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1. As Cabinet gives nods to simultaneous elections, what comes next?

Introduction

The Union Cabinet set the ball rolling on holding simultaneous elections to Lok Sabha, state Assemblies, and local government bodies, clearing the proposal of the High Level Committee on One Nation, One Election headed by former President Ram Nath Kovind.

HOW THE NUMBERS STACK UP IN PARLIAMENT

WHAT PARTIES TOLD PANEL

32 OF THE 47 parties that gave their opinion to the Kovind panel supported the idea; 15 opposed it. NDA ally TDP didn't give its opinion, but told *The Indian Express* that it backed One Nation, One Election in principle. The BSP was initially against it, but now has come out in support.

ALL 32 PARTIES were either BJP allies, or friendly towards the party then. Now, the BJD has turned against the BJP. Of the 15 parties against the move, five are in power in states, including Congress.

PARLIAMENT PICTURE NOW

PARTIES THAT BACKED the idea of simultaneous elections before the Kovind panel have 271 members in Lok Sabha now. This number includes the 240 MPs from the BJP.

THE NDA, including TDP and others who neither supported nor opposed simultaneous polls before the Kovind panel, has 293 MPs in Lok Sabha.

NUMBERS GAME IN LOK SABHA

A TWO-THIRDS majority of members present and voting is needed for the required constitutional amendment to go through — in the full House of



Kovind presents report to President Murmu in the presence of Home Minister Amit Shah. *File*

543, that works out to 362 MPs.

NDA HAS 293 MPs — so there is a possibility of passage of the amendment only if 439 MPs vote on the Bill, and the remaining 104 abstain. Alternatively, the government will have to convince non-NDA parties to back it.

ARITHMETIC IN RAJYA SABHA

NDA HAS 121 MPS, including the six nominated members. The opposition INDIA bloc has 85 MPs.

IF ALL 250 members are present, a simple majority would be 125 and two-thirds would be 164 MPs. Currently, there are 234 MPs in RS.

In its report submitted to President Droupadi Murmu on March 14, the Kovind Committee recommended a series of constitutional amendments to facilitate simultaneous elections at the central, state, and local levels.

Union Minister Ashwini Vaishnaw told reporters that the move to simultaneous elections would be effected in two phases — in the first phase, Lok Sabha and Assembly elections will be aligned; the second phase, which will be held within 100 days of the first, will cover local body elections.

What happens after this?

The One Nation, One Election project hinges on two Constitution Amendment Bills being passed by Parliament, for which the government will need wide agreement across a range of parties. Since the BJP does not have a majority on its own in Lok Sabha, it will have to talk to its allies in the NDA, as well as the opposition parties.

One way to build the required consensus is to refer the Constitution Amendment Bills to a parliamentary committee — this could be a parliamentary standing committee or a joint parliamentary committee. These House panels will have members of the opposition, and a consensus could come out of the discussions.

The Centre will have to reach out to the states as well. To ensure that local bodies too, are included in the scheme of simultaneous elections, at least half the total number of states will have to ratify the required amendment to the Constitution (more later).

While the BJP is currently in power in more than a dozen states, the coming Assembly elections in Haryana, Maharashtra, and Jharkhand, could alter this arithmetic.

What changes will be needed in the Constitution?

The first Constitution Amendment Bill to transition to a simultaneous election system will require a 'special majority' of both the Lok Sabha and Rajya Sabha. For this, two conditions have to be satisfied under Article 368 of the Constitution.

First, half of the total membership of both Lok Sabha and Rajya Sabha must vote in favour of the amendment. Second, of the members present and voting, two-thirds must vote in favour of the amendment.

The second Constitution Amendment Bill will ensure that all local body elections (for municipalities and panchayats) are held within 100 days of the simultaneous elections. For this amendment to go through, an additional condition apart from the two mentioned above must be fulfilled.

This is because "local government" is a subject under the State List in the Seventh Schedule, which means only states have the power to pass laws on this subject. To amend the Constitution such that local body elections can take place alongside simultaneous elections, Article 368 stipulates that "the amendment shall also require to be ratified (agreed to) by the Legislatures of not less than one-half of the States" in the country.

What will happen in the event these Bills are passed by Parliament?

