INSTITUTIONAL INDEPENDENCE AND DEMOCRATIC ACCOUNTABILITY: RE-EXAMINING THE CONSTITUTIONAL ROLE OF THE ELECTION COMMISSION OF INDIA

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ABSTRACT

The credibility of the institutions that are in charge of conducting elections is a major factor that determines the legitimacy of democratic governance. Election Commission of India (ECI) is a constitutionally established body in India that works on the conduct of elections in India with its mandate provided in Article 324 of the Constitution and the responsibility of conducting free and fair elections. The ECI is often notionally described as a fourth-branch institution or guarantor or, what is called in India, a constitutional institution, and it has constitutional, quasi-legislative, and quasi-jurisdictional authority over the conduct of the electoral process. This paper focuses on the institutional structure and working practice of the ECI using the analytical perspective of institutional independence and democratic accountability. It contends that although the constitutional structure has given the Commission a fair degree of formal independence, its functional independence has been exposed to structural frailty especially with respect to executive dictatorial nomination procedures, low transparency in decision-making and lack of strong accountability mechanisms. The article reviews the changing course of the Commission independence and the effects of this on the democratic legitimacy by re-examining constitutional clauses, judicial meanings, institutional application and recent scandals. It also suggests one of the structural reforms; independent appointment process, parliamentary confirmation processes, non-renewable tenure and an upsurge in transparency norms in a bid to reset the balance between autonomy and accountability. These protections should be reinforced by all means to retain the confidence of the people in the electoral process and to have a solid base of institutional support of the Indian democratic system.

Keywords: Election Commission of India; Electoral Governance; Fourth-Branch Institutions; Constitutional Law; Democratic Accountability; Institutional Independence; Electoral Reform.

I.Introduction

The legitimacy of a democracy rests upon public trust in the institutions that govern it and in the fairness of the processes through which collective decisions are made. Decisions made by the governing body are meaningful only when the institution of the state administering them operates in accordance with the constitutional mandates that empower them rather than their own partisan interests. To uphold democratic legitimacy, the framework of the constitution must incorporate necessary constraints to ensure public power is exercised within structural limits in order to prevent its self-entrenchment. To address this structural necessity, modern democracies have set in place insulated overseer bodies, termed the "fourth branch institutions" or, in the words of Professor Tarunabh Khaitan, "guarantor institutions",[1] which preserve the integrity of the democratic process by ensuring that the state functions in line with the fundamentals of the Constitution.

The Election Commission of India is perhaps the most prominent guarantor institution in the country, with Article 324(1) of the Indian Constitution vesting the Commission with the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.[2] By entrusting electoral governance to a constitutionally insulated authority rather than the political executive, the framers embedded within the constitutional architecture a structural safeguard against partisan manipulation of democratic processes.

It has been a frequent observation in the democratic framework that tension between institutional independence and public accountability is nowhere more acute than in the administration of elections. An institution that is thoroughly insulated from political pressure may become recursive and unaccountable, leading the institution that happens to be subject to executive oversight, in risk of being captured by the very governing body whose electoral fate it adjudicates. The Commission has, across the seventy-six years of its establishment, navigated this tension with varying degrees of success, administering elections to over 960 million registered voters across 543 parliamentary constituencies in the 2024 general elections,[3] yet facing persistent calls for scrutiny about the independence of its appointments, the consistency

[1]Tarunabh Khaitan, 'Guarantor Institutions' (2021) 16 *Asian Journal of Comparative Law* S40.
[2]Constitution of India 1950, art 324(1).
[3]Election Commission of India, "Statistical Report on General Elections 2024 to the 18th Lok Sabha" (ECI 2024) 3.

of its enforcement, and the adequacy of its accountability mechanisms.

This essay examines the ECI's independent institutional design and practice through the lens of accountability. It evaluates the frameworks provided by the Constitution that grant it the characteristics of a fourth-branch institution, analyzes its record of independence in practice, comments on the theoretical basis of its democratic legitimacy, and advances a set of frequently discussed and debated structural reforms that would better equip the Commission to discharge its constitutional mandate in an era of heightened democratic contestation.

