

10. Governance

Good Governance



Consumer protection act, 2019

1. The **act aims** to address **consumer vulnerabilities** to **new forms of unfair trade** and **unethical business practices in the fast-changing new age economy**.
2. **Key features of the act**
 1. A **consumer is defined as a person** who **buys any good or avails a service**. It covers transactions through all modes including offline, and online, teleshopping, etc.
 2. Act defines various “**consumer rights**” like **protection against the marketing of goods**, products or services which are **hazardous** to the life, the **right to consumer awareness**, **right to to be informed about the quality** of goods/services.
 3. **Central Consumer Protection Authority** will be set up to promote, protect and enforce consumer rights.
 4. **Consumer Disputes Redressal Commissions** will be set up at the District, State and National levels for adjudicating consumer complaints. District: Up to Rs one crore; State: Between Rs one crore and up to Rs 10 crore; National: above Rs 10 crore.

5. **Product liability** means the **liability of a product manufacturer, service provider** or seller to compensate a consumer for any harm or injury caused by a defective good or deficient service.
6. The Act recognizes and addresses the **menace of unilateral and unfair contracts**.

3. Issues

Issues with the Act

- The Act does not specify that the Consumer Disputes Redressal Commissions will comprise a judicial member. If the Commissions were to have members only from the executive, the principal of separation of powers may be violated.
- The Bill does not specify whom the Consumer Protection Councils will advise. If the Councils advise the government, it is unclear in what capacity such advice will be given.
- The definition of 'consumer rights' in the Bill is not simple and straight forward, so that consumers at least know what their entitlements are.

- 1.
4. The **Act is a much-needed step to overhaul the archaic consumer protection law** that was increasingly becoming redundant in protecting the interests of Indian consumers in this age of digitization.

Digital connectivity

1. According to the Internet Trends 2017 report, **only 27 percent of India's population** (355 million users) uses the internet.
2. **Current situation**
 1. The **Digital India scheme launched in 2015** brought the topic of digitization to the forefront of public discourse.
 2. In **2011**, the scheme for the creation of a **National Optical Fibre Network (NOFN)** was initiated to connect all the GPs of the

country with high speed internet. The last mile connectivity is to be provided at all GPs in the country, funded by the **Universal Service Obligation Fund (USOF)**.

3. The **National Information Infrastructure (NII)** will ensure the **integration of the networks and cloud infrastructure** to provide **high speed connectivity to various government departments** up to the **panchayat level**. The components of NII include networks such as the **State Wide Area Network (SWAN)**, **National Knowledge Network (NKN)**, **BharatNet**, **Government User Network (GUN)** and the **MeghRaj Cloud**.
4. The government also launched the **Public Internet Access Programme** to make **2,50,000 common service centres (CSCs) operational** at the gram panchayat level to deliver government services online.

3. **National e-Governance plan**

1. The objective of the plan is to **make all Government services accessible** to the common man in his locality through **common service delivery outlets** and ensure **efficiency, transparency and reliability** of such services at **affordable costs** to realise the basic needs of the common man. The plan consists of 27 Mission Mode Projects (MMPs).

4. **Challenges facing MMPs**

1. **Lack of dedicated teams**, inadequate engagement with the **key stakeholders** and issues in project management due to the sheer scale and diversity of very large projects.
2. Lack of **inter-departmental** coordination, **duplication** of infrastructure, inadequate business process reengineering (**BPR**), **delays** in obtaining necessary **approvals**, and exit management for PPP projects.
3. Some MMPs pointed out that **recognition of electronic records** is still an issue despite the legal mandate provided by the **IT Act** for the same. In some cases, BPR needed legal enactments to be implemented.
4. **Delays in release of funds** to the **states** and their utilisation is a major challenge in making projects go live in those states.
5. There is general lack of **awareness** regarding benefits of e-governance as well as the process involved in implementing successful **G-C, G-G and G-B** projects.

6. There is also lack of **trust** from the side of people on e-governance platforms.
7. The services are also not provided in the **local language**, which keeps many illiterates away from such services.
8. **Lack of penetration of internet** in many areas also leads to problems. Inequality between people in the social system in having access to and use of e-government services.

5. Solutions

1. The MMPs should redefine their service delivery strategy with a renewed focus on **outcome orientation** rather than the inputs used.
2. There is tremendous scope for exploiting the new and **innovative technologies** such as **cloud computing** and **mobile platform** for making rollout of services faster and more resource efficient.
3. Use of **local languages** in applications can facilitate easy access to them for the people.
4. Ensuring **inter-departmental** coordination and coordination among the central ministries and state government departments are sine-qua-non for the success of any project. They are also vital in **avoiding** unnecessary **duplication** of efforts.
5. The importance of dedicated **project teams** cannot be **over emphasised**. Disseminating proper information and empowering the key stakeholders can go a long way in ensuring the success and sustainability of the projects.

6. Utility to Panchayat

1. **Gram sabha meetings**, village **land records**, updating of citizen databases, effective **performance monitoring** of Panchayats.
2. Intra village, **intra-district sharing of practices** and resources communication with block and district.
3. Sharing of **agricultural practices**, productivity techniques, **small enterprises**, vocational learning.
4. Delivery of services including **health, education and finance**, etc. A single point of Government to citizen interaction for centrally sponsored schemes and Grievance redressal.
5. Developmental planning of road, **transportation and power connectivity**. Knowledge connectivity in the form of good educational and training institutions. **Provision of drinking water** and upgradation of existing health facilities. Market connectivity to enable farmers to get the best prices for their produce.

7. Mobile governance

1. **M-Governance** allows for the use of mobile **wireless communication** technology within the government administration and tool for **delivery** of **information** and services to citizens and business.
2. In India, M-governance can help enhance **accountability** and **transparency** as the penetration rate is ever increasing. Mobile phones can reach areas where no other **ICT infrastructure** can reach. Also, it has become an **integral part** of people's lives and therefore **adoption** is **easier** and facilitates real time interaction.

8. Uses of Mobile governance

1. **Agriculture:** Farmers may **receive alerts and advices** through **SMS** based applications. These applications also help them learn about **marketing prices** without having to physically visit the markets. For instance, mobile devices are used to disseminate IMD's **weather information**, Kisan call centre's agriculture related queries.
2. **Health care:** **SMS** based applications for information data sharing, **expert advice**, registration for public health service, **appointment alerts** and notifications can be done.
3. **Financial services:** Mobile banking, **financial transactions** information retrieval etc may be done through mobile governance. All the **public and private sector banks** in India are providing different services through mobile phones.
4. **Transportation:** Applications for updates, **m-ticketing**, etc.
5. **Other Services:** **Indian post status tracking** for instance is an app that may be used for tracking post status.

9. Challenges

1. **Cost:** M-governance is likely to be an additional channel for service delivery which will create **additional costs**.
2. **Low levels of literacy:** Most mobile phones and applications have **text driven interface making** it near impossible for users to obtain, read and get any information provided by the Government.
3. **Lack of knowledge of English:** As most mobile device applications are developed using **English language**, it tends to act as a hindrance in usage.
4. **Security:** If m-Governance is to include **m-payment** system or other transactional **public services** then it must have good security

and must be trusted.

5. **Data overload:** Mobile devices increase the pressures of a world in which users are **permanently** connected. These connections increase the number of **messages** circulating and can cause a blizzard of communications by spam, junk and unwanted messages.

10. **E-governance in India is focussed on ‘e’**

1. **National judicial data grid (NJDG)** was started to **give litigants** and others the consolidated figures of **pending cases** in the country’s district Judiciary. But it has not led to reduction in pendency of cases.
2. **e-NAM** was launched by government. eNAM is an online **inter-connectivity of mandis** to enable farmers to get better price of their produce. Situation at the **grass root level is different**. Inter connectivity will be possible when the transport and storage system will be efficient.
3. **RTI can be accessed online**, but understaff manpower leads to delays.
4. **National land record modernisation** programme has not resulted in reduction in **land disputes due to absence of land title law**.
5. **Depot online system of state run FCI** has been launched to bring **transparency** and minimize **storage losses** of food grains but these changes requires strong ground level efforts not superficially.
6. We need to understand that **technology can only help in providing faster access** but is not panacea to **structural problems**. For example, in the absence of judicial reforms, periodic updation of **citizen charter**, administrative reforms in terms of business process restructuring, the e-governance will merely remain e without governance.
7. It has been found that wherever **enabling infrastructure** has been provided e-governance has shown good results. For example, **Telangana government right to clearance act, Shram Suvidha portal (labour reforms), PRAGATI platform (cooperative federalism)**, etc.
8. Efforts for **digital literacy**, bridging **digital divide** need to be undertaken actively so that e-governance is more **inclusive** and **participative**. By plugging in the loopholes with approach to bring in change in lives of people, e- governance assures us a promising

future.

11. IT-BPS

1. Government's **rapid adoption of technologies** as a platform to delivery of G-G and G-C services is a tremendous **push factor** for the domestic IT-BPM market.
2. The Government of India is also taking a lead in adopting **digital technologies** and is one of the **most proactive users of social media** as a means to communicate with the public.
3. It has developed its own cloud platform, **MeghRaj**. The focus of this initiative is to accelerate delivery of **e-services** while optimising ICT spending of the Government. It also intends to make India a **hub for cyber security** solutions for the world.
4. Through **long-term initiatives** like **Digital India**, **Make in India**, **Smart Cities**, **e-Governance**, push for **digital talent through Skill India**, drive towards a **cashless economy**, efforts to kindle innovation through **Start-up India**, etc., uptake of technology is expected to grow substantially in the future.

12. Some of the government initiatives to promote digital literacy

1. **National Digital Literacy Mission (NDLM)** has been initiated with the vision to empower **at least one person per household** with crucial digital literacy skills by 2020.
 2. The Pradhan Mantri Gramin Digital Saksharta Abhiyan (**PMGDISHA**) being initiated under Digital India Programme would **cover 6 crore households in rural areas** to make them digitally literate.
 3. **Vittiya Sakshartha Abhiyan (VISAKA)**, the purpose of which is to actively engage the **students of Higher Education** Institutions to **encourage and motivate all payers and payees** to use a digitally enabled **cashless economic** system for transfer of funds.
13. As **print medium begins to die out**, the ability to comprehend information found online becomes more and more important especially in the financial domain. India being a major economy must reap benefits of digital age for which digital literacy is inevitable.

Real-time Governance of AP

1. The main mission of Real-Time Governance (RTG) Centre is to

handle all the important events and natural calamities on real-time basis, leveraging e-governance technology and electronic communication. Real-time Governance (RTG) Centre helps the government monitor all the schemes, keep a vigilance on people and demand accountability from officials.

2. The RTGS consists of a state centre and 13 district data centres. The core team operates from RTG state centre with data input from people hub - which hosts the data of all the households along with government benefits they receive, which, in turn, is linked with various government departments and call centre to serve as grievance redressal platform and surveillance and communication wing.
3. **Areas of operation in RTG**
 1. **Grievance management** (through a call centre called Parishakara Vedika).
 2. **Beneficiary feedback** (on service delivery of social welfare benefits, pensions, etc).
 3. **Data mining and analytics** (performance measurement system at state level focusing on programme outcomes and dispensing feedback to officials at multiple administrative levels).
 4. **Coordination and crowd sourcing** (application of Big Data for designing welfare projects in the state).

Panchayat extension act (PESA)

1. PESA act extended the provisions of Panchayats to the tribal areas of nine states that have fifth schedule areas. It directs the state government to endow powers and authority to make Gram sabha and panchayats function as institutions of Local Governance.
2. Every legislation must be in conformity with the customary law, social and religious practises and traditional management practices of the community resources. PESA also gives various special powers to the Gram sabhas in scheduled areas especially for the management of natural resources.
3. **Limitations**
 1. **Limited applicability:** It is applicable only to those areas which are legally regarded as Scheduled Areas. A significant number of tribals living outside the scheduled areas are not covered by this legislation. Some State Governments upgrade rural panchayats in

scheduled areas to urban panchayats to bypass village council's approval process.

