

## Autonomy of Election Commission of India (ECI)

By IAS Toppers | 2023-08-31 14:00:00



### Introduction:

- The ECI has handled elections of about **900 million voters (2019)** through machinery of **11 million personnel** in a setting of **economic hardship** and **inequalities**.
- The ECI has emerged as the **guardian** of the **Indian democracy** by **superintending, directing** and **controlling** the election procedures even when it faces numerous **challenges**, such as being **independent** and **unbiased**.
- It has undertaken steps to keep its **operations relevant** through initiatives like using **state-owned electronic media** for political campaigning, efforts to **check criminalization** of **politics**, **computerization** of electoral rolls, and providing **voter-identity cards**.

### What is Election Commission of India?

- The **ECI** is an **autonomous constitutional authority** responsible for administering **Union** and **State election processes** in India.
- It was established in **1950** with the **authority** and **decisiveness** in matters of elections.

- The body administers **elections** to the **Lok Sabha, Rajya Sabha, State Legislative Assemblies**, and **offices** of the **President and Vice President**.
- **Secretariat:** New Delhi
- **State level:** election is subject to overall superintendence, direction, and control of the Commission by the **Chief Electoral Officer** of the State.
- **District and constituency levels:** District Election Officers, Electoral Registration Officers, and Returning Officers, perform election work.

### Appointment & Tenure:

- The President appoints **Chief Election Commissioner (CEC)** and **Election Commissioners (EC)**.
- **Election Commission Act, 1991** states the **tenure of 6 years**, or up **65 years** for its members.
- CEC enjoys the **same status, salary, and perks** as available to **Judges of Supreme Court (SC)**.
- The CEC can be **removed** from **office** only by the **Parliament**.
- **All Election Commissioners** have an **equal say** in the **decision-making** of the Commission.



# भारत निर्वाचन आयोग

## ELECTION COMMISSION OF INDIA

FOUNDED ON 25<sup>th</sup> JANUARY, 1950



Election Commission of India is a Permanent Autonomous Constitutional Body.

It holds the Powers and Responsibility of superintendence, direction and control of the entire Election process.



Election Commission is the sole authority for scheduling the elections to Lok Sabha, Rajya Sabha and Offices of President & Vice President.

Election Commission is not just a regulatory but also an Electoral Management body.



Election Commission of India is also responsible for the deployment of necessary Police and Paramilitary Forces during elections.

Election Commission also has the right to engage requisite Government Officials during election time.



[Ref- ECI]

### **Background:**

- The **procedure of appointments** of the CEC and the ECs has seen debates in policy and political circles ever since the **Constituent Assembly debates**.
- The Constituent Assembly set up a **sub-committee- Union Constitution Committee** to consider the **equality, independence, and representation** of ECI with following recommendations:
  - ECI should be a **permanent body of 4 or 5 members** or an **ad hoc** body constituted during **peak electoral activity**.
  - CEC should be appointed by a **two-third majority** in a **joint**

**session** of both **Houses** of **Parliament**.

- But Parliament was entrusted with the charge of making appropriate laws on the matter.
- It functions as a **single-member body** till **1988** until the President passed an Ordinance in **1993** converting the **ECI** into a **multi-member body**.
- The CEC and two Election Commissioners are appointed by the President of India under **Article 324**.

### **Debate over appointment in ECI:**

- ECI has been a **focal point** of **differences** between the government and judiciary, mainly due to **clash of opinions** on its **appointment**.
- The **Supreme Court** judgment directed that the CEC and the ECs will be appointed by the **President of India** based on the **advice** of a **committee**.
  - It shall be made up of the Prime Minister, the Leader of the Opposition in the Lok Sabha, or the leader of the single largest Opposition party and the **Chief Justice of India (CJI)**.
- **Article 324** contains a **provision** for such a law to be enacted by Parliament.
- The government introduced a Bill in the **Rajya Sabha** to **replace** the **CJI** from selection committee with a **Union Cabinet Minister** to be **nominated** by the **Prime Minister**.
- ECI could be **pushed** towards further **governmental control** by strengthening the perception of a **democratic weakening**.
- The institutional structures can be drained of their substance in dealing with a matter of **electoral** victory and **consolidation** of **state power**.
- The prevalent system of appointment can lead to a **loss** of **confidence** among the people.

### **Need for autonomy:**

- To raise the power of ECI on the free and fair bar and pave the way for expunging **biases** and **attachments** to the **ruling party**.
- To curb it from becoming a '**committed**', **partisan** and **incumbent-friendly entity**.
- Ruling parties have a **structural advantage** over institutions, making them susceptible to **manipulation** and **prejudice**.
- The **advisory**, **quasi-judicial** and **administrative functions** of ECI are based on large-scale elections that need to **remain independent** from **external influence**.

### **Suggested Reforms in the system:**

#### **V.M. Tarkunde Committee (1975):**

- The objective was to **address concerns** related to **electoral process** and propose **measures to enhance its transparency, fairness, and efficiency**.
- It is also known as **J.P. Committee** as it was appointed by Jayaprakash Narayan.
- It recommended **reducing** the **voting age** from **21** years to **18** years and that the ECI should be a **three-member body**.

#### **Dinesh Goswami Committee on electoral reforms (1990s):**

- It was appointed to **suggest measures** to **eradicate flaws** in the electoral system.
- It recommended that the CEC should be **appointed** by the **President** after consulting the **CJI and the Leader of Opposition**.
- CEC and EC should be made **ineligible** for any **further appointment** after completion of its tenure.
- It led to enactment of the **Chief Election Commissioner and other Election Commissioner (Conditions of services) Act, 1961, Representation of the People (Amendment) Act, 1996 and 1998**.

### **Second Administrative Reforms Commission (ARC):**

- It recommended that **appointments** of **ECI** should be **broad-based (through a collegium)**.
- The committee should include the **Lok Sabha Speaker**, the **Leaders of the Opposition in the Lok Sabha** and the **Rajya Sabha**, the **Law Minister**, **Deputy Chairperson** of the **Rajya Sabha**, and a **judge** of the **Supreme Court** **nominated** by the **CJI**.
- Any monitoring of ECI by government or its nominee will be **destructive** of its **functions** and **independence**.

### **Conclusion:**

- With the **change** in **governance**, the ECI needed to **adjust** to the **evolving conditions**.
- It has proved to be **flexible** with the **sacred system** by **adapting** to **various modern initiatives**.
- The ECI has **significant powers** that are far more **prominent** than its **counterparts** in other democracies.
- But its autonomy must be ensured by **transparent** and **fair appointment process**, **Constitutional protection**, and **independent decision-making**.

### **Mains Question:**

The autonomy of the Election Commission of India (ECI) has faced challenges, but it has emerged as the guardian of the Indian democracy. Justify.