

Indian Government & Politics

Current Affairs 2023

Making Best Use of This Book

There will be two types of students who will be using these notes 1) Those who're giving Mains this year & 2) Those who're preparing for next year.

If you're giving Mains this year, you don't have to read every article given in these booklets. We've already classified the articles according the official UPSC syllabus. Have a look at index, and for the topics where you have not yet prepared so far, read from this book. The names of articles also talk about its content. Thus, see for yourself that if you've read about this particular dimension of the topic. We recommend that at least do 2-3 iterations of these notes.

The last article in IR section i.e. Important Data & Statistics will do good amount of value addition in your PSIR answers. This will also give you something to talk about in essay as well. Please make an attempt to remember the figures which are going to help you in exam. If you don't think you can use them, don't waste your time.

For those who're preparing for next year, you've some luxury of time. Read these articles nicely and add points /quotes/data etc. to your static notes. This will complement your static notes and make your preparation comprehensive.

We heartily wish all the best for all candidates writing Mains this year.

Regards,
Abhijeet Pimparkar,
Director, Politics for India

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1] Uniform Civil Code: Need of the Hour?

Uniform civil code is a political hot potato in India. Several incidents in the recent past have brought the issue back into Indian political discourse. This article explores in detail the issues relating to UCC and the way forward.

A Uniform Civil Code, in simple words, means having one law for one nation. Historians say its origins can be traced back to the Romans. They governed themselves based on a civil law, not holy text. The Mesopotamians did the same. They followed the code of Ur-Nammu, apparently the oldest law code in history.

In modern times, it emerged in 17th-century Europe when the process of industrialization and secularisation had begun there. The Constitution of USA is another such example that treats all its citizens as equals. "All men are born equal," it reads and thus frames same laws for all citizens.

In India, however, the case is different. Laws are based on religion, caste, culture, even geography, especially in the case of inheritance and property rights. For instance, Northeast Indian states like Nagaland, Meghalaya and Mizoram are given immunity from mainstream laws by the Sixth schedule. Indian Constitution permits them to frame their own laws to preserve their unique culture, no matter how archaic the laws may be. This is based on the concept of multicultural citizenship (as opposed to universal citizenship in the West).

Another issue is that of religion. In India, certain personal laws for Muslims are determined by the Quran. These mainly include matters relating to marriage, divorce, inheritance, and custody of children. Thus, a Muslim woman's rights in these matters are at the mercy of the Muslim Personal Law Board, which is mostly composed of and run by men.

The Muslim Personal Law came into force in the year 1937. The Britishers supported its formation. Why? To divide and rule. To ensure that India remains separated into water-tight compartments, that will make it easier for them to rule.

Unfortunately, this continued even after independence. However, the issue was debated fiercely in the Constituent Assembly. From women leaders like Hansa Mehta and Rajkumari Amrit Kaur to Dr B. R. Ambedkar and Pt. Jawaharlal Nehru, all favoured the introduction of a uniform civil code. They wanted to get rid of personal laws. However, members from the minority like Ismail Sahib and Pocker Sahib were staunch opponents of UCC.

Dr Ambedkar was the strongest proponent of it. In a Constituent Assembly debate, he said, "I personally do not understand why religion should be given this vast, expansive jurisdiction so as to cover the whole of life and to prevent the legislature from encroaching upon that field. After all, what are we having this liberty for? We are having this liberty in order to reform our social system, which is so full of inequities and discriminations which conflict with our fundamental rights."

Nehru agreed with all of this. However, he feared that Muslims who had stayed back in India after the partition would feel insecure, if it is introduced immediately. Thus, although he had his 'extreme sympathy', the time was not ripe for it. Thus, the provision for a Uniform Civil Code was put in the Directive Principles (article 44) which are non-justiciable.

The debate around UCC has kept erupting in Indian politics from time to time. In the 1950s, the Hindu Code Bill was introduced. It abolished certain personal laws. Nehru said this was the first step towards bringing a UCC. Recently a separate law known as the 'Anand Marriage Act' has been codified for the Sikh community. Besides special marriage act provides a person following any religion can opt for the Special Marriage Act (civil marriage act).

The debate again gained momentum in the 1980s when Parliament overturned the verdict on the **Shah Bano case**. **The Supreme Court said, "A common civil code will help the cause of national integration by removing desperate loyalties to laws that have conflicting ideologies."**

Three decades have passed since then, and the issue of the Uniform Civil Code has again come to the fore. The ruling party, Bhartiya Janata Party, promised to bring a Uniform Civil Code in its 2019 manifesto. The party promised to adopt the best provisions of different personal laws from different religions. However, it has not been able to pass despite being in power for 8 years. Meanwhile, several petitions have been filled in the Supreme Court to look into the other types of divorces prevalent in the Muslim community.

Critics say this is a move against secularism, and targets the Muslim community. UCC is opposed not only by some political and religious groups but also by the tribal communities from the Northeast. The critics fear that the views of the Hindu majority would be forced on everyone in the garb of UCC.

