



## **Government of Tamilnadu**

### **Department of Employment and Training**

Course : TNPSC Group II Exam  
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Topic : **Elections, Election Commission**

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**Commissioner,  
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# ELECTION COMMISSION

## ELECTION

### Articles Related to Elections

Article No.	Subject - Matter
324	Superintendence, direction and control of elections to be vested in an Election Commission
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
326	Elections to the House of the People and to the Legislative Assemblies of states to be on the basis of adult suffrage
327	Power of Parliament to make provision with respect to elections to Legislatures
328	Power of Legislature of a state to make provision with respect to elections to such Legislature
329	Bar to interference by courts in electoral matters
329A	Special provision as to elections to Parliament in the case of Prime Minister and Speaker (Repealed)

## ELECTION MACHINERY

### Election Commission of India (ECI)

- ❖ Under Article 324 of the Constitution of India, the Election Commission of India is vested with the power of superintendence, direction and control of conducting the

elections to the Lok Sabha and State Legislative Assemblies.

- ❖ The Chief Electoral Officer of a state / Union Territory is authorised to supervise the election work in the state / Union Territory subject to the overall superintendence, direction and

## ELECTION COMMISSION

control of the Election Commission.

officer of the state Government as the Direct Election Officer in consultation with the state government

### **Composition:**

1. Chief election commissioner & 2 Election Commissioners.
2. Appointed by President.
3. Tenure decided by President.
4. From 1950 to 15 October 1989 - functions as a single member body.
5. 16 October 1989 two more election commissioners appointed.
6. All the three members have same emoluments and allowances as those of a Judge of the Supreme Court.
7. They can hold office for a term of 6 years or until they attain the age of 65 years whichever is earlier.
8. No prescribed qualification of the members in the constitution.

- ❖ The Returning Officer of a Parliamentary or assembly constituency is responsible for the conduct of elections in the Parliamentary or assembly constituency concerned.
- ❖ The Election Commission of India nominates or designates an officer of the Government or a local authority as the Returning Officer for each of the assembly and parliamentary constituencies in consultation with the State Government / union Territory Administration.

### **District Election Officer (DEO)**

- ❖ Subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district.
- ❖ The Election Commission of India nominates or designates an

- ❖ The Electoral Registration Officer is responsible for the preparation of electoral rolls for a Parliamentary / assembly constituency.
- ❖ The Election Commission of India, in consultation with the state / UT government, appoints an officer of the government or

the local authorities as the Electoral Registration Officer.

- ❖ The Presiding Officer with the assistance of polling officers conducts the poll at a polling station.
- ❖ The District Election Officer appoints the Presiding Officers and the Polling Officers.
- ❖ The Election Commission of India nominates officers of Government as Observers (General Observers and Election Expenditure Observers) for Parliamentary and assembly constituencies.



1. Largest Constituencies : Ladakh - Jammu & Kashmir  
2. Smallest Constituencies : Chandni Chowk - NCT of Delhi

### Electronic Voting Machines: (EVM)

EVM are being used in Indian General and state elections. Electronic voting is partly implemented from 1999 elections and in total since 2004 elections.

- ❖ The EVMs were first used in 1998 in the by – election at North Paravur Assembly Constituency in Kerala for a limited number of polling stations.
- ❖ The EVMs were used for the first time in the general elections (entire state) to the Assembly of Goa in 1999.
- ❖ Election Commission decided to introduce EVMs with Voter – verified paper audit trail (VVPAT) system. The VVPAT system was introduced in 8 of 543 parliamentary constituencies as a pilot project in Indian General Election, 2014.

### **NOTA – None Of The Above**

- **NOTA** was designed to allow the voter to indicate disapproval of all of the candidates in a assembly constituency.
- On September 27, 2013 –Supreme court directed Election commission to introduce a NOTA button.
- NOTA symbol – ballot paper with a black cross across it. Introduced – September 18, 2015.
- Before NOTA – Rule 49-0 of “The Conduct of Elections Rules, 1961” was used by election commission.

## ELECTORAL REFORMS

### Electoral Reforms Before 1996

- ❖ **Lowering of Voting Age** – The 61<sup>st</sup> Constitutional Amendment Act of 1988 reduced the voting age from 21 years to 18 years for the Lok Sabha as well as the assembly elections.
- ❖ **Deputation to Election Commission** – In 1988, a provision was made that the officers and the staff engaged in preparation, revision and correction of electoral rolls for elections are deemed to be on deputation to the Election Commission for the period of such employment.

### **Composition:**

- ❖ Consists of Chief Election Commissioner + 2 Election Commissioners. They all enjoy equal powers.

### **Appointment :**

- ❖ The Chief Election Commissioner is appointed by the President and the other Election Commissioners are appointed by the President (after consultation with the Chief Election Commissioner).
- ❖ President also appoints Regional Commissioners at the time of General Elections after consultation with the Election Commission.

### **Term and Tenure:**

- ❖ Election Commissioners are appointed for a term of 6 years or until they attain the age of 65 years, whichever is earlier.
- ❖ They are not eligible for re-appointment. Also, they cannot hold any office of profit after their retirement. Salary – equal to judge of Supreme Court

## ELECTION COMMISSION OF UNION AND STATE

- ❖ Article 324 of the constitution provides that the power of superintendence, direction and control of elections to parliament, state legislatures, the offices of President of India and the office of Vice-President of India shall be vested in the election commission.

