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**New Delhi**

First Floor, 4598/12-B, 1st Floor,  
Padam Chand Marg, Daryaganj,  
New Delhi, Delhi 110002

Phone: +91 98 11 66 62 16 (M)

Phone: +91 70 11 60 56 18 (M)

**Bengaluru**

Jallahalli East

Bengaluru, Karnataka. India.

Phone: +91 98 11 66 62 16 (M)

Email: publisher.integrity@gmail.com

**USA**

New Jersey

14 Grandview Ave, Upper Saddle River,  
NJ-07458, USA

Phone: +14805226504 (M)

**London**

37 Degree Media

64, Hodder Drive, Perivale, London UB68LL.  
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Phone: +44 7950 78 18 17 (M)

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## **Electoral Integrity and Institutional Design: Evaluating the Role and Neutrality of the Election Commission of India**

Author  
Tanya Anand



# **Electoral Integrity and Institutional Design: Evaluating the Role and Neutrality of the Election Commission of India**

**Tanya Anand**

*10th sem, 5th year*

*Ba.LLB.(H)*

*Amity Law School Noida*

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## **Abstract**

*Electoral neutrality forms the bedrock of any democratic polity, ensuring free and fair elections as an essential component of constitutional governance. In India, the constitutional mandate entrusted to the Election Commission of India under Article 324 of the Constitution is central to maintaining the integrity, independence, and impartiality of the electoral process. However, in recent years, the institution has increasingly come under scrutiny amid allegations of bias, selective enforcement of electoral norms, and perceived executive influence, raising serious concerns regarding its structural autonomy and functional neutrality.*

*This dissertation critically examines electoral neutrality as a constitutional imperative by reassessing the institutional design of the Election Commission of India in light of contemporary political allegations. It explores the constitutional framework governing the Commission, including appointment procedures, tenure security, removal safeguards, and the scope of its discretionary powers. The study analyses key judicial pronouncements that have shaped the Commission's authority and independence, particularly in the context of free and fair elections as part of the basic structure doctrine.*

*Further, the research evaluates systemic challenges affecting electoral neutrality, such as lack of transparency in appointments, absence of a collegium-based selection mechanism, and ambiguities in the enforcement of the Model Code of Conduct. It also considers comparative perspectives from other democracies to identify best practices in ensuring institutional independence of electoral bodies. The dissertation adopts a doctrinal and analytical approach to assess whether the current legal and institutional framework adequately safeguards electoral neutrality or requires reform.*

*The study concludes that while the constitutional vision of an independent Election Commission remains robust in theory, practical challenges and evolving political dynamics necessitate structural reforms. It recommends measures such as an independent appointment mechanism, enhanced accountability frameworks, codification of electoral norms, and strengthened judicial oversight*

*to reinforce public confidence in the electoral process and uphold democratic legitimacy.*

**Keywords:** *Electoral Neutrality; Election Commission of India; Article 324; Free and Fair Elections; Constitutional Governance; Basic Structure Doctrine; Model Code of Conduct; Institutional Independence; Democratic Accountability; India.*

## **Introduction**

The Election Commission of India is one of the most essential parts of Indian republican law. It has a different job than other institutions that the country's founders set up. This isn't just another group that makes rules. There are already a lot of them in executive offices and statutory commissions. Not merely to make their own life simpler, but also to make things easier for everyone else. They did this because they knew that elections were too crucial and sensitive to be left to the usual ways of running a government. The years that have gone by have only reaffirmed and, in some ways, made this clearer. The Election Commission's main job is to make sure that the governments and political parties that have the most at stake in the election's outcome don't influence, manipulate, or secretly change how people use their right to choose their representatives.

This perspective asserts that the Constitution ultimately requires the fundamental principle of electoral neutrality. Part XV of the Constitution makes this plain, so it's not just taken for granted. One glance at history shows those drafting the constitution had no way to foresee how closely this part would be watched. Yet they understood well what risks needed guarding against. What catches eyes now are moments when broadcast schedules shape voter views. How evenly rules apply often comes under scrutiny too.<sup>1</sup> Choices by single members can tip scales in tight situations. Who picks the judges ties back to power centers in government halls? Voices rise from retired officials, legal rooms, news pages, party petitions. Each remark adds weight. When foundational bodies pause on such pressures, deeper thoughts emerge. Does today's setup truly hold up against demands for neutrality? That question lingers.

This part looks at where the Commission gets its power from the Constitution, how it organizes itself, what jobs the law assigns it, while also facing risks to its trustworthiness due to past and present pressures. Far from being mere paperwork, beginning correctly matters deeply here. Central concern? If today's setup truly fulfills its core task - running India's votes through a system untouched by partisan pull.

A serious issue demands attention. In *T.N. Seshan v. Union of India*<sup>2</sup>, the Supreme Court emphasized democracy as central to the Constitution's structure -

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<sup>1</sup> B.L. Fadia, "Reforming the Election Commission", (1992) 53(1) *The Indian Journal of Political Science* 78, available at: <https://www.jstor.org/stable/41855597> (last visited on April 12, 2026).

<sup>2</sup> *T.N. Seshan v. Union of India*, (1995) 4 SCC 611.

honest voting within legislatures being essential to keep it functioning. That honesty can't survive unless election oversight remains free from political influence. Because those who drafted the framework intended independence, interference by government leaders was never part of the design. Independence means distance - not aligned with whoever holds power now, nor tied to administrative arms making daily decisions. That is how it operates best - without interference. Built to uphold structure, function, and integrity, the Election Commission took on that role early. Their aim? To reach where they stand now - through steady effort. Honest reflection on its journey shows strong defense of constitutional values. Yet one question lingers, regardless of past wins: can bodies slow to evolve still match earlier triumphs in today's political world?

### **Historical Evolution and the Constitutional Mandate of the Commission The Constituent Assembly and the Origins of Electoral Governance**

When the Constituent Assembly met, it created the Election Commission. Their initial gathering happened on December 9, 1946. Building a constitution became necessary because the nation had never operated as one unified entity until then. Instead of winner-takes-all votes, seats went to members through proportion-based selection. Most times, there was just enough seating for everyone present.<sup>3</sup> Right from the beginning, this group acted like lawmakers drafting new rules while also running things as if they already governed a real nation.

Right away, folks in those discussions found common ground on a pair of linked points. Built into the eventual constitution, these notions started as a simple claim: every grown person gets to cast a ballot, no barriers allowed. Back then, such thinking felt daring, almost startling. Back then, in 1947, India faced a tough start - literacy barely scraped by, yet it still gave every adult a say. Most big democracies? They held back full access. Then there was another idea floating around: candidates chasing office ought to stay clear of those handling ballot counts. Strange mix, right? Still, the framers didn't see these ideas crashing into each other. Instead, they viewed them as two sides of one belief - the trust in democracy rises only if voting is open and the count stays clean.

