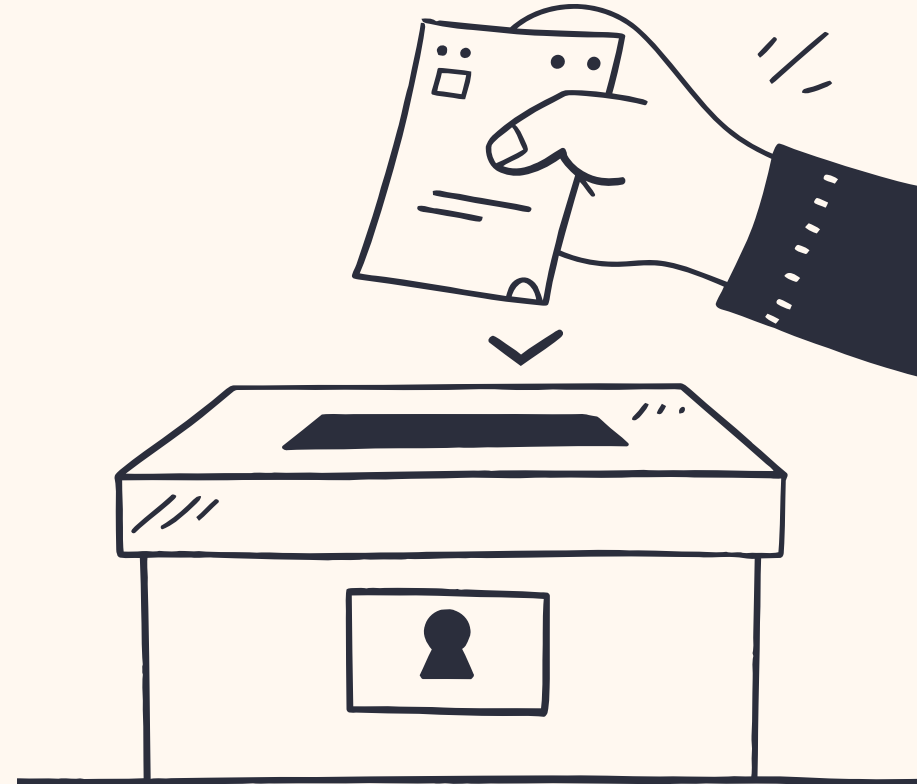


# Election Commission of India



# I. Constitutional Basis (1–10)

## Trap 1

✗ Election Commission is a statutory body.

✓ It is a constitutional body (Article 324).

## Trap 2

✗ Election Commission is mentioned in Part XVIII.

✓ In Part XV (Elections) of the Constitution.

## Trap 3

✗ Article 324 deals with Parliamentary privileges.

✓ Deals with superintendence, direction, and control of elections.

## Trap 4

✗ Constitution provides details of electoral procedures.

✓ Only broad principles; details in Representation of the People Acts (1950, 1951).

## Trap 5

✗ Election Commission was created after the first general elections.

✓ Created on 25th January 1950, before the first elections (1951–52).

## Trap 6

✗ Election Commission conducts only Lok Sabha elections.

✓ Conducts Parliament, State Assemblies, President & Vice-President elections.

## Trap 7

✗ Local body elections are under the Election Commission of India.

✓ State Election Commissions handle them (Art. 243K & 243ZA).

## Trap 8

✗ Election Commission reports to the President.

✓ Independent constitutional authority, not subordinate to President.

## Trap 9

✗ Election Commission is responsible for election laws.

✓ Parliament makes laws, Election Commission implements them.

## Trap 10

✗ Election Commission is part of the Judiciary.

✓ Independent of all three branches; constitutional autonomy.

## II. Composition & Appointment (11–25) — Part A

### Trap 11

✗ Constitution fixes the number of Election Commissioners.

✓ Fixed by President, not Constitution.

### Trap 12

✗ EC has always been multi-member.

✓ Initially single-member (1950–1989); multi-member since 1993.

### Trap 13

✗ Chief Election Commissioner (CEC) alone constitutes the EC.

✓ CEC + other Election Commissioners (if any) appointed by President.

### Trap 14

✗ CEC is elected by Parliament.

✓ Appointed by the President.

### Trap 15

✗ Qualification of CEC is given in the Constitution.

✓ No qualifications prescribed in Constitution.

### Trap 16

✗ Tenure of EC members is fixed by Constitution.

✓ Decided by the President (by rule).

### Trap 17

✗ Salary and conditions of service of EC members are fixed by Parliament.

✓ Determined by President, subject to law made by Parliament.

### Trap 18

✗ EC members can hold other government offices.

✓ Cannot — full-time constitutional posts.

### Trap 19

✗ EC is under control of the Union Public Service Commission.

✓ Independent of UPSC.

### Trap 20

✗ EC includes representatives of political parties.

✓ No — all independent officers.

