



UPSC & STATE PCS CURRENT AFFAIRS · UJIYARI.COM

EDITORIAL ANALYSIS

Beyond Procedure: Why the Election Commission Must Rebuild Opposition Trust

 THE HINDU

10 August 2026 ·

POLITY ·

GS2

CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

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

ALSO FROM THE CREATOR

BharatNotesFree UPSC notes, MCQs, PYQ analysis. **100% Free.**bharatnotes.com → **ADVERTISE****Advertise with Ujiyari**

Reach thousands of UPSC aspirants daily.

 epicbharat@gmail.com

Beyond Procedure: Why the Election Commission Must Rebuild Opposition Trust

 The Hindu

10 August 2026

GS2



INTERVIEW ANGLE

"If every one of the Election Commission's individual decisions can be defended as procedurally correct, and the Opposition still does not trust the institution, whose failure is that, the Commission's or the Opposition's, and how would you design a test to tell?"

✓ Every fact web-verified against primary sources

THE LIFT LINE

A referee who is never overruled by the umpire is not the same as a referee both teams trust. The Election Commission has spent the past year winning the first contest and losing the second.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Every polity answer on the Election Commission tends to recite Article 324 and stop at “independent constitutional body.” Quraishi’s argument gives you a sharper analytical frame: **legal correctness and institutional legitimacy are two different tests, and an institution can pass the first while failing the second.** This distinction transfers directly to any question on constitutional bodies facing a credibility challenge, the CBI, the Governor’s office, even the judiciary’s own contempt jurisdiction, and is a reliable way to lift a GS2 answer above a purely descriptive one.

GS Paper 2: Salient features of the Representation of People’s Act; **Statutory**, regulatory and various quasi-judicial bodies; structure, organisation and functioning of the Executive and the Judiciary; Election Commission of India, Article 324.

CONCEPT	MEANING	WHY IT IS TESTABLE
Article 324	Vests superintendence, direction and control of elections in the Election Commission	Foundational fact for any ECI question
Anoop Baranwal v. Union of India (2023)	SC ruling requiring a transparent, insulated appointment process for CEC/ECs	Basis for the 2023 Act; also the source of the current controversy over its composition
CEC and Other ECs Act, 2023	Statute governing appointment; selection panel is PM, LoP (Lok Sabha), and a Union Cabinet Minister nominated by the PM	Replaced the CJI with a government nominee, the Opposition's central procedural grievance
Special Intensive Revision (SIR)	Large-scale, phased door-to-door verification of electoral rolls by Booth Level Officers	Upheld by SC in May 2026; a live flashpoint between the Commission and the Opposition
EVM-VVPAT matching	Cross-verification of electronic vote totals against paper-trail slips	SC declined 100 per cent verification in 2024 but ordered sealing and post-result checks

BACKGROUND AND CONTEXT

The trigger for Quraishi's intervention is a pattern of Opposition allegations that, in his assessment, has left the Election Commission's credibility with a 'severe beating', a marked reversal from his own description of Opposition comfort with the Commission during his tenure as the 17th Chief Election Commissioner, from 2010 to 2012.

DEVELOPMENT	DETAIL
Current CEC	Gyanesh Kumar, in office since February 19, 2025
Selection committee (post-2023)	PM, Leader of Opposition (Lok Sabha), Union Cabinet Minister nominated by the PM
SIR judgment	<i>Association for Democratic Reforms v. ECI</i> , Supreme Court, May 27, 2026 , upheld SIR as lawful under the RP Act, 1950 and Article 324
Bihar SIR outcome	Approximately 47 lakh electors removed, roughly 5-6 per cent of the electorate (Phase 1, June-September 2025)
Parties before the Supreme Court	24 political parties with complaints about the Commission's conduct
EVM-VVPAT ruling	Supreme Court, April 2024, rejected 100 per cent verification but ordered 45-day sealing of symbol-loading units and post-result checks on request

Article 324's text gives the Commission wide superintendence powers precisely so that it can act independently of the government of the day; the 2023 Act's replacement of the CJI with a government-nominated Cabinet Minister on the selection panel is the specific structural change the Opposition points to when arguing that the Commission's composition, not merely its individual rulings, is now the source of distrust.

