

ECI Constitutional Mandate

Mains: GSII – Polity| Governance

Why in News?

The ECI's Special Intensive Revision (SIR) of electoral rolls has raised concerns over its legal basis, voter exclusion, institutional accountability, unilateral decision-making and the limits of its constitutional powers.

What is the Constitutional Position of the ECI?

- **Constitutional Foundation –**

- **Article 324** vests the ECI with the superintendence, direction and control of elections to Parliament, State legislatures, President and Vice-President.
- **Article 325** provides for one general electoral roll and prohibits exclusion on grounds of religion, race, caste or sex.
- **Article 326** establishes elections based on universal adult suffrage, subject to constitutional and statutory disqualifications.
- **Articles 327-329** provide the broader legislative and judicial framework governing elections.

- The ECI is therefore an important constitutional institution for safeguarding representative democracy.

- **Constitutional Vision of Independence –**

- The Constituent Assembly deliberately favoured a centralised and independent election machinery.
 - Dr. B.R. Ambedkar stressed that election machinery must remain outside executive control.
 - This was intended to prevent governments from manipulating electoral rolls or election administration for political advantage.
- The constitutional design therefore seeks to ensure electoral neutrality, institutional autonomy and public confidence.



Composition • Constitutional Background • Mandate • SIR • Objectives • Challenges

1 COMPOSITION

- Constitutional body under **Article 324**.
- Chief Election Commissioner (CEC)** + such number of Election Commissioners as the President may fix.
- CEC and ECs appointed by the President**, subject to the Constitution and applicable law.
- Regional Election Commissioners** may be appointed after consultation with the ECI.
- Tenure/service conditions** governed by the Constitution and the current statutory framework.

2 CONSTITUTIONAL BACKGROUND

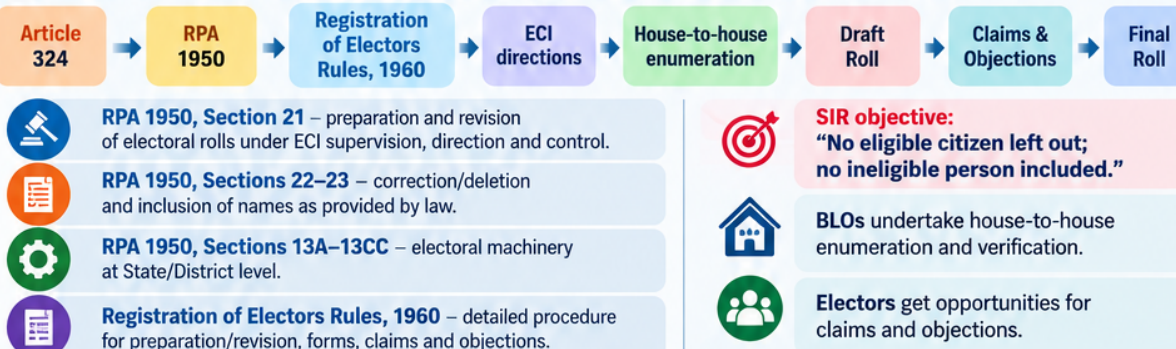
- Article 324** Superintendence, direction and control of electoral rolls and elections to Parliament, State Legislatures, President and Vice-President.
- Article 325** One general electoral roll; no exclusion on grounds only of religion, race, caste or sex.
- Article 326** Adult suffrage; citizen aged 18+ subject to lawful disqualification.
- Articles 327–328** Parliament/State Legislature power to make election laws.

3 MANDATE / CORE FUNCTIONS

- Prepare, revise and maintain electoral rolls.
- Conduct free, fair and credible elections.
- Delimitation-related electoral functions as provided by law.
- Recognise political parties and allot election symbols under applicable law.
- Monitor Model Code of Conduct and election expenditure.
- Voter awareness, accessibility and inclusive participation.

4 SIR — SPECIAL INTENSIVE REVISION

Legal & Procedural Basis



5 OBJECTIVES OF SIR

- Clean & accurate electoral rolls.
- Include every eligible citizen.
- Remove deceased/shifted/duplicate/ineligible entries through due process.
- Improve electoral integrity and credibility.
- Strengthen voter confidence and participation.

6 CHALLENGES / CONCERNS

- Risk of wrongful exclusion if documentation/verification is difficult.
- Migration and changing residence complicate roll maintenance.
- Large administrative workload for BLOs/EROs.
- Data quality, duplication and inter-state mobility issues.
- Need for transparency, political-party participation and effective grievance redressal.
- Balance between electoral-roll integrity and ease of inclusion.



Credible Elections Begin with Accurate, Inclusive Electoral Rolls.

