

Introduction

The Election Commission of India (henceforth, the EC), shouldering the responsibility of conducting parliamentary and state elections in India, operates the colossal electoral machinery and also works towards social mobilisation that is aimed at deepening democracy. This constitutional institution works all year round, holding elections asynchronously at dual levels. This book looks at the EC and electoral practice in India in a time period spanning between 1990 (the year just before the 10th parliamentary elections of 1991) and 2019 (the year of the 17th parliamentary elections). It analyses the EC's relations and interactions with pivotal state institutions – namely the parliament, the Supreme Court (which along with the EC are constitutional institutions in India) and political parties – to modernise the electoral machinery and streamline democratic procedures. The book primarily puts forth the argument that besides the citizen voters, political parties, social groups and civil society, a crucial role is also played by the EC in consolidating the project of democracy through its work of supervising and conducting elections. In other words, through its regulatory role, the EC is as much involved in the project of democratisation as other institutions or individuals. The book also attempts a comparison between some aspects of the electoral machinery in India and those of a few other liberal democracies (through examples of electoral practice and administration from the United States [US], the United Kingdom [UK], South Africa, Japan and Canada) to highlight the role electoral institutions play in democratisation. This contrast also brings the EC's position and working in India into sharper relief and clarifies its sociopolitical situatedness in India.

Time Location

The year 1990 has been chosen as the starting point of the book because it precedes the 10th general elections, and it was around this time that the party system in India saw unprecedented fragmentation leading to an intense electoral competition. One saw a more actively participating EC that had to mediate the rising inter-party differences and squabbles. As I have argued earlier (Katju, 2006), it was at this time that the EC emerged as the fourth important institutional arrangement in the separation-of-powers model of the Indian political system, alongside the executive, the parliament and the judiciary that oversaw participatory politics. It became an institution which firmed up rules of the game and streamlined electoral procedures that contributed to democratisation. The book concludes its narrative around the year 2019 – the year of the 17th general elections – which saw the EC multifunctionally active as never before and accused of partisanship as never before. The EC had its hands full not only in conducting elections for over 900 million people but also in managing election disputes and several instances of violation of acceptable electoral conduct.

It was between 1990 and 1996 that T. N. Seshan served as the chief election commissioner (CEC) of India. During his tenure, the EC zealously took up the task of streamlining and ‘cleansing’ the electoral system and making it more rule-bound. This often brought forth allegations of unilateral and arbitrary conduct and put it at loggerheads with political parties and governments. Seshan’s ‘stern’, often obstinate, ways also put him at odds with the other members of the EC when it expanded to include two more members. But undeniably, from his term onwards, the EC grew into a more involved institution, a more ‘vocal’ referee and a more visible entity; its ‘activism’ received both admiration and criticism from political participants. Its functioning at this time projected the interconnections between larger structural transformations underway, where formal institutions played an important catalyst role and themselves underwent alterations. The EC moved in directions in which the Indian polity itself moved but also brought about a more procedurally streamlined electoral behaviour.

The role of the EC in successfully conducting elections in 2002 in Jammu and Kashmir (J&K) and Gujarat – rocked by violence at that point in time – was lauded. It received admiration for conducting elections in J&K – a first-hand account of which has been chronicled by the then CEC,

J. M. Lyngdoh himself (Lyngdoh, 2004). The EC also was able to conduct elections successfully in Gujarat – torn by majoritarian violence at that time. What is noteworthy is that the EC in these elections stood by those affected by violence and took steps that enabled them to vote freely and fearlessly. Thereafter, the electoral system came under much focus for its refereeing and regulatory role. Towards the latter end – that is, the year 2019 – the EC faced a barrage of criticisms of going soft on the ruling party, the Bharatiya Janata Party (BJP), and the prime minister, Narendra Modi, for violations of the electoral conduct. It was seen as being indifferent to the ruling party's excesses while being unduly harsh towards the opposition parties, inviting criticism that it had become a mouthpiece of those holding state office.

This time period of about 30 years gives one a fair idea about the issues and problems associated with democratic procedures and practice. It covers the EC's work in 8 general elections and 189 state assembly elections. It examines whether or not the EC and other state institutions in India transformed the understanding of 'appropriateness' (March and Olsen, 1984) in institutional life – reflecting the decisional choices for given situations and thus transforming the exchange between the institution and its environment.

