

## CURRENT AFFAIRS SUPPLEMENT 1

### Supreme Court Verdict on Section 6A of the Citizenship Act, 1955



#### WHY IN NEWS

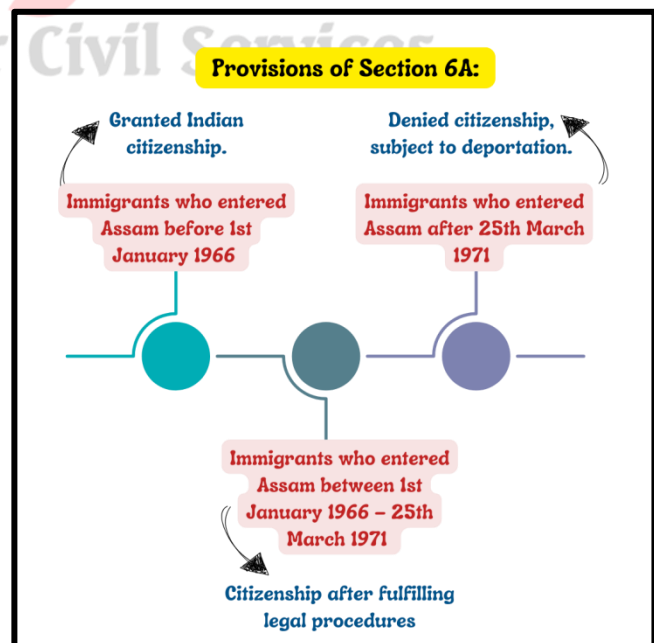
- The Supreme Court upheld the constitutional validity of Section 6A of the Citizenship Act, which applies exclusively to Assam. It allows certain immigrants from Bangladesh residing in Assam to obtain Indian citizenship. This ruling reinforces Parliament's supremacy in deciding citizenship matters.
- The ruling aligns with the **Preamble value of fraternity** and asserts that **fraternity should not be selectively applied** by labeling one group as "illegal immigrants" while granting rights to another.

#### UNDERSTANDING SECTION 6A OF THE CITIZENSHIP ACT, 1955

- Enacted under the **Citizenship (Amendment) Act, 1985**, following the **Assam Accord of 1985**.
- Introduced as a special provision within the Citizenship Act, 1955, exclusively for Assam.
- Aimed at addressing large-scale migration from Bangladesh before and after the 1971 Bangladesh Liberation War.

#### THE ASSAM ACCORD: A HISTORIC AGREEMENT


- A tripartite agreement between the Central Government, Assam Government, and Assam Movement leaders.
- Aimed to control illegal migration from Bangladesh and protect Assamese identity.
- Section 6A was introduced to balance humanitarian concerns and demographic stability.
- It legally mandated the identification, detection, and deportation of foreigners arriving after 25th March 1971, coinciding with Bangladesh's independence.



## RELATED TOPICS

Feature	NPR	NRC
<b>Definition</b>	A database of <b>usual residents</b> , including foreigners staying for more than six months.	A <b>register of Indian citizens</b> , used to identify <b>legal citizens</b> and exclude <b>illegal immigrants</b> .
<b>Purpose</b>	Collects <b>demographic and identity details</b> for governance and welfare.	Aims to verify and establish <b>citizenship status</b> .
<b>Legal Basis</b>	Citizenship Act, 1955	Based on <b>Census 1951</b> and Citizenship Rules, 2003
<b>Inclusion Criteria</b>	Includes <b>both Indian residents and foreigners</b> living in India for over 6 months.	Only includes <b>verified Indian citizens</b> .
<b>Relation</b>	NPR is <b>the first step</b> towards the NRC.	NRC is <b>compiled using NPR data</b> .

## Citizenship (Amendment) Rules, 2024



Business Standard

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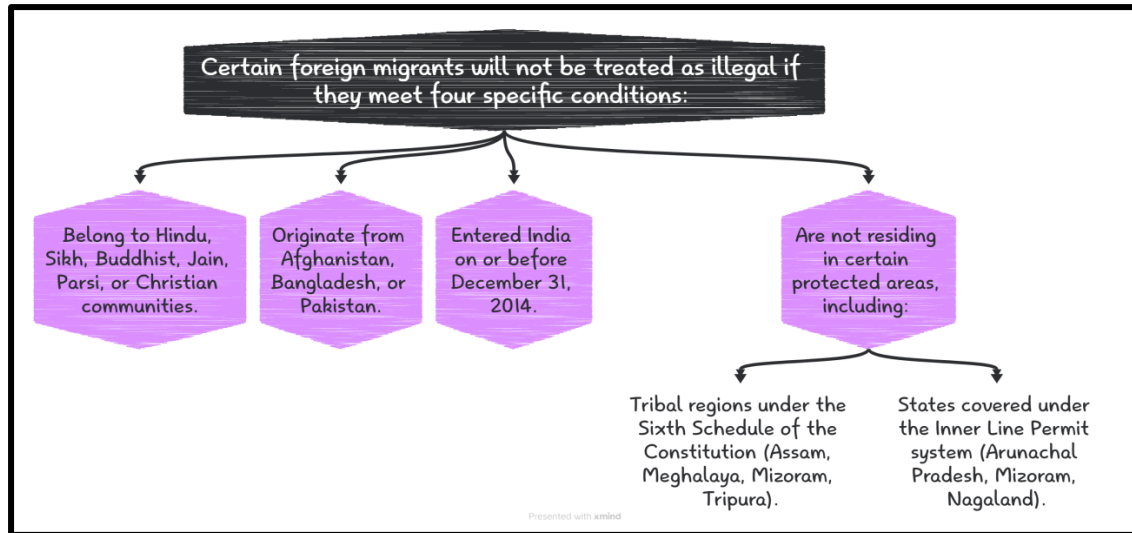
### Citizenship (Amendment) Rules, 2024 explained: What you need to know