Sources: Constitution of India; Representation of the People Act, 1950; Registration of Electors Rules, 1960; Election Commission of India.

Why is an Independent ECI Important for Indian Democracy?

- **Protects Electoral Integrity** – An impartial ECI ensures that elections remain free from undue political influence.
- **Enables Peaceful Transfer of Power** – Credible elections provide legitimacy to governments and facilitate peaceful changes of political power.
- **Protects Political Equality** – A neutral electoral system ensures that every eligible citizen enjoys an equal opportunity to participate.
- **Strengthens Democratic Legitimacy** – Public acceptance of electoral outcomes depends substantially on confidence in the neutrality of the election process.
- **Acts as a Check on Executive Power** – An independent ECI prevents the ruling establishment from controlling the electoral process that determines its continuation in office.

What are the Major Concerns Regarding the Present Functioning of the ECI?

- **Legal and Constitutional Challenge** – The unclear statutory basis of SIR and the limits of Article 324 raise concerns over the legality and constitutional propriety of ECI decisions.

Legal Basis of SIR

- Section 21 of the **Representation of the People Act, 1950** provides for preparation and revision of electoral rolls.
- Rule 25 of the **Registration of Electors Rules, 1960** recognises intensive and summary revisions.
 - Section 21(3) allows the ECI to order a special revision for a constituency or part thereof.
- However, the expression “**Special Intensive Revision**” is not expressly provided in the statute.
- This raises the question whether Article 324 permits the ECI to devise a procedure beyond the statutory framework.

- **Electoral Inclusion** – Large-scale voter deletions may result in disenfranchisement of eligible citizens and weaken the principle of universal adult suffrage.
- **Institutional Accountability** – Alleged unilateral decision-making within the ECI may weaken collective functioning, transparency and institutional accountability.
- **Independence-Accountability** – Strong safeguards for Election Commissioners protect their independence but may create concerns regarding effective accountability for misconduct.
- **Judicial Oversight** – The exercise of broad electoral powers requires a balance between ECI autonomy and judicial review of legality and procedure.
- **Federal Coordination** – Electoral-roll revision requires effective coordination between the ECI and State-level administrative machinery.
- **Social Inclusion** – Documentation and verification requirements may disproportionately affect migrants, vulnerable groups and marginalised communities.
- **Technological Challenge** – Digital electoral systems can improve accuracy but may also cause data errors, privacy risks and algorithmic exclusion.

What are the Structural Challenges being faced by the ECI?

- **Institutional** – Political influence, concentration of authority and weak accountability can affect institutional credibility.
- **Legal** – Ambiguity over Article 324 and overlap between constitutional and statutory powers can create disputes.
- **Administrative** – Large electorate, migration, urban mobility and frequent updating make electoral-roll management complex.
- **Technological** – Data quality, privacy, cybersecurity and algorithmic errors pose new risks.
- **Democratic** – Voter exclusion, politicisation and declining public trust can weaken electoral legitimacy.

What Reforms are needed?

- **Strengthen Legal Clarity** – Parliament should clearly define different categories and procedures for electoral-roll revision to minimise disputes over the scope of ECI powers.
- **Institutionalise Collective Decision-Making** – Major decisions should follow transparent, recorded and collective procedures within the Commission.
- **Strengthen Appointment Process** – The appointment system should inspire confidence through institutional balance, transparency and bipartisan credibility.
- **Establish Robust Deletion Safeguards** – No genuine voter should be removed without Notice, Verification, Opportunity to respond, Reasoned decision and Appeal.
- **Create Independent Audit Mechanisms** – Periodic independent audits of electoral rolls can identify:
 - Erroneous deletions.
 - Duplicate entries.
 - Systemic exclusion.
 - Regional disparities.
- **Make Technology Citizen-Centric** – Digital tools should improve accuracy without becoming an automatic basis for exclusion.
- **Improve Accessibility** – Voter-verification and appeal mechanisms should be available through:
 - Online platforms.
 - Booth-level officials.
 - Helplines.
 - Local facilitation centres.
 - Assisted verification for vulnerable citizens.
- **Strengthen Parliamentary Oversight** – Parliamentary scrutiny can improve institutional accountability while preserving the ECI's operational independence.

What lies ahead?

- The ECI is a constitutional institution at the heart of India's democratic architecture.
- Its independence was deliberately designed by the Constitution-makers to prevent political control over elections.
- However, constitutional independence must operate within the rule of law, procedural

fairness, collective decision-making and accountability.

- The ultimate test of electoral reform should be simple: every ineligible voter must be prevented from distorting an election, but no eligible citizen should be denied the opportunity to participate in democracy.

Reference

[The Hindu| ECI Constitutional Mandate](#)

