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**STATE ELECTION COMMISSIONS OF INDIA: THE DESIRABLE
REFORMS THAT INDIA NEEDS TODAY**

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ABSTRACT

Free and fair elections are at the heart and soul of the representative form of democracy. Elections serve as a means of communications between the public and the Government. It is a process through which leaders are selected by vote for a political office. The event of elections provides the public an opportunity to choose between political alternatives. The Election Commissions has played a pivotal role in formation of India. State Election Commissions got the constitutional validity via the 73rd and 74th Amendments in 1993. The present study starts with the State Election Commission of Uttar Pradesh on various variables, including service conditions of commissioner, and so on. The study focuses on the challenge of evolving complexion of SECs in the changing environment. However, the role of various political parties and citizens and the sensitive issues of electoral reforms have to be simultaneously addressed for ensuring real democracy.

INTRODUCTION

For consolidation of democratic politics in India, the Election Commission of India (ECI) has performed a vital role since the time of its inception. It has gained a public reputation as an independent institution and has maintained that reputation, with the highest ranking of public trust and confidence amongst a range of reputed political institutions, which ultimately has given it the authority to regulate the conduct of elections. Within a limited legal framework

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made up of broad constitutional precepts the Commission has conducted its regulation of the electoral process in effective and efficient ways.

While discussing on the role and importance of electoral administration in fostering the consolidation of democracy, the Indian Election Commission has always been recognized as a politically insulated electoral regulator. Rudolph and Rudolph pointed out that the Election Commission has a key position at the heart of the new regulatory centrism of the Indian State, as an institution (alongside the presidency and the Supreme Court) which acts as an enforcer of “rules that safeguard the democratic legitimacy of the political system.”² For Mozaffar and Schedler, “good elections are impossible without effective electoral governance,” and according to Robert A. Pastor, the significance of the institutional process for electoral management has been a much-neglected factor in explaining the success or failure of the democratization process.³

Whilst most of the duties of the Election Commission are technical, the process of electoral administration can have decisive partisan implications, and decisions have to be made where political bias, or the perception of bias, can undermine the legitimacy of electoral politics. The Election Commission of India (ECI) is constituted as an independent, centralized body, with wide ranging powers stemming from its constitutional remit that range over every level of government across the federal system of India.

Elections at regular intervals constitute the signpost of democracy. These are the medium through which the attitudes, beliefs and values of the people towards their political environment are reflected. Elections provide an opportunity to the people to express their faith in the government from time to time and change it when the need arises. As Elections provide legitimacy to the authority of the government therefore free and fair elections are indispensable for the success of democracy. A number of times, the Election Commission has expressed its concern for removing the obstacles in the way of free and fair polls and has made a number of recommendations that there is a necessity to change the relevant laws in order to check the electoral malpractices. The Tarkunde Committee Report (1975), the Goswami Committee Report (1990), and in 1998 the Election Commission’s recommendations and the Indrajit Gupta Committee Report produced a comprehensive set of proposals regarding electoral reforms.

² Alistair McMillan, *The Election Commission of India and the Regulation and Administration of Electoral Politics*, 11 *Election Law Journal: Rules, Politics, and Policy* 187–201 (2012).

³ *Id.*

Thereby few initiatives have been taken by the Election Commission to cleanse the electoral process in India.⁴

THE PROBLEM

The way in the last few years the tenure and upper age limit of the Commissioner of State Election Commission (SEC) were repeatedly modified in Uttar Pradesh, without giving any justification, it creates a perception that it may be so to benefit the ruling political party in the States. There have been instances when scheduled elections were delayed or the order in which elections were to be held was modified. Election Commissions are independent, supra-governmental authorities and should not convey the impression of discharging role of an official department charged with the conduct of elections.

The Commissioner of the SEC is the pivotal post which has the most bearing on its functioning. But the qualifications for eligibility and the process of appointment for them may seem too simplistic as: “The person should be an officer of the level of joint secretary or above in the central government and must have held the post of district magistrate or divisional commissioner and a senior administrative post in the Secretariat”. The commissioner shall hold office for a term of five years, subject to his not attaining the age of 65 years. The appointment shall be done by the Governor of that very State.

