

The Need to Reform the Election Commission of India

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Abstract: *The Election Commission of India (ECI) occupies a central position in the functioning of Indian democracy. Established under Article 324 of the Constitution, it is entrusted with the superintendence, direction and control of elections to Parliament, State Legislatures, and the offices of the President and Vice-President. Over more than seven decades, the Commission has played a significant role in conducting elections across an exceptionally large and diverse electorate. However, the changing nature of electoral politics, the increasing role of money and technology, political polarisation, misinformation, concerns regarding electoral rolls, and debates over institutional independence have created new challenges for election management. The appointment mechanism for Election Commissioners has also become an important subject of constitutional and democratic debate, particularly following the Supreme Court's judgment in Anoop Baranwal v. Union of India (2023) and Parliament's enactment of the Chief Election Commissioner and Other Election Commissioners Act, 2023. This article examines the major reforms needed to strengthen the independence, transparency, accountability and institutional capacity of the Election Commission. It argues for a more transparent appointment process, stronger financial and administrative autonomy, an independent secretariat, improved regulation of political finance and campaign expenditure, greater transparency in electoral administration, enhanced regulation of digital campaigning and misinformation, and stronger mechanisms for consultation with political parties and civil society. The objective should not be to weaken the constitutional authority of the ECI but to reinforce public confidence in its impartiality and effectiveness.*

Keywords: Election Commission of India, electoral reforms, Article 324, Election Commissioners, institutional independence, electoral integrity, political finance, Model Code of Conduct, electoral transparency, democracy

1. Introduction

Free and fair elections constitute one of the foundations of representative democracy. In India, the responsibility for administering elections is primarily vested in the Election Commission of India under Article 324 of the Constitution. The ECI is a permanent constitutional body established in 1950 and is responsible for elections to the Lok Sabha, Rajya Sabha, State Legislative Assemblies, and the offices of the President and Vice-President (Election Commission of India, "About Election Commission of India").

The scale of India's electoral system is unprecedented. Elections involve hundreds of millions of voters, thousands of candidates, numerous political parties, extensive geographical areas and multiple levels of government. The Commission has introduced significant innovations, including electronic voting machines, voter identification systems, electoral-roll computerisation, voter-awareness programmes and mechanisms for monitoring election expenditure.

Nevertheless, institutional success should not eliminate the need for reform. Electoral democracy is dynamic, and institutions must evolve in response to changes in society, technology, political finance and communication. The question, therefore, is not whether the Election Commission is necessary, but how its constitutional independence and effectiveness can be strengthened.

Constitutional Position and the Need for Institutional Independence

Article 324 gives the ECI the "superintendence, direction and control" of elections. This broad constitutional mandate gives the Commission considerable responsibility in ensuring that

elections are conducted fairly and efficiently (Constitution of India).

At the same time, the Constitution provides a particularly strong removal protection to the Chief Election Commissioner (CEC), who can be removed in a manner similar to a Supreme Court judge. The Election Commissioners, however, have historically had a different statutory and constitutional position concerning removal. The distinction has generated debate about whether all members of the Commission should receive comparable institutional protection.

The independence of an election-management body is particularly important because electoral administration inevitably involves decisions affecting competing political interests. The Commission must regulate political parties, enforce election rules, supervise officials and address complaints during campaigns. Consequently, public confidence requires not only actual impartiality but also institutional arrangements that visibly protect the Commission from political influence.

The Law Commission has previously recommended measures to strengthen the Election Commission, including reforms relating to its independence, tenure and secretariat. Its electoral-reform reports demonstrate that these questions have been under consideration for several decades (Law Commission of India, "Reform of the Electoral Laws"; Law Commission of India, "Electoral Reforms").

Reform of the Appointment Process

One of the most important areas requiring continuing institutional attention is the appointment of the CEC and Election Commissioners.

In *Anoop Baranwal v. Union of India* (2023), a Constitution Bench of the Supreme Court held that, until Parliament enacted a law, appointments should be made on the advice of a committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha and the Chief Justice of India. The Court also addressed the importance of institutional independence and administrative arrangements for the Commission (*Anoop Baranwal v. Union of India*).

