

# **DAILY CURRENT AFFAIRS**



13<sup>th</sup> December, 2023



#### S.NO. TOPIC

- 1. ELECTION COMMISSIONERS (APPOINTMENT, CONDITIONS OF SERVICE AND TERM OF OFFICE) BILL
- 2. INDIA'S EXTREME RAINFALL 'CORRIDOR'
- 3. PRELIMS POINTERS

## ELECTION COMMISSIONERS (APPOINTMENT, CONDITIONS OF SERVICE AND TERM OF OFFICE) BILL

**SOURCE: THE HINDU** 

## WHY IN NEWS?

- The Rajya Sabha has **approved the Chief Election Commissioner** and **Other Election Commissioners**(Appointment, Conditions of Service and Term of Office) Bill, focusing on the appointment process for the Chief Election Commissioner (CEC) and Election Commissioners (ECs).
- Introduced in August 2023, the Bill addresses the legal gaps in appointing Election Commissioners, as highlighted by a Supreme Court judgment
- The legislation, **aimed at introducing transparency**, faced opposition claims that **it sidelines the Supreme Court's role** in the selection process.
- Notably, the legislation outlines a selection committee chaired by the Prime Minister, a Union Cabinet Minister, and the Leader of the Opposition in Lok Sabha.

## **KEY HIGHLIGHTS & PROVISIONS UNDER THE BILL:**

- Overview:
  - ✓ The Bill replaces the Election Commission
    (Conditions of Service of Election
    Commissioners and Transaction of
    Business) Act, 1991.
  - ✓ It addresses the appointment, salary, and removal of the Chief Election
    Commissioner (CEC) and Election
    Commissioners (ECs).
- Transparency in Appointment:
  - ✓ The Bill, responding to a directive from the Supreme Court, establishes a transparent process for appointing the CEC and ECs.
  - ✓ Previously, appointments were not governed by specific laws.
- Search-and-Selection Committee:
  - ✓ A new search-and-selection committee will now oversee the appointment process, replacing the government's earlier role in deciding the names of commissioners.
- Legal Protection:
  - ✓ The Bill introduces a clause offering protection from legal proceedings against the CEC and ECs for actions taken in the course of their duties.
- > Amendments for Parity:
  - ✓ Following suggestions from former CECs, two amendments were introduced, aligning the protocol, salaries, and emoluments of the CEC and ECs with those of Supreme Court judges.
- > OPPOSITION'S CONCERNS:





✓ The Opposition raised concerns about the Bill's constitutionality, alleging that it undermines the Election Commission's independence by subjecting it to executive authority and contravening the Supreme Court's judgment.

## **Rejection of Select Committee:**

Despite Opposition calls to send the Bill to a select committee, the proposal was rejected by the House.

## **ELECTION COMMISSION OF INDIA: AUTONOMOUS CONSTITUTIONAL AUTHORITY**

#### Introduction:

√ The Election Commission of India, established in 1950, is an autonomous constitutional authority entrusted with overseeing and administering election processes in India at various levels, including national, state, and district.

 Operating under the authority of the Constitution, specifically Article 324, and the Representation of the People Act, it plays a crucial role in ensuring the conduct of free

and fair elections.

## **Constitutional Provisions:**

## Creation and Composition:

✓ Article 324 provides for the creation of the **Election Commission**, consisting of the Chief Election Commissioner (CEC) and other Election Commissioners appointed by the President.



✓ The President may also appoint Regional Commissioners, in consultation with the Election Commission, to aid in its functions.

## **Independence Safeguards:**

- ✓ The Chief Election Commissioner enjoys protection against arbitrary removal, similar to a Judge of the Supreme Court.
- ✓ Conditions of service for the CEC cannot be altered to their disadvantage post-appointment.

## **Multi-Member Commission:**

- ✓ Prompted by controversies and court observations, the President enacted the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act in **1993,** establishing a multi-member Election Commission.
- ✓ The Act ensures equal status, powers, and authority among the Chief Election Commissioner and other Election Commissioners, emphasizing the principle of unanimity in decision-making.

#### **Independence and Authority:**

- √ The Constitution envisions an independent, autonomous Election Commission to maintain **impartiality** in conducting elections.
- ✓ Article 324 specifies safeguards to ensure the independence of the Chief Election Commissioner, protecting against political influence.
- ✓ The Election Commission can requisition staff from the Central and State Governments when necessary for election-related functions.

