

UNIFORM CIVIL CODE

Why in news?

- ❖ The 22nd Law Commission of India has decided again to solicit views and ideas of the public at large and recognized religious organizations about the Uniform Civil Code.

Argument of Law Commission

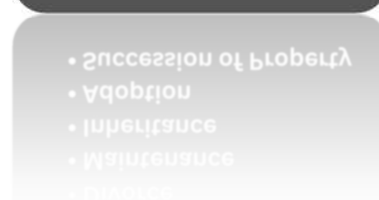
- ❖ In 2018, the Law Commission of India released a Consultation Paper on 'Reform of Family Law', in which it opined that "formulation of a Uniform Civil Code is neither necessary nor desirable at this stage". The 22nd Law Commission of India considered it expedient to deliberate afresh over the subject.
- ❖ The commission added that a unified nation did not necessarily need to have "uniformity" and that "efforts have to be made to reconcile our diversity with universal and indisputable arguments on human rights."
- ❖ Differences did not always imply discrimination in a robust democracy, that certain measures on marriage and divorce should be uniformly accepted in the personal laws of all religions.

About Law Commission

- ❖ Law Commission of India is a non-statutory body and is constituted by a notification of the Government of India, Ministry of Law & Justice, Department of Legal Affairs with a definite terms of reference to carry out research in the field of law.
- ❖ This commission provides recommendations to the central government according to the terms of reference.
- ❖ The Law Commission of India provides excellent thought provoking and vital review of the laws in India.

Uniform civil code

- ❖ The Uniform Civil Code (UCC) calls for the formulation of one law for India, which would be applicable to all religious communities.
- ❖ In other words, the absence of separate civil laws for different religions is the essence of the 'Uniform Civil Code'. Uniform Civil Law refers to such a set of laws which applies to all the citizens of the country (irrespective of whether they belong to any religious area).



It is above all personal laws of any caste and creed. The matters covered under this are-

- (a) Individual
- (b) Right to acquire and operate the property
- (c) Marriage, divorce and adoption

Cultural diversity

- ❖ According to the Supreme Court UCC is "neither necessary nor desirable at this stage". Secularism cannot contradict the plurality prevalent in the country.
- ❖ "Cultural diversity cannot be compromised because unity in diversity is an integral part of Indian integrity." Here we observe the laws of many religions like Muslim, Hindu, Parsi and Christian.
- ❖ In view of Indian diversity, the implementation of Uniform Civil Code in India is to provide a new direction.



FINANCE COMMISSION

Why in News?

- ❖ Recently, the Finance Commission will be appointed by the Centre which will determine the distribution of vertical and horizontal sharing of states in the tax revenue of the Centre.

Why the need for Finance Commission?

- ❖ In the pre-reform period, the Finance Commission recommendations were not that critical because the Centre had other ways to compensate States, or indeed to play favourites, through plan financing and public sector undertaking (PSU) investments.
- ❖ Post-reforms, fresh PSU investments have thinned out and the Planning Commission was abolished in 2014 with the result that the Finance Commission remains virtually the sole architect of India's fiscal federalism. Its responsibility and influence are, therefore, much larger.

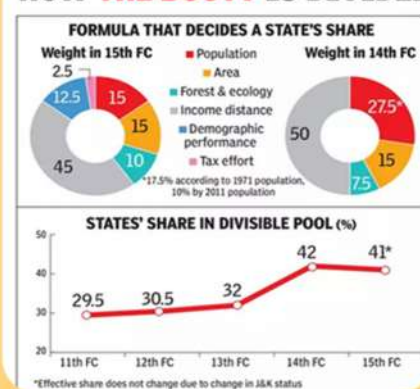
15th Finance Commission

- ❖ It was appointed in 2017 according to which –
- ❖ For horizontal devolution, it has suggested 12.5% weightage for demographic performance, 45% for income, 15% for population and area, 10% for forest and ecology, and 2.5% for tax and fiscal efforts.
- ❖ The ever increasing demands of the states for the tax share are more focused on horizontal distribution. At present, 41% of the total tax distribution is given to the states, given the expenditure needs and limits of the Centre.
- ❖ The Finance Commission has tried to change the distribution formula to support deficit states without penalizing the responsible states, but it cannot contain the disparity in the distribution of states.
- ❖ Every horizontal distribution formula has been criticized as inefficient or unfair or both.
- ❖ Under horizontal distribution, the process of giving compensation to the poorer states is adopted by the rich states.

About Finance Commission

- ❖ The Finance Commission is a constitutional body with the objective of allocation of certain revenue resources between the Union and State Governments.
- ❖ It was created to define the financial relations between the Centre and the States and was formed in 1951.
- ❖ Composition: According to Article 280 of the Constitution, two years after the commencement of the Constitution of India and every 5 years thereafter, the President has to constitute a Finance Commission of India.
- ❖ Note: The President can also constitute the Finance Commission before the expiry of five years.

HOW THE BOOTY IS DIVIDED



The following points are taken into account under distribution-

- ❖ **Family planning-** States should not to give a perverse incentive to States to neglect family planning with an eye on a higher share of devolution. States which had done well in stabilising population growth rates, typically the southern States, protested against this change in the base year, calling it a 'penalty for good performance'.

- ❖ **Revenue Deficit Grant** - With regard to revenue deficit grants that the Finance Commission awards to States which remain in deficit on the current account even after tax devolution. It means that, the State in a country should be able to provide a minimum level of service to its residents even if it involves an element of cross-subsidisation.
- ❖ **Area** – Services are also provided on the basis of the size of the area.
- ❖ **Forests and Ecology** - This criterion has been arrived at by calculating the share of the dense forest of each state in the total dense forest of all the states.

