

# Constitutional Bodies and Political Accountability: Strengthening Democratic Institutions in India

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## **Abstract:**

Constitutional bodies such as the Election Commission of India, the Comptroller and Auditor General, the Union Public Service Commission and the Finance Commission were designed as guarantors of democratic fairness, insulated from the partisan calculus of elected governments. This paper examines whether that insulation has translated into political accountability in India. Using doctrinal and institutional analysis, it draws on constitutional text, Supreme Court jurisprudence, parliamentary data from PRS Legislative Research, election-integrity data from the Association for Democratic Reforms, and developments up to September 2026. Institutions are assessed against three tests: competence, independence from those with an interest in frustrating constitutional norms, and accountability to those with an interest in upholding them. The evidence shows a pattern of insecure independence and under-designed accountability. Appointment processes remain executive-dominated, the first removal notice against a Chief Election Commissioner failed at admission in 2026, parliamentary scrutiny has thinned, and audit reporting has declined in volume. The Supreme Court's 2026 judgment on the Special Intensive Revision of electoral rolls illustrates how judicial deference can enlarge institutional power without enlarging answerability. The paper proposes a seven-part reform agenda covering plural selection panels, removal parity, financial autonomy, reasoned transparency, time-bound duties, mandatory scrutiny, and integrity in political finance.

**Keywords:** constitutional bodies; political accountability; Election Commission of India; Comptroller and Auditor General; guarantor institutions; Special Intensive Revision; parliamentary oversight; democratic institutions; India.

## **1. Introduction**

When the Constituent Assembly concluded its work in November 1949, Dr. B. R. Ambedkar reminded its members that a constitution is only a mechanism and that its worth depends on the conduct of those who operate it (Constituent Assembly of India, 1949). The caution applies with special force to the institutions that the Constitution creates to police the political process itself. The Election Commission of India (ECI), the Comptroller and Auditor General (CAG), the Union and State Public Service Commissions, the Finance Commission and a small number of other offices were placed outside the ordinary executive hierarchy so that elections, audit, recruitment and fiscal transfers would not fall under the control of whichever party governs (Austin, 1999; Khosla, 2020). Their authority rests on constitutional text rather than ordinary statute, and their independence is protected by special rules on appointment, tenure and removal.

Independence, however, is not the same as accountability. Political accountability has two faces. The first is the answerability of elected governments to citizens and to the institutions that check them. The second is the answerability of the checking institutions themselves. A constitutional body that has been captured fails the

first test. A constitutional body that answers to no one risks becoming a source of the very arbitrariness it was created to prevent (O'Donnell, 1998; Khaitan, 2020).

Developments between 2023 and 2026 make the question urgent. Parliament replaced a selection panel that the Supreme Court had prescribed for Election Commissioners with a statutory panel in which the executive holds a majority (*Anoop Baranwal v. Union of India*, 2023; Jain, 2026). The ECI carried out a Special Intensive Revision (SIR) of the electoral roll in Bihar in 2025 that reduced the electorate by roughly 47 lakh names between June and September (The Tribune, 2025), and then extended the exercise to other States (DD News, 2025). In March 2026, Opposition members initiated the first removal proceedings ever brought against a sitting Chief Election Commissioner, and the presiding officers of both Houses declined to admit the notices in April (ETV Bharat, 2026). On 27 May 2026 the Supreme Court upheld the SIR (*Association for Democratic Reforms v. Election Commission of India*, 2026). Throughout this period the Lok Sabha has been without a Deputy Speaker, a vacancy that dates from May 2019 (Lok Sabha, n.d.).

This paper asks three questions. How is the constitutional architecture of India's independent institutions designed to secure accountability? What does the record from about 2014 to September 2026 show about how these institutions perform against that design? And what reforms would strengthen both their independence and their answerability? The paper contributes a consolidated, data-supported assessment that places electoral, legislative, audit, fiscal and judicial institutions, which are usually studied separately, within a single analytical frame.

The method is doctrinal and institutional. It reads constitutional provisions, statutes and Supreme Court decisions alongside quantitative data from PRS Legislative Research, the Association for Democratic Reforms (ADR), Finance Commission reports and official figures for the Bihar electoral roll as reported in the press. The data are used descriptively and are not offered as proof of causation or motive. The paper first sets out its conceptual framework and the constitutional architecture of guarantor institutions. It then examines the Election Commission, legislative oversight, audit and fiscal bodies, the composition of the legislature, and the roles of courts, Governors and statutory watchdogs. It closes with a reform agenda and a conclusion.

