



**Topical  
Analysis**

# Issues with **INDIAN** **CRIMINAL** **JUSTICE System**

## Contemporary Issues

### 1. Polity & Governance Issues

- Office of Profit - Crisis in Delhi Assembly
- State Funding in Elections
- Government as the Biggest Litigant in India
- Motor Vehicle Amendment Bill 2017

### 2. Science & Environment

- Development ups Tiger Extinction
- Analysis of INSPIRE Scheme

### 3. Social Issues

- India's Family Planning Programme: Critical Analysis
- High Dropout Rate of Girls in India: Reasons, Solutions and Examples
- Forced Conversion in India

- Capacity Building for Primary Health Care
- ASER 2017 Report

### 4. International Relations Issues

- DAVOS Meet
- India Israel Relations and Recent Visit
- India Admitted to Australia Group

### 5. Economic Issues

- Contract Worker: Issues and Steps Needed
- Feminization of Agriculture
- Need of Regulatory Regime for Alternative Investment Fund
- Bhavantar Bhugtan Yojana
- Why Retail Oil Prices are High Despite Lower Crude Oil Costs?

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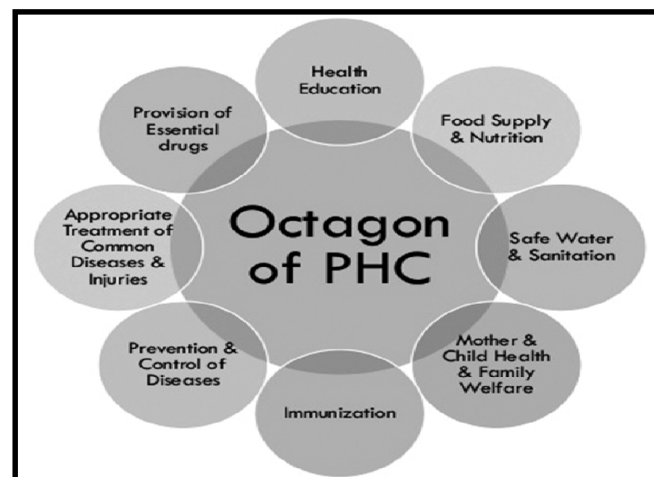


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#### Batch 3 -Weekend

Starts: 22<sup>nd</sup> July, 2018  
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## COVER STORY

# Issues with Indian Criminal Justice System

**Context**

*To transform the Criminal Justice System in India, Union government is considering to revisit the Malimath Committee report on reforms in the criminal justice system. Recently, the Committee's report was discussed at the annual Directors General of Police (DGP) conference held at Tekanpur in Madhya Pradesh at which Prime Minister was present. PM Modi also attended the presentation made by Indo-Tibetan Border Police (ITBP) on the Committee's recommendations.*

*It is a good idea to revisit old committee reports with a view to considering their possible implementation. However, such an exercise must be pursued with care and caution because it includes some controversial recommendations as well as some of the issues plaguing Indian Criminal Justice System are neglected.*

*The present article analyzes the issues and current challenges in our criminal justice system, the recommendations of the Malimath Committee report and how could the government implement the reforms in the future.*

**Introduction**

A nation's legal system is integral to how its citizens look upon issues that concern the country in general and their individual lives in particular. Despite having the world's longest Constitution that has gone through numerous amendments and the many directives by the Supreme Court that have secured the stature of de facto law, the Indian law books and the Criminal Justice System have struggled to evolve at a pace commensurate with the rapid changes society has undergone.

Criminal Justice System refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control and it is the job of the agencies of justice to prevent socially deviant behaviour by apprehending and punishing transgressors or deterring their future occurrence.

Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehaviour. Only the criminal justice system has the power to control crime and punish criminals.

**The main objectives of the criminal justice system can be categorized as follows:**

- ▶ To prevent the occurrence of crime.
- ▶ To punish the transgressors and the criminals.

- To rehabilitate the transgressors and the criminals.
- To compensate the victims as far as possible.
- To maintain law and order in the society.
- To deter the offenders from committing any criminal act in the future.

### Issues with India's Criminal Justice System

The relevance of our criminal justice system- both substantive and procedural is a replica of the British colonial jurisprudence and is being seriously questioned time to time.

Main issues in the processes and structures of our Criminal Justice System are long court delays, ineffective prosecutions, and outdated police service rules. Reason being the criminal judicial system is based on the laws that are arbitrary and operate to the disadvantages of the poor.

#### ➤ **Justice Delayed is Justice Denied**

- The most important requirement of criminal justice administration is its promptitude. A speedy trial is a constitutional right of every accused. If he is guilty, he is to be punished and any delay in punishing the guilty would be ineffective in controlling the crime, which is the basic goal of the criminal justice system.
- The efficacy of any justice system can be judged by the speed by which the cases are disposed of and prompt decisions taken by the Court would have greater impact on the individual involved in the crime and on the social fabric in general.
- Generally, delay is put at the doorstep of the courts overlooking the crucial role played by other components in the system, particularly the police and the prosecutors.
- Delay in the investigation of crimes or the haphazard way in which the cases are investigated, greatly contribute to the delay in dispensing prompt justice.
- In many courts, the public prosecutors are not appointed in a timely manner and their services are on occasion not readily available to many courts.
- In some states, there are not sufficient numbers of analytical and forensic laboratories and quite often, the investigating agencies wait for the chemical analyst's report for long periods whereby the filling of the final reports is inordinately delayed.
- The speed of the trial in criminal cases is often determined by none other than the offender himself. In the garb of a fair trial, he would try all possible means to delay it under a misconception that the longer he is able to prolong the trial, the better his chances of escaping from the clutches of law would be. Many of these factors are not within the control of the courts.

#### ➤ **Lack of Adaptive Institutional Activity**

- A prominent feature of our court system is the lack of adaptive institutional activity. It is said that the courts are more conservative and not adequately innovative.
- The existing system with its thrust on social justice and equity is constantly faced with dilemmas based on value perception and attitudinal change. In vast majority of subordinate courts, the scope for upholding these values is reduced considerably due to routine work.



- The concept of crime control, maintenance of law and order, social harmony, adherence to procedure established by law, protection of human rights are important goals of the criminal justice in this country, but unfortunately our courts are flooded with cases under Section 138 of Negotiable Instruments Act, 1881, traffic offences, excise offences and so many other petty matters of routine nature.
- Unless we take serious steps to have better court management and bring about some reforms in judicial administration, things are hard to change.
- ▶ **Indian Penal Code Norms (IPC)**
  - Even after five decades of independence, no serious efforts have been made to redraft penal norms (IPC), radicalize punitive processes, humanize prison houses and make anti-social and anti-national criminals etc. incapable of escaping the legal system.
- ▶ **Need laws for new Crimes**
  - Our system should cater to all possible challenges especially in view of the new pattern of crimes happening throughout the country.
  - Terrorism, cyber crimes, white collar crimes, should all be curbed and there should be an organized endeavor to control anti-social behavior to attain social harmony through law and its enforcement.

#### **Examples of Broken Criminal Justice in India**

- ▶ India's broken criminal justice system was exemplified by the long running trial of a dentist couple, the Talwars, whom the Allahabad high court recently acquitted of charges of murdering their teenage daughter nearly a decade ago.
- ▶ From investigations with contradictory conclusions, to incompetence in preserving basic evidence, to crucial documents not being filed in court, and staggering delays, this case had exposed all the issues.
- ▶ Further the High Court's observation that the lower court judge who had earlier found the Talwars guilty was "unmindful of the basic tenets of law" presented a grim picture emerges of the state of affairs.
- ▶ In Cases like the Nirbhaya gang rape and murder which are there in the news cycle for more than the customary day or two, public outrage compels governments to fast track the investigation and prosecution. But there is a long overdue, and there is desperate need for systemic reforms.

#### **Statistics Reflecting the Inadequate Machinery**

- ▶ The decade from 2005 to 2015 saw a 28% increase in complaints of cognizable offences, from 450 per lakh population to 580.
- ▶ There is a vast shortage of police, judges, etc. Against a UN norm of 222 police personnel per lakh of population, India's officially sanctioned strength is a paltry 181, and the actual strength is an abysmal 137.
- ▶ Similarly, all the judges in the country now add up to just 18 per million population, despite a three-decades old Law Commission recommendation to increase it to 50, which itself is at the low end of the ratio in developed countries.
- ▶ There are also enormous shortfalls in the number of police stations, weapons, forensic science laboratories (FSLs) and the like.
- ▶ Considering the forensics, nearly a million items sent for forensic examination in India, representing a shocking 38% of all such cases, remain unattended for a year or more. The effect of that on investigations of lakhs of crimes is nothing short of cruel.

- Regarding prosecutions, India's conviction rate of 47% – compared to more than 85% in developed democracies like France, Japan and the US – exposes the gross inadequacies of our system.

### Justice Malimath Committee Report (2003) on Reforming the Criminal Justice System

To reform the Criminal Justice System in India, Government, in the year 2000, constituted the Malimath Committee, headed by Justice V.S. Malimath, (former Chief Justice of the Karnataka and Kerala High Courts).

Objectives of the Committee were to examine the fundamental principles of criminal law so as to restore confidence in the criminal justice system. This involved reviewing the Code of Criminal Procedure (CrPC), 1973, Indian Evidence Act, 1872, and Indian Penal Code (IPC), 1860.

Later, Committee Report was published in 2003 in two volumes making 158 recommendations with regard to: Police, Prosecution, Judiciary and Criminal Jurisprudence.

### Key Recommendations of the Committee

- **Shift from Adversarial Criminal System to Inquisitorial System:** It essentially proposes a shift from an adversarial criminal justice system, where the respective versions of the facts are presented by the prosecution and the defence before a neutral judge, to an inquisitorial system, where the objective is the “quest for truth” and the judicial officer controls the investigation of offences. Towards this end it recommends that the court be empowered to summon and examine as a witness any person it considers appropriate and to issue directions to the investigating officers as may be necessary to assist it in its search for the truth.
- **Dilution of Pre-trial Safeguards:** Report suggested the dilution of many of the pre-trial safeguards against violence in police custody that an accused has -
  - For instance, it seeks to double the 90-day period available for filing a charge-sheet after which an accused can be released on bail.
  - It also recommends that the permissible 15-day police remand of an accused be doubled for grave offences.
- **Rights of the Victim:** Committee also concentrated on the rights of the victim. It mentions the need to formulate a witness protection programme, reclassify offences, and involve the victim in all stages of the trial.
- **More Effective Investigations:** For making investigations more effective, it suggests the setting up of a State Security Commission, as recommended by the National Police Commission, to insulate the police from political pressure.
- With reference to the investigation of crimes, the committee called for a separation of the investigating wing of the police from the law and order wing.
- **Changed definition of RAPE:** It has expanded the definition of rape to include all forms of forcible penetration. The committee does not favor the death penalty for rapists. In fact, the report states that wherever the death penalty is a possible punishment it should be replaced with life imprisonment without commutation or remission.
- It has also endorsed the recommendations of the Police Commission for a new Police Act and suggested setting up permanent benches in the Supreme Court and High Courts to deal with criminal cases to be presided over by judges specialized in criminal jurisprudence.



- It had suggested that Section 54 of Evidence Act be substituted by a provision to the effect that in criminal cases, evidence of bad character and antecedents is relevant.
- Just as evidence of good character of the accused is relevant, evidence regarding bad character of the accused should also be relevant.
- There is no good reason why evidence regarding bad character of the accused should be made relevant only when evidence is led about his good character. This is quite illogical and irrational.
- **Judges' Impeachment**
  - The Committee suggested constituting a National Judicial Commission and amending Article 124 to make impeachment of judges less difficult.
  - The Committee however, feels that the aberrations in the conduct of judges can be checked or even corrected if the problem is noticed at the earliest and efforts made to correct them.
  - In the High Court, the Chief Justice is regarded as only the first among the equals. Except constituting benches and assigning work, he does not exercise any authority over his colleagues. Committee suggested that this has considerably eroded discipline which is so necessary for any institution.

### Criticism of the Report

- While suggesting that the present adversarial system is made inquisitorial, the report does not take into account the **increased burden on the court and the need for far greater infrastructure** that such a shift would entail.
- In the inquisitorial system as **followed in Germany and France** there are moves to incorporate features of the adversarial system. In fact, **the French system had come in for criticism in recent time**. Given these facts and the practical difficulties involved, the working of the inquisitorial system has to be studied in detail before it can be incorporated into our system.
- Speedy trials, fast-track courts, the huge undertrial population, and access to courts have been neglected.
- Crimes against members of the Scheduled Castes and the Scheduled Tribes do not find mention in the report.

### Recommendations of the Second Administrative Reforms Commission for Police Reforms

There is need for police reforms in keeping with the requirements of a modern, democratic State. The principles of police reforms are:

- **Responsibility of the Elected Government:** A police free from political direction can easily degenerate into an unaccountable force with the potential to undermine the foundations of democracy. The coercive power of the police can easily extinguish liberty unless it is tempered by responsible political direction. A corollary or welcome consequence of responsible political direction will be the much needed depoliticisation of the police.
- **Authority, Autonomy and Accountability:** The various wings of police should have the authority and resources to fulfill their responsibilities. Each such wing should have functional and professional autonomy commensurate with its requirements. For instance, intelligence wings need to have the flexibility to recruit personnel at short notice through summary procedures and the authority to procure sensitive intelligence-gathering technology without having to go through normal procurement processes.
- **Disaggregation and Deconcentration:** One of the major problems impeding police reforms stems from the traditional approach of clubbing a variety of disparate functions in a single police force and

concentrating all authority at one level. The Commission is of the view that three broad categories of functions can be clearly identified and the police force can be structured on those lines, while setting up mechanisms for effective coordination to prevent water-tight compartmentalization.

- **Crime investigation:** This function would, in particular deal with serious offences. Crime investigation can be treated as a quasi-judicial function and an elite agency can be created to discharge this crucial function.
- **Law and order:** Maintenance of law and order is another important function of police. This function includes intelligence gathering, preventive measures and riot control. Performance of this function requires close interaction with other government agencies, especially the Executive Magistrates. This function should be with the 'law and order' police. Other peripheral services like protection of State assets, ceremonial duties, service of summons etc. can be progressively outsourced.
- **Local policing:** Many functions like enforcement of civic laws, traffic control, investigation of petty crime, patrolling and management of minor law and order problems can be effectively supervised by local governments. Apart from these local functions, other functions performed by law and order police can be progressively transferred to elected local governments over a definite period of time, but with adequate institutional checks and safeguards to prevent abuse of office.
- **Independence of Crime Investigation:** The net result of deficiencies in crime investigation is the widespread belief that crime pays and the perpetrator can escape the clutches of law.
- 5. **Professionalisation, Expertise and Infrastructure:** Effective crime investigation, competent law and order management and useful intelligence gathering demand high standards of professionalism and adequate infrastructural and training support.

#### Government Initiative to Revisit the Malimath Report

- The Centre's decision to revisit the 2003 report of the Justice V.S. Malimath Committee on reforming the criminal justice system needs to be examined through the prism of civil rights.
- It includes controversial recommendations such as making confessions to a senior police officer admissible as evidence, and diluting the standard of proof required for a criminal conviction.
- It also contains valuable suggestions to revamp the administration of criminal law, covering the entire gamut of the justice system from investigation to sentencing, from matters of policy to the nuances of criminal procedure and the law of evidence.
- The committee made 158 recommendations, and since then some of these have become law. Its suggestion on permitting videography of statements has been implemented.
- The definition of rape has been expanded and new offences against women have been added. Its advocacy of substantial witness protection has not been realized, but victim compensation is now part of law.
- The Centre need to consider the recommendations relating to making confessions to high-ranking officers admissible, and increasing the period of police custody from 15 to 30 days. These provisions were available only in anti-terrorism laws that are now no more in force.

#### Other Initiatives by the Judiciary

The judiciary in recent years has taken a lead and has come forward with a helping hand to give some relief to the victims of criminal justice in a limited way.

Some of the recent developments that have taken place during the last few years in our judicial delivery system to seek redress and accord justice to the poor are worth mentioning. They have revolutionized our judicial jurisprudence and will go a long way in giving relief to the large masses and the common man, i.e.

- ▶ Public interest litigation.
- ▶ Bail justice jurisprudence.
- ▶ Prison justice.
- ▶ Compensation to the victims.
- ▶ Legal aid and legal services.

## **Conclusion**

Crime and violence constitute a major impediment for development and social integration for a plural society like India. The criminal justice system, with punishing the offender as its only aim, has proved costly and counterproductive in the past. Communities have to be involved and victims given rights in finding ways to correct the wrong.

India needs to experiment with more democratic models aimed at better and speedy justice system. What is needed more is a change of mindset and willingness to bring victims to the centre stage of criminal proceedings as these are the important elements of the criminal justice system.

# POLITY & GOVERNANCE ISSUES

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2. State Funding in Elections
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# Office of Profit - Crisis in Delhi Assembly

## Context

*The President in exercise of powers conferred under Section 15 (4) of the Government of National Capital Territory of Delhi Act, 1991 has disqualified 20 Aam Aadmi Party members of the Delhi Assembly for holding the "Office of Profit" as parliamentary secretaries to the Ministers of the National Capital Territory.*

*Hereby, discussing the concept of "Office of Profit" and the issue of disqualification related to it.*

## Introduction

President Ram Nath Kovind has recently approved the Election Commission's recommendation to disqualify 20 party MLAs for violating the law against holding office of profit. The 20 MLAs were appointed as parliamentary secretaries to Delhi Ministers on March 13, 2015. Upon filing of present petition before the President, the AAP government in Delhi introduced the Delhi Members of Legislative Assembly (Removal of Disqualification) (Amendment) Bill, 2015 on June 23, 2015. The Bill sought to save these MLAs from disqualification.

The reference was sent to the Election Commission by then President Pranab Mukherjee in 2015 to examine the question of alleged disqualification on account of office of profit. The proceedings before the Election Commission commenced on June 24, 2016 and the poll panel also considered several intervention applications in the matter. While these proceedings were pending before ECI, a Public Interest Litigation was filed by an outfit called Rashtriya Mukti Morcha challenging the appointments.

## The Decision

- ▶ According to the government notification issued by the ministry of Law and Justice, "having considered the matter in the light of the opinion expressed by the Election Commission of India, Ram Nath Kovind, President of India, in exercise of the powers conferred on him under section 15(4) of the Government of National Capital Territory of Delhi Act, 1991, do hereby hold that the aforesaid 20 Members of Delhi Legislative Assembly stand disqualified for being members of the said Assembly."
- ▶ The Election Commissions recommendations to the President: The appointment of the respondent MLAs as Parliamentary Secretaries by the GNCTD bypasses and frustrates the objective sought to be achieved by Section 15(1)(a) of the GNCTD Act, 1991 and is also against the principle of legislative oversight of the Government which is the basic tenet of Parliamentary form of Democracy.