Interestingly, in December 2006, the rules of 1994 were amended to modify the tenure from 5 years to 7 years and the upper age limit from 65 years to 67 years. In June 2007, by another notification, the earlier order of tenure and upper age limit were again restored to 5 years and 65 years, respectively.⁵ An analysis of the chronology indicates that the 2006 amendment was done by an outgoing government and the 2007 modification was issued by a newly elected government. Again, in June 2014, in the period of the successive government, tenure and upper age limit were again changed back to 5 years and 65 years, respectively. The ease and the frequency with which these conditions were modified again and again for the post of Commissioner can raise a question about the sanctity of the post and independence and neutrality of the Commission.

⁴ Electoral Reforms in India: Proactive Role of Election Commission - Mainstream Weekly, available at: <https://www.mainstreamweekly.net/article1049.html> (last visited Aug 31, 2020 at 06:14 a.m.).

⁵ N. VAMSI SRINIVAS, How a judgement by Allahabad high court has become relevant in Jagan’s SEC dispute, Deccan Chronicle (2020), available at: <https://www.deccanchronicle.com/nation/politics/130420/why-a-2007-judgement-by-up-high-court-has-become-relevant-in-jagans.html> (last visited Aug 31, 2020).

Recently, the Andhra Pradesh government brought an amendment in the AP Panchayat Raj Act, 1994, changing the tenure, eligibility and method of appointment of the State Election Body chief.⁶ The government has now proposed the allotment of the job to a retired High Court judge. The government has also reduced the tenure to three years from five years. The ordinance which amended Section 200 of the AP Panchayat Raj Act, 1994, got the nod of the Governor and soon after, the government issued a confidential order retiring Ramesh Kumar from service. An official in the CMO said the ordinance sought to reduce the tenure of the SEC from five years to three years and also to appoint a judicial officer of a high court judge rank as the State Election Commissioner. The ordinance would be replaced by a bill in the next assembly session.

Qualifications for the Commissioner are not uniform for various States. In some States, a High Court judge and in others even an Indian Forest Service officer is appointed as the Commissioner of SEC. No specific or exceptional qualifications are prescribed for this critical post. However, the same is true for the eligibility conditions in the Election Commission of India (ECI), but the record of the appointed Commissioners has generally been illustrious. The post of the State Election Commissioner (SEC) is viewed by many as a parking slot for retired or about to be retired officers. As no specific qualification is prescribed, the candidates selected are often viewed as those who have been close to the appointing government.

IMPORTANCE OF ELECTION COMMISSION

India, which enjoys the distinction of being the biggest democracy in the world, along with some other regulatory authorities, the Election Commission of India (ECI) found a place in the Constitution of India. The ECI enjoys the distinction of an independent constitutional authority created under Article 324. This regulatory authority, responsible for free and fair elections for the office of President, Vice President and to Parliament and State Legislatures, has the pivotal role in healthy survival of democracy. Local self-governing institutions, so far left entirely to State Legislatures, were put on the Constitutional footing via the 73rd & 74th Constitutional Amendments of 1993, providing for novel features such as creating independent authorities of State Finance Commissions (SFCs) & State Election Commissions (SECs), one for each state. Subsequently, various states created the office of SECs, a regulatory body which by its functioning also aimed to promote public confidence in the democratic process and to ensure

⁶ *Id.*

its integrity. Articles 243K & 243ZA provide for the elections to Panchayats & Municipalities respectively. These also provided that the legislature of a State may make the law for the elections, which is subjected to the provisions of the Constitution. The terms Rural Local Bodies (RLB) & Urban Local Bodies (ULB) are common parlance, even with various Election Commissions of States in diverse regions of the country.

The State Election Commission was set up in April 1994 under Article 243K. Various rules pertaining to diverse matters of Panchayat elections, such as appointment and conditions of service, registration of electors, election of members, Pradhans (elected head of village local body) and up-Pradhans, were made in UP in 1994. Similarly, for ULB elections, the UP Government made rules in regards to the preparation and revision of electoral rolls in 1994 and for four elections to various posts of ULB in 2010 & 2013. Considering the sanctity of the responsibility of SEC, it stands to reason that it should be a multi-member commission, so as to safeguard against the possibility of monopolistic, subjective decisions at times.

