

Appointment of Election Commission in India: Legal Issues and Challenges

Ms. Kritika Sharma

LL.M. (Criminal Law) Student, University Institute of Legal Studies, Chandigarh University

Abstract

In India, the Election Commission is appointed under constitutional provisions and statutory frameworks, but significant legal challenges and issues hamper its independence and effectiveness. The abstract examines the complexities associated with the appointment process, highlighting issues related to executive influence, a lack of transparent and defined selection mechanisms, and unequal tenure security for Chief Election Commissioners and other Election Commissioners. Especially during politically sensitive times, the commission's impartiality is questioned by the dominant role played by the executive in appointments. Moreover, landmark cases, such as *T.N. Seshan vs. Union of India*, reveal the Commission's struggle for independence and highlight the need for reform. Specifically, the purpose of this research is to identify the constitutional and legal framework governing the appointment of Election Commissioners and Chief Election Commissioners, as well as how the process works. In addition to examining the role of the executive and judiciary in the appointment process, this study aims to analyze the existing legal provisions under the Constitution of India and relevant statutes. As well as examining the legal challenges and controversies surrounding appointment mechanisms that have arisen recently, as well as potential reforms, it aims to critically analyze their autonomy, transparency, and potential reforms. Moreover, comparative models from other democracies will be examined to suggest potential improvements to maintain the Election Commission's independence and impartiality.

Keywords: Election, Election commission, Constitution, Political influence and transparency.

Introduction

There are many factors that make the Indian democratic process one of the largest and most complex in the world. Maintain the integrity of the election process behind the scenes through the Election Commission of India (ECI)¹. In its role as an independent constitutional authority, the ECI is responsible for overseeing all aspects of elections, from voter registration to result declaration. Electronic voting machines, for example, have made the voting process more secure and accessible in recent years, thanks to innovative technologies implemented by the commission. There has been an Election Commission of India since before the country was formed. The ECI was created under the provisions of the Indian Constitution on 25th January 1950². Free and fair elections were its primary objective, along with ensuring the democratic process reflected the voice of every citizen. The commission was founded and led by the first Chief Election Commissioner, Sukumar Sen. It was a complex task to conduct elections for a massive electorate in the early days when ballot boxes were used. EVMs were initially introduced to Indian elections by the ECI between 1998 and 2001 with the help of the state-owned Electronics Corporation of India and Bharat Electronics. A number of changes have been made to the Election Commission over the

years to meet changing democratic requirements³. By adapting to new technologies, legal frameworks, and societal changes, it has been able to achieve increased efficacy. With its contributions to the development of the Indian electoral landscape, the commission has played an instrumental role in preserving the nation's democratic fabric. In order for the electoral process to run smoothly, a wide range of responsibilities are assigned to the Election Commission. The government conducts elections for the President and Vice President of India in addition to the presidential election and the parliamentary election⁴. Constituency delineation, electoral roll preparation and revision, and recognition of political parties are all responsibilities of the commission. Political parties are monitored by the Board, which also sets a model code of conduct and regulates election expenses. Elections are of vital importance to ensuring fair, free, and transparent elections, so the Election Commission plays a crucial role in ensuring them. To ensure that elections are lawfully conducted and to prevent electoral fraud, law enforcement agencies play an important role⁵. As

¹ Katju, Manjari. *Electoral Practice and the Election Commission of India: Politics, Institutions and Democracy*. Cambridge University Press, 2023.

² Buchasia, Meghna, and Alric Turkey. "The Election Commission of India: A Question on Its Autonomy." *4 Issue 3 Int'l JL Mgmt. & Human: 770* (2021).

³ P Botchway, Thomas, and Abdul Hamid Kwarteng. "Electoral reforms and democratic consolidation in Ghana: An analysis of the role of the electoral commission in the fourth republic (1992-2016)." *5.3 Asian Research Journal of Arts & Social Sciences: 1-12* (2018).

⁴ Sardesai, Rajdeep. *2014: The election that changed India*. Penguin UK, 2015.

