

# IAS GURUKUL

## SOCIOLOGY



## CURRENT ISSUES & MISC. HANDOUTS

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## **EUTHANASIA**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### *Right to die with dignity as a fundamental right*

The word Euthanasia is derived from the Greek words —eu and thanotos which literally mean good death and is otherwise described as —mercy killing.

#### **Active and Passive Euthanasia:**

Euthanasia is an intentional premature termination of another person's life either by direct intervention (active euthanasia) or by withholding life-prolonging measures and resources (passive euthanasia) either at the express or implied request of that person (voluntary euthanasia) or in the absence of such approval/consent (non-voluntary euthanasia).

While dealing with active euthanasia, also known as positive euthanasia or aggressive euthanasia, it has been stated that the said type of euthanasia entails a positive act or affirmative action or act of commission entailing the use of lethal substances or forces to cause the intentional death of a person by direct intervention, e.g., a lethal injection given to a person with terminal cancer who is in terrible agony. Passive euthanasia, also called negative euthanasia or non-aggressive euthanasia entails withdrawing life support measures or withholding medical treatment for continuance of life, e.g., withholding of antibiotics in case of a patient where death is likely to occur as a result of not giving the said antibiotics or removal of the heart lung machine from a patient in coma.

A distinction may be drawn between euthanasia and physician assisted dying. The difference lies in the fact as to who administers the lethal medication. In euthanasia, a physician/ 3rd party administers it while in physician assisted suicide, it is the patient who does it though on the advice of the doctor.

#### **Arguments in favour of Euthanasia by Common Cause:**

Every individual is entitled to take his/her decision about the continuance or discontinuance of life when the process of death has already commenced and he/she has reached an irreversible permanent progressive state where death is not far away.

Each individual has an inherent right to die with dignity which is an inextricable facet of Article 21 of the Constitution.



That apart, right to die sans pain and suffering is fundamental to one's bodily autonomy and such integrity does not remotely accept any effort that puts the individual on life support without any ray of hope and on the contrary, the whole regime of treatment continues in spite of all being aware that it is a fruitless endeavour, an effort to light a bulb without the filament.

The concept of sustenance of individual autonomy inheres in the right of privacy and also comes within the fundamental conception of liberty.

To sustain the stand of privacy, reliance has been placed on the decisions in *Kharak Singh v. State of U.P.*, *Gobind v. State of Madhya Pradesh* and *People's Union for Civil Liberties v. Union of India*.

Due to the advancement of modern medical technology pertaining to medical science and respiration, a situation has been created where the dying process of the patient is unnecessarily prolonged causing distress and agony to the patient as well as to the near and dear ones and, consequently, the patient is in a persistent vegetative state thereby allowing free intrusion.

Petitioner was not claiming that the right to die is a part of the right to life but asserting the claim that the right to die with dignity is an inseparable facet of the right to live with dignity.

### **Arguments against Euthanasia by Union of India:**

- a) Hippocratic oath is against intentional/voluntary killings of patient.
- b) Progression of medical science to relieve pain, suffering, rehabilitation and treatment of so-called diseases will suffer a set back.
- c) An individual may wish to die at certain point of time, his/her wish may not be persistent and only a fleeting desire out of transient depression.
- d) Suffering is a state of mind and a perception, which varies from individual to individual and depends on various environmental and social factors.

- e) Continuous advancement in medical science has made possible good pain management in patients of cancer and other terminal illness. Similarly, rehabilitation helps many spinal injury patients in leading near normal life and euthanasia may not be required.
- f) Wish of euthanasia by a mentally ill patient/in depression may be treatable by good psychiatric care.
- g) It will be difficult to quantify suffering, which may always be subject to changing social pressures and norms.
- h) Can doctors claim to have knowledge and experience to say that the disease is incurable and patient is permanently invalid?
- i) Defining of bed-ridden and requiring regular assistance is again not always medically possible.
- j) There might be psychological pressure and trauma to the medical officers who would be required to conduct euthanasia.
- k) The right to life does not include the right to die.
- l) The right to live with dignity guaranteed under Article 21 of the Constitution means availability of food, shelter and health and does not include the right to die with dignity.
- m) Saving the life is the primary duty of the State and, therefore, there is necessity for health care.

### **Legal Context**

#### **Section 306 in The Indian Penal Code**

Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

#### **Section 309 in The Indian Penal Code**

Attempt to commit suicide.—Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year [or with fine, or with both].

**P. Rathinam's case**—Question of unconstitutionality of Section 309 of IPC: SC held that the right to live would include the right not to live, i.e., right to die or to terminate one's life. Court declared Section 309 IPC *ultra vires*.

**Gian Kaur's case – Question of unconstitutionality of Section 306 of IPC:**

SC declared Section 309 IPC as well as Section 306 IPC as constitutional, overruling *P. Rathinam* judgement.

SC held that it is not lawful for a doctor to administer a drug to his patient to bring about his death even though that course is promoted by a humanitarian desire to end his suffering and however great that suffering may be.

