



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalsivam Kamarajar"

How is SEC ensuring fair Elections?

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Supreme Court's directions, Maharashtra will hold local body elections in three phases beginning on December 2.

Can the SEC Delete Duplicate Names?

No. The SEC cannot add or delete names.

Though it supervises local body elections, it **does not prepare** separate voters' lists.

Source of Voters' List

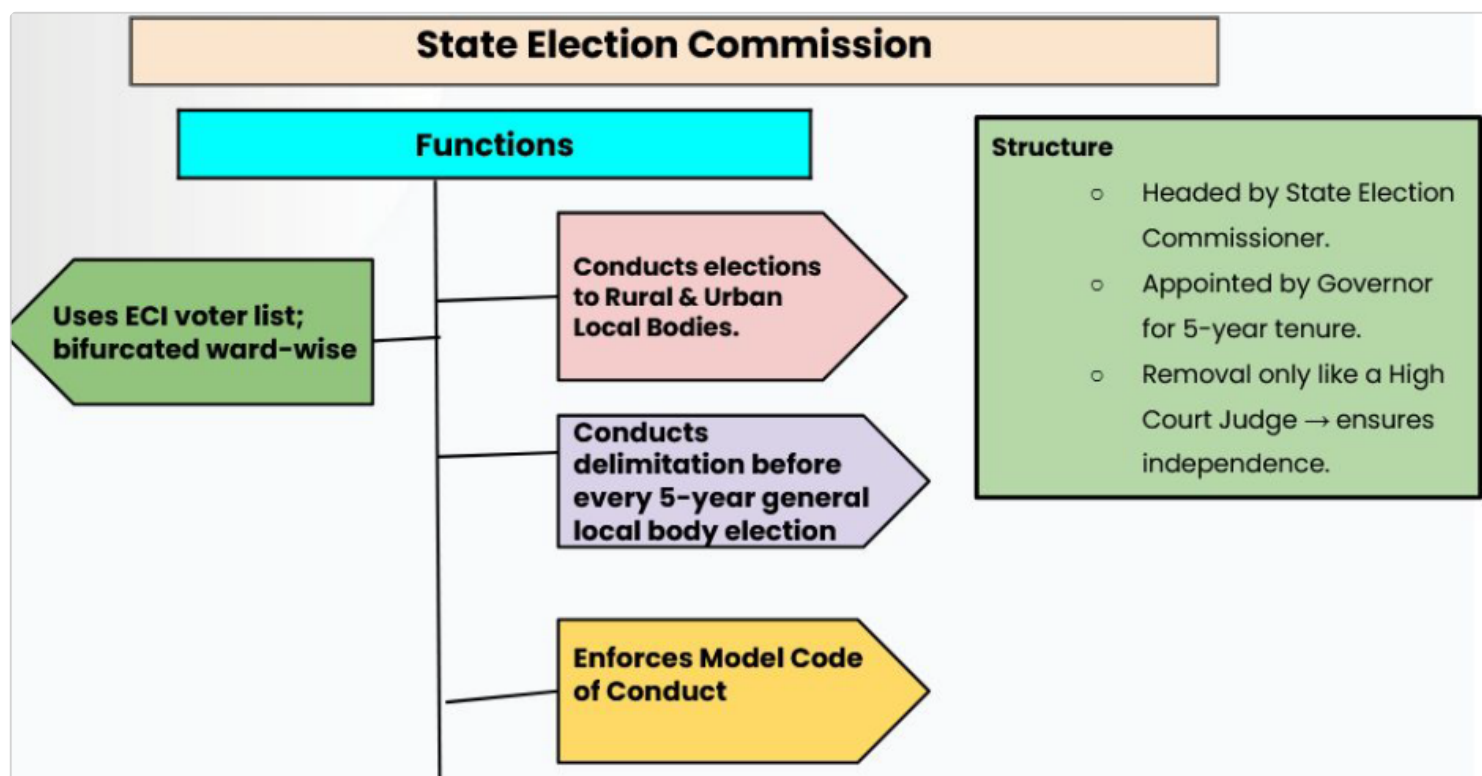
Uses the **ECI's electoral roll** under the Representation of the People Act, 1950.