**Hereby, discussing the concept of Office of Profit and Parliamentary Secretary to explain why disqualification occurred.**

According to Article 102 (1) (a), a person shall be disqualified as a member of Parliament for holding any office of profit under the government of India or the government of any state, “other than an office declared by Parliament by law, not to disqualify its holder”. Article 191 (1) (a) has a similar provision for the members of state assemblies.

The idea behind the concept of office of profit – which evolved in England – is to preserve the independence of the legislature by keeping the members away from any temptations from the executive that can come in the way of independent discharge of their duties. It also seeks to enforce the principle of separation of power between the legislative, the judiciary and the executive – a basic feature of the Constitution.

### Concept of Office of Profit

- ▶ An office of profit is an office which is capable of yielding a profit or pecuniary gain. Holding an office under the Central or State government, to which some pay, salary, emolument, remuneration or non-compensatory allowance is attached, is “holding an office of profit” for the purpose of Article 102 of the Constitution of India.

A certain office will qualify to be an office of profit if-

- Government makes the appointment
  - Government has the right to dismiss the office bearer at its will
  - Government pays the remuneration
  - Government exercises control over the functions of the office holder
  - Office yields personal gains to the holder
- ▶ Though these five tenets need not co-exist conjointly for determining whether an office is an office of profit under the government, however Supreme Court has over-stressed on third and fifth point.
- ▶ The idea behind the concept is to preserve their independence from the executive so that they do not feel any government pressure in the discharge of their legislative duties.

### Supreme Court in *Jaya Bachchan vs Union of India*:

- ▶ “For deciding the question as to whether one is holding an office of profit or not, what is relevant is whether the office is capable of yielding a profit or pecuniary gain and not whether the person actually obtained a monetary gain. If the ‘pecuniary gain’ is ‘receivable’ in connection with the office then it becomes an office of profit, irrespective of whether such pecuniary gain is actually received or not. If the office carries with it, or entitles the holder to, any pecuniary gain other than reimbursement of out of pocket/actual expenses, then the office will be an office of profit for the purpose of Article 102 (1)(a)”.
- ▶ The office of minister is one such exemption that is not considered an office of profit under the law. But there is a constitutional limit on the number of ministers, 15% of the total number of members of the Assembly ordinarily, which is limited to 10% in the case of Delhi, since it is not a “full” state.
- ▶ However, a person who acquires a contract or license from a government to perform functions, which the government would have itself discharged, will not be held guilty of holding an office of profit. So, acquiring a gas agency from the government or holding a permit to ply do not amount to holding office of profit.

### Issue in Delhi Assembly

- ▶ In March 2015, the Arvind Kejriwal government appointed 21 AAP legislators as parliamentary secretaries to “facilitate smooth functioning” of various ministries.



- The order appointing them said they would not get any remuneration or perks but would have space in the minister's office to work and could use government transport for "official purposes".
- The decision was challenged before the Delhi High Court by Rashtriya Mukti Morcha, a non-governmental organization. In a public interest litigation filed in May 2015, the NGO claimed the appointments were "unconstitutional, illegal and without jurisdiction".
- In response, the AAP passed a Bill amending the Delhi Members of Legislative Assembly (Removal of Disqualification) Act, 1997 to exempt the post of parliamentary secretary from the definition of the "office of profit". The party maintained that it was not an office of profit since the legislators were not getting "pecuniary benefit". Arvind Kejriwal claimed they were "working for free".
- But the Bill was rejected by President in June 2016. Unlike "full states", in the case of Delhi a Bill passed by the Assembly do not become law unless approved by the Lieutenant Governor and the Centre. And that is what makes this case different from others.
- In September 2016, the Delhi High Court scrapped the legislators' appointment as parliamentary secretaries.
- The legislators then went to the Election Commission arguing that since the High Court had declared their appointment null and void, the poll panel could not hear a petition against them for holding an office that never existed. The commission did not agree, writing to the President in June last year that the MLAs "did hold de facto the office of parliamentary secretaries" from March 13, 2015 to September 8, 2016.
- The commission has now concluded that the post of parliamentary secretary did indeed qualify as an office of profit.
- The AAP has argued that the Election Commission did not hold a single hearing on the case after its order of June 23, 2017. The order explicitly stated that "the Commission will intimate the next date of hearing to all the concerned parties in the present proceedings in due course".

### Concept of Parliamentary Secretary

- A Parliament Secretary often holds the rank of Minister of State and has the same entitlements that is assigned to a government department.
- Parliamentary secretaries are appointed by Chief Minister and are deemed to be Ministers only for the purpose of ensuring better co-ordination between the executive and legislature. These secretaries by virtue of a Statute are involved with the sole purpose of planning and co-ordination of legislative and other official business in the state.
- But it is against the constitutional principles on the following grounds:
  - ❑ Article 102 and 191 of the Constitution says that a person shall be disqualified for being chosen and for being a member of the House if he holds any office of profit under Government of India or any state government. The essence of this disqualification is that there should be no conflict between the duties and interests of an elected member.
  - ❑ Article 164(1A) specifies that the number of ministers including the Chief Minister has to be within 15% of the total number of members of the Assembly (10% in the case of Delhi, which is not a 'full' state). Over the last few years, courts across the country have struck down the appointment of Parliamentary Secretaries for violating the Constitution.

- Further Parliament secretaries for maintaining pro-party, pro-government (tilting towards ruling party) approach many a times acts as the lenient source towards the ruling party.
- They got privileges of handling files of the Department concerned under certain circumstances which is not acceptable and justifiable when the very system in existence indicates Cabinet form of Government. It is nothing but elevating good number of MLAs, to the position of Minister of State under the guise of Parliamentary Secretaries violating the Constitutional mandate.

Thus Election Commission has disqualified the Parliamentary secretaries.

#### Basic criteria to disqualify an MP or MLA:

- Basic disqualification criteria for an MP are laid down in Article 102 of the Constitution, and for an MLA in Article 191.
- They can be disqualified for:
  - ▣ Holding an office of profit under government of India or state government.
  - ▣ Being of unsound mind.
  - ▣ Being an undischarged insolvent.
  - ▣ Not being an Indian citizen or for acquiring citizenship of another country.
- The word 'office' has not been defined in the Constitution or the Representation of the People Act of 1951. But different courts have interpreted it to mean a position with certain duties that are more or less of public character.
- However, a legislator cannot be disqualified from either the Parliament or State Assembly for holding any office. It can be done for holding:
  - ▣ An office.
  - ▣ An office of profit.
  - ▣ An office under the union or state government.
  - ▣ An office exempt by law from purview of disqualificatory provisions.

All four conditions have to be satisfied before an MP and MLA can be disqualified.

#### Impact on AAP

- Arvind Kejriwal's AAP, which swept the Delhi elections in 2015 and came to power with 67 MLAs in the 70-member assembly, is now reduced to 46 MLAs. One legislator, Jarnail Singh, had quit from the assembly last year to contest elections in Punjab.
- Chief Minister Kejriwal's party still has enough MLAs to run the government, but it might be more vulnerable now with fewer seats.
- The party has gone through internal rift, dissent and even disqualification of four ministers during its short stint in politics.
- As the President accepted the Election Commission's recommendation, the 20 AAP legislators will now lose their membership of the Assembly, necessitating bye-elections.
- It will now likely erode the Kejriwal government's political capital, not least because ensuring propriety in public life is fundamental to its appeal.

## Way Forward

The significance of the disqualification is to ensure the independence of the three branches (legislative, judiciary and executive) of the government and maintain checks and balances. Makers of the Constitution wanted that legislators should not feel obligated to the Executive in any way, which could influence them while discharging legislative functions.

### *Second ARC Recommendation on “Office of Profit”*

Although the Constitution declares that an MP shall be disqualified if he holds an Office of Profit, it does not define the term. It however allows certain offices to be exempted through legislation. Therefore, under the Parliament (Prevention of Disqualification) Act, 1959, a large number of posts have been exempted from disqualification. The law should clearly define Office of Profit based on 3 principles:

- Exempt all offices which are purely advisory bodies;
- Include all offices which involve executive decision making and control of public funds; and
- If by virtue of being a Minister, is also a member of an organization such as the Planning Commission which is vital for day to day functioning of the government, it shall not be considered as office of profit.

## Conclusion

The question whether a person holds an office of profit is required to be interpreted in a realistic manner. Nature of the payment must be considered as a matter of substance rather than of form. Nomenclature is not important. Too much reliance on the ‘potential doctrine’ by the Election Commission of India makes it more susceptible for challenge on that account alone. It is time for the Supreme Court to examine and streamline the confusing elements related to the ‘office of profit’ and tests evolved thereto.

# State Funding in Elections

## Context

*Recently (2<sup>nd</sup> Jan 2018) Government of India notified the Scheme of Electoral Bonds to cleanse the system of political funding in the country. Electoral Bond would be a bearer instrument in the nature of a Promissory Note and an interest free banking instrument; Bonds would be purchased for any value, in multiples of Rs.1,000, Rs.10,000, Rs.1,00,000, Rs.10,00,000 and Rs.1,00,00,000 from the Specified Branches of the State Bank of India (SBI).*

*This also raises the debate for implementation of state funding mechanism in the electoral system. Hereby, discussing the concept of state funding mechanism and its feasibility in India.*

## Introduction

India is the largest democracy in the world. India lacks in transparent political funding system. Elections and political parties are a fundamental feature of Parliamentary democracy. Elections and round the year functioning of the political parties involves a large expenditure. Parties run offices throughout the country. Staff salaries, travelling expenses, establishment cost are regular expenditures of political parties. There has not been a single year where election either for the Parliament or State Assemblies has not been held. Besides expenditure of individual candidates, political parties have to spend money on election campaigns, publicity, tours, travels and election related establishments. These expenditures run into hundreds of crores. Yet there has not been a transparent funding mechanism of the political system. In respect of that there is widespread demand to bring transparent mechanism for funding of parties. People have right to know how parties get funds to bring interparty democracy. In this respect it is imperative to understand in depth new initiative of government i.e., electoral bonds.

## Concept of State funding

State funding means that government gives funds to political parties or candidates for contesting elections. Its main purpose is to make it unnecessary for contestants to take money from powerful moneyed interests so that they can remain clean. For this to happen, state funding needs to be accompanied by strict accounting and transparency. In some countries, state funding is extended to meeting some specific forms of spending by political parties, not confined to electioneering alone. Countries keep changing laws relating to state funding depending on experience and financial condition.

The key reports on state funding of elections are as follows:

- **Indrajit Gupta Committee on State Funding of Elections (1998):** The Indrajit Gupta Committee had envisaged a *phased introduction of public funding*. Gradually, the Committee envisioned a transition to full state funding. However, the Committee excluded independent candidates from the benefits of state funding and required parties to submit audited accounts and tax returns to avail the benefits.

- ▶ **Law Commission Report on Reform of the Electoral Laws (1999):** Total state funding of elections is “desirable” so long as political parties are prohibited from taking funds from other sources.
- ▶ **National Commission to Review the Working of the Constitution (2001):** Did not endorse state funding of elections but concurred with the 1999 Law Commission report that the appropriate framework for regulation of political parties would need to be implemented before state funding is considered.
- ▶ **Second Administrative Reforms Commission (2008):** Recommended partial state funding of elections for the purpose of reducing “illegitimate and unnecessary funding” of elections expenses.
- ▶ **Law Commission of India Report on Electoral Reforms (2015):** It supported the existing system of indirect in-kind subsidies, with section 78B of the RPA being possibly amended in the future to expand these subsidies.

All in all, there is demand for transparency in elections, in this regards new electoral bonds are welcome step. Let us critically analyses it.

### What is Electoral Bond?

- ▶ An electoral bond is designed to be a bearer instrument like a Promissory Note. It will be similar to a bank note that is payable to the bearer on demand and free of interest. It can be purchased by any citizen of India or a body incorporated in India.
- ▶ After purchase of bonds, donors can donate the bonds to their party of choice which can then be cashed in via the party’s verified account within 15 days.
- ▶ Every party that is registered under **section 29A of the Representation of the Peoples Act, 1951 (43 of 1951)** and has secured at least *one per cent* of the votes polled in the most recent Lok Sabha or State election will be allotted a verified account by the Election Commission of India. Electoral bond transactions can be made only via this account.
- ▶ Donations would be tax deductible.
- ▶ Electoral bonds will not bear the name of the donor. *Donor and the party details will be available with the bank, but the political party might not be aware of who the donor is.* The intention is to ensure that all the donations made to a party will be accounted for in the balance sheets without exposing the donor details to the public.

### Why there is Need of Electoral Bonds?

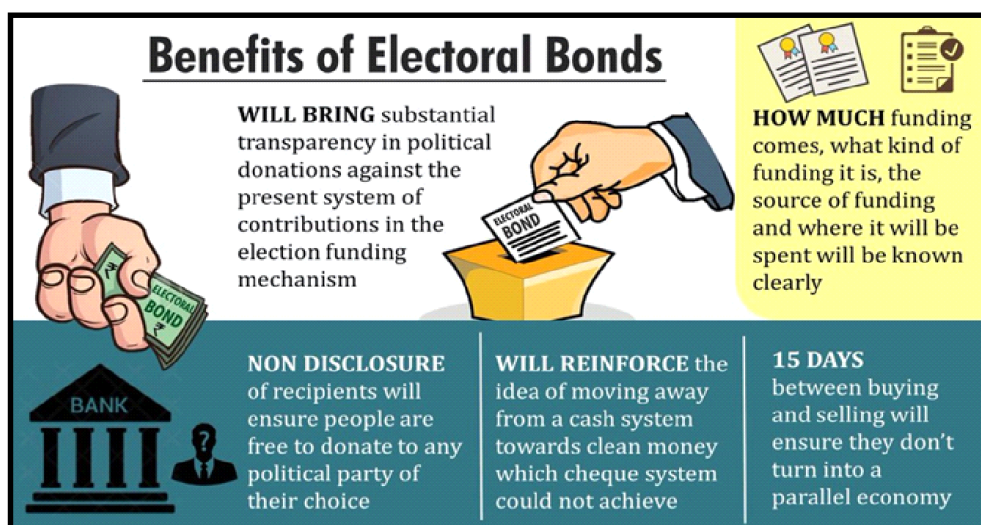
- ▶ The conventional system of political funding is to rely on donations. These donations may come from political workers, sympathisers, small business people and even large industrialists.
- ▶ The conventional practice of funding the political system was to take donations in cash and undertake these expenditures in cash. *The sources are anonymous or pseudonymous. The quantum of money was never disclosed.*
- ▶ **The present system ensures unclean money coming from unidentifiable sources.** It is a wholly non-transparent system. The effort, therefore, is to run down any alternative system which is devised to cleanse up the political funding mechanism.

### Advantages of Electoral Bond System

- ▶ **Clean money:** Donations made online or through cheques remain an ideal method of donating to political parties. Electoral bond scheme, envisages total clean money and substantial transparency coming into the system of political funding.

As donor can purchase electoral bonds from a specified bank only by a banking instrument, donor would have to disclose in his accounts the amount of political bonds that he has purchased. The life of the bond would be only 15 days.

- **Election commission can have records:** Every political party in its returns will have to disclose the amount of donations it has received through electoral bonds to the Election Commission.
- **Boost to banks:** The entire transactions would be through banking instruments. There will be influx of money in banking system. Along with transparency there will be more liquidity for banking sector.
- Non-disclosure of recipient will ensure people are free to donate to any political party of their choice.



### Apprehensions Made Against Electoral Bonds

- **No actual transparency:** The name of the donor will not be revealed either to the party or to the public. So, the problem to replace anonymous donations and bring about transparency and accountability towards voters will remain the same.
- **Opacity, black money:** It only promotes the culture of opacity that pervades India's current political finance regime. Opacity will lead to generation of more and more black money into the political system.
- **Beneficial to ruling party:** Given that the State Bank of India is owned by the Union government, this raises the spectre that data on donors could be made available to the ruling party to be used to its benefit.
- Amendment of the Foreign Contribution (Regulation) Act (FCRA) *opening the floodgates* of foreign funding to political parties, especially those which have a foreign support base.
- The refusal of political parties to come under the RTI Act in order to conceal their sources of funding will make given step null and void.

### Way Forward

- The *Indrajit Gupta Committee* on State Funding of Elections had endorsed partial state funding of recognised political parties and their candidates in elections way back in 1998, but the lack of political will has prevented any serious discussion on this.
- State funding in cash is not a good idea. However, as *Tarkunde committee* suggested earlier, that certain facilities be made available to every constituency



at government expense like giving printed cards with the registered number of voters and the polling booths where they may cast their vote, making available school rooms and halls for meetings, sending one communication to each voter free of postage and so on.

- If inner-party democracy is missing, electoral bonds are not effective. A strong Lokpal has to be in place to ensure that corruption is reported and redressed. This will instill fear among prospective candidates who will no longer see their election as a money-making opportunity.

## **Conclusion**

The system need to devise carefully to establish the allocation of money to national parties, state parties and independent candidates and expenditure made by them.

# Government as the Biggest Litigant in India

## Context

*Recently revealed by Ministry of Law and Justice that government departments are a party to around "46 percent" of court cases. The Railway ministry tops the chart with the maximum number of contempt of court cases pending against it. After the Railways, which has 241 such cases, is the Ministry of Home Affairs with 68 cases, the document states. The ministry of Communications has 21 pending contempt cases.*

*In this context, it is imperative to find out the reasons for high number of litigants and solutions to reduce it.*

## Introduction

46% of all the cases have been on the State (Central, states and other local authorities) as a litigant. Government litigation includes service matters and conflict with private entities as well as disputes between government departments and between PSUs. Contempt cases are generally a result of non-adherence to judicial directions and failure to file affidavits on time and appear before courts.

While 8.5% of the litigation is by the State, the rest is against the State and this is the area of immediate concern.

## Why Government is the Biggest Litigant in India

- ▶ **Most of the cases are writ petitions especially in labour and service department:** The writ jurisdiction vested in High Courts under Article 226 of the Constitution enables an ordinary citizen to access the highest court in her State. Number and nature of writ petitions filed before a High Court are indicative of the extent of friction between citizens and the government. *For example:* writ petitions constitute nearly 60% of all cases filed before the Karnataka High Court.
- ▶ **Unresolved disputes since independence:** Various unresolved disputes since independence are lingering today also. Various disputes on land, water, river, language, and region are main cause of litigations.
- ▶ **Lack of internal dispute mechanisms / grievance redressal mechanisms:** There is no grievances redressal mechanism to solve disputes amicably before going to court.
- ▶ **Lack of effective social audit:** If social audit of Government programmes are done properly and proper feedback taken, issues would be addressed right at the outset.
- ▶ **Lack of accountability in public functionaries:** Lack of accountability causes breach rights. This leads to litigation between citizens and states.