On March 29, 1947, the Sub-Committee reviewed a draft shaped by Munshi's hand - focused on core liberties within the emerging constitution. Though crafted earlier, it became central to how voting would unfold under new national rules. Instead of leaving decisions only to legislators, they argued: citizens must have their say directly. Voting needed secrecy, fairness, and repetition at fixed times, open equally to all. Their discussion pulled out three insights, later guiding final wording in law. Among these, one stood clear - access to ballots could not depend on status or office. Another point focused on holding regular free votes, though kept away from public access. Next came the idea of using Union legislation to

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<sup>3</sup> B. Venkatesh Kumar, "Critical Issues in Electoral Reforms", (2002) 63(1) *The Indian Journal of Political Science* 73, available at: <https://www.jstor.org/stable/42743575> (last visited on April 12, 2026).

create an impartial panel overseeing those elections.<sup>4</sup> Later, the Advisory Committee on Minorities and Fundamental Rights stated these guidelines ought to sit within the core constitutional framework, not just in the section about basic rights. Within Part XV, Article 324 became established as a formal authority. Agreement followed on that proposal.

### **The Decision for a Unified National Commission**

The Commission thought carefully about where it would operate during its planning. The founders of the country disagreed on whether a single commission or a panel in each legislature should oversee all elections in the country and the states. One reason stood out - handling elections across such vast terrain needed multiple teams. Running things through just one group might not hold steady, given how huge the region is, filled with varied local governments. Trouble could have followed easily enough. Still, what showed clearly later was their aim: build one strong center, shaped by those drafting the founding rules. Stability in India's political scene might shift because of this decision. When crafting the Constitution, its authors spent time weighing whether election-related bodies should stay steady through change.

Back in January 1950, right ahead of the new Constitution launching, the Commission came together. By March that year, a head for elections got picked. For the big national vote starting in 1951, systems were thin, very few people could sign their names. Still healing from borders being redrawn, yet every grown person now had a say at the ballot. This time things went right, proving the group could manage heavy tasks without breaking stride. Not small at all - over 170 million took part, casting votes across nearly 400 regions where laws are made. To make it happen, leaders built an entire governing setup from nothing, something never tried earlier anywhere else. With eyes worldwide fixed on the process, the voting stayed clean and open; that alone speaks volumes about how thoughtfully the rulebook was written.

Right from the start, how the Commission began tells us its creators saw neutrality as central, not something checked off quickly or treated like paperwork. What I explore in my work ties directly to this idea - staying neutral in politics matters deeply. Set up with more than one role, it handled election logistics while also managing licenses and tax collection. Making certain votes showed real public choice, not the wishes of whoever held presidential office then, stood as its clear purpose. Only when the one running things acts without bias does the promise hold real weight. What keeps the Commission standing under pressure - its bones, its shape - isn't just about management. These are foundation questions, woven into the system itself, not mere paperwork details.

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<sup>4</sup> Niraja Gopal Jayal, "The Election Game", (2006) 33(3-4) *India International Centre Quarterly* 46, available at: <https://www.jstor.org/stable/23006068> (last visited on April 12, 2026).

## **Constitutional Structure, Composition and the Independence Question**

According to Article 324(2) of the Constitution, the Election Commission is made up of the Chief Election Commissioner and other election commissioners that the President can choose as needed. The President picks everyone on the Commission, including the Chief Election Commissioner. The Chief Election Commissioner will be in charge of the Commission when new commissioners are chosen. These portions will always be there for the Commission. The people who founded the country on purpose told the legislative and the executive branch to decide how many Chief Election Commissioners there should be so that at least one might be chosen. Since 1993, the Commission has had a Chief Election Commissioner, two Election Commissioners, and a clerk in charge.<sup>5</sup> The law was altered so that all three people would have the same pay, benefits, and working conditions. It also specified that the majority would decide what to do if the members didn't agree.

It looks like the constitution guarantees the Chief Election Commissioner's independence in one of the strongest ways in India. According to Article 324(5), the Chief Election Commissioner can only be sacked in the same way and for the same reasons as a judge on the Supreme Court. In other words, both Houses of Parliament must agree on an address. This means that at least two-thirds of the members who are present and voting must agree with it, as well as a majority of the overall membership of each House. This is to keep the executive from firing the Chief Election Commissioner for political reasons and to stop the fear of firing from being used to force people to cooperate. Article 324(5) stipulates that after the Chief Election Commissioner is hired, his or her terms of service can't be amended to make things worse for him or her. This is another approach to keep the office from being discreetly affected by money or work-related stress. This might not get rid of him, but it could still offer politicians what they want.

The Chief Election Commissioner is the most significant person in charge of the election. The other commissioners are likewise busy with their jobs. People in both the legal and academic disciplines have been talking about this disparity for a long time. As an academic group, the Commission has a hard time maintaining impartial. The Chief Election Commissioner must consent to fire an election commissioner, according to Article 324(5), Section 2. Both houses of parliament must agree to fire an election commissioner. This procedure does not work to fire the Chief Election Commissioner.<sup>6</sup> This doesn't mean that the Supreme Court is no longer there. The Chief Election Commissioner is the only person whose commands the authorities have to follow. The Commission didn't have all three members until the early 1990s, when T.N. Seshan's colleagues' commissioners

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<sup>5</sup> Manjari Katju, "Election Commission and Changing Contours of Politics", (2009) 44(16) *Economic and Political Weekly* 8, available at: <https://www.jstor.org/stable/40279147> (last visited on April 12, 2026).

<sup>6</sup> Manjari Katju, "Election Commission and Functioning of Democracy", (2006) 41(17) *Economic and Political Weekly* 1635, available at: <https://www.jstor.org/stable/4418140> (last visited on April 12, 2026).

were ousted because the institutions were breaking apart. This proved that things weren't even.

This isn't simply a little portion of the constitution that may be overlooked; it goes against the fundamental argument of this essay, which is that everyone should have the same right to vote. If a commissioner doesn't agree with the majority or if their decisions have huge political repercussions, they might not want to do things on their own. A lot of commissioners know that they require the chairman's approval to keep their jobs, but some may not realize that they are losing their independence. They may not have directly impacted the commissioner, but they could have had an impact. The Constitution specifies that elections must be fair, so this design problem is a structural flaw that should not be tolerated. It didn't matter what the commissioner's name was; it was still significant.