### WHY IN NEWS

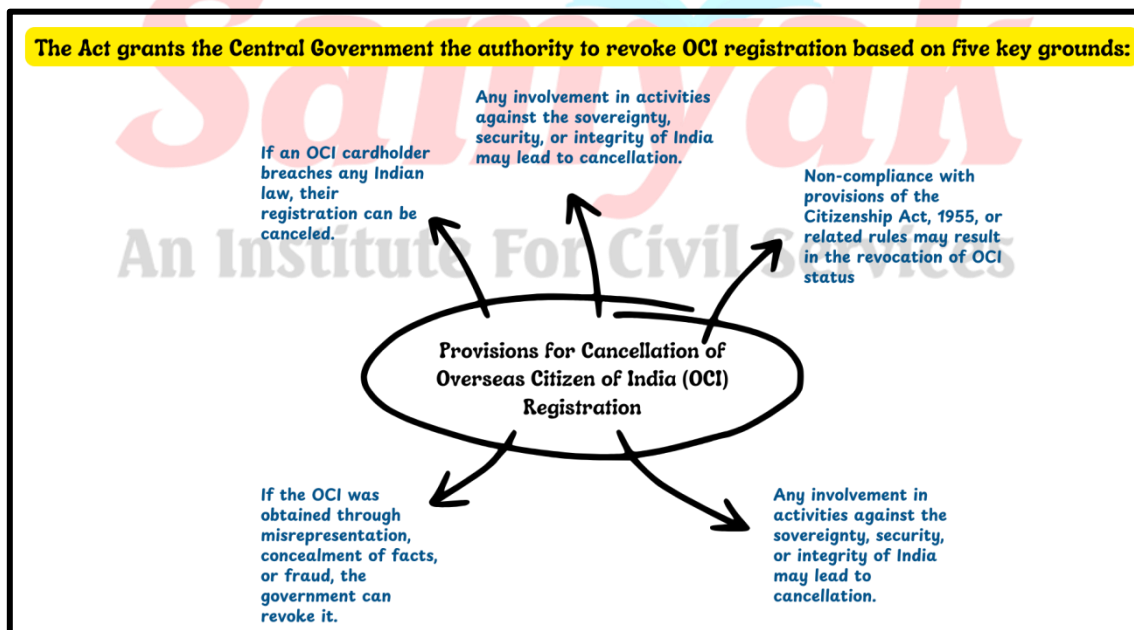
- The **Ministry of Home Affairs (MHA)** has notified the **Citizenship Amendment Rules, 2024**, marking a significant step in the implementation of the **Citizenship Amendment Act (CAA), 2019**. The notification was long awaited, as the rules were required for the **enforcement of CAA**, which was enacted in **December 2019**.

### UNDERSTANDING THE CITIZENSHIP AMENDMENT ACT, 2019

- The CAA, 2019 was passed to grant expedited citizenship to specific persecuted religious minorities from neighboring countries.



- **Exemption from Legal Consequences**
  - The migrants are protected from penal action under:
    - The Passport (Entry into India) Act, 1920.
    - The Foreigners Act, 1946, including any related rules or orders.
- The minimum residency requirement for naturalization has been reduced from 11 years to 5 years for eligible migrants under this amendment.




### KEY CHANGES INTRODUCED IN THE CITIZENSHIP AMENDMENT RULES, 2024

Rule	Key Changes Introduced
<b>Rule 10A</b>	Defines eligibility criteria and application procedures for individuals under <b>Section 6B</b> of the Citizenship Act, 1955. Introduces different forms based on applicant categories.
<b>Rule 11A</b>	Specifies the authority for application processing. Establishes electronic submission of applications through the <b>District Level Committee</b> and outlines verification and oath-taking procedures.
<b>Rule 13A</b>	Assigns the <b>Empowered Committee</b> the responsibility of scrutinizing

	applications to ensure compliance with eligibility criteria.
<b>Rule 14</b>	Introduces <b>digital certificates of registration</b> (Form XA or XIA). Provides for digital signatures or physical signatures by the Chairman of the <b>Empowered Committee</b> .
<b>Rule 15</b>	Introduces <b>digital certificates of naturalization</b> (Form XIIA). Allows both digital and hard copy certificates, signed by the Chairman of the <b>Empowered Committee</b> .
<b>Rule 17</b>	Expands eligibility criteria by incorporating references to <b>Section 6B</b> alongside <b>Section 5</b> of the Citizenship Act.
<b>Rule 38(3)</b>	Ensures that the <b>oath of allegiance</b> under <b>Section 5(2)</b> or <b>Section 6(2)</b> is valid only when signed in the presence of a <b>Designated Officer</b> specified under Rule 11A.