THE ANALYSIS

1. Two different tests are being conflated in the public debate. Whether an ECI decision is lawful is a question for courts, and on both the SIR exercise and EVM-VVPAT procedure, the Supreme Court has found no illegality. Whether the Commission is perceived as even-handed by all political stakeholders is a separate, relational question that courts do not [adjudicate](#) and that only the Commission's own conduct can answer.

2. Quraishi's evidentiary claim carries weight precisely because of who is making it. A former CEC who ran the institution, rather than an external critic, describing a decline from an era of Opposition comfort to one of 'very unfair' treatment, is a data point about institutional [trajectory](#) that outside commentary cannot substitute for.

3. The 2023 appointment reform is a structural, not incidental, grievance. Removing the Chief Justice of India from the selection panel and replacing that seat with a Cabinet Minister nominated by the Prime Minister changes the panel's composition from three broadly independent voices to a 2:1 government-leaning body on paper, regardless of how any individual appointment is actually made. Distrust rooted in composition is harder to dispel through individual good conduct than distrust rooted in a single disputed decision.

4. SIR being lawful does not settle whether it is trusted. The Supreme Court's finding that SIR falls within the ECI's statutory [mandate](#) answers the legality question definitively. It does not, on its own, answer whether the roughly 47 lakh exclusions in Bihar were communicated, verified and appealed in a manner that left disenfranchised or wrongly-flagged voters, and the parties representing them, confident the process was fair rather than merely lawful.

5. The prescriptive core of Quraishi's argument is administrable without new legislation. Prioritising Opposition requests for meetings and data, publishing [granular](#) and independently verifiable electoral-roll methodology, and building a fast, visible grievance-response channel are all within the Commission's existing powers under Article 324 and the Representation of the People Act, 1950. That makes the argument a call for administrative discipline, not a demand for legal or constitutional change.

DATA AND INSTITUTIONS VAULT

PRELIMS-GRADE FACTS:

Article 324: vests superintendence, direction and control of elections in the Election Commission

CEC and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023: enacted after Anoop Baranwal v. Union of India (2023); selection panel is PM, Leader of Opposition (Lok Sabha), and a Union Cabinet Minister nominated by the PM, replacing the CJI

Current CEC: Gyanesh Kumar, in office since February 19, 2025

Former CEC and author of this op-ed: S.Y. Quraishi, 17th CEC, tenure 2010-2012

Special Intensive Revision (SIR): upheld by the Supreme Court, May 27, 2026, in *Association for Democratic Reforms v. ECI*, as within the ECI's mandate under the Representation of the People Act, 1950

Bihar SIR (Phase 1, June-September 2025): approximately 47 lakh electors removed

24 political parties approached the Supreme Court with complaints against the Commission

EVM-VVPAT: Supreme Court, April 2024, rejected 100 per cent verification; ordered 45-day sealing of symbol-loading units and post-result burnt-memory verification on written request (within 7 days) from the second- and third-placed candidates

WATCH THE TRAP: DO NOT WRITE THAT THE SUPREME COURT FOUND THE ELECTION COMMISSION “BIASED” OR “UNFAIR.” THE COURT UPHELD THE SIR EXERCISE AND REJECTED THE 100 PER CENT EVM-VVPAT DEMAND ON LEGAL GROUNDS; THE “UNFAIR” CHARACTERISATION IS QURAISHI’S OWN POLITICAL AND INSTITUTIONAL ASSESSMENT, NOT A JUDICIAL FINDING, AND THE TWO MUST BE KEPT DISTINCT IN AN ANSWER.

THE DEBATE

Argument FOR treating this as a genuine institutional crisis. A former CEC’s own before-and-after comparison, 24 parties approaching the Supreme Court, and a 2023 appointment reform that visibly tilts the selection panel together constitute more than routine political grievance. An election management body whose fairness is doubted by a significant share of the political spectrum faces a legitimacy problem regardless of how any individual ruling turns out.