The Supreme Court in *SS Dhanoa v. Union of India*⁷ case had observed: “When an institution like the Election Commission is entrusted with vital functions and is armed with exclusive and uncontrolled powers to execute them, it is both necessary and desirable that the powers are not exercised by one individual, however wise he may be. It also conforms to the tenets of democratic rule.” The EC was made a multi-member body by the 1993 Constitutional Amendment Act in the wake of controversial decisions taken by the then Chief Election Commissioner TN Seshan. The Act provided that the decision of three members “shall, as far as possible, be unanimous”. But in case of difference of opinion among three members, the matter “shall be decided according to the opinion of the majority”. It was a significant step to remove a one-man show in such an important function as that of conducting elections. A single member EC would have no longer ‘unbridled’ powers. In view of the large size of the country and the huge electors, the Election Commission also made a proposal for the appointment of Regional Commissions to different zones to reduce its burden.

CONDITIONS OF SERVICE

According to Article 243K of the Constitution of India, “conditions of service cannot be varied to the disadvantage of the State Election Commissioner after his appointment”. The Governor, and State Advocate-General S Sriram are said to be of the view that the Allahabad High Court judgment categorically said that “prescription of tenure of office is not a condition of service”.

⁷ 1991 SCC (3) 567

The Government further argues that the same judgment also made it clear that “once a disqualification is incurred” (due to change in tenure), there is an automatic cessation from holding office.

Yogesh, in his affidavit, referred to the same judgment, obviously, reflecting the observations of the second judge, who said, “in case the State Legislature is permitted to treat the State Election Commissioner like an ordinary Government servant and provisions contained in Article 243K is interpreted in manner of statutes covering the service conditions of government servants, then it shall defeat the very purpose of the Constitutional provisions.”⁸ Giving a ruling that tenure of service was a part of service conditions, the Judge said the State Election Commission shall not be able to discharge its constitutional obligations in case the tenure of service is not secured or protected.

The importance of independence of the Election Commissions can be gauged by the landmark judgment of the Supreme Court of India in which it recently described certain institutions as “the integrity institutions”. Besides the Election Commission, the Indian judiciary, the Chief vigilance Commissioner, the Comptroller and Auditor General and the Chief Information Commissioner are included in these. Of all these, the CEC is organically connected to a democratic being and therein lies its exceptional importance.

When the Himachal Pradesh State Government has removed the State Electricity Board Chairman, for political reasons, the Supreme Court in *State of Himachal Pradesh and others v. Kailash Chand Mahajan and others*⁹ held that reduction of tenure of service amounts to cessation and not removal. The protection granted by the statutory provisions shall cease to exist after amendment of the Act. But this conclusion was not accepted by the Supreme Court in *Aparmit Prasad Singh v. State of Uttar Pradesh*,¹⁰ the Supreme Court pointed out the difference between State Electricity Board (SEB) and State Election Commission (SEC). SEC is expected to be an Independent institution while SEB is an executive officer which works under the Power Ministry. SEC has to conduct elections to local bodies independent of the Executive/the Government and there is special provision in the Constitution under Article 243K that was introduced by the 73rd Amendment to strengthen the third tier of federation of India, that is, the local bodies. The Supreme Court said: “No constitutional rider has been

⁸ SRINIVAS, *Supra* note 4.

⁹ AIR 1992 SC 1277

¹⁰ C.A. 4624/2007

imposed (like Article 243K) on the power of the State Legislature to amend the service rule for the purpose of reduction of tenure.”

In *Kailashchand Mahajan case*,¹¹ the term of Himachal State Electricity Board has been reduced. There was not Article 243K like condition or limitation on the power of State Legislature to reduce the term of office. Hence, the Supreme Court did not agree with the conclusion that cessation does not amount to removal. In *Kishansing Tomar's case*¹² the Supreme Court held that the powers of the State Election Commissions (SECs) and the Election Commission of India (ECI) are same and the provisions contained in Article 243K are *Pari Materia* and it is the duty of ECI & SECs to conduct election in a just and fair manner. The Election Commission have to discharge its constitutional obligation in an independent and effective manner as also it should not be influenced by political party in power or the executive.

The expression “conditions of service” is an expression of wide import. As pointed by this Court in *Pradyat Kumar Bose v. The Hon'ble Chief Justice of Calcutta High Court*,¹³ (1955) the dismissal of an official is a matter which falls within “conditions of service” of public servants. The Judicial Committee of the Privy Council in *North West Frontier Province v. Suraj Narain Anand*¹⁴, took the view that a right of dismissal is a condition of service within the meaning of the words under Section 243 of the Government of India Act, 1935.

