

## Government launches e-RaKAM portal for selling agri produce

NEW DELHI: The government today launched a portal, [e-RaKAM](#), to provide a platform to sell agricultural produce.

The portal is a joint initiative by state-run-auctioneer MSTC and Central Warehousing Corporation arm CRWC.

Launching the portal with Steel Minister Chaudhary Birender Singh, Consumer Affairs, Food & Public [Distribution](#) Minister Ram Vilas Paswan said the effort should be to auction 20 lakh tonnes of pulses in the first phase through the platform.

"I personally feel that we should start with auctioning of pulses as we have them in abundance. Twenty lakh tonnes of pulses were lying idle at warehouse and it still has no buyers. E-RaKAM will help us and farmers hugely," Paswan said.

He said initial hurdles will be there as most of the farmers are illiterate and are in bad condition, Paswan said, as per a joint statement issued by MSTC and CRWC. It added that now various crops whose price increases due to rainfall or bad weather conditions, will be managed and get the [market](#).

He said even transport will face initial hurdles that will be sorted out over time.

Steel Minister Singh said, "Our aim is to strengthen the agriculture-oriented Indian [economy](#) and farmers, who play a vital role in national development. I congratulate all for the launch of e-RaKAM."

E-RaKAM is a first-of-its-kind initiative that leverages [technology](#) to connect farmers of the smallest villages to the biggest [markets](#) of the world through internet and e-RaKAM centres.

E-RaKAM is developed by MSTC Limited and supported by marketing & logistics partner CRWC Limited.

E-RaKAM is a digital initiative bringing together the farmers, [FPOs](#), PSUs, civil supplies and buyers on a single platform to ease the selling and buying process of agricultural products.

Under this initiative, e-RaKAM centres are being developed in a phased manner throughout the country to facilitate farmers for online sale of their produce.

The statement said farmers would be paid through e-Payment directly into their bank accounts.

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## Cabinet approves MoU between India and BRICs countries to set up BRICS Agriculture Research Platform

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The Union Cabinet chaired by the Prime Minister Shri Narendra Modi has given its ex-post facto approval for a Memorandum of Understanding (MoU) signed among India and various BRICs countries for establishment of the BRICS Agriculture Research Platform (BRICS-ARP).

#### Background:

During the 7th BRICS Summit held on 9th July 2015 at Ufa in Russia, Prime Minister Shri Modi proposed to establish BRICS Agriculture Research Centre which will be a gift to the entire world. The Centre will promote sustainable agricultural development and poverty alleviation through strategic cooperation in agriculture to provide food security in the BRICS member countries.

In order to further intensify cooperation among BRICS countries in agricultural research policy, science and technology, innovation and capacity building, including technologies for small-holder farming in the BRICS countries, an MoU on establishment of the Agricultural Research Platform was signed by the foreign Ministers of BRICS countries in the 8th BRICS Summit held on 16th October, 2016 at Goa.

BRICS-ARP will be the natural global platform for science-led agriculture-based sustainable development for addressing the issues of world hunger, under-nutrition, poverty and inequality, particularly between farmers' and non-farmers' income, and enhancing agricultural trade, bio-security and climate resilient agriculture.

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## Behind India's unease with a global child abduction law

A significant piece of legislation was introduced in the US Congress last week - the Bindu [Philips](#) and Devon Davenport International Child Abduction Return Act of 2017 seeks to punish countries that do not adhere to US court orders on the return of abducted children. The Bill is named after two women - an Indian American and a Brazilian American - who allege their children were abducted and taken to India and Brazil by their husbands.

Back home, India has been struggling for years with legislation on the custody of children caught in transnational marital discord. The central government decided last year to not ratify The Hague Convention on the Civil Aspects of International Child Abduction (1980), which would force Indian women who return with their children after conflict with their husbands, to go back to the foreign country for settlement of custody.

A Committee headed by Punjab and Haryana High Court Justice Rajesh Bindal subsequently studied the issue in depth. Last month, the committee released a concept note on its recommendations.

### What is The Hague Convention on international child abduction?

It is an international treaty to ensure the prompt return of a child who has been "abducted" from the country of their "habitual residence". Ninety-seven countries are party to the Convention. Despite pressure from the US and European countries, India is yet to ratify it. Under the Convention, contracting countries must establish a central authority to trace unlawfully removed children and secure their return to the country of habitual residence, irrespective of the country's own laws on the issue. The Convention applies to children under age 16.

### Where does India stand on this matter?

In 2009, the Law Commission of India recommended signing The Hague Convention, because it "will in turn bring the prospects of achieving the return to India of children who have their home in India". The Commission observed that in the absence of a law, Indian courts had not followed a pattern in such cases.

In February 2016, Punjab and Haryana High Court again referred the matter to the Law Commission and Ministry of Women and Child Development. In his interim order, Justice Rajive Bhalla (now retired) noted that "the removal or retention of a child in breach of custody rights is a wrong under The Hague Convention but for want [of] the Union of India acceding to The Hague Convention or enacting a domestic law, children will continue to be spirited away from and to India, with courts and authorities standing by in despair".

The court asked the Commission and the Ministry to "consider whether recommendations should be made for enacting a suitable law and for signing The Hague Convention...".

In June 2016, a draft Civil Aspects of International Child Abduction Bill, 2016, with provisions similar to The Hague Convention, was uploaded on the Ministry website for public comments. After examining the Bill and the issue, the Law Commission submitted a revised version of the Bill, called The International Child Removal and Retention Bill, 2016, in October, in line with The Hague Convention and legal precedents in the country.

### What were the key recommendations?

The Commission noted that "women involved in cross-jurisdictional divorces, 'holiday marriages' or 'limping marriages' have to face additional challenges in the custody battle", and that "the woman must not be put in a situation where she has to make the impossible choice between her children and putting up with an abusive relationship in a foreign country".

In most cases of so-called "parental abduction", parents take away the child because "of the fear of losing his/her custody", the Commission said - "such an abduction... is out of overwhelming love and affection and not to harm the child or achieve any other ulterior purpose". The Commission, thus, dropped the word 'abduction' from the title of the revised Bill.

The report did not, however, remove the previous Bill's provisions on sending the child back to her habitual residence, as envisaged by The Hague Convention. It also retained the provision that gave the central authority the power "to secure the voluntary return of any such child to the country (of)... habitual residence, (and) to bring about an amicable resolution of the differences" between the parties in the dispute.

### **Given the draft Bill is largely in conformity with The Hague Convention, why is India still not keen to join the treaty?**

Critics have argued that the legislation would affect the interests of Indian mothers fleeing from abusive or difficult marriages. The law, the critics said, would compel these women to return to the foreign country where the child was born, to fight for custody in possibly unfavourable conditions. The Ministry of Women and Child Development, wary of Indian women being charged or prosecuted in foreign countries, declined to back the law.

In February 2017, at a national consultation on signing the Convention chaired by WCD Minister Maneka Gandhi and attended by judges from the Delhi and Punjab and Haryana High Courts and a member of the Law Commission among others, it was again decided to constitute a committee to draft suitable legislation, and to advise on whether India should become a signatory. The committee was asked to submit its report in four months.

### **What has happened since then?**

Last month, the committee, comprising two Punjab and Haryana HC judges, a Delhi HC judge, the chairman of the Punjab NRI Commission, a family law expert, and six representatives of various Ministries released a concept note for public suggestions. The committee is learnt to have received a large number of representations, and its major challenge is to reconcile contradictory views.

The foremost legal question is which court will have jurisdiction to decide custody - one in the country of habitual residence, or one where the child has been removed which, in most cases, is India. The committee has not met after the compilation of the feedback, and its report has been delayed.

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## FCI let over 4 lakh tonne wheat rot away: CAG

NEW DELHI: The [Comptroller and Auditor General](#) of India has said in an audit report on the Food Corporation of India ( [FCI](#)) that more than 4.72 lakh tonnes of wheat valued at Rs700.30 crore got damaged in Punjab till March 2016 due to delay in implementation of the private entrepreneur scheme which was expected to increase the storage capacity of foodgrains in the state.

The damaged wheat was declared as non-issuable for public distribution as it was stored in open areas, said the report which was tabled in [Parliament](#) on Friday. The report pertains to implementation of the Private Entrepreneur Guarantee (PEG) schemes in Punjab and the way the FCI managed its debt, labour and incentive payments during 2011-16. The auditor also found that the stateowned FCI sold wheat to bulk consumers at a rate below the cost under open market sale scheme during 2013-14, leading to non-recovery of Rs38.99 crore Further, due to non-rationalisation of surplus departmental labour and deployment of costlier labour at depots resulted in excess expenditure of Rs237.65 crore, it said. The [CAG](#) also said that there was delay in award of contracts for construction of godowns.

“The PEG scheme 2008 was launched to enhance covered storage capacities as the covered and plinth (CAP)/kacha storage is prone to damage and deterioration of stock and is not an optimum storage method.

However, as on 31March 2016 in Punjab, 53.56 LMT of wheat stock was lying in CAP/kacha and in mandi,” it said. Such stock increased from 103.36 lakh tonnes in 2011-12 to 132.68 lakh tonnes in 2012-13, the CAG said.

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## Let's talk about a supplemental income

There has been a lot of discussion on universal basic income (UBI) in both developed and developing countries. The primary objective is to enable every citizen to have a certain minimum income. The term 'universal' is meant to connote that the minimum or basic income will be provided to everyone irrespective of whatever their current income is. The adoption of a universal basic income can impose a burden on the fisc which is well beyond the capabilities of most developing countries, including India. In discussing the applicability of the concept of basic income to India, three questions arise. The first is whether it should be 'universal' or 'restricted'; the second is what the level of minimum income is and how this is to be determined; and the third is about the financing mechanism for implementing such a scheme.

### 'Time ripe for discussions on Universal Basic Income'

Above all, there is a philosophical question, whether support to vulnerable sections should be in the form of goods and services or as cash. Cash gives the discretion to beneficiaries to spend it any way they like. But it is assumed they would be wise in their discretion. On the other hand, the provision of services or goods directly to beneficiaries may be directed to achieve certain objectives in terms of nutrition or health or education. In the provision of services, the concern is about leakages and quality of service. Some countries have adopted a middle path of conditional transfers, which means that transfers in the form of cash are subject to the condition that they are spent on meeting defined needs.

However, as far as India is concerned, we are not starting with a clean state. There are a whole lot of services provided by the state, and it would be impossible to knock them off and substitute them with general income support. We need to think of income support as a supplement to services already provided even though a hard look at some of the provisions is absolutely essential. Poor quality of services from government-run institutions has become a matter of concern.

### The price of fiscal folly

Coming to the concept of the UBI, it is necessary to first decide whether income supplements should be 'universal' or limited to certain easily identifiable groups. Most calculations involving the provision of income to one and all are beyond the capabilities of the present Central government Budget unless the basic income is fixed at too low a level. It is extremely difficult to cut so-called implied subsidies or hidden subsidies in order to fund resources, as some proponents argue. These supports range from subsidised bus fares to subsidised power tariff. The attempt must be to think in terms of reducing the number of beneficiaries using easily definable criteria. Elaborate exercises for identification will defeat the purpose. It is true that a universal scheme is easy to implement. Feasibility is the critical question. There is also the consideration of fairness. But strict targeting will run into complex problems of identification.

The issue whether the scheme should be universal or restricted depends on the level of basic income that is proposed to be provided. If we were to treat the cut-off used to define poverty as the minimum income, then the total fiscal burden would be enormous. This apart, there is no consensus regarding what that cut-off should be. Our analysis using different poverty lines shows that poverty is concentrated around the poverty line. In fact, more than 60% of the total poor lies between 75% of the poverty line and the poverty line. Therefore, what is needed is a supplement to fill the poverty gap. One alternative would be to determine the required income supplement from the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). The total annual income supplement can be equivalent to 100 days of the wages prescribed under the MGNREGS. This is equivalent to 20,000 per year. This amount can be treated as the income

supplement.

## The hidden agenda of benevolence

The next question is who the beneficiaries should be. Here again, it is difficult to cover the entire population. Even providing one person per household with this income will mean 5 lakh crore per annum, which is 3.3% of GDP. Perhaps what is feasible is a scheme which limits the total expenditure to around 1.5 to 2% of GDP, which is between 2 lakh crore and 3 lakh crore. We need to evolve a criterion which can restrict the total cost to this amount. One way of doing it will be to limit it to all women above the age of 45. This is an easily identifiable criterion because Aadhaar cards feature the age of the person. However, this is only one alternative. But others may be thought of. Restricting the beneficiaries to the elderly or widows or those with disabilities may have only a limited impact. Making available a minimum of 20,000 per year for almost 10 crore people — which means a total expenditure of 2 lakh crore — must make a dent on poverty since at least half of them would be for the poor or people a little above the poverty line.

The feasibility of raising even 2 lakh crore is not easy. Some analysts have suggested that we can remove all exemptions in our tax system which would give us enough money. Apart from the difficulties in removing all exemptions, tax experts advocate removing exemptions so that the basic tax rate can be reduced. Perhaps, out of the 2 lakh crore which is needed, 1 lakh crore can come from the phasing out of some of the expenditures while the remainder must come from raising additional revenue. Perhaps, one can phase out the MGNREGS, which will realise close to 40,000 crore. The employment scheme is very akin to the proposed scheme. Fertilizer subsidies are another item of expenditure which can be eliminated. Perhaps, requesting higher income groups to forego supplemental income will reduce the expenditure, as has been done successfully in the case of cooking gas.

To conclude, introducing the UBI is unrealistic. In fact, the concept of a basic income must be turned essentially into a supplemental income. Such a scheme will be feasible provided we restrict the beneficiaries to groups which can be easily identified. This restriction essentially comes from fiscal compulsions. Regarding finances, it is not easy to remove all implicit subsidies. The design for financing the scheme has to be viewed in a more pragmatic way. Restricting the fiscal burden to 1.5 to 2% of GDP seems desirable and feasible. Half of this can come from phasing out some of the existing expenditures while the other half can come by raising fresh revenue. Lastly, the proposal here refers only to the income supplement that can be provided by the Central government. Similar efforts can be made by the respective State governments, if they so desire.

*C. Rangarajan is a former Chairman of the Economic Advisory Council to the Prime Minister and a former Governor, Reserve Bank of India. S. Mahendra Dev is Director and Vice Chancellor, Indira Gandhi Institute of Development Research, Mumbai*

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## inequality: Startling figures of inequality in India offer an incomplete picture

By Amit Kapoor

The data released by the [Bloomberg Billionaire Index](#) reveals some shocking statistics about the rise of [inequality](#) in India. It showed that the top 20 industrialists in India added a staggering \$50 billion to their combined wealth in the first seven months this year, taking their total valuation to \$200 billion -- roughly 10 percent of India's \$2 trillion economy.

Similarly, an Oxfam report released this year revealed that 57 [billionaires](#) in India own as much as the bottom 70 percent of the population and, more broadly, the richest one percent holds 58 percent of the country's total wealth -- higher than the global average of 50 percent. Therefore, inequality is no longer a first-world phenomenon. It is very much at our shores, but the moot question remains if the trend is undesirable at all.

The general contention is that inequality is inimical to societal development and should be minimised to the fullest extent possible, preferably through redistributive means. However, there is a strong case to make that with rapid growth, rising relative inequalities, more often than not, lead to advancing distributional equity in society. This argument can be rationalised on the basis of insights put forward by US economists Simon Kuznets, Tibor Scitovsky and Albert O. Hirschman.

Kuznets argued that when economic growth takes place, at the disaggregated micro-level, individual economic agents move along the real income scale -- a process which he termed as "income mobility". Now, income mobility can either be upward or downward but it is observed that during phases of rapid economic growth, opportunities for upward mobility far outweigh those for unchanged or downward mobility. Also, in the presence of income mobility, the identity of individuals at different levels of the income scale changes rapidly over time.

In such a scenario, average inequality indicators cannot reflect the true picture on the ground and can, therefore, prove to be misleading predictors of the adverse social outcomes of growing inequality. The tolerance level of inequality for the society in times of rapid economic growth may be much higher than what is reflected in inequality statistics as it fails to take income mobility into account.

Another problem with only looking at inequality statistics is the perception of a simplistic one-to-one correspondence between movements in income inequality and equity. Scitovsky's views offer an interesting take on the matter. He suggested three criteria for social acceptability of rising inequality: Those inequalities arising out of people's merit and contribution to society, those arising in an environment of equality of opportunities, and those that lead to improvement in well-being of individuals at the bottom of the ladder.

In all of these three cases, rising inequality cannot be equated to a one-on-one fall in equity. Therefore, more focus should be kept on the wealth accruing to the people at the bottom of the ladder to understand the real implications of rising inequality. Scitovsky proposed that an egalitarian society should be defined as one where there is equal or near-equal distribution of the necessities of life.

Finally, as Hirschman points out, inequality data fail to take into account the public perception of rising inequality. He pointed out that a stagnant economy leads to a zero-sum game where economic advancement of others provokes a negative signalling effect of a possible deterioration of one's own economic position. However, in times of rapid economic growth, there arises a positive-sum game where economic improvement of others signals an environment where there is hope for a rise in one's own prosperity in the future. Such an exceptional calculus begets

gratification which overcomes envy and discontent.

This scenario would make society's tolerance for rising disparities quite substantial. Such an eventuality can be sustained in a society as long as the economic and social barriers to income mobility are broken down through government policy or rapid growth and prosperity is attributed to hard work and chance. Discord arises in societies where such prosperity arises out of corruption and deception like the one seen in the Occupy Wall Street protests.

Thus, it needs to be understood that contrary to the common perception among individuals and policymakers, rising inequality is not necessarily inequitable, if and when it arises out of rapid economic growth. The startling figures of inequality in India that have been brought about of late, therefore, offer an incomplete picture. Moreover, use of these figures to argue that Indian [economic development](#) has had adverse distributional consequences offers the incorrect diagnosis and skews policymaking.

The focus on wealth accruing at the top needs to be supplemented with the income mobility achieved by those at the bottom of the pyramid and with a focus on elimination the social and economic barriers that they face in achieving upward mobility. A skewed focus on the top hardly serves any purpose other than providing shock value.

*(Amit Kapoor is chair, Institute for Competitiveness, India. The views expressed are personal. He can be contacted at [amit.kapoor@competitiveness.in](mailto:amit.kapoor@competitiveness.in) and tweets @kautiliya. Chirag Yadav, researcher, Institute for Competitiveness has contributed to the article)*

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## Approval of Industrial Parks in Andhra Pradesh

### Approval of Industrial Parks in Andhra Pradesh

Department of Industrial Policy and Promotion (DIPP) under Ministry of Commerce and Industry has approved two projects under 'Modified Industrial Infrastructure Upgradation Scheme (MIIUS)' for development of industrial clusters at Hindupur and Bobbili in the respective districts of Anantapur and Vizianagaram of Andhra Pradesh. Details of the projects are given below:

Sl. No.	Name of project	Date of Approval	Rs. in crore		
			Project Cost	Central Grant	Released central grant
1.	Upgradation of Hindupur Growth Centre & IP Gollapuram, Anantapur District	01.03.2016	54.20	14.93	4.48
2.	Upgradation of industrial Growth Centre, Bobbili, Vizianagaram District	01.03.2016	30.61	8.68	2.60

The objective of the above projects is to provide quality and reliable infrastructure to industrial units located in these clusters; specifically these projects aim to provide road network, drainage, power and water supply networks and some other common services like health centres, canteens, crèches, dormitories, parking areas, etc. These projects are likely to be functional by 31<sup>st</sup> March, 2018.

