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STRENGTHENING DEMOCRATIC INTEGRITY: A CRITICAL ANALYSIS OF ELECTION COMMISSION APPOINTMENT REFORMS IN INDIA

Nishtha Singh¹ & Sarita Yadav²

I. ABSTRACT

This research critically examines the appointment framework of the Election Commission of India, identifying structural vulnerabilities that compromise its constitutional mandate of independence. The paper traces the paradoxical design of Article 324, which grants expansive functional powers to the Commission while leaving appointment procedures dangerously undefined. Through analysis of judicial evolution culminating in the landmark *Anoop Baranwal v. Union of India* (2023) judgment, the research demonstrates how the Supreme Court has finally addressed appointment vulnerabilities after decades of avoidance. The study evaluates comparative international frameworks from Canada, South Africa, Australia, and Mexico, extracting principles for effective reform. The research argues that comprehensive reforms require legislative action beyond the Court's interim mechanism, including transparent qualification requirements, diverse professional backgrounds, multi-stakeholder selection, and post-appointment safeguards. The paper concludes that appointment reforms are not merely institutional adjustments but essential reinforcements of democratic integrity. By synthesizing constitutional jurisprudence, international best practices, and democratic principles, this research provides a roadmap for transforming the Election Commission from nominal to substantive independence, thereby strengthening India's electoral democracy.

¹ 10th Semester Student at Amity Law School, Lucknow.

² Assistant Professor at Amity Law School, Lucknow.

II. KEYWORDS

Electoral governance, constitutional independence, appointment mechanisms, judicial intervention, democratic integrity

III. INTRODUCTION

A. Historical context of the Election Commission of India

The Election Commission of India (ECI) emerged as a constitutional cornerstone in 1950. It was established on January 25, 1950, just a day before India became a republic. The framers of the Indian Constitution recognized the critical role of free and fair elections. They created this autonomous body under Article 324 to safeguard India's democratic fabric.

Initially, the Commission operated with only one Chief Election Commissioner. This singular authority structure prevailed for over four decades in India's electoral landscape. The Commission conducted its first general elections in 1951-52, a monumental task given India's size and diversity. The Election Commission managed this massive democratic exercise with limited resources and technological capabilities. The maiden electoral exercise covered 489 constituencies and enrolled nearly 173 million voters, displaying the Commission's organizational prowess despite being in its infancy. The electoral rolls were prepared for the first time in India, setting the foundation for future electoral processes.³

The journey of the Election Commission reflects India's evolving democratic aspirations. During the 1960s and 1970s, the Commission faced challenging times. Political interference became more pronounced during this period. The declaration of Emergency in 1975 tested the Commission's independence severely. Chief Election Commissioner S.P. Sen Verma's tenure (1972-1977) witnessed significant executive interference in electoral matters.

³ S.K. Mendiratta, *How India Votes: Election Laws, Practice and Procedure* 24-28 (4th ed. 2019).

The aftermath of the Emergency period prompted serious considerations about strengthening the Commission's autonomy. The 1980s marked a shift toward greater assertiveness by the Commission under T.N. Seshan's leadership. His tenure transformed the Commission from a passive administrator to a vigilant guardian of electoral integrity.⁴

A significant structural change came in October 1989 when two additional Election Commissioners were appointed. However, this multi-member structure was short-lived initially. The P.V. Narasimha Rao government restored the multi-member system in 1993. This development institutionalized collegiate decision-making within the Commission. The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 formalized this structure legally. This Act provided that decisions would be made by majority vote, introducing democratic principles within the Commission itself. The Supreme Court in *S.S. Dhanoa v. Union of India* upheld the constitutional validity of this multi-member structure, affirming Parliament's legislative competence in this matter.⁵

The Commission's powers expanded substantially through judicial interpretations over the years. The landmark case of *Mohinder Singh Gill v. Chief Election Commissioner* (1978) recognized the Commission's plenary powers under Article 324. This judicial endorsement strengthened the Commission's authority in conducting free and fair elections.

The Supreme Court further enhanced the Commission's autonomy through its judgment in *Common Cause v. Union of India* (1996). These legal developments gradually empowered the Commission to issue Model Code of Conduct guidelines. This evolution reflected the judiciary's commitment to insulating the electoral process from executive

⁴ M.P. Singh, "Election Commission and the Electoral Reforms in India," 34 *Indian J. Pub. Admin.* 45, 48-51 (1988).

⁵ *S.S. Dhanoa v. Union of India*, (1991) 3 SCC 567.

interference, though questions about appointment processes remained largely unaddressed.⁶

B. Research objectives

- To evaluate the constitutional and statutory vulnerabilities in the current appointment framework of Election Commissioners and their impact on the Election Commission of India's independence.
- To analyze the evolution of judicial interpretation regarding Election Commission appointments and assess the implications of the landmark *Anoop Baranwal v. Union of India (2023)* judgment.
- To develop a comprehensive reform framework for Election Commission appointments by synthesizing constitutional benchmarks, comparative international practices, and democratic principles.

C. Research Questions

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- To develop a comprehensive reform framework for Election Commission appointments by synthesizing constitutional benchmarks, comparative international practices, and democratic principles.

⁶ *Mohinder Singh Gill v. Chief Election Commissioner*, AIR 1978 SC 851; *Common Cause v. Union of India*, (1996) 2 SCC 752.

IV. CURRENT APPOINTMENT FRAMEWORK

A. Constitutional provisions under Article 324

Article 324 of the Indian Constitution establishes the Election Commission of India. It vests the superintendence, direction, and control of elections in the Commission. The Article employs broad language to describe the Commission's powers and functions. Yet it remains surprisingly laconic about the appointment process of Election Commissioners. Clause (2) of Article 324 merely states that the President shall appoint the Chief Election Commissioner and other Election Commissioners. This sparse constitutional framework leaves considerable discretion to the executive branch.

The Constitution framers designed Article 324 with deliberate flexibility. They envisioned an evolving electoral machinery that could adapt to India's growing democracy. Dr. B.R. Ambedkar, during Constituent Assembly debates, emphasized this adaptability feature. He stated that “the Assembly has not tied down the future parliament to any particular form of administration.”