⁵ Alvarez, R. Michael, Thad E. Hall, and Susan D. Hyde, eds. *Election fraud: detecting and deterring electoral manipulation*. Brookings Institution Press, 2009.

part of its investigation, the commission also examines complaints and violations of the Model Code of Conduct, and appropriate actions are taken if a violation is found. Indian citizens' rights and aspirations depend on the Election Commission upholding democratic principles. A primary objective of this study is to examine how the Election Commission of India (ECI) is appointed through an analysis of the legislative and constitutional framework governing selection and tenure⁶. As part of this study, the existing legal provisions under the Constitution of India will be analyzed and relevant statutes will be examined, as well as the role of the judiciary and the executive in the appointment process will also be examined. Further, it analyzes recent controversies and legal challenges surrounding the independence, transparency, and potential reforms of the appointment process.

Research Objectives

Research objectives include an examination of the process of appointing the Election Commission of India (ECI), including examining the legal and constitutional frameworks governing election commissioner selection and tenure. A legal analysis of the existing constitutional provisions is performed, as well as an evaluation of the role of the judiciary and the executive in the appointment process. Additionally, it aims to critically examine the legal challenges and controversies that have arisen in recent years concerning the autonomy, transparency, and potential reforms of the appointment mechanism. The study will also explore comparative models from other democracies to suggest potential improvements, ensuring that the Election Commission remains an independent and impartial body for

safeguarding democratic processes.

Significance of the study

A number of successful national and state elections have been conducted by the Election Commission since 1952⁷. The result is that it plays a key role in providing more opportunities for people to participate. Those political parties that do not maintain democracy within their own

⁶ Singh, Ujjwal Kumar, and Anupama Roy. *Election commission of India: Institutionalizing democratic uncertainties*. Oxford University Press, 2019.

⁷ Ahuja, M. L. *Handbook of General Elections and Electoral Reforms in India, 1952-1999*. Mittal Publications, 2000.

parties face de-recognition by the Commission. By supervising, directing, and controlling electoral governance in accordance with the Constitution, it supports the values reserved in the Constitution. Electoral commissions contribute to the conduct of elections that are credible, fair, transparent, accountable, and professionally managed. By ensuring a voter-centric, voter-friendly environment, it ensures that all eligible citizens can participate in the electoral process⁸. As part of its role in ensuring that the electoral system runs smoothly, the Election Commission engages all stakeholders in the electoral process. It Strengthens and enhances confidence and trust in the electoral system and electoral governance through an understanding of electoral governance and the electoral process among all stakeholder groups (political parties, voters, election officials, candidates and the general public).

Election commission appointment in India

A Election Commission members and the Chief Election Commissioner are appointed by the president⁹. In addition to their tenure, if they have served six years, they can retire at 65. There is no difference in salaries, benefits, or status for judges of the Supreme Court of India. As with Supreme Court judges, Chief Election Commissioners can be removed from office at any time and for any reason. Regular meetings and papers circulated by the Commission allow it to conduct its business. During the commission's decision-making process, every Election Commissioner has an equal say. In some cases, the Commission delegated some executive functions to its Secretariat officers. There are about 550 hierarchically arranged officials in a separate Secretariat in New Delhi. There are five or six other senior officers in the Secretariat to assist the Deputy Election Commissioners and Director Generals¹⁰. Their appointment and tenure is usually handled by a commission in the national civil service. A director, a principal secretary, a secretary, an under secretary, and a deputy secretary support Deputy Election Commissioners and Directors General. Within the Commission, the work is functionally and geographically distributed. There are three levels of organization: Division, Branch, and Section; each of these

⁸ Adona, Natalie, et al. "Stewards of Democracy." (2019).

⁹ Palekar, S. A. "The Role of the Election Commission: An Analysis." *58 Indian Journal of Public Administration*: 82-90 (2012).