The major question is whether the Indian state can constitutionally intervene in personal laws. Article 25 of the Constitution grants the right to 'practice' religion. Thus, can the state interfere in the practice of such religious principles? The Supreme Court has clarified in the Shayara Bano case (triple talaq case) that customs and traditions are not immune to the power of judicial review.

On the other hand, the proponents of UCC argue that UCC only brings uniformity, and uplifts women and oppressed religious communities. Goa is cited as an example, the only state where a uniform civil code is in operation.

The main issue highlighted in support of UCC is that of gender justice. Several personal laws discriminate against women and violate not only the fundamental rights of women but also the basic ideals of human dignity. However, it is argued that the discriminatory aspects of such laws are often declared void by the Supreme Court on case-by-case basis like in the case of triple talaq (piecemeal approach). Also, Flavia Agnes (Jurist) argues that UCC is not a silver bullet that will bring justice automatically. Nonetheless, UCC will set uniform guidelines based on equality.

Then we have examples of some Islamic countries that have reformed Personal laws to curtail their misuse. Turkey, Tunisia, Egypt, and Jordan have codified their personal laws as per their Constitution. Thus, polygamy is abolished in Turkey and Tunisia. Whereas Jordan and Egypt have banned triple talaq.

The question thus arises is that if some Muslim countries and Western democracies can follow a civil code, why should India live under archaic laws passed before independence?

India is a secular, multicultural nation. Any decision in this direction can be reached only after building consensus. That can be done by bringing experts from all religions and drawing from their best practises. Only in this way can India bring a uniform civil code that mitigates discrimination without compromising diversity.

2] Feasibility of Uniform Civil Code (UCC) in Indian society

Uniform Civil Code

Uniform Civil Code (UCC) is a set of proposed civil laws that would preside over personal matters such as marriage, divorce, adoption, and inheritance, for its citizens, irrespective of their religious background. Thus, UCC seeks to replace personal laws based on diverse religious and cultural dictums.

B.R. Ambedkar, the father of constitutional assembly, proposed that a “state that shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”, the provision, which also finds its place in the Indian Constitution (Art 44). For him, a common civil code would annihilate disparities and provide equal rights and opportunities to everyone, irrespective of their religious background. He viewed the UCC as a vital step towards breaking down caste-based hierarchies and promoting a cooperative and egalitarian society.

Although mentioned in the constitution as a part of Directive Principles of State Policy, despite 75 years of independence, the implementation of UCC remains contentious, igniting passionate discussions on platforms of politics, academia, and public discourse.

Historical Background

In the annals of India’s history, the concept of a Uniform Civil Code (UCC) emerges as a profound thread that connects the country’s colonial legacy with its ardent struggle for independence. As the British East India Company sought to govern a diverse and intricate land, they recognized and codified personal laws based on religious beliefs, giving rise to a patchwork of legal practices. However, with the winds of change blowing fiercely during the independence movement, visionaries envisioned a secular and inclusive India, where the unity of the nation prevailed above all else. During the colonial era, personal law jurisdiction laid the foundation for a diverse legal landscape, where personal matters such as marriage, divorce, and inheritance were governed by religious customs. As the leaders of the independence movement dreamt of a new India, the concept of a UCC emerged as a pivotal instrument to foster national integration and uphold the ideals of equality before the law.

The Debate for Enactment

Various scholars, academicians, religious leaders and activists were convinced that the implementation of UCC could produce beneficial developments in the long run.

Firstly, the social fabric of India is woven with a diverse set of cultural and religious patterns brushed by the strokes of different norms, values, rituals and traditions. The adherents of

UCC consider the distinct course of religion in matters of personal law creates disparities and inequalities among people. By adopting UCC, equality before law will prevail which will govern all citizens, regardless of their religious background, thus fostering a sense of equal treatment and fairness. **As Prof. Tahir Mahmood aptly mentions, “The principle behind the Uniform Civil Code is that all citizens should be equal before the law, irrespective of their religious beliefs.”**

Secondly, the innumerable identities have induced divisions within society resulting in identity conflicts, animosity and weakening of nations’ strength. Advocates of UCC profoundly believe that a common civil code can help bridge these gaps and create a stronger sense of unity and collective identity, fostering a more integrated and cohesive society. And could be essential for building a strong and resilient nation, enabling citizens to focus on common goals rather than dwelling on divisive issues.

Furthermore, a Uniform Civil Code can address gender inequalities prevalent in certain personal laws. Many existing personal laws have discriminatory provisions that affect women’s rights, including limited access to divorce, unequal inheritance rights, and restrictive custody arrangements. A uniform code will eliminate such discriminatory practices and provide women with equal rights and opportunities, contributing to gender justice and women empowerment.

Justice V.R. Krishna Iyer, in this context states that the “Uniform Civil Code is essential to ensure gender justice and to eliminate discrimination against women entrenched in personal laws.”

While the UCC will bring in the benefits mentioned above, many have also contended that it would bring tides of detrimental consequences for India. The foundation of Indian society depends on the whole idea of “Indianness”, which gives prominence to diversity. If tinkered with, it would carry off the essence and spirit of India’s rich culture.