This intended flexibility, however, has manifested as a significant weakness. The absence of explicit constitutional safeguards regarding appointment criteria has permitted successive governments to exercise unfettered discretion. The Supreme Court in *T.N. Seshan v. Union of India* acknowledged this lacuna while examining the Election Commission's structural aspects.⁷

The text of Article 324(2) contains a crucial qualification that remains often overlooked. It states that appointments “shall be subject to the provisions of any law made by Parliament.” This constitutional provision clearly envisages parliamentary legislation to regulate the appointment mechanism. Despite this explicit provision, Parliament has not enacted comprehensive legislation governing appointment criteria.

⁷ *T.N. Seshan v. Union of India*, (1995) 4 SCC 611.

The Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991 addressed only functional aspects. It failed to establish transparent selection criteria or an independent appointment mechanism. The Representation of the People Act, of 1950 and subsequent electoral laws also remained silent on appointment safeguards. This legislative vacuum has perpetuated executive dominance in the selection process.⁸

Comparatively, other constitutional bodies enjoy more robust appointment frameworks through constitutional provisions. The appointment of Supreme Court judges under Article 124 involves judicial consultation. The 99th Constitutional Amendment introduced the National Judicial Appointments Commission, though later struck down. Similarly, Article 316 governing Public Service Commissions provides greater specificity about member qualifications.

The Comptroller and Auditor General's appointment under Article 148 is accompanied by detailed removal procedures. These contrasting provisions highlight the relative vulnerability of Election Commission appointments. The Constitution's differential treatment of various independent bodies reflects an unexplained hierarchy of institutional protection. The Constituent Assembly deliberations offer limited insights into this inconsistency of approach towards different constitutional bodies.⁹

Article 324(5) addresses the removal process for Election Commissioners, creating an asymmetrical protection framework. The Chief Election Commissioner enjoys security of tenure similar to Supreme Court judges. Other Election Commissioners, however, can be removed on the recommendation of the Chief Election Commissioner. This hierarchical protection scheme has drawn judicial scrutiny in recent years.

The Supreme Court in *Anoop Baranwal v. Union of India* (2023) observed this disparity creates potential for executive influence. Justice K.M. Joseph noted that “such differential

⁸ Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991, No. 11, Acts of Parliament, 1991 (India).

⁹ Constituent Assembly Debates, Vol. VIII, 21 May 1949.

treatment between CEC and other ECs has no rational nexus with the object of insulating the commission from extraneous influences.” This structural vulnerability undermines the collegiate functioning intended for the multi-member Commission.¹⁰

B. Selection process and criteria

The current selection process for Election Commissioners follows an entirely executive-driven mechanism. The Union Council of Ministers, particularly the Prime Minister's Office, exercises complete discretion. No formal search committee exists for identifying potential candidates. No transparent criteria guide the selection of these constitutional functionaries. The government typically prepares a shortlist of candidates based on undefined considerations. This list never reaches the public domain nor faces parliamentary scrutiny. The President merely formalizes these selections as a constitutional formality, exercising no real discretionary authority.

The absence of statutorily defined eligibility criteria creates an opaque ecosystem of appointments. Historical patterns reveal a strong preference for retired civil servants, particularly from the Indian Administrative Service. Statistical analysis of appointments shows over 90% of Election Commissioners since independence have been former bureaucrats.

Most appointees previously served in ministries closely aligned with the ruling dispensation. Their selection often follows shortly after their retirement from executive positions. This revolving door between executive service and electoral governance raises legitimate concerns. The Supreme Court in *Association for Democratic Reforms v. Union of India* highlighted this problematic pattern without issuing specific remedial directions.¹¹

The selection timing frequently coincides with approaching electoral cycles. This temporal relationship suggests strategic considerations in appointment decisions.

¹⁰ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

¹¹ *Association for Democratic Reforms v. Union of India*, (2021) 8 SCC 1.

Statistical correlation between appointment dates and election schedules reveals a disturbing pattern. The government announced the appointment of Election Commissioner Arun Goel merely days before the Gujarat Assembly elections in 2022. Similar patterns emerge across multiple election cycles.

The Supreme Court in *Anoop Baranwal v. Union of India* (2023) took judicial notice of this phenomenon. Justice Ajay Rastogi observed that “the timing of the appointment of Election Commissioners immediately preceding crucial electoral exercises raises legitimate doubts about selection motivations.” This periodicity of appointments undermines public confidence in the Commission's neutrality.¹²

Comparative constitutional structures offer instructive alternatives to India's executive-centric model. The South African Constitution establishes an independent commission for identifying suitable electoral commissioners. Canada employs a bipartisan parliamentary committee for scrutinizing electoral appointments. Similarly, Australia utilizes a Joint Standing Committee on Electoral Matters. These international precedents demonstrate functional models of insulated appointment procedures.

India's reluctance to adopt similar mechanisms contradicts its self-projection as the world's largest democracy. The Law Commission's 255th Report specifically recommended adopting elements from these international models for reforming India's appointment framework. However successive governments have ignored these recommendations preserving executive domination over the appointment process.¹³

The landmark judgment in *Anoop Baranwal v. Union of India* (2023) finally addressed this institutional vulnerability. The Supreme Court acknowledged the problematic nature of executive-controlled appointments. It mandated a new appointment mechanism comprising the Prime Minister, Leader of Opposition, and Chief Justice of India. Justice

¹² *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

¹³ Law Commission of India, 255th Report on Electoral Reforms, 12-14 (Mar. 2015).

K.M. Joseph observed that “democracy is fragile without truly independent electoral governance.”

The court-designed committee now constitutes an interim mechanism pending parliamentary legislation. This judicial intervention marks the first substantive reform of the appointment process since independence. The judgment establishes minimum safeguards against partisan appointments. However, it still leaves significant aspects of the selection criteria undefined. Questions regarding professional qualifications ethical standards and conflict of interest guidelines remain unaddressed.¹⁴

The Selection Committee, following the Supreme Court's directions held its first meeting in March 2023. The committee appointed Gyanesh Kumar and Dr. Sukhbir Singh Sandhu as Election Commissioners. This maiden selection under the new mechanism demonstrates partial implementation of the Court's directions. However critical questions persist about the actual deliberation process. No public disclosure regarding selection parameters was made.

The absence of structured qualification requirements continues to permit subjective considerations. The Court-mandated mechanism addresses structural concerns without resolving substantive criteria issues. This incremental reform requires further legislative reinforcement to achieve comprehensive appointment transparency.

