NEWS D.A.D.

100% COVERAGE OF EACH & EVERY RELEVANT NEWS

SOURCES

PIB » The Hindu » Live Mint » HT » TOI

RBI » ET » Indian Express » PRS Blog and more.....

14 leading sources for **CURRENT AFFAIRS** covered on **Daily basis.**

Topic-wise

Daily News

For all those who don't want to be left out

"Every News counts and we make sure that you don't miss any relevant News."

CRACKACADEMY

Index

Broadcast regulation 3.0, commissions and omissions . . . 2
Air pollution causes over 2 million deaths annually in India: BMJ study . . . 5
BCG revaccination study in high-risk adults to begin in 23 States . . . 7
Did vaccination reduce COVID-related preterm births? . . . 10
India, disability inclusion and the power of ‘by’ . . . 12
The Jammu and Kashmir Reservation (Amendment) Bill, 2023 . . . 15
A meeting of High Powered Committee (HPC) for Ladakh held in New Delhi today . . . 16
Status of Pradhan Mantri Krishi Sinchayee Yojana . . . 18
The Ambedkar touch in rethinking social justice policies . . . 22
Multidimensional Poverty Index reduction under the NDA is flawed . . . 25
Improved drug regimens for TB to cut treatment time . . . 28
Bad precedent: The Hindu Editorial on the expulsion of Trinamool Congress Member of Parliament Mahua Moitra . . . 32
Ominously anti-federal: On the Supreme Court’s judgment on Article 370 and J&K’s special status . . . 34
Patent exclusions — Madras High Court shows the way . . . 37
74.1% of Indians unable to afford a healthy diet: FAO Report . . . 40
The Bharatiya Nyaya (Second) Sanhita, 2023 . . . 42
The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 . . . 64
The Bharatiya Sakshya (Second) Bill, 2023 . . . 95
The Jammu and Kashmir Reorganisation (Second Amendment) Bill, 2023 . . . 126
Rajya Sabha Passes Central Universities (Amendment), Bill, 2023 for establishment Sammakka Sarakka Central Tribal University in Telangana . . . 127
Cabinet approves Memorandum of Cooperation signed between India and Kingdom of Saudi Arabia on cooperation in the field of Digitization and Electronic manufacturing . . . 130
The hollowing out of the anti-defection law . . . 132
The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Bill, 2023 . . . 135
Incoming call: On the introduction of the Telecommunications Bill, 2023 . . . 136
Ministry of Women and Child Development to organise National Programme on Aanganwadi –cum- Crèches (AWCC) under Palna tomorrow . . . 138
As JN.1 emerges as variant of interest, time to evaluate preparedness and effective testing and treatments . . . 141
Revision sans vision: On the three Bills that replace the body of criminal laws in India . . . 144
Questionable searches under the Money Laundering Act . . . 146
WHO prequalifies a second malaria vaccine manufactured by Serum Institute of India . . . 150
Lok Sabha passes Press and Registration of Periodicals Bill . . . 152
Telecom law upgrades for a digital authoritarian state . . . 155
Is there a link between very irregular sleep and higher risk of dementia? . . . 158
Unpacking the first ever COP ‘Health Day’ . . . 159

Source : www.thehindu.com Date : 2023-12-01

BROADCAST REGULATION 3.0, COMMISSIONS AND OMISSIONS

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 01, 2023 12:08 am | Updated 01:29 am IST

COMMents

SHARE

READ LATER

‘There are numerous apprehensions that arise from the Broadcasting Bill’s manifest scope as well as its noteworthy silences’ | Photo Credit: Getty Images

The Broadcasting Services (Regulation) Bill released in November by the Ministry of Information and Broadcasting (MIB) is part of an arc of endeavours to regulate broadcasting in an integrated manner. The last initiative to take on this ambitious task was back in 2007, in the form of the Broadcasting Services Regulation Bill. Ten years before that, when cable and satellite broadcasting was in its infancy, the Broadcasting Bill of 1997 scripted the first effort to visualise an integrated regulatory framework for this sector. The recent third rendition of a Broadcasting Bill comes on the heels of a pre-consultation paper on ‘National Broadcasting Policy’ by the Telecom Regulatory Authority of India (TRAI), a document initiated following a reference from the MIB.

There appear to be three positive propositions in the current Bill, albeit each requiring crucial refinements. First, it obliges broadcasting network operators and broadcasters to maintain records of subscriber data, and subject this to periodic external audits, as is the international norm. Second, the Bill seeks to stipulate a methodology for audience measurement, and the sale of ratings data. Both mechanisms will bring the much-needed transparency in the opaque value chain of the cable and satellite television business in our country. That said, the Bill completely lacks any guardrails to shield the privacy of subscribers and audiences in such practices of data collection. Third, the provision to permit private actors in terrestrial broadcasting will encourage competition to Doordarshan, the state broadcaster, as is in many G-20 countries. Back in 2016, TRAI had initiated consultations on this. At that time, there was an opinion about terrestrial broadcasting proving viable only for large players, including those already in cable and satellite broadcasting; consequently, such a move, it could be argued, is likely to diminish the diversity of suppliers in broadcasting as a whole. This anxiety can be pacified if the Bill allows terrestrial broadcasting to those not involved in other forms of broadcasting.

Apart from these potentially positive provisions, there are numerous apprehensions that arise from the Broadcasting Bill’s manifest scope as well as its noteworthy silences.

A major concern is the Bill including Over-the-Top (OTT) content suppliers in the definition of

broadcasting services — as also proposed in TRAI's 'National Broadcasting Policy'.

Intriguingly, both moves come amidst intense discussions catalysed by the Ministry of Electronics and Information Technology (MEITy) (hitherto mandated to deal with the online media) on licensing OTT players. Now, the MIB appears to poach on MEITy's jurisdiction — a territorial slugfest typical in countries with a fragmented regulatory architecture. For the news media and their audience, there is a different concern. The Bill's expanded definition of broadcasting constricts the conditions in which journalists and news outlets that are not a part of large, multi-lingual television networks can continue their professional pursuits.

While it is fruitful for a news outlet to have an oversight body, warranting a 'Content Evaluation Committee' takes the Bill in a questionable direction: mandating an internal body to self-certify news programming. The issue is not only of feasibility and costs but also of desirability. Since the role of an internal oversight mechanism is to maintain the accuracy of news and quality of journalism, its design is best left to individual news outlets. They could decide whether to design this along the lines of an ombudsperson, as some newspapers attempted in the past, or akin to a 'Readers' Editor', as practised by few online news outlets.

Now, the two crucial silences in the Bill. Like the TRAI paper, the Bill is mum on issues of ownership. While the Bill is keen to stipulate a methodology for audience measurement, there is no desire to measure the extent of cross-media and vertical ownership. Both these forms of media power thwart the diversity of suppliers, and perhaps, consequently, that of viewpoints, in the marketplace of news. In fact, just last year, TRAI itself had drawn attention to extensive cross-media ownership between newspapers and news broadcasters through indirectly owned affiliates, and the need to evolve a system to capture this.

Amusingly, one such news outlet with cross-media interests was apprehensive about inroads by telecom companies into broadcasting. They rightly feel such inroads add another dimension to vertical integration, since some cable and DTH distributors also own, in a roundabout manner, news broadcasters. Both renditions of vertical integration risk the ability of the audience to access, avail, and/or afford news from a diverse range of suppliers.

The Bill is equally silent on creating an independent broadcast regulator, as hinted in TRAI's paper. This was first mooted in the 'airwaves' judgment of 1995, subsequently in the 1997 Broadcasting Bill, and reiterated in the 2007 iteration of the Bill. Instead, this Bill plans a 'Broadcast Advisory Council' to examine viewers' grievances and violations of the Programme Code and Advertisement Code. This raises two concerns: first, the capacity of such a Council to track and address grievances, genuine or motivated, raised by over 800 million TV viewers; and second, the lack of autonomy accorded to this body, since the Bill empowers the Central government to ultimately decide on the Council's advice.

In addition, the Bill empowers the government to inspect broadcasters without intimating them in advance, and to impound their equipment, presumably including those issued to their employees.

Also read | Centre advises TV channels against giving platform to persons facing charges of serious crimes such as terrorism

Furthermore, violations of the Programme Code and Advertisement Code attract deleting or modifying content, in addition to existing measures such as ceasing transmissions for particular durations. Finally, the Bill grants tremendous leeway to government to curtail broadcasting and its distribution in "public interest", a term that is distressingly left undefined. All these intrusive mechanisms augment the vulnerabilities of professional news suppliers to external pressure

groups. This should worry those who will deliberate over legislating the Bill, irrespective of which benches they occupy in Parliament.

As the latest extension of the arc of endeavours to devise an integrated regulatory framework for broadcasting, this Bill must not lose the opportunity to protect press freedom and diversity. To do so, it has to will its way to incorporate some startling omissions, review its intrusive commissions, and fine-tune potentially positive provisions.

Vibodh Parthasarathi teaches media policy at the Centre for Culture, Media and Governance, Jamia Millia Islamia, New Delhi

COMMents

SHARE

government / laws / telecommunication service / G20 / media / personal data collection / data protection

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-01

AIR POLLUTION CAUSES OVER 2 MILLION DEATHS ANNUALLY IN INDIA: BMJ STUDY

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

November 30, 2023 11:36 pm | Updated 11:36 pm IST - New Delhi

COMMents

SHARE

READ LATER

Burning of fossil fuels cause millions of deaths every year. Image for representational purpose only. | Photo Credit: Getty Images

Outdoor air pollution from all sources accounts for 2.18 million deaths per year in India, second only to China, according to a modelling study published in *The BMJ*.

The research found that air pollution from using fossil fuels in industry, power generation, and transportation accounts for 5.1 million extra deaths a year worldwide.

This equates to 61% of a total estimated 8.3 million deaths worldwide due to ambient (outdoor) air pollution from all sources in 2019, which could potentially be avoided by replacing fossil fuels with clean, renewable energy, the researchers said. These new estimates of fossil fuel-related deaths are larger than most previously reported values suggesting that phasing out fossil fuels might have a greater impact on attributable mortality than previously thought, they said.

The team, including researchers from Max Planck Institute for Chemistry, Germany, used a new model to estimate all cause and cause-specific deaths due to fossil fuel-related air pollution and to assess potential health benefits from policies that replace fossil fuels with clean, renewable energy sources.

They assessed excess deaths — the number of deaths above that expected during a given time period — using data from the Global Burden of Disease 2019 study, NASA satellite-based fine particulate matter and population data, and atmospheric chemistry, aerosol, and relative risk modelling for 2019, in four scenarios.

Also Read | What can we expect from health talks at COP28? | Explained

The first scenario assumes that all fossil fuel-related emission sources are phased out. The second and third scenarios assume that 25% and 50% of exposure reductions towards the fossil phase-out are realised. The fourth scenario removes all human-induced (anthropogenic) sources of air pollution, leaving only natural sources such as desert dust and natural wildfires. The results show that in 2019, 8.3 million deaths worldwide were attributable to fine particles (PM2.5) and ozone (O3) in ambient air, of which 61% (5.1 million) were linked to fossil fuels.

This corresponds to 82% of the maximum number of air pollution deaths that could be averted by controlling all anthropogenic emissions, according to the researchers. Attributable deaths to all sources of ambient air pollution were highest across South and East Asia, particularly in China with 2.44 million per year, followed by India with 2.18 million per year, they said.

The researchers found that most (52%) of deaths were related to common conditions such as ischemic heart disease (30%), stroke (16%), chronic obstructive lung disease (16%) and diabetes (6%). About 20% were undefined but are likely to be partly linked to high blood pressure and neurodegenerative disorders such as Alzheimer's and Parkinson's disease, they said.

Phasing out fossil fuels would result in the largest absolute reductions in attributable deaths in South, South East and East Asia, amounting to about 3.85 million annually, the researchers said. This is equivalent to 80-85% of potentially preventable deaths from all anthropogenic sources of ambient air pollution in these regions, they said.

In high-income countries that are largely dependent on fossil energy, about 4.6 lakh (0.46 million) deaths annually could potentially be prevented by a fossil fuel phaseout, representing about 90% of the potentially preventable deaths from all anthropogenic sources of ambient air pollution, according to the researchers.

They acknowledge that their new model has led to larger estimates than most previous studies. Reasons for this include taking account of all causes in addition to disease-specific deaths and basing their model solely on studies of ambient air pollution.

As such, the researchers said uncertainty remains, but given the Paris Climate Agreement's goal of climate neutrality by 2050, "the replacement of fossil fuels by clean, renewable energy sources would have tremendous public health and climate co-benefits." The ongoing COP28 climate change negotiations in UAE "offer an opportunity to make substantial progress towards phasing out fossil fuels. The health benefits should be high on the agenda," they concluded.

COMMents

SHARE

health / air pollution / environmental pollution

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-03

BCG REVACCINATION STUDY IN HIGH-RISK ADULTS TO BEGIN IN 23 STATES

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 02, 2023 09:00 pm | Updated 09:00 pm IST

COMMents

SHARE

READ LATER

Twenty-three States have consented to participate in the BCG revaccination study in adults that will be undertaken in a "programme implementation study mode" to evaluate the effectiveness of the vaccine in reducing TB disease incidence. The study will target some high-risk groups — those older than 50 years, prior TB disease, underweight adults, diabetics, and those who smoke and consume alcohol. The phase-1 of the study will be conducted in Uttar Pradesh and Madhya Pradesh, says a Delhi-based official.

No clinical trials have been carried out in India to study the efficacy of BCG revaccination in adults to prevent TB disease, and studies in other countries have thrown up mixed results. Two clinical investigation studies (2019 and 2023) by St. John's Research Institute, Bengaluru have found BCG revaccination in adults to be significantly immunogenic.

Despite the recommendation of an expert committee that a clinical trial be carried out first, the government has decided to go ahead with the programme implementation study. "An expert committee constituted by ICMR recommended that a robust trial be carried out in India and implementation at population-level be undertaken once evidence of efficacy was available," says Dr. Soumya Swaminathan, former Chief Scientist at WHO and a member of the expert committee. "Most studies of BCG revaccination globally have not found major impacts on reducing TB incidence. Therefore, it is not recommended by the WHO currently. However, a recent phase-2 trial in South Africa suggested it may prevent TB infection. Hence, further trials are warranted to assess the effectiveness of BCG revaccination in different populations, age groups, by timing of revaccination and types of TB."

Since the government felt that a trial would take too long to complete and wanted to implement BCG revaccination at scale, the committee had suggested that some districts be used as an intervention arm and some as the control arm, and TB incidence be captured over a couple of years. Accordingly, 50% of the districts in a State will be included in the intervention arm and the remaining 50% will act as control.

"WHO does not currently recommend programmatic or pilot BCG revaccination [even in high-burden countries such as India]," Dr. Birgitte Giersing, Team Lead - vaccine platforms & prioritization, WHO, says in an email to *The Hindu*. The 2018 BCG vaccine position paper by WHO does not advocate BCG revaccination in adults. It says: "Studies have shown minimal or no evidence of any additional benefit of repeat BCG vaccination against TB or leprosy.

Therefore, revaccination is not recommended.”

The protective effect of a single dose of the vaccine given to infants in India wanes within a short time. A 15-year follow-up study found that at the end of 7.5 years there was “complete lack of protective efficacy” in children. Even if revaccination offers protection in adults, the duration of protection remains to be seen.

Incidentally, while NIRT in Chennai will be conducting a BCG booster dose clinical trial in children aged 6-18 years, the BCG revaccination study in adults is being undertaken mainly based on the retrospective data analysis of a small sub-group of the Chingleput BCG vaccination trial conducted in 1968. In the 1968 trial, 2,890 adults received a BCG revaccination and 1,546 did not, and the efficacy of the vaccine to reduce TB incidence was found to be 36%. But the protective efficacy was seen only at the end of 15 years of follow-up, and the protective effect of BCG revaccination was significant only in the 31-40 years age group.

The Chingleput BCG revaccination study has several limitations — the sample size is small, potential confounders such as nutritional status, diabetes, smoking and alcohol consumption, and TB exposure status are not known, and the time interval between the first dose and BCG revaccination is also not known.

“We could carry out a ‘phase 3’-like randomised controlled trial, or we could carry out a ‘phase 4’-like (‘pilot’) pragmatic evaluation of the roll-out of the vaccine. As BCG is an already-licensed vaccine… the effectiveness information India (and the world) needs on whether BCG revaccination prevents TB disease could be gained from a phase 4-like (‘pilot’) study as long as it is done well enough,” Dr. Richard White, Professor of infectious disease modelling at the London School of Hygiene & Tropical Medicine says in an email.

Tamil Nadu, which has consented to participate in the study, has 44 TB districts. Half of these will be earmarked as intervention arm and the remaining as control. “Since adults belonging to high-risk groups are to be studied, the number of consenting participants will run into lakhs,” says Dr. T.S. Selvavinayagam, Director of Public Health and Preventive Medicine, Chennai. “The safety profile of BCG revaccination will be studied programmatically, while a sub-group of participants running to a few thousands will be followed-up for two-three years by NIRT for vaccine efficacy.” The study will begin in Tamil Nadu once the State government approves it.

Kerala, Bihar, Chhattisgarh, West Bengal and Uttarakhand that have not consented to participate in the study. “The field constraints to carry out the study is the only reason why Kerala did not consent to participate,” a Kerala official says. “The staff involved in the universal immunisation programme will be overburdened when BCG revaccination is included. There are gaps in the immunisation programme in Kerala after the pandemic. The focus is on closing this gap. So Kerala did not want to begin the BCG revaccination programme now.”

COMMents

SHARE

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an

account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-04

DID VACCINATION REDUCE COVID-RELATED PRETERM BIRTHS?

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 03, 2023 09:15 pm | Updated December 04, 2023 12:05 am IST

COMMents

SHARE

READ LATER

The relative risk of preterm birth was just 1.2% between infected and non-infected mothers in California | Photo Credit: Getty Images/iStockphoto

In the early part of the pandemic, two sociologists found that mothers in California with COVID-19 had a greater risk of preterm delivery, as per a study published in the *Proceedings of the National Academy of Sciences*. The risk increased from 7.1% among non-infected mothers to 8.3% in those with COVID-19, a relatively small difference of 1.2% that the authors dramatically describe as “roughly equivalent to *in utero* exposure to high-intensity wildfire smoke for 20 days”.

The study took an interesting twist as they tracked vaccine rollout in California, and divided the State into five zones based on vaccination coverage. The apparent adverse impact of COVID on preterm births diminished quickly in places where vaccines were widely accepted. The difference persisted for almost another year in areas that had low vaccine acceptance.

The impact eventually vanished in January 2022, which coincided with the arrival of Omicron and widespread population immunity. Based on these observations, the authors state that vaccination prevented a large number of preterm births during the pandemic.

While this is no doubt a valid argument, the topic of preterm birth is rather complicated. Many factors influence the date of delivery, including patterns of obstetric practice during the pandemic. That a baby is born preterm need not necessarily be a direct effect of SARS-CoV-2 infection. In obstetrics, doctors consider multiple factors and make informed decisions about when to induce labour or perform a caesarean section. For instance, if a pregnant woman has severe COVID, for instance due to the delta variant, doctors might decide to deliver the baby as early as possible in an attempt to save the mother’s life. If that happens even one day before the 37th week, it gets counted as preterm, but this need not necessarily compromise the baby’s health.

Before the vaccine rollout, unexpectedly high preterm birth rates (15.5%) were found among mothers with COVID-19 residing in privileged areas of California. The substantial 3.5% increase (compared to less vaccinated areas) suggests that doctors in well-served, highly vaccinated regions may have been extra cautious about maternal health.

A study by Northwestern University Chicago found no rise in preterm births during the pandemic, and oddly, a decrease in preterm deaths among low-income groups. The explanation is that despite economic challenges, government support allowed these women to stay home, and telemedicine improved healthcare access. This led to better maternal health.

Studies from India have reported mixed results. Tripathy et al. in Orissa found a higher frequency of preterm births among unvaccinated women compared to vaccinated. In a pre-vaccine era study from Mumbai by Malik et al., risk of preterm births among COVID-positive pregnant women was low, at only 4.3%. Kumari et al. from Jharkhand reported that being COVID-positive in 2020 made no difference in preterm birth rates, while some studies report otherwise.

Experienced obstetricians and neonatologists agree that during the early immune naive phase of the pandemic, vaccination reduced severe COVID-19 outcomes among pregnant women, but the impact on preterm births is less clear.

In science, correlation need not always mean causation. There could well be additional unmeasured variables, perhaps socio-economic in nature that explain the observed difference in preterm births between highly vaccinated areas and less vaccinated areas.

(*Rajeev Jayadevan is co-chairman, National IMA COVID Task Force*)

COMMents

SHARE

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-04

INDIA, DISABILITY INCLUSION AND THE POWER OF ‘BY’

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

To enjoy additional benefits

CONNECT WITH US

December 04, 2023 12:08 am | Updated 01:42 am IST

COMMents

SHARE

READ LATER

‘The inclusion of persons with disabilities into the economy can help boost global GDP between 3% to 7%’ | Photo Credit: Getty Images

Disability as an identity and entity exists at the intersection of multiple vulnerabilities — social, economic and gender — with each facet requiring careful consideration when conceptualising action for equity.

Globally, 1.3 billion people (which is equivalent to nearly the entire population of India) live with some form of disability. Of them, 80% live in developing countries; further, 70% of them live in rural areas. Current systems are designed for persons without disabilities and end up being exclusionary to people with disabilities, resulting in them experiencing higher instances of poverty, lack of access to education and opportunities, informality and other forms of social and economic discrimination.

According to the English dictionary, “For” is often used when a person is receiving something and “By” is to “identify the agent performing an action”. This difference is crucial when it comes to disability inclusion, as the approach is completely different if it is “by” persons with disabilities being a part of the process and not “for” them, without them in the process.

At the outset, the inclusion of persons with disabilities into the economy can help boost global GDP between 3% to 7%, as per the study by the International Labour Organization (ILO), “The price of exclusion: The economic consequences of excluding people with disabilities from the world of work”.

Editorial | Making disability count: On why NFHS will yield more robust data on the disability sector

We believe that everyone has the right to equal treatment and opportunities at work, agnostic of any attributes other than the ability to do the job. The reality, however, is mixed. The current employment scenario is limited, providing fewer jobs for persons with disabilities and perpetuating stereotypes that create further barriers for people with disabilities to access the labour market. It is also in direct contravention of the United Nations Convention on the Rights of Persons with Disabilities, which advocates changing attitudes and perceptions towards persons

with disabilities and viewing inclusion from a social development dimension. Disability inclusion is rooted in assuring the rights of persons with disabilities and recognising the economic benefits of inclusion.

In India, the Central and State governments have various schemes for persons with disabilities and a unique id for persons with disabilities (UDID) card, established as part of the Rights of Persons with Disabilities Act (2016). The first step is awareness to ensure last-mile connectivity of the benefits enumerated for people with disabilities by the government, which begins with the capacity-building of community leaders who can advocate for this at the grass-roots level. This is especially important in rural areas, where persons with disabilities tend to face greater challenges when compared to their urban counterparts, with even more limited access to education and employment. Some developmental schemes, too, exclude them. They are viewed as objects of charity and not as persons with agency with an ability to participate in decision-making processes. Rural areas also have high agricultural dependence and face the heightened risk of climate calamities arising from rising sea levels, reduced access to clean water and food, hurricanes, heatwaves and floods, with rural people at the frontlines of these challenges. A bottom-up approach to disability inclusion is crucial to build productive pathways out of poverty and ensure that persons with disabilities are recognised as active members of society and the economy.

The private sector holds a key in promoting the employment of persons with disabilities. In addition to a robust legal framework, experience shows the importance of engaging the private sector and building the confidence of companies to hire and retain workers with disabilities. Additionally, engagement of employers' federations, including those representing small and medium-sized enterprises, as well as with trade unions, has shown to have great potential to promote the employment of persons with disabilities.

The ILO and the International Fund for Agricultural Development (IFAD), in collaboration with the Women's Development Corporation in Maharashtra, are implementing the Sparking Disability Inclusive Rural Transformation (SPARK) project. Through this project, persons with disabilities were put in the lead, being identified from the villages, and trained as Disability Inclusion Facilitators (DIFs). The DIFs engage with the community, persons with disabilities, caregivers of persons with disabilities, women from self-help groups and other stakeholders to raise awareness about disability inclusion and barriers to inclusion. The DIFs identify women with disabilities and mainstream them in existing self-help groups for social and economic development, where these women have been able to access funds to start an enterprise. The SPARK project has been able to bring an attitudinal shift towards persons with disabilities, right from the societal to administrative levels.

The goal of social justice cannot be achieved without the inclusion of persons with disabilities in all spheres of development, starting with rural areas and rural resilience. Evidence shows a bi-directional link to poverty, nutrition, and hunger, and as a consequence, there needs to be more inclusive opportunities and employment in rural areas. Given the historic marginalisation of persons with disabilities and the backsliding of the progress on the Sustainable Development Goals, a fundamental shift in commitment, solidarity, financing and action is critical. It is about time that the voices and needs of persons with disabilities be prioritised at the centre of the global development agenda.

Michiko Miyamoto is Director, International Labour Organization (ILO) Decent Work Technical Support Team (DWT)/Country Office (CO)-New Delhi. Ulaç Demirag is Country Director and Representative, International Fund for Agricultural Development (IFAD) India, Part of Team UN India

COMMents

SHARE

disabled / United Nations / economy (general) / laws / rural-urban divide

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.

Source : www.prsindia.org Date : 2023-12-05

THE JAMMU AND KASHMIR RESERVATION (AMENDMENT) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

- The Jammu and Kashmir Reservation (Amendment) Bill, 2023, was introduced in Lok Sabha on July 26, 2023. It amends the Jammu and Kashmir Reservation Act, 2004. The Act provides for reservation in jobs and admission in professional institutions to members of Scheduled Castes, Scheduled Tribes, and other socially and educationally backward classes. Key features of the Bill include:
- **Socially and educationally backward classes: Under the Act, socially and educationally backward classes include: (i) people residing in villages declared as socially and educationally backward by the Union Territory (UT) of Jammu and Kashmir, (ii) people residing in areas adjoining the Actual Line of Control and International Border, and (iii) weak and under-privileged classes (social castes), as notified. The government may make inclusions or exclusions from category of weak and under-privileged classes, on the recommendations of a Commission. The Bill substitutes weak and under-privileged classes with other backward classes as declared by the UT of Jammu and Kashmir. The definition of weak and under-privileged classes is deleted from the Act.**

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.pib.gov.in Date : 2023-12-05

A MEETING OF HIGH POWERED COMMITTEE (HPC) FOR LADAKH HELD IN NEW DELHI TODAY

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

A meeting of High Powered Committee (HPC) for Ladakh, under the chairmanship of Minister of State for Home Affairs, Shri Nityanand Rai held in New Delhi today. Apex Body Leh (ABL) and Kargil Democratic Alliance (KDA) also participated in the meeting.

Shri Nityanand Rai emphasized that under the leadership of Prime Minister Shri Narendra Modi and guidance of Union Home Minister and Minister of Cooperation Shri Amit Shah, the Ministry of Home Affairs is committed to fast-track the development of Ladakh and to meet the aspirations of the people of Ladakh. He added that significant progress has been achieved after the formation of the Union territory in 2019. Due to this historic step of the formation of the Union territory, governance and thereby developments have been brought closer to the people of Ladakh. He said that a number of initiatives like increasing the budgetary allocation for the UT, increasing funds provided to the Ladakh Autonomous Hill Development Councils, ensuring all-round connectivity, developing infrastructures like mobile networks, roads, construction of new helipads, etc. have been undertaken at a much faster pace. Shri Rai said that the Government would continue to engage with the ABL and KDA and people of Ladakh for holistic and sustainable development of the UT of Ladakh on regular basis.

ABL and KDA welcomed the decision of MHA for modifying the Terms of References and also inclusion of new members. The ABL and KDA members submitted various issues pertaining to protection of rights of Ladakh Residents, Fast Track Recruitment processes, strengthening of LAHDCs, Greater participation in the decision making etc.

Ministry of Home Affairs has constituted High Powered Committee (HPC) for Ladakh under the chairmanship of Minister of State for Home Affairs Shri Nityanand Rai, with a mandate to discuss-

*****

AY/ASH/PR

A meeting of High Powered Committee (HPC) for Ladakh, under the chairmanship of Minister of State for Home Affairs, Shri Nityanand Rai held in New Delhi today. Apex Body Leh (ABL) and Kargil Democratic Alliance (KDA) also participated in the meeting.

Shri Nityanand Rai emphasized that under the leadership of Prime Minister Shri Narendra Modi and guidance of Union Home Minister and Minister of Cooperation Shri Amit Shah, the Ministry of Home Affairs is committed to fast-track the development of Ladakh and to meet the aspirations of the people of Ladakh. He added that significant progress has been achieved after the formation of the Union territory in 2019. Due to this historic step of the formation of the Union territory, governance and thereby developments have been brought closer to the people of Ladakh. He said that a number of initiatives like increasing the budgetary allocation for the UT, increasing funds provided to the Ladakh Autonomous Hill Development Councils, ensuring all-round connectivity, developing infrastructures like mobile networks, roads, construction of new helipads, etc. have been undertaken at a much faster pace. Shri Rai said that the Government would continue to engage with the ABL and KDA and people of Ladakh for holistic and

sustainable development of the UT of Ladakh on regular basis.

ABL and KDA welcomed the decision of MHA for modifying the Terms of References and also inclusion of new members. The ABL and KDA members submitted various issues pertaining to protection of rights of Ladakh Residents, Fast Track Recruitment processes, strengthening of LAHDCs, Greater participation in the decision making etc.

Ministry of Home Affairs has constituted High Powered Committee (HPC) for Ladakh under the chairmanship of Minister of State for Home Affairs Shri Nityanand Rai, with a mandate to discuss-

*****

AY/ASH/PR

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.c

Source : www.pib.gov.in Date : 2023-12-05

STATUS OF PRADHAN MANTRI KRISHI SINCHAYEE YOJANA

Relevant for: null | Topic: Important Schemes & Programmes of the Government

Ministry of Jal Shakti provided technical support, and partial financial assistance under its ongoing schemes to the identified water resources projects to the State Governments. Further, techno-economic appraisal of major and medium irrigation projects on inter-state river systems is to be undertaken by Central Water Commission under this Ministry. However, planning, implementation and operation & maintenance of water resources projects lies in the domain of the State Government concerned.

Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) was launched during the year 2015-16, with an aim to enhance physical access of water on farm and expand cultivable area under assured irrigation, improve on-farm water use efficiency, introduce sustainable water conservation practices, etc. It is an umbrella scheme, consisting of two major components being implemented by the Ministry of Jal Shakti, namely, Accelerated Irrigation Benefit Programme (AIBP), and Har Khet Ko Pani (HKKP). HKKP, in turn, consists of four sub-components: (i) Command Area Development & Water Management (CAD&WM); (ii) Surface Minor Irrigation (SMI); (iii) Repair, Renovation and Restoration (RRR) of Water Bodies; and (iv) Ground Water (GW) Development. In addition, PMKSY has Watershed Development (WD) component which is being implemented by Department of Land Resources. Further, during the period 2015-22, Per Drop More Crop (PDMC) component was also being implemented by Department of Agriculture and Farmers Welfare (DoA&FW) under PMKSY.

Further, in December, 2021, implementation of PMKSY for the period 2021-22 to 2025-26 has been approved by Government of India However, Ground Water component under PMKSY-HKKP has provisionally been accorded for 2021-22, which was extended subsequently till completion of ongoing works and liabilities. Also, Per Drop More Crop component, which was earlier a component of PMKSY, is now being implemented separately by DoA&FW.

Apart from PMKSY, financial assistance is also being provided by this Ministry for creation/ stabilization of irrigation potential for the identified water resources projects under National project scheme, and also as special projects. These include Lakhwar multipurpose project, Shahpur Kandi dam project, Polavaram (National) irrigation project, Relining of identified stretches of Rajasthan Feeder and Sirhind Feeder of Punjab, North Koel reservoir project and Ken-Betwa river interlinking project.

In addition, in July, 2018, Government of India has approved a special package for Maharashtra whereby financial assistance is being provided to 83 surface minor irrigation (SMI) projects and 8 major / medium irrigation projects in drought prone districts in Vidarbha and Marathwada and rest of Maharashtra.

The quantum of central grants released to the States under different components of PMKSY since 2016-17 is tabulated below.

Component of PMKSY

Central assistance (CA) released during 2016-23 (Rs. in crore)

Accelerated Irrigation Benefit Programme with pari passu implementation of Command Area Development & Water Management

18,727.78

Har Khet Ko Pani – Surface Minor Irrigation and Repair, Renovation and Restoration of water bodies

4,010.32

Har Khet Ko Pani – Ground Water Development

764.89

Per Drop More Crop

16,688.71

Watershed Development

9,559.07

Total

49,750.77

Number of targeted beneficiaries under different components of PMKSY is estimated to be about 2.68 crore. However, so far no project has been proposed by Government of Puducherry for inclusion under any component of PMKSY.

National Mission for Clean Ganga (NMCG) under this Ministry has in partnership with Indo-European Water Partnership, developed a National Framework for reuse of treated water. The framework has been made available in public domain through the NMCG website. It is meant to develop suitable market and business models for reuse of treated water.

Further, the framework identifies agriculture as a potential area where reuse of treated water can be explored. It envisages and promotes adoption of safer irrigation practices towards use of treated water by farmers in peri-urban and rural areas.

However, so far no project involving reuse of treated water is being provided financial assistance by this Ministry under PMKSY.

This information was given by the Minister of State for Jal Shakti, **Shri** Bishweswar Tudu in a written reply in **Rajya Sabha** today.

****

AS

Ministry of Jal Shakti provided technical support, and partial financial assistance under its ongoing schemes to the identified water resources projects to the State Governments. Further,

techno-economic appraisal of major and medium irrigation projects on inter-state river systems is to be undertaken by Central Water Commission under this Ministry. However, planning, implementation and operation & maintenance of water resources projects lies in the domain of the State Government concerned.

Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) was launched during the year 2015-16, with an aim to enhance physical access of water on farm and expand cultivable area under assured irrigation, improve on-farm water use efficiency, introduce sustainable water conservation practices, etc. It is an umbrella scheme, consisting of two major components being implemented by the Ministry of Jal Shakti, namely, Accelerated Irrigation Benefit Programme (AIBP), and Har Khet Ko Pani (HKKP). HKKP, in turn, consists of four sub-components: (i) Command Area Development & Water Management (CAD&WM); (ii) Surface Minor Irrigation (SMI); (iii) Repair, Renovation and Restoration (RRR) of Water Bodies; and (iv) Ground Water (GW) Development. In addition, PMKSY has Watershed Development (WD) component which is being implemented by Department of Land Resources. Further, during the period 2015-22, Per Drop More Crop (PDMC) component was also being implemented by Department of Agriculture and Farmers Welfare (DoA&FW) under PMKSY.

Further, in December, 2021, implementation of PMKSY for the period 2021-22 to 2025-26 has been approved by Government of India However, Ground Water component under PMKSY-HKKP has provisionally been accorded for 2021-22, which was extended subsequently till completion of ongoing works and liabilities. Also, Per Drop More Crop component, which was earlier a component of PMKSY, is now being implemented separately by DoA&FW.

Apart from PMKSY, financial assistance is also being provided by this Ministry for creation/ stabilization of irrigation potential for the identified water resources projects under National project scheme, and also as special projects. These include Lakhwar multipurpose project, Shahpur Kandi dam project, Polavaram (National) irrigation project, Relining of identified stretches of Rajasthan Feeder and Sirhind Feeder of Punjab, North Koel reservoir project and Ken-Betwa river interlinking project.

In addition, in July, 2018, Government of India has approved a special package for Maharashtra whereby financial assistance is being provided to 83 surface minor irrigation (SMI) projects and 8 major / medium irrigation projects in drought prone districts in Vidarbha and Marathwada and rest of Maharashtra.

The quantum of central grants released to the States under different components of PMKSY since 2016-17 is tabulated below.

Component of PMKSY

Central assistance (CA) released during 2016-23 (Rs. in crore)

Accelerated Irrigation Benefit Programme with pari passu implementation of Command Area Development & Water Management

18,727.78

Har Khet Ko Pani – Surface Minor Irrigation and Repair, Renovation and Restoration of water bodies

4,010.32

Har Khet Ko Pani – Ground Water Development

764.89

Per Drop More Crop

16,688.71

Watershed Development

9,559.07

Total

49,750.77

Number of targeted beneficiaries under different components of PMKSY is estimated to be about 2.68 crore. However, so far no project has been proposed by Government of Puducherry for inclusion under any component of PMKSY.

National Mission for Clean Ganga (NMCG) under this Ministry has in partnership with Indo-European Water Partnership, developed a National Framework for reuse of treated water. The framework has been made available in public domain through the NMCG website. It is meant to develop suitable market and business models for reuse of treated water.

Further, the framework identifies agriculture as a potential area where reuse of treated water can be explored. It envisages and promotes adoption of safer irrigation practices towards use of treated water by farmers in peri-urban and rural areas.

However, so far no project involving reuse of treated water is being provided financial assistance by this Ministry under PMKSY.

This information was given by the Minister of State for Jal Shakti, **Shri** Bishweswar Tudu in a written reply in **Rajya Sabha** today.

****

AS

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-06

THE AMBEDKAR TOUCH IN RETHINKING SOCIAL JUSTICE POLICIES

Relevant for: Developmental Issues | Topic: Rights & Welfare of Minorities Incl. Linguistic Minorities - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

To enjoy additional benefits

CONNECT WITH US

December 06, 2023 12:08 am | Updated 12:45 am IST

COMMents

SHARE

READ LATER

‘Dalits and Adivasis should be advanced as the essential components of urbanisation, industrial production and technological innovations’ | Photo Credit: Getty Images

Modern democracy is synonymous with both the values of social harmony and reforms that ensure dignity and self-respect to its participants, especially the historically deprived and socially marginalised people. Further, democratic institutions are mandated to engage with the worst-off social groups and ensure their substantive participation as a significant governing class in political affairs. The socially oppressed groups in India, especially Dalits, adored and celebrated such modern virtues because of their liberative potential and egalitarian goals. Babasaheb Ambedkar emerged as a torchbearer of liberal enlightened ideas and expected that post-colonial India would be distinct from the exploitative Brahmanical past and invite Dalits and other marginalised communities to be equal shareholders in the nation’s economic and political development. Ironically, the modernist objectives have been partially achieved only today. With the ascent of neo-liberal economic development, the conventional support that Dalits and Adivasis have received from state institutions, has derailed.

In current times, it is a norm to witness the domination of the social elites as powerful authorities, national leaders, business tycoons, and cultural influencers. The control and the hegemony of the conventional ruling class have been perpetuated without much disturbances, whereas the socially marginalised groups have only managed to have a tokenistic presence in the domain of power and privileges. Though various political regimes vouch to implement social justice policies, this has little impact in ensuring the significant participation of the worst-off social groups in the domain of power. B.R. Ambedkar’s principles of social justice would reprimand the current realm of neo-liberal economy for its neglect of the concerns of Dalits and Adivasis and would direct the market to be more responsible towards the worst-off social groups. It would also direct the state to reduce the pitfalls and slippages now in social justice policies and make them more relevant in the present day.

Ambedkar becomes crucial in such a discourse because his approach allows us to diagnose illnesses in the social and economic order. He offers ethical corrective measures to make institutions more democratic, representative and closer to the claims and the desires of marginalised social groups. Though the mechanism of social justice is not radical and transformative (unlike the Marxist model), it provides moral sensibilities to institutions and makes

it responsible towards the diverse population.

It is well-documented that the neo-liberal market is alien to such ethical values and overtly celebrates the exclusive control of few corporate bodies and businessmen over capitalist development. Such a distancing of the market from social responsibilities, especially its neglect towards the aspirations and the demands of Dalits and Adivasis has made the market enterprise more exploitative and closer to a crony capitalist mode. This version of the market economy needs reforms.

