



CURRENT AFFAIRS



Argasia Education PVT. Ltd. (GST NO.-09AAPCAI478E1ZH)
Address: Basement C59 Noida, opposite to Priyagold Building gate, Sector 02,
Pocket I, Noida, Uttar Pradesh, 201301, CONTACT NO:-8448440231

Date – 29 December 2022

MINORITIES IN THE CONSTITUTION OF INDIA

The Constitution of India recognizes linguistic and religious minorities. However, the term “minority” is not defined in Constitution.

The National Commission for Minority Education Institution Act (NCMEI), 2004 identifies minorities only at the national level and does not recognize minorities at the state level which is construed by some scholars as a deprivation of their rights. Recently, a petition was filed in the Supreme court with reference to the identification of Hindus as minorities in some states. There have been several requests from different parties about the increasing identity politics in India’s democracy.

PROVISIONS FOR MINORITIES IN CONSTITUTION

Article 29 and Article 30: These articles grant protection to both religious and as well as linguistic minorities. They also allow them to protect their distinct culture and establish educational institutions.

Article 350-B: It creates a provision for Special Officers for Linguistic Minorities who will be appointed by President. The Special Officer will investigate issues and matters regarding rights and safeguards provided under the constitution.

The government has brought various schemes and policies since independence to uplift minorities and empower them:

- **Pre-Matric Scholarship Scheme**, Post-Matric Scholarship Scheme, Merit-cum-Means based Scholarship Scheme – For educational empowerment of students through Direct Benefit Transfer (DBT) mode.
- **Maulana Azad National Fellowship Scheme** – Provide fellowships in the form of financial assistance.
- **Naya Savera** – Free Coaching and Allied Scheme – The Scheme aims to provide free coaching to students/candidates belonging to minority communities for qualifying in entrance examinations of technical/medical professional courses and various competitive examinations.
- **Padho Pardesh** – Scheme of interest subsidy to students of minority communities on educational loans for overseas higher studies.
- **Nai Udaan** – Support for students clearing Prelims conducted by Union Public Service Commission (UPSC), State Public Service Commission (PSC) Staff Selection Commission (SSC), etc.
- **Nai Roshni** – Leadership development of women belonging to minority communities.

Many noted independent freedom fighters in Constituent Assembly that A country becomes secular not how it treats the majority of the community but when it treats the minority at par with the majority.

Rishabh

OBC Reservations in Urban Local Body Elections

*This article discusses “Daily current events “about **OBC Reservations** in Urban local bodies’ news in relation to **Polity and Governance**. In GS-2 and following content has relevance for UPSC.*

For prelims: OBC Reservations, Urban local bodies

For mains: GS-2, Triple test formula for OBC reservation and its impact

Why in news:

- The drafted notification for the Other Backward Classes (OBCs) reservation in the urban local body elections was recently quashed by the Allahabad High Court. The votes must be held without any exceptions for OBCs, the court said.

- For the first time, a state government in Uttar Pradesh was able to pass the triple test procedure required by the Supreme Court in order to grant OBCs voting rights in local body elections.

About its background:

- OBC quotas in local body elections were eliminated by the SC in 2021 for Maharashtra and Madhya Pradesh, while the Odisha high court halted a similar initiative there because it failed the triple test.
- The Triple-Test Formula required the states to appoint a commission, gather quantifiable data about the community, and distribute reservations to them in local bodies in such a way that the total reservation in each seat does **not exceed 50%**. It was first established by the Supreme Court in 2010 and later reiterated in March 2021.

Triple test formula:

The Supreme Court recommended the “**triple test**” approach to offer **OBC reservations** in urban local body (ULB) elections. According to the methodology, the states must establish a commission, gather quantitative information about the community, and distribute reserves to local authorities so that the overall number of reservations does not exceed 50%.

- According to the triple test formula, it is necessary to create a special commission to gather information on the circumstances (economic and educational), nature, and effects of OBCs’ backwardness in local body elections in the state.
- The state government will be required to make reservations in municipal and municipal elections based on a proportional basis as a result of these suggestions.
- The state government must also keep in mind that the overall number of seats reserved for SC-ST or OBC must not exceed 50%.

2010 Supreme Court judgment:

- The five-judge Constitution Bench decision in K. Krishnamurthy (Dr.) v. Union of India (2010) held that barriers to political participation are different from those that restrict access to education and employment. The Supreme Court had interpreted **Articles 243D(6) and 243T(6)**, which allow reservation by the enactment of law for backward classes in panchayat and municipal bodies, respectively.
- The aforementioned Articles, which establish a distinct constitutional basis for reservation in contrast to what is envisioned under **Articles 15(4) and 16(4)**, which provide the basis for reservation in education and employment, may, nonetheless, be beneficial for leveling the playing field.

- Although reservations for local bodies are allowed, the highest court ruled that they must be supported by empirical evidence of those bodies' comparative backwardness, as determined by the triple criteria.

Related topic:

The Urban Local Government is made up of eight different sorts of Urban local bodies.

- **Municipal Corporations** are typically found in large cities like Bangalore, Delhi, Mumbai, Kolkata, etc.

- **Municipality:** There are typically municipalities available in smaller cities.

Numerous additional terms, such as the municipal council, municipal committee, municipal board, etc., are frequently used to refer to the municipalities.

- **Notified Area Committee:** Notified area committees are established for both rapidly developing towns and those deficient in the necessities.
- The state legislature appoints each and every member of the notified area committee.
- **Town Area Committee:** In small towns, there are town area committees. Only a few things fall under its meager purview, like conservancy and drainage roads.
- **The Cantonment Board** is often established for civilians residing in the cantonment region. The federal government established it and oversees it.
- **Township:** A different type of municipal administration, a township, provide basic services to the staff and workers who live in the colonies built close to the plant. It is just an extension of the bureaucratic apparatus and has no elected members.
- **Trusts for Ports Trusts** for ports are created in port cities like Mumbai, Chennai, Kolkata, etc. It oversees and maintains the port. Additionally, it offers the locals access to fundamental civic amenities.
- **Special-purpose organizations:** These organizations carry out the predetermined tasks or particular duties that belong to municipal corporations or municipalities.

UPSC Civil Services Examination, Previous Year Questions :

Q. Local self-government can be best explained as an exercise in (2017)

- (a) Federalism
- (b) Democratic decentralization
- (c) Administrative delegation
- (d) Direct democracy

Ans: (b)

Q. The fundamental object of the Panchayati Raj system is to ensure which among the following? (2015)

1. People's participation in development
2. Political accountability
3. Democratic decentralization
4. Financial mobilisation

Select the correct answer using the code given below

- (a) 1, 2, and 3 only
- (b) 2 and 4 only
- (c) 1 and 3 only
- (d) 1, 2, 3 and 4

Piyush singh



PLUTUS
IAS