## **Functions of the Election Commission:**

✓ The Election Commission holds superintendence, direction, and control over the preparation of electoral rolls and the conduct of elections at various levels, including Parliament, State Legislatures, and offices of the President and Vice-President.



- ✓ It advises the President or Governor on disqualification matters concerning Members of Parliament or State Legislatures.
- ✓ The Commission operates within the bounds of parliamentary laws and principles of natural justice.

## **CURRENT SELECTION PROCESS OF ELECTION COMMISSIONERS:**

## Appointment Procedure:

✓ As per the Supreme Court ruling in Anoop Baranwal vs Union of India, a three-member high-level committee advises the President on the appointment of the Chief Election Commissioner (CEC) and Election Commissioners (EC).

## Constitutional Provision:

✓ Governed by Article 324 (2), the President, with the aid and advice of the Council of Ministers, appoints the CEC and ECs until Parliament enacts a law specifying the criteria for selection, conditions of service, and tenure.

## > Legislative Void Addressed:

✓ Dr. B.R. Ambedkar highlighted the need for constitutional provisions to prevent unsuitable individuals from holding the position, emphasizing the importance of criteria for selection.

## > Tenure Regulations:

- ✓ Under the Election Commission Act, 1991, an Election Commissioner can serve for a tenure of six years or until reaching the age of 65, whichever comes earlier.
- ✓ Typically, the senior-most Election Commissioner assumes the role of the Chief Election Commissioner.

## Removal Safeguards:

- The Chief Election Commissioner enjoys protection against removal through Parliamentary impeachment after appointment.
- ✓ In contrast, Election Commissioners lack such tenure protection and can be removed by the government based on the Chief Election Commissioner's recommendation.

## **CONCERNS & CHALLENGES WITH THE BILL:**

## Selection Committee Dominated by the Government:

✓ The bill proposes the establishment of a committee comprising the Prime Minister, Leader of Opposition in the Lok Sabha, and a Cabinet Minister nominated by the PM to select Election Commission members.

## Supreme Court Verdict Overturned:

✓ The bill aims to overturn the Supreme Court's March 2 verdict, which recommended a high-power committee involving the PM, LoP in Lok Sabha, and the Chief Justice of India for appointing the CEC and ECs.

## Alleged Executive Subjugation:

- ✓ Opposition argue that the **proposed legislation "subjugates" the Election Commission** to the executive, **violating the Constitution**.
- ✓ Concerns are raised about the alleged dilution of the independence of the Election Commission by placing it under the authority of the executive.

## Impact on Independence:

- ✓ The bill's opponents claim that it **negatively affects the independent character of the Election Commission**, as the appointment committee becomes an "**empty formality**" with members nominated by the Prime Minister.
- Validity of Selection Committee Recommendations:



- ✓ The bill upholds the Selection
  Committee's validity even in the case
  of vacancies or defects, potentially
  resulting in a committee exclusively
  comprised of ruling party members.
- Search Committee Oversight:
  - ✓ The Selection Committee may choose candidates beyond those suggested by the Search Committee, potentially undermining the latter's role.
- Government Control Over Salary:
  - Equating the salary of the CEC and ECs with that of the Cabinet
     Secretary allows executive influence, unlike fixing it through an Act of Parliament.
- Eligibility Criteria Concerns:
  - ✓ Limiting eligibility to those equivalent to the Secretary may exclude potentially suitable candidates, restricting the pool to senior bureaucrats.
- Lack of Parity in Removal Procedures:
  - Concerns arise about the removal process's lack of parity between the CEC and ECs, with the Constitution providing different removal methods.
- Administrative Independence:
  - Recommendations for an independent secretariat, akin to other constitutional bodies, have not been addressed in the Bill.

