

**POLITY & GOVERNANCE**

**DETERMINATION OF MINORITY IN INDIA**

Recently, public interest litigation (PIL) is under the consideration of the Supreme Court of India challenging the power of the Centre to notify minority communities at a national level.

**About**

**Arguments:**

- The validity of Section 2(f) of the National Commission for Minority Education Institution Act 2004, is challenged in the petition for giving unbridled power to the Centre.
- It is arbitrary and contrary to Articles 14, 15, 21, 29 and 30 of the Constitution.
- Section 2(c) of the National Commission for Minorities (NCM) Act, 1992 also gives the Centre similar powers.

**Centre's Response:**

- The Centre filed two affidavits in the case and said it had the power to notify minority communities.
- In the first, the Centre categorically defended the concept of minorities at the national level.
  - The Centre had pointed out that it had concurrent powers with States to take measures for the welfare of minorities.
  - States could have minorities notified as such within their jurisdiction, and it even cited the examples of Maharashtra recognising Jews as a minority community and Karnataka recognising speakers of several languages as linguistic minorities.
- In the second, the Centre has not taken a position, one way or the other, about continuing the national list of minorities while it reiterated its power to notify communities as minorities under Central Acts.
- The Centre's second affidavit leaves its own stand on the entire issue ambiguous, and perhaps it was intended that way.

**Minority**

**About:**

- In 2005, the Union Government notified five communities — Muslims, Christians, Sikhs, Buddhists and Parsis — as minorities at the national level.
- In 2014, the then government notified followers of Jainism as a minority community, making them the sixth on the national list.
  - As per the Census 2011, the percentage of minorities in the country is about 19.3% of the total population of the country.
    - The population of Muslims are 14.2%; Christians 2.3%; Sikhs 1.7%, Buddhists 0.7%, Jain 0.4% and Parsis 0.006%.
- **Constitutional provisions:**
  - Article 29 deals with the “protection of interest of minorities”, says that “any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”.
  - Article 30, which deals with the “right of minorities to establish and administer educational institutions”, says that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
    - Minority for the purpose of Article 30 cannot have a different meaning depending upon who is legislating.
    - Language being the basis for establishment of different states for the purposes of Article 30, linguistic Minority will have to be determined in relation to the state in which the educational institution is sought to be established.
    - The position with regard to the religious minorities is similar, since both religious and linguistic minorities have been put on the power in article 30.
  - Article 350 A says there shall be a Special Officer for linguistic minorities to be appointed by the President. “It shall be the duty of the Special Officer to investigate

all matters relating to the safeguards provided for linguistic minorities under this constitution and report to the President upon those matters.”

- **Backwardness Parameters:**
  - **Religion-specific socio-economic indicators at the district level:**
    - Literacy rate;
    - Female literacy rate ;
    - Work participation rate; and
    - Female work participation rate; and
  - **Basic amenities indicators at the district level:**
    - Percentage of households with pucca walls’
    - Percentage of households with safe drinking water; and
    - Percentage of households with electricity

### Supreme Court Cases

#### **TMA Pai Case**

- The apex Court stated that for the purposes of Article 30, the rights of minorities to establish and administer educational institutions, religious and linguistic minorities have to be considered state-wise.
- Under Section 2(c) of the National Commission for Minorities Act, 1992, the Centre had in 1993 notified five communities -- Muslims, Sikhs, Buddhists, Parsis and Christians -- as minorities.

#### **DAV College versus State of Punjab 1971:**

- A majority ruling by six judges refers to 2 other cases pertaining to DAV College in Punjab, in which the SC had to consider whether Hindus were religious minorities in Punjab.
- The court held that the Arya Samaj, who were Hindus, were a religious minority in the state of Punjab, even though they may not have been so in relation to the entire country.
- It added in another case DAV College Bathinda versus state of Punjab 1971 this court rejected the contention that since Hindus were a majority in India, they could not be a religious minority in the state of Punjab, as it took the state as the unit to determine whether the Hindus were a minority community.
- There can, therefore, be little doubt that this court has consistently held that the unit to determine a religious or linguistic Minority can only be the state.

