GS SCORE
An Institute for Civil Services

INTERVIEW GUIDANCE 2021
CURRENT AFFAIRS & MAJOR DEBATES
of

GOVERNANCE & SOCIETY

CONTENTS

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1 | Frequent Transfers of Public Servants

Context:

Good governance is critical to good quality democracy. Frequent transfer of officers reduces their effectiveness and dilutes their accountability and it is one of the most vexatious governance problems in India.

Frequent transfers

- The analysis of the **SUPREMO (Single User Platform Related to Employees Online)** database of the Department of Personnel and Training, indicates that on average a civil servant spends about 15 months (less than 1.5 years) in a posting spell.

- This is despite an increase in the median tenure since 2014 at the national level but proves insufficient.

Implications of frequent transfer of civil servants:

- It adversely affects governance because civil servants are not allowed to stay in a position long enough to acquire adequate knowledge and gain necessary experience from their job, which is important to execute its function as an officer and redress the problems while being in the services.

- They are unable to build the required confidence and understanding which takes time to develop and is an essential tenant of administrative leadership.

- It prevents civil servants from staying in a position long enough to bring reforms and it is both demoralizing and demotivating when civil servants are not in a position long enough to see the fruits of their efforts which could be a source of enormous satisfaction to them.

> **Additional Information**: Provision of Articles 310 and 311 of the Constitution of India makes it impossible for civil servants to be dismissed or demoted by elected representatives and **this is one of the reasons why democratically elected government resorts to reshuffling the bureaucracy across posts of varying importance to experts control over policy outcomes.**

Need for Administrative Reforms:

- **Fifth Pay Commission:**

  - It has made a recommendation about detailed, clear and transparent transfer policies. It is highlighted that the need for formulations of detailed guidelines and publicizing the same by each department as a part of comprehensive transfer policy in order to **eliminate the arbitrariness in transfers** and make the process transparent.

  - The commission has also pointed out that **minimum tenure for each posting** of the officers should be predetermined and it should be **for three to five years**, exception can be made in favour of longer tenures if the continued availability of certain specialized skills is required. The **Second Administrative Reforms Commission** has also highlighted the same.

  - To have a balanced approach it has also batted for a shorter period of tenure of two to three years in case of sensitive posts, where opportunities exist for developing **vested interests**.

- ➤ Any **premature transfer** before the completion of the prescribed tenure should be based on sound administrative grounds, which should be spelt out in the transfer order itself. The civil servant should be given the **right to appeal** against such an order if he or she feels aggrieved.

- ➤ Constitution of high-powered **Civil Service Boards**, at the level of the Union Government and State Governments to look into and regulate cases of premature transfers of a civil servant is one another recommendation of the commission.

- ➤ The **instrument of transfer** should **not be allowed to be misused either by bureaucrats themselves or by politicians in power**. It should not be used as a means of punishment by evading the procedure laid down for disciplinary actions.

- ■ **Committee on Civil Services Reforms (Hota Committee, 2004):**

  - ➤ The committee has pointed out that-the absence of a fixed tenure of officials is one of the most important reasons for the **sluggish implementation of government policies**.

  - ➤ It provides a **breeding ground for lack of accountability of officers**, for waste of public money because of inadequate supervision of programmes under implementation and for large-scale corruption.

  - ➤ The committed has also highlighted, that how these frequent transfers at the whims and caprices of politicians result in a **demoralised environment** for the officers.

2	More Decentralized form of Governance Model in India

Context:

The Covid-19 pandemic has revealed the actual situation of governance models in India and calls out for a more decentralized form of Governance Model in India.

The situation

- ⊙ Governance systems at all levels, i.e. Global, national, and local, have experienced stress as a fallout of the COVID-19 pandemic.

- ⊙ Architectural flaws have been revealed in their design. The complexities of handling several subsystems at the same time have overwhelmed governance.

- ⊙ The complexities of handling several subsystems at the same time have overwhelmed governance.

- ⊙ A solution for one subsystem backfired on other subsystems.

  - ➤ For example, lockdowns to make it easier to manage the health crisis have made it harder to manage economic distress simultaneously.

- ⊙ The diversion of resources to focus on the threat to life posed by COVID19 has increased vulnerabilities to death from other diseases, and even from malnutrition in many parts of India.

Background

- ⊙ Human civilization advances with the evolution of better institutions to manage public affairs. For example:

➤ **Institutions of parliamentary democracy**, and the limited liability business corporation, did not exist 400 years ago.

➤ **Institutions of global governance**, such as the United Nations and the World Trade Organization, did not exist even 100 years ago.

◉ These institutions were invented to enable human societies to produce better outcomes for their citizens. They have been put through a severe stress test now by the global health and economic crises.

◉ There is a mismatch in the design of governance institutions at the global level (and also in India) with the challenges they are required to manage.

Interconnectedness of Issues

◉ The global challenges listed in the 17 Sustainable Development Goals (SDGs) of the United Nations, are systemic. All these systemic problems are interconnected with each other.

◉ Environmental, economic, and social issues cannot be separated from each other and solved by experts in silos or by agencies focused only on their problems.

➤ For example, solutions for environmental sustainability along with sustainable livelihoods cannot be the same in Kerala and Ladakh, or Wisconsin, and Tokyo.

◉ **Solutions must be local.** And the support from local people can be achieved only when the local people believe that the solution is the right one for them and not a solution thrust upon them by an outside expert.

◉ Therefore a decentralized form of government ensures better policy formulations which can be more effective.

◉ Governance of the people must be not only for the people. It must be by the people too.

Associated Work

◉ **Gandhiji** and his economic advisers, **J.C. Kumarappa** and others developed their solutions of local enterprises through observations and experiments on the ground.

◉ **F. Schumacher** had pointed out by the 1970s, the flaws in the economic theories that were driving public policy in capitalist as well as communist countries.

◉ He had proposed new economics, founded on local enterprise, very consistent with Gandhiji's ideas.

◉ **Elinor Ostrom**, the first woman to win the **Nobel Prize in Economics**, in 2009, had developed the principles for self-governing communities from research on the ground in many countries, including India.

Constitutional Provisions of Local Governance in India

◉ Though traditional forms of local governance have existed in India for centuries.

◉ In 1992, India amended its Constitution with the intent to strengthen grassroots-level democracy by decentralizing governance and empowering local administrative bodies.

◉ The objective was to create local institutions that were democratic, autonomous, financially strong, and capable of formulating and implementing plans for their respective areas and providing decentralized administration to the people.

◉ It is based on the notion that people need to have a say in decisions that affect their lives and local problems are best solved by local solutions.

◉ The passing of the **73rd and 74th Constitutional Amendments** made it mandatory for each state to constitute rural and urban local governments, to establish mechanisms to fund them, and to carry out local elections every five years.

- The creation of this new three-tier system of local governance provided constitutional status to rural and urban local bodies, ensuring a degree of uniformity in their structure and functioning across the country.

- It also has promoted inclusivity through the establishment of community-based public health and the self-help group movements.

- Ensure availability and accessibility of the resources to everyone especially to the poor section.

Few emerging examples of States for better performances due to local governance

- The pandemic has not passed yet, but the evidence is emerging that some States in India, such as Kerala, have weathered the storm better than others.

- Some countries, such as Vietnam and Taiwan, are better than others during this ongoing pandemic.

- A hypothesis is that those States and countries in which local governance was stronger have done much better than others. This needs further research by social and political scientists looking for insights into design principles for good governance systems that can solve problems faced by human society.

3   Criminal Justice System – Problems and Solutions

Context:

Recently, Andhra Pradesh cabinet has approved a bill which proposes death penalty in cases of sexual abuse of women and seeks completion of the entire trial along with judgment within 21 days of filing of FIR.

Background

- The Criminal Justice System in India is an age-old system primarily based upon the Penal legal system that was established by the British Rule in India.

- The system has still not undergone any substantial changes even after 70 years of Independence. The biggest example could be Section 124A of the Indian Penal Code (IPC) that defines sedition and provides for its punishment.

- The entire Code of Criminal Procedure (Cr.P.C.) was amended in 1973.

- The appointment of the **Vohra Committee** was the very first attempt towards reforming the Criminal Justice System in India. Vohra Committee report (1993) made an observation on the criminalisation of politics and of the nexus among criminals, politicians and bureaucrats in India.

- In 2000, the government formed a panel headed by Justice V.S. Malimath, the former Chief Justice of Kerala and Karnataka, to suggest reform in the century-old criminal justice system.

- The **Malimath Committee** submitted its report in 2003 with 158 recommendations but these were never implemented.

- The Committee felt that the existing system "weighed in favour of the accused and did not adequately focus on justice to the victims of crime."

Issues in Criminal Judicial System

■ **Multiplicity of Laws:**

➤ **Andhra Pradesh cabinet's approval to** a bill which proposes death penalty in cases of sexual abuse of women and that seeks completion of the entire trial along with judgment within 21 days of filing of FIR is just another attempt to make another stringent rape laws that will undermine the authority of law.

➤ After 2012 gang rape amendments to criminal laws were pitched. In 2013, POCSO and CrPc dealing with rape were made more stringent.

➤ But in practice we have many stringent rape laws and the only problem is lack of implementation.

■ **Criminal Justice is suffering from Inertia**

➤ **Ineffectiveness:** The purpose of the criminal justice system was to protect the rights of the innocents and punish the guilty, but now-a-days system has become a tool of harassment of common people.

➤ **Pendency of Cases:** According to Economic Survey 2018-19, there are about 3.5 crore cases pending in the judicial system, especially in district and subordinate courts, which leads to actualisation of the maxim "Justice delayed is justice denied."

➤ **Huge Under trials:** India has one of the world's largest number of under trial prisoners.

➤ According to NCRB -Prison Statistics India (2015), 67.2% of our total prison population comprises of under trial prisoners.

➤ **Investigation:** Police is being a front line of the criminal judiciary system, which played a vital role in the administration of justice. Corruption, huge workload and accountability of police is a major hurdle in speedy and transparent delivery of justice.

➤ India has failed to bring a single meaningful change by which justice can be given in a proper order.

➤ Parliament passes laws and then it forgets about them

➤ They don't care about the interpretation of the laws

➤ Judiciary is not prioritizing the criminal cases

➤ Executive is not active about filing FIRs and doing investigation

■ **Lack of Infrastructure:**

➤ Every outgoing CJI has raised concerns about the lack of infrastructure in the Indian judiciary system

➤ There are lots of vacancies in lower judiciary.

➤ There is huge work load on lower judiciary as many new laws have been implemented putting more work pressure on them

➤ There is a complete mismatch between the number of cases court system has been asked to handle and the human resources (in the form of judges, para-legal personnel, infrastructure, etc.) given.

■ **Long delays in Trials**

➤ In normal criminal cases it takes 30-40 years to complete the trial.

➤ People remain in jails for 10-12 years and then they are absolved of all the charges.

- **Lack of Intention**
  - ➤ Lack of intention from executive, legislative and judiciary to create an effective and efficient system for the speedy delivery of justice of rape and aggravated sexual assaults.

- **Suggestions to Improve the Criminal Justice System**
  - ➤ **Create Specialization of Judges**
  - ➤ **Create Specialized Criminal Benches**
  - ➤ **Create Infrastructure**
  - ➤ **Sensitization of people**

4   Ministry of Co-operation

Context:

In a historic move, a separate 'Ministry of Co-operation' has been created by the government for realizing the vision of 'Sahkar se Samriddhi'. This ministry will provide a separate administrative, legal and policy framework for strengthening the cooperative movement in the country.

What is Cooperative Society?

- ◉ It is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspiration through jointly owned and democratically controlled enterprises.

- ◉ Co-operative societies are service enterprises aiming at rendering service to its members. In one sentence the philosophy of cooperation can be summed up as "each for all and all for each".

Historical Developments for Cooperatives

- ◉ **Cooperative Credit Societies Act, 1904:** As its name suggests, the Cooperative Credit Societies Act was restricted to credit cooperatives. By 1911, there were 5,300 societies in existence with a membership of over 3 lakhs

- ◉ **Cooperative Societies Act, 1912:** The Act also provided for Federations of cooperatives.

- ◉ **Maclagen Committee on Cooperation (1914):** It recommended building up a strong three-tier structure in every province to provide short-term and medium-term finance.

- ◉ **Government of India Act, 1919:** Cooperation as a subject was transferred to the provinces. Societies were organized, but most faced difficulties in operation as a result of opposition by private marketing agencies

- ◉ **Multi-Unit Cooperative Societies Act, 1942:** delegated the power of the Central Registrar of Cooperatives to the State Registrars for all practical purposes.

- ◉ **Model Cooperatives Act, 1990**: The Eighth Five Year Plan (1992-1997) laid emphasis on building up the cooperative movement as a self-managed, self-regulated and self-reliant institutional set-up, by giving it more autonomy and democratizing the movement.

- ◉ **Multi-State Cooperative Societies Act, 2002**: The Multi-State Cooperative Societies (MSCS) Act, enacted in 1984, was modified in 2002, in keeping with the spirit of the Model Cooperatives Act, 1990

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◉ **National Cooperative Policy, 2002**:

➤ The objective of the Policy is to facilitate an all round development of cooperatives in the country.

➤ The policy promises to provide cooperatives with the necessary support, encouragement and assistance, to ensure their functioning as autonomous, self-reliant and democratically managed institutions and accountable to their members.

Challenges Faced By the Cooperative Sector

◉ **Membership**

➤ Ensuring 'Active' member participation and enabling speedy exit of non-user members has remained a daunting task for cooperatives

◉ **Governance**

➤ Governance issues are primarily focused on the structure of the Board and its relationship with members, managers and the State

◉ **Lack of Recognition of Cooperatives as Economic Institutions**

➤ The lack of recognition of cooperatives as economic institutions meant to serve the needs of its members.

➤ The general perception has been that cooperatives are instruments of government meant for public good and therefore need to be supported by the government.

◉ **Board and Management Interface and Accountability**

➤ Cooperative Boards suffer from lack of long-term perspective, market and business orientation, understanding of the cooperative way of business and how it differs from other enterprises, awareness about the environment

➤ In a large number of cooperatives, Board and executive functions are not clearly demarcated, often leading to identity conflicts

◉ **Operations**

➤ Professionalization and Accountability

➤ Capital

➤ Linkages and Competitiveness

◉ **Other challenges**

➤ Accessibility to Finance/Credit Services by Members

➤ Accessibility to Finance/Credit Services by Members

➤ Politicization of Cooperatives and Control/Interference by Government

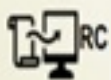# 5   One Nation One Ration Card

Context:

Calling One Nation One Ration Card "an important citizen-centric reform", the Supreme Court has set a deadline of July 31 for all states to implement the scheme and further noted that "its implementation ensures availability of ration to beneficiaries under National Food Security Act (NFSA) and other welfare schemes.

What is ONORC Scheme?

- It aims to provide an option to all eligible ration card holders/beneficiaries covered under NFSA to access their entitlements from anywhere in the country.

- The distribution of highly subsidized food grains is enabled through nation-wide portability of ration cards through the implementation of IT-driven systems by:

  ➤ installation of ePoS devices at FPSs

  ➤ seeding of Aadhaar number of beneficiaries with their ration cards and

  ➤ operationalisation of biometrically authenticated ePoS transactions in the State/UTs.

- Till Feb' 21 the facility has been enabled in 32 States/UTs covering nearly 69 crore beneficiaries, almost 86% of NFSA population of the country.

Key Enablers

Digitisation of Ration	**Aadhaar Seeding of Ration Cards**	**ePoS Devices at the FPSs**	**Biometric Authentication of Beneficianies**
Cards 100% ration cards covering ~81cr. beneficicanies are digitised in the country.	92% ration card and 89% benefici-anies seeded at the national level.	92% (4.96 Lakh of total 5.38 lakh) Fair Price Shops in the country are automated.	Avg.70%–75% biometrically authenticated ePoS transactions on a monthly basis.

Challenges with earlier regime

- **Beneficiaries were confined to particular Fair Price Shops (FPS)**

  ➤ Ration Cards were tagged to a particular FPS

  ➤ Beneficiaries can avail foodgrains from tagged FPS only

  ➤ Dependent on the whims-and-fancies of the FPS dealer

- **Loss of food security due to migration**

  ➤ Migrant beneficiaries lose access to subsidised foodgrains

  ➤ Forced to purchase from open market at inflated prices

  ➤ Very purpose of 'Food Security' under NFSA was not fulfilled

- **Difficulty in getting new Ration Card**

  ➤ Lengthy process to obtain new ration card at new place

  ➤ Requirement of supporting documents and local proofs

  ➤ Prone to introducing duplicity of ration card/beneficiary

Reason for non implementation in few states/UT

- **Delhi**: yet to operationalize ePoS in fair price shops which is one of the core component of ONORC scheme.