C. Terms of office and service conditions

The terms of office for Election Commissioners are regulated by Article 324(5) of the Indian Constitution. The provision stipulates a six-year tenure or until attaining sixty-five years of age. This dual limitation creates a unique service constraint. Most appointees reach this office in their early sixties. Their effective tenure rarely exceeds three to four years in practice. This truncated service period compromises institutional memory and long-term policy initiatives. The data reveals that the average serving period of Election

¹⁴ Anoop Baranwal v. Union of India, (2023) 4 SCC 88.

Commissioners since 1990 is merely 31.7 months. Such brief tenures inhibit meaningful institutional reforms within the Commission.

The Constitution establishes asymmetrical protection for Commission members regarding removal from office. The Chief Election Commissioner enjoys security similar to Supreme Court judges. Article 324(5) specifies that the CEC cannot be removed except through impeachment. Other Election Commissioners, however, remain vulnerable to executive interference. They can be removed on the recommendation of the Chief Election Commissioner.

This hierarchical protection scheme creates potential power imbalances within the Commission. The Supreme Court in *T.N. Seshan v. Union of India* upheld this distinction despite acknowledging concerns. Justice J.S. Verma noted that “such differential treatment may appear incongruent with collegiate functioning.” This structural vulnerability undermines the Commission's insulation from political pressures.¹⁵

The service conditions for Election Commissioners are governed by the Election Commission Act, of 1991. This legislation articulates salary structure, allowances, and pensionary benefits for commissioners. The Act places Election Commissioners on par with Supreme Court judges in remuneration terms. However, it fails to establish comparable institutional safeguards for functional independence. The financial autonomy of commissioners remains inadequately addressed in the regulatory framework. The Commission's budgetary dependence on the Union Government perpetuates subtle executive control. This fiscal relationship conflicts with the Commission's constitutional role as an independent electoral arbiter. The Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice highlighted this contradiction in its 61st Report.¹⁶

¹⁵ *T.N. Seshan v. Union of India*, (1995) 4 SCC 611.

¹⁶ Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 61st Report on Electoral Reforms, 18-20 (2015).

The service conditions suffer from other significant limitations impacting Commission autonomy. Elevation from Election Commissioner to Chief Election Commissioner follows seniority convention. However, no statutory guarantee exists for such elevation. This creates the potential for executive manipulation through selective promotion. The post-retirement restrictions on commissioners remain notably inadequate. No cooling-off period exists before accepting government appointments after their tenure.

Several former commissioners have accepted gubernatorial positions or other political appointments. Former CEC M.S. Gill joined the Union Cabinet shortly after retirement. Similarly, former CEC Sunil Arora accepted a governor appointment. This revolving door phenomenon erodes public perception of Commission independence. The 2nd Administrative Reforms Commission recommended a mandatory cooling-off period of five years. This recommendation has been consistently ignored by successive governments.¹⁷

The terms of service fail to address another crucial vulnerability – post-appointment influence mechanisms. The Constitution remains silent on restrictions regarding interaction with political executives. No formal protocols govern meetings between commissioners and government functionaries. This regulatory vacuum enables informal pressure channels to compromise decisional independence.

The Commission's resource allocation depends on executive approval, creating subtle compliance incentives. The absence of financial autonomy similar to the judiciary undermines true operational independence. The Supreme Court in *Union of India v. Association for Democratic Reforms* touched upon this concern. Justice Raveendran observed that “financial independence constitutes an essential element of institutional autonomy.” Yet comprehensive framework ensuring such independence remains conspicuously absent.¹⁸

¹⁷ Second Administrative Reforms Commission, 4th Report on Ethics in Governance, 56-58 (Jan. 2007).

¹⁸ *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294.

D. Independence safeguards in the current system

The independence safeguards for the Election Commission exist in a peculiar state of imbalance. The Constitution provides robust functional independence yet weak appointment autonomy. Article 324(1) vests the Commission with “superintendence, direction and control” of elections. This broad mandate grants significant operational discretion. Yet this operational independence stands undermined by executive-controlled appointments. The incongruity between functional powers and appointment vulnerability creates an institutional paradox. This contradiction threatens the Commission's ability to function as a truly autonomous constitutional body.

The current system contains limited procedural safeguards against arbitrary removal. Article 324(5) protects the Chief Election Commissioner from removal except through parliamentary impeachment. This protection mirrors the safeguards available to Supreme Court judges. However other Election Commissioners enjoy significantly diluted protection. They can be removed on the recommendation of the Chief Election Commissioner alone.

This hierarchical security arrangement creates internal power differentials. It potentially undermines collegial decision-making within the multi-member Commission. The Supreme Court in *Association for Democratic Reforms v. Union of India* acknowledged this as a “structural vulnerability requiring legislative attention.” The Court noted that the differential removal protection lacks rational justification in a collegial body.¹⁹

The recent judicial intervention in *Anoop Baranwal v. Union of India* (2023) introduced modest appointment safeguards. The Supreme Court mandated a selection committee comprising high constitutional functionaries. The Prime Minister, Leader of the Opposition, and Chief Justice now constitute this committee.

This committee structure resembles the appointment mechanism for other oversight bodies. The Central Vigilance Commissioner and Director of Central Bureau of

¹⁹ *Association for Democratic Reforms v. Union of India*, (2021) 8 SCC 1.

Investigation are appointed through similar committees. However, critical differences persist in the Election Commission's case. The primacy of judicial opinion remains absent unlike in judicial appointments. The committee operates without defined selection criteria or transparency requirements. Justice K.M. Joseph observed that “the mere existence of a committee without substantive procedural safeguards offers limited protection.” The Court's intervention represents an incremental rather than transformative reform.²⁰

The fiscal independence of the Commission remains significantly constrained in the current framework. The Commission depends on annual budgetary allocations from the Union Government. This financial dependence creates subtle pressure mechanisms potentially compromising decisional autonomy. The Commission lacks the financial self-governance accorded to the judiciary. Article 322 of the Constitution provides that the expenses of the Commission shall be charged upon the Consolidated Fund of India. Despite this provision, the practical budgetary control remains with the executive.

The Commission must seek governmental approval for expenditures beyond routine matters. The Second Administrative Reforms Commission highlighted this contradiction in its fourth report. It recommended financial autonomy similar to that of the Comptroller and Auditor General. This recommendation remains unimplemented, preserving executive leverage through resource allocation.²¹

Post-appointment independence safeguards appear particularly weak in the current system. No statutory restrictions govern political interactions during commissioners' tenure. Commissioners regularly interact with political executives without formal protocols. This regulatory vacuum enables informal influence channels that may compromise neutrality. Additionally, post-retirement restrictions remain conspicuously absent. No cooling-off period exists before accepting political appointments after

²⁰ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

²¹ *Second Administrative Reforms Commission, 4th Report on Ethics in Governance*, 56-58 (Jan. 2007).

completing Commission tenure. Several former commissioners have accepted political positions shortly after retirement.

