

## Election Commission of India (ECI)

### 1. Election Commission of India

- The **Election Commission of India (ECI)** is an **independent constitutional body** responsible for conducting elections in India.
- Ensures **free, fair, and transparent elections**.

**Established:** 25 January 1950

**Constitutional Provision:** Article 324

**Headquarters:** New Delhi

**Responsible for conducting elections to:**

- Parliament (Lok Sabha & Rajya Sabha)
- State Legislatures
- President of India
- Vice-President of India

## Constitutional Provisions

### Article 324

Provides **superintendence, direction, and control of elections**.

Key clauses:

#### Article 324(1)

ECI conducts elections to:

- Parliament
- State Legislatures
- President
- Vice-President

#### Article 324(2)

The President appoints:

- Chief Election Commissioner (CEC)
- Election Commissioners (ECs)

#### Article 324(5)

Provides **security of tenure** for CEC.

## Structure of the Election Commission of India

Initially → **Single-member body**

Since **October 1993** → **Multi-member body**

Current structure:

- Chief Election Commissioner (CEC)
- Two Election Commissioners (ECs)

ECI works as a **collegial body** where decisions are taken **by majority**.

## Composition of ECI

According to **Article 324(2)**:

Members include:

- **Chief Election Commissioner (CEC)**
- **Two Election Commissioners**

Key points:

- All members have **equal powers and status**
- Decisions taken **collectively**
- Administrative staff drawn from **Central and State services**

## Appointment of Election Commissioners

- Appointed by the **President of India**
- Based on the advice of the **Council of Ministers**

## Supreme Court Direction (2023)

Till Parliament makes a law, an appointment through a **committee consisting of:**

- Prime Minister
- Leader of the Opposition in the Lok Sabha
- Chief Justice of India

## Tenure of Election Commissioners

As per the **Election Commission (Conditions of Service) Act, 1991**

Tenure:

- **6 years OR**
- **Till age of 65 years**  
(whichever is earlier)

Salary & status:

- Same as a **Supreme Court Judge**

### *Resignation and Removal*

#### *Resignation*

Election Commissioners resign by resigning from the **President**.

#### *Removal*

### **Chief Election Commissioner**

Removed like a **Supreme Court Judge**:

- By a **special majority of Parliament**
- On grounds of **proved misbehaviour or incapacity**

### **Election Commissioners**

- Can be removed **only on the recommendation of the CEC**

This ensures **independence of the Commission**.

### *Powers of the Election Commission*

#### *1. Administrative Powers*

- Conduct elections
- Prepare election schedules
- Deploy election staff
- Manage polling stations

#### *2. Advisory Powers*

Advises:

- **The President** on the disqualification of MPs
- **Governor** on the disqualification of MLAs

### 3. Quasi-Judicial Powers

- Settle disputes related to **political party recognition**
- Decide on the **election symbol allocation**

Based on the **Election Symbols Order, 1968**

### 4. Regulatory Powers

- Enforce **Model Code of Conduct (MCC)**
- Monitor **election expenditure**

### 5. Disciplinary Powers

- Transfer or suspend officials during elections
- Ensure neutrality of administration

## Functions of the Election Commission

### 1. Conduct of Elections

Supervises elections to:

- Parliament
- State legislatures
- President
- Vice-President

### 2. Preparation of Electoral Rolls

- Prepare and revise **voter lists**
- Conduct **Special Intensive Revision (SIR)**

### 3. Registration of Political Parties

- Registers political parties
- Grants **recognition status**

### 4. Election Symbols Allocation

- Allots symbols to parties and candidates.

### 5. Voter Awareness

Through the **SVEEP programme**

**SVEEP = Systematic Voters' Education and Electoral Participation**

## Legal Framework of Elections

### Representation of the People Act, 1950

Deals with:

- Electoral rolls
- Voter eligibility

### Representation of the People Act, 1951

Deals with:

- Election conduct
- Election disputes
- Disqualification of candidates

## Technology Used by ECI

### Electronic Voting Machines (EVM)

An electronic voting system is used in elections.

### VVPAT

## Voter Verifiable Paper Audit Trail

Allows voters to verify their vote.

### Digital Platforms

- **cVIGIL App** – report MCC violations
- **NVSP Portal** – voter registration
- **ERONet** – electoral roll management
- **Garuda App** – booth-level verification
- **Suvidha Portal** – candidate permissions

## Important Supreme Court Judgements

### T.N. Seshan vs Union of India (1995)

- All Election Commissioners have **equal powers**.

### Union of India vs ADR (2002)

- Candidates must disclose:
  - Criminal record
  - Assets
  - Educational qualification

#### *PUCL vs Union of India (2003)*

- Right to vote linked with **Freedom of Expression (Article 19)**.

#### *A.C. Jose vs Sivan Pillai (1984)*

- ECI has **plenary powers under Article 324**.

#### *Challenges Faced by ECI*

1. Political pressure and biased allegations
2. Rising **election expenditure**
3. **Fake news and misinformation**
4. Voter list exclusion issues
5. Social media influence

#### *Importance of the Election Commission*

##### *1. Protects Democracy*

Ensures **free and fair elections**.

##### *2. Ensures Peaceful Transfer of Power*

Maintains **political stability**.

##### *3. Promotes Inclusive Democracy*

Encourages participation of:

- Women
- PwDs
- Senior citizens

#### *Important Facts*

<b>Feature</b>	<b>Details</b>
<i>Constitutional Article</i>	<i>Article 324</i>
<i>Established</i>	<i>25 January 1950</i>
<i>Headquarters</i>	<i>New Delhi</i>

<b>Feature</b>	<b>Details</b>
Members	3 (CEC + 2 ECs)
Tenure	6 years or 65 years
Removal of CEC	Same as Supreme Court Judge
Key Acts	RPA 1950 & 1951

Aspire with Ram IAS