



# Yojna IAS

योजना है तो सफलता है

## FEB-MARCH 2023

### WEEKLY CURRENT AFFAIRS

**YOJNA IAS WEEKLY CURRENT AFFAIRS**

**26/2/2023 TO 05/3/2023**

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# WEEKLY CURRENT AFFAIRS CONTENTS

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# CURRENT AFFAIRS

## FEBRUARY-MARCH 2023

### DIGITAL ATTENDANCE SYSTEM

*This article covers "Daily current events" and the topic is about the 'Digital attendance system' which is in news, it covers "Governance" In GS-2, and the following content has relevance for UPSC.*

**For Prelims:** Digital attendance system

**For Mains:** GS-2, Governance

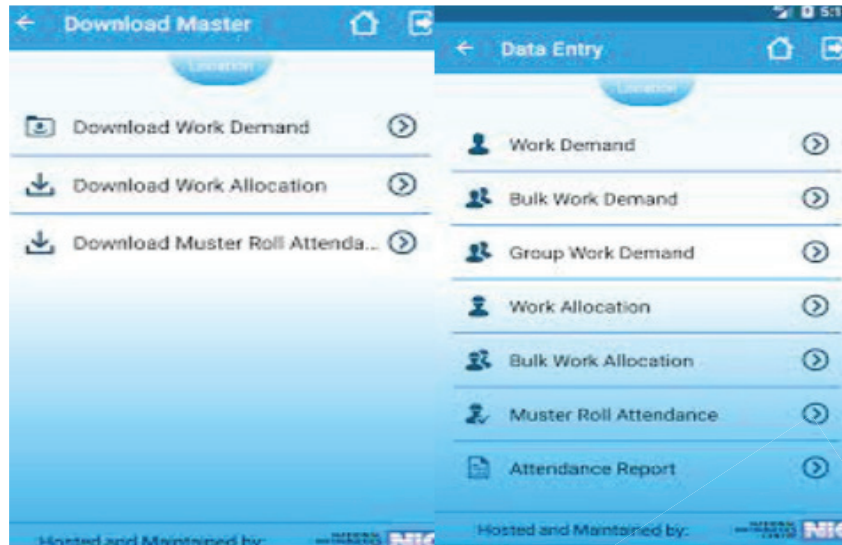
#### **Why in news:**

In almost 40% of gram panchayats, digital attendance is not reported.

The screenshot displays the MGNREGA Digital Attendance System interface. On the left, a menu includes 'Data Entry', 'Upload Data', and 'Create Backup'. The main area on the right is titled 'Muster Roll At...' and contains the following elements:

- Date of Attendance:** A date picker set to DD/MM/YYYY.
- MSR Closer:** A checkbox labeled 'MSR Closer'.
- Attendance Table:** A table with two columns. The first column has a 'Select All' header and two rows: 'CG-01-001-001-001/101-C' and 'Yashwant Miri'. The second column contains checkboxes for each row.
- Confirm attendance:** A checkbox labeled 'Confirm above attendance'.
- Add Pictures:** Two camera icons with plus signs, labeled 'Workers' and 'Work Site'.
- Save:** A green button at the bottom right.

At the bottom left, it states 'Hosted and Maintained by: NIC'.



## Digital attendance system

### ABOUT THE DIGITAL ATTENDANCE SYSTEM

- A digital attendance system via a smartphone app is established for the Mahatma Gandhi National Rural Employment Guarantee Plan and made obligatory at workplaces with 20 or more employees.
- Nonetheless, it became mandatory for all work sites on January 1, 2023.
- On May 21, 2021, a pilot version of this activity was started with voluntary application use.
- As per Ministry of Rural Development guidelines, This app requires two time-stamped and geotagged photos of the workers time-stamped, promoting transparency and enhancing citizen supervision.
- The MGNREG Act permits employees to perform task-bound or time-based labor.
- When it comes to posting time- and place-stamped and geotagged pictures of the workers, one should be uploaded about 11 AM and the other after 2 PM.
- For task-based labor, employees were required to stay past 2 PM, even if their tasks were finished, in order to take the required photograph and be paid.