These projects have employment potential of about 5500 persons (direct) and 8500 persons (indirect).

This information was given by the Commerce and Industry Minister Smt. Nirmala Sitharaman in a written reply in Rajya Sabha today

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**MJPS**

**END**

**minimum wage: Bill to fix minimum wage for unorganised sector introduced in Lok Sabha**

NEW DELHI: The Code on Wages [Bill](#) that seeks to fix a national [minimum wage](#) for all categories of over 40 crore [unorganised sector](#) workers and provide a fixed timeline for their payment -- in some cases only through electronic means or cheque -- was introduced in the [Lok Sabha](#) today.

The Code provides for the government to determine the minimum wages every five years using factors like skills required for the job, arduousness of work, geographical location of work place and other aspects.

Such wages are to be fixed on recommendation of panels comprising an equal number of representatives of employers and employees, and independent persons, according to the Code on Wages, 2017, Bill.

Under this, the government will fix the number of hours of work that would include a day of rest every seven days. The payment for work on a day of rest will not be less than overtime rate.

Introducing the Bill, Labour Minister Bandaru Dattatreya said 'The Code on Wages' Bill will consolidate and amend the laws relating to wages and bonus.

The Bill seeks to amalgamate four laws -- the Payment of Wages Act 1936, the Minimum Wages Act 1948, the Payment of Bonus Act 1965 and the Equal Remuneration Act 1976.

"It is for simplification, rationalisation and making it less cumbersome. No way workers' right is being infringed... It is going to bring in a historical change in the wages for workers and universal minimum wages will be implemented for the first time in India," Dattatreya said.

The Bill will help generate employment and attract entrepreneurs, he said, adding that there are 44 labour laws which are being clubbed in four codes and the Bill introduced today deals with the code on wages.

"40 crore unorganised sector workers can avail of the universal minimum wage. The Bill has a very large perspective. As far as workers' right is concerned, it is in no way exploitation of workers," Dattatreya said.

As N K Premachandran (RSP) opposed the introduction of the Bill in such a short notice, the government sought to assuage the concerns, saying the Bill is being only introduced and discussion will take place later.

The Code stipulates that the wages are to be paid in coin or currency notes or by cheque or through digital or electronic mode or by crediting the wages in the bank account of the employee and the government may specify industrial or other establishment where the salary will be paid only through cheque or digital mode.

Daily wages have to be paid at the end of the shift while the weekly ones on the last working day of the week. Workers engaged in fortnightly employment will get wages before the end of the second day after the end of the working period.

For the monthly earner, the payment will have to be made before the expiry of the seventh day of the succeeding month.

Where an employee is removed or dismissed from service as also when he or she resigns, the wages payable shall be paid within two working days.

The Code provides employers with authority to make deductions from the wages only in case of fines imposed, absence from duty, damage or loss of goods expressly entrusted with the employee custody, housing accommodation and amenities and services.

A bonus at the rate of 8.3 per cent of wage earned or Rs 100, whichever is higher, will be paid.

Any employer paying to any employee less than the amount due in wages or bonus or any other dues will be punishable with a fine of up to Rs 50,000, the Code said.

Repeat offence within five years will be punishable with imprisonment of 3 months or fine of up to Rs 1 lakh, or with both.

The central government under the Code will fix the national minimum wage as also for different states or areas.

NEW DELHI: The Code on Wages [Bill](#) that seeks to fix a national [minimum wage](#) for all categories of over 40 crore [unorganised sector](#) workers and provide a fixed timeline for their payment -- in some cases only through electronic means or cheque -- was introduced in the [Lok Sabha](#) today.

The Code provides for the government to determine the minimum wages every five years using factors like skills required for the job, arduousness of work, geographical location of work place and other aspects.

Such wages are to be fixed on recommendation of panels comprising an equal number of representatives of employers and employees, and independent persons, according to the Code on Wages, 2017, Bill.

Under this, the government will fix the number of hours of work that would include a day of rest every seven days. The payment for work on a day of rest will not be less than overtime rate.

Introducing the Bill, Labour Minister Bandaru Dattatreya said 'The Code on Wages' Bill will consolidate and amend the laws relating to wages and bonus.

The Bill seeks to amalgamate four laws -- the Payment of Wages Act 1936, the Minimum Wages Act 1948, the Payment of Bonus Act 1965 and the Equal Remuneration Act 1976.

"It is for simplification, rationalisation and making it less cumbersome. No way workers' right is being infringed... It is going to bring in a historical change in the wages for workers and universal minimum wages will be implemented for the first time in India," Dattatreya said.

The Bill will help generate employment and attract entrepreneurs, he said, adding that there are 44 labour laws which are being clubbed in four codes and the Bill introduced today deals with the code on wages.

"40 crore unorganised sector workers can avail of the universal minimum wage. The Bill has a very large perspective. As far as workers' right is concerned, it is in no way exploitation of workers," Dattatreya said.

As N K Premachandran (RSP) opposed the introduction of the Bill in such a short notice, the government sought to assuage the concerns, saying the Bill is being only introduced and discussion will take place later.

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## The boycott ban: on Maharashtra's law against social boycott

Maharashtra's new law prohibiting the social boycott of individuals, families or any community by informal village councils is a step in the right direction, given the pervasive nature of the problem. [The progressive legislation, which received Presidential assent](#) recently and was gazetted earlier this month, targets the pernicious practice of informal caste panchayats or dominant sections using ostracism as a means of enforcing social conformity. [The Maharashtra Protection of People from Social Boycott \(Prevention, Prohibition and Redressal\) Act, 2016](#), may serve as a template for similar legislation in other States. The Act lists over a dozen types of actions that may amount to 'social boycott', which has been made a criminal offence punishable with imprisonment up to three years or a fine of 1 lakh or both. The practices it prohibits range from preventing the performance of a social or religious custom, denial of the right to perform funerals or marriages, cutting off someone's social or commercial ties to preventing access to educational or medical institutions or community halls and public facilities, or any form of social ostracism on any ground. The law recognises the human rights dimension to issues of social boycott, as well as the varied forms in which it occurs in a caste-based society. Its progressive sweep takes into account discrimination on the basis of morality, social acceptance, political inclination, sexuality, which it prohibits. It even makes it an offence to create cultural obstacles by forcing people to wear a particular type of clothing or use a particular language.

This is not the first law of its type. Bombay enacted a law against excommunication in 1949, but it was struck down by the Supreme Court in 1962 after the Dawoodi Bohra community successfully argued that it violated the community's constitutional right to manage its own religious affairs. One hopes the latest Act will not be vulnerable to legal challenge. Article 17 of the Constitution and the Protection of Civil Rights Act outlaw untouchability in all its forms, but these are legal protections intended for the Scheduled Castes. In reality, members of various castes and communities also require such protection from informal village councils and gatherings of elders who draw on their own notions of conformity, community discipline, morality and social mores to issue diktats to the village or the community to cut off ties with supposedly offending persons and families. The case of a mountaineer from Raigad is somewhat notorious. He had conquered Mt. Everest but could not escape a social boycott in his village because his wife wore jeans and did not wear a mangalsutra. It is not a proud moment for a country when special legislation is required to prohibit social discrimination, ostracism and practices repugnant to human dignity. Yet, given the prevailing circumstances, any legislative assault on abhorrent social practices ought to be welcomed.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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## Why can't the government provide a higher income for farmers, asks M.S. Swaminathan

*It is 11 years since agronomist M.S. Swaminathan handed over his recommendations for improving the state of agriculture in India to the former United Progressive Alliance government, at the height of the Vidarbha farmer suicides crisis, but they are still to be implemented. To address the agrarian crisis and farmers' unrest across the country, he urged the government to take steps to secure farmers' income. As India marks 50 years of the Green Revolution this year, the architect of the movement says sustainability is the greatest challenge facing Indian agriculture. Excerpts:*

There are two major challenges before Indian agriculture today: ecological and economical. The conservation of our basic agricultural assets such as land, water, and biodiversity is a major challenge. How to make agriculture sustainable is the challenge. Increasing productivity in perpetuity without ecological harm is the need of the hour. In Punjab, and in other Green Revolution States, the water table has gone down and become saline. Further, during the Green Revolution the population was about 400-500 million; now it is 1,300 million and it is predicted to be 1.5 billion by 2030. The growing population pressure has made it pertinent to increase crop yield.

Also, the economics of farming will have to be made profitable to address the current situation. We have to devise ways to lower the cost of production and reduce the risks involved in agriculture such as pests, pathogens, and weeds. Today, the expected return in agriculture is adverse to farmers. That's why they are unable to repay loans. Addressing the ecological challenge requires more technology while the economics requires more public policy interventions. In my 2006 report, I had recommended a formula for calculating Minimum Support Price,  $C_2 + 50\%$  (50% more than the weighted average cost of production, classified as  $C_2$  by the Commission for Agricultural Costs and Prices). This would raise the current MSP and has now become the clamour of farmers and the nightmare of policymakers.

Yes. All kinds of excuses have been given by governments for not implementing this recommendation like food price inflation. But the question is, do the farmers of this country, who constitute nearly half of the working population, also not need to eat? The government is willing to pay Seventh Pay Commission salaries to insulate government servants from inflation, but they cannot provide a higher income for farmers to improve their lot? If you really look at what is happening now, farm loan waivers are posing a bigger burden on the government exchequer compared to what higher pay for farm produce will incur. But the government is not prepared to give the 20,000 crore or so for farmers by way of higher MSP. In 2009, the UPA government gave 72,000 crore as farm loan waiver, but no government is prepared to take long-term steps to ensure the economic viability of farming.

There are three ways to improve the incomes of farmers. MSP and procurement is one. We also need to improve productivity. The marketable surplus from agriculture has to be enhanced. We should also look at making a value addition to biomass. For example, paddy straw is a biomass product that could be used to make edible mushrooms.

We are not really analysing the causes of farmer suicides. Instead, we are simply attributing it to the inability to pay off debts. Some serious thought needs to be given to how we could reduce the cost of farm production, minimise risks and maximise returns. The solution for ending farmer suicides is not only paying compensation. I've seen in Vidarbha — so many men have committed suicide and their families are left in the lurch. One of the first projects we initiated in Vidarbha at that time was to rescue children and give them education. Farming is the most important enterprise in this country and farmers are an integral part of our country. In China, farms are

owned by the government, and farmers are mere contractors. In our case, land is owned by the people. How do you treat this largest group of entrepreneurs? Unfortunately, all policies today are related to corporate powers. What about food security and 50 crore farmers? We need to think about them too.

After the Green Revolution, I came up with the concept of the Evergreen Revolution. In this we will see increase in farm productivity but without ecological harm. This will include integrated pest management, integrated nutrient supply, and scientific water management to avoid the kind of environmental damage witnessed during the Green Revolution. I've addressed these issues in my 2016 paper on Evergreen Revolution. I recommended mandatory rainwater harvesting and introduction of fodder and grain legumes as rotation crops to be adopted by wheat farmers in States like Punjab to ensure sustainability of farming. We can also declare fertile zones capable of sustaining two to three crops as Special Agricultural Zones, and provide unique facilities to farmers here to ensure food security. Soil health managers should be appointed to monitor and ameliorate the soil conditions in degraded zones and rectify defects like salinity, alkalinity, water logging, etc.

The Prime Minister recently went to Israel. We have several practices to emulate from there. They have a clear sense of where water is needed and where it's not. The idea of more crops per drop has been implemented well in Israel. We should adopt those practices here. You should see how a water controller works in an Israeli farm. Everything is remote-controlled. They know exactly which portion of the field requires how much water and release only the exact amount. We cannot sacrifice on productivity now, because land under crop cover is shrinking. Post-harvest technologies like threshing, storage, etc. will have to be given greater attention now.

There are many methods of plant breeding, of which molecular breeding is one. Genetic modification has both advantages and disadvantages. One has to measure the risks and benefits before arriving at a conclusion. First, we need an efficient regulatory mechanism for GM in India. We need an all-India coordinated research project on GMOs with a bio-safety coordinator. We need to devise a way to get the technology's benefit without its associated risks. At MSSRF (M.S. Swaminathan Research Foundation), we used GM technology with mangroves to create salt-tolerant varieties of rice. For this we took the genes from the mangroves and inserted them into rice. To make the most of GM technology we must choose a problem where there is no other way to address the challenge.

Barring the U.S., most countries have reservations about adopting GM technology. Europe has banned it on grounds of health and environmental safety. I'd say GM in most cases is not necessary. Normal Mendelian breeding itself is sufficient in most cases — 99% of what is being done under GM initiatives is not justifiable. Parliament has already suggested a law based on the Norwegian model where there are considerable restrictions on GMOs.

Organic farming can have a good scope only under three conditions. One, farmers must possess animals for organic manure. Two, they must have the capacity to control pests and diseases. Three, they should adopt agronomical methods of sowing such as rotation of crops. Even genetic resistance to pests and diseases can help organic farmers.

If you look at the organic farms in Pillaiyarkuppam near Puducherry that were started by the Sri Aurobindo Ashram, it is a good model to follow for organic farming. They have adopted the requisite crop-livestock integration.

Both less rainfall and a higher mean temperature affect farming adversely. Currently we are witnessing drought, excess rainfall, sea-level rise... There are both adaptation and mitigation measures to follow in this regard. I've evolved a drought code and a flood code... some of the

recommendations I've made in recent times include setting up a multi-disciplinary monsoon management centre in each drought-affected district, to provide timely information to rural families on the methods of mitigating the effects of drought, and maximising the benefits of good growing conditions whenever the season is normal. Animal husbandry camps could be set up to make arrangements for saving cattle and other farm animals because usually animals tend to be neglected during such crises. Special provisions could also be made to enable women to manage household food security under conditions of agrarian distress.

In the case of temperature rise, wheat yield could become a gamble. We should start breeding varieties characterised by high per day productivity than just per crop productivity. These will be able to provide higher yields in a shorter duration.

India has done well in production, but not in consumption. What we are witnessing today is grain mountains on the one side and hungry millions on the other. The Food Security Act must be implemented properly to address the situation. We should also enlarge the food basket to include nutri-milletts.

The novelist explains how his books, including 'Exit West' that is shortlisted for the Man Booker Prize, originate from personal crises

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**TRIFED celebrates World Honey Bee Day****TRIFED celebrates World Honey Bee Day**

To create awareness about Beekeeping and uses of its products including Honey, Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) is celebrating World Honey Bee Day (WHBD) on 19.08.2017 in the Country and on 18.08.2017 at all its Regional Offices and 43 Retails Outlets spread in the country. In Delhi, this would be celebrated in TRIBES India Showrooms at Dilli Haat, Mahadev Road and Baba Karak Singh Marg on 18.08.2017. The main theme of celebrating WHBD is to save Indian honey bee.

Beekeeping has been useful in pollination of crops, thereby, increasing income of the farmers/beekeepers by way of increasing crop yield and providing honey and other beehive products, viz. royal jelly, bee pollen, propolis, bees wax, etc. that serves a source of livelihood for rural poor. Therefore, honeybees/ beekeeping has been recognised as one of the important inputs for sustainable development of agriculture/ horticulture.

TRIFED is an apex organisation at National Level and functioning under the administrative control of Ministry of Tribal Affairs. TRIFED is serving the interests of Tribals, who are engaged in collection of NTFP and making of Tribal Art & Handicraft Products for their livelihood so as to ensure better remunerative price for their products as well as for the socio-economic betterment through Self Help Groups, Empanelled NGOs, State level Tribal Development Corporations, Forest Development Corporations for undertaking marketing development of the tribal products.

Honey, being an important Minor Forest Produce, TRIFED is playing and lead role in protecting, promoting and multiplication of Honey Bees by Scientific, Non-destructive collection practices, thereby increasing the livelihood of tribal people living in various forest areas of the country, contributing to the growth of Honey Bees population and reducing the mortality rate of Honey Bees drastically. About 90% of the Scheduled Tribes of the country live in and around forest areas and the forests provide 60% of the food & medicinal needs of tribals and 40% of their income from Minor Forest Produce (MFP) mostly of which come from Honey.

Samir/JD/jk

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## Safeguarding the interests of farmers

“The PDS in Tamil Nadu is intact and continues to retain the feature of universal coverage even after implementation of the National Food Security Act, 2013.” A PDS outlet in Coimbatore. | Photo Credit: [M. Periasamy](#)

Transformational changes are taking place in India currently, improving the way we live. These changes are impacting all our lives in small or significant ways. It is gratifying to know that the citizens at large are happy with these changes. However, for some who have fed themselves on the fodder that such changes are not for the near future, there is consternation. Even worse, these people find it difficult to comprehend that technology and policy are working together to remove discretion and opaqueness.

The ongoing discourse, particularly in Tamil Nadu, on the Public Distribution System (PDS), the procurement of grains/pulses from farmers, public storage in Food Corporation of India godowns, commitments made in the World Trade Organisation (WTO), Direct Benefit Transfer, etc. is interesting. However, there are strands in this discourse which are impressionistic and not based on data. They create a populist narrative and distract from the core issues. It is necessary, therefore, to infuse facts into the discourse.

The PDS in Tamil Nadu is intact and continues to retain the feature of universal coverage even after implementation of the National Food Security Act, 2013 (NFSA). Although the guidelines under the NFSA prescribe identification of priority households, there is no denial of any benefit under the PDS. There is no reduction even in the total coverage from the earlier Targeted Public Distribution System, which was effective till Tamil Nadu joined the NFSA in November 2016. The average annual offtake or the annual allocation has remained 36.78 lakh tonnes. The major part of the subsidy for the distribution of foodgrains (90.81% for rice and 91.70% for wheat) is borne by the Government of India.

The implication of this subsidy allocation to Tamil Nadu alone on the Government of India is approximately 843 crore per month and approximately 10,120 crore per year. Since the central issue price under the NFSA is much lower compared to the erstwhile Targeted Public Distribution System, the burden on the State government has come down. On implementing the NFSA, the savings for the State exchequer on account of this subsidy, thanks to the lower central issue price, is approximately 436.44 crore per year.

Union Consumer Affairs Minister Ram Vilas Paswan on August 1 stated in a series of tweets the data for Tamil Nadu and also highlighted the fact that Tamil Nadu gets the highest allocation in the country as ‘tide over’ allocation of 12.52 lakh metric tonnes of foodgrains. The narrative in Tamil Nadu cannot be devoid of these facts.

Another disturbing strand in this narrative in Tamil Nadu is that the Indian government has callously sold away the interests of our farmers at the WTO by agreeing to the Trade Facilitation Agreement. Nothing can be further from the truth than this!

The Trade Facilitation Agreement was agreed on in 2013 in Bali and came into force from February 2017 after two-thirds of the WTO’s 164 members ratified it. Several trade-related issues such as transparency, predictability and efficiency at the ports, faster clearance procedures, and improved appeal rights for traders are to be addressed by countries. They shall notify various provisions to bring in the facilitation, over three years or more. Only the basic set of provisions will be implemented within one year. The Trade Facilitation Agreement allows for consultations before any new trade rules are notified. A WTO study indicated that when the Trade Facilitation

Agreement is fully implemented, trade costs for member countries will decrease by an average of 14.3%. It is also estimated that the time taken to export and import will come down drastically. Finance Minister Arun Jaitley has made budgetary allocations for bringing in single-window clearance and improving customs clearance at the ports. A high-level committee chaired by the Cabinet Secretary will monitor logistics and efficiency at ports and related issues.

