

Election Commission of India

What is ECI?

- 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, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country.
- Part XV of the Indian constitution deals with elections, and establishes a commission for these matters.
- The Election Commission was established in accordance with the Constitution on 25th January 1950.
- Article 324 to 329 of the constitution deals with powers, function, tenure, eligibility, etc. of the commission and the member.

Types of Elections

There are different types of election systems in the world. We can classify these into:

1. Majoritarian systems
2. Proportional Representation Systems

Election Process for the Lok Sabha (India)

Lok Sabha is composed of representatives of the people chosen by direct election on the basis of the adult suffrage. The maximum strength of the House envisaged by the Constitution is 552. This may include up to 530 members from the states, up to 20 members from the Union Territories. The president can nominate two members from Anglo-Indian community. The 95th Amendment Act, 2009 extended the period for further ten years till 2020.

Direct Election:

The members of Lok Sabha are elected through direct election by the people. Every citizen of the country, who is more than 18 years of age, can vote in the election irrespective of his/her social status, religion, caste, race etc.

Territorial Constituency:

Each state is divided into territorial constituencies for the purpose of elections. One member of Lok Sabha is elected from each constituency. That means, the number of seats for the election are equal to the number of constituencies.

Readjustment of constituencies after each census: After every census, there may be a need to readjust the constituencies; as the delimitation is based on population and not on area.

Reservation of seats for SCs and STs:

The constitution provides for reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha. The 95th Amendment Act, 2009 extended the period of reservation for further ten years till 2020.

Election Process for the Rajya Sabha:

Rajya Sabha is the Upper House of Parliament, which cannot have more than 250 members according to the Constitution of India. Members of Rajya Sabha are not elected by the people directly. They are elected by the members of the legislative assemblies of the states in accordance with the system of proportional representation by means of the single transferable vote.

Twelve members of the Rajya Sabha are nominated by the President, who has earned distinction in the fields of literature, art, science and social service.

Rajya Sabha is a permanent body. It is not subject to dissolution but one-third of its members retire after every two years. At present, Rajya Sabha comprises of 245 members of whom 233 are representatives of the states and union territories and 12 are nominated by the President of India.

Elections Process for the State Legislative Assemblies

Direct Election: The legislative assembly is composed of representatives of the people chosen by direct election on the basis of the universal adult suffrage. The maximum strength is fixed at 500 and minimum strength at 60.

Nominated Member: The governor can nominate one member from Anglo-Indian community if, in his opinion, the community is not adequately represented in the House.

Territorial Constituencies: Each state is divided into territorial constituencies for the purpose of elections. One member of legislative assembly is elected from each constituency.

Reservation of seats for SCs and STs: The constitution provides for reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the legislative assemblies.

Elections Process for the Legislative Council

The total number of members in the legislative council of a state having such a council shall not exceed one-third of the total number of members in the legislative assembly of the state. However, the strength of the legislative council should not be less than forty except Jammu and Kashmir. The actual strength of a council is fixed by the parliament. The composition of legislative council is partly through indirect election partly through special constituencies and partly by nomination. Therefore, an urgent

political reform is the need of the hour, which would include referendum on electoral reform, increase in cooperation across party lines and creating a more transparent and accountable political system in India.

Article 325

No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them

Article 326

Adult suffrage shall be the rule for elections. In other words, if a citizen is:-

- i) 18 years of age on the date fixed by the legislature, and
- ii) Not disqualified by any law ,then he is entitled to be registered as a voter.

Article 327

Power of Parliament to make provision with respect to elections to Legislatures Subject to the provisions of this constitution, Parliament may from time to time by law made provision with respect to all matters relating to, or in connection with, elections to either House of Parliament or to the House or either House of the Legislature of a State including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of such House or Houses.

