



## The Constitutional Role of the Election Commission of India in State Elections: Present Trends and Challenges

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### Abstract

The Election Commission of India (ECI) is a constitutional authority established under Article 324 of the Constitution of India to ensure free, fair and transparent elections. This study examines the constitutional role, powers, functions and independence of the ECI in conducting State Legislative Assembly elections. It analyzes the constitutional provisions under Part XV of the Constitution (Articles 324–329) and relevant statutory laws, including the Representation of the People Acts, 1950 and 1951 and the Election Symbols (Reservation and Allotment) Order, 1968.

The paper highlights the ECI's responsibilities in preparing electoral rolls, supervising elections, enforcing the Model Code of Conduct, monitoring election expenditure and promoting transparency through Electronic Voting Machines (EVMs) and VVPAT systems. It further discusses judicial interpretations that strengthened the autonomy and authority of the Commission through landmark cases such as Mohinder Singh Gill v. Chief Election Commissioner, T.N. Seshan v. Union of India and Anoop Baranwal v. Union of India.

The study also addresses recent electoral trends, digital campaigning, voter awareness initiatives and challenges including political pressure, fake news, money power and criminalization of politics. It concludes that strengthening the institutional independence of the ECI and implementing comprehensive electoral reforms are essential for safeguarding constitutional democracy in India.

**Keywords:** Free and Fair Elections, Electoral Reforms, Model Code of Conduct (MCC), Electoral Transparency, Political Funding, Electoral Rolls, Electoral Integrity, Digital Campaigning, Social Media Regulation, Election Expenditure, Democratic Governance

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### Introduction

The Election Commission of India (ECI) is one of the most important constitutional institutions established to preserve democratic governance in India. It plays a crucial role in ensuring that elections are conducted in a free, fair, transparent and impartial manner. The Commission derives its authority primarily from Article 324 of the Constitution of India and functions as an independent constitutional body responsible for supervising elections to Parliament, State Legislatures and the offices of the President and Vice-President.

State Legislative Assembly elections are fundamental to India's federal democratic structure. The Election Commission performs various constitutional and statutory functions in relation to state elections, including preparation of electoral rolls, supervision of polling, enforcement of the Model Code of Conduct, regulation of election expenditure and ensuring transparency in the electoral process.

In recent years, particularly by 2026, state elections in India have witnessed major transformations because of technological developments, digital campaigning, judicial interventions, increased voter participation and reforms aimed at electoral transparency. At the same time, several challenges continue to affect electoral integrity, including fake news, misuse of money power, criminalisation of politics, electoral violence and allegations regarding institutional neutrality.

This research paper examines the constitutional framework of the Election Commission of India, its powers and functions in state elections, judicial interpretation of Article 324, present trends in elections, major challenges faced by the ECI and important electoral reforms necessary for strengthening Indian democracy.

### **Constitutional Framework of the Election Commission of India**

#### **Constitutional Provisions under Part XV of the Constitution of India**

Part XV of the Constitution of India (Articles 324–329) contains provisions relating to elections and establishes the constitutional basis of the Election Commission of India.

#### **Article 324 – Superintendence, Direction and Control of Elections**

Article 324 vests the “superintendence, direction and control” of elections in the Election Commission of India. It empowers the ECI to conduct elections to:

- Parliament
- State Legislatures
- Office of the President of India
- Office of the Vice-President of India

The Article also provides for the appointment of the Chief Election Commissioner (CEC) and other Election Commissioners.

#### **Article 325 – One General Electoral Roll**

Article 325 prohibits exclusion from electoral rolls on grounds of:

- Religion
- Race
- Caste
- Sex

This provision promotes equality in the electoral process and ensures non-discriminatory voting rights.

#### **Article 326 – Elections on the Basis of Adult Suffrage**

Article 326 establishes universal adult franchise. Every citizen above 18 years of age has the right to vote subject to legal disqualifications prescribed by law.

#### **Article 327 – Power of Parliament**

Article 327 empowers Parliament to enact laws relating to elections, including:

- Preparation of electoral rolls
- Delimitation of constituencies
- Conduct of elections

#### **Article 328 – Power of State Legislature**

Article 328 authorizes State Legislatures to make laws regarding state elections subject to parliamentary legislation.

#### **Article 329 – Bar to Judicial Interference**

Article 329 bars interference by courts in electoral matters except through election petitions after declaration of election results.

### **Powers, Functions and Independence of the Election Commission**

#### **Powers and Functions of the ECI**

The Election Commission performs several constitutional and statutory functions, including:

1. Conducting free and fair elections.
2. Preparation and revision of electoral rolls.
3. Recognition of political parties.
4. Allotment of election symbols.
5. Enforcement of the Model Code of Conduct.
6. Monitoring election expenditure.
7. Advising the President and Governors regarding disqualification of legislators.
8. Ordering repoll in cases of violence or malpractice.
9. Supervising counting and declaration of results.
10. Ensuring voter awareness and participation.

