

7 PM COMPILATION

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
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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:

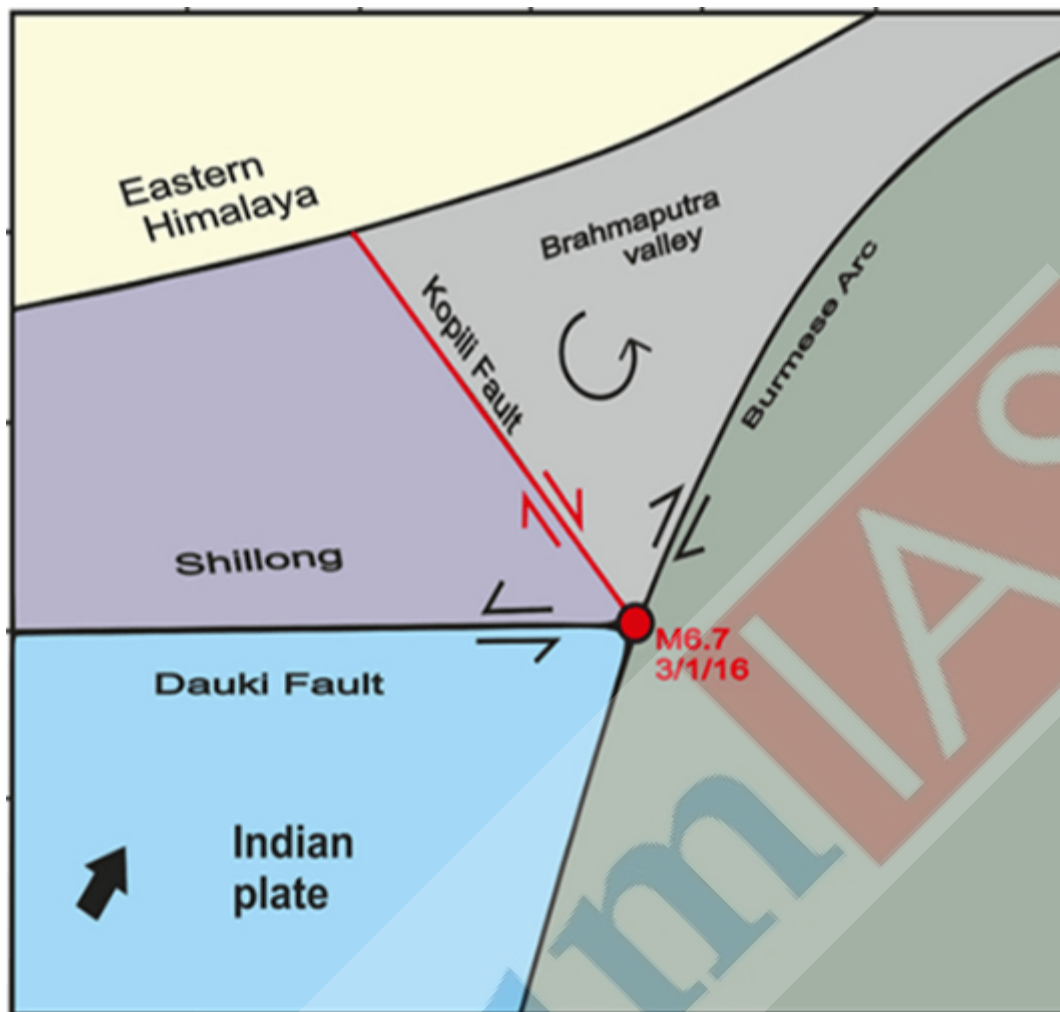
- **Focus:** The point where the energy is released is called the focus of an earthquake. It is also called the hypocentre.
- **Epicentre:** The energy waves travelling in different directions reach the surface. The point on the surface, nearest to the focus, is called the epicentre.

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

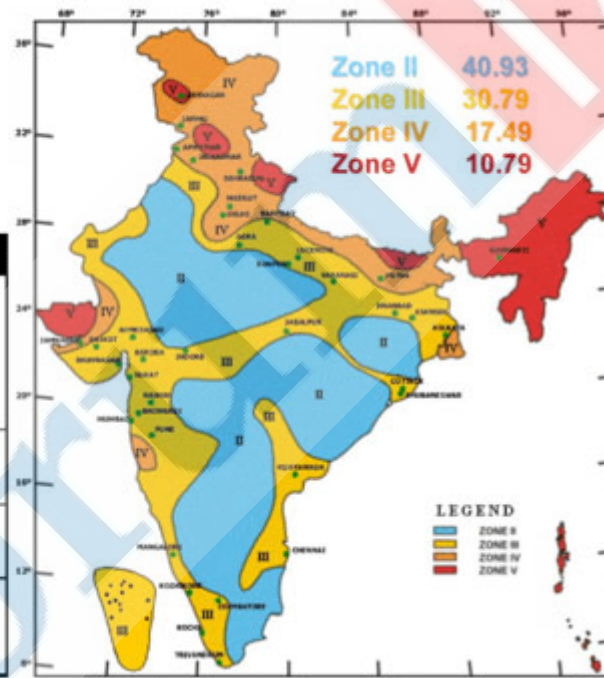
construction, etc. in the region are under planning. It may enhance earthquake probability in the future.

- **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.

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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, racism or sexism 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.

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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 opined 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 machineries.
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

Why Arabian Sea is transforming into a New Cyclonic Hotbed? – Explained, Pointwise

Introduction

The Arabian Sea used to be cyclone shy! But it is changing now, and changing fast! Cyclones are among the most devastating extreme weather events that India faces every year. The strong winds and heavy rains that accompany cyclones cause immense loss of life and property along the coastline of India. Approximately 1.4 lakh people died by cyclones, floods, and other weather extremes during the past five decades.

The recent formation of Cyclone Tauktae makes 2021 the fourth consecutive year to witness an Arabian Sea cyclone during the pre-monsoon season (April–June). The changing climate and rising global warming have converted the Arabian Sea into a new hotbed for cyclonic activities. Earlier the majority of the cyclones used to occur in the Bay of Bengal.

Current Scenario

- [Cyclone Tauktae](#) developed over the Arabian Sea on May 14, 2021, and got converted into a very severe cyclonic storm (VSCS) on May 16, 2021. It is expected to hit southern Gujarat on May 18, 2021.
- In recent years, strong cyclones have been developing on the Arabian Sea more frequently than earlier.

About Tropical Cyclones

They are violent storms that originate over oceans in tropical areas.

They create a whirl in the atmosphere with very strong winds circulating around it. The direction is anticlockwise in the Northern Hemisphere and clockwise in the Southern Hemisphere.

The pressure gradient falls towards the center from all directions and therefore winds try to converge towards the center from all directions.

They develop in the North Indian Ocean region (Bay of Bengal and Arabian Sea) during the pre-monsoon and post-monsoon (October to December) periods. May-June and October-November are known to produce cyclones of severe intensity that affect the Indian coasts.

It is anticipated that **around 76 per cent** of India's coastline is susceptible to cyclones and tsunamis.

Conditions for Formation of Tropical Cyclones:

A consistent source of heat as [tropical cyclones](#) are thermally induced low-pressure systems. Large sea surface with a temperature higher than 27° C which is possible only during the late summers i.e. September, October, and November

Presence of the Coriolis force. It is the result of the earth's rotation and deflects objects to the right in the Northern Hemisphere and to the left in the Southern Hemisphere.

Small variations in the vertical wind speed.

A pre-existing weak low-pressure area or low-level-cyclonic circulation;

Upper divergence above the sea level system.

Past Trend of Cyclonic Activities

- The Arabian Sea has been comparatively [less prone to cyclonic storms](#) than the Bay of Bengal. In the usual course, there was an occurrence of one extremely severe cyclone every four-five years in the Arabian Sea.
- During the period 1891-2000, nearly 308 tropical cyclones crossed the east coast, of which 103 were severe in intensity. Similarly, 48 cyclones crossed the west coast of which 24 were severe.

Reasons behind past trends

- **First, high sea surface temperatures along with high humidity** in the Bay of Bengal triggers extremely strong cyclones.
- **Second, sluggish winds along with warm air currents** in the Bay of Bengal keep temperatures relatively high.
- **Third, the constant inflow of freshwater** from the Ganga and Brahmaputra rivers makes it impossible for the warm water to mix with the cooler water below.
- **Fourth, cyclonic winds easily move into the Bay of Bengal** due to the presence of moisture sources from rivers and **the absence of any large landmass.**
- **Fifth, the Arabian Sea receives stronger winds** that help dissipate the heat, and the lack of constant freshwater supply helps the warm water mix with the cool water thereby reducing the temperature.
 - Almost 50% of the storms don't sustain as the west-central and the north Arabian Sea have a colder sea temperature than other adjacent regions.
- However, this trend is changing, with a greater number of cyclones being developed in the Arabian Sea.

Reasons behind increasing cyclonic activities in the Arabian Sea

- Annually, five cyclones on average used to form in the Bay of Bengal and the Arabian Sea combined. Among these, four develop in the Bay of Bengal and one in the Arabian Sea.
- Previously, tropical cyclones in the Arabian Sea were restricted to Gujarat. However, now even Kerala and Karnataka have also become more vulnerable to cyclones. [A recent example is 'Ockhi'](#).
- Tauktae is the fourth cyclone in consecutive years to have developed in the Arabian Sea. Cyclone Mekanu hit Oman in 2018, Cyclone Vayu struck Gujarat in 2019 and Cyclone Nisarga hit Maharashtra in 2020.
- **Apart from frequency, a rise in the intensification rate** is also observed. All these cyclones since 2018 have been categorised either 'Severe Cyclone' or above.
 - Tauktae took only 2 days to become VSCS while Cyclone Mekanu and Cyclone Nisarga had developed slower, taking 4 and 5 days respectively.

Reasons behind changing trends

- **First, sea surface temperatures** in the Arabian Sea have increased rapidly during the past century due to **global warming**. Temp. now is 1.2–1.4 °C higher than the temperature witnessed four decades ago. These warmer temperatures support active convection, heavy rainfall, and intense cyclones.
- **Second, the rising temperature** is also enabling the Arabian Sea to supply ample energy for the intensification of cyclones. Currently, seawater up to depths of 50 metres has been very warm that allowed Cyclone tauktae to become a VSCS in only 2 days.
- **Third, the Arabian Sea is also providing conducive wind shear** for cyclones. For instance, a higher level easterly wind drove the depression of Cyclone Ockhi from the Bay of Bengal to the Arabian Sea.
- **Fourth, greater occurrence of El Niño Modoki.** It is a climate phenomenon that means 'pseudo El Niño' and creates conditions that are not conducive for cyclogenesis in the Bay of Bengal. However, this condition is conducive for the formation of cyclones in the Arabian Sea.
 - El Niño is associated with suppressing cyclone formation in the Arabian Sea.

Concerns associated with changing trends

- **Covid management:** There is a concern about the impact of the cyclonic storm on the battle against Covid-19. The rain and flooding may set back social distancing and other necessary measures at evacuation centres and relief camps.
- **Delay in Monsoon:** The cyclone Tauktae is expected to interfere with the normal progression of the Indian Monsoon by sucking all the moisture from the monsoon winds towards itself. The strong low-pressure areas at their core induce the surrounding winds to rush towards them.
- **Rise in Extreme Rainfall events:** Widespread extreme rainfall events that cause floods have also increased by threefold over India, in response to Arabian Sea warming. This has deeply impacted the lives, livelihood, infrastructure and ecology of the region.
- **Forecasting Challenge:** The new trend is encouraging more and more rapid intensification of cyclones. State-of-the-art cyclone models are unable to pick this rapid intensification because they do not incorporate the ocean dynamics accurately.

Initiatives towards Cyclones

- Government is carrying out a [National Cyclone Risk Mitigation Project \(NCRMP\)](#) with the help of the World Bank to upgrade cyclone forecasting, tracking, and warning systems in India
- The government is also implementing the **Integrated Coastal Zone Management Project (ICZMP)** to improve national capacity for the implementation of comprehensive coastal management in India.
- Lastly, Government also separated **Structural (includes construction) and non-structural** measures for effective disaster management of cyclones.

Suggestions

- The cyclones must be closely monitored at higher resolution and accuracy using on-site platforms such as buoys and moorings.
 - A buoy is a type of object that floats in water and is used in the middle of the seas as locators or as warning points for ships.
 - A mooring is any permanent structure to which a vessel may be secured.
- The Indian National Centre for Ocean Information Services (INCOIS) must be provided with greater autonomy, finance, and human resources. This would improve the collection and dissemination of data on cyclonic events.
- There must be an incorporation of the global warming signals in the weather models that can help tackle the challenges of intense cyclones in the future.

Conclusion

Climate projections indicate that the Arabian Sea will continue warming due to increasing carbon emissions, resulting in more intense cyclones in the future. This calls for strengthening the disaster management framework in consonance with the Sendai Framework for Disaster Risk Reduction 2015-2030.

India's policy on Israel and Palestine – Explained, Pointwise

Introduction

India's policy on Israel and Palestine faces hindrances due to the Israel-Palestine dispute. This dispute 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.

This [Israel-Palestine dispute](#) has far-reaching impacts on India's foreign policy on them. India's close diplomatic relationship with Israel is vital for India's national interest. But at the same time, India cannot alter its long-standing commitment to the rights of Palestine. With the recent dispute, India's more balanced and pragmatic approach to the Israel Palestine dispute faces another challenge.

