



7 PM COMPILATION

1st to 15th May, 2021

Features of 7 PM compilation

- ❖ Comprehensive coverage of a given current topic
- ❖ Provide you all the information you need to frame a good answer
- ❖ Critical analysis, comparative analysis, legal/constitutional provisions, current issues and challenges and best practices around the world
- ❖ Written in lucid language and point format
- ❖ Wide use of charts, diagrams and info graphics
- ❖ Best-in class coverage, critically acclaimed by aspirants
- ❖ Out of the box thinking for value edition
- ❖ Best cost-benefit ratio according to successful aspirants

Why North-East is More Vulnerable to Earthquakes? – Explained, Pointwise

Topic:-Disaster

Subtopic:-Geological Disaster

Significance of Universal Social Welfare – Explained, Pointwise

Topic:-Social

Subtopic:-Social Justice

India UK Relations and its challenges – Explained, Pointwise

Topic:-International Relations

Subtopic:-News and Updates

Reducing Independence of the Election Commission of India – Explained, Pointwise

Topic:-Polity

Subtopic:-Various Bodies

Maratha Reservation and the Reservation Policy in India – Explained, Pointwise

Topic:-Polity

Subtopic:-Right Duties & Principal

Federalism during the Pandemic – Explained, Pointwise

Topic:-Polity

Subtopic:-Centre State Relations

Accessibility and Need of Social Media for Indian Women – An Analysis

Topic:-Social

Subtopic:-Women and Child Related Issues

Impact of New FCRA Rules on Relief Work of NGOs – Explained, Pointwise

Topic:-Government

Subtopic:-Government Bill & Regulations

Israel – Palestine Conflict – Explained, Pointwise

Topic:-International Relations

Subtopic:-News and Updates

Enforced disappearances around the world – Explained, Pointwise

Topic:-International Relations

Subtopic:-News and Updates

Judicial Governance during Pandemic – Explained, Pointwise

Topic:-Polity

Subtopic:-Judiciary

[Yojana Summary] Skill Development – Initiatives, challenges and solutions

Topic:-Social

Subtopic:-Skill Development

[Yojana Summary] One Nation One Election

Topic:-Polity

Subtopic:-Election Related Issues

Why North-East is More Vulnerable to Earthquakes? – Explained, Pointwise

Introduction

An Earthquake of 6.4 magnitude hit Assam on April 28th, 2021. It caused sufficient damage to buildings and property but fortunately, no fatalities were reported. The northeastern region has a peculiar record of experiencing earthquakes at regular intervals due to its unique geographical location. The state of Assam itself witnessed two great earthquakes (Magnitude >8) in 1897 and 1950.

In this article, we will try to ascertain the reasons behind the occurrence of earthquakes, their brutal impacts, and the vulnerability of the northeast region that converts it into a disaster. Further, we will try to find out what rational measures should be taken for developing robust earthquake resilience.

How does an earthquake occur?

- Firstly, an earthquake occurs when there is a sudden release of energy in the Earth's lithosphere that creates seismic waves.
- Secondly, the release of energy occurs along a fault. A fault is a sharp break in the crustal rocks.
- Thirdly, rocks along a fault tend to move in opposite directions. As the overlying rock strata press them, the friction locks them together. However, their tendency to move apart at some point in time overcomes the friction.
- Fourthly, as a result, the blocks get deformed, and eventually, they slide past one another abruptly. This causes a release of energy, and the energy waves travel in all directions.

Read More – [Basics of Earthquake](#)

Important Terminologies:

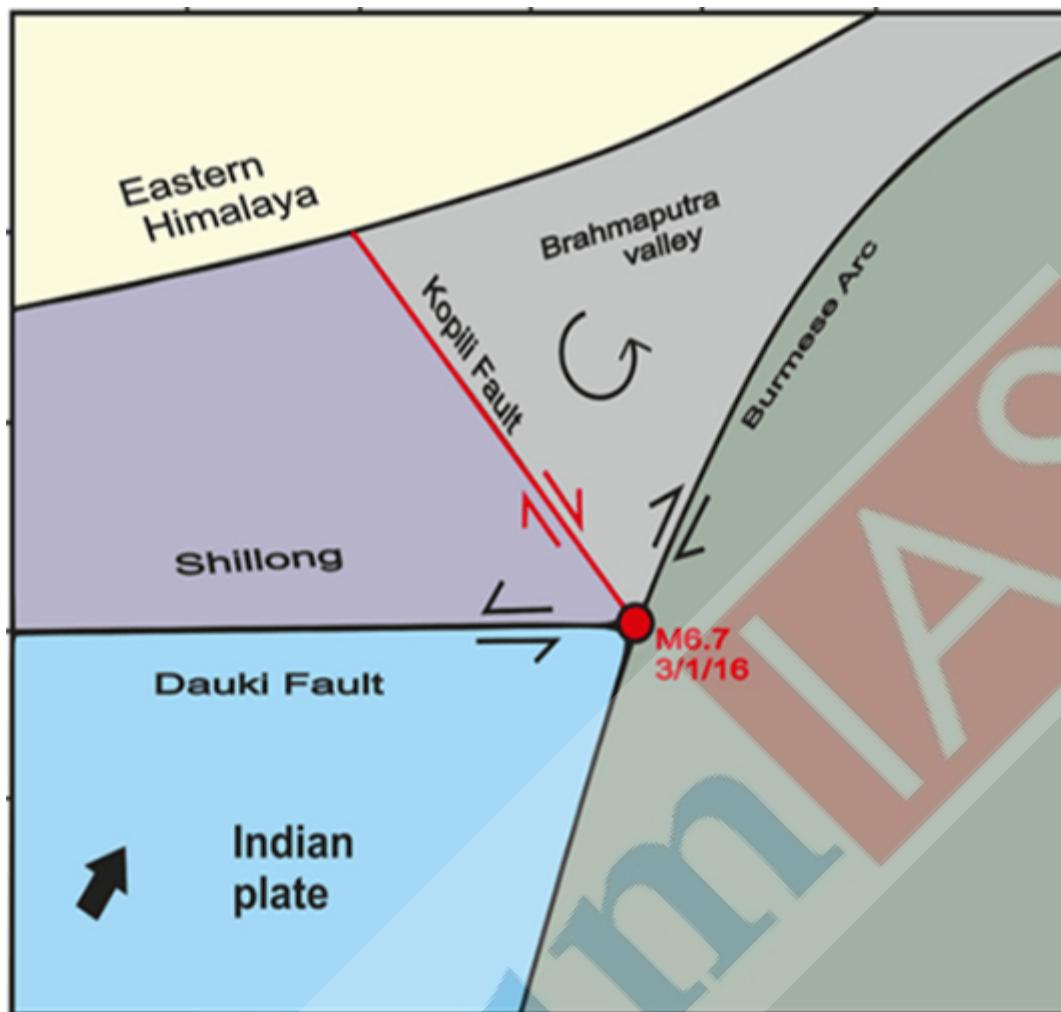
- **Focus:** The point where the energy is released is called the focus of an earthquake. It is also called the hypocentre.
- **Epicentre:** The energy waves travelling in different directions reach the surface. The point on the surface, nearest to the focus, is called the epicentre.

Current Scenario

- Recently an earthquake of magnitude 6.4 on the Richter scale hit Assam. It occurred near Dhekiajuli in the Sonitpur district of Assam, 80 kilometres northeast of Guwahati.
- Following the main tremors, six aftershocks (of magnitude ranging from 3.2 to 4.7) also occurred within two-and-a-half hours.
- The National Centre for Seismology (NCS) recently mentioned that these tremors were attributed to the [Kopili Fault Zone](#).

About Kopili Fault Zone

- It is a 300-km northwest-southeast trending fault. It extends from the western part of Manipur to the tri-junction of Bhutan, Arunachal Pradesh, and Assam.
- The zone has witnessed many seismic activities in the past. This includes the 1869 earthquake (7.8 magnitude) and the 1943 earthquake (7.3 magnitude).
- The zone is located closer to Himalayan Frontal Thrust (HFT).
 - It is a geological fault along the boundary of the Indian and Eurasian tectonic plates.



Source: ISR

History of Earthquakes in the Northeast Region

- The North-Eastern part of the country continues to experience moderate to large earthquakes at frequent intervals. This includes the two great earthquakes -1897 Shillong (Magnitude – 8.7) and 1950 Assam-Tibet (Magnitude – 8.6).
- On average, the region experiences an earthquake with a magnitude greater than 6.0 every year.

Vulnerability of Northeast Region to Earthquake

- **High Seismicity Level:** Northeast is located in the highest seismological zone. The Kopili Fault Zone is a seismically active area, so it falls into the highest Seismic Hazard Zone V. It is associated with collisional tectonics because the Indian Plate is subducting beneath the Eurasian Plate.
- **Nature of Soil:** Kopili fault zone and its neighbouring areas are characterized by alluvial soils. These alluvial soil have a higher potential of trapping seismic waves. Thus making the region the most earthquake-prone zone in North East India.
- **Terrain:** The region has a significant amount of mountainous terrain that demands explosions for building a tunnel, road, etc. infrastructure. This enhances the probability of earthquakes.
- **Untapped Potential:** The region has not seen robust development like the rest of India. Thus, a greater number of development projects like mining, dam

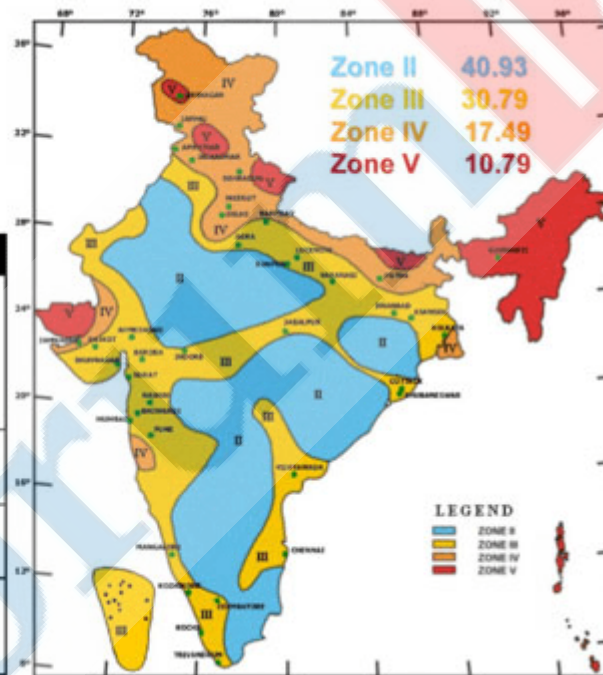
construction, etc. in the region are under planning. It may enhance earthquake probability in the future.

- **High-technology equipment and tools:** There has been an increase in the use of high-technology equipment and tools in the manufacturing and service industries. This has made them susceptible to disruption even by moderate ground shaking.
- **Unscientific Buildings:** Many buildings in the cities of Shillong, Gangtok etc. are constructed on the sloping ground. That too by excavating some part of the hill.
 - The open ground storey, heavy overhangs, heavy rooftops, and irregular plan shapes are common in buildings that make them seismically more vulnerable.
- **Policy gap:** There is a considerable knowledge and policy gap regarding earthquakes in the Northeast. Even a good knowledge about the Kopili fault did not result in disaster reduction policies.
- **Earthquake Zonation in India**
- India has been divided into four seismic zones (II, III, IV, and V) based on scientific inputs relating to seismicity, earthquakes that occurred in the past and the tectonic setup of the region.

Seismic Zone Map of India: -2002

About **59 percent** of the land area of India is liable to seismic hazard damage

Zone	Intensity
Zone V	Very High Risk Zone Area liable to shaking Intensity IX (and above)
Zone IV	High Risk Zone Intensity VIII
Zone III	Moderate Risk Zone Intensity VII
Zone II	Low Risk Zone VI (and lower)



Source: National Institute of Disaster Management

General reasons behind the occurrence of earthquakes

- **Firstly, Tectonic Activities:** Sliding of rocks along a fault plane can cause sudden shaking of the ground, resulting in an earthquake.
- **Secondly, Volcanic activities:** A special class of tectonic earthquakes is sometimes recognized as a volcanic earthquake. However, these are confined to areas of active volcanoes.
- **Thirdly, Human-Induced:** Minor earthquakes and tremors that are caused by human activity like mining, large-scale petroleum extraction, artificial lakes (reservoirs), nuclear tests, etc.
 - **Collapse Earthquakes:** In the areas of intense mining activity, sometimes the roofs of underground mines collapse causing minor tremors.