### **Appointment Process and the 2023 Reform**

The Constitution doesn't state what kind of education, professional experience, or personality attributes someone needs to have to be on the Election Commission. In the past, chief election commissioners and other commissioners were high-ranking officers in the Indian Administrative Service or other areas of the central government. For the previous 70 years, this regulation has not altered. This group includes those who are retired or work for the government. The Supreme Court did not agree that the Chief Election Commissioner should be as qualified as a Supreme Court justice in the case of *Bhagwati Prashad Dixit Ghorewala v. Rajiv Gandhi*<sup>7</sup>. This is true because the Chief Election Commissioner operates like a judge. Even if the Court is right, the Constitution doesn't specify these things have to be true. It is vitally critical that there are no outside watchdogs and no established rules for who can be chosen since the Commission is becoming more like a court and can adopt regulations.

People have worked for the same government their whole lives and care about how it looks to other people. Because they worked in the executive branch, they realized how crucial it is to treat people with respect. The Commission needs to be free to do its job, therefore people with that kind of history would have a hard time achieving its stringent standards. This won't hurt anyone.<sup>8</sup> A lot of political pressure has been put on several Chief Election Commissioners, but they have proved that their institutions are robust and that they are free. People had diverse ideas about the Commission in the early 1990s. This showed how important it is to have strong leaders who are not tied to any one group. Researchers should not focus solely on leaders; they must also examine the collective entities. When brave people are hired, the company changes how it functions. The plan wasn't good.

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<sup>7</sup> *Bhagwati Prasad Dixit 'Ghorewala' v. Rajiv Gandhi*, 1986 SCC OnLine All 179.

<sup>8</sup> "Election Commission in Tatters", (2009) 44(9) *Economic and Political Weekly* 5, available at: <https://www.jstor.org/stable/40278538> (last visited on April 12, 2026).

The Election Commission of India (Appointment, Conditions of Service, and Term of Office of Election Commissioners) Act, 2023 was passed to ensure the structures would work. This law allowed committees to choose election commissioners for the first time. The Union of India and Anoop Baranwal were both in court. Before Parliament votes on the statute to pick the election commissioners, the Supreme Court ruled that the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India should all meet. This is why it was necessary to write down the Act. Even before the 2023 Act ended it, the system was against the law. They are the prime minister, the head of the opposition party in parliament, and a member of the prime minister's cabinet. The opposition had never been allowed to pick who was in command before. The option changed a lot of the legislation. It seemed like a lot of people had taken over the executive branch without anyone noticing. A lot of people didn't like what the committee did because the Chief Justice of India wasn't there and the administration picked two of the members. Even though the Supreme Court warned us not to, we did it anyhow. The employer will be quite thrilled about this. A lot of individuals have various thoughts about the Constitution and whether the 2023 Act is a real change to the way things are set up or just a quick patch that doesn't solve the problem of independence. The major thesis of the dissertation is that it should be exceedingly hard to reform institutions from the outside in order to make the Constitution neutral in elections. This conversation has something to do with it. It's not enough to have formal systems that know how crucial personal freedom is. Also, the individuals in authority need to have a lot of power over the people they choose.

### **The Scope of Constitutional Powers: Superintendence, Direction and Control**

Article 324(1) of the Constitution states that the Election Commission's main duty is to oversee, manage, and control the process of compiling voter lists and carrying out all elections for Parliament, the President and Vice-President, and each State's Legislature. Put differently, strict bureaucratic control is absent. Nor does limit administrative assignment exist. In several rulings, the highest court stated that these clauses allow full discretion to the Commission. Whatever steps are necessary to ensure election fairness fall within its reach. Such judgments have deepened how we see the Commission's Powers under the Constitution. They also assert room for intervention when laws lack clarity. Or when statutes stay silent on specific matters. Authority stems from constitutional backing. Action need not wait for parliamentary clarification.<sup>9</sup> That independence defines the scope. As far as the Court knows, the Commission does not merely carry out Parliament's directives. Rather, it operates independently, holding distinct

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<sup>9</sup> B. Venkatesh Kumar, "Funding of Elections: Case for Institutionalised Financing", (1999) 34(28) *Economic and Political Weekly* 1884, available at: <https://www.jstor.org/stable/4408179> (last visited on April 12, 2026).

powers under the Constitution. Its role stems from an autonomous foundation, allowing decisions without external instruction.

The most important case that illustrates the Commission's true authority is *Mohinder Singh Gill v. Chief Election Commissioner*<sup>10</sup>. A Supreme Court Constitution Bench rendered the decision during the 1977 Lok Sabha election. Reports that some polling places in the parliamentary constituency of Firozpur had skewed results led the Commission to declare the entire election null and void. Not only was there a demand for fresh voting at certain stations. Petitioners claimed the Commission stepped beyond lawful limits. This claim found no support in the Supreme Court, yet the manner of dismissal shifted perception around the body's constitutional function over time. Under Article 324, which grants full authority, conducting both national and regional polls falls within the Commission's scope. Additionally, words like "supervision," "direction," and "control" were interpreted expansively - intended to include tasks ranging from managerial actions to decisions resembling judicial or limited lawmaking roles, shaped by context. What Parliament writes into law fails to bind the Commission. Despite silence in statutory text, constitutional authority remains. From Article 324(1), a mandate emerges - not through permission, but design. Free and fair elections fall under its charge, whether mentioned or not. Legal omission cannot restrict what the framework enables.

### **The Reservoir of Residual Power and Its Implications**

Subsequent decisions reinforced and expanded this broad view of the Commission's constitutional authority. The Election Symbols (Reservation and Allotment) Order of 1968 was challenged because it was a law and not the Commission's responsibility. This followed the debate over *Kanhiya Lal Omar v. R.K. Trivedi*<sup>11</sup>. This order permits the distribution of election signs by the Commission, along with identification of political parties, while also settling conflicts among factions competing for control over a party's name and emblems. Rejected was this reasoning by the Supreme Court. Authority to issue the Symbols Order, it was argued, stems directly from article 324(1). Absent from both the Representation of the People Act of 1951 and the Conduct of Elections Rules of 1961 are certain elements contained within the Order.<sup>12</sup> Found within Article 324 are these specific divisions. Following such logic, election oversight belongs to the Commission, along with requiring political groups to reveal candidate-related expenses. Such power implies tracking extends beyond mere applicants. Organisations offering backing and financial resources may also fall under observation. As seen in *Union of India* Should the law offer no guidance, the Election Commission may act under Article 324. From time to time, gaps

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<sup>10</sup> *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405.

<sup>11</sup> *Kanhiya Lal Omar v. R.K. Trivedi*, (1985) 4 SCC 628.

