

## Indian Electoral System & EVM

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### Abstract:

*India the largest democratic country in the world. In India election determines the structure of government. According to the constitutional provision of India elections are conducted and the laws are supplemented which are made by the parliament. The division of country has been put into in 543 parliamentary Constituencies, each of which proceeds one MP to Lok Sabha. Independent Delimitation Commission determines the shape and size of parliamentary voters. The aim is to create electorates which have roughly the same population, subject to geographical deliberations and the boundaries of the states and administrative areas. The basic phenomena of Indian elector system is based on the election and In India elections are conducted by using electronic voting machine (EVM). Fundamental right to vote or simply voting in elections forms the basis of democracy. In previous year electors cast their votes by using the stamp against the name or symbol of his/her favorite candidate but it cause security and transparency issue. But now Electronic Voting Machines are used in election. This article discussed about the electoral system of India and the features of machine used for voting which is electronic voting machine (EVM).*

**Keywords:** India, Democracy, EVM, Constitution

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## Introduction

Democracy is a system of government where the whole population or eligible citizen vote for their representatives and consequently forming a government for the people, by the people. India is the largest republic and democratic country in the world. India can be fairly called the leading epitome of Democracy. In democratic countries, people choose their representatives through the election, but the election needs to be held transparent, fair and impartially. For these purposes, the Indian constitution provides an Election Commission with autonomous (Art 324-329) involving a Chief Election Commissioner and other Election Commissioners.

Article 21 of the Universal Declaration of Human Rights (UDHR), States that:

“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The most important function of the Election Commission is to ensure that the elections should be conducted fairly and impartial, every person gets a fair chance for the vote. Therefore in the recent past, several new initiatives have been taken. The human error can be eliminated by making the whole electoral system into a standard tamper-proof computerized system, which will neglect the chances of error made by human involvement. Checking criminalization of politics, providing electors with Identity Cards, scheme for use of State-owned Electronic Media for broadcast/telecast by political parties and a variety of measures for strict submission of Model Code of Conduct, during election providing a level playing field to contestants, appointing BLOs (Booth Level Officers) and Voters’ awareness programmes, EVMs (Electronic Voting Machines) Webcasting, etc. are some work conducted by Election Commission.

## The growth of Electoral System of India

After Independence in August 1947, on the basis of universal adult suffrage, there is a need to hold a general election to elect truly representative Government. From November 26th, 1949, an independent constitutional body Election Commission was brought into force which was provided by Article 324. Whereas, most of the other provisions were made effective from January 26th, 1950 (when the Constitution of India became effective). January 25th, 1950, a day before India became a Sovereign

Democratic Republic Election Commission was formally constituted.

March 21st, 1950 the First Chief Election Commissioner was appointed. From 1950 to October 16th, 1989 the Commission functioned worked as a single member body, but on October 16th, 1989 to January 1st, 1990 it was converted into a three-member body. The distribution of power and decision is equal to all the three Commissioners in case of any difference of judgment on any issue the decision is taken by the majority. The term of the office of Chief election commission (CEC) and election commission (EC) is six years or till the age of 65.

On August 13th, 1951 the president issued the order, in consultation with Election Commission and with the approval of Parliament for the purpose of first General Elections to the Lok Sabha and Vidhan Sabhas.

On May 12th, 1950 parliament passed a legal framework for the conduct of elections. On July 17th, 1951 (Representation of the People Act, 1951) setting down the procedure for the elections to both Houses of Parliament and Vidhan Sabhas for each State.

In all States by November 15th, 1951 electoral Rolls for voters were published. According to the 1952 census, the total population of India was 35,66,91,760 and the total number of voters are 17,32,13,635 excluding the population of J&K.

In between October 1951 and March 1952 the first general election of Vidhan Sabha and Lok Sabha were held. On April 2nd, 1952 the first Lok Sabha containing 497 members was constituted and On April 3rd, 1952. The first Rajya Sabha containing 216 members was constituted.

On May 1952 the first Presidential election was held, after the constitution of both the Houses of Parliament and the State Legislative Assemblies. The Commission had recognized 14 political parties as multi-state parties and 39 parties as the state parties at the time of the first general election. The ‘Balloting System’ was adopted by the election commission in this system a separate box was allotted to every candidate and the voter needs to drop his ballot paper in the ballot box of the candidate of his choice.