### ISSUES WITH THE DIGITAL ATTENDANCE SYSTEM

- The issue with electronic muster rolls, which took the place of paper muster rolls and were in use prior to the introduction of the NMMS, is carried over to the app-based attendance system. No worker can show up and join the team since the muster roll needs to be generated based on demand in this situation.
- The photos with two-time stamps are the second significant issue. The employees frequently complete their tasks but are still required to return to the job site for a second photograph.
- Several activists believe that the incessant requirements placed on MNREGS



employees themselves are sufficient to prevent them from relying on the program, defeating its primary goal.

- The main problem is the requirement for smartphones. Because they are in poverty, workers cannot afford modern smartphones.

## ADDITIONAL INFORMATION

### About MGNREGA

- A significant development in India's post-independence social security legislative history is the National Rural Employment Guarantee Act (MGNREGA) of 2005.
- It is a government initiative aimed at reducing poverty that gives Indian residents the legal right to work in return for payment.
- It employs, on average, 1.5 crore workers at around 14 lakh places per day.
- By guaranteeing at least 100 days of guaranteed pay employment to any household whose adult members volunteer to perform unskilled manual labor over a fiscal year, it seeks to increase the security of livelihood in rural areas.
- **Funding:** Both the Center and the States share it.
  - \* The cost of unskilled labor is entirely covered by the central government, as are the costs of semi-skilled and skilled labor, 75% of the cost of materials, and 6% of administrative expenses.

### SIGNIFICANCE OF THE MGNREGA

- It is a social security program designed to provide rural impoverished people with jobs and a means of subsistence.
- Large-scale participation of women, Scheduled Castes (SCs) and Scheduled Tribes (STs), and other marginalized sections of society.
- Millions of migrants and other people who were displaced by the pandemic and lost their means of subsistence were able to sustain themselves thanks to the MGNREGA initiative.
- The program made sure that the most vulnerable people had access to basic income, lowering the nation's suicide rate in the process.

### Issues

- Inadequate maintenance
- Lack of funds
- Pendency in unemployment allowances
- Corruption
- Discrimination against women and backward groups

### Suggestions

- Social audits
- People need to be made aware of the need to end discrimination.

- For the plan to be implemented properly, the government should allocate sufficient funds. It presently contributes 0.47 percent of GDP, while the World Bank advises 1.7 percent for the program to operate at its best.
- It is important to improve the frequency of National Level Monitors' (NLMs) monitoring and for States to act appropriately in response to their suggestions.

**Source:**

Mantratec

[Saurabh kaushik](#)

## FINANCIAL STABILITY BOARD

*This article covers "Daily current events" and the topic is about the 'Financial Stability Board' which is in news, it covers "Economy" In GS-3, and the following content has relevance for UPSC.*

**For Prelims:** Financial Stability Board

**For Mains:** GS-3, Economy

### Why in news:

The International Monetary Fund (IMF) and the Financial Stability Board have created a new synthesis paper that will serve as the foundation for the upcoming global crypto guidelines (FSB).

### ABOUT FINANCIAL STABILITY BOARD

- The Financial Stability Board (FSB) is an international organization that keeps tabs on the world financial system and offers suggestions.
- The FSB works to stabilize the global financial system.
- It accomplishes this by integrating the efforts of international standard-setting organizations and national financial authorities in order to create effective regulatory, supervisory, and other financial sector policies.
- Promoting the consistent application of these policies across industries and jurisdictions, it promotes a level playing field.