Historical aspects of India's policy on Israel and Palestine

1. During our freedom struggle itself India's policy on Palestine and Israel had taken shape.
2. In 1938 there was a **proposal to create a homeland for Jews in Palestine**. Mahatma Gandhi expressed his views on the proposal as, "my sympathy for the Jews does not blind me to the requirements of Justice. It is wrong and **inhuman to impose the Jews on the Arabs**'.
3. After Independence, In 1947, India **voted against the partition of Palestine** at the United Nations General Assembly. Also, Indian political leadership actively supported the Palestinian cause and **refused to have full diplomatic relations with Israel**.
4. During the formation of the **Palestine Liberation Organization (PLO)** in 1964, India supported the formation. India even mentioned Palestine has the right to create an organisation supporting the formation of Palestine. This made India the **first non-Arab country to recognise PLO** as the sole representative of the Palestine.
5. In the aftermath of the Six-Day War in 1967, the UN adopted Resolution 242. During that process, India supported the Palestine cause.
6. India was one of the first countries to **recognise the State of Palestine** in 1988.

India's policy on Israel and Palestine post-1992

1. India **established full diplomatic ties with Israel in 1992**. But at the same time, India supported the Palestinian cause.
2. After the Oslo Peace accord in 1993, a self Government body named Palestine Authority (PA) was created. Soon after that, India opened a Representative Office for it in Gaza. This office was later shifted to Ramallah in 2003.
3. In 1997 the Chairman of the Palestine Liberation Organization (PLO) visited India. During the visit, he laid the foundation stone of an auditorium built by the **Indo-Arab League in Hyderabad**.
4. **India voted in favour** of accepting **Palestine as a full member of UNESCO in 2011**.
5. In 2014, India supported the **UNHRC's resolution to probe Israel's human rights violations** in Gaza. But in the next year, India abstained from voting against Israel in UNHRC.

Recent Israel-Palestine dispute and India's stand on it

Recently Israeli armed forces have penetrated [Al-Aqsa Mosque in the Haram esh-Sharif in Jerusalem](#). Hamas retaliated [by firing rockets on Israel](#). In retaliation, Israeli airstrikes targeted the Gaza Strip. This invoked the Indian response to the Israel-Palestine dispute once again. The India's stand can be observed by following points,

1. **Not resolutely standing with Israel:** Recently, the Israeli Prime Minister mentioned the 25 countries that support Israeli actions. The countries include United States, Albania, etc. But India was not among the list of 25 countries.
2. **Concern towards Palestine:** India expressed deep concern over the violence in Jerusalem. Especially on Haram esh-Sharif/Temple Mount that too in the holy month of Ramzan.
3. **Advocating Status-quo:** India urged both sides to “refrain from attempts to unilaterally change the existing status quo”. Further, India also demanded, “the **historic status quo** at the holy places of Jerusalem, including Haram esh-Sharif/Temple Mount **must be respected**”.
4. **Respecting the sentiments of both Israel and Palestine:** India in its official statement mentioned both the “**Haram esh-Sharif and Temple Mount**”. This is a symbol of mutual respect by India on the religious sentiments of Israel and Palestine.
 - According to the Palestinian narrative, they only maintain Haram esh-Sherif. i.e exclusive Islamic control and ownership.
 - On the other hand, the Israelis mention only Temple Mount. i.e exclusive control and ownership of Jews.
5. All these **signifies India's commitment towards its de-hyphenation policy** on Israel and Palestine

India's de-hyphenation policy on Israel and Palestine

As a part of the **Link West Policy**, India has de-hyphenated its relationship with Israel and Palestine. It means India's relationship with Israel will depend upon its own merits. Also, it will be independent and separate from India's relationship with the Palestinians. In simple terms, it means, India will have its bilateral strategic ties with Israel irrespective of its political stance on the Israel-Palestine issue. Instead, India will treat both countries as **mutually independent and exclusive**. The developments under this phase are,

1. No Indian PM has visited Israel supporting the Palestinian cause. But the de-hyphenation policy enabled the **first Indian PM visit to Israel** in 2017. During the visit, both countries signed 7 MoUs. This includes sectors such as Agriculture, Water Conservation, India-Israel Industrial Research and Development and Technological Innovation Fund (I4F), etc.
2. To commemorate 25 years of Indian-Israeli relations, the Israeli Prime Minister visited India in 2018. During that, he honoured the Indian soldiers who perished in the Battle of Haifa during World War I.
3. So far India has maintained the image of a **historical moral supporter for Palestinian self-determination**. At the same time, the **policy of de-hyphenation allowed India to engage** in the military, economic, and other strategic relations **with Israel**.
4. India voted for a resolution **criticising the U.S. for recognizing Jerusalem as the Israeli capital**. This reassured India's principle on long-standing policy on Palestine.

Reason for India's de-hyphenation policy on Israel and Palestine

1. **India's Link West Policy:** India depends on Middle Eastern countries for Oil and Gas imports. Also, the majority of 13.6 million NRIs living in the Middle East. Moreover, approximately 85,000 Jews of Indian origin in Israel. This required an enhanced engagement of India in West Asia. So the policy of de-hyphenation is essential to protect the Indian Interest in the region.
2. **India's support for a two-state solution:** The "two-state solution" is based on a UN resolution of 1947. The solution maintains **Israel and Palestine are two different nations**. India being a supporter of a two-state solution maintains the bilateral disputes should be resolved through direct negotiations and solutions must be acceptable by both. This helped India to maintain its support for the Palestinian cause and at the same time engage with Israel.
3. **The untapped potential of India-Israel relations:** After India engaged with Israel, India-Israel relations reached new heights. The relationship is steadily growing, and the relations extended to the economic, military, and strategic relationship. But still, the full potential of relations was not realised. A few example of present relations are,
 - Today Israel is the **third-largest defence supplier to India** and India accounts for over 40% of Israel's defence exports.
 - Israel has become one of the foremost technology superpowers in areas such as **rainwater harvesting, water conservation and dryland agriculture**. India can learn such techniques only if it has close cooperation.
 - India can scale up the role of Israeli firms in cleaning up other rivers. For example, the recent Delhi government agreement signed an agreement to clean up an eight km stretch of the Yamuna.
 - So, by engaging with Israel, India can utilise the full potential of India-Israel relations.
4. **Problems within the PLO:** The **PLO faced challenges with FATAH**(a small group of radical organisation within PLO) **and Hamas** in the region. For example, In 2006 Hamas dominated the Gaza Strip region and FATAH ruled the west bank. This resulted in the **slow progress of Palestine-Israel negotiations**. India, being a supporter of the Palestinian cause, suffered from the problems within PLO. This reduced India's engagement with united Palestine and Israel. But with the advent of de-hyphenation India balanced both the delayed progress of Palestine and relations with Israel.

Challenges with India's de-hyphenation policy on Israel and Palestine

1. **Difficult to delink Israel-Palestine dispute:** India is facing various challenges in delinking Israel Palestine dispute from India's foreign policy. For example,
 - With the recent Israel attack on Haram esh-Sharif, India cannot condemn Israel or favour Palestine as India maintain diplomatic relations with both.
 - Israel's politics dominated by its hostile attitude towards the Palestinians. This makes it difficult for India to take a stand on various issues.
 - Further, **Israel wants India to end its pro-Palestine policy**. Considering India's engagement with Israel, India can't ignore Israel too.
2. **Balancing other regional ties in West Asia:** India maintains more active diplomatic relations with Israel and the US. But this might impact India's relations with other countries in the region. For example, Saudi has not yet recognised Israel as a country and Iran supports the Palestinian cause. Any direct relations with Israel will affect our relationship with these countries.

Suggestions to improve India's policy on Israel and Palestine

1. **Reassert India's role to Israel:** India has to make clear statements to Israel that India will never give up its support for Palestine. Further, India has to explain that India looks at the Israel-Palestine dispute as a dispute between two nations. So, Israel cannot force India to end the pro-Palestine policy.
2. **Implementing the Two-state solution:** Both Israel and Palestine should immediately resume the peace talks under the guidance of the UNSC. India and other nations can aid the peace process. India can help Israel and Palestine to work on creating a sovereign Israel and Palestine. This will satisfy long-standing India's political commitment to Palestine.
3. **Solving the PLO problems:** The PLO has to understand the unity of Hamas, Fatah in creating a Palestine. Recently, Hamas agreed to talks with Fatah. The PLO has to utilise this opportunity and has to work on establishing a sovereign Palestine.
4. India has so far been successful in balancing its interests in West Asia, both bilaterally and multilaterally. Apart from that, India so far never took sides with neither of the conflicting nations in the region. The world at large needs to come together for a peaceful solution to the Israel-Palestine dispute. This will end India's long-standing support to Palestine and will also favour closer India-Israel relations and India-Palestine relations.

Brain drain in the health sector – Explained, Pointwise

Introduction

India is facing a health emergency due to Covid-19 Pandemic. At present, India is registering a little less than 3 lakh cases and more than 4,000 deaths in a day. Now, India is also undertaking one of the largest vaccination programs in the world. Management of this huge task would not have been possible without the contribution of health workers. The contribution of Indian health care workers amid the pandemic is extremely commendable.

However, India is facing a shortage of health workers at this crucial point in time. The present workforce is overburdened with their work for more than a year. A part of this problem is due to a large-scale brain drain in the health sector. If India was able to retain its workforce, India's health sector would have been in a better position now.

Status of brain drain in the health sector in India

As per government reports, India has 1.7 nurses per 1,000 population and a doctor to patient ratio of 1:1404. But both of these are well below the WHO norms. The WHO recommends three nurses per 1,000 population and a doctor to patient ratio of 1:1100. The distribution of doctors and nurses is also heavily skewed in favour of some regions. Higher concentration present in some urban pockets. Brain drain in the health sector is also the reason for this.

- For several decades, India has been a **major exporter of healthcare workers** to developed nations. Indian health care workers are highly prevalent in the Gulf Cooperation Council (GCC) countries, Europe, and other English-speaking countries.
- As per OECD data, around 69,000 Indian-trained doctors and 56,000 Indian-trained nurses worked in the UK, US, Canada, and Australia in 2017.
- There is also a large-scale migration of health workers from India to the GCC countries. But there is no credible data available.
- The British Association of Physicians of Indian Origin (BAPIO) estimates that the UK alone has more than 40,000 Indian doctors.

According to the FICCI, The UK and the US are the top two destinations for foreign-trained doctors. Canada and Australia are other preferred destinations. Many developed and Gulf countries provide the red carpet for the best Indian doctors and nurses. India on the other hand not only facing [challenges in retaining health professionals](#) and also facing huge demand and supply gap in Doctors, nurses in rural areas.

Reasons for brain drain in the health sector

Like any migration trends, the migration of health professionals also has both push and pull factors.

Push factors

- **Low Wages:** Developed countries offer better wages compare to India. For example, nurses in India receive low wages in private sector outfits. Also, they have only less opportunity in the public sector(Low employment due to lower hospitals in the public sector). So, they generally migrate to developed countries that offer better wages.
- **Lack of government investment in health care:** India's health care investment to GDP ratio is just 1.2 per cent. This is the lowest figure if we compare spending by

OECD and BRICS nations. This reduces better employment opportunities for health professionals.

- **Lack of health care educational Institutions:** India only has around 550 institutions for MBBS education. So, Many Indian students prefer to study abroad due to high course fees, limited seats in government medical colleges, etc. Once they study abroad they prefer to pursue higher studies or practice abroad alone. China is attracting a lot of Indian students in this regard.
- **Other factors:** This includes unethical practices of some Indian private hospitals, lack of government policy to protect the vulnerable is also a reason for a health care worker to move abroad.
- Pull factors
- **Access to advanced technology:** Developed countries offer better opportunities to pursue research in health care. Health care professionals also get access to advance technology, research facilities and even get higher scholarship amounts for their research.
- **Better standard of living and life quality:** Many developed and GCCs offer a higher salary, tax benefits, higher standard of living, etc. These act as a pull factor for Indian health care professionals.
- **Policies of developed countries:** Developed countries adopted **migrant-friendly policies towards health care professionals.** For example, with the onset of the pandemic, there is a greater demand for healthcare workers across the world. The developed countries implemented various policies to retain health care employees. Such as,
 - OECD countries **exempted travel bans** for the health professionals with job offers.
 - Some countries **processed visa applications** of healthcare workers even during the lockdown period.
 - The UK has granted **free one-year visa extensions** to healthcare workers and their dependents
 - France has **offered citizenship** to frontline immigrant healthcare workers during the pandemic.

Government measures to tackle the brain drain in the health sector

The government introduced many schemes to retain the brain drain in the health sector. For example,

- **Stopped issuing NORI certificates:** In 2014, India stopped issuing No Objection to Return to India (NORI) certificates to doctors migrating to the US. The US government requires a **NORI certificate for doctors who seek to extend their stay beyond three years.** As India stopped issuing these certificates, the **Indian doctors will have to return to India** after three years.
- **Inclusion of nurses in the Emigration Check Required (ECR) category:** This policy requires **nurses recruitment** from other countries to be done **only through the six state-related employment agencies.** Further, this also makes it **mandatory for the nurses to accept international contracts that are approved by the government.** This increases the transparency in nursing recruitment and reduces the exploitation of nurses in the destination countries.
- But these policies fail to stop the brain drain from India and not focus on the long-term prevention of brain drain.