II.Constitutional Design of Electoral Democracy

The Constitution of India is not merely a legal instrument; it is the foundational stone of the Republic, from which all governing institutions derive their validity and within which all institutional action must remain. This constitutional supremacy is a democratic guarantee ensuring that the exercise of public power is not merely lawful as an optimistic outlook but rather a necessary anchor laying down the will of the people as expressed in the founding document. The Election Commission of India draws its existence and authority directly from this constitutional source. Article 324, situated within Part XV of the Constitution, vests in the Commission the superintendence, direction, and control of the preparation of electoral rolls and the conduct of all elections to Parliament, the State Legislatures, and the offices of President and Vice-President.[4] The Commission has been integrated directly into the Constitution, standing on equal footing with it, the nature of its existence immune from the effects of a legislative appeal.

The fourth-branch insulation against executive interference of powers like the Election Commission is not a structural choice but a requirement of democracy. In a situation where the government in power controls or regulates the manner in which elections are conducted, the very foundation of democratic competition, the fact that electoral regulations apply equally to all candidates, including those in power, is undermined. The framers of the Indian Constitution were, as Granville Austin saw, acutely aware that the court which votes elections had to be shielded against the political process which it governs, otherwise the promises to democracy which were contained in the Constitution would be no more than formal.[5] This observation drives the design of Article 324 and why the power of the Commission is established in the

[4]Constitution of India 1950, art 324.
[5]Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press 1966) 151.

constitution and not created by law.

In this regard, it is worth noting that the safeguard clauses in Article 324 attract special consideration in contrast to those granted other constitutional offices. Article 324(5) states that the Chief Election Commissioner is not to be displaced, but in a similar manner and on similar ground, as a Judge of the Supreme Court and that the terms of service of the Chief Election Commissioner shall not be altered to his prejudice after his appointment.[6] This twin defense tenure security comparable to the judiciary and an unalterability of service terms have often been noted to be the most effective institutional protection of the Constitution. It is, however, a protection not afforded equally, in the same degree, to Election Commissioners, a structural imbalance to which the Supreme Court has since been requested to provide remedy, by judicial interpretation. The experience of electoral commissions in other democracies indicates that such tenure protection has frequently been associated with periods of executive subordination of electoral management institutions, which provides even more support to the necessity of such protection.

Another historical constitutional elaboration site has been the judicial review of the creation and breadth of Article 324 of the ECI. In *N P Ponnuswami v Returning Officer* the Supreme Court said the electoral process is a complete code of its own, and the ECI had exclusive control over the administration of elections and restricted the platform of judicial interference in the conduct of elections pending.[7] The Court in *Mohinder Singh Gill v Chief Election Commissioner* adopted a more liberal interpretation of the powers of the Commission and it was found that Article 324 gave the ECI plenary power to do anything to assure the conduct of a free and fair election, even when such a case might not be covered by an existing statute, a residual power doctrine which in effect recognised the ECI as the person able to act in the interstices of election law, akin to the powers inherent in a court.[8] The multi-member character of the Commission was held in the case of *S S Dhanoa v Union of India* to not diminish the special constitutional status of the CEC,[9] and in *Chief Election Commissioner v M R Vijaybhaskar*, the power of the Commission to act directions was confirmed.[10]

It is also worth examining the design features that collectively solidify the ECI's position as a

[6]Constitution of India 1950, art 324(5).
[7]*N P Ponnuswami v Returning Officer, Namakkal* AIR 1952 SC 64.
[8]*Mohinder Singh Gill v Chief Election Commissioner* (1978) 1 SCC 405.
[9]*S S Dhanoa v Union of India* (1991) 3 SCC 567.
[10]*Chief Election Commissioner v M R Vijaybhaskar* (2021) 6 SCC 113.

fourth-branch institution within India's constitutional architecture. First, the Commission's authority is not subject to parliamentary override in the same manner as statutory bodies; legislation that abridges or circumscribes the Commission's superintendence over elections would be constitutionally suspect. Second, the ECI has developed, through decades of practice, a quasi-legislative function through the Model Code of Conduct—a non-statutory instrument enforced against all political actors during election periods, including the government of the day.[11] Third, the Commission exercises quasi-judicial functions in adjudicating complaints under election law, disqualifying candidates, and resolving disputes over party recognition and symbols.[12] These accumulated functions—constitutional, quasi-legislative, and quasi-judicial—position the ECI not as a mere administrative agency but as a fourth-branch authority whose legitimacy is derived from its constitutional mandate and its institutional independence from the other three branches.