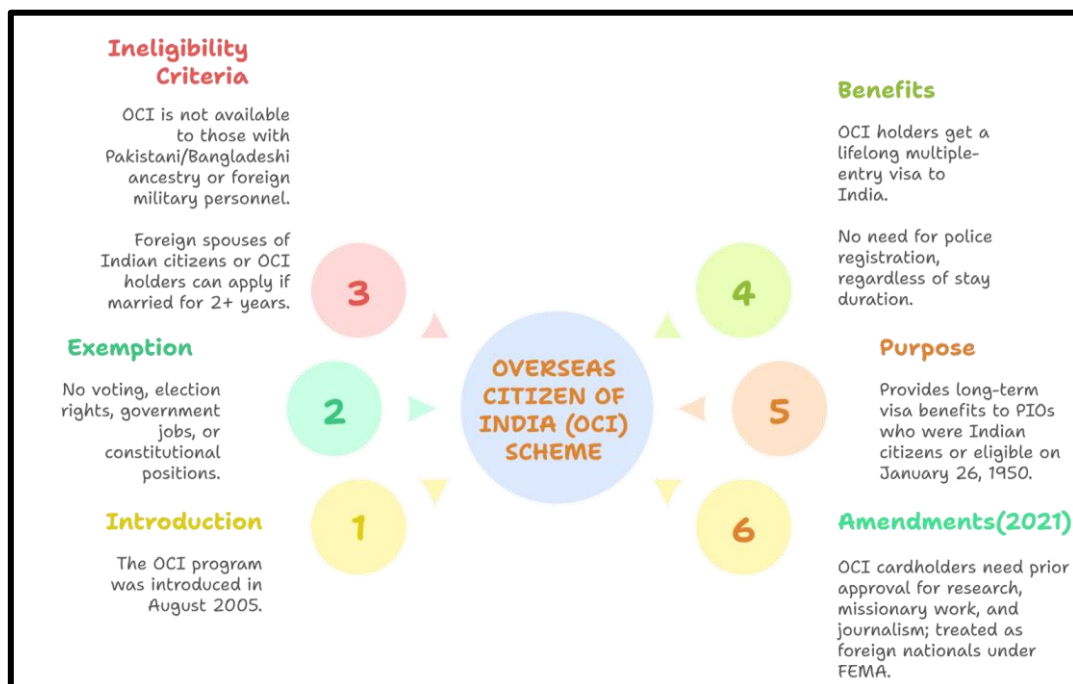
## Consulate General of India refutes claims of changes for OCI cardholders in America

 newindianexpress.com

### India dispels rumours over additional restrictions on OCI cardholders

#### WHY IN NEWS

- The Indian government has refuted rumors regarding additional restrictions on Overseas Citizen of India (OCI) cardholders.
- The Consulate General of India in New York confirmed that the 2021 gazette notification continues to be in effect, with no new amendments introduced recently.



## Constitution (129th Amendment) Bill, 2024

### WHY IN NEWS

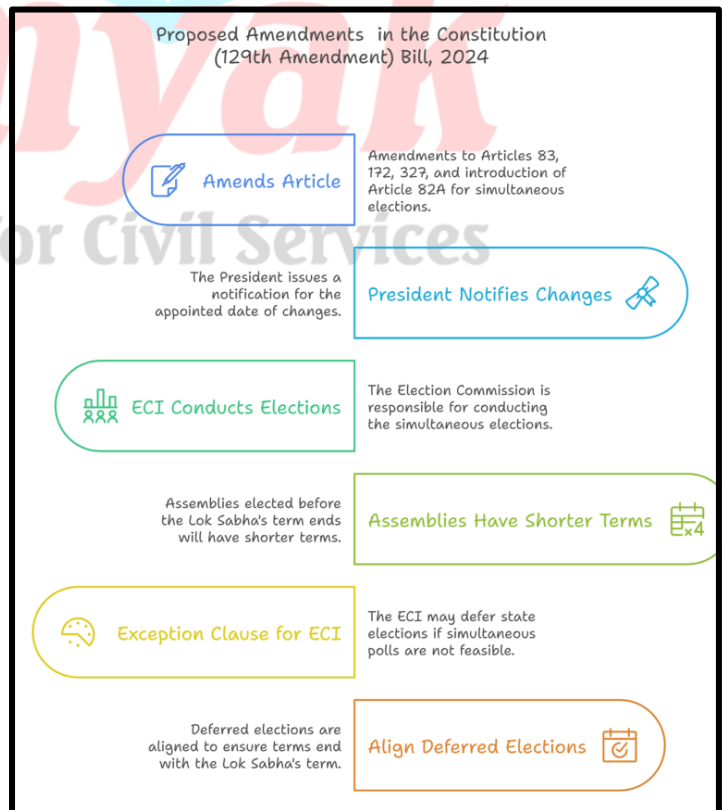
- Constitution (129th Amendment) Bill, 2024 **which aims to synchronize Lok Sabha & State Assembly terms** was introduced in Lok Sabha recently and sent for the review of a Joint Parliamentary Committee.
- A High-Level Committee, **chaired by former President Ram Nath Kovind**, had earlier recommended simultaneous elections.