It is an appropriate time to imagine how the worst-off social groups can become an integral and substantive part of the new economic order, reducing their perpetual subjugation as a passive exploited class. It is required that the new social justice policies be expanded to the private economy, with a focus to democratise the working classes and to reduce poverty. A substantive integration of social justice policies in directing the prospects of the market economy would integrate Dalits and Adivasis as a part of the working classes and also elevate their stature as influential upholders of capitalist assets.

Adivasi concerns to protect their habitats, ecological order and cultural autonomy must be addressed, while endorsing the fact about the market economy's inevitability. Therefore, it is necessary that the current phase of economic development, technological innovations and the expansion of the market economy should also be directed toward making Dalit and Adivasi groups as influential arbitrators in the neo-liberal discourse. Newer conditions and reparation policies should be adopted to fight the historical wrongs and social discrimination against these groups, ensuring their equitable participation in the diverse spheres of economic development.

The new framework of social justice must ensure that an impressive class among Dalits and Adivasis emerges as the leaders, business entrepreneurs and influencers in the economic sphere. Such a prospect would allow policymakers to look beyond the conventional social justice policies that often address Dalit-Adivasi groups as the passive recipient of the state's welfare packages.

Further, Dalits and Adivasis should not be identified only as the poor and migrant working class that is dependent upon the benevolence of corporate social responsibility for their livelihood. Instead, these groups should be advanced as the essential components of urbanisation, industrial production and technological innovations. More affirmative action policies are required to democratise the niche sphere of big businesses so that the Dalit-Adivasi class should also emerge as industrialists, market leaders and crucial influencers in the global economy.

Ambedkar looked upon the modern state as the key transformative force for the emancipation of Dalits and Adivasis. However, in the neo-liberal realm, the state has been converted as the passive associate of big business that readily deviates from its social responsibilities and welfarist values. The new agenda of social justice should be oriented towards the leaders of the market economy, educating to adopt welfarist measures for the worst-off social groups, and making them integral to economic development. Ambedkar's version of social justice would help us to redefine capitalism as a pluralist and cooperative mode of economic order that guarantees the substantive participation of Dalits and Adivasis in the market economy and in the associated institutions of power and privileges.

Harish S. Wankhede is Assistant Professor, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi

COMMents

SHARE

social issue / politics / government / welfare / dalits

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-07

MULTIDIMENSIONAL POVERTY INDEX REDUCTION UNDER THE NDA IS FLAWED

Relevant for: Developmental Issues | Topic: Poverty & Hunger and related issues

To enjoy additional benefits

CONNECT WITH US

December 07, 2023 12:16 am | Updated 01:10 am IST

COMMents

SHARE

READ LATER

'The rapid reductions in MPI cannot be taken at face value for various reasons' | Photo Credit: Getty Images/iStockphoto

Samuel Johnson, a profound literary critic and essayist, wrote, "Poverty is a great enemy to human happiness; it certainly destroys liberty, and it makes some virtues impracticable, and others extremely difficult." In sharp contrast, conventional measures of poverty in terms of income are limited and narrowly focused on scarcity of resources to eke out a bare subsistence. But there is much more to poverty than a bare subsistence, as emphasised by Johnson and others.

Nobel Laurate Amartya Sen pioneered a rich, innovative and broader perspective on well-being, focusing on capabilities and functionings. While capabilities are abilities to do this or that in a free and fair environment, functionings reflect achievements. An ability to live a healthy life, for example, is not necessarily related to affluence as it could result in obesity and vulnerability to non-communicable diseases. Achievements such as being healthy, on the other hand, require a nourishing diet and physical exercise. Professor Sen has, however, resisted aggregation of concepts such as capabilities into an overall measure of well-being as he believes that each capability is important in itself.

Unfortunately, the United Nations Development Programme (UNDP) seized upon capabilities to construct an overall measure of human development with uniform weights of the three components: health, education and standard of living and their sub-indices. Following this methodology, NITI Aayog and the UNDP released recently a National Multidimensional Poverty Index/MPI: A Progress Review 2023, also replicated in the UNDP Report, Making Our Future: New Directions for Human Development in Asia and the Pacific, released on November 7, 2023 . Hence, these reports suffer from the same flaws as the UNDP human development index: aggregation with uniform weighting. But, the MPI story is further distorted, as elaborated on below.

Astonishingly, the MPI 2023 estimates show a near-halving of India's national MPI value and a decline from 24.85% to 14.96% between 2015-16 and 2019-21. This reduction of 9.89 percentage points implies that about 135.5 million people have exited poverty between 2015-16 and 2019-21. Besides, the intensity of poverty, which measures the average deprivation among the people living in multidimensional poverty, reduced from 47.14% to 44.39%.

But these estimates — especially the rapid reductions in MPI — cannot be taken at face value for various reasons. Indeed, these are misleading and ill-informed. First, the MPI relies upon National Family Health Survey (NFHS) 4 and 5, which are not detailed enough for its estimation. Moreover, NFHS 5 is blocked as its estimate of open defecation contradicted exaggerated official claim of its complete elimination. In fact, an eminent demographer, who led NFHS 5 was suspended. Intriguingly, while the survey was blocked for its alleged unreliability, NITI Aayog and the UNDP had no qualms about using it. Ideally, NFHS 4 and 5 should have been combined with the 75th Round of the NSS on household consumption expenditure. Unfortunately, this was abandoned too, as leaked poverty estimates indicated a rise.

What casts further doubts is the havoc caused by the COVID-19 pandemic in 2020-21. Millions lost their livelihoods, thousands died in reverse migration and from a lack of access to vaccines and medical care. In fact, as a consequence of this epidemic, there was a huge economic shock from which the Indian economy has been struggling to recover. To illustrate, GDP growth has declined from 8% in 2015-16 to 3.78 % in 2019-20 and slumped -6.60 in 2020-21, as also per capita income. Not just bare subsistence turned into a daunting challenge for millions but, equally seriously, public funding for maintenance and expansion of health and education and social safety nets suffered an irreparable blow.

Our recent analysis focuses on covariates of the MPI that include per capita state income, its square, share of criminals among State MPs, share of urban population, and health and education expenditure and unobserved state fixed effects (e.g., how progressive a State is). If we compare elasticities of MPI with respect to each covariate (i.e., proportionate change in MPI due to a proportionate change in a covariate such as State per capita income), the largest reduction in MPI is due to higher State per capita income. But since income decreased drastically, MPI spiked. The next in order of importance is urban location. A 1% increase in urban location results in a 0.90% increase in MPI. This is not surprising as rural-urban migration is associated with growth of slums and sub-human living conditions. However, reverse migration during COVID-19 may explain why the effect on MPI is less than proportionate. Both health care and education expenditure are associated with lower MPI — the elasticity of the latter is higher (in absolute value), implying that a 1% increase in the latter reduces MPI more than the same increase in the former. As State-level estimates suggest a decline in educational expenditure, a rise in MPI is likely. Although State-level health expenditure rose to combat COVID-19, it fell far short of what was needed. If the share of Members of Parliament with criminal cases in total State MPs exceeded 20%, the higher was the MPI. This is not surprising as criminal Members of the Legislative Assembly and MPs are notoriously corrupt and siphon-off funds allocated for social safety nets and area development programmes. Indeed, what is alarming is their rising share — 24% of the winners in the Lok Sabha election in 2004 had a criminal background; it rose to 30% in the 2009 general election, 34% in the 2014 election, and 43% in the 2019 election.

If we go by our estimates of MPI, the reduction between 2015 and 2019-21 is considerably lower than the official estimate: 4.7 percentage points compared with 9.89 percentage points. Our selective review of MPI estimates shows that poverty rose in India's most populous State, Uttar Pradesh, by over seven percentage points. Of the States that went to the elections in November (Chhattisgarh, Madhya Pradesh, Mizoram, Rajasthan and Telangana), we find that the MPI fell in Chhattisgarh (by over six percentage points), in Rajasthan (by two percentage points) and, most strikingly, in Madhya Pradesh (by about eight percentage points).

Comment | A $5 trillion economy, but for whom?

In conclusion, not only does the MPI exaggerate the NDA's success in fighting deprivation but also perhaps more seriously obfuscates conventional measures of it which may unravel a

contradictory story of poverty.

Radhika Aggarwal is a doctoral student at Faculty of Management Studies, University of Delhi. Vani S. Kulkarni is Research Affiliate at the Population Studies Centre, University of Pennsylvania, U.S. Raghav Gaiha is Research Affiliate at the Population Studies Centre, University of Pennsylvania, U.S. The views are personal

COMMents

SHARE

poverty / United Nations / society and human capital / Coronavirus

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS

Source : www.thehindu.com Date : 2023-12-08

IMPROVED DRUG REGIMENS FOR TB TO CUT TREATMENT TIME

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 07, 2023 10:48 pm | Updated December 08, 2023 03:16 am IST

COMMents

SHARE

READ LATER

A campaign poster for a TB awareness program.

This November, at The Union World Conference on Lung Health 2023, there was much optimism, as it seemed that there were finally tools available to fast track work on multiple aspects of TB control. Four, new improved drug regimens that could cut treatment time for drug resistant tuberculosis by up to two thirds, were the primary source of this optimism.

For nearly five decades, few advances have been rolled out in TB care. While TB does not yet have a viable vaccine that can render prevention possible, news of possible treatments that work, and specifically address the elephant in the room in TB care- duration of treatment- naturally gets spirits up. It is the long duration of treatment, and subsequent drug toxicity, that leads to patients being unable to tolerate the drugs, and also non compliance with treatment schedules. This ultimately leads to drug resistant TB.

Echoing this optimism, Madhukar Pai, Global Health Associate Director, McGill International TB Centre, McGill University, Canada, said: “To me, the biggest progress in the recent past is the development of shorter regimens for all forms of TB, especially the 6 month all-oral treatments for drug-resistant TB. It is critical that all countries, especially India, scale up these 6 month shorter regimens for DR-TB.”

The reason is clear: treatment regimens are hard. For MDR TB, patients might require up to 14,000 pills. The problem is huge in terms of number of people affected too: MDR-TB affects half a million people each year.

On the opening day of the Union World Conference, three regimens were presented, as having achieved favourable outcomes in between 85-90% of participants for treatment of multidrug-resistant tuberculosis or rifampicin-resistant tuberculosis (MDR/RR-TB). Research led by Médecins Sans Frontières, Partners in Health, and Interactive Research and Development, found that a further fourth regimen showed a strong treatment response at 85.6% and represented an alternative for people who cannot tolerate bedaquiline or linezolid.

According to the Conference website, these drug regimens for MDR/RR-TB “represent similar efficacy and safety to conventional treatments, but have reduced treatment time by up to two-thirds.” Many living with TB face treatments that last up to 24 months, and 14,000 pills. Such

regimens can be ineffective, with only 59% treatment success in 2018, and can often cause terrible side effects. Some patients even have to endure months of painful, daily injections.

Over 750 participants from 11 sites, 7 countries, and 4 continents were involved in the study , funded by Unitaid, on tackling MDR/RR-TB. The trial showed how combining antibiotics in new ways could treat this form of the disease more effectively than ever before, offering much-needed hope.

Carole Mitnick, Professor of Global Health and Social Medicine at Harvard Medical School and Partners in Health Director of Research for the endTB project, said: “We stand on the cusp of a significant breakthrough in the battle against MDR, a disease that disproportionately affects impoverished populations around the globe. Our results offer hope to those in dire need and underscore the urgency of continued research and innovation—and accountability of private companies that receive public funds—to address diseases that too often strike the most vulnerable among us.”

The researchers’ findings are a significant step and could address issues around access to and affordability of quality TB care, experts agree.

Soumya Swaminathan, former Chief Scientist, World Health Organisation, and current chairperson of the MS Swaminathan Foundation, says: “It is really encouraging, especially for the treatment of MDR TB where the outcomes are currently very poor – there are efficacy and compliance issues, and some severe side effects for long treatment. When you look at results of the short regimen studies (presented at Paris), it nearly seems like a miracle. If we are able to achieve an 85 % and above cure rate, it would indeed be a real boon for patients with MDR TB.”

Did fast tracking of pharma research and development have an impact on hastening the pace of TB drug development? “No. The trials were planned well before the pandemic. It was very tough, getting funding, and approvals from different countries. But over the last decade or so, a lot of work behind the scenes has been put into advancing the R&D in TB agenda, including by the WHO, Stop TB Partnership, the Treatment Action Group (TAG). The TB alliance has also been doing a significant amount of work,” she explains.

The United Nations High-Level Meeting on TB in 2018 set the target of US$2 billion per annum for R&D. In December last year, TAG and Stop TB Partnership announced that for the first time in history, funding for TB R&D hit a billion dollars worldwide in 2021. “This marked a significant milestone that nonetheless falls significantly short of what’s needed to stay on track to end TB,” according to their report. After years of chronic underinvestment and devastating disruptions caused by COVID-19, the Stop TB Partnership’s *Global Plan to End TB, 2023–2030* estimates the funding need for TB R&D to have gone up to US$5 billion per annum.

The bulk of this funding has come primarily from the government and philanthropic contributions, Dr. Soumya adds. “It is combined efforts over a decade that have resulted in these advances. But the pace is yet too slow, if you take into account the number of people affected by, and dying of TB. A stronger commitment to come up with a vaccine is needed, globally.”

She emphasises that the attack on TB should be on multiple fronts, in order to be able to eliminate the disease. Another big gap exists in the area of case detection in reality. While TB diagnostics have been technically ushered into the modern age with sensitive molecular tests, and AI assisted conventional tests, in India, sputum smear microscopy continues to be the deployed the most, though some State governments have made headway with advanced devices to diagnose TB. The WHO says over-reliance on direct sputum smear microscopy is inherently associated with a relatively high proportion of pulmonary TB cases that are clinically

diagnosed, as opposed to bacteriologically confirmed. Sputum smear microscopy reportedly has about 50% sensitivity, and therefore contributes to the huge burden of missed cases in the country. It is also not equipped to diagnose cases of drug-resistant TB.

The world, today, has X-rays with AI assistance to flag abnormalities, AI-assisted cough diagnosis, new advances in the molecular detection of TB, multiple products built on the faster nucleic acid amplification test (NAAT) and whole-genome sequencing.

In a recent paper published in the *Indian journal of Medical Research*, Dr. Soumya and Dr. Pai wrote in the article '*India is well placed to scale innovations in tuberculosis diagnostics'*: Several molecular tests are now endorsed by the WHO, including Xpert MTB/RIF Ultra (Cepheid Inc., USA), TrueNAT MTB and TrueNAT MTB-RIF Dx (Molbio Diagnostics, India), loop-mediated amplification (LAMP-TB), assay line probe assays and centralized assays. Some are low-complexity tests, while others are moderate-to-high-complexity assays.

It is crucial to deploy all these tools in order to find every person who has the infection, Dr. Soumya says.

Again, at the Union World Conference on Lung Health Tony Hu, Professor at Tulane University, spoke of how rapid portable, battery-operated tests could be a new tool for point-of-care TB testing requiring minimal equipment and user expertise. Point-of-care testing does not require specialised clinical or laboratory equipment, making this an invaluable tool in preventing the spread of a disease through early detection. Additionally, it has the potential to be scaled up quickly if disease hotspots are identified, allowing scientists to respond rapidly to TB outbreaks, Dr. Hu explained. Also on display was an interesting experiment: researchers from Tanzania, Belgium, Mozambique, and Ethiopia presented an analysis into rats that could sniff out TB.

Dr. Pai, who is also a grand advocate for newer diagnostic tools adds: “Another big takeaway is the growing acceptance that we must phase out old diagnostic tools like smear microscopy and replace them with rapid molecular tests. This is essential to narrow the big diagnostic gap.”

(ramya.kannan@thehindu.co.in)

TrueNat machines at a PHC in Ponda, Goa. Goa has embraced upfront molecular diagnostic testing for TB, even at the PHC level. Doctors in Goa claim their testing rate has improved since then.

COMMents

SHARE

science (general)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-11

BAD PRECEDENT: THE HINDU EDITORIAL ON THE EXPULSION OF TRINAMOOL CONGRESS MEMBER OF PARLIAMENT MAHUA MOITRA

Relevant for: Indian Polity | Topic: Parliament - structure, functioning, conduct of business, powers & privileges and issues arising out of these

To enjoy additional benefits

CONNECT WITH US

December 11, 2023 12:20 am | Updated 12:31 am IST

COMMents

SHARE

READ LATER

The expulsion of Trinamool Congress Member of Parliament Mahua Moitra from the Lok Sabha by a hurried voice vote on December 8, based on a report of the Ethics Committee of the House, is bad in form and substance. It was not, however, surprising. By a 6:4 majority, including the vote of a suspended Congress MP, the committee recommended her expulsion, holding her guilty of ‘unethical conduct,’ ‘breach of privilege’ and ‘contempt of the House.’ These were charges raised by a Bharatiya Janata Party MP, who was in turn depending on the statement of Ms. Moitra’s estranged partner. The committee cited in its report a precedent of the expulsion of 11 MPs in 2005 for a cash-for-query sting operation by a news platform. There was video evidence that established a strong case then, unlike the charges against Ms. Moitra. She shared her login credentials with businessman Darshan Hiranandani to upload Parliament questions, a fact she herself admitted. The committee conceded in its report that it had no proof of cash exchanges and its report called for “legal, intensive, institutional and time-bound investigation”, into that aspect. Nevertheless, it was emphatic in calling for her expulsion, and even labelled the sharing of her login credentials a criminal act.

The links suggested between Ms. Moitra’s Parliament questions and the business interests of the Hiranandani group are frivolous. For instance, a question on steel prices or India’s trade relations with Bangladesh is of interest to numerous business groups and consumers. The committee said it acknowledged the fact that several MPs share their login credentials with others, but went on to make a laboured case that Ms. Moitra had endangered national security. The argument that MPs have access to documents on the Parliament portal that are not in the public domain is a stretched one. In fact, there is no good reason to keep draft Bills secret. Bill drafts are meant for public circulation and debate before being brought to Parliament for discussion and voting. That there is very little of that happening these days is a sad commentary on parliamentary democracy. The report of the Ethics Committee also faced the same fate. The 495 page report was tabled and voted on the same day, rejecting the appeal of Opposition MPs for a more detailed discussion once Members had the time to read it in detail. The precedent that the majority in Parliament can expel an Opposition member on a dubious charge is ominous for parliamentary democracy. The expulsion of Ms. Moitra is a case of justice hurried and buried.

COMMents

SHARE

Lok Sabha / politics / Parliament proceedings / Bharatiya Janata Party

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.c

Source : www.thehindu.com Date : 2023-12-12

OMINOUSLY ANTI-FEDERAL: ON THE SUPREME COURT'S JUDGMENT ON ARTICLE 370 AND J&K'S SPECIAL STATUS

Relevant for: Indian Polity | Topic: Provisions related to UPSC, State PSCs and Civil Services in India, and their Role in Democracy

To enjoy additional benefits

CONNECT WITH US

December 11, 2023 10:09 pm | Updated December 12, 2023 09:48 am IST

COMMents

SHARE

READ LATER

The Supreme Court of India's verdict upholding the abrogation of Jammu and Kashmir's special status under Article 370 of the Constitution represents not merely judicial deference, but a retreat from the Court's known positions on federalism, democratic norms and the sanctity of legal processes. It is undoubtedly a political boost to the ruling BJP and an endorsement of its audacious move in August 2019 to strip Kashmir of its special status and bring it on a par with other States. However, it is also a verdict that legitimises the subversion of federal principles, fails to appreciate historical context and undermines constitutional procedure. The most potent attack on federal principles is the Court's unconscionable conclusion that Parliament, while a State is under President's Rule, can do any act, legislative or otherwise, and even one with irreversible consequences, on behalf of the State legislature. This alarming interpretation comes close to undermining a basic feature of the Constitution as enunciated by the Court itself and may have grave implications for the rights of States, permitting a range of hostile and irrevocable actions in the absence of an elected body. The government and its supporters have much to cheer about as the Constitution Bench has endorsed its stand and rejected strong arguments from the petitioners, especially the point that the government had acted in a mala fide manner by imposing President's Rule preparatory to the intended abrogation of special status without the need to involve any elected representative from J&K.

The government had adopted a complicated process to give effect to the ruling BJP's long-cherished ambition of removing the State's special status. It had gone on to divide and downgrade it into two Union Territories (UT). It began with a Constitutional Order on August 5, 2019 applying the whole of the Constitution to J&K and changing some definitions so that the State's Legislative Assembly could recommend the abrogation instead of its now-dissolved Constituent Assembly, as originally envisaged in Article 370(3). Ultimately, the Court ruled that parts of the August 5 order were unconstitutional as they, in effect, amounted to amending Article 370 itself, which was impermissible; but, in a peculiar twist, it held the consequential notification on August 6 declaring Article 370 as valid and that the President was empowered to do so even without the legal underpinnings of the previous day's notification that sought to bolster the validity of the action. The President could remove the State's special status without any recommendation.

The Court has reasoned that the Constitution of India has been applied incrementally from time

to time even after the Constituent Assembly was dissolved in 1957 and that the removal of special status is nothing but the culmination of the process of its integration. Even if this line of argument is seen as unobjectionable, the idea that in the absence the Constituent Assembly and in view of the subordination of J&K to the sovereignty of India, there is no fetter on the government's intention to hollow out its residual autonomy is opposed to all canons of federalism and democracy. There is no doubt that J&K is not vested with any sovereignty. The Court says Article 370 represents no more than a form of asymmetric federalism and that additional features — such as having a separate Constitution, residuary power of legislation and requirement of its consent to some legislative subjects before Parliament can make law on them — will not clothe it with sovereignty. All of this is true. But, how this can mean that historical obligations owed to it and promises made by constitutional functionaries can be blown away at the ruling dispensation's whim is beyond comprehension. Forgotten is the fact that the process of integration itself was by and large built on a constant dialogue between Kashmir's leaders and the Union government, the context and conditions in which it acceded to India, the terms of the Instrument of Accession and the progressive extension of constitutional provisions with the consent of the State government over the years.

The Court's failure to give its ruling on whether the Constitution permits the reorganisation of J&K into two UTs is an astounding example of judicial evasion. It is shocking that the Court chose not to adjudicate a question that arose directly from the use of Article 3 of the Constitution for the first time to downgrade a State. The only reason given is that the Solicitor-General gave an assurance that the Statehood of J&K would be restored. It is questionable whether a mere assurance of a remedial measure can impart validity to any action. At the same time, the Court upheld the carving out of Ladakh as a separate UT. On this point, the verdict is an invitation to the Union to consider creation of new UTs out of parts of any State. The Court's position that there is no limit on the President's power or Parliament's competence to act on behalf of the State government and its legislature is equally fraught with danger. In particular, the reference to "non-legislative" powers of the State Assemblies poses a significant threat to the powers devolved to the States. A future regime at the Centre could impose President's rule to carry out extraordinary actions through its own parliamentary majority that an elected government in a State may never do. Some examples could be ratification of Constitution amendments, abrogation of inter-State agreements, withdrawal of crucial litigation and bringing about major policy changes. The view that some of these may be restored by a subsequently elected government or House is of little consolation if actions taken under the cover of President's Rule cause great damage to the State's interests. This is a verdict that weakens institutional limitations on power, and, while rightly upholding Indian sovereignty over J&K, it undermines federalism and democratic processes to a frightening degree.

COMMents

SHARE

Jammu and Kashmir / judiciary (system of justice) / Article 370 / constitution / parliament / laws / government / Bharatiya Janata Party / politics / history

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by

logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-13

PATENT EXCLUSIONS — MADRAS HIGH COURT SHOWS THE WAY

Relevant for: Developmental Issues | Topic: Important Aspects of Governance, Transparency & Accountability including Right to Information and Citizen Charter

To enjoy additional benefits

CONNECT WITH US

December 13, 2023 12:08 am | Updated 08:28 am IST

COMMents

SHARE

READ LATER

‘As patent law jurisprudence in India is still at a relatively nascent stage, the courts have the opportunity to interpret the scope and ambit of the provisions of the Patents Act, 1970, taking into account the socio-economic conditions of our country’ | Photo Credit: Getty Images/iStockphoto

In the realm of pharmaceutical patents, which have profound implications for access to medicines, it is important to have clarity as to the precise boundaries of the scope of patent protection. Such clarity is critical in ensuring that all stakeholders are aware of the extent to which patent protection can and cannot be granted for a particular invention, thus advancing both innovation and accessibility. One area where this is especially important relates to the exclusions to patentability set out in Section 3 of the Patents Act. This provision contains a set of filters that every invention must pass through for it to be patentable. Apart from the famous Novartis judgment from the Supreme Court of India on one such exclusion relating to Section 3(d) — on the need for an invention to showcase enhanced therapeutic efficacy — Indian courts have not offered bright line rules on the interpretation of other such exclusions.

Against this backdrop, two recent judgments from Justice Senthilkumar Ramamoorthy of the Madras High Court are notable. The first, Novozymes vs Assistant Controller of Patents and Designs, relates to Section 3(e), which excludes from protection those compositions that amount to a mere aggregation of their components. The court holds that Section 3(e) does not exclude from the scope of protection aggregates that are already known. This, therefore, means that if any ingredient independently satisfies the requirements for the grant of a patent, irrespective of its inclusion in a composition under Section 3(e), it would be patent eligible.

The court’s close scrutiny of the precise legislative text stands out. It further held that the rejection of the composition in the instant case was justified due to the patentee’s failure to produce evidence to substantiate that the invention was more than a sum of its parts. This insistence on producing evidence to demonstrate the synergistic properties of a composition of multiple ingredients is a welcome move from the perspective of clarifying the precise scope of Section 3(e).

The second case is Hong Kong and Shanghai University versus Assistant Controller of Patents which relates to Section 3(i). This provision, in a nutshell, excludes from the scope of protection,

inventions which consist of any process for the medicinal, surgical, curative, prophylactic, diagnostic, therapeutic or other treatment of human beings or animals to render them disease-free or to enhance their economic productivity. The judgment sheds considerable light on the kinds of diagnosis that are excluded by this filter. Specifically, it was held that the bar is not merely confined to an in vivo/invasive diagnosis which involves conducting tests on the body. Equally, the bar is not so broad as to cover all processes involved in or having some value for a diagnosis. Instead, the court proposed a standard of examining the claims, in the context of the complete specification, to determine whether it specifies a process for making a diagnosis for a disease. On this basis, if a given test is, per se, capable of diagnosing a disease, even if it is not definitive, it would be patent ineligible. And if the test cannot diagnose a disease, it would be patent eligible. To flesh out the test, the court provided an illustration of a non-invasive test for diagnosing a pre-natal disease. If the process in question cannot uncover the pathology of the foetus, it would not be a diagnostic test and hence, not hit by the bar under Section 3(i).

In light of the fact that research and development costs for the development of new pharmaceutical drugs and processes are extremely high, and the need to prevent the grant of overbroad monopolies in the same in the public interest, bright-line rules are very critical. Bright-line rules can help bring some much-needed consistency and certainty in the Indian Patent Office's decision-making process. Bright-line rules simplify decision making and are easier to administer, and would help reduce the burden of the Indian Patent Office. Such judgments will provide inventors clarity about the extent and scope of protection that can be potentially sought for their inventions and will aid civil society groups that intend to oppose patent applications by helping them understand the boundaries of the law. The present mix of a lengthy patent prosecution process along with the lack of certainty might not be the best path forward in terms of encouraging innovation. Bright-line rules will allow inventors and pharmaceutical companies to better weather potential challenges to their patents and increase their chances of success in patent infringement litigation. At least in the case of pharmaceuticals, the potential issues that could arise due to bright-line rules would be counterbalanced by the built-in safeguards within the statute.

Interestingly, a dialogical function has been performed by the Madras High Court by suggesting that the legislature can consider the exclusion of in vitro processes and counterbalance the same by providing for compulsory licensing. If there is a legislative vacuum and the executive has not satisfactorily addressed an issue, the judiciary has an important role to play in making its contribution in furthering the public health interests of the nation. In matters pertaining to pharmaceutical and medical patents, courts need to be acutely conscious of the competing interests at play and find a robust balance point that all parties can live with. As patent law jurisprudence in India is still at a relatively nascent stage, the courts have the opportunity to interpret the scope and ambit of the provisions of the Patents Act, 1970, taking into account the socio-economic conditions of our country and the far-reaching consequences of their decisions.

Rahul Bajaj is an advocate practising in the courts of Delhi. Varsha Jhavar is a Delhi-based intellectual property law attorney. The views expressed are personal

COMMents

SHARE

Chennai / judiciary (system of justice) / patent, copyright and trademark / pharmaceutical / laws / research / medicine

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-13

74.1% OF INDIANS UNABLE TO AFFORD A HEALTHY DIET: FAO REPORT

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 12, 2023 09:50 pm | Updated 10:17 pm IST - New Delhi

COMMents

SHARE

READ LATER

The report said during the COVID-19 pandemic and the “5Fs” crisis – Food, Feed, Fuel, Fertilisers, and Finance – the region witnessed harrowing statistics. Image for representation. | Photo Credit: Getty Images

The Food and Agriculture Organisation (FAO) of the United Nations launched the Regional Overview of Food Security and Nutrition 2023: Statistics and Trends, a report on Tuesday which said 74.1% of Indians were unable to afford a healthy diet in 2021. In 2020, the percentage was 76.2. In Pakistan, the figure is 82.2% and in Bangladesh, 66.1% of the population faced difficulties in finding healthy food. Rising food costs, if not matched by rising income, will lead to more people unable to afford a healthy diet, the report warned.

“If food costs rise at the same time incomes fall, a compounding effect occurs that can result in even more people unable to afford healthy diets,” the report said. The FAO report is a glimpse on the progress in meeting Sustainable Development Goals and World Health Assembly (WHA) global nutrition targets.

The report said during the COVID-19 pandemic and the “5Fs” crisis – Food, Feed, Fuel, Fertilisers, and Finance – the region witnessed harrowing statistics.

“Even to date, the region is still suffering from some protracted effects. The latest statistics indicate that the region, with 370.7 million undernourished people, continues to represent half of the global total. Similarly, the Asia and the Pacific region accounts for half of the world’s severe food insecurity, with more women than men being food insecure. Prevalence rates on stunting, wasting, and overweight among children under 5 years of age, as well as anaemia among women of reproductive age, are still off the marks in terms of World Health Assembly global nutrition targets,” the report said.

The report said 16.6% of the country’s population is undernourished. “The impacts of undernourishment extend beyond health and nutritional well-being to include economic and social costs,” it said. The region, according to the report, had a lower prevalence for both moderate or severe and severe food insecurity when compared with the world prevalence since 2015.

“Southern Asia showed higher prevalence of severe food insecurity compared with the other

subregions, and it is in Eastern Asia where the lowest prevalence of severe food insecurity was observed. Compared with the world, Southern Asia had higher percentages for both moderate or severe and severe food insecurity since 2015," the report said.

31.7% of children of the country under five years of age suffered with stunted growth. "Stunted growth and development are the result of poor maternal health and nutrition, inadequate infant and young child feeding practices, and repeated infections interacting with a variety of other factors over a sustained period," the report said.

For wasting (low weight for height), India recorded the highest rate in the region with 18.7% children under five years of age facing this major health problem. "Reducing and maintaining childhood wasting to less than 5% is the WHA global nutrition target," the report noted. 2.8% of the children below five years were overweight, another health risk.

53% of the country's women aged between 15 to 49 had anaemia, which was the largest prevalence rate in the region in 2019. "It (anaemia) impairs health and well-being in women and increases the risk for adverse maternal and neonatal outcomes," the report warned.

1.6% of the country's adults are obese. On exclusive breastfeeding among infants 0–5 months of age, India has improved the prevalence with a percentage of 63.7%, which is higher than the world prevalence – 47.7%. India has the highest prevalence of low birthweight in the region (27.4%), followed by Bangladesh and Nepal.

The Global Hunger Index too had brought out similar figures earlier. The Centre had rubbished those data by claiming that the methodology was wrong. FAO works in close association with the governments of its member countries.

COMMents

SHARE

healthcare policy / nutrition and diet / diet (health)

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.prsindia.org Date : 2023-12-14

THE BHARATIYA NYAYA (SECOND) SANHITA, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

Highlights of the Bill

- The Bharatiya Nyaya (Second) Sanhita (BNS2) retains most offences from the IPC. It adds community service as a form of punishment.
- Sedition is no longer an offence. Instead, there is a new offence for acts endangering the sovereignty, unity and integrity of India.
- The BNS2 adds terrorism as an offence. It is defined as an act that intends to threaten the unity, integrity, security or economic security of the country, or strike terror in the people.
- Organised crime has been added as an offence. It includes crimes such as kidnapping, extortion and cyber-crime committed on behalf of a crime syndicate. Petty organised crime is also an offence now.
- Murder by a group of five or more persons on grounds of certain identity markers such as caste, language or personal belief will be an offence with penalty life imprisonment or death, and with a fine.

Key Issues and Analysis

- Age of criminal responsibility is retained at seven years. It extends to 12 years depending upon the maturity of the accused. This may contravene recommendations of international conventions.
- The BNS2 defines a child to mean a person below the age of 18. However, for several offences, the age threshold of the victim for offences against children is not 18. The threshold for minority of the victim of for rape and gangrape is different.
- Several offences overlap with special laws. In many cases, both carry different penalties or provide for different procedures. This may lead to multiple regulatory regimes, additional costs of compliance and possibility of levelling multiple charges.
- The BNS2 removes sedition as an offence. The provision on endangering the sovereignty, unity and integrity of India may have retained aspects of sedition.
- The BNS2 retains the provisions of the IPC on rape and sexual harassment. It does not consider recommendations of the Justice Verma Committee (2013) such as making the offence of rape gender neutral and including marital rape as an offence.
- The BNS2 omits S. 377 of IPC which was read down by the Supreme Court. This removes rape of men and bestiality as offences.

PART A: HIGHLIGHTS OF THE BILL

Context

The Indian Penal Code (IPC), 1860 is the principal law on criminal offences in India. Offences covered include those affecting: (i) human body such as assault and murder, (ii) property such as extortion and theft, (iii) public order such as unlawful assembly and rioting, (iv) public health, safety, decency, morality, and religion, (iv) defamation, and (v) offences against the state. Over the years, the IPC has been amended to add new offences, amend existing ones and change

the quantum of punishment.[1] Courts have also de-criminalised certain offences such as consensual intercourse between same-sex adults, adultery and attempt to commit suicide.[2],[3],[4] Several states have also amended the IPC to provide different punishments for sexual offences, selling minors for prostitution, adulteration of food and drugs and sacrilege of religious texts.[5],[6],[7],[8] Several Law Commission reports have recommended amendments to the IPC on subjects including offences against women, food adulteration, death penalty.[9],[10]

The Bharatiya Nyaya Sanhita (BNS) was introduced on August 11, 2023 to replace the IPC. It was examined by the Standing Committee on Home Affairs.[11] The Bharatiya Nyaya (Second) Sanhita, 2023 (BNS2) was introduced on December 12, 2023 after the earlier Bill was withdrawn. It incorporates certain recommendations of the Standing Committee. The BNS2 largely retains the provisions of the IPC, adds some new offences, removes offences that have been struck down by courts, and increases penalties for several offences.

Key Features

Key changes in the BNS2 include:

- **Offences against the body: The IPC criminalises acts such as murder, abetment of suicide, assault and causing grievous hurt. The BNS2 retains these provisions. It adds new offences such as organised crime, terrorism, and murder or grievous hurt by a group on certain grounds.**
- **Sexual offences against women: The IPC criminalises acts such as rape, voyeurism, stalking and insulting the modesty of a woman. The BNS2 retains these provisions. It increases the threshold for the victim to be classified as a major, in the case of gangrape, from 16 to 18 years of age. It also criminalises sexual intercourse with a woman by deceitful means or making false promises.**
- **Sedition: The BNS2 removes the offence of sedition. It instead penalises the following: (i) exciting or attempting to excite secession, armed rebellion, or subversive activities, (ii) encouraging feelings of separatist activities, or (iii) endangering the sovereignty or unity and integrity of India. These offences may involve exchange of words or signs, electronic communication, or use of financial means.**
- **Terrorism: Terrorism includes an act that intends to: (i) threaten the unity, integrity, security or economic security of the country, or (ii) strike terror in the people or any section of people in India. Punishment for attempting or committing terrorism includes: (i) death or life imprisonment, and a fine, if it results in death of a person, or (ii) imprisonment between five years and life, and a fine.**
- **Organised crime: Organised crime includes offences such as kidnapping, extortion, contract killing, land grabbing, financial scams, and cybercrime carried out on behalf of a crime syndicate. Attempting or committing organised crime will be punishable with: (i) death or life imprisonment and a fine of Rs 10 lakh, if it results in death of a person, or (ii) imprisonment between five years and life, and a fine of at least five lakh rupees.**
- **Mob lynching: The BNS2 adds murder or grievous hurt by five or more people on specified grounds, as an offence. These grounds include race, caste, sex, language, or personal belief. The punishment for such murder is life imprisonment or death.**
- **Rulings of the Supreme Court: The BNS2 conforms to some decisions of the**

Supreme Court. These include omitting adultery as an offence and adding life imprisonment as one of the penalties (in addition to the death penalty) for murder or attempt to murder by a life convict.

PART B: KEY ISSUES AND ANALYSIS

Age specifications for offences

Minimum age of criminal responsibility higher than several other jurisdictions

Age of criminal responsibility refers to the minimum age at which a child can be prosecuted and punished for an offence. Advances in understanding of how brain biology affects adolescent behaviour has raised questions about how responsible children should be held for their actions.[12] Under IPC, nothing is considered an offence if committed by a child below the age of seven years. The age of criminal responsibility increases to 12 years, if the child is found to not have attained the ability to understand the nature and consequences of his conduct. The BNS2 retains these provisions. This age is lower than the age of criminal responsibility in other countries. In 2007, a UN Committee recommended states to set the age of criminal responsibility to above 12 years.[13]

The age of criminal responsibility varies across countries. For instance, in Germany, the age of criminal responsibility is 14 years, whereas in England and Wales, it is 10 years.[14],[15] In Scotland, the age of criminal responsibility is 12 years.[16]

Age threshold of the victim for similar offences against children varies

The BNS2 provides for higher penalties in case of offences against children. In most cases, it provides that a victim below the age of 18 years be treated as a child. The penalty for rape and gang rape of women and children is different. However, the threshold for minority of the victim for different offences of rape and consequently the penalty, varies. For gang rape, the penalty differs based on whether the victim is above or below 18 years of age. However, for rape, the penalty is different based on whether the victim's age is below 12 years, between 12 and 16 years, or above. This is inconsistent with the Protection of Children from Sexual Offences Act, 2012, which classifies all individuals below the age of 18 as minors.

Additionally, under BNS2, age threshold of the victim for certain offences against children is not 18 years. For example, kidnapping or abducting a child with the intent to steal from a parent applies only to a child under 10 years. This implies that the punishment for kidnapping an 11-year-old is the same as that of kidnapping an adult. Further, the BNS2 retains from the IPC the age of 21 years for the offence of importing a foreign woman from another country. However, for boys, it adds the age threshold of 18 years. The Standing Committee on Home Affairs (2023) has recommended defining a child as a person below the age of 18.[11]

Overlap between the BNS2 and special laws

Duplication of offences with other special laws

When the IPC was enacted, it encompassed all criminal offences. Over time, special laws have been enacted to address specific subjects and related offences. Some of these offences have been removed from the BNS2. For example, offences related to weights and measures were incorporated in the Legal Metrology Act, 2009 and have been removed from the BNS2.

However, several offences continue to be retained (see Table 1 below for some illustrations). The BNS2 also adds certain new offences such as organised crime and terrorism which are already covered under special laws. Such overlap in laws may cause additional compliance burden and costs. It may also lead to multiple laws providing varying penalties for the same offences. Deleting such offences could remove duplication, possible inconsistencies, and multiple regulatory regimes.

