



**मुख्य चुनाव आयुक्त के कार्यकाल के लिए
सर्वोच्च न्यायालय की केंद्र सरकार पर टिप्पणी**

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Supreme Court calls out Centre over short tenures of Chief Election Commissioners

6 अर / 65 अर

Centre paying mere 'lip-service' to independence of poll panel, evident in the way Chief Election Commissioners have had a term of just a few hundred days since 2004, says Justice Joseph

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KRISHNADAS RAJAGOPAL



ELECTION COMMISSION OF INDIA



दर सेल्फी जॉन
 06
 2018

MAHARASHTRA

MADHYA PRADESH

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SC calls out Centre over short tenures of CECs

Centre paying mere 'lip-service' to independence of poll panel, evident in the way Chief Election Commissioners have had a term of just a few hundred days since 2004, says Justice Joseph

Krishnadas Rajagopal
NEW DELHI

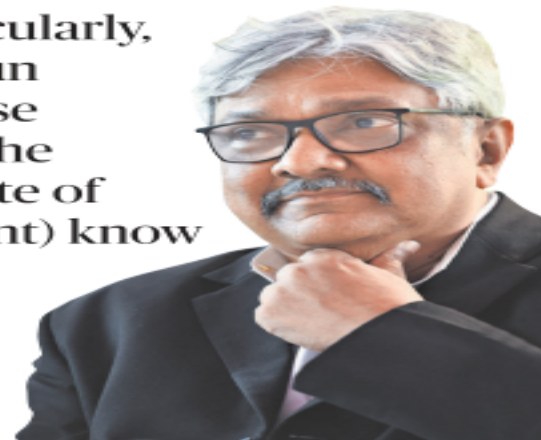
The Supreme Court on Tuesday said the government pays mere "lip-service" to the independence of the Election Commissioners and this is evident from the way the tenures of Chief Election Commissioners (CECs) have "slid" down from over eight years in the 1950s to just about a few hundred days after 2004.

"Their (CECs) tenure is highly truncated and known from the very beginning... In this way, this so-called independence that you pay lip-service to, I am sorry to say, is completely destroyed by getting this kind of a term," Justice K.M. Joseph, heading a Constitution Bench,



After 2004, particularly, the slide has begun in terms of picking up those persons whom of course the government knows the date of birth of... They (government) know that these persons would never ever get anywhere close to six years

JUSTICE K.M. JOSEPH



addressed the Union government.

Justice Joseph said the previous UPA government had six CECs in just eight years. "After the present government took over, from 2015 to 2022, for seven years, we have had eight CECs!" Justice Joseph, leading a five-judge Bench, addressed Attorney-General R. Venkatara-

mani, appearing for the Centre.

Justice Joseph said successive governments, particularly after 2004, have "picked" people whom it knew would "never ever" get close to the full term of six years prescribed under the Election Commission (Conditions of Service of Election Commissioners and Transaction of Busi-

ness) Act of 1991. Section 4 of the 1991 Act says the term of a CEC and Election Commissioners is six years or till the age of 65, whichever is earlier.

"This is a very, very, very disturbing trend! After 2004, particularly, the slide has begun in terms of picking up those persons whom of course the government knows the date of birth of... They (government) know that these persons would never ever get anywhere close to six years," he observed orally.

He said protections under Article 324, like removal through impeachment, available under the Constitution to the CECs would only be of any use if he or she had a full term.

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Election Commission of India

भारत का चुनाव आयोग

- The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India.

- भारत का चुनाव आयोग भारत में संघ और राज्य चुनाव प्रक्रियाओं को प्रशासित करने के लिए जिम्मेदार एक स्वायत्त संवैधानिक प्राधिकरण है।

- The body administers elections to the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country.

- यह निकाय भारत में राष्ट्रपति और उपराष्ट्रपति के कार्यालयों, लोकसभा, राज्य सभा, और राज्य विधान सभाओं के चुनावों का संचालन करता है।



Related Constitutional Provisions

संबंधित संवैधानिक प्रावधान

- Part XV of the Indian constitution deals with elections, and establishes a commission for these matters.
- भारतीय संविधान का भाग 15 चुनावों से संबंधित है, और इन मामलों के लिए एक आयोग की स्थापना करता है।
- The Election Commission was established in accordance with the Constitution on 25th January 1950.
- चुनाव आयोग की स्थापना 25 जनवरी 1950 को संविधान के अनुसार की गई थी।



Related Constitutional Provisions

संबंधित संवैधानिक प्रावधान

- Article 324 to 329 of the constitution deals with powers, function, tenure, eligibility, etc. of the commission and the member.
- संविधान का अनुच्छेद 324 से 329 आयोग और सदस्य की शक्तियों, कार्य, कार्यकाल, पात्रता आदि से संबंधित है।



What is the Structure of the Commission?