The period from 1990 to 2019 saw 14 CECs in office, namely T. N. Seshan (1990–96), M. S. Gill (1996–2001), J. M. Lyngdoh (2001–04), T. S. Krishnamurthy (2004–05), B. B. Tandon (2005–06), N. Gopalswami (2006–09), Navin Chawla (2009–10), S. Y. Quraishi (2010–12), V. S. Sampath (2012–15), Harishankar Brahma (2015–15), Nasim Zaidi (2015–17), Achal Kumar Jyoti (2017–18), Om Prakash Rawat (2018–18) and Sunil Arora (2018–21).¹ They were drawn mainly from the civil services of India where they served long careers. The book highlights the working of the EC during the tenure of these CECs, but the focus is more on the institution and its metamorphosis rather than the individuals heading it. Useful reforms to the electoral machinery in India were enacted at this time through an emphasis on streamlining and modernising the electoral process and making it more voter-friendly. The reform process was accelerated in 2000–09, and hence the book cites more instances from this period. The working of the EC during this period also brought into spotlight its relation with the government and hence the question of the extent of its autonomy within a parliamentary system.

¹ The dates mentioned in parentheses stand for their tenure in office as CECs.

This period saw profound changes in both the electorate and state institutions in India. The country saw different governments in power in this duration – minority governments, big coalitional governments and absolute majority governments. These successive parliamentary regimes were led by the following leaders: Chandra Shekhar (leader of a breakaway faction of the Janata Dal), P. V. Narasimha Rao (Indian National Congress [INC]), Atal Bihari Vajpayee (BJP; became prime minister thrice), H. D. Deve Gowda (Janata Dal), Inder Kumar Gujral (Janata Dal), Manmohan Singh (INC; became prime minister twice) and the current prime minister, Narendra Modi (BJP; became prime minister twice at the time of writing). While the minority and coalition governments brought forth the tugs and pulls of balancing interests, both cultural and political, the absolute majority governments of the BJP saw a centralisation of governmental power and an ideology-centric regime performance. The work of the EC in these different types of regimes (minority, coalitional and absolute majority) displayed its myriad sides and innovative identity. The voting population as well as political parties grew in number and carried with them the influences of a growing formal education and new media technologies. Burgeoning urbanisation meant higher rates of rural-to-urban migrations. More states were carved out in the Indian union, and thus more state assemblies were added. All this meant a phenomenal expansion of the EC's work. The book, while engaging with these transformations, focuses on the interpretation, enforcement and reforming of election procedures by the EC in the vibrant setting of Indian politics.

A look at the relationship between formal institutions and mass politics is important to highlight how a democracy institutionalises itself in a context of growing politicisation and political articulations. The intensifying political competition and heightening political aspirations in India are visible in the rise in the number of voters, electoral candidates and political parties. It is also visible in the growing protests on diverse social and economic issues and the perceptive demands for social recognition and distributive justice in India. Meanwhile, the political pendulum has swung from a one-party dominant system to a coalitional system and back to a one-party dominant orientation, signifying the shifting political preferences between centred and decentred politics. The EC has conducted elections in this rough and tumble of politics, attempting in this tug of war to ensure a rule-bound polity which works in an accountable way. It is procedurally oriented to

safeguard democratic norms amidst pressures to conform and become pliant to the executive power.

State Institutions and the Study of Indian Politics

In India, state institutions and laws represent both continuity with the colonial past and a radical departure from it. This continuity, for instance, is reflected in the design of the administrative and police structures and procedures. Some of the punitive and penal laws that were framed in the 19th century by the colonial state are intact even after several years of gaining independence from British rule. A marked break from the colonial past, on the other hand, is displayed in the principles incorporated in the preamble to the Constitution independent India. Individual rights delineated in part three of the Constitution are another example of repudiation of the colonial laws and paving a way for a new beginning. The EC also represents a break from the colonial past in the sense of representing an elaborate administrative machinery to actualise universal adult franchise in the vast Indian political arena.

