting personals manually counted the ballot papers in the manner as prescribed by the ECI which require lot of time, resulting in the late declaration of the results etc.
- With the introduction of EVM, an element of fairness and transparency along with its easy carriage has saved both time and money for the election machinery. EVMs are substitute of Balloting System of Voting, in which ballot boxes and ballot papers were used for taking a poll. Balloting Unit (BU) has a screen to fix the ballot paper in the BU and 16 blue buttons against the name and symbols of the candidate to record votes. These blue buttons can be masked to disable them from use. One balloting unit can cater to 16 candidates and four BUs can be linked together to cater to 64 candidates connected to one Control Unit in series.

6.3 DRAFTING OF THE ELECTION RELATED PERSONNEL LEGAL PROVISIONS

- Under section 26 of the Representation of People Act, 1951, the DEO will be responsible for the appointment of the PO and Polling Officers and staff for each PS, in the District. When the constituency extends over more than one district, DEO consults CEO for the appointment of the polling staff.
- In the interest of free and fair election, ECI has modified the instructions for drafting of polling personnel just before the elections to Parliament. It was directed that in 50% of the polling stations in every Parliament constituency, the PO and one of polling officer shall be out of the district concerned. In the balance of 50% cases, the PO and either the polling officer or second polling officer shall be from the same district and other polling officer shall be from the neighbouring district. This arrangement was ordinarily between two adjoining districts on reciprocal basis. District Election Officer concerns shall make an estimate in respect of his district for the requirement of PO and polling officers from outside the district. In this whole exercise, CEO was responsible to draw a suitable plan and to finalise the groups of districts from where the POs and polling officers will be drawn for their mobilisation and reciprocal exchange.
- In case of HP, three different zones were proposed by CEO at State Head Quarter for relaxation to the instructions issued for 50% deployment of polling personnel outside the district on the basis of high altitude, hilly terrain, inaccessibility, acclimatization of climate required (3-ACs), remote and far flung areas (49-ACs) and relatively low lying and soft areas (19-ACs), administrative & logically reasons were accepted and approved by ECI.

AFFIDAVITS AND ASSETS:

(a) In terms of Section 33A of the Representation of People Act 1951 , read with Rule 4A of Conduct of Election Rules, 1961, each candidate has to file an affidavit in Form 26 appended to the Conduct of Election Rules, 1961, giving information on the following:-

- (i) Cases, if any, in which the candidate has been accused of any offence punishable with imprisonment for two years or more in a pending case in which charges have been framed by the court.
- (ii) Cases of conviction for an offence other than any of the offences mentioned in the Representation of People Act 1951, and sentenced to imprisonment for one year or more.

For the First time, the candidates of PPs had to disclose the assets both (moveable & immoveable) and their educational qualifications after the pronouncement of Supreme Court Judgment. This was implemented throughout the country during LS Elections 2004. General people and voters in particular were informed about their assets through different news papers (both national & vernacular) and through vide media coverage, and the same information was available on the internet. Resultantly an element of transparency was introduced and the voters knew their candidate's worth (in terms of qualification and property).

Table-11: Candidates' Assets and Qualifications for LS Elections 2004

Name of Candidate	Property		Total	Qualification
	Moveable	Immoveable		
1-Shimla(SC) PC				
(i) Shri Dhani Ram Shandil	3807958	5800000	9607958	Ph.D.
(ii) Shri Hira Nand Kashyap	1363788	2400000	3763788	MA
(iii) Shri Som Nath	1270000	5250000	6520000	Under Matric
2-Mandi PC				
(i) Shri Kashmir Singh Guleria	539000	630000	1169000	B.A., LLB
(ii) Shri Maheshwar Singh	5463486	15950000	21413486	B.Sc II year
(iii) Shri Mohan Lal Sahani	0	0	0	M.A.
(iv) Smt Pratibha Singh	22708024	208150000	230858024	B.A.
(v) Shri Shan Mohammad	842500	5500000	6342500	B.A.
3-Kangra PC				
(i) Shri Chander Kumar	2261766	5232792	7494558	M.A.LLB
(ii) Shri Dhani Ram	26056	355000	381056	Uneducated
(iii) Shri Fakhir Chand	290000	300000	590000	Matric
(iv) Roshan Lal	392000	0	392000	B.A.
(v) Lt. Col. Shakti Chand Chaudhary	385000	2700000	3085000	B.A.
(vii) Shri Shanta Kumar	5007478	2380000	7387478	B.A.LLB
4-Hamirpur PC				
(i) Shri Gopi Chand	50000	510000	560000	M.A.
(ii) Shri Khushi Ram	156413	141868	298281	B.A.
(iii) Shri Matwar Singh	26000	170000	196000	B.A.
(iv) Shri Mohar Singh	1005621	1855000	2860621	B.Sc
(v) Smt. Rameshwari Kanwar	844000	800000	1644000	Matric
(vi) Shri Ranjit Singh	10900	0	10900	M.A.
(vii) Shri S.S.Kalmotia	179028	0	179028	M.A.
(viii) Shri Suresh Chandel	3206168	3269329	6475497	M.A.
(ix) Thakur Ram Lal	2858720	5600000	8458720	B.A., LLB

Source: A Statistical Report on General Election to Lok Sabha, 2004 published by CEO, HP, Pg.-A-32.

Persons Disqualified Under Section 10a of the Representation of People Act, 1951; candidates belonging to different PP or as independent are disqualified if they don't render the election accounts within the statutory period. At an all India level, 714 persons have been disqualified for LS and 4826 for VS. Himachal is one of the few states in the country where the figure has not crossed twenty in case of Vidhan Sabha and it is nil in case of Lok Sabha.

Table-12: Total Number of Persons Disqualified Under Section 10a of The Representation of People Act, 1951 as on 24-3-2006

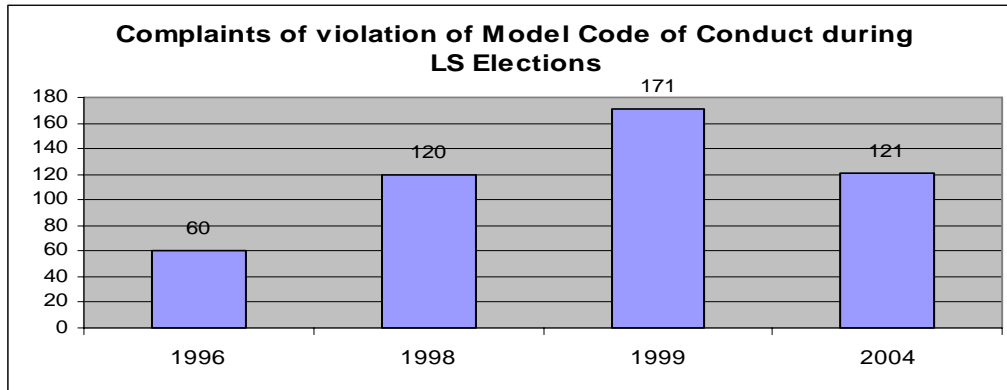
Sr. No.	States/ Union Territories	No. of persons disqualified in respect of house of the People	No. of persons disqualified in respect of Legislative Assemblies
STATES			
1.	Andhra Pradesh	35	228
2.	Arunachal Pradesh	0	2
3.	Assam	1	36
4.	Bihar	32	206
5.	Chhatisgarh	25	106
6.	Goa	0	19
7.	Gujrat	7	109
8.	Haryana	35	210
9.	Himachal Pradesh	0	18
10.	Jammu & Kashmir	5	63
11.	Jharkhand	2	24
12.	Karnataka	19	255
13.	Kerala	22	111
14.	Madhya Pradesh	26	196
15.	Maharashtra	24	434
16.	Manipur	5	31
17.	Meghalaya	0	4
18.	Mezoram	0	10
19.	Nagaland	0	1
20.	Orissa	14	108
21.	Punjab	19	147
22.	Rajasthan	43	169
23.	Sikkim	0	1
24.	Tamil Nadu	109	314
25.	Tripura	2	42
26.	Uttaranchal	6	116
27.	Uttar Pradesh	192	1514
28.	West Bengal	71	222
UNION TERRITORIES			
29.	Andaman & Nicobar	0	0
30.	Chandigarh	0	0
31.	Dadra & Nagar Haveli	0	0
32.	Daman & Diu	0	0
33.	Delhi	20	115
34.	Lakshadweep	0	0
35.	Pondicherry	0	15
	Total	714	4826

Source: List of Persons disqualified under section 8A, 10A, & 11A(2) of The Representation of People Act, 1951 as on 24-3-2006, Published by ECI, New Delhi Pg.-(iii).

6.4 ENFORCEMENT OF MODEL CODE OF CONDUCT

Quick analysis of complaints received during violation of model code of conduct for the last four LS elections indicates that the number of complaints registered in 1998 & 2004 were approximately the same and highest complaints received were in LS Election-1999. The complaints varied from transfers of officials of the election administrative machinery to the allurements of the voters. (Graph-10)

Graph-10: Complaints of Violation of Model Code of Conduct during LS Elections

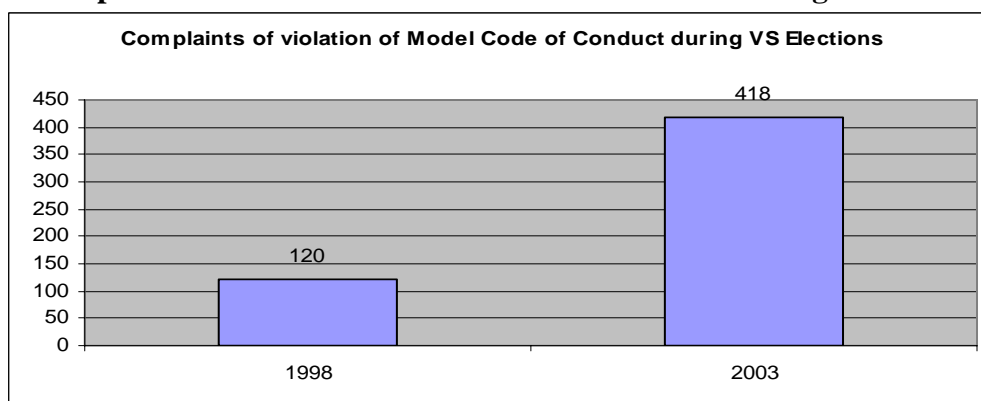


Source: Report on Lok Sabha Election, 2004 published by CEO, HP Pg.C-84.

ENFORCEMENT OF MODEL CODE OF CONDUCT: ANALYSIS OF COMPLAINTS RECEIVED DURING VIDHAN SABHA ELECTIONS 1998 AND 2003

As compared to LS Elections, VS Elections create more enthusiasm, motivation for the PP to win over the electorate by adopting each and every means in the election campaigns which leads to allegation and counter allegations. (Graph-11) The number of complaints are mostly related to conduct of employees deployed in the election duty. For a small hilly state like Himachal Pradesh, the number of employees both in the government, boards and corporations are more than 2.80 lacs employees have strong unions and are important stakeholders in the process of election. All the major PPs who are registered with ECI and file candidates for the election fray have a strong tendency to win over these "stakeholders" by announcing policies, benefits and different measures to win over them. Consequently, employees are beneficiaries and targets of the PPs. The steady increase in number of complaints indicates two things- (a) Flouting of MCC by the party in power (b) Increase faith in the ECI and its election management hierarchy.

Graph-11: Complaints of Violation of Model Code of Conduct during VS Elections



Source: Report on Vidhan Sabha Election, 2003 published by CEO, HP, Pg.C-63.

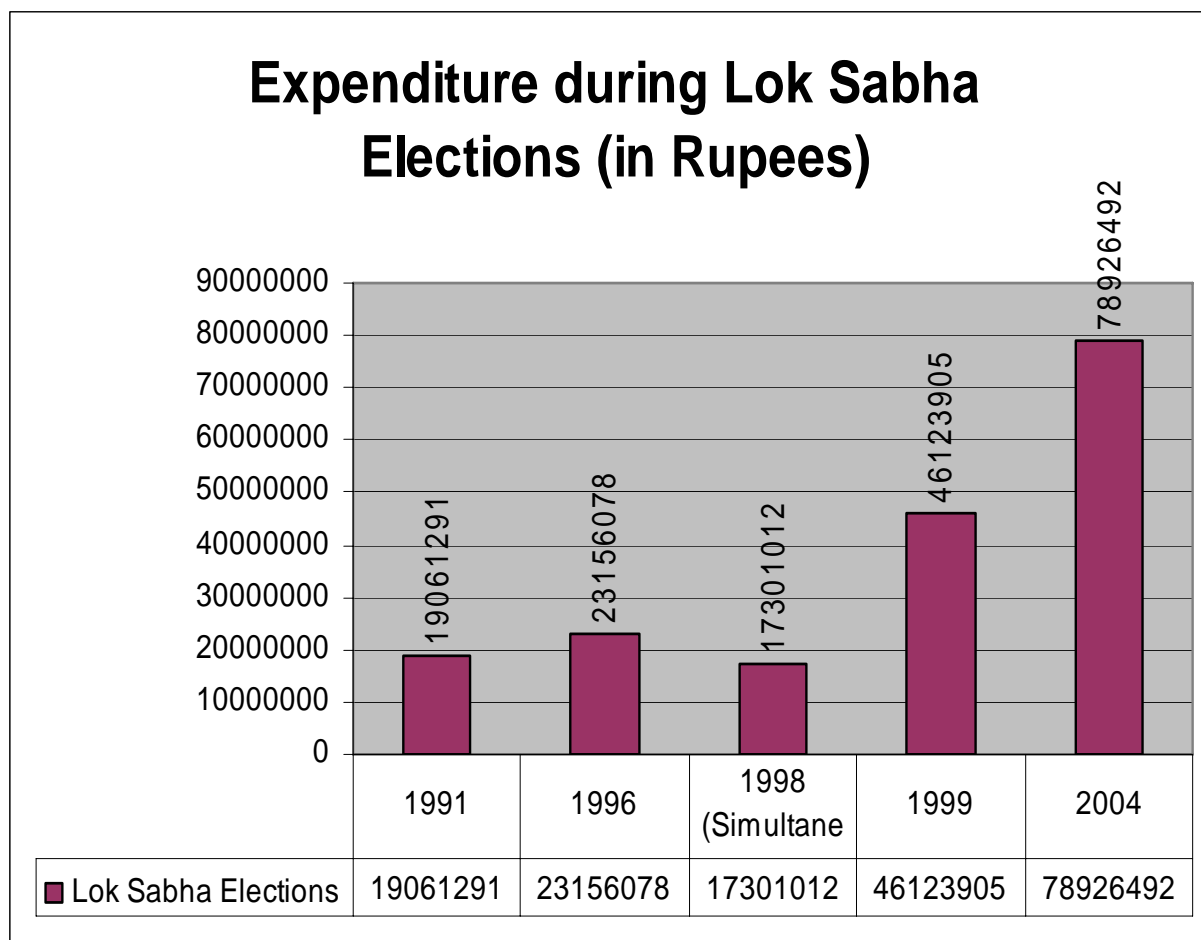
6.5 EXPENDITURE INCURRED DURING PARLIAMENTARY AND STATE ASSEMBLY ELECTIONS:

Analysis for the State financial data indicates the pattern of increased expenditure over the period of ten years.

