

14th Dec, 2024

1. Wounding the spirit of the Constitution of India GS 2 (Constitution)

- **Why in News:** Justice Shekhar Kumar Yadav, a sitting judge of the Allahabad High Court, made controversial remarks, which sparked public outrage. His speech has been widely condemned for promoting bigotry and inciting violence, leading to calls for his **impeachment**. This incident has ignited a wider discussion about **judicial accountability, constitutional values, and the role of the judiciary in upholding them**.

Wounding the spirit of the Constitution of India

We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic, republic, and to secure to all its citizens justice, liberty, and equality and promote fraternity among all, have been witness to a mockery being made of our constitutional compact, in full public view, at an event organised within the precincts of a constitutional court, the Allahabad High Court.

Distancing ourselves would be a disservice We have witnessed a sitting judge brazenly challenge the spirit and letter of the Constitution of India, in a speech that is nothing but a dog whistle that guarantees impunity to the mobs that will act on his words and views – and have been acting on words such as his emanating from the seats of power. The venom that Justice Shekhar Kumar Yadav, judge of the Allahabad High Court, spewed on the precincts of the court, has been widely reported in the media. Members of Parliament in the Opposition have initiated an impeachment motion against the judge, the Supreme Court of India has called for a report, and concerned citizens have written to the Chief Justice of India.

None of this, however, captures the sense of collective shock, dismay and grief that it is even possible for this level of public humiliation, violent, incendiary, genocidal street-talk to emerge from a seat of justice under the Constitution. For that is what it is. And it is really time to seek remedies against an incitement to violence of this nature as a part of our solemn affirmation as citizens who gave to ourselves this Constitution. The 'sludge' that was passed as learned judicial speech is an assault on the citizens of India and not an attack on Muslims or minorities or urban Muslims or protesters or just any particular group that has become the latest target of mob-violence/public incitement. This is not Justice Yadav's views on Muslims, nor is this a case of just one rotten apple. In distancing ourselves from his comments, we do profound disservice to our autonomous and independent judiciary and the terms on which the collective 'we' is constituted in this country called India that is Bharat.

Justice Yadav's speech is an act of wounding. It is a speech that inflicts deep harms on all of us; in terms of how we experience the life of the mind, knowledge, convivial living and spiritual



A photograph of Justice Shekhar Kumar Yadav, a judge of the Allahabad High Court, speaking at a podium.

a sociologist based in Hyderabad

fulfilment in a shared space, the boundaries of which are not determined by narrow walls and fences of bigotry, and in terms of the injuries that religious bigotry inflicts on shifting targets – on people, our lived lives, our dwellings, our workplaces, our neighbourhoods and our places of worship. We have also seen the disastrous effects of soft bigotry as a trigger to mob-violence, especially in the case of places of worship.

Let us not read down Justice Yadav's speech and allow it to pass as something that is inconsequential. It is not something that can be adequately answered by the High Court that offered the space and the possibility for this – a High Court that did not rise in one voice to condemn and censure a member of the bench for speaking genocide and atrocity. This is a court that ought to have written to the Chief Justice of India condemning Justice Yadav's speech long before the Supreme Court demanded a report in response to the petitioning and the protests by citizens who took note of the speech and mobilised action given the exceedingly slow wheel of the law.

It calls for a different order of collective judicial accountability. Not can this act be adequately redressed by subjecting it to the law, anyone claiming that is whispered by the judicial fraternity alone within court halls that allow restricted entry. We have seen the consequences of dog whistles of this kind over the past decade and the irreparable harms they bring in their wake. We also know that mobilising around the Constitution and its core values together as ordinary citizens, elected citizens and judicial citizens, speaking a shared language across vernaculars and faiths, is the only way of effectively affirming our collective and individual human dignity and the unity and integrity of this country – India that is Bharat.

A commonweal This writer has long argued that the Constitution of India, and our rights and responsibilities as citizens, take shape through a deep connection between the intellectual history of constitutionalism and a grounding of that history in our evolving present-futures. Neither constitutional interpretation nor the delineation of our rights need be shackled by narrow reference to precedents and prior judicial wisdom alone, since the spirit of the Constitution (and indeed the Constitution itself) is not judicial

property, but is a commonweal. It is urgent that we think of the Constitution-as-commonweal – that a shared ownership and shared understanding govern its use to further the common good which is set out in the Preamble and in the philosophy of civil disobedience of various hues. Satyagraha is our collective inheritance – Gandhi, B.R. Ambedkar, Maulana Abul Kalam Azad, Jai Prakash Narayan, V.K. Rajwade, A.K. Gopalani...

It is not just rulers but when people who sit on judicial seats speak the undisciplined tongue of rules and the mobs, disobedience is the constitutional route to recuperation. If norms of judicial propriety have come undone, Justice S.K. Yadav of the Allahabad High Court has scripted its ruin. In the resulting crisis that judicial propriety finds itself in, the only resurrection is through the grammar of civil disobedience. Inquiries, explanations, reports, and measured censure will amount to nothing. Impeachment is a good move, but is only symbolic; it is destined to fail when Justice Yadav's political masters have a brute majority in Parliament, unless of course we have an unprecedented and untidy action by members of the ruling alliance standing with the Constitution.

