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# ALTERING STATUS QUO: THE HINDU EDITORIAL ON JAMMU AND KASHMIR AND STATEHOOD

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

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September 02, 2023 12:20 am | Updated 08:54 am IST

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The Centre's stand that [it is unable to commit itself to a timeline for restoration of Statehood for Jammu and Kashmir \(J&K\)](#) is quite disappointing. Four years after the [State's status was downgraded to that of a Union Territory](#), all that the Union government can say about it now is that the status as a Union Territory is temporary and that it is taking steps towards making J&K a complete State. When queried by the Supreme Court Bench, which is hearing the [challenge to the abrogation of J&K's special status under Article 370](#) of the Constitution, about a timeline for the return of Statehood, the Solicitor-General said he was unable to give an exact time period. It is true that the State had faced disturbances for decades, but whether it can still be cited as the reason for the delay in restoration of statehood is a relevant question to raise. Alongside the President's declaration of Article 370 as inoperative and the application of the whole of the Constitution to J&K, the State was reorganised into two Union Territories — Jammu and Kashmir, with a Legislative Assembly, and Ladakh, without an Assembly. The Centre favours holding of panchayat and municipal elections as well as polls to the Assembly. The Election Commission of India and the State's Election Commission will have to take a call soon, as even the work of updating the electoral rolls is said to be nearing completion.

Given the government's claim that the situation is quite normal and that terrorism, infiltration and incidents of stone-throwing have all substantially come down, it is difficult to account for any further delay in the holding of elections. However, the picture of normality portrayed by the government should not, and is unlikely to, influence the adjudication of the constitutional issues arising from the manner in which the abrogation of special status was achieved. As the Chief Justice of India, Justice D.Y. Chandrachud, observed during the proceedings, the development work the government says it has undertaken after August 2019 is not relevant to the constitutional challenge. Any positive change brought about by the administration in the ground situation should be a pointer to the need for early elections and the restoration of popular government as well as Statehood, and should not be used to demonstrate the correctness of the government's actions in 2019. To be fair, the hearing before a Constitution Bench, which has gone on for 14 days so far, has been quite rigorous in its focus on the constitutional and historical issues that will ultimately determine the validity of the manner in which the State's status was altered and its territory reorganised.

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[Jammu and Kashmir](#) / [Article 370](#) / [constitution](#) / [terrorism \(crime\)](#) / [unrest, conflicts and war](#) / [judiciary \(system of justice\)](#) / [local elections](#) / [election](#)

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# DECODING THE NYAYA 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

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September 06, 2023 12:15 am | Updated 12:15 am IST

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A view of the Lok Sabha proceedings in New Delhi. File | Photo Credit: ANI

The government, by introducing in the [Lok Sabha three penal Bills](#) which is says “aim to decolonise the Indian justice system,” has rightly exercised its prerogative. Earlier governments dithered over this move for years. However, in matters of law-making and reform, mere initiative may not be sufficient.

In this case, we need to particularly focus on three points. The first is that penal law-making and reform are serious issues which require deep deliberation and empirical validation. Second, we must keep in mind the diversity of considerations of substantive and procedural laws, and engage with the two sets separately. Substantive laws govern how people behave; they define criminal offences and specify punishment, whereas procedural laws are aimed at enforcement agencies that are to provide safeguards and due process even to the “worst” offenders. Third, we need to realise that penal laws are an instrument for actualising and propagating a wide variety of interests as per the constitutional vision and the dominant ideology. Which interests need protection and priority is a matter of democratic process. In view of these issues, let us analyse the Bharatiya Nyaya Sanhita Bill.

The colonial penal law had to be replaced not because it was inherently flawed, but because it lacked participation from the very people for whom it was meant. There is an imposition of foreign ideas and values. Therefore, a wide and diverse debate that includes the participation of the ‘governed’ should be integral to this exercise. Thomas Babington Macaulay had said in the House of Commons in 1833 that the basis of a uniform code of laws for India should be “uniformity when you can have it, diversity where you must have it, but in all cases certainty.” The ensuing penal law should be aimed at achieving the target of equal and uniform application and should be structured in precise terms to impart maximum certainty.

The idea of according justice or nyaya may be the ultimate end, but every kind of criminalisation means encroachment on liberties and decimation of freedoms. This task requires empirically analysing the shifts in the perceptions of those types of behaviour that are considered undesirable or otherwise. We have recently witnessed such a shift in respect to attempted suicide, which, from an offence under Section 309 of the Indian Penal Code, is on the way to becoming a mental problem under Section 115(1) of the Mental Health Care Act, 2017. Likewise, in *Joseph Shine v. Union of India*, the Supreme Court struck down Section 497 (offence of adultery). Therefore, there is a need to conduct a wide-ranging social audit of what

constitutes “undesirable” behaviour. Steven Box wrote in *Power, Crime and Mystification*, “For too long too many of us have been socialised to see crime and criminals through the eyes of the state.” While not everyone will agree with this, it underscores the value of an independent and impartial body taking up the task of social audit of what is undesirable behaviour.

Though there is an attempt to impart brevity, the tendency of retaining and adding new offences tends to offset the advantages. After the Indian Penal Code, many special penal laws have been enacted to deal with new and emerging crimes, which could be kept out of the Bharatiya Nyaya Sanhita. Furthermore, serious crimes such as organised crime and terrorism could be located in existing special laws, or a new composite law, as suggested by the Malimath Committee, could handle them.

It is in consonance with the constitutional vision enshrined in Article 15(3) (special provision for women and children) and Article 51A(e) (renounce practices derogatory to the dignity of women) that ‘Offences Against Women and Children’ has been accorded first place in the category of offences in Chapter V of the Bill. But we get a rude shock when we realise that in the proposed offence of rape under Clause 63, sexual intercourse between a man and his wife, if the wife is above 18, is not rape. India still seems to be guided by the colonial mindset that is reflected in Clause 359 of the Draft Penal Code, 1837, which reads: “Sexual intercourse by a man with his own wife is in no case rape.” Likewise, retaining Clauses 20 and 21 in Chapter III (General Exceptions) that relate to criminal liability in a general penal law militates against the philosophy of special law for children that is explicitly laid down in Section 1(4) of the Juvenile Justice Act of 2015: “Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all matters concerning children in need of care and protection and children in conflict with law.”

The proposed penal law has certain decisive departures from the colonial chapter scheme that tried to arrange offences as per the priority of interests of the ruling class and pushed the interests of body and property below the offences against the state and other supportive institutions. But the Bill has accorded precedence to bodily interests by placing them in Chapter VI, just before offences against the state.

Is it possible to draw some inferences from such a shift? The acid test would lie in the responses to the following inquiries: First, will the reforms fulfil the constitutional vision enshrined in Article 13(2) (prohibition on laws against fundamental rights)? Second, will the law uphold the principles of autonomy and equality? Third, will it further the fraternity guaranteed by the Preamble?

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# THE BHARATIYA NAYAY SANHITA NEEDS A RELOOK

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

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September 13, 2023 01:45 am | Updated 01:46 am IST

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The Bharatiya Nyaya Sanhita Bill, 2023, Bharatiya Nagarik Suraksha Sanhita Bill, 2023, and Bharatiya Sakshya Bill, 2023 have been referred to the Standing Committee on Home Affairs headed by BJP MP Brijlal (in picture). Photo: X/@BrijLal\_IPS

It is important that the offences in any penal law are clearly defined. Those who administer the law must know what offence has been committed so that arbitrary and discriminatory enforcement does not occur. In [Shreya Singhal v. Union of India](#) (2015), the [Supreme Court held Section 66A of the Information Technology Act as unconstitutional](#). It found the term “grossly offensive” in the Section to be vague and devoid of precision. Recently, the Central government introduced a few new offences in the Bharatiya Nyaya Sanhita (BNS) Bill to deal sternly with terrorism-related crimes and organised crimes. It is feared that some terms in the Bill may be challenged as they are vague.

The number of sections in the Sanhita has been reduced, mainly because various sections pertaining to ‘definition’ have been merged into one section, offences and punishments have been clubbed together, and offences of a similar nature brought under one section. A few omitted sections are unnatural offences (Section 377 of the Indian Penal Code), adultery (Section 497 of the IPC) and attempt to commit suicide (Section 309 of the IPC, though not completely).

**Editorial | [Rebooting the codes: On the IPC, CrPC and Evidence Act](#)**

While the definition of ‘terrorist act’ in the Sanhita has been largely borrowed from the Unlawful Activities (Prevention) Act (UAPA) of 1967, the words ‘to strike terror in the people’ have been replaced with the words ‘to intimidate the general public’. Though less severe, these words do not change the gravamen of the section. The expression ‘such as to destroy the political, economic, or social structure of the country’ is vague. The explanation added to the section defining a ‘terrorist’ is at variance with the one who commits a ‘terrorist act’. Similarly, while terrorist organisations are notified in the First Schedule to the UAPA, ‘terrorist organisation’ is given a specific definition in the section. The only advantage of adding terrorism in the Sanhita (vis à vis the UAPA) is that the investigating officer would not require any sanction for prosecution from the government. But at the same time, the restrictive bail provision would also not apply to the accused.

Another offence reintroduced with some changes (in place of sedition) is about ‘acts



endangering sovereignty, unity and integrity of India'. This appears more objective as it does not intend to punish criticism of or disaffection towards the government. The addition of words such as 'purposely or knowingly' serve as a safeguard because they indicate mandatory presence of the mens rea. But it would help if the meaning of 'subversive activities' is clarified to dispel fears of misinterpretation and misuse by the authorities. Further, the explanation added to the section appears incomplete and needs to be modified.

Similarly, taking a cue from the Maharashtra Control of Organised Crime Act (MCOCA), 1999, a new offence called 'organised offence' has been added with the difference that three (instead of two) or more persons indulging in such activities would constitute an 'organised crime syndicate'. While about a dozen categories of offences have been specifically included in the definition, offences such as 'cyber-crimes having severe consequences' appear vague. The new offence of 'petty organised crime' which starts with the vague expression 'any crime that causes general feeling of insecurity among citizens relating to theft...' does not carry any barometer to assess the general feeling of insecurity. The constituents of 'organised crime or gang' are not specified. Further, while most offences relate to theft and are cognisable offences, 'petty organised crime' has been categorised as a non-cognisable offence. Most surprisingly, while 'snatching' (a type of theft) has been defined as a separate offence with the same punishment as that of theft (though without any provision for subsequent conviction), it has been categorised as a non-cognisable offence.

The gravity of murder based on factors such as race, community, sex, or language by a group of five or more has been diluted. Punishment varies from seven years to imprisonment for life, whereas the present provision provides for life imprisonment or death for every person acting with common intention. This clause may not stand scrutiny of the constitutional courts as the differentiation is prima facie arbitrary and unreasonable. At the same time, punishment for a fatal accident could extend to 10 years if the accused does not report the incident to the police or escapes from the scene.

'Sexual intercourse by employing deceitful means' has been rightly made a separate offence with lesser punishment as provided for rape, but exception with regard to 'marital rape', the constitutionality of which is under challenge before the Supreme Court, has not been removed. The right to 'decent cremation or burial' (which is a part of right to life) and was allegedly denied to many during the pandemic, has not been taken cognisance of by making it a new offence, though it was noticed by many courts.

While the addition of 'community service' as a form of punishment for petty offences is laudable, that a reformation approach to punishment finds no place in the 'statement of objects and reasons' seems regressive.

As the Sanhita will have a far-reaching impact on the criminal justice system, it needs further deliberations. The [Parliamentary Standing Committee](#) must ensure that inconsistencies are checked, vague expressions are removed, appropriate explanations added, and drafting errors eliminated.