Table-13: The Expenditure detail of LS & VS in Rupees(1-Dollar=Rs.45.60 as on 24-8-2006)

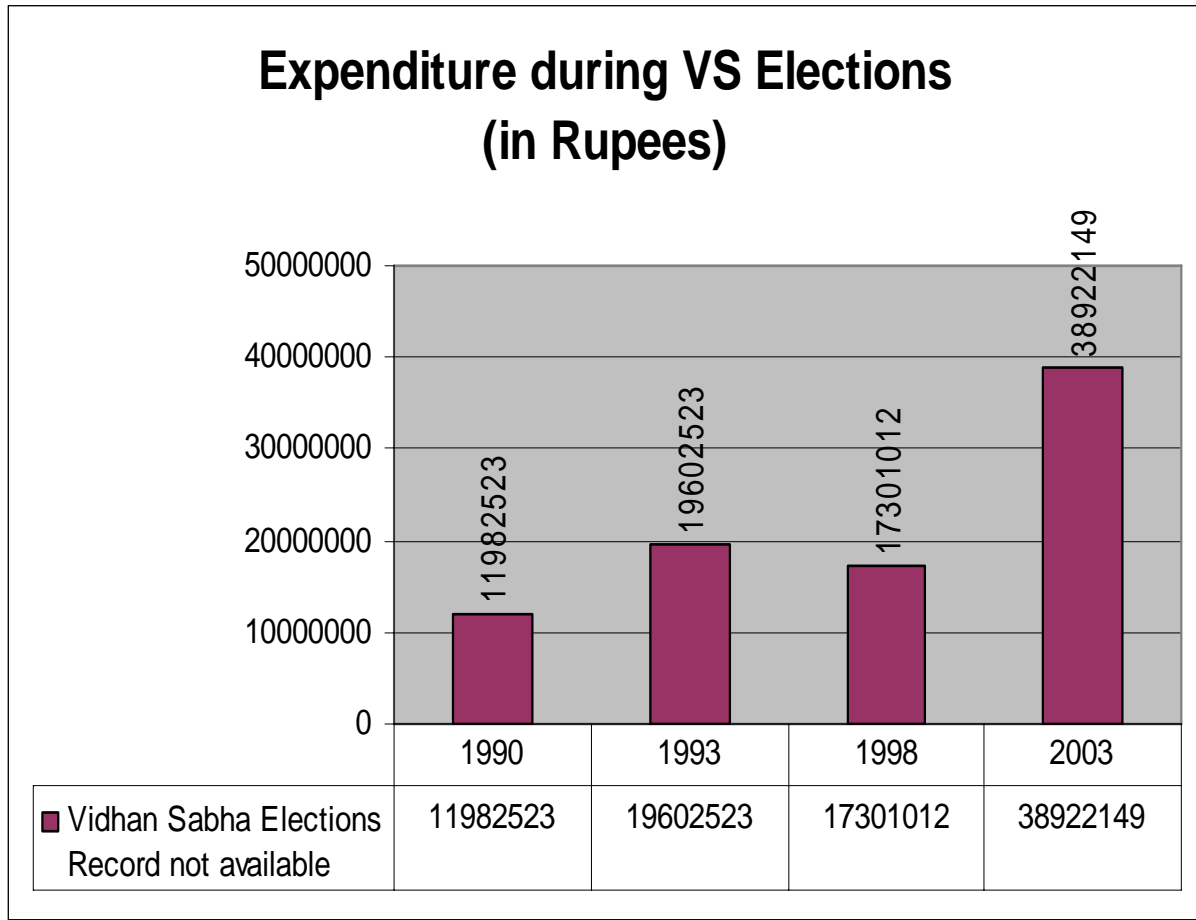
Year of Election	Lok Sabha Elections	Vidhan Sabha Elections	Total	Increase LS	Increase VS	Remarks
1985						
1990	0	11982523	11982523			
1991	19061291	0	19061291			
1993	0	19602523	19602523		7620000	
1996	23156078	0	23156078	4094787		
1998	17301012	17301012	34602024	-5855066	-2301511	Simultaneous elections
1999	46123905	0	46123905	28822893		
2003	0	38922149	38922149		21621137	
2004	78926492	0	78926492	32802587		

Graph-12: Expenditure during LS Elections



Source: Report on General Elections to Lok Sabha-2004, published by CEO, HP, Pg.C-87.

Graph-13: Expenditure during VS Elections



Source: Report on General Elections to Vidhan Sabha-2003, published by CEO, HP Pg.C-66.

From the data analysed transpires that when elections are held simultaneously there is a considerable reduction in the expenditure rather than holding elections separately.

- In 1998, Simultaneous elections were held (to both LS & SA) and the number of polling personnel deployed, police personnel deployed were 38663 as compared to 24390 in 2003.
- The number of counting centres set up in 1998 VS and LS and VS-2003 were 51.
- The number of Observers were 18 in 1998 as compared to 43 in 2003.
- Initial expenditure of EVMs were incurred amounting to Rs. 8,10,35,000.
- Expenditure was considerably reduced with respect to use of EVMs in 2003 due to reduced number of ballot papers printed from 37,37,000 to 1,74,500 (2003).
- The communication was successfully utilised by rationalising the links required amongst various districts and state head quarter office.
- Similarly reason for increase in expenditure in LS-2004 from LS-1999 can be attributed because of increased number of polling personnel used in LS-2004, and the rates for transport and polling personnel were revised after fifteen-years.
- Major expenditure on Observers, counting centres and communication facilities were reduced due to rationalisation and economy by the election machinery.

6.6 VOTER-TURNOUT:

Voter turnout is the percentage of eligible voters who cast a ballot in an election. After increasing for many decades, there has been a trend of decreasing voter turnout in most established democracies since the 1960s. In general, low turnout may be due to disenchantment, a reflection of disillusionment or indifference, or contentment, which is often considered to be undesirable, and there is debate over the factors that affect turnout and how to increase it. Its cause has been attributed to a wide array of economic, demographic, cultural, technological, and institutional factors. Efforts have been made to encourage voting by different PPs.

As per Rational choice theory, it is very likely that a rational individual should not vote. This is in part a **Free Rider Problem**, because theoretically an individual voter can rely on the remaining population to make a rational decision without having to go and to make the effort of becoming informed, finally making a decision and going out to vote.

A high turnout generally signifies the interest of the elector, legitimacy of the ER system, however, low turnout may not be an accurate reflection of the will of the people rather it can be other way round in which voters are contended and are sure about winners and parties.

Table-14: Report of Vidhan Sabha Elections from 1977 onwards

Year	No. of ACs	No. of Polling Stations	No. of Electors	No. of Contestant	Voter Turnout	Poll %age
1977	68	3380	1997405	330	1169894	58.57
1982	68	4103	2211524	441	1571574	71.06
1985	68	4131	2356932	294	1658426	70.36
1990	68	4680	3058394	454	2071881	67.74
1993	68	4681	3267725	416	2343543	71.72
1998	68	6230	3628864	369	2584788	71.23
2003	68	6232	4101093	408	3055710	74.51

Source: Report on Vidhan Sabha Election, 2003 published CEO, HP Pg.XI.

- Voter turnout data from 1977 to 2003 of Vidhan Sabha Elections reveals that the lowest percentage has been in the year 1977 and the highest voter turnout has been recorded in the last assembly elections 2003. In the year 1977, both VS & LS were held.(Graph-14)
- Except for 1977 the percentage turnout has been more than 65, it is due to the fact that regional issues and formation of their government at state level are the primary concerns of the voters. The electorate in HP over a period of time has acquired great maturity in ousting the government in power and alternatively providing chance to alternative PP.
- The highest percentage recorded in last VS election held, had for the first time used EVMs which was an added attraction to the voters.

Graph-14: Voter Percentage

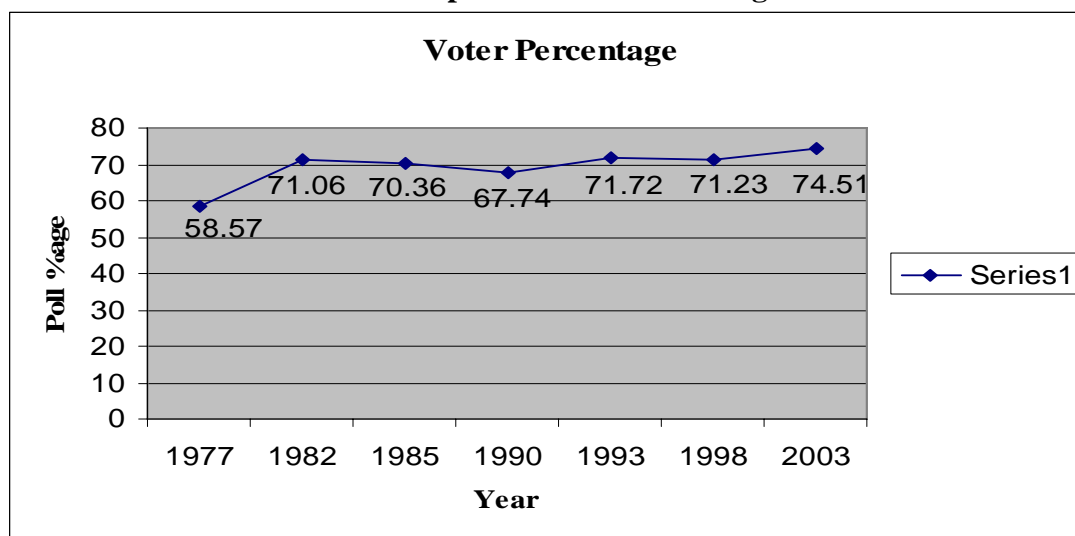


Table-15: Report of Lok Sabha Elections from 1977 onwards

Year	No. of ACs	No. of Polling Stations	No. of Electors	No. of Contestant	Voter Turnout	Poll %age
1977	4	3361	1961050	14	1167927	59.56
1980	4	3742	2175326	29	1277049	58.70
1984-85	4	4129	2314024	31	1422000	61.45
1989	4	4678	2983759	33	1907671	63.94
1991	4	4681	3076182	46	1765627	57.40
1996	4	5721	3536517	54	2036415	57.58
1998	4	6230	3628864	22	2406774	65.32
1999	4	6230	3786479	22	2149816	56.78
2004	4	6232	4181995	23	2497149	59.71

Source: A Statistical Report on General Election to Lok Sabha, 2004 published by CEO, HP, Pg.-C-88 to C-96.

- The Parliamentary Elections (only four seats) does not infuse the same kind of enthusiasm as in the state assemblies. Resultantly the percentage has never crossed more than 65. Interestingly the voter turnout in 1991 shows “voter fatigue” as due to dissolution of parliament immediately after two years did not have sufficient motivation for the voters to vote.
- The highest number of contestant filed by different PP has been recorded in 1996 (i.e. 54). The lowest recorded has been in 1997 election (i.e. 14). The percentage poll in 1996 is around 2% less than 1977. Percentage of voting also indicates the change of government in the year 1998 at the Federal and State level which is 65.32 (for LS Elections) and 71.23 (for VS Elections). Data analysis further shows the trend that the electorate is wise enough to vote for the same PPs at the Federal and State level as

HP being small state depends upon liberal grants and assistance from the Federal Govt.

6.7 PERFORMANCE OF WOMEN CANDIDATES IN VIDHAN SABHA ELECTION-1952 ONWARDS:

- Analysis of the data regarding the performance of the women candidates filed by different political parties from 1952 to 2004 in both Ls and RS and state assembly clearly illustrates that irrespective of party all the women candidates belong to affluent/elite class. (Graph-15). The percentage varied between 4.41 to 8.82 (Highest in 1998).
- For LS election (no. of seats four), one seat has been won in 1984 and 2004
- From the charts and tables, it is quite apparent that the representation of women in LS, RS and VS is quite negligible from this state. However they are approximately 50% of the total population of state. The 73rd & 74th amendment in Constitution of India provided for 33% reservation for women at all three levels of governance i.e. at village level, block level & District level (Zila Parishad) in rural areas and in urban areas. This compulsory provision necessitated changes in the different acts governing the elections to the local bodies. As a corollary, different political parties had to file women candidates at all the three tiers of governance.
- Their representation and participation at these levels has given them teeth in using the political power of the government to their advantage. They now equally participate in major policy decision and development activities. The real achievement of decentralised planning for women has been creation of an enabling environment that has given meaning to reservation. (Ref.: Menon Parvathi - Empowering Women, Frontline, Vol.17-Issue 13, June 24-July 07, 2000)