**Aruna Shanbaug case:**

SC upheld passive euthanasia and lay down an elaborate procedure for executing the same on the premise that the SC in *Gian Kaur* case had upheld the same.

SC opined that the High Court can grant approval for withdrawing life support of an incompetent person under Article 226 of the Constitution.

Article 226 gives abundant power to the High Court to pass suitable orders on the application filed by the near relatives or next friend or the doctors/hospital staff praying for permission to withdraw the life support of an incompetent person.

SC ruled that when such an application is filed, the Chief Justice of the High Court should constitute a Bench of at least two Judges who should decide to grant approval or not. Before doing so, the Bench should seek the opinion of a Committee of three reputed doctors- a Neurologist, a Psychiatrist and a Physician.

**241<sup>st</sup> Report of Law Commission of India on Passive Euthanasia:**

The report points out that a rational and humanitarian outlook should have primacy in such a matter. Recognizing that passive euthanasia is being allowed in most of the countries subject to the doctor acting in the best interests of the patient, the report summarized the broad principles of medical ethics which shall be observed by the doctor in taking the decision. The said principles are the patient's autonomy (or the right to self-determination) and beneficence which means following a course of action that is best for the patient uninfluenced by personal convictions, motives or other considerations.

### **Common Cause case**

SC stated that Gian Kaur case has not given any definite opinion with regard to euthanasia.

Supreme Court expanded the spectrum of Article 21 to include within it the right to live with dignity as component of right to life and liberty. Right to live with dignity also includes the smoothening of the process of dying in case of a terminally ill patient or a person in PVS with no hope of recovery.

Advance Medical Directive would serve as a fruitful means to facilitate the fructification of the sacrosanct right to life with dignity. It will dispel many a doubt at the relevant time of need during the course of treatment of the patient. That apart, it will strengthen the mind of the treating doctors as they will be in a position to ensure, after being satisfied, that they are acting in a lawful manner.

Supreme Court enumerated following safeguards:-

#### **(a) Who can execute the Advance Directive and how?**

Advance Directive can be executed only by an adult who is of a sound and healthy state of mind and in a position to communicate, relate and comprehend the purpose and consequences of executing the document.

It must be voluntarily executed and without any coercion or inducement or compulsion and after having full knowledge or information. It should be an informed consent given without any undue influence or constraint.

It shall be in writing clearly stating as to when medical treatment may be withdrawn.

#### **(b) What should it contain?**

It should clearly indicate the circumstances in which withdrawal of medical treatment can be resorted to.

Instructions must be absolutely clear and unambiguous.

It should disclose that the executor has understood the consequences of executing such a document.

It should specify the name of a guardian or close relative who, if executor becomes incapable of taking decision, will be authorized to give consent to withdraw medical treatment.

**(c) How should it be recorded and preserved?**

The document should be signed by the executor in the presence of two witnesses and countersigned by Judicial Magistrate of First Class (JMFC). JMFC shall preserve one copy of the document in his office, in addition to keeping it in digital format. The JMFC shall cause to inform the immediate family members of the executor. The JMFC shall cause to handover copy of the Advance Directive to the family physician.

**(d) When and by whom can it be given effect to?**

(i) If the executor becomes terminally ill and is undergoing prolonged medical treatment with no hope of recovery and cure, the treating physician, when made aware about the Advance Directive, shall ascertain the genuineness and authenticity thereof from JMFC.

(ii) The instructions in the document must be given due weight by the doctors. However, it should be given effect to only after being fully satisfied that the executor is terminally ill and is undergoing prolonged treatment or is surviving on life support and that the illness is incurable.

(iii) If the physician treating the patient is satisfied, he shall inform the executor or his guardian about the nature of illness, the availability of medical care and consequences of alternative forms of treatment and consequences of remaining untreated. (iv) Physician/hospital shall constitute a Medical Board consisting of the Head of the treating Department and at least three experts from the fields of general medicine, cardiology, neurology, nephrology, psychiatry or oncology with experience in critical care and with standing of at least 20 years. Board will visit the patient in the presence of his guardian and form an opinion.

(v) If the Hospital Medical Board certifies that the Advance Directive should be carried out, the physician/hospital shall inform the Collector. The Collector will constitute a Medical Board comprising the Chief District Medical Officer as Chairman and 3 expert doctors. They shall visit the hospital and endorse the certificate to carry out the Advance Directive.

(vi) Board constituted by the Collector will ascertain the wishes of the executor (if he is in a position to communicate) or the guardian nominated by the executor in Directive.

(vii) Chief DMO will convey the decision of the Board to the JMFC. JMFC will visit the patient and, after examining all aspects, authorise the implementation.

(viii) It will be open to the executor to revoke the document at



any stage before it is acted upon and implemented.