- **Explosion Earthquakes:** Ground shaking may also occur due to the explosion of chemical or nuclear devices. Such tremors are called explosion earthquakes.
- **Reservoir-induced:** The earthquakes that occur in the areas of large reservoirs are referred to as reservoir-induced earthquakes.

Impact of Earthquake

1. **Loss of Human Lives:** The earthquakes have eaten up thousands of precious human lives across the world.
 - Around 1,542 deaths occurred in Assam during the 1897 Great Earthquake.
2. **Infrastructural Damage:** Several houses and buildings were damaged after an earthquake of magnitude 6.4 hit Assam.
 - Similarly, the great Assam earthquake (1897) reduced all masonry buildings to debris within a region of northeastern India. This is roughly the size of England.
3. **Initiating another disaster:** The 1950 Assam earthquake caused huge landslides. These landslides in turn blocked many rivers in the mountainous region and caused floods.
4. **Land Degradation:** The recent Kolipi Fault zone earthquake caused cracks in a paddy field situated in Tatkal Basti village of Misamari, a town on the Assam-Arunachal Pradesh foothills.
5. **Economic Losses:** A significant amount is spent on reconstructing the lost infrastructure, rehabilitation of masses, and providing relief support to the impacted people.

Suggestions

- **Firstly**, the government has to fix the knowledge and policy gap regarding earthquakes in North East India.
- **Secondly**, the government has to build an effective Earthquake mitigation plan. This would involve constructing resilient infrastructure among other things.
 - For instance, the Delhi Metro pillar can easily withstand an earthquake of magnitude 9.
- **Thirdly**, an **integrated disaster management plan** should be developed for the North East. This plan will help in tackling these types of high-intensity earthquakes.
- **Fourthly**, due adherence to **Environmental impact assessment** must be observed before initiating mining or dam construction.
- **Fifthly, more funding** should be given to Earthquake planning and mitigating agencies to improve disaster management potential.
 - For instance, the National Centre for Seismology has developed 'India Quake'. An App for Earthquake Parameter Dissemination

Conclusion

Being in the seismic zone 5, earthquakes are bound to occur in the northeast region. The government is incapable of stopping their occurrence. Although it can definitely curtail their adverse impact by developing robust resilience in consonance with Sendai Framework for Disaster Risk Reduction 2015-2030.

Significance of Universal Social Welfare – Explained, Pointwise

Introduction

The Covid-19 pandemic struck India in 2020. It brutally impacted the lives of the Indian masses especially the marginalized community. Despite having multiple social welfare schemes, the country failed to provide adequate social welfare services to the marginalized during the pandemic. Thus, [Universal Social Welfare](#) is the need of the hour.

This pandemic, along with the failure of services, led India into a series of crises; such as 1) mass inter and intra-migration, 2) food insecurity, and 3) failure of health infrastructure. At the end of the year, the impact started reducing and the economy started improving. However, after a brief respite, the 2nd Covid-19 wave struck India. This wave is impacting even the middle and upper-class citizens.

The given situation has presented an opportunity to focus on Universal Social Welfare (USW). India should take prudent steps in this direction by overcoming the concerning impediments as USW would generate better results than the current scenario.

About Universal Social Welfare/Social Security

- According to the International Labour Organisation (ILO), Social Security is a comprehensive approach with an aim:
 - To prevent deprivation,
 - To give assurance to the individual of a basic minimum income for himself and his dependents,
 - Also, to protect the individual from any uncertainty.
- Social welfare systems provide assistance to individuals and families through programs; such as health care, food stamps, unemployment compensation, housing assistance, etc.
- Giving such protection to every individual in the country is called [Universal Social Welfare](#).

Schemes and Initiatives for Social Welfare in India

- [Mahatma Gandhi National Rural Employment Guarantee Act \(MGNREGA\)](#): It guarantees 100 days of work a year to every rural household with an aim to enhance the livelihood security of people.
- [National Social Assistance Programme \(NSAP\)](#): The program extends social assistance to poor households. It covers the aged, widows, disabled, and families where the breadwinner has passed away.
- [Integrated Child Development Services](#): It is a government program in India that provides food, preschool education, primary healthcare, cash transfers to families, etc. It covers children under 6 years of age and their mothers.
- [Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana \(PMJAY\)](#): It provides insurance up to Rs 5 lakh per family per year for in-patient secondary and tertiary treatment. It covers over 100 million vulnerable families, which is about 500 million people.

Need of Universal Social Welfare

- **Vulnerability of masses:** The pandemic has enhanced the vulnerability of masses as:
 - It has pushed an estimated 75 million people into poverty.
 - The second wave has shown even money is not enough to access health care services. It has brought even the middle and upper-class citizens to their knees.

- Thus, focus just on the lower section of society is not sufficient. Now, even the middle class is in the need of government assistance.
- **Poor performance of Social Welfare schemes:** The country has over 500 direct benefit transfer schemes. However, many schemes weren't able to get desired benefits during the pandemic.
 - The schemes are **fractionalised across various departments and sub-schemes**. This causes problems in every stage from data collection to last-mile delivery.
 - Further, Pandemic necessitates a program that can provide assistance at a very fast pace. It should be provided before people start suffering from starvation and hunger.
- **Better results:** India's Pulse Polio [Universal Immunisation Program](#) helped it to become polio-free in 2014. This shows the country has the potential to run universal programs and achieve better results.
- **Nature of Indian workforce:** More than 90% of the workforce is in the unorganized sector thereby depriving them of job security, labour rights, and post-retirement provisions.
 - Further, with the advancement of big data, artificial intelligence, and other new technologies; experts fear greater job losses in the country.
- **Avoiding Inclusion/Exclusion errors:** Universal system will encompass every individual and household in the country thereby tackling the problem of inclusion/exclusion.
 - For instance, PDS can be linked to a universal identification card such as the Aadhaar or voter card, in the absence of a ration card.
 - This would allow anyone who is in need of food grains to access these schemes especially the migrant populations.
- **Improved Living Standard:** Access to education, maternity benefits, disability benefits, etc. social benefits would ensure a better standard of living for the people.

Challenges in adopting Universal Social Welfare

- **Financial Burden:** Overall public expenditure on social protection (excluding public healthcare) is only approx. 1.5% of the GDP, lower than many middle-income countries across the world. However, huge sums of money would be required to universalize social welfare.
- **One Size Approach:** Universal Social Welfare may be built on a unified approach that may deliver sub-optimum results. This would happen as political economy, labor markets, demographic attributes, and risk profiles vary by location.
- **Unequal Degree of Infrastructure across the country:** The idea of USW requires each and every village to have decent electricity and optic fibre network for smooth dissemination of data.
 - However, the Indian Telecom Services Performance Indicators April – June 2020 show only 750 million people have an internet connection out of 1.3 billion.
- **Leakages and Corruption in Governance:** India has slipped to 86th position in Transparency International (TI)'s Corruption Perception Index 2020. A high degree of corruption may result in a higher cost for USW and the exclusion of genuine beneficiaries.

Suggestions to implement Universal Social Welfare

- Firstly, the government should **map the State and Central schemes** in a consolidated manner. This would avoid duplication, inclusion, and exclusion errors in delivering welfare services.

- For instance, **Pradhan Mantri Garib Kalyan Yojana (PMGKY)** can become a **Universal Social Welfare scheme**.
 - It already consolidates the public distribution system (PDS), the provision of gas cylinders, and wages for the MGNREGA.
- Similarly, **MGNREGA** can be **extended to urban areas** which would reduce the plight of the urban poor.
- Pradhan Mantri Jan Arogya Yojana (PMJAY) should be converted into a **universal healthcare scheme** i.e. available to all and at every level of healthcare.
- Secondly, it must **compute the costs of delivering universal social services**. Post computation, there is a need for robust steps to arrange the requisite amount.
- Thirdly, the country can learn from successful global models like **Ireland's Poor Law System**.
 - The system was introduced in the 19th century to provide relief to the masses. It was financed by local property taxes.
 - The system was built keeping in mind the future economic crisis and dignity of the masses.
 - It has now evolved into a four-fold apparatus. It promises social insurance, social assistance, universal schemes, and extra benefits/supplements.
- Fourthly, there must be a **focus on data digitization**, data-driven decision-making, and collaboration across government departments. This would improve the implementation potential.
- Fifthly, universal social protection architecture should give **respect to decentralization**. Under this, the higher-level government should allow local governments to design, plan and deliver a core basket of benefits within a nationally defined policy framework and budget.

Conclusion

India should provide social welfare services to every citizen as a responsible welfare state. This would be in line with the Directive Principles of State Policies and help in the attainment of the UN's sustainable development goals by 2030.

India UK Relations and its challenges – Explained, Pointwise**Introduction**

India and UK relations have deep historical connections. Both countries have maintained cordial relations since the Independence of India. But both of them struggled to realize their full potential due to various issues and prejudices. The recent developments like [Brexit](#) and the Covid-19 pandemic provide an opportunity for a fresh start in India UK relations.

Recently a much-awaited and long-scheduled summit between the Prime Ministers of India and Britain confirmed to occur digitally. Apart from this, a Group of Seven ministerial meetings in London is also scheduled this week. The foreign minister of India will participate in this summit. Similarly, Britain PM recently confirmed the schedule of the “Group of Seven Plus Three” physical summit Next month in London. These summits might rejuvenate India-UK relations to a new high.

Potential opportunities between India and UK relations

1. The UK recently exited from the European Union. The European Parliament has approved the final ratification of the [Trade and Cooperation Agreement \(TCA\)](#) Between the UK and the EU recently. So, the UK is now looking for building partnerships bilaterally. Further, Britain is also tilting to the Indo-Pacific region. So India is a natural ally for the UK in the region.
2. India and UK can exchange their shared knowledge in controlling the Covid-19 Pandemic. Further, the UK has restricted the Covid-19 wave in the UK. India can also get help from the UK for control strategies, export of medical oxygen, resilient medical supply chains, etc.
3. Also, a new **British Council report** suggests great opportunities for India and the UK if they engage in a stronger relationship.
4. Further, India and Britain may explore an agreement on “**migration and mobility**” to facilitate the legal movement of Indians into Britain.
5. The UK can also contribute to the strengthening of India’s domestic defence industrial base.
6. Apart from that, both India and UK committed to find a common ground on climate change. So, there is a lot of potential for bilateral cooperation in Climate Change mitigation.

Present Status of India UK Bilateral relations

1. **Bilateral trade:** The bilateral trade between the two countries stood at 15.5 billion USD in 2019-20. India has engaged with the UK in sectors like pharma, textiles, leather, industrial machinery, furniture, and toys.
 - o Britain is among the top investors in India and India is the second-biggest investor and a major job creator in Britain. Recently, the Serum Institute of India has announced setting up its research facilities in the UK.
2. **Indian Diaspora:** Around 1.5 million people of Indian origin live in Britain. This includes 15 Members of Parliament, three members in Cabinet, and two in high office as Finance and Home Ministers.
3. **Educational relations:** The UK-India Education and Research Initiative (UKIERI) was launched in 2005. A new “[UKEIRI Mobility Programme: Study in India](#)” was also launched in 2019. Under this Britain’s universities collaborate with Indian partners and send UK students to India.
 - o Almost 30,000 Indians study in Britain regardless of limited opportunities for post-graduation employment.

4. Both India and UK jointly launched the [UK-India Tech partnership](#) in 2018. The partnership aims to generate significant investment and support the creation of thousands of new jobs across the UK.
5. **Medical collaborations:** According to the British High Commission, India supplies over 50 percent of the world's vaccines and 25 percent of Britain's National Health Service's (NHS) generic drugs. This facilitated India and UK to launch a [Virtual Vaccines Hub](#). The hub aims to distribute vaccines for Covid-19 and other deadly viruses.
 - Recently, the **Serum Institute of India said that it will invest Rs 2,400 crore in the UK**. This investment is aimed at supporting clinical trials, research and development and possibly manufacturing of vaccines in UK.
6. **Geopolitical collaborations:** The UK identified the Indian Ocean as a vital area of potential development. Further, the UK so far supported India's entry into the UN Security council.