The outlines of a response It is of course a sad comment that S.K. Yadav, as a judge, has political masters. This alone should trigger some deep reflection and public discussion by citizen judges, since the barrier between judicial and political speech (and space) has been breached. Taking this further, in reinstating the dignity compass and rejecting public humiliation in judicial conduct and speech, we need to think through public and judicial action that will draw on the wellsprings of our inheritance of civil disobedience and satyagraha. We must craft tactical resistance by refusing to allow a person who speaks this language to judge our cases or judge with us. The 'We' that opens the Preamble to the Indian Constitution is not a 'we' that is a motley group of people identified randomly (with or without their consent) as Hindus.

The 'We' is a constitutionally constituted people. A non-deontological, plural, dizzyingly heterogeneous, and diverse beyond measure people who believe in the spirit of the Constitution and its core values.

• **Justice Yadav's Remarks and Their Impact**

- **Speech of Incitement (Incendiary Remarks):** Justice Yadav's speech was described as a **direct violation of the constitutional spirit**. His words were seen as a call for impunity towards **violence**, targeting minorities and potentially inciting mob action, exacerbating societal divisions.
- **Challenge to the Constitution (Assault on Constitutional Values):** The speech undermined the **values of justice, equality, and fraternity** enshrined in the Indian Constitution. It attacked the secular and democratic principles, threatening to harm the collective spirit of the nation and its citizens, irrespective of religion or ethnicity.
- **Public Outcry and Legal Action (Opposition and Legal Response):** The controversial remarks led to an **impeachment motion in Parliament**, a report being sought by the Supreme Court, and citizens writing to the **Chief Justice of India**.

• **The Need for Stronger Judicial Accountability**

- **Failure of the Allahabad High Court (Inaction by Judicial Authorities):** The Allahabad High Court failed to take immediate action, offering no condemnation or censure of his remarks.
- **The Bigger Issue (Judicial Conduct and Political Influence):** This incident exposes the disturbing reality of the judiciary being influenced by political forces. Justice Yadav's speech blurred the line between judicial speech and political rhetoric, calling into question the independence and impartiality of the judiciary.

• **The Path Forward for Judicial and Constitutional Integrity**

- **Need for Public and Judicial Resistance (Rejecting Violent Rhetoric):** A stronger public and judicial response is essential to reaffirm the constitutional commitment to a pluralistic, non-denominational India.
- **Impeachment Alone is Insufficient (Symbolic Action):** While the impeachment motion against Justice Yadav may seem like a step towards justice, it is a symbolic gesture that is unlikely to succeed without a deeper examination of the political dynamics at play and the broader systemic issues in judicial conduct.
- **Constitution as a Shared Heritage (Protecting Constitutional Values):** The Constitution belongs to all citizens and cannot be treated as the property of a select few, including the judiciary. It is the collective responsibility of every Indian citizen, including judicial figures, to protect the core values of the Constitution and to resist any attempts to distort or undermine them.

2. India's Neighbourhood Policy GS 2 (International Relations)

- **Why in News:** External Affairs Minister S. Jaishankar responded to criticism regarding **India's neighborhood policy**, defending the government's approach to relations with neighboring countries like the **Maldives, Bangladesh, and Nepal**. Jaishankar emphasized that India's foreign policy aims for maturity and development-focused ties, despite the political dynamics in these countries.
- **What is India's Neighbourhood Policy?**
 - The country's **Neighbourhood First Policy** determines its engagement with neighbouring nations, including **Afghanistan, Bangladesh, Bhutan, Maldives, Myanmar, Nepal, Pakistan and Sri Lanka**.
 - The policy prioritises improving **physical, digital, and people-to-people connectivity** within the region, while also boosting trade and commerce.
 - Over time, the Neighbourhood First Policy has become a key institutional focus across various government departments responsible for managing relations and policies with our neighbours.
 - India has historically shared deep cultural, economic and political ties with its neighbours. After independence, India aimed to establish itself as a regional leader. However, historical conflicts, differing political ideologies and border disputes often strained these relationships. It officially came to being in 2008.
- **Criticisms of India's Neighbourhood Policy**
 - **Over-reliance on Specific Leaders and Parties:** India's focus on individual leaders, like Sheikh Hasina in Bangladesh, limits flexibility and could cause instability if there are political shifts. Critics argue this reliance on specific leaders reduces India's ability to adapt to changing political dynamics in the region.
 - **Lack of "India First" Policy from Neighbours:** India's neighbours, such as Nepal and Bhutan, often prioritize their own national interests or align with China, undermining India's influence. Critics point out the absence of a consistent "India First" policy among these countries.
 - **Growing Chinese Influence:** China's increasing economic and strategic influence in South Asia, particularly in Sri Lanka, Nepal, Bangladesh, and the Maldives, challenges India's position. Critics argue that India has not effectively countered China's growing presence in the region.
 - **Ineffective Security Responses:** India's response to security threats, such as insurgent groups in Myanmar and cross-border terrorism, has been criticized as inconsistent. Critics argue that India's delicate approach in dealing with Myanmar has failed to address these ongoing security challenges.
 - **Economic Dependence without Strategic Returns:** India's economic assistance, such as credit lines and aid to neighbours, has not always translated into strategic benefits or political support, leading to concerns that these investments are not yielding long-term advantages for India's regional security.
- **Significance of India's Neighbourhood Policy**
 - **Countering Chinese Influence:** Close collaboration with neighboring countries enables India to counterbalance China's growing influence in the Indian Ocean region, strengthening its own position in the region.
 - **Support in Multilateral Forums** enhance India's role as a leader for the Global South, enabling better representation of shared interests in international organizations.
 - **Ensuring Territorial Integrity:** Cooperation with neighboring countries is vital for India to safeguard its borders and address separatist movements, ensuring national security.
 - **Increasing Maritime Security,** enabling India to address transnational security threats effectively, particularly in the Indian Ocean.

