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Should there be a panel to appoint Election Commissioners?

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In News: Should there be a panel to appoint Election Commissioners?

The Supreme Court stated that while an election commissioner may be proficient, competent, completely honest and armed with an outstanding record of service, they may also have personal political leanings which show themselves while in office.

The Union government on opposed in the Supreme Court a batch of pleas seeking a collegium-like system for selection of Chief Election Commissioner (CEC) and Election Commissioners.

What is the Issue?

The main contention is that the present appointment process for election commissioners is not transparent. According to Article 324(2) of the Constitution, election commissioners are to be appointed by the president. Since the president is bound by the advice of the prime minister and council of ministers, the appointment of the election commissioners is a solely executive decision.

There has been a growing impression that the Election Commission is indulgent towards the ruling government at the centre, and the commission has a different standard to determine the actions of the members of the ruling government and the complaints that arise during the campaign/elections.

Supreme Court asked why is that for 72 years Parliament has not been able to come up with any law as envisaged in Article 324 (2) (dealing with the appointment of CEC and ECs) like it has done for appointment of Central Vigilance Commissioner or Union Public Service Commission members.

What is stated in the Constitution of India?

Article 324(2) reads: "The Election Commission shall consist of the Chief Election Commissioner and such numbers of other Election Commissioners, if any, as the President may from time-to-time fix and appointment of the CEC and other ECs shall, subject to provisions of any law made in that behalf by Parliament, be made by the President."

What was recommended by Law Commission?

Several committees, starting from 1975. For Instance, 255th Law commission has recommended that a panel of Prime Minister, Chief Justice of India and Leader of Opposition (LoP) should appoint the CEC as is done for appointing the CBI director (Vineet Narain Case 1997) or Central Vigilance Commissioner (CVC) but in his view the PM and LOP should not be part of that panel as they are the stakeholders.

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