Challenges in India UK relations

- **Issues associated with Brexit:** There are many challenges associated with the UK's exit from the EU. Such as,
 - **Impact on Indian Companies:** There are more than 800 Indian companies in the UK. They have commercial contact with India and traded with the EU as the UK was within the EU. But after the Brexit, their trade ties with the EU impacted directly. This in turn affected exports from India to the EU.
 - **Stagnancy in the relations:** For the past five years India-UK relations are stagnant due to Britain's Brexit and associated trade agreement with the EU.
- **Impact of illegal migrants:** There are more than 1 lakh of illegal Indian immigrants in the UK. The UK government so far put pressure on Indians to sending back. But both India and UK not yet signed the migration and mobility agreement.
- **Anti-colonial resentment against Britain:** India still suffers from the legacy of Partition. Such as the problem with Pakistan and the issue of Kashmir. For example, the Labour Foreign Secretary who travelled with Queen Elizabeth for India's 50th anniversary of Independence in 1997 mentioned self-determination for Kashmiris. In return, then Indian Prime Minister I K Gujral accused Britain of creating the Kashmir problem in the first place.
- **The closeness of the UK to Pakistan and China:** Few Indian observers view the UK as overly sympathetic to Pakistan. Similarly, Parliamentary Inquiry Report highlighted that India will face strict and tough visa norms than China. This closeness of the UK to China and Pakistan make India UK relations a distant one.
- **Cairn Energy issue:** The ruling of the arbitration court favoured Cairn Energy PLC. This marks an end to the long-running dispute between Cairn Energy PLC and the Indian government. But the future investments from the UK to India demands timely and logical settlement of the Industrial dispute.
- **Influence of Labour Party on bilateral relations:** The Labour Party in Britain still have hardcore policies and ideals of British India. They even protest on many occasions against India's interest. For example,
 - The recent protests at the Indian High Commission in London over the Article 370 move in Jammu and Kashmir, and the Citizenship (Amendment) Act.
 - The UK's concerns about the farmers' protests

Suggestions to improve India UK relations

1. India is one of the fastest-growing large economies of the world. But despite that the level of India UK relations in trade is limited. So, both India and UK should **negotiate a free trade deal**. The trade deal should include,
 - a. Timely and logical settlement of the Industrial dispute between both the nations.
 - b. The agreement should facilitate enhancement of bilateral trade
 - c. A detailed assessment from time to time to improve the trade ties without waiting for another FTA.
2. The UK should live up to its commitment to the [extradition of Indian fugitives](#). For example, recently U.K.'s Home Department approves the [extradition of Nirav Modi](#) to India. However, the extradition will happen only when the UK's cabinet minister approves this order. So the UK minister has to approve the order.
3. The UK should take care for ensuring stronger ties with China and Pakistan are not at the expense of a deeper partnership with India. This will improve India UK relations further.
4. Both India and the UK can improve their bilateral relationship by
 - a. Improving security and defence cooperation,
 - b. Conducting joint exercises of Military
 - c. Collaborate with each other in reforming multilateral institutes such as WTO reforms, UN reforms, etc.
5. The Oxford/AstraZeneca's **voluntary licensing arrangement** with Serum Institute of India to produce the Covishield vaccine is a significant achievement in bilateral relations. Both countries can use this to improve relations in the future.

Conclusion

A new chapter in the India-UK relationship will necessarily involve two things. **One**, the UK's more sensitiveness to India's concerns. **Two**, India's less sensitiveness when the UK expresses its concerns. This will happen when both countries move away from relying on historical connections to the modern dynamic partnership.

Reducing Independence of the Election Commission of India – Explained, Pointwise**Introduction**

The [Election Commission](#) (EC's) independence and credibility has come into question in the recent phase of state elections in Assam, West Bengal, Tamil Nadu, Puducherry, and Kerala. The Madras High Court blamed the EC. It was for proliferating the second wave of Covid-19 during the electoral process by not acting in a credible manner. After this, EC approached the Supreme Court in order to confront such allegations.

Although SC has denied any immediate relief to EC, the Matter is still under consideration. Now the question comes that why the constitutional body like the Election Commission, with a prestigious past record of impartiality, is facing such allegations. A thorough analysis of all these aspects along with remedial suggestions would be provided in this article.

About Election Commission

- It is a permanent and independent body established by the Constitution of India to ensure free and fair elections in the country.
- **Article 324** of the Constitution provides that the power of superintendence, direction, and control of elections shall be vested in the election commission.
- This includes elections to parliament, state legislatures, the office of president of India, and the office of vice-president of India.
- It grants election symbols and also recognizes political parties.
- It issues a model code of conduct and keeps an eye on the election expenditure of candidates.

What was the case?

- The [Madras High court accused EC](#) of spreading the 2nd wave of pandemic and stated that its officers should be booked for murder charges. Similarly, the Media also reported the institution negatively and held it responsible for the second wave.
- The EC then [approached the Supreme Court](#) against such allegations claiming it as an act to undermine its credibility.
- The supreme court will deliver the final verdict in due time, although it has issued some advisories –
 - It is important for constitutional bodies to take criticism from other constitutional bodies in the “right spirit”.
 - The media has a duty to report “the unfolding of debate in the court of law” and not merely the final verdict. Both aspects constitute are important for people’s right to know.

What are the criticisms facing EC at present?

- **Criticism in Current Elections:**
 - Election Commission planned a very long 8 phase election schedule in West Bengal amidst a pandemic. Further, even after the demand of merging the last few rounds of the election, EC showed no interest in the proposal.
 - Demarcation of phases and geographies appeared to favor the central Government.
 - Half-hearted attempts to ensure that Covid-19 protocols were followed by candidates and parties.
- **Other Criticisms:**
 - There have been allegations of EVMs malfunctioning and not registering votes.

- It has also not been able to contain money power and muscle power. Today those who come to parliament and legislatures are mostly moneyed candidates.

Reasons behind reducing independence:

- **Selection Procedure:** The Chief election commissioner and other ECs are appointed by the President on recommendations of the central government. This raises a question of partisan behavior of officials towards the ruling party.
- **Security of Tenure:** EC is a three-member body with a chief election commissioner and two election commissioners. CEC enjoys a secure tenure like an SC judge. However, the other two ECs can be easily removed by the President on the recommendation of CEC.
- **Post Retirement Jobs:** The Constitution has not debarred the retiring election commissioners from any further appointment by the government. The government uses this loophole for compromising the independence of members.
- **Lack of powers hindering independent functioning:** It has no power to derecognize a political party or control the extent of party expenditure. Further, the model code of conduct is not legally enforceable.
- **Inadequate Political Will:** In the last 70 years numerous political leaders and parties became part of the government. However, very few were willing and able to bestow sufficient powers to EC for ensuring independent functioning.
- **Misuse of State Machinery:** In recent times, there has been a rising trend of targeting family members of election commissioners using state institutions like the Enforcement Directorate, Vigilance commission, etc. This creates additional pressure on them thereby compromising independent behavior.

Importance of ensuring independence:

- **Free and Fair Elections:** A democracy can survive only when free and fair elections are conducted in it on a regular basis. This requires an independent EC which can curtail the use of money and muscle power and ensure adherence to electoral rules by all the stakeholders.
- **Non-Partisan Behavior:** The body can resist political pressures especially from the ruling party only when it enjoys a considerable degree of independence.
- **Maintaining people's Trust:** The trust of the masses over the electoral process is contingent upon the degree of independence enjoyed by the EC.
 - For instance, people's trust over EVMs got reduced with increasing instances of partisan behavior by the EC towards the ruling party.
- **Acceptability of Verdict:** The losing parties accept the electoral verdict as they believe in the impartial and independent functioning of EC. A failure to ensure the same can create distrust among the parties and in extreme situations can give way to a coup.
 - For instance, the alleged election fraud in Myanmar elections gave the military an opportunity for a coup in February 2021.

Steps taken to improve credibility and independence of Election Commission:

- **Election Commissioner R.V.S. Peri Sastri (1986-1990)** is credited with reforms like the introduction of EVMs and the reduction in the voting age to 18 years.
- **Chief Election Commissioner T.N. Seshan (1990-1996)** implemented the model code of conduct, took steps against muscle and monetary power in elections. He also prohibited election propaganda based on religion and caste-based hatred.

- The EC had launched a **scheme for use of State-owned Electronic Media by political parties** for providing a level playing field to every political party.
- **C-Vigil Application had been developed** for reporting cases of MCC violation by the masses. It allows the masses to check the authenticity of EC in rectifying their requests.
- Other Suggestions:
 1. Firstly, the EC must be **appointed by a collegium** as recommended by the Second Administrative reforms commission. It should comprise the Prime Minister, Speaker of the Lok Sabha, the Leader of Opposition in the Lok Sabha, the Law Minister, and the Deputy Chairman of the Rajya Sabha.
 2. Secondly, the government should **expeditiously accept the 50 reform recommendations** sent by the EC. These include:
 - Rules on decriminalizing politics, transparent party funding, paid news
 - Empowering the EC to countermand an election in cases of bribery.
 3. Thirdly, the EC should make judicious use of its plenary powers under Article 324. In the **Mohinder Singh Gill case**, the SC said that Article 324 gives wide-ranging powers to ECI to ensure free and fair elections.
 4. Fourthly, there must be a prudent **cooling-off period** for election commissioners in order to strengthen independence.
 5. Fifthly, the **expenditure of EC should be charged** upon the Consolidated Fund of India similar to other constitutional bodies such as the UPSC.

Conclusion:

There is a need to undertake multiple reforms. This is to reinstall the shaken trust of EC's independence and credibility amongst the masses. To begin with, the commission can withdraw its overcautious petition from the Supreme Court signaling its ability to accept criticism in the right spirit.

Maratha Reservation and the Reservation Policy in India – Explained, Pointwise

Introduction

A five-judge Constitution Bench of the Supreme Court recently held the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act of 2018 as unconstitutional. This Maratha reservation law provides reservation benefits to the Maratha community in admissions and government jobs. However, the implementation of this reservation took the quota limit in the State in excess of 50%. The Supreme Court also held that this law does not qualify for the “exceptional circumstances” mentioned in the Indra Sawhney case.

Earlier the Supreme court mentioned that it may re-examine the 50% reservation cap set by the Mandal case ruling of 1992 (Also known as **Indra Sawhney case**). But during the recent verdict, the court mentioned that there is no need to revisit the 50% reservation cap. The court mentioned that the arbitrary 50% ceiling set by the Mandal case is now constitutionally recognized.

What is the Maratha reservation policy?

Maharashtra government appointed a nine-member Maharashtra State Backward Class Commission headed by Justice M.G. Gaikwad. The commission recommended reservation for the Marathas in 2018.

In 2018 itself, the Maharashtra government enacted a law, it provides 16 percent reservation to the Maratha community in jobs and admissions. The law termed the Maratha community as a socially and educationally backward class (SEBC). However, the Maratha reservation violated the 50% ceiling mentioned as in the Indra Sawhney case.

The law was challenged in Bombay High Court. The Bombay High Court upheld the constitutional validity of the Act. But the **Bombay High Court reduced the Maratha reservation to 12% in education and 13% in employment** (Instead of 16%).

However, an **appeal was filed in the Supreme Court**. In that case, the Supreme Court held that the reservations is unconstitutional.

About the Maratha reservation case judgment

The case addressed few key questions around the reservation policy in India. Such as,

- **Revisiting the Indra Sawhney ruling:** Few of the State governments argued that the limit of 50% reservation set in the Indra Sawhney case was arbitrary. Earlier during the hearing of the Maratha reservation case, the Supreme Court also suggested that it might revisit the Mandal case judgment. But, in the judgment, the court held that the **arbitrary ceiling of 50% is now constitutionally recognized**. Therefore, the court held that there is no need to re-examine the 50% cap of the Mandal case.
- **Maratha law was not an exceptional circumstance:** The court held that both the Maharashtra State Backward Commission report and the High court judgment have not mentioned the situation for exceeding the 50% cap. Further, the court also held that the Marathas are the dominant forward class and are in the mainstream of National life. So, this reservation does not qualify for exceptional circumstances.
- **Power of State to declare a community as backward:**
 - The Supreme Court unanimously **upheld the constitutional validity of the 102nd Amendment Act, 2018**.
 - Further, the court held that the 102nd Constitution Amendment has taken away the power of states to **identify Socially and Educationally Backward Classes (SEBCs)**.