Studies on the EC filled up the lacuna within institutional studies that gained from a look at institutions which were neither law-making nor judicial but occupied a space that was regulatory and procedural (more on these studies later in this section). Governmental structures and constitutional provisions – that is, the institutional field – found a prominent place in the scholarship on Indian politics in the 1960s. Institutional studies, however, were replaced by research on social and cultural aspects of politics from the 1970s. Movements, demands, strife, social stratification, interests and public opinion were thereafter regarded as the real forces that shaped politics and thus as the real objects of study. Focus moved from institutions to these social forces as it is here that the transformative potential of a polity wrought by social rigidities was seen to lie, and the study of these was considered important to understand Indian politics.

From the early 2000s, however, there was a renewed interest in state institutions in India, leading to valuable insights on their nature and normative standing. The rich corpus of literature highlighted the significance of institutional structures and institutional design in shaping Indian politics and democracy. It was gradually recognised that politics was influenced

by an institutional ecosystem, the legal–procedural framework and inter-institutional tussles, and that there was a need to understand institutions in deeper ways than merely as pieces of lifeless machinery set up to accomplish neatly cut-out tasks.

Institutions thus re-entered the ambit of research. The Constitution of India, the presidency, the parliament, the EC, the Supreme Court, the bureaucracy and the financial institutions underwent scholarly probes (for instance, in the works of Rudolph and Rudolph, 2001; Mathur, 2001; Mehra and Kueck, 2003; Hasan, Sridharan and Sudarshan, 2004; Kirpal et al., 2004; Manor, 2005). These evaluative studies highlighted the institutional dynamics at work not only in the functioning and shaping of democracy in India but also in the fulfilment of developmental needs of a struggling economy. They assessed the working of state institutions and their role in fortifying democracy and showcased the institutional experience amidst the intricate web of colonial legacies, politics, laws and executive power. They probed whether institutions fulfilled popular expectations of institutional functioning. This academic attention continued in the second half of the 2000s (Katju, 2006, 2009; Kapur and Mehta, 2007; R. Bhargava, 2008; Shankar, 2009) and extended to the next decade (Shankar and Rodrigues, 2011; Quraishi, 2014; Katju, 2016; Kapur, Mehta and Vaishnav, 2017; De, 2018; Singh and Roy, 2019; Pai, 2020, and so on). Institutional inputs to and disjunctions from democratic functioning and egalitarian visions eventually became a significant part of scholarly attention. The literature drove home the point that ‘... a neglect of institutions in their own right seriously impedes a proper understanding of Indian society and politics’ (Kapur and Mehta, 2007: 3). The studies focused on the nature of and moral vision driving state institutions as well as their capacity to adapt to the socio-economic transformations that India witnessed. The literature also looked at the different aspects of institutional restructuring and change. Exploration of institutional performance in India for over two decades brought forth conclusions that public institutions had not matched with social transformations and there were ‘strong headwinds of deep institutional malaise’ (Kapur, Mehta and Vaishnav, 2017: 1) that were stalling ‘the quality-of-life gains of growth’ (Kapur, Mehta and Vaishnav, 2017: 3).

This re-look at state institutions was facilitated to a large extent by debates in the late 1980s and 1990s on the design of the institutional structure best suited to the Indian polity and doubts raised mainly by the political right wing about the validity of certain constitutional values and

tenets forming the core of the Indian state. Questions were raised about the authenticity of these foundational ideas. This political contestation led to questions, for instance, about constitutional principles like secularism, religious freedom and individual liberties, which were seen by some to be superfluous in a society beset with values of 'eternal tolerance' that resided in the majority community. Some also expressed opinions that extolled the virtues and soundness of the presidential system and its advantages over a parliamentary system in a country beset with diversity. The presidential system with its supposed 'efficient', 'quick' and 'decisive' qualities was and continues to be seen by many as a more effective system of rule as compared to the parliamentary system with its supposed quality of taking 'everybody along' at all times and going back and forth between institutions for arriving at decisions and thus demonstrating its supposed innate lethargy.

At the turn of the century, there existed a political opinion led by the first National Democratic Alliance (NDA) government under prime minister Atal Bihari Vajpayee that favoured a 'review' of the Constitution of India. Those who opposed this argued that it was not the Constitution which needed an overhauling but those who steered it needed to be more sensitive to constitutional values – that it was the lawmakers who needed a reorientation rather than the document. There was a divergence of views which was clearly visible – for instance, between the party, the BJP, that led the NDA government (1999–2004) and the then president of India, K. R. Narayanan – over the issue of review of the Constitution (see Muralidharan and Venkatesan, 2000). President Narayanan said, '[T]oday when there is so much talk about revising the Constitution or even writing a new Constitution, we have to consider whether it is the Constitution that has failed us or whether it is we who have failed the Constitution' (Murlidharan and Venkatesan, 2000).

