

From Director's Desk,...



It gives us immense pleasure to acknowledge the appreciation showered upon the **VAJIRAM AND RAVI'S GS Mains Probable** by most of the top rank holders, including AIR 1.

GS Mains Probable is a concise booklet dedicated for **GS Mains Preparation**, and contains **analysis on smartly selected current topics** which have **good probability of being asked in Main Exam**. The booklet is specifically designed on the lines of **UPSC previous year Mains paper**. It contains details of relevant news, analysis of important issues, articles, editorials, gist of popular Sansad TV debates, PIB coverage, Kurukshetra, Yojana magazine and much more. To ease out preparation, it is arranged section wise namely: **GS 1 GS2 GS 3**.

While preparing this booklet, our focus is on both **comprehensive coverage** as well as **in-depth analysis from mains exam point of view**. The best part of this booklet is that it is comprehensive yet concise. Thus, it is very easy-to-read booklet with a sole purpose of helping aspirants brush up their mains Knowledge in limited time.

Fulfilling its commitment, it stood the test of UPSC as many questions were asked in CSE 2021 from among the topics dealt in GS Mains Probable, helping aspirants in their endeavour to achieve the remarkable feat. Encouraged by its success, we have planned to bring **two volumes of GS Mains Probable for Main Exam 2022**. With more enrichment being added to Mains Probable this year, we hope that it will certainly be even more helpful in giving a flight to your preparation and thrust to your ranks.

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HISTORY AND CULTURE

Sant Kabir

- The President recently inaugurated **Sant Kabir Academy and Research Centre** at Kabir Chaura Dham, Maghar, Uttar Pradesh.
- Born in the city of **Varanasi** in Uttar Pradesh, Kabir was a 15th-century Indian **mystic poet and saint**, whose writings influenced Hinduism's Bhakti movement.

Kabir's Compositions

- These can be classified into three literary forms – **dohas** (short two liners), **ramanas** (rhymed 4 liners), sung compositions of varying length, known as **padas** (verses) and **sabdhas** (words).
- He composed his verses orally and is generally assumed to be illiterate.
- His poems were in **vernacular Hindi**, borrowing from various dialects including **Braj, Bhojpuri and Awadhi**. Most of his work was concerned with devotion, mysticism and discipline.
- His verses are found in Sikhism's scripture **Guru Granth Sahib**, **Satguru Granth Sahib** of Sant Garib Das and **Kabir Sagar**.

Kabir and the Bhakti Movement

- The Bhakti movement, which began in the 7th century in South India, had begun to spread across north India in the 14th and the 15th centuries.
- The movement was characterized by popular poet-saints who sang devotional songs to God in vernacular languages. They emphasized on intense emotional attachment with God.
- One school within the Bhakti movement was the **Nirguni tradition** and Sant Kabir was a prominent member of it. In this tradition, God was understood to be a **universal and formless being**.
- Many of the saints of the Bhakti movement came from the ranks of the lower to middle artisanal classes. Kabir was a low caste weaver (Julaha), Raidas was a leather worker and Dadu a cotton carder.

Kabir's Critique Of Religion And Caste

- Kabir questioned rituals and unethical practices of all religions primarily the wrong practices in Hindu and Muslim religion. He also dismissed the sacred authority of their religious books, the Vedas and the Quran.
- Kabir did use the name Rama in his poems, but he clarified that he was not referring to the avatar of Vishnu, but a formless and general Hindu name for the divine.
- Instead of God being an external entity that resided in temples or mosques, Kabir argued that God existed inside everyone.
- He, like the other prominent saints of his time, held that one could attain salvation only through bhakti, intense love or devotion to God.
- In many of his verses, Kabir proclaimed that people of all castes have the right to salvation through the bhakti tradition.

Kabir's Legacy

- Kabir's message of equality led to a community of his followers called the **Kabir Panth** - a sect in northern and central India. Historians estimate that it was established in India between 1600 and 1650, one or two centuries after his death.

- Today, the sect exists as a large and distinct community, with various sects under different spiritual leaders. However, all regard Kabir as their guru and treat the Bijak as their holy scripture.
- The **Bijak** contains works attributed to Kabir and is believed to have been written in the 17th century.
- Kabir's teachings continue to shape various religious discourses in India today. In the Sikh tradition he is seen to have influenced Guru Nanak, for Hindus he is a Vaishnavite (devotees of Vishnu), and is revered by Muslims as a Sufi saint.

Subhas Chandra Bose

- In order to commemorate the 125th birth anniversary of freedom fighter Netaji Subhas Chandra Bose, the government has decided to install his statue at India Gate.
- Born in 1897 in Cuttack, Bose was an Indian nationalist in the era of British colonialism.
- After completing his education in India, Bose left for London to prepare for the Indian Civil Services exam and cleared it.
- He had mixed feelings about working under the British, and eventually resigned in 1921 as a symbol of boycotting the British after the incident of the Jallianwala Bagh massacre.

Role in Freedom Struggle

- After returning to India, Bose joined the Indian National Congress (INC) under the influence of Mahatma Gandhi and started the newspaper "**Swaraj**".
- In the year 1923, he became the President of the All India Youth Congress and became the editor of the newspaper "**Forward**" started by **C.R. Das**.
- In 1928, Motilal Nehru Committee demanded Dominion Status in India but Bose along with Jawaharlal Nehru demanded complete independence of India from the British.
- He was sent to jail in 1930 during Civil Disobedience movement and was released along with other prominent leaders in the year 1931 when the Gandhi-Irwin pact was signed.
- In 1938, he was elected as **President at Haripura session** of the INC. After re-elected as President in **1939**, differences arose between him and Gandhi.
- The senior leadership in the Congress supported Gandhi, and Bose resigned as President and formed another group called the **Forward Bloc**.
- He started a mass movement against using Indian men in the wars of foreign countries which received immense support and which led him to be put under house arrest in Calcutta but he left the house in disguise in **January 1941 and reached Germany**.
- His attempts to get rid of the British with the help of the Nazi party and Imperial Japan during the time of the second world war left him a troubled legacy.
- In July 1943, he arrived in Singapore and took over the reins of the Indian Independence Movement started by **Rash Behari Bose** and organized the **Azad Hind Fauj** also known as the **Indian National Army (INA)**.
- The INA **liberated the Andaman and Nicobar islands** but when it reached Burma, bad weather conditions, as well as the defeat of Japan and Germany in the Second World War, forced him to retreat.
- He **died in a plane crash in Taipei**, Taiwan in 1945.
- In honour of his contribution to the freedom struggle, his birthday anniversary is celebrated as **Parakram Diwas**. Parakram means Courage.

Salient Features Of Indian Society

World Inequality Report 2022

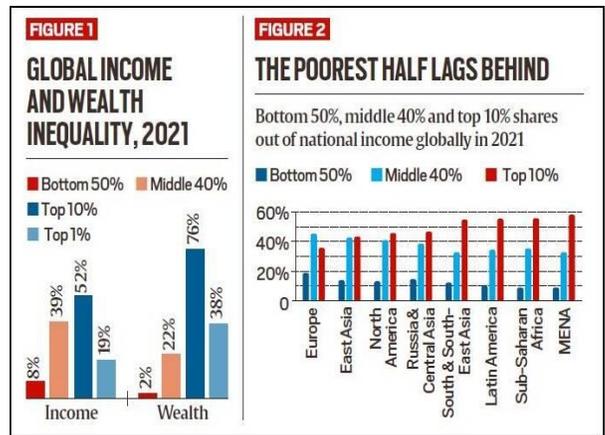
The **World Inequality Report 2022** was released recently by the **World Inequality Lab** along with some prominent economists.

Key Findings

- The poorest half of the global population barely owns any wealth at just 2% of the total, whereas the richest 10% owns 76%.
- The Middle East and North Africa (**MENA**) are the **most unequal regions** in the world, whereas **Europe** has the **lowest inequality levels**.
- Inequalities within countries are now greater than those between countries. In Europe, the top 10%'s income share is around 36%, and in MENA, it is 58%; in East Asia, it is 43%, and in Latin America, 55%.
- Also, even as countries have become richer over the last 40 years, their governments have become significantly poorer, a trend magnified due to the pandemic.

Other Key Inequalities

- Women's share of total incomes from work was about 30% in 1990, and is less than 35% now.
- Global income and wealth inequalities are strongly connected to **ecological inequalities** and to inequalities in contributions to climate change.
 - ✓ The top 10% of emitters are responsible for close to 50% of all emissions, while the bottom 50% contributes 12%.



Inequality in India

- India stands out as a poor and very unequal country, where the **top 10% holds 57%** of the total national income, including **22% held by the top 1%**, while the **bottom 50% holds just 13%** in 2021.
- The average national income of the Indian adult population is ₹2,04,200. While the bottom 50% earns ₹53,610, the top 10% earns more than 20 times (₹11, 66,520).
- The average household wealth is Rs 9,83,010, of which the bottom 50% owns Rs 66,280, a mere 6%.

Reducing Inequality In India

- **Demand-Based Guaranteed Employment Scheme For Urban Unemployed**
 - The Government should launch a guaranteed employment programme for the urban unemployed.
 - This demand-based guaranteed employment scheme should be launched on the lines of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). This will help in rehabilitation of the surplus-labour.
- **Roll Out A Universal Basic Income (UBI) Scheme To Reduce Income Gaps**
 - UBI is a government program in which every adult citizen receives a set amount of money regularly.

- The goals of a basic income system are to alleviate poverty and **replace** other need-based social programs that potentially require greater bureaucratic involvement.
- UBI can reduce income gap and ensure equal distribution of earnings in the labour market.
- **More Expenditure Towards Social Services And The Social Sector**
 - The Govt must allocate more percentage of expenditure towards social services and social sector.
 - This will makemost vulnerable population resilient to sudden shocks and stop their descent into poverty.
 - Increasing the budget for social protection schemes.

Population And Associated Issues

Demand For A Population Control Law

- The Ministry of Health and Family Welfare recently submitted its response to a public interest litigation (PIL) in the Supreme Court.
- The PIL claimed that Population explosion in India is a major cause of poverty, criminal activity and distorted development; and suggested that a population control law, based on the model of China, is urgently required in India.
- It also asked the Supreme Court to give directions to the government to frame a law on population control and family planning.

Centre's Response

- The Centre told the SC that China model shows that any coercion to have a certain number of children is counter-productive and leads to demographic distortion. In fact, recently National legislature of China has **formally endorsed the three-child policy**. The reason being the population control policy has bene proven regressive in China which is evident from --
 - **Change in Demographic Structure:** Compared to census 2010, the recent census had recorded an increase in the population in the age group of 60+ (5.4% increase). **On the other hand**, the population in the 15-59 age group has declined (6.7% since 2010)
 - **Declining Workforce:** China's workforce in the 15-59 age bracket peaked at 925 million in 2011. It had dropped to 894 million in this census.
 - **Fertility rate** well below the replacement rate - The fertility rate was 1.3 children per woman in 2020, which is far below the replacement level of 2.1(for developed countries). It is similar to the **fertility rates in Japan and Italy**, which are home to some of the **world's oldest populations**.
 - **Fear of Economic Burden** - A shrinking working age population and a growing retired population would hamper China's economic growth and strain social services.
 - **Increase in sex-based abortions** – Previous policy had led to selective sex-based abortions, causing female feticide and a sex imbalance to form over time. In 2020, China had 723.34 million men, compared to 688.44 million women.

The skewed sex ratio also led to **increased trafficking of women and forced prostitution**.

- China was accused of **enforcing reproductive limits as a tool for social control**. E.g. The **Uighur Muslims** were forced to have fewer children to restrict the growth of their population.
- Also, through various voluntary birth control measures, India is witnessing a **constant decline in the total fertility rate (TFR)**. India's TFR was 3.2 in the year 2000 compared to 2.2 in 2018, and now 2.0 as per the latest report of NFHS-5.

- Among the larger states, only 3 states – Bihar (3.0), UP (2.4), and Jharkhand (2.3) – have a fertility rate above replacement level fertility of 2.1 or less.
- The National Population Policy, 2000 also aims to achieve **replacement level fertility**. Its long-term objective is to achieve a stable population by 2045, at a level consistent with the requirements of sustainable economic growth, social development, and environmental protection.

States That Incentivizes Two-Child Norm

- **Uttar Pradesh (UP)** government announced a new population policy for 2021-2030.
 - UP government will give promotions, increments, concessions in housing schemes and others perks to employees who adhere to population control norms and have two or less children.
 - For non-government employees, the incentives are rebates in taxes on water, housing and home loans.
 - If a single child's parent opts for a vasectomy, the child will be entitled to free medical facilities until the age of 20. Such children are also proposed to get free education, insurance, and preference in government jobs.
- **Rajasthan and Madhya Pradesh:** Those having more than two children are not eligible for appointments in government jobs.
- **Maharashtra And Gujarat:** Candidates are disqualified from contesting local body elections for having more than two children.

Arguments Against Tailoring Population Control Law

Apart from center's response mentioned above, there are other arguments also that counter any population control law. These are-

- **Declining Decadal Growth Rate:** 2001-11 is the first decade in the last 100 years which has added lesser population as compared to the previous one. The 2001-11 decade registered the sharpest decline in the decadal growth rate, from 21.5% in 1991-2000 to 17.6% in 2001-11
- **Discriminatory Against Women:** India has one of the world's highest rates of female sterilizations, with about 37% of women having the operations. Only a tiny fraction of men choose to have vasectomies.
- **Penalizing Vulnerable Section Of Society:** Sometimes, it is due to extreme poverty, lack of awareness or the inability to afford contraceptives or abortion that people have more kids. De-incentivization (taking away subsidies) will have detrimental effect on these already vulnerable people.
- **Contravention of violation international laws** as India became a signatory to the International Conference on Population and Development Declaration in 1994. Thus, India is committed to honour the individual right of the couples to decide freely the number of children they want to have. These measures would be contrary to the constitutional Right to Life (Article 21).
- **Misuse of Law:** Studies have found that men divorced their wives to run for local body elections and families gave up children for adoption to avoid disqualification in states that had adopted a two-child policy.
- Such a policy takes away the basic rights of citizens like contesting election and voting. These policies also result in denial of merit.

Caste Census And Associated Concerns**Census 2021 Vs Previous Census**

- The country's 16th Census (Census 2021) will be done **digitally** for the first time. Till now, the process involved visiting every household and filling up forms. This year, workers going door-to-door will have **tablets or smartphones** that will let them enter information digitally.

- This would help in getting results almost immediately, unlike earlier cases where it used to take multiple years for the data to be analyzed and published.
- There is also a provision for **self-enumeration via** a mobile app for the collection of data.
- **Census portal** for *management and monitoring* of various Census related activities will act as a **single source** to provide **multi language support**.
- There will **not be any caste data** as was collected in previous Socio-Economic Caste Census (SECC) which was conducted alongside Census 2011.

The govt has made it clear in Supreme Court that a caste census of the Backward Classes is “**administratively difficult and cumbersome**” while conducting Census 2021.

- For the first time, data will also be collected under **Transgender Head**.

SECC 2011

- SECC was conducted for the **first time** since **1931**.
- Covers every Indian family, both in rural and urban India, and ask about their:
 - ✓ **Economic status:** To allow authorities to come up with a range of indicators of deprivation which could be used to define a poor.
 - ✓ **Caste name:** To allow the government to re-evaluate which caste groups were economically worse off and which were better off.

Arguments Against Conduct of SECC

- i) **Accuracy Questionable:** The Centre reasoned that even when the census of castes was taken in the pre-Independence period, the data suffered in respect of “*completeness and accuracy*”. It said the caste data enumerated in the Socio-Economic and Caste Census (SECC) of 2011 is “**unusable**” for official purposes as they are “replete with technical flaws”
- ii) **Exclusion Is A Conscious Policy Decision:** It clarifies that exclusion of information regarding any caste other than Scheduled Castes and Scheduled Tribes from the purview of the census is a conscious policy decision.
- iii) **Population census has never been the ideal instrument:** The government said caste-wise enumeration in the Census was **given up** as a matter of policy from 1951.
 - ✓ It said there was a policy of “**official discouragement of caste**”.
 - ✓ There is a “grave danger” that the “basic integrity” of census data would be compromised as many people may not register themselves in the census in the event of **hiding their caste**.
- iv) It is said that in India voters don’t cast their votes, they vote their caste. Break up of population in various caste would **further strengthen caste-based politics** in India. Such politics may lead to marginalization of developmental issues like health, education, etc.
- v) Differences with regard to objective of census and SECC. In the former data are considered confidential and in the later data are open for use by government departments.

Arguments In Favour of Conduct of SECC

- i) **Lack of data on OBC:** Even though data concerning the Scheduled Castes and Scheduled Tribes have been included in the Census, there is no similar data on OBCs.
- ii) SECC provides statistical justification for **caste based affirmative actions**.
- iii) **Legal imperative to have quantifiable data** as per the judgment of the SC in *Indira Sawhney Case and M. Nagaraj Case*.
 - ✓ In the Indra Sawhney case, the Supreme Court held that the States must conclude the “backwardness” of a particular class of people only after proper assessment and objective evaluation. It held that such a conclusion must be subject to periodic review by a permanent body of experts.
 - ✓ The National Commission for Backward Classes Act, 1993 provides under Section 11 that the Central government may every 10 years revise lists with a view to exclude those classes which have ceased to be backward and include new backward classes. This exercise has not been done to date
- iv) It will enable independent research and help in identifying poor households and devising positive actions.

Conclusion

A careful and reliable exercise of SECC will be an important step for uplifting the most backward classes from its shadow of caste and class politics. It will also help in bridging the current divide that has been created due to misuse or the perceived misuse of reservation.

CRS Report 2020

The **UT of Ladakh** has recorded **highest sex ratio at birth in 2020**, followed by Arunachal Pradesh, A&N Islands, Tripura and Kerala, according to annual report of Vital Statistics based on 2020 Civil Registration System Report.

Highlights Of The Report

A. Sex Ratio:

- ✓ Highest SRB (Sex Ratio at Birth: **Ladakh (1104)**, Arunachal Pradesh (1101), A&N Islands (984), Tripura (974) and Kerala (969).
- ✓ Lowest SRB: **Manipur (880)**, Dadar & Nagar Haveli, Daman and Diu (898), Gujrat (909), Haryana (916) and MP (921).

B. Birth Rate:

- ✓ States such as **Nagaland, Puducherry, Telangana, Manipur**, Delhi, Arunachal Pradesh, West Bengal, Kerala, Gujrat, Karnataka, Himachal Pradesh, Uttar Pradesh, Assam, TN, Uttarakhand, Maharashtra, Mizoram and Chandigarh recorded a **decrease in the registered birth rate**.
- ✓ States such as **Bihar, Haryana, Sikkim, MP & Rajasthan** recorded an **increase** in registered birth rate.

C. Death Rate:

- ✓ States such as **Maharashtra, Gujarat, Andhra Pradesh, Bihar**, WB, Nagaland, Haryana, Karnataka, TN, Sikkim, Punjab, MP, Odisha, Rajasthan, A&N Islands and Assam recorded an **increase** in death rate in 2020 compared to previous year. Bihar saw the maximum increase in the death rate followed by Maharashtra and Assam.
- ✓ States such as Manipur, Chandigarh, Telangana, UP, Uttarakhand, Puducherry, Arunachal Pradesh and Kerala saw a decrease in death rates in 2020 with respect to 2019.

D. Infant Deaths:

- ✓ The report noted that the share of infant death registration was only 23.4% for rural areas and **76.4%** for urban areas. Non registration of infant deaths in rural areas was a cause of concern due to non-reporting of infant deaths to local registrars.

About Civil Registration System (CRS)

- 🌀 The Annual Report on Vital Statistics of India based on Civil Registration System for 2020 **has been published by the office of Registrar General of India** on the basis of reports provided by the **Chief Registrar of Births and Deaths of respective States/UTs** as per the mandate of “**The Registration of Births and Deaths Act, 1969**”.
- 🌀 The implementation of the statute is vested with the **State Governments**.
 - The registration of births and deaths in the country is done by the functionaries appointed by the State Governments.
- 🌀 It is the unified process of **continuous, permanent, compulsory and universal recording of the vital events such as births, deaths and stillbirths, and their characteristics**. Civil Registration records are the best source of Vital Statistics. A complete CRS system is a must for the country as it has important administrative and statistical uses.
- 🌀 The data generated through CRS is essential for **socio-economic planning** and the **evaluation of social sector programs**. They also serve as the cornerstone of the public health system.
- 🌀 The **Registration of Births and Deaths Act, 1969** provides for the **compulsory registration of births and deaths**.
- 🌀 The CRS records provides for the legal identity to an individual citizens and access to their rights and entitlements i.e., social benefits provided by the Government. Registration of birth is a right of every child and is the first step towards establishing her/his legal identity.



Registrar General of India (Ministry of Home Affairs)

- It arranges, conducts and analyses the results of the demographic surveys of India including the decadal **Census of India** and **Linguistic Survey of India**
- Census organization was set up on an ad-hoc basis for each census till the year 1951 census.
- The **Census Act** was enacted in the year **1948** to provide a plan for conducting population census along with the **duties and responsibilities** of census officers.
- The Government of India decided to take steps to develop a systematic collection of data on population figures including vital statistics and census. For that reason, a permanent office of the Registrar General of India and ex-officio Census Commissioner was set up under the Ministry of Home Affairs in May 1949.
- Later, this office was also entrusted with the task of implementation of the Birth and Death Registration Act, 1969 in the country.

Proposed Amendment To The Registration Of Births And Deaths Act, 1969

According to the **2020-21** annual report of the Ministry of Home Affairs (MHA), the government is planning to automate (real time registration) the **Civil Registration System (CRS)**.

- The RGI has proposed amendment to the Registration of Births and Deaths Act, 1969. This amendment will enable it to maintain the database of registered birth and deaths at the national level.
- According to the proposed amendment, the database may be used to update the **Population Register, Electoral Register, Aadhar, Ration Card, Passport and Driving License databases**

Key Highlights Of The Report

- **Challenges Faced By CRS In Current Form**

The CRS system is facing challenges in terms of timelines, efficiency and uniformity, leading to delayed and under-coverage of birth and death.

- **Need To Introduce Transformational Changes In CRS For Prompt Service Delivery**

- ✓ This will be done through an IT enabled backbone which will enable registration of birth and death in real-time basis with minimum human interface.
- ✓ The changes would be in terms of automating the **process delivery points**
- ✓ The changes would be sustainable, scalable and independent of the location.

- **Need To Update The NPR Again**

- ✓ The CRS is linked to the National Population Register (NPR), which already has a database of **119 crore residents**.
- ✓ The report said there was a need to update the NPR again to incorporate the changes due to birth, death and migration.
- ✓ NPR was first collated in 2010 and updated in 2015 with Aadhaar, mobile and ration card numbers.
- ✓ The NPR was to be updated with the decennial Census exercise that has been postponed indefinitely due to the COVID-19 pandemic.

- **Registered Births And Deaths Had Witnessed A Steady Increase**

- ✓ The report noted that the proportion of total registered births and deaths had witnessed a steady increase over the years.
 - The registration level of births has increased to **89.3% in 2018 from 81.3% in 2009**.
 - On the other hand, registration level of deaths has increased from **66.9% in 2009 to 86.0% in 2018**.
- ✓ It pointed out, adding that the level of total registration of deaths was lower than that of births in most of the States. This may partly be attributed to non-reporting of domiciliary deaths and deaths of females and infants.

India's Life Expectancy Inches Up 2 Yrs To 69.7

- The Abridged Life Tables report for the period of 2015-19 has been released by the Sample Registration System (SRS).
- Abridged Life Tables report presents the life tables for India and bigger States/Union Territories.
 - ✓ A life table summarizes the mortality experience of a population during the period of study.
 - ✓ It states the probabilities of death and survival of a hypothetical group or cohort at different ages.

4 Major Source Of Vital Statistics In India



About Sample Registration System (SRS)

- It is the most regular source of demographic statistics in India.
- It is based on a system of **dual recording** of births and deaths in fairly representative sample units spread all over the country.
- The field investigation consists of continuous enumeration of births and deaths in selected sample units by resident part-time enumerators, generally anganwadi workers and teachers; and an independent retrospective survey every six months by SRS supervisors. The data obtained by these two independent functionaries are matched.
- The **office of the Registrar General & Census Commissioner**, which works under the home ministry, is responsible for the release of SRS.
- It was initiated on a pilot basis by the Registrar General of India in a few states in 1964-65. It became fully operational during 1969-70.

Function: The SRS provides annual estimates of

- Population composition, Fertility, Mortality, and Medical attention at the time of birth/death which give some idea about access to medical care

Key Highlights Of The Report

- **India's Life Expectancy At Birth**
 - ✓ India's life expectancy at birth increased to **69.7** in the 2015-19 period.
 - ✓ However, it is well below the estimated global average life expectancy of **72.6 years**.
- **Difficulty In Raising Life Expectancy At The Birth Faster**
 - ✓ It has taken almost ten years to add two years to life expectancy.
 - ✓ A look at life expectancy at age one and at age five in this period suggests high infant and under-five mortality.
 - ✓ This could be the reason India finds it difficult to raise life expectancy at the birth faster.
- **Over a 45-year period, India had added about 20 years to its life expectancy at birth**
 - ✓ India's life expectancy at birth increased from 49.7 in 1970-75 to 69.7 by 2015-19.

C'GARH HAS LOWEST LIFE EXPECTANCY

	Male	Female	Total (in %)
Delhi	74.3	77.5	75.9
Kerala	72.3	78	75.2
J&K	72.6	76.1	74.2
Himachal Pradesh	69.9	77.1	73.1
Punjab	71.1	74.7	72.8
Maharashtra	71.6	74	72.7
Tamil Nadu	70.6	74.9	72.6
West Bengal	71	73.2	72.1
Uttarakhand	67.6	73.9	70.6
Andhra Pradesh	68.9	71.8	70.3
Gujarat	67.9	72.8	70.2
Haryana	67.7	72.6	69.9
Odisha	68.5	71.1	69.8
Karnataka	67.9	71.3	69.5
Jharkhand	70.2	68.8	69.4
Bihar	69.6	68.8	69.2
Rajasthan	66.8	71.3	69
Assam	66.8	68.3	67.5
Madhya Pradesh	65.2	69.1	67
Uttar Pradesh	65	66.2	65.6
Chhattisgarh	63.7	66.9	65.3
India	68.4	71.1	69.7

- ✓ Odisha has had the highest increase of over 24 years, from 45.7 to 69.8 years followed by Tamil Nadu, where it increased from 49.6 to 72.6.

Huge Rural-Urban Variation

- ✓ Within India, there are huge variations across states and between urban and rural areas.
- ✓ Kerala is the only state where rural life expectancy was higher than urban life expectancy for both men and women.

TOP 5 PERFORMERS				
	Male		Female	Total
Delhi	74.3		77.5	75.9
Kerala	72.3		78	75.2
J&K	72.6		76.1	74.2
Himachal	69.9		77.1	73.1
Punjab	71.1		74.7	72.8

BOTTOM 5 PERFORMERS				
Chhattisgarh	65.3		63.7	66.9
UP	65.6		65	66.2
MP	67		65.2	69.1
Assam	67.5		66.8	68.3
Rajasthan	69		66.8	71.3

Life expectancy at birth in years

- In Uttarakhand that was the case among women.

- ✓ Bihar and Jharkhand remained the only states where male life expectancy was higher than for women in both urban and rural areas.

Life expectancy at birth of different countries (as per UN’s Human Development Report, 2019)

- ✓ Bangladesh and Nepal now have higher life expectancy at birth of 72.1 and 70.5 respectively.
- ✓ Japan has the highest life expectancy of 85. Norway, Australia, Switzerland and Iceland had a life expectancy of 83.

Longitudinal Aging Study in India (LASI)

- Launched in 2016, LASI is a full-scale national survey of scientific investigation of the health, economic, and social determinants and consequences of population ageing in India.
- LASI, Wave 1 covered 72,250 individuals aged 45 and above for the 2017-18 period. This included 31,464 people aged 60 and above; and 6,749 aged 75 and above from all states and Union territories, excluding Sikkim.
- Funded by the Union Ministry of Health and Family Welfare, it is India’s first and the world’s largest-ever survey that provides database for designing policies for the older population in the **broad domains of social, health, and economic well-being**.
- Similar studies have been carried out in 41 countries. In Asia, China, Korea, Japan, and Indonesia have taken up the exercise.
- The study was carried out by the **International Institute of Population Sciences (IIPS)**, Mumbai in collaboration with Directorate General of Health, **Harvard School of Public Health, University of Southern California, United Nations Population Fund (UNFPA) & National Institute on Ageing**.

Key Findings

- In the 2011 census, people aged 60 and above formed 8.6% of India’s population, accounting for 103 million elderly people. Growing at around 3% annually, the number of elderly-age population will rise to **319 million** in 2050.
- The study shows that the prevalence of single morbidity and multi-morbidity conditions increases with age.
- Around, 26% of older adults age 45 and above reported that they have been diagnosed with single morbidity and 18% have been diagnosed with multi-morbidities. Around a quarter (23%) of the elderly age 60 and above have multi-morbidities.

Mental Health Issues

- As per the study, one in five elderly persons in India has mental health issues.
- While age associated-decline in cognitive ability score is consistent across states and socioeconomic spectrum, it was found to be closely related to educational attainment across all ages.

- For instance, 9% of people with less than primary education had depression and it dropped sharply to 5% in people with 10 or more years of schooling.
- More women suffered from depression than men in the rural areas.

Work Limiting Health Conditions

- In the above-60 category, 11% suffered from at least one form of impairment — locomotor, mental, visual or hearing — compared with 6% in the 45-59 age bracket.
- Almost one-fourth of those over 60 face at least one limitation in pursuing daily activities such as movement in bed, changing position from sitting to standing, feeding, bathing, dressing, grooming, personal hygiene.

Social Security Benefits

- About one-fifth of those 60 and above, who are officially retired, are currently receiving pension and an additional 3% are expected to receive it. A large proportion **(78%) are neither receiving nor expected to receive pension.**
- More than half of people aged 60 and above (54%) with 10 or more years of schooling, and who are officially retired, are receiving pension. In comparison, just 4% of those with no schooling get pension.
- Social security coverage is significantly higher in smaller states and UTs where people are mostly engaged in full-time jobs and in public sector units. North, east and central Indian states have almost negligible social security coverage.

NO PENSION FOR 78% AGED 60 & ABOVE

- 27% of elderly have **multi-morbidities**, around **40% have a disability** and **20% have issues related to mental health**
- 3/4ths of those aged 60 and above who were diagnosed with chronic conditions have been treated for **hypertension (77%), chronic heart diseases (74%), diabetes mellitus (83%), chronic lung diseases (72%) and cancer (75%)**
- Over 50% of elderly treated for **stroke (58%) and bone or joint diseases (56%)**. Treatment rate for neurological and psychiatric diseases is 41%
- 78% of people aged 60 and above neither receiving nor expected to receive pension

“ In 2011 census, the 60+ accounted for 8.6% of India's population, accounting for 103 million elderly people. Growing at around 3% annually, the number of elderly age population will rise to 319 million in 2050 **”**
 —Union health minister **Harsh Vardhan**

The evidence from LASI will be useful in strengthening and broadening the scope of **National Programme for Health Care of the Elderly** and will also help in establishing a range of preventive and health care programmes for older population and most vulnerable among them.

PLFS Survey

According to the latest Periodic Labour Force Survey (PLFS), which also captured data on migration for the first time, nearly 88% of migrants moved within the same state in 2020-21, while 11.8% moved to another state during the same period.

- PLFS is released by Ministry of Statistics and Programme Implementation (**MOSPI**).

Overview of Migration In India

- Migration is the **movement of people away from their usual place of residence**, across either *internal (within country)* or *international* (across countries) borders.
- **Article 19(1)(e)** of the Indian Constitution guarantees all Indian citizens the right to reside and settle in any part of the territory of India, subject to reasonable restrictions in the interest of general public or protection of any scheduled tribe.
- As per 2011 Census, India had **45.6 crore migrants in 2011** (38% of the population) compared to 31.5 crore migrants in 2001 (31% of the population).
- Between 2001 and 2011, while the population grew by 18%, **the number of migrants increased by 45%**.
- In 2011, **99% of total migration was internal** and immigrants (international migrants) comprised 1%.

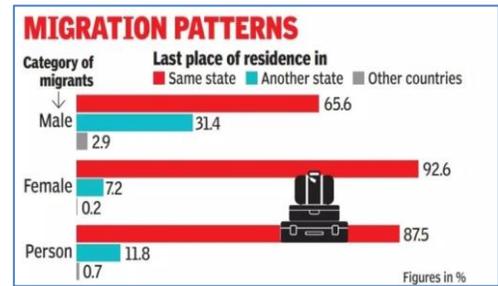
Findings of PLFS

- **Unemployment Rate:** It fell to 4.2% in 2020-21, compared with 4.8% in 2019-20. The rural areas recorded an unemployment rate of 3.3% and urban areas recorded an unemployment rate of 6.7%.

- **LFPR:** The percentage of persons in the labour force (that is, working or seeking work or available for work) in the population increased to 41.6% during 2020-21 from 40.1% in the previous year.
- **Worker Population Ratio (WPR):** It increased to 39.8% from 38.2% of the previous year.
- The massive migration triggered by the lockdown in the aftermath of the pandemic had prompted calls for better data on the issue to devise policies to combat a surge in such movement.
- The **migration rate** (percentage of migrants belonging to male or female category of persons) across the country was at 28.9% during the July 2020-21 period.
- The survey looked at distribution of internal migrants by four types of migration streams, which includes rural-to-rural, rural-to-urban, urban-to-rural and urban-to-urban.

Patterns of Migration

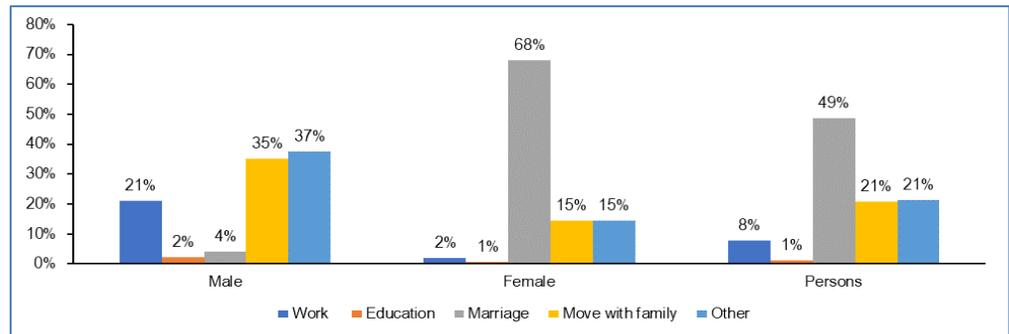
- One kind of classification is - **rural-rural** (54% of classifiable internal migration), **rural-urban**, **urban-rural** (7% or 3 crore) and **urban-urban**. Rural-urban and urban-urban movement accounted for around 8 crore migrants each.
- Another way to classify migration is - **intra-state and inter-state**.
 - ✓ In 2011, intra-state movement accounted for almost 88% of all internal migration (39.6 crore persons).
 - ✓ According to 2011 Census, there were 5.4 crore inter-state migrants. As of 2011, **Uttar Pradesh** (83 lakh) and **Bihar** were the largest source of inter-state migrants while **Maharashtra** (60 lakh) and **Delhi** were the largest receiver states.



Reasons For Internal Migration

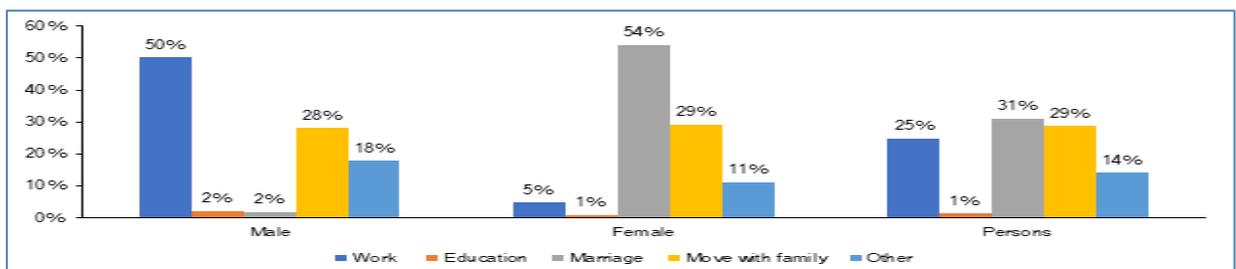
Reasons For Intra-State Migration

- ✓ As of 2011, the majority (70%) of **intra-state** migration was due to reasons of **marriage and family** with variation between male and female migrants.
- ✓ While 83% of females moved for marriage and family, the corresponding figure for males was 39%.
- ✓ Overall, 8% of people moved within a state for work (21% of male migrants and 2% of female migrants).



Reasons For Inter-State Migration

- ✓ Movement for **work** was higher among inter-state migrants (50% of male and 5% of female).
- ✓ Size Of Migrant Labour Force: As per the Census, there were **4.5 crore migrant workers** in 2011.
- ✓ The Economic Survey (2016-17) estimated **6 crore inter-state labour migrants** between 2001-2011.



Issues Affecting Internal Migrants	Challenges In Providing Services To Migrants
Labour Market - Low wages, high risk jobs	It is the main constituent of vulnerability for migrants in the informal labour market. It is estimated that migrant workers comprise nearly 60% of occupationally vulnerable workers outside agriculture.
Lack of Social Security	Almost all states are apathetic to the needs of migrants. Even if states make provisions for migrants' benefits, no measures are put in place to make migrants aware of the relevant schemes and policies.
Education and Skilling	Census 2011 states that 57.8% of female and 25.8% of male migrants are illiterate . About 80% of seasonal migrant children in major destinations lack access to education near work sites. There is absence of crèches, early childcare services, and other facilities at workplaces.
Housing and Sanitation	Internal migrants live in slum accommodations, often facing difficulties in accessing basic amenities like sanitation
Health	Poor work and living conditions impact their health.
Political Participation	Interstate migrants cannot exercise voting right since voting is determined by one's inclusion in the local constituency's electoral roll which is time consuming.
Identity and registration	Migrants often lack proper personal identification in the destination states. In addition to Aadhar, India provides for a system of state identification known as domicile/residency. This certificate is issued for those born in a state or for migrants who have resided for a stipulated period (which varies from state to state) and have applied for a domicile certificate.
Little or no upward mobility	Informal social networks help migrants in providing access to the urban job market in the initial stages, but do not have any positive effect on upward mobility

There is **lack of institutional and governance support** to facilitate safe transfer of remittances of migrants to their left-behind families

Declining expenditure on Social protection: Estimates show that the central government's expenditure on all major social protection programmes declined from 1.6 % in 2013-14 and to only 1.28% in 2019-20

Policy Gap: Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (1979) applies to only migrants crossing state boundaries and, therefore, a large section of migrants is excluded from its ambit. It does not monitor unregistered contractors and establishments and remains silent on provision for crèches, education centres etc

Lack of attention: Migrants constitute a **floating and invisible population**, alternating between source and destination areas and remaining on the periphery slums thereby accorded very low priority by the government

Macro databases such as Census fail to adequately capture flows of **short term migrants** and do not record reasons for their poor health.

Unorganised Workers' Social Security Act included neither a National Minimum Social Security Package, nor provision for mandatory registration due to lack of political will.

Inadequate data: There exists a serious data gap on the extent, nature and magnitude of internal migration which hampers delivery of services for migrants. The official data (Census or the National Sample Survey) is more than a decade old. Census 2011 migration data was made publicly available only in 2019.

Migrants do not constitute a homogeneous category, and are segmented along gender, class, ethnicity, language and religion

Marginalization of migrants

Their right to the city is denied because of 'sons of the soil' ideology
 Migrants are looked upon as 'outsiders' by the local administration

Factors Slowing The "Migration Policy" Momentum

- **Politicisation of Migration:** 'Destination States' experience a tension between economic needs (of migrant labour) and political needs (which promote nativist policies of imposing domicile restrictions on employment and social security).
 - ✓ Thus, the response to internal migration follows from State-specific calculations on what political dividends might be reaped
- **Inaccurate Identification of Migrants:** Migrants are located inside two larger categories that have long troubled policymakers: the **unorganised worker** and the **urban poor**.
 - ✓ Slum development continues as the primary medium for alleviating migrant concerns, while in reality, most migrants live on worksites that are out of the policy gaze
 - ✓ Even the e-Shram portal has been unable to accurately distinguish and target migrants.
- **Failure of Official Datasets for Migration** to capture the actual scale and the frequency of internal migration in India.

Poverty And Development Issues

Hunger And Malnutrition In India In Light Of Global Hunger Index Report 2021

In GHI Report 2021, India slipped to 101st position among 116 countries from 2020 ranking (94), with **score of 27.5** (category serious). It is placed behind Pakistan (92), Bangladesh (76), Nepal (76), and Myanmar (71).

Though India is concerned with the faulty methodology in calculation of GHI, it can't be denied that **hunger and malnutrition** are its two biggest curses. According to global nutrition report, India is home to **194.6 million undernourished people** i.e., three times the entire population of France. Globally, country is home to over **1/4th of all undernourished people worldwide** and **1/3rd of world's stunted** (chronically malnourished) children. Over the past decade, the proportion of:

underweight children fell ~7% points to 36% > **stunted children declined ~10% points to 38%.**

Despite the progress, these rates are still higher than those of many poorer countries in sub-Saharan Africa.

Why India's Performance On This Front Is Poor?

Despite steady economic growth and self-sufficiency in food grains production, the country is gripping from hunger and malnutrition because of following reasons-

- **Poverty Trap** – Poverty ridden do not have enough money to buy or produce enough food. In turn, they tend to be weaker and get trapped into poverty hunger nexus.
- **Dietary Ignorance** – People often do not complement their children's diet with sufficient **nutritional components**. As a result, we see the incidents of child stunting, child wasting etc.
- **Socio Cultural Factors** - Hunger in India also has **age, gender and caste** dimensions. Compared to men, women more often forgo meals to feed their children. This is evident from the World Bank's report which says that 60% of those who are hungry are female. Caste and tribe are structural factors which predispose certain groups to long term poverty which ultimately gets translated into hunger and malnutrition.

- **Politics of Distribution** - According to Amartya Sen, hunger usually arises from food distribution problems, or from governmental policies in developing world, and not from the insufficiency of food production. Corruption, leakages, exclusion-inclusion error etc. makes PDS inefficient.
- **Food Wastage** – Be it cold storage of FCI or the extravaganza shown in marriages and rituals, these wastages distort the food availability making difficult for poor and vulnerable to buy food from market.
- **Natural Disaster** – Erratic monsoon, draughts, unseasonal rainfall, cyclones etc. affects food grain production and hence affects the food security in India.

India's Effort

- **First five-year plan** focused on agriculture to increase food production. However, India had to depend on food aid like PL480 of USA. It was only after **Green Revolution**, India attained self-reliance and also surplus in food grain production.
- **Targeted public Distribution system** of India along with **Antodayaanna Yojana** aims to provide access to food grains to the most vulnerable sections of our society.
- There are a number of food-for-work programmes and employment guarantee schemes, the largest of which is the **MGNREGA** which aims to increase income levels to provide access to food and nutrition.
- **Rashtriya Krishi Vikas Yojna and National Food Security Mission** to increase the agricultural productivity to feed the hungry millions of our country.
- **National Food Security Act, 2013**: To provide subsidized food grains to ~2/3rd of India's 1.2 billion people.
- **Midday Meal Scheme & Integrated Child Development Services (ICDS)**
- **Food fortification programs** and schemes like **Nutri Farms** and Livestock development programs are striving towards reducing malnutrition among the people.
- **National Nutrition Strategy** by NITI Aayog.
- **Pradhan Mantri Garib Kalyan Anna Yojna (PMGKAY)** and **Atma Nirbhar Bharat Scheme (ANBS)** announced recently as a covid relief measures.

Policy Recommendations

- Enhance resilience of food systems to simultaneously address the impacts of conflict and climate change and to ensure food and nutrition security.
- Base actions on a thorough understanding of the context, and strengthen inclusive, **locally led** initiatives.
- Commit to flexible, need-based, cross-sectoral, multiyear planning & financing.
- Address conflict on political level, strengthen international law & ensure accountability for rights violations. Lead the way to fundamentally change food systems

Malnutrition should not be viewed as an offshoot of poverty having adverse effects on health, development of individuals but as a national problem that results in loss of productivity & economic backwardness. Thus, series of convergent and well-coordinated actions in different sectors are required to be undertaken in the mission mode approach to address this big network problem of malnutrition.

India's Concerns With GHI Calculation Methodology
<p>A common continuing criticism is that it continues to suffer from worse child malnutrition. Analysts in India believe it is due to the faulty methodology adopted to calculate the index.</p> <ul style="list-style-type: none"> ✓ The scientific measurement of undernourishment would require <u>measurement of weight and height</u>. However, this 4-question opinion poll was conducted telephonically by Gallup. ✓ Failed to take into account the other <u>parameters like availability of food grains per capita</u>.

- ✓ This methodology clubs the height and weight data about all children of the world together. On the basis of that ranking, it calls below average children wasted or stunted.
 - ✓ Raises question about what determines height of child? Is it gene or nourishment?
- As a result, an Indian child with healthy nourishment often ends up with less height or weight compared to her African counterpart. Thereby he/she is wrongly treated as wasted or stunted.

Sustainable Development Goals Localization

SDGs are collection of 17 intertwined global goals intended to be blue print to achieve a better and sustainable future for all. **Brundtland Commission** defines sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

Core Elements of SDGs

1. **Environmental Sustainability:** It prevents nature from being used as an inexhaustible source of resources and ensures its protection and rational use.
2. **Social Sustainability:** It can foster gender equality, development of people, communities and cultures to help achieve a reasonable and fair quality of life, healthcare and education across the globe.
3. **Economic sustainability:** It focuses on equal economic growth, equal distribution of economic resources and to remove poverty.



Localization of SDGs

It is a process of taking into account *subnational contexts* in the achievement of the 2030 Agenda from setting of goals and target, to determining the means of implementing and using indicators to measure and monitor progress.

Road Map For Localization Of SDGs

- Interpret the Goals and targets within the local context.
- Awareness about SDGs at subnational level. **Bottom-up approach** with empowering citizen participating in achievement of SDGs
- Advocacy including subnational perspective in national SDG strategies.
- Implementation of the SDGs to go local.
- Monitoring, evaluating and learning from our experience.

Importance Of Localization Of SDGs	Challenges To Localization Of SDGs
<ul style="list-style-type: none"> • All the SDGs have targets directly related to the responsibilities of local and regional government. • Ex UN Secretary General, Ban Ki - moon said that “our struggle for the global sustainability will be won or lost in cities.” • Improved state capacities, localised solutions, and promotion of cooperative and competitive federalism. • The achievement of SDGs depends more on the <i>ability of</i> 	<ul style="list-style-type: none"> • Limited Resources: Challenges associated with involving people at grassroot comes with high cost. E.g Panchayalti Raj institutions has fund crisis. • Lack of knowledge: There is lack of awareness among people especially <i>vulnerable section</i> about suitable and profitable livelihood options. • Inability to take into account the diversity of India, with hundreds of languages, socio-cultural practices especially among tribes who are among the most deprived sections with almost 90% living in rural areas • Infrastructure Challenge: Need to overcome challenges related to <i>availability of local data</i> and capacities to perform local monitoring

<p><u>local and regional government governments to promote integrated, inclusive and sustainable territorial development.</u></p> <ul style="list-style-type: none"> Local space are eventually the vital site of delivery and development. 	<ul style="list-style-type: none"> Lack of proper mechanism at local level to be taken by the local administrations. Problem of informal economy and lack of effective cooperative federalism has made it difficult to implement the important policies regarding SDGs. Least Developed Countries (LDC) lag behind on attaining sustainable Development. Developed countries are not helping developing countries & LDC in terms of resources allocation and technology transfer for effective implementation of SDGs.
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Measure Taken To Localize SDGs

- NITI Aayog with collaboration with UN releases **Sustainable Goal Index and Dash board.**
- Policies like Swachh Bharat Mission, measure taken to localize Ayushman Bharat is making India closer to achieve its sustainable goal no. 6.2.
- Niti Aayog’s **Aspiration District Program** is best manifestation of bottom up approach and in way india’s strive towards localization of SDGs.
- India follows holistic approach towards its 2030 sustainable Development Goals. Recent law on ban on single use plastic is one of greatest step towards achieving Agenda 2030.
- The Namami Ganga Mission, a key policy towards achieving the SDG-6 was an effective measure towards achieving SDGs.

Examples of Localisation from States

Assam	Arunodoi scheme for women from 1.7 million families through DBT
MP	Monthly collection of disaggregated data on specific indicators related to vulnerable population groups
Andhra Pradesh	Navaratnalu, a cluster of 9 flagship programmes, to reach out to vulnerable communities across different sectors
Bihar	Viksit Bihar ke 7 Nischay, a package of programmes which includes schemes on inclusion, entrepreneurship, women’s reservation in jobs, provision of water, electricity, concrete streets, toilets and higher education

Small cities in India present opportunities and specific challenges for localization mobility SDGs. E.g. Appropriation for air pollution control is crucial for developing strategies and polices to reduce air pollution. The developing countries like India will endeavor to do the best possible within their own domestic resources keeping in mind the sustainable development imperatives. It is important for global community to exhibit the obligatory momentum to act upon their responsibilities.

State of India’s Environment Report 2022

The Centre for Science and Environment (CSE) has released the State of India’s Environment Report 2022.

About The Report

- It is an **annual publication of the CSE and Down To Earth.**
- It has a comprehensive set of infographics and statistical analysis of how India’s states are faring in meeting the Sustainable Development Goals (**SDGs**).
- It **focuses on climate change, migration, health and food systems.**
- It also covers biodiversity, forest and wildlife, energy, industry, habitat, pollution, waste, agriculture and rural development.

Key Findings Of This Report

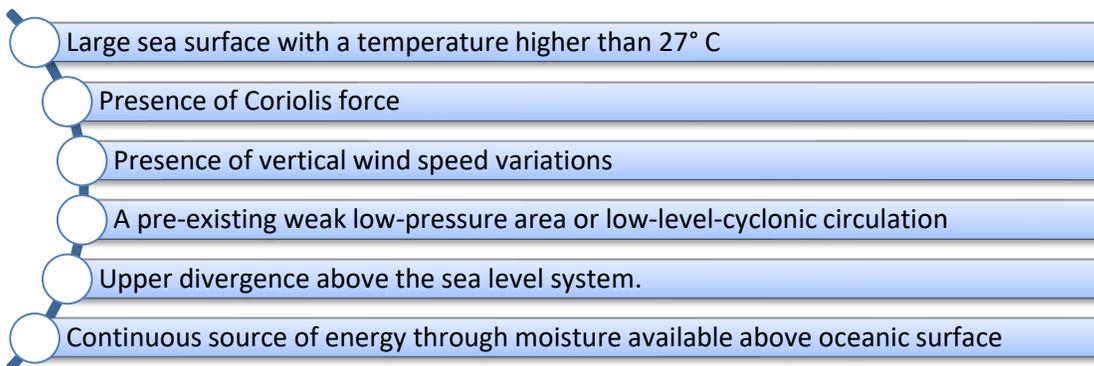
- **Economy** - The target for the economy is to raise the GDP to **nearly \$4 trillion by 2022-23**. But by 2020, the economy **has grown only to \$2.48 trillion**.
- **Employment** - The target is to increase the **female labour force participation rate to at least 30% by 2022-23**, it stood at **17.3%** in January-March 2020.
- **Housing** - The targets are to construct 29.5 million housing units under Pradhan Mantri Awas Yojana (PMAY)-Rural and 12 million units under PMAY-Urban, **only about 46.8% and 38% respectively** of the targets under 'Housing for All' have been achieved.
- **Provision of Drinking Water** - The target is to provide safe piped drinking water to all by 2022-23, only **45%** of the target has been achieved.
- **Agriculture** - The average monthly income of an agricultural household has **increased to Rs 10,218 from Rs 6,426**, this increase is largely due to increase in wages and income from farming animals.
- **Digitisation of Land Records** - Target is to digitise all land records by 2022. While many states have made good progress but **Jammu and Kashmir, Ladakh and Sikkim languish less than 10% digitisation of land records**.
- **Air Pollution** - The target is to **bring down PM2.5 levels** in Indian cities to less than 50 microgram per cubic metre ($\mu\text{g}/\text{m}^3$). In 2020, when vehicular movement was restricted due to the pandemic, 23 of the 121 cities monitored for PM2.5 exceeded 50 $\mu\text{g}/\text{m}^3$.
- **Solid Waste Management** - The **target is to achieve 100%** source segregation in all households **solid waste** but the **overall progress is 78%**.
- **Manual Scavenging** – The target is the complete eradication, but **India still has 66,692 manual scavengers**.
- **Increasing Forest Cover** - The target is to **increase it to 33.3%** of the geographical area, as envisaged in the National Forest Policy, 1988. **By 2019, 21.67% of India was under forest cover**.
- **Energy** - The target is to achieve **175 GW** of renewable energy generation capacity by 2022 but **only 56% of this target has been achieved**.

GEOGRAPHY

Arabian Sea Transforming Into Tropical Cyclone Hotspot

The changing climate and rising global warming have converted the Arabian Sea into a new hotbed for cyclonic activities. Earlier the majority of the cyclones used to occur in the Bay of Bengal.

Conditions for Formation of Tropical Cyclones



Time Period Till 2000

- Bay of Bengal was having perfect conditions for cyclone formation like more than 27-degree Celsius temperature, influx of fresh water from Ganga and Brahmaputra rivers etc. Hence Bay of Bengal was cyclone hotspot of Indian ocean.
- The Arabian Sea has been comparatively less prone to cyclonic storms than the Bay of Bengal. There was occurrence of one extremely severe cyclone every four-five years in the Arabian Sea.

Period 1891-2000	~308 tropical cyclones originated in Bay of Bengal, of which 103 were severe.	48 cyclones originated in Arabian sea, of which 24 were severe.
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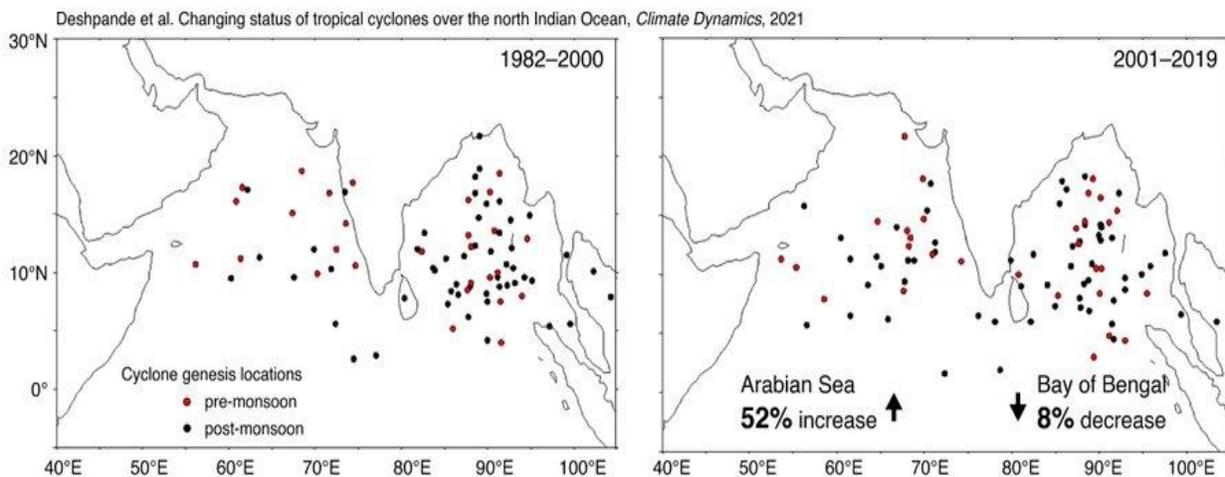
- Annually, the trend was that 5 cyclones on average used to form in Bay of Bengal and Arabian Sea combined. Among these, 4 develop in the Bay of Bengal and 1 in the Arabian Sea.

Events Post 2000 – New Trend Of Cyclone Seen

- Earlier, tropical cyclones in the Arabian Sea were **restricted** to Gujarat. However, now even Kerala and Karnataka have also become more vulnerable to cyclones.
- There is increase in **frequency** of cyclones in Arabian sea.

No.	Name of cyclone	Year of occurrence	Important feature
1	Mekanu	2018	
2	Vayu	2019	
3	Nisarga	2020	After landfall, it travelled till Jabalpur.
4	Tauktae	2021	Took only 2 days to become VSCS

- Journal *Climate Dynamics* has found that there has been a 52% increase in the number of cyclones in the Arabian Sea in the past 20 years. The number of very severe cyclonic storms (VSCS), with wind speeds of 118-165 km per hour, has increased by a whopping 150% in the Arabian Sea.
- **Life span** of all cyclones in the Arabian Sea has increased by 80% as compared to the twenty years preceding it. What’s also alarming is that the duration of VSCS has increased by a whopping 260% in the Arabian Sea. By comparison, the duration and frequency of cyclones in the Bay of Bengal has remained relatively stable

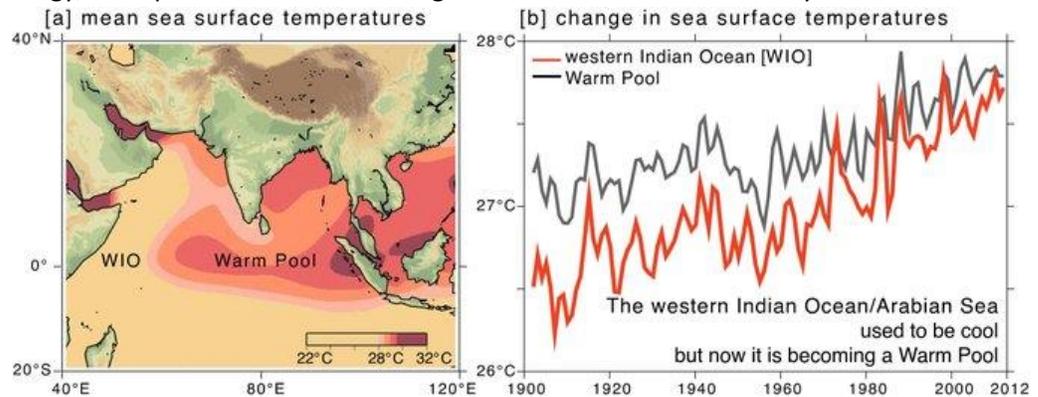


Factors Responsible For Making Arabian Sea A Cyclone Hotspot

1. **Ocean Water Warming** - UN Intergovernmental Panel on Climate Change’s (IPCC) reports over the past few years have reported that since 1970, the global ocean has absorbed 90% of the excess heat generated by *man-made climate change*. Because of this, Arabian sea become ‘warm pool region’, where sea surface temperatures (SST) are at least 28 degrees Celsius. This is a temperature threshold that is conducive to the creation of cyclonic storms.

2. **High Moisture Availability In Atmosphere** - A warmer atmosphere holds more moisture. Moisture content in the air increases by 7% for every 1 degree Celsius of warming. A combination of higher moisture content plus high SST is the perfect recipe for more powerful and destructive cyclones. *Cyclone Tauktae* absorbed so much heat and moisture from the ocean, which is why it could maintain its cyclone status even one day after making landfall.
3. The Arabian Sea is also providing **conductive wind shear** for cyclones. For instance, a higher-level easterly wind drove the depression of *Cyclone Ockhi* from the Bay of Bengal to the Arabian Sea.
4. Occurrence of **El Nino Modoki** creates conditions that are not conducive for cyclogenesis in the Bay of Bengal. However, this condition is conducive for the formation of cyclones in the Arabian Sea.

Here climate change can be seen as clear evidence of making Arabian sea a cyclone hotspot. Climate scientists at Indian Institute of Meteorology, have predicted that there might be more intensification of cyclone from Arabian sea as there is scope for further temperature rise of oceanic water. So there is urgent need for development of strategy so that impact of cyclones on coastal infrastructure, on the life of people is minimized.



Depletion Of Groundwater Level

- Recently, an analysis of water level data by the Central Ground Water Board (CGWB) indicates about **33%** of the wells monitored have registered decline in ground water levels in the range of 0 – 2 m.
- Decline of more than 4.0 m has also been observed in few pockets of the major cities in India.

Groundwater Extraction in India

- India is the largest user of ground water in the world, extracting ground water to the tune of 253 bcm per year, which is about **25% of the global ground water extraction**.
- Ground water extraction in India is primarily for irrigation, accounting for nearly 90% of the annual ground water extraction.
- The remaining 10% of extraction is for drinking & domestic as well as industrial uses.

Causes Of Groundwater Depletion	Effects Of Groundwater Depletion
<ul style="list-style-type: none"> • Green Revolution enabled water intensive crops to be grown in water deficit regions, leading to over extraction of groundwater. • Frequent pumping of water from the ground than it can renew itself, leads to a dangerous shortage in the groundwater supply. • Subsidies on electricity and high MSP for water intensive crops. • A small portion of groundwater depletion also occurs naturally, due the change in our climate. 	<ul style="list-style-type: none"> • It will force us to pump water from deeper within the Earth. As the depth to water increases, more energy is required to drive the pump. Using the well can become prohibitively expensive. • Large bodies of water will become shallower from groundwater depletion. A groundwater shortage keeps additional water from flowing into lakes, rivers and seas. • Groundwater that is deep within the ground often intermingles with saltwater that we shouldn't drink.

<ul style="list-style-type: none"> • Inadequate regulation of groundwater encourages the exhaustion of groundwater resources without any penalty. • Low water use efficiency • Sand mining in river bed. • Excessive use by industry like Paper and Pulp industry etc. 	<ul style="list-style-type: none"> • The less water is available, the less food we have and we will be faced with the issue of great demand and very little supply. • Social Impact: <ul style="list-style-type: none"> ✓ Less GW resource increases dependency on other sources- health issue. ✓ Long distance travelling
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Steps Taken To Control Groundwater Depletion

- Government of India launched **Jal Shakti Abhiyan** in 2019, intended to improve water availability including groundwater conditions in the water stressed blocks of 256 districts.
- **Atal Bhujal Yojana scheme** is for sustainable management of groundwater, with community participation, in identified over-exploited and water scarce areas.
- **Aquifer Mapping and Management Program** aims at aquifer status and their characterization for preparation of aquifer/area specific ground water management plan with community participation.
- **Master Plan for Artificial Recharge to Groundwater - 2020:** It is prepared by CGWB in consultation with the state governments. It envisages construction of about 1.42 crore Rain water harvesting and artificial recharge structures in the Country to harness 185 Billion Cubic Metre (BCM).

Way forward

- The contribution of groundwater to national gross domestic product should be measured.
- The pumping of groundwater should be regulated. Laws that are in place for the pumping of groundwater should be stricter and follow specific regulations.
- Encouraging farmers to adopt **micro-irrigation techniques** such as drip irrigation and micro-sprinklers.
- Some important techniques used for the recharge of the ground water are: **Check dams, Sink ponds, Farm ponds, and other Rain water harvesting methods**
- One of the most effective ways to address the issue of groundwater depletion is to find alternative sources of water. Like we can capture the rain water, use atmospheric water generation, use the same water after purifying it.
- Lastly, creating sustainable change would require a **bottom-up approach by empowering the local community** to become active participants in managing groundwater. The plan involves training community workers to carry out aquifer mapping and implement innovative ways to use groundwater conservatively with the local community. The participatory groundwater management (PGM) has been implemented in different states, albeit with some variations, such as the Andhra Pradesh Farmer Managed Groundwater Systems (**APFAMGS**) programme in Andhra Pradesh and **Pani Panchayats** in Maharashtra.

Need Of Water Policy In Light Of Commodification

- Commodification is the action or process of treating something as a mere commodity.
- The commodification of water refers to the process of transforming water, especially freshwater, from a public good into a tradable commodity also known as an economic good.
- Water privatization in India started in the late 1990s.
- The government with the technical assistance of International Financial Institutions like the World Bank and the Asian Development Bank developed water policies and various laws to facilitate private sector participation in the water sector.

- In December 2020, for the first time in history, a tradable water price futures index was launched on the Chicago Stock Exchange on the Nasdaq Veles California Water Index (NQH2O).
- Ascertaining water as a commodity and putting into competitive space shall result in discriminatory practices making survival of the less-privileged difficult in a country that fundamentally guarantees social and economic equality.

Dublin Statement on Water and Sustainable Development, 1992 remains the standard for consideration of the issues surrounding water resource use and protection. It is mentioned in the fourth principle of the Dublin Statement that water should be recognized as an economic good.

Growing Water Sector In India

- Water sector in India is expected to see investment of \$13 billion from overseas players in next few years.
- Companies from Canada, Israel, Germany, Italy, US, China and Belgium see big investment opportunities in the Indian water sector.
- With the Central government's planned investments in the water sector through the **Ganga River Cleaning Project**, the **Smart Cities initiatives** and the **Swachh Bharat campaign**, the industry hopes to create over 1 million jobs.
- It can be said that India provides huge opportunities across the spectrum in infrastructure development for water supply and waste-water management.

Need for a Central Policy on Water

1. **No Explicit Provision in Constitution:** While no particular provision in the Indian Constitution categorically recognizes water as a positive human right, the judiciary has interpreted **right to water as a fundamental right**, a facet of right to life and dignity under the ambit of **Article 21**.
2. **Incoherence State Laws:** In the 7th Schedule of the Constitution of India, water is listed as a 'State' subject. Several states have enacted laws on water and related issues. Instead, a common central policy is needed to bring coherence and force to largely uncoordinated and adhoc water policies set by states.
3. **Rising Demand For Water**
 - ✓ According to a study conducted, India's demand for water is expected to exceed all current sources of supply & the country is set to become a water-scarce country by 2025.
 - ✓ With increasing household income and increasing contributions from the service and industrial sectors, water demand in the domestic and industrial sectors is increasing substantially.
4. **Exploitation Of Natural Resource:** Nearly 70% of the country's irrigation and 80% of domestic water use comes from groundwater, which is rapidly getting depleted. Keeping this in mind, the Central government is working on legislation to restrict the unregulated use of freshwater across the country.

Suggestions

- To meet the United Nations-mandated SDG 6 of **access to safe drinking water and sanitation**, following measures can be taken as a part of a water policy–
 - ✓ Creation of transparent and democratic water legislations that promote maximum public participation;
 - ✓ Hydrologically planned and implemented water resource management decisions;
 - ✓ Prevention of exploitation of aquifers so that they can operate as strategic drought reserve;
 - ✓ None of the states have laws or executive notifications specifying the basis for water allocation among different segments of river basins in their jurisdiction.
- Baseline for calculating water available for **water futures** should be set only after fulfilling the domestic supply of water – as demonstrated and adopted by our Chinese counterparts conceptualising the 'China Water Exchange'.

- There is a need for promoting reforms that allow the purchase and sale of **water concession rights**, with the aim of making the concession system more flexible to better manage scarcity.
- The government cannot and must not abdicate its role as the caretaker of the nation's foremost resource, water.
- This is a common heritage which must be prevented from depletion and pollution through intense efforts and a forward looking policy.

Riverbed Sand Mining

- Environment clearance issued to as many as 60 mining areas has paved the way for legal mining of bajri (riverbed sand) in Rajasthan.
- The Supreme Court had banned the sand mining activities four years ago in riverbeds until a scientific replenishment study was completed.

Impact of Mining

- Excessive sand mining can alter river bed, force the river to change course, erode banks & lead to flooding.
- It leads to deepening of rivers and estuaries, and the enlargement of river mouths and coastal inlets.
- It may also lead to saline-water intrusion from the nearby sea.
- Increased riverbed and bank erosion increases suspended solids in the water at the excavation site and downstream.
- Sand mining transforms the riverbeds into large and deep pits; as a result, the groundwater table drops leaving the drinking water wells on the embankments of these rivers dry.
- Massive sand mining erodes river deltas, exposing coastal communities to severe land loss, and worsening the effects of climate change-induced sea level rise.

Step Taken To Tackle Sand Mining

- The Mines and Minerals (Development and Regulation) Act, 1957 empowers the State Governments to regulate the grant of mineral concessions in respect of minor minerals and make rules for the purposes connected therewith.
- The Ministry of Environment, Forest and Climate Change has released the **Sustainable Sand Mining Management Guidelines, 2016**.
- Several states have formed their own rules to regulate sand mining.
- **M-sand** is widely used as a substitute for river sand, which is a form of artificial sand, manufactured by crushing mainly rocks or granite.

CONSTITUTION AND POLITY

Indian Constitution: Historical Underpinnings, Evolution, Features, Amendments, And Significant Provisions

India's Role in Strengthening Democracy

In today's world, democracy is the political system that nations should aspire to. However, Democracy has seen a long and challenging journey. It went through ups and down since the time of its inception. The development and challenges that democracy has faced had made it grow continuously and so today democracy is one of the popular forms of governance.

India's Unique Role As Facilitator Of Constitutional Democracy In Global Forum

- In 1947, Indian government sent B.N Rau, a member of the Indian constituent Assembly, to Rangoon to assist with the drafting of a democratic constitution. Since then, India has **assisted with constitutional drafting** in Nepal, Sri Lanka, South Africa. Most recently, India helped with the drafting of Bhutan's first constitution in 2008 by sending K.K. Venugopal
- **Indian Constitution As Mirror To Other Countries:** Constitution drafter of many countries like Tanzania, Bhutan etc. studied Indian constitution. For example, the constitution commission Uganda choose four foreign constitutions while drafting constitution in late 1980 - Indian constitution was the only from a developing country.
- **Capacity Building:** Election Commission (EC) has given training to thousands of electoral officials from Asia, Africa, and other regions of the world in election management and parliamentary affairs for several decades.
- **Developmental Partnership Administration (DPA):** India has created DPA within the Ministry of External Affairs (MEA) to offer critical development assistance projects for many developing and *new democracies* across geographies. Examples: The building of the Afghan Parliament, providing support to Myanmar for upgrading its administrative and judicial capabilities.
- **Funding to Democracy Watch Dogs:** Together with US, India was instrumental in the creation of the UN Democracy Fund (UNDEF) to support democracy at international levels. India is one of the largest contributors to UNDEF that supports 66 NGO-led projects in South Asia.
- **United Nations Democracy Caucus:** India also helped to form the United Nations Democracy Caucus, the only body within the UN system to convene democratic states based on shared values.
- Non-Alignment Movement by India is a notion of democracy.
- India played an active role under Nehru in negotiating peace in the Korean peninsula by engaging all major stakeholders i.e. USA, USSR and China.
- India strongly condemned U.S action during Vietnam war and assisted Vietnam.
- Humanitarian assistance and technological assistance during the time of crisis is an example of making democracy stronger at bilateral and multilateral level. For example, Food aid (Nutritional assistance) to Afghanistan, Assistance to Nepal during Earth quake disaster.
- India demanding democratization of international organization like UNSC, WTO, WHO which will reflect current power equations and equal representation.

India's Efforts To Strengthen Democracy Within Country

- **Election Commission of India** makes sure that free and fair election happens across the country.
- Article 326 of constitution grants **Universal Adult Franchise** since 1950 giving a strong base to democracy. It is commendable to get adult franchise at a time when literacy rate was very low in the nation.
- **Fundamental Rights** in India enshrined in the part III (Article 12-35) of the constitution of India guarantees basic philosophical aspect of democracy.
- **Rule of law** assured by **Independence of judiciary** is an important instrument to keep democracy in check.
- **Democratic Decentralisation**: Twin constitutional amendments (73rd and 74th) in 1992 to create third-tier governments (rural and urban local bodies). With 3 million representatives at various levels (Gram Sabha, Panchayat Samiti, and Zilla Parishad), this is by far the largest democratic exercise anywhere in the world.
- Transparency in Governance via **Right to Information Act, 2005** is a vital tool.
- An **independent and free media**

Challenges In Way Of Growing Democracy

- The problem of degradation of democracy in **Global State of Democracy Report** is major concern for India.
- Parliamentary degeneration is one of major reason to weaken the democratic strength. For example, frequent disruption of parliamentary session, passage of bills without proper discussion (farm bill) etc.
- Poverty also creates challenge in smooth functioning of democracy.
- Corruption has also derailed the growth of democracy.
- Religious fundamentalism has opposed the progress of a nation and established control over various communities of the society.

The ideals of democracy look perfect on paper but the implementation of these fundamental ideas needs much more regards. Serious evaluation of the deficiencies and weakness and presenting solutions is compulsory to develop a culture of democracy rather using the democratic system as means to fulfill the interest of the few holding power.

**Reservation of Local Resident In Private Sector**

- Andhra Pradesh became the first state in the country to introduce reservation in the private sector.
- Maharashtra, Haryana Assembly have passed similar Bills to reserve private-sector jobs for local residents. Similar demands have come up in different states like Karnataka, Madhya Pradesh, Maharashtra, & Gujarat
- The objective of such laws is to **empower the local youth by giving them better jobs** as the government was not able to generate sufficient employment. So, reservations in private jobs are seen as essential to avoid higher unemployment among local people.

Analysis

- Since the private sector uses public infrastructure in many ways like subsidized allotment of land, tax exemptions etc, the state has a legitimate right to require them to comply with the reservation policy.
- The **Supreme Court** in its earlier judgments has supported domicile reservation in education. So, the state governments assume that the court will allow similar reservations in private jobs as well.
- However, these laws can be challenged to violate:
 - i) **Article 14** of the constitution which ensures equality before the law or the equal protection of the laws within the territory of India. Reservations to locals are against that equality.

- ii) **Articles 15(1) and 15(2)** also prohibit the state from discriminating against any citizen on grounds of religion, race, caste, sex, **place of birth**. But clauses (3) to (5) of Article 15 *empower the state* to provide for positive discrimination in favour of the grossly underrepresented and neglected sections of the society in order to promote substantive equality.
 - ✓ **Article 15(3)**: special provisions for women and children
 - ✓ **Article 15(4)**: socially and educationally backwards or SC/STs.
 - ✓ **Article 15(5)** goes one step further and says the state can reserve admission into education institutions, including private schools or colleges, whether or not aided by the government.
- iii) **Article 16(1)**: It provides for equality of opportunity for all citizens in matters relating to '**employment or appointment**' to any *office under the State*.
 - ✓ 16(3): It provides an exception by saying that *Parliament* may make a law "prescribing" a requirement of residence for jobs in a particular state. **This power vests solely in the Parliament, not state legislatures.**
 - ✓ Article 16(3) allows reservation based on the residence by a parliamentary law in matters of **public employment and not in private employment.**
- iv) **Article 19(1)(g)** which states that all citizens have right to practice any profession, or to carry on any occupation, trade or business Private sector firms can claim that the law effectively interferes with their constitutional rights to carry on their trade freely.
- v) **Article 371**: Only some states have special protections under Article 371. Andhra Pradesh under Section 371(d) has powers to have "direct recruitment of local cadre" in specified areas.
- vi) **Against the reservation ceiling**: Giving 75% reservation goes against the Supreme Court's ceiling of 50% for maintaining meritocracy.

Court Judgments That Goes Against Such Reservation Policies	
Pradeep Jain Vs Union of India, 1984	•SC discussed the issue of legislation for "sons of the soil". The court held an opinion that such policies would be unconstitutional but did not expressly rule on it.
Sunanda Reddy Vs State of Andhra Pradesh, 1995	•SC affirmed the observation in Pradeep Jain to strike down a state government policy that gave 5% extra weightage to candidates who had studied with Telugu as the medium of instruction.
Kailash Chand Sharma Vs State of Rajasthan, 2002	•Court held that "measures taken by State on considerations of localism are not sanctioned by constitutional mandate of equality"
2019, Allahabad High Court	•It struck down a recruitment notification issued by the Uttar Pradesh Subordinate Service Selection Commission. The commission prescribed preference for women who were original residents of the state

Conclusion

Giving reservations in jobs is only a temporary solution. The need of the hour is to focus on better job creation and skill development. A further idea of local reservation also goes against the spirit of Ek Bharat Shreshtha Bharat' that demands an integrated and mobile labour market within the country.

Section 124A of IPC

The Supreme Court (SC) has directed that all the proceedings on charges of sedition under **section 124A** of the IPC be kept in **abeyance** (temporary inactivity) until the government has completed re-examining the law under the section.

- The interim order issued an **absolute order staying all ongoing cases** under Section 124A of the IPC *where a chargesheet had been filed.*
- The court further stated that it expects the Centre and States to **refrain from filing FIRs, conducting investigations or taking coercive actions** under Section 124A while the colonial law is being reconsidered.
- Persons **charged in new cases were free to approach courts**, which would review their cases in light of the SC's judgement and the Union's clear position that the provision was abused and needed re-examination.

Interpretation Of Sedition Law

- As per **Kedar Nath judgment in 1962**, the sedition law was supposed to be applied in rare cases where the security and sovereignty of the country is at stake.
 - ✓ Supreme Court of India interpreted the section to apply **only if there is, "incitement to violence" or "intention or tendency to create disorder, or disturbance of law and order" or "overthrowing a democratically elected government through violent means.**
 - ✓ Thus, invoking sedition charges against academicians, lawyers, socio-political activists and students is in disregard of the Supreme Court's order

History of Sedition Law

- Lawmakers during 17th century England wanted only **pro government** opinion to survive. The British used this law to suppress opinions against the government. It was used to suppress the freedom movement.
- The law was originally drafted in **1837** by Thomas Macaulay, the British historian-politician, but was omitted when the Indian Penal Code (IPC) was enacted in 1860
- The rule was first used to prosecute Bal Gangadhar Tilak in 1897. After independence Constitution Amendment Act, 1951 introduced **new grounds of public order** to the sedition law. Sedition is defined as an **offense committed under section 124 of IPC.**

Section 124A of the IPC

- It defines sedition as crime when "any person by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into **hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India.**"
- Disaffection includes disloyalty and all feelings of enmity. However, comments without exciting or attempting to excite hatred, contempt or disaffection, will not constitute an offence under this section.

Punishment for Offense of Sedition

- Sedition is a **non-bail able** offense. The sentence ranges from imprisonment up to three years to life term, to which a fine may be added.
- The person charged under this law is not eligible to work in the government sector as a government employee.
- They have to live without passports and must produce themselves in court whenever required. Amnesty International was also charged under sedition in 2016 for their programme that showcased human suffering of the Kashmir conflict.

Section 501 of IPC

It says, whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory will be punished with simple imprisonment for a term that may extend up to two years or fine or both.

Arguments In Favour Of Sedition Law	Argument Against Sedition Law
<ul style="list-style-type: none"> • Reasonable restrictions: The constitution of India prescribes reasonable restrictions (under Article 19(2)) that can always be imposed on this right in order to ensure its responsible exercise and to ensure that it is equally available to all citizens. 	<ul style="list-style-type: none"> • It is colonial law and is not suitable for democratic setup. • Stand of Constituent Assembly: The Constituent Assembly did not agree to include sedition in the Constitution. The members felt it would curtail <i>freedom of speech and expression</i>

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| <ul style="list-style-type: none"> • Unity & Integrity: It has great utility in combating anti national, secessionist and terrorist elements. • Stability of State: It helps the government to rule without attempts to overthrow the government with violence and illegal means. • Handling insurgencies: Many areas face insurgencies and security issues. E.g. Maoist insurgency. | <ul style="list-style-type: none"> • Vague terms like 'disaffection' in section 124 are subject to different interpretations. • The sedition law is being misused as a tool to persecute political dissent. • Repressing Democratic Values: India is being described as an elected autocracy primarily because of the callous and calculated use of sedition law |
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Issues Related To Sec 124A Of IPC

- **High Pendency Of Cases:** In the year 2020 only, more than 95% of cases were pending with courts and 82% cases were pending with police.
- **Low Conviction Rate:** The conviction rate fluctuated from 3-33% for sedition law in last 5 years as per NCRB data.
- **Chargesheet:** Police was able to file charge sheet in only 36% cases relating to sedition law in last 5 years.
- Mr. Sibal (opponent) had said the Kedar Nath judgment had only covered how sedition affected free speech and expression enshrined in Article 19 (1)(a) and did not touch upon how the provision would snuff out the Right To Life (**Article 21**) and Right To Equal Treatment (**Article 14**).
- In light of the issues mentioned above, a three-judge Bench led by the Chief Justice of India debated whether the sedition law, in light of what is said in the **Kedar Nath verdict**, should be referred to a **five or seven-judge Bench** for reconsideration.
 - ✓ In **Kedar Nath judgment (1962)**, a five-judge Bench allowed Section 124A (sedition) to remain in the IPC, however it confined its applicability to activities including incitement to violence.