III. Independence of the Institution in Practice

It has been a constantly recurring characteristic of the institutional structure of the Commission that its formal constitutional independence is made to function critically on the balance between the means by which the members of the Commission are appointed, the circumstances under which they may be dismissed, the extent to which the executive exerts an informal influence over the decisions that the Commission makes. In this respect, the appointment mechanism has been the most chronic structural weakness. Before the Supreme Court intervened in *Anoop Baranwal v Union of India*,[13] the appointment of the Chief Election Commissioner and Election Commissioners was purely at the pleasure of the President, on the recommendation of the Council of Ministers, and no statutory qualification applied, no compulsory consultation with any independent constitutional institution and no confirmation process. This gave the executive unconstructed power to place in commission an institutional disposition to which it was conducive--the effect whereof is often referred to as a structural incentive to appoint officials that had been shown to be deferential to governmental preferences in their prior service.

The evolution of the appointment process reflects the tension between formal constitutional independence and informal executive influence in a particularly instructive manner. The expansion of the Commission from a single-member to a three-member body in 1993 occurred

[11] *Election Commission of India v Subramaniam Swamy* (1996) 4 SCC 104.
[12] Representation of the People Act 1951 (Act 43 of 1951), s 77.
[13] *Anoop Baranwal v Union of India* (2023) 6 SCC 161.

in the immediate aftermath of T N Seshan's assertive use of the Commission's powers during his tenure as CEC from 1990 to 1996.[14] Seshan transformed the ECI: he enforced the Model Code with unprecedented rigour, cancelled elections in constituencies where booth-capturing was reported, and deployed the Commission's plenary constitutional authority to discipline political actors across party lines.[15] The executive's response: expanding the Commission to a three-member body in which the CEC could be outvoted by two Commissioners appointed without independent oversight; was widely interpreted as a structural mechanism to moderate the Commission's institutional assertiveness. The creation of a multi-member Commission thus served, in its political context, as a dilution of the very independence the Constitution had sought to protect.

It is a factual trend that the perceived independence of the Commission by the public has been closely following the same structural insecurities in close. According to the survey data of the Lokniti-CSDS State of Democracy in South Asia Report of 2019, a definite decrease in the level of the public trust towards the ECI was observed as compared with the surveys made in the early 2000s, and the percentage of those who expressed full trust in the Commission dropped.[16] The loss of popular trust in the institution can be taken as a logical judgment of the work of the institutions: when the institution's appointments are executive and the enforcement is seen as selective, then the Commission's assertion to institutional independence no longer has the same credibility with the same electorate that it is deemed to serve.

These dynamics are reflected in the reality on the ground as evidenced by the controversies that have characterized the recent record of the Commission. This was made clear by the episode of the public dissent by Commissioner Ashok Lavasa in 2019 over the Commission's rulings on Model Code complaints against the Prime Minister and the Home Minister, which was not made public in the Commission through a public order, and disclosed only by the Commission through an application by the Prakashya Foundation.[17] In his turn, Lavasa resigned, fueling the concern of the people regarding the institutional environment in the Commission. The controversies surrounding EVM as managed by the Commission were further contributing factors to the institutional insularity in the nature in which the Commission

[14]T S Krishnamurthy, *The Miracle of Democracy: India's Amazing Journey* (Rupa Publications 2016) 57.
[15]James Chiriyankandath, 'Constitutional Predilections and Democratic Deficits: The Indian Election Commission in the 1990s' (1999) 20 *Journal of Commonwealth and Comparative Politics* 95, 102.
[16]Lokniti-CSDS, *State of Democracy in South Asia* (CSDS 2019) 87.
[17]Prakashya Foundation RTI Application, Election Commission of India, Decision dated 23 August 2019; see also Shoaib Daniyal, 'Why Did Ashok Lavasa Dissent on Modi, Shah Complaints?' *Scroll.in* (28 May 2019).

addressed EVM-related controversies with the defensive instead of proactive transparency. The legal reaction to the decision in Anoop Baranwal case, the Chief Election Commissioner (Appointment, Conditions of Service and Term of Office) Act 2023,[18] only added to these fears by creating a selection committee with a de-facto government majority effectively returning the executive to control over the appointment process although formally required by the Court order to legislate.

