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Andhra Pradesh Poll Panel Chief Case

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Why in News

Recently, the **Supreme Court (SC) of India** refused to pass any interim orders on the Andhra Pradesh government's plea to stay the Andhra Pradesh High Court order, which set aside the recent ordinance passed by the Andhra Pradesh government.

Key Points

- **The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2020**, was brought to amend **Section 200** of the Andhra Pradesh Panchayat Raj Act, 1994.
- **Amendments:**
 - **Restricted** the **State Election Commissioner (SEC)** post to **only** retired High Court judges.
Prior to the amendment, **retired bureaucrats were also eligible for** the post.
 - **Curtailed the tenure** of the SEC from five years to three years.
This compelled the then incumbent SEC to step down and a new Commissioner was appointed.
 - The amendments under the ordinance were challenged in the High Court.

- **High Court Ruling:**

- The High Court (HC) had **set aside the amendments on restriction of SEC post**, by saying the ordinance does not qualify the **test of reasonableness** specified in **Article 14** of the Constitution of India.

The HC also observed that the **appointment of the newly incumbent** has been made by the Governor in exercise of the power **under Section 200 of the Andhra Pradesh Panchayat Raj Act and not under Article 243K(1) of the Constitution.**

- The court also **set aside the amendment on the tenure of SEC.**
 - It ruled that the SEC is a **Constitutionally defined functionary** under Article 243K of the Constitution, and it has a right to function till completion of tenure.
 - According to **Article 243K (2)** of the Constitution, the SEC shall not be removed from his office except in like manner and on the like ground as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

State Election Commission

- The State Election Commission is a constitutional body. It has been entrusted with the function of conducting free, fair and impartial elections to the local bodies in the state.
- **Article 243K (1):** It states that the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the **Panchayats** (Municipalities under Article 243ZA) shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.
- **Article 243K (2):** It states that the tenure and appointment will be directed as per the law made by the state legislature. However, State Election Commissioner shall not be removed from his/her office except in like manner and on the like grounds as a Judge of a High Court.

Doctrine of Reasonability Test:

- It has been propounded by the Indian Judiciary. According to it any exception to equality is permissible only if the State has justifiable reasons for treating people differently.
- It means if the law makes a reasonable classification of a group for special treatment, it will not violate Article 14.

E.g Affirmative actions as provided under Article 15 and Article 16 of the Constitution.

Source: TH