Thus, it can be seen that the Trade Facilitation Agreement is not about market access but inter alia about facilitating and bringing trade transparency. By ratifying the Trade Facilitation Agreement, India has not forgotten the developmental agenda lying unfulfilled at the WTO.

The Public Stock Holding issue remains unresolved at the WTO. Although agreed on in Bali in 2013 and reiterated in Nairobi in 2015, that a permanent solution for Public Stock Holding be found by 2017, it is still a 'work-in-progress'. The existing WTO rules would have allowed a legal challenge to our Public Stock Holding and minimum support price-based procurement programme in case we breached 'the limit' on procurement. 'The limit' is defined as 10% of the value of production of the particular grain being procured.

WTO rules classify procurement and holding of public stocks for food security purposes as 'Green Box' or non trade-distorting. However, if foodgrains for the public stocks are procured through an administered price/minimum support price and if this minimum support price is higher than the archaic fixed reference price (calculated on base period 1986-88), then it is considered as trade-distorting agriculture support. Such trade-distorting support should be within 'the limit', which is 10% of the value of production of the particular grain being procured.

One of the first things that this government did in 2014 was to intensely engage with the WTO to obtain a 'peace clause' so that even if we did breach 'the limit', no one shall challenge our programme till such a time a permanent solution is found, agreed on, and adopted by the WTO membership. Prime Minister Narendra Modi, on this matter, personally engaged with global leaders, and by November 2014 we obtained an open-ended peace clause from the General Council of the WTO, which was later reaffirmed at the Nairobi Ministerial. So Prime Minister Modi has safeguarded the interests of the farmer and ensured that India's sovereign right to protect them is not diluted.

Providing food to the poor or targeted groups at subsidised prices is fully WTO-compatible. This does not figure at all in the WTO calculations. We have not undertaken any commitment in the WTO for any kind of limit on the food supplied under the NFSA .

An informed discourse based on facts is welcome and I believe such a discourse shall strengthen public policy.

*Nirmala Sitharaman is Minister of State (Independent Charge) for Commerce and Industry, Government of India*

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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**70 years of Independence**

**Special Feature – I-Day 2017**

### **Job creation: a priority of government in Independent India**



**\*K R Sudhaman**

Father of the nation Mahatma Gandhi often used to say that India lived in its six lakh villages spread over length and breadth of the country. So no government in independent India can ignore this fact and hence job creation has been central theme of economic policy of all governments. Right from independence successive governments have rooted their economic philosophy on Gandhian thoughts that cottage industries is key to providing jobs particularly in rural India. The fine quality of Indian handicrafts and handlooms is often described by the famous Dacca Muslin. Traditional Indian weavers are known for their intricate and fine work that a six yard Dacca Muslin cloth can be made to pass through a ring. That used to be the craftsmanship of Indian weavers before British came and destroyed Indian cottage industries to promote their machine made cloth from Manchester using Indian raw cotton. This used to be the exploitative approach of the British to use cheap labour to produce raw material, which used to be made into finished industrial products and sold back to vast population in India at a very high profit to sustain their Industrial revolution. This killed the Indian industry and craftsmanship pushing the vast majority of Indian people to solely depend on agriculture in which there was already disguised unemployment as farming is seasonal in nature.

The emphasis in independent India, therefore, has been to lay emphasis on promoting small scale industries particularly cottage and micro industries so that there is livelihood for people throughout the year in rural India. Today, there are over five crore Medium, Small and Micro industries in the country accounting for nearly 40 per cent of India's manufacturing and 45 per cent of merchandise exports.

This did not mean India did not require large and heavy industries. They are needed for example

in the power sector, manufacture of machine tools, vehicles, steel making, defence manufacturing, automobile. and so on and so forth. But small industries are needed for job creation as capital intensive heavy industries using automation and hi-tech cannot be driver of employment, which can only come in labour-intensive construction, infra development, like roads and railways, logistics business, textiles, handlooms, besides small and cottage industries. An investment of Rs 1-1.5 lakh is needed to create one job in small and cottage industries whereas an investment of Rs 5-6 lakhs are required to create one job in capital intensive heavy industries. Also one car produced, creates three jobs in the services sector like mechanics, drivers, cleaners, etc. Likewise one truck or one tractor produced creates 7 jobs. So services sector is the key especially in rural India where there is dearth of jobs other than agriculture. This will prevent large scale migration to urban areas as well.

So rightly stress on micro and small industries since independence has created industrial clusters dotting all over the country besides evolving funding mechanism including micro finance institutions so that exploitation by money-lenders is minimized. Taking this theme forward Modi government has taken several initiatives during the last three years that will give the much needed boost to job creation. The results might not be evident immediately but it has certainly done the ground work for it. The more than doubling of highways construction, speeding up of rural roads development, spending of Rs 8.5 lakh crore on capital expenditure in railways in the next five years, metro rail projects will all push employment. Also allowing 100 per cent FDI in food processing will create more jobs in rural India apart from ensuring that Rs 40,000 crore of fruits and vegetables that rot every year is drastically reduced. This will also ensure better remuneration to farmers as well and create alternative occupation to rural population in their own backyard. The Mudra scheme has ensured that several crores of youth got jobs through self employment. The youth of rural India not only get jobs for themselves but also become employers for few others in their start-ups. Improved connectivity through better infrastructure has ensured more industrial corridors are came up in the country, which in turn will create more industrial clusters like Tiruppur in Tamil Nadu, Moradabad in Uttar Pradesh, Ludhiana in Punjab, Surat in Gujarat, Murshidabad in West Bengal.

Food Processing parks in areas where farm produce is abundantly available will ensure rural jobs and better income to farmers.

Work is going on full swing in Mumbai-Delhi, Ludhiana-Kolkata, Vizag-Chennai, Chennai-Bengaluru and Bengaluru-Mumbai. The Government proposed to take up a few more industrial corridors in the coming years including extension of Vizag-Chennai corridor to Kolkata on one side and up to Tuticorin on the other side. All these will create the ambience for more small scale industrial clusters.

The digitization of the economy, hastened by demonetisation and rollout of Goods and Services Tax too will result in more jobs. Demonetisation will result in improving ease of doing business without corruption. The GST will push up GDP growth by a couple of percentage points.

The Modi government's stress on clean energy, particularly solar power including roof-top power generation will ensure a lot of jobs for skilled and semi skilled workers. This is already visible in states like Tamil Nadu, Rajasthan, Andhra Pradesh, Gujarat, Karnataka where wind and solar power development have taken a big leap forward.

There might have been some hiccups in the short run in job creation because of these systemic and structural reforms but they have kick-started the sagging economy and created necessary base for big jump in employment generation in the coming years.

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*\*K R Sudhaman, who has over 40 years experience in Journalism, has been Editor in Press Trust of India and Economics Editor in TickerNews and Financial Chronicle.*

*Views Expressed in the article are author's personal.*

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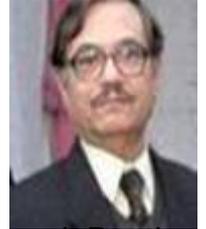
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**70 Years of Independence**

**Special Feature – I-Day 2017**

## **Governance Reforms Bring Big Relief to Working Class**



\*Deepak Razdan

Reforms in governance have completely changed the scenario for the working class in the country. Till few years back workers had to make endless trips to Employees Provident Fund (EPF) offices to get their EPF savings at the end of their career. EPF pensioners had to wait for months to get their pension payments started. Managements treated compliance of necessary registers a big burden. At Employees State Insurance (ESI) dispensaries, specialist consultations were difficult to get. Paper work at employment exchanges kept most job aspirants away from registering for work.

The workers faced uncooperative staff and vague regulations whenever they sought legitimate withdrawals from their EPF accounts for medical treatment, marriage of children or housing finance. Transparency in records was not maintained and there was scope for discretion and arbitrary functioning.

In the last three years, the Labour Ministry initiated exhaustive reforms to minimise age-old grievances of workers. The Labour Minister, Mr Bandaru Dattatreya, has assured that even 40 crore workers in the unorganized sector will be covered under social security schemes like EPF and ESI. Ending years of near paralysis of decision-making, the Labour Ministry is now taking quick decisions, and not a single week goes without some positive benefit to the working class. Mr Dattatreya has stated that poverty eradication, employment generation and reducing inequality formed the core of India's development strategy.

Initiating a series of new initiatives, the Labour Ministry issued orders to reduce the EPF claim settlement period from 20 days to 10 days. This was unthinkable earlier. Not only there was earlier lack of clarity about the maturity amount, the EPF subscribers had to go through a punishing experience to get their own savings back. Similarly, grievances were almost impossible to register

or to get them redressed. Now, the grievance redressal period, after repeated reductions, has been brought down from 20 days to 15 days.

EPF members now require to submit only a self-declaration for advance in case of illness of members or dependants. A member is no longer required to submit any medical certificate or any other certificate or document or proforma whatsoever to avail advances.

To quicken pension payments, and to bring some order in the system, the EPFO has made linkage with Aadhaar mandatory. All field offices are directed to ensure that Aadhaar Number is furnished by the employer in respect of all new members who join the Employees Pension Scheme (EPS), 1995 from 1st July, 2017. The existing pensioners have already gone through the process of Aadhaar linkage and received their Digital identities. This will ensure payments with clarity and pension disbursement banks will have all necessary data about the EPS beneficiaries, leaving no scope for delays or excuses.

For quick transfer of funds, the Ministry of Labour & Employment issued orders in May, 2017 for electronic or digital fund transfer and payment of EPF benefits, pension disbursement and insurance claims. This move is likely to benefit 4.5 crores EPF subscribers and around than 54 lakh pensioners.

A major development has taken place to help workers realize their dreams to own a house of their own. Employees could withdraw from their EPF savings for housing earlier also. But now they can even get their EMIs transferred to banks directly from their EPF accounts. For this, the EPF Organisation signed an MoU with HUDCO in June, 2017. Under the MoU, employees can form housing societies, get withdrawals for construction of houses, or pay direct EMIs to the building firm or banks.

The eligibility condition has been relaxed for housing withdrawal, and membership period of EPF has been reduced from five years to three years. Members can avail interest subsidy up to Rs 2.20 lakh in Credit Linked Subsidy Scheme (CLSS) through Ministry of Housing and Urban Poverty Alleviation's Nodal Agency HUDCO and National Housing Bank for those members whose annual income is less than the amount specified in Pradhan Mantri Awas Yojna.

Minimum wages have been revised, in a big relief to daily wage-earners. The Minimum wage (per day) for non-agricultural worker in the 'C' area category has been increased from Rs.246 to Rs 350; Rs 437 in 'B' Area category and Rs 523 in 'A' area category.

The Payment of Bonus Amendment Act, 2015 has enhanced the eligibility limit from Rs 10,000 to Rs 21,000 per month. The Employees' Compensation (Amendment) Act, 2017 has the provision to increase the penalty for contravention of Act from present Rs.5000/- to Rs 50,000/- extendable to Rs.1 Lakh.

The Maternity Benefit (Amendment) Act, 2017 has increased maternity benefit to woman from 12 weeks to 26 weeks for two surviving children and 12 weeks for more than two children. This would encourage women to join employment.

The ESI Corporation's medical services coverage has been expanded to all 393 districts where industrial clusters are located. Out of them, 301 districts have been fully covered. In the second phase, the target is to cover all remaining districts of the country. The "One IP-Two Dispensaries" scheme has been launched for the benefit of migrant workers. Now Insured Persons (IPs) can choose two dispensaries, one for self and another for family through an employer. This will benefit all IPs, especially migrant workers who are working in other than home State, while their families are living in their native States. Because of non-availability of option of second dispensary, dependants of the employee-members of the scheme were often deprived of medical benefits.

In employment generation, the Labour Ministry is implementing the National Career Service (NCS) project as a vibrant platform for transforming and strengthening the public employment services in the country.

Over 3.87 crore candidates and 14.8 lakh establishments are registered on the National Career Service (NCS) Portal and it has mobilized over six lakh vacancies. Around 540 job fairs were organised in 2016-17. The NCS project involves setting up of 100 Model Career Centres to deliver quality employment services and these centres are being set up in collaboration with States and Institutions. NCS has partnered with Department of Posts and common services centres to extend registration of job seekers through the Post Offices.

A new Scheme Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) has been initiated by the Ministry of Labour and Employment during 2016-17 for incentivising industry to take more employees and provided a generous allocation of Rs. 1000 crore for it. Out of the 12 per cent matching contribution of salaries to be made by employers for their employees into their EPF

accounts, the Government will pay 8.33 per cent, which goes into EPS (pension) accounts of the employees, for the new employees. In the textiles (apparel and made-ups) sector, the Government will pay the remaining 3.67 per cent of employees' salaries which goes into EPF accounts of the employers. This scheme, thus, offers a big help to the employers, if they go for fresh employment. In addition, the Government announced a booster package of Rs. 6000 crores for the textile sector which has big employment potential.

To improve the employability of youth, around 20 Ministries are running skill development schemes across 70 sectors. According to the data compiled by Ministry of Skill Development and Entrepreneurship, the number of persons skilled across various sectors during 2015-16 was 1.04 crore.

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*\*Deepak Razdan, senior journalist and author of book "President Pranab: Power of Speech," is at present Editorial Consultant with The Statesman, New Delhi.*

*Views expressed in the article are author's personal.*

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**70 years of Independence**

**Special Feature – I-Day 2017**

### **Last Person to be Reached & Empowered**



\*Prof. B. K. Kuthiala

Post-independence story of the common man of India is that of rising and falling expectations. Masses in large numbers helped the leaders to force British empire out in the hope that rule by own countrymen will end their miseries, the outcome of more than a thousand years of foreign exploitation and loot. Determined to work hard for a better living the poor masses of the nation got disillusioned within two decades of independence. Masses once again ousted the ruling dispensation, after unprecedented repression before and after emergency. Expectations for a just and better living once again rose high but new system just failed to survive. After more than a decade of another severe desperation, common man once again saw a bright light in the dark clouds of the nation when liberalisation and globalisation was launched with promises that the innovative change in the mind-set of the governing machinery will bring the last man to the forefront of development and progress. However, Indian liberalisation failed to elevate the life of poor and our nation could not become global either.

Lok Sabha elections of 2014 saw a massive rejection of the political system that had brought the nation to a situation of extreme political, economic, social and cultural bankruptcy. NDA led by Narendra Modi was given the clear mandate to make India once again *Sone ki chidiya* where there is neither poverty nor hunger. Mandate was for an integrated India where every person lives as an Indian irrespective of faith, caste or region. It was a cry of the people for good governance and inclusive growth. Expectations have once again been risen and every Indian is not only waiting for his share of good life but is also willing to be the change that was being planned. People of India have once again proved that they have full faith in the intrinsic strengths of a nation that is at least five thousand years old. On the independence day of 2017, the nation looks back at the performance of the government that it elected three years ago. Leaving aside the chronic sceptics, there appears to be a massive sense of relief and hope. It appears that nation is back on the wheels with instant positive changes and the initiation of measures that are bound to

change the socio-economic scenario of the country not in far distant future but within a few years.

A plethora of schemes and programmes have been launched by the Modi Government for the poor and marginalised sections of the society. For farmers and farm labourers schemes like Jan Dhan, life and crop insurance and village irrigation schemes are bound to prove as game changers for the majority of rural India. Subsidised cooking gas and construction of thousands of toilets in villages and priority lighting of rural households have already started showing results and improving the lives of rural women. For the young, both from rural and urban India, the schemes like Make in India, Digital India, Start-up India, Skilled India and others have opened doors not only for large scale employment opportunities but also for creating self-owned industry and business.

For the first time, people of India were witness to a massive onslaught on black money by sudden announcement of demonetisation. Added to this is the success of the present Government by making Swiss to disclose the names of the Indians holding accounts in that country. Most of our money, illegally accumulated by some people, is parked in other countries thus not available for our own developmental tasks. In three years, this money has reduced to one third. Modi has promised total return of black money deposited with foreign banks, and experience so far indicates that Modi delivers what he promises.

There is also a paradigm shift in the philosophical belief system in the Indian polity. India's rich knowledge traditions have thrown up a realistic and nature friendly philosophy of Integral Humanism. Entire creation of living and non-living is an integrated organic being, every unit is interconnected and dependent upon each other. Diversities arise from the basic unity and not that the diversity creates an illusory unity. The practical formula of Integral Humanism has been amply explained by Deendayal Upadhaya, the ideologue of BJP. If this political philosophy is followed by the Modi Government in letter and spirit, in a few years a new India can be built where last man has been reached and empowered and the issues of caste, minority-majority and deprived-benefited will just become the phenomena of the past.

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*\*The author is a Vice Chancellor of Makhanlal Chaturvedi National University of Journalism & Communication, Bhopal.*

*Views expressed in the article are author's personal.*

*(The feature has been contributed by PIB Bhopal)*

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## Supreme Court's triple talaq verdict is a job half done

The Supreme Court's verdict banning the practice of *talaq-e-bidat*—the so-called instant triple talaq—is eminently welcome. In the words of the Bharatiya Muslim Mahila Andolan, one of the six petitioners, “there is no ambiguity in the Constitution of India about all citizens having equal rights”. The practice stands in clear contradiction of that right to equality.

But the verdict also underscores an important point. It was a split decision, with three of the five-member Constitution bench holding triple talaq to be unconstitutional. They, however, reached that outcome without engaging with the central tension between religious practice and law, and constitutional morality. Indeed, one of the majority opinions has judged the matter within the rubric of Islamic practice. This raises the question: what of instances where workarounds such as the ones employed by the majority opinions are unavailable?

This tension is central to the functioning of every liberal democracy. The verdict does little to truly address it. Only the Uniform Civil Code can provide a genuine resolution.

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## All personal laws in India are discriminatory

The Supreme Court's decision to strike down triple talaq should be the trigger to generate a candid debate on religion-based personal laws in the country.

Thirty-two years ago when Shahnaaz Shaikh filed a public interest litigation (PIL) challenging the triple talaq given to her by her husband at midnight, it acquired the hue of identity politics. The petition stated that Sharia law subjugated Muslim women by imposing purdah, allowing polygamy and unilateral divorce and depriving divorced Muslim women of maintenance rights.

Women activists soon discovered that this kind of discrimination was true for all existing personal laws.

For example, Hindu daughters were deprived of joint heirship in parental property as per the codes of Mitakshara, a school of Hindu law governing succession. It was only after Lata Mittal (case filed in 1985) won a 20-year legal battle in the Supreme Court that Hindu daughters were given equal rights in the ancestral property.

Similarly, Christian women could not obtain divorce on the grounds of adultery committed by the husband; it had to be coupled with cruelty, bestiality and sodomy. On the other hand, Christian husbands could simply declare their wives as adulteresses and divorce them. These antiquated laws were enacted in the colonial period to serve the interests of the British bureaucrats who had their legally wedded wives in England and were cohabiting with a local. Due to pressure from Christian women, the government last year cleared a proposal to amend the antiquated Christian Divorce Act 1869.

Questions are asked as to why Parsi daughters who married non-Parsi men lost their property rights and non-Parsi wives of Parsi husbands were entitled to only half of the husband's property as per the Parsi personal law. At the moment, the Parsi community is debating this issue in its conventions.

For that matter, tribal women in Maharashtra and Bihar have filed petitions demanding land rights in the Supreme Court. Several women's groups (Saheli, Vimochana and Forum against Oppression of Women) and human rights lawyers' teams (Lawyers Collective and Indian Social Institute) have prepared drafts containing technical details of gender-just and secular family laws.