## **Unevenly Balanced**

Clause 7 (1) of The Chief Election Commissioner And Other Election Commissioners (Appointment, Conditions of Service And Term

of Office) Bill, 2023, says

CEC and ECs shall

be appointed

by President on the

recommendation of a selection

committee

consisting

of the PM

(chairperson),

the Leader of the

Opposition in the House

of the People (or leader of the single largest party in the Lok Sabha) and Union Cabinet minister nominated by the PM

Clause 6 says search committee will be headed by the Cabinet Secretary and comprise of two other members not below the rank of secretary of the Government of India

## KEY RECOMMENDATIONS AND COMMITTEE'S FOR COMPOSITION OF THE SELECTION COMMITTEE:

Suggestions made by various Commissions/Courts for composition of the Selection Committee:

Body	Members
Goswami Committee (1990)	<ul> <li>✓ For CEC: Appointed by the President in consultation with the Chief Justice         + Leader of Opposition of Lok Sabha (or leader of the largest party in         Lok Sabha).</li> <li>✓ For EC: Appointed by the President in consultation with the Chief Justice         + Leader of Opposition of Lok Sabha (or leader of the largest party in         Lok Sabha) + CEC.</li> </ul>
The Constitution (Seventieth Amendment) Bill 1990*	<ul> <li>✓ Chairman of Rajya Sabha + Speaker of Lok Sabha + Leader of the         Opposition (or the leader of the largest party) in Lok Sabha.     </li> </ul>



	✓ The CEC was further made a part of the consultative process in the appointment of the Election Commissioners.
National Commission to Review the Working of the Constitution Report (2002)	✓ Prime Minister + Leader of the Opposition in Lok Sabha + the Leader of the Opposition in Rajya Sabha + the Speaker of Lok Sabha + the Deputy Chairman of Rajya Sabha.
Law Commission (2015)	✓ Prime Minister + the Leader of Opposition of Lok Sabha (or the leader of the largest opposition party in Lok Sabha) + the Chief Justice.
Supreme Court (2023)	<ul> <li>✓ Prime Minister + Leader of Opposition in Lok Sabha (or leader of single largest opposition party in Lok Sabha) + Chief Justice.</li> </ul>

## SELECTION PROCESS OF THE ELECTION COMMISSION IN CERTAIN COUNTRIES:

Country	Appointing Authority	Selection Committee/Process
South Africa	President	President of the Constitutional Court (Chairperson), representative of the Human Rights Court, representative of the Commission on Gender Equality, and the public prosecutor.
United Kingdom	The monarch, upon approval by the House.	<ul> <li>✓ The Speaker's Committee on the Electoral Commission with MPs as members, oversees the recruitment of electoral commissioners.</li> <li>✓ The candidates for these posts are then approved by the House of Commons and appointed by the British monarch.</li> <li>✓ The Speaker asks the Leader of the House to table a motion for an address to appoint the recommended candidates.</li> </ul>
United States	President	✓ The Commission is appointed by the President and confirmed by the Senate.
Canada	-	✓ Appointed by a <b>resolution of the House of Commons</b> .

## **WAY FORWARD:**

## Legislative Refinement:

- ✓ The proposed amendments seeking to retain the status of the Election Commissioners (ECs) on par with Supreme Court Judges should be thoroughly discussed in both Houses of Parliament.
- ✓ Ensure that the legislative language is clear and unambiguous in equating the status, salary, perks, and allowances of ECs with that of Supreme Court Judges.

## Consultation and Consensus:

- ✓ Encourage a consultative and consensus-driven approach in Parliament to address concerns raised by former Chief Election Commissioners and Opposition parties.
- ✓ Parliamentary committees can play a crucial role in facilitating discussions and arriving at a consensus on the amendments.

## Public Awareness and Participation:

- ✓ Foster public awareness about the proposed amendments and their **implications on the Election**Commission's independence.
- ✓ Consider seeking public opinion through forums such as public consultations, expert discussions, or parliamentary committees to ensure a well-informed decision-making process.

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## Addressing Concerns:

- ✓ Specifically address concerns raised by Opposition parties and former Chief Election Commissioners regarding the potential downgrade of the Election Commission's status.
- ✓ Provide comprehensive explanations on why changes were made to the initial proposal, addressing issues related to the composition of committees and the role of the Chief Justice of India.

## Committee Composition:

- ✓ Evaluate the **rationale behind changing the head of the search committee** from the Cabinet Secretary to the Law Minister.
- ✓ Ensure transparency in the selection process.
- ✓ Consider potential amendments or clarifications to uphold the integrity of the search committee's role and independence.

## Timely Passage:

- ✓ Prioritize the timely passage of the amended bill to provide clarity on the appointment process and the status of ECs.
- ✓ Aim for a **smooth transition from the existing law to the proposed amendments** to avoid any legal uncertainties.