To describe the record of the Commission, however, would be incomplete to do it in terms of structural failures. The advent of NOTA after the litigation by the People's Union for Civil Liberties[19] and the regular conduction of elections by the Commission over very logistically demanding terrain are real institutional success stories that should not be ignored with these issues. The ECI has indicated that its constitutional power when applied with institutional determination can materially punish the conduct of elections. The institutional formations that would support such determination over ten terms in a row, strong appointment mechanisms, non-renewable and safe terms and the compulsory openness of decision-making, however, have not been sufficiently fulfilled.

IV. The Question of Democratic Legitimacy: Independence vs Accountability

The dilemma which lies behind the assessment of the democratic legitimacy of the ECI is summed up in the question of the Roman jurist: quis custodiet ipsos custodes- who will protect the protectors. The Commission has the responsibility of policing the democratic process, and yet the systems that are in place to keep the Commission itself democratic and in good faith are as is often noted structurally weak. It is not a paradox peculiar to India, it is constitutive to all guarantor institutions. The particular structure of the ECI accountability deficit, which is clustered in the appointment process, lacks transparency norms, and the parliamentary control makes it, however, especially acute.

Whether the existing safeguards are adequate or not, on a close look, will have to be replied in the negative. The safeguards provided by Article 324- tenure safety of the CEC, permanence of service terms, constitutional entrenchment of the authority of the Commission- deal with the threat of formal displacement but do not deal with the less obvious threats of institutional

[18]Chief Election Commissioner (Appointment, Conditions of Service and Term of Office) Act 2023 (Act 12 of 2023), s 7.
[19]*People's Union for Civil Liberties v Union of India* (2013) 10 SCC 1 (NOTA case).

capture in the form of appointment, informal executive coercion, or institutional outvoting of the CEC by conforming Election Commissioners. The appointment system in the 2023 Act granting the executive two of every three votes in the selection committee is retrogressive by even the interim system imposed by the Supreme Court. The existing safeguards, in this regard, shield the formal independence of the Commission but in the same measure expose its functional independence to a significant degree.

The question of whether more parliamentary oversight should be given admits of a nuanced answer. Parliamentary oversight, if understood as legislative interference in specific electoral decisions, would be constitutionally impermissible and institutionally corrosive—it would subject the Commission's quasi-judicial and quasi-legislative functions to majoritarian pressure of the most direct kind. However, parliamentary oversight understood as structural accountability—annual reporting obligations, examination of the Commission's conduct by a parliamentary select committee, and legislative specification of the criteria and procedures governing Commission appointments—is not only permissible but desirable. The Second Administrative Reforms Commission recommended precisely this form of parliamentary engagement with independent constitutional bodies,[20] and its operationalisation for the ECI would, it is submitted, strengthen rather than compromise the Commission's democratic legitimacy.

The theoretical frameworks of democratic theory illuminate this distinction in useful ways. John Hart Ely's representation-reinforcing theory holds that constitutional institutions derive legitimacy not from majoritarian approval but from their function in keeping democratic processes genuinely open and competitive.[21] The ECI's constitutional mandate is paradigmatically representation-reinforcing: it exists to ensure that no incumbent government can entrench itself through the manipulation of electoral rules. Under Ely's framework, any structural infirmity that allows the governing party to influence the Commission's composition or conduct strikes at the foundation of electoral legitimacy. Bruce Ackerman's framework of the new separation of powers independently reaches the same conclusion: the ECI, as the "democratic branch" responsible for organising the periodic transfer of power, must be structurally insulated from the executive branch whose continuation in power it periodically adjudicates.[22] Ran Hirschl's institutional design analysis adds a cautionary note, observing that

[20]Second Administrative Reforms Commission, 'Ethics in Governance' (Fourth Report, January 2007) 54.
[21]John Hart Ely, *Democracy and Distrust: A Theory of Judicial Review* (Harvard University Press 1980) 102.
[22]Bruce Ackerman, 'The New Separation of Powers' (2000) 113 *Harvard Law Review* 633, 694.

constitutional entrenchment of independent institutions can itself be instrumentalised by dominant elites—a warning that reform proposals must address the underlying political incentive structures and not merely the formal architecture.[23]

V.A Path to Reformation: Recalibrating Autonomy

To successfully carry out a reform programme in the ECI, its structural weaknesses need to be dealt with effectively without interfering with its constitutional nature that defines it as an effective guarantor institution. Four reforms when combined make up an integrated package often referred to in this setting: collegium style mechanism of appointment, parliamentary confirmation hearings, non-renewable fixed terms and norms of transparency.

