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EDITORIAL ANALYSIS

An Impeachment Move With No Winners — What the CEC Removal Notice Reveals About Indian Democracy



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An Impeachment Move With No Winners — What the CEC Removal Notice Reveals About Indian Democracy

 The Hindu

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GS2

 The Hindu

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INTERVIEW ANGLE

"The CEC removal notice backed by 190 MPs is described as 'an impeachment move with no winners.' Do you agree? What does this episode reveal about the institutional health of the Election Commission of India?"

WHY IN NEWS

The INDIA bloc submitted a formal removal notice against Chief Election Commissioner Gyanesh Kumar — signed by over 190 MPs — marking the first such motion in India’s constitutional history. The move, while unlikely to succeed given the Opposition’s minority status, represents an escalation in political contestation over the independence of the Election Commission of India that has no precedent since 1950.

THE EDITORIAL’S CENTRAL ARGUMENT

The Hindu’s editorial frames this as “an impeachment move with no winners.” Its argument is three-pronged:

- 1 **The Opposition cannot win** — they lack the numbers (need 272+ in LS, have ~193 MPs total). The motion is a political statement, not a realistic removal bid.
- 2 **The government cannot win** — even if the CEC survives comfortably, the fact that 190 MPs found it necessary to file a removal motion delegitimises the institution in the eyes of a significant section of the electorate.
- 3 **The institution of the ECI cannot win** — regardless of the motion’s outcome, the perception of partisan conduct damages the ECI’s credibility as the guarantor of free and fair elections.

WHAT MAKES THIS CONSTITUTIONALLY UNPRECEDENTED

The Removal Bar — Deliberately High

Article 324(5) of the Constitution gives the CEC the same removal protection as a Supreme Court judge. The reason this standard was chosen is deliberate: the framers wanted the head of the election machinery to be insulated from executive pressure. The Constituent Assembly debates show B.R. Ambedkar's explicit concern that without this protection, ruling governments could remove inconvenient CECs before crucial elections.

The five-stage process (under Article 124(4) + Judges (Inquiry) Act, 1968):

- ❶ Motion presented with signatures of 100+ LS MPs or 50+ RS MPs
- ❷ Speaker/Chairman refers to a three-member Judicial Committee (2 judges + 1 jurist)
- ❸ Committee inquiry and report finding "proved misbehaviour or incapacity"
- ❹ Both Houses pass the address by special majority (majority of total membership + 2/3 of members present and voting)
- ❺ Presidential order of removal

In 75 years of Indian constitutional democracy, no Supreme Court judge has been removed through this process. The CEC's protection is identical. The bar exists precisely to prevent the motion the Opposition just filed from succeeding when the ruling party has a majority.

THE SUBSTANTIVE ALLEGATIONS — AND THEIR LIMITS

The West Bengal SIR Controversy

The Opposition's primary substantive allegation: the ECI ordered a **Special Intensive Revision (SIR)** of electoral rolls in West Bengal that disproportionately targeted constituencies with high Muslim voter concentration, with micro-observers deployed at booths in those areas. The claim is that this facilitated targeted deletion of Muslim voters from electoral rolls.

The ECI's defence: SIR is a standard tool for roll verification; micro-observers are deployed wherever data anomalies exist; the process is non-discriminatory.

The editorial's assessment: The specific allegation of targeted disenfranchisement is serious and would, if proven, constitute "misbehaviour" under the constitutional standard. But the removal process is not designed for adjudicating such allegations — it is designed for the most egregious cases of proven misconduct. Using it as a political platform conflates the *seriousness* of the allegation with the *mechanism* for addressing it.

What the Appropriate Response Would Be

The editorial argues that the appropriate remedies for the specific allegation are:

- **Election petition:** Article 329(b) provides that ECI decisions on elections cannot be challenged except by election petition after the election
- **PIL before Supreme Court:** Challenging the SIR methodology on constitutional grounds
- **Parliamentary Committee inquiry:** Select Committee with Opposition representation to examine the specific SIR data

None of these carry the political drama of a removal notice — but all are more likely to produce accountability.

