Selection of Election Commissioners

Why in news?

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The supreme court heard a PIL seeking a direction to the Centre to constitute a ‘neutral and independent selection committee’ to recommend names for the post of Chief Election Commissioner and Election Commissioners.

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What are the constitutional provisions regarding the Election Commissioners?

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- At present, the Election Commission of India (ECI) is **a three-member body**, with one Chief Election Commissioner (CEC) and two Election Commissioners (EC).
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- Under **Article 324(2)** of the Constitution of India, the President of India is empowered to appoint the CEC and the ECs.
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- Article 324(2) also empowers the President of India to fix from time to time the number of Election Commissioners other than the CEC.
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- They draw salaries and allowances at par with those of the Judges of the Supreme Court of India.
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- The CEC or an EC holds office for a term of **six years** from the date on which he assumes his office or until he attains the age of 65 years before the expiry of six years term.
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- If the CEC and other ECs differ in opinion on any matter, such matter shall be decided by according to the **opinion of the majority.**
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What did the supreme court say?

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- The Supreme Court warned the central government that it must make a law on the appointment of election commissioners or face an intervention by the judiciary.
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- At present the PM with the aid and advice of the council of ministers makes the appointment as per the transaction of business rules.
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- The rules only assign responsibility to start the process but are silent on what should be the qualification of a candidate.
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- Thus, in the absence of a law, **the government has a free hand in selecting officials** as members of the three-member poll body.
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- The SC has said that the Election Commissioners selection has to be made in the most transparent manner.
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- The court has even remarked that the Parliament was in “breach” of its duty.
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- Thus, norms similar to the ones on appointing a CBI director are required to meet the constitutional mandate.
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Source: The Hindu & Hindustan Times

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