Article 328

Power of Legislature of a State to make provision with respect to elections to such Legislature Subject to the provisions of this Constitution and in so far as provision in that behalf is not made by Parliament, the Legislature of a State may from time to time bylaw make provision with respect to all matters relating to, or in connection with, the elections to the House or either House of the Legislature of the State including the preparation of electoral rolls and all other matters necessary for securing the due constitution of such House or Houses.

Article 329

Bar to interference by courts in electoral matters notwithstanding anything in this Constitution

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 327 or Article 328, shall not be called in question in any court;

(b) No election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature

Appointment & Tenure of Commissioners

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.

Chief Election Commissioner of India

The **Chief Election Commissioner of India** heads the Election Commission of India, a body constitutionally empowered to conduct free and fair elections to the national and state legislatures and of President and Vice-President. This power of the Election Commission of India is derived from the Article 324 of the Constitution of India. Chief Election Commissioner of India is usually a member of the Indian Civil Service and mostly from the Indian Administrative Service. It is very difficult to remove the authority of the Chief Election Commissioner once appointed by the president, as two-thirds of the Lok Sabha and the Rajya Sabha need to present and vote against him for disorderly conduct or improper actions.

Chief Election Commissioners of India	Tenure
SukumarSen	21 March 1950 – 19 December 1958
Om PrakashRawat	23 January 2018 – 1 December 2018
Sunil Arora	2 December 2018 – 12 April 2021
Sushil Chandra	13 April 2021 – Present

Recognizing a Political Parties

- The Election Commission lists political parties as “national party”, “state party” or “registered (unrecognized) party”.

- The conditions for being listed as a national or a state party are specified under the **Election Symbols (Reservation and Allotment) Order, 1968**.
- A party has to satisfy any one of a number of these conditions.

For recognition as a NATIONAL PARTY, the conditions specified are:

1. a 6% vote share in the last Assembly polls in each of any four states, as well as four seats in the last Lok Sabha polls; or
2. 2% of all Lok Sabha seats in the last such election, with MPs elected from at least three states; or
3. Recognition as a state party in at least four states.

For recognition as a STATE PARTY, any one of five conditions needs to be satisfied:

1. two seats plus a 6% vote share in the last Assembly election in that state; or
2. one seat plus a 6% vote share in the last Lok Sabha election from that state; or
3. 3% of the total Assembly seats or 3 seats, whichever is more; or
4. one of every 25 Lok Sabha seats (or an equivalent fraction) from a state; or
5. An 8% state-wide vote share in either the last Lok Sabha or the last Assembly polls.

State Political Party and National Parties

National Party

A party has to live up to at least one of the following qualifications to be recognised as a national party:

- It has to win a minimum of two per cent of the seats in the Lok Sabha from at least three different states.

Sl.No.	Name of the Party (Abbreviation)	Symbol Reserved
1.	BahujanSamaj Party (BSP)	Elephant (<i>In all States/U.T.s except in Assam</i>)
2.	BharatiyaJanata Party (BJP)	Lotus
3.	Communist Party of India (CPI)	Ears of Corn and Sickle
4.	Communist Party of India (Marxist) (CPM)	Hammer, Sickle and Star
5.	Indian National Congress (INC)	Hand
6.	Nationalist Congress Party (NCP)	Clock

7.	All India Trinamool Congress (AITC)	Flowers and Grass
8.	National People's Party (NPP)	Book

- In General Elections, the party must manage to win six per cent of the votes and win at least four Lok Sabha seats as well.
- The party is recognised as a 'state level party' in four or more states.

State Party

A party has to live up to at least one of the following qualifications to be acknowledged as a state party.

- The party has to win at least three seats or three per cent of the seats in the state legislative Assembly.
- It has to win minimum one seat in the Lok Sabha for every 25 seats or any fraction allotted to that concerned state.
- In a particular election, the party has to bag at least six per cent of the total votes, and also win one Lok Sabha and two Assembly seats.
- The status of a state party can still be bestowed upon an entity even if it fails to win any seats in the Lok Sabha or the Assembly, if it manages to win at least eight per cent of the total votes cast in the entire state.