These debates were reminiscent of the 'basic structure' debate in the 1960s that discussed whether or not there were certain values of the Constitution that were sacrosanct to democracy and could not be changed or expunged by the parliament in the interest of the people. Studies on the Constitution that were published subsequently (Hasan, Sridharan and Sudarshan, 2004; R. Bhargava, 2008) addressed some of the issues and emphasised the necessity of having Constitutions to restrict the excessive power of modern states that could turn tyrannical (R. Bhargava, 2008). Studies also brought out the way the Constitution, from the very beginning, played a role in transforming lives of ordinary people and thus was firmly rooted in the popular ethos (De,

2018). This was the resurgence of institutional studies within the discipline of political science in India.

Published studies on the EC by academics, judicial practitioners and former CECs enhanced the analytical corpus of institutional studies. While adding to a previously neglected area of research, these studies stressed the importance of the EC within the institutional ecosystem and as a differential structural facet of the state. Scholars highlighted the location of the EC as a depository of rules and regulations which made democratic participation possible and within which democratic assertions took place (Rudolph and Rudolph, 2001; U. K. Singh, 2004). Through its regulatory function, the EC defined democracy. Its presence and interventions were viewed as vital to the smooth running of the democratic project at a time when trust in legislative institutions had ebbed considerably (Rudolph and Rudolph, 2001; U. K. Singh, 2004). Similarly, it was argued that while politics was deepening in India, the need for institutional safeguards for democratic norms had assumed a crucial importance (Katju, 2006). Among political parties, the Communist Party of India (Marxist) (CPI[M]) asked for a thorough accountability of the EC that could lead to a more transparent and objective conduct (CPI[M], 2006). It was stressed that the EC as a referee must be above suspicion and its appointment procedure itself needs to be reformed (Panchu, 2009; Katju, 2009).

Former CEC J. M. Lyngdoh (2004), through a bird's-eye view of the 2002 J&K elections, underscored the crucial position of the EC as an impartial referee. Former CECs T. S. Krishnamurthy (2008) and S. Y. Quraishi (2014) highlighted the design and working of the electoral machinery with its strengths and flaws. They documented the importance of an election and the electoral procedure to the functioning of democracy in India (Murthy, 2008) and gave a glimpse into the finer points of the working of the electoral apparatus (Quraishi, 2014). What came on board was a previously neglected area of electoral management and administration (Quraishi, 2014). This knowledge base grew with studies highlighting reformatory laws, field experience, voters' perspectives, citizenship perceptions and normative standing of the EC in a democratic set-up (Damore et al., 2012; R. Sen, 2012; A. Roy, 2012; Katju, 2013, 2016; Singh and Roy, 2019; Quraishi, 2019). Scholars highlighted the 'paradoxical location' of the EC in the institutional field – its placement in the 'domain of the state' but functioning 'by the logic of democracy' (Singh and Roy, 2019: 7). This book continues the engagement with questions of institutional structures and politics by focusing on the EC's

influence on political behaviour. It locates the EC both in the institutional grid of Indian democracy as well as in the larger political field of a multi-party competitive system, and thus attempts to draw out the causality that characterises these relationships.

The Frame and Methodology

The book is located in the realm of new institutionalism. Specifically, it comes within 'normative institutionalism' that foregrounds the need to look afresh at the relationship between formal institutions and political behaviour as it contends that institutional design plays a crucial role in shaping political preferences and not just the other way round. It foregrounds the agency of institutions and steps away from viewing institutions as mere derivatives of social action. Resisting the behavioural pull towards determinateness of social phenomena, it contends that explorations of the political need to recognise the agenda-setting potential of the state and state institutions to come up with a better understanding of how politics is going to unfold in the future. It argues against the claim that individuals always act autonomously, set the menu of political choices and make institutions move in preset directions.