***R.K. Vij is a retired Indian Police Service Officer. Views are personal***

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## CHANGING THE WAY THE POSTMAN KNOCKS

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

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September 15, 2023 12:08 am | Updated 01:39 am IST

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Hikkim in Lahaul and Spiti district of Himachal Pradesh hosts the world's highest post office.  
Photo: Special Arrangement

The new [Post Office Bill \(2023\)](#) introduced in the Rajya Sabha on the penultimate day of the monsoon session of Parliament, is [to replace the Indian Post Office Act \(1898\)](#) in the light of the changing role of post offices where its “network has become a vehicle for delivery of a variety of citizen centric services”. While the 1898 Act had focused only on mail services, the new Bill authorises the Director General of Postal Services to make regulations related to activities necessary for providing various such other services as the central government may prescribe, and to fix charges of them. This provision is important as parliamentary approval will not be a prerequisite for revision of charges for any service offered by post offices, including traditional mail services.

This aspect in the new Bill gives the postal department the requisite flexibility in deciding the prices of its services in a fiercely competitive industry and help in responding quickly to market demands. Also, various initiatives of India Post to dispense citizen-centric services will now be based on a strong legal framework.

The new Bill authorises the central government which “may, by notification, empower any officer to cause any item in course of transmission by the Post Office to be intercepted, opened or detained in the interest of the security of the State, friendly relations with foreign states, public order, emergency, or public safety or upon the occurrence of any contravention of any of the provisions of this Act...”. Even in the existing Act (1898), there was provision for the Postal Department to open and destroy any postal article containing “explosive dangerous, filthy, noxious or deleterious substance” (Section 19, 19A, 23(3)(a) refer). The provision contained in the new Bill is more generic in nature and will arrest possibilities of smuggling and unlawful transmission of drugs and other contraband goods through postal parcels. There is no similar legislation for courier firms. India Post has a share of less than 15% of the market in the courier/ express/parcels (CEP) industry, and so the effectiveness of the provision to intercept, open or detain any item in the course of postal transmission on the grounds of national security and public service has its limitations.

A major part of the domestic courier industry is made up of medium and small players. If the Bill had any provision for such operators to register with any designated authority and if the central government had retained the authority to intercept and open parcels in the course of

transmission by the couriers, that would have given teeth to the Bill to control the movement of contraband goods in parcels.

The new Bill provides the central government “standards for addressing on the items, address identifiers and usage of post codes”. This provision will have a far-reaching impact as the physical address may be replaced by a digital code using geo-spatial coordinates to identify a specific premise. Digital addressing, though a futuristic concept, may ease the process of sorting and facilitate accurate delivery of mails and parcels. This provision may even facilitate the delivery of parcels by drone, as is being experimented in some countries. However, there is a long way to go.

The most important aspect of the Bill is to drop the hitherto existing provision in clause 4 of the 1898 Act: “Central Government shall have the exclusive privilege of conveying by post, from one place to another, all letters ... and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters....” This provision lost its relevance ever since couriers were allowed to operate in India since the 1980s. This happened because the definition of ‘letter’ was not spelt out anywhere in the Act or in subsequent Indian Post Office Rules, 1933. There is a huge grey area overlapping the concepts of ‘letter’ and ‘document’. In the eyes of law, what the couriers hitherto delivered were ‘documents’ and ‘parcels’, not the ‘letters’. Once the new Bill becomes an Act, all these legal debates as to what constituted a letter and what did not, will die down automatically.

Whatever may be the legal provision, a commoner perceives a letter to be a written and personal form of communication between two individuals, physically conveyed by post. After the mobile revolution, the importance of such written personal communication has reduced to a significant extent. As such, doing away with the provision of “exclusive privilege” by the central government in the new Post Office Bill is a step in the right direction and an acknowledgement of the reality.

autam Bhattacharya – Former Civil Servant, now an independent commentator on socio-economic issues and public policies. Sh. Bhattacharya worked in senior positions of government in various parts of India and at the time of superannuation he was Chief PMG West Bengal, Sikkim, Andaman & Nicobar Islands, in the grade of Addl. Secretary to Govt. of India. He had studied Economics in Presidency College, University of Calcutta and in Indian Statistical Institute and had professional training at EPFL Lausanne and at International Anti-Corruption Academy, Vienna. Before joining higher Civil Services of the Govt. of India, he taught postgraduate students of Economics in two Universities

***Gautam Bhattacharya, a former civil servant, is now an independent commentator on socio-economic issues and public policies. He worked in senior positions of government in various parts of India and at the time of superannuation was Chief PMG, West Bengal, Sikkim, Andaman and Nicobar Islands, in the grade of Additional Secretary to the Government of India***

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# TECHNICAL SESSIONS OF 'FIRST GLOBAL SYMPOSIUM ON FARMERS' RIGHTS' CONCLUDES TODAY

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

The technical sessions of 'First Global Symposium on Farmers' Rights (GSFR)' held at the ICAR Convention Centre, National Agricultural Science Centre, New Delhi was successfully concluded today.

The GSFR was attended by more than 500 delegates from 60 countries, including the National Focal Points of the International Treaty, more than 150 farmers and more than 100 foreign participants. Various issues pertaining to Farmers' Rights as set out in the Article 9 of the International Treaty were deliberated in five different technical sessions, two panel discussions and three special sessions. A special session on Farmers Forum was an important inclusion in the GSFR.

The deliberations and suggestions emanating from the GSFR have been crystalized in a 'Delhi Framework on Farmers' Rights', as a proposal from India to the Treaty:

On the final day of the meeting tomorrow, delegates to visit the Pusa Campus (IARI and NBPGR), to see the phenomics, genomics and gene bank facilities.

The meeting was inaugurated by President Smt. Droupadi Murmu. Recognizing the farming fraternity as the true guardian of crop diversity, President Droupadi Murmu, said that India's law on Farmers Rights (enshrined within the Protection of Plant Varieties and Farmers' Rights (PPVFR) Act, 2001) can be a model for the world to emulate, especially in the context of climate change challenges. The President also conferred 26 Plant Genome Savors Awards/Recognition to farmers and farming communities of India. Also, the newly constructed 'Plant Authority Bhawan', the office of the PPVFR Authority, and an online plant variety 'Registration Portal' was inaugurated by the President, in the august presence of Union Minister of Agriculture and Farmers' Welfare, Shri Narendra Singh Tomar, and Minister of State for Agriculture and Farmers' Welfare, Shri Kailash Choudhary.

Organized by the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty) of the Food and Agriculture Organization (FAO), Rome, the Global Symposium is being hosted by Ministry of Agriculture and Farmers' Welfare in collaboration with PPVFR Authority, Indian Council of Agricultural Research (ICAR), ICAR-Indian Agricultural Research Institute (IARI), and ICAR-National Bureau of Plant Genetic Resources (NBPGR). An exhibition showcasing the rich agrobiodiversity of India was put through support from 80 organisations and awardees farmers/farming community, ICAR institutes, SAUs, CAUs, CGIAR institutes and seed association. The Global Symposium was requested by the Ninth Session of Governing Body of the FAO's International Treaty, held in New Delhi during September 17 to 24, 2022, to share experiences and to discuss possible future work on Farmers' Rights.

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## 4TH G20 SUSTAINABLE FINANCE WORKING GROUP MEETING CONCLUDES IN VARANASI WITH FINALISATION OF THE G20 SUSTAINABLE FINANCE REPORT, 2023

Relevant for: International Relations | Topic: G20

The 4<sup>th</sup> and the last meeting of the G20 Sustainable Finance Working Group (SFWG) held under India's G20 presidency, successfully concluded in Varanasi today. The two-day meeting witnessed proactive engagement from over 80 delegates from G20 member countries, invitee countries and International Organisations including World Bank, New Development Bank, among others. Many other organisations joined the meeting virtually.

Kicking off the 4th [#SFWG](#) meeting in Varanasi under [#G20India](#) Presidency, discussions underway on the progress so far and actions taken to advance [#G20](#) [#Sustainable](#) [#Finance](#) Roadmap. [@g20org](#) [@RBI](#) [#OneEarthOneFamilyOneFuture](#) [#VasudhaivaKutumbakam](#) [#Varanasi](#) [pic.twitter.com/H8uEEvgZZI](https://pic.twitter.com/H8uEEvgZZI)

The G20 Sustainable Finance Working Group (SFWG) aims to mobilise sustainable finance to help ensure global growth and stability, and promote the transition towards greener, more resilient and inclusive societies and economies. The main purpose of the Group is to advance international work to help scale up private and public sustainable finance and in doing so, accelerate the implementation of the Paris Agreement and 2030 Agenda for Sustainable Development. The G20 Sustainable Finance Roadmap, as finalized in 2021, is the core around which the SFWG functions and takes up future work.

Towards this end, the SFWG in 2023 carried out work for enabling finance for SDGs along with the mobilisation of timely and adequate resources for climate finance as agenda priorities. The SFWG during India's G20 presidency has made recommendations on the following six areas, viz, (1) Mechanisms for Mobilisation of Timely and Adequate Resources for Climate Finance; (2) Policy Measures and Financial Instruments for Catalysing the Rapid Development and Deployment of Green and Low-Carbon Technologies; (3) Scaling-up the adoption of social impact investment instruments; (4) Improving Nature-related Data and Reporting; (5) G20 Technical Assistance Action Plan; (6) Overcoming data-related barriers to climate investments. In addition, the members have finalised the compendium of case studies on financing SDGs and the compendium on non-price policy levers to support sustainable investments.

The G20 New Delhi Leader's Declaration 2023 which was adopted in the Leader's Summit held recently, has welcomed the work undertaken by the SFWG under India's G20 presidency. The four Sustainable Finance Working Group (SFWG) meetings were held in Guwahati, Udaipur, Mahabalipuram and Varanasi. The two-day meeting in Varanasi aimed at jointly agreeing on the final G20 Sustainable Finance Report 2023 that assimilates the work carried out by the SFWG in the form of recommendations for the identified priority areas. The 4<sup>th</sup> meeting also discussed the progress made by G20 members and International Organizations (IOs) on the G20 Sustainable Finance Roadmap.

Achieving sustainable development requires collective efforts from all member countries. All through the SFWG meetings, both the Co-Chairs, US and China, members and invitee countries, as well as international organizations actively participated and contributed in the finalization of deliverables as key outcomes under the SFWG this year.



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The 4<sup>th</sup> and the last meeting of the G20 Sustainable Finance Working Group (SFWG) held under India's G20 presidency, successfully concluded in Varanasi today. The two-day meeting witnessed proactive engagement from over 80 delegates from G20 member countries, invitee countries and International Organisations including World Bank, New Development Bank, among others. Many other organisations joined the meeting virtually.

Kicking off the 4th [#SFWG](#) meeting in Varanasi under [#G20India](#) Presidency, discussions underway on the progress so far and actions taken to advance [#G20](#) [#Sustainable](#) [#Finance](#) Roadmap. [@g20org](#) [@RBI](#) [#OneEarthOneFamilyOneFuture](#) [#VasudhaivaKutumbakam](#) [#Varanasi](#) [pic.twitter.com/H8uEEvgZZI](https://pic.twitter.com/H8uEEvgZZI)

The G20 Sustainable Finance Working Group (SFWG) aims to mobilise sustainable finance to help ensure global growth and stability, and promote the transition towards greener, more resilient and inclusive societies and economies. The main purpose of the Group is to advance international work to help scale up private and public sustainable finance and in doing so, accelerate the implementation of the Paris Agreement and 2030 Agenda for Sustainable Development. The G20 Sustainable Finance Roadmap, as finalized in 2021, is the core around which the SFWG functions and takes up future work.

Towards this end, the SFWG in 2023 carried out work for enabling finance for SDGs along with the mobilisation of timely and adequate resources for climate finance as agenda priorities. The SFWG during India's G20 presidency has made recommendations on the following six areas, viz, (1) Mechanisms for Mobilisation of Timely and Adequate Resources for Climate Finance; (2) Policy Measures and Financial Instruments for Catalysing the Rapid Development and Deployment of Green and Low-Carbon Technologies; (3) Scaling-up the adoption of social impact investment instruments; (4) Improving Nature-related Data and Reporting; (5) G20 Technical Assistance Action Plan; (6) Overcoming data-related barriers to climate investments. In addition, the members have finalised the compendium of case studies on financing SDGs and the compendium on non-price policy levers to support sustainable investments.