Year	Cases	DISPOSAL OF CASES						
		Pending probe	Found false or mistaken	Shut for lack of evidence	Chargesheet filed	Pendency with police	Pendency with courts	Conviction rate
2014	47	—	—	—	—	—	—	—
2015	30	—	—	—	—	—	—	—
2016	35	86	2	6	16	72%	91%	33%
2017	51	156	5	6	27	76%	90%	17%
2018	70	190	2	15	38	71%	86%	15%
2019	93	229	8	21	40	69%	74%	3%
2020	73	230	6	10	23	82%	95%	33%
Total	399		23	58	144			

Central Govt's Arguments

- The Central Government has informed SC that the 1962 Constitution Bench ruling upholding the legitimacy of the sedition law must be recognised as a binding precedent that has stood the test of time. The government said the logic of the Kedar Nath judgment was tested and applied successfully in several cases
- Countering Mr Sibal arguments, the central govt informed that merely because Article 14 and 21 are not mentioned, would not undermine its final judicial conclusion. The five-judge Bench read down Section 124A **only to bring it in conformity with Article 14, 19 and 21 of the Constitution.**
- Instances of abuse of Section 124A did not justify reconsideration of a binding judgment upholding the sedition law.
- **The remedy would lie in preventing such abuse** on a case-to-case basis rather than doubting a long-standing settled law for about six decades.
 - **A senior officer** at the level of the Superintendent of Police (SP) **could scrutinise the facts** of individual cases prior to registration of FIRs in a bid to prevent abuse.
- Section 124A represented a **cognisable offence** and the authorities could not be prevented from registering cases under the provision.
- There **could not be a blanket ban** on the prosecution of pending cases under Section 124A, as gravity of offences involve charges of terrorism, money-laundering, etc.

Conclusion

The sedition law is a colonial relic, used in past to curb freedom and democratic voices. The recent step of SC is in the direction of upholding democratic ethos. It will limit the **autocratic tendencies to curb free speech** by people in power. By placing all the proceedings under sedition law in abeyance, **the court has provided protection from unwarranted prosecution.**

The need of hour is to strengthen the democratic foundation of the country. Difference of opinion, dissent and criticism are vital for functioning of democracy. Sedition law has little relevance in modern day democracy. So, it should be used keeping Constitutional morality in mind by every stakeholder.

Section 144 of CRPC And Hate Speech

Section 144 of CRPC was imposed to restrict a religious gathering in Roorkee to prevent communal tension there. The SC has instructed the government of Uttarakhand to ensure that there would be no untoward incidents or unacceptable statements (hate crimes) during the religious gathering.

About Section 144 of CRPC

- It is a colonial era law, which was first brought in CrPC 1882 and retained in CrPC 1973.
- It empowers the DM, SDM or any other executive magistrate empowered by the state government to issue a prohibitory order to prevent and address urgent and emergency cases of possible danger and nuisance.
- The provision empowers magistrate to restrict the unlawful assembly (gathering of four or more people), movement and **carrying certain arms**.
 - ✓ During **curfew**, people are instructed to stay indoors for a particular period. The government puts a **complete restriction** on traffic as well.
 - ✓ Markets, schools, colleges and offices remain closed under the curfew and only essential services are allowed to run on prior notice.
- The written order by the magistrate may be directed against an individual or group residing in a particular area or to public at large.
- It also empowers the authorities to block internet access in the region.
- In urgent cases, the magistrate may pass order without giving prior notice to an individual or the section of population targeted.
- The order passed under Sec 144 of CrPC remains in force for a period of 2 months. However, state government can extend it for a period up to 6 months.

Concerns

- **Article 19(1)(a)** of the constitution guarantees the freedom of speech and expression. Though, provisions in clauses (2) to (6) of Article 19 authorizes the State to restrict the exercise of the freedom guaranteed under the article; yet Sec 144 of CrPC, if used in arbitrary and undemocratic manner by the concerned magistrate, violates the very provision of the constitution.
- Prohibitory orders are imposed over a large area to suppress the political dissent. This is unwarranted in a democracy.
- The first remedy against the order is a revision application that must be filed before the same officer. This is **against the principle of natural justice**.
- An aggrieved individual can approach the High Court by filing a writ petition if his fundamental rights are at stake. However, fears exist that before the High Court intervenes, the rights could already have been infringed.

SC Judgements on Sec 144 of CrPC

- **Babulal Parate vs state of Maharashtra, 1961:** The SC upheld Section 144 of CrPC and said that it is not correct to say that the remedy of a person aggrieved by an order under the section was illusory.

- **Madhu Limaye vs SDM, 1970:** A seven-judge Bench held that the power under Sec 144 is not an ordinary power flowing from administration but a power used in a *judicial manner* and which can stand *further judicial scrutiny*. The court ruled that section 144 covers 'reasonable restriction' to the fundamental rights laid down in Article 19(2) of the constitution.
- **Ramlila Maidan vs Home Secretary of UOI case, 2012:** The perception of threat to public order should be *real and not imaginary or a mere possibility* for using Sec 144.

Thus, it is settled position of the law that the Sec 144 of CrPC should be imposed sparingly and only when the emergency is sudden and the apprehension of consequences are sufficiently grave. D Y Chandrachud has rightly said *"Dissent is the safety valve of democracy. If dissent is not allowed, then the pressure cooker may burst,"*

About Hate Speech

- Hate speech covers **many forms of expressions** which *advocate, incite, promote or justify hatred, violence and discrimination* against a person or group of persons based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.
- It poses grave dangers for the cohesion of a democratic society, the protection of human rights and the rule of law.
- If left unaddressed, it can lead to acts of violence and conflict on a wider scale. In this sense, hate speech is an extreme form of intolerance which contributes to hate crime.

Legal Provisions on Hate Speech

- Hate speech has not been defined in any law in India. However, legal provisions in certain legislations prohibit select forms of speech as an exception to freedom of speech.

• IPC Provisions

- ✓ Under Section **153A of IPC**, 'promotion of enmity between different groups on grounds of **religion, race, place of birth, residence, language, etc.**, and doing acts prejudicial to maintenance of harmony', is an offence punishable with three years' imprisonment.
- ✓ **Sections 505(1) and 505(2)** make the publication and circulation of content which may cause ill-will or hatred between **different groups** an offence.

• Representation of the People Act, 1951

Section 8 disqualifies a person from contesting election if he is convicted for indulging in acts amounting to illegitimate use of freedom of speech and expression.

• Protection of Civil Rights Act, 1955

Section 7 penalizes incitement to, and encouragement of untouchability through words, either spoken or written, or by signs or by visible representations or otherwise.

• Religious Institutions (Prevention of Misuse) Act, 1988

Section 3(g) prohibits religious institution or its manager to allow the use of any premises belonging to, or under the control of, the institution for promoting or attempting to promote disharmony, feelings of enmity, hatred, ill-will between different religious, racial, language or regional groups or castes or communities.

Important Judgements

- In **Pravasi Bhalai Sangathan v. Union of India 2014**, the Supreme Court held that the *implementation of existing laws would solve the problem of hate speech to a great extent*.
- In **Jafar Imam Naqvi v. Election Commission of India 2014**, the petitioners filed a writ petition challenging the vitriolic speeches made by the candidates in the election and prayed for issue of **writ of mandamus** to the Election Commission for taking appropriate steps against such speeches.

However, the Court dismissed the petition on the ground that the petition under **Article 32** of the Constitution regarding speeches delivered during election campaign does not qualify as PIL and that the Court cannot legislate on matters where the legislative intent is visible.

- In **Shreya Singhal v. Union of India 2015**, issues were raised about **Section 66A** of the Information Technology Act, 2000 relating to the fundamental right of free speech and expression guaranteed by **Article 19(1) (a)** of the Constitution, where the Court differentiated between **discussion, advocacy, and incitement** and held that the first two were the essence of Article 19(1).

Suggestions

- The Law Commission has proposed that separate offences be added to IPC to criminalize hate speech quite specifically instead of being subsumed in existing sections concerning inflammatory acts/speeches.
- Similar proposals to add sections to the IPC to punish acts and statements that promote racial discrimination or amount to hate speech have been made by **M.P. Bezbaruah Committee (2014)** and the **T.K. Viswanathan Committee (2019)**.
- At present, the Committee for Reforms in Criminal Laws, which is considering more comprehensive changes to criminal law, is examining the issue of having specific provisions to tackle hate speech.

Supreme Court on Death Penalty

Supreme Court (SC) commuted the death sentence of a man, convicted of rape and murder of a seven year old girl, to life imprisonment. It may become noteworthy example to the anti-death penalty cause.

Key Point Of The Judgement

- SC has said that he shall **not** be entitled to **premature release or remission** before undergoing actual imprisonment for a period of **30 years**.
- It was mentioned that it is unsafe to treat this case as **rarest of rare** category.
- The Court advised trial judges to consider the **mitigation factors** in favour of life imprisonment.
- SC referred to the evolution of the **principles of penology**. It further explained that penology had grown to accommodate the philosophy of safeguarding of human life.

Previous Supreme Court Judgements

Jagmohan Singh v State of UP 1973

- SC has said that deprivation of life is **constitutionally permissible** if that is done according to the **procedure established by law**.

Bachan Singh v the State of Punjab 1980

- SC advocated the **rarest of rare doctrine**.
- According to this, death penalty is not to be awarded except in rarest of rare case.

Macchi Singh v State of Punjab 1983

- SC laid down certain **considerations for determining** whether a case falls under the category of rarest of rare cases or not.

Shankar Kisan Rao Khade vs State of MH 2013

- Capital punishment can be awarded only if there are **“zero mitigating circumstances”** favouring the convict. The award of death penalty should be **“society-centric”** and the litmus test is whether society will approve the awarding of death sentence or not.

Status of Death Penalty in India

- Prior to the Criminal Procedure (Amendment) Act (CrPC) of 1955, the death penalty was the rule and life imprisonment an exception in India. The courts were bound to give an explanation for awarding a lighter penalty than death for capital offences.
- After the **amendment of 1955**, courts were at liberty to grant either death or life imprisonment.
- As per Section **354 (3) of the Cr PC, 1973** the courts are required to state reasons **in writing for awarding the maximum penalty**. The situation has been reversed and a **life sentence is the rule and death penalty an exception** in capital offences.
- As per official statistics, **720 executions** have taken place in India after it became independent, which is a minuscule fraction of the people who were awarded death penalty by the trial courts.

Arguments Supporting Death Penalty

- **Controlling Law And Order:** In 1991, Supreme Court cited its use in defending law and order as the reason for its continuance.
- **Problem of Terrorism & Neighbourhood:** India's neighbourhood is not peaceful, unlike Scandinavia. On the contrary, vested interests attempt to destabilize the very idea of our nation from across every border it shares. Moreover, cases of violent terror are constant reminders of the need to protect national stability by ensuring appropriate responses to such actions and the death penalty forms part of the national response.
- **Moral Support For Death Penalty:** A punishment cannot be judged by its impact on criminals but by its impact on those who are still innocent.
- **Retributive/Deterrence Effect:** Those who defend the death penalty often do it on the basis of retributive justice. Moreover, its alleged usefulness extends from being a potential deterrent to serving as a primordial need for retribution.
- **Rarest of rare cases:** The death penalty is imposed only in rarest of rare cases that shock the conscience of society. This is reflective in the fact that in the last 13 years, only four people have been executed.

Arguments Against Death Penalty

- Study has found that it has **not acted as a deterrent** against crime, which is being cited for retaining it. Infact, in US, the death penalty States have far worse homicide rates than abolitionist States. For deterrence to work, the severity of the punishment has to coexist with the certainty and swiftness of the punishment. The death penalty has not deterred terrorism, murder or even theft.
- The death penalty is not only barbaric and immoral, it also **contradicts the criminal justice system's core objectives-** to reform and rehabilitate offenders while ensuring that the accorded punishment deters others from committing crime. With a death sentence, the cause of redistributive justice appears to be served, but what of reformative justice?
- **Nothing is infallible.** Errors of judgement can't be avoided in court's decision. The strongest, practical argument against capital punishment is its irrevocability. The dangers are most evident from the Supreme Court's judgment in 2009 in **Santosh Kr. Bariar v. State of Maharashtra**. Here, a bench comprising Justices S.B. Sinha and Cyriac Joseph ruled that previous judgments of the Court, in which 13 death sentences were validated, were rendered *per incuriam*, or in other words were rendered in ignorance of the law laid down in Bachan Singh's case.

In 2012, 14 eminent retired judges wrote to the President pointing out that the SC has erroneously given death penalty to 15 people since 1996, of which 2 were hanged. This is the gravest known miscarriage of justice in the history of crime in independent India.

- **Arbitrary Application:** There has been an arbitrary manner/application in which death penalty is awarded by different judges (judge-centric variations) and the way public discourse influences such decisions.

- **Pressure Of Public Opinion On Judiciary:** In individual cases, the decision on death penalty depends on the nature of the crime, its gravity, cruelty and the number of fatalities. But in recent times, public outrage, the need for deterrence, and the clamour for a befitting punishment to render substantial justice have dominated the discourse.
- **International resolution:** In 2007, the *UN General Assembly* passed a resolution calling for a moratorium on the administration of the death penalty. Two-thirds of countries in the world has abolished it. India certainly does not need it as it serves no purpose. The evidence is all to the contrary.

Way Forward

Morality of death penalty is a debatable. It is important to understand deeply how to tackle dreadful crimes. For deterrence to work, the severity of the punishment has to coexist with the certainty and swiftness of the punishment.

Hijab Row And Freedom Of Religion Practices

Context

- The Karnataka High Court is hearing a clutch of petitions challenging **the government order** banning the hijab in Government Educational Institutions.
- In February, the Karnataka government passed an order exercising its powers under **Section 133(2) of the Karnataka Education Act, 1983**. The provision grants powers to the state to issue directives for government educational institutions to follow.
 - In 2013, under this provision, the state had issued a directive making uniforms compulsory for education institutions.
- Referring to the 2013 directive, the latest directive specifies that **a headscarf is not part of the uniform**.

Grounds On Which Karnataka Government Order Is Being Challenged

- The recent order is against **Article 25 (1)** which grants every person “freedom of conscience and the right to freely **profess, practice and propagate** religion”. It is the duty of state that there is no interference or obstacle to exercise this freedom. However, *State can restrict the right on grounds of public order, decency, morality, health and other state interests*.
- The petitioners have argued that wearing a hijab is an **expression protected under Article 19(1)(a)** of the Constitution which guarantees the right to freedom of speech and expression. Constitutionally, a right under Article 19(1)(a) can only be limited on the “reasonable restrictions” mentioned in Article 19(2). The petitioners have argued that a student *silently wearing* a hijab/headscarf and attending class *cannot in any manner be said to be a practice that disturbs “public order”* and is only a profession of their faith.
- The ban on headscarves violates the **fundamental right to equality under Article 14** since other religious markers, such as a *turban worn by a Sikh*, are not explicitly prohibited.
- Students come from different religions, castes and nations. They speak different mother tongues, eat different kinds of food and wear different kinds of clothes and ornaments. In many ways, the classroom of a government educational institution is truly representative of the society within which it is instituted, since it provides democratic access to students from all sections of society. Thus, **homogeneity must not be**

How has Public order been Interpreted by Courts?

- In **Ram Manohar Lohia vs State of Bihar (1965)**, the Supreme Court held that in the case of ‘public order’, the community or the public at large have to be affected by a particular action.
- One has to imagine three concentric circles, the largest representing ‘law and order’, the next representing ‘public order’ and the smallest representing ‘security of State’

imposed on students in garb of dress code and educational institutions must remain spaces of diversity and inclusivity.

Views Supporting The Ban

- The Karnataka Govt states that wearing a headscarf is **not an essential religious practice** for Muslims that can be protected under Article 25 of the Constitution. The order *takes refuge in the cases* decided by different High Courts to hold that banning the headscarf is not violative of fundamental rights, particularly freedom of religion.
 - In **Fathima Tasneem vs State of Kerala 2018**, another Bench of HC ruled differently and held that collective rights of an institution would be given primacy over individual rights of the petitioner.
 - In **Fathema Hussain Sayed v Bharat Education Society 2003**, the Bombay High Court ruled against allowing hijab, despite the argument that wearing a headscarf is an essential religious practice. The High Court referred to relevant verses from Quran and held that the book did not prescribe wearing of a headscarf before other women.
- Kerala's Muslim Educational Society (MES), which controls 150 educational institutions, has banned "any dress that covers the face" for girls on all the campuses it runs. An official circular says "The MES will not encourage any type of veil on its campus. Managers of each MES institution will have to ensure that girl students do not come to the campus with their faces covered." If a Muslim institution has itself ban hijab, why there is so much polarisation against Karnataka government decision.
- Dozens of countries, from China to liberal democracies such as Switzerland, France and Belgium too have **banned hijab in public places** in the last few years. Nearer home, the hijab is compulsory in Afghanistan and Iran, optional in Pakistan and banned in Sri Lanka and Myanmar.

It is now the duty of judiciary to rise to the occasion and deliver an authoritative ruling that can guide the executive as well as citizens of the Country.

SC Order In Gyanvapi Mosque Dispute

The SC ordered transferring the suit on Gyanvapi Mosque dispute from the civil judge (senior division), Varanasi to the district judge, Varanasi.

Background

- The civil judge had ordered inspection, survey and videography of the mosque's complex to collect evidences about the alleged existence of evidences belonging to Hinduism while hearing the matter.
- The Committee of Management of Anjuman Intezamia Masjid, Varanasi has challenged in **Supreme Court** the videography survey ordered by a local court and sought stay relied under the Places of Worship Act, 1991.
- The SC didn't stop the judicial proceeding under the act of 1991, rather it ordered the transfer of the case to a more experienced bench.

Gyanvapi Mosque Dispute

- It is widely believed that Gyanvapi Mosque in Varanasi was built during the reign of Aurangzeb on the ruins of ancient Temple.
- The accounts of Mughal period historians such as Saquib Khan and British archaeologist James Prinsep endorsed this view.
- The matter is in the Civil Court of Varanasi since 1991.

What Is 'The Places Of Worship Act'?

The act prohibits the conversion of any place of worship and provide for maintenance of religious character of any place of worship as it existed on the **15th August 1947**.

- **Section 3** of the act bars the conversion, in full or part, of a place of worship of any ‘religious denomination’ into a place of worship of a different religious denomination — or even a different segment of the same religious denomination.
- **Section 4(1)** declares that the religious character of a place of worship shall continue to be the same as it existed on August 15th, 1947.
- **Section 4(3)** provides exception to the general rule in following cases:
 - a. If the place of worship is an archaeological site/historical monument or covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any other such laws.
 - b. Any suit/proceeding relating to the conversion of place of worship settled/disposed of by any court or related authority before the commencement of the act.
 - c. Any dispute settled by parties among themselves before the commencement of the act.
 - d. Any conversion of such places by acquiescence, effected before the commencement of act.
 - e. Any conversion before the commencement of the act which is not liable to be challenged in any court of law due to limitation under any law.
- **Section 5** says that the Act doesn’t apply to Ramjanambhoomi-Babri Masjid Case.

As per the Act, an “ancient monument” is “any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years.”

Contention Related To The Act

The petition challenging the constitutional validity of the Act is pending in the SC. A plea to revisit The Places of Worship Act, 1991, has been filed on the following grounds:

- **Impinge Fundamental Rights:** Article 13(2) also prohibits State from making any law which takes away or abridges fundamental rights conferred under **Part-III** of the Constitution and thus the petition has questioned how any law can **bar** the right to seek judicial review of a grievance.
- **Arbitrariness:** The petitioners have challenged it on the ground that the Act bars ‘**judicial review**’, a basic structure of the constitution by imposing an arbitrary, irrational and retrospective cut-off date.
- **No Remedy:** The petitioners also argue that the Act abridges the right to religion of Hindus, Sikhs, Buddhists and Jains. The Act has barred the **remedies against illegal encroachment** on the places of worship and pilgrimages and now Hindus, Jains, Buddhists, Sikhs cannot file suit or approach Courts under Article 32 (Writ in Supreme Court) or Article 226 (Writ in High Court).
- **Beyond Legislative Jurisdiction:** The Act is “unconstitutional and beyond Parliament’s law making power” as it has “frustrated” the principle of law ‘ubi jus ibi remedium’ (where there is a right, there is a remedy), “thus violating the concept of justice and Rule of Law, which is core of Article 14”.
- **Against Religious Right:** Act violates Article 25 of the Indian Constitution — Freedom of conscience and free profession, practice and propagation of religion.
- The SC has issued notice to the Union government. The government has not filed its reply yet.

SC Observations Of The Act In Ramjanambhoomi-Babri Masjid Title Suit Judgement, 2019

- The cut-off date of August 15th 1947 mentioned in Act is significant. The parliament by enacting the Act determined that independence from colonial rule provides a constitutional basis for healing the injustices of past by providing confidence to all religious community with regard to preservation of their place of worship.
- The state has enforced a constitutional commitment and obligation on itself through the Act to uphold the equality of all religions and secularism which is part of the basic structure of the constitution.
- The Act preserves non-retrogression of essential feature of Indian secular values.

Criminal Procedure (Identification) Act 2022

President of India has given his assent to the **Criminal Procedure (Identification) Bill, 2022** which empowers **police and prison officers** to obtain **physical and biological samples** of convicts and those accused of crimes.

Provisions Of The Bills

- **The Identification of Prisoners Act, 1920** is repealed. The 'measurements' included only finger impressions and foot-print impressions in the old act.
 - ✓ Amendment was proposed in 1980s by the Law Commission of India (in its 87th Report) and SC judgement in State of U.P. vs Ram Babu Misra (1980) due to limited definition of 'measurements' as under that Act.
- The bill empowers police and prison official to take "measurements" that includes finger-impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scan, physical, **biological samples and their analysis**, behavioral attributes including signatures, handwriting or any other examination referred to in **section 53 or section 53A of CrPC, 1973**.
- The Act provides to take measurements of -
 - Any **arrested person** in connection with an offence punishable under any law for the time being in force or detained under **preventive detention law**.
 - Of convicts and "other persons" for identification and investigation in criminal matters
 - On the order of Magistrate, from any person (not just an arrested person) to aid investigation.
- The NCRB shall collect, store, process and destroy the record of measurement at national level in the interest of prevention, detection, investigation and prosecution of any offender under any law. It shall also share such records with any law enforcement agency.
- The record of measurements shall be retained in **digital or electronic form** for a period of **seventy-five** years from the date of collection of such measurement.
- The records are to be destroyed in case any person, who has not been previously convicted of an offence punishable under any law with imprisonment for any term and had his/her measurements taken according to the provisions of this Act, is **released without trial or discharged or acquitted by the court**, after exhausting all legal remedies
- **Resistance to or refusal to** allow the taking of measurements under this Act shall be deemed to be an offence under **section 186 of IPC**.
- No suit or any other proceeding shall lie against any **government servant** for anything done, or intended to be done in good faith under this Act.

Concerns

- **Ambiguity in provisions:** The phrase 'biological samples' is not described further, hence, it could involve bodily invasions such as drawing of blood and hair, collection of DNA samples.
 - These are acts that currently require the written sanction of a magistrate.
- **Unawareness among Detainees:** Although the bill provides that an arrested person (not accused of an offence against a woman or a child or the offence that carries a minimum of 7 years imprisonment) may refuse the taking of samples, not all detainees may know that they can indeed decline to let biological samples be taken.
 - **Broad definition for 1st case:** For example, it could include the case of theft against a woman. Such a provision would also violate equality of law between persons who stole an item from a man and from a woman.
- **Profiling of accused persons and mass surveillance** with the help of data basing of measurement under section 4 of the Act. This violates the **right to privacy** under Article 21 of the constitution.

- Unbridled discretionary power has been given to police and prison officers. They can force any accused to give measurement. The bill is in conflict with **right against self-incrimination** i.e., no person can be forced to give a witness against himself under **Article 20(3)** of the constitution.
- The old act of 1920 allowed a statutory framework to take measurement of only 'a class of individuals', while the present act puts all persons in the same league.

The Act aims to facilitate investigation and detection of crime and criminals. Law enforcement agencies will be empowered by the act to use scientific methods to prevent and detect crime. It is true that the interest of society should take precedence over right of an individual. However, due process should be followed in the implementation of the act with necessary safeguards through bylaws.



Uniform Civil Code (UCC)

Ministry of law and justice said in response to a PIL filed that to devise policy on uniform civil code is government's job. The matter is pending with Law Commission (21st) of India.

Background

- A UCC is one that would provide for one law for the entire country, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.
- Uniform civil code can be traced back to 1835 during which it was stressed to uniform laws relating to crimes evidence and contracts.
- In 1941, **B.N Rau committee** was formed to codify **Hindu law**. Based on these recommendations a bill was adopted in **1956 as Hindu Succession Act** to amend and codify the law relating to unwilled succession among Hindus, Buddhists Jains and Sikhs.
- However, there is separate personal law for Muslim, Christian and Parsis.

Status of Uniform Codes in India

- **Article 44** of the Constitution lays down that the state shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.
- Indian laws follow a uniform code in most civil matters such as:



- States, however, have made hundreds of amendments and in certain matters there is diversity even under these civil laws.
- Recently, several states refused to be governed by the uniform Motor Vehicles Act, 2019.

Arguments In Favour Of UCC

- A Uniform Civil Code would, in theory, provide **equal status to all citizens** irrespective of the community they belong to.
- Uniform Civil Code means a set of laws that is **religion-neutral and gender-neutral**. Unfortunately, even after 75 years of Independence, we don't have gender-neutral and religion-neutral laws.
- **A UCC could lead to consistency and gender equality** when it comes to personal laws, and usher in some much-needed reforms.

- Personal laws of different religions are **widely divergent** and there is no consistency in how issues like marriage, succession and adoption are treated for people belonging to different communities, which **clashes with Article 14** of the Constitution, which guarantees equality before the law.
- **Reforms to personal laws** have also been inconsistent. For example, multiple amendments have been brought to Hindu personal laws, while Muslim law has seen fewer changes. This becomes evident in examples such as Muslim men being allowed to marry multiple wives, but women being forbidden from having multiple husbands.
- Uniform Civil Code has five parts in it -- uniform age of marriage, uniform grounds of divorce, uniform maintenance and alimony, uniform adoption and guardianship, and uniform succession and inheritance. These are **not the matters of personal laws but civil rights and human rights**, and such matters **cannot be discriminated on the basis of religion or gender**.
- A common Civil Code will help the **cause of national integration** by removing disparate loyalties to laws which have conflicting ideologies.
- Courts have often said in their judgements that the government should move towards a UCC.
 - ✓ The Triple Talaq was held to be violative of Article 14 (the right to equality), which is held by the SC from **Shah Bano case (1986) to Shayara Bano case** in 2017.
 - ✓ **Sarla Mudgal Case (1995)**, which dealt with issue of bigamy and conflict between the personal laws existing on matters of marriage.

Arguments Against UCC

- UCC is covered under the Directive Principles of State Policies while Freedom of Religion and Conscience are guaranteed under Fundamental Rights. It is often argued that **State cannot frame and implement a policy which takes away or abridges the Fundamental Rights** of citizen.
- Separate personal laws are one of the ways in which people have exercised their right to practise their own religion, which has been particularly important for minorities. The UCC could become a tool to erode this right, **suppress minorities and homogenise culture**.
- The **Law Commission's report on reform of family law (2018)** comments that a uniform civil code "is neither necessary nor desirable at this stage." According to the Commission, the best way forward may be to preserve the **diversity of personal laws** but at the same time ensure that they do not contradict fundamental rights.
- Another argument against immediate introduction of Uniform Civil Code is that India is a land of vast culture and diversity and it is very easy to **initiate communal disharmony based on religious and social differences**.

Conclusion

The pros and cons of Uniform Civil Code should be thoroughly discussed and debated by all. Enlightened and responsible Statesperson should come forward and promote the need and necessity of Uniform Civil Code amongst the commoners and motivate them towards a common consensus that aims at establishing a Uniform Civil Code for the entire Republic of India.

Parliament And State Legislatures - Structure, Functioning, Conduct of Business, Power And Privileges, Committees

Declining Productivity Of Parliament And Measures To Improve

Parliament is the embodiment of the people's will. In addition to its legislative role, it is also mandated to scrutinize the functioning of the Government which incorporates close examination and investigation of government policies, actions and spending that is carried out by the Lok Sabha/ Rajya Sabha and their committees. Despite

various instruments for close and continuous scrutiny of the functioning of government like discussion/debate, Question Hour, Parliamentary committees, the parliamentary scrutiny of the government is still ineffective. The following are the reasons for it:

- **Sitting Hours:** Recently, in the Monsoon session, Lok Sabha saw only 21 hours of functioning and 22% productivity of the House before being adjourned sine die.
 - ✓ During the first two decades of Parliament, Lok Sabha met for an average of a little more than 120 days a year. This has come down to approximately 70 days in the last decade.
 - ✓ The winter session of the Parliament was truncated owing to the COVID-19 Pandemic.
- **Bypassing the Parliament Committee System:** According to data by PRS Legislative Research, while 60% of the Bills in the 14th Lok Sabha and 71% in the 15th Lok Sabha were referred to Departmentally-related Standing Committees (DRSCs) concerned, this proportion came down to 27% in the 16th Lok Sabha.

Apart from the DRSCs, there are negligible bills referred to Select Committees of the Houses or Joint Parliamentary Committees.

- **Bills are passed in haste:** Amid continuing disruptions, Lok Sabha, on an average, took less than 10 minutes to pass a law, and Rajya Sabha passed each law in less than half an hour. In Lok Sabha, there were 13 bills on which no MP spoke other than the Minister-In-Charge of the bill.
- **Disruptions during Question Hour:** In the 16th Lok Sabha, question hour has functioned in Lok Sabha for 77% of the scheduled time, while in Rajya Sabha it has functioned for 47%. Consequently, this time lost indicates a lost opportunity to hold the government accountable for its actions.
- **Important bills are pending:** The Personal Data Protection Bill, 2019, The Inter-State River Water Disputes (Amendment) Bill, 2019, etc. are pending in the Parliament for more than 2 years.
- **Deciding the duration and timing of the session of the Parliament is government's prerogative:** The time gap between two sessions cannot be more than *six months* (Article 85). However, it is the government (Cabinet Committee on Parliamentary Affairs) that decides the exact time and duration of the Parliamentary session which is seen in conflict with the principle of government being accountable to the Parliament. Also, as there is no fixed calendar for the sessions, the Governments have shuffled around the dates of sessions to accommodate political and legislative exigencies
- **Role of Speaker or Chairman:** The reference to the committees is within the discretion of the Speaker or the Chairman. However, many times, the speaker or chairman have exercised their discretion not to refer to the committee an important Bill which has serious implications for society.
 - ✓ For example, even after popular protests against the three Bills related to agricultural produce and the three labour Bills, that definitely deserved to be scrutinised by Select Committees of the Houses, were passed by the government only by using the majority.
 - ✓ Some of the most momentous Acts of Parliament in recent years such as the overhaul of Article 370 that revoked the special status of Jammu and Kashmir and divided the State into two Union Territories were not processed by any House committee.

Suggestions

- The National Commission to Review the Working of the Constitution has recommended that Lok Sabha should have **at least 120 sittings in a year**, while Rajya Sabha should have **100 sittings**.
- Parliament should **revitalize its committees** to enable wider public participation.
- Parliament, rather than the government, should have the power to convene or take decisions on sittings and timings of the Parliament in keeping the executive accountable for its actions.

- Like Lokpal & Lokayuktas Bill, which underwent double scrutiny by two committees of Parliament, there is a need to **strengthen the parliamentary committees** rather than bypassing them for betterment of the parliamentary democracy.
- Institutionalized arrangements are necessary to provide the much-needed professional training and orientation to every newly elected/nominated Member. The curriculum should include adequate knowledge of political system, the Constitution, the Rules of Procedure and Conduct of Business, the do's and don'ts for Members, the rules of parliamentary etiquette etc.

Structure, Organization & Functioning of Executive and And Ministries/Departments

Appointment And Removal Of The Governor

Governor is appointed by the President of India on the advice of council of ministers (Article 155) and acts in 'Dual Capacity' as the Constitutional head of the state and as the representative.

- There is **no procedure for impeachment of Governor**. He holds office as per the **pleasure of the President**. But he can be removed by the President on the grounds of grave delinquency like bribery etc. but not on the ground that he is out of sync with the policies and ideologies of the Union government or the party in power at the Centre.
- A decision to remove a Governor can be challenged in a court of law. In such cases, first the petitioner will have to make a prima facie case of arbitrariness or bad faith on part of the central government. If a prima facie case is established, the court can require the central government to produce the materials on the basis of which the decision was made in order to verify the presence of compelling reasons.
- In our country, it has become a tradition that whenever there is change of guard at the centre, State governors are removed or appointed as per the convenience of the center.

There are numerous examples of the Governor's position being abused, usually at the behest of the ruling party at the Centre. The process of *appointment* has generally been the cause behind it.

- ✓ Recently, the West Bengal Chief Minister described the Governor as the central government's own person.
- ✓ Governors are not shy of revealing their partisan preference. Recently, the Governor of Rajasthan has been charged with the violation of the model code of conduct for exhorting voters to vote for particular party
- ✓ In several cases, politicians and former bureaucrats identifying with a particular political ideology have been appointed as the Governors. This goes against the constitutionally mandated neutral seat and has resulted in bias, as appears to have happened in Karnataka and Goa

Due to such incidents, negative terms like an **agent of the Centre, Puppet and rubber stamps** are used to describe a governor of the state. Some of the recommendations on the process of appointment and removal of the governor are as follows:

- The **Chief Justice K. G. Balakrishnan, in 2010** emphasized that no Governor can be removed on basis of being "*out of sync with policies and ideologies of Union Govt. at centre*". This decision also states that there must be "compelling" reasons for doing so. This judgment also provided an exception that the government can initiate the process of removal of the Governor by first building a case file citing reasons for the removal of the Governor. **Principle of natural justice** must be followed and Governor must be given a chance to explain his position.
- The **Sarkaria Commission on Centre-State relations** suggested that a Governor should be someone eminent in some walk of life, one "not too intimately connected with the local politics of the State," and should not

be one “who has taken too great a part in politics generally, and particularly in the recent past.” It suggested that a politician from the ruling party at the Centre should not be appointed Governor of a State run by another party.

- The **Punchhi commission, 2010** recommended that there should be a provision for the impeachment of the governor by the state legislature. The state chief minister should have a say in the governor’s appointment. It emphasised for including specific procedure for appointment/removal of governor in the constitution itself

If only these norms are followed in practice, the need to ease out inconvenient Governors will not arise. A national panel should be prepared after involving the opposition, ruling party, civil society and the judiciary in the selection process. The governor should be appointed from this panel after consultation with the CM of the state in which he or she is to function.

Governor’s Power To Call For A Floor Test

The Governor’s decision to call for the floor test has been in the spotlight once again in the case of current political crisis of Maharashtra.

- This political crisis erupted when some of the legislators (MLAs) of Shiv Sena - the largest political party in the Maha Vikas Aghadi coalition ruling the state, have aligned themselves with the party’s rebel leader.

Floor Test

- A floor test is taken at the floor of the legislative house to know whether the executive enjoys the confidence of the legislature.
- It is **constitutional mechanism (Article 164)** under which Chief Minister appointed by the Governor can be asked to prove the majority on the floor of the legislative Assembly.
- When a single party secures the majority of the seats in the house, the Governor appoints the leader of the party as Chief Minister.
 - In case more than one person is claiming to form the government and the majority is not clear, the Governor may call for a special session to see who has the majority.
 - In case of a tie, the Speaker casts his vote.
- If the majority is questioned, the leader of the party which claims majority has to move a vote of confidence and prove majority among those present and voting. The Chief Minister has to resign if he or she fails to prove majority.

Composite Floor test

- It is conducted only when **more than one person stakes claim to form the government.**
- The Governor calls for special session to see who has the majority.
- The majority is then counted based on those present and voting.

Constitutional Provision Related To Governor In Calling For A Floor Test

- **Article 174 of the constitution** authorizes the Governor to summon, dissolve and prorogue the state legislative assembly.
 - ✓ The SC in the **Nabam Rebia case and Bamang Felix vs Deputy Speaker case (the Arunachal Pradesh Assembly case) 2016** had expressly stated that a Governor can summon, prorogue and dissolve the House, **only on the aid and advice of the Council of Ministers.**
- **Article 175 (2)(b):** Governor can summon the House and call for a floor test to prove whether the government has the numbers.
 - ✓ The SC in **Arunachal Pradesh Assembly case 2016** also clarified that **if the Governor had reasons to believe** that the Chief Minister and her or his Council of Ministers have lost the confidence of the House, **a floor test could be ordered.**
- The speaker can call for a floor test if the house is in session. But when Assembly is not in session, **the Governor’s residuary powers under Article 163 allow him for a floor test.**

- ✓ In **Shiviraj Singh Chouhan Vs Speaker, Madhya Pradesh Legislative Assembly case 2020**, the Supreme Court upheld the power of speaker to call for a floor test if there is prima facie view that the government has lost its majority.

In major setback for Maharashtra's Maha Vikas Aghadi (MVA) government, the Supreme Court of India (SC) recently protected rebel Shiv Sena MLAs from disqualification proceedings until July 12. This paves the way for a **floor test** to prove the confidence of the Assembly. The SC allows Maharashtra state to knock on its doors if the 'rebel' MLAs seek a no-confidence motion in order to verify the MVA's numbers in the legislature

Background

- Deputy Speaker of the Maharashtra Assembly has served disqualification notices to 16 of the rebel camp MLAs, under the 10th Schedule of the Indian Constitution.
- This political battle reached the SC in response to the Deputy Speaker's disqualification notice.

Petitioner's Key Arguments Before SC

- **Deputy Speaker Has Acted In A Biased Manner:**
 - ✓ Ordinarily, a member who has been elected as Speaker or Deputy Speaker resigns from the membership of his/her political party, but that has not happened in this case.
 - ✓ The post of the Assembly speaker fell vacant after Nana Patole of the Congress resigned from the post and became president of the Maharashtra Congress.
 - ✓ Since the Deputy Speaker's party (NCP) is supporting the "minority faction" of the Shiv Sena, his actions are biased.
- **Disqualification Notice In Violation Of SC Ruling:**
 - ✓ The notice to move a resolution for removal of Deputy Speaker, **under Article 179 (c)** of the Indian Constitution (removal of Speaker and Deputy Speaker of the Assembly), was submitted on June 21.
 - ✓ In the **Nabam Rebia case (2016)**, the apex court had *also* ruled that it would be "**constitutionally impermissible**" for a Speaker to adjudicate upon disqualification petitions under the 10th Schedule, *while a motion of resolution for his/her own removal from the office is pending.*

Significance: This ruling gave a window to defecting legislators to stall or circumvent the 10th Schedule by seeking removal of the Speaker when disqualification proceedings are anticipated, thus effectively tying the hands of the Speaker.

- ✓ The petitioner has claimed that the petition for disqualification of 16 MLAs was submitted to the Deputy Speaker after the notice for moving a resolution for his own removal was given.

Have Legislators Used This Legal Route?

- Yes, since 2016, this legal route has been a **familiar playbook** for legislators cutting across states and political affiliations.
- **Uttarakhand:** In 2016, rebel MLAs of the Congress sought removal of Uttarakhand Assembly Speaker Govind Singh Kunjwal after shifting ranks to the BJP to stall anti-defection proceedings.
- **Tamil Nadu:** In 2018, AIADMK legislator S Karunas sent a notice to the Tamil Nadu Legislative Assembly Secretary, seeking removal of Speaker P Dhanapal at a time when the AIADMK leadership was mulling action against Karunas and three other MLAs for having pledged their support to T T V Dhinakaran.
- **Manipur:** In June 2020, the Congress in Manipur served a notice for the removal of Speaker Y Khemchand as nine of its MLAs defected to the BJP.

Procedure For Removal Of Speaker

- **Constitution Provisions:** Under **Article 179** of the Constitution, a Speaker or Deputy Speaker can be removed by a resolution of the Assembly passed by a majority of **“all the then members of the Assembly”**. The process begins with notice of at least 14 days.

Interpretation: In the 2016 Nabam Rebia ruling, the SC interpreted Article 179, specifically the term **“all the then members of the Assembly”**, to mean the composition of the house at the date/time of giving the notice for the removal of the Speaker.

- **No Change In Composition of Assembly:** This interpretation would mean that the composition of the Assembly cannot be changed from the date of issuing of a notice of the removal of the Speaker, and therefore the Speaker cannot make any decisions under the Tenth Schedule to change the composition of the House until the question of his removal is settled.

Structure, Organization & Functioning of Judiciary And Related Issues

All India Judicial Service (AIJS)

Time and again, the need for the formation of an All-India Judicial Service, on the lines of the Central Civil Services, has been emphasized for improving quality of subordinate courts. This would entail the formation of an all-India cadre for officers appointed in the **rank of additional district judge**. The recruitment would be through a national-level examination and it is being suggested that up to 25% of the officers in each State could be drawn from this all-India cadre.

Idea is to ensure an efficient subordinate judiciary, to address structural issues such as:



Argument For Creation Of AIJS

- An All India service will offer a more **streamlined, objective, and regularized recruitment process** for the vacancies of District judges in the country. The open competition would provide objectivity in the hiring process of the judiciary by reducing the *discretion of the selection panel*.
- It will ensure that subordinate court judges are paid salaries and given perks at parity with government bureaucrats, thereby **incentivizing the option of state judiciary as a viable career prospect**.
- The **quality of judges** will improve as the best legal talent (from our law schools and young and well-informed judicial officers) across the country would be selected on the basis of merit. The prospects for promotion to the superior courts, for the lower judiciary, at an early age would also increase, as they currently join at a much later age than Bar Association judges.
- The AIJS is also being proposed as a **panacea to cure the chronic vacancy crisis** plaguing the Indian subordinate judiciary, and the **resultant pendency of cases**. The lower judiciary — which has a sanctioned strength of more than 22,000 judges — is staring at more than 5,000 vacancies in judicial officers’ posts as of July 2021. The backlog in the lower judiciary stood at 3.8 crore cases, thus accounting for more than 4.4 crore cases pending across the Indian judiciary.

- The **efficiency and efficacy of judiciary** would be increased and the issue of corruption, nepotism etc. would be strongly dealt with. A career in judicial service will make the judiciary more responsible, more professional, and possibly also more equitable.
- **Promote national integration:** AIJS will lead to the appointment of the best talents from other states in states with scarce resources.
- **Uniformity throughout the country:** The quality of adjudication and administration of justice would achieve uniformity throughout the country by eliminating differences at the state level in laws, practices, and standards.
- **Representation of the marginalized section:** By following the reserve system in recruitment, underrepresented communities will be represented in the judiciary. It was reported in 2018 that **OBC** accounted for only **12% of the judges** in the lower judiciary in 12 states.

Arguments Against Creation Of AIJS

- As the Constitution only permits the appointments of District Judges to such a prospective AIJS, it will **not magically remedy the shortage of judges at the subordinate level.**
- The idea of an AIJS has been significantly *contentious within the legal fraternity and other concerned stakeholders.* The idea has been vehement **disagreed by almost half the High Courts.**
- Many states see this as an attempt by the central government to **encroach state's domain.** Thus, it will be another ground for conflict between the Union and other federal units.
- If the control over State judiciary is transferred to Union govt by removing control of High Court as currently provided under **Article 235**, the **independence of judiciary** would be undermined. A central test could give the executive a foot in the door for the appointment of district judges and dilute the say of High Courts.
- **Language and representation** are key concerns highlighted by states. Judicial business is conducted in regional languages, which could be affected by central recruitment. The judges appointed by the All India process will need to familiarize themselves with the **local languages, customs and laws of the State.**

Way forward

- Any ground-breaking reform is bound to receive criticism. The feasibility of the AIJS in the current context requires to be studied, especially when reliance is placed upon archaic reports of the Law Commission.
- It is for the Union to dispel doubts and at the same time give wings to the aspirations of all stakeholders when implementing the proposal.
- Besides creation of AIJS, it will also be prudent to investigate the reasons and causes for the large number of vacancies in lower judiciary so that the timely corrective steps can be taken.
- Moreover, even after the selection, **a continuing training may be introduced** to ensure the development of skills, ethics, knowledge and awareness of international best practices.
- Introduce a **performance index for judges**, separate state wise index for ease of getting justice & also an administrative cadre in the judicial system to streamline processes.

Judicial Review And Associated Issues

Judicial Review refers to the **power of judiciary to interpret the constitution and to declare any such law or order of the legislature and executive void**, if it finds them in conflict the Constitution of India.

Under **Article 13(2)** of the Constitution of India, any law made by the parliament that abridges the right conferred to the people under Part 3 of the constitution is void-ab-initio. The power to interpret the Constitution of India to its full extent lies within the Judiciary. Power of Judicial Review is vested in many articles such as 13, 32, 136, 142, 147 of the constitution.

Features of Judicial Review in India

- Judicial Review Power is used by **both the Supreme Court and High Courts**. But the final power to determine the constitutional validity of any law is in the hands of the Supreme Court of India.
- **Judicial Review of both Central and State Laws:** Judicial Review can be conducted in respect of all Central and State laws, the orders and ordinances of the executives and constitutional amendments.
- **It covers laws and not political issues:** Judicial Review applies only to the questions of law. It cannot be exercised in respect of political issues.
- **Judicial Review is not automatic:** The Supreme Court does not use the power of judicial review on its own. It can use it only when any law or rule is specifically challenged before it or when during the course of hearing a case the validity of any law is challenged before it.
- **Principle of Procedure established by Law:** Judicial Review is governed by the principle of “Procedure established by law” as given in Article 21 of the Indian Constitution. The law has to pass the test of constitutionality if it qualifies it can be made a law. On the contrary, the court can declare it null and void.
- **Clarification of Provisions which a rejected law violates:** While declaring a law unconstitutional, the Supreme Court has to cite the provisions of the constitution which it violates. The court has to clearly establish the invalidity of the concerned law or any of its part.

Issues Associated With Judicial Review In India

- **Undemocratic:** The critics describe Judicial Review as an undemocratic system. It empowers the court to decide the fate of the laws passed by the legislature, which represent the sovereign will of the people.
- **Lack of Clarity:** The Constitution of India does not clearly describe the system of Judicial Review. It rests upon the basis of several articles of the Constitution.
- **Source of Administrative Problems:** Now a law can face judicial review only when a question of its constitutionality arises in any case being heard by the Supreme Court. Such a case can come before the Supreme Court after 5 or 10 or more years after the enforcement of that law. As such when the Court rejects it as unconstitutional, it creates administrative problems.
- **Delaying System:** Judicial Review is a source of delay and inefficiency. The people in general and the law-enforcing agencies in particular sometimes decide to go slow in respect of the implementation of a law. They prefer to wait and let the Supreme Court first decide its constitutional validity in a case that may come before it at any time.
- **Tends To Make The Parliament Less Responsible:** Judicial Review can make the Parliament irresponsible as it can decide to depend upon the Supreme Court for determining the constitutionality/ reasonableness of a law passed by it.
- **Reversal Of Its Own Decisions By The Supreme Court:** It is on record that on several occasions the Supreme Court reversed its earlier decisions. The judgment in the *Golaknath case* reversed the earlier judgments and the judgment in the *Keshwananda Bharati case* reversed the judgment in the *Golaknath case*. The same enactment was held valid, then invalid and then again valid. Such reversals reflect the element of subjectivity in the judgments.

Conclusion

In India, we have adopted the concept of **separation of power** so we cannot assume the power of judicial review in full extended form. If the courts presume full and arbitrary power of judicial review, it will lead to the poor performance of work by all the organs of government. So, to keep all the functions work properly, each has to work in its provided sphere. In India, we have the concept of judicial review **embedded in the basic structure of the constitution**. It helps the courts to keep a **check and balance upon the other two organs of government** so that they don't misuse their power and work in accordance with the constitution.

Leveraging Technology For Effective Justice Delivery System

Law Minister has said in parliament that while implementing ‘e Court project’ need was felt to adopt cutting edge technologies such as Machine Learning (ML) and Artificial Intelligence (AI) to increase efficiency of justice delivery system.

Background

- SC of India has constituted **Artificial Intelligence Committee**. Its functions are to identify application of AI technology in translation of judicial documents, process automation and legal research assistance.
- **E-Courts Project**
 - ✓ It was conceptualized by **e-committee of SC** with a vision to **transform** justice delivery system with the help of information and communication technology (ICT). E-committee was constituted in **2004** by the government of India after getting proposal from SC.
 - ✓ It is mission mode pan-India project. It is monitored and funded by the **department of justice** (Government of India).
 - ✓ To deliver, install, and implement decision support system in courts.
 - ✓ Affordable, effective, transparent, predictable, reliable and time bound citizen centric justice delivery system.
- **ICJS (Interoperable Criminal justice System)**
 - ✓ It is a national platform for enabling integration of the ICT for criminal justice system.
 - ✓ It integrates 5 pillars of criminal justice system viz. **police, forensic labs, courts, prosecution and prison**.
 - ✓ Dedicated and secure cloud based digital infrastructure with high-speed connectivity.
 - ✓ **NCRB** with the help of National Informatics Centre (**NIC**) implements the ICJS.

Prospects Of Leveraging Technology In Judiciary	Challenges Associated Using Cutting Edge Technology
<ul style="list-style-type: none"> • Seamless exchange of data between various branches of government involved in justice delivery system such as courts, police, prosecution, prison etc. will streamline judicial process. • Reduction in judicial pendency: The high courts and subordinate courts together have conducted 1.65 crore hearings till 30th November 2021. (Law Ministry) • Pro- litigation system: The use of technology has helped in e-filing, virtual hearing and access to information related to cases online. • Several law firms are trying out new technologies for a quick reference on judicial precedents. E.g Riverus is a Mumbai based ‘legal tech’ firm. It has developed Machine learning (ML) 	<ul style="list-style-type: none"> • Criminal cases require oral evidence and cross examination. Over-reliance of technology is not desirable in such cases. • The extensive data sharing and storage on ICJS may lead to illicit surveillance of citizens. • The data theft is a possibility due to breach in cyber security infrastructure and absence of data protection law. • Profiling of certain section of population can happen. Colonial legacy that is associated with policing and police stations in India contributed in criminalization of certain communities. E.g labeling some communities as ‘habitual offenders’. • Maintaining e-courts Record: The paralegal staff is not well equipped and trained to effectively handle document or record evidence, and make them readily accessible to the litigant, to the council as well as to the court. • The existing digital divide may increase class and caste inequalities that characterize the existing criminal justice system.

<p>applications for this purpose. This is cost-effective and quicker system.</p> <ul style="list-style-type: none"> From the beginning of lockdown in 2020 until Jan' 2022, Supreme Court of India emerged as a global leader by conducting 1,81,909 virtual hearings. 	<ul style="list-style-type: none"> Lawyers in semi-urban and rural districts find online hearings challenging, mostly due to connectivity issues and an unfamiliarity with this way of working Litigant's lack of confidence in the process due to lack of proximity.
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Examples of Use of Technology in Judiciary

- SUVAS (Supreme Court Vidhik Anuvaad Software):** It is an AI system that can assist in the translation of judgments into regional languages.
- SUPACE (Supreme Court Portal for Assistance in Court Efficiency):** Designed to first understand judicial processes that require automation, it then assists the Court in improving efficiency and reducing pendency by encapsulating judicial processes that have the capability of being automated through AI.

Way forward

- Enactment of data protection law as suggested by B. N. Sri Krishna Committee.
- Bridging digital divide by creating digital infrastructure for rural and backward areas and for weaker section of population.
- Information, education and communication for all stakeholders of justice delivery system.
- Promotion of 'legal tech' startups.
- Evidence Based Rational Approach:** We need to study and understand why video conferencing in criminal cases has neither shortened trials nor reduced the number of people awaiting trial.
- Frequent Performance Audits and sandboxing measures** (isolated test environment) to carefully understand and gauge the potential and risks.

Adoption of new and emerging technologies will be effective in terms of streamline judicial processes, reduce pendency, helping litigants/witnesses and robust contract enforcement for ease of doing business. However, such technologies should function within the constitutional framework of fundamental right upheld in Puttaswamy case.

Sealed Cover Jurisprudence

Chief Justice of India while hearing a criminal appeal against Bihar Government said that the Court will not accept sealed cover file reports submitted by Government and its agencies.

Background

Sealed cover jurisprudence has been frequently employed by court in the recent past. For example Rafale Fighter Jet Deal 2018, Bhima Koregaon case 2018, BCCI Reforms Case 2014 etc.

Sealed Cover Jurisprudence

- It is practice used by SC and lower courts of accepting information from government entities in sealed envelopes that only judges can access.
- SC draws its authority to apply it from **Rule 7 of Order xiii** of the SC Rules and **section 123 of the Indian Evidence Act of 1872**.

<p>Reasons for Sealed Covers</p> <ul style="list-style-type: none"> ✓ Matter pertained to Official Secrets Act. ✓ To maintain public confidence in the Government agency. ✓ Delicate international negotiations or those relate to sensitive aspects of security, ✓ Details about survivors of sexual assaults or child abuse which may affect their future life and bring unnecessary shame affecting the Right to Live with Dignity. ✓ Disclosure sometimes affects the ongoing investigation.
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Issues With Sealed Cover Jurisprudence

- It is not encouraging to the principles of **transparency & accountability** of Indian justice system.
- **Right to know:** It creates obstruction to fair trial and Adjudication. In the process of adjudication, especially one that involves Fundamental rights, evidence must be shared with both parties to the dispute.
- Makes the practice **ad-hoc and arbitrary:** Sealed cover is dependent on individual judges looking to substantiate a point in particular case rather than common practice.
- **Reduce the Scope of Reasoning:** judges are supposed to lay down reasoning for their decisions, but this cannot be done when they are based upon information submitted confidentially.
- **Sufficient protection available:** What is further contested is whether the state should be granted such a privilege to submit information in secrecy, when existing provisions like in-camera hearings already provide sufficient protection to sensitive information.

Supreme Court Outlook on Sealed Cover Jurisprudence

- In 2019 judgement in the case of **P. Gopalakrishnan vs The State of Kerala**, the SC has said that disclosure of documents to the accused is constitutionally mandated, even if the investigation is ongoing and documents may lead to a breakthrough in the investigation.
- In the **INX Media case 2019**, the SC had criticised Delhi High Court for basing its decision to deny bail to the former union minister on documents submitted by the Enforcement Directorate (ED) in a sealed cover.
- In **Modern Dental College vs State of Madhya Pradesh (2016)**, the apex court adopted the proportionality test proposed by former Chief Justice, Supreme Court of Israel, “a limitation of a constitutional right will be constitutionally permissible if:
 - ✓ It is designated for a proper purpose.
 - ✓ The measures undertaken to effectuate such a limitation are rationally connected to fulfilment of that purpose.
 - ✓ There are no alternative measures that may similarly achieve that same purpose with a lesser degree of limitation.
 - ✓ There needs to be a proper relation (balancing) between the importance of achieving the proper purpose & the social importance of preventing the limitation on constitutional right

It is important to balance between achieving the proper purpose and preventing the limitation on the constitutional right while dealing with sealed cover jurisdiction.

Rule 7 of Order XIII of the Supreme Court Rules

If the chief Justice or court directs certain information to be kept under seal cover, no party would be allowed access to the content of such information, except if the chief justice himself allowed accessing it. Information can be kept confidential if its publication is not considered to be in the interest of the public.

Section 123 of Indian Evidence Act of 1872

Official unpublished documents relating to state affair are protected and a public officer cannot be compelled to disclose such documents.

- Other instances where information may be sought in secrecy or confidence are when its publication impedes an ongoing investigation, such as details which are part of a police case diary.

Alternate Dispute Redressal Mechanisms and Institutions

Tribunal Reforms Act 2021

The Tribunals Reforms Bill, 2021 has been passed by both Houses of the Parliament. Recently, the Supreme Court has challenged the government to produce material showing its reasons for introducing the Tribunal Reforms Bill of 2021. The Bill replaces the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 which was quashed by the Supreme Court.

Limitations of Tribunals (Acted as Trigger For Enactment of Act)



- The tribunals **are not independent**. The Executive holds key positions in Tribunals and the *government is the largest litigant*. So, the cases might not be decided fairly.
- Analysis of data of the last three years has shown that tribunals in several sectors have **not necessarily led to faster justice delivery** and they are also at a considerable expense to the exchequer. Ad-hoc regulation as tribunals fall under various ministries.
- **Non-uniformity** across tribunals with respect to service conditions, tenure of members, regulations etc. as tribunals fall under various ministries.
- **Bypassing the jurisdiction of High Court** in certain Tribunals like NGT, NCLAT, CAT, etc. have provisions allowing for direct appeals to the Supreme Court.
- India now has 16 tribunals including the National Green Tribunal, the Armed Forces Appellate Tribunal, the Debt Recovery Tribunal among others which also suffer from **crippling vacancies** as the SC has noted.

Key Features Of The Act

- **Abolition of Appellate Tribunals:** The Bill seeks to dissolve certain existing appellate bodies and transfer their functions, such as adjudication of appeals, to other existing judicial bodies. (See in fig. beside).
- **Chairpersons and judicial members** of tribunals are former judges of High Courts and the Supreme Court. Chairperson and Members of the Tribunals will be appointed on the recommendation of a **Search-cum-Selection Committee**. The central government must decide on the **recommendations** of selection committees preferably within **three months** from date of the recommendation.
- **Eligibility and term of office:** The Bill provides for a **four-year term of office** (subject to the upper age limit of 70 years for the Chairperson, and 67 years for members). Further, it specifies a **minimum age requirement of 50 years** for appointment of a chairperson or a member.

EIGHT TRIBUNALS DISSOLVED VIA BILL		
Act under which Tribunal was setup	Abolished tribunal	Where disputes are heard after abolition
The Cinematograph Act, 1952	Film Certification Appellate Tribunal	High Court
The Trade Marks Act, 1999	Intellectual Property Appellate Board	High Court
The Copyright Act, 1957	Intellectual Property Appellate Board	Commercial Division of High Court
The Customs Act, 1962	Customs, Excise and Service Tax Appellate Tribunal	High Court
The Patents Act, 1970	Intellectual Property Appellate Board	High Court
The Airports Authority of India Act, 1994	Airports Appellate Tribunal	<ul style="list-style-type: none"> ■ Central government (disposal of properties on airport premises left by unauthorised occupants) ■ High Court (appeals against eviction orders)
The Control of National Highways (Land & Traffic) Act, 2002	The National Highways Tribunal	Civil Court
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Intellectual Property Appellate Board	High Court

- **Removal of tribunal members:** While the Bill provides for **uniform pay and rules for the search and selection committees** across tribunals, it also provides for removal of tribunal members. It states that the central government shall, on the recommendation of the **Search-cum-Selection Committee**, remove from office any Chairperson or a Member, who has —
 - a) been adjudged as an insolvent; or
 - b) been convicted of an offence which involves moral turpitude; or
 - c) become physically or mentally incapable of acting as such Chairperson or Member; or
 - d) acquired such financial or other interest as is likely to affect his functions as such Chairperson or Member; or
 - e) so abused his position as to render his continuance in office prejudicial to the public interest.

Key Issues Raised by SC And Analysis

- The dissolution of certain tribunals and appellate bodies, and the transfer of their functions to High Courts are criticized on the grounds that **Indian courts are already overburdened with their existing caseload.**

Pendency in HCs of as of June 2021. ➤ 91,885 pending cases of more than 30 years ➤

- Also, **Lack of Specialisation** in regular courts could be detrimental to the decision-making process. For example, the FCAT exclusively heard decisions appealing against decisions of the censor board, which requires expertise in art and cinema.
- Unconstitutional **Legislative Overriding of judgement passed by SC:** There was lack of discussion over the bill, and the government has re-enacted the very same provisions (regarding conditions of service and tenure) struck down by the Court in the Madras Bar Association case (2020).
 - ✓ The SC in Madras Bar Association case (2020) had fixed the term of **5 years** for the Chairpersons, Vice-Chairpersons and members of the Tribunal. In violation of the verdict, the tenure of 4 years is now fixed by the bill.
 - Short tenure of members of a tribunal along with provisions of re-appointment increases the **influence and control of the Executive over the judiciary.**
 - It also discourages meritorious candidates from applying for such positions as they may not leave their well-established careers to serve as a member for a short period.
 - ✓ **It undermines the length/security of tenure:** In past judgements, the Supreme Court (2020) has stated that advocates with at least 10 years of relevant experience must be eligible to be appointed as judicial members, as that is the qualification required for a High Court judge. **A minimum age requirement of 50 years** may prevent such persons from being appointed as tribunal members.
 - ✓ **No judicial impact assessment** was conducted prior to abolishing the tribunals despite the Supreme Court's (SC) direction in *Rojer Mathew vs. South Indian Bank case 2019*.
- The **bill violates the principles of separation of powers**, independence of judiciary, rule of law, and equality before law. It allows the Central Government to take a decision on the recommendations made by the selection Committee, preferably within three months.

Lok Adalat

A total number of 1,27,87,329 cases were disposed of in 2021 by Lok Adalat. Technology advancement like E-Lok Adalat has helped Lok Adalats to reach grass root level.

Key Points

- Lok Adalats means People's Court. It is based on Gandhian principles.
- It is one of the components of the **Alternative Dispute Resolution (ADR)** system.

- The first Lok Adalat camp was organised in Gujarat in 1982 as a voluntary and conciliatory agency.
- It is given statutory status under the **Legal Service Authorities Act, 1987**. The Act makes provisions relating to the organisation and functioning of the Lok Adalats.

Powers of Lok Adalat

1. Lok Adalats have same power as are vested in a Civil Court under the Code of Civil Procedure (1908).
2. All the proceeding before Lok Adalat shall be deemed to be judicial proceedings within the meaning of the Indian Penal Code (1860)
3. Every award made by a Lok Adalat shall be **final and binding** on all the parties to the dispute.
4. **No appeal shall lie** to any court against the award of the Lok Adalat.

Organisation	Jurisdiction
<ol style="list-style-type: none"> 1. National Legal Service Authority (NALSA) along with other legal Services Institutions conduct Lok Adalats. NALSA was constituted under the Legal Services Authorities Act, 1987 which came into force on 9th November 1995. 2. District/ State Legal Service Authority or the Supreme Court/High Court/Taluk Legal Service Committee may organise LokAdalat at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. 3. Every Lok Adalat organised for an area shall consist of such number of serving or retired judicial officers and other persons of the area as may be specified by the agency organising. 4. Usually, Lok Adalat consists of a judicial officer as a chairman and a lawyer (advocate) and a social worker as members. 	<ol style="list-style-type: none"> 1. Any case pending before the court can be referred to Lok Adalat for settlement if <ol style="list-style-type: none"> a. Parties agree to settle the dispute in the Lok Adalat b. One of the parties applies for referral of the case to the Lok Adalat c. Court is satisfied that the matter can be solved by the Lok Adalat. 2. Matters such as matrimonial/family disputes, criminal (compoundable offences) cases, land acquisition cases, labor disputes, bank recovery case etc. are being taken to Lok Adalat. 3. Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offense non-compoundable under any law.

Benefits of Lok Adalat

- There are **no court fees** so it helps people for low socio economic to get legal service and justice.
- It delivers informal, cheap and expeditious justice to the common people.
- There is procedural flexibility and speedy trial. The parties to the dispute can directly interact with the judge
- It has reduced the burden of courts.

Limitations of Lok Adalats

- **Breaks in Continuity:** Repeated sittings at short intervals with the same judge are almost not possible which breaks the continuity of the deliberations.
- **Lack of confidentiality:** Lok Adalat proceedings are held in the open court and any member of public may witness these proceedings. Thus, the element of confidentiality is also lacking
- **Imposed injustice:** In a majority of cases, litigants are pitted against entities with deep pockets, such as electricity boards, insurance companies, banks, etc. In most cases, compromises are imposed on the poor who often have no choice but to accept them.
- **Diminished party autonomy:** It cannot be said that the parties remain in absolute control of the proceedings in contradistinction to what happens in mediation.

- **Needs consent of both the parties:** It can't be forced on any party that the matter has to be decided by the Lok Adalat.

Gram Nyayalayas

The Supreme Court has directed all the states to come out with notifications for establishing 'Gram Nyayalayas' and has asked the High Courts to expedite process of consultation with state governments on this issue. Gram Nyayalayas Act, 2008 came into force on October 2, 2009. More than 5000 Gram Nyayalayas were expected to be set up under the Act for which the Central Government allocated about Rs.1400 crores by way of assistance to the concerned States/Union Territories. However, as of April 2022 only 10 states have taken steps to notify Gram Nyayalayas so far. Only 258 Gram Nyayalayas were functioning in the country.

- In some of the States, the proposals for establishing the Gram Nyayalayas are pending before the High Court for consultation, while in some they are not functioning despite being notified.
- Though some States have issued Notifications for establishing the Gram Nyayalayas, all the established Gram Nyayalayas are not functioning, (except in Kerala, Maharashtra and Rajasthan).
- Very few States have shown eagerness to establish the Gram Nyayalayas and not a single Gram Nyayalaya has become operational in North- Eastern States.

Ineffectiveness of Gram Nyayalayas

- Gram Nyayalayas have been established on *part-time basis* (weekly once or twice) and are not in addition to the existing courts. However, it has been observed that in most villages, courts are held only once or twice a month while in others, the frequency is even worse, mostly due to the lack of coordination between High Courts and state governments.
- They have been grappling with systemic defects, lack of practice of recording case data and status, lack of political will etc.
- Majority of states have set up *regular courts at the taluk level instead of setting up Gram Nyayalayas*, perhaps with a view to avoid the complexities involved in implementation of a new legislation, fresh appointment of Nyayadhikaris, and negligible funding from the central government thereby leading to Concurrent jurisdiction with regular courts.
- The progress is affected by *non-availability of judicial officers* to function as Gram Nyayadhikaries, *Non-availability of notaries, stamp vendors* etc.
- The slow pace of utilisation of funds under the Scheme is mainly due to the lack of proposals from the States for setting up of Gram Nyayalayas. Some States were facing problem like *inadequate amount of Central funds allocation and the acquisition of land* for the establishment of Gram Nyayalayas.
- One of the objectives of the Act was to reduce pendency and burden on lower courts in the district but it is revealed that even this has not been fulfilled. The number of cases disposed by Gram Nyayalayas is negligible and they do not make any substantial difference in the overall pendency in the subordinate courts.
- Many of the stakeholders including the litigants, lawyers, police officers and others are not even aware about the existence of Gram Nyayalayas in the district court premises and *no conferences or seminars have been organized for creating awareness* about this institution.
- Further, there is ambiguity and confusion regarding the *specific jurisdiction of Gram Nyayalayas*, due to the existence of alternative forums such as labour courts, family courts, etc

Establishing permanent Gram Nyayalayas at the intermediate level at a suitable location providing easy access to the common people is the need of the hour. There should be a regular cadre of Gram Nyayadhikaris and procedures to be conducted in local language. Creating awareness amongst stakeholders and clearly specifying the jurisdiction of Gram Nyayalayas and re-defining it to remove any ambiguities can be a game changer.

Online Dispute Resolution (ODR)

Online Dispute Resolution (ODR) is the resolution of disputes, particularly small and medium-value cases, using digital technology and techniques of Alternate Dispute Resolution (ADR), such as negotiation, mediation and arbitration. It utilizes information technology to carry out ADR. The information management and communication tools in ODR may apply to all or part of the proceedings and also have an impact on the methods by which the disputes are being solved. ODR realizes the notion that ‘courts should be a service not a place’

Timeline For ODR Development In India

- 2006: National Internet Exchange of India adopted .IN domain name Dispute Resolution Policy (INDRP) which provided the ODR
- 2011: Chennai hosted the 10th Annual International Forum on ODR
- 2017: Ministry of Law and Justice issued a statement to urge the Government agencies to resolve disputes through online arbitration
- Ministry of MSME launched SAMADHAAN Portal in 2018 to address delay of payment disputes involving Micro and Small enterprises
- 2019: E-ADR Challenge was launched to identify and support ODR start-ups
 - ✓ Nandan Nilekani led High level Committee on Deepening Digital Payments, established by RBI recommended the setting up of a two-tiered ODR system to handle complaints arising out of digital payments
 - ✓ e-Courts Mission Mode Project
- 2020: The government of India launched the Vivaad se Vishwas Scheme for efficient resolution of tax disputes through ODR
 - ✓ Vidhi Centre for Legal Policy published a report on mainstreaming ODR in India
 - ✓ NITI Aayog established a committee under the Chairmanship of Justice Retd. A.K.Sikri to broad-base the use of ODR in India.
 - ✓ Chhattisgarh conducted the first virtual Lok Adalat and provided conciliation services

Challenges Faced In Adoption Of ODR

Structural	Behavioral	Operational
<ul style="list-style-type: none"> • Digital literacy often varies across age, ethnicity and geography. This digital divide needs to be addressed. • Digital infrastructure: A broad base adoption of ODR will require essential technology infrastructure which includes access to computers, smart phones and medium to high bandwidth internet connection for atleast the length of time it takes to conduct meaningful hearings. • Gender divide in access to technology: As per Internet India Report 2019, women constitute 	<ul style="list-style-type: none"> • The lack of awareness regarding ODR translates into litigants and businesses having low confidence in ODR processes and restricted application of ODR in sectors with huge potential for such as MSME, consumer disputes etc. • Role of the government and the PSUs: According to the Ministry of Law and Justice, government departments are a party to around 46% of court cases. Adoptions of ODR to resolve inter and 	<ul style="list-style-type: none"> • Privacy and confidentiality concerns like online impersonation, breach of confidentiality by circulation of documents and data shared during ODR processes, tampering of digital evidence or digitally delivered awards/ agreements. • Archaic Legal Processes does not work well with the end-to-end ODR. Further, in India there is <u>no provision for online notarization of documents</u>. As per the Notaries Rule 1956,

only 1/3rd of internet users in India and 28% in rural areas.	intra Governmental disputes would be a key step.	notarization of documents can only be done in person.
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It is important that various actors undertake collaborative efforts to introduce training and certification programmes for enhancing capacity of mediators. Private ODR and ADR providers need to be added in the system to ensure that online resolution can reach different industries, locations and parts of the country. The future will be a hybrid model that combines the best of the real and the virtual world.

Arbitration and Conciliation (Amendment) Act, 2021

Arbitration and Conciliation (Amendment) Act, 2021 checks misuse by “fly-by-night operators” who take advantage of the law to get favorable awards by fraud. It intends to replace the Arbitration and Conciliation (Amendment) ordinance issued in November, 2020.

Key Features

- **Qualifications of Arbitrators:** It does away with the qualifications of the arbitrators under 8th Schedule of the Arbitration and Conciliation Act, 1996 which specified that the arbitrator must be an advocate under the Advocates Act, 1961 with 10 years of experience, or an officer of the Indian Legal Service. The qualifications for accreditation of arbitrators are proposed to be prescribed by regulations to be framed by an Arbitration council of India (ACI).
- **Unconditional Stay on Awards:** If the Award is being given on the basis of a fraudulent agreement or corruption, then the court can grant an unconditional stay as long as an appeal under **Section 34** of the arbitration law is pending.
 - ✓ Presently, 1996 Act allowed a party to file an application to set aside an arbitral award. However, according to 2015 Act, an automatic stay would not be granted on operation of the award by mere filing an application for setting it aside.

Impact Of Amendment Over Dispute Resolution	Issues With Proposed Amendment
<ul style="list-style-type: none"> ● Check fraud and corruption ● Promote India as Hub of commercial arbitration by attracting eminent arbitrators to the country since omitting 8th Schedule will give greater flexibility ● Checking misuse of the provisions under Arbitration and Conciliation Act, 1996 would save the taxpayers money by holding those accountable who siphoned off of them unlawfully 	<ul style="list-style-type: none"> ● Prolonged litigation process as it is very <u>easy for the losing party to allege corruption and obtain an automatic stay</u> on enforcement of the arbitral award. Hence, this defeats the very objective of alternate dispute mechanism ● As the amendment in act is in retrospective manner i.e. from 2015, with respect to automatic stay may open <u>floodgates of litigation</u>. ● Bill does not define Fraud/ Corruption. ● Amendment will affect enforcement of international contracts and ultimately affect ease of doing business in India.

Courts will have to be cautious in formulating a test for granting an unconditional stay on the operation of the award. Therefore, fraud or corruption in the underlying contract could potentially be examined and decided at various stages prior to the final stage of execution of the award.

Issues & Challenges Pertaining to Federal Structure

Federalism

Elements of federalism were introduced by the **Government of India Act of 1919** which separated powers between the centre and the provincial legislatures. The motto of “**Unity in diversity**” has been very important to India and a federal government helps to establish a country with mutual tolerance and existence. In **S R Bommai vs Union of India (1994)**, a nine-judge Bench of Supreme Court held federalism a part of the **basic structure** of the Constitution which means it can't be tampered with.

Federal Features of Indian Union

- Governments at two levels i.e. centre and state.
- Division of powers between the centre and states. There are three lists (Union List, State List, Concurrent List) given in the 7th Schedule of the Constitution
- Supremacy of the constitution
- Independent judiciary
- Bicameralism

Federal Clashes

- Union has the power to make new states or alter the boundaries of existing states.
- Union has the power to make laws on state matters and if both state and union adjudicate on a certain matter, the latter will prevail.
- During an emergency, the central government becomes all powerful and the states go into the total control of the centre.
- The Governor is empowered to reserve certain types of bills passed by the state legislature for the consideration of the president. The President enjoys absolute veto over state bills.
- The continued existence of provisions such as Article 356 (President's rule) goes against the grain of federalism.
- The annulled Farm Acts which allowed farmers to sell their produce outside the Agricultural Produce Market Committee (APMC) to promote inter-state trade. However, the Acts encroached upon the State list.
- States such as Karnataka, Tamil Nadu have asserted their linguistic and cultural rights in the wake of the Centre's interventions such as a promotion of Hindi.
- Regionalism or love for one's area still raises its head in different parts of the country.
- Absence of fiscal federalism as Finance Commission determines the share of the States in the Central tax revenues.

For a country like India which is divided on the linguistic and communal basis, a pure federal structure could lead to disruption and division of states. With too much power given to a state, it may want to shift away from the union. Jammu & Kashmir is an example of it. We need to strike a balance between both unitary and federal features of the country. States should be autonomous in their own sphere but they can't be wholly independent to avoid a state of tyranny in the nation. Extreme political centralisation or chaotic political decentralisation can both lead to the weakening of Indian federalism. The contentious role of the Governor in suppressing the states for the Centre's interest needs to be reviewed. Proper utilisation of the institutional mechanism of the Inter-state Council must be ensured to develop political goodwill on contentious policy issues. Long-term solution is to foster genuine fiscal federalism where states largely raise their own revenue.

Competitive and Cooperative Federalism

India opted for quasi-federal structure after independence. The term “federal” has not been mentioned in the constitution but the working of Indian democracy is essentially federal in structure. However, it is the practical working style of federalism, which brought the concept of cooperative federalism and competitive federalism in India.

Cooperative Federalism	Competitive Federalism
<ul style="list-style-type: none"> • The Centre and states share a <u>horizontal relationship</u>, where they “cooperate” in the larger public interest. • It is an important tool to enable states’ participation in the formulation and implementation of national policies. Centre and the State Governments should be guided by the broader national concerns. • Union and the states are constitutionally obliged to cooperate with each other on the matters specified in Schedule VII of the constitution. • It encourages the Government at different levels to take advantage of a large national market, diverse and rich natural resources and the potential of human capabilities in all parts of the country. A case in point could be GST where manufacturing states are giving up their tax earnings for equal sharing with consuming states for the sake of uniform tax laws. 	<ul style="list-style-type: none"> • The relationship between <u>the Central and state governments is vertical and between state governments is horizontal</u>. • States need to compete among themselves and also with the Centre for benefits. • Competitive federalism is <u>not part of the basic structure of Indian constitution</u>. It is the decision of executives. • States compete with each other to attract funds and investment, which facilitates efficiency in administration and enhances developmental activities. Increasing globalisation, however, increased the existing inequalities and imbalances between states. It requires States to reform their programmes and provide goods and services that they can self-fund. • Initiatives like Vibrant Gujrat and Resurgent Rajasthan are some of the examples of competitive federalism. Healthy competition strives to improve physical and social infrastructure within the state. • 15 FC recommended Tax and fiscal efforts (2.5%): This criterion has been used to reward states with higher tax collection efficiency. It is measured as the ratio of the <u>average per capita own tax revenue and the average per capita state GDP</u> during the three years between 2016-17 and 2018-19.

14th Finance Commission’s significantly enhanced vertical devolution (42% of the divisible pool to states, against 32% suggested by the 13th Finance commission). 15th Finance commission recommended 41% of vertical devolution. The adjustment of 1% is to provide for the newly formed union territories of Jammu and Kashmir, and Ladakh from the resources of the centre. This enables states to design and implement programmes better suited to their needs. Even as it is important for states to compete at a certain level, there is greater need to take the disparity among the States into consideration. Some States may have specialized factor conditions such as skilled labour, capital and infrastructure which others may not be endowed with. Therefore, to expect all States to catch up uniformly in the process of growth and development would be a fallacy. Many States still need the help of the Centre and require extra funding before they can imagine competing. Hence purely relying on the spirit of competitive federalism may not work in our country as some traditionally disadvantaged states like north-eastern states may not be able to compete on their own. Therefore both the systems of Competitive and Cooperative Federalism are not mutually exclusive and a balance between the two is needed for inclusive and sustainable growth.

Revisit 7th Schedule to Improve Centre-State Relations

The constitution specifies the **distribution of powers and responsibilities** between the state and central governments. The 7th Schedule is the most important part of the constitution in this regard, as it specifies the role and responsibilities into **three lists** namely, Union List, State List and Concurrent List.

It contains only one article (**Article 246**) with title “Subject-matter of laws made by Parliament and by the Legislatures of States.”

Article 246 of Indian Constitution

- **The Parliament of India has exclusive power** to make laws with respect to any of the matters enumerated in List I (“Union List”) in the Seventh Schedule.
 - ✓ This list contains 100 subjects (earlier 97), which are matters of national importance like defence, foreign affairs, banking, atomic energy, railways, post etc.
- **The Parliament and the Legislature of any State** have power to make laws with respect to any of the matters enumerated in List III (“**Concurrent List**”) in the Seventh Schedule.
 - ✓ This list contains 52 subjects (earlier 47) on which both the Union and State legislatures enjoy jurisdiction over.
 - ✓ The constitution of India specifies subjects like, criminal law, forests, protection of wild animals and birds, trade unions, population control and family planning, etc., in the concurrent list.
- **The Legislature of any State has exclusive power** to make laws for such State or any part thereof with respect to any of the matters enumerated in List II (“**State List**”) in the Seventh Schedule.
 - ✓ It is a list of 61 subjects (earlier 66) including subjects like, public order, prisons, public health, purchase and sale of intoxicating liquors, agricultural education and research, fisheries, etc.