## 2. Conceptual Framework: Independence, Competence and Accountability

Accountability is a relational concept. Bovens (2007) defines it as a relationship in which an actor has an obligation to explain and justify conduct, a forum can pose questions and pass judgement, and the actor may face consequences. O'Donnell (1998) adds the idea of horizontal accountability, which is the capacity of state agencies to oversee, redress and sanction the unlawful actions of other state agencies, as distinct from the vertical accountability that voters exercise at elections. Schedler et al. (1999) separate two components: answerability, meaning the duty to inform and explain, and enforcement, meaning the capacity to impose sanctions. Constitutional bodies in India work in both directions. They are instruments of horizontal accountability over the executive and the legislature, and they are themselves actors who must answer to someone.

Comparative scholarship describes such bodies as fourth-branch or guarantor institutions (Ackerman, 2000). The reasoning is that certain functions, notably the administration of elections and the audit of public money, are too exposed to partisan interest to be left with elected majorities. Khaitan argues that guarantor institutions are not self-executing and identifies three design requirements: sufficient competence to perform the function, sufficient independence from actors who have an interest in frustrating the relevant constitutional norm, and sufficient accountability to actors who have an interest in upholding it (as cited in Jain, 2026). This paper adopts those three requirements as its analytical test.

Two clarifications follow. First, independence and accountability are not opposites on a single scale, because they concern different relationships. A body needs independence from those who would capture or frustrate

it, and answerability to those who rely on it, such as citizens, courts, legislatures and civil society. Secondly, the risk to guarantor institutions is often incremental rather than dramatic. Ginsburg and Huq (2018) and Levitsky and Ziblatt (2018) show that democratic erosion frequently proceeds through lawful steps, such as changing appointment rules, reducing scrutiny and widening discretion, and that it feeds on the decay of unwritten norms of forbearance. Khaitan (2020) describes the Indian variant as executive aggrandizement combined with party-state fusion, in which many small changes accumulate. The argument here is narrower. It does not claim that Indian democracy has failed. It asks whether the design and practice of particular institutions satisfy the three requirements.

For empirical purposes, independence is assessed through appointment, tenure, removal and financial autonomy. Competence is assessed through timeliness and technical capacity. Accountability is assessed through reason-giving, public reporting, legislative scrutiny and judicial review. Several data sources, such as the candidate affidavits compiled by ADR, are self-declared, and press reports of official figures are used where primary publications were not accessible. All figures are treated as descriptive indicators.

### 3. The Constitutional Architecture of Guarantor Institutions

The framers built independence through three devices: appointment by the President, protected tenure and conditions of service, and removal only through a demanding procedure. Table 1 summarises the arrangements for the principal bodies and offices discussed in this paper.

**Table 1 Constitutional Provisions on Selected Guarantor Institutions and Offices**

| <b>Institution</b>              | <b>Provision</b> | <b>Appointment</b>                                                                                                                                   | <b>Removal</b>                                                                                                                              | <b>Principal accountability channel</b>                                          |
|---------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Election Commission of India    | Art. 324         | President; Commissioners selected under the 2023 Act by a committee of the Prime Minister, a Union Cabinet Minister and the Leader of the Opposition | Chief Election Commissioner as a Supreme Court judge (Art. 324(5)); other Commissioners on the Chief Election Commissioner's recommendation | Election petitions, writ jurisdiction, removal procedure in Parliament           |
| Comptroller and Auditor General | Arts. 148–151    | President, by warrant                                                                                                                                | As a Supreme Court judge (Art. 148(1)); salary charged to the Consolidated Fund                                                             | Reports laid before Parliament and State legislatures; Public Accounts Committee |
| Union Public Service Commission | Arts. 315–323    | President                                                                                                                                            | President, after a Supreme Court inquiry finds misbehaviour (Art. 317)                                                                      | Annual report and memorandum laid before Parliament (Art. 323)                   |

|                                       |                    |                                                               |                                                                         |                                                                         |
|---------------------------------------|--------------------|---------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Finance Commission                    | Arts. 280–281      | President, every five years; qualifications set by Parliament | Governed by the terms of the Constitution and the parent statute        | Report laid before Parliament with an explanatory memorandum (Art. 281) |
| Speaker and Deputy Speaker, Lok Sabha | Arts. 93–96        | Elected by the House “as soon as may be”                      | Resolution of a majority of all members after 14 days’ notice (Art. 94) | House itself; limited judicial review of Tenth Schedule decisions       |
| Governor                              | Arts. 153–156, 200 | President                                                     | Holds office during the President’s pleasure (Art. 156)                 | Judicial review; conventions of assent to Bills                         |

*Note.* Compiled by the author from the Constitution of India and the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.