2. **Lack of coordination at centre:** Two **different ministries**, the Ministry of **Panchayati Raj** and the Ministry of **Tribal Affairs**, have overlapping influence on the implementation of PESA and they function almost without any coordination.
 3. **Awareness:** Lower level of **awareness** and **education** among the tribals also come on the way of raising **assertive voices**.
 4. **Tax autonomy:** Panchayats have not been given **adequate responsibilities** to **levy and collect taxes, fees**, duties or tolls. This severely limits their financial and functional autonomy.
 5. **Bureaucratic mindset:** The **mindset** of the government functionaries who think **tribal people as an inferior** species who need to be told what is good for them and the other is the existing **state government** laws and provisions that negate the PESA act.
 6. **Governor's apathy:** Despite the fact that PESA Act gives them **limitless power** to enforce the law and **protect interests** of the marginalised tribals. Tribal activists informed that not even in a **single instance**, have the Governors responded to their petitions for interventions in threatening crisis.
 7. **Communities split:** **Companies split tribal communities** by bribes and coercion. **Widespread** transfer of tribal lands into **non-tribal** hands through fraud and forcible occupation.
 8. **Maoist threat:** The **autonomous** and **non-violent resistance of tribals** to destructive mining has often been misrepresented as a **Maoist** threat. This is used to crush spontaneous **opposition** of tribals to be displaced leaving them displaced and left to the mercy of fate.
4. **What should be done**
1. There are two different ministries, namely, the **Ministry of Panchayati Raj** and the **Ministry of Tribal Affairs** that have overlapping influence on PESA and they virtually function in isolation. **Merging of these two ministries** should happen for effective implementation of law.
 2. The letter and spirit of the **Samata Judgement** should be enforced in all **acquisition of tribal land** for private companies. '**Land for Land**' must be a fundamental requirement for acquisition of tribal lands.

3. **Social audit** rules on lines of AP state Govt for MGNREGA should be issued for all government programs in Schedule 5 areas. **A national citizen's panel** for PESA should be constituted. **Eminent citizens** should be empanelled for each of the PESA districts.
4. There is a complete **absence** of functioning **grievance redressal** mechanism to address a routine violation of rights of villagers from the tribal community. This furthers the community's sense of alienation.
5. The full fledged implementation of **PESA** will give **50,000 crore** to tribal communities to develop themselves. It would **deal a bigger blow to the Maoists** active in the PESA districts.
6. **Civil society can play a major role** in thwarting vested interests. They can **provide voice** to the grievances of **poor tribals** and make them aware of their rights.

Forest Rights act, 2006

1. The Forest Rights Act, 2006 is a **result of long struggle** by the **tribal communities to assert their rights** over the **forest land** over which they were traditionally dependent. This act provides for the **restitution of deprived forest rights** across India, including both **individual rights to cultivated land in forest land** and **community rights over common property resources**.
2. **Significance of the act**
 1. For the first time forest rights act recognises and secures **community rights** over **common property resources (CPR)** of the communities in addition to their **individual rights**.
 2. They are granted ownership of **minor forest produce (MFP)**.
 3. It secures **rights over disputed lands**.
 4. It secures **right to intellectual property** and **traditional knowledge** related to **biodiversity** and **cultural diversity**.
 5. It **secures rights of displaced communities** and for empowerment of these communities, the FRA clarified that these communities had the sole right to **sell proceeds from forests**.
 6. **Right to in-situ rehabilitation** including **alternative land** in cases of illegal displacement.

3. Challenges in implementing FRA

1. **Consent resolutions** passed by Gram Sabhas are **getting forged** by interested parties for land diversion. Lack of regular elections to panchayats. In all most all the states, the **Forest department** has acquired **effective control** over rights recognition process in FRA.
2. There are problems of **coordination** between **forest, revenue** and **tribal** departments in areas of land rights, etc. **Forest rights committees (FRC)** do not have desired infrastructure and technical know-how to keep the records relating to **land claims** etc.
3. The main target group of this Act are mostly **illiterate** and therefore **filling and submission of forms** regarding the claims becomes very difficult. In this situation many **middleman** and some bad elements starts operating with vested interest.
4. There is **emphasis on recognising individual claims** while ignoring collective claims.
5. The **concerned ministries** look at **FRA as a hurdle to development** and try to circumvent it rather than ensure its effective implementation. FRA is often in conflict with other laws. Ex: Rights in protected areas like **wildlife sanctuaries, national parks** etc.
6. **Saxena committee** pointed out several problems in the implementation of FRA. **Wrongful rejections** of claims happen due to lack of proper enquiries made by the officials.

4. Recent supreme court order

1. The Supreme court has recently **ordered the eviction of lakhs of people** whose claims as forest dwellers have been rejected under the Forest Rights Act, 2006.
2. This **order negates the claims of citizens** under special protection of the Constitution, viz. the Scheduled Tribes and other vulnerable communities. According to **Xaxa Committee on tribal welfare, 60% of the forest area in the country is in tribal areas** — protected by Article 19(5) and Schedules V and VI of the Constitution.
3. **Xaxa Committee observed that claims are being rejected without assigning reasons**
 1. **Based on wrong interpretation** of the Other Traditional Forest Dwellers definition.
 2. **Simply for lack of evidence.**
 3. **Absence of GPS survey.**

4. Because the land is wrongly considered as "not forest land", or because only forest offence receipts are considered as adequate evidence.
4. The rejections are also not being communicated to the claimants, and their right to appeal is not being explained to them.
5. These observation proves that flaws exist in administrative mechanism and the executives are solely responsible for it. But the recent Supreme Court order tends to undermine the essence of Checks and balances implied in the constitution of India.
6. Further the order violates, Article 19 (5) specifically enjoins the state to make laws "for the protection of the interests of any Scheduled Tribe", is vital.

Sixth schedule

1. Article 244 of the Constitution envisages a special system of administration for certain areas designated as 'scheduled areas' and 'tribal areas'. 6th schedule contains the special provisions for the administration of tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram. The tribes in these states have distinct ethnic-anthropogenic and cultural identity not found in any other tribal areas of the country. Similarly they are backward in the terms of socio-economic development.
2. Considering this, constitution has provided them a special treatment by providing autonomous district councils (ADC) in these tribal areas. Major objective of the government is to provide them with considerable amount of autonomy for promoting self rule under democratic framework. The Autonomous district councils (ADCs) have not more than 30 members, elected by adult suffrage and not more than 4 members in it are nominated by the governor.
3. **Provisions of 6th schedule**
 1. **Autonomous districts:** The tribal areas in these states have been constituted as autonomous districts, each of which has an autonomous district council (ADC) and each autonomous region has a separate regional council consisting of 30 members. Currently, there are 10 such councils.
 2. **Legislative powers:** The autonomous district councils have the powers to make laws on land, forest use, aquatic body of the

district or region, regulation of **Jhum cultivation** etc., within the district.

3. **Judicial powers:** They may **constitute courts** for the **trial of suits and cases** between the parties all of whom belong to **Scheduled Tribes** within such areas or district.
4. **Tax revenue:** The district and regional councils are empowered to **assess and collect land revenue** and to impose certain specified taxes.
5. **Other powers:** The district council for an autonomous district may establish, manage **primary schools, dispensaries, markets, cattle pounds**, ferries, **fisheries**, roads, road transport and **waterways** in the district with the previous approval of the Governor.
6. **State governors** too were given a **protective role**, such that they could make regulations about transfer of land from tribals to non-tribals.

4. Positives

1. The **funds allocated to the MPs and MLAs** for local area development purpose are successfully being **executed through the councils**.
2. **Decentralisation** of administrative and legislative functions to the grass root level following the principle of **subsidiarity**, have led to empowerment of otherwise alienated sections of the society.
3. Many **social service scheme implementations** have shown **positive results** under these **councils**.
4. For example, to motivate the **jhum cultivating** families, the Council took up a step to **develop** the region by promoting different schemes under **horticulture**, this rehabilitated 455 families and boosted agricultural and horticultural production in the region.

5. Negatives

1. **Financial crisis:** These councils are facing **financial crisis** as **they are not covered by State finance commission (SFCs)**. Thus, PRIs in non-6th schedule areas are **liberally funded**.
2. **Functional overlap:** Some sixth schedule protected areas have **graduated from districts into states**, such as **Mizoram and Meghalaya**. Here, the **councils overlap** the normal **district administration** and **PRIs**.

3. **Lack of skilled professionals:** Almost all Councils do not have access to **planning professionals** which results in ad-hoc conceiving of development projects without proper technical and financial consideration.
4. **Lack of codification of customary law:** **Customary laws need to be codified** and brought into practical use to ensure protection of tribal cultural identity.
5. **Decentralization of powers has not taken place** in many 6th schedule areas. For example, in the **Bodo Territorial Area districts**, there is only district council which elects few people who enjoy **unbridled power**. The members of the councils need to be **trained** and participation and involvement of the people needs to be enhanced too.
6. Some members of autonomous council are helping in **siphoning of money to the extremist group** factions. For example, **north cachar autonomous council** is under scrutiny of NIA and CBI.
7. The laws made by the councils require the **assent of governor**. This process has no **time limits**, thus legislations get delayed for years. There are differing views over the discretionary power of governors.
8. Because of presence of **more than one autonomous council**, there are allegations of **one being treated less favourably** than other. For example, in Assam, there is a perceived preferential treatment to **Bodoland Territorial Council (BDC)** in matters of budget allocations.

6. Remedies to 6th schedule problems

1. There is a need that Sixth Schedule is amended and **Autonomous Councils are made to benefit** from the recommendations of the SFCs.
2. State governments and the Autonomous Councils should **identify powers** under the Sixth Schedule that **Governors may exercise at their discretion** without having to act on the aid and advice of the Council of Ministers.
3. The **administration** of the district autonomous councils should be **periodically reviewed** by a commission under Union Government.
4. Creation of elected village councils in all areas and ensure accountability of **village councils** to the **Gram Sabha**.
5. Inclusion of **women leaders** in the elected council.

6. **Tribal Panchsheel** of Nehru. **Tribal sub-plan**, which earmarks budgets to specific plans.

Governance

1. Constraints in delivery of public services

1. There is **extreme fragmentation** in the **policy making** structure. For example, **formulation of policy in one area**, for instance health, **fails to take into account its effect on other social sectors** like education, housing, employment etc.
 2. With the result there is **non-alignment of the policies** across all the common issues. This is responsible for **poor results in governance** and delivery of services.
 3. There is an excessive **overlap** between **policy making**, programme formulation and implementation which creates a tendency to focus on **operational convenience** rather than on public needs and expectations.
 4. There are **inadequate non-governmental inputs** and informed debate in the policy making processes.
2. **Social audit** is legally mandated process where **beneficiaries evaluate the implementation** of a programme by comparing **official records** with **ground realities**.



3.



4. Need for social audit

1. **Reduces corruption:** SA **uncovers irregularities** and malpractices in the public sector and **maintains oversight** on government functioning, thus reducing leakages and corruption.
2. **Monitoring and feedback:** It **monitors social and ethical impact** of an **organisation's performance** and provides feedback on the work.
3. **Accountability and transparency:** SA **ensures accountability and transparency** in working of local government bodies and reduces trust gap between people and local governments.
4. **Participative and democratic:** SA **promotes participation of people** in implementation of programmes and makes people more forthcoming for social development activities.
5. **Strengthens the Gram Sabha:** SA gives voice and **influencing power to the Gram Sabha**, the lynchpin of rural governance structure.
6. **Generates demand:** **Serves as the basis for framing the management's policies** by raising demands in a socially responsible and accountable manner by highlighting the real problems.
7. **Improves professionalism:** SA **boosts professionalism in public bodies** by **forcing Panchayats to keep proper records** and accounts of the spending made against the grants received from the

government and other sources.

8. **Collective platform:** SA provides a collective platform for people to express their **common needs**, resulting into social cohesion.

5. Shortcomings in Social audits

1. **Rules not followed:** In many states, **Social Audit Units (SAUs) don't seek record from Gram Panchayats** regarding execution of works and expenditure (CAG report), **social audit reports are either not prepared** or not made available to gram sabha in local languages.
2. **SAUs lack independence:** **Several SAUs do not have adequate staff** to cover all the panchayats even once a year.
3. **No incentive to participate:** **Lack of interest in people** about the village activities due to their livelihood reasons.
4. **Not institutionalised:** Government has **not mandated institutionalisation of SA** thus making auditors vulnerable to implementing agencies, who face resistance and intimidation and find it difficult to even access primary records for verification. There is lack of **administrative and political will** in institutionalising social audit to deter corruption.
5. The **scope of social audits** covers only **selected aspects out of a wide range of audit concerns** in the financial, compliance and performance audits.
6. The **impact of audit on programme outcomes** such as **employment generation**, targeting of the SC/ST population is **often absent**.
7. The audits did not result in **effective redressal** due to lack of **follow up and enforcement of punishments**. There is **absence of vigilance cells** in most of the cases. Lack of focused media attention and scrutiny to social audits.
8. There is clear lack of **awareness** among people. **Inadequate access to data** and lack of expertise are other obstacles.
9. The **involvement of local representatives in malpractices** has sometimes resulted in resistance to social audits.

6. Suggestions to improve social audits

1. **Making people aware of their rights**, entitlements and obligations under the scheme.
2. Ensure **institutionalisation of social audits** across all states making it enforceable and credible contract allocating responsibilities, **defining timelines** and ensuring prompt penalty to the guilty.

