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7 PM COMPILATION

1st to 15th December, 2022

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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- ❖ Wide use of charts, diagrams and info graphics
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- ❖ Best cost-benefit ratio according to successful aspirants

Rights of Sexual Minorities in India (LGBTQ+ Rights): Status and Challenges – Explained, pointwise
Topic:- Social Justice
Sub topic:- Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of vulnerable sections.

Waste Management in India: Status, Challenges and Solutions – Explained, pointwise
Topic:- Environment and Bio-diversity
Sub topic:- Conservation, environmental pollution and degradation

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Climate Justice: Meaning, Challenges and Way Forward – Explained, pointwise
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Cooperative Societies: Benefits and Challenges – Explained, pointwise
Topic:- Indian Constitution and Polity
Sub topic:- Devolution of powers and finances up to local levels and challenges therein.

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Issue of Undertrials in India – Explained, pointwise
Topic:- Social Justice
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Farm Subsidies in India – Explained, pointwise
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Rights of Sexual Minorities in India (LGBTQ+ Rights): Status and Challenges – Explained, pointwise

Introduction

Two petitions have been filed in the Supreme Court to allow homosexual couples to solemnize their marriage under the Special Marriage Act (SMA), 1954. The Supreme Court has sought the response of the Union Government in this regard. On November 29, 2022, the US Senate passed the landmark Respect for Marriage Act (yet to be passed in the House of Representatives) which would require the States to recognize all legal marriages, including those in other States (although it doesn't create on obligation on all States to legalize same-sex marriage). The US Supreme Court in *Obergefell v Hodges (2015)* had ruled that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the US Constitution. Despite the progressive developments in recent times, a lot of rights of sexual minorities are still not recognized and they face considerable discrimination on a daily basis. In India, the reforms have been driven primarily by the Judiciary rather than the Parliament. This shows that considerable effort is required to change the perception regarding sexual minorities and ending the discrimination.

What are the various types of sexual orientation?

Sexual minorities are groups of people whose sexual orientation, gender identity, or sexual characteristics are different from the presumed majority of the population, which are heterosexual. Earlier 'Gay' was the broad term used to refer to sexual minorities but the terminology has been expanded to Lesbian, Gay, Bisexual, Trans, Queer, Intersex among others (LGBTQI+).
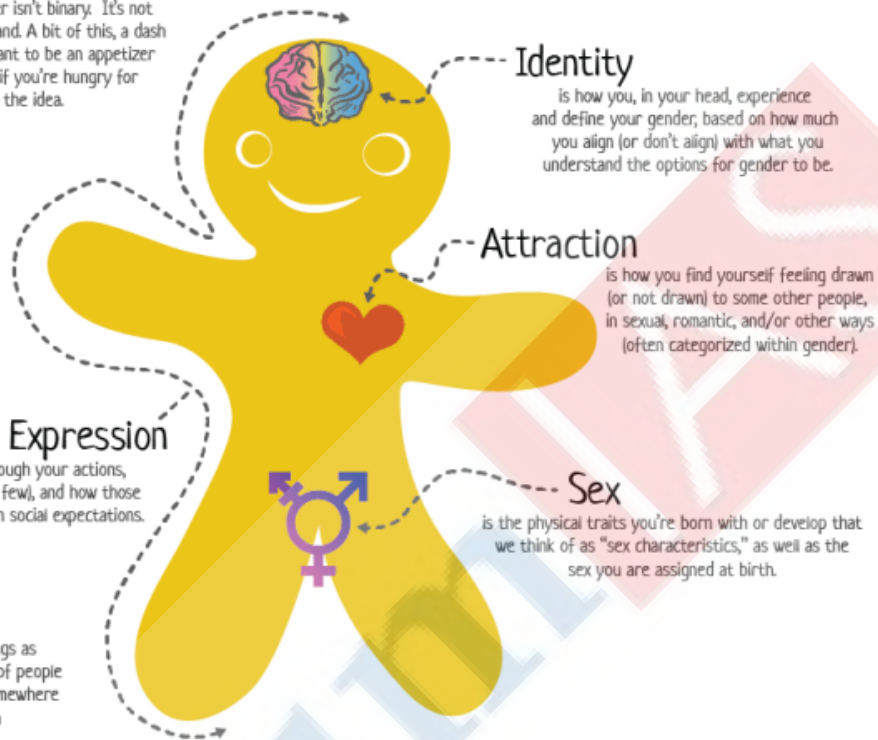
Gender Identities

- **Lesbian**: A woman who has a significant attraction to members of the same gender.
- **Gay**: A person who has a significant attraction to members of the same gender. Typically associated with men.
- **Bisexual**: The potential to be attracted to people of more than one gender (not necessarily at the same time or to same degree).
- **Transgender**: Umbrella term for those whose gender expression or identity is not congruent with the sex assigned at birth and/or whose gender is not validated by the dominant culture.
- **Queer**: Slang used by many who reject gender and sexual binaries.
- **Intersex**: A general term used for a variety of bodies in which a person is born with reproductive or sexual anatomy that does not fit into the sex binary.
- **Asexual**: Umbrella term for those who tend not to have a sexual desire towards others;
- **Non-Binary**: Generally used as an umbrella for various gender non-conforming identities, and is most often used by those who do not strictly identify as "male" and "female".
- **Cisgender**: Umbrella term for those whose gender expression and gender identity are congruent with the sex assigned to them at birth, and whose gender is validated by the dominant culture.
- **Biological Sex**: Category assigned at birth based on a variety of physical and biological characteristics and anatomy.
- **Gender Identity**: The internal perception of one's gender, and how they label themselves, based on how much they align or don't align with what they understand their options for gender to be.Common identity labels include man, woman, genderqueer, trans and more.Gender identity is sometimes confused with biological sex, or sex assigned at birth.
- **Sexual Identity**: The way in which one understands one self in regard to one's sexuality.

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The distinctions are based on the differences in the construct of gender, sex and sexuality. An Indian Sociologist Anita Chettiar has noted that, "*Sex is what you are born with, Gender is what you recognize and Sexuality is what you discover.*"

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The Genderbread Person

Gender is one of those things everyone thinks they under-stand, but most people don't. Gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more after reading it. In fact, that's the idea.

Identity
is how you, in your head, experience and define your gender, based on how much you align (or don't align) with what you understand the options for gender to be.

Attraction
is how you find yourself feeling drawn (or not drawn) to some other people, in sexual, romantic, and/or other ways (often categorized within gender).

Expression
is how you present gender (through your actions, clothing, and demeanor, to name a few), and how those presentations are viewed based on social expectations.

Sex
is the physical traits you're born with or develop that we think of as "sex characteristics," as well as the sex you are assigned at birth.
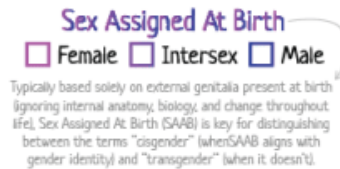
We can think about all these things as existing on continuums, where a lot of people might see themselves as existing somewhere between 0 and 100 on each

⊘ means a lack of what's on the right side

🧠 **Gender Identity**
⊘ ➝ Woman-ness
⊘ ➝ Man-ness

personality traits, jobs, hobbies, likes, dislikes, roles, expectations

common GENDER IDENTITY things

Gender Expression
⊘ ➝ Femininity
⊘ ➝ Masculinity

style, grooming, clothing, mannerisms, affect, appearance, hair, make-up

common GENDER EXPRESSION things

⚧ **Anatomical Sex**
⊘ ➝ Female-ness
⊘ ➝ Male-ness

body hair, chest, hips, shoulders, hormones penis, vulva, chromosomes, voice pitch

common ANATOMICAL SEX things

Identity ≠ Expression ≠ Sex
Gender ≠ Sexual Orientation

Sex Assigned At Birth
☐ Female ☐ Intersex ☐ Male

Typically based solely on external genitalia present at birth (ignoring internal anatomy, biology, and change throughout life), Sex Assigned At Birth (SAAB) is key for distinguishing between the terms "cisgender" (when SAAB aligns with gender identity) and "transgender" (when it doesn't).

Source: University of Colorado, Denver

What are the challenges faced by the Sexual Minorities (or the LGBT Community)?

Inequality and Violence: Members of the LGBT community are more vulnerable to intolerance, discrimination, harassment, and even violence because of their sexual orientation. They are denied access to healthcare and retirement benefits, among other forms of social protection, and are subjected to prejudice. In India, the '*Hijra*' community members are subjected to regular violence including by the police.

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Lack of Social Acceptance: Sexual minorities fail to find acceptance even in their own families. They are often disowned or are isolated from others. They often end up in juvenile detention. Young people coming out as gay or lesbian are often pressurized to get married to 'cure' them. They are also forced to undergo Conversion Therapy to change their orientation.

> **Read More**: Ban on Conversion Therapy – Explained, pointwise

Health Issues: Rejection and isolation can lead to mental health issues including stress, low self-esteem. This can lead to alcoholism and drug abuse. Lack of knowledge and access to healthcare often expose them to greater risk of sexually transmitted diseases like AIDS e.g., the Centre for Disease Control and Prevention (CSC, US) estimated that gay and bisexual men made up an estimated 2% of the U.S. population in 2013 but 55% of all PLWH (People Living With HIV/AIDS) in the US.

Political Under-Representation: Due to their low proportion, Sexual minorities feature low on the priority list of political parties. They have no political representation as they fail to get even the opportunity to contest due to social prejudice. This leads to absence of their perspective in legislation e.g., the **Assisted Reproductive Technology (Regulation) Act, 2021** allows only heterosexual couples to use ARTs. Similarly Rights of Sexual Minorities are not covered under **Maternity Benefits Act, 2017**.

What are the Constitutional and Legal Safeguards for the Sexual Minorities?

Constitutional Safeguards

The Preamble: The Preamble to the Constitution of India provides for Justice (social, economic, and political) and equality of status.

Fundamental Rights: **Article 14** (Right to Equality) provides for equal status before the law and an equal protection of the laws. 'Any Person' means no discrimination on the basis of caste, creed, religion, sex, etc.

Article 15 and **16** (Right against Discrimination and Equality of Opportunity) prohibit discrimination against any citizen on certain enumerated grounds, include 'sex'. Both the Articles prohibit all varieties of gender bias and gender-based discrimination.

Article 21 provides for Rights to Life and Personal Liberty.

Article 23 provides for Right against Exploitation and prohibits various inhuman acts like human trafficking and beggary.

Legal Safeguards

The **Transgender Persons (Protection of Rights) Act, 2019** prohibits any person or organisation from discriminating against transgenders in matters of employment, recruitment, promotion and other related issues.

The **Citizenship Act, 1955** provides for the acquisition and determination of Indian Citizenship. It doesn't, expressly or impliedly, require a determinate sex or gender identity as a pre-condition for acquiring citizenship. For someone to be a voter (elector), the person needs to be a citizen of India. Transgenders persons can also enrol as electors.

The **Registration of Births and Deaths Act, 1969** does not mention anything about "sex"/ "gender" of a person to be registered in case of birth or death. The Act is **gender neutral**.

The **Immoral Traffic Prevention Act (ITPA), 1956** (amended in 1986) is the principal instrument which prevents the trafficking of women and children into prostitution. With the Amendment of 1986, the scope and ambit of the Act became applicable to both male and female sex workers and also to those whose **gender identity was indeterminable**.

The **UGC Anti-Ragging Regulations (2009)** binds both public and private universities to take cognizance of complaints of homosexual assaults. Further, in 2016, UGC has also recognised gender identity and sexual orientation as the grounds for ragging and discrimination.

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What are some of the Judgments related to the Rights of Sexual Minorities?

Naz Foundation Govt. v. NCT of Delhi (2009): The High Court of Delhi held that **Section 377 of IPC** (*carnal inter-course against the order of nature*) imposed an unreasonable restriction over two adults engaging in consensual intercourse in private. Thus, it was in direct violation of their basic fundamental rights enshrined under Articles 14, 15, 19 and 21 of the Constitution of India.

Suresh Kumar Koushal vs Naz Foundation (2013): The Supreme Court (2-Judge Bench) overturned the judgment of the Delhi High Court and re-criminalised homosexuality. The Bench held that LGBT+ persons constituted a '**minuscule minority**' and therefore **did not deserve constitutional protection**. It further observed that Section 377 of IPC did not suffer from the vice of unconstitutionality.

National Legal Services Authority v. Union of India (2014): The Judgment legally recognised non-binary gender identities and declared transgender people the 'third gender'. The Judgment affirmed that the fundamental rights granted under the Constitution of India (including Articles 14, 15, 16, 19(1)(a) and 21) will be equally applicable to them, and gave them the right to self-identification of their gender as male, female or third gender. The Court also referred to core international human rights treaties and the ***Yogyakarta* Principles** to recognise transgender persons' human rights. The judgement also directed Central and State governments to take proactive action in securing transgender persons' rights.

> The Yogyakarta Principles (2006) address a broad range of human rights standards and their application to issues of sexual orientation and gender identity. The principles were developed by a panel of human rights experts in the domain of gender and sexuality.

K.S. Puttaswamy v Union of India (2017): The Supreme Court's ruling on the Right to Privacy as an inherent fundamental right under Article 21 also referred to the Rights of Sexual Minorities. The SC noted that sexual orientation is an essential attribute of privacy and that **discrimination based on sexual orientation is deeply offensive to the dignity and self worth of the individual**. The protection of sexual orientation lie at the core of the fundamental rights guaranteed by Arts 14, 15 and 21.

Navtej Singh Johar V. Union of India (2018): A 5-Judge bench of the Supreme Court overruled the Suresh Kumar Koushal Judgment (2013). It unanimously held that **Section 377 of the IPC was unconstitutional** in so far as it criminalized consensual sexual conduct between adults of the same sex. The Court reasoned that discrimination on the basis of sexual orientation violated the right to equality. Criminalising consensual sex between adults in private **violated the Right to Privacy**. Sexual orientation is an intrinsic aspect of self-identity and that rejecting it would violate the **Right to Life**. Fundamental rights cannot be rejected on the grounds that they only affect a small percentage of the population.

Arun Kumar vs Inspector General of Registration (2019): The Madras High Court recognized a marriage solemnized between a male and a transwoman, and called it a valid marriage. The Court stated that transgender persons had the right to decide their self-identified gender, as held by the Supreme Court in *NALSA v Union of India (2014)*. Under the Hindu Marriage Act, 1955 the definition of marriage only includes men and women. This judgement expands the category of women to include transgender people to identify as women to be brides as well.

What more should be done to protect Rights of Sexual Minorities?

Recognition of Fundamental Rights: LGBTQ rights should be recognised as part of human rights. Non Recognition of same-sex marriages, not allowing adoption, guardianship, surrogacy, IVF, not having LGBT+ inclusive schools, colleges and workplaces are all violative of Article 14, 15, 19, 21. Similarly, the Army Act, Air Force Act etc. explicitly prohibit gay men from joining the Armed Forces. However a cautionary approach is advisable before adopting any change in the Armed Forces.

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Required Government and Legislative Initiatives: The Government should take concrete steps to eliminate the stigma, discrimination and abuse surrounding the LGBTQIA+ community.

The government should formulate new laws or amend existing laws on marriage, adoption, guardianship, inheritance educational institutions, employment, healthcare services etc for education, social security and health of LGBT+ people with special focus to Transgender persons. Efforts should be directed to make gender-neutral harassment laws.

Legalised same-sex marriage: Knowing the demands of the LGBTQIA+ population, the government must widen marriage to cover all gender and sexual identities.

Anti-discrimination Policies: Both the public and private sector must frame anti-discrimination policies and undertake positive measures to eliminate prejudiced stereotypes rooted in homophobia.

Education and Sensitization: It is very important to educate people about LGBTQ Rights. Efforts must be directed to train school and university staff to provide them with the necessary skills and knowledge to encounter such abuse.

Conclusion

The sexual minorities have faced discrimination for long. Judicial interventions have progressively expanded the rights of sexual minorities. However, in the long term there is a need of sensitization and bring in a change in the social attitudes. Unless the social change happens, the judicial and legislative measures may remain ineffective.

Syllabus: GS II, Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Source: [The Hindu](#), [The Hindu](#), [Law Brigade Publishers](#)

Waste Management in India: Status, Challenges and Solutions – Explained, pointwise

Introduction

India is set to undergo rapid urbanization in the coming decade. One major challenge accompanying the urbanization is rapid rise in waste generation. Waste Management Processes and Systems in India will need to be upgraded to meet this challenge.

What is the status of Solid Waste Generation in India?

Overall Solid Waste Management Status

According to the Central Pollution Control Board (CPCB) the total quantity of Solid waste generated in the country is ~160,000 metric tonnes per day (TPD). ~153,000 TPD of waste is collected at a collection **efficiency of ~96%**. 80,000 TPD (50 %) of **waste is treated** and ~30,000 (18.4%) **TPD is landfilled**. ~50,000 TPD (31.2 %) of the total waste generated **remains un-accounted**.

Per-capita Solid Waste Generation has increased marginally from 118.7 gm/day in 2015-16 to 119.1 gm/day in 2020-21.

Maximum quantity of per capita solid waste is generated in Delhi.

Processing of solid waste has improved significantly from **19% in 2015-16 to ~50% in 2020-21**. In the corresponding period, proportion of solid waste **landfilled has fallen from 54% to 18.4%**.

100% of solid waste is treated in Chhattisgarh, followed by 89% in Daman & Diu and Dadra & Nagar Haveli (DDDNH) and 87% in Goa.

According to a World Bank Report, globally 2.01 billion tonnes of municipal solid waste is generated annually, of which **at least ~33% is not managed in an environmentally safe**

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manner. Global per capita waste generation is 740 gm/day (average) but varies from 110 gm/day to 4.54 kg/day across countries. High Income countries contribute 34% to global waste generation despite having only 16% of the population.

What are the challenges in Solid Waste Management in India?

Rising Waste Generation: Economic growth leads to increase in waste generation consequent to rise in consumption. Expansion of digital economy will lead to multifold increase in e-waste generation. In addition, rapidly expanding population will add to waste. A Planning Commission Report (2014) had estimated that India will generate 165 million tonnes by 2030 (~60 million tonnes annual in 2020).

Improper Waste Management: **(a) Poor Processing**: Only 50% of the waste is processed. ~30% is not accounted and ~20% ends up in landfills which is very poor method of disposal **(b) Incorrect and Inadequate Segregation Techniques**: There is poor segregation at source, Hazardous waste is not sealed and labeled which leads to their improper disposal. In addition e-waste is not disposed properly; **(c)** Reuse/recycling of waste occurs through scavengers in the informal sector and there is no Government collection of recyclables; **(d)** Often garbage is not placed in designated containers, leading to dirty streets.