### 1. Election Commission of India

- Formed - January 25, 1950
- Head quarters – New Delhi.
- Chief Election Commissioner – Syed Nazim Ahmad Zaidi (from April 19, 2015)

### 2. Tamil Nadu Election Commission

It is an autonomous, independent Constitutional and Statutory authority of Tamil Nadu.

- Formed - July 15, 1994
- Head quarters – Chennai.
- Function - The conduct of elections to Rural and Urban bodies of Tamil Nadu.
- TN Election Commissioner - P. Seetharaman, I.A.S (from March 2015)

#### **Removal:**

- ❖ The Chief Election Commissioner can be removed from office before expiry of his term by the President on the basis of a resolution passed by the Parliament by a special majority on the ground of proven mis-behaviour or incapacity (same as that of Judge of Supreme Court). The other Election Commissioners may be removed by the President on the recommendation of the Chief Election Commissioner.

#### **Functions:**

- ❖ Preparation of electoral rolls & keep voters list updated.

- ❖ The electoral roll is normally revised every year to add the names of those who have turned 18 on the 1st. January of that year or have moved into a constituency and to remove the names of those who have died or moved out of a constituency.
- ❖ Preparation of code of conduct for all political parties.
- ❖ Recognition of various political parties & allotment of election symbols.
- ❖ Appointment of election officers to look into disputes concerning election arrangements.
- ❖ To examine the returns of election expenses filed by the candidate

## ELECTION COMMISSION

### Chief Election Commissioners






The following have held the post of the Chief Election Commissioner of India.

- ❖ Chief Election Commissioner –  
Dr. Nasim Zaidi









❖ Election Commissioners – Sh.

A.K. Joti, Sh.Om Prakash Rawat

### List of Chief Election Commissioners

SL.No.	Name	Portrait	Took Office	Left Office
1	Sukumar Sen		21 March 1950	19 December 1958
2	KVK Sundaram		20 December 1958	30 September 1967
3	S. P. Sen Verma		1 October 1967	30 September 1972
4	Nagendra Singh		1 October 1972	6 February 1973
5	T. Swaminathan		7 February 1973	17 June 1977

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<b>6</b>	S. L. Shakdhar		18 June 1977	17 June 1982
<b>7</b>	R. K. Trivedi		18 June 1982	31 December 1985
<b>8</b>	R. V. S. Peri Sastri		1 January 1986	25 November 1990
<b>9</b>	V. S. Ramadevi		26 November 1990	11 December 1990
<b>10</b>	<b>T. N. Seshan</b>			
<b>11</b>	M. S. Gill		12 December 1996	13 June 2001
<b>12</b>	J. M. Lyngdoh		14 June 2001	7 February 2004
<b>13</b>	T. S. Krishnamurthy		8 February 2004	15 May 2005

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<b>14</b>	B. B. Tandon		16 May 2005	29 June 2006
<b>15</b>	N. Gopalaswami		30 June 2006	20 April 2009
<b>16</b>	Navin Chawla		21 April 2009	29 July 2010
<b>17</b>	S. Y. Quraishi		30 July 2010	10 June 2012
<b>18</b>	V. S. Sampath		10 June 2012	15 January 2015
<b>19</b>	<u>H. S. Brahma</u>		15 January 2015	Incumbent
<b>20.</b>	Nasim Zaidi		15 April 2015	Incumbent
<b>21.</b>	Achal Kumar Jyoti		6 <sup>th</sup> July 2017	22 Jan 2018
<b>22.</b>	Om Prakash Rawat		23 Jan 2018	Present

## ◆.....◆ FINANCE COMMISSION

- ❖ Article 280 of the Constitution of India provides for a Finance Commission as a quasi judicial body. It is constituted by the president of India every fifth year or at such earlier time as he considers necessary.

- |                      |                  |         |
|----------------------|------------------|---------|
| ❖ Presently          | 15 <sup>th</sup> | Finance |
| Commission           |                  |         |
| ❖ Chairman N.K.Singh |                  |         |

### **Composition:**

- ❖ It consists of a Chairman & 4 other members. They are eligible for re-appointment.
- ❖ The Chairman is selected from persons who have had experience in public affairs while the members are selected from the persons who. Qualified to be appointed judges of High Court.
  - ❖ Have special knowledge of the finance & accounts of govt.
  - ❖ Wide experience in financial matter & in administration. Have special knowledge of Economics.

### **Functions:**

- ❖ To recommend to the President distribution of net proceeds of the taxes which are divisible between Union and States.  
To recommend the principles which should govern the Grants of the revenues of the State out of the Consolidated Fund of India.
- ❖ The recommendations made by it are only of advisory nature and hence not binding on the Government.
- ❖ To tender advice to the President on any other matter referred to the Commission in the interest of sound finance.

### **ANTI- DEFECTION LAW**

- ❖ To curb political defection, added by 52nd amendment in 1985 in Tenth Schedule.
- ❖ Any member of Parliament belonging to any political party can be disqualified.
  - If he voluntarily gives up the membership of that political party. If he votes or abstains from voting according to the party 'whip'.

- Any independent member can be disqualified if he joins any political party after election.
- Any nominated member can be disqualified if he joins any political party after the expiry of 6 month from the date of his joining.

***This law shall not apply:***

- ❖ To a situation of 'merger' in which atleast 2/3 members of any party are involved.
- ❖ To person who resigns membership of his party after becoming the Presiding officer of the house & \_he rejoins the party after laying down that office.
- ❖ 91<sup>st</sup> amendment act – 2003 omitted exception provision i.e. disqualification on ground of defection not to apply in case of split.