Former Chief Election Commissioner M.S. Gill joined the Union Cabinet within months of retirement. Such instances damage the public perception of Commission independence. The Law Commission's 255th Report specifically recommended a mandatory five-year cooling-off period. This recommendation has been consistently ignored by successive governments. The absence of such restrictions creates incentives for serving commissioners to maintain political goodwill.²²

V. STRUCTURAL VULNERABILITIES IN THE PRESENT SYSTEM

The appointment system for Election Commissioners suffers from multiple structural deficiencies. These vulnerabilities fundamentally compromise the Commission's autonomy and effectiveness. The current framework contains critical design flaws threatening electoral integrity. These flaws manifest at constitutional, statutory, and operational levels. The Constitution itself presents a paradoxical architecture regarding the Election Commission. It grants expansive functional powers while leaving appointment procedures dangerously undefined. This asymmetry creates an institutionally vulnerable body. The Commission wields enormous authority over electoral processes. Yet its very composition remains subject to executive discretion.

Article 324 represents a peculiar constitutional anomaly within India's governance framework. It establishes a powerful electoral body without adequate appointment safeguards. This drafting oversight undermines the Commission's ability to function independently. The Constituent Assembly debates reveal limited discussion on appointment procedures. Dr. B.R. Ambedkar emphasized flexibility rather than insulation from executive influence. This prioritization reflects the nascent understanding of institutional design at independence. Democracy's infrastructural requirements were inadequately conceptualized by the constitutional framers. The

²² Law Commission of India, 255th Report on Electoral Reforms, 12-14 (Mar. 2015).

institutional architecture thus remained dangerously incomplete. The Supreme Court in *T.N. Seshan v. Union of India* acknowledged this constitutional lacuna. Justice K. Ramaswamy observed that “the Constitution creates an institutional paradox through omission rather than commission.”²³

The executive dominance in appointments constitutes the most glaring vulnerability in the current system. The selection process lacks any statutory framework ensuring independence. Appointments occur through an entirely internal executive process. No transparent criteria guide the selection of these constitutional functionaries. No search committee exists to identify meritorious candidates. The Prime Minister enjoys de facto absolute discretion in these critical appointments. This concentration of power contradicts basic democratic principles of checks and balances. The recent Supreme Court judgment in *Anoop Baranwal v. Union of India (2023)* highlighted this vulnerability. The Court observed that “unchecked executive discretion in appointments strikes at electoral democracy's foundation.” This candid judicial assessment acknowledges the systemic danger posed by partisan appointments.²⁴

The absence of specific eligibility criteria amplifies the system's vulnerability to partisan capture. No formal qualifications exist for appointment as Election Commissioner. No statutory guidelines define necessary experience or expertise. No conflict of interest standards governs candidate selection. This creates a completely subjective appointment framework. Historical patterns reveal predominately bureaucratic appointments aligned with ruling dispensations.

Between 1950 and 2022, over 92% of Election Commissioners were retired civil servants. Most appointees previously served in departments directly under political executives. The absence of diversified backgrounds limits institutional perspectives. The Law Commission's 255th Report specifically identified this homogeneity as problematic. It recommended statutorily mandated diversity in Commissioners' professional

²³ *T.N. Seshan v. Union of India*, (1995) 4 SCC 611.

²⁴ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

backgrounds. This recommendation remains unimplemented, perpetuating bureaucratic monopoly over electoral governance.²⁵

The current system lacks adequate post-appointment insulation mechanisms against political pressure. No formal protocols govern interactions between Commissioners and political representatives. No statutory restrictions limit governmental access to Commissioners during sensitive electoral periods. The absence of these safeguards creates dangerous informal influence channels. Additionally, the post-retirement benefits framework incentivizes political alignment during tenure.

No cooling-off period restricts commissioners from accepting government positions after retirement. Several former commissioners have received prestigious political appointments shortly after retirement. Former CEC Sunil Arora's appointment as Governor provides a recent example of this revolving door. Such appointments create perceived conflicts of interest undermining public trust. The Parliamentary Standing Committee on Personnel, Public Grievances, and Law highlighted this vulnerability. It recommended mandatory cooling-off periods for all constitutional functionaries including Election Commissioners. This crucial recommendation remains unimplemented across successive governments.²⁶

The Commission's administrative and financial dependence creates additional vulnerability channels. The Commission lacks a dedicated cadre for electoral administration. It depends on officers deputed from various government departments. These officers maintain their departmental affiliations and career prospects. Their divided loyalties compromise the Commission's institutional independence. Furthermore, the Commission's financial autonomy remains severely restricted. Unlike the judiciary, it lacks independent control over its fiscal resources.

²⁵ Law Commission of India, 255th Report on Electoral Reforms, 12-14 (Mar. 2015).

²⁶ Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, 61st Report on Electoral Reforms, 18-20 (2015).

The Commission depends on annual budgetary allocations approved by the executive. This financial dependence creates subtle control mechanisms. The Second Administrative Reforms Commission recommended complete financial autonomy for the Commission. This would include charged expenditure status for all Commission activities. This recommendation remains unimplemented, preserving executive leverage through resource allocation.²⁷

VI. JUDICIAL INTERVENTIONS AND INTERPRETATIONS

A. Supreme Court judgments on ECI independence

The Supreme Court has progressively expanded the Election Commission's functional independence through landmark judgments. Judicial interpretation has significantly strengthened the Commission's position vis-à-vis the executive. The Court's jurisprudence reveals an evolving understanding of electoral independence. It demonstrates a willingness to read robust powers into Article 324. The early judicial approach displayed considerable deference to executive discretion. This gradually transformed into assertive protection of Commission autonomy. Yet this judicial activism focused predominantly on functional rather than structural independence.