Three features stand out. First, formal appointment in every case except the Speaker rests with the President, who acts on the advice of the Council of Ministers. The Constitution itself provides no plural selection mechanism for the Election Commission, the CAG or the Public Service Commissions. Independence therefore depends heavily on the legislation and conventions that surround appointment, and a governing majority can alter these. Secondly, protection against removal is uneven. The Chief Election Commissioner and the CAG can be removed only in the manner of a Supreme Court judge, which requires an address by both Houses supported by a majority of the total membership and two-thirds of those present and voting (Art. 124(4), applied by Arts. 148(1) and 324(5)). Other Election Commissioners, by contrast, can be removed on the recommendation of the Chief Election Commissioner. Thirdly, the principal accountability channel runs through Parliament. CAG reports are examined by the Public Accounts Committee, Finance Commission recommendations must be tabled with an explanatory memorandum, and removal proceedings begin with a notice to a presiding officer.

This architecture assumes that the legislature will work as a real forum of scrutiny. When a single party or coalition holds a durable majority, and when presiding officers control access to the forum, that assumption weakens. The Constitution’s answer to such a possibility was judicial review, and the courts have accordingly become a second and sometimes primary accountability forum. The following sections examine how these channels have worked in practice, beginning with the institution on which electoral democracy most directly depends.

#### 4. The Election Commission of India: Independence, Power and Answerability

##### Appointment and the Structure of Independence

Article 324 vests the superintendence, direction and control of elections in the Election Commission and, in clause (2), makes the appointment of Commissioners subject to any law Parliament might make. For more than seven decades Parliament made no such law, and appointments were made by the executive alone. The Supreme Court has treated Article 324 as a source of plenary power that lets the Commission act where statutes are silent (*Mohinder Singh Gill v. Chief Election Commissioner*, 1978), and it upheld the move to a multi-member Commission in 1993 (*T. N. Seshan v. Union of India*, 1995). Bhat argues that in these episodes

the Court never developed a theory of institutional independence, which left the arrangements exposed to executive rearrangement (as cited in Jain, 2026).

In *Anoop Baranwal v. Union of India* (2023), a Constitution Bench directed that, until Parliament legislated, appointments be made on the advice of a committee that included the Prime Minister, the Leader of the Opposition and the Chief Justice of India. Parliament legislated within months. The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 replaced the Chief Justice with a Union Cabinet Minister nominated by the Prime Minister, so that executive members form a majority of the committee. A challenge to the Act remains pending (Jain, 2026). The Law Commission of India (2015) had earlier recommended a collegium of the Prime Minister, the Leader of the Opposition and the Chief Justice, a charge on the Consolidated Fund for the Commission's expenditure, and removal protection for all Commissioners equal to that of the Chief Election Commissioner. The recommendations on removal parity and financial charge remain unimplemented.

### 5. The Special Intensive Revision and Reason-Giving

The SIR is the clearest recent test of the Commission's powers. Section 21(3) of the Representation of the People Act, 1950 permits a special revision of the roll, for reasons recorded, in such manner as the Commission thinks fit. The Commission launched the exercise in Bihar on 24 June 2025 and announced a phased national extension in October 2025 (DD News, 2025). By mid-2026 the exercise had also been conducted in States including West Bengal, Assam and Tamil Nadu (Jain, 2026). The Commission's stated purpose was to remove deceased, duplicate and shifted electors and other ineligible entries while including every eligible citizen. Table 2 summarises the Bihar figures.

