

Election Commission of India and Electoral Reforms: Issues and Challenges

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ABSTRACT

In cooperation with political party and with the objective of voluntary adherence the Model code of practice was formulated in 1968 by the election committee, fulfilling a slowly emerging convergence on some norms that the government of India initially developed before the 1960 election campaign. Consequently, all opposition groups appear to follow the model code as expression of a "voluntary example of political ethics and public ethics" This article examines the processes and methods of organizing fully democratic election by using the code of ethics. Through the study of some instances and the context of its Model Code, the article discusses both the conflicts surrounding the interpretation and implementation of the code as well as the methods by which it consolidates the select committee's disciplinary authorities in the "special era" that it gained during the "election processes." Researcher have identified the total events in the current electoral exercise and also suggested other proposals for improving the election process. This was one of the most heavily disputed elections reforms in India. The numbers of smaller and nationalist parties having developed into a standard in India, instead of an extraordinary one.

Keywords

Election commission, Indian polity, Modal code of conduct, Representation of people act.

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Introduction

A Model Code of Conduct is described in writings on democratic reforms and good democratic practices as a set of minimum standards and codes of conduct for political parties, their candidates and supporters, and the government of the day, in order to ensure free and fair electoral competition. The introduction of these codes is also seen as a reaction to difficulties that countries may have encountered in their transition to representative democracy, or as a way to create a political atmosphere for lasting commitment to multi-party pluralism and the democratic process. However, there is a difference of opinion on the existence of these codes, in particular whether they should be focused on voluntary enforcement and the application of collective morality, or if they should be incorporated into and implemented as legislation such that failure to comply will attract sufficient penalties.

There were times when a candidate was announced the winner with a victory margin of less than 100 votes in state assembly elections. In most situations, a person wins the elections, aside from this exception, by winning just 30-35% of the total voting. He or she shouldn't really also be treated as the electorate's majority preference. In order to solve the constraint, the first-post system should be replaced by a two-stage electoral procedure. This would be the second round of elections because none of the parties throughout the fray can receive 50 % of the total number of votes in round one. And in second round two candidates who received the most votes in the first round will battle. Who either receive in the second round more than 51 % of the total votes. It was crowned champion. Union and State parliamentary elections simultaneously: 3-4 Indian states currently go to elections next year. This threatens the union's activity because the government could not take tough decisions, since the dictator in power is afraid of a reaction during the next round of state

assembly. But at the same votes, central governments & states will not only meet their responsibilities in a smooth manner, they will also reduce needless electoral expenditures. The way elections for local councils can be initially recognized in other Panchayati Raj institutions [2].

India is really the largest democracy in the world. India. Elections are perhaps the most critical and foundational component of politics in a system of democracy. While politics is the art and practice of dealing with political power, elections are a method for legitimizing this power. Only on this basis will elections work, that elections become free and fair and not biased and manipulated. Common discernment methods, on both reality and in nature, which are not pure rituals that are designed to give the public perception an impression of distinction, they will not survive before freedom which fair elections. The elections are not technically being arranged in ideal circumstances because of the huge sum of money to spend and the tremendous muscle power wanted to complete the election. Although our country's three first general elections were essentially free and fair, the fourth general began with a pronounced decline with in 1967 standard elections. Up to the fourth election campaign, no such events were registered. The way voting for local councils can still be initially recognized in these other Panchayati Raj institutions. [3].

There are significant issues with the Indian electoral system. The electoral cycle is really the progenitor of systemic corruption in our country. In his campaign for the five general election of 1971, the distortion occurred for maybe the first time. Moreover, the votes, in particular in the 1980s and later, amplified. Both applicants and groups, independently of their moral values, engage in the political system to succeed at any expense. An true, upright and transparent person who wants to benefit the people will vote and are elected as representatives of the people under ideal conditions. However, in fact that very person seems to have no chance at all to contest or win the general election. [4]

India is now recognized as the largest constitutional state in the world. Nearly everybody in the world has been fascinated by the rise of Indian democracy. "There is a common sense that India has been the world's largest democracy, and very few have accepted that it's against the odds. India has maintained government against substantial conflict for some more than six years. Several factors tend to have helped grow the democratic system of India over the past 67 years. The polls were free and democratic in general over the course of all these decades. Peaceable power transition from one party to the next has taken place. This is an integral examination of western democracy's workings. Democracy is founded on people's will, that are more efficiently expressed when the representatives of citizens are chosen or chosen. The people's will must be temporarily carried it onto their representative for a limited period of time in a representative other kind democracy with approval of the government. Montesquieu had written in 1748 that because the citizens could not gather as a political body in even a large state, people had to select members who could not do all they could. [5].

