

Mains Master

Strike a fine balance, have a just civil code

Context:

- **Issue:** India's potential implementation of a Uniform Civil Code (UCC), applying the same personal laws to all citizens regardless of religion.
- **Action:** Law Commission of India seeking public feedback on the UCC.

Background:

- **Current System:** Different religious communities have their own personal laws on marriage, divorce, inheritance, adoption, etc.
- **Criticisms:** This system is considered discriminatory and outdated due to practices like polygamy and unilateral divorce in some communities.
- **Arguments for UCC:** Proponents believe it promotes equality and national unity.
- **Arguments against UCC:** Opponents fear infringement on religious freedom and cultural diversity.

What is a just code?

- **Beyond Uniformity:** The authors advocate for a "just code" that upholds:
 - **Equality:** Equal rights for all individuals, regardless of religion.
 - **Gender Justice:** Elimination of discriminatory practices against women.
 - **Individual Rights:** Respect for fundamental rights guaranteed by the Constitution.
 - **Cultural Sensitivity:** Recognizing and respecting India's diverse cultural and religious landscape.

Need for a UCC:

- **Addressing Discrimination:** The authors highlight discriminatory practices allowed under some personal laws, like polygamy and unilateral divorce.
- **Promoting Equality:** A UCC could ensure equal treatment for all citizens in matters of personal law.
- **National Unity:** A common set of laws could potentially strengthen national unity and cohesion.

Issues with a UCC:

- **Implementation Challenges:** The authors acknowledge the difficulty of implementing a UCC without causing backlash from religious minorities.

- **Cultural Identity Concerns:** A UCC imposed without sensitivity could threaten the cultural identity of some communities.
- **Secularism Model:** The authors caution against blindly adopting a Western secularism model that might not fit India's context.

Way ahead:

- **Striking a Balance:** The authors urge the Law Commission to find a balanced approach between uniformity and justice.
- **Selective Reform:** The code should only eliminate practices that violate the Constitution, not impose uniformity for its own sake.
- **Internal Reform:** The authors encourage religious communities to undertake internal reforms to address discriminatory practices within their own personal laws.

Banks must gear up for investment-led growth

Context:

- **Declining investment:** The Indian economy has witnessed a concerning decline in investment over the past few years. This trend needs to be reversed to achieve sustainable growth.
- **Infrastructure development and MSME growth:** The government's focus on infrastructure development and MSME (Micro, Small and Medium Enterprises) growth requires significant financial support. Banks are crucial players in providing this support.
- **Investment-led growth:** The interim budget suggests a shift towards an investment-led growth trajectory instead of the recent consumption-driven model. This shift necessitates changes in the banking sector to cater to different demands.

Role of Banks:

- **Massive project finance:** Large banks are required to handle the anticipated surge in demand for financing major infrastructure projects. Revisiting the recommendations of the Narasimham Committee report on bank structure (1991) may be necessary to create a few large banks with international capabilities.
- **Mobilizing low-cost deposits:** To meet the credit demand without jeopardizing financial stability, banks need to attract low-cost deposits. This might involve longer-term deposits (over 10 years) through amendments to the Banking Regulation Act.
- **Eschewing asset-liability mismatches:** Banks must carefully manage their assets and liabilities to avoid mismatches that could lead to financial risks. Emphasis on longer-term deposits will help achieve this.
- **Foreign exchange facilities at tourist spots:** Tourism is being emphasized as a growth driver. Banks need to expand their reach by opening branches in emerging tourist destinations and offering foreign exchange facilities to cater to foreign visitors. This will boost their foreign exchange earnings.



• **Increasing financial inclusion among women:** Empowering women financially is crucial. Banks, particularly private ones, need to do more to reach out to women and help them participate in the formal financial system. Leveraging mobile technology can be instrumental in this effort.

• **Revisiting education loan policies:** With rising costs of technical education and currency fluctuations, banks need to review their education loan policies, particularly regarding secured loans. Ensuring easier access to financing for education is essential for skilling and upskilling the workforce.

• **Adapting to lower interest rates:** The expected shift towards a lower interest rate regime will impact banks' net interest income. They need to adapt by improving operational efficiency, offering competitive rates, and exploring alternative sources of income.

