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DOES THE ELECTION COMMISSION OF INDIA NEED AN URGENT REVAMP?

The SIR controversy has raised questions not merely about electoral-roll revision, but about transparency, collective decision-making and accountability within India's constitutional election watchdog.

~ Sajal Yadav

India's electoral democracy rests on a simple but fundamental premise: every eligible citizen should be able to vote, every ineligible entry should be open to challenge, and the institution administering the process should command public confidence.

That confidence has come under renewed scrutiny following the controversy surrounding the Election Commission of India's (ECI) **Special Intensive Revision (SIR)** of electoral rolls. What began as an exercise to verify and update voter lists has developed into a wider debate about how consequential electoral decisions are made within India's constitutional election authority.

A recent investigation by *The Indian Express* reported that Election Commissioners **Sukhbir Singh Sandhu and Vivek Joshi had raised objections on at least 14 occasions over ten months** concerning voter registration, deletion and restoration of names, electoral databases and the technology used to manage the rolls. The report said the Commissioners questioned whether certain decisions had been taken without their knowledge or approval.

These are serious allegations, but they require caution. Internal disagreement does not, by itself, establish electoral manipulation or illegality. The ECI has maintained that such communications were part of its internal deliberations and has disputed the suggestion that the Commission was functioning outside the law.

The larger question, therefore, is not simply whether the allegations are true or false. It is whether the institutional framework of the ECI provides **enough transparency and accountability for citizens to understand how major electoral decisions are actually made.**

What does the Constitution envisage?

To understand the controversy, one must return to Article 324 of the Constitution.

Article 324 vests the Election Commission with the "**superintendence, direction and control**" of elections to Parliament, State Legislatures and the offices of the President and Vice-President. It is one of the central constitutional safeguards intended to ensure that elections are administered independently.

But Article 324 does not envisage the ECI as a one-person authority. It provides for a Chief Election Commissioner and such number of other Election Commissioners as the President may determine. The present Commission consists of three members — the CEC and two Election Commissioners.

The ECI is therefore not merely a constitutional office occupied by one individual; it is a **multi-member constitutional institution.**

That distinction matters. The CEC is the chairman of the Commission, but the office does not confer an automatic superiority over the other Commissioners in every matter. The Supreme Court, particularly in *T.N. Seshan v. Union of India*, recognised the collective character of the Commission and the principle of majority decision-making where consensus cannot be achieved.

The present statutory framework similarly provides for collective functioning. Section 18 of the Chief Election Commissioner and Other Election Commissioners Act, 2023 provides that the business of the Commission should, as far as possible, be transacted unanimously and, where members differ, decided by majority.

Thus, disagreement between Commissioners is not itself evidence of illegality. The crucial question is whether the disagreement occurred **within a lawful decision-making process and whether the final action represented a decision of the Commission as a whole.**

The SIR controversy

Electoral rolls necessarily require periodic revision. People die, change residences, become eligible to vote, register elsewhere or appear more than once in databases. Removing ineligible entries while ensuring that eligible citizens remain enrolled is essential to electoral integrity.

The controversy is therefore not about whether electoral rolls should be revised. It concerns the **manner, scale and safeguards** surrounding the present exercise.

The SIR began in Bihar in June 2025 and was subsequently extended to numerous States and Union Territories. As the exercise expanded, political parties and civil-society groups raised concerns about possible exclusion of genuine voters, while the ECI maintained that the process was intended to identify deceased, shifted, duplicate and otherwise ineligible electors.

The debate acquired another dimension when disagreement reportedly emerged within the Commission itself.

According to *The Indian Express*, Commissioners Sandhu and Joshi objected to aspects of voter registration, deletion and restoration, access to electoral databases and changes to the technological systems supporting the rolls.

The issue, therefore, is no longer simply whether SIR is a legitimate electoral exercise. It is also about **how a constitutional institution makes decisions affecting millions of voters**.

When does disagreement become a legal problem?

If a matter is placed before all Commissioners, considered by them and resolved through the legally prescribed procedure, the existence of dissent does not invalidate the decision.

The position would be different if a substantive decision were implemented in the name of the Commission without the institutional authorisation required by law.

