

Procedure to remove ECs vague, says petition in SC

A petition was filed in the Supreme Court on Tuesday pointing out the vagueness in the procedure for removal of Election Commissioners, saying it affects the panel's autonomy.

The petition argued that the proviso to Article 324 (5) of the Constitution safeguards the Chief Election Commissioner (CEC) from arbitrary removal. The CEC can be removed from office only by the order of the President, just like a judge of the Supreme Court. However, the same constitutional provision is silent about the procedure for removal of the two Election Commissioners. It only provides that they cannot be removed from office except on the recommendation of the CEC.

The petition filed by advocate Ashwini Kumar Upadhyay said the ambiguity on the removal procedure of the Election Commissioners might affect the functional independence of the EC.

The CEC and the Election Commissioners have a tenure of six years, or up to the age of 65 years, whichever is earlier, and enjoy the same status and receive salary and perks as available to apex court judges. "The CEC and the Election Commissioners enjoy the same decision-making powers... However, Article 324(5) does not provide similar protection to the Election Commissioners," the plea said.

The petition, in short, seeks to provide Election Commissioners with the same protection against arbitrary removal as the CEC. The plea also sought direction to the Centre to provide an independent secretariat to the Election Commission.

END

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