9. Social justice, Welfare schemes, Social sector, Poverty

Key pointers

1. India's development trajectory is critically intertwined with the investments in social infrastructure. Scaling up development programmes for improving connectivity, providing housing, and bridging gender gaps in socio-economic indicators is of paramount importance for sustainable development. India's march towards achieving SDGs is firmly anchored in investing in human capital and inclusive growth.

Vulnerabilities

1. Vulnerable groups are those groups of people who may find it difficult to lead a comfortable life, and lack developmental opportunities. They are not resilient and their stability can be disturbed even by slight disturbance. In the Indian context, old age, disability, caste, class, religious and sexual minorities, gender, etc., contribute to vulnerability.
2. **Why some sections are vulnerable**
   1. Poor or no physical capacity to mange own affairs like old age people and different able people.
   2. Security concern as single women or destitute section is not secure from economic and social point of view.
   3. Poor inclusion in government offered welfare programme and under social security net because of illiteracy and other factors.
   4. Vulnerability is further enhanced if societal support is absent. Tribals and scheduled castes are more vulnerable due to less accommodative behaviour the society. Women are vulnerable to patriarchy.
   5. Pregnant and lactating women, children, old aged are more vulnerable to diseases and health hazard. Vulnerability of differently abled people is further enhanced by lack of enabling infrastructure.
   6. People become more vulnerable in absence of technology like earthquake resilient buildings, early warning systems etc. Nations are vulnerable due to lack of technology for water resource management, tackling cybercrime etc.

7. Unskilled labours are vulnerable to getting unemployed when market becomes sluggish.
8. Vulnerability to depression, suicide, divorce, ragging etc., are due to less emotional intelligence among people.

3. **Best ways to address**
   1. Demand driven approaches, such as many social funds and other community driven development projects (CDD) as a strategy for delivering basic services down to the local level.
   2. Additional investment should be provided for developing, evaluating, and supporting effective education and health care delivery models designed to meet the specific needs of vulnerable populations.
   3. Right to education, clean drinking water, health, livelihood etc., should be provided.
   4. Special attention to situations of disaster and humanitarian crisis.
   5. Raise awareness of the rights and needs of vulnerable persons in the development agenda and related efforts.
   6. Progressively remove barriers to and promote the realisation of accessibility and equality as part of the general system of society. Inclusive growth and sustainable development should be focussed.

4. **Challenges**
   1. Better implementation of legal provisions is important like child rights are still not assure in spite acts like POSCO or RTE.
   2. Civil society is playing quality role at grass root level but they need financial support and recognition to continue the work.
   3. Panchayat and Municipality need to be accountable for welfare of vulnerable section of society at cutting edge level.
   4. Social security net need to be target oriented, inclusive and easy to access.
   5. Need rehabilitation policy for vulnerable section like manual scavengers and women and child trapped in trafficking.

MGNREGA

1. The MGNREGA guarantees right to work for at least a person in the family for 100 days every year, 150 days in case of SC/ST, during non-agricultural seasons. Employment would be provided within 15 days of

enrolment, failing which the government would contribute unemployment allowance for the work seeker.

2. **Positive impact on rural economy**
   1. MGNREGA has increased rural wages and thus has improved livelihood opportunities. Increases disposable income to a certain extent with the poor as the schemes focus is on unskilled works.
   2. As agriculture sector in India is suffering with disguised unemployment, it provides opportunities for rural poor to take up other alternative works and makes the agriculture remunerative for the existing farmers. It also contributes for reduction in the rural to urban migration.
   3. As MGNREGA works primarily target on infrastructure development works like digging irrigation channels, tanks etc., in the rural areas, it builds base for further progress of rural areas. It also helps in increasing the irrigated area under cultivation from the low 55% at present ratios.
   4. Builds a theme of equal wages in the society and causes for empowerment of women and other backward sections.

3. **Negative impact**
   1. Some critics argue that this scheme has increased labour costs and deficiency of agricultural labour in rural areas and burdens the big farmers due to increased input costs. But it not true completely as works under MGNREGA would be provided in non-agricultural season.
   2. Based on CAG report, only 20 percent of total funds allocated under the scheme has been released for Bihar, Maharashtra and Uttar Pradesh where almost 46 percent of India's rural poor reside.
   3. CAG also found rampant corruption and swindling of public funds.
   4. Some criticise that the infrastructure build under this scheme is not qualitative and does not suit for betterment of the rural areas.
   5. There is large scale delay in payments of wages.

4. **Way forward**
   1. In order to create the productive assets, the scheme should be converged with related programmes in the department of agriculture, irrigation, animal husbandry and road transport.
   2. To fight corruption, the use of IT and community based

accountability mechanisms like social audits should be encouraged.

3. The act should be linked with the Socio-Economic Caste Census (SECC) to ensure better targeting.

4. There should be focus to develop a cadre of identified trainers which will be useful in effective implementation of the scheme.

5. Skilling of the MGNREGA workers in conjunction with the Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDUGKY) and NRLM should be encouraged on a larger scale so that they will be able to acquire vertical mobility in the job market, and would no longer depend on unskilled manual work.

6. In any case, MGNREGA can be said as the most successful scheme for the welfare of the rural people. Its positive impacts are measurable with their bettered livelihood.

5. **Management information system (MIS)**

1. The MIS of MGNREGA is used to get information related to its working. It brings information to public domain thereby enhancing transparency in the implementation of the scheme. Ex: Job cards, demand for work etc.

2. It makes computerisation of MGNREGA activities and provides facility for social audit.

3. Another notable feature of the MIS is the availability of information through online reports at various levels of disaggregation.

4. The worker is able to apply for job request online. The work allotment receipt, payment allotment at the end of the work week is also generated online.

5. It provides window for lodging of complaints through Grievance Redressal System.

6. **Government initiatives for facilitating MGNREGA**

1. **JAM Trinity:** It ensured timely transfer of funds to the right beneficiary and enabled effective targeting under welfare schemes.

2. **National electronic Fund Management System (NeFMS):** Central Government directly credited the wages of the MGNREGA workers, on a real time basis.

3. **Aadhar Linked Payments (ALP):** Almost 55 percent of all the payments under MGNREGS are through Aadhaar Based Payment

Systems (ABPS). It reduces verification time and helps in cutting bureaucratic red tape.

4. **NREGAsoft:** It is a local language enabled work flow based e-Governance system which makes available all the documents like muster rolls. Due to intervention of NREGASoft, in 2018-19, 90.4 percent payments are generated within 15 days.

5. **Support for drought proofing:** In 2015-16, provision of additional employment of 50 days in drought affected areas over and above 100 days per household under MGNREGA was approved.

6. **Increased accountability**: Various citizen centric mobile Apps like Gram Samvaad and JanMnREGA (an asset tracking and feedback app for MGNREGA assets) have been developed.

Malnourishment

1. The health, longevity and well-being of Indians has improved since Independence. Around 40% of Indian children have malnutrition problem. Malnutrition in India results from various factors such as poor socio-economic status, gender inequality, differences in region, religion and caste. In the context of it, cultural beliefs may enforce dietary preferences.

2. **Factors**
    1. Low public spending on health.
    2. Early marriages of poor girls based on conventional norms also result in protein deficiency to the child.
    3. There is also no preference to institutional deliveries, pre and post-natal services which ultimately result in malnourished children.
    4. Rising junk food consumption by middle and upper class strata of society also leads to malnourishment. Assimilation and absorption of nutrients also poor in this diet.
    5. Lack of focus on maternal health and improper awareness regarding breast feeding practises.
    6. Poor hygienic conditions and poor sanitation due presence of open defecation.
    7. Low level of female education, leading to socio-cultural and

economic deprivations.