<sup>12</sup> R. Ramesh, "Historical Perspectives of the Electoral Reforms in India", (2011) 72 *Proceedings of the Indian History Congress* 1325, available at: <https://www.jstor.org/stable/44145743> (last visited on April 12, 2026).

appear - on such occasions, constitutional provision fills the space. The Supreme Court found that state or parliamentary statutes take precedence during electoral matters. Where legislation exists, adherence becomes necessary. Only when rules fall short does independent power emerge. Authority shifts subtly, yet remains bound by legal framework.

The Election Commission is clearly more than a low-level administrative body that only follows Parliamentary election laws, as these rulings demonstrate. This directly affects the dissertation's main idea. It is also a distinct constitutional actor with independent residual authority. It follows that decisions favoring open electoral processes may occur regardless of legal restrictions. What stands out here is a constitutional duty - one unmatched in weight among India's oversight institutions. Whether such authority remains effective depends largely on how impartially the Commission acts. Public trust could vanish should choices appear tilted toward particular groups. Power given without real independence risks both legal limits and democratic harm. Should questions arise on legitimacy, the Commission lacks discretion to resist claims from perceived subjects. Only after examining setup does discussion of constitutional reach become meaningful. An arrangement rooted in autonomy strengthens self-governance by design. Concentration of influence within dependent bodies runs counter to foundational rules.

### **Advisory and Quasi-Judicial Functions**

Beyond its primary function of administering elections, the Election Commission performs a range of advisory and quasi-judicial functions that place it squarely in the middle of politically sensitive decisions about the eligibility of sitting members of Parliament and State Legislatures, the validity and recognition of political parties, and the consequences for individuals found to have committed electoral misconduct. Questions about whether the institution can remain neutral grow sharper once its duties extend beyond basic election management.<sup>13</sup> When it must weigh competing claims from political figures, tensions emerge - especially since those individuals fall under the body's oversight. Authority to judge creates strain when power also includes monitoring behavior across the entire political landscape. Decisions gain complexity where responsibility overlaps with scrutiny of the same parties involved.

The advisory function in relation to the disqualification of sitting members is provided in Articles 103(1) and 192(1) of the Constitution. Should uncertainty emerge regarding a parliamentarian's or state legislator's eligibility - excluding disqualification due to defection - the matter moves to the Election Commission for assessment. Though defections fall under the Tenth Schedule and follow another path, all other grounds demand referral. Upon receiving the opinion, the

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<sup>13</sup> R. Ramesh, "Historical Perspectives of the Electoral Reforms in India", (2011) 72 *Proceedings of the Indian History Congress* 1325, available at: <https://www.jstor.org/stable/44145743> (last visited on April 12, 2026).

President or Governor, depending on context, proceeds accordingly; adherence is not optional but mandated by constitutional structure. In *Brundaban Nayak v. Election Commission of India*<sup>14</sup>, clarity emerged: those offices hold no discretion when the Commission has ruled. Even consultation with ministerial advisors becomes unnecessary once the view is communicated, as confirmed earlier in *Shamsher Singh v. State of Punjab*<sup>15</sup>. Authority rests not with ceremonial signatories but within the body issuing findings. What appears as advice carries binding weight in practice. Real decision-making power lies fully outside executive influence, functioning autonomously despite formal labels.

Clearly, this role carries significant political weight. Should the Commission rule that a sitting MP is ineligible, legislative numbers may shift - possibly affecting whether a government survives when support is balanced narrowly. In critical instances, its stance might separate majority control from loss of power. For such decisions, strong institutional autonomy becomes essential. As discussed here, trust in goodwill falls short; lasting safeguards are necessary instead. Present arrangements lack full alignment with those protective structures.

### **Post-Election Accountability and the Cancellation Power**

Before 1975, persons found guilty of corrupt practices by the Supreme Court or High Courts were automatically disqualified from contesting elections to Parliament or State Legislatures for a period of six years from the date of the finding of guilt. Removed was the automatic process by which disqualification followed conviction; now, decisions rest with the President, guided solely by the Election Commission's assessment. Though issued formally by the President, each determination reflects effectively the judgment of the Commission regarding both applicability and duration - up to six years starting from when the court's ruling becomes active. Held within this mechanism lies influence over who remains eligible to contest elections after legal penalties take hold. Individuals affected might belong to governing circles, dominant parties, or opposing factions, placing pressure upon the institution tasked with impartial evaluation. When stakes rise around such rulings, the manner in which commissioners are appointed begins to shape outcomes more visibly than before. What emerges is less about procedure and more about resilience under political weight. Neutral enforcement depends not only on mandate but also on insulation from external sway during sensitive judgments.

The extraordinary precedent set in April 2019, when the President cancelled the Lok Sabha election scheduled for 18 April in the Vellore constituency of Tamil Nadu on the recommendation of the Election Commission, illustrates both the reach of the Commission's authority and the sensitivity of its exercise. Cancellation followed evidence gathered by the Income Tax department -

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<sup>14</sup> *Brundaban Nayak v. Election Commission of India*, AIR 1965 SC 1892.

<sup>15</sup> *Shamsher Singh v. State of Punjab*, (1974) 2 SCC 831.

significant amounts of cash removed from a candidate's relative's home. Alongside came a submission from the Special Expenditure Officer to the Chief Electoral Officer, noting conditions unsuitable for impartial voting procedures. According to the Election Commission, patterns emerged pointing toward coordinated efforts to sway voters financially, actions clearly fitting definitions laid out under Section 123 of the Representation of the People Act, 1951.<sup>16</sup> Never before in India's electoral timeline had a Lok Sabha seat seen its vote nullified prior to polling due to suspected vote-buying. Such a move stood as both rare and weighty, unmatched in legal precedent until then. It revealed the body's ability to act firmly when challenges intensified. Yet simultaneously exposed how deeply political such rulings could become - the kind where autonomy cannot remain theoretical if outcomes must retain credibility among citizens.

The quasi-judicial functions of the Commission extend further to the registration and recognition of political parties, the adjudication of disputes between rival factions claiming the identity and symbols of a recognised party, and the determination of questions about party mergers and splits. Decisions tied to political standing may heavily shape contest dynamics. Loss of official acknowledgment strips a party of its designated electoral emblem, diminishes its rank at national or regional levels, along with removing tangible benefits linked to such classification. Over the past few years, visible conflicts about legitimacy and emblems - such as what occurred with Shiv Sena after the division in 2022 - have placed the Commission's role under sharp public focus. Attention has grown around how these judgments emerge, drawing closer inspection of the systems guiding them.