The members are chosen by conducting annual elections. New representative government would not be feasible without regular elections. Effectively, the very idea of representative system cannot be conceived without regular elections. The competitiveness of elections is recognized as one of the main requirements for democracy working. Elections establish a common sense of consent and involvement in public affairs and ensuring orderly government succession through the peaceful transfer of authority of rulers new. The Indian constitution entrusted the Indian election commission with the supervision, direction and regulation of the entire electoral process for the parliamentary and legislative elections in each State and the offices of the President and Vice-President of India [6].

The representatives are elected by annual elections. Without open elections, a new representative government will not be feasible. Indeed, without free elections it is difficult to establish the very concept of representative government. Elections competitiveness is one of the most significant criteria for the functioning of democracy. Elections create a common sense mutual consent and involvement in government issues and guarantee honest government of government increasing the peaceful incorporation of new rulers' powers. [7].

The Model set of rules was first developed in India with in southern state of Kerala in 1960. The Model Code was designed to be applied voluntarily, following broad agreement between the state major groups. The Model Code has been evolving in response as an essential component of open and fair elections in India as a whole, although there is no legislative basis for that. Driven by the power conferred on by the government of india act in order to supervise, supervise referendums, these have ceased to become a prevalent moral principle and in duration of these changes, and has assumed the status of even a set of prescription rules formalized and implemented by the Indian catalan government. The i.e. pre-internal disaster period and the election board initiative for 1979, which developed its very own iteration of the Model Code of Conduct, and later the period of 1990 whereby expanded the powers of the Election Commission or which led to both the integration in

the next era of both the Election Commission 's powers, are characterized by the Model Code of Conduct. [8].

Well before elections start, it is important to explain the strict legislation or legal structures at work. The People's Act (RPA, 1950 and 1951) describes offences, which may be conducted by people in elections, that will provide the legitimate justification and for holding for elections in India. The Model Code of Conduct, however, has introduced creativity by giving the parties a judicial structure, making it very difficult for the Election Committee to call the politicians to control and keep them accountable for each member 's actions. However, while the statutory procedures for political offences and unethical activity in relation to RPAs will only be in effect because after electoral process is completed, the Prototype Code of Conduct comes into force at campaign time , ensuring direct disciplinary oversight of the major groups from the Election Commission and providing an additional legislative structure to fill the gap. [2].

Election and Legislative Rolling Planning

It is important that the list of registered voters is kept completed and up to date, a necessary condition for any democratic role because without free and fair elections can not be held. Modern democracy is based upon this electoral rolls which the votes must be counted. The Election Commission has the main purpose of supervising, directing and controlling the preparatory election rolls as set out in Article 320 of the bill of rights and the Representation of Human Rights Acts. As required by the constitutional authorities, therefore, every electoral register is drawn up under the superintendence, direction and monitoring of the election committee. That being said, while the statutory procedures for political offences and unethical activity in relation to RPAs will only be in effect just after electoral process is completed, the Prototype Code of Conduct comes into force at campaign time , ensuring make course oversight of the major groups from the election committee and offering an appropriate legislative structure to fill the gap. [9].

