

Topics - MINDS MAPS included (Daily current affairs 28th Feb 2025

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By saurabh Pandey



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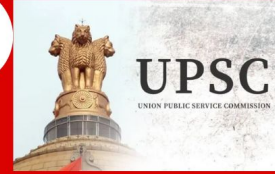
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Deep sea region identified in T.N. for oil, gas exploration

The Hindu Bureau

CHENNAI

An area of 9,990.96 sq km in southern Tamil Nadu's deep sea region of the Gulf of Mannar has been included in a recent tender for hydrocarbon exploration issued by the Ministry of Petroleum and Natural Gas.

This is a part of the Ministry's 10th round of the Open Acreage Licensing Policy, which invites companies to submit bids for its exploration rights. The tender covers 25 offshore areas across the country, totalling 191,986 sq km of marine space.

This marks the largest acreage offered in a single bid round under the Hydrocarbon Exploration and Licensing Policy regime. Companies can submit applications for their preferred sites until July 31, 2025.

Environmental damage

The Ministry has identified potential hydrocarbon reserves in deep sea areas off the coasts of Tamil Nadu in the Gulf of Mannar, covering Ramanathapuram and Thoothukudi districts.

However, environmentalists have raised concerns over the impact of oil and gas exploration on marine life and local fishing activities.

The Gulf of Mannar Biosphere Reserve is home



Potential hydrocarbon reserves have been identified off T.N. coasts in the Gulf of Mannar.

to rare and endangered species such as dugongs, turtles, and marine mammals.


Environmentalists and fishermen have pointed out that the Union government's push for hydrocarbon exploration could result in an irreversible damage to environment and threaten the livelihoods of local communities.


Satheesh Lakshmanan of Poovulagin Nanbargal, a non-governmental organisation dealing with environmental issues, fears that the blast sounds from these surveys, essential for mapping oil and gas reserves, could disturb marine species.


An official from the Tamil Nadu Forest Department said that the impact of exploration depended on the distance from the Biosphere Reserve.


Hydrocarbon Exploration in the Gulf of Mannar

Overview of Exploration


 **Area of Exploration:** A total of 9,990.96 sq km in the Gulf of Mannar, Tamil Nadu, is included in a new hydrocarbon exploration tender.


 **Tender Details:** Part of the Ministry of Petroleum and Natural Gas's 10th round of the Open Acreage Licensing Policy, covering 25 offshore areas totaling 191,986 sq km.


 **Largest Bid Round:** The largest acreage offered in a single bid round under the Hydrocarbon Exploration and Licensing Policy regime.