3. Making sure that all the forms and **documents** are in simple, easily **understandable** language and structure and available in **local languages**.
4. **Findings** of the social audit process need to be **acted upon** as they become available and that apart from **addressing the specific issues**, systemic changes are also brought about.
5. **Learning from the progress** made by the civil society groups and **Gram Sabhas** in **Andhra Pradesh** and **Rajasthan** in setting up separate directorates for social audit, other states can also introduce such measures.
6. NGOs can help in strengthening social audits such as **MKSS** in Rajasthan.

Various qualifications for Panchayats

1. **Recently SC** has **upheld** the amendments to the **Haryana Panchayati Raj Act**, 1994. Amendments introduce **certain disqualifications** for contesting panchayat elections, like **lack of formal education**, lack of **sanitation** and **indebtedness**. The amendment was challenged for violating right to equality.
2. **Judgement**
 1. The court observed that the **illiteracy**, lack of **sanitation** etc., are due to **lack of requisite will**, rather than only due to poverty.
 2. The court also tried to **link education with competence** to effectively discharge duties of the Panchayats.
 3. The court further justified the logic of debt based disqualification by stating that **election is an expensive affair**, and that a debt ridden person would not, in any case, be eligible to contest.
 4. Therefore, it upheld the amendments to promote **social good in the society**.
3. **Pros**
 1. This ensures that the **proxy candidates** are not fighting elections which come from local families who are traditionally in politics in villages. **Family tries to wrest power** at as many points they can by projecting all their candidates and hence excluding new comers in politics.
 2. So this type of act will help **new generation to join local politics** as

many traditional local Sarpanch will be forced to retire after this new law.

3. **This act will motivate masses to study** at the time when primary education is fundamental right.
4. Local Government is the first point of **interaction between public and state**. So the need to provide **quality services** and for this they need to be literate.
5. The apex court held that the classification of persons with **two or less children was not arbitrary** and the disqualification seeks to promote a national programme by **creating disincentives**.
6. The court also looked into the functions given to Panchayats and noted that **family welfare** was an **important function assigned to Panchayats** and the legislation to disqualify therefore served one of the important objectives. So, similarly this also is necessary.

4. Cons

1. It can lead to a race to procure **bogus certificates** of educational qualification.
2. It violates **Article 14** that is of right to equality. Old people who had no means to study in their times will be excluded, without any fault on their part.
3. Only **local elections** can accommodate **downtrodden people** who have limited means to fight elections. The most affected due to this is are **women**, people from **backward classes** especially SCs and STs because of their **historical disadvantage** of not having access to education.
4. It would strengthen the **domination of upper castes**. There is a chance of **increasing violence** against backward classes and women which was checked till now by political participation of these classes.
5. Formal **education** cannot suggest that a person is **desirable** for a constitutional post or not. If we go by this ordinance then tall figures like Guru **Rabindranath Tagore** and Kamraj will stand disqualified.
6. It looks weird that a person who is **not qualified to be elected as Sarpanch**, is eligible to be elected as Member of Parliament (or even Prime Minister). This should have been done on the basis of **empirical data, deliberation** and **consultation** with various stake holders.

Cooperative sector

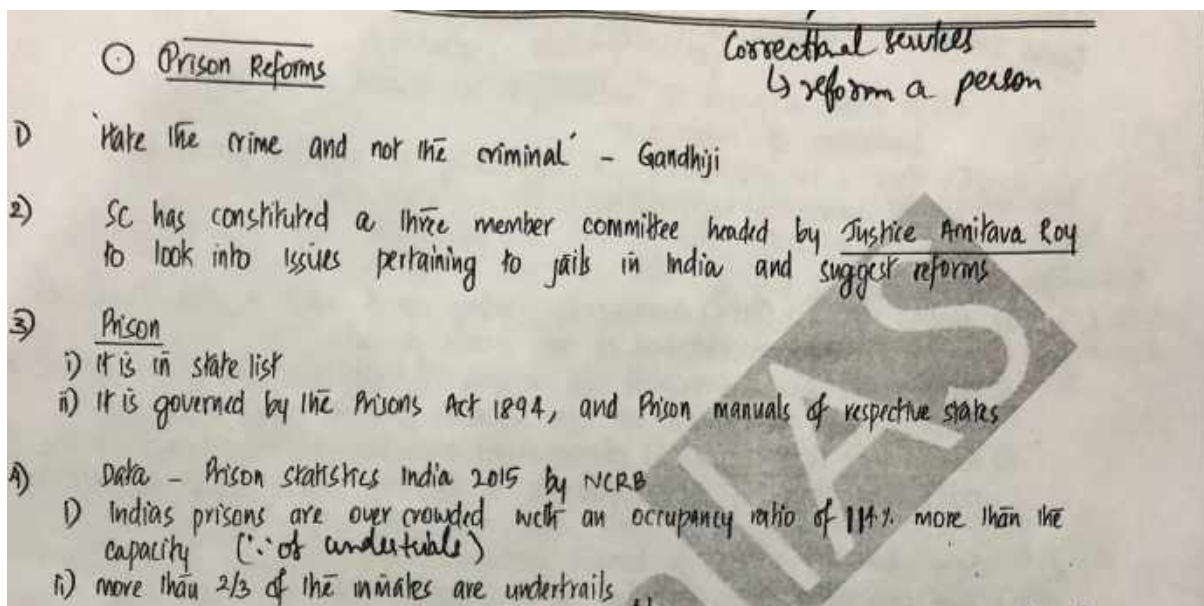
1. **Yuva Sahakar** has been **launched by NCDC to attract youth in cooperative business** ventures. It would encourage cooperatives to venture into new and innovative areas.
2. **Constitutional and statutory provisions**
 1. **Directive Principle: Article 43**, enjoins the State Government to promote **cottage industry** on an individual or **cooperative basis in rural areas**.
 2. **It is a state subject** under entry no.32 of the **State List** of the Constitution of India.
 3. Right to form cooperatives is a **Fundamental Right** under **Article 19**.
 4. **Statutory provisions: NCDC** is the **statutory organisation** (under Ministry of Agriculture & Farmers Welfare) functioning as an apex financial and developmental institution exclusively devoted to cooperative sector.
3. **Limitations of cooperative sector**
 1. There is a complex **hierarchy of bureaucratic power** in regulating cooperative sector. Ex: **Registrar of cooperative societies**. It has gone against the **very logic** of the cooperative movement.
 2. There is **politicisation of cooperative leadership**. The boards of a majority of cooperative bodies are dominated by politicians. Politicians introduces decay in the system.
 3. **Self-help** has been envisaged as a **basic tenet of cooperatives**. But **governments have provided financial** and other support to cooperatives which increased dependency of cooperatives. A cooperative endeavour should **necessarily depend on its own resources**. Its growth and expansion should be evolutionary.
 4. The vital link in cooperative finance system i.e. **cooperative banks itself remains very poor**. They are too small to operate properly and some of them are existing only on the paper. The NPAs are also higher.
 5. The **other important missing value is the member centrality**. Cooperatives are meant to serve the member community unlike outward looking organisations such as the corporates. The **focus** of the activities of a cooperative organisation needs to be on its

members.

6. **Inability to ensure active membership, speedy exit of non-user members**, lack of member communication and awareness building measures.
4. Cooperatives have immense potential to **deliver goods and services** in areas where both the **state and the private sector have failed**. Agriculture and its allied activities are areas which have benefitted due to greater role of cooperative movements.

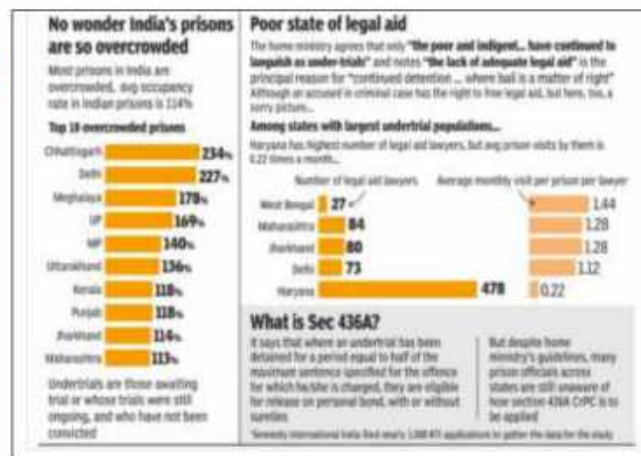
Prison reforms

1. In an acknowledgment that the more than a century-old system of prisons in India needs repair, the **Supreme Court (SC) has formed a committee on prison reforms**.



Challenges

- **Overcrowding:** There is a concern about growing numbers of prisoners and the woeful incapacity of governments to build more and larger prisons. In India, the *publication (Prison Statistics India)*, brought out by the National Crime Records Bureau (NCRB) provides that there has been an **average occupancy rate of 114% in most of the prisons.**
- **Shortage of staff:** The ratio between the prison staff and the prison population is **approximately 1:7.** In the absence of adequate prison staff, overcrowding of prisons leads to **rampant violence** and other criminal activities inside the jails.
- **Large number of undertrials:** About **67% of total inmates** were undertrials, which has further complicated the problem.
- **Long incarceration:** The incarceration in any form is uncivilized, especially when it is so long drawn out and when the objective of criminal punishment should be one of reform rather than wreaking vengeance on a perpetrator of crime.
- **Problems in acquiring bail:** For poor and marginalized, it is also difficult to get bail, which leaves them no option but to stay in jails and wait for courts final order.



IPCse

- **Unnecessary arrests:** Over 60 per cent of arrests were unnecessary, and such arrests accounted for 3 % of jail expenditure.
- **Lack of legal aid:** Legal aid lawyers are poorly paid and often over-burdened with cases. Further, there is no monitoring mechanism to evaluate the quality of legal aid representation in most states.
- **Unsatisfactory living conditions:** Prison structures in India are in dilapidated condition. Further, lack of space, poor ventilation, poor sanitation and hygiene make living conditions deplorable in Indian prisons.
- **Loss of human rights:** Another complaint against prisons is the **brutality and venality of prison officials**, again common across the world.
- **Custodial deaths:** In 2015, a total of 1,584 prisoners died in jails. A large proportion of the deaths in custody were from natural and easily **curable causes** aggravated by poor prison conditions. Further, there have been allegations of custodial deaths due to torture.

7) Recommendations

- i) Mulla Committee (1983) recommended setting up of National Prison Commission to oversee the modernisation of the prisons in India.
- ii) the committee also recommended the lodging of undertrials should be reduced to minimum and they should be kept separate from the convicted prisoners
- iii) Krishna Syer Committee (1987) recommended induction of more women in the police force in view of their special role in tackling women and child offenders

8) Steps taken

- i) Modernisation of prison schemes
- ii) E-prisons project
- iii) Draft National Policy on Prison Reforms and Correctional Administration
 - a) Amend constitution and include prisons in concurrent list, also include principles of prison management and treatment of undertrials under DPSP
 - b) enactment of uniform and comprehensive law on matters related to prisons
 - c) state shall endeavour to provide alternatives to prisons such as community service, forfeiture of property, payment of compensation to victims etc
- iv) Mandela rules - UN std minimum rules for the treatment of prisoners
 - a) Prisoners must be treated with respect for their human rights and dignity
 - b) no torture or inhuman practice towards prisoners
 - c) set an objective to prevent recurrence of crime
 - d) everyone in the prison should be safe at all times
 - e) there should not be any discrimination

Witness protection scheme

Witness Protection Scheme

1) News

- (1) SC has asked the states to implement the witness protection scheme framed by the Centre

2) Witness Protection

- (1) The witness protection scheme involves concealing the identity of the witness faced with threat, prohibits the publication or revealing, in any manner, the identity of the witness during investigation, trial and post-trial stage.
- (2) This is to ensure that trial is carried out in a free and fair manner