- It means that the **Centre alone is empowered to identify SEBC** and include them in the Central List
- **The States could only make suggestions** to the President or the statutory commissions for inclusion, exclusion, or modification of castes and communities to be included in the SEBC List.
- This raises the question of validity on other states' laws like [reservation laws in Haryana](#), Tamil Nadu, etc.
- The court also held that the special reservation violates Article 14(Right to equality) and Article 21(due process of law)

Other Judicial interventions on reservation policy

1. **The state of Madras vs Smt.Champakam Dorairajan (1951) case:** In this case, the court held that the caste-based reservations violate provisions of Article 15(1). Article 15(1) provides for non-discrimination of the State against citizens based only on religion, race, caste, sex, place of birth, or any of them.
2. This resulted in the First Constitutional Amendment. The Parliament amended Article 15 to include provisions of reservation under Article 15(4).
3. **M R Balaji vs State of Mysore case 1963 and Devadasan v Union of India case 1964:** In these cases, the court held that the efficiency of public administration is essential. Further the court asked the government to maintain the reservation to 50%
4. **Indra Sawhney vs Union of India Case 1992:** In this, the court held that the reservation should not exceed 50 per cent in total, **unless in exceptional circumstances**. Further, the Court held to remove the creamy layer among OBCs from the reservation. Apart from that, the Court also held that there should not be reservations in promotions.
But the government enacted the 77th Constitutional Amendment Act(CAA) to provide reservations for SCs and STs in Promotion(Article 16(4A)).
5. **M. Nagaraj vs Union of India case 2006:** In this, the court upheld the 77th CAA. But the court also mentioned certain conditions to be maintained in such reservation. Such as,
 - The reservation policy shall not affect the overall administrative efficiency
 - Reservation is applicable only when the SCs and STs are not adequately represented in public employment.

Reservation in India

1. Under the powers conferred by Article 340, President appointed a B. P. Mandal headed **backwards class commission in 1978**. The Commission suggested a **27% reservation in government jobs** for the Other Backward Classes(OBCs). As 52 percent of the country's population consisted of OBCs.
2. In 1990, the government accepted the recommendations of the Mandal Commission and implemented them. By this, the **reservation in India raised to 49.5 per cent.**
 - a. 22.5% reservation for SCs and STs (7.5% for STs, 15% for SCs)
 - b. 27% reservation for the OBCs
3. In 1991, the government enacted provisions for the reservation of 10% of jobs for economically weaker sections (EWS) among higher caste people. But, in the **Indra Sawhney case or Mandal Case**, the supreme court struck down this provision. Further, the case also provides for the maximum reservation of 50% in total. However, the case also held that the reservations can go beyond 50% under exceptional circumstances.

4. The government under the **103rd Constitution Amendment Act, 2019** again provided a 10% reservation for the EWS in India. The Act also amended Articles 15 and 16 correspondingly.
5. So at present, the total reservation stands at 59.5 percent. Few State governments also provide the reservation over and above 59.5 percent.

Implication of Maratha Reservation Judgement

1. **The implication of the 102nd Constitutional Amendment Act:** As the judgment upheld the constitutional validity of the 102nd Amendment Act, the **President alone has the power to notify backward classes** from now on. Apart from that, the **Central List will now be the "only list" for the SEBC**. This means that the **Centre alone is empowered to identify SEBC from now on**.
2. **The question of constitutional Validity of the 103rd Amendment:** This amendment provides for 10% reservation for the EWS in government jobs and educational institutions from the unreserved category. The Maratha reservation judgement mentioned 50% as the cap for reservation. But after the enactment of the 103rd Amendment Act, the total reservation now stands at 59.5 per cent. This is a clear violation of the Indra Sawhney judgement.
3. **The constitutional validity of State reservation laws**
The judgement mentions that the States can only make suggestions to the President or the statutory commissions. But several states have enacted various local reservation laws. Their constitutional validity was in question after the Maratha reservation judgement. States having such laws include,
 - The **Tamil Nadu Backward Classes, SCs and STs Act, 1993**: By this Act, the Tamil Nadu government provided **69 percent of reservations** in educational institutions and jobs in the state government. The State further get the ascent of President and **placed this law in Schedule IX** of the Constitution.
 - As the Law placed itself in the Ninth Schedule, it could not be challenged in court for the violation of fundamental rights. However, the Court in **the I R Coelho v State of Tamil Nadu** case held that the Laws in Ninth Schedule can be challenged for the **violation of the basic structure** of the Constitution. The Supreme court is yet to decide the case of Tamil Nadu reservation law.
 - **Haryana and Chhattisgarh** have also passed laws providing reservations in excess of the 50 percent reservation mark. These laws also challenged in the Supreme Court.
 - Apart from these legislations, there are many protests from various parts of India demanding special reservations above the 50 percent limit. Few examples are,
 - Patels in Gujarat,
 - Jats in Haryana,
 - Kapus in Andhra Pradesh

Solutions

1. As mentioned by the judgment itself the **National Backward Classes Commission must publish a fresh list of SEBCs**, both for states and the central list. Till the publication, the existing lists operating in all states and union territories can continue.
2. The government has to **subclassify the Backward Classes** like in Tamil Nadu, Andhra Pradesh, West Bengal etc. This will provide the benefit to intended beneficiaries. Since the government has **already appointed Justice G Rohini Panel on Sub-categorisation of OBCs**. The Panel has to fast pace the sub-classification process.

3. The government has to remove the well-off sections from the reservation policy. The government can achieve this by moving away from reservation based on a **citizen's conditions** rather than community-based reservations
4. In conclusion, the government has to understand that the reservation policy is a temporary measure in the direction of social inclusion. The government can achieve Social inclusion by better education policies, enhancing the skill development of backward communities, not by providing more reservations. So, providing more and more reservation gradually is itself not a permanent solution.

ForumIAS

Federalism during the Pandemic – Explained, Pointwise**Introduction**

The second wave of Covid-19 is creating havoc in the country. The country is facing challenges in overcoming [the medical Oxygen crisis](#), lockdown associated losses to the economy, etc. All this necessitated coordination between the center and the states. While states are struggling with a lack of financial resources, the center is finding itself helpless in tackling the pandemic all over the country on its own. This situation highlights the need for functioning federalism in the country, where both the center and the states take responsibility for their respective domains.

But the government has to remember that both extreme political centralisation or chaotic political decentralisation can lead to the weakening of Indian federalism. Controlling these extremes is a challenge, as [federalism](#) must accept the need for national unity on the one hand, and regional autonomy on the other. The forms of [Federalism during the pandemic](#) changed a lot in India.

Federalism in India

The Indian Constitution has structurally made the Union government more powerful than the states, called “centralised federalism”.

During the Constituent Assembly debates, Jawaharlal Nehru highlighted the need for a strong center. Further, the members of the Assembly also demanded a stronger Union government. They were of the opinion that a strong center is necessary for India’s survival and political stability. Especially when considering India’s vast diversity based on religion, language, caste, and ethnicity.

But our final Constitution did not completely favour centralization. India’s Constitution provides for the separation of powers between the center and the state through union and state subjects. Further, the Finance Commission recommended the division of revenue between the center and the States.

This is why the Australian Constitutional expert K.C. Wheare called the Indian constitution “quasi-federal”. He stated, “Indian Union as a unitary state with subsidiary federal features rather than a federal state with subsidiary unitary features.”

Federalism during Initial phase of Covid-19 Pandemic

The initial stages of the Covid-19 response highlighted the unitary tilt in the Indian federal structure. For example,

- Implementing a national lockdown using the [powers under Disaster Management Act](#).
- The Ministry of Home Affairs also issued extensive guidelines to states for controlling the pandemic.
- Although the State have independent powers under the Epidemic Diseases Act, 1897, State governments followed the Centre’s orders.
- State governments also requested the central government to continue its administration of the national lockdown.
- In doing so, states ceded considerable decision-making power to the central government

Federalism at present

If the initial phase of Covid-19 management resulted in high centralisation, then the later phase seen high decentralisation. For example,

- The Union government provided adequate autonomy to the states to **strengthen their healthcare facilities**. For example, the [New Vaccination policy](#) vest 50 percent of the purchasing of vaccines to the State governments.
- **Imposition of localised lockdowns:** The central government permitted the State government to impose local lockdowns to control the spread of the pandemic. For example, Lockdowns by Delhi and Tamil Nadu government.
- Implement social security measures to mitigate the impact of the pandemic. Many state governments have introduced local health policies, welfare measures for vulnerable sections, etc.

Challenges to federalism during the pandemic

1. **More centralisation:** At present the Autonomy of the state is limited. The Centre using its power to push much-needed reforms in the State list also. For example, The enactment of farm laws and various policies of centre in subjects like Health, etc. The centre mentions that it will **consider the welfare of the entire country and its citizens**. That too with a long-term holistic view. Such a view is limited for States according to the Centre's argument.
2. **Loss of Fiscal revenue for States:** The national lockdown resulted in shutting down almost all economic activity, the State Governments faced a drastic reduction in revenue. Even before the lockdown, many states in India already breached their mandated fiscal deficit limits. The lockdown has further increased their financial dependence on the centre.
3. **The centre's indulgence in Agriculture:** Agriculture is a state matter in India. But, the enactment of the Three Agricultural legislation reformed the long-standing agricultural marketing system. Some states such as Punjab and Haryana opposed these reforms. Further, they view these legislations as a violation of federalism.
4. **The power of the Centre to approve the FDI inflows:** Even many states are negotiating with foreign investors, they do not have the power to bring FDI into their state. In India, the approval for FDIs is centralised. The **Department for Promotion of Industry and Internal Trade(DPIIT) being the nodal Ministry** for FDI approvals. So, the state governments depend on the centre for approval/rejection/modification of their Foreign inflows.
5. **The power of the Centre to accept Foreign aid:** The states have no power to receive foreign aid to tackle the disaster they face. For instance, During the Kerala Floods, the center turned down the foreign aid despite the Kerala government's request for approval of aid.

Initiatives taken to strengthen Federalism during the pandemic

- **The concept of Fiscal Federalism:** As the national lockdown impacted the State's revenue the centre implemented many measures to strengthen "Fiscal Federalism." Such as
 - **Enhancement of Borrowing Limit of States:** Union Government permitted the State Governments to borrow within the Net Borrowing Ceiling of 3% of their GSDP in a financial year.
 - **Ways and Means Advances:** The Reserve Bank of India (RBI) provides Ways and Means Advances (WMA) to the States. This is to help them tide over temporary mismatches in the cash flow of their receipts and payments. During the pandemic, the RBI increased the WMA limit of States. This gave

immediate liquidity to States to borrow short-term funds from RBI at a lower rate of interest. It provided them greater comfort to undertake Covid-19 containment and mitigation efforts.

- **Financial Assistance to States:** The central government announced the **Scheme of Financial Assistance to States for Capital Expenditure** in October 2020. The Scheme contains total funding of Rs. 12,000 crore. Of that part of the allocation was set aside for States.
- **Maintaining Tax Devolution to States:** The [15th Finance Commission](#) recommended 41% tax devolution. The centre accepted the devolution. Despite the pandemic, the Centre empowered the States fiscally well-equipped to fight the pandemic.
- **More active collaboration with states in policymaking:** While drafting new legislation or trying to amend any existing legislation the Central Government consults all State Governments. Today, the draft legislations are shared online on websites for larger outreach and stakeholder consultations.
 - For example, the drafting of the Model Tenancy Act has involved all State Governments and stakeholders
- **States ability to perform foreign economic policy:** The Centre encouraging states to negotiate loans / FDI directly with overseas banks/institutions. Such initiatives have helped some states in their economic development and reduced their financial dependence on the Centre. So at present, the **State not only relies on the Centre's grants in aid**. But still, the approval for FDIs is centralised.
 - At present, the States also start overseas facilities to attract FDI directly. For example, Gujarat Government in 2014 set up international desks independently in the USA, China, Japan for facilitating "INVEST IN VIBRANT GUJARAT".

Conclusion

India's response to the Covid-19 pandemic has shifted the balance of its federal structure. The most important moment for federalism during the pandemic is the **role of state governments on the ground level in managing the Covid-19 crisis**. The Centre also provided more power and autonomy to states to tackle the pandemic. But the Centre and States have to ensure the right balance between extreme political centralisation or chaotic political decentralisation. As the right balance will protect the States from threatening the national unity and providing adequate autonomy to states.

