SC Examines Legal Immunity of Election Commissioners Under 2023 Act

The Supreme Court questioned whether Section 16 of the 2023 Act gives Election Commissioners greater legal protection than constitutional court judges.

Section 16 of the CEC and Other Election Commissioners Act, 2023 provides immunity to election commissioners from legal proceedings for official actions.

KEY EXAM POINTS

- The **Supreme Court** orally observed that **Section 16** of the 2023 Act grants extensive legal immunity to Election Commissioners.
- The petitions challenge decisions made during the **Special Intensive Revision** of electoral rolls.
- The case concerns alleged unilateral decisions taken by **Chief Election Commissioner Gyanesh Kumar**.
- **Section 16** protects the CEC and ECs from civil or criminal court proceedings for acts performed in official duty.

DID YOU KNOW..!?

Article 324 of the Constitution provides for the establishment, superintendence, and control of elections by the **Election Commission of India**.

Gyanesh Kumar took charge as the **26th Chief Election Commissioner** of India on **February 19, 2025**.

The Chief Election Commissioner and Other Election Commissioners Act was passed by Parliament in **December 2023**.

Under **Article 324(5)**, the CEC can be removed from office only in the like manner and on like grounds as a **Supreme Court Judge**.

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

The **61st Constitutional Amendment Act, 1988** reduced the voting age in India from **21 years to 18 years**.

REVISION FLASHCARD

Section 16 of the CEC Act, 2023 provides legal immunity to Election Commissioners for actions taken in official capacity.

Syllabus Relevance: High: Unit 5 covers Election Commission of India, statutory bodies, and key Supreme Court observations on legislation.

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