The rationale in support of the collegium-type appointment system is based on the institutional logic of institutional independence. The selection committee of the 2023 Act, which includes the Prime Minister, Cabinet Minister nominated by the Prime Minister, and the Leader of the Opposition, gives structure to a majority over which the executive can easily call upon to revive the status quo of Anoop Baranwal. The truly independent appointment system would include the Chief Justice of India, the Comptroller and Auditor General of India and the Leader of the Opposition in the Lok Sabha instead--a balance between constitutional and parliamentary views without executive interference. It is proposed that this committee, when it is sufficiently written, should be obliged to accept nominations in public, to become acquainted with objective eligibility parameters, and to issue explanatory suggestions. Other useful comparative templates in this respect are the South African model of appointment by an independent panel which requires that the public should be involved and the model in Canadian appointment of the Chief Electoral Officer to parliament.

Confirmation hearings of nominated Election Commissioners by a Parliamentary committee, before a joint select committee of both Houses, would be an added degree of accountability between appointment and office taking. This would permit the parliament to examine the professional record, institutional values and perception of the nominees constitutional mandate of the Commission without leaving a veto on Parliament- the role of the committee is advisory and not direct. It is a process which, based on the principles of confirmation hearing in other forms of constitutional democracy, would build more public trust in the process of making an

[23]Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism* (Harvard University Press 2004) 38.

appointment as it would be a participatory process and would not lead to a loss of independence by the appointing body.

Perpetual terms that are not renewable are required to counteract what is often referred to as the structural incentive behind commissioners ensuring good relationships with the executive in case they are later sought after government employment after retirement. It is this status quo, in which there is no statutory forbearance against post-retirement governmental appointment, which poses very precisely the danger of institutional deference against which tenure security is intended to be safeguarded. An un-renewable six-year term, in line with the conditions of the Comptroller and Auditor General,[24] with a cooling-off period of five years preceding any governmental or quasi-governmental or politically affiliated appointment, would go a long way in shielding the decision-making process of the Commission against these incentive distortions. It is constitutionally imperative that these protections be exercised consistently to all the three individuals of the Commission and not just the CEC since the Commission is a multi-member organ.

The fourth pillar of reform includes mandatory transparency norms. The Lavasa episode clearly illustrated that the lack of a need to make publications of dissenting opinions in the Commission provides structural conditions to suppress the minority views and control the outputs of the institutions in the way they are not open to the society. Tie in of dissenting and concurring opinions on Commission orders--following on the Supreme Court experience--would provide that the deliberative process of the Commission is subject of the scrutiny of the public and the judiciary. This is to be followed by extensive reports to Parliament annually which lists enforcement operations of the Commission under the Model Code, complaints disposition, compliance information on expenditure as well as the judgment of the Commission on systemic electoral integrity issues. Parliamentary select electoral governance committee should table these reports and examine before establishing a formal accountability interface that ensures respect to the operational independence of the Commission and exposes its institutional behavior to the accountability of democracy. The Law Commission of India has, it is observed, itself in its reports on electoral reform have suggested a number of such measures, which offer domestic legal justification to its adoption.[25]

[24]Constitution of India 1950, art 148(1); see also *Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act 1971* (Act 56 of 1971), s 4(1).
[25]Law Commission of India, 'Electoral Laws Reforms' (Report No 255, March 2015) 18; Law Commission of

VI. Future of Institutional Insulation

Whether the present-day quality of the election process can satisfy the expectations of the population has to be responded to differently. The ECI has an impressive logistical track record: it has conducted elections in one of the most complicated democracies of the world in almost 80 years, having to take care of enormous electorates across various landscapes, language, and social backgrounds. The institutional capacity is of high order in the Commission operational infrastructure: the machinery of the Commission in the district level, the deployment of security forces, the use of electronic voting devices, and the implementation of the electoral timetable. But it is very often noted that the problem of popular expectations is not only operational, but also substantive. Voters do not just want the accuracy of their vote to be counted but the electoral competition rules to be fairly implemented to all the contestants and not just the ruling party. It is in this substantive aspect that the Commission record is more disputed. The sense of the unequal application of the Model Code, that there has been executive managerial intervention in the process of appointment and that the Commission has not been open enough in its decision-making process has, over the years, damaged the reputational capital that is the most significant democratic resource of the institution.

