Election Commission & The Removal of the Chief Election Commissioner (CEC)

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Why in News?

The Opposition is preparing to move a motion seeking the removal of Gyanesh Kumar, the Chief Election Commissioner (CEC) of the Election Commission of India, alleging biased conduct.

- **Election Commission -** The Election Commission will consist of a ***Chief Election Commissioner (CEC) and other Election Commissioners (ECs).***
- The President will periodically fix the number of ECs.
- **Appointment of the Commission -** The Commission will be ***appointed by the President,*** upon the recommendation of the Selection Committee.
- **Selection Committee -** The Selection Committee will comprise the ***Prime Minister, Cabinet Minister, and Leader of Opposition in Lok Sabha*** (or leader of the single largest opposition party).
- A Search Committee headed by the Cabinet Secretary will suggest 5 names to the Selection Committee.
- The Selection Committee may consider any person other than those suggested by the Search Committee.
- **Eligibility criteria-** The CEC and ECs must
    - Be persons of integrity,
    - Have knowledge and experience in the management and conduct of elections, and
    - Be or have been Secretary (or equivalent) to the government.
- **Term and reappointment -** Members of the Election Commission will hold office for 6 years, or until they attain the age of 65 years, whichever is earlier.
- Members of the Commission cannot be re-appointed. If an EC is appointed as a CEC, the overall period of the term may not be more than 6 years.

- **Salary and pension -** The salary, allowances, and other conditions of service of the CEC and ECs will be ***equivalent to that of the Cabinet Secretary.***

Removal of the CEC

- **Constitutional Protection** - **Article 324(5)-** The Chief Election Commissioner (CEC) of India is removed through a rigorous parliamentary impeachment process similar to a ***Supreme Court Judge.***
- **Grounds for Removal -** The grounds are the same as a Supreme Court judge: "proved misbehaviour or incapacity".
- **Procedure -** A motion must be passed by both the Lok Sabha and Rajya Sabha with a two-thirds majority of members present and voting.
- **Other ECs -** Election Commissioners can be removed by the President, but only on the recommendation of the CEC.
- **Legal Standing -** The CEC and Other Election Commissioners Act of 2023 reaffirm this constitutional removal process.

Reference

The Hindu | Removal of CEC Gyanesh Kumar

