



UPSC & STATE PCS CURRENT AFFAIRS · UJIYARI.COM

DAILY CURRENT AFFAIRS

Motion to Remove CEC Gyanesh Kumar: Constitutional Process, Electoral Integrity, and What It Means

15 March 2026

SUBJECTS COVERED

POLITY

CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator •

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

Free UPSC & State PCS Resources

ujiyari.com

Motion to Remove CEC Gyanesh Kumar: Constitutional Process, Electoral Integrity, and What It Means

15 March 2026 · 7 min read

▼ On this Page

- 01 Who Is Gyanesh Kumar and What...
- 02 The Constitutional Framework for CEC Removal
 - The 2023 Appointment Act and Its Controversy
- 03 Why the Motion Matters Beyond Its...
- 04 What the Constitution Intended
- 05 The Way Forward

✍ WHY IN NEWS

On **13 March 2026**, opposition parties submitted notices in both the Lok Sabha and the Rajya Sabha seeking a motion for the removal of **Chief Election Commissioner (CEC) Gyanesh Kumar**, with **193 Members of Parliament** — 130 from the Lok Sabha and 63 from the Rajya Sabha — signing the notice. This is the **first-ever removal motion against a sitting CEC** in India's constitutional history.

The Election Commission of India is one of the foundational institutions of Indian democracy. When 193 elected representatives formally move to remove its head, it is not merely a political episode — it raises fundamental questions about the independence of election administration, the design of the removal mechanism, and what the constitutional framers intended when they created Article 324. Whether or not the motion succeeds, the exercise itself sets a precedent that will shape the relationship between Parliament, the executive, and the electoral authority for decades.

WHO IS GYANESH KUMAR AND WHAT ARE THE CHARGES

Gyanesh Kumar was appointed as Chief Election Commissioner under the **Chief Election Commissioners and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023** — the law that replaced the Supreme Court-mandated selection committee framework. He assumed office after the 2024 general elections and has been at the centre of controversy over the conduct of state assembly elections, particularly in **West Bengal**.

The opposition's removal notice rests on three broad charges. First, the **Special Intensive Revision (SIR) of electoral rolls** — a process opponents allege was selectively conducted in ways that disenfranchised genuine voters and systematically favoured the ruling party. Second, alleged **partisan conduct** in the scheduling of elections and handling of model code of conduct complaints. Third, alleged **obstruction of investigations** into electoral malpractice. The government and the Election Commission have denied each of these allegations.

THE CONSTITUTIONAL FRAMEWORK FOR CEC REMOVAL

The removal of the Chief Election Commissioner is governed by **Article 324(5)** of the Constitution of India. The provision states that the CEC shall not be removed from office except by an order of the President, following an address by each House of Parliament — passed by a majority of total membership and by not less than two-thirds of members present and voting. These are the same grounds and the same procedure as for the removal of a **Supreme Court judge** under Article 124(4).

The standard of proof required is therefore exceptionally high: the conduct must meet grounds equivalent to proved misbehaviour or incapacity as defined for the removal of the highest court's judges. A removal motion alone, even signed by 193 MPs, does not trigger automatic proceedings. The Presiding Officers of both Houses — the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha — must admit the notices before any formal process begins.

The 2023 Appointment Act and Its Controversy

The **Chief Election Commissioners and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023** was itself contested when enacted. Before this law, the Supreme Court in **Anoop Baranwal v. Union of India (March 2023)** had directed that a three-member selection committee — comprising the Prime Minister, the Leader of the Opposition, and the Chief Justice of India — should select Election Commissioners until Parliament legislated on the subject. The 2023 Act replaced the Chief Justice with a Cabinet Minister nominated by the Prime Minister, effectively giving the ruling government a structural majority on the selection panel. Critics argued at the time that this diluted the independence of the appointment process. The removal motion now brings that design choice back into sharp focus.

WHY THE MOTION MATTERS BEYOND ITS OUTCOME

The 193-MP removal notice is almost certain to fail as a practical matter: the ruling coalition holds a majority in the Lok Sabha, and the two-thirds voting threshold in both Houses is virtually impossible to meet without cross-party consensus that does not exist. But the significance lies elsewhere.

First, it is the first time in 76 years of India's constitutional democracy that a formal removal process has been initiated against a sitting CEC. The signal sent — that Parliament can and will use Article 324(5) — changes the political accountability calculus for future incumbents.

