



# Election Commissioner

## Why in News

The Centre has appointed **Rajiv Kumar as the Election Commissioner**. He has been appointed in place of **Ashok Lavasa**, who has resigned to [join the Asian Development Bank \(ADB\)](#).

## Key Points

### ▪ Constitutional Provisions:

- The [Election Commission of India](#) is an **autonomous constitutional authority responsible** for administering Union and State election processes in India. The body **administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies** in India, and the **offices of the President and Vice President** in the country (**Article 324**).
  - 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**.
- The Election Commission shall **consist of the chief election commissioner and such number of other election commissioners**, if any, as the **President may from time to time fix**.
  - Presently, it consists of the Chief Election Commissioner and two Election Commissioners.

### ▪ Appointment & Tenure of Commissioners:

- The **President appoints** Chief Election Commissioner and Election Commissioners.
- They have **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 of India**.
- **All Election Commissioners have equal say** in the decision making of the Commission.

### ▪ Removal:

- They **can resign anytime or can also be removed** before the expiry of their term.
  - The **Chief Election Commissioner can be removed** from his office in the **same manner** and on **same grounds** as a **judge of the Supreme Court**.
  - In other words, he can be removed by the President on the basis of a **resolution** passed to that effect by **both the Houses of Parliament with special majority**, either on the ground of **proved misbehaviour or incapacity**.
  - Thus, he **does not hold his office till the pleasure of the President**, though he is appointed by him.
- Any other **election commissioner** or a regional commissioner cannot be removed from office except on the **recommendation of the chief election commissioner**.

### ▪ 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 the Election Commission**

### ▪ **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 Supreme Court 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.

[Source: TH](#)

PDF Reference URL: <https://www.drishtias.com/printpdf/election-commissioner>