## II. Composition & Appointment (11–25) — Part B

### Trap 21

✗ Number of Election Commissioners cannot be changed.

✓ President may fix and vary the number (Art. 324(2)).

### Trap 22

✗ CEC can function alone even if others disagree.

✓ Decisions by majority in a multi-member EC.

### Trap 23

✗ Chief Election Commissioner can remove other Election Commissioners.

✓ President can, not CEC (Art. 324(5)).

### Trap 24

✗ Constitution mandates three members.

✓ No such number fixed — flexible.

### Trap 25

✗ Appointment procedure is parliamentary.

✓ Executive appointment, though reform proposals suggest collegium.



# III. Tenure & Removal (26–40) – Part A

## Trap 26

✗ Tenure of CEC is 6 years or till 70 years, whichever earlier.

✓ Correct — as per Election Commission (Conditions of Service) Act, 1991.

## Trap 27

✗ Other Election Commissioners have longer tenure.

✓ Same tenure and conditions as CEC.

## Trap 28

✗ CEC can be removed like ordinary civil servants.

✓ Removed like a Supreme Court judge (special majority of Parliament).

## Trap 29

✗ Other Election Commissioners have the same protection.

✓ Can be removed by President on CEC's recommendation.

## Trap 30

✗ President can remove CEC arbitrarily.

✓ Needs parliamentary approval (Art. 324(5)).

## Trap 31

✗ President can reduce CEC's salary during term.

✓ Cannot be varied to their disadvantage.

## Trap 32

✗ EC members hold office at pleasure of the President.

✓ Only CEC protected; others hold office "subject to CEC's recommendation."

## Trap 33

✗ Parliament can remove CEC by simple majority.

✓ Special majority required (as SC judge).

## Trap 34

✗ Constitution prescribes age limit for EC members.

✓ No constitutional age limit.

## Trap 35

✗ CEC's protection from removal was added later.

✓ Present since 1950.

# III. Tenure & Removal (26–40) – Part B

## Trap 36

✗ EC members can be reappointed indefinitely.

✓ No bar, but rare in practice.

## Trap 37

✗ EC ceases to exist after one term.

✓ Permanent constitutional body.

## Trap 38

✗ EC members' service conditions are decided by Parliament directly.

✓ By President under 1991 Act.

## Trap 39

✗ CEC can suspend other Commissioners.

✓ No — collective decision-making body.

## Trap 40

✗ EC's functioning stops if CEC post falls vacant.

✓ Other Commissioners continue; President may appoint interim CEC.

# IV. Powers & Functions (41–65) — Part A

## Trap 41

✗ EC conducts only elections to Lok Sabha and Rajya Sabha.

✓ Also **President**, Vice-President, State Assemblies.

## Trap 42

✗ EC's powers apply only during election period.

✓ Continuous supervision of electoral rolls and machinery.

## Trap 43

✗ EC frames electoral laws.

✓ Executes election laws framed by **Parliament**.

## Trap 44

✗ EC decides election symbols.

✓ Yes — under Election Symbols (Reservation & Allotment) Order, 1968.

## Trap 45

✗ EC registers political parties under RPA 1951.

✓ Correct — under Sec. 29A of RPA 1951.

## Trap 46

✗ EC allocates party funds.

✓ No — only recognition and symbols.

## Trap 47

✗ EC can cancel party registration.

✓ Only if obtained by fraud, not for internal issues.

## Trap 48

✗ EC conducts local panchayat elections.

✓ Done by State Election Commissions (Art. 243K).

## Trap 49

✗ EC can postpone elections indefinitely.

✓ Can defer, but must conduct at earliest opportunity.

## Trap 50

✗ EC decides delimitation of constituencies.

✓ Delimitation Commission (**independent** body) does that.



# IV. Powers & Functions (41–65) — Part B

## Trap 51

- ✗ EC issues **Model Code of Conduct (MCC)** under law.
- ✓ **MCC** is not **statutory**, based on consensus and EC authority.

## Trap 52

- ✗ **MCC** is legally enforceable.
- ✓ Not law, but violations can attract action under other laws.

## Trap 53

- ✗ EC conducts bye-elections only for Lok Sabha.
- ✓ For both **Parliament** and State Assemblies.

## Trap 54

- ✗ EC announces election schedule after **President's** approval.
- ✓ **Independent** decision.

## Trap 55

- ✗ EC can supervise party finances.
- ✓ Monitors expenditure, not funding sources.

## Trap 56

- ✗ EC can disqualify MPs and MLAs.
- ✓ **President** (for MPs) / Governor (for MLAs) acts on **EC's** opinion.

## Trap 57

- ✗ EC decides election disputes.
- ✓ Election petitions decided by High Courts.

## Trap 58

- ✗ EC can cancel elections.
- ✓ Can countermand polls in case of rigging or violence.

## Trap 59

- ✗ EC can punish offenders directly.
- ✓ No — recommends action; courts prosecute.