Graph-15 Performance of Women candidates in VS Election-1952 onwards

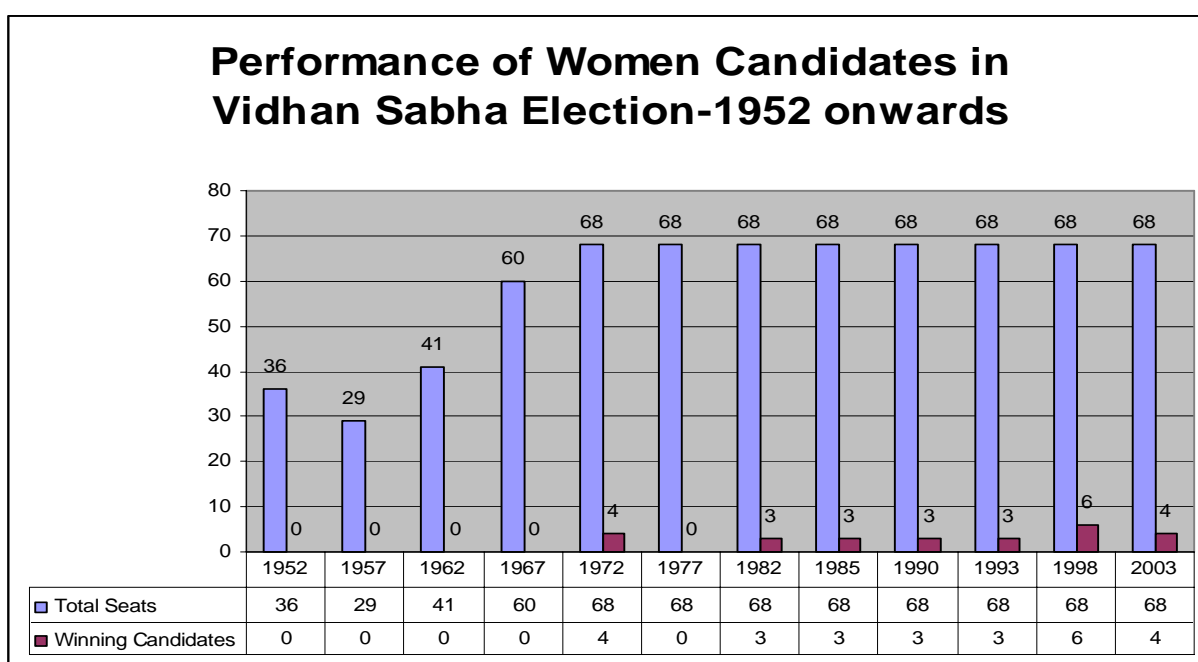


Table-16: Performance of Women Candidates in Vidhan Sabha Election- 1952 onwards

Particulars of Elections	Year of Election	Total No. of Seats	Total No. Winning Women Candidate	% of Winning Candidates	Name of Winning Women Candidate
1.	2.	3	4	5	6
1. VS Elections	1952	36	-	0	-
2. HP Territorial Council Elections	1957	29	-	0	-
3. HP Territorial Council Elections	1962	41	-	0	-
4. HP Territorial Council Elections	1967	60	-	0	-
5. VS Elections	1972	68	4	5.88	1. Smt.Chandresh (Congress) 2. Sarla Sharma (Congress) 3. Padma (Congress) 4. Lata (Congress)
6. VS Elections	1977	68	-	0	1. Shyama Sharma (Janata)
7. VS Elections	1982	68	3	4.41	1. Vidya Stocks (Cong) 2. Shyama Sharma (JNP) 3. Smt. Chandresh (All INC)
8. VS Elections	1985	68	3	4.41	1.Vidya Stocks 2.Viplove Thakur 3.Asha Kumari (INC)
9. VS Elections	1990	68	3	4.41	1. Vidya Stocks (Cong.) 2.Shyama Sharma (JD) 3.Sushma Sharma (BJP)
10. VS Elections	1993	68	3	4.41	1. Maj. Krishna Mohini 2. Viplove Thakur 3. Asha Kumari (All INC)
11. VS Elections	1998	68	6	8.82	1. Vidya Stocks (INC) 2. Maj. Krishna Mohini (INC) 3. Urmila Thakur(BJP) 4. Viplove Thakur (INC) 5. Sarveen Choudhary (BJP) 6. Asha Kumari (INC)
12. VS Elections	2003	68	4	5.88	1. Vidya Stocks (INC) 2. Anita Verma (INC) 3. Chandresh Kumari (INC) 4. Asha Kumari (INC)

Source: Report on Vidhan Sabha Election, 2003 published CEO, HP Pg.A-43.

Graph-16 Performance of Women candidates in LS Election-1952 onwards

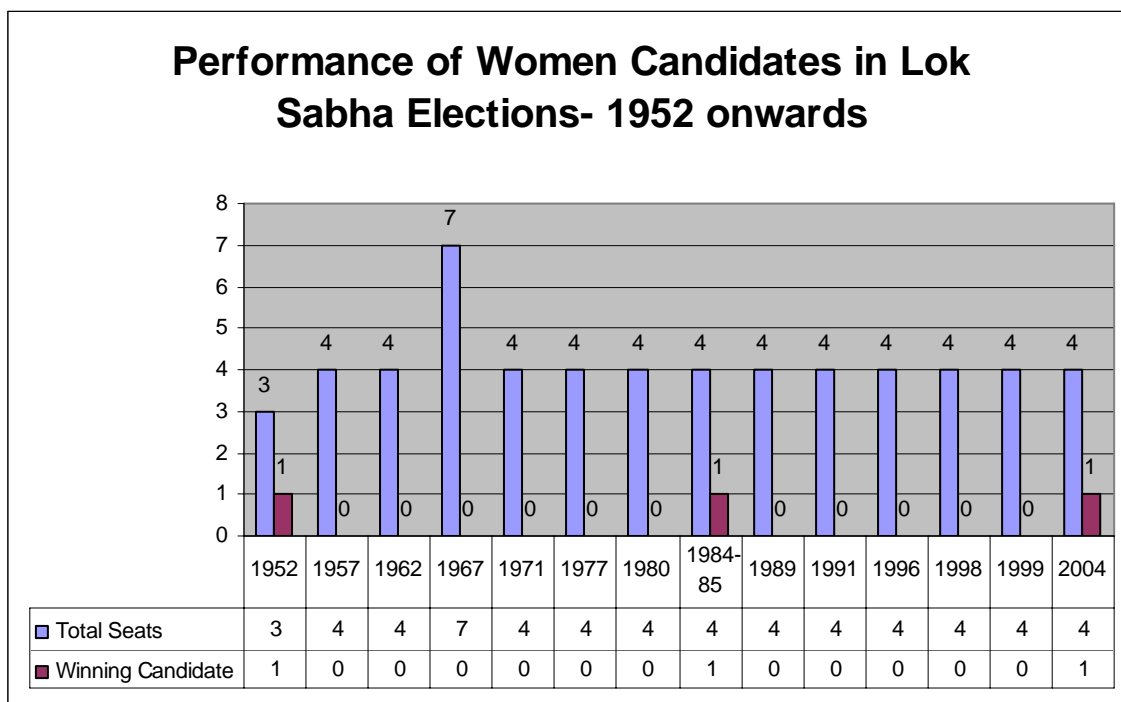


Table-17: Performance of Women Candidates in Lok Sabha Elections- 1952 onwards

Particulars of Elections	Year of Election	Total No. of Seats	Total No. Winning Women Candidate	% of Winning Candidates	Name of Winning Women Candidate
1.	2.	3	4	5	6
I. LS Elections	1952	3	1	33.33	Amrit Kaur
2. LS Elections	1957	4	-	0.00	-
3. LS Elections	1962	4	-	0.00	-
4. LS Elections	1967	7	-	0.00	-
5. LS Elections	1971	4	-	0.00	-
6. LS Elections	1977	4	-	0.00	--
7. LS Elections	1980	4	-	0.00	-
8. LS Elections	1984-85	4	1	25.00	1. Chandresh Kumari (INC)
9. LS Elections	1989	4	-	0.00	-
10. LS Elections	1991	4	-	0.00	-
11. LS Elections	1996	4	-	0.00	-
12. LS Elections	1998	4	-	0.00	-
13. LS Elections	1999	4	-	0.00	-
14 LS Elections	2004	4	1	25.00	1. Pratibha Singh (INC)

Source: Report on Lok Sabha Election, 2004 published CEO, HP Pg.A-30.

Table-18: Details of Rajya Sabha Elections from 1962 to 2006

Year of Election	Total No. Winning Women Candidate	Name of Winning Women Candidate with Party Affiliation
1962	-	-
1964	-	-
1966	-	-
1968	1	Satyawati Dang(INC)
1970-1976	-	-
1978	1	Mohinder Kaur (Janata Party)
1980	1	Usha Malhotra (INC)
1982	-	-
1984	-	-
1986	-	-
1988	-	-
1990	-	-
1992	-	-
1994	-	-
1996	1	Chandresh Kumari
1998	-	-
2000	-	-
2002	-	-
2004	-	-
2006	1	Viplove Thakur

Source: Administrative Report 2005-2006, Pg.13.

Democratic transitions which are taking place in many developing countries bear witness to the aspirations of the people everywhere to participate in the events that shape their lives. A general decline in the power of the state as a result of the crisis in state accountability, financial management and managerial capacity has its corollary the growing prominence of civil society, judicial activism, rise of new social bodies, increased role of constitutional and democratic institutions. Continued learning, practising, comparing and innovative mechanism necessitates involvement and commitment of all the stakeholders in their electoral administration process. Simultaneously building democratic governance with capable and stable institution is a long complex process which requires national endeavour for change participation and development. To add to these good governance issues regarding the distribution of power and manage public resources for effective public participation, accountability and transparency, new initiatives in election management have been introduced.

CHAPTER-7

NEW INITIATIVES IN ELECTION MANAGEMENT

Winds of change for democratic governance & socio economic development continuously affect the social milieu. The successful & accelerated achievement of democratic governance depends a lot on the efforts for the improvement of the performance of the institutions & satisfaction of the needs of the population. To provide access to information, choice to the people, to select best candidates from the field of election arena, new initiatives have been taken to promote the rule of law & ethical values.

Several initiatives have been introduced by ECI on its own, on the judgements passed by the Hon'ble Supreme-Court & different State High-Court etc. Notable among these are strict compliance of Model Code of Conduct, for providing a level playing field to contestants during the elections, a scheme for use of State owned Electronic Media for broadcast/teletcast by PPs, checking criminalisation of politics, Electoral-Roll/EPIC data validation of electoral rolls, simplifying the procedure for maintenance of accounts and filling of the same by candidates and for "on-line" registration of voters.

7.1 MODEL CODE OF CONDUCT FOR THE GUIDANCE OF THE PPS AND CANDIDATES:

7.1.1 GENERAL CONDUCT:

- No party or candidate shall indulge in any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.
- Criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.
- There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.
- All parties and candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing within hundred metres of PSs, holding public meetings during the period of forty eight hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from PS.
- No Political Party or candidate shall permit its or his followers to make use of any individual's land, building, compound wall etc., without his permission, for erecting flag-staffs, suspending banners, pasting notices, writing slogans etc. and shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by other parties.

7.1.2 MEETINGS:

- 1 The Party or candidate shall inform the local police authorities of the venue and time any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.
- 2 A Party or candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting and should also seek permission for the use of loudspeakers, seek the assistance of the police on duty for any law and order problem.

7.1.3 PROCESSIONS:

1. A Party or candidate organising a procession shall decide beforehand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.
2. The organisers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.
3. The organisers shall ascertain if any restrictive orders are in force in the localities through which the procession has to pass, and shall comply with the restrictions unless exempted specially by the competent authority. Any traffic regulations or restrictions shall also be carefully adhered to.
4. Processions shall be so regulated as to keep, as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with.
5. The political parties or candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles that may be put to misuse by undesirable elements especially in moments of excitement, police have a major role to see that there is no untoward incident during political processions.
6. The carrying of effigies purporting to represent members of other political parties or their leaders, burning such effigies in public and such other forms demonstration shall not be countenanced by any political party or candidate.

7.1.4 POLLING DAY:

All political parties and candidates shall –

1. Co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.
2. Supply to their authorised workers suitable badges or identity cards;
3. Agree that the identity slips supplied by them to voters shall be on plain (white) paper and shall not contain any symbol, name of the candidate or the name of the Party;
4. Refrain from serving or distributing liquor on polling day and during the twenty-four hours preceding it;
5. Not allow unnecessary crowd to be collected near the camps set up by the political parties and candidates near the polling booths so as to avoid confrontation and tension among workers and sympathisers of the parties and the candidate;

6. Ensure that the candidate's camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowd allowed at the camps; and
7. Co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them, which should be displayed prominently on those vehicles.

7.1.5 POLLING BOOTH:

Only the authorised persons with a valid pass from the ECI shall enter the polling booths.

7.1.6 OBSERVERS:

Observers are appointed by the ECI. If the candidates or their agents have any specific complaint or problem regarding the conduct of elections they may bring the same to the notice of the Observer.

7.1.7 PARTY IN POWER:

The Party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular –

1.
 1. The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work;
 2. Government transport including official air-crafts, vehicles, machinery and personnel shall not be used for furtherance of the interest of the party in power;
2. Public places such as maidans, Rest Houses, Dak Bungalow etc., for holding election meetings, and use of helipads for air-flights, accommodation in connection with elections shall not be monopolised by itself. Other parties and candidates shall be allowed the use of such places and facilities on the same terms and conditions on which they are used by the party in power;
3. Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced by the ECI;
4. Ministers and other authorities shall not-
 - Announce any financial grants in any form or promises thereof; or
 - (Except civil servants) lay foundation stones etc. of projects or schemes of any kind; or
 - Make any promise of construction of roads, provision of drinking water facilities etc.; or
 - Make any ad-hoc appointments in Government, Public Undertakings etc. which may have the effect of influencing the voters in favour of the party in power.
5. Finalization of Tenders, Procurement of Stores, Settlement of Sairats etc.:-
Major tenders, auctions such as liquor vends, tender leaves and other such cases should be put off till the last date of completion of elections in the concerned areas and the State Government should make interim arrangements where unavoidably necessary.

6. Relief Measures:
7. The drought relief works by way of immediate relief measures to be taken up by the State Governments can only be in areas which have been declared as 'drought affected' within the parameters laid down under the guidelines for managing of Calamity Relief Fund by the Central Government. No new areas are to be added to the existing list of such areas without the concurrence of the ECI. Following measures can be taken up:
 - Provision of drinking water
 - Digging of bore-wells, dug-wells
 - Provision of rice/wheat at prescribed rates
 - Provision of fodder
 - New works on wage employment
 - These code of conduct have acted as a spanner and prevented the state government for initiating new works in the name of draught and other relief connected measures.

7.2 COMPULSORY MAINTENANCE OF ACCOUNTS BY POLITICAL PARTIES AND AUDIT THEREOF BY AGENCIES SPECIFIED BY THE ELECTION COMMISSION:

The political parties have a responsibility to maintain proper accounts of their income and expenditure and get it audited by the agencies specified by the ECI annually. There is a strong need for transparency in the matter of collection of funds by the political parties and also about the manner in which funds are spent by them. Through the Election and Other Related Laws (Amendment) Act, 2003, a provision has been made regarding preparation of a report of contributions received by political parties in excess of Rs. 20,000. Election Expenditure Observers keeps a check on the amount that each candidate and party spends on the election.