Suggestions to reduce brain drain in the health sector

National level practices:

1. **Adequate investment in the health sector:** Indian Budget 2021 aims to increase the Health sector spending from 1.2 percent to 2.5 percent in three years. This will increase adequate health infrastructure, adequate employment opportunities, etc.
2. **Creating adequate health care institutions:** The government has to allow private medical educational institutes to open up medical colleges along with capping the maximum fee per seat. Further, the government can ease land requirement norms for medical and nursing colleges and ease the teachers per students ratio for post-graduate medical courses.
3. **Bringing in cutting-edge technology labs:** The government has to create more cutting-edge research facilities to bring back health care professionals to India. For example, About 20 NRI doctors from the US and Europe relocated to Kolkata to set up the West bank Hospital as it has high-tech equipment and facilities.
4. The government also has to **regulate any unethical practices**, exploitation of nurses in private hospitals in India. The government can even incentives the whistleblowers of such malpractices by amending the whistleblowers' Act.
5. **Engage in bilateral agreements:** The government can sign bilateral agreements with countries like the US, the UK, Canada, Australia towards working on a policy of "brain-share". For example, destination countries would be obliged to supply healthcare workers to India in times of need, crisis situations like a pandemic, etc.

Global level changes

1. **Creating a code of conduct for ethical recruitment:** The global countries have to come together and create a consensus code for ethically recruiting health care professionals. This will reduce the exploitation of health care worker abroad.
2. **Facilitating circular migration:** Almost 37 percent of health care workers concentrated in North and South American countries. But they share only 10% of the global disease burden. On the other hand, countries in Africa and Asia share more disease burden and less health care worker presence. So, the world nations have to come together and facilitate circular migration of health care professionals in terms of crisis situations.

Conclusion

India needs systematic changes such as increased investment in health infrastructure, ensuring decent pay to workers and building an overall environment to retain health care professionals. With the advent of the pandemic, India can [import medical oxygen](#), import vaccine, but India cannot import health professionals. So, It is high time for Indian government to not only increase public spending but also increase the Doctor and nurses ratio and prevent brain drain in the health sector

Creation of New Districts in India: Pros and Cons – Explained, Pointwise

Introduction

Historically the district, in some form or the other, has been the most important unit of administration in the Indian sub-continent. According to “Know India”, a website run by the Government of India, there are 718 Districts in India at present. This is more than double the number of districts in India in the 1971 Census. Further, new districts are getting added to the Indian political map every year by citing governance and administration-related issues.

According to the 2011 Census, between 2001-2011 alone as many as 46 districts were added within that time. Since the 2011 Census, approximately 100 districts were added in India. Recently Punjab Chief Minister has declared Malerkotla as the [23rd district of the Punjab](#) State. In this article, we will explain the procedure, pros, and cons of creating new districts in India.

Present status of creation of new districts

1. Since the 1971 [Census](#), the average district size is getting smaller and smaller. In **1981 Census India has only 412 districts**, with the average size of the district was 7,788 sq. km. But in the **2011 Census, India had 640 districts** with the average size of the district just 4,948 sq. km.
2. The trend shows that the states want smaller districts. This trend is in continuation since the 2011 Census also. [The 2021 Census is yet to happen](#). However, as per reports, since the 2011 Census, approximately 100 new districts were added.
3. The surge in a number of districts is mostly due to the bifurcation of Andhra Pradesh into A.P. and Telangana in 2014. Telangana at present has 33 districts and A.P. has 13 districts.

The trends in creation of new district in India

1. The idea behind creating new districts is generally to provide effective governance. However, it is sometimes driven by local demands.
2. The number and size of districts vary from state to state.
3. The larger states predictably have a higher number of districts. For example, Uttar Pradesh has the highest number of districts (75). This is followed by Madhya Pradesh (52).
4. The smallest state, Goa has the least number of districts(2).
5. However, the number of districts in a state is not always a function of the area of the state, or of its population. For example, Andhra Pradesh is the 7th largest state by area but has only 13 districts. On the other hand, Arunachal Pradesh has 25 districts.
6. Most of the Northeastern states have smaller districts.

Procedure for creation of new districts in India

1. The power to create new districts or alter or abolish existing districts rests with the **State governments**. This can either be done through an executive order or by passing a law in the State Assembly.
2. The many States prefer the executive route by simply issuing a notification in the official gazette.
3. **Role of Center in the creation of Districts:**
 1. The **Centre has no role to play** in the alteration of districts or creation of new ones. States are free to decide on this matter.

2. If the state government wants to change the name of a district or a railway station, then the Home Ministry comes into the picture.
3. The State government will propose a new name to a district and forward the proposal to the Home ministry. The Home Ministry will forward the proposal to other departments.
4. After that, the departments such as the Ministry of Earth Sciences, Intelligence Bureau, Department of Posts, Geographical Survey of India Sciences, and the Railway Ministry, provide their clearance to the proposal of the state government.
5. After examination of their replies, the state government receives a no-objection certificate. Then the name of the district stand changed.

Advantages of creation of new districts in India

1. **Better administration and governance:** This is one of the foremost advantages stated by state governments during the creation of new districts. To some extent, it is also true.
2. **The smaller district ensures better governance:** New districts will host a range of administrative machinery in the district. This will result in better implementation of government schemes, proper fund utilisation, enhanced people coverage of scheme, etc. All this will improve governance in the new district.
3. **Service to the increased population:** Since 1981, the average district area has become 44% smaller in 2019. But, the average number of people in a district has risen from 16.6 lakh to 18.6 lakh in 2019. So the new districts can ensure better service delivery for the increased population.
4. **Bring administration closer to the people:** Bigger districts hinder the administration process in some areas of that district itself. For example, before the bifurcation of the Amravati district, the **farthest taluka was around 150 km from the district headquarters**. So, people, administrative officers in taluka has to travel nearly 3 hours to district headquarters. A new district can bring administration closer to the people.
5. **District-specific government initiatives:** New districts might attract more district-specific schemes. For example, the government can set up an agricultural research and assistance centre or a residential school for gifted children. The state government can provide better funding for backward districts. This will benefit the local population.
6. **Increase employment:** Since the new district will require new officials from top-down, this will increase the employment in government directly. It will also spur employment opportunities indirectly. For example, government tender and associated employment for locals, new shops and services near government buildings, etc.

Challenges in the creation of new districts in India

Creating a number of districts without any rationale can be challenging. This is due to various reasons such as,

1. **The very process of creating one district is challenging:** The government has to find office space for different departments and fill many new positions. All this will require a **huge government exchequer**. The government will also face challenges with land acquisition.
2. **Substitute for genuine decentralisation:** Zilla parishad and the Panchayat samitis do not enjoy a lot of powers in many states. So, these officials **take most of their**

grievances to the collector. Creating smaller districts without empowering these bodies is against decentralisation in the real sense.

3. **The increased cost of living in new districts:** The growth centres created in new district headquarters will also make the **land rates and other service costs go up**. This will increase the cost of living in the new district headquarters in long run.
4. **Political motive:** Many states reorganise the existing districts and form new ones due to political motive. For example, new districts containing a support base of the ruling party can increase will be advantageous for it.
5. **Under utilisation of administration:** If the district is too small, then the administration and associated machinery will be underutilized. Further, the creation of more and smaller districts will also make the management of districts harder for states.
6. The [2nd Administrative Reforms Commission](#) stated that the political gains from forming a new district are a “**minor dividend**” and not the major one.

Suggestions

1. **Ensure proper decentralisation:** Instead of creating new districts every time, the State governments might **reform their decentralisation policy**. As the Panchayats and Zillas face many [challenges in their functioning](#). If the state government provide more powers this will improve better functioning of Panchayats and Zilla Parishad. For example,
 - o Creation of SFCs(**State Finance Commission**) properly and allocating funds properly.
 - o Widening their tax base and provide **access to the Capital market to raise funds**.
 - o State Governments **should provide local bodies with the power to recruit personnel** to fulfil their functions properly.
2. **Guidelines for the formation of new districts:** With new districts are added every year, the Center may prescribe certain criteria for the formation of a new district. For example, the Center may release a guideline that contains the minimum area of the district, its population, etc.
3. **Work on other alternatives:** Instead of creating new infrastructure the States may conduct special camps, frequent field visits from officials. This will not only save the government exchequer but also serve the majority of the administrative and governance targets.

Conclusion

Districts are the third tier of India's governance structure, after the Centre and the state. Smaller districts are definitely better in terms of service delivery. But there is always a limit in the formation of new districts for solving administrative and governance issues.

After the enactment of the 73rd and 74th Constitutional Amendments, Panchayats and Zillas became the de-facto third tier. So, the state governments have to focus on **providing adequate powers** to them for solving the administrative and governance challenges. This will not require any additional funding for creating infrastructure and can provide administration to the doorstep.

Biomedical Waste Management during pandemic – Explained, Pointwise

Introduction

Prior to the pandemic, India's biomedical waste management capacity was already limited. Now, with the advent of the pandemic, biomedical waste generation has increased manifold. CPCB has given guidelines to discard the biomedical waste generated in Covid-19 camps and Covid-related material such as gloves and masks in households. However, the implementation of the guidelines is limited as local bodies are not equipped to handle biomedical waste, and even the public doesn't have enough knowledge about segregating it. All this is leading to the piling up of biomedical waste.

According to the **environment ministry**, nearly **146 tonnes of biomedical waste** is generated per day in the country due to diagnostic activities and treatment of Covid-19 patients. Since India is fighting with the second wave of Covid-19 and still producing and using numerous masks, Personal Protection Equipments, etc. the medical waste generation is going to increase further. So, India needs practical solutions to tackle this silent menace created by the pandemic.

Biomedical waste generation during the pandemic

1. According to the **Indian Medical Association (IMA)**, the quantity of **Biomedical wastes generated per day in the country has almost doubled** from 7.22 lakh kg in pre-Covid times to nearly 14 lakh kg now. This rise in waste generation is directly related to the number of Covid-19 cases in the country.
2. The IMA also noted that the per-bed Biomedical waste generation was 250 grams per day before the pandemic. But today, per-bed Biomedical waste generation is around 400 grams per day.
3. The **majority of biomedical waste generated** during the pandemic is **related to Covid-19 treatment**. Such as personal protective equipment (PPE), gloves, face masks, head cover, plastic coverall, hazmat suit, syringes, and other medical equipment used by both healthcare providers and patients.
4. According to scientists, these biomedical wastes will take **thousands of years to biodegrade**. During the process, they will also **release tonnes of microplastics** into our environment.
5. To tackle this menace the CPCB even launched a [COVID19BWM App](#) to track biomedical waste.

What is biomedical waste?

In simple terms, it means any **waste generated during diagnosis, treatment, or immunization** of human beings or animals or in research activities. Management of biomedical waste is an integral part of infection control and hygiene programs. Without proper treatment, these medical wastes can create an adverse impact on the environment and public health.

Only about 10% – 25% of BMW is hazardous, and the remaining 75%–95% is non-hazardous. So, the segregation of biomedical waste is the key to its management.

Biomedical waste management rules in India

In July 1998 the government of India notified the biomedical waste management rules. There was modification of rules in 2000, 2003, and 2011. But the 2011 medical waste management rules remained as a draft due to a lack of consensus on categorization and standards.

After the consensus and standardization, the Indian government released Biomedical Waste Management rules in 2016. The salient features of this rule are,

1. **Expansion of the ambit:** The scope of the rules have been expanded to include various health camps such as vaccination camps, blood donation camps, and surgical camps
2. **Role of State governments:** The **State Government has to provide land for setting up a common biomedical waste treatment and disposal facility (CBMWTF)**. Apart from that, the State government will also have to set up a district-level committee (This committee shall submit its report to the State Pollution Control Board every 6 months).
3. **Segregation:** Biomedical waste has been classified into 4 categories instead of the earlier 10 categories. This is to improve the segregation of waste at the source.
 - **Yellow** – This includes post-operated body parts, caps, masks, pathological wastes, bedding, placenta, plaster of Paris, etc
 - **Red** – This includes syringe, IV Sets, catheters, gloves, urine bags, blood bags, dialysis kits, etc
 - **White** – This category contains waste sharps including needles, syringes, etc.
 - **Blue** – This category contains glassware and metallic body implants
4. **Role of health care facilities:** The health care facilities have a larger role in medical waste management. Such as,
 - Compulsory pretreatment of the laboratory, microbiological waste, and blood bags before disposal
 - Phasing out chlorinated plastic bags, gloves, blood bags, etc
 - Maintaining a registry of biomedical wastes generated in their facility and updating them daily.

Biomedical waste management practice in India

1. The management of **Biomedical wastes begins at the bedside of the patient**. The hospitals categorize, segregate, pre-treat, and dispose of the medical waste in different containers.
2. As per the 2016 rules, these wastes have to be treated and disposed of by Common Bio-medical Waste Treatment and Disposal Facility (CBWTF).
3. In case, there is no CBWTF within the reach of a healthcare facility, then such healthcare facility should install a captive treatment and disposal facility.
According to the government data, India had 200 authorized CBWTFs in 28 States in 2020 for the environmentally safe disposal of biomedical waste. The remaining states do not have such facilities.
As per official government data for 2018, India generated 608 tonnes per day of Bio-medical Waste. Of that, 528 tonnes of waste was treated and disposed of properly. So, every day there are few tonnes of biomedical waste that went untreated. The impact of Covid-19 also affects the waste handling capacity of CBWTF and captive treatment centers.

Effects of biomedical waste in India

Pollution and health hazards are the two important impacts of medical wastes.

Pollution due to biomedical waste

1. **Land Pollution:** If not treated and dumped into landfills then there is a high chance for heavy metals like cadmium, lead, mercury, etc. get released. Further, there is a chance these metals get absorbed by plants and can then enter the food chain also.