Projects, trade helped sustain ties with our neighbours: Jaishankar

Kallol Bhattacharjee
NEW DELHI

External Affairs Minister S. Jaishankar on Friday defended the neighbourhood policy of the Indian government and said it was necessary to avoid "punch scoring" in relations with neighbours.

Mr. Jaishankar said the government had promoted development projects and trade that have helped sustain ties with neighbours.

His remarks came in response to a question from the Congress's Chandigarh MP, Manish Tewari, who said the current status of India's relationship with the Maldives, Bangladesh, and Nepal presented a challenging scenario.

"Our neighbours also have their politics. There are ups and downs in their countries, it will have implication for us. It is important that we are mature and we do not get into punch scoring," the Minister said.

Mr. Jaishankar said that as an MP, Mr. Tewari enjoyed privileges while arguing his point, but he would prefer a non-partisan approach towards foreign policy.

"Sir, I am very glad, that the honourable member referred to timing of visits (of leaders of the neighbouring countries). Before PM Narendra Modi went to Nepal, for 17 years there was no visits to Nepal. Does that mean nobody in India cared for Nepal... Visits are important, I accept it. Visits are also subject of timing, of convenience of agenda," he said.

- Collaboration with neighbors is crucial for ensuring **energy security**, especially concerning the importation of oil and gas through sea routes.
- Engaging aids in the development of India's northeastern states, thereby **reducing regional development disparities**.
- **Leveraging Soft Power Diplomacy**
- **Challenges of India's Neighbourhood Policy**
 - **Geopolitical Tensions:** Border disputes and political disagreements often create complexities in relations with neighboring countries, affecting long-term cooperation.
 - **Implementation Issues:** Logistical and bureaucratic challenges complicate the successful execution of cross-border projects, hindering collaboration.
 - **Economic Differences:** The varying economic development levels of neighboring countries create disparities in cooperation, which may affect the effectiveness of joint initiatives.
- **Major initiatives**
 - **SAARC (South Asian Association for Regional Cooperation):** India has played a major role in SAARC, aimed at promoting regional cooperation. However, the effectiveness of SAARC has been limited due to political differences, particularly between India and Pakistan.
 - **BIMSTEC (Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation):** BIMSTEC has gained prominence as an alternative to SAARC, focusing on economic cooperation, security, and cultural exchange among countries bordering the Bay of Bengal.
- **Infrastructure projects**
 - **BBIN Initiative (Bangladesh, Bhutan, India, Nepal):** Improving road and rail connectivity.
 - **Kaladan Multi-Modal Transit Transport Project:** Connecting India with Myanmar and further with Southeast Asia.
 - **Chabahar Port:** Developing a strategic port in Iran to improve connectivity with Afghanistan and Central Asia.

3. Switzerland Suspends MFN Treatment for India GS 2 (International Relations)

- **Why in News:** Switzerland has announced that it will suspend the most favoured nation (MFN) clause in its **double taxation avoidance agreement (DTAA)** with India, starting from January 1, 2025. This decision follows a ruling by the Indian Supreme Court, which declared that the MFN clause does not automatically trigger without a specific notification under the **Income Tax Act**.
- **What is the MFN clause?**
 - The MFN clause is a principle found in international treaties, including tax agreements that ensures equal treatment for all parties involved.
 - If one country offers favourable tax rates or conditions to another, it must extend those same benefits to all other countries covered by the treaty.
 - In simple words, the MFN clause ensures equal treatment for all parties involved.
 - This clause is designed to guarantee that no country is treated less favourably than any other in trade or taxation matters.
 - **Impact of the suspension of MFN**
 - **Higher tax liabilities for Indian companies:** Indian companies receiving dividends from Switzerland will face an increased tax burden, as the withholding tax on those dividends will rise to 10 per cent from 5 per cent.
 - **Effects on Swiss investments in India:** Swiss companies that receive dividends from Indian subsidiaries will continue to

Swiss Shock: EFTA member lobs back India's MFN tax volley

From Jan. 1 Indian entities in Switzerland face higher tax liabilities as country responds to Supreme Court ruling that voided tax treaty benefit

Vikas Dhoot
NEW DELHI

In a development that could hurt India's investment climate and affect firms' international taxation math, Switzerland has decided to suspend the Most Favoured Nation (MFN) treatment for India under the two countries' 30-years old double-taxation avoidance agreement (DTAA), citing an October 2022 ruling against its validity by the Supreme Court on 11 petitions that were combined with a *Nestle* plea.

