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FROM COLLEGIUM TO SELECTION COMMITTEE: RECONSIDERING THE INSTITUTIONAL INDEPENDENCE OF THE ELECTION COMMISSION OF INDIA

A Constitutional, Legislative, Committee-Report and Empirical Analysis

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ABSTRACT

The Election Commission of India (ECI) is a constitutional institution entrusted with administering the electoral process through which political power is democratically conferred. Its independence is therefore central to the legitimacy of elections. This article examines the evolution of the appointment mechanism for the Chief Election Commissioner (CEC) and other Election Commissioners (ECs), focusing on the transition from executive-led appointments to the interim collegium prescribed by the Supreme Court in *Anoop Baranwal v. Union of India* (2023), followed by Parliament's statutory Selection Committee under the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023. The study goes beyond judicial doctrine by examining the recommendations of the Tarkunde Committee, Dinesh Goswami Committee, National Commission to Review the Working of the Constitution (NCRWC), Second Administrative Reforms Commission (Second ARC), Law Commission of India's 255th Report, and earlier legislative initiatives. It also analyses parliamentary debates surrounding the 2023 Bill and uses official Election Commission data to demonstrate the institutional scale of electoral administration. The article finds that the 2023 Act improves formal statutory structure but places two of the three members of the Selection Committee within the Union executive's sphere. The article does not treat executive participation as inherently unconstitutional; rather, it argues that institutional independence must be assessed through the cumulative effect of appointment, search, tenure, removal, finances, staffing, internal collegiality and transparency. The study proposes an accountable-independence model combining democratic participation with an effective cross-institutional safeguard, transparent selection criteria, secure tenure and greater administrative and financial autonomy.

Keywords: Election Commission of India; Article 324; CEC; Election Commissioners; institutional independence; appointment; collegium; Selection Committee; Anoop Baranwal; 2023 Act; electoral reforms; constitutional accountability.

CHAPTER I

INTRODUCTION AND RESEARCH FRAMEWORK

1.1 Background and Introduction

A representative constitutional democracy requires not merely periodic elections but elections administered through institutions that are capable of acting impartially. The Constitution of India therefore creates the Election Commission of India under Article 324 and entrusts it with the superintendence, direction and control of electoral rolls and elections to Parliament, State Legislatures and the offices of President and Vice-President. The breadth of this mandate places the Commission in an unusual institutional position: it regulates the electoral process while the incumbent Union and State governments are among the principal political actors affected by its decisions.

For several decades, Article 324(2) operated without a detailed parliamentary law prescribing the procedure for selecting the CEC and ECs. The President formally appointed the Commissioners, but the practical appointment process was executive-led. The constitutional text nevertheless contemplated legislation by Parliament. The absence of a statutory selection mechanism became a recurring subject of electoral-reform recommendations and constitutional litigation.

The issue reached a constitutional turning point in *Anoop Baranwal v. Union of India*. On 2 March 2023, a Constitution Bench held that, until Parliament enacted a law, appointments should be made on the recommendation of a three-member committee consisting of the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India. Parliament then enacted the 2023 Act. Section 7 replaced the CJI with a Union Cabinet Minister nominated by the Prime Minister, thereby creating a Selection Committee comprising the Prime Minister, the Leader of Opposition and a Cabinet Minister nominated by the Prime Minister.

The present article asks whether that change should be understood as a legitimate exercise of Parliament's authority under Article 324(2), a weakening of institutional independence, or a statutory design that requires additional safeguards. The analysis is particularly important because previous reform bodies had repeatedly considered broader and more balanced

appointment mechanisms. The Law Commission's 255th Report, for example, recommended a three-member committee of the Prime Minister, Leader of Opposition and Chief Justice of India. The Second ARC proposed a five-member collegium involving the Prime Minister, Speaker of the Lok Sabha, Leader of Opposition, Law Minister and Deputy Chairman of the Rajya Sabha. The NCRWC recommended a still broader five-member body involving the Prime Minister, Leaders of Opposition in both Houses, Speaker of the Lok Sabha and Deputy Chairman of the Rajya Sabha.

The institutional stakes are substantial. ECI data for the 2024 Lok Sabha election records 97,97,51,847 electors, 10,52,664 polling stations, 8,360 contesting candidates and 64,64,20,869 votes polled. The scale of electoral administration makes the independence and public credibility of the constitutional institution a matter of democratic infrastructure rather than an abstract question of constitutional theory.