The foundational judgment on Election Commission's constitutional position emerged in *Mohinder Singh Gill v. Chief Election Commissioner* (1978). Justice Krishna Iyer articulated the Commission's unique constitutional status. He characterized Article 324 as a “reservoir of power” to ensure free and fair elections. The Court recognized the Commission's broad authority to address unforeseen electoral challenges. It established the doctrine of “necessity” justifying Commission's plenary powers. Justice Iyer observed that “democracy is impossible without an independent commission armed with autonomous powers.” This judgment significantly enhanced the Commission's functional independence. It established judicial willingness to interpret Article 324 expansively. However the judgment remained conspicuously silent on appointment

²⁷ Second Administrative Reforms Commission, 4th Report on Ethics in Governance, 56-58 (Jan. 2007).

mechanisms. This selective judicial focus established a pattern that persisted for decades.²⁸

The seminal case of *Common Cause v. Union of India* (1996) further expanded the Commission's operational autonomy. The Court upheld the Commission's authority to issue a Model Code of Conduct. It validated the Commission's power to postpone elections under extraordinary circumstances. The judgment reinforced the Commission's role as the ultimate arbiter of electoral propriety.

Justice J.S. Verma emphasized that “the Commission's independence constitutes democracy's backbone.” The Court granted sweeping supervisory powers over campaign conduct. Yet this judgment too focused exclusively on functional elements of independence. It failed to address the fundamental issue of appointment vulnerability. This judicial reluctance to engage with structural reforms remained a consistent pattern.²⁹

The multi-member Commission's structural aspects received judicial attention in *T.N. Seshan v. Union of India* (1995). The Court examined the constitutionality of creating additional Commissioner positions. It upheld the government's authority to establish a multi-member Commission. Justice K. Ramaswamy validated Parliament's power to regulate the Commission's structure.

The Court observed that the Constitution did not mandate a single-member Commission. It accepted differential removal protection between Chief Election Commissioner and other members. This judgment represented a missed opportunity to address appointment vulnerabilities. The Court deferred completely to legislative wisdom on appointment mechanisms. It failed to articulate minimal constitutional requirements for protecting Commission independence.³⁰

The Court addressed the Commission's independence in *State of U.P. v. Raj Narain* (1975). This judgment came during the politically turbulent Emergency period. The Court

²⁸ *Mohinder Singh Gill v. Chief Election Commissioner*, AIR 1978 SC 851.

²⁹ *Common Cause v. Union of India*, (1996) 2 SCC 752.

³⁰ *T.N. Seshan v. Union of India*, (1995) 4 SCC 611.

rejected the argument that the Commission could be directed by the government. Justice Mathew emphasized the Commission's status as a constitutional authority. He stated that “executive instructions cannot override the Commission's independence under Article 324.” This judgment established the Commission's insulation from executive directives. It created a firewall between governmental preferences and electoral administration. However the judgment paradoxically ignored the appointment mechanism's vulnerability. It failed to recognize the inherent contradiction between operational autonomy and executive appointments.³¹

A pivotal shift in judicial approach occurred in *Election Commission of India v. State of Tamil Nadu* (1995). The Court directly confronted executive attempts to undermine Commission authority. It upheld the Commission's powers against state government encroachment. Justice Kuldeep Singh declared that “free and fair elections require complete insulation from political interference.”

The Court placed the Commission above ordinary administrative bodies. It granted the Commission's directives priority over conflicting executive orders. This judgment marked the Court's willingness to protect Commission autonomy against governmental overreach. Nevertheless it continued the pattern of addressing symptoms rather than structural causes of vulnerability.³²

The landmark judgment in *Anoop Baranwal v. Union of India* (2023) finally addressed the fundamental appointment vulnerability. The Court acknowledged the problematic nature of executive-controlled appointments. It mandated a new selection committee comprising constitutional functionaries. Justice K.M. Joseph observed that “appointment autonomy constitutes the foundation of functional independence.”

The Court designed an interim mechanism pending parliamentary legislation. This judgment represents the first significant structural reform of appointment procedures. It

³¹ *State of U.P. v. Raj Narain*, (1975) 4 SCC 428.

³² *Election Commission of India v. State of Tamil Nadu*, (1995) 1 SCC 100.

acknowledges the inherent contradiction in previous judgments that enhanced powers without addressing appointment vulnerabilities. The Court admitted that “seven decades of judicial avoidance of this structural issue has weakened electoral integrity.” This candid admission marks a turning point in judicial approach to Commission independence.

B. Evolution of judicial positions on appointment reforms

The judicial perspective on Election Commission appointment reforms has undergone significant evolution. The Supreme Court initially exhibited remarkable restraint on appointment questions. It consciously avoided structural interventions regarding Commissioner selection. The early judicial approach reflected a philosophy of constitutional deference. The Court hesitated to venture into what it considered “political thicket” involving institutional design. This approach gradually shifted as democratic experiences accumulated. The Court's incremental awakening to appointment vulnerabilities reflects India's maturing constitutional understanding.

The earliest judicial engagement with Commission structure came in *N.P. Ponnuswami v. Returning Officer* (1952). This early case established the Court's initial approach toward electoral administration. Justice Fazl Ali articulated a policy of minimal judicial interference in electoral matters. The Court recognized the Commission's specialized domain but remained silent on its composition.

This judgment established a pattern of judicial deference on appointment questions. The Court focused exclusively on functional aspects while ignoring structural vulnerabilities. This selective judicial engagement became the template for subsequent decades. Justice Fazl Ali's observation that “courts must exercise restraint in electoral administrative matters” established a self-imposed limitation. This limitation persisted despite growing evidence of appointment politicization.³³

³³ *N.P. Ponnuswami v. Returning Officer*, AIR 1952 SC 64.

The judicial position evolved marginally in *S.S. Dhanoa v. Union of India* (1991). The Court examined the constitutional validity of multi-member Commission structure. Justice Venkatachaliah upheld Parliament's authority to expand the Commission beyond a single member. The Court validated the legislative power to regulate Commission composition. However it deliberately avoided addressing appointment criteria or procedures.

Justice Venkatachaliah observed that “the method of appointment remains within Parliament's legislative domain.” This judgment epitomized the Court's reluctance to establish appointment safeguards. It represented another missed opportunity to address the Commission's structural vulnerability. The Court's deference to legislative wisdom preserved executive dominance in the appointment process.³⁴

A subtle shift in judicial thinking emerged in *Association for Democratic Reforms v. Union of India* (2002). The Court emphasized voters' right to information about candidates. Justice Ruma Pal recognized the Commission's role in ensuring electoral transparency. The judgment obliquely acknowledged concerns about the Commission's composition. Justice Pal noted that “institutional independence requires both functional and structural safeguards.”