Social science scholars James March and Johan Olsen point out that political theories largely saw '... causal links between society and polity as running from the former to the latter, rather than the other way round' (March and Olsen, 1984: 735). It was assumed that 'class, geography, climate, ethnicity, language, culture, economic conditions, demography, technology, ideology, and religion all affect politics but are not significantly affected by politics' (March and Olsen, 1984: 735). However, the unease with the finality of socio-economic causal explanations as also the method-fetish brought about a dissatisfaction with the behaviouralist perspectives. Ignoring the state as the builder of a normative purpose and setting the course of history was also considered as presenting an incomplete picture of politics.

In the 1980s, a re-look at the state or state institutions to understand political life was emphasised by March and Olsen (1984, 1989) and Evans, Rueschemeyer and Skocpol (1985), among others. March and Olsen (1984: 738; 1989: 17) argued that political democracy is a function of not only the economic and social conditions but also the design of political institutions. Evans, Rueschemeyer and Skocpol (1985: 5) argued that various changes after World War II, like the growing macroeconomic management by national

governments and the birth of several new nations which wanted to follow their own political destiny rather than replicating the Western liberal democratic pattern, brought states into the picture, and they began to be seen as 'society-shaping institutional structures'. These scholars underscored the importance of the state and state institutions as laying down legal imperatives that constituted social phenomena. They viewed the state and state institutions as political actors that paved the course of history and transformed societal values through a stable and predictable procedural repertoire. The compendium of the standard operating procedures in the state and state institutions gives them a futuristic character that moulded behaviour.

This 'returning' to institutions in the US was brought about in part by the 'Vietnam and Watergate experiences, each involving arguable abuses of executive authority' (Blumstein 1981: 130). There were other instances of centralisation of authority and threats to individual liberty, which necessitated a look at institutions (Blumstein 1981: 130). March and Olsen (1984: 738) called the renewed interest in institutions (which even came up in economics and sociology) 'the new institutionalism' which blended 'elements of an old institutionalism into the non-institutionalist styles in recent theories of politics'. According to them, the new institutionalism insisted on a more autonomous role for political institutions but without rejecting the importance of social factors and individual motives to political action (March and Olsen 1984: 738). The attempts of 'neoinstitutionalists' to build a sounder theoretical foundation for institutional studies brought to it the analysis of informal structures. Social norms, values and beliefs as reflected in individual and group behaviour came within the institutional research radar. What came to be accepted was that political institutions shaped society and were shaped by society; that institutions constrain behaviour that made the attainment of collective goals possible but also worked within the universe of social norms and values. The neo-institutional scholarship emphasised that institutions were regularly interacting with their social environments that produced and reproduced politics of a certain kind.

The overarching presence and role of the state in post-colonial and struggling economies, which was much evident in the unfolding contemporary histories, brought forth the realisation that to understand politics, the state and institutional perspectives cannot be totally expunged. The post-colonial societies looked upon the state for chalking out developmental paths and even rights issues. The state operated with not only coercive power but also enormous resources at its command and a wide unparalleled

social reach. Though the state began to withdraw from many areas with the onset of globalisation and economic reforms, like in India in the 1990s, its importance 'as the chief regulator, facilitator, arbiter, and even allocator of resources for society as a whole by no means diminished' (P. Chatterjee, 2011: 13). Its commanding position made it decisive for ways to work out social change. As such, it was not only influencing but also shaping people's lives and relationships. In such a situation, the state and its institutions had to be brought centre stage to explain social processes. Their causal power had to be recognised and probed to understand social structures and change. As portrayers of value and power, institutions advanced a set of social concerns which moulded societies at particular junctures.

The book situates itself here and, while not discounting the causality of socio-economic conditions, emphasises institutional influences on social behaviour. It underscores the causal influences of institutional structures on social conditioning. Institutions 'behave' in a certain way, and their decisions have long-term implications for political culture; they chalk out the path of political functioning over the long term. They lay out the pathways of 'appropriateness' which defines the way individuals and groups act. Institutions in this way can be categorised as 'political actors in their own right' (March and Olsen, 1984: 738) just like individuals or groups. As such, they have a claim over coherence and autonomy, which means that they take coherent decisions and 'affect the flow of history' (March and Olsen 1984: 739). Political institutions might be affected by external events and forces and also represent some collective interest or intention, but they influence how one looks at policies and decisions (March and Olsen 1984: 739). March and Olsen (2005: 8) argue that political actors conduct themselves in accordance with rules and practices that are 'socially constructed, publicly known, anticipated and accepted'. Institutions are not static, and institutionalisation is not a unidirectional or irreversible process; however, institutions cannot be changed arbitrarily (March and Olsen, 2005: 9).

