

Appointment of Chief Election Commissioner

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The Central Government has passed a new order regarding the appointment of the Chief Election Commissioner and other Election Commissioners.

The CEC Bill is subversive of a fair and impartial election process. This bill was passed after suspending the majority of the opposition members, which helped to undermine the very democratic system of the country. For this reason, this bill, which seriously affects the parliamentary system, was passed unilaterally without discussion and criticism. The new law removes the transparency of election commission and limits the sovereignty and independence of the commission.

As per the Supreme Court order till date the selection committee to appoint the Election Commission should have three members including the Chief Justice of the Supreme Court, the Prime Minister and the Leader of the Opposition. The new bill stipulates that the Chief Justice will be removed from the commission and replaced by the Union Minister. This is the violation of the Supreme Court's order. With this, the ruling party can appoint its favorites to the commission. This directive of the Supreme Court was to ensure maximum transparency, impartiality and democracy in the selection of the Election Commissioner.

The most serious problem is that the new bill prohibits any legal action against election commission. All the proceedings taken by EC during the operational period never challenged in the courts. Until today, the decisions of the Election Commission could be questioned in the courts. But once the new bill becomes a law, the decision of the Election Commission will be a final order. There will be possibility to disqualify those who are not liked by the ruling party. Caste-religious favoritism during the election process is a crime that invalidates the election as per the current law. So many Hindutva appeasement work followed by BJP in the election process. At this time this type of appeasement work widely used, so, it would not be an offense before the Commission because he is only a secretary or peon of ruling party. The same time, the elected members of the opposition can be accused of similar offenses and their elections can be annulled. There are several procedures to be followed by the candidates in the rules of election conduct. Any member found guilty of violating these procedures may be disqualified.

There is no doubt that the preconceptions of the executive, the legislature and the ruling party will influence the selection of the Chief Election Commissioner and other election commissioners. Similarly, there is no doubt that there will be biased influence of the central ruling party and the legislature in all the decisions of the Election Commission. In the Constituent Assembly, the architect of the Constitution, Ambedkar, had pointed out the importance of entrusting the responsibility of conducting elections to individuals who are free from political

influences and regional pressures. The Supreme Court has specifically pointed out in the case proposing CEC selection that the Constitution makers had demanded in the Constituent Assembly that the Election Commission should be an independent system governed by laws with no special allegiance.

One of the provisions of the Bill that will have the most serious and serious impact is the Election Commission's regulatory powers over registered political parties. Internal elections of all political parties registered under the Representation of the People Act, 1951, control, monitoring and supervision of internal and external activities of political parties and decisions of the Election Commission. It is specifically stipulated in the bill that it will be subject to instructions. According to the new bill, it is equivalent to the boon given to Bhasmasura in Purana

This right is vested in the Election Commission. These strict conditions may not be met by the political parties for a number of reasons. But for this reason the party may lose its registration approval. If the recognized registered political parties are de-recognised one by one, it will lead to a one-party system. It is to be doubted whether the Sangh Parivar is aiming to reach a one-party rule through this provision of the law and through it the Hindutva Rashta with the Manusmriti Constitution through the crooked path.

The independence of the Election Commission is paramount to ensure impartiality and integrity in the conduct of electoral processes. Upholding the impartial character of the Election Commission is essential for the survival of the democratic system to maintain public confidence in the electoral system and to ensure fair and impartial elections. The proposed bill will lead to dictatorship in the country. It must be assumed that this bill has not been the subject of serious discussion by the political parties. When they are indifferent to this bill, which even questions their existence as a party, there should be a strong protest of democratic believers against this bill until it is withdrawn so that the democratic system can continue to exist.