7.3 GOVERNMENT SPONSORED ADVERTISEMENTS:

It has been seen that on the eve of election, the Central and State Governments embark on an advertisement spree to influence the voters in the guise of providing information to the public. The Model Code of Conduct for the Guidance of Political Parties and Candidates prohibits issue of advertisement at the cost of public exchequer during election period, for the prospects of the party in power.

7.4 BAN ON TRANSFERS OF ELECTION OFFICERS ON THE EVE OF ELECTIONS:

To ensure impartiality and prevent misuse of officials during elections, the ECI has issued instructions that no transfer shall be made, without the concurrence of the ECI, of any officer who has been entrusted election related work, as soon as a general election/bye-election becomes due in any Parliamentary or Assembly Constituency.

7.5 OPERATION RECTIFICATION OF ELECTORAL ROLLS:

Electoral Roll cleansing has acquired a new dimension whereby emphasis has shifted from registration of voters to its quality. A quality check drive was initiated by the ECI with the active co-operation and information provided by the State CEO with respect to database of Electoral-Roll, EPIC alongwith sample of printed rolls. The main purpose of this entire activity was to ensure that the draft e-roll with 1-1-2006 should be free from all kinds of errors. Thirty nine

validation checks were carried out by State CEO's office with the clear cut directions to DEOs and EROs. The different errors detected were related to age, sex, duplicate EPIC number, repeat occurrence of same character, non-permissible characters etc. The very purpose of this exercise was to bring out the discrepancies existing in the voter list, correction of the same at CEO's end. This exercise was again validated so that over all quality of the electoral rolls in respect of the State of HP gets improved.

7.6 ON-LINE REGISTRATION OF VOTERS:

To provide access to the voters through Internet, who due to various reasons and occupations are unable to get their names registered during summary/intensive revision or any period during the year, can submit their application form on-line to the Electoral Registration Authority. The Authority after appropriate verification adds his/her name in the Electoral Roll. As this facility has been recently introduced in the system, therefore, its impact cannot be assessed at this stage. However, this feature will be particularly useful to those urban voters who are extremely busy and do not find any time nor take any trouble to register their names in the voter list with their concerned EROs.

These initiatives have strengthened the Indian democracy over the period of sixty years which have its roots deeply entrenched into the social and economic milieu by establishing capable and innovative democratic institutions. It has developed mechanisms for maintaining transparency and accountability performance by constant interaction and knowledge transfer within and outside the country. Elections have served as an important instrument to promote democratic and good governance as they are fountain head not only for the image of the country but also for the credibility and legitimacy of the outcomes. Electoral system of any country is responsible for the organization of the election within the legislative framework in the given socio political environment which includes the infrastructure, logistic and cost consideration. Electoral systems prevailing within the Europe and the constitution of European Parliament provides an insight of their democratic institutions. Special focus needs to be required to increase the representation of women in different national parliaments as they constitute fifty percent of the population in almost all the countries.

CHAPTER-8

INTERNATIONAL SCENARIO

FOCUS ON EUROPE

8.1 ELECTORAL SYSTEMS– AN OVERVIEW:

The choice of Electoral System (ES) is one of the most important decisions for any democracy, which has a profound effect on the future of the country concerned. In most cases ESs, once chosen, remain fairly constant as political interests congeal around and respond to the incentives presented by them. As H. G. Wells called it “The electoral process is the ultimate symbol and act of modern democratic societies: “democracy’s ceremonial; its feast, its function”. It is rare that ESs are deliberately chosen and are carefully designed for the particular historical and social conditions of a country. Any new democracy must choose (or inherit) an ES to elect its parliament, but such decisions are often affected by one or two circumstances.

The background to a choice of ES can thus be as important as the choice itself. Given the choice of ES and political interest both short and long term consequences and equal balance has to be maintained, keeping in view the wider political system of the country. In case of emerging and established democracies choices vary but the overall long-term purposes remains the same i.e. to adopt institutions which are strong enough to promote stable democracy but flexible enough to react to changing circumstances.

At the most basic level, ESs translate the votes cast in a general election into seats won by parties and candidates on the administrative aspects of elections (such as the distribution of polling places, the nomination of candidates, the registration of voters, who runs the elections and so on) these issues are of critical importance, and the possible advantages of any given ES choice will be undermined unless due attention is paid to them. ES design has influence on each and every aspect of election management e.g. registration of voters and political parties etc.

(URL.:http://twistedmatrix.com/users/z3p/files/esd_english.pdf#search='INTERNATIONAL%20SCENARIO%3A%20ELECTORAL%20SYSTEMS%E2%80%93AN%20OVERVIEW')

8.2 GUIDING PRINCIPLES OF ELECTORAL SYSTEM:

8.2.1 ENSURING A REPRESENTATIVE PARLIAMENT:

Representation may take at least three forms:

First, geographical representation implies that each region, be it a town a city, a province, or an electoral district, has members of parliament whom are chosen and whom are ultimately accountable to their area. Second, it should also reflect the population that chose it both in terms of political support, regionally and ethnically. Third, an adequately descriptive parliament would include both men and women, the young and old, the wealthy and poor, and reflect the different religious affiliations, linguistic communities, and ethnic groups within a society.

8.2.2 MAKING ELECTIONS ACCESSIBLE AND MEANINGFUL:

Elections are all well and good, but they may mean little to people if it is difficult to vote or if, at the end of the day, their vote makes no difference to the way the nation is governed. In any democratic set-up the election process includes registration of voters, publication of electoral

rolls, setting up of PSs, registration of political parties, neutrality of the election related machinery, uninterrupted access to PSs on the day of poll etc. More accessible and transparent and neutral administration are, the more confident is the voter and more free and fair is the outcome of the elections. As elections are only means to an end, therefore, the voters' right to participate fairly and equally strengthens the process of election and the roots of democracy.

8.2.3 PROVIDING INCENTIVES FOR CONCILIATION:

ESs can be seen not only as ways to constitute governing bodies, but also as a tool of conflict management within a society. Some systems, in some circumstances, will encourage parties to make inclusive appeals for electoral support outside their own core vote base. Conversely, ESs can encourage voters to look outside their own group and think of voting for parties that traditionally have represented a different group. Such voting behaviour breeds accommodation and community building. Systems that give the voter more than one vote or allow the voter to order candidates preferentially provide the space for electors to cut across pre-conceived social boundaries. Under the 1989 Jordanian electoral system, for example, a Muslim voter could cast two out of their three votes for Islamic candidates while giving an independent Christian their last vote. Equally, by having all sides represented in parliament, all parties have a stake in resolving disputes through an institutional framework.

8.2.4 FACILITATING STABLE AND EFFICIENT GOVERNMENT:

The prospects for a stable and efficient government are determined by many factors other than the ES, but the results a system produces can contribute to stability in a number of important respects. The key questions in this regard are whether people perceive the system to be fair, whether government can efficiently enact legislation and govern, and whether the system avoids discriminating against particular parties or interest groups. The system should make it possible for the government to run day-to-day functioning, managing the economy and enacting the new legislation.

8.2.5 HOLDING THE GOVERNMENT AND REPRESENTATIVES ACCOUNTABLE:

Accountability is one of the bedrocks of representative government, as it provides a check on individuals, once elected, betraying the promises they made during the campaign. Accountable political system is one where both the government and the elected members of parliament are responsible to their constituents to the highest degree possible. On the broader canvas, voters must be able to influence the shape of the government, either by altering the coalition of parties in power or by removing from the office, if fails to deliver.

8.2.6 ENCOURAGING CROSS-CUTTING POLITICAL PARTIES:

The weight of evidence from both established and new democracies suggests that longer-term democratic consolidation - i.e. the extent to which a democratic regime is insulated from domestic challenges to the stability of the political order - requires the growth and maintenance of strong and effective parties. Thus the ES should encourage this tendency rather than entrench or promote party fragmentation. The system should encourage the development of parties that are based on broad political values and ideologies as well as specific policy programmes, rather

than narrow ethnic, racial, or regional concerns. Parties, which promote harmony and regional concerns without religion bifurcations, should be promoted.

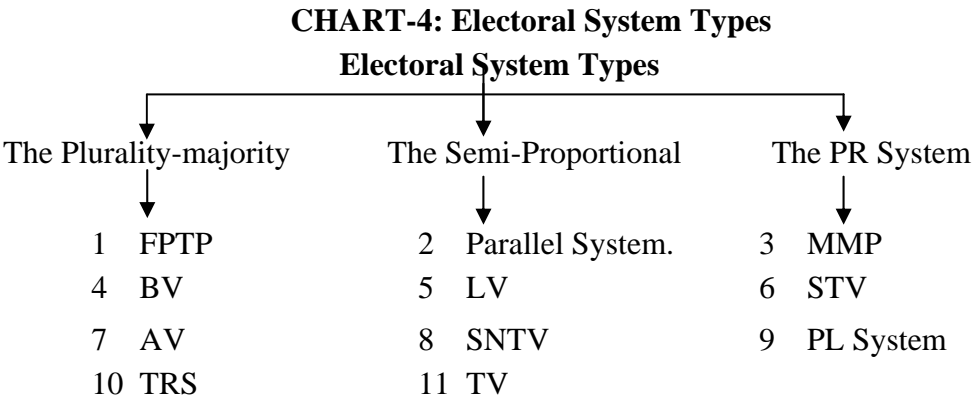
8.2.7 PROMOTING A PARLIAMENTARY OPPOSITION:

Effective opposition speaks of the interest of those not represented by the government. Therefore, effective governance relies not only on those "in power" but also, almost as much, on those who sit in parliament but are out of government. The ES should help ensure the presence of a viable parliamentary opposition grouping that can critically assess legislation, safeguard minority rights, and represent their constituents effectively. Opposition groupings should have enough parliamentary members to be effective, assuming they warrant these members by their performance at the ballot box, and should be able to realistically present an alternative to the current administration.

8.2.8 COST CONSIDERATIONS: The choice of electoral system has a wide range of administrative consequences, and is ultimately dependent not only on a nation's logistical capacity to hold elections, but also on the amount of money that the country can spend. Simply choosing the most straightforward and least expensive system may well be a false economy in the long run, since a dysfunctional ES can have a negative impact on a nation's entire political system and its democratic stability. An electoral system, which is cost effective, easy to administer and can provide stability and direction in the democratic consolidation suits best for the country.

There are hundreds of ESs currently in use and many more permutations on each form, but for the sake of simplicity it can be categorized into three broad families, the plurality-majority, the semi-proportional, and the proportional. Within these we have nine “sub-families”; which can be depicted in the following structure.

8.3 ELECTORAL SYSTEM TYPES:



8.31. PLURALITY-MAJORITY SYSTEMS: The distinguishing features of plurality-majority systems are that they almost always use single-member districts. In a FPTP system, sometimes known as a plurality single-member district system, the winner is the candidate with the most votes, but not necessarily an absolute majority of the votes.

FIRST PAST THE POST (FPTP): To date, most straightforward ES is followed in the USA, the UK, Canada and India. To win, a candidate need only receive only one more vote than any other candidate. There is no limit prescribed for minimum threshold, therefore, the winner may still win with a relatively small proportion of vote.

BLOCK VOTE: When FPTP system is used in multi-member districts it becomes the BV. Voters have as many votes as there are seats to be filled, and the highest-polling candidates fill the positions regardless of the percentage of the vote they actually achieve.

ALTERNATIVE VOTE: Candidate is elected by an absolute majority but by using preferential voting (expressing a rank order of preferences). Majoritarian systems, such as the Australian Alternative Vote and the French Two-Round System, try to ensure that the winning candidate receives an absolute majority (i.e. over 50%). Each system in essence makes use of voters' second preferences to produce a majority winner if one does not emerge from the first round of voting. This is repeated until one of the candidates has an absolute majority. These systems are simple and transparent and votes are easily translated in to parliament seats. It produces clear, strong, stable body of representatives and government. Besides, it creates a dynamic political arena for viable and strong alternative party, which the public can choose to replace them.

8.3.2 SEMI-PROPORTIONAL SYSTEMS:

The two most commonly used Semi-proportional ES are the Single Non-Transferable Vote (SNTV) and Parallel (or mixed) Systems.

SNTV: In SNTV systems, each elector has one vote but there are several seats in the district to be filled, and the candidates with the highest number of votes fill these positions. This means that in a four-member district, for example, one would on average need only just over 20% of the vote to be elected. This allows for the election of minority party candidates, and improves overall parliamentary proportionality.

PARALLEL SYSTEMS: It uses both Proportional Representation (PR) lists and plurality-majority ("winner-take-all") districts but under Parallel systems the PR lists do not compensate for any disproportionality within the majoritarian districts. Parallel systems have been widely adopted by Russia and Japan.

8.3.3 PROPORTIONAL REPRESENTATION:

The PR Systems are currently most widely used in the Europe. Its focus is on the creation of the parliamentary chamber, which accurately reflects the diverse make up of an electorate. The rationale underpinning all PR (PR) systems is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats; if a major party wins 40% of the votes, it should win approximately 40% of the seats, and a minor party with 10% of the votes should also gain 10% of the parliamentary seats. Proportionality is often seen as being best achieved by the use of party lists, where PP present lists of candidates to the voters on a national or regional basis), but it can be achieved just as easily if the proportional component of an MMP system compensates for any disproportionality which comes out of the majoritarian

district results), but preferential voting can work equally well: STV, where voters rank order candidates in multi-member districts, is another well-established proportional system.

(URL.: <http://www.worldpolicy.org/globalrights/democracy/abcs.html>)

MIXED MEMBER PROPORTIONAL (MMP) SYSTEMS: This system is similar to the parallel system in that it incorporates majority voting for one portion of the seats and party lists for the other. However under the MMP the list per seat compensate for any disproportionality. This compensating mechanism system is used in Germany and Hungary.