### AIMS OF THE FINANCIAL STABILITY BOARD

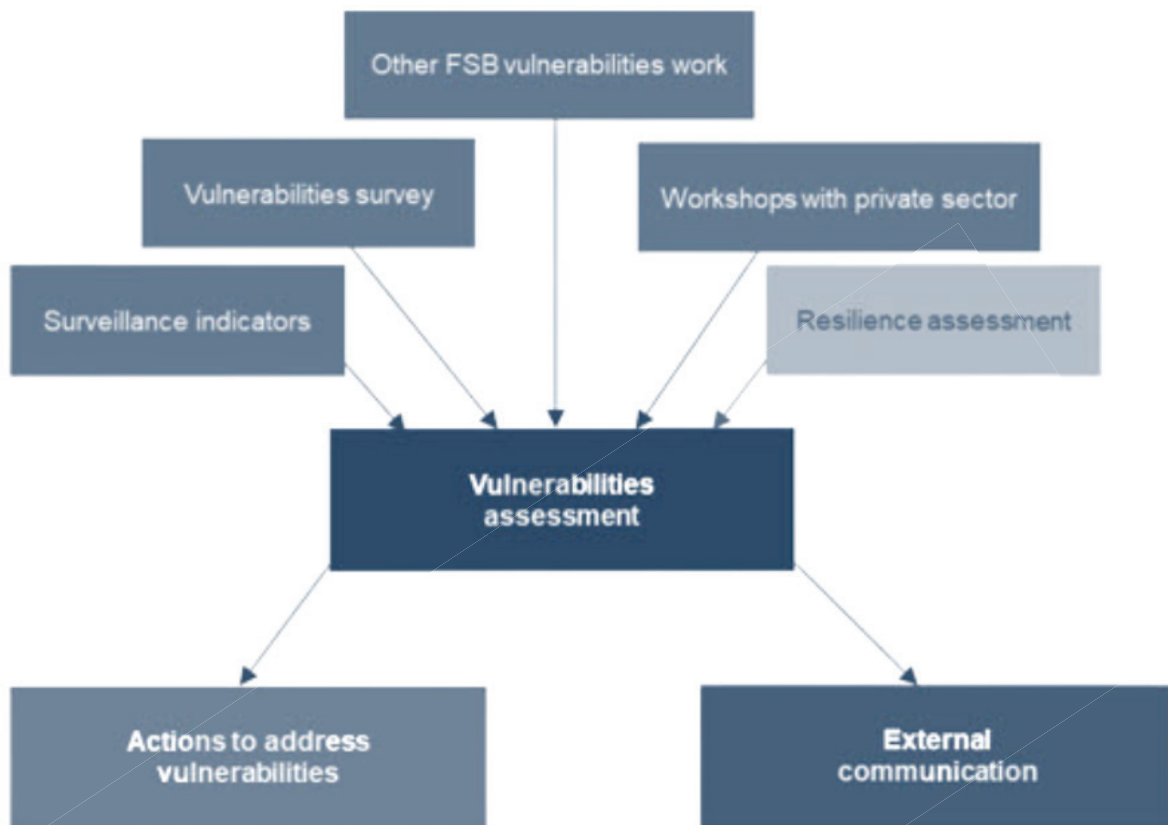
- Examining the global financial system's vulnerabilities as well as the accompanying regulatory, supervisory, and other activities that are required to address them and their consequences. All of this is done from a macroprudential viewpoint.

- Encourage cooperation and communication between the organizations responsible for maintaining financial stability.
- Monitor market changes and provide advice on how they may affect regulatory policy.
- Monitor regulatory standards compliance and provide advice on best practices.
- Do collaborative strategic evaluations of the organizations that establish international standards and coordinate each organization's work on policy formulation to make sure that it is timely, well-organized, prioritized, and tackles any gaps.
- To build and maintain supervisory colleges, and establish rules.
- In particular with relation to systemically significant enterprises, support contingency planning for international crisis management.
- Conduct Early Warning Exercises in cooperation with the International Monetary Fund (IMF).
- The FSB's principal tool for identifying and evaluating risks in the financial system is the Standing Committee on Assessment of Vulnerabilities (SCAV).
- The task of conducting additional supervisory analysis or formulating a regulatory or supervisory policy response to a substantial vulnerability identified by SCAV is assigned to the Standing Committee on Supervisory and Regulatory Cooperation (SRC).
- The FSB's agreed-upon policy initiatives and international standards implementation are overseen by the Standing Committee on Standards Implementation (SCSI).
- The FSB's budget and resources are under the control of the Standing Committee on Budget and Resources (SCBR).
- Regional Consultation Groups (RCGs) ensure that the Financial Stability Board's (FSB) numerous initiatives and policies are carried out in regions outside of the G20. They encourage communication among FSB members and non-members.

## **STRUCTURE AND FRAMEWORK**

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# Financial Stability Board Surveillance Framework



## Financial Stability Board

- Regional Consultation Groups (RCGs) ensure that the Financial Stability Board's (FSB) numerous initiatives and policies are carried out in regions outside of the G20. They encourage communication among FSB members and non-members.

### **FUNCTIONS OF THE FINANCIAL STABILITY BOARD**

- It is responsible for composing annual reports on the application of changes and their results.
- It coordinates a wide range of financial sector policy operations.
- It engages in outreach initiatives.
- Aids in creating more resilient financial organizations.
- It assists in the oversight of financial markets on a global scale.
- It contributes to the safety of the derivatives market.
- It makes non-bank financial intermediation more resilient.