In 1962 when the 3<sup>rd</sup> general election was conducted the election commission switched to the “marking system” of the voting. In this system, voter needs to put a mark with an arrow cross mark rubber stamp in front or near the symbol of the candidate of his choice. A common ballot box is used to collect all the marked ballot papers.

In 1982, The Electronic Voting Machines (EVMs) were used first on the experimental basis in the part of Parur Assembly Constituency in Kerala. But in 2004 for the 14th General Elections to the Lok Sabha, the EVM were used in all polling center of the country.

Since then all elections to Lok Sabha and Legislative Assemblies have been held using EVMs.

### Political Institutions in India

India has a dual polity system consisting of the Union Legislature at the national level and State Legislatures at the state level. It is a federal parliamentary democratic republic. The bicameral Union Government consists of the President of India in which the upper house i.e. Rajya Sabha represents the state of the Indian federation it is also known as a legislative council or Vidhan Parishad. Another side the lower house i.e. Lok Sabha represent the people of India. The nominated or elected person to both the houses of parliament are known as members of parliament and the same structure is followed by the state in which the lower house is referred as a legislative assembly and the people who are elected or nominated are referred to as Member of Legislative Assembly (or MLAs). In a given constituency the candidate with a high number of votes wins the seat and the party or the union of parties with a majority has the first opportunity to form a government.

### Indian Electoral System:

Elections are conducted according to the constitutional provisions, supplemented by laws which are made by Parliament.

In the electoral system of India, Indian Constitution discussed the Superintendence, direction and control of the entire process for the conduction of elections of every state's Parliament and Legislature, and the office of President and Vice-President of India.

The electoral system of India is broadly divided indirect election based on territorial voters and by means of a single transferable vote. The direct election based on territorial voters is followed for the elections in state assemblies, Lok Sabha, and union territories assemblies. Another system which is a single transferable vote is for president of India, member of Rajya Sabha, member of Legislative councils and for the vice-president of India.

The main features of the Indian electoral system:

1. A person whose age is more than 18 years and a citizen of India can be registered as a voter in the electoral roll of India. There is no any type of discrimination on the basis of religion, sex, caste or any. Elections are held on the basis of the Universal adult license.
2. In Lok Sabha and Assemblies of State and Union Territories, the provision is mentioned for the reservation of seats for Scheduled Castes (84 Seats) and Scheduled Tribes (47 Seats). In Rajya Sabha at the Union level and Legislative councils at the State level not any type of provision is mentioned.

3. In India multi-party system is functioning in which political parties plays an important role in the electoral process.
4. On the basis of the comparative majority of valid votes polled, Elections are determined.

### Reservation of Seats

To ensure the representation of schedule caste and schedule tribe there is some provision in which candidates only from these communities can stand for election. The size of Lok Sabha is limited according to the Constitution which is limited to 550 elected members. To represent the Anglo-Indian community two members can also be nominated by the President of India.

### Rajya Sabha

By using the single transferable vote system Rajya Sabha members are elected. The member of Rajya Sabha was elected indirectly by each state Vidhan Sabha. Unlike most federal systems, the number of members returned by each state is roughly in percentage to their population. At present Vidhan Sabha elected 233 members of the Rajya Sabha. As the representatives of literature, science, art and social services the President of India also nominated 12 members. The time-serving of Rajya Sabha is six years and the elections are staggered in two years with one-third of the assembly being elected.

### State Assemblies

The constitution of India gives significant control to states and union territories over their own government. The directed elected bodies are Vidhan Sabhas which is set up to carrying out the administration of the government. The procedure of election of Vidhan Sabha is same as Lok Sabha with the states and union territories divided into single-member constituencies. The first-past-the-post electoral system is used. The size of the assemblies ranges on the population of the state. The largest Vidhan Sabha is for Uttar Pradesh, with 403 members; the smallest Pondicherry, with 30 members.

### President and Vice-President

The elected members of Rajya Sabha, Lok Sabha, and Vidhan Sabhas elect the President, who serves for 5 years. To allocate the votes a formula is used in which balance between the no of votes of assembly members and a population of each state can cast and give an equal balance between the members of national parliament and state assembly. A direct vote of all the elected candidate of Lok Sabha and Rajya Sabha is used to elect the Vice president of India.

