The Infinite
An International Peer Reviewed / Refereed Journal of Multidisciplinary Research

An Online Peer Reviewed / Refereed Journal
Volume 3 | Issue 10 | October 2026
ISSN: 3048-9539 (Online)
Website: www.theinfinite.co.in

The Election Commission of India: Constitutional Architecture, Institutional Roles, Decision-Making Dynamics, and Removal Mechanisms

Professor (Dr.) Ajay Kumar Singh

Dean, Faculty of Law

Dr. Rammanohar Lohia Avadh University, Ayodhya

Professor of Law, Department of Law

K. S. Saket P. G. College, Ayodhya

ARTICLE DETAILS

Research Paper

Keywords :

Election Commission of India; Article 324; Chief Election Commissioner; Election Commissioners; Mohinder Singh Gill; T.N. Seshan; Anoop Baranwal; Chief Election Commissioner and other Election Commissioners Act, 2023; removal mechanism; Model Code of Conduct; quasi-judicial functions; electoral reforms; VVPAT; electoral bonds.

ABSTRACT

The Election Commission of India (ECI) is a constitutionally created institution entrusted with the superintendence, direction and control of elections to Parliament, the State Legislatures, and the offices of the President and Vice-President. This treatise examines the constitutional architecture, institutional evolution, functional spectrum, internal decision-making, appointment framework, removal protections and contemporary challenges of the Commission. Particular attention is given to Article 324, the doctrine of residual or plenary power developed in Mohinder Singh Gill v. Chief Election Commissioner, the transformation from a single-member to a multi-member Commission, and the institutional principles affirmed in T.N. Seshan, Chief Election Commissioner of India v. Union of India. The study distinguishes administrative, advisory, quasi-judicial and regulatory functions, including electoral-roll administration, party registration, symbol disputes, disqualification opinions, election-expense disqualification and enforcement of the Model Code of Conduct. It also analyses the constitutional asymmetry between the removal protection of the Chief

Election Commissioner and that of other Election Commissioners. The appointment controversy arising from Anoop Baranwal v. Union of India and the subsequent Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 receive particular attention. The 2023 Act replaced the 1991 legislation and introduced a statutory selection committee consisting of the Prime Minister, the Leader of the Opposition in the Lok Sabha, and a Union Cabinet Minister nominated by the Prime Minister. The constitutional validity of this framework remains under judicial challenge in 2026. The paper further considers electoral technology, VVPAT verification, political finance, digital campaigning, artificial intelligence, deepfakes and institutional transparency. It concludes that electoral independence requires not merely formal constitutional status but credible appointment procedures, secure tenure, transparent decision-making, adequate resources and effective accountability.

1. Introduction: Electoral Integrity as the Bedrock of Constitutional Democracy

Democracy is not exhausted by the periodic act of voting. It depends upon an institutional framework capable of translating the popular will into legitimate governmental authority through elections that are regular, inclusive, competitive and reasonably insulated from manipulation. In a country marked by enormous population size, social and linguistic diversity, regional variation and complex political competition, electoral administration is a constitutional function of exceptional importance.The Constitution therefore places the superintendence, direction and control of specified elections in a constitutional body under Article 324. Free and fair elections have been repeatedly treated by the Supreme Court as integral to constitutional democracy and, in the context of the basic-structure doctrine, as an essential constitutional value. The decision in Indira Nehru Gandhi v. Raj Narain is a principal authority in this development.

The Indian model differs from highly decentralised electoral systems in which election administration is distributed among sub-national authorities. The ECI provides a national constitutional framework, while State and Union Territory election machinery operates under its overall superintendence for elections within its constitutional field. The Commission is not, however, a fourth constitutional branch in any formally enumerated sense. The expression 'fourth branch' may be used analytically to describe the role

of integrity institutions, but it should not be presented as a constitutional classification of the ECI.The Commission's history demonstrates that constitutional independence is a continuing institutional project. Its transformation from a single-member body to a multi-member Commission, the assertive administration associated with T.N. Seshan, judicial recognition of Article 324 powers, statutory development, and the continuing debate over appointments and tenure all illustrate the tension between electoral autonomy and democratic accountability.

