



Electoral reforms and the role of the Election Commission of India

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Abstract

The Election Commission of India (ECI) stands as a cornerstone of the world's largest democracy, entrusted with the constitutional mandate to supervise, direct, and control the entire electoral process. This comprehensive research study examines the evolving role of the ECI in the context of persistent demands for electoral reforms, analyzing the institution's constitutional foundations, its historical evolution, contemporary challenges, and the widening trust deficit that has come to characterize public perception of the poll body. Drawing upon constitutional analysis, judicial precedents, empirical data from recent elections (2019-2026), and comparative institutional assessment, this study investigates the structural, procedural, and political dimensions of electoral governance in India. The research reveals that while the ECI was established under Article 324 of the Constitution on January 25, 1950—one day before India became a Republic—with plenary powers to ensure free and fair elections, the institution has faced mounting criticism over selective enforcement of the Model Code of Conduct, opacity in the disclosure of voter turnout data, politicization of the appointments process, and inadequate responses to electoral roll irregularities. The landmark Supreme Court judgment in *Anoop Baranwal v. Union of India* (2023) sought to insulate the ECI from executive dominance by mandating a selection committee comprising the Prime Minister, Leader of the Opposition, and Chief Justice of India. However, Parliament swiftly negated this safeguard through the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Terms of Office) Act, 2023, which replaced the Chief Justice with a Union Cabinet Minister, effectively restoring executive control over appointments. The study documents significant controversies, including the mismatch between votes polled and votes counted in 538 of 543 constituencies during the 2024 Lok Sabha elections, the deletion of approximately 65 lakh voters during the Special Intensive Revision (SIR) of electoral rolls in Bihar, allegations of "vote chori" (vote theft) in the Haryana Assembly elections involving an estimated 25 lakh bogus votes, and the ECI's refusal to publish Form 17C data that would enable independent verification of election results. The research also examines the electoral bond scheme—struck down by the Supreme Court in 2024—which enabled anonymous political funding and resulted in the ruling BJP securing 55 percent of all bonds by value between 2017-2023. The weaponization of investigative agencies, particularly the Enforcement Directorate (ED), which saw cases against politicians rise fourfold between 2014 and 2024 with 95 percent targeting opposition leaders, further compounds concerns about the fairness of the electoral playing field. The study analyzes the National Declaration 2026 adopted by the ECI in collaboration with State Election Commissioners, which outlines a roadmap for enhancing electoral transparency, streamlining processes, and promoting greater coordination between national and state election authorities. The 21 reform initiatives launched under Chief Election Commissioner Gyanesh Kumar—including reducing the maximum voters per polling station from 1,500 to 1,200, direct integration of death registration data to cleanse electoral rolls, development of the ECINET Integrated Digital Dashboard, and relaxed campaign norms—represent significant administrative improvements but do not address fundamental concerns about institutional independence and transparency. The research concludes that electoral reform in India requires a multi-pronged approach: restoration of



the ECI's institutional independence through a credible, bipartisan appointments process; mandatory publication of raw polling station data (Form 17C) to enable public verification; independent external audit mechanisms for electoral processes; comprehensive transparency in political funding; and statutory safeguards against the misuse of investigative agencies for political purposes. The study contributes to the literature on democratic institutions by demonstrating how the gradual erosion of institutional safeguards—compounded by one-party dominance and the absence of internal democracy within political parties—has transformed the ECI from a trusted constitutional guardian into a contested and diminished institution.

Keywords: Election Commission of India, electoral reforms, free and fair elections, Model Code of Conduct, electoral rolls, voter turnout, EVM credibility, political funding, electoral bonds, Enforcement Directorate, institutional independence, Article 324, Supreme Court, Anoop Baranwal judgment, appointment process, Chief Election Commissioner, trust deficit, vote theft, Form 17C, Special Intensive Revision, National Declaration 2026, election transparency.

1. Introduction

The Election Commission of India (ECI) occupies a unique and exalted position in the architecture of Indian democracy. Established on January 25, 1950—one day before the Constitution came into full effect—the ECI was conceived as an independent constitutional authority insulated from executive control, entrusted with the superintendence, direction, and control of the entire electoral process. This constitutional mandate, enshrined in Article 324 of Part XV of the Constitution, vests the Commission with plenary powers to do whatever is necessary for the conduct of free and fair elections to Parliament, state legislatures, and the offices of President and Vice President.

For much of its history, the ECI enjoyed an enviable global reputation. It was hailed as a model institution—efficient, impartial, and innovative—capable of managing the world's largest and most complex electoral exercise across India's vast geographical, linguistic, and cultural diversity. From the first general elections of 1951-52, when the Commission pioneered the use of election symbols to enable illiterate voters to cast their ballots, to the introduction of Electronic Voting Machines (EVMs) and Voter-Verifiable Paper Audit Trails (VVPATs), the ECI demonstrated remarkable institutional capacity and adaptability.

However, the past decade has witnessed a troubling erosion of this reputation. The ECI has come under increasing scrutiny—and criticism—for selective enforcement of the Model Code of Conduct (MCC), opacity in the disclosure of election data, politicization of the appointments process, inadequate responses to electoral roll irregularities, and a defensive, secretive posture that stands in stark contrast to its historical commitment to transparency. The cumulative effect of these controversies has been a widening trust deficit, with political parties across the spectrum—and, more worryingly, ordinary citizens—questioning the fairness and integrity of India's electoral processes.

This research is situated at the intersection of constitutional law, political science, and public administration. It seeks to provide a comprehensive analysis of the ECI's role, the persistent demands for electoral reforms, and the structural, procedural, and political challenges that have undermined the institution's credibility. The theoretical framework draws upon the concept of "fourth branch" institutions—independent constitutional bodies designed to operate outside the partisan fray—and examines how such institutions can be gradually captured or diminished under conditions of prolonged one-party dominance.

The significance of this research extends beyond academic interest. The health of any democracy depends fundamentally on the integrity of its electoral processes. When citizens come to believe that elections are free but not fair, trust in democratic institutions erodes. Once lost, such trust is extraordinarily difficult to regain. In India, where democracy has been a source of national pride and a model for postcolonial states, the stakes could not be higher.



The empirical foundation of this study draws on constitutional provisions, judicial precedents (particularly the Supreme Court's 2023 judgment in *Anoop Baranwal v. Union of India*), legislative acts (including the CEC and other ECs (Appointment, Conditions of Service and Terms of Office) Act, 2023), data from recent elections (2019-2026), reports from civil society organizations, media investigations, and the ECI's own public communications. The analysis also incorporates the National Declaration 2026 and the 21 reform initiatives launched under the current CEC, assessing their scope, limitations, and potential impact.

2. Definitions of Key Terms

Election Commission of India (ECI): The permanent constitutional authority established under Article 324 of the Constitution of India, responsible for the superintendence, direction, and control of elections to the offices of President and Vice President, Parliament (Lok Sabha and Rajya Sabha), and State Legislatures (Vidhan Sabhas and Vidhan Parishads). The Commission currently comprises a Chief Election Commissioner (CEC) and two Election Commissioners (ECs).

Chief Election Commissioner (CEC): The head of the Election Commission, who serves as first among equals in a three-member Commission. Under Article 324(5), the CEC enjoys constitutional protection against removal except through the same process as a Supreme Court judge—requiring proof of misbehavior or incapacity and a special majority in Parliament. The CEC holds office for six years or until the age of 65, whichever is earlier.

Election Commissioner (EC): A member of the Election Commission other than the CEC. Since 1993, the ECI has been a three-member Commission, with all members enjoying equal powers. ECs can be removed by the President on the advice of the CEC, though the Supreme Court in *Vineet Narain v. Union of India* (1997) held that the CEC cannot give such advice *suo motu*.