1.2 Statement of the Research Problem

The core problem is the tension between Parliament's express legislative authority under Article 324(2) and the constitutional need for an electoral administration that is sufficiently insulated from partisan or executive pressure. The 2023 Act provides a statutory framework, but its Selection Committee gives the Union executive two positions out of three. The article examines whether the resulting structure adequately balances democratic accountability and institutional autonomy.

1.3 Research Questions

- Whether Section 7 of the 2023 Act provides an adequate structural safeguard for ECI independence.
- Whether replacing the Chief Justice of India with a Union Cabinet Minister nominated by the Prime Minister materially changes the constitutional balance identified in Anoop Baranwal.
- How the recommendations of earlier electoral-reform committees compare with the 2023 statutory framework.
- Whether parliamentary debate reveals competing constitutional understandings of independence and accountability.
- Which institutional reforms can strengthen independence without eliminating legitimate democratic accountability.

1.4 Objectives of the Study

- To examine Articles 324–329 and the statutory appointment framework.
- To trace the historical development of proposals for an independent appointment mechanism.
- To analyse leading Supreme Court judgments concerning ECI autonomy and powers.
- To assess the 2023 Act using official electoral data and legislative materials.
- To formulate reforms based on the combined lessons of constitutional doctrine, committee recommendations and parliamentary deliberation.

1.5 Research Hypothesis

The article proceeds on the hypothesis that constitutional independence is multidimensional. A formal constitutional status and judicially protected removal mechanism are insufficient if the appointment, search and administrative structures permit substantial dependence upon the political executive. An appointment process containing meaningful participation by the opposition and an independent or cross-institutional member, combined with secure tenure and administrative autonomy, is more consistent with accountable institutional independence.

1.6 Research Methodology

The research is doctrinal, analytical and limited-empirical. Primary sources include the Constitution, the 2023 Act, the Representation of the People Acts, Supreme Court judgments, official ECI statistics, Law Commission reports and parliamentary debates. Committee recommendations are treated as reform proposals rather than binding law. Electoral data are used descriptively to establish institutional scale. The article does not attempt to infer partisan bias from election outcomes or to evaluate individual Commissioners.

CHAPTER II

CONSTITUTIONAL FRAMEWORK OF THE ELECTION COMMISSION OF INDIA

2.1 Article 324 and the Election Commission

Article 324(1) vests the ECI with superintendence, direction and control over electoral rolls and the conduct of elections. Article 324(2) provides that the Commission consists of the CEC and such number of ECs as the President may fix and that the President appoints them subject to parliamentary law. Article 324(5) gives the CEC a special removal protection comparable

to that of a Supreme Court Judge. Other ECs and Regional Commissioners cannot be removed except on the recommendation of the CEC. The constitutional scheme therefore recognises both institutional independence and differentiated internal safeguards.

2.2 Articles 325 and 326

Article 325 establishes one general electoral roll for each territorial constituency and prohibits exclusion solely on grounds of religion, race, caste or sex. Article 326 provides for elections on the basis of adult suffrage subject to constitutionally and statutorily recognised disqualifications. These provisions reinforce the need for impartial electoral administration because the ECI operationalises universal adult suffrage.

2.3 Articles 327–329

Articles 327 and 328 allocate legislative competence over elections to Parliament and State Legislatures, subject to the Constitution. Article 329 creates a specialised limitation on judicial interference in electoral matters. The overall structure is therefore one of constitutional administration by the ECI, legislative regulation by Parliament and judicial review within constitutional and statutory limits.

CHAPTER III

EVOLUTION OF THE APPOINTMENT MECHANISM

3.1 Constituent Assembly and the Original Design

The appointment question was considered during constitution-making. The Law Commission's 255th Report records that a proposal for confirmation of appointments by a two-thirds majority in a joint sitting of Parliament was considered but not adopted. Article 324(2) consequently left appointment with the President while expressly authorising Parliament to legislate on the matter. This history is significant because it demonstrates that the Constitution deliberately left room for legislative development rather than constitutionalising one permanent selection formula.

3.2 Tarkunde Committee, 1975

The Tarkunde Committee, associated with the Citizens for Democracy movement, advocated a multi-member Election Commission and broader consultation in appointments. Its significance lies in establishing an early reform tradition favouring insulation of the electoral

institution from unilateral executive control. The committee's proposals formed part of the broader historical record later considered by reform bodies and the Supreme Court.