After the Supreme Court judgment in the Shah Bano case—in which a 60-year-old mother for five from Indore filed a petition asking for alimony from her husband who had divorced her in 1978—the Muslim Women (Protection of Rights on Divorce) Act 1986 was enacted; but the misery of divorced Muslim women was not alleviated. Bharatiya Muslim Mahila Andola and Awaz-e-Niswan are voicing the concerns of these women. The subtext of all these personal laws, regardless of religion, is that women are not equal to men. They, therefore, discriminate against women in marriage, inheritance and guardianship of children.

Individual women from different communities have been challenging the constitutional validity of the discriminatory aspects of the personal laws in courts. Their main concern is the threat of forced marriage, murderous attacks in cases of inter-caste, inter-class and inter-religious marriages and property disputes even while they have to deal with issues like adultery, bigamy, polygamy, divorce, custody of child/children, property and incest in their marital homes.

*Vibhuti Patel is professor at Advanced Centre for Women's Studies School of Development Studies, Tata Institute of Social Sciences.*

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## Triple Talaq verdict: is this a case of judicial overreach?

**New Delhi:** Talaq-e-biddat is a practice by which a Muslim man, by pronouncing the word “talaq” thrice in one instance, can unilaterally and irrevocably divorce his wife. Clearly, it is a practice derogatory to women, apart from being arbitrary and problematic, as it leaves no scope for reconciliation.

The argument that the number of reported cases of triple talaq is very low in India does not answer the question as to why such a discriminatory practice must continue. Actual cases may be few, but there is no way to count the number of cases where a woman lives under the threat of being divorced by her husband in a fit of rage or spite.

The question, however, remains whether it is the court’s domain to discard or uphold a religious practice, and if yes, how.

There are three judgments which were delivered by the Constitution bench on Tuesday. Two of the five judges held that Triple Talaq has so far been permissible as a result of Section 2 of the Shariat Act 1937, which by virtue of being codified, has been tested and found violative of Article 14, which makes it an arbitrary practice, hence unconstitutional.

Another judge of the bench concluded similarly, but through a different line of reasoning. He has opined that the practice of instantaneous triple talaq, finding no sanction in the Quran, is un-Islamic and therefore does not warrant protection of Article 25 (right to freedom of religion) under the Constitution. This striking down of the practice constitutes the majority opinion.

However, two other judges of the bench have found that the practice does actually form an essential part of the religion of Muslims and therefore observed that they cannot interfere in the present matter—the same being protected by Article 25. This, however, does not end here and the judgment further directs the union government to consider appropriate legislation with respect to instantaneous triple talaq. Till such time that the legislation is considered, Muslim husbands are prohibited from pronouncing instantaneous triple talaq. However, as the practice has been held impermissible by the majority opinion, this minority judgment is now inconsequential.

The verdict is being celebrated as a huge victory for Muslim women. But let us look at what message the verdict has sent out and what its consequences would be.

First, the court can, at any time, cherry pick a religious practice, check if it forms an essential part of the religion, and if not, hold it impermissible.

Secondly, the court can find a practice to be an integral part of a religion and still prohibit individuals from practising it while directing the government to legislate on it.

And thirdly, and most importantly, the court has once again shown an enthusiasm to introspect a Muslim practice without going into the question as to whether personal laws (which would include Hindu laws too) can be tested for violation of fundamental rights. There was no reason for the court to not do this. And by not doing so, the court has merely acted as a reformer of a religious community, rather than upholding the fundamental rights of women when found in contradiction with personal laws.

The All India Muslim Personal Law Board had filed an affidavit before the Supreme Court stating that they are, at their level, taking all steps to discourage instantaneous triple talaq. If the court was not willing to test whether all personal laws can be tested for violation of fundamental rights,

the court, in my opinion, ought to have respected the AIMPLB statement, and held the matter to be outside the judicial realm.

A change which comes from within the community would be sustainable and more welcomed, especially when the political climate of the country is charged communally.

When a court refuses to criminalize a practice as heinous as marital rape, refuses to decriminalize something as personal as homosexuality, refuses to look into the gender discriminatory provisions of the Hindu Succession Act, but proactively takes up the case of Muslim women and decides in a manner that does not allow women of the country to assert their fundamental rights in the face of their personal laws, one is bound to wonder if the current verdict really stems from a concern for women.

*Tanima Kishore is a Delhi-based lawyer with a Masters degree in international human rights law from the University of Oxford*

*Comments are welcome at [feedback@livemint.com](mailto:feedback@livemint.com)*

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## Shayara Bano, who started it all

Good news: Bharatiya Muslim Mahila Andolan's co-founder Zakia Soman speaks to the media in New Delhi. PTI

"I have felt the pain of having my home broken. I don't want other women to feel that way. It is a historic day for Muslim women and for their improvement," said Shayara Bano moments after the Supreme Court declared its judgment setting aside instant triple talaq.

For Ms. Bano, the original petitioner, the SC's verdict setting aside the unilateral practice was nothing short of a personal triumph. Though she regularly faced domestic harassment, after 13 years of marriage and two children, Ms. Bano's life was shattered in October 2015 when she received a speed post from her husband, Rizwan Ahmed, a property-dealer based in Allahabad. The letter contained a pronouncement of instant divorce — "talaq, talaq, talaq".

In 2016, spurred by activism against triple talaq, Ms. Bano approached the Supreme Court with the demand that the talaq-e-biddat pronounced by her husband be declared void. She also contended that such a unilateral, abrupt and irrevocable form of divorce be declared unconstitutional.

Like Ms. Bano, Aafreen Rehman from Jaipur was also overjoyed at the verdict.

"I am very happy with the decision. It is a positive way forward," said Ms. Rehman, also a petitioner. Ms. Rehman, who was married in August 2014 through a matrimonial site, was divorced through triple talaq communicated to her through post.

### Forward-looking verdict

Several women's groups issued a joint statement saying that "In arguing that the practice of triple talaq is both, un-Koranic and Un-Constitutional, it [the Supreme Court judgment] is an important departure from earlier judgments on all women's rights, because it is based on the tenets of equality, dignity and secularism as enshrined in the Constitution."

Zakia Soman, one of the petitioners and co-founder of Bharatiya Muslim Mahila Andolan, which was at the forefront of the campaign, described the verdict as "historic" and "music to the ears" of Muslim women.

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## It's good and bad, says AIMPLB

Kamal Faruqui

The All India Muslim Personal Law Board (AIMPLB) has interpreted the Supreme Court judgment as “vindication” of its stand that personal laws needed to be protected even as it disagreed with the court’s decision to hold triple talaq as unconstitutional.

The AIMPLB said it would hold internal deliberations before responding in detail to the judgment, which, according to an executive member of the body, will have “wide ramifications” as it had affected the religious rights of minority groups.

The next course of action will be decided by the AIMPLB in its executive meet, where deliberations will be held with its legal committee, scheduled for September 10 in Bhopal.

In a statement, the AIMPLB welcomed the verdict “since it accords protection to Muslim personal law and says that personal laws cannot be tested by courts on the grounds of violation of fundamental rights.”

“The judgment vindicates our stand and ensures the fundamental right of citizens of this country to freely profess and practice their religious faith/beliefs,” the Muslim body said.

### Two sides

Talking to The Hindu, Kamal Faruqui, executive member of AIMPLB, said the judgment had both positive and negative sides to it.

“The positive part is that the majority of judges said that personal laws are protected by Article 25 of Constitution of India. That is a big, big victory,” Mr. Faruqui said.

He, however, said the SC setting aside triple talaq as “illegal” had “disturbed” the AIMPLB. “Our contention is we are for putting as much restriction as possible on triple talaq, but we cannot delete anything that is allowed under the Sharia. This is what is disturbing us,” Mr. Faruqui said.

“The Court said that triple talaq is not in the Quran. But the Sharia is not what the entire Quran is. It is a mixture of Quran, Hadees and Ijma. This is where they have faulted. We will see what corrective steps we can take,” he added.

### Detailed response

AIMPLB member Zafaryab Jilani said a detailed response would be released only after the executive body meet.

“So far as the government is concerned, I don't think it will be required to bring in any legislation because that will be again against our fundamental rights,” Mr. Jilani said.

Islamic seminary Darul Uloom Deoband also supported the opinion of the AIMPLB. Deoband spokesperson Ashraf Usmani said the seminary would issue a detailed comment only after taking a look at the full order.

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## No, no, no: SC on instant triple talaq

Justices Rohinton Fali Nariman and U.U. Lalit termed instant talaq “irregular or heretical”.

“Triple talaq (instant talaq) is instant and irrevocable, it is obvious that any attempt at reconciliation between the husband and wife, essential to save the marital tie, cannot ever take place ... this form of talaq must, therefore, be held violative of the fundamental right contained under Article 14 of the Constitution,” Justice Nariman wrote.

Far from being an essential religious practice worthy of protection under Article 25, Justice Nariman held that instant talaq fell within the boundaries of *jiaz* or *mubah* (permissible acts as to which Islam is indifferent).

### Unworthy act

The judge wrote that the irrevocable act of divorce was even considered *makruh* (an unworthy act) in Islam.

Justice Nariman held that even the Hanafi jurisprudence castigated instant talaq as “sinful”.

“It is clear that the fundamental nature of Islamic religion, as seen through an Indian Sunni Muslim’s eyes, will not change without this practice (instant talaq),” Justice Nariman observed.

The verdict by Justices Nariman and Lalit differs with the Chief Justice’s suggestion that instant talaq should be sent to Parliament for legislation.

### Article 142

Chief Justice Khehar had invoked the extraordinary powers of the Supreme Court under Article 142 of the Constitution to injunct Muslim husbands from committing instant talaq for the next six months.

This six months’ time was for the government to frame a law addressing the issue of triple talaq, especially instant talaq.

This injunction has no validity now as the majority on the Bench has already set aside instant talaq.

However, the door is always open for the legislature to discuss the legality of the other two forms of triple talaq — talaq ahasan and talaq hasan.

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## All personal laws in India are discriminatory

The Supreme Court's decision to strike down triple talaq should be the trigger to generate a candid debate on religion-based personal laws in the country.

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## All personal laws in India are discriminatory

The Supreme Court's decision to strike down triple talaq should be the trigger to generate a candid debate on religion-based personal laws in the country.

Thirty-two years ago when Shahnaaz Shaikh filed a public interest litigation (PIL) challenging the triple talaq given to her by her husband at midnight, it acquired the hue of identity politics. The petition stated that Shariah subjugated Muslim women by imposing purdah, allowing polygamy and unilateral divorce and depriving divorced Muslim women of maintenance rights.

Women activists soon discovered that this kind of discrimination was true for all existing personal laws.

For example, Hindu daughters were deprived of joint heirship in parental property as per the codes of Mitakshara, a school of Hindu law governing succession. It was only after Lata Mittal (case filed in 1985) won a 20-year legal battle in the Supreme Court that Hindu daughters were given equal rights in the ancestral property.

Similarly, Christian women could not obtain divorce on the grounds of adultery committed by the husband; it had to be coupled with cruelty, bestiality and sodomy. On the other hand, Christian husbands could simply declare their wives as adulteresses and divorce them. These antiquated laws were enacted in the colonial period to serve the interests of the British bureaucrats who had their legally wedded wives in England and were cohabiting with a local. Due to pressure from Christian women, the government last year cleared a proposal to amend the antiquated Christian divorce Act, 1869.

Questions are asked as to why Parsi daughters who married non-Parsi men lost their property rights and non-Parsi wives of Parsi husbands were entitled to only half of the husband's property as per the Parsi personal law. At the moment, the Parsi community is debating this issue in its conventions.

For that matter tribal women in Maharashtra and Bihar have filed petitions demanding land rights in the Supreme Court. Several women's groups (Saheli, Vimochana and Forum against Oppression of Women) and human rights lawyers' teams (Lawyers Collective and Indian Social Institute) have prepared drafts containing technical details of gender-just and secular family laws.

After the Supreme Court judgment in the Shah Bano case—in which a 60-year-old mother for five from Indore filed a petition asking for alimony from her husband who had divorced her in 1978—the Muslim Women (Protection of Rights on Divorce) Act, 1986 was enacted; but the misery of divorced Muslim women was not alleviated. Bharatiya Muslim Mahila Andola and Awaz-e-Niswan are voicing the concerns of these women. The subtext of all these personal laws, regardless of religion, is that women are not equal to men. They therefore discriminate against women in marriage, inheritance and guardianship of children.

Individual women from different communities have been challenging the constitutional validity of the discriminatory aspects of the personal laws in courts. Their main concern is the threat of forced marriage, murderous attacks in cases of inter-caste, inter-class and inter-religious marriages and property disputes even while they have to deal with issues like adultery, bigamy, polygamy, divorce, custody of child/children, property and incest in their marital homes.

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## Undoing injustice: On instant triple talaq verdict

By declaring the discriminatory [practice of instant triple talaq as unconstitutional](#), the Supreme Court has sent out a clear message that personal law can no longer be privileged over fundamental rights. Three of the five judges on the Constitution Bench have not accepted the argument that instant talaq, or *talaq-e-biddat*, is essential to Islam and, therefore, deserves constitutional protection under Article 25. The biggest virtue of the two opinions constituting the majority judgment is that they do not have to undermine any religious tenet to make their point. On the contrary, as Justice Kurian Joseph says, the forbidden nature of triple talaq can be gleaned from the Koran itself. Justice Rohinton Nariman, writing the main judgment, locates the practice in the fourth degree of obedience required by Islamic tenets, namely, *makruh*, or that which is reprobated as unworthy. The main ground on which the practice has been struck down is a simple formulation: that “this form of talaq is manifestly arbitrary in the sense that the marital tie can be broken capriciously and whimsically by a Muslim man without any attempt at reconciliation so as to save it.” In fact, the final summation is so simple that the court did not even have to elaborate on how triple talaq violates gender equality. On the contrary, Justice Nariman says that having held the practice to be arbitrary, there is really no need to go into the element of discrimination. The court deserves commendation for undoing the gender injustice implicit in the practice so effortlessly, within constitutional parameters as well as the Islamic canon.

The present case was initiated *suo motu* by the court, but opinion against triple talaq could not have gathered critical mass and the case against it significantly bolstered if it weren't for a [few women standing up](#) to the community's conservative elements and challenging it. Any other outcome would have been a great injustice to them. Even the judges in the minority have had to concede that their reasoning is based mainly on the fact that this form of talaq is a matter of personal law, and therefore entitled to constitutional protection. “It is not open to a court to accept an egalitarian approach over a practice which constitutes an integral part of religion,” writes Chief Justice J.S. Khehar in his minority opinion. Interestingly, even his view segues into a somewhat egalitarian position, restraining Muslim men from pronouncing triple talaq until Parliament enacts a law to regulate it. The All India Muslim Personal Law Board, and all those who supported its regressive opinion that even an unworthy practice should not be dislodged by judicial verdict, should now accept the verdict in the interests of a modern social order. And there is no reason to contend that their faith has been unduly secularised. For, as Justice Joseph concludes, “what is bad in theology is bad in law as well.”

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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## Will SC end personal laws' immunity?

The Supreme Court's judgment on the constitutionality of triple *talaq* may also decide the age-old debate whether personal laws can be brought under the ambit of Article 13 (laws inconsistent with or in derogation of the fundamental rights) of the Constitution.

While the All India Muslim Personal Law Board (AIMPLB) has argued that the Supreme Court does not have jurisdiction to strike down provisions of personal law, organisations calling for reform and Muslim women from various walks of life across the country have urged the court to declare triple *talaq* and polygamy as "un-Islamic".

This is the first time that aggrieved persons — individual Muslim women — themselves have approached the apex court in person to settle the law on whether religious law is immune from constitutional standards enshrined under fundamental rights.

Article 13 includes in its ambit any "ordinance, order, by-law, rule, regulation, notification and even customs and usages" passed or made by the Legislature or any other "competent authority". It mandates that any law in force in the country before or after the commencement of Constitution should not violate the fundamental rights of citizens enshrined in Part III.

A judicial declaration from a Constitution Bench under Article 13 that personal laws are liable to comply with the fundamental rights guaranteed by Constitution would bring religious law, even uncodified practices, under judicial review.

### Discordant notes

In the past, courts have made discordant notes about the immunity enjoyed by personal laws.

In 1951, the Bombay High Court in *State of Bombay versus Narasu Appa Mali* held that personal law is not 'law' under Article 13. The judgment was never challenged in the Supreme Court.

In *Ahmedabad Women Action Group versus Union of India*, the Supreme Court was asked to consider that unilateral divorce by *talaq* and polygamy violated Articles 14 and 15. The court rejected the claim, saying it was for the legislature to determine. Whether this Constitution Bench will resolve the age-old dispute or leave it to the legislature to decide is to be seen.

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## **Cabinet approves setting up of a Commission to examine the Sub-Categorization within OBCs**

### **Cabinet approves setting up of a Commission to examine the Sub-Categorization within OBCs**

The Union Cabinet chaired by Prime Minister Shri Narendra Modi today approved a proposal for setting up of a Commission under article 340 of the Constitution to examine the issue of sub-categorization of the Other Backward Classes (OBCs).

The Commission shall submit its report within 12 weeks from the date of appointment of the Chairperson of the Commission. The Commission shall be known as the Commission to examine the sub-categorization of Other Backward Classes.

The proposed terms of references of the Commission are as follows:

- (i) To examine the extent of inequitable distribution of benefits of reservation among the castes/ communities included in the broad category of OBCs, with reference to the OBCs included in the Central list.
- (ii) To work out the mechanism, criteria, norms and parameters, in a scientific approach, for sub-categorization within such OBCs, and,
- (iii) To take up the exercise of identifying the respective castes/communities/ sub-castes/ synonyms in the Central List of OBCs and classifying them into their respective sub-categories.

The Supreme Court in its order dated 16.11.1992 in WP(C) No. 930/1990 (Indra Sawhney and others vs. Union of India) observed that there is no Constitutional or legal bar to a State categorizing backward classes as backward or more backward and had further observed that if a State chooses to do it (sub-categorization), it is not impermissible in law.

Nine States of the country viz., Andhra Pradesh, Telangana, Puducherry, Karnataka, Haryana, Jharkhand, West Bengal, Bihar, Maharashtra and Tamil Nadu have already carried out sub-categorization of Other Backward Classes.

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## Every new dowry harassment case is an indictment of our society

Statistics from the capital alone reveal that there are as many as [10 dowry cases registered every single day](#). A worse statistic is that in spite of the number of cases registered, the number of convictions in the past four years in dowry related cases is zero.

Only this week, a bright, intelligent, MBA graduate with ambitions to teach in a university [killed herself in her in-laws home](#) because she was unable to handle the harassment and constant demands for money from them. In a week where the triple talaq judgment is being hailed as a victory for gender justice, it is sobering to acknowledge that “dowry death” is a normal way for a woman to die in this country.

That dowry was outlawed in 1961 seems to have had no effect on large parts of society, in which parents of the bride are still expected to lavish “gifts” on the groom and his family. Last month, the [Supreme Court ruled](#) that a family welfare committee in every district will scrutinise dowry harassment cases before the local police can arrest the accused, because of the misuse of Section 498A of the Indian penal code, under which a man and his family, if named in a dowry harassment case, could be immediately arrested.

It is dangerous to begin with the assumption that the accuser might be misusing the law to her own advantage. While misuse is a genuine possibility, it cannot be denied that the problem is a rampant one, and one that must be addressed both from within society, and through laws.