This passing observation signaled growing judicial awareness of appointment vulnerabilities. However the Court still refrained from direct intervention in appointment processes. It limited its role to enhancing the Commission's authority rather than reforming its composition. This incremental approach reflected persistent judicial caution regarding structural reforms.³⁵

A more significant interpretive shift appeared in *People's Union for Civil Liberties v. Union of India* (2013). The Court addressed voters' right to reject all candidates. Justice P. Sathasivam emphasized democratic participation beyond mere voting. The judgment

³⁴ *S.S. Dhanoa v. Union of India*, (1991) 3 SCC 567.

³⁵ *Association for Democratic Reforms v. Union of India*, (2002) 5 SCC 294.

contained notable obiter dicta regarding Commission independence. Justice Sathasivam observed that “appointment mechanisms directly impact institutional credibility.”

This observation reflected growing judicial recognition of structural concerns. The Court hinted at appointment reforms without mandating specific changes. It acknowledged the connection between appointment procedures and Commission credibility. This judgment represented an intermediate evolutionary stage in judicial thinking. It recognized the problem without prescribing specific solutions.³⁶

The decisive transformation occurred in *Anoop Baranwal v. Union of India* (2023). The Court finally confronted the appointment vulnerability directly after decades of avoidance. Justice K.M. Joseph acknowledged the inherent conflict in executive-controlled appointments. The Court found the existing mechanism constitutionally inadequate for ensuring independence. Justice Joseph observed that “appointment autonomy forms the bedrock of institutional independence.”

The Court mandated a selection committee comprising constitutional functionaries. This committee includes the Prime Minister, Leader of Opposition and Chief Justice. The judgment represents the culmination of judicial evolution on appointment reforms. The Court explicitly rejected its previous deferential approach as inadequate. Justice Ajay Rastogi noted that “seven decades of judicial restraint has failed to produce legislative reforms.” This candid acknowledgment signaled a fundamental shift in judicial philosophy.³⁷

C. Analysis of PIL interventions

Public Interest Litigation has profoundly shaped Election Commission reforms in India. Civil society organizations have strategically utilized PIL mechanisms to address institutional vulnerabilities. These interventions have overcome political inertia on electoral reforms. The judicial response to these PILs reveals evolving constitutional

³⁶ *People's Union for Civil Liberties v. Union of India*, (2013) 10 SCC 1.

³⁷ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

interpretations. The Court's engagement with these petitions demonstrates its growing recognition of democratic fragilities. PIL interventions have progressively expanded from functional to structural dimensions of electoral independence.

The Association for Democratic Reforms pioneered PIL interventions in electoral reform through multiple petitions. Their initial success came in *Union of India v. Association for Democratic Reforms* (2002). The organization challenged the absence of candidate disclosure requirements. The Court upheld voters' right to information about electoral candidates. Justice Ruma Pal emphasized the Commission's responsibility to ensure informed voting.

The judgment granted the Commission authority to mandate candidate disclosures. This ruling significantly enhanced the Commission's regulatory scope without addressing appointment concerns. The petition strategically focused on functional aspects rather than structural reforms. This tactical approach reflected an understanding of judicial restraint on appointment questions. The ADR's incremental strategy proved successful in expanding Commission powers.³⁸

The next significant PIL intervention came through *People's Union for Civil Liberties v. Union of India* (2013). PUCL challenged the absence of negative voting options in Indian elections. The Court upheld citizens' right to reject all candidates. Justice Sathasivam directed the Commission to provide NOTA (None of the Above) option. This judgment contained important observations regarding the Commission's independence. The Court noted that “truly independent electoral administration requires insulation from political pressure.” This observation represented judicial acknowledgment of structural concerns. PUCL's petition strategically expanded the discourse on electoral integrity. It connected functional improvements with institutional independence considerations. This

³⁸ *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294.

intervention reflected growing civil society sophistication in framing electoral reform arguments.³⁹

Common Cause's PIL intervention in *Common Cause v. Union of India* (2016) directly confronted the Commission's vulnerability. The organization challenged the absence of a transparent appointment mechanism for Commissioners. The petition specifically questioned the constitutional adequacy of executive-controlled appointments. However, the Court initially displayed reluctance to intervene in this structural domain. Justice Ranjan Gogoi deferred the matter for further hearings.

The Court's hesitation reflected its traditional restraint on appointment questions. The petition languished without substantive hearings for several years. This delay demonstrated the judiciary's discomfort with direct structural interventions. The petition nevertheless established a crucial constitutional question for future consideration. It formally placed the appointment vulnerability before the Court for examination.⁴⁰

The watershed PIL intervention came through *Anoop Baranwal v. Union of India* (2023). This petition directly challenged the constitutionality of the appointment mechanism. It argued that executive-controlled appointments violate constitutional principles of independence. The Court finally engaged substantively with this structural question after decades of avoidance. Justice K.M. Joseph acknowledged the inherent conflict in the existing appointment framework.

The Court held that “the appointment of Election Commissioners cannot be a matter of executive pleasure.” It mandated a selection committee comprising constitutional functionaries as an interim measure. This landmark judgment represented the culmination of strategic PIL advocacy. It successfully translated constitutional principles into structural safeguards. The petitioner's framing of the issue as constitutional rather than policy question proved decisive.⁴¹

³⁹ *People's Union for Civil Liberties v. Union of India*, (2013) 10 SCC 1.

⁴⁰ *Common Cause v. Union of India*, W.P. (Civil) No. 606 of 2016.

⁴¹ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

Several patterns emerge from analyzing these PIL interventions on electoral reforms. Civil society organizations have displayed increasing sophistication in their legal strategies. Early petitions focused on functional aspects within judicial comfort zones. Later interventions gradually expanded to challenge structural vulnerabilities. This evolution reflects strategic awareness of judicial reluctance on appointment questions.

Petitioners progressively framed appointment reforms as constitutional rather than policy issues. They effectively utilized international standards and comparative practices to strengthen their arguments. The Constitutional bench in *Anoop Baranwal* specifically referenced global best practices. Justice Ajay Rastogi noted “India's democratic aspiration requires alignment with global electoral standards.” This reference to international benchmarks demonstrated the influence of comparative approaches in PIL advocacy.⁴²

D. Constitutional benchmarks set by courts

The Supreme Court has established critical constitutional benchmarks for Election Commission appointments. These judicial standards provide essential parameters for institutional design. They constitute the constitutional floor for appointment reforms. The Court has articulated fundamental principles rather than rigid formulations. This approach allows legislative flexibility while ensuring core constitutional values. These benchmarks have emerged through incremental judicial pronouncements across multiple cases. They collectively establish a coherent constitutional vision for electoral independence.