- It develops a range of measures to support the world financial market.
- The G20 is in charge of creating progress reports.
- It carries out peer reviews and is in charge of evaluating the effects of reforms.

## INDIA AND FINANCIAL STABILITY BOARD

- India is an active member of the FSB, and its three representatives—Secretary (EA), Deputy Governor-RBI, and Chairman-SEBI—occupy three seats in its Plenary.
- Periodic conference calls and meetings provide regular communication with the FSB.
- In accordance with global standards, information is frequently transferred to FSB member nations.
- To represent India's interests before the FSB, the FSDC Secretariat in the Department of Economic Affairs works in concert with the various financial sector regulators and other pertinent organizations.

## CONCLUSION

In order to reinforce the institutional foundation for financial stability in a globalized society, the Financial Stability Board was established as an international organization. After the financial crisis, a major need for such a body emerged. It aids in the spread of common guidelines for addressing financial stability in diverse nations.

**Source:**

Mint

**Saurabh kaushik**

## HEATWAVE

*This article covers "Daily current events" and the topic is about 'Heatwave' which is in news, it covers "Important Geophysical Phenomena" in GS-1 and "Climate Change" in GS-3, and the following content has relevance for UPSC.*

**For Prelims:** Heatwave

**For Mains:** GS-1, Important Geophysical Phenomena; GS-3, Climate Change

## Why in the news:

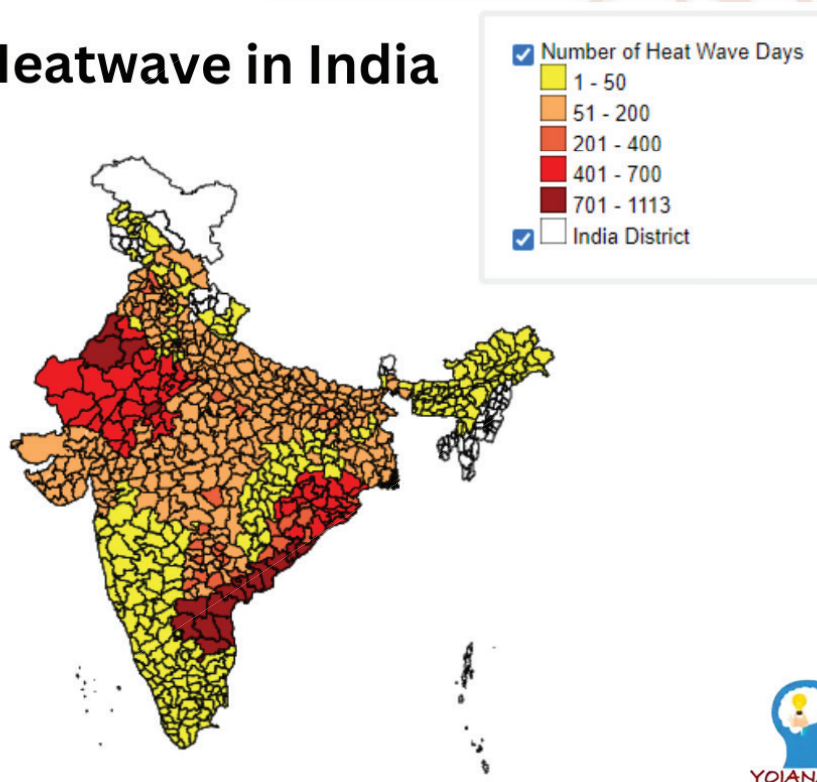
The maximum temperatures throughout northwest, west, and central India, according

to the India Meteorological Department (IMD), would be 3-5° C higher than the long-term average.

## ABOUT HEATWAVE

- A heat wave is a period of very hot weather that may also be accompanied by significant humidity, especially in nations with maritime climates.
- Although definitions vary, heat waves are usually measured relative to the region's normal climate and the normal temperature for the season.
- If temperatures are higher than what someone from a hotter environment would consider normal for that region, they may be referred to as a heat wave there.
- Since the 1950s, nearly everywhere has experienced an increase in the frequency and intensity of heat waves, according to the IPCC.
- Heatwaves are not regarded as a natural catastrophe under the National Disaster Management Act of 2005 or the National Policy on Disaster Management of 2009.
- It is not listed among the 12 catastrophes that qualify for aid from federal or state disaster relief funds.