- **West Bengal**: Demanded that beneficiaries of non-NFSA ration cards (issued by state government) should also be included in the scheme.

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Benefits of the One Nation One Ration Card

◉ **Interoperability of ration cards:**

  ➤ Beneficiaries will be able to purchase subsidised food grains in any part of the country if their ration cards are linked to the Aadhaar number.

◉ **Empowering all migrant beneficiaries:**

  ➤ The scheme has been launched keeping in mind the country's internal migration, as people continue to move to different states in search of job opportunities and better standards of living.

  ➤ One of the key challenges faced by migrant workers in cities at the beginning of the lockdown was lack of food security and access to food grains.

  ➤ The One Nation One Ration Card system will certainly help get our labour force back into the cities.

◉ **Reducing discrimination:**

  ➤ The scheme will give beneficiaries the option of choosing the concession holder of their choice. If any dealer misbehaves or misallocates, the beneficiary can instantly switch to another FPS shop.

  ➤ The scheme will reduce the practice of black marketing at PDS shops due to installation of ePoS machines

◉ **Achieving Sustainable Development Goal (SDG):**

  ➤ This will help achieve the target of ending hunger by 2030. Also, it will address the poor. In the 2020 Global Hunger Index (GHI), India ranked 94 out of the 107 countries.

Mera Ration Mobile App

The government has developed a Mobile App "MERA RATION", to facilitate various ONORC related services among NFSA beneficiaries particularly migrant beneficiaries, FPS dealers and other relevant relevant stakeholders

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6	'Federalism and Interstate River Water Governance in India'

Context:

● **Interstate (River) Water Disputes (ISWDs) are a continuing challenge to federal water governance in the country. Rooted in constitutional, historico-geographical, and institutional ambiguities, they tend to become prolonged conflicts between the states that share river basins.**

● **Given the significant nature of such disputes, it is essential to examine the constitutional complexities, contentious political federalism, and identity-based electoral political dynamics that fuel ISWDs.**

Background

◉ India has 25 major river basins, with most rivers flowing across states.

- However, interstate rivers in India have become sites of contestations, fuelled by conflicting perceptions of property rights, flawed economic instruments for food security, the lack of an integrated ecosystems approach, and the prevalence of reductionist hydrology for water resource development.

- Such conflicts over the possession and control of river water have persisted since the inception of the Indian republic, with prolonged delays in resolution due to historical, institutional and political factors.

- In recent years, increasing water scarcity, a rapid rise in urban and rural demands for freshwater, and contentious political dynamics have further exacerbated the problem.

Fundamental structural ambiguities in the interstate river water governance

There are three fundamental structural ambiguities that currently affect the system:

■ Federal-jurisdictional ambiguity

- ➤ **Federal-jurisdictional ambiguity:** In independent India, legislative powers concerning water were distributed between the Centre and the states to ensure optimum utilisation while balancing the interests of the states.

- ➤ **Schedule 7** of the Constitution distinguishes between the use of water within a state and the purpose of regulating interstate waters.

- ➤ The Centre's role is largely limited to resolving inter-state river water disputes. That, too, a detached one in setting up tribunals for their adjudication.

- ➤ This approach towards the evolution of the legislative and constitutional mechanism regarding ISWDs has resulted in an imprecise distribution of power between the Centre and the states, creating *federal-jurisdictional ambiguity*.

Water in the Constitution

- Water in the Constitution of India Water is a State subject as per entry 17 of State List and thus states are empowered to enact legislation on water.

- **Entry 17 of State List** deals with water i.e. water supply, irrigation, canal, drainage, embankments, water storage and water power.

- **Entry 56 of Union List** gives power to the Union Government for the regulation and development of inter-state rivers and river valleys to the extent declared by Parliament to be expedient in the public interest.

- Within India's federal political structure, inter-state disputes require the involvement of the Union government for a federal solution at two levels:

- between the states involved

- between the Centre and the states

- **Article 262** in the constitution which empowers the President to establish Inter-State water Disputes Tribunal being and also states.

- Under this provision an **Inter-State Water Dispute Act, 1956** and **River Boards Act, 1956** was created.

■ Historico-geographical ambiguity

- **Historico-geographical ambiguity:** After independence, states were carved out and federated to form the Union of India.

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- The changing borders complicate the existing jurisdictional and resource-sharing agreements and eventually become sources of interstate political contestation, leading to historico-geographical ambiguity in interstate river water governance.

- Perhaps recognising the issues caused by such redrawing of administrative boundaries, the Union government enacted two other important acts in the same year to create a framework for governing and managing interstate rivers: **the Interstate (River) Water Disputes Act, 1956 (ISRWDA) and the River Boards Act, 1956.**

■ Institutional ambiguity

- **Institutional ambiguity:** With regard to the resolution process for ISWDs, the Supreme Court has made limited intervention to adjudicated disputes, including the enforcement of tribunal awards, holding that such disputes can be resolved under Article 131.

- According to Salve, the wisdom behind this decision is apparent: the courts, as a constitutional forum, command a certain degree of respect and authority due to its power to punish for contempt.

- The tribunals lack such authority, thus failing to efficiently enforce an award, especially in disputes that get amplified due to political overtones.

- However, within this framework, the Supreme Court's role undermines that of the tribunals as adjudicators of ISWDs, despite the latter being established for the implementation of binding awards and their decision granted the same force as an order of the Supreme Court.

- While Article 262 deters the highest judiciary from adjudicating ISWDs, Article 136 empowers it to hear appeals against the tribunals and ensure the implementation of the tribunal.

- Thus, the apex court remains the adjudicatory body along with the tribunals, creating an *institutional ambiguity* regarding which body is the ultimate adjudicatory power on ISWDs in India.

Principles of water sharing

- The tribunals have been using a number of principles while deciding about water sharing between contending states:
- The **Helsinki rules** were issued in 1966
- **United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses** were finalized in 1997
- The **World Commission on Dams report** came in November 2000
- The **Berlin Rules** were issued in 2004

What escalates water conflicts?

- The interstate water disputes emerge and recur due to their particular anatomy produced by three sets of characteristics:
  - ➤ legal ambiguities
  - ➤ antagonistic politics – a making of the nexus of water politics and democratic politics
  - ➤ due to their political ecology of asymmetries – deeply embedded as historically and geographically constructed
- **Affected interests:** Water disputes arise when the action of one state affects the interests of one or more other states.

- **Unsustainable use of water:** Economic factors like underpricing of irrigation waters, promotion of water-consuming crops through support pricing, etc., often lead to unsustainable use of water during lean seasons thereby escalating conflicts.
- **Increasing demand, pollution and decreasing availability:** Water sharing disputes across the country (and even beyond) are only going to escalate with increasing demands, and also with increasing pollution & losses reducing the available water.
- Climate change is likely to worsen the situation as monsoon patterns change, water demands going up with increasing temperatures, glaciers melt and sea levels rise.

What prevents an integrated basin-level ecosystem-based approach?

- Shortsightedness in technocracy
- Fragmented approach to governance
- Over-reliance on structural engineering (without concern of externalities)
- The Centre's lack of initiative

Water Disputes Tribunals

Tribunal	States Concerned	Date of Constitution	Current Status
Godavari Water Disputes Tribunal	Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Orissa	April 1969	Report and decision given in July 1980.
Krishna Water Disputes Tribunal – I	Maharashtra, Andhra Pradesh, Karnataka,	April 1969	Report and decision given in May 1976.
Narmada Water Disputes Tribunal	Rajasthan, Madhya Pradesh, Gujarat, Maharashtra	October 1969	Report and decision given in December 1979. Narmada Control Authority (NCA) was constituted to implement the decision.
Ravi & Beas Water Tribunal	Punjab, Haryana, Rajasthan	April 1986	Report and decision given in April 1987. Further Report is pending.
Cauvery Water Disputes Tribunal	Kerala, Karnataka, Tamil Nadu, Puducherry	June 1990	Report and Decision given on 5 February 2007. Supreme Court modified the decision on 16 February 2018. The Cauvery Water Management Authority (CWMA) and Cauvery Water Regulation Committee (CWRC) were constituted to implement the modified decision.

Krishna Water Disputes Tribunal -II	Karnataka, Andhra Pradesh, Maharashtra, Telangana	April 2004	Report and decision given on 30 December 2010. SLPs filed pending in the Court. The term of the Tribunal has been extended after the bifurcation of Andhra Pradesh. The matter is under adjudication in the Tribunal.
Vansadhara Water Disputes Tribunal	Andhra Pradesh, Odisha	February 2010	Report and decision submitted on 13 September 2017. Further Report is pending.
Mahadayi Water Disputes Tribunal	Goa, Karnataka, Maharashtra	November 2010	Report and decision submitted on 14 August 2018. Further Report is pending.
Mahanadi Water Disputes Tribunal	Chhattisgarh, Odisha	March 2018	Under adjudication by the Tribunal. Report and decision are awaited.

Why a greater Centre-States coordination is essential?

- There are a whole set of reasons- why a coordinated response from the Centre and states is vital. These include:
  - ➤ emerging concerns of long-term national water security and sustainability
  - ➤ the risks of climate change
  - ➤ the growing environmental challenges, including river pollution
- Greater Centre-states coordination is also crucial for pursuing the current national projects.

Can Supreme Court interfere?

- Article 262 (1) bars the jurisdiction of the Supreme Court.
- But matters are still being taken there on legal, jurisdictional, environmental and constitutional issues.

7   Ayushman Bharat Digital Mission (ABDM)

Context:

Recently PM Narendra Modi made a nationwide launch of the Ayushman Bharat Digital Mission with the introduction of Health ID, which is going to revolutionize the way health services are being provided in our country.

What is Ayushman Bharat Digital Mission (ABDM)?

- It is aimed at developing a structural framework necessary to support the integrated digital health infrastructure of the country. This will help the government to bridge the gap among the various stakeholders of the healthcare ecosystem through digital means.

- **India Enterprise Architecture Framework (IndEA)** shall be adopted for developing the ABDM.
- The **National Health Authority (NHA)** under the Ministry of Health and Family Welfare is the implementing agency for ABDM.
- Under the mission, every citizen shall be provided with a digital health ID in a digitally protected environment. This digital Health ID shall be a repository of all health-related information.
- It will enable the access and exchange of health records of citizens with their consent.

THE NDHM ECOSYSTEM

ABDM Ecosystem

- **Building Blocks of the ABDM:**
  - **Health ID:** The Health ID will be used to uniquely identify persons, validate them, and organising their medical records (with the informed consent of the patient) across multiple systems and stakeholders.
  - **Healthcare Professionals Registry (HPR)**: It is a repository of all healthcare professionals involved in the delivery of healthcare services across both modern and traditional systems of medicine. Healthcare Professionals Registry will enable healthcare professionals to get connected to India's digital health ecosystem and the certain outcome of it shall be, ensure the ease of doing business for doctors/hospitals and healthcare service providers.

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There currently exists no nationally recognized source of data on **Healthcare Professionals** in India that is trusted, digitally enabled and widely adopted by healthcare ecosystem stakeholders. The **Healthcare Professionals Registry (HPR)**. CAQH (Council for Affordable Quality Healthcare) in the USA and General Medical Council (GMC) in the UK are examples where such a repository system is functional.

- **Healthcare Facilities Registries (HFR):** It is a repository of health facilities of the country across **different systems of medicine**. It will provide extensive coverage by including both public and private health facilities including hospitals, clinics, diagnostic laboratories and imaging centres, pharmacies, etc.

- **Personal Health Records (PHR):** A PHR is an electronic record of health-related information on an individual that adheres to the nationally recognized interoperability standards and that can be drawn from multiple sources while being managed, shared, and controlled by the individual.

The salient features of the Health Records (PHR):

- Creation of Health ID
- Discovery of Health Information
- Linking of health records/ with a given Health ID
- View Health Records
- Management of consents

Management of Health Records in ABDM:

- Use of the Aadhaar is voluntary. One can also use one's mobile number for registration instead of Aadhaar.
- The records shall be stored with healthcare information providers as per their "retention policies", and are "shared" over the ABDM network in encrypted formats only after the beneficiary express consent.
- The user can either permanently delete or temporarily deactivate her health ID.

How will this help citizens?

- The new system will ensure the safety of the medical records of the patients as the records will be stored in encrypted digital formats.
- It can also remove the unnecessary repetition of tests and procedures and bring standardisation in the healthcare facilities.
- The digital ecosystem will enable the host to provide facilities like remote or online consultation, diagnosis and delivery of medicines. This will be a boon to patients residing in small and rural areas, where they have limited access to healthcare facilities.
- With the data in hand, the government can motivate people towards a healthy lifestyle, which also mean that people will have to pay a lower for amount towards their health insurance premiums.

What are the concerns?

- **Risk to Adoption:** As it is going to follow the centralized data governance model, the States or other bodies that have robust data sets and digital systems may not be willing to release

control of the same, which might lead to resistance. As **health is a state subject** and we have a federal structure, it could bring possible legal hurdles which need to be addressed beforehand.

◉ **Operational Challenges:** Mechanisms, committees and processes may have to be built to manage such a vast dataset. This may require significant investments in technology, human resources, communications efforts and process design. We have to increase the number of PHC and the number of skilled staff to cater for all Indians.

◉ **Data Privacy:** The data privacy processes will need to be carried out with utmost care. Implementation of stringent data protection measures will be crucial to preserving personal information. Though the government is saying that no medical practitioner will be able to access a citizen's health data without his consent, the clouds of concern remain there.

◉ **Digital divide:** Though India has 118 active mobile users but to make the scheme function to its full potential, it is important to have seamless pan-India internet coverage. In addition, digital illiteracy is still prevalent in rural India and among the tribal population.

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8   Countering Disinformation and Hate Speech Online

Context:

In order to align the utility of social media platforms with the welfare of citizens, while safeguarding the right to free speech, there is need for an overhaul of India's current regulatory framework in order to curb hate speech and fake news online.

To what extent, social media is to be blamed?

◉ **Vulnerable to abuse:** Social media platforms facilitate the sharing of information and enhance connectivity and civic engagement. At the same time, however, they are vulnerable to abuse by malicious actors who use the channels to spread misinformation and hateful and divisive content. Behind the veil of protecting free speech, tech companies in India remain oblivious to such potential misuse.

◉ **Conflicts:** Social media platforms may have democratised the internet, but the same technology can create conflicts as it enables the proliferation of erroneous information at an unprecedented pace.

◉ **Lack of quick identification:** The companies do not have adequate resources to quickly identify such content and remove them.

◉ **Numerical advantage:** Fake news thrives on dissemination through surplus or deficit information models. Under the surplus model, if enough users share the same information, it validates itself by a sheer numerical advantage, including when the gatekeepers of information (like journalists or politicians) validate it.

◉ **Widespread impact:** The impact of fake news is enhanced due to lack of access to correct information, limited prominence of fact-checking mediums, overwhelming nature, or the user's inability to comprehend its consequence.

◉ **Higher interaction:** Of all the content in these platforms, those that are extremist, fake and populist are found to often garner high "interaction" numbers.

◉ Facebook, for example, took down 40 million misleading posts in March 2020 alone, and another 50 million the following month.

⊚ **Targeted advertisement:** The algorithms of these platforms work in such a manner that they record the user's past interactions and fill their feed with their identified interests; this facilitates targeted advertisements, from where the platforms earn their incomes.

India's Regulatory Framework: An Overview

■ Fake News

➤ There is **inadequate regulation of fake news** under Indian law.

➤ Due to the various types of fake news, their motivations, and the ways they are shared, the regulatory challenge is daunting.

➤ To combat fake news, the first imperative is to identify the different forms:

• **'misinformation'** is the inadvertent sharing of false content

• Whereas, **'disinformation'** is deliberate sharing with an intent to deceive

➤ **Its sub-types are:**

• misleading content

• imposter content

• fabricated content

• false connection

• false context

• manipulated content

• satire or parody

➤ The Indian Ministry of Electronics and Information Technology (MeitY) has recognised the potential for misuse of platforms and even broadly defined 'disinformation'.

➤ However, the term is yet to be adopted under the IT Act or any provisions of the penal code.

➤ **Section 505(1)(b) of the Indian Penal Code or Section 54 of Disaster Management** *Act*, **2005**, both provide broad recourse against cases which have severe consequences on public wellbeing; they are shorthanded, however, against the rapid pace of social media.

➤ These regulations also lack precedent or uniform application against multiple types of fake news.

■ Hate Speech

➤ Absolute free speech laws that protect against any type of censorship inadvertently render protection to hate speech as well.

➤ In India, hate speech is **not profusely restricted**, it remains undefined with appropriate IT Act provisions or a regulatory mechanism for online content.

