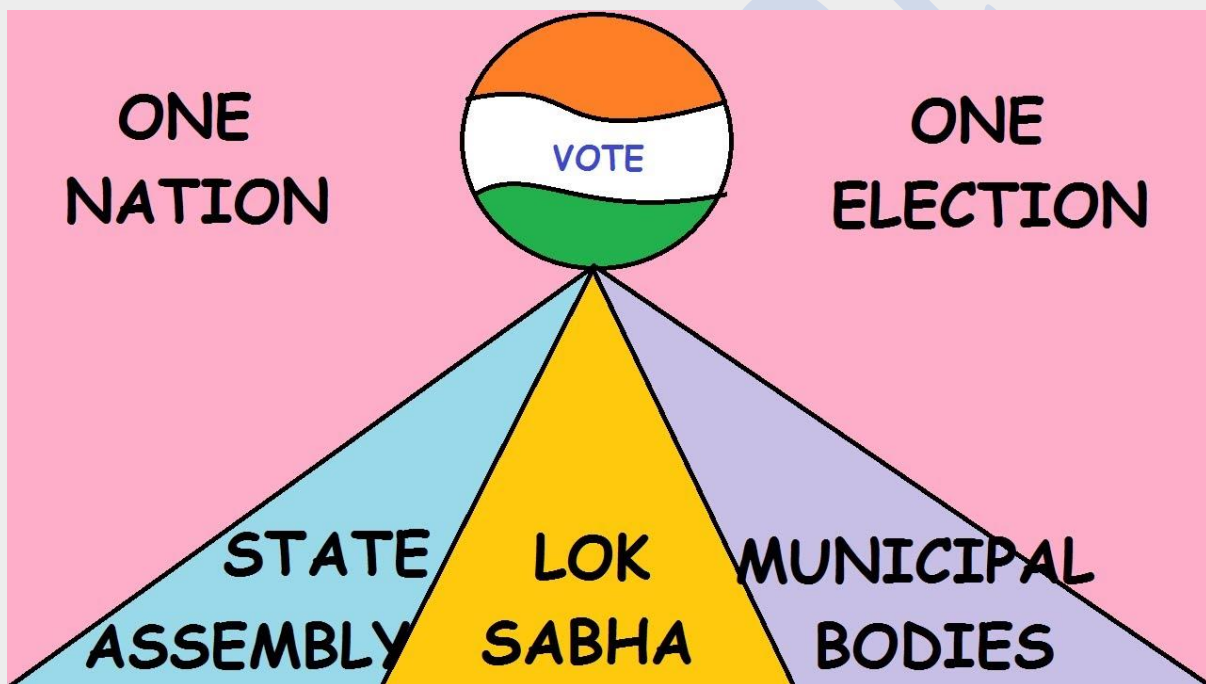


To receive Daily news juice pdf on your WhatsApp, send name and city through WhatsApp on 75979-00000.

### 1. Constitutional changes to have simultaneous elections in India

#### Recommendation for Simultaneous elections

In its report submitted to President Droupadi Murmu, the High-Level Committee on One Nation, One Election headed by former President Ram Nath Kovind has recommended that elections to Lok Sabha and state Assemblies should be held at the same time and, subsequently, elections to local bodies (municipalities and panchayats) too should be "synchronised" so that they are held within 100 days of the simultaneous state and national elections.



#### Suggested Amendments to Constitution

To give effect to its recommendation, the committee has suggested 15 amendments to the Constitution of India — in the form of both new provisions and changes to existing provisions — to be carried out through two Constitution Amendment Bills.

The first Bill will deal with the transition to a simultaneous election system, and the procedure for fresh elections to Lok Sabha or a state Assembly before the expiration of their stipulated five-year term.

According to the Kovind committee, this Bill can be passed by Parliament without the requirement for consultation with state governments or ratification by state Assemblies.

The second Bill will deal with municipal and panchayat elections, as well as the creation of a Single Electoral Roll by the Election Commission of India (ECI), with details of every voter and the seat for which they are eligible to vote.

The Kovind committee has acknowledged that this Bill deals with subjects on which states have the primary power to enact laws — and it would, therefore, require the approval or ratification of more than half of India's states before it can be enacted.

### **Transition to simultaneous polls; Parliament's power to make laws**

The first Bill recommended by the Kovind committee would begin by inserting a new article— 82A —into the Constitution. Article 82A will establish the process by which the country will move to a system of simultaneous elections for Lok Sabha and state Assemblies.

According to the committee report, Article 82A(1) will state that “on the date of the first sitting of the House of the People after a general election”, the President will issue a notification bringing Article 82A into effect. The date of this notification “shall be called the Appointed date”.

Article 82A(2) will state that “all the Legislative Assemblies constituted in any general election held after the appointed date shall come to an end on the expiry of the full term of the House of the People”.

