



# Election Commission of India

[Source: IE](#)

## Why in News?

Recently, the Election Commissioner of India resigned from his post, just days ahead of the announcement of the [Lok Sabha elections](#).

## 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 25th 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):** 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 (ECs)**.
  - At the state level, the election commission is helped by the **Chief Electoral Officer**.

### ▪ Appointment & Tenure of Commissioners:

- The President appoints CEC and Election Commissioners as per [the CEC and Other ECs \(Appointment, Conditions of Service and Term of Office\) Act, 2023](#).

- They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.
- The salary and conditions of service of the **CEC and ECs** will be equivalent to that of the **Supreme Court Judge**.
- **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, while **ECs can only be removed on the recommendation of the CEC**.
- **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.

## Anoop Baranwal vs Union of India Case, 2023

- A five-judge bench of the **Supreme Court (SC)** unanimously ruled that the appointment of the **Chief Election Commissioner** and the Election Commissioners shall be made by the President on the advice of a Committee consisting of the Prime Minister, the **Leader of the Opposition** of the Lok Sabha and **Chief Justice of India (CJI)**.
  - **In case no leader of the Opposition is available**, the leader of the largest opposition Party in the Lok Sabha in terms of numerical strength will be a part of such committee.
- The Parliament passed the **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023**, in response to the **directive of the Supreme Court in the Anoop Baranwal v Union of India case, 2023**.

## 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)