 **Application Deadline:** Companies can submit bids for exploration rights until July 31, 2025.

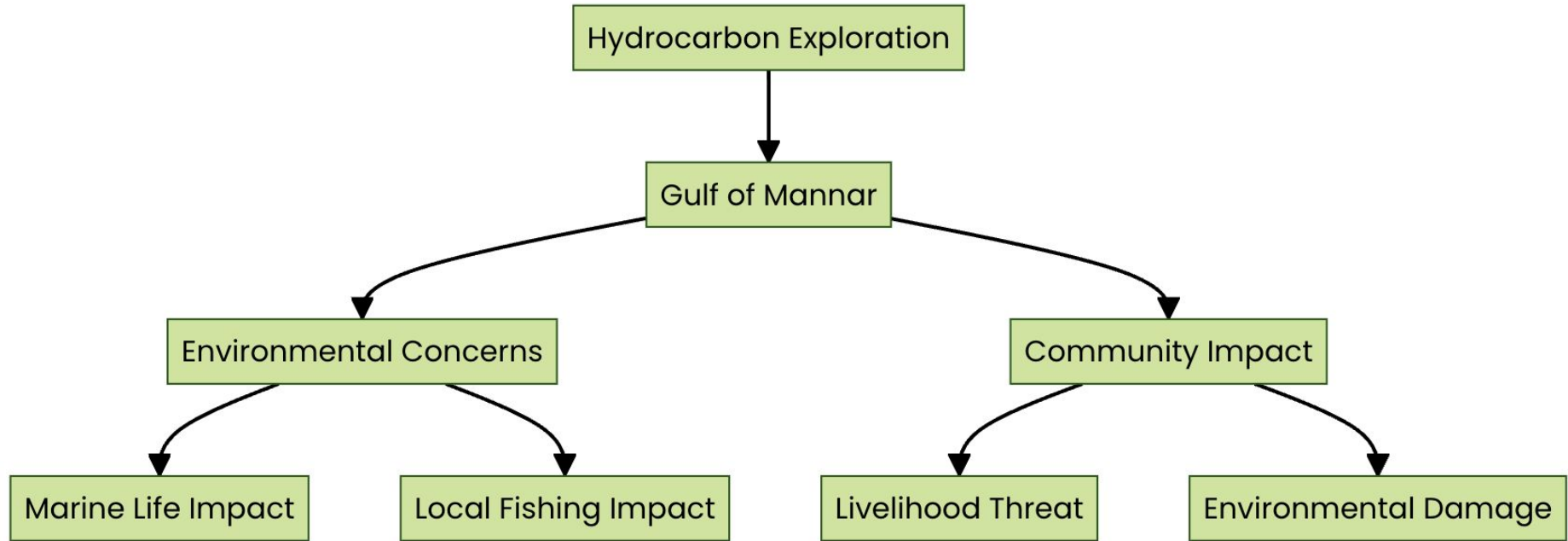
Environmental and Community Concerns

 **Environmental Concerns:** Potential harm to marine life and local fishing, particularly in the Gulf of Mannar Biosphere Reserve, which hosts endangered species.

 **Impact of Surveys:** Noise from surveys may disturb marine species, as expressed by environmental activist Satheesh Lakshmanan.

 **Community Impact:** The exploration push may threaten local communities' livelihoods and cause irreversible environmental damage.

Environmental and Community Impact:



Summary: The Ministry of Petroleum and Natural Gas has launched a significant hydrocarbon exploration tender in Tamil Nadu's Gulf of Mannar, raising environmental concerns among activists and local fishermen.

India's Olive Ridley turtle numbers improve, but climate skews sex ratio

Jacob Koshy

NEW DELHI

A 16-year-long assessment of trends in turtle populations in India says the numbers of the Olive Ridley species suggest a “steady or growing” population. However, rising sand temperatures due to climate change are causing a large proportion of these turtles to be females, “raising questions” on the long-term viability of the population.

The report, spanning studies from 2008 to 2024, has been prepared by the Dakshin Foundation and is a long-term monitoring project carried out in partnership with the Indian Institute of Science (IISc), Bengaluru, and several State Forest departments. It provides important information about population trends, threats, and conservation along India's



This month, Rushikulya witnessed one of the largest mass nesting of Olive Ridley turtles in recent years. BISWARANJAN ROUT

mainland and island coasts. Along with the Olive Ridley, the most populous of marine turtles, the study encompasses other species of sea turtles found in the Indian territory such as the leatherback turtles of the Andaman and Nicobar islands and the Green Turtles of the Lakshadweep islands.

Sea turtles are long-lived, late-maturing, and highly migratory species. Any changes in their populations occur over years or

decades, making long-term monitoring essential for understanding population trends and environmental impacts.

Striking phenomenon

A striking natural phenomenon that evokes considerable public interest is the *arribada* or mass nesting of the Olive Ridley turtle, when tens or hundreds of thousands of female turtles come ashore to nest simultaneously. Gahirmatha and Rushikulya in Odisha are

two of the largest “rookeries” or nesting grounds worldwide, with other similar sized ones found only in Mexico and Costa Rica.

This month, Rushikulya witnessed one of the largest *arribadas* in recent years, with 400,000 to 500,000 turtles nesting in a span of just a few days.

“The overall trend from nearly two decades of monitoring is that the Ridley population is stable or increasing. The fact that *arribadas* don't occur in some years is puzzling as our offshore monitoring indicates that there are large numbers of turtles in the water. However, it may not be a cause for immediate alarm. Nevertheless, we must remain wary of threats to both coastal and oceanic habitats,” Professor Karthik Shankar, who led the study, said in a statement.

Sea Turtle Conservation Study in India.

Study Overview 🐢

Conducted by: Dakshin Foundation and IISc

Duration: 2008 to 2024

Focus: Sea turtle populations and conservation along India's coasts

Population Trends 📈

Species: Olive Ridley turtles

Status: Populations are stable or growing

Implication: Positive news for conservation efforts

Climate Change Impact

Issue: Rising sand temperatures

Effect: Higher birth rate of female Olive Ridley turtles

Concern: Gender imbalance

Gender Imbalance Risks

Problem: Skewed gender ratio

Risk: Threatens long-term viability due to reproductive challenges

Other Species

Included: Leatherback and Green turtles

Importance: Highlighting their ecological role in Indian waters

Arribada Phenomenon

Event: Massive nesting of Olive Ridley turtles

Recent Counts: 400,000 to 500,000 at Rushikulya

Ongoing Monitoring

Importance: Continuous monitoring is crucial

Objective: Address threats to coastal and oceanic habitats

Summary: The study reveals stable Olive Ridley turtle populations but highlights concerns over climate change and gender imbalance, emphasizing the need for ongoing conservation efforts.