Free and fair election is the basic structure of our constitution. According to the Supreme Court, the purpose of Article 243K is that both the Election Commission of India (ECI) as well as the State Election Commissions (SECs) should discharge its constitutional obligations independently without having any kind of fear or favour.

Provision of a Statute must be constructed so as to make it effective and operative, on the principle of *UT RES MAJIS VALEAT QUAM PERIAPT*. Though they denote different meaning, the “Service Conditions” used in Article 243K should be interpreted in the manner covering the tenure of office as well as the other service benefits. According to the *Mischief* rule of interpretation while construing Article 243K, the outcome will be the same that legislature lacks power to do anything including reduction of tenure of State Election

¹¹ State of Himachal Pradesh and Anr. v. Kailash Chand Mahajan and Ors. 1992 AIR 1277

¹² Kishansing Tomar v. Municipal Corporation of the City of Allahabad and Ors. Appeal (civil) 5756 of 2005

¹³ 1955 SCR (2)1331

¹⁴ (1948) LR 75 IA 343

Commission (SEC) which may directly or indirectly affected the performance of Election Commission for any reason whatsoever as an independent body (*Aparmita case*).

Once Article 243K of the Constitution provides that the SEC may be removed only in the manner as a Judge of the High Court is removed as provided in Article 217 of the Constitution of India, then the State Legislature lacks power to reduce the tenure by amending the rules in question. Removal co-relates with the reduction of tenure. Whether it is cessation or removal in pursuance to the power conferred in Article 217, the outcome of both the process is the same, i.e., SEC shall cease to hold office.

PUBLIC SUPPORT

One indication that the Election Commission has maintained its role as a broadly impartial authority is evidence of broad public support. Elmendorf emphasizes the importance of public opinion in legitimizing bureaucratic intervention in a situation where there may be scepticism about the motives and strategies of more partisan actors, suggesting that “in the electoral law context...voters may well develop a presumptive preference for policy-making by a politically insulated body.”¹⁵ Evidence of public perceptions of the performance of the Electoral Commission suggests that it has been successful in carrying out its duties while maintaining public trust.

Mishra and Singh report that the Election Commission has the highest level of public trust or confidence of the main political institutions: higher than the judiciary, government, political parties, and the police.¹⁶ The State of Democracy in South Asia report showed 51 percent of respondents in India having a “great deal” or “some” trust in the Election Commission, compared to just 14% with “not very much” or “none at all.” More importantly, the view that elections are conducted in a free and fair manner is supported by over 80% of respondents to the 2004 National Election Study, across the political spectrum. This compares with an average of 71% who expressed broad confidence in the electoral process across 28 democracies covered by the Comparative Study of Electoral Systems Project. The Commission has maintained broad public recognition for maintaining high standards of free and fair elections.

¹⁵ Christopher S. Elmendorf, Election Commissions and Electoral Reform: An Overview, 5 Election Law Journal: Rules, Politics, and Policy 425–446 (2006).

¹⁶ S.S. Singh & Suresh Mishra, Powers of Election Commission: A Legal Perspective, 37 Indian Journal of Public Administration 361–372 (1991).

The very challenge that electoral mobilization offers to entrenched interests and government power provides an essential catalyst for political change, whereby “elections often appear as the only bridge between the people and power, as the only reality check in the political system”. In this context, the Election Commission serves a key role as an independent arbiter of electoral disputes, enforces the rules that provide for open access to electoral politics, and ensures the effective functioning of the electoral arena. The successful performance of the Election Commission has been built on the effective implementation of the key functions which ensure that electoral politics is practiced in a way that enables all citizens to participate in free and fair elections.

ELECTORAL REFORMS

The Commissioner of SEC is appointed by the Governor on the recommendations of the Chief Minister. The Law Commission of India in its Report No. 255 on electoral reforms (March 2015) adopted some recommendations of Goswami Committee Report (1990) for electoral reforms with certain modifications.¹⁷ The recommendation was that the appointment of the Election Commission of India (ECI) should be made by the President in consultation with a three-member collegium or selection committee, consisting of the Prime Minister, the leader of the opposition of the Lok Sabha (or the leader of the largest opposition party in the Lok Sabha in terms of numerical strength) and the Chief Justice of India. Likewise, for the selection of the State Election Commissioner, a three-member collegium or selection committee consisting of the Chief Minister, the leader of the opposition of the Vidhan Sabha (or the leader of the largest opposition party in the Vidhan Sabha in terms of numerical strength) and the chief justice of the High Court of the concerned State can be made.