The G20 New Delhi Leader's Declaration 2023 which was adopted in the Leader's Summit held recently, has welcomed the work undertaken by the SFWG under India's G20 presidency. The four Sustainable Finance Working Group (SFWG) meetings were held in Guwahati, Udaipur, Mahabalipuram and Varanasi. The two-day meeting in Varanasi aimed at jointly agreeing on the final G20 Sustainable Finance Report 2023 that assimilates the work carried out by the SFWG in the form of recommendations for the identified priority areas. The 4<sup>th</sup> meeting also discussed the progress made by G20 members and International Organizations (IOs) on the G20 Sustainable Finance Roadmap.

Achieving sustainable development requires collective efforts from all member countries. All through the SFWG meetings, both the Co-Chairs, US and China, members and invitee countries, as well as international organizations actively participated and contributed in the finalization of deliverables as key outcomes under the SFWG this year.

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# TRAI RELEASES TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES INTERCONNECTION (ADDRESSABLE SYSTEMS) (FIFTH AMENDMENT) REGULATIONS, 2023 (4 OF 2023)

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

Telecom Regulatory Authority of India (TRAI) has today issued Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Fifth Amendment) Regulations, 2023 (4 of 2023).

DRM is a systematic approach to [copyright](#) protection for digital media. The purpose of DRM is to prevent unauthorized redistribution of digital media and restrict the ways consumers can copy content they've purchased. DRM products were developed in response to the rapid increase in online [piracy](#) of commercially marketed material, which proliferated through the widespread use of [peer-to-peer](#) file exchange programs. Typically, DRM is implemented by embedding code that prevents copying, specifies a time period in which the content can be accessed or limits the number of devices the media can be installed on.

TRAI notified the Telecommunication (Broadcasting & cable) Services Interconnection (Addressable System) Regulation, 2017 on 03.03.2017 [hereinafter referred to as Interconnection Regulations].

During the consultation undertaken to prepare the Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual [hereinafter referred to as Audit Manual], certain comments and observations reflected some issues in the Schedule III of the Interconnection Regulations.

Accordingly, Draft Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Amendment) Regulations, 2019 was issued on 27.08.2019 which included issues related to Digital Rights Management Systems.

The Schedule III of the Interconnection Regulations does not provide for the requirements/specifications of DRM based systems. The Authority, during its consultations on Audit manual, received the feedback that owing to its benefits the IPTV based DPOs are switching to DRM technology. It is necessary that the Audit regime covers the DRM based networks and provides for enabling provisions for such operators. Accordingly, Draft Regulations dated 27.08.2019 mentioned above, included DRM specifications in Schedule III.

During the consultation process, the Authority received numerous comments and suggestions from various stakeholders on this issue. Numerous modification/additions were proposed by several stakeholders. Hence, the Authority was of the opinion that system requirements for DRM shall be dealt with in a separate consultation paper (refer para 34 of Explanatory Memorandum to the Interconnection (Amendment) Regulations, 2019 dated 30.10.2019).

The Authority was of the view that on the issue related to "System Requirements for Digital Right Management System", extensive deliberations with industry stakeholders is required. Accordingly, the Authority constituted a committee comprising of industry stakeholders to prepare and submit draft 'System Requirement for Digital Right Management (DRM)' to the

Authority.

After extensive deliberations, the committee submitted a report on “System requirement for Digital Right Management (DRM)” to be included in Schedule III of the Interconnection Regulation to the Authority.

Accordingly, TRAI had issued Consultation Paper on ‘System Requirement for Digital Right Management (DRM)’ in the form of draft amendment in the Interconnection Regulation 2017 on 09.09.2022. The comments of the stakeholders were invited by 07.10.2022 and counter comments, by 21.10.2022. On request of the stakeholders, the deadline to submit the comments was extended till 18.11.2022 for comments and 02.12.2022 for counter-comments. Comments on the said consultation paper were received from twenty one stakeholders and counter-comments were received from two stakeholders, which were uploaded on TRAI website. Subsequently, an Open House Discussion (OHD) was held on 24.02.2023. A few additional comments were also received after OHD.

The Authority analysed the comments of the stakeholders and to protect the interests of service providers and consumers has notified amendment to Interconnection Regulations. The main features of the amendments are as follows:

Full text of the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Fifth Amendment) Regulations, 2023 (4 of 2023) is available on the TRAI's website [www.traigov.in](http://www.traigov.in). For any clarification, Shri Anil Kumar Bhardwaj, Advisor (B&CS) may be contacted at Tel. No.: +91-11-23237922.

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## EXPLAINED

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

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September 18, 2023 08:30 am | Updated 12:08 pm IST

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**The story so far:** On July 7, the Telecom Regulatory Authority of India (TRAI) invited responses to a consultation paper it released on a regulatory mechanism for over-the-top (OTT) communication services. The paper also mentions selective banning of these services. Since most stakeholders have submitted their responses to the regulatory body, as the submission date ended on September 1, it is likely to issue guidelines in the coming days on whether OTT services should be regulated or be let to continue to operate as it is.

The discussion on the selective banning of OTT services came after a Parliamentary Standing Committee issued a notice to the Department of Telecom (DoT) to explore this option due to the unrest caused by these platforms which have mass reach and impact.

It is important to note that only OTT communication services like WhatsApp, Signal, Meta, Google Meet, Zoom, X, etc. were discussed in the consultation paper and not the 'content' OTTs such as Netflix, Amazon Prime etc. Content regulation is an altogether different subject and it comes under the ambit of the Ministry of Information and Broadcasting (MIB) and not the TRAI.

The TRAI has also asked stake holders to define OTT, and a proposal on cost-sharing mechanisms between Telecom Service Providers (TSPs) and OTT services.

Telecom Service Providers are of the opinion that OTTs should be regulated and charged because they use and thrive on the infrastructure built by operators over the years. Currently, they aren't.

"OTT communications services have led to erosion of revenues for the telcos. These platforms offer users an array of services, sending of Multimedia Messaging Services (MMS), instant messaging to voice and video calls, delivered over the internet. This circumvents the need for traditional telecom services, particularly voice calls and text messages, leading to a significant reduction in the revenue streams of telecom companies," responded the Cellular Operators Association of India (COAI), representing telecom players like Jio, Airtel and Vodafone Idea.

COAI argues, "OTT communication service providers neither contribute to the exchequer nor make investments like the TSPs in spread of network infrastructure in the country. The OTT communication service providers take a free ride on TSP funded networks without contributing

to the setting up and maintaining digital infrastructure for access networks.”

“There should be a policy framework to enable fair share contribution from large OTT service providers to telecommunication network operators based on assessable criteria like number of subscribers or data usage. To ensure fairness and compensate for the increased data demands, it is justifiable for OTTs to pay a fair and reasonable fair share charge to TSPs,” demanded the COAI.

The funds received by TSPs from OTTs will support the expansion of networks and enhance contribution to the exchequer, the COAI added.

Similarly, the Internet Service Providers Association of India replied, if OTT services are a substitutable service offered by licenced service providers, then such OTT services should be considered as the same services offered under the telecom licence granted by the Government.

That is, all such OTT services should be governed by the same set of rules irrespective of whether they are provided by an operator on its own network or through the internet.

The Internet and Mobile Association of India (IAMAI) submitted that cost-sharing demands are often articulated through a model where the sending party network pays (SPNP) the network operator. It would essentially mean charging twice for the same service as consumers already pay TSPs for the data they consume. It would add a cost to accessing free or cheap content, a part of which will eventually be passed on to consumers, thus raising the cost of internet usage.

It also goes against the principle of net neutrality that states networks should be neutral to all the information being transmitted through it, said the IAMAI.

The Internet Freedom Foundation has also expressed apprehension for the proposal to selectively ban OTT services.

“OTTs obtain the location of the customers and can easily bar access. Once the OTT communication services are under license this barring will be much easier to implement. TSP’s networks are capable of selectively blocking the OTT subject to details like IP addresses provided by the Competent Authority,” the COAI points out.

Government should consider source-level blocking so that the desired outcome may be achieved without any significant difficulties, the COAI added.

The IAMAI believes that there is no need to implement additional regulations governing OTT services, or even a regulatory framework for the selective banning of OTT services. Similarly, the Broadband India Forum (BIF) firmly opposed any selective ban on OTT services as they are adequately regulated under the existing IT Act, 2000, Consumer Protection Act, 2019, and other associated Acts and Rules.

“We submit that the options for selective banning of OTT services should be explored and implemented. OTT providers should implement IT solutions that would allow them to swiftly suspend their services in case of an internet outage,” COAI observed.

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# CRAFTING A NEW CHAPTER IN PARLIAMENTARY CONDUCT

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

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September 18, 2023 12:16 am | Updated 09:12 am IST

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The new (left) and old buildings of Parliament | Photo Credit: PTI

As [Members of Parliament troop into brand-new chambers of Parliament](#) on Tuesday for the unexpectedly-convened special session, one of the possibilities in their minds must be the prospects for disruption. That practice, sadly, is often par for the course in India's Parliament, many of whose members (and not only in the Opposition) appear to believe that the best way to show the strength of their feelings is to disrupt the lawmaking rather than debate the law. Last session, the Opposition parties united to stall both Houses almost every single day. While that was extreme, there has not been a single session in recent years in which at least some days were not lost to deliberate disruption.

It was not always this way. Indian politicians were initially proud of the parliamentary system they had adopted upon Independence, patterned as it was on Britain's Westminster model. India's nationalists had been determined to enjoy the democracy their colonial rulers had long denied them, and had convinced themselves the British system was the best, precisely since they had been excluded from enjoying its benefits. When a future British Prime Minister, Clement Attlee, travelled to India as part of a constitutional commission and argued the merits of a presidential system over a parliamentary one, his Indian interlocutors reacted with horror. "It was as if," Attlee recalled, "I had offered them margarine instead of butter."

Many of India's first generation of parliamentarians — several of whom had been educated in England and watched British parliamentary traditions with admiration — revelled in the authenticity of their ways. Indian MPs still thump their desks in approbation, rather than applauding by clapping their hands. When Bills are put to a vote, an affirmative call is still usually "aye", rather than "yes" (though "hanh" is gaining ground on the Treasury benches these days). An Anglophile Communist MP, Professor Hirendranath Mukherjee, boasted in the 1950s that a visiting British Prime Minister, Anthony Eden, had commented to him that the Indian Parliament was in every respect like the British one. Even to a Communist, that was a compliment to be proud of.

But seven-and-a-half decades of Independence have wrought significant change, as exposure to British practices has faded and India's natural boisterousness has reasserted itself. Some of the State Assemblies have already witnessed scenes of furniture overthrown, microphones

ripped out and slippers flung by unruly legislators, not to mention fisticuffs and garments torn in scuffles among politicians. While things have not yet come to such a pass in the national legislature, the code of conduct that is imparted to all newly-elected MPs — including injunctions against speaking out of turn, shouting slogans, waving placards and marching into the well of the house — is routinely breached. Pepper spray was once released in the well by a protesting MP, resulting in the hospitalisation of some MPs and the then Speaker experiencing discomfort. Equally striking is the impunity with which lawmakers flout the rules they are elected to uphold. On several occasions now, MPs in the Upper and Lower Houses have been suspended from membership for such transgressions as charging up to the presiding officer's desk, wrenching his microphone and tearing up his papers — only to be quietly reinstated after a few months and some muted apologies.

Perhaps this makes sense, out of a desire to allow the Opposition its space in a system where party-line voting, made obligatory by the anti-defection law, determines almost all legislative outcomes. But in the process, standards have been allowed to slide, with adjournments being preferred to expulsions. The result is a curiously Indian institution, where standards of behaviour prevail that would not be tolerated in most other parliamentary systems.

