

POLITY

PRE-CONTEXT

ELECTION COMMISSION OF INDIA

THE HINDU, Pg.No: 10.

News: "PM, Home Minister, and Leader of Opposition (LS) set to meet on Monday to choose next CEC."

Context: SC said the order would hold good until a law was made by Parliament. However, when the law was passed, the Centre replaced the CJ with a Union Minister as the third member of the panel, giving the government a dominant role in the appointment process. On February 17, the panel will select a name from a list of five pre-pared by a search committee.

Election Commission of India (ECI)

- ECI is a permanent and an independent body established by Constitution to ensure Free & fair Elections in the country under **Art.324**.
- **Conducts elections to Parliament, State legislature, President, Vice President.**
- **Strength of ECI not specified by Constitution** & left at discretion of President.

Appointment of CEC and ECs

According to Constitution:

- President of India appoints the CEC & two ECs or their appointment is "subject to any law to be made by Parliament".

New Law made by Parliament:

- **CEC and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.**
 - **Qualification:**
 - CEC and ECs shall be appointed from amongst persons who are holding or have held a **post equivalent to the rank of Secretary to the Government of India** and Persons who have knowledge of and experience in management and conduct of elections.
 - **Search Committee:**
 - **Headed by the Minister of Law and Justice** and comprising two other members not below the rank of Secretary to the Government of India, shall **prepare a panel of five persons** for consideration of the Selection Committee.
 - **Selection Committee:**
 - **CEC & ECs shall be appointed by the President** on the **recommendation of a Selection Committee** consisting of:
 - Prime Minister—Chairperson.
 - Leader of Opposition in the House.
 - Union Cabinet Minister to be **nominated by the Prime Minister.**
 - **Term of CEC and EC: 6 years** or till he/she attains **age of 65 years.**
 - **Resignation:** CEC or an EC may, at any time, **resign** their office by writing under their hand addressed **to the President.**
 - Both CEC and ECs shall **not be eligible for re-appointment.**
 - **Salary of CEC and ECs:** is equal to the salary of a Judge of the Supreme Court.

Removal:

- Removal grounds of CEC **similar to judge of Supreme Court (ground of proved misbehaviour or incapacity).**
- **Election Commissioner(ECs) or a Regional Commissioner shall not be removed from office except on the recommendation of the CEC.**

- **Security of tenure: only to CEC** under Election Commission Act 1991.

Other:

- Both CEC, ECs are equal powers in functioning.
- Constitution not debarred from further appointment.
- **61CAA:** lowered voting age from 21 to 18.

Powers

Administrative Powers:

- Determines territorial areas of electoral constituencies.
- Preparation of Electoral rolls & notifying Election dates.
- Recognition of Political Parties and allocating symbols.
- Determine Code of Conduct during Election period.

Advisory Powers:

- **To President:** on disqualification of MPs & MLAs & Holding elections in a state under President rule.
- **To SC & HC:** in matters related to Post-election disputes between candidates and Political parties.

Quasi-judicial Powers:

- Settling disputes related to Recognition of political parties and w.r.t Election symbols.

Challenges

Challenges to ECI (Institutional):

- **Issues of impartiality in appointment** of Election Commissioners by Central govt.
- **Lack statutory powers:** like, to enforce **Model Code of Conduct, internal democracy in parties, to deregister political party.**
- **Election Commissioners lack security of tenure**, which hinders their independence in their work.
- **Partisanship issues:** Eg. ECs having ties with particular political party — **CEC 2009 in writing to President.**
- **No ban on post retirement office holdings:** by of CEC and ECs.
- **No Suo-Motu Legislation powers in matters** related to elections.

Challenges to ECI (Election process):

- **Inclusion and Exclusion error in electoral roll:** 2024 Maharashtra Elections 48 lakh new voters appeared in just six months
- **Violation of MCC:** Eg. Mission Shakti (ATSAT) speech by PM in 2019.
- **Election machinery (Allegations):** EVM malfunctioning, Booth Capturing etc.
- **Criminalisation of Politics:** 35% Elected MPs in 2019—criminal charges, this undermines public trust in efficient functioning.
- **Black money:** Over 55% of the donations received by regional parties in FY 2019-20 came from "unknown" sources—**ADR reports.**
- **Freebies** as lure by political parties to voters.
- **Regulation of Social Media:** to prevent Fake News—lead to —misinformed choice to voter.

Strengthening ECI:

- Inclusion of CJ in selection committee of CEC—**Anoop Baranwal vs Union of India (2023).**
- Appointment must made through collegium system—**Goswami Committee.**
- Statutory Status to MCC— **2nd ARC recommendation.**

- stricter criteria for disqualifying candidates with serious criminal charges — **Law Commission 255th report.**
- Partial state funding of elections to curb black money, corruption — **Indrajit Gupta Committee 1998.**
- **Fast track courts:** for quick disposal of cases against politicians — **Lilly Thomas case 2013.**
- **Criminalisation of Politics:** Candidates to declare criminal antecedents to ECI before contesting polls — **SC 2018.**
- **Equal constitutional protection to all members** of the Commission in matters of removability.
- **Post retirement ban of members of ECI.**

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"Two bulls in one pasture." This suggests that two powerful forces vying for the same space will inevitably clash. Need for dialogue, compromise, and a clear framework to ensure a harmonious and balanced relationship between the judiciary and the executive.