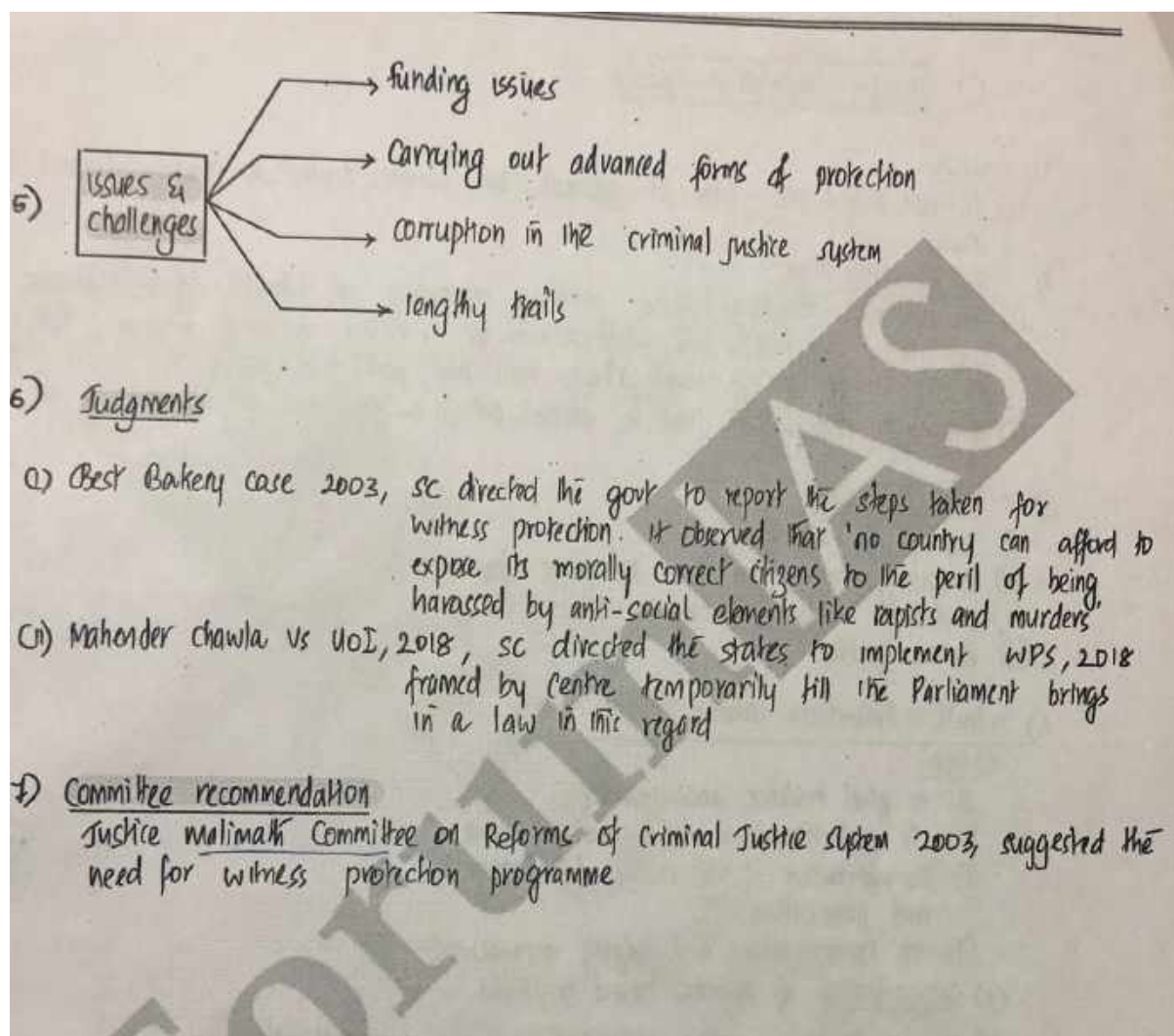
3) Need for WPS

- (i) safety of witnesses
- (ii) encourage more witnesses to come forward
- (iii) evidence holds the key to prosecution
- (iv) ensure justice

A) Witness Protection Scheme, 2018

(1) Right

- (a) to give evidence anonymously
- (b) to protection from intimidation and harm
- (c) to information of the status of investigation and prosecution
- (d) to transportation and lodging arrangements
- (ii) categorisation of witness based on threat
- (iii) witness protection order passed by the competent authority
- (iv) concealment of identity of witness
- (v) Threat analysis report submitted by police
- (vi) witness protection cell to implement the protection order
- (vii) state witness protection fund
- (viii) Review and appeal in case witness or police authorities are aggrieved by the decisions of competent authority



Whistle blower protection

○ Whistleblower Protection Act

1) Whistleblower

(i) A whistleblower is a person with evidence of fraud or other wrongdoing who then reports that misconduct to the company, the govt or to the public

(ii) Hence whistleblowing is "making a disclosure in the public interest"

2) Whistleblower Protection Act (WPA)

It provides a mechanism to investigate the alleged corruption and misuse of power by public servants and also protect the whistleblower

3) Why protect the whistleblower

(i) Whistleblower act against corruption or other maladministration in public institutions

(ii) Many whistleblowers have been murdered in the past

(iii) Whistleblowers are subjected to various forms of victimisation - suspensions, withholding promotions, threats and attacks

4) Key Provisions of WPA 2014

(i) It enables any person to report an act of corruption, wilful misuse of power or discretion or criminal offence by a public servant

(ii) This includes all public servants, including ministers, MPs, the lower judiciary, regulatory authorities, central and state govt employees etc

(iii) Such disclosures are made to a competent authority who must conduct an inquiry

(iv) The law goes beyond govt officials who expose corruption they come across in the course of their work and includes any other person or NGO

5) Amendments proposed

(i) Removing immunity given to whistleblowers from being prosecuted under official secrets Act of 1923

(ii) Prohibit any disclosure affecting the sovereignty, integrity, security or economic interests of the state

(iii) Prohibits the reporting of corruption related disclosure if it falls under 10 categories of information

6) Concerns

- (i) Official secrets Act will be applicable to whistle blowers and she/he could be prosecuted for possessing the proof on which the complaint is based
- (ii) The amendment bill states that the 10 prohibited categories are modelled on those under the RTI Act. However unlike RTI Act disclosures under the WPA are not made public but in confidence to a higher authority
- (iii) The amendment bill leaves very little space for actually calling out corruption

7) Committee recommendations

- (i) 2nd ARC recommended that whistle blowers should be protected by ensuring confidentiality and anonymity
- (ii) The legislation should cover corporate whistle blowers - 2nd ARC
- (iii) Law Commission in its 179th report has proposed a Public Interest Disclosure (Protection of Informers) Bill, which provide protection to whistle blowers

Micro-finance

1. **Micro-finance** presented a good alternative in rural areas where there is lack of access to formal banking channels. It helps in **financial inclusion** of the rural areas.

2. Advantages

1. There is **personal contact** between lender and borrower. So, **easier to access finance**.
2. Usually **no collateral** is required for getting loans.
3. **Adequate repayment** methods are provided thus reducing burden on poor borrowers.
4. It helped the poor to set up **micro-industries**, invest in **agriculture**, or meet emergency need.
5. It was successful in **women empowerment** as women comprises more than half of borrowers. The micro finance when combined with the **SHGs** gave an effective development model.
6. It increased **savings rate** in the country by increasing saving habits among poor.

3. Limitations

1. The volatile combination of **profit-seeking** companies, **minimal competition**, and **ill-educated borrowers** has opened up dangerous potential for exploiting the poor.
2. Due to high demand, **interest rates have gone up**.
3. They are not available in very remote and **sparsely populated** areas.

4. Another problem with MFIs and SHGs particularly in rural areas is capture of finance by **dominant castes**.
5. There are lack of capacities to screen and **evaluate the business proposals** for which lending is done.
6. **Multiple lending**, over-borrowing and **ghost borrowers** reduce efficiency of MFIs.
4. MFI is a potent tool to reduce poverty and increase economic development of the country. It needs to be **better regulated** for continued success.

River cleaning

1. **River cleaning** has been an important priority for last few decades. But despite such focus, rivers are yet not cleaned up completely. A government report states that **half of the rivers are polluted**. **NGT lamented** the fact that although **Rs. 7000 crore** has been spent on cleaning Ganga in last **two years** without any further improvements.

2. Pollution abatement works so far

1. **Interception** and **diversion** works to capture the **raw sewage** flowing into the river through open drains and divert them for treatment. **Sewage Treatment Plants (STP)** for treating the diverted sewage.
2. Low cost **sanitation works** to prevent **open defecation** on river banks.
3. **Electric crematoria** to conserve the use of wood and help in ensuring proper cremation of bodies brought to the burning ghats.
4. **River front development works** such as improvement of **bathing ghats** etc.
5. Other measures like **plantation**, public **awareness**, etc.

3. Reasons of failure

1. Government has so far **adopted only engineering centric approach** to solve the problem with undue emphasis on creation of **sewage treatment** plants. It should also approach it as a **social engineering** problem through which people living on or around the banks of the rivers are involved.
2. **Minimum water flow has not been maintained** due to **encroachments** upon and diverted for construction and development activities.
3. Sufficient **budgetary allocations** have not been made.
4. A **town approach** was adopted instead of a **holistic river basin approach** before constitution of the National Ganga River Basin authority.
5. **Delays in completion of schemes** due to lack of inter-agency coordination at field level, **delays in acquisition of land** for STPs and pumping stations, contractual problems, **court cases**, etc., leading to cost overruns.
6. Shortage of **skilled manpower** and regular staff and inadequate provision of funds by the states and ULBs for **sewage treatment** infrastructure.

7. **Non-availability of power supply** for operation of assets, under utilisation of **STPs** due to non-conveyance of **sewage generated** in the absence of **upstream systems** such as branch sewers and house connections.

8. Lack of involvement of **civil society**.

4. Measures by Govt to clean rivers

1. **Ganga action plan and Yamuna action plan** to clean Ganga and Yamuna.

2. **Namami Gange** project to overhaul river cleaning methods.

3. Under **Swachh Bharat mission (SBM)** a massive **cleanliness drive** at the banks of various rivers is done.

4. Concern for **sewage treatment** and giving clearances to new sewage treatment plants.

5. Measures for improved outcomes

1. Projects should be based on **comprehensive approach**. That is river basin approach should be followed rather than town centric approach.

2. **PPP models** proposed in states for better implementation.

3. **Project appraisal by reputed institutions**. Water quality monitoring by reputed institutions like IITs.

4. **Empowered state river conservation authorities** to increase the capacity of the state governments to oversee the cleaning process.

5. **Community mobilisation** by taking help of NGOs.

6. Online data transmission, **public access to Water Quality Management data**, and **bio-indicators** needs to be included. Research Advisory Committee set up to encourage innovative technologies.

6. How Namami Gange is different

1. **Focus:** Earlier plans had a **town centric** approach which focused mostly upon famous towns but **Namami Ganga** will look at the **entire basin** while planning. Namami Gange also includes **tributaries** of Ganga which was neglected by GA.

2. **Urban sewage:** Namami Gange wants to rope in **corporates to create and maintain STP**. They are incentivised by guaranteed payments and they can also sell treated water.

3. **Rural sewage:** **Rural sewage** was **never a major focus** because of which almost all of it goes untreated. **Namami Gange** wants to adopt the **Seechewal model** used in a Punjab village which developed **community ownership**.

4. **Industrial effluents:** Though there were regulations to industries to create **Common Effluent Treatment Plants**, ensuring zero liquid discharge etc., they were **not enforced**. It ensures **time bound** implementation of these or else industries will be **shut down**.

5. **Surface treatment:** **Trash skimmers** are being imported to clean the

surface.

6. **Dead bodies:** Ganga action plan had provisions for **electric crematoriums** but Namami Ganga must see that it is implemented.

Inter-state river water disputes

1. **India has about 20 major river basins** running through the nation and many of these **traverse more than one state**. This leads to conflicts regarding the use and distribution of water posing a serious threat to India's federal polity such as Cauvery Water dispute, Mahanadi Water dispute etc.
2. **Constitutional provisions for River Water Dispute**
 1. **Water is in the State List**. It is Entry 17 of the list and hence, states can legislate with respect to rivers.
 2. **Entry 56 of the Union List**, however, gives the **Central government the power to regulate and develop inter-state rivers and river valleys**.
 3. **Article 262** also states that the Parliament may provide for the adjudication of any dispute with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
 4. As per Article 262, the Parliament has enacted the following **River Board Act, 1956** and Inter-State Water Dispute Act, 1956.
3. **Reasons for inter-state river water disputes**
 1. **Limited water supply:** With **most of the rainfall concentrated in few months**, India experience a drought like situation in pre-monsoon season giving rise to river disputes.
 2. **Inefficient water usage:** **Growing water intensive crops in dry areas**, reduced use of traditional water harvesting mechanisms, **free power** and enhanced impetus on flood irrigation have created deficiency of water in most areas.
 3. **Overlapping of subjects:** Under **Schedule VII**, states have **power with respect to use of water**, however, in case of inter-state rivers, power lies with the Centre which seldom uses it, giving space for conflicts between states.
 4. **Political opportunism:** These disputes are a **perfect rallying point for political parties** to secure votes and giving fuel to regionalism as in case of Cauvery dispute.

