



TATHASTU
Institute of Civil Services

DAILY CURRENT AFFAIRS



10th February 2024

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S.NO.	TOPIC
1.	AMENDABILITY OF THE PREAMBLE
2.	PRELIMS POINTERS

AMENDABILITY OF THE PREAMBLE

SOURCE: [THE HINDU](#)

TAG: GS Paper II - *Indian Constitution, features of Indian Constitution, amendments in Indian Constitution, secularism.*

Practice Question:

Mains

Q Discuss each adjective attached to the word 'Republic' in the preamble. Are they defensible in the present circumstances stances?

- 2016
(150 words)

WHY IN NEWS?

- ❖ The Supreme Court's inquiry into the feasibility of **amending the Preamble without changing its adoption date** has attracted attention due to its implications for constitutional integrity and historical continuity.
- ❖ This has prompted discussions across legal, political, and societal spheres, reflecting significant interest in the matter.

DR. SUBRAMANIAN SWAMY AND ANR. V. UNION OF INDIA CASE:

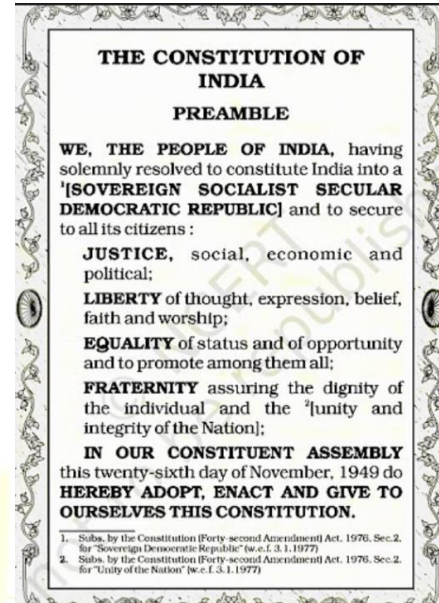
- ❖ **Background:**
 - ☛ The Supreme Court addressed the possibility of amending the Preamble of the Constitution **without changing the date of its adoption on November 26, 1949.**
 - ☛ Subramanian Swamy filed a **petition** to remove the words "**socialist**" and "**secular**" from the Preamble.
 - ☛ There were concerns raised about the manner in which the amendments were pushed through during the Emergency without sufficient debate.
 - ☛ The Preamble was amended once in **December 1976** by the Indira Gandhi government during the **Emergency**. This introduced the words '**socialist**' and '**secular**' and replaced the phrase "unity of the nation" with "**unity and integrity of the nation.**"
- ❖ **Supreme Court's call:**
 - ☛ The court questioned '**whether the Preamble could have been changed while retaining the original adoption date**'. They discussed the significance of the date and the insertion of new terms.
 - ☛ A bench of Justices Sanjiv Khanna and Dipankar Datta orally observed that **it is not that Preamble cannot be amended.**
 - ☛ The bench said that '**the matter could be considered from an academic point of view as the Preamble was earlier amended (by the 42nd Amendment Act in 1976) to include the words socialist and secular while keeping the date of adoption, November 29, 1949 intact**'
 - ☛ The bench, referring to the Preamble to the Constitution, said that '**this is perhaps the only Preamble, which comes with a date**'.



- Reference was made to the **Kesavananda Bharati** case where the Supreme Court, held that **the Preamble is an integral part of the Constitution, subject to amendment provided the basic structure remains intact.**

SIGNIFICANCE OF THE DATE:

- November 26, 1949, holds significant importance in the preamble of the Indian Constitution as it marks the date on which the Constituent Assembly of India adopted the Constitution.
- This date is commemorated as **Constitution Day in India** to honor the adoption of the Constitution, which came into effect on January 26, 1950.
- The preamble, which serves as the introduction to the Constitution and presents its principles, is based on the **Objectives Resolution moved by Jawaharlal Nehru on December 13, 1946**, and accepted on January 22, 1947.
- The **date of adoption, November 26, 1949**, holds historical and symbolic significance as it marks the culmination of the Constituent Assembly's efforts in framing the Constitution, which laid the foundation for the Indian state and its governance.