### Heatwave in India



Heatwave

## CAUSES OF A HEATWAVE

- Heat waves are caused by high pressure at the ground level, which is most common in the summer. Air sinks through the atmosphere when there is an accumulation of

high pressure over a region. As the air sinks, it constricts and warms. The temperature rises by 1°C for every 100 meters of air pressure.

- **Heat Dome:** High pressure can also cause a heat dome, which intensifies the heat wave. When a high-pressure area remains over a region for several days, it traps extremely warm air underneath and produces a heat dome. The dome prevents air that would normally rise, cool, and then return to the surface, causing a continuous buildup of heat and lowering the likelihood of precipitation.
- In the summer, when weather patterns are slower moving, longer high-pressure periods are more frequent. As high-pressure systems take longer to exit an area, they have knock-on effects on other weather systems. Less cloud cover and weak winds might result in the stuffier, more humid air.
- **Industrialization:** The surplus greenhouse gases (such as carbon dioxide) created since the Industrial Revolution trap heat in the Earth's atmosphere, which is why all of this is happening. The average temperature of the Earth has increased by about 1°C as a result of this phenomenon since the late 1800s. This kind of average temperature rising results in an excessively huge increase in intense heat.

## FORMATION OF HEAT WAVE

- Heatwaves develop when high pressure develops in the atmosphere [between 10,000 and 25,000 feet (3,000 to 7,600 meters)] and persists over a region for several days to several weeks.
- Because the jet stream “follows the sun,” it frequently happens during the summer (in both the Northern and Southern Hemispheres). The high-pressure area is found in the higher layers of the atmosphere on the jet stream's equator side.
- Weather patterns typically vary more slowly in the summer than they do in the winter. This upper level of high pressure consequently moves slowly as well.
- The high pressure causes the air to descend (subside) towards the surface where it warms and dries adiabatically, reducing convection and cloud formation.
- Cloud cover lessening increases the amount of shortwave radiation reaching the surface. Because of the surface low pressure, surface winds from lower latitudes carry warm air, accelerating the warming.
- As an alternative, the surface winds might originate from the warm continental interior and blow towards the coastal region, causing heat waves there, or they might originate from a high elevation and blow towards a low elevation, causing subsidence and hence adiabatic warming.

## IMPACT OF HEATWAVE

### Agriculture

- Agriculture may suffer from high temperatures.
- High daytime temperatures have a deleterious effect on plant growth, while some

crops need cool nights.

- Livestock is more likely to experience heat stress during heat waves, especially when nighttime temperatures are high and the animals are unable to cool off. Cattle that are overheated may produce less milk, grow more slowly, and have fewer calves.

## Energy

The U.S. energy system is impacted by rising temperatures in numerous ways, including demand, transmission, and production.

While greater summertime temperatures raise the need for electricity for cooling, they can also reduce transmission lines' capacity to transport power, which could result in problems with electrical reliability like rolling blackouts during heat waves.

## Infrastructure

Heat waves can and often do cause electricity transformers to explode, causing fires, water lines to burst, and roads and highways to bend and melt.

Heat waves can also harm railroads by buckling and kinking the rails, which can slow down traffic, cause delays, or even cause service cancellations if the rails are too risky for trains to travel on.

## Health Effects

**Heat edema:** Heat edema typically results from increased aldosterone secretion, which enhances water retention, and manifests as temporary swelling of the hands, feet, and ankles.

**Heat rash:** The maculopapular rash known as heat rash, commonly referred to as prickly heat, is accompanied by acute inflammation and clogged sweat ducts. The sweat ducts may enlarge and then rupture, resulting in tiny pruritic vesicles with an erythematous base.

**Heat cramps:** Heat cramps are uncontrollable, painful spasms of the big muscular groups engaged during hard exertion. Heat cramps usually happen after a lot of physical activity. They typically appear in individuals who are engaging in vigorous exercise, perspiring heavily, and replacing the lost fluid with water that does not include electrolytes.

**Heat syncope:** Heat exposure causes orthostatic hypotension, which leads to heat syncope. A near-syncopal episode may be triggered by this hypotension. The causes of heat syncope are thought to be excessive perspiration, dehydration, peripheral vasodilation, and diminished venous blood return in the face of impaired vasomotor



control.