## Continuous Review:

- ✓ Establish mechanisms for continuous review and evaluation of the functioning of the Election Commission under the amended law.
- ✓ Allow for future amendments based on the evolving needs of the electoral process and the principles of fairness and independence.



## INDIA'S EXTREME RAINFALL 'CORRIDOR'

SOURCE: THE HINDU

## WHY IN NEWS?

- > The **Indian monsoon and its dynamics** are in the news due to recent findings highlighting **the stability of** extreme rainfall events despite the impact of global warming.
- The research, discussed in the provided text, identifies a corridor from West Bengal to Gujarat and Rajasthan that has consistently experienced simultaneous extreme rainfall events from 1901 to 2019.
- This discovery challenges assumptions about the **disappearance of stationary elements** in climate systems due to global warming.
- The stability in the location of extreme rainfall events and the **potential for improved understanding of the synchronization dynamics** have significant implications for monsoon forecasts.

## **Monsoon Dynamics in the Context of Global Warming:**

- Overview:
  - ✓ The Indian monsoon, marked by **onset, withdrawal, active and break periods**, and **low-pressure systems**, is significantly **impacted by global warming**.
- Changes include delayed onset, influence from cyclones, and withdrawal affected by Arctic warming.
- Seasonal Rainfall Trends:
  - Over seven decades, total seasonal rainfall has decreased due to differential land-ocean heating.
  - ✓ Uneven distribution manifests in longer dry spells with lower intensity and more intense wet spells.
- Intensification of Wet Spells:
  - ✓ Some researchers argue for the enlargement of intense wet spells, particularly over Central India.
- As temperatures rise over both land and ocean due to climate change, enhanced moisture content from the ocean will lead to more instances of extreme rainfall. This will happen even as the monsoon circulation weakens. Over the past 100 years, India has heated up by Just 0.7° Celsius (against a global average of 1.2° Celsius) due to atmospheric aerosols (pollution), if atmospheric aerosols reduce, India will heat up at a faster rate.

  PRESENT

  | Nonsoon | Crustelin | Crus
- ✓ The Arabian Sea and Bay of Bengal's influence creates dynamic conditions for large-scale extreme rainfall events.
- Challenges in Forecasting:
  - ✓ While the India Meteorological Department (IMD) progresses in forecasting extremes, various factors can lead to unexpected devastating heavy rain events.
  - ✓ Improved forecasts are crucial for **mitigating losses in life, property, agriculture, and economic** impacts.
- > Large-Scale Extreme Rainfall Locations:
  - ✓ Monsoon forecasts heavily depend on El Niño and La Niña, but their reliability is about 60%.
  - ✓ Despite dynamic changes, a stable element exists.
  - ✓ Large-scale extreme rainfall events form a corridor from West Bengal and Odisha to Gujarat and Rajasthan, remaining unchanged from 1901 to 2019.
- Promising Stationary Corridor:



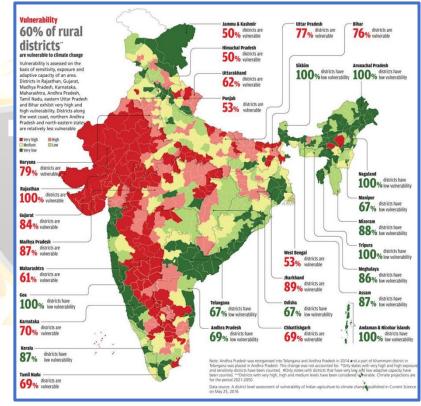
✓ The discovery of an **unaltered corridor amid monsoon dynamics** offers hope for improved process understanding and **better predictions for synchronized extreme rainfall events**.

## **FACTORS INFLUENCING INDIAN MONSOON:**

- IMD Forecasting:
  - ✓ India Meteorological Department (IMD) making progress in forecasting extremes.
- > El Niño and La Niña:
  - ✓ Monsoon forecasts heavily rely on El Niño and La Niña, but their relation holds only 60% of the time.
- Search for Understanding:
  - ✓ Ongoing research seeks additional understanding, especially for high-impact extreme rainfall events.

