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# Election Commission of India

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**Why is in news?** Panel of PM, CJI, Opposition leader to pick CEC, says court

The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India.

The body administers elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies in India, and the offices of the President and Vice President in the country.

The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.

Election Commission of India is a **permanent Constitutional Body**. The Election Commission was established in accordance with the Constitution on **25th January 1950**.

**Originally** the commission had **only a Chief Election Commissioner**. It currently consists of Chief Election Commissioner and two Election Commissioners.

For the first time two additional Commissioners were appointed on 16th October 1989 but they had a very short tenure till 1st January 1990.

Later, on 1st October 1993 two additional Election Commissioners were appointed. The concept of multi-member Commission has been in operation since then, with decision making power by majority vote.

The **President appoints Chief Election Commissioner and Election Commissioners**.

They have **tenure of six years, or up to the age of 65 years**, whichever is earlier.

They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.

The Chief Election Commissioner can be **removed from office only through impeachment by Parliament**.

**All Election Commissioners have equal say in the decision making** of the Commission. The Commission, from time to time, delegates some of its executive functions to its officers in its Secretariat.

At the **state level, the election work is supervised**, subject to overall superintendence, direction and control of the Commission, by the **Chief Electoral Officer of the State**, who is appointed by the Commission from amongst senior civil servants proposed by the concerned state government. He is, in most of the States, a full time officer and has a small team of supporting staff.

At the **district and constituency levels, the District Election Officers, Electoral Registration Officers and Returning Officers**, who are assisted by a large number of junior functionaries, perform election work. They all perform their functions relating to elections in addition to their other responsibilities. During election time, however, they are available to the Commission, more or less, on a full time basis.

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Under the Constitution, the Commission also has **advisory jurisdiction** in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.

The Commission has the **power to disqualify a candidate** who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law.

The **decisions of the Commission** can be **challenged in the High Court and the Supreme Court** of the India by appropriate petitions.

Once the polls are completed and result declared, the Commission cannot review any result on its own. This can only be **reviewed through the process of an election petition**, which can be **filed before the High Court**, in respect of **elections to the Parliament and State Legislatures**.

In respect of **elections for the offices of the President and Vice President**, such petitions can only be filed **before the Supreme Court**.

### **Constitutional Provisions:**

**Article 324:** Superintendence, direction and control of elections to be vested in an Election Commission

**Article 325:** No person to be ineligible for inclusion in, or to claim to be included in a special electoral roll on the ground of religion, race, caste or sex

**Article 326:** Elections to the Lok Sabha and Legislative Assemblies of States to be on the basis of adult suffrage

**Article 327:** Power of Parliament to make provision with respect to elections to legislature

**Article 328:** Power of Legislature of a State to make provision with respect to elections to such Legislature

**Article 329:** Bar to interference by courts in electoral matters