**Table 2**

*Electors on the Bihar Roll Before, During and After the Special Intensive Revision*

| Stage or reference point       | Date              | Electors (crore) | Remarks                                                                                                          |
|--------------------------------|-------------------|------------------|------------------------------------------------------------------------------------------------------------------|
| Pre-revision roll              | 24 June 2025      | 7.89             | Baseline at the start of the SIR                                                                                 |
| Draft roll                     | 1 August 2025     | 7.24             | 65 lakh names removed: about 22 lakh deceased, 36 lakh shifted or absent, 7 lakh enrolled in more than one place |
| Final roll                     | 30 September 2025 | 7.42             | 21.53 lakh added and 3.66 lakh removed after the draft; net fall of about 47 lakh (5.95%) from the baseline      |
| Comparator: Assembly election  | 2020              | 7.36             | Electorate recorded at the previous Assembly election                                                            |
| Comparator: Lok Sabha election | 2024              | 7.72             | Electorate recorded at the last general election                                                                 |

*Note.* Compiled from The Tribune (2025) and the Election Commission's figures as reported there. One crore equals 10 million; one lakh equals 100,000.

The figures support two readings. The pre-revision roll of 7.89 crore was 17 lakh larger than the 7.72 crore recorded at the 2024 Lok Sabha election, while the final roll of 7.42 crore was only six lakh above the 7.36 crore of the 2020 Assembly election (The Tribune, 2025). On the Commission's reading, the exercise corrected a roll inflated by deaths, migration and duplication. On the critics' reading, the removal of 65 lakh names from the draft roll, and the return of 21.53 lakh names on claims, show both the scale of exclusion risk

and the burden placed on citizens to correct it. Petitioners alleged disproportionate exclusion of particular communities. The Commission questioned the method behind that allegation and told the Court that no appeals had been received against exclusions from the final list (Association for Democratic Reforms, 2025). On 27 May 2026 a bench headed by Chief Justice Surya Kant upheld the exercise. The Court traced the power to Section 21(3) read with Article 324, applied a four-part proportionality analysis, and found the SIR proportionate and supported by adequate safeguards. It directed that doubtful citizenship questions be referred to the competent authority and decided within a reasonable time and before the next election in the relevant State or constituency (*Association for Democratic Reforms v. Election Commission of India*, 2026; Jain, 2026). The Court held that the exercise had a direct connection with the constitutional goal of free and fair elections.

Commentators have questioned both the timing and the reasoning. The judgment came six months after the Bihar election it concerned, so that the remedy for anyone wrongly excluded arrived after the electoral moment had passed (Jain, 2026). Jain also argues that the plenary-power reasoning enlarges the Commission's authority without supplying a matching framework of answerability, particularly where Parliament has not legislated constraints. These are contestable claims. The point that matters for this paper is structural. The exercise shows how a body with broad, judicially affirmed powers can act at scale before any accountability forum is able to rule on it.

## 6. Removal and Answerability

The removal route was tested for the first time in March 2026. A notice signed by 130 Lok Sabha members, with a parallel notice in the Rajya Sabha, invoked Article 324(5), Article 124(4), Section 11(2) of the 2023 Act and the Judges (Inquiry) Act, 1968, alleging partisan conduct and other misbehaviour by the Chief Election Commissioner (ETV Bharat, 2026). Under Section 3 of the 1968 Act a notice must be signed by at least 100 members of the Lok Sabha or 50 of the Rajya Sabha. On 6 April 2026 the Speaker and the Rajya Sabha Chairman, exercising powers under that section, declined to admit the notices (ETV Bharat, 2026).

The episode neither vindicates nor discredits the allegations, which were contested and never inquired into. Its significance lies in what it reveals about design. The Constitution gives the Chief Election Commissioner judge-like security, but the route to removal begins with the discretion of two presiding officers and ends with a two-thirds majority, so removal is realistic only with cross-party consensus. Other Election Commissioners can be removed on the Chief Election Commissioner's recommendation, an asymmetry that the Law Commission of India (2015) proposed to end. High barriers protect independence against a hostile majority, but they also mean that the formal legislative accountability of the Commission is in practice dormant. Accountability then falls back on the courts, which, as later sections show, have tended toward deference in this field.

## 7. Legislative Oversight and the Office of the Speaker

Parliament is the forum to which most constitutional bodies must answer, so the quality of parliamentary scrutiny is a proxy for the health of the whole accountability chain. Table 3 reports two indicators of functioning from the 14th to the 17th Lok Sabha.