The events of 2009 reawakened interest in the proposals from the Tarkunde Committee (1975) and the Goswami Committee (1990) that Election Commissioners should be selected by a committee, including a representative of opposition parties.¹⁸ These recommendations sought to weaken the influence of government over the President’s choice of Election Commissioners. The relative weakness of tenure for Election Commissioners, who legally could be seen to be serving at the behest of the Chief Election Commissioner, had been raised by the Election

¹⁷ Electoral Reforms in India: Proactive Role of Election Commission - Mainstream Weekly, *Supra* note 3.

¹⁸ *Id.*

Commission in 2004, when a proposal was made to entrench the Election Commissioners in the same way as the Chief Election Commissioner.

SEPARATION OF POWERS

One of the most important elements in constitutional theory is the principle of separation of powers. Since we-the people, cannot exercise the entire collective decision-making power that is needed in a society, we have to deposit the governing power in the hands of representatives, namely, agents. One of the essential tools designed to prevent these agents from abusing this power is its division into different functions, to be exercised by different branches of government that can check and balance each other.

On one side of this debate we can find, among others, Richard Epstein, Jerry Mashaw, and Jonathan Macey endorsing the traditional ‘de-monopolization’ view of separation of powers and portraying the judiciary as one mechanism that operates to balance and control the legislative and executive branch, and hence as an obstacle to rent-seeking activity and interest-group legislation. On the other side, we may point to William Landes, Richard Posner, or Frank Easterbrook, Robert Tollison, and Mark Crain, who hold a ‘revisionist’ sceptical view of separation of powers, arguing that the structure of government, to including the independence of the judiciary, serves politicians and interest groups maximize their gains from legislative contracts.

Substantive independence can be defined as decision-making which is not dependent on the views of the other branches of government, that is, that judges do not decide individual cases according to the legislature’s or government’s will. Structural Independence can be defined as the institutional arrangements that aim at enabling the existence of this substantive independence (tenure, method of appointments, etc.)

On the one hand, there is no constitutional system in which a full structural independence has been created, and, on the other hand, there is always a gap between the degree of structural dependency and the degree of substantive independence, in favour of the latter. The first part of this observation indicates that there is no legal system that guarantees full structural independence. The second part implies that the legislature and executive do not fully exercise its powers to limit the substantive independence of its institutions even if they have the power of doing so. In a law and economics world, in which we assume that politicians, as other

individuals, are seeking to satisfy their own interests, this phenomenon demands an explanation.

SYSTEM

In British legal system, the public institutions are generally structurally dependent upon the Parliament because the legislative powers of the Parliament have no restrictions. It is true that legislation, part of which dates back to the 1700 Act of Settlement, guarantees to some of the public officials some components of what can be termed as structural, judicial independence, such as tenure, fixed salaries, etc. But since there is no written Constitution and Parliament may do whatever it likes to do, these because of Arrangements can be changed from one day to the next.¹⁹

Hence, the Judiciary does not enjoy a structural judicial independence whose object is Parliament; its life and death are in the hands of the present Parliament. Moreover, the institutions are also structurally dependent upon the government as well as the executive through the powers of appointment and promotion, including pay raises and fixing the number of judges in the various courts.

The fact that the executive or the legislature is responsible for the appointment and promotion of public officials can have a significant effect on their substantive independence; but this time, we are referring to independence or dependence whose object is the government (the executive) rather than Parliament. That it seems much easier for the government to abolish or curtail independence of public institutions through appointment and promotion policies than for Parliament to achieve the same goals by amending the provisions of the Constitution.

English judiciary is structurally dependent upon Parliament and government, but this structural dependency is not exercised, or at least not fully exercised, by either the legislature or the executive. All this should be viewed in the light of some degree of substantive independence that is being exercised by the courts.

English case epitomizes the phenomenon of the independence of the public institutions defined above that is, the existence of a gap between the degree of structural dependency and the substantive independence expressed by the public officials.

¹⁹ T. Persson, G. Roland & G. Tabellini, Separation of Powers and Political Accountability, 112 *The Quarterly Journal of Economics* 1163–1202 (1997).

THE AMERICAN LEGAL SYSTEM

The structural independence of the American federal judiciary is more solid than its British counterpart. The foundation of the Supreme Court is based on the Constitution, which also guarantees all federal judges tenure during good behaviour and immunity from salary cuts. However, this structural independence is not a complete one. In fact, the legislature has the powers to modify the judicial process as and when it thinks it is advisable to do so.

