

THE CHIEF ELECTION COMMISSIONER AND OTHER
ELECTION COMMISSIONERS (CONDITIONS OF SERVICE)
ACT, 1991

No. 11 OF 1991

[25th January, 1991.]

An Act to determine the conditions of service of the Chief Election Commissioner and other Election Commissioners and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short
title.

1. This Act may be called the ~~Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991.~~

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) "Chief Election Commissioner" means the Chief Election Commissioner appointed under article 324 of the Constitution;

~~(b) "Election Commissioner" means any other Election Commissioner appointed under article 324 of the Constitution.~~

CHAPTER II

SALARY AND OTHER CONDITIONS OF SERVICE OF THE CHIEF ELECTION
COMMISSIONER AND ELECTION COMMISSIONERS

~~Y~~ [and other election Commissioners]

Salary.

3. (1) There shall be paid to the Chief Election Commissioner a salary which is equal to the salary of a Judge of the Supreme Court.

~~(2) There shall be paid to an Election Commissioner a salary which is equal to the salary of a Judge of a High Court:~~

4 XXX)
Provided that if a person who, immediately before the date of assuming office as the Chief Election Commissioner or, as the case may be, an Election Commissioner, was in receipt of, or, being eligible so to do, had election to draw, a pension (other than a disability or wound pension) in respect of any previous service under the Government of the Union or under the Government of a State, his salary in respect of service as the

1. Subs by Act 4 of 1994, S. 2 (W.C.F. 1.10.1993)²⁶
2. Subs by S. 3, ibid (W.C.F. 1.10.1993)
3. Re-lettered and ins. by S. 4, ibid (W.C.F. 1.10.1993)
4. Omitted and ins. by S. 5, ibid (W.C.F. 1.10.1993)

Chief Election Commissioner or, as the case may be, an Election Commissioner shall be reduced—

(a) by the amount of that pension; and

(b) if he had, before assuming office, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension.

4. The Chief Election Commissioner or an Election Commissioner shall hold office for a term of six years from the date on which he assumes his office:

Term of office.

~~Provided that where—~~

(i) the Chief Election Commissioner attains the age of sixty-five years; or

(ii) an Election Commissioner attains the age of sixty-two years, before the expiry of the said term of six years, he shall vacate his office on the date on which he attains the said age:

Provided further that the Chief Election Commissioner or an Election Commissioner may, at any time, by writing under his hand addressed to the President, resign his office.

Explanation.—For the purpose of this section, the term of six years in respect of the Chief Election Commissioner or an Election Commissioner holding office immediately before the commencement of this Act, shall be computed from the date on which he had assumed office.

5. (1) A person who, immediately before the date of assuming office as the Chief Election Commissioner or an Election Commissioner, was in service of Government may be granted during his tenure of office but not thereafter, leave in accordance with the rules for the time being applicable to the Service to which he belonged before such date and he shall be entitled to carry forward the amount of leave standing at his credit on such date, notwithstanding anything contained in section 6.

Leave.

(2) Any other person who is appointed as the Chief Election Commissioner or an Election Commissioner may be granted leave in accordance with such rules as are for the time being applicable to a member of the Indian Administrative Service.

(3) The power to grant or refuse leave to the Chief Election Commissioner or an Election Commissioner and to revoke or curtail leave granted to him, shall vest in the President.

6. (1) A person who, immediately before the date of assuming office as the Chief Election Commissioner or an Election Commissioner was in service of Government, shall be deemed to have retired from service on the date on which he enters upon office as the Chief Election Commissioner or an Election Commissioner but his subsequent service as the Chief Election Commissioner or an Election Commissioner shall be reckoned as continuing approved service counting for pension in Service to which he belonged.

Pension payable to Election Commissioners.

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~~↓ [or an Election Commissioner]~~

(2) Where the Chief Election Commissioner demits office [whether in any manner specified in sub-section (4) or by resignation], he shall, on such demission be entitled to— ~~[Sub-Section (3)]~~

(a) a pension which is equal to the pension payable to a Judge of the Supreme Court in accordance with the provisions of Part III of the Schedule to the Supreme Court Judges (Conditions of Service) Act, 1958, as amended from time to time; and

41 of 1958.

(b) such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of the Supreme Court under the said Act and the rules made thereunder, as amended from time to time.

~~↓ xxx) (3) Where an Election Commissioner demits office [whether in any manner, specified in sub-section (4) or by resignation], he shall, on such demission, be entitled to—~~

~~(a) a pension which is equal to the pension payable to a Judge of a High Court in accordance with the provisions of Part III of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954, as amended from time to time; and~~

28 of 1954.

~~(b) such pension (including commutation of pension), family pension and gratuity as are admissible to a Judge of a High Court under the said Act and the rules made thereunder, as amended from time to time.~~

~~↓ [(3)] (4) Except where the Chief Election Commissioner or an Election Commissioner demits office by resignation, he shall be deemed, for the purpose of this Act, to have demitted his office if, and only if,—~~

~~(a) he has completed the term of office specified in section 4, or~~

~~(b) he has attained the age of sixty-five years, or as the case may be, sixty-two years, or~~

~~(c) his demission of office is medically certified to be necessitated by ill-health.~~

7. Every person holding office as the Chief Election Commissioner or an Election Commissioner shall be entitled to subscribe to the General Provident Fund (Central Services).

Right to subscribe to General Provident Fund.

8. Save as otherwise provided in this Act, the conditions of service relating to travelling allowance, provision of rent-free residence and exemption from payment of income-tax on the value of such rent-free residence, conveyance facilities, sumptuary allowance, medical facilities and such other conditions of service as are, ~~for the time being, applicable to,~~

Other conditions of service.

~~(i) a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, shall, so far as may be, apply to the Chief Election Commissioner;~~

41 of 1958.

~~(ii) a Judge of a High Court under Chapter IV of the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder, shall, so far as may be, apply to an Election Commissioner.~~

28 of 1954.

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3
Ins. subs. omitted & re-numbered by Act 4 of 1994, s.7 (w.e.f. 1.10.1993)
subs by s.8, ibid w.e.f. 1.10.1993
Ins by s.9, ibid w.e.f. 1.10.1993