Issues With The 7th Schedule

- **Relic Of The Colonial Past:** The provision is derived from the **Government of India Act of 1935**. In the three lists, the Constituent Assembly comprehensively enumerated subjects for legislation, which were expanded form of the 1935 Act.
 - ✓ These lists, however, **do not reflect India’s complex realities in its 75th year of independence**.
 - ✓ Concerns such as *climate change and emerging technologies* amongst others, while not conceivable at the time of constitutional drafting, have now become imperatives of governance.
 - ✓ Centrally sponsored schemes should be flexible enough to allow states to adapt and innovate.
- **State Demands For Greater Autonomy:** A few common grievances appear to be regarding a general sentiment that the State List needed to be bolstered.
 - ✓ Rajamannar Committee in Tamil Nadu, 1969 and the Anandpur Sahib Resolution in Punjab in 1973 recommended transferring several entries to the State List, both from the Union and Concurrent Lists, and vesting residuary powers in the States.
- **Amendment of the 7th Schedule:** The Constitution's 7th Schedule has been amended several times since 1950. The Union List and Concurrent List have expanded, while subjects on the State List have decreased.
 - ✓ **For example**, the 42nd Amendment Act, 1976, transferred 5 subjects (Education, Forests, Weights & Measures, Protection of Wild Animals and Birds, Administration of Justice) from State to Concurrent List.
- **Use of Residual Powers:** Residuary powers refer to the power of jurisdiction upon subjects **that are not mentioned in the state or concurrent list**.
 - ✓ **Article 248** of the Indian constitution clearly states that the Parliament of India has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or the State List.

Recommendations Of Various Commissions

- Both the **Sarkaria** Commission and the **Punchhi** Commission on Centre-state relations advised **comprehensive consultation** between the Union and state governments before moving anything from the state list to the concurrent list.
- **N.K. Singh**, chairman of the 15th Finance Commission, has time and again argued for reforms in the 7th Schedule.
- Some have even advocated **further decentralisation** of 7th Schedule by introducing a **local government list**, which is pertinent in the light of rapid urbanisation across the country. Despite the 73rd and 74th Constitutional amendments, except in a few states, there has been little progress at decentralisation—to both rural and urban local bodies- mostly in regards to financial and legislative powers.

Way Ahead

- **Periodic review:** These lists should be reviewed on a regular basis, say every 20 years.
- **Appropriate placement of existing entries** (suggested by Vidhi Centre for Legal Policy can be adopted). It consists of two older principles derived from the Constituent Assembly Debates, as well as two new principles that have emerged from India's post-independence experience
- **Transfer of some subjects to the state list:** For instance, entry No. 58 of the Union list (manufacturing, supply and distribution of salt by Union agencies). It is unnecessary for Union to legislate on issues related to salt.
- **Freedom to Union Government to legislate on matters of national importance:** For example, the Union government should be able to legislate more freely on health-related issues (like covid, vaccination, etc).

Constitutional, Statutory, Regulatory & Quasi-Judicial Bodies

CAG Report On Functioning Of UIDAI

Comptroller and Auditor General of India have flagged complaints about the Unique Identification Authority of India (UIDAI) for the deficient data management. The findings are part of the first performance review by the country's independent auditor of UIDAI, which was carried out over a four-year period between FY2015 and FY2019.

- As of 31st October 2021, UIDAI had issued 131.68 crore Aadhaar numbers.

Highlights of Report

- **Data Matching:** There are incidents that a data of Aadhaar card holders have not been matched with their Aadhaar number even after 10 years in some cases.
- **Error in authentication:** There is absence of system to analyse the factors leading to authentication errors and it does not have data archiving policy.
- **Privacy issues:** CAG also highlighted the missing of security and safety of data in Aadhaar vaults.
- **No Proof of Residency:** There is no prescription of any specific proof, document or process to confirm whether a person who is applying for Aadhaar has resided in India for the period specified by the rule. It takes confirmation of the residential status through a casual self-declaration from the applicant.
 - In India, Aadhaar numbers are only issued to individuals who have resided for a period of 182 days or more in the 12 months before the date of application.
- **Deduplication:** According to the CAG report, the UIDAI had to cancel more than 4,75,000 Aadhaars (as of November 2019) for "being duplicate".

- This data indicates that on average no less than 145 Aadhaars generated in a day during the period of nine years since 2010 were duplicate numbers requiring cancellation.
- **Faulty Enrolment Process:** UIDAI appeared to have charged people for biometric updates when poor quality data was fed in during enrolment.
 - UIDAI did not take responsibility for poor quality biometrics and put the onus on the resident and charged fees for it.
- **Children Below the Age of Five:** UIDAI's move to issue Aadhaar cards to children and newborns without biometrics under an initiative known as Bal Aadhaar.
 - This needs to be reviewed because **anyway after 5 years**, a child has to apply for new regular Aadhar. The unique identity is not matched anyway because it is issued on the basis of **documents of parents**.
 - UIDAI has also incurred avoidable expenditure of Rs 310 crore on the issue of Bal Aadhaars till 31st March 2019.
- UIDAI does not have adequate arrangement with **postal department** due to which lot of cards are returned back to government and citizen suffers without any fault of their own.

The UIDAI needs to review the issue of Aadhaar problem as it can cause great hamper to country's data protection. Tightening the **Service level Agreement (SLA)** parameters of Biometric Service Providers, devise **fool proof mechanism** for capturing biometric data and explore alternative ways to capture Uniqueness of a **biometric Identity for minors**. UIDAI may frame a **suitable data archival policy** to mitigate the risk of vulnerability to data protection and reduce saturation of valuable data space due to redundant and unwanted data, by continuous weeding out of unwanted data.

Comptroller and Auditor General of India (CAG)

Constituted under Article 148, it is the guardian of the public purse and controls the entire financial system of the country at both the levels—the Centre and the state. The accountability of the executive to the Parliament in the sphere of financial administration is secured through audit reports of the CAG. CAG acts as a guide, friend and philosopher of the Public Accounts Committee of the Parliament. The CAG submits three audit reports to the President



Independence of CAG is ensured by

- **Security of tenure:** CAG can be removed by the president on same grounds and in the same manner as a judge of the Supreme Court.
- **Bar on taking up office post-retirement:** CAG is not eligible for further office, either under the Government of India or of any state, after he ceases to hold his office.
- **Salary and other service conditions** are determined by the Parliament and these cannot be altered to his/her disadvantage after his/her appointment.
- **Expenses charged upon the Consolidated Fund of India (CFI)**
- **Administrative powers:** Conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the CAG are prescribed by the president after consultation with the CAG.

Criticism of CAG

- **Appointment:** The present selection process for the CAG is entirely internal to the Government machinery. This goes against its role of ensuring executive accountable.
- **Post facto audit:** Its report is post-facto, unlike in UK where no money can be drawn from the public exchequer without the approval of the CAG. Thus, CAG of India only performed the "post mortem"

role of an Auditor General and not of a Comptroller but in Britain it has the power of both Comptroller as well as Auditor General.

- In India, CAG is not a member of the parliament while in Britain; CAG is a member of house of the Commons.
- **Exceeding mandate:** Some criticised CAG’s reports on 2G, Coal blocks allocation as beyond its jurisdiction and mandate.
- **Promoting risk averse attitude:** As auditors *may not* take into consideration the practical problems in the administration. Thus, when CAG look into ‘wisdom, faithfulness, economy’ of policy, administrators may not likely to take risk.
- **Conflict of interest:** Former secretaries are appointed as CAG that compromise the independence of the institution because of apparent/perceived conflict of interest. E.g. Appointment of former defense secretary Shashi Kant Sharma as the CAG.
- **Bypassing post retirement rules:** Banks Board Bureau (BBB) was headed by former CAG Vinod Rai despite bar on taking up office post-retirement
- **Secret service expenditure** is a limitation on the auditing role of the CAG. In this regard, the CAG cannot call for particulars of expenditure incurred by the executive agencies, but has to accept a certificate from the competent administrative authority that the expenditure has been so incurred under his authority.
- **Delay in supply of documents:** Usually delayed and more often, the crucial documents are supplied to the auditors at the end of the audit programme. This is done with objective of obstructing meaningful audit of crucial records.

Auditors should be provided access to records on priority basis within limited time. In case of failure to do so, heads of departments should be required to explain for delay. In 2015, an all-India conference of PACs of Parliament and State/Union Territories legislatures discussed the need for complete independence of the CAG, making it a part of the PAC, like in the UK and Australia. A multi-member body should appoint CAG on the lines of CVC. From climate change to PPPs, there are new developments which make auditing complex task. In 2016, CAG came out with a Big Data management policy to meet new challenges.

Election Commission of India (ECI)

It is a constitutional body vested with the responsibilities of superintendence, direction and control of conduct of elections. It consists of a Chief Election Commissioner (CEC) and two Election Commissioners (ECs). **Article 324** states that the Election Commission shall consist of CEC and such numbers of other ECs, if any, as the President may from time to time fix. Appointment of CEC and other ECs shall, subject to provisions of any law made in that behalf by the Parliament, be made by the President.

Issues Associated	Recommendations
<ul style="list-style-type: none"> • Lack of security of tenure for Election Commissioners (ECs): Article 324(5) of the Constitution protects only CEC from removal, except if the manner and grounds of removal are the same as a judge of the Supreme Court. However, ECs can be removed by the government on the recommendation of the Chief Election Commissioner. • The appointment of CEC and other ECs (Article 324) shall be done as per the law made by the Parliament in this regard. However, no such law has yet been made thus leaving a 	<ul style="list-style-type: none"> • ECI should be given the power to make <u>rules under the electoral law</u>, instead of the Centre. At present, RP Act empowers the Central Government to make rules after consultation with ECI. However, the Central Government is not bound to accept. • Thus, impacting various reforms such as power to <u>de-register political parties, insertion of new clause ‘58 B’</u>

<p>“gap” in appointment of such crucial posts solely to the executives.</p> <ul style="list-style-type: none"> • The constitution has not prescribed the qualifications (legal, educational, administrative, or judicial) of the members of election commission. • There is no clarity regarding the power division between the CEC and other ECs • ECI is embroiled in various issues & controversies such as EVM malfunctioning, announcement of election dates to benefit ruling government, money and muscle role in elections etc. 	<p><i>be inserted in the RPA Act 1951</i> to give power to postpone or countermand polls based on evidence that money power was used to influence voters.</p> <ul style="list-style-type: none"> • ECI in 2017 sought an urgent amendment to the Contempt of Courts Act, 1971, to empower it to punish anyone being disobedient or discourteous towards its authority.
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Central Vigilance Commission (CVC)

The CVC was set up by the Government in February, **1964** on the recommendations of the Committee on Prevention of Corruption, headed by **Shri K. Santhanam**. In 2003, the Parliament enacted CVC Act conferring statutory status on the CVC.

Issues Involved

- **Advisory body:** Central Government Departments are free to either accept or reject CVC's advice in corruption cases.
- CVC does not have adequate resources compared with number of complaints that it receives.
- The commission does not qualify as a competent authority to sanction criminal prosecutions for offences committed by public officials
- **Appointment of Chief Vigilance Officer(CVO)** is not transparent, as there is no statutory requirement about the selection to be unanimous or based on consensus among the members of the committee
- **Public disenchantment:** When it receives a complaint, the CVC calls for inquiry reports from the appropriate agencies. There is considerable delay in finalising and submitting reports to the Commission
- **Non-consultation with Commission:** In the case of investigations submitted by CVOs, almost half of them were closed without any action. It vitiates the vigilance process and weakens the impartiality of vigilance administration.
- **Deviations from the Commission’s advice:** The CVC’s annual report has stated that it has “observed that there were some significant deviations from the Commission’s advice” by various Ministries.
- **Pending cases:** Several complaints are pending for long periods with the CVOs. They are required to furnish investigation reports on complaints sent to them for probe by the Commission within 3 months.
- **Limitations in supervisory powers over CBI:** CVC does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner.
- **Long-pending vacancies** in the Central Vigilance Commission
- Anonymous and pseudonymous complaints are affecting the efficiency of CVC
- Although the Act does not specify it, the persons chosen for these posts are expected to possess impeccable integrity, but it is getting compromised on several occasions.

Recommendations

- It is recommended that the CVC develops scientific criteria for the selection of CVOs that match the competency requirements. CVOs to be trained longer and more frequently and given adequate knowledge of management audit, decision making processes etc.

- Sensitizing the people about the dangers and evil consequences of corruption
- CVC should expand and intensify its proactive role and achieves even greater depth and coverage.
- CVC must give firm guidelines to the companies to initiate proceedings under the relevant sections of the IPC and the CrPC in all cases of false, malicious and unfounded complaints that may have delayed strategic decisions.

Umbrella Body For All Investigating Agencies

Chief Justice of India (CJI) has proposed an **umbrella independent and autonomous investigative agency** in pursuit of reforming law enforcement agencies. It has mentioned that Central Bureau of Investigation (CBI) has come under deep public scrutiny. Its actions and inaction have raised questions regarding its credibility.

Creation Of Independent Umbrella Institution

- Various central agencies like **CBI, Enforcement Directorate and Serious Fraud Investigation Office (SFIO)** under one roof.
- This organisation should be headed by an independent and impartial authority, appointed by a committee akin to the one which **appointed the CBI Director**.
- CJI mentioned to have separate and autonomous wings for **prosecution and investigation** to ensure total independence.
- It will also save the institution for being blamed as a tool of harassment.
- An **appointing committee will audit** for the institution’s performance.

The recommendation of CJI is in line with improving the quality of investigation of central law enforcement agencies as well as enhancing public trust in these institutions.

Independence of CBI

- Supreme Court (SC) in **Vineet Narain case** gave reforms for making CBI independent. SC ruled that the Director of the CBI should be appointed on the recommendations of a committee headed by the CVC, with Home Secretary and Secretary in Department of Personnel as members.
- SC has also termed CBI as a **caged parrot** with many masters on account of political interference in CBI’s functioning.
- Parliamentary Standing Committee (PSC) 85th report wanted to replace Delhi Special Police Establishment (DSPE) Act of 1946 by a new CBI law.

Issues Involved	Steps Taken To Strengthen CBI
<ul style="list-style-type: none"> • Effective Cadre management- Vacancies in CBI have to be plugged through State or other Central forces on deputation. Thus, it is susceptible to manipulate the senior officers, as their future postings are dependent on it. It also enables government to transfer officers at critical stages of enquiry. • Administrative autonomy- CBI Director should be given the powers of ex-officio Secretary to allow direct reporting to the Minister of Personnel reducing the hassles in going through DoPT for even basic administrative issues. • Financial Powers- Currently the CBI is not financially independent as <u>administrative and financial control</u> wrests with Ministry of Personnel. It makes it prone to interference by the government. 	<ul style="list-style-type: none"> • Operationalizing CBI courts for effective prosecution. • CBI has been exempted from consultation with UPSC for recruitment to the post of DSP for a period of 3 years in 2017. • Advanced Certified Course for CBI officers to <u>enhance their investigation skills, forensic data & evidence collection, skills etc.</u> by training from National Law School of India University and IIM Bangalore.

<ul style="list-style-type: none"> • Dependence on states – Since CBI is police agency, it acts as per procedures of CrPC and police is a state subject. CBI needs to go through cumbersome procedure to get the consent of State government before it can make its presence in that State. • Set timeline – CBI faces enormous delays in concluding investigation which can be reduced by setting a time period and improving infrastructure and manpower. • Violate the spirit of cooperative federalism: New CBI law will have to be passed by a <u>constitutional amendment in State List</u> relating to <u>law and order</u> • CBI powers are misused for vested gains leading to poor transparency & accountability of the agency to the people at large. 	<ul style="list-style-type: none"> • Various schemes for Modernization of training centers in CBI, CBI e-governance, comprehensive modernization of CBI branches/offices etc are being implemented.
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CBI vs State Tussle Despite Cooperative Federalism

Recently Central Government told the Supreme Court that West Bengal (WB) government does not have any “absolute” power to keep the CBI from investigating crimes inside the State. This recent clash raises the question on Cooperative Federalism to ensure smooth functioning of federal system in India.

- The WB has challenged the CBI’s jurisdiction to register FIRs and conduct investigations in the State in numerous cases.
- WB said it had withdrawn “**general consent**” to the CBI in 2018 and CBI’s actions were a direct attack on the federal structure of governance.
- Eight states have currently withdrawn consent to the CBI like Maharashtra, Punjab, Rajasthan, etc.

General Consent for CBI

- Under DPSE Act, CBI must mandatorily obtain the consent of the state government concerned before beginning to investigate a crime in a state.
- The consent of the state government can be either case-specific or general.
- A “general consent” is normally given by states to help the CBI in seamless investigation of cases of corruption against central government employees in their states.
- In the absence of which the CBI would have to apply to the state government in every case, and before taking even small actions.

The role, jurisdiction and legal powers of the CBI need to be clearly laid down. It will give it goal clarity, role clarity, autonomy in all spheres and an image makeover as an independent autonomous statutory body. Therefore CBI law will be a step in the right direction. Apart from this Lokpal Bill and CVC should be strengthened to make CBI truly robust.

National Green Tribunal (NGT)

The National Green Tribunal (NGT) was established on 18th October, 2010 under the NGT Act 2010 for effective and expeditious disposal of environment related cases. The NGT is a statutory and quasi-judicial body which is not bound by the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872 but is guided by principles of natural justice. It has the power to regulate its own procedure.

Important Judgements	Issues Associated With Its Functioning
<ul style="list-style-type: none"> • In 2012 the Almitra H Patel Vs Union of India case, it directed states to implement 	<ul style="list-style-type: none"> • Restricted jurisdiction in case of forest rights: Two important acts - Wildlife (Protection) Act, 1972 and

<p>Solid Waste Management Rules and prohibited open burning of waste on lands.</p> <ul style="list-style-type: none"> • In 2012, NGT suspended the clearance given to POSCO, to set up a 12 million-tonne steel plant in Odisha. • In 2013 in Uttarakhand floods case, NGT relied on the precept of 'polluter pays' to order the Alaknanda Hydro Power Co. Ltd. to compensate to the petitioner • In the Save Mon Federation v/s Union of India case, the NGT suspended a ₹6,400-crore hydro project, to save the habitat of a bird. • In 2015, the NGT banned all diesel motors over 10 years in Delhi NCR. • 2016 amendment to EIA 2006 notification which sought to give local authorities powers to grant environmental clearance to builders, was nullified by the NGT terming it as a "ploy" to circumvent the 2006 rules. • The NGT, in 2017, imposed an intervening time ban on plastic bags of less than 50-micron thickness in Delhi 	<p>Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been kept out of NGT's jurisdiction.</p> <ul style="list-style-type: none"> • Lack of institutional mechanism to ensure compliance of its orders as orders related to Ganga water pollution, Delhi air pollution, illegal mining, and solid waste management remain unenforced. • Generic orders directing the concerned authorities "to look into the matter and take appropriate action in accordance with law". • Large number of dismissals of appeals <u>on procedural grounds</u>. • NGT have additionally been criticised and challenged due to their repercussions on growth and development. • NGT has vacancies in judicial and expert members against the sanctioned strength of 10 each thus outsourcing most of its technical work • Limited Regional Benches: NGT being located in only big cities spread across India. • Absence of a formula-based mechanism in determining the compensation, prolonged litigation due to the option of challenging orders before the Supreme Court etc.
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Amendment should be done to the NGT Act to give powers to establish a mechanism for enforcing its directions. Moreover, NGT should not be seen as obstacle to development but a way to sustainable development.

Local Bodies

PRI

The PRI has **succeeded in creating another layer of government and political representation** at the grass-roots level. Despite three decades of existence there are several inconsistencies which are as follows

- PRIs are reluctant to take on projects that require any meaningful financial outlay, and are often unable to solve even the most basic local governance needs
- The 73rd amendment only mandated the creation of local self-governing bodies, and left the decision to delegate powers, functions, and finances to the state legislatures, therein lays the failure of PRIs.
- The transfer of various important governance functions like the provision of education, health, sanitation, and water was not mandated. Because these functions were never devolved, state executive authorities have proliferated to carry out these functions.

- The grey area is the **lack of adequate funds**. There is a need to enlarge the domain of panchayats to be able to raise their own funds through local taxes or receive intergovernmental transfers. **The power to tax, even for subjects falling within the purview of PRIs, has to be specifically authorized by the state legislature**
- A second avenue of revenue generation is **intergovernmental transfers**, where state governments devolve a certain percentage of their revenue to PRIs. However, state governments are not bound by the recommendations of state Finance commission. Though finance commissions, at every level, have advocated for greater devolution of funds, there has been **little action by states to devolve funds**.
- The **interference of area MPs and MLAs in the functioning of panchayats**
- PRIs also **suffer from structural deficiencies** i.e. no secretarial support and lower levels of technical knowledge.
- There is a **presence of adhocism** i.e. lack of clear setting of agenda in gram sabha, gram samiti meetings.
- Though women and SC/STs has got representation in PRIs through reservation mandated by 73rd amendment but there is a **presence of Panch-Pati and Proxy representation in case of women and SC/STs representatives respectively**. To solve this issue **social empowerment must precede the political empowerment**.
- **Accountability arrangements remain very weak** even after three decades of PRIs constitutional arrangement.
- The issue of **ambiguity in the division of functions and funds has allowed concentration of powers with the states** and thereby restraining the elective representatives who are more aware and sensitive to the ground level issues to take control.

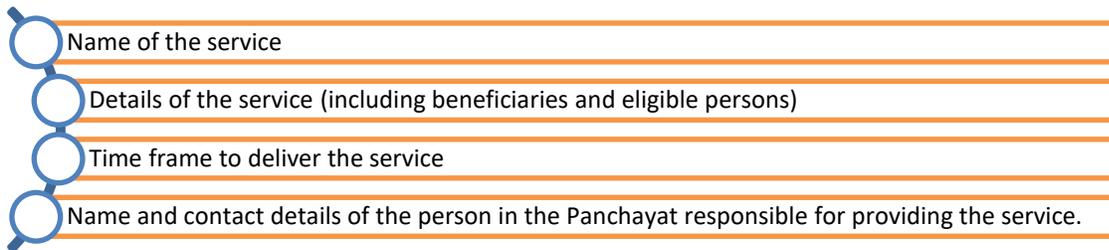
Significance of PRIs in Disaster Management (DM)	Challenges Faced By PRI In DM
<ul style="list-style-type: none"> • Coverage: Rural population in India was reported at 65.07 % of total population in 2020 thus PRI can play a major role in DM throughout the country. • Proximity: PRI along with village communities can enhance people’s participation in activities like: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="background-color: #4a7ebb; color: white; padding: 5px; text-align: center;">Risk assessment of areas</div> <div style="background-color: #4a7ebb; color: white; padding: 5px; text-align: center;">Identification of vulnerable groups</div> <div style="background-color: #4a7ebb; color: white; padding: 5px; text-align: center;">Response measures</div> <div style="background-color: #4a7ebb; color: white; padding: 5px; text-align: center;">Preparing for early warning systems</div> </div> • Maintaining transparency and accountability in the activities undertaken <i>during and post disaster social audits</i>. • Inclusive disaster risk reduction: About 5.5 lakh SCs, 3.35 lakh STs and 10.48 lakh women were working as panchayat leaders at different levels of the PRI. These elected representatives are best equipped to take care of marginalised groups • Traditional knowledge: PRIs can tap the traditional wisdom of the local communities to complement the modern practices in DM. • Spreading authentic awareness in the community: Eg.COVID-19 • Leadership: PRI provides a base for integration of various concerns of the community with that of the NGOs 	<ul style="list-style-type: none"> • Insufficient institutional, financial and human capacities to implement their disaster plans. • <u>Low level of devolution of powers and functions by the States.</u> • Lack of clarity regarding roles and responsibilities • Low participation of vulnerable groups. • Absence of effective of inter-agency coordination. • Lack of training of Elected Representatives and Official Functionaries

Model Panchayat Citizens Charter

Panchayats in India constitute the third tier of government and represent the first level of Government interaction for over 60% of the Indian population. They are responsible for delivery of basic services as enshrined under **article 243G** of the Constitution of India, specifically in the areas of Health & Sanitation, Education, Nutrition, and Drinking Water. The basic objective of the Gram Panchayat Citizen Charter is to empower the citizens in relation to public services and to improve the quality of services without any prejudice in accordance with the expectations of the citizens.

The 'Gram Panchayat Citizens' Charter should include the following information –

- i) **Vision and Mission of the Panchayat:** The vision implies ultimate direction in which Panchayat seeks to move. The Mission statement provides the specific objectives which drive the Panchayat in tune with the vision.
- ii) **Service Standards / Procedure for obtaining services:** For obtaining a service listed in the charter, the eligible citizen shall apply to the designated officer along with the essential documents and also pay the prescribed fee if any. The following information need to be provided under service standards



○ Name of the service

○ Details of the service (including beneficiaries and eligible persons)

○ Time frame to deliver the service

○ Name and contact details of the person in the Panchayat responsible for providing the service.

- iii) **Grievance Redressal:** The Sarpanch and the Panchayat Secretary must be accessible to the Citizens to listen to the grievances and make arrangements to address the complaint timely. If the citizen feels that the Panchayat has failed to provide a service, he can file an appeal before the designated higher authority. The contact details of the authority to whom citizen need to contact for any such complaint need to be included in the charter

Benefits

- It has been prepared for delivery of the services across the 29 sectors, aligning actions with localized Sustainable Development Goals (SDGs).
- It brings professionalism in Panchayat functioning and helps to reach out to all sections of community without any discrimination.
- The standards committed by Panchayats are useful yardsticks for monitoring & evaluation of service delivery.
- It will help in making the citizens aware of their rights on the one hand, and to make the Panchayats and their elected representatives directly accountable to the people, on the other hand.
- It would ensure transparent and effective delivery of public services and enhanced citizen service experiences, deepening inclusive and accountable Local Self Governments

Challenges to Overcome

- **Issues related with design phase**
 - ✓ The citizen charter needs to be published in a language which is easily understandable.
 - ✓ It should be regularly updated rather than a one-time exercise, frozen in time.
 - ✓ Gram Sabha & NGOs along with staff who will finally implement it should be consulted to draft the CC.
 - ✓ Diversity in citizen charter across all agencies to incorporate the different village needs.
- **Issues related with Implementation phase**
 - ✓ Measurable standards of delivery to assess whether the desired level of service is achieved or not.

- **Issue related to citizens**
 - ✓ Lack of awareness regarding the charter and reluctance of department in handing out punishments for non-compliance should be taken care.
 - ✓ Organizations are generally disinterested in following through with the standards since there is no incentive or motivation to enforce it on their employees.
- **Issue related to grievance redressal**
 - ✓ Timely Reporting and periodic review mechanism to assess the implementation of Charter.
 - ✓ Annual Report to include a review of Charter implementation or plans for implementation.
- **Issues related to human resource**
 - ✓ Employees responsible for its implementation should have proper training.
 - ✓ Transfers and reshuffles of concerned officers at the crucial stages of formulation/ implementation of the Citizen's Charter should be avoided

A Citizens' Charter cannot be an end in itself; it is rather a means to an end which is a tool to ensure that the citizen is always at the heart of any service delivery mechanism. Drawing from best practice models such as the Sevottam Model can help Citizen's Charter in becoming more citizen centric.

Salient Features of Representation of People's Act

Model Code of Conduct (MCC)

The MCC is a set of guidelines issued by the EC to regulate political parties and candidates prior to elections. It helps EC in keeping with the mandate it has been given under **Article 324** of the Constitution, which gives it the power to supervise and conduct free and fair elections to the Parliament and State Legislatures. The MCC is operational from the date on which the election schedule is announced until the date of result announcement.

Though MCC **does not have any statutory backing**, it has come to acquire strength in the past decade because of its strict enforcement by the EC. However, this code is frequently violated by political parties where leaders used issues like religion, caste and nationalism to get the favor. Social media is also used for vitiating the election environment.

- Recently, the Election Commission (EC) has found former Madhya Pradesh Chief Minister's remark on a woman politician violative of the Model Code of Conduct (MCC).
- Kerala Chief Minister Pinarayi Vijayan had violated the MCC with his announcement that COVID-19 vaccination will be provided free of cost to everyone in the State.

Making MCC Statutory Part Under RPA Act 1951	Various Implications
<ul style="list-style-type: none"> • In 2013, the Standing Committee on Personnel, Public Grievances, Law and Justice, recommended making the MCC legally binding and recommended that the MCC be made a part of the RPA 1951. • It will become a legal framework which can be justifiable in the court. • It will also seek to regulate activities in social media. 	<ul style="list-style-type: none"> • EC argues against making it legally binding since it can blur the image of election commission as neutral body as an action taken by EC can be seen as a biased action. • Elections must be completed within a relatively short time or close to 45 days and judicial proceedings typically take longer, therefore it is not feasible to make it enforceable by law. If the model code of conduct is converted into a

<ul style="list-style-type: none"> • This will enable the EC to take adequate action as per the violation committed. • It will create a fair play for the contestant without vitiating the atmosphere which generally leads to law and order problem. 	<p>law, it will result into increase litigation and delay the election process</p> <ul style="list-style-type: none"> • Various political parties see this move as an attempt of taking power of EC.
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Legalizing the MCC will be an attempt to fill the loopholes in the laws. However, these loopholes can be easily plugged by inner party democracy and pragmatic EC's decisions.

- SC in **Union of India vs. Harbans Sigh Jalal** opined that legalizing MCC may not be suitable option. Instead certain provisions of the MCC may be enforced through invoking corresponding provisions in other statutes such as the IPC 1860, CrPC 1973, and RPA 1951.
- Creating more awareness in political parties about MCC by training and awareness programmes, discouraging the violation on social media by amending IT Act & use of whip office in parties to regulate activities during elections can be a game changer.

One Constituency One Candidate (OCOC)

Chief election commission has asked the Ministry of Law and Justice **to limit the seats from which a candidate can contest to just one**. It has also recommended **to ban on exit poll and opinion poll**. As per **Section 33(7)** of the Representation of People's Act (RPA) 1951, one candidate can contest from a maximum of two constituencies.

Concerns Due To Contesting From Multiple Constituencies

- **Section 70 of RPA bars candidates to represent from two constituencies in Lok Sabha or state Assembly**. Hence the idea of contesting from two constituencies seems illogical.
- It creates automatic vacancies in the constituencies leading to by-elections.
- By-elections are also huge waste of taxpayers' money and time.
- At times, Influential Politician contest from two constituencies to dilute the votes of other contestants thus leading to exploitation of section 33(7).

Constitutionality of Sec 33(7)

The constitutional validity of Section 33(7), RPA, 1951 has been upheld by the Allahabad High Court in **Raja John Bunch v. Union of India 2014**.

- The court observed that **Article 101 of the Constitution does not contain any prohibition or restriction on a person contesting an election or filing a nomination from more than one constituency**.
- The court observed that there is nothing inconsistent between Section 33(7) and Article 101.

Arguments In Favour Of OCOC	Arguments Against OCOC
<ul style="list-style-type: none"> • It will help save administration time along with tax payers' money and time. • Political parties will put effort to bring best candidate on the platform. • Effective representation, being essential to a democratic system, <u>is undermined</u> by the system of multiple elections. The supreme power is lost from the hands of people, rested in those who are in power. • Brings equality amongst the voters in India. • It also favors the idea of "fair elections", as the economically weaker candidates, would not have enough to contest from multiple constituencies, and hence the wealthier candidate gets more chances of winning. 	<ul style="list-style-type: none"> • There can be unnecessary emergence of multiple political parties. • It can lead to Parochialism resulting in narrow interest making regional interest over national interest.

Recommendation of Election Commission

- It has recommended amending **section 33(7)** so as to allow one candidate to contest from only one seat.

- As per another recommendation of Election Commission, if a candidate will vacate a seat which he or she has won, the candidate securing second highest vote should be announced as winner.
- Another recommendation - A proper regulation for bearing the expense of by- election should be implemented if a candidate winning from two constituencies will vacate one seat.

Historical Background for Contesting of election

- **Prior to 1996, Section 29A of RPA 1951 has no limit** on the number of constituencies a candidate can contest. This created a huge burden on financial burden.
- It was amended in 1996 and the number of constituencies was limited to two only.
- 255th report of Law Commission also recommended to amend section 33 (7).

Freebies By Political Parties

The Supreme Court sought responses from Union government and Election Commission of India (ECI) on political parties promising or distributing irrational freebies using public funds.

Background

Political parties promise to offer free electricity/water supply, monthly allowance to unemployed, daily wage worker and women as well gadgets like laptops, smart phones etc. in order to secure the votes of the people.

Arguments Against Freebies	Arguments In Favor Of Freebies
<ul style="list-style-type: none"> • Arbitrary promises of irrational freebies are a violation of the ECI’s mandate for free and fair election. • The Supreme Court has also, in S Subramaniam Balaji vs Government of Tamil Nadu 2013, stated that unrealistic poll promises and freebies are a serious issue that disrupts the free and fair election. • Distributing private goods-services, which are not for public purposes, from public funds clearly violates constitution Article 14 (equality before law), Article 162 (executive power of a state), Article 266(3)(expenditure from the consolidated Fund of India), and Article 282 (Discretionary grants). 	<ul style="list-style-type: none"> • Essential for Fulfilling Expectations: There are expectations from the part of people which are met by such promises of freebies. Moreover, there are also comparative expectations when the people of the adjoining/other states (with different ruling parties) get freebies. • Helps Lesser Developed States: With a larger share of the population suffering from poverty, such kind of freebies become need/demand-based and it becomes essential to offer the people such subsidies for their own upliftment.

Way Forward

- **Differentiating Subsidies and Freebies:** There is a need to understand the impacts of freebies from the economic sense and connect it with the taxpayers money. It is also essential to distinguish between subsidy and freebies as subsidies are the justified and specifically targeted benefits that arise out of demands
- **Better Policy Reach:** The economic policies or development models that the parties plan to adopt have to be very clearly stated and implemented effectively
- **Judicious Demand-Based Freebies:** The judicious and sensible offering of freebies or subsidies that can accommodate all the people in the states’ budget do not do much harm and can be leveraged.
- **Awareness:** People should realize the wrong they do in selling their votes for freebies.

Government Policies & Interventions for Development In Various Sectors

Cannot Share Aadhaar Details For Crime Inquiry, UIDAI Tells HC

Recently, the Unique Identification Authority of India (UIDAI) told the Delhi High Court that fingerprints found at a scene of crime cannot be matched against the Aadhaar database to identify a criminal.

- The query came after the prosecution sought to know if potential fingerprints and photographs of unknown accused could be matched with the Aadhaar database to identify the culprits.
- In an order passed in February, the High Court asked the UIDAI to respond whether the Aadhaar Act 2016 permits the same.

UIDAI Response

- The UIDAI said in its affidavit that sharing or use of biometric information for any use other than the generation of the Aadhaar number, and authentication, is “impermissible”.
- **Section 29** of the Aadhaar Act places restrictions on sharing information collected or created under the Act.
- The UIDAI also referred to regulation 3 of the Aadhaar Act, which says “core biometric information collected by the Authority under the Act shall not be shared with anyone for any reason whatsoever”.
- The UIDAI also added that it does not have the technology to match fingerprints etc found at the scene of a crime with those available on its database.
- The UIDAI added that the biometrics information is only used for de-duplication of residents and to ensure uniqueness of Aadhaar number.
- The UIDAI submitted that as per the mandate of the Aadhaar Act and the direction of the Supreme Court, such information cannot be provided without giving an opportunity of hearing to the Aadhaar cardholder in question

Exceptions When Information Can Be Revealed

Certain provisions of the Aadhaar Act, 2016 allow for sharing the information in the following two scenarios:

- In the **interest of national security**, a Joint Secretary in the Central Government may issue a direction for revealing, (i) Aadhaar number, (ii) biometric information (iris scan, finger print and other biological attributes specified by regulations), (iii) demographic information, and (iv) photograph.
 - Such a decision will be reviewed by an **Oversight Committee** and will be valid for six months.
- On the **order of a court**, only (i) an individual's Aadhaar number, (ii) photograph, and (iii) demographic information, may be revealed.

Rules For Tapping A Phone

Phone tapping issue from Maharashtra got much attention of Media and people. Phone tapping is a process of monitoring of telephone or internet-based conversation by a third-party including law enforcement authorities, and often by covert means.

Background

- In PUCI vs. Union of India (1996), the SC pointed out lack of procedural safeguards in the provisions of the **Telegraph Act 1885** and laid down certain guidelines for interception.

- The SC's guidelines formed the basis of introducing **Rule 419A** in the **Telegraph Rules in 2007**.
- The SC's guideline was later adopted in the rules prescribed under the IT Act. Section 69 of the IT Act and the IT (Procedure for Safeguards for interception, Monitoring and Decryption of Information) Rules, 2009 were enacted to further the legal framework for electronic surveillance.

Process Of Phone Tapping By Law Enforcement Authorities In India

- The authorities make a request to service providers such as Airtel, Jio etc. to **record conversation** on the given number and provide these in real time through a connected computer. The service providers are bound by law to provide that. This is also called 'parallel listening'.
- Phone can be tapped lawfully by:
 - State Police
 - 10 Central Law Enforcement Agencies such as IB, CBI, ED, NCB, NIA, RAW, DSI, Delhi Police Commissioner, DRI and CBDT
- **Exception for the press:** Press messages intended to be published in India of correspondents accredited to the Central Government or a State Government shall not be intercepted or detained, unless their transmission has been prohibited under this subsection.

Data

- On an average, 6,000 to 8,000 telephones are tapped by various agencies at any given time based on authorisation by the Union home secretary.
- Besides, around 10,000 more telephones are lawfully intercepted by state governments

Laws Related to Tapping

Section 5(2) of Indian Telegraph Act 1885: On the occurrence of any public emergency, or in the interest of the public safety, phone can be tapped by the **Center or States** if they are satisfied that it is necessary in the *interest of public safety, sovereignty and integrity of India, the security of state, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence.*

Rule 419A of Indian Telegraph (Amendment) Rules 2007

- **Using as Last Resort:** The law is clear that interception must be ordered only if there is no other way of getting the information.
 - **Rule 419A** mentions that while issuing directions under sub-rule (1) the officer shall consider the possibility of acquiring the necessary information by other means and the directions under sub-rule (1) shall be issued only when it is not possible to acquire the information by any other reasonable means
- **Competent Authority:** Phone tapping shall not be issued except by an order made by Union Home Secretary, or State home secretary. The order has to be conveyed to the service provider in writing, only then can the tapping begin.
- **In unavoidable circumstances**, such order may be made by an officer, not below the rank of joint secretary to the GOI and has been specially authorized by Union Home Secretary or State home secretary.
- In **remote areas** or for operational reasons, if it is not feasible to get a prior direction, a call can be intercepted with the prior approval of head or the second senior most officer of the authorized law enforcement agency at the central level, and by authorized officer, not below the rank of IG at the state level.
- **Approving Authority:** The order has to be communicated within **3 days** to the competent authority, who has to approve or disapprove it within **7 days**. If the confirmation from the competent authority is not received within the stipulated 7 days, such interception shall cease.
- **Limited time period:** The **direction for interception** remains in force for **60 days**, unless revoked earlier. However, it can be extended for up to 180 days.

- **Proper reason:** Any order issued by competent authority has to contain reasons, and a copy is to be forwarded to a review committee within 7 working days. The review committee is expected to meet at least once in two months to review all interception requests.
 - **Members of review committee in center:** Cabinet Secretary, Law Secretary and Telecom Secretary
 - **Members of review committee in state:** Chief Secretary, Law Secretary and Any other Secretary other than Home Secretary
- The intercepted records shall be **destroyed every 6 months** unless these are required for functional requirements. Service providers too are required to destroy records pertaining to directions for interception within **two months** of discontinuance of the interception.

The provision for tapping phone under the Telegraph Act 1885 is important during the occurrence of public emergency of the interest of public safety but it is in conflict with right to privacy and right to free speech. The right to privacy is fundamental right as ruled by the SC in Puttaswamy Case (2017). The restriction on any fundamental rights should be just, fair and reasonable.

New Systems Delay MGNREGS Wage Payments

The **mandatory implementation** of a **national mobile monitoring system** for the MGNREGS without addressing various technical issues has led to payments to workers being held up in Kerala.

Background

- The national mobile monitoring system was first piloted with a requirement to capture the attendance at worksites with more than 20 workers through the mobile system.
- It has now been mandatory without ensuring that the system is working without any glitches.
- After the mobile monitoring system for MGNREGS was made mandatory, reports have come from most districts in Kerala regarding inability to process wage payments.

Mobile Monitoring System for MGNREGA

- The Union Ministry of Rural Development introduced a **Mobile Monitoring System** for effective implementation of the MGNREGA.
- This system is aimed at bringing more transparency and ensuring proper monitoring of the schemes.
- It permits taking real time attendance of workers at MGNREGA worksites along with geo-tagged photograph.
 - It is expected to plug leakages in the rural job scheme.
- It also helps in increasing citizen oversight of the programme.

Complaints

- **Technical issues in new system**
 - Officials have been getting complaints from across the State regarding inability to upload attendance data and capturing of attendance.
 - Even in cases where the upload happened successfully, wage has not been processed.
 - Critics point towards the fact that many of these changes are being imposed without any consultations or adequate study.
- **Issues with the new arrangement under the Public Financial Management System(PFMS)**
 - The new arrangement under the PFMS has been another issue.
 - All MGNREGS payments in all panchayats have to be now made through a single account.
 - ✓ The new arrangements require that every single vendor for any kind of material also should be registered with the centralised system.

- **Analysts say that it needlessly complicates the system**
 - There are a lot of vendors for each panchayat and such vendors across the country have to register with the system.
 - Even the registration process is stuck and payments are held up.

Other Challenges Faced By MGNREGA

- **Inadequate Allocation:** Total budget allocation for MGNREGA this year was 34% less than the revised budget of the last financial year.
- **Delayed payments suppress demand:** 71% of the payments were delayed beyond the mandated 7-day period; 44% exceeded 15 days. It discourages workers to the extent that they do not ask for as much work as they would want to.
- **Caste-based payment delays:** Union government asks states to give 3 Funds Transfer Orders— one each for MGNREGA workers belonging to “SC”, “ST” and “Other” categories.
 - Non-SC, non-ST workers, who account for around 87% of all workers, were facing much longer payment delays. Payment of wages to workers has been erratic and non-uniform, triggering caste-based tensions among MGNREGA workers.
- **Lack of Awareness and Capacity among Rural Citizens**
- **Inadequate Social Audit and Accountability:** In many villages, no social audit has been conducted. The government officials’ shows the social audit process on paper only.

Activists have been demanding an increase in the wage rate for MGNREGA schemes. It will be even more effective if the number of days for guaranteed work can be increased up to 200 days from the current 100 days. Govt. also needs to ensure a complete allocation and timely wage payments to workers

Modern Times Watches Keep An Eye On Workers

Various organisations have written letter to National Commission for Safai Karamcharis (NCSK) over the increasing surveillance of sanitation workers. These workers are forced to wear GPS watches to keep an eye on them.

GPS Watch: A New Tool Of Suppression

- **Coercion Involved:**
 - ✓ Sanitation workers are forced to wear these watches under the threat to reduction in salary.
 - ✓ Several times, the GPS watches showed wrong locations and the workers had to explain and provide proofs regarding their whereabouts. This has made these workers a slave.
- **Against Privacy, Dignity And Autonomy Of The Workers**
 - ✓ While privacy is not an absolute right, any State intrusion into privacy has to satisfy the thresholds of legality, necessity, & proportionality. This was laid down by Supreme Court in Right to Privacy decision.
 - ✓ However, the use of these tracking devices fails to satisfy these thresholds as there is no anchoring legislation or legal framework
- **Tracking location is not a solution to ensure that work has been done:** Just by tracking workers’ location, it cannot be ensured that the work has been done. A worker might go to his or her place of work and just loiter.

Need For NCSK

- The Government has taken many steps for the upliftment of Safai Karamcharis.
- However, the deprivation suffered by them in socio-economic and educational terms is still far from being eliminated.
- As per the NCSK (2020 data), a total of 631 people have died in the country while cleaning sewers and septic tanks in the last 10 years.

- Although manual scavenging has been almost eradicated, sporadic instances do occur.
- In 2018, 29,923 people were engaged in manual scavenging in Uttar Pradesh, making it the highest in any State in India.

National Commission for Safai Karamcharis (NCSK)

- NCSK was established as an institution to investigate the conditions of Safai Karamcharis (waste collectors) in India and make recommendations to the Government.
- It is currently a **non-statutory body under the Ministry of Social Justice and Empowerment**.
- The NCSK was established in the year 1993 as per the provisions of the NCSK Act 1993 initially for the period upto 31.3.1997.
 - Hence, initially **NCSK was established as a statutory body**.
- Later the validity of the Act was initially extended up to 2002 and thereafter up to 2004.
 - The NCSK Act ceased to have effect from 29.2.2004.
- After that the tenure of the NCSK has been extended as a non-statutory body from time to time through resolutions.
- The tenure of the present Commission was up to March 2022. However, it was extended further for a period of three years.
- The NCSK has been assigned the work to monitor the implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

National Air Sports Policy 2022

- Ministry of Civil Aviation (MoCA) has launched National Air Sport Policy 2022 (NASP 2022). The policy lays out the vision of making India as one of the *top sports nations*.
- Air sports encompasses various sports activities **involving the medium of air** such as air-racing, aerobatics, aero-modelling, hang gliding, paragliding, para motoring and skydiving etc.

NASP 2022

- It has been drafted with the help of multi-stakeholder approach involving policy makers, air sports practitioners and public at large.
- **Coverage:** The policy is set to include a set of **13 air sports** such as: aerobatics, aero modelling, model rocketry, ballooning, drones, gliding, powered gliding, rotorcraft, hang gliding, parachuting, and para motoring among others.
- There will be **four-tier** governance structure for air sports in India –
 - Air Sports Federation of India (ASFI)** as the apex governing body
 - National associations** for individual air sports or a set of air sports
 - Regional or State and Union Territory level units** of the national air sports associations
 - District-level** air sports associations
- **Role of ASFI**
 - ✓ The ASFI will be an autonomous body under the **Ministry of Civil Aviation**. It will be chaired by the **Secretary, Ministry of Civil Aviation**, who will nominate up-to three eminent experts related to air sports as members of the ASFI governing council.
 - ✓ It will present India at the Fédération Aéronautique Internationale (World Air Sports Federation) and other global platforms related to air sports.
 - ✓ It will provide governance over all aspects of air sports, including regulation, certification, competitions, awards, and penalties.
 - ✓ The National Air Sports Associations will be accountable to ASFI.

• **Reporting Of An Accident**

The policy also stated that a person, or an associated person, involved in an accident will inform the concerned air sports association in writing, along with a copy to the ASFI, no later than 48 hours after an incident.

• **Provision Of Penal Action**

✓ Inability to enforce adequate safety standards by an air sports association may lead to penal action by the ASFI against such association. This includes financial penalties, suspension or dismissal.

Other Enabling Features Which The Policy Will Ensure

- Adoption of *best international practices* in safety.
- Establishment of good quality of infrastructure, equipment, instructors and services.
- Simple, stakeholder-friendly and effective governance structure.
- Enhance participation and success of Indian sportspersons in global air sports events.
- Promotion of design, development and manufacturing of air sports equipment in India in line with the Aatmanirbhar Bharat Abhiyan.

Benefits of NASP

- It will create an *environment of adventure, thrill and sports* in India.
- It will help in *leveraging the energy of youth* of the country which accounts 70% of India’s population.
- It will *promote widest diversity of air sports* in the country due to geographical expanse, diverse topography, and fair-weather conditions
- It will also *attract air sports enthusiast* for training and practice from all over the world and particularly from the countries where harsh winter prevent them from practice during winter months.
- It will help in expanding the market size, revenue collection and generating employment. India can target of generating 1 lakh jobs in this sector.
- It is expected that the economic multiplier benefits in terms of travel, tourism, support services and local infrastructure development will be over three times.

NSAP will not only provide a safe, affordable, accessible, enjoyable and sustainable air sports ecosystem in India but will also help India become air sports hub by 2030.

Ban On Online Gaming Platform

Karnataka High Court has **strike down** major portions of the **Karnataka Police (Amendment) Act 2021**.

Karnataka Police Amendment Act 2021 is a new law by state government that bans **online gambling and skill-based gaming** platforms like rummy, poker and fantasy sports.

Reason For Ban

- Online games are **susceptible to manipulation** by websites operating such games.
- Some online games like rummy and poker are **addictive** in nature and it leads to mental disturbance when played with monetary stakes.

Reason For Banning Amendment Act

- High Court struck down the amendment on three grounds **violating Fundamental Rights of:**

Trade & commerce

Liberty and privacy

Speech and expression

- The law did not distinguish between *game of skill & game of chance*; thus making it arbitrary and irrational.
- **Lack of legislative competence** of state Legislatures to enact laws on online skill-based games.

Other States Where Such Laws Were Struck Down

- Apart from Karnataka, a similar law introduced by the Tamil Nadu government was struck down by the Madras High Court in August 2021.
- In September 2021, the Kerala High Court had also quashed a notification issued by the State government specifically banning the game of online rummy when played for stakes.

SC's Judgment On Lotteries

Recently, the Supreme Court in a judgement held that a state legislature has the **right to impose tax on lotteries conducted by other States within its jurisdiction**. In 2020, the SC held that lottery, gambling and betting are taxable under the GST Act, 2017.

- The judgement came on appeals filed by the Karnataka and Kerala governments against the decisions of their respective High Courts to quash laws enacted by their legislatures to tax lotteries organised and promoted by the States of Nagaland, Arunachal Pradesh, Sikkim, Manipur in Kerala and Karnataka.
- High Courts had found the tax laws enacted by the two States invalid and unconstitutional & had even directed Kerala & Karnataka to refund the money collected as tax from lotteries to north-eastern States.

Supreme Court's Ruling

- The court observed that 'lotteries' is a "species of gambling activity". Betting and gambling is a genus and includes several types or species of activities such as horse racing, wheeling and other local variations/forms of 'betting and gambling' activity.
- 'Betting and gambling' is part of the **State List in the Seventh Schedule** of the Constitution.
- The power to tax is on all activities which are in the nature of 'betting and gambling' including lotteries.
- The court observed that since, there is no dispute that lotteries, irrespective of whether it is conducted or organised by the Government of India or the Government of State or is authorised by the State or conducted by an agency or instrumentality of State government or Central government or any private player, is 'betting and gambling'. Thus, State legislatures have the power to tax lotteries under **Entry 62** of the State List.
- This is because the taxation contemplated under the said Entry is on 'betting and gambling' activities which also includes lotteries, irrespective of the entity conducting the same

Central Laws Related to Lottery, Gambling and Betting

- **The Lotteries Regulation Act, 1998:** Lottery is considered legal in India. Lottery should be organised by the state government and the place of Draw should be in that particular state.
- **IPC, 1860:** The code has provisions for punishing anyone who to the annoyance of others does any obscene act in a public place or sings, recites or utters any obscene song, ballad or words, in or near any public place. These provisions of the IPC may be attracted if any obscene matter is used for the purpose of **advertising betting and gambling activities**.
- **Prize Competitions Act, 1955:** It defines Prize in Competitions.
- **FEMA, 1999:** Remittance of the income generated from lottery winning, racing/riding is prohibited
- **Information Technology Rules, 2011:** Any internet service provider, network service provider or any search engine will not host any such content which directly or indirectly supports Gambling.
- **Income Tax Act, 1961:** Current taxation policy in India covers all types of Gambling industry directly and indirectly. Thus, it can be said that all regulated & legalised Gambling is supported in GDP of India

MPLAD Scheme

- Citing economic recovery, the Union Cabinet restored the **Members of Parliament Local Area Development Scheme (MPLADS)** that was suspended for two years (2020-21 & 2021-22) for managing adverse impacts of Covid-19.

- Government announced a partial rollback. MPs will get ₹2 crore instead of the annual approved ₹5 crore.

What Is MPLADS

- It is an ongoing **Central Sector Scheme** which was launched in 1993-94.
- **Objective of the scheme:** Enable MPs to recommend works of developmental nature with emphasis on the creation of durable community assets in the areas of drinking water, primary education, sanitation and roads, etc. primarily in their Constituencies.
- **Fund entitlement:** The annual MPLADS fund entitlement per MP constituency is Rs.5 crore, released in two instalments of Rs.2.5 crore each.
- **The Ministry of Statistics and Programme Implementation** has been responsible for the policy formulation, release of funds and prescribing monitoring mechanism etc.

Features of The Scheme

- MPs are to recommend every year, works costing **at least 15% of the MPLADS entitlement** for the year for areas inhabited by **SC population and 7.5% for areas inhabited by S.T. population.**
- In order to encourage trusts and societies for the betterment of tribal people, **a ceiling of Rs. 75 lakh is stipulated for building assets** by trusts and societies subject to conditions prescribed in the scheme guidelines.
- **Recommendation of Work**
 - Lok Sabha Members can recommend works within their Constituencies.
 - Elected Members of Rajya Sabha can recommend works within the State of Election (with select exceptions).
 - Nominated Members of both the Rajya Sabha and Lok Sabha can recommend works anywhere in the country.

How Does The Scheme Work

- **MPs and MLAs do not receive any money** under these schemes. The government transfers it directly to the respective local authorities.
- The **legislators can only recommend works** in their constituencies based on a set of guidelines. Recommendations for non-durable assets can be made only under limited circumstances.

Criticisms

- **Violates the principle of separation of powers:** This scheme gives an executive function to legislators. The argument that MPs only recommend projects, but the final choice and implementation rests with the district authorities is strange; there are hardly any authorities who have the courage to defy the wishes of an MP.
- **CAG's Observations:**
 - Though the scheme envisages that works under the scheme should be limited to asset creation, **549 of the 707 works recommended were for improvement of existing assets.**
 - **Wide variations in quantities executed** against the quantities specified in the BOQ (Bills of Quantity) in 137 of the 707 works.
 - **Use of lesser quantities of material** than specified by contractors resulting in excess payments and sub-standard works.
 - **Delays in issuing work orders** ranging from 5 to 387 days in 57% of the works against the requirement of issuing the work order within 45 days of the receipt of recommendation by the MP.
 - **Register of assets** created, as required under the scheme, not maintained, therefore location and existence of assets could not be verified.
- **Gaps in utilisation:** 298 of 542 members of the 16th Lok Sabha have not spent a rupee from the ₹5 crore that is set aside annually for them to develop their constituencies.

- 508 MPs (93.55%) did not, or could not, utilise the entire MPLADS amount from May 4, 2014 till December 10, 2018, in 4 years and 7 months.
- **Cases of misuse:** Reports of underutilisation and misutilisation of MPLADS funds continue to surface at regular intervals but there seems to have been no serious attempt to do anything about it till now.
- MPs tended to select the same district and these districts were not necessarily the least developed one. So, lopsided development takes place. Rajya Sabha MPs have recommended works in the same district in addition to recommendation of works by Lok Sabha MPs

The scheme can be made more inclusive by involving **PRIs** to provide a list of works to be recommended to the MP annually and also in execution as well as in monitoring. The State nodal departments need to be strengthened in terms of staff and other infrastructure. The government must allow social audits and mandatory inspection of the projects cleared under the scheme. Integration of MPLADS with the district planning along with proper appraisal of MPLADS spending and their outcomes should be incorporated.

Development Processes & Development Industry

Regulation of NGOs

According to World Bank, “Non-government Organizations (NGOs) are private organizations that pursue activities to relieve suffering, promote interests of poor, protect environment, provide basic social services or undertake community development”. Modern form of NGO has existed since 18th century. In 1945, UN charter has recognized it through Article 71 of UN’s charter.

Role of NGOs

- *Operational roles* such as execution of projects related to social sector (education, health, human rights etc).
- *Advocacy role* on issues such as society, humanity and environment.
- Conflict resolution as mediator and facilitator.

Need To Regulate NGOs

Check misuse of foreign funds	<ul style="list-style-type: none"> ● If unchecked, it can hamper the country's sovereignty and foreign money can be used to influence policy and political discourse in India. ● For this reason, government banned 14,500 NGOs, registered under FCRA from receiving foreign funds.
Non-compliance	<ul style="list-style-type: none"> ● Less than 10% of NGOs have complied with the rules and more than 90% do not submit their balance sheets.
Hampering Development Projects	<ul style="list-style-type: none"> ● According to IB report, NGOs such as Greenpeace and Amnesty are serving as tools for foreign policy interests of western governments. They are also accused of organising agitations and hampering development projects in India which cost India’s GDP 2-3% per year.
Religious and Cultural Encroachment	<p>NGOs are often seen as encroaching on tradition and culture of the people, push vested interests and promote religious conversion. Government has barred ‘Compassion International’ from funding Indian NGOs without its permission over allegations of religious conversions.</p> <p>Religious NGOs are involved in conversion which creates problem of law and order.</p>

Structural-Functional Issues with NGOs

- **Paucity of funds** as most of NGOs relies on donation and contributions. New stringent rules brought after amendment of FCRA act further constrained fund for NGOs. With new rules, NGOs will have to open an

account with a Delhi branch of the State Bank of India, which could be thousand kilometers away for many NGO's and increase the transaction cost.

- Staffs of NGOs are **not adequately skilled** and they are paid low.
- The amount NGOs can **spend on administration** has been cut from 50% to 20%, which mean many smaller NGOs will not be able to employ enough staff, hire experts.
- **Political interference** in the management of NGOs.
- It is very difficult for National Accreditation Council to distinguish whether an organization wants to work for the cause or has been set up only for the purpose of receiving government grants.

Government Initiatives

- **National Policy on Voluntary Sector 2007**
 - ✓ Enabling environment for voluntary organization/NGOs
 - ✓ legitimate financial resource mobilization
 - ✓ System of partnership and network governance between government and Voluntary Organizations/NGOs.
 - ✓ Transparent, accountable, professional and democratic management of NGOs.
- **Foreign Exchange Management Act (FEMA):** FEMA is regulated by the **Ministry of Finance** and was introduced to consolidate and amend the law relating to foreign exchange with the objective of facilitating external trade and payments
- **Foreign Contribution Regulation Act (FCRA):** The FCRA 2010 has been enacted under the **Ministry of Home Affairs** to monitor foreign funds donated to NGO's. It ensures that the recipients adhere to the stated purpose for which such contribution has been obtained.
- **Bombay shops & Establishment Act 1948:** NGO registered under the Bombay shops & establishment Act must pay Minimum Wage to that employee irrespective of the strength of employment.
- **Right to Information Act, 2005:** NGOs receiving substantial financing from the government is bound to give information to the public under the RTI Act.

Foreign Contribution Regulation Amendment Act 2020 and NGOs

- The FCRA regulates foreign funding to ensure that they don't adversely impact security interest of the country. It was first enacted in **1976**. Later on, it was amended in 2010 and subsequently in 2020 where by new measures were introduced each time.
- All such NGOs who intend to receive foreign funding are required to get registered themselves under FCRA. In **2015**, MHA notified a new rule which requires NGOs to mandatorily give an undertaking that the acceptance of foreign funds is not likely to prejudicially affect the sovereignty and integrity of India or impact friendly relations with any foreign state or communal harmony.
- In **2017**, the government through a **finance act** paved the way for political parties to receive foreign funding outside the ambit of FCRA. This action of government was criticized because it is discriminatory and non-transparent in nature.
- **FCRA Amendment 2020**
 - ✓ Expansion of definition of public servant to bar them from foreign funding.
 - ✓ Prohibition of transfer of foreign contribution from NGO to any other person/organization.
 - ✓ Mandatorily having "FCRA account" designated in SBI branches, Delhi for receiving foreign contribution.
 - ✓ Reduction in use of foreign contribution for administrative expenses from 50% to 20%.
 - ✓ As per FCRA 2010, the government may suspend the registration of a person for 180 days in case of non-compliance of FCRA. However, FCRA amendment 2020 adds that such suspension may be extended up to an additional 180 days.

- ✓ Making Aadhaar mandatory for registration, while in case of a foreigner, they must provide a copy of the passport or the Overseas Citizen of India card for identification.
- ✓ Insertion of Rule 9 – which deals with obtaining registration or prior permission to receive foreign funds and stop utilisation of foreign funds through enquiry.
- The Government has come up with new rules in **Nov' 2020**. The new rules made new FCRA registrations more stringent.
 - ✓ Any organisation that wants to register itself under FCRA shall be in existence for three years.
 - ✓ Further, it should have spent a minimum amount of ₹15 lakh on its core activities for the benefit of society during the last three financial years.
 - ✓ However, the rules for declaring an organisation as a “political organisation” have been relaxed, with student, farmer, worker and youth organisations being exempted unless they participate in “active politics or party politics”. Political organisations can't receive foreign funds.
 - ✓ Any organisation seeking prior permission for receiving a specific amount from a specific donor for carrying out specific activities or projects will have to submit a specific commitment letter from the donor indicating the amount of foreign contribution & the purpose for which it is proposed to be given.
 - ✓ If the value of foreign contribution is over Rs 1 crore, it may be given in installments. However, the second and subsequent installment shall be released after submission.
- MHA in **January 2021** again laid out a series of guidelines and charter to make NGOs and banks comply with new provisions of the amended FCRA.
 - ✓ The charter for banks says that “donations received in Indian rupees” by NGOs from “any foreign source even if that source is located in India at the time of such donation” should be treated as “foreign contribution”.
 - ✓ Also, it stated foreign contribution has to be received only through banking channels and any violation by the NGO or by the bank may invite penal provisions of FCRA.

The FCRA should be liberalized with adequate safeguard. There should be multi-stakeholder regulatory bodies for NGOs such as '**National Accreditation Council**' involving academics, bureaucrats, experts of social sector etc. Another important aspect is to rationalize laws with regard to formation of NGOs. E.g In US, formation of NGO is a basic right. The role of NGOs is crucial for the development of backward and vulnerable section of people.

Important Aspects of Governance, Transparency & Accountability

e-Governance

National e-Governance Service Delivery Assessment 2021

Union Ministry of Personnel, Public Grievances and Pensions has released the second edition of the National e-Governance Service Delivery Assessment (NeSDA) 2021.

About NeSDA

- Department of Administrative Reforms & Public Grievances (DARPG) had constituted NeSDA in 2019. This drive was part of DARPG's mandate to boost e-government endeavour & drive digital government excellence.
- It is a biennial study which assesses States, UTs, and focus Central Ministries on the effectiveness of e-Governance service delivery.

- NeSDA helps the respective governments improve their delivery of citizen centric services and shares best practices across the country.

NeSDA 2021

- NeSDA 2021 covers services across **seven sectors** -- Finance, Labour & Employment, Education, Local Governance & Utility Services, Social Welfare, Environment and Tourism sectors.
- The portals assessed were classified into one of two categories.
 - ✓ **1st category:** The designated portal of the respective government that provides a **single window access** to information and service links. These portals were assessed on four parameters, viz., Accessibility, Content Availability, Ease of Use, and Information Security & Privacy.
 - ✓ **2nd category:** It comprises of the **Services Portals** which focus on the digital delivery of services and provide service-related information. The Services Portals were assessed on an additional three parameters: End-service Delivery, Integrated Service Delivery, and Status & Request Tracking.

Summary of the Assessment Report

1. Progress for e-Governance services across the country

- ✓ NeSDA 2021 has shown clear progress for e-Governance services across the country.
- ✓ Improvement in the country’s e-Governance landscape may be summarized in the following key takeaways:
 - Increase in e-Service Delivery
 - Rise in use of Integrated / Centralized Portals for delivery of e-Services
 - Improvement across assessment parameter scores.

2. Ranking of State / UT Portals is as follows:

Rank	North-East and Hill States	Remaining States – Group A	Remaining States – Group B	Union Territories
1	Nagaland	Kerala	Odisha	Jammu & Kashmir
2	Meghalaya	Tamil Nadu	Uttar Pradesh	Andaman & Nicobar Islands
3	Assam	Punjab	Bihar	Puducherry

3. Ranking of State / UT Services Portals:

Rank	North-East and Hill States	Remaining States – Group A	Remaining States – Group B	Union Territories
1	Meghalaya	Punjab	Rajasthan	Jammu & Kashmir
2	Tripura	Tamil Nadu	Uttar Pradesh	Andaman & Nicobar Islands
3	Assam	Haryana	Madhya Pradesh	Delhi

4. Satisfaction With e-Services Provided by States/UTs

- ✓ The e-Services of Finance and Local Governance & Utility Services sectors were the most widely used by citizens.
- ✓ The rising trend of e-Services delivery shifting from single silo departmental portals to integrated / centralized portals has resulted in higher citizen satisfaction & greater number of e-Services being offered.
- ✓ An overall improvement has been seen in scores across all parameters and at all levels. Information Security & Privacy is the most improved parameter across all portals.

5. Ranking of Central Ministries

Rank	Ministry Portal	Ministry Services Portal
1	Home Affairs	Finance – Central Public Procurement Portal (CPPP)
2	Rural Development	Home Affairs - Digital Police
3	Education	Personnel, Public Grievances & Pensions – Bhavishya Portal

Government Initiatives For Good Governance

- In Maharashtra Government has issued a resolution allowing citizens to inspect records at district level and local bodies under RTI for two hours every Monday. It will bring transparency.
- **Mission Karmayogi:** The capacity building programme will be delivered through an Integrated Government Online Training or iGOT-Karmayogi digital platform, with content drawn from global best practices rooted in Indian national ethos.
- **E- Kranti-** Electronic delivery of services- transforming e-gov by delivering all government services electronically to the citizens through integrated and interoperable systems.
- **Aspirational Districts Programme:** It is aimed at transforming 115 most backward districts with focused interventions in the field of health and nutrition, education, agriculture and water management, financial inclusion and skill development.
- **Government e- marketplace (GEM)** was launched in 2016 for single window online procurement.
- **National Data Sharing And Accessibility Policy (NDSAP)** to promote data sharing and enable access to Government of India owned data for national planning and development.
- **National E-Governance plan 2006** for improving service delivery and ensuring efficiency, transparency and reliability.
 - ✓ Programs launched under e-Governance: Pro-Active Governance and Timely Implementation (**PRAGATI**), **Digital India Program, MCA21** (to improve the speed and certainty in the delivery of the services of Ministry of Corporate Affairs), Passport Seva Kendra (**PSK**), online Income tax return, etc.
- **Sevottam Model** was developed in 2006 that access the quality of internal process and their impact on quality-of-service delivery.
- **Right to Information:** RTI Act, 2005 gives greater access of the citizen to the information which in turn improves the responsiveness of the government to community needs
- Government of India commenced the exercise to formulate **Citizen’s charters** in 1996 for all states and UTs.
- **Police Reforms:** Modernizing police forces and implementing the Model Police Act of 2015. Reform of FIR lodging mechanism, including introducing filing e-FIRs for minor offences.
- **Legal Reforms:** The Central Government has scrapped nearly 1,500 obsolete rules and laws with an aim to bring about transparency and improve efficiency.

For the nation to achieve progress faster on all fronts, every section of society should be part of the growth story. Effective functioning of governance can be achieved by reformulating our national strategy to Gandhian principle of Antyodaya and to develop probity in governance.

EXTRA MILE

Prime Minister has announced that his government’s aim is to take welfare schemes to the level of saturation with a “**people- centric**” approach rather than the “government centric” approach.

Importance of Good Governance

- Good governance is directly linked to country’s economic prosperity. E.g., Finland is ranked 1st on Chandler Good governance index.

- ✓ India is positioned exactly at midpoint – 52nd position out of 104 countries
- It protects vulnerable and low socio-economic population.
- Democracy derives its legitimacy from the people of state. In the absence of good governance, legitimacy is eroded.
- It is linked to the satisfaction of citizen thus health of political situation in the country.

According to ARC Report, there are four pillars of good governance

Ethos/ Culture of service to the citizen

- Transparent and free flow of information that is easy to understand and interpret.
- Accountable Government.
- Participative practices.

Equity/Treating all citizens alike, with empathy to the vulnerable

- Responsive towards citizens
- Accessible
- Following rule of law.

Efficiency

Speedy and effective delivery of service without harassment.

Ethics

Honesty, integrity and transparency.

Resistance In Way Of Good Governance

- **Lack of Accountability:** Due to tedious *disciplinary process* and hand in glove with political structure, there is lack of accountability.
- **Red-tapism:** It leads to misusing rules for benefits.
- **Digitally Handicapped:** There is lack of capacity within government specially with the use of technology.
- **Attitudinal Problems in Civil Service:** They are seen as to be inflexible, self-serving and inward looking. E.g., Recent incidence of shutting down the stadium during the practice time of athletes and serving their self-interest.
- **Lack of Awareness:** There is extremely low level of awareness of rights and duties among citizens.
- **Structural Problems:** Issues like political nexus, lack of social audit, corruption, communication gap between ministries and departments, hierarchies etc. creates **delay in work** thus creating barrier in quality and timely service.
- **Criminalization of Politics:** According to the Association of Democratic Reforms, 43% of Members of Parliaments of Lok Sabha 2019 are facing criminal charges. It is a 26% increase as compared to 2014.
- **Gender Disparity:** To ensure good governance it is essential to ensure the empowerment of women.
- **Centralisation:** Panchayati Raj Institutions (PRIs), currently suffer from inadequate devolution of funds as well as functionaries to carry out the functions despite 14th Finance Commission increased the tax devolution of the divisible pool to states from 32% to 42% for years 2015 to 2020.

Cooperatives on GeM

- The Union Cabinet recently gave its approval for expanding the mandate of Government e-Marketplace (GeM) to allow procurement by Cooperatives as buyers on GeM.
- Cooperatives are people-centered enterprises owned, controlled and run by their members to realise their common economic, social, and cultural needs and aspirations.
- There are currently **8.54 lakh registered cooperatives**, with **27 crore members**.
- Cooperatives play an important role in addressing the developmental needs of underprivileged classes, especially in agricultural, banking and housing sectors.

Implementation Roadmap

- GeM will offer a dedicated onboarding process for **cooperatives**, technical infrastructure to support additional users on existing portals and other assistance to them.
- At the same time, to protect the sellers’ interests and ensure timely payments, the modalities of payment systems will be decided by GeM in consultation with the cooperation ministry.
- To cover for these incremental costs, GeM may charge an appropriate transaction fee from cooperatives. This will be planned to ensure self-sustainability of operations for GeM, and hence no major financial implication is expected for government.

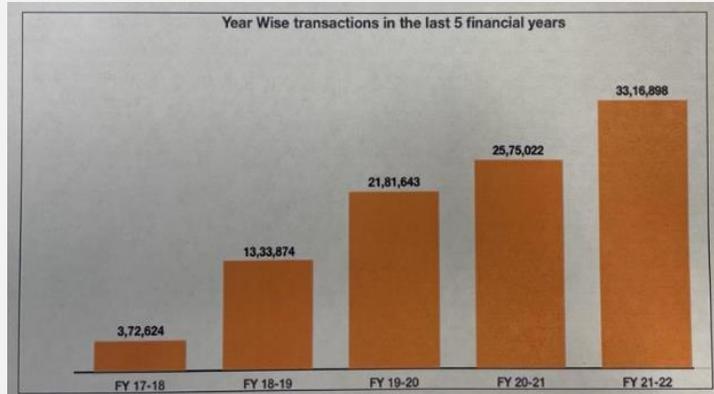
Benefits

- The current move will help cooperatives in getting competitive prices through an open and transparent process.
- Moreover, since the societies have more than 27 Crore members, procurement through GeM would not only economically benefit the common man, but it would also enhance the credibility of the cooperatives.
- It is also expected to enhance overall **ease of doing Business** for cooperatives, while providing a larger buyer base to the GeM registered sellers

Extra Mile

Significance of GeM

- GeM is transparent, efficient, has the economy of scale and is speedy in procurement.
- The Gross Merchandise Value (GMV) on GeM has grown at a compound annual growth rate (CAGR) of over 84.5% from FY 2018-19 to FY 2021-22.
 - ✓ **GMV** is the total amount of sales a company makes over a specified period of time, typically measured quarterly or yearly.
- GeM has delivered 178% growth in GMV in the FY 2021-22 and has crossed Rs 1 lakh crore in FY 2021-22 alone, which is higher than the cumulative GMV till FY 2020-21.
- Different independent studies, including those by the World Bank and National Economic Survey 2021, have highlighted substantial savings due to GeM’s ability to pool in more participation and provide cost effective options.



Challenges With GeM

- **Multiple Portals:** There are multiple portals in Central government departments, such as the defense procurement portal, Indian Railways e-Procurement System, which could limit GeM’s effort to achieve its mandate as the National Public Procurement Portal.
- **Lack of Compliance:** It also faces a bit of a challenge in getting all Central organizations to comply with Rule 149 of the General Financial Rules (GFR) 2017, which mandates that all common-use goods and services that are available on the GeM portal should necessarily be procured on the platform.
- **Use of Vernacular Language:** The user interface for public purchase portals should be in local language to tackle the issue of a particular language dominance.

RTI Assessment- Hurdles Still Prevalent

Right to information has been upheld by the Supreme Court as a **fundamental right flowing from Article 19 of the Constitution**, which guarantees every citizen the right to free speech and expression.

Since its enactment, the RTI law has been used by people to seek information to actively **participate in decision-making processes** and **hold governments accountable**. Every year nearly **six million applications** are filed under the RTI Act, making it the **most extensively used transparency legislation in the world**. A large proportion of these are filed by the poorest and the most marginalised who have understood the tremendous potential of the law to empower them to access their basic rights and entitlements, especially in the absence of effective grievance redress mechanisms to address service delivery failures.

Key Issues And Constraints In Implementing RTI Act**A. Issues Faced On The Demand Side**

- **Low Public Awareness:** The Act lays down that the appropriate government may organize educational programmes to advance the understanding of the public, especially the disadvantaged communities regarding how to exercise their rights contemplated under the RTI Act. However, the Nodal Dept. has not undertaken any substantial steps to promote the RTI Act.
- **Constraints Faced In Filing Applications:** The Act provides that reasonable assistance must be provided to the applicant while filing an application but there are several constraints in implementation of the following guideline:
 - ✓ *Non-availability of user guides.* Lack of user guide results in undue hardship to information seekers to gather knowledge about the process for submitting a RTI request.
 - ✓ The Act provides that an RTI application can be *submitted in writing or through electronic means*. However, inadequate efforts have been made to receive RTI applications through electronic means.
 - ✓ *Inconvenient payment channels:* While it is desirable for the State Government to collect fee from any mode but the majority Public Information Officers (PIOs) require the applicant to deposit the fee via cash or DD which causes inconvenience to the applicants.
- **Poor Quality of Information:** Due to lack of infrastructure and adequate processes to comply with the RTI Act, the quality of information provided is very low. The information provided is either incomplete or lacks the substantial data.
- **Frivolous Request:** The Act may be used to *blackmail public functionaries* which makes them unable to take decisions objectively. Large number of **frivolous RTI applications** are being filed affecting efficiency of governance. The Act poses **threat to national security** as anybody, without establishing their locus, can ask questions on sensitive issues such as missile programs and international relations.

B. Issues Faced On The Supply Side

- **Inevitable delay in flow of information:** Failure of the Public Authority in providing information within 30-45 days once the complaint is filed.
- **Obsolete Record Management Guidelines:** Ineffective record management practices and collection of information from field offices leads to delay in processing of RTI applications. The records are required to be catalogued and indexed in a manner that the entire data is available through a centralized system on all over the country.
- **Lack of Monitoring And Review Mechanism:** There is no centralized database of RTI applicants. A centralized database of applicants with their information requests and responses from information providers will enable the PIOs to send an accurate and timely compilation.

- **Issues Faced At The Information Commissions:** Under the Act, the Information Commissions at the Central/State level are required to take steps to secure the compliance with the provisions of the Act. However, there have been inadequate processes and records available with the Information Commissions to monitor and review the working of the various Public Authorities and initiate steps to make them comply with the spirit of the Act.
- Of the permissible grounds for rejection, Section **8(1) (j)** saw the highest use. Section 8(1) (j) permits denial of access to personal information if disclosure is likely to cause unwarranted invasion of the privacy of the individual concerned.

Way forward

- The RTI applications must be **disposed off within the statutory time limit** provided under the Act with complete and comprehensive information.
- The **Public Information Commissioners must be given adequate training** to be cooperative enough towards the Information seekers. External agency must be appointed to train the officers within and beyond the Act.
- **Maintenance of information must be automated and efficient.** The State Government has to play a facilitative role by issuing rules/procedures to mandate the compliance of the Act.
- **The role of Information Commissions must not be limited to hearing of appeals** but they must also be a watchdog over the public authorities.
- **Dissemination of awareness** about the Right to Information in rural areas so that more rural people could practice this right.

Central and State Information Commission

Parliamentary Committee on Personnel, Public Grievances, Law and Justice has decided to review working of the Central Information Commission (CIC) and the State Information Commissions (SICs).

They are the final appellate authority for RTI Act. CIC is required to submit annual reports to the Parliament and the SICs to state legislatures. However, these annual reports are rarely discussed in Parliament or state legislatures raising questions over the efficacy of the information law (RTI).

Need To Scrutinize The Functioning Of The C/S Information Commission

- Every year 40 to 60 lakh RTI applications are filed in India .On average, the CIC takes 388 days to dispose of an appeal/complaint from the date it was filed before the commission. A report released last year has pointed out that more than 2.2 lakh Right to information cases are pending at the Central and State Information Commissions (ICs).
- Among various powers, they have the power to appoint Public Information Officers (PIOs), to impose penalty on erring PIOs and to recommend disciplinary action against them. Scrutiny of functioning is required for ensuring the transparency and accountability of the C/S Information Commissions to the people
- Despite repeated directions from the court, there are still vacancies in the CIC.
- Since, 2015 there has been a sudden surge in the number of appeals being returned to the Appellant by the C/S Information Commissions without any substantial reason for the same. In 2019-20, 59% of the disposed cases should have triggered the process of penalty on the PIOs. However; penalties were imposed only in 2.2% of the cases.
- *Tenure, salary and allowances* of the information commissioners are not fixed. RTI Amendment Act, 2019 has empowered the Central Government to notify them. This amendment has raised apprehension of eroding autonomy of the Commission. Scrutiny of their functioning by the parliamentary committee as a neutral body may allay this fear of the people thereby keeping public trust intact in the C/S Information Commissions

- In the past, effective functioning of these commissions have led to exposure of many corruptions cases (like Adarsh Society Scam, 2G scam, Common wealth game scam etc.) Parliamentary scrutiny would not only provide continuity but may also give fillip to such effective functioning.

The appointment process should be in compliance with the direction of Supreme Court in the **Union of India vs Namit Sharma case, 2013** where it directed that the selection committee to put the relevant facts indicating that recommended candidates are eminent in public life, knowledge and experience in public domain.

- There is a need to ensure that eminent persons from different background are appointed rather than just retired government officials.
- RTI rules should not allow for returning of appeals/complaints due to minor or procedural defects. They should place an obligation on C/S Information Commissions to assist people in filing appeals and complaints, rather than summarily returning them due to a deficiency.
- Democracy is all about the governance of the people, by the people and for the people. In order to achieve the third paradigm, the state needs to start acknowledging the importance of an informed public and the role that it plays in the country's development as a nation.

Corporate Whistle-Blowing Mechanism

Whistleblowing is the act of drawing attention to an authority figure or public, to perceived wrongdoing, misconduct, corruption, fraud, unethical activity within public, private or third-sector organisations.

