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**EDITORIAL ANALYSIS**

# Institutional Erosion – Crisis of Trust and the Future of Indian Democracy

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**SUBJECTS COVERED****POLITY****SOCIAL ISSUES****GS PAPERS****GS2****CURATED & WRITTEN BY****Bharat Choudhary**

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# Institutional Erosion — Crisis of Trust and the Future of Indian Democracy

The Indian Express 20 March 2026 **GS2**

**IE** The Indian Express | MAINS RELEVANCE: **GS Paper 2**



## INTERVIEW ANGLE

*"What does the simultaneous targeting of multiple constitutional offices — the Speaker, the Election Commission, and the Judiciary — say about the health of India's democratic institutions? What reforms can restore public trust?"*

## WHY IN NEWS

The Indian Express editorial flags a convergence of institutional stress — a no-confidence motion moved against the Lok Sabha Speaker, a formal impeachment notice served to the Chief Election Commissioner, and escalating tensions over judicial appointments — raising structural questions about the independence and credibility of India's constitutional offices.

## THE TRIGGER EVENTS

Three near-simultaneous institutional challenges have converged in early 2026, giving the editorial its frame:

**No-Confidence Motion against the Lok Sabha Speaker** — Opposition parties moved a notice of motion against the Speaker under Article 179©, citing partisan conduct in proceedings, adjudication of defection cases, and denial of debate time. This is constitutionally valid but politically fraught.

**Impeachment Notice for the Chief Election Commissioner (CEC)** — Opposition MPs signed a notice under Article 324 read with the Chief Election Commissioner and Other Election Commissioners (Service Conditions) Act, 2023, citing alleged partisan conduct during recent state elections.

**Collegium vs. Government standoff** — Delays in judicial appointments and the government's silence on several Collegium-recommended names continue to strain the executive-judiciary relationship.

The editorial argues these are not isolated events but symptoms of a **deeper institutional stress fracture** — one where the independence of every constitutional umpire is contested along political lines.

## CONSTITUTIONAL ARCHITECTURE OF KEY OFFICES

### THE SPEAKER OF THE LOK SABHA:

**Article 93:** The House shall elect a Speaker and Deputy Speaker from among its members

**Article 179:** The Speaker may be removed by a resolution of the House passed by a majority of all then members (effective majority); notice requires 14 days

**Article 122:** Court shall not inquire into proceedings in Parliament — this makes the Speaker's rulings nearly unchallengeable in courts

**Tenth Schedule (Anti-Defection Law):** The Speaker is the sole adjudicatory authority for defection petitions — this has become the central flashpoint in nearly every coalition government since 1985

**Kihoto Hollohan case (1992):** Supreme Court upheld the Tenth Schedule but clarified the Speaker's order under it is subject to judicial review only after the decision is made

**The core problem:** The Speaker is simultaneously the presiding officer of the House AND a member of the ruling party. In Westminster democracies (UK, Canada), Speakers conventionally resign from their party on election to ensure impartiality — India has no such constitutional requirement, leading to structural bias accusations.

### THE CHIEF ELECTION COMMISSIONER:

**Article 324:** The Election Commission shall consist of the CEC and such number of Election Commissioners as the President may fix

**Removal:** The CEC can only be removed by the same process as a Supreme Court Judge — impeachment by Parliament by special majority (Article 325)

**CEC and Other EC (Amendment) Act, 2023:** Changed the appointment committee from a panel including the Chief Justice of India to one consisting of the PM, a Cabinet Minister, and the Leader of Opposition — the SC upheld the legislation while expressing concerns about independence

**Anoop Baranwal case (2023):** Supreme Court's 5-judge bench held that until Parliament legislates, the appointment must include the CJI — the 2023 Act was Parliament's legislative response, removing the CJI

The editorial argues: **removing the CJI from the appointment process was a structural weakening** of the CEC's perceived independence, and the impeachment notice — however unlikely to succeed — reflects accumulated trust deficit.

## THE EDITORIAL'S CORE ARGUMENT

The Indian Express editorial argues that India is experiencing **institutional capture by stealth** — not through constitutional amendments but through:

**Appointment politics:** Constitutional appointments increasingly favour loyalists, eroding the perceived independence of offices (Election Commission, CBI, ED, RBI).

**Anti-defection law weaponisation:** The Tenth Schedule — meant to prevent horse-trading — has become a tool to insulate ruling party defectors while targeting opposition legislators. The Speaker's discretion in timing defection hearings is a central vulnerability.

**Judicial delays as de facto veto:** The government's delays in clearing Collegium recommendations (some names pending for 2–3 years) effectively give the executive a pocket veto over judicial composition — a power the Constitution never intended.

