

23– 11 – 2022

News: SC calls out Centre over short tenure of CECs.

- The CECs are selected on a basis, where they are never fully functioning for 6 years, as their retirement age (65 years of age) is reached within the term.

Election Commission of India (ECI)

- Articles 324-329, Part XV of Indian Constitution specifies about the Election Commission of India and its works.
- Article 324 of the Constitution states that the Election Commission shall consist of the Chief Election Commissioner (CEC) and such number of other election commissioners (ECs), if any, as the president may from time to time fix.
- The body was established as a single member body in 1950. Two election commissioners were added in 1989.
- Today, the Election Commission has been functioning as a multi-member body consisting of three election commissioners all of whom are appointed by President.
- The CEC and the two other ECs have equal powers and receive equal salaries, allowances (similar to that of a judge of the Supreme Court).

- In case of difference of opinion amongst the CEC and/or two other ECs, the matter is decided by the Commission by a majority.
- Term of Chief Election Commissioner is 6 years or, 65 years of age, whichever is earlier.
- The term of EC members are determined by President.
- Reappointment of members of election commission is possible.
- The constitution is silent about the qualifications to be possessed by the members of Election Commission.
- Salary is drawn out of Consolidated Fund of India but expenses made by the Commission are voted in Parliament.
- The CEC is provided with the 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.
- Other ECs cannot be removed from office except on the recommendation of the CEC. However, such recommendation from CEC is not a binding on the President. In 2009, such a recommendation from the then CEC, was declined by the President.

Chief Electoral Officer (CEO)

- The Chief Electoral Officer assists the Election Commission at the state level. He is appointed by the Chief Election Commissioner in consultation with the state government.

Returning Officer

- The Returning Officer of a parliamentary or assembly constituency is responsible for the conduct of elections in the parliamentary or assembly constituency concerned as per section 21 of the Representation of the People Act 1951.
- 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.
- In addition, the Election Commission of India also appoints one or more Assistant Returning Officers for each of the assembly and parliamentary constituencies to assist the Returning Officer in the performance of his functions in connection with the conduct of elections.

- Recently, the Election Commission of India has proposed to link the Electoral Roll with Aadhar card with a view to curbing the menace of multiple enrolment of the same person at different places.
- The recommendation for elections is made by the Election Commission (EC) and the notification for election is issued by the President and Governors of the State concerned.
- Election Commissioner of India (ECI) represents the Republic of India in Association of World Election Bodies (A – WEB).

Powers

- Conducting general & bye elections to Parliament and State legislatures.
- Conducting elections to the post of President and Vice President of India.
- Preparation of Electoral Roll.
- Granting of Party symbol and recognition of National, State parties based on recent election performance. The Election Symbols (Reservation and Allotment) order, first promulgated in 1968, mandates the Election Commission to provide for specification, reservation, choice and allotment of symbols at parliamentary and assembly elections, for the recognition of political parties.
- Issue of Model Code of Conduct.

- The ECI is endowed with the **power of setting limit on expenses of poll**. This limit is revised from time to time. This power is given with a view to secure fair elections by curbing the undue advantage, which may be gained by wealthy candidates.
- When on election duty, the government officers work under the control of the Election Commission and not under the government.
- When the Election Commission comes to an opinion that polling was not fair in some booths or even an entire constituency, it orders a repoll.
- If any **question arises as to whether a member of parliament has become the subject to any disqualification under Article 102** then the question shall be referred for the **decision of the president and his decision shall be final**. The president **shall obtain the opinion of the Election Commission and shall act according to such opinion**.
- However, the Election Commission **cannot disqualify a candidate who engages in electoral malpractice**. At best, the ECI may **direct the authorities to register a case against the candidate**.
- The ECI has power to decriminalize politics by putting **lifetime ban on convicted politicians, thereby preventing those from criminal background to contest in elections**. This has been envisaged in **Articles 102 and 191 of the**

Indian Constitution along with sections 7(b), 8 to 10-A of the Representation of People Act, 1956.

- The 44th amendment Act empowered the Election Commission in the case of President's Rule also.
- The 44th Amendment Act of 1978 introduced a new provision to put restraint on the power of the parliament to extend a proclamation of President's Rule beyond one year.

The 44th amendment Act provided that beyond one year the President's Rule can be extended by six months at a time only when two conditions are fulfilled:

- A Proclamation of National emergency should be in operation in the whole of India, or in the whole or any part of the state;
- The Election Commission must certify that the general elections to the legislative assembly of the concerned state cannot be held on account of difficulties.
- Passport, Driving License, Service Identity Cards with photograph issued to employees by Central/State Govt./PSUs/Public Limited Companies, Passbooks with photograph issued by Bank/Post Office, PAN Card, Smart Card issued by RGI under NPR, MNREGA Job Card, Health Insurance Smart Card issued

under the scheme of Ministry of Labour, Pension document with photograph, Official identity cards issued to MPs/MLAs/MLCs, and Aadhaar Card.

- Overseas electors shall have to produce their original passport only for identification.
- Previously, the Commission had allowed Photo Voter Slip (PVS) as a document for identification.
- However, it was found to be misused due to lack of security features, hence its use as a stand-alone identification document for voting has been discontinued
- In case of difference of opinion amongst the CEC and/or two other ECs, the matter is decided by the commission by a majority.
- According to Sec. 73 of the R. P. Act, 1951, after the results of all Parliamentary constituencies are declared, the Election Commission will constitute the new Lok Sabha by notifying in the official gazette, the names of the elected members. The EC issues a notification to constitute the new Lok Sabha and then present it to the President enabling him to convene the new House.

News: Biodiversity Heritage Site

- Recently, the Tamil Nadu Government issued a notification declaring Arittapatti in Melur block, Madurai district as a Biodiversity Heritage Site (BHS).
- It is Tamil Nadu's first and India's 35th Biodiversity Heritage Site.

Arittapatti Biodiversity Heritage Site

- Arittapatti village is rich in ecological and historical significance; it houses around 250 species of birds including three important raptors, birds of prey namely Laggar Falcon, Shaheen Falcon and Bonelli's Eagle.
- It is also home to wildlife such as the Indian Pangolin, Slender Loris and Pythons.
- The biodiversity rich area is surrounded by a chain of seven hillocks or inselbergs that serve as a watershed, charging '72 lakes, 200 natural springs and three check dams.'
- The Anaikondan Lake, built during the reign of Pandiyan kings in the 16th century is one among them.
- Several megalithic structures, rock-cut temples, Tamil Brahmi inscriptions and Jain beds add to the historical significance of the region.

Biodiversity Heritage Site

- Biodiversity heritage sites are well-defined areas that are unique, ecologically fragile ecosystems with high diversity of wild and domesticated species, presence of rare and threatened species, and keystone species.

Legal Provision

- As per provision under Section 37(1) of 'Biological Diversity Act, 2002', The State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as under this Act.

Restrictions

- Creation of BHS may not put any restriction on the prevailing practices and usages of the local communities, other than those voluntarily decided by them. The purpose is to enhance the quality of life of the local communities through conservation measures.

First BHS of India

- Nallur Tamarind Grove in Bengaluru, Karnataka was the first Biodiversity Heritage Site of India, declared in 2007.
- Last Five Additions to BHS are Debbari or Chabimura in Tripura (September 2022), Betlingshib & its surroundings in Tripura (September 2022), Hajong Tortoise Lake in Assam (August 2022), Borjuli Wild Rice Site in Assam (August 2022) and Amarkantak in Madhya Pradesh (July 2022).