¹⁰ Mbeki, Mr Thabo Mvuyelwa. "The Presidency." *Launch of Women in Agriculture and Rural Development Award: Mobilizing women and youth for social change—East London. The Regent Hotel.*

Available at (2006).

units is supervised by a Section Officer¹¹. Additionally, it offers judicial, media, planning, political parties, secretariat coordination, and voter education. As well as administration, election rolls, election expenditure management, information systems, international cooperation, and judicial services. For ease of administration, the 36 states and union territories have been divided into zones, where each unit is responsible for a zone. State election operations are overseen and directed by the Chief Electoral Officer under the Commission's supervision, direction, and control¹². In order to serve as Chief Electoral Officers, commission members are elected by state governments¹³. It is required in the majority of states that he be a full-time officer with a small staff of support personnel.

An extensive number of functionaries assist the Returning Officer, the District Election Officer, and the Electoral Registration Officer during the election preparation process¹⁴. Aside from their other duties, they also handle election-related matters. The Commission has access to them more or less full-time during election times. It will take a massive task force to carry out a countrywide general election that includes over twelve million poll workers and civil police officers. It is the Election Commission's responsibility to control, supervise, and discipline the huge election machinery during the election period, which lasts several months.

Constitutional and Legal Framework

There has only been one member on the election commission since 1950, which was the Chief Election Commissioner (CEC) until 15 October 1989. With the change from 21 years old to 18 years old on 16 October 1989, the voting age has been raised to 18 years. By appointment of two more election commissioners, the president was able to handle an increased workload. Three election commissioners have been serving on the Election Commission since then. The Election Commission reverted to its former position in January 1990 after the two election commissioner

¹¹ Hales, Colin. "Rooted in supervision, branching into management: Continuity and change in the role of first-line manager." 42.3 *Journal of Management Studies*: 471-506 (2005).

¹² Ita, Victor E., and Anietie J. Atai. "A Comparative Assessment of Electoral Management Bodies and Administration of Elections in Nigeria and Ghana." 23.8 *IOSR Journal of Humanities and Social Science* : 24-35(2018).

¹³ Yadav, Sushma. "Election Commission and Electoral Process." *Indian Political System*: 277 (2018).

¹⁴ Dundas, Carl W. *Election Administration: Designing Dimensions of Legal Reform*. AuthorHouse, 2015.

positions were eliminated¹⁵. Another two election commissioners were also appointed by the president in October 1993. Three commissioners are appointed to the Election Commission the following year, and it becomes a multi-member body. Election commissioners, along with their two co-commissioners, are granted the same powers and emoluments as judges on the Supreme Court. A conflict of opinions will be resolved by a majority vote between the chief election commissioner and two other election commissioners. In their role as a public official, they must hold the position for six years or until they turn 65. In addition, they are also able to resign or be removed from office at any time prior to their term expiring.

The Indian Constitution (Article 324):

In order to ensure the Election Commission of India's independence and impartiality, Article 324 of the Indian Constitution governs it. A chief election commissioner must be accountable for ensuring tenure security¹⁶. It is impossible to remove him from office by any other means or grounds than those used to remove a Supreme Court judge.

As a result, the President can remove him when both Houses of Parliament pass a resolution to that effect on the grounds of either demonstrated misconduct or incapacity. Because of this, he only serves until the president's pleasure despite being appointed by him. It is not possible for a chief election commissioner's service conditions to be altered after he has been appointed. A chief election commissioner is the only person who can remove an election commissioner or regional commissioner from office.

In the Constitution, there are, however, some deficiencies, including the fact that the qualifications of the Election Commission members (legal, educational, administrative, and judicial) are not specified¹⁷. Despite attempts by the legislature to keep the Election Commission independent and impartial, there are still some shortcomings. According to the Constitution, there is no specified term for Election Commission members. As per the Constitution, the government does not have the right to appoint any more election commissioners.

¹⁵ Rupiya, Martin R., and Lesiba Teffo. "A review of the election commissions' decisive roles, in managing highly contested processes: Malawi (May 2014) and Lesotho (February 2015)." *7.2 Journal of African Union Studies*: 25-43 (2018).