2. Historical Genesis and Constituent Assembly Debates: The Quest for Autonomy

Part XV of the Constitution was framed against the experience of colonial electoral administration and the determination of the Constitution-makers to establish universal adult suffrage. Article 326 originally contemplated adult suffrage at twenty-one years; the voting age was subsequently reduced to eighteen by the Sixty-first Constitutional Amendment Act, 1988. The scale of the franchise made an impartial electoral authority indispensable.

2.1 Centralised Electoral Administration

The Constituent Assembly preferred a unified constitutional election authority rather than a fragmented arrangement in which the electoral machinery for Parliament and State Legislatures could be exposed to differing degrees of political influence. Dr. B.R. Ambedkar's interventions emphasised the danger that local majorities might influence electoral administration to the detriment of minorities. The precise language of speeches should be verified against the official Constituent Assembly Debates before being reproduced as a verbatim quotation. Accordingly, this paper treats the centralisation rationale as the substantive position rather than reproducing an unverified 'canonical' quotation.

The constitutional design ultimately placed the ECI within Part XV and empowered Parliament and State Legislatures, within their respective spheres, to supplement the constitutional framework by legislation. This design sought to combine constitutional independence with legislative regulation.

2.2 Appointment and Independence

Article 324(2) originally left the appointment of the CEC and other Election Commissioners to the President, subject to parliamentary legislation. For many decades, Parliament did not enact a comprehensive appointment statute. This created an institutional gap that became constitutionally significant in Anoop Baranwal. The Supreme Court responded to that gap by prescribing an interim selection arrangement until Parliament enacted a law.

3. Constitutional Architecture: Part XV and Article 324

Constitutional Provision	Subject	Principal Significance
Article 324	Superintendence, direction and control of elections	Constitutional foundation of the ECI and its core electoral authority
Article 325	One general electoral roll	Prohibits exclusion from electoral rolls on specified grounds of religion, race, caste or sex
Article 326	Adult suffrage	Provides for elections on the basis of adult suffrage, subject to constitutional and statutory disqualifications
Article 327	Parliamentary legislative power	Enables Parliament to make election-related laws
Article 328	State legislative power	Enables State Legislatures to legislate on elections to State Legislatures, subject to parliamentary law
Article 329	Judicial interference in electoral matters	Restricts judicial challenges during the electoral process and channels election disputes through election petitions

3.1 The Plenary Scope of Article 324

Article 324(1) vests in the Election Commission the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections within its constitutional field. The Supreme Court has interpreted this language as conferring broad constitutional authority, particularly where existing legislation does not exhaustively address an unforeseen electoral situation.

That power is not unlimited. Article 324 is not a licence to disregard legislation, fundamental rights or other constitutional provisions. The Commission may supplement legislation where necessary to secure free and fair elections, but it cannot exercise a power that is expressly prohibited by law or use administrative directions to amend or override legislation.

3.2 Mohinder Singh Gill v. Chief Election Commissioner (1978)

In Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405, the Supreme Court recognised Article 324 as a broad reservoir of power. The case arose from the cancellation of a poll in the Ferozepore constituency following serious disruption. The Court held, in substance, that where legislation is silent and an electoral contingency arises, the Commission may issue necessary directions to protect the purity and fairness of the electoral process.

The important doctrinal qualification is that residual power operates within the constitutional order. Article 324 fills legislative gaps; it does not displace an express statutory command. This distinction is essential when describing the Commission's powers as 'plenary'.

3.3 Article 329 and the Election Process

In N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, AIR 1952 SC 64, and subsequent cases including Mohinder Singh Gill, the Supreme Court adopted a broad understanding of the expression 'election' for purposes of Article 329(b). Challenges to steps within an ongoing election ordinarily should not be used to interrupt the electoral process; the constitutional design prefers completion of the election followed by an election petition where the law so provides.

