NEXT IAS

DAILY CURRENT AFFAIRS (DCA)

Time: 45 Min

Date: 10-02-2024

Table of Content

www.nextias.com

STATUS OF POLYGAMY IN INDIA

In News :

- THE Uttarakhand Legislative Assembly passed the **Uniform Civil Code (UCC) Bill, 2024.**
- The Bill explicitly bans polygamy in the state .

About Polygamy

- Polygamy is the practice of having more than one spouse(wife or husband at the same time.
- It has two forms, namely, **polygyny** (marriage of a man to several women at a time) and **polyandry** (marriage of a woman to several men at a time).

Data Analysis

- Government data on polygamy can be obtained from two main sources — the **decadal census and the National Family Health Survey (NFHS).**
  - **The NFHS-5 :** It showed the prevalence of **polygamy** (the percentage of women who reported their husbands had other wives) was highest among **Christians** (2.1%), followed by **Muslims** (1.9%), and Hindus (1.3%), looking at religion.
    - Overall, Scheduled Tribes reported the highest incidence at 2.4%.
  - **Census data :** According to the census of 2011, there are 28.65 crore married men in India, compared to 29.3 crore married women. The difference between the two numbers — 65.71 lakh — can be explained either by the incidence of polygamy or men gone abroad.

Status in India

- It is governed both by personal laws and the Indian Penal Code (IPC).
- Polygamy is illegal under the **Indian Penal Code (IPC),** but Muslim men are allowed to have up to **four wives under Sharia Islamic law**.
- The **Special Marriage Act (SMA), 1954** allows individuals to perform inter-religious marriages, but it forbids polygamy.
- Besides, polygamy also **exists in many tribal communities.**

Impacts and Consequences of Polygamous Marriages

- **Social and Cultural Impact:** In societies where polygamy is culturally accepted, it may not carry the same social stigma as in cultures where monogamy is the norm. Polygamy can influence gender dynamics, potentially reinforcing traditional gender roles and hierarchies.
- **Economic Consequences:** Polygamous households may face challenges in distributing resources such as time, attention, and finances among multiple spouses and their children.
- **Emotional and Psychological Impact:** Emotional challenges, including jealousy and rivalry among spouses, may arise. Children in polygamous families might face emotional complexities, including issues related to sibling relationships and parental attention.
- **Legal and Marital Rights**: In many jurisdictions, polygamous marriages are not legally recognized, leading to potential legal and financial issues. Complications may arise concerning inheritance rights and custody arrangements for children.
- **Cultural and Religious Considerations:** Polygamous marriages may be accepted or rejected based on cultural or religious beliefs. In regions where polygamy is not the cultural norm, individuals in polygamous marriages may face social isolation or discrimination.
- **Impact on Society:** In societies with widespread polygamy, there can be demographic consequences, such as uneven gender ratios. The acceptance or rejection of polygamy can influence social stability and cohesion.

Constitutional View & Supreme Court's Observations

- India is a **secular state, wherein no religion is considered superior or subordinate** to another, and each religion is treated with equality under the law.
- The Indian Constitution ensures **fundamental rights for all citizens**, and any legislation conflicting with these rights is deemed unconstitutional.
- **Article 13 of the Constitution** specifies that any law contravening **Part III of the Constitution is invalid**.
- **Article 14 of the Constitution** guarantees equal treatment and protection under the law to every individual within the territory of India.
- The **Supreme Court, in a verdict uploaded in 2021**, had mentioned that India recognizes a plural legal system, wherein different religious

communities are permitted to be governed by different 'personal laws'.

- but personal laws must **meet the test of constitutional validity and constitutional morality**, in as much as, they cannot be violative of **Articles 14, 15, 21 of the Constitution**.

Source: *IE*

PREAMBLE TO THE CONSTITUTION OF INDIA

Context

- **The Supreme Court recently** asked if the **Preamble of the Constitution could have been amended without changing the date of its adoption** on November 26, 1949.