Leaving a lasting impression: how your body responds to permanent ink

Monisha Madhumita

Tattoos have long been a form of self-expression, cultural identity, and art. Beyond aesthetics, however, the process of tattooing involves a complex interaction between ink, skin, and the body's immune system. As the popularity of tattoos continues to rise, so do concerns about their long-term effects on skin health and overall well-being.

The process of tattooing

Tattooing is the process of embedding ink into the dermis, the second layer of the skin, using a needle that punctures the epidermis at a high frequency. The tattoo machine, equipped with a group of needles, moves rapidly to deposit ink particles under the skin. Unlike surface-level ink applications, such as henna, tattoo ink becomes permanent as the immune system encases the ink particles in fibroblast cells (cells that help form connective tissue), preventing them from dispersing. Diya Shaji, a professional tattoo artist from Bangalore, explains that a professional tattoo machine moves the needle anywhere between 50 to 3,000 times per minute. The ink is deposited about 1.5 to 2 millimetres deep, which ensures its permanence, as it sits in a stable layer of the skin.

Tattoo ink composition varies, with pigments derived from carbon, heavy metals,

and synthetic dyes. The human body recognises tattoo ink as a foreign substance, triggering an immune response. Macrophages attempt to remove the ink particles, which is why some fading occurs over time. However, since ink particles are too large, they become trapped in the skin.

The body's response

Nicolas Kluger, assistant professor of dermatology at Helsinki University Hospital, Finland, and a leading global expert in tattooing, explains that the body's response to tattoo ink is both immediate and long-term. As soon as the tattoo machine needle breaks the skin, capillaries react with an inflammatory response. The skin becomes red, sensitive, and raised, and this reaction can last from a few hours to a couple of days. Over time, macrophages try to remove the pigment, but not all of the ink is eliminated. Instead, it becomes entrapped in the macrophages, fibroblast cells, or remains between the collagen. While studies have not proven any direct association between tattoos and cancer, concerns remain about ink composition. Dr. Kluger points out that recognised safe manufacturers exist, but some inks contain carcinogenic heavy metals, making selection crucial.

Complications can also arise post a tattooing session. Healing problems, local infec-

tions, and bacterial or viral issues such as staphylococcus or even hepatitis can occur if sterilisation protocols are not strictly followed. Allergic reactions are another concern. Dr. Kluger says these reactions can manifest as painful, swollen lumps appearing in red, pink, or violet shades. Black ink reactions, on the other hand, are more likely to be granulomatous and could indicate underlying sarcoidosis (a disorder where the immune system overreacts and causes inflammation in various organs). Individuals with pre-existing skin conditions like psoriasis, vitiligo, or lichen planus must be cautious, as getting a tattoo when such diseases are active can trigger flare-ups, he says.

Safety regulations

Tattoo safety regulations vary worldwide. The European Union recently banned certain hazardous ink components, while the United States' Food and Drug Administration (FDA) monitors tattoo pigments. In India, tattoo regulations with regard to hygiene and safety protocols remain lax, and ink quality control is not standardised, leading to practices varying widely among tattoo parlours, increasing the risk of infections and other complications. Dr. Kluger advises that prospective clients should ensure their tattoo artist uses certified, high-quality ink and follows strict

hygiene protocols.

Ms. Shaji emphasises professional ethics in the industry, noting that good tattoo artists prioritise safety through single-use needles, sterile gloves, and high-quality ink. She explains that an experienced artist not only ensures the hygiene and safety but also advises clients on tattoo placement, aftercare, and longevity. "Tattoos are a lifelong commitment, and choosing the right design and placement is crucial," she says.

Advances in technology

Researchers are developing biodegradable tattoo inks that fade over time. Additionally, laser removal techniques are becoming more effective, offering hope for those seeking to erase their ink. Being aware of, and understanding the science behind tattooing allows individuals to make informed choices about body modifications.