#### **Bal Patil 2005**

- In this judgement the court said after the verdict in 11 judges bench in TMA Pai foundation case supra the legal position stands clarified that henceforth the unit for determining status of both languishing and religious minorities would be state, if there for the state has to be regarded as a unit for determining linguistic Minority vis-a-vis article 30, then with religious minorities being on the same footing, it is the state in relation to which the majority or monetary status will have to be determined,

### Steps taken by GoI for Minorities

#### **Separate Ministry:**

- The Ministry of Minority Affairs was set up so as to improve the socio-economic conditions of the minorities through affirmative action and inclusive development so that every citizen has an equal opportunity to participate actively in building a vibrant nation.

#### **Schemes:**

- Various schemes, launched, are meant only for the economically weaker sections or underprivileged children and candidates of the minority communities and are not for everyone belonging to the minority community.

#### **Article 246:**

- Parliament under Article 246 of the Constitution, read with Entry 20 in Concurrent List in Schedule Seven, has enacted the National Commission for Minorities Act, 1992.

#### **Prime Minister’s 15 Point Programme for the Welfare of Minorities**

- An important objective of the Programme is to ensure that an appropriate percentage of the priority sector lending is targeted for the minority communities and that the benefits of

various government sponsored schemes reach the under-privileged, which includes the disadvantaged sections of the minority communities.

- The Programme is being implemented by the Central Ministries/Departments concerned through State Governments/Union Territories and envisages location of certain proportion of development projects in minority concentration districts.

### **Conclusion**

- Since Parliament had passed the 1992 law, the natural corollary is that the central government has legislative competence to notify a community as a minority.
- However, any stand without detailed deliberations with stakeholders may result in an unintended complication for the country.
- Though the power is vested with the Central government, it needs to consult the States and other stakeholders

## **IMPORTANT FACTS FOR PRELIM**

### **1. Extended Range Version of BrahMos missile**

The Indian Air Force has successfully test-fired an extended-range version of BrahMos supersonic cruise missile in the Bay of Bengal.

#### **About BrahMos**

- **Joint Venture:** It is a joint venture between the Defence Research and Development Organisation of India (DRDO) and the NPOM of Russia.
- **Nomenclature:** It is named after two important rivers; Brahmaputra and Moskva of India and Russia respectively.
- **2 stage missile:** It is a two-stage missile, with a solid propellant engine in the first stage and a liquid ramjet in the second.
- **Multiplatform:** It can be launched from land, air and sea.
  - It works on the 'Fire and Forgets' principle i.e., it needs no mid-air guiding mandates.
- **Fastest in the world:** Brahmos is the fastest cruise missile in the world currently with the speed of Mach 2.8 (roughly 3 times more than the speed of sound).

#### **About the Extended version**

- **Extended range:** The range of the advanced version of the missile has increased from 290 kms (Brahmos) to 350 kms.
- **Earlier MTCR restriction:** The earlier speed was purposefully capped at 290 kms i.e. below 300 kms as India was not a member of MTCR (Missile Technology Control Regime). With the ratification in 2016, it is now allowed to develop missiles beyond 300 kms of range.

#### **Strategic advantage**

- The extended-range capability of the missile coupled with the high performance of the Su-30MKI aircraft gives the IAF a strategic reach and allows it to dominate the battlefields.
- BrahMos missile flies at a speed of 2.8 Mach or almost three times the speed of sound which provides India strategic airpower in face of 2 inimical neighbours.
- The interoperability of missiles among the Indian Navy and IAF infrastructure further boosts the strategic advantage in the battle field.
- **Accuracy in precision:** The missile is pinpoint in accuracy while hitting the targets in a very quick span of time.
- As it is jointly developed by India and Russia, the technology involved has led to positive spillovers in the R&D of missile and associated technology in India.

### **2. The India hypertension control initiative**

**How do States in the country fare on the hypertension spectrum? Which States have a higher percentage of blood pressure?**

- The story so far: A project called the India Hypertension Control Initiative (IHCI) finds that nearly 23% out of 2.1 million Indians have uncontrolled blood pressure.

#### **What is the IHCI?**

- Recognising that hypertension is a serious, and growing, health issue in India, the Health Ministry, the Indian Council of Medical Research, State Governments, and WHO-India

begin a five-year initiative to monitor and treat hypertension. Hypertension is defined as having systolic blood pressure level greater than or equal to 140 mmHg or diastolic blood pressure level greater than or equal to 90 mmHg or/and taking anti-hypertensive medication to lower his/her blood pressure.