Argument AGAINST overstating the crisis. Courts have twice examined the Commission’s most contested recent actions, SIR and EVM-VVPAT procedure, and found no illegality. Opposition parties challenging outcomes they are unhappy with is a permanent feature of competitive democracy, and treating every allegation as proof of institutional decay risks making neutral administration impossible to demonstrate to a determined critic.

Balanced verdict. Legal vindication and political trust operate on different clocks, and an institution that wins in court while losing the confidence of a large share of political stakeholders has not actually resolved its legitimacy problem. The proportionate response is neither to dismiss the Opposition's concerns as sour grapes nor to treat every adverse ruling as proof of bias, but to recognise that the Commission's own administrative choices, on transparency, responsiveness and composition, are the only lever within its control to close the gap.

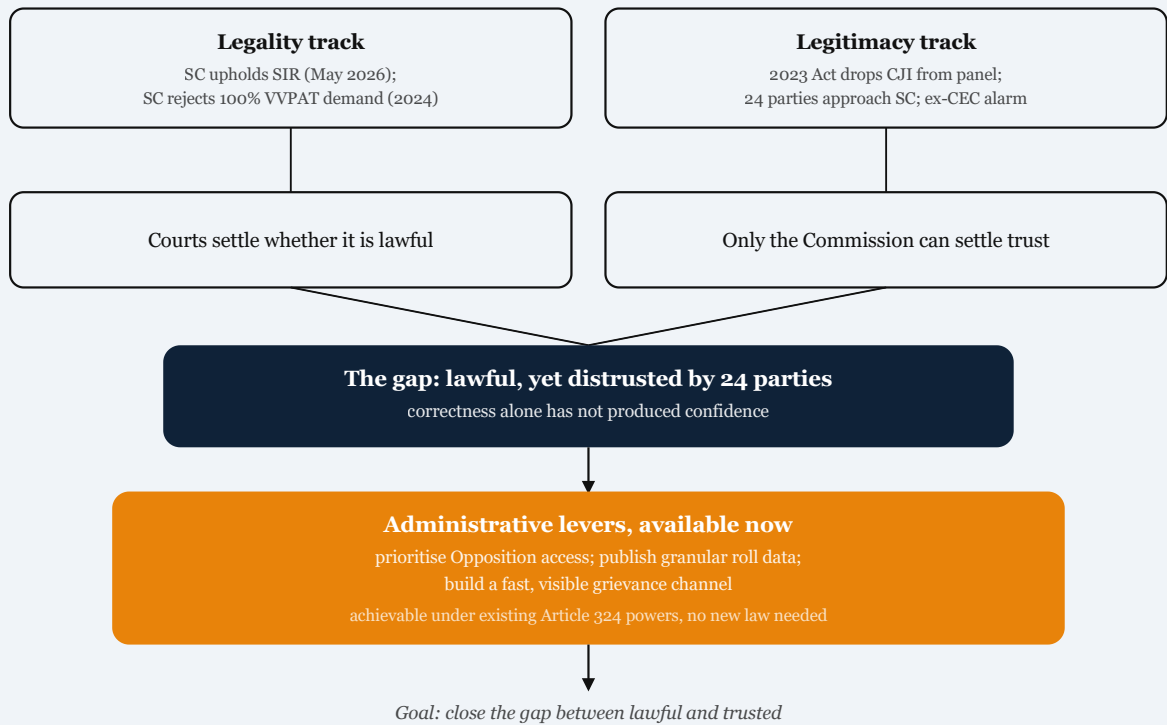
HOW TO THINK ABOUT THIS

The transferable pattern: **when assessing a constitutional body under public criticism, separate the legality question from the legitimacy question before forming a view.** Courts settle legality. Legitimacy is settled by whether the institution's stakeholders, including the side that loses, believe the process was applied even-handedly, and that belief is shaped by transparency, responsiveness and perceived independence of composition, not by court verdicts alone.

Run this test on any constitutional or statutory body facing similar criticism: *Has a court examined its specific actions, and what did it find?* That resolves the legal question. *Is there a structural feature, such as appointment composition, that a reasonable stakeholder could read as tilted, independent of any individual decision?* That is often the real source of persistent distrust. *What can the institution do administratively, without new legislation, to close the trust gap?* That is where a mature institutional-design answer should end, and it is exactly where Quraishi's own prescription lands.