(Dr. Monisha Madhumita is a consultant dermatologist at Saeetha Medical College, Chennai and member of the International Alliance for Global Health Dermatology, London, UK. mail.monisha.m@gmail.com)

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Tattooing long term impact

Long-term Effects

Over time, macrophages continue to try to remove the pigment, but not all of it is eliminated. Instead, the ink becomes trapped in the macrophages, fibroblast cells, or remains nestled between collagen fibers. While studies haven't definitively linked tattoos to cancer, concerns about ink composition persist. Some inks contain carcinogenic heavy metals, making it essential to choose your tattoo artist and ink wisely.

Safety Concerns in Tattooing

Complications Post-Tattoo

Getting a tattoo isn't just about the design; it's also about safety. Complications can arise after a tattooing session, including healing problems, local infections, and even bacterial or viral issues like staphylococcus or hepatitis. If sterilization protocols aren't strictly followed, the risks increase significantly.

Allergic Reactions

Allergic reactions are another concern.

It, a leading expert in tattooing, notes that these reactions can manifest as painful, swollen lumps in shades of red, pink, or violet.

Black ink reactions are often granulomatous and could indicate underlying conditions like sarcoidosis. If you have pre-existing skin conditions like psoriasis or vitiligo, it's crucial to consult with a professional before getting inked.

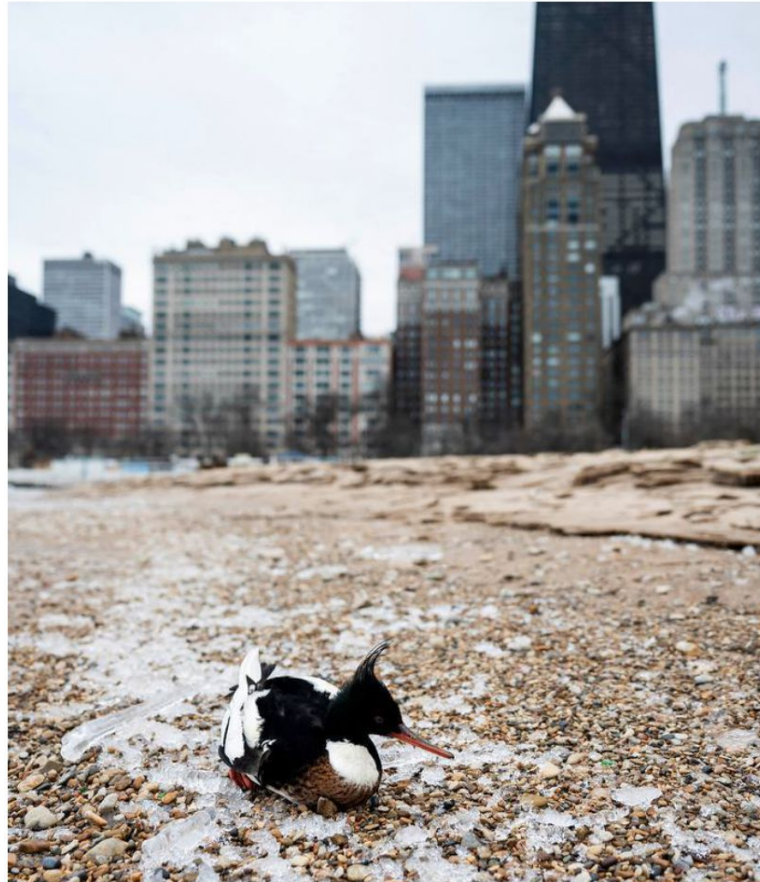
Tattoo Safety Regulations

Global Standards

Tattoo safety regulations vary widely around the world.

The European Union has recently banned certain hazardous ink components, while the FDA in the United States monitors tattoo pigments.

In India, however, regulations regarding hygiene and safety protocols are still quite lax, leading to inconsistent practices among tattoo parlors.



▲ An injured red-breasted merganser on Oak Street Beach, after dead birds began washing ashore on Lake Michigan in the U.S. Authorities issued a warning in Chicago on February 25 that they suspect bird flu. REUTERS

Red-Breasted Merganser Overview

Species Identification

Red-Breasted Merganser: A duck species, *Mergus serrator*, found in the Northern Hemisphere.

Breeding Plumage

Distinctive Feature: Males exhibit a red breast during the breeding season.

Feeding Behavior

Diet: They dive underwater to catch fish.

Adaptation: Use serrated bills to grip slippery prey.

Migration Patterns

Annual Movement: Migrate from freshwater breeding sites to coastal wintering areas.

Unique Trait: Frequent saltwater, unlike other species in their genus.