Accessibility and Need of Social Media for Indian Women – An Analysis

Introduction

In India, there are around 50 Crore Internet users. It is growing at a rate of 10% per year in the urban areas and 13% per year in the rural areas. Similarly, one-third of internet users in India are women. Today, a person spends an average of 145 minutes every day on social media. These platforms have a significant degree of influence on people's political, social, and economic lives. Here too, a major part of users are women. Thus, is it important to find out, how seriously these platforms are dealing with gender issues including representation, safety, and security?

This article analyses the most fundamental obstacles in front of women in India, to engage meaningfully with social media and suggests a corrective framework for ensuring equitable access.

State of Indian Women over Social Media:

- In India, there are around 500 million internet users. There was an addition of 26 million new female users during November 2018-19. The number of female users grew by 27 percent, higher than the 22-percent rise for males.
- However, in absolute numbers, India's female online population is only half that of males. The gap is even worse in social media usage as only 33 percent of women in India used social media, against 67 percent of men in 2019.
- Further, 52 percent of women users in India do not trust the internet with their personal information.
- Women are 26 percent less likely to access mobile internet due to misogyny, harassment, and revenge porn.

Why access to Social media is important for women:

Initially, social media used to be a medium of entertainment or chatting and interaction within a closed group of friends. However, now social media provides immense opportunities and benefits in social, political, and economical domains. It has also become a golden opportunity for women in traditional families who are not able to step outside their homes.

- **Building Interpersonal Relationships:** Social Media allows users to build social capital and nurture interpersonal relationships. More than two-thirds of the youth in India use social media to stay in touch with their families and friends. Thus, it provides women not going outside their home an opportunity to interact with people all over the world. It improves their self-confidence and self-esteem.
- **Awareness and Information sharing:** Unlike in traditional media, the content on social media also, is created by users. The platforms are not just for broadcasting, but more for being avenues for dialogue.
 - A recent Twitter survey showed 25% of Indian women have a keen interest in discussing books and entertainment over social media.
- **Economic Benefits:** Social media provides scope for women-owned businesses to increase their growth and access formal financial services.
 - It allows women to conduct their business online, thus eliminating the need for investment in physical spaces.
 - It also paves the way for better engagement with other businesses, closer customer interaction, and more efficient responses to customer feedback.
 - According to the **Women's World Banking Report 2019**, many women micro-entrepreneurs in India use WhatsApp to communicate with customers and vendors.

- **Addressing Grievances:** These platforms also act as a forum for many women to garner support in solidarity, against their sufferings.
 - For instance, The **'Me Too' movement** against sexual harassment gained worldwide popularity through Twitter beginning in 2017. Under this, the survivors shared their sexual harassment experiences on social media.
 - Similarly, Indian women launched a campaign on Twitter, with the help of the hashtag **"LahuKaLagaan"**. It was against the 12 percent tax on sanitary napkins. The government rolled back the tax after the social media outrage.
- Numerous steps have already been taken for improving women's safety over online platforms to allow them to reap the potential benefits.

Obstacles for women in accessing social media:

However, it is nothing like that all women have access to social media in India. Here also, just like other work or public spaces, women face various obstacles.

- **Poor digital access:** The use of social media remains largely urban-centric, after all, more than 43,000 villages in India still do not have access to mobile phone service. This hinders rural women from accessing social media.
- **Language Barriers:** Most mainstream online communication is done in the English Language. The lack of content in local languages limits women's participation at the grassroots who are less aware of the foreign language.
 - This can be testified by Facebook Audience Insights. As per this, English (US and UK) make 91 percent of the total languages used by female users in India; followed by Hindi at 6 percent and Bengali at 1 percent.
- **Cyber Crimes:** There has been a persistent rise in abusive comments and misogynistic behavior on social media platforms. This silences and pushes women out of online spaces. Women feel more comfortable interacting on women-only social platforms like SHEROES.
 - Online abuse includes bullying, stalking, impersonation, non-consensual pornography, revenge porn or image-based sexual abuse/exploitation, and most commonly, hate speech.
- **Cultural Barriers:** Sometimes the prevalent norms and rituals forbid women from using social media.
 - For instance, a village council in Uttar Pradesh's Madora village banned women from using mobile phones in 2017. The male family members thought it was "indecent" for women to use them
- **Digital Competency:** Lack of literacy and skills also acts as a hindrance to women's access to mobile internet use. About 36 percent of women blamed low literacy and skills as the single most important barrier to using mobile internet.
- **Police Mindset:** Indian Police system is often more likely to take action on physical threats and traditional criminal laws rather than cybercrimes. Thus, this creates a **distrust** among women and girls that their complaints may not be taken seriously if they are harassed or become victims of cybercrime. It discourages the use of social media by women.
- **Covid 19 Pandemic:** The pandemic enhanced online access of people and the digital world became the new normal. Furthermore, people lost their jobs or faced huge salary cuts that created additional stress on them. This enhanced access and frustration eventually increased online crimes against women.
 - For instance, the police data showed that the maximum number of cybercrimes were reported between May and August last year, around 4,000 cases each month.

- These impediments should be duly addressed so that women are able to fully utilise the multiple benefits of Social Media.

Steps taken towards women safety over online platforms:

- The [Information Technology Act](#) (IT ACT), 2000 together with the Indian Penal Code (IPC) provide provisions to deal with Cyber Crimes.
 - Section 67,67A,67B of the IT Act punishes individuals who transmit obscene material in electronic form.
 - Section 354D of IPC punishes cyberstalking. It involves monitoring a woman's use of her email, social media account, or any other form of electronic communication without her consent.
- The **National Crime Records Bureau (NCRB)** has a **comprehensive cyber-crime reporting portal**. It caters to complaints pertaining to cyber-crimes, with a focus on those committed against women and children.
- Social media websites like Facebook, YouTube, Twitter, and Instagram, etc. have the option of **reporting or flagging objectionable content**. They take appropriate action based on the contents reported to them as per their content policy.
 - Objectionable contents include content that incites fear, racists or sexists comments, violent threats, demanding sexual favors, etc.
- **Cyber Police Stations and Cyber Crime Cells** have been set up in each State.
- **Cyber Forensics Training laboratories** have been set up in northeastern States and cities such as Mumbai, Pune, Kolkata, and Bangalore.
- There has been an order for Matrimonial websites to adopt safeguards to ensure that their users are not deceived through fake profiles or incorrect information.
- Nonetheless, we require some more measures for enhancing women's participation over social media platforms.

Suggestions to improve women's representation on social media:

- **First**, the Government, corporations, and other public institutions **must cooperate** in tackling online misogyny. They must build the requisite legislative and social structures needed to recognize and deal with online misogyny.
- **Second**, the **trust of women** over social media platforms should be enhanced. This requires the creation of strong redressal mechanisms with female-friendly cyber laws against online harassment.
- **Third**, the focus must be placed on **collecting Gender-disaggregated data** indicating the extent of meaningful access to social media and freedom from online abuse. This would aid authorities in creating targeted digital policies.
 - Currently, neither the Internet and Mobile Association of India (IAMAI) nor Google has such gender-aggregated data for India.
- **Fourth**, social media companies must work with local authorities to **assimilate local, cultural, and sociological factors** over their platforms. This would make them more inclusive, representative, and safe.
 - For instance, the participation of women on **Facebook** has increased post the availability of **regional languages** (Tamil, Punjabi, Gujarati, etc.) on the platform.
- **Fifth**, the **potential of civil society** must be leveraged for improving digital literacy across the country. They can educate women on new avenues for their businesses and give them opportunities for networking.
 - For instance, **Digital Empowerment Foundation** is a not-for-profit organization. It works to empower marginalized communities to access, consume and produce information online using digital interventions and ICT tools.

Conclusion:

Women deserve greater access to [social media platforms](#) in order to unleash their true potential and properly exercise their right to freedom of speech. This warrants the creation of an enabling infrastructure that fulfills the ideals of inclusiveness and safety. Such an environment will instill greater trust among women and would help in ensuring gender justice.

ForumIAS

Impact of New FCRA Rules on Relief Work of NGOs – Explained, Pointwise**Introduction**

The second wave of Pandemic has struck the country very hard. There has been an enormous rise in Covid-19 cases reaching around 4 lakh/day. This necessitates active participation from all the stakeholders including NGOs. However, NGOs are not able to contribute much due to the stringent conditions imposed on them by the [Foreign Contribution Regulation \(Amendment\) Act 2020](#) and [Foreign Contribution Regulation \(Amendment\) Rules 2020](#).

There are a lot of donors who are willing to send money/Covid-19 related equipment like ventilators, oxygen cylinders, etc. via NGOs and hospitals. However, the new rules are acting as a big hurdle to them. Christian Educational Society (NGO) has even filed a petition in the High court. It has demanded relaxation against the mandatory opening of an FCRA account at SBI, New Delhi branch. In this article, we will focus on the concerning rules and provide some suggestions for improving the present situation.

Foreign Contribution (Regulation) Act:

It is an act of Parliament enacted in 1976 and amended in 2010. It was to regulate foreign donations and to ensure that such contributions do not adversely affect **internal security**.

Coverage: It is applicable to **all associations, groups, and NGOs** which intend to receive foreign donations.

Registration: It is **mandatory for all such NGOs** to register themselves under the FCRA. The registration is initially valid for five years. Further, it can be renewed subsequently if they comply with all norms.

Registered NGOs can receive **foreign contributions for five purposes** — social, educational, religious, economic, and cultural. There are 22,591 FCRA registered NGOs.

Foreign Contribution Regulation (Amendment), Act 2020:

- **Transfer of foreign contribution:** Under the Act, foreign contribution cannot be transferred to any other person unless such person is also registered for that purpose.
 - The amendment also **forbids sub-granting** by NGOs to smaller NGOs who work at the grassroots.
- **FCRA account:** The act states that foreign contributions must be received only in an FCRA account opened in the State Bank of India, New Delhi Branch. No funds other than the foreign contribution should be received or deposited in this account.
- **Regulation:** The Act states that a person may accept foreign contributions if
 - They have obtained a certificate of registration from the central government or
 - They have taken prior permission from the government to accept foreign contributions.
- **Aadhar usage:** The act makes it compulsory for all trustees to register their Aadhaar card with the FCRA account.
 - The Act also makes Aadhaar a mandatory identification document. It is for all the office bearers, directors, and other key functionaries of an NGO.

- **Restriction in utilisation of foreign contribution:** The act gives government powers to stop utilization of foreign funds by an organization through a “summary enquiry”.
- **Reduction in use of foreign contribution for administrative purposes:** The act decreases administrative expenses through foreign funds by an organization to 20% from 50% earlier.
 - Administrative expenses include salary, office rental, furnishing, stationery, communication, and transport.
- **Surrender of certificate:** The act allows the central government to permit a person to surrender their registration certificate.
- **Foreign Contribution Regulation (Amendment) Rules 2020:**
- New rules require any organization that wants to register itself under the FCRA to have existed for at least three years. Further, it should have spent a minimum of Rs. 15 lakh on its core activities during the last three financial years for the benefit of society.
- Office bearers of the NGOs seeking registration under the Foreign Contribution (Regulation) Act must submit a **specific commitment letter from the donor**. It should indicate the amount of foreign contribution and the purpose for which it is proposed to be given.
- Any NGO or person making an application for obtaining prior permission to receive foreign funds shall have an FCRA Account.

Current Scenario:

- Christian Educational Society (NGO) has filed a plea in Delhi High Court.
- It demands an extension of 6 months for the opening of an FCRA account with State Bank of India, New Delhi Branch.
- Further, it desires to set aside the restriction on receiving foreign contributions in existing FCRA accounts for 6 months from 1 April 2021.
- Both the requests are made aimed to smoothen its economic, educational, and social activities.
- Similarly, on May 3, the government permitted imports without GST levies for pandemic relief material donated from abroad for free distribution in the country. However, no FCRA exemption was granted for this purpose.

Issues in implementing the amended rules during the pandemic:

- **First**, there are **considerable administrative delays** in the functioning of banks and ministries.
 - **For instance**, the Christian Educational Society (NGO) had applied to open the account at the SBI Delhi branch before the March 31 deadline. However, the administrative delays prevented the opening. It, later on, filed a petition for a 6-month relaxation.
 - Similarly, in some cases, the Ministry failed to authorize a form sent by the SBI. It, thereby, prevented the eligible NGOs from receiving foreign funds.
- **Second**, NGOs are also facing **severe inconvenience** in submitting the necessary papers and personal documents of trustees and other members. This inconvenience is created as members live at different locations and various regions are under a lockdown.
 - Due to this, NGOs are not able to receive foreign contribution in their existing non-SBI FCRA account nor are they able to open a primary FCRA account with SBI to receive foreign contribution.