### Other reasons for pendency of cases

- ▶ **Increase in the awareness:** Common peoples are increasingly getting aware about their rights, which is good thing on one hand and on other it is increasing burden on judiciary.
- ▶ **Not enough courts:** Budgetary allocations for the whole judiciary are a pathetic 0.1% to 0.4% of the whole budget. India needs more courts and more benches. Modernization and computerization have not reached all courts.
- ▶ **Not enough judges:** Current Judge to Population ratio is 10 to 1 million. The Law Commission report in 1987 recommends atleast 50 to 1 million.
- ▶ **PIL, RTI:** These have increased pressure on judiciary substantially. As government explicit made legislation for new rights like 'Right to Information' and 'Right to Education', aggrieved parties started to increasingly knock the doors of justice. Also, active judiciary has invented new devices like Public Interest Litigation which again resulted in more cases.

### Consequences

- ▶ **Overload:** Judiciary suffers from overwork and loses its efficiency. (Justice delayed is justice denied and Justice hurried is justice buried.)
- ▶ **Lack of FDI:** Foreign investors are doubtful about the timely delivery of justice. This affects the programs like 'Make in India'.
- ▶ It denies the poor man and under trial prisoners their due of justice. As most of the time taken by government cases, judiciary sidelines the common people's grievances.
- ▶ **Burdon on exchequer:** increasing litigation increases cost of justice. Pending cases do not result into amicable financial solutions.

### Possible Solutions

- ▶ **Multi-pronged approach-** For example,
  - To reduce writ petitions filed under service and labour classifications, the state must put in place robust internal dispute resolution mechanisms within each department.
  - To reduce writ petitions, the state must either ensure that quasi-judicial authorities are judicially trained or create a separate class of judicial officers to discharge quasi-judicial functions.
- ▶ **Model litigant policy** of the Govt. is a good step in reducing and quickening the cases to a certain extent.
- ▶ Effective citizen charters in administration, inbuilt feedback and grievance redressal mechanisms, social audits, wide ranging policy debates are other solutions.

### National Litigation Policy 2010

The Centre has formulated a National Litigation Policy to reduce the cases pending in various courts in India under the National Legal Mission to reduce average pendency time from 15 years to 3 years.

The National Litigation Policy is based on the recognition that Government and its various agencies are the pre-dominant litigants in courts and Tribunals in the country. Its aim is to transform Government into an Efficient and Responsible litigant.

This policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens; to respect fundamental rights and those in charge of the conduct of Government litigation should never forget this basic principle.

## Conclusion

National Litigation Policy (2010) can transform government into a “model litigant”. However, what is needed is an implementable action plan to ensure that citizens are not forced to file cases against the government and its agencies in the first place. This will require a relook at the functioning of litigation-prone departments and formulating solutions unique to each department.

# Motor Vehicle Amendment Bill 2017

## Context

*The Motor Vehicles Act, 1988 is the principal Act for regulating all the activities related to Motor Vehicles in the country. It has been amended four times, i.e. in the year 1994, 2000, 2001 and 2015 to adapt it to the technological upgradation emerging in road transport, passenger, freight movement and in motor vehicle management. Many provisions of the Act either have lost its sheen in present context or there is a need to add more teeth to it especially vis-à-vis provisions pertaining to increasing penalty to enforce road safety and also provisions for incorporating modern technology. There is a need for amending the existing provisions to suit the present requirement.*

*Hereby, discussing the amendments proposed the critical analysis of that.*

## Introduction

For developing economies, traffic fatalities ought to be treated as public health hazard, as not only do they cause deaths but also hold back economic growth.

According to the World Bank road accidents can have a negative impact on a country's economy as fatalities from road accidents, especially for poor and semi-poor families can result in death or deaths of earning individuals and thereby cuts off major contribution to a country's gross domestic product (GDP). It also stated that prevention of road accidents was not dependent only on drivers and their abilities, but also on how much governments invest in better infrastructure for roads, road safety awareness programmes and better training systems for drivers.

Pedestrians, especially poor people between the age group of 15 to 29 are the most vulnerable when it comes to road accidents. It is the absence of safe systems, ranging from well-conditioned roads to proper traffic management, which results in such deaths. India alone registers 2,00,000 deaths per year due to road accidents.

Thus to make our roads safer and save lives, government has introduced Motor Vehicle Act (Amendment) Bill 2017.

Main features of the Bill include:

- ▶ It makes Aadhaar card mandatory for getting a driving licence and vehicle registration.
- ▶ For deaths in hit-and-run cases, the government will provide a compensation of Rs 2 lakh or more to the victim's family. Currently, the amount is just Rs 25,000.
- ▶ The Bill has provision for protection of Good Samaritans. Those who come forward to help accident victims will be protected from civil or criminal liability.

It will be optional for them to disclose their identity to the police or medical personnel.

- ▶ The minimum fine for drunk driving has been increased from Rs 2,000 to Rs 10,000.
- ▶ The fine for rash driving has been increased from Rs 1,000 to Rs 5,000.
- ▶ Driving without a licence will attract a minimum fine of Rs 5,000 as against Rs 500 at present.
- ▶ The fine for over-speeding will go up from Rs 400 to Rs 1,000-2,000.
- ▶ Not wearing seat belt would attract a fine of Rs 1,000 as against Rs 100 at present.
- ▶ Talking on a mobile phone while driving will attract a fine of Rs 5,000, up from Rs 1,000.
- ▶ The time limit for renewal of driving licence is increased from one month to one year before and after the expiry date.

### General Recommendations of the Standing Committee

The Bill has been moved to the Standing Committee which has given following recommendations in the Bill.

- ▶ **No guns be allowed in personal vehicles:** The Committee notes that road rage is one of the daily phenomena happening in metropolitan cities and urban areas. Many a time, in road rage, licensed guns are used to kill persons. This is happening mainly because licensed guns are carried by persons in the vehicles without any restriction.
- ▶ **Inclusion of Traffic and road safety education in school curricula:** The committee notes that there is a need to educate the students about the traffic laws, rules and regulations. The Committee, therefore, recommends that traffic and road safety education must be made a compulsory part of the school education upto the 12th Standard throughout India.
- ▶ **Lane Segregation:** The Government should lay down clear cut policies for segregation of different type of vehicles on specific lanes on the roads. This is possible in majority of our National Highways as these are multilane roads. Enforcement of lane driving should be given priority by the enforcement agencies.
- ▶ **National Road Safety Board:** The broad aim of the Motor Vehicle Amendment Bill is to enhance road safety. Road safety is a complex resultant of road construction technology, motor vehicle technology and the upgradation of skills of road users both vehicle drivers and pedestrians. Mere enhancement of penalties will not solve the problem. There is a need to constitute a high powered road safety board and to ensure the availability of adequate funds for technologically upgrading and updating the standards. National road safety fund can be constituted with an additional cess on first time sales of new motor vehicles which could fund all these activities. The National Road Safety Board may contain representatives of both Central & State Governments. It should have adequate authority to guide the Government.

### Conclusion

As a signatory to the Brasilia Declaration on Road Safety, India has committed to reducing, by 2020, the number of road crash fatalities and serious injuries by 50%. This will be impossible to achieve if the sole statute governing road safety in India, the Motor Vehicles Act, 1988, is not overhauled. The Motor Vehicles (Amendment) Bill, 2017, will serve as the first and most essential step towards fulfilling this vision.



But to implement it properly. State governments must prepare for an early roll-out of administrative reforms prescribed in the amended law, such as issuing learner's licences online, recording address changes through an online application, and electronic service delivery with set deadlines. Indeed, to eliminate corruption, all applications should be accepted by transport departments online, rather than merely computerising them. Protection from harassment for good samaritans who help accident victims is something the amended law provides, and this needs to be in place.

# ECONOMIC ISSUES

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# Contract Worker: Issues and Steps Needed

## Context

*The rise in the use of contract and temporary workers raises questions about who is responsible for their safety in the workplace. But employers who use these workers at their work sites would be unwise to assume that they can offload their responsibility to protect them from injury and illness simply because they are not directly employed by their companies.*

*Hereby, discussing the issues faced by contract workers and steps needed for maintenance of their livelihood.*

### Current Scenario of Contract Workers

- ▶ Recently the Union government's move to allow industries to hire contract workers in ancillary businesses and non-core activity has not found takers among both employers and trade unions.
- ▶ The government's proposal is based on the recommendations of the **Second National Commission on Labour** in 2002. It recommends that the Contract labour shall not be engaged for core production, services or activities. However, for sporadic seasonal demand, the employer may engage temporary labour for core production or service activity.
- ▶ Contract Labour (Regulation and Abolition) Act, 1970 is to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances. The present law suggests a firm cannot hire contract workers in jobs perennial in nature or round-the-clock.
- ▶ It discourages hiring of contract workers in "core activity" of businesses and allows hiring contract workers for 'non-core' activities such as housekeeping, gardening, security, catering and maintenance of establishment.
- ▶ The trade unions arguing that these are activities in which an establishment requires workers throughout the year.
- ▶ Industry hires a significant proportion of contract workers in its core businesses, too. In an automobile company, nearly one-third of the workers are on its payroll and the rest are contract workers.
- ▶ Indian economy (service sector) has revolutionized the way services are delivered and received around the world.
- ▶ But a trend that is gathering momentum in India as big software companies like Wipro and Infosys hire gig workers on a project-to-project basis. Companies like Uber, Ola, Deliveroo have made a huge success with this concept. It is leading towards the 'gig economy'.

- The relationship of a temporary worker with his employer is driven entirely by the contract, unless the contract states that, gig workers have the freedom to work as per their convenience, with no fixed working hours or employment policies to bog them down. Add to that the flexibility to pick and choose the kind of work they wish to participate in.
- In the traditional employer-employee set-up, the employee is required to work on whatever the employer asks of him.

### Reasons for Hiring Contract Labour

- Businesses fail sometimes and entrepreneurs should not become risk averse for fear of being saddled with a redundant workforce.
- Vast population of India still falls under the category of semi-skilled and unskilled workers.
- It saves hassle and costs for the employer, the gig workers miss out on statutory safeguards with respect to unfair termination, minimum wages, paid leave, etc.
- Jump from agriculture sector to service sector, bypassing the manufacturing sector which has great potential to acquire the large workforce.
- In an era where companies frequently terminate even a permanent worker for engaging in union mobilisation, the stakes are too high for contract workers, who could be summarily dismissed, without any consequences, by the management.
- Using loopholes in laws there is classification of workers (as unskilled, semi-skilled and skilled), doing the same work, into different categories, for payment of wages at different rates.

Contract workers constitute to majority of the workforce but with very little or no bargaining power or job security.

As per the Trade Unions Act, 1926, any workman who works in a factory can join a union of that factory. But trade unions typically have only permanent workers as members. The reason cited is that contract workers are not employees of the employer in question and so should not find representation in a union body formed for the purpose of negotiating with the said employer.

### Supreme Court Judgment in Jagjit Singh Case: Contract Workers vs. Permanent Workers.

- The constitutional principle of ‘**equal pay for equal work**’ has been upheld by the SC with respect to temporary employees’ vis-à-vis permanent employees in the government sector.
- It held that denial of equal pay for equal work to daily wagers, temporary, casual and contractual employees amounted to “exploitative enslavement, emerging out of a domineering position”.
- The court also made the philosophical point that denial of the principle of equal pay for equal work is a violation of human dignity.

#### *Important Observations Made by the Court:*

- Not paying the same wages, despite the work being the same, violates Article 145 of the Constitution of India and amounts to exploitation in a welfare state committed to a socialist pattern of society.
- The claim for equal wages would be sustainable where an employee is required to discharge similar duties and responsibilities as permanent employees and the concerned employee possesses the qualifications prescribed for the particular post.

- ▶ If daily-wage employees can establish that they are performing equal work of equal quality, and that all the other relevant factors are fulfilled, a direction by a court to pay such employees equal wages (from the date of filing the writ petition), would be justified.

### Way Ahead

- ▶ SC judgment in the Jagjit Singh case represents a very small step forward in a narrow area of law that has not reached its full potential in ensuring social welfare of all workers due to the lack of legislative action and the absence of judicial imagination.
- ▶ Labour welfare schemes should introduce to secure fair employment terms and we cannot let technology run roughshod over it.
- ▶ The basic labour protection like minimum wages, paid leave provisions and maternity benefits should be available to gig workers as well.
- ▶ In a bid to strike a balance between the contrasting demands of employers and unions over contract workers, the government should amend CL Act that deals with abolishing of contract workers as and when demanded by the workers.

### Conclusion

- ▶ Now, union leaders should focus on securing decent work that guarantees pay parity while in employment. The government must deploy staff with the flexibility they need. A reform in labour laws to readjust the size of the workforce at short notice, hire new skills, scale up or down, depending on way demand moves, will make India competitive.

# Feminization of Agriculture

## Context

*According to the Economic Survey 2017-18, with a rise seen in migration of men from rural to urban areas, there is 'feminisation' of agriculture sector, as the number of women in multiple roles such as cultivators, entrepreneurs and labourers is increasing.*

*The Survey also stressed the need for an 'inclusive transformative agricultural policy', aimed at gender-specific interventions.*

*Hereby, discussing the issues related to feminization of agriculture in India and how to make agriculture development inclusive and sustainable.*

## Introduction

- ▶ As a result of rapid industrialisation, urbanization took place, and a migratory change began to take shape following the gender lines. Men migrated first, for long durations and to far-off destinations as the social structure of India permits them to seek off-farm employment opportunities. This results in what is called the **'feminisation of agriculture'**.
- ▶ Women are involved in all aspects of agriculture, from crop selection to land preparation, to seed selection, planting, weeding, pest control, harvesting, crop storage, handling, marketing, and processing of agriculture produce. Almost all women in rural India can be considered as 'farmers' in some sense, working as agricultural labour, unpaid workers in the family farm enterprise, or the combination of the two. Moreover, several farm activities traditionally carried out by men are also being undertaken by women as men are pulled away into higher paying employment. Thus, rural India is witnessing a process of feminisation of agriculture.
- ▶ **Feminization** is a process in which more and more women become involved in an activity where there is traditionally more men.
- ▶ There are two types of feminization of agriculture, namely: feminization of agricultural labour (labour feminization) and feminization of farm management (managerial feminization).
  - ❑ **Feminization of agricultural labour** is the process by which increasingly more of on-farm work is done by women.
  - ❑ **Feminization of farm management** occurs in two ways. First, when women increasingly become primary decision makers on the farm; or second when they gain greater access to agricultural income (dominate the execution of specific agricultural activities in which income is collected); Ex. marketing of crops and livestock.



## Major reasons behind Feminisation

- ▶ **Increasing Rural to Urban Migration:** Due to lack of opportunities in rural areas there is substantial male migration to urban areas. This male migration forcing women to fill in for them in the agricultural fields.
- ▶ **Gender Wage Differentials:** Men are paid more than women. When they can get more by working elsewhere, a low-income pursuit is left for women.
- ▶ **Poverty:** There is increase in prices of food items and other household basic needs. The state of poverty pushes the women members to work in the agricultural fields to supplement the income levels of the family.
- ▶ **High demand for agricultural laborers:** Traditional way of agriculture is followed which is labor intensive, and hence a high level of demand for laborers already persists in the agricultural sector. It is further intensified by the aforementioned rural to urban migration.
- ▶ **Increasing feminization of old age:** Due to greater life expectancy, women outlive men and hence widows end up heading a family and taking to the agricultural fields.
- ▶ **Cultural acceptance:** Agriculture has traditionally been an acceptable avenue of work for women in rural areas, otherwise infamous for many a stigmas when it comes to women's employability in workplaces.
- ▶ **Liberalisation:** Liberalization policies have resulted in higher input costs, lower farmgate prices, and significant cuts in access to credit and extension services for the smallholder sector that produces mostly food for local and regional markets. The decline in the profitability of food production and in food security has forced low-income and low-asset rural households to seek other income sources (off-farm employment) in order to maintain the household. Livelihood diversification included out-migration of both women and men and employment in the agri-business industry.
- ▶ **Development of horticulture sector:** The labor-intensive nature of horticultural production motivated the industry to hire women workers who command lower wages, particularly in the rural sector. The global market and international competition drives product prices down, keeping wages low, but more importantly, keeping the labor market flexible.

## Important Facts

- ▶ In India women constitutes about **65% of agricultural labour** and 74% of total rural workforce. But they are **either labeled "agricultural laborers" or "cultivators"** and not as "Farmer".
- ▶ As per Census 2011, out of total female main workers, 55% were agricultural labourers and 24% cultivators.
- ▶ The UNDP report indicates that 67% of world's work is done by women. They grow 50% of the world total food.

The process of agricultural feminization has multi-dimensional implications.

## Some Benefits of Feminization of Agriculture

- ▶ The women's greater involvement in agriculture has led to increase in family's income, availability of food for human consumption, increase in food production and assurance of food security.
- ▶ It also helps in improving the health of children as women have more tendencies to spend for family.

Thus, the development policy should address the persistent problem of improving women's access to productive resources: land, credit, and labor. Women face constraints as effective producers in the rural economy. As more women become the principal supporters of their households, these constraints not only prejudice women's physical and emotional health, they also have impact on household welfare.

The Economic Survey 2017-18 also stressed on the need for an 'inclusive transformative agricultural policy', aimed at gender-specific interventions.

- ▶ **Training to women** should be given on farming practices through various campaigns. Two Farmer-centric initiatives are:
  - ▣ **Biotech-KISAN** (Krishi Innovation Science Application Network)
  - ▣ **Cattle Genomics**
- ▶ Need to **improve literacy among women farmers** so that they can understand technology related to farming like GM-seeds, organic farming, e-NAM as well as their rights.
- ▶ Need to **provide health insurance and promote some scheme specifically for women farmers**. Mother and Child Tracking System (MCTS), Mission Indradhanush etc. is a good initiative.
- ▶ We need to have a **strong tenancy act** throughout the country and some **specific provision should be there for women**.

#### Government Initiatives

- ▶ Ministry of rural development launched the scheme named "**Mahila Kisan Sashaktikaran Paroyojana**" for women farmers.
- ▶ Govt. has also launched the Digitization of land records programme.
- ▶ Himachal Pradesh launched scheme "Entrepreneurial Development of Women Farmers".
- ▶ Recently GoI started programme: **Training to Women Engaged in Agriculture Sector**.
- ▶ To ensure main-streaming of women in the agriculture sector, the government is earmarking at least 30% of the budget allocation for women beneficiaries in all ongoing schemes-programmes and development activities.