3.3 Dinesh Goswami Committee, 1990

The Dinesh Goswami Committee on Electoral Reforms recommended that the ECI should be a three-member body. It proposed that the CEC be appointed by the President in consultation with the Chief Justice of India and the Leader of Opposition in the Lok Sabha, with statutory backing for the consultation process. It further recommended consultation with the CEC in appointing the other two ECs. The recommendation therefore combined executive appointment with judicial and opposition participation rather than excluding the government altogether.

The proposal was followed by the Constitution (Seventieth Amendment) Bill, 1990, introduced in the Rajya Sabha. The Bill contemplated consultation involving the Chairman of the Rajya Sabha, Speaker of the Lok Sabha and Leader of Opposition for appointment of the CEC, and involvement of the CEC in appointments of other Commissioners. The Bill was later withdrawn. The episode demonstrates that parliamentary consideration of a broader appointment structure predates both Anoop Baranwal and the 2023 Act by more than three decades.

3.4 National Commission to Review the Working of the Constitution

The NCRWC proposed a broad-based appointment mechanism. Its recommendation, later reproduced in reform literature and considered in the electoral-reform debate, was that the CEC and ECs should be appointed on the recommendation of a body comprising the Prime Minister, Leader of Opposition in the Lok Sabha, Leader of Opposition in the Rajya Sabha, Speaker of the Lok Sabha and Deputy Chairman of the Rajya Sabha. Compared with the 2023 Act, the NCRWC model distributed participation across executive, opposition and parliamentary institutional offices.

3.5 Second Administrative Reforms Commission

The Second ARC, in its Fourth Report on Ethics in Governance, recommended a collegium headed by the Prime Minister and comprising the Speaker of the Lok Sabha, Leader of Opposition in the Lok Sabha, Law Minister and Deputy Chairman of the Rajya Sabha for recommending the CEC and ECs to the President. This model is noteworthy because it retained executive leadership while broadening the decision-making body beyond a government majority. It therefore reflects an alternative conception of institutional independence: broad-

based political participation rather than judicial primacy.

3.6 Law Commission of India, 255th Report (2015)

The Law Commission's 255th Report on Electoral Reforms devoted a specific section to strengthening the ECI. It concluded that the Commission should be insulated from political pressure or executive interference. The Law Commission recommended that all Election Commissioners, including the CEC, be appointed by the President after obtaining the recommendations of a three-member committee consisting of the Prime Minister, Leader of Opposition in the Lok Sabha (or leader of the largest opposition party where no recognised Leader of Opposition exists) and Chief Justice of India. It also recommended that elevation of an EC to CEC should ordinarily follow seniority unless the committee records reasons for finding the senior Commissioner unfit.

The 255th Report also addressed institutional independence beyond appointments. It considered the need for an independent secretariat and stronger institutional safeguards. These recommendations became particularly relevant in *Anoop Baranwal*, where the Supreme Court drew on the broader reform history in assessing the appointment problem.

3.7 Comparative Matrix of Reform Recommendations

Body / year	Proposed appointment structure	Independent / balancing element	Other key autonomy proposal
Tarkunde Committee, 1975	Broader consultation; multi-member ECI	Consultative structure	Multi-member Commission
Dinesh Goswami Committee, 1990	CEC: President in consultation with CJI + LoP; CEC consulted for ECs	CJI + opposition	Statutory backing; independent institutional machinery
NCRWC	PM + LoP Lok Sabha + LoP Rajya Sabha + Speaker Lok Sabha + Deputy Chairman Rajya Sabha	Broad parliamentary/opposition participation	Broader institutional accountability
Second ARC,	PM + Speaker + LoP	Five-member	Broad-based selection

2007	Lok Sabha + Law Minister + Deputy Chairman Rajya Sabha	collegium	
Law Commission 255, 2015	PM + LoP Lok Sabha + CJI	Judicial + opposition balance	Independent ECI/secretariat safeguards
Anoop Baranwal, 2023	PM + LoP + CJI, until Parliament legislates	Judicial + opposition balance	Permanent secretariat/financial autonomy urged
2023 Act	PM + LoP + Cabinet Minister nominated by PM	Opposition member; executive majority	Search Committee, statutory tenure and business rules

The history demonstrates that there has never been a single settled reform consensus. Some bodies preferred a judicial element; others favoured a broad parliamentary collegium. The common thread is the rejection of an appointment process dependent upon one institutional centre alone.