DIAGRAM-IN-WORDS

Two separate tracks: legality and legitimacy



Judicial vindication on SIR and EVM-VVPAT has settled the Commission's legality; it has not, on its own, rebuilt Opposition trust, which the Commission can only repair through its own administrative choices on transparency and responsiveness.

TAKEAWAY BOX

A verdict of “not illegal” is a floor for a constitutional body, not a ceiling. The Election Commission has cleared the floor; the harder work of being trusted remains its own to do.

Article 324; Anoop Baranwal v. Union of India (2023); CEC and Other ECs Act, 2023 (selection panel: PM, LoP, PM-nominated Cabinet Minister); current CEC **Gyanesh Kumar** (since February 19, 2025); **Special Intensive Revision (SIR)** upheld **May 27, 2026** in *ADR v. ECI*; Bihar SIR removed ~**47 lakh** electors; **24 parties** approached the Supreme Court; **EVM-VVPAT** ruling (April 2024) rejected 100 per cent verification but ordered 45-day sealing.

does a constitutional authority have an affirmative duty to actively cultivate trust among stakeholders who distrust it, beyond simply acting lawfully, and if so, where does that duty end before it becomes political appeasement?

UPSC has repeatedly tested the Election Commission’s independence, the Article 324 mandate, and reform of the appointment process; this editorial supplies the sharper analytical distinction between legal correctness and institutional legitimacy that a strong answer on ECI credibility now needs.

“Judicial vindication of the Election Commission’s specific decisions has not translated into Opposition trust in the institution.” Examine this statement and suggest measures consistent with Article 324 to close the gap.

Sources: *The Hindu, PIB, Supreme Court of India, Election Commission of India*

Source: Beyond Procedure: Why the Election Commission Must Rebuild Opposition Trust — Ujjyari.com | Free
UPSC & State PCS Editorial Analysis

● KEY ARGUMENTS AT A GLANCE

Former Chief Election Commissioner S.Y. Quraishi's argument is that the Election Commission's constitutional legitimacy today rests less on whether its individual decisions can be defended as procedurally correct and more on whether Opposition parties, who have publicly alleged bias and moved the Supreme Court in significant numbers, trust the institution at all, and that trust, once eroded, is a governance failure the Commission itself must actively repair rather than a public-relations problem it can wait out.



SUPPORTING

- Quraishi's own institutional memory is the evidentiary anchor: during his 2010-2012 tenure as CEC, he says the Opposition was comfortable dealing with the Commission, whereas he now describes the Commission's treatment of the Opposition as 'very unfair' and says its credibility has taken a 'severe beating', a first-person before-and-after comparison from someone who ran the institution rather than an outside critic.
- The scale of formal distrust is unusually high: 24 political parties approached the Supreme Court within a short span with complaints about the Commission's conduct, and the Special Intensive Revision (SIR) of electoral rolls, upheld as constitutionally valid by the Supreme Court on May 27, 2026, still drew Opposition characterisation as a 'farcical' exercise that risks disenfranchising the poor and migrant voters even where the Court found no illegality.
- The 2023 reform of the CEC and EC appointment process itself deepened rather than resolved the trust deficit: it replaced the Chief Justice of India on the three-member selection committee with a Union Cabinet Minister nominated by the Prime Minister, so the committee is now Prime Minister, Leader of Opposition in the Lok Sabha, and a minister chosen by the Prime Minister, a composition the Opposition reads as tilted before a single appointment is even made.
- Quraishi's prescription is procedural in form but relational in intent: prioritising Opposition requests for meetings and information ahead of government requests when both compete, publishing electoral-roll data and revision methodology with enough granularity that the process is independently verifiable, and being visibly and promptly responsive to Opposition complaints rather than resolving them only after litigation.



COUNTER

The Commission and its defenders can point to the Supreme Court's own findings: the SIR judgment held the exercise squarely within the ECI's statutory mandate under the Representation of the People Act, 1950, and consistent with its Article 324 duty to ensure free and fair elections, and the Court's 2024 ruling on EVM-VVPAT matching found no basis for the Opposition's tampering suspicions. An institution cannot be asked to prove a negative indefinitely, and treating every adverse Opposition allegation as proof of bias, regardless of what courts find, risks making the Commission's neutrality hostage to whichever party currently distrusts an outcome.