The broader question of what the ECI's institutional trajectory tells us about the fourth branch of government in India is, in many respects, sobering. The ECI represents the oldest and most constitutionally grounded of India's guarantor institutions. If its independence has proven vulnerable to executive influence despite the robust protections of Article 324, the prospects for newer and less entrenched fourth-branch institutions—such as regulatory authorities and anti-corruption bodies—are correspondingly more uncertain.The experience of the ECI demonstrates a structural fact about guarantor institutions which is all too common in comparative constitutional scholarship: constitutional entrenchment is a necessary but not sufficient prerequisite to true independence. What is also needed is a set up of institutional incentives- appointment procedures that are truly independent, tenure arrangements that do not generate incentives to deference, transparency procedures that subject institutional decision-making to publicity and accountability procedures that build structured relationships with Parliament not with the executive- which maintains functional independence across tenure services and across political cycles.

India, 'Reform of Electoral Laws' (Report No 170, May 1999) 12.

This analysis is urgent due to the world trend of democratic backsliding. One of the initial institutional victims of democratic erosion is those independent electoral management bodies: since the governing parties need to achieve a unifying electoral advantage, the subordination of the commission administering the elections becomes available as a self-evident tool. The institutional history of the ECI; its lapses into periods of real independence under the aggressive rule of the head, and its bouts of structural subordination under the executive-controlled appointments, indicates the frailty of institutional independence without the mechanisms of structural protection. The reforms explained in this essay are not drastic changes out of the constitutional structure; they, it is argued, are loyal extensions of the constitutional construction, which the framers envisaged but never completely realised. They are aware that the legitimacy of the ECI as the protector of Indian democracy is not determined by its logistical capacity only, but by the structural circumstances that enable it to use the capacity in an independent and effective and sustainable way.

The framers of the Indian Constitution realized that the wellbeing of democracy is not just gauged by the elections but also the ethics of the organs of government that conduct elections. Their commitment to electoral commission based on the constitutions has been proven over seventy-six years of democratic elections. The given generation has the responsibility of ensuring that the institution that the framers established is structurally capable to accomplish its constitutional mandate not just until the next election period, but also throughout the generations of democratic contests that are ahead. Whether or not the future of institutional insulation and, therefore, the future of Indian democracy as a whole, will be determined by the readiness to approach that structural work with the gravity with which the Constitution requires it.

VII. Conclusion

The history of the Election Commission of India, which spans more than three-quarters of a century, proves the weaknesses and the strengths of the fourth-branch institutions in a constitutional democracy. The authors of the Constitution knew that they could not place trust on the political executive whose future stay in government is based on those processes of election. They wanted to establish a body that would be able to protect the process of democratic competition by constitutionally entrenching the Election Commission under Article 324 and giving it broad powers concerning the conduct of elections. The Commission has been

successful in fulfilling this role in much of the electoral history of India, holding elections of unparalleled logistical complexity, and the continuity of the democratic rule in one of the most diverse societies in the world.

But constitutional design has not, however, been effective as a guarantee of functional independence. The overall history of the institutional practice of the Commission is marked by a constant conflict between formal independence and informal executive control, especially in the matters concerning the appointment of commissioners, internal distribution of power in the Commission and the transparency of the decision-making procedures. These institutional weaknesses have at other occasions undermined the trust of the people in the institution and casted valid questions regarding the uniformity in the implementation of the electoral rules among the political actors.

It is not necessary to move away from the constitutional vision that gave the Commission its existence but to see it fulfilled in its entirety. Reforms to make appointments more independent, to bring more structured parliamentary scrutiny, to make tenure secure and non-renewable, and to ensure that decision-making is more institutionalised would restore the right balance between autonomy and accountability. This would further enhance the democratic authority of the Commission and maintain the insulation required of the Commission to act as a neutral overseer of the electoral process.

In the end, the validity of democratic elections is not limited to the aspects of voting, but also to the institutional environment in which the electoral competition occurs. The power of the Election Commission is based on both respect and belovedness of the people and as well as the constitution itself. To protect that trust, it is necessary to observe the structural prerequisites on the way of the Commission acting without prejudice and independence. It is not only a matter of institutional reform, therefore, to ensure that these conditions are not just lasting, but also a renewal of the constitutional devotion to free and fair elections bearing the core of the Indian democratic order.