Littering and Illegal Dumping: In terms of disposal, almost half of waste is placed in uncontrolled dumps; sanitary landfills with leachate collection and gas recovery are not available. This has detrimental environmental impacts

Lack of Financial Resources: Lack of financial resources with local bodies lead to understaffed and underpaid cleaning and sanitation departments. Collection infrastructure (like vehicles) is poorly maintained. Lack of funds prevents purchase of new equipment and vehicles.

Inconsistent Collection: Understaffing and under-compensation leads to inconsistent collection of waste. Sanitation workers do not serve all areas.

Inappropriate Infrastructure: Vehicles used to waste collection are not designed for this purpose. This often leads to overloading which results in spillage during transportation. Vehicles do not have lifting mechanisms, so loading is done manually which is unhygienic and hazardous.

Lack of Civic Responsibility: Limited environmental awareness combined with low motivation has inhibited innovation and the adoption of new technologies that could transform waste management in India. Public attitudes to waste are also a major barrier to improving SWM in India.

What are the harmful impacts of poor Waste Management?

Health Issues: **(a)** Improper and unscientific collection and handling leads to several diseases in sanitation workers; **(b)** Municipal waste is often mixed with hazardous and medical wastes, which exacerbates health threats; **(c)** Open burning of waste leads to formation of harmful particles which can cause lung diseases; **(d)** Poor collection leads to garbage dumps which act as breeding ground for rats and mosquitoes etc. Mosquitoes act as carriers of diseases like malaria and dengue.

Environmental Issues: **(a)** Unscientific dumping in landfill leads to formation of harmful chemicals which permeate into soil and groundwater. This renders groundwater unfit for drinking and cause multiple diseases; **(b)** Waste in landfills leads to formation of harmful gases leading to air pollution. Composition of gases depends upon type of waste but typically methane and carbon dioxide make up 90 to 98% of landfill gases. The remaining 2 to 10% includes nitrogen, oxygen, ammonia, sulfides, hydrogen and various other gases. They contribute to global warming as well; **(c)** A lot of land-based waste eventually ends up in sea leading to marine pollution.

Economic Impacts: **(a)** Expanding landfills occupy useful land and lead to wasteful utlization of an economic resource; **(b)** Recycling of waste can lead to cost economies and generate revenue

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as well. Poor waste management misses this useful opportunity; **(c)** Poor waste collection leads to clogging of drains, which has become a factor in urban flooding leading to economic losses; **(d)** Poor waste management leads to general filth in cities which impacts tourism potential.

What steps have been taken by the Government regarding Waste Management?

Institutional Arrangement: In India, waste management is governed by the Ministry of Environment, Forest and Climate Change (MoEFCC), Central Pollution Control Board (CPCB), Ministry of Urban Development (MoUD), State Pollution Control Boards (SPCBs) and the ULBs (12th Schedule of the Constitution).

Policy and Legal Framework for Waste Management in India: The Government of India (GOI) has formulated various Rules and Regulations regarding solid waste management (SWM). These include Solid Waste Management Rules, e-Waste Management Rules, Plastic Waste Management Rules etc. These rules are updated periodically and have been formulated under the Environment Protection Act, 1986.

> **Read More**: Plastic Waste Management (Amendment) Rules, 2022 – Explained, pointwise

Solid Waste Management Rules, 2016 are applicable beyond municipal areas and include urban agglomerations, census towns, notified industrial townships, areas under the control of Indian Railways, airports, special economic zones, places of pilgrimage, religious and historical importance, and State and Central Government Organizations in their ambit.

Government Initiatives: **(a)** *Swachha Bharat* **Mission – Urban (SBM-U)**: With the enactment of new rules, door-to-door collection, segregation at source, etc. has been initiated; **(b)** *Swaccha Survekshan*: An annual survey of cleanliness, hygiene and sanitation in cities and towns across India is undertaken. It has been launched as a part of the SBM-U under the Ministry of Housing and Urban Affairs (MoHUA). It gives star ratings to garbage-free cities and towns on several factors and acts as incentives for cities to do better; **(c)** *Swachhata Hi Sewa* **Campaign**: It has been launched for ensuring cleanliness through the various stakeholders' engagement in the '*Jan Andolan*' (National Movement); **(d) Compost** *Banao,* **Compost** *Apnao* **Campaign**: It is a multi-media campaign launched by MoHUA on waste-to-compost under SBM-(U). The aim is to encourage people to convert their kitchen waste into compost to be used as fertilizer and to reduce the amount of waste getting to landfill sites; **(e) Promotion of Waste to Energy**: The Ministry of New and Renewable Energy (MNRE) launched Program on Energy from Urban, Industrial, Agricultural waste/residues and Municipal Solid Waste to promote setting up of Waste-to-Energy projects and to provide central financial assistance.

> **Read More**: Waste to Energy Plants: Benefits and Concerns – Explained, pointwise

What more steps can be taken to improve Waste Management?

Scientific Waste Management: The waste management planning should be based on sound scientific and engineering studies. They should consider waste composition, capital and long-term operating costs, transport distances, and the geographical location of waste processing and disposal facilities. Comprehensive waste characterization studies are needed to obtain accurate data for solid waste management planning.

Waste Collection: To improve collection practices, a number of improvements should be considered, including more regular service by sweepers, daily waste collection (rather than alternate days), use of mechanized vehicles, better coordination between timing of waste generation and collection, and increased accessibility for waste collection vehicles.

Merging the informal and formal waste collection sectors has the potential to streamline the segregation and collection process.

Improved Practices: **(a) Decentralized Solid Waste Management**: It is an approach in which the informal sector provides **source-segregated waste collection and treatment at the local**

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level, avoiding transport to a centralized waste facility in order to reduce costs. Decentralized approaches may also promote more citizen and local stakeholder involvement in planning and decision-making; **(b) Recycling**: It has great potential to expand in India. Policies and regulations to support recycling are needed; **(c) Processing**: For treating organic waste processes like composting, vermi-composting and bio-methanation should be considered to reduce the amount of organic waste that goes to open dumps or landfills. Initiatives like Compost Apnao need to be scaled-up; **(d) Sanitary Landfills**: The conversion of existing dumps to sanitary landfills is a critical need. To accomplish this, the enforcement of rules, regulations, and bylaws, along with proper funding, are required. Technical expertise and financial feasibility are key barriers which must be addressed; **(e) Smart Waste Management System**: In the long term, technology like (Internet of Things) can be integrated into waste management e.g., RFID-Enabled Door-to-door waste collection monitoring can enhance collection efficiency and GPS based vehicle tracking can help in real time monitoring.

Waste-to-energy: Bio-methanation (anaerobic digestion) uses micro-organisms to convert the organic waste into methane, which can be used as fuel. Bio-methanation plants should be scaled up.

Strict Implementation of Rules: Waste Management Rules have incorporated have incorporated '**Polluter Pays Principle**'. The rules need to be stringently implemented to penalize non-compliance.

Public Awareness: Self-help groups, residents' welfare associations, and community-based organizations should be encouraged to educate and acquaint people with beneficial waste management strategies, including separation, recycling modes, and drop off centers for recyclables, as well as composting.

Conclusion

As India undergoes rapid urbanization, multifold increase in waste generation will provide a new governance challenge. The Government must scale up its existing efforts to improve waste management. At the same time, public participation is vital and without their contribution, Government efforts might remain ineffective.The refore, it is desired to place more emphasis on information, planning, funding, unified waste management along with community education. The 4 R's philosophy of Reducing, Reusing, Recycling, and Recovering Resources should be actively encouraged.

Syllabus: GS III, Conservation, Environment Pollution and Degradation.
Source: **The Hindu**, **CPCB**, **WB**

Persons with Disabilities: Rights, Challenges and Solutions – Explained, pointwise

Introduction

In a recent Judgment related to compensation for a person rendered disabled by an accident, the Supreme Case made certain remarks regarding disability and persons with disabilities. The Court said, "...in the era of competition, the appellant cannot compete with 'normal men'...". The Court also noted that, "a person must be physically fit...to complete professional commitments". The SC remarks are facing criticism from disability rights activists as being out of touch with the current thinking on disability rights. There have been lot of progressive developments regarding rights of persons with disabilities. Yet they continue to face considerable challenges including social apathy.

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Who are the Persons with Disabilities?

The **United Nations Convention on the Rights of Persons with Disabilities** (UN CRPD) defines "*Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*".

The **World Report on Disability 2011** sums up the various definitions of disability by stating that "*Disability is complex, dynamic, multidimensional, and contested*".

The **Rights of Persons with Disabilities Act, 2016**, uses the same definition as the UN CRPD. It further defines "Person with Benchmark Disability" as "A person with not less than 40% of a specified disability".

The 2016 had expanded the types of disabilities from 7 (under the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995) to 21. Further, the Union Government will have the power to add more types of disabililties.

Types of Disabilities

Physical Disability
- **Locomotor Disability**
  - (i) Leprosy cured person; (ii) Cerebral Palsy; (iii) Dwarfism; (iv) Muscular Dystrophy; (v) Acid Attack Victims.
- **Visual Impairment**
  - (i) Blindness; (ii) Low Vision.
- **Hearing Impairment**
  - (i) Deaf; (ii) Hard of Hearing.
- **Speech and Language Disability**.

Intellectual Disability
  - (i) Specific Learning Disabilities; (ii) Autism Spectrum Disorder.

Mental Illness

Chronic Neurological Conditions
  - (i) Multiple Sclerosis; (ii) Parkinson's Disease

Blood Disorders
  - (i) Haemophilia; (ii) Thalassemia; (iii) Sickle Cell Disease.

Multiple Disabilities including Deaf-Blindness

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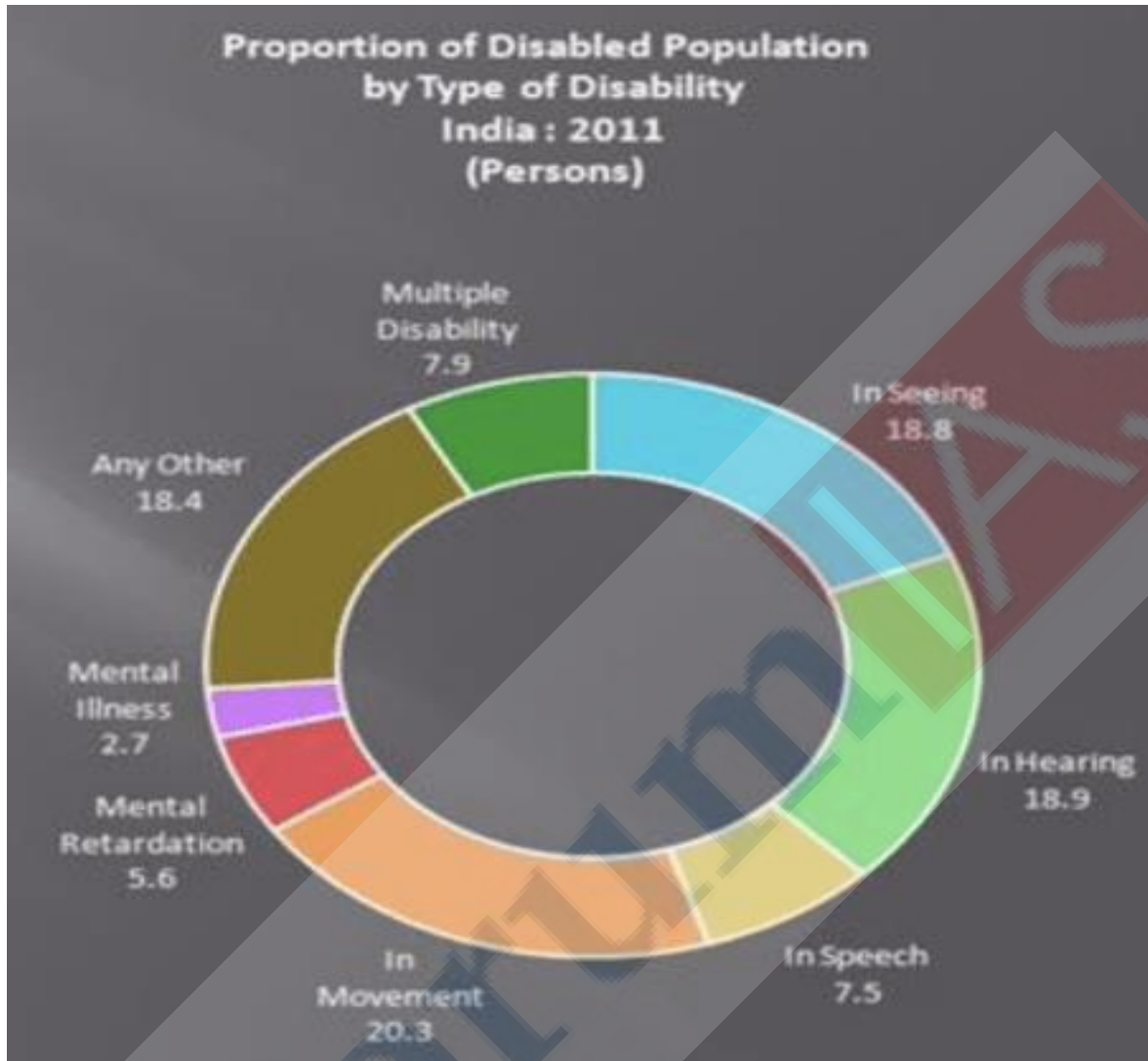## What is the current status regarding Persons with Disabilities?

In India, there were around 26.8 million persons with disabilities, constituting 2.21% of India's total population (2011 Census).

There were 14.9 million men (2.41% of men) and 11.9 million women (2.01% of women) with disabilities. 69% (18 million) of persons with disabilities reside in rural areas.

20% of persons with disabilities in India have a disability in movement, 19% have visual impairment, 19% have a hearing impairment and 8% have multiple disabilities.

Disabilities are highest in the age group 10-19 years (46.2 lakh people).

At an all India level, **34% of the total disabled population is reported as 'workers'**. The proportion is highest in Nagaland (~52%) followed by Sikkim (49%) and Arunachal Pradesh (~45%).

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Source: Census of India, 2011

The Disability rights activists and academicians working on disability issues, however, say that these numbers in the census are a very small percentage of the actual numbers. World Bank data on the total number of persons with disabilities in India suggests the number is between 40 and 80 million.

What provisions have been made for the Persons with Disabilities in India?

Constitutional Provisions

Preamble: The Preamble seeks to secure social (as also economic and political) justice to all citizens along with equality of status and of opportunity.

Fundamental Rights: **Dignity of the individual** is the **fundamental notion** behind all the fundamental rights guaranteed under the Constitution. All fundamental rights are available to the persons with disabilities.

Directive Principles: **Article 41** exhorts the State to make effective provisions for securing the right to work, education and to public assistance in case of unemployment, old age, sickness and disability.

According to Article 46, State shall promote educational and economic interests of the weaker sections of the people and protect them social injustice and all forms of exploitation.

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Relief of the Disabled is a State Subject (Entry 9 in List II) under the Seventh Schedule.
Welfare of the Disabled and mentally retarded is listed as item 26 in the **Eleventh Schedule** and item 09 in the **Twelfth Schedule**.

Legal Provisions

The Mental Health Act, 2017: It replaced the Mental Health Act, 1987. It has been passed with the objective to provide for mental healthcare and related services for persons with mental illness and to protect, promote and fulfill their rights.

The Rights of Persons with Disabilities (RPwD) Act, 2016: It came into force in April 2017. It replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It fulfils the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD). The Act has several provisions for benefit of persons with disabilities like it has **increased the magnitude of reservation** for Persons with Disabilities from 3% to 4% in government jobs and from 3% to 5% in higher education institutes. It stresses to **ensure accessibility** in public buildings in a prescribed time frame.

The Rehabilitation Council of India Act, 1992: It provided statutory status to the Rehabilitation Council of India (RCI, established in 1986). The mandate given to RCI is to **regulate and monitor services given to persons with disability**, to standardise syllabi and to maintain a Central Rehabilitation Register of all qualified professionals and personnel working in the field of Rehabilitation and Special Education.

The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999: It has enacted with the objective to provide for the constitution of a body at the National level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. The trust aims to provide total care to persons with mental retardation and cerebral palsy and also manage the properties bequeathed to the Trust. The Trust strives to enable persons with disability to live independently by: **(a)** Promoting measures for their protection in case of death of their parents; **(b)** Evolving procedures for appointment of their guardians and trustees; **(c)** Facilitating equal opportunities in society.

Welfare Programmes

Accessible India Campaign: It aims for creation of Accessible Environment for PwDs. It was launched in December 2015. The campaign is based on the principles of the **Social Model of Disability**, which means disability is caused by the way society is organised and not by the person's limitations and impairments. The aim of the Campaign is to make a **barrier free and conducive environment for Persons with Disabilities** all over the country. The campaign targets three separate verticals for achieving universal accessibility **(a)** Built up environment; **(b)** Transportation ecosystem; **(c)** Information & Communication Technology (ICT) ecosystem.

Deendayal Disabled Rehabilitation Scheme (DDRS) aims to create an enabling environment to ensure equal opportunities, equity, social justice and empowerment of persons with disabilities. Under DDRS, NGOs are provided with financial assistance for running their projects for the rehabilitation of persons with disability. Projects include Special school, pre-school and early intervention, Halfway Homes and Community Based Rehabilitation etc.

Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP): Its aim is to assist the needy disabled persons in procuring durable and scientifically manufactured appliances. It helps promote their physical, social, and psychological rehabilitation by reducing the effects of disabilities and enhancing their economic potential. It is implemented by NGOs, National Institutes under the Ministry of Social Justice & Empowerment, and ALIMCO (a PSU that manufactures artificial limbs).

Read More: Access to Assistive Technology: Challenges and Solutions – Explained, pointwise

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Indian Sign Language Research and Training Centre: It promotes the use of sign language and also to develop human resources in the field.

National Institute of Mental Health Rehabilitation (NIMHR): It aims to work towards capacity building in the field of mental health rehabilitation. It also aims to develop community-based rehabilitation protocols for mainstreaming persons with mental illness who have been successfully cured.

What are the challenges faced by Persons with Disabilities?

Social Challenges: **(a) Discrimination and Inequality**: They face several types of discrimination e.g., often there is reluctance to hire PwDs for employment; **(b) Loss of Social Status**: Lack of opportunities results in lack of employment, money etc.; **(c) Inhuman Treatment**: People suffering from mental illness or mental retardation are subject to social exclusion; **(d) Loss of Identity**: The identity of PwDs becomes linked with their disability and become a subject of pity.