Vice-President suggested all corporates to encourage whistle-blowing mechanism and provide adequate safeguards for the protection of whistle-blowers. In this respect whistleblower can be a current or former employee, director, officer, company secretary, supplier of goods or services or a volunteer. Whistleblowers often face reprisals from their employer, who may suffer reputational damage as a result of the whistle being blown, or from colleagues who may have been involved in the illicit activities. Encouraging Corporate Whistle blowing can be helpful by:

- ✓ Limiting risk and potential damage to the employer caused due to malpractice, fraud, etc.
- ✓ Commitment towards identifying and remedying wrongdoing and encourages staff to communicate their concerns.
- ✓ Public money, the money the company takes from the bank and the shareholders or even the partners, should be protected and their interests need to be served.
- ✓ Providing Strong workplace mechanism
- ✓ Generating Awareness in society.

Whistle Blowing Mechanism In India

- **Whistle Blowers Protection Act, 2014:**
 - ✓ It provides protection from harassment to persons making disclosure of corruption, willful misuse of power or arbitrary use of discretion of any power by any public servant, besides keeping the identity of the whistle-blowers secure.
 - ✓ It provides a broad definition of a whistle blower that goes beyond government officials and includes any other person or non-governmental organization.
 - ✓ It overrides the Official Secrets Act, 1923 and allows the complainant to make public interest disclosure before competent authority even if they violate the later act but not harming the sovereignty of the nation.
- **SEBI PIT (Prohibition of Insider Trading) Regulations** to reward whistleblowers and other informants for sharing information about insider trading cases.

- **Companies Act, 2013** makes it mandatory for entities listed on stock exchanges to set up an audit committee to investigate whistleblower complaints.

Issues with Whistle Blowers Protection Act, 2014 which needs to be taken care in Corporate whistle blowing

- ✓ There has been delay in operationalizing Whistle Blowers Protection Act. Due to this, some persons have been victimized, assaulted or killed allegedly for their role as RTI activists / whistleblowers.
- ✓ No time line for inquiry which leads to whistleblower being victimized
- ✓ The act does not define victimization and there is no provision of anonymous complaints. Though it may prevent frivolous complaints, but it will also prevent lot of genuine complaints.
- ✓ There is no penalty against any public servant who may be victimizing the complainant.
- ✓ It also does not protect witnesses during investigation and any trial
- ✓ Lack of trust in investigation system about impartiality and unfair investigation of results. Therefore, employee confidence in whistleblowing programmes remains low.
- ✓ Whistleblower Policy document is not being used to provide guidance to employees on the whistle- blower programme in many companies.
- ✓ The Act does not include maladministration as recommended by law commission(present in similar acts of UK,USA etc)
- ✓ Inadequate/no incentive for whistleblower

Corporate Whistleblowers can blow the lid off corporate and financial scams; therefore they need laws for protection. Strengthening of the holistic whistleblower protection mechanism will help in ensuring that the integrity of democracy is protected, cherished and upheld. Moving forward, there is also the need of greater emphasis placed on internal controls and fraud fighting. Increased transparency and accountability will lead to an improvement in the standards of corporate governance and a cleaner business environment.

Govt Cracks Whip On Misleading Ads

To protect people from being exploited or affected by misleading advertisements, the Central Consumer Protection Authority (CCPA) has notified new guidelines for stopping them across all platforms — regardless of form, format or medium.

- The Central government has notified stricter norms related to mass advertising in **print, television and social media** under the Consumer Protection Authority (Prevention of Misleading Advertisements and Necessary Due Diligence for Endorsement of Advertisements) Guidelines 2022.

Major Highlights Of The Guidelines Include

- **Accountability of Celebrities**
 - ✓ Celebrities endorsing products or services can be held responsible and face action for appearing in misleading promotions.
 - ✓ Celebrities endorsing misleading ads can be fined up to ₹10 lakh by the consumer protection authority.
 - ✓ For repeat offences, the authority can impose a fine of up to ₹50 lakh and a jail term of up to five years.

'ENDORSERS NEED TO DO DUE DILIGENCE'		
Misleading advertisements are those, which: <ul style="list-style-type: none"> > Falsely describes a product or service > Gives a false guarantee to, or likely to mislead the consumers > Deliberately conceals important information 	Bait advertisements: Where goods, products or services are offered for sale at low prices to attract consumers	Surrogate or indirect advertising: Advertisements for goods, products or services whose advertisement is prohibited by law
Free claims advertisements: Only those where consumers need to pay only for collecting or paying for delivery of items		
WHAT'S BANNED		
<ul style="list-style-type: none"> > Misleading & surrogate advertisements > Advertisements that condone or encourage practices detrimental to children's physical or mental wellbeing > Claims that consumption of a product helps enhancing physical or mental ability 	<ul style="list-style-type: none"> > without valid scientific evidence > Advertisements targeting children that develop negative body image > Advertisements giving impression that advertised products are better than natural or traditional food 	
DISCLAIMERS BY MANUFACTURERS & ADVERTISERS		
<ul style="list-style-type: none"> > Disclaimers must be in same language & font size as the main ads 	<ul style="list-style-type: none"> > In audio-visual ads, voice over must be clear & not quick ones 	<ul style="list-style-type: none"> > Owners/ promoter in companies need to disclose their stake
Responsibility of endorsers: Endorsers need to do due diligence to gain adequate information of the product		

- ✓ These guidelines come at a time when several popular actors and top cricketers have been endorsing gaming and gambling apps, and chewing tobacco.
- **Set Criteria**
 - ✓ An advertisement will be considered non-misleading and valid only when it meets a set of criteria laid down in the new rules.
 - ✓ These include “truthful representations” that don’t “exaggerate accuracy, scientific validity or practical usefulness or capability or performance”.
- **Ban on Surrogate Advertising**
 - ✓ The new guidelines ban surrogate advertising, a practice where a seller promotes a product whose advertisement is not allowed by disguising it as another product.
 - ✓ Liquor ads commonly indulge in such practices — under the guise of selling soda, CDs, and even holiday packages.
- **Ban On Certain Advertisements For Children:**

An advertisement for junk foods, including chips, carbonated beverages and such other snacks and drinks shall not be advertised during a programme meant for children or on a channel meant exclusively for children.

Role of Civil Services in a Democracy

Transfer Of IAS Officers Due To Misuse Of Powers

- Senior IAS officer couple has been transferred from their posts in Delhi to two different places when a report was published that they were walking along with their dog on the tracks of Thyagraj Stadium (Delhi) at a time when young athletes should have been practicing there.
- This is a case of **VIP culture and bureaucratic privileges**. It is against the public interest and the code of ethics of civil services.

Statutory Provision

- The All-India Services (AIS) Conduct Rules 1968 and the Civil Services (CS) Conduct Rules 1964 govern the conduct of All India service cadre and Central services cadre officers respectively.
- **Rule 3 of AIS Conduct Rules** says that every member of the service shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a member of the service.

Rule 3(2B) says that-

- Every member of the service shall **not misuse his position** as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;
- Declaration of any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest.
- The officer should **not place himself under any financial or other obligations to any individual or organization which may influence him in the performance of his official duties.**
- Act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;
- Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;

Problems In Indian Bureaucracy

- Colonial legacy of VIP culture in bureaucracy.
- Inequality and unfair use of limited resources in the country.
- Trust deficit between citizens and administration due to VIP culture giving a bad name to the system.
- Attitudinal problems in some civil servants as they link their service to status, which militates against public interest.
- Prevalence of ‘oral orders’ instead of ‘written orders’ by superior officers to their juniors.
- Culture of impunity in case of violation of AIS/CS Conduct rules gives entitlement in a section of officers.

Way Forward

- Adoption of AIS/CS conduct rules religiously by civil servants.
- Transparent mechanism to hold civil servant accountable in case of violation of rules.
- Superior officers should issue oral directions in unavoidable situations only and they should confirm it in writing immediately thereafter.
- Creating awareness among public to have check on erring public officials.
- Civil servants should lead by example as they are seen as role models in the society. They should behave responsibly in both public well as private life. It is not possible to have rules and regulations to guide every action, conscience should guide them in their act.

Frequent Transfers Of Civil Servants -Most Vexatious Governance Problems Facing India

The *Civil Services Board (CSB)* is a panel, headed by the Cabinet Secretary at the national level and Chief Secretaries at the state level, formed to regulate transfers and postings of higher-ranking civil services officers in the country. The **Department of Personnel Rules 2016** made it mandatory for all states to setup such boards, following the recommendations of the **Hota Committee (2004)**, **2nd ARC** and Supreme Court (SC) judgement in **T S R Subramanian v. Union of India case, 2013**.

Benefits Of CSB	Issues Involved With CSB
<ul style="list-style-type: none"> • If the officials have a <i>fixed tenure</i>, they will be able to provide better administration. They will also feel safe and try to stick to the rules instead of pleasing political bosses which can ensure good governance in the country. • Every official requires 3-6 months to get into the routine at his/her new place of posting. If they stay there for two years, it would mean better delivery and stable tenure to people. • It helps putting an end to <i>frequent and arbitrary transfers of civil servants</i>, which is a major reason for the declining morale of civil servants and sometime goes against the principles of public interest. 	<ul style="list-style-type: none"> • <i>Recommendatory nature</i>: The governments may amend, modify or reject the recommendation of the CSB for the reasons to be recorded in writing. • <i>Lack of Compliance</i>: Only 20 states have formed a CSB so far, latest being Punjab in 2020. States such as Madhya Pradesh and Tamil Nadu have not complied with the mandatory rules on setting up the board. • Conflict of Interest as the board is to be headed by the bureaucrats. • If the tenure of bureaucrats is fixed, it may create functional and administrative problems. The officers may overstep the authority and jurisdiction of the state government. It may make them less answerable and accountable to legislators. • With the fixed tenure rule, the political executives feel their influence has been reduced to nothing, since all the powers to examine a recommendation for a transfer lies with the CSB.

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| <ul style="list-style-type: none"> • It will also help bring the <u>neutrality and objectiveness</u> in the functioning of civil servants. | <ul style="list-style-type: none"> • The bureaucrats feel the urge to go to courts for effective implementation of guidelines in letter and spirit. E.g. Haryana had the CSB in place but the guidelines are not followed there |
|---|--|

Deputation Of All India Services

- Department of Personnel and Training (DoPT) has written to States that the Union government proposes to amend **Rule 6** (deputation of cadre officers) of Indian Administrative Service (cadre) Rules 1954.
- DoPT has said that it is taking decision due to shortage of All India Services (AIS) officers in Union Ministries.
- Under this, Union government will acquire for itself **overriding powers** to transfer IAS and IPS officers through Central deputation, doing away with the requirement of taking the approval of the State governments.

Key Points of Amendment

- If the state government delays posting a State cadre officer to the centre and does not give effect to the central government's decision within specified time, the officer shall stand relieved from cadre from date as may be specified by the central government.
- The Centre will decide the actual number of officers to be deputed to the central government in consultation with the state. The state should make the names of such officer eligible.
- In specific situation where services of cadre officers are required by the central government in public interest, the state shall give effect to its decision within specified time.
- In case of any disagreement between the Centre and the State, the matter shall be decided by the Central government and the State shall give effect to the decision of the Centre.

Concerns with the Amendment

1. It will weaken the state's control over bureaucracy.
2. It is against the spirit of cooperative federalism.
3. It would create problem in effective governance.

New Order For Deputation Of DIG Level IPS Officers

Central government has issued an order on **central deputation** of Deputy Inspector General-level IPS officers. The Department of Personnel and Training (DOPT) has said that IPS officers joining the Union at DIG level would **no longer be required to be empaneled at that level with the Union Government**.

Rationale Behind This Order

- Large number of vacancies at the level of DIG rank officer - According to MHA report, there exist 47% vacancies against sanctioned strength for the IPS officers of DIG rank
- IPS officers have a quota of 40% in Central Police Organisations (CPOs) and Central Armed Police Forces (CAPFs), which cannot be filled by non-IPS uniformed officers.
 - ✓ According to data sourced from various CPOs and CAPFs, out of 252 posts reserved for IPS officers at DIG level at the Centre, 118 (almost half) are vacant.
 - ✓ Centre had, in Nov' 2019, written to states proposing to decrease this quota by 50%, saying more than 50% of posts remain vacant since most states do not spare their officers.

Issues/ Challenges Associated

- Increase in **power asymmetry** in favor of center vis-à-vis to All India Service
- This order may add another point of contention between union and states in the backdrop of recent proposal to amend All India Service Rules that would allow Union to call any All-India Service cadre officer on central deputation without consent of states.

- **Anomaly in IPS cadre management at level of center over the years:** On one hand, states are releasing adequate number DIGs or SPs to the Centre, while on the other hand the Centre does not have enough posts if the total cadre reserve of IPS is calculated.
- **Populism:** States should ideally promote batches or parts of it according to the vacancies available. However, political executives often promote entire batches to please a certain section, in effect restricts promotional avenues for those below them.
- **Career stagnation:** It is being faced by CAPF officers due to fixed quote for IPS officers in CAPFs/CPOs.

Cooperative federalism is key to resolve the issue related to All India Services. Police bureaucracy requires reforms at the level of cadre management both union and states. There is a need to develop a consensus between center and states on this issue.

SOCIAL JUSTICE

Welfare Schemes, Laws, Mechanism, And Institutions For Vulnerable Sections

Institutions Protecting Rights Of The Vulnerable

Various institutions for vulnerable sections are premised on the belief that they can protect and promote the rights of special groups more effectively like National Commission for Women, National Commission for SCs/ STs/ Minorities, TRIFED etc. However, these institutions are coming under criticism due to lack of autonomy.

Issues with Appointment: Complete control of the Government in the selection of Chairperson and members

- The lack of institutionalization in the procedures of appointment to the Commission has meant that competent and committed members are less likely to be appointed, especially in a political and policy environment where membership of the Commission becomes a convenient sinecure for unemployable politicians or a temporary shelf for bureaucrats belonging to these groups.
- In this process non-partisan functioning is less likely to be implemented.
- Frequent removal and appointment of personnel on ad-hoc basis, gives way to temporary structure.
- Except the National Commission for Protection of Child Rights (NCPCR) which can constitute a panel of consultants, rest all commissions are dependent on the government for their establishment, infrastructure, staff, and grants. These institutions cannot even appoint technical staff of their own.

Issue with Structure

- **Regional offices** are largely confined to state capitals or at most one regional office for two or more states. More number of regional offices needs to be created within a state.
- **Less representation from NGOs and civil society** and maximum members are either retired bureaucrats or judges due to which they have earned the reputation of 'post-retirement hubs' for the bureaucrats or 'parking lots' for the judges.
- **Being bureaucratic in structure**, with personnel chiefly drawn from govt. only have led to red tapism and delay in action in case of violations.

Issues with Functioning

- **Investigation** – These institutions don't have an independent investigating agency. The Commission should have an autonomous investigative agency, empowered to carry out civil as well as *criminal investigations*, with trial courts all over India to exclusively try cases of atrocities. However, to give the Commission

additional powers, *in criminal investigation for instance*, would require it to follow the prevailing rules regarding evidence and procedures.

- For the most part, these institutions acts on complaint and has not used its powers of suo moto cognizance actively enough.
- **Vacancies**- Many a times posts not only at the top most decision making positions but also in regional offices fall vacant.
- **Funding** - They are funded by government which make it potentially vulnerable to political interference. In addition to this these funds are inadequate for awareness programmes. Despite an appropriation is made by Parliament, the funds are routed through the Ministry.
- **Recommendatory in nature**: The decisions are not binding, but recommendatory. These institutions have been active in suggesting ways of streamlining procedures or ensuring fairness in the implementation of reservations and development schemes. These are, however, less active in making a stronger case for fundamental change, or even a frank and sharp analysis of the social realities of discrimination.
- **Overlapping of functions**: Several commissions like National Commission for Women, National Commission for Minorities etc. have functions, which are overlapping with NHRC. It makes issues more complicated
- **Delays in reports**: Commissions are supposed to prepare an Annual Report for presentation to Parliament. Reports are often tabled two or more years after they have been submitted to the President.
 - The President circulates Report to all Ministries/Departments which are mentioned in it, and it is only when they have all explained their actions, or justified their inaction, that the Report is presented in Parliament.
 - The Constitution does not fix any period within which the Report must be discussed in Parliament. Even when tabled in Parliament, they are frequently not discussed.
- **The quality of reports**: In terms of the data they contain and the manner in which it is organized, has also been declining over the years

Institutions feel handicapped when government agencies fail to implement their recommendations. For effective results and protecting the rights of many, the anomalies in these Commissions need to be corrected and reforms like providing these institutions with separate personnel support; increased funding and ensuring accountability of these Commissions ; more representation to Civil Society, etc. will aid in protecting the vulnerable sections.



Beti Bachao, Beti Padhao (BBBP) Scheme

A parliamentary committee on empowerment of women has flagged **under-utilisation** of central funds for the flagship Beti Bachao, Beti Padhao scheme from **2014 to 2019**.

Positive Outcomes (Period From (2014-15) to (2019-20))

Sex Ratio at Birth	<ul style="list-style-type: none"> • It has improved by 16 points from 918 to 934, as per the Health Management Information System (HMIS) data. • Notable Examples: <div style="text-align: center; margin-top: 10px;"> </div>
ANC Registration	% of 1st Trimester ANC (AnteNatal Care) Registration has shown an improving trend from 61% to 71%.

Health	Institutional Deliveries	Shown an improving trend from 87% to 94%.
Education	Gross Enrolment Ratio (GER)	GER of girls in the schools at secondary level has improved from 77.45 to 81.32 as per Unified District Information System for Education (UDISE) provisional data
	Toilet for girls	% of schools with functional separate toilets for girls has shown improvement from 92.1% to 95.1%.
Attitudinal Change	Scheme has been able to bring the focus on important issue of female infanticide, lack of education amongst girls and deprivation of their rights on a life cycle continuum. <ul style="list-style-type: none"> • Use of BBBP logo in popular Indian festivals i.e. Lohri, KalashYatra, Rakhi, Ganesh Chaturdashipandal etc. • BetiJanmotsav is one of the key programmes celebrated in each district 	

Issues Still Unaddressed

- **Under-utilisation:** The Committee found that since the inception of BBBP in 2014-15 till 2019-20, total Budgetary allocation under the scheme was ₹848 crore, excluding COVID-stricken financial year of 2020-21. During this period, an amount of ₹622.48 crore was released to States but only 25.13% of the funds, i.e. ₹156.46 crore, have been spent by the States and Union Territories.
- **Improper Spending:** The Committee finds that out of a total of ₹446.72 crore released during the period 2016-2019, a whopping 78.91% was spent only on media advocacy.
- The massive spend on advertisements, despite the clearly laid down formula for utilisation of funds under different heads. **₹50 lakh per year is earmarked for a district for utilisation under six different components.**
- **Reduction in Budget Allocation:** The proposed budget for the Union Women Child Development Ministry was reduced by over 18% in present budget as compared to the last fiscal. Also, there is no allocation earmarked for the BBBP scheme
- **Lack of Proper Monitoring:** Incidences of non-compliance with the issued guidelines, such as the Task Force meetings do not take place frequently and monthly reports or statement of expenditure from districts are often not submitted timely.
- **High Dropout Rates:** The average dropout rate of girls was 17.3% at the secondary education level and 4.74% at the elementary level in 2018-19 are still high. Also caste based discrimination thrives to push Dalit and Adivasi children, especially girls, out of school.
- **Challenges Posed by-COVID:** The pandemic may have impacted female literacy rates due to issues such as gender-based digital divide, increased burden of household chores on girls etc.

Prohibition of Child Marriage (Amendment) Bill 2021

Prohibition of child marriage (Amendment) Bill was introduced in Lok Sabha. The bill has been referred to Parliamentary standing committee for discussion. The bill has been decided on recommendation of four-member committee led by **Jaya Jaitly**.

The bill states that the present laws do not sufficiently secure the constitutional mandate of gender equality. It seeks to **fix 21 years** as the **uniform age of marriage for women and men**. The bill once become act will amend the prohibition of Child Marriage Act 2006 and following six personal laws.



Increases Window For Filing A Petition To Declare A Child Marriage Void

- Presently, **section 3(4) of the Prohibition of Child Marriage Act** allows a woman to file for declaration of child marriage as a void before she turns 20 and for the man before he turns 23.
- Prohibition of Child Marriage (Amendment) Bill 2021 proposes to extend this window for both the woman and the man to **five years** after attaining the **age of 18**.

Background

- In India, the minimum age of marriage was prescribed for the first time (14 years for girls and at 18 years for boys) by the law known as the **Sarda Act, 1929**. It was later renamed as the **Child Marriage Restraint Act (CMRA), 1929**.
- In 1978, the law was amended to raise the minimum age of marriage to 18 years for girls and 21 years for boys.
- This position remains the same even in the new law called the **Prohibition of Child Marriages Act (PCMA), 2006**, which replaced the CMRA 1929.

Current Law On Marriage Age

- The **Special Marriage Act, 1954** and **Prohibition of Child Marriage Act 2006**, prescribes 18 and 21 years as minimum age of consent for marriage for women and men respectively.
- The **Muslim Personal Law (Shariat) Application Act**: The marriage of a minor who has attained puberty is allowed according to Muslim personal law.
- **Hindu Marriage Act**: It sets 18 years as minimum age for bride and 21 for groom. Child marriage is not illegal but can be declared void at the request of minor in the marriage.

Justification Behind The Proposal

1. Increase age of marriage will help women to get proper education and job prospects, thus economic independence.
2. It will increase gender parity.
3. It will help to reduce maternal mortality rate and early pregnancy.

Criticism Of Bill

1. It will push large part of population into *illegal marriage*. By making marriages under 21 years invalid, we are criminalising those who marry under this age and **depriving them of protections under law**. Tweaking the definition of a child by amending the age criteria should be done only when it enables, and not when it deprives someone of their rights.
2. 70% of early marriages take place in **deprived communities** such as SCs and STs, and the law will simply push these marriages underground instead of preventing them.
3. It was criticized by the minority communities saying that the bill **interferes with their personal law** and is also a violation of Article 25 of the Indian Constitution.
4. It **contradicts laws where the legal age of competence is recognised as 18**. Under the Indian Contract Act, 1872 a person should have attained the age of majority in order to be able to enter into a contract. At one level, we say that the age to enter into contracts and to vote is 18 years. We are recognising that a person has the mental capacity to make decisions that will affect her life commercially or as a citizen, but at the same time when it comes to her personal life, she doesn't have the right to make decisions. The proposed law makes an artificial distinction.
5. It **won't fight child marriage problem**. Even with prevailing law, there is only marginal change in child marriage. According to 5th survey of National Family Health Survey (NFHS), the child marriage is reduced only from 27% in 2015-16 to 23% in 2019-20. Further, NFHS-5 data revealed that 7% of girls aged 15-18 were pregnant.

Conclusion

Uniform age of marriage for both men and women is a progressive move. But the problem of women in our country will not be solved only by raising the age of marriage. The problem should be addressed holistically. Boosting education, increasing accessibility to schools, and mass awareness programmes should be implemented.

Child Marriage: A Perspective

Provisions Related To Child Marriage

• Domestic Provisions

- ✓ The **PCMA 2006** was intended to be a positive step forward from India’s prior legislation on child marriage, the 1929 Child Marriage Restraint Act.
- ✓ Further, as per our constitutions, child marriage constitutes a **violation of fundamental rights** which guarantees every Indian citizen right to live with human dignity and good health, *freedom of life and personal liberty, non-discrimination and equality, free education between ages six to 14 years, and freedom from forced labor.*
- ✓ The Constitution also establishes **DPSP** to provide children the opportunity to develop in a healthy manner with freedom and dignity, without exploitation or abandonment in addition to promoting the interest of marginalized groups and protecting them from social injustice and improving public health.

• India’s Global And Regional Policy Commitments

- ✓ **Sustainable Development Goals:** For the first time, a standalone Gender Equality Goal (Goal 5) was included in Sustainable Development Goals. Target 5.3 of Goal 5 enjoins upon all States to “eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations.”
- ✓ **South Asian Association for Regional Cooperation (SAARC):** India is a member of the South Asian Initiative to End Violence Against Children, an apex body of SAARC that adopted a **Regional Action Plan to End Child Marriage.**

Current Scenario

- However, despite the PCMA and other constitutional, legal and policy commitments to end the practice, **India continues to account for the highest number of child marriages in the world.** The 5th **National Family Health Survey (NFHS)** showed that **23 %** women were married off before they turned 18.
- The incidence is also much higher than the national average in rural areas (31.5 percent) as compared to urban areas (17.5 percent). The incidence of child marriage also varies by other factors, including caste, religion and education.

Factors Contributing To Child Marriage

1. Patriarchy:

- Child marriage in India is rooted in **gender inequality**, including **patriarchal social norms** that value women less than men and consider married women and girls to belong to their husband’s family.
- Further, child marriage is also linked to **barriers in access to girl’s education, concerns about girls’ safety**, and the view that **women are an economic liability**, a belief fuelled in part by practices such as dowry and the high cost of weddings.

2. Loopholes in India’s Laws on Child Marriage

- PMCA makes contracting a marriage by a man who is over 18 years of age with a woman under 18 years, a **cognizable and non-bailable offence** punishable with imprisonment of two years and a fine of Rs one lakh, **but recognizes the union as valid and voidable.**
- In India, rights and obligations within the context of marriages are governed by **dual legal systems, general laws** that are applicable to the population as a whole versus **religion based personal status laws** which only apply to certain communities. This leads to a state of confusion as to whether

the PCMA has primacy over religion based personal laws, which establish their own standards and procedures concerning solemnization and dissolution of marriage.

- These gaps are compounded by **weaknesses in criminal and civil laws** on women's rights, including laws on dowry, rape, domestic violence, and child sexual assault; guardianship laws; and laws on reproductive rights, education, and child labor.

3. Loopholes in Implementation Of Laws

- Child marriage is fuelled by **failure to strengthen and implement laws and policies to eliminate discrimination faced by women and girls**, including within marriage and in seeking maintenance and inheritance, freedom from and remedies for physical and sexual violence, education, employment, and reproductive health services.
- Child marriage in India is also linked to **low awareness of the law and consequences of violations**, limited capacity and willingness to report child marriages, and limited trust in institutions enforcing child marriage laws.

Way Forward

Child marriage affects **girls' ability to enjoy their rights and freedoms**, especially due to the **serious risks of sexual and reproductive harms** associated with this practice, exposing women and girls to an increased risk of coerced sex, early unintended pregnancy, maternal mortality and morbidity and sexually transmitted infections. Child marriage prevents girls from accessing education, including comprehensive sexuality education, thereby trapping generations of women and girls into a cyclical pattern of poverty. The solution is to:

- Develop a **comprehensive curriculum** for engaging the judiciary, police, and public prosecutors concerning child marriage and girls' rights under the PCMA and allied laws.
- **Strengthen implementation of laws on violence against women and children**, recognizing that child marriages often occur due to fears of increased risk of sexual violence when girls remain unmarried.
- Review and amend the definition of trafficking in relevant provisions of Indian Penal Code and anti-trafficking legislations to explicitly include child marriage for the purpose of trafficking.
- Increase women's and girls' **access to information** regarding legal remedies, including awareness raising campaigns for women and girls on their rights.
- Provide girls seeking to prevent or leave child marriages with **access to protection measures and other referral mechanisms**, including residence, medical support, and psychosocial counseling.

Study Reveals Child Artists Work For More Than 12 Hours A Day

- A recent study reveals that a child below the age of 15 in the entertainment industry in India works for more than 12 hours a day.
- The report titled '**Child Artists in India**' by **Child Rights and You**, a NGO, highlights that casting agencies are violating the **Child and Adolescent Labour (Prohibition and Regulation) Act (CALPRA)** that prohibits engagement of children in all occupations.
- While it is clearly mentioned in CALPRA, 1986, that *no child shall be allowed to work for more than five hours in a day, and for not more than three hours without rest.* The study has found that the work shift stretches to 12-13 hours for six days a week by production houses because guardians often do not interfere in the scheduling.
- The provisions of CALPRA also state, *atleast 20% of the income earned by the child* from the production or event is to be *directly deposited in a fixed deposit account in a nationalised bank in the name of the child which*

may be credited to her/him on attaining majority. However, the study states the money is being utilised completely on the families.

Child Labour in India

- The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development.
- There are around 12.9 million children in India, engaged in work between the ages of 7- 17 years
- Rural India has the highest percentage of child labour, accounting for 80% of the total burden in India. The highest number of child labourers work in Uttar Pradesh.
- Apart from industrial and agricultural tasks, many are made to work as maids, baby sitters by the privileged.

Child Labour (Prohibition and Regulation) Amendment Act, 2016

- The Child Labour (Prohibition and Regulation) Amendment Act, 2016 amended the original Child Labour (Prohibition and Regulation) Act of 1986.
- The Amendment Act provides for complete prohibition on employment or work of children below 14 years and also prohibits employment of adolescents (14-18 years) in hazardous occupations and processes.
- A child is permitted to work only to help family, in family enterprise or as child artist after school hours or during vacations.
- The offences under the Act have now been made **compoundable and cognizable** notwithstanding the provisions of the Criminal Procedure Code.
- It provides for setting up of the **Child and Adolescent Labour Rehabilitation Fund** in which all the amounts of penalty have to be realised.
- After strengthening the legislative framework through amendment in Child Labour Act, Government has framed the **Child Labour (Prohibition & Regulation) Amendment Rules, 2017** which specifies the duties and responsibilities of State Governments and District Authorities to ensure effective enforcement of the provisions of the Act.

Norms To Protect Rights Of Kids Working On OTT Platforms

The **National Commission for the Protection of Child Rights (NCPCR)** has published draft guidelines to regulate child protection within the entertainment industry.

Key Highlights

- **Increases The Scope Of The Guidelines:** The **Guidelines to Regulate Child Participation in the Entertainment Industry** were issued by the Commission in 2011. However, the recent draft increases the scope of the guidelines to cover
 - ✓ TV programmes including but not limited to reality shows, serials, news and informative media, movies;
 - ✓ Content on OTT platforms, content on social media, performing arts, advertising
 - ✓ Any other kind of involvement of children in commercial entertainment activities.
- **Stringent Penal Provisions** for violating the guidelines, including imprisonment.
- **Mandatory Registration Of Child Artists** with District Magistrates.
Producers will also have to run a disclaimer saying measures were taken to ensure there has been no abuse, neglect or exploitation of children during the entire process of the shooting.
- **Presence of At Least One Parent or Legal Guardian or a Known Person** during a shoot. For infants, a registered nurse needs to be present along with the parent or legal guardian.
- **Producer Needs To Ensure Child’s Education Under The RTE Act:** S/he also needs to ensure adequate & nutritious food, water to the children during the process of production and medical facilities.

- **Financial Protection:** At least 20% of the income earned by the child from the production or event shall be directly deposited in a fixed deposit account in a nationalised bank in the name of the child which may be credited to the child on attaining majority.
- **Content Created By The Child Or His Family/Guardian** shall be treated as children working in a family enterprise as provided under Section 3(2)(a) of the Child Labour and Adolescent Labour Act, 1986.
- **Regulation Of Number Of Shifts**
 - ✓ A child shall only participate in one shift per day, with a break after every three hours.
 - ✓ A minor, especially below the age of six years, shall not be exposed to harmful lighting, irritating or contaminated cosmetics.
- **Prohibits Children Being Cast In Certain Roles Or Situations** that are inappropriate.
 - ✓ Consideration has to be given to the child's age, maturity, emotional or psychological development and sensitivity.
 - ✓ A child cannot be exposed to ridicule, insult or discouragement, harsh comments or any behaviour that could affect his/her emotional health.
 - ✓ Children cannot be shown imbibing alcohol, smoking or using any other substance or shown to be indulging in any sort of antisocial activity and delinquent behaviour.
 - ✓ No child can be engaged in any situation involving nudity.
- **Provisions Of Different Acts Protecting Children Are Included** in the guidelines such as Juvenile Justice Act 2015, Child Labour Amendment Act 2016, Protection of Children from Sexual Offences Act 2012, Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, etc.

Need For Such Guidelines

- **To Fix The Accountability**
 - ✓ Children are now being used in videos across social media and in content on OTT platforms which had not been covered by the existing guidelines.
 - ✓ Also, parents, who are using children to make money, have to be held accountable.
- **To Protect Children From Grave Risk Of Exploitation**
 - ✓ The children in the industry are at grave risk of exploitation because they lack the legal right to the earnings they generate, or safe working conditions and adequate protections via labour laws, etc.
 - ✓ Participating in an adult-oriented industry, children are often exposed to unsuitable, anxiety inducing, and at times, dangerous operational hazards.
 - ✓ Apart from the industry-specific risks, the children are also susceptible to a plethora of other crimes against children such as sexual exploitation, child trafficking, bonded labour, etc.
- **To Ensure a Healthy Work Environment For Children** with minimal physical and psychological stress.

Online Child Sexual Abuse Cases

- The CBI is in the process of sending requests to several countries seeking information under the Mutual Legal Assistance Treaties (MLATs).
- MLAT is a legal agreement between two or more countries for the purpose of **gathering/exchanging information** in an effort to enforce public or criminal laws.
- The information sought is about those involved in the online sexual abuse of minors and circulation of child pornographic material on social media platforms.

Issue Of Online Child Sexual Abuse And Exploitation

- Online child sexual abuse and online child sexual exploitation involve the use of ICT as a means to sexually abuse/ exploit children.
- United Nations Economic & Social Commission for Asia and the Pacific (ESCAP) defines child sexual abuse as:
 - ✓ Contacts or an interaction between a child and an older or more knowledgeable child or adult when the child is being used as an object for the older child’s or adult’s sexual needs.
 - ✓ These contacts/interactions are carried out against the child using force, trickery, bribes, threats or pressure.
- The increase in young people (including children and infants) accessing the internet has seen a corresponding upward trend in cases of online child sexual exploitation, especially during Covid-19.

Indian Laws/Initiatives

- **Protection of Children against Sexual Offences Act, 2012 (POCSO Act)**
- **Section 67B of the Information Technology (IT) Act, 2000** specifically provides stringent punishment for publishing, browsing or transmitting child pornography in electronic form.
- **Sections 354A and 354D of IPC** provide punishment for cyber bullying and cyber stalking against women.
- **Cyber Crime Prevention against Women and Children (CCPWC)** under which an online Cyber Crime reporting portal has been launched.
- **National Commission for Protection of Child Rights (NCPCR)** and **State Commission for Protection of Child Rights (SCPCR)**s are also mandated to monitor the implementation of the POCSO Act, 2012.

Countering Online Child Sexual Exploitation And Abuse globally

International conventions	<ul style="list-style-type: none"> • <u>Convention on the Rights of Child of 1989, and The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2000.</u> • These two conventions enumerate children's rights and clarify the obligation of states to protect children from sexual exploitation and sexual abuse.
International collaboration	<ul style="list-style-type: none"> • Countries use bilateral/multilateral treaties in the form of MLATs to do the needful.
WeProtect Initiative	<ul style="list-style-type: none"> • In 2014, to tackle this issue globally, the UK government, with support from other national governments, leading technological companies, INTERPOL, UN agencies and civil society organizations, established this initiative. • The initiative developed WeProtect Global Alliance <i>Model National Response (MNR)</i>. • MNR provides a comprehensive blueprint for effectively tackling child sexual exploitation and abuse at the national level.
INTERPOL's International Child Sexual Exploitation (ICSE) database	<ul style="list-style-type: none"> • This database has been created to counter online child sexual exploitation and abuse. • It not only aids in the identification of child victims of sexual exploitation and abuse, but also aid in the identification and investigation of perpetrators.

Challenges

- Gaps in legislative frameworks and generally limited law enforcement capacity.
- Overall weak child protection systems.
- Significantly understaffed social welfare workforce, lacking professional recognition.
- Limited awareness of, and sense of urgency to address the issue among all professional cadres
- The COVID-19 pandemic has further highlighted the limited and highly volatile, capacity of social welfare and child protection systems across the world.

Way Forward

- Move towards a comprehensive and integrated approach to tackling child sexual exploitation and abuse. Focusing on the digital dimensions alone will not yield the result.
- Move from project-based support to system-strengthening through statutory bodies.
- Strengthen multi-sectoral, national collaboration.
- Facilitate cross-border, regional and international collaboration.
- Promote child participation and children’s agency.



Pradhan Mantri Matru Vandana Yojana (PMMVY)

- The government has recently announced that for the **revamped PMMVY** under Mission Shakti, the maternity benefit amounting to ₹5000 is also to be provided for **second child only if it is a girl**. This is to discourage pre-birth sex selection and promote the girl child.
- However, this has met with sharp criticism from activists who have demanded that it be universalized.

About PMMVY: It is a maternity benefit programme that was rolled out by Government of India in 2017.

Objective	• To provide partial compensation for the wage loss in terms of cash incentives so that the woman can take adequate rest before and after delivery of the first living child .
Beneficiaries	<ul style="list-style-type: none"> • All Pregnant Women and Lactating Mothers (PW&LM), excluding <ul style="list-style-type: none"> ✓ PW&LM who are in regular employment with Central or State Governments or PSUs. ✓ Those who are in receipt of similar benefits under any law for the time being in force. • A beneficiary is eligible to receive benefits under the scheme only once. • In case of <u>miscarriage or still birth</u>, the beneficiary would be eligible to claim the remaining installment(s) in event of any future pregnancy.
Features	• Cash incentive of Rs 5000 in three instalments
Additional cash incentive	The eligible beneficiaries would receive the incentive (Rs 1000) given under the Janani Suraksha Yojana (JSY) for Institutional delivery . So, on an average a woman gets Rs 6000
Implementing authority	Ministry of Women and Child Development is the nodal implementing authority. The scheme is implemented using the platform of Anganwadi Services scheme of <u>Integrated Child Development Services (ICDS)</u> .

Issues With The Revamped Provision

- To provide maternity benefit only to the mother of the girl child is **illegal** as the **National Food Security Act, 2013** lays down that every pregnant woman and lactating mother are entitled to it.
- For second child as girl, it is to promote the birth of a girl child is nothing but posturing since it **penalizes** the mother for not giving birth to a girl child.
- Subsequent adding of more conditions to the scheme will prove to be a **bureaucratic nightmare**, which can be overcome if the scheme is universalized.

- Women will be able to **access the scheme only after delivery**, which will not have any impact on their **nutritional uptake** during the course of their pregnancy

Evaluation

- **Performance**- Since its inception in 2017, PMMVY has covered **2.01 crore women** nationally, disbursing a total amount of **Rs. 8,722 crore**. But the annual estimate of the targeted beneficiaries by the Government has remained the same over the years.
- **Target**- While the estimated eligible population of pregnant and lactating mothers in India was **128.7 lakh for 2017-18**, the target set by the Government was 51.70 lakh beneficiaries, which is only **40% of eligible population**. This means that we have an **exclusion error of at least 60%** since 2017.
- **Enrolment and Disbursement**- It has witnessed a downward fall in the last two years as per the data of the Ministry of Women and Child Development. In 2020-21, more than **50%** of registered beneficiaries did not receive all three instalments and there was a **9% drop in enrolment**.
- **Budgetary allocation**- The overall budget for women and child development was **reduced by 20%** for 2021-22. Additionally, Budget allocation for the PMMVY has also been reduced as it has been clubbed under **SAMARTHYA** along with multiple other schemes such as Beti Bachao Beti Padhao, Mahila Shakti Kendra and Gender Budgeting/Research/Training. The overall budget of **SAMARTHYA** is ₹2,522 crore, which is nearly equivalent to the budget of PMMVY alone in the previous financial years.
- Most women continue to work during & post-pregnancy since they cannot afford to lose wages. Additionally, they also spend on out-of-pocket expenses during pregnancy.

What Steps Must Be Taken For PMMVY?

- **Expansion Of Scheme**: Of the total live births in India, 49.5% comprises first-order births and **29.9% are second-order births**, as per Sample Registration Survey 2019. The maternity benefit under the PMMVY has to be extended to the **second live birth** similar to the predecessor scheme, the Indira Gandhi Matritva Sahyog Yojana.
- **Increase Maternity Benefit Amount**: The current entitlement of Rs. 5,000 provided over one year amounts to **one month's wage loss** (as per **Mahatma Gandhi National Rural Employment Guarantee Act wage rate of Rs. 202**). There must be an increase in the maternity benefit amount since the primary objective of the PMMVY is to provide partial wage compensation.
- **To Be In Line With Maternity Benefit Act, 1961** which mandates **12 weeks** of maternity leave for women with two or more children, pregnant and lactating mothers should receive 12 weeks of wage compensation amounting to Rs. 15,000

As per Maternity Benefit (Amendment) Act, 2017- Women who have completed 80 days in the 12 months immediately preceding the date of her expected delivery is entitled to maternity leaves for a maximum of 26 weeks of which not more than 8 weeks shall be preceding the expected date of her delivery.

- **Simplification Of Process**: The **reduced coverage** can be attributed to the lack of awareness within targeted beneficiaries, process level challenges, requirement of a mother and child protection (MPC) card, **bank passbook** and registration form for each of three instalments, etc.
- Recently, Government has clarified that **Aadhaar of Husband** is not mandatory under PMMVY, to facilitate the inclusion of single mothers and abandoned mothers.
- **Revisit The Design**: There is a need to revisit the design and implementation of this scheme, drawing lessons from States such as **Odisha** which are successfully prioritising maternal health and nutrition in a pragmatic manner.

Marital Rape

- A two-judge bench of Delhi HC delivered a split judgement on Marital Rape exception under **section 375** of the IPC.
- Section 375 of the IPC defines the acts that constitute rape by a man. The provision, however, lays down two exceptions as well:
 - ✓ It **decriminalises marital rape**,
 - ✓ It mentions that medical procedures or interventions shall not constitute rape.

Marital Rape Exception

- Section 375 defines rape and lists seven notions of consent which, if vitiated, would be constituted as rape by a man. However, the exception 2 under the section 375 provides that sexual act/intercourse with his own wife, the wife not being under 15 years of age, is not rape.
- The exception is result of conjugal rights (rights created by marriage).
- It only provides for **civil remedies**. There is no way for marital rape victims in India to initiate criminal proceedings against their perpetrator

Stats

- It has been reported by UN Population Fund that more than 2/3rd of women in India aged 15 to 49 have been beaten or forced to have intercourse by the husbands.
- According to Economic Survey 2011, **one in five men** has forced their wife or partner to have intercourse.
- India is one of the 34 countries which have not criminalised marital rape yet.
- NFHS 2005-06: 93% women said that they had been sexually abused by their partners.
- NFHS 2015-16: The data shows no improvement in the situation as 99.1% sexual assault cases going unreported.

Issues With The Legal Provision

- This is **against basic rights of women**. Article 14 is about right to equality and Article 21 is about right to life with dignity. The marital rape exception in Section 375 of IPC violates both provisions of the constitution.
- There are **inconsistencies in legal provisions**. Unlike marital rape exception in section 375 of IPC, the other provisions of sexual exploitation such as *sexual harassment (Section 354A)*, *assault to disrobe modesty (Section 354B)*, *Voyeurism (Section 354C)*, *Stalking (Section 354D)*, *Sexual intercourse by husband upon his wife during separation (Section 376B)* and *unnatural offences (Section 377)* charges husband.
- There exists an entrenched patriarchy in the society where by inequality exist within the marriage for a large majority of Indian women. The marital rape exception **manifests the same patriarchal belief** or '**doctrine of coverture**' whereby, upon marriage, women surrenders her rights of personal and sexual autonomy as well as bodily integrity and human dignity.
- It goes against the liberal and progressive constitutional values and international obligation such as **CEDAW (Convention on the elimination of all forms of discrimination against women)** adopted under the aegis of UN in 1979.
- The debate over criminalising marital rape compels a relook at how the **provisions of restitution of conjugal rights**, though gender-neutral, place an additional burden on women and poses a direct threat to their bodily autonomy, privacy and individual dignity.
- However, the union government argued in **Independent Thought vs. Union of India** case (2017) that criminalising marital rape will go against institution of marriage.

Arguments Against Criminalising Marital Rape

Chances of Misuse of law

- The statistics cited to argue against the criminalisation of marital rape are those of the misuse of 498A, the law that relates to dowry cases.
- A total of 1,11,549 cases were registered under 498A in 2020. Of these, 5,520 were closed by Police citing as false and overall 16,151 cases were closed by police either because they were false or there was a mistake of fact or law, Insufficient Evidence or it was a civil dispute etc.
- 18,967 cases were tried in courts of which 14,340 led to acquittal and 3,425 led to a conviction.
- Related cases pending trial at the end of 2020 are 651,404 with a pendency percentage of 96.2%.

Burden of proof

- If marital rape itself is criminalised, the question remains who would the burden of proof be on and what would that burden be.

Gender neutrality

- Even if the exception of IPC section 375 is removed or criminal provisions are added to the Domestic Violence act, husbands will not be able to use those

Conjugal Rights

- Conjugal rights are rights created by marriage, i.e. right of the husband or the wife to the **society of the other spouse**.
- The law recognises these rights— both in **personal laws** dealing with **marriage, divorce** etc, and in **criminal law** requiring **payment of maintenance and alimony** to a spouse.
- **Section 9 of the Hindu Marriage Act 1955** and **Section 22 of the Special Marriage Act 1954** empower a husband or a wife to move the local district court, complaining that the other partner has “withdrawn” from the marriage without a “**reasonable cause**”.

Impact of Marital Rape

- Due to decriminalised nature of marital rape, women are **facing worst forms of sexual abuses** within marriages which affect their physical well-being. Marital rape also affects women **mental and emotional wellbeing** which led to depression, anxiety, suicidal tendencies etc.
- **Impact on children psyche and mental health** due to being witness of sexual violence at home and lack of ability of mothers to provide proper care.
- Victims of marital rape continue to live with abusive partners which make them more vulnerable.

Government Stand on Marital Rape Exception

- The centre has initially defended the exception. Later, its council informed the court that ‘wider deliberations are required on the issue’ and MHA has set up a committee to review criminal laws in 2019.

Judicial stand on Marital Rape Exception

- The Gujrat HC is also hearing a petition challenging marital rape exception on the grounds that it undermines the consent of a women based on marital status.
- The Karnataka HC has allowed framing of marital rape charges against a man despite exception in law.
- Kerala HC has held that Marital Rape is the good ground to claim for divorce.

What Happens After Split Verdict?

- The matter may be heard by a larger bench. The larger Bench to which a split verdict goes can be a three-judge Bench of the High Court, or an appeal can be preferred before the Supreme Court.
- The petitioners can also move to higher court, in this case SC, if they have been granted a certificate of appeal to move to higher court since the case involves substantial questions of law. The Delhi High Court has already

granted a certificate of appeal to move the Supreme Court since the case involves **substantial questions of law.**

Way forward

- SC in **Joseph Shine case (2018)**, which decriminalised adultery, held that women is not the property of her husband after marriage. This judgement thus *negates the 'doctrine of coverture'*. This very principle should be applied to do away with marital rape exception in India.
- India, being a **signatory of CEDAW**, should accept its recommendation to criminalise marital rape.
- Indian criminal code is based upon British legal system. In Britain, marital rape has been criminalised by the virtue of landmark judgement of R v R case in 1991. It is high time that India should also *come out* of Victorian morality of 'doctrine of coverture'.
- **J. S. Verma Committee in 2013** also recommended criminalising marital rape in India to safeguard women in marriages from sexual abuse and domestic violence.

Conclusion

The removal of marital rape exception is essential to ensure right to equality, right to freedom and gender justice. The judicial pronouncements are instilling hope that marital rape will be criminalised to ensure justice and liberty. It has been rightly said that in taking away a women's right to say 'No,' we are also taking away her ability to say 'yes' joyfully to her husband.

Section 498 (A) Misuse

Supreme Court has highlighted the growing misuse of **section 498A of IPC** with the rising clash in marriages. It is observed by the Court that there is increased use of provision such as section 498A IPC as an instrument against the husband and his relatives.

Section 498 (A)

- Section 498 (A) of IPC 1860 was passed by the Indian Parliament in **1983**.
- It is a **criminal law**. It is defined that if husband or the relative of the husband of a woman, subjected such woman **towards cruelty**, then they would be punished with imprisonment for term which might extend to 3 years and may be liable for fine.
- The fact that Section 498-A is a **cognizable and non-bailable offence** has lent it a place of one of progressive rescue for **violence against woman**. However, it is important to stop the misuse of procedure of law and use this provision to shield and not as weapon.

Acts of Domestic Violence



How Section 498A is Misused

- **Against Husband & Relatives:** With the rise in the rate of education, financial security, and modernization, the more independent and the radical feminists have made Section 498A of IPC as a weapon in their hands than a shield.
 - ✓ Police often visit the office premises of men in order to shame them and jeopardize their job situation. Police also pick up relatives of men who are not even named in the complaint, they are illegally detained by police and forced to give their statements.
 - ✓ Judges grant interim bail and then keep on extending the bail for every 5 or 7 days and thus the man is neither arrested nor free but keeps on attending court dates without any reason

- **Blackmail Attempts:** In most cases the Section 498A complaint is generally followed by the demand of a huge amount of money to settle the case outside the court.
- **Degradation of Marriage:** Women have begun misusing Section 498 of IPC as a tool for their vengeance or to get out of wedlock.
- **Malimath Committee Report, 2003:** Similar views were also expressed by the Committee report on reforms in the criminal justice system. It noted that the "general complaint" of Section 498A to be a subject to gross misuse.

Guidelines Under POSH Act

A petition has been filed in the Supreme Court **challenging guidelines** issued by the Bombay High Court in cases under **Protection of Women from Sexual Harassment (POSH) Act, 2013**

- These guidelines include a blanket bar on parties and advocates from sharing records, including orders and judgments, with the media.
- The guidelines were formed to protect the identities of parties in a case under POSH Act

Arguments Of The Petitioner

Against Article 19

- Order of High Court was a “death blow” to freedom of speech & expression under Article 19.
- Well-informed citizenry governs itself better. Right to free speech can be curbed **only if it interferes with the administration of justice.**
- Any injunction on the right of the people to know true and accurate facts is an encroachment on their right to information.

Suppression of Women’s Voices

- In matters of social justice and women empowerment, **public discourse** plays a crucial role in shaping the nature of **legal entitlements** that are delivered to women
- HC order may have a “ripple effect” and deter survivors from approaching courts as well as **setting a dangerous precedent** for trial cases.

Against Principle of Open Court

- It will legitimise undue protection to sexual offenders in gross violation of principles of open court, natural justice and fundamental rights of survivors.
- In 2018 **Swapnil Tripathi v Supreme Court of India case**, the court recommended that the proceedings of the court to be broadcast live. Live streaming proceedings are a part of the right to access justice under Article 21

Recommendations By Justice J.S. Verma Committee

In the aftermath of the 2012 gang rape in Delhi, Justice Verma was appointed chairperson of a three-member commission tasked with reforming and invigorating anti-rape law. He submitted his report in 2013, whose suggestions include --

- Form **State-level employment tribunal** to adjudicate all complaints, instead of an ICC.
 - ✓ Tribunal should be appointed by a collegium headed by Chief Justice of the concerned High Court.
 - ✓ It should comprise two retired judges with at least one of them being a woman, two eminent sociologists and one social activist in the field of gender-based discrimination.
 - ✓ To ensure speedy disposal of complaints, the tribunal should **not** function as a civil court but may choose its own procedure to deal with each complaint.
- **Expanding Scope of Act**
 - ✓ Domestic workers should be included within the purview of the Act.

✓ Any “unwelcome behaviour” should be seen from the subjective perception of the complainant, thus **broadening the scope of the definition of sexual harassment.**

- The **time-limit of three months** to file a complaint should be done away with and a complainant should not be transferred without her consent.
- To encourage women to file complaints, it **opposed penalizing women for false complaints.**
- An employer could be held liable if he or she facilitated sexual harassment and permitted an environment where sexual misconduct becomes widespread and systemic.

Vishaka Guidelines

- The Supreme Court in a landmark judgement in the Vishakha and others v State of Rajasthan 1997 laid down specific guidelines on the prevention of sexual harassment of women at the workplace.
- These defined sexual harassment and codified preventive measures like the formation of the complaints committee
- All employers both public and private sector should take appropriate steps to prevent sexual harassment.
- Victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.
- The guidelines were superseded by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Sexual Harassment of Women at Workplace (prevention, prohibition and redressal) Act, 2013

- The Act defines sexual harassment in the workplace. The Act creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- Every workplace is required to constitute an Internal Complaints Committee (ICC). The ICC is mandatory at each office or branch with 10 or more employees.
- These ICCs have the powers of civil courts for gathering evidence.
- Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine. Higher penalties and cancellation of license or registration to conduct business is also mentioned if violations are repeated.
- Further Section 354A was added to the Indian Penal Code through the Criminal Law (Amendment) Act, 2013 to provide enough punishment for sexual harassment to women at the workplace.
- Responsibility of Administration: The State Government will notify the District Officer in every district, who will constitute a Local Complaints Committee (LCC) so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment.

SHe-Box

- Ministry of Women & Child Development has launched Sexual Harassment electronic Box (SHe-Box).
- It is an effort to provide a single window access to every woman, irrespective of her work status, whether working in **organised or unorganised, private or public sector**, to facilitate the registration of complaint related to sexual harassment.



SC & ST Quota In Promotion

Supreme Court **refused** to lay down the “**yardstick**” for determining the **inadequacy of representation** for granting reservation in promotion for schedule caste (SC)/scheduled Tribe (ST) candidates in government jobs. The court’s judgement came in a batch of petitions from across the country seeking **further clarity on the modalities** for granting reservation in promotion.

Background

The Central and the State Government since 1950s have been following a “**policy**” of **reserving seats in promotions** in favour of SC and ST.

Indra Sawhney Case 1992

This **policy** was held to be **unconstitutional and void** by the SC in Indra Sawhney v. Union Of India 1992 case on the ground that under **Article 16(4)** the State is provided with the power to make reservations in favour of

backward classes of citizens only at the **entry level**, that is at the time of recruitment into public services but not subsequently.

- The Parliament responded by enacting the **77th Constitutional Amendment Act** which introduced Article 16(4A), which made provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the SC/STs which, in the opinion of the State, are not adequately represented in the services under the State.

M Nagaraj Case 2006

In this case applying the “creamy layer concept” in SC/ST reservation in promotions, the SC reversed its earlier stance in the Indra Sawhney case (1992), in which it had excluded the creamy layer concept on SCs/STs (that was applicable on OBCs).

- The SC had upheld the Constitutional amendments by which Articles 16 (4A) and 16 (4B) were inserted, saying they flow from Article 16 (4) and do not alter its structure.
- The court held that the government cannot introduce a quota in promotion for its SC/ST employees unless it proves that the *particular community was backward, inadequately represented and providing reservation in promotion would not affect the overall efficiency of public administration.*
- The opinion of the government should be based on *quantifiable data.*

Jarnail Singh Case 2018

- SC modified the Nagaraj judgement to the extent that State *need not* produce quantifiable data to prove the “backwardness” of a SC/ST community in order to provide quota in promotion in public employment.
- The court had given a huge fillip to the government’s efforts to provide “accelerated promotion with consequential seniority” for SC/ST members in government services.

Key Points Of The Judgements

1. It held “**cadre**” and *not class, group or the entire service* as the **unit** for the purpose of **collection of quantifiable data** for giving promotion quotas.
2. It said otherwise the entire exercise of reservation in promotions would be rendered **meaningless** if data pertaining to the representation of SCs and STs was done with **reference to the entire service.**
3. With the recognition of ‘cadre’ as the unit for collection of quantifiable data, the court set aside its earlier judgement in the **B.K. Pavithra case (2019).**
 - ✓ SC held that the conclusion of this court approving the collection of data on the basis of groups and not cadres is contrary to the law laid down by the SC in Nagaraj (2006) and Jarnail Singh judgments (2018).
 - ✓ The court held that the Nagaraj judgement would have “prospective effect.”
4. The question of **adequate representation** of SC/ST community ought to be left to the **respective States** to determine and Supreme court can’t lay down any yardstick for determining the inadequacy of representation.
5. The Supreme Court ordered that a **review had to be conducted regarding the data** for the purpose of determining the inadequacy of representation in promotions. Court left it to the Union government to fix a “reasonable” time for the States to conduct the review.

Social justice, upliftment of weaker section and their proper representation at all level of governance are constitutional duty of state. Reservations in promotion are a way and mean to achieve this constitutional commitment.

Forest Rights Act 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, or Forest Rights Act(FRA), 2006 was enacted to protect the marginal and tribal communities and other forest dwellers and balance environmental conservation with their right to life and livelihood.

On the other hand the archaic Indian Forest Act (IFA), 1927 aimed to regulate the movement of forest produce, and duty leviable forest produce. It also explains the procedure to be followed for declaring an area as Reserved Forest, Protected Forest or a Village Forest. It give details of forest offences', acts prohibited inside a Reserved Forest, and penalties leviable on violation of the provisions of the Act.

The shortcomings of FRA can be undone to certain extent by amending the archaic Indian Forest Act in line with the Rights of forest dwellers and schedule tribes.

Concerns Regarding FRA,2006	Amendments Required In IFA,1927
<ul style="list-style-type: none"> • Little progress in recognition of rights: FRA has the potential to secure the forest rights of at least 200 million tribals and other traditional forest dwellers over 40 million ha <ul style="list-style-type: none"> ✓ However, only 13 per cent of the 40 million ha has been demarcated under the FRA . • Inadequate efforts to promote, preserve and manage CFR: Despite Community Forest Resource (CFR) having being recognized, there have been few efforts from the state forest departments to move towards recognizing CFRs. • Diversion of tribal Lands: There have been instances where plantations by forest agencies are being done on land used by communities that are entitled under FRA. <ul style="list-style-type: none"> ✓ As per a study, there has already been a diversion of around 0.39 million hectares (ha) of forest land between 2008 and 2019. • Relocation in violation of FRA: Several people have been denied rights and are relocated <i>without prior assessment</i> whether <i>co-existence</i> is possible and exercising forests rights would lead to irreversible damage to the habitat/species. • Discrepancies and delays in the process of recognising claims: A large number of claims have been pending, rejected or the area recognized has been drastically reduced without any proper reasons with imposition of extraneous conditions in the title for recognised rights. <ul style="list-style-type: none"> ✓ The situation has been worsened due to misinterpretation of the law by officials, illiteracy among forest dwellers, lack of awareness about their rights and little knowledge about procedure for filing claims. • Lack of demographic details of tribal population dwelling in the reserved and protected forests in different States and Union Territories; it is compounded by stark mismatches between state and central data. 	<ul style="list-style-type: none"> • Penalties and procedures should be amended to lessen the state's control over forests as well as advancing the status of people's rights to forest use. • Misinterpretation of FRA by forest bureaucracy should not be used as an instrument to <i>regularize encroachment</i>. <ul style="list-style-type: none"> ✓ The amendment should not give <i>immense discretion</i> and power to the forest bureaucracy which often led to the harassment of the forest dwellers • The biodiversity protection should overshadowed revenue earning potential from timber • Increasing the powers of Gram Sabha <ul style="list-style-type: none"> ✓ Declaring any forests as conservation area for the purpose of enhanced carbon sequestration should need prior approval of gram Sabha • The government can assign forests to non-state entities for commercial use but not lease it or use it as collateral to raise funds. • Innocent till proven guilty: The onus of proving innocence should not be left on the accused. • Recognize un-hindered absolute rights over the minor forest produce (MFP) as granted by FRA: imposing several restrictions like transit permit for transportation of MFPs, levy of fees, charges, royalties on sale of MFPs, exclusion of certain types of MFPs in contravention of the definition of MFP given in the Act, continuance of monopoly of the State Agency in the trade of MFP, especially in the case of high value MFP, such as, tendupatta etc should be done away with

There is a clear need to strengthen the Nodal tribal departments, encourage civil society actors, financial support to implement the law; coordination between the tribal, revenue and forest department along with satisfactory Rehabilitation and compensation. The village communities should not be alienated from their age-old symbiotic association with forests. Without a strong political will, this historical transformation is unlikely to take place.



Transgender To Get Separate Jail Wards

Transgender inmates will soon get a separate ward in prisons to ensure their right to privacy and dignity.

- In an **advisory** sent to the Heads of Prisons in States and UTs, the Union Ministry of Home Affairs said a person recognized as a transgender (transmen and transwomen) has **right to the self-perceived gender identity** under **Transgender Persons (Protection of Rights) Act, 2019**.
- According to a National Crime Records Bureau, there were **70 transgender prisoners** in jails across the country in 2020.

Key Points

Respecting self-identity	<ul style="list-style-type: none"> • At all times in <u>admission procedures, medical examination, search, lodging, clothing, treatment and care</u>, the jail officials should facilitate their access to the identity certificate by helping them <u>apply/register on the national portal</u> for them. • In event of the court warrant not mentioning the self-identified gender or if the gender is disputed by the person, the Jail Superintendent should, with the help of legal services authorities, assist the person in <u>making an application</u> for a change in gender identity.
Search Protocol	<ul style="list-style-type: none"> • The person conducting the search must ensure the safety, privacy and dignity of the person being searched. • At the stage where the search procedure requires stripping, it must be done in a private room or in a partitioned place. • The search procedure should be confined to compliance with security protocols and restriction of contraband and should not be aimed at determining the gender of person. • It can be carried out by a person of their <u>preferred gender or by a trained medical professional or a paramedic</u> trained in conducting searches.
Admission in Prison	<ul style="list-style-type: none"> • The prison admission register may be suitably revised to include “transgender” as a category other than male and female gender. • A similar provision may be made in the Prison Management System in maintaining electronic records.
Right To Dignity	<ul style="list-style-type: none"> • Laying emphasis on the same quality of healthcare and other facilities like communication with the outside world and rehabilitation after release • Due care may be taken by the prison authorities that separate facilities may not result in their complete isolation or propagate social stigma among such prisoners. • There should be adequate preservation of right to privacy and dignity in regard to separate toilets for transmen and transwomen as well as shower facilities.
	<ul style="list-style-type: none"> • The training modules for the staff could be devised in collaboration with the Ministry of Social Justice and Empowerment, the prison training institutes, State Departments of

Training Modules

Health, State Human Rights Commission, legal services authorities and representatives of transgender communities for developing an understanding of gender identity, dysphoria, human rights, sexual orientation and legal framework.

- It also called for **training of prison medical officers** in the standards of care for transgender persons and their right to decide their self-identified gender.

A Look At The Events In Ensuring Rights Of Transgender

Naz Foundation vs Govt of Delhi (2009)

A 2001 plea against Sec 377 IPC was dismissed in 2004 but was remitted back to the High Court (HC) by the SC in 2006. In this judgment, HC decriminalizes consensual sexual acts of adults in private and said Section 377 to be violative of Articles 21, 14 and 15 of the Constitution.

- Section 377 of IPC criminalizes private consensual sexual conduct between the adults of the same sex.

National Legal Services Authority v. Union of India (2014)

Supreme Court held that transgender people be treated as **'third gender'** for the purpose of safeguarding their rights under **Part III** of our Constitution and the laws made by Parliament and State Legislature.

- It upheld transgender persons' right to decide their **self-identified gender** and directed the Centre and State Governments grant legal recognition of their gender identity.
- It also directed them to treat trans-genders as socially and educationally backward classes of citizens [OBCs] and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.

Navtej Singh Johar vs. Union Of India (2018)

Supreme Court decriminalised homosexuality by striking off parts of Section 377 of IPC which were held violative of Fundamental Rights of LGBTQ Community.

Features of Transgender Persons Act, 2019

- Seeks to establish **National Council for Transgender persons.**
- Definition: The Act defines a transgender person as one whose gender does not match the gender assigned at birth. It includes transmen and trans-women, persons with intersex variations, gender-queers, and persons with socio-cultural identities, such as kinnar and hijra.
- Certificate of Identity: The Act states that a transgender person shall have the right to self-perceived gender identity. A certificate of identity can be obtained at the District Magistrate's office and a revised certificate is to be obtained if sex is changed.
- Prohibition against discrimination: including denial of service or unfair treatment in relation to:
 - Education, employment, healthcare.
 - Access to or enjoyment of goods, facilities, opportunities available to the public.
 - Right to movement, right to reside, rent, or otherwise occupy property.
 - Opportunity to hold public or private office.

Transgender Persons (Protection of Rights) Rules, 2020

The Central Government made the rules under the powers conferred by the Transgender Persons (Protection of Rights) Act, 2019.

Problems Still Faced By Transgender

As per 2011 Census, the total population of Transgender is 4.88 lakhs, the highest being in Uttar Pradesh followed by Andhra Pradesh, Maharashtra and Bihar.

- **Discrimination:** In employment, educational facilities, habitat, lack of medical facilities: like HIV care and hygiene, depression, hormone pill abuse, tobacco and alcohol abuse, and problems related to marriage and adoption.
- **Social Problems:** Inheritance of property or adoption of a child. They are often pushed to the periphery as a social outcaste and many may end up begging and dancing. This is by all means human trafficking. They even engage themselves as sex workers for survival.
- **Accesibility:** The lack of access to bathrooms and public spaces access is illustrative of discrimination in availing each facilities and amenities. They face similar problems in prisons, hospitals and schools.

- **Homelessness:** Some parents may outrightly disown and evict their own child for crossing the prescribed gender norms of the society and for not fulfilling the roles expected

Prisons Act 1894 related to trans-persons

- It is the **central legislation** regulating the administration of prisons which majorly differentiates prisoners convicted under **civil law** from those convicted under **criminal law**.
- It does not even recognise sexual minorities based on **Sexual Orientation and Gender Identity (SOGI)**
- It only separates prisoners into the categories of gender-binary (men/women), young offenders, undertrials, convicts, civil prisoners, detenues and high-security prisoners.
- The NALSA judgment, while extending constitutional protection to trans-persons under Articles 14, 15, and 21, directs states to make policies on their legal and socio-economic rights. This extends to **trans-prisoners** as well, since prison is a state subject.
- Even though NALSA judgment constitutes the law of the land, there is still a requirement to bring forth changes in the present laws.



Feasible Criteria For EWS Reservation

Government committee report told Supreme Court that Rupees 8 lakh is feasible criterion for EWS reservation.

About The Report

The committee has said that RS 8 lakh criteria ensures that most low income people who are not required to pay income tax are not excluded and at the same time it is *not* be so high that it becomes over inclusive by including many income tax –paying middle and high income families into EWS, thus striking a fine balance.

- **Rejected Notion of Emulation of OBC Criterion:** It rejected that the Centre had “mechanically adopted” Rs 8 lakh as a number because it was also used for the OBC creamy layer cut-off.
- **Income Criterion more Stringent for EWS:** Despite being the same cut-off number, their composition is different

EWS's Income Criteria	Creamy Layer In OBC Category Income Criterion
✓ It relates to the financial year prior to the year of application	✓ It is applicable to gross annual income for three consecutive years.
✓ The Rs 8 lakh criteria for EWS include all sources, including farming.	✓ Income from salaries, agriculture and traditional artisanal professions are excluded from the consideration

Recommendations

1. Threshold of Rupees 8 lakh of family income seems reasonable.
2. Person whose family has > **5 acre of agricultural land** irrespective of income, should exclude EWS category.
3. Committee has suggested dropping the existing criteria on residential asset size.
4. A three-year feedback loop cycle may be used to monitor the actual outcomes of these criteria and then be used to adjust them in future
5. Data exchange and information technology should be used more actively to verify income and assets and to improve targeting for EWS reservations and also across government schemes.
6. It also recommended continuing the existing process which is in effect since 2019 for the current admission cycle and criteria recommended in this report may be made applicable from next advertisement/admission cycle.

Community Based Inclusive Development Program For Disabled

Ministry of Social Justice & Empowerment launched a 6- month Community Based Inclusive Development (CBID) Program on rehabilitation of Divyangjan/Persons with Disabilities (PwDs).

- CBID aims to create a pool of **grass-root rehabilitation workers** at community level who can work alongside ASHA and Anganwadi workers to handle cross disability issues and facilitate inclusion of PwDs in the society.
- It has been designed to provide competency-based knowledge and skills among these workers to enhance their ability for successfully discharging their duties through offline/online training.

Definition Of Disability In India

- Until the 2011 census, the questionnaire to identify people with disabilities, included questions on seven kinds of disabilities. This list of disabilities was expanded to 21 when the Rights of People with Disabilities was introduced in 2016.
- Accordingly, the 2019 report from the National Statistics Office, included questions to identify people with **temporary loss of an ability as well as neurological and blood disorders**. This was in addition to the earlier definition, that included mental retardation and permanent inability to move, speak, hear and see.
- Moreover, the revised definition recognises **deformities and injuries of acid attack victims** as disabilities, entitling them to various relief measures.

Statistics On Disability

- In the 2021 census, disability will be defined as per the Rights of Persons with Disabilities (RPwD) Act of 2016.
- The 2011 census estimated the number of people with disabilities at close to 2.68 crore (or 2.2% of the population) - that is more than the entire population of Australia. Moreover, a **higher proportion of men** (56% ~1.5 crore) were disabled in India compared with women (44% ~1.18 Crore).
- Disability was **more prevalent in rural areas** than in urban areas and rural men had the highest.
- 54% of the disabled children with multiple disabilities never attended educational institutions.
- The department of disability affairs is in the process of creating a national database of PwDs, which will contain information on those with certificates issued by competent medical authorities.

Rights of Persons with Disabilities (RPwD) Act, 2016

- It replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. According to the RPwD Act, disability has been defined based on an evolving and dynamic concept.
- It fulfills India's obligations to the United National Convention on the Rights of Persons with Disabilities (**UNCRPD**), to which India is a signatory.
- The Act puts the responsibility on appropriate governments to take effective measures to ensure that the PwDs get their rights equally like others.
- Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4%), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities.
- As per the Act, a person with **benchmark disability** means a person with not less than 40% of a specified disability. Every child with benchmark disability between the age group of 6 and 18 years will have the right to free education.
- Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.

- To strengthen the Accessible India Campaign, stress has been given to ensure accessibility in public buildings (both government and private).

Barriers Still Faced By PwDs

Attitudinal	<ul style="list-style-type: none"> • <u>Stereotyping</u>: People assume that quality of life of PwDs is poor or that they are unhealthy because of their impairments. • People may see disability as something that needs to be cured or prevented (Stigma), as a punishment for wrong doing (Prejudice), or as the lack of ability to behave as expected in society (Discrimination).
Social	<ul style="list-style-type: none"> • <u>Literacy related</u>: Only 36% of the total disabled persons are workers & only around 55% are literates. • <u>Work related</u>: Major issues faced are access to and within workplace, harassment and discrimination at work, and lack of positive attitude towards PwDs. • <u>Age related</u>: Children with disabilities are almost four times more likely to experience violence than children without disabilities.
Accessibility	<ul style="list-style-type: none"> • Design and construction of indoor and outdoor facilities prevent them from going to school and hospitals, shopping and finding or keeping a job. Footpaths, parks and public transportation may also be inaccessible.
Healthcare and Assistive technology	<ul style="list-style-type: none"> • Only 5-15% of people who require assistive devices and technologies have access to them due to High Cost, limited availability of services, physical barrier, inadequate skills and knowledge of health workers.
Policy	<ul style="list-style-type: none"> • Lack of awareness or enforcement of existing laws and regulations that require programs and activities be accessible to people with disabilities
Poverty	<ul style="list-style-type: none"> • Poor health and nutrition, poor living conditions, lack of care given to pregnant mothers etc. among persons living in poverty can lead to disability. Equally, the onset of disability can have an adverse effect on education, employment and earnings, increase living costs and result in higher rates of poverty

Government's Initiatives For Persons with Disabilities (PwDs)

Accessible India Campaign	<p>Department of Empowerment of Persons with Disabilities (DEPWD) has launched Accessible India Campaign (Sugamya Bharat Abhiyan) as a nation-wide Campaign for achieving universal accessibility for PwDs in 2015. It has three components:</p> <ul style="list-style-type: none"> ▪ Build Environment accessibility ▪ Build Transportation system accessibility ▪ Build Information & Communication system accessibility
DISHA	<p>This is an early intervention and school readiness scheme for children up to 10 years with the disabilities covered under the National Trust Act</p>
VIKAAS	<p>A day care scheme for persons with autism, cerebral palsy, mental retardation and multiple disabilities, above 10 years for enhancing interpersonal and vocational skills.</p>
SAMARTH	<p>A scheme to provide respite home for orphans, families in crisis, PwD from BPL, LIG families with at least one of the four disabilities covered under the National Trust Act.</p>
SAHYOGI	<p>A scheme to set up Caregiver Cells (CGCs) for training and creating skilled workforce of caregivers to care for PwD and their families.</p>

Way Forward

In order to improve their scenario and make their living inclusive, following approaches must be adopted to transform **them from being disabled to being differently-abled**:

Attitudinal Change	Not considering disability a personal deficit and instead as a social responsibility in which all people can be supported to live full and independent lives
Improving accessibility	By specifically considering needs of people with disabilities and building or modifying products, services, and facilities to suit their needs.
Assistive technologies	It enhances functional independence and make daily living tasks easier that help a person travel, communicate, learn, work, and participate in social and recreational activities.
Improving education	Building accessible classrooms, providing disabled friendly study material, proper teacher training
Employment opportunities	Identifying work and jobs disabled persons can do, incentives to employers to employ disabled workers
Early diagnostic and intervention	Helps in primary prevention (manifestation of disability) and Secondary prevention (reducing the duration or severity)
Disability inclusion in health sector	Access to effective health services, protection during health emergencies, and access to cross-sectorial public health interventions (such as water, sanitation & hygiene services)

- Kerala became first state to conduct a census of its own called **Kerala Disability Census** for 2014-15. Other states must follow example. The scale of disability in India needs to be better understood by improving the measurement of disability.
- **Increase public awareness and understanding of disability** through social marketing and campaigns.
- **End Institutional Exclusion:** Not only the Ministry of Social Justice and Empowerment, but every other ministries along with different departments will have to take blame for poor disability environment in India.
- Newer thinking and better coordination of programs is required. Most importantly, persons with disabilities should themselves be made **active participants in the development process**.
- Strengthen and support **research on disability**.

Central Advisory Board On Disability

The Central Advisory Board on Disability, which is mandated to meet every *six months* under the Rights of Persons with Disabilities Act, 2016, has not been re-constituted since the previous board’s three-year term ended in November 2020.

Central Advisory Board on Disability

- *Section 60* of the Act empowers the Central Government to constitute a body to be known as *Central Advisory Board on Disability*
- In pursuance of this power, the Central Government had constituted the Central Advisory Board on Disability with **Union Minister of Social Justice and Empowerment** as the ex-officio chairperson.
- The panel is meant to “facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights”

The Social Justice and Empowerment Ministry has invited public feedback on the new draft national policy on persons with disabilities (PwD). The draft policy proposes interventions in disability prevention, education, healthcare, social security and accessibility.

National Policy for PwD, 2006

The existing National Policy for PwD was adopted in 2006. The policy seeks to --

- recognize that PwDs are valuable human resource for the country
- create an environment that provides them equal opportunities, protection of their rights and full participation in society.

Need For Revision Of 2006 Policy

- The new policy has been drawn in keeping with the provisions of the RPwD Act 2016 and the vision of **the National Education Policy 2020**.
- Also, a revision was required as the existing policy was drafted in 2006, after which India signed the United Nations Convention on the Rights of Persons with Disabilities in 2007.

Major Proposals In New Policy

• Focus On Diversified Causes Of Disability

- ✓ The current national programme on prevention of disabilities focused on traditional causes.
- ✓ However, there were other causes of disability, such as malnourishment, medical negligence, socio-cultural factors and impairment caused by disasters.

• Cross Disability Early Intervention Centres:

- ✓ Research findings show that one-third of disabilities in children are preventable if detected early. Hence, the new draft Policy calls for developing a network of '**Cross Disability Early Intervention Centres**' (CDEICs) in every district of the country.
- ✓ The policy lays out broad roadmap for developing CDEICs to provide facilities like screening and identification and referral for rehabilitative services.

• Educational Institutions:

- ✓ The States and UTs should add a provision on compliance with the RPwD Act 2016 when granting permission or recognition to educational institutions.
- ✓ A module on disability should be included in MBBS and other medical courses.

• More Accessible Vehicles

- ✓ The draft policy said that the Ministry of Road Transport and Highways will issue necessary guidelines for making modification in the personal vehicles being used by persons with disabilities as per requirement. This is to make vehicles more accessible.

- Employment generation: An employment portal for PwDs will be developed with information like skill training in different locations, vacancies, nature of job, eligibility, recruitment, etc

- Sports curriculum: Setting up of dedicated sports centres in each zone with state of art facilities, considering India's performance in the Paralympics and Special Olympics.

- Cultural enrichment: Department of Culture should develop a scheme to encourage fine arts and performing arts among PwDs.

- Increased accessibility: Accessibility to cinema halls, malls, theatres, parks, museums, tourist places, etc.

- Recognition during national days: A tableau for Republic Day showcasing the initiative for empowerment of Divyangjan by the Department of Empowerment of PwDs has been suggested.

- **Universal design as a guiding principle:** New government buildings should abide by the accessibility standards for disabled at the planning stage itself.

Political Representation Of Disabled

Section 11 of the Rights of Persons with Disabilities Act prescribes that Election Commission of India & State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them

Demonstration of exclusion of disabled people from political space

- **Inaccessibility of voting process:** The lack of accessible polling booths, no widespread adaptation of *braille electronic voting machines* and wheelchair services at all polling centres.
- **Not a voter base:** Political parties in India still do not find the disabled as the large electorate to specifically address their needs. Moreover, lack of accessible space for PwD in party meetings, inaccessible transport for campaigning, attitudinal barrier among voters and party leaders and non-inclusion in party manifesto further contribute to their alienation.
- **Data insufficiency:** The lack of live aggregate data on the exact number of the disabled people in every constituency only furthers their marginalization.
- **No separate database:** As per Ministry of Parliamentary Affairs, the Government donot maintain data on the disability aspect of its members.
- **No recognition:** India has failed to acknowledge disabled political personalities who have overcome the myriad barriers in India’s political space. For example, the first visually disabled Member of Parliament in independent India, Sadhan Gupta, hardly finds mention in our political.

Successful Initiatives to enhance political participation of PwDs

- Chhattisgarh started the initiative of **nominating at least 1 disabled person** in each panchayat. If a disabled person is not elected then they are nominated as a panchayat member.
- This is a step that has increased the participation of the disabled in the political space at local level.

This right can be made real only when it includes political rights/political participation within it. This will only conform to the universal principle on disability, i.e., “Nothing about us. Without us.”

Issues Relating to Development & Management of Social Sector/Services



NHA Estimates On Health Expenditure

Key Findings of National Health Accounts (NHA) estimates for India for 2017-18.

Foreign aid for health	•It has come down to 0.5% , showcasing India’s economic self-reliance
OOPE as a share of total health expenditure	•It has come down to 48.8% in 2017-18 from 64.2% in 2013-14
Per capita OOPE	•Declined from ₹2,336 to ₹2,097 between 2013-14 to 2017-18

Factors Attributing To This Decline

- There is an increase in utilisation and reduction in cost of services in Government health facilities.
- Comparing NHA 2014-15 and 2017-18, there has been a decline in OOPE for Government hospitals to the tune of 50%.
- **Increase in the share of Government health expenditure in the total GDP** of the country: NHA estimates for 2017-18 clearly showed that it has increased from **1.15%** in 2013-14 to **1.35%** in 2017-18.
- **Share of Government Health Expenditure in total health expenditure** has also increased. In 2017-18, the share of Government expenditure was **40.8%**, which is much higher than **28.6%** in 2013-14.
- **Government health expenditure in per capita terms** has increased from ₹1,042 to ₹1,753 between 2013-14-2017-18.
- **Share of primary healthcare in current Government health expenditure** has increased from **51.1%** in 2013-14 to **54.7%** in 2017-18.
 - The primary and secondary care accounts for more than **80%** of the current Government health expenditure. There has been an increase in **share of primary and secondary care** in case of Government health expenditure.
 - In case of private sector, **share of tertiary care** has increased but primary and secondary care show a declining trend.
 - Between 2016-17 and 2017-18 in Government sector the share of primary and secondary care has increased from 75% to 86%. In private sector, the share of primary and secondary care has declined from 84% to 74%
- **Share of social security expenditure on health**, which includes the social health insurance programme, Government financed health insurance schemes, and medical reimbursements made to Government employees, has increased.
 - As a per cent of total health expenditure, the increase is from 6% in 2013-14 to around 9% in 2017-18.