This book builds on the thesis of March and Olsen (1984, 1989, 2005) mentioned earlier and tries to understand the interplay of state institutions and Indian politics through the conceptual frame provided by them. It looks at the electoral administration as a builder of a more informed and choice-oriented citizen voter. It argues that institutions are repositories of political experience, memories, conventions and power play, and they influence political behaviour in significant ways. It views state institutions as political actors that are constructs of history but also affect how events of history

unfold. The layering of diverse experiences in state institutions gives them a binding force that impacts political praxis. In India, constitutional institutions were designed to usher in an era of modernisation and secularisation where the government ruled by law and set procedures. They aimed to integrate and uplift a diverse polity and imbue it with ideas of citizenship enveloped in plurality and individual freedoms.

By giving the EC the responsibility of conducting elections, the book tries to argue that the makers of the Constitution of India attempted to institutionalise equality of participation and a deeper involvement of people in state politics. The idea was to create an institution that would universalise free and fair choice, make the system participatory and carry forward the project of democracy while also consolidating it. The EC in this role was visualised as an equaliser with the responsibility of strengthening a participatory democracy, advancing the values of 'citizen involvement', 'political choice', 'procedural compliance' and 'rule conformity' in a county beset with socio-economic inequalities and development deficit.

The book focuses on formal state institutions, inter-institutional linkage and interactions between institutions and political actors over streamlining the election process as well as interpreting and enforcing rules of electoral competition. It looks at the impact of institutions on political practice and at the endeavours of political actors and regimes to influence institutional functioning in the direction that favours them. In this endeavour, it specifically focuses on the EC and its interactions with the parliament, the Supreme Court and political parties – the institutions which constitute the Indian state and also restrain the government of the day from acting arbitrarily. It argues that by making efforts towards social mobilisation, a more regulated electoral system, electoral transparency and participation, and a more responsive electoral administration, the EC has been an institution that has contributed in its specific ways to the making of a more participatory political culture. Also, in its interaction with the law-making, law-adjudicating and representative institutions, the EC determines the nature of participatory politics through its presence in the institutional ecosystem and its steering of the electoral administration.

The arguments and analysis in this book are based on diverse written and oral sources. For an insight into the constitutional nature of the EC, the book bases itself on the Constituent Assembly Debates (CADs), constitutional provisions, reports of official and unofficial committees, parliamentary decisions and published studies on the EC. To understand the EC's

ground-level work, the book draws on published accounts of former CECs, news reports on elections, interviews with some former CECs or election commissioners (ECRs) and electorally active members of civil society. These accounts and commentaries of first-hand experience form an informative resource to understand the colossal machinery that the EC operates. To comprehend the legal trajectory of electoral praxis in India, the book focuses on the Constitution, parliamentary legislation, court judgements and the EC's orders. For information on the changes in the electoral procedures and institutional make-up, the book relies on official reports, interviews (of those mentioned earlier in this paragraph), books, journals and press commentaries.

Interviews for this study were carried out between 2017 and 2020. COVID-19 compulsions meant that some interviews had to be carried out on the phone and via email. The website of the EC was an extremely helpful source as were the online portals and websites of leading national and international dailies together with some judicial law websites. To discuss the international experience on elections, the official websites of electoral commissions of a few countries were referred to as were also news reports regarding changes in electoral law there. The political context of this research has been the overwhelming popularity of Hindu nationalism in India and the BJP's parliamentary victories of 2014 and 2019. These BJP regimes have been unapologetic about their Hindu majoritarian make-up and promotion of an ethnicised politics that is antithetical to the secular and civic nature of Indian democracy. Contemporary India under these regimes has become a place where the notion of citizenship is being redefined around Hindu-centric ideas of nationalism.