5. **Lack of concrete dispute resolution:** Under **Article 262**, Courts have been denied the jurisdiction over river waters, and the tribunals constituted for it have proved inefficient.
4. **Why river water disputes linger**
 1. **Extraordinary delays in constituting the tribunal:** A **lengthy and time consuming process**, where states are asked for mutual negotiations first and then the establishment of Water Disputes tribunal if negotiations fail. Ex: Godavari water dispute, Cauvery Water Dispute.
 2. **Due to delay in constituting the tribunal**, state governments continued to **invest resources in the construction and modification** of dams, thus strengthening their claims
 3. **Delay in reports and decisions given by the Tribunal.** For instance, Mahadayi Water Disputes Tribunal.
 4. **Lack of availability of the data** also causes a delay due to the survey and collection of data each time the dispute arises.
 5. **Appointment of the members of the Tribunal.** The composition of the tribunal is **not multidisciplinary** and it consists of persons only from the judiciary.
 6. **Sub-judice Matters:** Either **States approach Supreme Court** under **Article 136** (Special Leave Petition) or private persons approach Supreme Court under Article 32 linking issue with the violation of Article 21 (Right to Life).Ex: Krishna Water Disputes Tribunal, Cauvery Water Disputes Tribunal.
 7. **Differences arose over compensation and rehabilitation** due to the construction of canal and power projects also causes the delay.
 8. **There has been politicisation of the dispute** based on regional feeling and for vote bank politics.Ex: Dispute between Tamilians and Kannadigas for Cauvery river water.
 5. **Measures to address**
 1. **Inter-State River Water Disputes (Amendment) Bill, 2017** which has provision of **Single Tribunal, timely resolution**, data collection and maintenance of a data bank needs to be implemented to overcome lacunas of Inter State River Water Dispute Act, 1956.
 2. **Bringing water into concurrent list** as recommended by **Mihir shah** report where central water authority can be constituted to manage rivers.

3. There is a need for the basin states to reduce the demand for water by adopting **cropping patterns** which require less water and drip irrigation and other water-saving techniques.
4. **Make rainwater harvesting mandatory**, use of **check dams to increase ground water**, creation of additional reservoir to store overflows from a healthy monsoon year to drought year.
5. Since **urbanisation** has altered both quantity and quality of our water resources, it is **important that proper urban and water planning are taken into consideration**.
6. The **parliament needs to exercise its powers** under **Entry 56 of Union List effectively**. According to National Water Policy, this can be done by setting up of river boards.
7. It is **not necessary to exclude** Inter-State Water Disputes from the original **jurisdiction of the Supreme Court** under article 131 of the Constitution and that such disputes should also be made to fall within the exclusive jurisdiction of the Supreme Court, especially in the light of the Supreme Court's decision to adjudicate on award given by Cauvery Tribunal.
8. **Water disputes need to be depoliticized** and not be made into emotional issues linked with regional pride.
9. **Inter-State Council (ISC), GST council** etc. can play a useful role in facilitating dialogue and discussion towards resolving conflicts.
10. One model to follow is **France's system of "water parliaments,"** which are responsible for managing the country's rivers, and which reserve a number of seats for non-governmental and environmental organizations.

6. **What are the problems in 1956 bill**

1. Under the present Act, a **separate Tribunal** has to be established for each dispute. There are eight inter-state water dispute tribunals, but only three of the eight tribunals have actually given awards accepted by the states.
2. There was **no time limit for adjudication** or publication of reports. Tribunals like those on the **Cauvery** and Ravi Beas have been in existence for over **26 years** and 30 years respectively without any award.
3. The Tribunal can only give an award but **cannot enforce its implementation**. It has not been clothed with powers of

punishment for contempt.

4. Many parties take the **matter to supreme court on legal issues** and thus it drags the dispute process.
5. The issues relating to the water disputes involves **special technicalities** but entrusting the adjudicatory power to the tribunal leads to **undermining** the status of the **federal government**. This may lead to creating of more obstacles rather finding a solution.
6. The **provision under Article 262 seems to be insufficient**. It would have been better if a machinery had been written into the **constitution itself**. Then it would not be left to the Parliament to provide a machinery.

7. Provisions of the new bill

1. The bill proposes a **single standing tribunal with multiple benches** instead of multiple tribunals that exist at present.
2. It proposes to introduce **Dispute Resolution Committee (DRC)** to resolve **disputes amicably** by negotiations before a dispute is referred to the tribunal. mechanisms.
3. The total **time period for adjudication** of dispute has been fixed at maximum of **4.5 years**.
4. The **decision of the Tribunal shall be final** and binding with no requirement of **publication** in the official gazette.
5. It **limits the tenure of the chairperson to five years** or till they attain the age of 70, whichever is earlier.
6. It also provides for a **transparent data collection system** at the national level **for each river basin**. It calls for the appointment of assessors to provide technical support to the tribunal.

8. Advantages

1. Ready availability of relevant and updated data collected by the proposed agency at all the times would **expedite the adjudication process**.
2. Proposed amendment puts a **time frame of three years** for permanent tribunal to give its verdict.
3. States in disputes have tendency to **question data** provided by the other side which will be minimised by availability of data by **specialized agency**.
4. **A Disputes Redressal Committee** comprising experts is also proposed to be set up which is expected to solve most of the disputes before they are referred to permanent tribunal.

5. Awards given by the **PT would be notified immediately** unlike earlier when Centre notified the awards causing delay in implementation.

9. **Problems withstanding**

1. As the award given by tribunal **can be challenged in SC** it might lead to extended litigation and delays.
2. The effectiveness of legal adjudication is defeated by the very nature of disputes being **nexus between water politics and democratic politics.**
3. Though **DRC** is a means of mediation, challenge is to design proactive and innovative institutional practices and processes.
4. Just as they have done earlier, it is not clear about what will happen if **disputing parties don't comply** with the award given by the tribunal.

Right to Information

1. **RTI is master key to good governance. Right to Information Act 2005** mandates timely response to **citizen requests** for government information by various Public Authorities. RTI not only empowers the people but it promotes a culture of transparency in the Government. While the Indian law is among the **best five in terms of its provisions**, India is ranked number 66 on performance.
2. **Need for RTI**
 1. To **empower** the citizens.
 2. To promote **transparency** and **accountability** in the working of Government.
 3. Check **corruption.**
 4. Make our **democracy work** for the people in real sense.
3. **Shortcomings in RTI**
 1. There is **huge pendency of cases.** This is due to **slow appointment of PIOs** and laxity played by public authorities is an issue. The Central and State Information Commissions have been functioning with **less than their prescribed maximum strength** of eleven because governments have dragged their feet on appointing commissioners.
 2. **Section 4 of the RTI Act requires suo motu disclosure** of a lot of

information by each public authority. However, such disclosures have remained less than satisfactory.

3. The act **did not give adequate authority** to the Information Commissions to **enforce their decisions**. Besides awarding compensation to an applicant for any loss suffered, the commissions can direct public authorities to take the steps necessary to comply with the Act, but are helpless if such directions are ignored. **Penalties are rarely imposed and even that is too minimal**. Having no incentive on the officials to provide information.
4. Large **number of frivolous RTI** applications are being filed affecting efficiency of governance. Some use the Act to **blackmail people**. This category largely targets illegal buildings, mining, or some other activity that runs foul of the law.
5. Officials have misused provisions related to **secrecy and national security** to **deny information** under RTI. Many times **partial information** is provided to deliberately harass the information seeker.
6. State governments such as **Karnataka** have come up with **orders reducing the word limit**, making formats for question and in some cases prohibited questions in **regional languages**.
7. **Data in government departments** is not kept properly, **not organised** and this makes getting information difficult.
8. **Political parties** have still not replied to the **CIC orders**. More so, they have not even initiated a legal response to the orders. This shows utmost disregard.

4. Provisions in RTI to stop its misuse

1. **Section 8 of the RTI act** contains details regarding information which is **exempted from RTI's purview**. It generally contains information, release of which could jeopardise **national security, communal harmony** or **foreign relations**.
2. The **armed forces and some other institutions** mentioned in second schedule of the constitution have been exempted from RTI purview so to not hamper their working and also to safeguard **security concerns**.
3. But **if any question arises of corruption and human rights violation** there is enough safeguard in the act to call from information from any institution.

4. **Misuse of section 6(3) of the act** by which public officers divert their responsibility to other departments is effectively checked by the regulatory mechanism.

5. RTI impact

1. **Several scandals such as 2G, CWG** etc., have come up due to RTI.
2. **NGOs** and think tanks use this information to **come up with reports** on Governments functioning, greatly influencing public opinion.
3. **Media has played a proactive role** and more than the penalty their pressure has forced officials to provide information.
4. In a case CIC held that **political parties are public institutions** as they use public resources in the form of free air time on national television and offices. On this ground **CIC demanded their fund collection** details.
5. The **answer keys of civil service examination** and IIT-JEE are now available on the websites of the **UPSC** and IIT-JEE respectively, helping students to find out their scores even before the official announcement.
6. Assets and **wealth declarations of all public servants** such as PM and his entire council of ministers, civil servants are now in the public domain.

6. Official secrets act vs RTI

1. **Official Secrets Act (OSA)**, 1923 was enacted during the **colonial era** keeping in view of the **national security and sovereignty** of the British empire. It made an act to obtain, collect, **record** or **publish** a secret document being certified as confidential, secret, or top secret as a **criminal offence**. However, it was so vast in its scope that it is prone to **misuse by the executive**.
2. **Queries under the RTI** act often blocked citing **secret clause**. Firstly, the problem of classification of information as the **word secret is nowhere defined** in the act and Government has a wide **discretion** to classify any information as secret.
3. 2nd **ARC recommended** that the Official Secrets Act, 1923 should be **repealed**. But **the government rejected the recommendation**, saying that the OSA is the only law to deal with cases of espionage, **wrongful possession** and communication of **sensitive information** detrimental to the security of the State.
4. The **ARC also recommended that** only such information should be

given a **security classification** which would qualify for exemption from disclosure under the RTI Act.

7. RTI amendments

1. **Removal of fixed term:** As per the act, the **CIC and ICs will hold office for a term of five years**. The Amendment removes this provision and states that the **central government will notify the term of office** for the CIC and the ICs.
2. **Determination of Salary:** As per the act, the salary of the CIC and ICs will be equivalent to the salary paid to the CEC and EC. The Amendment empowers the Central Government to determine the salaries, allowances, and other terms and conditions of service of the **central and state CIC and ICs**.

8. Rationale behind the amendments

1. Whereas the **ECI is a constitutional body**, but the **CIC and SIC are statutory bodies**. So, equating their salaries and allowances and other conditions of service is not correct.
2. As the **CEC and EC are equal to a Judge of the Supreme Court** in terms of their salaries and allowances, therefore, the CIC, IC and the State CIC becomes equivalent to a Judge of the Supreme Court. **The decisions of ICs are challenged in high courts**, therefore their status being equivalent to SC judges was causing **legal hindrances**. Hence, their status and service conditions need to be rationalised accordingly.
3. The purpose of the amendments proposed is to **provide for enabling provision** under the RTI Act to **frame rules regarding salaries, allowances and conditions of service** for CIC, IC and SIC. Presently, there are no such provisions available under the RTI Act 2005.

9. Arguments against the Amendments

1. **Incorrect Rational given:** The decisions of all authorities including those of the President and prime minister are challenged before high courts.
2. **Dilutes the independence of CICs and ICs:** As the Central government may determine the term and salaries of CICs and ICs. **Uncertain term and salary changeable by executive** notification reduces CIC to an obedient subordinate.
3. **Dilutes the status of CICs:** CIC and CEC were kept at the same footing, as according to the Supreme Court, **RTI and Right to vote**

are equally important fundamental rights. However, the amendments tend to change this scenario.

4. **Encroaches upon the state jurisdiction:** As the **Central government will prescribe the term**, status and salary of SIC.
5. **Lack of consultation:** **With the civil society** and the state Governments, which amounts to undemocratic imposition.
10. As per legal experts, rather than downgrading the status, the Information Commission should be given a constitutional status.

MPLADS

1. **MPLADS was introduced in 1993** with the objective to enable MPs to suggest and get **developmental works of locally felt needs** executed with emphasis on creation of **durable assets**. MPs are **allotted Rs. 5 crore** primarily to take up development projects.
2. The scheme seeks to **build relationships** between **elected representatives, stakeholders** and **ground level** government institutions and **civil society**. However, the scheme suffers from many inadequacies and data suggest that it has been unable to achieve targets on many fronts.
3. **Challenges**
 1. The scheme costs the exchequer a staggering **Rs 4,000 crore per annum**. Recent government data showed that **only 5.4% of the total fund** has been utilised for the Financial Year 2014-15.
 2. CAG of India found **financial mismanagement** of the scheme and consequent inflated reporting of the amount spent. Insufficient fund allocation leaves **many of the works incomplete**, though often officially reported as complete, or completed by compromising the **quality of the asset**.
 3. Studies have also found that many **MPs tended to select the same district**, not always for development reasons, and these districts were not necessarily the least developed one. So, **lopsided development** takes place.
 4. The reports also found that some MPs **have even created their own assets** with public money whereas the guidelines are strict on what they can spend on.
 5. The infrastructure created under the scheme generally **caters to short term populist agenda** and thus is not in conformity with the

objective of creating durable assets.