2. **Air Pollution:** Pathogens present in the waste can enter and remain in the air for a long period in the form of spores or pathogens. As the Covid-19 spread through the air, improper treating/not treating it might lead to a new wave of Covid-19.
3. **Radioactive pollution:** Hospitals are increasingly using radioactive isotopes for diagnostic and therapeutic applications. The main radioisotopes used in hospitals are technetium-99m (Tc-99m), Iodine-131(I-131), etc. This radioactive material can come from research laboratories, ICUs in liquid form. These have carcinogenic properties.

Health hazards due to biomedical waste

1. **Spread of infectious diseases:** According to the WHO study, improper waste management is one of the major causes of an increase in infectious diseases globally. This is why the Covid-19 pandemic wastes require proper treatment.
2. **Operational health hazards:** Improper handling of biomedical waste might lead to Injuries from sharps and exposure to harmful radioactive wastes. This will create issues for nurses, emergency medical personnel, sanitary workers.
3. **Increase antimicrobial resistance (AMR):** The biomedical wastes aggravate the problem of AMR. Ever since the pandemic, the use of biocides (sanitizers, disinfectants, and antibiotics) increased manifold. If there is no proper treatment of biocides then the AMR will increase rapidly.

Suggestions to improve biomedical waste management

1. **Improving the sustainability of the health care sector:** The government has to move beyond monitoring and enforcement. Instead, the government has to invest along with the health service providers to scale up the proper treatment of biomedical waste.
2. **Equipping Municipalities and Panchayats:** The government has to provide training to ground-level workers to segregate biomedical wastes. Further, the government can even allot sufficient funds through central funding from National Rural Health Mission (NRHM).
3. **Stringent actions against defaulters:** The ill-operated health care facilities and CBWTFs have to be strictly punished. The government can even initiate the **Extended Producer Responsibility (EPR) for producers of biomedical equipment.**
4. **Trigger Innovation:** The government can incentivise start-ups and Small and Medium Enterprises (SMEs) that offer solutions for waste segregation and treatment.
5. **Awareness campaigns for waste segregation in households:** Due to home quarantine and home treatment many individuals do not use yellow and red color bags for segregating their medical wastes. So, during the supply of medicine, the health officials have to create awareness about waste segregation. They should also provide garbage bags (Red and Yellow) along with their medicines.

Conclusion

With the [opening-up of vaccination](#) for all above 18 years, the volume of infectious waste generated from the vaccination clinics will increase manifold. So, the government has to ensure proper awareness regarding waste segregation, and creation of proper facilities to treat the medical waste in India.

Issue of fertilizer subsidy in India – Explained, Pointwise

Introduction

The subsidy allows an individual to buy a product or use a service at a lower price than its market cost. The government in India has been providing a host of price subsidies on kerosene, cooking gas, water, electricity, fertilizer, etc. in order to support the vulnerable sections.

The farmers have been getting the benefits of fertilizer subsidies since the era of the Green revolution. It has become a core component of providing input support to the agricultural sector.

Recently, the government has announced an increase of 140% in the subsidy amount of DAP (Diammonium phosphate) fertilizer. It is expected to provide a sigh of relief to the farming community who is already facing severe pandemic stress. They have lost their loved ones and are battling the double jeopardy of rising healthcare bills and reduced urban remittances. This move would bring temporary relief to the sector but a permanent solution warrants long term reforms to make the agriculture sector more lucrative.

Current Scenario

- Recently, a committee headed by PM took a decision to increase the subsidy on DAP (Diammonium phosphate) fertilizer. The subsidy was increased by 140% from Rs 500 per bag to Rs 1200 per bag.
- Till last year, the actual price of DAP was 1700. The farmers were getting one bag for 1200 and a 500 rupee subsidy was given to companies.
 - However, now the actual price of DAP is 2400 as international prices of phosphoric acid, ammonia etc. used in DAP have increased. Therefore in order to prevent companies from selling DAP at 1900 rupees, the government enhanced the subsidy.
- The Department of Fertilizers has further notified a higher per-kg NBS (Nutrient Based Subsidy) rate for P. It increased to Rs 45.323/kg while the earlier rate was Rs 14.888/kg.

About DAP

- It is the second most commonly used fertilizer in India. It has sales of 119.13 lakh tonnes (lt) in 2020-21 next only to the urea. Furthermore, it is applied just before or at the time of sowing by the farmers.
- The fertilizer is high in phosphorus (P) that stimulates root establishment and development. It contains 46% P and 18% nitrogen (N). Without DAP, the plants cannot grow to their normal size or will take too long to mature.
- It is similar to urea and muriate of potash (MOP), which again have very high N and potassium (K) content of 46% and 60%, respectively.

Fertilizer Subsidy in India

- Under the subsidy regime, farmers buy fertilizers at Maximum Retail Prices (MRP). However, this MRP is below the normal supply-and-demand-based market rates or what it costs to produce/import them.
- While, the MRP for urea is controlled/fixed by the government, it is decontrolled for other fertilizers including DAP, MOP, etc.
 - The maximum retail price (MRP) of urea is currently fixed at Rs 5,378 per tonne or Rs 242 for a 45-kg bag. Since companies have to sell at this controlled rate (fixed MRP), the subsidy is variable. It means subsidy

depends upon the market price or costing of Urea. Government has to pay the difference between controlled price and market price.

- In other fertilizers, the government only gives a fixed per-tonne subsidy. This means the subsidy is fixed, while the MRPs are variable. Thus, MRP of **Decontrolled fertilizers is way above urea** MRP and attract lower subsidy. For some of the non-urea fertilizers, government launched nutrient-based subsidy or NBS scheme.

Nutrient Based Subsidy (NBS) regime for Non-Urea fertilizers

- Under this, a fixed amount of subsidy is calculated for each fertilizer **based on its nutrient composition**. The government decides the rates for nutrients like Nitrogen (N), Phosphorous (P), Potassium (K), Sulphur (S), etc. which then are used for calculating a flat per ton rate.
- It means subsidy will be different for the fertilisers having different proportions of NPK. It means one tonne of DAP which contains 460 kg of P and 180 kg of N will get more subsidy compared to 10:26:26' NPK fertiliser due to the difference in nutrient compositions.
- It allows the manufacturers, marketers, and importers to fix the MRP of the Phosphatic and Potassic (P&K) fertilizers at reasonable levels.
- The domestic and international cost of P&K fertilizers is considered along with the country's inventory levels and the currency exchange rate in order to decide the MRP.

Need for increasing the fertilizer subsidy on DAP

- **Cushioning the farmers from Price rise:** The rise in subsidy would protect the farmers from the price rise. The fertilizer companies have enhanced the MRP of DAP from 1200 to 1900 as international prices of phosphoric acid, ammonia, etc. raw materials have increased.
 - They would still pay 1200 rupees per bag despite the fact that the international prices of phosphoric acid, ammonia, etc. used in DAP have gone up by 60% to 70%.
- **Boost Production:** DAP is a crucial fertilizer for growing cotton and soybean in the western and northern regions of India. With sufficient subsidy, the farmers would be able to grow more produce in the Kharif season.
- **Tackle the Covid impact:** The farmers are undergoing severe stress due to the challenges posed to them by the Covid-19 pandemic. This includes loss of urban remittances, the rising cost of healthcare, and death of bread earners in the family. The increased subsidy would provide some relief to them.
- **Political Considerations:** Some experts are also viewing the rise in subsidies as a move to prevent the resurgence of the farmer's protest amid the second wave of Covid 19.

Steps to taken by Government to prevent fertilizer overuse

- Compulsory neem-coating of all urea from December 2015.
- Making fertilizer subsidy payment to companies conditional upon actual sales to farmers being registered on point-of-sale machines from 2018. Under this, a valid sale requires a biometric authentication aadhar card or kisan credit card number.
- There is an upcoming plan to cap the total number of subsidised fertilizer bags that any person can purchase during an entire cropping season.

Issues associated with fertilizer subsidy

- **No Denial Policy:** Currently anybody can purchase any quantity of fertilizers through the PoS machines. There is a limit of 100 bags per transaction, but no limit is placed on the number of transactions. This enhances the diversion of fertilizers towards unintended beneficiaries.
 - For instance, urea's super subsidized and multiple usage nature makes it highly prone to diversion.
 - It can be used as a binder by plywood/particle board makers, cheap protein source by animal feed manufacturers or adulterant by milk vendors. Further, it is also smuggled to Nepal and Bangladesh.
- **Environment Degradation:** The subsidies have enabled the over utilisation of fertilizers on agricultural lands. This is especially true for the super cheap urea which has witnessed a minor price rise since the last decade.
 - The bulk of urea applied to the soil is lost as NH₃ (Ammonia) and Nitrogen Oxide due to poor Nitrogen use efficiency of Indian Soils. This leads to contamination of groundwater, soil, land, etc.
- **Economic Costs:** The Central Government spends about Rs **80,000 crore on subsidies** for chemical fertilizers every year. With the increase in subsidy in DAP, the government will spend an additional Rs 14,775 crore as subsidy in Kharif season.
- **Health impacts:** Over use of fertilizers also pollutes groundwater. Infants who drink water with high levels of nitrate (or eat foods made with nitrate-contaminated water) may develop the **blue baby syndrome**.
 - It refers to a number of conditions that affect oxygen transportation in the blood, resulting in the blueness of the skin in babies.

Suggestions

1. **First**, the government should consider alternative ways for helping the farmers like the use of Direct Benefit transfer instead of subsidies. This would curb its diversion for non-agricultural use and reduce the number of fraudulent beneficiaries.
 - Until then, there should be a cap on the total number of subsidised fertilizer bags that any person can buy during an entire kharif or rabi cropping season.
2. **Second**, urea should be included under the NBS scheme in order to reduce the fiscal burden of fertilizer subsidy on the government. This was recommended by the Sharad Pawar Committee in 2012.
3. **Third**, the focus should now be placed on discouraging the use of chemical fertilizers and encouraging the adoption of organic fertilizers like vermicompost, seaweed extracts, etc. This would be in line with sustainable development and prevent land degradation.
4. **Fourth**, in the long run, the government needs to augment the agricultural income of farmers so that they voluntarily give up their subsidies in the future. This would happen with better implementation of schemes like E-NAM, SAMPADA, PM Fasal Bima Yojana, etc.

Conclusion

The subsidies are like a dole to the farmer, it is saving his body but destroying its spirit. The ultimate solution is to make agriculture more lucrative and remunerative which would gradually lead to the withdrawal of subsidies and relieve the government of their fiscal burden.

Need of Indigenous Semiconductor Manufacturing Facilities in India – Explained Pointwise

Introduction

The Covid-19 pandemic and the subsequent lockdowns are impacting the production of semiconductor chips across the globe. It is creating shortages for the buyers, such as the car manufacturers and consumer electronics manufacturers in India. This in turn has forced manufacturers to reduce their production levels thereby their profit potential is decreasing.

The Chip Famine presents an opportunity for India to develop the capacity to manufacture indigenous semiconductor chips. It would reduce its import dependence and help meet the rising demand of the future.

Semiconductors are truly a modern marvel, a feat of human ingenuity and engineering unmatched by any other industry. Therefore, robust reforms must be undertaken to establish the domestic manufacturing capacity of semiconductors in India.

About Semiconductors:

- A semiconductor is a material that allows electrical conductivity between a conductor and an insulator.
 - Conductors are the materials or substances which allow electricity to flow through them. They conduct electricity because they allow electrons to flow easily inside them from atom to atom. Conducting materials include gold, silver, mercury, seawater, etc.
 - An insulator is a material that does not conduct electrical current. Insulating materials include paper, plastic, rubber, glass, and air.
- They have less resistivity than insulators and more than conductors. The resistance of the semiconductor decreases with an increase in temperature and vice versa.
- Semiconductors are made from pure elements like **silicon or germanium, or compounds such as gallium arsenide**. Sometimes their conductivity is changed through doping.
 - It is a process of adding small amounts of impurities to these pure elements, causing large changes in the conductivity of the material.

Significance of semiconductor chips:

- Semiconductors are **the building blocks of today's technology**. For instance, They control
 - the computers we use to conduct business,
 - the phones and mobile devices we use to communicate,
 - the cars and planes that get us from place to place,
 - the machines that diagnose and treat illnesses,
 - the military systems that protect us, and
 - the electronic gadgets we use to listen to music, watch movies and play games
- Semiconductors **make the devices more compact, less expensive, and more powerful**.
 - For instance, mobile phones weighed about 2 lbs, cost around \$4,000, and held a charge for only about 30 minutes of talk time during their initial phase. However today an individual can buy a smartphone for 5000 rupees that would give a 1-day charge.

- Semiconductors will **continue to enable the world's greatest breakthroughs**. From aerospace and consumer electronics to energy and medicine, entire industries will be transformed.

India's sources for Semiconductors requirements:

- Firstly, Semiconductor manufacturing comprises the front-end **fab manufacturing** and the **back-end assembly**, including packaging and testing. There are only a handful of companies globally that do front-end manufacturing at scale.
- Secondly, Globally, this entire value chain has seeped in the interdependence between a handful of countries like the USA, Taiwan, Japan, China, and some European nations.
- Thirdly, India has done well in design and verification for the semiconductor industry. Most of the global semiconductor companies having an R&D footprint in India.
- Fourthly, However, 100% of our chips, memory, and display are imported into the country. In 2020, India spent \$15bn on electronic imports, with 37% coming from China.
- Fifthly, although India has two fabs — SITAR, a unit of the Defence Research and Development Organisation (DRDO) in Bengaluru, and a semiconductor laboratory in Chandigarh. These build silicon chips for strategic purposes like defense and space and not for commercial use.