8. Hindus belonging to certain communities and Jains strictly follow vegetarian diet and hence may result in poor protein. Some members of the muslim communities say no to immunisation due to some misconceptions and end up making them vulnerable to various problems.

3. **Reasons for disconnect between spread of PDS and malnutrition**

   1. **Leakages:** Diversions of grains from PDS amounted to 46.7% according to NSSO's data. The subsidies are not reaching targeted beneficiaries, moreover problem related to power subsidy, corruption and fake accounts.

   2. **Lack of nutritious food in PDS:** Food grains only serve the calorie needs which are not at all sufficient for nutritional needs. Fortified cereal should be preferred under PDS. UBI route can also be taken where people themselves can buy more nutritious food.

   3. **Health issues:** Unhygienic living conditions, poor sanitation, lifestyle diseases, inadequate health services etc., has escalated the problem. Lack of proper immunisation and proper ante-natal care leads to infections among infants and mothers.

   4. **Feeding practices:** First 2 years of child are very crucial for determining nutritional outcomes. Many mothers don't use exclusive breast feeding due to cultural customs, working for daily wages, overburdening by household works. Awareness campaigns by ASHA in villages can improve the practice.

   5. **Economic causes:** Poverty, food insecurity, no livelihood, shortage of govt fund etc., has lead to undernourished growth.

   6. **Misc:** Illiteracy in rural areas, frequent deliveries, less nutritious food to women during pregnancy, inadequate breastfeeding has also leads to undernourishment.

4. Apart from government schemes and policies, individuals and society too have to give priorities to nutritional diet. Proper awareness campaigns by government, NGOs, health practitioners can play a major role.

5. **Solutions**

   1. Improving breast feeding practises. Ministry of Health has initiated Mother's Absolute affection (MAA) scheme to create awareness regarding breast feeding practise.

2. Improve sanitation and reduce open defecation.
3. Promote crop diversification and food fortification. Invest in R&D for more nutritious crops.
4. Increase women's control over farming decisions by keeping land titles on their names.
5. Schemes like PDS, Integrated Child Development Scheme (ICDS), SABLA, Mid Day Meal (MDM), Nutrient supplementation program like- Vitamin A supplementation, Iron supplementation etc. have been launched.
6. Further, a full fledged National Nutrition Mission (NNM) has been set up incentivizing Anganwadi Workers (AWWs) for using IT based tools, introducing measurement of height of children at the Anganwadi Centres (AWCs), Social Audits, setting-up Nutrition Resource Centres, involving masses through Jan Andolan for their participation on nutrition through various activities, among others.

Global Hunger Index (GHI)

1. Overall, India has been ranked at 103 out of 119 countries in the Index, with hunger levels in the country categorised as "serious". Its ranking has dropped three places from last year.

2. **Reasons**
   1. **Poverty trap:** 30% of population under poverty according to Rangarajan Panel.
   2. **Dietary ignorance:** Many people do not know about the nutritional component about their diets.
   3. **Socio-cultural factors:** Women more often forego meals to feed their children. According to WB, 60% of those who are hungry are females in India.
   4. **Weak implementation:** Government policy is marred by their ineffectiveness and inefficiency. For example, recent Midday Meal crisis in Bihar, ICDS is affected by lack of trained personnel, infrastructural problems and inequality in terms of gender, age, caste etc., PDS is highly alleged of corruption, leakage and inclusion-exclusion errors.
   5. **Lack of diversity in PDS:** Indian food habits are severely

affected by nutritional crisis. Pulses, millets which are rich source of nutrition has largely remained absent in food which is distributed by government thorough PDS and other schemes. Along with it the poor quality of food grains adds more problem.

6. **Lack of coordination:** The National Food Security Act which was passed in 2013 includes 3 schemes implemented by different departments of the government, each working in isolation from the other.

7. **Healthcare facilities:** Efficient primary healthcare service is needed and schemes like Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA) for free health check-up for pregnant women is a good step.

8. **Lack of attention to mother:** Lack of strong policy response by Govt. to change societal behaviour pattern against females has led to births of underdeveloped children. The fact that one-third of the total maternal deaths in 2015 happened in India, where 45,000 mothers died during pregnancy or childbirth.

9. **Regional disparity:** India's policies for tackling hunger have largely remained focused on rural regions. In urban areas, we have a problem of awareness and mothers don't know what to feed her child.

10. **Budgetary cut:** Reducing budgetary expenditure on health (ICDS, NRHM) and education is further worsening policy paralysis.

3. However, India has been able to reduce absolute poverty, improvement in MMR and IMR and certain other targets. The scheme likes Mid day Meal, Janani Suraksha Yojana, Mission Indradhanush, Iron and Folic Acid supplementation, ICDS has certainly helped in controlling India's hunger crisis.

Centrally sponsored schemes

1. Centrally Sponsored Schemes (CSS) are plan transfers to States by the Union Government, which are implemented through the State Governments and in sectors falling in the State and Concurrent Lists of the Constitution. CSS is the biggest component of Central Assistance to state plans (CA), where states don't have much flexibility.

2. **Steps taken towards rationalization of CSS**
   1. **States taken into deliberation:** From 2014-15 onwards, direct transfers to State implementing agencies have been done away with, and all transfers to States for Centrally sponsored schemes are now being routed through the Consolidated Fund of the State.
   2. **Reduced number of CSS:** From 66 to 28 and they were divided into three categories.
   3. **Increased choice given to states:** To select optional schemes they want to implement. Also, while designing the CSS, the Central Ministries shall permit flexibility in the choice of components to the States as available under the Rashtriya Krishi Vikas Yojana (RKVY).
   4. **Flexi-funds:** The flexi-funds available in each CSS has been raised from 10% to 25% for the States and 30% for the UTs of the overall annual allocation under each Scheme.
   5. **Evaluation of CSS:** Approval of the schemes is being made co-terminus with the Finance Commission cycle. NITI Aayog is in process of evaluation of all the CSS.

3. **Three categories are**
   1. **Core of the Core:** These schemes are for social protection and social inclusion having 75:25 centre-state expenditure allocation formula (6 schemes).
   2. **Core schemes:** The comprise essential interventions for achieving national development agenda having 60:40 expenditure allocation formula (20 schemes).
   3. **Optional Schemes:** Schemes where States would be free to choose the ones they wish to implement having 50:50 expenditure allocation formula (2 schemes).

4. **Grievances of states towards CSS**
   1. **Encroachment of State's functions:** as the CSS were framed on the subjects listed in the States list of the seventh schedule.
   2. **Proliferation of schemes:** A large number of Schemes results in spreading resources thin and thereby adversely impact-desired outcomes.
   3. **Problem of 'one size fit all':** Given significant variation across States in terms of development indicators and resource endowments, many schemes are simply not relevant to many States.

4. **Limited flexibility:** with the states in implementation of these schemes, despite the features of flexi funds introduced in recent history.
5. **Inadequate deliberations with states:** before introduction of new schemes and often the states' financial health is not given due consideration.