Background

- The Preamble was amended **only once** in December 1976 through the **42nd Constitutional Amendment** to make two changes:

- The phrase **"unity of the nation"** was replaced with **"unity and integrity of the nation"**.

- The words **'socialist' and 'secular' were inserted** between 'sovereign' and 'democratic'. Originally, the text of the Preamble declared India as a 'sovereign, democratic republic'.

- The Supreme Court in the **Kesavananda Bharati case** had held that the **Preamble was an integral part of the Constitution and was subject to the amending power of the Parliament**, provided the basic structure was not tinkered with.

Preamble to the Constitution of India

- The Preamble of the Indian Constitution is primarily based on the **'Objective Resolution'** written by Jawaharlal Nehru in 1946.

- The Preamble to the Constitution of India is a **brief introductory statement outlining the guiding principles and aspirations** of the nation.

Components of the Preamble

- **Source of authority for the Constitution** – The Preamble states that the Constitution derives its authority from the people of India.

- **Nature of Indian State** – It declares India to be a Sovereign, Socialist, Secular Democratic, and Republican Polity.

- **Objectives of the Constitution** – It specifies Justice, Liberty, Equality, and Fraternity as the objectives.

- **Date of adoption of the Constitution** – It stipulates November 26, 1949, as the date of its adoption.

Significance

- The Preamble **serves as a guiding light for interpreting the Constitution** and enacting laws.

- It **defines the national goals and aspiration**s of India.

- It **emphasizes the importance of fundamental right**s and values for all citizens.

- It **fosters a sense of national unity and identity.**

Is the Preamble a Part of the Constitution of India?

- In **Berubari Union Case, 1960,** the Supreme Court said, the **Preamble is not a part of the Constitution.**

- But it also said, since the Preamble serves as the key to the minds of our Constitution makers, **some assistance in interpreting any ambiguity in the Constitution can be taken from the Preamble.**

- **Kesavananda Bharati Case, 1973:** In this judgment, the Supreme Court reversed its stand on the Preamble and made the following observations-

- **The Preamble of the Indian Constitution will now be considered a part of the Constitution.**

- It will **play an important role in the interpretation of statutes** and other various provisions of the Constitution.

- **LIC of India Case, 1995:** The Supreme Court once again ruled that the Preamble is an integral part of the Constitution, but **it cannot be directly enforced in a court of justice in India.**

Can the Preamble be Amended?

- Another important discussion,– **whether the Preamble can be amended under Article 368 or not.**

- **Kesavananda Bharati Case, 1973:** In this case, the Supreme Court held that the Preamble is a part of the Constitution and **hence can be amended**, subject to the condition that no amendment is done to the **'Basic Structure' of the Constitution.**

Conclusion

- The preamble of the Constitution of India is **one of the best preambles** ever drafted, **not only in ideas but expressions** as well.
- It contains the **purpose** of the constitution, **to build an independent nation** that protects justice, liberty, equality, and fraternity which are the objectives of the Constitution.

Source: *TH*

PARLIAMENTARY STANDING COMMITTEE ON LEGAL AID

Context

- The **Department-related Parliamentary Standing Committee** on Personnel, Public Grievances, Law and Justice has recently underscored the **need to have additional Posts In NALSA.**

About

- The recommendations were presented in its **143rd Report of the Committee** on the Subject - **"Review of the working of Legal Aid under the Legal Services Authorities Act, 1987".**
- The Committee while discussing the budgetary constraints and allocations, observed that **the majority of the Indian population are eligible for legal aid.**

Major recommendations

- **Funding**: Though funding legal services authorities is also one of the responsibilities of States, there is a dire **need to significantly enhance the expenditure on this front**.
- **Grant-in-aid:** The Committee strongly recommends that **Grant-in-aid to NALSA may be substantially increased** in order to carry out the activities as planned by them.
- **Human resource:** The Committee has also recommended augmenting the current staff allocation for National Legal Services Authority (NALSA), by sanctioning an **additional 40 positions.**
- Its existing sanctioned staff strength of **34 only is too low** considering its mandate and reach.
- **Fill vacancy:** The Committee further recommends the NALSA to take proactive steps to fill up the vacant posts on a regular basis and not to allow piling up of unfilled vacancies.