Decisions made by the Commission on such issues call for fairness hard to maintain when its members are chosen by political figures possibly under scrutiny. Though bias might not appear in actual rulings, the setup allowing party-influenced selections creates weakness - this flaw must be corrected by structure, not hope in individual integrity.

### **Administrative Functions, Electoral Machinery and Reform Initiatives**

#### **Delimitation and Electoral Roll Management**

The Election Commission is in charge of a lot of different things that have to do with running the government. These jobs are so hard to plan that they are one of the hardest ongoing jobs in state administration in the world. Fairness in a voting system begins when a nation splits into zones for electing single representatives. Called constituency delineation, it shapes how voters are grouped. Boundaries decide which individuals share an electoral space. Shifting them alters influence among social clusters, geographic sections, and regional interests. Authority to adjust such divisions comes from the Delimitation Commission Act of 2002.

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<sup>16</sup> D. Sura Reddy, "Electoral Reforms in India", (1991) 52(1) *The Indian Journal of Political Science* 140, available at: <https://www.jstor.org/stable/41855541> (last visited on April 12, 2026).

Legal and constitutional frameworks guide this task - districts should lie near one another, reflect population size accurately, while ensuring set-aside positions appear uniformly throughout each state's landmass.

Updating the voter lists is probably the most time-consuming job for the Commission. The electoral roll is the most important piece of paper for rights because it tells people who can vote. People can't vote because the ballot has mistakes or is missing information. The Commission must check that all of the rolls for every district in the country are accurate, current, and complete. Updating records includes adding those who reach voting age, removing deceased individuals, adjusting for relocated persons, while correcting inaccuracies within existing registrations.<sup>17</sup> Recently, the focus shifted toward eliminating errors through nationwide verification efforts led by the electoral authority. Linking voter photographs with identity details from national databases forms the core method used to ensure accuracy. Alongside these steps, digital tools such as smartphone applications were introduced specifically for people with disabilities. Access improves when registration processes adapt to different needs using electronic platforms designed for ease of use. Commitment appears evident, revealed through ongoing actions aimed at improving access to the franchise. Such improvements emerge in parallel with the central concern of this work: flaws embedded within the structure of the Commission's setup.

There are a lot of different operational and oversight tasks that need to be done to run the poll. In each parliamentary and assembly constituency, the Returning Officer is in charge of setting up the polls, receiving and checking nomination papers, and keeping an eye on the counting and announcement of results. A single official, often serving as District Collector or Sub-Divisional Officer, receives appointment through consultation between the Commission and the State Government. Oversight of operations remains under authority held by the Commission alone. Beginning in 2019, verified paper audit trails have appeared at every polling location nationwide. Monitoring extends toward usage patterns involving Electronic Voting Machines along with conduct observed among security personnel. To begin, testing of the VVPAT began across eight areas during 2014. Following orders issued by both the Delhi High Court and later the Supreme Court, nationwide implementation occurred five years afterward.<sup>18</sup> Confidence in vote accuracy has grown due to the availability of physical ballots for review. Public concern along with heated debate once surrounded this technology closely.

As an administrator, one of the Commission's most important jobs is to keep an eye on election costs, which have a direct impact on how fair elections are. The

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<sup>17</sup> Amandeep Kaur, "Issues of Reform in Electoral Politics of India: An Analytical Study", (2012) 73(1) *The Indian Journal of Political Science* 167, available at: <https://www.jstor.org/stable/41856573> (last visited on April 12, 2026).

<sup>18</sup> Jagdeep S. Chhokar, "Electoral Reforms: Need for Citizens' Involvement", (2001) 36(42) *Economic and Political Weekly* 3977, available at: <https://www.jstor.org/stable/4411252> (last visited on April 12, 2026).

Representation of the People Act, 1951, Section 77 says that each candidate must keep a separate and accurate record of all election-related costs incurred or authorised between the nomination date and the results deadline. Sometimes these expenses become clear; at other times, they remain unclear. Examination of such documents is carried out thoroughly by the Commission. Failure to submit tax returns on schedule - or skipping them entirely - may lead to disqualification, provided there is no valid explanation, according to Section 10A. Directed by the Supreme Court in *Common Cause*, the Commission acted through authority granted under Article 324. Financial details related to campaign spending were requested from political groups. One of the most persistent challenges in overseeing Indian elections lies in enforcing financial caps. Over time, election-related expenses have risen sharply. Despite this, monitoring efforts by the Commission remain strained when facing inventive yet heavily resourced campaigns.

### **Digital Challenges and Reform in the Contemporary Period**

The Commission's power comes from a complicated system of institutions that goes from the national level to the polling station level. The Commission's secretariat at the national level includes Regional Commissioners, Deputy Election Commissioners, Secretaries, Under Secretaries, and Research Officers. From time to time, appointment of the Chief Electoral Officer happens through agreement between the Commission and the State Government. Typically holding senior rank within the Indian Administrative Service, that officer oversees preparation and revision of voter lists along with conduct of polls for State Legislative bodies. Oversight at district level falls under the District Election Officer, managing election tasks alongside routine governance duties. Responsibility for building the electoral register and supervising voting procedures rests with the Electoral Registration Officer and Returning Officer at constituency stage. Selection of personnel who manage ballot operations - Presiding Officers and Polling Officers - comes from decisions made by the District Election Officer for every polling location.

During a general election, this machinery needs to be staffed by millions of government workers from all over the country. Coordinating this is a very complicated logistical task that few other democratic systems try to do.<sup>19</sup> The Commission's power to oversee the transfer and posting of election officials during the electoral period under which transfer orders issued before the Model Code came into force may not be implemented without the Commission's permission, and new appointments and promotions may not be made without its approval is an important structural safeguard against the use of administrative

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<sup>19</sup> Manish Tewari & Rekha Saxena, "The Supreme Court of India: The Rise of Judicial Power and the Protection of Federalism", in Nicholas Aroney & John Kincaid (eds.), *Courts in Federal Countries* 223 (University of Toronto Press, 2017), available at: <https://www.jstor.org/stable/10.3138/j.ctt1whm97c.12> (last visited on April 12, 2026).

transfers to place sympathetic officials in strategic positions during the election period, a concern that is by no means hypothetical in a system where the district administration is ordinarily subordinate to State Governments that are themselves contestants in the electoral process.

The Commission's biggest changes in the last few years have been its attempts to deal with the problems that come with digital political communication. How elections function has shifted due to these issues, stretching beyond what existing regulations anticipated. For the 2019 Lok Sabha polls, every contender was required to list social media profiles within nomination documents. Approval of online political advertisements by Media Certification and Monitoring Committees - operating at both district and state tiers - was enforced by the Commission. Launched in 2018, the cVIGIL smartphone application enabled citizens to submit evidence of Model Code breaches instantly; geotagged images or video recordings allowed precise reporting. Investigations followed swiftly, cutting delays in response times.