5. This system is based on the recommendations of a sub-committee of chief ministers formed by Niti Aayog for the rationalisation of the CSS. The focus of these initiatives is on improving the quality of government spending by focusing on the end use of the funds. This will lead to effective outcome based monitoring of implementation of the programmes and schemes and ensure optimum utilisation of resources.

SECC vs NSS

1. SECC and NSS employ different approaches to the estimation of poverty. Both estimates are important, and SECC cannot substitute for NSS-based poverty rations. According to SECC, out of 18 crore house holds in India, around 11 crore are classified as deprived.

2. **NSS and SECC**
    1. NSS employs consumption based criteria for poverty. For instance, as per Rangarajan expert panel, if an individual spends less than Rs. 32 in an urban area, he is considered BPL.
    2. SECC employs deprivation based criteria. It has a set of 14 indicators on which households are categorised ranging from deprivation in one indicator to multiple indicators.

3. **Advantages of NSS over SECC**
    1. SECC approach only measures deprivation based poverty. But, economists (like Rangarajan) argue that consumption expenditure is a very strong indicator of poverty.
    2. According to SECC, only 0.01% of households in India suffer from all 14 deprivations. But, as per NSS data, nearly 30% of Indian population is below poverty line. Multiple deprivations clearly paints a wrong picture.
    3. Also, the deprivation indicators used by SECC are not conventional like income, health, education indicators. For example, SECC used landlessness as a deprivation indicator, etc.

4. Thus NSS data can be used to understand broad trends in the reduction of poverty. It will help design appropriate policies.

4. **Advantages of SECC over NSS**
   1. Poverty estimates based on NSS only provide a general idea about overall poverty in India. These cannot be used to identify the individual poor, which is crucial to deliver targeted anti-poverty.
   2. Government has already started using the SECC data to give direct financial assistance to build low cost houses to the poor under the PM Awas Yojana, electricity connection under the Deen Dayal Upadhyaya Power Scheme, build toilets under the Swachh Bharat Mission and prepare labour budgets under the Rural Employment Guarantee Act.
   3. The SECC data is agnostic to one's caste, religion or community and is not discriminatory.
   4. Moreover, since the 12th plan, poverty schemes had been delinked from the poverty line. The entitlements are based on specific deprivation (housing, sanitation). So, SECC becomes quite helpful.
   5. Therefore, SECC and NSS data based estimates have different purposes. The SECC would be important for the identification of beneficiaries of programmes while NSS based estimates would be useful for assessing changes in levels of living at the macro level over time.

Poverty

1. **Available concepts in India for identifying poor**
   1. In 1979, YK Alagh commitee defined the poverty line as per capita consumption expenditure level, which meets the average per capita daily calorie requirement of 2400 kcal in rural areas and 2100 kcal in urban areas.
   2. In 1993, Lakdawalla commitee, disaggregated the national level rural and urban poverty lines as defined by the Task Force (1979) into state specific poverty lines.
   3. In 2011, the Suresh Tendulkar Committee defined the poverty line on the basis of monthly spending on food, education, health, electricity and transport. According to this estimate, a person who spends Rs. 27.2 in rural areas and Rs. 33.3 in urban areas a day are

defined as living below the poverty line.

    4. The Rangarajan panel considered people living on less than Rs. 32 a day in rural areas and Rs. 47 a day in urban areas as poor.

2. **Issues with poverty line concept**

    1. No consensus on the definition of poverty line and how to calculate it.

    2. The poverty line is not a true indicator of malnourishment because of interpersonal variations in good habits.

    3. It does not capture important aspects of poverty — ill health, low educational attainments, geographical isolation, ineffective access to law, powerlessness in civil society, caste and/or gender based disadvantages, etc.

    4. In a country of India's continental size and diversity, poverty line based on aggregation at all-India level ignores State-specific variations in consumption patterns and/or prices.

3. **Changing poverty dynamics from three decades**

    1. Proportion of BPL families has decreased. It was easier to identify BPL families in rural areas and from STs and SCs. However, today urban poverty is rampant.

    2. Multi-dimensional nature of poverty is recognised. Back then, usually income and landlessness were the basis. Nowadays, health, education, etc. determines poverty.

    3. Nature of assistance required has also changed. Work and insurance is desired.

    4. While identifying those in need of assistance in the rapid changing economy, we should consider disability and unemployment. Proper identification and benchmark would prevent dilution of schemes.

    5. Preventing unintended consequences of schemes. Ex: PDS has prevented diversification of nutrition.

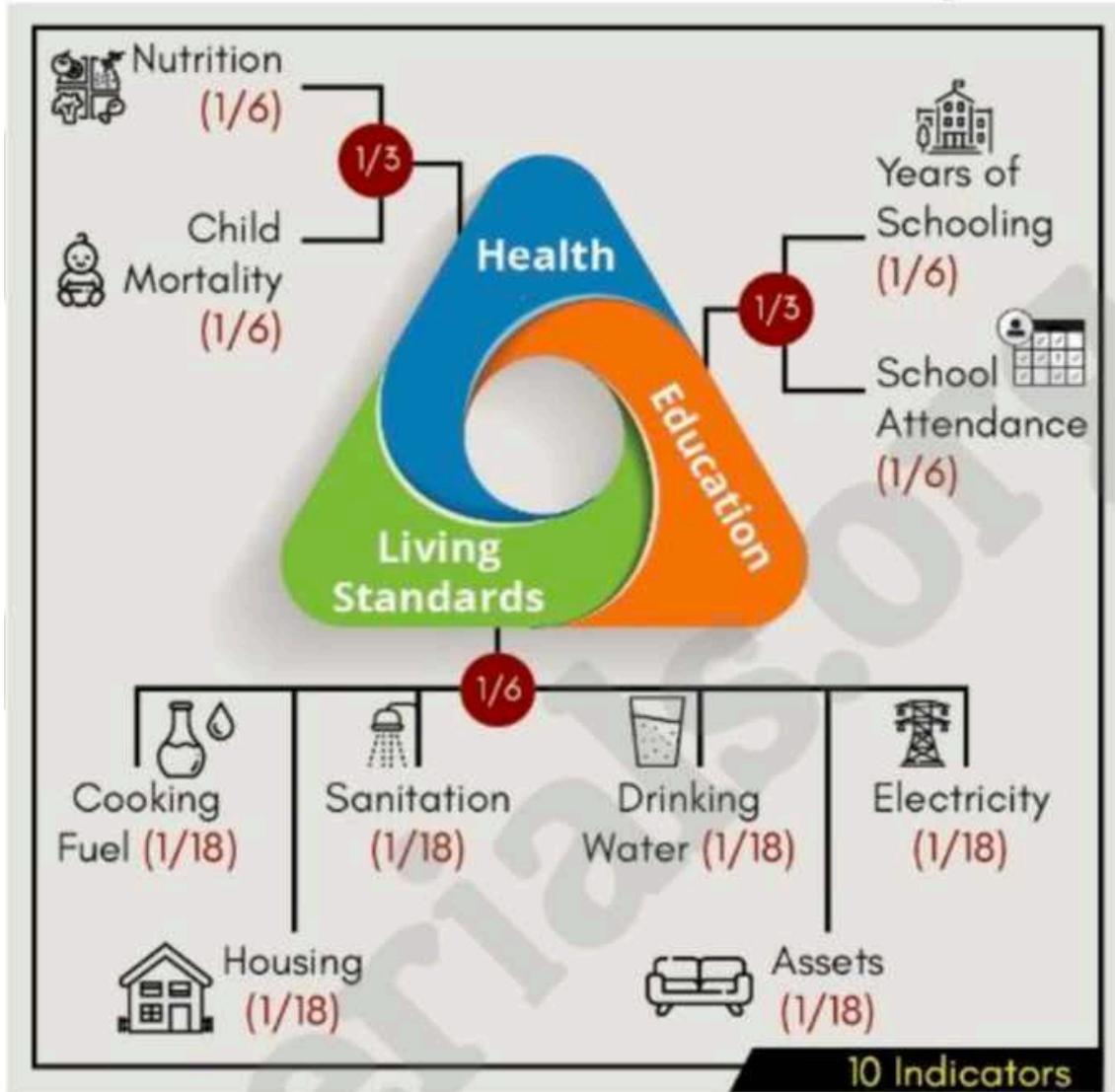   6. Ensuring that assistance is meaningful with greater level of benefits and easier access.