This does not mean that courts are completely powerless during elections. Judicial review may remain available in appropriate circumstances, but courts ordinarily exercise restraint where intervention would interrupt or derail an ongoing electoral process.

4. Institutional Evolution: From Single-Member to Multi-Member Commission

4.1 The Single-Member Era

The Constitution always contemplated the possibility of other Election Commissioners, but the ECI operated for most of its early history as a single-member institution headed by the CEC. Sukumar Sen, the first CEC, supervised the first general elections of 1951–52, an extraordinary administrative undertaking for a newly independent republic.

4.2 The 1989 Experiment and S.S. Dhanoa

In October 1989, two additional Election Commissioners were appointed. The arrangement was short-lived and the posts were abolished in January 1990. In S.S. Dhanoa v. Union of India, (1991) 3 SCC 567, the Supreme Court treated the matter as abolition of the posts rather than an ordinary premature removal from office. The judgment is important for explaining the constitutional distinction between the mandatory position of the CEC and the President's power to determine the number of other Election Commissioners under Article 324(2).

4.3 The T.N. Seshan Transformation

In 1993, two additional Election Commissioners were appointed, making the Commission a three-member body. T.N. Seshan challenged the arrangement, contending that the CEC possessed a constitutionally superior position. The Supreme Court rejected that claim in T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611.

The Court held that the CEC does not possess an overriding vote merely because of his office. The Commission is a collegial constitutional body, and the CEC's enhanced protection against removal does not make him an appellate or superior authority over the other Commissioners. The phrase 'primus inter pares' should therefore be used cautiously: it captures the CEC's chairing role and special constitutional protection, but does not create unilateral decision-making superiority.

Issue	Correct Legal Position
Status of members	CEC and ECs participate in the Commission's decision-making; the CEC is not an appellate authority over ECs
Decision-making	Consensus is preferred; where members differ, the statutory majority rule applies
Removal	CEC enjoys a higher constitutional protection; other ECs require the CEC's recommendation for removal
Institutional rationale	Multi-member functioning reduces the risks associated with concentration of electoral authority in one individual

5. Functional Spectrum of the Election Commission

5.1 Administrative Functions

The ECI's administrative role encompasses electoral-roll supervision, election scheduling, appointment and supervision of election officials, polling-station arrangements, election materials, training, deployment coordination, voter information and the administration of voting technology. The Commission operates through a large administrative network involving Chief Electoral Officers, District Election Officers, Returning Officers, Electoral Registration Officers and Booth Level Officers.

Claims about a particular election involving a fixed number of personnel, polling stations or electors should be dated to the relevant election rather than presented as permanent figures. Electoral scale changes from election to election.

Delimitation itself requires careful description. Constituency boundaries are ordinarily determined by Delimitation Commissions constituted under parliamentary legislation; the ECI implements and administers electoral arrangements within the resulting legal framework. The Commission should therefore not be described as independently conducting delimitation.

5.2 Quasi-Judicial and Advisory Functions

The ECI performs several functions that possess adjudicatory or quasi-judicial characteristics. Under the Election Symbols (Reservation and Allotment) Order, 1968, it adjudicates disputes concerning recognition and reserved symbols of recognised political parties. Paragraph 15 is the central provision for disputes involving rival sections or groups of a recognised political party.

In Sadiq Ali v. Election Commission of India, (1972) 4 SCC 664, the Supreme Court upheld the Commission's authority under the Symbols Order. The Commission may consider the support enjoyed by rival factions in the legislative and organisational wings, along with the circumstances of the dispute. It is therefore better to describe the 'test of majority' as an important evidentiary method rather than an inflexible universal formula applicable to every dispute.

The Commission also gives constitutionally required opinions to the President or Governor on specified post-election disqualification questions under Articles 103 and 192. The constitutional text makes the President or Governor act according to the opinion of the Election Commission in these matters. The Commission also exercises statutory power under Section 10A of the Representation of the People Act, 1951 to disqualify a person for failure to lodge an election-expense account in accordance with law.