Access to Education: Persons with visual impairment lack education materials for their studies. Children with learning disabilities are shunned and not admitted to schools. There is lack of special schools and trained teachers for children with learning disabilities.

Unemployment: They have lower employment rates. Private sector is reluctant to hire PwDs due to stereotypes and stigma. It impacts their ability to be financially independent and be self-sufficient**.**

Accessibility: Lack of appropriate disabled-friendly physical infrastructure creates accessibility issues e.g., PwDs find it difficult to commute in public transportation, or access buildings.

Improper Execution of Policies: Disability inclusion efforts are hampered by poor execution of policies and programmes.

Barriers to Healthcare

According to WHO, people with disability encounter a range of barriers in accessing health care

✅ Attitudinal Barriers

- Prejudice, stigma, discrimination by health service providers.
- Service providers lack knowledge about needs of the disabled.
- Women with disability face barriers to sexual, reproductive health services and information.

✅ Physical Barriers

- Lack of appropriate infrastructure to access healthcare facilities like ramps to access passages, doorways, toilets on wheelchairs.
- Fixed-height furniture, including examination beds and chairs, can be difficult for people with disability to use.
- Lack of healthcare facilities in remote areas.

✅ Communication Barriers

- Limited availability of written material or sign language interpreters at health services for persons with hearing impairment.
- Lack of information and prescription in accessible formats, like Braille or large print for persons with vision impairment.

Source: WHO

✅ Financial Barriers

- Over half of all people with disability in low-income countries cannot afford proper health care.
- Inability to afford the costs associated with travelling to a health service and paying for medicine.

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What should be done going ahead?

Accommodation and Inclusion: There is a need to identify opportunities to better accommodate people with disabilities in Society – like providing better education, equal opportunity in job, and initiating them to take active part in social and political decision.

Sensitisation: Overcoming stigma is necessary in order to facilitate better integration of Persons with Disabilities into the mainstream. The Prime Minister coined the term "*Divyangjan*" to address persons with disabilities. The rationale is to change the social attitude towards them and recognise their potential. This attitude should be widely adopted. People need to be educated and be sensitized about the challenges faced by PwDs.

Preventive Measures: The **Comprehensive Newborn Screening** (CNS) programme under the *Rashtriya Bal Swasthya Karyakram* has been launched for early detection and prevention of disabilities. Under this, a comprehensive clinical examination is to be performed on all babies, usually within the first 48 hours of life. It must be scaled up in all States.

Interventions in Public Policy: A larger portion of the budget should be allocated to the welfare of disabled people. There ought to be budgeting for people with disabilities in line with the gender budget. It is important to make sure that plans are carried out correctly. There ought to be appropriate systems for the monitoring, as well as accountability, of public monies.

Conclusion

The Government has undertaken commendable initiatives for the welfare of the disabled and make them independent. However, they still face social exclusion driven by stigma and stereotypes about disability. There is a need to integrate Government's effort with initiatives towards bringing a social change. Simultaneously Government should focus on better implementation of its initiatives. Indian Paralympic Athletes won 19 medals including 5 Gold medals in the Tokyo 2020 Paralympics which shows that with proper support, they can excel in any field. With social change and Government support, they can be mainstreamed into the society and their potential can be utilized in all fields of human endeavour.

Syllabus: GS II, Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Source: **Indian Express**, **NSO**, **Vikaspedia**

Regulation of Fintech in India – Explained, pointwise

Introduction

The RBI had come out with guidelines on Digitial Lending in September 2022. The guidelines were welcomed as they has been aimed at protecting customers from unethical business practices, such as mis-selling, breach of data privacy, unfair business conduct, charging of exorbitant interest rates, adopted by digital lenders. According to the the findings of an RBI Working Group, released in November 2021, as many as 600 out of 1100 lending apps available across 80 application stores were illegal apps. Even though RBI has issued guidelines, hundreds of illegal lending apps, which are not under the RBI ambit, are yet to be reined in by the State Governments. With the advent of Digital economy, a lot of digital financial service providers have come up in India and the landscape has only become complex with proliferation of numerous service providers and apps. This has necessitated regulation of the Fintech in India.

What is the meaning of Fintech?

The term "FinTech" is a contraction of the words "Finance" and "Technology". It refers to the technology start-ups that are emerging to automate and enhance financial services and

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processes. These fintech firms are challenging traditional banking and financial players and **cover a wide array of services**, from crowd funding platforms and mobile payment solutions to online portfolio management tools and international money transfers.

According to Financial Stability Board (FSB), of the BIS, "*FinTech is technologically enabled financial innovation that could result in new business models, applications, processes, or products with an associated material effect on financial markets and institutions and the provision of financial services*".

In India, Financial sector undertakings, including fintech businesses, are usually regulated by the RBI, SEBI, the Insurance Regulatory and Development Authority of India (IRDAI), and the Pension Fund Regulatory and Development Authority (PFRDA).

What are the benefits of the Fintech Sector?

Financial Inclusion: Innovation driven by Fintech has widened the access to financial services e.g., UPI has been adopted and proved to be beneficial to the small vendors.

> **Read More**: UPI and Digital Payments in India – Explained, pointwise

Closed gender and access gaps in Financial Services: Fintech has assisted in overcoming obstacles caused by limits on the in-person mobility of women and the loss of job during a period of financial hardship due to COVID-19 pandemic. Fintech services have made it simple to sign up for accounts, complete transactions, and obtain credit. This is one of the many reasons why women made up a significant portion of the customer base.

Extensive Coverage: Fintech has allowed underserved and unbanked areas to be reached, which brick-and-mortar banks were unable to do. The majority of public and private sector banks have established their own fintech incubation centres. Banks have begun to see Fintech as a valuable partner in increasing their reach and connecting with consumers.

Simplified Processes: Fintech has reduced the layers to deliver financial services and have simplified the procedures e.g., many Fintech provide insurance services that are completely online in addition to offering wide range of insurance products.

Social Change: Fintech firms have brought a major change in the Global South by focusing on the social needs. People in developing nations have now been able to access microfinance and digital lending platforms. Regions in Africa, Asia and India, areas with large numbers of people who were disadvantaged by traditional banks, are now enabled to use payment services.

Crowdfunding: Many Fintech Platforms have enabled small businesses, entrepreneurs, charities and artists to receive support without raising money from conventional investors.

What is the need to regulate Fintech Sector?

Data Privacy: The rapid pace of digitization coupled with the decentralized nature of Fintech has posed unique challenges to the regulators. With the proliferation of fintech apps there are concerns related to misuse of consumer data. In addition, some firms have been accused of collecting sensitive user data without informing the consent or

Unethical Practices: A lot of apps have indulged in unethical practices including mis-selling of products, opaque lending practices, brutal collection methods and customer harassment etc. Predatory lending is regulated by the Usurious Loan Act (1918), however, many lending apps have remained under the radar.

Money Laundering: There are also possibilities of criminals indulging in money-laundering and other illegal practices through payments and transfers facilitated by fintech apps. Fintech companies must be required to comply with anti-money laundering (AML) regulations including undertaking measures to prevent and detect money laundering.

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Cyberattacks: Fintech companies hold large amounts of data. This makes them attractive targets for cybercriminals. Also, fintech firms may be less prepared to defend against cyberattacks than traditional financial firms.

What guidelines have been issued by the RBI so far for Regulation of Fintech?

The RBI has issued several guidelines like the Guidelines for Licensing of Payments Banks (2014), the Master Directions on Prepaid Payment Instruments (MD-PPIs, August 2021), Circular on Tokenisation – Card transactions (September 2022), Guidelines on Regulation of Payment Aggregators and Payment Gateways (August 2022) among others.

In 2019, the RBI came up with an **Enabling Framework for Regulatory Sandbox**. According to RBI, Regulatory Sandbox refers to live testing of new products or services in a controlled/test regulatory environment for which regulators may (or may not) permit **certain regulatory relaxations for the limited purpose of the testing**. The purpose is to foster innovation in developing new financial products and services. So far, multiple cohorts (phases) have been released dealing with multiple themes like '**Retail Payments**', '**Cross-border Payments**', '**MSME Lending**' and '**Prevention and Mitigation of Financial Frauds**' etc.

Source: PwC. Benefits of Regulatory Sandbox.

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In 2020, the RBI also announced the setting up of the **Reserve Bank Innovation Hub** (RBIH) to promote innovation across the financial sector, by leveraging technology and creating an environment that would facilitate and foster innovation.

The RBI issued **Guidelines on Digital Lending** (guidelines) in September 2022 that, among other aspects, create a comprehensive framework to protect consumers' data. The guidelines bring unregulated digital lending players within the RBI's ambit by requiring that regulated players (like Banks and Non-Banking Financial Institutions (NBFCs/NBFIs)), ensure that unregulated players with which they partner, such as Lending Service Providers and companies offering Digital Lending Apps, comply with them.

> **Read More**: Digital Lending and its Regulation – Explained, pointwise

What are the Issues associated with Regulation of Fintech?

Pace of Innovation: The field of Fintech is evolving at a quick pace with rapid advancements in technology. It becomes difficult to regulate the evolving technology in advance.

Lack of Comprehensive Approach: RBI's approach to Fintech Regulation has been criticized as being reactive rather than proactive e.g., the RBI issued guidelines regarding Digital Lending only after several incidents of fraud and coercive practices surfaced. RBI has been slow to respond to industry's concerns e.g., Banks, NBFCs and fintech players are still awaiting clarity on many aspects of Digital Lending Guidelines, including the First Loss Default Guarantee (FLDG) system.

Arbitrary: Some Fintech players accuse RBI regulations as arbitrary e.g., RBI guidelines on Payment Aggregators (PA) require all companies applying for a PA licence from the RBI to have a minimum net-worth of INR 15 crore. Some start-ups call this clause arbitrary and violate Article 14 and Article 19 (1) (g), which guarantees the 'freedom to trade'.

Data Localisation: The RBI has mandated data localization requirements which mandate storage of data only in India. Many international payment companies store their data on global servers. India based companies (including start-ups) also outsource technical support and data storage/cloud services. Localization requirement will prohibit these start-ups from opting for cost-effective cloud service providers abroad and forced to choose localized alternatives, which ends in high operational costs.

What steps can be taken ahead regarding Regulation of Fintech?

First, the RBI must adopt a **comprehensive approach to Fintech Regulation**. Fragmented and reactionary approach to regulation stifles development of innovation. RBI should consult all stakeholders while anticipating technology evolution to formulate supportive regulation.

Second, RBI should ensure that the regulatory framework does not end up stifling the innovation ecosystem. RBI should also be mindful of **creating a level-playing field** for small start-ups against established large banks. New players/Start-ups bring positive competition in the market along with the financial innovation that benefits the end consumer. **Stability of the financial system** should also be a top priority.

Third, The regulatory framework should take into consideration all concerns like cyber-security, data protection, anti-money laundering regulations etc.

Fourth, there is a need to bring-in more transparency like sharing key fact statements with customers, allowing them to make informed decision.

Fifth, Fintech players also need to be more prudent in their lending practices, minimize adverse outcomes and focus on customer experience. They should be aware of the risk, cultivate a culture of compliance and invest in regulatory technology.

Conclusion

The fintech ecosystem in India is rapidly evolving. Fintech has huge potential to facilitate financial inclusion and usher in a new era of digital economy in India. The regulation of Fintech

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sector is equally important in order to protect the consumers and their interests. The RBI must undertake a comprehensive review of the existing regulations and formulate a new comprehensive framework for Fintech Regulation after extensive consultations with all stakeholders.

Syllabus: GS III, Indian Economy

Source: **Indian Express**, **Mint**, **The Hindu BusinessLine**, **PwC**, **Invest India**

Women's Representation in Judiciary – Explained, pointwise

Introduction

The Supreme Court has constituted an all-women bench to hear petitions involving matrimonial disputes and bail matters. This is only the third occasion in the history of the Supreme Court that an all-women bench has been constituted. The earlier two occasions were in 2013 and in 2018. The Supreme Court hasn't had a Woman Chief Justice since its inception. Justice B V Nagarathna is expected to become the first Women Chief Justice in 2027. At present, of the 27 Judges (against sanctioned 34) of the Supreme Court, only 3 are women. This indicates the skewed representation of women in Judiciary. The disparity is not limited to Supreme Court, but is pervasive at all levels of the Judiciary. There are several institutional and structural factors that has limited women's representation in Judiciary. Addressing this disparity is essential to ensure equitable access to justice.
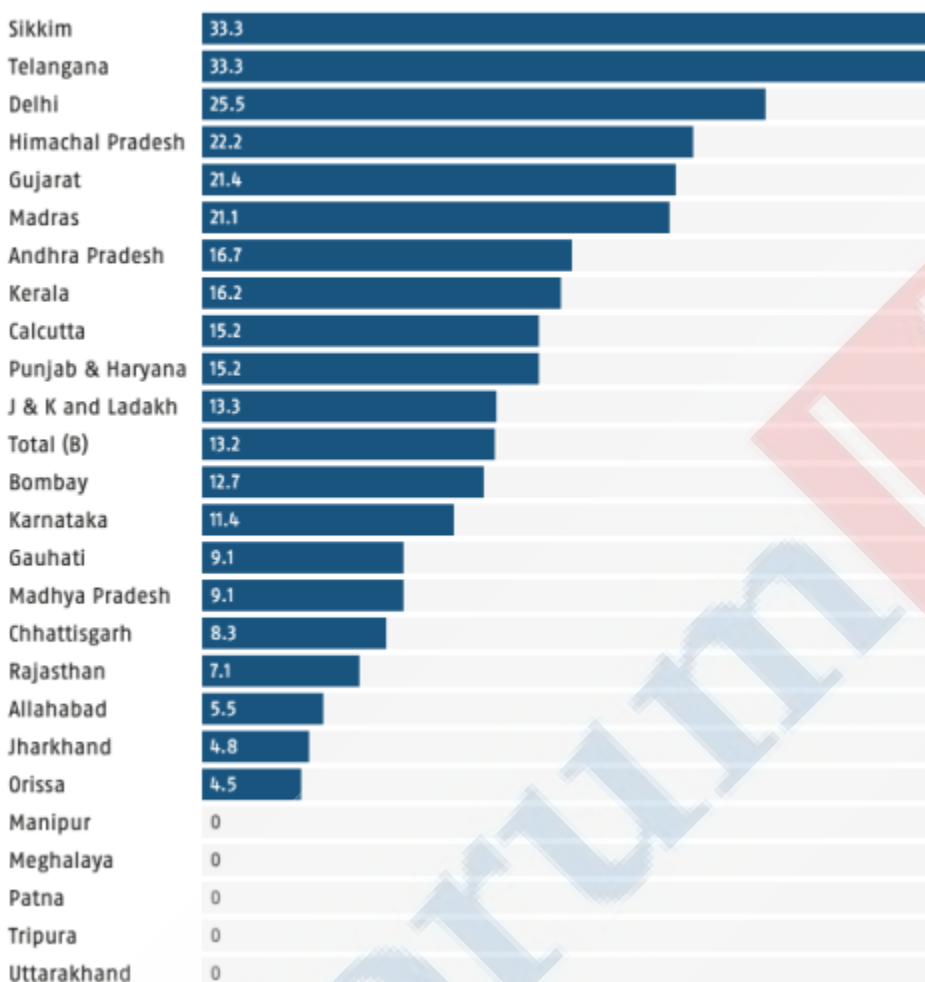
What is the Status of Representation of Women in Judiciary?

Supreme Court: There are 3 Women Judges out of **27 Judges** (including the CJI) at present. The proportion is 11%. There have been only 11 women Judges in the history of Supreme Court so far. Of them, 6 have been appointed since 2014 and 5 since 2018.

High Courts: Collectively for all High Courts, Women Judges constitute only 13.2% of the Judges. However, there are considerable variations among High Courts (HCs). 5 HCs have not a single women Judge. Another 7 HCs have < 10% Women Judges. Sikkim and Telangana HCs have highest representation at 33.3%.

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Five HCs did not have a single woman judge

(women, % of total working strength of judges in High Courts)

State/HC	%
Sikkim	33.3
Telangana	33.3
Delhi	25.5
Himachal Pradesh	22.2
Gujarat	21.4
Madras	21.1
Andhra Pradesh	16.7
Kerala	16.2
Calcutta	15.2
Punjab & Haryana	15.2
J & K and Ladakh	13.3
Total (B)	13.2
Bombay	12.7
Karnataka	11.4
Gauhati	9.1
Madhya Pradesh	9.1
Chhattisgarh	8.3
Rajasthan	7.1
Allahabad	5.5
Jharkhand	4.8
Orissa	4.5
Manipur	0
Meghalaya	0
Patna	0
Tripura	0
Uttarakhand	0

Source: Business Standard

Lower Judiciary: Women Judges constitute ~35% of the Judges in the lower courts. Here the proportion varies from 19.5% in Gujarat to 70% in Goa. 17 of the 36 States and UTs had a smaller proportion of women in the lower judiciary than the national average.

Representation of Women in Judiciary		
Court	Number of Women Judges	% of Women Judges
Supreme Court	3	11.11%
High Court	96	13.20%
Lower Subordinate Courts	6765	35.10%

Based on Government's reply in the Lok Sabha in July 2022.

Out of 1.7 million advocates in the country only 15% are women. Only 2% elected representatives in the State Bar Councils are women.

What are the reasons for Low Representation of Women in Judiciary?

Judicial Rules: Article 233 puts the condition of 7 years of practice as an advocate to be eligible for appointment as District Judge. The Judiciary has interpreted this as 7 years of continuous practice. Most States' Judicial rules dictate a minimum age of 35 years for entry as a district

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judge through direct recruitment. No one below the age of 55 years can be appointed as a judge in the Supreme Court. Marriage and Family responsibilities in this age group reduces the ability of women to compete for roles in the Judiciary.

'Leaking Pipeline' Syndrome: The leaking pipeline syndrome is often used as a metaphor for the way **women disappear as they move from lower to higher levels**. The phenomenon of the leaking pipeline is witnessed across a spectrum of careers including the Judiciary (~35% Judges in Lower Courts to ~11% in the SC). Family responsibilities, personal choices, long working hours and work-life conflict, working conditions, lack of access to employment opportunities, barriers to advancement, inadequate support from family results in women frequently dropping out mid-career. This 'voluntary withdrawal' masks the tacit consent given to patriarchally prescribed gender roles.