**WAY FORWARD**

Separate the two questions the debate usually conflates: whether the Commission's specific actions are lawful, which is for courts to determine, and whether the Commission is seen as approaching all parties even-handedly, which is a trust-management responsibility the Commission itself must own. Publish granular, machine-readable electoral-roll and SIR data proactively rather than defensively; create a fast, visible Opposition-facing grievance channel distinct from litigation; and treat the composition of the CEC/EC selection committee as a live legitimacy question worth revisiting, since a body widely perceived as tilted cannot fully insulate the appointments it makes from suspicion, however correct those appointments turn out to be.


MAINS ANSWER FRAMEWORK
QUESTION

'An institution can follow every rule and still lose legitimacy if the losing side does not believe the rules were applied fairly.' Examine this statement with reference to the Election Commission of India's current relationship with Opposition parties, and suggest confidence-building measures consistent with its constitutional mandate under Article 324. (250 words)

INTRODUCTION

Former Chief Election Commissioner S.Y. Quraishi has argued in The Hindu that the Election Commission of India's current relationship with Opposition parties has deteriorated sharply, with the Commission's own credibility, in his words, having taken a 'severe beating.' His argument reframes institutional legitimacy: correctness under law and perceived fairness are related but distinct, and the Commission cannot rely on the first to substitute for the second.

BODY

Article 324 of the Constitution vests 'superintendence, direction and control' of elections in the Election Commission, comprising the Chief Election Commissioner and such number of Election Commissioners as the President decides. Following the Supreme Court's 2023 ruling in Anoop Baranwal v. Union of India, which held that a transparent appointment process is constitutionally required, Parliament enacted the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, but replaced the Chief Justice of India on the selection panel with a Union Cabinet Minister nominated by the Prime Minister, a change the Opposition views as weakening the independence the Court's ruling was meant to strengthen.

Two live disputes illustrate the trust gap Quraishi describes. The Special Intensive Revision (SIR) of electoral rolls, conducted in phases since 2025 and resulting in the removal of roughly 47 lakh electors in Bihar alone, was challenged before the Supreme Court, which on May 27, 2026, in Association for Democratic Reforms v. Election Commission of India, upheld the exercise as within the ECI's statutory mandate under the Representation of the People Act, 1950, and consistent with Article 324.

The Opposition nonetheless continues to call the exercise a de facto citizenship-screening tool that risks disenfranchising the poor and migrants. Separately, the Supreme Court's 2024 judgment declined to mandate 100 per cent EVM-VVPAT verification, though it did direct that symbol-loading units be sealed for 45 days and allowed post-result verification of the burnt memory on a written request, within 7 days of the result, from the candidates placed second or third.

In both cases, the Commission's actions survived judicial scrutiny, yet 24 political parties have approached the Supreme Court in recent months with complaints, a scale of formal distrust Quraishi contrasts with his own 2010-2012 tenure, when he says the Opposition was comfortable dealing with the Commission.

CONCLUSION

The balanced position is that judicial vindication and Opposition trust are not substitutes for each other, and an institution whose authority ultimately rests on the losing side accepting the result cannot treat legal correctness as sufficient. Quraishi's specific, actionable prescriptions, prioritising Opposition access, publishing granular electoral-roll data, and building a visible grievance-response channel, are consistent with the Commission's existing statutory powers and would not require further legislation, making them a realistic near-term path to rebuilding the confidence he says has eroded.

RELATED DAILY ARTICLES

10 Aug **Kerala (Alteration of Name) Bill, 2026: The Article 3...**

10 Aug **Tribunals Reforms Bill, 2026: Lok Sabha Creates the...**

9 Aug **Current Affairs Today, August 9, 2026**

9 Aug **Parliament Passes the MSMED Overhaul: Decriminalisation...**



CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)[Read Full Article on Ujiyari →](#)<https://ujiyari.com/editorials/2026/08/th-election-commission-opposition-confidence-2026/>

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](#)

📌 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 · bharatnotes.com