¹⁶ Reddy, D. Sura. "APEX COURT'S VERDICT APROPOS OF ARTICLE 324-AN APPRAISAL." *38.2 Journal of the Indian Law Institute*: 249-252 (1996).

¹⁷ Levinson, Sanford. *Our undemocratic Constitution: Where the Constitution goes wrong (and how we the people can correct it)*. Oxford University Press, 2006.

Functions, powers, and responsibilities of the Election Commission

The Indian constitution includes several major bodies, but only the Election Commission is permanently in place. The institution was founded according to the Constitution on 25th January 1950¹⁸. According to the Constitution, this body is responsible for supervising, directing, and controlling elections. In terms of the presidential, vice presidential, state legislator, and parliamentary elections, the Commission has three functions and powers: Administrative, Advisory, and Quasi-judicial.

In India, the Election Commission has the following powers:

In India, one of the primary responsibilities of the Election Commission is to determine the geographic area of every electoral constituency. Electoral rolls are prepared and revised periodically, and all eligible voters are registered. A schedule and date for the elections is communicated, and nomination papers are checked. Once political parties are recognized, election symbols are assigned to them. Election symbols are allocated to political parties by this court, which resolves disputes regarding party recognition. Electoral disputes are investigated by officers appointed for this purpose.

Making sure that political parties and candidates follow the code of conduct during elections. Media such as television and radio should be used to promote each party's policies during elections. When it comes

to disqualifying MPs, the President should be consulted. It is important to consult the Governor regarding matters concerning disqualifications of MLAs. Whenever there is rigging, violence, or any other irregularity, ballots should be canceled. It is the governor's or the president's responsibility to requisition the necessary election staff. An inspector general's role is to oversee elections throughout the country and ensure they are conducted fairly and freely. Assisting the President with determining whether the period of emergency can be extended after 1 year in states under the control of the President. A political party's registration and election as a national or state party (depending on their election performances)¹⁹. A deputy election commissioner assists the Commission in its duties. A deputy EC is appointed by the

¹⁸ Rudolph, Lloyd, and Susanne Hoeber Rudolph. "Redoing the constitutional design: From an interventionist to a regulatory state." *The success of India's democracy*: 127-62 (2001).

¹⁹ James, Toby S., and Sead Alihodzic. "When is it democratic to postpone an election? Elections during natural disasters, COVID-19, and emergency situations." *19.3 Election Law Journal: Rules, Politics, and Policy*: 344-362 (2020).

Commission and comes from the civil service. There is a fixed term for them. Their assistance is provided by the commission's secretariat's secretaries, deputy secretaries, joint secretaries, and undersecretaries.

Election Commission functions

- Direct and oversee the entire election process for the presidency and vice presidency of the country, as well as for the legislatures of each state.
- In order to schedule elections on time and regularly, regardless of whether they are general elections or byelections²⁰.
- It will be decided where polling stations will be located, how voters will be assigned, where counting centers will be located, as well as how the area around the polling stations and counting centers will be arranged.
- An EPIC is an electronic photo identification card that is issued with the preparation of an electoral roll
- Political parties are recognized, election symbols are assigned, and election symbol disputes are settled
- A certain amount of campaign expenses will be allowed to all political parties, and the amount will be monitored
- Post-election disqualification of Parliamentarians or state legislators is the subject of this report.
- It is necessary to issue a Model Code of Conduct to ensure that there are no unfair practices or arbitrary abuses of power by politicians.

Election Commission composition

According to Article 324 of the Constitution, the election commission must consist of the following members²¹:

- Aside from the Chief Election Commissioner, the president appoints other election commissioners.

²⁰ Yadav, Sushma. "Election Commission and Electoral Process." *Indian Political System*: 277 (2018).

²¹ Fadia, B. L. "Reforming the Election Commission." *53.1 The Indian Journal of Political Science*: 78-88

(1992).

ECs can choose to appoint themselves as the chair of the Election Commission, but the CEC is the one who serves as the chair.