THE DEEPER CRISIS — TRUST DEFICIT IN CONSTITUTIONAL INSTITUTIONS

The editorial situates this episode within a broader pattern: India's constitutional watchdog institutions — the CBI, CAG, RBI, NIA, NTA, and ECI — have all faced accusations of executive capture in recent years. The removal notice reflects:

- 1. The CEC Act 2023 problem:** By removing the Chief Justice of India from the selection committee (which the Supreme Court had ordered in Anoop Baranwal, 2023) and installing a Cabinet Minister nominated by the PM, Parliament created a selection process with a 2:1 government majority. When the government effectively appoints the CEC, the Opposition will challenge every subsequent CEC appointment's legitimacy.
- 2. The T.N. Seshan legacy problem:** CECs who use their constitutional security to push back against ruling-party pressure (as Seshan did in the 1990s) become institutional heroes. CECs who do not invite the accusation — however unfair — of being compliant. The current CEC faces this perception problem regardless of whether the specific allegations are proven.
- 3. The normalisation danger:** As The Hindu argues, the greatest danger is normalisation. If challenging constitutional functionaries through removal notices becomes an accepted Opposition tactic, it changes the political culture around institutions that were previously politically untouchable. The Emergency (1975-77) saw elections suspended but no CEC faced a removal motion. The current notice represents a new normal.

WHAT ELECTORAL DEMOCRACY REQUIRES

The editorial concludes with a structural argument: the independence of the ECI is not an abstract constitutional value. It is the practical guarantee that election results reflect voter choices. When that guarantee is contested — not just as a political talking point but through formal parliamentary action — it damages the foundational legitimacy of democratic outcomes.

The real reform needed: The editorial implicitly argues that the CEC Act 2023 — which created the trust deficit — must be revisited. Restoring the CJI to the selection committee, or creating another mechanism for independent oversight of ECI appointments, is the structural fix that makes future removal notices unnecessary.

UPSC RELEVANCE

Article 324(5); Article 124(4); Judges (Inquiry) Act 1968; CEC Gyanesh Kumar; Anoop Baranwal judgment 2023; CEC Act 2023; SIR (Special Intensive Revision); T.N. Seshan.

MAINS GS-2:

“Critically examine the institutional safeguards for the independence of the Election Commission of India. Has the CEC and Other Election Commissioners Act, 2023 strengthened or weakened these safeguards?”

MAINS GS-4 (ETHICS):

“An institution’s legitimacy depends not just on its legal powers but on public trust. Analyse this statement with reference to the Election Commission of India.”

INTERVIEW:

“An impeachment notice against the CEC with no hope of success — is this responsible constitutional behaviour by the Opposition, or does it serve democratic accountability?”

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CEC REMOVAL — CONSTITUTIONAL MECHANICS:

Article 324(5): CEC removed only like SC judge — same manner and grounds

Article 124(4) + Judges (Inquiry) Act 1968: 5-stage process

Required majority (LS): 272+ out of 543 total members + 2/3 of members present and voting

Required majority (RS): majority of 245 total + 2/3 present and voting

Notice signatories: ~190 MPs (130 LS + 63 RS) — well below thresholds

Current CEC: Gyanesh Kumar (appointed February 2025 — first under 2023 Act)

CEC ACT 2023:

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

Passed: December 2023 (replaced 1991 Act)

Selection committee: PM (Chair) + Cabinet Minister (PM's nominee) + Leader of Opposition

Removed from committee: Chief Justice of India (added by SC in Anoop Baranwal judgment, March 2023)

Currently challenged in Supreme Court

ANOOP BARANWAL V. UNION OF INDIA (2023):

5-judge Constitution Bench; March 2023

Held: ECI appointment needs independent oversight — directed inclusion of CJI

Parliament's response (Dec 2023): excluded CJI, substituted Cabinet Minister

ELECTION COMMISSION OF INDIA:

Established: January 25, 1950 (National Voters Day)

Constitutional body: Article 324

HQ: Nirvachan Sadan, New Delhi

Current composition: CEC + 2 Election Commissioners

India's registered voters (2024): ~970 million — world's largest electorate

NOTABLE CECS AND THEIR CONTRIBUTIONS:

T.N. Seshan (1990-96): MCC enforcement, photo voter ID, Ramon Magsaysay Award 1996

M.S. Gill (1996-2001): strengthened election law enforcement

S.Y. Quraishi (2010-12): voter registration drives; wrote “India’s Experiment with Democracy”

Rajiv Kumar (2022-25): oversaw 2024 general elections (970 million voter turnout)

Gyanesh Kumar (2025-): first appointed under 2023 Act; first removal notice in history

OTHER RELEVANT FACTS:

SIR (Special Intensive Revision): ECI tool for electoral roll verification post-census/migration/delimitation

Article 329(b): ECI election decisions cannot be challenged except by election petition after the election is over

Model Code of Conduct (MCC): non-statutory; consensus-based; effectively enforced since Seshan era

Electoral Bond Scheme: struck down by SC (February 2024) — example of ECI’s jurisprudential context

Sources: [The Hindu](#), [InsightsIAS](#), [Vajiramandravi](#), [Election Commission of India](#)

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