Table 1: Illustrative list of overlap between and IPC, BNS2 and Special Laws

BNS2	Special Law
Adulteration of food or drink for sale	
Imprisonment up to 6 months, fine up to Rs 5,000, or both. Non-Cognizable, bailable. *(IPC Sec. 272, 273; BNS2 Clause 274, 275)*	**The Food Safety and Security Act, 2006: Imprisonr up to life, and a fine up to Rs 10 lakh for manufactu storage, sale of unsafe food. Sentence proportion damage caused. *(Sec. 59)***
Adulteration of drugs, and sale of adulterated drugs	
Adulteration penalised with imprisonment up to a year, fine up to Rs 5,000, or both. Sale of adulterated drugs penalised with imprisonment up to 6 months, fine up to Rs 5,000 or both. Non-Cognizable, bailable. *(IPC Sec. 274, 275; BNS2 Clause 276, 277)*	**The Drugs and Cosmetics Act, 1940: Consumptior adulterated drugs causing death or grievous hurt penalised with imprisonment between 10 years an and fine of at least Rs 10 lakh, or 3 times the value the seized drugs, whichever is higher.** In other cases, penalty is imprisonment of 3-5 years, a fine of at least Rs 1 lakh, or 3 times the value of the se drugs, whichever is more. *(Sec. 27)*
Unlawful compulsory labour	
Imprisonment up to one year, fine, or both. Cognizable, Bailable. *(IPC Sec. 374; BNS2 Clause 146)*	**The Bonded Labour System (Abolition) Act, 1976: Imprisonment up to 3 years and fine up to Rs 2,000 *(Sec. 16, 17, 18)*.**
Abandoning a child	
Parent or guardian abandoning a child below the age of 12 is punishable with imprisonment up to 7 years, fine, or both. Cognizable, bailable. *(IPC Sec. 317; BNS2 Clause 93)*	**The Juvenile Justice Act, 2015: Abandoning or procuring a child for abandonment is punishable v imprisonment up to 3 years, fine up to Rs 1 lakh, o both. Biological parents abandoning a child due t circumstances beyond their control are exempt. *(S 75)***
Rash driving	
Punishable with imprisonment up to 6 months, fine up to Rs 1,000 or both. Cognizable, bailable, non-compoundable. *(IPC Sec 279; BNS2 Clause 281)*	**The Motor Vehicles Act, 1988: Punishment for firs offence: imprisonment up to 6 months, and/or fine to Rs 5,000. Subsequent offence within three year imprisonment up to 2 years and/or a fine up to Rs 10,000. Cognizable, bailable, compoundable. *(Sec 184)***

Sources: IPC; BNS2; Various Special Laws; PRS.

Addition of crimes related to organised crime and terrorism

Currently, organised crime and acts of terrorism are not covered under IPC. Acts of terrorism

are covered under the Unlawful Activities (Prevention) Act, 1967 (UAPA). Organised crime is covered by state laws such as the Maharashtra Control of Organised Crime Act, 1999 (MCOCA), and similar laws enacted by Karnataka, Gujarat, Uttar Pradesh, Haryana and Rajasthan.[17] Offences related to both organised crime and terrorism have been added in the BNS2. The provision on terrorism in BNS2 is similar to the one in UAPA. Adding organised crime as an offence in the BNS2 fills a gap as these crimes may occur across all states, including those which have not enacted a special law. However, this also creates duplication of laws in states which already have such special laws.

The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 (BNSS2) and the Bharatiya Sakshya (Second) Bill, 2023 (BSB2) which replace the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, respectively, do not provide for a separate criminal procedure for these offences. The special laws on organised crime and terrorism have several departures from ordinary criminal procedure. They remove some safeguards for the accused, such as the conditions for bail and the admissibility of police confessions. Cases under UAPA are tried under the National Investigation Agency Act, 2008, which establishes Special Courts to try such cases.[18] Under the BNSS2, cases of terrorism will be tried in Sessions Courts. This would result in varying investigation and trial procedures for similar offences. The Standing Committee on Home Affairs (2023) had recommended providing special criminal procedures for organised crime in the Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS).[11]

Penalty for crime by member of a gang differs from that by an individual

The BNS2 defines petty organised crime as an offence. It includes: vehicle theft, pick-pocketing, selling of public examination question papers, any other similar criminal act. To qualify as petty organised crime, such offences must be committed by members of a group or gang. This offence is penalised with imprisonment of one to seven years, and a fine. This penalty creates a distinction between an offence committed by a member of a gang and a person committing an offence on his own. For example, the penalty for theft is upto three years imprisonment, whereas if the same act is committed by a gang or group, the penalty is between one and seven years of imprisonment.

Offences against women

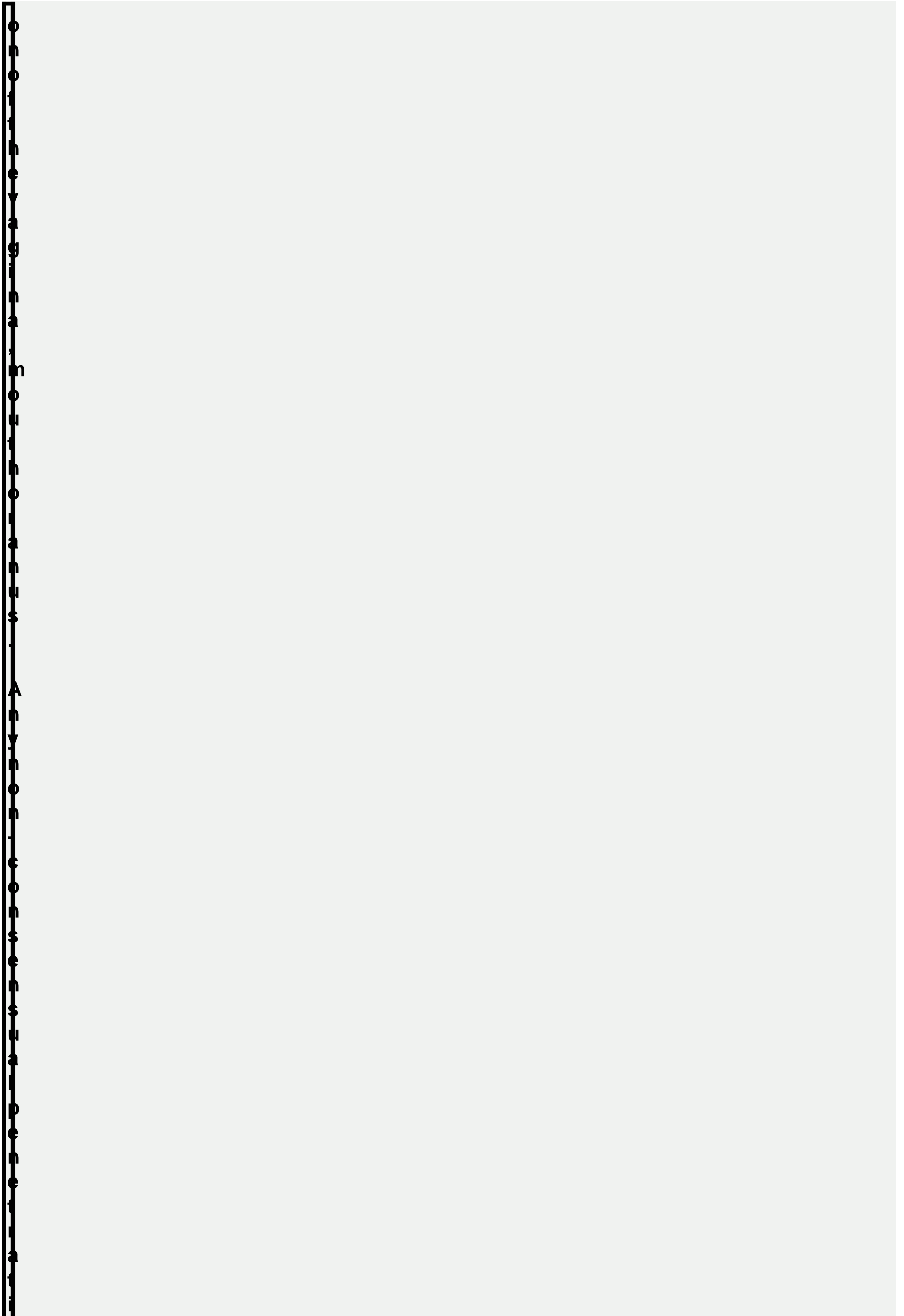
The BNS2 retains the provisions of IPC related to rape. It has not addressed several recommendations made by the Justice Verma Committee (2013) and Supreme Court on reforming offences against women. We mention some of these below.

Table 1: Recommendations related to offences against women

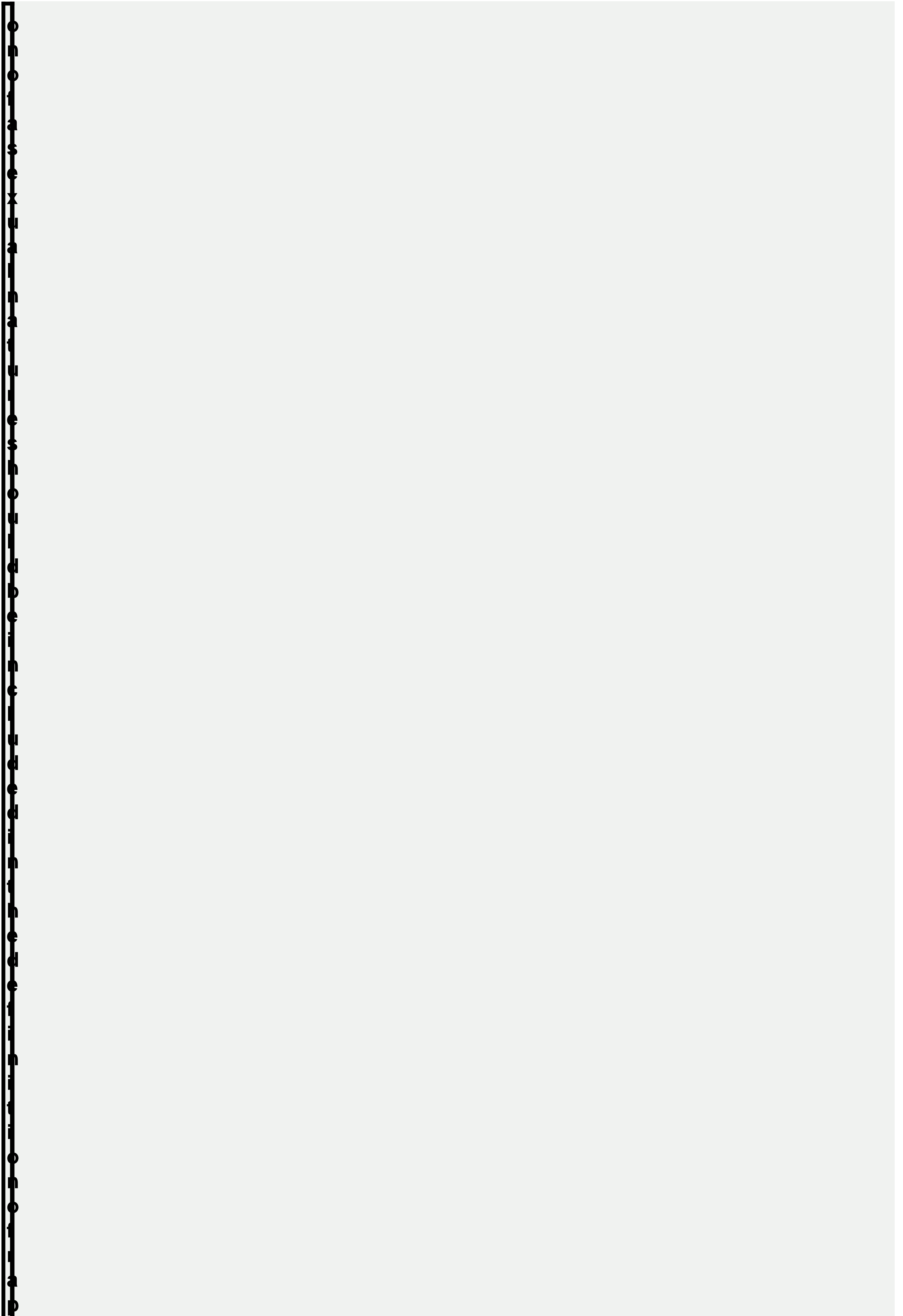
Recommendatio

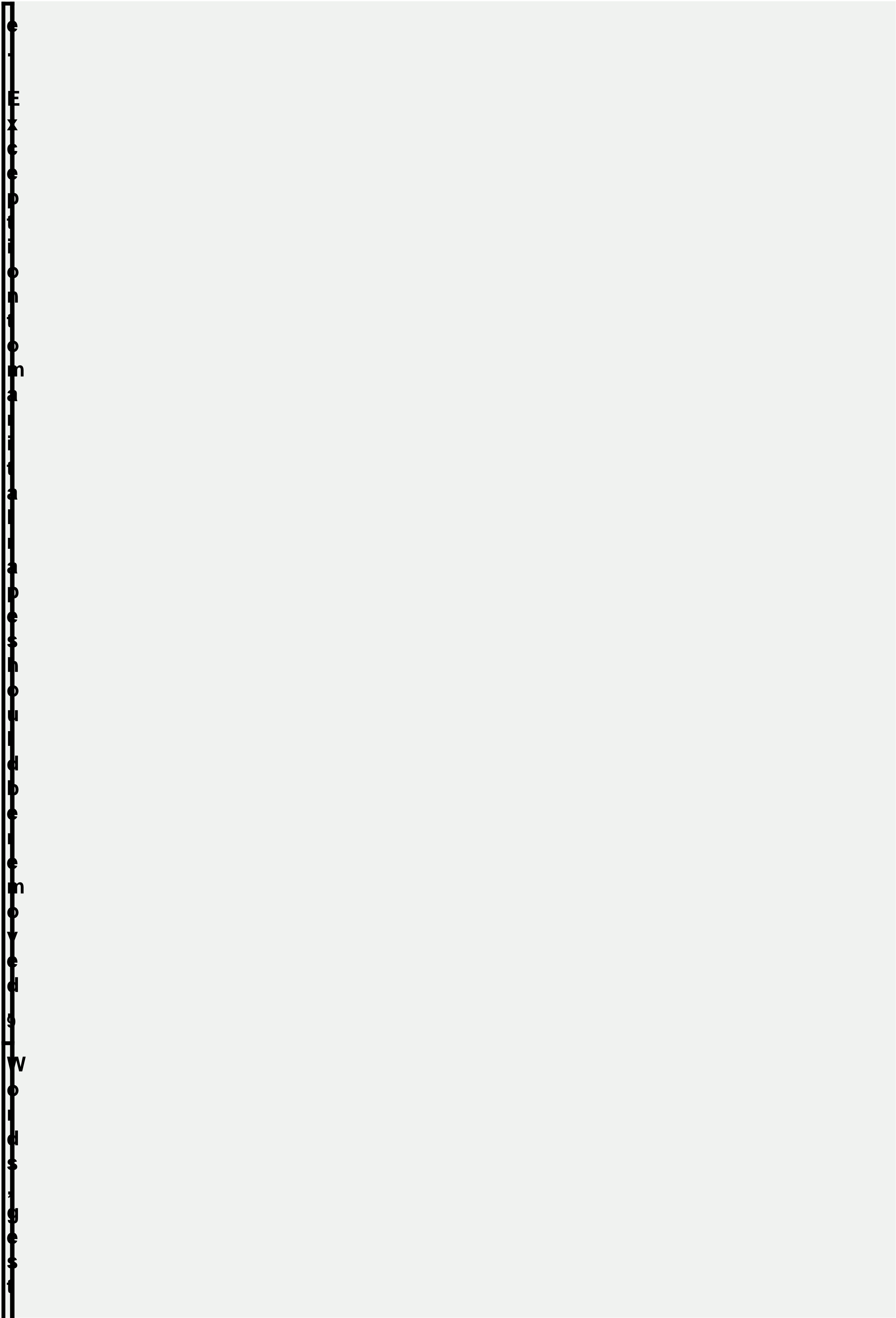
Ins

Rape (IPC s.375) – Rape should not be limited to openetrati



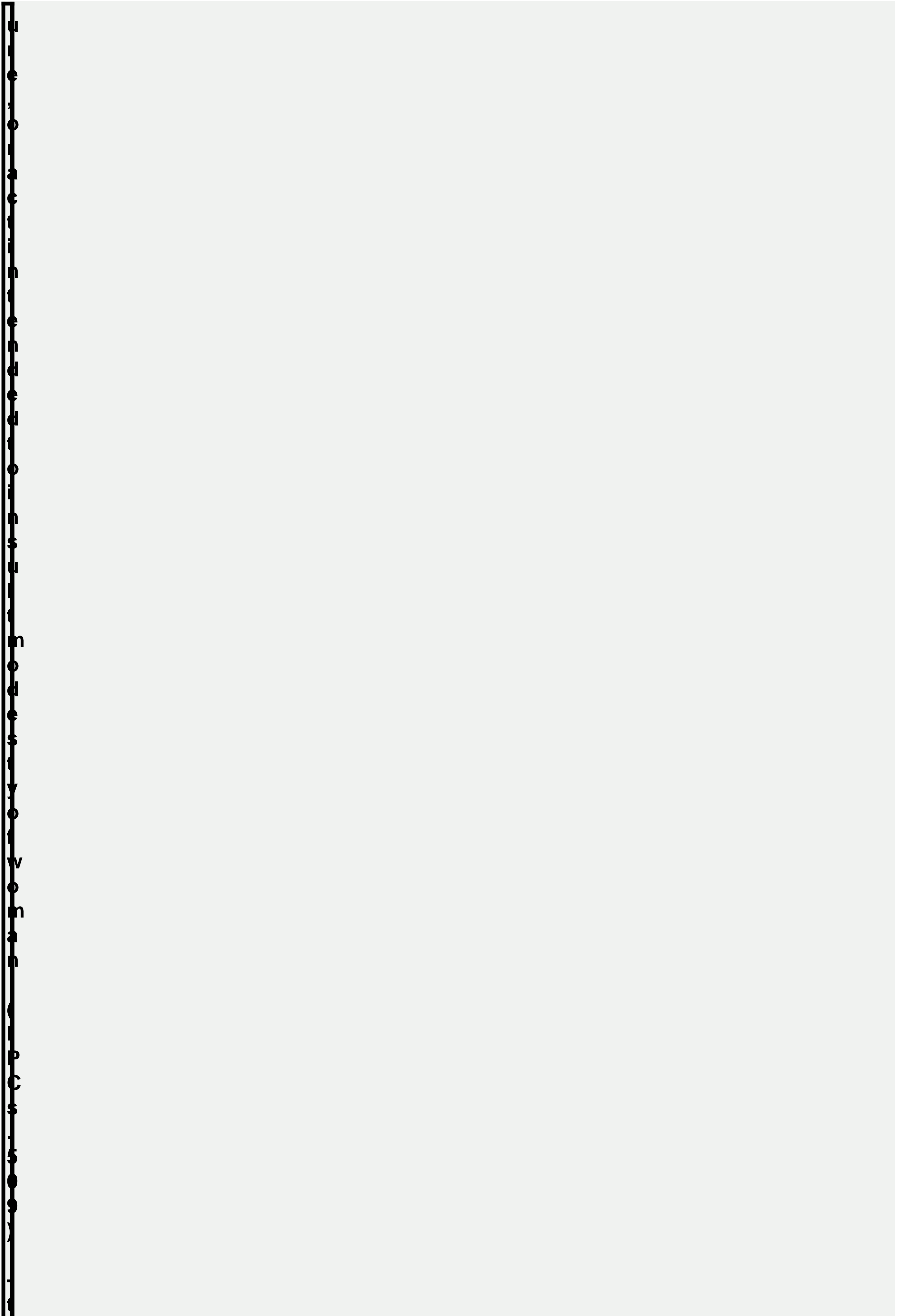
on of the vagina, mouth or anus. Any non-consensual penetrati


on of a sexual nature should be included in the definition of rap

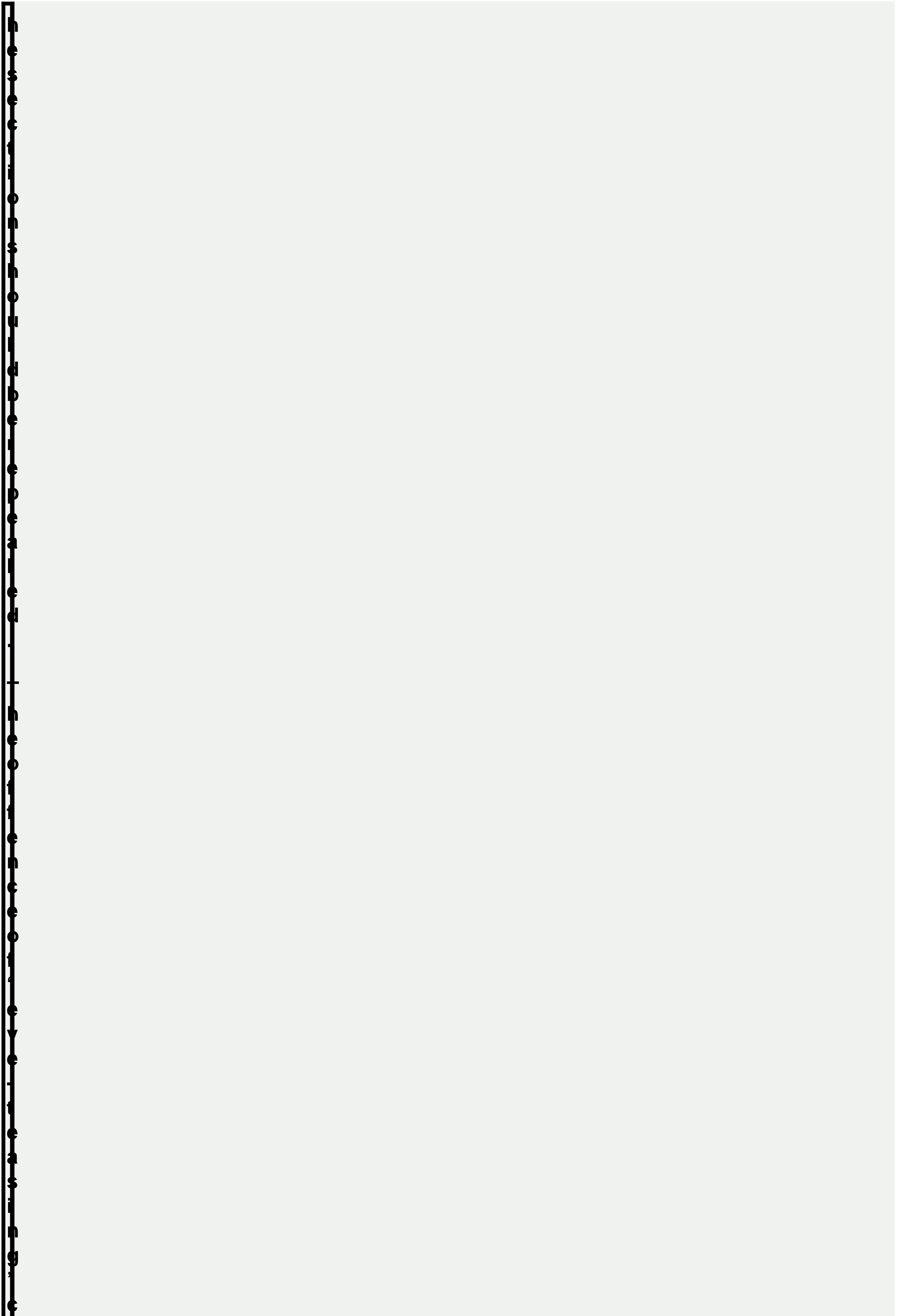


e. Exception to marital rape should be removed;

Words, gest



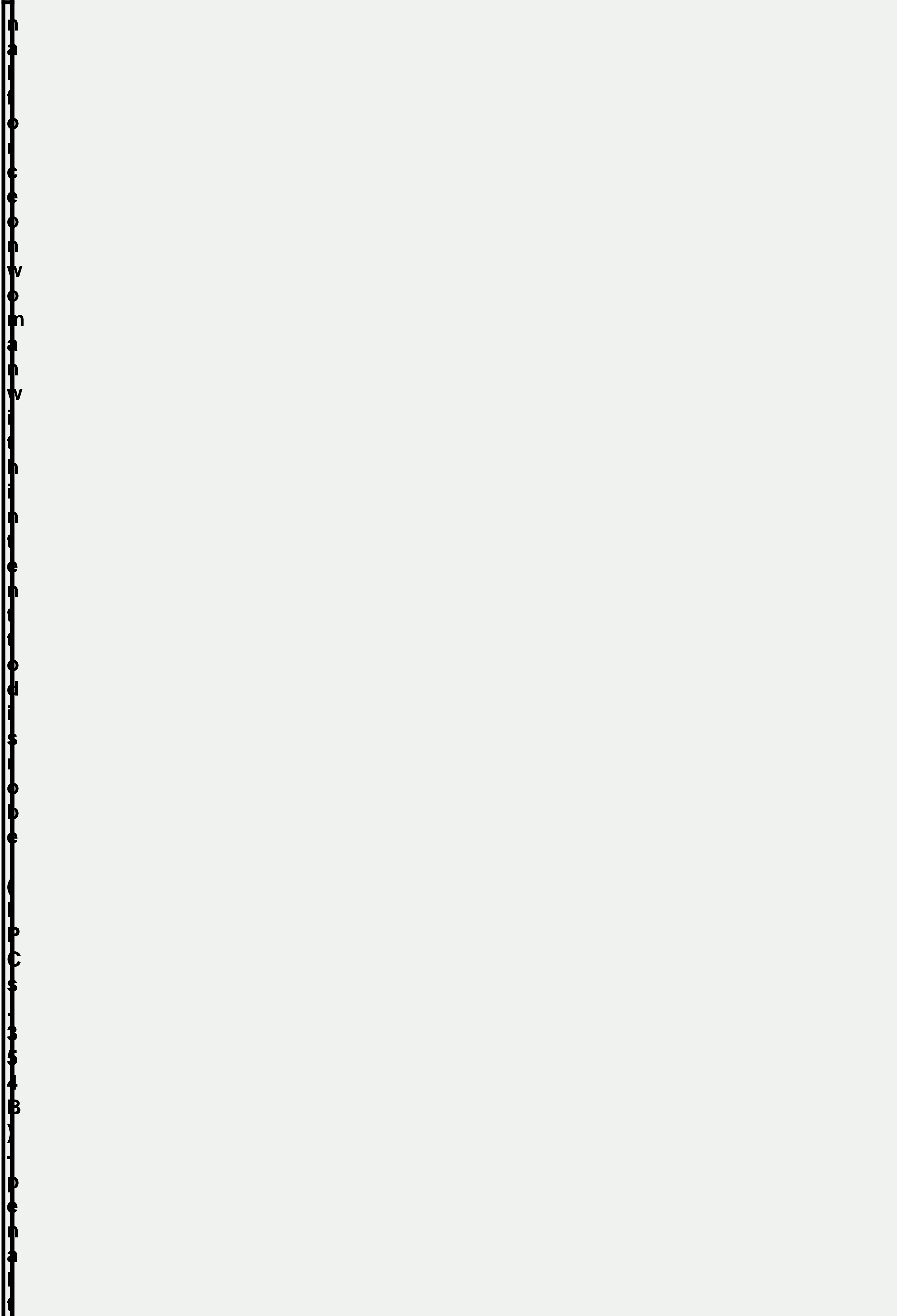
ure, or act intended to insult modesty of woman (IPCs. 509). t



he section should be repealed. The offence of 'eve-teasing', c

an bechanged unders. 354 of the PC (s. 73). Remove the termino

logy, modesty of women, from the IPC 9
Assault or use of crimi



nal force on woman with intent to disrobe (IPC s.354B) - penalt

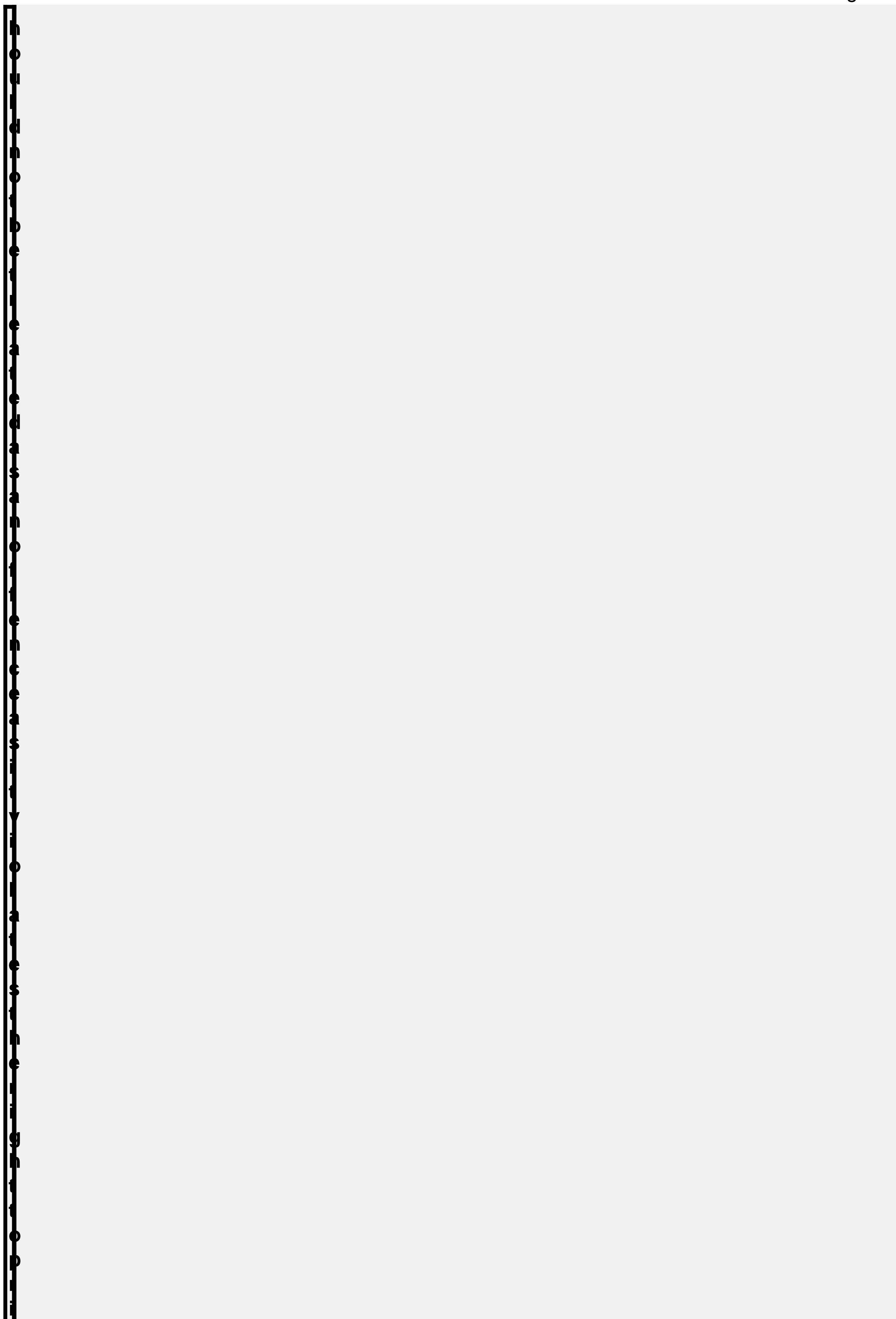
y should be increased to imprisonment for at least five years sup

to 10 years:[19]

Adultery (IPCs.497) – the section violates

Articles 14 and 21 : It creates a distinction between men and wo

men based on gender stereotypes, and is arbitrary. Adulterys


houldnotbetreatedasanoffenceasitviolatestherighttopri

Sources: See endnotes; PRS.

Act: Section 124A

Bill: Clause 152

Aspects of sedition retained

The IPC defines sedition as bringing or attempting to bring hatred, contempt, or exciting disaffection towards the government. The Supreme Court has put the offence of sedition on hold until a Constitution bench examines it.[20] The BNS2 removes this offence. Instead, it adds a provision that penalises: (i) exciting or attempting to excite secession, armed rebellion, or subversive activities, (ii) encouraging feelings of separatist activities, or (iii) endangering sovereignty or unity and integrity of India. These offences may involve exchange of words or signs, electronic communication, or use of financial means. It may be argued that the new provision retains certain aspects of the offence of sedition and broadens the range of acts that could be seen as threatening the unity and integrity of India. Terms like 'subversive activities' are also not defined, and it is unclear what activities will meet this qualification.

In 1962, the Supreme Court limited the application of sedition to acts that carry the intention or tendency to create public disorder or incite violence.[21] Note that the BNSS2 refers to 'seditious matters' in BNS2 (clauses 150, 195, 297), despite the word sedition not appearing in BNS2.

Solitary confinement may violate fundamental rights

The IPC permits solitary confinement for offences that are penalised with rigorous imprisonment. Such offences include criminal conspiracy, sexual harassment, kidnapping or abducting to murder. The BNS2 retains these provisions. The Prisons Act, 1894, which also permits solitary confinement, has been adopted by many state laws.[22] Provisions on solitary confinement are not in line with Court rulings and expert recommendations.

The Supreme Court (1979) has held that measures such as pushing prisoners into solitary cells deprives them of their right to life and liberty under Article 21.[23] In 1971, the Law Commission recommended removing solitary confinement from the IPC. It observed that such confinement is out of tune with modern thinking and should not exist as a punishment for any criminal court to enforce.[24] In 1978, the Supreme Court recognised the Law Commission's recommendation and held that solitary confinement must be enforced only in exceptional cases.[25]

The scope of community service is unclear

The BNS2 adds community service as a punishment. It extends this punishment to offences such as: (i) theft of property worth less than Rs. 5,000, (ii) attempt to commit suicide with the intent to restrain a public servant, and (iii) appearing in a public place intoxicated and causing annoyance.   The BNS2 does not define what community service will entail and how it will be administered. The Standing Committee on Home Affairs (2023) recommended defining the term and nature of 'community service'.[11]

Drafting issues

There are several drafting issues in the BNS2. We illustrate a few below:

Table 2: Some examples of missing offences, drafting issues and obsolete illustrations

Missing offences	
IPC sections 375 and 377	Section 375 specifies rape of a woman as an offe Section 377 specifies "intercourse against the or nature against any man, woman or animal" an of the Supreme Court read this down to exclude consensual sex between adults. This meant that forced intercourse with an adult male is an offenc is intercourse with an animal. Rape of children, regardless of gender is an offence under the PO(Act, 2012. The BNS2 does not retain section 377. This imp that rape of an adult man will not be an offence u any law, neither will having intercourse with an ar The Standing Committee on Home Affairs (2023 recommended re-introducing this provision.
Obsolete references (may need to be updated with examples from modern life)	
129	Illustrations: (b) Z is *riding in a chariot*. A lashes Z horses, and thereby causes them to quicken thei pace. Here A has caused change of motion to Z I inducing the animals to change their motion. A ha therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be that he may thereby injure, frighten or annoy Z, A used criminal force to Z. Other illustrations relate to palanquins (illustratior clause 127) and cannons (illustration d in clause

Sources: BNS, IPC; PRS.

[1]. The Criminal Law (Amendment) Act, 2018, The Criminal Law (Amendment) Act, 1983, The Criminal Law (Amendment) Act, 2013.

[2]. WP (Criminal) No. 76 of 2016, Navtej Singh Johar & Ors vs. Union of India, Supreme Court, September 6, 2018.

[3]. WP (Criminal) No. 194 of 2017, Joseph Shine vs. Union of India, Supreme Court, September 27, 2018.

[4]. 1994 AIR 1844, R. Pathinam vs. Union of India, Supreme Court, April 26 1994.

[5]. The Indian Penal Code (Tamil Nadu Amendment) Act, 2021.

[6]. The Indian Penal Code (Andhra Pradesh Amendment) Act, 1991.

[7]. Criminal Laws (Rajasthan Amendment) Bill, 2018

[8]. Indian Penal Code (Punjab Amendment) Bill, 2018.

[9]. Report of the Committee on Amendments to Criminal Law, 2013 (Verma Committee**).**

[10]. Report 264, Law Commission of India, 2017; Report 262, Law Commission of India, 2015.

[11]. Report No. 246, The Bharatiya Nyaya Sanhita, Standing Committee on Home Affairs, Rajya Sabha, November 10, 2023

[12]. PostNote 588, Age of Criminal Responsibility, Parliamentary Office of Science and Technology, The United Kingdom, June 2018.

[13]. Report of the Committee on Rights of the Child, United Nations.

[14]. Section 19, The German Criminal Code, 1998.

[15]. "Age of criminal responsibility", The Government of the United Kingdom.

[16]. "If a young person gets in trouble with the police", The Government of Scotland.

[17]. Maharashtra Control of Organized Crime Act, 1999, Gujarat Control of Terrorism and Organised Crime Act, 2015.

[18]. National Investigation Agency Act, 2008.

[19]. Report No. 167, The Criminal Law (Amendment) Bill, 2012, Standing Committee on Home Affairs, Rajya Sabha, March 4, 2013.

[20]. Writ Petition (Civil) No. 682/2021, SG Vombatkere vs. Union of India, Supreme Court, September 12, 2021.

[21]. 1962 AIR, Kedar Nath Singh vs. State of Bihar, Supreme Court, January 20, 1962.

[22]. Section 29, Prisons Act, 1894.

[23]. 1980 AIR 1579, Sunil Batra(II) vs. Delhi Administration, Supreme Court, December 20, 1979.

[24]. Report No. 42, Law Commission of India, 1971.

[25]. 1978 AIR 1675, Sunil Batra vs. Delhi Administration and Ors, Supreme Court, August 30, 1978.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.prsindia.org Date : 2023-12-14

THE BHARATIYA NAGARIK SURAKSHA (SECOND) SANHITA, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

Highlights of the Bill

- The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 (BNSS2) seeks to replace the Criminal Procedure Code, 1973 (CrPC). The CrPC provides for the procedure for arrest, prosecution, and bail.
- The BNSS2 mandates forensic investigation for offences punishable with seven years of imprisonment or more. Forensic experts will visit crime scenes to collect forensic evidence and record the process.
- All trials, inquiries, and proceedings may be held in electronic mode. Production of electronic communication devices, likely to contain digital evidence, will be allowed for investigation, inquiry, or trial.
- If a proclaimed offender has absconded to evade trial and there is no immediate prospect of arresting him, the trial can be conducted and judgement pronounced in his absence.
- Along with specimen signatures or handwriting, finger impressions and voice samples may be collected for investigation or proceedings. Samples may be taken from a person who has not been arrested.

Key Issues and Analysis

- The BNSS2 allows up to 15 days of police custody, which can be authorised in parts during the initial 40 or 60 days of the 60 or 90 days period of judicial custody. This may lead to denial of bail for the entire period if the police has not exhausted the 15 days custody.
- The power to attach property from proceeds of crime does not have safeguards provided in the Prevention of Money Laundering Act.
- The CrPC provides for bail for an accused who has been detained for half the maximum imprisonment for the offence. The BNSS2 denies this facility for anyone facing multiple charges. As many cases involve charges under multiple sections, this may limit such bail.
- The use of handcuffs is permitted in a range of cases including organised crime, contradicting Supreme Court directions.
- The BNSS2 retains provisions of the CrPC related to maintenance of public order. Since trial procedure and maintenance of public order are distinct functions, the question is whether they should be regulated under the same law or be dealt with separately.
- Recommendations of high level committees on changes to the CrPC such as reforms in sentencing guidelines and codifying rights of the accused have not been incorporated in the BNSS2.