- **Third**, the government has adopted a **suspicious stance** towards NGOs. They perceive them to be rule breakers by default and take strict action against them. This has resulted in the cancellation of FCRA registration of around 16500 NGOs since 2014.
- **Fourth**, the new rules **pay disregard to the successful NGO partnership model across the world**. Under this, the focus is placed on establishing a synergy between urban and hinterland regions.
 - Urban professionals are better trained to raise funds, lobby with the government for policy changes, grants, etc. On the other hand, field workers are better acquainted with ground conditions, people, and their culture and issues at the local level.

Impact of stricter rules:

- **Firstly**, the NGOs are spending **more time doing paperwork than on the ground**. This has reduced the ambit of development works carried on by them.
 - [Covid 19 relief work](#), Community work involving awareness building, legal and constitutional literacy, participatory research, etc. have been hit by the new rules.
- **Secondly**, Indian entities (including hospitals and charitable trusts) can't receive COVID-19 relief material from foreign donors. Unless they are registered under the Foreign Contribution Regulation Act (FCRA) with a stated objective involving the provision of medical care.
 - This has jeopardized some large donors' plans to buy equipment like oxygen plants and concentrators for Indian hospitals and smaller charities.
- **Thirdly**, the **new rules have enhanced compliance formalities** which have made it very difficult to run an NGO. This has resulted in the closure of many NGOs and the livelihood loss of people working in them.
 - For instance, **the capping of administrative expenditure at 20%** has made them unviable. This is especially true for NGOs hiring professionals like lawyers and doctors who charge hefty fees for their services.
- **Fourthly**, the **new rules have made 'sub granting illegal**. Due to this, big NGOs based in Delhi or Mumbai are not able to subgrant their foreign funds to implement programs via partner organizations in districts and villages.

Suggestions:

- The government should **issue a clarification on exempting** the receiver/importer of Covid related material from complying with the FCRA provisions.
- The Delhi high court should give a quick decision over the request for a 6-month extension on the 31st March 2021 deadline for opening an FCRA account at SBI, New Delhi.
- The government should adopt a **liberal stance towards the NGOs**. They must be allowed grace periods to file papers or other documents rather than outrightly canceling their registration for non-compliance.
- Further, the state governments should set up an NGO coordination center at the local level as recommended by National Disaster Management Authority (NDMA).

Conclusion

Civil society supplements government works and works at the grass-roots level. They should be given due freedom and autonomy to support the needs of communities and provide relief during the COVID-19 pandemic.

Israel – Palestine Conflict – Explained, Pointwise

Introduction

The Israel-Palestine conflict is one of the world's longest-running and most controversial conflicts. It is a conflict between two self-determination movements — the Jewish nationalist project and the Palestinian nationalist project, in the same territory.

Though claims of both Jews and Arab Muslims date back to a couple of thousand years, the current political conflict began in the early 20th century. Since then, there has been a gradual expansion of territory occupied by Israel and today Palestinians are confined to only two regions – West Bank and Gaza Strip.

The issue is again in the news due to recent rocket attacks conducted by Hamas (a militant group) on Israeli territories. In retaliation, Israeli airstrikes are targeting the Gaza strip.

Current Scenario

- [Israel and Hamas exchanged heavy fire on 11th May 2021](#). The conflict has resulted in the death of 35 Palestinians in Gaza and five in Israel till now. The escalation was sparked by unrest at Jerusalem's flashpoint Al-Aqsa Mosque compound.
- The country has been **embroiled in conflict over the threat of eviction** of dozens of Palestinians from **East Jerusalem's** neighborhood.
 - Over 70 Palestinians in total are set to be evicted from Sheikh Jarrah in the coming weeks to be replaced by right-wing Jewish Israelis.
- It is the heaviest fighting between the two bitter enemies since 2014 and isn't showing any signs of slowing.
- An emergency meeting of the UNSC has been conducted for drawing out an immediate plan of de-escalation and restoration of peace in the region.

About Israel – Palestine conflict

- Firstly, Israel is the world's only Jewish state, located just east of the Mediterranean Sea. Palestinians (Arab population) refer to the territory as Palestine and want to establish a state by that name on all or part of the same land.
- Secondly, the [Israeli-Palestinian conflict](#) is over who gets what land and how it's controlled.
- Thirdly, though both Jews and Arab Muslims date their claims to the land back a couple thousand years, the contemporary political conflict began in the early 20th century.
- Fourthly, Jews fleeing persecution in Europe desired to create a national homeland in an Arab- and Muslim-majority territory. This territory was part of the Ottoman Empire and later of the British empire.
- Fifthly, the Arabs resisted, seeing the land as rightfully theirs. Since then both parties have battled several wars over the territory.

Important Developments and Events

Year	Event
1917	British expressed official support for a Jewish "national home" in Palestine under the Balfour Declaration.
1947	The UN gave a partition plan for independent Jewish and Arab states in Palestine. This was accepted by Jews but not by Arabs.

1948	The Jewish declaration of Israel's independence induced surrounding Arab states to attack. At the end of the war, Israel controlled around 50 percent more territory than originally envisioned in the UN partition plan. Jordan controlled the West Bank and Jerusalem's holy sites, and Egypt controlled the Gaza Strip.
1964	The Palestine Liberation Organization (PLO) was formed as the national representative of the Palestinian people.
1967	A six-day war took place between Israel and Arab states. After the war, Israeli forces seized the Golan Heights from Syria, the West Bank & East Jerusalem from Jordan, and the Sinai Peninsula & Gaza strip from Egypt.
1975	United Nations grants the PLO an observer status and recognizes Palestinians' right to self-determination

- **Israel Palestine Peace process**
- **Camp David Accords** were brokered by the U.S. in 1978. It set the stage for peace talks between Israel and its neighbors and a resolution to the "Palestinian problem". However, no concrete results were obtained.
- **Oslo Accords** were also mediated by the U.S in 1993. Under this, Israel and the PLO agreed to officially recognize each other and renounce the use of violence. It would create a Palestinian state in Gaza and the West Bank, in exchange for an agreement by Palestinians to end any type of attack on Israel.
 - They gave limited autonomy in the Gaza Strip and parts of the West Bank to the Palestinian authority.
- However, both states are yet to agree on the provisions of the Oslo accords.

Today's Situation

- Today's lines largely echo the consequences of the 1967 war. The West Bank appears to be controlled by the Palestinian Authority, although it is largely under Israeli occupation.
- Gaza strip is controlled by Hamas, an Islamist fundamentalist party.



Source: BBC

Probable Solutions to Israel Palestine conflict

There are mainly two approaches to solve the problem –

- **Two-state solution:**

- Firstly, it would create a sovereign Israel and Palestine. It would establish Palestine as an independent state in Gaza and most of the West Bank, leaving the rest of the land to Israel.
- Secondly, it **has been the goal of the international community** for decades, dating back to the 1947 UN Partition Plan.
- Thirdly, it would identify a 1967 demarcation line known as the Green Line to partition Palestinian and Israeli land. It would also divide Jerusalem between the two states.

- **One-state solution:**

- It would merge Israel, the West Bank, and the Gaza Strip into one big country.
- It comes in two versions. One, favored by some leftists and Palestinians, would create a single democratic country. Arab Muslims would outnumber Jews, thus ending Israel's status as a Jewish state.
- The other version, favored by some rightists and Israelis, would involve Israel annexing the West Bank and forcing out Palestinians or denying them the right to vote.

Why is the issue still not resolved?

- **Jerusalem:** Both Israel and the Palestinians hold **competing claims** to the city. Israel, which occupied the formerly Jordanian-held eastern part in 1967, regards the whole of Jerusalem as its capital. The Palestinians insist on East Jerusalem as their future capital.
- **Palestinian Statehood:** No consensus has been developed over the status of Palestinian Statehood among PLO and Israeli officials. Further Israel insists that any peace deal must include Palestinian recognition of it as the “nation-state of the Jewish people”.
- **Borders:** Both sides have fundamentally different ideas as to where the boundaries of a potential Palestinian state should be. Palestinians insist on borders based on ceasefire lines which separated Israel and East Jerusalem, the West Bank, and Gaza between 1949 and 1967. However, Israel has demanded an extended eastern border stretching up to the Jordan River.
- **Settlements:** Since 1967, Israel has built about 140 settlements in the occupied West Bank and East Jerusalem. They are considered illegal by most of the international community, though Israel disputes this. Palestinians say all settlements must be removed for a Palestinian state to be viable.
- **Refugees:** The UN says its agencies support about 5.5 million Palestinian refugees in the Middle east. This includes the descendants of people who fled or were expelled by Jewish forces in the 1948-49 war. Palestinians insist on their right to return to their former homes, but Israel says they are not entitled to.
- **Political Division among Palestinians:** The Palestinians remain politically divided between Fatah and Hamas, and thus are unable to negotiate jointly. Further, Israel is unwilling to negotiate with the violent group Hamas.

India's stand on Israel- Palestine conflict

- India has been consistently supportive of the Palestinian cause.
- India was the first Non-Arab State to recognize Palestine Liberation Organization (PLO) as sole and legitimate representative of the Palestinian people in 1974.
- Also, India was one of the first countries to recognize the State of Palestine in 1988.
- In 1996, India opened its Representative Office to the Palestine Authority in Gaza, which was later shifted to Ramallah (West Bank) in 2003.
- Currently, India supports a **two-state solution** to the Israeli-Palestinian issue.
- As a part of the **Link West Policy**, India has de-hyphenated its relationship with Israel and Palestine in 2018. This will allow it to treat both the countries as mutually independent and exclusive.
- As per India, the issues between the two should be resolved through direct negotiations and solutions must be acceptable to both.

Way Forward

- Firstly, both Israel and Palestine **should immediately resume the peace talks** under the guidance of the UNSC.
- Secondly, the proposal to evict 70 Palestinians from East Jerusalem **should be delayed for some time**. This would help in brokering peace between the parties.
- Thirdly, there must be proper adherence to **UNSC resolution 2334**. It concerns the Israeli settlements in “Palestinian territories occupied since 1967, including East Jerusalem”.
 - One, it states that Israel's settlement activity constitutes a clear violation of International Law and has “no legal validity”.

- Two, it demands that Israel stop such activity and fulfill its obligations as an occupying power under the Fourth Geneva Convention.
- Fourthly, the [February 2021 ICC ruling](#) should be implemented in spirit. It allows the ICC to investigate persons committing war crimes in the Palestinian Territories of the West Bank and Gaza Strip.
- Fifthly, India should leverage its growing influence in the world to counsel Israel to exercise restraint and move towards a two-state solution.
 - It should continue to use its voice in the United Nations and work with major states in the world towards that end **without directly participating** in the peace process.

Conclusion

The international community must try to instill peace among the two states. Further any successful peace initiative would need to resolve the four core issues that have plagued the peace process: West Bank borders/settlements, Israeli security, Palestinian refugees, and Jerusalem.

Enforced disappearances around the world – Explained, Pointwise

Introduction

Enforced disappearances are not new. Military dictators once used it to suppress their opponents. But in recent time the disappearances occur in every region of the world. According to the United Nations, several lakhs of people have vanished during conflicts or post-conflict phase in at least 85 countries around the world.

The prime targets of enforced disappearances are Human rights defenders, people from the minority community, key witnesses, lawyers, environmentalists, etc. There is an international convention that aims to prevent enforced disappearances. But the problem still persists globally and governments are not ready to ratify the convention.

What is enforced disappearance?

Enforced disappearance is defined by several factors.

1. It is characterised by the deprivation of liberty, where persons are arrested, detained or abducted against their will
2. There are grounds for seeking governmental responsibility for the act. For example, arrest and abduction can be done by government officials or private individuals acting on behalf of government
3. The government will deny any such arrests and also refuse to take relevant action.
4. According to Amnesty International, these people are often never released and are frequently tortured. This results in the death of an arrested individual or s/he lives in constant fear of getting killed.

