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? Election Commission Dissent Row Raises Questions Over Collective Decision-Making, Electoral Roll Governance and Institutional Accountability

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Recent Developments:

- Recent reports in September 2026 have highlighted **formal objections by Election Commissioners Sukhbir Singh Sandhand Vivek Joshi** regarding several decisions connected with the Special Intensive Revision (SIR) of electoral rolls.
- An *Indian Express* investigation reported that the two Commissioners recorded objections on at least **14 occasions over approximately 10 months**, including concerns relating to voter registration, deletion and restoration of names, Form 6, electoral-roll software and allocation of administrative responsibilities.
- The **Election Commission of India (ECI)** subsequently stated that differing views are part of institutional deliberation and maintained that SIR-related orders and Form 6 changes were ultimately approved unanimously.
- The controversy has therefore renewed attention on **Article 324**, collective decision-making, the statutory majority rule, internal dissent and the institutional independence of the ECI.

Constitutional Framework of the Election Commission:

Article 324 and Constitutional Mandate:

- The **Election Commission of India** is a constitutional body established under **Article 324** of the Constitution.
- Article 324 vests the ECI with the **superintendence, direction and control** of the preparation of electoral rolls and the conduct of elections to Parliament, State Legislatures, and the offices of the President and Vice-President.
- The Constitution provides for a **Chief Election Commissioner (CEC)** and such number of other Election Commissioners as the President may determine, subject to parliamentary law.
- When other Election Commissioners are appointed, the **CEC acts as Chairman** of the Commission; this chairmanship does not by itself create a separate overriding vote.
- The ECI was transformed from a single-member body into a **three-member Commission in 1993**, comprising the CEC and two Election Commissioners. The present institutional design therefore emphasises collective functioning.

Scope of ECI Functions:

- The Commission administers elections to the **Lok Sabha, Rajya Sabha, State Legislative Assemblies, and the offices of President and Vice-President**.
- Its constitutional responsibilities also include maintaining electoral rolls, supervising election processes and enforcing election-related norms such as the **Model Code of Conduct (MCC)**.

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- The ECI also exercises **advisory and quasi-judicial functions** in specified matters, including certain post-election disqualification questions and cases involving corrupt electoral practices.

Decision-Making Mechanism Within the ECI:

Chief Election Commissioner and Other Election Commissioners Act, 2023:

- The present statutory framework is contained in the **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023**, which came into force on 2 February 2024.
- **Section 17** provides that the business of the Election Commission shall be transacted according to the provisions of the Act.
- **Section 18** specifically regulates the disposal of business and provides the mechanism for dealing with differences among Commissioners.

Unanimity and Majority Rule:

- Under **Section 18(1)**, the Commission may regulate its procedure and allocation of business among the CEC and other Election Commissioners only through a **unanimous decision**.
- Under **Section 18(2)**, the Commission should, as far as possible, conduct its business **unanimously**.
- When the CEC and other Election Commissioners differ in opinion, the matter is decided according to the **opinion of the majority**.
- Since the Commission currently has three members, a disputed matter can ordinarily be decided by **two members against one**.
- The statutory framework therefore makes collective decision-making central to the functioning of the Commission rather than assigning unilateral decision-making authority to the CEC.

Supreme Court and Status of Election Commissioners:

T.N. Seshan v. Union of India, 1995:

- The Supreme Court examined the legality of the expansion of the ECI and the appointment of additional Election Commissioners in **T.N. Seshan v. Union of India (1995)**.
- Then CEC **T.N. Seshan** had challenged the appointment of Election Commissioners M.S. Gill and G.V. Krishnamurthy.
- The Supreme Court upheld the multi-member structure and recognised the principle of **collective functioning and majority decision-making** within the Commission.
- The judgment is significant because the CEC's position as Chairman does not convert the Commission into a hierarchical institution in which the CEC alone determines its decisions.
- The constitutional design must therefore be understood through the **institution of the Election Commission as a whole**, rather than through the individual occupying the office of CEC.

CEC as Chairman, Not Sole Decision-Maker:

- The CEC has an important institutional position because the Constitution designates the CEC as Chairman when other Election Commissioners are appointed.
- However, **Section 18 of the 2023 Act** establishes unanimity as the preferred mode and majority decision as the mechanism for resolving disagreement.
- Consequently, the CEC does not possess a statutory **casting vote** that can automatically override the other Commissioners.

Institutional Dissent: Historical Precedents:

T.N. Seshan and Other Commissioners:

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- The expansion of the Commission in 1993 was followed by disagreements between **T.N. Seshan, M.S. Gill and G.V. Krishnamurthy**.
- The dispute ultimately reached the Supreme Court, which upheld the multi-member structure and clarified the constitutional position of the Commission.

N. Gopalaswami and Navin Chawla:

- In **2009**, CEC N. Gopalaswami sought the removal of Election Commissioner **Navin Chawla**, citing concerns about his political neutrality.
- The request was not acted upon, and Chawla subsequently became Chief Election Commissioner. The ECI's own historical records confirm their respective tenures in the Commission.