In these particular contextual and methodological frames, the book attempts to showcase the EC's agency (with close interaction with the parliament, the Supreme Court and civil society) to bring about a more citizen-oriented and rule-bound electoral competition. It highlights how the EC itself has metamorphosed to respond to transformations in the Indian political terrain. Differences between state institutions have often arisen, which is an innate part of democratic functioning, and this has influenced administrative action and government decisions. Executive and authoritarian pressures that occasionally come up alter the course of action and redraw institutional boundaries, which disturb inter-institutional equilibrium and the separation-of-powers formula of democracies. In contemporary India, the rise of a much more centralised government has had an effect on institutional autonomy, including that of the EC. A powerful executive usually attempts

to extend its sphere of influence and contract the space for institutional self-direction. The EC has been affected by this. The book aims to focus on these themes to underscore the impact of this interaction on democratic practice in the time period between 1990 and the parliamentary elections of 2019.

The Election Commission's Growing Tasks

The EC's work over the years has considerably expanded. In a parliamentary system, elections to the parliament and state assemblies are asynchronous, and bypolls (elections for seats which have fallen vacant due to the death, resignation or disqualification of a legislator) have to be conducted too, which keeps the country in election mode all the time. This keeps the EC occupied for most times of the year. As stated earlier, the expansion of political awareness and a greater involvement in politics of Indians have raised the number of parties, contestants and voters, which has added to the work. In this ever-increasing competitive political arena, safeguarding democracy and maintaining rule of law is a serious responsibility which can both establish or enfeeble the legitimacy of and trust in the EC. The EC's work of mobilising voters, conducting a safe election, handling election violence, reducing ruling parties' excesses and curbing money and muscle power are daunting tasks that need to be conducted with a hands-on approach.

The EC and the Supreme Court stand for rule enforcement and arbitration, while the parliament, through elected political representatives and parties, represents rule-making through popular will. The first two stand, at least in theory, above partisanship and prejudice and represent ideological neutrality, while the third represents the partisan or sectional point of view or is set in an ideological mould which can be both singular or competing. Besides dispensing their own functions, these three constitutional institutions are designed to check each other and the executive from abusing power and trampling upon the constitutional rights of citizens. A separation of powers and responsibilities defines their relationship.

A study of the EC's functioning, as also its interactions with other constitutional institutions, assumes importance at such a juncture when India's experiment with democratic praxis has been viewed as largely successful but carrying with it some worrisome trends like ethno-majoritarianism, populist-authoritarianism, curbs on freedom of speech and expression often in the name of 'nationalism', and continued instances of anti-minority, caste and

gender violence. The procedural successes of Indian democracy have gone together with muscular nationalism and militant majoritarianism that have laid the groundwork for religion-based ideas of citizenship. These happenings are bothersome and put a question mark on the 'great' Indian democratic experiment. Concerns have been expressed on the erosion of civic ideas of citizenship and all-encompassing nationalism over the last two parliamentary election cycles. In this context, one needs to ask: Has the institutional design advanced democratic practices? Given the social inequalities, how even-handed or non-partisan has institutional conduct in India been? How do institutions deal with the authoritarian impulses of the regime? How inclusive are the institutions when it comes to policy formulation? What is the tendency among elected representatives towards institutional norms? And how do institutions regulate democratic functioning? Questions about the substantive aspect include: How have the underprivileged fared in the Indian democratic state? How well have the goals of equality and justice been handled by the democratic regime? Has the state been able to contain majoritarian violence on the underprivileged and religious minorities? And how far have the fundamental freedoms of citizens been effective and been able to meaningfully safeguard democratic practice?

Answers to these questions reveal the extent of institutionalisation of democracy itself. While democracy reflects popular struggles and demands, it is also about institutional design, norms and rules. The latter have to be probed to understand the directions Indian democracy has traversed. A firmly institutionalised democracy is able to handle political arbitrariness and domination with deftness and curb it on time so that democratic norms are not trampled upon and voices of opposition not silenced by the incumbent regime and the socially dominant sections of society. This book focuses on the procedural side of democracy and tries to answer some questions stated previously about institutions. It deals with formal institutions, their functioning in their institutional fields and their interaction with mass politics in contemporary times.

Chapter Themes

Elections in India have been crucial to shaping the democratic project. Popular participation in elections at the central, state and local levels demonstrates that this participatory exercise is celebratory and has been

nurtured by the Indian polity over the years. Political parties interact most closely with the electorate during elections. This is the time when promises are made, demands articulated, *yatras* (tours by an official or members of a political party, movement, and so on) done and roadshows held. People choose their representatives by exercising their franchise in multiparty elections, and their participation rests on a well-run electoral administration. The book, as stated earlier, looks at the EC and its impact on the nature and processes of democratisation in India through its 10 chapters.