PART A: HIGHLIGHTS OF THE BILL

Context

The Code of Criminal Procedure, 1973 (CrPC) is a procedural law established for the administration of the Indian Penal Code, 1860 (IPC). It governs the procedure for investigation, arrest, prosecution, and bail for offences. The CrPC was first passed in 1861 to address the problem of multiplicity of legal systems in India.[1] Since then it has been revised on multiple occasions. In 1973, the erstwhile act was repealed and replaced by the existing CrPC, and changes like anticipatory bail were introduced.[2] It was amended in 2005 to add changes such as provisions for plea bargaining and rights of arrested persons.[3]

Over the years, the Supreme Court has interpreted the CrPC in varied ways and revised its application. These include: (i) mandating the registration of an FIR if the complaint relates to a cognisable offence, (ii) making arrests an exception when the punishment is less than seven years of imprisonment, (iii) ensuring bail for bailable offence is an absolute and in-defeasible right and no discretion is exercised in such matters.[4] The Court has also ruled on procedural aspects such as establishing guidelines for custodial interrogations and emphasising the importance of speedy trials.[4] However, the criminal justice system continues to face challenges like case backlogs, trial delays, and concerns about treatment of underprivileged groups.[5]

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was introduced in Lok Sabha on August 11, 2023 to replace the Code of Criminal Procedure, 1973 (CrPC). The Bill was examined by the Standing Committee on Home Affairs. Incorporating some recommendations of the Committee, the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 (BNSS2) was introduced on December 12, 2023. The BNSS was withdrawn.

Key Features

The CrPC governs the procedural aspects of criminal justice in India. The key features of the Act include:

- **Separation of offences: The CrPC classifies offences into two categories: cognisable and non-cognisable. Cognisable offences are those in which the police can arrest and initiate an investigation without a warrant. Non-cognisable offences require a warrant, and in some cases, a complaint by the victim or a third party.**
- **Nature of offences: The CrPC deals with various types of criminal offences, ranging from traffic violations to murder. It distinguishes between bailable and non-bailable offences, specifying the offences for which an accused has the right to bail from police custody.**

The BNSS2 retains most of the provisions of the CrPC. Key changes proposed include:

- **Detention of undertrials: As per the CrPC, if an accused has spent half of the maximum period of imprisonment in detention, he must be released on personal bond. This does not apply to offences punishable by death. The BNSS2 adds that this provision will also not apply to: (i) offences punishable by life imprisonment, and (ii) persons against whom proceedings are pending in more than one offence.**
- **Medical examination: The CrPC allows medical examination of the accused in certain cases, including rape cases. Such examination is done by a registered medical practitioner on the request of at least a sub-inspector level police officer. The BNSS2 provides that any police officer can request such an examination.**
- **Forensic investigation: The BNSS2 mandates forensic investigation for offences punishable with at least seven years of imprisonment. In such cases, forensic**

experts will visit crime scenes to collect forensic evidence and record the process on mobile phone or any other electronic device. If a state does not have forensics facility, it shall utilise such facility in another state.

- **Signatures and finger impressions: The CrPC empowers a Magistrate to order any person to provide specimen signatures or handwriting. The BNSS2 expands this to include finger impressions and voice samples. It allows these samples to be collected from a person who has not been arrested.**
- **Timelines for procedures: The BNSS2 prescribes timelines for various procedures. For instance, it requires medical practitioners who examine rape victims to submit their reports to the investigating officer within seven days. Other specified timelines include: (i) giving judgement within 30 days of completion of arguments (extendable up to 45 days), (ii) informing the victim of progress of investigation within 90 days, and (iii) framing of charges by a sessions court within 60 days from the first hearing on such charges.**
- **Hierarchy of Courts: The CrPC establishes a hierarchy of courts for the adjudication of criminal matters in India. These courts include: (i) Magistrate's Courts: subordinate courts responsible for the trial of most criminal cases, (ii) Sessions Courts: presided over by a Sessions Judge and hear appeals from Magistrate's Courts, (iii) High Courts: have inherent jurisdiction to hear and decide criminal cases and appeals, and (iv) Supreme Court: hear appeals from High Courts and also exercise its original jurisdiction in certain matters. The CrPC empowers the state governments to notify any city or town with a population of more than one million as a metropolitan area. Such areas have Metropolitan Magistrates. The BNSS2 removes the classification of metropolitan areas and Metropolitan Magistrates.**

PART B: KEY ISSUES AND ANALYSIS

The Bill may expand the powers of the police

The CrPC governs the powers of the police to maintain public order, prevent crimes, and undertake criminal investigations. These powers include arrests, detention, search, seizure, and use of force. These powers are subject to restrictions to safeguard individuals from misuse of police powers leading to excessive use of force, illegal detentions, custodial torture, and abuse of authority.[6] The Supreme Court has also issued various guidelines to prevent such arbitrary exercise of police powers.[4,][7] The BNSS2 amends the provisions related to detention, police custody and use of handcuffs, which may present some issues.

Procedure of police custody altered

The Constitution and CrPC prohibit detention in police custody beyond 24 hours.[8] The Magistrate is empowered to extend it up to 15 days in case investigation cannot be completed within 24 hours. He may further extend judicial custody beyond 15 days if he is satisfied that adequate grounds exist to do so. However, overall detention cannot exceed 60 or 90 days (depending on the offence). The BNSS2 modifies this procedure. It adds that the police custody of 15 days can be authorised in whole or in parts at any time during the initial 40 or 60 days out of the 60 or 90 days period. This could lead to bail being denied during this period if the police argue that they need to take the person back in police custody.

This differs from laws like the Unlawful Activities (Prevention) Act, 1976, where police custody is limited to the first 30 days.[9] The Supreme Court has held that as a general rule, police custody

should be taken in the first 15 days of remand.[10] The extension of 40 or 60 days should be utilised as an exception. The BNSS2 does not require the investigating officer to provide reasons when seeking police custody for someone in judicial custody. The Standing Committee (2023) recommended that the interpretation of this clause be clarified.[11]

The power to use handcuffs may infringe on the accused's personal liberty

The BNSS2 provides for the use of handcuffs during arrest. Handcuffs may only be used to arrest: (i) a habitual or repeat offender who has escaped custody, or (ii) a person who has committed offences such as rape, acid attack, organised crime, drug related crime, or offence against the State. The provision contravenes judgements of the Supreme Court and guidelines of the National Human Rights Commission.[12]

The Supreme Court has held that the use of handcuffs is inhumane, unreasonable, arbitrary, and repugnant to Article 21.[13] In extreme cases, when handcuffs have to be used, the escorting authority must record reasons to do so.[13] Further, it has ruled that no prisoners undergoing trial can be handcuffed without obtaining judicial consent.[14] The Court has therefore left the discretion to decide use of handcuffs on the trial court.[12] The Standing Committee (2023) recommended excluding economic offences from the offences where handcuffs may be used.[11] The BNSS2 has removed this category.

Rights of the accused

Scope of mandatory bail limited in case of multiple charges

As per the CrPC, if an undertrial has served half the maximum imprisonment for an offence, he must be released on a personal bond. This provision does not apply to offences punishable by death. The BNSS2 retains this provision and adds that first-time offenders get bail after serving one-third of the maximum sentence. However, it adds that this provision will not apply to: (i) offences punishable by life imprisonment, and (ii) where an investigation, inquiry or trial in more than one offence or in multiple cases are pending. Since chargesheets often list multiple offences, this may make many undertrial prisoners ineligible for mandatory bail.

For example, in 2014, the Supreme Court held that illegal mining constitutes an offence under the Mines and Minerals (Development and Regulations) Act, 1957, and also qualifies as theft under the IPC.[15] Similarly, rash and dangerous driving is a punishable offence under the Motor Vehicles Act, 1988 as well as the IPC.[16] Persons accused in such cases will not be eligible to obtain mandatory bail.

Bail allows accused to be released from custody while awaiting trial, provided they meet certain conditions.[17] Detention before conviction is done to ensure easy availability of an accused for trial and there is no tampering with evidence. If these are ensured, detention is not needed. The Supreme Court has held that bail is the rule and incarceration is the exception.[18] Further, it has observed that undertrial prisoners should be released at the earliest and those who cannot furnish bail bonds due to poverty are not incarcerated only for that reason.[19]

Scope for plea bargaining may be limited

Plea bargaining is an agreement between the defence and prosecution where the accused pleads guilty for a lesser offence or a reduced sentence. Plea bargaining was added to the CrPC in 2005.[3] It is not allowed for offences punishable with a death penalty, life imprisonment, or imprisonment term exceeding seven years. The CrPC does not permit a bargain to be struck for a lesser offence or for compounding the offence – the accused will be considered to have

confessed and been convicted of the offence. The BNSS2 retains this provision. This limits plea bargaining in India to sentence bargaining, that is getting a lighter sentence in exchange for the accused's guilty plea.

Further, the BNSS2 adds a stipulation that the accused must file an application for plea bargaining within 30 days from the date of framing of charge. This time limit can impact the effectiveness of plea bargaining by limiting the opportunity for seeking a reduced sentence.

Congestion in the prison system

Restricting bail, and limiting the scope for plea bargaining could deter decongesting of prisons. As of December 2021, India's prisons housed over 5.5 lakh prisoners, with an overall occupancy rate of 130%.[20] In 2021, under-trials constituted 77% of the total prisoners in India.[20] Approximately 30% of under-trial prisoners were in detention for a year or more.20 About 8% of under-trial prisoners were in detention for three years or more.20

Safeguards on attachment of property

Property that is derived or obtained, directly or indirectly, as a result of criminal activity is referred to as proceeds of crime. The CrPC provides police the power to seize property when it is: (i) alleged or suspected to have been stolen, or (ii) found under circumstances creating suspicion of commission of any offence. This is applicable only to movable properties.[21] The BNSS2 extends this to immovable properties as well. Provisions on the treatment of seized property in BNSS2 differ from the provisions in the Prevention of Money Laundering Act, 2002 (PMLA). The PMLA provides for confiscation of property derived from money laundering in relation to specified offences.[22]

Certain safeguards provided under PMLA are not available under the BNSS2. Under PMLA, attachment is provisional in nature for up to 180 days.[22] A notice period of at least 30 days needs to be given to show cause why an attachment order must not be made.[22] During the attachment, enjoying of immovable property cannot be denied.[22] The BNSS2 does not provide a time limit up to which property can be attached. It provides a show cause notice of 14 days to be given to the accused.

Overlaps with existing laws

Over the years, special laws have been enacted to regulate various aspects of criminal procedure. However, the BNSS2 retains some of the procedures.

Data collection for criminal identification

In 2005, the CrPC was amended to empower a Magistrate to obtain handwriting or signature specimens from arrested persons.[23] The BNSS2 expands this provision by empowering the Magistrate to also collect finger impressions and voice samples. It also allows collection of this data from persons who have not been arrested under any investigation. The Criminal Procedure (Identification) Act, 2022 allows a broader range of data to be collected including fingerprints, handwriting, and biological samples.[24] Such data may be collected from convicts, those who have been arrested for an offence, or non-accused persons as well, and can be stored up to 75 years. With a broader law recently being passed to allow for data collection of criminals and accused, the need for retaining data collection provisions and expanding on them in the BNSS2 is unclear. The constitutional validity of the 2022 Act is under consideration before the Delhi High Court.[25]

Maintenance of senior citizens

Under CrPC, a Magistrate may order a person having sufficient means to make a monthly allowance for the maintenance of their father or mother (who are unable to maintain themselves). If the order is not followed, the Magistrate may issue a warrant for levying the amount due and sentence the person to imprisonment of up to a month or till the payment is made. The BNSS2 retains this provision which duplicates the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. That Act requires state governments to constitute Maintenance Tribunals to decide on the maintenance payable to senior citizens and parents.[26] The Tribunal may issue a warrant for levying the amount due, and sentence the person to imprisonment of up to a month or till the payment is made. That Act specifically overrides all other laws.

Public order functions retained in BNSS2

The CrPC provides for the procedure for investigation and trial for offences. It also contains provisions for security to maintain peace, and maintenance of public order and tranquillity. It contains provisions that allow a District Magistrate to issue orders needed to preserve public order. The BNSS2 has retained these provisions (in separate chapters). Since trial procedure and maintenance of public order are distinct functions, the question is whether they should be included under the same law or if they should be dealt with separately. As per the Seventh Schedule of the Constitution, public order is a state subject.[27] However, matters under the CrPC (prior to the commencement of the Constitution fall) under the Concurrent List.[28]

Recommendations of various Committees

Table 1 provides a list of key recommendations of various Committees and Law Commission constituted by the central government to advise the government on criminal reforms.

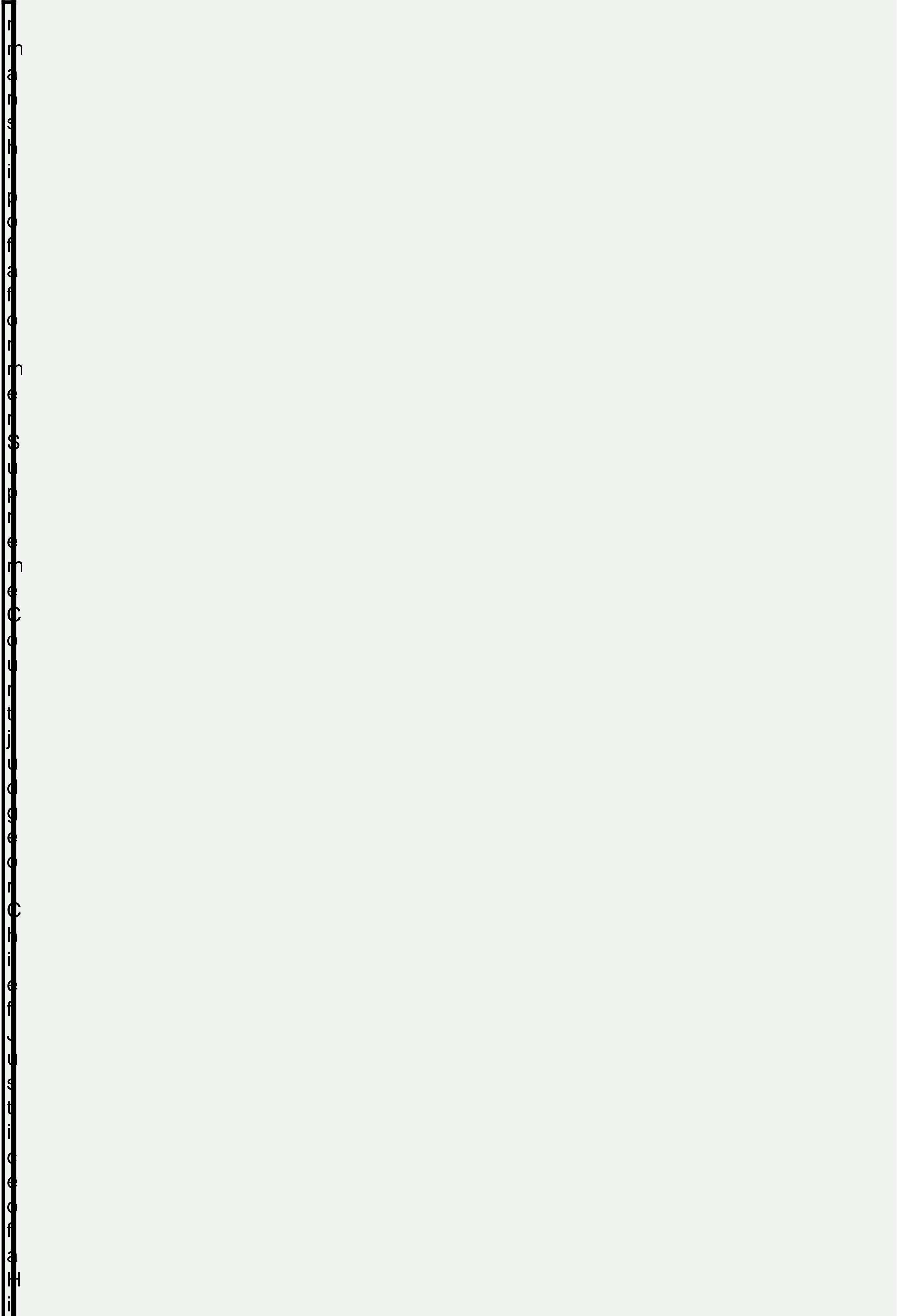
Table 1: Key recommendations of various Committees and the Law Commission on CrPC

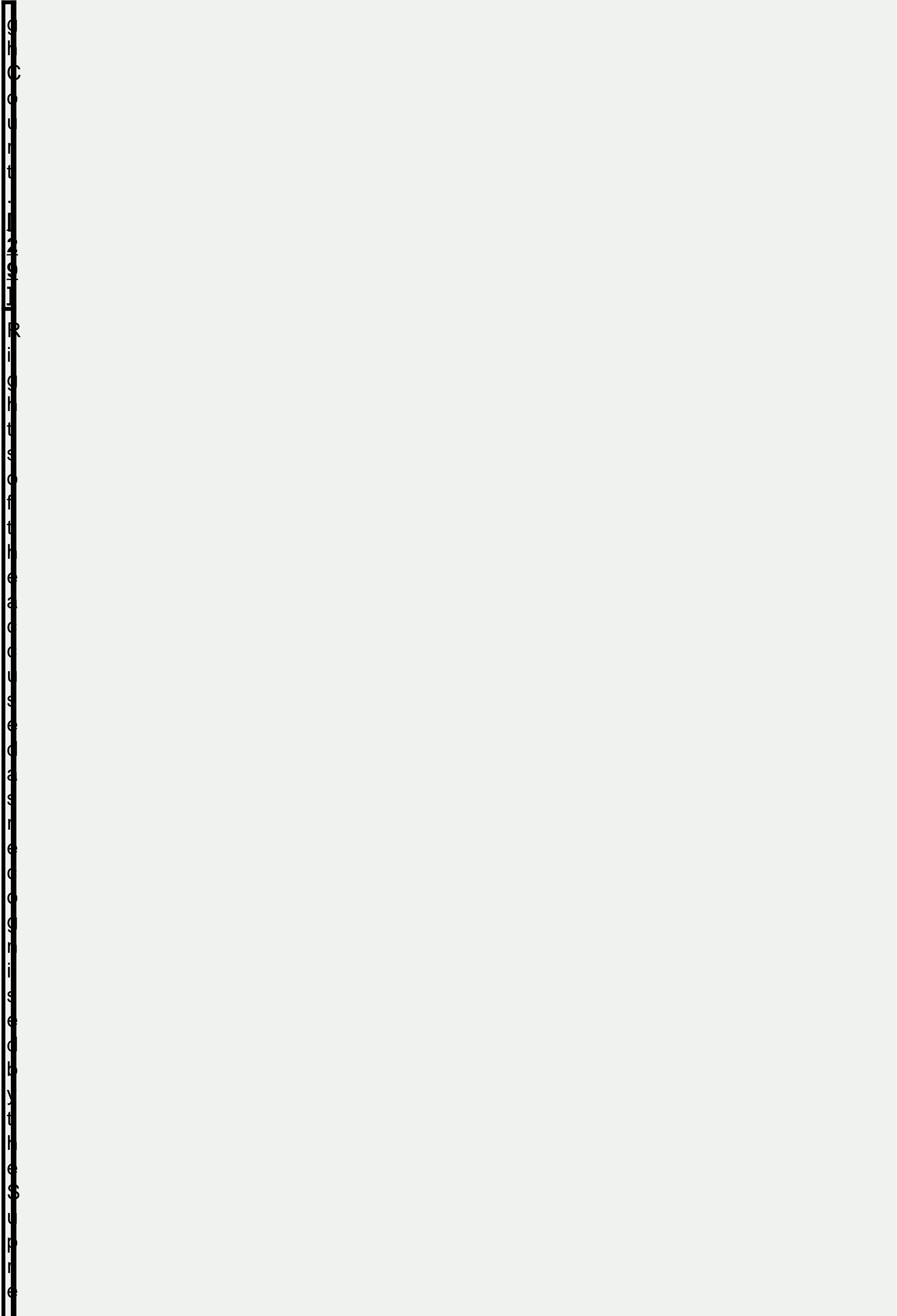
Recommendations
Broader

reforms in the criminal justice system

Constitute a statutor

ycommittee to prescribe sentencing guidelines under the Chai

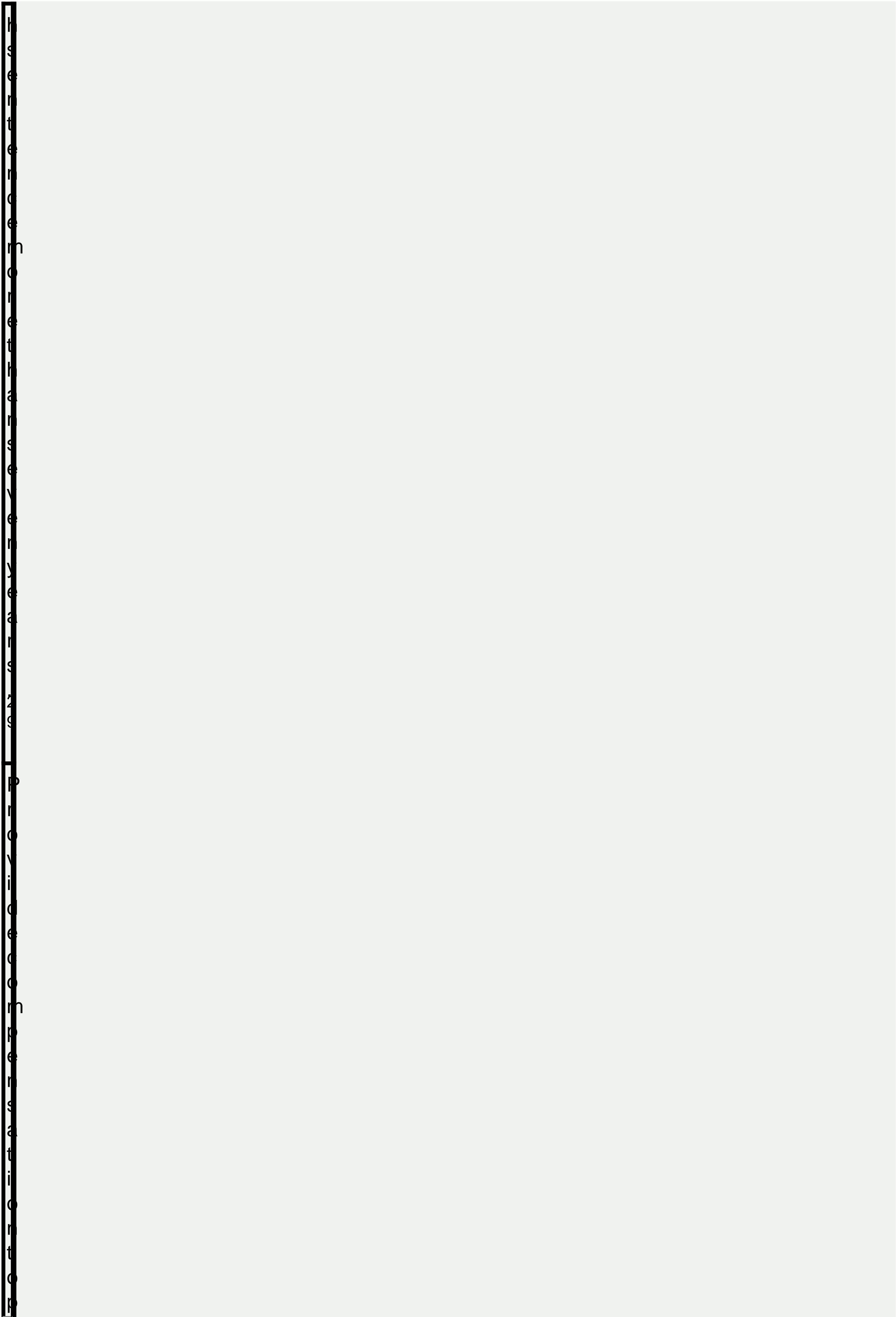

rmanship of a former Supreme Court judge or Chief Justice of a Hi


ghCourt.[2021]Rights of the accused as recognised by the Supre

me Court be included in CrPC, c
Procedure when investigation

cannot be completed in 24 hours (CrPC s.167) – Maximum period of

police custody to be 30 days in respect of offences punishable wit



hsentencemorethansevenyears 29

providecompensationtop

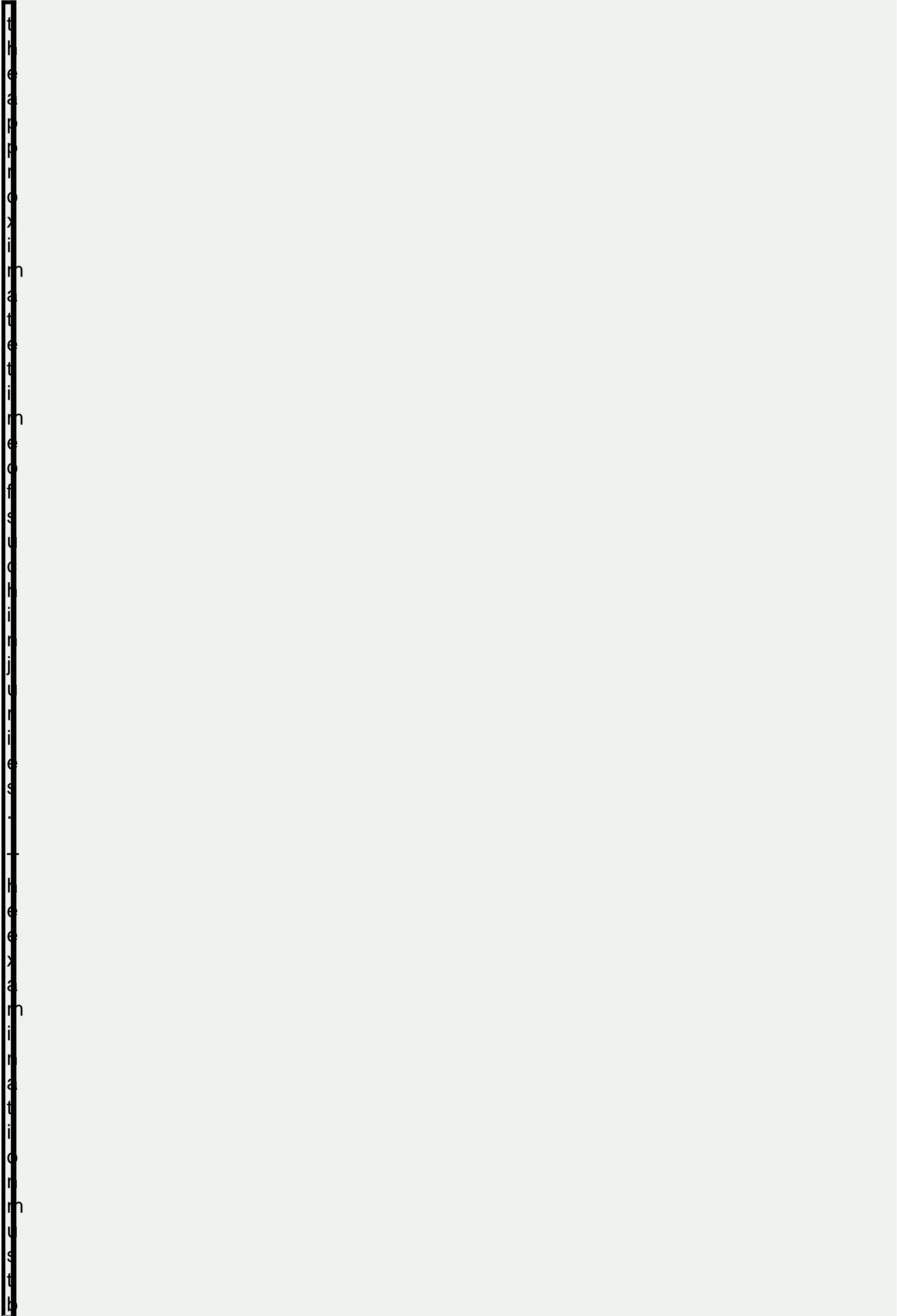
eople who are wrongfully accused.[30]

Arrest[31]

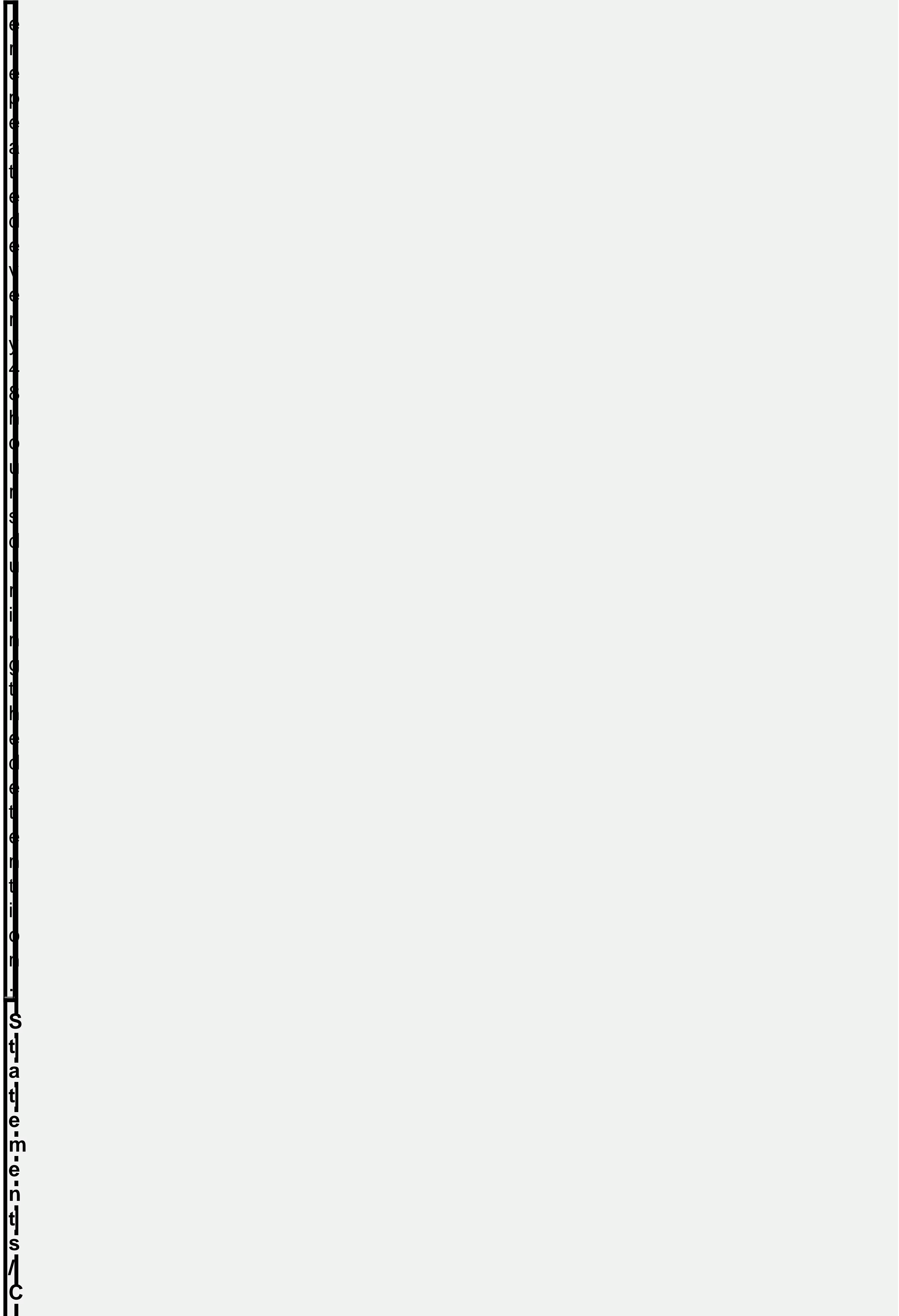
Arreste

d person must be examined by a medical officer after arrest (CrP

Cs.54). The officer must record any injuries on the person and



the approximate time of such injuries. The examination must b



e repeated every 48 hours during the detention.

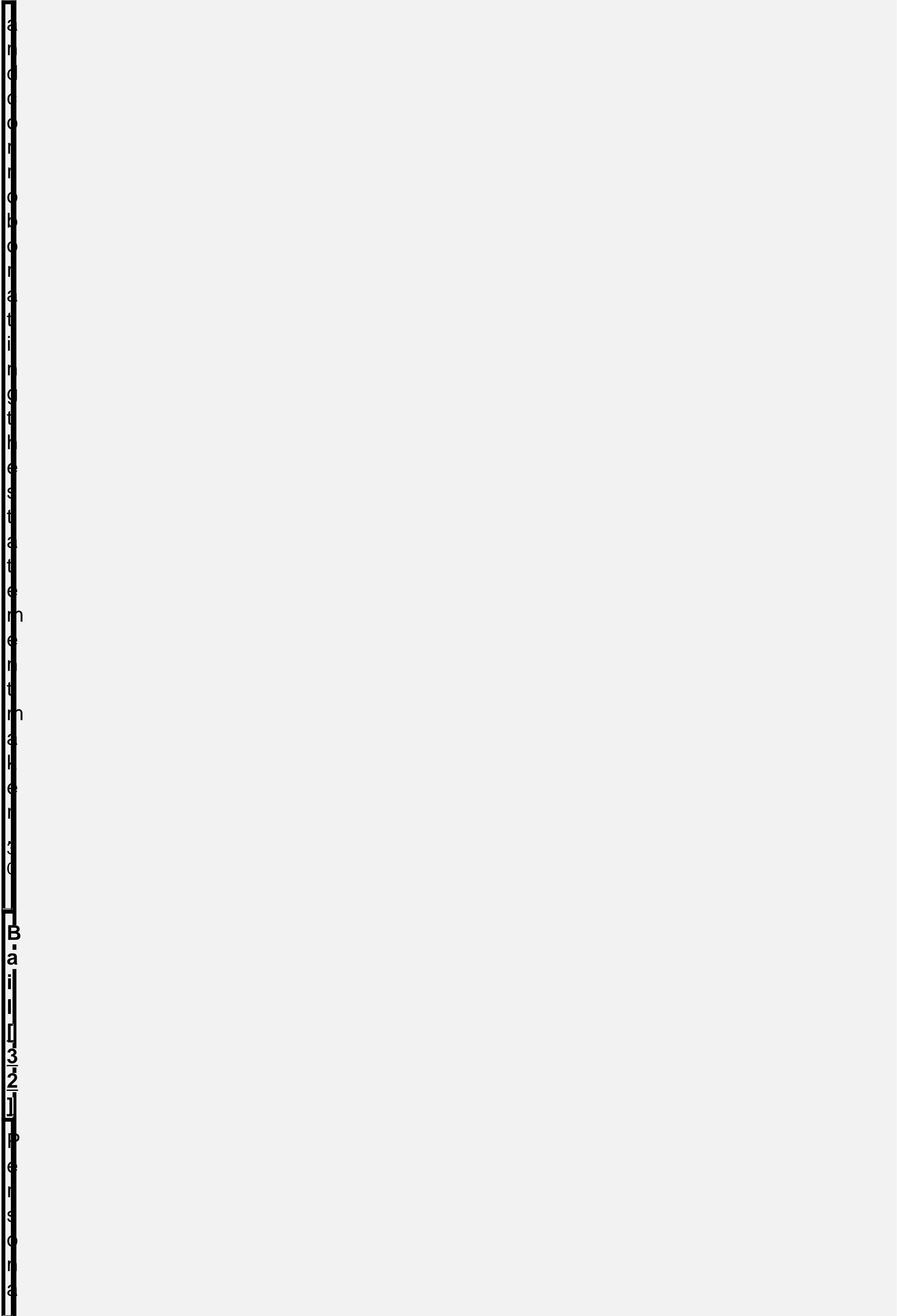
Statements/C

onfessions to Police

Statements to police (CrPC s. 162) - Stat

ements to be read over and signed by the statement maker and a cop

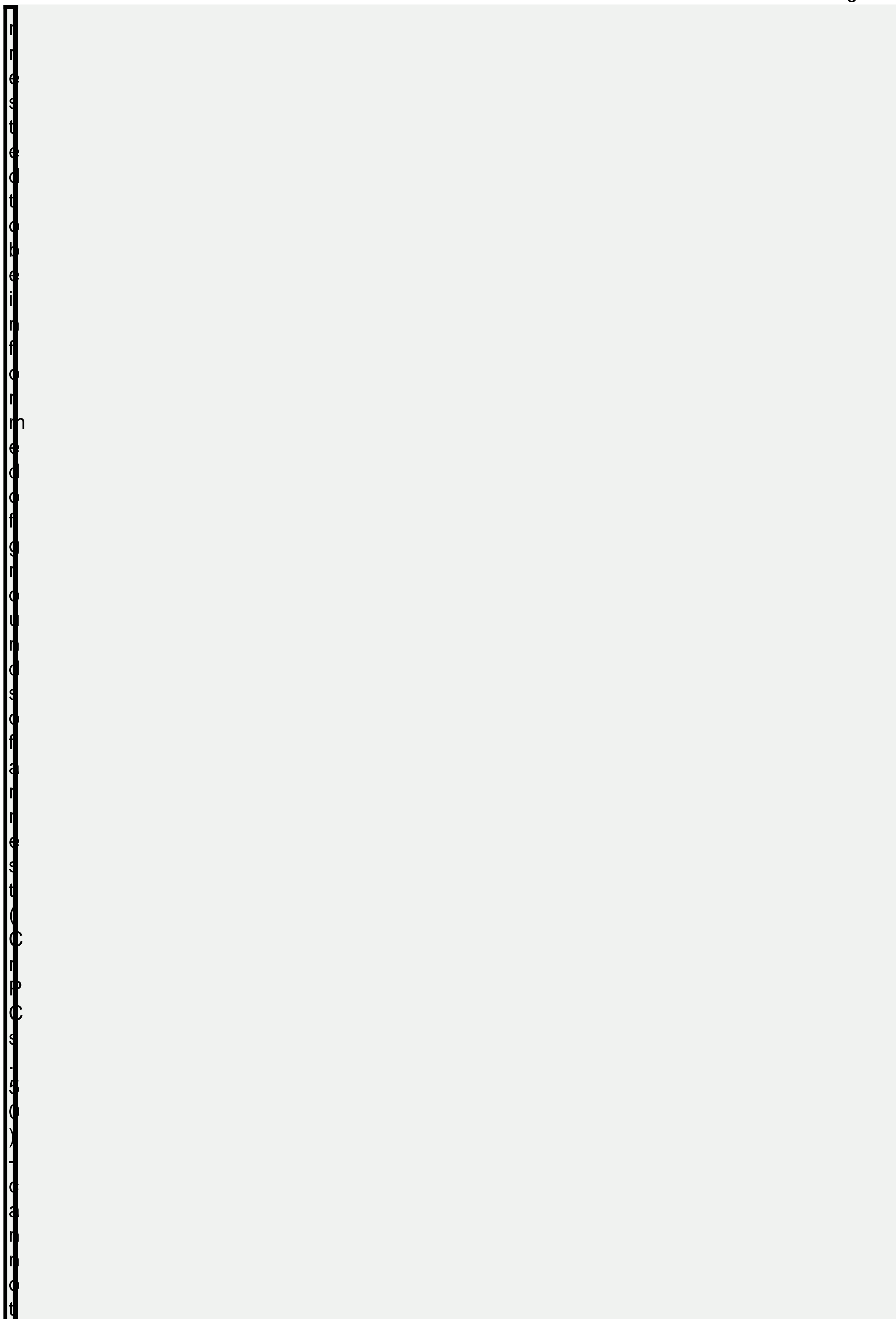
y given to him. Such statements can be used for contradicting



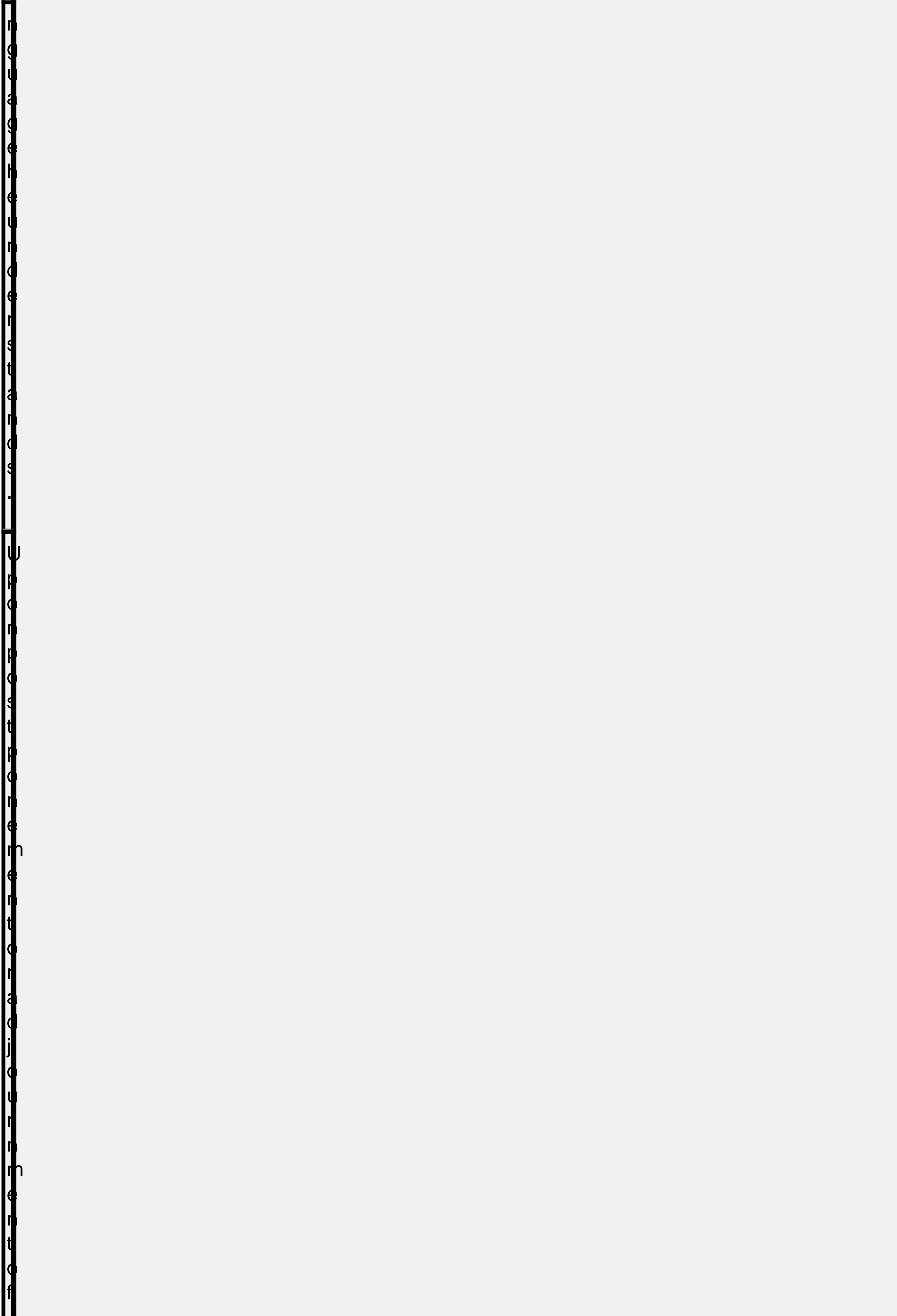
and corroborating the statement maker 30

Bail[32]

persona


rrested to be informed of grounds of arrest (CrPC s. 50) - cannot

be meaningful unless the arrestee is informed in writing in a la



nguage he understands.