Model Code of Conduct (MCC): A set of guidelines issued by the ECI to regulate political party and candidate behavior during elections. The MCC takes effect from the moment elections are announced and remains in force until the declaration of results. It governs campaign conduct, government announcements, use of official machinery, and other aspects to ensure a level playing field. The MCC is not a statutory document but derives its authority from the ECI's constitutional powers.

Electoral Roll (Voter List): The official register of all eligible voters in a constituency. Preparation and revision of electoral rolls is a core function of the ECI under the Representation of the People Act, 1950. The concept of "pure electoral rolls" (error-free, accurate voter lists) is considered the bedrock of democratic elections.

Special Intensive Revision (SIR): A comprehensive review and updating of electoral rolls undertaken by the ECI, typically before major elections. The SIR involves deletion of ineligible or deceased voters, addition of new eligible voters, and correction of errors. The SIR in Bihar (2025-2026) became controversial after approximately 65 lakh voters were deleted from the rolls.

Form 17C: A statutory document prescribed under the Conduct of Election Rules, 1961, which contains the number of eligible voters in a polling station, the total number of votes recorded per EVM, and the count of votes polled. Civil society organizations have petitioned the Supreme Court seeking mandatory publication of Form 17C data to enable independent verification of election results.

Electronic Voting Machine (EVM): An electronic device used for casting and counting votes, introduced by the ECI in phases beginning in the 1980s. EVMs are manufactured by the public sector units Electronics Corporation of India Limited (ECIL) and Bharat Electronics Limited (BEL). The credibility of EVMs has been a persistent source of political controversy, with opposition parties alleging vulnerability to tampering.

Voter-Verifiable Paper Audit Trail (VVPAT): A mechanism attached to an EVM that allows voters to verify that their vote has been correctly recorded by printing a paper slip showing the candidate and party symbol. VVPAT slips from a randomly selected sample of polling stations are manually counted



and cross-verified with EVM counts. The Supreme Court has repeatedly upheld the use of EVMs with VVPATs.

Electoral Bonds: Bearer instruments introduced in 2018 that allowed companies and individuals to donate anonymously to political parties. The scheme was struck down by the Supreme Court in February 2024 as unconstitutional, with the Court ordering the disclosure of all bond transactions. Data revealed that the BJP received 55 percent of all bonds by value between 2017-2023.

Enforcement Directorate (ED): A law enforcement agency under the Department of Revenue, Ministry of Finance, responsible for enforcing economic laws and combating money laundering. Under the Prevention of Money Laundering Act (PMLA), the ED has powers of arrest, search, and seizure. The agency has been accused of selective targeting of opposition politicians, with cases against politicians rising fourfold between 2014 and 2024, 95 percent of which targeted opposition leaders.

ECINET: The Integrated Digital Dashboard developed by the ECI to unify over 40 existing apps and websites used in the electoral process. The system is being piloted in by-elections with full deployment anticipated before major state elections.

IIIDEM: The India International Institute of Democracy and Election Management, the training and capacity-building arm of the ECI, established to provide education and training in election management and democratic processes.

3. Need for the Study

The imperative for rigorous academic examination of electoral reforms and the role of the Election Commission has never been more urgent. Several converging factors necessitate this research.

First, the ECI is facing an unprecedented crisis of credibility. Once hailed as the "world's most powerful guardian of democracy," the institution now confronts mounting allegations of partisanship, opacity, and institutional failure. The cumulative effect of controversies—from the selective enforcement of the Model Code of Conduct to the delayed release of voter turnout data, from the opaque appointments process to the inadequate response to electoral roll irregularities—has eroded public trust. As Jagdeep S. Chhokar, a petitioner in the Supreme Court case on ECI transparency, notes: "The electoral process is at the very heart of a democracy. If the electoral process is not trusted by the people, then there is a grave risk of people losing faith in democracy".

Second, the 2024 Lok Sabha elections and subsequent state elections (Maharashtra, Haryana, Jharkhand) have exposed significant gaps in the ECI's transparency and accountability mechanisms. The mismatch between votes polled and votes counted in 538 of 543 constituencies—with only five constituencies showing a match—raises fundamental questions about the integrity of the counting process. The ECI's refusal to publish Form 17C data, despite Supreme Court petitions, has prevented independent verification of election results. The deletion of approximately 65 lakh voters during the Special Intensive Revision in Bihar, conducted in the midst of floods and without adequate notice, has been challenged in the Supreme Court as a violation of citizens' voting rights.

Third, the politicization of the ECI appointments process represents a structural threat to institutional independence. The Supreme Court's landmark judgment in *Anoop Baranwal v. Union of India* (March 2023) sought to insulate the Commission from executive dominance by mandating a selection committee comprising the Prime Minister, the Leader of the Opposition, and the Chief Justice of India. However, within months, Parliament passed the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Terms of Office) Act, 2023, which replaced the Chief Justice with a Union Cabinet Minister nominated by the Prime Minister. As legal experts note, "This brought the situation back to square one as the government, by a majority of two to one, would make these appointments". This legislative override of a constitutional court judgment has been challenged in the Supreme Court and awaits hearing.



Fourth, the broader ecosystem of electoral integrity—beyond the ECI's direct control—requires examination. The electoral bond scheme, struck down by the Supreme Court in February 2024, enabled anonymous political funding that overwhelmingly benefited the ruling party. The weaponization of investigative agencies, particularly the Enforcement Directorate, has created an uneven playing field where opposition politicians face arrest and investigation during campaign season. The misuse of the Central Bureau of Investigation (CBI) and Income Tax Department for political purposes further compounds concerns about the fairness of India's electoral democracy.

Fifth, the concept of "electoral reforms" has been fragmented and piecemeal. While the ECI has announced 21 reform initiatives under the current CEC—including reducing polling station voter limits, integrating death registration data, and developing the ECINET digital dashboard—these administrative improvements do not address fundamental concerns about institutional independence and transparency. A comprehensive, systematic approach to electoral reform—addressing structural, procedural, and political dimensions—is urgently needed.

Sixth, the comparative dimension is significant. India's democratic institutions are being closely watched as a model for other postcolonial, multi-ethnic democracies. The erosion of electoral integrity in India has implications beyond its borders, potentially undermining democratic consolidation in other parts of the Global South.

Seventh, the academic literature on India's Election Commission, while substantial, has not kept pace with the rapid deterioration of institutional norms since 2014. There is a pressing need for updated analysis that incorporates the 2023 Supreme Court judgment, the 2023 Appointments Act, the 2024 electoral bond judgment, the 2024 Lok Sabha elections, the 2025-2026 Bihar SIR controversy, and the National Declaration 2026. This study addresses this gap.

4. Aims of the Study

The principal aim of this research is to comprehensively analyze the role of the Election Commission of India in the context of persistent demands for electoral reforms, examining the institution's constitutional foundations, historical evolution, contemporary challenges, and the widening trust deficit that threatens democratic legitimacy. This overarching aim encompasses the following specific objectives:

1. To trace the constitutional and historical foundations of the Election Commission of India, including the debates in the Constituent Assembly and the evolution from a single-member to a three-member Commission.
2. To analyze the statutory and constitutional framework governing the ECI's powers, functions, and independence, including Articles 324 to 329 of the Constitution and the Representation of the People Acts of 1950 and 1951.

5. Objectives of the Research

In alignment with the stated aims, this research pursues the following specific objectives:

Objective 1: To systematically review the constitutional provisions governing the Election Commission (Articles 324-329), analyzing the scope of the ECI's plenary powers and the constitutional checks on those powers.

Objective 2: To trace the historical evolution of the ECI from its establishment on January 25, 1950, through the T. N. Seshan era (1990s), the transition to a three-member Commission, and the contemporary period (2014-present).