#### Way Forward

- ▶ Rural women are responsible for the integrated management and use of diverse natural resources to meet the daily household needs. This requires that women farmers should have enhanced access to resources like land, water, credit, technology and training which warrants critical analysis in the context of India.
- ▶ There should be more focus on women self-help groups (SHG) to connect them to micro-credit through capacity building activities and to provide information and ensuring their representation in different decision-making bodies.
- ▶ The National Commission for Women's (NCW) Mahila Kisan Adhikar Manch (MAKAAM – Forum for Women Farmers' Rights) and UN Women have to come together in a unique partnership to collectively review legislation and policy frameworks, and advocate for removing barriers, as well as for creation of an enabling ecosystem for women farmers to realize their rights.
- ▶ Women do not have the same access to agricultural services and resources (such as agricultural extension, input suppliers, product markets, and credit institutions)

as men. Policies are needed to ensure that women participate in and benefit from the dissemination of technology and knowledge needed for commercial agriculture and food production.

### **Conclusion**

- Agriculture can be an important engine of growth and poverty reduction and also agriculture cannot survive without women. So, the agricultural policies and programmes should be formulated to meet the agricultural needs of the women farmers in order to increase their productivity.

# Need of Regulatory Regime for Alternative Investment Fund



*In India, alternative investment funds (AIFs) are defined in Regulation 2(1)(b) of Securities and Exchange Board of India (Alternative Investment Funds) Regulations, 2012.*

*It refers to any privately pooled investment fund, (whether from Indian or foreign sources), in the form of a trust or a company or a body corporate or a Limited Liability Partnership (LLP) which are not presently covered by any Regulation of SEBI governing fund management (like, Regulations governing Mutual Fund or Collective Investment Scheme) nor coming under the direct regulation of any other sectoral regulators in India - IRDA, PFRDA, RBI.*

*Hence, in India, AIFs are private funds which are otherwise not coming under the jurisdiction of any regulatory agency in India.*

## What is Alternative Investment Fund?

- Definition is given above. More explanation-
- Alternative Investment Funds are a class of investment entities that are not covered under the usual SEBI regulatory framework for investment institutions. AIFs refers to any privately pooled investment fund – a trust or a company or a body corporate or an LLP (Limited Liability Partnership) which are not presently covered by any Regulation of RBI, SEBI, IRDA and PFRDA. They may be foreign or Indian.
- General feature of AIFs is that they are tailor made investment arrangements like Private Equities that aims to utilize investment opportunities. AIFs are thus private investment entities.
- Thus, AIFs includes Private Equities, Venture Capital Fund, Hedge funds, Commodity funds, Debt Funds, Infrastructure Funds, etc. Most of these investment entities are owned by big corporate houses or wealthy individuals. Several multinational banks have also AIFs. Venture Capital Funds and Angel Investors are also categorized as AIFs.

## Previous Regulatory Regime

SEBI in May 2012 had notified the guidelines for AIFs as funds established or incorporated in India for pooling in of capital from Indian and foreign investors for investing.

In 2014, SEBI decided that the promoters of listed companies can offload 10 per cent of equity to AIFs such as SME Funds, Infrastructure Funds, PE funds and Venture

Capital Funds registered with the market regulator to attain minimum 25 per cent public holding.

*Securities and Exchange Board of India (Alternative Investment Funds) Regulations, 2012.*

- Securities and Exchange Board of India (Alternative Investment Funds) Regulations, 2012 (also called AIF Regulations) are a set of regulations introduced by Securities and Exchange Board of India (SEBI) in 2012, to regulate pooled investment funds in India, such as real estate, private equity and hedge funds.
- These regulations apply to all pooled investment funds registered in India which received capital from Indian or foreign investors.
- These were made to regulate funds that were not covered under the SEBI (Mutual Funds) Regulations, 1996; SEBI (Custodian of Securities) Regulations, 1996 and any other regulations of SEBI.
- This was introduced to bring unregistered funds in India under the ambit of law. Prior to the introduction of this, many funds were operating in India that could not be classified as domestic venture capital funds (VCF), foreign venture capital investors (FVCI) or foreign institutional investor (FII) funds.
- Under SEBI guidelines, AIFs are classified into three categories. The SEBI rules apply to all AIFs, including those operating as private equity funds, real estate funds and hedge funds, among others.

### Types of AIFs

AIFs are categorized into the following three categories, based on their impact on the economy and the regulatory regime intended for them in India.

- **The Category I AIF:** are those AIFs with positive spillover effects on the economy, for which certain incentives or concessions might be considered by SEBI or Government of India. Such funds generally invests in start-ups or early stage ventures or social ventures or SMEs or infrastructure or other sectors or areas which the government or regulators consider as socially or economically desirable. They cannot engage in any leverage except for meeting temporary funding requirements for not more than thirty days, on not more than four occasions in a year and not more than ten percent of the corpus, eg. Venture Capital Funds, SME Funds, Social Venture Funds and Infrastructure Funds. Giving effect to the announcement by Union Finance Minister on angel investor pools in the Union Budget 2013-14, SEBI in June 2013 has approved a framework for registration and regulation of angel pools under a sub-category called 'Angel Funds' under Category I- Venture Capital Funds.
- **Category II AIF:** are those AIFs for which no specific incentives or concessions are given. They do not undertake leverage or borrowing other than to meet the permitted day to day operational requirements, as is specified for Category I AIFs, eg. Private Equity or debt fund.
- **Category III AIF:** are funds that are considered to have some potential negative externalities in certain situations and which undertake leverage to a great extent; these funds trade with a view to make short term returns. These funds are allowed to invest in Category I and II AIF also. They receive no specific incentives or concessions from the government or any other Regulator, eg. Hedge Funds (which employs diverse or complex trading strategies and invests and trades in securities having diverse risks or complex products including listed and unlisted derivatives).

## Why need of regulatory regime for AIFs

AIFs invested around \$16.7 billion in last year. *In the last five years, less than 5% of investments made by AIFs have been in start-ups.*

- ▶ In 2012, Sebi announced AIF regulations to create a structure where a regulatory framework is available to all shades of private pool of capital or investment vehicles. Under these regulations, AIFs are divided into three categories according to their target investments as we have seen previously.
- ▶ In order to separate funds which invest in early-stage companies or start-ups, a sub-category of category I funds called **venture capital funds (VCFs) has been created**. According to the regulations, a VCF is defined as an AIF which invests primarily in unlisted securities of start-ups, emerging or early-stage companies mainly involved in new products, new services, technology or intellectual property right-based activities or a new business model. After registering as a VCF, an AIF has to invest a minimum 66% of the corpus in unlisted securities of early-stage companies, excluding non-banking financial companies and gold financing.
- ▶ However, these start-up-focused VCFs are few and have been able to raise very little money. As of November 2016, only 23% of registered AIFs were “Category I – VCFs”, according to Sebi.
- ▶ When it comes to raising funds, their share was even lower. As of September 2016, registered AIFs had raised around Rs.29,000 crore, out of which only 7% was raised by VCFs. This is the main reason why AIFs have failed in boosting start-up funding significantly.
- ▶ It shows that current regime has not worked up to the mark and there is need of new regime.

## Way Forward

### Probable solutions to problem can be seen as-

- ▶ Dedicate a portion of the fund-of-funds created under the Startup India scheme to VCFs.
- ▶ A mere 20% allocation, Rs.2,000 crore, will increase the capital base of start-up-focused AIFs by more than 100%.
- ▶ Government can provide special incentives for VCFs which make them more attractive for investors and fund managers.
- ▶ More VCFs will encourage competition and boost activity in the start-up ecosystem.

## Conclusion

The various government schemes have tremendous potential to propel India to a higher level of sustainable growth. AIF is one of the best ways to take India away from the jobless growth through investment in various schemes. However, the scheme can succeed only if sufficient capital is available to upcoming start-ups, along with other incentives. The government and Sebi can kick-start the next phase of start-up funding and employment growth in India by using the AIF regulations to their advantage.

# Bhavantar Bhugtan Yojana

## Context

*Efforts are being made by the Madhya Pradesh State Government to provide proper value of produce to the farmers of the state. In this direction the Bhavantar Payment Scheme (price deficit finance scheme) is being implemented on a pilot basis.*

*Under this, state government would pay the farmers the difference between modal rate (the average prices in major mandis) and the minimum support prices (MSPs) for the kharif crops if the latter prices could not be fetched by them.*

*More than 16 lakh of Madhya Pradesh's 64 lakh farmers have registered themselves under the Bhavantar Bhugtan Yojana or the price deficit finance scheme.*

*Central government has also announced "Operation Greens" to address price fluctuations in potato, tomato and onion for benefit of farmers and consumers on the lines of "Operation Flood".*

*Hereby, critically analyzing the Bhavantar Payment Scheme.*

## Why Need of Such Scheme?

*To understand this let us have brief look on MSP and its shortcomings.*

Minimum Support Price (MSP) is a form of market intervention by the Government of India to insure agricultural producers against any sharp fall in farm prices. The minimum support prices are announced by the Government of India at the beginning of the sowing season for certain crops on the basis of the recommendations of the Commission for Agricultural Costs and Prices (CACP). MSP is price fixed by Government of India to protect the producer-farmers against excessive fall in price during bumper production years.

### *Shortcomings*

- ▶ Benefits of MSP are generally reaped by big farmers. Small farmers are generally not aware about market mechanism.
- ▶ Only 6-8% of farmers are covered under the scheme.
- ▶ Inefficiencies of Food Corporation of India, lack storage capacity, thus amounts to huge wastage of grains every year.
- ▶ Procurement mostly limited to cereals like Wheat and Rice.

To overcome these shortcomings there was need of another scheme.

## Bhavantar Bhugtan Yojana

### *What is it?*

- ▶ It's a scheme, to cushion farmers from price crashes. If prices fall, the government will pay farmers the deficit, hence 'bhavantar'.



- Unique is that farmers get compensated for fair average quality (FAQ) and near-FAQ crop as well.
- It's a massive incentive for farmers to go for oilseed production in which country lags. We import 15 million tonnes of edible oil a year.

***How is it different from minimum support price?***

- In MSP, there are a lot of overhead costs that the government has to bear. In most crops, it ranges from 30-40% because of storage and handling costs, and waste.
- In Bhavantar, on the other hand, the state's cost has come down to just 18% — and it goes straight to the farmer, not to transporters and chowkidars as in MSP.
- Bhavantar ensures profit to farmers, without the need to stock their produce and incur maintenance and transportation costs.
- Madhya Pradesh is the largest producer of pulses and oilseeds — 28% of the total production in the country. India is not self-reliant in this. On an average, the Union government imports pulses and oilseeds worth Rs 90,000 crore every year while in paddy and wheat, the country is more than self-reliant. So only oilseeds and pulses covered under the scheme and not paddy or wheat.

### Price Stabilization Fund

Price Stabilisation Fund (PSF) refers to any fund constituted for the purpose of containing extreme volatility in prices of selected commodities. The amount in the fund is generally utilised for activities aimed at bringing down/up the high/low prices say for instance, procurement of such products and distribution of the same as and when required, so that prices remain in a range.

India first created a price stabilisation fund for some export oriented plantation crops in 2003, and this ceased to exist in 2013. Another fund was created in 2015 for perishable agricultural and horticultural commodities, but initially limited to support potato and onion prices only.

### Market Intervention Scheme

Market Intervention Scheme (MIS) is a price support mechanism implemented on the request of State Governments for procurement of perishable and horticultural commodities in the event of a fall in market prices. The Scheme is implemented when there is at least 10% increase in production or 10% decrease in the ruling rates over the previous normal year.

### Benefits of Price Deficit Financing Scheme

- Simple and easy method to protect farmers against price crash. Under Bhavantar Bhugtan Yojana, primary **agricultural co-operative societies** are required to help farmers to register which already has huge presence among farmers unlike FCI.
- Reduce the wastage of crops in transportation, storage and handling.
- Increase the saving of exchequer as the government would pay only differential and also save on logistics cost.

### Challenges

- Primary agricultural co-operative societies need to be upgraded to handle the registration process.
- Small and marginal farmers may not have knowledge to upload the details of crops and yield which is mandatory under scheme.
- Digital connectivity and Aadhar-linked bank accounts are pre-requisites, putting remote regions to disadvantage.
- Differential payment would be made with a delay.

## Way forward

Uttar Pradesh, Haryana, Chhattisgarh, Maharashtra, Karnataka, Odisha and Telangana have shown interest in this scheme.

Government of India also starting a market assurance scheme for oilseeds and pulses from this Rabi season, in which it will probably give the option of price deficit payment to farmers.

Madhya Pradesh government also trying to bring Onion under Bhavantar scheme from this Rabi season.

## Conclusion

A deficiency price payment scheme is ad hoc mechanism and not remedy. Because neither the centre nor state governments are putting in the political capital to reform India's inefficient agriculture markets where the bulk of the produce is traded. Prices are decided in a non-transparent way by a cartel of traders.

A well-functioning agriculture market where spot, future and forward markets are integrated and work seamlessly is the way ahead.

# Why retail oil prices are high despite lower crude oil costs?



*Despite gradual fall in crude oil prices globally, petrol and diesel prices have not come down in India and have remained at four-year high since the start of 2018 although impetus like wider market sell-off and a stronger dollar continue.*

## The Price of Oil

- ▶ The oil price, generally refers to the spot price of a barrel of benchmark crude oil—a reference price for buyers and sellers of crude oil such as West Texas Intermediate (WTI), Brent ICE, Dubai Crude, OPEC Reference Basket, Tapis Crude, Bonny Light, Urals oil, Isthmus and Western Canadian Select (WCS).
- ▶ A differential in the price of a barrel of oil based on its grade is determined by factors such as its specific gravity or API and its sulphur content—and its location—for example, its proximity to tidewater and/or refineries.
- ▶ Heavier, sour crude oils lacking in tidewater access—such as Western Canadian Select—are less expensive than lighter, sweeter oil—such as WTI.

## Determinants of Crude Oil Price

### **Production:**

- ▶ A large part of the world's crude oil share is produced by OPEC nations. Any decisions made by the OPEC countries to raise prices or reduce production affects the prices of crude oil globally.

### **Inventory:**

- ▶ Oil producers & consumers build a storage capacity to store crude oil for immediate future needs. They also build some inventories to speculate on the price expectations in case of changes in demand & supply equations. Any change in these inventory levels triggers volatility in crude oil prices which in turn creates volatility in stock markets.

### **Demand:**

- ▶ The demand for crude oil is due to high growth & demand from the emerging economies. Crude oil inventories increase in the summer & decrease in winter. This is because cold temperatures in the winter increase the use of energy for heating in many cold countries.
- ▶ The demand for fuel goes above supply & results in a need to tap inventories. During summer supply generally exceeds demand & inventories build up. Hence the crude oil prices drop. Crude inventory levels provide a good signal of the price direction.

***Speculation:***

- Speculation in oil futures affects the price. The large liquidity floating around the world found its way into petroleum & other commodity markets. Recent estimates based on the commodity futures trading commission data indicate that speculation has become a critical element in causing random fluctuations in crude oil prices.

**Why the Price of Crude Oil Dropped?**

The oil industry is full of economic booms and busts and the price of crude oil has dropped significantly. Earnings are down for companies that have made high profits over the past five years, and these companies have responded by decommissioning half their overall rigs and cutting investments in exploration and production.

The cause of the downturn is the declining price of a barrel of oil, which is due to the strong U.S. dollar, OPEC, oversupply, declining demand and the Iran nuclear deal. Prices have been cut in half in less than a year, reaching lows that people have not seen since the last global recession.

***The Strong US Dollar:***

- The strong U.S. dollar has been the main driver for the price decline of crude oil over the last few years. In fact, the dollar is at a 12-year high against the Euro, leading to appreciations in the U.S. dollar index and a reduction in oil prices.
- This puts the market under a lot of pressure, because when the value of the dollar is strong, the value of commodities falls. Global commodity prices are usually in dollars and fall when the U.S. dollar is strong.

***Organization of the Petroleum Exporting Countries (OPEC):***

- Another leading factor in the sharp price drop of crude oil is that OPEC, a cartel of oil producers, is unwilling to stabilize the oil markets. Prices of OPEC's benchmark crude oil have fallen 50% since the organization decided against cutting production.
- Of the participating countries in OPEC, Iran, Venezuela and Algeria have wanted to cut production to firm up prices. Saudi Arabia, the United Arab Emirates and other Gulf allies refuse to do so. Iraq sits alone as the only OPEC country to not only maintain supply but actually increase it.
- If OPEC does not cut production, the result is a further oversupply of oil, placing downward pressure on crude oil prices for the long term.

***Oversupply of Crude Oil***

- Total oil production is expected to rise to over 9.35 million barrels per day, higher than the 9.3 million barrels per day.
- This shows that not only is the market oversupplied, but supply is actually increasing.
- Commercial crude oil inventories rose by 4.5 million barrels from the previous week. At almost 500 million barrels, U.S. crude oil inventories are at the highest level in at least the last 80 years, causing a decline in prices.

***Declining Demand***

- While supply is increasing, demand for crude oil is decreasing. The economies of Europe and developing countries are weakening, and at the same time, vehicles are becoming more efficient, which has caused the demand for fuel to lag. China's devaluation of its currency suggests its economy may be worse off than expected.

***Iran Nuclear Deal***

- The Iran nuclear deal is a preliminary framework agreement reached between Iran and a group of world powers. The framework seeks to redesign, convert and reduce Iran's nuclear facilities. The U.S. nuclear deal with Iran allows more Iranian oil exports.
- The deal removes Western sanctions against Iran, and investors fear it will add to the world's oversupply of oil. Markets have already reacted to this news by decreasing the price of crude oil.
- A deep global recession throttled demand for energy and sent oil and gas prices into a precipitous free fall. By the end of 2008, the price of oil had bottomed out at \$40. The economic recovery that began the following year sent the price of oil back over \$100; it hovered between \$100 and \$125 until 2014, when it experienced another steep drop.
- Saudi Arabia's actions also contributed to falling oil prices. Faced with a decision between letting prices continue to drop or ceding market share by cutting production in an effort to send prices upward again, the Middle Eastern country kept its production stable, deciding that low oil prices offered more of a long-term benefit than giving up market share. Because Saudi Arabia produces oil so cheaply and holds the largest oil reserves in the world, it can withstand low oil prices for a long time without any threat to its economy.
- Extraction methods such as fracking are more expensive and therefore not profitable if oil prices fall too low. By supporting low oil prices, Saudi Arabia hopes that countries such as the U.S. and Canada will be forced to abandon their more costly production methods due to lack of profitability.