Overall Outlook:

• **Structural changes:** The banking sector might need structural changes like mergers, creation of a dedicated rural entity, and potentially revisiting the Narasimham Committee recommendations to handle the anticipated increase in credit demand.

• **New opportunities:** Banks have opportunities to grow in areas like tourism, women's financial inclusion, and education loans by adapting their strategies and offerings.

• **Operational adjustments:** Lower interest rates necessitate changes in bank operations to maintain profitability and competitiveness.

Affluent among sub-castes could be omitted from quota list, observes SC

Context:

• A seven-judge Bench in the Supreme Court is examining the validity of sub-classifying groups within the Scheduled Caste (SC) category for reservation benefits.

• This comes in response to a challenge against the Punjab law granting preferential reservation within the SC category.

Supreme Court Observations:

• **Exclusion within reservation:** Chief Justice Chandrachud highlighted that exclusion is inherent in reservation itself, as forward castes are excluded to benefit backward classes.

• **Questioned need for sub-classification:** Justice Vikram Nath raised concerns about affluent sub-castes within backward classes continuing to avail reservation, suggesting they should compete in the general category.

• **Impact on weaker sections:** Justice B.R. Gavai expressed concerns about privileged individuals within backward groups accessing reservation benefits for generations, while truly marginalized sections remain disadvantaged.

Issues Highlighted:

• **Potential violation of equality:** Sub-classifying within SCs might contradict the notion of equal rights within the category, established in previous judgments.

• **Balancing social justice and efficiency:** While aiming to deepen the impact of reservation and reach weaker sections, concerns arise about excluding even a portion of the general category and potential impact on meritocracy.

• **Federal vs. national approach:** The debate centers on whether states have the power to identify and address specific needs within their SC populations, beyond the national categorization by the President.

Overall Outlook:

• The Supreme Court is critically examining the justifications for sub-classification within the SC category, balancing considerations of social justice, equality, and merit.

• The final verdict will potentially have significant implications for reservation policies and their implementation across the country.

Prelims Booster

Ajit Pawar faction the real NCP: EC

The Election Commission (EC) used the majority in the party's legislative wing as the decisive factor in resolving the dispute. According to the EC's final order, Ajit Pawar's faction had the support of 57 MPs, MLAs, and MLCs, while Sharad Pawar's faction had the support of 28. The EC rejected the test of majority in the party's organizational wing, citing a lack of foundational basis and transparency in internal elections. The EC considered affidavits submitted by members and emphasized the importance of addressing issues of "non-transparent functioning" in political parties for fair democratic processes.

🗳️ The Election Commission (EC) resolves disputes among rival groups or sections of a recognized political party regarding its name and symbol under the authority of the Election Symbols (Reservation and Allotment) Order, 1968.

📖 Paragraph 15 of this order empowers the EC to resolve such disputes, and its legal status is upheld by the Supreme Court, as confirmed in the case of Sadiq Ali and another vs. ECI in 1971.

🏛️ Before recognizing one group as the official party, the EC considers the support within the political party in both its organizational and legislative wings, examining the party's constitution, list of office-bearers, and the number of MPs and MLAs in rival camps. Affidavits filed by members may also be considered.

👉 After finding a definite majority, the EC may decide the dispute in favor of one faction, granting it the name and symbol of the recognized party, or allow the other group to register as a separate political party.

⚙️ In cases of uncertainty about the majority of either faction or if the party is vertically divided, the EC may freeze the party's symbol and allow the groups to register under new names or modifications to the existing names.

🔄 If elections are imminent, the EC may freeze the party's symbol for immediate electoral purposes and advise the groups to participate in elections using different names and temporary symbols until a decision is made.

🤝 If rival factions settle their differences in the future or reunite, they can approach the EC to be recognized as a unified party. The EC is also empowered to recognize mergers of groups into one entity and may restore the original party's symbol and name.

Consider the following statements:

1. The Election Commission of India is a five-member body.
2. Union Ministry of Home Affairs decides the election schedule for the conduct of both general elections and bye-elections.
3. Election Commission resolves the disputes relating to splits/mergers of recognised political parties. Which of the statements given above is/are correct?
(a) 1 and 2 only
(b) 2 only
(c) 2 and 3 only
(d) 3 only

UPSC Pre-2017

