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SC Refers CEC and EC Appointment Law Challenge to 5-Judge Constitution Bench

A two-judge Supreme Court bench delivered a split verdict on petitions challenging the 2023 law that excluded the CJI from the CEC and EC selection panel.

It is a constitutional dispute regarding the validity of the 2023 legislation governing the selection panel structure for appointing Election Commissioners.

KEY EXAM POINTS

- The **Supreme Court** referred petitions challenging the 2023 CEC and EC appointment law to a **five-judge Constitution Bench**.
- A division bench comprising Justice **Dipankar Datta** and Justice **Satish Chandra Sharma** delivered split opinions on the matter.
- The petitions specifically challenge the **Chief Election Commissioner and Other Election Commissioners Act, 2023**.
- The 2023 law excluded the **Chief Justice of India** from the selection committee for appointing the CEC and ECs.
- Under the contested 2023 law, the selection panel comprises the **Prime Minister**, **Leader of Opposition in Lok Sabha**, and a nominated Union Cabinet Minister.

DID YOU KNOW..!?

Article 324 of the Constitution vests the superintendence, direction, and control of elections in the **Election Commission of India**.

In **March 2023**, the Supreme Court in **Anoop Baranwal v. Union of India** ordered that the CEC and ECs be appointed on the advice of PM, LOP, and CJI until Parliament enacts a law.

The 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 for the first time in **October 1989** and permanently since **October 1993**.

Sukumar Sen was the first Chief Election Commissioner of independent India, serving from **1950 to 1958**.

The Chief Election Commissioner and Election Commissioners serve for a tenure of **6 years** or until attaining **65 years of age**.

REVISION FLASHCARD

Supreme Court referred petitions against the 2023 CEC/EC Appointment Law (excluding CJI) to a 5-judge Constitution Bench.

Syllabus Relevance: High relevance for Unit 5 (Indian Polity - Article 324, Constitutional Bodies, Landmark Supreme Court Judgments).

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