According to the roadmap presented by the Kovind Committee, the President will issue a notification during the first sitting of Lok Sabha after a general election, bringing into effect Article 82A — a new article introduced through the first Bill to facilitate the transition to simultaneous elections.

The date of this notification will be known as the “appointed date”. Any state Assemblies elected after this “appointed date” will be dissolved once the Lok Sabha’s term expires.

The transition to simultaneous elections will require some elected state Assemblies to dissolve before the expiry of their stipulated five-year term. For example, the election to the Bihar Assembly is expected to be held in October or November 2025. However, if simultaneous elections are implemented, the new Assembly will dissolve in 2029 — before the Lok Sabha election scheduled in that year — and not in 2030 as it normally would.

This will allow fresh state Assembly elections to take place at the same time as the Lok Sabha election.

In the scheme proposed by the Kovind Committee, if a state Assembly or Lok Sabha is dissolved before the end of its ‘full’ five-year term, a ‘mid-term’ election will take place.

However, the newly elected state Assembly or Lok Sabha will only serve for the remaining period before the next simultaneous elections are scheduled to take place. This period between a mid-term election and a scheduled simultaneous election will be known as the “unexpired term”.

In case the Election Commission of India (ECI) believes that state Assembly elections cannot be held simultaneously, the Committee’s report states that it can send a recommendation to the President to declare that the election will be conducted at a later date.

However, even if this state Assembly election is delayed, the next election will still take place simultaneously with the Lok Sabha and other state Assembly elections.

The ECI 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”, the Kovind Committee has said.

This roll — containing details of effectively every voter in the country — will be prepared in consultation with the State Election Commissions. This amendment too, will require ratification by half the country’s states.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

2. SC hears case on education in madrasas: All you need to know about these institutions

What are Madrasas?

Madrasa is an Arabic word for an educational institution. In the early centuries of Islam, mosques served also as places of education, but from the 10th century onward, madrasas came to acquire a distinct identity as institutions of religious and secular learning in the Islamic world.

The National Commission for Protection of Child Rights (NCPCR) has told the Supreme Court that education imparted in madrasas "is not comprehensive and is therefore against the provisions of Right to Education Act", and that textbooks in these institutions teach about the "supremacy of Islam".



The NCPCR made its submission on September 11 in a clutch of appeals against an Allahabad High Court order of March 22 that had declared the Uttar Pradesh Board of Madarsa Education Act, 2004 "unconstitutional" on the ground that it violated "the principle of secularism" and fundamental rights guaranteed under Article 14 of the Constitution.

A Bench of Justices Vivek Chaudhary and Subhash Vidyarthi directed the state government to "take steps forthwith for accommodating the madrasa students in regular schools" recognised under the UP primary and high school and intermediate education boards.

The UP government had submitted "that no doubt the Madrasa Board is providing religious education and instructions to students, but the state has sufficient powers to impart such education under the Constitution and is rightly permitting such education".

On April 5, a Supreme Court Bench led by Chief Justice of India D Y Chandrachud stayed the High Court's order.

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The earliest evidence of madrasas comes from Khorasan and Transoxania, corresponding to modern eastern and northern Iran, central Asia, and Afghanistan. The bigger madrasas also had facilities for housing students, especially those from poor backgrounds.

Largest number in UP

As of 2018-19, there were 24,010 madrasas in India, 19,132 of which were recognised madrasas, and the remaining 4,878 were unrecognised, then Minister of Minority Affairs Mukhtar Abbas Naqvi told Rajya Sabha on February 3, 2020.

Recognised madrasas come under the state boards for madrasa education; the unrecognised ones follow the curriculum prescribed by the bigger seminaries such as the Darul Uloom Nadwatul Ulama (Lucknow) and Darul Uloom Deoband.

As many as 60% of the country's madrasas were in Uttar Pradesh — 11,621 recognised, and 2,907 unrecognised madrasas. The second highest number of madrasas were in Rajasthan — 2,464 recognised, and 29 unrecognised madrasas, according to statewise data presented by Naqvi.

Several states and Union Territories, including Delhi, Assam, Punjab, Tamil Nadu, and Telangana had no recognised madrasas, the data showed.

Two broad categories

There are two categories of madrasas in India — Madrasa Darse Nizami, which are run as public charities, and are not bound to follow the school education curriculum of the state; and the Madrasa Darse Aliya, which are affiliated to the state's madrasa education board (such as the Uttar Pradesh Board of Madrasa Education).