CHAPTER IV

JUDICIAL INTERPRETATION AND PARLIAMENT LEGISLATIVE

INTENT OF ELECTION COMMISSION INDEPENDENCE

4.1 Mohinder Singh Gill v. Chief Election Commissioner

The Constitution Bench in Mohinder Singh Gill v. Chief Election Commissioner recognised the breadth of Article 324 and the ECI's authority to address situations not fully covered by legislation. At the same time, Article 324 does not authorise the Commission to override valid statutory rules. The case is foundational for understanding the ECI as a constitutional institution whose powers serve the objective of free and fair elections.

4.2 A.C. Jose v. Sivan Pillai

A.C. Jose v. Sivan Pillai clarified the relationship between Article 324 and legislation. The ECI's constitutional power supplements the law; it does not replace statutory provisions occupying the field. This principle is directly relevant to the 2023 appointment framework because Parliament possesses express competence under Article 324(2), but legislation remains

subject to constitutional limitations.

4.3 T.N. Seshan v. Union of India

T.N. Seshan v. Union of India upheld the multi-member structure of the ECI and clarified the relationship between the CEC and other ECs. The Court rejected an interpretation under which the stronger removal protection of the CEC would transform the other Commissioners into mere advisers. The judgment supports a collegial conception of the Commission and indicates that independence belongs to the institution rather than exclusively to the CEC.

4.4 Anoop Baranwal v. Union of India

Anoop Baranwal is the immediate constitutional precursor to the 2023 Act. The five-judge Bench found that the prolonged absence of legislation under Article 324(2) justified interim judicial directions. The Court declared that appointments should be made on the advice of a committee consisting of the Prime Minister, Leader of Opposition in the Lok Sabha or leader of the largest opposition party, and the Chief Justice of India, until Parliament made a law. The judgment also made a strong appeal for a permanent ECI secretariat and for charging the Commission's expenditure to the Consolidated Fund of India so that the institution could become more genuinely independent.

The crucial legal qualification is that the PM–LoP–CJI mechanism was expressly temporary. Parliament retained constitutional authority to enact a law. Therefore, the 2023 Act should not be assessed simply on whether it copied the Court's committee. The constitutional question is whether Parliament's alternative design remains compatible with the constitutional conditions necessary for free and fair elections.

FROM ANOOP BARANWAL TO THE 2023 SELECTION COMMITTEE

4.5 The 2023 Act: Structural Analysis

The 2023 Act formalises the appointment process. Section 5 prescribes eligibility linked to seniority and experience in election management. Section 6 creates a Search Committee headed by the Minister of Law and Justice and comprising two Secretary-level members. Section 7 establishes the Selection Committee consisting of the Prime Minister, Leader of Opposition and a Union Cabinet Minister nominated by the Prime Minister. Section 8 requires the Selection Committee to regulate its procedure transparently and permits consideration of a person outside the Search Committee panel. Section 9 prescribes a six-year term or service until age sixty-five, whichever is earlier, without reappointment. The Act also contains

provisions concerning salary, conditions of service and the transaction of business.

The strongest institutional concern is the composition of Section 7. The Prime Minister and a Cabinet Minister nominated by the Prime Minister represent two seats. The Leader of Opposition represents the principal parliamentary opposition. The arrangement is therefore capable of executive-majority decision-making. This does not establish that any appointment will be partisan. The legal issue is whether the structure itself provides sufficient institutional counterweight.

The government's principal constitutional argument is that Article 324(2) expressly entrusts Parliament with the power to legislate. The Court in *Anoop Baranwal* itself stated that its mechanism would operate only until Parliament made a law. Parliament was therefore not constitutionally required to retain the CJI. Moreover, democratic accountability can legitimately justify executive participation in selecting constitutional office-holders.

The principal counterargument is that the ECI regulates elections in which the Union executive is a political participant. A two-out-of-three executive position on the Selection Committee can create an appearance of dependence. The concern is not based on assumptions about the personal integrity of office-holders but on structural design. Constitutional institutions should ordinarily be designed so that impartiality is supported by institutional arrangements rather than dependent upon individual virtue.