The proposed Article 82A(3) requires the ECI to hold “General elections to the House of the People and the Legislative Assemblies simultaneously”. If the ECI believes that elections to any legislative assembly cannot be conducted simultaneously, “it may make a recommendation to the President, to declare by an Order, that the election to that Legislative Assembly may be conducted at a later date”. (Article 82A(4)).

However, even in cases where the state Assembly election is deferred, “the full term of the Legislative Assembly shall end on same date as the end of the full term of the House of the People constituted in the General Election”. (Article 82A(5))

The proposed Bill also recommends amending Article 327, which gives Parliament the power to make laws relating to elections to Lok Sabha, Rajya Sabha, and state legislatures, including the preparation of electoral rolls and delimitation of constituencies.

The Kovind committee has recommended that the power of Parliament under Article 327 should be expanded to include “conduct of simultaneous elections” as well.

### **When Lok Sabha or state Assembly is dissolved before 'full term' ends**

Lok Sabha and state Assemblies are constituted for a period of five years after each election. The committee has recommended that this five-year period be referred to as “the full term” by amending Sub-clause 2 of Article 83 (“Duration of Houses of Parliament”) and Sub-clause 1 of Article 172 (“Duration of the State Legislatures”).

If Lok Sabha or a state Assembly is dissolved before the expiry of the full term, the remaining period will be referred to as the "unexpired term", as per the suggested amendments to Articles 83(3) and 172(3).

The recommended Articles 83(4) and 172(4) state that the Lok Sabha or state Assembly that replaces the previous one will serve only for the remaining "unexpired term" before being dissolved again once simultaneous elections are conducted as scheduled.

These amendments are also a part of the first Constitution Amendment Bill proposed by the Kovind committee, which it says will not require ratification by states.

The report has also recommended the amendment of certain laws relating to legislative Assemblies in Union Territories such as The Government of National Capital Territory of Delhi Act, 1991, The Government of Union Territories Act, 1963, and the Jammu and Kashmir Reorganisation Act, 2019. These laws would have to be amended to ensure that Assembly elections in UTs also take place simultaneously with Lok Sabha and state Assembly elections.

### **Simultaneous local body elections, preparation of single electoral roll**

The second Constitution Amendment Bill recommended by the Kovind committee contains amendments that would require ratification by the states. Under Article 368(2), any constitutional amendment that deals with subjects in the State List (where states have the power to enact laws) would have to be ratified by at least half of the state legislatures in the country before it can be passed.

As the amendments suggested in the second Bill relate to municipal and panchayat elections, which fall under Entry 5 of the State List titled "Local government", they would require ratification by the states.

The committee has suggested the inclusion of a new Article 324A in the Constitution. This new article would empower Parliament to make laws to ensure that municipality and panchayat elections are held simultaneously with the General Elections (to Lok Sabha and state Assemblies).

The Kovind committee has also recommended that new sub-clauses should be added to Article 325 of the Constitution. This article says: "There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State..."

The new Article 325(2) proposed by the committee will create a "Single Electoral Roll for every territorial constituency for election in the House of the People, Legislature of a State or to a Municipality or a Panchayat".

This electoral roll "shall be made by the Election Commission in consultation with the State Election Commissions", and "the electoral roll prepared under this sub-article shall substitute any electoral roll prepared earlier by either the Election Commission under Art 325 or the State Election Commissions under Art. 243K and Art. 243ZA" (proposed Article 325(3)).

If this recommendation is accepted, the process of creating electoral rolls will be taken over by the ECI, and State Election Commissions will play a purely consultative role.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

## 2. Gyanesh Kumar, Sukhbir Sandhu appointed Election Commissioners



Former bureaucrats Gyanesh Kumar and Sukhbir Singh Sandhu who were appointed as ECs

### Why in news?

President Droupadi Murmu appointed retired bureaucrats Gyanesh Kumar and Sukhbir Singh Sandhu as Election Commissioners. A selection panel, headed by Prime Minister Narendra Modi, had earlier recommended their names.

### Appointment by new method

This is the first time that Election Commissioners have been appointed in accordance with the new Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 brought in by the government in December.

According to the Act, a selection committee headed by the Prime Minister and comprising a Union Minister nominated by the Prime Minister and the Leader of Opposition in the Lok Sabha will select members of the Election Commission.

Union Home Minister Amit Shah and Congress leader Adhir Ranjan Chowdhury are members of the current committee.

### Opposition member objections

After the meeting, Mr. Chowdhury told the media that a total of six shortlisted names had been shared with him barely 10 minutes before the meeting.

Mr. Chowdhury said that late on Wednesday night, a list of 212 names had been shared with him. The Congress leader also said that he had submitted a dissent note.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Hindu

**3. How have the newly notified rules eased the process of granting Indian citizenship to specific communities under the CAA? What arguments have been presented for challenging its constitutionality? What is the significance of the government's assertion that the CAA does not affect legal, democratic, or secular rights?**

### Why in News?

Four years after Parliament passed the Citizenship Amendment Act (CAA), 2019, the Ministry of Home Affairs (MHA) notified the rules to implement the law on March 11. It fast-tracks citizenship for undocumented immigrants from six non-Muslim communities — Hindu, Sikh, Buddhist, Parsi, Christian and Jain — from Pakistan, Afghanistan and Bangladesh. The CAA is also under challenge before the Supreme Court, with several petitioners moving fresh pleas seeking a stay on the implementation of the rules.