- India has committed to a "25 by 25" goal, which aims to reduce premature mortality due to non-communicable diseases (NCDs) by 25% by 2025. One of the nine voluntary targets includes reducing the prevalence of high blood pressure by 25% by 2025.
- The programme was launched in November 2017. In the first year, IHCI covered 26 districts across five States — Punjab, Kerala, Madhya Pradesh, Telangana, and Maharashtra. By December 2020, IHCI was expanded to 52 districts across ten States — Andhra Pradesh (1), Chhattisgarh (2), Karnataka (2), Kerala (4), Madhya Pradesh (6), Maharashtra (13), Punjab (5), Tamil Nadu (1), Telangana (13) and West Bengal (5).

#### **How many have been enrolled in the programme?**

- As of December 2021, 101 districts across 19 States had commenced project activities. The project districts enrolled almost 21 lakh patients across 13,821 health facilities. In the 26 initial districts, one fifth of the expected patients were enrolled. State wise proportions were Maharashtra (27%), Kerala (22.6%), Madhya Pradesh (18.7%), Telangana (18.6%) and Punjab (14.2%).
- Managing blood pressure for 2.5 crore individuals can prevent up to five lakh deaths due to cardiovascular disease in the next 10 years.

#### **What has the IHCI found so far?**

- Its most important discovery so far is that nearly one-fourth of (23%) patients under the programme had uncontrolled blood pressure, and 27% did not return for a follow-up in the first quarter of 2021. There were an estimated 20 crore adults with hypertension in the country. To achieve India's target of a 25% relative reduction in the prevalence of raised blood pressure, approximately 4.5 crore additional people with hypertension need to get their blood pressure under control by 2025.
- Of a million patients registered in five phase I and three phase II States till Dec 2020, 7.4 lakhs were under care between April 2020 to March 2021. Nearly half (47%) of the registered patients under care had blood pressure under control during the most recent visit in the first quarter of 2021. Drug availability improved in all phase I States with at least one-month refills for key blood pressure drugs. Punjab, Madhya Pradesh and Telangana had stocks for nearly six months for protocol drugs. Kerala had only one month stock and Maharashtra had two months stock available in May 2021. Availability of drugs was a challenge in most phase II States and procurement process took nearly one year from planning.
- There weren't enough validated high-quality digital blood pressure monitors in several health facilities, which affected accuracy of hypertension diagnosis. In phase I States, dedicated nurses were insufficient except in Telangana and Maharashtra. In phase II States, most districts did not have dedicated NCD nurses at public health care centres level except Chennai.

#### **How prevalent is the problem of hypertension?**

- Southern States have a higher prevalence of hypertension than the national average, according to the latest edition of the National Family Health Survey. While 21.3% of women and 24% of men aged above 15 have hypertension in the country, the prevalence is the highest in Kerala where 32.8% men and 30.9% women have been diagnosed with hypertension.
- Kerala is followed by Telangana where the prevalence is 31.4% in men and 26.1% in women.
- About one-fourth of women and men aged 40 to 49 years have hypertension. Even at an earlier age, one in eight women and more than one in five men aged 30 to 39 years have hypertension. The prevalence of hypertension is higher among Sikhs (37% for men and 31% for women), Jains (30% for men and 25% for women), and Christians (29% for men and 26% for women) than the rest.

**DAILY ANSWER WRITING PRACTICE**

**Q1. The banking sector, in order to thrive, needs streamlining of regulations and reduce the compliance burden of regulated entities. Discuss the role of the second Regulatory Review Authority (RRA 2.0) in this regard. (250 words)**

**Introduction**

The Reserve Bank of India had set up a Regulations Review Authority (RRA 2.0), initially for a period of one year from May 01, 2021. The main objective was to reduce the compliance burden on regulated entities (REs). RRA 2.0 was set up to review the regulatory instructions, remove redundant and duplicate instructions and reduce the compliance burden on Regulated Entities (REs).

**Body****Updates of RRA so far**

- The RRA had recommended the withdrawal of 150 circulars in the first tranche of recommendations in November 2021 and 100 circulars in the second tranche of recommendations in February 2022.
- In the second tranche, the RRA had also recommended discontinuation/ merger/ conversion to online submission of 65 returns along with the creation of a new 'Regulatory Reporting' link on the RBI website to consolidate information relating to regulatory reporting.

