

# **Election Commission of India**

The **Election Commission of India** (**ECI**) is a <u>constitutional body</u> established by the <u>Constitution of India</u> empowered to conduct <u>free</u> and <u>fair elections in India</u>. The Election commission is headed by a <u>Chief Election Commissioner</u> and consists of two other <u>Election</u> Commissioners.

#### Structure

Since 1950, the Election Commission of India was a single member body with only the Chief Election Commissioner. As per *The Election Commissioner Amendment Act, 1989*, the Commission was made a multi-member body with two additional election commissioners who were appointed to the commission for the first time on 16 October 1989. On 1 January 1990, the post of election commissioners were abolished again. The Election Commission was once again made as a three member body on 1 October 1993. The commission is headquartered at Nirvachan Sadan in New Delhi. The Election commission is headed by a Chief Election Commissioner and consists of two other Election Commissioners. They are further assisted by Directors General, Principal Secretaries, and Secretaries. The chief election commissioner does not have overruling powers and any decision is taken by the opinion of the majority among the three.

At the <u>states and union territories</u>, the Election Commission is assisted by the Chief Electoral Officer of the state or union territory (CEO), who leads the election machinery in the states and union territories. At the district and constituency levels, the <u>District Magistrates/District Collectors</u> (in their capacity as District Election Officers), Electoral Registration Officers and Returning Officers perform election work. [3]

## Appointment and term of office

The appointment and term of the election commissioner is prescribed in the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023. As per the Section 7 of the act, an election commissioner is appointed by the President of India on the recommendation of a selection committee headed by the Prime Minister of India and consisting of the Leader of the Opposition in

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Lok Sabha and a member of the Union Council of Ministers to be nominated by the Prime Minister. [9] They were earlier appointed by the President on the recommendation of the Prime Minister. In March 2023, the Supreme Court of India ruled that the appointments shall be made by a committee consisting of the Prime Minister, leader of opposition and the Chief Justice of India and the process would be in place until a new law is enacted with regards to the same. [10] The new law enacted in 2023, replaced the Chief Justice with a member appointed by the Prime Minister in the selection committee. [11]

The term of the CEC can be a maximum of six years from the date on which he/she assumes his office. However, the CEC retires from office if he/she attains the age of sixty-five years before the expiry of the term. While the CEC can only be removed by office through the process of impeachment requiring two-thirds majority of the Lok Sabha and the Rajya Sabha to be present and voting for the same, election commissioners can be removed by the President on the recommendation of the CEC.

### **Powers and functions**

The Election Commission of India is a body constitutionally empowered to conduct free and fair elections to the national, the State Legislative Assemblies, State Legislative Councils and the offices of the President and Vice-President. The Election Commission operates under the powers granted by Article 324 of the Constitution and subsequently enacted Representation of the People Act. The state election commissions are responsible for conducting local body elections in the respective states. The election commission decides the dates for the filing of nominations, voting, counting and announcement of results.

It issues a Model Code of Conduct for political parties and candidates to ensure that the elections are conducted in a free and fair manner. The Code of Conduct was issued for the first time in 1971 for the 5th Lok Sabha elections and has revised it from time to time. It lays down guidelines for the conduct of political parties and candidates during an election period. Instances of violation of the code by various political parties and misuse of official machinery by the candidates are dealt according to the law.

A law for the registration process for political parties was enacted in  $1989.^{[20]}$  The registration ensures that the political parties are recognized as national, state and regional parties. The election commission has the right to allot symbols to the political parties depending on the status. The same symbol cannot be allocated to two political parties even if they do not contest in the region. [21]

The commission prepares electoral rolls and updates the voter list. To prevent electoral fraud, Electors Photo Identity Cards (EPIC) were introduced in 1993. However certain legal documents such as <u>ration cards</u> have been allowed for voting in certain situations. [22]

The commission is empowered to prohibit the dissemination or publication of voting trends that seek to influence voters by opinion polls or exit polls. [23][24][25]

The Election Commission is responsible for scrutinizing and accepting the applications of the candidates willing to contest in the elections. A person can be disqualified from contesting the elections if incorrect or incomplete information is provided in the affidavits and if he/she has been convicted by any court in India in which a jail term of two or more years has been awarded. In 2017, the Election Commission supported the case for a lifetime ban on convicted felons from contesting elections in an affidavit filed in the Supreme Court.

The Election Commission sets limits on poll related expenditure by the candidates during election campaigns. The commission appoints officers of <u>Indian Revenue Service</u> from the Income Tax Department as Election Observers. [29][30] The commission takes details of the candidate's assignment in an affidavit at the time of submitting the nomination paper, and they are also required to give details of their expenditure within 30 days of the declaration of results. [31]

The election commission operates various electronic media including <u>websites</u> and <u>mobile applications</u> for enabling various functions such as addressing grievances, checking electoral rolls, disseminating information on candidates, announcement of results and monitoring of assigned tasks. [32][33]

## Voting

Voting in India is done using <u>Electronic voting machines</u> (EVMs) and there are provisions for <u>Postal voting</u> and special arrangements for the disabled. [3]

Electronic voting machines (EVM) were introduced by the Election Commission to reduce malpractices and improve efficiency. The EVMs were first trialed in 1982 in the by-election to <u>Paravur</u> assembly constituency in <u>Kerala</u> in a limited number of polling stations. After successful testing and legal inquiries, the commission decided to introduce these voting machines on a large scale. EVMs are manufactured by two <u>public sector undertakings</u>, Bharat Electronics and <u>Electronics Corporation of India Limited</u>. Voter-verified paper audit trail (VVPAT) was



Electronic voting machines (EVMs) with Voter-verified paper audit trail (VVPAT)

introduced on a trail basis in a by-poll in September 2013 in Noksen (Assembly Constituency) in Nagaland. It was later used in various Legislative elections and in eight Lok Sabha constituencies in 2014 Indian general election. [37]



NOTA Voting Symbol in India

on the voting machines which is now a mandatory option to be provided in any election. The specific symbol for NOTA, a ballot paper with a black cross across it, was introduced on 18 September 2015. Photo electoral rolls with photographs of the candidates on the EVMs were first introduced in the 2015 Bihar Legislative Assembly election.

In 2014, none of the above (NOTA) was also added as an option

Election Commission organised an open hackathon on 3 June 2017 encouraging people to attempt hacking of EVMs used by the commission in various Indian elections. [43] While none of them participated, functioning of the EVM and VVPAT machines were

demonstrated in the event.[44]

<u>Postal voting in India</u> is done only through Electronically Transmitted Postal Ballot Papers (ETPB). Ballot papers are distributed to the registered eligible voters who return the votes by post. Postal votes are counted first before the counting of votes from the EVM. Only certain categories of people are eligible to register as postal voters. Employees working in the union armed forces and state police as well as their spouses, and those working for the Government of India who are officially posted abroad can register for the postal vote.

People in <u>preventive detention</u> can use postal vote while prisoners are not allowed to vote. The Election Commission of India has granted permission for individuals aged 80 and above and those with physical challenges to cast their votes from their homes. 46]

The Election Commission of India did not have data with regards to disabilities of voters as ascertained by a  $\overline{\text{RTI}}$  application filed in 2014. The Election commission offered sign language support to assist voters with speech and hearing impairment. [48]

#### See also

- History of democracy in the Indian-subcontinent
- States Election Commission (India)

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## **External links**

- Election Commission of India Official Portal (https://www.eci.gov.in)
- National Voters Service Portal (https://www.nvsp.in/)

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