The following (second) chapter looks at the main theorisation on institutions and the processes of institutionalisation to locate this study of the EC in the larger framework of institutional studies. It discusses the different standpoints on how institutions have emerged and evolved and their role in sculpting a political system. The scholarship on institutions foregrounds the role they play in moulding political attitudes in decisive ways and how they are themselves influenced by the cross-currents of social value systems. The chapter, through a discussion on the theorisation on institutions, tries to grapple with the question of the place of institutions and institutionalisation in a liberal democracy.

The third chapter discusses the context in which the EC functions. The growing politicisation manifest in the expansion of voter participation and party fragmentation has prepared a ground for the EC to become an active regulatory body in the political landscape of India. This expanded role of the EC often leads to differences between itself and the executive and the legislature. Here civil society and the judiciary make their own interventions, and this dynamic shapes the character of the institutional ecosystem. In pursuit of populist politics, the ruling parties at times infringe laws that bring about action from the EC. The rise in violation of the electoral consensus and election procedures, which has popularly been conceptualised as 'criminalisation' of politics, has brought forth calls for electoral reform. In the last few decades, the political culture of the country has seen the moral image of political leadership at an unprecedented low, which has strengthened the hands of adjudicatory and regulatory institutions as never before.

The fourth chapter looks at the functioning of the EC from the early 1990s. It also discusses the working and changes the EC underwent during the tenure of various ECs. The EC's relations with the parliament and the Supreme Court are also discussed in relation to its changing nature. Some decisive reform measures taken by the EC under CECs T. N. Seshan, M. S. Gill, J. M. Lyngdoh, T. S. Krishnamurthy, S. Y. Qurashi, V. S. Sampath

and Nasim Zaidi, among others, form the focus of this chapter. The fifth chapter focuses on the actual event of elections to highlight the management techniques used by the EC. An election in real time brings up several crucial issues of institutional performance. In India, the working of the electoral rules and laws displays the level of institutionalisation of rule-bound democratic practice. In this context, the interface between the EC and the political parties during the polls forms the subject matter of this chapter.

The sixth chapter looks at voters' rights (disclosures by candidates, none of the above [NOTA], right to recall, lowering of voting age) and interventions by the Supreme Court, the EC and the parliament to strengthen them. Pressures from voters to streamline political behaviour has been an important aspect of electoral practice in India in recent years. This feedback prompted the judiciary and the EC to take decisive steps to strengthen voters' interests. The seventh chapter discusses the issue of election violence and the way it has been conceptualised in research literature. It gives a brief historical sketch of this violence and its changing nature in India. The EC played an important role to curb this violence through legal means. It carried out the modernisation of the election machinery and used technology to reduce violence. The chapter discusses some of these reforms.

The eighth chapter discusses the matters of election campaign finance and spending and also underlines the debates on the same. It elaborates the relation between resources and winnability in an Indian election. The role of the EC, the Supreme Court and the parliament to streamline election finance and the challenges they have faced are highlighted here. The role of civil society to bring about reforms regarding campaign funding is also discussed in this chapter.

The ninth chapter discusses the crucial work of the EC for voter awareness and popular mobilisation. It discusses the multifarious efforts of the EC to generate an enthusiasm among people about voting. From updating the electoral rolls to easing the registration processes and spreading knowledge about elections, the EC has worked on initiatives to expand the number of voters visiting the polling booths and casting their vote. The chapter looks at some of these issues and assesses the successes of the EC in carrying out these tasks.

The final (tenth) chapter sums up the book by highlighting the relationship between state institutions and democracy. From the early 1990s, the regulatory role of the EC changed the way political actors conducted themselves in the electoral arena. The electoral space itself became more

rule-bound. The EC streamlined and contributed to the making of political behaviour, which shaped India's political culture. The infusion of procedural clarity and steadfastness, the enthusiasm to modernise and update, the efforts to expand choices and bring about transparency were the crucial ways in which this constitutional institution attempted to reconfigure and rationalise behaviour in the electoral field. Despite aberrations like the role of big money, overwhelming executive authority, downscaling of institutional autonomy and populist politics, a way was paved for a more modernised and information-driven participation in Indian electoral democracy.