Why does India need indigenous capacity for manufacturing semiconductor chips?

1. **Tackle supply shocks:** The pandemic and the subsequent lockdowns impacted the supply of chips to India. Automobile manufacturers like Mahindra & Mahindra and Tata group were compelled to reduce their production due to the shortage.
2. **Meet the rising demand:** Experts estimate that around 50 crore people will join the internet in the next decade thereby demanding more phones and laptops.
 - a. Similarly, the post-pandemic world is showing a greater inclination towards work from home culture. This warrants an enhanced demand for servers, internet connectivity, and cloud usage.
3. **Employment Creation:** Indigenous manufacturing of chips will build its smartphone assembly industry and strengthen its electronics supply chain. This will create numerous employment opportunities for the Indian youth.
4. **Revenue boost:** Indigenous capacity would attract local taxes and boost the export potential. Further, India would be required to import fewer semiconductor chips which would decrease the import bill.
5. **Geopolitical Benefits:** Countries having a sufficient supply of chips would be in a better position to mold the future course of geopolitics, driven by data and the digital revolution. Further self-sufficiency will decrease reliance on Chinese chip imports especially during hard times like the recent Galwan Valley border clash.
6. **Enhanced Security:** Chips made locally will be designated as “trusted sources” and can be used in products ranging from CCTV cameras to 5G equipment. This would improve the national cybersecurity profile.

Initiatives taken to promote indigenous Semiconductor capacity

- **National Policy on Electronics 2019:** It envisions positioning India as a global hub for Electronics System Design and Manufacturing (ESDM) sector. It aims to encourage the development of core components (including chipsets) and create an enabling environment for the industry to compete globally.
- **Scheme for Promotion of Manufacturing of Electronic Components and Semiconductors (SPECS):** The government will provide a financial incentive of 25% on capital expenditure for a list of products that constitute the supply chain of electronic products. This includes products such as electronic components, semiconductors, and specialized sub-assemblies.
 - India would be offering **more than \$1 billion** in cash to each semiconductor company that sets up manufacturing units in the country.
- **Modified Electronics Manufacturing Clusters (EMC 2.0) Scheme:** Under this, the government will provide support for the setting up of Electronics Manufacturing Clusters (EMCs) and Common Facility Centres (CFCs).
- **Production Linked Incentive Scheme (PLI):** Under this, the government will provide an incentive of 4% to 6% on goods manufactured in India and covered under target segments to eligible companies for a period of five years.
- **Foreign Direct Investment:** The Government of India has allowed 100 percent (FDI) under the automatic route in the Electronics Systems Design & Manufacturing sector.

What are the challenges in front of India?

- **Firstly, High Cost of establishment:** As per a government estimate, it would cost roughly \$5-\$7 billion to set up a chip fabrication unit in India.
- **Secondly, Bureaucratic inefficiencies:** The process of establishing an indigenous semiconductor facility requires clearances and approvals from multiple government departments. Further, there exists a considerable degree of bureaucratic delays at each stage that discourages the establishment of manufacturing units.
- **Thirdly, Unstable power supply:** The smooth production of semiconductors requires the availability of an uninterrupted 24*7 power supply. However, this requirement is not fulfilled by many regions in the country. This restricts production to very few locations.
- **Fourthly, Technological Constraint:** The indigenous manufacturing of semiconductors requires the use of high-end technologies. These technologies are licensed from patent holders at a very high price.
- **Fifthly, Structural Flaws:** FDI in electronics is less than 1% of the total FDI inflow because of the dearth of skilled labor, delays in land acquisition, and the uncertain tax regime.

Suggestions

- The government should provide **adequate funding** to augment the research and development potential of technical institutes.
 - For instance, IIT Madras developed a microprocessor named 'Moushik' with funding support from the Ministry of Electronics and Information Technology.
 - The microprocessor is an integrated circuit (IC) that contains a few million transistors (semiconductor-based electronic devices) fused on a semiconductor chip.

- The proposed **Sovereign Patent Fund (SPF)** under National Policy on electronics should be established expeditiously. It is a wholly or partly Government-backed entity that aims to bolster domestic businesses through the acquisition and licensing of patented technology.
- Apart from this, the manufacturers need to be given **an assurance of minimum domestic procurement** by the government and the private sector. The focus should be on manufacturing **economical and technically viable options** like 28nm chips.
- The government should also **support businesses in the acquisition of semiconductor manufacturing units in other countries**. This is easier than setting up a domestic facility and can be done swiftly for ensuring a continuous supply of chips.

Conclusion

The 21st century will be an era of Digital revolution signifying an increased use of mobile phones and computer devices. This enhanced usage can be met only with a robust availability of semiconductor chips that sustains their functioning. Therefore India needs to focus on the indigenous development of semiconductors in order to realize its digital potential and emerge as a strong power in the present era.

Challenges in Vaccine Procurement in India – Explained, Pointwise

Introduction

According to the data from the Ministry of Health and Family welfare, so far, India has vaccinated only 417 million people (less than 3.1% of the population has received both doses). The population of India is 1.3 billion. If vaccines require two doses then India needs more than 2 billion doses across the nation. But neither the Covaxin nor the Covishield has that much production capacity to meet the world's largest Covid-19 vaccination drive in India. So, India needs to do large-scale vaccine procurement to meet India's ambition towards [universal vaccination against Covid-19](#).

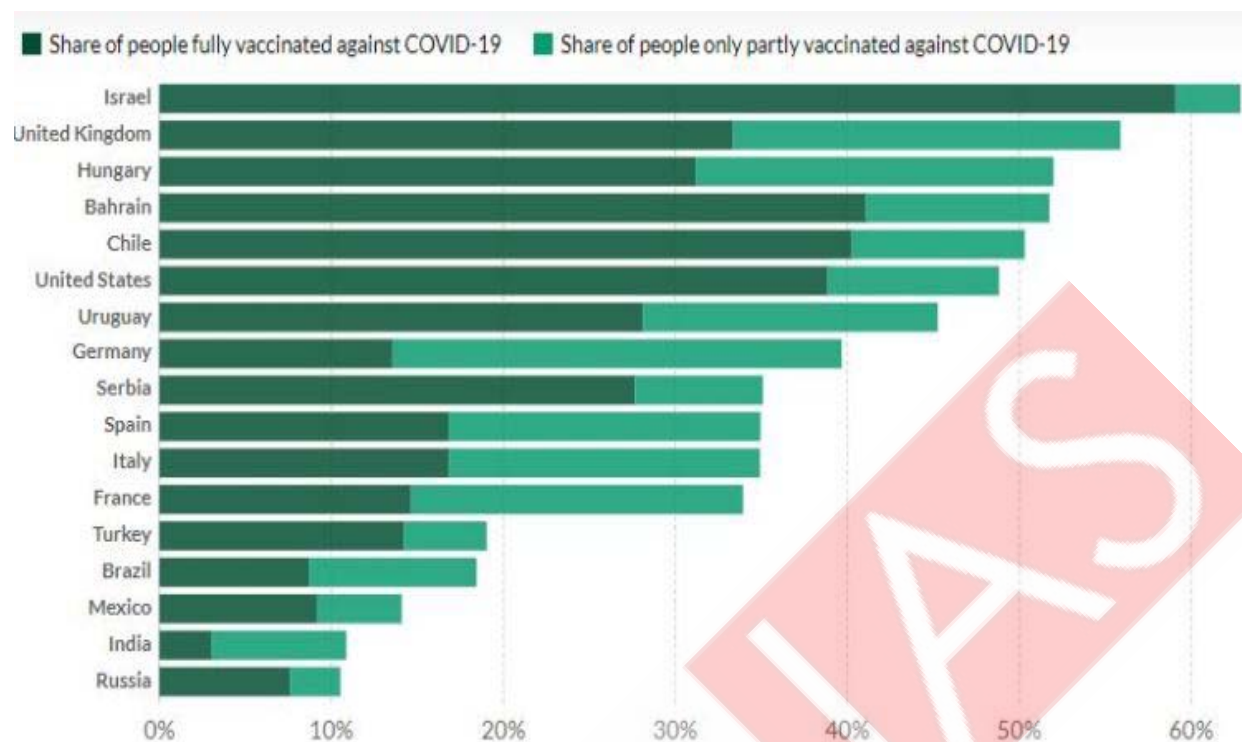
Recently India started procuring Russia's Sputnik-V vaccine in India. Apart from that, 10 states (Rajasthan, Madhya Pradesh, Uttarakhand, Tamil Nadu, Maharashtra, Karnataka, Andhra Pradesh, Telangana, Haryana, and Delhi) decided to procure vaccines globally as there is a shortage of vaccines in India. In this article, we will explain various issues associated with vaccine procurement in India.

Present status of vaccine manufacturing in India

1. Both Serum Institute of India and Bharat Biotech are providing vaccines to India in fight against Covid-19.
2. The world's largest vaccine maker, Serum Institute of India, initially promised to supply 100 million doses of vaccines a month. But in reality, it only provided between 50 million to 60 million doses.
3. On the other hand, Bharat Biotech has a planned production capacity of 12.5 million a month. But their current production is somewhere between 1-5 million.
4. So, India's monthly Covid-19 vaccine manufacturing capacity is about 60-65 million doses only.
5. The target of vaccination will require more than 1.5 billion doses. As [Covaxin and Covishield](#) require two doses. But the present production capacity cannot meet that amount in a short time.
6. Moreover, according to the Ministry of External Affairs website, India almost exported vaccines to 95 countries in the world. As of May 11, India exported 663.698 lakh vaccine doses to foreign countries. Out of this, 16% was sent as aid, 54% as commercial supplies, and 30% as part of [WHO's COVAX program](#).
7. So, technically the vaccine availability in India reduced further below the daily requirement of vaccines in India. For example, With only 20 million vaccine shots available for the entire month of May, many State governments have resorted to floating global tenders for COVID-19 vaccines.
8. On May 1, the first consignment of the Sputnik V vaccine – 1.5 lakh doses – arrived in India. According to the health ministry's website, the Vaccine is started administered to people recently.

Global Vaccine sources and producers

- According to **the Covid-19 vaccine market dashboard**, **14 vaccines are licensed or approved** for emergency/conditional use. These 14 vaccine prices range from \$2 to \$40. So far 12.2 billion doses have been administered. The majority of them occurred in developed countries. So, to achieve a similar feat India needs to procure from global players.



Source: Our World in data

Global Vaccine manufacturers and their type of vaccines

Vaccine	Manufacturer	Type of Vaccine
Coronovac	Sinovac (China)	Purified inactivated SARS-CoV-2 vaccine
Sputnik-V	Gamaleya Institute (Russia)	Disabled Adenovirus vaccine
Pfizer/BioNtech Comirnaty	Pfizer/BioNtech(US)	mRNA vaccine
Covishield	AstraZeneca/Oxford/SII	Disabled Adenovirus vaccine
Janssen	Johnson and Jonson(US)/Merck & Co	Disabled Adenovirus vaccine
Convidecia	Cansino Biologics(China)	Disabled Adenovirus vaccine
Moderna	Moderna Inc(USA)	mRNA vaccine

- Globally developed countries hold huge stocks of Covid-19 vaccines. For example, Rich countries with 14% of the world's population have secured 53% of the best vaccines. For example, The USA has committed stocks of 1.2 billion doses. Even though the population is around 300 million. But recently the US started to release vaccine stocks after global concerns. India can take opportunities on that and procure vaccines.
- India can negotiate with vaccine manufacturers like Moderna, Pfizer etc for procuring vaccines.

Government initiatives in vaccine procurement

- Changes in vaccination policy:** The Government of India recently announced the fourth phase of its [New Covid-19 vaccine policy](#). The policy Liberalised and Accelerated vaccine procurement. Under the new rules, the Centre will procure only 50% of vaccines produced by manufacturers. The remaining 50% can be acquired by the states directly or by private hospitals and industrial establishments at a predecided price.
 - Apart from that, The Centre allowed the imported, fully ready-to-use vaccines to be entirely utilized in the other-than-Government of India channel.
 - Thus, if a foreign pharma giant brings its vaccine to India, it will be free to directly sell the entire stock in the open market at a competitive price.
- Talks with global manufacturers:** According to the Ministry of External Affairs, India is in touch with US entities for procurement of vaccines and manufacturing them in the country to augment vaccine supply.
- Permitting the import of the Sputnik V vaccine:** The central government allowed Russia's Sputnik-V vaccine import into India.
- Raising issues in global forums:** As the [Intellectual Property Rights](#) hinder the supply of vaccines, both India and South Africa have proposed to waive off IP rights like patents, copyright, and trademarks for prevention, containment, or treatment of Covid-19. Other developing countries started to co-sponsor India and South Africa requests. The TRIPS Council also discussed this issue both formally and informally.

