



Private Member's Bill on Election Commission

For Prelims: Election Commission of India (ECI), Article 324, Consolidated Fund of India, Inner Party Democracy

For Mains: Powers and Responsibilities of the Election Commission

Why in News?

Recently, a [private member's Bill](#) was introduced in Lok Sabha seeking to make [Election Commission \(EC\) of India](#) responsible for regulating and monitoring the internal operations of political parties in the country.

- The bill comes at a time when the [Supreme Court](#) is hearing petitions on the need for reforms in the appointment of Chief Election Commissioner (CEC) and the Election Commissioners (ECs).
- It was argued that the **internal functioning and structures of a large number of political parties have become very “opaque and ossified”** and there is a need to make their functioning transparent, accountable and rule based.

What is a Private Member's Bill?

- Any **Member of Parliament (MP) who is not a minister** is referred to as a private member. A Private Member issues a Private Member's Bill.
- The purpose of the private member's bill is to **draw the government's attention to what individual MPs see as issues** and gaps in the existing legal framework, which require legislative intervention.
 - Thus, it **reflects the stand of the opposition** party on public matters.
- Its introduction in the House requires one month's notice and **can be introduced and discussed only on Fridays**.
 - Its rejection by the House has no implication on the parliamentary confidence in the government or its resignation.
- The last time a private member's bill was passed by both Houses was in 1970.
 - It was the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Bill, 1968.

What are the Highlights of the Bill?

- **On Appointment of CEC:**
 - It also seeks the members of the EC, including the Chief Election Commissioners, to be appointed by a panel consisting of the Prime Minister, Union Home Minister, Leader of Opposition or floor leader in Lok Sabha, Leader of Opposition or floor leader in Rajya Sabha, the Chief Justice of India and two senior most judges of the Supreme Court.
- **Tenure for CEC:**

- The Bill envisages a **fixed tenure of six years for the CEC and EC** and three years from the date of appointment for the Regional Commissioners.
- **Removal Procedure for CEC:**
 - They should not be removed from office except **in accordance with the procedure laid down for the removal of a SC Judge.**
 - Also, **after retirement, they should not be eligible for any reappointment** to any office under the Government of India, State Governments and the Constitution.
- **Procedure in Case of Non-Compliance:**
 - If any registered political party fails to comply with the advisories, duration and instructions issued by the ECI with regard to their internal functions, the **recognition of such political party as a State or National may be withdrawn** including any other action as the Election Commission deems fit under section 16A of the [Election Symbols \(Reservation and Allotment\) Order 1968](#).

What is the Structure of the ECI?

- 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 CEC and two ECs.
 - The President of India appoints CEC and ECs. They have a fixed tenure of 6 years, or up to the age of 65 years, whichever is earlier.
 - They also enjoy the same status and receive salary and perks as available to Judges of the SC.

What are the Powers and Responsibilities of the ECI?

- Determining the **Electoral Constituencies' territorial areas** throughout the country.
- Preparing and periodically **revising electoral rolls** and **registering all eligible voters.**
- **Notifying the schedules and dates of elections** and scrutinising nomination papers.
- Granting recognition to the various political parties and **allocating them election symbols.**
- The Commission also has **advisory jurisdiction in the matter of post-election disqualification** of sitting members of Parliament and State Legislatures.
- It is also responsible for **conducting bye-elections** in any constituency whenever the need arises.
- It issues the [Model Code of Conduct \(MCC\)](#) in elections for political parties and candidates to avoid indulgence in unfair practice or arbitrary abuse of powers by those in power.

What are the Recent Issues Related to the Election Commission?

- **Truncated Tenure of CEC:** The SC has recently pointed out that **"No Chief Election Commissioner has completed a six-year tenure since 2004"**, and because of the truncated tenure, the CEC is unable to do anything substantial.
 - [Article 324](#) of the Indian Constitution talks about the appointment of ECs, however, it only envisages the enactment of a law to this effect and **does not lay down any procedure for these appointments.**
- **Executive Influence in Appointment:** The ECs are appointed by the current government and are therefore potentially obligated to the government or may feel that they are held to a specific level of loyalty.
- **Dependence on Centre for Finance:** Despite several provisions designed to make the ECI an independent body, the Union Government still controls its finances. The expenses of EC are **not charged on the Consolidated Fund of India.**
- **Lack of Independent Staff:** Because ECI does not have its own staff, it has to rely on staff from Central and State Governments whenever elections are held.
- **Limited Power to Regulate Inner-Party Democracy:** The ECI is limited to advising parties on internal elections and has **no authority to enforce inner-party democracy** or regulate party finances.

Way Forward

- Various committees like [Justice Tarkunde Committee \(1975\)](#), Dinesh Goswami committee (1990), [Law Commission \(2015\)](#) have recommended that Election Commissioners be appointed on the advice of a committee comprising the PM, the Lok Sabha Opposition Leader and the CJI.
- Equal Constitutional protection should be given to all members of the ECI in matters of removability from office. Bringing in a dedicated election management cadre and personnel system is need of the hour.

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)

- According to the Article 324 of the Indian Constitution, 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.
- Originally the Commission had only one Chief Election Commissioner. It currently consists of a Chief Election Commissioner and two Election Commissioners. **Hence, statement 1 is not correct.**
- The Commission is vested with quasi-judicial power to settle disputes relating to splits/ mergers of recognised political parties. Hence, statement 3 is correct.
- It decides the election schedules for the conduct of elections, whether general elections or bye-elections. **Hence, statement 2 is not correct. Therefore, option (d) is the correct answer.**

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: IE](#)