Table-19: Depicting the European countries Electoral Systems

	Number of seats	Entitlement to vote (Age)	Eligibility to stand for election (Age)	Electoral system	Constituency boundaries
Austria	183	19	19	PR with PV, 4%	Länder
Belgium	150	18	21	PR with PV	20
Denmark	179	18	18	PR with PV	17
Finland	200	18	18	PR with PV	14 multi-member + 1 single member
France	577	18	23	Second Ballot	557
Germany	669	18	18	MMP system	328 single member + 16 acc. Länder
Ireland	166	18	21	STV	41
Italy	630	18	25	Additional Member System	475 single+26 multi-member
Luxembourg	60	18	21	PR with Vote splitting	4
Netherlands	150	18	18	PR with closed lists	1
Portugal	230	18	18	PR with closed lists	22
Spain	350	18	18	Additional Member System	50 multi + 2 single member
Sweden	349	18	18	PR with closed lists	29 multi-member + 1 national
United Kingdom	659	18	21	Simple Majority Vote (FTPT)	659
Bulgaria	240	18	21	PR with closed list, 4% threshold	31

Source: European Centre for Parliamentary Research and Documentation.

PARTY LIST SYSTEM: It allocates seats in two stages and uses a quota formula. Four types of quota formula are used and each can produce different results. The electoral quota formulas are as follows: -

- (a) **Hare or Simple quota:**
$$\text{Quota necessary for a candidate to become elected} = \frac{\text{Total No. of votes cast}}{\text{No. of seats to be filled}}$$
- (b) **Hagenbach-Bischoff quota=**
$$\frac{\text{Total No. of votes cast}}{\text{No. of seats to be filled} + 1}$$

(c) Imperiali quota =	Total No. of votes cast ----- No. of seats to be filled + 2 Total No. of votes cast ----- + 1 No. of seats to be filled + 1
(d) Droop quota =	

(URL:<http://www.parl.gc.ca/information/library/PRBpubs/bp334-e.htm>)

8.4 REPRESENTATION OF WOMEN:

The real test of democracy is the creation of equality of opportunity for the hitherto deprived sections of society. It requires both a favourable social atmosphere and an individual attitude. Individual attitude and social atmosphere is a sort of reversible equation: one influences the other, in both directions. In practical terms it means that efforts have to be made at various levels of society simultaneously. Every attempt, in every direction, is bound to affect adversely some vested interests. Women's participation in sustainable development cannot be separated from the necessary advances in women's participation in governance processes. UN Secretary General Kofi Anan on 5 June 2002 commented, "There's no doubt that any society that does not bring into the centre the full participation of women, is a loser". An International Labour Organisation (ILO) study shows that "While women represent fifty percent of the world adult population and are world's one third official labour force, they perform nearly two-third of all working hours, receive only tenth of world income and own less than one percent of world property." Therefore, reservation for women is not a bounty but only an honest recognition of their contribution to social development.

Most countries in the world have failed to give due space and representation to women in their political life. Women are moving in the direction of near equal participation in only a handful of countries, such as Germany, Sweden, Norway, Denmark and Finland. In these societies women have begun to seriously alter the very nature of politics, making enduring, and substantial gains in every field. However, in all other countries, including the supposedly advanced democracies of western Europe and North America, where women exercise certain freedoms and have acquired for economic independence, female presence in legislatures remains small and relatively insignificant.

There are a number of different ways for ensuring that women are represented in parliament. Firstly, there are statutory quotas where women must make up at least a minimum proportion of the elected representatives. This happens in a handful of cases: Italy, where women must make up 50% of the PR ballot, Argentina (30%), and Brazil (20%), 33% has also been proposed for the Indian LS. Such quotas are usually perceived as a transitional mechanism to lay the foundation for a broader acceptance of women's representation.

Secondly, the electoral law can require parties to field a certain number of women candidates; this is the case in the PR systems of Belgium and Namibia, while in Argentina there is the extra proviso that women must be placed in "winnable" positions and not just at the bottom of a party's list, while in Nepal 5% of the single-member district candidates must be women.

Thirdly, political parties may adopt their own informal quotas for women as parliamentary candidates. This is the most common mechanism used to promote the participation of women in political life, and has been used with varying degrees of success all over the world

WOMEN IN NATIONAL PARLIAMENT

For women to get elected to parliament they need to pass three crucial barriers: first, they need to select themselves to stand for elections; second, they need to get selected as a candidate by the party; and third, they need to get selected by the voters.

(URL:http://archive.idea.int/women/par1/studies1_box2.htm dated-28th-05-2006)

Table-20: Women's participation in selected Countries of the World as on 31st July, 2006

Rank	Country	Lower or single House				Upper House or Senate			
		Elections	Seats*	Women	%W	Elections	Seats*	Women	%W
1	Sweden	09 2002	349	158	45.3	---	---	---	---
2	Norway	09 2005	169	64	37.9	---	---	---	---
3	Finland	03 2003	200	75	37.5	---	---	---	---
4	Denmark	02 2005	179	66	36.9	---	---	---	---
5	Netherlands	01 2003	150	55	36.7	06 2003	75	22	29.3
6	Mozambique	12 2004	250	87	34.8	---	---	---	---
7	Belgium	05 2003	150	52	34.7	05 2003	71	27	38.0
8	Austria	11 2002	183	62	33.9	N.A.	62	17	27.4
9	Iceland	05 2003	63	21	33.3	---	---	---	---
10	South Africa	04 2004	400	131	32.8	04 2004	54	18	33.3
11	New Zealand	09 2005	121	39	32.2	---	---	---	---
12	Germany	09 2005	614	195	31.8	N.A.	69	13	18.8
13	Switzerland	10 2003	200	50	25.0	10 2003	46	11	23.9
14	Australia	10 2004	150	37	24.7	10 2004	76	27	35.5
15	Luxembourg	06 2004	60	14	23.3	---	---	---	---
16	Pakistan	10 2002	342	73	21.3	03 2006	100	17	17.0
17	Canada	01 2006	308	64	20.8	N.A.	100	35	35.0
18	Poland	09 2005	460	94	20.4	09 2005	100	13	13.0
19	China	02 2003	2980	604	20.3	---	---	---	---
20	United Kingdom	05 2005	646	127	19.7	N.A.	721	126	17.5
21	Macedonia	09 2002	120	23	19.2	---	---	---	---
22	Italy	04 2006	630	109	17.3	04 2006	322	44	13.7
23	Czech Republic	06 2002	200	34	17.0	10 2004	81	10	12.3
24	USA	11 2004	435	66	15.2	11 2004	100	14	14.0
25	Bangladesh	10 2001	345	51	14.8	---	---	---	---
26	Greece	03 2004	300	39	13.0	---	---	---	---
27	France	06 2002	574	70	12.2	09 2004	331	56	16.9
28	Slovenia	10 2004	90	11	12.2	12.2002	40	3	7.5
29	Dem. Republic of the Congo	08 2003	500	60	12.0	08 2003	120	3	2.5
30	Hungary	04 2006	386	40	10.4	---	---	---	---
31	Japan	09 2005	480	43	9.0	07 2004	242	34	14.0
32	India	04 2004	545	45	8.3	06 2004	250	28	11.2
33	Sri Lanka	04 2004	225	11	4.9	---	---	---	---
34	Turkey	11 2002	550	24	4.4	---	---	---	---
35	Egypt	11 2005	442	9	2.0	05 2004	264	18	6.8
36	UAE	02 2003	40	0	0.0	---	---	---	---

The data in the table below has been compiled by the Inter-Parliamentary Union (IPU) on the basis of information provided by National Parliaments by 31 May 2006. Only thirty six countries have been taken up from the list compiled by IPU and are classified by descending order of the percentage of women in the lower or single House. (IPU 1995 Women in Parliaments 94-1995).

It is noteworthy that women's participation has increased dramatically, to near equal or even higher than equal participation, only in countries like Sweden, Denmark, Finland, Germany and the Netherlands which have implemented party-based quotas. (URL.: <http://www.ipu.org/wmn-e/classif.htm>)

INDIAN SCENARIO

Women in India now have made major inroads in various male-dominated professions, including the government. Three important national women's organisations were set up in the early 1920s: the Women's Indian Association (WIA, 1917), the National Council of Indian Women (NCIW, 1925) and the All-India Women's Conference (AIWC, 1927). Women were able to find outlets beyond the domestic and familial space by participating in such organizations where membership was drawn from middle-class and elite groups; a number of them believing that women's advancement was, to some extent, in their own hands. At the same time, male supremacy was not attacked, nor was the domestic familial role of women assailed. Changes in the socio-political scenario and its euphoric climate soon offered increasing opportunities to women not only in the political and economic spheres, but in many other fields as well e.g. business, medicine, engineering, law, art, and culture, to acquire the necessary skills and education have proven themselves capable of holding their own, without availing of any special measures to facilitate their entry, but they have failed to gain substantial ground in the field of politics. Moreover, the agenda of women's empowerment seems to have lost the kind of moral and political legitimacy it enjoyed during the freedom movement. (Ref.: Visualizing Indian Women, 1875-1947 edited by Malavika Karlekar, Page No. xxi)

All these trends indicate that women's representation in politics requires special consideration, and cannot be left to the forces that presently dominate different parties and government. Today, even the best of our female parliamentarians feel sidelined and powerless within their respective parties. The few women in leadership positions have not been able to encourage the entry of greater numbers of women in electoral and party politics, and are an ineffective minority within their own respective political groupings.

IN INDIA THE PROBLEM FOR WOMEN IS MORE SERIOUS FOR SEVERAL REASONS:

- While in many other countries women are inching forward, in India the participation of women in politics has actually declined since the days of freedom movement, both in quantity and quality. Government and politics are more important factors in the economic, social, and power structures in India than in most other countries with stronger civil societies, and so, the effect of women's marginalisation in politics is even more detrimental here.

- The increasing violence, sexual harassment and victimization of women at the ground level in many political parties has made their participation extremely hazardous now.
- The representation of women in the LS has basically remained stagnant. It reached a "high" of 8 percent in 1984. This figure has not been crossed since then. Thereafter, it has showed some decline rather than register an increase. This despite the fact that all major national parties in recent years have declared through their manifestos that they would implement a 33 percent reservation for women in all legislatures.

(Ref.: Forum for Democratic Reforms, contributions by *Dr Jayaprakash Narayan (Lok Satta, Hyderabad)* *Dhirubhai Sheth (Lokayan, Delhi)* *Yogendra Yadav (CSDS, Delhi)* *Madhu Kishwar (Manushi, New Delh and compiled by Aysha Sumbul)*

Indian democracy will remain seriously flawed if it fails to yield adequate space to women. The 85th constitutional Amendment Bill, introduced in LS in December 1999, includes the following key provisions:

Table-21: Women's participation in India

Year	Lok Sabha			Rajya Sabha		
	Seats	Women MPs	% of Women MPs	Seats	Women MPs	% of Women MPs
1952	499	22	4.41	219	16	07.31
1957	500	27	5.40	237	18	07.59
1962	503	34	6.76	238	18	07.56
1967	523	31	5.93	240	20	08.33
1971	521	22	4.22	243	17	07.00
1977	544	19	3.49	244	25	10.25
1980	544	28	5.15	244	24	09.84
1984	544	44	8.09	244	28	11.48
1989	517	27	5.22	245	24	09.80
1991	544	39	7.17	245	38	15.51
1996	543	39	7.18	223	19	08.52
1998	543	43	7.92	245	15	06.12
1999	543	49	9.02	245	19	07.76
Average	528	33	6.15	238	22	09.00

(URL: <http://www.csrindia.org/Key%20concern/Women%20in%20Decision%20Making.doc>)

One-third of all seats in the LS and the VSs shall be reserved for women. Such reservation shall also apply in case of seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs). There shall be rotation of seats so reserved for women. Such rotation shall be determined by draw of lots, in a manner that a seat shall be reserved only once in a block of three general elections.

Table-22: Comparative Performance of Men and Women Candidates of Recognised Parties in LS Elections

Year	Total Party Candidates Contested	Elected	%	Men			Women		
				Contested	Elected	% winning	Contested	Elected	% winning
1984	1394	510	36.59	1327	469	35.34	67	41	61.19
1989	1523	498	32.70	1437	474	32.99	86	24	27.91
1991	2319	516	22.25	2180	479	21.97	139	37	26.62
1996	2269	530	23.36	2153	493	22.90	116	37	31.90
1998	1964	488	24.85	1831	451	24.63	133	37	27.82
Total	9469	2542	26.85	8928	2366	26.50	541	176	32.53

Source: Compiled by Lok Satta from Statistical Reports on General Elections, ECI, New Delhi

The problem is not just that women in the political arena are denied tickets by political parties. The fundamental problem is that given the nature of electoral politics today, the system itself creates insurmountable obstacles for women. Proposals for reservation for women must therefore be a part of a larger package of general reforms in electoral politics.

WOMEN'S REPRESENTATION: ELECTORAL SYSTEMS

Barriers against women's political participation do not just come in the form of political culture and socio-economic patterns. There are two main types of electoral systems-PR and the "winner take all" majoritarian/pluralistic type-and they produce very different results for women.

WHAT WORKS FOR WOMEN:

PR has proven to be the most important predictor of high numbers of women in parliament. Voters cast their votes by party, and in some cases also by individual. Seats in parliament are allotted in proportion to the votes each party receives. This kind of system provides an incentive for parties to broaden their appeal by adding women to their party lists. In cases where parties mandate the percentage of women to be included on lists-as in the rule of "every second seat a women"-the results are significant. More women are also elected in countries with systems that mix elements of the PR and majoritarian systems within their legislatures.

1. **Party Thresholds:** Some PR systems require a minimum level of electoral support for a party to be represented in parliament. A low threshold, or none at all, encourages the proliferation of mini-parties with only one or two representatives, in most cases the party leaders, because they are commonly men, these low thresholds can work against women's election to parliament.
2. **Multi-member districts:** When the size of an electoral district is increased, small parties have a better chance to win more seats. The larger the district, the more seats up for grabs, and the more incentive for the parties to balance their tickets to include a broader range of voter interests. These balanced tickets are more likely to include women. Generally, higher average district magnitude leads to the election of more women. Smaller districts often result in a lower turnover in representatives, leaving more candidates-women and men-with the difficult task of running against

incumbents.”Women in Parliament beyond numbers- International IDEA Women in politics.”

3. **Women should organize** themselves inside and outside political parties and should urge parties to set down clear rules for candidate selection.
4. **All variables and alternatives with regard to ES design** should be part of comprehensive strategies for improving women’s representation.
5. Some PR systems are preferable to others and better than majoritarian systems for increasing women's representation in the long run although immediate results cannot be guaranteed.