## CAUSES OF CLIMATE CHANGE ON RAINFALL PATTERNS IN INDIA'S WESTERN COAST:

- Decline in Bay of Bengal Low-Pressure Systems:
  - ✓ A Study found that there is reduced low-pressure systems in the Bay of Bengal.
  - Extra moisture influx from the Arabian Sea contributes to increased rainfall variability.
- Monsoon Winds and Anthropogenic Influence:
  - Monsoon winds (westerlies) show heightened variability over the northern Arabian Sea.
  - ✓ Increased anthropogenic activities and carbon emissions warm the northern Arabian Sea.
  - ✓ Warm ocean temperatures lead to amplified moisture and erratic monsoon winds.



- Geographical Impact and Shift in Low-Level Jetstream (LLJ):
  - ✓ Central Indian belt experiences extreme rain episodes due to fluctuating monsoon winds.
  - ✓ Poleward shift in monsoon LLJ detected, impacting the southern (northern) part of the western coast.
  - Enhanced land-sea contrast strengthens cross-equatorial sea level pressure gradient, causing northward shift.
- Concerns for Western Ghats Region:
  - Shifts in LLJ and precipitation patterns raise concerns for the ecologically fragile Western Ghats.
  - ✓ Results underscore the **ecological implications of climate change in the region.**

**CHALLENGES AND ANALYSIS IN FORECASTING: MONSOON STABILITY** 



## Challenges of Traditional Statistical Methods:

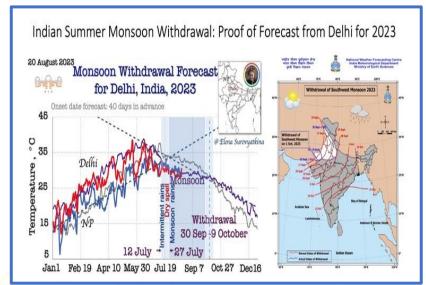
- ✓ Traditional statistical methods struggle to capture intricate relationships among rainfall nodes.
- ✓ IMD's 25-km scale data provides a rich field for sophisticated network analysis.

## Sophisticated Network Analysis:

- Applying network analysis reveals highly synchronized nodes in rainfall patterns.
- Active nodes consistently align along a 'highway' for over a century.

## Synchronicity Across the Monsoon Domain:

✓ Link lengths between nodes, indicating synchronicity scales, remain constant, averaging about 200 km.



✓ Stability in synchronicity challenges expectations of dynamic monsoon behaviour.

## Analysing Winds and Circulation Features:

- Despite influences from tropical oceans and pole-to-pole dynamics, the monsoon domain exhibits unique stability.
- Analysis of winds and circulation features highlights the resilience of the monsoon system.

## MONSOON FINDINGS: IMPLICATIONS FOR FORECASTS

## Challenges to Stationarity in Climate Systems:

- ✓ Some researchers argue that global warming eliminates stationary elements in climate systems.
- ✓ Indian monsoon, however, defies this notion, showcasing surprises in synchronizing heavy rain events.

## Persistence of Monsoon Dynamics:

- ✓ **Despite global warming**, the monsoon consistently adheres to a 'highway' for an extended period.
- ✓ This corridor, crucial for monsoon depressions, witnesses changes in active and break periods.

## Geographic Factors in Rainfall Synchronicity:

- ✓ The study suggests the mountain range along the west coast and across Central India as a key factor in synchronizing extreme rainfall.
- This hypothesis, though requiring testing, holds undeniable potential for forecast improvement.

## **▶** Model Resolution and Computational Cost:

- ✓ Contrary to expectations, findings propose that increased model resolution and computational cost may not be crucial for enhanced forecasts.
- ✓ Emphasizes the **need to focus on understanding the dynamics of synchronization** for forecast improvements.

## Reducing Risks Across Scales:

- ✓ The study points towards the potential of mitigating risks at smaller scales, benefiting agriculture, water resources, energy, transportation, and health.
- ✓ India, with **robust modelling capacity and computational resources**, stands well-positioned to leverage this potential.



## **PRELIMS POINTERS:**

## **TOPIC**

**Lok Sabha** passes Bills for women's quota in J&K, **Puducherry** 

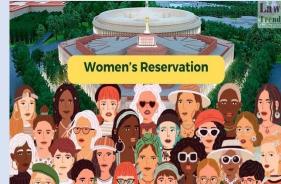
## DISCRIPTION

#### WHY IN NEWS?

- Lok Sabha passed two Bills extending reservation provisions to Union Territories of Puducherry and Jammu and Kashmir.
- The Bills aim to grant 33% reservation to women in the Legislative Assemblies of these Union Territories.
- The debate in the House was influenced by the recent **Supreme Court verdict on** Article 370.