CHANGES MADE BY THE 42nd CAA TO THE INDIAN CONSTITUTION :

The 42nd Amendment to the Indian Constitution, enacted in 1976, made several specific changes, including:

- Article 368:**
 - Extension of Parliament's Amending Power:** The amendment gave Parliament unrestrained power to amend any part of the Constitution, **without judicial review.**
 - Immunity of Constitutional Amendments from Judicial Review:** It added a new **clause (4) in Article 13**, which states, "**Nothing in this article shall apply to any amendment of this Constitution made under Article 368**"
- Preamble:**
 - The amendment changed the description of India from "sovereign, democratic republic" to a "sovereign, socialist, secular, democratic republic." It also replaced the phrase "unity of the nation" with "unity and integrity of the nation".
- Fundamental Duties:**
 - The 42nd Amendment introduced Fundamental Duties for citizens, adding ten new duties to the Constitution.
- Directive Principles of State Policy (DPSP):**
 - The amendment added three new Directive Principles of State Policy (DPSP) to the existing list.
- Judiciary:**
 - It curtailed the judicial review power of the High Courts.
- Emergency Provisions:**

Mini Constitution of INDIA

- 42nd Amendment Act, 1976
- Act Passed by the Parliament on 11th November 1976
- Three new words **SOCIALIST, SECULAR, INTEGRITY** were added
- Fundamental Duties by the Citizens (new Part IV A) was also added



- The 42nd Amendment extended the one-time duration of the President's rule in a State from six months to one year.
- ❖ **Parliament:**
 - It extended the term of the Lok Sabha and State legislative assemblies from five years to six years.
- ❖ **Administrative Tribunals:**
 - The establishment of administrative tribunals and tribunals for other matters was also introduced

ISSUES WITH THE 42nd CAA :

- ❖ **Lack of Sufficient Debate:**
 - The 42nd Amendment was passed during the **Emergency without adequate debate**, raising concerns about the democratic process and the legitimacy of the changes it brought about.
- ❖ **Alteration of Basic Structure:**
 - The amendment attempted to alter the basic structure of the Indian Constitution, which is a fundamental framework that cannot be amended. This raised questions about **the integrity and stability of the Constitution**.
- ❖ **Reduction of Judicial Power:**
 - The amendment sought to reduce the power of the Supreme Court and High Courts, which was seen as a **threat to the independence of the judiciary and the system of checks and balances**.
- ❖ **Introduction of Fundamental Duties:**
 - While the amendment laid down Fundamental Duties for citizens, it was criticized for not adequately balancing these duties with the rights of the citizens, leading to concerns about the potential for misuse and infringement of individual freedoms.
- ❖ **Primacy to Directive Principles:**
 - The 42nd Amendment gave primacy to the Directive Principles, which raised concerns about the potential impact on the **justiciability of these principles** and their enforceability.
- ❖ **Unilateral Centralization of Power:**
 - The amendment was part of a broader effort by the Indira Gandhi government to centralize power, and many of its provisions were reversed by subsequent governments, indicating the controversial and unilateral nature of the changes it brought about.
- ❖ **Controversy Surrounding "Socialist" and "Secular":**
 - The addition of the words "socialist" and "secular" to the Preamble was contentious, as it raised questions about the political motivations behind the amendment and its potential **impact on the secular fabric of the nation**

However, after the end of the Emergency, the political landscape shifted, leading to the defeat of the government that had introduced the amendment. Subsequently, the new government repealed several provisions of the 42nd Amendment, restoring many aspects of the original constitutional framework.

- ❖ The 42nd Amendment was widely opposed and criticized, and **its overthrow was a result of the political changes that followed the end of the Emergency and the subsequent elections**.
- ❖ Although subsequent amendments restored much of the Constitution's original framework, **the changes made to the Preamble, declaring India as secular and socialist, were retained**.