More than 20 states have their own madrasa boards. State madrasa boards are governed by the state government concerned; teachers and other officials at recognised madrasas are appointed by the state government.

Some 1.69 lakh students sat for the UP madrasa education board examinations — equivalent to Class 10 and Class 12 — in 2023. UP and some other states also have a separate Sanskrit board.

NCERT, state curricula

Education is similar to school and higher education. Madrasa students study to be Maulvi (equivalent to Class 10), Alim (equivalent to Class 12), Kamil (Bachelor's degree), and Fazil (Master's).

The medium of education in the charitable Madrasa Darse Nizami is Arabic, Urdu, and Persian. The Madrasa Darse Aliya use either textbooks published by the state textbook corporation or agency, or the curriculum and textbooks of the National Council of Educational Research and Training (NCERT).

Most madrasa boards in the country now follow the NCERT curriculum. Mathematics, Science, Hindi, English, and Sociology are compulsory subjects. There is also an optional paper, in which students have the choice of studying Sanskrit or Deeniyaat (including the Quran and other religious teachings). Hindu religious scriptures and other religious teachings are taught in the Sanskrit optional paper.

Funded by state govts

The bulk of the funding for madrasas comes from the respective state governments. The central government has a Scheme for Providing Education to Madrasas/ Minorities (SPEMM), under which financial assistance is provided to madrasas and minority institutions across the country.

There are two sub-schemes under SPEMM — a Scheme for Providing Quality Education in Madrasas (SPQEM) and Infrastructure Development of Minority Institutes (IDMI). SPEMM was transferred from the Ministry of Minority Affairs to the Ministry of Education in April 2021.

Relevance: GS Prelims & Mains Paper II; Governance
Source: Indian Express

3. Why India wants 'review & modification' of Indus Waters Treaty

Introduction

A year-and-a-half after New Delhi issued a notice to Islamabad seeking the "modification" of the Indus Waters Treaty (IWT) in January 2023, India has once again sent a formal notice to Pakistan, this time seeking the "review and modification" of the treaty.

The latest notice, issued under Article XII (3) of the IWT (like the one issued last year), is qualitatively different — the word "review" effectively signals New Delhi's intent to revoke and renegotiate the 64-year-old treaty. Article XII (3) states: "The provisions of this Treaty may from time to time be modified by a duly ratified treaty concluded for that purpose between the two Governments".

The Indus Waters Treaty (IWT)

<ul style="list-style-type: none"> ■ The distribution of waters of the Indus and its tributaries between India and Pakistan is governed by the Indus Water Treaty (IWT). 	<ul style="list-style-type: none"> ■ Was signed on Sept 19, 1960, between India, Pakistan and a representative of World Bank after eight years of negotiations. 	<ul style="list-style-type: none"> ■ Partition of India cut across the Indus river basin, which has the Indus river, plus five of its main tributaries.
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Western rivers
Chenab, Jhelum, Indus

India's rights over these rivers: Limited — can set up certain irrigation, run-of-the-river power plants, very limited storage, domestic and non-consumptive use, all subject to conditions

Eastern rivers
Sutlej, Beas, Ravi

India's rights over these rivers: All exclusive rights lie with India.

Indus Waters Commission a success story

- Once every five years, conducts a general inspection of all rivers in parts. Total inspection tours so far: Over 100
- Regularly meets once a year. Total meetings thus far, including those for taking up Pak objections: Over 100

What is the Indus Waters Treaty?

The treaty between India and Pakistan was signed on September 19, 1960, for the use of water available in the Indus and its tributaries. It was signed in Karachi by then Prime Minister Jawaharlal Nehru and then Pakistan President Mohammed Ayub Khan after nine years of negotiations arranged by the World Bank.

According to the IWT, India enjoys the “unrestricted use” of the three “Eastern Rivers [Beas, Ravi, Sutlej]... except as otherwise expressly provided” whereas Pakistan got control of the three “Western Rivers” [Indus, Chenab, Jhelum]. According to Article III (1) of the IWT, “India is under obligation to let flow” waters of the Western Rivers to Pakistan.

In effect, the treaty gave India about 30% of the water carried out by the “Indus Rivers System” while Pakistan got 70% of the waters.

