

Unraveling The Role Of The West Bengal State Election Commission: Power, Functions, And Challenges

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Abstract:

The Election Commission undertakes and completes the duty of conducting all the processes of the election system in India in a free, fair, and transparent manner. To facilitate the administration of the election system of the center and each state of India, as per the Constitution, the Election Commission is mainly divided into two parts- the Election Commission of India (ECI) and the State Election Commission. Through the 73rd and 74th Constitutional Amendment Acts of 1992, the three-tier Panchayati Raj System and the Municipal System were introduced in every state of the country, mainly through the formation of the West Bengal State Election Commission in 1994. Its main function is to conduct the electoral system at the Panchayat and Municipal levels in a free, fair, transparent, and impartial manner. The West Bengal State Election Commission (WBSEC) is an independent and impartial body recognized by the Constitution. Its role and importance in elections are immense, which helps sustain the democratic system of state politics.

Keywords: Democracy, Electoral System, Neutrality, Local self-government, Three-tier Panchayat.

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I. Introduction

The election is one of the most important elements in maintaining a healthy democracy in a democratic state. The Election Commission is responsible for conducting this election process in a free, fair, and impartial manner (Basu, 2015). In a vast democracy like India the number of voters is many times more than in any other country in the world, in such a large state with such a large population it is not very easy to conduct the election process on time. The Election Commission of India and the State Election Commission of each state are responsible for this. The Election Commission of India and the State Election Commission of each state are responsible for all aspects of the electoral process, from adult voters' list (18 years) to submission of nomination papers and publication of election results. In a word, the Election Commission carries all the responsibilities of the election process before and after the election.

II. The Election Commission Of India And The State Election Commission (S)

According to the Constitution of India, the Election Commission is divided into two parts- the Election Commission of India and the State Election Commission (s).

Election Commission of India

There is much discussion about the Election Commission of India as per Part XV, Articles 324-329 of the Constitution. The Election Commission of India supervises, directs, and controls the election of the President, Vice-President, Lok Sabha, and State Assembly (Basu, 2015).

State Election Commission (s)

According to the Constitution of India, Part IX, Article 243K, and Part IXA, Article 243ZA the State Election Commission performs the duties and responsibilities of all types of elections in the Three-tier Panchayati Raj System and the Municipal System.

The State Election Commission supervises, directs, controls, and the duties and responsibilities of the elections of the three-tier panchayat system as per Part IX, Article 243K of the Constitution. Similarly, according to Part IXA, Article 243ZA of the Constitution, the municipal system performs all the duties and responsibilities of elections.

III. 73rd And 74th Constitutional Amendment Act,1992

Gram Panchayat organization is mentioned in Article 40 of Part IV of the Indian Constitution. It says that every State in India shall provide its Gram Panchayats with the necessary powers and authority to organize and function as local self-government units. The result of which the 73rd and 74th Constitutional Amendment Act came into force. In December 1992, the Indian Parliament passed the 73rd and 74th Constitution Amendment Bills. The 73rd Constitutional Amendment Act came into force on 24 April 1993 and the 74th Constitutional Amendment Act on 1 June 1993 in the same year. As a result, two new Parts IX and IX-A were added to the Constitution Part IX- "The Panchayats" and Part IXA- "The Municipalities" came to be known. As a result, in every state of the country, the rural local self-government system i.e., the three-tier Panchayet Raj System and the Urban Local Government or Municipal Government gained constitutional power and status. It replaced the State Election Commission in every state of India.

IV. The West Bengal State Election Commission Act,1994

An outline of the West Bengal State Election Commission Act, 1994 was first published in the Calcutta Gazette Extraordinary on 22 March 1994 with the consent of the then Governor of West Bengal K.V Raghunathan Reddy. It states that the State Election Commission of West Bengal will be responsible for all matters from preparing adult citizen voter lists to its supervision, direction, control, and management for local self-government i.e., three-tier Panchayati Raj System and Municipalities elections. As the State Election Commission will take over all the electoral responsibilities of the Panchayats and Municipalities, several rules and regulations are introduced and implemented in this regard.

V. The West Bengal State Election Commission

Article 243K of the Indian Constitution deals with the State Election Commission in detail for each state, naturally the same rules apply to the state of West Bengal. According to Article 243K of the Constitution, the State Election Commission shall undertake all the responsibilities of preparing, supervising, directing, controlling, and conducting the electoral role of the panchayat system (Gram Panchayat, Panchayat Samiti and Zilla Parishad) for all types of elections. Similarly, according to Article 243ZA of the Constitution, the State Election Commission will bear the responsibility for all the elections of Municipalities (Municipal Corporations, Municipalities, and Notified Areas).