Flocking Behavior

Social Structure: Form small flocks outside the breeding season.

Flock Size: Can grow to about 100 individuals.

Population Status

Current Status: Global population is stable.

Threats: Face challenges from habitat loss in certain regions.

Conservation Concerns

Primary Threats: Habitat loss and other factors in specific areas.

Summary: The red-breasted merganser is a stable duck species known for its unique breeding plumage, diving feeding habits, and annual migration to coastal areas, though it faces habitat-related threats.

The SEC and Hague Service Convention

What is the Hague Service Convention, and how does it work? How is the U.S. Securities and Exchange Commission attempting to serve summons on the Adanis? What are India's reservations under the Convention? How long does the service process typically take?

EXPLAINER

Aaratrika Bhaumik

The story so far:

The U.S. Securities and Exchange Commission (SEC) informed a New York court on February 18 that it has sought assistance from the Indian government under the Hague Service Convention – formally known as the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, 1965 – to serve summons on billionaire Gautam Adani and his nephew Sagar Adani in a securities and wire fraud case.

What did the SEC say?

The SEC informed the court that it had invoked Article 5(a) of the Convention to request India's Ministry of Law and Justice to facilitate the service of summons on the defendants. It further stated that it is exploring alternative service methods permitted under Rule 4(f) of the Federal Rules of Civil Procedure, which governs civil litigation in U.S. federal courts.

On February 10, the Trump administration paused enforcement of the Foreign Corrupt Practices Act (FCPA) – one of the laws under which the Adanis have been charged – for 180 days. The FCPA prohibits U.S. entities and individuals from bribing foreign governments, political parties, or officials to secure business.

As per the executive order, the Attorney General must review "all existing FCPA investigations or enforcement actions" and take steps "to restore proper bounds on FCPA enforcement". However, the SEC's latest court filing suggests that the order does not apply retroactively. As a result, the agency's investigation into the Adanis is likely to continue unless the law is amended.

How does the Hague Service



Legal tussle: The Trump administration paused enforcement of the Foreign Corrupt Practices Act, one of the laws under which the Adanis have been charged, for 180 days. FILE PHOTO

Convention operate?

With the rise in cross-border litigation, the need for an effective and reliable mechanism to serve judicial and extrajudicial documents on parties residing in foreign jurisdictions became imperative. As a result, countries adopted the Convention at the Hague Conference on Private International Law in 1965. Building on the 1905 and 1954 Hague Conventions on Civil Procedure, this multilateral treaty ensures that defendants sued in foreign jurisdictions receive timely and actual notice of legal proceedings while facilitating proof of service.

Eighty-four states, including India and the U.S., are parties to the Convention. Its procedures apply only when both the sending and receiving countries are signatories. Each member state must also designate a central authority to process requests and facilitate the service of documents from other signatory states.

Signatory states can select the modes of transmission that apply within their jurisdiction. Under the Convention, the primary mode of service is through designated central authorities. However, alternative channels are also available, including postal service, diplomatic and consular channels, direct communication between judicial officers in both states,

direct contact between an interested party and judicial authorities in the receiving state, and direct communication between government authorities.

How is service effectuated on defendants in India?

India acceded to the Convention on November 23, 2006, with certain reservations, expressly opposing all alternative service methods under Article 10. It prohibits the service of judicial documents through diplomatic or consular channels, except when the recipient is a national of the requesting country. For instance, a U.S. court cannot serve documents in India through U.S. diplomatic or consular channels, unless the recipient is a U.S. national residing in India. Additionally, all service requests must be in English or accompanied by an English translation.

As a result, valid service can only be executed through the Ministry of Law and Justice, India's designated central authority. The Ministry is permitted to reject a service request, but must specify the reasons for such refusal. For instance, under Article 13, a request can be denied if the state believes its sovereignty or security would be compromised.

However, a state cannot reject a service request solely because it claims exclusive

jurisdiction over the subject matter under its domestic law. Similarly, under Article 29, a request cannot be refused simply because the state's internal law does not recognise a right of action.

If the central authority raises no objections, it proceeds with serving the defendant. The service is then treated as a summons issued by an Indian court under Section 29(c) of the Code of Civil Procedure, 1908. Once completed, the central authority issues an acknowledgement to the requesting party. The entire process typically takes six to eight months.

Can a default verdict be rendered?