Challenges in Vaccine procurement

- Issues in permitting States to procure vaccines:** As the central government left the states to decide the prices from foreign pharma companies, it is leading to [various issues in procurement](#). Such as,
- Unhealthy competition among States:** States will compete among each other for the limited vaccines. This will **reduce cooperative federalism in India**.
- Non-uniform vaccine prices and Higher cost of Vaccines:** There is inexperience in States regarding international market and negotiation. Further, the States will have to procure doses at higher rates than a single national purchaser. As there is a competition of states involved. This leads to increased cost of each vaccine dose in India compares to any other part of the world. Also, the prices will essentially increase **state government expenditure**. For example, Recently Supreme Court noted, states are paying more – between 300 rupees to 400 rupees per dose – while the central government is paying 150 rupees.
- Detrimental to India's image:** As several states floating separate tenders to procure Covid-19 vaccines from abroad, This will be detrimental for India's image in the world. Also, this will **fracture India's bargaining power**.
- The difference in Covid-19 reduction rate among rich and poor states:** Richer states will be better positioned in procuring the highest number of vaccine doses from abroad. So, they can reduce the Covid-19 caseload faster. On the other hand, Poor states might suffer more from the present and future Covid-19 waves.
- Against India's Vaccination policy:** In India, the Center procures vaccines and the States administer them. This helped India to deal with public health problems such as polio, etc. The new vaccination policy is a violation of India's prior vaccination policies.

Challenges in distribution

1. **Unequal distribution of cold storage facilities among states.** Even if states procure vaccines, they cannot distribute the vaccines easily. For example, out of the 28,932 cold chain points, half are in the five southern states, Maharashtra and Gujarat. Whereas the eight states in the North and Odisha that account for over 40 percent of the country's population have only 28 percent of the cold chain points.
2. **The Issue of Vaccine wastage:** According to the RTI information, India has wasted more than 44 lakh of 10 crore doses (Till April 11). Tamil Nadu wasted over 12 percent, followed by Haryana (9.74%), Punjab (8.12%). Ideally, a vaccination center must have 10 recipients to make optimal use of a single 10-dose vial. If the person is not available then that vaccine vial becomes a waste.

Suggestions

1. **Conducting a detailed demand-supply analysis:** To conduct a calibrated expansion of the eligibility criteria India needs to conduct a detailed analysis including the vaccine manufacturers' real-time production capability, the supply chain delays, etc.
2. **Change the vaccination policy:** The Centre needs to take charge of all procurement and negotiations with all vaccine suppliers including domestic and foreign suppliers without any exception. Even the Supreme Court also raised issues in state procurement and called the central government to relook its procurement process.
3. **Work with domestic manufacturers to increase the supply:** The Centre should seek clarity from Serum Institute of India and Bharat Biotech regarding their weekly schedule of supplies, production capacity, etc. This will **help India to know the amount of vaccine shortage and plan India's future procurements.**
4. **Signing business deals with foreign manufacturers:** India can also sign agreements with global vaccine manufacturers like Pfizer, Moderna, etc. The government can include prior purchase agreements to strike a better and lower price in vaccine procurements.

Way forward

In conclusion, the government not only needs to focus on vaccine procurement. But also has to focus on monitoring the **progress of domestic and foreign vaccines, tracking adverse events** of vaccination, reviewing the **performance of vaccine** and **sharing it with people to ensure public confidence.** Further, it will also make India a step closer to Universal vaccination.

Types of Vaccines:

mRNA vaccines: It is a new type of vaccine to protect against infectious diseases. It does not use the conventional model to produce an immune response. mRNA vaccine carries the molecular instructions to make the protein in the body through a synthetic RNA of the virus. The host body uses this to produce the viral protein that is recognized and thereby making the body mount an immune response against the disease.

Adeno Virus vaccines: In this type, a modified version of adenovirus is used. The virus can enter human cells but not replicate inside. A gene for the coronavirus vaccine was added into the adenovirus DNA, allowing the vaccine to target the spike proteins that SARS-CoV-2 uses to enter human cells.

Inactivated SARS-CoV-2 vaccine: In this type, an inactivated live virus is used to create an immune response against the disease.

India's Act East Policy : Issues and Challenges – Explained, Pointwise

Introduction

After the end of the Cold War, the majority of countries made changes to their economic and strategic policies. It was to align themselves to the changing geopolitical realities. India also realized the importance of Southeast Asia in 1992, so it launched a 'Look East Policy'. The policy aimed at better integration with the region and other US allies after the end of the Cold War era. This policy was upgraded to '[Act East Policy](#)' in 2014 for cultivating extensive economic and strategic relations with the nations of Southeast Asia.

The policy has helped in encouraging cooperation on various projects like kaladan multi-modal project, Trilateral Highway, etc. However, there are many factors that are acting as hurdles in smooth cooperation.

The fragile nature of the relationship was recently highlighted by an unpleasant tweet by the Delhi CM over the threat of a new Covid-19 variant from Singapore. The tweet received criticism from both the Singapore Government and the Civil Society. The situation now presents an opportunity for India to introspect on the concerning factors that act against the success of Act East policy and take some remedial steps.

About India's Act East Policy

- It was launched at the 12th ASEAN-India Summit in 2014 held in Myanmar. The policy is **based on 4 C's** – Culture, Commerce, Connectivity, and Capacity Building.
- It is an effort of India to cultivate extensive economic and strategic relations with the nations of Southeast Asia and further strengthen its relationship with Indo-Pacific.
- India's focus under Act East remains on
 - Enhancing economic relations with ASEAN
 - Ensuring greater infrastructural connectivity and foreign direct investment
 - Augmenting regional development in northeastern India
- It is the successor of 1992 Look East Policy.

Comparing Look East with Act East

- **First, the scope of Act East policy is wider.** It focuses on boosting economic co-operation, building infrastructure for greater connectivity, improving strategic & security ties.
 - On the other hand, **Look East** mainly focused on boosting economic cooperation.
- **Second, the Act East policy was launched to tackle the changing Geo-political scenario.** The aim was curtailing Chinese dominance in the South China Sea and its rising influence over the Indian Ocean Region.
 - However, **Look East** mainly aimed to boost trade and investment relations with Southeast Asian countries. The fall of the USSR has induced India to look for alternate options for sustaining its economic growth.
- **Third, heavy focus is being given to the development of the North East region** under Act East policy. This factor was neglected in India's plans of forging deeper ties with East Asia under the Look East policy.
- **Fourth, Act East Policy focuses more on historical, cultural, linguistic, and religious ties** through more people-to-people exchanges. This factor was also absent under the Look East policy.

Progress made under the Act East Policy

1. **Engagement with ASEAN:** ASEAN-India engagement has become deeper and has scaled new heights. **India is now the 4th largest trading partner of ASEAN.** Southeast Asian countries favor India's increased involvement to counter China's expansionist policies in the region. India has allocated \$1 billion for promoting connectivity at the India-ASEAN Summit.
2. **Cooperation on Regional Initiatives:** India is steering a number of sub-regional programmes and projects such as the BBIN corridor, Myanmar-Thailand Trilateral Highway, Kaladan multimodal project etc.
3. **North-East development:** The Act East Policy focuses mainly on the Northeast region. The Government of Japan has decided to invest around Rs 13,000 Crore in several ongoing, as well as new projects in different states of India's North-Eastern region.
 - India-Japan Act East Forum was established in 2017. It will identify specific projects for economic modernization of India's North-East region
4. **Security Engagement:** Defence cooperation has increased with East Asian countries. In 2014, India and Vietnam signed a Memorandum of Understanding (MOU) that opened up a line of credit for Vietnam to purchase defense equipment from India.
 - Since 2015, India has carried out joint maritime-law enforcement patrols and military exercises with ASEAN countries.
 - Similarly, the first summit of QUAD grouping took place in 2021.
5. **Far East involvement:** Recently, India has reached out to Far East economies especially Russia. India has announced to extend a \$1 billion line of credit towards the development of the Russian Far East. This is important as it is an energy-rich region and would help India's economic growth.

Factors inhibiting the success of Act East Policy

1. **First**, there has been a **growth in China's influence combined with growing China-India tensions.** Both China's direct influence and that of ethnic Chinese in the region are on the rise. Further the civil society is impressed with the way China has handled the pandemic and provided aid to the region.
 - On the other hand, Sino-India relations are undergoing severe stress as seen in the 2020 Galwan valley clash.
2. **Second**, there is **disappointment in the region with India's economic policies.** Important economic agreements signed between India and East Asian countries are rather scarce. So far, India has only signed a memorandum of cooperation on oceans and fisheries with South Korea.
 - Further India was the only country to withdraw from the recent Regional Comprehensive Economic Partnership (RCEP) deal.
3. **Third**, there is **rising concern in the region with India's approach towards its minorities**, especially Muslims and Christians.
 - Growing concern about Hindu majoritarianism in India has impacted civil society attitudes in countries like Indonesia, Malaysia, Thailand and Singapore.
 - India deployed the soft power of "Buddhist diplomacy" but that too has not gained much traction as inter-religious tensions in the region grow.

Suggestions to improve the relations

1. The government should **complete the tasks promised in the Delhi Declaration 2018**. This includes:
 - the digital connectivity projects in Cambodia, Lao PDR, Myanmar and Vietnam
 - the Trilateral Highway (TH) and
 - the Trilateral Motor Vehicle Agreement (MVA)
2. There must be empowering of states by the government to play a better role under the Act East Policy. For instance, **a Northeast branch of NITI Aayog** can be set up to bridge the gaps between the Centre and States while implementing the Act East.
3. The government should also focus on regional groupings like **BIMSTEC** which is a natural connector of South and Southeast Asia.
 - Countries must enhance the negotiation process to conclude BIMSTEC MVA, BIMSTEC coastal shipping agreement, and BIMSTEC TFA (Trade Facilitation Agreement).
4. The development cooperation projects for the Act East should be put in fast-track by **avoiding cumbersome documentation and bureaucratic procedures**. For this, EXIM Bank of India should open its branches in all South, Southeast and East Asian countries.
 - Further, coordination between Prime Minister's Office, Ministry of Finance, and Ministry of External Affairs needs to be enhanced for timely implementation.
5. The government should **reap the low-hanging fruits** in India- Southeast Asia countries.
 - For instance, international flights can be started from Imphal to other countries for boosting medical tourism. Imphal's Shija Hospital has already become a favourite destination of Myanmar people for health check-ups.
6. The country should **expand the outreach of Act East policy** by adding neighbouring countries like Bangladesh and Sri Lanka. This would enable better development of India's Eastern and Northeastern states.

Conclusion

India must take a fresh look at its Act East policy and the impacts of unsatisfactory economic performance and sectarian politics at home. The country must revamp its policy in such a way that its soft power enhances in the Southeast Asian region. This would produce multiplier effects in achieving the intended objectives of Act East policy.

Analysis of GST regime in India – Explained, Pointwise

Introduction

The GST Council was mandated to meet at least once every quarter, but due to the pandemic, the council had not met for two quarters. Recently the government announced the 43rd meeting of the Goods and Services Tax (GST) Council on May 28. There are many issues in front of the council such as controlling petrol price rise, reducing GST levies on critical COVID-19 supplies and vaccines, etc. But apart from these, there are many fundamental issues surrounding the GST regime in India.

States are dependent on GST collections for nearly half of their tax revenues. 14 states requested help from the Center to manage their finances during the pandemic. On the other hand, the central government imposed various cesses such as cess on exports, health, and education, etc. As the Center does not want to share them with the States. In this article, we will analyse the [impact of GST regime in India](#).

A brief about GST Regime in India

- Goods and Services Tax(GST) is a **comprehensive indirect tax** on the manufacture, sale, and consumption of goods and services throughout India. It replaced the existing taxes levied by the central and state governments. It is a single indirect tax for the whole nation, which made India one unified common market.
- Likewise, it is a destination-based tax applied on goods and services at the place where final/actual consumption happens.
- GST is applied to all goods **other than crude petroleum, motor spirit, diesel, aviation turbine fuel, and natural gas and alcohol for human consumption**.
- There are **four slabs for taxes** for both goods and services- 5%, 12%, 18%, and 28%.
- Although GST aimed at levying a uniform tax rate on all products and services, four different tax slabs were introduced because daily necessities could not be subject to the same rate as luxury items.

About GST Council

- [GST Council](#) is the most important part of India's GST regime. The council is responsible for recommending rates of tax, period of levy of additional tax, principles of supply, the threshold for exemption, floor level and bands of taxation rate, special provisions to certain states, etc.
- Article 279A of the constitution enables the **formation of the GST Council by the President to administer & govern GST**. The Union Finance Minister of India is a Chairman of the GST Council. Ministers nominated by the state governments are members of the GST Council.
- The council is devised in such a way that the center has 1/3rd voting power and the states have 2/3rd.
- The decisions are taken by the 3/4th majority.
- A **mechanism for resolving disputes** arising out of its recommendations also decided by the **Council itself**.

Achievements of GST regime in India

1. **Expansion of Tax Net:** The number of registered taxpayers at the time when the GST was rolled out was Rs 65 lakhs. But as of March 2020, there were 1.23 crore active GST registrations. This indicates a significant increase in tax base and a change in taxpayers' compliance behavior. Apart from that, the GST regime also brought a **cash-driven informal economy into the tax net**.
2. **Revenue collections:** In 2018-19, the average monthly collection was Rs 97,100 crore with collections breaching Rs 1 lakh crore regularly. In 2019-20, it reached INR 12.2 lakh crore.
3. **Introduction of e-way bill system:** Apart from few initial technical glitches, the e-way bill system has been largely streamlined. The **total number of e-way bills** (inter-state as well as intra-state) generated during Financial Year(FY) 20 were **approximately 63 Crore**. This is **13% growth when compared to FY-19**(Approx 56 Crore).
4. **Rate rationalisation:** In 2017, **nearly 19 percent** of items were under the 28 percent GST rate. But currently **only 3 percent** of the items subject to the 28 percent GST rate.
5. **Legislative amendments and clarifications:** The GST law has undergone significant changes since its inception on 1 July 2017. Within 3 years, there were almost 700 notifications, 145 circulars, and over 30 orders issued by GST Council. These aimed to address taxpayers' demand and to carry out procedural simplifications and curb tax evasion.
6. **Center-State Relations:** Since most decisions in the GST council have been unanimous this shows a better **Co-operative Federalism** in India.
7. **Reduced Interface With Tax Officials:** Within a year about 12 crore returns have been filed, and 380 crore invoices have been processed by the **GST Network** (the IT backbone for taxpayers to pay tax, file returns, and claim refunds). This reduced the user's interface with a tax official.
8. **Reduction in turnaround time:** The turnaround time for transportation of goods has come down with the dismantling of barriers and check posts on state borders. This is gradually leading to the **emergence of a truly national market**.