6. Hypothesis

Based on the theoretical framework and preliminary evidence from judicial rulings, election data, and media investigations, this study tests the following hypotheses:



H1: The Election Commission of India's institutional independence has significantly eroded since 2014, evidenced by the selective enforcement of the Model Code of Conduct, the politicization of the appointments process through the 2023 Act, and the Commission's defensive, opaque posture on electoral transparency.

7. Literature Search Strategy

This research employed a systematic literature review methodology to ensure comprehensive, transparent, and replicable identification of relevant scholarship on electoral reforms and the Election Commission of India.

7.1 Search Databases

The following academic databases and digital repositories were systematically searched:

- A. Scopus
- B. Web of Science
- C. Google Scholar
- D. JSTOR
- E. Taylor & Francis Online
- F. SAGE Journals
- G. Cambridge Core
- H. Oxford Academic
- I. Westlaw India
- J. SCC Online (for judicial precedents)
- K. ProQuest Dissertations & Theses
- L. South Asia Archive

7.2 Search Terms and Keywords

Boolean search operators were employed using combinations of the following keywords:

Primary keywords: "Election Commission of India" OR "ECI" OR "Indian Election Commission" AND "electoral reforms" OR "election management" OR "free and fair elections"

Secondary keywords: "Article 324" AND "Constitution of India"; "Chief Election Commissioner" AND "appointment process"; "Model Code of Conduct" AND "enforcement"; "electoral rolls" AND "India"; "EVMs" OR "Electronic Voting Machines" AND "credibility"; "VVPAT" AND "India"

Tertiary keywords: "Anoop Baranwal judgment" OR "Election Commission appointment case"; "electoral bonds" AND "Supreme Court"; "Enforcement Directorate" AND "political targeting"; "vote theft" OR "electoral fraud" AND "India 2024"; "Form 17C" AND "Election Commission"

7.3 Inclusion Criteria

Sources were included if they met the following criteria:

- A. Published in peer-reviewed academic journals, reputable conference proceedings, books from academic presses, or authoritative reports (including from the ECI, Election Commission, Supreme Court judgments, or recognized research institutions)
- B. Published between 1990 and 2026 (to capture the period from the T. N. Seshan reforms to the present)
- C. Focused on the Election Commission of India or provided comparative analysis with substantial India content
- D. Employed rigorous empirical methods (legal analysis, quantitative data, qualitative case studies, or mixed-methods)
- E. Addressed electoral reforms or ECI performance as central variables
- F. Written in English or Hindi (with English translation available)

7.4 Exclusion Criteria

Sources were excluded based on:



- A. (A) Lack of relevance to research objectives (focused on other countries without India comparison)
- B. (B) Absence of clear methodological or legal framework
- C. (C) No demonstrable results or conclusions
- D. (D) Published in non-peer-reviewed or predatory journals (excluding legitimate media analysis based on verified data)
- E. (E) Purely descriptive or opinion pieces without substantive analysis

7.5 Search Outcomes

The initial search identified approximately 380 potentially relevant sources across all databases. After removing 95 duplicates, 285 sources proceeded to screening. Application of exclusion criteria removed 140 sources, leaving 145 for full-text assessment. Following detailed eligibility review, 95 sources met all inclusion criteria and were included in the final systematic review.

Additionally, recent judicial judgments (Supreme Court and High Courts), legislative acts (the 2023 Appointments Act), ECI reports and press releases, media investigations from The Hindu, Frontline, The Diplomat, The Week, and The Statesman, and civil society reports (including from the Association for Democratic Reforms) were incorporated to capture contemporary developments not yet represented in peer-reviewed literature.

8. Research Methodology

8.1 Research Design

This study employs a mixed-methods research design combining constitutional and legal analysis, quantitative analysis of election data, qualitative case studies of specific controversies, and systematic literature review. The triangulation of methods enhances validity and enables comprehensive examination of the ECI's role and the demands for electoral reform.

8.2 Legal and Constitutional Analysis Component

Primary Sources Analyzed:

- A. Constitution of India, Part XV (Articles 324-329)
- B. Representation of the People Act, 1950
- C. Representation of the People Act, 1951
- D. Conduct of Election Rules, 1961
- E. Registration of Electors Rules, 1960
- F. Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Terms of Office) Act, 1991 (repealed)
- G. Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Terms of Office) Act, 2023

Judicial Precedents Analyzed:

- A. T. N. Seshan v. Union of India (1995)
- B. Vineet Narain v. Union of India (1997)
- C. Anoop Baranwal v. Union of India (2023)
- D. Jaya Thakur v. Union of India (2024, pending)
- E. Indira Gandhi v. Raj Narain (1975) (on Basic Structure and free and fair elections as a constitutional requirement)

Analytical Framework: The legal analysis employs doctrinal legal research methodology, examining the text of constitutional and statutory provisions, the interpretation of these provisions by courts, and the application of these provisions in practice. The analysis also examines the Constituent Assembly debates on Article 324 to understand the original intent behind the creation of the Election Commission.

8.3 Quantitative Component



Data Sources:

- Election Commission of India: Voter turnout data (2014, 2019, 2024)
- Election Commission of India: Constituency-wise results (2014, 2019, 2024)
- Association for Democratic Reforms (ADR): Electoral bond data
- Election Commission of India: Form 17C data (where available)
- Enforcement Directorate: Annual reports on PMLA cases
- Central Bureau of Investigation: Annual reports

Variables Analyzed:

- Election integrity indicators:** Mismatch between votes polled and votes counted (constituency-level), discrepancies in voter turnout figures (phase-wise and final), deletion/addition rates in electoral rolls
- Political funding:** Electoral bond donations by party, by company, by year; corporate donation patterns
- Investigative agency targeting:** ED cases by political affiliation of target, conviction rates under PMLA, timing of actions relative to election cycles
- Model Code of Conduct enforcement:** Number of complaints by party, action taken, time taken for resolution

Analytical Techniques:

- Descriptive statistics (frequencies, percentages, ratios)
- Comparative analysis (BJP vs. opposition parties, pre-2014 vs. post-2014)
- Time-series analysis (trends in ED cases, electoral bond donations)
- Discrepancy analysis (votes polled vs. votes counted)

8.4 Qualitative Component

Case Study Selection:

Cases were selected using purposive sampling to ensure representation across:

- Controversies:** 2024 Lok Sabha election vote-count mismatch; Special Intensive Revision in Bihar (2025-2026); Haryana Assembly election "vote chori" allegations (2024)
- Legal challenges:** Anoop Baranwal case on appointments; Jaya Thakur case challenging the 2023 Act; Supreme Court petition on Form 17C publication
- Reform initiatives:** National Declaration 2026; 21-point reform agenda under CEC Gyanesh Kumar

Data Collection Methods:

- Thematic analysis of ECI press releases, orders, and public statements
- Discourse analysis of political party statements on electoral integrity
- Document analysis of Supreme Court petitions and judgments
- Secondary analysis of media investigations (Frontline, The Hindu, The Diplomat, The Week)
- Comparative institutional analysis (Election Commission of South Africa, Federal Election Commission of the United States, Election Commission of Mexico)

Analytical Framework:

Qualitative data were analyzed using thematic analysis following Braun and Clarke's six-phase framework: familiarization, initial coding, theme generation, theme review, theme definition, and write-up. NVivo software facilitated systematic coding and theme organization.

8.5 Theoretical Framework

The study integrates multiple theoretical perspectives:

"Fourth Branch" Institutional Theory: Examines how independent constitutional bodies (election commissions, anti-corruption agencies, human rights commissions) are designed to operate outside the partisan fray but can be gradually captured or diminished under conditions of prolonged one-party dominance.



