

Election Commission of India - Know Article 324 for UPSC

The Constitution of India has established a permanent and independent body to ensure free and fair elections in the country known as the Election Commission. The commission is responsible for holding Lok Sabha elections of India.

It is an important topic for [IAS Exam](#), coming under Indian Polity syllabus. This article will hence talk about Election Commission of India, Article 324 (pertaining to the independence and impartial functioning of Election Commission,) its powers and responsibilities and more. Aspirants can also download the UPSC notes PDF of the topic from the link given below.

What is Article 324?

The Constitution provides Election Commission of India with the power of direction, superintendence, and control of elections to parliament, state legislatures, the office of president of India and the office of vice-president of India.

The Election Commission is an all-India body that is common to both the Central government and the State governments. It must be noted here that the commission does not deal with the elections to the Municipalities and Panchayats in the states. Hence, a separate State Election Commission is provided by the Constitution of India.

Election Commission of India Logo:



Constitutional Appointment of ECI

Since its inception in 1950 and till 15 October 1989, the election commission was as a one-member body with only the Chief Election Commissioner (CEC) as its sole member.

- On 16 October 1989, the voting age was changed from 21 to 18 years. So, two more election commissioners were appointed by the president in order to cope with the increased work of the election commission.
- Since then, the Election Commission was a multi-member body which consisted of 3 election commissioners.
- Later on, the two posts of election commissioners were eliminated in January 1990 and the Election Commission was reverted to the previous position.

- This was repeated again later in October 1993 when the president appointed two more election commissioners. Since then, the Election Commission functions as a multi-member body comprising of 3 commissioners.
- The chief and the two other election commissioners have the same powers and emoluments including salaries, which are the same as a Supreme Court judge.
- In case of difference of opinion amongst the Chief Election Commissioner and/or two other election commissioners, the matter is decided by the Commission by a majority.
- The office is held by them for a term of 6 years or until they attain 65 years, whichever happens first. They can also be removed or can resign at any time before the expiry of their term.

Aspirants can find the [list of Chief Election Commissioners of India](#) in the linked article.

Independence of the Election Commission

Article 324 of [The Constitution of India](#) mentions the provisions to safeguard and ensure the independent and impartial functioning of the Election Commission which is as follows.

- The chief election commissioner is provided with security of tenure. He cannot be removed from his office except in the same manner and on the same grounds as a judge of the Supreme Court. In other words, he can be removed by the [President](#) on the basis of a resolution passed to that effect by both the Houses of Parliament with a special majority, either on the ground of proved misbehaviour or incapacity.
- Thus, he does not hold his office until the pleasure of the president, though he is appointed by him.
- The service conditions of the chief election commissioner cannot be varied to his disadvantage after his appointment.
- Any other election commissioner or a regional commissioner cannot be removed from office except on the recommendation of the chief election commissioner.
- Though the constitution has sought to safeguard and ensure the independence and impartiality of the Election Commission, some flaws can be noted, ie:
 - The Constitution has not prescribed the qualifications (legal, educational, administrative or judicial) of the members of the Election Commission.
 - The Constitution has not specified the term of the members of the Election Commission.
 - The Constitution has not debarred the retiring election commissioners from any further appointment by the government.

Powers, Functions, and Responsibilities of Election Commission

Among the major Constitutional Bodies in India, Election Commission is a permanent Constitutional Body. It was established in accordance with the Constitution on 25th January 1950.

- The Constitution has vested to this body superintendence, direction and control of the entire process for conduct of elections.
- The Commission's functions and powers with respect to elections to the offices of the President, the Vice President, the state legislators and the Parliament are divided under three headings:
 - Administrative
 - Advisory
 - Quasi-judicial

In details, these powers and functions are:

- Determining the Electoral Constituencies' territorial areas throughout the country on the basis of the Delimitation Commission Act of Parliament.
- Preparing and periodically revising electoral rolls and registering all eligible voters.
- Notifying the schedules and dates of elections and scrutinising nomination papers.
- Granting recognition to the various political parties and allocating them election symbols.
- Acting as a court to settle disputes concerning the granting of recognition to political parties and allocating election symbols to the parties.
- Appointing officers for inquiring into disputes concerning electoral arrangements.
- Determining the code of conduct to be followed by the political parties and candidates during elections.
- Preparing a program for publicising the policies of all the political parties on various media like TV and radio during elections.
- Advising the President on matters concerning the disqualification of MPs.
- Advising the Governor on matters concerning the disqualification of MLAs.
- Cancelling polls in case of booth capturing, rigging, violence and other irregularities.
- Requesting the Governor or the President for requisitioning the staff required for conducting elections.
- Supervising the machinery of elections throughout the country for ensuring the conduct of free and fair elections.
- Advising the President on whether elections can be held in a state that is under the President's rule, in order to extend the period of emergency after 1 year.
- Registering political parties and granting them the status of national or state parties (depending on their poll performance).