Issues with Health Sector

Limited Primary Healthcare Services	Inadequate Funding	Less than Required Doctors	Overlapping Jurisdiction	Supply-Side Deficiencies
<ul style="list-style-type: none"> • Even where there is a well-functioning public primary health centre, only services related to pregnancy care, limited childcare and certain services related to national health programmes are provided. 	<ul style="list-style-type: none"> • India spent 1.8% of its GDP on health in FY 2020-21 and 1-1.5% in the previous years. OECD countries' average of 7.6% and other BRICS countries' average of 3.6% • India's total OOPE is around 2.3 % of GDP 	<ul style="list-style-type: none"> • India currently has one doctor over the population of 1,445 against the WHO norm of 1:1000 	<ul style="list-style-type: none"> • There is no single authority responsible for public health that is legally empowered to issue guidelines and enforce compliance of the health standards 	<ul style="list-style-type: none"> • Poor health management skills and lack of appropriate training and supportive supervision for health workers prevent desired quality of health services

Pradhan Mantri Jan Arogya Yojana & NFSA Integration

Union Health Ministry said that **National Health Authority (NHA)** is working to integrate the database of **Socio-Economic Caste Census (SECC) 2011 beneficiaries** with the **National Food Security Act (NFSA) portal** so that

beneficiaries can seek information regarding their entitlements under the **AB PM-JAY using their ration card number.**

About The Integration

- NHA is mandated with the implementation of Ayushman Bharat Pradhan Mantri–Jan Arogya Yojana (AB PM-JAY).
- NHA is also working on a proposal to use **Fair Price Shops or ration shops** for providing information related to the scheme and entitlement under the scheme to eligible beneficiaries.
- This will provide an additional avenue to beneficiaries along with the existing Common Service Center for card creation.
- The NHA has collaborated with various ministries implementing welfare schemes to strengthen the different aspects of scheme implementation including beneficiary awareness campaigns, beneficiary database (SECC 2011) enrichment etc.

AB-PMJAY

- The AB-PMJAY offers health insurance to 10.74 crore poor, rural families and identified occupational categories of urban workers' families.
- The project offers an annual health cover of ₹5,00,000 per family (on a family floater basis). It covers medical and hospitalisation expenses for several secondary care and tertiary care procedures.
- The households included are based on the deprivation and occupational criteria of Socio-Economic Caste Census 2011 (SECC 2011) for rural and urban areas respectively.
- The Rashtriya Swasthya Bima Yojana had a family cap of five members. However, based on learnings from those schemes, AB-PMJAY has been designed in such a way that there is no cap on family size or age of members. In addition, pre-existing diseases are covered from the very first day.

Intended Benefits of This Proposal

- **Integrating Fair Price Shops With Health.**
- **Developing More Service Points.**
- Making **Beneficiary identification** process convenient.
- **Common Identity Enabler:** Aadhaar being a common identity across the majority of government databases will enable this integration. Further, Aadhaar also ensures certainty regarding beneficiary identification through e-KYC. e-KYC enables paperless delivery of services in a targeted manner.
- **Cross-Platform Integration:** NHA will collaborate with various ministries.
- **Towards Universal Health Coverage**

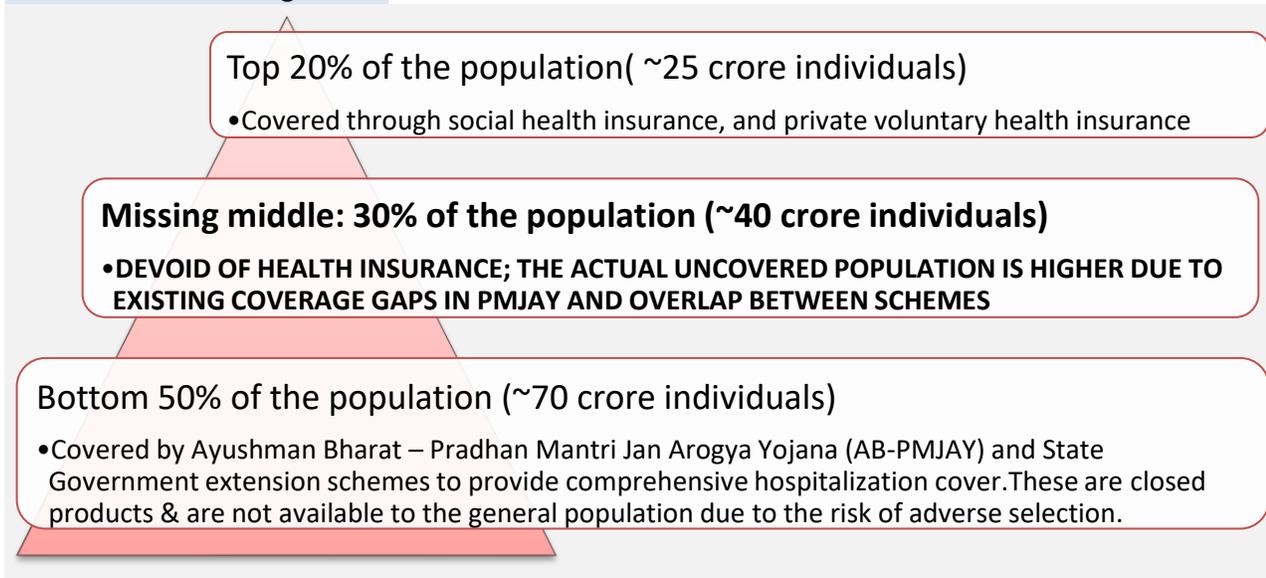
The beneficiary database enrichment under ABPM-JAY would mean adding additional parameters to the database for making searching easier. The majority of ABPM-JAY beneficiaries from SECC 2011 are also eligible for benefits under National Food Security Portal.

Health Insurance for India's Missing Middle

NITI Aayog has released a comprehensive report titled **Health Insurance for India's Missing Middle**. It brings out the gaps in the health insurance coverage across the Indian population and offers solutions to address the situation.

- Health insurance is a mechanism of pooling the high level of Out of Pocket expenditure (OOPE) in India to provide greater financial protection against health shocks.
- India's health sector is characterized by **low Government expenditure** on health, high out-of-pocket expenditure (OOPE), and low financial protection for adverse health events.

Who Constitute Missing Middle



The report has recommended **three models** for increasing the health insurance coverage in the country.

<p>1st : Increasing consumer awareness of health insurance</p> <p>The success of a private voluntary contributory health insurance product requires creation of a large and diversified risk pool.</p>	<p>2nd : Developing a MODIFIED, STANDARDIZED health insurance product</p> <p>Eg: A “slightly modified version” of the Aarogya Sanjeevani will help increase the update amongst the missing middle.</p> <p>Aarogya Sanjeevani’, a standardised health insurance product launched by IRDAI in April 2020</p> <p>The modified product should have lower waiting periods. It should also include out-patient benefits through a subscription model to increase the value of healthcare provided.</p>	<p>3rd : Expands government subsidized health insurance</p> <p>Eg: PMJAY to wider set of beneficiaries.</p> <p>This model can be utilized for segments of the missing middle which remain uncovered, due to limited ability to pay for the voluntary contributory models outlined above.</p> <p>This is the only model out of three proposed which has fiscal implications for the Government. Though it assures coverage of poorer segments on the missing middle population, premature expansion of PMJAY can overburden the scheme.</p>
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A combination of the three models, phased in at different times, can ensure coverage for the missing middle population

- **Short-term:** Focus should be on **expanding private voluntary insurance** through commercial insurers.
- **Medium-term:** once the supply-side and utilization of PMJAY and ESIC is strengthened, their infrastructure can be leveraged to allow voluntary contributions to a PMJAY plus product, or to ESIC’s existing medical benefits.
- **Long-term:** Once the **low-cost voluntary contributory** health insurance market is developed, expansion of PMJAY to the uncovered poorer segments of the missing middle should be considered.

The report has also suggested sharing of the government scheme data with the private insurance companies. Government databases such as National Food Security Act (NFSA), Pradhan Mantri Suraksha Bima Yojana, or the Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) for agricultural households can be shared with private insurers after taking consent from these households, the report said, suggesting an outreach strategy.

NFHS-5 -Women Related Data

Recently, the latest data from the National Family Health Survey (NFHS 2019-21) has been released. It is conducted by Ministry of Health and Family welfare in coordination with International institute of Population Science Mumbai. 5th National Family Health Survey was from 2019 to 2021 and conducted in around 6.1 lakh household. Survey has taken parameter like Fertility rate, Infant mortality rate, child mortality rate, maternal mortality rate. Along with this, survey also gives insights on practice of Family planning and Nutritional status of population and reproductive health of women in country.

Fifth NFHS survey has spot lighted **women health** as one of its core dimension. It has also included some new dimensions like details on the percentage of women and men who have ever used internet. It has also surveyed some in-depth issues like component of micro-nutrient to children, menstrual hygiene, reproductive health etc. The result of the survey has mixed finding. Some of the findings are great achievement for country and some needs urgent attention.

Major Positive Result Of Survey

Decline in total fertility rate (TFR)

There is major decline in total fertility rate with most state reduced their fertility rate below replacement level. This is major demographic achievement. TFR has declined further from 2.2 reported in 2015-16 to 2.0 at the all-India level.

- The TFR is at 1.6 in urban areas and 2.1 in rural India.
- TFR of about 2.1 children per woman is called Replacement-level fertility.

Major factors contributing to achieve decline in TFR are

- **Increased use of modern contraceptive:** Bihar and Uttar Pradesh has improved much better. Contraceptive Prevalence Rate has increased substantially from 54% to 67% at the all-India level.
- **Socio political change:** Delay in marriage due to education has affected the total fertility rate.
- **Reversible Spacing:** Introduction of new reversible spacing (gaps between children) methods , wage compensation systems to undergo sterilisation, and the promotion of small family norms also worked well over the years
- **Push in family planning:** Schemes like National population stabilisation fund and RMNCH+A by government has encouraged and educated people to adopt family planning.
- **Closing of urban rural gap** for the first time. It has narrowed to 0.5 in last 30 years.
- **Women Empowerment:** There is increase in women empowerment as result of education which in turn translates to have say in family matter.

Worrying Trends Regarding TFR

- **Increasing Female Sterilization:** The survey reveals that the uptake of female sterilisation has gone up to 38% against 36% in 2015-16
- **Concerns of Lower TFR:** TFR lower than 2.1 children per woman — indicates that a generation is not producing enough children to replace itself, eventually leading to an outright reduction in population.

Marriage Age: The share of women aged 20-24 who married before turning 18 has declined from 27% to 23% in the last five years.

- West Bengal and Bihar, with around 41% such women each, had the highest prevalence of girl child marriage.

- The maximum reduction in the proportion of underage marriages was observed in Rajasthan, Madhya Pradesh, and Haryana.

Performance in Malnutrition indicators: The three indicator of mal-nutrition are stunting, wasting shows an overall improvement. E.g. Bihar has reduced from 48.3 to 42.9 in child stunting.

Difference in sex ratio at birth and adulthood: For first time in India there are **1020 adult women per 1000 men**. This is one of astonishing data. And total number of female babies has increased to 929 per 1000 male babies.

- There has been improvement on other dimensions such as educational attainment, institutional deliveries, vaccinations and infant mortality etc.

Some Areas Of Concern For The Country

1. There is poor performance in dealing with Anaemia.

- 57% of women of reproductive age in the country are anaemic.
- 21% of males are anaemic.
- 66.1% children under 5 year old are anaemic.

2. Increase in proportion of overweight children, women and men. It is becoming major health challenge in India. It is reflection of poor eating habit leading to serious health consequence in the form of non-communicable disease.

3. **Women reproductive Health:** Problems like high rate of C-section is high as 47.5% in private hospital compared to 14.7% in public facility. Addressing issues like menstrual hygiene are still taboo. Male engagements in family planning are low.

Conclusion

The decrease in Total fertility rate is sign of increasing prosperity. There are definitely increasing number of literate women. The numbers of empowerment women are also going up. These major achievement is a welcoming step in women welfare. It is duty of policymakers to ensure the hard earned gain go towards positive achievement further. Also concerns about rise in anaemia are an alarming and needs immediate attention. Programmes like “eat right movement” should be implemented effectively. Government’s schemes like National nutrition mission (Poshan abhiyan) should be implemented effectively at grass root level.

State of World Population Report 2022

Recently, the **United Nations Population Fund’s (UNFPA)** flagship State of World Population(SoWP) Report 2022 titled “Seeing the Unseen: The case for action in the neglected crisis of unintended pregnancy” was launched.

Five Key Facts from the 2022 SoWP

1. Rising Unintended Pregnancies.

- ✓ Between 2015 -2019, there were ~121 million unintended pregnancies globally each year.

2. Lack of Safe, Modern Methods of Contraception

- ✓ Globally, an estimated 257 million women who want to avoid pregnancy are not using safe, modern methods of contraception.

EXCERPTS FROM NFHS SURVEY		
WOMEN'S EMPOWERMENT (WOMEN AGE 15-49 YEARS)		
	2020-21	2015-16
Participation of married women in household decisions	92%	73.8%
Women who worked in last 12 months and paid in cash	24.9%	21.1%
Women owning a house and/or land (alone or jointly)	22.7%	34.9%
Women having a bank or savings account that they use	72.5%	64.5%
Women having a mobile phone that they themselves use	73.8%	66.6%
NUTRITIONAL STATUS OF ADULTS (AGE 15-49 YEARS)		
	2020-21	2015-16
Women whose Body Mass Index (BMI) is below normal	10%	14.9%
Men whose Body Mass Index (BMI) is below normal	9.1%	17.7%
Women who are overweight or obese	41.3%	33.5%
Men who are overweight or obese	38%	24.6%
Average out-of-pocket expenditure per delivery in a public health facility (in Rs)	2,548	8,518
Women who have ever used the internet	63.8%	NA
Men who have ever used the internet	85.2%	NA
Households with any usual member covered under a health insurance/financing scheme	25%	15.7%

- ✓ In 47 countries, about 40% of sexually active women were not using any contraceptive methods to avoid pregnancy.

3. Rising Rape-Related Pregnancies

- ✓ Nearly a quarter of all women are not able to say no to sex.
- ✓ Contraceptive use is 53% lower among women who have experienced intimate partner violence.
- ✓ Rape-related pregnancies are equally or more likely to occur than pregnancies from consensual sex.

4. Impact of Humanitarian Emergencies

- ✓ In humanitarian emergencies, such as the ongoing war in Ukraine, many women lose access to contraception and / or experience sexual violence.
- ✓ Some studies have shown that over 20% of refugee women and girls will face sexual violence.
- ✓ An estimated 4.8 million unintended pregnancies will occur in Afghanistan by 2025 as a result of health system disruptions and gender inequality.
- ✓ In the first 12 months of the COVID-19 pandemic, the estimated disruption in contraceptive supplies and services lasted an average of 3.6 months, leading to as many as 1.4 million unintended pregnancies.

Issues with the Unintended Pregnancies

Health Risks	<ul style="list-style-type: none"> •Unintended pregnancies can pose certain health risks for both mother and baby. •Women with an unplanned pregnancy, for example, are less likely to receive prenatal care and may have a higher risk for postpartum depression and mental health problems later in life
Higher Rates of Preterm Birth	<ul style="list-style-type: none"> •Unintended pregnancies have been associated with higher rates of preterm birth and low birthweight
Impact Future of Children	<ul style="list-style-type: none"> •Children born as a result of an unplanned pregnancy may be more likely to fare worse in school achievement, social and emotional development, and later success in the labor market compared to children born as a result of a planned pregnancy
Rising abortions	<ul style="list-style-type: none"> •Over 60% of unintended pregnancies, and almost 30% of all pregnancies, end in abortion. •Unsafe abortions hospitalize about 7 million women a year globally and cause 5 to 13% of all maternal deaths, one of the leading causes of maternal death. •In developing countries, unsafe abortions cost an estimated \$553 million per year in treatment costs alone

Factors which contribute to unintended pregnancies

- Lack of sexual and reproductive health care and information
- Contraceptive options that don't suit women's bodies or circumstances
- Harmful norms and stigma surrounding women controlling their own fertility and bodies
- Sexual violence and reproductive coercion
- Judgmental attitudes or shaming in health services
- Poverty and stalled economic development
- Gender inequality

New Guidelines On Abortion Care

WHO presented new guidelines on abortion care. These, it claimed, would prevent more than **25 million** unsafe abortions annually.

New Guidelines

WHO has released more than 50 recommendations that include clinical practice, health care delivery and law and policy interventions to support quality abortion care. The new guidelines include recommendations on many simple interventions given below at the primary care level that improve the quality of abortion care.

Task sharing	<ul style="list-style-type: none"> •By a wider range of health workers; ensuring access to medical abortion pills, which mean more women can obtain safe abortion services and making sure that accurate information on care is available to all those who need it.
Use of telemedicine	<ul style="list-style-type: none"> •Which helped support access to abortion and family planning services during the COVID-19 pandemic
Removing medically unnecessary political barriers	<ul style="list-style-type: none"> •Such as criminalisation, mandatory waiting periods, third-party authorisation, restrictions on abortion services. •Such barriers can lead to critical delays in accessing treatment and put women and girls at greater risk of unsafe abortion, stigma and health complications, while increasing barriers to education and their ability to work.
Providing Enabling Environment	<ul style="list-style-type: none"> •The three cornerstones of an enabling environment for abortion care are: •Respect for human rights including a supportive framework of law and policy. •Availability and accessibility of information. •Supportive, universally accessible, affordable & well functioning health system.

- While most countries allow abortion under certain circumstances, about 20 countries do not provide any legal basis for abortion.
- More than three out of four countries have legal penalties for abortion, which may include long-term imprisonment or heavy fines for people who perform or assist with the procedure.
- Evidence shows that restricting access to abortions does not reduce the number of abortions that take place. In fact, restrictions are more likely to push women and girls into unsafe practices.
- In countries where abortion is most restricted, only one in four abortions are safe, compared to almost nine out of 10 in countries where the procedure is mostly legal.

Steps Taken by Indian Government for Safe Abortions

Medical Termination of Pregnancy (MTP) Amendment Act, 2021	Notified new rules under which the gestational limit for medical termination of pregnancy has been increased from 20 to 24 weeks for certain categories of women
Comprehensive Abortion Care (CAC) Services	For women in health facilities under RMNCH+A (Reproductive, Maternal, Newborn, Child and Adolescent Health) program of National Health Mission
Capacity Building	Of Medical officers in Safe Abortion Techniques and of Auxiliary Nurse Midwife workers, Accredited Social Health Activist (ASHA) and other functionaries
Certification	To private and NGOs sector facilities to provide quality CAC services.
Nischay Pregnancy detection kits	Supply to sub-centers for early detection of pregnancy

The new guidelines will support interested countries to implement and strengthen national policies and programmes related to contraception, family planning and abortion services, helping them to provide the highest standard of care for women and girls.

U.S. Supreme Court Overturns Abortion Right

- US Supreme Court took the dramatic step of **overturning** the landmark 1973 Roe vs Wade ruling.
- The 1973 Roe vs Wade ruling has been the basis for **legal abortions** across America for nearly half a century.
- By erasing abortion as a constitutional right, the ruling restored the **ability of states** to ban it. *Now states are free to enact their own laws on this matter.*

Roe v. Wade Ruling (1973)

- The **ruling had struck down laws that made abortion illegal in several states**, and ruled that abortion would be allowed up to the point of foetal viability.
 - ✓ Foetal viability is the time after which a foetus can survive outside the womb.
 - ✓ **Foetal viability was around 28 weeks (7 months) at the time of the 'Roe' judgment.**
 - ✓ However, experts now agree that advances in medicine have brought the threshold down to 23 or 24 weeks (6 months or a little less). Newer studies show this could be further pegged at 22 weeks.
- The Court ruled that the **Constitution of the U.S.** protects a pregnant woman's **liberty to choose to have an abortion** without excessive government restriction.
- These judgements recognised the concept of personal liberty as enshrined in the **14th Amendment** against government interference with intensely personal decisions.

Key Highlights

- **Upheld a Republican-backed Mississippi law**
 - ✓ The court upheld a Republican-backed Mississippi law that bans abortion after 15 weeks.
 - Mississippi law allows abortions only when there is a medical emergency/ severe foetal abnormality.
 - It does not have an exception for pregnancies resulting from rape or incest.
 - ✓ Abortion rights — which have been available to women for over two generations — will now be determined by *individual States*.
- **Constitution Makes No Reference To Abortion**
 - ✓ The top US court held that the Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision.
 - ✓ The Conservative justices held that the Roe decision was wrongly decided because the US constitution makes no specific mention of abortion rights.

Criticism Faced By Court

- **Infringes Upon The Rights Of Women Over Their Own Bodies**
 - As per the experts, decision will turn women into second class citizens.
 - They estimated that 36 million women who live in about 30 states that will be affected by the ruling.
- **Verdict Came Along Ideological Lines**
 - With court's 6 conservative justices, including five men, voting in favour of the Mississippi abortion law.
 - The three liberal justices (including two women) dissented.

Reproductive Health In India

WHO defines reproductive health as a state of *complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system*. Reproductive matters encompass rights that enable individuals to make informed choices and decisions regarding their sexual and reproductive health needs, and to do so free from discrimination, coercion and violence

Reproductive Health and India

- Regarding the power to decide about use of contraception, only 8% of currently married women (15-49 years) do it independently. For nearly 1 in 10 women, it is the husband who largely takes decisions about the use of contraception.
- Information provided to women about contraception is limited, e.g., only 47% women using a contraceptive were informed about the side effects of the method.
- According to UNICEF India and World Bank data, India witnesses 45,000 maternal deaths every year, coming to an average of one maternal death every 12 minutes.
- Researches have shown that half the pregnancies in India are unintended and about a third result in abortion. Only 22% of abortions are done through public or private health facilities.
- By decriminalising adultery and homosexuality (**Navtej Johar judgment**) the court has held clearly, that women have a right to sexual autonomy, which is an important facet of their right to personal liberty
- The **Puttaswamy judgment** specifically recognised the Constitutional right of women to make reproductive choices, as a part of personal liberty under Article 21 of the Indian Constitution
- NFHS-5 survey reveals that the uptake of female sterilisation has gone up to 38% against 36% in NFHS-4(2015-16)
- Pregnancy may be terminated up to 20 weeks by a married woman in the case of failure of contraceptive method or device. Opinion of two registered medical practitioners for termination of pregnancy of 20-24 weeks of gestation. Opinion of the State-level medical board is essential for a pregnancy to be terminated after 24 weeks in case of substantial foetal abnormalities.

Barriers To Reproductive Health

- Decisions about reproductive health care are sometimes impeded by the distance to clinics and facilities, especially in rural areas. Majority of women and girls in India continue to experience delays or denials in accessing safe, quality and legal abortion care.
- Absence of adolescent and youth responsive services, shortages of preferred methods of contraception, Age based Discrimination e.g., Unequal access by adolescents to sexual and reproductive health information and services
- Inadequate Policies such as non-recognition of marital rape
- Women experiencing abuse in marriage are more likely to test positive for HIV and other sexually transmitted infection. Also, a study in India documented negative reproductive health consequences of child marriages.
- Lack of related data on women's use of health services as well as on laws guaranteeing full and equal access to reproductive health care.
- Lack of literacy and awareness about rights among girls has a real impact on their reproductive health and their ability to make autonomous decisions.

There is a need to address data quality issues and introduce technological interventions in data collection, training, and capacity-building of survey officials. Sexual and reproductive rights in India must include a concern with maternal deaths and access to maternal care to safe abortions. Removal of stigma and discrimination against women and girls on the basis of their gender, sexuality and access to treatment can be a game changer.

Assisted Reproductive Technology (ART) Act 2021

The Act aims at the regulation and supervision of ART clinics and assisted reproductive technology banks, prevention of misuse, and safe and ethical practice of ART services.

- The Government had been working on the bill to regulate the ART industry since 2008 when it was first drafted by the ICMR.
- The bill was first introduced in Lok Sabha in 2020 but the House had referred it to a standing committee.

Assisted reproductive technology comprises of modern technique such as in vitro fertilization, intra uterine insemination, oocyte and sperm donation, cryopreservation that can help infertile couple.

Key Points of the Act

1. The bill will provide for **regulation and supervision of ART clinic.**
 - **Formation of National board:** It will advise centre on policy matters. It determines **minimum standard of physical infrastructure, laboratory and diagnostic equipment and expert manpower to be employed by clinics and banks.**
 - **State boards** will coordinate the implementation of the guidelines.
 - **Formation of National registry:** It will have central database for all clinics and medical professionals serving in the field to provide data to National board.
 - **Formation of Registration Authority:** It will have a chairperson an officer above the rank of joint secretary in the health department, a vice chairperson above the rank of the Joint director in health department, an eminent woman representing a women’s organisation, an officer of the law department and an eminent registered medical practitioner
 - Registration authority’s functions: To grant, suspend, or cancel the registration of ART centres; to enforce the standards and supervise implementation of the law; to investigate complaints of any breach of provisions, to take legal action against the misuse of ART and initiate independent investigations; and to recommend to the National and State Boards on modifying the regulation with changes in technology and social conditions.
 - State governments will appoint registration authorities for facilitating the registration process. The registration will be valid for 5 years and can be renewed for a further 5 years.
2. **Regulate ART Services:** It seeks to regulate and supervise ART clinics and ART banks, prevent misuse, adopt safe and ethical practice and so on
3. It makes genetic testing of embryo mandatory.
4. Stringent punishment for those practising sex selections, sale of human embryo, gametes or found running agencies, rackets and organisations for such practices in violation of the law.

For First-Time Offenders	It may attract a penalty between Rs. 5 lakhs and Rs. 10 lakhs
For Subsequent Contraventions	Imprisonment for a term between 8 and 12 years, and a fine between Rs. 10 and Rs. 20 lakh.
Any Clinic or Bank Advertising or Offering Sex-Selective ART	Punishable with imprisonment between 5-10 years, or fine between Rs. 10 lakh and Rs. 25 lakh, or both

5. ART procedures are open to married **heterosexual** couples, live in partners, single women and foreigners. Foreigner can visit India under medical tourism to avail ART facility.
6. ART services will apply to women above the legal age of marriage and below 50, and to men above the legal age of marriage to 55.

Concerns

Discrimination in Accessibility	in	The Bill excludes single men and LGBTQ+ individuals and couples from accessing ARTs
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Duplicacy	Both Surrogacy and ART Bills will set up multiple bodies for registration which will result in duplication, lack of regulation. For example, a surrogacy clinic is not required to report surrogacy to the National Registry
Cost of the Services	It should be effectively monitored so that even the poor can avail of its services
Violates Article 14	The bill violates Article 14 and is also silent on the rights of children.
Protect Women and Children	The oocyte donor needs to be supported by an insurance cover . Multiple embryo implantation needs to be regulated and children born through ART need to be protected

The growth of ART clinic in India is among the highest in the world. India does not have standard protocol of ART clinic yet. Prior versions of the Bill regulated research using embryos, which must be brought back and definitions of commissioning “couple”, “infertility”, “ART clinics” and “banks” need to be synchronised between the Bill and the Surrogacy (Regulation) Bill.

Need To Reopen Anganwadis

About Anganwadi Center

It is a type of rural child care center. They were started as part of Integrated child development service (ICDS) scheme in 1975. This is world largest early childhood service provider. Anganwadis perform an essential role in developing a child's mental, physical and social health. National Education Policy has made anganwadis an important platform to provide early childhood care and education.

Due to the Covid pandemic, Anganwadis were closed owing to lockdown. There is need to reopen Anganwadis. Government has proposed to roll out **Early Childhood Care And Education (ECCE)** programme in all Anganwadi centers in **phased manner** with 2021 -22 as beginning financial year

- According to NFHS-5, in 2019-20, less than 15% of five-year-olds attended any pre-primary school. 58% of women cited home-schooling as the biggest contributor behind an increase in unpaid work at home.
- Therefore, National education policy 2020 places Anganwadis at the center of the push for universal access to early childhood care and education (ECCE).

Integrated Child Development Service (ICDS) Scheme

- The scheme provides additional nutrition, immunization and preschool education to the children. It is a widespread programme run by the Ministry of Women and Child Development (MWCD), Government of India.
- It is a **centrally sponsored scheme** implemented by state government and union territories. The programme is funded under 60:40 ratio (central: state). The scheme has been renamed as Anganwadi service.
- There are **six services** provided under ICDS. The services are provided by the Ministry of women and child development (MWCD) and the Ministry of Health and family welfare (MHFW).

Following table shows the component of ICDS:

Services	Target Group	Service provided by
(i) Supplementary Nutrition	Children below 6 years, Pregnant & Lactating Mothers (P&LM)	Anganwadi Worker and Anganwadi Helper (MWCD)
(ii) Immunization	Children below 6 years, P&LM	(MHFW)
(iii) Health Check-up	Children below 6 years, P&LM	(MHFW)
(iv) Referral Services	Children below 6 years, P&LM	(MHFW)
(v) Pre-School Education	Children 3-6 years	(MWCD)

(vi) Nutrition & Health Education	Women (15-45 years)	(MHFW & MWCD)
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Purpose of Anganwadi ecosystem

1. To support low-income group family
2. To improve the nutritional and health status of **zero- to six-year-old children**.
3. To reduce the incidence of **mortality, morbidity, malnutrition**.
4. To lay a strong foundation for proper physical emotional growth of children.
5. To **educate young mothers** about early childhood development.

Beneficiaries of Anganwadi



Challenges Faced By Anganwadis

- **Lack of sanitation and hygiene knowledge:** The anganwadi workers don't have knowledge of early childhood development. E.g. Only 49 % Anganwadi workers have key knowledge about washing hands and supplementary feeding.
- **Lack of infrastructure:** NITI Ayog found that only 59 % of anganwadis had adequate seating for children and workers.
- **Anganwadi workers are burdened with administrative work** and they could spend only 10 % on pre-school education compared to the recommended daily 120 minutes.

Reviving of Anganwadis

There are various successful models from the country and globally about early childhood development. This can help to revamp anaganwadi effectively

- Improving status of child nutrition and development. Odisha & Andhra Pradesh have shown positive results.
- **Home visits**, where volunteers work with children and caregivers have shown positive results. There has been significant improvement in cognition, language, motor development and stunting reduction.
- Reducing workload by **hiring more trained workers** as shown in case of **Tamil Nadu** is going to help the Anganwadi eco system effectively.
- **Linking Anganwadis and primary schools** to strengthen convergence will also impact positively.

Government must invest vigorously in the world’s largest social programme on early childhood development. This will not only shape the future of the country but also help India to attain Target 4.2 of SDG 2030.

Anaemia Mukh Bharat (AMB)

- Union Minister of State for **Health and Family Welfare** provided information on Anaemia Mukh Bharat (AMB) strategy.
- According to WHO, women in the reproductive age group and having **haemoglobin levels** lower than **12 grams per decilitre (g/dL)**, children under five with lower than **11.0 g/dL** , and men with less than **13 g/dl** are considered anaemic.

Reasons For High Prevalence In India

- **Iron-deficiency and vitamin B12-deficiency** anaemia are the two common types of anaemia in India. Among women, iron deficiency prevalence is higher than men due to menstrual iron losses and the high iron demands of a growing foetus during pregnancies.

- **Lack of millets** in the diet due to overdependence on rice and wheat, insufficient consumption of green and leafy vegetables, and dominance of packaged and processed foods which are low in nutrition could be the reasons behind high prevalence of anaemia in India.

About AMB Strategy

AMB strategy was launched in 2018 with the target to reduce anaemia in vulnerable age groups such as women, children and adolescents in **life cycle approach** by providing preventive and curative mechanisms through **6X6X6 strategy** including **six target beneficiaries, six interventions and six institutional mechanisms** for all stakeholders to implement the strategy.

Under AMB strategy, the interventions for tackling the problem of anaemia in all the States and UTs include:

- i) **Prophylactic Iron and Folic Acid Supplementation** in all six target age groups.
- ii) Intensified year-round **Behaviour Change Communication (BCC) Campaign** for:



- iii) Ensuring **testing and treatment of anaemia**, using *digital methods* and point of care treatment, with special focus on pregnant women and school-going adolescents.
- iv) Addressing **non-nutritional causes of anaemia** in endemic pockets with special focus on malaria, hemoglobinopathies and fluorosis.
- v) Management of severe anaemia in pregnant women by administration of **IV Iron Sucrose/Blood transfusion**.
- vi) Providing **incentives to ANM for identification** and follow-up of pregnant women with severe anaemia in high priority districts (HPDs)
- vii) **Training** of Medical Officers & front line-workers on newer Maternal Health & Anaemia Mukh Bharat guidelines
- viii) **Field level awareness** by ASHAs through community mobilization, IEC and BCC activities.

Evaluation

Under Phase I, 22 states and UTs were surveyed and in a majority of these states and UTs, more than half the children and women were found to be anaemic.

The prevalence of anaemia among different groups as per **National Family Health Survey 5 (2019-21)**:

Men (15-49 years)	Women (15-49 years)	Adolescent boys (15-19 yrs)	Adolescent girls	Pregnant women (15-49 years)	Children(6-59 months)
25.0%	57%	31.1%	59.1	52.2	67.1%

Measures Taken By The Government To Make AMB Programme More Effective

- i) Working with other line departments and ministries for strengthening implementation.
- ii) Engaging National Centre of Excellence and Advanced Research on Anaemia Control (NCEAR-A) at AIIMS, Delhi in capacity building of health care providers
- iii) Strengthening supply chain and logistics.
- iv) Development of **AMB Training Toolkit** for capacity building of health care providers and recent launch of Anaemia Mukh Bharat **e-Training Modules** to facilitate training of the health care providers through virtual platform.

- v) **Health Management Information System & Mother Child Tracking System** being implemented for reporting and tracking the cases of anaemic and severely anaemic pregnant women.
- vi) **Universal Screening of Pregnant Women for Anaemia:** It is a part of Ante-Natal Care (ANC) and all pregnant women are provided **iron and folic acid tablets** during their ante-natal visits.
- vii) **Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA):** It has been launched to focus on conducting special ANC check up on **9th of every month** with the help of Medical officers to detect and treat cases of anaemia.
- viii) **Operationalization of Blood Bank** in District Hospitals and Blood Storage Unit in sub district facilities

Health is a State subject and the primary responsibility for strengthening health care services including implementation of national programs lies with the respective State/UT government. Ministry of Health and Family Welfare provides financial and technical support to States/UTs under **National Health Mission (NHM)** as proposed during annual Programme Implementation Plan. Covid-19 has also hampered AMB programme implementation contributing to anaemia prevalence among all age groups.

Jan Aushadhi Diwas

Pharmaceuticals & Medical Devices Bureau of India (PMBI), under the aegis of Department of Pharmaceuticals, celebrated **4th Jan Aushadhi Diwas** by organizing week-long (1st March-7th March) celebrations at different locations across the country covering all States/UTs. This will generate awareness about the usages of generic medicines and benefits of **Jan Aushadhi Pariyojana**.

Pradhan Mantri Bhartiya Janaushadhi Pariyojana (PMBJP)

- PMBJP is a campaign launched by Department of Pharmaceuticals in **2008** under the name **Jan Aushadhi Campaign**.
- The campaign was **revamped** as PMBJP in **2015-16**.
- **Bureau of Pharma PSUs of India (BPPI)** which works under Ministry of Chemicals & Fertilisers is the implementation agency for PMBJP.
 - BPPI has also developed the **Janaushadhi Sugam Application**.
 - BPPI supports **Janaushadhi Kendras** as a part of PMBJP.
- A medicine is priced on the principle of maximum 50% of average price of the top 3 branded medicines. Thus, the prices of Jan Aushadhi Medicines are cheaper by at least 50% and in some cases, by 80% to 90% of the market price of the branded medicines.



Objectives of PMBJP

- To make available quality medicines, consumables and surgical items at affordable prices for all and reduce out of pocket expenditure.
- To popularise generic medicines and dispel the notion that low priced generic medicines are of inferior quality or are less effective.
- To ensure easy availability of menstrual health services (Janaushadhi 'Suidha' sanitary napkins).
- Generate employment by engaging individual entrepreneurs in the opening of PMBJP Kendras.

Performance of Pradhan Mantri Bhartiya Janaushadhi Pariyojana (PMBJP)

- As on 31st January, 2022, the number of stores has increased to 8,675. In the current financial year 2021-22 (till 31st January, 2022), PMBI has made sales of Rs. 751.42 Crore which led to savings of approximately Rs. 4500 Crore to the citizens.
- Under the PMBJP, all 739 districts of the nation have been covered.
- Government has set a target to increase the number of Pradhan Mantri Bhartiya Janaushadhi Kendras (PMBJKs) to 10,500 by the end of March 2025.
- Product basket of PMBJP comprises of **1451 drugs and 240 surgical instruments**.
- Further, new medicines and **nutraceuticals** products like protein powder, malt-based food supplements, protein bar, immunity bar, sanitizer, masks, glucometer, oximeter, etc. have been launched.
- At present three IT enabled warehouses of PMBJP are functional at Gurugram, Chennai & Guwahati and fourth one is ready to start operations at Surat.

- Further, 39 distributors have been appointed across the country to support the supply of medicines to remote and rural areas.

Visas for AYUSH Therapy

PM Modi announced addressing the inaugural session of the **Global AYUSH Investment and Innovation Summit 2022** that a **special visa category** will be created soon for those who want to travel to the country to avail of AYUSH therapies.

- AYUSH stands for **Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy**.

Opportunities In AYUSH Sector

- The country has witnessed unprecedented growth in the production of AYUSH medicines, supplements and cosmetics.
- Before 2014, the AYUSH sector was less than USD 3 billion. Today it has crossed USD 18 billion.
- There are immense possibilities of investment and innovation in **supply chain management, AYUSH-based diagnostic tools and tele-medicine**.

Steps Taken By India To Promote AYUSH

- **New Ministry Formed:** In 2014, the Union government established the Ministry of AYUSH, a separate ministry dedicated to traditional medicine and treatment.
- **National AYUSH Mission:** Department of AYUSH, Ministry of Health and Family Welfare had launched National AYUSH Mission (NAM) in 2014. The basic objective of NAM is to promote
 - ✓ AYUSH medical systems through cost effective AYUSH services,
 - ✓ Strengthening of its educational systems,
 - ✓ Facilitate the enforcement of quality control of Ayurveda, Siddha and Unani & Homoeopathy (ASU &H) drugs
 - ✓ Sustainable availability of ASU & H raw-materials.
- **Recent Steps**
 - ✓ The new category 'AYUSH Aahar' introduced by the FSSAI in its regulations will help the producers of **herbal nutritional supplements**.
 - ✓ The **AYUSH Export Promotion Council** has been set up recently to encourage exports and help find foreign markets.
 - ✓ The government is going to create a network of **AYUSH Parks** to encourage research and provide a new direction to AYUSH manufacturing.
 - ✓ An **incubation centre** developed by the **All-India Institute of Ayurveda** was inaugurated by the Ministry of AYUSH. This will encourage start-up culture in the field of traditional medicine.
 - ✓ 12500 Health and Wellness Center are being developed under Ayushman Bharat Mission.
 - ✓ Soft loans and subsidies for Ayush Hospitals.
 - ✓ A separate AYUSH wing is being developed in government hospitals of defense and railways.
 - ✓ AYUSH institutes of excellence are being developed for research and innovation.
 - ✓ NITI Ayog has suggested 100% colocation of AYUSH facilities in district hospitals.

Other Announcements

- The government is planning of set up a digital platform to connect AYUSH manufacturers with farmers across the nation who grows medicinal plants.

- India will soon launch 'AYUSH mark' which will provide authenticity to AYUSH products made in India. The mark will be given to products vetted using the latest technology.

Challenges Regarding To Traditional Medicine

- Lack of integration of traditional medicine with national health system and strategies.
- Lack of modern study approach relating to traditional medicine.
- Slow pace of leveraging technology to develop and popularize traditional medicine.
- Threat to Biodiversity and Sustainability: 40% of approved Pharmacy products today derive from natural substances.
 - ✓ Aspirin – Bark of willow tree
 - ✓ Contraceptive Pill – Roots of wild Yam plant
 - ✓ Child Cancer Treatment – Rosi Periwinkle

Besides promoting **medical tourism** in India, this initiative will give a global push to the AYUSH sector by promoting traditional medicines to the people around the world.

INTERNATIONAL AFFAIRS

Bilateral Relations

Visit of Boris Johnson to India

Boris Johnson paid an official visit to India in April 2022. This was **his first visit to India** as PM of UK.

Key Outcome

1. **Decided to finalise the FTA:** The two-leaders agreed to conclude a comprehensive and balanced trade deal by the end October 2022. The FTA would pave the way for doubling of bilateral trade by 2030.
2. **Greater linkages between the two countries' financial markets:** Both the leaders highlighted the successful India-UK collaborations between **GIFT City** and the UK's financial services ecosystem.
3. **India-UK Joint Cyber Statement issued:** In May 2021, PM Modi and Johnson agreed to an Enhanced Cyber Security Partnership. The current joint statement is a step forward in this direction.
 - This cooperation will focus the areas of cyber governance, cyber deterrence and safeguarding critical national infrastructure. India and the UK are already working in close cooperation under the International Counter Ransomware Initiative.
4. **On defence and security cooperation:** PM Modi welcomed the UK's announcement of an 'open general export license' to facilitate technology engagement with India. He also appreciated the open opportunity for India to participate in the UK's aviation and naval shipbuilding programmes.
5. **List of MoUs exchanged**
 - MoU on Implementation of **Global Innovation Partnership (GIP)**
 - Through this Partnership, India and UK have agreed to **co-finance up to £ 75 million** to support the transfer and scale up of climate smart sustainable innovations to third countries.
 - The novel GIP Fund created under this Partnership will also aim to raise additional **£ 100 million** from the market to support Indian innovations.

- MoU on Cooperation on **Global Centre for Nuclear Energy Partnership**: This will jointly promote research and training on nuclear energy studies, radioactive applications, nuclear security and safety.
- Joint Declaration of Intent for cooperation in the field of Offshore Wind Development

6. **Announcements made**

- **Strategic Tech Dialogue** – Ministerial-level dialogue on new and emerging communication technologies such as 5G, AI etc.
- **Collaboration on Integrated Electric Propulsion** between the two Navies.

India-UK Bilateral Relation

- The bilateral relationship was **upgraded to a strategic partnership in 2004**.
- During the May 2021 virtual summit between the PMs of both the countries, an ambitious **‘Roadmap 2030’** was adopted which will pave a way to elevate **bilateral ties to a ‘Comprehensive Strategic Partnership’**.
- India was identified as a **priority relationship** for the UK in the 2021 Integrated Review and was invited by the UK as a guest to last year’s G7 in Carbis Bay.

Economic engagements

- These are guided by institutionalised dialogues of India-UK Joint Economic & Trade Committee, Economic and Financial Dialogue and India-UK Financial partnership.
- Other key economic engagements include:
 - Indian Railway Finance Corporation raised \$500 million through its first green bond.
 - Both Governments have committed an anchor investment of up to £120 million each in the India-UK Sub-Fund under the National Investment and Infrastructure Fund.
 - To support the Start-up India initiative, UK will be investing £160 million across 75 start-ups.
- During the May 2021 virtual summit, India and UK launched an **‘Enhanced Trade Partnership’ (ETP)**.

Trade

- During the FY 2021-22 (Apr-Jan) **total trade in goods** (merchandise) was USD 14.4 billion. Of this, India’s export to the UK was \$ 8.5 billion while India’s import from UK was \$ 5.9 billion.
- During the FY 2020-21, **total trade in services** were £8.8 billion. It comprised of India’s export of £5.6 billion (48.5%) and India’s import of services from the UK of £3.2 billion (47.7%).
- **UK is India’s 17th largest trading partner** during the period of FY 2021-2022(Apr-Jan).
- In January 2022, India and the UK formally launched negotiations for an ambitious free trade agreement (FTA). The FTA aims to double the bilateral trade to \$100 billion by 2030.

Investment

- **Indian investment in UK**: India invested in 99 projects and created 4,830 new jobs in the UK to retain the position of **second-largest source of FDI after the US in 2020**.
- **UK’s investment in India**: UK is the 6th largest inward investor in India after Mauritius, Singapore, USA, Netherlands, Japan. It has a cumulative equity investment of US \$ 31.6 million (April 2000- December 2021), accounting for around 6% of all FDI into India.

Defence

- In 2015, a new **Defence and International Security Partnership (DISP)** was pledged

- In October 2020, India and the UK reached the final stages of agreeing on a key **defence logistics pact** which will help in reciprocal use of airfields, bases, spares and supplies.
- After the pact, India can access ports and military bases from the Garrisons in the Gulf to Keeling Island in the South Indian Ocean and strategic military locations such as Busan and Okinawa.

Cultural Linkages

- 2017 was celebrated as the India-UK year of Culture to mark the 70th anniversary of Indian independence.
- Indian PM describes the connection between people of both the countries as a 'living bridge'.
- In August 2020, Britain announced its decision to mint a coin to commemorate Mahatma Gandhi.

Indian Diaspora

- As per 2011 census approximately 1.5 million people of Indian origin are in UK equating to almost 1.8% of the population and contributing 6% of the country's GDP.
- The government of India awarded Pravasi Bhartiya Samman to British MP of Indian origin Priti Patel and British MEP of Indian origin Neena Gill in 2017.

Challenges in the relation

A. Britain looks at India as a market rather than a partner

- When it came to India, the British government "doesn't have a strategy," said Sir Richard Stagg, who was High Commissioner in New Delhi between 2007 and 2011.
- Rather than involving a joined-up approach, "random interventions" were made by individuals within the British government that was "inevitably ineffective"

B. Issues associated with Brexit

- Indian companies who have based their headquarters either in the UK or the EU to serve both the markets may face some challenges after BREXIT. This is due to restrictions on the movement of professionals

C. Colonial Prism & Legacy of Partition: The colonial prism has distorted mutual perceptions. At times, respective national sentiments dominate the diplomacy.

- Britain's perceived tilt to Pakistan has long complicated the engagement between India and the UK. Many former Prime Ministers of India have accused Britain of creating the Kashmir problem.

D. Influence of Labour Party on bilateral relations: The Labour Party in Britain still have hardcore policies and ideals of British India.

E. Student visas: Indian students are often subjected to rigorous checks and documentation.

F. Stand of India on Russia -Ukraine war: So far, India has not openly criticised Russia for its invasion in Ukraine. This has been criticised by many western countries including UK. UK wants India to use its relationship with Russia to stop the war.

Conclusion

After years of neglect, both UK and India are getting serious about their bilateral relationship. Each country stands to gain from tapping the other's strengths in areas like education, research, defence and technology. Though they will not agree on every single foreign policy issue, close cooperation between India and the UK is mutually beneficial and has the potential to shape events in the Indo-Pacific in positive ways.

30 Years of India-Israel Ties

- On January 30, India- Israel marked 30 years of full diplomatic relations & launched a commemorative logo.

India-Israel Bilateral Relation

Historical Background	Both countries gained their independence from the UK within months of each other.
	<p>However, they headed in different directions for nearly four decades:</p> <ul style="list-style-type: none"> India as a leader in NAM maintained close relations to Arab world and Soviet Union; Israel established close ties with the US and Western Europe.
	<p>The two famous foreign policy decisions of India in relation to Israel at the time of Independence included:</p> <ul style="list-style-type: none"> India's participation in the UN Special Committee on Palestine and Its decision on Israel recognition as a State. <ul style="list-style-type: none"> India had recognised Israel on September 17, 1950. Full-fledged diplomatic relations between the countries were established on January 29, 1992.

Political Relations

- President Pranab Mukherji was the first Indian President to visit Israeli in 2015.
- PM Modi undertook an historic first ever visit by an Indian PM to Israel in July 2017. During this visit, the relationship was upgraded to a **strategic level**.
 - ✓ The 2017 visit was significant as it formally acknowledged the relationship at the highest levels **leaving behind hesitations of history**.
 - ✓ It also reflected **India's willingness to de-hyphenate its relationship with Israel and Palestine**.

Economic and Commercial Relations

- From US\$ 200 million in 1992 (comprising primarily of diamonds), merchandise trade diversified and reached US\$ 4.14 billion (excluding defence) during the period April 2020 – February 2021.
- Balance of trade is in India's favour. India is Israel's **3rd -largest trade partner in Asia and 7th largest globally**.
- Though bilateral trade is dominated mainly by diamonds and chemicals, recent years has witnessed an increase in trade in areas such as electronic machinery & high-tech products; communications systems etc.
- Israel is also joining the India-led International Solar Alliance (ISA), to scale up the cooperation in renewable energy and partner in clean energy.

Agriculture

- Agricultural cooperation between the two sides is formalized through **three-year action plans**.
- The two sides are currently implementing the **fifth phase of the joint action plan** (2021-23). The Fourth Action Plan (2018-2020) aimed at increasing farmers' productivity and optimization of water use efficiency. 29 Centers of Excellence for Horticulture are fully active in twelve Indian states.

Water Technologies

- Ongoing cooperation in this sector was formalized through an MOU on Water Resources Management and Development Cooperation signed in November 2016.
- Israeli company IDE has built several **desalination plants** in India. A 100 MLD per day desalination plant set up by IDE at Nemelli in Tamilnadu was commissioned in 2013.
- Israeli drip irrigation technologies** and products are now widely used in India.

Defence & Security

- With the intention to further strengthen the existing framework of the Indo-Israeli defence cooperation architecture, both the sides adopted the **India-Israel Vision on Defence Cooperation**.
- There are regular exchanges between the armed forces.
- Israel has been among the top 4 arms suppliers (along with US, Russia and France) to India with military sales worth around \$1 billion every year. Indian armed forces have inducted a wide array of Israeli weapon systems.

- **Phalcon AWACS (airborne warning and control systems) and Heron**
- **Searcher-II and Harop drones**
- **Barak anti-missile defence systems & Spyder quick reaction anti-aircraft missile system**
- **India is now finalising “Project Cheetah” to arm Heron drones with laser-guided bombs**

Cooperation in S&T

- Overseen by Joint Committee on S&T, established under the S&T Cooperation Agreement signed in 1993.
- During the visit of PM Modi in July 2017, an MoU for establishing **India-Israel Industrial R&D and Innovation Fund (I4F)** was signed. This MoU, with a contribution of US\$ 20 million from each side over 5 years, is playing an important role in jointly undertaking R&D projects.

Culture and Education

- The relations between the two peoples go back to more than two millennia. India has welcomed Jews for several centuries and their contribution has enriched Indian culture.
- India and Israel signed a **Cultural Exchange Programme** (for the period of 2020-23) in August 2020 to facilitate bilateral cultural exchanges.
- There are approximately 1200 Indian students in Israel, mostly at the doctoral and post-doctoral levels.

Irritants in India-Israel Relationship

Palestinian issue	Iran issue	India, Israel and Arab world triangle	Bilateral Trade and investment still below potential	Voting Pattern of India at UN
<ul style="list-style-type: none"> • India does continue to walk a tightrope, between its historical ties with Palestine and its newfound love for Israel. • Last year, India’s statement in the UNSC on the Israel-Palestine violence virtually held Israel responsible for the violence. • India expressed its strong support to the just Palestinian cause and unwavering support for the two-state solution. 	<ul style="list-style-type: none"> • Israel considers Iran an existential threat. India, on the other, has a historical relationship with Iran. • It finds the cooperation useful for energy supplies, and an alternative route through Chabahar port to Afghanistan and Central Asia. 	<ul style="list-style-type: none"> • While Israel has inherent differences with Arab countries, India has significant stakes there. • However, the signing of Abraham Accord (peace deal between Israel and countries of Arab world such as UAE, Bahrain) provides the much-needed space for India to strengthen the relation with Israel as well as with the countries of Arab World. 	<ul style="list-style-type: none"> • Bilateral trade has not diversified much—diamonds and chemicals still make up for the large chunk of the pie. 	<ul style="list-style-type: none"> • India abstained on a UNHRC resolution in 2015, and criticized Israel for aerial Bombing on Gaza. • In September 2020, the Economic and Social Council of UN has rebuked Israel for allegedly violating women’s rights. India voted against Israel on this matter.

CEPA Between India and UAE Unveiled

Recently, Prime Minister Modi and Crown Prince of Abu Dhabi Sheikh Mohammed bin Zayed Al Nahyan held a Virtual Summit. During the summit, both the leaders issued a Joint Vision Statement.

The Joint Vision Statement

- “Advancing India and UAE Comprehensive Strategic Partnership: New Frontiers, New Milestone”.
- The Statement establishes a roadmap for a future-oriented partnership between India and UAE and identifies focus areas and outcomes.
- The shared objective is to promote new trade, investment and innovation dynamic in diverse sectors, including economy, energy, climate action, emerging technologies, skills and education, food security, healthcare and defence & security.

Key Highlight Of Virtual Summit

CEPA signed	•The major highlight of the summit was the signing of the India-UAE CEPA
MOUs signed/ agreed	<ul style="list-style-type: none"> •MOU on Food Security Corridor Initiative •MOU between India's Gift City and Abu Dhabi Global Market on cooperation in financial projects and services. •Two other MOUs - one on cooperation in Climate Action and the other on Education have also been agreed
Other key takeaways	•A JOINT commitment to fight extremism and terrorism; Enhancing maritime cooperation; Promote e-payment solutions; Set up an IIT in UAE; A joint Hydrogen Task Force.

Background

- In September 2021, both the sides started formal negotiations for a mutually-beneficial CEPA.
 - India has already signed CEPAs with South Korea and Japan.

Key Highlights of the CEPA

Coverage

- The Agreement is a comprehensive agreement, which will cover
 - Trade in Goods, Rules of Origin, Trade in Services, Technical Barriers to Trade (TBT), Sanitary and Phytosanitary (SPS) measures
 - Dispute Settlement, Movement of Natural Persons, Telecom, Customs Procedures, Pharmaceutical products, Government Procurement, IPR
 - Investment, Digital Trade and Cooperation in other Areas.

Preferential Access To Goods

- CEPA provides for an **institutional mechanism** to encourage and improve trade between the two countries.
- India will benefit from preferential market access provided by the UAE on over 97 % of its tariff lines which account for 99% of Indian exports to the UAE in value terms.
- India will also be offering preferential access to the UAE on over 90% of its tariff lines, including lines of export interest to the UAE.

Trade in Services

- India has offered market access to the UAE in around 100 sub-sectors.

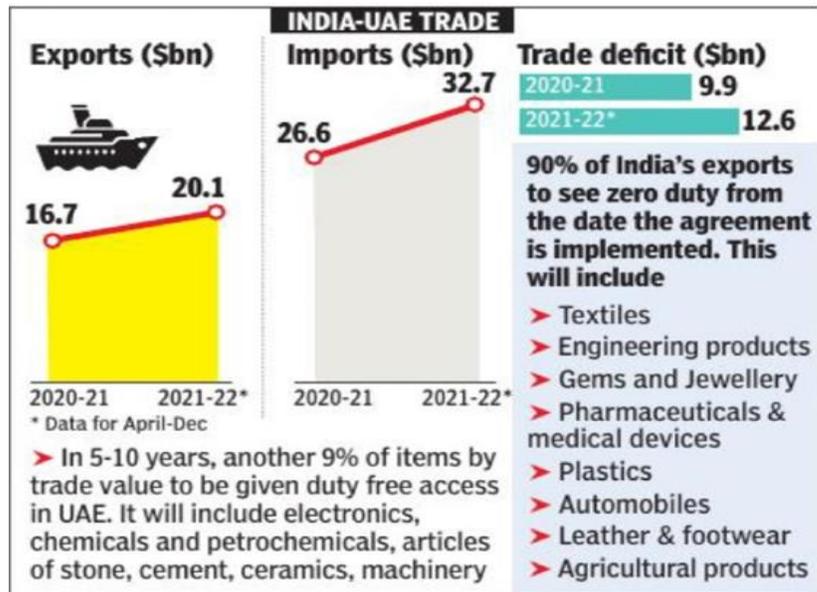
- On the other hand, Indian service providers will have access to around 111 sub-sectors from the 11 broad service sectors. Both sides have also agreed to a separate Annex on Pharmaceuticals to facilitate access of Indian pharmaceuticals products.

India To Reduce Import Duty On Metals, Dates, Oil

- India is set to lower import duty on dates, metals, cement, cooking gas and crude oil from the UAE as part of the agreement. India will lower tariffs on all but 1,157 items, or 9.7% of the products, while UAE will exclude 0.7% of the goods from the trade agreement.

Benefits

- CEPA provides for an *institutional mechanism* to encourage and improve trade between the two countries including enhanced market access and reduced tariffs.
- This agreement is likely to benefit about \$26 billion worth of Indian products that are subjected to 5% import duty by the UAE.
- CEPA will allow **duty-free export** of food products, textiles, gems & jewellery and pharma etc
- It is expected that the CEPA will lead to increase in bilateral trade from the current **USD 60 bn to USD 100 bn in next 5 years**.
- So far, the focus has been on *manufacturing*, but a key gain is seen to be on the *services front*, while giving easier access to Indian workers in high skill sectors to Emirates.
- The UAE is becoming a base for Indian companies and professionals to cater to the requirements in other parts of West Asia as well as Africa.
- India is planning to enhance its engagement with West Asia through a trade deal with GCC. Hence, the agreement could be the basis for negotiations for similar opening up.



Implications Of This Agreement

- The deal with UAE, **India's third-largest trading partner** after China and US, signals the government returning to signing free trade agreements (FTAs).
- This is against the background that the government is seeking to push exports and movement of Indian professionals.
- CEPA will expedite work on a dedicated investment zone for UAE companies and joint ventures with a focus on **setting up a food corridor** and **establishment of a dedicated India Mart in Jebel Ali Free Zone**.
- CEPA is expected to create opportunities for Indian investors in establishing specialised industrial advanced technology zones in Abu Dhabi.

- Counter-terrorism cooperation is a corner stone of Indo-French strategic partnership, particularly in the Indo-Pacific region. In this regard, both sides expressed their willingness to coordinate actively in the run up to third edition of the **"No Money for Terror" international Conference** to be hosted by India in 2022.

Climate, Clean Energy and Sustainable Development

- India invited France to participate in its initiative to make India a Green Hydrogen Hub under its **National Hydrogen Mission**.
- India and France welcomed the efforts made by AFD and India Exim Bank to step up their support to sustainable finance in the Indo-Pacific region.
- The **"Indo-Pacific Parks Partnership"** was adopted in Feb' 2022. It displays both sides' ambition to promote a sustainable approach in Indo-Pacific region through development of protected areas and natural parks.

India – France Bilateral Relation

- In **1998**, India and France established a **Strategic Partnership** which has since emerged as a close and growing bilateral relationship.
- The areas of **defence & security cooperation, space cooperation** and **civil nuclear cooperation** constitute the principal pillars of this Strategic Partnership.
- In addition, India and France are increasingly engaged in new areas of cooperation such as - in the Indian Ocean region, climate change (including the International Solar Alliance) and sustainable growth & development, governance of cyberspace, among others.

Economic Relations

- Bilateral trade practically doubled in a span of ten years, touching the **12-billion-euro** just before the pandemic. However, the overall volume of bilateral trade remains low; trade with France constituting only **1.41%** of India's total international trade.
- As a result of the public health crisis, the volume of bilateral trade between India and France fell significantly in 2020 to EUR 9 billion, a year-on-year reduction of 23.1%.
- **France is the 9th largest foreign investor in India** with a cumulative investment of USD 7.10 billion from April 2000 to December 2019. This represents 1.55% of the total FDI inflows into India.
 - ✓ Indian investments in France have been growing and the total stock of Indian investments in France is estimated to be around 1 billion Euros.

Defence Cooperation

- In 2018, the two countries decided to create an **Annual Defence Dialogue at the Ministerial Level**, the first of which was held in October 2018.
- The three services also have regular defence exercises; viz. **Exercise Shakti (Army), Exercise Varuna (Navy) and Exercise Garuda (Air Force)**.
- The major ongoing defense related projects are the following:
 - ✓ Purchase of **Rafale aircraft**
 - ✓ **P-75 Scorpene Project**: The contract for six Scorpene submarines was signed in October 2006.

Space Cooperation

- A joint stamp was released to commemorate **fifty years** of bilateral space cooperation during the visit of Prime Minister Modi to France in April 2015.
- In March 2018, both India and France issued a “**Joint Vision for Space Cooperation**”.
- The two sides have jointly developed **Megha-Tropiques satellite** providing valuable scientific data.
- The two countries are also cooperating in the training of medical support personnel for Indian astronauts, who will be part of India’s manned space mission.

Civil Nuclear Cooperation, 2008

- Under that framework, the French utility company will construct **six European Pressurized Reactor (EPR) units** at Jaitapur of 1650 MW each.

Academic And Scientific Cooperation

- Scientific & technical cooperation brings together French and Indian researchers and research laboratories, particularly during the “**Knowledge Summit**”. The latest edition was held in Pune in November 2021.

People to People Connect

- The Partnership Agreement on Migration and Mobility entered into force on 1 October 2021.
- The 75th anniversary of the independence of India is being celebrated since March 2022 through the **Bonjour India festival**, with a series of events throughout India. For its part, India is organising the **Namaste France festival**.
- India was the Guest of Honour at the Paris Book Festival 2022 and France will be the Guest of Honour at the next New Delhi World Book Fair.

Challenges

- **Limitations of France in IOR** – Unlike USA, France is yet to increase its footprint in Indian Ocean Region (IOR). So far, the cooperation between two countries on Indo-Pacific is merely symbolic – with no concrete plan.
- **Increasing Cooperation between France and China** – In February 2022, France became the first country to join China to jointly build seven infrastructure projects in Africa, South East Asia and Eastern Europe. This is a boost for Beijing in the face of its growing hostility with the US.
- **Perception Issue** – There is a perception in India that the European countries, including France, will always follow the U.S, because of a very strong trans-Atlantic partnership.
- **Economic engagement not upto the potential** – Bilateral trade volume between these two countries highlights the fact that there is enough scope of increased economic engagement. Even during the recent visit, there was no mention of any Free Trade Agreement (FTA).

Conclusion

- France looks upon India to seek more relevance in the greater power dynamics of Asia and the Indo-Pacific. Similarly, India has a desire to become a “net-security provider” in the Indian Ocean.
- There is a very rare cultural understanding between France & India that cause the Governments to understand each other’s impulses.
- This offers an opportunity for both countries to further deepen their relationship.

India, Germany To Work On Projects In Third Countries

Prime Minister Modi paid an official visit to Germany. During this visit, PM Modi held bilateral discussions with Chancellor Scholz, and co-chaired the **6th India-Germany Inter-Governmental Consultations (IGC)**. The *biennial* IGC is a unique dialogue format that also sees participation of several Ministers from both sides.

Key Highlights Of The Visit

➤ **List Of Agreements Signed**

- Joint Declaration of Intent (JDI) on Green and Sustainable Development Partnership
- JDI on the implementation of Triangular Development Cooperation projects in Third Countries
- Indo-German Development Cooperation Regarding Renewable Energy Partnership
- Comprehensive Migration and Mobility Partnership

➤ **Virtual Signing**

Indo-German Green Hydrogen Task Force, JDI on Agroecology, JDI on Forest Landscape Restoration

➤ **Biennial Ministerial Mechanism within the framework of the IGC**

- Both sides agreed to create a biennial Ministerial Mechanism within the framework of the IGC. It will provide high-level political direction to this Partnership.
- All existing bilateral formats and initiatives in the fields of *climate action, sustainable development, energy transition, development cooperation and triangular cooperation* will report on progress to the Ministerial Mechanism.

Green and Sustainable Development Partnership

- The Joint Declaration of Intent (JDI) establishing the Green and Sustainable Development Partnership envisages a whole-of-government approach to India-Germany cooperation on SDGs and climate action.
- Under this, Germany has agreed to make an advance commitment of 10 billion Euros of new and additional development assistance until 2030.
- As deliverables of the Indo-German Partnership for Green and Sustainable Development, both sides agreed to:
 - ✓ Develop an Indo-German Green Hydrogen Roadmap
 - ✓ Establish an Indo-German Renewable Energy Partnership focusing on innovative solar energy and other renewables
 - ✓ Establish a lighthouse cooperation on "Agroecology and Sustainable Management of Natural Resources"
 - ✓ Further examine collaboration on Green Energy Corridors, e.g. the Leh-Haryana transmission line and the project of a carbon neutral Ladakh.
 - ✓ Deepen cooperation in restoring forest landscapes under the **Bonn Challenge**.
 - ✓ Work together on Triangular Cooperation, based on individual strengths and experiences in development cooperation and offer sustainable, viable and inclusive projects in **third countries** to support the achievement of SDGs and climate targets.

India-Germany Relations

- Germany is one of India’s most important partners in Europe, owing to the strength of bilateral relations and also Germany’s key role in the EU. India and Germany have a '**Strategic Partnership**' since **May 2000**.
- This has been further strengthened with the launch of Intergovernmental Consultations (IGC) in 2011 at the level of Heads of Government.

- On March 7, 2021, **India and Germany marked the 70th anniversary** of the establishment of diplomatic relations. As part of the celebrations, commemorative stamps were issued by both countries.

Economic & Commercial Relations

- Germany is **India's largest trading partner in Europe**. It was India's 7th largest trading partner in FY 2020-21.
- Bilateral trade in 2020-21 was USD 21.76 billion registering a marginal decline of about 1% over 2019-20.
 - ✓ Indian exports during this period decreased by 2% reaching USD 8.12 billion and Indian imports decreased by 0.35% to USD 13.64 billion.
- Germany is the **7th largest FDI source** for India. The total FDI from Germany to India from April 2000-September 2021 is over USD 13 billion.
 - ✓ Indian investments in Germany continue to grow, having surpassed the figure of USD 7 billion.

Development Cooperation

- Germany has committed a total volume of new funding of USD 1,368.02 million for 2021 for Financial & Technical Cooperation.
- Energy, sustainable economic and urban development, environment & management of natural resources are priority areas.

Security & Defence

- MoU on Security Cooperation signed at the 3rd IGC held in Delhi in 2015 defines collaboration in this field.
- There are dialogue mechanisms on various aspects of security, including:
 - ✓ Joint Working Group on Counter Terrorism;
 - ✓ Cyber Consultations;
 - ✓ Joint Steering Group on Disaster Management in Berlin (2016).

Science & Technology

- Bilateral Science and Technology cooperation is implemented under an Inter-Governmental Agreement on '*Cooperation in Scientific Research and Technological Development*'.
- Jointly funded Indo-German Science & Technology Centre (IGSTC) was set up in Gurgaon in September 2008.

Sister State/City Arrangements

- States of Karnataka and Bavaria, Maharashtra and Baden Wuerttemberg, and cities of Mumbai and Stuttgart, Coimbatore and Esslingen have twinning arrangements

Culture

- Max Mueller was the first scholar of Indo-European languages to translate & publish Upanishads & Rigveda.
- A MOU for museum cooperation was signed during the 5th IGC held in Delhi in November, 2019.

Education

- There are approximately 29,000 (2020) Indian students who are studying in Germany, a number which is rising each year. Around 800 German students are studying or doing internships in India.
- Instruments of faculty exchange and student mobility between India and Germany are:
 - ✓ **Visiting Advanced Joint Research (VAJRA)** from DST and **Scheme for Promotion of Academic and Research Collaboration (SPARC)** from Ministry of Education (MoE)
 - ✓ New Passage to India (from the German side).

Challenges

- Germany finds India a **more complex partner to negotiate** and conduct business with. On the other hand, doing business with China is seen to be relatively simpler (even in the face of forced technology transfers, intellectual property rights violations etc.).
- It's commonplace in Germany to **point to the flaws in Indian democracy**, and thereby deem India an unworthy partner, at least in terms of shared values.
- Germany focuses **on trade and investment as the main conduit** to deepen its relations with India. As a result, Germany remains adamant on labour and environmental standards, at the expense of macro-level values of liberalism.

Conclusion

- Similar geopolitical perceptions form the foundation for the expansion of Indo-German relations. Economically, India continues to present great growth potential for German companies.
- However, strategic alignments, mismatched capabilities and inability of Germany to reconcile its values with its strategic interests particularly in the field of social policy have prevented bilateral security competition from reaching their full potential.
- In this backdrop, both the countries require close consultations on issues that define their national interests, as well as broad-ranging cooperation and coordination on security, commercial, and developmental issues.

India & Vietnam Ink Pact To Boost Defence Ties

Key Highlights

- Joint Vision Statement on India-Vietnam Defence Partnership Towards 2030:** This document will significantly enhance the scope and scale of existing defence cooperation.
- \$500 million Defence Line of Credit Extended to Vietnam:** It will add substantially to Vietnam's Defence capabilities. It will also push the govt's vision of *make in India, make for the world*.
- India and Vietnam-Inked MoU on Mutual Logistics Support**
 - It is the **first such major agreement which Vietnam has signed with any country**.
 - India, in turn, has such reciprocal logistics pact with several countries like *US, Australia, Japan, France, South Korea and Singapore*. This pact will allow their militaries to use each other's bases for repair and replenishment of supplies.
- India's Help Towards Setting Up Of Language and IT Lab**
 - Indian Defence Minister also announced that India will gift two simulators and a monetary grant.
 - It will be used towards setting up of Language and IT Lab at the Air Force Officers Training School for capacity building of the Vietnamese Armed Forces.

India – Vietnam Relations

Background

- India and Vietnam, with a long history of cultural and civilizational links and common roots in the struggle against colonial rule, share traditionally cordial bilateral relations.
- India was the Chairman of the International Commission for Supervision and Control formed, pursuant to the Geneva Accord of 1954, to facilitate the peace process in Vietnam.

Relationship Elevated to Comprehensive Strategic Partnership

- India initially maintained Consulate-level relations with the then North and South Vietnams.
- It later established full diplomatic relations with unified Vietnam in January 1972. In 2022, India and Vietnam are celebrating the **50th anniversary of their diplomatic relations**.
- Relations between the countries were elevated to the level of ‘Strategic Partnership’ in July 2007.
- In 2016, bilateral relations were further elevated to a **“Comprehensive Strategic Partnership”**.

Trade and Economic Cooperation

- For FY 2021-22, bilateral trade posted a growth of 27% and reached US\$ 14.14 billion.
 - ✓ Indian exports to Vietnam reached US\$ 6.70 billion while Indian imports from Vietnam amounted to US\$ 7.44 billion.
- In FY 2021-22, for India, Vietnam was the 23rd largest trading partner globally and the 4th largest within ASEAN, following Singapore, Indonesia and Malaysia.
- India’s investments in Vietnam are estimated at around US\$ 1.9 billion including investments routed through third countries.

Development Partnership

- Quick Impact Projects (QIPs):** Under the Mekong Ganga Cooperation (MGC) framework, India has been taking up QIPs, each valued at US\$50,000, in different provinces of Vietnam for development of community infrastructure.
 - So far, since 2017, 27 QIPs have been completed in 23 provinces of Vietnam, while 10 new projects are under implementation in 10 provinces.
- Capacity Building Cooperation, Training Programmes and Scholarships:** As part of capacity building support under the Indian Technical and Economic Cooperation (ITEC) programme, India has offered short-term courses in Indian institutions to nearly 3000 Vietnamese participants over the years.
- Cultural Conservation Projects in Vietnam:** India is providing technical assistance worth US\$ 2.25 million for conservation and restoration of ancient **Cham monuments**.
 - It is being carried out at the World heritage Site of My Son in Quang Nam Province of Vietnam.
- Humanitarian Assistance:** Indian Naval Ship **INS Kiltan** undertook a visit to Ho Chi Minh City in 2020 to deliver flood relief materials for the people of Central Vietnam (**Mission Sagar III**). Mission Sagar-III is part of India’s Humanitarian Assistance and Disaster Relief (HADR) assistance to friendly foreign countries during the Covid-19 pandemic.

Defence Partnership

- MoU on Defence Cooperation signed in 2009 and the Joint Vision on Defence Cooperation signed in 2015 provide the broad institutional framework.
- The recently signed Joint Vision Statement on India-Vietnam Defence Partnership towards 2030 and MoU on Mutual Logistics Support further strengthens the relationship.
- The well-established bilateral annual exchange framework includes Defence Policy Dialogue at the Deputy Ministerial level, Services Staff talks and High-level Meetings between the Coast Guards.
- Vietnam is interested in India’s Akash (surface-to-air) systems, Dhruv advanced light helicopters and Brahmos missiles. India also participated in the **PASSEX Exercise** with the Vietnam People’s Navy.

Challenges In The Relationship

- **Creating A Balance With China** - Chinese actions in the South China Sea have pushed together Hanoi and New Delhi in a partnership. However, Vietnam remains concerned about provoking China.
- **Hurdles To Increased Military Ties** - The Indian military was currently on a war-footing for a possible two-front conflict with China and Pakistan, its ability to provide real-time military help to Vietnam was limited.
- **Challenges In Commercial Cooperation** - India’s Oil and Natural Gas Corporation’s international arm ONGC Videsh has for several years operated in waters claimed by both Vietnam and China.
 - ✓ India’s greater role in exploring for oil and gas off the Vietnamese coast has Hanoi’s blessing but opposition from Beijing.
 - ✓ Any future India-Vietnam cooperation would be complicated by commercial considerations such as financial viability and the risk of Chinese harassment of any oil operations in disputed waters.

Conclusion

- Indio-Vietnamese ties are deep, including in the defence sector. Though there may be strong strategic rationale pushing the two countries together, there are also potentially clear limits to the relationship.
- As much as Hanoi needs greater support, it also has to worry about potential negative Chinese reactions.

Hence, New Delhi needs to be careful not to push Vietnam too far, especially considering its own reluctance in being seen as ganging up against China.

India-US Digital Tax Pact

India and US have decided on a **transitional approach to digital service tax** imposed by the respective governments.

What Has Been Agreed Upon?

- The term of the deal will be the same that were thrashed out between the US and Austria, France, Italy, Spain and UK on October 21, 2021.
- However, **the interim period** that is applicable will be from 1st April 2022 till implementation of **Pillar One** of the **OECD/G20 Inclusive Framework** or **31st March 2024**, whichever is earlier.
- It should be noted that in October, 2021, India and US joined 134 other members of the OECD/G20 Inclusive Framework to reform the global tax norms. They agreed to enforce a minimum corporate tax rate

A Global Tax Deal
 130 countries/ jurisdictions join OECD-G20 tax agreement

TWO-PILLAR DEAL
 • Fairer distribution of MNC profits and local taxing rights
 • Corporate tax floor rate, proposed at 15%

IMPACT ON EQUALISATION LEVY
 Equalisation levy imposed by India will have to be rolled back
 India will need to evaluate tax under new regime against equalisation collections
 Finmin has called for meaningful and sustainable revenue to local market

(Global tax Deal) of **15%**, as well as an equitable system of taxing profits of big companies in markets where they are earned.

What Was The Issue

- India introduced a 6% equalisation levy in 2016, however, it was restricted to online advertisement services
- The Finance Bill 2020-21 imposed a 2% digital service tax on **trade and services** by non-resident e-commerce operators with a turnover of over Rs 2 crore. This step effectively expanded the scope of equalisation levy.
- As a result, US-based companies such as Google, Amazon, LinkedIn and Facebook were supposed to pay the digital service tax in India.
- In January 2021, US had announced that India's equalisation levy was **discriminatory** and actionable.
- In March 2021, it proposed **25% retaliatory tariffs** on about 40 Indian products.

Benefits Of The Current Deal

- It will provide Indian companies relief from the proposed American retaliatory action, while comforting tech giants such as Amazon, Google and Facebook that face the levy in India.
- This agreement represents a pragmatic solution that helps ensure that countries can focus their collective effort of successful implementation of OECD/G20 Inclusive Framework.
- It will also help ensure that the liability does not exceed the computed liability under pillar one with credit available in the home country of the company.

Effect of Policies & Politics of Developed & Developing Countries on India's Interests

Russia Goes To War With Ukraine

Russian President Vladimir Putin declared war on Ukraine. As per Russian President, the military action announced by Russia will seek to **demilitarize Ukraine** and came in response to threats from Ukraine.

India's Stand On This Crisis

- India expressed regret but stopped short of condemnation of Russia's attack on Ukraine. The experts believe that expressing regret is an upgrade from India's earlier stand.
- During recent UNSC vote, **India abstained from a vote** to discuss the Russian military threat to Ukraine.
- During an emergency meeting at the UN on this issue, India called for urgent de-escalation of tensions and expressed deep concern over the developments.

India's Stand Is Criticised By Western Countries

- The West views India's stand as condoning Russia's actions and applying double standards.
- As per them, India raises the issue of "territorial integrity and sovereignty" when it comes to China. However, it chose to remain neutral on the Ukrainian issue.

Reasons for India's Diplomatic Dilemma

i) Strategic Partnership with US

- India-US relations have been on an upswing over the years, regardless of the administration in Washington.
- After the landmark civilian nuclear deal of 2006, the two countries signed an agreement in 2016 that makes India a 'Major Defence Partner' of US. US has also supported India's bid of permanent membership of UNSC.
- Many American platforms have been used for reconnaissance and surveillance along the India-China border. Winter clothing for 50,000 troops has been sourced from these western strategic partners.

ii) Time Tested Relation With Russia

- Russia has for long been among India’s major suppliers of military hardware. India pushed forward with the S-400 missile defence system deal with Moscow, despite pressure from Washington to back out.
 - US Assembly has passed a legislative amendment that approves waiver to India against the punitive CAATSA sanctions for its purchase of the S-400 missile defence system from Russia.
- India-Russia cooperation extends to critical areas like nuclear energy. Russia has co-started manufacturing the reactor for the 6th unit of Kudankulam nuclear power plant in Tamil Nadu.
- Moscow has been supportive of India’s efforts to be included in Nuclear Suppliers Group.

iii) China Factor

- India is worried about the Russia-China axis too. India is also conscious that the hostility between the West and Russia is likely to push Moscow further in the direction of Beijing.
- The Sino-Russian quasi-alliance has been possible due to



- India’s relation with the Beijing is at an abysmal low since the Galwan clash of June 2020. India can’t afford to alienate Russia particularly when Indian and Chinese troops remain in a border stand-off.

iv) Indians in Ukraine

- Another concern for New Delhi is presence of Indian community in Ukraine, mostly medical students. As per government estimates, about 18,000 Indian nationals are still in Ukraine.
- Only about 4,000 students have been able to leave in the last few weeks.
- Government of India has launched a ‘multi-pronged’ initiative named ‘**Operation Ganga**’.
 - ✓ A dedicated Twitter handle ‘OpGanga Helpline’ to assist Indian evacuation from Ukraine has also been announced.

Recently, in a joint statement, **China and Russia** affirmed that their new relationship is superior to any political or military alliance of the **Cold War era**.

India’s strategy in light of China- Russia relations

- India’s best bet would be to **treat its relations with both countries separately**, or it runs the risk of shrinking its own space.
- The Russia-China statement did not mention China’s border dispute with India; it only made a reference to developing cooperation among the three countries.
- *The structural constraints posed by great power dynamic* could be reduced if matters improve between US & Russia. A less conflictual relationship between the two will be a huge relief for India.
- Also, the US-China quest for power or Russia’s deeping ties with China would have mattered less to India if its relations with China were more peaceful and stable.
- India should also **promote mutually beneficial trilateral cooperation between Russia, China and India** that could contribute towards the reduction of mistrust and suspicion between India and China. In this context, the BRICS, SCO must be leveraged.