**Source:**

The Hindu  
IMD

**Saurabh kaushik**

## EPHARMACIES

### ePharmacy

*This article covers "Daily current events" and the topic is about 'ePharmacy' which is in news, it covers "Economy" In GS-3, the following content has relevance for UPSC.*

**For Prelims:** ePharmacy

**For Mains:** GS-3, Economy

### Why in news:

The Ministry of Health issued a show-cause notice to at least twenty firms for selling medications online, including Tata-1mg, Flipkart, Apollo, PharmEasy, Amazon, and Reliance Netmeds.

### ABOUT EPHARMACY

- An online pharmacy known as an "ePharmacy" ships prescription drugs to customers.
- It is a business concept unlike traditional pharmacies, which deals with the preparation and sale of prescription and non-prescription pharmaceuticals.
- There is no legal definition of "ePharmacy" in India's present legislation.
- Nevertheless, on August 28, 2018, the Ministry of Health and Family Welfare released a draught to change the Medicines and Cosmetics Rules, 1945 to include e-pharmacies as well.
- "ePharmacy" is defined in Rule 67-I of the Draft Regulations as the business of distributing or selling, exhibiting for sale, or making an offer to sell pharmaceuticals via a web portal or any other electronic medium.
- These Draft Regulations outline the various business models that e-pharmacies could adopt in addition to defining the category of business that they fall under.

## WORKING OF EPHARMACY

- An ePharmacy is expected to operate largely under two separate models:
  - \* The inventory-based model.
  - \* The market-place-based model.
- The inventory of drugs, medications, and service providers is controlled by the ePharmacy corporation in the inventory-based model, and the products are sold directly to the customers.
- In the market-place-based paradigm, the tech-based corporation only serves as a mediator between potential purchasers and suppliers of prescriptions and medications.
- The online pharmacy serves as a platform where approved vendors can list their goods and vendors can select.
- The ePharmacy company merely serves as an intermediary and has no inventory or products of its own.

## BENEFITS

- **Easy to use:** This technique is a very simple and quick way to get medicine for those who live far from a typical pharmacy, the elderly, the disabled, and those who work very hard.
- **Time-Saving:** Customers can rapidly obtain their prescription medications online and receive them.
- **Cost-effective:** Studies show that ordering prescription medications online can result in overall financial savings of up to one-third.
- **Privacy and Confidentiality:** For those who are uncomfortable speaking to doctors and pharmacists in person, this technique is very convenient. Also, ordering drugs is possible without any restrictions on particular matters like sexuality or adolescence which can be embarrassing.
- **Compulsory drug verification:** By completing a questionnaire regarding the patient's health, these stores request a prescription from a personal doctor and then arrange drug delivery.

## REGULATORY STRUCTURES & JUDICIAL ASPECTS

- The Office of Drugs Controller clarified in 2015 that the DCA and DCR do not distinguish between the traditional and online selling of medications, and as a result, ePharmacy must abide by their regulations.
- FICCI also published a Self-Regulation Code of Conduct in 2016, but this, of course, lacks legal authority.
- The High Courts voiced opposition to the Office of Drugs Controller's decision to let E-pharmacies operate under the DCA.
- The Madras High Court ruled in 2018 that the 2018 Medicines and Cosmetics (Amendment Regulations) must be promulgated before the sale of pharmaceuticals

online is legal.

- The Delhi High Court then prohibited the unlicensed marketing of medications online.
- Later, a division bench of the Madras High Court stayed the judgment outlawing the selling of drugs online, stating that doing so would cause annoyance and health problems for the people in question. As a result, the sale of pharmaceuticals online was permitted.

## INDIA'S EPHARMACY GROWTH DRIVERS

- **Growing internet penetration:** Internet penetration is expanding as a result of low-cost cell phones and 4G internet access. The country is predicted to have 850 million internet users by 2025 as a result of the Digital India campaign.
- **To increase E-commerce adoption:** With evolving consumer tastes and digital channel usage, e-commerce penetration is predicted to reach 11% in 2024.
- **Push to designated channels:** People are turning to organized and digital channels that provide assurance against the possibility of counterfeit pharmaceuticals as they become more aware of the problem.
- **Evolving disease profile:** ePharmacies primarily cater to the medical requirements of chronic patients. Changing the lifestyle of the masses is leading to a rise in chronic and lifestyle diseases amongst the Indian population.

