CEC Removal Procedure: Constitutional Provisions and 2023 Appointment Law

Opposition parties demanded the removal of Chief Election Commissioner Gyanesh Kumar, triggering discussions on constitutional safeguards for ECI members.

It relates to Article 324(5) of the Constitution and the 2023 Act regulating the appointment, service conditions, and removal process of Election Commissioners.

KEY EXAM POINTS

- Opposition parties demanded the removal of **Chief Election Commissioner** **Gyanesh Kumar** over controversy surrounding election process integrity.
- Under **Article 324(5)** of the Constitution, the CEC can be removed only in like manner and on like grounds as a **Supreme Court Judge**.
- Removal of the CEC requires a resolution passed by both Houses of **Parliament** with a **special majority** on grounds of proved misbehaviour or incapacity.
- Other **Election Commissioners** cannot be removed from office except on the specific recommendation of the Chief Election Commissioner.
- In **March 2023**, the Supreme Court ruled in the **Anoop Baranwal case** that a panel of PM, Leader of Opposition, and CJI should select Election Commissioners.
- The Parliament enacted **Chief Election Commissioner Act 2023**, replacing CJI with a Cabinet Minister nominated by Prime Minister in the selection panel.

DID YOU KNOW..!?

Article 324 provides for the establishment, powers, and duties of the Election Commission of India.

Election Commission of India was established on **January 25, 1950**, which is celebrated as **National Voters' Day**.

The Election Commission was made a multi-member body consisting of 1 CEC and 2 ECs on **October 1, 1993**.

Chief Election Commissioner and Election Commissioners hold office for **6 years** or until age **65**, whichever is earlier.

Elections to Panchayats and Municipalities are conducted by **State Election Commissions** under **Articles 243K and 243ZA**.

REVISION FLASHCARD

Article 324(5): CEC removal requires same grounds and parliamentary procedure as a Supreme Court Judge.

Syllabus Relevance: High relevance for Group 1, 2, and 4 questions on Article 324, tenure of CEC, and landmark judicial decisions on electoral reforms.

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