China and Pakistan Ink New CPEC Agreement

- China and Pakistan signed a new **agreement on industrial cooperation** as part of China Pakistan Economic Corridor (CPEC) plan.
- Prime Minister of Pakistan, Imran Khan, was on a four-day visit to attend the opening ceremony of the 2020 Beijing Winter Olympics.
- The new industrial cooperation agreement, signed during this visit, is a key part of what is being called as Phase II of CPEC.

Different Phases of CPEC

1st Phase

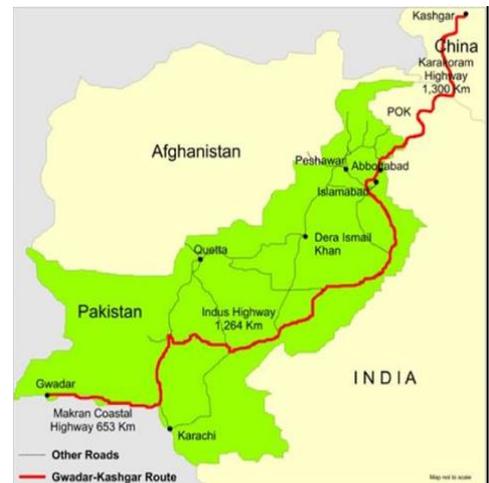
- Various agreements such as **energy, infrastructure, port development and the railway line** construction have been signed
- In total, the economic corridor project aims to add some 17,000 megawatts of **electricity generation** at a cost of around \$34 billion. The rest of the money will be spent on **transport infrastructure**, including upgrading the railway line between the port megacity of Karachi and the northwest city of Peshawar.

2nd Phase

- This agreement is aimed at boosting Chinese investment in Pakistan as well as transferring Chinese industrial capacity.
- In other words, **2nd phase primarily revolves around Special Economic Zones development and industrialisation.**

About China-Pakistan Economic Corridor (CPEC)

- During April 2015 visit to Islamabad, Chinese President Xi Jinping and Pakistani PM Nawaz Sharif unveiled the \$46 billion CPEC.
- CPEC quickly ballooned to **\$62 billion in pledges**—1/5th of Pakistan’s GDP—covering dozens of envisioned high-profile projects.
- The **corridor of 3,000-km long route of infrastructure projects links Xinjiang with Gwadar**, and also passes through Pakistan-occupied Kashmir (PoK) where China is investing in a number of projects.
- Often described as a flagship project of **Belt and Road Initiative (BRI)**, the stated goal of CPEC is:
 - ✓ To transform Pakistan’s economy by modernizing its road, rail, air, and energy transportation systems; and
 - ✓ To connect the deep-sea Pakistani ports of Gwadar and Karachi to China’s Xinjiang province and beyond by overland routes.



The BRI, launched in 2013, aims to link Southeast Asia, Central Asia, the Gulf region, Africa and Europe with a network of land and sea routes.

India and CPEC

CPEC and Sovereignty of India

- This corridor is not only passing through India’s territory but also posing a threat to the sovereignty and the territorial integrity of India.
- It passes through Gilgit-Baltistan area of Kashmir which is occupied by Pakistan. The corridor enters into Gilgit-Baltistan through Khujerab Pass.
- This area is a part of the erstwhile princely state of Jammu and Kashmir and claimed by India.

CPEC and Security threat to India

- Ever since the construction of the corridor is started, the Chinese military presence in the area is also embarked.
- In 2017, Chinese troops marched in the parade of Pakistan’s day in Islamabad. This was the first time when Chinese military took part in any parade outside its country
- Apart from the naval vessels deployed in Pakistan, eight submarines are also delivered to it by China. China is planning to build its 2nd naval base in Gwadar port after Djibouti in 2017.
- These activities of China are a serious security threat to India since China is encircling India into the Indian Ocean.

Opaque Funding of CPEC

- A substantial chunk of Chinese **development financing under the CPEC consists of loans** that are at or near commercial rates as opposed to grants.
- Pakistan received about half of all Chinese development finance in the form of **export buyer's credit**. i.e., money lent by Chinese institutions to Pakistan in order to facilitate the purchase of **equipment and goods to be bought by Chinese implementation partners**, besides awarding contracts to Chinese.
- There was no competitive international bidding in this process.
- As much as 40% of China's lending to Pakistan does not appear on the government's books. This is because of the fact that 40% of the loans have been disbursed in a way that blurs the distinction between private and public debt, doing away with the need for its disclosure as public debt.
- Thus, the nature of Chinese financing calls for a greater transparency.
- Pakistan has given an explicit or implicit **government liability protection to Chinese investors** in the form of sovereign guarantees or guaranteed returns on equity.

Israel, UAE Sign Free Trade Deal, First With An Arab Country

Aimed at boosting trade between the two Middle Eastern nations, Israel signed a free trade agreement with the United Arab Emirates (UAE). This was Israel's first big trade accord with an Arab state.

Background

- The UAE agreed to normalize relations with Israel in a U.S.-brokered deal in 2020, the so-called **Abraham Accords** that Israel eventually concluded with four Arab nations.
- Since then, the two countries have boosted cooperation in a number of economic sectors.
- In December 2021, Israel's PM Naftali Bennett made the first official visit to UAE.

Key Highlights Of Free Trade Deal

- The trade agreement defined tax rates, imports and intellectual property. This would encourage more Israeli companies to set up offices in the UAE, particularly in Dubai.
- It would remove tariffs on 96% of goods, including food, agriculture, cosmetics, medical equipment and medicine. Experts predict the *Comprehensive Economic Partnership Agreement*, as the accord is known, would boost bilateral trade to more than \$10bn a year within five years.

Significance of This FTA

- The free trade zone agreement is expected to strengthen bilateral trade, to break down obstacles, and to advance new economic opportunities.
- The UAE is the 2nd largest economy in Arab world, with market imports worth hundreds of billions of dollars.
- Significant weight is placed on technology products and advanced solutions, where Israel holds a relative advantage.

Israel-UAE Peace Deal

- In September 2020, the UAE and Israel have signed an agreement to normalise their relationship.
- The deal, known as **Abraham Accord**, was brokered by the United States of America.
 - ✓ After Egypt's peace treaty with Israel in 1979, followed by Jordan's in 1994, this makes the UAE only the third Arab country to normalise relations with Israel.

Key Highlights Of The Deal

- The deal promises to **establish normal relations** between the two countries. This includes business relations, tourism, direct flights, scientific cooperation, and, in time, full diplomatic ties at the ambassadorial level.

- An important component of the deal is **enhanced security cooperation** against regional threats, especially from *Iran and its proxies*.
- Israel has agreed to suspend declaring sovereignty over territories it occupies in the West Bank.

Why This Deal Took Place?

1. Iran Factor

- Israel insists that concerns emanating from Iranian nuclear programme are an existential threat for country. On the other hand, UAE has long accused Iran of playing the sectarian card to destabilise the Gulf Arab states.
- The UAE and Iran also have a long-standing territorial dispute, with Iran's occupation of the islands of Greater Tunb, Lesser Tunb and Abu Musa a sore issue.
 - ✓ These islands were occupied by Shah of Iran in November 1971, just two days prior to the UAE gaining independence from Britain.

2. Islamism Or Political Islam

- It is a transnational concept often backed by the Muslim Brotherhood.
- Certain Gulf Arab rulers view Islamism as an existential threat to their dynastic monarchies.
- This has led to the formation of an unofficial partnership of conservative Middle Eastern governments.
- Israel, with its formidable intelligence capabilities, is now being admitted in this unofficial partnership as an associate member.

3. Ambitions of UAE

- UAE has ambitions globally. It has just become the ***first Arab country to send a mission to Mars***.
- Israel is by far the most technologically advanced country in the Middle East, with cutting-edge inventions. If this alliance works out, it could propel UAE to a new level of prosperity and international prestige.

Significance Of This Deal For India

- This deal provides India an unexpected opportunity to play a bigger role in a region which is its strategic backyard. India already enjoys a very good relationship with UAE and Israel.
- Keeping this in mind, India should ramp up defence and security relations with UAE.
 - ✓ Israel is already a very close defence partner.
 - ✓ India should restart joint exercises with UAE, and even Saudi Arabia.
- India can also use its good relationship to ensure that any future deal on a regional security framework gives adequate space to Iran.
- Recently, China has indicated its willingness to play a larger role in this region, and is close to both UAE and Israel and, increasingly, Saudi Arabia.
- India should make its moves before this market and this extended neighbourhood comes under the Chinese sphere of influence.

Regional And Global Groupings/Agreements

12th Ministerial Meeting of WTO

- The 12th Ministerial Meeting (MC12) of World Trade Organization (WTO) members concluded with **first major deal in nearly 9 years**.
- In 2013, at the Bali Ministerial Meet, members had signed WTO's first trade deal on a *peace clause* on public stockholding for food security purposes and trade facilitation agreement.

Outcome of 12th Ministerial Meeting of WTO

Limited Patent Waiver For Covid-19 Vaccines

- The members agreed on a *waiver of certain procedural obligations under the TRIPS Agreement*.
- This will allow for **swift manufacture and export** of COVID-19 vaccines without the consent of patent owner.
- The demand to include *diagnostics and therapeutics* in the agreement was not agreed upon this time. WTO members will decide on the same after six months.

An Agreement To Discipline Fisheries Subsidy

- Agreement on ***harmful fisheries subsidies*** was achieved. It includes a strong prohibition of subsidies contributing to *illegal, unregulated and unreported (IUU)* fishing with unprecedented transparency.
- It also includes an *absolute prohibition of subsidies* for fishing on the ***unregulated high seas***.
- Also, there is provision on ***overfished stocks***. It will bring sustainability rules for subsidies regarding most vulnerable stocks in the first phase of the agreement.
 - ✓ For the agreement regarding subsidies on overcapacity and overfishing to enter into force, negotiations on **UN SDG 14.6** need to be concluded.
 - **SDG 14.6:** By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing and refrain from introducing new such subsidies, recognizing that effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation

Food Security and Agriculture

- In a joint Declaration on Food Security, WTO members committed to avoiding **unjustified export restrictions on food**. They also agreed to improve transparency on any export restrictions.
- Moreover, a decision was taken to **completely exempt humanitarian purchases** for the World Food Programme from export restrictions. However, internal food security concerns will take precedence and a country will be free to decide according to this priority.
- On Agriculture, members were not able to overcome their differences on a work programme for agriculture.

Extended A Moratorium On Applying Duties To Electronic Transmissions

- The meeting had reached an agreement to extend a moratorium on applying duties to electronic transmissions until the next ministerial meeting.
- Extension of moratorium was backed by major players like the US, the UK and the EU.
- They argued that letting it expire would undermine a global recovery already threatened by spiralling prices.

- The agreement specified that the moratorium would expire in March 2024, should the next conference be postponed.

India’s Response

India listed several gains from the meet and sought to position itself as a key proponent of many of the moves.

On Fisheries Deal	Patent waiver	Moratorium on Customs duty on e-commerce transactions
<ul style="list-style-type: none"> o The agreement on fisheries subsidies is a compromise deal. o It dropped several contentious provisions that were not acceptable to several countries. o Many countries, including India, did not want their ability to provide subsidies curtailed in any manner. o On the other hand, now, over-fishing by China will face discipline 	<ul style="list-style-type: none"> o India had called for a <u>TRIPS waiver for vaccines, therapeutics, and diagnostics to fight Covid-19 and future pandemics.</u> o In October 2020, India, South Africa, and 63 co-sponsors had made the TRIPS waiver proposal. <ul style="list-style-type: none"> ▪ This proposal was to help middle- and low-income nations get access to Covid-19 vaccines and drugs. o However, the discussions reached a deadlock in the TRIPS Council, the body responsible for monitoring the operation of the agreement. o Current agreement validates India’s position to some extent. <ul style="list-style-type: none"> ▪ The current deal did not include <u>therapeutics and diagnostics.</u> 	<ul style="list-style-type: none"> o India was officially opposed to extending the moratorium, citing loss of revenue to developing countries. o India agreed to an 18-month extension of the moratorium in exchange of protection of its right to extend subsidies to its fishermen. <ul style="list-style-type: none"> ▪ Contentious clauses on fisheries were removed from the text at the last minute.

India: A More Active Player At MC 12

- India put forth aggressive draft texts in all pillars of WTO negotiations rather than being reactive, as in the past.
- India brought the members together to a unanimous agreement on fisheries, health, the future of WTO reforms, digital technology, food, and environment.
- The voice of the poor and the vulnerable got strengthened globally by India’s principled stand at the WTO.

48th G7 Summit

48th G7 Summit was held at Elmau, Germany from 26-28 June 2022. Besides the member countries, the summit was joined by the Leaders of **Argentina, India, Indonesia, Senegal and South Africa**, as well as **Ukraine**.

Key Highlights of The Summit

Theme & Major Goals

- This year’s theme was - **Progress Towards An Equitable World.**
- The summit had **5** major goals -- Strong alliances for a sustainable planet; Setting the course for economic stability and transformation; Enhanced preparedness for healthy lives; Sustainable investments in better future; Stronger together.

Partnership for Global Infrastructure & Investment (PGII)

- At the 2021 Summit (47th Summit), G7 leaders had announced their intent to develop a values-driven, high-impact, and transparent infrastructure partnership (Build Back Better World (B3W) Initiative)
- This was formally launched in the form of PGII at the recently concluded summit through which they aim to mobilise USD 600 billion over the next 5 years to narrow global investment gap.

Four Priority Pillars of PGII –

Climate and Energy Security

Digital Connectivity

Gender Equality and Equity

Health and Health Security

- US announced *investment worth \$30 million for a fund promoting food security in India* under the PGII.

2022 Resilient Democracies Statement

- India, along with G7 countries & 4 invited countries, signed G7 joint statement on ‘Resilient Democracies’.
- Through this statement, the participating countries expressed their commitment to:

Guard the freedom, independence and diversity of civil society actors

Protect the freedom of expression and opinion online and offline

On Russia’s War Of Aggression Against Ukraine

- G7 leaders resolved to stand with Ukraine for as long as it takes, providing the needed financial, humanitarian, military, and diplomatic support.
- They endorsed the ambitious and untried concept that **seeks price caps on Russian oil**.
 - ✓ Actually, higher crude oil and fuel prices allowed Russian revenues to climb in May despite its export volumes slipping due to sanctions.
 - ✓ Hence, the United States is pushing for a mechanism that **would cap the price other countries pay for Russian oil**. It seeks to leverage the West’s financial and shipping influence over Russian oil exports.
 - ✓ The idea is to **tie financial services, insurance and shipping of oil cargoes** to cap on Russian oil price. So, if a shipper or importer wanted these services, they would have to commit to the Russian oil being sold for a set maximum price.
- G7 Leaders also agreed on a **ban on imports of Russian gold**.

Food Security Around The Globe

- They pledged to *spend \$4.5 billion this year to help ensure food security around the globe*.
- To protect people from hunger and malnutrition, and in response to **Russia’s weaponisation of grain**, G7 leaders decided to increase global food and nutrition security through the Global Alliance on Food Security.

India at 48th G7 Summit

1. **Participation:** India was represented by PM Modi at the summit. Although, India is not a member of G7, but it was called as a guest to attend the summit. PM Modi participated in **two sessions** on:

2. **No Direct Reference on Ukraine did not criticise Russia**

3. **Urged G7 to Use Indian Agricultural Talent In Its Member Countries**

- Indian agricultural skills have helped give new life to traditional agricultural products like cheese and olive in some of the countries of G7.
- With the help of traditional talent of India’s farmers, food security will be ensured to G7 countries.

4. **Stops Short Of Endorsing Partnership For Global Infrastructure And Investment (PGII)**

- India stopped short of endorsing another initiative by the US and its allies, the PGII. India endorsed only 2 outcome documents pertaining to the G7 and the outreach countries together. These are:

- Resilient democracy (statement)
- The chair’s summary on the Just Energy Transition Partnership

5. **Gift Diplomacy**

- Continuing with his efforts to highlight India’s soft power on the global stage, PM Modi gifted a variety of products to heads of governments at the G7 meet.
- Distinct artistic products identified with different UP regions featured heavily in the PM’s gift choices.
 - ✓ E.g., a gulabi meenakari brooch and cufflink set to US President Joe Biden
 - ✓ Pieces of black pottery from Nizamabad were gifted to Japanese PM.
 - ✓ To celebrate the shared Ramayana links between India and Indonesia, the PM gifted a lacquerware Ram Darbar to Indonesian President.

How PGII Aims to Counter China's BRI?

- The PGII is not merely a financial spin to BRI or responding to the debt trap diplomacy of China’s political ambitions. It is a geopolitical kickback around the BRI that should help create a new development model.
- In Chinese BRI, there is limited clarity officially on
 - ✓ How much money the country is spending on BRI and
 - ✓ What kind of projects is treated as being part of the initiative?

However, PGII will take care that infrastructure development is carried out in a transparent and sustainable manner — financially, environmentally, and socially.

- Basically, the PGII aims to counter the BRI by offering a higher-quality choice via a model that reflects their shared values.

Can PGII Address Infrastructure Deficit?

1. **A grand infrastructure plan for developing nations**

- The PGII aims to forge cross-national and regional cooperation between the countries involved while facilitating large-scale projects in the developing world.
- The Chinese BRI is primarily focused on project construction, digital technology, and physical infrastructure (e.g., ports, roads, dams, railways, electric power plants, and telecommunication facilities).
- However, PGII focuses on “softer” outcomes, namely improvements in climate, health and security, modernized digital technology, and gender equity and equality. The goal is to bolster social infrastructure such as strengthening care for children and seniors and creating jobs that pay decent wages.

2. **Predictable financing mechanisms**

- The PGII plans to mobilize bilateral and multilateral tools and private-sector capital. This could help address the \$40+ trillion global infrastructure gap that has been identified by the G-7.
- It should be noted that the Chinese BRI mainly relies on bilateral loans (concessionary and commercial) and investment backed by state-owned banks and funds to support project construction in developing countries.
 - ✓ It has had limited success in leveraging private capital.
 - ✓ It is striving to use the newly established Asian Infrastructure Investment Bank to power multilateral infrastructure financing. However, China's limited experience makes it largely reliant on the World Bank and Asian Development Bank for operational models.

3. **Timely alternative to BRI**

- Data from Boston University's Global Development Center shows that Chinese overseas development finance peaked in 2016 and has plummeted since.
- The Chinese government now stresses high-quality BRI development, which seems to imply a more restrictive and focused approach to overseas infrastructure investment.
- In this context, the PGII, with its aim of filling global infrastructure gaps, offers a timely alternative to the BRI for many low- and middle-income countries.

Significance of G7

- Economic Significance:** G7 nations account for close to 64% of global net wealth (\$317 trillion), 31 % of global GDP, and 10% of the world's population.
- Political Significance:** Political heavyweights are capable of shaping the response of multilateral challenges.
 - In 1999, it created the *Financial Stability Forum* in order to manage the international monetary system
- G7 & COVID-19 Pandemic:** 47th G7 summit focused on the recovery from ongoing COVID-19 pandemic. It promised to distribute 1 billion vaccines to poorer countries.
- Developmental Significance**
 - G-7 provided \$300 million in 1997 to help build the containment of the reactor meltdown at Chernobyl.
 - G7 played crucial role in setting up a global fund to fight malaria and Aids in 2002.
 - In October 2020, G7 finance ministers backed an extension of a G20 bilateral debt relief initiative for the world's poorest countries.
 - ✓ It is also known as *Debt Service Suspension Initiative (DSSI)*.
 - ✓ It means that bilateral official creditors are, during a limited period, suspending debt service payments from the poorest countries that request the suspension.

Colombo Security Conclave

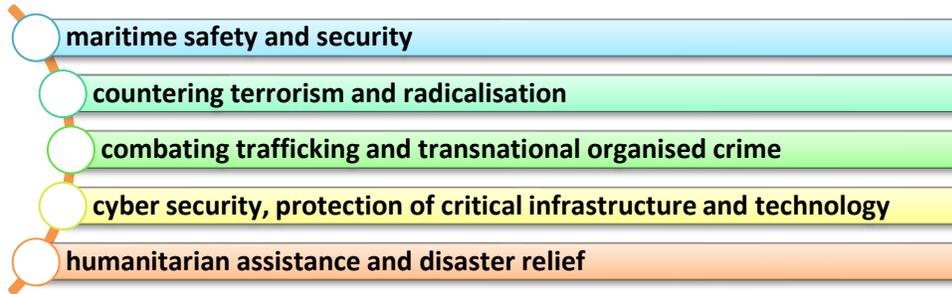
The **fifth meeting** of national security advisers of the Colombo Security Conclave (CSC) was held in the Maldives. India was represented by NSA Doval.

Key Highlights of the meeting

- Participating members:** The conclave was attended by the Maldives, India and Sri Lanka, and the newest member of the Conclave, Mauritius.
 - Mauritius was included as the 4th member. Bangladesh & Seychelles participated as Observers.
- Road map for cooperation adopted**
 - The meeting adopted a road map for cooperation and collaboration in areas such as maritime security, counterterrorism and drug trafficking. It will facilitate robust mechanisms for coordinated responses, capacity building and strengthening information flow.

3. Five broad areas of cooperation identified

- Conclave identified 5 broad areas of cooperation to strengthen regional security. These are:



4. **Commitment to achieve regional peace and security:** As maritime neighbours, facing similar threats, the Conclave reaffirmed the commitment to engage in consistent efforts to achieving regional peace & security.
5. **India's Stand at the conclave:** NSA Doval said the conclave should institutionalise its cooperation with a road map. It should also form joint working groups to tackle drug trafficking and cybersecurity challenges.
 - Members of the grouping remain vulnerable to trafficking, organised crime and maritime terrorism, particularly in the light of the developments in Afghanistan.
- He called for strengthening cooperation amongst maritime neighbours to address shared security challenges, and as first responders.
- India also proposed a meeting of the Heads of respective Coast Guards this year.

Significance

- This India-driven mini-lateral grouping is being seen as India's outreach to the Indian Ocean to underline regional co-operation and shared security objectives.
- CSC hopes to restrict China's influence in an area of strategic importance, and to reduce the Chinese footprint in the member countries.
- Country's national security is deeply intertwined with the collective security aspirations in the Indian Ocean Region.
- Geographical proximity of the member countries allows them to be first responders for each other in crisis.
 - E.g., Indian Coast Guard helped douse the MT New Diamond and X-press Pearl ship fires in Sri Lankan waters
 - In this context, **CSC is being described as the region's 911**

India-Central Asia Summit

- The **first India-Central Asia summit** was hosted virtually by PM Narendra Modi.
 - The summit coincided with the 30th anniversary of establishment of diplomatic relations between India and Central Asian countries.
- A comprehensive Joint Declaration, **Delhi Declaration of the 1st India-Central Asia Summit**, was adopted by the leaders.

Key Points Of The Declaration

1. **Agreed to institutionalize the Summit mechanism:** The Leaders agreed to hold it every 2 years.

2. Other institutional mechanisms created

- They agreed that the Ministers of Trade and Culture would meet at regular intervals to take forward cooperation in these areas.
 - India – Central Asia Dialogue mechanism at Foreign Ministers level already exists. Its 3rd meeting was held in New Delhi in December 2021.
- They also agreed to continue regular meetings of Secretaries of the Security Council to discuss security developments in the region.
- India had offered to establish an **India – Central Asia Centre in New Delhi** which could act as the **Secretariat** for the India – Central Asia Summit.
- Both sides also floated the proposal to create an 'India-Central Asia Parliamentary Forum'.

3. Principle of "Support of All, Development for All, Trust of All, Efforts of All": PM of India outlined this principle for regional development, peace and prosperity.

4. Development cooperation

- Both sides signed MoUs for implementation of High Impact Community Development Projects (HICDPs) for socio-economic development in Central Asian countries, based on **grant assistance by India**.
 - For infrastructure development projects in Central Asian countries, **US\$ 1 bn Line of Credit** was announced by India in **2020**.
 - India proposed to organize customized professional training programmes for diplomats from the Central Asian countries at the Sushma Swaraj Institute of Foreign Service in New Delhi.
- 5. Both sides proposed Round-table on Energy and Connectivity:** Central Asian countries welcomed the proposal of India to establish a **Joint Working Group on Chabahar Port** to address issues of free movements of goods and services between India and Central Asian countries.
- 6. Cooperation between specialized national institutions:** They proposed the establishment of an "IT/ITES Task Force" between the IT organizations, IT parks and IT companies of India and the Central Asian countries. This taskforce will work towards greater digitalization and E-Governance in their countries, as well as business process outsourcing (BPO) by sharing of best practices, knowledge etc.
- 7. Dictionary of Common words:** Indian side proposed to commission a 'Dictionary of Common words used in India and Central Asian countries' and showcasing of a Buddhist exhibition in the Central Asian Countries.
- 8. Defence cooperation:** They agreed to consider holding of joint counter-terrorism exercises between India and interested Central Asian countries.
- 9. On Afghanistan and its impact on the security:** The Leaders reaffirmed the importance of UNSC Resolution 2593 which unequivocally demands that Afghan territory not be used for sheltering, training, planning or financing terrorist acts and called for concerted action against all terrorist groups.
- The resolution 2593 was passed last year under India's presidency.
 - The leaders decided for establishment of a **Joint Working Group on Afghanistan at Senior Officials Level**.

Quad Leaders' Summit 2022

- The **second in-person Quad summit** took place at Tokyo, Japan. The summit saw the participation of leaders of Australia, India, Japan and the United States. India was represented by PM Modi
- Just over one year ago, the Quad Leaders met for the first time. However, the Tokyo was their fourth meeting (second in person meeting).

Key Outcomes

COVID-19 and Global Health Security

- To date, the Quad partners have collectively pledged approximately **USD \$ 5.2 billion** to the COVAX Advance Market Commitment (AMC). It has delivered over 670 million doses, including at least 265 million doses to Indo-Pacific.
- The participating leaders welcomed the progress on the expansion of J&J vaccine production at the Biological E facility in India under the **Quad Vaccine Partnership**.
 - ✓ In March 2021, Quad leaders launched the Quad Vaccine Partnership for enhancing equitable access to vaccines. They had decided to donate more than 1.2 billion vaccine doses globally, in addition to the doses we have financed through COVAX.
 - ✓ These vaccines were to be *developed in the US, manufactured in India, financed by Japan & US, and supported by Australia*.

Infrastructure

- Quad leaders promised to extend more than **50 billion USD of infrastructure assistance** and investment in the Indo-Pacific, over the **next five years**.
- They also decided to promote **debt sustainability and transparency** through various means. This includes the *Quad Debt Management Resource Portal*, which consists of multiple bilateral and multilateral capacity building assistance.

Climate

- The summit launched the "**Quad Climate Change Adaptation and Mitigation Package (Q-CHAMP)**" with mitigation and adaptation as its two themes.
- Q-CHAMP includes ongoing activities under the Quad Climate Working Group on:
 - ✓ **Green shipping and ports** aiming for a shared green corridor framework building on each Quad country's input;
 - ✓ **Clean energy cooperation** in clean *hydrogen and methane* emissions from the natural gas sector;
 - ✓ Strengthening **clean energy supply chains**, welcoming the contribution of the Sydney Energy Forum;
 - ✓ **Climate information services** for developing an engagement strategy with Pacific Island countries; and
 - ✓ **Disaster risk reduction**, including disaster and climate resilient infrastructure

Cybersecurity

- The leaders decided to coordinate capacity building programs in the Indo-Pacific region under the Quad Cybersecurity Partnership.
- They also decided to initiate the **first-ever Quad Cybersecurity Day** to help individual internet users to better protect themselves from cyber threats.

Critical & Emerging Technologies

- In the area of *5G and beyond 5G*, the participating leaders decided to advance interoperability and security through the signature of a new Memorandum of Cooperation on 5G Supplier Diversification.

- The **Common Statement of Principles on Critical Technology Supply Chains** was launched. This advances the cooperation among Quad countries on semiconductors and other critical technologies.

Quad Fellowship

- The Quad Fellowship was officially launched. The Fellowship will bring 100 students from Quad countries to the United States each year to pursue graduate degrees in **STEM fields**.

Space

- Quad countries decided to share space-based civil Earth observation data, along with providing a "Quad Satellite Data Portal" that aggregates links to their respective national satellite data resources.

Maritime Domain Awareness and HADR

- A new maritime domain awareness initiative, **the Indo-Pacific Partnership for Maritime Domain Awareness (IPMDA)**, was launched.
 - ✓ IPMDA would offer a *near-real-time, integrated, & cost-effective* maritime domain awareness picture.
 - ✓ It will respond to humanitarian and natural disasters, and combat illegal fishing. It will also allow the tracking of **"dark shipping"** across the Indo-Pacific region.
 - ✓ It will support and work in consultation with Indo-Pacific nations and **regional information fusion centres** in the region.
- The summit also announced the establishment of the **"Quad Partnership on Humanitarian Assistance and Disaster Relief (HADR) in the Indo-Pacific"**. This Partnership will further strengthen the collaboration to effectively respond to disasters in the region.

Advantages of Quad Group

1. Greater Cooperation Among Democratic Nations In Changed Scenario

Since the tsunami, climate change has grown more perilous, new technologies have revolutionized our daily lives, geopolitics have become ever more complex, and a pandemic has devastated the world.

2. Free, Open, Resilient And Inclusive Indo-Pacific

- ✓ Quad countries are striving to ensure that the Indo-Pacific is accessible and dynamic, governed by international law. It wants to create an environment in which all countries are able to make their own political choices, free from coercion.

Challenges

1. Assertiveness of China

- ✓ Chinese officials have **likened the group to a "mini-NATO"** and said its activities are aimed at targeting third parties.
- ✓ Beijing sees Quad as part of a **strategy to encircle China** and has pressured countries like Bangladesh to avoid cooperating with the group.

2. China as a Trading partner : Beijing has emerged as most important trading partner of Indian Ocean region

3. Approach of Member Countries

- ✓ While USA is quite vocal in naming the aggressive China, other members show restraint and avoid naming China directly.

- ✓ There is difference in the approach as well. E.g., **USA looks the Indo-Pacific region militarily. On the other hand, India views this region diplomatically.**

4. Different Areas of Prioritisation

- ✓ The way that the four different Quad members view their interests in the Indo-Pacific leads them to prioritise different areas.
- ✓ For instance, for the US, South China Sea and East China Sea are vital. Same goes for Japan. And for Australia, it also includes the Western Pacific.
- ✓ But for India, the **Quad is about the Indian Ocean and South China Sea is a secondary theatre.**

5. ASEAN: As of now there are no signs that the ASEAN is willing to take a united stand on many issues so far raised by Quad. It would be difficult for the Quad to execute any effective policy minus the cooperation from the ASEAN countries.

6. RCEP: Japan and Australia joined the Regional Comprehensive Economic Partnership (RCEP). This is an indication of their desire to do business with China even as they seek to deter its growing clout in the region.

EU Unveils Indo-Pacific Strategy

EU has **unveiled a new strategy** for boosting economic, political and defence ties in the Indo-Pacific.

Aim Of The Strategy

- Strengthen and expand **economic relations**
- Reinforce the respect of **international trade rules**
- Help partners fight and adapt to **climate change** and biodiversity loss
- Boost cooperation on **health care** so least-developed countries can prepare better

Seven priority areas identified for a sustainable and inclusive socio-economic recovery.

Sustainable and inclusive prosperity	Green transition	Ocean governance	Digital governance and partnerships	Connectivity	Security and defence	Human security
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Key Highlights

Partnerships & Cooperation	<ul style="list-style-type: none"> •Aims to deepen its engagement with partners that already have Indo-Pacific approaches of their own. •Expressed its interest in engaging with the QUAD on <u>issues of common interest such as climate change, technology or vaccines.</u>
Centrality of ASEAN	<ul style="list-style-type: none"> •It appreciates ASEAN’s commitment to effective multilateralism and supports the principle of ASEAN centrality, its efforts to build a rules-based regional architecture. •Supports the ASEAN-led process towards an <u>effective, substantive and legally binding Code of Conduct in the South China Sea.</u>
Cooperation with China	<ul style="list-style-type: none"> •Pledged to seek a trade deal with Taiwan and to deploy more ships to keep open sea routes. •It does not claim to be directed against China in the region. It is <u>built on the will to cooperate, not to confront.</u> •Highlights areas like climate and biodiversity where China's cooperation is essential.
Security Dimension	<ul style="list-style-type: none"> •Mention of joint exercises, port calls to ensure freedom of navigation and to combat piracy. •Hints at possibilities of establishing “Maritime Areas of Interest in Indo-Pacific”. •Consolidated information sharing through information fusion centres, including Indo-Pacific Regional Information Sharing (IORIS) platform.

What Was The Need For EU To Release Its Indo-Pacific Strategy?

- **EU’s Engagement In The Region:** For long, EU has just been present as **an economic actor in Asia** and the broader Indo-Pacific, which contribute to the prosperity of EU. Now, it wants to **step up its involvement** given the rise in geopolitical tensions which are hurting trade & supply chains & undermining security.
- **Growing Significance of the region**
- Through its Member States’ outermost regions in the Indian Ocean and overseas territories in the Pacific, the EU considers itself as a part of this region.
- **Members of EU Started To Adopt Indo-Pacific Policy On Their Own:** Germany, France and Netherlands started integrating Indo-Pacific in their own national security strategies. This pushed Brussels to adopt the Indo-Pacific as a strategic concept.
- **China’s Rise:** China’s aggressive and expansionist policies in South China Sea, Taiwan Strait, Hong Kong, Xinjiang forced EU to form a strategy for this region. Growing US-China rivalry, its negative impact on European interests was also the reason.

Indo-Pacific Economic Framework

US President Joe Biden, during his **East Asia trip**, has launched **Indo-Pacific Economic Framework (IPEF)** in **Tokyo**.

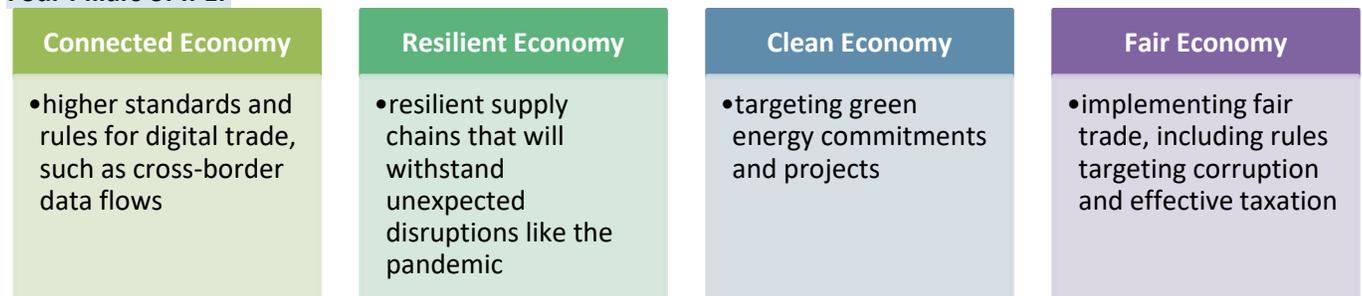
Indo-Pacific Economic Framework (IPEF)

- According to an insight paper on IPEF, put out by the US Congressional Research Service, the IPEF is *not* a traditional trade agreement. **IPEF is not a free trade agreement. Neither is it a security pact.** The agreement is more of an **administrative arrangement**.
- Rather, it would include different **modules** covering:



- Countries would have to **sign up to all of the components within a module**, but do not have to participate in all modules.
- The fair and resilient trade module will be led by the US Trade Representative and include digital, labour, and environment issues, with some binding commitments.
- Under IPEF, no market access or tariff reductions have been outlined, although experts say it can pave the way to trade deals.
- After the launch, so far, **IPEF is being joined by 12 other countries including India**.
 - ✓ The other 11 countries are Australia, Brunei, Indonesia, Japan, the Republic of Korea (South Korea), Malaysia, New Zealand, the Philippines, Singapore, Thailand, and Vietnam.
 - ✓ These countries, together, account for **40%** of the world’s **GDP**.

Four Pillars of IPEF



Why US Is Keen On Launching The IPEF?

- The US is trying to regain credibility in the region after former President Donald Trump pulled out of the Trans Pacific Partnership (TPP).
- Since then, there has been concern over the absence of a credible US economic and trade strategy to counter China’s economic influence in the region.
 - ✓ China is an influential member of the TPP, & has sought membership of its successor agreement Comprehensive & Progressive Agreement on Trans Pacific Partnership (CPTPP).
 - ✓ It is also in the 14-member Regional Comprehensive Economic Partnership (RCEP), of which the US is not a member (India withdrew from RCEP).
- The Biden Administration is projecting IPEF as the new US vehicle for re-engagement with East Asia and South East Asia.

India’s Response

- On the side-lines of the **Quad summit**, India announced it will join the bloc despite its concerns over certain aspects of the IPEF.
- **Concerns of India include:**
 - ✓ Analysts believe that India may be uncomfortable with the US perusing high-standard rules in digital economy, such as standards on cross-border data flows and data localisation.
 - ✓ The IPEF talks about digital governance but the IPEF formulation contains issues that directly conflict with India’s stated position. Among these are:
 - **Prohibition / restrictions on cross-border data flows and data localization requirements, including for financial services;**
 - Prohibition of the levying of customs duties on digital products distributed electronically;
 - Promotion of interoperability of privacy rules and related enforcement regimes, such as the APEC Cross-Border Privacy Rule, while respecting U.S. federal and state privacy laws and regulations.
 - IPEF also wants to frame rules on labour standards, environment norms and decarbonisation, which India has never been keen on, including in its free trade pacts.

Why Has India Chosen To Join This After Walking Out Of RCEP?

- The main reason for India to walk out of RCEP was its concern that the pact would allow China to flood the country’s market with cheap products at preferential import duties, leaving domestic producers uncompetitive.
- The IPEF, with a membership accounting for about 40% of the global GDP, is providing India another opportunity to be part of a mega economic arrangement, but outside the influence of China.

Analysis

1. **IPEF Is More Suited To The 21st Century:** American officials have argued the IPEF is more suited to the 21st century than traditional trade deals that cut tariffs. They have also made clear that conventional agreements have become politically toxic in US politics, making it difficult to sign deals that grant market access.
2. **Not An Initiative Of Quad:** Although Biden launched it on the sideline of Quad summit, IPEF is not going to be an initiative by Quad.
3. **Does Not Include Access To The US Market:** Critics contend that some countries were reluctant because they did not see much value for them. This is particularly because the IPEF will not include access to the US market.
4. **Economic Complexity Involved:** Members of IPEF have a deep economic engagement with China. Given the fact that this platform is created to counter China, this engagement might increase the complexity.

US Announces Indo-Pacific Strategy

- US President Joe Biden's administration has released its Indo-Pacific strategy.

Key Highlights Of The Strategy: Goals Pursued By USA In Indo-Pacific Region

A. Advance a Free and Open Indo-Pacific by :

- Investing in **democratic institutions, a free press, and a vibrant civil society**.
- Improving **fiscal transparency** in Indo-Pacific to expose corruption and drive reform.
- Ensuring that the **region's seas and skies** are governed and used according to international law.
- Advancing common approaches to **critical and emerging technologies**, the internet and cyber space.

B. Build Connections Within And Beyond The Region

- Deepening US **5 regional treaty alliances** with Australia, Japan, Republic of Korea (ROK), Philippines, and Thailand.
- Strengthening relationships with **leading regional partners**, including India, Indonesia, Malaysia etc.
- Contributing to an empowered and unified **ASEAN** & Strengthening the **Quad**
- Forging connections between the **Indo-Pacific and Euro-Atlantic**

C. Driving Regional Prosperity by Proposing an Indo-Pacific economic framework

- Promoting free, fair, and open trade and investment through the Asia-Pacific Economic Cooperation (**APEC**),
- Closing the region's infrastructure gap through **Build Back Better World** with **G7 partners**

D. US Will Bolster Indo-Pacific Security By:

- Advancing integrated deterrence, Expanding U.S. Coast Guard presence
- Maintaining peace and stability across the Taiwan Strait.
- Innovating in space, cyberspace, and emerging-technology areas.
- Continuing to deliver on AUKUS.

E. Build Regional Resilience To Transnational Threats

The Indo-Pacific faces major transnational challenges. These are:

- Climate change - Pacific Islands battle existential rises in sea levels.
- The COVID-19 pandemic
- Natural disasters, resource scarcity, internal conflict & governance challenges

Indo-Pacific Action Plan

To implement this strategy, US will pursue **ten core lines of effort** in the next 12-24 months. These are:

- Drive new resources to the Indo-Pacific
- Lead an Indo-Pacific economic framework(IPEF)
- Reinforce deterrence
- Strengthen an empowered and unified ASEAN
- Support India's continued rise and regional leadership

- vi) Deliver on the Quad
- vii) Expand US-Japan-RoK (Republic of Korea) cooperation
- viii) Partner to build resilience in the Pacific Islands
- ix) Support good governance and accountability
- x) Support open, resilient, secure and trustworthy technologies

India Specific Observation In The Document

- The strategy emphasised that US will continue to support India's rise and regional leadership, working with India bilaterally and through groups on a range of issues.
- The initial strategy plan said that US would steadily advance its **Major Defence Partnership** with India and support India's role as a net security provider. India was given the Major Defence Partner designation in 2016. US refer India as a like-minded partner and **driving force in Quad**.
- It also mentions the fact that China's coercion & aggression is acute along Line of Actual Control with India.

Analysis

- The strategy leans heavily on **alliances, military deterrence and a stronger presence in Southeast Asia** to counter China's growing regional and global footprint.
- Many of the strategy's provisions appeared to be aimed at **countering China's economic clout, military power, and Belt and Road Initiative**. These are larger role for European allies in the Taiwan Strait and beyond; stronger regional trade; economic and infrastructure linkages and an empowered India.
- In a bid to support **US' outlined pivot to Asia**, the plan pledges to: open new US embassies and consulates throughout the region; expand Peace Corps; launch an Indo-Pacific Economic Framework; and expand the role of US Coast Guard.
- The strategy is **not trying to alter Beijing's thinking**. Rather, it wants to shape the strategic environment in which it operates.
- The strategy is focused on building a **balance of influence in the world that is maximally favourable to the USA and its allies**.

Partners in the Blue Pacific (PBP)

- The United States, Australia, Japan, New Zealand and the United Kingdom launched an **informal group** aimed at boosting **economic and diplomatic ties with Pacific Island nations**.
- This group is known as **Partners in the Blue Pacific (PBP)**.
- It will seek to support **Pacific regionalism** and strengthen economic ties between the Pacific islands and the rest of the world.
- The areas where PBP aims to enhance cooperation include "**climate crisis, connectivity and transportation, maritime security and protection, health, prosperity, and education**
- This group will commit more resources to the Indo-Pacific as China seeks to boost economic, military and police links with Pacific Island nations hungry for foreign investment.

Increasing Chinese Presence In The Region

- In April 2022, China announced the signing of a security pact with the Solomon Islands. Under the agreement, the two sides will conduct cooperation in various areas such as:
 - ✓ maintenance of social order,
 - ✓ protection of the safety of people's lives and property,
 - ✓ humanitarian assistance and natural disaster response

- In May 2022, China pushed for a sweeping common cooperation agreement with 10 Pacific nations covering everything from security to fisheries.
- Officials from the United States, Australia, Japan and New Zealand expressed concerns about these proposed agreements. They fear that it could open the door to a Chinese naval base in the country and hence pose serious risks to a free and open Indo-Pacific.

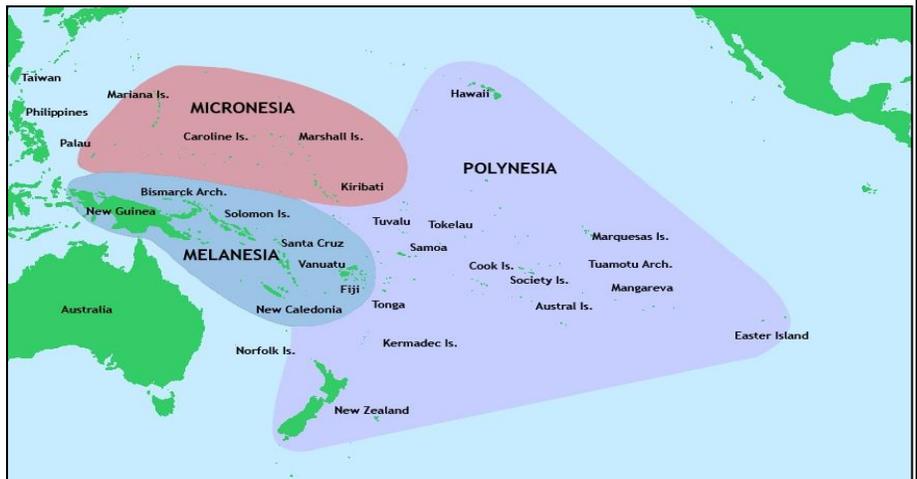
Pacific Island Nations

Islands of the Pacific Ocean are commonly named as Pacific Island Nations.

- As shown in the map, Pacific Island Nations consist of three major groups of islands named as Polynesia, Micronesia and Melanesia.
 - ✓ North of Equator and east of Philippines are the islands of Micronesia.
 - ✓ The great arc of islands located north and east of Australia and south of the Equator is called Melanesia.
 - ✓ In the eastern Pacific, largely enclosed within a huge triangle formed by Hawaiian Islands to the north, New Zealand to the southwest, and Easter Island (Rapa Nui) far to the east, are the islands of Polynesia.

Strategic Importance Of Pacific Region

- In its 2019 strategy report, the US Department of Defence called the Indo-Pacific the single most consequential region for America’s future.
- The region is home to world’s most populous state (China), most populous democracy (India), largest Muslim-majority state (Indonesia), and includes over half of the earth’s population.
- Among the 10 largest standing armies in the world, 7 reside in the Indo-Pacific; and 6 countries in the region possess nuclear weapons.
- 9 of world’s 10 busiest seaports are in the region, and 60% of global maritime trade transits through Asia.
- Roughly one-third of global shipping passing through the South China Sea alone.



Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

- In March 2018, eleven countries in the Pacific region signed a major Asia-Pacific free trade agreement in Santiago, (Chile) post the withdrawal of USA. The agreement is called **CPTPP**.
- After becoming President, Trump announced the withdrawal of US from the original 12-member agreement, known as the Trans-Pacific Partnership (TPP). He said the move was aimed at protecting U.S. jobs.
- The CPTPP incorporates, by reference, the obligations (rules and market access outcomes) contained in the original TPP agreement. However, there is a list of 22 original TPP provisions which has not been included in the CPTPP.

About CPTPP

- CPTPP is a new free trade agreement between Canada, Mexico, Peru, Chile, Japan, Vietnam, Brunei, Malaysia, Singapore, Australia, and New Zealand.
 - ✓ In February 2021, the United Kingdom formally requested accession to the CPTPP.

✓ In September 2021, China applied to join the pact.

- It is one of the largest free trade agreements in the world & provides enhanced market access to key Asian markets.
- The deal is aimed at reducing import taxes and putting in place trade rules for member nations.

Anticipated Impact of CPTPP

- The countries represent **500 million people and more than 14% of the world economy**. With the U.S., the agreement would have covered 40% of the world economy.

- Its anticipated impact will be immense, as slashed tariffs encourage significant shifts in global supply chains.
- The CPTPP's high-standard provisions on the digital economy, investment, financial services, labor and the environment will have broad country-specific and collective impact.

CPTPP Vs WTO

CPTPP's advantage lies in its **higher trade standards** when compared with WTO. As a result, countries that were sitting on the fence earlier, upon realising its potential, are rushing to join the pact. UK, China and Taiwan are the recent examples in this regard. Thus, the CPTPP is touted as a next-generation trade agreement, building on the core structure of the WTO Agreements. The reasons for that is tabulated below -



Factors Currently Affecting Working Of WTO	Factors Making CPTPP An Attractive Alternative
<ul style="list-style-type: none"> • “Spaghetti Bowl” concept, where countries cut trade deals directly with each other, bypassing the WTO. • <i>Newer areas of discussion coming to fore such as E-commerce & rules of MSMS</i>: Current doctrines need to be revised to incorporate these. • <i>Changed global Economic Distribution</i>: Operational framework of WTO needs to take into account the demands of developing countries like India. • Emerging trade war between China & USA • Dysfunctional WTO appellate body due to US’ refusal to appoint judges. • Effect of Covid pandemic: Disruptions in global supply chain led to impose of export bans and restrictions. This will lead to more trade disputes in future. • Threat to waning of globalization since global tendencies shift towards de-globalization. 	<ul style="list-style-type: none"> • CPTPP commitments in trade in services are in general broader than those under the WTO General Agreement on Trade in Services. It extends WTO rules in a number of key areas, such as <u>digital trade and electronic commerce, intellectual property, government procurement, state-owned enterprises, environment, labour etc.</u> • Modern digital trade rules facilitates free cross-border data flow and removal of localization requirements. • Provides easier Rules of origin (ROO) criteria to importers/exporters. • Product specific rules to help Small and Medium Enterprises • Enables trade diversification: Removes tariff on an estimated 95% of goods traded between CPTPP members and will provide greater market access ultimately supporting and creating high-value jobs. • Simple, effective, clear and predictable customs procedure reduces processing time at the border.

CPTPP Vs RCEP

- The 15-nation RCEP is an ASEAN-led initiative that seeks to bring into its fold China, Japan, South Korea, Australia and New Zealand. 7 of them are also CPTPP members, namely Australia, Brunei, Japan, Malaysia, Singapore, New Zealand and Vietnam.
- The RCEP is the largest trade bloc in terms of population. The RCEP countries make up 46% of the global population and are worth 39% of global GDP.
- Like the CPTPP, the RCEP also does not include the US.
- Unlike the CPTPP, the RCEP deal lacks protection for labour, human rights and the environment.

India To Host IOC Session In 2023

India will host the **2023 International Olympic Committee's (IOC) session in Mumbai** after successfully bidding for it at the 139th IOC session. This will be the first time India will host the session after **1983**.

Significance

- India received a historic **99% of the votes in favour of its bid** from the delegates participating in the process. 75 members endorsed India’s candidature in the session held in Beijing. This also reflects India’s growing stature in international arena.
- Acceptance of India’s candidature reflects a significant development for India’s Olympic aspirations. This will herald the start of a new era for Indian sport.
- India is already front-runners to host the 2030 Youth Olympics and from here on, the effort to pitch for a Summer Olympics – possibly 2036 – will get a boost.
- The allotment of the Olympic session will once again make India a crucial and an exciting destination to nurture and grow the Olympic movement.
- The IOC is the guardian of Olympic Games and the leader of Olympic Movement.
- The vision of the International Olympic Committee is to Build a Better World through Sport.

Roles & Responsibilities

- IOC is the authority responsible for organising the modern (Summer, Winter, and Youth) Olympic Games.
- It is the governing body of the National Olympic Committees (NOCs).

IOC Session

- An IOC session is the annual meeting of the members of the IOC. It comprises 101 voting members and 45 honorary members. **All IOC Session decisions are final.**
- It discusses and decides on the key activities of the global Olympics movement including:



Other Addition powers of the Session are:

- To elect the President, vice-presidents and all other members of IOC Executive Board.
- To elect the city in which an ordinary Session is held, the President having the authority to determine the city in which an extraordinary Session is held
- To approve the annual report and financial statements of the IOC
- To appoint the independent auditor of the IOC
- To decide on the awarding or withdrawal by the IOC of full recognition to or from NOCs, associations of NOCs, International Sports Federations (IFs), associations of IFs and other organisations
- To expel IOC members and to withdraw the status of Honorary President, honorary members and honour members
- To adopt or amend the Athletes’ Rights and Responsibilities Declaration upon recommendation of the Athletes’ Commission and to promote respect for this Declaration within the Olympic Movement
- To resolve and decide upon all other matters assigned to it by law or by the Olympic Charter.

Arctic Council: Interest and Concerns

The Arctic Council is leading intergovernmental forum promoting cooperation on common Arctic issues, in particular on issues of sustainable development and environmental protection in the Arctic. It was established by 8 Arctic States — *Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States*, the countries whose territories fall in Arctic region — through the **Ottawa Declaration** of 1996. Besides them, six organisations representing the indigenous people of the Arctic region have been granted the status of permanent participants.

Interests of Arctic Council Nations

The Arctic region presents huge **commercial and economic opportunities**, particularly in shipping, energy, fisheries and mineral resources.

- **Oil and natural gas deposits**, estimated to be 22% of the world's unexplored resources, mostly in the Arctic ocean, will be open to access.
- The **shipping (sea transport) industry** would benefit from greater use of Arctic and shipping routes such as the **Northern Sea Route, Northwest passage, or Bering Strait** with reduced ice cover extent and thickness and **longer ice-free periods** increasing seasonal availability to maritime traffic. These nations believe that Arctic sea lanes could become the 21st-Century Suez and Panama Canals.
- The **mineral industry** would benefit from increased physical access to mineral resources such as lead & zinc in Alaska, gold in Canada, rare earth elements in Greenland, diamonds & iron in Canada etc.
- **Arctic tourism industry will be benefitted** directly. It has opened up previously inaccessible areas for exploration and use by the expedition cruise ship industry.
- The limited **Arctic manufacturing industry** would benefit from increased inputs availability such as fish for processing (Iceland, Greenland), rare earth minerals for electronics (Arctic Finland), and aluminium for smelting (Iceland) etc.

Concerns of Wider World

- Due to climate change, Arctic temperatures are rising twice as fast as in rest of the world. This has increased the rate of melting of the Arctic Sea Ice, thereby creating a conflict. Retreat of Arctic sea ice not just **threatens polar bears and marine species**, but also contributes to *rising sea levels, adding to the risk of coastal flooding*.
- **Arctic vegetation zones are very likely to shift:** Treeline is expected to move northward and to higher elevations, with forests replacing a significant fraction of existing tundra, and tundra vegetation moving into polar deserts. More productive vegetation is likely to increase carbon uptake, although reduced reflectivity of the land surface is likely to outweigh this, causing further warming.
- It presents **major pollution risk** if energy & transport firms find it easier to exploit the pristine Arctic wilderness.
- The melting of ice can also lead to **loosing climate history** stored in these ice sheets.

INDIA IN ARCTIC COUNCIL

India is **Observer** to the Arctic Council since 2013. Its membership as an observer was renewed in 2019 for another five years. The Observer status is granted to entities that support the objectives of the Arctic Council, and have demonstrated capabilities in this regard, including the ability to make financial contributions.

India's Involvement In The Arctic

- India is one of the very few countries to set up a permanent station in the Arctic for the purposes of scientific research. It launched its **first scientific expedition** to Arctic in 2007.
- Subsequently, India has been sending scientific teams every summer and winter for carrying out studies in the Arctic, primarily in the fields of glaciology, hydrochemistry, microbiology, and atmospheric sciences.
- The **Himadri research station**, located in *Ny Alesund, Svalbard in Norway*, about 1200 km south of the North Pole, was started in July 2008. Himadri is manned for about 180 days a year.
- In 2014, India deployed **IndArc**, a multisensory observatory in **Kongsfjorden**.

- In 2016, India’s northernmost atmospheric laboratory was established at **Gruebadet** to study clouds, precipitation, long-range pollutants, and other background atmospheric parameters.

India’s Interests In Arctic Region

- India’s extensive coastline makes us **vulnerable to the impact of Arctic warming** on ocean currents, weather patterns, fisheries and most importantly, our monsoon. Scientific research in Arctic developments will contribute to our **understanding of climatic changes** in the Third Pole — the Himalayas.
- With some parts of the Arctic melting due to global warming, the region also opens up the possibility of **new shipping routes** that can reduce existing distances.
- **Diversification of energy imports** remains a crucial endeavour for India. Arctic region has gas fields on Russian side and Oil fields on Norwegian side.
- The Arctic region also holds **mineral resources**, as mentioned earlier, including gold, nickel, cooper, graphite and uranium. These minerals are utilised in the manufacture of high-technology products such as mobile phones and nuclear energy, which can help push India’s ‘Make in India’ programme.
- Countries which already have ongoing activities in the Arctic **hope to have a stake in the commercial exploitation of natural resources** present in the region.
- The **strategic implications of an active China in the Arctic** and its growing economic and strategic relationship with Russia are self-evident and need close monitoring.

India’s Draft Arctic Policy

- India has unveiled a new draft ‘Arctic’ policy that commits to **expanding scientific research, sustainable tourism and mineral oil and gas exploration** in the Arctic region.
- According to the draft policy, India could be **particularly impacted as changes in the Arctic** have an effect on **water security and sustainability, weather conditions and monsoon patterns, coastal erosion and glacial melting, economic security** and critical aspects of national development.

Goals of India’s Arctic Mission

- ✓ Better understand the scientific & climate-related linkages between the Arctic and Indian monsoons.
- ✓ Harmonise polar research with the third pole (the Himalayas).
- ✓ Advance the study and understanding of the Arctic within India.

- India’s Arctic Policy draft rides on **five pillars**:



- Goa-based **National Centre for Polar and Ocean Research** is expected to lead scientific research and **act as a nodal body**.
- India also proposes to focus on vast resources of the Arctic region including hydrocarbons, minerals and renewable power to ensure its energy security.

Important International Institutions

Veto Use Reform

- The UN General Assembly adopted by consensus **a resolution requiring the five permanent members of the Security Council to justify their use of the veto**.

- The measure is intended to **make veto-holders more accountable** while exercising their power.
 - So far more than **200 Security Council proposals have been vetoed**.
 - Soviet Russia (now Russia) has exercised the most vetoes so far, followed by the US

Key Highlights Of The Resolution

- Title - '*Standing mandate for a General Assembly debate when a veto is cast in the Security Council*'.
- The measure provides for the General Assembly to be convened **within 10 working days** after a veto to hold a debate on the situation as to which the veto was cast.
- The assembly is not required to take or consider any action, but the discussion could put veto-wielders on the spot and let other countries be heard.

Advantages

- If countries invoking the veto are asked to provide justifications for the veto, the accountability demanded from the permanent members will increase.
- The application of this resolution will shed light on the use of the veto and on the blockages within the Security Council.
- The measure is intended to make veto-holders pay a higher political price, when they use the veto to strike down a Security Council resolution.

Criticism

- Possible misuse:** It is likely that countries could propose controversial texts they know their rivals will veto only to force them to justify their stance publicly. If this happens, the move will **divide the UN** even further.
- Directed against Russia:** The proposal's revival came as the Security Council has proven incapable of condemning Russia's invasion of Ukraine because of Moscow's veto power.
- Non-binding nature:** The text is **non-binding** and nothing prevents a country that has used its veto from *declining to explain its actions to the General Assembly*.
- Piecemeal reform:** Critics have termed this as a piecemeal reform. UNSC at present requires a reform to address the concerns of developing countries like India and Brazil. There is widespread support for revamping the UN's most powerful organ to reflect current global realities.

Conclusion

While, it remains to be seen how the Veto reform pans out and what its subsequent impact may be, the fact remains that India, among other countries including Brazil, China and Russia did not co-sponsor this proposal.

Indian Diaspora

Role Played By The Indian Diaspora In Making India 'Atmanirbhar'

As per the World Migration Report 2020, India was the leading country of origin of international migrants in 2019 with a 17.5 million strong diaspora.

Role played by the Indian Diaspora in Making India Self-Reliant

- **Strengthening the identity of Brand India:** The use of made in India products by overseas Indians will increase confidence in Indian products globally. Conduct of the overseas Indians also creates an interest in Indian way and values. This can spur demand of 'Made in India' products across the globe.
- **Assistance through sharing of expertise and knowledge:** Indian Diaspora has created a mark in various walks of life such as academics, social service, medicine, business, IT etc. Thus, through dialogues and

discussions, the eminent diaspora can help support the country's endeavor to enhance its capacities in fields such as Healthcare, Research and development, Education etc.

- ✓ Indian diaspora can provide unique insights into consumer behaviour due to familiarity with consumer markets abroad and can help Indian firms to manufacture customised products for foreign markets.
- ✓ During the COVID pandemic, Indian diaspora actively engaged in the healthcare system in many foreign countries. These healthcare specialists can help India to strengthen its strategies to tackle healthcare emergencies in the future.
- ✓ Recent Lobbying by Indian-Americans for supplying raw materials for vaccine to India.
- **Remittances aid in socio-economic development:** Remittances have played a role in poverty reduction while changing consumption behaviour in rural areas. They enable innumerable families in India to invest in education and skill development making them Atmanirbhar.
- **Facilitating entrepreneurship:** Diaspora can help build transnational entrepreneurship, by supporting entrepreneurs and small businesses in India in the form of technical knowledge transfers and finances.
- **Secure Investment flows:** Indian diaspora are better informed of India's market conditions, the domestic labour and economic policies and consequently have more realistic expectations of time frames for project completions and investment returns. Capital inflows in Greenfield and brownfield firms can help expand manufacturing in India.
- **Diaspora diplomacy:** As the Indian Diaspora gains financial and political affluence abroad, they can potentially lobby their governments for stronger business alliances with India. They can act as bridges, mediators, facilitators, lobby and advocacy groups for taking primacy of India's national security and economic interests

Challenges Faced By Govt. In Its Engagement With The Diaspora

- **Regulatory hurdles:** Complex norms for establishing new firms, Issue of red tape , FDI limits etc restrict ease of doing business and deter investment.
- **Limited scope of interactions:** Most of the outreaches are focused on Indian diaspora in developed countries like USA, UK etc., while new opportunities with growing diaspora in emerging nations like South Africa, South East Asian nations etc. are not given appropriate attention.
- Variety of situations *like ill-treatment, denial of rights, loss of property, hijacks, natural disasters and military conflicts* that demand different degrees of India's involvement, from consular support to deployment of armed forces for large-scale evacuation. This cost heavily to exchequer. Non timely response to such events generally dissuades the Indian Diaspora from contributing in return.

Role Of Indian Diaspora Can Be Further Enhanced By

- Conducting outreach and information campaigns to educate diaspora of investment opportunities and setting up seamless investment channels
- Facilitating discussion to inform public policy in India through formation of regional or sectoral group of advisors from Indian diaspora.
- Focusing on engaging growing diaspora in emerging countries like South Africa, South East Asian Nations etc.
- Improving ease of doing business specifically enabling diaspora to expand operations of their firms in India.
- Deploy additional resources and coordination among multiple government agencies to deal with recurring challenges of supporting citizens abroad
- Comprehensive and reliable data on movement of Indians across national borders.
- Monitor developments in regions where there are large concentrations of Indian citizens and provide early warning of negative developments and explore possibilities for pre-emptive action

PAPER 3

ECONOMIC GROWTH & DEVELOPMENT

Indian Economy & Issues Relating to Planning, Mobilization of Resources, Growth, Development & Employment

Mobilisation of Resources

National Land Monetization Corporation (NLMC)

- In March 2022, Union Cabinet approved the setting up **National Land Monetization Corporation (NLMC)**.
- NLMC will undertake monetization of surplus land and building assets of Central Public Sector Enterprises (CPSEs) and other government agencies.
- Union Budget 2021-22 has announced plans to set up a **special purpose vehicle** for this purpose.

Structure Of NLMC

- NLMC has been set up as a **wholly owned Government of India company** and will function under the administrative jurisdiction of the Finance Ministry.
- NLMC has been announced with an initial **authorized share capital of Rs 5000 crore and paid-up share capital of Rs 150 crore**.
- **NLMC board** will comprise senior Government officers and eminent experts, while its chairman and non-Government directors will be appointed through a merit-based selection process.
- NLMC will hire **professionals from the private sector** as in the case of similar entities like the National Investment and Infrastructure Fund (NIIF) and Invest India. Flexibility will be provided to the Board of NLMC to hire, pay and retain experienced professionals from the private sector.

This is needed since real estate monetisation requires specialised skills and expertise in areas such as market research, legal due diligence, valuation, master planning, investment banking and land management.

- At the same time, NLMC will be a **lean organization** with minimal full-time staff, hired directly from the market on contract basis.

Functions

- At present, CPSEs hold considerable surplus, unused and under used **non-core assets** in the nature of land and buildings.
 - NLMC will own, hold, manage and monetise surplus land and building assets of CPSEs under **closure**.
 - **Surplus non-core land assets** of government-owned CPSEs under **strategic disinvestment**.
- This will speed up the **closure process** of CPSEs and smoothen the **strategic disinvestment** process of government-owned CPSEs.
- It will act as a **repository of best practices** in land monetization, assist and provide technical advice to Government in identifying & implementation of asset monetization programme.

Benefits

- Government would be able to **generate substantial revenues** by monetising unused and under-used assets.

- This will also enable **productive utilisation of these under-utilized assets** to trigger private sector investments, new economic activities, boost local economy and generate financial resources for economic and social infrastructure.
- Monetisation of idle land will help the Centre to work on its strategy to reduce its business presence to a bare minimum and generate resources for future asset creation.

Challenges

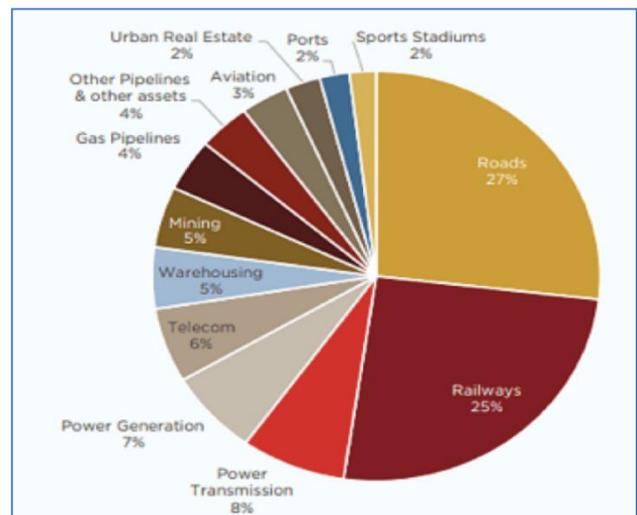
- The performance and productivity of NLMC will also depend on the government’s performance on its disinvestment targets.
- In the budget 2021-22, the government had initially set a disinvestment target of **₹1.75 lakh crore which was later brought down to ₹78,000 crore.**
 - In FY 2021-22, the government has just been able to raise **₹12,423.67 crore** so far through various forms of disinvestment.
- Besides, the process of asset monetisation does not end when the government transfers revenue rights to private players.
- Identifying profitable revenue streams for the monetised land assets, ensuring adequate investment by the private player and setting up a **dispute-resolution mechanism** are also important tasks.
- Another potential challenge would be the use of **Public Private Partnerships (PPPs) as a monetisation model.** For instance, the results of the Centre’s PPP initiative launched in 2020 for the Railways were not encouraging.
 - It had invited private parties to run 150 trains of the Indian Railways but when bids were thrown open, nine clusters of trains saw no bidders while there were only two interested bidders for three clusters.
- The presence of just a few serious bidders would also give rise to the possibility of a less competitive space, meaning a few private entities might create a monopoly or duopoly in operating surplus government land.

NMP- Benefits And Challenges

The Centre, in August 2023, launched the **National Monetisation Pipeline (NMP)** to monetise **government assets** across various sectors. NMP is developed **by NITI Aayog**. NITI Aayog, in coordination with the **Finance ministry**, has created the NMP dashboard and the detailed roadmap

Details of NMP

- It is designed to unlock the value of investments in **brownfield public sector assets** by utilising institutional and long-term capital.
- Under NMP, government-owned roads, railways, power plants, gas pipelines, airports, ports, warehouses etc. could be leased out for a specified period to non-government entities.
- The **primary ownership of assets under NMP** will continue to be with the **government (Monetisation of Rights not assets)** and the assets will be handed back to the public authority at the end of the tenure.
- It expects to raise **Rs 6-lakh crore** over a **four-year period** from FY 2022 to FY 2025.
- Funds from NMP will be used for infrastructure creation under the **National Infrastructure Pipeline** which has a targeted infrastructure investment of Rs 111 lakh crore over FY 2020-25.



The estimated amount to be raised through monetization is around 14% of the proposed outlay for Centre of Rs 43 lakh crore under NIP.

- The **top 5 sectors** (by estimated value) capture approximately 83% of the aggregate pipeline value - roads (27%), railways (25%), power (15%), oil & gas pipelines (8%) and telecom (6%).
- Monetisation will take place through a range of instruments including **public private partnership, Infrastructure Investment Trusts (InvIT), Real Estate Investment Trust (REIT)** etc.
- Currently, only assets of **central government line ministries** and **Central Public Sector Enterprises (CPSEs)** in infrastructure sectors have been included.

Central Government’s Assistance to State Governments

- To encourage states to pursue monetisation, the Central government has already set aside Rs 5,000 crore as incentive.
- If a state government **divests its stake in a public sector undertaking**, the Centre will provide a 100% matching value of the divestment to the state.
- Similarly, if a state **lists a public sector undertaking in the stock markets**, the Central government will give it **50%** of that amount raised through listing.
- Finally, if a **state monetises an asset**, it will receive 33% of the amount raised from monetisation from the Centre.

Benefits of NMP	Challenges in NMP
<ul style="list-style-type: none"> • It will mobilise private capital by using idle assets for future investments, without selling government assets. • This will lead to new infrastructure creation, employment generation and enable high economic growth by integrating rural with semi-urban. • New models like InvIT and REIT will create new areas of investments for common people. • Promote cooperative federalism • PPP: Public and private sectors each excelling in their core areas of competence. 	<ul style="list-style-type: none"> • Lack of identifiable revenue mechanism in various assets; lack of independent sectoral regulators in certain sectors and dispute resolution can act as challenges. • Further, low-capacity utilization in gas and petroleum pipeline networks; regulated tariffs in power sector assets; and low interest among investors in national highways below four lanes can also act as impediments. • Structural problems such as legal uncertainty and the absence of a deep bond market that hold back private investment in infrastructure

Oil Bonds

- Recently, the Finance Minister said that the government cannot reduce taxes (and as a consequence, prices) on petrol, diesel and other petroleum products.
- This is due to the **high crude oil prices** amid the ongoing conflict in Ukraine and **burden of payment for the oil bonds** issued a decade earlier.

Tax on Fuel Prices

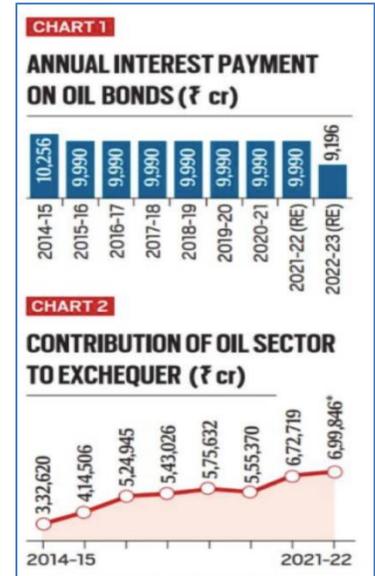
- There are **three components** in the domestic retail price which together make up the **retail price**.



- The taxes vary from one product to another. For instance, as of now, taxes account for 50% of the total retail price for a litre of petrol, and 44% for a litre of diesel.

Oil Bonds

- When fuel prices were too high for domestic consumers, governments in the past often asked **oil marketing companies (OMCs)** to avoid charging consumers the full price.
- But if oil companies don't get paid, they would become unprofitable. To address this, the government would have to pay the difference.
- But, if the government paid that amount in cash, it would have been pointless, because then the government would have had to tax the same people to collect money to pay OMCs.
- **To address this problem, oil bonds were issued.** An oil bond is a **promissory note** issued by the government to the OMCs, for the cash that the government would have given them so that these companies don't charge public the full price of fuel.
- It states that the government will pay OMC the sum of, say, Rs 1,000 crore in 10 years. And to compensate the OMC for not getting this money now, the government will pay it, say, 8% (or Rs 80 crore) each year until the bond matures.
- Thus, there are two components of oil bonds that need to be paid off: the annual interest payment, and the final payment at the end of the bond's tenure.
- By issuing such bonds, a government can defer the full payment by 5 or 10 or 20 years, and in the interim just pay the interest costs.
- Thus, by issuing such oil bonds, the government is able to protect/ subsidise the consumers without either ruining the profitability of the OMC or running a huge budget deficit itself.



Why Were They Issued Only Up To 2010?

Deregulation of Petrol Prices in June 2010	The UPA government deregulated petrol pricing in 2010. It ended under-recovery on the fuel.
No losses from Oct 2014	OMCs stopped suffering losses on every litre of diesel they sold from 2014 due to the deregulation of Prices.
Price difference between World Market and Domestic Supply was high till 2010	As per the Petroleum Planning & Analysis Cell (PPAC), during that 5-year period, the price of a barrel of crude oil averaged \$70.15. The retail selling price of petrol ranged from a low of 37.99 to a peak of 50.62 (in July 2008) over the same period.

Limitations On Tax Reduction On Fuel

- There are three ways to check whether the **payout on oil bonds** is large enough to **restrict a reduction in taxes.**
 - The first is to observe that total payout was just 7% of the total revenues in 2014-15. As the years progressed, this **percentage has come down** because taxes generated from this sector have increased significantly.
 - Moreover, the total revenue earned by the government (both Centre and States) between 2014 and 2022 from taxing petroleum products is more than Rs 43 lakh crore.
 - That means the total payout by the current government till date on account of oil bonds is just 2.2% of the total revenues earned during this period.
 - Furthermore, the total amount of revenue earned by the Centre from just one kind of tax— excise tax — in just 2014-15 — was more than Rs 99, 000 crore.

- In other words, the **payout is not big compared to revenues earned in this sector.**

Evaluation Of Bond Issuance

- It is argued that issuing bonds just **pushes the liability to a future generation.**
- But to a great extent, most of the government’s borrowing is in the form of bonds. This is why each year the fiscal deficit (which is essentially the level of government’s borrowing from the market) is so keenly tracked.
- Further, in a relatively poor country like India, all governments are forced to use bonds of some kind.
- The current government, itself, has issued bonds worth Rs 2.79 lakh crore (twice the amount of oil bonds) to recapitalize public sector banks. These bonds will be paid by governments till 2036.
- Thus, the main idea while issuing bonds is for a government to **employ this tool towards increasing the productive capacity of the economy.**

Cryptocurrency Regulation

- The **Cryptocurrency and Regulation of Official Digital Currency Bill, 2021** was listed for introduction in Parliament’s Winter Session.
- The Bill seeks to create a facilitative framework for creation of the official **“Central Bank Digital Currency”** to be issued by the RBI”.
 - ✓ CBDC is a digital form of Fiat Currency which can be transacted using wallets backed by blockchain and is regulated by the central bank. It is a **legal tender** issued by a central bank in a digital form.
 - ✓ Though the concept of CBDCs was directly inspired by bitcoin, it is different from decentralised virtual currencies and crypto assets, which are not issued by the state and lack the ‘legal tender’ status.
- It also seeks to **prohibit all private cryptocurrencies in India;** however, it allows for **certain exceptions** to promote the underlying technology of cryptocurrency and its uses.

Cryptocurrency

- Cryptocurrencies are **digital assets**— that can be used as a form of investment and even as a **medium of exchange** to purchase goods and services using Blockchain **technology** .
- Each coin/token of cryptocurrency is a **digital file** that consists of a **unique line of program or code.** This means that it **can’t be copied,** which makes them easy to track and identify as they’re traded.
- Usually, the files are created using the methods of **cryptography** (the science of hiding information).
- Cryptocurrencies are **decentralized**—which means no government or bank manages how they’re made, what their value is, or how they will be exchanged. These tasks are broadly distributed across a large number of users (computers) via the internet and are exchanged from **peer-to-peer** on the web without a middleman.

Advantages Of Cryptocurrencies	Concerns Associated With Cryptocurrencies
<ul style="list-style-type: none"> • The primary advantage of cryptocurrencies is the mathematically designed blockchain network with finite supply. The main problem with the current monetary set-up is that when the government starts printing more money, the value of money gets wiped out due to high inflation. • Traditionally, gold has been one of the options for investors to hedge against inflation, but the supply of gold is not mathematically designed. Cryptocurrencies like Bitcoin give a better hedge against inflation 	<ul style="list-style-type: none"> • Transaction records of cryptocurrencies are publicly available in an open ledger (blockchain) for record keeping in an anonymous (unnamed) and an encrypted form. • Though each transaction is recorded in a public log, names of buyers and sellers are never revealed and only their wallet IDs are revealed. • This keeps cryptocurrency users’ transactions private but it also lets them

<p>compared to gold by ensuring a limited supply. Thus, it can act as a store of value.</p> <ul style="list-style-type: none"> • Further, there are systems and processes that can be developed around the blockchain network, such as decentralized finance systems, which can provide greater efficiency compared to the traditional finance systems. <ul style="list-style-type: none"> ✓ For example, international payments through cryptocurrencies are easy and cheap as they are not tied to any country or banking institution. Moreover, cryptographic techniques provide enhanced security. ✓ Blockchain technology itself has great potential to reform financial record-keeping and keeping track of asset transactions. ✓ Furthermore, entry barriers for new players to create new protocols and applications are significantly lower than traditional financial institutions like banks 	<p>buy or sell anything without easily tracing it back to them. That's why it has become the preferred currency for buying drugs online or other illicit activities like terror financing.</p> <ul style="list-style-type: none"> • Further, the anonymous nature of cryptocurrencies goes against the global money laundering rules. • Moreover, investments in cryptocurrencies are highly volatile, which leads to significant investment risks. • Central banks are concerned that if acceptance of cryptocurrencies as a medium of exchange grows, it can potentially <u>undermine their control on monetary policies</u>.
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Regulatory Background in India

- In 2018, the RBI had banned banks from dealing with cryptocurrency exchanges and individual holders. However, in March 2020, the **ban was overturned by the Supreme Court**.
- This led to top investment firms across the world, such as Tiger Global, Sequoia Capital, etc to invest over half-a-billion dollars in India's cryptocurrency space in 2021.
- Significantly, most large banks, including State Bank of India, ICICI Bank, HDFC Bank, have not yet allowed use of their infrastructure by these exchanges.
- According to conservative estimates, India has around 15 million people involved with trading or investments in cryptocurrencies — almost 60% of the 25 million investors in its 58-year old mutual fund industry.
- In the first half of 2021, the government was also planning to ban all private cryptocurrencies, through a new bill. However, later, the Finance Ministry said that the Centre will try to regulate cryptocurrencies and will not ban experimentation with cryptocurrencies.
- Recently, in November, a meeting chaired by the Prime Minister was in favour of "progressive and forward looking" steps in the field of cryptocurrency. Similarly, members of the standing committee on finance were reportedly more in favour of regulating and not banning cryptocurrencies.

Way Ahead

- Prime Minister delivered the keynote at the inaugural **Sydney Dialogue** citing the unregulated nature of the crypto market and called for taking progressive and forward-looking steps.
- At this point, it is less certain that cryptocurrencies will not be allowed to function as a medium of exchange in India. So, it would be illegal to purchase goods and services using any cryptocurrency.
- Banning cryptocurrencies would actually mean saying no to a big part of technology that can prove revolutionary. For example, if India decides to ban Ethereum, which is the foundation of the largest decentralized finance network, it would restrict the growth of decentralized finance systems in India.
- Ban on cryptocurrencies in other countries has not led to a halt in crypto trading. Thus, a ban would push cryptocurrencies into the black market.

- Thus, the government should build a proper regulatory framework and allow investment in cryptocurrencies because it's like any other asset.
- This will also help to lay the foundation of decentralized applications based on blockchain architecture and take a big step to realize the goal of Digital India.

Rupee Depreciation

The Indian rupee has been depreciating and recently hit an all-time low of 79.37 against the U.S. dollar. **Currency depreciation** is a fall in the value of a currency in a floating exchange rate system.