KESAVANANDA BHARATI CASE:

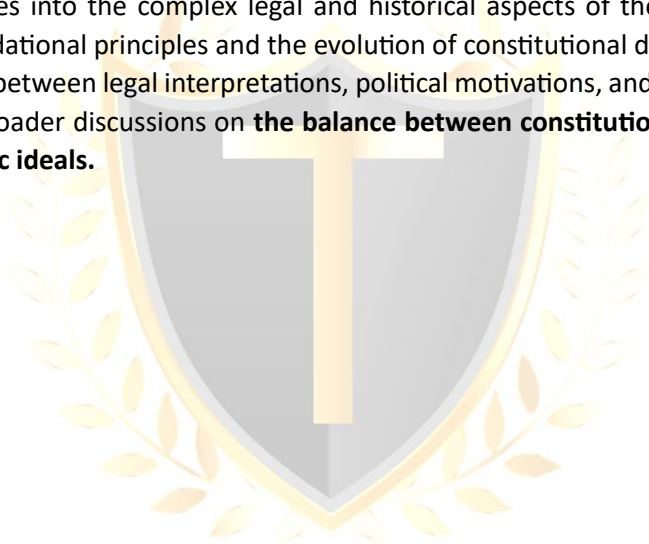
- ❖ **Doctrine of Basic Structure:**
 - In the Kesavananda Bharati case, the Supreme Court of India, in a 7:6 ratio, established the "Doctrine of Basic Structure," which held that the **Parliament could not alter the basic structure or framework of the Constitution through amendments**.



- This decision overruled the preceding cases of **Shankari Prasad, Sajjan Singh, and Golaknath**, which had previously held that the Parliament had unlimited power to amend the Constitution.
- ❖ **Constitutional Amendments:**
 - The Court's ruling in the Kesavananda Bharati case provided a framework for judicial review of constitutional amendments, ensuring that the **basic structure of the Constitution remains inviolable.**
- ❖ **Preamble:**
 - The Preamble to the Constitution was also recognized as an **integral part of the Constitution**, serving as a key to open the minds of the framers and showing the general purpose for which the Constitution was framed.
- ❖ The decision in this case has had a profound and lasting impact on the Indian legal and political landscape, ensuring the preservation of the **Constitution's basic structure and fundamental principles.**

CONCLUSION:

- ❖ The ongoing Supreme Court inquiry into the potential amendment of the Preamble without altering its adoption date underscores significant debates surrounding constitutional integrity and historical continuity.
- ❖ As the court delves into the complex legal and historical aspects of the matter, it reflects the enduring relevance of foundational principles and the evolution of constitutional democracy in India.
- ❖ The intersections between legal interpretations, political motivations, and societal values highlighted in this case illuminate broader discussions on **the balance between constitutional change and the preservation of core democratic ideals.**





PRELIMS POINTERS:

10th February, 2024

TOPIC	DESCRIPTION																																							
UCC BANS POLYGAMY	<p>WHY IN NEWS?</p> <ul style="list-style-type: none"> ❖ <i>The recent passage of the Uniform Civil Code (UCC) Bill, 2024 by the Uttarakhand Legislative Assembly, banning polygamy and extending monogamy to the Muslim community.</i> <p>WHAT IS POLYGAMY?</p> <ul style="list-style-type: none"> ❖ Definition: <ul style="list-style-type: none"> ☞ Polygamy means "many marriages," stemming from the Greek words "poly" meaning "many" and "gamos" meaning "marriage." ☞ It involves having multiple spouses simultaneously, regardless of gender. ❖ Traditional Practice: <ul style="list-style-type: none"> ☞ Historically, polygamy, especially polygyny (a man having multiple wives), was common in India until outlawed by the Hindu Marriage Act, 1955. ❖ Legal Context: <ul style="list-style-type: none"> ☞ The Special Marriage Act, 1954, allows inter-religious marriages but prohibits polygamy. ☞ Muslim women have used this law to prevent polygamous marriages. <p>TYPES OF POLYGAMY:</p> <ul style="list-style-type: none"> ❖ Polygyny: <ul style="list-style-type: none"> ☞ A man having multiple wives, historically practiced by monarchs and emperors in ancient India. ❖ Polyandry: <ul style="list-style-type: none"> ☞ A woman having multiple husbands, though rare. ❖ Bigamy: <ul style="list-style-type: none"> ☞ Marrying someone while already married to another, considered a criminal offense in many countries, including India. <p>POLYGAMY IN INDIA</p> <ul style="list-style-type: none"> ❖ Census data from 2011 and the National Family Health Survey (NFHS) indicate discrepancies between the number of married men and women, suggesting instances of polygamy. ❖ Government studies, including NFHS-5, show varying rates of polygamy across different religious and tribal groups. ❖ A recent study by the International Institute of Population Sciences (IIPS) highlights a decline in polygynous marriages (one man married to multiple women) from 2005-06 to 2019-21, indicating a shift in marital practices. <div style="text-align: center; margin-top: 10px;"> <p>POLYGAMY NUMBERS BY COMMUNITY</p> <p>Census 2011 data on marriages by religion</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th rowspan="2">Religion</th> <th colspan="3">Married Population</th> <th rowspan="2">Total Population</th> <th rowspan="2">Share of Polygamous Population</th> </tr> <tr> <th>Male</th> <th>Female</th> <th>Difference</th> </tr> </thead> <tbody> <tr> <td>Hindu</td> <td>23,35,20,803</td> <td>23,78,77,097</td> <td>43,56,294</td> <td>96,62,57,353</td> <td>0.45</td> </tr> <tr> <td>Muslim</td> <td>36,06,5,863</td> <td>37,61,6,038</td> <td>15,50,175</td> <td>17,22,45,158</td> <td>0.90</td> </tr> <tr> <td>Christian</td> <td>62,99,570</td> <td>65,93,705</td> <td>2,94,135</td> <td>2,78,19,588</td> <td>1.06</td> </tr> <tr> <td>Sikh</td> <td>52,72,175</td> <td>53,54,042</td> <td>81,867</td> <td>2,08,33,116</td> <td>0.39</td> </tr> <tr> <td>India</td> <td>28,65,07,311</td> <td>29,30,77,472</td> <td>65,70,161</td> <td>121,08,54,977</td> <td>0.54</td> </tr> </tbody> </table> <p><small>Per cent of currently married women who said that their husbands had other wives besides themselves by background characteristics, NFHS-3 to NFHS-5</small></p> </div>	Religion	Married Population			Total Population	Share of Polygamous Population	Male	Female	Difference	Hindu	23,35,20,803	23,78,77,097	43,56,294	96,62,57,353	0.45	Muslim	36,06,5,863	37,61,6,038	15,50,175	17,22,45,158	0.90	Christian	62,99,570	65,93,705	2,94,135	2,78,19,588	1.06	Sikh	52,72,175	53,54,042	81,867	2,08,33,116	0.39	India	28,65,07,311	29,30,77,472	65,70,161	121,08,54,977	0.54
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PLACES IN NEWS- 'RWANDA'	<p>WHY IN NEWS?</p> <ul style="list-style-type: none"> ❖ <i>India and Rwanda's inaugural Joint Defence Cooperation Committee meeting held in Kigali signifies a milestone in their bilateral relations, aiming to bolster defence cooperation through discussions on training, joint exercises, and industrial</i> 																																							



collaboration, showcasing India's growing defence capabilities and fostering closer ties between the two nations.

MEETING OVERVIEW

- ❖ India and Rwanda convened their first **Joint Defence Cooperation Committee (JDCC) meeting in Kigali, Rwanda on February 8, 2024.**
- ❖ The meeting aimed to **explore opportunities for enhancing defence cooperation between the two nations.**

ABOUT RWANDA:

- ❖ **Location:**
 - ☛ Landlocked in **east-central Africa, south of the Equator.**
- ❖ **Capital:**
 - ☛ **Kigali**, situated centrally on the Rugezi River.
- ❖ **Geography:**
 - ☛ Bounded by **Uganda, Tanzania, Burundi, and the Democratic Republic of the Congo**, featuring rugged **mountains, rolling hills, and valleys.**



HIGH ALTITUDE PSEUDO SATELLITES

WHY IN NEWS?

- ❖ *The **National Aerospace Laboratories (NAL)** in Bengaluru recently conducted the first successful test flight of a solar-powered pseudo-satellite called **HAPS.***

DEFINITION AND FUNCTIONALITY

- ❖ HAPS are unmanned planes that **fly really high, around 65,000 ft or more.**
- ❖ They act like a **middleman between low-flying drones and regular satellites.**

OPERATIONAL CHARACTERISTICS:

- ❖ Powered by **solar energy**, they can stay in the **air for months or even years.**
- ❖ They **cover bigger areas with less interference** than ground-based systems.
- ❖ They're **faster and easier** to adjust than satellites, making **them more flexible.**



APPLICATIONS:

- ❖ **Civilian Applications:**
 - ☛ HAPS support **telecommunication and remote sensing for civilian needs.**
 - ☛ They provide essential services like **communication in remote regions, disaster relief, and precision agriculture.**
- ❖ **Military Applications:**
 - ☛ In military roles, HAPS aid in **border patrolling, target tracking, and maritime surveillance.**
 - ☛ They **enhance national security efforts** by contributing to **search and rescue missions and navigation.**



WHITE PAPER ON THE ECONOMY

WHY IN NEWS?