### Key Takeaways from the Bills

- **Scope:** Applies only to **Lok Sabha and State Assemblies**, excluding **municipal elections** to avoid complex ratifications.
- **Implementation:** Simultaneous polls may begin in 2034 if the 18th and 19th Lok Sabhas complete full terms.
- **Mid-Term Elections:** New legislature serves only the remaining term if Lok Sabha or State Assemblies dissolve early.

### Proposed Amendments to Lok Sabha's Term and Dissolution

- **Changes to Article 83**
  - **Fixed Five-Year Term with Flexibility** – The Lok Sabha will have a fixed term, but dissolution before five years will trigger an unexpired term provision.
  - **New Clause for Unexpired Terms** – If dissolved early, the next Lok Sabha serves only the remaining period of the original term.
  - **Example:** If Lok Sabha is dissolved after 3 years and 2 months, the new Lok Sabha serves 22 months.
- **Clarification on the New House**
  - The new Lok Sabha will not be a continuation of the dissolved one.
  - Pending Bills will lapse.
- **Amendments to Article 327:** Parliament can now legislate on simultaneous elections, ensuring alignment for Lok Sabha and State Assemblies.
- **Proposed Amendments to Article 172 (State Legislatures)**
  - State Assembly elections will align with the Lok Sabha's "unexpired term" rule.
  - If a State Assembly is dissolved before its term, elections will be held for only the remaining duration of the original term.



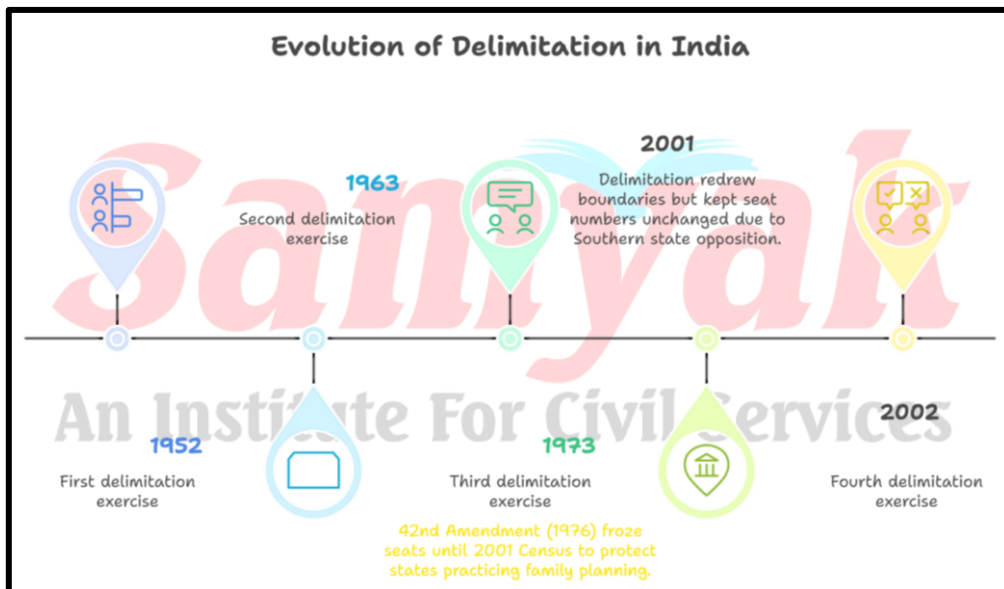
### Simultaneous Elections

- **Definition:** Conducting Lok Sabha and State Assembly elections together across the country. However, it does not mean voting happens on a single day, but elections are held in a synchronized manner.
- **Historical Occurrence:** Held in 1951-52, 1957, 1962, and 1967.
- **Disruption:** The cycle broke due to premature dissolution of State Assemblies (1968-69) and Lok Sabha (1970).

## Delimitation in India

### WHY IN NEWS

- Union Home Minister Amit Shah assured southern states would not lose parliamentary seats after delimitation. Concerns arose as slower population growth in the South could have led to seat redistribution favoring northern states. Delimitation, initially set for 2026, is expected after the delayed Census.