(URL: <http://www.ipu.org/wmn-e/classif.htm>)

8.5 REPRESENTATION OF MINORITIES:

Reserved seats are also one way of ensuring the representation of specific minority groups in parliament. Parliamentary seats are reserved for identifiable ethnic or religious minorities in countries as diverse as Jordan (Christians and Circassians), India (Scheduled Tribes and Castes), Pakistan (Non-Muslim Minorities), New Zealand (Maori), Colombia (“Black Communities”), Croatia (Hungarian, Italian, Czech, Slovak, Ruthenian, Ukranian, German and Austrian minorities), Slovenia (Hungarians and Italians), Taiwan (The Aboriginal Community), Western Samoa (Non-Indigenous Minorities), Niger (Taurag), and the Palestinian Authority (Christians and Samaritans). Representatives from these reserved seats are usually elected in much the same manner as other members of parliament, but are sometimes elected only by members of the particular minority community designated in the electoral law.

8.6 REPUBLIC OF SLOVENIA AND ITS ELECTION SYSTEM

SALIENT FEATURES OF REPUBLIC OF SLOVENIA:

GEOGRAPHY

Slovenia is situated at the crossroads of central Europe, the Mediterranean, and the Balkans. The Alps -- including the Julian Alps, the Kamnik-Savinja Alps, the Karavanke chain, and the Pohorje Massif -- dominate northern Slovenia near Austria. Slovenia's Adriatic coastline extends for approximately 50 km. (39 mi.) from Italy to Croatia with a geographical area of 20,273 sq. km. (7,906 sq. mi.). However, the majority of Slovenian terrain is hilly or mountainous, with about 90% of the surface 200 meters or more above sea level. Terrain: Mountains rising to over 2,500 meters (8,200 feet) in the north, wide plateaus more than 1,000 meters (3,280 ft.) high in the southeast, Karst limestone region of caves in the south-southwest, hills in the east, and approximately 50 kilometers (39 mi.) of coastline on the Adriatic Sea. Land use: 54.2% forests, 39% agricultural land, 6.8% noncultivated land.

PEOPLE

The majority of Slovenia's population is Slovene (more than 87%). Hungarians and Italians have the status of indigenous minorities under the Slovenian Constitution, which guarantees them seats in the National Assembly. Most other minority groups, particularly those from the former Yugoslavia, immigrated after World War II for economic reasons. Slovenes are predominantly Roman Catholic, though the country also has a small number of Protestants, Orthodox Christians, Muslims, and Jews. Slovene is a Slavic language, written in the Roman script.

Its history shows that in 1918, Slovenia joined with other southern Slav states in forming the Kingdom of Serbs, Croats, and Slovenes as part of the peace plan at the end of World War I. Renamed in 1929 under a Serbian monarch, the Kingdom of Yugoslavia fell to the Axis powers during World War II. Following communist partisan resistance to German, Hungarian, and Italian occupation, socialist Yugoslavia was born under the helm of Josip Broz Tito. During the communist era, Slovenia became Yugoslavia's most prosperous republic, at the forefront of Yugoslavia's unique, mixed economic system. Within a few years of Marshal Tito's death in 1980, Belgrade initiated plans to further concentrate political and economic power in its hands. Defying the politicians in Belgrade.

Slovenia underwent a flowering of democracy and an opening of its society in cultural, civic, and economic realms to a degree almost unprecedented in the communist world. In September 1989, the General Assembly of the Yugoslav Republic of Slovenia adopted an amendment to its constitution asserting Slovenia's right to secede from Yugoslavia. On December 23, 1990, 88% of Slovenia's population voted for independence in a referendum, and on June 25, 1990, the Republic of Slovenia declared its independence. A nearly bloodless ten-day war with Yugoslavia followed; Yugoslav forces withdrew after Slovenia demonstrated stiff resistance to Belgrade.

As a young independent republic, Slovenia pursued economic stabilization and further political openness, while emphasizing its Western outlook and central European heritage. Today, with a growing regional profile, as a nonpermanent member of the UN Security Council, a participant in the SFOR deployment in Bosnia, and a charter WTO member, Slovenia plays a role on the world stage quite out of proportion to its small size (population 2 million).

GOVERNMENT AND POLITICAL SCENARIO

Slovenia is a parliamentary democracy and constitutional republic. Within its government, power is shared between a directly elected president, a prime minister, and a bicameral legislature (Parliament). Parliament is composed of the 90-member National Assembly (which takes the lead on virtually all legislative issues) and the National Council, a largely advisory body composed of representatives from social, economic, professional, and local interests. The Constitutional Court has the highest power of review of legislation to ensure its consistency with Slovenia's constitution. Its nine judges are elected for nine-year terms.

Independence: On June 25, 1991 the Republic of Slovenia declared independence from Yugoslavia. The United States and the European Union recognized Slovenia in 1992. Constitution was adopted on December 23, 1991.

Branches: *Executive* -- president (head of state) directly elected for a maximum of two consecutive five-year terms. *Legislative* -- bicameral legislature (Parliament is composed of the National Assembly, with 90 deputies directly elected on party basis for four-year terms and the National Council, with 40 members elected to represent social, economic, professional, and local interests for five-year terms), prime minister (head of government). *Judicial* -- Constitutional Court, regular courts, and a public prosecutor. Political parties: Liberal Democratic Party (LDS) -- 25 seats in the National Assembly; Slovene People's Party (SLS) -- 19 seats; Social Democratic Party of Slovenia (SDS) -- 16 seats; Christian Democratic Party (SKD) -- 10 seats;

United List of Social Democrats in Slovenia (ZLSD) -- 9 seats; Party of Pensioners of Slovenia (DeSus); Slovene National Party (SNS) -- 4 seats. Suffrage: Universal over 18 years of age.

Table-23: Basic Statistical data of Slovenia

Population	1964036
Men	958576
Women	1005460
Territorial units	31.03.2006
municipalities	193
statistical regions	12
settlements	6000
statistical districts	8317
spatial districts	17156
streets	9925
House numbers	510376
Gross Domestic Product	
Growth, Q1	5.1%
Per Capita (2005)	13.677 EUR
Inflation in July 2006	
Monthly	-0.2 %
Yearly	1.9%

Source: <http://www.vlada.si/index.php?lng=eng>

COMPOSITION OF PARLIAMENT

The National Council of the Republic of Slovenia is the upper house of the Slovenian parliament. This is not expressly stated in the Slovenian Constitution but may be derived from constitutional theory, the international comparison of its competences and the role that the National Council performs. The first decade of its existence has demonstrated the justification and rationality of the upper chamber's function within Slovenia's constitutional system. It has proven its capacity to fulfil its constitutionally defined competences and shown its ability to operate in spheres are not expressly delegated to the Council in the Constitution, yet which are also not forbidden. It has affirmed its deep-seated and direct relations with citizens and civil society, which form the basis of a representative democracy.

(URL:<http://history1900s.about.com/gi/dynamic/offsite.htm?site=http://www.state.gov/www/background%5Fnotes/slovenia%5F9902%5Fbgn.html>)

The Slovenian bicameral structure is an incomplete bicameral system, meaning that the upper chamber does not have equal competences with the lower chamber but instead has less authority. The purpose of upper chambers in incomplete bicameral systems, which on the world scale are more common than complete bicameral systems, is to supervise the work of the lower chamber. A weaker upper chamber can only supervise the work of a more powerful chamber if its composition is different to that of the lower chamber and if it has appropriate competences that differentiate it from the lower chamber, which holds true in the case of Slovenia's upper

chamber. The National Council is a weaker upper chamber, even among incomplete bicameral systems, yet it enjoys certain competences that some of the more powerful upper chambers in Europe do not have at their disposition.

Slovenia since independence has progressed very well among the European countries and will be the first of ten 2004 EU new members to adopt the Euro from 1st January 2007. In the first half of the 2008, it will be the first new member state to hold the presidency of the EU. Other Significant Achievement in the first half of 2006 includes economic growth which is continuing low inflation, which is within the Maastricht criteria, and the lowest unemployment figures since 1991. Also, an important constitutional amendment which facilitates the establishment of regions has been adopted, and the first elections to regional political bodies could take place before the end of this government's term of office.

For the EU presidency, Slovenia began all the procedures in time. By the end of 2006, the first stage, pertaining mainly to enhancing capacities and drafting the programme, have been concluded. At the beginning of 2007, Slovenia will focus on the most relevant open issues in other member states, and in the EU as a whole. Its thorough understanding of other member nations problems in the EU family that has been the prerequisite for successful work during the presidency. (URL: <http://www.ds-rs.si/en/>)

COMPOSITION OF PARLIAMENT:

There are two chambers in the Slovenian parliament. The Drzavni Zbor, the National Assembly has 90 members, elected every four years by proportional vote (the Italian and Hungarian minorities are each guaranteed a seat by the Constitution). The second chamber, the Drzvani Svet, the National Council, is elected every five years by an indirect vote and comprises forty members: 18 representatives on the part of professional and socio-economic interests (four for employers, four for employees, four for farmers, small companies and independent workers and six for non-profit making concerns as well as 22 representatives of local interests. The National Council plays a consultative role.

In 1991 the Slovenian authorities decided to grant Slovenian nationality to all those living in the country when it became independent, adopting a law that enabled people to hand in a request for citizenship within a six month time limit. One hundred and seventy thousand of them were able to take advantage of this. The others were struck off the residents register without any warning. One hundred and thirty thousand people, many of whom had been living in Slovenia for many years, some had even been born there and had never left the country, found themselves deprived of all legal status. The "struck-off" have been deprived of all of their rights (access to social benefits, a passport, a bank account, social security, retirement, property, the right to vote or to stand for election etc.). It is thought that in 1998 i.e. six years after being having been struck off ninety thousand people had left Slovenia, and forty thousand were still living in the country from which they were still excluded. After pressure from the European Union a law was adopted by Parliament on 8th July 1999 giving back the right to residency to any person who had lived permanently in Slovenia before and since independence and who had not left the national territory over the previous three months. Twelve thousand people gained the right to residency.

Although the government and legal experts believe that a judgement of principle taken by the Constitutional Court in 1999 declaring the "striking-off" illegal and giving back to the former citizens of ex-Yugoslavia their rights has to be respected, there is no law in existence today that makes it possible to apply the Court's decision.

Slovenia's Election processes are governed by the National Assembly Act which has 112 Articles, the provisions contains Elections to Deputies, Voting Rights, Election processes and procedures regarding nominations, confirmations, Voting at the PS, penal provisions etc., these are very briefly indicated below:

- Article 1 to 11 indicates different provisions regarding Elections to Deputies, voting right.
- Article 12 to 19 indicates about General Elections and Bye-elections.
- Article 22 to 41 indicates about the electoral bodies and their functions. Article 42 to 53 is regarding the nominations.
- Article 54 to 62 is regarding confirmation of list of candidates.
- Article 63 to 67 indicates about voting at the Polling Stations.
- Article 68 to 86 is about voting.
- Article 87 to 98 is regarding the determination of elections results in a constituency.
- Article 99 to 102 is about special and repeat elections.
- Article 103 to 109 is about the protection of voting right.
- Article 110 deals about penal provisions.
- Article 111 and 112 are about transitional and financial provisions.

(URL: <http://www.legislationline.org/legislation.php?tid=57&lid=274>)

8.7 SYSTEMS FOR NATIONAL ELECTIONS IN EU APPLICANT COUNTRIES:

The majority of the electoral systems operating in the thirteen EU Applicant Countries are relatively young – in terms of how long they have been operating for – when compared to those which have been operating in most of the Member States of the European Union. However, as can be seen in the following tables, there is a large degree of similarity in the models used by the applicant countries, most of which broadly follow the EU Member State preference for proportionality.

The Lower Houses in most of these countries are elected by a form of PR, although Hungary uses the Mixed Member Proportional system and Lithuania uses the Additional Member system. Out of all the Applicant Countries, only the Czech Republic, Poland and Romania have bicameral systems, which can be traced to the need for most former communist states with new democratic systems to 'keep things simple'. In Romania, somewhat unusually, the constitution does not provide a hierarchy between the Chamber of Deputies and the directly elected Senate.

Table-24: Systems for National Elections in EU Countries

	Number of seats	Entitlement to vote (Age)	Eligibility to stand for election (Age)	Electoral system	Constituency boundaries
Bulgaria	240	18	21	PR with closed list, 4% threshold	31
Cyprus	80	21	25	PR with preferential vote	6
Czech Republic	200	18	21	PR with preferential vote	8
Estonia	101	18	21	PR	11
Hungary	386	18	18	Mixed Member Proportional system	176 single + 20 multi-member + 1 national
Latvia	100	18	21	PR with preferential voting	5
Lithuania	141	18	25	Additional Member system	71 single-member + 1 national
Malta	65	18	18	STV	13
Poland	460	18	21	PR with closed lists, 5-8% thresholds	52 multi-member + 1 national
Romania	343	18	23	PR with closed lists, 3% threshold	42
Slovak Republic	150	18	21	PR with closed lists	4
Slovenia	90	18	18	PR with preferential vote	8 multi + 2 single-member
Turkey	550	18	30	PR with closed lists	79

URL:http://www.ecprd.org/Doc/publica/OTH/elect_system.html

8.8 ELECTORAL SYSTEMS FOR THE EUROPEAN PARLIAMENT:

The European Parliament is a unique legislature, composed of 626 members from fifteen different countries, who are elected by different systems, conducting elections taking place on different days, albeit within a four-day window. Many similarities exist between the systems used, but individual national circumstances currently predominate.

8.8.1 TOWARDS A UNIFORM ELECTORAL PROCEDURE:

Different electoral arrangements have for some time been seen by the European Parliament as a whole as no longer suitable, considering the Parliament's increasing influence and relevance. Article 138 of the EC Treaty (or Article 190 of the Consolidated Treaty), calls on the Parliament to "draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States". Once the proposal is drawn up, the Treaty states "The Council shall, acting unanimously after obtaining the assent of the European Parliament which shall act by a majority of its component members, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements."

(URL: http://www.ecprd.org/Doc/publica/OTH/elect_system.html)

Current moves towards the establishment of a uniform procedure can be seen as a continuation of the increasing establishment of the European Parliament as a fully-functioning legislature, a process which has been marked by developments such as the election of Parliament by direct universal suffrage from 1979 onwards, the granting of legislative co decision powers by the Maastricht Treaty, and granting of the right to veto the passing of the Community budget and the approval of the European Commissioners. In light of the increasing monetary, economic and political integration of the Union, it has become imperative for the establishment of a uniform electoral procedure which can be seen as an effort to create a stronger Parliament, which many hope will become the focal point of representative democracy within the EU.