4.6 Parliamentary Debates on the 2023 Bill

The parliamentary record demonstrates that the appointment issue was debated in terms of constitutional vacuum, judicial directions, institutional credibility and executive accountability. The Bill was introduced in the Rajya Sabha on 10 August 2023. During the 12 December 2023 debate on consideration and proposed reference to a Select Committee, members discussed the Supreme Court's *Anoop Baranwal* judgment and the need for a statutory framework. The official Rajya Sabha record identifies extensive participation, including members from government and opposition parties.

The parliamentary debate also reveals a substantive disagreement about the meaning of institutional independence. Government-side reasoning emphasised that the Supreme Court had itself described the PM–LoP–CJI arrangement as an interim measure and that Parliament was now exercising the authority expressly reserved to it by Article 324(2). Opposition members and other participants questioned whether replacing the CJI with a government-nominated Cabinet Minister diluted the neutral element of the interim arrangement. Some speakers argued for wider consultation and greater transparency.

The Lok Sabha considered the Bill as passed by Rajya Sabha on 21 December 2023. The official debate records the Minister of State for Law and Justice moving the Bill for consideration and passing. The legislative record therefore confirms that Parliament consciously enacted a statutory appointment framework after the Supreme Court’s March 2023 decision, rather than leaving the matter governed indefinitely by the interim judicial mechanism.

The parliamentary record is important for constitutional interpretation because it shows that the legislation was enacted against a known background of competing institutional models. However, parliamentary statements cannot by themselves determine constitutional validity. The final question remains whether the enacted structure conforms to the Constitution.

CHAPTER V

EMPIRICAL AND CRITICAL ANALYSIS OF THE INSTITUTIONAL INDEPENDENCE OF THE ELECTION COMMISSION OF INDIA

5.1 Empirical Data: The Scale of ECI Responsibility

The ECI’s Atlas 2024 provides a useful longitudinal picture. Total electors increased from 83.41 crore in 2014 to 91.19 crore in 2019 and 97.98 crore in 2024. Total votes polled increased from 55.42 crore in 2014 to 61.47 crore in 2019 and 64.64 crore in 2024. Polling stations increased from 9,27,553 in 2014 to 10,37,848 in 2019 and 10,52,664 in 2024. Political parties participating increased from 464 in 2014 to 673 in 2019 and 743 in 2024. These figures show the increasing administrative scale of elections.

Indicator	2014	2019	2024	Change 2014–2024
Total electors	83.41 cr	91.19 cr	97.98 cr	+14.57 cr
Total votes polled	55.42 cr	61.47 cr	64.64 cr	+9.22 cr
Polling stations	9,27,553	10,37,848	10,52,664	+1,25,111
Political parties participating	464	673	743	+279
Contesting candidates	8,251	8,054	8,360	+109

The 2024 election also involved 543 parliamentary constituencies, 626 General Observers, 655 Expenditure Observers, 339 Police Observers and 1,710 Counting Observers. The ECI reported 40 re-polls. Such figures underline the operational complexity of the institution and the importance of stable professional capacity.

5.2 Tenure and Reappointment

A six-year term or age sixty-five ceiling, with no reappointment, can reduce the incentive to seek favour for a second term. The effectiveness of this safeguard depends upon secure conditions during the term. Independence is weakened if Commissioners fear premature removal, adverse service conditions or administrative retaliation.

5.3 Removal

Article 324(5) gives the CEC a removal safeguard equivalent to that of a Supreme Court Judge, while other Commissioners have protection through the requirement of a CEC recommendation. Anoop Baranwal expressly suggested extending stronger protection to other Commissioners until Parliament legislated. The 2023 Act preserves the constitutional distinction rather than adopting identical removal protection.

5.4 Secretariat and Financial Autonomy

Anoop Baranwal's appeal for a permanent secretariat and expenditure charged to the Consolidated Fund of India highlights a major limitation of an appointment-only approach. If ECI personnel and finances remain structurally dependent on the executive, appointment reform alone cannot guarantee functional autonomy. The Law Commission and earlier reform materials similarly recognised the importance of institutional capacity.

5.5 Internal Collegiality

T.N. Seshan confirms that the CEC is not institutionally superior to the other Commissioners in ordinary decision-making merely because of differentiated removal protection. A credible Commission therefore requires transparent internal procedures, meaningful participation by all Commissioners and reasoned institutional decisions.

5.6 Constitutional Balance: Independence and Accountability

The constitutional objective should not be complete insulation from elected institutions. The ECI exercises public power and must remain accountable to law. The more appropriate concept is accountable independence. The executive should have a legitimate role in democratic governance, but it should not possess such structural dominance that the Commission's impartiality depends upon voluntary restraint.