A statement by Swiss authorities dated December 11, said the MFN clause under the DTAA will no longer hold from January 1, 2025, considering that India's apex court had said it does not get automatically triggered until notified under the Income Tax Act. "On the basis of the Indian Supreme Court ruling, the Swiss competent authority acknowledges that its interpretation of para. 5 of the Protocol to the IN-CH DTAA is not shared by the Indian side. In the absence of reciprocity, it therefore waives its unilateral application with effect from 1 January, 2025," a Swiss government communiqué stated.

Terming this as a significant shift in bilateral treaty dynamics, Nangia Andersen's tax partner Sandeep Jhunjhunwala said this would mean increased tax liabilities for Indian enti-



ties operating in Switzerland and increases the complexities of navigating international tax treaties in an evolving landscape. "Previously, Indian companies benefited from a reduced tax rate of 5% on dividends and other incomes, thanks to Switzerland's earlier application of MFN benefits. With the reversion to a 10% residual rate starting January 1, these firms face higher tax liabilities, reducing their competitiveness compared to businesses from countries still benefiting from MFN provisions," reckoned Ajay Srivastava, director of the Global Trade Research Initiative (GTRI).

"Beyond its immediate fiscal impact, this development reflects broader trends in international taxation, with countries like India increasingly asserting stricter interpretations of treaty provisions to protect domestic tax revenues," Mr. Jhunjhunwala noted, adding this underscores the need to align treaty partners on the interpretation and application of tax treaty clauses to

ensure predictability, equity, and stability in international tax frameworks.

Sandeep Gupta, national tax leader at EY India, indicated that all may not be lost in this bilateral economic tangle. "As per the Court's decision, the MFN clause will only take effect once both countries issue notifications... once India provides the required notification, Switzerland can reactivate the treaty provision," he averred. Mr. Srivastava, however, warned that this suspension not only brings tax challenges for Indian firms in sectors like financial services, pharmaceuticals, and IT, that have operations in Switzerland, but also introduces frictions with other trade and investment partners over the MFN clause interpretations that could hurt inbound and outbound investment flows. If disputes over reading MFN clauses persist, Indian businesses could face similar hurdles in other jurisdictions as well, he said.

"Proactive negotiations to clarify and harmonize interpretations of treaty provisions are essential to safeguard Indian firms' interests abroad. Additionally, India must ensure that its treaty frameworks reflect contemporary business realities, particularly in the digital and service sectors, to reduce tax uncertainties and promote global competitiveness," Mr. Srivastava underlined.

face a 10 per cent withholding tax, as this tax rate has always applied under the **India-Switzerland DTAA**.

- **EFTA investments unaffected:** Switzerland's decision is also unlikely to impact investments into India from the **European Free Trade Association (EFTA)**, as these investments are already subject to the 10 per cent withholding tax rate.
- **No change for other DTAA benefits:** Indian companies operating in Switzerland will still be able to avail themselves of the other benefits provided under the **India-Switzerland DTAA**, such as **tax relief on royalties** and fees for technical services.

4. One Nation One Election Proposal Is Not Representative, It Is Insincere GS 2 (Governance)

- **Why in News:**
 - **On December 12, the Union Cabinet approved a proposal to implement simultaneous elections** across India, encompassing the Lok Sabha, State Legislative Assemblies, and local bodies.
 - This **decision stems from the recommendations of a high-level committee chaired by former President Ram Nath Kovind**, which submitted its **report on the One Nation, One Election plan in September 2024**.
 - While the idea of simultaneous elections has been **championed for its potential benefits, such as cost reduction and administrative efficiency**, it has **ignited significant debate** over its feasibility and implications for India's democratic framework.
- **The Genesis and Scope of the Proposal**
 - **Historical Context of Simultaneous Elections**
 - The idea of simultaneous elections, often referred to as **One Nation One Election**, has been **periodically debated in India's political discourse**.
 - Its **origins can be traced back to the early years of the Republic** when elections to the Lok Sabha and State Legislative Assemblies were held **simultaneously until 1967**.
 - This **practice was disrupted due to early dissolutions of certain assemblies** and the Lok Sabha itself, resulting in a staggered election schedule that persists today.
 - The **present proposal to revive simultaneous elections gained renewed momentum after Prime Minister Narendra Modi advocated for it in 2013**, citing the high costs, administrative burden, and policy disruptions caused by frequent elections.
 - **Mandate and Scope of the Kovind Committee**
 - The **high-level committee** chaired by former President Ram Nath Kovind was **tasked with examining the feasibility of implementing this concept**.
 - **Constituted on September 2, 2023, the committee dedicated 191 days to prepare a comprehensive 18,626-page report**, which it submitted on March 14, 2024.
 - Unlike previous committees, **this one was not asked to weigh the pros and cons of simultaneous elections but was specifically directed to suggest legislative and administrative measures** to implement the concept.
 - This **limitation in scope has been a significant point of contention among critics**, who argue that a holistic analysis of the proposal's broader implications was necessary before moving toward implementation.