Two issues in particular need special focus by the new Finance Commission.

- First- Instead of increasing taxes, the centre should resort to excessive levy of cess and surcharge.
- Second - Lay down guidelines on the spending on freebies and the focus of the Finance Commission should be on government expenditure.



GENERAL CONSENT FOR CBI

Why in news?

- ❖ Tamil Nadu announced that it has withdrawn the general consent given to the Central Bureau of Investigation (CBI), allowing the agency to investigate cases without its permission in the State. The move came on the day when its Electricity Minister V. Senthilbalaji was arrested by another central agency, the Enforcement Directorate (ED).

About CBI

- ❖ The Central Bureau of Investigation (CBI), functioning under Dept. of Personnel, Ministry of Personnel, Pension & Public Grievances, Government of India, is the premier investigating police agency in India.
- ❖ It has been established by the Delhi Special Police Establishment (DPSE) Act, 1946.
- ❖ It is also the nodal police agency in India, which coordinates investigation on behalf of Interpol Member countries.
- ❖ Far from being an anti-corruption agency, the CBI is a multi-dimensional, multi-disciplinary central police force, a law enforcement agency with the capability, credibility and mandate to investigate and prosecute crimes anywhere in India.



Functions of CBI

- ❖ To investigate the cases of corruption and irregularities etc. of Central Government employees.
- ❖ Fiscal and economic laws, for example, to investigate cases of violation of laws related to import-export, foreign exchange etc.
- ❖ To investigate serious crimes committed by organized gangs of professional criminals.
- ❖ To establish coordination between anti-corruption agencies and various state police forces.
- ❖ To inquire into any matter of public importance on the request of the State Governments.
- ❖ Investigating cases relating to violations of Central Rules with enforcement of matters specifically relating to the Government of India, examples of which are given below.
- ❖ Violation of import and export control orders.
- ❖ Serious violation of Foreign Exchange Regulation Act.
- ❖ Passport Fraud
- ❖ Matters under the Office Secrets Act relating to the work of the Central Government.
- ❖ The Security Act of India or those rules which the Central Government specifically deals with in respect of certain specified categories of matters.

Meaning of General Consent

- ❖ There is a general consent between the CBI and the states, under which the CBI does its work in different states, but if the state government cancels the general consent, then the CBI will have to take permission from the state government before conducting an investigation or raid in that state.

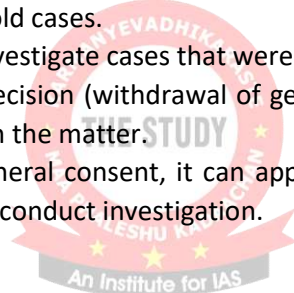
- ❖ The Central Bureau of Investigation has the power to investigate only central employees.
- ❖ If the investigation is to be done in the area of the state government, then the consensus of the states is mandatory.
- ❖ Recently, the states of Maharashtra, Punjab, West Bengal, Rajasthan, Jharkhand, Chhattisgarh, Kerala etc. have withdrawn the general consent given to the Central Bureau of Investigation.

Types of Consent:

- ❖ **General consent:** When a state gives general consent to the CBI to investigate a case, the agency is not required to seek fresh permission each time it enters that state in connection with the investigation or for each case.
- ❖ It is usually given by states to help CBI in smooth investigation of corruption cases against central government employees in their territory.
- ❖ **Specific consent:** When a general consent is withdrawn, the CBI needs to obtain case-wise specific consent for investigation from the concerned state government.
- ❖ If specific consent is not granted, the CBI officers will not have the power of policemen to enter that State, thereby preventing the CBI from conducting the investigation completely.

Withdrawal of general consent and its effect:

- ❖ Unless the investigation is specifically withdrawn by the State Government, the CBI continues to investigate the old cases.
- ❖ In addition, it continues to investigate cases that were assigned to it by court orders.
- ❖ CBI can also challenge the decision (withdrawal of general consent) in a court showing the progress of its investigation in the matter.
- ❖ When CBI does not have general consent, it can approach local court (as per provision of CrPC) for search warrant and conduct investigation.



INS VIKRAMADITYA

Why in News?

- ❖ Recently, INS Vikramaditya that has been operationalised after an exhaustive refit lasting nearly two years.

About INS Vikramaditya:

- ❖ The INS Vikramaditya was originally a Russian carrier — Admiral Gorshkov — that was decommissioned in 1996 and later bought by India in 2004. It was commissioned in 2013 after refurbishing.
- ❖ It is a modified Kiev-class aircraft carrier, which was inducted into the Indian Navy in 2013.
- ❖ It is named after Vikramaditya, a ruler of Ujjain.



Features:

- ❖ Its total length is about 284 meters.
- ❖ The ship has a total of 22 decks. It can carry over 1,600 personnel including crew.
- ❖ It has a maximum speed of over 30 knots and can attain a maximum range of 7,000 NM.
- ❖ Its endurance power is 45 days.
- ❖ It is powered by 8 turbo-pressurised boilers.
- ❖ The ship has the capacity to carry more than 30 aircraft including 26 × Mikoyan MiG-29K multi-role fighters 10 × Kamov Ka-31 AEW&C and Kamov Ka-28 ASW helicopters.
- ❖ An aircraft carrier can be armed with a variety of weapons, including anti-ship missiles, beyond visual range air-to-air missiles, guided bombs, and rockets.
- ❖ The ship is equipped with state-of-the-art launch and recovery systems as well as capable of smooth and efficient handling of aircraft taking off from the ship.
