



CURRENT AFFAIRS



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CENTRE'S ORDINANCE ON DELHI SERVICES

This article covers "Daily Current Affairs" and the topic details "Centre's Ordinance on Delhi Services". The topic "Centre's Ordinance on Delhi Services" has relevance in the Polity section for the UPSC CSE exam.

Relevance of the topic "e-Vidhan"

For Prelims:

About Article 239AA

For Mains:

GS 2: Polity and Governance

What is the background of the issue?

What did the Supreme Court say in its verdict?

Way Forward

Why in the news?

The Central government has issued an ordinance to modify the Supreme Court's recent verdict, which granted the Delhi government authority over administrative services in the national capital.

What is the background of the issue?

The President of India has promulgated an ordinance to amend the Government of National Capital Territory of Delhi Act, 1991.

- **Powers to LG:** The ordinance grants additional powers to the Delhi lieutenant governor (LG) regarding administrative services in the national capital.
- **Creation of a new body:** The ordinance has created a new entity called the National Capital Civil Service Authority (NCCSA).
 - The Chief Minister of Delhi will head the authority, and the Chief Secretary and Principal Home Secretary of Delhi will serve as its other two members.
 - The NCCSA will make decisions regarding the transfer, posting, and vigilance matters of all Group A officers and DANICS officers stationed in Delhi, based on majority votes.
- **Role of LG:** The LG is empowered to issue orders to implement the recommendations put forth by the NCCSA. However, upon disagreement the LG can send the recommendations back for reconsideration. The final authority in the case will be LG.

What did the Supreme Court say in its verdict?

The five-judge constitutional bench of the Supreme Court has determined that the Delhi Government will possess legislative and executive control over administrative services in the National Capital Territory of Delhi (NCTD), with the exception of public order, police, and land.

Here are the key highlights of the verdict:

1. **Role of LG:** The Supreme Court ruled in favour of the democratically elected Delhi government, stating that the Lieutenant Governor (LG) must abide by the decisions made by the Delhi government regarding services, except in matters relating to public order, police, and land.
2. **Control of an elected government over the governance:** Article 239AA establishes a legislative assembly for the NCT of Delhi and denying a democratically elected government the power to control officers would render the principle of accountability redundant.
3. **Accountability of officers to the elected leaders:** The officers are required to report to ministers. If officers fail to report to ministers or disregard their directions, the entire principle of accountability is undermined.
4. **Federalism in UTs:** The central government has argued that the Constitution has a federal structure with a strong unitary bias when it comes to Union Territories (UTs). Contrary to this argument, the Supreme Court emphasised that Indian federalism is not unitary, and any further expansion of the Union's power would contradict the constitutional scheme.

What does Article 239AA say about the governance structure in Delhi?

Article 239AA of the Constitution of India is a specific provision that deals with the special status and governance of the National Capital Territory of Delhi (NCTD). Here are the key points covered by Article 239AA:

1. **Legislative Assembly:** Article 239AA provides for the establishment of a legislative assembly for the NCTD. Members of this assembly are elected by the residents of Delhi.
2. **Council of Ministers:** The article also allows for the formation of a council of ministers in the NCTD. The Chief Minister is appointed by the President of India and other ministers are appointed by the Lieutenant Governor (LG) on the advice of the Chief Minister.
3. **Legislative Powers:** The legislative assembly of Delhi has the power to make laws on all matters within the State List and Concurrent List, except for certain specified subjects like public order, police, and land.
4. **Executive Powers:** The executive power of the NCTD is vested in the LG, who exercises these powers with the aid and advice of the council of ministers, except in matters in which the LG is required to act in his/her discretion.
5. **Conflict Resolution:** In case of any difference of opinion between the LG and the council of ministers, the matter is referred to the President of India for a decision. The President's decision on such matters is final.

What are the issues in the Delhi governance model?

1. **Distribution of Powers:** One of the primary issues revolves around the distribution of powers between the elected government of Delhi and the central government represented by the Lieutenant Governor (LG). There have been disagreements and conflicts over the interpretation of Article 239AA of the Constitution, which defines the powers and responsibilities of the Delhi government and the LG.
2. **Administrative Control:** The control over administrative services, such as the transfer and appointment of bureaucrats, has been a contentious matter.

3. **Public Order and Police:** While the elected government of Delhi desires more authority in these areas, the central government maintains that the LG should have a significant say in matters of public order and police.
4. **Land Acquisition:** The Central government controls certain land-related issues, leading to conflicts with the Delhi government over decision-making and implementation of land policies.
5. **Financial Autonomy:** The Delhi government has sought more control over finances and the ability to make independent financial decisions, while the central government has retained significant control in this regard.

Source:

<https://www.thehindu.com/news/cities/Delhi/explained-how-will-the-new-ordinance-affect-services-in-delhi/article66882134.ece>

QUESTION FOR PRELIMS

Q.1 Under Article 123 the President is empowered to:

1. Exercise her emergency powers
2. Promulgate ordinances during the recess of the Parliament
3. Appoint a Judge of the Supreme Court
4. Exercise discretionary powers

Select the correct answer from the code given below:

1. Option 1
2. Option 2
3. Option 3
4. Option 4

Answer: (b)

Q.2 When can the President issue an ordinance?

1. Whenever there is a need to bypass the order of the Supreme Court.
2. When the Union Government asks her to do so.
3. Whenever the Judiciary advises her to do so.
4. Whenever the Parliament is not in session and the President is satisfied that immediate action is needed.