Table 3  
Sitting Days and Committee Referral of Bills, 14th to 17th Lok Sabha

| Lok Sabha (term) | Average annual sitting days | Bills referred to committees (%) |
|------------------|-----------------------------|----------------------------------|
| 14th (2004–2009) | 66                          | 60                               |
| 15th (2009–2014) | 71                          | 71                               |
| 16th (2014–2019) | 66                          | 28                               |
| 17th (2019–2024) | 55                          | 16                               |

*Note.* Data from Menon (2024). The 17th Lok Sabha held 274 sittings, the fewest of any full-term Lok Sabha, and members were suspended on 206 occasions across both Houses. It was the first Lok Sabha to complete its term without a Deputy Speaker.

The trend is unfavourable on both measures. The 17th Lok Sabha referred only 16 per cent of Bills to committees, against 71 per cent in the 15th (Menon, 2024). About 58 per cent of Bills were passed within two weeks of introduction, and 35 per cent received less than an hour of discussion in the Lok Sabha. Between 2019 and 2023 an average of about 80 per cent of the Union budget was voted on without discussion. In the Winter Session of 2023, 146 members were suspended, and several major Bills, including those replacing the criminal codes, were passed after suspensions (Menon, 2024).

Committees remain active, with about 1,700 meetings in the 17th Lok Sabha, half of the reports presented being action-taken reports (Menon, 2024). Yet committee scrutiny of the ECI, the CAG or the Finance Commission depends on Bills and subjects actually reaching committees. When Bills bypass them, the legislature's capacity to examine the design of the institutions that check the executive is reduced. Among the key measures passed in the 17th Lok Sabha was the 2023 Act on the appointment of Election Commissioners (Menon, 2024).

### 8. The Speaker, the Deputy Speaker and Presiding Officers

The Speaker's office is itself a constitutional guarantor of fair procedure. Article 93 requires the House to elect a Speaker and a Deputy Speaker as soon as may be. The 17th Lok Sabha ended without electing a Deputy Speaker, the first time this had happened, and the post has remained vacant through the 18th Lok Sabha, n.d.; Menon, 2024). In earlier terms, the longest delay was 270 days, in the 12th Lok Sabha (The Wire, 2026). In March 2026, when a notice for the removal of the Speaker was before the House, a member of the Panel of Chairpersons nominated by the Speaker presided. The Opposition described this as a constitutional vacuum, while the treasury benches said that members presiding have the same powers as the Speaker (The Wire, 2026).

Presiding officers also carry adjudicative functions. Under the Tenth Schedule, the Speaker decides disqualification petitions, a role the Supreme Court upheld while subjecting it to judicial review (*Kihoto Hollohan v. Zachillhu*, 1992). In 2020 the Court held that such petitions should ordinarily be decided within three months and invited Parliament to consider an independent tribunal (*Keisham Meghachandra Singh v. Hon'ble Speaker, Manipur Legislative Assembly*, 2020). Presiding officers also decide whether removal notices against constitutional functionaries are admitted, as the March 2026 episode showed. A role that combines party origin, procedural control and quasi-judicial power calls for the safeguards that a Deputy Speaker, committees and time limits would otherwise supply.

### 9. Audit and Fiscal Federalism: The CAG and the Finance Commission

#### 9.1. The Comptroller and Auditor General

The CAG audits the receipts and expenditure of the Union and the States and reports to the President and Governors, who cause the reports to be laid before the legislature (Government of India, 1950, Arts. 148–151; Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971). Protection is strong on paper: removal in the manner of a Supreme Court judge, a salary charged to the Consolidated Fund, and a bar on later government office. But the CAG is an ex post auditor, and its influence depends on publication and on legislative follow-up through the Public Accounts Committee. Table 4 shows the average number of CAG reports tabled each year.

**Table 4**  
*Average Annual Number of CAG Reports Tabled in Parliament*

| Period    | Average reports tabled per year |
|-----------|---------------------------------|
| 2014–2018 | 40                              |
| 2019–2023 | 22                              |

*Note.* Data from The Wire (2023), which also reported that 2023 recorded a new low.

The fall from an average of 40 reports a year in 2014–2018 to 22 in 2019–2023 admits several explanations: fewer audits, later finalisation, or delay in tabling. The available data do not allow these to be separated. What

can be said is that the volume of audit findings reaching the legislature has declined. Tabling has continued. On 13 August 2026, for example, reports on Railways, on Customs under the Project Imports Scheme, and on scientific and environmental ministries were presented (Comptroller and Auditor General of India, 2026). The political consequence of audit findings, however, depends on whether committees and the public take them up. An audit report is an accountability instrument only when a forum is willing to pose questions.

