Polity & Governance · GS - II

Examine the constitutional issues involved in granting legal immunity to election commissioners. How can judicial review safeguard the independence and accountability of the Election Commission of India?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 04/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 324, Section 16 of the 2023 Act, Article 14, rule of law, independence of constitutional bodies, accountability, judicial review, separation of powers.

Model Answer

Introduction

The Election Commission of India (ECI), established under Article 324, plays a crucial role in ensuring free and fair elections. Legal protection for election commissioners raises questions about institutional independence and accountability.

Constitutional Issues

Section 16 of the Chief Election Commissioner and Other Election Commissioners Act, 2023 protects commissioners against certain civil and criminal proceedings for acts done in the discharge of official duties. Such protection may enable independent decision-making by reducing the threat of retaliatory litigation.

However, excessively broad immunity may raise concerns regarding Article 14, equality before the law, and the rule of law. The distinction between legitimate official acts and conduct outside official duties is therefore

important.

Role of Judicial Review

The Supreme Court can assess whether the provision conforms to constitutional principles. Judicial review helps prevent arbitrary legislation while respecting Parliament’s legislative authority. It also reinforces the balance between independence and accountability in constitutional institutions.

Conclusion

Election commissioners require adequate protection to perform their duties impartially, but such protection must remain constitutionally justified and appropriately defined. Independent judicial scrutiny is essential to maintaining public confidence in electoral democracy.