**Why Retail Oil Prices are High in India Despite Lower Crude Oil Costs?**

- The fuel prices are fully governed by the dynamic-daily pricing mechanism which was adopted by state-run oil marketers.
- Even as the recent hike in the prices of petrol and diesel were being attributed to fluctuating market price of crude oil, industry body Assocham dismissed it and said a sharp hike in taxes in the form of excise and sales tax or VAT by the Centre and states distorted the path of reforms, despite the pricing regime being linked to market-determined rates.
- Apart from central excise, state VAT is added to fuel pricing. As each state has its own tax structure, prices vary from one to another.
- Domestic price movement depends upon various factors such as mismatch movements of dollar with crude prices, volatility of markets, oil output demand, etc which may push up or pull down the price barometer in domestic markets.
- On the other hand, Oil Ministry has been persistently requesting to the States to cut VAT in order to lower the fuel prices in the country.
- In the last fiscal (FY17), the Government received 23 per cent of its revenue from the oil and gas sector. Petrol and diesel are the mainstays for OMCs, accounting for about 51 per cent of the total petroleum product consumption in India as of FY17.
- States are not keen on including fuel in GST because they have flexibility in altering these taxes, a lever they will lose under GST. Losing revenue on this account might not be a deal-breaker because states are assured of compensation from the Centre for the first five years.

- As far as oil price movement is concerned, international oil prices fell after Iran announced plans to boost production and the US crude output hit record highs, adding to concerns about a sharp rise in global supplies, including India.
- Experts, nevertheless, felt that the rise was due to the fears of the production cut by Organisation of the Petroleum Exporting Countries (OPEC) and non-members led by Russia. However, with Iran announcing to increase its oil production over the next four years, the oil prices began falling.
- At a time when retail fuel prices are at a three-year high, consumers believe the concept of market-determined rates has been tampered with by frequent tax hikes.
- Besides, there is widespread speculation that the upcoming mega IPO worth over \$100-billion of Saudi Arabia-based firm Aramco could jack up international fuel prices, especially Asian countries, including India through cartelisation of their output.
- The fuel price surge only depends upon supply and demand of the country. If the output demand is sufficiently met, then Government can cut down imports from other countries.
- The petrol prices were hiked earlier in the week by 7-8 paise per litre and diesel rate increased by 10-11 paise per litre in the four metros as part of the daily revision exercise, as a result of which the fuel rates are at an all-time high since August 2014.
- The impact is already showing on the macro numbers. The inflation on account of petrol and diesel, year-on-year, in August 2017 was in excess of 24 per cent and 20 per cent.
- This would dent the prospects of interest rates softening by the Reserve Bank of India (RBI) at a time when the industry needs less expensive funds for investment and servicing over-leveraged balance sheets.”
- There seems to be no respite for the common man in near future as the central bank in its monetary policy review recently warned that inflation risks were skewing upwards due to higher oil prices. The banking regulator also raised its March quarter Consumer Price Index (CPI) inflation forecast to 5.1 per cent and projected an inflation range of 5.1-5.6 per cent in the first half of the next fiscal year.

### **Impact of Crude Oil Price on Indian Economy**

- As a matter of fact, India is not self-sufficient in the production of petroleum. It remains one of the largest importer from the OPEC countries. The Indian economy has entered a period characterized by slow growth & high inflation.
- The Govt's decision to hike the prices of petrol, diesel & LPG was inevitable, given the sharp increase in international prices of crude & India's dependence on imports to meet much of its consumption.
- India's total oil consumption is about 2.2 million barrels per day. It imports about 70% of its total oil consumption. Oil accounts for about 30% of India's total energy consumption. The recent escalation in petroleum prices has a cascading effect on the essential commodities which invariably has affected the common man.
- There is uncertainty about future as increased price of petrol has affected adversely, therefore the Govt. of India may increase excise duty on diesel cars such that diesel cars will cost 8-10% more. The current scenario shows that there is no clear visibility in forecasting about the future situation.

# SOCIAL ISSUES

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# India's Family Planning Programme: Critical Analysis

## Context

*There are some 7.5 billion people in the world. By 2050, the world population is likely to become nine billion. India, the second most populous country, has some 1.3 billion people and is expected to take the top position by overtaking China by 2050. Amidst increasing numbers, concerns over feeding the population and sustaining the resources are on top of the mind of governments, experts and planners. Hence, family planning initiative plays an important role in sustainable development of the nation.*

*Family planning allows people to attain their desired number of children and determine the spacing of pregnancies. It is achieved through use of contraceptive methods.*

*Recently, report on the fourth round of the National Family Health Survey (NFHS-4), carried out in 2015-16, and has been released. It provides complete analysis of India's family planning programme. Hereby, critically analyzing India's family planning programme.*

## Introduction

At first Social reformer Raghunath Dhondo Karve pioneered family planning in Mumbai in the 1920s. Raghunath Dhondo Karve published a *Marathi magazine Samaj Swasthya* starting from July 1927 until 1953. In it, he continually discussed issues of society's well-being involving population control through use of contraceptives.

Independent India's first government caught up in 1952 when it started the *world's first family planning programme*.

## History of Family Planning Initiative in India

- ▶ Just after independence, the Family Planning Association of India was formed in 1949. The country launched a nationwide Family Planning Programme in 1952.
- ▶ This covered initially birth control programmes and later included under its wing, mother and child health, nutrition and family welfare.
- ▶ In 1966, the ministry of health created a separate department of family planning.
- ▶ Janata Government in 1977 developed a new population policy, which was to be accepted not by compulsion but voluntarily. It also changed the name of Family Planning Department to Family Welfare Programme.

## Family Planning / Family Welfare Programme (FWP)

This is a centrally sponsored programme, 100% help is provided by the Central to all the states of the country.

**The main strategies the FWP programmes are:**

- ▶ FWP is integrated with other health services. Emphasis is in the rural areas. 2-child family norm to be practiced.
- ▶ Adopting terminal methods to create a gap between the birth of 2 children. Door-to-door campaigns to encourage families to accept the small family norm. Encouraging education for both boys and girls.
- ▶ Encouragement of breast feeding. Proper marriageable age adopted (21 years for men and 18 years for women).
- ▶ Minimum Needs Programme launched to raise the standard of living of the people. Monetary incentives given to poor people to adopt family planning measures.
- ▶ Creating widespread awareness of family planning through television, radio, newspapers, puppet shows etc.

**Importance of Family Planning in India**

- ▶ Family planning is not confined to only birth control or contraception. It is important as whole for the improvement of the family's economic condition and for better health of the mother and her children.
- ▶ Family planning highlights the importance of spacing births, at least 2 years apart from one another. According to medical science, giving birth within a gap of more than 5 years or less than 2 years has a seriously affect on the health of both the mother and the child.
- ▶ Promotion of family planning – and ensuring access to preferred contraceptive methods for women and couples – is essential to securing the well-being and autonomy of women, while supporting the health and development of communities.
- ▶ Family planning can prevent closely spaced and ill-timed pregnancies and births, which contribute to some of the world's highest infant mortality rates. Infants of mothers who die as a result of giving birth also have a greater risk of death and poor health.
- ▶ Family planning reduces the risk of unintended pregnancies among women living with HIV, resulting in fewer infected babies and orphans. In addition, male and female condoms provide dual protection against unintended pregnancies and against STIs including HIV.
- ▶ Family planning enables people to make informed choices about their sexual and reproductive health. Family planning represents an opportunity for women to pursue additional education and participate in public life, including paid employment in non-family organizations.
- ▶ Family planning is key to slowing unsustainable population growth and the resulting negative impacts on the economy, environment, and national and regional development efforts.

**Impact of Family Planning Programme in India**

- ▶ The total fertility rate has declined to 2.2, marginally above the replacement rate of 2.1.
- ▶ This is substantial progress from 2005-2006 when rate was 2.7.
- ▶ The fertility rate in 23 states and Union territories—including all the southern states—is below the replacement rate. It is substantially higher in a number of states in central, east and north-east India. Bihar, for instance, has the highest rate at 3.41, followed by Meghalaya at 3.04 and Uttar Pradesh and Nagaland at 2.74. Plainly, the nature and scope of the fertility-related public health challenge facing state governments varies widely.

- ▶ Awareness of methods of contraception and use of contraceptives have increased over the years. Knowledge of female sterilization, which is considered to be the most safest and popular method of modern family planning.
- ▶ Increase in the use of condoms. Increased knowledge about contraceptive pills.

### Observations from the Report

- ▶ Women with 12 years or more of schooling have a fertility rate of 1.7, while women with no schooling have an average rate of 3.1.
- ▶ 31 per cent of births to women with no schooling were of birth order four or higher. The corresponding rate for women with 12 years or more of schooling was 2%.
- ▶ Teenage childbearing results in greater health risks. The median birth interval in the 15-19 groups is 22.6 months. Birth intervals smaller than 24 months are associated with increased health risks for both mothers and newborns.
- ▶ Knowledge of contraceptive methods is now almost universal in India.
- ▶ The most popular contraceptive method by far, at 36%, is female sterilization. While Male sterilization—a less invasive and easier method accounts for a mere 0.3%.

### Conclusion

The family planning programmes are successful to a great extent but India still has a long way to go. It is important that family planning is widely available and easily accessible through midwives and other trained health workers to anyone who is sexually active, including adolescents. Midwives are trained to provide (where authorised) locally available and culturally acceptable contraceptive methods. Other trained health workers, for example community health workers, also provide counselling and some family planning methods, for example pills and condoms. For methods such as sterilization, women and men need to be referred to a clinician.

Family planning has always been the main emphasis in population policies adopted by the Government of India. However, there is a need of more public awareness and public participation. Gender inequality, preference of sons over daughters, low standard of living, and poverty, traditional thought process of Indians, age-old cultural norms continue to cause poor family planning practices all across the country.

- ▶ **Total fertility rate:** The total fertility rate (TFR), sometimes also called the fertility rate, absolute/potential natality, period total fertility rate (PTFR), or total period fertility rate (TPFR) of a population is the *average number of children that would be born to a woman over her lifetime*.
- ▶ **Net reproduction rate:** Net reproduction rate (NRR), measures the number of daughters a woman would have in her lifetime if she was subject to prevailing age-specific fertility and mortality rates in the given year. When the NRR is exactly one, then each generation of women is exactly reproducing itself.
- ▶ **Replacement rates:** Replacement fertility is the total fertility rate at which women give birth to enough babies to sustain population levels.

# High Dropout Rate of Girls in India: Reasons, Solutions and Examples



*According to the Ministry of Human Resource Development (MHRD), 62.1 million children are out of school in India. The 2011 Census estimated the figure at 84 million, nearly 20% of the age group covered under the Right to Education (RTE) Act.*

*Hereby, discussing the reason for high dropout rate and steps needed for inclusive growth.*

## Introduction

- According to the study by the International Monetary Fund (IMF), the enrolment of girls in higher education increased from 39% to 46% from 2007 to 2014, but female participation in India's labour force declined to a low of 27% in 2014 from 34% in 1999.
- The problem of dropout has been continually troubling the primary education system not only in India but in other developing countries also. Dropout does not mean mere rejection of school by children. It leads to wastage of the funds invested in school buildings, teachers' salaries, equipment, textbooks and so on.

## Reasons of Drop-Out

- **Patriarchal and orthodox mindset of the people:** Even in 21<sup>st</sup> century the girls are still considered as responsibility/burden for dowry, marriage and then why to waste money for their education.
- **Early Marriages:** Although the median age of marriage has increased, it continues to be low at 19.2 for women in 2011 (up from 18.2 in 2001), according to 2011 Census data. But still the early marriage and teen pregnancy are the big obstacle for girl's education in India. This is prevalent among village and tribal community.
- **Traditional gender specific norms:** Girls have to bear the extra burden of household chores (like cooking, cleaning etc.), sibling care.
- **Security aspect:** As many girls who face problems like stalking, lewd remarks, sexual advances or molestation etc., drop out before completing their secondary school education. In tribal region schools are far from home so they have to live in hostels where they face multiple problems like sexual exploitation and harassment which discourage them to continue their education. Ex. Case study of Chhattisgarh.

- **Poverty:** When a family is not financially secure, prioritizing a child's education takes a backseat. Post-Class V, distance to school also tends to increase, and parents deem it unsafe for a child, especially girls, to travel far. So dropout rates as well, rise sharply after Class V.
- Many scholar studies found that there are **high incidents of unwanted girls who were born out of male child expectation**. This thing deprives them to take education or result in early dropouts.
- **Health issue:** It is fact that one of the main reasons for non-attendance and dropout is the ill-health of the children caused by ignorance of hygiene and inadequate availability of health services. A large number of rural and tribal children suffer from worms, scabies, malnutrition, weak eyesight, and dental caries and so on.
- **Language problem:** As primary educations are mostly in regional language while higher education are in English, very few students can see themselves breaching this barrier.
- **Infrastructural issues:** Absence of toilets in school force adolescent girls to dropout, distance of school is also an issue, lack of quality teacher especially gender sensitive.
- **Absence of bridging mechanism:** There is no bridging mechanism to bring dropout student back to school. RTE does not cover secondary and higher secondary education.

The subject of 'dropout' or 'wastage' has been studied in India and other countries over the past 65 years and many of the reasons for this educational malady are now known. However, it is not easy to deal with the malady because its origin lies partly within the system itself which has been designed by scholars, politicians and administrators.

## Solutions

- There should be mechanisms for **dialogue with parents and community**. It is critical to change social norms towards girls' education. The women teachers, ASHA workers are key to changing popular perceptions in terms of what girls can do.
- For dropouts, the provision for "special training", and accelerated learning opportunities for out of school children should be introduced at the secondary level, but the implementation of this provision at the elementary level should also be strengthened.
- Distance is a big contributing factor to girls dropping out. Initiatives like distribution of bicycles to girls, hiring of escorts make schooling safer and enhances retention of girls.

**Ex:** Tola Sevaks in Bihar is successful model.

- With support from civil society, initiative has to be taken regarding building girls' confidence, negotiation skills, organizational abilities and enabling girls to take decisions for them.

**Ex:** The recent leadership curriculum in Uttar Pradesh.

- School infrastructure needs to improve through availability of usable and separate toilets for girls, basic healthcare facilities in school can be potentially address the problem.

**Ex: In Kerala schools are providing free sanitary napkins.** This would reduce evidence of adolescent girls' absence during their periods.

- Greater participation of primary health centers and sub-centers in promoting health programmes for the poorer sections in the villages, and particularly for children, may reduce the dropout caused by ill-health.
- The problem of ignorance, superstition and cultural constraints (particularly relating to girls) also obstruct schooling. It may be possible to address these problems if government seeks the help of non-government organizations dedicated to the cause of health education and poverty alleviation.
- It is particularly important to ensure that all teachers are trained and sensitized to gender concerns. Availability of gender-sensitive print-rich environment in schools is important.
- The scheme like **“Majhi Kanya Bhagyashree”** in Maharashtra should be launched in every states in which Government shall provide financial incentives for families to retain a girl child, educate her, prevent child marriage and provide skill development.
  - **Reward for Girl Child:** At age of 18, Girl Child is provided 1 Lakh rupees for Skill Development and Higher Education which shall ensure employability and dedicated income in future provided she is not married by then.
  - **Reward for Mothers:** Parents of the girl child are awarded staggered financial incentives for retaining girl child, educating girl child and ensuring proper nutrition.
  - **Reward for Village:** Any Village which achieves Child Sex Ratio of more than 1000 shall receive Rs. 5 lakh award from government.

### Way Forward

- To adjust the system of education to the social, economic and cultural circumstances of the children and their community requires a people-oriented administration.
- Teaching-learning techniques need cultural adjustments so as to be more pupil-oriented than teacher oriented as they happen to be at present in our country.
- The teacher and the parents can utilize development schemes to enable poor families to increase their income and ensure that children are not required to earn and miss the school for that reason.
- Decentralization of administration to the level of villages or at least a block of villages has to be considered seriously and systematically if universal primary education is to materialize.

### Conclusion

- ‘Girl Education is a way for developed nation’. The need of the hour is to ensure that loopholes in government schemes and policies are removed to ensure the smooth and proper functioning which is necessary for girl’s development and Nation building.
- Although including girls in the scheme of Indian universalized education, these causes seems to make one thing clear that the causes are ingrained in systems that are larger than education. While temporary solutions are rampant and popular, it will take attention on the long-term scale to ensure that girls across India are able to freely, safely, and consistently attend school and have access to education.



# Forced Conversion in India

## Context

*India is a nation that is home to a diversity of religious beliefs and practices. The Indian subcontinent is the birthplace of four major world religion, Hinduism, Buddhism, Sikhism, and Jainism. According to reported 2011 census data, 79.80% of the population of India is Hindu, 14.23% Muslim, 2.30% Christian, 1.72% Sikh, 0.70% Buddhist, and 0.37% Jain.*

*Religious revivalism and communal feeling are gripping the country today against the Indian values like communal harmony and secularism. Religious conversion has become a sensitive, even an explosive issue. Though conversion is nothing new to Indian society but is deeply rooted in the past and it creates political, cultural, and social problems.*

*Hereby, analyzing the impact of forced conversion and laws related to it.*

## Conversion

- ▶ Conversion does not mean just saying some formal words, changing one's name and leaving one cultural group to join another. It entails not just an outward change of religion, but also a profound alteration of the mindset after passing through many stages of soul-searching and self-analysis.
- ▶ Conversion, in essence, is the emergence of a new individual alone of the most significant events of human history, for it is only with the proliferation of such spiritually reformed personalities that any given society will attain true moral uplift, and reach the highest levels of achievement.

## Historical Reference

- ▶ Religious conversions whether as a matter of free choice or forcible, have been part of history of India. As a matter of free choice, we have great examples ancient kings like Asoka, Chandragupta, Harsha etc. who adopted faiths of their choice.
- ▶ The forcible conversions in recorded history of ancient India are scant but accelerated with invasion of Islamic adventurers. The entire period of Sultanates and Mughals saw mass conversions of Hindus and other faiths into Muslims.
- ▶ There were no anti-conversion laws in British India. During British era, the forced conversion to Christianity started and was somewhat state sponsored.
- ▶ The Britishers actively worked for the conversion of people to their religion by providing government jobs and promotions and to some extent social status. The lower strata of Indian society were attracted by foreign missionaries.