Parliament subsequently enacted the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023. The legislation created a statutory framework for appointments and established a Search Committee and Selection Committee (Chief Election Commissioner and Other Election Commissioners Act).

The composition of the selection mechanism has nevertheless remained a subject of constitutional debate. In proceedings concerning the 2023 legislation, the Supreme Court considered challenges relating to the composition of the selection committee (Supreme Court of India).

A future reform framework could therefore emphasise transparency, plural representation and objective eligibility criteria. The selection process could include representatives from both the government and opposition, together with an independent constitutional or judicial representative. Shortlisted candidates' professional backgrounds and eligibility could be disclosed sufficiently in advance to permit meaningful scrutiny. The objective should be to institutionalise confidence in the appointment process rather than to make appointments dependent upon the preferences of any particular government.

Strengthening the Independence of the ECI Secretariat

A second major reform concerns the administrative structure of the Commission.

The ECI has its own secretariat and a substantial administrative structure. However, many election officials at the state and district levels are drawn from the regular civil-service machinery. This arrangement provides administrative capacity, but it may also raise questions about institutional independence because many officers return to their parent departments after election assignments.

A stronger permanent professional secretariat could improve institutional continuity and expertise. The Commission should have greater control over recruitment, promotion, professional training and deployment of its core personnel.

The Law Commission and other reform proposals have previously considered establishing a permanent secretariat for the ECI on lines comparable with other constitutional institutions. Such a reform would enhance institutional memory and reduce excessive dependence on temporary administrative arrangements (Law Commission of India, "Reform of the Electoral Laws").

Financial Autonomy

Institutional independence is difficult to sustain without adequate financial autonomy. The Commission requires

substantial resources for electoral-roll management, polling infrastructure, voter education, training, technology and monitoring of campaign expenditure. A reform framework should ensure that essential expenditure of the Commission is protected from arbitrary administrative control.

Greater financial autonomy does not imply absence of accountability. The ECI should remain subject to parliamentary scrutiny, auditing and established public-finance procedures. However, its core operational budget should be predictable and protected so that financial dependence does not become an indirect source of institutional vulnerability.

Strengthening the Model Code of Conduct

The Model Code of Conduct (MCC) has become an important instrument for maintaining a level playing field during elections. The ECI uses the MCC to regulate campaign conduct and consults political parties regarding its implementation (Election Commission of India, "Model Code of Conduct").

However, the MCC largely operates through consensus, administrative directions and existing legal provisions rather than as a comprehensive statutory code.

A possible reform would be to codify those elements of the MCC that concern enforceable electoral misconduct while preserving flexibility for genuinely administrative guidelines. Such legislation could define prohibited practices, establish timelines for complaints, provide reasoned orders and create proportionate penalties.

At the same time, enforcement should be consistent across political parties. The credibility of the Commission depends substantially on the perception that the same standards apply irrespective of the political identity of the party or candidate involved.

Regulation of Political Finance and Election Expenditure

Money power remains an important challenge to electoral equality. Candidates and political parties incur expenditure on advertising, transportation, campaign workers, public meetings, digital campaigns and other activities. Existing expenditure limits and reporting mechanisms therefore require continuous review.

The ECI publishes information relating to political-party contributions, accounts and other electoral disclosures (Election Commission of India, "Candidate and Political Party Information"). Reforms could strengthen the system through real-time or near-real-time disclosure of significant political contributions; standardised digital reporting of campaign expenditure; independent auditing of party accounts; stronger verification of candidate expenditure declarations; improved disclosure of third-party campaign spending; and enhanced public access to political-finance information.

The objective should be greater transparency while preserving legitimate political fundraising and participation.

Electoral Rolls and Voter Registration

Accurate electoral rolls are fundamental to electoral legitimacy. The ECI has undertaken extensive digitisation and voter-registration initiatives and has introduced multiple qualifying dates for enrolment (Election Commission of India, "About Election Commission of India").

Nevertheless, electoral-roll management requires continuous updating because of migration, changes of residence, deaths, new voters and demographic mobility.