- **Utilization Of Para-Legal Volunteers (PLVs):** Addressing the underutilization of Para-Legal Volunteers (PLVs), the Committee proposed immediate actions to enhance their effectiveness.
- It suggested **regular and comprehensive training and capacity building for PLVs**, along with providing adequate resources, support and compensation.
- **Public outreach:** It further recommended that the legal services authorities and the Lok Adalats should conduct awareness campaigns and outreach programs to inform and educate the people about the role and functions of PLVs.
- **Increased Access To Legal-Aid To The Prisoners Moving ahead:** The Committee recommends that NALSA should study and evaluate these types of cases and assist them on priority.

Legal Aid in India

Constitutional Provisions:

- **Preamble**: Securing to all the citizens, Justice – social, economic and political.
- **Article 39 A**: Provides for free legal aid to the poor and weaker sections of the society, to promote justice on the basis of equal opportunity.
- **Articles 14 and 22(1)**: Make it obligatory for the State to ensure equality before law.

Legal Provisions:

- **The Legal Services Authorities Act, 1987: E**nacted by the Parliament to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society.
- **The National Legal Services Authority (NALSA)**: It was constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society.
- **The Chief Justice of India is the Patron-in-Chief** and the **Senior most Hon'ble Judge,** Supreme Court of India is the **Executive Chairman** of the Authority.
- **A three-tier structure:** National Legal Services Authority (NALSA), State Legal Services Authorities (SLSAs), and District Legal Services Authorities (DLSAs).

Significance of legal aid

- **Ensures equal access to justice:** Upholds fundamental right to equality and access to justice for all.

- **Empowers marginalized communities:** Provides legal support to those who might otherwise be unable to afford it.

- **Promotes social justice:** Contributes to a more just and equitable society by addressing legal issues faced by disadvantaged groups.

- **Strengthens democracy:** Ensures fair legal representation and participation in the justice system.

- **Reduces social unrest:** Early legal intervention can prevent disputes from escalating into larger issues.

Challenges

- **Funding:** Requires sustained financial support from government and other stakeholders.

- **Capacity building:** Training and capacity development of lawyers and paralegals is crucial.

- **Awareness campaigns:** Extensive outreach programs are needed to inform people about their rights and legal aid options.

- **Technology adoption:** Utilizing technology can improve efficiency, accessibility, and transparency.

- **Quality control mechanisms:** Implementing measures to ensure quality legal representation is essential.

Way Ahead

- Legal aid plays a **vital role in ensuring equal access to justice and promoting social justice** in India.

- **By addressing these challenges and continuously improving the system,** legal aid can contribute significantly to building a more just and equitable society for all.

Sources: *Livelaw*

ANNUAL NESDA WAY FORWARD REPORT 2023

Context:

- Recently, the Department of Administrative Reforms and Public Grievances (DARPG) has released the **'Annual NeSDA Way Forward Report'** for 2023.

About the Report

- It was released by the **Department of Administrative Reforms and Public Grievances (DARPG)**, Ministry of Personnel, Public Grievances and Pensions.

- It highlights the significant progress made by the States and UTs during the year under mandatory e-Services and total e-Services under the **NeSDA Framework.**

Key Highlights of NeSDA 2023:

- **e-Services:** As per the latest figures, the states and UTs are providing a total of 16,487 e-Services in December, 2023 as against 11,614 in April, 2023.

- The UT of Jammu and Kashmir topped the list of States/UTs with the maximum number of e-Services, providing 1,117 e-Services.

- **Saturation Level:** A saturation level of 76% of possible mandatory e-Services has been achieved by States and UTs, an increase from 69% under NeSDA 2021.

- **State's Performance:** The States of Kerala, Assam and Odisha, besides the UT of Jammu and Kashmir, are **providing hundred per cent e-Services** through their respective unified portals.