4. **NITI Ayoog task force on poverty**

    1. Track progress over time of the bottom 30%.

    2. Track progress along specific components of poverty such as nutrition, housing, drinking water, sanitation, electricity and connectivity.

3. To continue with the Tendulkar poverty line. NITI Aayog is favouring for the Tendulkar line which set poverty ratio to 21.9% as compared to Rangarajan committee which had a higher poverty ratio of 29.5%.

4. To remove any criticism that many poor would be left behind if poverty line as per Tendulkar committee is adopted, NITI Aayog has underlined that it will only be used to track progress in combating poverty rather than identifying the poor for entitlements. SECC data as suggested by Saxena and Hashim committee will be used for entitlements.

5. Combating poverty can be achieved through growth, jobs, Make in India and expanding the central role of agricultural growth in poverty reduction. Effectiveness in NFSA, 2013, Mid day Meal Scheme, MGNREGA and Housing for All is need of the hour.

Multi-dimensional poverty index

3 Dimensions of Poverty

Nutrition (1/6)
Child Mortality (1/6)
1/3
Health

Years of Schooling (1/6)
School Attendance (1/6)
1/3
Education

Living Standards
1/6
Cooking Fuel (1/18)
Sanitation (1/18)
Drinking Water (1/18)
Electricity (1/18)
Housing (1/18)
Assets (1/18)

10 Indicators

Crimes against Dalits

1. The NCRB data put the number of incidents of crimes against Dalits in Haryana in 2014 are at 830. However, Haryana isn't the lone culprit. States such as Uttar Pradesh, Rajasthan, Bihar and Madhya Pradesh, among others witnessed such crimes.

2. **Causes**
   1. Weaker sections economically dependent upon higher castes. Ex: Landless labourers depend on land lords. This makes the authority of higher castes unquestionable by lower castes, thus submitting themselves.

2. In case of caste conflicts, police personnel tend to support the powerful group by non registration of FIR in atrocity cases.
3. Legislative interventions, including reservations in education, employment and panchayati raj institutions, have triggered incremental changes in the rural landscape. This has created a sense of despair among the higher castes.
4. Other social issues such as a Dalit marrying a woman from other caste, wear clean clothes, imitate higher castes lifestyles, tries to assert constitutional right to equality and are readily opposed and suppressed by higher caste on the notion of caste pride.
5. Prolonged judicial process also emboldens the wrong doers to commit crimes with a sense of impunity.

3. **Way forward**
   1. The police need to be sensitised to act with alacrity in cases in which people are denied their right to life with dignity. Also, fair policing and the stringent implementation of the law would ensure that Dalits do not have to fight an unequal battle.
   2. The government should increase the share of the poor in the capital of domestic and foreign companies, and thereby, assures regular flow of income to them. Public land and the cultivable wasteland could be distributed to Dalits.
   3. Disqualification of MP, MLA and elected leaders under RPA act, if they indulge or instigates such violence.
   4. Strengthening the powers of National commission for SC and ST, NHRC, SHRC to protect the interest of the oppressed classes.
   5. Moral education on equality, human rights, compassion, liberty and dignity of life since childhood to develop egalitarian mindset. School education needs to reformed accordingly where the children are taught the negatives of such old practices and develop a sense of brotherhood.
   6. Promotion of inter-caste marriage to make the caste boundaries irrelevant. Increase cash incentives associated with it.
   7. Promotion of Dalit leaders in local self government institutions. Giving representation for Dalit and oppressed classes in police force and other key administrative positions.
   8. A deepening of an egalitarian consciousness could make the

democratisation process faster and painless. The political mainstream and civil society should take on the task.

4. **New assertion of Dalit identity**
    1. Atrocities and discrimination against the Dalits have been carried on since centuries in a systematic and persistent manner.
    2. Its because of the media and mass communication that the awareness of people is increasing and more and more issues are now getting highlighted. However, the form of expression of Dalits against these atrocities are definitely changing.
    3. From being the silent recipients, they are now getting more and more assertive of their rights, which can be seen in the recent mass mobilisation of Dalits, going on protests, committing suicides, forming Dalit organisations in different parts of our country like Gujarat, Maharashtra and Andhra.
    4. The issue seems to be more of self respect rather than just getting political rights. This is getting more prominence because Dalits are now economically better off, have experienced upward mobility in the class system and are better educated and more aware of their surroundings and recognise their rights better.

5. **Why market forces are best bet for Dalits**
    1. It will lead to their economic empowerment by providing them employment and entrepreneurial opportunities.
    2. It has relatively less entry barriers based upon your skills and capabilities.
    3. It might lead to social transformation as there are no reservations in market sector so this will prove they are no less capable.
    4. Economic empowerment is closely related to political empowerment and this will lead to greater political voice of Dalits.
    5. Skill development and greater technological penetration among Dalits will generate self confidence among them and reduce their dependence upon Government.

6. **Challenges in entrepreneurship**
    1. Lack of access to business networks which provides support in entering the entrepreneurship field. Growth of enterprises depends strongly on network effects to find the right workers as well as to

forge links with suppliers and customers.

2. Disinterest shown by higher caste workers to work under Dalit entrepreneurs.

3. Credit is not made available easily because of lack of collateral guarantee required for taking loans.

4. Low rates of literacy among Dalits doesn't provide them basic and technical education for entrepreneurship.

5. Discriminated by people at both upstream and downstream level leading to economic unsustainability of firms like non procurement of goods or services by upstream firms, charging high rates for raw material by suppliers etc.

6. Dalits are also a not a monolithic community and fissures of clan, strata might creep into the achievement of the goal of Dalit Capitalism.

National food security act

1. The National Food Security Act, 2013 is an act of the Parliament which aims to provide subsidised food grains to approximately two third of India's population.

2. **Need for the act**
   1. Around 40% of Indian children have malnutrition problem.
   2. 48% of women in India suffer from anaemia.
   3. To meet goal of sustainable development goals (SDGs) i.e to eliminate hunger by 2030 in all forms.
   4. Need for human resources formation.
   5. To fulfill the spirit of social and economic justice enshrined in DPSP.

3. **Key features**
   1. **Entitlements:** Beneficiaries of the PDS are entitled to 5 kg per person per month of cereals at Rs. 3, 2 and 1 for rice, wheat and coarse grains respectively.
   2. **TPDS:** Coverage and entitlements under TPDS. Upto 75% of the rural population and 50% of the urban population will be covered under TPDS.
   3. **Maternity benefit:** Pregnant women and lactating mothers will

also be entitled to receive maternity benefit of not less than Rs. 6,000.