Second, it reopens the public debate on the 2023 Appointment Act. If the selection process is seen as structurally partisan, the removal process becomes a political tool rather than a constitutional safeguard. This incentivises further use of the provision by any future opposition.

Third, the SIR controversy at the heart of the charges — the allegation that electoral roll revision was used as a tool of voter suppression — is substantively important regardless of the removal outcome. Electoral roll accuracy directly determines who can and cannot vote.

WHAT THE CONSTITUTION INTENDED

The constitutional design for the CEC's tenure security was deliberate. The Constituent Assembly debates reflect a concern that election administration must be shielded from the patronage of the executive that appoints it. Dr. B.R. Ambedkar, in explaining Article 324, explicitly noted that the CEC's removal by the same difficult process as a Supreme Court judge was intended to make the office functionally independent of the party in power.

The present controversy illustrates the tension in that design: the same independence that protects a good CEC from executive pressure also makes it nearly impossible to remove a bad one. The only real corrective is appointment quality — which returns the debate to the 2023 Appointment Act.

THE WAY FORWARD

Three reforms would strengthen the structural integrity of India's election administration:

Restore judicial independence in the appointment process — reinstating the Chief Justice of India on the selection committee, or creating an independent constitutional appointments commission, would reduce the appearance of partisan control.

Codify the SIR process with statutory timelines, public notice requirements, and grievance redressal — preventing its use as a tool of selective enrolment.

Create an institutional review mechanism for Election Commission decisions short of the removal process — a parliamentary standing committee on electoral integrity with investigative powers would provide oversight without the nuclear option of removal.

UPSC RELEVANCE

Article 324(5), Chief Election Commissioner, Election Commission of India, Anoop Baranwal v. Union of India (2023), CEC Appointment Act 2023, Special Intensive Revision (SIR).

MAINS GS-2:

Constitutional bodies and their independence; Election Commission of India — composition, powers, and accountability; removal of constitutional functionaries; electoral reforms in India.

★ FACTS CORNER — KNOWLEDGEPEDIA

THE REMOVAL MOTION — KEY FACTS:

Date of notice: 13 March 2026

Total signatories: 193 MPs (130 Lok Sabha + 63 Rajya Sabha)

Led by: Trinamool Congress and opposition bloc

Historic significance: First-ever removal motion against a sitting CEC in India

Key charge: Allegations of partisan conduct in Special Intensive Revision (SIR) of electoral rolls

CONSTITUTIONAL FRAMEWORK:

Governing article: Article 324(5) of the Constitution of India

Removal procedure: Same as Supreme Court judge — address by each House with majority of total membership + two-thirds of members present and voting

Appointing authority: President of India, on advice of Council of Ministers

Appointment law (current): CEC and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023

Pre-2023 position: Supreme Court in Anoop Baranwal v. Union of India (March 2023) directed CJI-inclusive selection committee

ELECTION COMMISSION OF INDIA:

Established: January 25, 1950 (this date is observed as National Voters' Day since 2011)

Constitutional basis: Article 324

Current composition: CEC + 2 Election Commissioners

Tenure: 6 years or age 65, whichever is earlier

Headquarters: Nirvachan Sadan, New Delhi

OTHER RELEVANT FACTS:

The CEC has the same security of tenure as a Supreme Court judge — designed by Constituent Assembly to ensure independence

The 2023 Act replaced the CJI on the selection panel with a Cabinet Minister, giving the ruling government a structural majority (PM + Cabinet Minister vs Leader of Opposition)

Removal motion alone does not trigger formal proceedings — Presiding Officers must admit the notices

The SIR (Special Intensive Revision) is a process for intensive review and updating of electoral rolls in a constituency or district

Sources: [The Hindu](#), [Business Standard](#), [The Wire](#), [PRS India](#)

RELATED EDITORIALS

THE HINDU

AI-Powered Taxation — Project Insight's Gains and Governance Risks

20 Mar

BUSINESS STANDARD

Learning Curve — India's Bid to Be a Global Education Hub Needs More Than Policy

20 Mar

BUSINESS STANDARD**India's Urban Crisis — Why Smart Cities Need Stronger Civic Governance First**

20 Mar

BUSINESS STANDARD**Strengthening Oversight — Why Audit Firms Must Fix Their Governance**

20 Mar

CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

 [Read Full Article on Ujyari](#) →

<https://ujyari.com/daily/2026/03/15/cec-removal-motion-gyanesh-kumar/>

Free UPSC & State PCS Current Affairs · ujyari.com