Upon postponement or adjournment of

the trial, the Court will release the accused on bail or remand h

into further custody and record the reasons CrPC s.309(2).

W

hen bail is denied, the court must provide a brief explanation f

or the refusal.

Notes: This Table highlights some important recommendations made by various committees and Law Commission on CrPC. It is not an exhaustive list.

Sources: See endnotes; PRS.

[1]. Stokes, Anglo-Indian Codes, Vol. 2, pages 2-3.

[2]. The Code of Criminal procedure, 1973.

[3]. The Code of Criminal Procedure (Amendment) Act, 2005.

[4]. AIR 1997 SC 610, D.K. Basu v. State of West Bengal, Supreme Court, December 18, 1996, 1979 AIR 1360, Hussainara Khatoon v. State of Bihar, Supreme Court, February 12, 1979.

[5]. Report No. 78, Law Commission of India, 1979.

[6]. Report No. 273, Law Commission of India, 2017.

[7]. 1978 AIR 597, Maneka Gandhi v. Union of India, Supreme Court, January 25, 1978.

[8]. Article 22, The Constitution of India, 1950, Section 51, The Code of Criminal Procedure, 1973.

[9]. Section 43D, the Unlawful Activities (Prevention Act), 1967.

[10]. 1992 AIR 1768, Central Bureau of Investigation v. Anupam J. Kulkarni, Supreme Court, May 8, 1992.

[11]. Report No. 247, 'the Bharatiya Nagarik Suraksha Sanhita', Standing Committee on Home Affairs, November 10, 2023.

[12]. 'Guidelines regarding Arrest', National Human Rights Commission.

[13]. 1980 AIR 1535, Prem Shankar Shukla vs. Delhi Administration, Supreme Court, April 29, 1980.

[14]. 1995 3 SCC 743, Citizens for Democracy v. State of Assam, May 1, 1995.

[15]. Criminal Appeal 499 of 2011, State of NCT of Delhi vs Sanjay, Supreme Court, September 4, 2014.

[16]. Section 184, the Motor Vehicles Act, 1988, Section 279, The Indian Penal Code, 1860.

[17]. Chapter XXXIII, 'Provision as to Bail and Bonds', The Code of Criminal Procedure, 1973.

[18]. 1977 AIR 2447, State of Rajasthan v. Balchand, Supreme Court, September 20, 1977.

[19]. 2016 3 SCC 700, In re: Inhuman Conditions in 1382 Prisons, Supreme Court, February 5, 2016.

[20]. Prison Statistics of India (2021), National Crime Records Bureau.

[21]. 2019 20 SCC 119, Nevada Properties Pvt. Ltd. V. State of Maharashtra, Supreme Court, September 24, 2019.

[22]. Section 3, 5, 8, the Prevention of Money Laundering Act, 2002.

[23]. Section 311A, The Code of Criminal Procedure, 1973.

[24]. The Criminal Procedure (Identification) Act, 2022.

[25]. W.P. (CRL) 869/2022, Harshit Goel v. Union of India, Delhi High Court.

[26]. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

[27]. Entry 1, List II, Seventh Schedule, The Constitution of India.

[28]. Entry 2, List III, Seventh Schedule, The Constitution of India.

[29]. Committee on Reforms of Criminal Justice System (Malimath Committee): Report: Volume I, 2003, Ministry of Home Affairs.

[30]. Report No. 277, Law Commission of India, 2018.

[31]. Report No. 177, Law Commission of India, 2001.

[32]. Report No. 268, Law Commission of India, 2017.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.prsindia.org Date : 2023-12-14

THE BHARATIYA SAKSHYA (SECOND) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

Highlights of the Bill

- The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 (BNSS2) seeks to replace the Criminal Procedure Code, 1973 (CrPC). The CrPC provides for the procedure for arrest, prosecution, and bail.
- The BNSS2 mandates forensic investigation for offences punishable with seven years of imprisonment or more. Forensic experts will visit crime scenes to collect forensic evidence and record the process.
- All trials, inquiries, and proceedings may be held in electronic mode. Production of electronic communication devices, likely to contain digital evidence, will be allowed for investigation, inquiry, or trial.
- If a proclaimed offender has absconded to evade trial and there is no immediate prospect of arresting him, the trial can be conducted and judgement pronounced in his absence.
- Along with specimen signatures or handwriting, finger impressions and voice samples may be collected for investigation or proceedings. Samples may be taken from a person who has not been arrested.

Key Issues and Analysis

- The BNSS2 allows up to 15 days of police custody, which can be authorised in parts during the initial 40 or 60 days of the 60 or 90 days period of judicial custody. This may lead to denial of bail for the entire period if the police has not exhausted the 15 days custody.
- The power to attach property from proceeds of crime does not have safeguards provided in the Prevention of Money Laundering Act.
- The CrPC provides for bail for an accused who has been detained for half the maximum imprisonment for the offence. The BNSS2 denies this facility for anyone facing multiple charges. As many cases involve charges under multiple sections, this may limit such bail.
- The use of handcuffs is permitted in a range of cases including organised crime, contradicting Supreme Court directions.
- The BNSS2 retains provisions of the CrPC related to maintenance of public order. Since trial procedure and maintenance of public order are distinct functions, the question is whether they should be regulated under the same law or be dealt with separately.
- Recommendations of high level committees on changes to the CrPC such as reforms in sentencing guidelines and codifying rights of the accused have not been incorporated in the BNSS2.

PART A: HIGHLIGHTS OF THE BILL

Context

The Code of Criminal Procedure, 1973 (CrPC) is a procedural law established for the

administration of the Indian Penal Code, 1860 (IPC). It governs the procedure for investigation, arrest, prosecution, and bail for offences. The CrPC was first passed in 1861 to address the problem of multiplicity of legal systems in India.[1] Since then it has been revised on multiple occasions. In 1973, the erstwhile act was repealed and replaced by the existing CrPC, and changes like anticipatory bail were introduced.[2] It was amended in 2005 to add changes such as provisions for plea bargaining and rights of arrested persons.[3]

Over the years, the Supreme Court has interpreted the CrPC in varied ways and revised its application. These include: (i) mandating the registration of an FIR if the complaint relates to a cognisable offence, (ii) making arrests an exception when the punishment is less than seven years of imprisonment, (iii) ensuring bail for bailable offence is an absolute and in-defeasible right and no discretion is exercised in such matters.[4] The Court has also ruled on procedural aspects such as establishing guidelines for custodial interrogations and emphasising the importance of speedy trials.[4] However, the criminal justice system continues to face challenges like case backlogs, trial delays, and concerns about treatment of underprivileged groups.[5]

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was introduced in Lok Sabha on August 11, 2023 to replace the Code of Criminal Procedure, 1973 (CrPC). The Bill was examined by the Standing Committee on Home Affairs. Incorporating some recommendations of the Committee, the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 (BNSS2) was introduced on December 12, 2023. The BNSS was withdrawn.

Key Features

The CrPC governs the procedural aspects of criminal justice in India. The key features of the Act include:

- **Separation of offences: The CrPC classifies offences into two categories: cognisable and non-cognisable. Cognisable offences are those in which the police can arrest and initiate an investigation without a warrant. Non-cognisable offences require a warrant, and in some cases, a complaint by the victim or a third party.**
- **Nature of offences: The CrPC deals with various types of criminal offences, ranging from traffic violations to murder. It distinguishes between bailable and non-bailable offences, specifying the offences for which an accused has the right to bail from police custody.**

The BNSS2 retains most of the provisions of the CrPC. Key changes proposed include:

- **Detention of undertrials: As per the CrPC, if an accused has spent half of the maximum period of imprisonment in detention, he must be released on personal bond. This does not apply to offences punishable by death. The BNSS2 adds that this provision will also not apply to: (i) offences punishable by life imprisonment, and (ii) persons against whom proceedings are pending in more than one offence.**
- **Medical examination: The CrPC allows medical examination of the accused in certain cases, including rape cases. Such examination is done by a registered medical practitioner on the request of at least a sub-inspector level police officer. The BNSS2 provides that any police officer can request such an examination.**
- **Forensic investigation: The BNSS2 mandates forensic investigation for offences punishable with at least seven years of imprisonment. In such cases, forensic experts will visit crime scenes to collect forensic evidence and record the process**

on mobile phone or any other electronic device. If a state does not have forensics facility, it shall utilise such facility in another state.

- **Signatures and finger impressions: The CrPC empowers a Magistrate to order any person to provide specimen signatures or handwriting. The BNSS2 expands this to include finger impressions and voice samples. It allows these samples to be collected from a person who has not been arrested.**
- **Timelines for procedures: The BNSS2 prescribes timelines for various procedures. For instance, it requires medical practitioners who examine rape victims to submit their reports to the investigating officer within seven days. Other specified timelines include: (i) giving judgement within 30 days of completion of arguments (extendable up to 45 days), (ii) informing the victim of progress of investigation within 90 days, and (iii) framing of charges by a sessions court within 60 days from the first hearing on such charges.**
- **Hierarchy of Courts: The CrPC establishes a hierarchy of courts for the adjudication of criminal matters in India. These courts include: (i) Magistrate's Courts: subordinate courts responsible for the trial of most criminal cases, (ii) Sessions Courts: presided over by a Sessions Judge and hear appeals from Magistrate's Courts, (iii) High Courts: have inherent jurisdiction to hear and decide criminal cases and appeals, and (iv) Supreme Court: hear appeals from High Courts and also exercise its original jurisdiction in certain matters. The CrPC empowers the state governments to notify any city or town with a population of more than one million as a metropolitan area. Such areas have Metropolitan Magistrates. The BNSS2 removes the classification of metropolitan areas and Metropolitan Magistrates.**

PART B: KEY ISSUES AND ANALYSIS

The Bill may expand the powers of the police

The CrPC governs the powers of the police to maintain public order, prevent crimes, and undertake criminal investigations. These powers include arrests, detention, search, seizure, and use of force. These powers are subject to restrictions to safeguard individuals from misuse of police powers leading to excessive use of force, illegal detentions, custodial torture, and abuse of authority.[6] The Supreme Court has also issued various guidelines to prevent such arbitrary exercise of police powers.[4,][7] The BNSS2 amends the provisions related to detention, police custody and use of handcuffs, which may present some issues.

Procedure of police custody altered

The Constitution and CrPC prohibit detention in police custody beyond 24 hours.[8] The Magistrate is empowered to extend it up to 15 days in case investigation cannot be completed within 24 hours. He may further extend judicial custody beyond 15 days if he is satisfied that adequate grounds exist to do so. However, overall detention cannot exceed 60 or 90 days (depending on the offence). The BNSS2 modifies this procedure. It adds that the police custody of 15 days can be authorised in whole or in parts at any time during the initial 40 or 60 days out of the 60 or 90 days period. This could lead to bail being denied during this period if the police argue that they need to take the person back in police custody.

This differs from laws like the Unlawful Activities (Prevention) Act, 1976, where police custody is limited to the first 30 days.[9] The Supreme Court has held that as a general rule, police custody should be taken in the first 15 days of remand.[10] The extension of 40 or 60 days should be

utilised as an exception. The BNSS2 does not require the investigating officer to provide reasons when seeking police custody for someone in judicial custody. The Standing Committee (2023) recommended that the interpretation of this clause be clarified.[11]

The power to use handcuffs may infringe on the accused's personal liberty

The BNSS2 provides for the use of handcuffs during arrest. Handcuffs may only be used to arrest: (i) a habitual or repeat offender who has escaped custody, or (ii) a person who has committed offences such as rape, acid attack, organised crime, drug related crime, or offence against the State. The provision contravenes judgements of the Supreme Court and guidelines of the National Human Rights Commission.[12]

The Supreme Court has held that the use of handcuffs is inhumane, unreasonable, arbitrary, and repugnant to Article 21.[13] In extreme cases, when handcuffs have to be used, the escorting authority must record reasons to do so.[13] Further, it has ruled that no prisoners undergoing trial can be handcuffed without obtaining judicial consent.[14] The Court has therefore left the discretion to decide use of handcuffs on the trial court.[12] The Standing Committee (2023) recommended excluding economic offences from the offences where handcuffs may be used.[11] The BNSS2 has removed this category.

Rights of the accused

Scope of mandatory bail limited in case of multiple charges

As per the CrPC, if an undertrial has served half the maximum imprisonment for an offence, he must be released on a personal bond. This provision does not apply to offences punishable by death. The BNSS2 retains this provision and adds that first-time offenders get bail after serving one-third of the maximum sentence. However, it adds that this provision will not apply to: (i) offences punishable by life imprisonment, and (ii) where an investigation, inquiry or trial in more than one offence or in multiple cases are pending. Since chargesheets often list multiple offences, this may make many undertrial prisoners ineligible for mandatory bail.

For example, in 2014, the Supreme Court held that illegal mining constitutes an offence under the Mines and Minerals (Development and Regulations) Act, 1957, and also qualifies as theft under the IPC.[15] Similarly, rash and dangerous driving is a punishable offence under the Motor Vehicles Act, 1988 as well as the IPC.[16] Persons accused in such cases will not be eligible to obtain mandatory bail.

Bail allows accused to be released from custody while awaiting trial, provided they meet certain conditions.[17] Detention before conviction is done to ensure easy availability of an accused for trial and there is no tampering with evidence. If these are ensured, detention is not needed. The Supreme Court has held that bail is the rule and incarceration is the exception.[18] Further, it has observed that undertrial prisoners should be released at the earliest and those who cannot furnish bail bonds due to poverty are not incarcerated only for that reason.[19]

Scope for plea bargaining may be limited

Plea bargaining is an agreement between the defence and prosecution where the accused pleads guilty for a lesser offence or a reduced sentence. Plea bargaining was added to the CrPC in 2005.[3] It is not allowed for offences punishable with a death penalty, life imprisonment, or imprisonment term exceeding seven years. The CrPC does not permit a bargain to be struck for a lesser offence or for compounding the offence – the accused will be considered to have confessed and been convicted of the offence. The BNSS2 retains this provision. This limits

plea bargaining in India to sentence bargaining, that is getting a lighter sentence in exchange for the accused's guilty plea.

Further, the BNSS2 adds a stipulation that the accused must file an application for plea bargaining within 30 days from the date of framing of charge. This time limit can impact the effectiveness of plea bargaining by limiting the opportunity for seeking a reduced sentence.

Congestion in the prison system

Restricting bail, and limiting the scope for plea bargaining could deter decongesting of prisons. As of December 2021, India's prisons housed over 5.5 lakh prisoners, with an overall occupancy rate of 130%.[20] In 2021, under-trials constituted 77% of the total prisoners in India.[20] Approximately 30% of under-trial prisoners were in detention for a year or more.20 About 8% of under-trial prisoners were in detention for three years or more.20

Safeguards on attachment of property

Property that is derived or obtained, directly or indirectly, as a result of criminal activity is referred to as proceeds of crime. The CrPC provides police the power to seize property when it is: (i) alleged or suspected to have been stolen, or (ii) found under circumstances creating suspicion of commission of any offence. This is applicable only to movable properties.[21] The BNSS2 extends this to immovable properties as well. Provisions on the treatment of seized property in BNSS2 differ from the provisions in the Prevention of Money Laundering Act, 2002 (PMLA). The PMLA provides for confiscation of property derived from money laundering in relation to specified offences.[22]

Certain safeguards provided under PMLA are not available under the BNSS2. Under PMLA, attachment is provisional in nature for up to 180 days.[22] A notice period of at least 30 days needs to be given to show cause why an attachment order must not be made.[22] During the attachment, enjoying of immovable property cannot be denied.[22] The BNSS2 does not provide a time limit up to which property can be attached. It provides a show cause notice of 14 days to be given to the accused.

Overlaps with existing laws

Over the years, special laws have been enacted to regulate various aspects of criminal procedure. However, the BNSS2 retains some of the procedures.

Data collection for criminal identification

In 2005, the CrPC was amended to empower a Magistrate to obtain handwriting or signature specimens from arrested persons.[23] The BNSS2 expands this provision by empowering the Magistrate to also collect finger impressions and voice samples. It also allows collection of this data from persons who have not been arrested under any investigation. The Criminal Procedure (Identification) Act, 2022 allows a broader range of data to be collected including fingerprints, handwriting, and biological samples.[24] Such data may be collected from convicts, those who have been arrested for an offence, or non-accused persons as well, and can be stored up to 75 years. With a broader law recently being passed to allow for data collection of criminals and accused, the need for retaining data collection provisions and expanding on them in the BNSS2 is unclear. The constitutional validity of the 2022 Act is under consideration before the Delhi High Court.[25]

Maintenance of senior citizens

Under CrPC, a Magistrate may order a person having sufficient means to make a monthly allowance for the maintenance of their father or mother (who are unable to maintain themselves). If the order is not followed, the Magistrate may issue a warrant for levying the amount due and sentence the person to imprisonment of up to a month or till the payment is made. The BNSS2 retains this provision which duplicates the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. That Act requires state governments to constitute Maintenance Tribunals to decide on the maintenance payable to senior citizens and parents.[26] The Tribunal may issue a warrant for levying the amount due, and sentence the person to imprisonment of up to a month or till the payment is made. That Act specifically overrides all other laws.

Public order functions retained in BNSS2

The CrPC provides for the procedure for investigation and trial for offences. It also contains provisions for security to maintain peace, and maintenance of public order and tranquillity. It contains provisions that allow a District Magistrate to issue orders needed to preserve public order. The BNSS2 has retained these provisions (in separate chapters). Since trial procedure and maintenance of public order are distinct functions, the question is whether they should be included under the same law or if they should be dealt with separately. As per the Seventh Schedule of the Constitution, public order is a state subject.[27] However, matters under the CrPC (prior to the commencement of the Constitution fall) under the Concurrent List.[28]

Recommendations of various Committees

Table 1 provides a list of key recommendations of various Committees and Law Commission constituted by the central government to advise the government on criminal reforms.

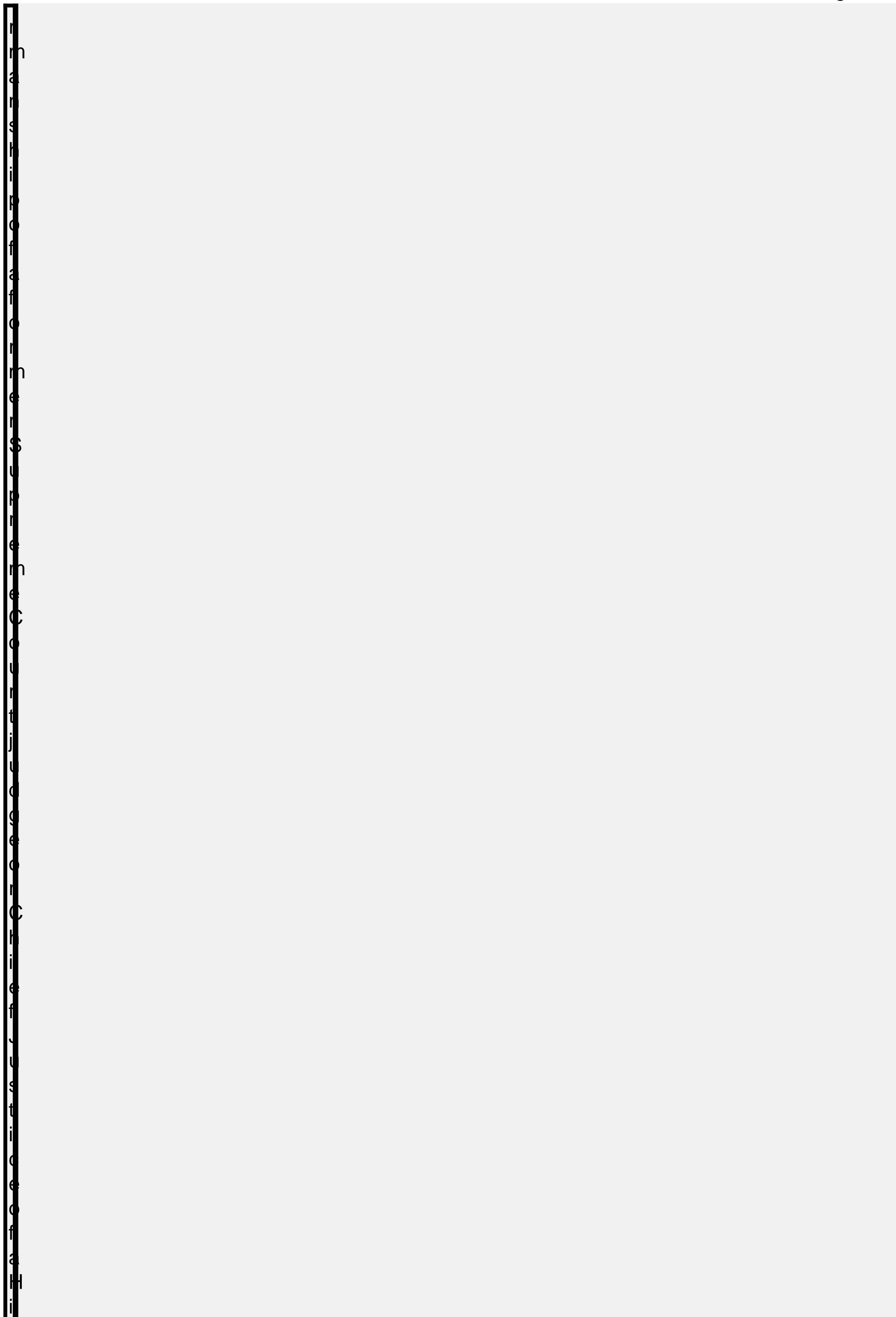
Table 1: Key recommendations of various Committees and the Law Commission on CrPC

Recommendations
Broader

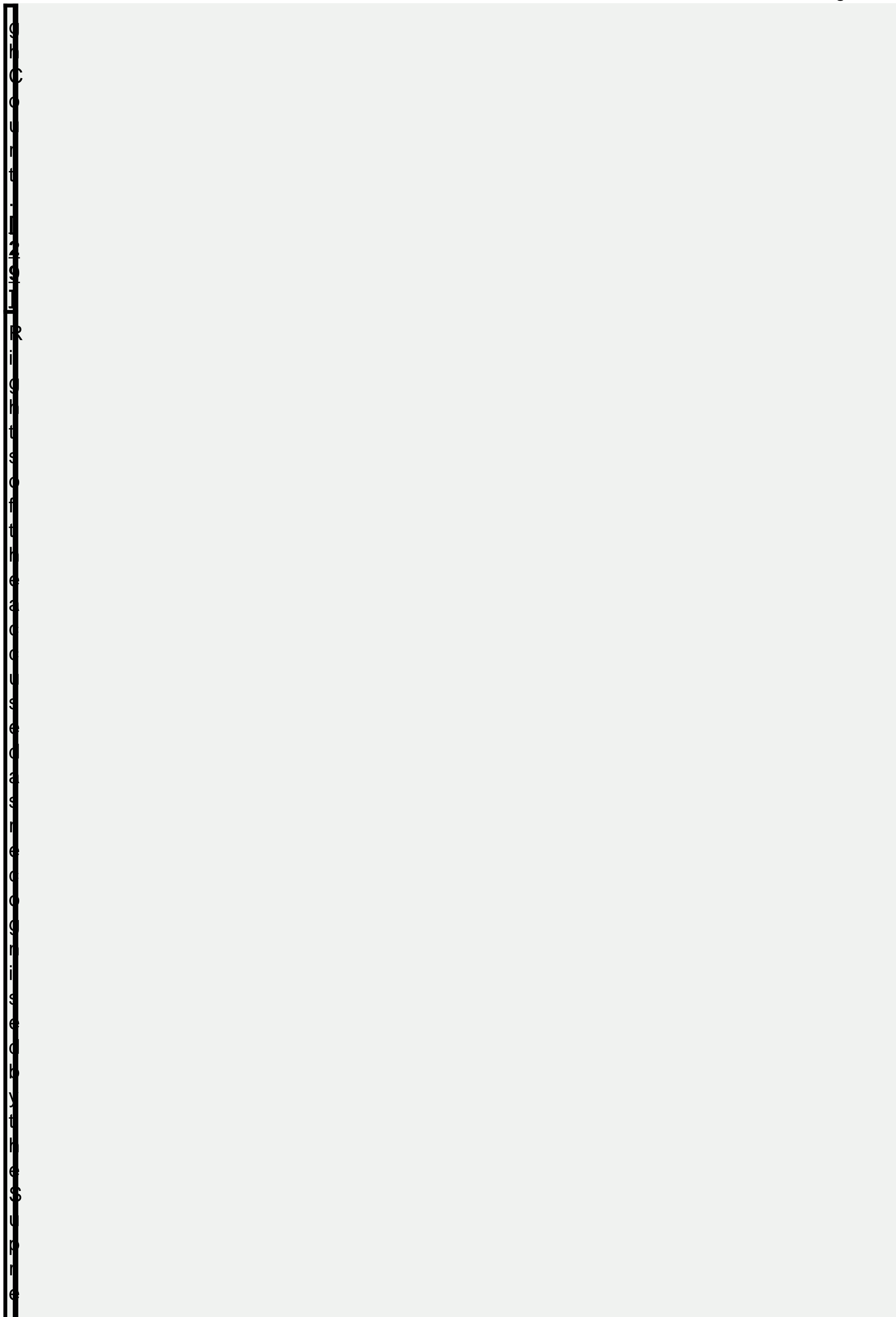
reforms in the criminal justice system

Constitute a statutor

y committee to prescribe sentencing guidelines under the Chai



rmanship of a former Supreme Court judge or Chief Justice of a Hi

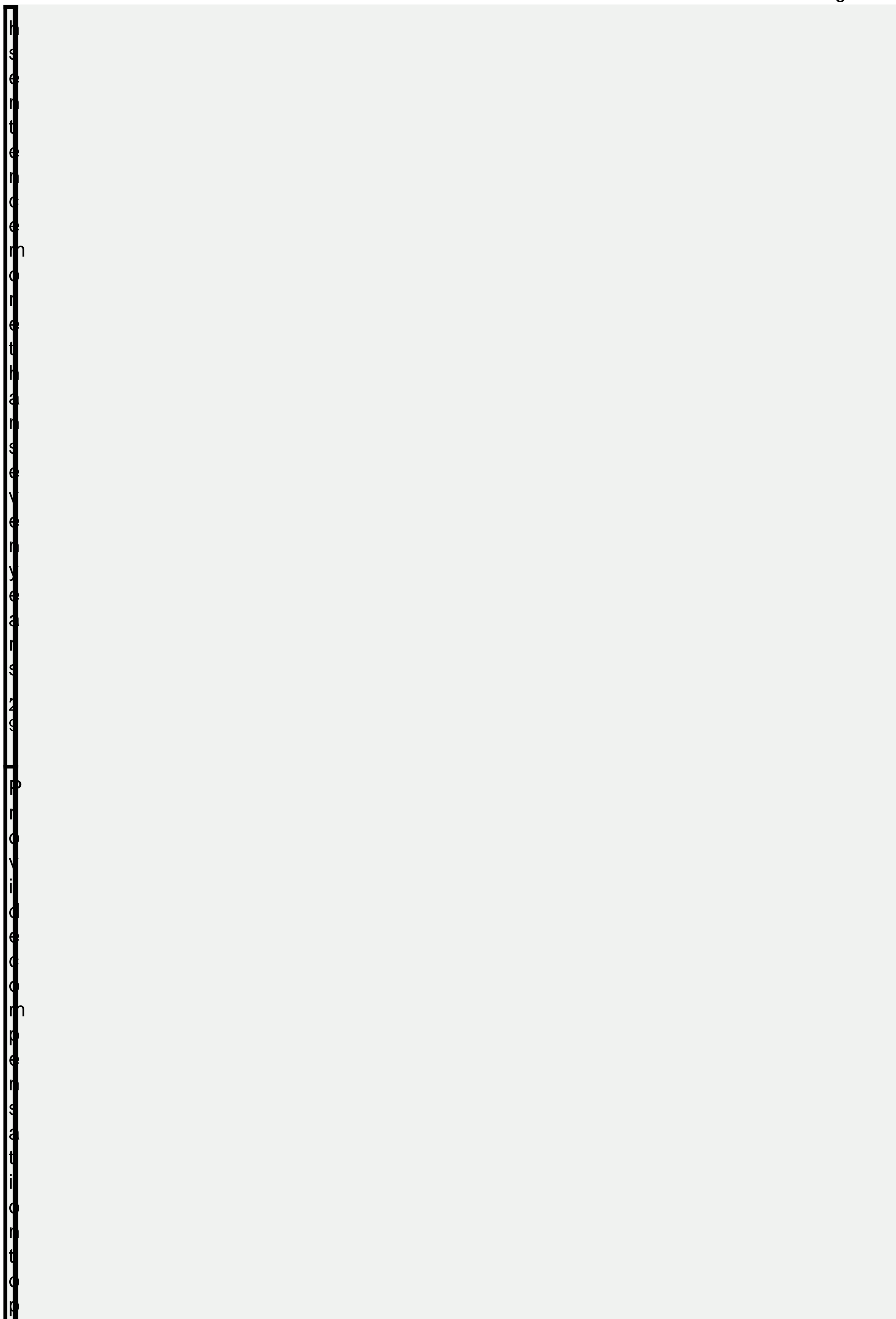

gh Court .
Rights of the accused as recognised by the Supre

me Court be included in CrPC 30

Procedure when investigation

cannot be completed in 24 hours (CrPC s. 167) - Maximum period of

police custody to be 30 days in respect of offences punishable wit


hsentencemorethansevenyears
provide compensation to p

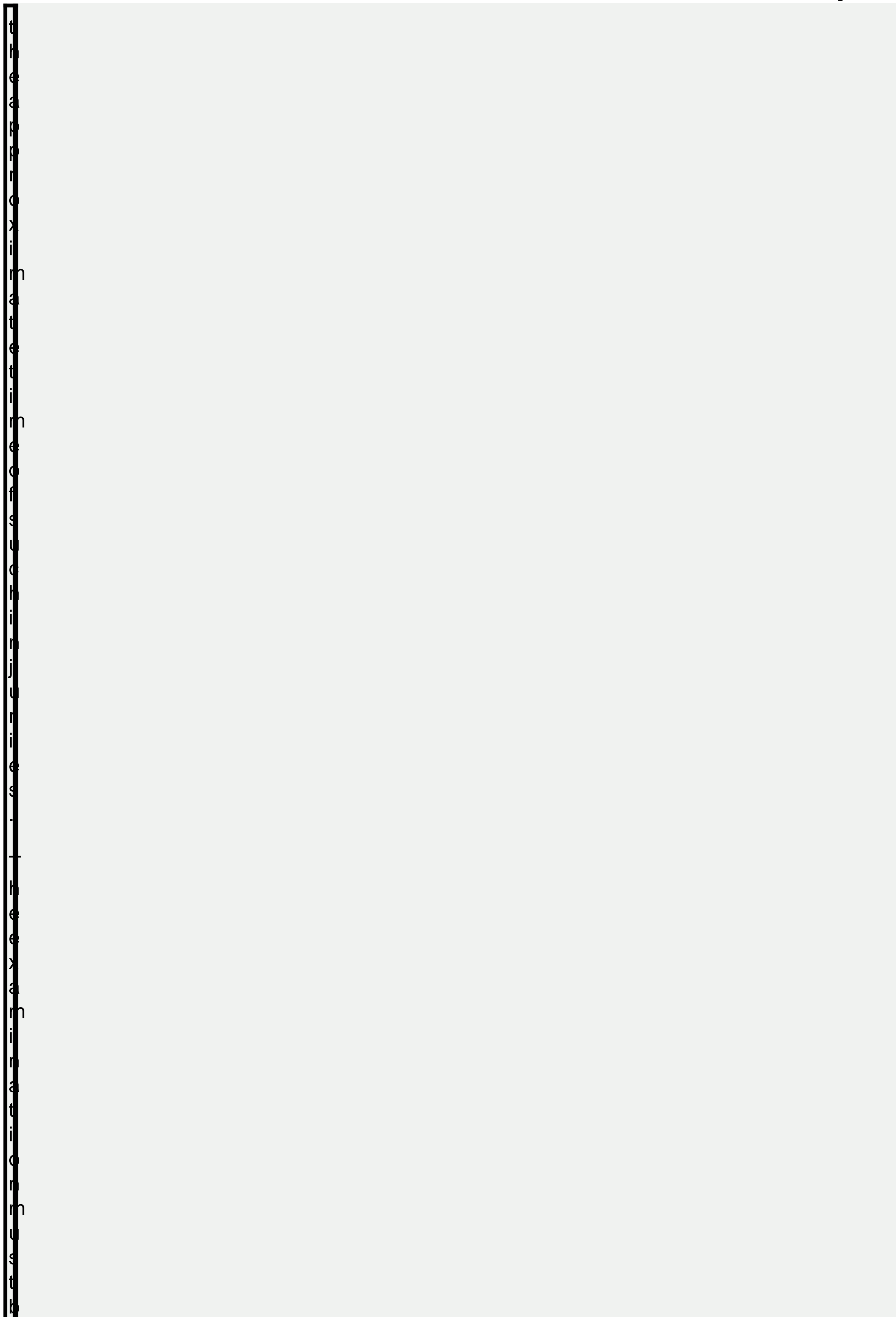
eople who are wrongfully accused.[30]

Arrest[31]

Arreste

d person must be examined by a medical officer after arrest (CrP

Cs. 54). The officer must record any injuries on the person and



the approximate time of such injuries. The examination must b

e repeated every 48 hours during the detention.