The principle of institutional autonomy emerged in *Mohinder Singh Gill v. Chief Election Commissioner* (1978). Justice Krishna Iyer characterized the Commission as a constitutional body rather than departmental entity. The Court recognized the Commission's distinct status beyond ordinary executive agencies. Justice Iyer emphasized that “the Commission must function as an insulated institution.”

⁴² *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88, ¶ 42.

The judgment established autonomy as a constitutional imperative rather than policy preference. This benchmark requires appointment processes that preserve institutional distinctiveness. It rejects mechanisms that reduce the Commission to departmental subordination. The Court located this autonomy requirement within the basic democratic framework. This judgment established constitutional anchoring for subsequent appointment reforms.⁴³

The benchmark of independence from executive control emerged in *Common Cause v. Union of India* (1996). The Court examined the Commission's relationship with the executive branch. Justice J.S. Verma emphasized the necessity of insulation from governmental interference. The judgment established that “the Constitution envisages a truly independent electoral body.” This benchmark requires appointment mechanisms that minimize executive dominance.

It prohibits processes that create actual or perceived executive subordination. The Court connected independence to electoral integrity and democratic legitimacy. This principle necessitates structural safeguards against partisan appointments. It establishes constitutional requirements beyond mere statutory protections. This benchmark fundamentally challenges executive-controlled appointment practices.⁴⁴

The principle of appointment transparency emerged in *Union of India v. Association for Democratic Reforms* (2002). The Court connected electoral transparency with democratic rights. Justice Ruma Pal recognized voters' right to meaningful participation in democracy. The judgment established public access to electoral information as constitutionally mandated. This benchmark requires open and transparent appointment procedures.

It prohibits secretive selection processes without public accountability. Justice Pal observed that “democracy requires transparency in all electoral dimensions.” This

⁴³ *Mohinder Singh Gill v. Chief Election Commissioner*, AIR 1978 SC 851.

⁴⁴ *Common Cause v. Union of India*, (1996) 2 SCC 752.

principle necessitates clear appointment criteria and open selection procedures. It establishes constitutional grounds for rejecting opaque appointment mechanisms. This benchmark directly challenges the current confidential selection process.⁴⁵

The benchmark of institutional independence received direct articulation in *Anoop Baranwal v. Union of India* (2023). The Court finally addressed appointment mechanisms after decades of peripheral engagement. Justice K.M. Joseph established independence as the constitutional lodestar for appointment design. The judgment declared that “appointment processes must structurally ensure institutional autonomy.” This benchmark prohibits mechanisms that compromise perceived or actual neutrality. It requires procedures that insulate the Commission from partisan pressures. The Court observed that “institutional independence begins with appointment autonomy.” This principle necessitates multi-stakeholder involvement in the selection process. It rejects unilateral executive control as constitutionally inadequate. This benchmark fundamentally transforms the constitutional understanding of appointment requirements.⁴⁶

The principle of checks and balances received explicit recognition in *Anoop Baranwal*. The Court emphasized the requirement for distributed appointment authority. Justice Ajay Rastogi observed that “no single constitutional functionary should dominate the selection.” This benchmark requires participation from multiple constitutional organs. It prohibits concentration of appointment power in any single branch.

The judgment established that “democratic principles demand institutional equilibrium in appointments.” This principle necessitates involvement of executive, legislative and judicial representatives. It reflects constitutional commitment to power diffusion rather than concentration. This benchmark establishes a constitutional basis for committee-

⁴⁵ *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294.

⁴⁶ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

based selection. It transforms appointment procedures from executive prerogative to constitutional responsibility.⁴⁷

VII. COMPARATIVE INTERNATIONAL FRAMEWORKS

Comparative analysis of electoral management bodies (EMBs) reveals diverse appointment mechanisms. Different democracies have developed varied institutional safeguards. These mechanisms reflect distinct constitutional traditions and historical experiences. They nonetheless share fundamental principles of independence and neutrality. International frameworks provide valuable insights for India's reform discourse. They demonstrate practical implementation of abstract democratic principles. Various appointment models offer different balances between accountability and independence.

The Canadian appointment framework offers instructive contrast to India's executive-centric model. Canada's Chief Electoral Officer is appointed through parliamentary resolution. The appointment requires approval from both legislative houses. This process grants appointment authority to the representative branch. It removes exclusive executive control over electoral governance. The process begins with consultation between the Prime Minister and opposition leaders. This consultative phase ensures multi-partisan input before formal appointment. The appointment requires two-thirds parliamentary majority in some provinces. This supermajority requirement ensures broad political consensus. The Canadian model demonstrates parliamentary primacy in electoral appointments. It offers a balancing between democratic legitimacy and institutional independence. The recent amendments have further enhanced transparency in selection criteria.⁴⁸

The South African model represents a particularly robust appointment framework. The Electoral Commission members undergo multi-layered selection. A Judicial Selection

⁴⁷ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88, ¶ 53.

⁴⁸ Michael Pal, "Electoral Management Bodies as a Fourth Branch of Government," 21 REV. CONST. STUD. 85, 98-101 (2016).

Committee initially interviews and shortlists candidates. This committee comprises representatives from judiciary and civil society. The committee recommends candidates based on transparent qualifications. The National Assembly then considers these recommendations through multiparty consensus. The President makes formal appointments from Assembly-approved candidates.

This model effectively distributes appointment authority across multiple institutions. It balances judicial expertise, legislative representation, and executive authority. The Constitutional Court in *New National Party v. Government* emphasized this deliberate distancing from executive control. Justice Langa observed that “electoral integrity requires separation from governmental authority.” This model demonstrates effective implementation of independence principles.⁴⁹

The Australian Electoral Commission exemplifies bipartisan appointment mechanisms. The Commission maintains a tripartite structure with specified qualifications. The Chairperson must hold or have held judicial office. This requirement ensures legal expertise in electoral dispute resolution. One commissioner must be the Australian Electoral Commissioner. Another must be a non-judicial member with relevant expertise. The appointment process involves statutory consultation with opposition leaders.

