

## Chief Election Commissioner of India

**Mains:** *GS II - Appointment to various Constitutional Posts, Powers, Functions and Responsibilities of various Constitutional Bodies*

### Why in News?

Recently, the opposition parties said that they were considering to move a motion of removal of the Chief Election Commissioner (CEC) during the ongoing session of Parliament.

### What is constitutional basis of election commissioner?

- **Chief election commissioner** - The chief election commissioner of India (CEC) heads the Election Commission of India.
- **Constitutional source** - Article 324, part XV of the Constitution.
- **Statutory backings** - CEC and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.
- They lay down provisions regarding the appointment, tenure, and removal of the CEC.

### How they are appointed?

- **Appointing authority** - The CEC and election commissioners are appointed by the President of India.
- **Recommendation** - Appointment is based on the recommendation from a 3 member selection committee.
- **Selection committee** - The Prime Minister, the Leader of the Opposition (LoP), and 1 member of the Union Cabinet.
- **Qualifications** - No specific qualifications prescribed by the Constitution.
  - But according to the 2023 act those appointed should have previously held secretary-level positions in the Government.
  - They should be persons of integrity, who have knowledge of and experience in management and conduct of elections.
- **Tenure** - The appointments are made for a tenure of 6 years or until the age of 65 years, whichever comes first.
- **Allowances and benefits** - The CEC enjoys the same services and monetary benefits that are extended to justices of the Supreme Court.
- **Reappointment** - The CEC of India is not eligible for reappointment after completing their term, according to a 2023 bill.

## How they are removed?

- **Article 324(5) of the Constitution** - It states that the CEC can be removed from office only in like manner and on the like grounds as a Judge of the Supreme Court.
- This framing can also be found in Section 11(2) of the 2023 Act.
- The article further states that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.
- With the view of shielding the ECI from political pressures, the bar for removing the CEC is purposefully set to be very high.
- **Article 124(4) of the Constitution** - It contains the process for removing a Supreme Court judge, removal can only be on the ground of proved **misbehaviour** or **incapacity**.
- **Misbehaviour** - It can comprise any corrupt practices or abuse of office.
  - Over the years, courts have interpreted this to include actions which are incompatible with the office of the CEC or the CEC's failure to discharge her official duties.
- **Incapacity** - It refers to a situation where the officer is unable to perform his/her duties.
- **Notice of motion** - To initiate the removal of the CEC, members of both houses must bring a notice of motion explicitly alleging misbehaviour or incapacity.
- **Enquiry** - After the motion is admitted, an enquiry is conducted to examine the validity of the charges.
- This involves forming a committee to investigate evidence of misbehaviour or incapacity.
- **Passing of motion** - The motion for removal then needs to be passed by a two-thirds majority present and voting in both the houses of Parliament.
- **Removal of CEC** - Upon successful passage in the House, the President orders the removal of the CEC.
- There is no discretion once the constitutional requirements are met, since the President acts on the advice of Parliament in this context.

## Quick facts

Election commission of India

- **Election commission of India** - The Election Commission of India (ECI) is an autonomous constitutional authority responsible for administering election processes in India.
- **Duty** - The ECI is entrusted with the responsibility of conducting free and fair elections in the country.



## Reference

[The Indian Express| Chief Election Commissioner of India](#)



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