



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalaivar Kamarajar"

CEC Removal Row Highlights Constitutional Safeguards, Election Commission Independence and Internal Dissent Over Electoral Roll Processes

Published On: 28-09-2026

Recent Developments:

- The Opposition has indicated that it will move a motion in both Houses of Parliament seeking the removal of **Chief Election Commissioner Gyanesh Kumar**, following an Indian Express investigation into objections reportedly recorded by Election Commissioners Sukhbir Singh Sandhand Vivek Joshi regarding certain Election Commission processes.
- The investigation reported that the two Election Commissioners had formally raised objections on at least **14 occasions over 10 months**, including concerns relating to voter additions and deletions, changes to Form 6 and access to electoral-roll databases.
- The reported disagreements are significant because the **Election Commission of India** functions as a multi-member constitutional body, with the Chief Election Commissioner serving as its Chairman when other Election Commissioners are appointed under Article 324.
- The Election Commission has, however, maintained that decisions of the Commission, including those concerning the **Special Intensive Revision**, were taken unanimously with the approval of all three Commissioners.

Constitutional Position of the Election Commission:

Article 324 and Institutional Mandate:

- **Article 324** vests the superintendence, direction and control of the preparation of electoral rolls and the conduct of elections to Parliament, State Legislatures, President and Vice-President in the Election Commission.
- The Commission consists of the **Chief Election Commissioner and such number of other Election Commissioners as the President may determine**, subject to parliamentary law.
- When other Election Commissioners are appointed, the **Chief Election Commissioner acts as Chairman** of the Commission.
- The constitutional design seeks to provide an institutional mechanism for conducting elections independently from the executive and ensuring electoral administration across India.

Composition and Decision-Making:

- The present Commission consists of **three Election Commissioners**, including the Chief Election Commissioner.
- The Chief Election Commissioner is not constitutionally designated as an absolute superior authority over the other Election Commissioners; the office functions within a **multi-member Commission framework**.
- The 2023 legal framework provides for the transaction of Commission business and allocation of work through the prescribed institutional procedure, making collective decision-making an important aspect of the

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

Commission's functioning.

Appointment of Election Commissioners:

Constitutional and Statutory Framework:

- Appointment of the Chief Election Commissioner and other Election Commissioners is governed constitutionally by **Article 324** and statutorily by the **Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023**.
- The **President** appoints the Chief Election Commissioner and other Election Commissioners on the recommendation of a three-member Selection Committee consisting of the Prime Minister, the Leader of Opposition in the Lok Sabha and a Union Cabinet Minister nominated by the Prime Minister.
- Eligible candidates must have held a post equivalent to the **Secretary to the Government of India** and must be persons of integrity possessing knowledge and experience in the management and conduct of elections.

Tenure and Service Conditions:

- The Chief Election Commissioner and other Election Commissioners hold office for **6 years or until attaining 65 years of age**, whichever is earlier.
- The Chief Election Commissioner receives service conditions and monetary benefits equivalent to those available to a **Judge of the Supreme Court**.
- The constitutional protection relating to removal is substantially stronger for the Chief Election Commissioner than for other Election Commissioners.

Removal of the Chief Election Commissioner:

Constitutional Basis:

- **Article 324(5)** provides that the Chief Election Commissioner can be removed from office only **in like manner and on the like grounds as a Judge of the Supreme Court**.
- The same protection is reflected in **Section 11(2)** of the 2023 Act.
- An Election Commissioner or Regional Commissioner cannot be removed from office except on the **recommendation of the Chief Election Commissioner**.
- This asymmetry creates stronger removal protection for the Chief Election Commissioner while giving the office a special role in protecting other members of the Commission.

Grounds for Removal:

- The constitutional standard for removal of a Supreme Court Judge under **Article 124(4)** is **proved misbehaviour or incapacity**, and the same standard applies to the removal of the Chief Election Commissioner through Article 324(5).
- **Misbehaviour** may involve conduct incompatible with the office or abuse of official authority, while **incapacity** concerns inability to discharge the functions of the office.
- Mere political disagreement, administrative controversy or criticism of an Election Commission decision does not by itself constitute the constitutional ground of proved misbehaviour or incapacity.

Parliamentary Removal Process:

Initiation of Motion:

- Removal proceedings begin with a **notice of motion** by Members of Parliament alleging proved misbehaviour or incapacity.

- For admission, the notice must carry signatures of at least **100 Members of the Lok Sabha** or **50 Members of the Rajya Sabha**.
- The Speaker of the Lok Sabha or Chairman of the Rajya Sabha has the authority to consider whether the motion should be admitted.

Inquiry and Parliamentary Approval:

- After admission, an **inquiry committee** examines the allegations and evidence relating to the alleged misbehaviour or incapacity.
- The removal motion must subsequently be adopted by **a majority of the total membership of each House and a majority of not less than two-thirds of the members present and voting**.
- The requirement that the motion must secure the prescribed special majority in **both Houses of Parliament** makes removal constitutionally demanding.
- After Parliament completes the constitutional process, the **President issues the order of removal**.