4. Reforms required

1. **PRIs** may be asked to **provide a list of works** to be recommended to the MP annually. PRIs may be involved in **execution** as well as in monitoring to a larger extent.
 2. There is a need for **greater coordination between the MPs** of a state to reduce duplication of efforts and to spread works all over the district.
 3. The government must allow **social audits of the projects** cleared under the scheme as a means of keeping to keep an eye on MPs.
 4. **Mandatory inspection** of schemes by state and centre level officials must be adhered to.
 5. Finally, the scheme should get **subsumed in the district and state plan** after five years.
5. The scheme **goes against the spirit of the 73rd and the 74th Amendment**, with MPs enjoying the privilege of an uninterrupted yearly flow of funds to do the work which **local bodies are better placed** to deliver. In light of these limitations and realities, the Second ARC recommended abolition of scheme and empowering local bodies to deliver civic services.

Higher education

1. **No Indian university features in top 100** of QS world's rankings shows that Indian university education is stifled by various problems.
2. **Parameters for world rankings**
 1. **Teaching:** It includes **academic reputation** and **learning environment** of an institute.
 2. **Research:** Volume of **citations**, research **volume**, etc.
 3. **International outlook:** Number of **overseas students** and **international faculty** ratio.
 4. **Infrastructure:** **Labs, lectures halls**, other building and hostels.
3. **Reasons for poor performance**
 1. **Lack of corpus of research grants** comparable to global standards either form government or **corporate sources**. Unlike Europe or America, India lacks voluminous research output from university systems.

2. Indian institutions are specialised in **technology, management, sciences or medicine**. Ex: IITs in Engineering, IIMs in management etc.
3. **Lacunae in recruitment and retention** of faculties from abroad.
4. The Indian Universities are **younger as compared to the top universities** from the UK or USA.

4. NIRF

1. **HRD ministry** has launched national institutional ranking framework (**NIRF**) for ranking educational institutions. This framework outlines a methodology to **rank institutions across the country**. Although the ranking frameworks are similar, the exact methodologies are domain specific.
2. The framework follows an **Indian approach** which considers parameters like **diversity** and **inclusiveness** apart from excellence in teaching, learning and research.

5. The parameters for NIRF

1. **Teaching:** These lay **emphasis** on measuring **numbers and quality of faculty**, library and **lab resources** and general facilities for development of young persons.
2. **Research:** To measure the quantity and **quality of research output** as seen through **international databases, IPR generation** and interface with industry and fellow professionals.
3. **Graduation outcomes:** Measures the student graduation rate and their success in finding appropriate **placement in industry and Government** or taking up higher studies.
4. **Inclusivity:** Lays special emphasis on representation of **women and socially challenged** persons in **student and faculty** populations, and also on outreach activities of the institution.

6. Importance

1. It would enable parents, students, teachers, educational institutions and other stakeholders to **rank institutions** on the basis of a set of objective parameters and a **transparent process**.
2. To provide benchmarks to measure the **productivity of Indian universities** and creating a sense of **competition** among them.
3. **International rankings** do not entirely suit **Indian realities**. International ranking agencies does not consider **inclusivity** of our institutions. It will also promote **social inclusion** in institutes.
4. The institutions which have been working in **languages other than**

English and excelled relatively in the recent past will be greatly benefited.

7. CBCS

1. The choice based credit system provides a **cafeteria approach** in which the students can **take courses of their choice**, learn at their own pace, undergo **additional courses**, and acquire more than the required credits.
2. The new system proposes a **common syllabus** for all **central universities**, a **common entrance** test, and faculty and credit transfers.

8. Benefits of CBCS

1. **CBCS** is globally being used by all the **top universities** and Indian institutes like **IITs** etc. This was quite successful in those institutes.
2. **Students** can take the responsibility of their own education as they can choose their **courses as per their needs** and aspirations. It also facilitates transfer of credits earned in different **departments, universities** or institutions of higher education in India and abroad.
3. CBCS brings **uniform examination** system throughout the country and thus brings uniform standards in education.
4. **Holistic education is encouraged** as system has an **inter-disciplinary** approach to learning.

9. Demerits of CBCS

1. CBCS does not recognise the **radical differences** between **standard** in different colleges and universities. It **aims** at **centralisation** and **homogenisation**, ignoring the specificities and **uniqueness** of each **university**.
2. A **common syllabus** is neither desirable nor feasible as this will **diminish creativity** and **lower standards** in order to conform to common standards. Uniform structure of syllabi for all universities hamper **institute's autonomy**.
3. A uniform curriculum will ensure that **research expertise** of institute's teacher will be **overlooked** and system may lead to uniform mediocrity.
4. It advocates **transfer of faculty between** universities. No where in the world are transfers between institutions practised. There is no academic logic here. Besides, transfers can be used to **silence dissent** and independent voices.

10. Recommendations on reforms in higher education sector

1. All universities must be **teaching cum research universities**. Research bodies must connect with universities in their vicinity and create teaching opportunities for their researchers.
2. **Identifying and empowering 50 top universities** in every possible manner to seek global excellence as has been done by **Russia**.
3. There should be no **discrimination** between **central and state funded** universities. All benefits extended to central universities must also be extended by State Governments to the state universities.
4. All **private universities** must **submit to a national accreditation system**. They must be **comprehensive universities** covering the arts and social and natural sciences too.
5. There must be tight **regulation of private universities** through **auditing** of accounts, payment of **minimum salaries** to teachers, certain percentage of **seats reserved** for meritorious students from poor backgrounds, etc.
6. **GIAN** has been set up for our academics and students to learn best practices from US based faculty.

11. Higher education financing agency (HEFA)

1. The Union Cabinet has approved the creation of the Higher Education Financing Agency (HEFA) to give a **major push** for creation of high **quality infrastructure** in premier educational institutions. HEFA will be used to **raise funds from the markets** for lending to educational institutions.
2. HEFA marks the beginning of a **market linked education financing structure** in India and a departure from the traditional **grant based** system of funding higher educational institutions.
3. The agency is expected to **ease pressure on the government**, which currently is the sole funder of such institutions.
4. HEFA will **instil accountability** in higher educational institutions. As the **institutes need to pay back**, a market force driven fee structure is required.
5. It would provide the much needed funds to **boost research** oriented infrastructure.

12. Need for new education policy

1. **Globally** average spending on education is **4.9%** of GDP while in the case of India it is just **3.6%**.

2. Dearth in the availability of good **quality teachers**.
3. **Poor employability** of graduates.
4. **Political interference** especially in the higher education.
5. Insufficient focus on teaching **values** and **morality**.
6. Despite having number of premier education institutes, **none features in the top 100 world universities**.

13. **Cons of NEP**

1. **Less emphasis** is given on issues of **social justice and democracy** and undue importance has been given to Knowledge Based Economy and Society (KBES).
2. **Lack of clarity regarding goals** and objectives of this educational policy. The **priorities** of this education policy is not clear, which was not the case in previous education policies.
3. Implanting **employable skills** to students has been given **immense importance** whereas the **art of learning, reasoning** and questioning has been ignored.
4. The previous policies considered the **art of questioning as an important tool** for the overall development of students.

14. **Main recommendations of Subramaniam report**

1. Total **public spending** on education must increase from current **3.6%** to **6%** of GDP with immediate effect.
2. **Certification** for government and private school **teachers** should be made mandatory, with provision of **renewal every 10 years** based on independent external testing. **Teacher Entrance Tests (TET)** should be made compulsory for recruitment of all teachers.
3. **School education** for the age group of **4-5 years** should be **declared as a right** and should be followed by a programme of implementation.
4. The **NDP must be continued** until **class V** when the child will be 11 years old.
5. The ambit of the **Mid Day Meal scheme** should be expanded to cover students of **secondary schools**.
6. **UGC Act** must be allowed to **lapse** and a **separate law** should be created for the management of higher education. **UGC's role and responsibilities** be reduced to disbursement of scholarships and fellowships.
7. **Top 200 foreign universities** should be allowed to **open campuses**

in India.

8. An **Indian Education Service (IES)** should be established as an all India service under HRD ministry with officers being on permanent settlement to the state governments.
15. **Education must be practical, action oriented and geared towards social welfare.**

Budget 2019-20

New Education Policy to transform India's Higher Education System to one of the best global education systems

Creation of **National Research Foundation** to fund, co-ordinate and promote research

'Study in India' Program to help India attract foreign students to make India a global Higher Education Hub

Setting up **'Higher Education Commission of India'** to promote greater autonomy and focus on academic outcomes

Setting up of **National Sports Education Board** for development of sportspersons under Khelo India Scheme

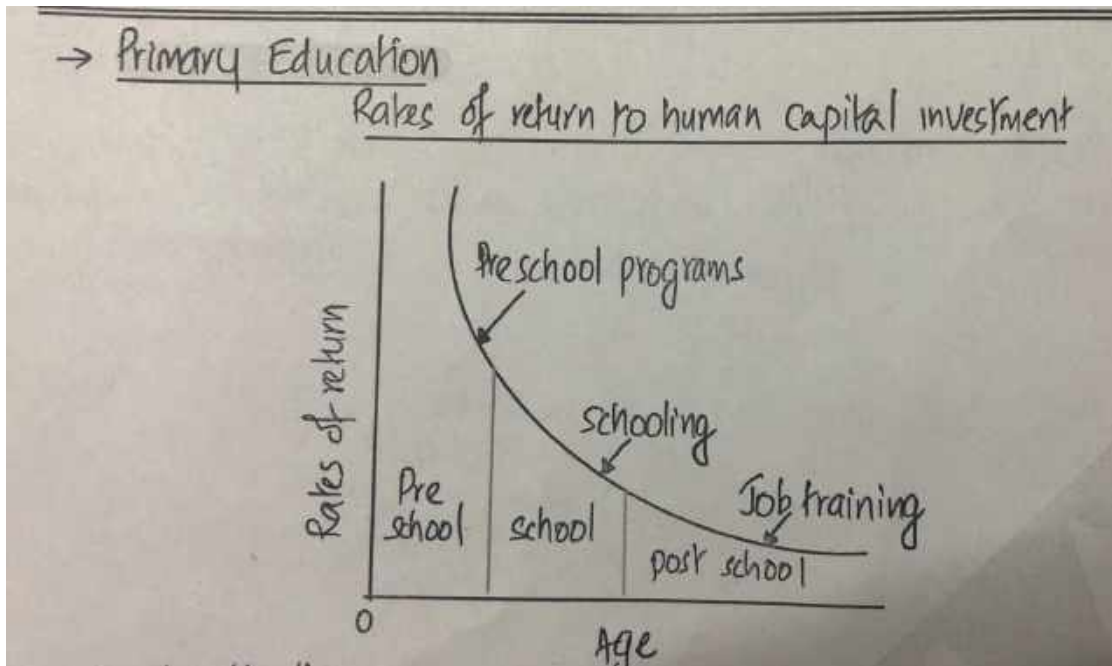
RTE

1. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 was enacted to implement provision under **Article 21A**.

2. Main provisions

1. The Act provides for **free and compulsory education** to all children of the age of **six to fourteen years**.
2. It specifies the duties and **responsibilities** of appropriate **governments, local authorities, parents, schools** and teachers in providing free and compulsory education.
3. It **specifies** the **sharing of financial responsibilities** between the Central and State Governments.
4. It provides for maintaining specified **pupil-teacher ratio**, development of a **curriculum** in consonance with the values enshrined in the **constitution**.
5. It established **National and State Commissions for Protection of Child Rights**, (NCPCR) which shall have the powers of a civil court and provides for the establishment of a **National Advisory Council (NAC)** to advise the respective governments on **implementation** of the provisions of the Act in an effective manner.

3.



4. Challenges in the RTE act

1. The **act allows only children between the ages 6-14** to get the privileges. It **leaves out younger kids (0-6)** and older one (14-18) despite the fact that India has signed the U.N. charter which states clearly that free education should be made compulsory to all

children up to the age of 18 years.

2. **Children with special needs (CWSN) left out of the RTE bill.** According to the 2014 National Survey of Out of School Children Report, about **6 lakh** (28%) special-needs children between six and 13 years of age are out of school.
3. **25% Reservation of seats** in unaided private schools is not being enforced properly in many seats. The records of the 25% children are not kept by the school.
4. **No focus on Quality of learning; the RTE Act appears mostly input oriented.** The bill guarantees for the admission of the children, but does not promise the quality of education.
5. **Not Enough Trained Teachers.**
6. **School management committee (SMCs)** with 75% of its strength from among parents or guardians of children are **non-starters** because of lack of interest and time of parents. They also burden poor parents.
7. The way the RTE Act is structured both the **State and Central governments are involved.** This makes fixing **accountability difficult.** Further, there are no prescribed penalties if the government authorities fail in discharging their respective duties.
8. **Minority Religious Schools are out of the purview of RTE.** These institutions only impart religious education and are mostly attended by kids from the deprived sections – they are the ones who need quality education the most.