The introduction of a uniform procedure has been on the European Parliament's agenda for some time. Even before the advent of elections by direct universal suffrage, many of the calls for an elected Parliament were accompanied by the desire to start a process, which would lead to the introduction of uniformity, and as the Mr. Patijn report which suggested a three-step approach in 1975: the first, to make it possible for Parliament to be elected directly on the basis of national electoral systems; the second, to put forward proposals of restricted scope in order to enable 'desired objectives' to be achieved; and the third, to propose a step-by-step approach with the ultimate aim of introducing a uniform electoral procedure.

From a Community turnout of 63% in 1979, this fell to its lowest, only 49.9% of the EU electorate in 1999; is particularly worrying since the influence of the European Parliament, and the entire Union, has grown tremendously since then, and a strong democratic institution can have a substantial role to play in scrutinising the rest of the European institutions.

CONSENSUS TOWARDS PRINCIPLES COMMON TO ALL MEMBERS STATES

After 1979, the Parliament drew up a proposal, the Seitlinger report, for a uniform procedure which was adopted in 1982 and was the first to outline in some detail what type of ES could be put in place. It suggested a system of PR, with seats distributed according to the d'Hondt system, within multi-member constituencies (each with between three and 15 representatives).

Following the 1984 elections, a new proposal intended to revive the debate within the Council was put forward and there was disagreement on the Bocklet report on whether a uniform

procedure required absolutely identical electoral procedures across the board, or whether Member States should merely have concordance between the key elements of those procedures. The method of voting proposed was PR, using the d'Hondt method, and Member States would have the possibility of establishing a single national constituency or regional constituencies, and also of setting a threshold of not more than 5%. The issue was deemed to require more consideration, and resulted in the creation of an intergroup working party, which during its first few meetings in 1986 agreed to a range of basic principles which included the representation of various national, regional and ideological trends in evidence within the Community on the basis of their relative numerical importance, electors should have only one vote, which they may cast only for the candidate of their choice (compulsory preferential vote), constituency (possibly a regional one), which provides a link between Members and their constituencies. Overall it recommended the higher degree of uniformity in the parliament.

Details of the proposal were finalised towards the end of 1986 and advocated the use of PR, with preferential voting.

Different Deliberations for adopting electoral procedure for European Parliament resulted in addition in article 138 in the treaty adopted at Amsterdam, which indicates that the European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.' This addition takes account of differences in opinion between Member States and does not require an across-the-board harmonization of the electoral procedure, which is likely to lead to a more flexible procedure, which will find favour with more participants across the institutions.

8.8.2 THE ANASTASSOPOULOS REPORT:

European Parliament's current position is set out in a report by Mr Georgios Anastassopoulos, adopted by plenary on 15 July 1998 proposing a draft act based on common principles, but which has since not been considered by the governments of the Member States.

This report is the culmination of many years of thought and debate on the issue which, when combined with the flexibility which Article 138 of the Treaty now has, allows it to appeal to more participants than ever before. Furthermore, it does not ask for any major changes in the systems of Member States. For example, a major concern with other reports was about how to create a procedure that would be acceptable to the British, who used a majoritarian system for their European elections. (URL: http://www.ecprd.org/Doc/publica/OTH/elect_system.html)

8.8.3 CURRENT ARRANGEMENTS FOR EUROPEAN ELECTIONS:

The following table give details of the electoral systems and mechanism currently used across EU Members States for elections to the European Parliament.

Table-25: Current Arrangements for European Elections

	Number of MEPs	Electoral system	Constituency boundaries
Austria	21	PR with preferential vote, 4% threshold	Single constituency
Belgium	25	PR with preferential vote	4
Denmark	16	PR with preferential vote	Single constituency
Finland	16	PR with preferential vote	Single constituency
France	87	PR with closed lists, 5% threshold	Single constituency
Germany	99	PR with closed lists, 5% threshold	Lander
Greece	25	PR with closed lists	Single constituency
Ireland	15	STV PR	4
Italy	87	PR with preferential vote	5
Luxembourg	6	PR with vote-splitting	Single constituency
Netherlands	31	PR with preferential	Single constituency
Portugal	25	PR with closed lists	Single constituency
Spain	64	PR with closed lists	Single constituency
Sweden	22	PR with preferential vote, 4% threshold	Single constituency
United Kingdom	87	PR with closed lists (but Northern Ireland: STV)	11 + 1

Source: European Centre for Parliamentary Research and Documentation.

The concept of a uniform electoral procedure is perhaps in the best position that it has ever been in to be properly addressed and considered by the Council, and is likely to be resolved within the next few years. All across the electoral commissions established in various parts of the world, endeavour has been to improve public trust accountability partnership which are demonstrable and are rich in experience. To achieve this, India became founder member of IDEA. It has expanded international contacts by way of sharing of experience and expertise in the areas of Electoral Management and Administration, Electoral Laws and Reforms. Election Officials from the national electoral bodies and other delegates from the several countries - Russia, Sri Lanka, Nepal, Indonesia, South Africa, Bangladesh, Thailand, Nigeria, Australia, the United States and Afghanistan have visited the ECI for a better understanding of the Indian Electoral Process.

Our democracy with its sixty seven Crores voters casting their vote in 687402 polling stations for 543 Parliamentary Constituencies and 4120 Assembly Constituencies consisting of different ethnic groups, religions, casts, creeds, minorities requires constant reforms and improvement given the magnitude of the elections and the contest and clamouring of the power. The conclusions and recommendations in the thesis is based on the vast knowledge and experience gathered and collected through different people in power and authority and their valuable contributions to the Electoral Systems and democratic institutions which can be applicable to hilly and prosperous state of Himachal Pradesh.

CHAPTER-9

CONCLUSIONS AND RECOMMENDATIONS

The growth of healthy democracy depends largely on fair process. Indian democracy is quite vibrant and dynamic in nature and PPs are an important institution in any democratic polity. For any democratic government, party in power and those in opposition are essential to the functioning of this institution. For this very reason political parties themselves are wedded to democratic principle although some complaints about non existence of internal democracy crops up in between. Democracy acts in two ways, as it creates a kind of authority, fluid political power along with assertive and intensive politicised civil society whereas on other hand it does not mitigate the effects of social inequality for the provision of public goods. The health of democracy depends on the choice of the representative and leaders and which in turns is directly link to the way PPs function and election are conducted.

9.1 WHY ELECTORAL REFORMS?

There is story of a man who was searching for a key under a lamppost. When a passerby asked the man where he had lost the key, he replied that he had lost it some distance away from the lamppost. Astonished, the passerby asked, 'Why are you searching under the lamppost?' The man replied, 'Because there is light under the lamppost.' The electoral reforms are therefore like a light which leads us away from the darkness prevailing in the society. At all the levels, there is tendency to put entire blame of current state of affair on political class which in fact is partially wrong as politically class does not exist or develop in isolation or in vacuum but emerges and evolves from the society at large. Therefore in the larger context society cannot escape the responsibility of current state of affair nor it can be absolved. Logically the behaviour of the political class is due to broader social system within which they operate. Consequently to change the behaviour of the political class would require a system in which they operate and respond this is the major reason where electoral reforms becomes effective as they are part and permanent features of democracy. Electoral reforms can be defined in a broader way as a mechanism which improves the responsiveness of electoral processes to public expectations and desire. Its primary goal is to improve the electoral processes which fosters and enhances impartiality, inclusiveness, transparency, integrity and accuracy. Electoral reforms seeks to change the way candidate of PPs gain ballot access, ensure safety of citizen botting to influence the bribes coercion and conflict of interests encourage participation and regulate financing to candidates.

(URL: <http://www.india-seminar.com/2001/506/506%20pratap%20bhanu%20mehta.htm>)

Free and fair election is the starting point of any democracy and are the key to resolving today's crises over the years, lot of advocacy groups, citizen committees have emerged in India as a major civil society influence. The political class is theoretically inclined/ committed to electoral reforms and do not resist genuine reforms openly. (URL: <http://www.loksatta.org/> date 14-08-2006)

There are three distinct areas of electoral reforms in each of which an EMB and its take holder may play different roles.

1-Administrative- The introduction within the EMB of new strategies policies procedures, technical innovations i.e. in a way helpful to deliver services effectively and efficiently along with responsible and sustainable manner. Introduction to such policies which increase financial integrity accessibility to disadvantage groups by introducing such technology and services which improves the voter registration and electoral logistics.

2-Legal- It require the amendment of constitution laws, regulation, rules which improves relevancy and adequacy of legal frame work. Within this frame work EMBs has to deliver its service therefore, the institutional reforms of the EMB is also necessary.

3-Political- It requires changes in the political environment within which EMB operates which can be providing more autonomy for effective and transparent framework for its funding and accountability. (URL: <http://www.aceproject.org/ace-en/topics/em/eml/eml01/> date 13-8-06)

9.2 TRANSPARENCY OF ELECTORAL ROLL:

In the State of Himachal Pradesh where the literacy rate is 77.13% and the electorate are becoming vigilant (especially the young voters). Three Cs for free and fair Elections are Clean Electoral Roll, Correct Electoral Roll and Continuous Up-dation. It is strongly recommended in small state like Himachal Pradesh these can be easily achieved. Need is required to focus and bring awareness among various mistakes which has cropped up during operation Cleansing of Electoral Roll Electoral Roll. therefore, it is absolutely necessary that duplication of names, deletion of names, addition of names, correction of names and their particulars are error free. It is therefore strongly recommended that state election machinery does a thorough and intensive revision of electoral rolls before the next State Assembly Election due in March 2008. Intensive revision should include house to house survey for checking the actual residents of the area and deletion of such electors who are migratory and working. Such deletions will bring down the actual number of voters and cleanse the electoral roll to a large extent. Special emphasis is needed for urban area where, the data analysis reveals that the number of electorate is slightly higher as compared to the population and limits as prescribed by the ECI. A State wide voters awareness campaign needs to be launched and proper opportunity to be provided to such electors under RPA act before the final publication of the electoral roll. This confidence building measure will not only boost election administrative machinery but will also limit the number of complaints raised by the different PPs just at the nick of elections. Due to Computerisation of Electoral Roll tendency of complacency needs to be rectified specially at field level not only the data entry, proof reading and corrections should be verified, corrected and checked but also the need of converging the Electoral Roll and EPIC databases are today's requirement to minimize errors.

Quality of the Electoral Roll should undergo all those checks as specified by Election Commission of India. The need for Integration and Consolidation is required in the Electoral Rolls which will take care off all deletions and modifications and clean and live names will remain in the Electoral Roll.

9.3 RECOMMENDATION REGARDING PHOTO ELECTORAL ROLL:

Himachal Pradesh has been pioneer in introducing Photo Electoral Rolls. However, Photo Electoral Roll in respect of sixty two Assembly Constituencies needs to be completed before next General Election to LS due in 2009. This process includes integrating, revalidating, scanning, cleaning and linking them with Electoral Roll as per the protocol. Initiating action to increase coverage of photos in Electoral Roll before due state assembly elections in 2008 requires through administrative planning and meticulous implementation. Quality of Photography needs much to be desired.

Good quality cameras with trained photographers should be used. It is strongly recommended only On-Line EPICs programme should be run and when a citizen comes to photography centre he or she should be go back with EPIC in hand within 15 to 20 minutes. Normally tendency is to sent the voter back to collect the card after few days. This defeats the very purpose of having on-line EPIC program & voters get disillusioned.

Proper system need to be in place any correction made to English or vernacular data as requested by the citizen duly authorise by ERO are immediately incorporated in the Electoral Database. Otherwise what is printed in the Electoral Roll and what is printed in EPICs do not match.

Information through touch screen have been tired in one or two districts which provides information to the voters. Through a database search mechanism which generates interest in citizen, election department can therefore install, and use these touch screens kiosks and for proper optimal utilization of the resources can hold data from other departments or vice-versa.

9.4 RECOMMENDATION FOR IMPROVING THE TRAINING OF ELECTION PERSONNEL:

(i) **ROs/AROs** face tremendous difficulties in having suitable and fair staff at the District/Sub-District Level due to non-availability of adequate number of Central and State Govt. Departments from which the officers/ other staffs are required for the deployment at the polling station level. To remove mismatch proper drafting of polling personnel is strongly recommended. Common tendency among the staff of same office/ department posted in the same constituency to get themselves deployed in the PS together should be strongly discouraged.

(ii) **Most of the Central Govt.** offices located in the different parts of the State either belong to Power Projects, Audit Offices/ Natural Resource Management Offices. These are mostly technical in nature and are not suitable for the deployment for election duty. Technical people should be used as resource group for maintenance and further training.

(iii) **The training of the election related staff** is normally held just immediately after the announcement of elections. Continuous training needs to be imparted to the staff earlier deployed during elections. The staff deployed for the election duty should be given advance money for Travelling Allowance/Daily Allowance (TA/DA) so that they can make their expenses.

Normally, the POs of the PSs are adequately trained to handover the requisite forms and EVMs at the collection centres just after the closure of the poll, but some of them do not pay sufficient attention to fill in the required data which results in slight delay in compilation process. POs and Polling officers who under go Election rehearsals training should compulsorily be given certificate that they are thoroughly trained and can operate EVMs hands on. This measure will considerably reduce their misery of ERM and polling personnel will take their training seriously. Besides it is also felt that certain basic chapter in political science and public administration can be taught to the trainees who undergo teacher training programme and later their services are deployed during elections.

9.5 PROCEDURE TO IMPROVE PROXY VOTING IN CASE OF CLASSIFIED SERVICE VOTERS

The facility accorded to armed personnel to vote through postal ballot has been quite successful. Added facility has been provided by ECI after incorporation of amendment in the rules. CSVs are those armed personnel who after receiving the form for authorizing proxy voting on their behalf get their attestation done from their commanding officers who in turn dispatch it to the concerned DEO/ ERO. As the system of CSV was introduced in the last LS elections in 2004, an adequate publicity is required to inform the record offices of armed personnel to provide suitable training for filling up their forms for authorization for proxy voters. Given the number of service voters in the state, this facility will certainly improve the voting percentage among the serving officials of the armed force.