### About Delimitation

- Constitutional mandate to adjust Parliament and Assembly seats after each Census (Article 82).
- It ensures equal representation by maintaining uniform constituency populations.
- Article 81 caps Lok Sabha seats at 550 (530 for states, 20 for Union Territories).
- **Conducted by:** Delimitation Commission, **established under a Parliamentary Act.**
- **History**
  - **Past Commissions: Formed** four times **in** 1952, 1963, 1973, and 2002 **under respective Acts.**
  - **First Exercise: Done in** 1950-51 **by the President, assisted by the Election Commission.**
  - **42nd Amendment (1976):** Froze Lok Sabha seat allocation and territorial division at 1971 levels until 2000
  - **84th Amendment (2001):** Allowed readjustment of constituencies based on the 1991 Census, but no seat increase.

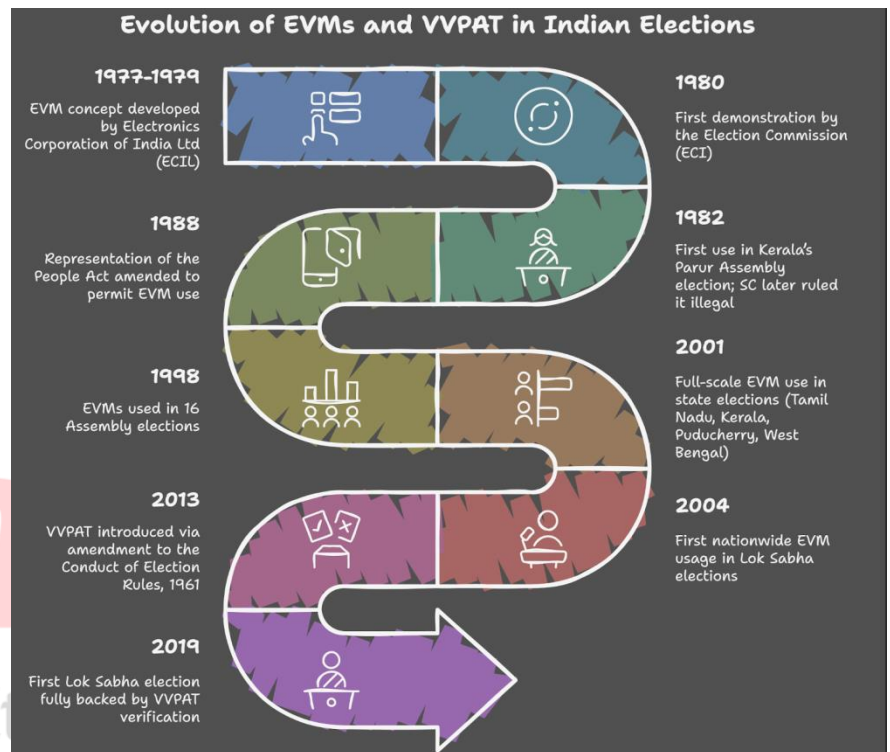


- **87th Amendment (2003):** Based delimitation on 2001 Census, maintaining the same seat allocation per state.

## Supreme Court Verdict on EVMs and VVPATs

### WHY IN NEWS

- The Supreme Court, in *Association of Democratic Reforms v. Election Commission of India* (2024), upheld the EVM system and rejected a return to paper ballots. It also rejected a plea for 100% VVPAT cross-verification, maintaining the current 5% random verification per Assembly constituency.
- The Court issued directions to the Election Commission of India (ECI) to further strengthen the system.

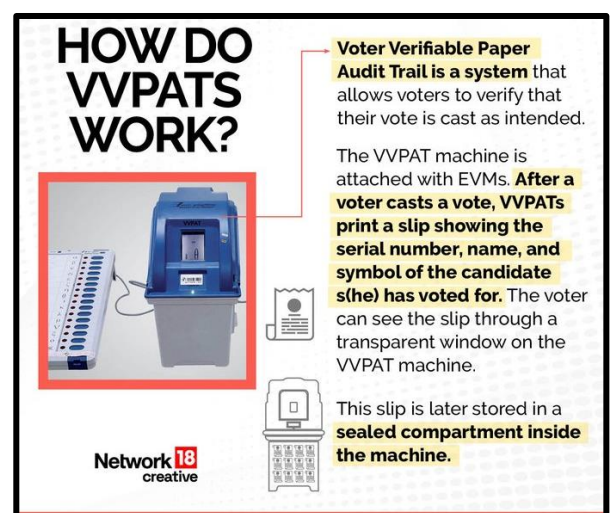


### Paper Ballot System: Traditional Voting Method

- Voters mark their choices on physical paper ballots.
- Votes are manually counted by election officials.
- Though transparent, it is time-consuming and prone to errors.

### Voter Verifiable Paper Audit Trail (VVPAT)

- First introduced in the 2014 Lok Sabha elections in India.
- An independent verification system used alongside Electronic Voting Machines (EVMs) to enhance transparency.
- **Working Mechanism**
  - When a voter casts a vote, a paper slip is printed.
  - The slip contains Serial number, Name of the candidate and the Election symbol
  - The slip remains visible for 7 seconds through a transparent window for voter verification.
  - After **7 seconds**, the slip automatically falls into a sealed drop box, ensuring security and preventing tampering.