Issues in GST Regime in India

The **15th Finance Commission report** formally acknowledges that the GST regime in India is an **economic failure** that did not deliver on its early promises.

1. **Multiple Tax Rates:** Unlike many other economies which have implemented this tax regime, India has multiple tax rates. This hampers the progress of a single indirect tax rate for all the goods and services in the country.
2. **New Cesses crop up:** While GST scrapped multiplicity of taxes and cesses, a new levy in the form of compensation cess was introduced for luxury and sin goods. This was later expanded to include automobiles.
3. **Economy Outside GST purview:** Nearly half the economy remains outside GST. E.g. **petroleum, real estate, electricity duties** remain outside GST purview.
4. **The complexity of tax filings:** The GST legislation requires the **filing of the GST annual returns** by specified categories of taxpayers along with a GST audit. But, filing annual returns is a complex and confusing one for the taxpayers. Apart from that, the annual filing also includes many details that are waived in the monthly and quarterly filings.
5. **Higher tax rates:** Though rates are rationalised, there is **still 50 percent of items are under the 18 percent bracket**. Apart from that, there are certain essential

items to tackle the pandemic that was also taxed higher. For example, the **12% tax on [oxygen concentrators](#), 5% on vaccines**, and on relief supplies from abroad

Erosion of 'trust' and 'trustworthiness'

Recently the [GST Compensation issue](#) between the Center and the State led to decreasing trust in the center by some states. Apart from that, the other issues eroding the Co-operative federalism are,

- **End of revenue guarantee:** During the enactment of GST, the Center promised compensation for loss of revenue faced by states. This revenue guarantee ends in July 2022. Citing the pandemic, some states are demanding more compensation time
- **Loss of fiscal autonomy of states:** States surrendered the majority of their indirect taxation powers for the implementation of GST. At present, States have no taxation powers over them. But the GST revenues are uncertain, and the States also do not witness on the ground.
- **The issue of Pandemic:** The second wave of Covid-19 infections put greater onus on the States. Such as mobility restrictions, [vaccination sequencing](#), and even [procurement of Vaccines](#). With less tax revenue on hand, the States cannot meet all the needs to tackle the pandemic.

Suggestions to improve the GST regime in India

1. **Expansion Of Tax Base:** There are many goods that are still outside the GST net and hamper the seamless flow of input tax credit. Key items outside its ambit are **electricity, alcohol, petroleum goods, and real estate**. Among fuels, it may be possible to bring natural gas and aviation fuel within GST. Also, the government in the upcoming meeting can **reduce the GST on essential items such as oxygen concentrators, vaccines, etc to overcome the pandemic**.
2. **Infusing tax predictability:** The GST Council can adjust the rates only once a year. Further, the Center **shouldn't bypass GST by introducing any Cess**. The Center can also **rationalise the present Cess ecosystem** in India to a bare minimum. This will ensure **tax predictability to states and enhance the ease of doing business**.
3. **More accommodative approach from the Center:** To prevent an irretrievable breakdown during the pandemic the Center has to be more accommodative to State's needs. Such as, allocating State's share properly, procuring vaccines from abroad, etc. This will further enhance State's reliability on GST.

Conclusion

GST is a positive step towards shifting the Indian economy from the informal to the formal one. But, the Center and States have to understand the limitations associated with Indirect Taxes and move towards the inclusion of people into the Direct tax bracket. But, to revive GST Regime back on track India needs some radical steps such as an extension of revenue guarantee to States, restricting cesses, above all respecting the need of State governments fiscal problems.

New IT Rules for Social Media and its challenges – Explained, Pointwise

Introduction

The [Information Technology \(Guidelines for Intermediaries and Digital Media Ethics Code\) Rules, 2021](#) came into force in India. The new IT rules have been framed to address the Social Media, Digital Media, and OTT platforms in a specific manner. The government has released the **new IT rules, 2021** in February. The government provided 3 months' time for Social media platforms to adhere to the rules. That 3-month time period ended on 25th May and the New IT Rules for Social Media came into effect from May 26th.

Though the rules mention social media platforms as an intermediary, some provisions **treat them at par with publishers of content**. Such as prohibiting unlawful content on the platform, appointing a Chief Compliance Officer, etc. This attracted large criticism from social media companies. Most of the social media giants did not comply with the rules. Further, WhatsApp even filed a case in Delhi High Court contesting the traceability provision.

New IT Rules 2021 for Social Media

1. Social media companies are **prohibited from hosting or publishing any unlawful information**. This information is “in relation to the interest of the sovereignty and integrity of India, public order, friendly relations with foreign countries, etc”.
2. **If such information is hosted or published the government can take down such information within 24 hours**. The user will be **given a notice** before his/her content is taken down.
3. Traceability mechanism: This provision requires the **social media platforms to compulsorily identify the first originator of the information** in India, upon government or court order.
4. The IT rules 2021 call for social media companies to **publish a monthly compliance report**.
5. Social media platforms are classified into **two categories**
 1. **Social media intermediaries** – Platforms that have a limited user base.
 2. **Significant social media intermediaries** – These are the platforms with a large user base.
1. The **significant social media intermediaries** have to follow few additional measures like:
 - a. These platforms should **have a physical contact address** in India.
 - b. **Appointing a Chief Compliance Officer, Nodal Contact Person, and a Resident Grievance Officer in India**. All of them should be Indian Residents.
 - i. Nodal Contact Person will do 24×7 coordination with law enforcement agencies.
 - ii. The Resident Grievance Officer must acknowledge the complaint within 24 hours, and resolve it within 15 days of receipt.

Issues surrounding the New IT Rules 2021 for Social Media

1. **The issues associated with [traceability provision in rules](#)**: The rules require tracing the information back to the source. This is against some social media policies. For example, WhatsApp claiming their policy as end-to-end encrypted cannot accept new IT rules. If they accept, then their services cannot remain end-to-end encrypted.
 - o **Against Doctrine of Proportionality**: It is a principle where courts examine processes of the administration for reaching or recalling a decision. Proportionality means that the action should not be more drastic than it ought to be for obtaining the desired result.

- i. Under this doctrine, there is a question on whether the executive could achieve the goal (i.e. elimination of the threat to security and sovereignty of the nation by social media) by adopting drastic measures such as tracing the messages.
2. **Enhancing political control:** Implementation of New IT Rules will increase political control of **social media companies and posts in social media**. This is because the New IT Rules for social media **do not have legal backing**. For example, For example, the Telecom Regulatory Authority of India Act provides powers to TRAI (Telecom Regulatory Authority of India). But the new IT rules are framed by bureaucrats there might be wider use of **discretionary censorship**.
3. **Placing barriers on the marketplace:** The new rules increase operational costs for social media companies. As they require to have Indian resident nodal officers, compliance officers, and physical offices in India. This will increase their operational costs significantly. Also, it will hamper the progress of multinational corporations and start-up intermediary enterprises in India.
4. **Revoke protection under [Section 79 of IT Act](#):** Non-compliance with new rules will take away the protection granted to social media intermediaries under Section 79 of the IT Act.
 - o This section mentions that any **intermediary shall not be held legally or otherwise liable** for any third-party information, data, or communication link made available or hosted on its platform.

View of Social media companies

WhatsApp filed a case [against the enforcement of New IT rules](#). During that, WhatsApp contested the following criticisms with the IT Act.

1. **Lack of stakeholder consultation:** The rules were notified in a short time without much public and stakeholder consultation. Social media companies like Facebook mention that they are ready to comply with the rules. But prior to that, they need to engage with the Government on certain genuine concerns with the rules. But the government provided no time for that.
2. **Legislative challenges:** Neither any Act (including **Information Technology Act**) nor any other law requires a social media intermediary to reveal the identity of the first originator of a message. Further, the IT Act **does not regulate digital media**. But, the new IT Rules for social media being subordinate to the IT Act overshoots the original intent and boundaries of the parent Act (IT Act).
3. **Altering the fundamental operation of Social media companies:** Under Section 79 (of IT Act) certain conditions attached to maintain the immunity of intermediaries. But the new IT Rules not only alter the provision of intermediary but also alter the entire function of a **Social media company as a Publisher**. This is against the provisions of the IT Act.
4. **Against Right to privacy:** The new rules **curtail free speech on digital platforms**. The Supreme court in its famous **Puttuswamy case** judgment mentioned that any law that impacts the fundamental right is void. Further, this iteration was also mentioned in the **Anuradha Bhasin case on Internet freedom**. Implementing the new IT Rules for social media will violate the judgment and its provisions.

Government argument in support of New IT rules for social media

1. **Social media companies are not legally intermediaries:** Legally the social media companies are not considered as an intermediary. Under section 2W of the IT Act, the definition of intermediary does not include Social media companies. This section mentions Intermediaries like internet service providers, online auction sites, online

marketplaces, etc. But under the rules, the government mentioned that the social media companies will be **treated as an intermediary** if they adhere to the new IT rules.

2. **Adherence to Indian laws and regulation:** Social media platforms use curated content for money-making and not take any editorial regulation. So far these social media platforms not followed specific Indian guidelines regarding the content on their platforms. The new IT rules aimed to change that perception. From now on the content in social media platforms will follow Indian publishing rules and regulations. Just like the print media is following during their publication.
3. **Benefits end-user:** The government underlines that these new IT rules on social media will benefits society at large. Such as,
 - **Secure right to privacy:** After the rules come into effect, users' personal photographs, personal data will remain safe with the user.
 - **Safety for vulnerable sections:** Children and women will now be safe and secure in Social media. The chances of cyber-bullying, exposure to obscene content, and harassment will reduce on social media platforms.
 - **Promote the integrity of the nation:** If the rules adhered to strictly, then any posts promoting a particular race, sex, caste, religion will reduce in time. This will promote India as a multi-cultural society.
 - **Security of state:** The social media companies will have to remove any posts that promote radicalism, online terrorism, violence over social media. Thus, it will weaken India's internal and external threats.

Suggestions

1. The focus should be on **strengthening citizen's rights by learning from successful global examples** like OFCOM (OFCOM is a communication regulator in the UK).
2. **Providing more time: Five industry bodies**, including the CII, FICCI, and the U.S.-India Business Council have **sought an extension of 6-12 months for compliance**. The government can provide time relaxation for compliance. In the meantime, the government can **bring together both the private and industry experts** to address genuine concerns.
3. **India did not have [General Data Protection Regulation or GDPR](#) like the EU:** The government instead of issuing IT rules can enact a [data protection law](#) in line with the GDPR. This will address the majority of the issues with the social media platform. Further, it will move a step ahead and force social media platforms to **store data within India** itself.

Conclusion

The New IT rules for social media alter the entire social media platform's function, responsibility, compliance, and user rights. But to get the desired outcome the rules alone are not sufficient. It **requires legislative backing** to regulate social media companies in India. The government can enact a **draft bill on the regulation of digital platforms** after the due consideration of the upcoming judgment of the Delhi High Court in the WhatsApp case. This will become a watershed moment that will transform the digital ecosystem in India.

Role of AYUSH during pandemic and its challenges – Explained, Pointwise

Introduction

The COVID-19 pandemic has emerged as a public health challenge. The burden of disease and mortality is steadily increasing in many parts of the country. Several social and economic factors are leading to devastating situations. Effective management to address this infection is still evolving and attempts are being made to **integrate traditional interventions along with standard care**.

In this regard, India is using the AYUSH system of medicine to provide relief and alleviate some symptoms of COVID-19. The AYUSH system is not seen as a cure, rather it is being used for the management of asymptomatic and mild cases of Covid-19 and for prophylactic (preventive) care. But despite that the Role of AYUSH during the pandemic is indispensable.

What is AYUSH?

- AYUSH stands for Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy.
- These systems are based on traditional medical philosophies. They represent a way of healthy living with established concepts on prevention of diseases and promotion of health.
- In 2015, the Ministry of Ayush had also **included Sowa Rigpa** into the AYUSH system.
- Benefits of AYUSH system:
 - It is generally cheap and affordable
 - AYUSH medicines have lesser side effects than modern medicine.
 - It has proven to be effective in lifestyle diseases like diabetes and hypertension
 - It is used to provide healthcare in rural hinterlands where there is a shortage of allopathic doctors.

Institutional Framework for AYUSH

- The **Ministry of AYUSH** is at the apex. It promotes and propagates Indian systems of Medicine and Homoeopathy.
- The **National Medicinal Plants Board (NMPB)** coordinates activities relating to conservation, cultivation, marketing, export and policy-making for the development of the medicinal plant's sector.
- The **Central Council of Indian Medicine (CCIM)** and the **Central Council of Homoeopathy (CCH)** are two statutory regulatory bodies. They are responsible for –
 - laying down minimum standards of education,
 - recommending recognition of medical qualifications,
 - registering the practitioners and laying down ethical codes.
- There are **five research councils** that undertake officially sponsored research activities.
- The country also has **eight National Institutes for teaching the AYUSH system**. This includes the National Institute of Ayurveda, Jaipur; the National Institute of Siddha, Chennai etc.
- Four different Pharmacopoeia Committees work for preparing official formularies /pharmacopoeias (An official authoritative listing of drugs).
- They aim to evolve **uniform standards in preparation for drugs** in Ayurveda, Siddha, Unani and Homeopathy.