### What are the implications of CAA?

In December 2019, Parliament passed an amendment to The Citizenship Act, 1955 (1955 Act) introducing a new proviso to Section 2(1)(b) which defines "illegal migrants." Accordingly, undocumented immigrants who entered India on or before December 31, 2014, and whom the Central government has

exempted under the Passport (Entry into India) Act, 1920, or the Foreigners Act, 1946, would be eligible for citizenship under the 1955 Act.

However, certain tribal areas in Assam, Meghalaya, Mizoram, and Tripura were exempted from the legislation's ambit. To access these protected areas, an Inner Line Permit (ILP) is needed from the concerned State governments.

A key concern is that when viewed in combination with the proposed all-India National Register of Indian Citizens (NRIC), the CAA has the potential to disproportionately impact Muslims residing in India. In the event of people being excluded from NRIC, non-Muslims may have an opportunity to get included through the CAA, while it may be denied to Muslims. A Supreme Court-monitored National Register of Citizens that took place in Assam in 2011 left out over 19 lakh people from the citizenship register.

With the newly notified rules, the Centre has eased the process of granting Indian citizenship to members of the specified communities by excluding the requirement of a "valid passport"

of their origin countries or a valid visa from India. Instead, "any document" that shows one of the parents, grandparents or even great-grandparents of the applicant was from one of these countries is sufficient to prove their nationality. Additionally, a certificate issued by an elected member of a local body can be a replacement for a visa.

After the legislation's enactment in 2019, the Indian Union Muslim League (IUML) filed a petition challenging its constitutionality, which was joined by close to 200 petitions. These petitions challenge the law for violating Article 14 of the Constitution by making religion a qualifier for citizenship.

The CAA has also been dubbed as a move to subvert the Assam Accord of 1985 that deems any person who cannot prove his ancestry beyond March 24, 1971, as an alien and does not differentiate on grounds of religion. The petitions contend that the law will further multiply the "uncontrolled influx of illegal migrants from Bangladesh to Assam."

### **How has the Supreme Court responded?**

Calling the CAA a "benign piece of legislation," the Centre in its affidavit before the Supreme Court said that it seeks to provide amnesty to specific communities from specified countries with a clear cut-off date. It highlighted that the law does not in any manner affect the legal, democratic or secular rights of any Indian citizen.

The affidavit further stated that the "narrowly tailored legislation" was passed to "tackle a specific problem, i.e., the persecution on the ground of religion in the light of the undisputable theocratic constitutional position in these specified countries, the systematic functioning of these States and the perception of fear that may be prevalent amongst minorities as per the de facto situation in these countries."

On December 18, 2019, a Bench comprising former Chief Justice of India (CJI) S.A. Bobde refused to stay the operation of the law and instead suggested that the government publicise the actual intent of the Act. The court rejected a similar plea for stay on January 22, 2020, by underscoring that it needs to hear the government first.

On October 6, 2022, a Bench comprising former CJI U.U. Lalit passed an order stating that final hearings in the case would begin on December 6, 2022. However, the case has not been listed since then. As per the Supreme Court's website, the petitions are currently listed before a Bench headed by Justice Pankaj Mithal.

### **Why are petitioners seeking a stay on the rules?**

The IUML and others have moved the top court seeking a stay on the rules notified on March 11.

They have pointed out how the Centre had earlier averted a push for a stay of the CAA in the Supreme Court nearly five years ago by arguing that the rules had not been framed. It has also been highlighted that the rules have done away with the tiered scrutiny of applications for citizenship by District Collectors on the ground, and recommendations of State governments as to the wisdom of granting citizenship.

They said that the government ought to have waited for a final decision from the Supreme Court before implementing the rules.

### **What is the significance of the challenge to Section 6A?**

The proceedings against the CAA are also dependent on the outcome of the challenge to Section 6A of the 1955 Act which was introduced in furtherance of a Memorandum of Settlement called the "Assam Accord" signed on August 15, 1985.

In December last year, a five-judge Constitution Bench led by CJI D.Y. Chandrachud reserved its verdict on the validity of Section 6A after orally observing that the provision was enacted as a humanitarian measure in the wake of the 1971 Bangladesh Liberation War and was deeply interwoven in the country's history.

Section 6A determines who is a foreigner in Assam by establishing March 24, 1971, as the cut-off date for entry — those who came to the State on or after January 1, 1966, but before March 25, 1971, were to be declared as "foreigners" and would have all the rights and obligations of Indian citizens except that they would not be able to vote for 10 years.

If March 24, 1971, is upheld as a valid cut-off date for entry into the State, then CAA can be held to be violative of the Assam Accord since it establishes a different timeline.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Hindu