

ELECTION COMMISSION

- The Constitution of India ushered in a democratic republic for the free people of the country. The founding fathers of the Constitution took solemn care to devote a special chapter to elections niched safely in Part XV of the Constitution. The draft of Art 289 of the Constitution of India (which on adoption later became the present Art 324 in Part XV of the Constitution) was introduced in the Constituent Assembly on 15 June 1949 by Dr BR Ambedkar, Chairman of the Drafting Committee of the Constituent Assembly and one of the chief architects of the Indian Constitution.
- **Part XV** of the Indian constitution deals with elections, and establishes a commission for these matters.
- The Election Commission is a permanent and an independent body established by the Constitution of India directly to ensure free and fair elections in the country.
- 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 grounds of religion, race, caste or sex.
326	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
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.

COMPOSITION :-

- Article 324 of the Constitution provides that the power of superintendence, direction and control of elections to parliament, state legislature, the office of President of India and the office of Vice-President of India shall be vested in the Election Commission.
- Article 324 of the Constitution has made the following provisions with regard to the composition of Election Commission :
 1. The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time fix.
 2. The appointment of the Chief Election Commissioner and other Election Commissioners shall be made by the President.
 3. When any other Election Commissioner is appointed, the Chief Election Commissioner shall act as the chairman of the Election Commission.
 4. The President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission.
 5. The condition of service and tenure of office of the Election Commissioners and the Regional Commissioners shall be determined by the President.
- 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.
- The Chief Election Commissioner and the two Election Commissioners have equal powers and receive equal salary, allowances and other perquisites, which are similar to those of a judge of the Supreme Court. In case of difference of opinion amongst the Chief Election Commissioner and/or two other Election Commissioners, the matter is decided by the Commission by majority.
- They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.
- They can resign at any time or can be removed before the expiry of their term. 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.
- **Procedure of Removal :**
 1. They may be **Removed** from office through a motion adopted by Parliament on grounds of '**Proven misbehaviour or incapacity**'.
 2. Removal requires **special majority of 2/3rd members present and voting supported by more than 50% of the total strength of the house.**

INDEPENDENCE :

- Article 324 of the Constitution has made the following provisions to safeguard and ensure the independent and impartial functioning of the Election Commission :
 1. The Chief Election Commissioner is provided with the security of tenure. He cannot be removed from his office except in same manner and on the same grounds as a judge of the Supreme Court.
 2. The service conditions of the Chief Election Commissioner cannot be varied to his disadvantage after his appointment.
 3. Any other Election Commissioner or a Regional Commissioner cannot be removed from office except on the recommendations of the Chief election Commissioner.

POWERS AND FUNCTIONS :

- The powers and functions of the Election Commission with regard to elections to the Parliament, State legislature and offices of President and Vice-President can be classified into three categories, viz,
 1. Administrative
 2. Advisory
 3. Quasi-Judicial

In detail, these powers and functions are :

1. To determine the territorial areas of the election constituencies throughout the country on the basis of the Delimitation Commission Act of Parliament.
 2. To prepare and periodically revise electoral rolls and to register all eligible voters.
 3. To notify the dates and schedules of elections and to scrutinise nomination papers.
 4. To grant recognition to political parties and allot election symbols to them.
 5. To act as a court for settling disputes related to granting of recognition to political parties and allotment of election symbols to them.
 6. To appoint officers for inquiring into disputes relating to electoral arrangements.
 7. To determine the code of conduct to be observed by the parties and the candidates at the time of elections.
 8. To prepare a roster for publicity of the policies of the political parties on radio and TV in times of elections.
 9. To advise the President on matters relating to the disqualification of members of state legislature.
 10. To advise the Governor on matters relating to the disqualification of members of state legislature.
 11. To cancel the polls in the event of rigging, booth capturing, violence and other irregularities.
 12. To request the President or the Governor for requisitioning the staff necessary for conducting elections.
 13. To supervise the machinery of elections throughout the country to ensure free and fair elections.
 14. To advise the President whether elections can be held in a state under President's rule in order to extend the period of emergency after one year.
 15. To register political parties for the purpose of elections and grant them the status of national or state parties on the basis of their poll performance.
- The Election Commission is assisted by Deputy Commissioners. They are drawn from the civil service and appointed by the commission with tenure system. They are assisted, in turn, by the secretaries, joint secretaries, deputy secretaries and under secretaries posted in the secretariat of the commission.
 - At the state level, the Election Commission is assisted by the Chief Electoral Officer who is appointed by the Chief Election Commissioner in consultation with the state government.
 - Below this, at the district level, the collector acts as the district returning officer. He appoints a returning officer for every constituency in the district and presiding officer for every polling booth in the constituency.

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 conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.

- 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.