Section 8A of the Representation of the People Act, 1951 involves disqualification on the basis of corrupt practices and requires the constitutional procedure involving the President and the Commission; it should not be loosely described as a direct and standalone power of the Commission to convict or disqualify for corrupt practice.

5.3 Registration of Political Parties

Political parties seeking registration under Section 29A of the Representation of the People Act, 1951 apply to the Election Commission. The Commission examines statutory requirements, including the party's constitutional documents and declarations required by law. Registration is distinct from recognition as a State or National Party, which depends upon the criteria contained in the Election Symbols (Reservation and Allotment) Order, 1968.

5.4 The Model Code of Conduct

The Model Code of Conduct (MCC) is a consensual, self-regulatory code rather than a comprehensive Act of Parliament. Its historical roots lie in Kerala's 1960 Assembly election, when a code was evolved through consultation with political parties. The ECI subsequently circulated and developed the code; an ECI publication records that a 'Minimum Code of Conduct' was first issued by the Commission in 1968 and that the code was revised on several later occasions.

The MCC becomes operational from the announcement of the election schedule and remains applicable for the relevant election process. Its provisions address general conduct, meetings and processions, polling-day conduct, party-in-power restrictions, official machinery, manifestos and related matters. Because the MCC is not itself a statute, enforcement often operates through Article 324 directions and through other applicable election laws, criminal laws and statutory provisions where the conduct also constitutes a legal offence.

6. Decision-Making Apparatus: Consensus and Majority

A major correction is required to the original draft's citation of the statutory business rule. The 1991 Act's Section 10 historically governed disposal of business. That Act has now been repealed. Under the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, the corresponding provision is Section 18. Section 18 provides that the Commission may by unanimous decision regulate its business and allocation of work; as far as possible, business is to be transacted unanimously, and where the CEC and ECs differ, the matter is decided according to the majority.

Thus, the legal position should not be stated as though the 1991 Act remains the operative statute. The 2023 Act came into force on 2 January 2024 and expressly repealed the 1991 Act, subject to saving of prior actions insofar as they are not inconsistent with the new law.

6.1 The Ashok Lavasa Episode and Institutional Transparency

The 2019 general election witnessed public discussion concerning dissents recorded by Election Commissioner Ashok Lavasa in matters involving alleged Model Code violations. The episode is relevant to the larger question of whether minority opinions within a constitutional commission should be recorded and, where appropriate, disclosed. It should not, however, be presented as establishing a judicial precedent that all ECI dissents must be published. The episode is better treated as an institutional transparency controversy that raises questions of reasons, record-keeping and public accountability.

7. Removal Mechanism and Article 324(5)

7.1 Removal of the Chief Election Commissioner

The first proviso to Article 324(5) provides that the CEC shall not be removed from office except in like manner and on like grounds as a Judge of the Supreme Court. This links the CEC's removal to the constitutional standard of proved misbehaviour or incapacity and the parliamentary process prescribed for removal of a Supreme Court Judge.

It is more accurate to call this a constitutional removal procedure rather than simply an 'impeachment' in the strict terminology of the Constitution. The process involves parliamentary proceedings under the Judges (Inquiry) Act, 1968 framework and requires the constitutionally specified special majority in each House.

7.2 Removal of Other Election Commissioners

The second proviso to Article 324(5) states that an Election Commissioner or Regional Commissioner shall not be removed except on the recommendation of the CEC. Unlike the CEC, the Constitution does not impose the same parliamentary removal procedure upon other Commissioners. This creates a significant asymmetry in tenure protection.

The asymmetry was deliberately retained in the constitutional text. The Supreme Court's discussion in S.S. Dhanoa and T.N. Seshan makes clear that the CEC has a special protection, while the other Commissioners receive a different constitutional safeguard. Whether this remains desirable in a modern multi-member Commission is a legitimate constitutional-reform question.