5. **Ways to strengthen the act**

1. There is a need to create greater **awareness at the community level** to implement various provisions of the RTE Act. When a community is more aware of provisions, they will be **able to claim what is due** to them.
2. Effective implementation of existing provisions of the RTE Act is required and **engagement of civil society** may be further strengthened to make it more effective.
3. **Minimum pupil-teacher ratio** should be **maintained** in each school as per the provisions. This will be possible by **recruiting more qualified and trained** teachers. Advocacy needs to be done by which states should ensure all sanctioned posts of teachers are filled up immediately to achieve targets.
4. **Enough funds should be allocated** to develop infrastructural

facilities in schools. **Minimum education spending of 6%** need to be ensured.

5. Though the RTE Act has a provision for including **overage children** in its ambit, in reality this is **not happening**. Hence **proper groundwork** needs to be initiated with the help of civil society to meet targets.
6. RTE's biggest drawback is its **heavy focus on inputs** while effectively **ignoring outputs**. The RTE has a debilitating impact on budget-private schools which catered to a large number of poor students.

6. **No detention policy (NDP)**

1. The **low standards of learning outcome** have been a constant feature of the **ASER reports**. In recent years, cities like Delhi, Chandigarh and Nagpur have also witnessed a **rise in number of students failing** in Class IX exams.
2. **NDP** was implemented with an idea to **reduce the dropout rates**, especially of the vulnerable section.

7. **Pros of NDP**

1. The criticisms carry the assumption that **students can only learn under the threat of failure** which is not always true.
2. **Failure** of children especially for **children from low income families** implies dropping out. The no detention clause in the RTE Act seeks to address that concern.
3. As per Geeta Bhukkal Committee, there is **no research anywhere in the world** which establishes that repeating a year helps children perform better.
4. Several researches have pointed out that **repeating has adverse academic and social effects** on children.
5. Failures in implementation are being conflated with failure of policy. The **CCE has failed to take off in most schools**, owing to lack of basic capacity and awareness.

8. **Criticism of NDP**

1. NDP has been **responsible for deterioration in learning standards**. As per the ASER report, in 2010, 53.7 percent of standard V students in rural India could read standard II level text. By 2016, this had fallen to 47.8 percent.
2. There being **no risk of failing**, students develop lackadaisical attitude towards studying.

3. It is said that this system does **not distinguish between good** hardworking students and the others.
4. A survey in 2015 indicated that **nearly 20% of all teachers** had **not even heard of the CCE** and where they had heard of evaluation they did not receive adequate manuals or training.
5. Without **adequate checks**, assessments or **measurements**, teachers were found to be **slacking off**. Overall, the no-detention policy has caused a severe deterioration in learning outcomes.

9. Way forward

1. Attacking NDP for falling education standards conflates **failure in implementation** with failure of policy. CCE has failed to take off because of lack of **awareness**, **capacity** and overburdened classrooms.
2. The **poor learning** outcomes of schools are caused by **many factors** such as **poor student teacher ratio**, lack of training of **teachers**, monitoring, availability of basic **infrastructure**, school and **home environment**, etc. Government can't implement only the no detention in letter and spirit and not adhere to other parameters.
3. **Bringing back the old pass-fail system** without making proper course correction in other areas will undermine the **egalitarian promise** of the RTE.
4. At the same time, to **give sufficient time to all the stakeholders** to understand the policy, **the NDP** should be implemented in a **phased manner** so that all stakeholders understand what it entails instead of interpreting it as zero assessment.
5. There can be many other coherent methods to increase the enrolment rate and contract the drop-out rates. Scholarships, fiscal incentives to the parent, awareness drives are some of the plausible options that the state can choose.



Education for Girls

- Beti Bachao Beti Padhao
- Mahila Samakhya
- Swachh Vidyalaya
- UDAAN
- PRAGATI
- Kanya Saksharta Protsahan Yojana (For Tribal Girls)
- Kasturba Gandhi Balika Vidyalaya Yojana



Welfare of Minorities

- Padho Pradesh
- Nai Udaan
- Nai Roshni
- Strengthening for providing Quality Education in Madrasas (SPQEM)

Health

Government Initiatives:

- **National Nutrition Mission:**
 - To rein in malnourishment and stunted growth.
 - NNM will address three aspects—the food that should be given to rein in **stunting, undernourishment, low birthweight and anaemia.**
- **Intensified Mission Indradhanush (IMI)** - accelerate full immunization coverage to more than 90% by December 2018.
- **Rashtriya Swasthya Bima Yojana** - government-run health insurance scheme for the BPL family (a unit of five).
- **LaQshya – Labour Room Quality Improvement Initiative** - aims to improve the quality of care that is being provided to the pregnant mother in the Labour Room and Maternity Operation Theatres.
- **Menstrual Hygiene for Adolescent Girls Scheme:** To address the need of menstrual hygiene among adolescent girls residing primarily in **rural areas.**

Government policy and intervention

1. **POSHAN** Abhiyaan.
2. The **Global Nutrition Report 2017** calls for **nutrition to be placed at the heart of efforts to end poverty, fight disease**, raise educational standards and tackle climate change.
3. Expand the safety net through **ICDS** to cover all vulnerable groups (children, adolescent girls, mothers, expectant women).
4. **Fortify** essential foods with appropriate nutrients (e.g., salt with iodine and/or iron).
5. **Weekly Iron & Folic Acid supplementation**, 2015 and **bi-annual vitamin-A supplementation**.
6. **National Deworming Day, 2015**.
7. **Village health & nutrition days** (at Anganwadi centers).
8. Pradhan Mantri Jan Arogya Yojana (**PMJAY**), under **Ayushman Bharat** umbrella. Other element of Ayushman Bharat is **Health and Wellness Centres**. The scheme guarantees eligible families are covered for **inpatient expenses of up to Rs 5 lakh per year**.
9. There is a commitment in the **National Health Policy (NHP), 2016** to raise the percentage of GDP allocated to health from 1.2% today to 2.5% by 2022.

Universal health coverage (UHC)

○ Ayushman Bharat - Pradhan Mantri Jan Arogya Abhiyan (AB - PMJAY)

→ Universal Health coverage

→ According to WHO, Universal Health Coverage means that all individuals and communities receive the health services they need without suffering financial hardship. It includes full spectrum of essential quality health services from health promotion to prevention, treatment, rehabilitation and palliative care.

→ AB - PMJAY

→ A centrally sponsored scheme with two major health initiatives

Health and Wellness Centre

↓

↳ Comprehensive primary health care with HSWCs which would be created by transforming the existing sub centres and primary health care centres by 2022.

AB - PMJAY

↓

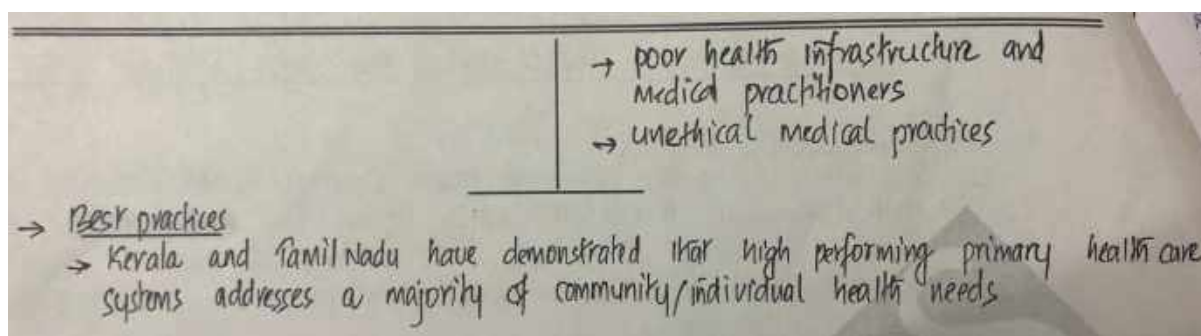
National Health Protection Scheme

↓

↳ Under NHPS, a coverage of Rs 5 lakh per family per year for secondary and tertiary care facilities

- It will target to 74 crore poor families identified as per SECC data
- beneficiaries would be allowed to take cashless benefits from any pub/priv empanelled hospitals across the country
- expenditure in premium payment will be shared between Centre & state

<u>Benefits</u>	<u>Challenges</u>
<ul style="list-style-type: none">→ increased benefit cover to nearly 40% of the population→ covering 2^o and 3^o hospitalisations→ increased access to quality health care→ reduce out-of-the pocket expenditure	<ul style="list-style-type: none">→ NHPS redefines the role of the state from being service provider to a financier→ Studies says similar scheme - RSBY has not led to any reduction in OOP expenditure→ Tertiarization of health care→ Insurance model is expensive model of financing health care



1. Other Challenges in Ayushman Bharat

1. **Funding allocated is just Rs. 2000 crore**, which is grossly insufficient.
2. **Disease coverage is not comprehensive.**
3. **Over-invoicing** challenges. Doctors following **unnecessary procedures**. Conversion of an OPD patient into IPD in order to get insurance benefit.
4. **Price-capping**. Either people will be under treated or **private sector will suffer losses**.
5. **Enrolment of fake beneficiaries** and impersonation.

2. Shortcomings in RSBY

1. **Inadequate: RSBY is unable to match the health expenditure** incurred on **hospitalisation**.
2. **Corruption:** There are concerns of **systemic leakage of resources**.
3. **Narrow focus:** A design drawback of the scheme is that it **focuses** only on **secondary and tertiary care** hospitalisation to address low volume, **high value** financial transactions. It completely **neglects the out-patient care**.
4. **Poor targeting: Criteria for identification of beneficiaries (BPL)** is not sound has led to exclusion of desired people. Tribal blocks which have the **maximum number of poor BPL households** have the least enrolments and beneficiaries.
5. **Slow processing of claims.**

3. Need for Universal Health Coverage

1. Health is a human right, not a privilege. India is home to large number of **acute and chronic diseases** that needs to be treated soon. Universal health coverage leaves no one behind.
2. **NSSO 2014** says that, in India, **out of pocket health expenditure is greater than 70%**. No one should be pushed into poverty when

they get sick.

3. More than **90%** of the people are employed in unorganised services who have no health care coverage and often have to bear ‘**catastrophic health expenditure**’.
4. **Good health transforms societies**. It allows India to **reap the human capital generated** as an outcome greater proportion of (15-60) age group.
5. Achieving UHC will accelerate efforts to end extreme poverty and **realize all the Sustainable Development Goals**. Good health and well being is SDG3.

4. Steps that can be taken by GOI

1. Increase **budgetary allocation** for public health sector to **2.5% GDP** to ensure medical infrastructure availability.
2. More stress on R&D to develop indigenous **cheap medicines**. Increase the number of **Jan Aushadi** stores to allow the people to avail **generic medicines at low cost**.
3. **Collaborating with other countries** and other organisations involved in healthcare sector in order to provide drugs at affordable prices. Ex: **CEPI, GAVI**.
4. Widen the ambit of **health insurance** subsidy schemes to allow the people to get benefits of insurance even in private hospitals.
5. **Private medical** institutions are seen flouting the norms and also charge **high fees**. This makes them vulnerable to fall in the trap of **corruption**. It should be made compulsory for private hospitals to **dedicate a part of their services to poor** people as it was recently done in Delhi.
6. **Nine more AIIMS hospitals** have been introduced in the country. Increase in medical colleges to increase availability of doctors.
7. **Community participation** through **social audits** need to be there for checking collusion between doctors and contractors who supply faulty equipment.
8. India’s **disease burden** is not spread equally. **2/3rd** of maternal, infant and under-five mortality is concentrated in less than **200 of the 670 districts**. So, centre must decisively intervene with a differentially funded strategy.
9. **Tele-medicine** can be a potent method to achieve health services and expert assistance.
10. **Delivering on swachh Bharat mission** is critical for preventive

health care in India. If it is done, there will be at least 20% less infections, diseases and expenditure.

11. **Licensing processes for hospitals**, similar to the Certificate of need process in the US, which can help a regionally **equitable distribution** of hospitals by incentivising the setting up of facilities in poorly served areas.
12. Bodies like the **Medical Council of India (MCI)** need to be revamped to meet human resource challenges.

5. Challenges in UHC

1. **Health spending** in India has stagnated at **1.2% of the GDP**. The draft National Health Policy 2015 envisages a **minimum of 2.5% spending** for adequate health services to be delivered.
2. There is a dearth of **skilled doctors** and nurses in the country. This is a direct result of lack of quality medical education institutions. According to Govt data, **India has just one doctor for every 1,668 people**. The WHO prescribes a doctor population ratio of **1:1000**.
3. **Private hospitals charge high prices** for treatment. This lead to an increase in **out-of-pocket expenditure** of public thereby pushing many households into poverty.
4. There is no comprehensive program which provides for proper targeting of **non-communicable diseases (NCDs)** which share a major portion of disease burden in India.
5. **MCI is plagued with corruption** and as a decision making body has turned out to be quite inefficient.

6. Nature of health spending in India

1. Less budgetary support for the prevention and control of **non-communicable** diseases.
2. **Focus on curative healthcare** rather than preventive healthcare.
3. **Inequality** in health spending between **states**.
4. **Less emphasis on infrastructure development** in the health sector.
5. **Out-of-pocket cost is around 70 percent**, which is alarmingly high when compared to other emerging nations.
6. Abysmal spending on health insurance.

