

## Unit 5: Election Commission

### Role and Functioning of Chief Election Commissioner and State Election Commission

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#### Introduction

Elections are a fundamental aspect of any democratic system, and ensuring free, fair, and transparent elections is the responsibility of election commissions at both the **national** and **state** levels. The **Chief Election Commissioner (CEC)** and **State Election Commissions** play crucial roles in conducting elections and ensuring the integrity of the electoral process.

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#### 1. Chief Election Commissioner (CEC)

The **Chief Election Commissioner** is the head of the **Election Commission of India**, which is an autonomous body responsible for administering elections in India at the national, state, and local levels.

#### Appointment and Tenure

- **Appointment:** The President of India appoints the Chief Election Commissioner.
- **Tenure:** The CEC serves a fixed tenure of **6 years** or until the age of **65**, whichever is earlier.
- **Independence:** The CEC is independent in its functioning and cannot be removed from office except through a special procedure (like the impeachment of a judge).

#### Roles and Responsibilities of the CEC

##### 1. Conducting Elections:

- The CEC supervises and ensures the smooth conduct of general elections, by-elections, and elections to the President and Vice-President of India.
- Oversees elections for **Parliament, State Legislatures, and Local Bodies**.

##### 2. Voter Registration:

- Ensures the preparation and updating of the electoral rolls.



- Manages the registration of voters and addresses issues related to voter identity.
  - 3. Election Code of Conduct:**
    - Implements and monitors the **Model Code of Conduct** during elections to ensure fair practices.
    - Takes action against any violation of the code.
  - 4. Monitoring Political Campaigns:**
    - Ensures transparency in the electoral process, including the monitoring of political campaigns and party funding.
  - 5. Delimitation of Constituencies:**
    - The CEC is responsible for determining and delimiting constituencies in India, based on population data and census information.
  - 6. Election Result Declaration:**
    - Ensures the proper counting of votes and the declaration of election results.
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## **2. Election Commission of India**

The **Election Commission of India** consists of the **Chief Election Commissioner** and two other **Election Commissioners**, who assist the CEC in carrying out the responsibilities.

### **Role and Functions of the Election Commission**

- 1. Election Management:**
    - The Election Commission prepares a detailed schedule for elections and ensures that the process is free and fair.
    - It oversees the allotment of symbols to political parties and candidates.
  - 2. Legal Framework:**
    - It enforces electoral laws and makes decisions on disputes related to the conduct of elections.
  - 3. Electoral Reforms:**
    - Proposes and oversees electoral reforms, ensuring that the system evolves according to the changing needs of society.
  - 4. Election Petitions and Disputes:**
    - The Commission hears petitions related to election disputes, including allegations of unfair practices or irregularities.
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### 3. State Election Commission (SEC)

The **State Election Commission** is an independent body established in each state to conduct elections at the state and local levels, including elections to the **State Legislature** (Vidhan Sabha/Vidhan Parishad) and local bodies like **Panchayats** and **Municipalities**.

#### Appointment and Tenure

- **Appointment:** The Governor of the respective state appoints the State Election Commissioner.
- **Tenure:** Similar to the CEC, the State Election Commissioner serves for a fixed tenure of **5 years** or until the age of **65**.

#### Roles and Responsibilities of the SEC

##### 1. Conducting State Elections:

- Manages and conducts elections for the **State Legislative Assembly** and **State Legislative Council** (if applicable).
- Organizes elections for **Municipalities**, **Panchayats**, and other local government bodies.

##### 2. Voter Registration:

- Oversees the preparation and maintenance of electoral rolls for state and local elections.

##### 3. Supervision of Local Elections:

- The SEC supervises elections for urban and rural local bodies (such as Panchayats and Municipalities) in the state.

##### 4. Enforcing Election Laws:

- Ensures the implementation of election laws and conducts regular inspections to avoid irregularities during state and local elections.

##### 5. Decentralized Governance:

- The SEC plays a crucial role in promoting decentralized governance by enabling local self-government elections and ensuring their smooth conduct.

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### 4. Powers of the Chief Election Commissioner and State Election Commissioners

The **CEC** and **State Election Commissioners** are vested with significant powers to ensure the integrity of elections:

#### 1. Supervisory Role:



- Both the CEC and State Election Commissioners have the authority to supervise the entire election process, including the appointment of polling officers and the conduct of voting.

## **2. Dispute Resolution:**

- They have the power to resolve election-related disputes, such as those involving candidates, political parties, or the conduct of voters.

## **3. Regulation of Campaigns:**

- They can take action against any candidate or party violating election laws, including the model code of conduct.

## **4. Imposition of Penalties:**

- The CEC and SECs can impose penalties for violations of electoral rules, including the use of corrupt practices or vote manipulation.

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### **Key Differences: Chief Election Commissioner vs. State Election Commissioner**

<b>Aspect</b>	<b>Chief Election Commissioner (CEC)</b>	<b>State Election Commissioner (SEC)</b>
<b>Scope</b>	National Elections (Parliamentary, Presidential)	State and Local Elections (State Legislature, Panchayats, Municipalities)
<b>Appointment</b>	Appointed by the President of India	Appointed by the Governor of the State
<b>Jurisdiction</b>	Works under the Election Commission of India	Works under the State Election Commission
<b>Tenure</b>	6 years or till the age of 65	5 years or till the age of 65
<b>Function</b>	Oversees national elections	Oversees state and local elections