

CHAPTER – I

INTRODUCTION

India is the largest democratic country in the world. Democracy is a government of the people. It must reflect the genius the people, their hopes, aspirations, conflicts and way of life. Fair elections, freedom of thought, expression, freedom of press and independency of judiciary are the main pillars on which the edifice of democracy stands. Elections are the corner stone of democracy. They lie at the heart of the democratic process. It is based on the popular will. In fact, democracy is based on the active and intelligent interest of the people in their national affairs. The voters come in the picture during an election because it is through elections that sovereignty of the people is institutionalized and realized. The process of election is shouldered by the responsible executive authorities. It is quite obvious that these independent authorities are no exceptions for the political influences and power politics.

According to the New Standard Encyclopedia Election, the act of choosing officials and representatives by voting. Elections provide the chief means by which people express their will and make it effective. Democracy cannot exist without free and frequent elections.

The founding fathers had envisioned a socio-economic revolution that aimed to achieve unity and integrity of the nation, socialism, secularism and the development of the democratic values, adult franchise, regular elections and accountability of political leadership by the Constitution of India which they drafted. They had great faith in democratic values. They evolved and developed democratic institutions and practices, but soon an erosion of these institutions and the decline of the political process began as a consequence of the excess of populist and confrontational politics that began in the last quarter of the sixties. Today the normal political process has been grossly distorted. The political legitimacy and morality of political leadership is always suspected by the people. There is gross decline of democratic commitment and erosion of ethical values. Growing corruption, criminalization, conviction, repression and intimidation have gravely perverted the growth and development of democratic process'. Increasing

violence at the polls is promoting the loss of public faith in participatory democracy; the forcible seizure of booths, the stuffing of ballot boxes, the burning of vehicles, the manhandling of election staff, the free use of guns by armed goondas and murders are becoming common features of the electoral system.

India is facing political, economic and social problems of an unparalleled magnitude.' The people of the country have by now experimented and experienced repetitive changes of political parties, including multiparty governments' and each such experience has not been found satisfying the aspirations of the people. According to Shri N. A. Palkhivala "we should think of making some changes in our Constitutional law There are a number of changes in our Constitutional law which need to be effected to root out corruption and to prevent further degradation of our political life.. ... To my mind, the greatest danger facing India is that of disintegration³". Corrective measures in the form of Constitutional and Electoral Reforms have become imperative to face the situation. In such matters, generally, Governments are reactive and not proactive.

CHAPTER – II

PROBLEM STATEMENT

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India is the largest democratic country and with about 850 million recorded voters, it is the Participatory Democracy of the world. The Constitutional mandate of superintendence, control and directions of Elections to the State Legislative Assemblies and the parliament has been conferred on the Election Commission of India. As an independent Constitutional entity, the Election Commission of India has effectively conducted regular elections to the various state legislative assemblies and Parliament for the past 66 years in a free and fair, informed, Participative and credible manner. The Election Commission which has been at the forefront of embracing, adopting and implementing the latest technological advancements in promoting and fine-tuning the election systems and processes. However, the Election Commission has taken the ground-breaking project of initiating Electronic Voting Machine (EVM) for storing, recording and even counting of public votes across the breadth and length of the Country in a credible ,transparent and secure manner as well as backed by proper legal support. The Election Commission has successfully used Electronic Voting Machine (EVMs) in conducting 3 Lok Sabha Elections and even 113 Elections to the lower house of the state legislature over the last 23 years. However, the Electronic Voting machine (EVMs) is an electronic device, which is utilized to store votes in place of earlier voting system. The EVMs can be easily utilized by the Voters and polls employees. In Indian Elections the electronic voting machines (EVMs) used are globally known as Direct Recording that trace votes directly in electronic memory. The Electronic Voting Machines (EVMs) were developed by the electronics Corporation of India Limited (ECIL) and the Bharat Electronics Limited (BEL) and generally the foreign companies in Japan and US supplying microcontrollers and these companies are owned by the Indian government

CONTENTS

CHAPTER	TITLE	PAGE NO
1	EXECUTIVE SUMMARY	1-2
2	PROBLEM STATEMENT	3-6
3	THE STUDY	7-19
4	DATA ANALYSIS AND INTERPRETATION	20-34
5	FINDINGS, SUGGESTIONS & CONCLUSION	35-37
	BIBLIOGRAPHY	38
	ANNEXURE	39-42