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**EDITORIAL ANALYSIS**

# Motion to Remove the CEC — Constitutional Safeguards and Institutional Integrity

 **INDIAN EXPRESS**

13 March 2026

**SUBJECTS COVERED****POLITY****GS PAPERS****GS2****CURATED & WRITTEN BY****Bharat Choudhary**

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# Motion to Remove the CEC — Constitutional Safeguards and Institutional Integrity

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GS2



The Indian Express

MAINS RELEVANCE:

GS Paper 2



## INTERVIEW ANGLE

*"The Election Commission's independence is foundational to Indian democracy — what structural changes would you recommend to insulate it from political pressure, while preserving executive accountability?"*

## WHY IN NEWS

An Opposition motion to remove the Chief Election Commissioner (CEC) was tabled in Parliament in March 2026 — the first such formal attempt in 75 years of Indian democracy. *The Indian Express* editorial of March 13, 2026 warns this marks an unprecedented challenge to the independence of India's premier electoral institution.

## THE EDITORIAL'S ARGUMENT

The *Indian Express* makes three interconnected arguments:

**1. Seventy-five years of constitutional convention is being broken.** No CEC has faced a removal motion in independent India's history. Even the most controversial CECs — T.N. Seshan (accused of partisanship by incumbents) and Navin Chawla (recommended for removal by CEC Gopalaswami in 2009) — faced no formal removal motions. The motion signals a qualitative escalation in political pressure on the institution.

**2. The 2023 amendment to CEC appointment undermined independence before the motion.**

The Supreme Court in *Anoop Baranwal v. Union of India* (2023) had directed that a three-member committee comprising the PM, Leader of Opposition, and Chief Justice of India appoint Election Commissioners. Parliament subsequently enacted a law replacing the Chief Justice with a Cabinet Minister — restoring executive majority in the appointment process.

**3. Institutional independence requires both procedural and substantive protection.** High removal thresholds (Art. 324) exist precisely to shield constitutional offices from political majorities. Using the motion itself — even if it fails — as a tool of intimidation is constitutionally corrosive.

## THE ELECTION COMMISSION OF INDIA — CONSTITUTIONAL POSITION

### Constitutional Basis

The **Election Commission of India (ECI)** is established under **Article 324** of the Constitution — one of the key constitutional bodies given independent status to protect democratic processes.

Feature	Details
<b>Constitutional basis</b>	Article 324
<b>Composition</b>	CEC + Election Commissioners (number determined by President)
<b>CEC removal</b>	Same procedure as SC judge — address by both Houses, special majority
<b>EC removal</b>	On recommendation of CEC (asymmetric — protects CEC from being outvoted by ECs)
<b>Appointment</b>	President appoints on advice of Council of Ministers (post-2023 law: PM + LoP + Cabinet Minister committee)

### Removal Procedure (Art. 324 read with Art. 367)

To remove the CEC:

A motion must be tabled with **100 Lok Sabha members OR 50 Rajya Sabha members** as signatories

A **three-member inquiry committee** examines the charges (Speaker/VP + two senior judges)

Both Houses must pass the motion by **special majority** (majority of total membership + 2/3 of members present and voting)

Presidential order then formally removes the CEC

The high threshold mirrors Supreme Court judge removal (Art. 124(4)) — reflecting the constitutional drafters' intent to insulate both institutions from transient political majorities.

## HISTORICAL CONTEXT — CONTESTED CECS

CEC	Period	Controversy	Outcome
<b>T.N. Seshan</b>	1990–96	Aggressively enforced MCC; accused of anti-incumbency by Congress	No removal motion; term completed
<b>Navin Chawla</b>	2009	CEC B.B. Tandon and later Gopalaswami formally recommended his removal	No formal Parliamentary motion; served term
<b>2026 Motion</b>	March 2026	First formal parliamentary removal motion	Pending — <i>Indian Express</i> warns of institutional damage regardless of outcome

## THE APPOINTMENT LAW AMENDMENT — 2023

The *Anoop Baranwal* SC judgment (2023) created a committee: **PM + Leader of Opposition + CJI**. Parliament subsequently enacted the **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023**, replacing the CJI with a **Cabinet Minister** nominated by the PM — effectively giving the executive a 2:1 majority in the committee.

The editorial connects these two events: the 2023 appointment law weakened structural independence; the 2026 removal motion represents a further step in the same direction.

### UPSC RELEVANCE

Art. 324 (Election Commission); CEC removal procedure (special majority + both Houses); *Anoop Baranwal v. UoI* (2023); CEC Appointment Act 2023; T.N. Seshan; Navin Chawla.

### MAINS GS-2:

Independence of constitutional bodies — Election Commission; judicial vs. executive appointments; role of Leader of Opposition.

### ESSAY:

“The health of a democracy can be measured by the independence of its election management body.”

## ★ FACTS CORNER — KNOWLEDGEPEDIA

### ELECTION COMMISSION — CONSTITUTIONAL DATA:

**Article 324:** Establishes ECI; vests superintendence, direction, and control of elections

CEC removal: Same as SC judge — special majority in both Houses (Art. 324(5))

EC removal: President on recommendation of CEC alone — asymmetric protection

First CEC: **Sukumar Sen** (1950-58); conducted first general elections 1951-52

### APPOINTMENT POST-2023:

Committee: **PM + Leader of Opposition + Cabinet Minister** (PM's nominee)

Pre-2023: President on advice of PM alone (no committee)

SC direction (Anoop Baranwal 2023): PM + LoP + CJI

Parliament replaced CJI with Cabinet Minister — executive retains 2:1 majority

### REMOVAL THRESHOLD:

Signatories needed: **100 LS members OR 50 RS members** to table motion

Special majority: Majority of **total membership + 2/3 present and voting**

Three-member inquiry committee must examine charges first

### LANDMARK CECS:

T.N. Seshan (1990-96): Transformed ECI; enforced MCC strictly; considered one of India's most impactful constitutional officers

M.S. Gill, J.M. Lyngdoh: Continued Seshan-era reforms

Rajiv Kumar (current, 2022-): Conducted 2024 general elections

### OTHER RELEVANT FACTS:

Model Code of Conduct (MCC): Not statutory — ECI enforces through Art. 324 authority

ECI is a multi-member body since 1993 (converted from single-member to protect CEC from executive pressure)

State Election Commissions: Separate constitutional bodies (Art. 243K) for local body elections — NOT under ECI

Source: Indian Express, Vajiram & Ravi

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