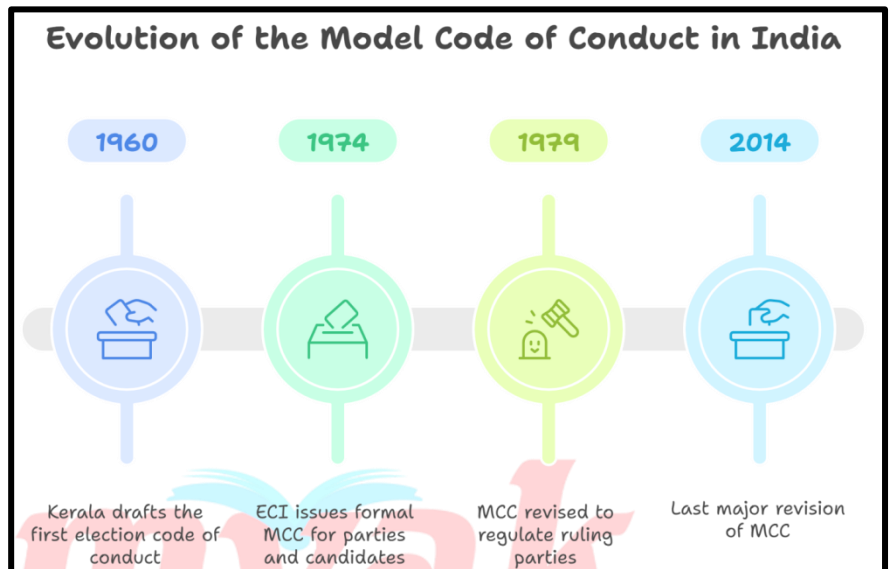
## Model Code of Conduct (MCC) and Its Implications

### WHY IN NEWS

- The Model Code of Conduct (MCC) has come into effect following the announcement of Lok Sabha Election 2024 dates by the Election Commission of India (ECI).

### About Model Code of Conduct (MCC)

- The MCC is a voluntary agreement among political parties to regulate their conduct during elections.
- It derives legitimacy from **Article 324** of the Constitution, which grants the ECI the power to supervise elections.
- The MCC is enforced from the day election dates are announced until the declaration of results.
- It prohibits financial grants, construction projects, and ad-hoc government appointments during the election period.
- Enforceability of MCC**
  - Lacks statutory backing but is strictly enforced by the ECI.
  - Violations can be addressed through Indian Penal Code (IPC) 1860, Criminal Procedure Code (CrPC) 1973, and Representation of the People Act (RPA) 1951.



### Key Provisions of MCC

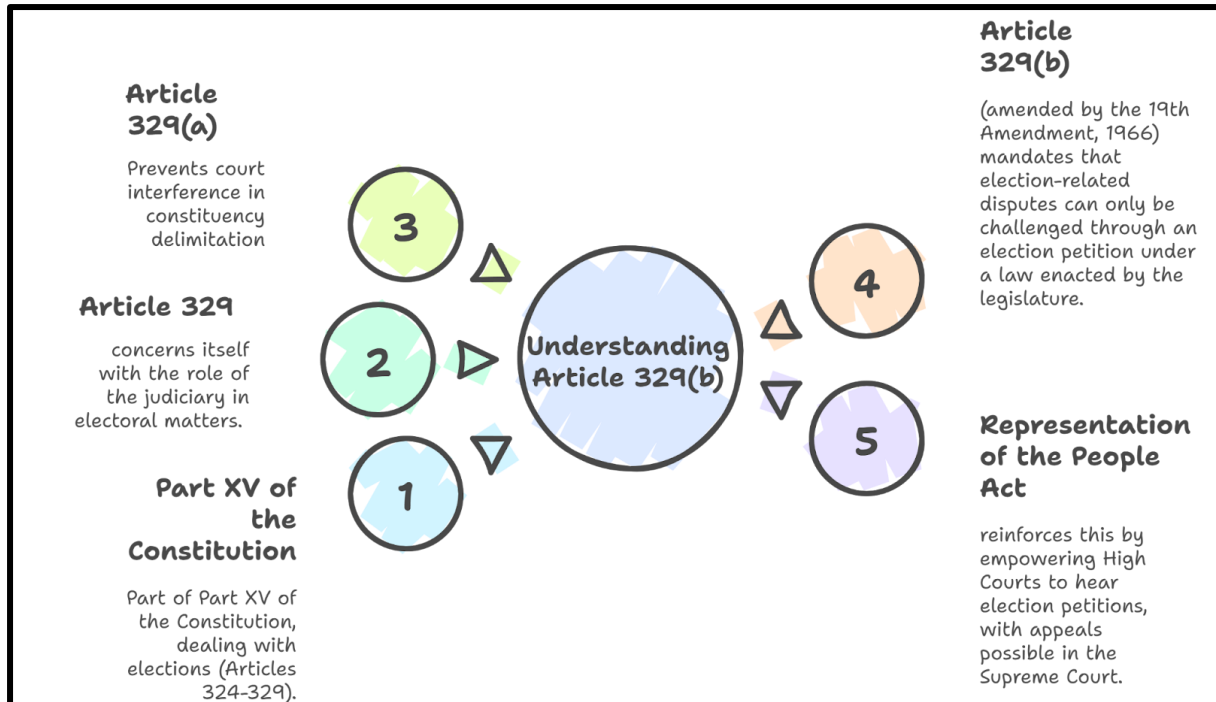
- No party or candidate shall promote caste, religious, or linguistic divisions.
- Criticism of opponents should be limited to policies and performance, avoiding personal attacks.
- Parties must inform local police before holding rallies.
- Burning effigies of opponents is strictly prohibited.
- Only voters and election officials are allowed inside polling booths.
- Party agents must carry identity cards and issue voter slips without party symbols.
- Ministers cannot combine official visits with election campaigning.
- No policy, project or scheme can be announced that can influence voting behaviour.
- No public meetings within 48 hours before polling ends.

