

ELECTION COMMISSION

WHAT IS ELECTION COMMISSION?

- The **Election Commission of India** is an autonomous constitutional authority responsible for administering [election processes in India](#) at national and state. The body administers elections to the [Lok Sabha](#), [Rajya Sabha](#), [State Legislative Assemblies](#), [state legislative Councils](#), and the offices of the [President](#) and [Vice President](#) of the country. The Election Commission operates under the authority of [Constitution](#) per *Article 324* and subsequently enacted [Representation of the People Act](#). The commission has the powers under the Constitution, to act in an appropriate manner when the enacted laws make insufficient provisions to deal with a given situation in the conduct of an election. Being a constitutional authority, Election Commission is amongst the few institutions which function with both autonomy and freedom, along with the country's [higher judiciary](#), the [Union Public Service Commission](#) and the [Comptroller and Auditor General of India](#).

STRUCTURE

- The commission was established in 1950 and originally only had a [Chief Election Commissioner](#). Two additional Commissioners were appointed to the commission for the first time on 16 October 1989 (on the eve of the 1989 General Election), but they had a very short tenure, ending on 1 January 1990. "The Election Commissioner Amendment Act, 1989" was adopted on 1 January 1990 which turned the commission into a multi-member body: a 3-member Commission has been in operation since then and the decisions by the commission are made by a majority vote. The [Chief Election Commissioner](#) and the two [Election Commissioners](#) who are usually [retired IAS officers](#) draw salaries and allowances at par with those of the Judges of the [Supreme Court of India](#) as per the *Chief Election Commissioner and other Election Commissioners (Conditions of Service) Rules, 1992*

STRUCTURE

- The commission is served by its secretariat located in [New Delhi](#). The Election Commissioners are assisted by Deputy Election Commissioners, who are generally [IAS officers](#). They are further assisted by Directors General, Principal Secretaries, and Secretaries and Under Secretaries.
- At the state level, Election Commission is assisted by the Chief Electoral Officer of the State, who is an [IAS officer](#) of [Principal Secretary](#) rank. At the district and constituency levels, the [District Magistrates](#) (in their capacity as District Election Officers), Electoral Registration Officers and Returning Officers perform election work.

REMOVAL FROM OFFICE

- The [Chief Election Commissioner of India](#) can be [removed](#) from their office similar to the removal of a judge of the Supreme Court of India which requires a resolution passed by the [Parliament of India](#) a two-thirds majority in both the [Lok Sabha](#) and the [Rajya Sabha](#) on the grounds of proved misbehavior or incapacity. Other [Election Commissioners](#) can be removed by the President of India on the recommendation of the [Chief Election Commissioner](#). A [Chief Election Commissioner](#) has never been impeached in India. In 2009, just before the [2009 Lok Sabha Elections](#), [Chief Election Commissioner N. Gopalaswami](#) sent a recommendation to President [Prathibha Patil](#) to remove [Election Commissioner Navin Chawla](#), who was soon to take office as the [chief election commissioner](#) and to subsequently supervise the [Lok Sabha Election](#), a potential conflict of interest considering his partisan political party behavior.^[8] The President opined that such a recommendation is not binding on the president, and hence rejected it. Subsequently, after Gopalswami's retirement the next month, Chawla became the [chief election commissioner](#) and supervised the 2009 Lok Sabha Elections.

INDEPENDENCE OF ELECTION COMMISSION

- The Election Commission of India is an independent Constitutional Authority since 25th January, 1950. The Constitution provides for Chief Election Commissioner and one or more Election Commissioners to be appointed. The Commission consisted of Chief Election Commissioner till 1989, when for the first time two Election Commissioners were appointed. Currently, the Commission has a Chief Election Commissioner and two Commissioners. Chief Election Commissioner and the Election Commissioners enjoy the status of a Judge of the Supreme Court of India. The Chief Election Commissioner can be removed from office only by Parliamentary impeachment. The Election Commission is responsible for the conduct of elections to parliament and state legislatures and to the offices of the President and Vice-President. The Election Commission prepares, maintains and periodically updates the Electoral Rolls, which show who is entitled to vote, supervises the nomination of candidates, registers political parties, monitors the election campaign, including the funding and expenditure by candidates.