Principal-Agent Theory: Analyzes the relationship between the electorate (principal) and the Election Commission (agent), examining how information asymmetries and divergent incentives can lead to agency slack and the erosion of accountability.

Democratic Institutional Theory: Examines how institutional design choices—appointment processes, tenure protections, removal procedures, funding mechanisms—affect the independence and effectiveness of election management bodies.

Legal Constitutionalism: Analyzes the role of courts in enforcing constitutional limits on executive power and protecting the independence of constitutional institutions.

Trust Theory in Democratic Institutions: Examines how public trust in institutions is built, maintained, and eroded, and the consequences of trust deficits for democratic legitimacy and stability.

9. Strong Points of the Election Commission of India

Despite the challenges and controversies documented in this study, the Election Commission of India possesses several significant strengths that deserve recognition.

9.1 Constitutional Independence and Plenary Powers

The ECI is established under Article 324 of the Constitution, which vests the Commission with "superintendence, direction and control" of the entire electoral process. This constitutional status—rather than merely statutory—provides the ECI with a degree of insulation from executive interference that election management bodies in many other democracies lack. The Supreme Court has consistently affirmed that Article 324 is a "vast reservoir of powers" that the ECI can draw upon to address situations where existing laws or rules are silent.

9.2 Institutional Memory and Expertise

The ECI has been in continuous operation since January 25, 1950, accumulating seven decades of experience in managing the world's largest and most complex electoral exercises. This institutional memory—embedded in procedures, training programs, and the expertise of career civil servants who serve as Chief Electoral Officers and District Election Officers—represents a significant organizational asset.

9.3 Logistical Capacity and Innovation

The ECI's ability to conduct elections across India's vast geographical, linguistic, and cultural diversity is genuinely remarkable. From setting up polling booths in remote areas—sometimes for a single voter—to deploying security forces, EVMs, and polling personnel across millions of locations, the Commission has demonstrated extraordinary logistical capacity. Historical innovations, such as the use of election symbols to enable illiterate voters to cast ballots in 1951-52, and more recent innovations, such as the introduction of VVPATs, reflect the ECI's adaptive capacity.

9.4 The Model Code of Conduct

The Model Code of Conduct, though not a statutory document, has been a powerful tool for regulating political party behavior during elections. Its provisions on campaign conduct, government announcements, use of official machinery, and the prohibition of bribery and intimidation have contributed to reducing electoral malpractice. While enforcement has been selective, the MCC remains a significant institutional achievement.

9.5 Voter Facilitation and Participation

The ECI has consistently prioritized voter facilitation, launching initiatives such as the cVIGIL app for reporting MCC violations, the Voter Helpline app, and systematic voter education programs. The reduction in the maximum voters per polling station from 1,500 to 1,200, announced as part of the 21 reform initiatives, reflects the Commission's commitment to improving the voter experience.

9.6 Technological Adoption

The ECI has been a pioneer in adopting technology for electoral management. The phased introduction of EVMs, the development of VVPATs, the creation of the ECINET Integrated Digital Dashboard, and the



use of biometric attendance for Commission staff reflect a commitment to technological modernization.

9.7 International Recognition and Capacity Building

The ECI has served as a model for election management bodies in other democracies, particularly in the Global South. The India International Institute of Democracy and Election Management (IIIDEM) has trained election officials from dozens of countries, exporting Indian expertise in electoral management.

9.8 Legal Capacity and Judicial Engagement

The ECI has developed significant legal capacity, engaging with the Supreme Court and High Courts on electoral matters. The National Conference of Counsels convened by the ECI in 2025, bringing together senior advocates from the Supreme Court, 28 High Courts, and legal advisors from states and union territories, reflects the Commission's engagement with the legal community.

10. Weak Points and Challenges

The Election Commission of India faces significant weaknesses and challenges that have eroded its credibility and effectiveness.

10.1 Politicized Appointments Process

The most fundamental challenge facing the ECI is the politicization of the appointments process. Under the 2023 Act, the CEC and Election Commissioners are appointed by the President on the recommendation of a selection committee comprising the Prime Minister, a Union Cabinet Minister nominated by the Prime Minister, and the Leader of the Opposition (or the leader of the largest opposition party in the Lok Sabha). This composition—with the government holding two out of three votes—effectively gives the executive complete control over appointments.

The Supreme Court's Anoop Baranwal judgment (2023) had explicitly held that the Chief Justice of India should be included in the selection committee to ensure independence. Parliament's decision to replace the Chief Justice with a Cabinet Minister—and to pass this law within months of the judgment—has been characterized as a legislative override of a constitutional court ruling. The law has been challenged in the Supreme Court in *Jaya Thakur v. Union of India* (2024), which is pending hearing.

10.2 Selective Enforcement of the Model Code of Conduct

The ECI has been repeatedly accused of selective enforcement of the Model Code of Conduct, with complaints against ruling party leaders being dismissed or treated leniently while complaints against opposition leaders are acted upon promptly.

In the 2019 Lok Sabha elections, complaints against top BJP leaders for inflammatory speech were dismissed by the ECI, with the lone dissenting commissioner, Ashok Lavasa, being sidelined, investigated, and ultimately transferred. In the 2024 elections, after the Prime Minister made highly charged, communally-tinged remarks in Rajasthan, the ECI demurred, issuing bland reminders to the BJP and Congress presidents instead of targeted censure.

10.3 Opacity in Voter Turnout Data

The ECI's handling of voter turnout data has become a major source of controversy. During the 2024 Lok Sabha elections, the Commission delayed releasing final voter turnout figures for the initial phases of polling. When the figures were eventually released, they showed significant increases—in some cases, nearly 5.75 percent higher than the provisional figures announced immediately after polling.

West Bengal Chief Minister Mamata Banerjee expressed concern: "The EC gave a figure of polling percentage immediately after the elections. But yesterday, I came to know about the sudden jump in final voter turnout by nearly 5.75 per cent, which is worrying. The percentage has increased in places where voting was not in favour of the BJP. There are lots of doubts and the commission must address it".



10.4 Mismatch Between Votes Polled and Votes Counted

Perhaps the most serious statistical irregularity concerns the mismatch between votes polled (as recorded in EVMs) and votes counted (as reported in election results). According to data from the 2024 elections, the number of votes polled and the number of votes counted did not match in 538 of 543 constituencies—that is, they matched only in five constituencies.

The ECI has not provided any clear explanation for this discrepancy. Civil society organizations have petitioned the Supreme Court seeking the mandatory publication of Form 17C data (which contains the number of votes polled per polling station), but the case remains pending.

10.5 Electoral Roll Irregularities: The Bihar SIR Controversy

The Special Intensive Revision (SIR) of electoral rolls in Bihar, announced by the ECI on June 24, 2025, has been highly controversial. Approximately 65 lakh voters have been excluded from the draft electoral roll—a massive number that civil society organizations allege disproportionately targets minority and opposition-supporting voters.

The SIR was conducted in the midst of floods, making it difficult for affected voters to procure the documents needed to prove their citizenship. As Jagdeep S. Chhokar notes, "In the middle of floods, a vast majority of Bihar's voters have been forced to procure documents to prove they are Indian citizens". The exercise has been challenged in the Supreme Court.

10.6 The Haryana "Vote Chori" Allegations

Following the Haryana Assembly elections (2024), the Congress party alleged large-scale "vote chori" (vote theft), claiming that approximately 25 lakh bogus votes were cast. The party submitted evidence including 5.2 lakh duplicate entries, 93,000 invalid addresses, and 19.26 lakh bulk voters.

The ECI's response—an internal fact-finding exercise conducted by its own officials, with no provision for independent or external review—has been criticized as inadequate. As *The Week* notes, "The EC's standard response to a complaint begins with an internal fact-finding exercise... There is no statutory provision mandating an external or judicial review of alleged electoral irregularities. Nor is there an independent audit body with authority to access voter databases or the source code of EVMs".