- ❖ *The release of the White Paper on the Indian economy by the government has stirred significant attention, as it compares the economic performance of the previous UPA administration with the current NDA government over a decade.*

WHAT IS A WHITE PAPER?

- ❖ Typically provides detailed information on a specific issue.
- ❖ Aims to inform the public about the nature, scope, and potential solutions of the problem.

CHARACTERISTICS OF THE PRESENTED WHITE PAPER:

- ❖ Differs from traditional white papers as it compares economic records of two successive governments.
- ❖ Focuses on economic parameters rather than a single issue.
- ❖ Lacks the comprehensive review of India's economic state in 2014, which a true white paper on the economy would provide.



TIMING OF PRESENTATION:

- ❖ Released at the end of 10 years instead of the beginning.
- ❖ Decision driven by a desire to avoid a negative narrative that could impact investor confidence.
- ❖ Aimed to instil hope, attract investments, and garner support for necessary reforms.

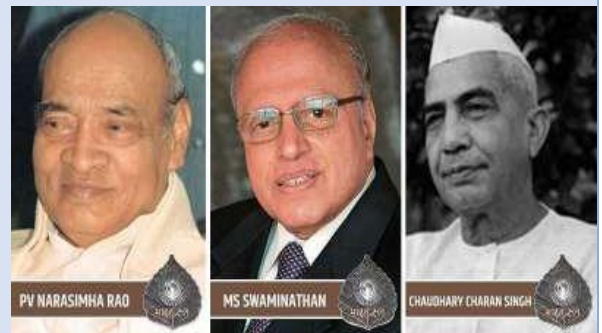
BHARAT RATNA TO SWAMINATHAN, RAO, CHARAN SINGH

WHY IN NEWS?

- ❖ *Government posthumously awards Bharat Ratna to Chaudhary Charan Singh, PV Narasimha Rao, and MS Swaminathan, bringing total recipients this year to five, including LK Advani and Karpoori Thakur.*

ABOUT THE BHARAT RATNA AWARDEES:

- ❖ **PV NARASIMHA RAO:**
 - ☞ Recognized for fostering a new era of economic development in India.
 - ☞ PM Modi praised Rao's visionary leadership, highlighting his contributions to economic reforms and foreign policy.
- ❖ **CHAUDHARY CHARAN SINGH:**
 - ☞ Acknowledged as a champion of farmers and advocate for their rights.
 - ☞ The award is seen as an outreach to the Jat community and farmers before elections.
- ❖ **MS SWAMINATHAN:**
 - ☞ Known as the "Father of the Green Revolution" for his pioneering work in agricultural technology.





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INSTITUTE**

- ☛ Recognized for his monumental **contributions to agriculture and farmers' welfare**, particularly during **India's food crisis in the 1960s**.

BHARAT RATNA

- ❖ **Established in 1954**, Bharat Ratna is **India's highest civilian award**.
- ❖ Open to individuals **without distinction** of race, occupation, position, or gender.
- ❖ Awarded for **exceptional service/performance** of the highest order in any field.

WHY IN NEWS?

- ❖ *As per **Stockholm International Peace Research Institute**, **India's military expenditure from the year 2019 to 2022***

ABOUT SIPRI:

- ❖ **SIPRI (Stockholm International Peace Research Institute)** is an **independent global institute**.
- ❖ **Established in 1966**, it focuses on conflict, **armaments, arms control, and disarmament research**.
- ❖ SIPRI offers data, analysis, and **recommendations to policymakers, researchers, media, and the public**.
- ❖ It operates from Stockholm and is **highly regarded among global think tanks**.
- ❖ **Vision:** A world with **identified security sources, conflict prevention, resolution, and sustained peace**.
- ❖ **Mission:** Conduct research, **provide policy analysis, facilitate dialogue, promote transparency**, and deliver authoritative information globally.



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