## 9.2. The Finance Commission

The Finance Commission, constituted every five years under Article 280, recommends the division of Union tax revenue between the Union and the States and the principles that govern grants-in-aid. Its recommendations must be laid before Parliament with an explanatory memorandum on the action taken (Art. 281). Its record illustrates accountability through published reasoning. The Sixteenth Finance Commission, chaired by Arvind Panagariya, submitted its report to the President on 17 November 2025, and the report was tabled with the government's action-taken memorandum on 1 February 2026 (Business Standard, 2026; PRS Legislative Research, 2026). Table 5 reports the States' share of the divisible pool across recent commissions.

**Table 5**

*States' Share of the Divisible Pool of Central Taxes, 13th to 16th Finance Commissions*

| Finance Commission | Award period | States' share (%) |
|--------------------|--------------|-------------------|
| Thirteenth         | 2010–2015    | 32                |
| Fourteenth         | 2015–2020    | 42                |
| Fifteenth          | 2020–2026    | 41                |
| Sixteenth          | 2026–2031    | 41                |

*Note.* Compiled from the Fourteenth Finance Commission (2014) and PRS Legislative Research (2026).

The Fifteenth Commission's figure of 41% reflected the creation of the Union Territories of Jammu and Kashmir and Ladakh.

The Sixteenth Commission retained the share at 41 per cent, although 18 of the 28 States had asked for 50 per cent. It reasoned that States already account for more than two-thirds of non-debt revenues and that a higher share would constrain the Union's fiscal space. It introduced contribution to GDP as a new criterion for horizontal distribution with a weight of 10 per cent and recommended no revenue-deficit grants. The changes raised the shares of States such as Karnataka, by 0.48 percentage points, and lowered those of populous States such as Uttar Pradesh and Bihar (Business Standard, 2026). Whatever one thinks of these choices, the process met basic conditions of accountability: reasons were published, the Union's response was tabled alongside, and States could contest both.

A structural limit remains. Cesses and surcharges are excluded from the divisible pool (PRS Legislative Research, 2026), so the Commission's formula does not reach a component of Union revenue. The Commission's answerability is real but bounded by the definition of the pool it is asked to divide.

## 9.3. Electoral Integrity and the Composition of the Legislature

Political accountability also depends on who is elected. Table 6 reports the share of newly elected Lok Sabha members who declared criminal cases in their election affidavits, as compiled by ADR.

**Table 6**

*Winning Candidates With Declared Criminal Cases, Lok Sabha Elections 2009–2024*

| Election year | Winners analysed | Declared criminal cases, n (%) | Declared serious cases, n (%) |
|---------------|------------------|--------------------------------|-------------------------------|
| 2009          | 543              | 162 (30)                       | 76 (14)                       |
| 2014          | 542              | 185 (34)                       | 112 (21)                      |
| 2019          | 539              | 233 (43)                       | 159 (29)                      |
| 2024          | 543              | 251 (46)                       | 170 (31)                      |

*Note.* Data from Association for Democratic Reforms (2024a). Figures are self-declared in affidavits. A declared case is not a conviction. Serious cases include offences such as murder, attempt to murder, kidnapping and crimes against women.

The pattern is one of steady increase, from 30 per cent in 2009 to 46 per cent in 2024. Two cautions apply. The figures rely on self-declared affidavits, and a declared case is not a conviction, since many cases are pending for years and some arise from political protest. But the data also show that in 2024 candidates with declared cases had a 15.3 per cent chance of winning, compared with 4.4 per cent for candidates with clean records (Association for Democratic Reforms, 2024b). That finding indicates that parties continue to find such candidates electorally attractive (Vaishnav, 2017).

The courts, rather than Parliament, have driven disclosure. The Supreme Court recognised the voter's right to know a candidate's antecedents (*Union of India v. Association for Democratic Reforms*, 2002; *People's Union for Civil Liberties v. Union of India*, 2003) and ended the protection of convicted legislators pending appeal (*Lily Thomas v. Union of India*, 2013). It directed parties to publish candidates' criminal antecedents and, in 2020, to explain their choice of candidates (*Public Interest Foundation v. Union of India*, 2019; *Rambabu Singh Thakur v. Sunil Arora*, 2020). In 2024 it struck down the Electoral Bonds Scheme for violating the voter's right to information (*Association for Democratic Reforms v. Union of India*, 2024). The Election Commission is the enforcement agency for most of these obligations. The pattern reinforces this paper's central theme: institutions charged with accountability act on a political class that controls the rules of their appointment and their legislative environment, and that class has limited incentive to strengthen them.