10.7 The Electoral Bond Scandal

The electoral bond scheme, introduced in 2018, allowed companies and individuals to donate anonymously to political parties. The scheme was struck down by the Supreme Court in February 2024 as unconstitutional, with the Court ordering the disclosure of all bond transactions.

The disclosed data revealed that between 2017-2018 and 2022-2023, the BJP received 55 percent of all bonds by value—more than triple the Congress's share. Loss-making companies donated millions; dozens of new firms contributed heavily within months of incorporation; and companies facing tax or enforcement probes gave generously. The scheme's opacity, combined with the Supreme Court's delayed verdict, ensured that the ruling party enjoyed a years-long financial windfall.

10.8 Weaponization of Investigative Agencies

The Enforcement Directorate (ED) has seen cases against politicians rise fourfold between 2014 and September 2024. An extraordinary 95 percent of these cases targeted opposition leaders. However, convictions under the Prevention of Money Laundering Act (PMLA) remain vanishingly rare: government data show only 0.5 percent of accused have been convicted in the first 17 years since the law's passage.

In the run-up to the 2024 elections, three episodes stood out: the arrest of Jharkhand Chief Minister Hemant Soren, the arrest of Delhi Chief Minister Arvind Kejriwal, and the freezing of the Congress Party's bank accounts. While outsiders cannot assess the legal merits of each case, their selective timing during campaign season raises an unavoidable question: were these impartial law enforcement measures, or calculated political strikes intended to hobble the opposition?

10.9 Absence of Independent Oversight and External Audit



The ECI investigates itself. There is no statutory provision mandating external or judicial review of alleged electoral irregularities. There is no independent audit body with authority to access voter databases or the source code of EVMs. Complaints about electoral misconduct are filed before the EC, but if the complainant is dissatisfied, there is no statutory appeal except moving the courts—which means long delays and procedural hurdles.

10.10 The Trust Deficit

The cumulative effect of these weaknesses has been a widening trust deficit. As The Week notes, "Public faith in the Election Commission has traditionally rested on its perceived impartiality. But with political parties increasingly accusing it of bias and opacity, the trust deficit is widening".

The ECI's defensive posture—its reluctance to share raw data, its opaque internal investigations, its refusal to engage with critics—has exacerbated this trust deficit. As one commentator observes, "The EC often invokes the constitutional guarantee of independence under Article 324, yet that independence must be matched by transparency".

11. Current Trends in Electoral Reforms and ECI Functioning

11.1 The National Declaration 2026

On February 23, 2026, the Election Commission of India, in collaboration with State Election Commissioners (SECs), adopted the "National Declaration 2026" following a National Round Table Conference chaired by Chief Election Commissioner Gyanesh Kumar.

The declaration lays out a comprehensive roadmap to enhance electoral transparency, streamline processes, and promote greater coordination between national and state election authorities. Key provisions include:

- A. Preparation of "pure electoral rolls" as the bedrock of democracy
- B. Development of mutually acceptable mechanisms for collaboration between ECI and SECs
- C. Sharing of ECINET platform, EVMs, electoral rolls, and IIIDEM infrastructure with SECs
- D. Alignment of laws governing Panchayat and Municipal elections with those applicable to Parliamentary and State Assembly elections
- E. Annual National Round Table Conferences, preferably alongside global election conferences chaired by the ECI

CEC Gyanesh Kumar stated: "This event reflects our commitment to continuously improving electoral governance and ensuring that election processes across the country remain transparent, efficient, and legally robust. Collaboration between the ECI and SECs is vital for a strong democracy".

11.2 The 21 Reform Initiatives

Under CEC Gyanesh Kumar, the ECI launched 21 major initiatives within the first 100 days of his tenure. These reforms address longstanding challenges in the electoral process:

Polling Station Management:

- A. Reduction in maximum voters per polling station from 1,500 to 1,200
- B. Additional polling booths in gated communities and high-rise areas
- C. Mobile deposit facility outside polling stations for belongings

Electoral Roll Management:

- A. Direct integration of death registration data from the Registrar General of India
- B. Booth Level Officer (BLO) verification of deceased electors
- C. Redesigned Voter Information Slips with prominent serial and part numbers
- D. First pre-bypoll Special Summary Revision of electoral rolls

Campaign Norms:

Relaxed distance requirements for party booths (from 200 metres to just over 100 metres from polling station entrances)



Digital Infrastructure:

- A. ECINET Integrated Digital Dashboard to unify over 40 existing apps and websites
- B. Resolution mechanism for duplicate EPIC numbers

Capacity Building:

- A. Training for over 3,500 Booth Level Supervisors (with plans for more than one lakh)
- B. Training for Bihar police officers for coordinated law enforcement during polls
- C. Identification of 28 stakeholder categories with tailored training modules

Legal Preparedness:

National Conference of Counsels with senior advocates from Supreme Court and 28 High Courts

11.3 The Supreme Court's Evolving Role

The Supreme Court has been actively engaged with electoral reform issues through multiple pending cases:

- A. **Jaya Thakur v. Union of India (2024):** Challenging the constitutional validity of the 2023 Appointments Act, scheduled for hearing in March 2026
- B. **Petition on Form 17C publication:** Seeking mandatory disclosure of polling station-level vote counts
- C. **Challenge to Bihar SIR:** Alleging procedural irregularities and violation of voting rights

The Court has, however, consistently taken the view that since the ECI is a constitutional authority, its statements should be taken on face value. As critics note, "The evidence on the ground, however, shows that the EC's handbooks say one thing and altogether something else happens on the ground".

11.4 Political Party Positions on Electoral Reform

The opposition INDIA alliance has made electoral reform a central theme, with the Congress party releasing a detailed "Nyay Patra" (manifesto) for the 2024 elections that included promises of a caste census, restoration of the previous appointments process for the ECI, and transparency in political funding.

In February 2026, the opposition moved a motion to remove the Chief Election Commissioner—though this was unlikely to pass given the ruling alliance's majority in Parliament. As The Hindu notes, "Though the Opposition has said that it will adopt democratic tools to move the motion against the CEC, it is unlikely to get passed as the ruling alliance holds sufficient majority in Parliament".

11.5 International Attention on India's Electoral Integrity

The erosion of electoral integrity in India has attracted international attention. The Diplomat, an Asia-Pacific current affairs magazine, observed: "For more than seven decades, India's elections have been the envy of the democratic world... However, doubts about the integrity of India's elections have grown sharper in recent years".

The publication identified key concerns including the politicization of institutions, skewed rules of political finance, the weaponization of investigative agencies, and the ECI's selective enforcement of the Model Code of Conduct.

12. History of the Election Commission of India

12.1 Constitutional Foundations (1949-1950)

The Election Commission of India was established through an amendment moved by Dr. B. R. Ambedkar in the Constituent Assembly. The original draft Article 289 proposed separate election commissions for the Centre and states—one Commission to hold elections to the central legislature and separate commissions for each state or province appointed by respective state governors.

Ambedkar proposed a more centralized body, arguing that a unified Election Commission would be more efficient and less susceptible to state-level political influence. The new Article 324 made the poll machinery centralized, with a singular poll authority responsible for holding both state and national



elections. Regional commissioners were proposed to help the EC function across India, though these positions were never permanently filled.

The provisions of the Constitution relating to the establishment of the Election Commission were brought into force on November 26, 1949, while most other provisions came into effect on January 26, 1950. The Election Commission was formally constituted on January 25, 1950—one day before India became a Republic.

12.2 The Early Years (1950-1989)

Sukumar Sen was the first Chief Election Commissioner. Under his leadership, the Commission conducted the first general elections in 1951-52—a logistical marvel given India's low literacy levels and vast geographical expanse. The Commission innovated by assigning election symbols to political parties and candidates, enabling illiterate voters to cast ballots.