Critics argue that a UCC will undermine cultural and religious pluralism by imposing a uniform set of laws on all citizens, disregarding their unique customs and practices. **As suggested by Justice B.S Law Commission of India in 2018, “cultural diversity cannot be compromised to the extent that our urge for uniformity itself becomes a reason for threat to the territorial integrity of the nation”.**

Furthermore, the opponents of the UCC fear that it could disproportionately affect minority communities and their personal laws. There are also concerns that implementing a single civil code may infringe upon the rights of religious and cultural minorities, leading to possible marginalization. This was also highlighted by Asghar Ali Engineer, a social activist and scholar, who studied the concerns about the potential imposition of a UCC on minority communities and its impact on religious freedom.

While proponents of the UCC argue that it would promote gender equality, critics contend that the existing personal laws already have provisions for addressing gender-related issues.

They argue that the focus should be on effectively implementing and reforming these laws rather than imposing a uniform code.

Critical Assessment

UCC moots a broad spectrum of questions such as the scope of uniformity, diversity, plurality, and equality. And although the debate over its enactment finds many sides from both ends, what remains a significant question is how the process of implementation will take place if there are many stakeholders at loggerheads.

Many eminent theorists state that the political environment is not conducive to discussion of UCC. Also, Articles 25-30 give citizens of India the Freedom of conscience and profession, practice, and propagation of religion, There cannot be a conflict between fundamental rights and DPSP where the latter is not enforceable. Furthermore, any recommendation on the UCC should prioritize inclusivity, respect for diversity, and sensitivity towards the rights and traditions of all religious communities. It should aim to protect minority rights and uphold the principles of religious freedom while promoting equality and justice for all citizens. Additionally, it should take into account the unique historical, cultural, and social contexts of India, recognizing the importance of legal pluralism while also striving for a more uniform and just legal framework.

Any recommendation on UCC should be informed by the expertise of legal scholars and constitutional experts who can navigate the complexities of harmonizing different legal systems and ensure that it complies with the principles of the Indian Constitution.

Conclusion

Many prominent scholars remarked that UCC could be achieved if progressive reforms were brought within the personal laws rather than changing the personal laws totally. There needs to be a consensus, a collective approach or an amendment rather than a replacement. Any amendment must deal with roots first then branches, that is, altering personal laws within and comparing them with present-day rights and equality could bring a scope for executing a Unified civil code in the coming future.

Recognizing the complexities of the issue and the need for unity in diversity, Dr Harmony Singh, an eminent scholar and peacemaker, suggests a “Progressive Pluralistic Code” (PPC) instead of a traditional Uniform Civil Code. This approach emphasizes the importance of unity and harmony among diverse communities, encouraging them to find common ground while celebrating their unique identities. Through such steps, India could begin a new chapter of unity in diversity, celebrating its rich cultural heritage while embracing the principles of justice, equality, and respect for all.

3] Agnipath Scheme

Introduction

The government has introduced a monumental change in the recruitment procedure of the Indian Armed Forces. Calling it historical is not an exaggeration as it brings a significant shift from the past and will have an immense socio-political, economic and integrative impact on the nation.

What is the Scheme?

According to this plan, the government would recruit around 50,000 soldiers annually for the Armed Forces. The candidates must be between 17.5 and 21 years old (for 2022, the higher limit is 23 years). These soldiers will be called Agniveers and will serve for four years on non-commissioned posts and will get Rs. 30,000 per month for the first year, which will increase to 40,000 by the fourth year. An essential component of the scheme is the Seva Nidhi Package. After completing their four years of service, Agniveers will receive a lump sum of Rs 11.71 lakhs, 30% of which will be taken from the salary of the Agniveer, and the rest will be contributed by the government. Of these servicemen, 25% will be selected for regular cadre full-time service by the government based on merit, willingness and medical fitness. In addition, the retiring Agniveers will get a certificate which will help them get a job in the market and life insurance of Rs. 48 lakhs.

The Rationale Behind the Scheme

India is bound by sensitive borders on two sides. This calls for an economical expenditure of the defence budget to include the most modern weapons in our defence portfolio. Earlier, the soldiers were recruited on a 15-plus-year term of office. Meaning they could continue or exit after serving for fifteen years. They will get the benefit of a pension for life either way. This system meant that most of the defence budget was spent on the numerous retiring soldiers and not on the modernisation of the forces.

Moreover, the current mean age of military personnel is 32 years. The scheme will give our forces a youthful profile and maintain an age balance to ensure that our soldiers are at their best. The scheme will also instil discipline, dynamism and diverse skillset in our youth, making them an asset to the country. It will also provide a chance for the desirous youth to serve the country.

Impact of the scheme

Our army is centuries old and has a rich history and culture. Historically, the British empire regimented the soldiers based on caste, religion and region to prevent the development of a national feeling, making it easy for them to divide, conquer, and persist. Later, this structure was adapted by our forces to form a sense of unit cohesion and belongingness,

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