Why does India want to renegotiate IWT?

Sources said India’s latest notification highlights “fundamental and unforeseen changes in circumstances” that require a reassessment of obligations made under the IWT. Among New Delhi’s concerns, sources said, are the “change in population demographics, environmental issues and the need to accelerate development of clean energy to meet India’s emission targets, and the impact of persistent cross-border terrorism”.

Moreover, the two notifications come amidst a prolonged controversy over the construction of two hydel power projects by India in Jammu & Kashmir — one on Kishanganga, a tributary of Jhelum, in Bandipora district, and the other (Ratle Hydroelectric Project) on Chenab in Kishtwar district.

Both are “run-of-the-river” projects, meaning they generate electricity (330 MW and 850 MW respectively) using the natural flow of the river, and without obstructing its course. However, Pakistan has repeatedly alleged that both these projects violate the IWT.

What was behind the notice in January 2023?

At the time, New Delhi cited Islamabad’s continued “intransigence” in implementing the IWT by raising repeated objections to the two hydel projects.

In 2015, Pakistan requested the appointment of a “Neutral Expert” to examine its technical objections to the projects. A year later, it unilaterally retracted this request and proposed that the Permanent Court of Arbitration (PCA) adjudicate on its objections instead. India refused to engage in the PCA mechanism and made a separate request for the matter to be referred to a Neutral Expert.

Sources said Pakistan’s proposal for a PCA mechanism was in contravention to the graded dispute settlement mechanism provided in Article IX of the IWT. According to the treaty, there is a sequential, three-level mechanism where disputes are first decided at the level of the Indus Commissioners of the two countries, then escalated to the Neutral Expert who is appointed by the World Bank, and only then escalated to the Hague-based PCA.

The initiation of two simultaneous processes on the same questions — and their potentially contradictory outcomes — is not provided under any article of the IWT, and thus created an unprecedented, legally untenable situation.

The World Bank in 2016 “paused” the initiation of the parallel processes and requested India and Pakistan to seek an amicable way out. However, despite multiple attempts by New Delhi, Islamabad has refused to discuss the issue during the five meetings of the Permanent Indus Commission from 2017 to 2022, a source said.

In fact, at Pakistan’s continuing insistence, in 2022 the World Bank decided to initiate both the Neutral Expert and Court of Arbitration processes. This, along with the recommendation of a parliamentary standing committee in 2021, led to the January 2023 notice, the first in over six decades.

In 2021, the Departmentally Related Standing Committees on Water Resources had noted that “although the IWT has stood the test of time... the Treaty was framed on the basis of knowledge and technology existing at the time of its agreement in the 1960s... Present day pressing issues such as climate change, global warming and environmental impact assessment etc. were not taken into account by the Treaty.”

The committee, headed by the BJP’s Sanjay Jaiswal, had thus found that there is a need to “renegotiate the Treaty so as to establish some kind of institutional structure or legislative framework to address the impact of climate change on water availability in the Indus basin and other challenges which are not covered under the Treaty.”

So, what has changed since January 2023?

Here is a brief chronology of important events to have taken place since January 2023.

April 17, 2023: The sixth meeting of the Union Ministry’s Steering Committee on matters related to the IWT takes place. The Committee met under the Jal Shakti Secretary, and saw the Foreign Secretary of India in attendance. “The meeting took stock of the ongoing modification process of the IWT,” the MEA said after the meeting.

July 06, 2023: The PCA rules that it has the “competence” to consider matters concerning the Kishanganga and Ratle hydel projects. India responds by reiterating its “consistent and principled position” that the constitution of the “so-called Court of Arbitration” is in contravention of the provisions of the IWT.

September 20-21, 2023: A delegation from India, led by the Secretary, Department of Water Resources, attend a meeting of the Neutral Expert proceedings in the Kishanganga and Ratle matter in Vienna. Senior Advocate Harish Salve acts as India’s Lead Counsel in the meeting convened by the Neutral Expert, and attended by representatives of both India and Pakistan. After the meeting, India reiterates its “treaty-consistent” decision to not participate in the parallel proceedings conducted by “an illegally constituted” PCA on the same set of issues pertaining to the Kishanganga and Ratle projects.

Relevance: GS Prelims & Mains Paper II; Bilateral Relations

Source: Indian Express

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