Opaque Recruitment Process (Collegium System): There are comparatively more women in the lower tiers of Judiciary due to the **presence of formal qualifications and examinations**. Such arrangement is more rational and transparent. Appointments to Higher Judiciary are undertaken through opaque Collegium System where the eligibility and selection criteria are not known. Critics of collegium system say appointment depends upon favourable evaluations and professional/personal networks.

Uncomfortable Environment: The environment is hostile and sexist making it difficult for female litigators to grow as professionals. According to a Research Paper 'Structural and Discretionary Bias: Appointment of Women Judges in India' 13 Judges out of 19 interviewed acknowledged the gender bias that exists in the appointment procedure of Judges to the Supreme Court and the High Courts.

Lack of Supportive Infrastructure: The dearth of supportive provisions and infrastructure, from toilets to maternity leave, also contribute to a high attrition rate amongst women lawyers. In 6,000 courts across the country, 22% of them do not have separate toilets for women. Many women law graduates prefer to join corporate sector.

Lack of Enabling Provisions: While quotas for women have been implemented in the lower courts of many states, these policies are yet to be implemented in the Higher Judiciary. States like Assam, Rajasthan, Andhra Pradesh, Telangana, Odisha have these enabling provisions and have > 40% Women Judges.

What are the impacts of Low representation of Women in Judiciary?

Prejudice in Judgements: Critics argue that lack of gender perspective leads to prejudiced Judgments e.g., In August 2020, the High Court of Madhya Pradesh granted bail to a molester on the condition that he will get a rakhi tied by the victim. Sometimes Judgments tend to uphold the "behavioural ethics" of Indian women (i.e., how ideal women should behave) e.g., in June 2020, while granting bail to a rape accused, the Karnataka High Court observed that the "*after-rape behaviour of the victim is not how a rape victim 'ideally behaves*". The basis of such judgements is limited to the ideal dignity of a woman, and not on the criminal nature of the act itself.

Deficiencies in Legal Reasoning: The ability of the legal system to understand and respond to different social circumstances and experiences is enriched by more judicial diversity. If there is not adequate women's representation, the justice system will not be able to meet the needs of women and other underserved communities.

Trust Deficit: The lack of women representatives in courts give rise to questions about the courts' legitimacy as representatives of the societies they serve.

What should be the approach going ahead?

Gender Sensitisation: Certain issues need personalization by the Judges. They must see themselves in the shoes of the victim while dealing with cases of sexual violence. The CJI Justice

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Chandrachud recently remarked that Feminist approach should be imbibed while dealing with law. All India Bar Examination should contain questions or sections relating to gender sensitisation.

Gender Bias Task Forces: Similar to the Gender Bias Task Forces in the US, which look at how gender affects court systems, India needs a committee that works to make the judiciary more open to everyone (International Association of Women Judges, 2019).

Mentorship System: The **Geneva Forum on Women in the Judiciary** (2013) had suggested a mentorship system where senior women judges and lawyers can help and guide their younger peers. Regular, informal meetings of women judges and lawyers can be a great way for them to talk about the challenges they faced and figure out what kind of help they need. Such arrangements will prompt more young women to join the judiciary.

Moulding the Rules: The Court have to be cognizant of the societal and familial pressures women face and have to mould their rules accordingly so that more women take up or to continue court practice even after marriage. Lowering the minimum age requirement for the appointment of a district judge can stop female advocates from opting out of practice and working in the corporate sector. Conducive environments and adequate opportunities should be created for women to flourish as advocates and Judges.

Enabling Provisions: Former CJI Justice Ramanna had exhorted women lawyers to strongly raise their demand for 50% reservation in the judiciary. The Supreme Court should ponder on gradually improving the ratio of women Judges in higher Judiciary. Presence of Women Judges can have a revolutionary impact on jurisprudence e.g., Justice Sujata Manohar (2nd Women Judge to be appointed to the Supreme Court) was responsible for writing up the *Vishakha guidelines*.

Conclusion

The representation of women in the Judiciary has seen a gradual uptick. However, despite recent improvements, women continue to face bias in the judicial field. Both institutional mechanisms and social change are necessary to overcome the bias and make the Judiciary truly representative.

Syllabus: GS I, Social Empowerment; GS II, Structure, organization and functioning of the Executive and the Judiciary.

Source: **The Hindu**, **Business Standard**, **Business Standard**, **The Georgetown Journal of Gender and the Law**

[Kurukshetra December Summary] Bridging the Digital Divide – Explained, pointwise

Introduction

Implementing e-governance to empower the population and promote economic growth is a big challenge in large and diversified country like India. The integration of technology-enabled communication and data driven governance along with internet and mobile technology has laid the foundation of efficient governance. e-Governance improves transparency of all operational processes. While e-governance can make governance more accountable and efficient, addressing digital divide and inequality remain a big concern.

Digital Divide

Digital Divide is caused by **different levels of access**, **use**, and **application efficiency of digital resources**. The benefits of internet technology aren't evenly spread, and gaps between the haves and have not's are rising. More connected and more competent people have benefited disproportionately from the digital technologies. **Globally, three billion people lack Internet**

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connectivity, with the majority living in emerging and least-developed countries. Just 15% of people worldwide can afford to use broadband internet (World Bank 2016). Because of poor infrastructure, Internet connections can be slow and expensive, putting it out of reach for many people. In addition to **financial, gender** and **racial disparities**, rural-urban and disability divides are widening. A lot of people, especially women, say they don't use the internet because they **don't have the right skills**.

Digital Gender Divide

According to the **UNICEF Gender and Innovation Brief**, there are 3 major reasons for Digital Gender Divide

ACCESS

- Women have lesser access to **digital devices, data and networks** compared to men.
- **Social norms and gender inequality** underpin the digital gender gap.
- Mobile phones are viewed as a **risk to women's reputation** and as an **interruption to caregiving responsibilities**.
- Women's online activity is often governed by male relatives.
- In India, families exhibited **preference to sons** in providing access to digital devices/data for online education during COVID-19 pandemic.

DIGITAL LITERACY

- Due to Gender inequality women have lower levels of education and **less practice in using or creating digital content**.
- A UNICEF Study found that African and Asian women with secondary education are **6 times more likely to be online** than women with only primary education or less.
- It is also related to a lack of digital products and services **designed for women**.
- **Digital illiteracy is reinforced by lack of access** to digital technologies. Access is necessary to develop digital literacy.

ONLINE SAFETY

- Risks associated with digital technologies include **online harassment, cyberstalking, unsolicited sexual messages, child sexual exploitation** etc.
- According to UNICEF, 52% of women globally have experienced some form of digital harm.
- 90% of child sexual abuse images are of girls.
- 25% of women who are harassed online do nothing, citing reasons like '*it's not worth reporting*' and '*authorities don't care*'.
- Limitations in digital literacy make **women more vulnerable** to online risks than men.

Lack of access results in lack of digital literacy, which increases susceptibility to online abuse.

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To close the digital divide, technological, infrastructure, and social-economic solutions that **address accessibility, affordability, and digital literacy** are required. Existing technology can be used to create high-quality, dependable, and secure internet connections, allowing for unlimited involvement in the digital economy. The digital world has expanded and flourished mostly as a result of technological advancement; current pillars of the information society include e-learning, e-libraries, e-health, and e-governance.

Achieving an Affordable, Inclusive Internet for All

There is a need to **build communications and IT infrastructure** to bridge the digital divide and give economical, all-inclusive access to all. The crucial internet access infrastructure has been the focus of policies during the last ten years. While there is still much work to be done, there have been many notable successes. Currently, a mobile internet signal may be found within range of 70% of the worlds population (Internet Society 2016). To help establish an inclusive and inexpensive internet that increase prospects for innovation, empowerment, and development, policymakers urgently need to broaden their horizons.

The following parameters are significant in the way of achieving an affordable, inclusive internet for all.

Importance of Infrastructure: Governments and the business sector must collaborate to encourage network sharing and the installation of fiber optic cables to construct other types of infrastructure, such as roads and power lines. To facilitate access, promote innovation, and advance development, **Governments and regulators must create rules that stimulate competition and boost network investment**.

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Pricing: Lack of affordability can have a disproportionately negative impact on women because they typically earn less money and have less influence over their purchasing. Policymakers must ensure inexpensive and widespread access to internet at a fair price. A facilitative regulatory environment can enable finance and expedite infrastructure development. Specific packages, referred to as "**zero-rated content," permit unlimited access to certain content or services**. While some contend that zero-rated content can increase internet accessibility, others (including the Indian Telecommunications Regulator and TRAI) have expressed concerns about the potential impact on competition.

Digital Inclusion and Building Human Capacity: Language is a barrier to access. English makes up more than half of web content. Poor knowledge of English reduces propensity to own computer or use the internet(Quast 2016). People are less likely to go online if there is no helpful content available in a language they can understand.

Measuring Access: For Policymakers to make informed decisions to bridge digital divide, they must have access to information about the existing level of disparities. For this, National Statistical Organisations should systematically gather data on Internet access by gender. To create uniform measures, governments should allocate more funds and collaborate with the relevant parties. **e-Government Development Index** (EGDI) serves as a benchmarking and development tool for countries to learn from each other, identify area of strength and challenges in e-government and shape their policy and strategies in this area. (India was ranked 105 out of 193 in 2022 as per the United Nations e-government Survey).

Government Initiatives to Bridge Digital Divide

The Government is India is implementing '**Digital India**' programme to transform India into a knowledge-based society and economy. The programme was launched with to ensure digital access, digital inclusion and empowerment, and bridging the digital divide. The initiative has reduced the distance between the citizens and the Government. Some initiatives under Digital India include:

Common Services Centres (CSCs): Through Village Level Entrepreneurs, CSCs provide digital government and commercial services to rural communities. The CSCs provide more than 400 digital services. 5.31 lakh CSCs are currently operational nationwide (in urban and rural areas), 4.20 lakh of which are at the Gram Panchayat level.

Unified Mobile Application for New-age Governance (UMANG): It provides access to government services to the citizens via mobile. Over 1,570 Government services can be accessed.

e-District Mission Mode Project (MMP): The e-District project has been implemented at district and sub-district levels of all States/UTs. It has benefitted citizens by **delivering various e-Services** such as Certificates (Birth, Caste, Death, Income, and Local Resident), Pension (Old Age, Disability and Widow), Electoral, Consumer Court, Revenue Court, Land Record and services of various departments such as Commercial Tax, Agriculture, Labour, Employment Training and Skill Development etc. Presently 4,671 e-services have been launched in 709 districts across India.

DigiLocker: It is facilitating the paperless availability of public documents. DG locker has more than 11.7 crore users. More than 532 crore documents are made available through Digilocker from 2167 issuer organisations.

Unified Payment Interface (UPI): It is the leading digital payment platform. It is integrated with 330 banks and facilitated over 586 crore monthly transaction worth over RS 10 lakh crore has been facilitated for the month of June 2022.

Read More: UPI and Digital Payments in India – Explained, pointwise

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CO-WIN: It is an open platform for the management of registration, appointment scheduling & managing vaccination certificates for COVID-19. More than 203 crore vaccination doses and 110 crore registrations have been facilitated by CO-WIN.

MyGov: It is a citizen engagement platform that has been developed to facilitate participatory governance. More than 2.48 crore users are actively using MyGov.

Meri Pehchaan: National **Single Sign-on platform** called *Meri Pehchaan* has been launched in July 2022 to facilitate/provide citizens ease of access to government portals.

MyScheme: This platform has been launched in July 2022 to facilitate citizens to avail of eligibility-based services.

Direct Benefit Transfers (DBT): 315 Schemes across 53 Ministries are offering Aadhaar-enabled direct benefit transfers to citizens. So far INR 24.3 lakh crore has been disbursed through the DBT platform.

> **Read More**: [Direct Benefit Transfer (DBT): Advantages and Way Forward – Explained, pointwise](#)

Diksha: It is a national-level educational platform that helps students and teachers to participate, contribute and leverage a common platform to achieve learning goals at scale for the country. As of July 2022, 7,633 courses are available and more than 15 crore enrolments have been done.

e-Kranti: *e-Kranti* **Electronic delivery of services** envisages the provisioning of various e-Governance services in the country. The goal of e-Kranti is to revolutionize e-Government services by growing the portfolio of Mission Mode Projects (MMPs) in e-Government under various government departments, implementing Government Process Reengineering (GPR), automating workflows, introducing cutting-edge technologies including Cloud and mobile platforms, and emphasising the integration of services.

The government has made the following moves in the direction of data governance for the nation's socioeconomic development:

Open Government Data: It is a platform for open government data has been created in order to facilitate data exchange and encourage innovation with regard to non-personal data. Over 5.65 lakh datasets are released over more than 12,800 catalogs. The platform has made 93.5 lakh downloads possible.

API *Setu*: It has been created to make data interchange across systems easier. More than 2100 APls and 1000+ user organizations are available on the platform.

National Data Governance Framework Policy: The National Data Governance Framework Policy has been proposed by MeitY with the intention of realizing the full potential of India's vision for its digital government, enhancing the effectiveness of data-led governance & public service delivery, and fostering data- based research and innovation. The proposed policy is still being refined. In May 2022, MeitY made the Draft National Data Governance Framework Policy available for public comments.

According to a PIB press release, Digital India has also helped deliver substantial services directly to the beneficiary in a transparent and corruption-free manner. India has become one of the pre-eminent nations of the world to use technology to transform the lives of citizens.

Way Forward

First, E-governance in **regional languages** is important for multilingual countries like India. Governments and other stakeholders must support the ability of stakeholders especially women to produce locally relevant content.

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Second, Education and digital literacy programs are essential to equip tomorrow's software developers and local content creators with the abilities they need to contribute to and profit from the information society as creators rather than just consumers.

Third, Governments and businesses should collaborate on R&D, especially to **solve the broadband connectivity gap**, to have a big societal impact when adopting new technologies.

Conclusion

e-Governance must reform all levels of government, but local governments should receive special attention because they are the closest to the people and serve as the primary point of contact for many. Better internet connectivity should be accompanied by improved digital infrastructure, particularly in rural areas. To transform the world and attain the 2030 Sustainable Development Goals, a paradigm shift in how societies run themselves will be required. It will entail rethinking how a government handles a country's public affairs and responds to its inhabitants' needs, as well as how it interacts with civil society and the corporate sector. While e-government focuses on developing online services, the future will focus on how digital government may improve governance by leveraging societal innovation and resilience to advance the SDGs.

Syllabus: GS II, Important aspects of governance, transparency and accountability, e-governance applications, models, successes, limitations, and potential.

Source: Kurukshetra December 2022

Slum Redevelopment in India – Explained, pointwise

Introduction

The Government of Maharashtra has given a go-ahead for the Dharavi Slum Redevelopment Project in Mumbai. Dharavi has often been referred to as the 'largest slum' in Asia. Slums seem to be an integral part of India's urban landscape. Slum are symptomatic of several deficiencies like lack of urban planning, lack of capacity of local bodies, uncontrolled urbanization, unchecked migration etc. Slums suffer from several issues like lack of basic amenities, low human development, and often been criticized as breeding ground of crime. India is set to undergo rapid urbanization in the coming decade. Hence it necessary to ensure that the process of urbanization be sustainable circumscribing further expansion of slums and undertaking redevelopment of existing slums.

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Definition of Slum

- The word 'slum' is often used to describe **informal settlements** within cities that have **inadequate housing** and squalid, miserable living conditions. They are often **overcrowded**, with many people crammed into very small living spaces.
- **UN-HABITAT** defines a slum household as a group of individuals living under the same roof in an urban area who lack one or more of the following:
  - Durable housing of a permanent nature that protects against extreme climate.
  - Sufficient living space, which means not more than three people sharing the same room.
  - Easy access to safe water in sufficient amounts at an affordable price.
  - Access to adequate sanitation in the form of a private or public toilet shared by a reasonable number of people.
  - Security of tenure that prevents forced evictions.

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What are the reasons for the growth of slums in India?

First, Uneven development in different parts of the country leads to **migration to few urban centres** causing **pressure of population** on their infrastructure.

Second, Rapid **growth of population and poverty** force poor people to live in slums leading to their expansion. **Scarcity of land** amidst rising population and demand forcing people to live in congested communities.

Third, **High prices of land** and **high rent** in urban areas creates dearth of affordable housing forcing people to move to slums. Moreover **prevalence of black money in the real estate** sector inflates prices and rents.

Fourth, **lack of urban planning** is a major factor in development of slums. City development plans fail to take into account future expansion of cities. **Corruption in local bodies** lead to delay in development projects related to housing.

Read More: Issues in Urban Planning in India – Explained, pointwise

Fifth, some experts cite lack of political will towards slum redevelopment as slum becomes contesting grounds of politics. Many slum redevelopment projects are caught in politics as being favoring big real estate developers, or encroaching on rights of the poor.

What are the issues associated with Slums?

Inadequate Provision of Necessary Amenities: Slums lack basic amenities like access to clean drinking water, sanitation, waste collection systems, sewerage and electricity. There is also lack of schools and hospitals leading to neglect of both education and health.

Overcrowding and High Density: Overcrowding has been linked to low space per person, high occupancy rates, different families living together, and a lot of one-room units. Most slum units are too crowded, with five to six people or more living, cooking, and sleeping in a single room.

Substandard Housing/Illegal and Inadequate Building Structures: Slum areas have a high number of substandard housing structures (non-compliant with building standards), often built with non-permanent materials unsuitable for housing given local conditions of climate and location. Many structures are unsafe for habitation.

Unhealthy Living Conditions and Hazardous Locations: Lack of basic amenities like clean drinking water, sewerage, waste collection etc. lead to unhealthy and hazardous living conditions. Many slums are adjacent to industrial plants and the residents are exposed to

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hazardous fumes/chemicals/waste. There is high prevalence of disease, especially malaria/cholera/typhoid.

Insecure Tenure: Slum-dwellers lack ownership title to the land they reside. They are under perennial risk of evacuation including harassment by land-mafia.

Poverty and Social Exclusion: Slums are considered as social exclusion areas that are often perceived to have high levels of crime and other social dislocation measures. They are also associated with illegal migrants, internally displaced persons and ethnic minorities. This also gives rise to **vicious cycle of poverty**; poverty becomes both reason and outcome of slums.

Vulnerability of Weaker Sections: Slum-dwelling women and children are at a higher risk of falling victim to social ills such as prostitution, beggary and trafficking.

Other Socioeconomic Issues: Issues like high rate of infant mortality, child marriage, and child labour plague the slums. Hunger, malnutrition, and a lack of quality education are also widely prevalent.