➤ Absent appropriate codes or regulations for intermediaries, those who tend to have a louder voice—such as politicians or celebrities—can harness this capacity to incite anger or divide communities without being threatened by any form of liability.

➤ India's multiple laws on sedition, public order, enmity between groups, and decency and morality, broadly form the country's jurisprudence on what is known as "hate speech", without using the term itself.

➤ Following the unconstitutionality of **Section 66A of the IT Act**, no provision under the IT Act currently aims to curtail either online or offline 'Hate Speech'.

➤ The most employed **sections 153A and 295A of the Indian Penal Code (IPC)** are also inadequate to deal with the barrage of online hate content.

➤ The **Parliamentary Standing Committee** has recommended changes to the IT Act by incorporating the essence of the Section 153A.

➤ The report also suggests stricter penalties than prescribed under Section 153A due to the faster and wider spread of information in online spaces.

➤ It advocates criminalising "innocent forwards", for example, with the same strictness as the originator of the content.

How other countries are handling these platforms?

Many countries have initiated inquiries into the role played by these platforms in spreading extremist, hateful or fake content.

◉ **Germany, Singapore, and France** can now levy significant fines against platforms that fail to restrict illegal content after due process of notice and flagging.

◉ The **United Kingdom (UK)** is debating an Online Harms White Paper.

◉ The **European Commission** has proposed two legislative initiatives—i.e., the Digital Services Act (DSA) and the Digital Markets Act (DMA) for the creation of regulatory mechanisms to counter online harms.

> In the United States in early January 2021, platforms like Twitter provided a peek into their ability to counter disinformation, directing end-users to reliable sources, and suspending the account of former president Donald Trump, "due to the risk of further incitement of violence."

Challenges/Issues

◉ **No definition:** The Indian challenge to garner consensus and counter 'hate speech' and 'fake news' extends to their understanding in real/offline world. Both remain undefined under any domestic legal mandate, including the IT Act.

◉ **Ethical-legal gap:** The difficult question concerning hate speech or fake news legislation pertains to the existing ethical-legal gap, the executive response departing from conservative understanding of online spaces and data.

◉ **Lack of effective regulation:** While disruptive technologies are evolving at a faster rate, the regulations fail to address gaps to deter unethical behaviour.

◉ **Lack of approach to counter manipulation and hate speech:** The platforms alone are not equipped to oversee the task for a re-modeled approach to counter manipulation and hate speech.

◉ **Difficulty in removal of risky content:** Due to the overarching jurisdictional nature of these acts and easy multiplication, taking down content is not a silver bullet in countering hate speech and fake news.

◉ **Lack of accountability and transparency:** The lack of accountability and transparency calls for a rethinking of social media platforms' role and structure in order to counter their misuse.

◉ **No liability:** In India, social media platforms are not liable under any rules or regulations. They function under a regulatory vacuum and are not bound by any industry regulatory standards for the functions they dispense

9 | One District One Product: A Potential Gamechanger for Northeast Economies'

Context:

The Centre is mulling a "one product one district" scheme to boost manufacturing hit by Covid-19 and it has begun initial preparations with the states. The scheme can act as a potential game-changer for Northeast economies

Background

- Northeast India — comprising eight pristine States along the Himalayas that share 98 percent of their land border with neighbouring nations including Bangladesh, Myanmar, Bhutan and China.
- People in the Northeast have preferred sustainable thinking and planning, and community involvement has been a pre-condition for development-based initiatives.
- The region has always faced challenges of geographic and economic integration with mainland India.
- The inability of regional and central leadership to bring along opportunities that could empower the citizens of the region have often led to a surge in protests in the region demanding economic and social justice.
- The citizens of Northeast India have time and again been blaming Delhi for the step-motherly treatment it has received over the years.

Analysis

- **Why 'development' is becoming a major issue?**
  - ➤ The predominantly tribal population of the Northeast have always believed in sustainable development and have resisted the economic exploitation of the land and its resources by governments in the past.
  - ➤ The Northeast has always been a predominantly agrarian economy with immense potential for agriculture.
  - ➤ Additionally, the inhabitants of the land — consisting of a number of tribes and sub-tribes — have had a vigorous craft tradition and almost every tribe in the region excels in craftmanship.
  - ➤ However, even though the Northeast has been producing the best quality spices, herbs, vegetables and fruits for years, the region has had minimal institutional support from the government at the local level.

Other major issues

- lack of economic development
- connectivity or access to the mainland
- logistics, storage, connect to buyers worldwide and training
- the pursuit of economic development

How will ODOP Scheme help?

◉ The government seems to have finally struck the right chord in the Northeast with the aspirational One District One Product (ODOP) scheme, which aims to boost the economy of the region district by district through encouraging indigenous and specialised products of each district.

◉ The new ODOP programme has come as a new ray of hope for the people of the region as it aims towards giving a push to the ailing traditional industries by working alongside the local communities and empowering the citizens through the Make in India.

◉ The programme aims to promote local indigenous specialised products and the crafts of each district through various development initiatives, including:

➤ providing loans to local production units, artisans, and farmers

➤ establishing common facility centres

➤ helping market these products at a global level

➤ facilitating these traditional craft and art forms to gain an international market and be preserved for the next generations.

Significance of the initiative:

◉ **Empowerment:** These steps will increase income and local employment at the bottom of the value chain and can empower the craftsmen, artisans, and farmers to improve their product quality and attain newer skills to produce better products.

◉ **Bridging the gap:** The possibilities are immense for the ODOP initiative to bridge the gap between the Northeast and the rest of the country while also pushing through a sustainable development model.

◉ **Game changer:** If implemented well in the Northeast, the ODOP could be a game changer for the economy of the region.

What are the recent Government initiatives in the region?

In a bid to address the concerns, government has proactively taken steps to integrate the Northeast with the rest of the country through various initiatives such as:

◉ the Act-East Policy

◉ Northeast Special Infrastructure Development Scheme

◉ Non Lapsable Central Pool of Resources (NLCPR) Scheme

What other efforts are required for the region?

◉ **Focus on priority sector:** Agriculture is northeast's priority section, with the region's very high dependence on agriculture and allied activities, comprising over 80 percent of the Region's gross domestic product.

◉ **Employment generation:** Non-Farm Rural Employment and Income Generation, especially handlooms, handicrafts and animal husbandry.

◉ **Inclusive governance:** Inclusive growth calls for attention to inclusive governance and rural development.

◉ **Infrastructure development:** With 96 per cent of the borders of the NE Region constituting international boundaries, it is necessary to factor "new inputs" in foreign, defence, internal security and international trade policy. To this end, the immediate priority is to build the required infrastructure right up to the border areas, establishing connectivity and communication links to the cross-border points.

10 E-Gram Swaraj Portal

Context:

Prime Minister has launched the mobile portals E-Gram Swaraj Portal on the occasion of National Panchayati Raj Day 2020 (April 24, 2020).

What is Gram Swaraj Portal/App?

- The egramswaraj.gov.in portal is one single interface on which the details will be listed panchayat wise.
- The platform will provide records of work from planning to the implementation in every village panchayat under Gram Panchayati Development Plan (GPDP).

Why was it launched?

- The portal has been launched for the improvement of society.
- To provide a single platform to the citizens and government for the planning, monitoring and accounting needs of the Panchayats in the country.
- The E-Gram Swaraj Portal will mark the complete digitization of the villages to strengthen e-governance in Panchayati Raj institutions in the whole country.

What is the benefit of Gram Swaraj Portal/App?

- Monitoring and recording all the work via Gram Swaraj Portal/App will help speed-up the implementation of projects in village areas.
- As it will contain the details of ongoing development works and the fund allocated for the projects, one can access and know about the groundwork.
- All the details related to Panchayat Sachiv and Panch can be viewed on Gram Swaraj Portal.
- The works of the Ministry of Panchayati Raj will be accessible through Gram Swaraj Portal.
- The Gram Swaraj Portal and application will provide a boost in transparency by decentralized planning of development projects, with progress reports updates and increased accountability.

Who can create an account on the Gram Swaraj Portal/App?

- Anybody can create an account on the Gram Swaraj Portal and know about the developmental works of villages.
- The Gram Swaraj Portal and mobile application will boost e-governance in the Panchayati raj institutions across the nation.

11 Mission Karmayogi

Context:

The programme sets competency goals for each role in the government services, allowing for better skill monitoring.

About

- Touting it as the largest capacity building programme for civil servants in the history of India and of the world, the Union government announced Mission Karmayogi that promises to build well-rounded professionals who "can stand up to the expectations of the people."
- Apart from setting competency levels for each role, programme also seeks to enhance skills of civil servants by allowing them specially-designed courses.
- The programme will be open to civil servants across all sections on a country-wide scale and will help them in performing their role better by establishing standardised competency levels for each role.
- In order to meet present-day challenges, "a civil servant has to be imaginative, innovative, proactive, polite, transparent, tech-oriented and creative" all at the same time.

Objective:

- The ultimate goal is better delivery of government services and to reduce the gap between the citizens and the government. The programme, through efficient capacity building, aims at better ease of living and greater ease of doing business.
- This apart, it also provides the government as well as civil servants insights on their capacities and competencies.

Need for Karma Yogi

- In a country where implementation of policies is a major hurdle, setting competency goals for civil servants will enable them to understand their role better and serve the people better.
- **Fragmented Learning:** Present day training landscape is diverse and fragmented, leading civil servants to think departmentally and in silos. Since thinking is parochial, there is a lack of a shared understanding of India's national developmental aspirations and needs.
- **Lack of continuous learning** : While courses are offered in patches for civil servants, there's an absolute lack of a lifelong-learning environment. There is a need to view training and learning as a continuous process and not something that is done in bits and pieces.
- **Redundancy & duplication of efforts**: Since the learning process is fragmented and department-wise, there's duplication of effort and there is an absence of common shared knowledge and faculty.

MISSION KARMAYOGI: RULES-BASED TO ROLES-BASED

National Programme for Civil Services Capacity Building (NPCSCB)

- Shift from 'Rules-based' to a 'Roles-based' human resource management
- Emphasise role of "On-Site learning" in complementing "Off-Site learning"
- Linking training and development of competencies of civil servants
- Transforming training institutions into Centres of Excellence
- Ministries to directly invest and co-create a common learning ecosystem
- Focus on massive scale training on e-learning

MISSION KARMAYOGI: A NEW CAPACITY BUILDING PARADIGM

National Programme for Civil Services Capacity Building (NPCSCB) (2/2)

- Strengthens Common Foundations and remove departmental Silos
- Sets Benchmarks in Learning for Public Servants
- Democratization of learning to cover all categories

The focus areas

- The government feels that there's too much of focus on rules at the moment and wants to shift the attention away to stressing on role. Under this each role has been divided into functions and activities and a competency level has been set against each.

- Competencies are further divided into domain, functional and behavioral aspects for the role to be better understood and thereby better served.

- Additionally, a digital platform named iGOT has been set up which would offer learning content from across the world as well as from home.

- Since this is a digital platform, it would enable the civil servant to measure her career growth by keeping a track of the number of courses that a civil servant takes.

- There will be more focus on 'on-site learning' in complementing "off-site learning". There will be more focus on e-learning.

Components of the programme

- **HR Council:** The programme will be headed by a National HR Council chaired by PM Modi. It will include select Union ministers, chief ministers, national-international experts, and thought and industry leaders. It will provide direction and oversee capacity building plans.

- **Capacity Building Commission**: The commission will establish testing standards and help the HR council with reports and recommendations on capacity augmentations and development of a comprehensive national training programme. It will create shared faculty and resources and have supervisory role over all central training institutions.

- **SPV:** The special purpose vehicle will be a 100 percent government-owned company, which will be responsible for managing digital resources and curating the best of courses from the world and India and offer it to civil servants for a subscription of Rs 431. Around Rs 510 crore will be invested in over a period of 5 years.

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12 | Medical Termination of Pregnancy (Amendment) Act, 2021

Context:

The government has notified new rules (Medical Termination of Pregnancy (Amendment) Rules, 2021) under which the upper limit for termination of a pregnancy has been increased from 20 to 24 weeks for certain categories of women.

Background

- The new rules are under the **Medical Termination of Pregnancy (Amendment) Act, 2021** passed by the Parliament in March.

- It replaces **Medical Termination of Pregnancy Act, 1971.**

- The Medical Termination of Pregnancy (Amendment) Act, 2021, had come into force with effect from 24th September 2021.

- It comes in the 50th year since the MTP Act was first passed and in the backdrop of developments in the US, where reproductive rights of women are being actively eroded after a Texas law found a way around the **landmark Roe V Wade case** that guaranteed **abortion access to women.**

Analysis

■ **What was the earlier process?**

➤ Earlier, abortion required the opinion of one doctor if it is done within 12 weeks of conception and two doctors if it is done between 12 and 20 weeks.

What is in the new Rules?

■ **Relaxation**

➤ According to the **Medical Termination of Pregnancy (Amendment) Rules, 2021**, these categories include:

● survivors of sexual assault or rape or incest

● minors and women whose marital status changes during an ongoing pregnancy (widowhood and divorce)

● women with physical disabilities

➤ The new rules also cover

● mentally ill women

● cases of foetal malformation that has

♦ a substantial risk of being incompatible with life

♦ or if the child is born it may suffer from such physical

♦ or mental abnormalities to be seriously handicapped

➤ Women with pregnancy in humanitarian settings or disaster or emergency situations as may be declared by the government

Termination of Pregnancy

◉ The amended law defines "termination of pregnancy" as a procedure used to terminate a pregnancy by utilizing "medical" or "surgical" methods.

Who can abort?

◉ One of the serious issues with the Medical Termination of Pregnancy Act 1971 was that only a 'married women' was eligible to abort pregnancy (up to 20 weeks).

◉ Now, in the latest act, married as well as unmarried women are allowed to terminate their pregnancy.

◉ The move from "married woman" and "her husband" to "woman" and "her partner" is appreciable.

Who will decide on termination of pregnancy?

◉ According to the new rules, a **state-level medical board** will be set up to decide if a pregnancy may be terminated after 24 weeks in cases of foetal malformation and if the foetal malformation has a substantial risk of it being incompatible with life or if the child is born it may suffer from such physical or mental abnormalities to be seriously handicapped.

◉ **Functions:** The function of the **Medical Board** shall be:

➤ to examine the woman and her reports if she approaches for medical termination of pregnancy

➤ to provide the opinion with regard to the termination of pregnancy

GS SCORE

➤ rejection of a request for termination within three days of receiving the request

◉ The Board has also been tasked to ensure that the **termination procedure**, when advised by it, is carried out with all safety precautions along with appropriate counselling within five days of the receipt of the request for medical termination of pregnancy.

What issues remain unresolved?

◉ The law is not inclusive of non-binary or trans persons who may be pregnant and seek an abortion.

◉ Significantly, the decision to terminate a pregnancy still does not rest with the woman alone.

➤ This is of grave concern as doctors have been known to charge exorbitant fees for the procedure (as per the **National Family Health Survey 2015-16, 52 per cent of abortions were done in private hospitals**), deny access to the service on moral grounds or send the woman or child to the courts even if the service can be legally provided.

What are women's reproductive rights?

◉ Based on the multiple definitions of reproductive rights, it can be said that they include some or all of the following rights –

➤ right to safe and legal abortion

➤ right to control one's reproductive functions

➤ right to access in order to make reproductive choices free of coercion, discrimination and violence

➤ right to access education about contraception and sexually transmitted diseases and freedom from coerced sterilization and contraception

➤ right to protection from gender-based practices such as female genital cutting and male genital mutilation

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SC on women's right to make reproductive choice

◉ In the landmark judgment in KS Puttaswamy v Union of India, the Supreme Court recognised women's constitutional right to make reproductive choices and the right to "abstain from procreating" was read into the **right to privacy, dignity and bodily autonomy.**

What is the actual situation of women's right to make reproductive choice?

◉ The issue of 'right to reproductive health' especially abortion, takes on special significance in the Indian context as various national and international stakeholders struggle to bring meaning to the important concepts of 'women empowerment, rights and choice'.

◉ Historically, reproductive health-related laws and policies in India have failed to take a women's rights-based approach.

◉ The Indian setting is heavily guided by the social context that defines the pressures, constraints, and options for women's reproductive behaviour.

◉ Women's enjoyment of their reproductive rights is heavily undermined by gender-biased norms and practices that govern family matters.

Issues and challenges in the Indian setting

◉ **Lack of healthcare:** In India, one woman dies every 15 minutes due to lack of healthcare during pregnancy and childbirth.

- **Unsafe abortion:** Although the country legalized abortion almost five decades ago, access is extremely limited, and it is estimated that one woman in India dies every three hours due to an unsafe abortion.

- **Child marriages:** Despite a national law penalizing marriage of girls below 18 years of age, in practice India continues to account for the highest number of child marriages.