आयोग की संरचना क्या है?

- Originally the commission had only one election commissioner but after the **Election Commissioner Amendment Act 1989**, it has been made a multi-member body.

- मूल रूप से आयोग में केवल एक चुनाव आयुक्त था लेकिन चुनाव आयुक्त संशोधन अधिनियम 1989 के बाद इसे एक बहु-सदस्यीय निकाय बना दिया गया है।



What is the Structure of the Commission?

आयोग की संरचना क्या है?

- The commission consists of one Chief Election Commissioner and two Election Commissioners.

✓ • आयोग में एक मुख्य चुनाव आयुक्त और दो चुनाव आयुक्त होते हैं।

- The secretariat of the commission is located in New Delhi.

✓ • आयोग का सचिवालय नई दिल्ली में स्थित है।



What is the Structure of the Commission?

आयोग की संरचना क्या है?

- At the state level election commission is helped by Chief Electoral Officer who is an IAS rank Officer.
- ✱ राज्य स्तर पर चुनाव आयोग को मुख्य निर्वाचन अधिकारी द्वारा सहायता प्रदान की जाती है जो आईएएस रैंक का अधिकारी होता है।
- The President appoints Chief Election Commissioner and Election Commissioners.
- ✱ राष्ट्रपति मुख्य चुनाव आयुक्त और चुनाव आयुक्तों की नियुक्ति करता है।



What is the Structure of the Commission?

आयोग की संरचना क्या है?

- They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.

✓ इनका कार्यकाल छह वर्ष या 65 वर्ष की आयु तक, जो भी पहले हो, तक होता है।

- They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.

✓ वे भारत के सर्वोच्च न्यायालय के न्यायाधीशों के समान स्थिति और उपलब्ध वेतन और भत्तों को प्राप्त करते हैं।



What is the Procedure of Removal?

हटाने की प्रक्रिया क्या है?

हटाभियोग

- The Chief Election Commissioner can be removed from office only through a **process of removal** similar to that of a Supreme Court judge for by Parliament.

- मुख्य चुनाव आयुक्त को संसद द्वारा सुप्रीम कोर्ट के न्यायाधीश के समान हटाने की प्रक्रिया के माध्यम से ही पद से हटाया जा सकता है।



What is the Procedure of Removal?

हटाने की प्रक्रिया क्या है?

- Judges of High Courts and Supreme Court, CEC, Comptroller and Auditor General (CAG) may be **Removed** from office through a motion adopted by Parliament on grounds of '**Proven misbehaviour or incapacity**'.
- उच्च न्यायालयों और सर्वोच्च न्यायालय के न्यायाधीशों, सीईसी, नियंत्रक और महालेखा परीक्षक (सीएजी) को 'सिद्ध कदाचार या अक्षमता' के आधार पर संसद द्वारा अपनाए गए प्रस्ताव के माध्यम से पद से हटाया जा सकता है।



What is the Procedure of Removal?

हटाने की प्रक्रिया क्या है?

(50 / +1)
&
2/3rd
बहुमत

- Removal requires special majority of 2/3rd members present and voting supported by more than 50% of the total strength of the house.
- निष्कासन के लिए सदन की कुल सदस्यता के 50% से अधिक के समर्थन वाले, उपस्थित और मतदान वाले 2/3 सदस्यों के विशेष बहुमत की आवश्यकता होती है।
- The Constitution does not use the word 'impeachment', for the removal of the judges, CAG, CEC.
- ~~जजों, CAG, CEC को हटाने के लिए संविधान 'महाभियोग' शब्द का प्रयोग नहीं करता है।~~



What is the Procedure of Removal?

हटाने की प्रक्रिया क्या है?

- The term '**Impeachment**' is only used for removing the President which requires the special majority of $2/3^{\text{rd}}$ members of the total strength of both the houses which is not used elsewhere.
- 'महाभियोग' शब्द का प्रयोग केवल राष्ट्रपति को हटाने के लिए किया जाता है जिसके लिए दोनों सदनों की कुल सदस्यता के $2/3$ सदस्यों के विशेष बहुमत की आवश्यकता होती है जो अन्यत्र उपयोग नहीं किया जाता है।