

Unit 5:Election Commission

Role and Functioning of Chief Election Commissioner and State Election Commission

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.

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.

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.

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.

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.

Key Differences: Chief Election Commissioner vs. State Election Commissioner

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