'ONE NATION, ONE POLL' DRAFT CIRCULATED

Simultaneous polls Bill: Amendments in effect from date to be notified by President

LIZ MATHEW & DAMINI NATH
NEW DELHI, DECEMBER 13

THE CONSTITUTION amendment Bill meant to introduce 'one nation, one election' effectively proposes implementing simultaneous elections to the Lok Sabha and the Legislative Assemblies by 2034 at the earliest, if the present and the next Lok Sabha complete their five-year terms.

The Constitution (One Hundred and Twenty-Ninth Amendment) Bill, 2024, which was approved by the Cabinet Thursday and is expected to be introduced in the Lok Sabha soon, says the provisions of the amendment would come into effect on an "appointed date", which the President will notify on the first sitting of the Lok Sabha after a general election.

As The Indian Express reported Friday, this means that simultaneous elections can be held as early as 2034 if the appointed date is notified on the first sitting of the Lok Sabha elected in 2029, as the first sitting of the House elected earlier this year has passed.

The Bill, circulated among MPs Friday evening, proposes to add a new Article — 32(A) (simultaneous elections to the House of the People and all Legislative Assemblies) — and to amend Article 33 (Duration of Houses of Parliament), Article 172 (Duration of State Legislatures), and Article 327 (Power of Parliament to make provision with respect to elections to Legislatures).

As per recommendations of the high-level committee chaired by former President Ram Nath Kovind, the Bill proposes amendments and insertion of new Articles that would enable the syncing of the terms of the Lok Sabha and state Assemblies.

The Assemblies elected after the appointed date will come to an end with the end of the full term of the Lok Sabha. If the Lok Sabha or any state Assembly is dissolved before the end of the full term, mid-term elections for that legislature alone would be held for the remainder of the five-year term.

According to the draft bill, Article 82 A, which is to be inserted, would be: "The President may by a public notification issued on the day of the first sitting of the House by the people after a general election, bring into force the provision of this article, that date of the notification shall be called the appointed date."

The Bill says: "Notwithstanding anything in Article 83 and Article 172, the term of all legislative assemblies constituted in any general election held after the appointed date and before the expiry of the full term of the House of the people shall come to an end on the expiry of the full term of the House of the people."

Citing "expensive and time-consuming" polls, the government's Constitution amendment Bill for implementing simultaneous elections to the Lok Sabha and State/UT Assemblies says it is imperative to sync the different elections, but does not mention the costs or the exact timeline for rolling out the joint polls.

The Bill says the imposition of the MCC puts development work on hold, disrupts normal life, impacts services and curtails government employees from carrying out their core duties as they get mobilised for election duty.

The Cabinet also approved the Union Territories Laws (Amendment) Bill, 2024, which amends the relevant Acts for UTs, Delhi and Jammu and Kashmir, to enable simultaneous elections.

- **Concerns, Criticism and Challenges Surrounding the ONOE Proposal**

- **Public Consultations and their Limitations**

- The report invited public feedback, **receiving over 21,000 responses, with 80% reportedly supporting the proposal.**
 - However, **the methodology of soliciting suggestions, restricted to Hindi and English, has drawn criticism** for potentially excluding a significant portion of India's multilingual and diverse population.
 - **Consequently, the responses may not adequately represent the views of all regions or communities,** particularly those where regional parties dominate the political landscape.

- **Political Divisions over the Proposal**

- **Among the 47 political parties** that responded to the committee, **a stark divide emerged.**
 - **Thirty-two parties, all aligned with the ruling National Democratic Alliance (NDA), endorsed the proposal,** emphasising its potential to streamline governance and reduce election-related expenditures.
 - On the other hand, **15 opposition parties vehemently opposed it,** deeming the proposal anti-democratic and a threat to federalism.
 - **Critics argued that simultaneous elections could centralise power, marginalise regional parties, and shift India's parliamentary system toward a quasi-presidential model,** where national narratives overshadow local and state-specific issues.

- **Phased Implementation and Constitutional Amendments**

- The scope of the proposal extends beyond merely aligning election dates.
 - It envisions the synchronisation of Lok Sabha and State Assembly elections, **while local body elections are to follow within 100 days of general elections.**
 - This **phased approach, while attempting to address logistical complexities, raises questions about its alignment** with the very definition of simultaneous elections.
 - The report also outlined constitutional amendments, including the introduction of a new Article 82A, which mandates that all legislative assemblies elected after a specific date complete their full terms alongside the Lok Sabha.

- **Dilution of Local and State Level Issues**

- A primary concern is that simultaneous elections **could dilute the focus on local and state-specific issues.**
 - **National narratives might overshadow regional matters,** undermining the federal structure of governance.
 - **States could lose the flexibility to dissolve assemblies based on political needs,** potentially affecting the outcomes of state elections.
 - The report's **proposal to align state elections with the Lok Sabha's tenure in case of early dissolutions raises questions** about the practicality and fairness of truncated terms for elected representatives.

- **Logistical Challenges**

- The proposal requires conducting municipal and panchayat elections within 100 days of general elections, effectively demanding two separate election phases.
 - **Mobilising 15 million election staff twice in such a short span,** while ensuring voter participation, **could prove impossible.**
 - **Wage workers and employees might face difficulties in returning to polling stations,** potentially disenfranchising millions.
 - Furthermore, **the financial burden of acquiring and maintaining three times the current number of electronic voting machines (EVMs) and voter-verifiable paper audit trails (VVPATs) contradicts the purported goal of cost reduction.**

- **Some Other Criticisms of ONOE Proposal**

- **Little Contemplation on Alternative Approaches**

- The report **did not explore alternative methods** to address election-related costs and disruptions.