- **High rate of maternal deaths:** Despite policies and schemes guaranteeing women maternal healthcare, India accounts for 20% of all maternal deaths globally.

- **Undermining reproductive health:** Further, Indian women face among the **world's highest risk of HIV/AIDS** and discriminatory treatment if infected, forced abortions of female foetuses, trafficking for forced prostitution, custodial rape in government institutions, sexual harassment in the workplace; and harmful customs that seriously undermine reproductive health.

13	# The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021

Context:

The Delhi High Court has recently granted Twitter three weeks' time to state on record that it has appointed a resident grievance officer and observed that it has to comply with the IT Rules, 2021, if they have not been stayed.

Background

- The new Rules were notified in February this year by the Ministry of Electronics and Information Technology (MeitY) under the Information Technology Act, 2000. They will replace the Information Technology (Intermediaries Guidelines) Rules, 2011.

- Social Media intermediaries were given a three-month period to comply with the new rules.

- The government in May issued fresh notice to all social media intermediaries seeking details on the status of compliance with the new rules that came into effect on that day.

- Companies like Google, Facebook, WhatsApp, Telegram, Koo, Sharechat, and LinkedIn have shared details with MeitY as per the requirement of the new norms.

- Twitter sought an extension of the compliance window and called for a constructive dialogue and a collaborative approach from the government to safeguard freedom of expression of the public.

- WhatsApp filed a case in the Delhi High Court against the government on grounds that the new rules violated customer privacy.

- The new Intermediary Guidelines and Digital Media Ethics Code have also been challenged by entities like *The Wire*, LiveLaw and *The Quint*.

> ### IT Act, 2000
> - The Act provides a legal framework for electronic governance by giving recognition to electronic records and digital signatures.
> - It also defines cybercrimes and prescribes penalties for them.

- ○ The Act directed the formation of a Controller of Certifying Authorities to regulate the issuance of digital signatures.
- ○ It established a Cyber Appellate Tribunal to resolve disputes arising from this new law.
- ○ The Act amended various sections of the Indian Penal Code, 1860, the Indian Evidence Act, 1872, the Banker's Book Evidence Act, 1891, and the Reserve Bank of India Act, 1934 to make them compliant with new technologies.

Analysis

- ■ **What are IT Rules, 2021?**
  - ➤ The Rules aim to empower ordinary users of social media and OTT platforms with a mechanism for redressal and timely resolution of their grievance with the help of a Grievance Redressal Officer (GRO) who should be a resident in India.
  - ➤ **Safety measures:** Special emphasis has been given on the protection of women and children from sexual offences, fake news and other misuse of the social media.
  - ➤ **Source identification:** Identification of the "first originator of the information" would be required in case of an offence related to sovereignty and integrity of India.
  - ➤ **Appointment of Chief Compliance Officer**: A Chief Compliance Officer, a resident of India, also needs to be appointed and that person shall be responsible for ensuring compliance with the Act and Rules.
  - ➤ **Complaint monitoring:** A monthly compliance report mentioning the details of complaints received and action taken on the complaints would be necessary.
  - ➤ **Code of Ethics:** The OTT platforms, online news and digital media entities, on the other hand, would need to follow a **Code of Ethics.**
  - ➤ **Self-classification:** OTT platforms would be called as 'publishers of online curated content' under the new rules.
  - ➤ They would have to self-classify the content into five categories based on age and use parental locks for age above 13 or higher. They also need to include age verification mechanisms for content classified as 'Adult'.
  - ➤ **Redressal mechanism:** A three-level grievance redressal mechanism has been mandated. This includes the appointment of a GRO, self-regulatory bodies registered with the Ministry of Information & Broadcasting (MIB) to look after the Code of Ethics and a Charter for the self-regulating bodies formulated by MIB.

Grounds for challenge

- ○ While the new rules were challenged by many on grounds of **violation of free speech**, the government has clarified that these rules permit social media platforms to operate in India freely but with due accordance to the law.
- ○ Every entity has to abide by the Constitution of the country and the Rule of Law.
- ○ Also, as per **Article 19** of the Constitution, freedom of speech and expression is not absolute and is subject to reasonable restrictions, especially in case of a threat to national sovereignty and security.
- ○ Failure to comply with any one of these requirements would take away the indemnity provided to social media intermediaries under **Section 79** of the Information Technology Act.

Section 79 of the IT Act, 2000

- It says any intermediary shall not be held legally or otherwise liable for any third party information, data, or communication link made available or hosted on its platform.

- This protection, the Act says, shall be applicable only if the intermediary acts just as the messenger carrying a message from point A to point B, without interfering in any manner. It will be safe from any legal prosecution brought upon due to the message being transmitted.

- The protection accorded under **Section 79,** however, is not granted if the intermediary, despite being informed or notified by the government or its agencies, does not immediately disables access to the material under question.

- The intermediary must not tamper with any evidence of these messages or content present on its platform, failing which it lose its protection under the Act.

- Like **Section 79 of India's IT Act**, **Section 230** of the **Communications Decency Act** of the US states that "no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider".

Need for the new Rules

- The rules come at a time when the country is constantly striving to ensure the safety and sovereignty of the cyberspace and of personal data.

- **Wide coverage:** Social media is increasingly becoming an important part of our life.

For example, WhatsApp currently has a user base of 340 million in the country, accounting for the largest number of subscribers in the world, even more than the US. Facebook has 290 million, Twitter 17.5 million, YouTube 265 million and Instagram, 120 million.

- **Bundle of issues:** With such a huge population dependent on social media platforms, the tech-giants cannot ignore the new and emerging challenges like-
  - persistent spread of fake news
  - rampant abuse of the platforms to share morphed images of women
  - deep fakes and other contents that threaten the dignity of women
  - child pornography
  - threat to security

- **Hate speech:** Instances of use of abusive language, defamatory contents and hate speech in these platforms have become very common.

Supreme Court's take on emerging challenges of social media

- In view of such emerging challenges, the Supreme Court in 2018, in the **Tehseen S. Poonawalla v/s Union of India case**, directed the government to curb and stop dissemination of explosive messages and videos on various social media platforms.

- The Court in 2017 also observed that the government may frame necessary guidelines to eliminate child pornography, rape and gang rape imageries, videos and sites in content hosting platforms and other applications.

- The new rules are thus in accordance with the previous Supreme Court observations.

- As per the rules, intermediaries are mandated to remove or disable contents that are against the safety and dignity of individuals within 24 hours of receiving of complaints. Such complaints can be filed either by the individual or a person on his/her behalf.

- According to the government, knowing the "first originator of information" (also known as "traceability") of messages that cause violence, riots, terrorism, rape or threat to national security fall under reasonable exceptions to Right to Privacy - which again is not absolute as per the Constitution.

Technological Hurdles with Respect to Traceability

- Social media companies have expressed apprehensions about the identification of traceability when required to do so by authorities which could possibly lead to the breaking the of end-to-end encryption and can compromise users' privacy.
- The government, however, has stated that traceability would only be required in case of "very serious offences" that threaten the sovereignty and integrity of India.
- Further, it could also be implemented without breaking the end-to-end encryption.
- The onus, however, will lie on the companies to find a technological solution for the same.

Conclusion

- The imperative of striking the right balance between fundamental rights and ascertaining the reasonableness of a restriction has been a constant effort since the adoption of the Constitution.
- The debate has now reached the digital world. The on-going tussle between private, tech giants who own a substantial amount of Big Data, governments desirous of imposing reasonable restrictions and users worried about issues relating to data privacy and constraints on freedom of speech and expression is likely to get more complicated before optimum solutions can be arrived at.
- The IT Rules 2021 seek to address concerns of the citizens without infringing on their privacy and personal liberties, while maintaining digital sovereignty at the same time.

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14 | Concern about democracy in the digital age

Context:

In the times of digital age, information asymmetry has become so skewed that it has eroded the very spirit of democracy by limiting the unbiased communication of ideas.

The Changing Nature of Information

- Today, the way in which the internet allows data to be produced, collected, combined, shared, stored, and analyzed is constantly changing.
- This change is also re-defining personal data and what type of protections personal data deserves and can be given.
- From information shared on social media sites, to cookies collecting user browser history, to individuals transacting online, to mobile phones registering location data – information about an individual is generated through each use of the internet.
- In some cases the individual is aware that they are generating information and that it is being collected, but in many cases, the individual is unaware of the information trail that they are leaving online, do not know who is accessing the information, and do not have control over how their information is being handled, and for what purposes it is being used.

Segregating the Data

- Data can be broadly classified into public data and personal data.
- **Public data:** Public data is that which is accessible to the public at large, such as, Court records, birth records, death records, basic company details.
- **Private data:** On the other hand, private data is personal to an individual/ organization and cannot freely be disseminated by anybody without the prior permission of the subject.
- It includes financial details, family details, browsing details, preferences, psychological characteristics, locations and travel history, behavior, abilities, photographs, aptitudes, and the like.
- It could also be a combination of these features or even inferences drawn from the refined data.

The Blurry Line between the Public and Private Sphere

- In India, the "sphere" of information on the internet is unclear.
- The information posted on social media:
  - is public information – free for use by any individual or entity including law enforcement, employees, data mining companies etc.
  - or is private information, and thus requires authorization for further use.
- Authorization is not required for the lab to monitor individuals and their behavior, and individuals are not made aware of the same, as the project claims to analyze only publicly available information.

What's take of India's courts?

- The borderless nature of information flows over the Internet complicates online privacy, as individual's data is subjected to different levels of protection depending on which jurisdiction it is residing in.
- Indian Courts have yet to deal directly with the question of social media content being public or private information.

How private firms are exploiting the election process?

- Private data analytics companies have emerged to exploit the electoral process with the sole objective of customising political messaging.
- While the customisation of political messaging is not *per se* illegal, it certainly is unlawful to indulge in unauthorised data mining and collection by the industry.
- Many private enterprises routinely share the personal data of individuals with third parties including political organisations.
- The fact that there are dedicated IT cells which carry out a digital form of warfare with propaganda and fake news being two powerful weapons is making things more complicated.
- The present legal framework leaves these menaces outside the ambit of election laws as they were framed in a time and space that was primitive when compared to contemporary technological advancements.

Isn't "privacy" a fundamental right?

- On the privacy front, even after the Supreme Court of India had declared privacy as a fundamental right, the government insisted on affidavit in the top court that informational privacy or data privacy cannot be a fundamental right.

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- Though the protection of personal data has been recognised as a fundamental right, there is an absence of law to effectively outline the state purpose in collecting such data and enforce, limit and balance the rights of citizens against the larger public interests.

- The Aadhar Act diluted the notion of 'privacy' and the standard of proportionality test set up by the Supreme Court.

- In an ongoing dilemma, even the 'Aarogya Setu' app is battling to satisfy the conscience of privacy overseers.

- The clear impression is that the government is more interested in 'control' than 'protection' of data.

- A national policy on data privacy of individuals is still a non-starter. People continue to suffer because of the regular incidents of data theft.

- India's cybersecurity watchdog, CERT-In, last year reported huge data theft of Facebook and Twitter users by malicious third party apps. Reportedly, more than 1.3 million credit and debit card details from Indian banks and the data of 6.8 million users from an Indian health-care website were stolen in the same year.

Justice K.S. Puttaswamy v. Union of India

- The notion of informational privacy has become salient in the past decade but, India has privacy jurisprudence going back several decades.

- Most of it focuses on privacy in the context of harms caused due to a violation of privacy.

- This jurisprudence changed in 2017, when the Supreme Court in **Justice K.S. Puttaswamy v. Union of India** held that the Indian Constitution included a **fundamental right to privacy.**

- While deciding the case, though the court listed a long line of jurisprudence, the central deficiency in the existing jurisprudence in the court's opinion was the lack of a "doctrinal formulation" that could help decide whether privacy is constitutionally protected.

- The jurisprudence on privacy therefore changed—from being valued as a right that protected other ends to being an end in itself. Along with holding that privacy is a fundamental right, the judgment also declared informational privacy to be a subset of the right to privacy.

Principle data protection legislation in India

- Currently, India does not have comprehensive and dedicated data protection legislation. Some provisions of the Information Technology Act, 2000 as amended from time to time and the Information Technology (Reasonable Security Practices and Procedure and Sensitive Personal Data or Information) Rules, 2011 (SPDI Rules).

- In December 2019, the government introduced the Personal Data Protection Bill, 2019, in parliament, which would create the first cross-sectoral legal framework for data protection in India.

- In addition to this, personal data is also protected under Article 21 of the Indian Constitution which guarantees to every citizen, the Right to Privacy as a fundamental right. The Supreme Court has held in a number of cases that information about a person and the right to access that information by that person is also covered within the ambit of right to privacy.

What's worsening the situation?

- **More focus on control than protection:** The Personal Data Protection Bill, struggling to be born in Parliament despite conception in 2018, is more about control and surveillancethan about promoting privacy and protection of data.

- Far-reaching exemptions, in large measure swallowing the rule, have been carved out where personal data can be processed.

⊙ Section 35, which provides the government with unfettered access to personal data, negates the three tests of legality, necessity and proportionality given by the Supreme Court in *Justice K.S. Puttaswamy (Retd.) vs Union Of India*.

⊙ The Bill also allows State and private parties to process personal data without obtaining consent and such broad exemptions would not only open the floodgates for misuse but also reduce India's prospects of entering into bilateral arrangements for law enforcement access.

⊙ **Wholly government controlled system:** Selection committees, terms of appointment and of removal establish beyond doubt that the Authority is likely to be like a rehabilitation centre for retired bureaucrats, yet a sinecure wholly controlled by the government. It is a classic case of rolling up judge, jury and executioner.

Assessing the impacts:

⊙ **Re-tribalisation of politics:** Resultantly, "Information Superhighways" (coined by the U.S.'s "almost" President Al Gore) in democracy are leading to "re-tribalisation" of politics in cabals and cocoons while deliberations are fast transforming into 'consultations among computer systems' where trust and security are illusions.

⊙ **Easy spread of fake news:** For citizens, digital media are carriers of images and sounds, rather than words and thoughts, and the system where images run faster than thoughts is suitable for the spread of fake news.

⊙ **Disinformation:** Times of fear and uncertainty also provide a fertile ground for disinformation to grow. The fake WhatsApp forwards that triggered the primitive "Us v/s Them" group mentality and is manifested in Delhi riots reports, and the forwards on the novel coronavirus which declare COVID-19 a bacteria and the World Health Organization stating that vegetarians cannot be infected with COVID-19, are all reminders of the potency of data, true or false, in a democracy.

What needs to be done?

⊙ **A balanced approach:** There need to be a gatekeeper to balance appetites for technology, security and privacy. So long as the gate keeper is for regulation, not surveillance, and so long as it is completely and genuinely independent.

⊙ **Internet Ombudsman:** An Internet ombudsman with experts on cyber and Internet laws, IT, data management, data science, data security, public administration and national security, and consciously involving eminent sections of civil society, can be an effective antidote to unregulated technological disruptions.

The need for constitutional entrenchment

⊙ Any data protection body must be abundantly independent, especially in the manner of appointment of its members, conditions of their service and the manner of their removal.

⊙ They must not be appointees of the executive alone but must be appointed on the recommendation of a committee having bipartisan legislative representation and representatives from the judiciary – as is the case with the information commissions, the Central Vigilance Commission and the NHRC.

⊙ Their removal from office must only be allowed in the same manner as a judge of the Supreme Court and their salary must also be fixed similar to the CAG or an election commissioner.

⊙ Only a constitutionally entrenched body will be sufficiently protected from executive aggrandizement, political control and institutional capture, leading to a robust fourth branch institution – one which can act as an effective guardrail against violation of the right to privacy.

⊙ Incorporation of a full-fledged Data Protection Commission through a constitutional amendment must be envisaged by the legislature as a replacement for the DPA in its current form.

- **Usage of data with consent:** Data should not be collected and processed without consent. Businesses that violate this principle would also violate Indian constitutional norms of informational privacy, as well as the property interests of users.

15 Jal Jeevan mission

About Jal Jeevan mission

- **Launched in:** 2019
- **Ministry:** Ministry of Jal Shakti
- Jal Jeevan Mission aims to ensure access to piped water for every household in India.
- Jal Jeevan Mission (Urban) was announced in the Budget 2021-22 to complement the Jal Jeevan Mission (Rural).
- The campaign for water conservation and water security is a collaborative effort of the Government of India and state governments.
- **Focused area:** water stressed districts and blocks.

Mapping the Progress

- At that time when the mission was launched, only 17% (32.3 million) of the country's rural households had a tap water supply.
- Now, 7.80 Crore (41.14%) households have tap water supply.
- Andaman & Nicobar Islands, Puducherry, Goa and Telangana have achieved the target of 100% household connection in rural areas and have become 'Har Ghar Jal'.

