

Constitutional Bench Update

Anoop Baranwal vs. Union of India

**Appointments to Election
Commission of India**



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Bench

**Justices K.M. Joseph,
Ajay Rastogi, Aniruddha Bose,
Hrishikesh Roy, C.T. Ravikumar**

**Case Admitted on
February 25, 2020**

**Last Date of Hearing
September 29, 2022**

**Next Date of Hearing
November 17, 2022**

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Background

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January 13, 2015: Anoop Baranwal filed a PIL praying for issue of mandamus commanding the Respondent to make law for ensuring a fair, just and transparent process of selection by constituting a neutral and independent collegium/selection committee to recommend names for appointment of member of Election Commission.

Article 324 of the Constitution specifies that while the Chief Election Commissioner and Election Commissioners will be appointed by the President, this is subject to Parliamentary law (if such law exists). While this provision places an expectation on Parliament to draft a relevant law, it has not done so up until now.

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Background

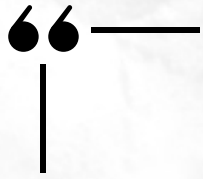
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In the absence of such a law, the President has been making appointments as per the recommendations of the Prime Minister.

January 23, 2018: Supreme Court referred the matter to a Constitution Bench for an authoritative pronouncement.

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Issues under Consideration



- Does the current process for appointments violate equality guarantee under the Constitution?
- Does it violate separation of power principle if court issues directions/ guidelines for appointment process of election commissioners?



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