- **Reducing the duration of elections from 10 weeks to four weeks, coupled with a cap on political party expenditures, could significantly lower costs without overhauling the electoral framework.**
- **These measures, however, were beyond the committee's mandate, raising questions about the narrow scope of its recommendations.**

○ **Questions on the Sincerity of the Proposal**

- **The credibility of the simultaneous election proposal has been undermined by its inconsistent implementation over the years.**
- **For instance, Himachal Pradesh and Gujarat elections, traditionally held simultaneously, were separated in recent years.**
- **Similarly, elections due within six months have not been clubbed, contradicting the proposal's stated rationale.**
- **Critics argue that these inconsistencies reveal a lack of genuine commitment to the idea and suggest a political motive behind its sudden resurgence.**

● **Constitutional and Legislative Implications**

- **Implementing simultaneous elections would necessitate significant constitutional amendments and legislative changes.**
- **A proposed Article 82A seeks to standardise the tenure of state assemblies with the Lok Sabha.**
- **However, the proposal does not eliminate the possibility of midterm elections, which could undermine the very principle of simultaneity.**
- **Additionally, transitioning to a single electoral roll for all three tiers of elections, as recommended, would place an onerous responsibility on the Election Commission of India (ECI).**
- **It will require seamless coordination with state election commissions which is a challenging task, especially in opposition-ruled states.**

● **Conclusion**

- **The concept of simultaneous elections has the potential to streamline India's electoral processes, reduce costs, and minimise disruptions to governance.**
- **However, the current proposal is fraught with challenges, ranging from logistical and financial constraints to constitutional and democratic concerns.**
- **Its implementation without a broad consensus risks undermining India's federal structure and democratic ethos.**
- **Without genuine consensus and transparent deliberation, the One Nation, One Election plan risks becoming an exercise in centralisation rather than a tool for democratic empowerment.**

5. **Railways (Amendment) Bill, 2024** **GS 2 (Governance)**

- **Why in News:** The **Railways (Amendment) Bill, 2024** was passed in the Lok Sabha, after being introduced five months earlier. This significant piece of legislation seeks to modernize and streamline the legal framework governing Indian Railways. It aims to incorporate provisions from the **Indian Railway Board Act, 1905**, into the **Railways Act, 1989**, simplifying the laws and enhancing the functioning of the Railway Board.
- **Key Provisions of the Railways (Amendment) Bill, 2024**
 - The Bill aims to integrate the **Indian Railway Board Act, 1905**, into the existing **Railways Act, 1989**. This merger is intended to reduce reliance on multiple laws, simplifying the regulatory structure for the railways.

How Railways (Amendment) Bill could impact the national transporter

DHEERAJ MISHRA
NEW DELHI, DECEMBER 13

AMID THE heated arguments between the government and opposition inside the Parliament, Lok Sabha, on December 11, passed the Railways (Amendment) Bill, 2024. The bill seeks to repeal the Indian Railway Board Act, 1905 and incorporate its provisions into the Railways Act, 1989. While there was not much criticism of the Bill in the house, many members expressed their concerns that it fails to address larger issues relating to the railways such as safety, independent regulation, vacancies, decentralisation of power at Zonal and Division level.

Why did government bring the Bill?

The establishment of the railway network was started as a branch of the Public Works Department before independence. When the network expanded, Indian Railways Act, 1980, was enacted to enable proper functioning of different railway entities. Later, the railway organisation was separated from the Public Works Department and the Indian Railway Board Act, 1905 was then enacted to provide the Railway Board with certain powers or functions under the Indian Railways Act, 1980. While the act of 1980 was repealed in 1989 and the Railways Act was enacted, the Railway Board Act, 1905 remained in existence and Chairman & members of the board continued to be appointed under this law.

What are the provisions of the law?

The bill amends section 2 of the Railways Act, 1989 and inserts a new chapter 1A on Railway Board. It makes provision to provide certain powers to the Railway Board "as prescribed by the Central Government". It says that the Central Government may invest the Railway Board, either absolutely or subject to any conditions, with all or any of the powers or functions of the Central Government under this Act with respect to all or any Railways. Along with this, the Chairman and members of the board appointed under the 1905 act shall be deemed to have been appointed under this Act also. The Railway Board is already in existence and the Bill does not propose to create any new Board or body. From the passengers' point of view, the new bill is expected to enhance the functioning of the Railway Board, which may result in the efficient development of the network.

What did members say about the Bill?