- After consulting with the Election Commission, the President may appoint a regional commissioner.
- As per their tenure and conditions of service, all commissioners will be appointed by the President.

Legal Issues and Challenges

Elections conducted by the Election Commission of India have improved dramatically in the last decade, but it still faces several challenges in achieving its objectives²². Elections face a number of challenges, including money power and criminal influence. In order to finance their campaigns, political parties and candidates often resort to illegal means, which compromises the integrity of the electoral process and distorts the level playing field. In order to limit the influence of money, the Election Commission has adopted strict monitoring measures, enforced expenditure limits, and promoted transparency in campaign financing. Besides voter apathy, the Election Commission faces another challenge²³. The government has made significant efforts to increase voter participation, but a substantial segment of the population still does not participate. In order to promote voter registration and turnout, the commission continues to implement voter awareness campaigns, educational programs, and initiatives. It recognizes how crucial it is that the electorate be informed and active in order to strengthen the democratic foundation of the nation.

An Collegium or independent appointment committee: In the absence of an independent appointment committee, the selection of the Election Commission of India is a major concern²⁴. It is possible for the executive to overreach and inadequately protect itself from political influences in the selection of Election Commissioners and the Chief Election Commissioner since the executive plays a dominant role in the selection process.

²² Bhat, M. Mohsin Alam. "Governing democracy outside the law: India's Election Commission and the challenge of accountability." 16.S1 *Asian Journal of Comparative Law*: S85-S104 (2021).

²³ Gilmartin, David, and Robert Moog. "Introduction to "Election law in India"." 11.2 *Election Law Journal* : 136-148(2012).

²⁴ Pedada, Mohana Rao. "Election Commission of India and Its Independence-A Critical Study." 2 *Int'l JL Mgmt. & Human*: 146 (2019).

The Election Commission's Process Relative to Other Constitutional Bodies: The Election Commission's process seems less structured and independent when compared with the appointment process for the judiciary²⁵. A collegium system in the Indian judiciary ensures greater transparency and reduces executive interference, while an executive discretion remains in the Election Commission.

Issues of Transparency: It is also problematic that the Election Commission does not have a transparent selection process. Applicants are not subject to any specific set of criteria or a clear process for appointment, which can raise concerns about bias and favoritism, as well as questions about their competence and impartiality.

Election Commission Autonomy: The appointment of Election Commissioners is dominated by the executive, raising critical questions about the electoral commission's autonomy. It is possible that lack of an independent appointment mechanism will compromise the Commission's impartiality, particularly if the ruling party has significant influence over the appointment of these key officials. As a result, there is potential for conflict of interest, particularly during election seasons when the Commission's decisions could have a direct impact on the outcome of the election.

Tenure Security: Chief Election Commissioners (CEC) are not protected by the same tenure protection as other Election Commissioners²⁶.

Other Election Commissioners do not enjoy the same level of protection as the CEC, as they can only be removed by impeachment just like Supreme Court judges. Due to this unequal tenure, the Commission could be under additional pressure from the Executive, undermining its independence.

Judicial Review and Public Interest Litigations (PILs): The appointment process of the Election Commissioners has been challenged in several court cases over the years. In the absence

²⁵ Ananda, D. "Judges Appointments: Collegium System versus National Judicial Appointments Commission." 13

GNLU JL Dev. & Pol.: 53(2023).

²⁶ Dundas, Carl W. *Election Administration: Designing Dimensions of Legal Reform*. AuthorHouse, 2015.

of a clear legislative framework, the judiciary has intervened on occasion to uphold the principles of fairness and transparency. In order to maintain public confidence in the integrity of the Commission, a more robust and transparent process is required.

There is a potential conflict of interest: If election commissioners oversee election results that may have an effect on political parties, including those that appointed them, there is a conflict of interest²⁷. The Election Commission's ability to act without bias in politically sensitive matters is undermined by this lack of independence, which raised concerns about its credibility as an independent arbiter of fair and free elections.