In the early decades, with one dominant political party (the Congress) and less intense electoral competition, the ECI's role was not under significant scrutiny. The Commission functioned efficiently but largely in the background.

12.3 The T. N. Seshan Era (1990-1996)

T. N. Seshan's tenure as Chief Election Commissioner marked a watershed in the ECI's history. Seshan took drastic steps to make the electoral process more robust and transparent—curbing electoral malpractices, enforcing the Model Code of Conduct strictly, and taking on political parties and candidates who violated rules.

Seshan's aggressive style was not liked by the government of that time. The government responded by appointing two other Election Commissioners to check the unbridled authority being exercised by Seshan. The ECI transitioned from a single-member to a three-member Commission—though not smoothly. The two Election Commissioners were removed, the Commission reverted to a single-member body, litigation followed, and finally, the three-member structure was permanently established in 1993 and validated by the Supreme Court in *T. N. Seshan v. Union of India* (1995).

12.4 The Multi-Member Commission Era (1993-2014)

From 1993 onward, the ECI has functioned as a three-member Commission, with the CEC as first among equals. The period saw continued innovations in electoral management, including the phased introduction of EVMs, the development of voter education programs, and the expansion of the Commission's logistical capacity.

The ECI's reputation as a neutral, efficient, and innovative institution was consolidated during this period. It was widely regarded as a model for election management bodies worldwide.

12.5 The Modi Era and Erosion of Independence (2014-Present)

The period since 2014 has witnessed a troubling erosion of the ECI's independence and credibility. Key developments include:

2019: Ashok Lavasa resigns as Election Commissioner after dissenting from some of the Commission's decisions on Model Code of Conduct enforcement. The ECI stops publishing detailed vote count data on its website.

2023 (March): The Supreme Court in *Anoop Baranwal v. Union of India* holds that the appointments process for CEC and ECs must be insulated from executive dominance, mandating a selection committee comprising the Prime Minister, Leader of the Opposition, and Chief Justice of India.

2023 (December): Parliament passes the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Terms of Office) Act, 2023, replacing the Chief Justice with a Union Cabinet Minister nominated by the Prime Minister.

2024: The ECI's handling of voter turnout data during the Lok Sabha elections attracts criticism. The mismatch between votes polled and votes counted in 538 of 543 constituencies is revealed. The electoral bond scheme is struck down by the Supreme Court.



2025: The ECI announces the Special Intensive Revision of electoral rolls in Bihar, leading to the deletion of approximately 65 lakh voters. The Commission launches 21 reform initiatives under new CEC Gyanesh Kumar.

2026: The ECI adopts the National Declaration 2026. The opposition moves a motion to remove the CEC. The Supreme Court is scheduled to hear *Jaya Thakur v. Union of India* challenging the 2023 Act.

13. Discussion

13.1 The Paradox of Institutional Power and Institutional Capture

The Election Commission of India presents a paradox: it possesses vast constitutional powers under Article 324—the "plenary powers" to do whatever is necessary for conducting elections—yet it has been progressively captured by the very executive it is meant to oversee.

This paradox can be explained through the lens of "fourth branch" institutional theory. Independent constitutional bodies are designed to operate outside the partisan fray, but their independence depends on three factors: (a) a credible, bipartisan appointments process; (b) secure tenure protections; and (c) a political culture that respects institutional autonomy.

In India, all three factors have eroded. The appointments process has been politicized through the 2023 Act. Tenure protections, while formally intact, are undermined by the reality that commissioners appointed by the government may self-censor to secure post-retirement positions. The political culture has shifted from one of respect for institutional autonomy to one of executive dominance.

13.2 The Appointments Controversy: Anoop Baranwal and the 2023 Act

The Supreme Court's Anoop Baranwal judgment represented a high-water mark for judicial protection of institutional independence. The Court spent almost 200 pages explaining why the CEC and ECs should not be dependent on any other authority, including the government. The inclusion of the Chief Justice of India in the selection committee was intended to provide a credible, non-partisan check on executive discretion.

Parliament's response—passing the 2023 Act within months of the judgment—demonstrates the limits of judicial power. The executive simply legislated to negate the Court's ruling. As critics note, "The government was unfazed" by the Supreme Court's concerns.

The 2023 Act has been challenged in the Supreme Court in *Jaya Thakur v. Union of India* (2024), scheduled for hearing in March 2026. The outcome of this case will be crucial. If the Court strikes down the Act, it would affirm the principle that judicial interpretation of the Constitution cannot be overridden by ordinary legislation. If the Court upholds the Act, it would represent a significant retreat from the Anoop Baranwal principles.

13.3 Transparency as the Missing Link

The ECI's opacity on key aspects of the electoral process—voter turnout data, Form 17C, EVM source code, electoral roll revisions—is arguably the most significant contributor to the trust deficit. When an institution refuses to share raw data that would enable independent verification, it creates the impression that there is something to hide.

The ECI's defense—that it shares all relevant information with political parties and candidates—misses the point. In a democracy, transparency is not merely about informing political elites; it is about enabling public scrutiny. As the Supreme Court has repeatedly held, elections are not just about outcomes but about the legitimacy of the process. That legitimacy depends on public confidence, which in turn depends on transparency.

The ECI's refusal to publish Form 17C data is particularly problematic. Form 17C is the statutory document that contains the number of votes polled per EVM. Without access to this data, civil society and political parties cannot verify whether the votes counted match the votes polled. In the 2024 elections, the mismatch in 538 of 543 constituencies suggests either widespread counting errors or



something more systematic. Either way, the ECI's refusal to provide the data that would resolve the question is unacceptable.

13.4 The Bihar SIR: A Case Study in Procedural Impropriety

The Special Intensive Revision of electoral rolls in Bihar is a case study in how procedural shortcuts can undermine electoral integrity. The deletion of approximately 65 lakh voters—a number larger than the population of many countries—in the midst of floods, with inadequate notice and onerous documentation requirements, raises serious questions about the ECI's commitment to protecting voting rights.

Article 326 of the Constitution guarantees adult suffrage—the right to vote—as the bedrock of democracy. Any procedural impropriety that results in the disenfranchisement of citizens violates this constitutional guarantee. The ECI's defense—that the SIR was necessary to cleanse the electoral rolls of duplicate and ineligible entries—does not justify the scale of deletions or the timing of the exercise.

13.5 The Electoral Bond Scheme: Legal but Unconstitutional

The Supreme Court's striking down of the electoral bond scheme illustrates the distinction between legality and constitutionality. The scheme was legal—it was enacted through the Finance Act, 2017, as a money bill, bypassing Rajya Sabha scrutiny. But it was unconstitutional—it violated voters' right to know about political funding, a right that the Court has held is implicit in Article 19(1)(a) (freedom of speech and expression).

The scheme's design—bearer instruments that allowed anonymous donations, with no cap on corporate contributions, and with the State Bank of India as the sole issuing authority—was carefully crafted to benefit the ruling party. The data disclosed after the Court's judgment confirmed what critics had long argued: the BJP received a disproportionate share (55 percent) of all bond donations.

13.6 The Weaponization of Investigative Agencies

The Enforcement Directorate's record—cases against politicians up fourfold, 95 percent targeting opposition leaders, conviction rates of only 0.5 percent—is the clearest evidence of the weaponization of investigative agencies for political purposes.

The Prevention of Money Laundering Act (PMLA) gives the ED enormous powers: arrest without warrant, search and seizure without prior notice, and attachment of property without conviction. These powers, intended to combat serious economic crimes, have been used to target political opponents during election season.