While most of the members supported the bill, some of them said that the bill was introduced without detailed deliberation on the issue. Apurva Sarangi, BJP MP from Bhubaneswar, Odisha, said that it is a significant step towards modernising, simplifying and strengthening the Indian Railways. "While examining the Railway Bill, 1986 which later became the Railways Act, 1989, the then JPC had recommended the repeal of the Railway Board Act, 1905 and the incorporation of all the provisions of the Railway Board Act, 1905 into the 1986 Bill. But unfortunately, the JPC's report was not accepted. The functions and independence of the Railway Board will be enhanced with this Bill. AIMIM MP Asaduddin Owaisi said that the bill fails to incorporate any of the recommendations made by several expert committees over the years. "The Committee on Restructuring of Railways, constituted in the year 2015, had recommended setting up an independent regulator, but the current Bill fails to create an independent regulator. In May 2017, the Union Cabinet had approved the constitution of the Rail Development Authority (RDA). The RDA was somewhat similar to regulator, but it is yet to be set up," said Owaisi. Chandra Shekhar, Azad Samaj Party (Kanshi Ram) MP from Nagina in UP, raised the question whether SCs, STs, OBCs and women are going to be accommodated in the Railway Board as members.

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- **Statutory Backing:** The amendment provides statutory backing to the Railway Board, which has been functioning without formal sanction since its inception. This provision seeks to formalize the powers and responsibilities of the Board.
- **Enhanced Powers:** The Bill empowers the Central Government to decide the composition of the Railway Board, including determining the number of members, their qualifications, and the terms of service. This move is aimed at improving the operational efficiency and governance of Indian Railways.
- **Decentralization and Autonomy:** The amendment seeks to increase the autonomy of various Railway Zones, addressing long-standing demands for greater regional independence. This is expected to improve operational efficiency and decision-making at the local level.
- **Independent Regulator:** The Bill proposes the establishment of an independent regulator to oversee key areas such as tariffs, safety, and the participation of the private sector in the railway system. This recommendation was first made in 2015 by the Committee on Restructuring Railways.
- **Faster Approval Process for Train Services:** The amendment is designed to expedite the approval process for new train services, helping meet the growing demand in various regions of the country. One example of such improvements includes the extension of the Arunachal Express via key routes in Bihar.
- **Evolution of Indian Railways Law**
 - The Indian Railways network was initially established as part of the **Public Works Department** during British rule.
 - The **Indian Railways Act, 1890**, was enacted to organize and regulate the expanding railway network. Following this, the **Railway Board Act, 1905**, formalized the governance structure of Indian Railways.
 - The **Railways Act, 1989**, was introduced to replace the 1890 Act, marking a shift towards modernizing and consolidating the legal framework for Indian Railways.
 - **Railway Board's Lack of Statutory Authority:** Despite the enactment of the 1989 Act, the Railway Board continued to operate based on executive decisions rather than statutory backing, which the current amendment seeks to rectify.

6. Arctic ice melting - First ice-free day in the Arctic could come by 2030

GS 3 (Environment)

- **Why in News:**
 - A new study published in Nature Communications suggests the Arctic Ocean could experience its first ice-free day—defined as less than one million square kilometers of sea ice—by 2030 or earlier, driven by unprecedented greenhouse gas emissions.
 - The analysis warns that while the scenario is unlikely, its plausibility is growing due to continued human-induced climate change.
 - Arctic sea ice has been shrinking at an alarming rate, with its extent decreasing by 12.6% per decade over the last 40 years—a rate unmatched in at least 1,500 years, according to the MIT Climate Portal's 2023 report.
- **Arctic Region**
 - **Introduction**
 - The Arctic region, or the Arctic, is a geographic region spreading around the North Pole.
 - It includes the northern parts of Canada, the United States, Russia, Finland, Sweden, Norway, Iceland, and Greenland.
 - The Arctic Ocean lies between these lands. An imaginary line, called the Arctic Circle, surrounds most of the area.
 - The Arctic Circle (66° 33'N) defines the Arctic based on solar radiation.

First 'ice-free' day in Arctic could occur before 2030: why does it matter?

ALIND CHAUHAN
NEW DELHI, DECEMBER 13

THERE IS a chance, albeit small at the moment, that the Arctic Ocean may see its first ice-free day—when temperatures rise above one million square km of sea ice—before 2030, a new study estimated. Arctic sea ice has been shrinking at an alarming rate, with its extent decreasing by 12.6% per decade over the last 40 years—a rate unmatched in at least 1,500 years, according to the MIT Climate Portal's 2023 report.

A melting Arctic

In the last 40 years, Arctic sea ice has been melting at the rate of 12.6% each decade, a pace of decline unmatched in at least the last 1,500 years, according to a 2023 report in the MIT Climate Portal. For the latest study, researchers deployed 11 different climate models to run 365 simulations of climate change and Arctic sea ice concentrations between 2023 and 2100. The majority of simulations predicted that the Arctic would see its first ice-free day in the next seven to 20 decades, even if humans drastically cut CO₂ emissions over the next few years.

None of the simulations, however, found that an ice-free day could occur within the next three to six years, provided certain conditions—like an unusually warm fall,

winter, and spring, or stormy weather which expedites ice melting by breaking sea ice—occur together, and persist for a few years. In such a situation, the Arctic could see its first ice-free day as early as September 2027. What scientists are sure of is that sooner or later, the Arctic will see an ice-free day. The only way to prevent this, eventually, would be to dramatically reduce CO₂ emissions, which is unlikely to happen anytime soon. In 2023, the global average surface concentrations of carbon dioxide, methane, and nitrous oxide reached new highs, according to a report by the World Meteorological Organization (WMO).

