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TODAY'S ANALYSIS

(15 September 2023)

TOPICS TO BE COVERED

- **AGENDAS FOR PARLIAMENT SPECIAL SESSION**
- **APPOINTMENT OF CEC & EC**
- **INDIA BRAZIL MEETING (JOINT STATEMENT)**



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19/1A Shakti Nagar, Nagiya Park Near Delhi University, New Delhi - 110007 (India)



AGENDAS FOR PARLIAMENT'S SPECIAL SESSION

The agenda for the upcoming parliament session has finally been revealed by the bulletins issued by the Lok Sabha & Rajya Sabha.

What are the issues for discussions?

- Discussion on Parliamentary journey of 75 Years starting from Samvidhan Sabha. (Achievements, Experiences, Memories & Learnings.)
- The agenda indicates a **plan to shift to the new parliament building**. (Inaugurated in May, 2023)

BILLS UNDER CONSIDERATION

In Rajya Sabha:

- Post Office Bill, 2023.
- Chief Election Commissioner & Other Election Commissioners (Appointment, Conditions of service & Term of office) Bill.
- Repealing & Amendment Bill, 2023

In Lok Sabha:

- Advocates (Amendment) Bill, 2023
- Press & Registration of Periodicals Bill.

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APPOINTMENT OF CEC & EC

The government is planning to table a bill for appointments of **Chief Election Commissioner & Election Commissioner.**

The bill is tabled in order to give effect to the **SC Ruling in March 2023** wrt the appointments.

THE SC JUDGEMENT (MARCH 2023)

The SC, in a landmark judgement, stated that the **CEC & EC** shall be appointed by a committee consisting of:

- (1) The PM
- (2) Leader of Opposition in Lok Sabha
- (3) Chief Justice of India

Ruling on petitions seeking an independent mechanism to appoint the CEC and ECs, a five-judge Constitution Bench presided by Justice K M Joseph said **where no Leader of Opposition is available**, the committee will include the **leader of the largest Opposition party in Lok Sabha in terms of numerical strength.**

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HOW WAS THE APPOINTMENT DONE TILL NOW?

- **View of Constitution:**

- The power to appoint the CEC and the ECs lies with the **President of India** under **Article 324(2) of the Constitution**, which states that “**the President shall fix the number of ECs in a manner he sees fit, subject to the provisions of any law made by Parliament**”.
- Thus, **Article 324(2)** left it open for the Parliament to legislate on the issue.

- **Procedure:**

- But, in the absence of any Parliamentary law governing the appointment issue, the **ECs are appointed by the government of the day**, without pursuing any consultation process.
- There is **no concept of collegium and no involvement of the opposition**.

TENURE & QUALIFICATION

- **Tenure:** The Commissioners are appointed for a **6-year period, or up to the age of 65 years**, whichever is earlier.

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- **Qualification:** There are **no prescribed qualifications** for their appointment, although convention dictates that only senior (serving or retired) civil servants, of the rank of the **Cabinet Secretary or Secretary to the GoI** or an equivalent rank, will be appointed.

THE CEC & EC

- The Election Commission has been functioning as a **multi-member body** consisting of **three election commissioners**.
- The **Chief Election Commissioner** and the **two other Election Commissioners** have equal powers and receive equal salary, allowances and other perquisites, which are similar to those of a judge of the Supreme Court.
- In case of **difference of opinion** amongst the **Chief Election Commissioner** and/or two other Election Commissioners, the **matter is decided by the Commission by majority**.
- They hold office for a **term of six years** or until they attain the age of **65 years**, whichever is earlier and can resign at any time or can also be removed before the expiry of their term.

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THE PROVISIONS OF THE TABLED BILL

The bill proposes a selection committee to appoint the CEC & EC :

- Prime Minister
- Leader of Opposition &
- **Any Cabinet Minister (chosen by the PM)**

A **Search Committee** headed by **Cabinet Secretary with two other members** not below the rank of Secretary to the GoI to prepare a panel of **5 members** for the consideration of the Selection Committee.