What steps have been taken towards Slum Redevelopment and Urban Housing?

The Government has taken several steps for slum redevelopment.

Slum areas (Improvement and Clearance) Act, (1956): The Act is intended to provide for the improvement and clearance of slum areas in certain Union Territories and for the protection of tenants in such areas from eviction. It gives the appropriate authorities the authority to declare any location to be a slum in accordance with the definition, investigate the possibilities of improvement, or eradicate slums.

National Slum Development Programme (NSDP): It was initiated in 1996. It provided both loans and subsidies to States for slum rehabilitation projects on the basis of their urban slum population.

***Valmiki Ambedkar Malina Basti Awas Yojana* (VAMBAY)**: It was introduced in 2001. It was focused on **shelter for the urban poor**, with 20% of total allocation for community sanitation facilities under the *Nirmal Bharat Abhiyan* (NBA) program.

Basic Services to the Urban Poor (BSUP): BSUP was an important component of Jawaharlal Nehru National Urban Renewal Mission (JNNURM). BSUP aimed to provide basic services to urban poor in 63 largest cities in India by population.

Slum Redevelopment Scheme (SRS): It was launched by the Government of Maharashtra in 1995. It allowed the redevelopment of slums through owners, developers, cooperatives or NGOs. In order to attract private developers to underutilized public land, the scheme granted Transferable Development Rights (TDR) and provided Floor Space Index (FSI) incentives for the developers. It also established the Slum Rehabilitation Authority (SRA).

Integrated Housing & Slum Development Programme (IHSDP): It was launched by the Government of India by merging the schemes of NSDP and VAMBAY. Its objective is to provide adequate shelter and basic infrastructure facilities to the slum dwellers in urban areas.

Interest Subsidy Scheme for Housing the Urban Poor (ISHUP): The Scheme envisages the provision of interest subsidy to economically weak section and Low income groups to enable them to buy or construct houses.

***Rajiv Awas* Yojana (RAY)**: It was launched in 2013. It was focused on bringing existing slums within the formal system and enabling them to avail of the same level of basic amenities as the rest of the town. It also aimed to tackle the shortages of urban land and housing that kept shelter out of reach of the urban poor.

Smart City Mission: It has its focus on basic amenities, education, health services, IT accessibility, digitization, e-governance, sustainable development, safety, and security.

Housing for all by 2022: Its objective is to construct houses for slum dwellers under the slum-rehabilitation scheme and provide loans at subsidized rates for the economically weaker sections.

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Atal Mission for Rejuvenation and Urban Transformation (AMRUT): Its mission is to provide basic services (e.g. water supply, sewerage, urban transport) to households and build amenities in cities which will improve the quality of life for all, especially the poor and the disadvantaged.

National Heritage City Development and Augmentation *Yojana* (HRIDAY): It aims to to preserve and holistically develop the heritage cities of India.

What are the challenges in Slum Redevelopment?

Demand side

Unmet Demand: The Government of India reports there is a shortage of about 19 million homes in urban India, 56% of which are from Economically Weaker Section (EWS) households with monthly income less than INR 25,000.

Limited Access to Financial Resources: The urban poor lack the access to formal financial resources to help them purchase new homes or maintain a new life in a new housing unit even when subsidy is provided by the Government under Rehabilitation schemes. Housing Finance Companies are reluctant to serve the urban poor due to perceived risks (lack of data to assess risk of poor clients).

Supply Side

Lack of available urban land: According to UN-HABITAT, 675 million Indians (~43%) will reside in urban areas by 2035. Land is in high demand due to urbanisation. **Stringent control over land development** generates an artificial urban land shortage, leading to urban sprawl and corruption in land licensing. **Lack of transparent land transaction records** also add up the search time and costs for developers. Additionally, a lot of non-marketable state-owned entities are located in the heart of cities, further limiting the amount of available land for housing.

Lack of Available Urban Land is Driving Up Land Cost	
Constraint	Details
Excess control on the development of land creates artificial shortage	• Tend to sprawl out urban development towards the periphery • May lead to rampant corruption as few stakeholders with large influence
Lack of marketable land parcels	• Nonmarketable state-owned entities often incompatible with real land value • Lack of monitoring provides proliferation of slums and squatter settlements
Titling issues and lack of transparent information	• Incomplete registration form creates great disadvantages to land buyers • Lack of transparency in transaction information hinders land acquisition

Source: niua.org

Rising Construction Costs: Over the last decade, construction costs have risen by almost 80%. With rising material and labour costs, private developers may be unable to supply inexpensive housing to the market on their own.

Regulatory Constraints: Development projects in urban areas are subject to a long approval process regarding different aspects from both State and Central level, which brings about postponement in tasks.

Litigation: The nature of informal settlements leads to complicated and disputed land rights, leading to litigation and delays. In addition, entities opposed to redevelopment projects also resort to litigation e.g., a PIL has already been filed against Dharavi Slum Redevelopment Plan, arguing it will impact Mahim Nature Park, a protected area.

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Illegal subletting: According to Slum Rehabilitation Agency (SRA), many redeveloped units are illegally subleased. In the long run, this is counterproductive to the goal of creating slum free cities.

Environmental sustainability: There are concerns among urban planners about adding additional housing on an already over-constrained municipal systems. Without investing in adding capacity to existing civic infrastructure for the city, such policies could put undue burden on the city's civic amenities, in particular, utilities directly provided to households, such water and electricity.

What should be the approach for Slum Redevelopment?

A report by the National Institute of Urban Affairs (NIUA) has made several suggestions for sustainable Slum Redevelopment.

Administrative Sustainability: One-size-fit-all model may not work at a pan-India level. There is a need to adjust slum redevelopment models according to the local needs. There is need to examine demand (growth) and supply (density), as well as financial incentives. Financial incentives, Floor Space Index (FSI) and Transferable Developmental Rights should be customised according to local conditions.

Decentralized Systems: It is associated with decentralised infrastructure for sanitation and energy amenities. Municipalities have typically centralised public services. Slums lack access to essential services due to high investment costs, a lack of resources to meet development and demand, and low-income groups' refusal to pay taxes and fees. **Decentralized systems** have the ability to alleviate these challenges since they are more cost efficient.

Financial Sustainability: Giving out free housing to slum households under slum redevelopment scheme (SRS) results in issues of illegal subletting, illegal sales of housing, and people returning to slums. To address this, there should be stringent measures to prevent sub-letting. Financial support should be provided to the poor families in order to pay for the cost of the house.

Micro financing: Scaling up micro-finance is more effective in delivering housing funds for the urban poor.

Conclusion

Ensuring sustainable urbanization should be the top policy priority in the coming decade. Eliminating slums will be a crucial aspect in sustainable urbanization. In this context, focus has to be on prevention of creation of further slums as well as slum redevelopment to develop existing slums.

Syllabus: GS I, Urbanization, their problems and their remedies; GS III, Infrastructure.

Source: **Indian Express**, **Mint**, **niua.org**

The UN Treaty on Plastic Pollution – Explained, pointwise

Introduction

The first session of the Intergovernmental Negotiating Committee (INC-1) concluded on December 2, 2022 in Punta Del Este (Uruguay). The Committee has been tasked with developing an **international legally binding instrument to end plastic pollution** (UN Treaty on Plastic Pollution). The INC-1 has been formed under the United Nations Environment Assembly (UNEA) Resolution passed in March 2022, that had voted to formulate an international legally-binding instrument by 2024 to end plastic pollution. Plastic Pollution has become a global menace. The UNEA resolution identifies the threat that plastic pollution poses to human health and all environments. It is focused on the need to undertake measures throughout the lifecycle of

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plastics in order to efficiently reduce their negative impact. A legally binding treaty is expected to push countries to take all possible steps to check plastic pollution.

What is the extent of Plastic Pollution?

Global

Plastic pollution is a global problem. According to UNEP, Approximately **7 billion of the 9.2 billion tonnes of plastic produced from 1950-2017 became plastic waste, ending up in landfills or dumped**. According to OECD, Plastic waste more than doubled to 353 Million Tonnes (MT, in 2019) from 156 MT (in 2000). By 2019, 109 MT had accumulated in rivers and 30 MT in oceans.

Plastic accounts for 85% of all marine litter. The UN Environment Programme (UNEP) predicts that the amount of plastic in the ocean will nearly triple by 2040, adding 23 MT to 37 MT more waste every year. According to the philanthropic Minderoo Foundation (Australia), the cost of plastic pollution to society (including environmental clean-up and ecosystem degradation) exceeds US$ 100 billion a year.

According to various studies, plastic debris affects 86% of all sea turtle species, 44% of all seabird species, and 43% of all marine mammal species.

Source: Our World in Data

India

According to CPCB reports, Plastic contributes to 8% of the total solid waste, with Delhi producing the maximum quantity followed by Kolkata and Ahmedabad. **Only 60% of the total plastic waste is being recycled**.

The seas near Mumbai, Kerala and the Andaman and Nicobar Islands are among the worst polluted in the

According to CSE report titled '**The Plastic Life-cycle**' **plastic has gradually replaced the alternate forms of packaging** like metal, paper and glass, leaving consumers with the option of

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buying utilities packaged in plastic. Most of the plastic used in India today is for packaging and a major proportion of this is single-use plastic and might not be recyclable.

Most of India's plastic waste is **leaking in the environment** or **dumped in open dumpsites** (67%). 20% of the plastic waste is being channelised for end-of-life solutions like **co-incineration**, **plastic-to-fuel** and **road making**, and **12% is being recycled**.

What is the need for the UN Treaty on Plastic Pollution?

First, the **impacts of plastic pollution are becoming grave**. Plastic pollution is threatening land- and marine-based ecosystems. Exposure to plastics can harm human health, potentially affecting fertility, hormonal, metabolic and neurological activity.

Second, globally, **Plastic production is rising rapidly**. Plastic production increased from 2 million tonnes in 1950 to 348 million tonnes in 2017. Plastic manufacturing has become a global industry valued at US$ 522 billion, and is expected to double in capacity by 2040. This will further damage the environment.

Third, **Plastic pollution transcends national boundaries**. A major chunk of plastic waste ends up in oceans, which are part of global commons and beyond individual jurisdictions. Micro-plastics have been found in pristine environments of Antarctica. Hence a collective effort is required to preserve the oceans and global commons.

Fourth, in an increasing integrated world, **actions by individual countries may be rendered ineffective** in the absence of commensurate efforts by trading countries e.g., India may ban single-use plastics but single-use plastic materials can still enter India through imports.

Fifth, Plastics ending up in landfills are known to contribute to **Greenhouse Gases** (GHGs) which lead to global warming and climate change. By 2050 greenhouse gas emissions associated with plastic production, use and disposal would account for 15% of allowed emissions. This **necessitates collective effort** just like the UNFCCC framework.

Sixth, a **legally binding framework**, with **measurable targets** and **periodic reviews** will force the countries to take action.

Without effective action, global plastic production is predicted to triple by 2060 and large amounts of plastic will end up in environment and oceans. Regulating plastic pollution on a global level is therefore an important step that can contribute to the climate transition, as well as protect the oceans, the environment and biodiversity.

What has been the progress on the UN Treaty on Plastic Pollution?

The UNEA had passed the resolution in March 2022 to formulate an international legally-binding instrument by 2024. The resolution was agreed by representatives from 175 nations. The Intergovernmental Negotiating Committee has been established to negotiate the treaty. Its first meeting was held from November 28, 2022 to December 02, 2022. This was the first of **five planned negotiation sessions**. The next session is due to be held in France in the first half of 2023.

According to the INC mandate, the drafted UN Treaty on Plastic Change **should be legally binding** for all countries signing and ratifying the agreement, consider the **entire life cycle of plastic**, consider **financial and technical assistance** for countries requesting such assistance, and **recognise the importance of waste pickers** involved in collecting, sorting, and recycling.

The current mandate does not clearly acknowledge and indicate the impact of plastics production and disposal on climate change. It also **does not talk about the unknown chemicals** that are used in the production of plastics. Currently, more than 10,000 chemicals (additives) are used to manufacture plastics with close to 25% of the chemicals being proven to have adverse effects on human health. On an average, every plastic product had close to 20 additives.

What steps have been taken by India to control Plastic Pollution?

Union Government: **(a)** The Extended Producer Responsibility (EPR) legislation, which exists in European Union, North America, Latin America, and OECD countries had been introduced in India in 2022 for plastic packaging; **(b)** The Government has **banned the use of Single-use plastics**; **(c) Plastic Waste Management Rules, 2016** (Amended 2022) have been formulated to deal with plastic pollution; **(d)** The Swachh Bharat Mission 2.0 has listed **plastic waste management as one of its key agenda**; **(e)** In 2018, India's World Environment Day celebrations were themed on beating plastic pollution; **(f)** The Ministry of Jal Shakti has requested various governmental departments to **avoid the use of plastic bottles to provide drinking water during governmental meetings** and to instead make arrangements for providing drinking water that do not generate plastic waste; **(g)** Shredded plastic waste has been **used in laying roads** e.g., Jambulingam Street in Chennai was one of India's first plastic roads built in 2002. In 2015-16, the National Rural Road Development Agency laid around 7,500 km of roads using plastic waste.

> **Read More**: [Plastic Waste Management (Amendment) Rules, 2022 – Explained, pointwise](#)

State Governments: **(a)** The state of Sikkim has restricted the usage of plastic water bottles (in government functions and meetings) and styrofoam products; **(b)** The state of Bihar has banned the usage of plastic water bottles in governmental meetings.

> **Read More**: [Ban on Single-Use Plastic – Explained, pointwise](#)

Other Steps: **(a)** Some supermarkets charge their customers for plastic bags, and in some places more efficient reusable or biodegradable materials are being used in place of plastics; **(b)** Some communities and businesses have put a ban on some commonly used plastic items, such as bottled water and plastic bags; **(c)** Technologies are available in India that can convert 1 Kg of plastic to 750 ml of automotive grade gasoline.

What should be the features of UN Treaty on Plastic Pollution?

Support and Enforcement: **(a)** There is need for realistic policies which must be **properly followed and enforced**. There must be **clear actionable** and **legally binding targets** and **periodic reviews** to measure progress in order to ensure implementation; **(b)** There is need to setup proper **financial incentives and regulations** to shape the right economic conditions for a circular economy, including for reuse models and recycled plastics. Financial support mechanisms should be setup to support developing and poor countries for transition; **(c)** There is a need to **facilitate investments** to scale relevant innovations, infrastructures and skills in countries and industries most in need of international support; **(d) Public-private collaboration** should be fostered for innovative solutions.

Balance Competing Opinions: There are competing opinions about how to resolve pollution: NGOs and lobbyists often want to **ban single-use plastics** and find safer alternatives. The plastics industry is of the opinion that pollution can be solved through **improved waste collection**. The waste-management and recycling industries push for **more recycling**. Experts suggest that the Treaty should evaluate all options and include all of these measures, with varying degrees from country to country. Many experts opine that banning the movement of plastic waste from high-income countries to lower-income countries will also reduce pollution.

Structural Change: The linear take-make-dispose economy needs to be **replaced by a circular economy** which forms the basis of the solutions to the plastic pollution problem facing the world. Four strategies that can guide the transition to a circular economy are: **(a)** Reduce the size of the problem by eliminating and substituting problematic and unnecessary plastic items, including hazardous additives; **(b)** Ensure that plastic products are designed to be circular— reusable as a first priority, and recyclable or compostable after multiple uses at the end of their useful life;

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(c) Close the loop of plastics in the economy by ensuring that plastic products are reused, recycled, or composted; **(d)** Manage plastics that cannot be reused or recycled (including existing pollution) in an environmentally responsible manner.

> **Read More**: Circular Economy: Meaning, Benefits and Opportunities – Explained, pointwise

Address Marine Pollution: For global reduction of plastic litters and ocean pollution, there is need for improvement in proper plastic waste collection, treatment and disposal. Countries should agree, as part of the treaty, to **place a surcharge on the creation of plastic products**. This money could be used to fund recycling. Most treated waste waters are discharged into rivers or oceans, therefore, there is **need for a ban** such as Annex V to the International Convention for Prevention of Pollution from Ship (MARPOL) agreement, which will **prevent plastic waste disposal into the sea**.

Bioplastics as Alternative: Bioplastics can be produced from different biodegradable and non-biodegradable materials including weeds, hemp, plant oil, potato starch, cellulose, corn starch etc. Specific provisions in the treaty can promote use of bioplastics. Italy has enacted law that has made it compulsory for biodegradable plastic bags to be used for shopping.

Conclusion

Plastic pollution is perhaps the biggest threat facing after planet after climate change. UNFCCC has provided a systematic framework for collective action to address Climate Change. The UN Treaty on Plastic Pollution can provide a similar mechanism to combat plastic pollution. The UNEA has set a deadline of 2024 to agree on the treaty. All nations should support the negotiation process to reach a consensus as early as possible and stick to the 2024 deadline.

Syllabus: GS III, Conservation, Environmental Pollution and Degradation.
Source: **Down to Earth**, **Down to Earth**, **The Hindu**, **Nature**

Climate Justice: Meaning, Challenges and Way Forward – Explained, pointwise

Introduction

The COP27 of the UNFCCC concluded recently in Sharm el-Sheikh, Egypt. The only remarkable outcome of the Summit was announcement regarding setting up on Loss and Damage Fund. Skeptics, however, are wary that the real challenge is operationalizing the Fund, and there is a high possibility that Loss and Damage Fund may also end up an empty promise like other Climate Finance measures. At the opening of the COP27, former Vice President of the US and Environmentalist, Mr. Al Gore remarked that, "*We are not doing enough*", in context of efforts of Developed nations. Developed nations have continued to dilute the climate negotiations and are increasingly put the burden of addressing climate change on developing nations including India. Climate experts and environmentalists have lamented the lack of progress on important issues of Climate Finance, and gradual shifting of burden of climate action on developing nations. This is being termed as violative of Climate Justice.

What is the meaning of Climate Justice?

Climate justice is a term used for **framing global warming as an ethical and political issue**, rather than one that is purely environmental or physical in nature.

'Climate Justice' acknowledges climate change can have differing social, economic, public health, and other adverse impacts on underprivileged populations. The **impacts of climate change are not borne equally or fairly**, between rich and poor, women and men, and older and younger generations. From extreme weather to rising sea levels, the effects of climate change often have disproportionate effects on historically marginalized or underserved communities.

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Pursuing climate justice means addressing **social**, **gender**, **economic**, **intergenerational** and **environmental injustice**. All the dimensions of injustice are interconnected with each other and must be acknowledged in order to address them holistically e.g., some climate projects inadvertently create climate injustices when local communities are displaced for a conservation or renewable energy initiative.

