

Election Commission vs States: Who Controls Election Officials in India

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Election Commission vs States Latest News

- The Election Commission of India (ECI) and the West Bengal government are locked in a dispute over disciplinary authority on election officials.
- The state has refused to act against four officers accused of tampering with the electoral roll, arguing that no elections have been announced and the Model Code of Conduct is not in force.
- This clash has reignited the long-standing debate on the extent of the ECI's disciplinary control once state officials are deputed to election duty.

Constitutional Vision for the Election Commission

- During the Constituent Assembly debates, Dr. B. R. Ambedkar emphasized that the Chief Election Commissioner should enjoy the same protection as a Supreme Court judge to ensure independence from the executive.

- On staffing, he rejected the idea of creating a parallel permanent bureaucracy for the Commission, noting it would be costly and unnecessary since electoral work fluctuates in intensity.
- Instead, he proposed that officials be deputed from provincial governments, remaining under the Commission's authority during elections.
- Thus, the framers envisioned an Election Commission without its own permanent staff but with full control over officials temporarily assigned to it.

1988 Amendments: Strengthening ECI's Authority over Election Officials

- In 1988, Parliament gave legal backing to the Constituent Assembly's vision by amending both the **Representation of the People Acts of 1950 and 1951**.
- These changes placed election officials formally under the Election Commission's control.
- Under **Section 13CC of the 1950 Act**, officials such as Chief Electoral Officers, District Election Officers, and Electoral Registration Officers were deemed to be on deputation to the Commission while handling electoral rolls, making them subject to its supervision and discipline.
- Similarly, **Section 28A of the 1951 Act** extended this authority to returning officers, presiding and polling officers, and even police personnel on election duty.
- Their accountability to the Commission lasted from the notification of elections until the final declaration of results.
- Together, these amendments institutionalised the Commission's power over both administrative and enforcement staff during elections, ensuring independence and uniformity in the conduct of polls.

The Continuing Tussle: T N Seshan vs. the Government

- Even after the 1988 amendments gave the Election Commission clear authority over election officials, disputes with governments persisted.
- The fiercest clash came during the tenure of **T N Seshan (1990-96)**, the combative Chief Election Commissioner known for his strict enforcement of electoral discipline.
 - He declared that once drafted, these officials would answer solely to the ECI.
 - He also claimed powers to discipline, suspend, or transfer errant officers — a stance the government refused to accept.

The Ranipet Flashpoint

- The conflict peaked during the 1993 Ranipet by-election in Tamil Nadu.
- To conduct this election smoothly, the then CEC sought deployment of central forces. However, the government bluntly told him that he lacked the authority to demand central forces.
- In retaliation, T N Seshan postponed 31 elections — to Lok Sabha, Rajya Sabha, state councils, and assemblies — until the deadlock was resolved.

Judicial Intervention and Aftermath

- The ECI then approached the Supreme Court, which gave interim relief by affirming its authority over officers on election duty.
- However, the litigation dragged on even after Seshan retired in 1996.
- Finally, in 2000, under Chief Election Commissioner M S Gill, a negotiated settlement was reached, and the case was closed.

The 2000 Agreement: Formalising ECI's Disciplinary Powers

- The tussle over the ECI's authority was finally settled in **2000 through a negotiated agreement** recorded by the Supreme Court.
- For the first time, the Commission's disciplinary powers over officials on election duty were formally spelt out.

Scope of Powers

- The ECI was empowered to:
 - **Suspend officers** for dereliction of duty.
 - **Replace errant officials** and send them back to their original cadres with a detailed conduct report.
 - **Recommend disciplinary action** to the competent authority, which was bound to act within **six months** and report back to the Commission.
- This settlement marked a turning point: for the first time, the **ECI's disciplinary authority was codified on paper**, strengthening its ability to act against officials who compromised free and fair elections.
- It also established a clear chain of accountability between the ECI, the Centre, and the states.

West Bengal Standoff: Options Before the ECI

- The ongoing clash between the ECI and the West Bengal government shows that the 2000 settlement has not fully resolved tensions over disciplinary control of election officials.
- Over the years, states have sometimes resisted ECI directives or diluted them by accepting explanations from officers instead of enforcing strict action.
- In the present case, if West Bengal continues to resist, the ECI has **three escalation options**:
 - **Summoning the Chief Secretary** — already exercised, with a week's compliance deadline set.
 - **Involving the Centre** — urging it to remind the state of the binding nature of the 2000 framework.
 - **Approaching the Courts** — as a final recourse, invoking its authority under the Representation of the People Acts, 1950 and 1951, to ensure enforcement.
- This episode highlights how the ECI's authority, though legally backed, still faces practical challenges when state governments push back against its disciplinary powers.

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