## Trap 60

- ✗ EC prepares electoral rolls.
- ✓ Supervises preparation and revision by local authorities.





# IV. Powers & Functions (41–65) — Part C & V. Powers During Elections (66–80) — Part A

## Trap 61

✗ **EC** cannot supervise EVM use.

✓ Sole authority to approve and regulate EVMs/VVPATs.

## Trap 62

✗ **EC** can amend Representation of People Act.

✓ Only **Parliament** can.

## Trap 63

✗ **EC** monitors internal party elections.

✓ Only for recognised parties and registration compliance.

## Trap 64

✗ **EC** can disqualify a sitting MP.

✓ Only recommendation; **President** decides.

## Trap 65

✗ **EC** declares election results.

✓ Yes, after counting under its supervision.

## Trap 66

✗ Once elections announced, government can continue all policies.

✓ **Model Code of Conduct** restricts major policy decisions.

## Trap 67

✗ **MCC** applies only to ruling party.

✓ Applies to all parties and candidates.

## Trap 68

✗ **EC** has no power to transfer officials.

✓ Can transfer election-related officers for fairness.

## Trap 69

✗ **EC** can postpone polling unilaterally.

✓ Yes — in violence, booth capture, or natural calamity.

## Trap 70

✗ **EC** supervises police deployment directly.

✓ Through Home Ministry coordination.

# V. Powers During Elections (66–80) — Part B & VI. Independence & Limitations (81–95) — Part A

## Trap 71

✗ EC has no role in opinion polls.

✓ Can regulate publication during campaign period.

## Trap 72

✗ EC controls campaign finance law.

✓ Enforces limits under RPA 1951 and EC orders.

## Trap 73

✗ EC decides election expenses for all candidates.

✓ Limits fixed by Ministry of Law on EC's recommendation.

## Trap 74

✗ EC can delay election results for unlimited period.

✓ Must announce within prescribed schedule.

## Trap 75

✗ EC enforces election laws even in local body polls.

✓ State ECs do that.

## Trap 76

✗ EC cannot suspend polls for booth capture.

✓ Can adjourn or cancel polling in such cases.

## Trap 77

✗ EC has no control on opinion polls.

✓ Regulates exit poll timings under rules.

## Trap 78

✗ EC reports directly to Parliament.

✓ Reports to President, who lays them before Parliament.

## Trap 79

✗ EC controls election observers.

✓ Appoints and directs them.

## Trap 80

✗ EC is subordinate to Ministry of Law & Justice.

✓ Independent — attached administratively but not subordinate.

# VI. Independence & Limitations (81–95) — Part B & VII. Reforms, Cases & Facts (96–100)

## Trap 81

- ✗ EC is under President's administrative control.
- ✓ Independent constitutional body.

## Trap 82

- ✗ Parliament can dissolve EC.
- ✓ Cannot — needs constitutional amendment.

## Trap 83

- ✗ EC's decisions need President's approval.
- ✓ Final and binding, within its jurisdiction.

## Trap 84

- ✗ EC's budget is voted by Parliament.
- ✓ Charged on Consolidated Fund of India.

## Trap 85

- ✗ EC members are under civil service rules.
- ✓ Independent constitutional officers.

## Trap 86

- ✗ President can override EC orders anytime.
- ✓ Cannot interfere in election matters.

## Trap 87

- ✗ EC decisions can't be reviewed by courts.
- ✓ Judicial review allowed on legality, not procedure.

## Trap 88

- ✗ EC is answerable to PMO.
- ✓ Reports only to President.

## Trap 89

- ✗ EC has complete control over Parliament.
- ✓ Limited to election process only.

## Trap 90

- ✗ EC cannot take action against media bias.
- ✓ Can act via advisories, MCC enforcement.

## Trap 91

- ✗ EC decisions are binding on political parties.
- ✓ Yes — under Art. 324 authority.

## Trap 92

- ✗ CEC is supreme within EC.
- ✓ All equal in rank; decisions by majority.

## Trap 93

- ✗ EC has no protection under law.
- ✓ Enjoys constitutional protection under Art. 324(5).

## Trap 94

- ✗ EC can disqualify MPs on corruption charges.
- ✓ Only through judicial or presidential route.

## Trap 95

- ✗ EC's powers extend to municipal elections.
- ✓ State EC handles those.

## Trap 96

- ✗ T.N. Seshan case reduced EC powers.
- ✓ Expanded powers; upheld multi-member EC (1995).

## Trap 97

- ✗ EVMs are unconstitutional.
- ✓ Approved by SC (2002); legally valid.

## Trap 98

- ✗ EC was made multi-member by 44th Amendment.
- ✓ Made so by 1989 ordinance & 1993 Act.

## Trap 99

- ✗ EC's independence depends on executive will.
- ✓ Guaranteed by Constitution.

## Trap 100

- ✗ Election Commission Day is on 26th January.
- ✓ Celebrated every year on 25th January.