According to Article 243K (1) of the Constitution, the Governor of West Bengal will appoint the State Election Commission (which is a Single Member Commission.) The State Election Commissioner shall be the head of the Commission. It shall be an independent and responsible person among such members and staff as may be required by the law of the State Government. The appointment of state election commissioner appointed by the Governor of the state has to fulfill certain qualifications, rules, and regulations-

- i. The person concerned must be an Indian citizen.
- ii. To hold the post of State Election Commissioner, the person concerned should have at least 25 years of experience in the Central or concerned State Civil Service posts.
- iii. He/she shall continue in office for 6 years from the date of his assumption of office. But in this case, it should be specially noted that if he attains the age of 65 years before the completion of his tenure, he/she has to retire from the concerned path. It is further conditional that the recruitment process should be completed within two months for the vacant posts.
- iv. Every person holding the post of State Election Commissioner shall be entitled to subscribe to General Provident Fund.
- v. The State Election Commissioner will get the same salary, allowances, privileges, etc. as a High Court Judge.

VI. Power And Functions Of WBSEC

The State Election Commission of West Bengal is an independent and permanent body recognized by the Constitution, it exercises all the powers and functions of State Panchayat and Municipal elections. However, in this case, the Election Commission has to work by "The West Bengal Panchayat Elections Act, 1973", "The West Bengal Panchayat Elections Act, 2003" and "The West Bengal Municipal Elections Act, 1994". The powers and functions exercised by the State Election Commission of West Bengal are-

- I. Preparation of voter list of all adult (18 years) and above citizens and addition or deletion i.e. updating it from time to time.
- II. Three-tier Panchayat system i.e. Gram Panchayat, Panchayat Samiti, and Zilla Parishad, and completing the electoral process at all levels of Municipalities.
- III. Issuance of notification and fixing of schedule for election.
- IV. Fixing the deadline for filing and withdrawing nomination papers of contesting candidates.
- V. Informing the public by publishing the list of election-contesting candidates.

- VI. Undertake various educational initiatives to increase voter awareness among the public, voter participation, and understanding of the electoral process.
- VII. Making candidates, political parties, and other stakeholders aware of the Model Code of Conduct (MCC) during elections. So that they act with due regard to campaign activities, election expenditure limits, and other ethical norms.
- VIII. Appointment of other election officers like Returning Officer, Presiding Officer, and Polling Officer to supervise the conduct of the election.
- IX. To settle various election-related disputes and arrange for re-election (if necessary) in the disturbed polling stations.
- X. At the end of the polling process, counting of votes, publication of results, announcement of the names of the winning candidates, issuance of certificates, etc.

XI. Role Of The West Bengal State Election Commission

According to the official website of the West Bengal State Election Commission, currently, there are 20 Zilla Parishads and 1 Mahakuma Parishad, 825 Zilla Parishad Constituencies covering 9240 Panchayats and 341 Panchayat Samiti constituencies and 48751 Gram Panchayat constituencies in the three-tier panchayat system. There are 7 Municipal Corporations and 119 Municipalities in the municipal area and the West Bengal State Election Commission has to play its role in such a wide area (WBSEC, 2024).

According to Section 6 (1) of the West Bengal State Election Commission Act, 1994, the State Election Commissioner appoints the District Magistrate as the Panchayat and Uniform Municipal Election Officer. The respective District DM(s) are directed to determine the number of constituencies for all types of Gram Panchayats, Panchayat Samiti, and Zilla Parishads and Municipalities. After the polling process, the counting of votes and the announcement of the results are directed to the supervision of certain office bearers according to the respective areas. For example, the Sub-divisional Officer is responsible for counting and declaring the results of Zilla Parishad, the BDO (s) is responsible for counting and declaring the results of Panchayat Samiti and Gram Panchayat and the Sub-divisional Officer is responsible for counting and declaring the results of Municipalities.

Issuance of various guidelines for public awareness in the field of state elections and issuance of notices, election messages, etc. through the official website of the State Election Commission, various TV channels, media, etc. for public awareness. If there is a complaint in any polling station in the Panchayat and Municipality area that the polling process has not been conducted healthily, then by verifying its authenticity, suspend the polling process and complete it again at the respective polling station.

X. Problems And Challenges

The State Election Commission of West Bengal has recently faced several problems. Especially around the Panchayat elections of 2018 and 2023, whose neutral role and transparency have been questioned by the state as well as the country, various quarters. Some of the significant issues highlighted are- The first notification issued by the WBSEC for the 31st March 2018 panchayat elections called for three phases of polling on 1, 3, and 5 May, and the counting of votes will continue on 8th May. It sets the last date for submission of nominations as 9th April, scrutiny of nominations as 11th April, and the last date for withdrawal of nominations as 16th April (Mint, 2018). But at the end of the nomination process, it is seen that the state's ruling party, i.e., Trinamool Congress (TMC), won many unopposed seats. In this, opposition parties in the state, particularly BJP, INC, and CPI(M) approached the Calcutta High Court for filing and withdrawing the nomination process. Two persons were killed during a fight during a victory procession in North 24 Parganas district, the matter came to the notice of the court and Hon'ble Justice Subrata Talukdar of the Calcutta High Court sought a report from the State Election Commission and issued a stay pending further hearing on the ongoing elections (Financial Express, 2018).