**Now a Days Conversion is Created as an Issue on the Following Grounds:**

- Conversion is an exercise of the right to propagate religion and thus a fundamental right.
- Getting converted, is an exercise of the right to religious form of worship also a **fundamental right (Article 25)** and recognized human rights.
- Conversion is intrusion into one's freedom of religion.
- Conversions are done by force and inducements and therefore a crime and violation of individual freedom and freedom to follow one's religion.
- Foreign funds pumped in for religious conversions are in some places diverted to aid anti-national activities and should, therefore, be stopped.
- Conversions provoke social conflicts and violence and disturb peace.
- Conversions are generally effected en masse and upset social composition of a locality and create pockets of minority communities.
- Mass conversions do not reflect any change in the convictions of the converted, but a response to material inducements.
- Non-proselytizing Hindu religion is also absorbing many tribal communities in its fold which amongst to conversion.
- Conversion controversy and conflict are likely to spread, to other countries disturbing inter-religious harmony.
  - ❑ Conversion may be influenced by ideological, economical, social and other factors.
  - ❑ **The "force" also includes the "threat of divine displeasure".** So, if a missionary informs a person that only Christians are allowed entry into heaven a core part of the faith that could also be construed as "force".
  - ❑ **This interpretation of "force" was upheld by the Orissa High Court in Yulitha Hyde v. State of Orissa.** It held that the "threat of divine displeasure numbs the mental faculty; more so of an undeveloped mind and the actions of such a person thereafter, are not free and according to conscience".

**Anti-conversion Laws: Post-independence India**

- In 1954 Parliament brought the Indian Converts Regulation Bill providing for compulsory licensing of missionaries and for registration of conversion with government functionaries. Bill was eventually dropped at the behest of Prime Minister Jawaharlal Nehru.
- In 1960 another Bill was introduced in Parliament, namely the Backward Communities (Religious Protection) Bill, aimed at checking conversion of Hindu to Non-Indian religions which as per the Bill included Islam, Christianity, Judaism and Zoroastrianism. It was rejected by Parliament for its apparent affront to specific religious faiths.
- But several states in independent India did try to prohibit conversion from Hinduism.
- **Odisha** was the first state to enact anti-conversion legislation, the *Orissa Freedom of Religion Act, 1967*. Act stipulates that "no person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion."

- ▶ The State of Madhya Pradesh was the second state to enact an anti-conversion law, the Madhya Pradesh Freedom of Religion Act,
- ▶ This precedent was followed by many states like Arunachal Pradesh, Gujarat, and Himachal Pradesh etc.

### The Recent Jharkhand Law

- ▶ Jharkhand is home to almost *90% of the tribal population of the country* and it is claimed/reported that the Christian missionary activity at its peak in the state. Tribals constitute around 27% of Jharkhand's population. Among them, 4.3% are Christians; about 13% Sarnas (animistic believers) and the rest are largely Hindu tribals.
- ▶ **Key Provisions of the Bill**
  - The Bill has provision for a fine up to Rs. 50,000 and up to 3 years imprisonment or both for those who convert others through force, fraud or allurement.
  - The Bill also has a provision that, any person who is converting willingly must give a notice to the respective district collector with details of time, place and the name of the person administering the conversion at least 15 days in advance.
  - Without this notice, the administration will be free to interpret the conversion as having been done by "force, fraud or allurement", all of which have been defined in the Act.
  - If the religious conversion involves minor, women and person from ST, then the Punishment would be 4 years of imprisonment or Penalty of Rs. 1 lakh.
- ▶ **Criticism of Jharkhand Bill:**
  - Most of the tribal leaders are criticizing the Bill by saying that the Bill is to break the tribal society and it will drive unnecessary social tension in the state. Also, they are criticizing on the grounds that the Bill went against Article 25 of the constitution which grants religious freedom.

### Treatment by the Supreme Court

- ▶ The Constitution of India guarantees the freedom to profess, practice, and propagate one's religion under article 25.
- ▶ The Supreme Court in the **case of Ratilal Panachand Gandhi v. State of Bombay** clarified this provision by holding that:
  - "Every person has a fundamental right under our Constitution not merely to entertain such religious belief as may be approved of by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious views for edification of others".
- ▶ The Supreme Court in **Rev Stainislaus vs. State of Madhya Pradesh** examined whether the right to practice and propagate one's religion also included the right to convert.
  - It has to be remembered that Article 25(1) guarantees "freedom of conscience" to every citizen, and not merely to the followers of one particular religion, and that, in turn, postulates that **there is no fundamental right to convert another person to one's own religion** because if a person purposely

undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the “freedom of conscience” guaranteed to all the citizens of the country alike.

### Conclusion

- As long as religion is a free choice, conversion by free exercise of conscience has to be recognized. The fact that secularism was opposed in the form of what is now called ‘negative secularism’, where no religion is considered to be worthy of respect should not make us forget that many constitution makers clearly advocated the ‘positive secularism’ which respects all religion equally.

# Capacity Building for Primary Health Care

## Context

*Primary healthcare is a vital strategy which remains the backbone of health service delivery. Primary healthcare is the day-to-day care needed to protect, maintain, or restore our health. For most people, it is both their first point of contact with the healthcare system and their most frequently used health service. In India concept of primary healthcare was laid down by the recommendations of Bhore Committee (1946). Since then, there have been improvement in primary healthcare services, infrastructure, and related healthcare indices of the country. Still many challenges are ahead to achieve health for all. Hereby, discussing the status of primary health care in India and steps needed.*

## Primary Healthcare (PHC)

- ▶ Primary healthcare (PHC) refers to “essential health care” that is based on “scientifically sound and socially acceptable methods and technology, which make universal health care accessible to all individuals and families in a community.
- ▶ It is through their full participation and at a cost that the community and the country can afford to maintain at every stage of their development in the spirit of self-reliance and self-determination.
- ▶ PHC is an approach to health beyond the traditional health care system that focuses on health equity-producing social policy.
- ▶ PHC includes all areas that play a role in health, such as access to health services, environment and lifestyle thus, primary healthcare and public health measures.

## Goals and Principles

The ultimate goal of primary healthcare is the attainment of better health services for all. It is for this reason that World Health Organization (WHO), has identified five key elements to achieving this goal.

- ▶ Reducing exclusion and social disparities in health (universal coverage reforms);
- ▶ Organizing health services around people’s needs and expectations (service delivery reforms);
- ▶ Integrating health into all sectors (public policy reforms);
- ▶ Pursuing collaborative models of policy dialogue (leadership reforms); and
- ▶ Increasing stakeholder participation.

## Primary Health Centres (India)

Primary Health Centres (PHCs), sometimes referred to as public health centres, are state-owned rural health care facilities in India. They are essentially single-physician clinics usually with facilities for minor surgeries, too. They are part of the government-funded public health system in India and are the most basic units of this system.

Apart from the regular medical treatments, PHCs in India have some special focuses:

- ▶ **Infant immunization programs:** Immunization for newborns under the national immunization program is dispensed through the PHCs. This program is fully subsidized.
- ▶ **Anti-epidemic programs:** The PHCs act as the primary epidemic diagnostic and control centres for the rural India. Whenever a local epidemic breaks out, the system's doctors are trained for diagnosis. They identify suspected cases and refer for further treatment.
- ▶ **Birth control programs:** Services under the national birth control programs are dispensed through the PHCs. Sterilization surgeries such as vasectomy and tubectomy are done here. These services, too, are fully subsidized.
- ▶ **Pregnancy and related care:** A major focus of the PHC system is medical care for pregnancy and child birth in rural India. This is because people from rural India resist approaching doctors for pregnancy care which increases neonatal death. Hence, pregnancy care is a major focus area for the PHCs.
- ▶ **Emergencies:** All the PHCs store drugs for medical emergencies which could be expected in rural areas. For example antivenoms for snake bites, rabies vaccinations, etc.

## Challenges in Primary Care

Primary care is an important part of the healthcare system that helps to reduce complications and hospital admissions through prevention and early intervention. However, there are a number of challenges that are facing primary care that must be addressed to maintain the quality and benefits that primary care can provide. These challenges include lack of choice, variable quality, reactive versus proactive decisions and physician shortages.



**Lack of Choice**

- ▶ Each general practitioner has a particular way of working with patients and promoting their health, which is more compatible with some patients than others. For this reason, it is important that patients are in a position to make a selection and find the general practitioner that best caters to their needs.
- ▶ However, in some regions there is a noticeable lack of choice and patients may not receive all the benefits of primary care, as they do not have access to the physician best suited to their needs.

**Variable Quality**

- ▶ The quality of primary care varies considerably between different practitioners and regions. This can be an issue in some areas where the level of primary care is lacking, and patients may not receive the full benefits. Additionally, different models and types of primary care practices, including public and private based models, highlight the disparity to a greater extent.
- ▶ There are currently few mechanisms in place to promote higher quality practice such as peer reviewing, performance-based incentives or risk of losing their contract in severe circumstances. It has been suggested that implementing some of these systems may help to improve the quality of care.

**Reactive vs. Proactive Decisions**

- ▶ One of the main aims of primary care is for patients to have a trusted practitioner to talk about any symptoms or health issues before they become significant issues that require advanced treatment with risks.
- ▶ However, many of the management decisions remain reactive rather than proactive, and some complications could be avoided if proactive decision-making was more widespread. There are currently incentives being implemented in many countries to promote earlier management of some health conditions.

**Physician Shortage**

- ▶ In order to meet the primary health care demands of the public, there must be an adequate supply of physicians to provide quality care. This is a significant challenge as the health demands are currently increasing more rapidly than the physician supply.
- ▶ To manage this issue, several approaches will need to be combined. This may include increasing the number of physicians that are trained, improving workplace systems and increasing the efficiency of care without compromising the quality.

**Neglect of Rural Population**

- ▶ A serious drawback of India's health service is the neglect of rural masses. It is largely a service based on urban hospitals. Although, there are large no. of PHC's and rural hospitals yet the urban bias is visible. According to health information 31.5% of hospitals and 16% hospital beds are situated in rural areas where 75% of total population resides.
- ▶ Moreover the doctors are unwilling to serve in rural areas. Instead of evolving a health system dependent on paramedical (like bare-footed doctors in China) to strengthen the periphery, India has evolved one dependent on doctors giving it a top-heavy character.

**Emphasis on Culture Method**

- ▶ The health system of India depends almost on imported western models. It has no roots in the culture and tradition of the people. It is mostly service based on

urban hospitals. This has been at the cost of providing comprehensive primary health care to all. Otherwise speaking, it has completely neglected preventive, pro-motive, rehabilitative and public health measures.

### Social Inequality

- ▶ The growth of health facilities has been highly imbalanced in India. Rural, hilly and remote areas of the country are under served while in urban areas and cities, health facility is well developed. The SC/ST and the poor people are far away from modern health service.

### Expensive Health Service

- ▶ In India, health services especially allopathic are quite expensive. It hits hard the common man. Prices of various essential drugs have gone up. Therefore more emphasis should be given to the alternative systems of medicine. Ayurveda, Unani and Homeopathy systems are less costly and can serve the common man in better way. Concluding the health system has many problems. These problems can be overcome by effective planning and allocating more funds.

### Government Measures for Capacity Building in Primary Health Care

Several steps taken by the Government to further improve healthcare facilities in the public sector include the following:

- ▶ National Quality Assurance Programme has been rolled out to improve quality of care in government health facilities.
- ▶ 'Kayakalp' award scheme for transforming public hospital by improving Sanitation, Hygiene, Upkeep, Infection Control Practices and waste management practices has been implemented. All facilities from Primary Health Centres (PHCs), Community Health Centres (CHCs), District Hospitals to central government hospitals are given annual award after assessment on defined criteria.
- ▶ NHM Free Drugs and Diagnosis Initiatives to reduce cost of care and improve quality in public facilities.
- ▶ Setting up of New AIIMS Institutions.
- ▶ Upgradation of district hospitals to medical college hospitals in districts without any medical colleges to improve access to tertiary care within districts.
- ▶ Pradhan Mantri National Dialysis Services Programme to provide free dialysis services to poor in district hospitals.
- ▶ The Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA) to provide quality antenatal care on 9th of every month in government hospitals, with voluntary private sector participation.
- ▶ Biomedical Equipment Management & Maintenance Program (BMMP) to ensure uptime of bio-medical equipment in public health facilities.
- ▶ Health and wellness centres to provide comprehensive primary healthcare at Sub-Centre/PHC level.
- ▶ Cartridge Based Nucleic Acid Amplification Test (CBNAAT): Specialized machines which enable accurate diagnosis of drug resistant TB within a few hours facilitating diagnosis and treatment of Drug Resistant TB have been set up in 628 districts.
- ▶ Strengthening the healthcare facilities to Indian Public Health Standards norms with funding under NHM.
- ▶ Establishing public health facilities in underserved areas.



## Way Forward

There is an urgent need for strengthening primary health care using new ways of service delivery. The new model of service delivery will have following characteristics:

- ▶ Nurse-clinician / Physician Assistant managed primary health care facilities providing comprehensive primary care to a catchment population within a maximum of one hour travel time.
- ▶ Supported and supervised by a primary care physician, with one physician supporting 4-5 such facilities, using a functional transport system and an appropriate technology.
- ▶ Linked to the remaining health ecosystem through an active negotiating system.
- ▶ Linked to other community based social services or initiatives.
- ▶ Public funded with possibly small contributions by community or users.

# ASER 2017 Report

## Context

*The education sector in India is one of the most important sectors, as it holds the key to social and economic development of the country. Education is crucial for overcoming poverty, equalizing work opportunities, and promoting greater gender equality and the well-being of new generations.*

*The Annual Status of Education Report 2017 'Beyond Basics' provides data on some important dimensions of the preparedness of youth, age 14-18, in rural India, with respect to their ability to lead productive lives as adults, as according to Census 2011, one out of every ten Indians is currently in the age bracket of 14-18. This amounts to more than 100 million or 10 crore youth in all. Hereby, discussing the outcomes of the report and the status of education in India.*

## Introduction

India's Right to Education Act (RTE, 2009) guarantees free and compulsory schooling for children up to age of 14. Near-universal enrolment and automatic promotion through the elementary stage have resulted in more and more children successfully completing elementary schooling. According to official figures from the District Information System for Education (DISE), enrolment in Std VIII almost doubled in the decade between 2004-5 and 2014-15, from 11 million to almost 22 million.

But what happens between elementary school and adulthood? Although many children continue to secondary school, ASER data shows that their foundational reading and math abilities are poor. Hence, the report focused on 14-18 years old youths.

## Findings of the Report

The children were tested for the four domains: activity, ability, awareness and exposure, and aspirations. 'Activity' looked at whether the youth were currently enrolled in school, college or vocational training, or were preparing for exams. 'Ability' looked at their ability to do basic reading and arithmetic. 'Awareness' examined their exposure to the media. 'Aspirations' explored their educational and career goals.

- **Learning deficits carry forward as 14 to 18-year-olds go from being adolescents to young adults:** Though their ability to read in regional languages and English seems to improve with age, the same does not apply to math. The proportion of youth who have not acquired basic math skills by age 14 is the same as that of 18-year-olds.

Here too, there is a visible gender divide: while only 47.1% boys in the 14-18 group could do simple division (dividing a 3-digit number by a single digit), at 39.5%, girls fared worse.

- **Inability to apply basic literacy and numeracy skills to everyday tasks:** One of the tasks given was 'adding weights'. The youth surveyed were shown a

picture of weights — 1 kg, 5 gm, 50 gm, 500 gm, 200 gm, 200 gm — and asked how much this adds to in kilogram. Almost half of those surveyed — 44% — got it wrong. Even among those with basic arithmetic skills, only 76% answered right.

% YOUTH TAKING VOCATIONAL TRAINING OR OTHER COURSES*			
Enrolment status	Taking vocational training or other courses	Not taking vocational training or other courses	Total
Enrolled in Std XII or below	4.3	95.7	100
Enrolled in undergraduate or other	16.0	84.0	100
Not enrolled	6.2	93.8	100
All youth	5.3	94.7	100

% YOUTH WHO CAN DO DAILY TASKS			
Task	All youth	Male	Female
Counting money	75.7	82.4	69.9
Adding weights	55.7	67.5	45.4
Telling time (hour)	82.7	86.2	79.6
Telling time (hour and minutes)	59.3	66.4	53.1

These findings are worrying because these are everyday skills that formal education has failed to equip them with.

Besides, many of these students are the first in their families to complete eight years of schooling. About 44% of the age group had mothers who had never been to school, 25% had fathers who had never been to school and 20% had both parents who had never been to school. So, their ability to do basic calculations and make correct decisions is important not only for themselves but for the whole family.

- **Reading Comprehension status:** To assess comprehension, the young people were asked to read simple sentences in their own languages or in English.

Fifty-three percent of all 14-year-olds could read these sentences. It rose to 60% in 18-year-olds. Seventy-nine percent could give the meaning of these sentences too.

The findings show the lacunae in the secondary education system.

### Barriers in Secondary Education System

- Lack of data and information is the critical development constraint in secondary education in India. Although, in recent years, efforts have been made (as part of RMSA and NUEPA initiatives) to institutionalise the Secondary Education Management Information System (SEMIS) at the sub-national levels, it is yet to feed effectively into the planning and management processes of secondary education. Absence of proper monitoring and feedback mechanisms coupled with thin research in the sub-sector limits the knowledge of secondary education in the country.

- ▶ Lack of related data and information has resulted in designing 'over ambitious reform programmes'. The success or failure of efforts to achieve a higher level of expansion of secondary education (higher access rate) is largely conditioned by the growth pattern of elementary education.
- ▶ Even with increased participation in secondary education in recent years, there still exists a large gap between Grade VIII and Grade IX enrolment. At the all India level, while the promotion rate from Grade IX to X seems to be very high (more than 95%), there has always been substantial transition loss (around 10-15% without adjusting for repeaters in Grades VIII and IX) between elementary and secondary stages. It, of course, varies greatly across regions and social categories. Besides, the poor internal efficiency of the elementary education sets the limits of expansion of secondary education.
- ▶ Low level of 'readiness to take off' in terms of pre-reform/project activities has invariably affected planning and implementation of education reform programmes in general and secondary education development programmes in particular.
- ▶ Many states have not put together the norms, standards and procedures that will guide them in planning and monitoring the secondary education interventions. They have also not made any substantial investment in awareness and capacity building of personnel, institutions and local governments and making related institutional arrangements for strategic management. As information enhances the power and professional authority of policy-makers, planners and administrators; capacity building becomes a precedence requirement for development.
- ▶ Almost all education reform programmes view the 'bottom-up' approach to planning and management as key to their success. In such a decentralised development model, the unit at the bottom of the educational hierarchy (in most cases, the school) is envisaged to play a critical role in designing and implementing reforms (like the RMSA) in terms of administrative, fiscal and curricular decisions. In other words, the bottom-up approach creates space for schools to act as key decision-makers rather than mainly agents of others decisions. In practice, however, the implementation of the bottom-up approach in education reform programmes has faltered in India. This has happened primarily because too much emphasis has been placed by policy-makers and administrators at the top of the educational hierarchy on demonstrating 'efficiency' rather than 'effectiveness' of reform interventions. The secondary education reform programmes have not made enough provisions in their programme designs (in terms of policy and institutional arrangements) to facilitate school-wide reform.
- ▶ The education reform programmes in the country assign too much importance to resource allocation (mostly within their rigid frameworks) as compared to the resource utilisation aspects. Resources allocated under the education reform programmes like the RMSA are tied funds giving little scope for reallocation at the sub-national and institutional levels thereby limiting innovations and best practices. The criteria for resource allocation often do not take into account the priority areas of development and the capacity of individual states to absorb the allocated resources. Such a strategy has affected both efficiency and effectiveness of investments in secondary education.

