



UPSC &amp; STATE PCS CURRENT AFFAIRS · UJIYARI.COM

EDITORIAL ANALYSIS

# Tyranny of the Elected: Why Supreme Court Is Right to Question EC Appointments

INDIAN EXPRESS

9 May 2026 · POLITY · GS2

CURATED &amp; WRITTEN BY

**Bharat Choudhary**

UPSC Educator &amp; Content Creator

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

ALSO FROM THE CREATOR

**BharatNotes**Free UPSC notes, MCQs, PYQ analysis. **100% Free.**[bharatnotes.com](http://bharatnotes.com) →

ADVERTISE

**Advertise with Ujiyari**

Reach thousands of UPSC aspirants daily.

[epicbharat@gmail.com](mailto:epicbharat@gmail.com)

# Tyranny of the Elected: Why Supreme Court Is Right to Question EC Appointments

 The Indian Express

9 May 2026

GS2
IE

The Indian Express

2 tags ▾


## INTERVIEW ANGLE

*"Can a constitutional body that owes its appointment to the government whose elections it oversees ever be genuinely independent, or is structural independence impossible without removing the executive from the appointment process entirely?"*

## EDITORIAL SUMMARY:

Indian Express supports the Supreme Court's characterisation of the Election Commission appointment process under the 2023 Act as "tyranny of the elected" — arguing that a constitutional body that oversees elections cannot be structurally independent if its members are appointed by the very government whose electoral fortunes it oversees.

## THE STRUCTURAL CONFLICT OF INTEREST

The Election Commission of India — which controls when and how elections happen, enforces the Model Code of Conduct, and can disqualify candidates — is among the most consequential institutions in any democracy.

When the government that must face elections controls the appointment of the body that runs elections, there is a structural conflict of interest regardless of the integrity of individual appointees.

## THE 2023 ACT: WHAT CHANGED

The **CEC and Other ECs Act, 2023** established:

- **Selection Committee:** PM (Chair) + PM-nominated Cabinet Minister + Leader of Opposition
- **PM's side: 2 out of 3 votes**

- **Chief Justice of India explicitly excluded** — contrary to the SC’s own recommendation in *Anoop Baranwal v. UoI* (2023)

The Act was passed rapidly after the SC’s interim arrangement (PM + LoP + CJI), effectively legislating away the judicial recommendation.

## THE EDITORIAL’S CORE ARGUMENTS

### 1. Independence Requires Structural Insulation

Institutional independence is not just about individual integrity — it is about removing structural incentives for bias. A commissioner who knows their appointment depends on the ruling party has a structural disincentive to rule against it.

### 2. Parliament Cannot Negate Constitutional Spirit

Article 324 vests election oversight in an “independent commission.” Parliament’s power to legislate the appointment process cannot be used to structurally compromise the very independence the Constitution mandates.

### 3. “Tyranny of the Elected” Is Precise

When a parliament with a majority uses that majority to control appointments to the body that determines how future majorities are formed, it is using democratic power to entrench itself — the classic definition of democratic backsliding.

## WHAT WOULD GENUINE INDEPENDENCE REQUIRE?

- 1 **Multi-stakeholder search committee** including CJI, eminent jurists, civil society
- 2 **Parliamentary ratification** by a cross-party committee
- 3 **Non-renewable tenure** — remove incentive to please the appointing authority
- 4 **Post-retirement restrictions** on government appointments

## UPSC MAINS ANALYSIS

### GS Paper 2 — Polity, Constitution, Governance

**Keywords:** Article 324, institutional independence, democratic backsliding, tyranny of the elected, Anoop Baranwal case, CEC, Model Code of Conduct, separation of powers

**Mains Angles:**

- 1 “Democratic legitimacy requires not just free elections but structurally independent election management bodies.” Examine in the context of recent changes to EC appointment procedures.
- 2 Does the CEC and Other ECs Act, 2023 represent a democratic regression? Critically evaluate.

*Indian Express's argument: The SC's phrase "tyranny of the elected" precisely captures what the 2023 Act creates. The problem is not that any individual appointee is corrupt — it is that the structure creates incentives for deference. Institutional independence must be structural, not personal.*

**PRACTICE TODAY'S QUIZ**


[Take the 9 May 2026 Quiz →](#)

**RELATED DAILY ARTICLES**

9 May [Current Affairs Today -- May 9, 2026](#)

9 May [Supreme Court on Election Commission Appointments:...](#)

9 May [NCRB Crime in India 2024: Cybercrime Crosses One Lakh...](#)

8 May [Current Affairs Today — May 8, 2026](#)

[← NEWER EDITORIAL](#)

[NITI Aayog's School Education Report: From Textbook...](#)

[OLDER EDITORIAL →](#)

[Governor's Discretion and Constitutional Morality: Tamil...](#)



CURATED &amp; WRITTEN BY

## Bharat Choudhary

UPSC Educator &amp; Content Creator

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)[Read Full Article on Ujiyari →](#)<https://ujiyari.com/editorials/2026/05/ie-election-commission-tyranny-elected/>

### ALSO FROM THE CREATOR

## BharatNotes

Free UPSC study platform — subject-wise notes across all 4 GS papers, Prelims MCQs, Mains answer frameworks, PYQ analysis & progress tracking. **100% Free • No Login Required.**

[Start Preparing → bharatnotes.com](http://bharatnotes.com)

### 📌 OPPORTUNITY

## Advertise with Ujiyari

Reach **thousands of serious UPSC & State PCS aspirants** daily through our PDFs, website, and social channels.

**Ideal for:** Coaching institutes • EdTech platforms • Book publishers • Exam prep apps

[✉ epicbharat@gmail.com](mailto:epicbharat@gmail.com)

Write to us for rates & media kit

Free UPSC & State PCS Current Affairs · [ujiyari.com](http://ujiyari.com) · [bharatnotes.com](http://bharatnotes.com)