Role of AYUSH medicines used during pandemic

The role of AYUSH medicines increased significantly during the pandemic. The AYUSH medicines and techniques used during the pandemic are,

- **Ayush-64:** It is an **Ayurvedic drug** developed by the Central Council for Research in Ayurvedic Sciences (CCRAS). It is the apex body for research in Ayurveda under the Ministry of Ayush.
 - The drug was **originally developed** in 1980 **for** the management of **Malaria**. It has now been used for Covid-19 as its ingredients showed notable antiviral, immune-modulator, and antipyretic (anti-fever) properties.
- **Kabasura Kudineer:** It is a **Siddha medicine** for the treatment of fevers. It is now being used to treat asymptomatic, mild, and moderate COVID-19 infection cases.
 - It increases immunity and **acts as an immune-modulator** as this virus adversely affects the immune response.
- **Habb-e-Bukhar:** It is an **Unani drug** given to Covid-19 patients who are undergoing high fever.
- **Arsenicum album:** It is a **homoeopathy drug** considered correcting inflammation in the body. It takes care of diarrhoea, cough and cold.
 - It is recommended for prophylactic (preventive) use against Covid-19. Further, it is also found to be **useful in treating mucormycosis** (fungal infection).
- **Yogic Protocols:** They are used in the Covid-19 treatment centres to improve respiratory and cardiac efficiency, reduce stress and anxiety and enhance immunity. Asanas like Pranayama, Shavasana etc. are extremely beneficial in this regard.

Challenges faced by AYUSH medicines and practitioners

- **The tussle with Allopathic care:** Many allopathic doctors don't believe in the traditional system. They **question the credibility of AYUSH practitioners** and are against their inclusion into the modern health care system.
 - For instance, the **Indian Medical Association objected** to a recent gazette notification by the Central Council of Indian Medicine (CCIM). As it allowed postgraduate **Ayurvedic doctors to perform 58 basic surgeries**.
- **Lacks in Validation:** Scientific validation of AYUSH medicines has not progressed despite dedicated government expenditure. There are very few AYUSH treatments that have been successfully validated by well-designed randomised controlled trials (RCTs).
- **Poor Quality of Practitioners:** The **practitioners lack quality** as Ayurvedic graduation and post graduation courses are often substandard and of poor quality.
 - **Most AYUSH institutions would have to shut down** if they were subjected to the same stringent norms that MBBS medical colleges are subjected to.
 - Further, due to **poor economic opportunities**, the AYUSH system **fails to attract** the country's best **talent**.
- **Overuse of AYUSH medicine:** They are sold as over the counter products and nutraceuticals to avoid regulation. Further, Ayurvedic stores do **not even have a legal requirement** of a pharmacist to dispense the medications unlike pharmacies selling modern medicine. This leads to greater consumption and enhanced self-medication.
 - There have been numerous cases of **terminal liver failure and irreversible organ damage** due to over consumption of herbal preparations.

Suggestions to improve the role of AYUSH

- Firstly, AYUSH practitioners **should follow the instructions issued from time to time** by the WHO, Ministry of Health & Family Welfare and Ministry of AYUSH. They should mould their advice as per the changing guidelines in order to administer proper treatment.
- Secondly, the [AYUSH sanjivani app's data](#) must be regularly assessed and evaluated in order to include/exclude the usage of traditional medicines in tackling the pandemic.
 - Sanjivani is a mobile app for impact assessment of the effectiveness, acceptance and usage of the different AYUSH advisories.
- Thirdly, the AYUSH medicines should be put through **rigorous trials** in order to be accepted as legitimate medications in the present times.
- Fourthly, the governments **must stop treating AYUSH education and practice with an excessively liberal mindset**. They should subject them to the same stringent norms and requirements expected from practitioners of modern medicine.
- Fifthly, the government should also focus on **Capacity-building of licensed AYUSH practitioners** through **bridge training** to meet India's primary care needs.
- **Sixthly, Cross-pathy** between the traditional and modern systems should be allowed to fill the lacunae in respective systems. However, this must be done after due deliberation with experts from the respective systems.
- Seventhly, the government should **create courses that produce qualified pharmacists** trained in AYUSH pharmacopeia, who can then be placed on thousands of AYUSH stores across the country.
- Lastly, every formulation of AYUSH medicine **must carry a label** detailing its ingredients, side effects and other important information as is mandated for modern medicines.

Conclusion

The pandemic has made us realize that no single health care system can provide satisfactory answers to all the health needs of modern society. There is a **need for an inclusive and integrated health care regime** that could guide health policies and programs in the future. **Medical pluralism** is here to stay and the [role of AYUSH sector](#) has a critical role to play in the new and emerging situation.

New Lakshadweep Regulations: Issues and Rationale – Explained, pointwise

Introduction

New Lakshadweep regulations proposed by its new administrator are attracting opposition from local leaders. The smallest union territory of India (Lakshadweep) is undergoing severe changes for the last few days. The [new administrator has introduced 4 new regulations](#) that would alter the culture, livelihood, ecology, and development level of the island.

The draft regulations include the Lakshadweep Animal Preservation Regulation, 2021; the Prevention of Anti-Social Activities Regulation (PASA); the Lakshadweep Panchayat Regulation, 2021 and Lakshadweep Development Authority Regulation 2021. They have attracted criticism from civil society as they place economic development over environmental sustainability. Furthermore, they jeopardize the pristine culture of the indigenous inhabitants.

The Home Ministry is currently scrutinising the draft legislation and would become law after their approval by the President.

Lakshadweep Regulations formulated by the Administrator

- 1. The Lakshadweep Development Authority Regulation, 2021:** It calls for the creation of a Lakshadweep Development Authority (LDA).
 - It will plan the development of any area identified as having a “bad layout or obsolete development”.
 - The act defines development as the carrying out of the building, engineering, mining, quarrying, or other operations in, on, over, or under the land. It also includes making any material change in any building or land or in the use of any building or land.
 - The authority could acquire any land required for a public purpose.
 - It stipulates that islanders must pay a processing fee for zone changes.
 - It establishes penalties such as imprisonment for obstructing the development work or workers.
- 2. The Prevention of Anti-Social Activities Regulation (PASA):** It provides for the administrator to order the detention of a person for a period of up to one year.
 - It can be ordered if the offender’s **actions** adversely **affect the maintenance of public order**.
 - Such actions include when a person is a bootlegger, drug offender, immoral traffic offender, property grabber, etc. All these actions deemed to adversely affect the maintenance of public order.
- 3. The Animal Preservation Regulation, 2021:** It bans the slaughter of cows, calves, bulls, or bullocks. The slaughter of animals, other than cows or bulls, for religious purposes, will require a certificate from the authorities.
- 4. The Lakshadweep Panchayat Regulations, 2021:** It disqualifies people **with more than two children** from becoming gram panchayat members.
 - However, the law will not disqualify anyone having more than two children if they have been elected before the regulation has been notified.
 - The regulation also provides for the **reservation of 50 percent seats** in gram panchayats for women.

About the Lakshadweep Island

- It is a group of 36 coral islands in the Arabian Sea totaling 32 square kilometers.
- The name Lakshadweep in Malayalam and Sanskrit means ‘a hundred thousand islands’.

- It is a uni-district Union Territory (UT) and comprises 12 atolls, three reefs, five submerged banks, and ten inhabited islands.
- The natural landscapes, the sandy beaches, the abundance of flora and fauna, and the absence of a rushed lifestyle enhance the mystique of Lakshadweep.
- **Muslims** constitute more than 93% of the population and the majority of them belong to the Shafi School of the Sunni sect.
- **Malayalam** is spoken in all the islands except Minicoy where people speak Mahl. The society in all islands is **matriarchal**.
- The entire indigenous population has been classified as Scheduled Tribes because of their economic and social backwardness.

Constitutional Provisions related to Lakshadweep:

- **Article 239:** It states that every UT shall be administered by the President acting through an administrator appointed by him.
 - Since December 2020, Mr. Praful Patel is acting as administrator of Lakshadweep.
- **Article 240:** Under this, the President has the power to make regulations for the peace, progress, and good government of the Union territories. This includes Lakshadweep, Andaman, and the Nicobar Islands, Puducherry, Dadra and Nagar Haveli, and Daman and Diu.
 - Any regulation made by him/her may repeal or amend any Act made by Parliament which is for the time being applicable to the Union territory.
- **Article 241:** Parliament may by law constitute a High Court for a UT or declare any other court to be a high court for such UT.
 - The High court of Kerala functions as the High Court of Lakshadweep as well.
- **Article 243L:** It states that the provision of Part 9 (Panchayats) will apply to UTs. However, the application would be subject to exceptions and modifications made by the President through a public notification.
 - Lakshadweep consists of 10 Village panchayats whose members are directly elected.
- **Article 243ZB:** It states that the provision of Part 9A (Municipalities) will apply to UTs. However, an application would be subject to exceptions and modifications made by the President through a public notification

Arguments in favour of new Lakshadweep Regulations

- **Firstly**, the government has brought new rules for **augmenting the development potential of the island**. They will ease the procedural and regulatory requirements for land acquisition thereby enabling faster development of infrastructure.
- **Secondly**, the new provisions would **boost the tourism potential** of the island. The government intends to develop Lakshadweep into “a renowned international tourist destination” like the Maldives.
- **Thirdly**, the government believes that new rules will help in **realizing the objectives of the Holistic Development of Islands Program**.
 - The program focuses on the creation of jobs for the islanders through tourism promotion as well as the export of seafood and coconut-based products made in the Islands.
 - The Island Development Agency (IDA) was constituted in 2017 under the aegis of the Home Ministry to look into the holistic development of islands.
- **Fourthly**, regulations like the Prevention of Anti-Social Activities Regulation (PASA) are essential for **augmenting the security situation** in the UT.

- In March, about 300 kg of heroin and five AK 47 rifles, and 1,000 live rounds were confiscated in Lakshadweep. The coast guard had intercepted the consignment and registered a case.
- Several states, including Kerala, Karnataka, Tamil Nadu, and Uttar Pradesh have similar regulations.
- **Fifthly**, the Panchayat regulations will pave the way for **the upliftment and empowerment of women**. The reservation would generate more women representatives who would create gender-sensitive policies.

Arguments against the new Lakshadweep Regulations

- **Firstly**, they seem to **fulfill the interest of commercial developers** rather than the indigenous islanders. The developmental plan can be used to vacate land which may later be sold to outsiders.
- **Secondly**, the powers **bestowed on Land development authorities are very wide**. It can prepare comprehensive development plans for any area and relocate people regardless of their will.
 - Further, the new rules put the onus on the owner to develop his holding as per the development plan or bear a heavy penalty in case of non-compliance. This may increase **forcible eviction and relocation of masses**.
- **Thirdly**, the new rules may **hamper the cultural milieu** of the region. They allow for the intrusion of outsiders in the region which may destroy the way of life practiced by indigenous people for generations.
 - Further, the cow slaughter ban and allowance of alcohol consumption go against the cultural practice of the 96% Muslim population of the region.
- **Fourthly**, the ease in approvals may **hamper the pristine ecological environment** of the region. The tourism infrastructure will adversely impact the fragile coastal ecosystem of the region.
- **Fifthly**, it is difficult to understand the rationale behind PASA as UT possesses one of the lowest crime rates in the country. According to NCRB data, only 121 cases of crime registered on the islands in 2017, 86 in 2018, 186 in 2019, and 89 in 2020.
 - It may be misused to **curtail free speech and the right to protest** of the masses.
- **Sixthly**, the two children cap for panchayat elections seems unjust in a UT with a very low fertility rate. According to the National Health and Family Survey-5 (2019-20), the **total fertility rate is 1.4** (which is far behind the national average of 2.2).
- **Seventhly**, the UT has developed quite well over the years and doesn't require such radical reforms.
 - The island has a robust infrastructure to support rainwater harvesting and solar power generation.
 - All islands have been connected by helicopter service since 1986, and high-speed passenger boats were purchased in the 1990s to improve connectivity.
 - The literacy rate of UT is over 90% and the poverty line in terms of GDP is only slightly higher than the World Bank's poverty threshold.
 - It also has a desalination wind-powered plant gifted by the Danish government.

Suggestions

- The new laws **should be discussed with the concerned stakeholders** including the local fisherman and civil society. Their grievances should be heard and rectified for ensuring greater acceptability.

- The focus should be placed on addressing the real problems of the Island. This includes:
 - Focusing on addressing the rising income disparities in the region
 - Restricting Indiscriminate trawling as it endangers the coral landscape. The Maldives had already banned trawling activities after witnessing excessive exploitation.
 - Restraining from relaxing the quarantine norms as the UT is witnessing a Covid -19 surge
- The **President must refrain from giving assent** to the new laws and should send them back for due reconsideration.
- The **issue also provides the Parliament an opportunity to draft a reasonable law** that can prevent a single individual (the nominated administrator) from undermining people's will.
- **A blind copy of the Maldives model should be avoided.** For instance, the expensive Water bungalows are hazardous to the corals. Also, they would collapse in Lakshadweep's turbulent monsoon.

Conclusion

There is a need to redesign new laws to reflect a people-centric approach. The current situation warrants due consultation with the concerned stakeholders so as to fix the lacunas and strive towards attaining sustainable development.