2026 Removal Attempt and Current Controversy:

Earlier Motion Against Gyanesh Kumar:

- On **12 March 2026**, Opposition parties submitted motions in both Houses seeking the removal of Chief Election Commissioner Gyanesh Kumar.
- The reported motions were signed by **130 Members of the Lok Sabha and 63 Members of the Rajya Sabha** and referred to issues surrounding the Election Commission's **Special Intensive Revision of electoral rolls**.
- The motions alleged partisan and discriminatory conduct and raised concerns relating to electoral-roll revision and investigation of alleged electoral irregularities.
- In April 2026, the **Chairman of the Rajya Sabha and Speaker of the Lok Sabha rejected the motions**, and no reasons were publicly assigned for the decisions, according to the Indian Express report.

Fresh Political Developments:

- The September 2026 demand follows reporting that Election Commissioners **Sukhbir Singh Sandhand** and **Vivek Joshi** had independently recorded objections concerning several SIR-related administrative and technological processes.
- Reported concerns included the alteration of **Form 6**, access to electoral-roll databases, centralisation of voter-data systems and procedures concerning addition, deletion and restoration of voter names.
- The reported objections therefore concern the functioning of electoral-roll administration, which directly affects the Election Commission's constitutional responsibility over electoral rolls.

Special Intensive Revision and Institutional Issues:

Electoral Roll Administration:

- The **Special Intensive Revision** is intended to verify and update electoral rolls by identifying eligible electors, correcting discrepancies and removing names that do not meet legal eligibility requirements.
- The recent controversy has focused partly on the extent to which digital systems and centralised databases should interact with the statutory authority of **Electoral Registration Officers** at the constituency level.
- The Indian Express investigation reported concerns from the two Election Commissioners regarding possible centralisation of access to electoral-roll databases and changes in digital procedures.

Form 6 Controversy:

- **Form 6** is used by eligible citizens for inclusion of their names in the electoral roll.

- The Indian Express reported that a new declaration related to earlier SIR electoral rolls was incorporated into Form 6 and that Election Commissioners Sandhand Joshi had objected to the change, describing it as unauthorised and requiring removal.
- The issue raises broader questions concerning the relationship between statutory electoral procedures, administrative instructions and the Commission's internal decision-making mechanisms.

Why the Removal Safeguard Matters:

Independence of the Election Commission:

- The high constitutional threshold for removing a Chief Election Commissioner is intended to protect the office from **arbitrary executive or political interference**.
- The protection is comparable to that available to Supreme Court Judges, thereby recognising the importance of institutional independence in conducting elections.
- At the same time, strong security of tenure must operate alongside **institutional accountability, transparency and collective decision-making**.

Independence versus Accountability:

- The constitutional framework creates a deliberate balance between protecting the Election Commission from political pressure and permitting removal in cases involving **proved misbehaviour or incapacity**.
- Allegations or political disagreement alone cannot substitute for the constitutionally prescribed inquiry and special-majority procedure.
- Internal disagreement among Commissioners can therefore become relevant to institutional accountability, but its legal significance depends on the specific facts, evidence and statutory framework.

Key UPSC Issues:

GS Paper II Relevance:

- **Constitutional Bodies:** The Election Commission derives its core constitutional mandate from Article 324.
- **Electoral Reforms:** The controversy highlights questions concerning appointment, tenure, removal, internal decision-making and accountability of Election Commissioners.
- **Checks and Balances:** Removal provisions demonstrate how constitutional institutions are protected while remaining subject to parliamentary accountability.
- **Free and Fair Elections:** Accurate electoral rolls, transparent revision procedures and institutional independence are essential components of electoral integrity.
- **Digital Governance:** Centralised electoral databases create opportunities for administrative efficiency but also raise questions concerning access control, auditability, cybersecurity and statutory responsibility.

Conclusion:

- The constitutional protection given to the **Chief Election Commissioner** reflects the importance of an independent election-management institution in a constitutional democracy.
- The current controversy involves two distinct questions: whether the reported administrative decisions complied with the applicable legal framework and whether any alleged conduct satisfies the constitutional standard of **proved misbehaviour or incapacity**.
- The removal mechanism therefore cannot be reduced to a political motion alone; it requires adherence to the constitutionally prescribed process, evidentiary examination and special-majority approval in both Houses of Parliament.
- The wider institutional issue is to maintain a balance between **electoral independence, collective decision-making, administrative transparency and constitutional accountability**.

Value Addition for UPSC:

Constitutional and Comparative Points:

- **Article 324:** Establishes the Election Commission and vests it with superintendence, direction and control over specified elections.
- **Article 324(5):** Provides Supreme Court Judge-equivalent removal protection to the Chief Election Commissioner.
- **Article 124(4):** Provides the constitutional standard of **proved misbehaviour or incapacity** for removal of a Supreme Court Judge.
- **Article 325:** Provides for one general electoral roll and prohibits exclusion from a special electoral roll on grounds only of religion, race, caste or sex.
- **Article 326:** Provides for elections to the Lok Sabha and State Legislative Assemblies on the basis of **adult suffrage**, subject to constitutional and statutory qualifications.
- **Mains-ready analytical line:** *The independence of an electoral institution is meaningful only when security of tenure is accompanied by transparent procedures, collective institutional functioning and constitutionally enforceable accountability.*