But can India's Parliament go on like this? Many worry that such conduct has so thoroughly discredited the legislature in the eyes of the public that the credibility of the institution is beyond redemption. This would be one more nail in the coffin of a democratic system that is already under severe assault from an overweening government, media intimidation, the hollowing out of autonomous institutions, pressures by investigative agencies on political opponents and the government's flagrant disregard for parliamentary conventions. Currently, all major parliamentary committees dealing with sensitive issues are chaired by MPs of the ruling party or its allies, in disregard of the practice whereby, for instance, the External Affairs Committee was always chaired by an Opposition MP, to show that the nation was of one mind on foreign policy.

Perhaps the answer lies in returning for inspiration to the source — the Houses of Westminster. There are two British parliamentary procedures that were curiously never adopted by India — which, if brought into our practices, could remove any incentive for disruption.

The first is to allow the Opposition a day a week to set the agenda, since disruptions are always sought to be justified as required to force the government to debate an issue it does not want to. In Britain, "Opposition Day" permits Opposition parties to select specific policy areas or issues they want to bring to the floor of the House for debate. These debates allow the Opposition to focus on matters of political significance that the government would rather sweep under the carpet, and they provide Opposition parties with the opportunity to draw attention to issues they believe are important, criticise government policies, and propose alternatives. The number of Opposition Days in a parliamentary session is typically determined by the government and Opposition parties through negotiation and agreement. This arrangement ensures that the Opposition has a designated platform to express its views and priorities within the parliamentary schedule. It could be adopted as part of a grand bargain under which the Opposition, in turn, forswears any resort to disruption.

A second practice is especially worth emulating in our country, where the Prime Minister notoriously prefers monologues to answering questions and does not even answer the questions addressed to him in the daily Question Hour, leaving that task to a Minister of State in his office. This is Prime Minister's Question Time (PMQs), a significant and widely watched parliamentary event in the United Kingdom, where MPs have the opportunity to question the Prime Minister about various issues. PMQs take place every Wednesday when the House of Commons is in session, usually at noon, and typically lasts for about 30 minutes, though the exact duration can vary. The order of questioning alternates between the Leader of the Opposition and backbench

MPs from both government and Opposition benches. The Leader of the Opposition starts by asking several short questions, followed by supplementaries, and then other MPs have a go. Each question is relatively short, and the Prime Minister responds in kind. PMQs are known for spirited exchanges and are immensely popular television viewing in Britain. Both are key aspects of the British parliamentary system's tradition of executive accountability. While Opposition Days and PMQs can be raucous and often confrontational affairs, sometimes characterised by political theatre, they serve the important function of allowing MPs to scrutinise the Prime Minister and the government, are central to the U.K.'s democratic process and show parliamentary democracy in action.

### **Editorial | [Symbols and substance: on the inauguration of the new Parliament building and beyond](#)**

Finally, the Speaker can change his current habit of rejecting every single adjournment motion moved by an Opposition MP; clubbing all proposed amendments to Bills into one and rejecting them by voice vote without discussion; and refusing to even notice requests for recording dissent through "division". These parliamentary techniques are essential for Opposition members to feel they are valued members of an institution rather than irrelevances who can always be disregarded and outvoted. If the government and Opposition can come together on such basic matters, Parliament — and our democracy — can still be saved.

***Shashi Tharoor is the third-term Lok Sabha MP for Thiruvananthapuram, representing the Congress party, and is the longest-serving Member of Parliament in the history of that constituency. He is the Sahitya Akademi Award-winning author of 25 books and Chairman of the All-India Professionals' Congress. He is also the co-author of the new book, The Less You Preach the More You Learn: Aphorisms for our Age***

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## PM VISHWAKARMA - 3 DAY EXHIBITION FROM 17TH – 19TH SEPTEMBER 2023 AT YASHOBHOOMI, DWARKA, NEW DELHI

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

On the occasion of Vishwakarma Jayanti, Hon'ble Prime Minister, Shri Narendra Modi took a walk-through of the exhibition on PM Vishwakarma, before launching the PM Vishwakarma scheme on 17th September 2023, at Yashobhoomi, Dwarka, New Delhi. The 3-day exhibition weaves the story of the advancement of traditional artisans and craftsmen from 18 Trades (Vishwakarmas) by combining heritage and modern technology. 54 artisans and craftsmen from different parts of India, following the guru-shishya parampara, are participating in the exhibition. Artisans from the different trades of PM Vishwakarma have displayed their craftspersonship showcasing their products. The Prime Minister interacted with the artisans and craftspeople participating in the exhibition and also urged the citizens to visit the exhibition.



The exhibition displays high end technological elements as well as a center zone depicting various components of PM Vishwakarma through interactive technology.

Showcasing the centuries-old traditions, an exclusive antiquity museum of tools and crafts of trades related to PM Vishwakarma has been created in the exhibition, displaying traditional tools created by Vishwakarmas and covering their journey.

We have to reiterate our pledge to be 'Vocal for Local.' [pic.twitter.com/bb5OSX0qQ3](https://pic.twitter.com/bb5OSX0qQ3)

Connecting centuries-old traditions with modern tools is one of the core objectives of PM Vishwakarma, which is also reflected in the exhibition where a unique artwork display has been set up highlighting the Vishwakarma's relentless hard work and their role in the making of India.

The exhibition is open for the public for three days from 17-19 September 2023 and the entry to the exhibition is free. The venue can be easily accessed by the newly inaugurated metro station "Yashobhoomi Dwarka Sector 25".

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## MJPS

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**MJPS**

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## SHREYAS SCHEME EMPOWERS THOUSANDS: OVER 2300 CRORE RUPEES ALLOCATED FOR EDUCATION OF SC AND OBC STUDENTS SINCE 2014

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

The umbrella scheme of "SHREYAS" which comprises 4 central sector sub-schemes namely "Top Class Education for SCs", "Free Coaching Scheme for SCs and OBCs", "National Overseas Scheme for SCs" and "National Fellowship for SCs". Since all these sub-schemes are central sector schemes, state-wise data is not maintained for these schemes. The brief of the sub-schemes under SHREYAS along with the allocated budget, expenditure details and number of beneficiaries for the last 9 years i.e since 2014-15 is as under:

The objective of the Scheme is to provide coaching of good quality for economically disadvantaged Scheduled Castes (SCs) and Other Backward Classes (OBCs) candidates to enable them appear in competitive and entrance examinations for obtaining appropriate jobs in Public/Private Sector as well as for securing admission in reputed technical and professional higher education institutions. The ceiling of the total family income under the scheme is 8 lakhs per annum. 3500 slots are allotted per annum. The ratio of SC: OBC students is 70:30 and 30% slots are reserved for females in each category. In case of non-availability of the adequate number of candidates in SC category the Ministry can relax this ratio. However, in no case, a less than 50% SC students shall be permitted.

From 2014-15 till 2022-23 a total of 109.77 crore rupees have been released to benefit 19,995 beneficiaries.

The Scheme aims at recognizing and promoting quality education amongst students belonging to SCs, by providing full financial support. The Scheme will cover SC students for pursuing studies beyond 12th class. The scholarship, once awarded, will continue till the completion of the course, subject to satisfactory performance of the student. The ceiling of the total family income under the scheme is 8 lakhs per annum. Presently, 266 higher education institutes which includes Government institutes and private institutes such as all the IIMs, IITs, NITs, IIITs, AIIMS, NIFTs, NIDs, NLUs, IHMs, CUs and institutes of national importance, NAAC A++ accredited institutes and top 100 National Institutional ranking Framework (NIRF) ranking institutes.

The overall number of scholarship would be capped at. 21,500 for the period of 2021-22 to 2025-26 (4100 for 2021-22, 4200 for 2022-23, 4300 for 2023-24, 4400 for 2024-25 and 4500 for 2025-26).

Under the scheme, (i) full tuition fee and non-refundable charges (there will be a ceiling of Rs. 2.00 lakh per annum per student for private sector institutions (ii) Academic allowance of Rs. 86,000 in the first year of study and Rs. 41,000 in every subsequent year, to take care of living and other expenses is provided.

From 2014-15 till 2022-23 a total of 398.43 crore rupees have been released to benefit 21,988 beneficiaries

### **(iii) National Overseas Scheme for SCs:**

Under this scheme financial assistance is provided to the selected students from SCs (115

slots); De-notified, Nomadic and Semi-Nomadic Tribes (6 slots); landless agricultural labourers and traditional artisan categories (4 slots), for pursuing masters and Ph.D. level courses abroad. Presently, 125 slots are allotted under the scheme.

Such students can benefit under the scheme whose total family income including the candidate is less than Rs. 8 lakhs per annum, who have more than 60% marks in the qualifying examination, below 35 years of age and secured admission in top 500 QS ranking foreign Institutes/ Universities. Under the scheme, total tuition fee, maintenance and contingency allowance, visa fee, to and fro air passage etc. are provided to the awardees.

From 2014-15 till 2022-23 a total of 197.14 crore rupees have been released to benefit 950 beneficiaries

#### **(iv) National Fellowship for SC Students:**

Under the scheme fellowship is provided to Scheduled Castes students for pursuing higher education leading to M.Phil/ Ph.D degrees in Sciences, Humanities and Social Sciences in Indian Universities/Institutions/ Colleges recognized by University Grants Commission (UGC).

The scheme provides for 2000 new slots per year (500 for science stream and 1500 for Humanities and Social Sciences) who have qualified the National Eligibility Test- Junior Research Fellowship (NET-JRF) of UGC and Junior Research Fellows for Science stream qualifying UGC-Council of Scientific and Industrial Research (UGC-CSIR) Joint Test.

The rates of fellowship including HRA is as under:

S. No.

Head

Rates Applicable for

JRF

SRF

1.

Fellowship in all streams.

Rs. 31,000/- p.m. for initial two years

Rs. 35,000/- p.m. for remaining tenure

2.

Contingency for Humanities & Social Sciences

Rs.10,000/- p.a. for initial two years



Rs.20,500/- p.a. for remaining tenure

3.

Contingency for Sciences, Engineering & Technology.

Rs. 12,000/- p.a. for initial two years

Rs. 25,000/- p.a. for remaining tenure.

**Note: There is no financial ceiling under the scheme.**

From 2014-15 till 2022-23 a total of 1628.89 crore rupees have been released to benefit 21326 beneficiaries.

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## **MG/PD**

The umbrella scheme of "SHREYAS" which comprises 4 central sector sub-schemes namely "Top Class Education for SCs", "Free Coaching Scheme for SCs and OBCs", "National Overseas Scheme for SCs" and "National Fellowship for SCs". Since all these sub-schemes are central sector schemes, state-wise data is not maintained for these schemes. The brief of the sub-schemes under SHREYAS along with the allocated budget, expenditure details and number of beneficiaries for the last 9 years i.e since 2014-15 is as under:

The objective of the Scheme is to provide coaching of good quality for economically disadvantaged Scheduled Castes (SCs) and Other Backward Classes (OBCs) candidates to enable them appear in competitive and entrance examinations for obtaining appropriate jobs in Public/Private Sector as well as for securing admission in reputed technical and professional higher education institutions. The ceiling of the total family income under the scheme is 8 lakhs per annum. 3500 slots are allotted per annum. The ratio of SC: OBC students is 70:30 and 30% slots are reserved for females in each category. In case of non-availability of the adequate number of candidates in SC category the Ministry can relax this ratio. However, in no case, a less than 50% SC students shall be permitted.

From 2014-15 till 2022-23 a total of 109.77 crore rupees have been released to benefit 19,995 beneficiaries.