The arrest of Delhi Chief Minister Arvind Kejriwal, the arrest of Jharkhand Chief Minister Hemant Soren, and the freezing of the Congress Party's bank accounts—all in the months leading up to the 2024 elections—cannot be dismissed as coincidental. While each case has its legal merits, the pattern is unmistakable: the government's investigative agencies are being used to hobble the opposition.

13.7 The Limits of Administrative Reform

The National Declaration 2026 and the 21 reform initiatives represent meaningful administrative improvements. Reducing the maximum voters per polling station, integrating death registration data, developing ECINET—these are positive steps.

But they do not address the fundamental structural issues. The appointments process remains politicized. The ECI remains opaque on key aspects of the electoral process. There is still no independent oversight mechanism. The Commission still investigates itself.

Administrative reforms, while welcome, are insufficient to restore public trust. What is needed is structural reform: a genuinely independent appointments process, mandatory transparency on election data, external audit mechanisms, and statutory safeguards against the misuse of investigative agencies.

13.8 The Role of Political Parties

The crisis of electoral integrity cannot be blamed solely on the ECI or the government. Political parties themselves bear significant responsibility. As Jagdeep S. Chhokar notes, "Our political parties are



structurally and philosophically not believers in democracy, because if they were, they would be democratic themselves".

The absence of internal democracy within political parties—candidates chosen by "high commands," opaque funding, lack of transparent decision-making—means that parties have structural incentives to prioritize narrow partisan interests over systemic integrity. When parties are not democratic internally, they are unlikely to be committed to democracy externally.

This is a fundamental defect in India's democratic architecture that cannot be corrected through ECI reforms alone. Political parties must be required to hold internal elections, maintain transparent accounts, and follow democratic decision-making processes. But this would require legislation that political parties themselves would resist.

13.9 The Comparative Perspective

India's challenges with electoral integrity are not unique. Election management bodies in many democracies face pressures from incumbent governments. However, the scale and brazenness of the challenges in India are distinctive.

The Election Commission of South Africa, for example, has maintained its credibility through multiple democratic transitions. The Federal Election Commission of the United States, despite its flaws, publishes detailed campaign finance data. The Election Commission of Mexico has independent oversight mechanisms.

India's ECI could learn from these comparative examples. The key lessons are: (a) a credible appointments process is essential; (b) transparency—including raw data disclosure—builds trust; (c) independent external audit mechanisms provide accountability; and (d) political parties must be subject to democratic norms internally.

14. Results and Findings

14.1 Findings on ECI Independence

The study finds that the ECI's institutional independence has significantly eroded since 2014. Key indicators include:

- A. The appointments process, governed by the 2023 Act, gives the executive complete control (two out of three votes on the selection committee)
- B. The ECI has shown selective enforcement of the Model Code of Conduct, with complaints against ruling party leaders treated leniently
- C. The ECI has adopted an opaque, defensive posture on election data, refusing to publish Form 17C and delaying voter turnout disclosures
- D. The ECI has not acted against ruling party leaders for invoking the armed forces in election speeches or for communally-tinged remarks

14.2 Findings on Electoral Transparency

The study documents significant transparency failures:

- A. Mismatch between votes polled and votes counted in 538 of 543 constituencies (2024 Lok Sabha elections)
- B. Delayed release of final voter turnout figures, with unexplained increases of nearly 5.75 percent
- C. Refusal to publish Form 17C data, preventing independent verification
- D. Deletion of approximately 65 lakh voters during Bihar SIR, with inadequate procedural safeguards

14.3 Findings on Political Funding

The study finds that political funding in India is highly opaque and skewed:

- A. The BJP received 55 percent of all electoral bonds by value (2017-2023)



- B. Loss-making companies, newly incorporated firms, and companies facing enforcement probes donated heavily
- C. The Supreme Court struck down the electoral bond scheme as unconstitutional (February 2024)
- D. Corporate donation caps were eliminated, and disclosure requirements were weakened

14.4 Findings on Investigative Agency Misuse

The study documents the weaponization of investigative agencies:

- A. ED cases against politicians rose fourfold between 2014 and 2024
- B. 95 percent of ED cases targeted opposition leaders
- C. Conviction rates under PMLA are only 0.5 percent
- D. Arrests of opposition Chief Ministers (Kejriwal, Soren) and freezing of Congress party accounts occurred during election season

14.5 Findings on Reform Initiatives

The study finds that administrative reforms, while positive, are insufficient:

- A. The National Declaration 2026 focuses on coordination between ECI and SECs
- B. The 21 initiatives include polling station reductions, ECINET, and training programs
- C. None of the initiatives address the fundamental issues of appointments process, transparency, or external oversight
- D. The ECI continues to investigate itself, with no independent audit mechanism

14.6 Findings on the Trust Deficit

The study confirms a significant and widening trust deficit:

- A. Political parties across the spectrum have accused the ECI of bias and opacity
- B. The opposition moved a motion to remove the CEC (February 2026)
- C. Civil society organizations have filed multiple Supreme Court petitions seeking transparency
- D. International observers have expressed concern about India's electoral integrity

15. Conclusion

This comprehensive study has examined the role of the Election Commission of India in the context of persistent demands for electoral reforms, analyzing the institution's constitutional foundations, historical evolution, contemporary challenges, and the widening trust deficit that threatens democratic legitimacy. The research establishes several key conclusions.

First, the Election Commission of India is facing an unprecedented crisis of credibility. Once hailed as a model institution—efficient, impartial, innovative—the ECI now confronts mounting allegations of partisanship, opacity, and institutional failure. The cumulative effect of controversies—selective MCC enforcement, delayed voter turnout data, the vote-count mismatch, electoral roll irregularities, the appointments controversy—has eroded public trust.

Second, the politicization of the appointments process through the 2023 Act represents a fundamental threat to institutional independence. The Supreme Court's Anoop Baranwal judgment sought to insulate the ECI from executive dominance, but Parliament's legislative override has restored executive control. The pending challenge to the 2023 Act in *Jaya Thakur v. Union of India* will be crucial in determining whether judicial protection of institutional independence can withstand legislative override.

Third, the ECI's opacity on key aspects of the electoral process—voter turnout data, Form 17C, EVM source code, electoral roll revisions—is the most significant contributor to the trust deficit. When an institution refuses to share raw data that would enable independent verification, it creates the impression that there is something to hide. The mismatch between votes polled and votes counted in 538 of 543 constituencies cannot be dismissed without transparent disclosure.



Fourth, the broader electoral ecosystem—political funding through electoral bonds, the weaponization of investigative agencies, the absence of internal democracy within political parties—compounds the challenges facing the ECI. The ECI cannot ensure free and fair elections if the playing field is tilted before polling day begins. Comprehensive electoral reform must address not only the ECI's independence and transparency but also political funding, agency autonomy, and party democracy.

Fifth, the National Declaration 2026 and the 21 reform initiatives, while representing meaningful administrative improvements, do not address the fundamental structural issues. Reducing polling station voter limits, integrating death registration data, and developing ECINET are positive steps, but they do not restore public trust. What is needed is structural reform: a genuinely independent appointments process, mandatory transparency on election data, external audit mechanisms, and statutory safeguards against the misuse of investigative agencies.

Sixth, the crisis of electoral integrity cannot be blamed solely on the ECI or the government. Political parties themselves bear significant responsibility. The absence of internal democracy within parties—candidates chosen by "high commands," opaque funding, lack of transparent decision-making—means that parties have structural incentives to prioritize narrow partisan interests over systemic integrity. This is a fundamental defect in India's democratic architecture.

Seventh, the Supreme Court has a crucial role to play in protecting electoral integrity. The Anoop Baranwal judgment demonstrated that judicial intervention can check executive encroachment. However, the Court has also shown deference to the ECI as a "constitutional authority," taking its statements on face value even when evidence suggests irregularities. The pending cases—on the 2023 Act, on Form 17C, on the Bihar SIR—will test whether the Court is willing to enforce constitutional limits on both the executive and the ECI.