Advocates for climate justice are striving to have these inequities addressed through long-term mitigation and adaptation strategies.

Climate Justice can be summarised under Four types of Justice:

Procedural Climate Justice: It is associated with **fair, accountable, and clear ways to make decisions about the effects of climate change** and how to deal with them. It is imperative to have fair procedures in place to make sure that goods are distributed fairly and in a way that is open and accountable. This can be ensured by due process, public participation, and representative justice. This can include **access to information**, **access to and meaningful participation in decision-making**, **lack of bias on the part of decision-makers**. It includes ideas like "transparency", "fair representation", "impartiality", and "objectivity".

Distributive Climate Justice: This aspect of justice deals with **how costs and benefits of climate change are shared**. There are three main aspects of distribution: **(a)** Identifying the goods that are being distributed (e.g. food, clothing, water, power, wealth, or respect); **(b)** Identifying the entities between which they are to be distributed (e.g. members of certain communities or stakeholders, certain generations, all of humankind); **(c)** Identifying the most appropriate **mode of distribution** (e.g. status, need, merit, rights, or ascriptive and social identities).

Recognition Climate Justice: It is focused on recognition of difference. It means **identifying vulnerable people** whose vulnerability may be worsened as a result of a process such as a low-carbon transition. Recognition Climate Justice places emphasis on **understanding differences** alongside **protecting equal rights for all**, especially given uneven capacity to defend rights.

Intergenerational Climate Justice: It was recognized in the **Brundtland Report 'Our Common Future'** (1987) which conceived of sustainable development as being about the **ability of current generations to meet their needs without compromising the ability of future generations to meet their own needs**.

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Source: Center for Climate Justice

The Center for Climate Justice (University of California) has identified **6 Pillars of Climate Justice**:

Just Transition: A just transition represents the transition of fossil fuel-based economies to equitable, regenerative, renewable energy-based systems.

Social Racial and Environmental Justice: It recognizes the disproportionate impacts of climate change on low-income and poor communities around the world, the people and places least responsible for the problem.

Indigenous Climate Action: Indigenous communities around the world are facing some of the most severe climate impacts. Indigenous communities are deeply reliant on their surrounding ecosystems for their lives and livelihoods. Indigenous Peoples are leading efforts in climate change mitigation and adaptation across the globe **Climate Action should acknowledge their knowledge and role**.

Community Resilience and Adaptation: Community resilience and adaptation must be viewed from a perspective of social justice and equity. This would inspire models such as **food sovereignty**, **common property forest management**, and **energy democracy**. It would support local communities in **developing their own solutions** and allow them to benefit directly from local climate action.

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Natural Climate Solutions: From a climate justice perspective, natural climate solutions take a systems approach and include regenerative farming, agroforestry, permaculture, urban gardens, and forest restoration.

Climate Education and Engagement: Widespread climate education and engagement is fundamental to addressing the root causes of climate change. A populace better educated about climate justice will fully understand why viewing climate change from a social justice and equity perspective is the best hope for solving the climate crisis.

What is the meaning of Intergenerational and Intragenerational Equity?

Intragenerational and intergenerational equity are both time-based concepts.

Intergenerational Equity refers to the balance between present and future generations. **Intragenerational Equity refers to the balance between the rich and poor of the current generation**.

Sustainable equity seeks to strike a proper balance between the two.

Intergenerational equity is linked to **fair utilization of resources** by human generations in past, present and future. It tries to construct a **balance of consumption of resources** by existing societies and the future generations. It is concerned with growing degradation of environment and depletion of resources. In this context, UN's concept of sustainable development is linked with Intergenerational Equity.

Intra-generational Equity deals with the **equality among the same generations** as far as the utilization of resources are concern. It includes **fair utilization of global resources** among the human beings of the present generation.

It is reflected in **Principle 6 of the Rio Declaration on Environment and Development**, mandating particular priority for the **special situation and needs of developing countries**, particularly the least developed and those most environmentally vulnerable.

What are the challenges in ensuring Climate Justice?

Gradual Dilution of Common but Differentiated Responsibilities (CBDR): Article 3 of the UNFCCC recognizes the principle of CBDR based on differences between developed and developing countries in terms of their **current circumstances and historical contributions**. However, developed countries keep on pushing for higher commitments by developing countries e.g., Western nations pushed for 'phase-out' of coal at Glasgow 2021 (before agreeing for 'phase-down'). Coal is a cheap source and phasing-out of coal imposes big costs on developing countries.

Avoidance of Binding Targets: The Nationally Determined Contributions (NDCs) under the Paris Agreement are voluntary in nature. They are not binding and legally enforceable. Kyoto Protocol had binding targets for developed countries but it has been non-functional. Developed countries by avoiding binding targets have reneged on their responsibility owing to historical contributions.

Shortfall in Climate Finance: Despite their pledge, the developed countries have failed to provide US$ 100 billion per year for Climate Finance. Climate experts contend that US$ 100 billion per year is minuscule to address Climate Change. IPCC estimates that US$ 1.6–3.8 trillion is required annually to avoid warming exceeding 1.5°C.

Read More: Climate Finance: Meaning, Need and Challenges – Explained, pointwise

How can Climate Justice be ensured?

First, the intragenerational equity can be addressed through a **predictable and assured Climate Finance**. There can be binding targets on developed countries to provide funding to vulnerable countries, commensurate to their historical contributions.

Second, the Climate Finance can be **augmented by technology transfer** to the developing nations and accelerating their transition to low-carbon economies.

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Third, 'Climate-induced Disasters' may become the 'new normal'. Climate Justice concerns should be mainstreamed into disaster relief efforts. Loss and Damage Fund should recognize principles of Climate Justice and **should provide relief without any conditions**.

Fourth, Developed countries, recognizing their historical responsibility, should take **binding targets in reducing their emissions**.

Fifth, Developing countries should also focus on **ensuring intra-generational equity within their own societies**. They should take steps for climate education and engagement.

Conclusion

Climate Justice has remained elusive in the present framework of Climate Negotiations and Action. The developed countries have been gradually shifting the onus on the poor and developing nations. There is a need for course correction. Non-recognition of Climate Justice in Climate Action Framework will eventually lead to failure in achieving the goals agreed under the UNFCCC and Paris Agreement.

Syllabus: GS III, Conservation, Environmental Pollution and Degradation.

Source: **The Hindu**, **Institute of Development Studies**, **LSE**, **Centre for Climate Justice**

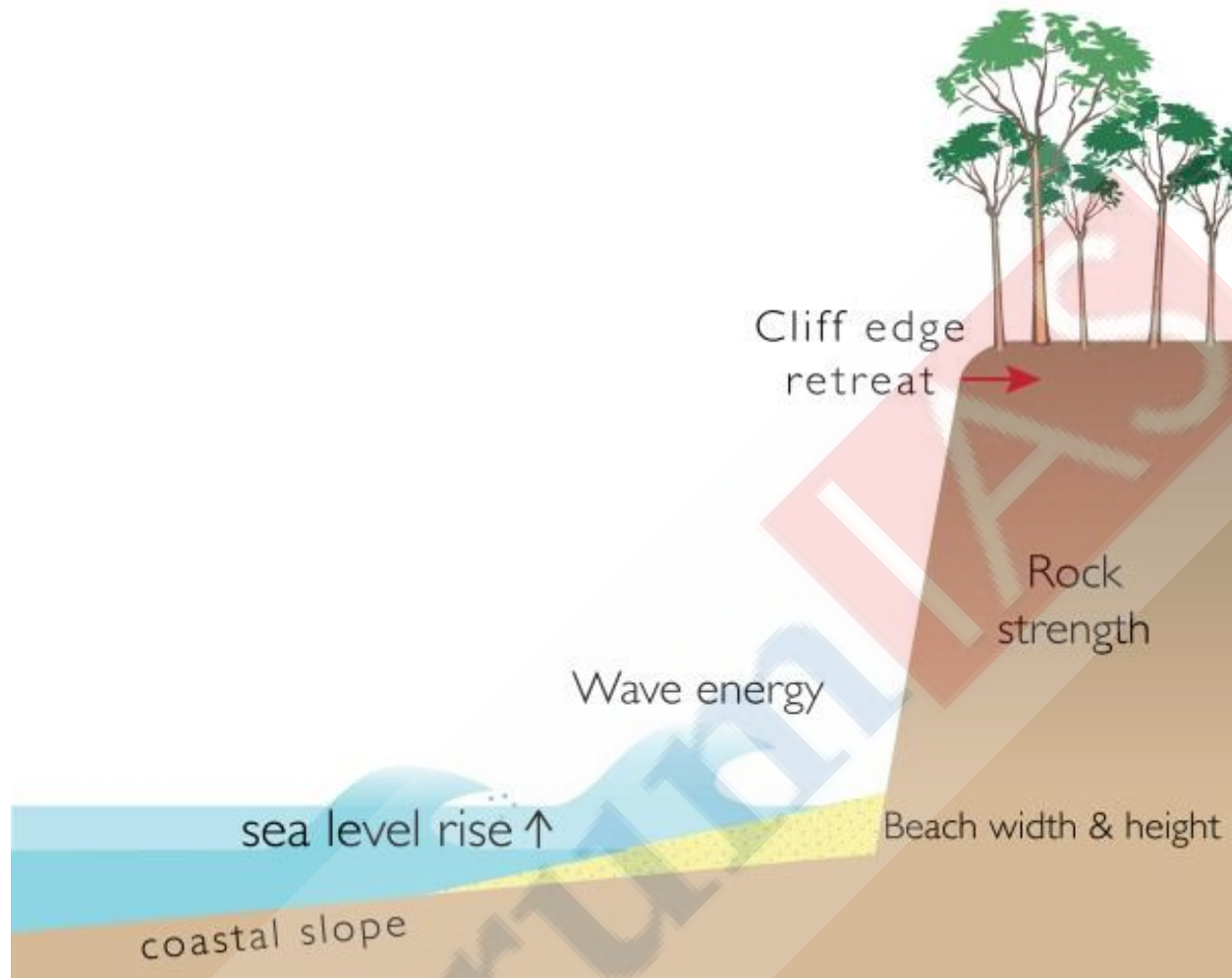## [Yojana November Summary] Coastal Erosion – Explained, pointwise

Introduction

Coastal Areas are of vital importance. According to the UNEP, ~37% of the world's population lives within 100 km of the coast. Coastal areas support a lot of economic activities including international trade and fishing. According to the OECD, ~90% of global trade occurs through marine route. Coastal areas have witnessed accelerated developmental activities and rising human population. The developmental activities have put tremendous pressure on the fragile coastal environment. The trend is same in India with coastal cities like Mumbai, Chennai, Kolkata, Kochi, Vishakhapatnam etc. witnessing tremendous growth and expansion. This has given rise to new challenges including accelerated coastal erosion. There is a need to counter the menace of coastal erosion and to protect the coasts, using both the traditional approaches and also using the new, innovative soft measures like dune rehabilitation.

About Coastal Erosion

A coastline is a complex series of interlinked physical systems in which both **offshore and onshore processes** are involved. Coastal Erosion is one such physical process.

Coastal Erosion refers to the **loss of land, long-term removal of sediment and rocks along the coastline** due the **action of sea-waves, currents, tides and other impacts of storms**. It involves wearing away and redistributing solid elements of the shoreline as well as sediment. Erosion occurs when the material being removed, for deposition elsewhere, exceeds the rate of supply finally resulting in the **landward shifting of the shoreline**.

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Source: USGS

Waves are the main cause of coastal erosion. Wave takes birth in the mid-ocean and moves towards the coast. Waves bring an enormous amount of energy to the coast that is dissipated through wave breaking, generation of currents, water level changes, and movement of sediment, turbulence, and heat.

Wave energy is the result of three factors: **(a) Speed of the wind** blowing over the surface of the sea; **(b) Length of fetch** (i.e., the distance of sea over which the wind has been blowing); **(c) Length of time** that the wind has been blowing for. Waves are the major factor in determining the geometry and composition of the beaches. The action of waves dictates the processes of removal and addition of material/sediment on the coast.

Coastal sediment accumulates by **process of accretion**. Coastal erosion and accretion are natural processes that cause gradual to abrupt changes in coastlines over time and are instrumental in defining coastal landscape. These processes can occur in reaction to both **small-scale phenomena** like storms, frequent wave action, tides, and winds, as well as **large-scale events** like glacial or orogenic cycles, or tectonic movements that induce coastal land subsidence or emergence.

History of Coastal Erosion in India

Coastal erosion is an extensive and multi-dimensional problem for a vast country like India. **Kerala is worst affected State by coastal erosion in India**. In the original assessment in the 1960s, about 57% of the coastline was identified as vulnerable. Anti-erosion measures have been

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undertaken in the State from the nineteenth century. An assessment made in the late 1980s indicated that almost 85% of Kerala's coastline was undergoing erosion.

Later, it was found that Karnataka and Maharashtra were also affected badly by sea erosion. The problem in other States was found to be in **patches/coastal pockets** depending on various factors.

The first anti-sea erosion measure in Puducherry was initiated by the French in the early 1920s when a 1.75 km long retaining wall was constructed along the urban coastline in Puducherry.

Findings of the Shoreline Change Atlas of Indian Coast prepared based on satellite imageries of timeframe of 2004-06 and 2014-16

State	Erosion Area (in ha)	Erosion Length (in km)	Accretion area (in ha)	Accretion Length (in km)	Stable Length (in km)	Total Length (in km)
Gujarat, Daman & Diu	313.6	109.76	207.75	49.18	1051.44	1210.4
Maharashtra	104.75	75.16	209.94	60.27	588.64	724.07
Goa	28.78	21.7	13.6	7.13	116.73	145.56
Karnataka	72.05	40.19	111.39	47.74	230.86	318.78
Kerala	285.02	137.33	303.3	121.13	327.17	585.63
Tamil Nadu and Puducherry	358.35	128.88	470.68	188.6	531.57	849.07
Andhra Pradesh	795.67	188.95	807.88	208.15	413.33	810.4
Odisha	831.35	143.6	753.5	98.77	208.19	450.53
West Bengal	393.67	56.3	141.18	33.9	67.24	157.45
Lakshadweep Islands	16.59	11.65	18.4	13.15	115.84	140.66
Andaman-Nicobar Islands	480.08	230.77	1004.01	256.31	1669.7	2156.79
Total	3679.91	1144.29	4041.63	1084.33	5320.71	7549.34

Source: Yojana November 2022

Causes of Coastal Erosion

The shoreline/coastline (the boundary between land and sea) keeps changing its shape and position continuously due to dynamic environmental conditions. Various developmental projects in coastal areas lead to diverse coastal hazards like soil erosion, seawater intrusion, coral bleaching, shoreline change, etc.

Natural Causes

Natural factors influencing coastal erosion are **waves**, **winds**, **tides**, **near-shore currents**, **storms**, **sea level rise**, etc.

The combined action of different processes on the coastline like waves and tides maintains the stability of the shoreline. If for any reason, the sediment supply to a section of beach is reduced due to littoral drift/sea-level rise or constant impact of waves, it can cause severe erosion.

The **natural variation in the supply of sediments** to the coastline from the river can affect the erosion of the coastline.

An **increasing sea level will promote shoreline erosion**. Such erosion is higher in the littoral coasts consisting of finer sediments, as compared to coasts consisting of coarser sediments.

Subsidence is a regional phenomenon that **lowers the surface area in a specific region**. It also contributes to coastal erosion, the rate may vary as per the factor causing this subsidence.

Catastrophic events like **severe storms**, **tidal surges**, and **cyclones** cause the sea level to rise to abnormal heights and cause severe erosion.

Human-induced Erosion

Most of the human-induced erosion is due to **human interventions in the natural transportation process as well as in the sediment load of the rivers**. Human activity includes

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ports/harbours works, coastal defence structures, river regulation works, dredging aggregate extraction/ sand mining, oil/gas exploration (in the form of long-term subsidence) etc. that **impact sediment transport**.

Coastal activities can also directly or indirectly result in beach erosion e.g., **(a)** Building houses via land reclamation or within sand dune areas has a long-term impact on coastal processes and sediment stability; **(b)** Harbours often have shore-perpendicular/inclined **breakwaters** (permanent structure constructed at a coastal area to protect against tides, currents, waves, and storm surges), which **obstruct the long-shore transport of sand** and cause accretion on the up-drift side, and erosion down drift; **(c)** Groynes (It is a rigid hydraulic structure built perpendicularly from an ocean shore or a river bank, interrupting water flow and limiting the movement of sediment) and jetties and other structures on the coast/ shoreline interfere with long-shore sand transport and can result in erosion when these are ill-designed; **(d)** The **mining of sand/gravel along beaches** and in the surf zone will cause erosion by depleting the shore of its sediment resources; **(e) Coral mining** and other means of spoiling the protective coral reefs also cause coastal erosion and beach degradation. The production of carbonate sand stops due to the killing of the corals and the protective function of the reef disappears; **(f)** Dredging of harbours, navigation channels leads to loss of sand and disturbs sediment equilibrium; **(g)** The **removal of dune vegetation and mangroves** causes exposure of the low-energy shorelines to the increased energy and reduced sediment stability. This further promotes erosion of coastal zone.

Climate Change

Coasts are sensitive to sea level rise, changes in the frequency and intensity of storms, increases in precipitation, and warmer ocean temperatures.

In addition, rising atmospheric concentrations of carbon dioxide (CO2) are causing the oceans to absorb more of the gas and become more acidic. This rising acidity can have **significant impacts on coastal and marine ecosystems**. The low-lying areas along the coast are likely to be **prone to salinisation** due to seawater intrusion (surface and ground).

Protection Measures for Coastal Erosion

Coastal preservation measures **slow natural or man-made coastline erosion** over time. Nature offers many protective measures. Headlands, reefs, coastlines, dunes, etc. show nature's coastal defence.

There are non-structural, structural and a mix of both measures to check coastal erosion. A combination of hard and soft options has become more popular for optimum results because they have weaknesses when used singularly. Many coastal protection schemes have failed and resulted in environmental and socio-economic problems owing to improper design, construction, and maintenance. They were often only implemented locally in specific places or within jurisdictional boundaries, rather than at s**ystem boundaries that reflect natural processes**.

Brief description of these measures is given below:

Non-structural Measures

The Non-structural measures aim at the **dissipation of the wave energy by mirroring the natural forces** and **maintaining the natural topography of the coast**. These measures are also called **soft solutions**. Some of these are: **(a)** Artificial nourishment of beaches; **(b)** Coastal vegetation such as mangrove and palm plantation; **(c)** Sand bypassing at tidal inlets; **(d)** Dune reconstruction/rehabilitation.

