

Competitive Exams: Political Science Study Material Judicial Review

Judicial Review of Election Disputes

- The decisions of the Commission can be challenged in the High Court and the Supreme Court of India by appropriate petitions.
- By long standing convention and several judicial pronouncements, once the actual process of elections has started, the judiciary does not intervene in the actual conduct of the polls.
- Once the polls are completed and result declared, the Commission cannot review any result on its own.
- This can only be reviewed through the process of an election petition, which can be filed before the High Court, in respect of elections to the Parliament and the State Legislatures.
- In respect to the elections for the offices of the President and the Vice President, such petitions can only be filed before the Supreme Court.

Model Code of Conduct

- During the election campaign the political parties and contesting candidates are expected to abide by a Model Code of Conduct evolved by the Election Commission on the basis of a consensus among political parties.
- The Model Code lay down broad guidelines as to how the political parties and candidates should conduct themselves during the election campaign.
- It is intended to maintain the election campaign on healthy lines, avoid clashes and conflicts between political parties or their supporters and to ensure peace and order during the campaign period and thereafter, until the results are declared.
- The Model Code also prescribes guidelines for the ruling party either at the Centre or in the States to ensure that a level field is maintained and that no cause is given for any complaint that the ruling party has used its official position for the purposes of its election campaign.

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