16 Sanitation and Nutrition Linkage

Context :

Under nutrition accounts for more than one third of child deaths around the world. When children are undernourished, they have lowered resistance to infection and are more likely to die from diarrheal diseases and respiratory infections. Frequent illness also saps the nutritional status of those who survive, locking them into a vicious cycle of recurring sickness and faltering growth.

What are the Issues?

- Improved water sources that are not operated or maintained properly may deliver water that is microbiologically contaminated.
- Diarrhea caused by poor sanitation, lack of hygiene, and unsafe drinking water, is one of the leading causes of child death globally.
- Without safe sanitation and hygiene, these infections are transmitted via contact with or ingestion of soil contaminated with human faeces that contain worm eggs. Such infections can lead to anemia, poor growth and impaired cognitive development.

- EED (also referred to as environmental or tropical enteropathy) is a sub-clinical condition affecting both the structure and function of the gut, which have been found to be associated with chronic enteric pathogen exposure and poor hygiene conditions. This condition may be a major cause of growth faltering because of the associated nutrient malabsorption and systemic inflammation.

- The time taken to fetch water, and the cost of water purchased from vendors when it is not readily available in the home, the amounts and quality of water consumed, and on hygiene practices, which in turn impact on nutrition. Additionally, time spent sick with waterborne diseases or collecting water impedes educational attainment, which has a significant impact on health, wellbeing and poverty over a lifetime, and potentially over multiple generations.

Better sanitation means better nutritional status, solutions are as follows:

- Safe drinking water, proper sanitation, and hygiene can prevent under nutrition and stunting in children by preventing the development of environmental enteropathy and diarrheal disease.

- Children living in households with proper sanitation and hygiene are taller for their age, or less stunted, compared to children living in contaminated environments.

- Hand washing with soap, an element of hygiene programming, can reduce the incidence of diarrhea by 42 to 47 percent.

- Access to safe drinking water nearby also reduces risk of diarrheal disease

- Reducing the environmental microbe load through household sanitation and hygiene.

- Reducing fecal transmission via hands through washing of caregivers' and children's hands with soap.

- Improving drinking water quality through improved access to protected water sources and hygienic methods of household water treatment and storage.

- Promoting exclusive breastfeeding for the first six months of life to ensure nutrient adequacy and exclude potentially contaminated non–breast milk liquids and foods.

- Avoiding child fecal ingestion during mouthing and exploratory play by ensuring a clean play and infant feeding environment.

- Providing hygienically prepared and stored complementary food fed using clean utensils and hands.

- Engaging communities in a process to develop and implement sanitation safety planning to safely manage, dispose of and utilize excreta.

- Supporting sanitation campaigns using social mobilization strategies, such as community-based or sanitation marketing approaches targeting both household- and community-level improvements.

- Mentoring small-scale sanitation businesses to improve supply chain efficiency and marketing skills and improve product and service models for sanitation so they are more affordable and attractive to consumers.

- Leveraging financial schemes such as village savings and loans and microfinance institutions to provide financing for household sanitation improvements.

- Developing communal, public and institutional sanitation services, as well as faecal sludge management systems, to ensure access for all and to protect the environment from faecal pollution.

- Integrating hygiene practices with sanitation facility improvements by locating a hand washing device with water and soap near a latrine to remind and enable users to wash hands after defecating.

Government measures

- To accelerate the process the Ministry of Drinking Water and Sanitation (MDWS) along with UNICEF and other partners have developed the **National Sanitation and Hygiene Advocacy and Communication Strategy Framework** for 2012-2017.

- **Swachh Bharat Abhiyan:** The overall goal is to make sure that people have access to, and use a toilet and practice good hygiene.

- The Union Government has launched **'Swachhta Hi Seva'** (cleanliness is service), a nation-wide fortnight-long sanitation campaign to highlight the government's flagship cleanliness initiative Swachh Bharat Mission.

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17   Moral Policing

Context:

India has several vigilante groups that claim to protect the Indian culture. Recently, on Women's Day there have been instances in Kerala's Kochi where such groups armed with sticks, raided the city's picturesque marine drive and heckled and chased away couples. Similarly such cases are visible in other part of the nation also. This raised debate over the moral policing and its feasibility in present times.

Why moral policing is done?

- Moral policing has several dimensions including protecting Indian culture, protecting younger generation from the influence of western culture etc. However, it has some other social, religious, economic dimensions too.

- With the influence of TV, internet, social media the new generation is attracted to ideas of freedom and individualism. They want to assert their freedom, enjoy life while elders and those among young feel that this is wrong try to assert them.

- **Entrenched patriarchy:** As most of the moral policing is directed against couples seeking private space in public sphere it tries to suppress the expression of freedom on the part of females, which shows the patriarchal attitude of moral policing. This patriarchal attitude is again reflected in dress code directives to females in educational institutions etc.

- Moral policing also tries to stress the entrenched idea of heterosexuality by attacking those who try to show any alternative behavior.

- Action against those involved in drugs, bars, pubs also reflect the disdain for drinking habits which have not been a part of popular Indian culture.

- With increasing education, freedom and instances of love marriage some of the sections of society are concerned with increasing chances of inter-caste, inter-religious marriages. These sections want to preserve the purity of human stock by forcing endogamy and thus resorting to moral policing.

- Preservation of culture which is under attack from western values of consumerism, assertion of freedom, public display of affection etc.

- Some parents, elders and other members of society feeling that inter-mingling of boys and girls, younger generation enjoying too much freedom, their lifestyle will affect student's studies and their future. Therefore they try to enforce certain moral codes.

Impact

- Actions of moral policing are arbitrary, opportunistic, smack of nepotism etc. There is no accountability for behavior of such groups. They commit undue harassment, which may have **severe mental effects** on the affected persons.

- In internet age various vigilante groups have recorded the video clips and uploaded them on internet, which itself is violation of the IT Act.

- It amounts to enforcing one's wishes on others without authority of law. The use of force, formulations of laws is sole domain of governments. Such groups try to usurp that and which questions the legitimacy of governments when they force to curb such actions.

Legal prescriptions

- Section 292 and 294 of IPC deals with obscenity in books and in public places. However, the primary civil institutions of such disciplining—the family, the caste or religious community, and educational institutions—are all facing crises with information technology and the rise of social media with the new generation trying to assert themselves through campaigning on social media, mobilizing support and the kiss of love campaign was example of it.

- However, the best way to resolve issues is to understand others perspectives, and respect their opinion. Moreover, not always try to enforce particular thoughts and belief systems upon anyone. However, sometimes things are stretched a little too far, when people go to the extent of using violence to enforce their beliefs upon others. Instead of following the legal stand they start punishing people who have taken a different stand and spark debate on issue of moral policing.

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18 | Child Trafficking

Context:

- **According to the estimates, every day 3000 children are victims of child trafficking. The profits from human trafficking, particularly that of women and children, reaches up to 10 billion US dollars per year according to estimates made by the International Organization for Migration. These victims reduced to silence and treated like slaves, become objects of an illicit and immoral commerce.**

- **However, the issue has various dimensions related to it. Hereby discussing different issues related to it and steps needed for that.**

- **A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.**

Causes for Child Trafficking

- Poverty is one of the main causes of child trafficking. Poor families sometimes have no choice but to abandon their children, leaving them in the hands of traffickers.

- Child trafficking is particularly prominent in areas struck by natural disasters. Notably, such was the case after the earthquake in Haiti in 2010. Traffickers profited from the situation by kidnapping numerous children.

- It can be observed that child trafficking is more frequent in countries where human rights are being violated.

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- Illiteracy and the lack of education make families more vulnerable to traffickers.

- Forced begging is a profitable practice in which exploiters are motivated by economic incentives.

- Indian society finds sons more 'valuable' than their daughters, simply because they carry on the family name, aren't subjected to dowry and are obliged to take care of them in their old age. Since girls are also seen as weak and only objects of desire. It is clear why most girl victims of child labour end up in prostitution or some kind of sexual slavery.

- India has seen a series of political parties coming to power. There has been a general lack of will amongst the political class to pass a strong anti-child trafficking legislation.

Legal Framework to Address Trafficking in India

- **Article 23 of the Constitution Guarantees right against exploitation**

- **Article 24 of the Constitution p**rohibits employment of children below 14 years of age in factories, mines or other hazardous employment.

- **Indian Penal Code, 1860**

- **Juvenile Justice (Care and Protection of Children) Act, 2015** addresses children in conflict with law and children in need of care and protection.

- **Child Labour (Prohibition and Regulation) Amendment Act, 2016** Extends the ban on employment of children under 14 across all sectors.

- **POCSO Act 2012** deal with sexual assault, sexual harassment against children while safeguarding the interests of the child at every stage of judicial process.

Way forward to Combat Child Trafficking

- **Role of Government:**
  - ➤ Government should produce relevant IEC materials; promote sensitization programs for teachers in government schools, parents and community workers.
  - ➤ Government should include gender centered education curricula in schools and introduce subjects of child sexual abuse and trafficking.
  - ➤ The government of different nations must share the information with each other to evolve a programme that will help the countries in preventing trafficking.

- **Role of NGOs:**
  - ➤ The community should be sensitized about trafficking and the community members should be motivated to keep a watch in the community for irregular movement of child victims to and from area, their possible traffickers and hideouts.
  - ➤ NGOs working in the rural areas should ensure that parents are aware of safe migration practices.

- **Role of Media:** Media attention reaches several hundred thousand viewers and should therefore serve the following important functions:
  - ➤ The media should transmit appropriate message to ensure that the victims learn that they are not alone.
  - ➤ Victims can be made aware of places and institutions where they can seek help.
  - ➤ Create awareness that human trafficking is inappropriate and illegal and has negative consequences.
  - ➤ Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus operandi of the traffickers through radio, television etc.

19 | Urban Mega Crisis and Alternative Transport

Context:

- **The Census reveals that India's urban population rose from 27.82% to 31.14% between 2001 and 2011. And it was not just because existing cities and towns grew - new towns, cities and megacities were being created. The number of 'statutory towns' - towns with a municipal body or cantonment board - grew by over 6.1% during this period.**

What is the debete about?

- The Increasing population in urban cities and the stressed facilities to cope up with such as transportation, sanitation, water availability, health issues etc. indicates the symptoms of growing Urban Mega Crisis across various cities in India.

- The growing income and the buying capacity among masses have enabled them to buy more vehicles causing traffic congestion, pollution, issue of parking, issue of fuel etc.

- Considering these factors, there is an immediate need to shift to such a transportation system which is free from pollution with improving our health.

Current Status of Urbanization: the Mega Crisis

- At 300 million, the urban population of India is still less than one third of its total population. It is projected that by 2045 nearly 800 million Indians will be living in its cities - more than the total population of the whole of present-day Europe.

- With such a pace of urbanization, it is inevitable that the number of metros and soon-to-be metros is substantially higher than the official tally.

- Already, the infrastructures of all the six mega- and 40 million-plus cities of India are under very severe stress. The ground water is depleting rapidly, pollution is reaching crisis levels, the transportation system is in disarray, and sewerage and sanitation are in a shambles, all of which is affecting public health and hygiene which are the great concern for developing cities.

- According to a new study by consultancy EY (India's growth paradigm, March 2017), India already has two more metros — Jaipur and Surat (apart from 4 Delhi, Mumbai, Kolkata and Chennai) — as well as 10 'high potential' cities which will soon grow to metro-hood: Bhopal, Chandigarh, Indore, Jabalpur, Kanpur, Lucknow, Nagpur, Patna, Vadodara and Visakhapatnam.

- This mega crisis is leading to the issue of transportation.

Problems due to urbanization

- Traffic issues
- Public transport is rudimentary
- Public infrastructure is ramshackle
- Lack of civic planning - roads and mounds of garbage everywhere
- Power and water shortages are acute, and law and order machinery is stretched
- Education infrastructure is underdeveloped

There are, of course plenty of schemes like AMRUT, HRIDAY, Swachh Bharat Mission etc. but scale of execution is in doubt.

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Tackling the growing transportation issues:

- To solve the growing issues of transportation with curbing pollution and health issues, there is need to shift to an eco-friendly means of transportation such as bicycle, E-Rickshaw, and other no-burning-fuel vehicles.

- Invented in the 19th Century, Bicycles are an important means of transport in almost all urban areas of the world, with large number of people commuting in a big way.

- Developed countries in Europe have brought back the bicycle as a mode of urban commuting with huge success, while middle-income countries in Latin America are trying to replicate the model.

- It is time for India to promote bicycle culture as well, so that we burn less fossil fuel, protecting environment while improving our health. Medical experts view cycling as an exercise which, while being less strenuous on the body, is a workout for all the major muscles.

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20 | Impact of gender reservation in Indian Urban Local Bodies (ULB)

Context:

- **Twenty-five years have passed (since the Bill for women reservation was first introduced in the parliament in 1996) but we are yet to realise the reservation of one-third of seats for women in the Lok Sabha and state legislative assemblies.**

- **The women Reservation Bill continues to languish but the reservation in urban local bodies (ULBs) has made a significant contribution towards narrowing down the gender divide when it comes to women representation at the grass-roots level of democracy.**

Background

- **Presently there are 79 women MPs in Lok Sabha** as compared to 24 women members in the first Lok Sabha.

- It needs to be appreciated but a lot more has to be done.

- The scenario changes when it comes to urban local bodies.

- The changes started taking shape as early as 1992, with the 74th constitutional amendment act came into existence, which pioneered gender reservation at the sub-national level.

> **India** ranks **148th** globally in terms of representation of women in executive government and parliament, according to a report published by the **Inter-Parliamentary Union (IPU)** and **UN Women.**

Analysis

The 74th Constitutional Amendment of 1992 not only mandated gender reservation but also provided constitutional safeguards to the long due demand for ensuring female representation in the polity at the sub-national level. The relevant features are:

- It provided for the women reservation of **not less than 33 percent** of the total number of seats in the urban local bodies (ULBs) mandatory.

- Also, **not less than 33 percent** of seats are further reserved for the **women belonging to SC/ ST communities.**
- At least **33 percent** of the offices of **chairpersons in urban local bodies** are reserved for women.
- To ensure that the effect of the reservation is evenly spread across all the geographical areas of the city, the reserve seats are allotted to different territorial constituencies on a **rotational basis.**

> **Article 243T(3):**Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

Going a step ahead:

- The constitution has only fixed the minimum percentage of gender reservation in urban local bodies (ULBs). But some states have exceeded this prescribed threshold and has provided 50 percent reservation for women in ULBs.
- The states which make to this exclusive list are Andhra Pradesh, Kerala, Maharashtra and Tripura.
- The election of women at the local government level, particularly from unreserved seats conveys the overwhelming presence of women in the above-mentioned states four states.

Benefits of gender reservation in Urban Local Bodies:

- **Bringing women into political domain:** It has successfully brought out women from the kitchen and home and launched them into the domain of local politics.
- **Step towards gender equality:** It has added to the cause of women's empowerment and gender equality.
- **Career opportunity:** Many liberated women have made a thoughtful decision to make politics a career and have exhibited abilities that are at par with male councillors.
- **Breaking stereotype:** The constructive modifications brought by the women have enabled them to break the glass ceiling of gender prejudices held by society.
- **Social welfare:** Community welfare, health and poverty reduction appeal to women and they are more likely to work on them with vigour.
- **Encouragement for others:** Occupying positions like chairperson or mayor in statutory municipal committees has a multiplying effect that encourages other young women and girls.

What are the challenges in ensuring women participation in politics?

- **Poor implementation of reservation policies:** Despite catapulting women into the arena of local polity, the gender reservation has failed to pave the path for women to move into the state and national politics.
- **Presently there are less than 15 percent women legislators in parliament and assemblies.**
- **Gender inequalities within party structure:** The existence of **gender inequalities** in **party hierarchies** has kept women away from key governance posts. It has to some extent negated the impact of the effective implementation of women reservations.

- **Proxies for male counterparts: Wide-spread tokenism** exists within gender reserved seats where wives of the councillors have stepped into the shoes of husbands. By doing so the husbands continue to controls the wards as elected wives work as proxies for their husbands. The practice of **"sarpanch pati"** exercises undue influence on the work of their wives elected to power.

Going Beyond Women Empowerment:

- Objectives of gender reservation in ULBs must see the bigger picture, which is more than 'women empowerment' and 'gender justice'.
- **More focus on women-centric issues:** Despite women constitutes almost half of the city population, it is unfortunate to see that no attention has been given by the women councillors to the problems which are mainly women-centric. Issues related to urban women needs should be given much-needed attention.
- **Improving the contribution:** Steps need to be taken to towards improving the contribution of the women workforce in Indian cities.
- **Easy access to required service:** Access to housing and public transport from homes to workplaces should be provided to both low wage employees and those who work from offices.
- **Strong support system:** Women with small children need a support system that can take care of their children, enabling them to pursue employment activities.
- Assistance through support services to women-led households, where they are the sole providers.
- Shelter and support programmes for elderly and abandoned women. Also including the women that have been subjected to domestic violence.