## Article 329(b) of the Constitution

### WHY IN NEWS

The Election Commission (EC) has invoked Article 329(b) to prevent judicial interference during the election process, ensuring smooth electoral conduct.





- **Article 329(b)** states that notwithstanding anything in the Constitution, no election to either House of Parliament or the Legislature of a State shall be called into question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

#### Judicial Interpretation of Article 329(b)

1. **Ponnuswamy Case (1952)**
  - The SC ruled that "election" under Article 329(b) includes **all stages** from notification to result declaration.
  - Courts cannot interfere in electoral processes **once started** until the results are declared.
2. **K. Venkatachalam Case (1999)**: SC clarified that Article 329(b) **does not apply** to matters under **Articles 191 and 193**, which relate to **disqualifications and penalties** for MPs and MLAs.

#### Implications of Article 329(b)

- Ensures election integrity by preventing judicial delays.
- Limits premature legal interventions, allowing the electoral process to conclude undisturbed.
- However, it raises concerns about lack of immediate legal recourse if electoral irregularities arise

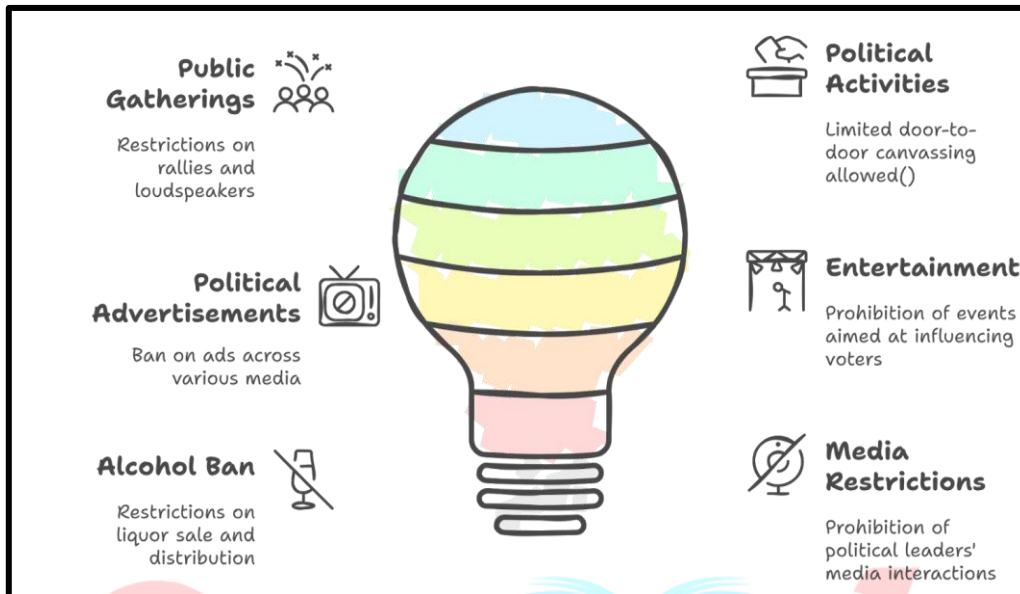
## Silence Period in Elections

#### **WHY IN NEWS**

- The **Silence Period** was recently observed in certain states ahead of Lok Sabha elections, as mandated under election laws.

#### What is the Silence Period?

- **Definition:** A 48-hour restriction before polling begins, regulated by **Section 126** of the Representation of the People Act, 1951.
- **Aims to:** prevent undue influence on voters by restricting political activities.
- **Applies to:** political parties, candidates, and media.
- **Enforced through:** directives issued by the District Magistrate.



## Re-Polling in Lok Sabha Elections

### WHY IN NEWS

- The Election Commission of India (ECI) conducted re-polling in various polling stations of Manipur and Arunachal Pradesh due to reported irregularities in the ongoing Lok Sabha General Elections.

### What is Re-Polling?

- Re-polling is conducted when the election process at a polling station is disrupted due to violence, malpractice, natural calamities, or technical issues. The legal provisions governing re-polling are found in the Representation of the People Act (RPA), 1951.