Statements/C

onfessions to Police

Statements to police (CrPC s. 162) - Stat

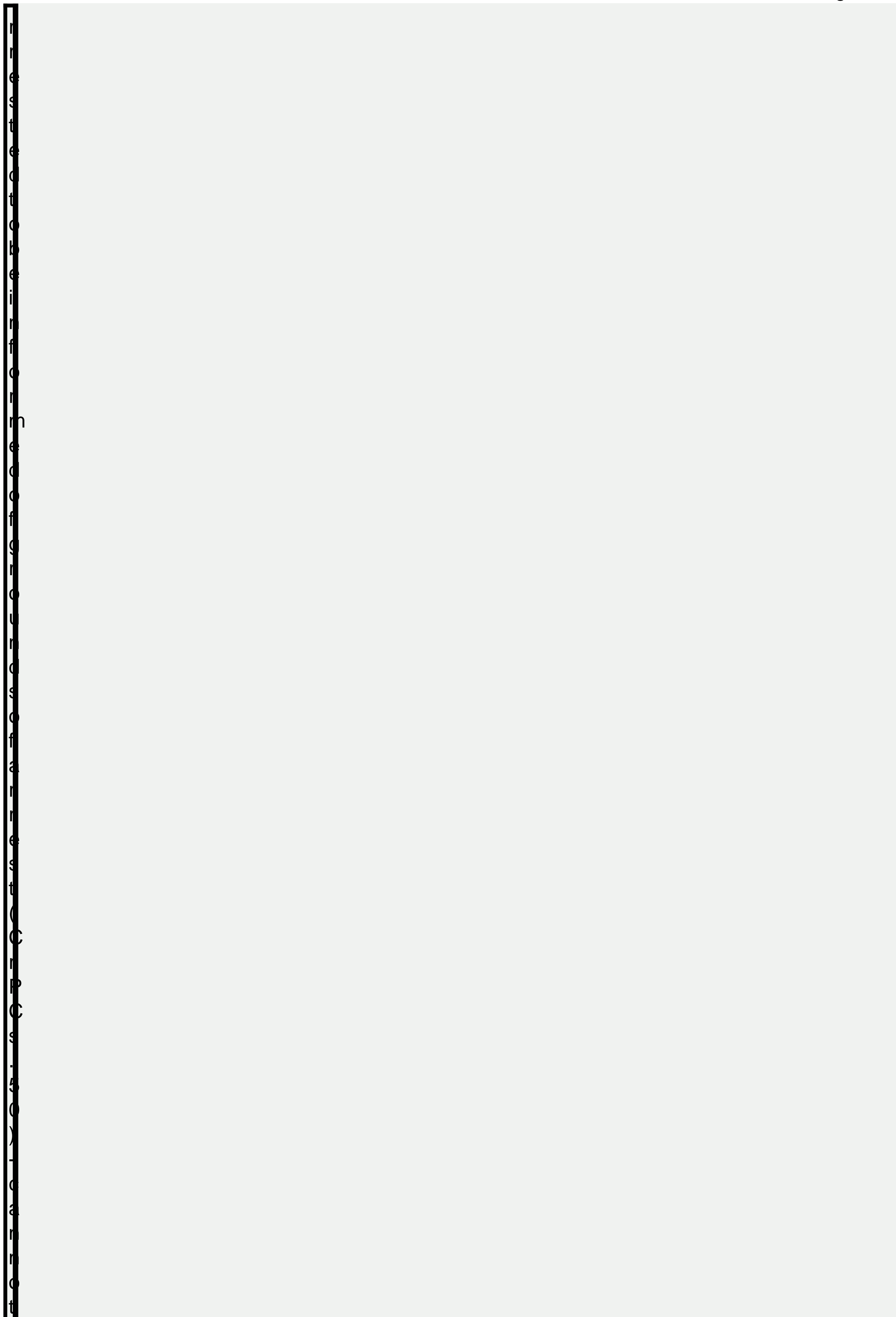
ements to be read over and signed by the statement maker and a cop

y given to him. Such statements can be used for contradicting

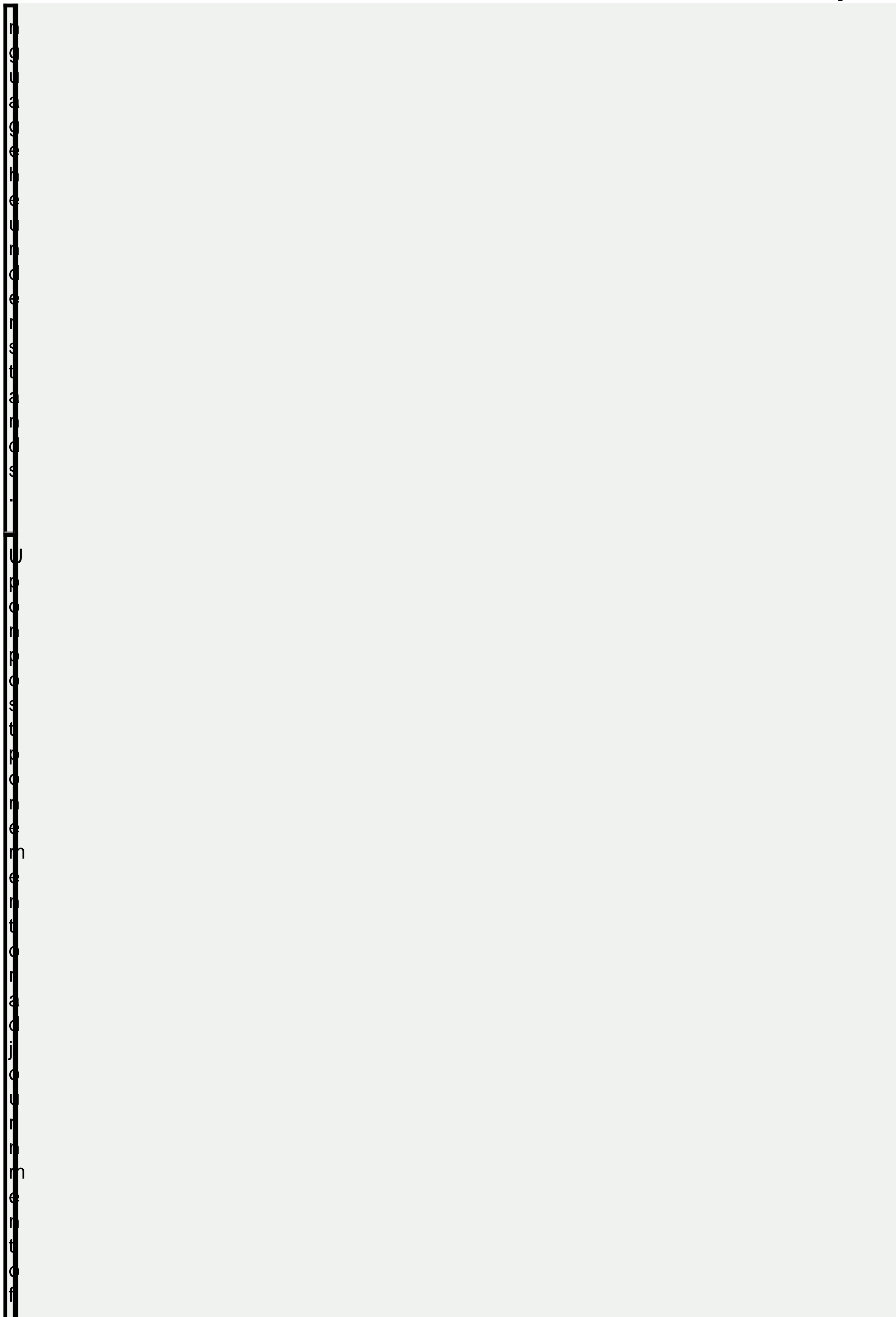
and corroborating the statement maker 30

Bail[32]

persona


rrested to be informed of grounds of arrest (CrPC s.50) - cannot

be meaningful unless the arrestee is informed in writing in a la



nguage he understands.

Upon postponement or adjournment of

the trial, the Court will release the accused on bail or remand h

into further custody and record the reasons CrPC s. 309(2).

W

hen bail is denied, the court must provide a brief explanation f

or the refusal.

Notes: This Table highlights some important recommendations made by various committees and Law Commission on CrPC. It is not an exhaustive list.

Sources: See endnotes; PRS.

[1]. Stokes, Anglo-Indian Codes, Vol. 2, pages 2-3.

[2]. The Code of Criminal procedure, 1973.

[3]. The Code of Criminal Procedure (Amendment) Act, 2005.

[4]. AIR 1997 SC 610, D.K. Basu v. State of West Bengal, Supreme Court, December 18, 1996, 1979 AIR 1360, Hussainara Khatoon v. State of Bihar, Supreme Court, February 12, 1979.

[5]. Report No. 78, Law Commission of India, 1979.

[6]. Report No. 273, Law Commission of India, 2017.

[7]. 1978 AIR 597, Maneka Gandhi v. Union of India, Supreme Court, January 25, 1978.

[8]. Article 22, The Constitution of India, 1950, Section 51, The Code of Criminal Procedure, 1973.

[9]. Section 43D, the Unlawful Activities (Prevention Act), 1967.

[10]. 1992 AIR 1768, Central Bureau of Investigation v. Anupam J. Kulkarni, Supreme Court, May 8, 1992.

[11]. Report No. 247, ‘the Bharatiya Nagarik Suraksha Sanhita’, Standing Committee on Home Affairs, November 10, 2023.

[12]. ‘Guidelines regarding Arrest’, National Human Rights Commission.

[13]. 1980 AIR 1535, Prem Shankar Shukla vs. Delhi Administration, Supreme Court, April 29, 1980.

[14]. 1995 3 SCC 743, Citizens for Democracy v. State of Assam, May 1, 1995.

[15]. Criminal Appeal 499 of 2011, State of NCT of Delhi vs Sanjay, Supreme Court, September 4, 2014.

[16]. Section 184, the Motor Vehicles Act, 1988, Section 279, The Indian Penal Code, 1860.

[17]. Chapter XXXIII, ‘Provision as to Bail and Bonds’, The Code of Criminal Procedure, 1973.

[18]. 1977 AIR 2447, State of Rajasthan v. Balchand, Supreme Court, September 20, 1977.

[19]. 2016 3 SCC 700, In re: Inhuman Conditions in 1382 Prisons, Supreme Court, February 5, 2016.

[20]. Prison Statistics of India (2021), National Crime Records Bureau.

[21]. 2019 20 SCC 119, Nevada Properties Pvt. Ltd. V. State of Maharashtra, Supreme Court, September 24, 2019.

[22]. Section 3, 5, 8, the Prevention of Money Laundering Act, 2002.

[23]. Section 311A, The Code of Criminal Procedure, 1973.

[24]. The Criminal Procedure (Identification) Act, 2022.

[25]. W.P. (CRL) 869/2022, Harshit Goel v. Union of India, Delhi High Court.

[26]. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

[27]. Entry 1, List II, Seventh Schedule, The Constitution of India.

[28]. Entry 2, List III, Seventh Schedule, The Constitution of India.

[29]. Committee on Reforms of Criminal Justice System (Malimath Committee): Report: Volume I, 2003, Ministry of Home Affairs.

[30]. Report No. 277, Law Commission of India, 2018.

[31]. Report No. 177, Law Commission of India, 2001.

[32]. Report No. 268, Law Commission of India, 2017.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crac

Source : www.prsindia.org Date : 2023-12-14

THE JAMMU AND KASHMIR REORGANISATION (SECOND AMENDMENT) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

- The Jammu and Kashmir Reorganisation (Second Amendment) Bill, 2023 was introduced in Lok Sabha on December 12, 2023. The Bill amends the Jammu and Kashmir Reorganisation Act, 2019. The Act provides for the reorganisation of the state of Jammu and Kashmir into the union territories of Jammu and Kashmir (with legislature) and Ladakh (without legislature).
- **Reservation for women: The Bill reserves, as nearly as possible, one-third of all elected seats in the Jammu and Kashmir Legislative Assembly for women. This reservation will also apply to the seats reserved for Scheduled Castes and Scheduled Tribes in the Assembly.**
- **Commencement of reservation: The reservation will be effective once the census conducted after the commencement of this Bill has been published. Based on the census, delimitation will be undertaken to reserve seats for women. The reservation will be in place for 15 years. However, it will continue till such date as determined by a law made by Parliament. Note that the Constitution bars delimitation before the first census post 2026.**
- **Rotation of seats: Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.**

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.pib.gov.in Date : 2023-12-14

RAJYA SABHA PASSES CENTRAL UNIVERSITIES (AMENDMENT), BILL, 2023 FOR ESTABLISHMENT SAMMAKKA SARAKKA CENTRAL TRIBAL UNIVERSITY IN TELANGANA

Relevant for: null | Topic: Important Schemes & Programmes of the Government

The Rajya Sabha on December 13, 2023 passed the Central Universities (Amendment), Bill, 2023 further to amend the Central Universities Act, 2009 for establishment Sammakka Sarakka Central Tribal University at Mulugu in the State of Telangana. The Bill was passed by the Lok Sabha on 7th December, 2023.

Speaking on the Central Universities (Amendment) Bill, 2023 in #RajyaSabha.
https://t.co/091SkiYbeX

Union Minister for Education Shri Dharmendra Pradhan in his response to the discussion on the Bill in Rajya Sabha said that under the leadership of Prime Minister Shri Narendra Modi, yet another promise made to the people of Telangana has been fulfilled. He thanked all the MPs who voted to make this bill a reality. The passage of the bill reflects the collective commitment to improve access and quality of higher education in the country, he added.

Shri Pradhan added that the university will cater to the regional aspirations for years to come, enhance quality and promote research among tribal communities, including in subjects such as tribal art, culture, customs and traditional knowledge systems. The university will be a harbinger of progress for our tribal brothers and sisters across states, he emphasised.

He mentioned that the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 ensured the rights of SC/ST/OBC/EWS of reservation envisaged under the Constitution.

He informed about the Balvatika initiative, which includes activities like Jaadui Pitara, has been started for 3-5 year kids to inculcate teaching-learning methods. The Skill-based education & training has been started in schools, he added.

Shri Pradhan also highlighted the international acceptance of NEP. He informed that Iran has done a Persian translation of NEP 2020 to implement the policy in Iran and Mauritius has sought cooperation in developing an institution, similar to NCERT in their country.

The University will be established at a cost of Rs. 889.07 crore. In the University, there will be graduate, postgraduate and Doctoral level courses under the five schools having 11 departments. A total of 2790 UG and PG students are proposed for the initial seven years of operation of this Tribal University. The establishment of this University will create direct employment in the form of faculty and non-faculty positions. Besides, it will also create employment avenues through outsourcing/ contractual basis. It will result in developing surrounding areas through several services and commercial activities which in turn will generate indirect employment opportunities.

The University has been named "Sammakka Sarakka Central Tribal University" on the mother and daughter, Sammakka and Saralamma (commonly known as Sarakka), who are believed to be manifestations of Adi Parashakti sent to protect the tribal communities of Telangana.

*****

SS/AK

The Rajya Sabha on December 13, 2023 passed the Central Universities (Amendment), Bill, 2023 further to amend the Central Universities Act, 2009 for establishment Sammakka Sarakka Central Tribal University at Mulugu in the State of Telangana. The Bill was passed by the Lok Sabha on 7th December, 2023.

Speaking on the Central Universities (Amendment) Bill, 2023 in #RajyaSabha.
https://t.co/091SkiYbeX

Union Minister for Education Shri Dharmendra Pradhan in his response to the discussion on the Bill in Rajya Sabha said that under the leadership of Prime Minister Shri Narendra Modi, yet another promise made to the people of Telangana has been fulfilled. He thanked all the MPs who voted to make this bill a reality. The passage of the bill reflects the collective commitment to improve access and quality of higher education in the country, he added.

Shri Pradhan added that the university will cater to the regional aspirations for years to come, enhance quality and promote research among tribal communities, including in subjects such as tribal art, culture, customs and traditional knowledge systems. The university will be a harbinger of progress for our tribal brothers and sisters across states, he emphasised.

He mentioned that the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 ensured the rights of SC/ST/OBC/EWS of reservation envisaged under the Constitution.

He informed about the Balvatika initiative, which includes activities like Jaadui Pitara, has been started for 3-5 year kids to inculcate teaching-learning methods. The Skill-based education & training has been started in schools, he added.

Shri Pradhan also highlighted the international acceptance of NEP. He informed that Iran has done a Persian translation of NEP 2020 to implement the policy in Iran and Mauritius has sought cooperation in developing an institution, similar to NCERT in their country.

The University will be established at a cost of Rs. 889.07 crore. In the University, there will be graduate, postgraduate and Doctoral level courses under the five schools having 11 departments. A total of 2790 UG and PG students are proposed for the initial seven years of operation of this Tribal University. The establishment of this University will create direct employment in the form of faculty and non-faculty positions. Besides, it will also create employment avenues through outsourcing/ contractual basis. It will result in developing surrounding areas through several services and commercial activities which in turn will generate indirect employment opportunities.

The University has been named "Sammakka Sarakka Central Tribal University" on the mother and daughter, Sammakka and Saralamma (commonly known as Sarakka), who are believed to be manifestations of Adi Parashakti sent to protect the tribal communities of Telangana.

*****

SS/AK

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.pib.gov.in Date : 2023-12-16

CABINET APPROVES MEMORANDUM OF COOPERATION SIGNED BETWEEN INDIA AND KINGDOM OF SAUDI ARABIA ON COOPERATION IN THE FIELD OF DIGITIZATION AND ELECTRONIC MANUFACTURING

Relevant for: Indian Economy | Topic: Infrastructure: Energy incl. Renewable & Non-renewable

The Cabinet chaired by Hon’ble Prime Minister Shri Narendra Modi was apprised of a Memorandum of Cooperation (MoC) signed on 18th August, 2023 between the Ministry of Electronics and Information Technology of the Republic of India and the Ministry of Communications and information Technology of the kingdom of Saudi Arabia on cooperation in the field of Digitization and Electronic Manufacturing.

The Memorandum of Cooperation intends to strengthen collaboration in the field of Digitization, Electronic Manufacturing, e-Governance, smart infrastructure, e-Health and e-Education, promote partnership in research in digital innovation and the use of emerging technologies such as Artificial Intelligence (AI), Internet of Things (IoT), Robots, Cloud Computing and Blockchain, etc. This MoC would establish a framework for cooperation in the area of digitization and electronic manufacturing and establish partnerships between India and Saudi Arabia.

The MoC aims to promote ways of innovative training and development through e-Teaching, e-learning and exchange programs in the digitization and electronics manufacturing and to develop joint training programs for capacity building and access to highly skilled Information and Communication Technologies professionals, strengthen SME and start-up ecosystem by sharing information on business accelerators, venture capital and incubators of technology start-ups which would indirectly generate employment opportunities for both parties.

The collaboration activities under this MoC will promote cooperation in the area of Digitization and Electronic Manufacturing which are integral to the envisaged objectives of Atmanirbhar Bharat.

*****

DS

The Cabinet chaired by Hon’ble Prime Minister Shri Narendra Modi was apprised of a Memorandum of Cooperation (MoC) signed on 18th August, 2023 between the Ministry of Electronics and Information Technology of the Republic of India and the Ministry of Communications and information Technology of the kingdom of Saudi Arabia on cooperation in the field of Digitization and Electronic Manufacturing.

The Memorandum of Cooperation intends to strengthen collaboration in the field of Digitization, Electronic Manufacturing, e-Governance, smart infrastructure, e-Health and e-Education, promote partnership in research in digital innovation and the use of emerging technologies such as Artificial Intelligence (AI), Internet of Things (IoT), Robots, Cloud Computing and Blockchain, etc. This MoC would establish a framework for cooperation in the area of digitization and electronic manufacturing and establish partnerships between India and Saudi Arabia.

The MoC aims to promote ways of innovative training and development through e-Teaching, e-learning and exchange programs in the digitization and electronics manufacturing and to develop joint training programs for capacity building and access to highly skilled Information and Communication Technologies professionals, strengthen SME and start-up ecosystem by sharing information on business accelerators, venture capital and incubators of technology start-ups which would indirectly generate employment opportunities for both parties.

The collaboration activities under this MoC will promote cooperation in the area of Digitization and Electronic Manufacturing which are integral to the envisaged objectives of Atmanirbhar Bharat.

*****

DS

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-19

THE HOLLOWING OUT OF THE ANTI-DEFECTION LAW

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 19, 2023 12:41 am | Updated 12:41 am IST

COMMents

SHARE

READ LATER

Haryana BSP Leader Kartar Singh Bhadana joins the BJP in New Delhi in 2019. | Photo Credit: MOORTHY R.V.

It is highly unlikely that political defections as well as India's anti-defection law will ever not be a part of public discourse. The Speaker of the Maharashtra Assembly, Rahul Narwekar, is currently juggling his responsibilities of presiding over the Assembly's winter session alongside hearing the disqualification petitions against the rival factions of the Shiv Sena.

The anti-defection law, found under the Tenth Schedule of the Constitution, was enacted to curb frequent floor-crossing by legislators. It provides for the disqualification of elected legislators from the legislature in instances where they voluntarily switch parties or vote against the party's direction. But when two-thirds of elected members of a party agree to "merge" with another party, they become exempt from disqualification. Before 2003, there was a provision where, if as a result of a split in the original party, one-third of the members of the legislature moved out of the party, they were exempt from disqualification. However, given its excessive misuse, the provision was omitted by the 91st Amendment to the Constitution.

The years following the implementation of the Tenth Schedule have exposed the chinks in its armour. Political defections have persisted and, more worryingly, gone unpunished or undetected. Owing to the deft use of the exemptions under the Tenth Schedule, political parties have caused democratically elected State governments to fall. In the last 10 years alone, group defections have caused the unravelling of State governments in Maharashtra, Madhya Pradesh, Manipur, Karnataka, and Arunachal Pradesh.

In the splits that occurred in the Shiv Sena and the Nationalist Congress Party (NCP), a group in each of these parties mustered the required two-thirds majority of legislators in the legislature party, and formed a separate faction. The splitting factions of the Shiv Sena and the NCP neither merged with an existing political party nor established a new one. Instead, each of them claimed to be the original political party themselves, and then forged alliances with the Bharatiya Janata Party (BJP) to form or join the ruling government. With the split exception gone, the only protection available to group defectors is that of a merger. However, there was no merger between any two parties in Maharashtra. Needless to say, this will be a concern which factions of both the Shiv Sena and the NCP will have to contend with in the disqualification hearings.

A brief survey by the Vidhi Centre for Legal Policy, of disqualification petitions filed under the

Tenth Schedule before the Speaker of the Uttar Pradesh Legislative Assembly (1990-2008), revealed another practice which can be loosely termed as "splits followed by mergers". In this trend, an elected legislator (or a group of legislators) would separate from the political party they belonged to, and avail themselves of the exemption given to splits between political parties by forming a group of one-third MLAs of the legislature party. After that, the entire group of splitting legislators would merge with another party. Given that they would merge in full, they would meet the threshold of two-third of the MLAs required to effectuate a merger with another party. From the disqualification petitions surveyed in U.P., several occurrences of splits followed by mergers emerged. In 2003, U.P. MLA Rajendra Singh Rana from the Bahujan Samaj Party, along with 36 MLAs, split to form the Loktantrik Bahujan Dal (LBD). In the same year, these 37 MLAs of the LBD merged with the Samajwadi Party (SP). Similarly, another U.P. MLA, Rajaram Pandey, defected thrice between the Janata Dal, the Lok Janshakti Party, and the Samata Party, to ultimately move to the SP. In many such instances, through a combined use of both these exceptions, MLAs could jump ship more than once, blatantly mocking the anti-defection law.

This trend was also visible in the Haryana Assembly (1989-2011). Some of these splits and mergers happened in quick succession, and sometimes within the same day. For instance, a group comprising Kartar Singh Bhadana and 16 other MLAs split from the Haryana Vikas Party on August 13, 1999, and merged with the Haryana Lok Dal Rashtriya in just three days.

Splitting and merging MLAs were exempted from disqualification under the Tenth Schedule to protect instances of principled defections, especially where MLAs found themselves at odds with the ideology of their original party. However, the practical use of these exceptions belies this expectation, with mergers being engineered strategically to bring down elected governments. The very provisions of the anti-defection law have become a potent tool in the hands of political parties to defeat the object of the law. The way in which the merger provision has come to be used also fuels speculation. In Karnataka, for instance, Janata Dal (Secular) leader H.D. Kumaraswamy predicted the downfall of the incumbent Congress government spurred by the exit of 50-60 MLAs. Irrespective of the veracity of these claims, such speculation is not conducive for the seamless working of a representative democracy. No provision of law should be a fallback option for parties in the Opposition to upend democratically elected governments. The merger exception should be deleted from the Tenth Schedule. That should be the first step towards ridding the Tenth Schedule of its ailments, after which other steps should follow.

Ritwika Sharma is a Senior Resident Fellow at the Vidhi Centre for Legal Policy and leads Charkha, Vidhi's Constitutional Law Centre. Mayuri Gupta is the Milon K. Banerji Fellow at Vidhi and works with Charkha. They are authors of Vidhi's recently published report titled 'Anatomy of India's Anti-Defection Law: Identifying Problems, Suggesting Solutions'

COMMents

SHARE

politics (general) / political parties / laws

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an

account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.prsindia.org Date : 2023-12-19

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND (AMENDMENT) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

- The National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Bill, 2023 was introduced in Lok Sabha on December 13, 2023. The Bill amends National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. The Act protects unauthorised development and encroachment by specified persons in the Union Territory of Delhi from punitive action. These include slum dwellers, hawkers, unauthorised colonies, schools, religious and cultural institutions, and agricultural godowns. It requires the central government to take certain measures to address these issues. These include: (i) finalising norms, policy guidelines, and strategies, and (ii) making orderly arrangements for relocation and rehabilitation.
- **Validity of the Act extended until 2026: The Act was initially valid until December 31, 2014, with subsequent amendments extending it until December 31, 2023. The Bill further extends the validity until December 31, 2026.**

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-20

INCOMING CALL: ON THE INTRODUCTION OF THE TELECOMMUNICATIONS BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 20, 2023 12:20 am | Updated 07:30 am IST

COMMents

SHARE

READ LATER

The introduction of the Telecommunications Bill, 2023, inches closer to achieving the Union government's long-standing aim of consolidating the law for wireless networks and Internet service providers, with a 46-page statute that leaves existing regulatory structures largely intact, while simplifying bureaucratic procedures such as applying for licences and permits for telecom operators. Licensing processes are set to be digitised, and telecom operators will have a new way of dealing with non-compliance with their licence terms, while also having access to district- and State-level authorities for permissions and dispute resolution when setting up their equipment and optical fiber networks on public and private properties. The Bill also lets the satellite Internet industry — long touted as a way for at least some remote areas to get net connectivity — breathe a sigh of relief, as there is clarity that it will not need to bid for spectrum, thus putting India on similar footing with other countries. The Bill has been welcomed by industry bodies for streamlining their regulatory landscape and promoting their ease of doing business, and could possibly give the much-needed regulatory stability and enabling environment for the next phase of telecom expansion. Over half of India's population is on the margins of the connected world, and the Bill could help.

But issues persist: the expansive definition of telecom brings in its ambit a range of services, and state authority over them raises concerns of privacy and surveillance. These concerns are not merely academic considering past allegations of state-sponsored snooping. The Bill tries to deal with spamming concerns, but its proposed solutions require additional compromises to privacy. The issues of surveillance reform and Internet shutdowns have massive implications, and must not be avoided just because they are contentious. The government must address these concerns with an open mind, considering the vast powers that the text of the Bill grants it. When the last draft was publicly floated for consultation, responses from industry bodies and the public were withheld from scrutiny. To further reassure the public of its clean motives, the government must scrupulously conduct rule-making with absolute transparency and consultation. This is especially important as many of the Act's provisions need subordinate legislation notified by the Department of Telecommunications before they come into force. The telecommunications landscape has evolved dramatically since the Telegraph Act was first passed in the 19th century, and regulation and law-making of the Internet world need to comprehensively address all the issues that have come with this digital explosion.

COMMents

SHARE

telecommunication service / laws / internet / wireless technology / Right to Privacy

BACK TO TOP

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.c

Source : www.pib.gov.in Date : 2023-12-21

MINISTRY OF WOMEN AND CHILD DEVELOPMENT TO ORGANISE NATIONAL PROGRAMME ON AANGANWADI –CUM- CRÈCHES (AWCC) UNDER PALNA TOMORROW

Relevant for: null | Topic: Important Schemes & Programmes of the Government

Ministry of Women and Child Development is organising National Programme on Anganwadi–cum-Crèches (AWCC) under *Palna* on 21st December 2023 at Vigyan Bhawan.

The event is divided in three sessions, starting with the Inaugural Session to be presided over by Smt. Smriti Zubin Irani, Union Minister of Women and Child Development and Minority Affairs. Dr. Munjapara Mahendrabhai, Minister of State for Ministry of Women and Child Development and AYUSH, Sh. Indevar Pandey, Secretary, Ministry of Women & Child Development, Ms. Arti Ahuja, Secretary, Ministry of Labour & Employment, Sh. Inder Deep Singh Dhariwal, Joint Secretary, Ministry of Corporate Affairs and Ms. Rajul Bhatt, Joint Secretary, Department of Personnel & Training will also participate in the programme .

The workshop session will be on the development of Child Care during Amrit Kaal with two Panel Discussions, first one on **‘Care Economy: Care to Empowerment’** and second Panel Discussion on **‘Intervention in implementing Day Care Centres/ Crèches’**.

The Government of India’s initiatives on education and skill development of Women have resulted in more women entering the work force. In order to facilitate their entry into the work force, there is a need for quality child care services. Anganwadi centres are the world's largest childcare institutions dedicated to providing essential care and support to children ensuring delivery of care facilities till the last mile. In a first of its kind approach, the Ministry of Women & Child Development has extended the services of childcare through Anganwadi cum Crèche (AWCC) under *Palna* sub-component of Mission Shakti.. The objective of AWCC is to provide quality Crèche facility in a safe and secure environment for children (aged between 6 months to 6 years), nutritional support, health and cognitive development of children, growth monitoring, immunization, education etc., ensuring their well-being in a safe and secure environment. *Palna*, a sub-scheme under Mission Shakti, under the Ministry of Women and Child Development, was implemented for all States/UTs w.e.f. 01 April 2022, for providing day care facilities and protection to children.

As part of enabling the states and districts to operationalise *Palna,* the Ministry of Women & Child Development has prepared a Standard Operating Procedure (SOP) for administration and implementation of scheme which includes general instructions, scheme overview, administrative hierarchy besides infrastructure and protocol for monitoring. Proposals for establishment and operation of Crèches are received from the respective State Governments/UT Administrations. During the 15th Finance Cycle, a total of 17,000 AWCCs have been envisioned to be set-up, out of which 5222 AWCCs have been approved till date, as per proposals received from various States/UTs and as on 31.10.2023, 2412 Standalone Crèches, aided by the Government, are operational.

Sh. Indevar Pandey, Prof. Manish R. Joshi, Secretary, University Grants Commission, Ms. Kanta Singh, Deputy Country Representative, UN Women Office in India, Ms. Mitali Nikore, Economist in Gender mainstreaming, Ms. Rumjhum Chatterjee, Chairperson, Confederation of Indian Industry (CII), Ms. Jyoti Vij Additional Secretary General, FICCI will be part of the panel

discussion on **‘Care Economy: Care to Empowerment’.**

Sh. Nitishwar Kumar, Additional Secretary & Financial Advisor, Ministry of Women & Child Development, Dr. Preetam B. Yashvant , Joint Secretary, Ministry of Women & Child Development, Ms. Amneet P Kumar, Commissioner & Secretary, Department of Women and Child Development, Government of Haryana, Ms. Sumitra Mishra, Executive Director, Mobile Crèches, Ms. Veena Bandyopadhyay, Social Policy Specialist, UNICEF Representative to India, Ms. Saachi Bhalla, Director, India Country Office, Bill & Melinda Gates Foundation will be part of the panel discussion on **Intervention in implementing Day Care Centres/ Crèches.**

*****

SS/TFK

Ministry of Women and Child Development is organising National Programme on Anganwadi–cum-Crèches (AWCC) under *Palna* on 21st December 2023 at Vigyan Bhawan.

The event is divided in three sessions, starting with the Inaugural Session to be presided over by Smt. Smriti Zubin Irani, Union Minister of Women and Child Development and Minority Affairs. Dr. Munjapara Mahendrabhai, Minister of State for Ministry of Women and Child Development and AYUSH, Sh. Indevar Pandey, Secretary, Ministry of Women & Child Development, Ms. Arti Ahuja, Secretary, Ministry of Labour & Employment, Sh. Inder Deep Singh Dhariwal, Joint Secretary, Ministry of Corporate Affairs and Ms. Rajul Bhatt, Joint Secretary, Department of Personnel & Training will also participate in the programme .

The workshop session will be on the development of Child Care during Amrit Kaal with two Panel Discussions, first one on **‘Care Economy: Care to Empowerment’** and second Panel Discussion on **‘Intervention in implementing Day Care Centres/ Crèches’**.

The Government of India’s initiatives on education and skill development of Women have resulted in more women entering the work force. In order to facilitate their entry into the work force, there is a need for quality child care services. Anganwadi centres are the world's largest childcare institutions dedicated to providing essential care and support to children ensuring delivery of care facilities till the last mile. In a first of its kind approach, the Ministry of Women & Child Development has extended the services of childcare through Anganwadi cum Crèche (AWCC) under *Palna* sub-component of Mission Shakti.. The objective of AWCC is to provide quality Crèche facility in a safe and secure environment for children (aged between 6 months to 6 years), nutritional support, health and cognitive development of children, growth monitoring, immunization, education etc., ensuring their well-being in a safe and secure environment. *Palna*, a sub-scheme under Mission Shakti, under the Ministry of Women and Child Development, was implemented for all States/UTs w.e.f. 01 April 2022, for providing day care facilities and protection to children.

As part of enabling the states and districts to operationalise *Palna,* the Ministry of Women & Child Development has prepared a Standard Operating Procedure (SOP) for administration and implementation of scheme which includes general instructions, scheme overview, administrative hierarchy besides infrastructure and protocol for monitoring. Proposals for establishment and operation of Crèches are received from the respective State Governments/UT Administrations. During the 15th Finance Cycle, a total of 17,000 AWCCs have been envisioned to be set-up, out of which 5222 AWCCs have been approved till date, as per proposals received from various States/UTs and as on 31.10.2023, 2412 Standalone Crèches, aided by the Government, are operational.

Sh. Indevar Pandey, Prof. Manish R. Joshi, Secretary, University Grants Commission, Ms. Kanta Singh, Deputy Country Representative, UN Women Office in India, Ms. Mitali Nikore, Economist in Gender mainstreaming, Ms. Rumjhum Chatterjee, Chairperson, Confederation of Indian Industry (CII), Ms. Jyoti Vij Additional Secretary General, FICCI will be part of the panel discussion on **'Care Economy: Care to Empowerment'.**

Sh. Nitishwar Kumar, Additional Secretary & Financial Advisor, Ministry of Women & Child Development, Dr. Preetam B. Yashvant , Joint Secretary, Ministry of Women & Child Development, Ms. Amneet P Kumar, Commissioner & Secretary, Department of Women and Child Development, Government of Haryana, Ms. Sumitra Mishra, Executive Director, Mobile Crèches, Ms. Veena Bandyopadhyay, Social Policy Specialist, UNICEF Representative to India, Ms. Saachi Bhalla, Director, India Country Office, Bill & Melinda Gates Foundation will be part of the panel discussion on **Intervention in implementing Day Care Centres/ Crèches.**

*****

SS/TFK

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS

Source : www.thehindu.com Date : 2023-12-22

AS JN.1 EMERGES AS VARIANT OF INTEREST, TIME TO EVALUATE PREPAREDNESS AND EFFECTIVE TESTING AND TREATMENTS

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 21, 2023 10:49 pm | Updated December 22, 2023 01:15 am IST

COMMents

SHARE

READ LATER

The JN.1 variant is likely more transmissible or able to evade our immune systems. | Photo Credit: Getty Images

COVID-19 has appeared on the radar again, nearly a year and a half after the world relaxed and watched the progress of the virus from a distance. The identification of a sub variant - JN.1 - has sparked fresh interest in the epidemiological world, and has sounded the need for caution. The World Health Organisation, has decided, due to its rapid spread, to classify the variant JN.1 as a separate variant of interest (VOI) from the parent lineage BA.2.86. It was previously classified as VOI as part of BA.2.86 sublineages.

As per WHO's updated definition of a VOI, it would be a SARS-CoV-2 variant with genetic changes that are predicted or known to affect virus characteristics such as transmissibility, virulence, antibody evasion, susceptibility to therapeutics and detectability. It has also been identified to have a growth advantage over other circulating variants in more than one WHO region with increasing relative prevalence alongside increasing number of cases over time, or other apparent epidemiological impacts to suggest an emerging risk to global public health.

The WHO also says that based on currently available evidence, the additional global public health risk posed by JN.1 is currently evaluated as low. Despite this, with the onset of winter in the Northern Hemisphere, JN.1 could increase the burden of respiratory infections in many countries. Nations would do well to prepare ahead for a possible cascade of respiratory infections, and treat them effectively, preventing severe disease and death.

The WHO added that it would continue to monitor the JN.1 variant and assess the situation, modifying advice as and when required. Maria Van Kerkhove, infectious disease epidemiologist who serves as the technical lead for COVID-19 response at the WHO, earlier explained that JN.1, a sublineage of the BA.2.86 series, is capable of the full spectrum, from asymptomatic disease to severe disease to death, similar to Omicron variants. Some countries have sounded the alert for people to wear masks in crowded and public areas, including Singapore and India. While it was first detected in the United States in September 2023, China detected seven infections of the particular sub-variant on December 15, as per a Reuters report.

The Centers for Disease Control in the US has been tracking this strain since August 2023. In a

statement, the CDC said: “The continued growth of JN.1 suggests that it is either more transmissible or better at evading our immune systems. At this time, there is no evidence that JN.1 presents an increased risk to public health relative to other currently circulating variants.” They also added that there was no indication of increased severity from JN.1 at this time.

Significantly, the CDC said that updated COVID-19 vaccines are expected to increase protection against JN.1 as they do for the other variants. “As noted in previous updates, COVID-19 tests and treatments are expected to be effective against JN.1.

Cases in India

In India, things have moved on since the first case of JN.1 was detected in Kerala, earlier this week .Admitting that India has registered a rise in the daily COVID-19 positivity rate in some States, including Kerala, Maharashtra, Jharkhand and Karnataka, the Union Health Ministry on Wednesday, while issuing an alert, said that no clusters had been reported in the new JN.1 variant of the SARS-CoV-2 coronavirus.

“The variant is currently under intense scientific scrutiny but not a cause of immediate concern. All JN.1 cases were found to be mild and all of them have recovered without any complications,” Ministry sources added. NITI Aayog Member (Health) V.K. Paul said that India has detected 21 cases of the JN.1 sub-variant JN.1, and between 91% and 92% of those infected are comfortable with home-based treatment. “19 cases of COVID-19 sub-variant JN.1 have been traced in Goa, and one each in Kerala and Maharashtra. Over the past two weeks, 16 deaths related to COVID-19 were recorded, with many of the deceased having serious co-morbidities,” Dr. Paul added.

The debate is on in India, about whether an additional dose of vaccination is required now to protect against JN.1, but most epidemiologists are agreed that with good coverage (nearly 95 %) of two doses of the vaccine combined with the immunity from natural infections will stand the country in good stead if the JN.1 were to progress from VOI to Variant of Concern.

Evolving pathogens

All viruses, including SARS-CoV-2, change over time. While most changes have little to no impact on the virus’s properties, a few changes can affect the way it spreads, severity of disease, the impact of vaccines, and effectiveness of therapeutic strategies. Meanwhile, in the two years, in several areas diagnostic technology has been enhanced by artificial intelligence, such as X-Rays with AI inputs, to aid in detection. Hopefully, these will be put to battle if such a situation were to arise.

However, some changes may affect the virus’s properties, such as how easily it spreads, the associated disease severity, or the performance of vaccines, therapeutic medicines, diagnostic tools, or other public health and social measures. In June 2020, the WHO Virus Evolution Working Group was established with a specific focus on SARS-CoV-2 variants, their phenotype and their impact on countermeasures. This later became the Technical Advisory Group on SARS-CoV-2 Virus Evolution. In late 2020, the emergence of variants that posed an increased risk to global public health prompted WHO to characterise some as variants of interest (VOIs) and variants of concern (VOCs) in order to prioritise global monitoring and research, and to inform and adjust the COVID-19 response.

A global concern is the availability of good data and models from across the world, proper sequencing of the viruses, with nations mounting intense surveillance. Dr. Van Kherkhov urged countries to mount surveillance, sequence the variants and share information. Sharing of data is

of crucial importance, as the last three years of the pandemic showed. The WHO says considerable progress has been made in establishing and strengthening a global system to detect signals of potential VOIs or VOCs and rapidly assess the risk posed by SARS-CoV-2 variants to public health. “It remains critical that these systems are maintained, and data are shared, according to good principles and in a timely fashion, as SARS-CoV-2 continues to circulate at high levels around the world.” The global health body also recommends monitoring the spread of SARS-CoV-2 in animal populations, and chronically infected individuals, which are crucial aspects of the global strategy to reduce the occurrence of mutations that have negative public health implications.

(ramya.kannan@thehindu.co.in)

COMMents

SHARE

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-22

REVISION SANS VISION: ON THE THREE BILLS THAT REPLACE THE BODY OF CRIMINAL LAWS IN INDIA

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 22, 2023 12:20 am | Updated 02:24 am IST

COMMents

SHARE

READ LATER

Law-making in the absence of a significant number of Opposition members does not reflect well on the legislature. The three Bills that replace the body of criminal laws in India were passed by Parliament in its ongoing session in the absence of more than 140 members. Even though the revised versions of the Bharatiya Nyaya Sanhita (BNS, which will replace the IPC), the Bharatiya Nagarik Suraksha Sanhita (which will replace the CrPC) and the Bharatiya Sakshya Bill (instead of the Evidence Act) were introduced after scrutiny by a Parliamentary Standing Committee, they still required legislative deliberations in the full chambers, given their implications for the entire country. Many concerns that the Bills gave rise to could not be raised in Parliament as a result. A conspicuous aspect of the new codes is that barring reordering of the sections, much of the language and contents of the original laws have been retained. However, Union Home Minister Amit Shah’s claim that the colonial imprint of the IPC, CrPC and the Evidence Act has been replaced by a purely Indian legal framework may not be correct, as the new codes do not envisage any path-breaking change in the way the country is policed, crimes are investigated and protracted trials are conducted.

