

Chapter 1

OBJECTIVE AND METHODOLOGY

Statement of the Problem

The Indian Constitution entrusts the Election Commission of India (ECI) (or the Central Election Commission) with the task of the preparation and revision of electoral rolls and the superintendence, direction and control of elections to the Lok Sabha and State Legislative Assemblies and the offices of the President and Vice President. The ECI is a key institution for ensuring free and fair elections, and in this sense a cornerstone of Indian democracy.

The context in which the ECI operates is without precedent. The ECI oversees the largest election process in the world, with an increasing electorate size. Unlike established democracies in the developed world where social and political developments have been at tandem, in India, political democracy coexists with a high degree of voter illiteracy, inadequate communication infrastructure such as roads in many places, and limited manpower and resources within government. In parallel, there is intense political competition and prevalence of unethical electoral practices, often initiated by candidates and political parties. The poor law and order situations and conflict in many parts of the country are roadblocks for the election process. The ECI therefore, performs an extremely challenging and difficult task, which is unprecedented in history.

Recent surveys show that the ECI is one of the institutions of the country most trusted by citizens. This vote of confidence by the people has been seconded by scholars, who have commented on the ECI's ability to uphold the rule of law and organize elections competently while taking pro-people, democratic initiatives. There have often been positive comments about the functioning of the ECI in the media. Moreover, there has been considerable interest from other countries in the conduct of Indian elections, and the ECI has emerged as an institution from

which officials from other countries want to learn. While the ECI has emerged as an effective institution, in India's vibrant democracy it continuously faces new demands and challenges.

The success of the ECI is noteworthy, as it means that the ECI has played a critical role in establishing the largest democracy in the world, i.e. India, by ensuring free and fair elections. In contrast, in large parts of the developing world, elections are often biased and captured by the powerful. Within the country, the ECI has been far more effective in enforcing the rule of law and fulfilling its mandate than other comparable institutions with which it shares the socio-political context, such as the Comptroller and Auditor General of India and the Central Vigilance Commission. The ECI works through the bureaucracy and police, institutions that enjoy poor public opinion in other spheres of their work. Yet these same institutions, during elections, under the supervision of the ECI, do a convincing and competent job. The ECI has also been a highly innovative institution, using technology and developing new ways of functioning in the federal context to manage a vast and complex election process.

The emergence of ECI as possibly the most credible and trusted institution in India, raises the question of why and how this institution has been able to perform its role effectively. Understanding the dynamics of this success offers important insights into the working of state institutions in India and the conditions that promote effectiveness.

The ECI's capacity to fulfil its mandate emanates from historical developments as well as from a particular institutional design in the Indian context. The ECI, in its existence of 67 years, has varied in terms of effectiveness: at certain points of time being unusually effective and at other times failing to meet the challenges posed. This is the outcome of several factors: the changing socio-political context, the institutional design, i.e. the mandate, powers and autonomy, structure, accountability pattern, leadership, interaction with other actors and finally, the processes developed by the institution.

Not only has the ECI's success in meeting the challenges that it has faced has varied with time, but its successes are greater in some aspects of its work than others. While the ECI has been highly successful in organizing elections and preventing a range of electoral malpractices such as booth capturing, voter intimidation, fraudulent voting etc., its success in containing financial bribery of voters and keeping election expenditure within lawful limits has been far more limited. There is therefore, a need to delineate the 'pattern of effectiveness' of the ECI, i.e. on a temporal scale, and across various areas of work.

This pattern, in turn, needs to be examined against the institutional characteristics of the ECI: its role, powers, autonomy, accountability, structure and process, which too have varied over time. Understanding the pattern of effectiveness of the ECI against its institutional dynamic is of great value for teasing out key issues for making other public institutions effective in India.

Rationale

The literature available shows the ECI to be a powerful, dynamic and effective institution. It also shows the ECI to have been more successful at some points of time than others. Further, the ECI has been more successful in some spheres of its work than others.

As stated above, the ECI has evolved in a particular socio-political context and legal structure. The socio-political culture has changed over time, and some changes have come about in the legal framework too. The ECI has, at various points of time, reflected this context, managed it, or impacted it. Studying the evolution of the ECI across time is critical to understanding its institutional strengths and weaknesses.