The Committee also took a strong action to ensure that now the names of the electors whose charges were given waiting for more than six months to be executed are excluded. And weeks. And months. If an order can not be served for more than six months, the person shall assume that he or she may be no longer resident there, nor will his or her name appear upon this list as electors. In 2005, the notorious RJD MP Siwan (Bihar) removed the name of Mohamad Shahabuddin 's list of electors, on the basis of a letter from either the Election Commission. The Bihar perhaps electoral list omitted a total of 1.5 Lakhs. In order to protect genuine electors, the Commission has been recommending every qualified voting person to issue photo identification cards since 1993. The previous CEC. Sheshan cautioned by recalling Rule 37 of the Law of People's Representation that the Commission just wouldn't inform elections after 1 January 1995 within these instances were photo identity cards are not filed; the CEC's dictation "no identification cards-no elections" became somewhat controversial. The Supreme Court appealed the order of the Commission, which declared that democratic rights are a fundamental part

of democracy, but that procedural rules can not be formed to restrict the significant voting rights. Finally, it was agreed that the Commission just wouldn't suspend elections before the Court. The issue had been resolved. Picture ID cards from the former head electoral commissioner are also emphasized[8]. B.B.-B.B. Tandon kept it clear before the latest state polls in West Bengal, Assam and Tamil Nadu which 'no one with no picture identification cards will cast his votes in assembly polls.[8].

Providing A Level Playing Field: The Advent Of A Model Code Of Conduct

The new Chief Election Commissioner (CEC) S, speaking at a conference on Electoral Reforms in Lucknow in January 2011 Y. Quraishi pointed out a paradox which was fascinating. While political parties, he said, are regularly blamed for criminalizing politics, the creation of the Model Code of Conduct has to be attributed to the political parties. Describing the Model Code as the "biggest" political party contribution, CEC Quraishi explained how the Model Code of Conduct works as follows: "It was implemented not by statute but by an agreement reached to that effect by all political parties. It worked well as the constraints imposed by it were carried out without fail by all governments and political structures." A few days earlier, speaking at the Diamond Jubilee celebrations conducted by the Indian Election Commission, the CEC had iterated that the Model Code of Conduct had been adopted [10].

In 1967 the election board adopted a code of conduct aimed at controlling the politicians including candidates' behavior in favour of a safe and stable election campaign. This code of conduct was the product of a national consensus. The Election Committee for India explains the scheme's code of conduct. A collection of instructions for candidates and political parties to follow during the run-up.. It is intended to provide all political parties with a level playing field, to maintain the equal and safe campaigns, preventing accidents and disputes between parties and ensuring Peace, and Justice. The Model Code's main purpose is to ensure the governing group, either do not abuse its official role at the Center or in the States to achieve an unfair advantage in a general election. Unfortunately there is no statutory sanction to the code of conduct [11].

It was formerly T.N. Sheshan who, having been elected Chief Electoral Commissioner, limited solely the code. The code previously existed on paper just as the Committee did to enforce the code. T.n Sheshan compelled the political parties, in a large measure, to take the EC code of conduct seriously. "The Indian political parties and candidates are being respected in a code of conduct" says Rudolph and Rudolph Election Most prominent progress committee. Sheshan's practice continues as well as the successive elections apparatchiks take care of any violation. A variety of officials, bureaucrats and even a governor in breach of the code have been armed by the present Commission. The two-member election committee group code of conduct was indicted by Governor Buta Singh Singh for breaching a rule, as it appointing various constitutional bodies prior to both the Bihar legislative elections of 2005. [12].

Arjun Singh, human resource management minister, declared government plans to allocate for other deprived

citizens in elite educational institutions. And in five states where only assembly elections happen, the Commission said this "Apply new protections for certain sections of the population." R. The Chief Minister of Nadu was still in power because when Code of Conduct was still in place and Natraj was then the Inspector of the Mumbai Police ordered to be removed in the wake of his Tamil praises. to voters / or statements of the nature referred to above during the period when MCC is in effect [13].

Nevertheless, the history of the establishment of the Model Code of Conduct in India shows that it came into being on the eve of the state assembly elections in Kerala in 1960, when the state government in Kerala, members of the state's major political parties, and electoral officials drew up a code for voluntary political party observation. The Election Commission's records of the six general elections it held between 1951–52 and 1977, whose scanned copies are available on the website of the Election Commission, are a valuable tool for gaining insight into how the Election Commission applied the Model Code of Conduct in its formative years. A reading of the 1960 edition of the Model Code shows a political consensus about how the time and space of the campaign should be shared by political parties, rendering the electoral competition a level playing field. The 1960 Model Code discussed questions about how political parties should execute their campaigns in a manner of mutual cooperation and reciprocity [14].