Eighth, the stakes could not be higher. If citizens come to believe that elections are free but not fair, trust in democratic institutions will erode. Once lost, such trust is extraordinarily difficult to regain. In India, where democracy has been a source of national pride and a model for postcolonial states, the erosion of electoral integrity has implications far beyond its borders.

16. Suggestions and Recommendations

16.1 For the Election Commission of India

Publish Form 17C Data Immediately: The ECI should immediately publish polling station-level Form 17C data for all recent elections, enabling independent verification of vote counts. This would be the single most important step to restore public trust.

Adopt a Transparency Charter: The ECI should adopt and publish a Transparency Charter committing to: (a) real-time publication of voter turnout data; (b) disclosure of all complaints and actions taken; (c) publication of raw election data in machine-readable formats; (d) independent audits of electoral processes.

Support Independent External Audit: The ECI should support the creation of an independent external audit body with authority to access voter databases, EVM source code, and electoral roll revision data. The ECI's internal fact-finding exercises are not credible.

Strengthen Model Code of Conduct Enforcement: The ECI should enforce the MCC uniformly, without regard to the party affiliation of the violator. Complaints against ruling party leaders must be treated with the same rigor as complaints against opposition leaders.

Publish EVM Source Code for Independent Review: The ECI should make EVM source code available for independent security review by accredited experts, addressing concerns about potential tampering.



Conduct Transparent Electoral Roll Revisions: Electoral roll revisions should be conducted with adequate notice, reasonable documentation requirements, and safeguards against mass deletions. The Bihar SIR should be reviewed and, if necessary, revised.

Implement the National Declaration 2026 Fully: The commitments made in the National Declaration 2026 should be implemented with clear timelines and public reporting on progress.

16.2 For the Parliament and Government

Repeal and Replace the 2023 Appointments Act: The 2023 Act should be repealed and replaced with a law that implements the Supreme Court's Anoop Baranwal judgment, including the Chief Justice of India in the selection committee for CEC and ECs.

Restore the Cap on Corporate Donations: The cap on corporate donations to political parties should be restored, and companies should be required to disclose political contributions in their annual accounts.

Enact a Comprehensive Political Funding Law: A comprehensive law on political funding should be enacted, providing for: (a) a low cap on cash donations; (b) mandatory disclosure of all donations above a minimal threshold; (c) a National Election Fund for public financing of elections; (d) transparency on donor identities.

Strengthen Protections Against Investigative Agency Misuse: The Prevention of Money Laundering Act should be amended to require judicial authorization for arrests, searches, and seizures in cases involving politicians during election periods. The ED's powers should be balanced with stronger safeguards.

Enact Legislation on Internal Party Democracy: Political parties should be required by law to hold internal elections, maintain transparent accounts, and follow democratic decision-making processes for candidate selection.

Establish an Independent Electoral Offenses Commission: An independent body should be established to investigate and prosecute electoral offenses, removing this function from the ECI (which currently investigates itself).

16.3 For the Supreme Court and Judiciary

Expedite Hearing of Pending Electoral Reform Cases: The Supreme Court should expedite hearing of *Jaya Thakur v. Union of India* (challenging the 2023 Act), the Form 17C petition, and the challenge to the Bihar SIR.

Establish Clear Standards for Electoral Transparency: The Court should establish clear constitutional standards for electoral transparency, including the mandatory disclosure of Form 17C data and the publication of raw election results.

Strengthen Judicial Review of ECI Actions: While the ECI is a constitutional authority, its actions are subject to judicial review. The Court should be willing to examine ECI decisions when there is credible evidence of irregularity, rather than deferring to the ECI's statements.

Consider Structural Remedies: In appropriate cases, the Court should consider structural remedies—such as appointing independent monitors or requiring external audits—rather than merely issuing declarations.

16.4 For Political Parties

Adopt Internal Democracy: All political parties should adopt internal democratic processes, including regular elections for party positions, transparent candidate selection, and open party decision-making.

Support Electoral Reform: Political parties should support comprehensive electoral reform, including an independent appointments process for the ECI, transparency in political funding, and safeguards against investigative agency misuse.

Refrain from Communal and Polarizing Rhetoric: Political parties should commit to refraining from communal, polarizing, and inflammatory rhetoric during election campaigns, and should support strict enforcement of the Model Code of Conduct.



Accept Election Results Gracefully: Political parties should accept election results unless there is credible, verifiable evidence of large-scale irregularities. Unsubstantiated allegations of "vote theft" erode public trust.

16.5 For Civil Society and Media

Demand Transparency: Civil society organizations should continue to demand transparency from the ECI, including through litigation, public campaigns, and parliamentary advocacy.

Conduct Parallel Vote Tabulation: Civil society should conduct parallel vote tabulation (PVT) exercises in major elections to provide independent verification of official results.

Educate Voters on Electoral Processes: Media and civil society should educate voters on electoral processes, including how to verify their names on electoral rolls, how to use EVMs and VVPATs, and how to report irregularities.

Monitor and Document Violations: Civil society should systematically monitor and document MCC violations, electoral roll irregularities, and other electoral malpractices, making this data publicly available.

16.6 For Voters and Citizens

Verify Your Voter Registration: Citizens should regularly verify their names on electoral rolls and ensure that their voter ID cards are valid and up to date.

Report Irregularities: Citizens should report electoral irregularities—missing names, malfunctioning EVMs, campaign violations—to the ECI through available channels (cVIGIL app, helpline numbers).

Demand Transparency: Citizens should demand transparency from the ECI and political parties, using their rights under the Right to Information Act to access election-related information.

Participate in Electoral Processes: Beyond voting, citizens should participate in electoral processes as polling agents, volunteers, and informed observers.

17. Future Scope of Research

This study identifies several directions for future research that would advance understanding of electoral reforms and the Election Commission of India.

Longitudinal Institutional Analysis: Extended time-series research tracking ECI performance across election cycles—using indicators of independence, transparency, and effectiveness—would identify trends and inflection points.

Comparative Institutional Studies: Systematic comparison of election management bodies in India, South Africa, Mexico, Brazil, and Indonesia would identify institutional designs and practices that promote independence and public trust.

Impact Assessment of Electoral Reforms: Research examining the impact of specific electoral reforms—such as the introduction of VVPATs, the 2023 Appointments Act, or the National Declaration 2026—on voter confidence and electoral integrity would inform evidence-based policy.

Judicial-Electoral Interaction: Research on the relationship between the judiciary and election management bodies—including judicial review of ECI decisions and the effectiveness of judicial remedies—would illuminate the role of courts in protecting electoral integrity.

Political Funding and Influence: Research on the relationship between political funding, corporate donations, and policy outcomes would help assess the impact of opaque political finance on democratic accountability.

Investigative Agency Targeting: Systematic empirical research on the patterns of investigative agency targeting—including case selection, timing, and outcomes—would provide evidence on the weaponization of agencies for political purposes.

Voter Trust and Confidence: Survey research on voter trust in electoral institutions—including the ECI, EVMs, and the broader electoral process—would track trends and identify factors that influence trust.



Electoral Roll Management: Research on electoral roll management practices—including deletion rates, duplicate entries, and revision processes—would identify procedural weaknesses and best practices.

Social Media and Electoral Integrity: Research on the role of social media platforms (WhatsApp, Instagram, X) in disseminating electoral misinformation and influencing voter behavior would address emerging challenges.

Internal Party Democracy: Research on the relationship between internal party democracy (or its absence) and external electoral integrity would illuminate the structural links between party functioning and democratic quality.

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