4. **Women empowerment:** Eldest woman of the household of age 18 years or above to be the head of the household for the purpose of issuing of ration cards.

5. **Accountability:** Provisions have been made for disclosure of records, social audits and setting up of vigilance committees.

6. **Grievance Redressal:** Mechanisms at the district and state levels are provided.

7. **Allowance:** Provision for food security allowance to entitled beneficiaries in case of non-supply of entitled food grains or meals.

8. **Penalty:** Provision for penalty on public servant or authority, to be imposed by the State Food Commission (SFC), in case of failure to comply with the relief recommended by the District Grievance Redressal Officer.

4. **Problems in the implementation of the act**
   1. Identification of eligible households by few states was not done in time. Besides, end-to-end computerisation of TPDS operations was also pending.
   2. There is a shortage of fair price shops in India. While there are 6 lakh villages in India, there are only 5.35 lakh fair price ration shops for disbursement of food grains.
   3. Many states neither have adequate grain storage facilities nor a system of door-step delivery of grains to fair price shops (FPS).
   4. Food grains under the act will be distributed through the already existing PDS. However, these PDSs have many loopholes such as leakages of food grains, corruption etc.
   5. There is absence of effective grievance redressal mechanism.
   6. The huge subsidy and incurring cost will lead to fiscal deficit. Higher MSP for cereals and demand for other food items because of lower household spending on cereals will push up food inflation.
   7. As most of the food grains will be procured by Govt, exports will reduced, which is a big threat to the economy.
   8. Small farmers who go grow grains for personal consumption may

shift to other crops to make more money and buy subsidised grain.

5. **Way forward**
    1. The Supreme Court directed to states to set up State Food Commission (SFC) and Vigilance Committees in every state by the end of year and set up social audit machinery.
    2. The court also directed the government to frame rules and designate independent officials for a grievance redressal mechanism under the Act within a year.

Children

Constitutional Provisions:
- **Article 14 and Article 15.**
- **Article 21**- no person shall be deprived of his life or personal liberty except according to procedure established by law.
- **Article 21 A**-The State shall provide free and compulsory education to all children of the age of 6-14 years.
- **Article 23**-Traffic in human beings and beggary and other forms of forced labour are prohibited.
- **Article 24**-No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- **Article 45** - envisages that the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Legal Provisions:
- Right of Children to Free and Compulsory Education (**RTE**) **Act**, 2009
- **POCSO (Protection of Children from Sexual Offences Act)** was passed in 2012 and it deals with sexual offences against persons below 18 years of age.
- **Prohibition of Child Marriage Act** of 2006.
- **Juvenile Justice (Care and Protection of Children) Act, 2015** - allows for juveniles in conflict with Law in the age group of 16–18, involved in Heinous Offences, to be tried as adults.
- **Child Labour (Prohibition and Regulation) Amendment Act, 2016.**

Government Initiatives:

- **National Policy for Children, 2013.**
  - The Policy has identified four key priority areas: survival, health and nutrition; education and development; protection and participation, for focused attention.
- **Beti Bachao, Beti Padhao' programme.**
- **Platform for Effective Enforcement for No Child Labour (PENCIL) Portal:**
  - Electronic platform that aims at involving Centre, State, District, Governments, civil society and general public in achieving the target of child labour free society.
- **National Child Labour Project** - to eliminate all forms of child labour.
- **Khoya Paya portal** - exchange information on missing and found children.
- **POCSO e-Box** - Online complaint management system for easy and direct reporting of sexual offences against children.
- **Integrated Child Protection Scheme** - building a protective environment for children in difficult circumstances through Government-Civil Society Partnership.
- **Operation Smile / Operation MUSKAAN** - to rescue/rehabilitate missing children.

Juvenile

1. Juvenile delinquency refers to a large variety of disapproved behaviour of children and adolescent which the society does not approve of, and for which some kind of admonishment, punishment or corrective measure is justified in the public interest. It covers a multitude of different violations of legal and social norms, from minor offences to serious crimes, committed by juveniles.
2. **Factors**
   1. **Individual factors:** It includes certain personality traits like feeling of insecurity, fear, lack of self control, emotional conflict etc.
   2. **Family:** Broken homes, father's work habits, cohesiveness of the family, relation between parents, affection of siblings, parent's discipline and affection etc., play a very important role in defining

the behaviour of a child. These factors are undergoing changes due to urbanisation, globalisation and cultural changes.

3. **School:** After family, child spends most of its time in the school and with his friends. Bad company at school or in friends circle can damage their development.

4. **Movies:** Cinema and television has emerged as strong attractions for children in recent times. Thus, its content needs to be moderated according to the needs of the children.

5. **Persistent unemployment:** It increases the likelihood of their involvement in any kind of criminal activities and unethical behaviour.

3. **Consequences**

   1. **Lack of good economic opportunities:** Their past record may hurt their chances of good employment, housing and stable future.

   2. **Low social status:** They along with their families may be looked down upon by the society resulting into further family tensions as well as social conflicts.

   3. **Increase in crime rates:** The present delinquencies if not corrected may fuel further cases of unacceptable behaviour from the same families or neighbourhoods.

   4. **Future:** Country will suffer in the future as it will lose important human resource for the future.

4. Considering that the rate of juvenile delinquencies in India in the last decade has steadily increased, various measures have been put up in place to deal with juvenile delinquencies. The juveniles are treated differently from an adult criminal.

Child sex ratio vs Overall sex ratio

1. The CSR is on descending order since 1991. In 1991 it was 945, in 2001 it was 927 and in 2011 it stood at 919. While the overall sex ratio is showing an upward trend. It has improved from 933 (2001 census) to 943 (2011 census).

Child labour

1. The International Labour Organisation (ILO) defines child labour as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. As per Census 2011, in the age group (5-14) years, 10.1 million (3.9% of total child population) were working, either as 'main worker' or as 'marginal worker'.
2. The child labor act, 1986, which regulates the employment of children, has proved to be weak and ineffective in curbing child labour. To address these concerns, the government proposed amendments in the act which bans employment of children less than 14 years in all kinds of commercial enterprises.
3. **The amendments to child labour act, 1986**
    1. It banned the employment of child labour below 14 years of age in all occupations and processes. It linked the age of employment for children to the age of compulsory education under Right to Education Act (RTE), 2009.
    2. It prohibited employment of adolescents (14-18 years of age) in hazardous occupations.
    3. It makes child labour a cognisable offence attracting a jail term of up to two years and penalty upto Rs.50000.
    4. The bill has a provision of creating Rehabilitation fund has also been made for the rehabilitation of children.
    5. But children were allowed to help the families in running their domestic enterprises after their school hours. Given the sensitivities involved in monitoring activities within traditional households, effective enforcement will pose a challenge.
4. **Pros**
    1. Since there is complete ban on child labour (children under age 14), they can get compulsory primary education under RTE.
    2. The amendment also considers that in a large number of families, children help their parents in their occupations like agriculture, artisanship, etc. and while helping the parents, children also learn the basics of occupation. Thus it strikes a balance between the need for education of a child and the reality of the socio-economic conditions of our country.
5. **Criticism**

1. Dragging children into family trade, which at times includes most hazardous labour as carpet weaving, bangle making, etc.
2. Allowing children to work in family enterprises tends to perpetuate the occupation based caste system and binds children to their traditional family occupations.
3. Big corporates under the garb of family enterprises can make children work in brick kilns, slaughter houses, carpet, zari and bidi units, mica or diamond cutting, handling e-waste, scavenging or as domestic help.
4. It has slashed the list of hazardous occupations for children from 83 to include just mining, explosives, and occupations mentioned in the Factory Act.
5. The new norms can also be used to deny education to the girl child who will be stuck with household work which, beyond no doubt, will defeat the purpose of the new amendments.
6. Loss of education for children. At times they get enrolled in school and are not allowed to attend by their parents so that they can help them with the work.
7. Not only do the new amendments reverse the gains of the 1986 Act, but actually contradict the Juvenile Justice (Care and Protection) of Children Act of 2000 that makes it punishable or anyone to procure or employ a child in a hazardous occupation.
8. They also contravene the International Labour Organisation's (ILO) Minimum Age Convention and UNICEF's Convention on the Rights of the Child, to which India is a signatory.