Future reform should combine technological efficiency with procedural safeguards. Automated systems should be accompanied by human verification, transparent correction mechanisms and adequate notice before deletion or modification of a voter's registration.

Particular attention should be given to migrant workers, students, persons with disabilities, elderly voters and citizens who frequently change residence. Electoral inclusion should remain a central objective of voter-registration reform.

Digital Campaigns, Social Media and Misinformation

The transformation of political communication from traditional media to digital platforms has created challenges that were not anticipated when many election laws were framed.

Political advertising can now be targeted according to demographic and behavioural characteristics. Artificial intelligence can also facilitate the production of synthetic images, audio and video. Misinformation can spread rapidly during an election campaign.

The ECI therefore needs a comprehensive digital-election framework developed in consultation with technology platforms, political parties, civil society and experts.

Such a framework could require clear identification of political advertisements, disclosure of sponsors, rapid reporting mechanisms for manipulated content, preservation of evidence and transparent procedures for dealing with complaints. At the same time, regulation must respect constitutional freedoms of speech and expression. The central principle should be transparency rather than excessive censorship.

Criminalisation of Politics and Candidate Disclosure

Another important area of electoral reform is the criminalisation of politics. Candidates are required to disclose relevant criminal antecedents, and the ECI has implemented directions concerning publication of such information (Election Commission of India, "Candidate and Political Party Information").

The challenge is to ensure that voters can access this information in a clear, timely and understandable manner.

Candidate affidavits should be searchable through a unified public database, with information presented in standardised formats. Information concerning criminal cases should clearly distinguish between allegations, pending trials and

convictions so that voters are not misled by incomplete descriptions.

Long-term reform should also address delays in the criminal justice system, since prolonged trials can result in serious cases remaining unresolved throughout multiple election cycles.

Greater Transparency and Accountability of the Commission

An independent institution must simultaneously be accountable. The ECI should publish detailed and accessible reasons for important decisions, particularly those involving complaints against political parties and candidates. A transparent decision-making system can reduce speculation and strengthen public confidence.

The Commission could also publish periodic reports containing statistics on complaints received, actions taken, enforcement timelines, Model Code of Conduct violations, expenditure violations and other major interventions.

Consultation with political parties should continue, but broader consultation with academics, election experts, civil-society organisations, persons with disabilities, youth groups and other stakeholders would strengthen electoral policy.

Technology and Electoral Trust

Technology can improve electoral administration but cannot substitute for institutional trust. Electronic voting, digital electoral rolls and online voter services have increased administrative efficiency, but technological systems must be accompanied by transparency, security safeguards, independent auditing and public communication.

The Commission should periodically publish accessible technical explanations and audit-related information concerning election technology. Public confidence depends not only on the reliability of technology but also on the ability of citizens to understand the safeguards surrounding it.

2. Conclusion

The Election Commission of India is one of the most important institutions supporting constitutional democracy. Its responsibilities extend far beyond the mechanical conduct of polling. It must create conditions in which citizens can participate freely, political parties can compete on reasonably equal terms, and electoral outcomes command public confidence.

The reforms required should therefore focus on strengthening, rather than weakening, the constitutional position of the Commission. Priority areas include a transparent and broadly credible appointment process, stronger protection for institutional independence, a permanent professional secretariat, greater financial autonomy, consistent enforcement of electoral rules, improved regulation of political finance, transparent electoral-roll management, effective regulation of digital campaigning and stronger public accountability.

The debate surrounding electoral reform should not be reduced to the question of whether the Election Commission is performing well or poorly. Institutions of democracy must continuously evolve. India's electoral system has already demonstrated considerable capacity for innovation; the next phase of reform should seek to combine constitutional independence, administrative professionalism, technological competence and democratic accountability.

Ultimately, the legitimacy of an election-management institution rests on both independence and public trust. The ECI must therefore be sufficiently independent to resist political pressure, sufficiently accountable to justify its decisions, and sufficiently transparent to enable citizens to understand how electoral decisions are made. Reforming the Commission along these lines would contribute not merely to better election administration but to the deeper constitutional objective of sustaining representative democracy in India.

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