The Election Commission acts as the guardian of electoral democracy in India.

#### **Independence of the Election Commission**

The Constitution guarantees independence of the Election Commission through several safeguards:

- Security of tenure of the Chief Election Commissioner.
- Removal process similar to a Judge of the Supreme Court.
- Protection of salary and service conditions.
- Independent functioning under Article 324.

The independence of the ECI is essential for maintaining public confidence in elections and preserving democratic accountability.

#### **Appointment and Removal of Election Commissioners**

##### **Appointment**

Under Article 324(2), the Chief Election Commissioner and other Election Commissioners are appointed by the President of India. Parliament may regulate the appointment process through legislation.

##### **Removal of the Chief Election Commissioner**

The Chief Election Commissioner can only be removed in the same manner and on the same grounds as a Judge of the Supreme Court under Article 124(4). Removal requires:

- Special majority in Parliament
- Proven misbehavior or incapacity

##### **Removal of Other Election Commissioners**

Other Election Commissioners may be removed by the President on the recommendation of the Chief Election Commissioner.

These constitutional safeguards are intended to ensure institutional independence and neutrality.

#### **Statutory Framework Governing Elections**

##### **Representation of the People Act, 1950**

The Representation of the People Act, 1950 deals with:

- Electoral rolls
- Delimitation of constituencies
- Allocation of seats

**Representation of the People Act, 1951**

The Representation of the People Act, 1951 regulates:

- Conduct of elections
- Qualifications and disqualifications
- Corrupt practices
- Election disputes
- Election offences

**Election Symbols (Reservation and Allotment) Order, 1968**

The Election Symbols Order regulates:

- Recognition of political parties
- Reservation and allotment of election symbols
- Settlement of disputes between rival political groups

This statutory framework provides operational support to the constitutional mandate of the Election Commission.

**Judicial Interpretation and Landmark Cases****Mohinder Singh Gill v. Chief Election Commissioner (1978) 1 SCC 405**

The Supreme Court held that Article 324 grants plenary powers to the Election Commission for conducting free and fair elections. The Court observed that the ECI may act in areas where election laws are silent.

**Significance**

- Expanded powers of the ECI.
- Recognized constitutional authority under Article 324.
- Strengthened electoral integrity.

**T.N. Seshan v. Union of India (1995) 4 SCC 611**

The Court upheld the constitutional validity of the multi-member Election Commission and clarified that all Election Commissioners possess equal powers.

**Significance**

- Strengthened institutional independence.
- Promoted collective decision-making.
- Prevented concentration of powers.

**A.C. Jose v. Sivan Pillai (1984) 2 SCC 656**

The Supreme Court held that the Election Commission cannot override laws enacted by Parliament. Article 324 applies only where statutory law is silent.

**Significance**

- Defined limits of ECI powers.
- Clarified relationship between constitutional and statutory authority.

**Kanhiya Lal Omar v. R.K. Trivedi (1985) 4 SCC 628**

The Court upheld the constitutional validity of the Election Symbols Order, 1968.

**Significance**

- Recognized ECI authority over election symbols and political parties.
- Strengthened regulatory powers of the Commission.

**Union of India v. Association for Democratic Reforms (2002) 5 SCC 294**

The Court directed candidates to disclose:

- Criminal antecedents
- Educational qualifications
- Assets and liabilities

**Significance**

- Strengthened informed voting.
- Promoted transparency and accountability.

**People's Union for Civil Liberties v. Union of India (2013) 10 SCC 1**

The Supreme Court introduced the NOTA (None of the above) option in voting.

**Significance**

- Strengthened voter freedom.
- Enhanced democratic participation.

**Subramanian Swamy v. Election Commission of India (2013) 10 SCC 500**

The Court directed introduction of VVPAT along with EVMs.

**Significance**

- Increased transparency.
- Improved voter confidence.
- Enhanced accountability in voting.

**Anoop Baranwal v. Union of India (2023 SCC Online SC 216)**

The Supreme Court directed that appointments of the Chief Election Commissioner and Election Commissioners should be made by a committee consisting of:

- Prime Minister
- Leader of Opposition
- Chief Justice of India

Until Parliament enacts a law.

**Significance**

- Strengthened institutional independence.
- Reduced executive dominance.
- Promoted neutrality in appointments.

**Role of the Election Commission in State Elections Conduct and Supervision of State Assembly Elections**

The Election Commission supervises and controls State Legislative Assembly elections under Article 324 and the Representation of the People Act, 1951.