What makes these actions matter lies in their connection to challenges absent during the Commission's early days. Yet a deeper look reveals limits in authority, especially where fast-moving digital campaigns evolve beyond current oversight reach. Although platforms grow through algorithmic influence, one fact remains clear: regulation lags behind reality. Despite global parallels among electoral agencies, solutions for deceptive narratives, artificial engagement patterns, and precision targeting remain out of grasp. Strength must come not just from within institutions but from legal frameworks designed to match modern dynamics. Resources and enforceable powers - both missing at present - define what can or cannot be addressed today.

### **The Model Code of Conduct: Authority, Enforcement and the Neutrality Debate Origins, Development and Constitutional Basis**

The Model Code of Conduct is one of the Election Commission's most well-known and politically important tools. Lately, how strictly it is applied - or seen to be applied - has shaped much of the debate on whether the Commission acts without bias, a core matter here. Not legislation, the Code draws authority differently: through Constitutional provision, specifically Article 324. Over time, mutual understanding among political groups contributed to its development. Enforcement depends heavily on consistent application by the body itself. Only when actions match stated intent does trust remain intact. Its influence exists because people believe in impartiality; lately, that belief faces doubt.

The Model Code was first used in the Kerala State Assembly elections of 1960, when a small set of rules for candidates and parties was made public. It was first used in the 1962 Lok Sabha elections. From that point onward, updates occurred every general election to address emerging issues and shifts in how politics operated. Its present version came into being during 1991 after gradual refinements. A notable shift happened in 1979 when rules were introduced

targeting behaviour of ruling parties - an acknowledgment of deep imbalance rooted in institutional advantage: those in office hold sway over government assets, broadcast platforms, bureaucratic networks, budget allocations, along with numerous less visible benefits capable of influencing voters through quiet or open means.<sup>20</sup> By 2013, the legal stance evolved further following the Supreme Court verdict in *S. Subramaniam Balaji v. Union of India*. Later came changes shaped by Tamil Nadu's government, adjusting rules within the Code. These shifts emerged when party pledges began appearing as subtle influences on public decisions during elections, requiring limits through structured oversight.

The Code covers eight principal domains of electoral behaviour: general conduct, the organisation of public meetings and processions, conduct on polling day, arrangements at polling booths, the role of election observers, the conduct of the party in power, and following the 2013 addition the content of election manifestos. Despite broad guidelines, appeals based on caste or community for vote-seeking face prohibition under the Code. Criticising opponents using unconfirmed information stands disallowed, just as attempts to bribe or pressure voters do. Gatherings meant to challenge individuals due to their views - especially near residences - are also barred. Polling locations allow access only to those voting and authorised personnel bearing credentials. Party-affiliated individuals must avoid assembling in manners that could unsettle or sway electors. Several such rules mirror misconduct outlined in Section 123 of the Representation of the People Act, 1951.<sup>21</sup> Where breaches align with legal definitions, consequences may follow statutory paths instead of resting purely on advisory norms.

Efforts to render the Model Code binding under law have emerged multiple times, noted even within official circles. Reliance on actual penalties tends to ensure compliance far better compared to reliance solely on institutional influence or damage to public image. Yet resistance remains strong due to concerns that court battles might follow each alleged breach, potentially freezing election activities and defeating the original purpose. Besides, findings indicate many core elements of the Code are already mirrored in current laws, according to a dedicated oversight group. Though disagreement persists without clear resolution, focus must shift toward something more fundamental. Should the Code lack legal force, its influence still stems from how credible the Commission appears. Yet such standing arises only when every party and candidate faces equal scrutiny under the rulebook - impartiality matters above all. Once observers detect uneven treatment - when certain groups face stricter enforcement - the foundation weakens. That imbalance, once noticed, undermines trust fast. Even if rules are

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<sup>20</sup> Ramaswamy R. Iyer, "The Election Commission and the Judgment", (1996) 31(1) *Economic and Political Weekly* 37, available at: <https://www.jstor.org/stable/4403648> (last visited on April 12, 2026).

<sup>21</sup> B. Venkatesh Kumar, "Criminalisation of Politics and Election Commission", (2001) 36(24) *Economic and Political Weekly* 2119, available at: <https://www.jstor.org/stable/4410738> (last visited on April 12, 2026).

binding by law, their power fades without fair execution. Perception shapes reality here: fairness lost means authority gone.

### **Contemporary Enforcement Controversies**

During the 2019 Lok Sabha elections, the Commission took a number of high-profile enforcement actions that showed both how quickly it could act and how controversial its enforcement record really was. From nowhere did relief come for Yogi Adityanath, who found his campaign halted by the Commission for three full days due to remarks deemed divisive along religious lines. Not far behind, Mayawati faced a two-day ban under similar reasoning, her words judged as stirring community tensions. Into that same space stepped Azam Khan, silenced for seventy-two hours after speech labeled offensive and demeaning toward a rival politician. Even those long accustomed to influence felt scrutiny - Maneka Gandhi restricted just as firmly, her appeals viewed as nudging voters through faith-based sentiment. A film on Narendra Modi vanished from public view mid-release, blocked until voting ended, its potential sway considered too great to allow freely. Without favor, these moves struck across factions, powerful figures left untouched only if within bounds. Power checked itself, not waiting for permission.

But the Commission's record of enforcing the rules during the same election also drew a lot of criticism from many quarters. It was observed how the bar for breaching Model Code rules seemed to shift according to who was involved. While certain grievances saw swift responses, others lingered without resolution - or vanished unnoticed.<sup>22</sup> During a tense phase of campaigning, the Commission appeared tilted, its stance drifting from impartiality; even absent outright injustice, such posture clashed with constitutional expectations. Notably, these concerns arose not solely from defeated political factions.

Speaking independently, former election commissioners voiced such views. So did scholars deeply engage with voting systems throughout their careers. Judicial figures contributed similar observations. Validation through broad statistical review of the Commission's actions demands scrutiny beyond this chapter's scope. That these issues exist - and carry weight - matters constitutionally. When doubt arises not just among invested political actors but emerges from neutral analysts without vested outcomes, credibility strains occur. Design adjustments become necessary when trust erodes on multiple fronts.

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<sup>22</sup> V.N. Srivastava, "The President of India: Election and Office", (1978) 39(2) *The Indian Journal of Political Science* 250, available at: <https://www.jstor.org/stable/41854845> (last visited on April 12, 2026).