The latest study also found that if the Arctic were to see an ice-free day in the next

few years, this may be followed by several more. The climate model simulations predicted that the ice-free period in the Arctic could last between 11 and 53 days—meaning that the far northernmost even winters and ice-free months in the near-so distant future, sea ice will be a distant memory.

Global implications

The loss of sea ice in the Arctic would have far-reaching consequences that would be felt worldwide.

Where this would exacerbate climate change due to something known as the albedo effect—the phenomenon by which different surfaces reflect sunlight (solar energy) back into space at varying rates. Sea ice keeps temperatures down in the polar regions, as its bright, white surface reflects

more sunlight back compared to liquid water. Thus, once sea ice vanishes, the Arctic would become even warmer, which will trigger more extreme weather events in the mid-latitudes, scientists say.

■ Another fallout of disappearing Arctic sea ice will be a dramatic rise in sea level—already a major worry around the world. In the past 10 years, the global sea level has been rising at a rate 15 times faster compared to the 1990s. If the Greenland ice sheet, located between the Atlantic and the Arctic Oceans, entirely melts away, global sea levels could rise six metres. This would severely impact low-lying coastal communities.

■ The disappearance of sea ice will present unprecedented challenges to ecosystems dependent on it. "Loss of sea ice and melting permafrost spells trouble for polar bears,

walrus, Arctic foxes, snowy owls, reindeer, and many other species. As they are affected, so too are the other species that depend on them, in addition to people," according to a report by the World Wildlife Fund (WWF). Some of these effects are already visible. For instance, disappearing sea ice, several species like polar bears are being forced to find hunting grounds on land. Simultaneously, marine animals are moving further north in search of colder waters. Ella Gilbert, climate scientist at the British Antarctic Survey, told the Financial Times, "Climate change is happening fast, especially in the polar regions... The Arctic is warming four times faster than the rest of the planet, threatening important ecosystems, infrastructure and livelihoods for people living there."

- **Geography and Climate**

- The Arctic consists mainly of flat, treeless tundras with some mountainous areas.
- Much of the ground is permanently frozen, with only the top layer thawing in summer.
- Greenland is largely covered by a permanent ice sheet.
- **Daylight:** The North Pole experiences six months of darkness followed by six months of constant daylight, while Arctic lands farther south have shorter periods of daylight in winter and brief darkness in summer.
- **Temperature:** Winters are extremely cold, with temperatures reaching -90°F (-68°C) inland, while summers are mild at around 50°F (10°C). Snowfall is heavier near the coasts.



- **Flora and Fauna**

- **Plants:** Trees are scarce, growing only in southern regions. The tundras support lichens, mosses, grasses, and some flowering plants.
- **Animals:** The Arctic hosts polar bears, caribou, Arctic foxes, Arctic hares, gray wolves, seals, walruses, whales, and various fish. Birds like the snowy owl live year-round, while others migrate during summer.

- **Human Presence**

- **Indigenous Peoples:** Indigenous groups like the Nenets, Sakha, Evenk, Chukchi, Sami, Inuit, and Aleuts traditionally inhabit the Arctic, living in small settlements.
- **Settlers:** In the 1900s, industries such as mining and oil drilling attracted settlers of European descent, who established larger towns and cities.

- **Key highlights of the study**

- **Key Findings**

- **Near-Term Ice-Free Scenario**

- Nine simulations projected the first ice-free day could occur as early as September 2027 if conditions such as an unusually warm fall, winter, and spring, combined with stormy weather, align.

- **Extended Ice-Free Period**

- The simulations suggested the ice-free period could last between 11 and 53 days, potentially leading to the Arctic's first ice-free month.

- **Timing uncertain**

- While the exact timing of the first ice-free day is uncertain, scientists agree it is inevitable unless dramatic reductions in GHG emissions are achieved—a scenario deemed unlikely in the near future.
- The occurrence of the first ice-free day may trigger more frequent events in subsequent years.

- **Driving Factors**

- Unprecedented GHG emissions are accelerating Arctic Sea ice decline.
- Global surface concentrations of carbon dioxide, methane, and nitrous oxide reached record highs in 2023, as reported by the World Meteorological Organization (WMO)

- **What happens if the Arctic becomes ice-free?**

- **Impact on Climate Change**

- The loss of Arctic Sea ice accelerates climate change due to the **Albedo effect**, where the reflective ice is replaced by darker ocean water that absorbs more solar energy.
- This leads to increased warming in the Arctic, triggering extreme weather events in mid-latitudes.

- **Rising Sea Levels**
 - Global sea levels are already rising at an accelerated rate of 3.6 mm per year, 1.5 times faster than the 1990s.
 - If the Greenland ice sheet melts entirely, sea levels could rise by six meters, threatening coastal communities worldwide.
- **Ecosystem Disruption**
 - Species like polar bears, walruses, Arctic foxes, snowy owls, and reindeer are at risk due to habitat loss and melting permafrost.
 - Marine animals are migrating further north for colder waters, disrupting food chains and dependent species.
- **Human and Infrastructure Impact**
 - The Arctic is warming four times faster than the global average, endangering ecosystems, infrastructure, and livelihoods of Arctic communities.