Conclusion:

It is sad that not much has been done by the women councillors in the above-mentioned areas despite having significant representation in the ULBs. It suggests that there is a need for **capacity building programmes tailored for women councillors** to enable them to discharge the normal function of councillors and also **focuses on the customised needs of women in the cities**. The discrimination of women councillors from their own party and from the residents whom she represents needs to be stopped. Undeniably the gender empowerment and gender justice have played a significant role but they must get translated into ameliorating the lives of women in the urban centres. It must influence the process of recruitment by grassroots mobilisation of female constituents into politics.

21 | Martial rape, an indignity to women

Context:

In a recent (August 2021) Judgment, the Chhattisgarh High Court upheld that sexual intercourse by husband is not rape, even if it was by force or against the wife's wish. This ruling has been deemed outrageous by many.

Background

- The Chhattisgarh High Court on August 26 discharged a man from facing trial for allegedly raping his wife, given that **Indian law does not recognize marital rape** if the wife is above 15 years of age.

- **Justice N K Chandravanshi** relied upon an exception under **Section 375 of the IPC**, which states that "sexual intercourse or sexual act by a man with his own wife, the wife not being under fifteen years of age, is not rape."

Other Court Judgments on Section 375 (Marital rape)

Supreme Court's clarification

- In 2017, the Supreme Court partially read down the exception in **Section 375,** so that it applied only to wives who were 18 years and older.
- This meant that the rape of a minor (below 18 years) wife would not be exempt from criminal sanction under the marital rape exception.

Kerala High Court

- In August 2021, Kerala high court ruled that marital rape was "a good ground" to seek divorce.
- It held that albeit marital rape cannot be penalized, it falls in the frame of physical and mental cruelty.
- The court explained that marital rape occurred when the husband believed that he owned his wife's body and added that "such a notion has no place in modern social jurisprudence".

Analysis

■ **About Marital Rape:**

➤ Despite the increasing instances of cases of marital rapes in our country, marital rape is not defined in any statute/law.

➤ While 'Rape'" is defined under **Section 375** of the **Indian Penal Code**, there is no definition of 'Marital Rape'.

➤ Section 375 sets out the different situations in which consent is non-existent, or is vitiated as a mutual mistake for sexual intercourse.

➤ There is an exception to this. It states: **"Sexual intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape."**

➤ More than 100 countries have outlawed marital rape. Even the British, who introduced the IPC in India, outlawed marital rape in Britain in 2003.

➤ In the past petitions seeking the criminalization of marital rape and removal of exception in **Section 375**, the SC has observed that it is not in its jurisdiction and it is for Parliament to take a call.

■ **Why has Marital Rape not been recognized?**

➤ Historically, matrimonial jurisprudence has upheld the tradition that marriage and solemnization of marriage results in giving unconditional and lifetime consent to sexual intercourse by the wife.

➤ The idea that sex within marriage can never amount to rape rest upon two assumptions:

- first, that marriage amounts to a once, lifetime consent to sexual intercourse;
- and second, that the criminalization of marital rape would violate the privacy of marriage; that the institution of marriage must be placed beyond the realm of constitutional scrutiny.

➤ Both these assumptions, however, are entirely incompatible with a constitutional democracy founded upon ideas of freedom and autonomy.

■ Arguments in favor of making Marital Rape a crime

➤ **Against Fundamental Rights**: The marital rape exception in Section 375 violates women's right to autonomy and privacy under **Article 21.** It is also against **Article 14** of the Constitution, which guarantees the equal protection of laws

➤ The Supreme Court held that **privacy began with the human body** and that at the heart of the right to privacy (Article 21) was the idea of decisional autonomy.

➤ The argument is that if individual autonomy in a marital relationship is honored as a fundamental right, then marital sex without consent ought to be criminalized.

➤ Just as individuals cannot sell themselves into slavery, nor can they be **deemed to have waived their right to decisional autonomy** upon marriage.

➤ The **Kerala HC and Chhattisgarh HC judgments** demonstrated the need for a clear law on marital rape because there **can't be an "artificial distinction" between the social predicament of a wife below 18 and above.** Physical integrity is absolute at any age.

➤ **Justice Verma Committee**, set up in 2012, recommended to include marital rape under IPC, in light of India's obligations under the **Convention on the Elimination of All Forms of Discrimination Against Women**.

➤ **Marital Rape as a ground for Divorce**:

● In 2019, the Delhi HC turned down a petition seeking a declaration of marital rape as a ground of divorce — which the Kerala HC has judicially recognized in its recent (August 2021) judgment.

● The belief that the institution of marriage would wither away if marital rape were made criminal justifies implies that coerced sex is necessary for a long-lasting marriage!

■ Arguments NOT in favor of making Marital Rape a crime

➤ **Social Aspects:**

● The unfounded belief that allowing wives to complain about rape will destroy the family and the institution of marriage.

● Marriage amounts to a once, lifetime consent to sexual intercourse

➤ **Legal Aspects:**

● The **Law Commission** (172nd Report, 2000) has opined that criminalizing marital rape **may amount to excessive interference with the marital relationship.**

● If a woman is aggrieved by the acts of her husband, there are **other means of approaching the court.**

● A husband may be tried for offenses such as sexual harassment, molestation, voyeurism, and forcible disrobing in the same way as any other man.

Conclusion

It is a reliable fact that an overwhelming percentage of sexual assaults are committed by spouses and partners. Women are being violated of their dignity when it occurs within four walls of the matrimonial home, it reduces the woman to the status of an object used merely for sexual gratification. There is an immediate need for a distinct law on marital/spousal rape in India at par with the accepted international norms. It is true that mere criminalization of marital rape in India will not be the solution, but it sure is an important step towards changing women's experience of sexual violence in marriage and providing them their say.

22 Caste Census in the times of changing social equations

Context:

The 2021 Census of India, the 16th Indian Census, will be taken in 2021. But the growing demands for a caste census from various sections of society have once again surfaced the issue like its immediate need and long-term repercussions.

Background

- The origin of the Census in India goes back to the colonial exercise of **1881**.
- Census has evolved and been used to-
  - ➤ capture the Indian population
  - ➤ access resources
  - ➤ map social change
  - ➤ delimitation exercise, etc
- However, as early as the 1940s, **W.M. Yeatts**, Census Commissioner for India for the 1941 Census, had pointed out that there shall be **no All-India caste table** in the 1940s due to enormous expenditure in World War II.

Caste Census & its actual origin

- The caste census is often linked British era of **"Divide and Rule".**
- But is a beautiful piece of information to know that some 200 years before British rule, between 1658 and 1664, the home minister **Munhata Nainsi** of the **Marwar kingdom**, ruled by **Maharaja Jaswant Singh Rathod** conducted the first caste census.
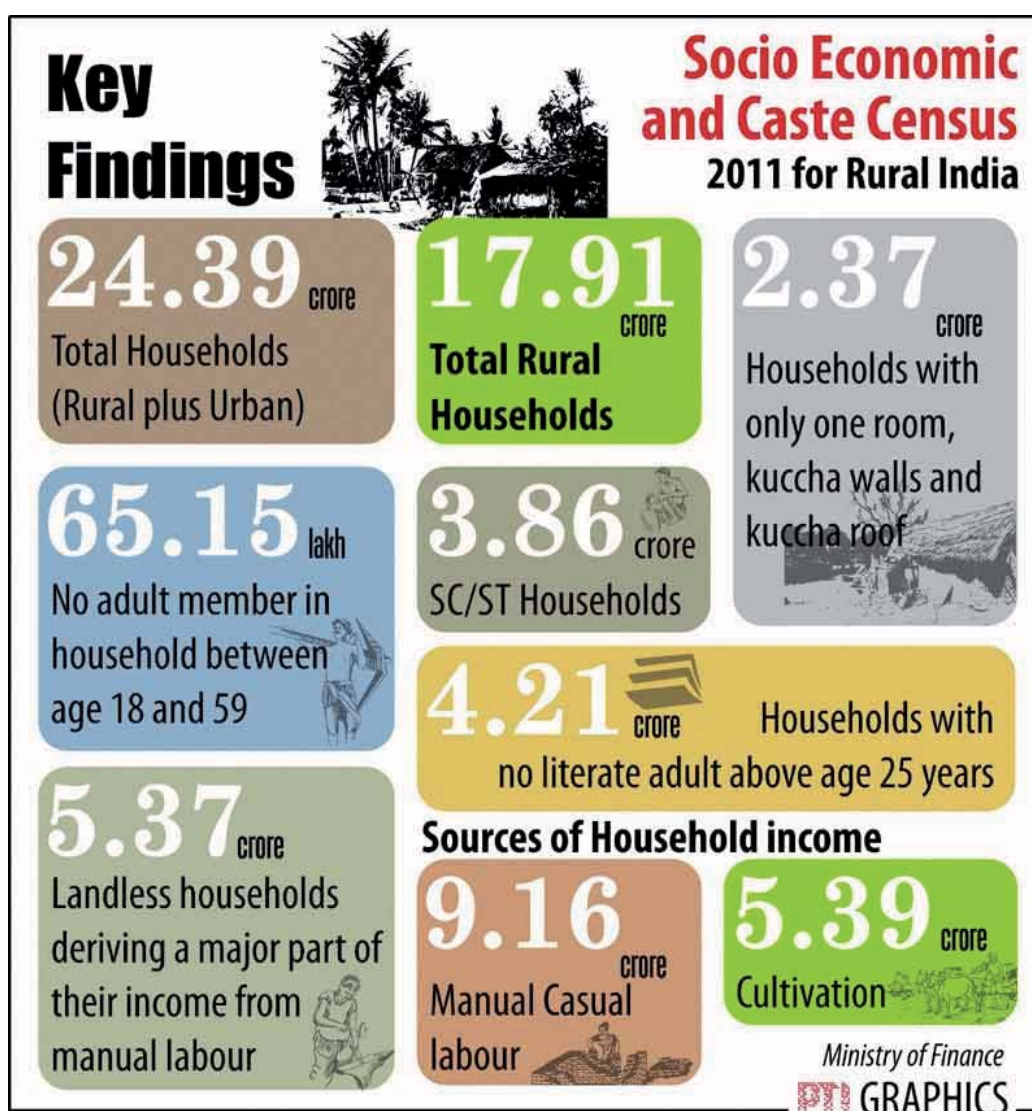
Analysis

- **Caste Enumeration in Census:**
  - ➤ The **15th edition of the Indian Census, 2011** had taken into account the data of population-based on **Socio-Economic and Caste Status** for the first time after 1931.
  - ➤ As the enumeration was based on self-declaration, it resulted in hundreds of thousands of caste/sub-caste categories.
  - ➤ Every census from **1951 to 2011** has published data on **Scheduled Castes and Scheduled Tribes, but not on other castes.**

Socio-Economic and Caste Census (SECC)

- **In 2011, the Socio-Economic and Caste Census was conducted for the first time since 1931**.
- **Every Census until 1931 had a mention of data on caste**.
- Every Census in independent India from 1951 to 2011 has published data on SC and ST, but not on other castes.

- ◉ SECC is meant to canvass every Indian family, both in rural and urban India, and ask about their:
  - ➤ Economic status, so that allow Central and State machinery can come up with a range of indicators of deprivation, permutations, and combinations of which could be used by the state to define a poor or deprived person.
  - ➤ To allow the government to segregate which caste groups were economically worst off and which were better off.
- ◉ SECC has the potential to allow for a mapping of inequalities at a broader level.
- ◉ The **Mandal Commission came up with the estimates of the OBC population at 52%** using methods of extrapolation.

Key Findings

Socio Economic and Caste Census 2011 for Rural India

24.39 crore — Total Households (Rural plus Urban)

17.91 crore — Total Rural Households

2.37 crore — Households with only one room, kuccha walls and kuccha roof

65.15 lakh — No adult member in household between age 18 and 59

3.86 crore — SC/ST Households

4.21 crore — Households with no literate adult above age 25 years

5.37 crore — Landless households deriving a major part of their income from manual labour

Sources of Household income

9.16 crore — Manual Casual labour

5.39 crore — Cultivation

Ministry of Finance
PTI GRAPHICS

What happened to the SECC 2011 data?

- ◉ The **SECC exercise was done** by the **Ministry of Rural Development in rural areas and the Ministry of Housing & Urban Poverty Alleviation in urban areas**.
- ◉ The data of **Socio-Economic and Caste Census** excluding caste data was published by the two ministries in the year 2016.

- The crude caste data was given to the Ministry of Social Justice and Empowerment, which formed an Expert Group under Arvind Panagariya for the classification and categorisation of collected data. **So far, no such report has been made public.**

The measure took by the Government after Independence:

- In **1953 Kaka Kalekar Commission** *(under Article 340)* was formed to investigate the conditions of socially and educationally backward classes within the territory of India.

- In **1979 Mandal Commission** *(under article 340),* was established for the Socially and Educationally Backward Classes Commission (SEBC),with a mandate to "identify the socially or educationally backward classes" of India.

- **In 1992,** Indra Sawhney the Supreme Court held that should be in place a permanent body to look into the matter of inclusion and non-inclusion of groups, classes and Sections of Other Backward Classes.

- **In 2018, NBCC (National Commission for Backward Classes**) was made a constitutional body (123rd constitutional amendment bill 2017 and 102nd amendment 2018 in the constitution to make it a constitutional body).

  - 102nd Constitution Amendment Act inserted new Articles **338B and 342A.**

  - **Articles 338B:** provides authority to NCBC to examine complaints and welfare measures regarding socially and educationally backward classes.

  - **Articles 342A:** empowers President to specify socially and educationally backward classes in various states and union territories

  - The amendment also brings about changes in **Articles 366**.

Rohini Commission

- The Rohini Commission was constituted in **October 2017** (*Article 340* of the Constitution) to submit its report on the **Sub-categorisation of Other Backward Classes (OBCs).**

Why do we need a census to be done?

- In order to better understand the population of society and what people have access to, and what they are excluded from.

- It is relevant not only for social scientists but also for policymakers and academicians.

- The Census of India enumerates and collects demographic and socio-economic data on the Indian population.

Associated Concerns with SECC

- **Arguments against the Caste Census:**

  - **Fear of breaching the 50% ceiling for a caste-based reservation**: It is argued that a Socio-Economic Caste Census is the only way to make a case to breach the 50% cap on the reservation.

  - **Procedural Issues:** As per the central list, the total number of OBCs in the country stands at 6,285, while the number further increases to 7,200 if the list is prepared by the states, and UTs are taken into consideration. *(Though the **Rohini commission** is in place to look into the sub-categorisation of the OBC's.)*

➤ **Social fragmentation:** Caste identification can lead to friction amongst various classes and can result in an increased caste enmity. There have been concerns that caste census may result in a society with reinforce identities. It is being argued that counting caste will perpetuate it further deeper.

➤ **Partial benefits:** The way reservation is practised in the country; it has invariably led to elites among castes and communities.

➤ **Opposition from religious groups:** The resistance to the caste census is not only coming from the Hindus; Muslims, Christians and Sikhs are also scared, since there exist castes even in these communities and the Dalit Muslim, the Dalit Christian and the Dalit Sikh are catching up on the fight for their rights.

➤ **Vulnerable open-ended categories:** There are certain open-ended categories in the lists such as **orphans and destitute children.** The cases of a migrant from one State to another and the **status of children from inter-caste marriages**, in terms of caste classification, are also related questions.

■ **Positive outcomes of the caste census**

➤ **Bringing the marginalized to the table:** A caste census brings up the number of people who are at the margins. There are many of such castes which are still **nomadic** and is deprived of identity and development.

➤ **Data for Policymaking:** This information is important for any democratic policymaking agency. A caste census would bring up the **anthropological facts**, and on the other, provide the basis for framing relevant development policies required for social justice.

➤ The **consumer expenditure survey (68th round)** and the **Socio-Economic and Caste Census (SECC) 2011** are the base of welfare schemes such as the ones for LPG cylinders and rural housing. **There's been no update to this database which is worrisome.**

➤ **Backing by the judiciary**: Legislations of many States on reservation policies for SEBC and OBC had been struck down by the courts on the ground that, the policies on the reservation is made without supporting the scientific database of the SEBC and OBC population. So the detailed enumeration of SEBC and OBC should be made by the Centre.

➤ **Caste doesn't marginalize**: We need to do away with the idea of caste applying to only disadvantaged people, poor people, people who are somehow lacking. Counting of caste doesn't necessarily strengthen caste or the caste system. Myths of caste-elitisms can only be debunked through a caste-based census.