7. National health policy 2017

1. **NHP** recognises the need for **state intervention to control NCDs** as they are reason for more than **60% death** in India. Thus policy advocates pre-screening and sets the target to reduce premature

mortality via NCDs by 25% by 2025.

2. It intends on enhancing public spending to 2.5 percent. It tries to mobilise resources through enhanced taxation on alcohol and tobacco, extractive industries, medical tourism and a special health cess, etc. Also, CSR can be used.
3. The policy aims to regulate the private sector which provide over 2/3rd services today. It provides Tribunals for redressal of grievances and sets up National health care standards organisation (NHCSO) to lay down standards and protocol.
4. NHP seeks to invest in preventive health care. It establishes early screening and diagnosis centres. The policy advocates allocating 2/3rd of resources to primary care and assures comprehensive primary health care through the health and wellness centers.
5. It adopts a inter-sectoral approach involving various ministries such as MoEf, MoHWS, MoA, MoUD, MoHRD, MoWCD etc.
6. It aims at ensuring universal access to drugs and diagnostics. It aims at providing every family with a health card and establishes public health management cadre in all states. It also aims to provide at the district level most of the secondary care which are currently provided at a medical college hospital.
7. Establishment of National Digital Health Authority (NDHA) to regulate, develop and deploy digital health across the continuum of care.
8. It highlights AYUSH as a tool for effective prevention and therapy that is safe and cost effective. It proposes introducing Yoga in more schools and offices to promote good health.

8. Lacunae in national health policy

1. It leaves too much to the states on maintaining standards. Whether health should continue to be in the state list, or in the Concurrent List is not answered in the policy.
2. It does not speak about social determinants of health.
3. It does not talk of public health education (which is outside MCI mandate). It just talks about medical education, paramedical education etc.
4. Various progressive measures under Draft NHP 2015 such as Right to Health, increasing public spending by 2020 and imposing health cess have been ignored. Developing countries like Brazil and Thailand have made significant progress towards universal

health coverage by making **health as a fundamental right**.

5. Among the most glaring lacunae in the present context is the **lack of capacity to use higher levels of public funding** for health.
6. Thus, to **achieve SDG on health, i.e., health and well-being to all by 2030**, there would be need for greater and stronger centre-state coordination and commitment for effective implementation.

9. **Challenges in imposing the ban on smokeless tobacco**

1. Every year **10 lakh** people die from the tobacco related diseases. **Easy access and affordability** especially for **adolescents**.
2. Lack of **awareness** of the hazards from the use of SLT especially among rural population as they believe SLT have **medicinal values**.
3. **Funds** for tobacco control are focused on **cigarette** or smoking forms of tobacco with minimum attention to smokeless tobacco.
4. While the **final product is banned**, its **ingredients are not per se**. This is exploited by manufacturers supplying ingredients in different packets and mix them and get final product.
5. **No national ban on SLT** there by leading to **smuggling** of SLTs between states.
6. There is a ban on **advertisement**, the amended rules have allowed for the use of the **brand name** or the logo of the tobacco products for **marketing** non-tobacco products.

10. **Measures taken by Government**

1. **Statutory warning** on chewing tobacco were made mandatory under the prevention of **food adulteration act, 1955**.
2. **Govt prohibited advertisements of cigarettes** and other **tobacco products** under cable television act, 2000.
3. The **railway authorities** banned the sale of **gutka** on railway premises and in trains.
4. The cigarettes and other tobacco products (prohibition of advertisement and regulation of trade and commerce, product supply and distribution) act (**COTPA**) in 2003.
5. The **packaging and labelling rules** were introduced.

Black Money

1. **Global Financial Integrity report** puts the cumulative illicit money

moving out of India at **Rs. 28 lakh crore in 10 years.**

2. Consequences

1. Investments that must have been made in the country giving the necessary boost to economy are invested elsewhere. **Huge loss of taxes** amounting to billions.
2. Black money leads to **further corruption** by creating a vicious cycle.
3. Since, **RBI** cannot control the black money cash flow in economy, it dilutes its policies **targeting inflation**.
4. **High prices of real estate** especially in big cities are due to deep pockets filled with black money.
5. **Forward trading** of goods by cash rich speculators cause **fluctuation** in prices due to hoarding.
6. **National security is threatened** because black money is used to **finance criminal** activities. Black money generated from drugs and smuggling is being used to operate terror networks.

3. Govt measures

1. **Legislative framework:** **Prevention of Money Laundering Act, 2002, Benami Transactions Prohibition Act, 1988, undisclosed foreign income and assets bill 2015, Prevention of corruption act,** etc.
2. **Executive actions:** **De-monetisation of large notes, Linking Aadhar with PAN, Cap on electoral funding** through cash upto Rs.2000, **Voluntary disclosure** norms, promoting **cashless transactions,** etc.
3. **Tax reforms:** Bringing **GST, POEM** (Place of effective management) and **GAAR.**
4. **Regulators:** **SEBI tightened norms for issuing p-notes.**
5. **Bilateral agreements:** **FATCA** (Foreign Account Tax Compliance Act) with **USA** to track and recover **tax evasion** by **Indian companies** with foreign account in US. Similarly revised **DTAA** with Mauritius and Singapore, **INTERPOL-STAR Initiative.**

4. Failures

1. The present government however, reneged on its promise to **reveal publicly the names** of the people holding **illegal money** in foreign banks once the list had been submitted to the Supreme Court. It disclosed only two names.

2. **Postponement** of the enforcement of **GAAR** to 2017, and more spectacularly, on the issue of participatory notes, or P-notes.

5. **SIT recommendations**

1. **Setting up special courts** to deal with tax disputes. **Speedy dispute** resolution is essential but fast track courts in India have been mired with same issues as mainstream courts and become slow. Need to address this issue first.
2. **Redraft taxation** related agreements with other nations. This is essential because these **provisions have been misused**. The best example being the Vodafone case.
3. **Senior government officials shall file affidavits** that they do not possess illegal money abroad. There are allegation that government officials are the most corrupt. This provision partially addresses this.
4. **Sharing of information between departments**. Just like our security intelligence, our **economic intelligence is fragmented**.
5. **All cash above 10 lakhs** in possession **shall be made illegal**. This provision is draconian and impracticable. Though proposed in good spirit, in Indian circumstances it cannot be implemented.
6. **Elections are one of the biggest channel** to utilise the black money. Reforms to reduce **money power** in elections.

Section-69A

○ Surveillance - Section 69 of IT Act

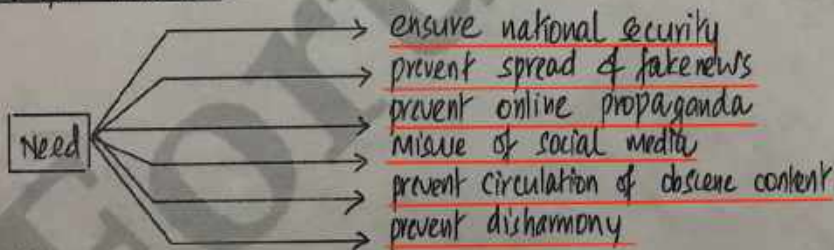
1) MHA order

- (i) Ministry of Home Affairs authorized to control agencies to monitor and intercept any data contained in computer systems, belonging to any individual or organisation
- (ii) These agencies are - CBI, IB, ED, CBI, Narcotics Control Bureau, HIR, Directorate of Revenue Intelligence, RAW, Directorate of signal intelligence (to areas of J&K & NE) and commissioner of Police Delhi

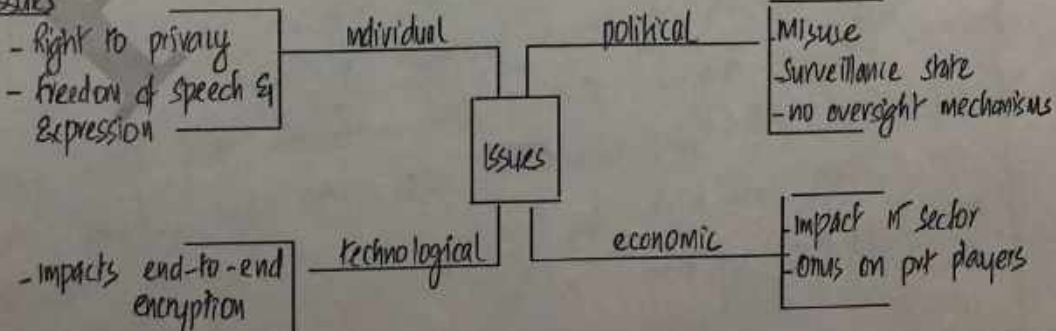
2) Laws

- (i) The Indian Telegraph Act
- (ii) IT Act 2008 - under section 69, union govt has the power to intercept, decrypt or monitor internet traffic or electronic data whenever there is a threat to national security, integrity, security of the state and friendly relation with other countries, or in the interest of the public order and decency or to prevent incitement to commission of an offence
- (iii) IT Rules 2009 allows Home secretary to authorise agencies to intercept, monitor internet traffic or electronic data

3) Need for surveillance



4) Issues



5) SC Judgements

(1) Pucl vs UOI, 1996, SC observed that the right to have telephone conversation in the privacy of one's home or office is part of Right to Life and Personal Liberty u/a 21 which cannot be curtailed except according to the procedure established by law. Further Indian Telegraph does not confer unbridled power on investigating agencies to invade a person's privacy.

SC laid down safeguards

- (i) Authorising order from the Home Sec of Union or state govt
- (ii) Validity of the order is two months unless renewed
- (iii) Interception must be limited to the address specified in order
- (iv) Intercepted material must be destroyed as soon as their retention is not necessary

(ii) Shreya Singhal vs UOI 2015, SC quashed section 66A of the IT Act as unconstitutional.

6) Justice Srikrishna Committee observed that consent is the main safeguard against violation of privacy.

1. Justification for the move

1. **In consonance with constitutional provisions:** The premise for interception power are exactly the same as defined in **Article 19 (2) of the Constitution**.
2. **Review mechanism:** The entire process is also subject to a robust review mechanism as in case of Telegraph Act. Every individual case will continue to require prior approval of the Home Ministry (MHA).
3. **Right to privacy is not absolute.**
4. **Protecting security of nation:** Many online nefarious activities of anti-national and terrorist organisations actually require a readiness on the online surveillance aspect.
5. **To overcome practical challenge:** Internet companies like US based Google and WhatsApp express reservation if requests for information in individuals' cases, routed to them through the IT ministry, come from agencies not notified through law or a government rule.

2. Way forward

1. The notification again raises the **larger debate between privacy and Surveillance**. India urgently needs a **Privacy Act**, which will specifically address this debate with objective guidelines and all measures within such a framework must pass the test of

proportionality.

North East

1. By 2022-23, the region should also be developed for **enhanced trade, particularly for the export of products** made in the NER to the ASEAN.
2. **Cottage industry**
 1. **Cottage industry** is a small scale industry which is **primarily run by the family**. Use of power and machines is limited. Agro-based cottage industries use agricultural products as raw materials. Ex: **Food processing**, gur making, **handicrafts** etc.
3. **Prospects of NE in cottage industry**
 1. **Agrarian economy:** **Agriculture** and forestry is a **major occupation** of people. Existence of many agro-based industries due to limited industrialisation. Many **agricultural practices** and **agro-based industries** exclusive to the region are getting lost. Promotion of industry will preserve them.
 2. **Labour intensive:** Region has **sufficient supply of labour**. It also reduces pressure on land.
 3. **Low capital:** **As capital is scarce** in this region, it is a **feasible option**.
 4. **Quick return:** Less time gap between capital investment and production of goods. Thus, **brings quick return to people** who have limited income alternatives.
 5. **Entrepreneurial skill:** Skill development of people including entrepreneurial skill will help in **identifying new areas of investment** and help in economic development of the region.
 6. **Look East and Act East:** Has made NE important and strategic. **Opportunity to enter huge market** in South East Asian countries.
4. **Problems**
 1. **Credit facility:** **Institutional credit** is still a problem in the region. Problem of collateral for taking loans to invest in business.
 2. **Transportation facility:** **Increase in transportation cost**, damage of goods during transportation, **wastage** and **distress sale** contributing to low economic return.
 3. **Extremism:** It **hampers business** by disrupting the supply chain linkages.

4. **Obsolete machinery:** Limited and poor quality production and high maintenance expenses. They are unable to compete with products of large-scale industries. Continuation with age old designs. Products are unable to meet modern demand.
5. **Marketing facilities:** Have to depend on middlemen for selling their products. In many cases market for their products remains untapped.
6. **Scattered plantation:** Most important challenge which affects marketing of product. Results in distress sale of surplus product in local market as it could not attract big buyers from outside.