

Current Affairs of the Day

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EWS quota challenge referred to Constitution Bench

- The Supreme Court on Wednesday referred to a five-judge Bench the “substantial question of law” whether grant of 10% reservation to economically weaker sections of the society is unconstitutional and violates the 50% ceiling cap on quota declared by the court itself.
- A three-judge Bench, led by Chief Justice Sharad A. Bobde, said the primary question for the Constitution Bench to decide is whether “economic backwardness” can be the sole criterion for granting quota in government jobs and educational institutions for those who would otherwise have to compete in the general category.
- The three-judge Bench had refused to stay the implementation of the Constitution (103rd Amendment) Act, which provides the 10% quota, when it had reserved for orders a year ago. Several petitioners, including Janhit Abhiyan and Kerala Munnoka Samudaya Aikya Munnani, the latter represented by advocate V.K. Biju, had challenged the validity of the Constitutional Amendment, saying the 50% quota limit was part of the Basic Structure of the Constitution.

Economic reservation:

- The economic reservation was introduced in the Constitution by amending **Articles 15 and 16** and adding clauses empowering the State governments to provide reservation on the basis of economic backwardness
- The Centre had argued that it was every State’s prerogative to provide 10% economic reservation in State government jobs and admissions in State-run education institutions.
- Whether or not to provide reservation to the economically weaker section (EWS) of the society for appointment in State government jobs and for admission to State government educational institutions, as per provisions of the newly inserted Articles 15(6) and 16(6) of the Constitution, is to be decided by the State government concerned.



EC seeks suggestions on poll campaigning

- The Election Commission has extended the deadline for political parties to submit suggestions on what campaigning will look like during the COVID-19 pandemic after many parties failed to do so by July 31.
- The EC wrote to all recognised national and State-level parties on Tuesday, giving them time till August 11 to send in their responses.

Value Added Information

What is ECI?

- The Election Commission of India is an autonomous constitutional authority responsible for administering Union and State election processes in India.
- The body administers elections to the Lok Sabha, Rajya Sabha, and State Legislative Assemblies in India, and the offices of the President and Vice President in the country.

Background:

- Part XV of the Indian constitution deals with elections, and establishes a commission for these matters.
- The Election Commission was established in accordance with the Constitution on 25th January 1950.
- Article 324 to 329 of the constitution deals with powers, function, tenure, eligibility, etc of the commission and the member.

Articles related to Elections	
324	Superintendence, direction and control of elections to be vested in an Election Commission.
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.



326	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
327	Power of Parliament to make provision with respect to elections to Legislatures.
328	Power of Legislature of a State to make provision with respect to elections to such Legislature.
329	Bar to interference by courts in electoral matters.

Structure of the Commission:

- Originally the commission had only one election commissioner but after the Election Commissioner Amendment Act 1989, it has been made a multi-member body.
- The commission consists of one Chief Election Commissioner and two Election Commissioners.
- The secretariat of the commission is located in New Delhi.
- At the state level election commission is helped by Chief Electoral Officer who is an IAS rank Officer.
- The President appoints Chief Election Commissioner and Election Commissioners.
- They have a fixed tenure of six years, or up to the age of 65 years, whichever is earlier.
- They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India.
- The Chief Election Commissioner can be removed from office only through a process of removal similar to that of a Supreme Court judge for by Parliament.



Functions:

- Election Commission of India superintendents, direct and control the entire process of conducting elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.
- The most important function of the commission is to decide the election schedules for the conduct of periodic and timely elections, whether general or bye-elections.
- It prepares electoral roll, issues Electronic Photo Identity Card (EPIC).
- It decides on the location polling stations, assignment of voters to the polling stations, location of counting centres, arrangements to be made in and around polling stations and counting centres and all allied matters.
- It grants recognition to political parties & allot election symbols to them along with settling disputes related to it.
- The Commission also has advisory jurisdiction in the matter of post-election disqualification of sitting members of Parliament and State Legislatures.
- It issues the Model Code of Conduct in election for political parties and candidates so that the no one indulges in unfair practice or there is no arbitrary abuse of powers by those in power.
- It sets limits of campaign expenditure per candidate to all the political parties, and also monitors the same.

Importance of ECI for India:

- The ECI has been successfully conducting national as well as state elections since 1952. In recent years, however, the Commission has started to play the more active role to ensure greater participation of people.
- The Commission had gone to the extent of disciplining the political parties with a threat of derecognizing if the parties failed in maintaining inner-party democracy.
- It upholds the values enshrined in the Constitution viz, equality, equity, impartiality, independence; and rule of law in superintendence, direction, and control over the electoral governance.



- It conducts elections with the highest standard of credibility, freeness, fairness, transparency, integrity, accountability, autonomy and professionalism.
- It ensures participation of all eligible citizens in the electoral process in an inclusive voter-centric and voter-friendly environment.
- It engages with political parties and all stakeholders in the interest of the electoral process.
- It creates awareness about the electoral process and electoral governance amongst stakeholders namely, voters, political parties, election functionaries, candidates and people at large; and to enhance and strengthen confidence and trust in the electoral system of this country.

Major Challenges:

- Over the years influence of money and criminal elements in politics has increased along with violence and electoral malpractices resulting in criminalization of politics. The ECI has been unable to arrest this deterioration.
- There has been rampant abuse of power by the state government who at times make large-scale transfers on the eve of elections and posts pliable officials in key positions, using official vehicles and buildings for electioneering, flouting the ECI's model code of conduct.
- The ECI is not adequately equipped to regulate the political parties. The ECI has no power in enforcing inner-party democracy and regulation of party finances.
- In the recent years, an impression is gaining ground that the Election Commission is becoming less and less independent of the Executive which has impacted the image of the institution.
- One of the major institutional drawback is non- transparency in election of CEC and other two commissioners and is based on the choice of presiding government.
- There have been allegations of EVMs malfunctioning, getting hacked and not registering votes which corrodes general masses trust from the institution.



Amnesty urges NHRC, NCW to open J&K offices

- An Amnesty International India report on Wednesday urged the National Human Rights Commission and the National Commission for Women to set up offices in Jammu and Kashmir, saying the people there had not had any redressal of their rights violations after the closure of the State Commissions a year ago.
- Marking the first anniversary of the revocation of J&K's special status under Article 370 and splitting the State into two Union Territories on August 5, 2019, the organisation also called on the government to release all political leaders, journalists and activists from detention; restore 4G mobile Internet; de-congest prisons and start an independent investigation into attacks on journalists.

Value Added Information

What is Amnesty International?

- Amnesty International is a London based Non-Governmental Organisation founded in 1961.
- The organization aims to create a world where every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.
- The Universal Declaration of Human Rights was adopted in 1948. It recognized the fundamental human rights universally for the first time.
- It also conducts research, generates action to prevent grave abuses of human rights and demands justice for those whose rights have been violated.
- The organization was awarded the Nobel Peace Prize in 1977 for its "Defence of human dignity against torture" and the United Nations Prize in the field of Human Rights in 1978.