INDEPENDENCE OF ELECTION COMMISSION

- It also facilitates the coverage of the election process by the media, organizes the polling booths where voting takes place, and looks after the counting of votes and the declaration of results. All this is done to ensure that elections can take place in an orderly and fair manner. The Commission decides most matters by consensus but in case of any dissension, the majority view prevails. The Commission has its headquarters in New Delhi, with a Secretariat of some 350 staff members. At the state level, a Chief Electoral Officer with a core staff of varying numbers, is available on a full time basis. At the district and constituency level, officers and staff of the civil administration double up as election officials. During actual conduct of elections, a vast number of additional staff are temporarily drafted for about two weeks. They function mainly as polling and counting officials.

WHO CAN VOTE?

- The democratic system in India is based on the principle of universal adult suffrage; that any citizen over the age of 18 can vote in an election (before 1989 the age limit was 21). The right to vote is irrespective of caste, creed, religion or gender. Those who are deemed unsound of mind, and people convicted of certain criminal offences are not allowed to vote. There has been a general increase in the number of people voting in Indian election. In 1996, 57.4% of the electorate voted. This increased to 66 % in the General Election held in 2014. Women voted in good numbers and almost in equal proportion as men.

WHO CAN STAND?

- **WHO CAN STAND FOR ELECTION**

- Any Indian citizen who is registered as a voter is otherwise not disqualified under the Law and is over 25 years of age is allowed to contest elections to the Lok Sabha or State Legislative Assemblies. For the Rajya Sabha the age limit is 30 years. Candidates for Vidhan Sabha should be residents of the same state from which they wish to contest. Every candidate has to make deposit of Rs. 25,000/- for Lok Sabha election and Rs. 10,000/- for Rajya Sabha or Vidhan Sabha elections, except for candidates from the Scheduled Castes and Scheduled Tribes who pay half of these amounts. The deposit is returned if the candidate receives more than one-sixth of the total number of valid votes polled in the constituency. Nominations must be supported at least by one registered elector of the constituency, in the case of a candidate sponsored by a recognised Party and by ten registered electors from the constituency in case of other candidates. Returning Officers, appointed by the Election Commission, are put in charge to receive nominations of candidates in each constituency, and oversee the formalities of the election. In a number of seats in the Lok Sabha and the Vidhan Sabha, the candidates can only be from either one of the scheduled castes or scheduled tribes. The number of these reserved seats is meant to be approximately in proportion to the number of people from scheduled castes or scheduled tribes in each state. There are currently 84 seats reserved for the scheduled castes and 47 reserved for the scheduled tribes in the Lok Sabha.

NOMINATION AND CAMPAIGN

- The campaign is the period when the political parties and candidates put forward their arguments with which they hope to persuade people to vote for them. Candidates are given a week to put forward their nominations. These are scrutinized by the Returning Officers and if not found to be in order can be rejected after a summary hearing. Validly nominated candidates can withdraw within two days after nominations have been scrutinized. The official campaign lasts for above two weeks from the drawing up of the list of nominated candidates, and officially ends 48 hours before polling closes. Once an election has been called, parties issue manifestos detailing the programmes they wish to implement if elected to government, the strengths of their leaders, and the failures of opposing parties and their leaders. Slogans are used to popularize and identify parties and issues, and pamphlets and posters distributed to the electorate. Rallies and meetings where the candidates try to persuade, cajole and enthuse supporters, and denigrate opponents, are held throughout the constituencies. Personal appeals and promises of reform are made, with candidates travelling the length and breadth of the constituency to try to influence as many potential supporters as possible. Party symbols abound, printed on posters and placards.