Parameter	Chief Election Commissioner	Other Election Commissioners
Constitutional provision	First proviso to Article 324(5)	Second proviso to Article 324(5)
Removal protection	Like a Supreme Court Judge	Requires recommendation of the CEC
Parliamentary removal process	Yes, through constitutional procedure	No equivalent parliamentary address is prescribed
Substantive concern	Proved misbehaviour or incapacity under the applicable constitutional process	Constitution does not itself specify an equivalent detailed ground/procedure
Reform debate	High protection retained	Whether protection should be equalised remains a matter of constitutional debate

7.3 The Navin Chawla Controversy

The 2009 controversy involving CEC N. Gopalaswami and Election Commissioner Navin Chawla illustrates the practical difficulty created by the asymmetry. Gopalaswami recommended Chawla's removal; the recommendation was not accepted by the Union executive, and Chawla subsequently became CEC. The episode should be presented as a historical constitutional controversy rather than as a final judicial settlement of every question concerning the CEC's power to act suo motu.

8. Appointment of the CEC and ECs: Anoop Baranwal and the 2023 Act

8.1 Anoop Baranwal v. Union of India (2023)

In Anoop Baranwal v. Union of India, (2023) 6 SCC 161, a Constitution Bench addressed the long-standing absence of parliamentary legislation under Article 324(2). The Court directed that, until Parliament enacted a law, appointments should be made on the advice of a committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha (or the leader of the largest opposition party where applicable), and the Chief Justice of India.

The judgment should not be described as permanently creating a constitutional collegium. Its selection arrangement was expressly transitional, operating until Parliament enacted legislation under Article 324(2).

8.2 The 2023 Appointment Act

Parliament enacted the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 (Act No. 49 of 2023). The Act came into force on 2 January 2024 and repealed the Election Commission (Conditions of Service of Election Commissioners and Transaction of Business) Act, 1991.

Under the 2023 Act, the Search Committee is headed by the Minister of Law and Justice and prepares a panel of five persons. The Selection Committee consists of the Prime Minister, the Leader of the Opposition in the Lok Sabha (or the leader of the single largest opposition party where the statutory condition applies), and a Union Cabinet Minister nominated by the Prime Minister. The President makes the appointment on the recommendation of the Selection Committee.

Feature	**Anoop Baranwal interim arrangement**	**2023 statutory framework**
Chair/convener	Prime Minister	Prime Minister
Opposition representation	Leader of Opposition / largest opposition party	Leader of Opposition / largest opposition party
Third member	Chief Justice of India	Union Cabinet Minister nominated by Prime Minister
Legal basis	Judicial direction under Article 142 pending legislation	Parliamentary statute under Article 324(2)
Status	Interim arrangement	Statutory framework

8.3 The 2026 Constitutional Challenge

As of October 2026, the constitutionality of important provisions of the 2023 appointment framework remains under judicial consideration. Challenges have particularly focused on Section 7 and the replacement of the Chief Justice of India by a Union Cabinet Minister nominated by the Prime Minister.

In September 2026, a two-judge Supreme Court Bench differed on whether the matter required reference to a larger Constitution Bench and directed that the issue be placed before the Chief Justice for appropriate constitution of a Bench. Accordingly, the original draft's suggestion that the controversy was merely a past debate should be updated: the legality and constitutional implications of the 2023 selection mechanism remain live issues.

9. Contemporary Frontiers of Electoral Governance

9.1 EVM and VVPAT Auditability

In Association for Democratic Reforms v. Election Commission of India, decided on 26 April 2024, the Supreme Court rejected pleas seeking 100 percent VVPAT verification or a return to paper ballots. The Court examined the safeguards surrounding EVM-VVPAT technology and did not accept the claim that universal physical verification was constitutionally required. The case is therefore best described as affirming the existing system subject to safeguards, rather than as declaring electoral technology beyond judicial scrutiny.