**Source:**

[The Hindu](#)

**Saurabh kaushik**

## FOREIGN CONTRIBUTION REGULATION ACT (FCRA)

*This article covers "Daily current events" and the topic is the 'Foreign Contribution Regulation Act (FCRA)' which is in news, it covers "Government Policies and Interventions". In GS-2, the following content has relevance for UPSC.*

**For Prelims:** Foreign Contribution Regulation Act (FCRA)

**For Mains:** GS-2, Role of NGOs, SHGs, Various Groups and Associations; Government Policies and Interventions

### Why in news:

The Ministry of Home Affairs has halted the Think tank Centre for Policy Research (CPR)'s FCRA registration.

- The Indian Income Tax Department is investigating the Centre for Policy Research

(CPR), a public policy thinking organisation.

- Its registration under the FCRA had been “suspended for a term of 180 days,” according to the notice.
- CPR draws funding from both domestic and international sources, including foundations, corporate philanthropy, governments, and multilateral organisations.
- The inquiry is challenging the tax-exempt status of the CPR and is investigating its engagement with activities that are “not in accordance with the objects and the conditions according to which it was registered”.
- CPR, for its part, claims that it has not engaged in any activity that goes beyond its purposes of the association and legal compliance.

## **ABOUT FOREIGN CONTRIBUTION REGULATION ACT (FCRA)**

- During the Emergency in 1976, the Foreign Contribution Regulation Act (FCRA) was implemented in response to concerns that foreign forces were interfering in Indian affairs.
- The law attempted to control foreign donations to individuals and organisations such that they functioned “in a way consistent with the values of a sovereign democratic republic”.
- The government revised the FCRA in 2010 and 2020 to provide NGOs with tighter control and inspection over the receipt and use of foreign contributions.

## **FOREIGN CONTRIBUTION REGULATION ACT (FCRA) REGISTRATION**

- Organizations seeking foreign funding must submit an application online in a regulated manner, together with the necessary documentation.
- Individuals or organisations with specific cultural, economic, educational, religious, or social programmes are eligible for FCRA registration.

## **CHANGES IN FOREIGN CONTRIBUTION REGULATION ACT (FCRA) RULES**

- In 2022, the Ministry of Home Affairs (MHA) amended FCRA guidelines, increasing the number of compoundable offences under the Act from 7 to 12.
- The change also exempted contributions from relatives abroad worth less than Rs 10 lakh (the previous maximum was Rs 1 lakh) from intimation to the government and extended the time limit for intimating the opening of bank accounts.

## **CHALLENGES OF REGULATING FOREIGN CONTRIBUTIONS**

- **Stringent Compliance Requirements:** The FCRA registration process can be time-consuming and needs substantial documentation, and the laws governing fund utilisation are particularly stringent.
- **Ambiguity in the Law:** There is frequently uncertainty in the interpretation of the FCRA, allowing authorities to target NGOs and impede their activities.
- **Political Interference:** The government’s discretionary rights to remove NGOs’



registrations or freeze their accounts have been used to target NGOs critical of the government in some situations, leading to charges of political intervention.

- **Administrative Delays:** The FCRA registration and renewal process can take a long time, delaying their operations and affecting their capacity to receive funds.
- **Lack of Clarity:** There is uncertainty over the compliance requirements for overseas companies and foundations operating in India, raising worries about the openness of their financial operations and the possible effect on Indian civil society.

## THE SIGNIFICANCE OF THE FOREIGN CONTRIBUTION REGULATION ACT IN INDIA

- **Interference in Indian affairs:** The FCRA was designed to prohibit foreign powers from intervening in Indian affairs by limiting foreign donations to people and groups. Transparency and accountability: The FCRA ensures transparency and accountability, which is critical in preventing financial mismanagement.
- **National security:** The FCRA also contributes to national security by banning foreign organisations from sponsoring actions that could jeopardise India's security.
- **Encouraging social and economic development:** Foreign contributions can be a significant source of finance for India's social and economic development.

## WAY FORWARD

The Foreign Contribution Regulation Act (FCRA) is a significant law in India that tries to control the receiving and use of foreign contributions by individuals and non-governmental organisations (NGOs) in a way consistent with the values of a modern democratic republic.