The parts covering meetings and processions laid down rules for holding meetings or conducting processions with the approval and consent of local police and other authorities to ensure smooth operation of campaigns and avoiding occasions of overlap and dispute in the different political parties' election campaigns. The section on speeches and slogans and the section on posters were clearly concerned with the essence of the campaign, asking political parties to take an attitude of shared understanding and tolerance; Particularly in circumstances where the unregulated exercise of the right to free speech and expression was likely to cause ill-feeling and lead to disorder and violence, and to avoid "depreciatory or insulting remarks on private lives, personal behaviors or physical peculiarities or disabilities to individuals," "derogatory remarks on the faith, caste or culture of individuals," "statements and slogan regarding actions which lead to violence". The Code made political parties accountable for adhering to these principles, requiring them to "make significant efforts to advise [their] followers on the above-mentioned standards of conduct" and to dissociate themselves publicly "from any kind of operation that [was] contrary to these principles," stressing that "there should be no reluctance to take part in the required action." [15]

In its narrative report on the Third General Elections in India, the Election Commission acknowledged the "usefulness" of the Model Code in the 1960 "hotly contested" election, and the decision it subsequently made to distribute the code to all recognized political parties and different governments, calling on them to ensure that all parties contesting elections adopt the code. A reading of the Election Commission's narrative reports indicates that the Election Commission restricted its position in enforcing the Model Code to obtain political parties' approval, enjoin and persuade them to comply with the requirements that the

political parties themselves had established and agreed to obey. However, the introduction of a more detailed code, which would contain specific provisions to curtail the ruling party's rights and powers, also seems to have been an underlying concern. These would largely relate to the use of official resources which offer an unfair advantage to the party in power during the election campaign. The 1974 Code was extensively revised by the Election Commission in October 1979, having earned the approval of all political parties for carrying out a revision of the Model Code [16]. At the other hand, it is also possible to define another set of criteria designed explicitly to ensure a level playing field between political parties, with the consequence that the party in control does not have forbids the use of official resources, including aircraft, equipment, machinery and workers, in "furthering the power party's interest." More specifically, it prohibits the announcement of new projects under welfare schemes and government programs and imposes restrictions on how the current project can be carried out 'by civil authorities and without the intervention of political officials and without any fanfare or ceremony whatsoever, so that no impression is given or generated that any commissioning has been carried out wisely [17]. It is in this sense that the date of entry into force of the Model Code of Conduct becomes relevant. It is from that date that the regulatory function of the Election Commission becomes important, and the power of the political executive is suspended, the government forming party can be bridged, and other political parties secured. It is therefore not surprising that the date of entry into force of the Model Code has been a matter of contention between the Election Commission and the political parties that make up the government [18].

The End Of Moral Consensus And Contest Over Legality

In 1968, the Model dress code was developed and subsequently updated in 1974 by the Electoral Commission with the political sections, which gave rise to a gradually emerging consensus on certain standards initially drawing up by politicians of Kerala until the elections of 1960. However, while the aspects of voluntariness and moral force associated with the Model Code were significant in the development of a political consensus on its desirability and appropriateness, there were tensions in that consensus that became evident in the late 1970s and appeared more prominently during and after the 1990s [15]. It should be remembered that the 1990s are also viewed as the time when the Election Commission came into being, owing to two interrelated changes that changed the nature of electoral politics during this era: a reconfiguration of the party system into a "competitive multi-party structure" followed by the "second democratic upsurge" that opened up spaces for marginal politics. And a steady decrease in confidence between the citizens in the electoral process and the politicians, with a proportionate rise in the legitimacy of non-elected public bodies such as the Election Commission and the Supreme Court. Consequently, in the 1990s, one sees a revival in the efforts of the Election Commission to reform electoral governance rules and procedures in a way that creates "a revolutionary confusion about authority."