The Scheme aims at recognizing and promoting quality education amongst students belonging to SCs, by providing full financial support. The Scheme will cover SC students for pursuing studies beyond 12th class. The scholarship, once awarded, will continue till the completion of the course, subject to satisfactory performance of the student. The ceiling of the total family income under the scheme is 8 lakhs per annum. Presently, 266 higher education institutes which includes Government institutes and private institutes such as all the IIMs, IITs, NITs, IIITs, AIIMS, NIFTs, NIDs, NLUs, IHMs, CUs and institutes of national importance, NAAC A++ accredited institutes and top 100 National Institutional ranking Framework (NIRF) ranking institutes.

The overall number of scholarship would be capped at. 21,500 for the period of 2021-22 to 2025-26 (4100 for 2021-22, 4200 for 2022-23, 4300 for 2023-24, 4400 for 2024-25 and 4500

for 2025-26).

Under the scheme, (i) full tuition fee and non-refundable charges (there will be a ceiling of Rs. 2.00 lakh per annum per student for private sector institutions (ii) Academic allowance of Rs. 86,000 in the first year of study and Rs. 41,000 in every subsequent year, to take care of living and other expenses is provided.

From 2014-15 till 2022-23 a total of 398.43 crore rupees have been released to benefit 21,988 beneficiaries

### **(iii) National Overseas Scheme for SCs:**

Under this scheme financial assistance is provided to the selected students from SCs (115 slots); De-notified, Nomadic and Semi-Nomadic Tribes (6 slots); landless agricultural labourers and traditional artisan categories (4 slots), for pursuing masters and Ph.D. level courses abroad. Presently, 125 slots are allotted under the scheme.

Such students can benefit under the scheme whose total family income including the candidate is less than Rs. 8 lakhs per annum, who have more than 60% marks in the qualifying examination, below 35 years of age and secured admission in top 500 QS ranking foreign Institutes/ Universities. Under the scheme, total tuition fee, maintenance and contingency allowance, visa fee, to and fro air passage etc. are provided to the awardees.

From 2014-15 till 2022-23 a total of 197.14 crore rupees have been released to benefit 950 beneficiaries

### **(iv) National Fellowship for SC Students:**

Under the scheme fellowship is provided to Scheduled Castes students for pursuing higher education leading to M.Phil/ Ph.D degrees in Sciences, Humanities and Social Sciences in Indian Universities/Institutions/ Colleges recognized by University Grants Commission (UGC).

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**Note: There is no financial ceiling under the scheme.**

From 2014-15 till 2022-23 a total of 1628.89 crore rupees have been released to benefit 21326 beneficiaries.

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**MG/PD**

**END**

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# WOMEN'S RESERVATION BILL 2023 [THE CONSTITUTION (ONE HUNDRED TWENTY-EIGHTH AMENDMENT) BILL, 2023]

Relevant for: Indian Society | Topic: Women Issues

The 73<sup>rd</sup> and 74<sup>th</sup> Amendments passed in 1993, which introduced panchayats and municipalities in the Constitution, reserve one-third of seats for women in these bodies.<sup>[1],[2]</sup> The Constitution also provides for reservation of seats in Lok Sabha and state legislative assemblies for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their number in the population.<sup>[3],[4]</sup> The Constitution does not provide for reservation of seats for women in the Lok Sabha and state legislative assemblies. Some members of the Constituent Assembly had opposed reserving seats for women in legislatures.<sup>[5]</sup>

15% of the total members of the 17<sup>th</sup> Lok Sabha are women while in state legislative assemblies, women on average constitute 9% of the total members. In 2015, the Report on the Status of Women in India noted that the representation of women in state assemblies and Parliament continues to be dismal.<sup>[6]</sup> It noted that decision making positions in political parties have negligible presence of women. It recommended reserving at least 50% seats for women in local bodies, state legislative assemblies, Parliament, ministerial levels, and all decision-making bodies of the government.<sup>6</sup> The National Policy for the Empowerment of Women (2001) had stated that reservation will be considered in higher legislative bodies.<sup>[7]</sup>

Bills amending the Constitution to reserve seats for women in Parliament and state legislative assemblies have been introduced in 1996, 1998, 1999, and 2008.<sup>[8]</sup> The first three Bills lapsed with dissolution of their respective Lok Sabhas. The 2008 Bill was introduced in and passed by Rajya Sabha but it also lapsed with the dissolution of the 14<sup>th</sup> Lok Sabha. The 1996 Bill had been examined by a Joint Committee of Parliament, while the 2008 Bill was examined by the Standing Committee on Personnel, Public Grievances, Law and Justice. Both Committees agreed with the proposal to reserve seats for women. Some of the recommendations given by the Committees include: (i) considering reservation for women belonging to other backward classes at an appropriate time, (ii) providing reservation for a period of 15 years and reviewing it thereafter, and (iii) working out the modalities to reserve seats for women in Rajya Sabha and state legislative councils.<sup>8,[9]</sup>

The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023 was introduced in Lok Sabha on September 19, 2023. The Bill seeks to reserve one-third of the total number of seats in Lok Sabha and state legislative assemblies for women.

## Key features of the Bill

- **Reservation for women:** The Bill reserves, as nearly as may be, one-third of all seats for women in Lok Sabha, state legislative assemblies, and the Legislative Assembly of the National Capital Territory of Delhi. This will also apply to the seats reserved for SCs and STs in Lok Sabha and states legislatures.
- **Commencement of reservation:** The reservation will be effective after 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 provided for a period of 15 years. However, it shall continue till such date as determined by a law made by Parliament.

**■ Rotation of seats: Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.**

### Issues to Consider

The issue of reservation of seats for women in legislatures can be examined from three perspectives: (i) whether the policy of reservation for women can act as an effective instrument for their empowerment, (ii) whether alternate methods of increasing representation of women in legislatures are feasible, and (iii) whether there are any issues with the proposed method for reservation in the Bill. The analysis in this section is largely based on our earlier Brief published on the 2008 Bill.<sup>[10]</sup>

### Purpose of reservation

If a group is not represented proportionately in the political system, its ability to influence policy-making is limited.<sup>8</sup> The Convention on the Elimination of All Forms of Discrimination Against Women provides that discrimination against women must be eliminated in political and public life.<sup>[11]</sup> While India is a signatory to the Convention, discrimination in matters of representation of women in decision-making bodies has continued.<sup>8</sup> The number of women MPs has increased from 5% in the first Lok Sabha to 15% in the 17<sup>th</sup> Lok Sabha; but the number continues to be quite low. A 2003 study about the effect of reservation for women in panchayats showed that women elected under the reservation policy invest more in the public goods closely linked to women's concerns.<sup>[12]</sup> The Standing Committee on Personnel, Public Grievances, Law and Justice (2009) had noted that reservation of seats for women in local bodies has enabled them to make meaningful contributions.<sup>9</sup> It also noted that concerns regarding women being proxies to men in local bodies have turned out to be baseless. The Inter-Parliamentary Union (2022) has noted that legislated quotas have been a decisive factor in women's representation.<sup>[13]</sup>

Opponents of the reservation policy argue that separate constituencies for women would not only narrow their outlook but lead to perpetuation of unequal status because they would be seen as not competing on merit. For instance, in the Constituent Assembly, Renuka Ray argued against reserving seats for women: "When there is reservation of seats for women, the question of their consideration for general seats, however competent they may be, does not usually arise. We feel that women will get more chances if the consideration is of ability alone."<sup>5</sup> Opponents also argue that reservation would not lead to political empowerment of women because larger issues of electoral reforms such as measures to check criminalisation of politics, internal democracy in political parties, and influence of black money have not been addressed.<sup>[14]</sup>

### Alternate methods of representation

Reservation of one-third of seats for women in Parliament would restrict the choice of voters in the reserved constituencies.<sup>14</sup> Two alternatives have been suggested by some experts: reservation for candidates within political parties (as some countries do, see Table 1); and dual member constituencies where some constituencies shall have two candidates, one being a woman (see Table 2). Initially, India had multi-member constituencies which included an SC/ST member. A 1961 Act converted all constituencies into single member constituencies.<sup>[15]</sup> The reasoning was that the constituencies were too large and SC/ST members felt that they would gain in importance in single-member reserved constituencies.<sup>[16]</sup>

**Table 1: Country data on political representation of women (as of September 2023)**

| Country | % of elected women | Quota in Parliament | Quota in political parties |
|---------|--------------------|---------------------|----------------------------|
|---------|--------------------|---------------------|----------------------------|

|                             |     |     |     |
|-----------------------------|-----|-----|-----|
|                             |     |     |     |
| Sweden                      | 46% | No  | Yes |
| Norway                      | 46% | No  | Yes |
| South Africa                | 45% | No  | Yes |
| Australia                   | 38% | No  | Yes |
| France                      | 38% | No  | Yes |
| Germany                     | 35% | No  | Yes |
| UK House of Commons         | 35% | No  | Yes |
| Canada                      | 31% | No  | Yes |
| US House of Representatives | 29% | No  | No  |
| US Senate                   | 25% | No  | No  |
| Bangladesh                  | 21% | Yes | No  |
| Brazil                      | 18% | No  | Yes |
| Japan                       | 10% | No  | No  |

Note: In several countries, there is no law mandating quotas for women but some political parties reserve seats for women.

Sources: Inter-Parliamentary Union; PRS.

**Table 2: Pros and cons of reservation in political parties and dual member constituencies**[\[17\]](#)

|                                   | <b>Advantages</b>  | <b>Disadvantages</b>   |
|-----------------------------------|--|--|
| <b>Political parties</b>          | <ul style="list-style-type: none"> <li>■ Provide more democratic choice to voters</li> <li>■ Allow more flexibility to parties to choose candidates and constituencies depending on local political and social factors</li> <li>■ Can nominate women from minority communities in areas where this will be an electoral advantage</li> <li>■ Allow flexibility in the number of women in Parliament</li> </ul> | <ul style="list-style-type: none"> <li>■ No guarantee that a significant number of women would get elected</li> <li>■ Political parties may assign women candidates to constituencies where they are weak</li> <li>■ Might lead to resentment if a woman is accommodated to the disadvantage of a stronger male candidate</li> </ul>   |
| <b>Dual-member constituencies</b> | <ul style="list-style-type: none"> <li>■ Does not decrease the democratic choice for voters</li> <li>■ Does not discriminate against male candidates</li> <li>■ Might make it easier for members to nurture constituencies whose average size is about 2.5 million people</li> </ul>   | <ul style="list-style-type: none"> <li>■ Sitting members may have to share their political base</li> <li>■ Women may become secondary persons or add-ons</li> <li>■ To fulfil criteria of 33% women, half of the seats need to be dual constituencies. This would increase the total number of MPs by 50%, which could make deliberation in Parliament more difficult</li> </ul> |

Sources: Compiled by PRS based on sources listed in endnotes in 14 and 17.

## Rotating constituencies

The Bill states that reserved seats shall be allotted by rotation after every delimitation exercise. This implies rotation approximately every 10 years as after 2026 delimitation is mandated to take place after every census.[18] Rotation of reserved seats may reduce the incentive for MPs to work for their constituencies as they could be ineligible to seek re-election from that constituency.[19] A study by the Ministry of Panchayati Raj recommended that rotation of constituencies should be discontinued at the panchayat level because almost 85% women were first-timers and only 15% women could get re-elected because the seats they were elected from were de-reserved.

## Key changes between 2008 and 2023 Bills

The table below captures certain key changes between the 2008 Bill as passed by Rajya Sabha and the Bill introduced in 2023.

**Table 3: Key changes between 2008 Bill and Bill introduced in 2023**

|                                 | Bill introduced in 2008 as passed by Rajya Sabha   | Bill introduced in 2023  |
|---------------------------------|--|--|
| <b>Reservation in Lok Sabha</b> | One-third of Lok Sabha seats in each state/UT to be reserved for women                       | One-third seats to be reserved for women                       |
| <b>Rotation of Seats</b>        | Reserved seats to be rotated after every general election to Parliament/legislative assembly | Reserved seats to be rotated after every delimitation exercise |

Sources: The Constitution (One Hundred and Eighth Amendment) Bill, 2008; The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023; PRS.