## 10. Courts, Governors and Statutory Watchdogs

### 10.1. The Judiciary as an Accountability Forum

The Supreme Court has held free and fair elections to be part of the basic structure of the Constitution (*Indira Nehru Gandhi v. Raj Narain*, 1975), and the basic-structure doctrine (*Kesavananda Bharati v. State of Kerala*, 1973) is arguably the strongest constitutional protection that guarantor institutions have against amendment. Mehta (2007) has described the wider expansion of judicial power as a form of judicial sovereignty whose benefits in checking governments are matched by institutional costs. The Court's own accountability is contested. By striking down the National Judicial Appointments Commission (*Supreme Court Advocates-on-Record Association v. Union of India*, 2016), it preserved a collegium system whose appointment decisions are not subject to external oversight. Bhat observes that the Court has treated the ECI within a framework of trust that produces deference, while applying demanding transparency standards to political actors (as cited in Jain, 2026).

### 10.2. Governors and the Limits of Judicial Remedies

Governors illustrate a different problem. Article 200 prescribes no time for assent, and several States complained of prolonged inaction on their Bills. In April 2025, two-judge bench prescribed timelines and treated ten Tamil Nadu Bills as having received assent. On a Presidential Reference, a five-judge Constitution Bench held on 20 November 2025 that courts cannot impose timelines or declare deemed assent, although Governors and the President cannot delay Bills indefinitely (*In re: Assent, Withholding or Reservation of Bills by the Governor and the President of India*, 2025; Supreme Court Observer, 2025). The opinion rests on respect for the separation of powers. It also leaves a duty that is acknowledged but not enforceable through a fixed judicial remedy, so that accountability depends on political norms and cooperative federalism. That gap between duty and remedy recurs across the guarantor framework.

### 10.3. Statutory Watchdogs and the Vacancy Problem

Statutory bodies such as the Central and State Information Commissions, the Lokpal and the Central Vigilance Commission supplement the constitutional ones, and their experience is instructive because they lack constitutional protection. A 2023–24 report card prepared by Satark Nagrik Sangathan found that pendency before information commissions had risen from 3.21 lakh to 4.05 lakh appeals and complaints, with four State

Information Commissions defunct and five headless (Joy, 2024). Vacancies are a quiet way of weakening a watchdog. They involve no amendment, no controversy and no removal, yet they reduce answerability through delay. The same logic can apply to constitutional bodies whose members' terms end without timely replacement.

#### 10.4. Strengthening Democratic Institutions: A Reform Agenda

The evidence reviewed above suggests that India's guarantor institutions suffer less from a lack of formal powers than from under-designed independence and accountability. Reforms should therefore be judged by three criteria: whether they strengthen independence and answerability together, whether they can be implemented through statute, rules or convention where constitutional amendment is unrealistic, and whether they are entrenched enough to survive a change in political majority. The 2023 legislation on Election Commissioners shows what happens to a reform that lacks entrenchment. Table 7 sets out seven proposals. They are the author's synthesis of earlier recommendations and case law and are not settled positions.

**Table 7**  
*Proposed Reform Agenda for Guarantor Institutions*

| Proposal                          | Problem addressed                                                                     | Instrument                                                                                                                 | Basis in law or scholarship                                                          |
|-----------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 1. Plural selection panels        | Executive dominance in appointments to the ECI and the CAG                            | Statute or amendment providing a panel with a member independent of the executive, published criteria and recorded minutes | <i>Anoop Baranwal</i> (2023); Law Commission of India (2015)                         |
| 2. Removal parity                 | Weaker protection for Election Commissioners than for the Chief Election Commissioner | Amendment to the proviso to Art. 324(5)                                                                                    | Law Commission of India (2015)                                                       |
| 3. Financial autonomy             | Dependence on the executive for budgets and staffing                                  | Charge on the Consolidated Fund; independent secretariat                                                                   | Law Commission of India (2015)                                                       |
| 4. Reasoned transparency          | Opaque deletions and timing of roll revisions                                         | Statutory rules for any special revision: public reasons, independent audit, appeal route, timing clear of elections       | Jain (2026)                                                                          |
| 5. Time-bound duties              | Vacant Deputy Speaker's office; delayed Tenth Schedule and assent decisions           | Time limit in Art. 93 or rules; statutory timelines with exceptions for recorded reasons                                   | <i>Keisham Meghachandra Singh</i> (2020); Menon (2024)                               |
| 6. Mandatory scrutiny             | Low committee referral; fewer CAG reports tabled                                      | Referral thresholds in rules; fixed tabling schedule for CAG reports; follow-up by committees                              | Menon (2024); <i>The Wire</i> (2023)                                                 |
| 7. Integrity in political finance | Criminal antecedents; opaque funding after the Electoral Bonds judgment               | Enforcement of affidavit and party disclosure; real-time donation reporting; special courts                                | <i>Association for Democratic Reforms</i> (2024); <i>Rambabu Singh Thakur</i> (2020) |

