



## Election Commission of India

**For Prelims:** Election Commission of India, Supreme Court

**For Mains:** Election Commission of India and its functions

### Why in News?

In a recent ruling, the [Supreme Court](#) claimed the government pays lip service to the independence of Election Commissioners, pointing out that **Chief Election Commissioners' terms have fallen from over eight years in the 1950s to less than three hundred days since 2004.**

### What is the Election Commission of India?

#### ▪ About:

- 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 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 based on 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 was 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.
- **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.

## What are the 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.
  - It decides the **election schedules for the conduct of elections**, whether general elections or bye-elections.
- **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 is vested with quasi-judicial power** to settle disputes relating to splits/ mergers of recognised political parties.
  - 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.

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### Prelims

#### Q. Consider the following statements: (2017)

1. The Election Commission of India is a five-member body.
2. The Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 2 only
- (c) 2 and 3 only
- (d) 3 only

**Ans: (d)**

### **Mains**

**Q.** Discuss the role of the Election Commission of India in the light of the evolution of the Model Code of Conduct. **(2022)**

[Source: TH](#)

PDF Refernece URL: <https://www.drishtias.com/printpdf/election-commission-of-india-5>