***Recommendations of National Knowledge Commission for improving Secondary education system are as follows:***

- **More flexibility in disbursal of funds:** However, there is a strong case for changes in the manner in which such expenditure is incurred. The current norms for central government disbursal of funds to states for Sarva Shiksha

Abhiyan (SSA), the planned SUCCESS program for secondary education and other central schemes, are too rigid and must be made more flexible. NKC strongly recommends a system of funds transfer and accounting that will allow for regional and other differences as well as changing requirements over time, and thereby allow state governments to use the resources in the most effective way. There should also be greater flexibility in disbursing funds down to the school level and a greater degree of autonomy of local level management in the use of funds. The norms and rules should allow schools to adapt to local conditions and meet particular requirements of their students.

- **Decentralisation and greater local autonomy:** Community participation is an important instrument to ensure accountability and improve the day-to-day functioning of schools. This in turn means that the management of schools, including the use and management of funds, should be decentralised to local authorities as far as possible, whether they be panchayats, Village Education Committees or municipalities, and to School Boards that have representation of all stakeholders including parents.
- **Expansion of functional literacy:** NKC would like to stress the continuing importance of a focus on expanding functional literacy among the population. Illiteracy remains a major problem, even among the age-group of 15-35 years, and therefore literacy programmes must be expanded rather than reduced, and given a different focus that is directed towards improving life skills and meeting needs, especially (but not only) among the youth.
- **Planning for school infrastructure:** It is important to remember that land is an essential requirement of schools, and this requirement is likely to increase in the near future given the expansion implied by demographic changes and need to ensure universal schooling. Therefore urban master plans and local development plans must explicitly incorporate the physical requirements for schooling, including provisions for play grounds and other school facilities.
- **Enabling and regulating mechanisms for private schools:** Since private schools play an important role in the provision of education, there is need for both enabling and regulating mechanisms to be developed and strengthened for them. There should be transparent, norm-based and straight forward procedures for the recognition of private schools, to reduce harassment and bureaucratic delay. There should also be transparent criteria as for the disbursement of aid from the government to some self-financing schools, especially those which cater to underprivileged children, and clear norms with respect to the ability of school managements to raise resources from other sources. The monitoring of private schools, in terms of ensuring a transparent admissions process, regulation of fee structures, as well as meeting minimum set standards for quality of teaching and infrastructure, also requires attention. The possibility of greater exchange between schools, including mentoring of one school by another, should be allowed and encouraged.
- **Database on school education:** Educational planning and monitoring are made much more difficult because of the lack of comprehensive and accurate data on schools, school-age children and actual attendance of both students and teachers. The collection and speedy dissemination of accurate and current data on schooling must be made a priority. It is necessary to create a complete database on schools and school-age children so as to track the actual coverage and quality of schooling at different levels, and to make it widely available



in a timely manner. Such data collection may be made an essential part of the fund allocation for school education, with appropriate institutional mechanisms.

- **More co-ordination between departments:** The multiplicity of management structures and government departments that currently governs schooling creates confusion, unnecessary replication and possibly inconsistent strategies across different schools. There must be greater co-ordination between different departments of government on school education policy, even while ensuring more autonomy to the local management of schools.
- **National evaluation body for monitoring quality:** Educational administration also needs to be more conscious of actual learning outcomes at different levels, which will determine both policy and functioning. NKC therefore proposes a national evaluation body to monitor the quality of both government and private schools, using a results-based monitoring framework based on a short list of monitorable criteria that include both process and outcome indicators.
- **Revamping school inspection:** The system of school inspection needs to be revamped and revitalised, with a greater role for local stake holders and greater transparency in the system. The solution does not lie in simply expanding the system – rather, we need to develop systems to ensure meaningful monitoring, including provision of greater facilities to school inspectors, a separation of inspection of qualitative and administrative aspects, transparency in the criteria of inspection, and greater involvement of local stakeholders.
- **Teachers and teacher training:** Teachers are the single most important element of the school system, and the country is already facing a severe shortage of qualified and motivated school teachers at different levels. It is urgent to restore the dignity of school teaching as a profession and provide more incentives for qualified and committed teachers. Non-teaching official duties such as electoral activities should not be allowed to interfere with the teaching process. Forums that allow and encourage teachers to exchange ideas, information and experiences, including a web-based portal, should be developed. At the same time, there should be transparent systems for ensuring accountability of school teachers. As far as possible, teachers should be recruited to particular schools. The training of teachers is a major area of concern at present, since both pre-service and in-service training of school teachers is extremely inadequate and also poorly managed in most states. Pre-service training needs to be improved and differently regulated in both public and private institutions, while systems for in-service training require expansion and major reform that allows for greater flexibility.
- **Reforms in the curriculum and examination system:** Curriculum reform remains a critically important issue in almost all schools. School education must be made more relevant to the lives of children. There is need to move away from rote-learning to understanding concepts, developing good comprehension and communication skills and learning how to access knowledge independently. This also requires substantial changes in the examination system, especially at Board level.
- **Use of Information and Communication Technology:** Wherever feasible, ICT should be made more accessible to teachers, students and administration for learning, training, research, administration, management, monitoring, etc. This requires the provision of more facilities such as computers as well

as connectivity and broadband facilities. Computer-aided learning also requires training of teachers and other staff in order to make the best use of the technology.

- **English language teaching:** Proficiency in English is widely perceived as an important avenue for employment and upward mobility, which also greatly facilitates the pursuit of higher education. The incorporation of English into the curriculum through the teaching of English as a language in Class I and teaching of one other subject in English medium in later classes requires making pedagogical changes to contextualise language learning, increasing the availability of English language teachers and providing more bilingual and supplementary teaching materials. At the same time, multilinguality must be promoted and language issues must be explicitly taken on board in designing school curricula and methods of pedagogy.
- **Interventions to ensure access of educationally deprived categories:** Special interventions are necessary to ensure greater access to education of educationally deprived categories, and some proposed strategies for this are developed in more detail in the accompanying Notes, specific measures are required to ensure greater enrolment and retention of girl students. Education of SC children must be a priority, which necessitates both flexibility of approach and avoidance of discrimination. The access of children from Scheduled Tribes requires more flexible and sensitive schooling strategies. Language issues must be explicitly taken on board in designing school curricula and methods of pedagogy. Special strategies are required to ensure greater access to schools for children in backward regions, remote locations and difficult terrains. Official strategies for ensuring better access of Muslim children to schooling are excessively focussed on madrassas which cater to only a tiny minority of such children; the emphasis should be on creating enabling conditions for Muslim children in the general school system. Children of seasonal migrants require special conditions and efforts to ensure continuous access to schooling. Similarly, labouring children require incentives and bridge courses. The needs of physically disadvantaged children, as well as teachers, have to be factored in more thoroughly in provisions for school education.

#### New strategies

- ▶ **Same language subtitling (SLS)** refers to the practice of subtitling programs on TV in the same language as the audio. This idea was struck upon by Brij Kothari, who believed that SLS makes reading practice an incidental, automatic, and subconscious part of popular TV entertainment, at a low per-person cost to shore up literacy rates in India.
- ▶ **Outcome-based fund for education:** The fund would invest in education providers to work with government-run schools to deliver outcomes. There could be a variety of outcomes like early childhood interventions, retention of girl students, learning in primary schools and employability of students after high school. The fund is being launched by the Global Social Impact Investment Steering Group, an organisation comprising 13 member countries (including India), with a focus on channelling global social impact investment. Outcome fund based models are actively being employed by nations across the globe to fund social projects and have the potential to deliver the necessary outcomes.



# INTERNATIONAL RELATIONS ISSUES

## *Index*

1. DAVOS Meet
2. India Israel Relations and Recent Visit
3. India Admitted to Australia Group

# DAVOS Meet

## Context

*A global political get-together for leaders from the worlds of business, politics, finance and media, meets in World Economic Forum, in the town of Davos (Switzerland) from January 23 to 26 under the theme of "Creating a Shared Future in a Fractured World" and is the 48<sup>th</sup> forum to date. (The event was founded by German business professor Klaus Schwab in 1971).*

*Hereby, discussing the outcomes of the meet, especially with respect to India.*

## Introduction

A high level Government and private sector delegation from India had participated in WEF 2018. **INVEST INDIA** – The National Investment Promotion and Facilitation Agency of India had organised various round tables and sessions to bring together the Senior Government delegation and various Global as well as Indian Companies to discuss these opportunities.

International Monetary Fund had projected in this forum that India could emerge as the fastest-growing country in the world in 2018 at 7.4 per cent, leaving China behind at 6.6 per cent, further IMF said that India could grow at 7.8% in 2019.

## About World Economic Forum

The World Economic Forum (WEF) is a Swiss nonprofit foundation, based in Cologny, Geneva, Switzerland. Recognised in 2015 by the Swiss authorities as an "other international body" under Switzerland's Host State Act 2007. Its mission is cited as "committed to improving the state of the world by engaging business, political, academic, and other leaders of society to shape global, regional, and industry agendas".

The forum is best known for its annual meeting at the end of January in Davos, a mountain resort in Graubünden, in the eastern Alps region of Switzerland. The meeting brings together some 2,500 top business leaders, international political leaders, economists, celebrities and journalists for up to four days to discuss the most pressing issues faced by the world. Often this location alone is used to identify meetings, participation, and participants, with such phrases as "a Davos panel" and "Davos man" are used.

## Key Theme of the Meet

*Communities Committed to Improving the State of the World through:*

- ▶ Improving global governance, through public-private cooperation by working in close collaboration with key international organizations and providing substantial, input into major multilateral processes.
- ▶ Convene public- and private-sector leaders and defence, intelligence and public-security experts to prepare for and respond to a rapidly changing geopolitical landscape.
- ▶ Supporting multistakeholder efforts to deliver sustainable and inclusive economic development in the face of lower growth rates, declining productivity and skills gaps.

- By examining in depth the social and economic transformations on trade and investment-related issues in various national and regional contexts.
- It was decided to shape the evolution of industry ecosystems and business models, particularly in the context of scientific, technological and policy transformations, by engaging industry leaders with their peers from government to better prepare for the Fourth Industrial Revolution.

### Showcasing India at Davos

- India presented a collective pitch for showcasing the growth story of the country. Prime minister convinced investors that the *red tape had been replaced by a red carpet*.
- The structural reforms like GST, combined with the steep climb on the ease of doing business index, are getting the world's attention.
- Abolition of many archaic laws and allowing FDI in more than 90% of the sectors through the automatic route will help India to get its adequate FDI.

### India's Soft Power on Display at Davos

- Two disciples of yoga guru Baba Ramdev, Acharya Bhardwaj and Acharya Smit, held classes for three-days in Davos. The classes were attended by 70 heads of State and government, including the President of the USA Donald Trump, CEOs of top MNCs, celebrities and bankers.
- Bollywood actor Shahrukh Khan received the WEF's Crystal Award for his work towards acid attack survivors. He was awarded this humanitarian award along with Sir Elton John and Cate Blanchett, for his efforts to rehabilitate acid attack survivors through his Meer Foundation.

### Outcome of the Meet

- The WEF and the Reliance Industries agreed to set up a Center for the Fourth Industrial Revolution (C4IR). The Centre will be set up in Mumbai and will operate as the Sister Center to the existing World Economic Forum Center for the Fourth Industrial Revolution in San Francisco, the USA. The proposed centre will allow policymakers and thought leaders in India to stay ahead of the curve through unique insights in new forms of governance and new technology applications and connections with cutting-edge technology innovators globally.
- Various countries and businessman have shown interest in investment.
- This forum brings world aware about government initiatives that India made to attract business. This will increase international confidence in India.

### Conclusion

Over the last ten years, the Indian economy has undergone a major transformation. The public-private partnership (PPP) model was adopted to develop economic and social infrastructure across the country. Undoubtedly, the WEF has played a key role in convincing the Indian political and corporate leadership about the relevance of the PPP model in the 21st century. With Narendra Modi's presence at the WEF meeting, India-WEF partnership has reached the next-level.

# India Israel Relations and Recent Visit

## Context

*Prime Minister Benjamin Netanyahu's visit to India from 14 to 19 January 2018 has celebrated twenty fifth anniversary year of India-Israel relationship.*

*India and Iran signed agreements and memorandums of understanding on a wide variety of issues with discussions on enhancing trade and investment and ease of doing business between India and Iran, including a double taxation avoidance agreement and an expert group to recommend "trade remedy measures".*

*Hereby, discussing the relation between India and Israel and the agreements signed during the recent visit.*

## Why India-Israel Relations do Matters?

- ▶ Israel is third largest defence supplier to India and accounts for over 40% of Israel's defence exports.
- ▶ Israel backs India's defence against terror and also completely understood India's nuclear tests in 1998. India is adopting hi-tech anti-infiltration systems and innovative tactics from Israel to safeguard its western and eastern borders.
- ▶ Israel has become one of the foremost technology superpowers in areas such as rainwater harvesting, use of oceanic water and using that for irrigation in the most dry land.
- ▶ Commercial relations between the India and Israel grew from \$200 million to nearly \$5 billion with gems and jewellery accounting for nearly 40%.
- ▶ In a recent study, NASSCOM and Accenture estimated that cooperation with **Indian start-ups has the potential to generate \$5 billion within five years.**

## New Developments in Relations

- ▶ **Diplomatic:** 2017 marked the 25<sup>th</sup> anniversary of the establishment of diplomatic relations between the two countries which was celebrated by Indian PM visiting Israel, becoming the first Prime Minister of India to visit the country. India is no longer initiating anti-Israel resolutions at the UN and has made serious attempts to moderate NAM's anti-Israel resolutions. This re-evaluation has been based on a realisation that India's largely pro-Arab stance in West Asia has not been adequately rewarded by the Arab world.
- ▶ **Strategic relations:** Israel has had a consistent policy of supporting India on counter terrorism and in terms of development of capabilities of preventing terrorism as well as countering it. India is the world's largest buyer of Israeli weaponry and was Israel's third largest trading partner in Asia in 2013, just after

China and Hong Kong. Cooperation with Israel is not limited to purchase of advanced equipment of weaponry or surveillance equipment, but also in terms of joint training and sharing intelligence in areas like cyber security.

- ▶ **Terrorism:** Counter-terrorism is another key area that plays a role in Indo-Israeli cooperation. India has shown considerable interest in Israel's internal security technology, equipment and methods, for use against cross-border terrorism in Kashmir and insurgencies in the north-eastern states. Israel and India have diversified and expanded the range of issues discussed at the Joint Working Counter-Terrorism Group, including combating international terror. Another area of cooperation is satellite imaging.
- ▶ **Defence:** India Israel defence relation has been on an upward trajectory for some time and now is the time to make defence ties more broad based. It means that Israeli technology will be brought into India as part of defence manufacturing in India rather than India being only a purchaser. The quantum leap in India's defence relationship with Israel started during Kargil conflict. Now, the emphasis is on manufacturing defence equipment in India, creating capabilities and R&D for defence equipment. Israel defence industry and government could play a critical role in it as their R&D is strong; their domestic manufacturing capabilities are diverse as well as sophisticated. They have a role to play in development of manufacturing sector of defence industry in India.
- ▶ **Trade:** When India and Israel established diplomatic relations in 1992, the trade turnover was 200 million dollars. By 2001, it was close to a billion dollar and today it is 5 billion dollar trade. Thus, there has been a steady upward progression in trade relations. However, the trade has stagnated since 2012. The reason is that the global trade itself is not growing after 2008. In last two years, India's overall export performance has not been great in the sense that because the world market conditions have declined in some months and stabilised in others.
- ▶ **New areas of cooperation for mutual benefit:** Education, particularly higher education in technology and advanced science; New and pioneering forms of renewable energy; Collaboration in sports technology; Areas of pharmaceuticals and life sciences; Tourism industry Apart from science & technology. There is literature and culture where two countries share profound relations.

### About Recent Visit

There have been several high-level visits. Among them, the visit of Israeli President Reuven Rivlin to India in November 2016, President Pranab Mukherjee's visit to Israel in October 2015 and visits by External Affairs Minister Sushma Swaraj and Home Minister Rajnath Singh.

Current visit have opened up new vistas for bilateral relations. These are highlighted below.

### Highlights of the Visit

- ▶ Both sides agreed to deepen cooperation in innovation, business and trade, space, homeland security and cyber, higher education and research, science and technology, tourism and culture.
- ▶ Both sides are working together on a Five Year Joint Work Plan for strategic cooperation in Agriculture and Water. The two Prime Ministers agreed on commencement and implementation of India-Israel development cooperation - three-year work programme in Agriculture (2018-2020).

- The Prime Ministers took a look on completion of all formalities for the launch of the India-Israel Industrial R&D and Technological Innovation Fund (I4F).
- The two Prime Ministers commended the decision of the respective Ministries of Science and Technology to commence nine joint R&D projects in the areas of big data analytics in health care and security in cyber space, in pursuance of their decision in July 2017 to upgrade scientific and technological collaboration.
- The two Prime Ministers are convinced that enhanced people-to-people contacts will forge the strongest bonds of friendship between India and Israel in the future.
- The two Prime Ministers believe that durable and multifaceted cooperation is beneficial for the welfare of the people of both countries, and consider the next twenty five years as an opportune time to strengthen bonds between the peoples of India and Israel through activities that enhance understanding and create opportunities for mutual progress. They agree to continue high level exchanges and to maintain dialogue in all areas, and to work in practical ways for the benefit of their peoples.

### Way Forward

Seeing the present threats on Indian borders along China and Pakistan, India needs to have a strong military, naval and air base. Israel has developed technologies to fight terror and counter-terrorism operations. So, military and strategic ties between the two nations are important. Also, India being a major developing economy, increasing its bilateral trade relations with highly advanced and developed Israeli economy is a welcome step.