9.6 AFFIDAVITS TO BE FILED BY CANDIDATES ON CRIMINAL ANTECEDENTS, ASSETS, ETC:

According to Representation of People Act, 1951 each candidate has to file an affidavit giving information on cases in which he/she has been accused of any offence punishable with imprisonment for two years or has been sentenced to imprisonment for one year or more. Besides, in pursuance of the Honourable Supreme Court's directive, the candidate has to give information relating to all cases in which cognisance has been taken by a Court, his assets and liabilities, and educational qualifications. Section 125A provides for punishment of imprisonment for a term up to six months or with fine or both, for furnishing wrong information or concealing any information he/she is legally bound to give.

It is suggested that to protect the right to information of the electors, the prescribed punishment should be increased.

9.7 STRICT ENFORCEMENT OF VARIOUS ACTS LIKE ARMS ACT, CORRUPT PRACTICES ACT ETC.:

District Election Officers in their capacity as District Magistrate should take advance and preventive measure like stoppage of issuance of new arms licences, ensure deposit of arm licence and keeping them in safe custody etc. A thorough and intensive patrolling, checking of vehicles arms factories shops liquor vends, unearthing of arms should be done prior to two weeks in advance before the actual election day so that on the election day their patrolling is not affected there is Tendency of different PP to allure the voters through various means. In hilly state like

Himachal Pradesh large scale drinking in homes, communities is done. Officially liquor vends are closed till the election results are announced but, there are certain instances where liquor is supplied/distributed to voters and police has to take strict action against such party workers so that the elections are conducted without using any corrupt practices and do not fall under the preview of electoral offences.

9.8 IMPARTIAL ELECTION MACHINERY:

Certain code of conduct needs to be strictly followed by the Election machinery which not only enhances but also increases the confidence of the voting public. These are strongly recommended for ERMs at all function level of governance.

- Election administrators should follow law and equitable apply and clearly explain the rationale for its decision.e.g. allotment of public places to different political parties for holding election meetings during the campaign period.
- Election administrators also should ensure that within the legal framework of the State/Country, every party and candidate and voter and other participants in the election process is treated in a way i.e. fair and just considering all circumstances.
- Election Administrators should perform their entire task in a manner i.e. i) strictly non-partisan and politically neutral. If the people managing elections are perceived to have a commitment to any particular election result, the public credibility of the election process will be so compromised, it will be difficult to restore faith in the process.
- Election administrators should act in strictly neutral and unbiased manner in every matter concerning political parties, candidates, voters and members of the press or media.
- Do nothing that could indicate or be seen as indicating partisan, support for a candidate, political party, political actor or political tendency.
- Conduct this at all times, in a irreproachable manner, exercise sound judgement and observe the highest level of personal discretion.
- Not to disclose any issue that could lead to conflict of interest with their duties as election administrators.
- Not to accept any favour from any political party, organisation, person involved in election process.
- Reject any improper influence accept as provided by law and refrain from accepting directions relating to performance of their task.
- Not to participate in any unauthorized activity including any private activity that could lead to an actual or perceived conflict of interest with their duties as election administrator.
- Not to participate in any private activity including that could lead the perception of sympathy to a member, candidate and political party etc.
- Not to express a view on any subject i.e. local or a political issue in the election.
- Not to wear, carry or display any obviously partisan party symbols or colours.(Reference Handbook of Democracy- International Institute for Democracy & Electoral Assistance)

During the run-up to election in a small state like Himachal Pradesh the Election Campaign gets very charged up. Every PP leaves no stone unturned to influence and win over the voters, and small issues get blotted and are thoroughly contested. A proverb which says “Every body knows every body” makes the tasks of the Election machinery extremely difficult and all the situations have to be tackled in just and a neutral manner within the law. Overall legitimacy and acceptability of each election will depend on many factors but the integrity of the election administration is one of the most vital factors. Public measures the legitimacy of an election on the basis of both actual integrity of its administration and the appearance of the integrity of the election process.

In the light of the Act of Right to information Act-2005 Election machinery should be well prepared to provide all such information to the voters as required under the law therefore, Election Administration must be transparent just so that the participants in the election should have access to the information on the basis of each decision that were made.

- that interested parties to access in a timely manner all critical information, documents and data base used in the election process.
- consult with the participants in the election process on regular basis and in relation to specific decision, if its appropriate to do so in the circumstances.

9.9 CRIMINALISATION OF POLITICS:

Himachal Pradesh is a peaceful and hilly state and has a strong position of holding elections under the guidelines, regulations and strict superintendence of ECI. However, with every election, the situation and contest of power is becoming increasingly difficult, with candidates from all section of society clamouring to be part of the ruling party/Govt. by adopting all kinds of measures. Certain measures are suggested to check criminalisation of politics which are as follows:

- The list of offences where a conviction leads to disqualification from contesting elections should be expanded as per the recommendations of the Law Commission.
- Disqualification should not be conditional upon final conviction. It should come into operation as soon as the judge has framed charges with references to offences specified above.
- At the time of filing nominations, a candidate should be required to make a declaration of all the cases pending against him or her, involving charges of criminal conduct or corruption. This declaration should be made public. False declaration should be a ground for disqualification. (Ref.: Proposed Electoral Reforms ECI-2004)

9.10 REGULAR ELECTIONS OF OFFICE BEARERS IN DIFFERENT PP:

To bring about internal democracy within political parties, all the recognised (national or state) political parties should be required to include in their respective constitutions:

- Rules governing the membership of party and a Register of Current Members that is open for inspection by any member or the representatives of the ECI.

- Provisions for a periodic and democratic election of all the office bearers and the highest executive body by the members of the party.
- Procedures for selection of party's candidates for elections to legislatures.
- Procedures for deciding upon various policy documents including the party's election manifesto.
- Internal mechanism for adjudicating any dispute, including those concerning the interpretation of the party constitution.
- Provisions for the ECI to review the party constitutions for their compliance with the above mentioned requirements, and also to serve as a court of final appeal against any decision of the internal adjudicating authority in every party. The failure to comply with the ECI's instructions or decisions will invite de-recognition of the party.

9.11 MEASURES TO CURB THE INFLUENCE OF BLACK MONEY IN POLITICS:

Excessive illegal is a root cause of corruption. Different political parties tends to spends 10 to 15 times over the legal prescribed limit. Most election expenditure is illegitimate and is spent in buying votes, corrupting officials. Money power and muscle power play a very dominant role in Indian politics. Following measures are suggested to curve the use/ influence of black money: (URL: http://anticorruption.tripod.com/eronetoeight.htm#Electoral_reform_goals Dated 14-8-2006)

- Every candidate shall make a declaration of his/her income and property at the time of nomination. False or incomplete declaration shall invite disqualification.
- All citizens and corporations shall be exempted, upto a certain limit, from paying income tax on donations made to registered political parties.
- The candidates and political parties shall be required, after the completion of election, to file a detailed statement of account. Non-disclosure or false declaration should result in disqualification for candidate and de-registration for political parties.
- While the current ceiling on electoral expenses needs to be revised, certain items of expenditure (direct inducements in cash or kind to the voter, or expenditure to bribe officials or hire hoodlums) shall be considered illegal.
- Every candidate who secures 2 percent or more of the valid votes polled in a constituency shall be reimbursed a reasonable sum of, say Rs.10 for each vote secured.
- It shall be compulsory for all registered political parties to get a statement of income and expenditure audited annually. The statement shall be a public document.

9.12 MEASURES TO CURB ELECTORAL MALPRACTICES:

There is evidence to suggest that in urban areas the electoral rolls are flawed which requires extensive survey and continuous feedback. It should be mandatory for the ECI to provide voter Identity Cards to every citizen who figures on the electoral rolls. Once this process is completed, the voter identity card or other means of identification should be made compulsory for voting.

If the proportion of "tendered" votes in a polling booth is greater than one percent of the total electorate, a repoll shall be ordered in the booth. A tendered ballot is given to a voter in whose name a false vote was already cast, and who establishes identity. Therefore, a tendered vote is indisputable proof of personation and rigging. At present a tendered ballot is kept in a separate cover and is not counted, while the false vote cast is counted. If this repoll provision is incorporated and publicised, people will then avail the facility of tendered vote, and rigging will be self-limiting for fear of a repoll.

9.13 AMENDMENT PROPOSED FOR DISQUALIFICATION:

Disqualification due to criminal offences is provided for in Section 8 of the Representation of People Act, 1951. As per the Section, a person is disqualified from contesting election only on conviction by a Court of Law. There have been several instances of persons charged with serious and heinous crimes like murder, rape, dacoity, etc. contesting elections, pending their trial and even getting elected in many cases. This leads to a very undesirable situation of lawbreakers becoming lawmakers and moving around under police protection.

It is strongly recommended that the law should be amended to provide that any person who is accused of an offence punishable by imprisonment for five years or more should be disqualified from contesting election even when trial is pending, provided charges have been framed against him by the court. The ECI is of the view that keeping a person, who is accused of serious criminal charges and where the Court is prima facie satisfied about his involvement in the crime and consequently framed charges, out of electoral arena would be a reasonable restriction in greater public interest. However, as a precaution against motivated cases by the ruling party, it may be provided that only those cases, which were filed prior to six months before an election alone, would lead to disqualification.

9.14 RESTRICTION ON THE NUMBER OF SEATS FROM WHICH ONE MAY CONTEST:

As per Section 33 of the Representation of People Act, a person can contest elections from a maximum of two constituencies. There have been several cases where a person contests election from two constituencies and wins from both. In such a situation he vacates the seat in one constituency. Consequently a bye-election would be required in that constituency involving avoidable labor and expenditure. ECI has also proposed that the law should be amended to provide that a person cannot contest from more than one constituency at a time or as an alternative deposit Rs.5,00,000 for State Assembly elections and Rs.10,00,000/- for election to the House of People.

9.15 EXIT POLLS AND OPINION POLLS:

Various agencies conduct poll surveys prior to the poll on the likely voting pattern. Results of such surveys, called Exit Poll, are disseminated after the poll is over. In the case of an election, where poll has to be staggered over different dates mainly for law and order and security related reasons publishing the result of opinion poll on the earlier phases, can influence the voting pattern in the subsequent phases. The opinion of some of the NGOs who also advocate that there

should be some restriction on the publishing / dissemination of the results of opinion polls and exit polls. Such a restriction would only be in the wider interest of free and fair elections.

9.16 PROHIBITION ON SURROGATE ADVERTISEMENTS IN PRINT MEDIA:

Under Section 127A (1) of the Representation of People Act, 1951, no person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof. The surrogate advertisements defeat the purpose of these provisions of law. The ECI has also made its stand clear that there should be explicit provisions to deal with cases of surrogate advertisements in print media.

9.17 ANTI-DEFECTION LAW:

All questions of post-election disqualification of a sitting Member of Parliament or of a State Legislature are decided by the President or, as the case may be, the Governor of the State concerned, on the opinion of the ECI, except the question of disqualification under the provisions of the Tenth Schedule to the Constitution of India. The latter question alone is referred to and decided by the Speaker/Chairman of the House concerned. Some decisions of the Speakers lead to controversies and further litigations in courts of law. It has been suggested that the President and the Governor of the States concerned should also decide the legal issues of disqualification under the Tenth Schedule.

9.18 REGISTRATION AND DE-REGISTRATION OF POLITICAL PARTIES:

Political parties are registered with the ECI under Section 29A of the Representation of People Act, 1951. An outfit can be registered as a political party, by making a simple declaration under Section 29A(5). This has resulted in mushrooming and proliferation of a large number of non-serious parties, which causes a considerable load in the management of elections. Election is a serious process and small groups of individuals, who have no serious interest or desire to contest elections, should not easily be allowed to get the approval from the ECI as active political parties. One of the NGOs at national levels has supported the ECI Contention that has suggested that provision may be introduced authorizing the ECI to issue necessary orders regulating registration and de-registration of political parties.

9.19 FURTHER IMPROVEMENT REQUIRED IN EVMS

In EVMs counting is done PS wise. Every candidate comes to know from which PS he has got lead. After winning candidates become biased towards the polling stations from which they have got lesser number of votes in the long run the area get neglected in terms of development. Technical innovation and R&D in EVM connectivity is required to link all the control unit with single CPU for secrecy and removing the element of political bias towards the electorate. Although this would have different connotations vis-a-vis the availability of votes polled per polling station in each EVM which may require discussions with the different political parties.

9.20 DEPLOYMENT OF POLLING PERSONNEL

On the day of Poll nothing must be left to chance as the responsibility of carrying out entire process of Election concludes on this day till the counting is over. To carry out these process

with accuracy and precision the entire responsibilities are bestowed at two grass root levels i.e. RO of the constituency and PO of the booth at time of poll in general and arrangement for poll day particular. So on the day of Poll it is the duty of RO to oversee that physical arrangements are sufficient and congenial to meet the legal requirement.

To remove an element of bias by the election administrative machinery during the polling duties at the polling stations by the polling parties in favour of any particular PP belonging to that area/constituency, it would be appropriate that inter-district polling parties are sent so that the polling personnel manning the local polling stations do not favour by their conduct to the candidate/PP. Such deployment has already been tried and tested in the last LS Elections-2004 and special arrangements were made to transport such polling parties across the districts. Except for the tribal areas where the local personnel are aware of the geographical climatic conditions and the local customs, it is strongly proposed that inter-district deployment of polling personnel would be highly beneficial for the conduct of free and fair elections.

Proposed Electoral Reforms will certainly improve the stakeholders confidence in EMBs reduce the political influence on the EMBs decision, increase the competence and financial propriety and will also introduce an element of professionalism.

Ultimately the elections which are the integral part of democracy seek to strengthen it through the electoral reforms as election is a means by which voters are empowered to sanction their rulers. Basic idea behind this is to enhance democratic accountability, authorization and representation. As democracy is a means of securing stable government and securing collective goods through formal institutions. In the end the very purpose of suggesting reforms is to tackle the problems of democracy along with institution and electoral design which helps to create a government i.e. accountable, non discriminatory, tolerant effectively deliver public goods transforms civil society with collective efforts. Elections are a festival of democracy which require meticulous advance planning administrative planning with voter master of day and as Sir Winston Churchill in his matchless style describes the pervasive philosophy of democratic election as "At the bottom of all tributes paid to democracy is the little man, walking into a little booth, with a little pencil, making a little cross on a little bit of paper." That is poll. In today's system may be he would have described the little man, walking into a little booth for exercising his choice by pressing a button.

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