A default judgment may be issued under the Convention if a foreign government refuses to cooperate in serving summons on a defendant residing within its jurisdiction. However, Article 15 prescribes specific conditions that must be met before such a judgment can be rendered: (a) the document must have been transmitted through one of the methods outlined in the Convention; (b) at least six months must have elapsed since the transmission, with the court determining this period to be reasonable in the given case; and (c) no certificate of service has been received despite all efforts to obtain it through the competent authorities of the recipient state.

Notably, India has expressly declared that its courts may issue a default judgment in cross-border disputes even if no certificate of service or delivery has been received, provided that all conditions under Article 15 are met.

Recently, in *Duong v. DDG BIM Services LLC* (2023), American plaintiffs sought permission to serve Indian defendants via email, citing difficulties in effectuating service through India's central authority as prescribed by the Convention. Judge Kathryn Kimball Mizelle underscored that Article 15 functions as a "safety valve," allowing default judgment to be entered if "India's central authority fails to hold up its end of the bargain."

THE GIST

▼ The U.S. Securities and Exchange Commission has invoked the Hague Convention to serve summons on Gautam Adani and Sagar Adani through India's Ministry of Law and Justice.

▼ India has reservations under the Hague Convention, prohibiting alternative service methods. It can reject the request under Article 13 if it believes national security or sovereignty is at risk.

▼ In *Duong v. DDG BIM Services LLC* (2023), a U.S. court underscored that if India's central authority fails to act under the Hague Convention, a default judgment could be entered.

The SEC's Pursuit of Gautam Adani:

Introduction to the Case

The legal world is buzzing with the recent developments surrounding billionaire Gautam Adani and his nephew Sagar Adani. On February 18, the U.S. Securities and Exchange Commission (SEC) made headlines by informing a New York court about its efforts to serve summons to the Adani family in a securities and wire fraud case.

What Did the SEC Say?

The SEC has invoked Article 5(a) of the Hague Service Convention, seeking assistance from India's Ministry of Law and Justice to serve the summons. This is a significant move, as it highlights the complexities of international legal proceedings.

Hague Service Convention: A treaty that facilitates the service of legal documents across borders.

Alternative Service Methods: The SEC is exploring methods under Rule 4(f) of the Federal Rules of Civil Procedure.

The Role of the Hague Service Convention

The Hague Service Convention is pivotal in ensuring that legal documents are served properly across international borders. This treaty ensures that defendants in foreign jurisdictions receive timely notice of legal proceedings, which is crucial in our increasingly globalized world. 🌍

Purpose: Facilitates the service of legal documents internationally.

Signatories: Eighty-four states, including India and the U.S., are parties to the Convention.

Understanding the Foreign Corrupt Practices Act (FCPA)

The Foreign Corrupt Practices Act (FCPA) prohibits U.S. entities from bribing foreign officials to secure business. The Adanis have been charged under this act, adding another layer of complexity to their case.

Relevance: The FCPA's enforcement is critical in maintaining ethical business practices.

Trump Administration's Pause: On February 10, a 180-day pause was initiated for FCPA enforcement, but it may not apply retroactively.

Serving Defendants in India

India acceded to the Hague Service Convention on November 23, 2006, but with certain reservations. Notably, India opposes alternative service methods under Article 10.

Service Process: Documents must be served through the Ministry of Law and Justice.

Language Requirements: All service requests must be in English or accompanied by an English translation.

Conclusion

The ongoing legal saga involving the Adani family and the SEC is a fascinating case that highlights the complexities of international law and cross-border litigation. As the SEC navigates the intricacies of the Hague Service Convention, the outcome of this case could have significant implications for both the Adanis and the broader landscape of international business practices.

A process where free and fair elections will be a casualty

The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023 was the first law enacted by Parliament, under Article 324(5) of the Constitution, dealing with the appointment of the Chief Election Commissioner (CEC) and Election Commissioners (EC). This law was made in response to a Supreme Court of India order of March 2023 according to which the CEC and ECs should be appointed on the basis of a recommendation made by a high-power committee comprising the Prime Minister, the Leader of Opposition (LoP) in the Lok Sabha and the Chief Justice of India (CJI). This was to be an interim measure until Parliament made a law on the subject. As a matter of fact, in the past, the CEC and ECs were always appointed by the President of India on the recommendation of the Prime Minister. This was found to be an unsatisfactory situation by the Court as it would affect the impartiality of the Election Commission of India, which is constitutionally tasked with conducting elections in a free and fair manner.