The Commission is aided in its function by deputy election commissioners. The deputy ECs are taken from the civil services and they are appointed by the Commission. They have a fixed tenure. They are aided by the secretaries, deputy secretaries, joint secretaries and under-secretaries posted in the commission's secretariat.

Composition of Election Commission

Article 324 of the Constitution has made the following provisions with regard to the composition of election commission:

- The President appoints the Chief Election Commissioner and other election commissioners.
- When any other EC is so appointed, the CEC acts as the Election Commission's Chairman.
- The President can also appoint regional commissioners to assist the Commission, if necessary after consulting with the Election Commission.
- The tenure of office and the conditions of service of all the commissioners shall be determined by the country's President.

UPSC Questions related to Election Commission of India

- What are the powers of the Election Commission in India?

The powers and functions of the Election Commission with regard to elections to the Parliament, state legislatures and offices of President and Vice-President can be classified into three categories, viz, • Administrative • Advisory • Quasi-Judicial

- Who elects the members of the election commission?

The President appoints the Chief Election Commissioner (CEC) and the other Election Commissioners.

- What are the articles related to ECI?

The following articles of the Constitution of India are related to ECI:

Important Articles related to Election Commission of India	
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 grounds of religion, race, caste or sex.
Article 326	Elections to the House of the People and to the 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 Legislatures.
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.

Types of Amendments & Constitutional Amendment Process in India - Indian Polity

Article 368 of the Indian Constitution mentions two types of amendments to the Indian Constitution. One type of amendment is by a special majority of the Parliament (Lok Sabha & Rajya Sabha) and the second type of the amendment is the by a special majority of the Parliament with the ratification by half of the total states. The topic, 'Types of Amendments' comes under Indian Polity syllabus of the IAS Exam and this article will provide you with the details on it along with the Constitutional Amendment Process in India details.

Amendments of the Indian Constitution – What is Article 368?

To define constitutional amendment process, Article 368 of Part XX of Indian Constitution provides for two types of amendments.

1. By a special majority of Parliament

2. by a special majority of the Parliament with the ratification by half of the total states

But, some other articles provide for the amendment of certain provisions of the Constitution by a simple majority of Parliament, that is, a majority of the members of each House present and voting (similar to the ordinary legislative process). Notably, these amendments are not deemed to be amendments of the Constitution for the purposes of Article 368.

Any of these amendments follow a certain procedure. Hence, this article will talk in detail about the types of amendments in the Indian Constitution, the Constitutional Amendment Process and the scope of amendability.

Types of Amendments in Indian Constitution – Indian Polity Notes	Download PDF Here
Constitutional Amendment Process – Indian Polity Notes	Download PDF Here

Types of Amendments in Indian Constitution

The list of types of amendments can be found below. There are three ways in which the Constitution can be amended:

1. Amendment by simple majority of the Parliament
2. Amendment by special majority of the Parliament
3. Amendment by special majority of the Parliament and the ratification of at least half of the state legislatures.

A brief description of the above types of amendments of the Indian Constitution has been laid down below.

1. By Simple Majority of Parliament

A number of provisions in the Constitution can be amended by a simple majority of the two houses of Parliament outside the scope of Article 368. These provisions include:

- Admission or establishment of new states.
- Formation of new states and alteration of areas, boundaries or names of existing states.
- Abolition or creation of legislative councils in states.
- Second Schedule-emoluments,
- Allowances, privileges and so on of the [president](#), the governors, the Speakers, judges, etc.
- Quorum in Parliament.
- Salaries and allowances of the members of Parliament.
- Rules of procedure in Parliament.
- Privileges of the Parliament, its members and its committees.
- Use of the English language in Parliament.
- Number of puisne judges in the [Supreme Court](#).