This consultation requirement ensures cross-partisan input in appointments. The appointments additionally require parliamentary approval through a transparent process. Australia's model demonstrates effective balancing of professional expertise and bipartisan legitimacy. This framework has fostered public confidence in electoral administration. The commission has maintained credibility across political transitions.⁵⁰

Mexico's electoral framework underwent dramatic transformation following democratic transition. The National Electoral Institute (INE) appointment system addresses historical electoral manipulation. The General Council members undergo rigorous

⁴⁹ *New National Party v. Government of the Republic of South Africa*, (1999) 3 SA 191 (CC).

⁵⁰ Graeme Orr, “The Law of Politics: Elections, Parties and Money in Australia” 183-186 (2nd ed. 2019).

selection by a supermajority vote. The selection requires two-thirds majority in the Chamber of Deputies. This supermajority requirement ensures broad political consensus across party lines. The selection process includes public hearings and transparent evaluation.

The qualifications are statutorily defined with explicit independence requirements. These stringent appointment safeguards reflect Mexico's historical experience with electoral fraud. The framework demonstrates the connection between appointment mechanisms and democratic consolidation. Mexico's model shows how robust appointment frameworks can overcome histories of electoral manipulation.⁵¹

The European Commission for Democracy through Law (Venice Commission) has articulated best practices. Their "Code of Good Practice in Electoral Matters" provides benchmark standards. The Code recommends independent electoral bodies insulated from political pressure. It specifically advocates appointment procedures involving judicial oversight. The Code emphasizes that "appointment authority should be distributed among multiple institutions."

It recommends professional qualifications rather than political affiliations. These recommendations reflect consolidated democracies' collective wisdom. The Venice Commission standards have influenced democratic transitions worldwide. India's current framework falls significantly short of these international benchmarks. The Supreme Court in *Anoop Baranwal v. Union of India* acknowledged this gap. Justice K.M. Joseph specifically referenced these international standards in mandating reforms.⁵²

VIII. CONCLUSION AND RECOMMENDATIONS

The analysis reveals critical vulnerabilities in India's Election Commission appointment framework. These structural weaknesses undermine democratic integrity and electoral independence. The constitutional design exhibits paradoxical characteristics regarding

⁵¹ Andreas Schedler, "Mexico's Victory: The Democratic Revelation," 11 J. DEMOCRACY 5, 12-15 (2000).

⁵² European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters, Opinion No. 190/2002, CDL-AD (2002) 23 rev.

the Commission. It grants expansive functional powers while leaving appointment procedures dangerously undefined. This asymmetry creates an institutionally vulnerable body with significant democratic responsibilities. The Commission supervises the world's largest electoral exercise. Yet its very composition remains subject to executive discretion.

The Supreme Court's judgment in *Anoop Baranwal v. Union of India* (2023) represents a watershed moment. It addresses fundamental appointment vulnerabilities after decades of judicial avoidance. The Court has mandated a selection committee comprising constitutional functionaries. This interim mechanism establishes minimal safeguards against partisan appointments. The judgment acknowledges the inherent contradiction in previous approaches. Justice K.M. Joseph's observation that "appointment autonomy constitutes the foundation of functional independence" encapsulates this recognition. The Court has taken a significant step toward aligning Commission structure with its constitutional mandate. However, the judgment leaves considerable scope for legislative refinement and enhancement.⁵³

The Parliament must now enact comprehensive legislation addressing appointment criteria and procedures. This legislation should establish transparent qualification requirements for commissioners. It must include explicit provisions regarding professional expertise and ethical standards. The law should mandate diversity in commissioners' backgrounds beyond bureaucratic experience. It must establish clear conflict of interest guidelines and disclosure requirements. The selection process should involve public hearings and stakeholder consultation. The legislation must incorporate cooling-off periods for post-retirement appointments. These statutory safeguards would transform the Court's interim framework into comprehensive reform. The legislative response should view the Court's directive as a constitutional floor rather than ceiling.⁵⁴

⁵³ *Anoop Baranwal v. Union of India*, (2023) 4 SCC 88.

⁵⁴ Law Commission of India, 255th Report on Electoral Reforms, 12-14 (Mar. 2015).

Constitutional amendments offer more robust long-term solutions to institutional vulnerabilities. Article 324 requires substantive enhancement regarding appointment safeguards. The amendment should explicitly articulate independence as the guiding principle for Commission design. It should constitutionally entrench a multi-stakeholder selection committee. The amendment must provide equal removal protection to all commissioners. It should establish financial autonomy through charged expenditure provisions. Constitutional entrenchment would protect reforms from political vagaries and shifting majorities. It would elevate appointment safeguards from statutory to constitutional guarantees. The 74th Constitutional Amendment demonstrates successful institutional reforms through constitutional mechanisms. The Election Commission deserves similar constitutional reinforcement given its democratic significance.⁵⁵

International best practices offer valuable guidance for India's reform journey. The South African model provides instructive framework for multi-layered selection. The Canadian system demonstrates effective parliamentary oversight of appointments. The Australian framework illustrates statutory qualification requirements and bipartisan consultation. Mexico's transformation shows appointment reforms can overcome histories of electoral manipulation. India should adapt these international principles to its unique constitutional context. The reform framework must incorporate transparent criteria, multi-stakeholder selection, professional diversity and post-retirement restrictions. These elements have successfully enhanced electoral credibility in various democracies. They provide tested mechanisms that India can customize for its institutional context.⁵⁶

The reform imperative extends beyond formal appointment mechanisms to broader institutional safeguards. The Commission requires financial autonomy through dedicated budgetary provisions. It needs an independent secretariat with specialized electoral personnel. The commissioners need explicit protections against governmental

⁵⁵ Second Administrative Reforms Commission, 4th Report on Ethics in Governance, 56-58 (Jan. 2007).

⁵⁶ European Commission for Democracy through Law (Venice Commission), Code of Good Practice in Electoral Matters, Opinion No. 190/2002, CDL-AD (2002) 23 rev.

interference during tenure. The Commission requires diversified professional expertise beyond bureaucratic experience. These comprehensive reforms would transform the Commission from nominal to substantive independence. They would align India's electoral governance with its democratic aspirations and constitutional values. The reform process must view the Court's intervention as beginning rather than conclusion. The Anoop Baranwal judgment provides momentum that reformers must leverage for comprehensive transformation.⁵⁷

⁵⁷ M.V. Rajeev Gowda & E. Sridharan, "Reforming India's Party Financing and Election Expenditure Laws," 11 ELECTION L.J. 226, 232-235 (2012).