International efforts against enforced disappearances

United Nations Working Group on Enforced or Involuntary Disappearances(WGEID)

- Enforced disappearances are widely known to the world during the '**Dirty War**' in **Argentina**. During the course of the war, the Argentine military dictatorship committed the forceful disappearances of some 30,000 of its own citizens. The Argentine military dictatorship also denied kidnapping, torture, and murder of disappeared persons.
- So to fight against systematic human rights violations, the [UN Commission on Human Rights](#) established the Working Group in 1980.
- Under the **Declaration on the Protection of all Persons from Enforced Disappearance (1992)**, the WGEID has the following functions,
 - To **assist families in determining the fate or whereabouts** of their disappeared family members.
 - The Working Group **serves as a channel of communication** between family members of victims of enforced disappearance and the Governments concerned.
 - The Working Group **request Governments to carry out investigations and to inform the Working Group of the results.**
 - The WGEID also urges governments to offer remedies, including compensation and a **guarantee of non-recurrence of the violations.**
- **International Convention for the Protection of All Persons from Enforced Disappearance(ICPPED)**
- The convention was adopted in 2006 and came into effect in 2010. It aims to prevent enforced disappearances, uncover the truth, and make sure survivors and victims' families receive justice.

- It is one of the strongest human rights treaties ever adopted by the UN. The convention prohibits enforced disappearances. Further, it is a **legally binding instrument**.
- Implementation of the Convention is monitored by the **Committee on Enforced Disappearances (CED)**. During ratification, a state may declare the competence of CED to receive and consider communications from CED on behalf of victims
- **India is a signatory to the convention**. But India not yet ratified it.

Enforced Disappearances and India

- The WGEID points out the cases in India are very few compare to the global level. The WGEID also mention these disappearances occur in the regions of Kashmir, North East and Punjab.
- **Judicial intervention in India:**
 - However, the Judiciary provide relief in the form of either **issuing writs of habeas corpus** or **criminalising extrajudicial killings**. The court in **Extra Judicial Victim Family Association (EEVFAM) case** held that the court will consider the extrajudicial killings as a criminal offence.
 - The Supreme Court in **Rudal Shah v. State of Bihar (1983)** and **Bhim Singh v. State of J&K (1986)** case held that the illegal detention can result in **right to remedy(compensation)** for the victim
- Apart from that, there is also a private members bill. The **Prevention of Enforced Disappearance Bill** was also introduced in parliament to fulfil India's commitment to ICCPED.

Enforced disappearances around the world

The case of Myanmar

- On February 1, 2021, the military launched a [coup to overthrow the democratically elected government](#). Democracy in Myanmar elected the National League for Democracy led by Aung San Suu Kyi.
- After that, the military wants to suppress the people's movement. There were wider protests in Myanmar demanding freedom of expression and the restoration of democracy
- The **United Nations Working Group on Enforced or Involuntary Disappearances (WGEID)** has received a lot of reports since the coup. The reports highlight the enforced disappearances from the family members of victims.
- The UN-WGEID also highlights a concern that the cases of enforced disappearances can lead to **torture, arbitrary detention, and even murder in extreme situations**.
- **Enforced disappearances in China**
- In China, the UN-WGEID has received numerous reports. Especially from members and family members concerned with civil society organisations. The enforced disappearances are high in the Xinjiang Uyghur Autonomous Region.
- The majority of these disappearances were due to reasons like **re-education to prevent terrorism**.
- Further, members of the Uyghur minority ethnic group were forcibly sent to vocational education and training centres. But during their training, there was no information on their whereabouts.
- The working group found the reasons stated by Chinese officials were often trivial in nature. For example, Relatives living abroad or for maintaining international contacts
- Article 73 of their Criminal Procedure Law allows the Chinese Authorities to perform detention without disclosing their whereabouts.

- **Enforced disappearances in other parts of the world**
- **Sri Lanka** has experienced more than three decades of domestic conflict. During these conflicts, various forms of enforced disappearances have occurred. But [after the UNHCR initiatives](#), the disappearances started to reduce. Now the government is promoting a culture of exemption for these crimes.
- **Pakistan and Bangladesh:** Both these countries perform enforced disappearances in the name of counter-terrorism measures. The Working Group also points out that the situation will not improve in both the countries in near future.
- **Syria:** Some 82,000 people have been subjected to enforced disappearance in Syria since 2011. The majority of them vanished into a network of government detention centres. The government is yet to take any committed actions.

Suggestions to end enforced disappearances

1. **Ratification of ICPPED:** Though the convention came into effect in 2010, so far has only 63 member states. Also, only eight states from the Asia-Pacific region have ratified or acceded to the convention. So, governments around the globe have to ratify the convention. **India also has to ratify the convention.**
2. The **International community** have to strengthen their efforts to **eradicate enforced disappearances** as soon as possible.
3. **Compensation and rehabilitation to the enforced individuals:** Countries has to understand the importance of Human Rights violation. They should not only release the illegally detained person but also provide relief and rehabilitation for them.
4. The enforced disappearances not only impact the physical and psychological health of the detained person/families. Instead, they also impact various Human Rights associated with it. Such as the right to humane conditions of detention, the right to a fair trial, the right to family life and above all the right to life. So, the global countries should take actions to end this human menace.

Judicial Governance during Pandemic – Explained, Pointwise

Introduction

The judiciary is referred to as the custodian of the constitution and protector of fundamental rights. It is the supreme authority responsible to punish the violators of fundamental rights and civil liberties. In this regard, it also has the power to review the decisions of the executive as mandated by **Article 13**. Further, **under Article 142**, it can pass any order for doing complete justice.

Both of these have been the source of power for [Judicial Activism](#). It is a philosophy that motivates judges to go beyond the traditional precedents in favor of progressive and new social policies.

This activism has been widely used during the 2nd wave of the pandemic. It was mainly to direct the government towards a more citizen-centric path. However, some experts are calling it an act of **judicial governance**. In this article, we will describe the pros and cons of judicial governance. Further, some suggestions would be provided to direct the future course of action.

Understanding Judicial Activism and Judicial Governance:

- Judicial Activism is a “judicial philosophy which motivates judges to depart from the traditional precedents in favor of progressive and new social policies”.
- It empowers judges to use their powers to correct injustices. It happens especially when the other branches of government do not act to do so.
- Judicial Governance is when the judiciary assumes the role and functions of the executive and manages governance. Unrestrained activism on the part of the judiciary often leads to judicial governance.

Judicial Conduct during the pandemic times

- The [Supreme Court's verdict in the Election Commission](#) of India case is an example of judicial statesmanship. The SC beautifully dissolved the conflict between EC and the HC, **avoiding a positive pronouncement** either way.
- It has recorded an appreciation of the performance of the EC and nullified the effect of oral observations. As per SC, the observations during the course of the hearing do not constitute a judgment or binding decision.
 - The Madras High court had accused EC of spreading the second wave of pandemic. It further opinionated that its officers should be booked for murder charges.
 - The [EC then approached the Supreme Court](#) against such allegations claiming it as an act to undermine its credibility.
- However, as per some experts, many orders have been passed by courts that **extend beyond the boundary of activism and can be called Judicial governance**.
 - The **Allahabad High Court** ordered to fix a “minimum” ex gratia of Rs1 crore for every official who succumbed to the pandemic because of panchayat election duty. Although, the state government had fixed an amount of 30 lakhs.
 - The **Kerala High Court** ordered a ceiling on charges in private hospitals for Covid-19 treatment.
 - The **Delhi High Court** has been almost micromanaging pandemic management, fixing oxygen quota and distribution. It even issued a contempt notice to the Centre on the oxygen issue, which the Supreme Court dismissed.

- The **Uttarakhand High Court** pulled up the state government for allowing the Kumbh Mela to go ahead against scientific advice, and then, for not following standard operating procedures.

Provisions/ Tools allowing the judiciary to do Activism

- **Article 13** of the Indian Constitution read with **Article 32 and 226** allows the higher judiciary to review and declare void any law which is inconsistent with the fundamental rights.
- **Article 142** provides that the Supreme Court in the exercise of its jurisdiction may pass such a decree or order as is necessary for doing complete justice.
- The introduction of PIL (Public interest litigation) has broadened the scope of the judiciary for doing activism.
- Similarly, there are **international statutes** like the Universal Declaration of Human Rights that are used by courts for doing judicial activism.

Factors demanding judicial governance

- **Using judge's wisdom when the law fails:** Many sensitive issues need a different perspective and care which laws don't allow. Judicial activism allows a judge to use his personal judgment in situations where the law fails. This was seen in the **triple talaq case**.
- **Filling the legal vacuum:** It gives judges a personal voice to fight unjust issues which though important but evade the eye of the legislature. For example, SC formulated **Vishakha Guidelines** for countering harassment against women at the workplace.
- **Check on Legislative and executive:** It provides a system of checks and balances to the other government branches. For example, SC laid **conditions for the imposition of Governor Rule in states in S.R. Bommai Case**. This was aimed to bring objectivity in the application of the rule.
- **Social Engineering:** Judicial governance allows judges to adjudicate in favor of progressive and new social policies helping in social engineering.
 - For instance, in Indian Council for Enviro-Legal Action Case 1999, the SC adopted **the polluter pays principle for environment** conservation.
 - It meant that financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution.
- However, activism must be done cautiously or else it may get converted into judicial governance.

Why Judicial Governance is not good?

- **Against Separation of Power (SOP):** Judicial governance destroys the spirit of 'separation of powers' between Legislative, Executive, and Judiciary as enshrined in the constitution.
 - SOP is a model that divides the government into separate branches, each of which has separate and independent powers.
- **Expertise in a particular field:** The courts don't have expertise in the field of administration, unlike the administrative authorities. Hence, unnecessary intervention should be avoided.
 - For instance, in one of the orders, a high court insisted on controlled re-opening of the city. And this was without even telling what constitutes 'controlled re-opening'.

- **Impracticable Solutions:** The courts lack the machinery to deal with highly sensitive and technical issues. Due to this, they end up giving impracticable solutions.
 - For instance, the Allahabad High Court's order to the UP government to consider a state lockdown was returned with the answer that yes, it was considered, but it was not needed.
- **Disincentivization: Severely critical observations** over administrative actions act as disincentive to honest and dutiful officials. They have been working day and night to fight the unpredictable pandemic whose characteristics are not yet fully known to science.
- **Undemocratic Nature:** Judicial governance appears as an act of 'tyranny of unelected' in a democracy. The executive remains "accountable" to the people through a 5-year election process, but judges exercise self-regulation and are accountable only to themselves.
- **Wastage of court's time:** It is a wastage of the court's time, which can otherwise be used for adjudicating other important matters relating to public importance pending before the court.
 - For instance in National Anthem Case 2016, the SC mandated all cinema halls to play the National Anthem before a film starts in movie halls. However, this decision was reversed later on, and it consumed a significant portion of judicial time.

Suggestions

- **First**, the adjudication must be done within the system of **historically validated restraints** and conscious minimization of the judge's preferences.
- **Second**, the decision of the administrators should not be interfered with unless it is clearly violative of some statute or is shockingly arbitrary. **In times of Pandemic**, the response and strategy of the nation should be driven by expert medical and scientific opinion; not by judicial interference.
- **Third**, the judiciary must resort to self-imposed discipline and self-restraint in order to prevent judicial governance.
- **Fourth**, the courts have to be cautious that they do not knowingly or unknowingly become a source of obstruction in the performance of states' obligations.

Conclusion

Judiciary should prevent interference in the domain and work of the executive as mandated by the concept of separation of powers. Judicial activism would be counterproductive and would fail in achieving its laudable purpose if it assumes the role of judicial governance. It is one thing to direct the executive to perform. However, it is another thing to say "if you do not do it, we will do it ourselves".

[Yojana Summary] Skill Development – Initiatives, challenges and solutions**Introduction**

According to the World Economic Forum's report The Future of Jobs 2018, more than half of Indian workers will require skill development by 2022. This is to meet the talent demands of the future. Further, the proportion of the working-age population (15-59 years) is expected to be over 64 percent of the population by 2021.

Predictions are, this demographic advantage will last only by 2040. India, therefore, has a very narrow time frame to harness the demographic dividend and encourage skill development. With the Covid-19 pandemic, the time frame with India is reduced even further.

The District Skills Committees and various initiatives of the government has improved skill development in India. But to inculcate necessary skills India needs to take massive efforts to address various challenges in skill development.

About District Skill Committees

District Skill Committees (DSCs) function under the guidance of State Skill Development Missions (SSDM). These DSCs play a key role in addressing the skill gap and assessing demand at the district level.

DSC is composed of all the significant district development departmental officers. The DSCs are headed by the District Collector.