6. This move has clearly been an attempt by the government to attract investment from large corporate houses in manufacturing sector in India. However, this stands to reverse whatever progress we had achieved in eradicating child labour in India.

7. **Other efforts by the Government**
   1. India has ratified two key global ILO conventions for combating child labour. The Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). The ratification of these conventions will help in achieving Goal 8 of the sustainable development goals (SDGs).
   2. A National Policy on Child Labour, 2013 was formulated in 1987

to focus on rehabilitating children working in hazardous occupations.

3. PENCIL Portal.
4. 100 million for 100 million. It is a campaign by Nobel Laureate Kailash Satyaki to end child labour, child abuse.
5. **Article 21(A) and Article 45:** The child has the right to education i.e. the state shall provide compulsory and free education to the children of the age six to 14 years.
6. **Article 24:** Child below the age of 14 years cannot be employed in any mine, factory or hazardous workplace.

8. **Way forward**
    1. Provision of working in household based industries should be completely prohibited for school children.
    2. Complete demarcation of age group 0-18 years as children to focus whole heartedly on their growth and development.
    3. Power to prune the list of hazardous industries should be given to the parliament.
    4. Its also important to conduct proper surveillance of schools and children's attendance.
    5. Most importantly, creating awareness among the parents as well as children and society as a whole is need of the hour to solve the root cause of child labour.

9. **Policies to end child slavery**
    1. In Protection of Child Rights Act 2005, National and State Commission for Protection of Child Rights and children courts have established for speedy trial of offences against children or of violation of child rights.
    2. The Right to education act which has a provision of to provide free and compulsory education for children till the age of 14.
    3. The Mines Act 1952 and the Factories Act 1948 prohibit the employment of children in hazardous factories and mines below 18 and 14 years respectively.
    4. The Child Labour Act of 1986 prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law.

10. **Weakness**

1. Lacunae in the implementation of laws.
2. Some families having low income have no other option but to send there children to work.
3. The school in some cases from a vulnerable child is far away and thus he cannot afford to go there.
4. Trafficking of children had been a common thing in the present and FIR's even if registered, the concerned authorities have a snail speed for recovery.
5. Lack of awareness of these laws have also been a major deterrent in it's implementation of ground level.
6. Some genuine NGOs who were working for this, after the FCRA the funds have been regulated which poses problems for them to spread awareness and act accordingly.

11. **Why harsh laws may not deter child rape victims**
    1. Rape on an infant and children below 10 is a product of an excessive brutal perversion. These individuals are unlikely to be affected by a harsher law if present laws do not serve the purpose of deterrence for them.
    2. Recently the Law commission in its report stated that it is not severity of punishment that serves the purpose of deterrence but it is certainty of punishment that does so. Most people committing crimes believe they can get away with it.
    3. A harsher law also means more potential for its abuse.
    4. There have been cases where many women used rape as weapon to blackmail men.

12. **Possible solutions**
    1. Certainty of punishment needs to be ensured hence focus should be on better prosecuting mechanisms and training of law enforcing agencies. Maximising the extent of CCTV coverage can be one such move. This must be integrated in the smart cities scheme.
    2. Neighbourhood watch scheme of Singapore is implemented which encourages mutual care and help among neighbours, through residents keeping an eye out for each other's premises.
    3. School Security Committees (SSCs) can be setup.
    4. Better implementation of the POCSO act.

POCSO act

1. **Salient features**
    1. The Act defines a child as any person below eighteen years of age.
    2. It defines different forms of sexual abuse, including penetrative and non-penetrative assault. It deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority.
    3. Establishment of special courts that conduct the trial in-camera and without revealing the identity of the child.
    4. The Act stipulates that a case of child sexual abuse must be disposed of within one year from the date the offence is reported.
    5. The Act also provides for mandatory reporting of sexual offences. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months imprisonment and/or a fine.
2. **Key changes**
    1. It will make punishment more stringent for committing sexual crimes against children.
    2. It includes provision of death penalty in cases of sexual offences against children.
    3. The amendments also provide for levy of fines and imprisonment to curb child pornography.
    4. Amendments are also proposed to protect children from sexual offences in times of natural calamities.

Old-age

Issues of elderly in India

→ **Ageing society**
  → UN defines a society as ageing once its proportion of those aged 65 years and above crosses more than 7% of its total population

→ **Indian scenario**
  → According to census 2011, India has 10.8 million senior citizens, above 60 years of age

→ **Reports**
  → UN Population Fund India Report 2017
    → 12.5% of the total population would be above 60 years of age by 2030 and 20% by 2050
  → Global Age Watch Index 2015
    → The index measures the quality of life of senior citizens in the country using indicators like income security, health, enabling environment etc
    → India ranked 71/96

→ **Issues and challenges**
  → Old age homes are not upto standards; they are not regulated and monitored
  → high cost of geriatric care & Loopholes in the health care system
  → feminisation ageing
  → effect of globalisation and migration
  → urbanisation and nuclear families
  → ruralisation of elderly
  → abuse of elderly
  → neglect of mental health of elderly; Alzheimers, dementia etc
  → digital divide

→ **Steps taken**
  → maintenance and welfare of Parents and Senior citizens (Amendment) Bill 2018
  → National Policy on older Persons
  → National Social Assistance Programme
  → Rashtriya Vayoshri Yojana etc

Government Initiatives:

- **National Policy on Senior Citizens 2011**
  - The policy addresses issues concerning senior citizens living in urban and rural areas, special needs of the oldest old and older women.
- **National Council of Senior Citizens**
  - Advice the Central and State Governments on issues related to the welfare of senior citizens and enhancement of their quality of life.
- **Rashtriya Vayoshri Yojana -** providing Physical Aids and Assisted-living Devices for Senior citizens belonging to BPL category'.
- **Vayoshreshtha Samman -** The Awards are given to eminent citizens and institutions in recognition of their outstanding services to the elderly people, especially indigent senior citizens.

Disability

1. Around 2% of India's population suffer from one or other kind of disability. The new act is deemed to be an improvement over 1995 legislation, which treated disability in only medical parlance and more in line with UNCRPD.

2. **Issues**

    1. Disability is not being measured properly in India. Not all censuses in India have measured Disability. The ones that have measured have used different definitions for disability making comparisons difficult. Also, census depends on self reporting of disability which may leave out mental disability and even physical disability.

    2. India looks at disability from medical angle only. Most developed countries look from social angle, highlighting institutional and social arrangements preventing those with impairments from leading normal lives.