Its responsibilities include:

- Issuing election notifications
- Appointment of Returning Officers and Observers
- Conducting polling and counting
- Declaration of results
- Ordering repoll where necessary

The ECI ensures neutrality and adherence to constitutional principles.

**Preparation and Revision of Electoral Rolls**

The ECI periodically prepares and revises electoral rolls under the Representation of the People Act, 1950.

Objectives include:

- Inclusion of eligible voters
- Removal of fake and duplicate entries
- Updating voter information
- Ensuring universal adult suffrage

### **Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman AIR 1985 SC 1233**

The Court held that minor defects in electoral rolls should not ordinarily interrupt elections.

### **Announcement of Election Schedules**

The Election Commission independently announces election schedules after considering:

- Law and order conditions
- Festivals and examinations
- Climatic conditions
- Availability of security forces

The announcement of the election schedule brings the Model Code of Conduct into operation.

### **Election Commission of India v. State of Haryana AIR 1984 SC 1406**

The Court recognized the independent authority of the Election Commission in conducting elections.

### **Enforcement of the Model Code of Conduct**

The Model Code of Conduct (MCC) contains ethical guidelines for political parties and candidates. Objectives include:

- Preventing misuse of government machinery
- Ensuring fair campaigning
- Restricting hate speech and bribery
- Maintaining public order

The ECI may issue notices, ban campaign activities, or recommend criminal action.

### **S. Subramaniam Balaji v. State of Tamil Nadu (2013) 9 SCC 659**

The Court directed the ECI to frame guidelines regarding election manifestos and freebies.

### **Monitoring Election Expenditure**

The Election Commission monitors election expenditure through:

- Expenditure Observers
- Monitoring paid news
- Regulation of campaign advertisements
- Seizure of illegal cash and inducements

### **Common Cause v. Union of India (1996) 2 SCC 752**

The Court emphasized transparency in electoral finance.

### **Use of EVMs and VVPATs**

Electronic Voting Machines (EVMs) and VVPAT systems improve electoral transparency.

Advantages include:

- Faster counting
- Reduction of invalid votes
- Prevention of booth capturing
- Greater transparency

### **Subramanian Swamy v. Election Commission of India (2013) 10 SCC 500**

The Court directed use of VVPAT with EVMs.

### **Ensuring Free and Fair Elections**

The primary constitutional duty of the Election Commission is to ensure free and fair elections.

The Commission ensures:

- Neutral administration
- Equal opportunity for political parties
- Prevention of electoral fraud
- Security arrangements for voters

### **Indira Nehru Gandhi v. Raj Narain 1975 Supp SCC 1**

The Supreme Court held that free and fair elections form part of the basic structure of the Constitution.

### **Present Trends in State Elections**

#### **Increased Use of Digital Technology**

The Election Commission increasingly uses technology in election management. Digital reforms include:

- Online voter registration
- Digital electoral rolls
- Webcasting of polling stations
- GPS tracking of EVMs
- Mobile applications for grievance redressal

The ECI has also strengthened cyber security mechanisms.

#### **Growing Role of Social Media and Digital Campaigning**

Political parties extensively use platforms such as:

- Facebook
- X (Twitter)
- Instagram
- YouTube
- WhatsApp

Digital campaigning includes:

- Online advertisements
- Virtual rallies
- Live speeches
- Digital political messaging

However, concerns include:

- Fake news
- Hate speech
- Data manipulation
- Misinformation

### **Shreya Singhal v. Union of India (2015) 5 SCC 1**

The Supreme Court struck down Section 66A of the Information Technology Act for violating freedom of speech.

#### **Greater Voter Awareness and Participation**

Voter participation has increased due to:

- SVEEP programmes
- Awareness campaigns
- Participation of women and youth voters
- Digital voter education

Special efforts are made for:

- Persons with disabilities
- Senior citizens
- Tribal and remote communities

### Home Voting and Inclusive Electoral Reforms

The ECI introduced:

- Home voting for elderly citizens above 85 years
- Postal ballots for persons with disabilities
- Accessible polling stations
- Braille-enabled EVMs

These reforms strengthen inclusive democracy.

### Monitoring of Election Expenditure

The ECI has increased surveillance on:

- Digital transactions
- Political advertisements
- Social media campaign expenditure
- Illegal cash distribution

### Common Cause v. Union of India (1996) 2 SCC 752

The judgment emphasized transparency and accountability in electoral finance.

### Strengthening Transparency through EVMs and VVPATs

VVPAT systems increase voter confidence and transparency.

The ECI conducts:

- Random VVPAT verification
- Technical audits
- Security checks for EVM storage

### N. Chandrababu Naidu v. Union of India (2019) 15 SCC 377

The Supreme Court directed increased VVPAT verification.