The deeply patriarchal mindset in which a woman is “given” to a man as a wife must change, because it implicitly injects a power imbalance between the husband and wife. Which, in turn, enables the belief that the groom’s family does the bride’s a favour by taking her into the family.

The triple talaq verdict may be a positive step in the direction of recognising the rights of women, but the fight for gender justice and equality is far from over. It is only when dowry and harassment stop being “yet another” stories, that real progress will be known to have happened.

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## Understanding work

The Global Commission on the Future of Work, established on Monday, has a critical role in addressing the decent jobs deficit that affects the lives of roughly three billion working people. The body, which includes two representatives from India, is to present a report at the 2019 commemoration of the centenary of the International Labour Organisation (ILO). Experts will build on recent dialogues in over 100 states on the implications for individuals and societies from the changing dynamics of work, production processes and rapid technological transformation.

Meanwhile, the ILO's ongoing assessment of major trends in different segments of the employment scenario points to the challenges that lie ahead and the adaptations required to advance its broader mission to promote social justice. Foremost, the far-reaching modifications witnessed in the means of production and access to mobile information and communication technology have created a flexible overall work environment. These applications allow relative independence from the rigid office settings and make room for people to function with autonomy and even achieve a better work-life balance. But in an increasingly competitive economic climate, these same developments invariably entail more intense activity and longer hours. Noteworthy is the acceleration in the demand for industrial robots, at an annual rate of 9% since 2011, making the upgradation of human skills imperative upon corporations and governments alike. In the manufacturing sector, where two-thirds of them are concentrated, the robot density — one machine deployed per 1,000 employees, in 2015 — was at 14 in the advanced world and two in developing countries. Harnessing the opportunities from these new technologies and mitigating the human costs from this unfolding transformation is a function of recognising the rights and responsibilities of individuals and employers.

In this latter respect, the overall record is not particularly encouraging. In 2016, less than half of all women in the working age bracket were engaged in the labour market, compared to over 75% among men. Worse, this situation is projected to persist over the next 15 years. Similarly, declining ratios of the population in the working age are expected to exacerbate the challenge of care for the elderly. Persistently high levels of unemployment since the global financial crisis perhaps encapsulate most of these concerns. The growth in international migration by as much as 50% since 1990 and the rise of xenophobia in many parts of the world illustrate the dangers from the lopsided trajectory of the current phase of globalisation. Compounding the effects of these challenges are two not unrelated factors. The first is the continued exclusion of about 50% of the global labour force from the formal sector of employment, with all-round insecurity. The other is the absence of meaningful social protection coverage for the majority of the world population; only 27% has recourse to comprehensive minimum support. Given this backdrop, the 2019 centenary must necessarily be more than an occasion for ceremony and symbolism.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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## OBC list to be sub-categorised

Minister of Social Justice and Empowerment Thawar Chand Gehlot tried to underplay the political implications of the move. "This has been a long-standing demand from the people. In 1992 too the Supreme Court had in a judgment given a similar recommendation. The OBC Commission as well as the standing committee have favoured this. So it is not actually a new idea," Mr. Gehlot said.

The committee will have an uphill task. Though the caste census has been completed, the Ministry of Home Affairs is yet to release it. "Our Ministry has details that there are 5000-odd castes but we do not have the exact number of people who fall under this list. The caste census remains with the Home Ministry," Mr. Gehlot added.

The BJP welcomed the move wholeheartedly. "The decision of the Modi government to form a commission for the sub-categorisation of OBCs, is a move that will prioritise the Extremely Backward Classes and adheres to the principles of justice," BJP president Amit Shah tweeted welcoming the Cabinet's decision.

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## LGBT community cheerful

Bright as rainbow: A file photo of members of the LGBT community organising a 'Pride March' in Bengaluru. Sudhakara Jain/Sudhakara Jain

Bringing hope and cheer to the LGBT community, Thursday's Supreme Court judgment on the right to privacy has rekindled the possibility that Section 377 of the Indian Penal Code, which holds that gay sex is a crime, could soon be history.

Congress MP Kapil Sibal felt that the judgment had put an end to the debate on the British-era Section 377. "Sexual orientation is part of the court judgment and the debate over Section 377 is settled," Mr. Sibal told *The Hindu*.

Section 377 of Indian Penal Code was struck down by the Delhi High Court in July 2009. However, overruling this judgment, the Supreme Court upheld Section 377 IPC in what is popularly referred to as the Kaushal judgment.

Thursday's judgment, however, said the right to privacy cannot be denied "even if a minuscule fraction of population is affected". "Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation... Privacy also connotes a right to be left alone."

### Offensive to dignity

"It clearly states that discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity of individual. We hope that this will reinforce the Delhi High Court judgment in the Naz foundation case as the correct constitutional position," LGBT activist Gautam Bhan said.

The judgment stopped short of overruling the SC's previous order. It is for a five-judge bench, which is looking at the curative petition, to take a final call.

"The judgment has made it clear that LGBT citizens like anyone else enjoy not just the right to privacy, but right to equality, right to free expression and right to life. Today's judgment will have a wide-ranging impact but one among them is Section 377 will have to be struck down," senior lawyer Karuna Nundy said. The activists are demanding that the Supreme Court should *suo motu* revisit many of its recent judgments where privacy has been undermined.

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## Protect privacy of children: Justice Kaul

Sanjay Kishan Kaul

Privacy of children requires special protection in a digital age so they are not subjected to consequences of their mistakes and naivety, the Supreme Court on Thursday said.

Justice Sanjay Kishan Kaul, in his 47-page separate but concurring judgement holding that right to privacy is a fundamental right, also observed that children are perpetually creating digital footprints on social networking websites as they learn their ABCs — “Apple, Bluetooth and Chat”.

“Children around the world create perpetual digital footprints on social network websites on a 24/7 basis as they learn their ‘ABCs’: Apple, Bluetooth, and Chat followed by Download, E-Mail, Facebook, Google, Hotmail, and Instagram. “They should not be subjected to the consequences of their childish mistakes and naivety their entire life. Privacy of children will require special protection not just in the context of the virtual world, but also the real world,” Justice Kaul said.

The judge observed that technology results almost in a sort of a permanent storage in some way or the other making it difficult to begin life again giving up past mistakes. The SC ruled that “right to privacy is an intrinsic part of Right to Life and Personal Liberty.

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## The importance of data in smart cities

During the London 2012 Olympics the Transport for London (TfL) network needed to manage 18 million local journeys made by spectators. One can only imagine the volume of data generated during this time; the data and analytics, mostly from the games, was utilized by TfL to predict the number of people who were likely to use public transport during that time, in order to ensure that the system was running effectively.

With the evolution of technology changing the way we live and work, it is only a matter of time before governments around the world upgrade their infrastructure to offer citizens efficient services through smart cities, where enormous amounts of data moves within complex information supply chains.

Yet, smart cities are not about constantly introducing new technologies. Data sources are everywhere around us, ranging from smart phones and computers, to Global Positioning System (GPS) and social media sites. Effective analysis and utilization of this data is going to be a key factor for success in the smart cities initiative, by making the data available in one place through a framework that is clean, well labelled and allows better processing and consumption.

This global trend of rapid urbanization that makes a strong case for smart cities, is also reflected in India. The government's Make in India initiative states that investments of approximately \$1.2 trillion will be required over the next 20 years across transportation, energy, and public security to build smart infrastructure. Besides the government and industry, participation of start-ups and citizens is cardinal in closing the last mile and feedback loop in this process, morphing the 3Ps of Public Private Partnership into the 4Ps (Participative PPP). This necessitates the involvement of citizens, enabling smart decisions on deploying solutions, implementing reforms, and designing post-project structures that make smart city developments sustainable.

One way to increase data collection and citizen participation at the grass-root level is to have an artificial intelligence (AI) system that is flexible and adaptive. In a country where we are short of nearly 500,000 doctors, based on the World Health Organization (WHO) norm of 1:1000 population, AI-based healthcare systems can study past patient data and medical records, process data quickly, and even help doctors detect dormant signs of diseases that may manifest later.

The Indian government is already increasingly collecting data in machine-readable forms, and as technologies reach a level where they can rival any human in a real-time and cost-effective way, AI can help in grievance redressal, law and order, and health and education. From that point of view, there are opportunities for AI to be more deeply ingrained across the Make in India, Skill India, and Digital India programmes.

Even so, there are two concerns here, the first being the need for effective utilization of the existing data. According to Gartner, the lack of a holistic, framework-based approach and a viable revenue model are stalling large-scale smart city projects in India. The framework-based approach takes into consideration the current state of the physical and IT infrastructure of the city, the city's challenges, the citizens' needs, and the existing capabilities of the city machinery to deliver critical services. This helps identify the gaps in various hardware, software, network, connectivity, security and information management infrastructure that must be bridged to implement a scalable, future-proof and cost-effective smart city service delivery infrastructure.

The second key consideration that needs to be taken into account is the fact that for the smart cities initiative to take off successfully, massive amounts of data will need to be monitored. Not

only will this data be in the public domain, it will also be in the personal domain. This, naturally, brings up the question of security and privacy—indicating a need for stringent regulations to ensure data security.

It is true that there is no set template that can address all the questions being raised; the need of the hour is to effectively analyse the current state of the infrastructure and identify need gaps, encourage citizens to become more active participants in the smart city design, and build a culture of innovation and collaboration that will help realize the vision of a smart city.

*Prakash Mallya is managing director of the sales and marketing group at Intel Technology India Pvt Ltd.*

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## Real-time digital reporting of toilets can bring girls to school

According to the Annual Status of Education Report (ASER) 2013, though the percentage of usable toilets for girls in schools have increased from 32.9% in 2010 to 53.3% in 2013, there are still 47% schools in India that do not have separate toilets for girls.

According to the same report, 49.3% of all school children drop out before they reach Grade X. Among girls, this number is 47.9%.

While there are several reasons — mostly those with roots in our patriarchal culture — that lead to high drop-out rates among girl students, one major reason is sheer insensitivity of our society towards the hygiene and sanitation needs of its sisters, daughters, mothers and wives.

As soon as a girl begins menstruating, her hygiene and sanitation needs increase. She needs access to sanitary napkins or its equivalent, she needs access to toilets, and she needs access to water, preferably running. These needs must be met even at schools to ensure students feel comfortable attending their lessons. For this purpose, availability of separate toilets for girls and boys was listed as a compliance requirement under the Right to Education (RTE) Act of 2010. However, not much has changed in the last seven years.

From the many visits I have made to government schools across the country, I have identified 10 kinds of toilet facilities that may be available to students across India's 1.4 million government schools. (1) Schools with no provision for a separate toilet for girls. (2) Separate but non-functional toilets for girls and boys. (3) Toilets without doors. (4) Toilets with doors but no water. (5) Toilets with door and water but no flush system. (6) A physical space with four walls but no roof or commode. (7) A toilet used only by teachers. (8) A toilet space used by the kitchen staff to store grains for mid-day meals. (9) A toilet space that has been turned into a shelter for goats. (10) A non-functional toilet used by children to play hide and seek.

And so, the state of lack of proper toilets for girls in schools or lack of public toilets for women is not only pathetic and abysmal but shows the apathy of people at the policy, bureaucratic, management and administrative levels.

It is no hidden fact that when girls drop out of school at an early age, they are less likely to return to education, leaving them vulnerable to early marriage. In fact, UNICEF states that girls who remain in secondary school are six times less likely to marry young.

Though there is no direct relation between periods and technology, the latter can be, and should be, leveraged as a tool to ensure better experiences/facilities for girl students in schools. How can this be done? Firstly, we need to understand that 'digital' as a medium is no magic wand. However, it can be used as a musician's baton at the administrative and policy level to guide institutions to comply with RTE. Secondly, we need to understand the power of a smartphone for administrative purposes even at the last mile.

Let me share with you the example of an app developed by the Madhya Pradesh government. GIS@School is an app implemented by the state across all its 125,000 government schools. The crowd-sourced Android-based mobile app allows students, teachers and government authorities to capture geo-tagged and time-stamped photographs and information about existing, non-functional and missing infrastructure or amenities — such as drinking water, separate toilets for boys and girls, clean kitchen for mid-day meals and boundary wall, among others — to ensure schools comply with the various provisions of RTE.

Why can't all states efficiently and effectively introduce an integrated app like this in their states, where persons responsible for spot checks can assess compliance with RTE by taking geo-tagged pictures of facilities provided and capturing data of missing infrastructure in real time? This can help authorities receive information on status of availability and functionality of toilets in schools, besides other facilities like drinking water and teachers' attendance. An integrated dashboard will be able to show the number of functional toilets, reasons for non-functional toilets, and even allow the administration to assign staff to look into the matter to ensure RTE compliances are met at all schools in a timely manner.

This simple digital intervention can directly make an incremental impact on the education of girls who are often discouraged from attending school—due to their own discomfort or on account of their mothers' advice—once they start menstruating.

A simple smartphone is capable of ensuring equitable access to facilities, challenging patriarchal insensitivity and facilitating gender equality because periods should not be allowed to put a period to women's education.

*Osama Manzar is founder-director of Digital Empowerment Foundation and chair of Manthan and mBillionth awards. He is member, advisory board, at Alliance for Affordable Internet and has co-authored NetCh@kra – 15 Years of Internet in India and Internet Economy of India. He tweets @osamamanzar.*

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## How the numbers compute

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Tasked with determining if instant triple talaq is gender discriminatory under the Constitution, a terse order at the end of Tuesday's Supreme Court verdict summarises the results of its labours: "By a majority of 3:2 the practice of 'talaq-e-biddat' – triple talaq is set aside". Score-sheet summaries of this kind have been deprecated ever since the Supreme Court's decision in *Kesavananda Bharati* (1973). From a careful reading of the three separate judgments that make up the court's decision in the instant case, it is not at all entirely clear that triple talaq was in fact "set aside" by a majority of 3:2.

In one common judgment, two of the five judges (Rohinton F. Nariman and U.U. Lalit) held that triple talaq was an element of statutory law — the Muslim Personal Law (Shariat) Application Act, 1937 — and, being arbitrary, was unconstitutional. They declined to express an opinion on the more general question of whether religious personal laws were immune from constitutional scrutiny under Article 25, which guarantees all citizens the right to freely practise their religion. (The Shariat Act of 1937 contained no reference to triple talaq and merely declared that the Shariat would be applicable uniformly to all Muslims in India in determining issues such as marriage, divorce, etc. Before the passage of this Act, Hindu inheritance laws were applied to certain Muslim communities in the North-Western Provinces, Punjab and Gujarat. This had a particularly pernicious effect on the rights of Muslim women which were relatively better secured under the Shariat.)

In a second common judgment, Chief Justice J.S. Khehar and Justice S. Abdul Nazeer held that the practice of triple talaq, being a component of personal law, was protected by Article 25 of the Constitution and could not be interfered with by the court. In the same breath they directed that this practice be abrogated by Parliament through legislation.

Matters standing thus evenly divided, the entire weight of the decision shifted to the opinion of the fifth judge, Justice Kurian Joseph. From the summary, we would expect him to have concurred with Justices Nariman and Lalit on the unconstitutionality of triple talaq. Astonishingly, his decision (a meagre 27 pages in a 397-page judgment) goes neither way. Justice Joseph holds triple talaq to be inoperative not because it violates fundamental rights, but because it is, on his reading, "Anti-Quran" and hence violative of the Shariat. Tellingly, he disagrees with Justices Nariman and Lalit on whether "the 1937 Act is a legislation regulating triple talaq and hence, [would be subject to the test] of Article 14". This is a central pillar holding Justice Nariman and Justice Lalit's argument together, and on no reasonable view can Justice Joseph's judgment be understood as 'concurring' with theirs.

What we are left with is two judges who uphold the constitutional immunity of triple talaq, two who strike it down as unconstitutional, and one who does not think it is even law.

In light of this radical discord between Justice Joseph and Justices Nariman and Lalit, what are we to make of the misleading "3:2" majority by which triple talaq was allegedly set aside as unconstitutional?

Whatever else one might read into the decision, it is clear that three judges of the *Shayara Bano v. Union of India* case did not come to the determination that triple talaq is gender discriminatory and hence unconstitutional — the very question that they were tasked with answering.

It is possible to cosmetically unite the three 'majority' judges at the level of an abstract intention,

evinced in their judgments, that triple talaq is an undesirable practice and ought not to remain law. Such an indulgent interpretation however would reduce the complex task of judgment to the arbitrary, whimsical exercise of signing a summary — hardly worth the serious judicial time that this case has consumed. Undoubtedly, over time, this decision will come to be misdescribed in textbooks and judgments as one that ‘declared triple talaq unconstitutional’. In this process, 27 pages of Justice Joseph’s writings will probably be rendered mute in order to furnish the decision with an identifiable *ratio*.

As officers of the highest court in the land, judges of the Supreme Court ought to be held accountable to high standards in their task of clarifying the law. They need reminding that the analytical rigour, clarity and consistency that their judgments lack will not somehow assemble in the minds of subordinate judges and students of the law, and that achieving a mathematical result (3:2) is no substitute for a reasoned decision.

Despite a 397-page judgment from the highest court in the land, ‘somehow’ is the best answer we have to the question of why triple talaq is no longer law.

*Prashant Iyengar is a lawyer currently pursuing his doctoral studies at Columbia University*

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President’s plan

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## Caste and class: On OBC sub-categorisation

There are inequalities and then there are inequalities within unequal entities. That reservation in jobs and education did address socio-economic disparities in India to some degree is true. But, equally, the benefits of reservation have not been distributed equitably, and large segments of the weaker sections and backward classes continue to have no access to quality education or meaningful employment. The relatively rich and dominant sections among the backward castes have tended to take up a disproportionately larger share of the reservation pie. The introduction of the concept of '[creamy layer](#)' to isolate the well-off among those eligible for reservation was initially perceived as an attempt to limit the benefits of reservation, and to politically divide the beneficiaries of reservation. But, properly implemented, it could have had the effect of allowing a more equitable spread of the benefits of reservation. The Union Cabinet's decision to set up a commission to examine the issue of [sub-categorisation of the Other Backward Classes](#) speaks to the long years of failure in effectively preventing large sections of the creamy layer from taking advantage of the quota system to the detriment of the poorer sections among their own caste groups. In effect, the Union government is now seeking to ensure a more equitable distribution of reservation benefits by further differentiating caste groups coming under backward classes on the basis of their levels of social and economic backwardness. If the categorisation of the creamy layer had been done consistently and uniformly, there would not have been any felt need to differentiate among the caste groups. The decision on sub-categorisation came on the same day the Cabinet decided to raise the ceiling for deciding who remains outside the creamy layer to those earning 8 lakh annually, an increase of 2 lakh. This is at cross-purposes with the move toward sub-categorisation, allowing as it does those with higher earnings to enjoy reservation benefits. The reservation pie is limited, and no group, whether rich or poor, dominant or subservient, can hope to gain except at the expense of another socio-economic category.

Vote-bank politics has a lot to do with the prioritising of caste-based categorisation over income-based differentiation to identify reservation beneficiaries. Political mobilisation on the basis of caste is far easier than on the basis of income, and the BJP is clearly trying to splinter the vote banks of the Samajwadi Party and the Rashtriya Janata Dal in Uttar Pradesh and Bihar. The effort is to make other caste groups see dominant castes such as Yadavs as competitors for education and employment. Evidently, this kind of political mobilisation is not at odds with the BJP's greater stratagem of Hindu religious consolidation. But it may still result in leaving out the truly deserving from reservation benefits.