Challenging the new law

Although the government made the new law as per the direction of the Court, in the committee it replaced the CJI with a cabinet Minister to be nominated by the Prime Minister who chairs the three-member committee. The LoP is the other member. This law has been challenged on the ground that the provision relating to the composition of the selection panel violates the direction of the five-judge Bench of the Supreme Court. The Constitution Bench was headed by Justice K.M. Joseph (retired).

The new law provides for a search committee headed by the Law Minister and two senior bureaucrats in the Union government, which will prepare a list of five persons for the committee to consider. The names of persons found eligible by the search committee have not been made public. Anyway, the seniormost EC has been chosen to be appointed as the CEC by the two members of the committee, namely, the Prime Minister and the Home Minister. The LoP put in a dissenting note, wanting the selection to be put off till the Court has considered the challenge to the law. As it happened the decision was taken by the majority in the selection committee. It must be said here that the procedure laid down in the law has been complied with. Subsequently the appointments of CEC and another EC have been officially notified.

Now that the law on the appointment of the



P.D.T. Achary

is a former
Secretary-General,
Lok Sabha

The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill is flawed as it backs the government-supported candidate

CEC and ECs has come up for hearing in the Court, there are certain constitutional issues which need to be highlighted for a proper perspective in the matter of appointment of these high constitutional authorities

Infirmities in the selection process

The Constitution of India has vested the entire responsibility for conducting the elections to Parliament and State legislatures to the offices of the President and the Vice President, and preparing the electoral role for these elections in the Election Commission of India (ECI) under Article 324. Plenary powers for effectively discharging this responsibility have also been conferred on this body. The Court, in *Election Commission of India vs State of Tamil Nadu and Others* (1993), while dealing with the question of powers of the ECI stated as follows: “the election commission of India is a high constitutional authority charged with the function and the duty of ensuring free and fair elections and of the purity of the electoral process. It has all the incidental and ancillary powers to effectuate the constitutional objective and purpose. The plenitude of the commission[']s powers corresponds to the high constitutional functions it has to discharge”.

This and many other judgments of the Court lay stress on the duty of the ECI to ensure free and fair elections and to maintain the purity of the electoral process. Around 960 million voters participate in the voting process in India, making it the most gigantic task for an electoral body anywhere in the world. To conduct such a massive election, while ensuring that it is free and fair, demands that the ECI should have persons of unimpeachable integrity, with proven competence and absolute impartiality in heading it. Therefore, it is of utmost importance that such persons are selected through a process which is constitutionally correct and which also inspires great confidence in the citizens of India.

The most crucial part of this law is the composition of the select committee, which is chaired by the Prime Minister and has the LoP and a cabinet Minister nominated by the Prime Minister as members. Section 7 of the Act says that the President shall appoint the CEC and ECs on the recommendation of the select committee. It is mandatory for the President to appoint persons recommended by the select committee. Thus, the select committee has the final say on who should be appointed the CEC and ECs.

The most serious infirmity in this provision is that the law itself creates a majority in favour of

the government. When the third member of the committee is a cabinet Minister under the Prime Minister, it is clear that the Prime Minister and the cabinet Minister will at all times constitute the majority, thus making it impossible for the select committee to make an objective assessment of the comparative merit of all the listed candidates. This committee can select only a person whom the government favours. The function of the law is only to lay down the qualification or the status of the members to be brought on the selection committee, and not to ensure through a legal legerdemain a majority for the government's candidate. A cabinet Minister will always support the Prime Minister's proposal, so where is the objective assessment of all the listed persons by such a committee? The majority opinion in any committee emerges through discussion among independent members which cannot be predicted beforehand. But in the committee under this law, the outcome can be predicted beforehand.

Another serious infirmity is that the chairperson nominates one of the members, namely, the cabinet Minister. Members of the selection committee which selects the CEC and ECs need to be independent men capable of expressing their free will. When the chairman himself nominates one member, this candidate will undoubtedly be subservient to the chairman. A cabinet Minister cannot take a view that is different from that of the Prime Minister. Thus, the selection committee as it is constituted has an inherent incapacity to select the best person through an objective assessment.

It defeats fairness and objectivity

These infirmities make this law constitutionally unsustainable because the provision relating to the composition of the committee is arbitrary and does not have a rational basis. Further, by creating a majority in favour of the government supported candidate, it does not allow a fair and objective assessment of the merit of other similarly placed candidates. Thus, this provision may violate Article 14 of the Constitution. Besides, the selection of the CEC and other ECs has a vital bearing on the conduct of free and fair elections and in maintaining the purity of the electoral process, which is a part of the basic structure of the Constitution. So, if the composition of the select committee ensures a majority for the government supported candidate always, free and fair elections will be a casualty.

