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## Introduction

Election Commission of India (ECI) is a permanent constitutional body established on 25th January 1950. It ensures free and fair elections in the country. These elections are conducted periodically to uphold the democracy of the country.

ECI plans and conducts two different types of elections: Direct Election and Indirect Election.

**Direct Election:** The election where people representatives are elected directly by them.

**Example:** Parliament and the State legislature.

**Indirect Election:** The election where representatives are not directly elected by the people, instead of by the representatives of the people.

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**Example:** President and Vice President Election.

In this article, we are going to learn and understand their function, appointments, tenure, advisory jurisdiction, quasi-judicial features, and other things.

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# What are the functions of the election commission?

As mentioned, the concept of democracy is visualized by people representation at both the parliament and state elections. The Supreme Court held that democracy is an undeniable essential feature of the constitution of India.

It conducts elections for all 543 parliamentary constituencies. As India is a very diverse country having citizens who belong to various religions, races, castes, and other groups of minorities, we need to provide equal opportunity and representation in the electoral system. To make sure we accommodate all our citizens without any discrimination, the Election Commission allows specific constituencies for minorities and women candidates. The President of India is also vested with the power to nominate two members from the Anglo-Indian Community to the Lok Sabha to represent their community under Article 331 of the constitution of India.

In Rajya Sabha, the President of India can nominate 12 members.

Election Commission has complete authority on how, where, and when to conduct an election without any interference from the executive (The elected representative of the people), whether it is general election or by-election.

## What are the roles & responsibilities of the Election Commission of India?

1. It defines a model code of conduct for all political parties and candidates and ensures they adhere to it during election season.
2. Election Commission is responsible for conducting free and fair elections across the country.
3. It regulates the campaign expenditure per candidate of all political parties without any discrimination.
4. It ensures all political parties submit their financial reports.

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## Model Code of Conduct:

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In 1971, the Election Commission of India issued its first Model Code of Conduct for all political parties. From then onwards, it has been revised from time to time and defines a set of rules on how a political party and a candidate should conduct themselves during elections.

## Important Note:

As per the Model Code of Conduct, no ministers and authorities are allowed to announce any beneficial schemes, financial grants or take up any new appointment in a PSU or government.

Though there is a code of conduct in place, still a lot of violation cases are happening all around the country. And, also in some states, ruling parties try to misuse the system to win the elections.

## Appointments and Tenure:

The President of India appoints the Chief Election Commissioner and all other Election Commissioners. The President fixes the service condition and tenures. They have a tenure of six years or up to 65 years, whichever is earlier. They can be removed only through impeachment by the Parliament.

## What is the administrative power of ECI?

1. Demarcate electoral constituencies in the country.
2. Update and prepare new electoral rolls and enrolling all eligible voters.
3. Plan and prioritize election dates and schedules for all upcoming elections.
4. Scrutinize all candidate's nomination papers.
5. Allot election symbols to all recognized parties.

## List of positions appointed by ECI:

- Chief Electoral Officer
- District Election Officer
- Returning Officer
- Electoral Registration Officer

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# Advisory Jurisdiction & Quasi-Judicial Body:

Election Commission is an autonomous body that has the freedom to decide on its matter even without the direction from the Supreme court or High court. The commission has an advisory jurisdiction to decide on the disqualification of the elected members of the Parliament or state legislature.

If an MP or an MLA is found guilty of corruption by the Supreme court or any High Court, then such cases are referred to the ECI to seek their opinion about the disqualification of such member. All such opinions are binding on the President, and also on the governor, as the case may be.

## Judicial Review:

Though ECI is a quasi-judicial body, all its decisions can be questioned or challenged in the Supreme Court or High Court. When the process of election starts, no judicial proceedings can be initiated against the commission on the matter of conduct of polls. At the same time, the election commission cannot review any result on its own without a proper election petition filed before the High court or Supreme Court.

The commission also has a comprehensive media policy to spread election-related awareness through its campaigns, code of conduct for media on how to behave responsibly during the time of the election. The policy includes both print and digital media.

India is one of the countries which follows the electronic voting system to conduct the election. The election commission is also upgrading the process of conducting the free and fair election across the country with the technology-enabled solutions.

It takes a variety of measures for strict compliance of model code of conduct for providing level playing field to contestants.

Though the ECI is taking different steps to uphold democracy, as citizens of this country, we should act responsibly and participate in the process of the election.

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