[1] Article 243D (3), The Constitution of India, <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2023/05/2023050195.pdf>.

[2] Article 243T (3), The Constitution of India, <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2023/05/2023050195.pdf>.

[3] Article 330, The Constitution of India, <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2023/05/2023050195.pdf>.

[4] Article 332, The Constitution of India, <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2023/05/2023050195.pdf>.

[5] Friday, 18<sup>th</sup> July 1947, Constituent Assembly Debates (Proceedings) – Volume IV, as accessed on

September 19, 2023, <https://loksabha.nic.in/writereaddata/cadebatefiles/vol4.html>.

[6] Executive Summary, Report of the Status of Women in India, Ministry for Women and Child Development, [https://wcd.nic.in/sites/default/files/Executive%20Summary\\_HLC\\_0.pdf](https://wcd.nic.in/sites/default/files/Executive%20Summary_HLC_0.pdf).

[7] National Policy for the Empowerment of Women (2001), Ministry of Women and Child Development, as accessed on September 19, 2023, <https://wcd.nic.in/womendevlopment/national-policy-women-empowerment>.

[8] Reservation of Seats for Women in Legislative Bodies: Perspectives, Rajya Sabha Secretariat, July 2008, [http://164.100.213.102/RSCMSNew/UploadedFiles/ElectronicPublications/reserv\\_women\\_pers2008.pdf](http://164.100.213.102/RSCMSNew/UploadedFiles/ElectronicPublications/reserv_women_pers2008.pdf).

[9] 36<sup>th</sup> Report: The Constitution (One Hundred and Eighth Amendment) Bill, 2008, Standing Committee on Personnel, Public Grievances, Law and Justice, December 2009, [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2008/scr\\_Women\\_Reservation\\_Bill\\_2009.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2008/scr_Women_Reservation_Bill_2009.pdf).

[10] Legislative Brief, The Constitution (One Hundred and Eighth Amendment) Bill, 2008, PRS Legislative Research, September 23, 2008, [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2008/bill184\\_20080923184\\_Legislative\\_Brief\\_Womens\\_reservation\\_Bill\\_final.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2008/bill184_20080923184_Legislative_Brief_Womens_reservation_Bill_final.pdf).

[11] Convention on the Elimination of All Forms of Discrimination against Women, United Nations, December 18, 1979, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

[12] The Impact of Reservation in the Panchayati Raj: Evidence from a Nationwide Randomised Experiment, Raghavendra Chattopadhyay and Esther Duflo, November 2003.

[13] Women in Parliament in 2022, Inter-Parliamentary Union.

[14] "Enhancing Women's Representation in Legislatures: An Alternative to the Government Bill for Women's Representation," Forum for Democratic Reforms – Dr Jayaprakash Narayan, Dhirubhai Sheth, Yogendra Yadav, Madhu Kishwar, Manushi, Issue 116, <https://ekcenter.fdrindia.org/sites/default/files/AdvocacyPapers/Enhancing%20Women%27s%20Representation%20in%20Legislatures%20-%20to%20update.pdf>.

[15] The Two-Member Constituencies (Abolition) Act, 1961, [https://www.indiacode.nic.in/repealed-act/repealed\\_act\\_documents/A1961-1.pdf](https://www.indiacode.nic.in/repealed-act/repealed_act_documents/A1961-1.pdf).

[16] India's Living Constitution: Ideas, Practices, Controversies, ed. by Zoya Hasan, E. Sridharan, R. Sudarshan, Anthem Press, 2005.

[17] "Do a double take on women's quota," Rami Chhabra, Indian Express, Aug 8, 2003; "Women's Reservation: Another Approach," Mukesh Dalal, Manushi, Issue no. 120; "Alternative as Dilution," Brinda Karat, Outlook, May 17, 2003; "Role of Women in Legislature," Report of Joint Session by National Commission for Women and Parliamentary Committee on the Empowerment of Women, Aug 21, 2003; and Reservation of Seats for Women in Legislative Bodies: Perspectives, Occasional Paper Series, Rajya Sabha Secretariat, July 2008.

[18] Articles 81 and 82, The Constitution of India, <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2023/05/2023050195.pdf>.

[19] "Dual-Member Constituencies: Resolving Deadlock on Women's Reservation," Medha Nanivadekar, Economic and Political Weekly, October 25, 2003.



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# REVOLUTIONIZING INDIAN AGRICULTURE: MOA&FW UNVEILS GAME-CHANGING INITIATIVES FOR FARMERS

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

In a landmark event today here, Union Finance Minister Smt. Nirmala Sitharaman & Union Agriculture Minister Sh. Narendra Singh Tomar unveiled initiatives focused on agri-credit (KCC & MISS) and crop insurance (PMFBY/RWBCIS). The Ministry of Agriculture & Farmers Welfare launched three initiatives, namely the Kisan Rin Portal (KRP), KCC Ghar Ghar Abhiyaan, an ambitious campaign aiming to extend the benefits of the Kisan Credit Card (KCC) Scheme to every farmer across the nation and a manual on Weather Information Network Data Systems (WINDS). These initiatives aim to revolutionize agriculture, enhance financial inclusion, optimize data utilization, and improve the lives of farmers across the nation.



Delivering keynote address on the occasion, Union Finance Minister Smt. Nirmala Sitharaman assured full cooperation of banks for success of Ghar Ghar KCC Abhiyan. She said that the government under Prime minister Narendra Modi has allocated enough money under KCC scheme to ensure easy short-term loans to farmers and their onboarding for the scheme. The finance minister commended Ministry of Agriculture for its initiatives and successful implementation of Pradhan Mantri Fasal Bima Yojana (PMFBY). She said that over 1,40,000 crores of insurance amount has been disbursed to farmers so far against a premium amount of Rs. 29,000 crore. She also appreciated real time estimation for rice and wheat crop output and called for the estimation to be extended to Dalhan and Tilhan crops so that better planning can be done for their imports, if needed. The finance minister said that real time estimation of crops will help the economy and ensure right prices for farmers at the end of crop season. Smt. Sitharaman also called for full automation of regional rural banks and cooperative banks and directed Department of Financial services to study the gap between loan sanction and loan disbursement for these banks.



Union Agriculture Minister Sh. Narendra Singh Tomar in his address highlighted the importance accorded to agriculture and rural economy under the current government. He informed that budget for Ministry of agriculture has increased from Rs. 23,000 crore in year 2013-14 to Rs. 1,25,000 crore in 2023-24. Talking of WINDS manual, the minister said the aim is to ensure real time weather information so that farmers can take right precaution for their crops at the right time. Shri Tomar said that use of technology and transparency is important for agriculture and this government has taken necessary steps in this regard. The agriculture minister informed that there are around 9 crore beneficiaries under PM Kisan Samman Nidhi and the aim of **KCC Ghar Ghar Abhiyaan** is to connect around 1.5 crore beneficiaries who are not yet connected to KCC scheme. Shri Tomar also thanked Ministry of Finance and banks for providing around 2 crore KCCs to farmers even during Corona pandemic. The minister asserted that it was agriculture and rural sector which kept the economy going even during the pandemic.



Shri Ritesh Chauhan, JS (Credit) and CEO, PMFBY made a detailed presentation on the initiatives. He informed that Pradhan Mantri Fasal Bima Yojana (PMFBY) has seen record enrolment this year because of technological interventions made.

The launch was also attended by Minister of State for Agriculture Sushri Shobha Karandlaje and

Sh. Kailash Chaudhary, Secretary Agriculture Sh. Manoj Ahuja, Secretary DFS Sh. Vivek Joshi, OSD (Credit) Sh. Ajit Kumar Sahu, CEO-PMFBY Sh. Ritesh Chauhan, Chairman NABARD Sh. Shaji KV and many dignitaries from allied departments and agri-sector.

The launch event epitomizes the Government of India's dedication to innovation and efficient service delivery for agriculture, with the aim of sustaining and doubling farmers' income. Initiatives like the Kisan Rin Portal (KRP), Ghar-Ghar KCC Abhiyaan, and WINDS Manual embody the government's commitment to farmers' prosperity, innovation, technology infusion, and objective service delivery. These efforts will further the goal of agricultural transformation and sustainable economic growth for the farming community across the nation.

## **BACKGROUND**

### **Kisan Rin Portal (KRP)**

Developed collaboratively by MoA&FW, the Department of Financial Services (DFS), Department of Animal Husbandry & Dairying (DAH&D), Department of Fisheries (DoF), RBI, and NABARD, KRP is poised to revolutionize access to credit services under the Kisan Credit Card (KCC). It will also assist farmers in availing subsidized agriculture credit through the Modified Interest Subvention Scheme (MISS).

The KRP portal serves as an integrated hub, offering a comprehensive view of farmer data, loan disbursement specifics, interest subvention claims, and scheme utilization progress. By fostering seamless integration with banks, this pioneering portal enables proactive policy interventions, strategic guidance, and adaptive enhancements for more focused and efficient agriculture credit and optimum utilization of interest subvention.

### **Ghar-Ghar KCC Abhiyaan: Door to Door KCC Campaign**

The event also marks the commencement of the "Ghar Ghar KCC Abhiyaan,". MoA&FW's commitment to universal financial inclusion is underscored by this campaign, ensuring that every farmer has unhindered access to credit facilities that drive their agricultural pursuits. The campaign will begin from 1<sup>st</sup> October 2023 to 31<sup>st</sup> December 2023.

MoA&FW has diligently verified existing KCC account holders' data against the PM KISAN database, identifying account holders who match with the PM KISAN database and those who, although PM KISAN beneficiaries, do not have KCC accounts. This campaign plays a pivotal role in reaching out to non-KCC account holder PM KISAN beneficiaries and fostering the saturation of KCC Accounts among eligible PM Kisan beneficiary farmers.

### **3. Launch of WINDS Manual**

The Weather Information Network Data Systems (WINDS) initiative stands as a pioneering effort to establish a network of Automatic Weather Stations & Rain Gauges at the taluk/block and gram panchayat levels. This initiative creates a robust database of hyper-local weather data, supporting various agricultural services.

This comprehensive WINDS manual launched today provides stakeholders with an in-depth understanding of the portal's functionalities, data interpretation, and effective utilization. It guides States and Union Territories in establishing and integrating with the WINDS platform, fostering transparent and objective data observation and transmission. It also offers practical insights into

leveraging weather data for improved crop management, resource allocation, and risk mitigation.

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## SK/SS/SM

In a landmark event today here, Union Finance Minister Smt. Nirmala Sitharaman & Union Agriculture Minister Sh. Narendra Singh Tomar unveiled initiatives focused on agri-credit (KCC & MISS) and crop insurance (PMFBY/RWBCIS). The Ministry of Agriculture & Farmers Welfare launched three initiatives, namely the Kisan Rin Portal (KRP), KCC Ghar Ghar Abhiyaan, an ambitious campaign aiming to extend the benefits of the Kisan Credit Card (KCC) Scheme to every farmer across the nation and a manual on Weather Information Network Data Systems (WINDS). These initiatives aim to revolutionize agriculture, enhance financial inclusion, optimize data utilization, and improve the lives of farmers across the nation.



Delivering keynote address on the occasion, Union Finance Minister Smt. Nirmala Sitharaman assured full cooperation of banks for success of Ghar Ghar KCC Abhiyan. She said that the government under Prime minister Narendra Modi has allocated enough money under KCC scheme to ensure easy short-term loans to farmers and their onboarding for the scheme. The finance minister commended Ministry of Agriculture for its initiatives and successful implementation of Pradhan Mantri Fasal Bima Yojana (PMFBY). She said that over 1,40,000 crores of insurance amount has been disbursed to farmers so far against a premium amount of Rs. 29,000 crore. She also appreciated real time estimation for rice and wheat crop output and called for the estimation to be extended to Dalhan and Tilhan crops so that better planning can be done for their imports, if needed. The finance minister said that real time estimation of crops will help the economy and ensure right prices for farmers at the end of crop season. Smt. Sitharaman also called for full automation of regional rural banks and cooperative banks and directed Department of Financial services to study the gap between loan sanction and loan disbursement for these banks.