## RESERVATIONS IN PARLIAMENT

The 106<sup>th</sup> Amendment Act. 2023 mandates 33% reservation for women in key legislative bodies.



- Reservation lasts 15 years, extends based on parliamentary decisions, and involves seat rotation after each delimitation.
- Current women representation: 15% in 17th Lok Sabha, 9% in state legislative assemblies.
- CEDAW urges gender-based discrimination elimination in political spheres.
- Previous attempts (1996, 1998, 1999, 2008) to reserve seats faced lapses due to Lok Sabha dissolution.
- ❖ The 2008 Bill, approved by Rajya Sabha, follows the "Triple Test" of the Supreme Court.
- Committee recommendations include considerations for OBCs, 15-year reservation, and plans for other legislative bodies.

## ANARCHO-**CAPITALISM**

## WHY IN NEWS?

- ❖ Javier Milei, who identifies as an anarcho-capitalist, recently achieved significant popularity and won the race to become the President of Argentina.
- His electoral success highlights a growing influence of anarcho-capitalist ideas in mainstream politics, marking a noteworthy development in the political landscape.

#### WHAT IS ANARCHO-CAPITALISM

- Anarcho-capitalism advocates the abolition of the state, endorsing private companies for law and order.
- Coined by Murray Rothbard; Gustave de Molinari is considered the first anarchocapitalist.
- Political ideologies advocating limited government involvement in economic and social matters.





- Shared tenets include individual liberty and limited government; anarchocapitalism seeks total absence of government.
- Advocates claim benefits like personal liberty, innovation, and economic efficiency.

## ANARCHO-CAPITALISM CORE PRINCIPLES

- Calls for a minimal state, unrestricted capital, and a free market society.
- Emphasizes fostering innovative endeavors and promoting inclusive development.
- Advocates for **structural bases supporting innovation** and **private enterprise** in economic development and urban planning.

#### **CRITICS AND RESPONSES**

- Critics argue anarcho-capitalism would lead to conflicts between private gangs and favour the rich.
- Anarcho-capitalists counter that **long-term profit motives discourage favoritism** and competition ensures **justice for all**.
- Believe common rules among competing police and courts would be established through market demands.

## Kidney transplants in India

#### WHY IN NEWS?

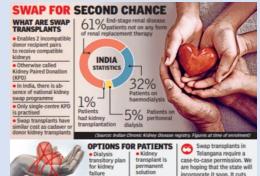
- The Indian government has initiated an inquiry into allegations reported by The Telegraph, accusing Delhi's Apollo hospital of involvement in a kidney scam.
- The investigation follows claims that impoverished villagers in Myanmar were enticed into selling their kidneys to affluent patients from their country.

#### INDIA'S TRANSPLANT LAWS

India's Transplantation of Human Organs and Tissues Act, 1994 prohibits organ

donations and transplants for financial gain.

- Living donations are allowed from close relatives, requiring detailed documentation to establish relationships and financial standing.
- Additional scrutiny is applied to altruistic donations from distant relatives, in-laws, or friends to prevent illegal dealings.



## STRINGENCY AGAINST ILLEGAL ORGAN TRADE

- India's laws strictly penalize activities related to organ trading, offering or supplying organs for payment, and abetting in falsifying documents.
- Punishments include imprisonment up to 10 years and fines up to Rs 1 crore.

## **CHALLENGES AND DYNAMICS OF KIDNEY TRANSPLANTS**

- High Demand and Limited Supply:
  - The demand for kidney transplants is significantly higher than the available supply.



- While around 2 lakh Indians face end-stage kidney failure annually, only about 12,000 kidney transplants occur each year.
- Accessibility and Affordability:
  - Kidney transplants are accessible and cost-effective, making them a popular choice.
  - With a cost of approximately Rs 5 lakh, it broadens the pool of potential recipients, and over 500 centers across India perform kidney transplants.
- **Longevity Outside the Body:** 
  - Kidneys can survive outside the body for 24-36 hours, making them more viable for transplants compared to other organs.