QUALIFICATION: CEC & EC will be selected from amongst those members who **are holding or have held the position of Secretary to the GoI**, should be **persons of integrity & having experience in electoral processes.**

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INDIA BRAZIL MEETING

Prime Minister Shri Narendra Modi met **Mr. Luiz Inácio Lula da Silva**, President of Brazil, on **10 September 2023**, on the **sidelines of the G20 Summit** in New Delhi.

President Lula congratulated Prime Minister on the success of India's G20 Presidency. **Prime Minister conveyed his best wishes for Brazil's G20 Presidency next year and assured him of India's full support.**

Discussions took place on ways to **strengthen India - Brazil Strategic Partnership**, including cooperation in **bio-fuels, pharmaceuticals, agro-based industries, space and aviation.**

JOINT STATEMENT

- Marking the **75th anniversary of diplomatic relations** between Brazil and India, celebrated in 2023, both leaders emphasized that bilateral ties have flourished based on **common values and shared objectives**, including the pursuit of peace, cooperation, and sustainable development.
- They reaffirmed their commitment to bolstering the **Brazil-India Strategic Partnership** and to sustaining their distinctive roles in global affairs.

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- The two leaders reaffirmed their **commitment to the comprehensive reform** of the **Security Council** including its expansion in the permanent and non-permanent categories. The leaders stated that Brazil and India will continue to work closely together in the framework of **G-4 and the L.69**.
- Both leaders acknowledged the urgency of a **fair and equitable energy transition**. They noted the **vital role of biofuels and flex-fuel vehicles** in decarbonizing the transport sector, especially in developing nations.
- Both leaders recognize that **climate change** represents one of the greatest challenges of our time that needs to be addressed in the context of **sustainable development** and **efforts to eradicate poverty and hunger**.
- Highlighting their roles as major **global food producers**, the leaders reaffirmed their **resolve to increase cooperation in sustainable agriculture and rural development**.
- Expressing satisfaction over the growing trade between **India and Mercosur**, both leaders agreed to work together for the expansion of **India-Mercosur PTA** during Brazil's Mercosur Presidency, to leverage the full potential of this economic partnership.

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MERCOSUR MEMBERS



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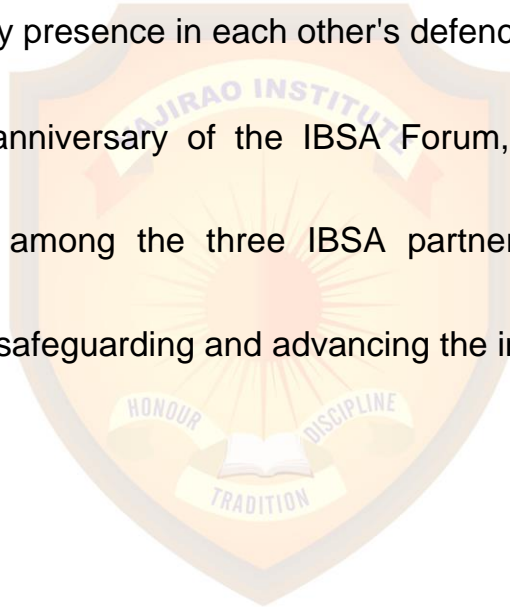
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- They welcomed the establishment of the **India-Brazil Business Forum** as a dedicated platform for **private sector collaboration**.
- The leaders welcomed the **increased defence cooperation** between **India and Brazil** including participation in military exercises, exchange of high-level defence delegations, and substantive industry presence in each other's defence expositions.
- Celebrating the 20th anniversary of the IBSA Forum, the leaders vowed to foster higher-level dialogues among the three IBSA partners and affirmed the strategic significance of IBSA in safeguarding and advancing the interests of the Global South.



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