Union Agriculture Minister Sh. Narendra Singh Tomar in his address highlighted the importance accorded to agriculture and rural economy under the current government. He informed that budget for Ministry of agriculture has increased from Rs. 23,000 crore in year 2013-14 to Rs. 1,25,000 crore in 2023-24. Talking of WINDS manual, the minister said the aim is to ensure real time weather information so that farmers can take right precaution for their crops at the right time. Shri Tomar said that use of technology and transparency is important for agriculture and this government has taken necessary steps in this regard. The agriculture minister informed that there are around 9 crore beneficiaries under PM Kisan Samman Nidhi and the aim of **KCC Ghar Ghar Abhiyaan** is to connect around 1.5 crore beneficiaries who are not yet connected to KCC scheme. Shri Tomar also thanked Ministry of Finance and banks for providing around 2 crore KCCs to farmers even during Corona pandemic. The minister asserted that it was agriculture and rural sector which kept the economy going even during the pandemic.



Shri Ritesh Chauhan, JS (Credit) and CEO, PMFBY made a detailed presentation on the initiatives. He informed that Pradhan Mantri Fasal Bima Yojana (PMFBY) has seen record enrolment this year because of technological interventions made.

The launch was also attended by Minister of State for Agriculture Sushri Shobha Karandlaje and

Sh. Kailash Chaudhary, Secretary Agriculture Sh. Manoj Ahuja, Secretary DFS Sh. Vivek Joshi, OSD (Credit) Sh. Ajit Kumar Sahu, CEO-PMFBY Sh. Ritesh Chauhan, Chairman NABARD Sh. Shaji KV and many dignitaries from allied departments and agri-sector.

The launch event epitomizes the Government of India's dedication to innovation and efficient service delivery for agriculture, with the aim of sustaining and doubling farmers' income. Initiatives like the Kisan Rin Portal (KRP), Ghar-Ghar KCC Abhiyaan, and WINDS Manual embody the government's commitment to farmers' prosperity, innovation, technology infusion, and objective service delivery. These efforts will further the goal of agricultural transformation and sustainable economic growth for the farming community across the nation.

## **BACKGROUND**

### **Kisan Rin Portal (KRP)**

Developed collaboratively by MoA&FW, the Department of Financial Services (DFS), Department of Animal Husbandry & Dairying (DAH&D), Department of Fisheries (DoF), RBI, and NABARD, KRP is poised to revolutionize access to credit services under the Kisan Credit Card (KCC). It will also assist farmers in availing subsidized agriculture credit through the Modified Interest Subvention Scheme (MISS).

The KRP portal serves as an integrated hub, offering a comprehensive view of farmer data, loan disbursement specifics, interest subvention claims, and scheme utilization progress. By fostering seamless integration with banks, this pioneering portal enables proactive policy interventions, strategic guidance, and adaptive enhancements for more focused and efficient agriculture credit and optimum utilization of interest subvention.

### **Ghar-Ghar KCC Abhiyaan: Door to Door KCC Campaign**

The event also marks the commencement of the "Ghar Ghar KCC Abhiyaan,". MoA&FW's commitment to universal financial inclusion is underscored by this campaign, ensuring that every farmer has unhindered access to credit facilities that drive their agricultural pursuits. The campaign will begin from 1<sup>st</sup> October 2023 to 31<sup>st</sup> December 2023.

MoA&FW has diligently verified existing KCC account holders' data against the PM KISAN database, identifying account holders who match with the PM KISAN database and those who, although PM KISAN beneficiaries, do not have KCC accounts. This campaign plays a pivotal role in reaching out to non-KCC account holder PM KISAN beneficiaries and fostering the saturation of KCC Accounts among eligible PM Kisan beneficiary farmers.

### **3. Launch of WINDS Manual**

The Weather Information Network Data Systems (WINDS) initiative stands as a pioneering effort to establish a network of Automatic Weather Stations & Rain Gauges at the taluk/block and gram panchayat levels. This initiative creates a robust database of hyper-local weather data, supporting various agricultural services.

This comprehensive WINDS manual launched today provides stakeholders with an in-depth understanding of the portal's functionalities, data interpretation, and effective utilization. It guides States and Union Territories in establishing and integrating with the WINDS platform, fostering transparent and objective data observation and transmission. It also offers practical insights into

leveraging weather data for improved crop management, resource allocation, and risk mitigation.

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**SK/SS/SM**

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Rajya Sabha votes on the women's reservation bill on September 21, 2023. Photo: Sansad TV via PTI

Its political motivations aside, the Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, which promises 33% reservation for women in the Lok Sabha, and in the Legislative Assemblies of States and the National Capital Territory of Delhi, sheds the spotlight on another crucial aspect of representative democracy — the delimitation of electoral constituencies. The exercise of carving electoral constituencies and fixing their boundaries is referred to as delimitation.

Given their almost festive nature in India, elections are traditionally considered to be the primary site where democracy translates into action. Equally significant is the carving out of the boundaries of electoral constituencies, an issue that has implications for adequate representation of voters' interests as well as the number of members from each State who find space in the Parliament.

Since the 1970s, there has been no change in the number of Lok Sabha seats. The Constitution (Forty-Second Amendment) Act, 1976 froze the delimitation of Lok Sabha constituencies as per the Census of 1971, up to the Census which was to be conducted in 2001. However, in 2001, the day of reckoning was pushed further to 2026. This was done through an amendment to Article 82 by the Constitution (Eighty-Fourth Amendment) Act. While the boundaries of electoral constituencies were redrawn in 2002, there was no change in the number of seats in the Lok Sabha. Only after 2026 will we consider changing the number of seats in the Lok Sabha. Strictly speaking, the relevant numbers as to population (and its distribution) are expected to come from the 2031 Census, which will be the first census after 2026.

Article 81 of the Constitution says that each State gets seats in the Lok Sabha in proportion to its population. The freeze on delimitation effected in 1976 was to allay the concerns of States which took a lead in population control and which were faced with the prospect of reduction of their number of seats in the Lok Sabha. The practical consequences, however, of the 1976 freeze is that the allocation done on the basis of the 1971 Census continues to hold good for the present population figures. India's population has, of course, increased significantly since then. Using figures from 1971 to represent today's population runs contrary to the grain of the Constitution besides obviously distorting what representative democracy stands for.

The exercise of delimitation also implicates the constitutional values of federalism and representation of States as consolidated units. In the preceding decades, the population of the north has increased at a faster pace as compared with the south. In practical terms, this means that MPs in States in north India represent more voters than MPs in the south. Given this context, the question of delimitation necessarily has serious implications for both the individual voter as well as the States. The southern States run the risk of losing some of their seats in Parliament once the delimitation exercise is completed based on current population figures.

The new Parliament building appears ready to house over 800 MPs in the Lok Sabha. How these MPs will be spread out across India's electoral constituencies, and how many people each MP will represent, are questions that beg urgent answers. The freeze in 1976 was necessitated by States' apprehensions embedded in the consequences of their population control measures and widely differing fertility rates. Such concerns hold good even today.

The delimitation of constituencies will need answers to certain vexed questions. The first question might seem more logistical than anything else, where should the population figures come from to inform the exercise of delimitation? The 2021 Census was pushed courtesy of the COVID-19 pandemic, and the Union Home Minister has indicated that the next Census and subsequent delimitation will be conducted after the 2024 Lok Sabha polls. Interestingly, if the next Census were to be actually conducted in 2031 (which is when it is due), the population figures from 1971 would have informed the distribution of seats in the Lok Sabha for more than half a century. Let us also not forget that upon completion of the Census and the redrawing of electoral boundaries, the change in the numerical composition of the Lok Sabha will have to be reflected in the Constitution through an amendment.

Even more vexed are the qualitative concerns that will determine how boundaries of electoral constituencies will be redrawn. If done entirely in terms of proportion of population, the redrawing of constituencies would yield more seats to States in the north, given their higher population. Besides concerns around representation, this will also lead to distrust on the part of States in the south.

The recently concluded delimitation in Assam, ahead of the 2024 Assembly elections, witnessed widespread concerns around how altering the boundaries of certain districts and renaming certain constituencies can have a potentially acute impact on the representation of specific communities. That is all the indication needed to start a robust conversation around delimitation sooner than later, so that lifting of the freeze on allocation of Lok Sabha seats does not have to be pushed ahead further. That will be a stop-gap solution to an imminent concern, one that cannot be wished away.

***Ritwika Sharma is a Senior Resident Fellow at the Vidhi Centre for Legal Policy and team lead, Charkha, Vidhi's constitutional law centre***

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## UNION HOME MINISTER AND MINISTER OF COOPERATION SHRI AMIT SHAH ADDRESSES THE VALEDICTORY SESSION OF THE INTERNATIONAL LAWYERS CONFERENCE 2023 ORGANIZED BY THE BAR COUNCIL OF INDIA AT THE VIGYAN BHAWAN 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

Union Home Minister and Minister of Cooperation Shri Amit Shah addresses the valedictory session of the International Lawyers Conference 2023 organized by the Bar Council of India at the Vigyan Bhawan in New Delhi, today. Several dignitaries, including Union Minister Shri Bhupendra Yadav, were present on this occasion.



In his address, Shri Amit Shah said that the conference has been organized at a very important and appropriate time as the year marks the completion of 75 years of the making of our Constitution, and in the current year, the Indian Parliament is also working towards making significant amendments to the three main laws of our criminal justice system- IPC, CrPC, and Evidence Act. He said that Prime Minister Shri Narendra Modi has initiated India's commitment to realize the concept of Women-led Development before the entire world through the G 20 Summit, and recently, the Parliament has passed the law ensuring the participation of 33% women in the Lok Sabha and state legislatures to make this vision a reality.

Union Home Minister said that under the leadership of Prime Minister Shri Narendra Modi, India has positioned itself at the forefront in various sectors globally, during the past 9 years. He said that India has successfully improved its global ranking from 11th to 5th place in the world's

economy, in the past 9 years. He said that under Shri Narendra Modi's leadership, India is taking the lead in addressing global challenges such as global warming, terrorism and narco-terrorism etc. Shri Shah emphasized that in such times, it is essential for our justice system to be aware of global changes, align itself accordingly, reaffirm the fundamental principles of Indianness within our legal system, and make efforts to lead the world in this direction.



Shri Amit Shah said that justice is the force that ensures balance, and for this reason, the framers of our Constitution consciously made a decision to keep it separate. He said that a balance is essential between justice and all forms of power for the creation of a just society. He added that in the past 9 years, India has made efforts to redraft or create new laws for various sectors according to contemporary needs. Shri Shah said that under the leadership of Prime Minister Modi in the last 9 years, the Indian government has made changes to many laws, such as the Arbitration Law, Mediation Law, and the Jan Vishwas Bill, which are helping reduce the burden on the judiciary. He added that the Jan Vishwas Bill has helped eliminate more than 300 sections of Criminal Liability from over 300 laws, and thus transforming them into Civil Liability. Shri Shah said that as a result of these efforts, people have been instilled with a new kind of confidence. He added that the Insolvency & Bankruptcy Act has worked towards aligning our evolving economy with the global standards. He said that one should prepare well and keep an open mind to correct the errors in the laws. Shri Shah added that it is crucial for any government, parliament, or law-making agency to understand that a law is not final in its form and it should be amended based on the issues that arise with time and its implementation. He said that the purpose of making laws is to establish an efficient system, and not to establish the supremacy of those who make the laws. He added that the new laws of Social Security Code and the Data Protection Bill are to work towards bringing significant changes within their respective domains and help align with international standards.