Judicial Responses

When TN Seshan was Chief Election Commissioner in the early 1990s, he placed a strong emphasis on the commission's autonomy. In order to curb electoral malpractice, he implemented sweeping changes, leading to conflict between him and the political establishment. As a result of Seshan's confrontational style, power imbalances within the Election Commission were highlighted, including the CEC's strong authority and other Election Commissioners' limited influence.

By introducing two additional Election Commissioners into the "**Election Commission (Conditions of Service of Election Commissioners and Transactions of Business) Act, 1991**²⁸", the government addresses this power imbalance. The move was seen as a way to weaken the CEC's authority.

The Supreme Court rejected Seshan's challenge to this amendment, arguing that the amendment undermined the authority and independence of the Chief Election Commissioner²⁹. As a result,

²⁷ Franz, Michael M. "The Federal Election Commission as regulator: The changing evaluations of advisory opinions." 3 *UC Irvine L. Rev.*: 735 (2013).

²⁸ Agarwal, Kinshuk. "Is the Appointment of the Chief Election Commissioner and Other Election Commissioners in Line with Constitutional Spirit?-An Inquiry into the Chief Election Commissioner Act 2023." *Jus Corpus LJ*: 400 (2023).

²⁹ Gilmartin, David, and Robert Moog. "Introduction to "Election law in India"." *11.2 Election Law Journal* : 136-148 (2012).

the Supreme Court ruled in the landmark case "**T.N. Seshan vs. Union of India**³⁰" judgment, which stated that an Election Commission must function as a collective body and that decisions should be made by the majority of its members. This ensures that no single member, including the Chief Election Commissioner, may control the commission's activities unilaterally.

Various questions and controversy have been raised regarding the interpretation and implementation of the Chief Election Commissioner and other Election Commissioners (appointment, conditions of service, and term of office) Act, 2023, which was recently passed. Among the provisions of this Act are a selection of the Chief Election Commissioner (hereinafter, "CEC"), defining the terms of their service, and defining their terms of office. EC (Conditions of Service of ECs and Transactions of Business) Act replaces EC (Conditions of Service of ECs and Transaction of Business) Act of 1991. The Supreme Court (hereinafter, "SC") ruled in *Anoop Baranwal v Union of India*³¹, 2023 (hereinafter, "the judgment") that the CEC would be selected by a committee. Among the members of the committee would be the Prime Minister (hereinafter, the "PM"), the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India (hereinafter, the "CJI"). A Cabinet Minister nominated by the PM will replace the CJI in the selection committee, raising several issues, such as a government-dominated Election Commission that biases election results.

Impact on the Appointment Process:

1. **Multi-Member Commission Strengthening:** Despite the ruling's uncertainty, the Commission's role as a multi member body was reaffirmed. As a result, the Election Commission has become more balanced and less susceptible to individual bias due to the concentration of power in fewer hands³².
2. **Change in Power Dynamics:** The court emphasized that all Commissioners should have equal status and responsibilities in upholding the appointment of additional Election Commissioners. By taking these measures, a more robust decision-making process will be created and future power struggles will be prevented.

³⁰ T.N.Seshan Chief Election vs Union Of India & Ors, Writ Petition (civil) 805 of 1993

³¹ Anoop Baranwal v Union of India, WRIT PETITION (CIVIL) NO.104 OF 2015

³² Azmanova, Albena, and Bethany Howard. "Binding the Guardian: On the European Commission's Failure to Safeguard the Rule of Law." (2021).

Concerns about autonomy and independence: Although the case strengthened the multi-member structure, no meaningful progress was made in the appointment process for Election Commissioners, and the selection process was not transparent. There is still debate and call for reform over the executive's role in appointing officials, a role that wasn't addressed in the judgment.

Discussions about Election Commission reform often refer to this case, particularly regarding the need to ensure transparency and autonomy in the selection of Election Commissioners through an independent

mechanism, such as an appointment committee or collegium.