*Note.* Proposals are the author's synthesis. ECI = Election Commission of India; CAG = Comptroller and Auditor General.

Plural selection panels and removal parity address independence at its root. A panel that includes a member not answerable to the executive, whether the Chief Justice, as *Anoop Baranwal* provided, or another

independent member chosen by a defined process, gives appointments a basis outside the governing party. Published criteria and minutes would make the process answerable to the public. Financial autonomy would end reliance on ministerial approval for budgets.

Reasoned transparency and time-bound duties address accountability. Statutory rules for any special intensive revision could require public reasons for deletions, an independent audit of the process, an accessible appeal route and scheduling clear of the election cycle (Jain, 2026). Time limits for electing a Deputy Speaker, for deciding Tenth Schedule petitions and for committee referral would convert conventions into duties. Finally, mandatory scrutiny of CAG reports and stronger disclosure of political funding would reinforce the legislative and public forums on which the guarantor institutions depend.

Sequencing also matters. Some reforms can be adopted quickly and without constitutional amendment, such as published selection criteria, disclosure of reasons for deletions, committee-referral thresholds in the rules of procedure and a tabling schedule for CAG reports. Others, such as removal parity and a charge on the Consolidated Fund, require legislation or amendment and therefore broader political agreement. Beginning with the first group would build a record of practice and public expectation that makes the second group easier to achieve, and would test the objections discussed next.

There are reasonable objections. Plural panels may politicise the bodies that take part in them, and the fate of the National Judicial Appointments Commission shows that judicial participation in executive appointments raises legitimacy concerns of its own. Fixed timelines can be rigid, as the Court reasoned in the Governors' Reference. Greater scrutiny may also slow institutions that need to act quickly, as election management often does. These objections argue for careful design rather than inaction. Independent members can be drawn from several sources, timelines can carry exceptions for recorded reasons, and post-hoc audits can be structured so that they do not delay operations.

## 11. Conclusion

This paper asked whether India's constitutional bodies deliver political accountability and what would strengthen them. Assessed against the tests of competence, independence and accountability, the record is mixed. Competence is largely intact: elections are administered at vast scale, audit reports and Finance Commission awards continue to appear, and committees still meet. Independence is less secure, because appointment to key bodies remains in executive hands and the plural interim process prescribed by the Court was replaced by statute within a year. Accountability is the weakest element. Removal proceedings against the Chief Election Commissioner did not proceed beyond the admission stage, parliamentary scrutiny has thinned, audit reports reach the legislature in smaller numbers, and vacancies in statutory watchdogs quietly erode answerability.

The Finance Commission offers a counter-example. Its reasons are published, the government's response is tabled beside them, and States and scholars can contest the result. Accountability there works through transparency and reasoned dispute. The SIR judgment, by contrast, illustrates the risk that arises when judicial deference confirms broad powers without an equally developed framework for review. The lesson is that constitutional status does not by itself make an institution democratic. Independence and answerability must be designed together, entrenched against reversal, and supported by norms of forbearance among those who hold office.

The study has limits. Much of the data is self-declared or drawn from secondary summaries, several developments are ongoing, including further phases of the SIR through late 2026 and the pending challenge to the 2023 Act, and the analysis does not assess State-level bodies such as State Public Service Commissions. Future research could combine interviews with former members of these bodies, systematic tracking of vacancies, and comparative work on how other parliamentary democracies entrench appointment and removal rules. India's constitutional framers created institutions to restrain power. Whether they continue to do so

depends on the willingness of legislators, judges, officials and citizens to keep those institutions both independent and answerable.

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