The successes and failures of the ECI at various points of time are also related to its institutional characteristics i.e. its role, powers, independence, structure, functioning and accountability. These too have evolved over time. A study of

these institutional aspects of the ECI can provide insights into how public institutions can become effective in the Indian context. This, in turn, has an important bearing on the institutional design of other public institutions.

In spite of the fact the ECI has had unusual institutional success in the Indian socio-political context, few studies are available on the ECI as an institution. There is a large literature on electoral reforms. Accounts and critiques of various initiatives of the ECI exist in scholarly writings and media publications, but in patches. These are usually about a particular important development, in the context of recommendations for reform, or about a particular time period or election. The occasional study that has attempted to trace evolution of the ECI lacks detail about the actual functioning of the ECI. For example, why the ECI has been successful at some times and not others, has not been explored. The working of the ECI in India's federal structure, a unique and highly successful aspect of its work, has not been studied at all. Nor has the pattern of effectiveness related to its autonomy, structure, processes and accountability to other institutions been explored adequately.

Yet such an analysis is vital to teasing out the key elements that can lead to institutional effectiveness in India. This research was carried out to address these gaps, and to delineate and analyze the institutional characteristics and dynamics against the pattern of effectiveness of the ECI.

Objective

The study aims to examine the dynamic of the effectiveness of the Election Commission of India in performing its role and its institutional structure, processes and the socio-economic context.

Research Questions

In the study, the effectiveness of the ECI has been studied along four dimensions. These are the extent to which the ECI has been able to make the election process inclusive, lawful, efficient and accountable. These dimensions have been selected as key desirable characteristics of the election process. Against this background, the study traces the evolution of the ECI against this background, examines its institutional characteristics, i.e. role, powers, independence, structure, functioning and accountability. A scrutiny is also made of the links of the ECI to other major institutions and the electoral processes.

The research questions addressed are:

- What are the times and various spheres in which the Election Commission of India has been more and less effective in performing its role, in terms of fostering an inclusive, lawful, efficient and accountable election process?
- How has the ECI evolved over time?
- What are the key aspects of its internal structure and processes and how does the ECI operate in India's federal structure?
- What are the key influences on the ECI: political, courts, media and the people, and how have these impacted it?
- How has the structure, functioning and the influence of other key institutions facilitated or constrained the ECI in performing its role?

Research Design

The research study was carried out as a case study and included the following aspects:

- The changing socio-political context and legal framework in which the ECI is situated

- Historical developments of the ECI, and the dynamic of its changing effectiveness
- Role, powers and independence of the ECI including changes over time.
- Structure and functioning of the ECI, including
 - The organizational structure
 - Human resources: personnel, expertise and leadership
 - The functioning of the ECI in the federal context at various levels
 - Internal processes of deliberation and decision-making
- The relationship of the ECI with other institutions, i.e. political actors, the judiciary, media, civil society and citizens
- The effectiveness of the processes adopted by the ECI in terms of inclusiveness, enforcing the rule of law, efficiency and accountability

The study was based mainly on documentary research, followed by interviews with key personnel within the ECI.

The following documents were analyzed:

- Relevant Acts and Rules
- Reports of the ECI
- Reports and recommendations of various government and non-government committees
- Judicial pronouncements and judgments
- Books and articles about elections

Interviews were conducted with 3 key serving officials in in the ECI. These included the top leadership as well as an official who had worked in the ECI for nearly 50 years. The interviews were semi-structured and detailed.

The focus, while comparing data across time, was on Lok Sabha elections, as these are conducted across the country each time. Elections to State Legislative

Assemblies are conducted for different States at different times, and therefore do not provide a good overall comparative picture.

Scope and Limitations

The study has investigated in detail, the ECI as an organization, and how it has fulfilled its mandate over time. This includes the manner in which the ECI has evolved in the changing socio-political context, its own structure and functioning, its processes and impact of other key actors including the political actors, judiciary, civil society actors and the people.

The limitations of the study are the fact that the existing literature on the ECI tends to be patchy, focusing more on dramatic developments such as changes in the top leadership, and less on processes which are less dramatic, but very influential, such as the ECI's changing use of election observers. Attempts have been made to study reports of the ECI to document such changes. However, the ECI itself has produced documents sporadically, and for some time periods, there are hardly any published documents.

The study has also been limited by the fact that it had to be completed in a limited time-frame, while new issues for investigation continued to emerge.