### Challenges Faced by the Election Commission of India Political Pressure and Allegations of Bias

Political parties frequently accuse the Election Commission of selective enforcement of the Model Code of Conduct and delayed action. Political polarization affects institutional credibility and public trust.

### Misuse of Money Power

Excessive election expenditure undermines democratic fairness. Common malpractices include:

- Paid news
- Vote-buying
- Illegal campaign funding
- Distribution of inducements

### Criminalization of Politics

Candidates with criminal backgrounds continue to participate in elections, weakening democratic governance and public confidence.

### Fake News and Social Media Abuse

The rise of digital platforms has increased the spread of fake news, hate speech and communal propaganda. The ECI faces challenges in regulating online political content.

### Challenges Related to EVMs and VVPATs

Despite technological safeguards, allegations regarding EVM

reliability continue to arise. Political parties frequently demand greater transparency and increased VVPAT verification.

### Electoral Violence and Booth Capturing

Certain regions continue to experience electoral violence, intimidation of voters and booth capturing, which undermine free and fair elections.

### Electoral Roll Errors

Persistent problems include:

- Deletion of genuine voters
- Duplicate entries
- Inclusion of fake voters
- Delays in revision of rolls

### Misuse of Government Machinery

Ruling parties are often accused of misusing administrative machinery and public resources during elections. The ECI must ensure a level playing field among political parties.

### Appointment and Independence of Election Commissioners

Concerns continue regarding executive dominance in appointments. Transparent and independent appointment procedures are necessary to strengthen institutional credibility.

### Election Reforms and Suggestions

#### Strengthening Independence of the Election Commission

Suggested reforms include:

- Financial autonomy similar to the Supreme Court and CAG
- Independent secretariat for the ECI
- Fixed tenure for Election Commissioners
- Protection from political interference
- Greater parliamentary oversight

#### Transparent Appointment Process

Suggested reforms include:

- Collegium-based appointment system
- Participation of the Prime Minister, Leader of Opposition and Chief Justice of India
- Parliamentary scrutiny of appointments
- Transparent qualifications and selection criteria

#### Electoral Finance Reforms

Necessary reforms include:

- State funding of elections
- Transparency in political donations
- Strict auditing of party accounts
- Regulation of anonymous funding
- Real-time disclosure of expenditure

#### Stronger Laws against Fake News and Hate Speech

Suggested measures include:

- Stronger cyber laws
- Fact-checking mechanisms
- Regulation of digital political advertisements
- Cooperation with social media companies
- Faster grievance redressal mechanisms

### Improving Cyber security in Elections

Suggested reforms include:

- Protection of electoral databases
- Independent cybersecurity audits
- Secure digital infrastructure
- Prevention of hacking and data manipulation

### Decriminalization of Politics

Suggested reforms include:

- Fast-track courts for criminal cases against politicians
- Disqualification upon framing of serious criminal charges
- Mandatory disclosure of criminal cases
- Greater voter awareness

### Strengthening the Model Code of Conduct

Suggested reforms include:

- Legal backing for the MCC
- Time-bound action against violations
- Stronger penalties for hate speech
- Monitoring of digital campaigning

### Enhancing Voter Awareness

Suggested measures include:

- Expansion of SVEEP programmes
- Digital literacy campaigns
- Awareness regarding fake news
- Electoral education in academic institutions

### Conclusion

The Election Commission of India occupies a central position in the constitutional and democratic framework of India. Established under Article 324 of the Constitution, the Commission has played a vital role in conducting free, fair, transparent and impartial elections, particularly State Legislative Assembly elections.

Judicial interpretation of Article 324 has significantly strengthened the constitutional status, independence and authority of the Election Commission. Landmark judgments such as *Mohinder Singh Gill*, *T.N. Seshan*, *Association for Democratic Reforms*, *PUCL* and *Anoop Baranwal* have expanded electoral transparency, voter rights and institutional autonomy.

In 2026, state elections in India reflect modernization through digital technology, EVMs, VVPAT systems, online campaigning and inclusive electoral reforms. However, challenges such as fake news, money power, criminalization of politics, electoral violence, misuse of government machinery and allegations of bias continue to threaten electoral integrity.

Comprehensive electoral reforms are therefore necessary to strengthen the independence of the Election Commission, regulate political funding, improve transparency, enhance cyber security and preserve public confidence in the democratic process.

Free and fair elections form part of the basic structure of the Constitution and remain essential for preserving constitutional democracy in India. The Election Commission, judiciary, Parliament, political parties, media and citizens must collectively work to ensure transparent, accountable and participatory elections in the future.

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