Madison's and Jefferson's 'Federalist', which reflects the constitutional debate of the Founding Fathers, teaches us that the structure of powers in the United States was so designed that it can create a system of checks and balances, which would not allow any abuse of powers.²⁰ Thus, independent public institutions were created to serve as an "excellent barrier to the encroachments and oppressions of the representative body". On the other hand, the framers realized that the powers of the public officials also ought to be controlled and balanced "to avoid an arbitrary discretion in the courts.

THE ELECTION COMMISSION AS AN INDEPENDENT INSTITUTION

Free and fair elections require: (1) an independent electoral management body to conduct elections; (2) a set of rules governing electoral conduct; and (3) an effective electoral dispute resolution mechanism. The Indian Constitution provides for all three. Article 324 establishes an independent Election Commission; Article 327 empowers the Parliament to enact laws governing all aspects of elections; and Article 329 provides a mechanism for resolving electoral disputes through review by an independent judiciary. Therefore, the provisions of the Constitution clearly reflect the intention of the founding fathers to ensure the autonomy and independence of the Election Commission, protecting it from executive interference in particular.

Despite executive dominance, the independence of the EC's office was protected for three reasons. First, it was constitutionally protected under Article 324. Second, after 1967, as Congress began to lose State-level elections, the executive therefore had little need to override Election Commission autonomy and third, the Model Code violations by the then Prime

²⁰ Eli M. Salzberger, A positive analysis of the doctrine of separation of powers, or: Why do we have an independent judiciary? 13 International Review of Law and Economics 349–379 (1993).

Minister Indira Gandhi and her judicial disqualification in 1975 made her wary of direct institutional clashes with the Election Commission.

Post-1989, when no party was in a position to win a majority, the Election Commission faced few structural constraints on its autonomy, and Chief Election Commissioners (CECs) began to assert authority over political actors during elections. The then chief Election Commissioner TN Seshan elevated the CEC's position, in the warrant of precedence, from that of a High Court judge to that of a Supreme Court judge. He also introduced certain initiatives like election observers for State Assembly Elections, introduction of voter ID cards, and refused to take executive instructions. His aggression and repeated executive clashes made him controversial. Sometimes he exceeded his authority and the Supreme Court stepped in to overrule his decisions.

CREDIBILITY

While some credibility was required in order to make the changes, like curtailment of electoral campaigns and longer election durations, they have also served to reinforce institutional credibility, which has, in turn, allowed the Election Commission to leverage public and sometimes judicial support to confront executive intrusion and to become the powerful public institution it is today.

The EC needs to be viewed as an impartial institution by two sets of actors: (a) politicians and political parties; and (b) voters. The EC has put in place a set of policies to ensure neutrality with respect to both sets. To ensure neutrality with respect to politicians and political parties, the Election Commission appoints a Chief Election Officer for each State who reports directly to the Election Commission. It also has the power to remove or suspend partisan State Government Officials. To secure polling stations and voting machines, the Election Commission always uses Central Armed Police Force (CRPF) to ensure that all security action is up to the mark. It also disqualifies candidates for violations of Model Code.

CONCLUSION

The Election Commission of India always tries its best to strengthen and improve the working of democracy through free and fair elections by using advanced scientific technologies for maintaining the high reputation of the Indian elections. A competitive party system that regularly transfers power from one party or coalition to another allows State institutions the

space to both expand their mandate and remain apolitical. Such a party system also creates a demand for neutral institutions. A single-party or a single-coalition dominant system is likely to have the opposite effect.

In India, while a CEC enjoys substantial protections, his/her appointment is in the hands of the executive. A case in point may be at hand. In 2014, the coalition era of Indian politics was interrupted when the BJP came to power, winning a majority in parliament. By all accounts, the current Narendra Modi-led government represents a strong executive. Such an executive is more likely to curtail the EC's expanded mandate, especially when EC neutrality is likely to hurt the executive's interests. For instance, the current government has floated a proposal for holding the state and national elections simultaneously. If accepted, this will reverse some of the EC's mandate expansion.

Ironically, many of these parties have also demanded more autonomy for their states, or have emerged from sons-of-the-soil movements. Citing these requests, the EC acquired the power to monitor and replace state bureaucrats, bring in federal forces, and closely check the flow of money and alcohol during elections.