### Circumstances Leading to Re-Polling (Under RPA, 1951)

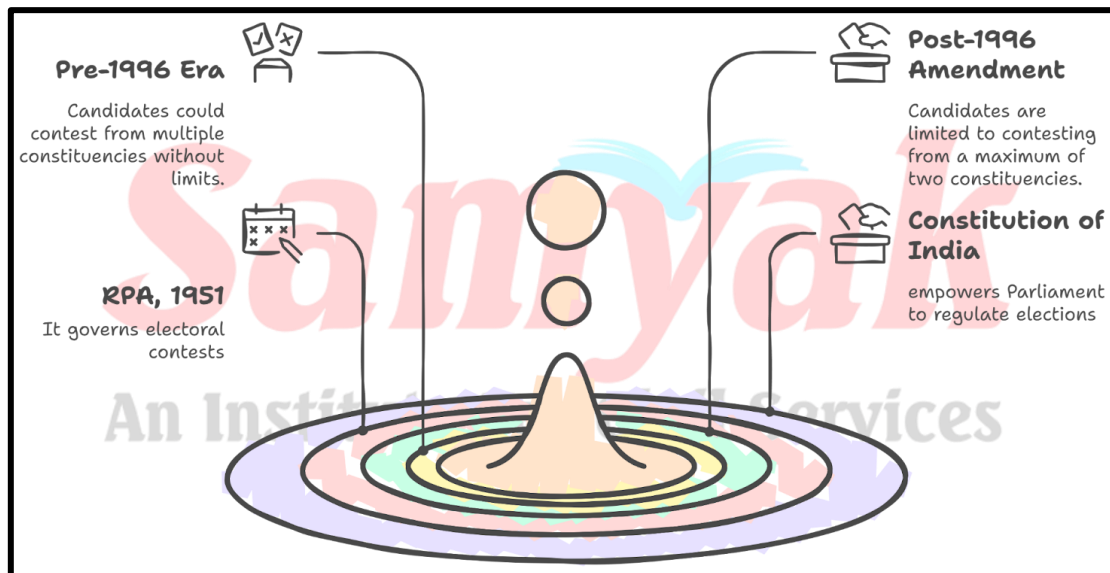
- **Disruptions Due to Violence or Natural Calamities (Section 57)**
  - Election can be adjourned due to riots, open violence, or severe natural disasters (floods, storms, etc.).
  - Essential polling materials (EVMs, voter lists) being lost or damaged also warrant re-polling.
  - If the polling does not start within two hours of the scheduled time due to any reason.
- **Damage or Destruction of EVMs (Section 58(2))**
  - If an unauthorized person unlawfully takes away an EVM.
  - Accidental or intentional destruction, loss, or tampering of EVMs.
  - Mechanical failure of the EVMs during voting.
- **Booth Capturing & Electoral Malpractices (Section 58A & 135A)**

- If miscreants seize a polling station and prevent voters from casting their votes.
- If a group takes control of a polling booth and allows only its supporters to vote.
- If voters are intimidated, threatened, or prevented from reaching the polling station.
- Seizure of a counting center, affecting the integrity of election results.
- If government officials are involved in such malpractices.
- **Death of a Candidate from a Recognized Party (Section 52)**
  - If a validly nominated candidate of a recognized national or state party dies after the nomination deadline but before polling begins, elections are adjourned.
  - The ECI allows the party to nominate another candidate within 7 days.

## One Candidate, Multiple Constituencies

### WHY IN NEWS

- The practice of a single candidate contesting from multiple constituencies (OCMC) in elections continues despite legislative changes, raising concerns about its impact on democracy, administration, and voter trust.



### Recommendations for Reform

- **Ban on Multiple Candidacies:** Election Commission of India (ECI) and Law Commission's 255th Report (2015) recommend amending Section 33(7) of the RPA, 1951 to ban multiple constituency contests.
- **Recover By-Election Costs:** Candidates vacating a seat should bear the full financial burden of conducting by-elections.

## Vote-from-Home Facility in Lok Sabha Elections

### WHY IN NEWS

- For the first time in Lok Sabha elections, the Election Commission of India (ECI) extended the vote-from-home (VFH) facility to Persons with Disabilities (PwD) and senior citizens aged 85 and above.

**Vote-from-Home Facility**

- **Who is Eligible:**
  1. Senior citizens (85+ years), Persons with Disabilities (PwD) ( $\geq 40\%$  disability, certified), Mediapersons (with ECI authorisation), Essential service workers (metros, railways, healthcare) and Service voters (armed forces, CAPF, election duty personnel).
- **How to Avail the Facility?**
  1. **Submit Form 12D:** Download from ECI website or collect from district office; Submit within 5 days of poll notification.
  2. **Home Voting Process:** Polling team (officials + videographer + security) visits the voter's home; Postal ballot voting conducted under strict supervision. SMS/postal intimation sent about visit date/time.
  3. **Second Attempt (If Necessary):** If missed first visit, a second visit is scheduled. If missed again, then voter loses voting rights (both home voting & polling booth).