Subsequent proceedings also demonstrate that EVM verification remains an evolving area of electoral administration. The policy lesson is that technological integrity requires auditability, chain-of-custody safeguards, transparent procedures, technical testing and public communication.

9.2 Electoral Bonds and Political Finance

In Association for Democratic Reforms v. Union of India, (2024) 5 SCC 1; 2024 INSC 113, the Supreme Court unanimously struck down the Electoral Bonds Scheme and related statutory changes that facilitated anonymity in political contributions. The Court held that voters' right to information under Article 19(1)(a) extends to information concerning political funding and that the scheme did not satisfy constitutional requirements of proportionality and transparency.

The judgment is highly relevant to the ECI because political-finance transparency is closely connected with electoral equality, informed voting and institutional trust. However, it should not be stated that the Court simply declared all anonymous political donations unconstitutional in every conceivable form; the judgment addressed the statutory scheme and amendments under challenge.

9.3 Digital Campaigns, AI and Deepfakes

Digital campaigning creates challenges that were largely absent from the electoral environment in which the MCC developed. Synthetic media, deepfakes, algorithmic targeting, coordinated disinformation, encrypted messaging and rapid viral distribution can compress the time available for detection and

correction. The ECI's regulatory response therefore requires cooperation with digital platforms, rapid fact-checking channels, transparent political advertising practices, preservation of evidence, and coordination with applicable statutory and criminal-law frameworks.

At the same time, regulation must respect constitutional freedoms. Measures directed at misinformation should be carefully distinguished from legitimate political criticism, satire, political advocacy and journalistic expression. The objective should be to protect electoral integrity without creating an unrestricted censorship power**.**

10. Critical Evaluation and Structural Reform

The ECI's constitutional status provides an important degree of institutional independence, but constitutional status alone cannot guarantee impartiality. Appointment, tenure, financial autonomy, transparency, reasons for important decisions, professional capacity and public confidence are all components of institutional legitimacy.

10.1 Equalisation of Removal Protection

A possible reform is to extend stronger and more uniform security of tenure to all members of the Commission. Such a reform would reduce the possibility that a Commissioner could perceive removal vulnerability as an institutional pressure. Any such amendment, however, should also establish a credible accountability mechanism so that independence does not become immunity.

10.2 Independent Appointment Architecture

The appointment process should aim at broad institutional confidence. Possible models include a selection body with meaningful executive and opposition representation and an independent member or other constitutionally appropriate safeguard. The precise design is a matter for Parliament and constitutional adjudication, particularly while the 2023 Act is under challenge.

10.3 Financial and Administrative Autonomy

The original draft incorrectly treated direct charge on the Consolidated Fund of India as an already established constitutional analogue that could simply be extended by ordinary legislation. A stronger formulation is that financial autonomy may be considered as a constitutional reform. Parliament could examine whether some or all ECI expenditure should receive enhanced protection against executive financial dependence, while maintaining appropriate legislative accountability.

10.4 Transparency and Reasoned Decision-Making

Important ECI decisions should, where the nature of the proceeding permits, contain clear reasons sufficient to enable public understanding and judicial review. At the same time, the Commission must preserve confidential information, personal data, security-sensitive material and the integrity of ongoing electoral operations. A balanced transparency framework is therefore preferable to either complete secrecy or indiscriminate disclosure.

11. Conclusion

The Election Commission of India occupies a central place in the constitutional architecture of representative democracy. Its authority derives not merely from administrative convenience but from Article 324 and the larger constitutional commitment to free and fair elections. The Supreme Court's jurisprudence, particularly Mohinder Singh Gill and T.N. Seshan, establishes that the Commission possesses substantial residual authority and operates as a collegial constitutional institution rather than as a personal domain of the CEC.At the same time, the Commission's independence must be understood together with legality and accountability. Article 324 does not permit the Commission to override Parliament, disregard constitutional limitations or transform administrative discretion into unreviewable power. Its broad authority is legitimate because it is directed toward protecting the electoral process and remains subject to constitutional and judicial constraints.