### Conclusion

Since the upgradation of relations in 1992, defence and agriculture have been the main pillars of bilateral engagement. **The future is bright with areas like high technology, pharmaceuticals, equipment related to water management and agriculture.** There is consensus that both countries work together in these partnerships and deliver it for the citizens. This visit is a signal of the direction to be followed by both.

# India Admitted to Australia Group

## Context

*India has joined Australia Group (AG) as its 43rd participant which aims to prevent proliferation of biological and chemical weapons would ensure a more secure world.*

*Hereby, discussing about the salient objectives of Australia Group and benefits of it for India.*

### What is Australia Group (AG)?

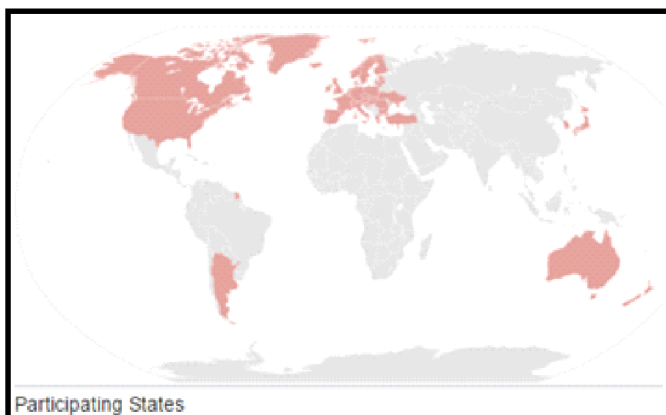
- ▶ The Australia Group (AG) is an informal forum of countries which, through the harmonisation of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons.
- ▶ Coordination of national export control measures assists Australia Group participants to fulfil their obligations under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention to the fullest extent possible.
- ▶ This is achieved by members through the **harmonisation of export controls** like using licensing measures.

### When was it established?

- ▶ It was established in the background of use of chemical weapons (in the form of nerve agents and sulphur mustard) by Iraq in the Iran-Iraq war in the 1980s.

**Members:** 42 countries + European Union

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, India, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, and United States.





All member countries are members of the

- Biological and Toxins Weapons Convention (BTWC) and
- Chemical Weapons Convention (CWC)

## Objectives

Chemical and biological weapons (CBW) are indiscriminate in their application and their deadly effects have been known since ancient times. They were first used on a large scale in the First World War, with soldiers being exposed to poisonous gases, including phosgene and sulphur mustard (a blistering agent). The result was over one million casualties and approximately 100,000 fatalities. Since that time, CBW technology has become more advanced, and hence even more lethal. The use by Iraq of CW in the form of nerve agents and sulphur mustard in the Iran-Iraq war in the 1980s, and the 1995 poison gas (sarin) attack on the Tokyo underground, provide chilling examples of the indiscriminate and inhumane effects of these weapons.

The principal objective of Australia Group participants' is to use licensing measures to ensure that exports of certain chemicals, biological agents, and dual-use chemical and biological manufacturing facilities and equipment, do not contribute to the spread of CBW. The Group achieves this by harmonising participating countries' national export licensing measures. The Group's activities are especially important given that the international chemical and biotechnology industries are a target for proliferators as a source of materials for CBW programs.

Export licensing measures also demonstrate participants determination of members to avoid not only direct but also inadvertent involvement in the spread of CBW, and to express their opposition to the use of these weapons.

## How does it work?

- ▶ Australia Group gives a set of guidelines and a technology list to its participant countries.
- ▶ The participant countries are supposed to incorporate the guidelines and technology list in their export controls systems.

## India and Australia Group (AG)

India has been admitted to the Australia Group because India meets the membership criteria's such as:

- ▶ **Member of BTWC and CWC:** India is a member of both the Conventions—the Biological and Toxins Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC).
- ▶ **Success of Indian biotech industry:** India has a growing biotechnology industry in the world market, with a highly refined biological export controls system. Thus meeting the criteria for the membership of the Australia Group may not be difficult for India.
- ▶ **Elaborate framework in existence:** Additionally, India has implemented all its commitment to WMD non-proliferation through its institutional, legal, and regulatory frameworks. India has the elaborate legal and regulatory framework which includes the Indian Environmental (Protection) Act of 1986, the Drug Policy of 2002, Special Chemicals, Organisms, Materials, Equipment and Technology (SCOMET) List, etc.

## Benefits for India

Benefits of Australia Group's membership to India are:

- ▶ **Preventing WMD in South Asia:** Joining the Australia Group would enable India to participate in framing rules to prevent the proliferation of chemical and biological weapons, a concern in volatile South Asia.
- ▶ **Boost to NSG membership:** Gaining its membership would also help India lobby better for membership in the NSG as many of its members are also members of NSG and will further give credibility.

### Multilateral Non-proliferation Export Control Regimes are:

Multilateral Regimes are groups that are independent of the United Nations that states may use to organize their export control programs. Their regulations apply only to members and it is not obligatory that a country join.

**The Australia Group:** Ensuring would-be proliferators are not able to obtain necessary inputs for chemical and biological weapons through the development of ways to minimize export and transshipping risks. Licensing authority over a wide range of chemical weapons precursors is one way to reduce risk. Members require licenses for the export of dual-use chemical manufacturing facilities, equipment, and related technology, plant pathogens, animal pathogens, biological agents, and dual-use biological equipment. These items form the basis for the Group's common control lists.

**The Wassenaar Arrangement:** Contributing to regional and international security and stability by promoting transparency and responsibility in transfers of conventional arms and sensitive dual-use (civilian/military) goods and technologies. Members of the Wassenaar Arrangement implement export controls on specific armaments and technologies. Export control guidelines help prevent destabilizing accumulations of weapons and technologies in volatile regions around the world.

**Missile Technology Control Regime:** Minimizing the risk of the proliferation of WMD delivery systems through the adherence of member states to common export policies and guidelines. Specifically, the aim of the MTCR is to restrict the proliferation of missiles, complete rocket systems, unmanned air vehicles, and related technology for those systems capable of carrying a 500 kilogram payload at least 300 kilometers, as well as systems intended for the delivery of weapons of mass destruction. It achieves its goals through export controls and licensing, relative information exchange between members, and outreach to non-members.

**Nuclear Suppliers Group:** Contributing to the nonproliferation of nuclear weapons through the implementation of guidelines for nuclear and related exports. Forty member countries have developed export guidelines, which aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. These guidelines cover nuclear material, technology and equipment, which may be considered dual-use.

# ENVIRONMENT & SCIENCE ISSUES

## *Index*

1. Development ups Tiger Extinction
2. Analysis of INSPIRE Scheme

# Development ups Tiger Extinction

## Context

*Agricultural expansion, timber cutting, new roads, human settlement, industrial expansion and hydroelectric dams push tigers into smaller and smaller areas of land.*

*These forest fragments are surrounded by rapidly growing and relatively poor human populations, including increasing numbers of illegal hunters.*

*This has placed question on the increment in chances of extinction of tiger population. Hereby, discussing how the development process can lead to tiger extinction.*

## Significance of Tiger

Tigers are both a Flagship and Umbrella species. As a Flagship species they are important for conservation and as an Umbrella species, conservation of tigers leads to conservation of other species. Tigers and high intensity biotic disturbances such as poaching and stealing of kills do not go together. If the tigers in the wild have to survive, it is imperative that other species of wild animals that are directly or indirectly a part of the food chain must also thrive. Therefore, the survival of the tiger is an important yardstick to measure the existence of a healthy forest ecosystem.

According to the Global Tiger Initiative, tigers are indicators of the ecological wellness of planet earth. Being the dominant predators of the ecosystem, they ensure that the numbers of herbivores like deer are kept balanced. A steep fall in tiger population could lead to a rise in herbivore population, which could potentially destroy forests by consuming the trees and plants. And forests have a huge role to play in preserving this earth that we live in.

## How Development Process can Lead to Tiger Extinction?

Like other large carnivores, tigers require vast swathes of jungle to hunt and thrive, and are particularly vulnerable to habitat fragmentation.

But Large-scale habitat destruction and decimation of prey populations are causing threats to the existence. Although extensive habitat is available in some landscapes, agriculture, clearing of forests for development – especially road networks, hydel projects are forcing tigers into small and scattered islands of remaining habitat. And along with habitat, tigers have also suffered a severe loss of natural prey populations – in particular ungulates such as deer and antelopes.

A key threat to tiger populations is the increase in road traffic, which is estimated to grow at 13% per annum for the next two decades. The busy Mumbai-Kolkata National Highway 6 (old numbering), the widening of which is being considered, cuts through the Nagzira Tiger Reserve and Nawegaon National Park in the Bhandara and Gondia

districts of Maharashtra. There has already been an increase in agricultural activities and construction along the highway, making it harder for tigers to move across. If NH6 become a barrier for tiger movement between the corridors it bisects, the chances of extinction of the animal in that area will increase from 19 times to 65 times.

Further Humans are even extending their reach into portions of land that have been set aside for the purpose of conserving tigers. This presence of humans causes extra stress on this species and can further decrease their roaming range, making it harder to find other Tigers to mate with. There is a serious need for balancing the needs of tigers and humans so these animals can be protected while limiting the risk to humans.

Further, poaching has become a huge problem for the tigers. Although poaching is illegal, there has become a high demand for parts of these animals and this demand continues to drive poachers to hunt and kill these animals. In fact, a dead tiger is worth a total of about \$30,000 once all its parts have been sold. In addition, although there are laws against hunting Bengal Tigers, these laws are not well enforced and poachers often go unpunished. Because of this lack of government enforcement and punishment, poachers continue to go after these tigers.

### **Threat Due to Development Process**

This can lead to loss of Genetic Diversity. Although there have been multiple areas of land designated for maintaining Bengal Tiger habitat, these areas tend to be fairly small and spread out. This creates independent, isolated tiger populations where the individuals cannot breed with other tigers. This is creating metapopulations and decreasing the genetic variability within these populations of tigers. This has the potential to lead to inbreeding depression or the bottleneck effect within the individuals of these metapopulations. This decrease in genetic diversity has the potential to decrease the overall fitness of these tigers and make them more susceptible to having these small populations being individually wiped out.

### **Steps Needed for Sustainable Development**

- Educating local peoples on the need and benefits of conservation, and making them part of the management process are important steps in saving tigers and their habitat.

For instance, villagers and government officials in Chitwan, Nepal, are working together to preserve tall grasses. These valuable grasses are used in home building, and have been overharvested outside the tiger reserve. By helping to conserve tall grasses in the preserve, the villagers are ensured a continual supply of grasses, which they are allowed to harvest once a year.

In areas of India, villagers are being taught how to conserve and rehabilitate their own overgrazed and eroded farmlands, which reduces exploitation of surrounding reserves. Villagers are also being educated on the importance of preserving large tracts of natural habitat for soil and water conservation.

Providing practical alternatives to local agricultural practices can improve living conditions and help preserve habitat. Improved living conditions may lessen the temptation of local hunters to supplement their incomes through poaching.

- Managed captive breeding programs increase overall tiger numbers and provide the genetic variability that can potentially be used to reduce inbreeding in isolated wild populations. Well-managed programs are essential to the survival of all tiger sub-species given the limited space available in zoological parks and wildlife reserves.



## Way Ahead

The conservative strategy should seek to integrate the indigenous communities into the conservation scheme. The bottom-up management approach will enable communities surrounding protected areas to be actively involved in the management and administration of their regions.

The appropriateness of community-based conservation will depend on five factors: nature of community participation, objectives of conservation, incentive for conservation, community structures, historical and cultural linkages of the adopted conservation strategies.

Further changing the current mentality of conservation authorities would require measures at the institutional level. Developing skills among forest officers to work with communities, enhancing forms of cooperation and facilitating a learning process in a spirit of mutual trust and respect is very important in order to promote effective conservation measures.



# Analysis of INSPIRE Scheme

## Context

*India has been suffering from the curse of sustainable livelihood conundrum since long in which people refrain from pursuing careers in pure sciences and research due to lack of enough career opportunities in these fields. So, the Innovation of Science Pursuit for Inspire Research (INSPIRE) is one such innovative scheme proposed by the Department of Science & Technology for attracting talent to science.*

*The scheme which help young, talented scientists embark on independent research careers at Indian labs is drawing flak with complaints of harassment, tardy fund disbursal and concerns that the scheme hasn't catalysed enough jobs.*

*Hereby, discussing the scheme and critical analysis of that.*

## About INSPIRE Scheme

- **Basic objective of INSPIRE:**
  - ❑ To communicate to the youth population of the country the excitements of creative pursuit of science and attract talent to the study of science at an early stage and build the required critical human resource pool for strengthening and expanding the Science & Technology system and R&D base in the country. It is a program with a long term foresight.
  - ❑ A striking feature of the programme is that **it does not believe in conducting competitive exams for identification of talent** at any level. It believes in and relies on the efficacy of the existing educational structure for identification of talent.
- **Three components of Programme:**
  - ❑ **Scheme for early Attraction of Talent (SEATS) for Science:** It aims at attracting talented youth to study science by providing INSPIRE Award, to experience the joy of innovations, of Rs.5,000 to **one million young learners** in the **age group 10-15 years**. There shall be annual Summer/Winter Camps for about 50,000 youth at more than 100 locations, for toppers in Class X board examinations for exposure with global leaders in Science, through INSPIRE Internship.
  - ❑ **Scholarship for Higher Education (SHE):** It aims at attracting talented youth into undertaking higher education in science intensive programmes, by providing scholarships and mentoring through '**summer attachment**' to performing researchers. The scheme offers 10,000 scholarships every year of Rs 0.80 lakh per year to talented youth in the age group 17-22 years, for undertaking Bachelor and Masters level education in Natural and Basic sciences.



The main feature of the scheme is mentorship support being planned for every scholar through INSPIRE scholarship.

- **Assured Opportunity for Research Careers (AORC):** It aims at attracting, attaching, retaining and nourishing talented young scientific Human Resource to strengthen the R&D foundation and base by offering doctoral INSPIRE Fellowship in the age group 22-27 years, in both Basic and Applied sciences (including engineering and medicine).

It also aims at assuring opportunities for post-doctoral researchers through a scheme (similar to the New Blood programme of the Royal Society of UK) through contractual and tenure track positions for five years in both Basic and Applied sciences areas through an INSPIRE Faculty Scheme.

- ▶ **INSPIRE Award- MANAK (Million Minds Augmenting National Aspiration and Knowledge):** In order to seed and experience the joy of innovation, every year two lakh school children in the age-group of 10 to 15 years i.e., 6th to 10th standards are being identified for the INSPIRE Award. Each INSPIRE Award envisions an investment of Rs.5,000 per child. The scheme plans to reach at least two students per secondary school during the next five years.
- ▶ **INSPIRE Faculty Scheme:** It is expected to augment high quality scientific manpower in scientific and educational institutions. It provides attractive opportunities to young achievers for developing independent scientific profiles and intends helping them emerge as S&T leaders in the long term. The Scheme offers contractual research positions. It provides career opportunities, but it is not a guarantee for tenure positions after 5 years.

### Need of Such Programme

- ▶ There is urgent need to curtail the popular fact that people pursuing engineering, management, banking jobs are much better off than their counterparts in research, hence aiming to retain talented students in the field of science.
- ▶ Lack of innovative research in various streams has made the Indian industries dependent on technology purchase and technology transfers.
- ▶ The Indian universities and research facilities are unable to retain the brilliant minds hence increasing the 'brain drain' phenomenon and reducing the country's tally of international awards like the Nobel Prize.
- ▶ It provided a five year employment at the university of the research scholar's choice with a handsome salary and annual research grant.

### Critical Analysis

- ▶ The scheme was conceived in 2008 amid concerns that not enough talented students were opting for research careers in basic sciences and were being lured away by higher salaries in banking, information technology and management jobs.
- ▶ But scientists allege that they are never treated "on par" with peers, denied opportunities to compete for faculty positions and were repeatedly asked to clear out their work-station by senior department members.
- ▶ DST releases the salary and research funds so late every year, because of it, it became impossible to spend the money before the close of the financial year.

### Steps Needed

The Academies and the Panel should play a role so that INSPIRE complements and enhances existing mechanisms for pre- and post doctoral support.

The scale of INSPIRE is very large and this is what makes it seem worthwhile. The Academies should help overcome the mismatch between enormity of INSPIRE targets and the number of individuals with necessary time and competence. Academies should convince the scientific community to collectively invest time and resources to make the programme a success.

DST level Panels to set up and manage the Tree Structure:

- ▶ Nodal centres such as IISER's, IIT's, Central Universities with sizeable expertise to cover all disciplines be identified to co-ordinate with schools and colleges over two/three states to run summer and winter camps; DST to support INSPIRE cells at Nodal centres to draw in faculty.
- ▶ INSPIRE centres to co-ordinate activities in local schools and colleges for age groups 10-17 and 17-22, drawing upon SCERT's (State Councils for Education Research and Training), formulate proposals for running camps and to provide assistance for student selections.
- ▶ Nodal officer for every three or four districts, located at INSPIRE Centres, should be able to handle about 100-250 students.

### Way Forward

- ▶ The strength of the innovation infrastructure of a nation has enormous significance in the competing among emerging knowledge economies. The realization of Vision 2020 calls for action and a well-designed innovation infrastructure.
- ▶ Generation of pre-competitive technologies desired from first principles of science will form differentiating element in knowledge based economies. India enjoys natural competitive advantage by virtue of demography and inherited knowledge system. The only need is the conversion of competitive advantage into competitive strength. This can be done through such programmes.

### Conclusion

- ▶ Generation and nurturing of a human talent pool capable of utilizing and developing first principles in science is both a pre-condition and integral part of such an innovation infrastructure. An India specific model for attracting talent with an aptitude for research and innovation, for a career in Basic & Natural sciences is required.

# GS SCORE

## IAS 2018

# Prelims

## Test Series 2018



**CLASSROOM**

&



**ONLINE**

### Programme 1

#### Sectional + Mock

#### Total 18 Tests

- 6 GS Sectional, 3 CSAT Sectional, 5 Current Affairs & 4 Mock Test

Value Addition Material

- All India Ranking

Batch Starts: **24<sup>th</sup>** March, 2018

Test Timings: 9:00 AM to 11:00 AM

### Programme 2

#### Mock Test

#### Total 12 Tests

- 8 Mock Tests for GS and 4 Mock Tests for CSAT
- Value Addition Material
- All India Ranking

Batch Starts: **31<sup>st</sup>** March, 2018

Test Timings: 9:00 AM to 11:00 AM