PYQs: CSE (M).

GS II 2017: What To enhance the quality of democracy in India the Election Commission of India has proposed electoral reforms in 2016. What are the suggested reforms and how far are they significant to make democracy successful?

DISASTER MANAGEMENT

PRE-CONTEXT

GLACIAL LAKE OUTBURST

THE HINDU, PG.NO: 6.

News: "The Teesta dam and the long shadow of climate change".

About Glacial Lake Outburst:

- **Glacial outburst:** A glacial outburst is a **sudden release of water from a glacier or glacial lake**, often caused by the **failure of a natural dam** formed by ice or moraines.
- **Factors contributing:**
 - **Global warming and particulate matter** — especially black carbon accelerate the melting of Himalayan glaciers.
 - The South Lhonak lake itself was formed in the early 1960s and **grew to 167 hectares by 2023 due to melting.**
 - **Glacial retreat** also known to **destabilise geological formations.**
- **Recent events:** Lhonak Lake Sikkim outburst 2023.

National Glacial Lake Outburst Floods Risk Mitigation Programme:

- **Implemented by:** National Disaster Management Authority (NDMA) in **four States** Himachal Pradesh, Uttarakhand, Sikkim, Arunachal Pradesh.
- Programme involves detailed **technical hazard assessments**, installing **Automated Weather and Water level monitoring Stations, Early warning systems** at lakes and down streams.

About NDMA:

- **Statutory body** under **Disaster Management Act 2005.**
- **Ministry:** Home Affairs.
- Chaired by **Prime Minister.**
- **It approves the National Plan** and plans prepared by the ministries/ departments of the Govt. of India.

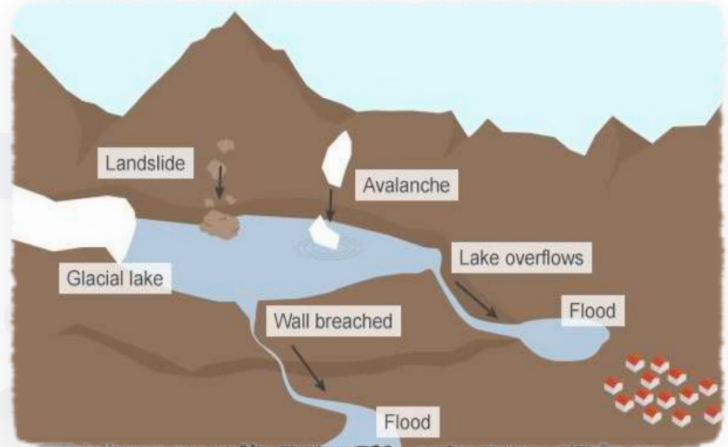
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- NDMA Act further provides for establishment of **State and District Disaster Management Authorities.**

Central Water Commission:

- **Not a statutory body**, Works under **Ministry of Jal Shakti.**
- Entrusted with Control, conservation and utilisation of water resources in the country **for the purpose of Flood control, Irrigation, Navigation, Water power development.**

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GS II

SYLLABUS: BILATERAL AGREEMENTS INVOLVING INDIA.

INDIA—USA RELATIONS

THE HINDU, PG.NO: 1.

Outcomes of Bilateral meetings Feb 2025

- **US-India COMPACT:** Catalysing Opportunities for Military Partnership, Accelerated Commerce & Technology for the 21st Century:
 - It aim to **drive transformative change across key pillars of cooperation** – defence, investment and trade, energy security, technology and innovation, multilateral cooperation, people to people connection.

Military:

- A new **ten-year Framework** for the US-India Major Defence Partnership in the 21st Century — to be signed this year.

Energy security:

- Fully realise the **US-India 123 Civil Nuclear Agreement**, build US-designed nuclear reactors in India through large scale localisation and possible technology transfer.
- US support for **India to join the International Energy Agency** as a full member.

Multilateral Cooperation:

- Reaffirmed commitment to **Quad and Indo-Pacific.**
- Extradition to India of **Tahawwur Rana** has been approved.
- Rejecting any role of the "deep state" of the US in the **affairs of Bangladesh.**
- Plan to convene partners from the **India-Middle East-Europe Corridor** and the **I2U2 Group.**

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People to People:

- Recognition of **300,000 strong Indian student community contribution of over \$8 billion annually to the US economy** which helped create several direct and indirect jobs.
- Setting up of **offshore campuses of premier educational institutions of the US** in India.

