



The post and the person

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The post and the person-Safeguards are needed to ensure that institutions like the Election Commission are headed by capable people

- The Constitution Bench of the Supreme Court is examining a public interest litigation (PIL) that could be critical for Indian democracy.
- The PIL, which seeks the strengthening of the Election Commission of India (ECI), includes a proposal to create an independent mechanism to appoint the Chief Election Commissioner (CEC) and Election Commissioners (ECs) who are, at present, simply appointed by the government of the day, without any defined criteria or processes.

Three critical decisions

- That electoral democracy became a reality in India owes a great deal to the foresight of the Constituent Assembly.
- However, the Assembly could not have anticipated the extent to which the very political class that framed the Constitution would later attempt to subvert it.
- As this political dynamic unfolded, at certain crucial junctures, the judiciary and the leadership of the ECI saved democracy.
- With legal back up and the resources to develop and enforce a transparent electoral system, the ECI made free and fair elections a reality.
- The second critical decision was to have a single, centralised body for elections to the Lok Sabha and State legislatures.
- However, with increasing tension among communities, the Assembly feared partisan action in the States and opted for a single national institution, the ECI.
- On the one hand, Central institutions have generally been more robust than State institutions.
- Then the ECI itself recommended that election petitions be heard by the judiciary, and in 1966, the law was changed accordingly.

- The third question concerned ensuring the independence of the ECI.
- The Constituent Assembly did provide, though, that the CEC could only be removed through impeachment.
- For the ECs, even this safeguard was not provided, which is also a subject of the above-mentioned PIL.

A major shortcoming

- The history of elections shows that this remains a major shortcoming of the ECI.
- Though the ECI has since become an institution of some authority, there have been controversies over appointments of ECs, allegations of partisanship, and new problems such as of voter bribery and paid news, which the ECI has not been able to address so far.
- As history shows, inadequate leadership is the bane of our public institutions.
- Safeguards to ensure that ethical and capable people head them are crucial.

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