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Curative Plea in SC on ECI Appointment Law

A curative petition has been filed in the Supreme Court seeking to recall a split verdict on the Election Commissioners' appointment law, citing alleged bias.

This petition challenges the law governing the appointment of the Chief Election Commissioner and Election Commissioners, which was previously subject to a split verdict.

KEY EXAM POINTS

- The lead petitioner challenging the Election Commissioners' appointment law filed a **curative petition** in the **Supreme Court** on **September 29, 2026**.
- The petition seeks to recall the **September 23** **split verdict** in the case.
- The challenge is specifically against the **Election Commissioners' appointment law**.
- The petitioner cited "**reasonable apprehension of bias**" against a **Supreme Court judge**.
- The alleged bias is due to the judge's son serving as standing counsel for the **Election Commission of India** before the **Madhya Pradesh High Court**.
- **Justice Dipankar Datta**, the lead judge on the Division Bench, declined to refer the case to a **five-judge Constitution Bench**.

DID YOU KNOW..!?

The **Election Commission of India (ECI)** is an autonomous **constitutional authority** responsible for administering election processes in India.

Article 324 of the Indian Constitution provides for the establishment of an **Election Commission**.

The **Chief Election Commissioner (CEC)** and other Election Commissioners are appointed by the **President of India**.

A **curative petition** is the last legal remedy available to a litigant in the **Supreme Court of India**.

It is filed after a **review petition** against a **Supreme Court judgment** has been dismissed.

The concept of a **curative petition** was evolved by the Supreme Court in the landmark case of **Rupa Ashok Hurra vs. Ashok Hurra** (**2002**).

The **Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023**, changed the **appointment process**.

Prior to the **2023 Act**, the appointment committee included the **Prime Minister**, **Leader of Opposition**, and the **Chief Justice of India**, as per a Supreme Court ruling.

REVISION FLASHCARD

Curative petition filed in Supreme Court challenging Election Commissioners' appointment law.

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