**Source:**

**The Hindu**

**Saurabh kaushik**

## APPOINTMENT OF ELECTION COMMISSIONERS

*This article covers "Daily current events" and the topic is about 'Appointment of Election Commissioners' which is in news, it covers "Constitutional post, power and functions assigned" In GS-2, the following content has relevance for UPSC.*

**For Prelims:** Appointment of Election Commissioners

**For Mains:** GS-2, Constitutional post, power and functions assigned

## Why in the news:

In the judgment, which orders to change the appointment process of Election Commissioners, the Supreme Court has stated that the method of appointment of Arun Goel as an Election Commissioner “throws up certain significant considerations”.

## MORE INFORMATION ABOUT THE NEWS

### The petition ON APPOINTMENT

- The Court is now reviewing a number of petitions requesting functional independence for Election Commissioners.
- They have sought an “independent, unbiased system” for their appointment that is not subject to political interference.

### PROTECTION AGAINST REMOVAL

- Election Commissioners should be protected against dismissal in the same way that the Chief Election Commissioner is.
- The CEC, like an apex court judge, can only be removed from office by a special majority of Parliament. In contrast, Election Commissioners rely on the President’s “pleasure” to remain in office.

## THE SUPREME COURT’S VERDICT ON APPOINTMENT OF ELECTION COMMISSIONERS

- According to the Supreme Court, a perusal of the Constituent Assembly’s (CA) deliberations on the establishment of the ECI reveals that all members were unanimous in their belief that elections must be handled by an impartial commission.
- The deliberate inclusion of “Subject to the terms of any law passed on that behalf by Parliament” implies that CA intended for parliament to make regulations governing ECI appointment.
- While ordinarily, the **court cannot encroach on a purely legislative power**, in the context of the Constitution, and **inertia of the Legislature** and the vacuum created by it **make it necessary for the court to intervene**.
- On the Subject of whether the removal process should be the same for CEC and ECs, the SC stated that it could not be the same because CEC has a special position and article 324 becomes inoperative without CEC.
- The Supreme Court deferred to the government the decision on paying the EC, Permanent Secretariat, and the necessity for expenditure to be charged to the Consolidated Fund of India.

## GOVERNMENT ARGUMENT

- The government contended that in the absence of such a statute passed by parliament, the President has the constitutional power and asked the Supreme Court to exercise

judicial restraint.

## ISSUES ON ELECTION COMMISSIONERS' APPOINTMENTS

- As the constitution gives Parliament the authority to create laws governing the selection of ECI, the Supreme Court's decision raises the issue of Separation of Powers.
  - \* However, the Supreme Court has said that this judgment would be subject to any law passed by parliament, which means that parliament can pass legislation to overturn it.
- Another point of view is that, because no legislation has been passed by parliament on this subject, the Court must step in to fill the "constitutional vacuum."

## CURRENT PROVISIONS FOR ELECTION COMMISSIONERS OF INDIA APPOINTMENTS

- Constitutional Provisions:
  - \* Part XV (Article 324-329) of the Indian Constitution: It deals with elections and establishes a commission for these matters.

- **Article 324:** Superintendence, direction and control of elections to be vested in an Election Commission.
- **Article 325:** No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
- **Article 326:** Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
- **Article 327:** Power of Parliament to make provision with respect to elections to Legislatures.
- **Article 328:** Power of Legislature of a State to make provision with respect to elections to such Legislature.
- **Article 329:** Bar to interference by courts in electoral matters



## Appointment of Election Commissioners

### Structure of Election Commission:

- The commission initially had only one EC, but after the Election Commissioner Amendment Act of 1989, it became a multi-member organization (1 CEC & 2 other ECs).
- The Election Commission, according to Article 324, shall consist of the CEC and such other election commissioners, if any, as the President may from time to time appoint.

### Appointment Procedure:

- Article 324(2): The President shall nominate the CEC and other Election Commissioners, subject to the terms of any law passed by Parliament in this regard.
- The Law Minister recommends to the Prime Minister a pool of qualified candidates for consideration. The President makes the nomination on the advice of the Minister.
- The President establishes the terms of duty and the period of office of the Election.
- They have a tenure of six-year or up to the age of 65, whichever comes earlier.

### Removal:

- They can resign at any time or be dismissed before the end of their term.
- The CEC can only be removed from office through a process identical to that of a Supreme Court judge by Parliament.
- Any other EC cannot be removed unless the CEC recommends it.

**Source:**

**The Hindu**

**Saurabh kaushik**