In India, the exchange rate is not fully determined by the market. From time to time, the RBI intervenes in the foreign exchange (forex) market to ensure that the rupee "price" does not fluctuate too much or that it doesn't rise or fall too much all at once. This is called **Managed floating exchange rate**. For example, the RBI sells dollars when Indian rupee depreciates too much, while it purchases dollars when the Indian rupee appreciates beyond a certain level.

Fundamentals Behind Currency Valuation

- The value of any currency is determined by demand and supply of the currency. When the supply of a currency increases, its value drops. On the other hand, when the demand for a currency increases, its value rises.
- In the wider economy, central banks determine the supply of currencies, while the demand for currencies depends on the amount of goods and services produced in the economy.
- In the forex market, the supply of rupees is determined by the demand for imports and various foreign assets. So, if there is high demand to import oil, it can lead to an increase in the supply of rupees (decrease in supply of dollars) in the forex market and cause the rupee's value to drop.
- On the other hand, the demand for rupees in the forex market depends on foreign demand for Indian exports and other domestic assets.
- So, for instance, when foreign investors are positive about investing in India, it can lead to an increase in the supply of dollars in the forex market which in turn causes the rupee's value to rise against the dollar.

RBI Intervention

- RBI's policy is to allow the rupee to find its natural value in the market but without causing significant **volatility or unnecessary panic** among investors.
- Thus, the RBI has usually tried to slow down or smoothen, rather than reverse or prevent, the fall in exchange value of the rupee against the U.S. dollar.
- State-run banks are usually instructed by the RBI to **sell dollars** in order to offer some support to the rupee. Thus, by selling dollars in the open market in exchange for rupees, the RBI can improve demand for the rupee and support its fall.
- For example, recently, India's forex reserves have also dropped below \$600 billion, dropping by about \$45 billion since September, 2021, when forex reserves were at an all-time high of \$642 billion.
- This drop is believed to be largely due to steps taken by the RBI to support the rupee.

Factors Causing The Current Depreciation

- Since March this year, the U.S. Federal Reserve has been raising its benchmark interest rate. Driven by higher treasury yields, the dollar has climbed to its highest levels in two decades.
 - ✓ Due to this, foreign investors are pulling capital out from emerging markets such as India. Even developed market currencies such as the euro and the yen have depreciated against the dollar.
 - ✓ The dollar index, which tracks the currency against a basket of major currencies, is up nearly 9% this year and hit its highest in 20 years.

- **China's zero-Covid policy and slowing economic growth** have further unsettled forex markets that were already struggling to deal with the war in Ukraine.
 - ✓ The effects of the lockdown in China has led to slowed export growth as the curbs halted factory production, disrupted supply chains, and triggered a collapse in domestic demand.
- Moreover, **India's current account deficit**, which measures the gap between the value of imports and exports of goods and services, is expected to hit a 10-year high of 3.3% of GDP in the current financial year.
 - ✓ India's trade deficit rose by 87.5% to a record ₹192 billion in 2021-22 from ₹102 billion in the previous financial year (2020-21).
 - ✓ This means that India's import demand amid rising global oil prices (\$110/barrel) is likely to negatively affect the rupee.

Impact Of Rupee Depreciation

- **Exports:** Rupee depreciation can give a boost to Indian exports, as it will be cheaper for other countries to buy goods from India.
 - ✓ But in a scenario of weak global demand and lingering volatility, exporters are not cheering the currency dip.
 - ✓ Further, India's key export items such as gems and jewellery, petroleum products, organic chemicals and automobiles, and machinery items have significantly high import content.
 - ✓ With rising commodity prices due to supply shortages, the cost of production for exporters will go up, affecting their margins. Therefore, export sectors where the import intensity is high such as electronics, may not see a gain.
 - ✓ Services sectors like IT and labour-intensive export sectors like textiles will indeed benefit.
- **Imports:** However, at the same time, India's imports will become more expensive, which will add to already rising trade deficit and the overall **inflation** in the short term.
- **Foreign portfolio investment (FPI) equity outflows** touch \$15 bn in Jan-March 2022, highest in last 15 years. This compares to net inflows of \$7 billion in 2021, \$14 billion in 2020 and \$19 billion in 2019.
- **Food inflation:** India is also heavily dependent on other countries for fertilizers and edible oils.
 - ✓ Fertilizer subsidy bill is already set to hit a record high of as much as Rs 1.9 trillion in FY23, according to Crisil.
 - ✓ A weaker currency will further escalate **imported edible oil prices** and lead to a **higher food inflation**.
- **Foreign Education:** It will also become expensive for people travelling abroad for foreign education.

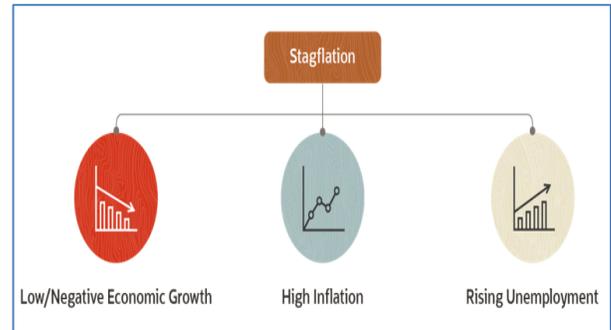
Future Outlook

- Analysts believe that, over the long run, the rupee is likely to continue to depreciate against the dollar due to the significant differences in long-run inflation between India and the U.S.
- In fact, IMF expects the rupee to weaken past the 94 rupees to a dollar mark by FY29.
- At the moment, as the U.S. Federal Reserve **raises rates** to tackle historically **high inflation** in the country, other countries and emerging markets in particular will be forced to raise their **own interest rates** to avoid capital outflows and to protect their currencies.
- As interest rates rise across the globe, the threat of a global recession also rises as economies readjust to tighter monetary conditions.

Stagflation

- Financial experts across the world fear that the persistent high inflation over the past few months globally may eventually lead to stagflation. Stagflation is a combination of **stagnant growth** and rising **inflation**.

- Most economists typically focus on the three key macroeconomic indicators to assess the health of an economy - **Economic output** measured by GDP, the **level of unemployment** and **inflation**
- The challenge for policymakers is to facilitate conditions in which output grows at a healthy pace, helping businesses in the economy to create jobs and thus keeping unemployment low.
- Most crucially, all this must happen in an atmosphere when prices remain relatively stable (stable inflation). However, in the real world, high economic growth generally leads to higher inflation.
- The most difficult problem for policymakers is when inflation runs high even as economic output either stagnates or, worse, shrinks. The slowdown in economic activity, in turn, leads businesses to reduce jobs and the resultant situation is termed as stagflation.

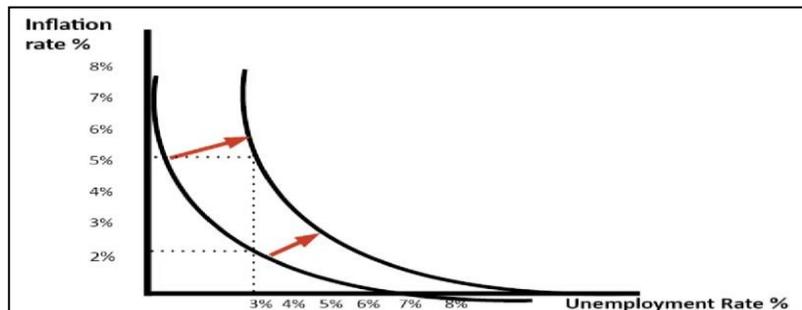


Factors For Current Concerns Of Stagflation

- The **pandemic** had caused the first major recent economic slowdown worldwide.
- The measures taken to address the slowdown, including substantial increase in liquidity in most of the advanced economies, led to a sharp rise in inflation.
- While the Fed (in US) and the Bank of England are among central banks that have started raising interest rates to reduce the inflation, the ongoing war in Ukraine has caused a fresh **supply shock**.
- It has become difficult to contain inflation, because the current inflation is not linked to demand factors (which can be controlled by regulating credit).
- In fact, it is almost entirely caused by supply factors that are far harder to manage.

Stagflation and Phillips Curve

- The traditional Phillips curve suggests there is a trade-off between inflation and unemployment.
- A period of stagflation will shift the Phillips curve to the right, giving a worse trade-off, which indicates stagflation (higher inflation and higher unemployment).



According to a report published by the RBI in its monthly bulletin, India does not face any risk of stagflation. The commentary in the bulletin is from central bank officials and it is not an official view of RBI.

Key Highlights Of The Bulletin

- **Indications Of Improvement Of Long-Term Growth Prospects**
 - ✓ Going by the prices at which govt. bonds are traded in the secondary market, there are indications of improvement of long-term growth prospects & the recovery momentum is strong.
 - ✓ However, the bulletin calls for maintaining liquid reserves as portfolio outflows can rise to 7.7% of GDP in a worst-case scenario.
- **No Threat Of Potential Stagflation In India**
 - ✓ The World Bank caution on the risk of stagflation with potentially harmful consequences for low and middle-income countries.

- ✓ However, as per the bulletin, India is better placed than many other countries in terms of avoiding the risks of a potential stagflation.
- ✓ With growth rate of 8.7% in 2021-22, India's GDP surpassed its pre-pandemic (2019-20) level by 1.5%, recovery remains robust in 2022-23 so far and domestic economic activity is gaining strength.
- **Uncertainty In Global Economic Condition**
 - ✓ Global economic conditions continue to deteriorate due to increasing commodity prices and financial market volatility.
 - ✓ The war against inflation would entail significant monetary tightening, complicating the growth-inflation outlook.
- **Challenges Of Emerging Markets**
 - ✓ Emerging market economies grapple with the global trade slowdown, capital outflows and **imported inflation**.
 - ✓ Some abatement of supply chain pressures and relaxation in lockdown measures by key industrial hubs have emerged as silver linings.

Draft Blue Economy Policy of India

- The Blue economy refers to **sustainable use of ocean resources** for economic growth, improved livelihoods and ocean ecosystem health.
- The main assets include fisheries, the coastline itself, mangroves, carbon absorption, seagrass beds and corals reefs with associated benefits of **coastal and marine tourism, carbon sequestration**.
- On the other hand, Brown economy relies **heavily on fossil fuels** and does not consider the **negative side effects that economic production and consumption** have on the environment.

The draft blue economic document is in line with the Government of India's **Vision of New India by 2030**, stressing the need for a coherent policy integrating different sectors so as to improve the lives of the coastal communities and accelerate development and employment. It recognizes the following seven thematic areas:

1. **National accounting framework for the blue economy and ocean governance:** A new robust mechanism to generate and collect reliable data pertaining to the Blue Economy would be developed.
2. **Coastal Marine Spatial Planning (CMSP) and tourism:** India needs to adapt the CMSP approach of the Intergovernmental Oceanic Commission (IOC)-UNESCO guidelines and to establish a national level authority to define the scope and nature of CMSP. This will allow integration of various sectors of blue economy, local communities private players and government to meet local and national needs.
3. **Marine fisheries, aquaculture, and fish processing:** To increase sustainability of marine fisheries through a new national policy along with proper legal and institutional framework for effective management.
4. **Manufacturing, emerging industries, trade, technology, services, and skill development:** To ensure high capital infusion through PPP and enhance Ease of Doing Business in the sector.
5. **Logistics, infrastructure and shipping, including trans-shipments:** Government should formulate a 30 year holistic shipbuilding plan across existing and Greenfield shipyards under Atmanirbhar Bharat to boost shipping and ship building sector.
6. **Coastal and deep-sea mining and offshore energy:** Envisaged to launch a National Placer Mission to explore workable placer deposits and evolve a roadmap for their extraction. India will also take a lead role in exploration of cobalt rich Sea Mount Ferro Manganese Crust (SFMC) in the Indian Ocean.

7. **Security, strategic dimensions, and international engagement:** MDA needs to be strengthened by integrating national geo-intelligence framework and space applications along with international partnerships with key partner countries

Benefits of Blue Economy

- **Economic Growth:** Indian Ocean Region is of strategic importance to India’s economic growth as the most of the country’s oil, and gas is imported through the sea. Further, this dependency is expected to rise by 2025 exponentially.
- **Surging of Seaborne Trade** as Sea is a *cost-effective & carbon-friendly mode of transportation* for global trade.
- **Harnessing Ocean Wealth:** Mining of polymetallic nodules present in the seabed in the Central Indian Ocean Basin can help India improve availability of nickel, copper, cobalt and manganese.
- **Alternative Sources of Clean, Affordable and Renewable Energy** in the form of wave energy, solar energy, tidal energy, hydroelectric energy.
- **Food Security** through fisheries sector including aquaculture and aquatic plants.
- **Nutritional security** by fulfilling minimum amount of protein intake in daily food basket.
- **Coastal Tourism** presents huge potential for job creation and economic growth.
- **Managing Coastal Urbanisation** as in the blue economy framework, coastal cities are viewed as a source of economic dynamism, agglomeration of blue activities, social empowerment and pollution-free built-in environment.
- **Improving Ocean Health** as blue economy approach would contribute to the process of restoring the ocean health and its precious resources.
- **Ocean technologies** like freshwater production from sea etc. may get more attention in coastal economies pursuing blue economy.

Hence, it is clear that, **blue economy breaks the mould of brown development model** where oceans are perceived as a means of free resource extraction and waste dumping.

Conclusion

- At the **United Nations Conference on Sustainable Development** held in **Rio de Janeiro in 2012**, blue economy was viewed as ocean economy that aims at the “improvement of human well-being and social equity, while significantly reducing environmental risks and ecological scarcities. Therefore, the scope of blue economy is much wider and inclusive.
- Countries all over the world are mainstreaming policies related to blue economy. In November 2018, **first ever-Sustainable Blue Conference** was held at Nairobi.
- The island-nation of Seychelles has **launched the world's first blue bond** to raise the capital.
- It is time that other continents including Asia take up the challenge and tap the vast ocean of resources.



Decline In LFPR: A Serious Concern

- Data from the Centre for Monitoring Indian Economy (CMIE) shows that India’s labour force participation rate (LFPR) has fallen to just 40% from an already low 47% in 2016.
- This shows that more than half of India’s population in the working-age group (15 years and older) is deciding to sit out of the job market. Moreover, this proportion of people is increasing.

Labour Force Participation Rate (LFPR)

- As per CMIE, the labour force consists of persons who are of age 15 years or older, and belong to either of the following two categories:

Category 1 •Employed

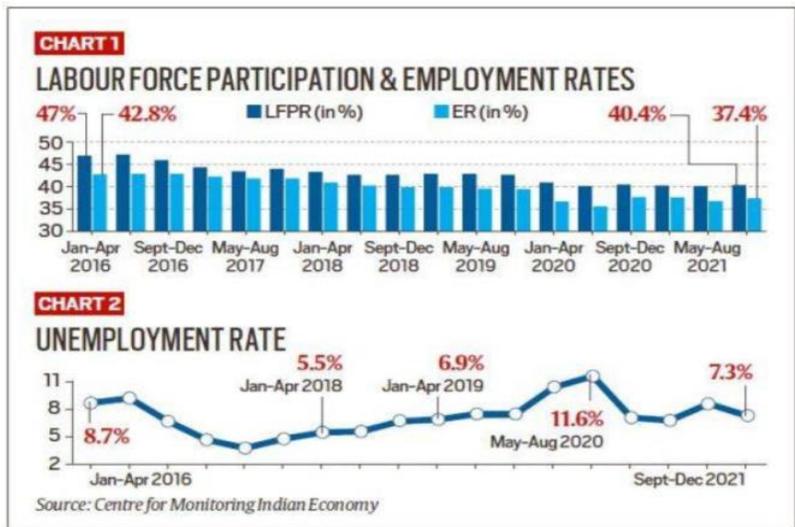
Category 2 •Unemployed but are willing to work and are actively looking for a job.

- Thus, the LFPR is the percentage of the working-age (15 years or older) population that is asking for a job. It includes both employed as well as unemployed and represents the **demand for jobs** in an economy.

Correlation Between LFPR and UER

- The **Unemployment Rate (UER)** is the number of unemployed (category 2) as a proportion of the labour force (Category 1+ Category 2).
- Typically, it is expected that the LFPR will remain largely stable. Thus, any analysis of unemployment in an economy can be done just by looking at the UER.
- But, in India, the LFPR is not only lower than in the rest of the world but also falling. This, in turn, affects the UER because LFPR is the base (the denominator) on which UER is calculated.
- This shrinkage implies that merely looking at UER will under-report the stress of unemployment in India.

- For example, if there are just 100 people in the working-age group but only 60 ask for jobs — that is, the LFPR is 60% — and of these 60 people, 6 did not get a job. This would imply a UER of 10%.
- If the LFPR falls to 40% and of these 40, only 2 people fail to get a job, the UER would reduce to 5%. Thus, it might incorrectly appear that the economy is doing better on the jobs front.
- Actually, beyond the 2 who are unemployed, a total of 20 people have stopped demanding work.



- Chart 1 shows that something similar has happened in India. Every time the LFPR falls, the UER also falls, giving the incorrect impression to policymakers that the situation has improved.

Reasons For Low LFPR In India

- The **high UER** suggests that among those looking for jobs, proportion of **people unable to find jobs are high**. Also, many people have opted out of the labour force, as they are disappointed by the absence of remunerative, productive jobs.
- There are signs of increasing formalisation as indicated by the Employees’ Provident Fund Organisation (EPFO) data. However, a substantial share of the labour force continues to remain employed in the informal sector, lacking a safety net.
- One of the most important reasons is the significantly **low female LFPR**. According to CMIE, as of December 2021, while the male LFPR was 67.4%, the female LFPR was as low as 9.4%.
- Even data from the **World Bank** shows that India’s female labour force participation rate is around 25% when the global average is 47%.

Reasons For Low Female LFPR

- **Occupational Segregation**
 - ✓ Between 1977 and 2017, India's economy witnessed a surge in the contribution of services (39% to 53%) and industry (27% to 33%) to GDP.
 - ✓ The proportion of rural men employed in agriculture fell from 80.6 percent to 53.2 percent, but rural women only decreased from 88.1 percent to 71.7 percent.
 - ✓ Between 1994-2010, women received less than 19 percent of new employment opportunities generated in India's 10 fastest-growing occupations.
- **Increased Mechanisation**
 - ✓ In agriculture, and as the use of seed drillers, harvesters, threshers and husking equipment increased, men displaced women.
 - ✓ In textiles, power looms, button stitching machines and textile machinery phased out women's labour.
 - ✓ Nearly 12 million Indian women could lose their jobs by 2030 owing to automation, according to a McKinsey Global Institute report.
- **Income Effect**
 - ✓ With increasing household incomes, especially over the last three decades, the need for a "second income" reduced. Consequently, families withdrew women from labour as a signal of prosperity.
 - ✓ This "income effect" can explain approximately 9 % of the total decline in the female LFPR between 2005 to 2010.
- **Gender Gaps in Higher Education & Skill Training**
 - ✓ Tertiary-level female enrolment rose from 2 % in 1971 to only 30 % in 2019 (World Bank data).
 - ✓ As of 2018-19, only 2 % of working-age women received formal vocational training, of which 47 % did not join the labour force (NSO, 2018-19).
 - ✓ Consequently, women holds only 17 % of cloud computing, 20 % of engineering, and 24 % of data/artificial intelligence jobs (WEF, 2020).
- **Social Norms**
 - ✓ Unpaid care work continues to be a women's responsibility, with women spending on average five hours per day on domestic work, vs. 30 minutes for men (NSSO, 2019).
 - ✓ Women face inordinate mobility restrictions such that only 54 % can go to a nearby market alone (NFHS, 2015-16).
 - ✓ Women regularly sacrifice wages, career progression, and education opportunities to meet family responsibilities, safety considerations, and other restrictions.
- **Working conditions:** Such as law and order, efficient public transportation, violence against women, societal norms etc — are not conducive for women to seek work.
- **Methodological issues:** Formally capturing women's contribution to the economy, since a lot of women in India are exclusively involved within their own homes.

Way Ahead

- When LFPR is falling as sharply as it has in India, it is **better to track the Employment Rate (ER)**. The ER refers to the total number of employed people as a percentage of the working-age population.
- By using the working-age population as the base and looking at the number of people with jobs (instead of those without them), the ER captures the fall in LFPR to better represent the stress in the labour market.

- ✓ In December 2021, India had 107.9 crore people in the working age group and of these, only 40.4 crore had a job (an ER of 37.4%).
- ✓ Compare this with December 2016 when India had 95.9 crore in the working-age group and 41.2 crore with jobs (ER 43%).
- ✓ In five years, while the total working-age population has gone up by 12 crore, the number of people with jobs has gone down by 80 lakh.
- Policies should be designed to make working conditions conducive for women and create more job opportunities for them.
- The government should work towards developing a labour intensive manufacturing sector, which can not only absorb the millions entering the labour force each year, but also those moving out of agriculture.

Prime Minister's Employment Generation Programme

The government has extended the Prime Minister's Employment Generation Programme (PMEGP) for five years from 2021-22 to 2025-26, with an outlay of Rs 13,554.42 crore. In addition, multiple modifications have also been made to the scheme.

Background

- Launched in 2008, PMEGP is a **credit linked subsidy programme**, in which the **beneficiaries can get subsidy on the total project cost**.
- The objective was to **generate employment opportunities** through establishment of micro enterprises in **rural as well as urban areas**.
- PMEGP was formed by **merging two schemes** - Prime Minister's Rojgar Yojana (PMRY) and Rural Employment Generation Programme (REGP) which were in operation till 2008.
- Since its launch, about **7.8 lakh micro enterprises** have been assisted with a **subsidy of Rs 19,995 crore** generating estimated sustainable **employment for 64 lakh persons**.
- About **80% of the units assisted are in rural areas** and about **50% of units are owned by the Scheduled Caste (SC), Scheduled Tribe (ST) and women categories**.

Details of the scheme

- It is a **central sector scheme** administered by Ministry of Micro, Small and Medium Enterprises (MoMSME).
- It allows entrepreneurs to set up factories or units by depositing a small part (margin money) of the total project cost with banks, which would fund the units. After a factory runs successfully for three years, the banks return the margin money.
- It is implemented by the **Khadi and Village Industries Commission (KVIC)** functioning as the **nodal agency at the national level**.
- At the **state level**, it is implemented through State KVIC Directorates, State Khadi and Village Industries Boards (KVIBs), District Industries Centres (DICs) and banks.
- In such cases KVIC routes government subsidy through designated banks for giving money to the beneficiaries/ entrepreneurs directly into their bank accounts.
- **Eligibility: Any individual above 18 years of age, who has passed class 8, can apply** for the scheme and **only new projects are considered** for sanction under the PMEGP.
 - Self-help groups that have not availed benefits under any other public scheme, societies, production co-operative societies, and charitable trusts are also eligible

Modifications In The Scheme

- The **maximum project cost** has been increased from the existing Rs 25 lakh to **Rs 50 lakh** for manufacturing units and from the existing Rs 10 lakh to **Rs 20 lakh** for service units.
- The **definition of village industry and rural area** for PMEGP has been modified — areas falling under Panchayati Raj institutions to be accounted under rural area, whereas areas under municipality to be treated as urban areas.
- **Higher Rate Of Margin Money Subsidy** —
 - ✓ For general category applicants, subsidy is 15% of the project cost in urban areas and 25% of the project cost in rural areas.

- ✓ *For special category applicants:* 25% of the project cost in urban area and 35% of the project cost in rural areas, for special category applicants including, SC, ST, OBC, women, transgender, physically disabled, North Eastern Region (NER), aspirational and border district applicants.

Margin money refers to the subsidy under the scheme. It is the amount that the government contributes to the business under the scheme.

- All implementing agencies have been allowed to receive and process applications in all areas irrespective of the rural or urban category.
- PMEGP applicants under aspirational districts and transgender will be treated as **special category applicants** and entitled to a higher subsidy.

Benefits

It is expected to create employment opportunities for about 40 lakh persons in 5 financial years.

Issues

- According to MSME experts, the scheme does not have a great track record, as in 13 years, only 7.8 lakh micro enterprises were created, by spending nearly Rs 20,000 crore.
- Also, 64 lakh employment in 13 years out of 11 crore people employed in the MSME sector is not a very attractive record.
- From 2015-16 to 2019-20, public sector banks have allotted Rs 10,169 crore, out of which Rs 1,537 has turned out to be Non-Performing Assets (NPAs).
- Normally all central schemes are given definite annual targets, but this scheme was not driven by any such target, due to which the programme lost momentum.

Conclusion

Thus, only financial support is not enough. The government has to focus on the micro segment with better technology and marketing support. Moreover, awareness about the scheme is another challenge that needs to be addressed.

NIPUN

- Recently, an innovative project for skill training of construction workers called NIPUN i.e. **National Initiative for Promoting Upskilling of Nirman workers** was launched.
- It is an initiative of the **Ministry of Housing & Urban Affairs (MoHUA)** under its flagship scheme - Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM)
- It aims to train over **1 lakh construction workers**, through fresh skilling and upskilling programmes.
- The **National Skill Development Corporation (NSDC)**, the nodal agency under the Ministry of Skill Development & Entrepreneurship (MSDE), will be the **implementation partner** for NIPUN.
- NSDC will be responsible for the overall execution of training, monitoring and candidate tracking.

Implementation Details

The project implementation is divided into **three parts**:

1. Training through **Recognition of Prior Learning (RPL)** at construction sites.
Approximately 80,000 construction workers will be trained through industry associations under the RPL certification, co-branded with MoHUA.
2. Training through **fresh skilling** by Plumbing and Infrastructure Sector Skill Council (SSC).
 - ✓ About 14,000 candidates will receive fresh skilling

- ✓ The courses are aligned with **National Skills Qualifications Framework (NSQF)** and will be imparted at accredited and affiliated training centres.

3. **International placement** through industries/ builders/ contractors.

NSDC will place approximately 12,000 people in foreign countries such as the Kingdom of Saudi Arabia, UAE and other GCC countries.

Benefits

- NSDC will provide trainees with **Kaushal Bima**, a three-year **accidental insurance** with coverage of Rs 2 lakhs.
- Trainees will also get to learn digital skills such as cashless transactions and the BHIM app, orientation about entrepreneurship, and Employee Provident Fund (EPF) facilities.
- NIPUN will enable Nirman workers to be more proficient and skilled. It will help them to adopt future trends in the construction industry by increasing their capabilities and diversifying their skill sets.
- It will create a future labour force for the construction industry which will boost innovation and large-scale development in the country.

Industrial Policy and Growth, Trade And Investment

PLI Underperformance

India's production-linked incentive (PLI) scheme for encouraging domestic manufacturing has generated investment commitments of ₹2.34 lakh crore across 14 sectors. Automobile and auto components, advanced chemistry cell batteries, specialty steel and high-efficiency solar panels have attracted the maximum interest.

The government expects the scheme to generate additional output worth Rs 28.15 lakh crore and 6.45 million new jobs over the next five years. There has been a tremendous response across all the sectors for which the scheme has been implemented. Total outlay for the scheme across the 14 sectors is Rs 1.97 lakh crore.

For Make in India
Scheme offers cash incentive for 3-5 years on incremental sale of locally-made goods
Aims to enhance India's manufacturing capabilities and exports

INCENTIVES LINED UP
Govt to offer incentives worth ₹1.97 lakh cr
Scheme operational since 2021-22; will run for five years

BIG-TICKET INVESTMENT COMMITMENTS

Auto & Auto Components ₹45,000 cr	Solar & Renewable Energy ₹30,000 cr	Advanced Chemistry Cells ₹45,000 cr	Specialty Steel ₹39,625 cr	Textiles & Apparels ₹19,000 cr	Mobile & Electronic ₹11,573 cr	Food Processing ₹8,212 cr
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PLI Scheme

- It was launched in April 2020, for large scale Electronics Manufacturing sector, but now is available for 14 sectors.
- This scheme was introduced in line with **India's Atmanirbhar Bharat campaign** and aims to **boost domestic manufacturing and reduce imports** by providing incentives on **incremental sales** from products manufactured in the country. The incentives will be available over a **five-year period**.
- Along with inviting foreign companies in India, the scheme aims to encourage local companies to set up or expand existing manufacturing units.
- An average of 5% of production is given as incentive. This means that PLI schemes will lead to an increase in production worth USD 520 billion in India in the next five years.
- The incentive amount varies across sectors and savings generated from PLI in one sector can be utilized to fund other sectors, maximizing returns.

- Difference between the earlier schemes and those of the current government: The earlier industrial incentives used to be open ended input-based subsidies, now they have been made targeted and performance based through a competitive process.
- The PLI schemes are implemented by the concerned ministries/departments.

Expected Impact of PLI scheme	Issues With PLI Scheme
<ul style="list-style-type: none"> • The PLI scheme will make Indian manufacturers globally competitive, attract investment, and enhance exports. • Growth in production and exports of industrial goods will give the Indian industry exposure to foreign competition and ideas, which will help in improving its capabilities to innovate further. • Creation of a productive manufacturing ecosystem will lead to an integration with global supply chains. • It will also help in establishing backward linkages with the MSME sector in the country. • It will lead to overall growth in the economy and create huge employment opportunities. 	<ul style="list-style-type: none"> • <u>Low Interest In PLI Schemes</u>: The reasons for low interest is that most companies (especially automobile sector) either do not meet the qualification norms for the PLI scheme, or feel that the return on investment is low compared to the incentives announced. • Similarly, for the <u>textile sector</u>, the government is considering adding more products (technical textile) in the list of eligible products to attract applicants. • In the <u>medical devices sector</u>, one of the challenges is that there are not many domestic manufacturers in the country. Moreover, domestic manufacturers do not want to invest, as low tariffs (import duties) make it more convenient to rely on importing these devices. • Companies in the <u>speciality steel sector</u> are not very keen on applying as they feel that the period of 5 years is too less to set up new units and start production from them or even expand old units. The sector is extremely capital intensive and at least 10 years would be needed to get return on investments.

Remission of Duties and Taxes on Export Products (RoDTEP) Scheme

Background

- The US had earlier challenged India’s key export subsidy schemes in WTO. A dispute panel in the WTO ruled against India, stating that India’s export subsidy programmes violated WTO norms.
- The panel further recommended India to withdraw such export subsidy programmes (including MEIS). This led to the development of the RoDTEP Scheme, in order to ensure that India stays WTO-compliant.

Remission of Duties and Taxes on Export Products (RoDTEP) Scheme

- The RoDTEP was formed to replace the Merchandise Exports from India (MEIS) Scheme. It became applicable from January 2021.
- Before the introduction of RoDTEP, GST taxes and import/customs duties for inputs required to manufacture exported products were either exempted or refunded.
- However, certain taxes/duties/levies are outside GST, and were not refunded for exports, such as, VAT on fuel used in transportation, Mandi tax, Duty on electricity used during manufacturing etc.
- RoDTEP creates a mechanism for reimbursement of taxes/ duties/ levies, which were not refunded under any other mechanism.

Eligibility	Benefits
<ul style="list-style-type: none"> • RoDTEP is applicable to all the sectors. Labour-intensive sectors will be given priority. 	<ul style="list-style-type: none"> • The scheme helps country to comply with WTO norms, while providing benefits to exporters.

<p>But recently, few sectors such as iron and steel, chemicals and pharmaceuticals were omitted from the scheme due to good performance of these sectors.</p> <ul style="list-style-type: none"> • Manufacturer exporters and merchant exporters (traders) are both eligible for the benefits. • To be eligible, the exported products need to have the <i>country of origin</i> as India. • Special Economic Zone Units and Export Oriented Units are also eligible to claim the benefits. • The scheme is also applicable to goods exported via courier through e-commerce platforms. 	<ul style="list-style-type: none"> • By covering previously uncovered taxes/duties, the scheme would lead to cost competitiveness of exported products in international markets. • It would also create better employment opportunities in export-oriented manufacturing industries. • Moreover, the digital platform helps clearance at a much faster rate and also increases the accuracy of transaction processing.
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Reasons for India’s Underperformance in Exports

- **India’s Low Level of Participation in Global Value Chains (GVCs):** Compared to the major exporting nations in East and Southeast Asia.
- **Limited diversification of India’s export basket:** The top 10 principal exports in terms of commodity groups accounts for as much as 78% of total merchandise exports.
- **Low competitiveness in global markets:** Factors like non-competitive infrastructure, complex land and labour laws, fragmented and unregulated logistics
- **Regional Disparities:** 70% of India’s export has been dominated by 5 states — Maharashtra, Gujarat, Karnataka, Tamil Nadu, and Telangana. Intra- and inter-regional disparities in export infrastructure as coastal states have performed extremely well compared to the landlocked states in developing export promotion parks and hubs.
- **Poor growth orientation.** Other than Uttarakhand and the coastal states, there is an absence of strong **trade support** towards the exporters from the respective state governments in improving their quality or quantity.
- **Poor R&D infrastructure** to promote complex and unique exports curbing the innovative tendencies at the sub-national level
- **Inability to exploit comparative advantage** in lower-skilled and labor-intensive exports. India has seen its share of world trade in textiles, garments and footwear decline in recent years while Bangladesh has almost caught up to India, and Vietnam has well overtaken it

How To Boost Exports

- **One, lower import duties on inputs.** High duty on inputs results in expensive finished product that is out-priced by foreign goods in export markets. Low duties make domestic firms competitive. Gradually, with better forward and backward linkages, jobs increase as both exporting and importing sectors grow.
- **Two, increase access to formal finance.** Enable top one million small manufacturing firms to get bank finance without collateral at regular interest rates. Less than 4 per cent of small firms in India have access to formal finance. The figure for the US, China, Vietnam and Sri Lanka is 21 per cent.
- **Three, simplify process of exporting for small value consignments.** Many people buy local sarees, suits, handicraft, ready-to-eat/cooked products and ask the shops to courier to friends and relatives abroad. For such small value exports, we need to simplify and integrate compliances relating to Customs, GST, DGFT and other concerned agencies. Schemes like making districts as export hubs would benefit from such simplification.
- **Four, invite large anchor firms in critical products to set up operations in India.** This is a tested strategy for promoting the manufacturing and export of Basket A. Government initiatives like simplified labour laws, PLI incentives, low corporate tax on new manufacturing operations and scrapping of retrospective tax have

enthused many firms searching for China plus-one location to shift base to India. India's large number of competitive ancillary units and skill base are a big plus over competing country.

- **Finally, ensure fast entry/exit of containers through the port/customs.** Since inputs criss-cross across countries several times as parts and sub-assemblies before the final product is ready, low duties and quick port exit are preconditions for participation in global value chains (GVCs). Any delay at one point disrupts the entire value chain.

Sugar Export Curbs: Reasons And Implications

- Recently, the Government of India has moved export of sugar from the ‘open category’ (which requires no government intervention) to ‘restricted category’ to maintain domestic availability and prevent a surge in prices amid rising global food and oil prices.
- This means that sugar can only be exported with the permission of the Directorate of Sugar, Department of Food and Public Distribution (DFPD), Ministry of Consumer Affairs, Food & Public Distribution.

Sugar Production in India

● **Overview**

- ✓ India is the world’s largest producer of sugar and the second-largest exporter after Brazil.
- ✓ In India, the **primary sugar-producing states** are Uttar Pradesh, Maharashtra, Gujarat, Haryana, Tamil Nadu, Punjab, Karnataka, Bihar and Andhra Pradesh.
- ✓ During the current sugar marketing year, sugar production in India increased by 14% to more than 340 lakh tonnes (till April).
- ✓ According to the National Federation of Cooperative Sugar Factories Limited (NFCSFL), the country will produce a **record 355 lakh tonnes** of sugar this season.

YEAR (OCT-SEP)	MAHARASHTRA	UTTAR PRADESH	KARNATAKA	GUJARAT	ALL-INDIA
2013-14	76.85	64.87	41.77	11.77	243.60
2014-15	105.07	71.01	49.35	11.54	283.13
2015-16	84.24	68.55	40.49	11.68	251.25
2016-17	42.38	87.73	21.44	8.85	202.62
2017-18	107.05	120.50	36.58	10.67	323.28
2018-19	107.21	118.22	44.29	11.23	331.62
2019-20	61.70	126.37	35.00	9.30	273.85
2020-21	106.30	110.59	44.65	10.50	311.20
2021-22*	138.00	104.00	60.00	12.00	355.50

*Projected

● **Sugar Exports From India:**

- ✓ Sugar was freely exportable under the **existing Export Policy** prior to the recent order. This meant that **no government intervention** was required to export an unlimited amount of sugar.
- ✓ Sugar exports, like production, have set new highs this year. According to the Centre, sugar exports **have increased by more than 200 times in the last five years**, from 0.47 to 100 lakh tonnes.
- ✓ India exported 70 lakh tonnes of sugar last year, compared to a target of 60 lakh tonnes.

● **Stocks Of Sugar And Consumption:**

- ✓ The season’s (current sugar marketing season began in October last year and will end on September 30, 2022) exports will be capped up to 100 lakh tonnes.
- ✓ As per the Indian Sugar Mills Association (ISMA), domestic consumption is estimated to be around 278 lakh tonnes in the current season or around 22-25 lakh tonnes in a month.
- ✓ With the Centre capping sugar exports at 100 lakh tonnes, India is likely to remain with a closing stock of 60-65 lakh tonnes (India had an opening stock of 82 lakh tonnes in October last year).

Restrictions Imposed

- Sugar mills and exporters need to take approvals in the form of **Export Release Orders (EROs)** from the Directorate of Sugar, Department of Food and Public Distribution.
- However, such sugar export curbs are **not applicable to the European Union (EU)** under the CXL quota and the **U.S.** under the TRQ (tariff-quota route).

Government's Reasoning For Imposing These Restrictions

- Notably, the decision comes at a time when India has set new records for sugar production and sales in global markets.
- The government stated that its decision was made after **considering the unprecedented growth in sugar exports as well as the need to keep a sufficient stock** of sugar in the country.
- This will protect the interests of ordinary citizens by **keeping sugar prices under control**.
- Food and fuel price increase pushed **wholesale price-based inflation to a record high** of 15.08% recently, which led to increase in the prices of mineral oils, crude petroleum and natural gas, food articles and non-food articles
- While the impact on retail sugar prices has been minimal (wholesale prices range between Rs 3,150 - 3,500 per quintal, while retail prices between Rs 36 - 44/kg), low production in Brazil this year suggests a possible shortage.

Impact

- **Farmers** believe that the government’s decision **will prevent them from getting a better deal for their produce**.
- Despite the curbs, India is expected to export around 100 lakh tonnes of sugar this season, according to the National Cooperative Sugar Factories Federation.
- Most millers said the curbs would have little effect on them and that exports would continue as usual.

Sugarcane Pricing Policy

- **Fair and Remunerative Price (FRP):** With the amendment of the Sugarcane (Control) Order, 1966 in 2009, the concept of Statutory Minimum Price (SMP) of sugarcane was replaced with the FRP. The FRP is the minimum price that sugar mills have to pay sugarcane farmers to insulate them from increasing input costs. The FRP is linked to a basic recovery rate of sugar, with a premium payable to farmers for higher recoveries of sugar from sugarcane. It is determined on the basis of recommendations given by the Commission for Agricultural Costs and Prices (CACPC)
- **State-Advised Prices (SAPs):** Some States including Uttar Pradesh declare SAP for sugarcane considering the cost of production and productivity levels. The SAP is generally higher than the FRP.

Sugar Pricing Policy

- **Minimum Selling Price (MSP):** In exercise of the powers conferred by the Essential Commodities Act, 1955, Centre notified Sugar Price (Control) Order, 2018 under which the Centre fixes the MSP after taking into account the FRP of sugarcane and minimum conversion cost of the most efficient mills.

India 7th in FDI inflows: UNCTAD

India’s rank jumped one notch to **7th position** among top recipients of foreign direct investment (FDI) in 2021. This was revealed by latest **World Investment Report**, released by United Nations Conference on Trade and Development (UNCTAD).

Major Highlights of The Report

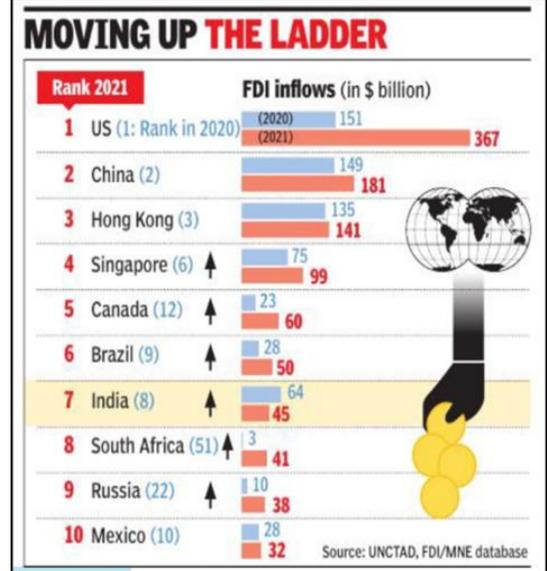
- The Report focuses on trends in FDI worldwide, at the *regional and country levels* and emerging measures to improve its contribution to development
- The global FDI flows recovered to pre-pandemic levels in 2021, growing 64% to \$1.6 trillion.
- It foresees that the growth momentum of 2021 cannot be sustained and that global FDI flows in 2022 will likely move on a downward trajectory, at best remaining flat.

India's Scenario

- Among the top 10 host economies for FDI, **only India saw a decline in its FDI inflows** to \$45 billion in 2021 from \$64 billion in 2020.
- India's FDI inflows in 2021 were the lowest since 2018, while outflows were up by 43% at around \$16 billion.

Facts Stated By Ministry of Commerce And Industry

- The Commerce and Industry Ministry revealed that India has recorded the highest ever annual FDI inflow of \$83.57 billion during FY22. It overtook last year's FDI by \$1.60 billion despite military operation in Ukraine and COVID-19 pandemic.
- **Sectoral Performance**
 - ✓ **Computer software & hardware** attracted maximum inflows, followed by **services sector & automobile industry**.
 - ✓ India is rapidly emerging as a preferred country for foreign investments in **manufacturing sector**. FDI equity inflow in manufacturing sectors has increased by 76% in 2021-22 (USD 21.34 billion) compared to 2020-21 (USD 12.09 billion).
- **Top Investors (country-wise)**
Singapore is at the top with 27% followed by the **US (18%)** and **Mauritius (16%)** during the last fiscal.
- **Major Recipient States Of FDI Equity Inflow**
 - ✓ **Karnataka** is the top recipient state with **38% share** of the total FDI Equity inflow reported during the FY 2021-22.
 - ✓ It was followed by **Maharashtra (26%)** and **Delhi (14%)**.



Infrastructure: Energy, Ports, Roads, Airports, Railways etc

Coal Gasification by 2030

The Government of India has prepared a **National Mission document** to achieve 100 MT (Million Tonnes) Coal Gasification by 2030.

About Coal Gasification

- It is a process in which coal is **partially oxidized with air, oxygen, steam or carbon dioxide** to form a **fuel gas**.
- **In-situ** gasification of coal (**Underground Coal Gasification (UCG)**) is the technique of converting coal into gas while it is still in the seam and then extracting it through wells.
- In this process, **syngas is produced**, which is a mixture consisting primarily of carbon monoxide (CO), hydrogen (H₂), Carbon Dioxide (CO₂), methane (CH₄), and water vapour.
- This gas is then used instead of piped natural gas, methane and others for deriving energy.
- **China has the biggest number of coal gasification projects in the world.**

Advantages	Disadvantages
<ul style="list-style-type: none"> It provides a more environment friendly method of producing energy. Gasification plants produce significantly lower quantities of air pollutants. It can be used to produce methanol and chemicals like ammonia and urea, which are the foundation of many fertilizers. It can also be used to produce transportation fuels from oil sands, coal and biomass. Steel companies use coking coal in their manufacturing process which is imported and is expensive. To cut costs, plants can use syngas. 	<ul style="list-style-type: none"> According to Centre for Science and Environment (CSE) assessment, coal gasification actually produces more carbon dioxide than a conventional coal-powered thermal power plant. One unit of electricity generated by burning gasified coal <i>generates 2.5 times more CO₂</i> than what would result when burning the coal directly. It is one of the more water-intensive forms of energy production. Coal gasification plants are costlier than conventional power plants.

Steps Taken By The Government In This Sector

- For encouraging use of clean sources of fuel, the government has provided for a **concession of 20% on revenue share of coal used for gasification**.
- Coal India Limited (CIL)** has planned to set up **at least 3 gasification plants** and has signed an MOU with GAIL for marketing synthetic natural gas.
- The Ministry of Coal has decided to set up the **National Coal Gasification Mission** in order to create awareness among all stakeholders and to prepare an implementable road map with specific responsibilities.

Biomass Co-firing

- The Union Ministry of Power recently **mandated 5-10% co-firing at every thermal power plant in the country**.
- Unavailability of *biomass pellets of agricultural residues* is slowing down the implementation of the co-fire biomass with coal in thermal power plants.

About Biomass Co-firing

- Co-firing is the **combustion of two (or more) different types of materials at the same time**.
- Coal and biomass are co-combusted in boilers that have been designed to burn coal.

Significance Of Biomass Co-Firing	Challenges With Biomass Co-Firing
<ul style="list-style-type: none"> It is a good method to minimize greenhouse gases, because this process reduces net CO₂, CH₄, SOX and often NOX emissions, compared to coal combustion. Substituting 5-7% of coal with biomass in coal-based power plants can save 38 million tonnes of CO₂ emissions. The existing coal power plants can be retrofitted quickly and cost-effectively. It is an effective way to curb emissions from open burning of crop residue. 	<ul style="list-style-type: none"> Around 95,000-96,000 tonnes of biomass pellets are required per day for co-firing, but India's pellet manufacturing capacity is <i>7,000 tonnes per day</i>. There is a potential increase in corrosion and some ash deposition issues. If co-firing plants are not carefully designed, it may involve some risks, like increased plant outages, possible interference with operation of burner, furnace, boiler etc. Other challenge is to store biomass pellets for long durations at the plant sites since they absorb moisture from air quickly, rendering them useless for co-firing.

Government Intervention To Promote Biomass Co-Firing

- The ‘**National Mission on use of Biomass in coal-based thermal power plants**’, also called **SAMARTH** (Sustainable Agrarian Mission on Use of Agro-residue in Thermal Power Plants) has shared a list of 70-80 pellet manufacturers with the power plants.
- The govt has stressed on **increasing the capacity of pellet manufacturers** and in this regard, several trainings for pellet manufacturers have been conducted by the National Power Training Institute all over the country.
- In order to further strengthen and regulate the supply chain, the manufacturers were also asked to get registered under SAMARTH.

Way Forward

- Platforms need to be established to **ensure farmers have an intrinsic role in this business model of pellet manufacturing and co-firing in power plants.**
- Need to **ensure the price of biomass pellets are capped and protected from fluctuations in market demand.**
- **Map existing manufacturers** and encouraging entrepreneurs to set up more pellet manufacturing plants.

One Sun, One World, One Grid

Recently, India and UK have jointly launched the **Green Grids Initiative - One Sun One World One Grid**, the first international network of global interconnected solar power grids, **at COP26.**

About

- The concept of ‘One Sun, One World, One Grid’ (OSOWOG) was first floated by the India in 2018 during the first assembly of International Solar Alliance (ISA).
- This project is about setting a **trans-national electricity grid** to supply solar power across the world. It will facilitate the pooling and balancing of renewable energy across international borders.
- The blueprint for the OSOWOG will be developed under the World Bank’s technical assistance programme that is implemented to accelerate the deployment of grid connected rooftop solar installations.

Phases of OSOWOG

OSOWOG is planned to be completed in three phases --



Significance

- The move is critical for the global future of renewable energy systems, as integrated regional & international green grids can facilitate the **pooling and balancing of renewable energy across international borders.**
- The OSOWOG will bring together a global coalition of governments, international financial and technical organisations, power system operators, and knowledge leaders to accelerate the construction of the new infrastructure needed for a world powered by clean energy.
- It will not only **reduce storage needs** but also enhance the viability of solar projects.
- This creative initiative will not only reduce carbon footprints and energy cost but also open a new avenue for cooperation between different countries and regions.

Issues With The Project

- The mechanism of **cost-sharing** will be challenging, given the varied priorities of participating countries depending on their socio-economic orders.

- Dealing with different governments and market forces will be a dreadful experience for the developers that can be easily extrapolated from the experience of the renewable energy developers.
- There is a difference in **voltage, frequency and specifications** of the grid in most regions. Maintaining grid stability with just renewable generation would be technically difficult.
- OSOWOG does not take into account the overlaps with the solar generation across regions, which would mean that the actual transmission capacity would need to be much higher and thus have lower utilisation or there would be significant solar curtailment.

Way Forward

Institutional development is critical to achieving the goals, in this setting, the ISA can act as an autonomous international institution, deciding how the grid should be operated and resolving problems.

Global Wind Report 2022

The Global Wind Report for 2022 was published by the Global Wind Energy Council (GWEC).

Major Highlights of the Report

- Every year wind power installations worldwide must quadruple from 94 gigawatts (GW) installed in 2021 within this decade to meet global climate goals (Paris agreement & Net Zero targets).
- **Capacity Installed in 2021**
 - **New installations in 2021 of 93.6 GW** brought global cumulative wind energy capacity to **837 GW**, a year-on-year (YoY) growth of 12%.
 - The **onshore wind market added 72.5 GW** worldwide. That is **18% lower** than the previous year due to a slowdown in China and the US, the world’s two largest wind markets.
 - The **offshore wind market** enjoyed its best ever year in 2021, with 21.1GW commissioned. More than three times the capacity of offshore wind compared to 2020 was installed.
 - Carbon dioxide emissions can reduce by 0.3-1.61 giga tonnes every year by 2050 if offshore wind energy generation is scaled up.

Scope of Wind Energy In India

- India has a gross wind power potential of **302 GW** at 100 meter and **695 GW** at 120 m above ground level.
- As of 31 May 2022, the total installed wind power capacity was **40.71 GW**, the **fourth largest** installed wind power capacity in the world.
- **Tamil Nadu** has the highest installed capacity, followed by Gujarat, Maharashtra, Karnataka, and Rajasthan.
- In India, more than 1.4 GW of wind was installed in 2021, exceeding the 1.1 GW of installations during the previous year.
- The Indian wind market outlook for 2022 and 2023 is projected at 3.2 GW and 4.1 GW of **onshore wind installations**, respectively.
- Government has set a target of installing 5 GW of **offshore capacity** by 2022 and 30 GW by 2030.
- India is yet to develop its offshore wind energy facility. India can generate 127 GW of offshore wind energy with its 7,600 km of coastline.

Potential of Wind Energy in India

S. No.	State	Wind Potential at 120 m (GW)
1	Gujarat	142.56
2	Rajasthan	127.75
3	Maharashtra	98.21
4	Tamil Nadu	68.75
5	Madhya Pradesh	15.40
6	Karnataka	124.15
7	Andhra Pradesh	74.90
Total 7 windy states		651.72
8	Other States	43.78
Total		695.50

Government Initiative for Wind Energy

- **National Offshore Wind Energy Policy (2015)** - Ministry of New and Renewable Energy will act as the nodal Ministry for development of offshore wind energy in India and work in close coordination with other government entities.
- **National Solar-Wind Hybrid Policy (2018)** - The main objective of Policy is to provide a framework for promotion of large grid connected wind-solar PV hybrid system for optimal and efficient utilization of transmission infrastructure and land.

Challenges With Wind Energy sector

- Inconsistent policy environments focused on short-term political aims.
- Badly designed markets which do not enable bankable renewable energy projects.
- Infrastructure and transmission bottlenecks.
- Lack of adequate industrial and trade policies related to renewable technologies, hostile political or misinformation campaigns.

Way Forward

- Policymakers are urged to streamline planning, procedures to grant permits, including land allocation and grid connection projects.
- Workforce planning for large-scale renewables deployment should be an early policy priority and investment in grids must treble from current levels through to 2030.
- Annual transition-related investment in the energy system must increase 2.7 times from the 2019 level, to \$5.69 trillion a year till 2030.
- GWEC also called for greater public-private co-operation to confront the new geopolitics of the wind supply chain.

CAG Report Presents Grim Picture Of Railways-Highlights

The Comptroller and Auditor General (CAG) of India in its report on Railways' finances tabled in Parliament noted that the Indian Railway does not reflect its true financial performance. It paints a grim picture based on earnings, expenditure, reserves and operational efficiency.

- The Indian Railways is the **4th largest** in the world in terms of the network. As of 2022, total route length of railway is 67,956 km (42,226 mi).

Major Highlights of This Report

- **Decrease in Receipts** - The CAG found that during 2019-20, Railways generated total receipts of ₹1,74,694 crore against Budget Estimates of ₹2,16,935 crore. It decreased by 8.30% as compared to the previous year.
- **Decrease in Net surplus** of Railways: ₹1,589.62 crore in 2019-20 as compared to ₹3,773.86 crore in 2018-19
- **Declining Operating Ratio** - Against the target of 95% Operating Ratio in the Budget Estimates, it was 98.36% in 2019-20.
 - ✓ The operating ratio (OR) is the amount of money the railways spend to earn every Rs 100. A higher ratio indicates poorer ability to generate surplus.
- **Negative Fund Balances** - For the first time, the overall fund balances turned into negative balance of ₹25,730.65 crore in 2019-20.
- **Increase in Profits of the Railway PSUs** - The overall profits of the Railway PSUs during the past 3 years increased from ₹4,999 crore (2017-18) to ₹6,536 crore (2019-20).

Recommendation Given By CAG

- Railways to take steps to **diversify its freight basket** to enhance earnings and also **exploit its idle assets** to increase other earnings.
- Railways should take steps to **augment internal revenues**, to **reduce dependence on Gross Budgetary Support** and Extra Budgetary Resources.
- There is a need to **revisit the passenger and other coaching tariffs** to recover cost of operations in a phased manner and reduce losses in its core activities.
- Ensure that surplus and Operating Ratio represent a true picture of its financial performance.

How Indian Railways Gets Finance

- **Budgetary Finance:** The Railway gets a gross budgetary support from the central government in order to expand its network. The Union Cabinet in 2016 decided to merge the Railway Budget with the General Budget.
- **External Resources** like market borrowings, public private partnerships, joint ventures, or market financing etc.
- **Own Internal Resources:** like freight and passenger revenue, leasing of railway land, etc.

Problem in Railway Finance

- **Revenue loss:** In the last few years, Railways has been struggling due to a decline in its revenue from passenger and freight traffic. The total passenger revenue between the period April 2020 to February 2021 was almost 4 times lower than that of April 2019 to February 2020.
- **Expenditure on Salaries and Pension** has been gradually increasing with a significant jump every few years due to Pay Commission revisions. Staff wages and pension constitute about 70% of the Railways' estimated revenue expenditure in 2021-22.
- **Less Finance for Infrastructure Investments:** The inelastic expenses of the Railways include pension charges, lease payments, etc. leaves no financial space for the Railways to make any infrastructure investment.
- **Budgetary Crunch:** The support from the central government has broadly remained constant. Since 2015-16, a high proportion of capital expenditure is being met through extra-budgetary resources (or borrowings). The increasing dependence on borrowing may further worsen the financial condition of the Railways.
- **Fuel Expense:** Fuel expenses accounted for approximately 7% of the total expenditure incurred by the railways.

Other Issues In Indian Railways

- **Administrative:** The working of Indian Railways is caught up between making it a self-sufficient organisation and serving it as a transport system for the poor. It has a huge employee base, which includes powerful workers' unions. It has become a centralised organisation with hierarchical decision-making. As a result, even simple decisions take years to resolve.
- **Loss in Traffic Share** to other modes of transport. The share of Railways in total freight traffic has declined from 89% in 1950-51 to 30% in 2011-12.
- **Security:** The incidence of railway accidents in our country is greater as compared to other countries of the world.
- **Outdated Technology:** The quality of railway services and technology usage is very poor. The existing technology of both electric and diesel locomotive is considerably old.
- **Poor Services:** Poor finances of Railways had led to low investment, leading to poor services and issues like low speed, train delays, resulting in loss of remunerative business for Railways which has led to further deterioration of finances. This has become a vicious cycle for Railways.

- **Project pendency:** Projects are delayed for years due to inefficient work force and uncertainty in the availability of funds. Moreover, there is a constant pressure to undertake new project.
- **Infrastructure:** Inadequate network capacity and infrastructure with the increase in traffic output thus, there is a huge congestion of the system.
- **Common corridor** for both freight and passenger traffic. Passenger trains are given importance over running of freight trains leading to financial losses.

Measures Taken By The Government

- **Administrative Step:** Indian Railway have just one cadre, the Indian Railway Management Service (IRMS), which could at one stroke end the long history of rivalry among the eight services, thereby unlocking stalled projects and ushering in innovation and expansion.
- **Financial Step:** The government plans to invest Rs 8.7 lakh crore to improve railway infrastructure by borrowing from multilateral agencies like World Bank, LIC and attracting private investment.
- **Private Partnership:** Redevelopment of 400 major railway stations by tying up with private companies (Eg. Habibganj railway station). India's first private train Lucknow-Delhi Tejas Express started its commercial operation in 2019.
- **Rail Safety Fund** called *Rashtriya Rail Sanraksha Kosh* to be utilized for track improvement, bridge rehabilitation work, improved inspection work etc. It is a non-lapsable fund created by Ministry of Finance, since the union and railway budgets will be merged for the first time.
- **Mission 41K** aim is to save Rs 41000 crore in next 10 years by generating energy efficient solutions to have less carbon footprint.
- **PM Gati Shakti-** National Master Plan for Multi-modal Connectivity
- **National Rail Plan (NRP) for India 2030** - It aimed to formulate strategies based on both operational capacities and commercial policy initiatives to increase modal share of the Railways in freight to 45%.
- **Vision 2024** has been launched for accelerated implementation of certain critical projects by 2024 such as 100% electrification, multi-tracking of congested routes etc. Currently, 70 % routes are electrified.
- **Dedicated Freight Corridors (DFCs):** To faster transportation of goods and reduced logistic cost and improved supply chain efficiency.
- **Bharat Gaurav Trains scheme:** To showcase the country’s rich cultural heritage as well as magnificent historical places to the public.
- **Miscellaneous E-Receipts System (MERS)** portal to facilitate digital payments of inward receipts to Railways

Indian Railways need to generate enough funds on its own for capital expenditure and also find new, non-government sources of funding in order to witness a noticeable change. India is poised to create its position amongst the global railway systems. Therefore, it needs external cooperation and collaboration.

Road Issues

India has the **2nd-largest road network** in the world, spanning a total of 5.89 million kilometres (kms). This road network transports 64.5% of all goods in the country and 90% of India’s total passenger traffic.

Major Challenges Associated With The Road Sector

Road accidents	<ul style="list-style-type: none"> • According to the World Bank report “Traffic Crash Injuries and Disabilities: The Burden on Indian Society”. India is in the <u>1st place in terms of number of road crash</u> deaths and injuries in the world.
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	<ul style="list-style-type: none"> India has just 1% of the world's vehicles but accounts for 11% of all road crash deaths. Further, India is also witnessing 53 road crashes every hour, <u>killing 1 person every 4 minutes</u>. National Crime Records Bureau (NCRB) Report 2020 shows that India recorded 1.2 lakh cases of "deaths due to negligence relating to road accidents" in 2020 compared to 1.36 lakh in 2019 and 1.35 lakh in 2018. The cost of road crashes is around 3-5% of our GDP.
Cost overrun	<ul style="list-style-type: none"> For the past few years, only 50% of projects planned were actually awarded. The government's flagship programme for national highways, Bharatmala Pariyojana Phase-I, initially proposed to be completed by 2022 will now be completed by 2027. Due to delay of five years, the estimated project cost has doubled from ₹5.35 lakh crore to ₹10.63 lakh crore.
Systemic bottlenecks	<ul style="list-style-type: none"> Real bottlenecks in the system are <u>land acquisition and utility removal</u>, which require streamlining further. Another biggest issue is receiving permission from states to begin construction work, while <u>forest clearances</u> remain a concern as well.
Unavailability of Construction Materials	<ul style="list-style-type: none"> There is a huge requirement of construction materials to meet the targets of infrastructure development and the unavailability makes the target even harder. Aggregates are also required for infrastructure projects like housing, power, dams, etc. Many states are facing the problem of non-availability of natural aggregates. Slowdown in core sector like cement & steel has delayed the supply of construction material.
Inadequate Roads	<ul style="list-style-type: none"> Roads are bad and inadequate in India. The quality of India's road infrastructure is very poor. They are congested and road maintenance is under-funded. There are 34 km long roads per 100 sq. km area in India while in Japan 270 km and in West Germany 167 km long roads per 100 sq. km area are there.
Connectivity Issue	<ul style="list-style-type: none"> Until the year 2000, around 30% of the country's population lacked access to all-weather roads. India's states had varying terrain, populations, and implementation capacity. It makes an unique set of challenges in each state, which results in connectivity problem.
Stalled Projects	<ul style="list-style-type: none"> Profit oriented private firms lost interest in stalled highways projects. As of February 2022, 733 major road projects were allotted before the financial year 2019-20. Of these 231 have already been completed, while 35 have been cancelled due to various reasons. Now the government has set new targets to complete the remaining projects by the financial year 2023-24
Corruption	<ul style="list-style-type: none"> Widespread corruption will not only reduce the rate of return to new investment, but will also affect the rate of return the country gets from its existing infrastructure.
Unavailability of Trained Manpower	<ul style="list-style-type: none"> According to the All-India Council for Technical Education (AICTE), in the country, only about 12.5% has received some kind of formal/informal vocational training or education.

Measures Taken By The Government

- **Gati Shakti Program** - It will help lead a holistic and integrated development of infrastructure generating immense employment opportunities in the country. The program has consolidated a list of 81 high impact projects, out of which road infrastructure projects were the top priority.
- **National Infrastructure Pipeline** - The government has allocated Rs. 111 lakh crores under the National Infrastructure Pipeline for FY 2019-25.
- **Golden Quadrilateral Project** – The project initiated under Pradhan Mantri Gram Sadak Yojana in late 2000 connected the hinterland with various critical financial centres and cities, thereby boosting economic growth.
- **Motor Vehicles (MV) (Amendment) Act, 2019** amended MV Act, 1988 to provide for road safety. It hiked the penalties for traffic violations, defective vehicles, juvenile driving etc.
- **Motor Vehicle Accident Fund:** It provides compulsory insurance cover to all road users in India for certain types of accidents.
- **Hybrid Annuity Model** - Government and the private companies will share the total project cost in the ratio of 40:60 respectively. Apart from 60% project cost, the private player will also build the road and on completion will hand it over to the government.
- **Exit Policy** - The government has approved a comprehensive exit policy for the roads sector, allowing developers to quit a project two years after completion, a measure that will help the stressed sector monetise assets and unlock the capital for future projects.
- **Bharat Mala** - It is the ambitious programme in which road will built along India's vast west-to-east land border, from Gujarat to Mizoram, at a cost of around Rs 14,000 crore, and linking that to a road network in coastal states, from Maharashtra to Bengal.
- **Fine for Poor Quality of Road** – If the agencies are found guilty of poor quality of roads, a fine between Rs 1 crore and Rs 10 crore will be imposed as decided by NHA and even the bidding by contractors for three years on any future road projects will be banned.
- **Rules to Improve Road Safety** - In October 2021, the government announced rules to improve road safety, such as fixed driving hours for commercial truck drivers and a mandate to install sleep detection sensors in commercial vehicles.
- **Partnership with World Bank** - Since 2004, World Bank projects has helped the Government of India's National Rural Roads Program (Pradhan Mantri Gram Sadak Yojana) to substantially expand rural road connectivity in a systematic manner.
- **Advanced Traffic Monitoring System (ATMS):** Centre has rolled out ATMS, a technology to capture the number plate of vehicles, identify discrepancies in vehicle documentation and adherence of traffic rules, and alert local authorities about such vehicles.
- **Database:** iRAD (**Integrated Road Accident Database**) Project launched by MoRTH and funded by World Bank aims to enrich the accident database by analyzing the collected road accident data across the country for formulation of new policies & strategies.
- **Insurance:** MoRTH issued a notification on February 2022, which mandated a detailed procedure for investigating road accidents for a quick settlement of claims by the Motor Accident Claim Tribunal. It also mandated validated mobile numbers in the Certificate of Insurance.

The Govt should work on policies and series of initiatives to attract significant investor interest, because a total of 200,000 km of national highways is expected to be completed by 2022. The Ministry of Road Transport & Highways (MoRTH) should take the initiative for skill development of workmen in the highway construction sector under Recognized Prior Learning (RPL).

Zero Fatality Corridor model: Govt should incorporate identification and rectification of black spots and implementation of 4Es- of road safety: education, engineering, enforcement and emergency care, each of which has been ignored for decades.

AGRICULTURE

Major Crops And Cropping Patterns

Status of India's Wheat Exports

- Wheat exports in FY 2021-2022 were estimated at 7.85 million tonnes, a **quadrupling from 2.1 million tonnes** in the previous year. India accounted for just 0.5% of wheat exports in 2020, despite it being the world's second-biggest grower of the commodity, placing it second only to China.
- India expects to produce **112 million tonnes** of wheat in the current crop year.
- The government requires **24-26 million tonnes** a year for its food security programmes.

Reasons For Rise In Wheat Exports From India

- Globally, Russia is the market leader for wheat exports (almost 15% share) and Ukraine is also a major producer. However, exports from these two countries have been hit by war and sanctions, which is impacting food security in several countries, especially in **Africa and West Asia**.

The **disruption to global wheat supplies** in turn has created opportunities for India's grain exporters, especially due to surplus availability of wheat domestically.

- While the existing importers are buying more, new markets have emerged for Indian wheat. Exports this fiscal are expected to be almost 10 million tonnes worth \$3 billion.
- More countries are turning to India because of the **competitive price, acceptable quality, availability of surplus wheat and geopolitical reasons**.

Challenges Ahead

- The WTO rules make it difficult for a country to export grains from official stocks if these have been procured from producers at a fixed price (minimum support price, in India's case), instead of market rates.
 - Exports by **private traders** who buy grains from **farmers at market rates** are not impacted by the WTO norm.
- **Issues of Quality**: Fears remain that the **quality of shipments and logistics** could hold back the Indian economy from achieving its full market potential.
- **Low Profits**: The sector has struggled with profitability in recent years, making it even more critical for India to capitalize on this opportunity.
- **Inflation in Domestic Market**: As exports reduce India's stocks; this could push up the price of grain by 8 to 10% on the year. This would make wheat more expensive for households with India's retail inflation already close to 7%.
- There has also been a fall in the crop yield and shrunken grain size in the states of Punjab, Haryana, and Uttar Pradesh "due to excessive heat and improper use of fertilisers and pesticides.
- **Insufficient port infrastructure** to cater to surging demand, as well as higher freight costs could prove to be obstacles.

Steps To Facilitate Exports

- The Commerce Ministry has put in place an internal mechanism to facilitate wheat exports and get the paperwork ready for the related **sanitary and phytosanitary** applications to facilitate shipments.
- Talks are on at different levels with 20 countries. The aim is to reach early resolution on the Pest Risk Analysis by each of these countries so that exports can take off.
- The Agricultural and Processed Food Products Export Development Authority (**APEDA**) and Ministry of Agriculture are also sending delegations to several countries to resolve market issues, if any.
- Wheat is going in **full vessel loads** and needs to be transported to the ports from the growing areas. Thus, the railways is providing rakes on priority to move the wheat.

Storage, Transport & Marketing of Agricultural Produce & Issues & Related Constraints

Ban On Agri Derivative Contracts

Securities & Exchange Board of India (SEBI) has recently suspended trading in derivative contracts in seven key farm commodities namely, [paddy (non-basmati), wheat, chana, mustard seeds, soya bean, crude palm oil and moong] for a year.

Derivative Contracts

- Derivative contracts are between two or more parties where the derivative value is based upon an underlying asset, in this case agri-commodities.
- The prices of derivatives are established by price fluctuations of the underlying assets.
- Derivative trading takes place when **traders speculate on future price** of an asset through buying or selling of derivative contracts to maximise profit, as compared to actually buying the underlying asset right away.
- Derivatives can be traded on an exchange or over the counter (OTC). The exchange on which the trading takes place **guarantees for the quality of goods and financial commitment**.
- Commodity derivative markets have an immense potential in the Indian economy as they enable price discovery, facilitate better risk management, act as a price barometer for agriculture commodities and help in price integration.

Reasons For Current Suspension

- In Nov' 2021, Wholesale Price Inflation (WPI) reached a three-decade high of 14.23% primarily due to rise in food prices.
- This comes after Consumer Price Inflation (CPI) in November spiked to a three-month high of 4.91%, despite a cut in excise duty on fuels.
- The **wide gap between WPI and CPI reflects the price pressures on the inputs side**, which are expected to pass on to the retail level in coming months.
- It is believed that speculators have a role in increasing the prices and this needed to be discouraged to curb inflation and support growth as the economy is recovering from COVID-19.

Impact Of The Move

- Similar bans in the past show that commodity prices in the spot market do not fall after banned futures trading. In fact, it affects investors' sentiment, and they tend to invest in other commodities that are allowed to be traded.

- Retail prices are not expected to decrease unless the **supply side issues** are addressed. The unseasonal rain and recent cyclone in different parts of the country have caused major damage to road transportation besides crop damage.
- Incidentally, the supply of commodities cannot be improved through imports as the price of many commodities in the international markets are also high.
- As agri futures play a critical role in helping farmers sell the agricultural produce and in hedging against adverse price movement, the suspension will take away an effective tool to protect users from price volatility and inflation.
- Moreover, trading suspensions in the past have discouraged corporates and large institutional investors from participating in these contracts due to an **uncertain regulatory environment**.
- As a result, turnover in agri-derivatives has been constantly declining with the share of agri commodities declining to just 4.7% of overall commodity derivatives turnover in 2020-21.
- Further, the trading is concentrated in a handful of agri commodities, with the top 10 most-traded contracts accounting for around 94% of the volume.

Way Ahead

- A liquid market has in-built checks that prevent excessive speculation. Trading suspensions act negatively in free markets and should be avoided.
- If the Centre is worried about speculation, prices can be curbed through other means such as imposing tighter daily limits on sensitive commodities or by increasing trading margins very steeply.
- The regulator should also speed up efforts to increase trading volumes and participation on exchanges through creation of higher awareness among the users and farming community.

PDS, Buffer Stock and Food Security

One Nation One Ration Card Scheme

Assam has become the last and the 36th State/UT to implement One Nation One Ration Card (**ONORC**) scheme. With this, the scheme now covers all the states and UTs, making distribution of subsidised and free foodgrain security portable throughout the country.

The SC has held that Right to Food is one of the “bare necessities of life”, and is an integral part of the right to live with dignity. Thus, the court ordered all States to fully implement ONORC scheme.

Background

- ONORC was launched in August, 2019. Work on ration card portability, however, had begun in April 2018 itself, with the launch of Integrated Management of Public Distribution System (**IM-PDS**) portal.
- To promote adoption of ONORC, the Centre had set its implementation as a **precondition for additional borrowing by states** during the Covid pandemic last year. At least 17 states, which implemented ONORC reform, were allowed to borrow an additional Rs 37,600 crores in 2020-21.

One Nation, One Ration Card (ONORC)

- ONORC scheme was launched to enable migrant workers and their family members to buy subsidised ration from **fair price shop anywhere** in the country under NFSA.

- Before ONORC, a ration card holder could buy food grains only from an FPS assigned to him/her in the locality in which he/she lived. If a beneficiary shifted to another state, he/she had to apply for a new ration card in the second state.
- Registering for ration cards at the new location is a difficult process, especially if some members of the household still remain in their original home.

Functioning of ONORC

- ONORC is based on technology that involves details of beneficiaries’:



- The system identifies a beneficiary through biometric authentication on ePoS devices at FPS.
- The system runs with the **support of two portals** — IM-PDS and Annavitran.

Annavitran portal

- Enables a migrant worker or his family to avail the benefits of PDS outside their district but within their state.

IM-PDS portal

- Provides the technological platform for the inter-state portability of ration cards

Benefits

- **Hassle Free Ration To Migrants:** Previously, with ration card, a beneficiary could only purchase subsidised food grains from PDS which was assigned to them in their locality. Due to this, there have been many issues faced by the migrants who shift to other cities for work.
- **Empowerment Of Beneficiaries:** Now the beneficiaries have the opportunity to choose their own dealer. With many cases of misallocation, the beneficiary can switch to another FPS shop instantly, if there is any case of foul play.
- **Step Towards Fulfilment Of SDG:** It will also help achieve the target set under SDG 2: Ending hunger by 2030. It also aims to address the poor state of hunger in India.
- **Improved Efficiency:** Use of technology improved the efficiency of PDS network.
- **Nutritional Security:** With cheap food grain available to migrants, there are chances of more expenditure towards fruits and vegetables
- **Help In Understanding Migration Pattern:** The centralised FRP shop data may be used to formulate policies on intra- and inter-state migration.
- **Prevent Duplication and Double Benefits:** It will help in reducing the number of dual ration cardholders. It will be in sync with the motto of Minimum Government Maximum Governance.
- **Same card for family members back home:** These beneficiaries can claim either full or part food-grains from any FPS in the country. This can be done through existing ration card with biometric/Aadhaar authentication in a seamless manner. The scheme also allows their family members back home, if any, to claim the balance food-grains on same the ration card.

Performance So Far

- **All States/UTs covered:** With inclusion of Assam, the scheme now covers all states/UTs.
- **Significant Portable Transactions**
 - ✓ Since 2019, about 71 crore portable transactions have taken place delivering food-grains equivalent to about Rs 40,000 crore in food subsidy through portability.
 - ✓ At present, a monthly average of about 3 crore portable transactions are being recorded.

- **During Covid-19:** From April 2020 till date, about 64 crore portable transactions have been recorded. It delivered foodgrains equivalent to about Rs 36,000 crore in food subsidy through portability.
- **MERA RATION mobile application:** The government has also rolled out the 'MERA RATION' mobile application to take maximum advantage of the ONORC plan. The mobile app is providing a host of useful real-time information to the beneficiaries and is available in 13 languages.

Challenges

- 100% of ration cards are **yet to be linked to Aadhaar**;
- There is a **lack of clarity on operating procedures and beneficiary entitlements** with regard to prices and food habits in different states;
- There are presently 5.46 lakh FPS across the country, but **only 4.75 lakh ePoS devices have been installed**. Each FPS must mandatorily have an ePoS device;
- Critics have flagged a need for increase in inclusivity in the PDS. More people require subsidies than are presently enlisted in the available system;
- **Operational Challenges:**
 - ✓ Internet penetration is still less in India for the smooth functioning of ONORC.
 - ✓ Changes in Fingerprints have also been reported both due to genetics and due to constant work-related wear and tear especially in case of labourers.
 - ✓ Logistics Issue: There is a quota allocated to every state for the purchase of food grains from FCI. Constant migration may disturb that procurement pattern.
 - ✓ At places of emigration, food grain may get wasted. While the places where immigration is dominant may face a PDS food crunch.
- An analysis by PRS Legislative research indicates a leakage of 40.4% of all food grains under the PDS network.

Extra Mile

Recently, the Union Minister for Labour & Employment said that the *e-Shram portal is being integrated with One Nation One Ration Card scheme*.

About e-Shram Portal

Shramev Jayate

NATIONAL DATABASE OF UNORGANISED WORKERS

- In August 2021, the Union Ministry of Labour & Employment launched a **national database to register unorganised workers**, called the **e-Shram portal**.
- The portal came into being after the Supreme Court directed the Government to complete the registration process of unorganised workers.
- The government aims to register **38 crore unorganised workers**, such as construction labourers, migrant workforce, street vendors and domestic workers, among others.
 - The target group for the registration process is those aged between 16 and 59.
- A worker can register on the portal using his/her **Aadhaar card number** and **bank account details**, apart from filling other necessary details like **date of birth, home town, mobile number and social category**. The registrations can be done through **Common Service Centres (CSC)**, Self, or through **State Seva Kendras**.

Benefits

- The aim of e-Shram portal is to boost the last-mile delivery of the welfare schemes for over 38 crore unorganised workers in the country.
- Each registered worker will be issued an *identity card* (with a **12-digit unique number**), which can be used across the country to avail any benefits announced by the Government.

- The data on portal will be used for optimum realization of workers' employability and extend the benefits of social security schemes to them.
- The Union Government has already announced **linking accidental insurance with registration** on the e-Shram portal.
 - ✓ If a registered worker meets with an accident, he/she will be eligible for Rs 2 lakh on death or permanent disability and Rs 1 lakh on partial disability.
 - ✓ The benefits include those offered during natural calamities.
- As announced in Budget 2022-2023, work is also **underway to link four portals** - the National Career Service, e-Shram, UDYAM (for individuals interested in beginning MSMEs) and ASEEM (Atmanirbhar Skilled Employee Employer Mapping).

Informal Economy In India

- The latest data of informal sector workers registered on the e-Shram portal shows that a majority of them are living under extreme poverty.
- **27.69 crore** informal sector workers are registered on the e-Shram portal.
- **94.11%** of the workers registered on the portal have a **monthly income of Rs 10,000 or below**, while 4.36% have a monthly income between Rs 10,001 and Rs 15,000.
- The **social category analysis** of the data shows that 74.44% of registered workers are socially backward classes, including 45.32% OBC, 20.95% SC and 8.17% ST. General Category workers form the remaining 25.56%.
- **Occupation wise**, agriculture is at the top with 52.11% of enrolments done by those related to the farm sector followed by domestic and household workers at 9.93% and constructions workers at 9.13%.
- **Top-5 states** in terms of registrations are Uttar Pradesh, Bihar, West Bengal, Madhya Pradesh and Odisha.

Age and Gender Distribution

- 61.72% of the registered workers are of the age from 18 years to 40 years, while 22.12% are of the age from 40 years to 50 years.
- Workers aged above 50 years are 13.23%, while 2.93% of workers are aged between 16 and 18 years.
- 52.81% of registered workers are female and 47.19% are male.

Almost all targeted informal sector workers will be registered on e-Shram portal during this calendar year. This will serve as a big opportunity to draft an evidence-based policy for the large section of deprived classes in the country.

E-Technology in the Aid of Farmers, Technology Missions

Drone Use in Agriculture

- The Ministry of Agriculture and Farmers Welfare has recently amended the guidelines of "**Sub-Mission on Agricultural Mechanization**" (**SMAM**) to increase the use of drones in agriculture.
- SMAM was launched in **2014-15** to increase the reach of farm mechanization to *small and marginal farmers* and in *difficult areas* where farm power availability is low.
- The financial aid and grants shall be applicable till 31st March 2023.

Incentives Announced

- **Grants up to 100%** of the cost of an agriculture drone or Rs. 10 lakhs, whichever is less, for the purchase of drones. This 100% grant will be applicable for drones purchased *only* by Farm Machinery Training & Testing

Institutes, ICAR institutes, Krishi Vigyan Kendras, and State Agriculture Universities for large-scale demonstrations of this technology on farmers' fields.

- **Farmers Producers Organizations (FPOs)** would be eligible to **receive grants of up to 75%** of the cost of agriculture drones for their demonstrations on the farmers' fields.
- **Demonstration Purpose:** A contingency expenditure of **Rs. 6,000 per hectare** would be provided to implementing agencies that do not wish to purchase but **hire drones** for demonstrations from Custom Hiring Centres (CHCs), Hi-tech Hubs, Drone Manufacturers, and Start-Ups.
 - ✓ CHCs are units comprising of farm machinery and equipment meant for custom hiring by farmers. Its objective is to supply of farm implements to small, marginal and poor farmers at **subsidized rates** on hire.
- To provide agricultural services via drone application, existing CHCs set up by Cooperative Society of Farmers, FPOs, and rural entrepreneurs would offer **40% of the basic cost** of drone and its attachments, or Rs. 4 lakhs, whichever is less, as financial assistance for drone purchase.
- **Rural entrepreneurs** must have passed the class tenth examination or its equivalent from a recognized Board and should have a remote pilot license.
- **Agriculture graduates** establishing CHCs would be eligible for a grant of up to Rs. 5 lakhs or 50% of the basic cost of the drone and its attachments.