- Conferment of more jurisdiction on the Supreme Court.
- Conferment of more jurisdiction on the Supreme Court.
- Citizenship-acquisition and termination.
- Elections to Parliament and state legislatures.
- Delimitation of constituencies.
- Union territories
- Fifth Schedule-administration of scheduled areas and scheduled tribes.
- Sixth Schedule-administration of tribal areas.

2. By Special Majority of Parliament

- The majority of the provisions in the Constitution need to be amended by a special majority of the Parliament, that is, a majority (that is, more than 50 percent) of the total membership of each House and a majority of two-thirds of the members of each House present and voting. The expression ‘total membership’ means the total number of members comprising the House irrespective of the fact whether there are vacancies or absentees.
- The special majority is required only for voting at the third reading stage of the bill but by way of abundant caution, the requirement for the special majority has been provided for in the rules of the Houses in respect of all the effective stages of the bill.
- The provisions which can be amended by this way include: (i) Fundamental Rights; (ii) [Directive Principles of State Policy](#); and (iii) All other provisions which are not covered by the first and third categories.

3. By Special Majority of Parliament and Consent of States

Those provisions of the Constitution which are related to the federal structure of the polity can be amended by a special majority of the Parliament and also with the consent of half of the state legislatures by a simple majority. If one or some or all the remaining states take no action on the bill, it does not matter; the moment half of the states give their consent, the formality is completed. There is no time limit within which the states should give their consent to the bill. The following provisions can be amended in this way:

- Election of the President and its manner.
- Extent of the executive power of the Union and the states.
- Supreme Court and high courts.
- Distribution of legislative powers between
- the Union and the states.
- Any of the lists in the Seventh Schedule.
- Representation of states in Parliament.
- Power of Parliament to amend the Constitution and its procedure (Article 368 itself).

Types of amendments in the Indian Constitution is an important topic under [UPSC Political Science Syllabus](#) which IAS aspirants may check in the linked article.

Types of Amendments – Constitutional Amendment Process

The procedure for the amendment of the Constitution as laid down in Article 368 is as follows:

- An amendment of the Constitution can be initiated only by the introduction of a bill for the purpose in either House of Parliament (Lok Sabha & [Rajya Sabha](#)) and not in the state legislatures.
- The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
- The bill must be passed in each House by a special majority, that is, a majority (that is, more than 50 per cent) of the total membership of the House and a majority of two-thirds of the members of the House present and voting.
- Each House must pass the bill separately.
- In case of a disagreement between the two Houses, there is no provision for holding a joint sitting of the two Houses for the purpose of deliberation and passage of the bill.
- If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting.
- After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.
- The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament
- After the president's assent, the bill becomes an Act (i.e., a constitutional amendment act) and the Constitution stands amended in accordance with the terms of the Act.

Questions from the topic 'Types of Amendments in Indian Constitution', have been asked frequently. Candidates preparing for UPSC 2020 must focus on such topics and prepare them according to the upcoming exam which can be checked in the linked article.

Scope of Amendability in Indian Constitution

The present position is that the Parliament under Article 368 can amend any part of the Constitution including the Fundamental Rights but without affecting the 'basic structure' of the Constitution. However, the Supreme Court is yet to define or clarify as to what constitutes the 'basic structure' of the Constitution.

From the various judgements, the following have emerged as '[basic features](#)' of the Constitution:

1. Supremacy of the Constitution
2. Welfare state (socio-economic justice).
3. Principle of equality
4. Sovereign, democratic and republican nature of the Indian polity.
5. Judicial review
6. Free and fair elections
7. The secular character of the Constitution.
8. Freedom and dignity of the individual
9. Independence of Judiciary
10. Separation of powers between the legislature, the executive and the judiciary.
11. Parliamentary system
12. Limited power of Parliament to amend the Constitution
13. Federal character of the Constitution
14. Rule of law
15. Effective access to justice

16. Unity and integrity of the nation
17. Harmony and balance between Fundamental Rights and Directive Principles
18. Reasonableness

Schedules of Indian Constitution - 12 Schedules of India

There are 12 Schedules in the Constitution of India. One of the first mentions of Schedules was made in the [Government of India Act, 1935](#) where it included 10 Schedules. Later, when Indian Constitution was adopted in 1949, it consisted of 8 Schedules. Today, with the amendments in Indian Constitution, there are a total of 12 Schedules.