This consolidation became an important part of the Model Code. Although maintaining procedural continuity in the electoral arena, it also made it possible to create support for greater engagement in the political field, triggering crucial mechanisms that led to the mobilization of new parties, disrupting existing power structures and creating new opportunities [19].

Over the last decades there has been a lot of political turmoil. The consequence was chaotic administration and dysfunctional policies, characteristic of a minority. The reasons to look for aren't far. The Westminster Model which we adopted, Works mainly for a small range of political parties. In the United States there are currently two major political parties. In India a vast array of political parties, however, has emerged at street level politicisation in tandem with a deeply divided society. They do not exist in each other in a separate philosophy or economic system, although on the basis of fostering for itself and its band of adherents a small parochial identification based largely on caste or religion. Even such advantages are not necessarily received by doing any good work for the national security concerns, but by mistreating others and turning one group against the other the all time..The subsequent split ballot made the formation of even a government and in Center nearly impossible for specific companies to take a workable majority. [2].

In order to achieve a working majority to form governments, sacrifices had to be made and any philosophy or notion of quality governance vanished from scene. This has had a really negative influence on the standard of government with many implications. There has been corruption, law and order, and control systems have been broken up or really lose. Any subsequent misgovernment harmed the average citizen. This has led to a debate of its own, with calls for limiting the number for political groups and independent candidates that can run for general elections. [16].

Since in India seldom a national movement has a single caste group in whole, in some cases it provides strong support for other politicians. In other cases, castes do not exist. And even though they're democratic parties that battle one another win caste classes on their behalf, caste groups also are trying, if the caste community is predominant, and this is just that much more popular among the political party, to encourage the parties to select its own representatives for election candidacy. For certain political party groups, it is not philosophical division but policy and initiative dedication and election of electoral candidates and the expansion of caste support. Caste, particularly in the lower level, rules the political environment. The consequence is also another crisis for the formation of minor parties and a lack of national vision & spirit. The candidates are selected in the appendices of caste, faith and culture rather than in terms of ability, abilities or merit. Caste is a distinguishing factor in selection. The "unity" principle is weakening in the form of full independence, caste politics and castism [20].

The establishment of India as a 'Secular State' follows a series of separate developments in various states and regions in India, post-independence politics, communalisms and religious fundamentalism. The Indian electoral process of pluralism, democratic and federalism, as opposed to multilateralisation, was undermined by communal polarisation.

Although the idea of secularism was embraced as a constitutional creed, which enables communal parties interestingly to compete, there is a rising issue towards socialism and fundamentalists in Indian politics every day. In a "secular," culture, the idea of tolerance has seemed to have totally vanished from the political arena of India. The complexities of the state and county policies are silent evidence of the so-called conflict over the previous decade. The socialist and the layman. The Bill (8th amendment bill) and the People's Representation (amendment) Bill 1993 was introduced by the minority government to unlink policies of imperialism, castism, languishes etc. Although the Constitution is a comprehensive amendment. In the last couple of years, caste and religion has appeared as meeting points for electoral support. Unfortunately, there is a propensity to play caste, religious feelings and field representatives in elections with such an eye examination for caste equations and group structures.

Very sharp erosion occurred in policy party ideological orientation. The rise of Indian "secular" states, post-independence politics, communalism and religious zealotry have led to a series of distinct movements of different countries and regions of India. In the wake of the nation's founding Mahatma Gandhi, whom have proposed a Congress Party, political developments in India have led to the appearance that governance is meaningless. In a "secular," culture, the idea of tolerance has seemed to have totally vanished from the political arena of India. The complexities of the state and county policies are silent evidence of the so-called conflict over the previous decade. The socialist and the layman. The Bill (8th amendment bill) and the People's Representation (amendment) Bill 1993 was introduced by the minority government to unlink policies of imperialism, castism, languishes etc. Although the Constitution is a comprehensive amendment.. Both the politicians and political parties involved in the process have lost their reputation, the ultimate meaning of which the masses should be tied. Politicians seem to have a moral problem because the structure does not support the truthful leader [22].