Union Home Minister and Minister of Cooperation said that the three new criminal laws being developed under the Criminal Justice System are of utmost importance and are being introduced with entirely new perspectives and systems after almost 150 years of the enactment of the old laws. He added that along with these three initiatives of the Modi government, three administrative initiatives have also been taken to create a conducive ecosystem. Firstly, the third

phase of E-Court has recently been approved by the Cabinet at a cost of Rs. 7,000 crore, secondly, Rs. 3,500 crore have been approved for Integrated Criminal Justice System (ICJS), and thirdly, to embrace new technology in the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), and Evidence Act. Shri Shah said that if we combine these three laws and three new systems, then we will be able to eliminate the complaint of delay in justice in our Criminal Justice System, within a decade. He said that in these three new codes, we will not see any colonial influence, and they will resonate with the essence of Indian soil. He added that at the core of these three new criminal laws is the protection of the constitutional rights, human rights, and the self-defence of our citizens.



Shri Amit Shah said that in our present system there is huge delay in getting justice, it is more difficult for the poor to get justice and the conviction rate is very less due to which there is overcrowding in jails and the number of under trials is very high. He said that instead of 511 sections of the Indian Penal Code, there will be 356 sections in the Bharatiya Nyaya Sanhita, whereby an effort has been made to streamline all these systems. Shri Shah added that similarly, in place of the 487 sections in the CrPC, there will be 533 sections in the Bharatiya Nagarik Suraksha Sanhita, and instead of the 167 sections in the Indian Evidence Act, the Bharatiya Sakshya Adhinyam with 170 sections has been introduced. He said that the purpose of the old laws was to strengthen the British rule and to give strength to the system to run the government well, its purpose was to punish, not to do justice. Shri Shah said that the purpose of three new criminal laws brought by the Modi government is not to punish but to provide justice to every citizen.

Union Home Minister said that justice is a kind of umbrella term. When we say justice, that word is used for a very large community and it includes the concerns of both the accused and the plaintiff. Shri Shah said that justice and punishment have been explained very well in our Indian justice system, punishment in itself is not a perfect concept, but justice in itself is a perfect concept. He said that three new proposed criminal laws have also made a lot of changes in the structure of the court. In the existing criminal justice system, there is a provision for seven different types of magistrates across the country, but now we will find only four types of judges in the criminal justice system. He said that the process has been rationalized, deadlines have also

been fixed and the number of adjournments has also been fixed. Summary trial has been made wider, in cases where the punishment is up to 3 years, the police will have to compulsorily file challan before the court within 60 days of the first hearing and after filing of the charge sheet not more than 90 days will be available for further investigation under this Act. Along with this, the time for filing discharge application before framing of charges has also been set to 60 days, after that discharge application cannot be filed. After completion of the arguments, the judge will have to give the order within 30 days, which can be extend up to a maximum of 30 days. Shri Shah said that in cases of the prosecution of a civil servant, permission is not granted for a long time, but we have made a provision that if the permission is not received within 120 days, then the permission will be considered granted and the prosecution will start.

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# EXPERTISE OVER POLITICS: ON THE CAUVERY WATER DISPUTE

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

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In declining to interfere with the order of the [Cauvery Water Management Authority](#) (CWMA), directing [Karnataka to release 5,000 cubic feet of water per second](#) (cusecs) to [Tamil Nadu until September 27, the Supreme Court](#) has rightly chosen to defer to the wisdom of an expert body that is better placed to apportion the available water in a rainfall deficit year. Karnataka had approached the apex court against the order, contending that it was suffering from a shortfall of over 53% in inflows to its reservoirs this year, following a weak south-west monsoon, and was not in a position to release 5,000 cusecs for 15 more days. To its credit, the upper riparian State has been complying with the CWMA's order amid pressure and protests from some political parties and organisations. Earlier, Tamil Nadu had approached the Court in mid-August to seek directions for water release from Karnataka's reservoirs so that the quantum stipulated for it for the second half of August and whole of September could be realised. The Court had then sought a report from the CWMA, which has spelt out the extent of the distress this year. The 15-day period for which the current CWMA order is applicable ends on September 27, and the Authority's assisting body, the Cauvery Water Regulation Committee (CWRC) is scheduled to meet on September 26 to consider the situation afresh. The dispute has surfaced after a few years, once again highlighting the fact that the parties need a regular formula to share the shortfall and distress in years when the monsoon fails.

In years of abundance, there is little difficulty in Karnataka releasing the water in compliance with the final award of the Cauvery Water Disputes Tribunal, as modified by the Supreme Court in 2018. It is well-known that much of this release is the natural downstream flow of water during heavy rainfall from brimming reservoirs. It is only during deficit years that the States involved feel that the Court will pass favourable orders even if the CWMA does not. This kind of yearly adjudication and seasonal litigation should not become the norm. The CWMA should utilise the opportunity to come up with a permanent formula on how to assess deficit in a given year. Even on the manner of assessment of deficit, the two States have divergent views. It is now up to the CWMA and the CWRC in gathering data on rainfall, inflows and storage, to evolve an acceptable formula to apportion the shortfall in an equitable way. It is inevitable that neither State will be satisfied with the quantum of release ordered by the CWMA, but it is at this point that politics should yield to domain expertise.

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# CHILDREN, A KEY YET MISSED DEMOGRAPHIC IN AI REGULATION

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'The interests of young citizens must be front and centre' | Photo Credit: Getty Images/iStockphoto

India is to host the first-ever global summit on Artificial Intelligence (AI) this October. Additionally, as the Chair of the Global Partnership on Artificial Intelligence (GPAI), India will also be hosting the GPAI global summit in December. These events suggest the strategic importance of AI, as it is projected to add \$500 billion to India's economy by 2025, accounting for 10% of the country's target GDP.

Against this backdrop, Prime Minister Narendra Modi recently called for a global framework on the ethical expansion of AI. Given the sheer volume of data that India can generate, it has an opportunity to set a policy example for the Global South. Observers and practitioners will track India's approach to regulation and how it balances AI's developmental potential against its concomitant risks.

One area where India can assume leadership is how regulators address children and adolescents who are a critical (yet less understood) demographic in this context. The nature of digital services means that many cutting-edge AI deployments are not designed specifically for children but are nevertheless accessed by them.

Regulation will have to align incentives to reduce issues of addiction, mental health, and overall safety. In absence of that, data hungry AI-based digital services can readily deploy opaque algorithms and dark patterns to exploit impressionable young people. Among other things this can lead to tech-based distortions of ideal physical appearance(s) which can trigger body image issues. Other malicious threats emerging from AI include misinformation, radicalisation, cyberbullying, sexual grooming, and doxxing.

The next generation of digital nagriks must also grapple with the indirect effects of their families' online activities. Enthusiastic 'sharents' regularly post photos and videos about their children online to document their journeys through parenthood. While moving into adolescence we must equip young people with tools to manage the unintended consequences. For instance, AI-powered deep fake capabilities can be misused to target young people wherein bad actors create morphed sexually explicit depictions and distribute them online.

Beyond this, India is a melting pot of intersectional identities across gender, caste, tribal identity, religion, and linguistic heritage. Internationally, AI is known to transpose real world biases and inequities into the digital world. Such issues of bias and discrimination can impact children and adolescents who belong to marginalised communities.

AI regulation must improve upon India's approach to children under India's newly minted data protection law. The data protection framework's current approach to children is misaligned with India's digital realities. It transfers an inordinate burden on parents to protect their children's interests and does not facilitate safe platform operations and/or platform design. Confusingly, it inverts the well-known dynamic where a significant percentage of parents rely on the assistance of their children to navigate otherwise inaccessible user interface and user experience (UI/UX) interfaces online. It also bans tracking of children's data by default, which can potentially cut them away from the benefits of personalisation that we experience online. So, how can the upcoming Digital India Act (DIA) better protect children's interests when interacting with AI?

International best practices can assist Indian regulation to identify standards and principles that facilitate safer AI deployments. UNICEF's guidance for policymakers on AI and children identifies nine requirements for child-centred AI which draws on the UN Convention on the Rights of the Child (India is a signatory). The guidance aims to create an enabling environment which promotes children's well-being, inclusion, fairness, non-discrimination, safety, transparency, explainability and accountability.

Another key feature of successful regulation will be the ability to adapt to the varying developmental stages of children from different age groups. California's Age Appropriate Design Code Act serves as an interesting template. The Californian code pushes for transparency to ensure that digital services configure default privacy settings; assess whether algorithms, data collection, or targeted advertising systems harm children; and use clear, age-appropriate language for user-facing information. Indian authorities should encourage research which collects evidence on the benefits and risks of AI for India's children and adolescents. This should serve as a baseline to work towards an Indian Age Appropriate Design Code for AI.

Lastly, better institutions will help shift regulation away from top-down safety protocols which place undue burdens on parents. Mechanisms of regular dialogue with children will help incorporate their inputs on the benefits and the threats they face when interacting with AI-based digital services. An institution similar to Australia's Online Safety Youth Advisory Council which comprises people between the ages of 13-24 years could be an interesting approach. Such institutions will assist regulation to become more responsive to the threats young people face when interacting with AI systems, while preserving the benefits that they derive from digital services.

The fast-evolving nature of AI means that regulation should avoid prescriptions and instead embrace standards, strong institutions, and best practices which imbue openness, trust, and accountability. As we move towards a new law to regulate harms on the Internet, and look to establish our thought leadership on global AI regulation, the interests of our young citizens must be front and centre.

Rhydhi Gupta is Analyst, Public Policy at The Quantum Hub (TQH Consulting). Sidharth Deb is Manager, Public Policy at The Quantum Hub (TQH Consulting)

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# IDENTITY PANGS: THE HINDU EDITORIAL ON AADHAAR AND CONCERNS

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In an innocuously titled report on [“Decentralized Finance and Digital Assets”](#) released last Saturday, global rating major Moody’s Investors Service has [flagged some uncomfortable home truths](#) about India’s ambitious digital identification (ID) programme for residents, Aadhaar. As the world’s largest digital ID programme with biometric and demographic details of over a billion residents, Aadhaar stands out for its scale. But at a broader level, the agency has red-flagged security and privacy risks from “centralised” digital ID systems such as Aadhaar, where a single entity controls identifying credentials. Moody’s, which has mooted decentralised ID systems that give users more control over their data, has also lent weight to worries about the efficacy of Aadhaar’s biometric-based authentication systems to verify identities. “The system often results in service denials, and the reliability of biometric technologies, especially for manual labourers in hot, humid climates, is questionable,” it said. While this observation is of relevance amid the government’s push to switch all payments under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) to an Aadhaar-based payment system, it echoes the concerns raised ever since its launch under the United Progressive Alliance regime.

The vigorous pursuit of Aadhaar, after some initial hesitation, under the present government has manifested in the 12-digit number becoming mandatory for almost all welfare benefits to weaker sections as well as activities such as opening bank or provident fund accounts, securing telephone connections and remitting taxes. Its use, backed by the expansion of access to no-frills bank accounts and mobile phone connections, has indeed enabled the direct transfer of benefits to millions in welfare schemes and weeding out ghosts and middlemen. Yet, there have also been instances of people being excluded from basic services for lack of an Aadhaar or labourers and senior citizens struggling to confirm their fingerprints and retina scans to prove they exist. An audit of the Unique Identification Authority of India (UIDAI) by the Comptroller and Auditor General of India released last year, had flagged lapses that jeopardise privacy and compromise data security, along with flaws in enrolment processes leading to duplication and faulty biometrics. India has pushed for digital public infrastructure like the one built around the edifice of Aadhaar, as a means for service delivery in G-20 nations and beyond. Having appointed a part-time chief to the UIDAI last month after four years, the government must seek an honest review of, and course correction in the Aadhaar programme, before expanding its linkages further, be it for electoral rolls, private entities or MGNREGA payments.

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