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

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## Endgame for Section 377?

Bright rainbow colored background with a grunge texture and graffiti paint drops. Global colours are easily modified | Photo Credit: [Getty Images](#)

The guillotine has fallen on the right of men to unilateral divorce by mere pronouncement in one go. It is a reflection of the failure of politics in India, and the pusillanimity of the political class that is its custodian, that the practice had the long life that it enjoyed in a secular republic. And even though it is disappointing that none of the judges came to the conclusion of the unconstitutionality of triple talaq via the path of equal rights — in this case of India's women — it is yet the case that the highest court of the land has pronounced a negative verdict on the practice. Rulings by the Supreme Court can have significant spread effects.

Even when rulings in one case may not directly impact those in other areas, they have the potential to change behaviour across society. Thus, activists see the ruling against triple talaq as generally empowering women among India's Muslims. Similarly, the ruling that has closely followed it in time, namely the one upholding privacy as a fundamental right of the citizen under the Constitution, is believed to have major implications for the lives of Indians. We can see immediately that it stalls the incipient rise of the surveillance state. But it has been suggested that it has the potential to impact the Indian state's regulation of sexual relations. In particular, it has been suggested that the ruling has a bearing on the constitutional validity of Section 377 of the Indian Penal Code (IPC) which criminalises acts "against the order of nature". In the first instance, this immediately devalues by association the homosexual condition, a historical peeve of European Christianity. It should be recognised that even though all religions drawing upon West Asian culture have strictures against homosexuality, it was the West that justified sexual persecution on aesthetic grounds. Under Hitler homosexuals were to be exterminated so that Germany would be populated by the perfect race. It needs to be acknowledged at the same time that it is the Christian West that has taken the lead in reversing the historical prejudice against homosexuality and that members of its political class have played a leading role in this. But we live in India and must perforce address its realities.

Within minutes of the Supreme Court's ruling on the primacy of privacy, commentators pointed out that it has implications for Section 377 as no longer can sex acts in private be overseen by law. While this may at first blush appear to be a tenable interpretation, it is not an argument that is made by activists for gay rights. Incidentally, it must be said that this group includes a large number of Indians who are not in any way circumscribed by Section 377 as the fight for sexual equality is not spearheaded by gay men. So why is the argument against Section 377 not to be based on the right to privacy but to be premised instead on the idea of the right to equality before the law? While privacy is of paramount importance, in itself it cannot be the clinching argument in the context. After all, do individuals have the right to violence in the privacy of their homes? We may well agree with a man that his home is his castle, and therefore beyond the invasive remit of the state, but we are unlikely to agree with his right to domestic violence. He has no right to subjugate his spouse through violence, not even in the privacy of his home. The case against Section 377 must be based on the argument that it is arbitrary in proscribing all but the 'missionary position' in intercourse. What the Indian law as it stands does is to violate the right to non-discriminatory treatment of the LGBT community who invariably reject this position.

So are we witnessing the endgame of Section 377? Hardly, it would be seem, though we should not give up all hope to seeing a civilised India in our lifetime. Why so? At least, the arguments of some of the judges of the Supreme Court are not a cause for optimism. The swing judge, so to speak, in the talaq ruling thought of the practice as bad in religion and therefore not "good in law". This has a direct bearing on the path of LGBT rights in India as homosexuality is proscribed in

some religions. Is this to be interpreted as suggesting that India's gay Muslims and Christians should remain criminalised for all time? Not if we are to go by the court's earlier rulings. The NALSA judgment of 2014 is a landmark one in that it upheld the right to choose one's sexual orientation. However, it did not go far enough to call for a repeal of Section 377. In some ways, however high-minded the judges in that case may have been, they did not allow their minds to soar enough to recognise sexual rights as legitimately redeemable through practice.

While the courts may get away without addressing the sexual rights of Indians constrained by Section 377, the political class cannot any longer credibly do so. The Bharatiya Janata Party (BJP) and the Congress cry themselves hoarse with their slogans 'sabka saath, sabka vikas (together with everyone, everyone's progress)' and 'inclusion', respectively. If the populace are to see these as meant to no more than stimulate a self-induced rapture, the political parties have their task cut out. The Congress must recognise that the provisions of this law are exclusionary in that it leaves out a section of Indians. The BJP on its part had better get to finally see that 'vikas' is all about flourishing lives and not just making goods in India for sale abroad. If the Kinsey report on sexuality based on the United States experience is to be taken as a benchmark, we would have to heed its finding that around 10% of men are homosexual.

This is larger than some of India's religious groups. It appears that for the main political parties of India, sabka vikas amounts to privileging religion, even when it is exclusionary. But if they would only dare to see the full logic of their pronouncements, they cannot shrink from devoting their energies to empowering the LGBT community in India. Among India's political parties, the CPI(M) alone has frontally sought repeal of Section 377, even though this may have something to do with the intelligence of its JNU-educated leadership rather than their MPs, not to mention the rank and file of the party. The Congress did include Section 377 in its manifesto in 2014, but somewhat limply under the section on governance, betraying its timidity. After all, its clan-based allies from Uttar Pradesh and Bihar, on whom it increasingly relies, seem unable to see beyond their families and their biradari, showing little concern for women, linguistic minorities or civil liberties in general.

Having tasted the sweetness of power, the BJP has begun to choose its words more carefully. As soon as the ruling on triple talaq was announced, the entire leadership was all agog with tweets and statements. The Minister for Law and Justice spoke of the judgment having upheld "gender justice, dignity and equality". He couldn't have been more precise. Could he not have noticed that that is exactly what repeal of Section 377 of the IPC will achieve on the sexual plane, we wonder. But while legislation for its repeal may be some way off, the LGBT movement of India is here to stay. Chances are that in a city near you preparations are on right now for the next annual 'Pride' march. It would be a party with a difference as all parties are welcomed. You could even walk your talk.

*Pulapre Balakrishnan is Professor of Economics, Ashoka University and Senior Fellow, Indian Institute of Management, Kozhikode*

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**Target Section 377: On decriminalising gay sex**

Same-gender sex remains a crime in the country due to a flagrant judicial mistake committed by the Supreme Court in 2013. The time has come to undo it. Ever since the constitutional validity of Section 377 of the Indian Penal Code was upheld in *Suresh Kumar Koushal* (2013), the correctness of the retrograde verdict has come under doubt twice. The latest criticism from the court is strident and explicit. While declaring that the right to privacy is a fundamental right and an inherent component of human liberty and dignity, the nine-judge Bench has observed that the rationale behind the *Koushal* judgment is flawed and unsustainable. It has said the rights of LGBT persons are real rights founded on sound constitutional doctrine and not “so-called rights” as the earlier Bench had described them disdainfully. The astounding claim made in *Koushal* that there was no need to challenge Section 377 because the LGBT community constitutes only a minuscule minority has been completely discredited. It was unreasonable to advance the view that constitutional protection is available to a group based on its size. Yet, in a show of uncharacteristic reticence and contrary to the history of the evolution of constitutional jurisprudence, the earlier Bench had suggested that the provision can be diluted only through the legislative route. This week’s ruling on privacy rights contains a clear enunciation of the constitutional basis for protection of rights based on sexual orientation.

Transgenders, even though insignificant in numbers, are entitled to human rights, another Bench had observed in *National Legal Services Authority* (2014), in a subtle hit at the “minuscule minority” formulation in *Koushal*. At another point, it said Section 377 had been an instrument of harassment and abuse, something the earlier judgment had refused to accept. Significantly, it advocated the adoption of the Yogyakarta Principles — norms on gender identity and sexual orientation adopted by human rights experts in 2006 in Indonesia. A key principle is that discrimination based on sexual orientation and gender identity must end. By commending this norm, the court has located sexual orientation not only as a freedom flowing from the right to privacy, but as demanding of non-discriminatory treatment. Both these verdicts correctly refrained from ruling on the validity of Section 377, as it was not the primary question before them. However, it is quite apparent that a strong body of constitutional jurisprudence is now available to target Section 377, as and when a five-judge Bench takes up the reconsideration of *Koushal*. By the latest verdict, sexual orientation is an aspect of the right to privacy and an inalienable part of human dignity, freedom, and personal liberty. Under the 2014 reasoning, it is relatable to both dignity and equality. Read together, they have laid the foundation for restoring the Delhi High Court judgment of 2010 in *Naz Foundation*, which read down Section 377 to decriminalise consensual sex among adults irrespective of gender.

Rajasthan’s ordinance shields the corrupt, threatens the media and whistle-blowers

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**The Union Finance Minister Shri Arun Jaitley: Jan Dhan Yojana and the 1 Billion-1 Billion-1 Billion “JAM” Revolution it is Unleashing.**

**The Union Finance Minister Shri Arun Jaitley: Jan Dhan Yojana and the 1 Billion-1 Billion-1 Billion “JAM” Revolution it is Unleashing.**

**Following is the full Text of the Article written by the Union Finance Minister, Shri Arun Jaitley on “Jan Dhan Yojana and the 1 Billion-1 Billion-1 Billion “JAM” Revolution it is Unleashing”:**

“Three years ago today, Prime Minister Narendra Modi announced a flagship program: Pradhan Mantri Jan Dhan Yojana (PMJDY) aimed at providing financial services to the poor. These included opening bank accounts for the poor, giving them electronic means of payment (via RUPAY cards), and placing them in a position to avail themselves of credit and insurance.

The vision underlying it was, of course, much broader: nothing short of ending the financial, and hence economic, digital and social exclusion faced by India’s poor. India’s poor would not only be able to overcome their economic deprivation but they would also become an integral part of the social mainstream.

Three years on, the achievements have been remarkable along many dimensions.

1. Total PMJDY accounts opened increased from 12.55 crore in January 2015 to 29.52 crore as of 16th Aug 2017.
2. The number of rural accounts opened under PMJDY has grown from 7.54 crore in January 2015 to 17.64 crore as of 16th Aug 2017.
3. No. of RuPay cards issued increased from 11.08 crore in January 2015 to 22.71 crore as of 16th Aug 2017.
4. The total balance in beneficiary accounts Rs. 65,844.68 crore and the average balance per account increased from Rs. 837 in January 2015 to Rs. 2231 as of 16th Aug 2017.
5. Zero balance accounts under PMJDY declined from 76.81 % in September 2014 to 21.41 % in August 2017.
6. As of March 2014, women constituted about 28 per cent of all savings accounts, with 33.69 crore accounts. As of March 2017, according to data from top 40 banks and RRBs, women’s share has risen to about 40 per cent. This includes 14.49 crore accounts opened by women under PMJDY, out of a total of 43.65 crore women’s accounts. This represents a sizeable and rapid growth in financial inclusion of women.

In addition to financial inclusion, the government has taken steps to provide security to

the poor via life insurance under the Pradhan Mantra Jeevan Jyoti Bima Yojana (PMJJBY) and accident insurance Pradhan Mantra Suraksha Bima Yojana (PMSBY). As on 7th August, 2017, total enrollment was 3.46 crore under the PMJJBY and 10.96 crore under PMSBY. In both schemes, close to 40 percent of the enrollees are women.

The entire network created by the Pradhan Mantri Jan Dhan Yojana (PMJDY) has also enabled implementation of the Mudra Yojana. As on 18.8.2017, Rs.3.66 lakh crore have been distributed to 8.77 crore beneficiaries. These monies have all gone into their bank accounts.

But as it turned out, PMJDY and the other schemes were only the first step because in turn they have unleashed the “JAM” revolution.

JAM, a term coined, and a vision conceptualized, by our Chief Economic Adviser, is nothing short of a social revolution because it has brought together financial inclusion (PMJDY), biometric identification (Aadhaar) and mobile telecommunications. Today, about 52.4 crore unique Aadhaar numbers are linked to 73.62 crore accounts in India.

As a result, the poor are able to make payments electronically. Every month now, about 7 crore successful payments are made by the poor using their Aadhaar identification.

Above all, the government now makes direct transfer of Rs. 74,000 crore to the financial accounts of 35 crore beneficiaries annually, at more than Rs. 6,000 crore per month. These transfers are made under various government anti-poverty and support schemes such as PAHAL, MNREGA, old age pensions, student scholarships etc.

Now with the BHIM app and the Unified Payments Interface (UPI), JAM can become fully operational. A secure and seamless digital payments infrastructure has been created so that all Indians, especially the poor can become part of the digital mainstream.

The JAM social revolution offers substantial benefits for government, the economy and especially the poor. The poor will have access to financial services and be cushioned against life's major shocks. Government finances will be improved because of the reduced subsidy burden; at the same time, government will also be legitimized and strengthened because it can transfer resources to citizens faster and more reliably and with less leakage.

Within reach of the country is what might be called the 1 billion-1 billion-1 billion vision. That is 1 billion unique Aadhaar numbers linked to 1 billion bank accounts and 1 billion mobile phones. Once that is done, all of India can become part of the financial and digital mainstream.

Just as GST created one tax, one market, one India, the PMJDY and the JAM revolution can link all Indians into one common financial, economic, and digital space. No Indian will be outside the mainstream. This is nothing short of a social revolution”.

DSM/SBS

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## Indian women are paving the way for social reforms

I'll urge those who are intent on perceiving instant triple talaq as an issue concerning only the rights of Muslim women to look back at the history of India. I am sure they'll find the answers for many of their questions there.

Let me begin with an example that predates both Christianity and Islam. When Chandragupta Maurya, born in an ordinary family, assumed power in 321 BC by unseating the Nanda dynasty, which force was at work? It wasn't just the handiwork of Chanakya, who had arrived from remote Taxila. Believing this theory will be poetic sentimentality. There are dozens of examples in India of a change in government through the instrument of people's power.

As far as social change is concerned, without going very far, let us begin by discussing sati (widow burning). A vocal advocate of ending sati, Raja Ram Mohan Roy launched a movement against this regressive practice. His initiative couldn't have been successful had he not got the backing of the Hindu majority. British rulers were aware of the contradictions within our society. They were interested in perpetuating everything that could divide Indians on caste, communal and parochial lines. Despite that they agreed to create a law to abolish the practice of sati since they realised that sooner or later the majority of the Indian population was bound to boycott it.

The question is: Is making a law enough to banish social ills?

No. The prevalence of the dowry system is a living example of this misconception. Despite an anti-dowry law having been in existence for a long time, the heinous practice continues even today. And those fighting a battle with this social ill are not the guardians of our Constitution, but ordinary women. You must have read a number of reports about brides rejecting grooms who were seeking dowry. In the past few months, we have also read reports about girls who have refused to get married after discovering that the groom's residence does not have a toilet. Clearly, Indian women are displaying the capability of paving the way for social reforms on their own.

A large section of women from the Muslim community, who publicly celebrated the verdict on instant triple talaq, is symbolic of this shift in mindset. During this time we also saw a number of men who came out publicly against the practice of instant triple talaq. Hearing the statement of a father on television made me emotional. He is the father of five daughters. Two of them are divorced and the other three are not finding suitors because their elder sisters' marriages have broken down. Shayara Bano, who challenged the practice of instant triple talaq in court, has emerged as a beacon of hope for such tormented women.

Even for those opposing the triple talaq verdict, our Constitution has the provision of a review petition. If even that is rejected, they can still file a curative petition in an appropriate court. I am not sure about the stand the judiciary will take, but it is true that changes such as these are like a deluge—once they take shape it is impossible to control them.

Consider the examples of Bihar and Uttar Pradesh. Within hours of the verdict being delivered, a case of was filed in Kanpur against some people, including a former woman legislator, on a complaint by a woman who alleged that she was harassed by her husband and his family for dowry; her husband divorced her by uttering the word talaq thrice. Similarly Patna's Atiya Fatima, whose doctor husband allegedly divorced her over the phone through triple talaq, filed a police complaint. How many similar verdicts with such an immediate impact have you seen in the country?

Why don't the few people who are still making uncharitable remarks about the verdict look at

Pakistan and Bangladesh? These are Islamic nations. Pakistan gave divorce to instant triple talaq in 1961 itself. Bangladesh didn't even bother to adopt it since the country's genesis. Clearly, over these years, these social malpractices in India were nurtured by the insecurities created by our politicians. The self-styled custodians of religion supported them for selfish gains but the women of India have given them a reality check by winning the judicial battle. Here it is important to clarify that the first country to say no to instant triple talaq was Egypt. The 22 countries that have placed restrictions on this practice include many Muslim-majority nations such as Turkey, Iran, Tunisia, Algeria and Malaysia. Although the verdict in India was delayed, it was appropriate.

I salute women like Shayara Bano and others trying to bring in social reforms in the country. Their juggernaut will now be unstoppable.

*Shashi Shekhar is editor-in-chief, Hindustan.*

*His Twitter handle is @shekharkahin.*

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**'JAM' will end exclusion: Jaitley**

Arun Jaitley

Finance Minister Arun Jaitley on Sunday wrote an article highlighting the benefits of the Pradhan Mantri Jan Dhan Yojana, which has completed three years, saying the combination of the scheme with Aadhaar and the mobile revolution would bring all Indians into the mainstream and would end economic and social exclusion.

“JAM, a term coined, and a vision conceptualized, by our Chief Economic Adviser, is nothing short of a social revolution because it has brought together financial inclusion (PMJDY), biometric identification (Aadhaar) and mobile telecommunications,” Mr. Jaitley wrote.

“Today, about 52.4 crore unique Aadhaar numbers are linked to 73.62 crore accounts in India,” Mr. Jaitley added.

**Cushion against shocks**

“As a result, the poor are able to make payments electronically,” he added. “Every month now, about seven crore successful payments are made by the poor using their Aadhaar identification.”

“The JAM social revolution offers substantial benefits for government, the economy and especially the poor,” Mr. Jaitley wrote. “The poor will have access to financial services and be cushioned against life’s major shocks. Government finances will be improved because of the reduced subsidy burden; at the same time, government will also be strengthened because it can transfer resources to citizens faster and more reliably and with less leakage.”

The Finance Minister also added that the government now makes direct transfers worth Rs. 74,000 crore to the financial accounts of 35 crore beneficiaries annually under various government schemes such as PAHAL, MNREGA, old age pensions and student scholarships.

The number of PMJDY accounts opened stood at 29.52 crore as of August 16, up from 12.55 crore in January 2015. The number of rural PMJDY accounts grew from 7.54 crore to 17.64. The number of RuPay cards issued increased from 11.08 crore to 22.71 crore.

The total balance in beneficiary accounts stood at Rs. 65,844.68 crore and the average balance per account increased from Rs. 837 in January 2015 to Rs. 2,231 as of August 16, 2017 and the proportion of zero balance accounts fell from 76.81% in September 2014 to 21.41%.

“As of March 2014, women constituted about 28% of all savings accounts, with 33.69 crore accounts,” Mr. Jaitley wrote. “As of March 2017, according to data from top 40 banks and regional rural banks, women’s share has risen to about 40%. .”

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## 'Creamy layer': Criteria for PSU, bank posts evolved

The Centre has evolved criteria to identify posts in the PSUs, public sector banks and financial institutions comparable with those in the government to exclude the 'creamy layer' to grant reservation benefits to the OBC employees.

A proposal was examined and approved by a panel of Ministers and sent to the Cabinet for its final nod, a senior government official said.

The same panel had recently cleared the proposal to raise the 'creamy layer' ceiling for the Other Backward Classes (OBC) category to Rs. 8 lakh per annum from Rs. 6 lakh for Central government jobs.