### Majority System

The majority of votes the person or candidate wins but the system of majority leads to any problems. The majority system decided the party who gets the majority of contesters irrespective of getting a voting percentage, and sometimes the percentage is less than 25% of total votes even the candidate win an election which leads a winning person to represent its population with the minority of votes, but they represent the 100% of people. Which will further lead the caste and communal system in society? In its place the person needs to get more than 50% votes in an election to win, if nobody can get then another round of election should be held between the top two candidates. This system leads to collectiveness and decreases the planed politics of caste and communalism. Then there is need of support from all groups of people to win otherwise no one can win an election. System of Election

Using a first-past-the-post electoral system, elections are carried out to the Lok Sabha. The country is split into different geographical areas which are called constituencies. In this electors can cast one vote for the candidate (although some applicants stand as independents, most successful applicants stand as members of political parties), the applicant who gets the maximum vote will be the winner.

#### **Indian EVM Device:**

India is the largest democracy in the world. It accommodates regional, cultural, social, and economic disparities still is supposed to be magnetic one and able to stand on its own. For the elections, India had adopted electronic voting machine in 2004. Using more than a million voting machines 380 million voters cast their ballots. The design of electronic voting machines are designed by Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) both are owned by Government Owned Defense Equipment Manufacturing Units. Both (ECIL and BEL) systems are alike and are developed to the specifications of Election Commission of India.

#### **Electronic voting:**

Electronic voting is also called e-voting, it is a term encircling several different types of voting, implementing both electronic means of counting votes and electronic means of casting a vote. In the technology of electronic voting optical scan voting system, punched card etc. can include. There is also an involvement of transmission of votes and ballots via telephone, internet or by private computer networks. The most important is that the electronic voting machine can maintain proper voting secrecy even without the use of ballot paper. From EVM result can get by just pressing a button after the end of the poll.

#### **Electronic Voting Systems**

To improve the election system many studies has been conducting on using computer technology. Because of the number of challenges like the vulnerability of network, insider threats, challenges of inspection, etc. can stop the step of moving too quickly to adopt electronic voting machines.

Electronic voting machine (EVM) can be easily operated by both the voters and the polling personnel. EVM is a standalone machine, therefore, nobody can interfere with its programming or manipulate its result, as it is a machine without any connection of network. The EVM has mainly two units:

1. Control unit
2. Ballot unit

The System is a set of two devices running on 6V batteries. The control unit controls the functioning of EVM and as the main unit, it stores all data. It is operated by the electoral officer. On the surface of control unit three buttons are attached, one for voting, one to see the total no of vote cast till now and the third is for to close the process of election. The button of the result is hidden and sealed and cannot be pressed unless the close button is already pressed. The functioning of the control unit is controlled by the program, which burnt into a microchip on a "one-time programmable basis". Once burnt it cannot be further copied, altered or read. By a 5 meter cable both the units are connected Data transmitted from the ballot unit to control unit, the EVMs use dynamic coding to enhance the security.

#### **Properties of Electronic Voting Machine EVM**

Accuracy:

- The vote cannot be altered.
- A validated vote cannot be eliminated from the final tally.
- An invalid vote cannot be counted in the final tally.

Democracy:

- Only eligible voters are permitted to vote.
- Eligible voters can be a vote only one time.

Privacy:

- The voter who cast the vote none of the authorities neither anyone else can link any ballot.
- It cannot be proved by the voter that he/she voted in a particular way.

Verifiability:

- It can be independently verified by anyone that all votes have been counted correctly.

Availability:

- As long as the poll stands the system works appropriately.
- From the beginning to the end of the poll any voter can have access to it.

Resume Ability:

- It is allowed by the system that any voter who had interrupted his/her voting process should resume it or restart it while the poll stands.

## Conclusion

The electoral system of India is one of the most practical systems. It is the only system of government in which people can enjoy their valued right and liberties. The Constitution, powers, functions, and independence of the 'Election Commission of India' as the guardian of free and fair elections may be seen as indispensable in the electoral process of India. As every system have their own weaknesses but it does not decrease the excellence of the Indian electoral

system. The weakness is found generally due to the factors like social and economic. The system of democracy and electoral process is adopted by the people of India as the central principle of the fundamental law of India. There is no doubt that the people of India have their full faith in this system. The electoral system is based on voting. With the change of the world, the way of voting is also changed from paper to electronic. In India, Electronic voting Machine is used to cast the vote which help the government in maintain the fair and transparency in the voting system. In many favors, the electronic voting agenda has points of interest over the paper ballot framework.

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