    3. Disabled people have certain special infrastructural requirements like provisions for ramps etc. However, the the quality of infrastructure in India tends to be bad and such special requirements remain largely unfulfilled.

    4. The mental attitude of society towards disabled people assumes them to a liability and rarely acknowledges their abilities or

productivity. This also hinders them in getting jobs.

5. Disabled people also lack quality special schools, tools like books and skill development institutions. Hence, they mostly have to depend on their own initiatives to gain knowledge and skills. This later hampers them when they search for jobs.

6. All these factors combined with the issue of their disability has psychological impact on such people. There are rarely any facility to help them deal with such issues.

3. **Steps taken by Government**

   1. After directives by the Supreme Court, the government has set aside 3% reservation for the disabled in government jobs.

   2. The Accessible India Campaign (AIC) has been launched for achieving universal accessibility for Persons with Disabilities with a focus on three verticals like built environment, public transportation and Information & Communication Technologies (ICT).

   3. Under this first of its kind 'Inclusiveness and Accessibility Index' is launched that helps the industries and corporates to participate in the Accessible India Campaign (AIC) by voluntarily evaluating their readiness for making the workplace accessible for PwDs.

   4. Further, the Rights of Persons with Disabilities Bill, 2016 passed by the Parliament aims at securing and enhancing the rights and entitlements of PwDs.

   5. The government has also laid emphasis on ensuring that new infrastructure is disabled friendly while the existing infrastructure is retrofitted to achieve the same. Ex: Creation of accessible ATMs, bank counters, police stations, hospitals and facilitating accessible tourism across the country.

   6. Vocational training centres for PwD are being run by various training organizations under the Deendayal Disabled Rehabilitation Scheme.

   7. Marakkesh agreement is recently signed by GoI to facilitate access to published work to help improve the educational level.

   8. India is a signatory to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and the Incheon strategy which, amongst other goals, aim to reduce poverty and enhance

work and employment prospects of persons with disabilities.

9. National Social Assistance Programme (NSAP) aims to provide financial assistance to the elderly, widows and persons with disabilities in the form of social pensions.

10. Rashtriya Vayoshri Yojana to provide senior citizens, belonging to BPL category and suffering from any of the age-related disability with such assisted living devices.

4. **Shortcomings**

   1. It does little to change the social attitude against disabled, and facilitate their mainstreaming.
   2. It failed to establish statutory commission for disabilities.
   3. Disability welfare is under state list, so efficacy of the implementation is upto the states.
   4. Reservation system is based on government notification but Supreme court suggested it should be in proportion of seats to be filled.
   5. Woeful infrastructure to access basic services remain.
   6. Clause on non-discrimination in employment mandatory only in government establishments, and not in private.

5. Though the act would facilitate increased recognition and accessibility to PwD under the Sugamya Bharat Abhiyan, it does not fulfill the way in which one would treat a disabled. In addition to robust legislation, pro-active measures to bring change in social attitude is must.

Section 377 of IPC

1. "History owes to an apology to the LGBT community for the delay in their rights" -- Judge Indu Malhotra.

1) SC Case
A five-judge Constitution Bench in the Nautej Singh Johar v. UoI case struck down Section 377 of the IPC

2) Section 377 of the IPC
It says that "whoever voluntarily has carnal intercourse against the order of nature with any man, women or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine

3) Other cases
  1) Justice K.S. Puttaswamy case (2017)
  SC held that right to privacy and protection of sexual orientation lie at the core of fundamental rights guaranteed by Articles 14, 15 and 21 of the constitution
  2) NLSA v UoI case (2014)
  SC ruled that there could be no discrimination on the basis of sexual orientation and gender identity as it violates fundamental rights to equality
  SC also recognised as the 'third gender'

Yogyakarta principles -- A broad range of international human rights standards and their application to issues of sexual orientation and gender identity. Supreme court in NALSA case said that these must be applied in Indian case.

  3) Suresh Kumar Koushal case (2013)
  SC overturned a judgement of the Delhi HC (Naz foundation case) which struck down Section 377 of the IPC

4) Rationale behind decriminalisation
  Arguments made by the court
  1) Unique worth of each person - An individuals right to develop one's individuality against the demands of social conformity must be recognised
  2) Right to choose
  3) Right to privacy is a fundamental right
  4) Right to equality
  5) Order of nature - court observed that homosexuality is the order of nature for the LGBT community
  6) Sufferings of LGBT - Section 377 was a weapon used to isolate, exploit and harass the LGBT community

7) Majority opinion does not become the law of the land
8) Social morality cannot overshadow constitutional morality
9) Constitution is a dynamic and 'social document'
10) Section 377 is 'Macaulay's legacy'

5) **Issues and challenges**
1) Fight led only by the LGBT community — political parties and religious leaders kept away from the LGBT movement
2) Actual implementation depends on the social attitudes
3) Sensitisation of authorities

1. **Examples:** Dutee chand, India's first LGBT athlete.
2. Born free and equal -- A report by UNHRC-- said that states should take steps to prevent torture inhuman and degrading treatment of LGBT persons and prohibit discrimination based on sexual orientation.

Transgenders

1. Transgenders, who accounts for 0.04% of total population, is the most marginalized communities in India due to lack of gender identity. In the NALSA case, SC declared transgender people to be a 'third gender' and directed Centre and State governments to take various steps for the welfare of the transgender community.
2. **Highlights of the Bill**
    1. Bill provides for comprehensive and legally valid definition of "transgender person".
    2. Prohibits discrimination against transgender persons including unfair treatment or denial of service. Provide for non-discrimination in matters relating to employment, recruitment, promotion and other related issues.
    3. Transgender can obtain a Certificate of Identity which will confer rights and be proof of recognition.
    4. It also directs the central and state governments to provide welfare schemes for them.
    5. The government will cover medical expenses by an insurance scheme for sex reassignment surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.
    6. It also criminalises whoever compels or entices a transgender

person to indulge in the act of begging.

7. A National Council for Transgender persons will be set up to advise the central government on policies and legislation related to transgender persons.
8. It removes the earlier threshold of 100 or more people and states that every establishment must designate a complaint officer.

3. Several civil society groups have been vocal about their opposition to the Bill. This bill dis-regards many suggestions by Supreme court in NALSA vs. Union of India case.

4. **Criticisms**
   1. Supreme Court laid down that transgender and intersex persons have the constitutional right to self-identify their gender as male, female or transgender even without medical intervention. Hence, medical procedures by district screening commitee should not be required for identifying transgenders.
   2. The Bill also does not allow for recognition of gender identity as male or female. It only allows for an identity certificate as 'transgender'.
   3. The 2018 Bill grants no reservations to transgender persons.
   4. Bill makes it a criminal offence for anyone to compel a transgender person into begging. Many in transgender community resort to begging as they have no livelihood options. This provision would lead to members of the trans community being criminalised.
   5. The Transgender Bill does not mention any punishments for rape or sexual assault of transgender persons as according to Sections 375 and 376 of the Indian Penal Code, rape is only when a man forcefully enters a woman.

5. The Bill must recognise that gender identity must go beyond biological; gender identity is an individual's deep and personal experience. It need not correspond to the sex assigned at birth. It includes the personal sense of the body and other expressions such as one's own personal inducing proceeds.

Mental health

1. Mental health is slowly deteriorating due to various issues ranging from

socio-economic to technical. 70 million Indians suffer from mental illnesses, more than 2 lakh commit suicide per year, and these numbers are increasing rapidly.