## **Limitations on the Powers of the Election Commission and the Role of Judicial Review**

### **Statutory Bounds and the Requirement of Natural Justice**

The Election Commission's powers, broad as they are, are not unlimited, and the Supreme Court has been as careful in defining those limits as it has been in affirming the Commission's plenary authority. These limitations are constitutionally important as a reminder that the Commission's independence is designed to secure electoral neutrality not to create an unaccountable power that stands above the law and beyond correction by any institution of the constitutional order.

The most important limitation is that the Commission must act in conformity with any valid law made by Parliament or a State Legislature relating to elections. Clarity emerged in *Mohinder Singh Gill* regarding the limits of the Election Commission's role once Parliament enacts a lawful provision on electoral issues. Should legislation exist and stand valid, adherence becomes mandatory; deviation is not permitted. Though Article 324 grants the Commission leeway - filling voids, responding where statutes fall short - that space offers no license to disregard established legal terms. Where challenges arise due to legislative silence or insufficiency, response must stay within boundaries set by existing law.<sup>23</sup> Attention may be directed toward lawmakers if updates appear necessary; substitution of institutional judgment for parliamentary will hides behind no constitutional clause. Anchoring wide-ranging discretion matters deeply here: democratic oversight persists despite operational autonomy, shaping how power functions without distorting its source. Independence exists, yet never floats beyond elected authority's reach.

Another constraint involves adherence to principles of fair process. When carrying out duties especially those resembling court-like actions such as issuing rulings on eligibility, recognizing political groups, or nullifying votes - the body must follow core standards of impartial procedure: individuals impacted typically receive notice and a chance to respond prior to unfavorable outcomes, while conclusions need clear reasoning linking facts to judgments. Absence of such steps may allow legal scrutiny of the body's choices through court appeals. Although the Rajasthan High Court noted in *Nand Lal Sharma v. Election Commission*<sup>24</sup> that executives like the President or Governor need not offer independent hearings before accepting the body's advice, this does not release the body from applying equitable methods when shaping that advice - it remains bound by them, with actual accountability built into its decision-making role.

The third and most important limit is that the High Courts have the power to review all of the Commission's decisions under Article 226 and the Supreme Court has the power to review them under Article 32. Beginning with restraint,

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<sup>23</sup> D. Sura Reddy, "Apex Court's Verdict Apropos of Article 324: An Appraisal", (1996) 38(2) *Journal of the Indian Law Institute* 249, available at: <https://www.jstor.org/stable/43927475> (last visited on April 12, 2026).

<sup>24</sup> *Nand Lal Sharma v. Election Commission of India*, 1984 SCC OnLine Del 146.

judicial bodies typically avoid interfering in electoral processes after initiation, guided by established legal precedents like Ponnuswami and constitutional provisions such as Article 329. Once activity commences under commission oversight, court intervention generally does not occur. Yet scrutiny emerges when rulings appear baseless, unsupported by facts, or infringe upon individual entitlements. Though independence marks the commission's function, authority remains bounded - never absolute. Constitutional delegation implies responsibility, requiring alignment with foundational principles at every turn. Oversight continues quietly, neither disrupting operational autonomy nor abandoning review. Balance lives here: separation from government control exists alongside accountability through lawful examination.

The connection between judicial review and the administration of elections brings up its own questions that are important to the main point of this dissertation. When both necessary elements align, limits on the Commission's wide authority function best. Not only must the body act free from political alignment, but courts must also apply meaningful scrutiny to how such power gets used.<sup>25</sup> Absent genuine autonomy - should internal structures invite interference - or lacking robust legal review in election matters, safeguards for impartiality weaken. It is under intense moments of strain that these weaknesses become clearest. Where pressure peaks, current arrangements do not reliably uphold independence nor consistent judicial engagement. Such gaps challenge the foundation meant to preserve fairness in electoral outcomes. The structure, as it stands, does not sustain needed balance precisely when it matters most.

## **The Model Code of Conduct and Contemporary Political Allegations: A Deeper Assessment**

### **The Structural Dimension of Alleged Bias**

The contemporary allegations about the Election Commission's neutrality cannot be properly understood unless they are situated within the structural features of the Commission's institutional design that this chapter has examined. What stands in question goes beyond claims concerning private behavior or choices made by certain members. Rooted more profoundly, these points challenge if the framework governing appointments, uneven safeguards granted to officials, lack of defined criteria for selection, and reliance on public trust to uphold legitimacy collectively allow bias to emerge as an embedded feature instead of just occasional human error.

Consider the specific allegation that has perhaps attracted the most sustained attention: that the Commission's scheduling of election programmes has in certain election cycles been influenced by considerations other than purely administrative convenience and operational necessity. Timing elections stands

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<sup>25</sup> B. Venkatesh Kumar, "Electoral Reform Bill: Too Little, Too Late", (2002) 37(30) *Economic and Political Weekly* 3105, available at: <https://www.jstor.org/stable/4412407> (last visited on April 12, 2026).

among the Commission's strongest discretionary powers. When certain regions go to polls shapes both campaign rhythms and political exposure under Model Code constraints. Not merely when voting occurs matters, but also how intervals between stages unfold affects fairness. Even slight alignment with sitting authorities' preferences - whether in phasing national votes or arranging regional contests - might tilt conditions meaningfully.<sup>26</sup> Duration before official announcements begins could influence advantage, too. Administrative logistics and security guidance from the Home Ministry remain cited reasons behind each decision. Yet scrutiny persists because patterns across multiple electoral events appear beyond mere logistical need. Observers note recurring sequences difficult to reconcile solely with operational demands. What appears neutral on paper may carry subtle weight in practice. Consistency in denial does not erase perception shaped by repetition over time.

The difficulty with this debate is that neither side can be decisively vindicated on the available public record. Should the Commission choose to explain its schedule choices fully, such explanations remain absent from public records. Observers cannot verify whether only administrative factors shaped these choices due to missing written justifications. Rather than relying on documents, critics draw conclusions based on repeated outcomes across rulings. When reasoning stays undisclosed, doubt persists - not necessarily because misconduct occurred, but because transparency was omitted by design. Greater clarity in publishing grounds for decisions might expose the body to scrutiny, yet it could equally shield it from baseless claims. Without explicit rationale, gaps in understanding emerge; these spaces often attract suspicion where none may belong.