Conclusion:

◉ The most important thing is **improving existing databases is more crucial to this than getting into the debate of whether to do a caste count or not. Accurate and timely data is central to India's effort to tackle poverty. Poor data diminishes the efforts to design welfare programmes.**

◉ The **National Commission for Backward Classes (NCBC)** among many has sought caste census for Other Backward Classes (OBCs). It's the right time that the Central government consider the benefits, welfare and all-around upliftment of the SEBC and OBC categories of population after collection of scientific databases through General Census 2021.

23	**The ripple effect of gender inclusivity on India's economy**

Context:

Archaic age-old practices that promote Gender segregation at an early age make it increasingly difficult for women to enter the workforce.

Understanding inclusive growth and gender equality

- Inclusive growth means economic growth that creates jobs and helps reduce poverty.
- It means access to essential health and education services for the poor. It includes providing equal opportunities, empowering people through education and skills development.
- It also includes a process of growth that is environmentally friendly, aimed at good governance and helping to build a gender-responsive society.
- Gender equality will be achieved only when women and men enjoy the same opportunities, rights and obligations in all spheres of life. This means sharing equally, power and influence, and having equal opportunities in economic and social spheres. Equal claim on education and career prospects will enable women to realize their personal ambitions.
- Gender equality demands the empowerment of women, with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives.
- When women are empowered, the whole family benefit, thus benefiting the society as a whole and these benefits often have a ripple effect on future generations.

Findings of the survey

- **To study the impact of gender diversity on employee productivity**
    - 30% of the employees did not interact with the opposite gender outside of their family, while in school.
    - More than 30% of the surveyed call centre employees were from rural areas.
    - It was not expensive for firms to integrate women into all-male workplaces.
    - There is no negative impact on either productivity or the share of days worked during the study period, of being assigned to a mixed-gender team for male employees.
    - Men with progressive gender attitudes assigned to mixed-gender teams had significantly higher productivity than those with regressive gender attitudes.
    - The study also revealed that, for female employees, there was an increase in peer monitoring and comfort among those assigned to mixed-gender teams.

- **Why India is lagging behind?**
    - **Burden of traditional practice:** Women remain subject to traditional practices that define their primary role as home.
    - **Lack of monetary support:** As a result, women often do not receive the money needed to start or grow a business, as well as the necessary training in today's labour market.
    - **Lack of participation:** The main problem is participation. Currently, only a quarter of workers in India are women.

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- **Obstacles:**
  - ➤ **Female presence:** There are significant barriers to developing a growing female presence in productive fields (19%), and increasing the number of hours spent by women (9%).
  - ➤ **Unpaid care work:** Women are burdened with unpaid care work, which is ten times the rate for men. If the amount of unpaid work done by women is compensated for even less, India's economic output could rise by $ 300 billion.
  - ➤ **Poor condition of existing legal infrastructure:** The legal protection afforded to women is another challenge, where the existing infrastructure is inadequate for sexual harassment and paid maternity leave, but the legal right to equal pay and parental leave is severely limited.
  - ➤ **Unequal representation:** The lack of a legal framework can also be caused by another important challenge - the unequal representation of the law for women. Only 11% of India's lower house members are women.
  - ➤ **Social and economic challenges:** Other challenges include important social and economic challenges such as selective abortions and violence against women.

- **How to bring women into the paid workforce?**
  - ➤ **Expanding reach of employment:** The **ministry of electronics and information technology (MEITY)** and the **software technology parks of India (STPI)** are interested in expanding these call centres to smaller cities and villages, and providing special incentives to firms to hire women.
  - ➤ **Boost to labour demand:** In a post-pandemic world, policymakers will need to provide fiscal stimulus to boost labour demand in India's economy.
  - ➤ **Incentivizing firm to hire women:** Policies which incentivise firms to hire women can bring them into the paid workforce.
  - ➤ **Progressive gender attitudes:** There is also a need for improving gender attitudes as a policy measure to increase hiring female workers.

- **Increasing Gender Parity in Future Work**
  - ➤ There is an increase in occupational gender segregation in the wake of COVID-19 pandemic.
  - ➤ It is portrayed as a major challenge for gender parity as far as the future of jobs is concerned.
  - ➤ The GGGR mentions, "Only two of the eight tracked "jobs of tomorrow" clusters (People & Culture and Content Production) have reached gender parity, while most show a severe underrepresentation of women."

Way Ahead

Gender-positive recovery policies can help meet these challenges:

- ◉ The investment should be increased in the care sector. The similar increase should be into equitable access to care leave for both genders.
- ◉ National government should come forward with policies that arrest occupational segregation by gender.
- ◉ To attain more gender-equal future of work, nations have to come up with effective mid-career reskilling policies, combined with managerial practices, which embed sound, unbiased hiring and promotion practices.

Conclusion

Bangladesh, with a lower per capita income than India, is doing significantly better in most indicators of gender equality including sex ratio at birth, female literacy rate, female labour force participation, and gender wage equality, earned income of women and political representation of women. Among other policies, Bangladesh has made this progress due to women empowerment initiatives geared towards strengthening social acceptance of women's work. Therefore, investments in workplace interventions involving gender equality training by firms in India might be beneficial in improving their productivity and profits.

24 | COVID-19 and Orphans

Context:

In a latest development, the Supreme Court directed States to nominate a Nodal Officer at level of Secretary/Joint Sec of concerned department to interact with the Amicus Curiae and provide all necessary information relating to identification of orphans/Children in Need of Care and Protection (CNCP) and the schemes enforced.

Background

- The National Commission for Protection of Child Rights (NCPCR) has informed the Supreme Court that the COVID-19 pandemic has orphaned 1742 children, and 7464 children lost at least one parent during the pandemic.

- The plight of these recently orphaned children has led to increased chatter around 'adoption'.

- But this comes with the threat of child trafficking, often in the form of social media messages calling for direct adoption of children.

- Thus, the SC Bench had directed the district authorities under the **Juvenile Justice Act** to immediately upload information related to children orphaned due to COVID after March 2020 in the national portal of NCPCR called **"Bal Swaraj".**

Analysis

- **Where Do Orphan Children Come From?**

  ➤ War, disease, poverty, natural disasters, abandonment, and accidents are among some of the leading causes.

  ➤ These can be directly associated with orphans by the definition of a child who has lost one or both parents.

  ➤ Within and aside from the aforementioned are: cultural pressures, neglect, abuse, child slavery, religious inequity, child prostitution, indentured servitude and more.

  ➤ These are more closely associated with children without parental care that may not be a child that has lost one or more parents.

  ➤ They may live with a relative or neighbor or are on the street or in the jungles and subjected to one of the prior mentioned abuses.

- ■ **Issues faced by Orphans**
  - ➤ **Accommodation Problems:** The most serious problem faced by orphans is the problem of shelter. After the death of parents, the orphans are supported by patrikins, matrikins and friends for some time but that support gets stopped afterwards. They have to work outside for earning their livelihood resulting in engagement of these orphans in child labor, handicrafts and other menial jobs
  - ➤ **Loss of Education:** The most important field in which orphans are suffering is Education. Due to stoppage of regular income, orphans are not able to pay their megamouth of school fee resulting in high rate of drop-outs.
  - ➤ **Psychological Problems:** The death of parents exposes the orphans to various challenges of real life resulting in various psychological problems. It has direct impact on the psyche of children which is depicted by the presence of anxiety, stress, depression and PTSD among orphans.
  - ➤ **Social Disorganization:** Due to the parental loss, orphans suffered in the field of family, marriage and kinship. With the disorganization of families their socialization got disorganized. There was significant degree of erosion in valuation ethos and social control mechanism within and outside families because in social environment neither the traditional patriarchal authority could be established nor could be the traditional norms legitimized. The marriage of orphan girls is complicated by the demand of dowry.
  - ➤ **Feeling of Insecurity:** The crucial problem among orphans is feeling of both physical and mental insecurity in absence of senior member in family. This feeling of insecurity can be seen more in women and girls because the situation may invite undesirable things by security forces, thereby posing threat to them.
  - ➤ **Health Deterioration:** The dangerous problem faced by the orphans is the abnormal health scenario because they are not in a position to get proper treatment or service access in health sector resulting in high mortality rate among them.
  - ➤ **Total Dependence:** The most undesirable aspect of the life of orphans is their total dependence on others like friends, neighbors, relatives and community members. This dependence can be social, psychological or material in nature. The absence of senior member(s) creates vacuum inside and outside family. Besides psychological implications, the orphans face difficulty in taking initiatives in personal and social matters which affect them for their entire life.
  - ➤ **Deviance:** The deviance and delinquency is common among orphans due to lack of authority, socialization and social control in family. These undesirable trends are unavoidable and such behaviours are expected from the environment in which their growth and development take place.

Steps taken by Government

As per the Juvenile Justice (Care and Protection of Children) Act, 2015, orphan and destitute children in the country are "Children in need of care and protection (CNCP)"

Child Protection Services

- ◉ CPS provides preventive, statutory care and rehabilitation services to children who are in need of care and protection and those in conflict with law as defined under the **Juvenile Justice (Care and Protection of Children) Act, 2015.**
- ◉ It is a centrally sponsored scheme, providing financial support to State Governments/UT Administrations, for delivering services (as mandated under the Juvenile Justice Act, 2015 & Juvenile Justice Rules there under) for children, either themselves or through suitable NGOs.

- **Web portal:** Under the Child Protection Services, TrackChild web portal became functional in 2012.
- The portal provides a database of 'missing' and 'found/recovered' children covered under the Child Protection Services and the Juvenile Justice (Care & Protection) Act, 2015.
- **Helpline:** CHILDLINE (1098) is a 24 × 7 emergency phone outreach service for children in crisis which links them to emergency and long term care and rehabilitation services.

Central Adoption Resource Authority (CARA)

- CARA primarily deals with adoption of orphan, abandoned and surrendered children through its associated /recognised adoption agencies.
- It functions as the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country and inter-country adoptions.
- CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the **Hague Convention on Inter-country Adoption, 1993**, ratified by Government of India in 2003.

Bal Swaraj-COVID-Care

- The portal is aimed at tracking the children affected by COVID-19 right from the production of children before the Child Welfare Committee (CWC) to the restoration of the children to their parent/guardian/relative and its subsequent follow-up.
- Through the data filled in the portal by the District officers and State officers for each child, the Commission will be able to get information about whether the child is being able to get his/her entitlements, benefits and monetary gains for which the child is entitled to.
- It will also come to know whether the child has been produced before the CWC and the orders are being passed for him/her.

Conclusion

It should be remembered that there are many notable figures in world history that did not have a mother or a father who served humanity in leading positions, like politicians and scientists. To ensure the safety of all children, especially orphans and abandoned children, governments should initiate awareness-raising campaigns supported by the work of non-governmental organizations that reach out to individuals; while aid organizations that rely on a volunteering workforce should enhance their scope of impact by setting themselves up more strategically on larger territories.

25 | Gender technology gap: needs of a feminist approach to technology

Context:

Between 1901 and 2019, 334 Nobel Prizes have been awarded to 616 Laureates in Physics, Chemistry and Medicine, of which just 20 have been won by 19 women.

About

- February 11 was the **International Day of Women and Girls in Science**, established by the **United Nations** to promote equal access to and participation in science for women and girls.

◎ While some of the greatest scientists and mathematicians have been women, they remain under-represented in comparison to their male counterparts in higher studies involving science, as well as among the top scientific achievers.

Researchers and achievers

◎ According to a 2018 fact sheet prepared by UNESCO on women in science, just 28.8% of researchers are women.

◎ It defines researchers as "professionals engaged in the conception or creation of new knowledge". In India, this drops to 13.9%.

◎ Between 1901 and 2019, 334 Nobel Prizes have been awarded to 616 Laureates in Physics, Chemistry and Medicine, of which just 20 have been won by 19 women.

◎ The double Laureate is Marie Curie, one of just three women who have won in Physics and one of just five in Chemistry, while 12 women have won the Medicine Nobel.

◎ In 2019, the American mathematician Karen Uhlenbeck became the first woman to win the Abel Prize, following 16 male mathematicians.

◎ The Fields Medal so far has also been awarded to only one woman mathematician, the late Maryam Mirzakhani of Iran, as opposed to 59 men since 1936.

Women in science courses

◎ UNESCO data from 2014-16 show that only around 30% of female students select STEM (science, technology, engineering and mathematics)-related fields in higher education.

◎ Female enrolment is particularly low in information technology (3%), natural science, mathematics and statistics (5%) and engineering and allied streams (8%).

In India, a 2016-17 NITI Aayog report compared female enrolment in various disciplines over five years, until 2015-16.

◎ In 2015-16, 9.3% of female students in undergraduate courses were enrolled in engineering, compared to 15.6% across genders. Conversely, 4.3% of female students were enrolled in medical science, compared to 3.3% across genders.

◎ Then, a master's and doctoral levels, female enrolment remained lower than overall enrolment, and also fell behind for medical science in three of the five years.

◎ "This reflects that moving up from UG to a higher degree and research programmes, the restricted presence of women in higher studies and research in science becomes evident for a broader range of disciplines.

◎ Broadly, women showed a preference for arts; however, female enrolment in science streams rose from 2010-11 to 2015-16.

◎ The report found that in over 620 institutes and universities, including IITs, NITs, ISRO, and DRDO, the presence of women was 20.0% among Scientific and Administrative Staff, 28.7% among Post-Doctoral Fellows, and 33.5% among PhD scholars.

Why the gender gap?

◎ Girls excel at mathematics and science-oriented subjects in school, but boys often believe they can do better, which shapes their choices in higher studies.

◎ In 2015, an analysis of PISA scores by OECD found that the difference in maths scores between high-achieving boys and girls was the equivalent of about half a year at school.

◎ But when comparing boys and girls who reported similar levels of self-confidence and anxiety about mathematics, the gender gap in performance disappeared — when girls were more anxious, they tended to perform poorly.

◎ The NITI Aayog report said, **"The problem of entry of women in science is not uniform across disciplines. Interventions geared to popularising subjects such as Engineering or the Physical sciences or Chemistry among female students at the school level in both urban and rural areas might be helpful in changing mind-set."**

26 | Issue of Marriageable Age for Women

Context:

The debate of the marriageable age of women began after the Independence Day speech of Prime Minister in which he announced that the government will soon decide on the age of marriage of women.

Background

◎ The whole issue arose after a task force was set up by the **Union Ministry for Women and Child Development to** examine issues like-

  ➤ age of motherhood among girls

  ➤ the correlation between age of marriage and **Maternal Mortality Ratio (MMR), Sex Ratio at Birth (SRB), Total Fertility Rate (TFR), and Child Sex Ratio (CSR), etc.**

◎ The committee is headed by former **Samata Party president Jaya Jaitely** and its members include NITI Aayog Member (Health) and several Secretaries to the Government of India.

◎ It will also examine the possibility of increasing the age of marriage for women from **18 years to 21 years.**

Analysis

■ **Issue of Child Marriages in India**

  ➤ **Near about 650 million girls** & women alive today were married as children, and by **2030, almost 150 million** girls under the age of 18 will be married.

  ➤ India has contributed to a **50 % decline in child marriage in South Asia—to 30 % in 2018,** the region still accounts for the largest number of child marriages.

  ➤ In India, among girls married by **age 18, 46 %** were also in the lowest income bracket.

  ➤ According to **UNICEF,** at least 1.5 million girls under the age of 18 are married in India each year. India has the largest number of child brides in the world i.e. 1/3ʳᵈ of the global total.

■ **What are the possible reasons of marrying girls at Low Age?**

  ➤ **Lack of education:** Under-age marriages are prevalent in those regions and groups where there is a lack of quality schooling and opportunities for higher education.

  ➤ **Social norms:** There is a social norm in India which expects women to be younger than men at the time of marriage.

  ➤ **Other reasons include-**

  ➤ Poverty

  ➤ lack of quality education

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➤ economic prospects

➤ security concerns

■ How early marriage impacts?

➤ **Multiple diseases:** The nutritional needs are high in **late adolescence (15-19 years)** and a fair measure of adolescent girls suffer from multiple forms of undernutrition, from chronic energy deficiency, iron deficiency to micronutrient deficiency.

➤ The **marriage** and delivery during adolescence drain their already poor nutritional reserves and also lead to child stunting and mortality to multiple diseases at a later stage.

➤ **Toll on mental health:** Psychologically, women married as children are more likely to suffer from symptoms related to post-traumatic stress disorder (PTSD) and symptoms of depression.

➤ **Low access to education:** Marriage dramatically limits a girl's access to education.

➤ **Domestic violence:** According to the **International Council of Research On Women (ICRW)**,women with low levels of education and married adolescents between the ages of 15-19 years old are at a higher risk of domestic violence than older and more educated women.