More than 700 District Skill Committees (DSC) set up across states over the last decade.

Functions of District Skill Committees

- Planning for skill training according to demand and supply, the socio-economic profile, and availability of skill infrastructure.
- The DSCs will also make resources available for various activities such as identifying trainees, mobilization, counseling, advocacy, etc
- Lastly, they will also monitor and evaluate the courses and perform course corrections to achieve outcomes.

Few Government schemes aim to provide skill development**Pradhan Mantri Kaushal Vikas Yojana**

- It is the flagship scheme of the Ministry of Skill Development & Entrepreneurship (MSDE) launched in 2015. It is implemented by National Skill Development Corporation(NSDC).
- The objective is to enable a large number of Indian youths to take up industry-relevant skill training that will help them secure a better livelihood.
- Individuals with prior learning experience or skills will also be assessed and certified under **Recognition of Prior Learning (RPL)**. These certifications will have the grade according to the National Skills Qualification Framework (NSQF).
- Training and Assessment fees are completely paid by the Government.
- Recently, the government of India has launched the third phase of [Pradhan Mantri Kaushal Vikas Yojana \(PMKVY 3.0\)](#).

Pradhan Mantri Kaushal Kendra:

These are the state-of-the-art Model Training Centres envisaged to create benchmark institutions. These institutions will demonstrate aspirational value for competency-based skill development training.

SANKALP:

- The scheme focuses on the district-level training ecosystem through convergence and coordination.
- It is a Centrally Sponsored Scheme collaborated with the World Bank.
- It aims to implement the mandate of the National Skill Development Mission (NSDM).
- **STRIVE:**
- The main focus of the scheme is to improve the performance of ITIs.
- Skills Strengthening for Industrial Value Enhancement (STRIVE) scheme is a World Bank assisted-Government of India project
- The objective is to improve the relevance and efficiency of skills training provided through Industrial Training Institutes (ITIs) and apprenticeships.

Other schemes

Apart from that, the government also launched few specific schemes. Such as

- "Samarth Scheme" for Capacity Building in Textile Sector
- USTTAD (Upgrading the Skills & Training in Traditional Arts/Crafts for Development) scheme
- ShramSaathi module for Tribal Migrants

Challenges in skill development

1. **Lack of state government participation:** State departments not permitting the district officers to undergo training. Further, in most skill development schemes, planning, and monitoring are handled by the Centre. The state governments and districts have virtually no role. This makes the entire skill development initiatives as a centralised one.
2. Traditionally, skills in India, have been and continue to be, **caste-specific**. These skills are non-remunerative and not upmarket. For example, scavengers or 'Safai karmacharis'. Changing these skills as monetarily rewarding, skills with entrepreneurial ability and career opportunities are challenging.
3. **Absence of micro-level study on skill development:** Delineated geographical and administrative units and the skills pertaining to that locality are not considered for skill training. Instead, the skill training initiatives heavily focused on the training of persons on machinaries.
4. **Not recognising the backward and forward linkages in skill training.** So, far Indian skill training initiatives have neglected the linkages in skill training.
 - a. For example, skill training in the tourism sector at present only involves skill training in aspects of tourism in a particular district alone. They do not consider the border picture and provide training on national and state tourism maps/destinations/policies.
5. The skill training **does not emphasise the findings between the opportunities and trainees' attitudes and aspirations**. Without the interest, without identifying an individual's potential the skill training is done in India. So, at the end of the skill training, the trained persons might not get adequate employment opportunities. Further, over a period of time, he/she might forget the training he/she had.

Suggestions to improve skill development

1. **Capacity building of DSC is essential.** Further, to ensure true decentralisation the DSCs has to ensure optimum resource utilisation and the inclusion of all marginalised sections of society.
2. The skill development of DSC have to focus on,
 - a. Creating and managing knowledge

- b. Customising and localising content
 - c. Disseminating knowledge through training
 - d. Providing opportunities for guided practice
 - e. Lastly, Evaluation with actionable feedback.
3. **Leveraging skill training to ensure socio-economic development:** For example, mechanisation of the work for manual scavengers, rag-pickers will provide monetary benefits and result in social change. Further, it will also provide entrepreneurial ability and career opportunities to the caste-based skills also.
 4. **The increased role of states:** The state government not only have to send officials for skill enhancement but also has to provide incentives to the trained officers. For example, the state government can provide choice for their next postings, extending them in their deputation posts, sponsoring them for a higher training course, etc.
 5. District skill planning has to **understand the socio-economic profile** of the district population. To understand this, the government have to perform the **micro-level study**. The study should also take account of individuals attitudes and aspiration.
 6. The government also has to differentiate between the training that gives livelihoods to people at the local level and the training that grow beyond the local at state, national or international levels. The government also has to encourage people to move ahead and get training beyond the local level.
 7. **Interact with industry representatives:** The government has to interact with Local industry, trade chambers, sector skill councils, and experts to identify relevant industrial skills. Similarly, the government also has to provide courses in self-development and interpersonal communication and other softer aspects.
 8. **Recognising the backward and forward linkages:** The government has to provide holistic training. For example, skill training in the tourism sector should also include training on national and state tourism maps/destinations/policies.

[Yojana Summary] One Nation One Election

During the Drafting Committee debates on Elections and Election Commission, Dr. B.R. Ambedkar pointed out two alternatives on the Election Commission. He suggested either it can be a **permanent body or a temporary body** that will set up before elections and wound upon completion of the elections. The major reason for this suggestion were;

- Elections were expected only once in five years.
- Bye-elections will take place only on rare occasions.

So Dr. B.R. Ambedkar was of the opinion that a permanent [Election Commission](#) will have no work between the intervening four years.

The path towards Permanent Election Commission

But other legal luminaries like Prof. Shibaan Lal Saxena cautioned Dr B.R. Ambedkar. They mentioned reasons such as

- There is a high possibility of mid-term dissolution of Legislative Assemblies.
- There is no fixed term for the Houses of Legislature.
- Also, the Indian constitution does not prescribe a fixed election cycle.
- There might be the case where elections were conducted regularly in some State or the other State.

So in such a scenario, a state of readiness of the [Election Commission](#) is necessary to conduct fresh elections promptly. As predicted by the Assembly India at present facing a constant election in one state or the other.

From One nation one election to One nation multiple elections

1. India had concurrent elections **for the first two decades**. The first general elections held simultaneously to Lok Sabha and the Legislative Assemblies of the States in October 1951.
2. The next three cycles of elections also witnessed **concurrent Lok Sabha and Legislative Assembly elections**. The exceptions to this were,
 - Kerala (mid-term election held in 1960 on the premature dissolution of the Assembly)
 - Formation of Nagaland and Pondicherry Legislative Assemblies after 1962 general elections.
3. The last occasion India had near-simultaneous elections in the country was in 1967. (Except Nagaland and Pondichery).
4. The fourth Lok Sabha dissolved prematurely in 1971. This resulted in a mid-term Lok Sabha election. This was the beginning of the end of simultaneous elections in India.
5. Apart from this, there are **two important reasons** that disturbed the simultaneous election. One, Extension of the term of Lok Sabha during the National Emergency in 1975. The other, the dissolution of Assemblies of some States after the 1977 Lok Sabha election
6. Recently, only four State Assemblies went to polls along with the Lok Sabha elections. The other States have Assembly elections at different times.
7. Further, at least two rounds of Assembly general elections are getting conducted every year by the election commission.

In conclusion, to conduct a One Nation One Election, the terms of the Lok Sabha and the Legislative Assemblies of all States and Union Territories have to end together.

Challenges to synchronize the terms of the Houses

Constitutional and legislative challenges:

To implement one nation one election the following Articles of Constitution and legislations have to be amended.

1. Clause (2) of Article 83 provides for the **terms of Lok Sabha** (five years from the date appointed). Similarly, Article 172(1) regards the **term of Legislative Assemblies**.
2. Articles 85(2)(b) and 174(2)(b) provides for the **dissolution of Lok Sabha and Legislative Assemblies** respectively.
3. Further, the Indian constitution has **no provision for extension** of the term unless a proclamation of Emergency is in operation.
4. Sections 14 and 15 of the **Representation of the People Act, 1951**, empower the Election Commission to notify elections. These sections empower the Election Commission to notify elections **during the last six months** of the term of the House and **not earlier** than that.
5. Other Challenges
 1. India needs adequate safeguards in place to avoid mid-term dissolution and protect the simultaneous elections cycle
 2. A strong political will is also necessary. As the one election will require extending/curtailing the terms of several of the Houses. In some states, extension/curtailment may go up to two to three years.
 3. Doubling of **expenses on electronic voting machines (EVMs) and Voter-verifiable paper audit trail (VVPAT)** printer. Since the Lok Sabha and Assembly elections are not held together, the same EVMs and VVPATs are utilised for both the elections. At present, India is having more than one million polling stations. So, the expense of EVMs and VVPATs alone will cost more than Rs. 4,000 crores.

Significance of one nation one election

The advocates of simultaneous election credit the following two factors as a need.

1. Simultaneous elections will reduce labour, time, and expenditure in the conduct of elections;
2. Instances of pause in governance are addressed if elections are conducted in one go instead of staggered elections.
3. **Increased voter turnout:** Frequent elections can bring in the election-fatigue factor at least among some sections of electors.

Simultaneous elections and expenditure:

1. Polling stations for Lok Sabha and Legislative Assembly elections are the same. Further, there is **no need for duplication of work in preparing the electoral rolls** for the two elections. Hence, no extra labour or expenditure is involved for these purposes.
2. Also, during the conduct of elections, all logistic arrangements, drills, training, deployment of the Central Police Force can cater to both the elections.
3. All this would mean **saving on transport, accommodation, storage arrangements, training, remuneration, and so on.**
4. Apart from the election and associated costs, simultaneous elections will also **bring down the campaign expense of political parties**. After one nation one election, Political parties will engage in public rallies, roadshows, smaller roadside meetings, advertisements on print and electronic media, etc. for both the elections. So All these will significantly reduce the campaign expense.

Simultaneous elections and governance:

Model Code of Conduct (MCC) will come into operation from the date the election is announced by the Election Commission.

1. MCC prohibits using official resources for electoral activities, announcing financial grants, new schemes, etc. on the party in power.
2. In the Lok Sabha election, the MCC applies to both the Union and State Governments.
3. During the Assembly elections for a state, the Union government cannot introduce new schemes specific to that state
4. For bye-elections, the application of MCC is similar and restricted to the District concerned
5. If one nation one election is implemented, then the restrictions under MCC will be applicable only for a limited period. So, governance will get improve in India holistically

Simultaneous elections and increased voter turnout:

Frequent elections can bring in the election-fatigue factor, at least among some sections of electors. This results in urban apathy on voting. Thus, a simultaneous nationwide election could **push up the voter turnout, since a once-in-five-year event** is bound to attract more enthusiastic participation across all sections. Better electors' participation will further add to the credibility of the elections.

Need to avoid Local Body elections in one nation one election

So far, the debate on one nation's election focussed on synchronizing Lok Sabha elections and the Assembly election. There is no or little debate on synchronizing Local bodies in one nation one election. The reasons are,

1. **Under the superintendence, direction, and control of the respective State Election Commissions** the elections to local bodies are conducted. So, The local body elections are not under the National Election Commission. This will create a problem. Such as same **polling officials reporting and take instructions from two different authorities simultaneously.**
2. In many states, The State Election Commission follows a distinct set of polling stations for local bodies' elections. Bringing them under simultaneous elections will create unnecessary issues in them.
3. **Different authority for election petition-related challenge:** The local bodies' election can be challenged to the Court of District Judge and other lower courts. On the other hand, an election petition challenging a Parliamentary or Assembly election is to be brought up before the High Court. Therefore, situations may arise where the **same issue forms a ground** to challenge the election may be **raised in two different Courts**

Conclusion

For maintaining the electoral cycle, some countries have certain legal provisions to implement it. India can try to implement them for achieving one nation one election. For instance,

- Coupling the **'no-confidence motion'** along with the **'vote of confidence' in an alternative government.** This vote of confidence will also mention a leader to head it. After passing both of them (no-confidence motion and vote of confidence), the alternate government will head the government for the remaining term. This helps to maintain the fixed term.

The further scrutiny and analysis of one nation one election is the need of the hour. But the [implementation of one nation one election](#) will also require a huge political will to implement.

ForumIAS