SEC only **bifurcates** this list ward-wise for local body polls.

Electoral Roll for Upcoming Elections

Roll as of **July 1, 2025** will be used.

Cut-off for new voters remained **January 1, 2025**, excluding those who turned 18 after that date.



The State Election Commissioners work independently of the Election Commission of India and each has its own sphere of operation.

The constitutional provisions with respect to State Election Commissions:

1 Article 243K(1): This provision mentions two important following things.

a The superintendence, direction, and control of the **preparation of electoral rolls** for, and the **conduct of all elections to the Panchayats (and the Municipalities)** under Article 243ZA) will be vested in the State Election Commission.

b The Governor will appoint the State Election Commissioner.

2 Article 243K(2): This article mentions that the Governor will decide the **tenure and appointment** of the State Election Commissioner. But there are few restrictions as well. Such as:

a His conditions of service shall not be varied to his disadvantage after his appointment.

b Only by following the grounds and procedures to remove the judge of a High Court, the State Election Commissioner can get removed from his office.

The functions of the State Election Commission are as follows:

The State government is required to appoint a State Election Commissioner who would be responsible for conducting elections to the Panchayati Raj institutions.

Preparation of Electoral Rolls

Appointment of Dates for Nominations

Public Notice of Election

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Nomination of Candidates for Election

Publication of List of Contesting Candidates

Fixing Time for Poll

Adjournment of Poll in Emergencies

Counting of Votes

Challenges with the State Election Commissions;

1Lack of autonomy in SECs:Despite the provisions for independence of SECs, they are not functioning as an autonomous institution.

For example, In 2008 the then state election commissioner of Maharashtra asserted that he should have the power to hold elections to the offices of mayor, deputy mayor, and sarpanch offices. But the State assembly got him arrested for the breach of privilege and sent him to jail for two days.

2Lack of Constitutional safeguard for SECs:The manner of removal of SECs has been flouted by the State governments by alternative methods such as restricting the terms and conditions etc. This is evident in the *Aparmita Prasad Singh vs. State of U.P.* case

3No uniformity of service conditions for SECs:Since the Constitution vests the power to determine the service conditions on State legislatures, the service conditions are not uniform across the country.

Impact of the issues in State Election Commission

1Functions of Municipalities and Panchayats:The court in the *Kishan Singh Tomar* case observed that due to various problems in the State Election Commission, the SECs are facing challenges in preparing the electoral rolls and conducting timely elections. This will impact the regular functioning of Local government institutions.

2Impact on Free and Fair Election:Free and fair elections form the bedrock of a democracy. Any restriction of the functions of State Election Commissions will directly affect the free and fair election. For example, In the recent Goa government case itself, the election notification violated the reservation for women, SC, and STs.

Suggestions to improve the performance of State Election Commissions

1The State governments **have to follow the judicial directives**. Such as,

- oAppointing the independent person as the State Election Commissioner,

- oInstituting the autonomy of SECs

- oRespect the SECs functions during the elections of Panchayats and Municipalities

2The Second ARC(Administrative Reforms Commission) has recommended a few important recommendations to improve the functioning of SECs. State governments should implement them. The recommendations are,

- o**Formation of collegium:**The state government should create a collegium consisting of the Chief Minister, the Speaker, and the Leader of Opposition in the Legislative Assembly. The collegium will recommend the State Election Commissioner to the Governor for the appointment.

- o**Creation of an institution**to bring the Election Commission and the SECs under one roof. This will make better coordination, better utilization of resources, and experience sharing.

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3As per the recommendation of the Law Commission, The Central government can provide a separate independent and permanent Secretariat for the SECs and Election Commission.

In conclusion, the independence of the State Election Commission is essential to ensure free and fair elections at the grass-root level. So, the State governments have to ensure that to protect the bedrock of democracy.