Non- structural measures like **adaptation to natural coastal processes** (by using large setback distances, relocating vital structures, etc.) and **moderation of coastal erosion** (by stabilising coastal slopes, tripping the waves, etc.) should be used before employing hard structural measures.

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These measures have limitations. While **artificial nourishment of beaches** is **complicated and costly**, **mangrove plantation** is possible only in **marshy land** and in semi-tropical or tropical conditions.

Structural Measures

The structural measures, also known as the **hard structural/engineering measures** use **physical structures constructed near the coast** to **prevent or restrict water** from reaching the potential damage areas. These solutions influence the coastal processes to stop/reduce the rate of coastal erosion.

The structural measures used for coastal erosion prevention include **seawalls**, **off-shore breakwaters**, **groins/groynes/spurs**, **offshore reefs**, and **artificial headland**.
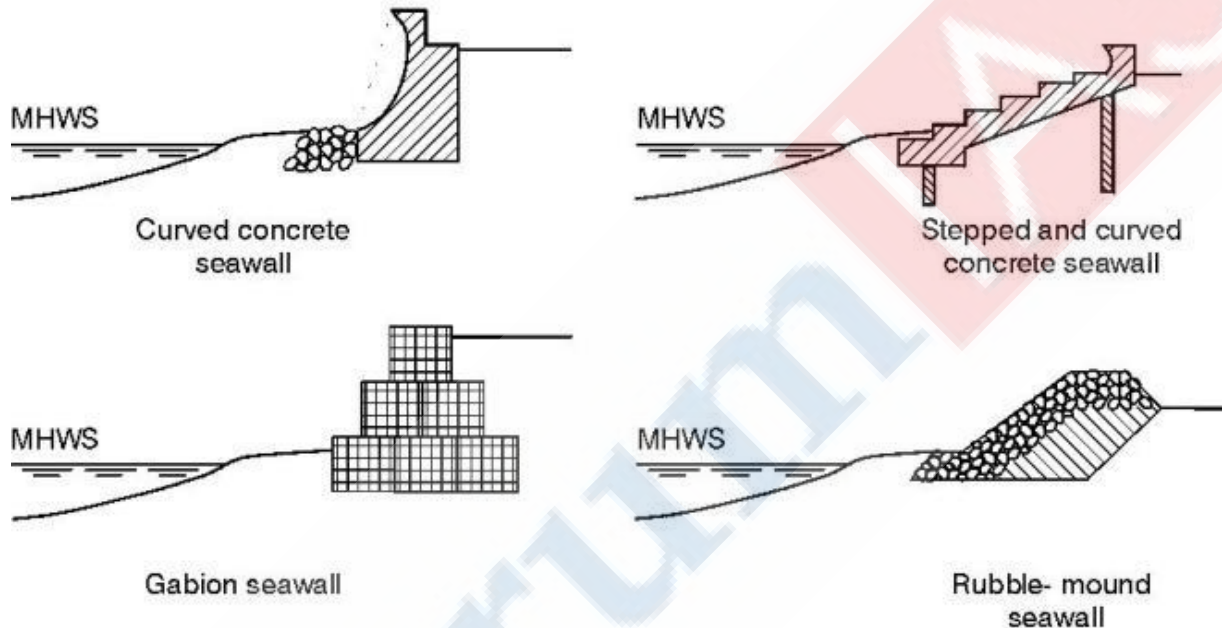
Source: Wikimedia Commons

Out of the above measures, seawall is popular and generally used in almost all maritime regions. Hard solutions **cause erosion and needless accretion**, are **expensive**, and can reduce the site's economic worth by making it less appealing. Soft solutions are not quick-fixes and need time to be successful in the medium to long term.

Combination of the Structural and Non-Structural Measures

Combining structural and non-structural measures **improves efficacy and efficiency**. The combination creates a **sustainable and affordable coastal protection system**. Some of the common approaches of combinations are: **(a)** Combining beach nourishment with artificial headlands/groynes; **(b)** Revegetation with temporary offshore breakwaters/ artificial reefs.

Using a combination of beach nourishment and groynes/artificial headlands promotes the trapping of the downdrift movement of the sediment, thus reducing **downdrift erosion**. This also reduces the frequency of renourishment.

Initiatives to Check Coastal Erosion

Coastal Management Directorate, Central Water Commission (CWC), Department of Water Resources, River Development & Ganga Rejuvenation have undertaken a project entitled, "Shoreline Change Atlas of the Indian Coast" along with the Space Applications Centre (ISRO), Ahmedabad.

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The Indian National Centre for Ocean Information Services (INCOIS) had prepared and published an **atlas of Coastal Vulnerability Index** (CVI) maps for the entire coastline of India.

'**Coastal Management Information System**' (CMIS) has been initiated to collect data on coastal processes towards coastal protection measures.

National Centre for Sustainable Coastal Management aims to promote **integrated and sustainable management of the coastal and marine areas** in India for the benefit and wellbeing of the traditional coastal and island communities.

Integrated Coastal Zone Management Plan is a process for the management of the coast using an integrated approach, regarding all aspects of the coastal zone, including geographical and political boundaries, in an attempt to achieve sustainability.

The **Coastal Regulation Zone (CRZ) Notification** was issued in 1991 under the **Environmental Protection Act, 1986**, by the Ministry of Environment, Forest and Climate Change (MoEFCC) to regulate activities in coastal areas.

A **National Strategy for Coastal Protection** along with guidelines has been framed for all Coastal States and Union Territories by the MoEFCC.

The Flood Management scheme of Ministry of Jal Shakti, includes anti-sea erosion schemes.

Way forward

According to the Fifteenth Finance Commission, the National Disaster Management Authority (NDMA) and the Ministry of Home Affairs may adopt **appropriate regulations for erosion mitigation measures**. Both the Union and State Governments may develop a policy to cope with the widespread displacement of people caused by coastal and river erosion.

In addition, the Commission has provided specific recommendations for "Mitigation Measures to Prevent Erosion" under NDMF (National Disaster Mitigation Fund) and "Resettlement of Displaced People Affected by Erosion" under NDRF (National Disaster Response Fund).

Conclusion

As a result of globalisation, the diverse and culturally productive coastal ecosystems such as mangroves, coral reefs, sea grasses, and sand dunes are under threat from growing anthropogenic activity. To ensure sustainable development, these coastal ecosystems must be protected. It is critical to analyse the interplay between various activities carried out in coastal zones. This will ensure prudent, long-term development of the coastal zone while protecting the environment and ecology.

Syllabus: GS I, Important Geophysical phenomena, Geographical features; GS III, Disaster and Disaster Management.

Source: Yojana November 2022

Cooperative Societies: Benefits and Challenges – Explained, pointwise

Introduction

The Government has introduced the Bill to amend the Multi-State Cooperative Societies (MSCS) Act, 2002 in the Lok Sabha during the ongoing Winter Session of the Parliament. The Amendments have been introduced to improve governance, reform the electoral process, strengthen monitoring mechanisms, and enhance transparency and accountability. The Bill also intends to ensure financial discipline and enable the raising of funds by Multi-State Cooperative Societies. Opposition Parties have contended that the Bill encroaches on the rights of the States and have asked for referral of the Bill to a Standing Committee. The Bill, if passed, can improve the working of cooperative societies in India, which continue to face several challenges in their functioning.

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What are Cooperative Societies (Cooperatives)?

According to the **International Cooperative Alliance** (ICA), cooperatives are **people-centred enterprises jointly owned** and **democratically controlled** by and for their members to realise their common **economic, social and cultural needs and aspirations**.

India's cooperative movement was inspired by the German model of Agricultural Credit Banks and was formalised at the end of the 19th century. In 1904, the British Government enacted the **Cooperative Credit Societies Act**. The Act dealt solely with the extension of credit. The sector was opened up to other activities in 1912. Administrative reforms in 1919 transferred cooperatives to Provincial control.

After Independence, Cooperatives were placed in the **State List**. Cooperative Societies were considered to be **instruments of socio-economic development** and were an essential focus of the initial Five-Year Plans. States had enacted their own laws to regulate cooperatives within their jurisdiction. In 1984, the **Multi-State Co-operative Societies Act** was enacted by the Parliament to consolidate different laws at the Central level. The Act was amended in 2002.

Read More: Multistate Cooperatives: Govt plans to amend the Law – Explained, pointwise

There are two types of co-operative structures in the country i.e. **State Cooperative Societies** and **Multi-State Cooperative Societies** (MSCS). Multi-State cooperatives are societies that have operations in more than one State — for instance, a farmer-producers organisation which procures grains from farmers from multiple States. The board of directors are from all the States these collectives operate in and control all the finances and administration. The **Multi-State Cooperative Societies come under the Union Government** and the **State Cooperative Societies are under the State Governments**.

What are the provisions related to regulation of Cooperative Socieites?

Constitutional Provisions

The **97th Constitutional Amendment Act, 2011** added **Part IXB** to the Constitution. Part IXB deals with various provisions related to Cooperative Societies like their incorporation, elections, audits, and general operations.

The Act also added **Article 43B to the Constitution**. Article 43B states that the State shall endeavour to promote voluntary formation, autonomous functionality, and professional management of Cooperative Societies.

The Act amended Article 19(1)(c) to include freedom to form cooperative societies.

SC Ruling

In July 2021, the Supreme Court struck down certain provisions of the 97th Amendment Act, 2011, because **(a)** Part IX B (Articles 243ZH to 243ZT) has "significantly and considerably impacted" the "exclusive legislative power" of State Legislatures over the cooperative sector. The Court noted that Cooperative Societies is a matter entirely in the domain of State Legislatures (Entry 32 List 2 of Seventh Schedule). For Multi-State Cooperative Societies, the power is with the Union of India through Entry 44 of List 1; **(b)** The Parliament had passed the 97th Amendment without having it ratified by State Legislatures, as required by the Constitution.

Further, the SC upheld the constitutionality of the provisions of Part IX B relating to Multi-State Cooperative Societies (MSCS).

Other Provisions

In 1958, the National Development Council (NDC) advocated a National Policy on Cooperatives.

The **National Policy on Cooperatives** was formulated in 2002.

The **National Cooperative Development Corporation** (NCDC) was established by law in 2002 saw India's National Cooperative Policy.

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The **Ministry of Cooperation** was established in July 2021 to boost the Cooperative sector and realize the vision From Cooperation to Prosperity.

> **Read More**: Ministry of Cooperation – Explained, pointwise

What are the benefits of Cooperative Societies?

Easy setup, less legal implications: Any ten members who have acquired the majority can form a cooperative society with few legal formalities.

Promote equality and transparency: A cooperative society is based on the principle of '*one man, one vote*'. All members have **equal rights in handling the internal affairs**. The surplus generated by these societies is dispensed equally among the members.

Limited Liability: The member's liability in a cooperative society is confined to the extent of their capital contribution.

Eliminate Middlemen: Consumer cooperative societies are set up to attain a seamless supply of essential commodities. These societies **purchase commodities directly from the producers** & wholesalers and sell them to the end-users at affordable prices. Thus they eliminate middlemen and make supply chains more efficient. Similarly, Farm Producer Ogranizations (FPOs) deal directly with the buyers and help the farmers get better profits.

> **Read More**: Farmers Producer Organizations (FPOs) in India- Explained, pointwise

Access to Credit: Cooperative societies have helped in reducing the influencing of private money lenders in rural areas. Cooperatives facilitate credit at the nominal interest rate.

Support Agriculture: Cooperative societies have supported the government's effort to improve agricultural production. They act as a bridge between the government and farmers e.g., the government disburses High-Yielding Variety (HYV) seeds and fertilizers via Cooperatives.

Reserve Funds: Cooperative societies are under the legal obligation to transfer their 25% of profit to the general reserve. Thus, it reduces the need for external funding.

Fosters Habit of Saving: Cooperative societies cultivate the habit of saving among their members. They render credit facilities generally for productive purposes only.

Social Benefits: Cooperative societies have played a significant role in modulating social customs and controlling irrelevant expenses. The profits reaped by the cooperatives can be used for facilitating fundamental amenities of the society.

What are the issues in the working of Cooperative Societies?

Disputes and Conflicts: Occasionally, Cooperative Societies suffer from internal conflicts due to presence of members with diverse backgrounds. Some members seek personal gain ignoring the spirit of service.

Lack of Expertise: Many Cooperative Societies have failed to be profitable. The society's earnings are **insufficient to hire skilled and experienced members** for proper management.

Government Control: Big Cooperative Societies have to face interference by Governments. Experts contend that certain provisions/rules are too restrictive and Cooperatives lack expertise and manpower to comply with these regulations. This hampers their growth and expansion. Moreover, Cooperatives also become contesting field of political parties for electoral benefits, which impacts their functioning.

Limited Resources: Most members can contribute limited capital. Cooperatives struggle with shortage of funds, especially at the initial stages. Moreover, the societies are formed for the welfare of the society and the profit motive is ignored to some extent.

Other Problems: Cooperatives also suffer from issues like misappropriation of funds by members, pursuing narrow interests, political interference etc. leading to inefficient functioning.

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What should be done to address the issues?

Financial Support: **(a)** Long-term, interest-free loans should be made available to address the fund crunch; **(b)** Credit should be provided not only for small farmers, tenants and share croppers but also for landless workers and artisans; **(c)** Security requirements for provision of credit should be eased. The volume of loanable funds should be enlarged through rediscounting facility.

Technical Guidance: A package of inputs and services including marketing services and technical guidance can prove to be vital in sustaining Cooperative Societies. Eventually, they can be become self-sufficient by developing in-house expertise with time.

Use of Local Gesources: Local conditions must be taken into account when establishing cooperative groups. Farming and marketing societies must maximise the utilisation of local resources.

Reduce External Interference: Red tape, political meddling, administrative bottlenecks etc. must be eliminated. Cooperative societies should not be impeded by influential village lobbying groups.

Awareness Generation: **(a)** Women should be told about programmes, especially those that help with child care, nutrition during pregnancy, balanced diet etc.; **(b)** Adult education and literacy programmes should be implemented on a wide basis in rural areas; **(c)** People need to be made aware about the utility of Cooperatives through social media, TV, newspapers etc.

Conclusion

Cooperatives can play a vital role in the rural transformation. Provision of adequate financial and technical assistance can enable them to address rural challenges and contribute to India's growth story. Government should take all possible steps to facilitate growth ecosystem for the Cooperatives.
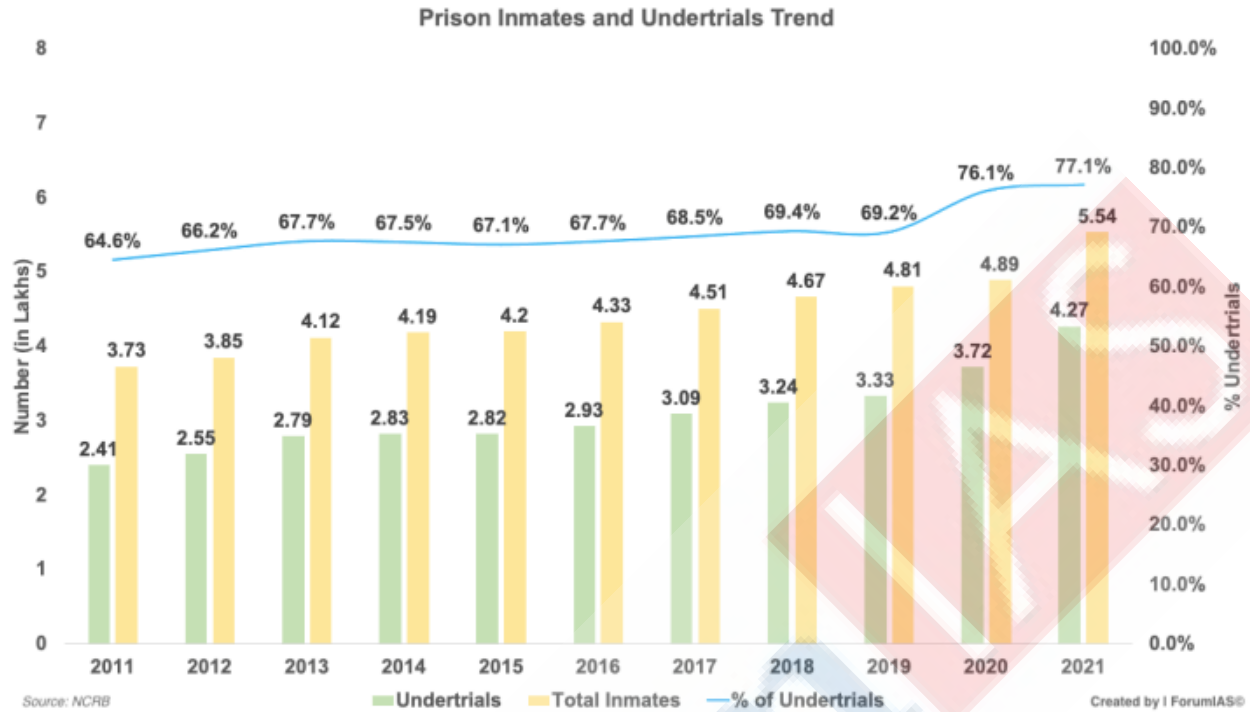
Source: **The Hindu**, **Business Standard**, **IJIP**, **PIB**

Issue of Undertrials in India – Explained, pointwise

Introduction

On the occasion of National Law Day (Constitution Day) on November 26, 2022, the President of India highlighted the plight of a large number of undertrials holed up in the prisons of India. The proportion of undertrials in prisons has reached a historical high figure of 77% in 2021 and the trend indicates that the number of undertrial prisoners has risen consistently over the last decade. Undertrial prisoners face considerable challenges and most of them belong to under-privileged communities. Multitude of reforms are required including in terms of procedures, implementation of existing provisions to address the issue.

What is the current status of Undertrials in India?

According to National Crime Record Bureau (NCRB), of the 554,034 prisoners, 427,165, or **77% were undertrials in 2021**. There has been a 14.9% increase from 371,848 undertrials in 2020.

