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Embracing a bipartisan and neutral collegium-based appointment system, drawing from global best practices would fortify the autonomy of the Election Commission of India

Concerns Over Election Commissioner Appointments in India

1. Importance of the Election Commission of India (ECI)

- ECI is responsible for conducting **free and fair elections** in the world's largest democracy.
- Concerns have been raised over the **appointment process of Election Commissioners (ECs)** and its impact on the ECI's independence.

2. The Demand for a Transparent Appointment Process

- **Civil society organizations (CSOs)** and political leaders have called for a **bipartisan and transparent** selection method.
- Groups like the **Association for Democratic Reforms (ADR)** have been advocating for electoral reforms.
- ADR has filed legal challenges to bring more transparency to EC appointments.

3. Legal Battle for Electoral Reforms

- **2015:** ADR filed a petition challenging the executive's exclusive control over EC appointments.
- **2018:** The case was referred to a Constitution Bench, but hearings were delayed.
- **March 2, 2023:** In *Anoop Baranwal vs Union of India*, the Supreme Court ruled that, until Parliament enacts a law, EC appointments should be made by a committee comprising:
 - **Prime Minister**
 - **Leader of the Opposition (LoP) in Lok Sabha**
 - **Chief Justice of India (CJI)**
- The ruling aimed to reduce **executive dominance** and ensure transparency.

4. The 2023 Act and Its Controversies

- The **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023** modified the SC's ruling.



- The Act removed the CJI from the selection panel, replacing them with a **Union Cabinet Minister (nominated by the PM)**.
- The new selection panel includes:
 - **Prime Minister**
 - **Union Cabinet Minister (chosen by the PM)**
 - **Leader of the Opposition**
- **Criticism:**
 - This gives the **executive majority control**, raising concerns over impartiality.
 - Critics argue it undermines the **independence of the ECI**.

5. Judicial Review and Government Actions

- **January 2024:** ADR and other petitioners challenged the 2023 Act in the Supreme Court.
- **March 2024:** The government **appointed two new ECs** under the new selection framework, despite ongoing legal challenges.
- **February 18, 2025:** The Chief Election Commissioner (CEC) retired, and the government made **midnight appointments** of new ECs.
- **February 19, 2025:** The Supreme Court was set to hear the case but **adjourned it indefinitely**, increasing uncertainty.

6. Global Best Practices in EC Appointments

- **United States:** Appointments made by the **President with Senate approval**.
- **United Kingdom:** The **Speaker's Committee on the Electoral Commission** (cross-party body) selects members.
- **South Africa:** President appoints ECs based on **National Assembly recommendations**.
- **France:** **Joint appointments** by the President, Legislature, and Judiciary.
- **Brazil:** The **Federal Supreme Court** makes EC appointments.
- **Nepal:** President appoints CEC and ECs based on **Constitutional Council recommendations**, with a **parliamentary hearing**.

7. The Way Forward for India

- The **independence and impartiality** of the ECI must be **real and visible** to maintain public trust in elections.



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- A **bipartisan, neutral collegium-based system** should be implemented, drawing inspiration from global models.
- Reinstating the **CJI in the selection panel** would restore judicial oversight and address legal concerns.

8. Conclusion

- The **2023 Act has been criticized** for reintroducing executive control over EC appointments.
- The **Supreme Court's role in protecting democratic institutions** remains under scrutiny.
- Unless changes are made, the **issue of ECI independence remains unresolved**, affecting the credibility of India's electoral process.

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