> **The National e-Governance Service Delivery Assessment (NeSDA) Framework:**
>
> - It was, launched in 2018, conceptualised with an overall objective to measure the depth and effectiveness of existing e-Governance service delivery mechanisms.
>
>   - Adoption of **e-Service delivery through a single unified portal** by states and UTs is a major objective of it.
>
>   - It is based on the **Online Service Index (OSI) of UNDESA eGovernment Survey**, and has been **customised for the Indian federal structure** and the e-Governance landscape of the States and UTs.
>
> **Categorisation of States:**
>
> - To account for the variations in the size and diversity of the States, they have been **categorised into three groups:**
>
>   - North East States and Hill States (11)
>   - Union Territories (7), and
>   - Remaining States (18)

About e-Services

- It refers to services that make use of Information and Communication Technologies (ICTs).

- It constitutes the online services available on the Internet, whereby a valid transaction of buying and selling (procurement) is possible.

Significances of e-Services

- E-services have a significant impact on **India's socio-economic landscape.** It enhances the governance, boosting economic growth, and improving the ease of doing business in India. These include:

- **Digital Infrastructure:** India has set an ambitious target of doubling its economy to $5 trillion in five years.

- The country has made many efforts to become more digitised, and the Digital India Mission is envisioned to be created on digital security and trust.

- **E-commerce:** The e-commerce sector in India is the fastest-growing sector and is expected to grow at a 41% Compound Annual Growth Rate that will cross USD 103 billion by 2020.

- In 2015-16, e-commerce spending was 2% of total retail spending and has become a key driver to create new markets. It is expected to contribute 4% of GDP by 2020.

- **Electronic Banking:** E-banking has considerable growth potential in India due to the huge number of internet users (nearly 700 million internet users in 2020, which is the world's second-largest and is expected to rise to over 974 million users by 2025), rising smartphone and mobile internet users.

- **Education**: Digital education leads to efficiencies in teaching and engaging students. Teachers experience more socio-emotional benefits after learning to use technology in education and report greater efficiency through better content access, more effective lesson planning, and classroom management.

Challenges and Concerns

- **e-Waste:** Growth of ICT sector has enhanced the usage of the electronic equipment exponentially. The consumption of electronic and electrical devices led to e-waste generation by millions of metric tonnes.

- **Economical Challenges:** The low **e-readiness rank of India** indicates that the use of ICTs in India is very low.

- Factors like privacy and security related to user's personal information, digital divide etc. are also huge challenges for the implementation of e-Governance in India.

- **E-learning Challenges:** The COVID-19 pandemic has rendered India's education system extremely biassed and faulty. The main thrust of providing learning opportunities while schools are shut is online teaching.

- However, this has led to an exacerbation of inequality, pedagogical issues leading to bad quality education, and an unwarranted thrust on online education.

- **Rural Education Challenges:** In rural areas, financial issues, lack of guidance, lack of infrastructure and faculty, and gender inequality pose significant challenges for education.

- **Remote Work Challenges:** India's remote work ranking has dropped due to struggles in e-infrastructure, low English proficiency, and internet woes.

- **Telecommunication Act of 2023 Impact:** It has introduced several vital changes, but it also has contested provisions for safety standards and public emergencies which give the government unfettered power that can infringe on citizen privacy.

- **Open Network for Digital Commerce (ONDC):** While ONDC has the potential to revolutionise e-commerce in India, its implementation is complex and faces several challenges.

RELATED GOVERNMENT INITIATIVES

- **e-Kranti (National e-Governance Plan 2.0)**: It has the vision of 'Transforming e-Governance for Transforming Governance'.

- **Key principles of e-Kranti:** Transformation and not Translation; Integrated Services and not Individual Services; Government Process Reengineering (GPR) to be mandatory in every MMP; ICT Infrastructure on Demand; Cloud by Default; Mobile First; Fast Tracking Approvals; Mandating Standards and Protocols; Language Localization; National GIS (Geo-Spatial Information System); and Security and Electronic Data Preservation.