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Prison Inmates and Undertrials Trend

Source: NCRB — Undertrials, Total Inmates, % of Undertrials — Created by | ForumIAS©
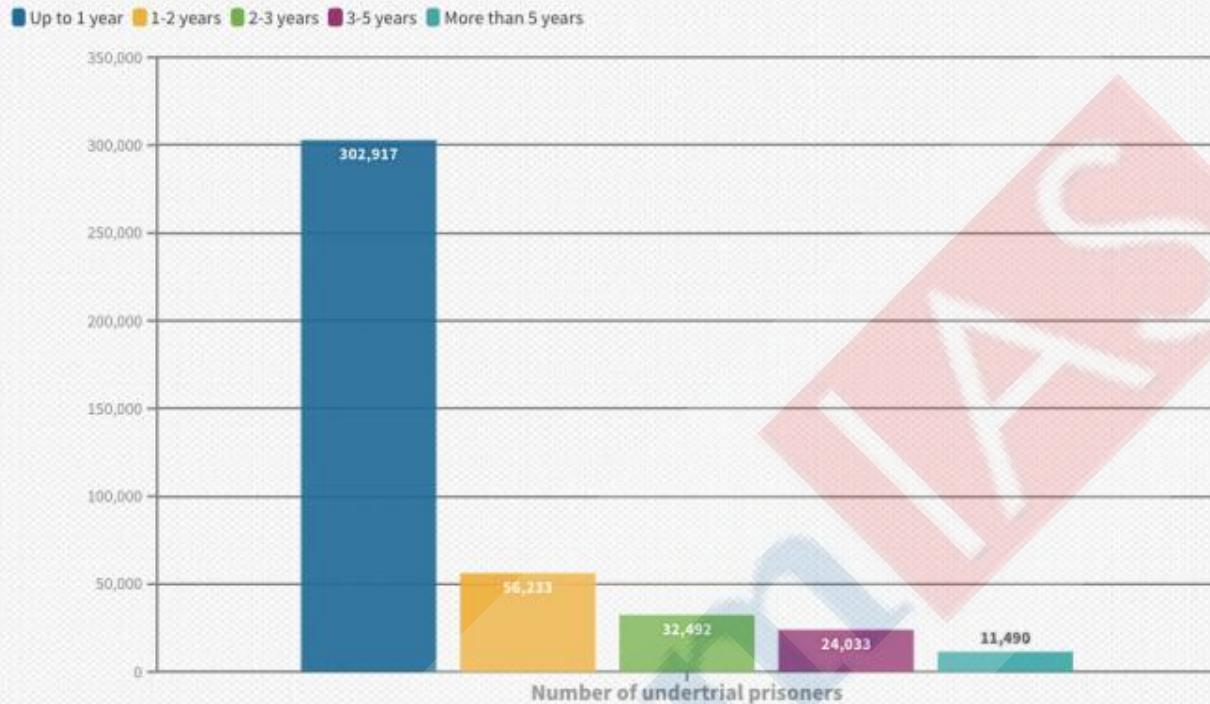
In 2021, 25.2% of prisoners were illiterate and 40.2% had not completed high school.

Scheduled Castes made up 8% of under-trials and 21.7% of convicts (16.6% of the population (2011 Census)). Adivasi groups made up 10.7% of all under-trials and 14.1% of all prisoners (8.6% of the population (2011 Census)).

In 2011, 1% undertrials had been in prison for less than three months, while almost 22% had been imprisoned for a year or more. By 2021, **29.1% of undertrials had been in prison for more than a year**.

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The number of years undertrials have spent in jail

Combined data shows that as much as 1,24,248 undertrial prisoners have spent more than one year in jail.

■ Up to 1 year ■ 1-2 years ■ 2-3 years ■ 3-5 years ■ More than 5 years

302,917
56,233
32,492
24,033
11,490

Number of undertrial prisoners

Source: National Crime Records Bureau (NCRB) • (As of December 31, 2021)

Source: MoneyControl

District jails had the highest share of undertrials, accounting for 51.4% of the total, followed by the Central jails (36.2%) and Sub-jails (10.4%).

As of May 2022, over 4.7 crore cases are pending in Courts across different levels of the judiciary. Of them, 87.4% are pending in the subordinate courts.

Uttar Pradesh reported highest number of undertrials followed by Bihar and Maharashtra. The proportion of undertrials to the total number of prisoners was the highest in Bihar with 89.1%, followed by West Bengal (87.6%), and Odisha (87.3%).

The prison occupancy rate is 130.2%. Uttarakhand had the highest prison occupancy rate at 185%, followed by Uttar Pradesh (184.8%) and Sikkim (166.9%).

What safeguards are in place to protect the Undertrials?

Constitutional Safeguards

Article 21: "No person shall be deprived of his life or personal liberty except according to procedure established by law".

Article 22: Undertrials have the right to consult and be defended by a legal practitioner of their choice (*State of Madhya Pradesh vs. Shobharam (1966)*).

Article 39A: The State is obligated to ensure that the functioning of the judicial system promotes justice and should provide free legal aid.

Legal Safeguards

Bail provisions have been defined in **Criminal Procedure Code** (CrPC) under sections 436-450. The first schedule of CrPC defines the bailable and non-bailable offences.

Section 436 of CrPC deals with provisions for bail in bailable offences and Section 437 deals with provisions for bails regarding non-bailable offences.

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Section 436A states that when an person has (during investigation/trial under the CrPC for an offence other than for which punishment of death has been specified) **undergone detention for a period extending up to one-half of the maximum period of imprisonment** specified for that offence, the person **shall be released by the Court** on a personal bond.

Section 167 states that undertrial prisoners have the **indefeasible right to be released on default bail** (even for non-bailable offences), when their judicial custody exceeds 90/60 days, but **no charge sheet has been filed** by the police.

Supreme Court Judgments

The Supreme Court has said that unless a crime is devious and attracts a punishment of 7 years or more, no arrest should be made.

The SC in *Bhim Singh v Union of India* has sought **effective implementation of Sec 436A**.

In *Rasiklal v Kishore (2009),* the SC held **right to bail for bailable offences is an absolute and indefeasible right**. No discretion can be exercised in granting bail as under Section 436, bail is imperative and the person accused of an offence is bound to be released as soon as bail is furnished.

International Safeguards

The **Universal Declaration of Human Rights** (1948) recognises the presumption of innocence until proven guilty.

The **United Nations Standard Minimum Rules for the Treatment of Prisoners** (the Nelson Mandela Rules) clearly specify the standards of treatment with prisoners on trial.

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What are the reasons for high number of Undertrials in India?

Low Capacity of Judicial System: India has 21 judges per million population, while the Law commission has recommended 50 per million. This along with lack of infrastructure results in large pendency of cases which now has reached over 4.5 crore cases.

Poor Economic and Education Levels: A large number of under trials are poor, illiterate, belonging to the marginalized communities. This along with lack of financial resources leads to inability to get legal aid and pay the bail amount.

Unnecessary Arrests and Issues of Bail System: Law Commission (268th Report) has highlighted that over 60% of arrests are unnecessary. The Commission report also highlighted that the rich and the affluent get bail with ease. However, poverty becomes the reason for incarceration of many prisoners, as they are unable to afford bail bonds or provide sureties.

Read More: The Need for a Bail Law – Explained, pointwise

Delay in Investigation: Investigation and trial process is often delayed by police and prosecution functionaries. This is due to poor 'Police-Population' Ratio. According to PRS, the sanctioned police strength was 181 police personnel per lakh persons in 2016, the actual strength was 137. The United Nations recommended standard is 222 police personnel per lakh persons.

What are the problems faced by Undertrials?

Prison Violence: Prisoners are vulnerable to violence. Group violence is also endemic and riots are common.

Criminalizing effect of Prison: There is absence of scientific classification methods to separate hardened criminals/convicts from young, first-time new criminals. Intermingling exposes circumstantial/young offenders to hardcore criminals making them vulnerable.

Health Problems: Overcrowding of prisons leads to shortage of adequate space to lodge prisoners in safe and healthy conditions.

Mental Health Issues: Long incarceration without conviction, especially when the undertrial eventually turns out to be innocent, leads to mental health issues. Moreover, there is lack of facilities to deal with mental health issues in prisons.

Drug Abuse: People booked under anti-drug laws constitute a substantial percentage of the prison population. Isolation inside prison leads to increased desperation to access banned substances. It also increases the danger of other prisoners being inducted into drug abuse.

Effect on the Families: Many prisoners are sole breadwinners for their families. Arrest and incarceration leads to loss of income and susceptible to poverty. Also, social stigmatization post release impact the ability to get employment. Often it leads to juvenile delinquency among suffering families.

Violation of Rights: The '**Right to Speedy Trial**' was recognized by the Supreme Court in *Hussainara Khatoon vs. Home Secretary, State of Bihar (1979)*. Prolonged incarceration without bail violates the right. The '**Right to Bail**' is denied. Even in bailable offences, many prisoners continue to be in prisons due to exorbitantly high bail amount. '**Right to Effective Legal Aid**' is violated due to absence of adequate support.

What should be done to address the problem?

Prisoners: **(a)** Undertrials should be housed in open jails, where they can move around freely and earn a living, to reduce the punitive character of incarceration. They can be provided greater opportunity to communicate with families; **(b)** Undertrials should also be compensated, upon release/acquittal; **(c)** Steps should be taken for their rehabilitation after release, by providing them with self-employment skills, educational and vocational training etc.

Read More: Right to Compensation (Against Wrongful Prosecution, Incarcerations, and Convictions) – Explained, pointwise

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Government: **(a)** A comprehensive **Bail Law** should be enacted to curb arbitrary arrests. There is a need to **revamp outdated prison laws** like the Prisons Act, that provide for penalties like fetters, solitary confinement etc. for prison offences, which have been held to be violative of the Constitution; **(b)** Police functions should be **separated into investigation and law and order dutie**s and sufficient strength should be provided to complete investigations on time and avoid delays; **(c)** To counter discrimination, prejudice and bias in the police, **sensitisation programmes** and workshops should be introduced; **(d)** The issue of **judicial vacancies** should be addressed on an urgent basis. The number of judges should be increased.

Judicial Processes: **(a) Aid to Undertrials**: Access to free legal aid shall be provided to under trials through NALSA by increasing its capacity and reach; **(b) Automatic extension of remands** should be stopped; **(c)** Video conferencing between jails and courts should be encouraged and tried in all states beginning with the big Central jails and then expanding to District and Sub-jails; **(d)** The practice of lower judiciary to **grant adjournment of hearings on arbitrary grounds** should be curbed. A big cause for pendency is arbitrary adjournments delaying court proceedings; **(e)** Computerization of Court procedures can help manage pendency.

Conclusion

Undertrials are overcrowding India's prisons. Statutory provisions have been changed to reduce unnecessary arrests and to allow for bail/personal bonds. Several judgements have backed undertrials' rights to a speedy trial and legal representation. However, undertrial population continues to expand. This mismatch is caused by poor enforcement of legislation and legal judgements in this area by the police, lower judiciary, and jail administration. Many experts are of the opinion that the issue can be addressed to a large extent by effective implementation of existing provisions. There is a need for greater political and judicial will to push through the procedural reforms.

Syllabus: GS II, Structure, organization and functioning of the Judiciary, Important aspects of governance, transparency and accountability.

Source: **Indian Express**, **MoneyControl**

Farm Subsidies in India – Explained, pointwise

Introduction

The Government has sought approval of the Parliament for fresh expenditure of INR 214,581 crore towards major subsidies, over and above INR 317,866 crore budgeted for FY2022-23. Of this, INR 109,289 crore will go to fertilisers and INR 80,348.25 crore on food and rest on petroleum. Farm subsidies have remained a debatable issue in India, with criticism surrounding leakages and impacts on cropping pattern. Yet, given that majority of farmers have small landholdings, and agriculture in India is predominantly rain-dependent, provision of subsidies become a necessity. The Government can consider rationalizing the subsidies, while finding innovative ways to check the leakages.

What are the different types of Farm subsidies?

Direct and Indirect Subsidy: A direct subsidy is provided to the farmer in the form of cash. Indirect subsidy is provided by discounts on agricultural purchases like seeds and fertilizers. The most common example of direct subsidy is Farm Loan Waivers, the PM *Kisan* Scheme etc.

Explicit and Implicit Input Subsidy: Explicit subsidy is paid to farmer for purchasing agricultural products like fertilizers. This is generally paid to small and marginal scale farmers not able to buy inputs on their own e.g., KALIA scheme of Odisha or *Ryuthu Bandhu* Scheme of Telangana. Implicit Input Subsidy does not directly provide money but helps the farmers by

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cutting the extra costs e.g., providing subsidies on electricity bills and interest subvention scheme (relaxation in bank loan interests).

Output Subsidy: This subsidy provides support to farmers on their outputs like Minimum Support Price (MSP) on crops like wheat, paddy etc.

Major Farm subsidies provided by the Government of India include **(a)** PM-KISAN Scheme; **(b)** Minimum support Price (MSP); **(c)** *Pradhan Mantri Fasal Bima Yojana*(PMFBY); **(d)** Modified Interest Subvention Scheme (MISS); **(e)** Agricultural Marketing Scheme under *Krishionnati Yojana* in 2022-23; **(f)** Under the Aatmanirbhar Bharat Economic Package, the Union Government has announced the setting up of an Agriculture Infrastructure Fund (AIF) of One Lakh Crore rupees for financing farm-gate infrastructure; **(g)** The *Rashtriya Krishi Vikas Yojana* (RKVY) umbrella scheme: **(i)** *Pradhan Mantri Krishi Sinchai Yojana*– Per Drop More Crop; **(ii)** *Paramparagat Krishi Vikas Yojana*; **(iii)** National Project on Soil and Health Fertility; **(iv)** Rainfed Area Development and Climate Change; **(v)** Sub-Mission on Agriculture Mechanization including Management of Crop Residue.

Union Budget 2022-23 earmarked **INR 68,000 crore for PM-KISAN**, while the **fertilizer subsidy** for FY2022-23 (Kharif and Rabi seasons) is expected to cross **INR 2.25 Lakh crore**. Other allocations under Union Budget 2022-23 include **INR 10,433 crore for RKVY**; **INR 19,500 for MISS**; **INR 15,500 under PMFBY** (allocation, actual spending may be different based on claims) etc.

What are the benefits of Farm Subsidies?

Support Farm Income: Farm subsidies increase the purchasing power of farmers and thus uplift their living standards.

Food Security: The farm subsidies assure adequate food supply and reduce the chances of food shortage and food inflation.

Bridge the Income Divide: According to FAO, 70% of Indian rural households rely mostly on agriculture for a living. Income support for small and marginal farmers bridges the income gap. It promotes risk taking among farmers and also ensure that the poor farmers are supported at the time of loss.

Stimulate Economic Growth: Subsidies (e.g., to create irrigation systems) improve farm output. Improvement in farm incomes results in greater demand (consumer) contributing to economic growth. It also generates more employment opportunities.

Improvement in HDI: Improved farm incomes and food security aids in addressing issues like malnutrition, improving overall living standard.

Achieve National Goals: Farm subsidies are crucial levers in the achievement of goals such as achieving the US$ 5 trillion economy status, Sustainable Development Goals (SDG) etc.

What are the concerns associated with Farm Subsidies?

Fiscal Burden: Farm subsidies form about 2% of India's GDP. The total subsidy to farmers form about 21% of their farm income. High amount of farm subsidies put excessive burden on Government finances reducing space for capital expenditure.

Resource Wastage: It results in overuse and wastage of resources e.g., subsidized electricity for farms can be misused for personal use.

Environmental Degradation: Fertilizer subsidies have resulted in overuse of Urea and DAP. Overuse of fertlizers is harmful to the environment e.g., it leads to soil and water pollution.

Increase Inequalities: Critics of farm subsidies argue that benefits of most farm subsidies is cornered by the large and wealthy farmers. This defeats the purpose of subsidies.

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Distorted Cropping Pattern: Farm subsidies especially the MSP has led to distortion in crop pattern e.g., pre-dominance of wheat and paddy in Punjab/Haryana at the cost of pulses, maize, vegetables etc.

Corruption and Leakages: Farm subsidies are susceptible to corruption and leakages. This leads to welfare loss and additional fiscal burden. Urea meant for farms is diverted to industrial usage or smuggled to neighbouring countries.

WTO Concerns: India's farm subsidies are questioned by the developed nations at the WTO. MSP is considered trade distortionary and breaches the Aggregate Measures of Support (AMS) level limited by the WTO norms.

What should be the approach?

Rationalization: Farm subsidies should be rationalized according to the demand of programmes based on marketability, affordability and input cost and according to different income groups. This could pave the way for optimal utilisation of subsidies.

Backward and Forward Linkage: There is need to strengthen the agri sector by strengthening backwards and forward linkages.

Investments: There is a need to invest more in agriculture R&D, build better infrastructure to create efficient value chains bringing farmer producer organisations (FPO). The expenditure on agricultural research in India has remained around 0.3-0.4% of the agriculture GDP since 2001, and must be enhanced. This can improve agricultural productivity and incomes, reducing the need for providing subsidies.

Financial Support: **(a) Incentivise Long-term Capital Formation**: Kelkar Committee recommended the **phased elimination of subsidies** and **convert them to capital investments**. In 2015, the Committee on Medium-term Path on Financial Inclusion under the RBI observed that the interest subsidy provided for short-term crop does not incentivise farmers to take up long term loans for capital formation; **(b) Credit Eligibility Certificates**: The 2015 RBI Committee on Financial Inclusion recommended that credit eligibility certificates, which would act as tenancy or lease certificates, should be issued to tenant farmers. These certificates would enable landless tenant cultivators to obtain agricultural credit.

Technology: Technological improvement like Aadhaar, direct benefit transfer can be used to **eliminate inclusion and exclusion errors**. The third party verifications of beneficiary will help in eliminating the free riders.

Targeted Subsidies: There should be better targeting of subsidies by linking them to specific crops, size of farms, area, regions etc. This is important to prevent false beneficiaries and to benefit only the eligible.

International Measures: Under the WTO's Nairobi package, developed and developing nations have committed to phase-off export subsidies. Rather than limiting agricultural value production as a whole, subsidies should be limited depending on individual products such as cotton, wool etc. The base year used to compute the de-minimus level should be modified in response to developing countries' requests.

Conclusion

Farm subsidies have proven to be vital in supporting agriculture and providing income security to farmers. However, instances of leakages, unintended consequences (impact on crop pattern) and high fiscal burden necessitate a relook on the farm subsidies. The Government should take steps to rationalize farm subsidies and invest more on capital formation (e.g., irrigation) and R&D in agriculture. This will improve agriculture productivity and make agriculture more remunerative.

Syllabus: GS III, Issues related to direct and indirect farm subsidies.

Source: **Indian Express**, **Business Standard**, **India Spend**, **PRS**, **NIPFP**

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