The Commission's credibility as a neutral body is directly linked to the credibility of the process used to choose its members. One way to begin understanding lies in recognizing how selection methods shape institutional autonomy. When those in power hold decisive influence over appointments, claims of separation from authority face skepticism. A shift occurred with the 2023 law: now a committee oversees selections instead of sole executive discretion. This change includes participation from opposing political voices - something absent before. Yet effectiveness turns on balance; one member from opposition against two aligned with ruling figures may still tilt outcomes predictably. What happens in practice matters more than design alone. Past decisions made under this new arrangement offer clearer insight than assumptions ever could. Over time, patterns in appointments reveal whether divergence from government preference truly emerges. Expectations rest not on structure but observed behavior. Ultimately, credibility grows through demonstrated independence, not stated intent.

It is expected, under current arrangements, that official preferences will dominate - this outcome hinges on whether opposition leadership resists nomination

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<sup>26</sup> Mohender Kumar Saini, "Select Bibliography on Elections and Political Parties in India", (1971) 32(1) *The Indian Journal of Political Science* 105, available at: <https://www.jstor.org/stable/41854430> (last visited on April 12, 2026).

choices in clear terms. Resistance of this kind remains uncertain by design, difficult even when tested against routine legislative dynamics. Useful comparisons emerge elsewhere. Senior roles requiring impartiality in Britain undergo selection via detached panels whose advice carries binding weight. Ministers there must act in line with such guidance. Appointment paths differ further across systems: Australia names its chief electoral officer using civil service criteria focused on qualification rather than allegiance.<sup>27</sup> Decisions rest on structured evaluation, not negotiation. Despite modifications made in 2023, the structure used in India remains more susceptible to leadership pressure compared to similar frameworks elsewhere. Not due to a distinct constitutional background - on the contrary, that foundation was designed to shield the body from political reach more strongly than others did.

Academics rarely address the significant issue of election commissioners' post-retirement plans, even though it is a fundamental component of the independence thesis. Regardless of whether a deal happens, government employees must act to secure their positions. Throughout its term, the administration ought to maintain public trust, despite unmet promises. Upon departure, individuals might find roles in committees, councils, or boards - this possibility remains open.

It's not always easy to tell when someone is being dishonest or doing something wrong. The election commission will look into the awards it has given out. Five years marks the limit set by the 2023 Act for election judges among public officials. Remaining beyond this point is no longer permitted. Whether experience directly shapes effectiveness sparks discussion. Career paths after service might shift under such rules. Future choices during retirement windows could influence current actions. Time spent in role does not always link to outcomes. Near the end of their service period, appointing commissioners grows more significant. Following retirement, hiring freezes for government roles might work well - though certain key cases would still allow entry. Advocates argue protection through built-in systems outweighs reliance on ethical choices under pressure. Fair elections appear here too, given weight equal to earlier points raised.

## **Conclusion**

The Election Commission of India has accomplished substantial practical and constitutional tasks over an extended duration. This chapter has endeavoured to demonstrate that. It has supervised elections in one of the globe's largest, most diversified, and most challenging democracies for almost 70 years. Systematic adjustments mark its response to shifting election issues alongside new technology. Despite persistent challenges arising from party-driven agendas, access to voting remains a focus, revealing resilience when confronted with

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<sup>27</sup> R.P. Bhalla, "Electoral Mechanism in India (1951–1971)", (1972) 33(1) *The Indian Journal of Political Science* 27, available at: <https://www.jstor.org/stable/41854484> (last visited on April 12, 2026).

resistance. Interpretation of Article 324 by the highest court highlights broad authority, rooted in careful constitutional design. Autonomy and honesty within the electoral agency matter less than commonly believed, though adherence to rules persists.

What this study shows is how systems built to resist pressure from groups affecting top political figures still fall short of meeting election fairness required by law. Without outside oversight when leaders were chosen, one administration gained strong control even after changes made in 2023. Unlike peers within the commission, the head official does not enjoy similar legal safeguards. From another angle, clear criteria for choosing members - ensuring their work stands apart from influence - are missing entirely. Dependence grows where public trust meets perceived fairness in the Commission's actions. Following retirement, incentives shape behavior long before decisions are made. One might overlook subtle mechanisms unless guided by deeper inquiry.<sup>28</sup> Though structured formally, the body operates far below constitutional expectations. Clarity emerges when new claims about neutrality come under review. Only then does the gap reveal itself fully.

When discrepancies arise, Indian democracy faces risk. In broader terms, such issues touch constitutional foundations. How much trust people place in election outcomes depends on how trustworthy the managing body appears? Challenges to credibility come not just from defeated parties, yet also courts, neutral analysts, and former electoral heads. Public confidence weakens as authority fades - visible, measurable decline follows. Results seem less reflective of true opinion when oversight falters. What once held steady now shows signs of strain under scrutiny. Despite a strong historical record, earlier success offers little guarantee going forward. What once worked begins to fade when foundational elements weaken over time. Progress built on shifting ground loses its footing eventually. Yesterday's achievements stand apart from tomorrow's uncertainties. A legacy matter less when conditions change beneath the surface.

Long after its creation, those who shaped the Constitution still viewed election independence from state control as fundamental, not merely optional. Without it, functioning democracy becomes impossible. For this reason, the Commission came into being. When tensions rise, attempts to weaken electoral freedom grow sharper - they saw this clearly. So, they placed safeguards directly in the constitutional framework, avoiding reliance on parliamentary decisions. An entity focused mainly on reducing risks while under pressure cannot be considered fully self-governing.

What stands out is how past success across several elections does not apply here. Reading through led to more questions than clarity. At the core lies a concern about capability - can the Commission truly meet its duty under law while staying

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<sup>28</sup> Sanjay Kumar, "Reforming Indian Electoral Process", (2002) 37(34) *Economic and Political Weekly* 3489, available at: <https://www.jstor.org/stable/4412510> (last visited on April 12, 2026).

neutral? This goes beyond simple actions when outside influence fades into background noise. When powerful political forces oppose constitutional limits on institutions, difficulties arise. How such boundaries remain intact becomes a central concern. Should structural changes occur, ensuring genuine compliance with the Constitution's demand for impartiality takes priority. Ways to achieve this alignment form the focus here. With redesigned frameworks, adherence to neutral governance may become feasible. Exploration turns toward practical pathways under these conditions.

## **EDITORIAL TEAM**

*PROF. (DR.) BANSHI DHAR SINGH*

Professor,  
Ex. Dean & Head,  
Faculty of Law,  
University of Lucknow

---

*DR. KALPESHKUMAR L GUPTA*

Founder ProBono India, Legal Start-ups,  
Law Teachers India

---

*DR. SUDHANSHU CHANDRA*

Assistant Professor, Manuu Law  
School, Maulana Azad National Urdu  
University (Central University),  
Hyderabad

---

*PROF. (DR.) SANJAY SINGH*

Director  
of IIMT College of Law

---

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and Opresnik Business School

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