The need to draw up the criteria arose as there was lack of clarity in the comparable posts in the State-run undertakings and the government.

The exercise to draw up the set of criteria was undertaken almost 23 years after a 1993 office order of the Department of Personnel and Training (DoPT) providing for 27% quota for the OBCs in government vacancies and laying down categories under the creamy layer.

### 'Equivalent posts'

This order merely said the criterion enumerated for Group A and Group B posts would apply to officers "holding equivalent and comparable posts" in the PSUs, banks and financial institutions.

He said the move was aimed at ensuring parity between the posts in the financial institutions with those in the government in reservations.

"There were discrepancies in granting benefits to the OBC employees of such organisations and some were getting undue benefits in the absence of a comparative chart of posts across government and PSUs," the official said.

Under the 1993 memorandum issued by the DoPT, certain categories are listed under the creamy layer.

### Criteria of income

While categories like constitutional posts, Group A/Class I and Group B/Class II were clearly mentioned in it, there was no clarity in regard to the employees of PSUs, banks and insurance organisations.

The order further said pending the evaluation of posts on equivalence or comparable basis in these institutions, the criteria of income test would apply to the officers there.

END

## Under-employment severe in India: NITI

Making a case for promoting highly productive and well-paid jobs, NITI Aayog has said that not unemployment but a “severe under-employment” is the main problem facing the country.

The government think-tank, in its three-year Action Agenda, released last week, has said that a focus on the domestic market through an import-substitution strategy would give rise to a group of relatively small firms behind a high wall of protection. “Contrary to some assertions that India’s growth has been ‘jobless’, the Employment Unemployment Surveys (EUS) of the National Sample Survey Office have reported low and stable rates of unemployment over more than three decades.

“The more serious problem, instead, is severe underemployment,” the Aayog said in the Action Agenda. “What is needed is the creation of high-productivity, high-wage jobs,” it added. Citing examples of South Korea, Taiwan, Singapore and China, it said: “The ‘Make in India’ campaign needs to succeed by manufacturing for global markets.” Noting that with Chinese wages rising due to an ageing workforce and many labour-intensive sectors in that country looking for lower-wage locations, the Aayog said, “with its large workforce and competitive wages, India would be a natural home for these firms.” “Therefore, the time for adopting a manufactures— and exports—based strategy could not be more opportune,” it added.

The Aayog recommended the creation of a handful of Coastal Employment Zones, which may attract multinational firms in labour-intensive sectors from China to India. Making a case for reforming labour laws, the Aayog noted that recently fixed-term employment has been introduced in the textiles and apparel industry.

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## Quota policies and career advancement in politics

Quotas are an increasingly common tool to improve the economic and social participation of historically underrepresented groups in education, business and politics. India has one of the most expansive and long-standing systems of political quotas in the world, which has provided fertile ground for learning about the short and long-term effects of political empowerment of women and ethnic minorities. These policies have been the focus of a number of studies to date, improving our understanding of the benefits of more diverse political representation on the provision of public goods, and trust in the government, and attitudes towards female leaders, or girls in general.

Often implicit in the advocacy of quotas is an argument that they will increase the representation of targeted groups in a way that can eventually render the policy obsolete through institutional change. Whether such institutional change is possible has long been debated in the many contexts in which quotas or affirmative action policies have been proposed and advocated and it is an open question as to whether quotas can have broader effects in areas in which they are not directly applied. In recent research, I ask: How do quotas for women in local elected bodies in India affect candidacy for, and representation in, higher offices? I empirically test whether such a quota system can increase participation and representation in higher levels of government, and if so, through which channels (*Can Quotas Increase The Supply Of Candidates For Higher-level Positions? Evidence From Local Government In India*).

India first introduced nationwide seat quotas for women in government in 1993 with the 73rd and 74th amendments to the Constitution. Importantly, the amendments provided for one-third of all seats at the level of *panchayats* and municipalities to be filled by women. For single-seat leadership positions, reservations were assigned randomly across areas in each election cycle such that in aggregate, the one-third quota would be met. After several election cycles there is considerable variation across areas in the cumulative number of years exposed to a woman in the leadership position. I use the rotating assignment mechanism of district chairperson seats to identify effects of cumulative exposure to local female leadership on candidacy for state assembly elections from 2004-2007 and the parliamentary election in 2009. By the late 2000s, some districts had seen the chairperson's seat reserved for three election cycles, while others had only just seen their first cycle of reservation or had not yet been reserved at all. This variation is used to identify the effects of local female political leadership on candidacy for, and representation in, higher offices.

The quota policy in local government increases female candidacy in both state and national legislature elections. An additional election cycle (five years) of quotas increases the number of female candidates for state assembly elections by .075 candidates. In Parliament, this candidacy effect is larger, with an average of 0.25 additional female candidates per reserved cycle. This implies an additional female candidate would appear among four constituencies that had seen one additional reserved local term. It is important to note that there are nine to 10 assembly constituencies per district, on average; per district, the effect on aggregate state assembly candidacy is then between one and two additional female candidates for an additional two election cycles of exposure. That the effect is stronger at the state legislature level when comparing similar areas also suggests that the state legislature may be seen as a logical intermediate career step for politicians from previously reserved areas. This effect magnitude also very closely mirrors the number of district chairpersons that would have been available for higher office: two cycles yield between one and two new politicians created by the chairperson quota. There are mixed results as to whether quotas in local government can increase the representation of women in higher offices. The new female candidates who appear after quota exposure do not win the elections they contest, and the majority run as independents—lacking access to the resources and support of established political parties. New female candidates win a roughly proportional share of votes, and

there is limited evidence of changes in voter turnout.

A remaining question is whether the increase in candidacy is a result of the creation of politicians in local government who contest for higher office, or is a response of potential candidates to run in areas where female leaders are more likely to be seen as capable. I find that approximately half of the candidacy effect is due to the supply channel (that is, “contesting up”), while the other half was due to repeat candidates contesting in longer-exposed constituencies. This suggests that both the supply and demand channels may be at work in increasing female candidacy for higher office.

## Conclusion

The quota policy for women in local government increases candidacy for, but not representation in, state and national political offices. This suggests there are longer-term effects of quotas on political dynamics and effects outside the particular level of government in which the quotas were active. Estimate magnitudes imply these quotas were responsible for a majority of the increase in female candidates in state legislature and parliamentary elections since the policy went into effect, although female representation in higher offices remains low and does not appear to be changed by the policy. In sum, it remains to be seen whether quotas in local government can generate an increase in representation by women in higher levels of government.

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## India's rural distress puzzle

The state of India's rural economy is puzzling. There is enough evidence to support two opposing statements: one, that the rural economy has improved; and, two, that the rural economy is in the doldrums.

On the one hand, some indicators are positive. The unemployment rate has been falling while rural wages have been rising. On the other hand, instances of rural distress are rife and rural consumer sentiment has weakened. There has been a surge of demands for farm loan waivers. Four states have already announced waivers worth about 0.5% of national gross domestic product (GDP). Four more are threatening to do the same and, if they do, waivers could rise to 0.75% of GDP, endangering a hard-won reduction in debt and deficit ratios.

Some of this distress was likely triggered by the large fall in food prices and the resulting shift in the terms of trade (the cost of producing food versus the income derived) to the detriment of rural India. Even if some of the causes of falling food prices are one-time (for example, a bumper crop) or short lived (such as demonetization and goods and services tax related uncertainties), other factors may keep food prices low for longer (such as structural improvements in food distribution).

Which of the two opposing claims is true, and how long will the confusion in data last?

It helps to solve the puzzle if we note that the rural economy consists of two distinct parts, "landless" and "landed". We define landless as those owning less than a hectare of land, and landed as those owning more than a hectare. The landless, by our definition, make up about 70% of rural households and the landed the rest.

This distinction illuminates three other things. One, we find that the landless rural population has a negative income-consumption gap, which basically means that its income is hardly enough to cover its consumption requirements. On the other hand, the landed have a positive income-consumption gap. Two, it is the landed who are more indebted as a group than the landless. They also use more formal sector sources of credit than the landless. Finally, we find that a majority of the income for the landless comes from wages while that of the landed from cultivation.

Putting all this together, we can build a compelling narrative. After a two-year drought, the good monsoon rains in 2016 increased the demand for labour. As a result, real wages have risen gradually and the unemployment rate has fallen in tandem. This has largely benefited the landless, given that the majority of their income is from wages.

In contrast, the landed, who pay these wages and depend more directly on income from cultivation, have borne the brunt of falling food prices, as what they have received from selling farm produce has been lower than expected.

Real indebtedness for this group has been growing at a faster clip than real incomes since FY14, which explains the growing clamour for bank farm loan waivers (see *chart*).

Eventually, however, one would imagine that the fates of the landed and landless are likely to move together (given that the landless are often indebted to the landed). For now, the fact that these two groups are not yet moving in the same direction is throwing up confusing signals about the health of the rural economy.

There are two broader points to be made here: The first is that one-off reforms cannot improve an economy. There needs to be a series of reforms, each supporting the other. In the worst case,

stray reforms may even do harm.

Let us explain. Inflation-targeting was a welcome reform with distinct economy-wide benefits. But the large fall in inflation that it helped engineer has hurt the indebted by increasing “real” indebtedness, i.e. debt relative to inflation. And that is the bitter truth. Large and desirable reforms always tend to hurt some sub-groups.

What is needed now is another spate of reforms to help those who have been hurt. Agricultural reforms, such as in irrigation and warehousing infrastructure, can help increase farm productivity and therefore incomes. They will not just help fund consumption expenditure, but will leave extra funds in the hands of rural India, which can then be used to service the higher real debt bill.

The second broader point to be made is that farm loan waivers may do more harm than good. They spoil the credit culture, making formal finance more nervous about serving rural India. They also erode macro-economic stability. In particular, a rapid rise in farm loan waiver expenses could bind India’s states in a vicious cycle, increasing their interest bill or lowering the quality of their spending, or both.

Rural distress is a recurring theme in India. Every few years, farm loan waivers or a good monsoon provide some short-lived respite. Clearly, the benefits from neither are sustainable. The panacea for rural distress can only be reforms that will help raise farm productivity and incomes.

*Pranjul Bhandari is chief India economist at HSBC.*

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## Lessons from Pradhan Mantri Jan Dhan Yojana

This month marks the completion of the third anniversary of the launch of the Pradhan Mantri Jan Dhan Yojana (PMJDY), the financial inclusion scheme implemented by the National Democratic Alliance (NDA) government. Along with the opening of a bank account, the PMJDY scheme comes with other benefits for account holders. The account holders get access to credit and pension facilities and also a debit card with a built-in accident insurance cover for Rs1 lakh. More importantly, the account holders can get government subsidies delivered to them in cash, directly into their accounts.

As per the website of PMJDY, as of 16 August, there were 295.2 million beneficiaries or account holders, with a total bank balance in their accounts of Rs658.45 billion (a little over \$10 billion). That is a little under half a per cent of the Indian gross domestic product (GDP) of around Rs150 trillion. It is similar to the mobile phone connectivity that India achieved for its citizens in the first decade of the millennium.

An empirical study (*Bank Accounts For The Unbanked: Evidence From A Big Bang Experiment*, May 2017) has shown that PMJDY accounts are increasingly being used actively: “70% of the accounts migrate out of dormancy into active use. Second, activity levels in PMJDY accounts increase over time, a pattern not necessarily seen in non-PMJDY accounts. These findings are especially stark given that non-PMJDY account holders in our sample appear to be much poorer and have transaction sizes that are one order of magnitude smaller. Finally, we find that the active accounts experience significant increases in cash balances. Government direct benefits transfer aids but does not fully explain usage. Overall, the data indicate that the unbanked learn by doing, and increase usage of accounts for transactions, liquidity management, and increasingly, balance accumulation.”

More good news is possible out of the successful financial inclusion initiative. Another paper (*Who Wants To Be An Entrepreneur?*, May 2016) suggests that, “Financial development facilitates economic growth by moving workers out of less productive, informal entrepreneurial activity into formal jobs in more productive firms.” In other words, there are multiple benefits arising out of access to finance for the poor. If this were to happen, India could reasonably aspire to resemble the prosperous high-growth economies of the West.

But it would take time and much more remains to be done to get from here to there. The important and underlying requirement is that productive firms create formal jobs. Unfortunately, it is not happening. It requires fixing two issues. One is the issue of non-performing assets (NPA) in the banking system and the other is the absence of dynamism in the formal business sector.

That a scheme like PMJDY was required after five decades of public sector banking is testimony to the fact that the poorer sections of society were not able to access financial services adequately from the organized financial system. Therefore, if the government were keen to take credit for the successful implementation of the PMJDY, and correctly so, it must be prepared to take the blame for allowing NPAs in public sector banks to fester for three years. The logic that the NPA problem is a legacy of the previous government would be inconsistent, for financial non-inclusion too was a legacy of previous governments.

No doubt the government has passed the bankruptcy legislation and empowered the central bank to direct the banks under its supervision to invoke its provision to recover their dues. But the big challenge that banks face is the share of bad assets in the overall loan portfolio, and it has shown no sign of peaking yet. Credit Suisse estimates that total stressed loans in Indian banking (recognized and unrecognized bad debts together) constituted 17.75% of total bank loans as of

March 2017. It was 16.9% as of March 2016. The reason that the NPA problem has not peaked is the absence of economic dynamism in the country. Economic dynamism will remain elusive unless long-term capital investments are made by industry. Domestic capital formation remains elusive because there is too much uncertainty in the air.

Much as the government policies and legislation—the bankruptcy legislation, real estate sector regulation and regulation dealing with *benami* transactions— passed in the last two years are essential for the long-term growth of the economy, they induce uncertainty and paralysis in the short term. The judiciary has done its bit to make operating conditions unpredictable for businesses. The government has not mitigated these short-term costs. Worse, the (sometimes overzealous) pursuit of tax offenders and the failure to deliver on the promised corporate tax rate reduction have compounded the problem.

There is much to learn from successes, as there is to learn from failures. The PMJDY is a success story. It is a rare case of a popular policy that delivers political and long-term economic benefits. Hence, the government applied itself to the task. It needs to repeat the formula for economically pragmatic, in contrast to popular, decisions.

The previous NDA government fell on the sword of “India shining”. *Achche Din* might prove to be this government’s Damocles sword if it does not wake up to its failure to add to its rather meagre economic successes such as the PMJDY.

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## Financial inclusion and the right to privacy

As India uses Aadhaar to advance financial inclusion efforts, it is essential that both privacy and financial interests of the poor are protected. The Supreme Court in a landmark ruling on 24 August decided unanimously that there is a fundamental right to privacy in India. It called on the government “to examine and put into place a robust regime for data protection”. Legislation to protect the privacy interests of the poor should now be top of the agenda.

What should that legislation look like? Unhindered by the outdated and entrenched approaches to privacy in jurisdictions such as the US and Australia, India has the unique opportunity to put in place a model system for the governance of privacy, one that is far better suited for the digital age and for expanding financial inclusion.

A data protection law is especially important at this early stage in the development of databases, policies and systems in India that rely upon Aadhaar. While Aadhaar promises to bring improvements in the delivery of services to poor people and under-served communities, it could also facilitate the collection of massive amounts of information, which would expose vulnerable consumers to privacy risks—competing factors that well-crafted legislation can address.

Integration of Aadhaar into the economy helps the financially excluded to access life-changing loans, insurance, savings and payments services more easily, and the costs of the financial services delivery likely will fall as a result. Aadhaar can also help citizens receive timely and complete payment of their government benefits.

Yet, if government and the private sector collect Aadhaar numbers for everything from utilities to health services, from car insurance to residential leases and link the information collected from countless databases, Aadhaar could become the organizing tool for the compilation of sensitive, detailed and constantly evolving individual profiles. Corporations and government with access to these profiles could use them in abusive ways to describe, predict, and ultimately influence the behaviour of individuals, sometimes without their knowledge.

Data from a person’s purchasing history, location, habits, income and social media activity can be used to classify consumers and customize the price of financial products or the interest rates charged to them. Such customization could exploit the consumer unfairly, based on their habits, or enable financial service providers to discriminate directly or indirectly based upon the customer’s ethnicity, gender, caste or religion. Government access to profiles can also raise privacy concerns. The vast amounts of data generated by new technologies and linked to Aadhaar increase the potential for abusive data practices and privacy invasion. The Supreme Court’s ruling is a vital first step in responding to this danger.

Many countries base their data protection regimes on the exercise of consumer choice or “informed consent”. But putting the burden on consumers to read lengthy and legalistic privacy notices and then to exercise choice about how their data will be used is unrealistic anywhere in the world. How many people read privacy notices before installing an app on their phone? Apple’s privacy policy for India runs over 3,000 words. Microsoft’s privacy statement is well over 7,000 words. India can recognize the reality that consent is no longer practical as the primary justification for data practices and establish substantive privacy protections regarding the collection, use and disclosure of personal information.

India also has the opportunity to establish safeguards for consumer privacy that are integrally part of the design, including the technical design, of government and private sector systems. This approach, often called “privacy by design”, has received widespread support from regulators and

policymakers around the world. The European Union's General Data Protection Regulation (GDPR), which takes effect next year, mandates data protection by design and by default, significantly expanding the reach of this process.

A critical feature of any data protection regulation will be the limitations placed on the collection and storage of personal data. Some, in the US in particular, have advocated "use-based" systems of data protection regulation, which focus on permissible uses of data without restricting its collection and storage. However, the collection and storage of data should also be regulated, especially considering the vastly increased opportunities for harmful and unauthorized access the more data is collected and the longer it is kept, and the social harms created by pervasive surveillance.

The Supreme Court was not called upon to address all the ways Aadhaar might be used consistent with a citizen's right to privacy. These issues, including whether providing one's Aadhaar number can be made mandatory, will need to be decided in subsequent cases.

Judicial rulings are one path for developing the right to privacy. The legislative path allows India to develop world-leading data protection that moves away from the flawed notice-and-choice model to one that establishes for the government and private sector alike clear, predictable parameters on the collection, use, processing, sharing, and the security of personally identifiable information. The Supreme Court's recognition of a right to privacy provides the foundation to ensure that innovations such as Aadhaar are used to enhance the poor's dignity and well-being.

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**Special Feature: National Nutrition Week – 1<sup>st</sup> to 7<sup>th</sup> Sep 2017**

## Breaking Inter-generational Cycle of Malnutrition & Optimising the IYCF Practices



**Santosh Jain Passi\***

**Akanksha Jain\*\***

Malnutrition among populations – particularly the children, is an interplay of multiple factors like illiteracy, ignorance, poverty, large families, lack of resources including food/nutrition insecurity and poor access to health care services. Since long, our government's endeavour has been to reduce morbidity/mortality rates by implementing multipronged strategies for breaking the intergenerational cycle of under-nutrition. Events leading to malnutrition often predate child-birth; maternal under-nutrition, teenage pregnancies, closely spaced child-births and high parity are the major contributors to pre-term/low birth weight deliveries. Escalating malnutrition among children aged below 2 years is indicative of poor infant feeding practices. Therefore, appropriate infant feeding practices coupled with adequate maternal nutrition are crucial for healthy growth/development of the child; and for this a life cycle approach is imperative.



Appropriate/optimal Infant and Young Child Feeding (IYCF) practices emphasise on early initiation of breastfeeding (*within the 1<sup>st</sup> hour of child-birth*) without giving any pre-lacteals, exclusive breastfeeding for the first six months of life (*not even water, only prescribed medicines/tonics, if any*); and after 6 months, age-appropriate complementary foods with continued breastfeeding up to two years and beyond. In the light of this, theme for this year's National Nutrition Week is '**Optimal IYCF Practices: Better child health**'.