- **The National e-Governance Plan (NeGP)**: It takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision.
  - Various e-services like *BHIM-UPI, GeM, GSTN, DigiLocker, UMANG, Jeevan Pramaan, e-Hospital, MyGov, e-NAM,* etc., are being provided.
- **Digital Currency:** The **digital rupee or Central Bank Digital Currency (CBDC)** is seen as an excellent opportunity for India as it will potentially increase the ease of doing business.
- **Industry Perspective:** The 2024 Interim Budget shows India's increasing focus on self-reliance through major investments in R&D, defence tech, skilling programs, and startup incentives to boost India's position as a global tech leader.

Way Forward

- **Open Digital Ecosystems (ODEs):** The government can create digital commons, enable interoperability between various stakeholders, and leverage open source software, data, standards, licences, and APIs to enhance citizen experience.
- **IndiaStack:** This is an open platform initiative that brings opportunities for collaborations with researchers, data scientists, non-profits, and other technical experts.
- The goal of IndiaStack is to utilise a unique digital infrastructure to solve India's hard problems towards presence-less, paperless, cashless service delivery.
- **Government-as-a-service/platform (GaaP)**: This model offers a more organised, digital-based service delivery system.
- By offering a single ID/card for multiple services, the focus has been on building an e-governance ecosystem that removes bureaucratic hurdles for citizens.

Source: *ET*

PARLIAMENTARY COMMITTEE ON HOUSING EMPHASIZES ON PHASE-2 OF SMART CITIES MISSION

Context

- The Parliamentary Committee on Housing and Urban Affairs emphasizes the need to launch the

second phase of Smart Cities Mission for tier-2 cities

located between 50 and 100 kilometers.

- **Smart Cities Mission**
- The Smart Cities Mission is an initiative of the **Union Housing and Urban Affairs Ministry**, launched in **2015.**
- **Objective:** To promote cities that provide core infrastructure, clean and sustainable environment and give a decent quality of life to their citizens through the application of 'smart solutions'.

Key Features

- **Four pillars:** Social Infrastructure, Physical Infrastructure, Institutional Infrastructure, Economic Infrastructure.
- **Integrated Command and Control Centre:** These ICCCs are designed to enable authorities to monitor the status of various amenities in real time.
- The ICCC acts as a smart city and acts as a "nerve center" for operations management.
- **Other steps** taken under the SCM for digital infrastructure are;
  - Adaptive Traffic Control System (ATCS), Red Light Violation Detection (RLVD), and Automatic Number Plate Recognition System (ANPR),
  - Digital assets for solid waste and waste-water management and water distribution management,
  - CCTV surveillance systems, smart education and smart health systems.

Challenges

- **Financial Constraints:** Keeping the funds and finances flowing in for the smart cities mission is a challenge. Most Urban Local Bodies are not even financially self-sustainable.
- **Infrastructure Development:** Many Indian cities lack basic infrastructure, such as efficient public transportation, waste management systems, and reliable water and electricity supply. Implementing smart solutions requires significant upgrades to existing infrastructure.
- **Data Security and Privacy:** Smart cities rely heavily on data collection and analysis to optimize services and resources. However, ensuring the security and privacy of this data is a major

concern.

- **Technological Integration:** Integrating various technologies and systems to create smart solutions poses a challenge, especially in cities with outdated or disparate infrastructure.

Way Ahead

- **Data protection:** A robust system is required to protect digital platforms from cyber attack and safeguarding sensitive public and private data adequately.

- **Integrated Command and Control Centres (ICCCs):** The role of ICCCs in cities should be expanded by enabling them to provide a variety of services in the fields of health, internal security, waste management, traffic management, disaster management, e-governance etc.

- **Leveraging the Special Purpose Vehicle (SPV):** The experience and expertise gained by SPVs must be leveraged in other projects, such as AMRUT, Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM) etc.