Coupled with falling morality in the country as well as between officials, criminalization of politics and politisation are becoming the law. Parties are in the political conflict just for sake of personal ends due to deterioration of leadership. Through major player tends to play a barred non-party in either a noble search for political leadership. Money & muscle power are main evils that pollute the mechanism and pollute the voters and encourage them to return to poor voting practices. This leads to a regression of conventional government policy values. Radical steps – Legislative bureaucratic but reform actions are needed to reverse the origin of the vitiate-consuming political cycle. The game could only be fair if another players are truthful and truthful to their heart. [22].

India's Model Code Of Conduct

Significantly, while the moral strength of the Model Code was gradually strengthened by its presentation by the electoral authorities as indispensable for the conduct of fair elections, this was also the time when the political consensus on the Model Code was broken due to the non-

compliance of the political parties, making it a gradually profound conflict between the political parties. Yet the contest's course can be seen as having its roots further backward when, in compliance with its constitutional mandate to supervise elections, the Election Commission claimed its duty to decide the rules regulating the conduct of the election game. While the history of the contest over the Model Code can be mapped as having unfolded over two large periods—the post-Emergency phase leading to the Election Commission's formulation of the Model Code in 1979; and the phase marked by the extension of the Election Commission's powers during the 1990s [23].

Although the 1990s have been described as the "activist" phase of the Election Commission, frequently associated with the assertive personalities of particular election commissars, the focus on the 1990s overshadows an earlier period of "activism" that can be traced to the post-emergency period and the general election of 1977. In this election, along with the posters with stenciled sketches of a farmer and plough, which was the emblem of the Janata Party, and the Congress graffiti of "Join Indira Gandhi — Vote Cow and Calf of the Congress Party" were the posters of the Election Commission exhorting the elector to vote fearlessly. The official poster created by the Election Commission, widely displayed throughout India, said, "Vote without fear—your vote is significant," and had a distinct anti-government ring. However, the entire procedure took the Election Commission into the public domain as an agency entrusted with the implementation of the constitutional mandate of "fair and free" elections. This was accentuated just before and after the Emergency, when the courts' reputation had been undermined by political interference into judicial decision-making [23].

It was also during this time that the Model Code underwent its transition from a "agreed collection of dos and don'ts" between political parties to a measure aimed at restricting the ruling party to minimize its electoral advantage. In an important observation, James Lyngdoh, India's CEC from 2001 to 2004, explains this transformation in terms of the model code being a tool for "pitching into the dominant party." The Election Commission assumed a position that was no longer limited to the even-handed dispensation of electoral competition laws, but one in which it was an involved participant and, like a pitcher in a baseball match, the electoral game initiator [24].

The critical significance that the Model Code assumed in Indian politics must be seen in the light of the paradox that exists in the Indian Constitution, where the autonomy of the electoral process is sought by placing a ban on intervention by the courts in electoral matters pursuant to Article 329, giving priority to the powers of the Parliament to legislate on them under the Articles Under Article 329(b) of the Constitution, a petition for elections may be made calling into question the representation of either the House of Parliament or the legislatures of the State; Until an authority, except as established by the applicable legislature. Therefore, while the various high courts and the Supreme Court may hear petitions for election, this power derives from and depends on appropriate legislation. It may be noted that while Chapter III of the Representation of the People Act (RPA) 1951 sets out elaborate procedures for the

trial of petitions for election, their disposal, definition of corrupt practices and electoral offenses etc [25].

When Does The “Special” Election Time Begin

A scholar former CEC lamented in a recent lecture in Hyderabad the Election Commission's lack of powers to act on election-related offenses after the Model Code of Conduct ceased to function. The surveillance under which the Election Commission places candidates during 'election time', particularly those belonging to the ruling party, is the most significant and contentious impact of the Model Code. The amount of time during which the Model Code takes place is important in this context. The problem of the exact date of the beginning and ending of the Model Code has created acrimonious debates between the political parties and the Election Commission, forcing political parties to resort to law courts to resolve the matter. Political parties have put their weight behind minimizing the length of the Model Code to the minimum practicable, questioning the significance of the word "beginning" of elections, which is the date the Code takes effect [26].