2. **Economic issues**
   1. Lack of proper investment in the primary health infrastructure has curbed the modernisation of public hospitals.
   2. Lack of employment opportunities causes poverty leading to depression and anxiety.

3. **Social issues**
   1. Gender inequality leads to deterioration of mental health of women.
   2. Globalisation has led to people aspiring for more. When these aspirations fail to materialise, they lead to depression and suicidal tendencies. The popular sociologist Emile Durkheim has a found in his research that better off countries have a higher rate of suicides.
   3. Changing patterns of relationships i.e movement from joint to nuclear families.
   4. Social stigma associated with mental illness prevents people from seeking help.
   5. Alternative and cheaper health systems, like AYUSH, have no component specific for corrective mental health.

4. **Technical issues**
   1. Lack of techniques and processes to demarcate mental illness from normal human distress.
   2. Mental healthcare requires the approach of a consultant which can only be provided by a qualified doctor. There are lack of qualified doctors in India.

5. **What can be done**
   1. Awareness campaigns need to run to break the taboo associated with mental illness.
   2. Adopting the mental health care bill, 2013, which deals with the various rights of the mentally ill.
   3. Implementation of National Mental Health Programme to upgrade psychiatric wings of the Government. Medical colleges and modernisation of hospitals.

4. More training institutes for psychiatrists. 20% of the Indian population suffers from mental illness but only about 3500 psychiatrists are in the country.
5. Technical input to integrate mental healthcare into primary healthcare will also be needed.
6. Relaxation of FDI norms to improve quality of infrastructure in various sectors and development of education and employment.

6. **Provisions of the Mental health care bill, 2017**
    1. Advance directives will be given by the mentally ill to nominate his/her representative. Every person shall have the right to access mental health care and treatment from services run or funded by the government.
    2. Every mental health establishment has to register with the relevant Central or State Mental Health Authority. Mental Health Review Board to protect the rights of persons with mental illness and manage advance directives.
    3. Decriminalisation of suicide instead of punishing patients for committing suicides. They will be provided medical help and support.
    4. A person with mental illness shall not be subjected to electro-convulsive therapy without the use of muscle relaxants and anaesthesia.
    5. The bill requires that every insurance company shall provide medical insurance for mentally ill persons on the same basis as is available for physical illnesses.
    6. Training of medical officers, establishing sheltered accommodation, medical health facilities, etc., will be carried on by the Government. The policy is backed up by the Mental Health Action Plan 365. It clearly spells out the specific roles to be played by the Central government, the state governments, local bodies and civil society.

7. **Critical appraisal of the bill**
    1. The amount spent on mental healthcare is just 0.06% of health budget is very low to provide for infrastructure as envisaged in the Act.
    2. Moreover, India has just 3 psychiatrists per million (global norms

is 56 per million) is very low to look. Also there is lack of counselling centres.

3. Poor infrastructure at district and sub-district level will create burden on state government.

4. Advance directives clause will be an issue as in many cases patients will not be able to take rational decisions.

5. Concerns with Mental health care decisions in the hands of non-experts. Mental Health Review Board, which has six members out of which only one is a psychiatrist.

6. The present bill could make psychiatrist uncomfortable, as it is bringing in too much control.

7. The over inclusive definition of mental illness might harm the large chunk of psychiatric patients who might feel stigmatised.

8. Public Health being a state subject will put immense financial pressure on states for implementation. Centre bringing such a law on state subject will impact the cooperative federalism model.

8. **Way forward**
   1. The Mental Health Care bill has some unprecedented measures aimed towards a sea change for the betterment regarding access to treatment for the mentally ill across the country and particularly so for the underprivileged.
   2. The issues with the bill have to be resolved. States need to be consulted before finalising it as act.
   3. Care has to be taken that the bill does not create impediments in psychiatric treatment in the country.
   4. It must be ensured that the large chunk of psychiatric patients is able to avail mental health care facility without any stigmatic feeling and hindrance.

Reservations

1. **Indira Sawhney case**
   1. Reservation of 27% in government jobs to socially and educational Backward Classes is constitutionally valid. The Supreme Court, in the Indra Sawhney vs Union of India case, held that the Constitution recognised only social and educational

— and not economic — backwardness.

2. The court had ruled that clause (4) of Article 16 of the Constitution speaks of adequate representation and not proportionate representation.

3. Reservation to socially and educational Backward people will subject creamy layer criteria. Government will determine creamy layer criteria on logical basis.

4. 10% reservation to economic Backward people of general category is unconstitutional.

5. Maximum limit of reservation should not exceed 50% of total vacancies.

6. Reservation in promotion is unconstitutional.

2. Reservations have been traditionally provided to undo historical injustice and social exclusion suffered over a period of time, and the question is whether they should be extended to those with social and educational capital solely on the basis of what they earn.

Reservation in promotion

In News

- In a historic decision (*Jarnail Singh v. Lachhmi Narain Gupta*), a five judge Constitution bench of the Supreme Court ruled that the reservation in promotion is legally and constitutionally correct but the creamy layer exclusion principle (till date that applied only to OBCs) can be extended to SCs and STs (in promotion) to deny reservation to the elite among the two underprivileged communities.

- In the *M Nagaraj case (2006)*, a five-judge Bench upheld the Constitutional validity of the 77th, 81st, 82nd and 85th Amendments that were brought to reverse the effect of the decision in the *Indra Sawhney case*. The court in Nagraj case had ruled that if the state wishes to exercise their discretion and make provision for reservation in promotions for SCs/STs, the State has to collect quantifiable data *showing backwardness of the class and inadequacy of representation* of that class in public employment in addition to compliance of *Article 335* (*efficiency in administration*).

- Thus, Nagaraj case held that before the SC and ST candidates can be promoted, the states had to prove by 'quantifiable data' that they were indeed 'backward'. But there was no definition of the expression 'backward' and there was also confusion that whether the term meant social backwardness, educational backwardness, economic backwardness or untouchability of which 'quantifiable data' was to be collected. As a result, all promotions made post-Nagraj were struck down on the ground that there was no quantifiable data.

SC Decision

- **_Extension of creamy layer to SC-STs in promotion:_** The bench unanimously agreed to extend the creamy layer exclusion principle to SCs and STs in promotion. Thus, Court held that any executive or legislative action refusing to exclude the creamy layer from the benefits of reservation would be violative of _Articles 14, Article 16(1)_ and also of _Article 16(4)._

- **_Collecting quantifiable data:_** The SC also gave relief to the Centre, States and SC & ST government employees in exempting states from collecting _quantifiable data on backwardness_ to justify reservation in promotion for the two categories. The bench said their backwardness has been recognised as _inherent to them._ Earlier, the requirement to furnish quantifiable data, laid down in the M Nagraj case to justify reservation in promotions for SC & ST employees has held up elevation of serving employees. Thus, in this aspect the court has overturned Nagraj case. The Court also said that the M Nagraj case misread the _Indra Sawhney case_ (1992), which held that requirement of social, educational backwardness can't be applied to SCs/STs who are inevitably backward class of citizen.

  While the court invalidated the requirement of collecting quantifiable data to show backwardness, the Bench said the state would still have to collect quantifiable data to establish _inadequacy of representation_ before granting reservation in promotions. It also upheld the Nagraj judgment's stipulation that the states must take into account the impact of such promotion on administrative efficiency. Thus, the bench partially upheld the Nagraj ruling.