Comparative Analysis

The appointment process of Election Commissions varies between countries due to their different political and legal systems which are intended to ensure impartiality and independence in the conduct of elections. The Federal Election Commission (FEC) in the United States is composed of six members, who are nominated by the President and confirmed by the Senate, and there are no more than three members from the same party. This is intended to maintain political balance, but often leads to partisan deadlock. A resolution of the House of Commons appoints the Chief Electoral Officer (CEO), providing broad political support and considerable independence because he is appointed until retirement. As in the United States, an independent, politically neutral process is used to appoint commissioners to the UK's Electoral Commission. After an open call for nominations vetted by a panel of legal and civil society representatives, the President of South Africa appoints the Electoral Commission based on recommendations from the National Assembly. Additionally, the Australian Electoral Commission is also an independent statutory authority, demonstrating the importance of neutrality during elections. Election commission independence can be safeguarded in a variety of ways, but transparency and nonpartisan appointment processes are essential for public trust in democratic elections.

Measures that can be taken

The Election Commission of India can be appointed through a number of measures which can address some of the challenges faced.

First, the appointment of Election Commissioners should be carried out by an independent appointment committee made up of representatives from civil society, the judiciary, and political parties to ensure a fair and transparent selection process. Transparency and political influence can both be enhanced by introducing a robust legislative framework that clearly defines the qualifications for appointments. Additionally, all Election Commissioners should be provided with the same tenure protection as the Chief Election Commissioner, which would strengthen the independence of the Commission. In order to increase accountability and public trust, the selection process must be made public, including the names of candidates and the rationale for appointments. The judicial system can review and rule on the fairness of the selection process, further addressing potential abuses of power. It is possible to identify gaps in the appointment process and adapt to the needs of changing democracies by conducting periodic reviews of the Election Commission's performance. To ensure Election Commissioners are best equipped to perform their duties effectively and independently, ongoing training and capacity-building programs should be provided. It is possible to significantly enhance the integrity and autonomy of the Election Commission by implementing these measures, thereby increasing confidence in the electoral system among the general public.

Conclusion

In terms of electoral efficiency, the Indian Election Commission (EC) has dominated the world since it was founded. The Model Code of Conduct has been brought under the spotlight more than ever before due to violations by the ruling party, in particular. In the absence of recalcitrant political parties, including the ruling party, the EC suffers from a tarnished reputation. Even if an individual commits the gravest of offences, it does not have the authority to de-register them under Section 29A of the Representation of

the People Act, 1951. Many other reforms have been requested by the EC, including the ability to deregister political parties. The CEC first proposed this reform in 1998 and repeated it several times after that. An affidavit to the Supreme Court last February requested that the EC deregister political parties in accordance with its constitutional mandate. Election Commissions cannot remain independent so long as governments attempt to influence them from time to time. In order to protect the constitutional body, it is time to bring forward some substantive changes instead of merely rhetoric. Furthermore, the Commission must rethink its approach in order to prevent democracy's bedrock from crumbling.