**Need for streamlining of regulations and reducing compliance burden of banking sector**

- **Mandatory fund raising via bonds:** Recent data from the central bank and Securities and Exchange Board of India (Sebi) corroborates the fact that the country's overall bank lending pie has reduced for creamy well-rated companies.
- **Corporate current account closures:** This decision adversely affected customers who lost out on the superior services of smaller but more efficient private and foreign banks, while lenders lost good business. Even public sector banks (PSBs) were affected, as they would be required to surrender accounts of government entities if no RBI relaxation is forthcoming.
- **Priority Sector Lending:** Being obliged to lend ₹40 of every ₹100 to lower yielding and ever riskier priority-sector assets, commercial banks have lost market share to nimbler fintech and non-bank financial firms.

**Role and Area of focus of RRA 2.0**

- The RRA 2.0 will focus on streamlining regulatory instructions and reducing the compliance burden of regulated entities by simplifying procedures and reducing reporting requirements, wherever possible.
- It shall intend to make regulatory and supervisory instructions more effective by removing redundancies and duplication, if any.
- It will look to reduce the compliance burden on regulated entities by streamlining the reporting mechanism, revoking obsolete instructions if necessary and obviating paper-based submission of returns wherever possible.
- It will also be tasked with obtaining feedback from regulated entities on simplification of procedures and enhancement of ease of compliance.
- It will examine and suggest the changes required in the dissemination process of RBI circulars and instructions.

**Way forward**

- The RRA and regulators need to extend the bond market fund-sourcing benefit to all investment-grade companies and also consider progressive relaxation of the stipulated 25% reservation mandate to ensure a level playing field for all participants.
- The RRA could suggest better digital information sharing and monitoring mechanisms among banks to enforce credit discipline, even if businesses are allowed to operate multiple current accounts.
- The RRA could revisit the priority-sector lending norms to reduce directed sub-targets and overall targets for banks and/or lower the credit-risk weightages on specific short tenor, self-liquidating bank facilities.
- For instance, reduced risk weights on MSME bill-financing through TReDS exchanges can lower capital consumption for banks and also enhance credit flows across the priority manufacturing ecosystem.

- The RRA should tackle evolving technology and market challenges by drawing up regulatory templates that encompass:
  - a digital banking framework for universal and wholesale bank licences;
  - a blueprint for a central bank digital currency as fiat money;
  - a special dispensation, put in place jointly with the Centre after a feasibility study, that would allow profit-oriented crude-oil-price hedging by oil companies, which along with tax cuts could help cool fuel prices in India;
  - a policy of light regulation for the launch of prescribed banking services by neo-banks, fintech firms and other technology companies.

**DAILY QUIZ**

**Q1.** With reference to recent findings of the excavation at Mayiladumparai, consider the following statements :

1. The site is located in modern-day Tamil Nadu.
2. The site is linked to the Paleolithic age alone.

Which of the statements given above is/are not correct?

- a) 1 only
- b) 2 only**
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q2.** With reference to Minorities, consider the following statements:

1. Jains have been notified as minority communities under the National Commission for Minorities Act, 1992.
2. Naya Savera is a scheme of interest subsidy on educational loans for overseas studies for students belonging to Minority Communities.

Which of the statements given above is/are correct?

- a) 1 only**
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q3.** With reference to Ecologism, consider the following statements:

1. Shallow Ecologism is more suitable in developing countries.
2. Deep ecologism believes that humans should radically change their relationship with nature.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only**
- c) Both 1 and 2
- d) Neither 1 nor 2

**Q4.** Which of the following phenomenon leads to the formation of monsoon in India?

1. The presence of the low-pressure area, east of Madagascar due to intensive heating of the island.
2. The movement of the westerly jet stream to the north of the Himalayas
3. The presence of the tropical easterly jet stream over the Indian peninsula during summer.

Select the correct answer using the code given below:

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

**Q5.** “Gold Tranche” (Reserve Tranche) refers to

- (a) a loan system of the World Bank
- (b) one of the operations of a Central Bank
- (c) a credit system granted by WTO to its members
- (d) a credit system granted by IMF to its members**