Three constitutional principles are particularly relevant. First, free and fair elections are central to constitutional democracy. Second, Article 324(2) expressly gives Parliament authority to

legislate. Third, the basic structure doctrine limits constitutional power where core democratic features are undermined. The interaction of these principles suggests that Parliament enjoys substantial design freedom, but not unlimited freedom to construct an electoral institution incapable of independent functioning.

Article 14 also supplies a useful non-arbitrariness lens. Executive participation is rationally connected to democratic accountability, so it cannot be treated as arbitrary merely because it exists. A constitutional challenge must instead demonstrate that the overall structure is unreasonably imbalanced or insufficiently connected to the constitutional purpose of impartial election administration.

CHAPTER VI

FINDINGS, RECOMMENDATIONS AND CONCLUSION

6.1 Findings

- The appointment issue has been debated in India for at least five decades, demonstrating a long-standing institutional concern rather than a controversy created solely by the 2023 Act.
- Reform bodies differ on composition but broadly converge on the need for a selection mechanism wider than unilateral executive control.
- The Law Commission's 255th Report and the Supreme Court in Anoop Baranwal converged on a PM–LoP–CJI model, but the Supreme Court's model was expressly interim.
- The 2023 Act provides a more detailed statutory structure but changes the balance by replacing the CJI with a Cabinet Minister nominated by the Prime Minister.
- The 2024 election data shows that the ECI administers a process involving nearly one billion electors, over ten lakh polling stations and hundreds of political parties.
- Appointment independence must be complemented by tenure, removal, finance, staffing, secretariat autonomy and collegial decision-making.
- Parliamentary debates demonstrate genuine disagreement over how to reconcile executive accountability with institutional neutrality; the legislative history should therefore form part of serious constitutional analysis.

6.2 Recommendations

- Introduce an effective cross-institutional element in the Selection Committee so that no

single branch has a structurally dominant position.

- Require publication of objective selection criteria before the Search Committee begins its work.
- Require circulation of candidate dossiers to every Selection Committee member sufficiently before deliberation.
- Record the reasons or criteria underlying the final recommendation, with appropriate protection for personal and security-sensitive information.
- Consider strengthening the independent secretariat and financial autonomy of the ECI, consistent with the concerns identified in Anoop Baranwal.
- Consider stronger and more symmetrical tenure and removal safeguards for all Commissioners while retaining accountability for proved misconduct or incapacity.
- Develop transparent internal rules for recording institutional decisions and individual dissent.
- Require periodic parliamentary reporting on vacancies, administrative resources and institutional functioning without allowing political direction in individual electoral matters.

6.3 Conclusion

The journey from executive appointment practice to the Anoop Baranwal interim collegium and then to the 2023 Selection Committee reveals an unresolved constitutional question: how should India design an institution that is independent enough to regulate political competition while remaining accountable within a parliamentary democracy? The answer cannot be reduced to whether a judge or a minister sits on a committee.

The historical record is instructive. The Tarkunde Committee, Dinesh Goswami Committee, NCRWC, Second ARC and Law Commission proposed different formulas, but each recognised the importance of broadening the appointment process. Anoop Baranwal converted that concern into a temporary judicial arrangement. Parliament then exercised its power under Article 324(2) by enacting a different model.

The 2023 Act has legitimate constitutional foundations because Parliament was expressly authorised to legislate. Yet the executive-majority composition of the Selection Committee raises a structural concern that deserves continuing scrutiny. The concern is strongest when considered alongside the executive-led Search Committee. The solution is not necessarily to exclude the executive, but to ensure that executive participation is counterbalanced by an

effective neutral or cross-institutional element and by transparent procedures.

The data from the 2024 Lok Sabha election reinforces the stakes. An institution administering elections for 97.98 crore registered electors, across more than 10.5 lakh polling stations and with 743 participating political parties, must possess both actual independence and credible institutional legitimacy. Appointment reform should therefore be viewed as part of a wider architecture of accountable independence.

The appropriate constitutional standard is ultimately functional: does the institutional design enable the ECI to administer elections without improper political dependence while remaining subject to law and judicial review? A robust system should answer that question through structure rather than trust in individual office-holders. The continuing debate over the 2023 framework therefore remains an important site for constitutional scholarship and electoral-law reform.

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