The improvements in the BNS include the removal of the outdated sedition section, as exciting disaffection against the government or bringing it into hatred and contempt is no more an offence, and the introduction of mob lynching (including hate crimes such as causing death or grievous hurt on the ground of a person’s race, caste, community, sex, language or place of birth) as a separate offence. Another positive feature is the government ignoring the panel’s recommendation to bring back adultery, struck down by the Supreme Court, as a gender-neutral offence. However, it is questionable whether ‘terrorism’ should have been included in the general penal law when it is punishable under special legislation. Grave charges such as terrorism should not be lightly invoked. On the procedural side, some welcome features are the provision for FIRs to be registered by a police officer irrespective of where an offence took place and the boost sought to be given to use of forensics in investigation and videography of searches and seizures. A significant failure lies in not clarifying whether the new criminal procedure allows police custody beyond the 15-day limit, or it is just a provision that allows the 15-day period to spread across any days within the first 40 or 60 days of a person’s arrest. Revisions in law cannot be made without a vision for a legal framework that addresses all the inadequacies of the criminal justice system.

COMMents

SHARE

laws / parliament / politics / hate crimes / terrorism (crime) / police / criminal / crime, law and justice

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-22

QUESTIONABLE SEARCHES UNDER THE MONEY LAUNDERING ACT

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 22, 2023 12:16 am | Updated 02:20 am IST

COMMents

SHARE

READ LATER

‘The CBI and the ED have absolute freedom to do what is not authorised under the judgments of the Supreme Court’ | Photo Credit: KAMAL NARANG

The enforcement of the Prevention of Money Laundering Act, 2002 (passed in the background of India’s commitment to the international community to fight the drug menace and terrorism) has caused much consternation especially after its unusual interpretation by the Supreme Court of India in Vijay Madanlal Choudhary and Ors vs Union of India and Ors. (2022). The Supreme Court of India limited its application to “on the wrongful and illegal gain of property as a result of criminal activity relating to a scheduled offence”. It also held that “the property must qualify the definition of “proceeds of crime” under Section 2(1)(u) of the 2002 Act”. It went on to hold that “the authority of the Authorised Officer... to prosecute any person for offence of money-laundering gets triggered only if there exists proceeds of crime within the meaning of Section 2(1)(u) of the 2002 Act and further it is involved in any process or activity”.

The Court emphatically held that “Not even in a case of existence of undisclosed income and irrespective of its volume, the definition of ‘proceeds of crime’ under Section 2(1)(u) will get attracted, unless the property has been derived or obtained as a result of criminal activity relating to a scheduled offence”.

The law thus declared by the Court, which binds one and all under Article 141, is clear — “If the offence so reported is a scheduled offence, only in that eventuality, the property recovered by the Authorised Officer would partake the colour of proceeds of crime under Section 2(1)(u) of the 2002 Act, enabling him to take further action under the Act...”. In clarity, the Court declared, “Absent existence of proceeds of crime, as aforesaid, the authorities under the 2002 Act cannot step in or initiate any prosecution”.

The media has reported many cases of Enforcement Directorate (ED) searches, seizures and arrests — which are outside the ED’s powers, as held by the Court. Naturally, the conduct of the ED in this regard has resulted in severe criticism from the Supreme Court, as seen in Pankaj Bansal vs Union of India, recently.

The Court, while setting aside the arrest orders along with orders of remand passed by the Sessions Judge Panchkula, and affirmed by the High Court of Punjab and Haryana, made

damning observations: “This chronology of events reflects rather poorly, if not negatively, on the ED’s style of functioning. The ED, mantled with far-reaching powers under the stringent Act of 2002, must be seen to be acting with utmost probity, dispassion and fairness. In the case on hand, the ED failed to exercise its powers. The Court added, “Surprisingly, no consistent and uniform practice seems to be followed... as written copies of the grounds of arrest are furnished to arrested persons in certain parts of the country but in other areas,... the grounds of arrest are either read out to them or allowed to be read by them.” In November 2023, Justices Abhay S. Oka and Pankaj Mithal, in Pavana Dibbur vs The Directorate of Enforcement, 2023 INSC 1029, addressed key aspects of the PMLA: “On a plain reading of Section 3, unless proceeds of crime exist, there cannot be any money laundering offence,” and “To constitute any property as proceeds of crime, it must be derived or obtained directly or indirectly by any person as a result of criminal activity relating to a scheduled offence” Because, the existence of “proceeds of crime” is “sine qua non” for the offence under Section 3 of the PMLA.

Yet, what is happening in some States that are governed by the Opposition is damaging to federalism. The Mines and Minerals (Development and Regulation) Act, 1957 is not covered by the Schedule of the PMLA Act and offences in relation thereto are not “Scheduled Offences”. Yet, the ED in these States is conducting inquiries with respect to the alleged illegal mining of sand, a minor mineral under the control of States and not the Union. The Mines Act has extensive provision to curb evasion and enables penalty and prosecution for any illegal extraction of minerals . But, that power is with the State government.

In Jharkhand, the ED purportedly registered an enforcement case investigation report (No. 07/2023) on January 30, 2023 against an MLA of the ruling party and his associates based on certain first information reports (FIR) filed by some persons. While these complaints were under investigation, a writ petition was filed in the High Court by one Bijay Hansda (who was apparently in jail, and who later, on oath, told the High Court that he had not authorised anyone to file that petition) to refer these police cases to the Central Bureau of Investigation (CBI). Curiously, the ED was also made a party in this writ petition. The petition stated that the ED had started investigation “pertaining to illegal mining and on the laundering of the tainted monies generated from it” and that the petitioner was issued a summons, where he appeared and offered assistance on the modus operandi of the alleged offenders, based on which the ED had apparently prepared a prosecution report. The ED affidavit said, “The suspects of the ECIR 07/2023 ... are habitual offenders who are a party in the activities connected with the proceeds of crime”. The ED claimed that “... illegal mining is being done in a rampant manner and the proceeds ... dealt in cash.” The ED, at that stage, was neither investigating a scheduled offence nor did it have any property of crime.

Clearly, the process of the court was abused. The alleged petitioner, once out of jail, sought withdrawal of the petition. The High Court refused permission on August 8, 2023, and the next day delivered the judgment transferring the police cases to the CBI. It immediately registered the preliminary inquiry, and subsequently FIR, while a special leave petition (SLP) was filed by the alleged offenders before the Supreme Court stating that they had not been heard by the High Court before passing the judgment, besides contending that neither the CBI nor the ED had any jurisdiction in the matter.

Even more shocking is the order of the Bench on September 18, 2023: “Permission to file Special Leave Petition is granted. Issue Notice.”

In subsequent judicial developments, between September and November 2023, there were violations of procedure, such as the notice issuing Bench being changed contrary to the Supreme Court Rules, 2013 and the Handbook on Practice and Procedure and Office Procedure. Further, the later Bench was not persuaded by the arguments put forth by the senior

advocate for the alleged offender to grant interim relief in a very deserving case where, besides questions of jurisdiction, there were pointers to the violation of natural justice.

So now, the CBI and the ED have absolute freedom to do what is not authorised under the judgments of the Supreme Court. Interestingly, the ED in its affidavit before the High Court said that the "the Accused Pankaj Mishra is the MLA representative of Jharkhand Chief Minister and is a very influential person." So, the design is clear. Clearly, the process of the law is being abused in an innovative and lethal manner to target the political party ruling Jharkhand. Efforts are on by the ED to implicate other governments in some States including Tamil Nadu. The ED is singularly inactive in States run by the Bharatiya Janata Party, where the incidents of illegal mining are far more serious. In Maharashtra, Haryana, Uttar Pradesh, Gujarat and Madhya Pradesh, the cases of illegal mining are 6,743, 324, 23,787, 8,713, and 9,361, respectively.

This raises extremely disturbing questions not only about the abuse of authority by central investigating agencies but also the abuse of the process of court being permitted all along.

If mines and minerals are not part of "scheduled offences" and in a case where "proceeds of crime" are non-existent, it is shocking that courts should allow such investigations to be carried out by the CBI and the ED. It is even more sad that the courts do not ask these agencies about such actions in other States but are ever so willing to condemn the administration in Opposition-governed States.

Federalism is a part of the basic structure of the Constitution of India, but its foundation is being slowly chipped away through such processes.

Everybody, including constitutional institutions, appears to have forgotten what the Constitution stands for. Let us hope and pray that these machinations are curbed forthwith to save the further down slide of our cherished democracy.

Dushyant Dave is a Senior Advocate in the Supreme Court of India

COMMents

SHARE

laws / money laundering / judiciary (system of justice) / investigation / democracy / minerals / Jharkhand / police / Maharashtra / mining / Haryana / Uttar Pradesh / Gujarat / Madhya Pradesh / constitution

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**
© **Zuccess App** by crackIAS.com
crackIAS.com

Source : www.thehindu.com Date : 2023-12-22

WHO PREQUALIFIES A SECOND MALARIA VACCINE MANUFACTURED BY SERUM INSTITUTE OF INDIA

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 21, 2023 06:50 pm | Updated 07:04 pm IST - NEW DELHI

COMMents

SHARE

READ LATER

Image used for representational purpose only. | Photo Credit: AP

The World Health Organization (WHO) on Thursday added the R21/Matrix-M malaria vaccine, developed by Oxford University and manufactured by Serum Institute of India, to its list of prequalified vaccines.

In October 2023, WHO had recommended its use for the prevention of malaria in children, following the advice of the WHO Strategic Advisory Group of Experts (SAGE) on Immunization and the Malaria Policy Advisory Group.

The R21 vaccine is the second malaria vaccine prequalified by WHO, following the RTS,S/AS01 vaccine which had obtained prequalification status in July 2022.

“The prequalification means larger access to vaccines as a key tool to prevent malaria in children, with it being a prerequisite for vaccine procurement by UNICEF and funding support for deployment by Gavi, the Vaccine Alliance,” WHO said in its statement. It added that both vaccines have been shown to be safe and effective in clinical trials, for preventing malaria in children.

Malaria, a mosquito-borne disease, places a particularly high burden on children in the African region, where nearly half a million children die from the disease each year. In 2022, there were an estimated 249 million malaria cases in the world, and 6,08,000 malaria deaths across 85 countries.

Rogério Gaspar, director of WHO’s Department of Regulation and Prequalification, said: “Achieving WHO vaccine prequalification ensures that vaccines used in global immunization programmes are safe and effective within their conditions of use in the targeted health systems. WHO evaluates multiple products for prequalification each year, and core to this work is ensuring greater access to safe, effective, and quality health products.”

As part of the prequalification process, WHO applies international standards to comprehensively evaluate and determine whether vaccines are safe, effective, and manufactured to international standards. WHO also ensures the continued safety and efficacy of prequalified vaccines through, for example, regular re-evaluation, site inspection, and targeted testing. Prequalification

supports the specific needs of national immunisation programmes with regards to vaccine characteristics such as potency, thermostability, presentation, labelling, and shipping conditions.

COMMents

SHARE

vaccines / malaria

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS

Source : www.pib.gov.in Date : 2023-12-22

LOK SABHA PASSES PRESS AND REGISTRATION OF PERIODICALS BILL

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

In a historic decision, the Lok Sabha today passed the Press and Registration of Periodicals Bill, 2023, repealing the colonial era law of the Press and Registration of Books Act, 1867. The Bill has already been passed by Rajya Sabha in the Monsoon Session.

The new statute – The Press and Registration of Periodicals Bill, 2023 makes the process of allotment of title and registration of periodicals simple and simultaneous, through an online system without the requirement of any physical interface. This would enable the Press Registrar General to fast track the process, thereby ensuring that publishers, especially small and medium publishers, face little difficulty in starting a publication. Most importantly, the publishers would no longer be required to file a declaration with the District Magistrates or the local authorities and get such declarations authenticated. Furthermore, printing presses would also not be required to furnish any such declaration; instead only an intimation would be sufficient. The entire process presently involved 8 steps and consumed considerable time.

Introducing the Bill in the Lok Sabha, Minister for Information & Broadcasting Anurag Singh Thakur said “the Bill reflects yet another step of the Modi Government towards jettisoning mentality of slavery and bringing new laws for new India”. The Minister further added that it has been the priority of the Government to end criminality, improve ease of doing business and ease of living through new laws and accordingly, efforts have been made to substantially decriminalize the colonial era statute. For certain violations, financial penalties have been proposed instead of conviction as earlier. Further, a credible appellate mechanism, headed by the Chairperson, Press Council of India has been provided for. Stressing upon the ease of doing business aspect, Shri Thakur said title registration process, which sometimes took 2-3 years, would now be done in 60 days.

The Act of 1867 was a legacy of the British Raj which intended to exercise complete control over the press and the printers and publishers of newspapers and books along with heavy fines and penalties including imprisonment for various violations. It was felt that in today’s age of free press and the Government’s commitment to uphold media freedom, the archaic law was totally out of sync with the current media landscape. Ends

<><><>

Annex

SALIENT FEATURES OF PRESS AND REGISTRATION OF PERIODICALS BILL 2023

I. Grant of title allotment and Certificate of Registration Periodicals

II. Printing Presses

III. Role of District magistrate/local authority

Difference between the Press and Registration of Books Act 1867 and the Press and Registration of Periodicals Bill 2023

A detailed explainer can be read here

*****

Saurabh Singh

In a historic decision, the Lok Sabha today passed the Press and Registration of Periodicals Bill, 2023, repealing the colonial era law of the Press and Registration of Books Act, 1867. The Bill has already been passed by Rajya Sabha in the Monsoon Session.

The new statute – The Press and Registration of Periodicals Bill, 2023 makes the process of allotment of title and registration of periodicals simple and simultaneous, through an online system without the requirement of any physical interface. This would enable the Press Registrar General to fast track the process, thereby ensuring that publishers, especially small and medium publishers, face little difficulty in starting a publication. Most importantly, the publishers would no longer be required to file a declaration with the District Magistrates or the local authorities and get such declarations authenticated. Furthermore, printing presses would also not be required to furnish any such declaration; instead only an intimation would be sufficient. The entire process presently involved 8 steps and consumed considerable time.

Introducing the Bill in the Lok Sabha, Minister for Information & Broadcasting Anurag Singh Thakur said “the Bill reflects yet another step of the Modi Government towards jettisoning mentality of slavery and bringing new laws for new India”. The Minister further added that it has been the priority of the Government to end criminality, improve ease of doing business and ease of living through new laws and accordingly, efforts have been made to substantially decriminalize the colonial era statute. For certain violations, financial penalties have been proposed instead of conviction as earlier. Further, a credible appellate mechanism, headed by the Chairperson, Press Council of India has been provided for. Stressing upon the ease of doing business aspect, Shri Thakur said title registration process, which sometimes took 2-3 years, would now be done in 60 days.

The Act of 1867 was a legacy of the British Raj which intended to exercise complete control over the press and the printers and publishers of newspapers and books along with heavy fines and penalties including imprisonment for various violations. It was felt that in today’s age of free press and the Government’s commitment to uphold media freedom, the archaic law was totally out of sync with the current media landscape. Ends

<><><>

Annex

SALIENT FEATURES OF PRESS AND REGISTRATION OF PERIODICALS BILL 2023

I. Grant of title allotment and Certificate of Registration Periodicals

II. Printing Presses

III. Role of District magistrate/local authority

Difference between the Press and Registration of Books Act 1867 and the Press and Registration of Periodicals Bill 2023

A detailed explainer can be read here

*****

Saurabh Singh

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.c

Source : www.thehindu.com Date : 2023-12-23

TELECOM LAW UPGRADES FOR A DIGITAL AUTHORITARIAN STATE

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 23, 2023 12:08 am | Updated 01:22 am IST

COMMents

SHARE

READ LATER

‘The Telecom Bill is a system upgrade of colonial laws for a digital authoritarian state’ | Photo Credit: SPECIAL ARRANGEMENT

The tweet by the Union Minister for Communications, Ashwini Vaishnav, “Bharat moves on...”, on Thursday evening, December 21, 7.58 p.m., announced the parliamentary passage of the Telecommunications Bill, 2023 and the repeal of The Indian Telegraph Act, 1885. under the, “vision of the PM @naredramodi Ji”. Notice the intentional use of the word “Bharat” in isolation, and the omission of, “India”. Similarly, crediting the Prime Minister’s individual “vision” is by design. Similarly, crediting the Prime Minister’s individual “vision” is by design. This is not peculiar to the Telecom Bill, 2023 and draws from a common brand kit used for claiming credit for any, and every event by the Union Government. Put together, they are a clever call of cultural nativism for Indians, finally realising their manifest destiny under the leadership of one man. It programmes us to believe that we finally have a Union government that represents the interests of the masses in tarpaulin covered chaupals rather than those of the sniggering urban elites sipping chai lattes. This facade and diversion have successfully cloaked scrutiny of the Telecom Bill which is a system upgrade of colonial laws for a digital authoritarian state.

Let us start by looking at the unique “bharatiya” provisions of the Telecom Bill. Even at the time of public consultation, the explanatory memorandum to the draft compared spectrum to a human soul as described in the Bhagavad Gita. Indic influence has found its way in the Telecom Bill with the renaming of the Universal Services Obligation Fund (USOF) as the “Digital Bharat Nidhi”. The USOF, which is a levy on telecom service providers (Reliance Jio or Airtel), funds projects such as rural connectivity, has seen little structural change from the way it was designed under the Telegraph Act, 1885. The mere change in name does little to address the challenges of a persisting digital divide that have recently become worse. As in reports by the Telecom Regulatory Authority of India, the growth of new telecom users has sharply stagnated and research reports from the International Data Corporation show a contraction of smartphone sales for the second consecutive year. Here, with nationalistic chest beating, the Telecom Bill distracts us from its failure to present any fresh ideas or solutions. Will renaming the USOF magically lead to millions of Indians gaining Internet access?

Editorial | Incoming call: On the Telecommunications Bill, 2023

Innovation, when present, increases the discretionary power of the government to pick and choose private firms as “national champions”. For instance take the provisions for the allocation of satellite spectrum without the need for auctions that are listed in the First Schedule of the Telecom Bill. This is likely to benefit the market entry of select private firms as questioned by Member of Parliament in the Rajya Sabha, Priyanka Chaturvedi. She said, “[g]uess who will soon step into Mobile Satellite Services from India?” while linking to an article dated August 5, 2023, titled “ISRO Transfers Satellite Bus Technology To Adani Group’s Alpha Design Technologies”. Even provisions for “regulatory sandboxes” and online dispute resolution systems are likely to benefit large corporations rather than Indian users due to the prevailing oligopoly in the telecom sector.

State control is present throughout the Telecom Act without any change made to the colonial architecture. Changes within it are a clever rewording of phrases. For instance, “licensing” has been changed to “authorisation” while making it more severe. This has been achieved by a studied definitional vagueness of “telecommunication” and “telecommunication services” that will include “transmission… of any messages”. Read together, this will allow the Union government to license Over-The-Top (OTT) messaging applications such as WhatsApp or email services such as Gmail. This power will, in the coming years, be used alongside other regulations to break the security and confidentiality enjoyed by Indians by using encryption-based messaging.

The same pattern is repeated for the interception and surveillance powers, or Internet shutdowns, in which language from the Telegraph Bill has been plagiarised without safeguards. Insertions, when present, such as a fresh provision on “national security”, expand the ability of the Union government to use, prescribe standards, suspend and take over any telecommunication service. Here, just like before, the phrase “national security” has not been defined. To ensure the web of a surveillance state is complete, the law requires any telecommunications service provider, that may include WhatsApp or Signal, to identify the user by “any verifiable biometric based identification as may be prescribed”. To further ensure that every Indian complies, a standard “kartavya kaal” clause has been added in which there is a legal penalty of 25,000 for providing “any false particulars, suppress any material information”, and, “fail to share information as required by this Act”. Many of these concerns were raised to the Speaker of the Lok Sabha by Member of Parliament Gaurav Gogoi where in a brief one page letter, dated December 19, 2023, he called for “sending it to a Standing Committee”. Instead, the Telecom Bill was passed in haste through both Houses of Parliament.

Neither Ms. Chaturvedi or Mr. Gogoi could raise their objections in Parliament or cast their votes. They could not even raise symbolic cries of “shame, shame, shame” as they along with at least two thirds of their fellow Members of the Opposition benches have been suspended. Commenting on the parliamentary session, Pratap Bhanu Mehta states in an article, “this formal language of democracy serves increasingly to provide a constitutional veneer to what is in effect, an unconstitutional concentration of power....” His lament is justified, for as Milan W. Svolik has empirically demonstrated in The Politics of Authoritarian Rule, 80% of dictatorial countries surveyed from 1946-2008 held elections for legislatures to “facilitate power-sharing among a regime’s elite”.

Now, where does this leave the ordinary Indian, or should we say bharatwasis? We are being regularly reminded not to ponder over these disturbing questions and instead maintain health and sanity with a diet full of millets and a daily yoga practice. After all, we are undergoing a transformation of a colony to a rashtra, where the rule under the Constitution of India is being replaced to governance by scripture under the divine vision of the Prime Minister. As the Telecom Bill shows, India has indeed moved on, however it is far from democracy.

Apar Gupta is an advocate and technology policy professional. The views expressed are

personal

COMMents

SHARE

telecommunication service / laws / Prime Minister Narendra Modi / Narendra Modi / democracy / government / history / Parliament proceedings / technology (general) / internet

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS

Source : www.thehindu.com Date : 2023-12-24

IS THERE A LINK BETWEEN VERY IRREGULAR SLEEP AND HIGHER RISK OF DEMENTIA?

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 23, 2023 09:20 pm | Updated 09:20 pm IST

COMMents

SHARE

READ LATER

People who have very irregular sleep patterns may have a higher risk of dementia than those who have more regular sleep patterns, according to new study (*Neurology*). The study does not prove that sleep irregularity causes dementia. It only shows an association. Sleep regularity is how consistent you are at going to sleep and waking up at the same time each day. Researchers found links between sleep regularity scores and risk of dementia. Compared to those with an average sleep regularity index, the risk of dementia was highest for people who had the most irregular sleep. After adjusting for age, sex and genetic risk of Alzheimer's disease, researchers found that those with the most irregular sleep were 53% more likely to develop dementia than people in the middle group. For people with the most regular sleep, researchers found they did not have a lower risk of developing dementia than people in the middle group. "Based on our findings, people with irregular sleep may only need to improve their sleep regularity to average levels, compared to very high levels, to prevent dementia," Dr. Matthew Paul Pase from Monash University in Melbourne, Australia said in a release.

COMMents

SHARE

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-25

UNPACKING THE FIRST EVER COP ‘HEALTH DAY’

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 25, 2023 12:32 am | Updated 02:50 am IST

COMMents

SHARE

READ LATER

‘The climate crisis is a public health crisis’. The ‘Health Day’ opening session | Photo Credit: Getty Images

The 28th UN Climate Change Conference (COP28), hosted by the United Arab Emirates (UAE) at Dubai, was held in a year when the planet is facing unprecedented challenges. From it being the hottest year on record to wildfires that have devoured communities and floods that have wiped away cities, the evidence of the current crisis is crystal clear.

The climate crisis is a public health crisis. Severe temperatures, heat stress, excessive rainfall and floods, an increase in water- and vector-borne diseases, and more frequent extreme weather events are all evidence of this existential threat to our health security. That is why the World Health Organization (WHO) declared “Climate change as the greatest threat to global health in the 21st century”. Marginalised communities are on the front lines of the worst impacts of the changing climate. According to a World Bank estimate, “Climate change could drag more than 100 million people back into extreme poverty by 2030”. Much of this reversal would be due to the “negative impacts on health”. The climate risk index shows that eight out of the 10 countries most impacted by extreme weather events are the low- and middle-income countries.

On December 3, the inaugural Health Day at COP28 highlighted the vital link between climate and health, underscoring that combating climate change is integral to advancing global health. The context to the day and the urgency to address the root cause of climate crisis — fossil fuel use — was set in early November with health leaders representing more than 46 million health professionals globally issuing an open letter calling on the COP28 Presidency and world governments to “commit to an accelerated, just and equitable phase-out of fossil fuels as the decisive path to health for all”. Over 1,900 health professionals at this year’s COP propelled the momentum to prioritise human health and well-being in climate decisions, taking centre stage.

Events and activities elevated a focus on people’s health for the first time at a COP like never before. Most notable ones were the COP28 UAE Declaration on Climate and Health that “signifies a global commitment to address climate-related health impacts, emphasizing the imperative for governments to fortify healthcare systems”. The declaration is now supported by 143 countries (to date). The COP28 Presidency, WHO, the UAE Ministry of Health and Prevention, and a group of champion countries also hosted the first-ever climate-health ministerial, which brought together nearly 50 Ministers of Health and 110 high-level health ministerial staff. Ministers of health, environment, finance, and other related sectors set out a “roadmap and opportunities for action to address the rapidly growing burden of climate change

on healthcare systems and capture the vast socio-economic benefits from better health and well-being through climate action".

It is noteworthy that India was not represented on the historic health day at COP28. Over the last two decades, India has witnessed a significant rise in extreme temperatures, heat stress events, cyclones, floods, droughts, and malnutrition. In 2019 it ranked seventh globally for the severe impact of climate change, as in the Global Climate Risk Index. According to 'India 2023: An assessment of extreme weather events' brought out by Down To Earth magazine and the Centre for Science and Environment, India has seen a disaster nearly every day in the first nine months of this year — from heat and cold waves, cyclones and lightning to heavy rain, floods, and landslides. These disasters have "claimed 2,923 human lives, affected 1.84 million hectares (ha) of crop area, destroyed over 80,563 houses and killed close to 92,519 livestock".

Explained | The COP28 summit's focus on health?

According to the Reserve Bank of India's most recent report, as much as 4.5% of the country's GDP could be jeopardised by 2030 due to the impact of extreme heat and humidity on labour hours, emphasising the economic risks associated with heat-related challenges alone. Not to miss India's notoriety on its record on rising air pollution that caused at least 1.6 million premature deaths in 2019. Major public health challenges, including malaria, malnutrition, and diarrhoea, further compound the situation. The projected increase in these incidents, aligned with weather-related disasters and their health ramifications, poses a significant threat to the already strained public health infrastructure in the country.

Placing health at the forefront of climate planning in India is not just a necessity but an imperative for several compelling reasons. Over 700 million individuals in India, representing a significant portion of the population residing in rural areas, rely directly on climate-sensitive sectors such as agriculture, fisheries, and forests, as well as natural resources such as water, biodiversity, mangroves, coastal zones, and grasslands for their livelihoods. It is crucial to proactively formulate plans and policies that cater to their health needs.

Also read | How climate change is making the world sick

Prioritising health in climate planning safeguards both immediate and long-term well-being in the face of climate change impacts. This focus enhances community resilience and disease mitigation, ensuring that populations can better cope with challenges and contribute to sustainable development. Integrating health into climate planning is not only economically prudent, reducing health-care costs and increasing productivity, but also strategically crucial for the overall effectiveness and sustainability of climate actions in India.

Shweta Narayan is the International Climate and Health Campaigner with Health Care Without Harm

COMMents

SHARE

United Arab Emirates / climate change (politics) / United Nations (climate change) / flood / heatwave / rains / disease / viral diseases / weather / poverty / health / ministers (government) / Reserve Bank of India / malaria / air pollution / fishing industry / forests / disease prevention / India

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-25

ANOTHER OPPORTUNITY: ON THE WRESTLING FEDERATION OF INDIA AND REFORMS

Relevant for: Developmental Issues | Topic: Human resources, Youth, Sports and related issues

To enjoy additional benefits

CONNECT WITH US

December 25, 2023 12:20 am | Updated 12:20 am IST

COMMents

SHARE

READ LATER

The Union Sports Ministry suspending the newly elected Wrestling Federation of India (WFI) on Sunday marks yet another twist in the nearly year-long saga afflicting Indian wrestling. In January 2023, Olympic medallists Sakshi Malik and Bajrang Punia, and World Championship medallist Vinesh Phogat, had accused the then WFI president Brij Bhushan Sharan Singh and the coaches of the Federation of sexual harassment. The Bharatiya Janata Party parliamentarian was subsequently forced to relinquish control and was charged by the Delhi police for offences including stalking and harassment. But last Thursday, his long-term loyalist, Sanjay Singh, was appointed the new president. Not only did Singh and his fellow Brij Bhushan confidants win 13 of 15 posts to which polls were held, not a single woman was chosen. The sight of Singh standing beside a heavily garlanded Brij Bhushan outside the latter's residence — which also doubled up as the WFI office — and the duo flashing the victory sign was enough indication of where the control lay. Such was the disappointment among the wrestlers that a tearful Sakshi announced her retirement while Vinesh warned that no woman will find wrestling safe in the current set-up. On Friday, Bajrang decided to return his Padma Shri award in protest.

Perhaps, it is this embarrassing turn of events that forced the government to finally act. The Ministry has also cited hasty and arbitrary decision-making on Singh's part, wherein he announced the revival of tournaments without taking into confidence the Secretary General (Prem Chand Lochab) as mandated by the WFI constitution. Lochab is one of two WFI office-bearers not considered close to Brij Bhushan. Another reason was the running of Federation affairs from "the premises controlled by former office-bearers, also the alleged premises wherein sexual harassment of players has been alleged". In a nutshell, the mess has laid bare everything that plagues sports administration in India. Even as the nation is diversifying its sporting excellence, the bureaucracy that runs sport still carries the unwelcome legacy of patronage politics. It also does not help that prominent athletes occupying positions of power are mostly deferential to the political masters who helped in their ascent. In the wrestlers' case, the Indian Olympic Association led by the legendary P.T. Usha dithered in its initial response and the athletes' commission comprising iconic sportspersons was tongue-tied. Such was Brij Bhushan's clout that a first information report was registered only after the intervention of the Chief Justice of India. There is still room to wipe the slate clean and usher in reforms. The authorities should go the whole hog.

COMMents

SHARE

sport / politics / sexual assault & rape / Bharatiya Janata Party / police / award and prize / government

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS

Source : www.thehindu.com Date : 2023-12-26

CARRY ON, DOCTOR: THE HINDU EDITORIAL ON THE AMENDED BHARATIYA NYAYA (SECOND) SANHITA BILL

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

To enjoy additional benefits

CONNECT WITH US

December 26, 2023 12:15 am | Updated 09:05 am IST

COMMents

SHARE

READ LATER

The proverbial slip between the cup and lip was in evidence when the Union Home Minister's assurance on the floor of the Lok Sabha was at variance with the actual amendment on punishment for doctors in cases of death due to negligence. Amit Shah initially said: "If someone died due to medical negligence by doctors it was treated as culpable homicide not amounting to murder. I am bringing an amendment today. Doctors have been exempted from punishment [under this section]. The Indian Medical Association [IMA] had requested us [for the exemption]." The amended Bharatiya Nyaya (Second) Sanhita Bill, 2023, passed since, however did not provide that blanket exemption to doctors. Instead, the amended Section 106(1) specifies that a registered medical practitioner (RMP) shall be punished with imprisonment up to two years and a fine. In effect, the punishment for doctors as specified under Section 304(A) of the Indian Penal Code that the BNSS replaces, has been retained. With the IMA still thanking the government despite the status quo situation, a deft look behind the scenes reveals that a draft Bill submitted to the Parliamentary Standing Committee on the issue, actually suggested a seven-year imprisonment term for death due to negligence in case of an RMP. The IMA then submitted to the Standing Committee that there was no mens rea or criminal intent in the relationship between the patient and the doctor, and thus the increased punishment was not justified. The committee then reduced the imprisonment to five years, which finally rested at two years, as the law was passed.

It is pertinent to look at the index case that defined guidelines relating to medical negligence — Jacob Mathew vs State of Punjab & Anr. (2005). The court held that the negligence should be 'gross', of a significantly high degree, and consequently, criminal liability would come up only if the physician's act can be demonstrated to be negligent or reckless, causing death. Even during prosecution, at various levels, the weight is on the opinion of a similarly qualified expert on whether negligence on the part of the doctor led to death. While it may be argued that doctors thus enjoy adequate protection under the law in the execution of their duties, the reality is that the incidence of violence against medical professionals is indeed increasing. To offer doctors refuge from fear of assault while discharging their duty, and to ensure that any decision made is not clouded or impaired from such fear is important. No one is above the law, but any attempt to demonise doctors for deaths that occur may cause them to hold back from giving patients the best available care. That, under no circumstances, is acceptable.

COMMents

SHARE

medical service / parliament / laws / judiciary (system of justice) / medical conditions

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS

Source : www.pib.gov.in Date : 2023-12-27

DEPARTMENT OF SCHOOL EDUCATION & LITERACY, MINISTRY OF EDUCATION SUCCESSFULLY AND SPECTACULARLY COMMEMORATES VEER BAAL DIWAS ACROSS THE NATION

Relevant for: Developmental Issues | Topic: Education and related issues

The Prime Minister, Shri Narendra Modi participated in a program marking 'Veer Bal Diwas' at Bharat Mandapam, New Delhi today and witnessed a recital and three martial arts displays performed by children. Addressing the gathering, the Hon'ble Prime Minister remarked that the nation is remembering the immortal sacrifices of Veer Sahibzade and deriving inspiration from them as a new chapter of Veer Bal Diwas unfolds for India in the Azadi Ka Amrit Kaal. Students & teachers in huge numbers watched the live telecast of the programme.

Students watching the nationwide live broadcast of Veer Baal Diwas 2023.

The wholehearted engagement of educational institutions and schools on Veer Baal Diwas created a collective sense of pride and unity & reinforced the importance of remembering and honoring such acts for future generations.

Last year, Government of India had decided to commemorate 26th December every year as "Veer Baal Diwas" to pay homage to the great valour and supreme sacrifice of Sahibzada Zorawar Singh Ji and Sahibzada Fateh Singh Ji , the younger sons of the tenth Sikh Guru Gobind Singh ji.

In order to commemorate Veer Baal Diwas 2023, various interactive and participative programswere conducted during the run up to the day in all schools of States/UTs and Autonomous Bodies under Department of School Education & Literacy. This collaborative effort resulted in enthusiastic participation of **more than 52 lakh students, teachers and stakeholders.**

Various activities like special assemblies, essay, poetry and painting competitions, screening of

short films and stories recounting the valour of the Sahibzades were held in schools across the country. A digital exhibition detailing the life story and sacrifice of the Sahibzades was also displayed.

Children in National Bal Bhavan listening to the stories on valour and sacrifice of Sahibzades. Students participating in drawing competitions held in schools across the nation on Veer Baal Diwas.

Students participating in poster making competition held to mark Veer Baal Diwas.

Ministry of Education in collaboration with MyGov also organised an interactive online quiz curated by CBSE which saw the participation of more than **1.3 lakh** people nationwide. Students acquainted themselves with the inspiring lives and noble deeds of Sahibzadas.

Smt. Annpurna Devi, Hon'ble Minister of State for Education, participated in the quiz on 'Veer BaalDiwas 2023'.

****

SS/AK

The Prime Minister, Shri Narendra Modi participated in a program marking ‘Veer Bal Diwas’ at Bharat Mandapam, New Delhi today and witnessed a recital and three martial arts displays performed by children. Addressing the gathering, the Hon’ble Prime Minister remarked that the nation is remembering the immortal sacrifices of Veer Sahibzade and deriving inspiration from them as a new chapter of Veer Bal Diwas unfolds for India in the Azadi Ka Amrit Kaal. Students & teachers in huge numbers watched the live telecast of the programme.

Students watching the nationwide live broadcast of Veer Baal Diwas 2023.

The wholehearted engagement of educational institutions and schools on Veer Baal Diwas created a collective sense of pride and unity & reinforced the importance of remembering and honoring such acts for future generations.

Last year, Government of India had decided to commemorate 26th December every year as “Veer Baal Diwas” to pay homage to the great valour and supreme sacrifice of Sahibzada Zorawar Singh Ji and Sahibzada Fateh Singh Ji , the younger sons of the tenth Sikh Guru Gobind Singh ji.

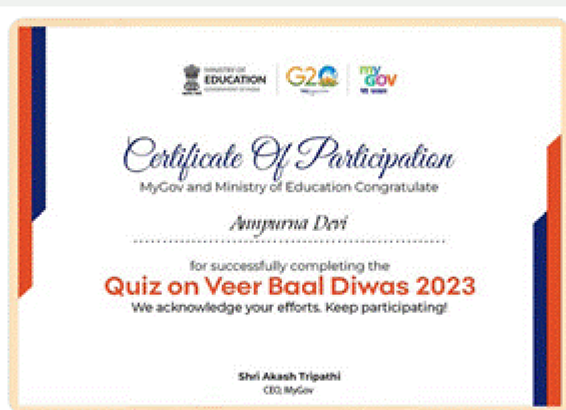
In order to commemorate Veer Baal Diwas 2023, various interactive and participative programswere conducted during the run up to the day in all schools of States/UTs and Autonomous Bodies under Department of School Education & Literacy. This collaborative effort resulted in enthusiastic participation of **more than 52 lakh students, teachers and stakeholders.**

Various activities like special assemblies, essay, poetry and painting competitions, screening of short films and stories recounting the valour of the Sahibzades were held in schools across the country. A digital exhibition detailing the life story and sacrifice of the Sahibzades was also displayed.

Children in National Bal Bhavan listening to the stories on valour and sacrifice of Sahibzades. Students participating in drawing competitions held in schools across the nation on Veer Baal Diwas.

Students participating in poster making competition held to mark Veer Baal Diwas.

Ministry of Education in collaboration with MyGov also organised an interactive online quiz curated by CBSE which saw the participation of more than **1.3 lakh** people nationwide. Students acquainted themselves with the inspiring lives and noble deeds of Sahibzadas.



Smt. Annpurna Devi, Hon'ble Minister of State for Education, participated in the quiz on 'Veer BaalDiwas 2023'.

****

SS/AK

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.co

Source : www.thehindu.com Date : 2023-12-27

DEVELOPMENT LED BY CORPORATES, NOT WOMEN

Relevant for: Indian Society | Topic: Women Issues

To enjoy additional benefits

CONNECT WITH US

December 27, 2023 01:42 am | Updated 01:42 am IST

COMMents

SHARE

READ LATER

Workers at a brick kiln factory in West Bengal. File | Photo Credit: PTI

The G20 Summit in Delhi adopted a Declaration which resolved to set up a "working group on the empowerment of women." Given the continuing discrimination against women and girls, this is welcome. But by and large, "working groups" formed in the past have not been implemented. For example, the Sustainable Development Goals have specific targets to address gender gaps. However, as the Declaration itself admits, "At the midway point to 2030, the global progress on SDGs is off-track with only 12% of the targets on track."

The Gender Equality section says, "We encourage women-led development and remain committed to enhancing women's full, equal, effective, and meaningful participation as decision makers for addressing global challenges inclusively and in contributing as active participants in all spheres of society, across all sectors and at all levels of the economy..." The phrase 'women-led development' is striking and is the contribution of the Government of India. But there is no explanation of what this actually means.

This is not an issue of semantics. When phrases like 'women-led development' are used, leaders need to describe the parameters of such a development process, which are different from 'non women-led' development models. The truth is that the development models adopted by countries describing themselves as democracies (mainly developed countries in the West) have led to obscene inequalities between countries, between the rich and the poor within countries, and between men and women. The core of this model remains the discredited 'trickle down theory' in which big business continues to enjoy state subsidies through tax concessions, bank loan write-offs, subsidies in land availability, and cross-country concessions for the free movement of finance capital on the premise that all this will lead to more investment, creation of employment, and so on. The 'no governance is good governance' model has removed government regulation, dismantled and sold off public assets, and privatised strategic industries. All this has been done in the name of reforms. The G20 Declaration reiterates this commitment. It says, "We recognise the critical role of private enterprise in accelerating growth and driving sustainable economic transformations." If the macro model of development remains the same, where does women-led development fit in?