The Election Commission held that "start" means the day on which the Commission publishes the schedule of the election, and that day the Model Code comes into effect. Political forces around the gamut, in a remarkable spectacle of unity, along with the central and state governments, construe "beginning" to be the day on which a formal notice of the election is given by the president or governor following the declaration of the election by the electoral commission. The political parties have argued that the election announcement date is "not a statutorily accepted date," unlike notification of elections.' According to them, any dispute on "announcement" as the date on which the Model Code takes effect will leave the initiative entirely with the Election Commission, which could arbitrarily announce the election on any date far ahead of the start of the statutory process which began with the issue of the notification [27].

In connection with a bye-election to the Karnool parliamentary constituency in Andhra Pradesh, the dispute over the implementation of the Model Code was brought before the Supreme Court for resolution. The Election Commission released a press note on March 3, 1994 announcing that the bye-election election notice would be released on April 26, 1994. In accordance with this, it sent a message to the state government that the Model Code would enter into force on March 3, that is, the date on which the Election Commission declared the holding of the electoral district election. Nevertheless, it refrained from "expressing even a prima facie opinion on this dimension of the dispute." It is noteworthy that the court would have directed the parties' attention to the Model Code's disputed legality, and instead refrained from resolving it. More specifically, even as it reminded the parties concerned of their constitutional obligations to meet their respective duties with reciprocal respect. Nonetheless, while it seemed to remain a non-player in the electoral game, the Court opened up the possibility of becoming a significant player in the dispute by asking the Election Commission to approach the court for "directions" for legal action [28].

While the above written petition was pending before the Supreme Court, the Election Commission declared the schedule for the legislative elections to the Andhra Pradesh assembly. The Telugu Desam Party that was in opposition in the state filed a written petition before the Andhra Pradesh High Court asking the court to order the Congress Party headed state government not to implement any new schemes or intervention measures in infringement of the Model Code after the Election Commission declared the elections. Unlike the confusion and deferment observed in the different cases relating to the elections, the High Court of Punjab and Haryana upheld the stance of the Election Commission that it was entitled to take the required measures for the conduct of fair and free elections even before notification was given, that is, from the date of the announcement of the election itself, for the conduct of the elections [29].

Conclusion

Analyzing the "temporal properties" of "election time", this describes the "special patterns" of electoral politics, which separates it from other kinds of policies. These are represented by three temporal properties — periodicity, simultaneity, and finality — all representing universal sovereignty in interrelated ways. In a fascinating word, a law scholar describes how common sovereignty is not hardened by a reversal of power function that informs the special time of elections. The reversal of power arises from, through and through common sovereignty and constitutes the special time of election when usual government functions are suspended. Ironically, the suspension of normal power in election time and the establishment of conditions under which common sovereignty can be relieved occurs through its replacement by another type of power — which is the power of the Election Commission to determine, with full discretion, the time parameters of the election campaigns during which its special powers and the Model Code will be in force. However, what is noteworthy about the Model Code is that it has no constitutional or legal basis, the Parliament did not follow the Model Code. The Model Code's appeal to a higher moral order is constitutive of the Election Commission's higher authority, as well as the extraordinary powers deriving from it. Both political parties also view adoption of the values of the Model Code as having been a remarkable cooperative act of political integrity and collective ethics. In addition to the concept of voluntariness, the Model Code is seen as constitutive of a moral force emanating from normative considerations on how political parties can conduct themselves in a democratic process such as elections, in order to ensure fairness among all competing parties. In need of harnessing those in control, who obviously have the ability to improve themselves, the idea of justice is invoked. Before now, although the elements of morality and ethics associated with the Model Code cannot be ignored, the dimension of voluntarism as the correct form of compliance and the most frequently practiced mode of adherence should not be overemphasized. The recent elections to the assembly saw the Model Code being introduced to rein in influential political leaders such as various state chief ministers, and other leaders who later proposed that the Model Code be reviewed. Those developments suggest that the Model Code of Conduct is

likely to remain a matter of conflict between the political parties and the Indian Election Commission.

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