

Constitutional Bodies



Election Commission:324

- Permanent and independent body
- It is a all India Body
- Function is to Ensure free and Fair elections
- Conducts elections for President,VP, Parliament (LS & RS) & State Legislature(VS & VP)
- They dint handle elections for Municipality and panchayats.Taken care by State Election Commission
- Its main work is Control,Directions and Superintendence of Elections

Composition

- It will have a CEC and Other members decided by the President

- All appointments are made by President
- At present, the Election Commission of India is a three-member body, with one Chief Election Commissioner and two Election Commissioners.
- All members have same power and salary. Salary is same as that of Judge of SC.
- President may appoint some regional commissioners to assist EC with the consultation of CEC
- Matter will be decided on the basis of Majority
- These members hold office for 6 years or 65 Years whichever comes earlier
- Salary is decided by the Parliament
- Qualification not Prescribed in Constitution

Removal

- Resignation to President
- In order to remove EC and REC, President can directly remove them on consultation with CEC
- To remove CEC proper process is there similar to that of Judge of SC

Election Commission is an Independent Body

- Security of Tenure for CEC
- Service conditions can not be changed after the appointment of CEC
- Other ECs and RECs can not be removed without the recommendations of CEC

Flaws

- No qualification mentioned

- Retired members not debarred

Power of Election Commission

- Administrative Power
 - Creation of Electoral Role
 - Date and Schedule of elections
 - Recognition to Political Party (National or State Party)
 - Model code of conduct
 - Demand for staff from President & Governor
 - Appointment of officer to enquire for issues related to electoral management
- Advisory Power
 - EC advise President for the removal of MPs
 - EC advise Governor for the removal of MLA of MLC
- Quasi-Judicial Power
 - Can cancel polls
 - Disputes sorting between parties

Appointments during elections

- At state level Chief Electoral Officer is appointed by CEC with consultation of state government
- At district level Collector became District Returning Officer(DRO)
- Collector appoints Returning Officer in constituencies
- Collector also appoints presiding officer at every polling booth