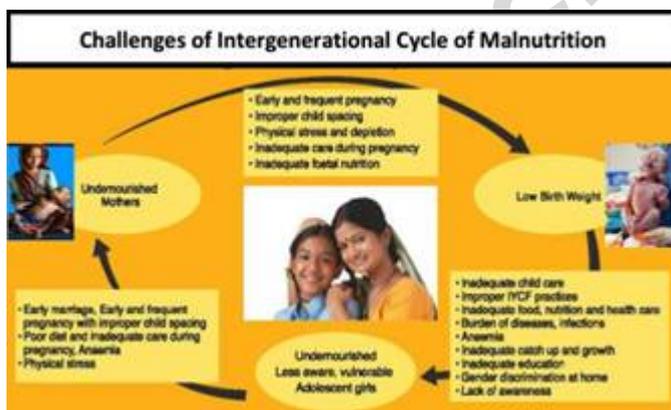


Every year, **National Nutrition Week** is celebrated from

1<sup>st</sup> to 7<sup>th</sup> September for intensifying nutrition/health related awareness among the masses. Launched by the Food & Nutrition Board in 1982, it is envisaged that the nutrition education/training programmes carried out by the governmental/non-governmental organizations will have far reaching implications on productivity, economic growth and ultimately the nation's development.

Optimum nutrition coupled with regular physical activity is the cornerstone of good health/well-being. Importance of proper nutrition in survival, health and development of the current as well as the succeeding generations cannot be undermined. Healthy children learn better and adequately nourished individuals are more productive. On the other hand, poor nutrition can result in lowered immunity, impaired physical growth/mental development, increased morbidity and thereby, reduced productivity.

WHO/UNICEF have designated the first 1000 days of life (270 days in-utero + 2 years post-birth) as the critical window for infant/young child nutrition interventions. This period being vital for brain growth/development, any malnutrition can cause stunting and suboptimal mental development. Breastfeeding – the gold standard feeding option for babies needs to be promoted; therefore, mothers as well as the other caregivers need to be made cognizant of its benefits, both for the baby and the mother. During pregnancy itself, effective counselling (inter-personal/small groups) should be carried out to highlight the advantages of breastfeeding vs. the dangers of artificial feeding; and thus, prepare the expectant mothers for successful breastfeeding.



When a child - particularly the girl child - is not provided enough nourishment, an inter-generational cycle of malnutrition may set in. Both the individual level and intergenerational (*from one generation to the next*) cycles of under-nutrition and ill health operate simultaneously posing grave consequences. A low-birth-weight baby-girl borne by a malnourished mother becomes a stunted/malnourished girl child à stunted/malnourished adolescent à malnourished woman; and in turn, gives birth to a second-generation low-birth-weight baby. This clearly illustrates how poor in-utero nutrition from an under-nourished mother (both during & prior to pregnancy/lactation) extends through the life-course affecting nutrition/health status of generation-by-generation. This is further heightened by teenage pregnancies where the adolescent girls have to bear the dual-burden of their own growth and that of the developing foetuses leading to still poorer pregnancy outcome. Further, closely spaced high

parity pregnancies often exacerbate nutritional deficits which get passed on to their offspring/s too. Micro-nutrient (iron, zinc, iodine & vitamin A) deficiencies in young girls too can catalyze the intergenerational malnutrition cycle. This can mar the nation's development due to physically/mentally affected workforce with reduced work capacity.

In the light of these adversaries, nutrition has become an integral component of all the maternal and child health programmes such as:

- **Integrated Child Development Services (ICDS)**, launched on 2<sup>nd</sup> Oct 1975 has been universalized in the country. The target group comprises children (<6 years), pregnant/nursing mothers & women in reproductive ages (15-44 years) as well as adolescent girls for improving their nutrition/health status by providing a package of services right at the grass-roots level.
- **Reproductive, Maternal, Newborn, Child and Adolescent Health Programme (RMCH+A)**, launched in 2013) addresses the major causes of mortality among women, children & adolescents along with the reasons for delayed access/utilization of health care services. This strategic approach highlights the importance of 'continuum of care' during various stages of life.
- **Janani Shishu Suraksha Karyakaram (JSSK)** – launched on 1<sup>st</sup> June, 2011 aims to provide better women/child health services such as cost-free/cashless facilities for pregnant women (normal deliveries/caesarean section operations) and sick new-borns ( $\leq 30$  days post-partum) through government health institutions in rural/urban areas.
- **Pradhan Mantri Matritva Vandana Yojana (PMMVY)** is a maternity benefit program implemented by Ministry of Women & Child Development, Government of India. It is a conditional cash transfer scheme for pregnant/nursing mothers (aged >19 years) for first two live births to partially compensate the childbirth/childcare linked wage-loss. In addition, it provides adequate facilities for safe delivery and breastfeeding/infant feeding.
- **Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA)** aims to reduce maternal and infant mortality rates in the country through safe pregnancies and safe deliveries. It provides quality comprehensive antenatal care to pregnant women on a designated day - 9<sup>th</sup> of every month.
- **The Mother and Child Tracking System** – Monitors the health care system to ensure all mothers & their children to have an easy access to various health-care services like care during pregnancy/child-birth and complete maternal & child immunization.



- **MAA (Mothers' Absolute Affection)** – an intensified flagship programme of the MoHFW was launched in 2016. It aims to enhance optimal breastfeeding practices in the

country through a set of comprehensive activities for protecting, promoting and supporting breastfeeding/child feeding, both at community & the facility level. The programme emphasises on generating community awareness, strengthening inter-personal communication skills of the functionaries and providing necessary support for breastfeeding at delivery points/public health facilities along with the need for adequate family support to the nursing mother.

- Recent **amendment of the Maternity Benefit Act** (April 2017) enshrines paid maternity leave for 26 weeks even in private sector; however, for the pregnant women already having 2 living children, it remains unchanged (12 weeks) and the same is for adoptive/commissioning mothers too. Crèche facility and the option for work from home are other features of this amended Act.
- **India Newborn Action Plan (INAP)**, launched in September 2014, aims to end preventable newborn deaths and stillbirths so as to achieve single digit neonatal mortality/stillbirth rates by 2030.
- **Adolescent Reproductive and Sexual Health (ARSH) programme** comprises the package of preventive, promotive, curative and counselling services for addressing their reproductive and sexual issues.

Other programmes/schemes targeting adolescent girls include **Kishori Shakti Yojana, Balika Samridhi Yojana, Scheme for Adolescent Girls (SABLA), Weekly Iron and Folic Acid Supplementation (WIFS) programme, Menstrual Hygiene Scheme** and many more. These programmes aim at empowering the adolescents with improved nutrition/health related awareness as well as better nutritional status so that they enter matrimony and motherhood with better nutrient stores.

Under UIP, **Mission Indradhanush** is cost-free expanded immunization coverage for children against 7 vaccine preventable diseases (Diphtheria, Pertussis, Tetanus, Childhood-Tuberculosis, Polio, Hepatitis B and Measles) by 2020. Further, **Swachh Bharat, 'Beti Bachao Beti Pado'** **abhiyan, adolescent friendly clinics** also address critical nutrition-sensitive issues.

It is thus, possible that through concerted efforts, the intergenerational cycle of malnutrition can be turned virtuous and improvements in maternal nutritional status and pregnancy outcome can be achieved. Better diet quantity/quality, micronutrient supplementation and improved health services can be the catalytic strategies for bringing about the desired change. As per the continuum of care approach, focusing on girl child to women along the lifecycle is imperative for achieving the Sustainable Development Goals (SDGs) and overcoming poverty, malnutrition and ill-health.

***“Optimum IYCF practices coupled with good nutrition along lifecycle can retain the individuals’ health.....break the inter-generational cycle of malnutrition....and eventually make India a healthy & productive nation”!!***

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*Views expressed in the article are author's personal.*

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## Odisha rated as low-growth State

Despite the government claiming to have provided business-friendly environment to investors and attracting huge investments in past decade-and-a-half, Odisha has been categorised as a low-growth State in the country in the latest NITI Aayog survey.

### High growth States

The NITI Aayog's 'Ease of Doing Business Report: An Enterprise Survey of Indian States', released on Monday, points at more hurdles in setting up new businesses in Odisha compared to other States. The 15-high growth States include Bihar, Uttarakhand, Tripura, Sikkim and Meghalaya.

The NITI Aayog and IDFC Institute, its knowledge partner, have classified States on the basis of their average annual real growth rate using State Gross Domestic Product from 2004-05 to 2013-14.

### Median average

"We calculated the median average annual growth rate, which turns out to be 8.14%. The States that experienced annual average growth rate equal to or above the median were classified as high-growth States and those with annual growth rate below the median were categorised as low-growth States," the study stated. At a growth rate of 6.59%, Odisha falls in low-growth category.

According to the study, enterprises in high-growth States reported fewer regulatory hurdles. This establishes an empirical link between superior regulatory environment and better economic performances.

### Power connection

"On average, enterprises reported taking 52 days, 61 days, and 76 days for getting electricity, water, and sewerage connections respectively. The World Bank 2017 Doing Business report ranks India at number 25 for getting electricity connection and it is estimated that getting the connection takes about 46 days. It takes an average of 31 days to get electricity connection in Karnataka, 32 days in Gujarat and around 95 days in Odisha," says the report.

Odisha is listed among States with lowest proportion of enterprises having knowledge of their environment category. Only 22% of enterprises in Odisha are aware of their category.

Similarly, the age distribution of high-growth and low-growth enterprises shows that in general, the share of young enterprises is higher in the high-growth States than in the low-growth States.

Around 20% of enterprises in Odisha are young whereas percentage of young enterprises in Bihar is above 70%.

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**70 years of Independence**

**Special Feature – I-Day 2017**

### **Swachh Bharat- Gandhi's obsession, Modi's passion**



**\*Smera Chawla**

During a recent visit to the Sabarmati Ashram in Ahmedabad where a photo gallery vividly depicts the ideology and life style of Mahatma Gandhi, my thoughts went around to connect the Father of Nation with an independent and clean India. The Ashram serves as a source of inspiration for we, young Indians, from the life of a Mahatma who fought a non-violent battle against the mighty British empire and won us Independence. In 2014, Prime Minister Shri Narendra Modi launched the Swachh Bharat Mission (SBM), thus so aptly on 2nd October, Gandhiji's birthday.

"A clean India would be the best tribute India could pay to Mahatma Gandhi on his 150<sup>th</sup> birthday anniversary in 2019", the Prime Minister had said after launch of the mission.

"Swachata" or Cleanliness was a way of life for Gandhiji. As he fought the Britishers, he disliked several of the western customs but was candid enough to say that he learnt sanitation from the West. His dream was to introduce and spread that level of cleanliness in India. "I learnt 35 years ago that a lavatory must be as clean as a drawing-room. I learnt this in the West. I believe that many rules about cleanliness in lavatories are observed more scrupulously in the West than in the East. The cause of many of our diseases is the condition of our lavatories and our bad habit of disposing of excreta anywhere and everywhere. I, therefore, believe in the absolute necessity of a clean place for answering the call of nature and clean articles for use at the time. I have accustomed myself to them and wish that all others should do the same. The habit has become so firm in me that even if I wished to change it, I would not be able to do so. Nor do I wish to change it". His words are pertinent and relate eminently to the Swachh Bharat Mission, a dream project of Shri Modi, who is passionate about cleanliness.

Launched under a mission mode, the SBM has surely achieved some measurable targets in the last three years. These include construction of 28, 96,367 household toilets across the country,

while 43,200 wards have been covered for 100 per cent door - to - door waste collection. As per the 'dashboard' (real time figures) of the Swachh Bharat portal, over a million (10, 29,124) Indian Household Toilets have been constructed only in the last eight months since January 2017.

The work has really picked up pace in the recent months is evident from a huge jump, in fact more than double in the number of community and public toilets since January this year. There number has gone up from 1, 09,639 in January to 2, 71,766 in August this year.

Hundred per cent target has been achieved under the Swachh Vidyalaya initiative of the Narendra Modi Government with Bihar leading the table. As many as 56,912 schools have been given toilets with half of the number of toilets constructed in the girls' schools. The other states doing commendable work under this initiative include Andhra Pradesh with 49, 293 toilets completed and about 22,000 being meant only for girls' schools. Assam achieved the figure of 35,699, Chhattisgarh 16,629, Jharkhand 15,795, Rajasthan 12,083, Telangana 36,159 and Odisha 43,501.

The Swachh Bharat programme has been linked directly with Beti Bachao Beti Padhao initiative. Under the joint programme initiative it is being ensured that there are girls' toilets in all Government schools in 100 districts which have the lowest child sex ratio. These districts include Vaishali in Bihar, Raigarh in Chhattisgarh, Kamrup in Assam and D & N Haveli.

The mission aims to eliminate open defecation in all statutory towns by 2nd October, 2019. In addition, it also proposes to eradicate manual scavenging, introduce modern and scientific waste management, induce behavioural change with respect to healthy sanitation practices and generate awareness for sanitation. SBM also aims to augment the capacity of Urban Local Bodies (ULBs) and create an enabling environment for the private sector in waste management.

#### **Deliverables for Swachh Bharat Mission under the NITI Ayog 's Three –Year Action Agenda 2017-2019-20**

<b>Outcome/Deliverable</b>	<b>2017-18 (Cumulative)</b>	<b>2018-19 (Cumulative)</b>
No. of ODF towns	4,041	4,041
Compost Production (Lakh Metric Tonnes)	54	54
Waste to Energy Generation (Mega Watt)	330	511
Wards with 100% door-to-door collection	100 %	100 %

ULBs spend about Rs. 500 to Rs. 1,500 per tonne on solid waste management, according to the NITI Ayog Three Year Action Agenda. Out of earmarked budget, about 60 - 70 per cent is spent on the collection of waste and 20 - 30 per cent on transportation. However, a negligible percentage is dedicated towards the treatment and disposal of waste.

Some of the sustainable disposal solutions include: Waste to energy (Incineration), thermal pyrolysis and plasma gasification technologies. While pyrolysis is not suitable for MSW due to

diverse composition and plasma gasification technologies are very expensive, waste to energy is the most suitable technology as it has multi-fold benefits. In countries like Singapore, more than 37.6 per cent of waste is used for waste-to-energy plants for incineration and energy recovery.

Elimination of Open Defecation is another crucial aspect of SBM. In order to achieve the objective of becoming Open Defecation Free (ODF) by 2019, 55 million household toilets and 115,000 community toilets need to be constructed under the SBM (Gramin), as per the NITI Ayog document. Focus should be on how to ensure that there is easy access to sanitation for women, children, senior citizens and the differently abled and also that these toilets have continuous piped water supply.

The Swachh Bharat roadmap laid out before the country is clear and well defined. But to ensure a result oriented programme, there is a need for all stakeholders, mainly the citizens of India to join the campaign being led by the Prime Minister. No effort can be spared and no avenue left unexplored to achieve the target of a cleaner India.

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*Views expressed in the article are author's personal.*

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## Progress Made by the [Nation](#) with Regard to Divyangjan During the Last Three Years



**\*ThaawarchandGehlot**

Constitution of India guarantees rights of freedom to all citizens including Divyangjan with regard to freedom, equality and justice. But in reality, Divyangjan are facing stigma, discrimination and neglect due to socio-psychological and cultural reasons. Disability when compounded with discrimination doubles the quantum of disability. There is a wide spread underestimation of the abilities and potential of persons with disabilities due to general public perception and prejudices, thereby creating a vicious cycle of under achievement. This in turn results in inferiority complex among them which further harms their growth. It has taken a long period of time to educate ourselves to demystify the meaning of disability and fight myths and misconceptions of disability. We need to keep these new ideas alive everyday so that the old negative attitudes and perceptions do not assert themselves.

Since Independence there was not much focus on the issues of rights of Persons with Disabilities till the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was enacted. It was, therefore, a legal framework providing measures to continuously work for their welfare and rehabilitation. This Act focused on accessibility, reservation in jobs, health, education and rehabilitation.

In order to give focused attention to Policy issues and meaningful thrust to the activities, aimed at welfare and empowerment of the Persons with Disabilities, a separate Department for Empowerment of Persons with Disabilities was carved out of the Ministry of Social Justice and Empowerment on May 12, 2012. The Department has a vision to build an all-inclusive society in which equal opportunities are provided for the growth and development of Persons with Disabilities; so that they can lead productive, safe and dignified lives.

With the twin objectives of harmonising the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and also to ensure better

implementation, the Central Government enacted the Rights of Persons with Disabilities Act, 2016 which came into force w.e.f 19.04.2017. The Act provides the measures to ensure full and effective inclusion of Persons with Disability by way of promoting inclusive education, adequate social security, employment and rehabilitation.

Under Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP) Scheme Grants-in-aid of Rs. 465.85 crore was utilized in the last three years benefitting 7.60 lakh beneficiaries through 5624 camps. Under the Scheme, 3730 motorized tricycles have been distributed to eligible Divyangjan across the country which includes 248 Mega Camps/Special Camps covering 27 States for distribution of aids and assistive devices under the ADIP Scheme.

For overcoming hearing disabilities in children, 172 Hospitals across the country have been empanelled, for the purpose of cochlear implant surgeries among children with hearing disability. As on date, 839 cochlear implant surgeries have been successfully completed and their rehabilitation is underway.

Under educational empowerment, Government is implementing five Scholarship Schemes, namely, Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme, Top Class Scholarship Scheme, National Fellowship for PwDs and National Overseas Scholarship Schemes covering students from Class 9 to M.Phil/Ph.D Level and studies abroad.

The Government has setup Indian Sign Language Research and Training Centre (ISLRTC), Okhla, Delhi. The main objective of the Centre is to develop manpower for using, teaching and conducting research in Indian Sign Language for the benefit of persons with hearing disabilities. Action is underway to prepare the Sign Language Dictionary of about 6000 words.

In order to meet the requirements of specific disabilities, Govt. of India has established seven National Institutes (NIs) in specific disabilities under the Department. These are engaged in Human Resource Development, providing Rehabilitation Services to the Persons with Disabilities and Research & Development. Four new Composite Regional Centres at Rajnandgaon (Chattishgarh), Nellore (Andhra Pradesh), Davangere (Karnataka) and Nagpur (Maharashtra) have been set up. In Aizwal, a Disability Study Centre is being set up.

Government has approved modernization of Artificial Limbs Manufacturing Corporation of India (ALIMCO), Kanpur at a total cost of Rs. 286.00 crore, for production of modern assistive devices and to serve around six lakh beneficiaries across the country as against 1.57 lakh number of beneficiaries currently being served by the Corporation.

Among the new initiatives, the Govt. is focusing on facilitating establishment of the State Spinal Injury Centres to provide comprehensive management of Spinal Injuries at the state level. Under the scheme, a comprehensive rehabilitation centre attached to the District hospital of State Capital/Union Territory with dedicated 12 beds shall be set up. The Govt. also proposes to establish 3 centres for disability sports viz. at Zirakpur (Punjab), Vishakhapatnam (A.P.) and

Gwalior (M.P.).

The Govt. believes in involvement of all stake holders including participation of State Governments/NGOs/Civil societies so as to enhance the outreach of the programmes/welfare schemes run by the Department to enable Persons with Disabilities to live in the society in an independent and dignified manner.

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