Ashok Lavasa and Model Code of Conduct:

- During the **2019 Lok Sabha election**, Election Commissioner Ashok Lavasa differed from the majority view in several complaints concerning alleged Model Code of Conduct violations.
- Reports stated that Lavasa sought the inclusion of his minority views in the Commission's orders.
- The Commission decided by **2:1** that such dissent would remain part of its records but would not form part of the final orders in the relevant MCC cases.
- The episode demonstrated the distinction between **internal disagreement, recording of dissent and publication of dissent**.

Current SIR Controversy and Institutional Questions:

Special Intensive Revision of Electoral Rolls:

- The current controversy is closely linked with the **Special Intensive Revision (SIR)** of electoral rolls, which has involved large-scale verification, inclusion, deletion and restoration of voter records.
- According to *Indian Express* reporting, Commissioners Sukhbir Singh Sandhand and Vivek Joshi raised objections concerning **Form 6, voter database access, electoral-roll deletions, restoration of names and appeals relating to electoral-roll decisions**.
- The report also described concerns regarding the increasing centralisation of access to electoral-roll databases and the role of digital systems in implementing roll revisions.
- These issues are constitutionally significant because **Article 324** places the preparation and supervision of electoral rolls within the ECI's institutional mandate.

ECI's Position:

- The ECI has disputed the interpretation that the reported objections demonstrate a breakdown of Commission decision-making.
- Its position is that **differing views during deliberation are normal**, while final SIR decisions were taken with the approval of the Commission.
- The distinction is important for UPSC analysis: an **internal observation or objection is not automatically equivalent to a dissenting final decision**.
- Similarly, the existence of disagreement during deliberation does not by itself establish that the final statutory decision was invalid.

Why Institutional Dissent Matters:

Constitutional Accountability:

- Internal dissent can provide an **institutional check** within a constitutional body by placing alternative legal, administrative or operational views on record.
- Recording disagreement can help identify potential problems before a final decision is implemented.

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- Majority rule simultaneously ensures that disagreement does not permanently prevent the Commission from functioning.

Transparency and Institutional Legitimacy:

- A credible electoral institution requires both **effective decision-making and transparent institutional procedures**.
- Where decisions affect voter registration, deletion or restoration, procedural clarity becomes especially important because electoral rolls directly determine access to the electoral process.
- The central issue is therefore not whether Commissioners may disagree, but whether the disagreement is handled through the **constitutional and statutory decision-making framework**.

Electoral Roll Governance:

- Electoral-roll revision requires a balance between **accuracy and inclusion**.
- Removal of duplicate, deceased or otherwise ineligible entries can improve roll integrity, while inadequate verification mechanisms can create risks for eligible voters.
- Digital systems can improve efficiency and auditability, but their design must remain consistent with the statutory authority of designated electoral officials.
- The current SIR debate therefore connects **Article 324, electoral integrity, administrative accountability, digital governance and the right to participate in elections**.

UPSC Relevance:

GS Paper II:

- **Constitutional Bodies:** Election Commission of India, Article 324, institutional independence.
- **Polity and Governance:** Collective decision-making, majority rule, accountability and transparency.
- **Judiciary:** T.N. Seshan v. Union of India and judicial interpretation of the multi-member ECI.
- **Electoral Reforms:** Electoral-roll management, voter inclusion, deletion procedures and institutional safeguards.
- **Democratic Governance:** Balancing electoral integrity with protection against wrongful exclusion.

Key Constitutional and Legal Provisions:

- **Article 324:** Superintendence, direction and control of elections and electoral rolls.
- **Article 325:** One general electoral roll and prohibition of exclusion on specified grounds.
- **Article 326:** Elections to Lok Sabha and State Assemblies based on adult suffrage.
- **2023 Act, Section 17:** Transaction of business of the ECI.
- **2023 Act, Section 18:** Unanimous decision-making as far as possible and majority rule in case of disagreement.

Value Addition for UPSC:

Mains Analytical Framework:

- **Constitutionalism:** Institutional power must operate through constitutionally prescribed procedures rather than individual authority.
- **Checks and Balances:** Internal disagreement can operate as an institutional safeguard when properly recorded and resolved.
- **Electoral Integrity:** Clean electoral rolls require both removal of ineligible entries and protection against wrongful exclusion.
- **Due Process:** Electoral-roll decisions affecting citizens should be supported by clear procedures, notice, verification and opportunities for correction or appeal.

- **Institutional Independence:** The credibility of the ECI depends not only on formal constitutional status but also on transparent, rule-based and collectively accountable functioning.
- **Digital Governance:** Centralised electoral databases require strong access controls, audit trails, statutory accountability and mechanisms for correcting technological errors.
- **UPSC Core Insight:** The ECI is constitutionally designed as a **Commission**, while the CEC serves as its Chairman; the 2023 statutory framework prefers unanimity but expressly provides for majority decision-making when Commissioners differ.