The institutional asymmetry between the CEC and other Election Commissioners remains one of the most important structural questions. The CEC's Supreme-Court-judge-like removal protection is designed to shield the head of the Commission from executive retaliation, while other Commissioners depend upon the CEC's recommendation for protection against removal. In a modern three-member Commission in which decisions are ordinarily collegial and may be taken by majority, the continuing justification for unequal tenure protection deserves sustained constitutional debate.The appointment controversy has likewise entered a new phase. Anoop Baranwal responded to the legislative vacuum with an interim judicial arrangement, while Parliament subsequently enacted the 2023 statute and replaced the CJI on the selection committee with a Union Cabinet Minister nominated by the Prime Minister. As of October 2026, challenges to that statutory design remain before the Supreme Court and the matter has been directed toward consideration by a larger Bench. The legal position should therefore be described as unsettled rather than conclusively resolved.

Finally, electoral governance is being transformed by technology. EVMs and VVPATs, digital campaigning, artificial intelligence, deepfakes, online political advertising and new forms of political

finance require the Commission to combine constitutional principle with technological competence. The objective should not be to eliminate every risk—an impossible standard—but to construct an electoral system in which manipulation is difficult, detection is credible, remedies are timely, and citizens retain confidence in the integrity of the vote.The future of India's electoral democracy will therefore depend upon a careful equilibrium: a Commission strong enough to act when the law is silent, restrained enough to respect law and rights, independent enough to resist political pressure, and accountable enough to justify its decisions. Strengthening that equilibrium is the most sustainable route to preserving the legitimacy of universal adult suffrage and constitutional democracy.

References

1. Anoop Baranwal v. Union of India, (2023) 6 SCC 161.
2. Association for Democratic Reforms v. Election Commission of India, 2024 INSC 341.
3. Association for Democratic Reforms v. Union of India, (2024) 5 SCC 1; 2024 INSC 113.
4. Austin, G. (1966). The Indian Constitution: Cornerstone of a nation. Oxford University Press.
5. Basu, D. D. (n.d.). Commentary on the Constitution of India. LexisNexis.
6. Brundaban Nayak v. Election Commission of India, AIR 1965 SC 1892.
7. Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, Act No. 49 of 2023 (India).
8. Common Cause v. Union of India, (1996) 2 SCC 752.
9. Conduct of Elections Rules, 1961 (India).
10. Constitution of India, 1950.
11. Dinesh Goswami Committee on Electoral Reforms. (1990). Report of the Committee on Electoral Reforms. Government of India.
12. Election Commission of India v. Ashok Kumar, (2000) 8 SCC 216.
13. Election Symbols (Reservation and Allotment) Order, 1968 (India).
14. Indira Nehru Gandhi v. Raj Narain, 1975 Supp SCC 1.
15. Judges (Inquiry) Act, 1968 (India).
16. Law Commission of India. (2015). Electoral reforms (Report No. 255). Government of India.
17. Mohinder Singh Gill v. Chief Election Commissioner, (1978) 1 SCC 405.
18. N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, AIR 1952 SC 64.
19. National Commission to Review the Working of the Constitution. (2002). Report of the National Commission to Review the Working of the Constitution. Government of India.

20. People's Union for Civil Liberties v. Union of India, (2013) 10 SCC 1.
21. Representation of the People Act, 1950 (India).
22. Representation of the People Act, 1951 (India).
23. Sadiq Ali v. Election Commission of India, (1972) 4 SCC 664.
24. Seervai, H. M. (1991). Constitutional law of India: A critical commentary (4th ed.). Universal Book Traders.
25. S.S. Dhanoa v. Union of India, (1991) 3 SCC 567.
26. T.N. Seshan, Chief Election Commissioner of India v. Union of India, (1995) 4 SCC 611.
27. Union of India v. Association for Democratic Reforms, (2002) 5 SCC 294.