Technology and Innovation:

- **Launch of INDUS Innovation:** which will advance US-India industry and academic partnerships.
- **Launch of US-India TRUST ("Transforming the Relationship Utilizing Strategic Technology")** collaboration to **promote application of critical and emerging technologies** in areas like *defence, AI, semiconductors, Quantum, BioTech etc.*

Challenges in India-USA Bilateral Relations

Trade and Economic Disputes:

- **Removal of GSP Benefits for India in 2019, affecting \$5.6 billion worth of Indian exports.**
- **Market Access and Investment Restrictions:** FDI in certain sectors, like multi-brand retail (limited to 51%), **affects U.S. investors market access.**
- In 2022, **USA has expressed concerns over the trade deficit with India.**

Indian Foreign Policy Approaches:

- **India relations with Iran:** Eg. chabahar port development **may face risk of sanctions from USA.**
- India stance on the **Russia-Ukraine conflict concerning USA.**
- **India abstaining from UN resolutions** condemning Russia.
 - **S-400 Deal with Russia & CAATSA Sanctions Risk** remains a point of contention.
 - **China's Influence and Regional Security concern for India:** Eg. India joining QUAD.

US interference in India's internal affairs:

- **India be designated a "Country of Particular Concern"** due to alleged violations of religious freedom by U.S. Commission on International Religious Freedom (USCIRF).
- **Concerns expressed by U.S. lawmakers over the Citizenship Amendment Act (CAA)** for its exclusionary criteria.
- **India's revocation of Jammu and Kashmir's special status** in 2019 led to concerns over human rights.

Immigration and H-1B Visa Policies:

- U.S. administration's **tightening of visa regulations** affects Indian IT professionals and companies.

Regulatory and Compliance Challenges:

- **Indian pharmaceutical exports** face strict U.S. FDA inspections.
- **India's agricultural products** encounter challenges meeting U.S. sanitary and phytosanitary standards.

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"A rising tide lifts all boats" - This emphasises the present context of potential for mutual benefit and shared prosperity through cooperation.

GS II

SYLLABUS: ISSUES AND CHALLENGES PERTAINING TO THE FEDERAL STRUCTURE.

PRESIDENTS RULE

THE HINDU, PG.NO: 6.

News: "Peace imperatives."

Current situation in Manipur:

- In Manipur, the unprecedented and **horrific violence** that erupted in May 2023, continues unabated.
- **Ordinary people are forced to resort to violence** for self-protection.
- Between May 11 and November 11, 2024, **over 250 people were killed**, and more than a **lakh were displaced** due to ethnic violence.
- Recent **centre's AFSPA intervention in Manipur** has limited impact.
- **Supreme Court's intervention** was **slow and ineffective** despite there having been 27 hearings.
- State of Manipur reflects a **classic case of the failure of the Constitutional machinery.**
- Situation **demand the immediate intervention of the President.**

Emergency Provision's under Part XVIII:

- **Art.355:**
 - Duty of **Centre to protect every State** from external aggression and internal disturbance's.
 - Centre to ensure that every **State govt. operate according to provisions of the Constitution.**
- **Art.356:**
 - Imposition of President's rule, if President **is satisfied**, that State govt. is not functioning according to provisions of Constitution or **"Governor report" or "otherwise"**.
- **Art.365:**
 - Imposition of President's rule, **if State govt. does not comply with directions of Centre.**
- **Note:** Art. 355 was incorporated to check any arbitrary or unauthorised use of Art. 356-**Dr. B.R. Ambedkar.**

Important cases on president rule:

- **S.R.Bommai vs Union of India 1994: to restrict misuse.**
 - President rule is subjected to **Judicial Review.**
 - Satisfaction of President must be based on relevant material & **Centre must justify President rule.**
 - If President rule is unconstitutional, **State Legislature can be revived by court.**
 - State Legislature can be dissolved only after parliamentary approval, till then can **only be suspended.**
 - **If State follows anti-secular policy**, Art.356 can be applied.
 - **Floor test of confidence is mandatory** before dismissal of State executive.
 - Art.356 is only a measure of **last resort.**

Proper Application President Rule :

- **Hung Assembly situation:** no single party or pre-existing coalition achieves a clear majority.
- If **State goes against Constitutional direction** of Central govt.
- **Internal subversion** Eg. Govt deliberately acting against Constitution or law.
- **Physical breakdown of govt.** law and order i.e, State endangering its security.

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Misuse of Art.356:

- Dr. B.R. Ambedkar *wished that Art. 355 & 356 should remain as 'dead letters'* but they were misused on several occasions:
 - Removing elected govts.
 - Loss in Lok Sabha elections.
 - Deterioration of law and order in States.

Impacts of President Rule

On State Executive:

- President can *suspend* Constitutional provisions of any body of State.
- President can *dismiss Council of Ministers* headed by Chief Minister.
- Can vest State govt. executive powers with Governor or any other authority.

On State Legislature:

- **Parliament exercises State Legislature powers.**
- **State budgets & bills passed by Parliament.**
- President can promulgate *ordinances* for State.
- **Laws** made by Parliament or President *continued to operate even after President rule*. Such laws can be repealed or altered by State Legislature.
- **Parliament can dissolve State assembly only after** Parliamentary approval, till then (only suspended) — **S.R. Bommai case**.

- **On Judiciary:** No Impact.

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"A house divided against itself cannot stand." This highlights the importance of stable governance, which President's Rule often aims to restore.

ज्ञानं नतुल्वं जनसेवा

Thank you!