That is the distinction at the heart of the controversy: **dissent within a lawful decision-making process is different from action taken outside that process**.

The reported objections are significant because they allegedly questioned whether certain decisions and communications had received the requisite approval of the Commission. The

ECI, however, maintains that the internal exchanges formed part of normal deliberation and that final decisions were unanimous.

The matter therefore cannot be settled through competing public statements alone. The institutional record must provide the answer.

Were decisions placed before the full Commission? Were all members given an opportunity to participate? Where disagreement existed, was the prescribed procedure followed? What legal authority supported the decisions?

These are questions capable of documentary verification. That is why transparency matters.

The technology question

The controversy also highlights an emerging challenge: the relationship between statutory authority and technology.

India's electoral system is increasingly digital, with software managing millions of voter records. But digitisation raises an important question: **who controls the system through which statutory electoral authorities exercise their functions?**

Reports of concerns over centralised access to electoral databases make this particularly relevant. An Electoral Registration Officer is not merely a data-entry official; the officer performs statutory functions under election law.

Technology should facilitate that authority, not obscure it.

The answer is not to resist digitisation but to make it **auditable**. There should be clear access controls, secure audit trails, documented authorisation protocols and independent technical audits capable of establishing who accessed or modified an electoral record, when and under whose authority.

The more powerful electoral technology becomes, the more important legal accountability becomes.

Why voter deletion is particularly sensitive

A clean electoral roll is essential. But the removal of a genuine voter is not an ordinary administrative error.

The ECI told the Supreme Court that **27.16 lakh voters had been removed from the West Bengal electoral rolls during SIR, while more than 22 lakhs had filed appeals seeking reinstatement.** The Commission attributed deletions to categories including absent, shifted, dead and duplicate electors.

These figures do not establish that the deletions were wrongful. They do, however, demonstrate the scale of the exercise and the importance of an effective correction mechanism.

The principle should be straightforward: **the system must be capable of removing ineligible entries without making it unduly difficult for a genuine voter to establish eligibility.**

Electoral integrity and voter protection must operate together.

What should an ECI revamp look like?

The more useful question is not whether the ECI should be dismantled or replaced, but **what safeguards can make it more transparent, accountable and demonstrably independent.**

First, major decisions affecting electoral rolls, voter registration and election technology should have a clear documentary trail, with the legal basis and institutional process disclosed wherever legally permissible.

Second, the ECI's technological infrastructure should undergo periodic independent audits, with secure records of access, modification, deletion and restoration of voter data.

Third, the Commission should establish a formal mechanism for recording dissent. Disagreement need not weaken a constitutional institution; properly recorded dissent can strengthen accountability.

Fourth, Parliament should continue examining whether the existing framework governing the **appointment and institutional protection of Election Commissioners** provides adequate safeguards for independence. The Supreme Court's decision in *Anoop Baranwal v. Union of*

India brought this question into sharp constitutional focus, following which Parliament enacted the 2023 law governing appointments and service conditions.

The objective should not be partisan advantage. It should be to ensure that the institution responsible for conducting elections remains structurally capable of acting independently of the government of the day.

The need is for transparency, not suspicion

At the heart of the controversy lies something more important than SIR itself: **public trust**.

The ECI administers the process through which governments derive democratic legitimacy. Its authority therefore depends not only on constitutional power, but also on citizens believing that those powers are exercised fairly and transparently.

Public confidence does not require unquestioning acceptance of every decision. Nor should every allegation automatically be treated as proof of wrongdoing.

The constitutional approach must be more demanding:

An independent institution must be strong enough to withstand scrutiny and transparent enough to answer it.

If the reported objections ultimately reflect misunderstandings within an otherwise lawful process, transparency can establish that. If they reveal procedural shortcomings, those shortcomings should be acknowledged and corrected.

Either outcome would strengthen the institution.

India does not necessarily need a fundamentally different Election Commission. It does, however, have an opportunity to strengthen the safeguards surrounding it — clearer decision-making, greater transparency, independent technological audits, protection of statutory electoral authorities, formal recording of dissent and continued scrutiny of the appointment framework.

The credibility of Indian elections cannot rest solely on an assurance that the system is fair.

The system must also be transparent enough for citizens to understand why they can trust it.