



Election Commission of India

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What is ECI?

- 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, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country.

What are the Related Constitutional Provisions?

- Part XV of the Indian constitution deals with elections, and establishes a commission for these matters.
- The Election Commission was established in accordance with the Constitution on 25th January 1950.
- Article 324 to 329 of the constitution deals with powers, function, tenure, eligibility, etc of the commission and the member.

Articles related to Elections	
324	Superintendence, direction and control of elections to be vested in an Election Commission.
325	No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on ground of sex.
326	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of
327	Power of Parliament to make provision with respect to elections to Legislatures.
328	Power of Legislature of a State to make provision with respect to elections to such Legislature.
329	Bar to interference by courts in electoral matters.

What is the Structure of the Commission?

- 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 commission consists of one Chief Election Commissioner and two Election Commissioners.
 - Recently, the President of India appointed [Rajiv Kumar as the Chief Election Commissioner \(25th CEC\)](#).
- The secretariat of the commission is located in New Delhi.
- At the state level election commission is helped by Chief Electoral Officer who is an IAS rank Officer.
- The President appoints Chief Election Commissioner 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 of India.

What is the Procedure of Removal?

- The Chief Election Commissioner can be removed from office only through a **process of removal** similar to that of a Supreme Court judge for by Parliament.
 - Judges of High Courts and Supreme Court, CEC, Comptroller and Auditor General (CAG) may be **Removed** from office through a motion adopted by Parliament on grounds of **'Proven misbehaviour or incapacity'**.
- Removal requires **special majority of 2/3rd 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 2/3rd members of the total strength of both the houses which is not used elsewhere.

What are the Key Functions of ECI?

- Election Commission of India superintendents, direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
- The most important function of the commission is to decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections.
- It prepares electoral roll, issues Electronic Photo Identity Card (EPIC).
- It decides on the location polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters.
- It **grants recognition to political parties & allot election symbols** to them along with settling disputes related to it.
- The Commission also has **advisory jurisdiction in the matter of post election disqualification** of sitting members of Parliament and State Legislatures.
- It **issues the Model Code of Conduct in election** for political parties and candidates so that the no one indulges in unfair practice or there is no arbitrary abuse of powers by those in power.
- It **sets limits of campaign expenditure per candidate** to all the political parties, and also monitors the same.

What is the Importance of ECI for India?

- The ECI has been successfully conducting national as well as state elections since 1952. In recent years, however, the Commission has started to play the more active role to ensure greater participation of people.
- The Commission had gone to the extent of disciplining the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It upholds the values enshrined in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.
- It conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.
- It ensures participation of all eligible citizens in the electoral process in an inclusive voter-centric and voter-friendly environment.
- It engages with political parties and all stakeholders in the interest of the electoral process.
- It creates awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large; and to enhance and strengthen confidence and trust in the electoral system of this country.

What about ECI's Recommendations on Electoral Reforms?

In 2020, nine working groups comprising ECI officials and State Chief Electoral Officers, presented their

draft recommendations on Electoral reforms. The recommendations include:

- **Replacing all the forms for various voter services**, including registration of new voters and change of address, **with one single form**.
 - Multiple numbers of forms create confusion and affect the efficiency in the process.
- **Starting online registration facilities at the school or college-level** for all prospective voters at 17 years of age so they can be enrolled in the electoral roll as soon as they become eligible at 18.
- The ECI also recommended four **cut-off dates in a year to enroll as a voter**.
- it was also proposed to give out **electronic versions of the voter ID card** — EPIC — for the convenience of voters
- Another one of the recommendations was to look at the **“possibility and feasibility of different voting methods”**.
 - IIT-Madras was working on a prototype for an **Aadhaar-linked remote voting system** for the ECI.
- For political parties, the recommendations included **online nomination of candidates** and a **cap on the spending allowed by parties**.
 - Currently, individual candidates are allowed a limited expenditure on campaigning.
- Another recommendation was to impose a **“silence period of 48 hours” before polling on social media and print media**.
 - Campaigning on electronic media in the last 48 hours before polling is prohibited currently.

What does the Election Laws (Amendment) Bill 2021 Propose?

- In December 2021, the [Election Laws \(Amendment\) Bill, 2021](#) was passed in the Lok Sabha. It seeks to link electoral roll data and voter ID cards with the [Aadhaar](#) ecosystem.
- **Salient Features of the Bill:**
 - **De-Duplication of Electoral Roll:** It provides for **amendment of section 23 of the Representation of People’s Act, 1950**, enabling the linking of electoral roll data with the Aadhaar ecosystem.
 - This aims to **curb the menace of multiple enrolment** of the same person in different places.
 - **Multiple Qualifying Dates:** The citizens get voting rights when they turn 18. However, many are left out of the electoral rolls even after turning 18. This is because in the system, 1st January is the qualifying date.
 - According to the bill, **four qualifying dates will be declared for updating the voting rolls** to include those who have turned 18 — the first day of the months of January, April, July and October.
 - **Bringing Gender Neutrality:** The language for registration of **‘wives of service voters’ will now be replaced by ‘spouse’**. This will make the laws more “gender-neutral”.
 - Service voters are those serving in the armed forces, armed police forces of a state serving outside it and government employees posted outside India.

What Major Challenges does ECI Face?

- Over the years influence of money and criminal elements in politics has increased along with violence and electoral malpractices resulting in criminalization of politics. **The ECI has been unable to arrest this deterioration.**
- There has been **rampant abuse of power by the state government** who at times make large-scale transfers on the eve of elections and posts pliable officials in key positions, using official vehicles and buildings for electioneering, flouting the ECI’s model code of conduct.
- The ECI is **not adequately equipped to regulate the political parties**. The ECI has no power in enforcing inner-party democracy and regulation of party finances.
- In the recent years, an impression is gaining ground that the **Election Commission is becoming less and less independent of the Executive** which has impacted the image of the institution.
- One of the major institutional drawback is non- transparency in election of CEC and other two commissioners and is based on the choice of presiding government.
- There have been allegations of EVMs malfunctioning, getting hacked and not registering votes which corrodes general masses trust from the institution.

What Should be the Way Forward?

- The challenge before the commission is to be vigilant and watchful against the collusion at the lower level of civil and police bureaucracy in favour of the ruling party of the day.
- Until the controversy related to glitches in EVM settles down, commission needs to establish its trust amongst people by installing (Voter Verifiable Paper Audit Trail System) VVPATS in more and more constituencies.
- There is a need to provide more legal support to the commission's mandate and the processes that support that mandate.
- As history shows, inadequate leadership is the bane of our public institutions. Safeguards to ensure that ethical and capable people head them are crucial.
- 2nd ARC report recommended that collegium headed by the Prime Minister with the Speaker of the Lok Sabha, the Leader of Opposition in the Lok Sabha, the Law Minister and the Deputy Chairman of the Rajya Sabha as members should make recommendations for the consideration of the President for appointment of the Chief Election Commissioner and the Election Commissioners.

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