Bibliography

1. Adona, Natalie, et al. "Stewards of Democracy." (2019).
2. Agarwal, Kinshuk. "Is the Appointment of the Chief Election Commissioner and Other Election Commissioners in Line with Constitutional Spirit?-An Inquiry into the Chief Election Commissioner Act 2023." *4 Jus Corpus LJ*: 400 (2023).
3. Ahuja, M. L. *Handbook of General Elections and Electoral Reforms in India, 1952-1999*. Mittal Publications, 2000.
4. Alvarez, R. Michael, Thad E. Hall, and Susan D. Hyde, eds. *Election fraud: detecting and deterring electoral manipulation*. Brookings Institution Press, 2009.
5. Ananda, D. "Judges Appointments: Collegium System versus National Judicial Appointments Commission." *13 GNLU JL Dev. & Pol.*: 53(2023).
6. Anoop Baranwal v Union of India, WRIT PETITION (CIVIL) NO.104 OF 2015
7. Azmanova, Albena, and Bethany Howard. "Binding the Guardian: On the European Commission's Failure to Safeguard the Rule of Law." (2021).
8. Bhat, M. Mohsin Alam. "Governing democracy outside the law: India's Election Commission and the challenge of accountability." *16.S1 Asian Journal of Comparative Law*: S85-S104 (2021).
9. Buchasia, Meghna, and Alric Turkey. "The Election Commission of India: A Question on Its Autonomy." *4 Issue 3 Int'l JL Mgmt. & Human*: 770 (2021).
10. Dundas, Carl W. *Election Administration: Designing Dimensions of Legal Reform*. AuthorHouse, 2015.
11. Fadia, B. L. "Reforming the Election Commission." *53.1 The Indian Journal of Political Science*: 78-88 (1992).
12. Franz, Michael M. "The Federal Election Commission as regulator: The changing evaluations of advisory opinions." *3 UC Irvine L. Rev.*: 735 (2013).
13. Gilmartin, David, and Robert Moog. "Introduction to "Election law in India". " *11.2 Election Law Journal* : 136-148 (2012).
14. Hales, Colin. "Rooted in supervision, branching into management: Continuity and change in the role of first-line manager." *42.3 Journal of Management Studies*: 471-506 (2005).
15. Ita, Victor E., and Anietie J. Atai. "A Comparative Assessment of Electoral Management Bodies and Administration of Elections in Nigeria and Ghana." *23.8 IOSR Journal of Humanities and Social Science* : 24-35(2018).
16. James, Toby S., and Sead Alihodzic. "When is it democratic to postpone an election? Elections during natural disasters, COVID-19, and emergency situations." *19.3 Election Law Journal: Rules, Politics, and Policy*: 344-362 (2020).
17. Katju, Manjari. *Electoral Practice and the Election Commission of India: Politics, Institutions and*

- Democracy*. Cambridge University Press, 2023.
18. Levinson, Sanford. *Our undemocratic Constitution: Where the Constitution goes wrong (and how we the people can correct it)*. Oxford University Press, 2006.
 19. Mbeki, Mr Thabo Mvuyelwa. "The Presidency." *Launch of Women in Agriculture and Rural Development Award: Mobilizing women and youth for social change—East London. The Regent Hotel. Available at* (2006).
 20. P Botchway, Thomas, and Abdul Hamid Kwarteng. "Electoral reforms and democratic consolidation in Ghana: An analysis of the role of the electoral commission in the fourth republic (1992-2016)." *5.3 Asian Research Journal of Arts & Social Sciences*: 1-12 (2018).
 21. Palekar, S. A. "The Role of the Election Commission: An Analysis." *58.1 Indian Journal of Public Administration*: 82-90 (2012).
 22. Pedada, Mohana Rao. "Election Commission of India and Its Independence-A Critical Study." *2 Int'l JL Mgmt. & Human*: 146 (2019).
 23. Reddy, D. Sura. "APEX COURT'S VERDICT APROPOS OF ARTICLE 324-AN sAPPRAISAL." *38.2 Journal of the Indian Law Institute*: 249-252 (1996).
 24. Rudolph, Lloyd, and Susanne Hoeber Rudolph. "Redoing the constitutional design: From an interventionist to a regulatory state." *The success of India's democracy*: 127-62 (2001).
 25. Rupiya, Martin R., and Lesiba Teffo. "A review of the election commissions' decisive roles, in managing highly contested processes: Malawi (May 2014) and Lesotho (February 2015)." *7.2 Journal of African Union Studies*: 25-43 (2018).
 26. Sardesai, Rajdeep. *2014: The election that changed India*. Penguin UK, 2015.
 27. Singh, Ujjwal Kumar, and Anupama Roy. *Election commission of India: Institutionalizing democratic uncertainties*. Oxford University Press, 2019.
 28. T.N.Seshan Chief Election ... vs Union Of India & Ors, Writ Petition (civil) 805 of 1993
 29. Yadav, Sushma. "Election Commission and Electoral Process." *Indian Political System*: 277 (2018).
 30. Yadav, Sushma. "Election Commission and Electoral Process." *Indian Political System*: 277 (2018).