

Powers of Election Commission of India

Election Commission of India (ECI) is a constitutional body vested with powers to supervise, direct and control the election process of the country.

Election Commission Powers

The powers of the Election Commission are defined in the following articles of the Indian Constitution:

- Article 324: Superintendence, control and direction of national and state-level elections are to be directly handled by the ECI
- Article 325: Inclusion and exclusion of names in electoral rolls are based on Indian Citizenship. No citizen of India above the voting age should be excluded from the rolls or included in a special electoral roll based on any criteria such as race, caste, religion or sex.
- Article 326: Defines universal adult franchise as the basis for elections to all levels of the elected government.
- Article 327: Defines responsibilities of the ECI and parliament for the conduct of national elections.
- Article 328: Defines the role and responsibilities of the state legislatures with respect to state-level elections.
- Article 329: Prohibits court interference in matters related to elections unless specifically asked to provide their views.

The powers of the Election Commission can be studied under three headings:

- Administrative Powers
- Advisory Powers
- Quasi-Judicial Powers

Let us discuss each of them one by one.

Administrative Powers of the Election Commission

- The commission has been empowered to function in accordance with the Delimitation Commission Act and define the territorial boundaries of electoral constituencies for different elections.
- It has been given powers to register and deregister any political party or entity.
- It is empowered to enforce the 'Model Code of Conduct' for election campaigns and ensures its implementation.
- It is empowered to keep a check on the election expenses of the political parties. This ensures a level playing field for all the political parties irrespective of their size and thus the capacity to spend.
- It has the power to appoint officers as election observers and expenditure observers from different departments of the Civil Services.

Advisory Powers of the EC

- The Commission is empowered to advise the President of India regarding disqualification of the members of Parliament and the conditions for the same.

- The Commission also advises the Governors with respect to the disqualifications of members of the State Legislatures
- It advises the High Courts and Supreme Court in matters related to post-election disputes between candidates and political parties.

Note: The post-election disputes related to the election of President and Vice President go to the Supreme Court. Disputes regarding the Parliament and the State Legislatures are referred to the High Courts.

Election Commission Quasi-Judicial Powers

- The Election Commission is empowered to settle disputes regarding recognition granted to political parties and candidates.
- It has the powers to act as a court for matters related to disputes arising out of the allotment of election symbols to political parties and candidates. No two election symbols are the same, even in different regions.
- It must be noted that the elections with respect to the election of Panchayats and Municipalities are carried out under the supervision of the State Election Commission. The State Election Commissions are in turn advised by the ECI and are answerable to it.