Source: TH

NEWS IN SHORTS

'KILKARI' PROGRAMME

Context

- Ministers of State for Health recently launched **'Kilkari' programme,** a mobile health initiative for beneficiaries, in local content, in Gujarat and Maharashtra **as part of Digital Health India Programme.**

About 'Kilkari' Programme

- **'Kilkari' (meaning 'a baby's gurgle'),** is an **IVR based mobile health service** which delivers free, weekly, time-appropriate 72 audio messages about pregnancy, childbirth, and childcare directly to families' mobile phones **from the second trimester of pregnancy until the child is one year old.**

- Kilkari Programme is **centrally hosted by MoHFW** for all the States/UTs and no further investment in the technology, telephony infrastructure or operational costs is required to be borne by States/UTs.

- This **service is FREE of cost for States/UTs and**

beneficiaries.

- The programme is **integrated with the centralized Reproductive Child Health (RCH) portal of MoHFW's** and is the single source of information for this mHealth service.

Source: PIB

MONETARY POLICY COMMITTEE

Context:

- The Monetary Policy Committee (MPC) of RBI keeps the repo rate unchanged at 6.5% to bring down inflation, and support growth.

About the Monetary Policy Committee (MPC):

- It is a committee of the Central Bank in India (Reserve Bank of India), **headed by its Governor**.
  - The meetings of the MPC are held at least four times a year.
- Section 45ZB of the RBI Act, 1934 empowered the government to constitute a **six-member** MPC.

Composition of MPC:

- There are a total of six members in the committee, three members are from RBI itself and the rest of them are appointed by the Government of India.

Members:

- RBI Governor (Chairperson);
- RBI Deputy Governor in charge of monetary policy;
- One official nominated by the RBI Board;
- The Government of India will propose three members [committee chaired by the Cabinet Secretary];
- Members of the MPC will serve for four years and are not eligible for reappointment;
- The members of the Monetary Policy Committee are appointed for four years;

Functions:

- It is entrusted with the task of fixing the **benchmark policy interest rate (repo rate)** to contain inflation within the specified target level.
- The current mandate of the committee is **to maintain 4% annual consumer price index (CPI) inflation** within a band of **+/- 2%** until 31 March 2026.

Source: TH

LATEST AWARDEES OF BHARAT RATNA

Context:

- Recently, the Prime Minister of India announced M.S. Swaminathan, P.V. Narasimha Rao, and Choudhary Charan Singh to get Bharat Ratna.

- It was conferred to Karpoori Thakur and Lal Krishna Advani in early 2024.

About Bharat Ratna

- It is the **highest civilian award** of the Republic of India.

- It was **instituted in 1954,** and conferred *'in recognition of exceptional service/performance of the highest order'*, without distinction of race, occupation, position, or sex.

- On conferment of the award, the recipient receives **a Sanad (certificate) signed by the President** and a medallion.

- The Award **does not carry any monetary grant.**

M.S. Swaminathan:

- He was a legendary agricultural scientist and **a key architect of India's 'Green Revolution'** and instrumental in introducing and further developing **high-yielding varieties of wheat and rice** in India.

- His efforts, **in collaboration with Norman Borlaug** and other scientists, helped India achieve self-reliance in agriculture and ensured the nation's food security.

His Career:

- The Director General of the Indian Council of Agricultural Research (ICAR) and the International Rice Research Institute (IRRI) in the Philippines.

- He was the first recipient of the World Food Prize in 1987.

P.V. Narasimha Rao:

- He served as the 9th Prime Minister of India from 1991 to 1996.

- He was from a non-Hindi-speaking region (Telugu) and the first from South India (United Andhra Pradesh).

- He is known for **introducing various liberal reforms** to India's economy.

- He contributed to India's foreign policy, and enriched its cultural and intellectual heritage.

- **Recognition:** He earned the title of the **'Chanakya of Indian politics'** for his strategic manoeuvres and significant **economic reforms** during his tenure as Prime Minister.

Choudhary Charan Singh:

- He was an Indian politician and a freedom fighter.

- He entered politics as part of the Indian Independence Movement motivated by Mahatma Gandhi.

- He was elected to the then United Provinces Assembly from Chhaprauli in 1937.

- He served as the 5th Chief Minister of Uttar Pradesh and 5th Prime Minister of India.

- He was known for his dedication to the rights of farmers and their welfare.

Source: *TH*

■■■■