Select the correct answer from the code given below:

1. Option 1
2. Option 2
3. Option 3
4. Option 4

Answer: (d)

QUESTION FOR MAINS EXAMINATION

Q. The recent Ordinance issued by the Central Government is seen as an attempt to bypass the verdict of the Supreme Court. In light of this statement highlight the Indian concept of Separation of Powers.

Mohit pratap singh

UNIVERSAL CIVIL CODE (UCC)

This article covers "Daily Current Affairs" and the topic details "Universal Civil Code". The topic "Universal Civil Code" has relevance in the Polity and Governance section for the UPSC CSE exam.

For Prelims:

What is UCC?

UCC vis-a-vis Indian Constitution?

For Mains:

GS 2: Polity and Governance.

Why is UCC needed?

Challenges in Framing and Implementation of UCC?

Measures to tackle the challenges?

Way forward?

Why in the news?

There is an ongoing exercise by the Uttarakhand Government to implement the Uniform Civil Code in the State.

What is UCC?

A universal civil code refers to a set of laws that govern personal matters such as marriage, divorce, inheritance, and adoption, which are applicable to all citizens regardless of their religious or cultural backgrounds. The need for a universal civil code arises from the goal of ensuring equality, justice, and social harmony in a diverse society.

UCC vis-a-vis Indian Constitution?

Article 44 of the Constitution of India, commonly known as the Directive Principle of State Policy, pertains to the implementation of a Uniform Civil Code (UCC) in the country. It states, "The State shall endeavor to secure for the citizens a Uniform Civil Code throughout the territory of India."

The inclusion of Article 44 in the Directive Principles reflects the framers' vision of achieving a progressive and uniform legal framework for personal laws in India. The objective of a Uniform Civil Code is to bring about uniformity and consistency in matters such as marriage, divorce, inheritance, and adoption, regardless of an individual's religion.

Why is UCC needed?

- **Equality:** A universal civil code promotes equality by treating all citizens equally, irrespective of their religious or cultural affiliations.
- **Uniformity:** It establishes a common legal framework, eliminating discrepancies and contradictions that may exist in personal laws based on religious practices.
- **Gender Justice:** It addresses gender disparities by ensuring equal rights and opportunities for men and women in matters such as marriage, divorce, and inheritance.
- **Social Cohesion:** A universal civil code fosters social cohesion by promoting a shared understanding of rights and responsibilities among diverse communities.

Challenges in Framing and Implementation of UCC?

- **Religious Sensitivities:** Implementing a universal civil code may face resistance from religious groups who consider personal laws integral to their faith and traditions.

- **Political Opposition:** Political parties may exploit religious sentiments for electoral gains, hindering the implementation of a universal civil code.
- **Socio-cultural Diversity:** India's cultural and religious diversity presents challenges in formulating a code that is acceptable to all communities.
- **Legal Complexities:** Harmonizing diverse personal laws can be legally complex and may require extensive amendments and consultations.

Measures to tackle the challenges?

- **Public Awareness and Dialogue:** Conducting public awareness campaigns and fostering open dialogues to educate citizens about the benefits and importance of a universal civil code can help alleviate religious sensitivities.
- **Legal Reforms:** Engaging with legal experts and stakeholders to study and propose comprehensive legal reforms that address the complexities of personal laws.
- **Consensus Building:** Encouraging constructive discussions and consensus-building among political parties, religious leaders, and community representatives to foster a broader agreement on the need for a universal civil code.
- **Gradual Implementation:** Phased implementation of a universal civil code can allow for adjustments and give communities time to adapt to the changes while ensuring progressive transformation.

Way forward?

- **Judicial Intervention:** The judiciary can play a crucial role in interpreting constitutional principles of equality and justice to advance the cause of a universal civil code.
- **Social Empowerment:** Promoting gender equality and empowering marginalized sections of society through education, awareness, and economic opportunities can help create an environment conducive to the acceptance of a universal civil code.

Implementing a universal civil code requires a balanced approach that respects cultural sensitivities while upholding fundamental rights and principles of equality. It demands consistent efforts towards education, awareness, and dialogue to create a society that values unity, justice, and social harmony.

Source:

The Hindu

<https://www.thehindu.com/news/national/other-states/congress-will-welcome-uniform-civil-code-in-uttarakhand-if-it-promotes-social-harmony-congress-leader-navprabhat/article66895482.ece>

Q.1 Consider the following statements regarding the Uniform Civil Code (UCC):

- The Uniform Civil Code is a directive principle laid down in Article 42 of the Indian Constitution, which aims to replace personal laws based on religious customs and traditions with a common set of laws for all citizens.
- The implementation of the Uniform Civil Code would ensure gender equality and protect the fundamental rights of individuals, irrespective of their religious affiliations.

Select the correct statement(s) using the codes given below:

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None of the above

Answer: (b)

Q.2 Consider the following statements regarding the Uniform Civil Code (UCC) and select the correct option using the codes given below:

- The Uniform Civil Code is a constitutional provision mandated by Article 25 of the Indian Constitution, which aims to ensure freedom of religion and protect the cultural diversity of the country.
- The Uniform Civil Code has been implemented in Goa, which has a common civil code that governs personal laws irrespective of religious affiliations.
- The debate surrounding the Uniform Civil Code primarily revolves around the challenges of balancing individual rights, cultural diversity, and religious sentiments.

Select the correct option using the codes given below:

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

Answer: (c)

Q.3 Discuss the significance, challenges, and potential implications of implementing a Uniform Civil Code (UCC) in India. Examine the constitutional provisions and societal considerations associated with the UCC. (15 marks)

Rishabh

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