Assessing pros & cons of increasing the marriageable age

■ Arguments in favor

➤ **Reduced maternal deaths:** It will help in lowering maternal deaths and improving nutrition levels in the near term by putting more number of girls in college and enabling them to achieve greater financial independence in the long-term.

➤ **Keeping population in check:** Helpful in controlling the population as it may help in keeping the population in check.

➤ **Improved health:** It would be helpful for Children's health and Women's overall development as the children who are born to mothers who tend to get married at an early age may develop health problems.

➤ **Equality:** Increasing the age of marriage will make the marriage age equal for both men and women.

What are the Laws/Acts says?

◉ The law of the land prescribes the **minimum age of marriage should be 21 years and 18 years** for men and women respectively.

◉ **Special Marriage Act, 1954 and Prohibition of Child Marriage Act, 2006:** Prescribed 18 and 21 years as the minmum age of consent for marriage for women and men respectively.

◉ **Hindu Marriage Act, 1955 Section 5 (iii):** 18 Years as the minimum age for the bride and 21 years as the minimum age for the groom.

◉ **Age of Consent Bill, 1927:** It amended the provision of rape in 1927 and declared the marriage with a girl under 12 invalid.

◉ **Sarda Act was** amended in 1978 and it prescribed 18 and 21 years as the age of marriage for a woman and a man respectively.

◉ **In the 1880s** a legal framework for the age of consent for marriage began.

- **The Indian Pencal Code, 1860:** Criminalised sexual inter course with a girl below the age of 10.
- **In Islam,** the marriage of a minor who has attained puberty is considered valid.

- The National Human Rights Commission, 2018 recommended that there should be a uniform age of marriage for boys and girls.
- **Women's Health**: Increasing the Marriage age can reduce Mortality Rates and can reduce the diseases like anaemia among them. **(**young mothers are more susceptible to anaemia)
- **Enormous opportunities:** Increasing women's legal marriage age will give more power and legal support to all women so that they can choose the opportunities to educate and empower themselves, before being burdened with marriage and motherhood.
- **Increased participation in labour force:** India will get a large number of labour forces by increasing the marriageable age. In India Female labour Force participation is too low as compared to world average.

■ Arguments against

- **Issue of girl's right**: **An increase in age to 21 years** would mean girls will have no say in their personal matters until they are 21. **Hadiya case is an apt example**, where an adult woman's decision to marry was challenged by her parents.
- The elementary right of minors such as right to be heard and the right for their views to be considered, can be denied to girls up till 21.
- **Girls do become sexually active before 21** and if the government increases the age, several of them would not avail the formal healthcare system for their reproductive or sexual rights.
- **The cases of child marriage can go up since the legal age for marriage will increase from 18 to 21.**
- At the current age of marriage for women and men, the implementation of the child marriage law is very hard.

■ Laws preventing child marriage can be misused:

- The **child marriage law is mostly used by parents against eloping daughters.**
- It becomes a weapon for parental control and for punishment of males whom girls choose as their husbands.
- **Most of the cases that are taken to court are self-arranged marriages.** Only one-third of the cases relate to arranged marriages, which are sometimes brought by parents or husbands to dissolve or to nullify marriages that have broken down because of domestic violence, dowry or compatibility issues.

■ Marriage age of boys can be reduced to attain Equality:

- The age of marriage should be uniform for men and women but not by increasing the age but by reducing the age for boys.

Prohibition of Child Marriage Act (PCMA), 2006

- The **PCMA sets the minimum age of marriage at 18 years** for women and at **21 for men.**
- According to this an underage marriage is valid as long as the minors involved in the marriage want it to remain valid.

- It allows the minor party to repudiate the marriage or to have it nullified right up till two years of attaining majority.
- **Some definitions under the Act:**
  - ➤ **'child' means a person who,** if a male has not completed twenty-one years of age, and if a female, has not compieted eighteen years of age;
  - ➤ **'child marriage'** means a marriage to which either of the contracting parties is a child;
  - ➤ **'Contracting party',** in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnized.

- **Indian Majority Act, 1875:** It grants the right to vote, and to enter into contracts, for those who attain the age of 18. And they are equal for men and women.
- **In the 'Independent Thought case' the Apex Court**, declared that it's accepted universally that a child is someone who's under the age of 18, and that should be the age of marriage.
- **The international Convention on the Elimination of all Forms of Discrimination against Women** recommends 18 as the age of marriage.
- **Child Marriage is declining** in India therefore there is no rationale to raise the age of marriage.

Child marriage is a social issue as well as an economic issue which can be tackled through educating the girls and not by increasing the age, introducing criminal law and punishment may not work in favour of women.

Rather debating over increasing the age of marriage, the focus should be on issues like age of sexual consent and repudiation of marriage by girls.

WAY FORWARD

Better education and giving better nutritional level can only change some issue on ground level.

To change things in favour of women there is a need of changes in societal behaviour, parents' attitude and whole ecosystem.

Conclusion

Apart from revising the marriageable age there are many issues which must be looked upon first to improve the status of women in Indian society. It is not sure that increasing age will ensure that they are getting the right opportunities, right skills and right kind of education as well. There is a need to increase the awareness and educational status among girls so that they can decide what is best for them.

27 Symbolism of Inter Caste Marriages

Context:

Surrounding the anti-caste movement, a topic remains hotly contested. It is about inter-caste marriages as a way towards the annihilation of caste. Activists, thinkers and leaders are divided over this.

Dr Ambedkar's famous quote from Annihilation of Caste, wherein he stated that inter-caste marriages were "the real remedy for breaking caste", is often cited. Ambedkar thought "fusion of blood" would create the feeling of kith and kin.

Background

◉ The concept of caste system and religious discrimination are like a bane on the path of India's progress.

◉ For centuries Indian society especially Hindu society has been divided on the basis of caste system and religion.

◉ The problem of caste system was so deep rooted that it took years for the Indians to come out of that idea.

◉ Even today also India is struggling to come out of this social menace.

◉ And when we talk about Indian marriages, which are inter-caste and interreligious, it seems like a taboo to most of the people.

Analysis

◼ **Understanding the Caste system in India**

➤ Caste has for long been viewed as a distinctive feature of the Indian society.

➤ Dating back more than 3,000 years, the caste system divides Hindus into four main categories–

• Brahmins

• Kshatriyas

• Vaishyas

• Shudras

➤ It is not merely an institution that characterizes the structure of social stratification in India. 'Caste' has often been seen to represent the core of India.

➤ It has been viewed both as an institution as well as an ideology.

➤ Institutionally, 'caste' provided a framework for arranging and organizing social groups in terms of their statuses and positions in the social and economic system.

➤ It fixed individuals into the structure of social hierarchy on the basis of their birth.

➤ As an ideology, caste was a system of values and ideas that legitimized and reinforced the existing structure of social inequality.

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➤ It also provided a worldview around which a typical Hindu organized his/her life.

■ **Features of caste system**

➤ **Segmental division of society**: Castes were groups with well-developed life-styles of their own. The membership of the groups was determined by birth and not by choice. The status of a person depended not on the amount of wealth he possessed but on the rank that his caste enjoyed in the Hindu society.

➤ **Hierarchy:** There was definite scheme of social precedence amongst castes. Each group was given a specific status in the overall framework of hierarchy.

➤ **Restrictions on feeding and social intercourse**: There were minute rules as to what sort of food or drink could be accepted by a person and from what caste.

➤ **Civil and religious disabilities and privileges of different sections**: Segregation of individual castes or groups of castes in the village was the most obvious mark of civil privileges and disabilities. Certain sacraments could not be performed by any caste other than the Brahmins. Similarly, shudras and other lower castes were not allowed to read or learn the sacred scriptures.

➤ **Lack of unrestricted choice of occupation**: Generally each caste considered a particular occupation as its legitimate calling. To abandon the hereditary occupation in was not considered right.

➤ **Restrictions on marriage:** Caste groups observed strict endogamy. Members of a caste group married only within their castes.

■ **Diminishing relevance of caste in understanding the multi- cultural Indian society**

➤ Due to various factors such as **modern education, industrialization, urbanization, Indian Constitution** Indian multi-cultural society has started giving less consideration to the 'caste'.

➤ **Growing dissociation between caste and hereditary occupation**: No longer one can deduce a person's caste by looking at his occupation. A person who is working in a salon may not be a barber.

➤ All castes have given importance in the socio-political field: There is improvement in the socio-economic conditions of lower caste people. They are protected by the different policies of the government. They get equal power with other caste categories in expressing their decision in nation building.

➤ **Change in the caste identity**: People are no more identified according to their caste identity or ascriptive status; rather they are identified according to achieved status. Educational qualification, occupational position, income etc. are the bases of identification of the individual.

➤ Now Indian society is **more tolerant of inter-caste marriage**: The number of inter-caste marriages is increasing day by day, particularly among the urbanized and educated group of each caste.

■ **Status of Inter caste marriages:**

➤ The **Indian Human Development Survey** reported that 95% of Indians still find partners within their sub castes.

➤ Many a time second or third-generation educated Dalits who have managed to access quality education, and landed respectable elite jobs, find the prospects of marriage outside caste available to them.

■ **What then happens to their inter-caste marriages?**

➤ Their union is unlike any other marriage. It is a political act — an achievement of love over caste.

➤ The Dalit person marrying outside caste, say to an upper caste, finds himself or herself duelling between the struggle of their community, and the culture of their spouses and in-laws.

➤ The children of mixed-caste parents also grow up amidst profound misunderstanding of their complicated backgrounds.

➤ They are brought up in a caste-neutral or a-caste environment, which essentially means being subjected to the dominant caste parent's identity.

➤ The closest they come to caste is while availing caste reservations or visiting their Dalit family.

➤ The notion of inter-caste marriage has become a passport for those who have lived the life of oppressing Dalits directly or by virtue of their participation in anti-Dalit prejudices, to now suddenly assume the position of misrepresenting Dalits.

Government Scheme

The 'Dr Ambedkar scheme for social Integration through inter caste marriage' was started in 2013 to encourage inter-caste marriages:

⊙ It offers Rs 2.5 lakh if one of the partners is a Dalit.

⊙ One of the requirements is a recommendation from a sitting MLA / MP and government officer concerned.

⊙ The scheme wants to appreciate and promote the "socially bold step" of the couple.

⊙ When countries worldwide are now integrating rapidly across color, racial, ethnic boundaries, the Indian government has to offer incentives for couples to marry outside rigid boundaries.

Conclusion:

⊙ Coming back to Ambedkar's speech quoted above, he further suggested that to break the caste system, it was pertinent to destroy religious notions, the sanctity of the Shastras on which caste was founded and not occasionally bring about "inter-caste dinner and inter-caste marriages, which were futile methods of achieving their ends".

⊙ What Ambedkar is arguing is not against inter-caste marriage, but he is inviting us to go deeper, beyond social sanctions. He wants us to be participants in movements that would upend and eventually change mindsets.

| 28 | **The changing need of Education in India** |

Context:

● Recently, the Government approved a new scheme **"New India Literacy Programme"** for the period FYs 2022-2027 to cover all the aspects of Adult Education to align with National Education Policy 2020.

● The government has also decided to use the term **"Education For All"** in place of **"Adult Education."**

- **This is because the terminology "Adult Education" is not appropriately incorporating all non-literates of 15 years and above age group.**

Background

⊙ As per Census 2011, the absolute number of non-literates in the country, who are 15 years and above, is 25.76 crore.

⊙ It is estimated that currently, around 18.12 crore adults are still non-literate.

"State of the Education Report (SOER) -2021 of India-" No Teachers, No Class"

Key-points

⊙ This report is published annually by UNESCO. This is the third edition of the Education Report.

⊙ This year, the report focuses on the theme "teachers, teaching and educating teachers", highlighting the challenge of teaching.

⊙ The report seeks to provide insight into key aspects of the teaching profession and provides a profile of 9.6 million teaching staff.

⊙ The report also highlights the challenges of a complex system of teaching and their professional development.

⊙ The findings of this report were prepared on the basis of the data obtained from:

  ➤ Periodic Labor Force Survey (PLFS)

  ➤ Unified District Information System for Education (UDISE)

Key-findings

⊙ As per the report, there are close to 1.2 lakh schools in India. It accounts for 7.15 percent of 11.51 lakh schools. Of this, 89 percent are in rural areas.

⊙ 51% of total schools are employing 95 lakh teachers.

⊙ According to the Report's findings, India needs 11.16 more teachers to address the current shortage.

⊙ Countries with the highest percentage of schools with single teachers are

  ➤ Arunachal Pradesh (18.22%)

  ➤ Goa (16.08%)

  ➤ Telangana (15.71%)

  ➤ Andhra Pradesh (14.4%)

  ➤ Jharkhand (13.81%)

  ➤ Uttarakhand (13.64%)

  ➤ Madhya Pradesh (13.08%)

  ➤ Rajasthan (10.08%)

Analysis

■ **What is the New India Literacy Programme (NILP)?**

  ➤ The New India Literacy Programme is implemented by the Ministry of Education in convergence with various Ministries and Departments to implement the scheme.

  ➤ It is a Centrally Sponsored Scheme.

- ➤ The scheme will be implemented through volunteerism through online mode.
  - • The training, orientation, workshops of volunteers, maybe organised through face-to-face mode.
- ➤ The Objective of this Programme to impart not only foundational literacy and numeracy but also to cover other components which are necessary for a citizen of the 21st century. Such as-
  - • Critical life skills (financial literacy, digital literacy, commercial skills, health care and awareness, child care and education, and family welfare)
  - • Vocational skills (with a view towards obtaining local employment);
  - • Basic education (including preparatory, middle, and secondary stage equivalency) and
  - • Continuing education (including engaging holistic adult education courses in arts, sciences, etc and recreation, as well as other topics of interest or use to local learners).
- ➤ The scheme will cover non-literates of the age of 15 years and above in all states/UTs.
- ➤ The target for Foundational Literacy and Numeracy for FYs 2022-27 is5 crore learners at one crore per year by using "Online Teaching, Learning and Assessment System (OTLAS)."

Status of Adult illiteracy in India

- ◎ As per Census 2011, the absolute number of non-literates of the country in 15 years and above age group is 25.76 crore.
  - ➤ About 7.64 crore persons are certified as literates under the Saakshar Bharat programme.
  - ➤ Hence, it is estimated that currently, around 18.12 crore adults are still non-literate in India.

Important Constitutional provisions

Education was sole responsibility of state till 1976 but constitutional amendment made it concurrent subject.

Fundamental Rights

- ◎ **Article 21A:** Right to Education
- ◎ **Article 28:** Freedom as to attendance at religious instruction or religious worship in certain educational institutions.
- ◎ **Article 29:** Equality of opportunity in educational institutions.
- ◎ **Article 30:** Right of minorities to establish and administer educational institutions.

Directive Principles:

- ◎ **Article 41:** Right to work, to education and to public assistance in certain cases
- ◎ **Article 45:** Provision for free and compulsory education for children and Provision for early childhood care and education to children below the age of six years
- ◎ **Article 46:** It provides for special care to the promotion of education and economic interests of the scheduled caste, scheduled tribes and the weaker sections of society.

Government initiatives promoting online education in India:

Digital India initiative in mind, the government is aiming to give online education a big push, in an attempt to widen the reach of higher education. Following are the major initiatives taken by the government to promote online education in India:

How Government is promoting online education?

⊙ **SWAYAM:** The 'Study Webs of Active Learning for Young Aspiring Minds' (SWAYAM) is an integrated platform for offering online courses and covering school (9th to 12th) to Post Graduate Level.

⊙ **SWAYAM Prabha:** SWAYAM Prabha is an initiative to provide 32 High Quality Educational Channels through DTH (Direct to Home) across the length and breadth of the country on 24X7 basis.

⊙ **National Digital Library (NDL):** The National Digital Library of India (NDL) is a project to develop a framework of virtual repository of learning resources with a single-window search facility.

⊙ **Free and Open Source Software for Education (FOSSEE):** FOSSEE is a project promoting the use of open source software in educational institutions.

⊙ **E-Yantra:** e-Yantra is a project for enabling effective education across engineering colleges in India on embedded systems and Robotics.

⊙ **Other major initiatives include:**

➤ **UG/PG MOOCs** for non-technology courses

➤ **e-PG Pathshala** or e-content containing modules on social science, arts, fine arts, natural and mathematical science

➤ **CEC-UGC YouTube channel**

➤ **Vidwan –** a database of experts who provide information to peers and prospective collaborators,

➤ **NEAT –** an initiative by AICTE based on the PPP model to enhance the employability skill among students, in collaboration with Education Technology Companies and National Digital Library (NDL), a repository of learning resources with single window facility.

➤ Many noteworthy initiatives have been taken up like Spoken Tutorial, Google Classroom and so on.

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