After the High Court's direction, on 21st April, the State Election Commission issued a new notification on 23rd April for submission of nominations, 25th April for scrutiny of nominations, and 28th April 2018 for withdrawal of nominations. However, the opposition parties in the state continued to question the WBSEC in various ways such as Adhir Ranjan Chowdhury of the Congress saying that law and order in the state has completely broken down and the police administration is playing the role of a spectator by accepting the servitude of the ruling party. Questioning the State BJP Election Commission over the decision to hold polls on the same day in the entire state and security around, State Left Front Chairman Biman Bose compared the decision to hold polls on a single day to a blood-spattered polling day. Which bodes very badly for the state's democracy. Due to the political clashes, 25 journalists were also injured along with several workers of both parties opposing the government (Financial Express, 2018). Finally, the Election Commission issued a notification that the polling phase will be held on 14th May and the counting of votes will be on 17th May 2018 (The Times of India, 2018). Panchayat elections 2018 in West Bengal through much violence, revenge, and loss

of life and the ruling party TMC in the state won many seats as well as about 34% of seats uncontested (The Indian Express, 2023).

The last three-tier panchayat elections were held in West Bengal in July 2023 in about 74,000 booths (India.com News Desk, 2023). As in the previous elections (2018) the latest (2023) election saw several dramatic events around nominations, and this time also some events bear witness to the counting of votes started on 11th July 2023. Unpleasant incidents tampering with ballot papers, wrong counting, etc. took place in the ballot papers of various counting centers of the state on this day. A CPI(M) candidate who won the election by 4 votes alleged that a TMC candidate chewed the ballot paper during counting at a booth in Bhurkunda village panchayat in North 24 Parganas district, another TMC agent at a booth in this village panchayat lost the election and jumped into a pond with the ballot paper, which destroyed the ballot paper. Also, a bomb was thrown by miscreants at a counting center in Diamond Harbour. (India Today, 2023; NDTV, 2023). From Calcutta to Cooch Behar, almost everywhere in West Bengal, there have been incidents of vote counting rigging, looting of ballot boxes, throwing of ballot boxes into drains, etc. (NDTV, 2023). Several incidents are also observed in the video footage of different media, which are seen in real life like movie scenes where criminals are carrying guns, firing, or throwing bombs. In addition to re-election in many centers, more than 40 people, including civilians, armed forces, and poll workers, lost their lives in this election. Expressing outrage over the violence from nominations to post-polls, the Calcutta High Court lashed out at the State Election Commission and the state government and sneered at their impartial role and duties (India Today, 2023).

XI. Suggestions

- ✓ **Ensuring Independence-** Since the State Election Commission is an independent body recognized by the Constitution, it must maintain impartiality without political affiliation or closeness.
- ✓ **Staff to be Trained-** To train all the staff under the West Bengal State Election Commission, so there is no difficulty in completing the election process.
- ✓ **Give a Clear Nomination Date-** fix a specific date and time for submission and withdrawal of nomination papers.
- ✓ **Independent EVM(s) Needed-** The State Election Commission should fully equip its own EVM machines to speed up the polling process at all levels of Panchayats and Municipalities. It will speed up the process of polling and counting of votes as well as transparency in the publication of election results.
- ✓ **Reduce Political Violence-** The State Election Commission should do its job by keeping in mind incidents of booth rigging, tampering of ballot papers, kidnapping of election candidates, killings, use of guns and bombs, common people's lives, etc., and taking appropriate action.

XII. Conclusion

Given the discussion, it can be said that in such a large state like West Bengal, where panchayat and municipal areas are spread far and wide, it is a big challenge for the State Election Commission to complete the election process on time, and its role is undeniable. In the recent two elections, the regulations of submission and withdrawal of nomination papers have been questioned many times by various intellectual circles and opposition parties of the state and the country and a strong storm of criticism has arisen. Abduction of contesting candidates, rigging of booths, tampering with ballot papers, uncontrolled use of firearms and bombs, loss of life, etc. have taken place in the election. Also, the most surprising and sad thing is that allegations have been made about vote counting, declaration of winning candidates, and even issuance of certificates to winning candidates several high-ranking government officials have voluntarily confessed to the allegations in the Calcutta High Court, which has been proved true in the court. Hon'ble Calcutta High Court called it unconstitutional and undemocratic. Through the overall discussion and review of all these events, it can be said that the “*Death of Democracy*” has happened in the state politics of West Bengal recently. As a result, common people are hesitant to trust the State Election Commission and democracy. Care should be taken that the neutral role of the State Election Commission is not questioned in any way and that it works impartially by protecting the constitutional status. So that we can have a more beautiful democratic state politics in the future and participate more in the democratic festival.

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