Benefits

- The subsidized purchase of agriculture drones for CHCs/Hi-tech Hubs will **lower the cost of the technology, resulting in widespread adoption**. This would make drones more accessible to general public while also significantly encouraging domestic drone production.
- Drones have a variety of features, such as multi-spectral and photo cameras, and can be used in **many aspects of agriculture**, such as monitoring crop stress, plant growth, predicting yields, and delivering pesticides, fertilizer, and water.
- They can be used to **analyze the health** of any vegetation or crop, as well as field areas infested with weeds, diseases, and pests.
- Drones help assess **precise amounts of chemicals needed** to combat infestations lowering the overall cost for the farmer.

Kisan Drones

Prime Minister has recently launched **100 Kisan Drones** in different cities and towns of the country. He also flagged off "Drone Kisan Yatra" to promote chemical-free farming in India.

Kisan Drones

- Kisan drones will have an unmanned tank filled with insecticides and nutrients and are expected to have a high capacity of 5 to 10 kg. The drone will spray the same amount of pesticide on about one acre of land in just 15 minutes. This saves time, require less effort and spraying will be done uniformly.
- They will be used to carry vegetables, fruits, fish, etc. to the markets from the farms, with minimal damage, consuming lesser time and resulting in more profits to farmers.
- They will also be promoted for crop assessment and digitization of land records.
- Government has recently banned the import of drones to encourage their manufacturing in India.
- A target has been set for manufacturing 1 lakh Made-in-India drones in the next 2 years. This will generate fresh employment and new opportunities for the youth.

Food Processing & Related Industries in India

One District One Product

- 6 One District One Product (ODOP) brands are launched under Pradhan Mantri Formalisation Of Micro Food Processing Enterprises (PMFME) Scheme.

- The Ministry of Food Processing Industries has signed an agreement with NAFED for developing ten brands of selected ODOPs under the **branding and marketing component of PMFME scheme**. Out of ten, following six brands were launched.

Name of Product	Name of District
1. Amrit Phal (Amla Juice)	Gurugram (Haryana)
2. Cori Gold (Coriander Powder)	Kota (Rajasthan)
3. Kashmir Mantra (Kashmiri lal Mirch)	Kulgam, (J&K)
4. Madhu Mantra (Honey)	Saharanpur (UP)
5. Whole wheat cookies	Dilli Bakes (Delhi)
6. Brand Somdana (Ragi flour)	Thane (Maharashtra)

One District One Product (ODOP) Approach:

- It will provide the framework for value chain development and alignment of support infrastructure. There may be more than one cluster of ODOP products in one district.
- There may be a cluster of ODOP products consisting of more than one adjacent district in a State.
- The States would identify food products for districts keeping in view the existing clusters and availability of raw material.
- The ODOP could be a perishable produce based or cereal based or a food item widely produced in an area. E.g. mango, potato, pickle, millet based products, fisheries, poultry, etc.

Other Focus Areas

- Waste to wealth products, minor forest products and Aspirational Districts.
- Capacity building and research: Academic and research institutions under MoFPI along with State Level Technical Institutions would be provided support for training of units, product development, appropriate packaging and machinery for micro units.

Marketing and Branding Support

- It would be provided to groups of FPOs/SHGs/ Cooperatives or an SPV of micro food processing enterprises for: Quality control, developing a common brand and packaging standardisation. Marketing tie-up with national and regional retail chains.

Financial Support

- Existing individual micro food processing units desirous of upgrading their units can avail credit-linked capital subsidy at 35% of the eligible project cost with a maximum ceiling of Rs.10 lakh
- Support is for development of common infrastructure including common processing facility, lab, warehouse, etc. through FPOs/SHGs/cooperatives or state owned agencies or private enterprise.
- A seed capital of Rs. 40,000- per SHG member would be provided for working capital and purchase of small tools.

Funding

- It is a centrally sponsored scheme. The expenditure would be shared in 60:40 ratio between Central and State Governments, in 90:10 ratio with North Eastern and Himalayan States, 60:40 ratio with UTs with legislature and 100% by Centre for other UTs.

Star Rating For Food May Mislead Buyers

- The Food Safety and Standards Authority of India (FSSAI) had recently proposed to introduce ‘**Health Star Rating**’ (HSR) to check how healthy the packaged food items are.
- The HSR is similar to the one used by the **Bureau of Energy Efficiency** for measuring the energy efficiency of electrical appliances.
- In February 2022, the FSSAI decided in its draft regulations for a Front of Package Labelling (FoPL) system that it will propose the health star rating system, which rates the overall nutritional profile of packaged food and assigns it a rating from half a star to five stars.
- The move has upset public health experts who favour the **warning label system** such as a black-and-white stop symbol used in Chile or the red warning symbol in Israel for each of the three ingredients — salt, sugar and fat.

About Health Star Rating

- As per the 'Health Star' rating system, packaged foods will display the number of stars on the front of the pack, indicating how healthy or unhealthy it is, depending upon the amount of salt, sugar and fat it has.
- The FSSAI is bringing in the regulation based on a report from **Indian Institute of Management – Ahmedabad.**
- The study endorsed the HSR format as the best suited to Indians in helping to choose healthier packaged food items under a new policy on Front of Package Labelling (FoPL).

Criticism of HSR System

- Under the health star rating system, an algorithm assigns a product a certain number of stars based on “positive” components (fibre, protein, and fruit, vegetable, nut and legume content) balanced against other components (energy, sugars, sodium, and saturated fat).
 Experts argue that this is divorced from science as the presence of high quantities of sugar can’t be offset by the so-called positive ingredients.
- The industry can easily manipulate the system as food products high in sugar or fat that deserve a low rating (1 star) could get a moderate rating (3 or even 4 stars) only because they contain some positive nutrients (for example, fruit and nut chocolates).

SCIENCE & TECHNOLOGY

Code of Practice for Securing Consumer IoT

- Telecommunication Engineering Centre (TEC), under Ministry of Communications, has released a report “Code of Practice for Securing Consumer Internet of Things (IoT)”.
- These guidelines will help in securing consumer IoT devices & ecosystem as well as managing vulnerabilities.
- This report is intended for use by IoT device manufacturers, Service providers/ system integrators and application developers etc.

Key Guidelines

- **No universal default passwords** - All IoT device default passwords shall be unique per device and/or require user to choose a password that follows best practices, during device provisioning.
- **Implement a means to manage reports of vulnerabilities** - IoT device manufacturers, IoT service providers / System integrators and Mobile application developers should provide a dedicated public point of contact as part of a vulnerability disclosure policy for security researchers and others to report security issues.

- **Keep software updated** - Software components in IoT devices should be securely updateable. Updates shall be timely and should not adversely impact the functioning of the device.
- **Securely store sensitive security parameters** - IoT devices may need to store security parameters such as keys & credentials, certificates, device identity etc. which are critical for the secure operation of the device.
- **Communicate securely** - Security-sensitive data, including any remote management and control, should be encrypted in transit.
- **Minimize exposed attack surfaces** - Devices and services should operate on the 'principle of least privilege'. Unused functionality should be disabled.
- **Ensure software integrity** - Software (including firmware) on IoT devices should be verified using secure boot mechanisms wherever applicable.
- **Ensure that personal data is secure** - In case the device collects or transmits personal data, such data should be securely stored.
- **Make systems resilient to outages** - Resilience should be built into IoT devices and services where required by their usage or by other relying systems.
- **Make it easy for users to delete user data** - Devices and services should have mechanisms such that personal data can easily be removed when there is a transfer of ownership, when the consumer wishes to delete it and/or when the consumer wishes to dispose of the device.
- **Make installation and maintenance of devices easy** - Installation and maintenance of IoT devices should employ minimal steps and should follow security best practice on usability.
- **Validate input data** - The consumer IoT device software shall validate data input via user interfaces or transferred via Application Programming Interfaces (APIs).

Semiconductor Development Programme

- Union Cabinet has recently approved **Rs 76,000 crore programme** for semiconductor and display manufacturing ecosystem in the country. In total, the government has committed support of **₹2,30,000 crore (\$30 billion)** to position India as global hub for electronics manufacturing with semiconductors as the foundational building block.
- The government has been focusing on creating **domestic capacity in electronics** through its **Production-Linked Incentive Schemes**.
- Now, with the approval of current programme, the government has announced **incentives for every part of supply chain** including electronic components, sub-assemblies and finished goods.
- The move comes at a time when electronics supply chains around the world have been affected by a shortage of semiconductors (or chips) and large chipmakers including Intel, Taiwan Semiconductor Manufacturing Co. (TSMC), Texas Instruments, etc. are looking to add capacity.

Reasons For Semiconductor Shortage

- **Stay-at-home Shift:** Lockdowns increased growth in sales of laptops, home networking gear, webcams, monitors etc. Sales also jumped for home appliances, from TVs to air purifiers that now come with customized chips. This pushed chip demand beyond levels projected before the pandemic.
- **Fluctuating Forecasts:** Early in the pandemic, automakers had underestimated how quickly the car sales would rebound and had reduced their capacity. Later in 2020, when they increased their manufacturing capacity, they could not procure adequate amount of chips, as chipmakers were stretched supplying computing and smartphone giants.

- **Stockpiling:** Around the middle of 2020, Huawei Technologies Co. — the Chinese smartphone maker that also dominates the global market for **5G networking gear** — began building up inventory to ensure it could survive U.S. sanctions against it.

In response, other companies followed, hoping to grab share from Huawei, and China's chip imports climbed to almost \$380 billion in 2020, up from about \$330 billion the previous year.

- **Disasters:** A bitter cold in Texas in February led to power outages that shut semiconductor plants around the region. A plant in Japan that was a major provider of automotive chips was damaged by fire in March, disrupting production for months.

Details of Recently Approved Programme for Semiconductor Ecosystem

- **Semiconductor Fabs and Display Fabs:** It will give fiscal support of up to **50% of project cost** to eligible applicants to execute the projects.

The Centre will work with state governments to establish **high-tech clusters** with requisite infrastructure in terms of land, semiconductor grade water, to set up at least two **greenfield** semiconductor fabrication and two display fabrication in the country.

- **Semi-conductor Laboratory (SCL):** Ministry of Electronics and Information Technology (MeitY) will take required steps for modernization and commercialization of Semi-conductor Laboratory (SCL).
- **Compound Semiconductors:** The Scheme for setting up of Compound Semiconductors facilities in India shall extend fiscal support of 30% of capital expenditure to approved units. At least 15 such units of Compound Semiconductors and Semiconductor Packaging are expected to be established under this scheme.
- **Semiconductor Design Companies:** The **Design Linked Incentive (DLI) Scheme** shall extend product design linked incentive of up to 50% of eligible expenditure and product deployment linked incentive of 6% - 4% on net sales for **five years**.
 - ✓ Support will be provided to 100 domestic companies of semiconductor design for Integrated Circuits (ICs), Chipsets, System on Chips (SoCs), Systems & IP Cores and semiconductor linked design.
 - ✓ C-DAC (Centre for Development of Advanced Computing), a scientific society operating under MeitY, will serve as the nodal agency for implementation of DLI scheme.
- **India Semiconductor Mission:** In order to drive the long-term strategies for developing a sustainable semiconductors and display ecosystem, a specialized and independent "India Semiconductor Mission (ISM)" will be set up. ISM will be led by global experts in semiconductor and display industry.

Benefits Of The Programme

- The programme comes at a time when companies are beginning to **look outside China** for electronics manufacturing -- an opportunity that India has been trying to use to its advantage.
- It will give an impetus to semiconductor and display manufacturing by facilitating capital support and technological collaborations.
- It will **encourage research and innovation** in the sector, boost manufacturing and strengthen India's technological prowess in these areas of strategic importance and economic self-reliance.
- It will attract ₹1.67 lakh crore (trillion) of investment and put an **end to the country's reliance on imports** to meet its semiconductor needs.
- It will also lead to **creation of 35,000 direct and 1 lakh indirect jobs**.

Way Ahead

- As 5G mobile networks increase — driving demand for **data-heavy video and game streaming** — and with many people working from home, the need for more powerful, energy-efficient chips will only grow.

- However, the success of programme in building a vibrant semiconductor industry will depend on factors other than just the amount of subsidies offered to investors.
- While subsidies can certainly attract businesses into investing in an industry, they are not sufficient or even necessary to attract investments. Investors care more about ease of doing business, which is influenced by the quality of institutions in a country.
- Some economists even argue that Governments just need to provide an environment that is conducive for doing business in order to attract investments. When a country has the right institutions, businesses will invest in any industry as long as it makes financial sense to do so.

BIODIVERSITY & ENVIRONMENT

Environment Performance Index (EPI) 2022

- The Environment Ministry of India rebutted the Environmental Performance Index 2022 that ranked India at the bottom of 180 countries.
- The government said that some of the indicators that were used for the index are '**extrapolated and based on the surmises and unscientific methods**'.
- The index ranks 180 countries on 40 performance indicators across 11 categories, which are further grouped in three categories:



Significance of EPI

- These indicators **provide a gauge at the national level of how close countries are to the established environmental policy goals**.
- It **suggests that a country's economic prosperity** makes it possible to invest in policies on the environment that lead to desirable incomes.
- It **enables decision makers to identify the drivers of top-tier performance**.
- It helps to promote sustainable development in support of a more environmentally secure and equitable future.

Why India Rejected The Report

- **Report Used Many Indicators Based On Unfounded Assumptions**
 - ✓ Some of these indicators used for assessing performance are extrapolated and based on surmises and unscientific methods.
 - ✓ Environmental and climate experts also said the methodology does not consider per capita emissions and different socio-economic conditions across countries.
- **Reasons For Change In Assignment Of Weights Has Not Been Explained**
 - ✓ As per the govt, the weight of indicators in which the country was performing well has been reduced. And reasons for change in assignment of weights has not been explained
- **The Principle Of Equity Is Given Very Low Weightage**
 - ✓ The principle of equity is given very low weightage in the form of the indicators like GHG emission per capita and GHG emission intensity trend.

- ✓ The common but differentiated responsibilities and respective capabilities (CBDR-RC) principle is also barely reflected in the composition of the index.
- ✓ India is party to the Paris Agreement and has given a goal of net zero by 2070. Hence comparing it to countries with projected 2050 emissions level equal to or below zero receiving the maximum score is against the principle of equity as enshrined in CBDR-RC.
- **Flawed Methodology**
 - ✓ The Environment Ministry pointed to a new indicator in the Climate Policy objective of EPI, **Projected GHG Emissions levels in 2050**.
 - ✓ This is computed based on average rate of change in emissions of the previous 10 years instead of modelling that takes into account *a longer time period, Extent of renewable energy capacity and use, additional carbon sinks, and Energy efficiency of respective countries*.
 - ✓ **Both forests and wetlands of the country are crucial carbon sinks**. These have not been factored in while computing the projected GHG emissions trajectory up to 2050 by EPI 2022.
- **Uncertainty In Copernicus Air Pollutant Concentration**
 - ✓ India said that the Copernicus air pollutant concentration data have higher uncertainty in regions with less extensive monitoring networks and emissions inventories.
 - ✓ This limitation reduces the chance of accurate assessment of air quality in India.
 - ✓ Also, the indicators on water quality, water use efficiency, waste generation per capita which are closely linked to sustainable consumption and production are not included in the Index.
- **India's Record Is Impeccable**
 - ✓ India has already achieved the target of 40% of installed electricity capacity from non- fossil fuel-based sources, 9 years in advance of its commitments.
 - ✓ In 2015, as part of its nationally determined contributions under the Paris Agreement, India had committed to achieving 40% of its installed electricity capacity from non-fossil energy sources by 2030.
- **Enough Room For Improvement In The Index**
 - ✓ The index computes the extent of ecosystems but not their condition or productivity.
 - ✓ Efforts must be made to include metrics that truly capture ecosystem productivity such that:
 - ✓ Regulatory, provisioning as well as cultural services provided by various ecosystems like forests, wetlands, croplands are assessed and reflected in performance.
 - ✓ Indicators like Agro biodiversity, soil health, food loss and waste are not included.
 - ✓ Although they are important for developing countries with large agrarian populations.

India Targets Net-Zero Carbon Emissions By 2070

After a long rejection of net-zero target, at the COP26 summit in Glasgow, India pledged to achieve net-zero emissions as part of a **five-point** action plan, which PM Modi referred to as five nectar elements – '**Panchamrit**'.

Why Was This Step Required?

- India's developing economy is still heavily reliant on oil and coal, the most polluting fossil fuel, which makes up 70% of its energy production.
- Coal consumption in the country has increased by 39% over the last decade.
- India is the world's **third-biggest emitter** of greenhouse gases after China and the US.

India's 5-point Action Plan

- i) India will reach carbon neutrality by 2070
- ii) India also raised India's Nationally Determined Contributions (NDCs) of achieving 450 giga watt non-fossil energy capacity to **500 giga watt by 2030**.
- iii) India will fulfil 50% of its energy requirements from renewable energy sources by 2030.
- iv) It will reduce total projected carbon emissions by a **billion tonnes** between now and 2030.
- v) India will reduce carbon intensity of its economy by 45%
 - Under Paris Agreement, India promised to reduce its emissions intensity (emissions per unit of GDP), by 33 to **35%** by 2030 compared to 2005 levels.

Challenges

- India's economic priorities are mostly focused on domestic issues.
- The country's energy demand is expected to rise sharply over the next decade as the economy continues on its growth trajectory.
- China aims to become net zero by 2060, while US, Britain and European Union have set 2050.

Recommendations for Net Zero Targets

- India will likely target the power sector first. India needs to accelerate the **phase out of coal**, encourage **investment in renewables**, curtail deforestation & speed up the switch to electric vehicles.
- Citizens must be active participants in the entire process, making them feel part of the transition and not simply subject to it.
- The net zero targets must prioritize ambitious emissions reductions to align with the goal of limiting warming to below 1.5°C.
- The land-based climate action must be anchored in food first, rights-based approaches that help to achieve zero hunger and zero emissions.
- The net zero commitments must be backed by meaningful transparency and disclosure.

3rd Part of The Sixth Assessment Report

- The Intergovernmental Panel on Climate Change (IPCC) released the 3rd part of the sixth assessment report.
- The 1st part of the report was published in 2021 on the **physics of climate change**.
- The 2nd part of the report was published in March 2022 about the **impacts, risks and vulnerabilities of climate change and adaptation options**.

Important Finding of 3rd Part

- In 2019, global net anthropogenic Greenhouse gas (GHG) emissions were at 59 Gigatonnes of carbon dioxide equivalent (**GtCO₂e**), 54% higher than in 1990.
- Net anthropogenic GHG emissions continue to increase during the period 2010-2019, as have cumulative net CO₂ emissions since 1850.
 - Net emissions refer to emissions accounted for after deducting emissions soaked up by the world's forests and oceans.
- Average annual GHG emissions during 2010-19 were higher than in any previous decade, but the **growth rate of 1.3% per year between 2010 and 2019 was lower than 2.1% per year between 2000 and 2009**.
- Least Developed Countries (LDCs) **average per capita emissions** in the period 1990-2019 were only 1.7 tonnes CO₂e, compared to the global average of 6.9 tCO₂e.

- Globally, **41% of the world's population** lived in countries emitting less than **3tCO₂e per capita in 2019**
- The **10% households** with the **highest per capita emissions** contribute a disproportionately large share to global household GHG emissions.
- Globally, net anthropogenic GHG emissions have increased in all major regions since 2010. An increasing share of emissions can be attributed to urban areas.
- Variations in **regional and national per capita emissions** partly reflect different development stages, but they vary widely even at similar income levels.
- At least **18 countries have reduced GHG emissions** for more than 10 years.
- The **unit cost of many low-emission technologies** has declined steadily since 2010.
- Innovation lags behind in developing countries due to weak enabling conditions.
- Global GHG emissions are projected to peak between 2020 and before 2025 in the latest global **model paths**(best-case scenario, known as the C1 pathway) that limit warming to 1.5 °C with no or limited overshoot
 - Overshoot refers to global temperatures crossing the 1.5°C threshold temporarily, but then being brought back down using technologies that suck CO₂ out of the atmosphere

Suggestions

- Reducing GHG emissions across the **energy sector** requires major changes, including a substantial reduction in overall **fossil fuel use**.
- Urban areas can create opportunities to increase resource efficiency and significantly reduce GHG emissions through the **systemic transition of infrastructure**.
- Demand-side options and low-GHG emissions technologies can reduce **transport sector emissions** in developed countries and limit emissions growth in developing countries.
- Investing in decarbonisation would have a minimal impact on global Gross Domestic Product (GDP). Long-term benefits of limiting warming far outweigh the costs.

Global Methane Pledge

Global Methane Pledge was launched at UN COP26 climate conference in Glasgow.

- This pledge was announced with the aim of **reducing methane emissions by 30%** by the year 2030, as compared to 2020 levels.
- Besides EU and US, more than 103 countries have signed up so far, including major methane emitters like Nigeria and Pakistan. China, Russia and **India have not** signed up. Australia said it will not back the pledge.

Reasons for Rising of Methane

- Doesn't come under any protocol like Paris protocol, so no concrete efforts taken
- Increase in anthropogenic activities.
- Lockdown reduced the CO₂ level but the **emission of methane is significant from the agricultural field and household consumption** etc.
- Approximately 40% of methane emitted is from natural sources & about 60% comes from **human-influenced sources**, including livestock farming, rice agriculture, biomass burning & so forth.

How Methane Contributes To Global Temperature

- Methane is the **third-most abundant** greenhouse gas in the atmosphere, after water vapour & carbon dioxide.

- Further, UN notes that methane has a global warming potential that is **80 times greater than CO₂**, about 20 years after it has been released into the atmosphere.
- As per UN, 25% of the warming is because of methane.
- As per Intergovernmental Panel on Climate Change report, methane accounts for around half of the 1.0 degrees Celsius net increase in global average temperature as compared to pre-industrial era.

Global Methane Initiative

GMI is an international public-private partnership focused on reducing barriers to the recovery and use of methane as a clean energy source.

UNCCD Conference of Parties (CoP15)

The Union Minister for Environment, Forest and Climate Change addressed the 15th session of **CoP of the United Nation Convention to Combat Desertification (UNCCD) in Cote d'Ivoire (Western Africa)**. The **Drought in Numbers, 2022 report** was released at the CoP15.

About CoP15 of UNCCD

- It is a key moment in the **fight against desertification, land degradation and drought**.
- Drought, land restoration, and related enablers such as *land rights, gender equality and youth empowerment* are among the top items on the Conference agenda.
- It **aims to move from commitments to action**, placing land degradation neutrality (LDN) front and centre.
- It will build on the findings of the 2nd edition of the **Global Land Outlook** and **offer a concrete response to the interlinked challenges of climate change and biodiversity loss**.
 - The Global Land Outlook (GLO), the UNCCD flagship publication, underscores land system challenges, showcases transformative policies and practices, and points to cost-effective pathways to scale up sustainable land and water management.

Significance of CoP15

- It will **bring together leaders from governments, the private sector, civil society, and other key stakeholders** from around the world.
- It is expected to **galvanize sustainable solutions for land restoration and drought resilience**, with a strong focus on future-proofing land use.

Findings of Drought in Numbers Report

Global Assessment

- **Slow-onset disaster:** Droughts account for 15% of natural disasters but resulted in the highest human toll, with approximately 650,000 deaths. More than a billion people around the world were affected by drought in 2000-19, making it the second worst disaster after flooding.
- **Alarming increase:** There has been a 29% increase in the frequency and duration of droughts worldwide since 2000.
- **Geographical spread:** Africa was the worst hit, with 134 droughts, of which 70 occurred in East Africa. The largest increase in drought losses is projected in the Mediterranean and the Atlantic regions of Europe.
- **Worrisome future:** If predictions of global warming reaching 3°C by 2100 are true, drought losses could be five times higher than today's levels.
- **Water Scarcity:** Almost 3.6 billion people are living in water scarce regions as of today.

- **Climate Change and Population:** UNCCD assessment recognized that within the next few decades, 129 countries will experience an increase in drought exposure primarily due to climate change alone (IPCC also noted same), 23 primarily due to population growth and 38 primarily due to the interaction between climate change and population growth.
- **Additional Factors:** Water scarcity, declining crop productivity, rise in sea levels, and overpopulation could aggravate the impact of droughts.
- **UNCCD Forecast:** UNCCD's second Global Land Outlook, released recently estimates about 16 million square kilometres of land (the size of South America) will be degraded if current trends continue. According to this estimate, up to 40% of all ice-free land has already been degraded.
- **WHO findings:** Globally, approximately 55 million people are directly affected by droughts annually, making it the most serious hazard to livestock and crops.
- **WMO estimates:** It reveals that weather, climate and water hazards have accounted for 50% of all disasters and 45% of all reported deaths since 1970.

India Specific Findings

- **Increase in area:** India's drought-prone area has increased by **57%** since 1997. Drought affected nearly two-thirds of the country from 2020 to 2022.
- **Increase in intensity:** Over the last decade, one-third of India's districts have experienced more than four droughts, and drought affects 50 million people each year.
- **Comparison with Africa:** Drought vulnerability in India is comparable to that of Sub-Saharan Africa.
- **ISRO evaluation:** According to the Desertification and Land Degradation Atlas of India, released in 2021 by the Space Applications Centre of ISRO, 97.85 million hectares i.e., nearly 30% of the country's land was degraded during 2018-19.
- **Flash Droughts:** According to the paper published recently in Nature Communications, India is a hotspot for flash droughts and this could have major implications on the country's crop production.
 - Flash droughts have been defined in two ways, either as a **short-lived yet severe event** where soil moisture completely depletes or a **multi-week period** of rapid intensification toward drought.

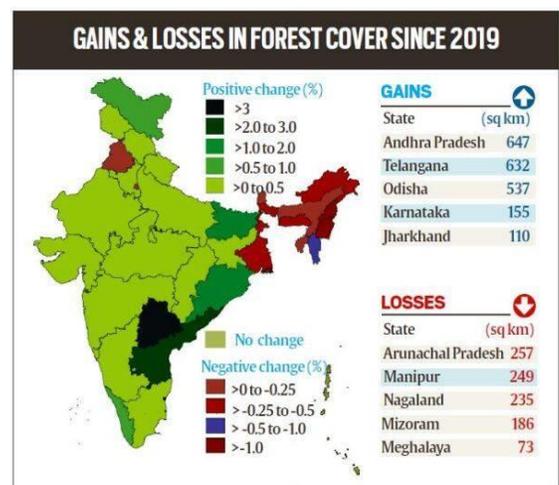
India State of Forest Report- 2021

The Ministry of Environment, Forests and Climate Change (MoEFCC) released the India State of Forest Report- (ISFR) 2021. It is published every **two years** by the **Forest Survey of India** under MoEFCC.

Key Findings Of This Report

A. Total Forest & Tree Cover

- Forest and tree cover in country has increased by **2,261 square kilometres** since the last assessment in 2019.
- The total forest and tree cover was 80.9 million hectares, which accounted for **24.62%** of the geographical area of the country.
 - ✓ India's forest cover: 7,13,789 square kilometres, 21.71% of the country's geographical area, an increase from 21.67% in 2019.
 - ✓ Tree cover has increased by 721 sq km. Tree cover is defined as all tree patches of size less than one hectare



occurring outside the recorded forest area. This covers trees in all formations including scattered trees.

- 17 States and Union Territories had more than 33% of their area under forest cover.

B. State-wise Cover

- **Largest Forest Cover:** Madhya Pradesh followed by Arunachal Pradesh, Chhattisgarh, Odisha and Maharashtra.
- **Highest Increase** in forest cover: Andhra Pradesh (647 sq. km), Telangana (632 sq. km) and Odisha (537 sq. km).
- **Highest % Increase** in forest cover: Telangana (3.07%), Andhra Pradesh (2.22%) and Odisha (1.04%).
- The top five States in terms of forest cover as a percentage of their total geographical area were Mizoram (84.53%), Arunachal Pradesh (79.33%), Meghalaya (76%), Manipur (74.34%) and Nagaland (73.90%).
- The **north-eastern state account** for 7.98% of total geographical area but 23.75% of total forest cover. The forest cover in this region has shown an overall decline of 1,020 sq km in forest cover.

C. Mangrove Cover

- The total mangrove cover in the country had increased by **17 sq. km**, to reach 4,992 sq. km.
- Top three states showing mangrove cover increase are Odisha (8 sq km), followed by Maharashtra (4 sq km) and Karnataka (3 sq km).

D. Bamboo Cover

- Bamboo forests have grown from 13,882 million culms (stems) in 2019 to 53,336 million culms in 2021.

E. Carbon Stock

- The total carbon stock in forests was estimated to be 7,204 million tonnes, an increase of 79.4 million tonnes from 2019.
- The annual increase in the carbon stock is 39.7 million tonnes.

F. Forest Cover In Tiger Reserve

- For the first time ISFR 2021 assessed forest cover in tiger reserve, tiger corridor and the Gir forest.
- The forest cover in the **tiger corridor** has increased by **37.15 sq. km (0.32%)** from 2011-2021 but decreased by 22.6 sq. km (0.04%) in tiger reserve.
 - ✓ Forest cover has increased in 20 tiger reserves in these 10 years, and decreased in 32.
 - ✓ Buxa (West Bengal), Anamalai (Tamil Nadu) and Indravati reserves (Chhattisgarh) have shown an increase while the highest losses have been found in Kawal (Telangana), Bhadra (Karnataka) and the Sunderbans reserves (West Bengal).
 - ✓ Pakke Tiger Reserve in Arunachal Pradesh has the highest forest cover, at nearly 97%.

Concerns

- 35.46% of the forest cover is prone to forest fire. Out of this 2.81% is extremely prone.
- The report estimates that by 2030, 45-64% of forest in India will experience the effect of climate change and rising temperature.
- Forests in all states (except Assam, Meghalaya, Tripura and Nagaland) will be highly vulnerable climate hot spots. Ladakh (forest cover 0.1-0.2%) is likely to be the most affected.
- **Degradation of forest:** There is a 1,582 sq km decline in moderately dense forests, or “natural forests”. The decline, in conjunction with an increase of 2,621 sq km in **open forest areas** – shows a degradation of forests in the country. Also, scrub area has increased by 5,320 sq km – indicating the complete degradation of forests in these areas.

- Very dense forests have increased by 501 sq km.
- The forest cover in the north east region has shown an overall decline of 1,020 sq km in forest cover.

Extended Producer Responsibility

Union Environment Ministry announced **Plastic Waste Management (Amendment) Rules, 2022** which notified **Extended Producer Responsibility (EPR) guidelines** for plastic packaging waste to strengthen circular economy of plastic packaging waste.

About New Guideline

- They have been issued as part of the government's efforts to **eliminate single-use plastics**.
- They contain specifications for reuse, recycling, use of recycled plastic content, and end-of-life disposal.
- Producers, importers, brand owners, plastic waste processors have to register on a centralised portal of **Central Pollution Control Board** immediately.
- It shall be applicable to both **pre-consumer and post-consumer** plastic packaging waste.
- After recycling the mandated percentage of plastic, a company would have to submit a **certificate** to the relevant authority and if more than the mandated amount is recycled, it could be sold to other companies.
- Environmental compensation will be levied based upon polluter pays principle, with respect to non-fulfilment of EPR targets by producers, importers and brand owners
- State Pollution Control Board (SPCBs) or Pollution Control Committees (PCCs) have been tasked to submit an annual report on EPR portal with respect to the State/Union Territory to the CPCB.
- Permitted thickness of plastic bags will be increased to **120 microns from December 31, 2022**.
- The new rules classify plastics into four categories-
 - ✓ **Category 1:** rigid plastic packaging
 - ✓ **Category 2:** flexible plastic packaging of single layer or multilayer
 - ✓ **Category 3:** Multi-layered plastic packaging;
 - ✓ **Category 4:** plastic sheet or like used for packaging as well as carry bags of compostable plastics
- The implementation of EPR will be done through a customized online platform which will act as digital backbone of the system.

Star Rating For Faster Green Clearance

Union Ministry of Environment, Forests and Climate Change has decided to "incentivise states" by ranking them on the basis of "efficiency and timelines in grant of environmental clearances".

About Rating System

- The State Environment Impact Assessment Authority (SEIAA) which clears projects in the shortest period of time, has a high rate of clearance, and seeks fewer "essential details" will be ranked the highest.
 - SEIAA is a state agency that reviews specific projects enlisted in **Category B of Environmental Impact Assessment (EIA) Notification, 2006**. These are relatively smaller though they make up the bulk of projects (over 90% clearances) that are presented for approval
- It has been decided to incentivise the states through a star-rating system, based on efficiency and timelines in grant of EC (environmental clearance).
- It spells out **seven criteria** to rate SEIAAs on "transparency, efficiency and accountability".

- On a scale of 7, an SEIAA will get 2 marks if it takes less than 80 days on average for granting clearance; 1 for less than 105 days; 0.5 for 105-120 days; and 0 for over 120 days.
- If less than 10% of the projects for scrutiny prompted a site visit by committee members, to examine ground conditions, an SEIAA would get one mark. More than 20%, on the other hand, would be a demerit or zero marks.
- SEIAA with a **score of seven or more would be rated 'five star.'** The government said that if an SEIAA demands clarification, the time taken to respond won't be deducted.

Criticism

- Environmentalists warned that the state authorities, whose mandate is to ensure protection of the environment, will now “compete” to clear projects swiftly, to increase state rankings.
- Rating system reduce the SEIAA to a ‘rubber stamps authority’ where their performance will be judged by the speed with which they facilitate environmental degradation and jeopardising of community livelihoods.
- Documentation is lacking in some cases, and in others, information provided is not sufficient to make any decision.

Significance

- It will increase ease of doing business in India.
- It is intended as a mode of recognition and encouragement as well as for prompting improvements where needed.

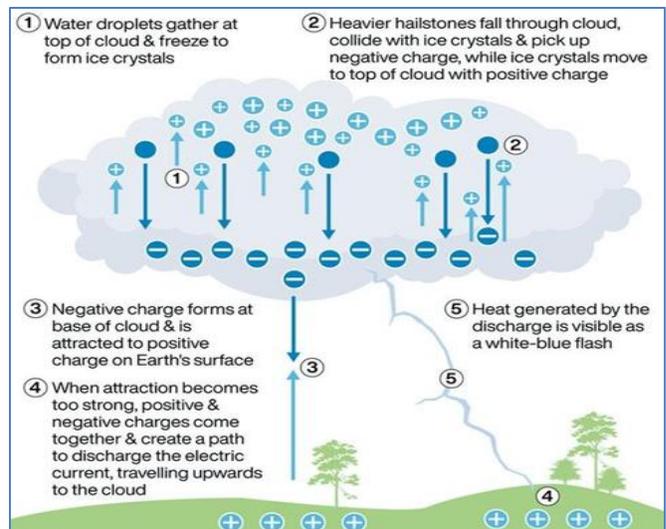
DISASTER MANAGEMENT

Lighting – A Disaster That’s Need Attention

- It is a **rapid and massive discharge of electricity** into atmosphere, some of which is directed towards the Earth.
- There is occurrence of a natural ‘electrical discharge of very short duration and high voltage between a cloud and the ground or within a cloud’, accompanied by a bright flash and sound, and sometimes thunderstorms.
- **Inter cloud or intra cloud (IC) lightning** are visible and harmless. **Cloud to Ground (CG) lightning** is harmful as the ‘high electric voltage and electric current’ leads to electrocution.
- Discharges are produced in huge moisture clouds that are 10-12 km long.

How Lightning Is Formed?

- As **water vapour moves upwards** in the cloud, it condenses due to the falling temperature.
- As they drop to a temperature below 0°C, the water droplets **turn into tiny ice crystals**.
- They continue to grow until **they become so heavy** that they begin to fall to the earth.
- This leads to a system in which, at the same time, **smaller ice crystals are moving up and larger crystals coming down**.
- **Electrons are released** and **triggered after a collision**; a process similar to the production of electric sparks.



- As the moving free electrons cause more collisions and more electrons, a chain reaction occurs.
- This process results in a situation in which the **upper layer of the cloud becomes positively charged, while the middle layer becomes negatively charged.**
- The electric potential **difference between the two layers is very large**, on the order of one billion to 10 billion volts.
- In a very short time, a **huge current, on the order of 100,000 to one million amperes, begins to flow between the layers.**
- **Earth is a good conductor of electricity;** it is electrically neutral.
- However, **compared to the middle layer of the cloud, it becomes positively charged.**
- As a result, about **15%-20% of the current is directed towards the earth as well.**

Lightning-Prone Area in India

- **Madhya Pradesh** has recorded the highest number of ground lightning, followed by *Chhattisgarh, Maharashtra, Odisha and West Bengal.*
- Other states with high strike rates include Bihar, UP, Karnataka, Jharkhand and Tamil Nadu.

Why Lightning Is A Concern?

- About **1.4 crore lightning strikes were recorded in 2019-20**, which increased to 1.85 crore in 2020-21. In **2021-22, about 1.49 crore strikes** were registered across the country.
- It **cannot be predicted**, making it more challenging to issue timely warnings.
- According to National Crime Records Bureau data, at least **2,000 deaths have been caused by lightning every year since 2005.** More than **96% of lightning-related deaths occur in rural areas**
- It is **not classified as a natural calamity**, which means the affected people are not eligible for compensation from the government unlike in the case of floods or earthquakes.
- **Infrastructure Loss:** Buildings, communication networks, power plants etc are often **destroyed** by lightning incidents.
- Occasionally, lightning and thunder **can cause potentially devastating forest fires.**

Government Initiatives To Tackle Lightning

- NDMA has issued **detailed guidelines** which provide **dos and don'ts** along with steps to be taken by the general public during lightning.
- National Disaster Management Authority (NDMA) has issued **Common Alert Protocol (CAP)** system to warn people about impending thunderstorm and lightning.
- **Lightning Alert System** provides location-specific forecast of thunder, lightning, strong winds, high winds, hailstorm occurrences up to 48 hours.
- **ISRO is providing satellite information about convective clouds** from INSAT-3DR, which is uploaded every 15 minutes.
- **Damini app** was developed by the Indian Institute of Tropical Meteorology and Earth System Science Organization. It warns user of lightning near them by a **GPS notification below 20 km and 40 km.**
- The **Lightning Resilient India campaign** aims to reduce the number of lightning deaths to 1,200 per year by 2022.
 - ✓ It is a joint initiative of Climate Resilient Observing-Systems Promotion Council (CROPC), NDMA, IMD, Union Ministry of Earth Science, World Vision India, UNICEF among others.

Precautions Taken for Lightning

- **Avoid wet ground** because people are most commonly struck by ground currents. The electrical energy, after hitting earth, spreads laterally on ground for some distance, and people in this area receive electrical shocks.
- **Do not take shelter under a tree**, it is dangerous, as it may attract lightning.
- **Go indoors in a storm**, however, avoid touching electrical fittings, wires, metal, and water even indoor. **Pay attention to alerts and warnings.**

Flash Drought

Recent study identifies India among the global flash drought hotspots from 1980-2015.

- Flash droughts are those that occur very quickly, with soil moisture depleting rapidly.
- Unlike conventional drought, which can happen anywhere and at any time, flash drought typically occurs during warm seasons.

Causes Of Flash Drought

- Unlike slow-evolving drought, which is caused by a decline in precipitation, flash drought occurs when low precipitation is accompanied by abnormally high temperatures, high winds, and/or changes in radiation.
- These sometime-rapid changes can quickly **raise evapotranspiration** rates and remove available water from the landscape.
 - Higher temperature increases evapotranspiration the process by which water is transferred from the land to the atmosphere by evaporation from soil and by transpiration from plants
- Geographic differences and climate patterns also impact the development of flash drought.

Effect Of Flash Drought

- Further lowers soil moisture, which decreases rapidly as drought conditions continue.
- If not predicted and discovered early enough, changes in soil moisture that accompany flash drought can cause extensive damage to agriculture, economies, and ecosystem goods and services.
- Flash drought can also be tied to rhythmic climatic patterns, such as La Nina events.

Predicting Flash Drought

- It is critical to successful mitigation and damage prevention.
- Changes in rate of evapotranspiration and soil moisture have been identified as key early warning indicators.
- Flash drought can occur even when no preceding signs are detected.

Dam Safety Act 2021

Dam Safety Act 2021 received the Presidential assent. The centre has brought the legislation under Article 246 of the constitution read with Entry 56 and Entry 97 of the union list.

- Although water is under the **state list** (Entry 17), the Act no way takes away the authority of the state. It provides a mechanism to ensure that the guidelines are followed.

Article 246

Article 246 empowers Parliament to legislate on any matter enumerated in **List I** of the Union list in the **7th Schedule** of the Constitution.

Entry 97

Entry 97 allows Parliament to legislate on any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

Entry 56

Entry 56 of List I allows Parliament to make laws on the regulation of **inter-state rivers and river valleys** if it declares such regulation to be expedient in public interest

Objective of the Act: Act proposes to help all states and union territories to adopt **uniform dam safety procedures**. Act deals for supervision, inspection, process and conservation of specified dam for prevention of dam failure related disasters.

Background

1. There are 5,254 large dams and most of dams are more than **25-year-old**. Huge siltation is taking place as a result of which the water holding capacity of dams is getting reduced.
2. There have been more than **forty large** dam failure incidences in past.
3. Lack of uniform law and administrative management for dam safety.
4. Central Water Commission (CWC) does not have statutory powers and can only make recommendation.

Salient Feature Of The Act

1. **National Committee on dam safety will be constituted with three-year tenure.**
 - ✓ It will be chaired by Chairman of Central Water Commission with Maximum of 10 representatives of central government in the ranks of joint secretary, maximum seven representatives of the state governments and three experts
 - ✓ **Functions of the Committee** will include formulating policies and regulations regarding dam safety standards and prevention of dam failures, and analysing the causes of major dam failures and suggesting changes in dam safety practices
2. **National Dam Safety Authority (NDSA):** It also envisages setting up of a National Dam Safety Authority to be headed by an officer not below the rank of an Additional Secretary, to be appointed by the central government. Its head office will be in New Delhi.
 - ✓ The main task of **NDSA** includes implementing the policies formulated by the **National Committee on Dam Safety**, resolving issues between State Dam Safety Organisations (SDSOs), or between an SDSO and any dam owner in that state, specifying regulations for inspection and investigation of dams.
 - ✓ The NDSA will also provide accreditation to agencies working on construction, design and alteration of dams
3. **State Dam Safety Organisation:** It also envisages constituting a State Dam Safety Organisation whose functions will be to keep perpetual surveillance, inspection, monitoring the operation and maintenance of dams, keeping a database of all dams, and recommending safety measures to owners of dams. It will report to **National Dam Safety Authority** in case of problem faced.
4. **Obligations of Dam Owners:** The owners of the specified dams are required to provide a **dam safety unit** in each dam. This unit will inspect the dams before and after the monsoon session, and during and after every earthquake, flood, or any other calamity or sign of distress.
 - ✓ Dam owners will be required to prepare an emergency action plan, and carry out risk assessment studies for each dam at specified regular intervals through a panel of experts.
5. **Punishment:** The Bill provides for two types of offences - obstructing a person in the discharge of his functions, and refusing to comply with directions issued.
 - ✓ Offenders will be punishable with imprisonment of up to 1 year, or a fine, or both. If the offence leads to loss of lives, the term of imprisonment may be extended up to two years.
 - ✓ Offences will be cognisable only when the complaint is made by the government, or any authority constituted under the Bill

Concerns With DAM Safety Act

1. The bill doesn't mention the payment of compensation to people affected by dam projects.
2. States have opposed it and considered it unconstitutional and encroaches upon the state's rights.

3. Central water commission will be responsible for technical appraisal of all projects and at the same it is authority to audit the same project (if the project is not successful). It is like being a judge of one's own cause
4. Dam safety is dependent upon many factors such as landscape, **land use change**, patterns of rainfall, structural features etc. All the factors have not been taken into account by the government in ensuring the safety of a dam.

Jawaharlal Nehru mentioned that Dams are modern temples of India. So proper maintenance, along with considerations for all stakeholders is need of time. We should follow the model of USA and UK in that perspective.

DEFENCE AND SECURITY

Agnipath Scheme

- Defence Minister has recently announced the "Agnipath" scheme, for recruitment of youth in the armed forces for four years.
- The process of recruitment has planned an intake of about 46,000 young men and women in 2022. Under the scheme, around 45,000 to 50,000 soldiers will be recruited annually, and most will leave the service in just four years.
- This will be the **only form of recruitment** of soldiers into the three defence services here on and the soldiers recruited under the scheme will be called **Agniveers**.

Mode of Induction

- **Enrolment:** Enrolment to **all three services** will be through a **centralised online system**, with special rallies and campus interviews at recognised technical institutes such as the Industrial Training Institutes, and the National Skills Qualifications Framework (NSQF)
- **Eligibility criteria:** The new system is only for personnel **below officer ranks**.
- **Recruitment:** Recruitment will be carried out on an 'All India All Class' basis with the eligibility age ranging from **17.5 to 21 years**, with medical and physical fitness standards in accordance with existing norms.
- **Qualification:** The required educational qualification will be **Class X-XII**.
- **Reselection:** For those who are re-selected, the initial four-year period will not be considered for retirement benefits.
- **Permanent Commission:** Up to 25% of each batch will be enrolled as regular cadre as under permanent commission & would be required to serve for a further minimum period of 15 years.

Post-selection Plan

- **Training:** Once selected, the aspirants will go through **training for 6 months** and then will be deployed for three and a half years.
- **Remuneration:** During this period, they will get a starting salary of Rs 30,000, along with additional benefits which will go up to Rs 40,000 by the end of the four-year service.
- **Annual package:** The "Agniveers" will received an annual package of ₹4.76 lakh in the 1st year to ₹6.92 lakh in 4th year, apart from risk and hardship and other allowances as applicable.
- **Contribution:** The recruits will have to contribute 30% of their monthly emoluments to Seva Nidhi, with a matching contribution made by the government.
- **Tax free grant:** Under the "**Seva Nidhi**" package (which is exempt from Income Tax), they will receive about ₹11.71 lakh, including contribution and interest, on completion of service.
- **Post-retirement benefits:** There will be no entitlement to gratuity and pensionary benefits under the scheme.

- **Life insurance:** The “Agniveers” will be provided **non-contributory life insurance** cover of ₹48 lakh during their service.
- **Insurance in case of life lost:** In case of death attributable to service, apart from over ₹1 crore, which will include the “Seva Nidhi” package, full pay for the unserved period will be given.
- **Disability:** In the case of disability attributable to service, a provision of up to ₹44 lakh based on the percentage of disability, apart from full pay for the unserved period, including “Seva Nidhi” with interest as applicable, has been made.

Significance	Challenges
<p>1. <u>Foundation Stone for New India</u> The scheme will ensure that a trained, disciplined, confident, and committed workforce is available for government jobs and to the corporate world.</p> <p>2. <u>Reduction in Defence Expenditure</u></p> <ul style="list-style-type: none"> • The scheme is also expected to reduce the Army’s <i>pension burden</i>, as the country has a large population of retired servicemen. • For the current fiscal, the government has allocated nearly Rs 1.2 lakh crore for pensions for the Defence Ministry and the armed forces. • This is about a <u>quarter of the total defence budget and larger than the capital acquisition allocation.</u> <p>3. <u>Address The Issue Of Shortage In Army</u> There is a vacancy of more than 1 lakh Junior Commissioned Officers of Other Ranks in the Army at the moment. It will make up for the shortage of officers in the Army.</p> <p>4. <u>Increased Nationalism and Patriotism</u> At a time, when India is grappling with various secessionist tendencies, this scheme will imbibe a nationalistic feeling among youths. This will be helpful in promoting unity and integrity of India.</p>	<p>1. <u>Might Erode Operational Readiness</u></p> <ul style="list-style-type: none"> • Due to timing constraint, an Officer is unlikely to be given more than 3-6 months pre-commission training. • Also, they might not get any post-commission training. <p>2. <u>Commitment Will Not Be The Same As That Of A Normal Officer</u> An officer will consider himself in transit. He will be more concerned about what happens after three years than about his role in the army.</p> <p>3. <u>Neither Here Nor There</u></p> <ul style="list-style-type: none"> • A minimum of five years is necessary to enable the individuals to earn <i>gratuity</i> as per government policy. • Besides the experience and salary during the term of services, the candidate will gain nothing. <p>4. <u>Similar Schemes Already Exist</u></p> <ul style="list-style-type: none"> • India has a well-established <i>Territorial Army</i> which has performed creditably in war and counter-insurgency. • To give military experience even to the youth, we have the National Cadet Corps (NCC).

Conclusion

- An attractive short-term scheme, which **strikes a balance** between the standards of training and operational requirements of the armed forces and needs of the individual, is the **most cost-effective method of managing military budgets.**
- Israel has successfully implemented a mandatory three-year military service for its youths. This has helped in the nation-building process of Israel.
- However, we must keep in mind that Israel model is conscripted mandatory in national service and is not driven by patriotism per se.
- Focusing only on **neo-nationalism as the sole motivator** to join the scheme will only end up creating potential political militias.

DRDO @ 75 years of Indian Independence

Defence Research & Development Organisation (DRDO) is an agency under the Ministry of Defence. It was formed in **1958** from the amalgamation of the then already functioning Technical Development Establishment (TDEs) of the Indian Army and the Directorate of Technical Development & Production (DTDP) with the Defence Science Organisation (DSO).

- DRDO was then a small organisation with 10 establishments or laboratories.

- **Mission**

- To design and develop state-of-art defence systems and technologies and
- To provide technological solutions to the Services while developing infrastructure and committed quality manpower.
- Today, DRDO is a network of more than 50 laboratories which are deeply engaged in developing defence technologies covering various disciplines, like aeronautics, armaments, electronics, combat vehicles, engineering systems, instrumentation, missiles, advanced computing and simulation, special materials, naval systems, life sciences, training, information systems and agriculture.
- Presently, the Organisation is backed by over 5000 scientists and about 25,000 other scientific, technical and supporting personnel.

Budgetary Allocations

- DRDO operates with a financial outlay of about 6% of the India's Defence budget, which compares very modestly to the R&D expenditure of world leaders with USA at 15%, China at 20% and Israel at about 9%.
- In the Union Budget 2022-23, DRDO was allocated **Rs 21,330 crore**.
- About one-third of this budget is utilised for development projects and technology development, another third is earmarked for strategic systems development and the remaining third utilised for manpower, training and infrastructure build-up.

DRDO and Its Linkages

- DRDO operates with a number of external linkages at various levels with different agencies.
- At the centre of its operations are the three wings of the Indian Armed Forces – who are the main customers.
- Their vision and operational requirements give shape to the choice of development projects.
- The major production partners are the Ordnance factories and Defence PSUs, who have traditionally been DRDO's manufacturing partners.

Accomplishments of DRDO

- DRDO's first project for the Indian military was the surface-to-air missiles (SAM) known as **Project Indigo**. However, it received little success and was therefore discontinued.
- Integrated Guided Missile Development Programme (IGMDP) –
- IGMDP, approved in 1983, was the brain child of renowned scientist **Dr. APJ Abdul Kalam**. It was intended to attain self-sufficiency in the field of missile technology.
- Under the programme, five ballistic missiles were developed which include **Prithvi, Trishul, Agni, Akash and Nag**.
- Since being set up, DRDO has achieved many successes in developing major systems and critical technologies like aircraft avionics, UAVs, small arms, artillery systems, EW Systems, tanks and armoured vehicles, sonar systems, etc.
- The value of systems/products/technologies developed by DRDO and inducted into Services or in the process of induction stands at over **Rs 2.75 lakh Crore**.

Recent Developments

- In 2016, it successfully tested its first indigenously developed heavy-duty drone, **Rustom 2**, which is an unmanned armed combat vehicle developed on the lines of the US's Predator drone.
- DRDO co-developed **INS Arihant**, India's first nuclear ballistic missile submarine, which became operational in 2018.
- In March 2019, DRDO developed India's first anti-satellite system that made India fourth country to conduct an **anti-satellite (ASAT) missile test** (after the United States, Russia, and China).
- Pinaka Extended Range (Pinaka-ER) Multiple Launch Rocket System (MLRS), Supersonic Missile Assisted Torpedo System (SMART), Advanced Chaff Technology are few new add ons.
- **Mobile Autonomous Robot System:** MARS is a smart robust robot to handle land mines and Inert Explosive Devices (IEDs) which helps the Indian Armed Forces to disarm them from far distances despite hostile surroundings.
- **Highest Terrestrial Centre in Ladakh:** DRDO's centre in Ladakh is at 17,600 feet above sea level at Changla near Pangong lake which is intended to serve as a natural cold storage unit for the preservation of natural and medicinal plants.

DRDO Young Scientists Laboratories

- In January 2020, Prime Minister Narendra Modi dedicated to the nation 5 Young Scientists Laboratories of DRDO located in five cities viz, Bengaluru, Mumbai, Chennai, Kolkata and Hyderabad.
- Each lab will work on a key advanced technology of importance to the development of futuristic defence systems viz, Artificial intelligence, Quantum technologies, Cognitive technologies, Asymmetric technologies and Smart materials.

Issues with DRDO

- **Inadequate Budgetary Support:** The Standing Committee on Defence during 2016-17, expressed concerns over the inadequate budgetary support for the ongoing projects of DRDO.
- **Inadequate Manpower** in critical areas to the lack of proper synergy with the armed forces.
- **Cost escalation and long delays** have damaged the reputation of DRDO.
- **Big on Promise and Small on Delivery:** There is no accountability. Nobody is taken to task for time and cost overruns. In 2011, CAG put a serious question mark on DRDO's capabilities, citing the organisation has a history of its projects suffering endemic time and cost overruns.
- **Obsolete equipments:** DRDO is just tinkering with World War II equipment instead of working on cutting-edge technology.

How To Further Strengthen India's Defence R&D Ecosystem?

- A strong R&D base is key to achieving self-reliance in defence manufacturing.
- But this has remained a critical weakness for India as the DRDO's lack of long-term focus on R&D-oriented planning resulted in a failure to develop the technology, relevant for the defence forces.
- To drastically improve the situation, the Central government has already begun encouraging the private sector to focus on R&D.
- Further, India needs to initiate domestic flagship defence technology development programs catering to future acquisitions.

Defence Ministry Notifies 3rd Positive Indigenisation List

Defence Minister Rajnath Singh unveiled the **third list of over 100 military systems and weapons that will be put under import restrictions.**

Background

- Indian Government is **pushing towards defence indigenisation.** For this, it has, from time to time, released negative import list/positive indigenisation list.
- The items on the lists cannot be imported by the Services and should be sourced from within the country.
- In August 2020, the government notified the **first negative import list** of 101 items. Again, in May 2021, the government notified the second list, comprising 108 items.
- It renamed the third list as 'positive indigenisation list'.

Importance of Indigenisation

Economic	<ul style="list-style-type: none"> •As per the SIPRI report, India is the second largest arms importer in the world (after Saudi Arabia). Despite having the fifth largest defence budget, India procures 60% of its weapon systems from foreign markets. •Higher import leads to increase in the fiscal deficit.
Employment generation	<ul style="list-style-type: none"> •Indigenous defence manufacturing will help build military industrial complex in India. •It will also help MSMEs involved in the defence manufacturing and will promote start-ups. This, in turn, will generate employment in India.
Security	<ul style="list-style-type: none"> •India is surrounded by porous borders and hostile neighbours. It needs to be self-sufficient and self-reliant in defence production.
Geopolitical	<ul style="list-style-type: none"> •After the Ukraine war, the importance of being self-reliant in defence production is more apparent than ever. •Military imports become difficult whenever the country we are importing from is in a geopolitical crisis.
Promote Exports	<ul style="list-style-type: none"> •Self-reliance in Defence manufacturing will promote India's image in international forums and it will help India become a defence exporter. •For instance, India has recently started seeing improvement in defence exports, including the export of BrahMos missiles.

Recent Steps

- Change in Defence Procurement Policy (DPP) to Defence Acquisition Procedure (DAP) 2020**
 - The policy increased the Indigenous Content stipulated in various categories of procurement by about 10% to support 'Make in India' initiative.
 - It added an additional category **Buy (Indian-IDDM)** as the most preferred way of defence goods acquisition. [IDDM - Indigenously Designed, Developed and Manufactured].
 - Preference has been given to '**Buy (Indian)**', '**Buy & Make (Indian)**' & '**Make**' categories of acquisition over 'Buy (Global)' category.

Category	DPP 2016	DAP 2020
Buy (Indian-IDDM)	Min 40%	Min 50%
Buy (Indian)	Min 40%	Indigenous design min 50% otherwise 60%
Buy & Make (Indian)	Min 50% of make	Min 50% of make

Buy (Global-Manufacture in India)	Category doesn't exist	Min 50% of Buy Plus make
Buy (Global)	Category doesn't exist	Min 30% for Indian vendors

2. **Negative Import List/Positive Indigenisation List:** So far government has released three such lists. The items mentioned on the lists cannot be imported by the Services and should be sourced from within the country
3. **Space Created For Private Players**
 - Government has incentivised the private sector to invest in defence manufacturing. In this direction, it has relied on *transfer of technology*, providing a platform for handholding etc.
 - The government recently **corporatized** the Ordnance Factory Board and converted it into **seven** Defence Public Sector Undertakings (**DPSUs**).
4. **Enhanced Capital Outlays:** A % of the capital outlay of Defence budget had been reserved for procurement from domestic industry.
 - For the year 2021-22, about 63% of the capital outlay or about ₹70,221 crore was reserved for procurement from domestic defence industry.
 - Of the ₹1.52 lakh crore capital allocation in this year's Defence budget, 68% had been reserved for procurement from the domestic industry.
5. **Budget 2022-23:** Union Finance Minister Nirmala Sitharaman had announced in her Budget speech that in the annual Budget of 2022-23,
 - Defence R&D will be opened up for industry, start-ups and academia
 - 25% of the Defence R&D budget has also been earmarked for this purpose.
- In addition, she announced that an **independent nodal umbrella body** will be set up for meeting wide-ranging testing and certification requirements.
6. **SRIJAN Portal:** It is a one stop online portal that provides access to the vendors to take up items for indigenization.
7. **E-Biz Portal:** Process of applying for Industrial License (IL) and Industrial Entrepreneur Memorandum (IEM) has been made completely online on ebiz portal.
8. **Two Defence Industrial Corridors** have been established in Tamil Nadu and Uttar Pradesh.
9. **Defence Investor Cell** has been created in Feb', 2018 to provide all necessary guidance and information to investors, innovators, MSMEs and Start-ups interested in defence manufacturing.
10. An innovation ecosystem to foster innovation and technology development in Defence and Aerospace titled **Innovations for Defence Excellence (iDEX)** has been launched in April, 2018.
11. **FDI Policy has been revised** and FDI is allowed under automatic route upto 49% and upto 100% with Government approvals.

Challenges

- **Issues With Defence Acquisition**
 - ✓ India's defence acquisition framework has **failed to ensure time-bound procurement** thus forfeiting available budgetary resources, as well as vulnerability to import-centric pressures, corruption etc.
 - ✓ In its 2007 audit report, **CAG had noted that** the basic problem of India's defence acquisition framework was its **dispersed centres of responsibility** and **lack of professionalism** in acquisition.
 - ✓ There are **too many independent actors** responsible for various acquisition functions that include drafting of technical features, issuance of tender document, undertaking of trials and evaluation etc.
 - ✓ These actors are **neither trained** for their assigned roles **nor are they given adequate time to build institutional capacity**.

- The apathy towards domestic industry has been institutionalised by **keeping the acquisition and production functions under two distinct power centres in the MoD.**
 - ✓ These are the **offices of the DG (Acq.)** and **Secretary (Defence Production)** – the latter is responsible for indigenous arms production by both state and private entities. **Lack of convergence** has been observed between these two offices.
 - ✓ Since the basic objectives of these two high offices are not necessarily driven by indigenous-centric procurement, the focus on indigenisation has become subservient to acquisition.
- **Land Acquisition Issues:** Restricts entry of new players in the defence manufacturing and production.
- **Policy Dilemma:** Policy dilemma offset requirements under the DPP (now replaced with DAP 2020) didn't help achieve its goal.
 - Offsets are a portion of a contracted price with a foreign supplier that must be re-invested in the Indian defence sector, or against which the government can purchase technology).
 - Only G2G, single vendor contracts or Intergovernmental Agreements (IGA) will not have offset clauses anymore.
 - According to DAP 2020, all other international deals that are competitive, and have multiple vendors vying for it, will continue to have a **30% offset clause.**
- **Lack of institutional capacity and capability** to take different policies aimed at indigenisation of defence to its logical conclusion.
- **Infrastructural deficit:** It increases India's logistics costs thus reducing country's cost competitiveness & efficiency.

Conclusion

India can learn a lot from **France's success** in devising a **sound domestic-industry-driven procurement system.** It should focus to integrate the procurement and acquisition functions under one administrative head. Create a dedicated professional acquisition cadre to bridge the knowledge asymmetry between government and industry.

New Defence Acquisition Policy

- **Defence Acquisition Procedure (DAP)** will supersede the Defence Procurement Procedure of 2016.
- DAP 2020 has been aligned with the vision Atmanirbhar Bharat and empowering Indian domestic industry through Make in India initiative with the ultimate aim of turning India into a global manufacturing hub

Key Highlights

I. New Category Buy (Global – Manufacture in India)

- It has been introduced with **minimum 50% indigenous content** on cost basis of total contract value.
- Only the minimum necessary will be bought from abroad while the balance quantities will be manufactured in India.
- This would be in preference to the 'Buy Global' category as manufacturing will happen in India and jobs will be created in the country.

II. Greater Indigenous Content

- It promotes greater indigenous content in arms and equipment procurement. DAP 2020 stipulates 10 % higher indigenisation than DPP 2016.

III. Reservations for Indigenous Firms

- The policy reserves several procurement categories for indigenous firms. It defines an "Indian vendor" as a company that is owned and controlled by resident Indian citizens, with FDI not more than 49%.

IV. Offset liability

- The offset guidelines have been revised, wherein **preference will be given to the manufacturing of complete defence products over components** and various multipliers have been added to give incentivisation in the discharge of offsets.
- Also, the policy decided not to have an offset clause in procurement of defence equipment if the deal is done through inter-government agreement (IGA), government-to-government or a single vendor.

V. Leasing introduced as a new category

- Leasing has been introduced as a new category for acquisition in addition to existing 'Buy' & 'Make' categories.
- This has been done to get defence equipment at affordable rates. India now can formally take military equipment on lease from a friendly country.
- In fact, India already leases one of its most potent naval combat platforms from Russia — the nuclear propelled attack submarine, **INS Chakra.**

Linkages Between Development and Spread of Extremism

Nagaland Killings And The Debate on AFSPA

The recent killings of civilians by security forces in a case of alleged mistaken identity in Nagaland have once again **rekindled the debate over the AFSPA**. Another civilian was killed recently, **dominated by the Konyak tribe**, when security forces repelled a mob attack on an **Assam Rifles camp**.

About Armed Forces (Special Powers) Act (AFSPA), 1958

- It was enacted in 1958 to bring under control what the government of India considered disturbed areas as normal CrPC and IPC provision were not able to address these violent situations and terrorist activities.
- The law is based on the Armed Forces (Special Powers) Ordinance of 1942, which was issued during the Quit India movement.
- It was first implemented in the Northeast, and then in Punjab.
- Prosecution of the officer on duty needs prior permission of the Central Government.

Where Is AFSPA In Effect Now

- AFSPA can be implemented in an area after it has been declared as “disturbed”.
- States under AFSPA includes:
 - Assam, Nagaland, Manipur (excluding 7 Assembly constituencies of Imphal),
 - Arunachal Pradesh (only the Tirap, Changlang and Longding districts plus a 20-km belt bordering Assam), and Jammu and Kashmir.
 - It was completely lifted from Meghalaya in April 2018. It was repealed in Tripura in 2015.

Why Is The Law Controversial

Section 3

- It empowers the Centre to declare any area as Disturb Area **without taking consent of the concerned state**

Section 4

- Accords certain power to an authorised officer which also includes **power to open fire** at any individual even if it results in death
- The officer has also been given the power to (a) **arrest without a warrant**; and (b) **seize and search without any warrant any premise**

Section 7

- It mandates prior executive permission from central or state authorities for prosecution of a member of the security forces

- AFSPA has often been criticised as a draconian Act for which gives

Unbridled power to the armed forces

Impunity that security personnel enjoy for their actions

- Under AFSPA, the armed forces may shoot to kill or destroy a building on mere suspicion.
- Irom Sharmila, known as the Iron lady of Manipur, has been a towering figure who is well-known for her 16-year-long hunger strike against AFSPA.

Various Judgements and Committee Reports on AFSPA

Naga People's Movement of

Supreme Court **upheld the constitutionality of the law**. However, the judgment made some notable conclusions such as:

<p>Human Rights v. Union of India, 1997 case</p>	<ul style="list-style-type: none"> ▪ Although Central Government is empowered to declare an area disturbed on its own, it is desirable that it consults the state before making such declaration. ▪ The act is not conferring any arbitrary powers to declare an area as a ‘disturbed area’ ▪ The declaration should be for a limited duration and there should be periodic review at 6 months. ▪ The officers should use minimal force necessary for effective action. <p>The SC also laid down a number of dos and don’ts for AFSPA. These are:</p> <ul style="list-style-type: none"> ▪ Any person arrested and taken into custody should be handed over to the nearest police station with the least possible delay. ▪ The property seized during the course of a search conducted must also be handed over to the officer-in-charge of the nearest police station. ▪ The provisions of the CrPC governing search and seizure have to be followed during the course of search and seizure conducted under AFSPA. ▪ A complaint containing an allegation about misuse or abuse of the powers conferred under this Act shall be thoroughly inquired into.
<p>B P Jeevan Reddy Committee 2005</p>	<ul style="list-style-type: none"> ▪ It was appointed in 2004 to review the provisions of act in the north eastern states. ▪ This committee recommended that the AFSPA should be repealed and its appropriate provisions should be included in the UAPA. ▪ Further, the powers of the army / paramilitary officers should be clearly demarcated. ▪ Moreover, the committee recommended that grievance cells should be created in each district where such law is in force. ▪ The report was endorsed by the 2nd ARC report also.
<p>Santosh Hegde Committee 2013</p>	<ul style="list-style-type: none"> ▪ Constituted by SC, it reported the use of disproportionate force and intrusion of security forces in areas which are not notified as disturbed areas. ▪ The Commission even went to the extent of saying that AFSPA was an impediment to achieving peace in regions such as Jammu and Kashmir and the northeast.

Way Forward

- Frequent misuse of AFSPA by security forces has led to the widespread resentment against this act. However, the annulment of the law would seriously affect the governance in the insurgency-affected states.
- Hence, the need of the hour is to provide certain safeguards so as to prevent its misuse. This can include steps like:

- **Establishing grievance cells in each district where such law is in force**
- **Ensuring accountability of the officer in charge**
- **Investigation by independent and impartial authorities**

Role of External State & Non-State Actors in Creating Challenges to Internal Security

Subverting Civil Society Is New Frontier Of War

- Recently, while addressing the IPS trainees, the National Security Advisor (NSA) Ajit Doval pointed out that the new frontiers of war is about the **subverting civil society**.
- He termed civil society as a fourth generation of warfare.

Warfare Of Different Generation

- **First-generation warfare** refers to Ancient and Post-classical battles fought with massed manpower.
- **Second-generation warfare** is the early **modern tactics** used after the invention of rifled musket and breech-loading weapons.
- **Third-generation warfare** focuses on using **modern technology-derived tactics** of leveraging speed, stealth and surprise to bypass the enemy's lines and collapse their forces from the rear.
- **Fourth-generation warfare** is characterized by a blurring of the lines between war and politics, combatants and civilians.

About Civil Society Subversion

- Civil society subversion is the **hijacking or co-option** of social movements, diaspora communities, advocacy groups, or other civil society entities.
- This is done using **non-transparent or seditious** means to amplify political and social cleavages, promote extremism, or otherwise divide target societies.
- Civil society subversion occurs when the **organisation is penetrated** by individuals or entities linked to the foreign governments, their ruling parties, or their proxies.
 - Often the foreign entities use funds for the subversion of civil society organisations in a country.
 - E.g., the then Prime Minister Manmohan Singh had blamed NGOs, often funded from the United States and Scandinavian countries, for spearheading the **protests against the Koodankulam nuclear power project** in Tamil Nadu.
- This subverted organisation is then used as a tool to promote foreign agenda thereby hurting the interest of a nation.

Subversion: A Threat To Internal Security Of A Nation

- **Wars ceased to become effective instruments** to achieve political and military objectives. They are too expensive, unaffordable and there is uncertainty about the outcome.
- However, it is the civil society that can be subverted, divided and manipulated to hurt the interest of the nation.
 - Pakistan has been waging a systematic proxy war against India with subversion and terrorism as the main weapons.
 - Many NGOs supported by Pakistan are active in different parts of India. They use the existing societal differences as a tool to further alienate the minority population.
- **Social Base:** Subverted NGOs often provide social base to the divisive forces. **Role of Elgar Parishad** in supporting Maoism is well documented.

- **Negative Sentiment:** These organisations often work towards development of a negative sentiment in the minds of youths in an insurgency/terrorism affected region. E.g., ISI uses these organisations to recruit its fighters.
- **Mobilizing funds:** In India, these organisations help militants/insurgents/separatists in mobilizing funds for their activities. They collect funds from sympathizers, carry out disguised trade and indulge in money laundering activities so support terrorist organizations financially.
- **Issues like human rights, environment protection** etc. are often raised by these organisations to stall the growth and development of India.

Tools/Mechanisms To Deal With Subverted Civil Society Organisations

- **Foreign Contribution (Regulation) Act (FCRA)** regulates the acceptance and utilisation of foreign contribution or foreign hospitality by civil society organisations in India. The law is enforced by the Ministry of Home Affairs.
- Furthermore, MHA has launched an **Online Analytical Tool** to keep a close eye on foreign-funded NGOs.
- MHA has suspended or de-registered some organizations also put some on a watch list,
 - It also authorizes Enforcement Department-led raids on offices of these organisations and frozen the bank accounts of some organisations.
- Also, India is promoting self-regulation as a tool to deal with civil society organisation in an effective manner. These self-regulation initiatives include:
 - Development of codes of conduct,
 - Monitoring, rating or validation mechanisms to strengthen the sector's understanding of how to improve accountability and the public's understanding of the non-profit sector.

Role of Media & Social Networking Sites in Internal Security Challenges

Regulation of Social Media Intermediaries

The Minister for MeitY has proposed a government appointed **Appeals' Committee**, as a fresh draft of amendment to IT Rules 2021, to look into **complaints of 'content moderation' against social media companies**. However, he has further added that the government is 'open' to self-regulation of social media companies if tech giants were to handle users' grievances and appeals in a satisfactory manner.

Need For New Proposal Of Appointing Appeals' Committee

- Lack of accountable and responsible system of self-regulation by social media intermediaries.
- De-platforming or removing a person from a social media platform by the social media intermediaries without giving him/her opportunity to explain their action is violative of principle of natural justice and Article 14 (right to equality) of Indian Constitution.

Working of the Committee

- The Grievance Appellate Committee is set up to provide an alternative to a user to file an appeal against the decision of the Grievance Officer rather than directly going to the court of law.
- These committees will be empowered to review and possibly reverse content moderation decisions taken by social media companies like Facebook, Twitter and YouTube.

- The Committee has to dispose of the appeals within 15 days of receiving them and its decision will be binding on the intermediaries or the large social media companies concerned.
- Intermediaries have to acknowledge suspension, removal or blocking of any user account or any complaint from its users in the nature of request for removal of information or communication link within 24 hours.
- The Ministry has not specified the composition of the committee.
- The draft also proposes to place additional responsibilities on grievance officers.
 - ✓ It suggests that if a user complains about content which is “patently false”, infringes copyright, and threatens the integrity of India, among other things, a grievance officer will have to expeditiously address it within 72 hours.
 - ✓ Current rules require these officers to address all content-related complaints within 15 days.

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 for social media



- **Removal of Content from Social Media:** The new guidelines will make it mandatory for platforms to aid in identifying the “originator” of “unlawful” messages.
 - The rules lay down 10 categories of content that the social media platform should not host.
 - The rules stipulate that upon receipt of information about the platform hosting prohibited content from a court or the appropriate government agency, it should remove the said content within 36 hours.
- **Related to Safe Harbour Mechanism:** Social media intermediaries will **enjoy legal immunity (safe harbour) from 3rd party content on their platform under section 79 of IT Act** if they observe due diligence as mentioned below.
- **Categorisation of social media:** As Social Media Intermediaries (SMI) and Significant Social Media Intermediaries.
 - Social media intermediaries, with registered users in India above a notified threshold, have been classified as SSIMs.
- There shall be ‘**grievance officer**’ appointed by all kind of social media intermediaries (SMI) to deal with complaints. He shall acknowledge the complaint within 24 hours of complaint and resolve it within 15 days from receipt.

Significant Social Media Intermediaries (SSMI) shall have additional due diligence

- They will be required to appoint a **chief compliance officer resident in India**, who will be responsible for ensuring compliance with the rules.
- They will be required also to appoint a **nodal contact person for 24x7** coordination with law enforcement agencies.
- The platforms will need to publish a **monthly compliance report** mentioning the details of complaints received and action taken on the complaints, as well as details of contents removed proactively by the significant social media intermediary.

Penalties for Companies Violating these Guidelines

- In case an intermediary fails to observe the rules, it would lose the safe harbour, and will be liable for punishment “under any law for the time being in force including the provisions of the IT Act and the Indian Penal Code”.

Concerns Regarding New Proposal

- The Appeals’ Committee will give the government overriding power over the decision of social media intermediaries’. This will pose a threat to free speech on social media.
- The Appeals’ Committee will be facing practical difficulties in dealing with large number of complaints due to giant user base and heavy content flow.
- Social media regulation is still an evolving issue. The government should consult all stakeholders before taking any call on this issue.

Security Challenges & Their Management in Border Areas

India Gets Maritime Security Coordinator

- The Centre has appointed the **first National Maritime Security Coordinator (NMSC)** to ensure effective coordination and cooperation among multiple central and state authorities.

- Vice Admiral (ret'd) **G Ashok Kumar** has been appointed as India's first NMSC.

Role & Responsibility of NMSC

- NMSC is created to act as an *interface between civilian and military maritime domain* with the objective of enhancing **security architecture** and **energy security** of India.
- He will be the **principal advisor to the government** on maritime security domain and will act as a **nodal point for all issues** related to maritime security
- The NMSC will **work in coordination with National Security Council (NSC) Secretariat**, headed by NSA
- NMSC will also ensure cohesive policies & plans in maritime domain, including on the technology front.

Need For This Post

To Address The Issues Of Sea Blindness And Security Vagueness

- India has suffered from sea blindness over centuries with **land-based security doctrines**.
- Also, India has 9 coastal states and 4 UT's, who believe that maritime and coastal security is responsibility of the central government. They have little to increase the maritime domain awareness.

Need To Break The Silos Of Multiple Authorities Involved In Maritime Issue

- Many institutions are involved in maritime issues. These authorities range from external affairs, defence, home and shipping ministries to the Navy, Coast Guard, customs, intelligence agencies, port authorities, state governments and maritime police forces.
- All these institutions tend to **work in silos with overlapping jurisdictions** and are constantly at odds with each other.

Maritime Security Of Vast Coastlines

- India has along 7,516-km coastline, including island territories, and a **2 million sq km Exclusive Economic Zone**.
- Creation of this post is seen as part of the country's attempt to bolster its maritime security following the 26/11 Mumbai terror attack.

Economic And Energy Security

- **90% of India's trade by volume & 70% by value** transit through the seas. Creation of this post will help strengthen the country's maritime and energy security as well as expanding blue economy and technology requirements.
- The Indian government is set to clear the Deep Ocean Mission for the blue water economy.

Geostrategic Need

- China is penetrating into the Indian Ocean through Pakistan and Myanmar.
- The creation of NMSC will give a boost to India's SAGAR doctrine under which, India has envisioned a role of net security provider for itself in the IOR.

Recommended By Group of Ministers Formed After Kargil War

- The GoM had recommended in its report that **an apex body for management of maritime affairs** should be formed for institutionalised linkages between the Navy, Coast Guard and the concerned Ministries of Central and State Governments.

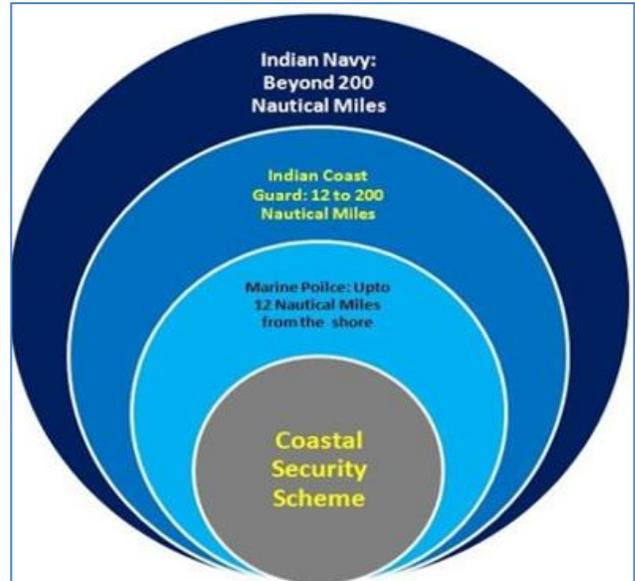
Previous Effort To Create This Post

- After the 26/11 terror attacks in 2008, the Defence Ministry had proposed the creation of a Maritime Security Advisory Board, and appointment of a Maritime Security Advisor. However, these proposals were kept pending.
- After the attack, the **National Committee on Strengthening Maritime and Coastal Security** against threat from the sea (NCSMCS) was set up in 2009 with Cabinet secretary as its chairman.

- However, NCSMCS meets only occasionally to coordinate among various agencies and stakeholders.

India's Coastal Security

- Coastal border management was institutionalised in **2004** with the establishment of the Department of Border Management in the MHA.
- However, after the '26/11' attacks, coastal and maritime security underwent a paradigm shift. These included:
 - ✓ A **three-tier security grid** the Indian Navy, the coast guard, and the marine police.
 - ✓ **Increased electronic surveillance** using Coastal radar chain, Automatic identification system (AIS), Vessel traffic management and information system
 - ✓ Establishment of the National Command Control Communication and Intelligence (NC3I) Network
 - ✓ **Sagar Prahari Bal** for protection of naval bases has been raised by Navy
 - ✓ Establishment of **Information Fusion Centre – Indian Ocean Region (IFC-IOR)**



Associated Issues

- There are no formal or commonly accepted definitions of concepts like 'maritime security', 'coastal security' and 'coastal defence'. Sometimes, it leads to vagueness.
- Multiple institutions are involved and there is lack of coordination.
- **Turf war** between MHA and Ministry of Defence (MoD). Demands are being made to bring Coast Guard under the control of MHA.
- Fishermen are considered as eyes and ears for coastal security. However, discontent among fishermen community, involvement of politics in fishermen issues etc. are further complicating the security architecture.
- Inadequate infrastructures, acute shortage of manpower are posing challenges in providing maritime security in India.

Global axis of power is shifting from the West to the East so the sea lanes around India are going to get busier which may create situations where countries have different interpretations of UNCLOS. The NMSC will help lay the blueprint for a truly modern maritime security system.