The Supreme Court of India will have to take a hard look at this law.

Critical Analysis of the Chief Election Commissioner Bill, 2023.

Introduction

The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023 marks a significant shift in the way India appoints its Chief Election Commissioner (CEC) and Election Commissioners (ECs).

This law, enacted under Article 324(5) of the Constitution, was a direct response to a Supreme Court order in March 2023, which aimed to enhance the impartiality of the Election Commission of India (ECI). But what does this mean for the future of elections in India? Let's dive in!

Historical Background

Historically, the appointment of the CEC and ECs has been a straightforward process, with the President of India making these appointments based on the Prime Minister's recommendations.

However, this method has faced criticism for potentially compromising the impartiality of the ECI, which is crucial for conducting free and fair elections.

Analysis of the Chief Election Commissioner Bill, 2023

The primary purpose of this Bill is to establish a more transparent and accountable process for appointing the CEC and ECs. The Supreme Court's directive emphasized the need for a high-power committee to oversee these appointments, which includes the Prime Minister, the Leader of Opposition (LoP), and the Chief Justice of India (CJI).

Supreme Court's Directive

The Supreme Court's ruling was a wake-up call, highlighting the importance of a balanced selection process. The high-power committee was intended to ensure that appointments are made based on merit rather than political favoritism.

Composition of the Selection Committee

The new law outlines a three-member selection committee, chaired by the Prime Minister, with the LoP and a cabinet minister nominated by the Prime Minister as members. This structure raises eyebrows, as it seems to tilt the balance of power.

The Search Committee's Role

The Bill also establishes a search committee led by the Law Minister, which will prepare a list of five candidates for consideration. However, the names of these candidates have not been made public, raising concerns about transparency.

Legal Challenges and Opposition

The new law has already faced legal challenges, with opponents arguing that the composition of the selection panel violates the Supreme Court's directive. The dissenting opinion from the LoP, who wanted to delay the selection until the court reviewed the law, adds another layer of complexity.

Constitutional Implications

The Constitution of India grants the ECI significant powers to conduct elections, as outlined in Article 324. The integrity of this body is paramount, especially considering that around 960 million voters participate in the electoral process.

Importance of Impartiality in Elections

To maintain the purity of the electoral process, it is essential that the ECI is led by individuals of unimpeachable integrity and proven competence. The selection process must inspire confidence among citizens, ensuring that elections are free and fair.

Potential Infirmities in the Selection Process

The current law has several infirmities that could jeopardize the integrity of the selection process.

Majority Bias

By design, the law creates a majority in favor of the government, as the Prime Minister and the cabinet minister will always outvote the LoP. This raises serious questions about the objectivity of the selection process.

Lack of Independence

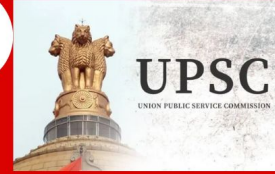
Moreover, the chairperson's ability to nominate a cabinet minister as a member of the committee compromises the independence of the selection process. This could lead to a lack of diverse opinions and ultimately result in biased appointments.

Conclusion

In summary, while the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Bill, 2023 aims to improve the appointment process for the CEC and ECs, it raises significant concerns about impartiality and transparency. The composition of the selection committee, in particular, could undermine the very principles of free and fair elections that the ECI is meant to uphold.

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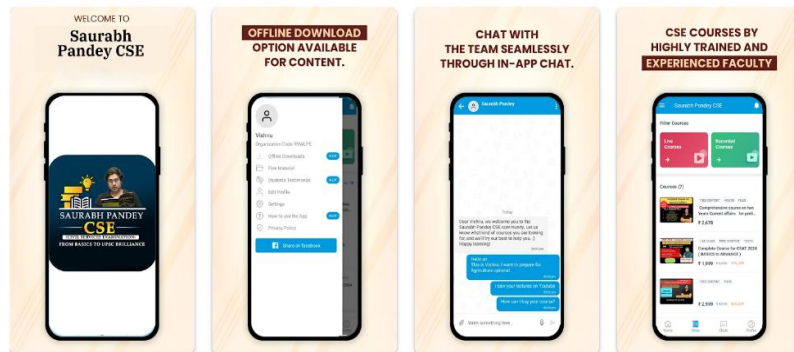
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