**Opposition's credibility deficit:** The editorial is also critical of the Opposition — using constitutional mechanisms (no-confidence motion against Speaker, impeachment notice against CEC) primarily as political theatre rather than serious institutional reform advocacy dilutes the legitimate concerns.

**The editorial's prescription:** India needs **structural separation of constitutional offices from political patronage** — through bipartisan appointment committees, fixed non-renewable terms, and a Speaker convention modelled on Westminster practice.

## COMPARATIVE PERSPECTIVE — GLOBAL MODELS

Office	UK Model	India
Speaker	Resigns from party on election; stands unopposed in constituency	Remains party member; contested
Election Commission	Independent Electoral Commission since 2022	Government-appointed with reduced judicial oversight since 2023
Judicial appointments	Independent Judicial Appointments Commission	Collegium with executive delay power
Chief of CBI	Parliamentary committee oversight	Executive-controlled

**South Korea's 2024 precedent:** The constitutional crisis triggered by President Yoon Suk-yeol's martial law declaration and subsequent impeachment by the National Assembly demonstrated that even established democracies face institutional ruptures — and that Parliament's oversight role is the last line of defence.

## ANTI-DEFECTION LAW — THE UNRESOLVED PROBLEM

The Tenth Schedule has been at the centre of India's institutional discourse since 1985:

**1985:** Added by 52nd Amendment (Rajiv Gandhi government) to curb horse-trading

**1992:** Kihoto Hollohan — SC upholds it but says Speaker's decision is subject to judicial review after the fact

**2003:** 91st Amendment — reduces size of Council of Ministers to 15% of House strength (indirectly reduces defection incentive)

**Persistent problem:** The Speaker decides disqualification petitions — but the Speaker is a party member. In Manipur (2020), Goa (2019), and multiple other states, defection petitions were kept pending for years until the defectors' political value was served

### Law Commission and Committee recommendations (repeatedly ignored):

Transfer anti-defection adjudication to the Election Commission or to an independent tribunal

Impose time limits (3 months) on disqualification hearings

Make the Speaker's defection decisions automatically judicially reviewable without waiting for a final decision

## UPSC RELEVANCE

*Article 93 (Speaker election), Article 179© (Speaker removal — effective majority + 14 days notice), Article 324 (Election Commission), Kihoto Hollohan case (1992), Tenth Schedule (52nd Amendment, 1985), CEC and Other EC Act 2023 (new appointment committee), 91st Amendment (2003).*

**Mains GS2:** *Independence of constitutional offices, anti-defection law reforms, separation of powers, judicial appointments (Collegium system), Election Commission independence, comparative democracy (Westminster model), institutional trust crisis.*

## ★ FACTS CORNER — KNOWLEDGEPEDIA

### CONSTITUTIONAL ARTICLES — KEY OFFICES:

Article 93: Election of Lok Sabha Speaker and Deputy Speaker

Article 179©: Speaker removal — resolution by effective majority (majority of all members); 14 days advance notice required

Article 122: Courts cannot inquire into parliamentary proceedings (protects Speaker's rulings)

Article 324: Constitution of Election Commission

Article 325: CEC removal — same process as SC judge (parliamentary impeachment, special majority)

### ANTI-DEFECTION LAW (TENTH SCHEDULE):

Added by: 52nd Constitutional Amendment, 1985 (Rajiv Gandhi government)

Adjudicating authority: Speaker of the House (or Chairman of Rajya Sabha)

Landmark case: Kihoto Hollohan v. Zachillhu (1992) — 5-judge bench; upheld Tenth Schedule; Speaker's order subject to judicial review after decision

91st Amendment (2003): Council of Ministers capped at 15% of House strength

### CEC APPOINTMENT — RECENT CHANGE:

Old system: President appoints on PM's advice (no formal committee)

Anoop Baranwal case (2023): SC ruled CJI must be on panel until Parliament legislates

CEC and Other EC (Amendment) Act, 2023: Appointment panel = PM + Cabinet minister + Leader of Opposition (CJI removed)

### COMPARATIVE MODELS:

UK Speaker: Resigns from party on election; tradition since 1728

Westminster convention: Speaker stands as "The Speaker" in general elections (no party opponent from major parties)

South Korea 2024: President Yoon Suk-yeol impeached by National Assembly (December 2024) after brief martial law declaration

### OTHER RELEVANT FACTS:

Defection petitions pending: Multiple Speakers have allowed petitions to remain pending for 1–3 years — SC has repeatedly criticised this

Nabam Rebia case (2016): SC ruled Speaker cannot decide defection petition when their own removal notice is pending

Election Commission composition (2026): CEC + 2 Election Commissioners (full strength)

CBI Director: 2-year fixed term; removed only with approval of High-Powered Committee (PM, Leader of Opposition, CJI)

Sources: Indian Express, Constitution of India, PIB

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