



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 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) 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](#)

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