



# Chief Election Commissioner

## Why in News

Recently, the President appointed [Election Commissioner Sushil Chandra](#) as the **Chief Election Commissioner (CEC)**.

- He replaces **Sunil Arora** who has retired.

## Key Points

### ▪ About the Election Commission of India:

- The [Election Commission of India \(ECI\)](#) is an **autonomous constitutional authority** responsible for administering **Union and State election** processes in India.
  - It was established in accordance with the Constitution on **25<sup>th</sup> January 1950** (**celebrated as [national voters' day](#)**). The **secretariat** of the commission is located in **New Delhi**.
- The body administers elections to the **Lok Sabha, Rajya Sabha, and State Legislative Assemblies** in India, and the **offices of the President and Vice President in the country**.
  - It is not concerned with the elections to panchayats and municipalities in the states. For this, the Constitution of India provides for a separate [State Election Commission](#).

### ▪ Constitutional Provisions:

- **Part XV (Article 324-329) of the Indian Constitution:** It deals with elections, and establishes a commission for these matters.
- **Article 324:** Superintendence, direction and control of elections to be vested in an Election Commission.
- **Article 325:** No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
- **Article 326:** Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
- **Article 327:** Power of Parliament to make provision with respect to elections to Legislatures.
- **Article 328:** Power of Legislature of a State to make provision with respect to elections to such Legislature.
- **Article 329:** Bar to interference by courts in electoral matters.

### ▪ Structure of ECI:

- Originally the commission had only **one election commissioner** but after the **Election Commissioner Amendment Act 1989**, it has been made a multi-member body
- The Election Commission **shall consist of the Chief Election Commissioner (CEC) and such number of other election commissioners**, if any, as the President may from time to time fix.

- Presently, it consists of the CEC and two Election Commissioners.

- At the state level, the election commission is helped by the **Chief Electoral Officer** who is an IAS rank Officer.

- **Appointment & Tenure of Commissioners:**

- The **President appoints** CEC and Election Commissioners.
- They have a **fixed tenure of six years**, or up to the **age of 65 years**, whichever is earlier.
- They enjoy the **same status and receive salary and perks as available to Judges of the [Supreme Court \(SC\)](#)** of India.

- **Removal:**

- They can **resign anytime** or can also be **removed before the expiry of their term**.
- The CEC can be removed from office only **through a process of removal similar to that of a SC judge** by Parliament.

### Procedure of Removal

- Judges of High Courts and **SC**, CEC, **[Comptroller and Auditor General \(CAG\)](#)** may be removed from office through a motion adopted by Parliament on grounds of **'proved misbehaviour or incapacity'**.
- Removal requires a **special majority of 2/3<sup>rd</sup> members present and voting supported by more than 50% of the total strength of the house**.
- The **Constitution does not use the word 'impeachment'**, for the removal of the judges, CAG, CEC.
- The term **'Impeachment'** is only used for removing the **President** which requires the special majority of 2/3<sup>rd</sup> members of the total strength of both the houses which is not used elsewhere.

- **Limitations:**

- The Constitution has **not prescribed the qualifications** (legal, educational, administrative or judicial) of the members of the Election Commission.
- The Constitution has **not specified the term** of the members of the Election Commission.
- The Constitution has **not debarred the retiring election commissioners from any further appointment by the government**.

- **Powers and Functions of ECI:**

- **Administrative:**

- To **determine the territorial areas** of the electoral constituencies throughout the country on the basis of the **[Delimitation](#)** Commission Act of Parliament.
- To prepare and **periodically revise electoral rolls** and to register all eligible voters.
- To **[grant recognition to political parties](#)** and **allot election symbols** to them.
- Election Commission **ensures a level playing field** for the political parties in election fray, through strict observance by them of a **[Model Code of Conduct](#)** evolved with the consensus of political parties.

- **Advisory Jurisdiction & Quasi-Judicial Functions:**

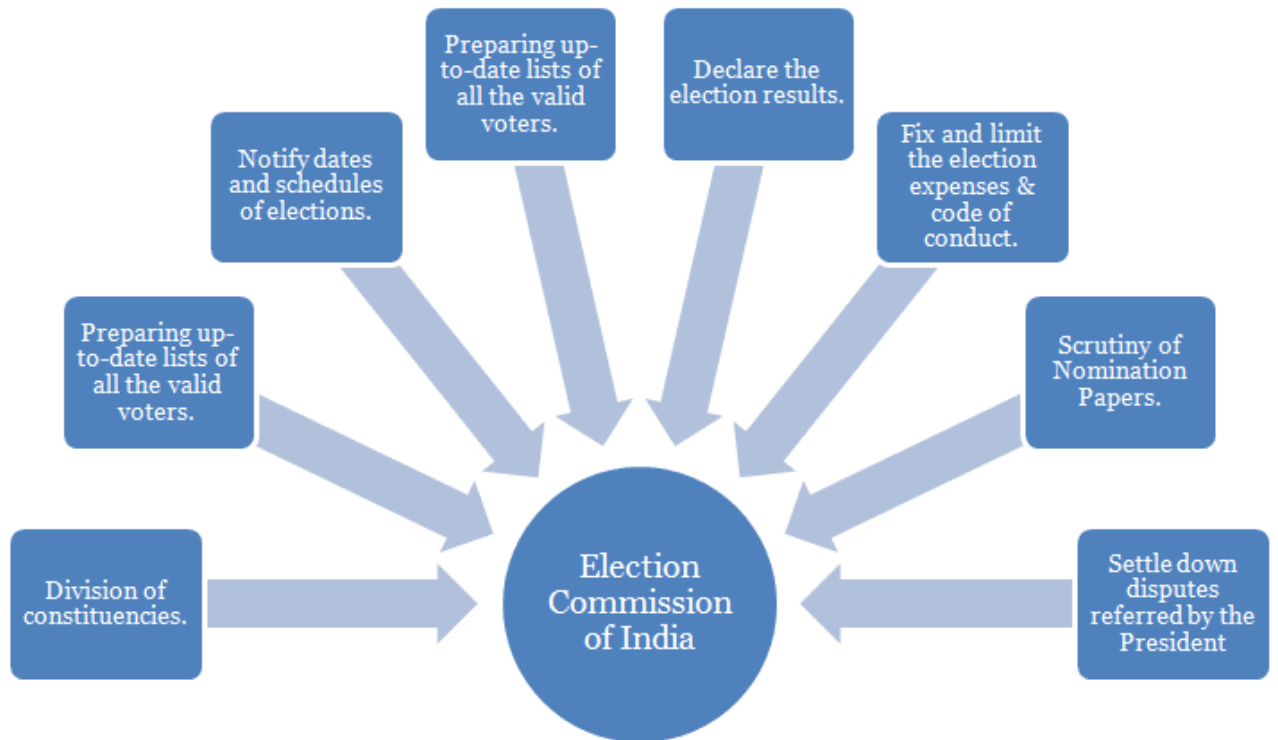
- Under the Constitution, the Commission has **advisory jurisdiction in the matter of post election disqualification** of sitting members of Parliament and State Legislatures.

- The **opinion of the Commission in all such matters is binding on the President or, as the case may be, the Governor** to whom such opinion is tendered.
- Further, the **cases of persons found guilty of corrupt practices at elections**

which come before the SC and High Courts are also **referred to the Commission for its opinion** on the question as to whether such person shall be disqualified and, if so, for what period.

- The Commission has the **power to disqualify a candidate** who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law.

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