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## NET, IAS, State-SET (KSET, WBSET, MPSET, etc.), GATE, CUET, Olympiads etc.: Political Science Study Material Election Commission

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### Election Commission

The Election Commission is a permanent and an independent body established by the Constitution of India.

- Article 324 of the Constitution provides that the power of superintendence, direction and control of the elections, to the Parliament, State Legislatures, the office of the President of India and the office of the Vice-President of India, shall be released in the Election Commission.
- The Representation of the People Act, 1950, deals with the qualifications the Voters, preparation of the electoral rolls, delimitation of the Constituencies, allocation of seats in the Parliament and the State Legislatures and so on:
- The Representation of the People Rules, 1950 deals with the preparation of the electoral rolls which was amended in 1988 and 1996.
- Representation of the People Act, 1951, deals with the administrative machinery for conducting the election polls, election disputes, by-elections, registration of the political parties and so forth.
- The Electoral System in India is borrowed from the one operating in Great Britain.
- The Election Commission is not concerned with the elections to Panchayats and Municipalities in the States.
- The elections to the Panchayats and the Municipalities in the states are conducted by State Election Commissions.
- The Election Commission consists of one Chief Election Commissioner (CEC) and two Election Commissioners.
- By an ordinance of 1993, the powers of Election Commissioners have been made equal to those of the Chief Election Commissioner.
- The Commission works under the overall supervision of the Chief Election Commissioner.
- It conducts and supervises elections and by-elections.

- It delimits the constituencies for elections and allots the number of seats to each of them. It fixes the election program-dates, the number of polling booths, and the declaration of the results.
- It advises the President or the Governor on all electoral matters, including questions relating to the disqualifications of the members.
- It prepares guidelines for a code of conduct for candidates, political parties and voters. It fixes the limit of election expenses and examines the accounts of the electoral expenditures.
- It determines the criteria for recognizing political parties and decides their election symbols.
- It settles the election disputes and petitions referred to it by the President or the Governor. The term of the Chief Election Commissioner is for 6 years or till he/she attains the age of 65 years, whichever is earlier. He/she can be removed from the office in the same manner as the Judges of the Supreme Court.
- He/she is not eligible for re-appointment. He/she cannot hold any office of profit after his/her retirement.
- His/her salaries and allowances are met from the Consolidated Fund of India. The electoral system is based on adult-suffrage, the citizen not less than 18 years of age and not otherwise disqualified has the right to vote.
- It is based on the geographical representation.
- This 8-member committee submitted its report in January 1999.
- The Committee upholds the cause for introduction of State funding which is Constitutionally and legally justified and is in the public interest.
- Till now, there have been 12 Chief Election Commissioners in India.

## The Electoral Roll

- The electoral roll is a list of all the people in the constituency who are registered to vote in Indian elections.
- Only those people with their names on the electoral roll are allowed to vote.
- If one is eligible to vote and is not on the electoral roll, he/she can apply to the Electoral Registration Officer of the constituency, who will update the register. The updating of the Electoral Roll only stops during an election campaign, after the nominations of candidates have closed.
- In 1994, the Chief Election Commissioner issued orders to the political parties to complete their respective organizational elections. In 1997, the orders were reissued and parties like the Indian National Congress (I), the Janata Dal and others complied.
- The authority of the EC to enforce internal democracy in political parties is based on the following:

- When a political party is registered with the EC under Section 29 (A) of the Representation of Peoples ' Act, 1951, it becomes a legal entity governed by its own constitution.
- It is not only registered, but recognised under the Symbol Order, 1968.
- Every communication of the party with the EC must be issued by the office bearers of the party, who are to be elected according to the party constitution.
- Where the party has no organisational elections, like the Shiv Sena of Maharashtra, the EC needs to examine the issue.
- For irregularities of elections within the party, either the party has to settle them or the Courts of Law are to deal with the disputes.

### Who Can Stand for Election?

- Any Indian citizen who is registered as a voter and is over 25 years of age is allowed to contest elections to the Lok Sabha or the State Legislative Assemblies.
- For the Rajya Sabha the age limit is 30 years.
- The candidates for the Rajya Sabha and the Vidhan Sabha should be a resident of the same State as the constituency from which they wish to contest.
- Every candidate has to make a deposit of ₹ 110,000 for the Lok Sabha election and 5,000 for the Rajya Sabha or the Vidhan Sabha elections, except for candidates from the Scheduled Castes and Scheduled Tribes who pay half of these amounts.
- The deposit is returned if the candidate receives more than one-sixth of the total number of valid votes polled in the constituency.
- Nominations must be supported at least by one registered elector of the constituency, in the case of a candidate sponsored by a registered Party and by ten registered electors from the constituency in the case of other candidates.
- Returning Officers, appointed by the Election

### When Do Elections Take Place?

- Elections for the Lok Sabha and each State Legislative Assembly have to take place every five years, unless called earlier.
- The President can dissolve Lok Sabha and call for a general election before five years are up, if the Government can no longer command the confidence of the Lok Sabha, and if there is no alternative government available to take over. Scheduling the elections
- When the five-year limit is up. Or the legislature has been dissolved and new elections have been called for, the Election Commission puts into effect the machinery for holding an election.
- The Constitution states that there can be no longer gap than of 6 months between the last session of the dissolved Lok Sabha and the recalling of the new House, so elections have to be concluded before the specific time.

## Frequently Asked Questions (FAQs)

- **Sir who can remove president from its seat n**

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*1 Answer*

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