

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

Lok Sabha

**Unstarred Question No. 4046
TO BE ANSWERED ON FRIDAY, THE 24th March, 2023**

Panel for Selection of Election Commissioners

4046. SHRI SUBBARAYAN K.:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) whether it is a fact that the Supreme Court has held that the selection of the Chief Election Commissioner and the members of the Commission to be made by a panel comprising the PM, the Leader of the Opposition (LOP) and the Chief Justice of India (CJI) as the Government has failed to enact a Law as per the Article 324(2) of the Constitution for the purpose; and
(b) if so, the details thereof and Government's reaction thereto?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) and (b): Sir, in Writ Petition (Civil) No.104 of 2015, *Anoop Baranwal v. Union of India*, with Writ Petition (Civil) No.1043 of 2017, 569 of 2021 and 998 of 2022, the Supreme Court of India has *inter alia* held in its judgment dated the 02 March, 2023 that until the Parliament makes a law in consonance with Article 342(2) of the Constitution the appointment of the Chief Election Commissioner and the Election Commissioners shall be made on the recommendations made by a three-member Committee comprising the Prime Minister, Leader of the Opposition of the Lok Sabha and in case no Leader of Opposition is available, the Leader of the largest opposition party in the Lok Sabha in terms of numerical strength and the Chief Justice of India.

The judgement of Supreme Court is being examined by the Government and appropriate action will be taken.