On March 7, the bulletin of the Press Information Bureau listed government schemes meant to benefit women under the headline 'From Women Development to Women-led Development.' Just as reform is the cover for aggressive profit maximising models of capitalism, women-led development schemes conceal the reality of decreasing government investment in projects and

schemes meant for women's development. The Gender Budget was started in 2005-2006. What was meant to be a tool to plug the gaps through prioritised investment has been reduced to an accounting exercise. It has two parts. Part A includes schemes which are 100% for women and Part B includes all government schemes where at least one-third of the expenditure is supposedly for women. Women-led development should mean a substantial increase in the total amount of the Gender Budget. It should also reflect in a much bigger component in the expenditure in Part A rather than Part B. However, on both counts, the opposite trend dominates. The total Gender Budget for 2023-2024 was reduced from 5.2% of the total expenditure the previous year to 5%. On average, there has been no substantial increase in the Gender Budget since its inception, which has remained between 4% and 6%. What is of greater concern is that, in 2023-24, the year that the phrase 'women-led development' was used, the expenditure in Part A was at its lowest at around 39% of the total, while Part B made up 61% of expenditure of the Gender Budget. In other words, wholly women-specific schemes are just about 40% of an already inadequate budgetary allocation.

A critical area recognised as being a prerequisite for women's development is her economic independence. However, the share of women in regular waged work fell in India, according to an analysis of the Periodic Labour Force Survey (PLFS), from 21.9% in 2018-2019 to 15.9% in 2022-2023. Over 95% of women are in the unorganised sector with no job or income security. Most women are employed in flagship schemes of the Central government. Almost one crore women work in Anganwadis, as ASHA workers, as mid-day meal scheme workers, as facilitators, and so on. However, they are the most exploited, they are paid 'allowances" which are below even minimum wages, and not recognised as government employees. According to the PLFS survey, the share of women engaged in agriculture has increased to 64.3% in 2022-23 from 55.3% in 2018-19. This is mainly unpaid work on family farms. The budgetary allocations for paid work mandated by law in rural work projects through MGNREGA has been drastically cut down by the Central government. This mostly has a negative impact on women who constitute between 50% to 80% of workers in several States.

Also read | G20 countries including India are fuelling modern slavery, says new report

The reality is that women, particularly Dalits and Adivasis, are bearing the brunt of the economic policies of the Central regime of handing over the national resources to the richest 1% who now control over 40% of the country's wealth. This is corporate-led development, certainly not women-led.

Brinda Karat is a member of the CPI(M) Polit Bureau

COMMents

SHARE

corporations

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an

account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-27

COVID REDUX — SHUN PANIC, BUT BE AWARE

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 26, 2023 03:00 pm | Updated December 27, 2023 12:04 am IST

COMMents

SHARE

READ LATER

Image for representational purpose only. File | Photo Credit: The Hindu

(In the weekly ***Health Matters*** *newsletter,* ***Ramya Kannan*** *writes about getting to good health, and staying there. You can subscribe here to get the newsletter in your inbox.)*

In the way that COVID-19, even as it has entered the endemic stage, tends to dominate the headlines once a new mutation is afoot, it is impossible to look past it, the second week running. With the number of cases of the JN.1 sub-lineage of the BA.2.86 going up across the world steadily, the World Health Organisation decided to categorise it as a Variant of Interest. Just fresh out of the experience when COVID-19 and its variants caused, where huge loss to life and quality of life was sustained globally, no government was going to take this as just another update. Clearly, even if the start of the rash of cases did not show evidence that it could impact mortality and morbidity, it was best that the nations of the world are prepared for it, or gear themselves up to handle the situation in case, the JN.1 mutation, reputedly capable of causing the full spectrum of COVID — from asymptomatic cases, to severe disease or death — were to send more patients into hospitals. That situation is not here yet, though (Government issues COVID-19 alert, says no clustering of JN.1 cases). It is possible to be prepared, individuals included, even as one resists the hype being built around another strain of COVID.

Naturally, governments have been openly communicating best practices to the people, besides ramping up testing capacity. Science itself is an evolving process, and while the basics remain the same, it is incumbent on us to adapt to the changing circumstances, to modify health advice as the changes necessitate. Probably, the most reassuring note came when Health Ministry sources said of the new COVID variant JN.1: that there was no need for a booster. **Bindu Shajan Perappadan** further said in the report quoting India SARS-CoV-2 Genomics Consortium (INSACOG) chief N.K. Arora, that there was no need for an additional fourth booster dose of vaccine against COVID-19 amid the surge in cases and the detection of the JN.1 sub-variant. “Only those over 60 years of age who have comorbidities and high-risk patients in this age group can take a precautionary third dose if they have not taken one till now. As of now, there is no need for a fourth dose in the general public. We would advise precaution and not panic,” said Dr. Arora. He further put things into perspective: New variants and sub-variants, and mutations were constantly being reported from around the world. “Fortunately, none of these Omicron variants have really been associated with more severe disease or hospitalisation. Symptoms of the JN.1 subvariant include fever, nasal discharge, cough, occasional diarrhoea, and severe body aches, with recovery typically within a week. The Union Health Ministry has already directed States to increase testing and also submitted positive samples for further probe,” he said.

There was the odd case, always merits recording in science, even if with qualifiers. The first case of vocal cord paralysis following COVID-19 infection in a teenager was reported in a new study. Physician-researchers at Massachusetts Eye and Ear Hospital in the U.S. have concluded that the vocal paralysis of an otherwise healthy 15-year-old female patient, was likely a downstream effect of the viral infection and that it may be another addition to the "well-established" nervous system-related or neuropathic complications observed in children and adults.

And there was well-meaning advice for the groups of people considered as 'high risk'. Masking up, particularly while visiting hospitals or using public transport, has been recommended for the elderly and immunocompromised people, by the Tamil Nadu Government, and the Karnataka Government. Meanwhile, governments also hustled to increase the number of tests done on a daily basis:

Delhi COVID-19 positivity rate low compared to other States, says Health Minister.

Fresh COVID-19 cases in southern states worry public and medical officials.

Andhra Pradesh Chief Minister tells officials to be alert on new COVID variant; four cases reported in State.

Nellore Sravani reports that all RT-PCR labs in Andhra Pradesh to be activated, and a minimum 1,000 COVID-19 tests to be done daily.

Experts fear winter may fuel COVID-19 surge as A.P. reports six cases, writes **V. Kamalkara Rao.**

Telangana releases COVID bulletin after seven months, four new cases reported.

Afshan Yasmeen reports Karnataka has 6.55 lakh RTPCR kits but is short of viral transport media, RNA extraction kits as well as Rapid Antigen Test.

Karnataka to increase COVID-19 testing to 5,000 a day, issues guidelines for genome sequencing

Karnataka records three deaths in last one week; infecting strain yet to be established.

Three persons, including two octogenarians, test positive for COVID-19 in Dakshina Kannada.

Karnataka forms Cabinet sub-committee to monitor COVID-19.

Karnataka seeks COVID-19 TAC's recommendations on vaccination guidelines.

Karnataka to take up COVID vaccination drive if necessary, cabinet sub-committee to be set up for seamless management of disease.

Kerala reports about 300 new cases as infections continue to rise in the State.

Vigil stepped up following uptick in COVID-19 cases in Ernakulam.

Another development of note in India over the last week was the Home Minister's promise that medical negligence would be decriminalised, and the actual law then retaining the two-year imprisonment clause. **Vijaita Singh**, here, writes on the controversy. The amended Section 106

(1) of the Bharatiya Nyay (second) Sanhita, the law that replaces the IPC, says: “Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.” It is important in the context of the rising incidence of violence against members of the medical community, to ensure that doctors, surgeons and nurses and all other technicians are able to operate to the best of their ability without being impeded by fear.

Rijo M. John and Subba Rao M. Gavaravarapu bring to light again the whole movement against high-fat, sugar and salt food, to view it as a public health imperative. They reason that the ultra-processed food sector in India witnessed a compounded annual growth rate of 13.4% between 2011 and 2021. As the world’s largest producer and consumer of sugar in 2022, the country has seen an alarming surge in consumption of HFSS foods. About 50%-60% of edible sugar, salt and fat produced in India is consumed by the processed food industry. Sales of snacks and soft drinks have tripled over the past decade, exceeding $30 billion last year, indicating a disturbing trend in dietary habits. This not only poses severe health risks but also impacts productivity and economic growth.

Taxation is considered to be an effective means to reduce the consumption of these products as most consumers are price responsive towards them. While taxation on sugar-sweetened beverages (SSBs) is far more wide and used in more than 60 countries, taxation on HFSS food is less common, they write.

A brief follow-up to the stories from the floods in Tamil Nadu. Not only did they throw health systems off kilter, but entire communities were impacted deeply. We bring up a few examples, pertaining to health:

1.73 lakh children receive Measles-Rubella vaccination in four flood-affected districts.

C. Palanivel Rajan follows up: Pregnant woman, airlifted from flood-hit Thoothukudi, delivers baby boy in Madurai.

Tamil Nadu puts out advisory on water safety put out for rain-hit southern districts.

This is something that parents will do well to pay attention to: DCGI directs popular combination drugs for cold and flu to be not used in children under the age of 4. Manufacturers of common cold drug fixed dose combination (FDC) of chlorpheniramine maleate IP 2mg with phenylephrine HCL IP 5 mg per ml drops have been asked to carry a warning to not use the combination in children below the age of four years. While chlorpheniramine maleate functions as an anti-allergic, phenylephrine acts as a decongestant narrowing small blood vessels to provide relief from nasal congestion or stuffiness, according to the advice from the Subject Expert Committee.

Coming up is the inevitable mental health angle, this one again, of interest to parents, but anyone who uses a mobile device. **Zubeda Hamid** speaks to Dr. Manor Kumar Sharma of Nimhans on what excessive screen time does to our brains. On the In Focus podcast, they discuss recent research on screen time. A recent meta-analysis of 34 studies looked at excessive screen use and its links to your cognitive functioning. The results of the analysis, conducted by researchers in Australia, say that there is a clear link between disordered screen behaviour – or persisting with screen use even when it’s harmful for you, and your cognitive performance, specifically your attention and executive functioning. They found that sustained attention, the ability to maintain your focus for an extended period was affected.

We all know that we are probably not our best selves when we have not been able to sleep the previous life, but evidence for this is also available. Sleep disruptions, mild ones too, negatively affect our everyday moods, 50 years of research shows. The researchers in the U.S., also found that such disturbances to sleep routines heightened anxiety symptoms in the participants, such as a rapid heart rate and increased worrying.

Let's take a break with some good news. WHO prequalifies a second malaria vaccine manufactured by Serum Institute of India. The global health organisation added the R21/Matrix-M malaria vaccine, developed by Oxford University and manufactured by Serum Institute of India, to its list of prequalified vaccines. It was recommended for use in October 2023. The R21 vaccine is the second malaria vaccine prequalified by WHO, following the RTS,S/AS01 vaccine which had obtained prequalification status in July 2022.

Serena Josephine M. tracks promising research that can apparently help with nicotine addiction: cleverly using ascorbic acid as a potential reducing agent, they converted cotinine in the smokers' plasma itself, back to nicotine, targeting both nicotine addiction and detoxification occurs simultaneously. Faculty of Pharmacy, Sri Ramachandra Institute of Higher Education and Research, Chennai, have developed a dissolvable film containing Vitamin C (ascorbic acid) that a smoker places on the tongue whenever tempted to smoke. If further developed commercially, this is likely to make things easier for smokers struggling to kick the habit.

Tailpiece:

This piece makes it here, because it is good, old-fashioned journalism raising the lid on chronic toxic practices, with the hope that the expose will change the lives of the victim for the better, because that's what most journalists aspire to do.

A BBC, literally undercover, investigation threw up horrifying insight into how overseas health workers are exploited at U.K. care homes. The *BBC Panorama* investigation, conducted by Indian-origin reporter Balakrishnan Balagopal, revealed rampant exploitation of such care workers in a care home in northeast London, to the extent that their contracts prevented them from leaving.

Nurses and care workers from overseas, who constitute a large portion of the workforce at care homes, are eligible for skilled worker visas in the U.K. This means that they need to be sponsored by an employer to be able to work in the country. If they leave their jobs, they need to find another suitable post within 60 days or will have to return to their home country, even as the organisation, Prestwick Care denied any malpractice or systematic wrongdoings towards overseas care workers.

Use those spare minutes to read the following stories:

D. Balasubramanian writes on infection of the eye, and how to protect vision.

John L. Paul writes about why the Happiness Kochi project must tackle critical civic issues that take a toll on mental health, according to stakeholders.

Purnima Sah reports on how the open sale of hazardous pesticides continues to impact the health of farmers in Maharashtra.

How can gene editing help cure diseases? | **In Focus podcast on CRISPR**

Here is an offering of regional stories from across the bureaus in the country:

ASHA workers plan 'Chalo Vijayawada' demanding minimum wage.

Rajulapudi Srinivas finds why children and pregnant women are worst-hit as a strike by anganwadi workers continues in Andhra Pradesh.

G.V.R. Subba Rao reports that medical representatives demand GST exemption on medicines and medical devices.

Delhi L-G recommends CBI probe into supply of 'fake' drugs to hospitals.

Supply of 'fake' drugs in Delhi govt hospitals: Bharadwaj demands action against health secretary.

Satysasundar Barik reports1,000 people infected in suspected cholera outbreak in Rourkela.

Shoumojit Banerjee finds 4,872 infants died in Maharashtra between April and October, says Health Minister.

Doctors call off strike after positive dialogue with Telangana's Minister for Health.

Siddharth Kumar Singh writes: Financial pinch affected Telangana's spending on Health and Education, reveals White Paper.

Officials who managed COVID-19 pandemic in Telangana replaced.

District hospitals in Kerala to be equipped to handle COVID cases: Health Minister.

Kerala Health Minister urges Centre to give its share of National Health Mission funds.

Frequent vacancies occur across health centres in Coimbatore, say officials.

As always, do put us on your radar, as we bring more health content your way. Get more of *The Hindu's* health coverage, here.

COMMents

SHARE

health / Coronavirus / Delhi / Karnataka / nutrition and diet

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.pib.gov.in Date : 2023-12-27

PM TO CHAIR THIRD NATIONAL CONFERENCE OF CHIEF SECRETARIES IN DELHI ON 28TH AND 29TH DECEMBER

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

Prime Minister Shri Narendra Modi will chair the third National Conference of Chief Secretaries in Delhi on 28th and 29th December 2023. This is the third such conference, the first was held in June 2022 in Dharamshala and the second in January 2023 in Delhi.

Driven by the vision of the Prime Minister of putting the principle of cooperative federalism in action, National Conference of Chief Secretaries are organised to encourage participative governance and partnership between the Centre and the State Governments. This year, the National Conference of Chief Secretaries will be held from 27th to 29th December.

The three day conference will witness participation of more than 200 people comprising of representatives of the Central Government, Chief Secretaries and other senior officials of all States/Union Territories. It will lay the ground for collaborative action for achieving better quality of life for both rural and urban population by strengthening the delivery mechanisms of government interventions.

The key focus of the National Conference of Chief Secretaries this year will be ‘Ease of Living’. The Conference will emphasise on the evolution and implementation of a common development agenda and blueprint for cohesive action in partnership with the States.

With special emphasis on easy access to welfare schemes and quality in service delivery, five sub-themes which will be discussed in the conference are Land & Property; Electricity; Drinking Water; Health; and Schooling. Apart from these, special sessions will also be held on Cyber Security: Emerging Challenges; Perspectives on AI, Stories from the Ground: Aspirational Block & District Programme; Role of States: Rationalisation of Schemes & Autonomous entities and Enhancing Capital Expenditure; AI in Governance: Challenges & Opportunities

Besides these, focused deliberations will also be done on Drug De-addiction & Rehabilitation; Amrit Sarovar; Tourism Promotion, Branding & Role of States; and PM Vishwakarma Yojana & PM SVANidhi. Best practices from States/ UTs under each of the themes would also be presented at the Conference so that the States can replicate the success achieved in one state or manoeuvre as per their own requirements.

***

DS/LP

Prime Minister Shri Narendra Modi will chair the third National Conference of Chief Secretaries in Delhi on 28th and 29th December 2023. This is the third such conference, the first was held in June 2022 in Dharamshala and the second in January 2023 in Delhi.

Driven by the vision of the Prime Minister of putting the principle of cooperative federalism in action, National Conference of Chief Secretaries are organised to encourage participative

governance and partnership between the Centre and the State Governments. This year, the National Conference of Chief Secretaries will be held from 27th to 29th December.

The three day conference will witness participation of more than 200 people comprising of representatives of the Central Government, Chief Secretaries and other senior officials of all States/Union Territories. It will lay the ground for collaborative action for achieving better quality of life for both rural and urban population by strengthening the delivery mechanisms of government interventions.

The key focus of the National Conference of Chief Secretaries this year will be ‘Ease of Living’. The Conference will emphasise on the evolution and implementation of a common development agenda and blueprint for cohesive action in partnership with the States.

With special emphasis on easy access to welfare schemes and quality in service delivery, five sub-themes which will be discussed in the conference are Land & Property; Electricity; Drinking Water; Health; and Schooling. Apart from these, special sessions will also be held on Cyber Security: Emerging Challenges; Perspectives on AI, Stories from the Ground: Aspirational Block & District Programme; Role of States: Rationalisation of Schemes & Autonomous entities and Enhancing Capital Expenditure; AI in Governance: Challenges & Opportunities

Besides these, focused deliberations will also be done on Drug De-addiction & Rehabilitation; Amrit Sarovar; Tourism Promotion, Branding & Role of States; and PM Vishwakarma Yojana & PM SVANidhi. Best practices from States/ UTs under each of the themes would also be presented at the Conference so that the States can replicate the success achieved in one state or manoeuvre as per their own requirements.

***

DS/LP

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

cr

Source : www.thehindu.com Date : 2023-12-28

MAKING HEALTH OUR TOP PRIORITY IN 2024

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 28, 2023 12:42 am | Updated 12:42 am IST

COMMents

SHARE

READ LATER

Our health is determined by where we live, work, and engage in other activities, which brings in factors such as urban planning and environmental pollution that are sometimes beyond our control. People walk near India Gate in Delhi amid a thick layer of fog. | Photo Credit: Shashi Shekhar Kashyap

The 2023 Navaratri festivities in Gujarat were overshadowed by the news that 10 people had purportedly died of heart attacks in a span of 24 hours. What is even more disconcerting is that the victims ranged from a 13-year-old to middle-aged individuals, dispelling the myth that heart-related issues primarily afflict the elderly. This alarming trend is not just confined to Gujarat; it is found across the nation, marking a paradigm shift in India's disease burden. While communicable diseases persist as a significant threat, non-communicable diseases (NCDs) such as cardiovascular diseases, diabetes, cancer, and chronic respiratory diseases have emerged as the predominant public health concern.

According to a World Health Organization (WHO) report titled 'Invisible Numbers', a staggering 66% of deaths in India in 2019 were attributed to NCDs. The report also suggests that 22% of individuals aged 30 or older in India would succumb to NCDs before their 70th birthday, surpassing the global probability of 18%. While the spectre of NCDs presents a challenge, the good news is it is never too late to invest in health. The fact is that NCD-led deaths are largely preventable, and the solution lies in the choices we make in our daily lives.

The silent epidemic of NCDs is fuelled by common behavioural risk factors — unhealthy diet, lack of physical activity, the use of tobacco and alcohol — which are all on the rise in India. This epidemic is further spurred by factors including a genetic predisposition towards conditions such as diabetes and heart disease, and a sedentary lifestyle, which also brings with it issues such as stress, anxiety, and depression. India bears the dubious distinction of being the diabetes capital with 101 million diabetics and 136 million with prediabetes. Cardiovascular diseases top the mortality charts, and cancer incidence is projected to rise by 57.5% by 2040. This health crisis not only affects individuals but also poses a substantial economic burden. The World Economic Forum estimates that India could incur a staggering cost of $4.58 trillion between 2012 and 2030 due to NCDs and mental health conditions.

As India aspires to become a $5 trillion economy by 2027, the growing incidence of NCDs is a pressing concern. While the government has launched initiatives such as the National Programme for Prevention and Control of Cancer, Diabetes, Cardiovascular Diseases, and Stroke, and the 75/25 initiative, the onus now lies on individuals to take charge of their health.

As we step into a new year, it is important that we choose to make health our top priority. While New Year resolutions are made only to be broken a few months later, this is one resolution that we can no longer afford to break.

Our health is determined by where we live, work, and engage in other activities, which brings in factors such as urban planning and environmental pollution that are sometimes beyond our control. However, what we can control is what we put in our bodies, how we move through the day, and how we stay ahead of illnesses by taking health check-ups regularly. What we can manage is our daily lifestyle, by making healthier choices, and this is where micro-habits — small, manageable actions that fit effortlessly into our daily routines — can make a difference.

First, we can integrate more natural movement into our daily lives. For instance, we can walk where possible instead of taking a vehicle. Just 30 minutes every day can increase cardiovascular fitness, strengthen our bones, reduce excess body fat, and boost muscle power and endurance

Second, we can choose ‘slow food’ over fast food. Food that is prepared with the ingredients that are right for us and food that is consumed with appreciation. There is a connection between the food we eat and the health of our environment, our communities, and ourselves.

Third, we can take out a few hours once a year and get a comprehensive health check-up. We need to change our attitude from ‘it’s better not to know’ to ‘it’s best for me to be proactive so that I can overcome it’.

Fourth, we can make health a dinner table and water cooler conversation. We ask our colleagues and loved ones about their day, their achievements, their plans, so why not ask what they did for their health? How much did they walk? Do they feel anxious? It is only by normalising this conversation can we truly stay one step ahead of health issues.

Winning the war against NCDs is not just vital for individual well-being; it’s a decisive factor in safeguarding the health of the nation. By embracing sustainable healthy habits today, we commit to making healthier choices for 365 days and beyond. This resolution transcends personal improvement; it represents a collective dedication to shaping a healthier, more prosperous India.

The power to transform the nation lies in the daily choices of its citizens, reflecting a profound understanding that the well-being of individuals directly impacts the well-being of society. In committing to Resolution 2024, we recognise that small, consistent actions, when multiplied across millions, can generate a seismic shift in the health landscape. It is a call-to-action resonating with the belief that the strength of a nation is rooted in the vitality of its people. As we embark on this journey towards a healthier India, we are laying the foundation for a brighter future for ourselves and for generations to come.

COMMents

SHARE

health / Wellbeing

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-28

GROWTH CHARTS — WHO STANDARDS VERSUS INDIA CRAFTED

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 28, 2023 12:54 am | Updated 12:54 am IST

COMMents

SHARE

READ LATER

'A number of countries with similar or even poorer economic conditions, including those in the South Asian region, have shown higher improvements in stunting prevalence using the same WHO-MGRS standards' | Photo Credit: Getty Images/iStockphoto

High levels of child undernutrition have been a persistent problem in India. It is well recognised that the determinants of undernutrition are multiple, and include food intake, dietary diversity, health, sanitation, women's status and the over-arching context of poverty. The most common measures of childhood undernutrition are based on anthropometric standards such as height-for-age (stunting/chronic undernutrition) and weight-for-height (wasting/acute undernutrition). Monitoring these is key to tracking progress in terms of actual outcomes. India, like most other countries, uses the globally accepted World Health Organization (WHO) Growth Standards to measure malnutrition. However, there is an emergent debate on a number of issues related to the use of these growth standards in India, some of which are discussed below.

The WHO standards are based on a Multicentre Growth Reference Study (MGRS) that was conducted in six countries between 1997 and 2003 (Brazil, Ghana, India, Norway, Oman and the United States). The purpose was to determine the pattern of growth (from birth to five years) of children who did not face any known deficiencies in their environments. The references that were previously used (WHO-National Center for Health Statistics references) were based on children only from the U.S., many of whom were not breastfed but formula-fed. The MGRS took a prescriptive approach, with the specific aim of setting growth 'standards' (how children ought to grow, provided they have a healthy environment) and not growth 'references' (how children of the reference group grow). The sample for India in the MGRS was drawn from a set of privileged households living in South Delhi, of children who met all the eligibility criteria for the study including having a 'favourable' growth environment, being breast-fed and having non-smoking mothers.

Some researchers who have analysed data from other surveys for India suggest that these standards overestimate undernutrition. However, such comparisons with other large datasets would only be valid if these could provide samples that meet all the criteria of a favourable environment for growth, as defined by the MGRS. As it happens, an adequate number of equivalent samples are difficult to find in large-scale surveys in India given the high levels of inequality as well as the underrepresentation of the rich in these datasets. For instance, even among children (six-23 months) in households of the highest quintile in National Family Health

Survey (NFHS)-5 (2019-21), only 12.7% meet the requirements of a 'minimum acceptable diet' as defined by WHO. While almost all mothers in the MGRS sample had completed more than 15 years of education (in 2000-01), 54.7% of women in NFHS-5 had completed 12 or more years of schooling.

Such comparisons could also be misleading because the study norms of the WHO-MGRS were very different from these prevalence studies. For example, the MGRS included a component of counselling to ensure appropriate feeding practices, which is obviously missing in the NFHS or Comprehensive National Nutrition Survey. In fact, once it is understood that the MGRS sample was for the purpose of setting prescriptive standards, most of the sampling concerns are resolved. Some further issues raised vis-à-vis the MGRS methodology such as pooling of data from different countries have been discussed in detail in the study reports.

Another important set of issues with regard to using the MGRS standards is the difference in genetic growth potential of Indians with respect to others and the influence of maternal heights on child growth. At an individual level, maternal height is undeniably a non-modifiable factor for the growth of her child. Therefore, there is a question of how much improvement is possible in one generation, if at all. However, low average maternal heights are themselves a reflection of the intergenerational transmission of poverty and poor status of women, and, therefore, a measure of an environment of deprivation. An appropriate indicator of a deficient environment, such as stunting, needs to capture this deprivation as well.

Albeit relevant a question still remains on whether the standard is too plastic to be useful, considering these issues of maternal heights and genetic potential. The fact is that a number of countries with similar or even poorer economic conditions, including those in the South Asian region, have shown higher improvements in stunting prevalence using the same WHO-MGRS standards. Regional differences within India, both in the prevalence of stunting as well as increases in adult heights, also indicate that some States such as Odisha, Chhattisgarh, Tamil Nadu and Kerala are achieving much faster reductions than others. It also needs to be considered that gene pools also shift at the population level with greater socio-economic development — a fact demonstrated by the growing average heights of countries such as Japan, refuting the immutability of genetic potential.

Another serious concern is related to inappropriately high standards leading to a misdiagnosis of the situation, and a resultant potential overfeeding of misclassified children under programmes of the government introduced to address undernutrition, thereby resulting in an increase in overweight and obesity. This is a worry, given the increasing burden of non-communicable diseases (NCDs) in India. Nevertheless, given the dietary gaps that children have and the poor coverage of schemes such as mid-day meals and supplementary nutrition in anganwadis, such fears appear largely unwarranted. Indeed, the quality of the meals under these schemes must be improved to ensure that they are not cereal-heavy, include all nutrients, and contribute to dietary diversity. Recommendations such as including eggs in meals for children and pulses in the Public Distribution System must be acted upon urgently. It is also well understood that along with improving diets, multiple interventions such as better sanitation, access to health care, childcare services and so on are required for better nutritional outcomes.

There is also no doubt that there are also many gaps to fill in the more distal determinants of stunting, mainly; livelihoods and poverty, access to education and women's empowerment. These goals are inextricably linked to the overall development of the country, with equitable distribution of resources. Their reflection in anthropometric indicators only enhances the importance of these summary indicators rather than detract from it. It is relevant to acknowledge that individual children grow uniquely, and trained child health personnel such as treating physicians can apply judgement calls on the interpretation of growth charts in the context of

individual children in their care. What these standards are used for are mainly to understand population trends. Using the appropriate standards is also important for international comparisons and intra-country trends — an advantage that would be lost with any new country-specific standard.

In light of these discussions, the Indian Council of Medical Research has constituted a committee to revise the growth references for India. It has been reported that this committee has recommended a detailed rigorous study to be conducted across the country to examine child growth with the purpose of devising national growth charts, if necessary.

Yet, while acquiring newer, and more precise information on child growth is a welcome move — considering our high aspirations of reaching development to every last person by 2047 and its advantages of comparability — it seems logical to stick to the aspirationally high but achievable standards suggested by the WHO-MGRS.

Dr. Vandana Prasad is a community paediatrician, public health professional, and a technical adviser of the Public Health Resource Society. Dipa Sinha teaches Economics at the Dr. B.R. Ambedkar University Delhi

COMMents

SHARE

nutrition and diet / children / health / Brazil / USA / education / genetics / poverty / Orissa / Chhattisgarh / Tamil Nadu / Kerala / population

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

Source : www.thehindu.com Date : 2023-12-28

THE QUEST FOR ‘HAPPINESS’ IN THE VIKSIT BHARAT ODYSSEY

Relevant for: International Relations | Topic: Indian Diaspora

To enjoy additional benefits

CONNECT WITH US

December 28, 2023 12:47 am | Updated 12:47 am IST

COMMents

SHARE

READ LATER

‘The need to include social indicators for development becomes more pertinent as GDP estimates fail to consider life’s human and social aspects’ | Photo Credit: ANI

Viksit Bharat has now been formally launched. The idea of making India a developed nation by 2047, the 100th year of its Independence, sounds exciting. This goal looks achievable, given the pace with which the country is moving ahead. This moment also gives us an opportunity to assess the idea of development intended. The focus and priorities in the choice of development planning are crucial and complex. In Viksit Bharat, economic development is overemphasised. But post-developmentalists argue that this is a Euro-centric notion of development which reflects the interests of its practitioners.

The aspects included in Viksit Bharat are structural transformation; organising labour markets; increasing competitiveness; improving financial and social inclusion; governance reforms, and seizing opportunities in the Green Revolution. Aspiring to claim the title of being the world’s largest economy will not fulfil every desire and ambition this country holds dear. The need for material development can be accepted, but this will be one of many things India will aspire for by 2047. Critics of development have consistently raised concerns about the conventional models of economic growth, challenging the contentious notions surrounding modernity and progress. The current idea of Viksit Bharat needs to be reimagined to assess what other aspects of development would assume importance for India.

Instead of ‘Viksit Bharat’, the theme ought to be ‘Happy India-Developed India’ (Khushhal Bharat-Viksit Bharat). Happiness ought to be the central pursuit in this journey. Without achieving happiness, development has no meaning. Ironically, the nations have developed, but people are not happy. Rich nations are not essentially happy nations. Wealthy nations have only performed on GDP and per capita income but have failed miserably in the context of social and psychological well-being indicators. This development scheme conveniently overlooks mental health and wellness. The World Happiness Report 2023 shows many developed nations have poor happiness markers. Some nations have attained both in a balanced way. India’s case is also crucial because it is ranked 126 out of 137 countries despite being the fifth-largest economy. The curious question would be whether India will have a better rank in the happiness index in the years to come. Development and the Viksit Bharat agenda will remain a dream if we fail to imagine how to rise in the happiness index.

Happiness measures have already become the goals of public policy in many countries. Happiness is no longer a subjective matter. Since its inception in 2012, the World Happiness Report has devised a robust method to measure and calculate it. The happiness matrix includes six variables: GDP per capita; healthy life expectancy at birth; generosity; social support; freedom to make life choices, and perception of corruption. The Happiness Report of 2023 placed extra emphasis on trust and benevolence in crisis situations such as COVID-19.

Lara B. Aknin, one of the co-authors of the Happiness Report 2023, has said, “We see those various forms of everyday kindness, such as helping a stranger, donating to charity, and volunteering, are above pre-pandemic levels.” The report found that despite the pandemic, economic crisis, and personal losses, acts of kindness have increased globally. The report also highlighted the importance of social connections and relationships in contributing to happiness and well-being.

According to the report’s parameters, Finland, Denmark, Iceland and the Netherlands are the happiest countries. These countries achieved development not at the cost of social disruption. Instead, they have built up social connections and support systems.

A happiness-induced development model for India is highly pertinent as we are significantly governed by social relationships and cultural mandates. On the contrary, the current model of mere economic development is highly disruptive to our social order. This form of development leads to disorders and crime. All aspects of life in this development cycle do not change simultaneously, creating imbalances and contradictions. Such things are visible in our society, where industrial and economic developments are changing alarmingly, but quality aspects of life continue to lag.

The need to include social indicators for development becomes more pertinent as GDP estimates fail to consider life’s human and social aspects. The European Commission’s focus is also moving beyond GDP, shifting to a measurement of economic performance and social progress. Specific indices already developed could make the agenda for Viksit Bharat@2047 more inclusive and comprehensive. For instance, a weightage to the Human Development Index, which consists of life expectancy, educational attainment, and income level, could be considered. Further, the United Nations Research Institute for Social Development in 1970 created a Social Development Index with 16 core indicators could be another inclusion.

Similarly, the World Bank’s Environmentally Sustainable Development Division has developed a ‘Green Index’ that measures a nation’s wealth by incorporating three components: produced assets, natural resources and human resources. An International Human Suffering Index also measures the country on different parameters of human suffering. In conceiving a national vision for development, indices such as the Global Innovation Index, Rule of Law Index, Poverty Index, Corruption Perceptions Index, Gender Equality Index, and World Press Freedom Index will be pretty significant to give effect to the idea of a happy India, revisiting the pursuit of a developed India as Happy-India will be pivotal in Viksit Bharat’s journey.

G.S. Bajpai is Vice-Chancellor, National Law University Delhi. The views expressed are personal

COMMents

SHARE

India / development / labour / social issue / economy (general) / social conditions / Coronavirus / corruption & bribery / Finland / Denmark / Iceland / Israel / Netherlands / European Union /

education / personal income / United Nations / poverty / freedom of the press

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.c

Source : www.thehindu.com Date : 2023-12-30

SYMPTOMATIC INDIVIDUALS, AT RISK AND CONTACTS IN TAMIL NADU TO BE TESTED BY RT-PCR ONLY

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 30, 2023 01:50 am | Updated 01:50 am IST - CHENNAI

COMMents

SHARE

READ LATER

The Directorate of Public Health has instructed all Deputy Directors of Health Services to adhere to the RT-PCR testing strategy without deviation. File | Photo Credit: The Hindu

Symptomatic individuals should be tested for COVID-19 by RT-PCR only, the Directorate of Public Health (DPH) and Preventive Medicine has said.

Also, at-risk contacts of the laboratory-confirmed COVID-19 cases and contacts of clustering of cases /unusual presentations in the community setting and all hospitalised cases of Influenza Like Illness (ILI) and Severe Acute Respiratory Infection (SARI) should also be tested by RT-PCR only.

In the light of a surge in the COVID-19 cases in a few countries and neighbouring States as well as the identification of the latest variant — JN.1 — in four samples in Tamil Nadu, the DPH issued an advisory on a purposive testing strategy.

The directorate instructed all Deputy Directors of Health Services to adhere to the guidelines without deviation. It said that the following persons should be tested for COVID-19 by RT-PCR only: in community setting, symptomatic individuals — those having cough, fever, sore throat, breathlessness and/or other respiratory symptoms; at-risk contacts of laboratory-confirmed cases (at-risk contacts are elderly and individuals with co-morbidity such as diabetes, hypertension, chronic lung or kidney diseases, malignancy, immunocompromised, obesity); and contacts of clustering of cases/unusual presentation, and in hospital settings, all hospitalised ILI and all SARI cases.

This is to facilitate early detection of symptomatic cases for immediate care, early detection of infection in elderly (aged above 60 years), and individuals with co-morbidities for immediate care and to limit the spread of the new isolated variant of interest — JN.1.

COMMents

SHARE

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com

crackIAS.com

Source : www.thehindu.com Date : 2023-12-30

COLLECT COVID DATA TO TAKE DECISIONS, PREPARE SYSTEMS: EXPERTS

Relevant for: Developmental Issues | Topic: Health & Sanitation and related issues

To enjoy additional benefits

CONNECT WITH US

December 29, 2023 10:28 pm | Updated December 30, 2023 07:56 am IST - Chennai:

COMMents

SHARE

READ LATER

School students wear masks as a precaution against COVID-19 as they visit the Vidhana Soudha in Bengaluru on December 21, 2023. | Photo Credit: PTI

Over the last four weeks, COVID cases have gone up rapidly with JN.1 becoming the predominant strain. For an endemic infection, surges are common, but they will have to be anticipated and handled appropriately, says Soumya Swaminathan, former Chief Scientist, WHO, and chairperson, MSSRF.

“There will be surges in the future. It is important to collect data in order to make decisions, in case another surge with a more deadly strain were to appear. Our systems will have to be prepared,” she adds. This includes having vaccines and drugs at hand to use if the need arises.

Also read | Strengthen local level administration to tackle future pandemics: Soumya Swaminathan

“I think there is no point panicking over the number of cases. Testing is still negligible, and if we increase the number of tests, obviously the number of cases will also go up,” she explains. Rather than looking at the COVID test numbers, governments should look at SARI and ILI surveillance data, and look at what proportion of those cases COVID is, and communicate that information, Dr. Soumya says.

Senior infectious diseases consultant Ramasubramanian says it is possible to work without having the full picture, regarding numbers. “We have moved over to syndromic management, and treat the symptoms. Anyway there are a number of cases of flu, people coming in with upper respiratory tract infections. Among inpatients at Apollo Hospitals, for instance, there are 5-10 cases of COVID-19.” Some of these patients also get anti-virals such as remdesivir, and nimatrelvir, though both these anti-virals are in short supply, the latter more so, he adds.

Also read: As JN.1 emerges as variant of interest, time to evaluate preparedness and effective testing and treatments

Dr. Soumya suggests: “Clinically, it may not be COVID, but if you have an upper respiratory tract infection — breathlessness, drop in O2 saturation, respiratory distress, persistent cough, leading up to pneumonia. It is good to test, and treat.”

For those who are symptomatic, it is necessary to isolate, mask up and test. Former Chennai Corporation Health Officer P. Kuganantham advises that it is better to mask up while travelling on metro trains, and while present in air conditioned rooms without ventilation. Healthcare workers and people visiting hospitals must take care to wear masks, he says, adding that encouraging more people to take the pneumococcal and flu vaccines regularly will protect against severe respiratory tract infections.

“All said, it is not just a cold, there are post COVID sequelae that might be severe, so vulnerable groups need take extra precautions, including getting booster shots,” Dr. Soumya says. The WHO itself has recommended that nations study lab assays and look at the neutralising effect of the virus strains with the protection afforded by vaccinations and/or natural infections. “We have to check if the immunity is holding good, and we need India specific data on this. Once we have this kind of information, it will be possible to come to a conclusion on whether annual or bi annual vaccination against COVID should be instituted.”

Dr. Ramasubramanian says it is likely that this current wave will wind up in about 6 weeks. It is possible to predict how long a surge will last, looking at the previous waves. It usually lasts six to eight weeks and the faster it spreads (as far as JN.1 goes, it is clearly spreading at a faster rate.) The faster a strain spreads, the faster will be its peak and it will also come down, Dr. Soumya adds.

Significantly, the gap between appearance of variants that are significant seems to have become once in six months, while earlier it was once in four months, Dr. Soumya explains. “It seems to be slowing down, besides, it is basically Omicron that we have for two years now.”

COMMents

SHARE

Coronavirus / viral diseases / health

BACK TO TOP

Terms & conditions | Institutional Subscriber

Comments have to be in English, and in full sentences. They cannot be abusive or personal. Please abide by our community guidelines for posting your comments.

We have migrated to a new commenting platform. If you are already a registered user of The Hindu and logged in, you may continue to engage with our articles. If you do not have an account please register and login to post comments. Users can access their older comments by logging into their accounts on Vuukle.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com