This article will provide you with a list of Schedules of Indian Constitution, important for the [IAS Exam](#) from the perspective of Indian Polity (Mains GS-II).

List of Schedules of Indian Constitution

Schedules in Indian Constitution	
Schedules	Features of Schedules
First Schedule of Indian Constitution	It contains the name of States and Union Territories Territorial Jurisdiction of states is also included
Second Schedule of Indian Constitution	The provisions in relation with allowances, privileges, emoluments of: <ul style="list-style-type: none"> • President of India • Governors of Indian States • Speaker of Lok Sabha & Deputy Speaker of Lok Sabha • Chairman of Rajya Sabha & Deputy Chairman of Rajya Sabha • Speaker and Deputy Speaker of Legislative Assemblies of Indian States • Chairman and Deputy Chairman of Legislative Councils of the Indian States • Supreme Court Judges • High Court Judges • Comptroller & Auditor General of India (CAG)
Third Schedule	It contains the forms of oath and affirmation for: <ul style="list-style-type: none"> • Union Ministers of India • Parliament Election Candidates • Members of Parliament (MPs) • Supreme Court Judges • Comptroller and Auditor General

	<ul style="list-style-type: none">• State Ministers• State Legislature Elections' Candidates• State Legislature Members• High Court Judges
Fourth Schedule	It contains the provisions in relation to the allocation of seats for States and Union Territories in the Rajya Sabha
Fifth Schedule	It contains provisions in relation to the administration and control of scheduled areas and scheduled tribes
Sixth Schedule	It contains provisions in relation to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram
Seventh Schedule	This schedule deals with the three legislative lists: <ul style="list-style-type: none">• Union• State• Concurrent
Eighth Schedule	It deals with the 22 official languages recognized by the Indian Constitution: <ul style="list-style-type: none">• Assamese• Bengali• Bodo• Dogri (Dongri)• Gujarati• Hindi• Kannada• Kashmiri• Konkani• Mathili (Maithili)• Malayalam• Manipuri• Marathi• Nepali• Oriya• Punjabi• Sanskrit

	<ul style="list-style-type: none"> • Santhali • Sindhi • Tamil • Telugu • Urdu
Ninth Schedule	<p>It deals with the state acts and regulations of that deal with land reforms and abolition of the zamindari system. It also deals with the acts and regulations of the Parliament dealing with other matters.</p> <p>Note:</p> <p>1st Amendment Act 1951 added the Ninth Schedule to protect the laws included in it from judicial scrutiny on the ground of violation of fundamental rights.</p> <p>However, in 2007, the Supreme Court ruled that the laws included in this schedule after April 24, 1973, are now open to judicial review</p>
Tenth Schedule	<p>It contains provisions relating to disqualification of the members of Parliament and State Legislatures on the ground of defection.</p> <p>Note:</p> <p>This schedule was added by the 52nd Amendment Act of 1985, also known as Anti-defection Law</p>
Eleventh Schedule	<p>It contains the provisions that specify the powers, authority and responsibilities of Panchayats. It has 29 matters.</p> <p>Note:</p> <p>This schedule was added by the 73rd Amendment Act of 1992</p>
Twelfth Schedule	<p>It deals with the provisions that specify the powers, authority and responsibilities of Municipalities. It has 18 matters.</p> <p>Note:</p> <p>This schedule was added by the 74th Amendment Act of 1992</p>

Schedules of Indian Constitution & Articles

Aspirants should know about the Constitutional Articles related with the Schedules of Indian Constitution. It will give them clarity of concepts and help them understand the chronology of important articles.

Schedules of Indian Constitution	Articles of Indian Constitution
First Schedule	Article 1 and Article 4
Second Schedule	Articles: <ul style="list-style-type: none">• 59• 65• 75• 97• 125• 148• 158• 164• 186• 221
Third Schedule	Articles: <ul style="list-style-type: none">• 75• 84• 99• 124• 146• 173• 188• 219
Fourth Schedule	Article 4 and Article 80
Fifth Schedule	Article 244
Sixth Schedule	Article 244 and Article 275
Seventh Schedule	Article 246

Eighth Schedule	Article 344 and Article 351
Ninth Schedule	Article 31-B
Tenth Schedule	Article 102 and Article 191
Eleventh Schedule	Article 243-G
Twelfth Schedule	Article 243-W