**(e) What if permission is refused by the Medical Board?**

(i) If permission to withdraw medical treatment is refused by Medical Board, it will be open to the executor /his family members /the treating doctor / hospital to approach High Court under Article 226 of the Constitution. Chief Justice of High Court will constitute a Bench to decide the case. High Court will be free to constitute an independent Committee consisting of three doctors. High Court will render its decision at the earliest and it will ascribe reasons keeping in mind the principles of "best interests of the patient".

**(f) Revocation or inapplicability of Advance Directive**

(i) An individual may withdraw or alter the Advance Directive at any time when he/she has the capacity to do so. (ii) Advance Directive shall not be applicable if there are reasonable grounds for believing that circumstances exist which the person making the directive did not anticipate at the time of the Advance Directive and which would have affected his decision had he anticipated them. (iii) If the Advance Directive is not clear and ambiguous, the Medical Board will not give effect to it.

**(g) Cases where there is no Advance Directive**

(i) In cases where the patient is terminally ill and undergoing prolonged treatment in respect of ailment which is incurable or where there is no hope of being cured, the physician may inform the hospital which will constitute a Medical Board in the manner indicated earlier. Hospital Medical Board will discuss with the family physician and the family members and record the minutes of the discussion in writing. During the discussion, the family members will be apprised of the pros and cons of withdrawal or refusal of further medical treatment to the patient and if they give consent in writing, then the Hospital Medical Board may certify the course of action to be taken. Their decision will be regarded as a preliminary opinion.

(ii) If Hospital Medical Board certifies the option of withdrawal of further medical treatment, the hospital will inform the Collector. Collector will constitute a Medical Board comprising the Chief District Medical Officer as Chairman and three experts. Medical Board constituted by the Collector will visit the hospital for physical examination of the patient and, after studying the medical papers, may

concur with the opinion of the Hospital Medical Board. In that event, intimation will be given by the Chairman of this Medical Board to the JMFC and the family members.

(iii) JMFC will visit the patient at the earliest and verify the medical reports, examine the condition of the patient and discuss with the family members. If satisfied, he may endorse the decision to withdraw medical treatment. (iv) If Board takes a decision not to withdraw medical treatment, family member or the treating doctor or the hospital can seek permission from the High Court to withdraw life support under Article 226 of the Constitution. Chief Justice of High Court will constitute a Division Bench which will decide to grant approval or not. The High Court may constitute an independent Committee to depute three doctors. It will also afford an opportunity to the State counsel. The High Court will render its decision at the earliest and will ascribe reasons keeping in mind the principle of "best interests of the patient".

SC directions with regard to Advance Directives will remain in force till the Parliament makes legislation on this subject.

## Health System in India: Bridging the Gap between Current Performance & Potential (NITI Aayog Paper)

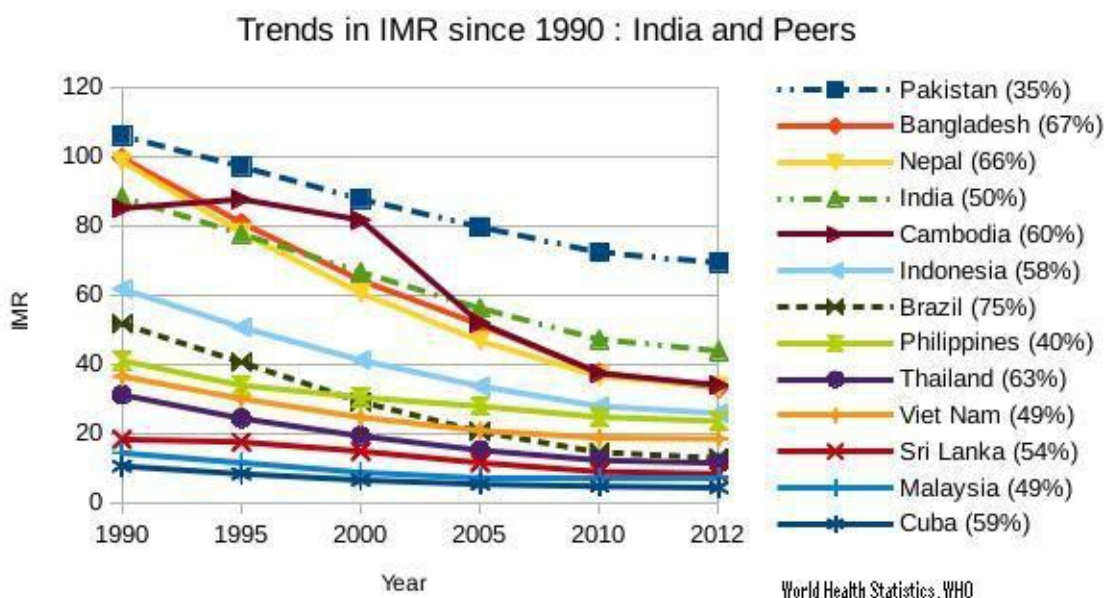
### 1. Achievements

India has made remarkable achievements in areas like Polio elimination and lowering fertility. Total fertility rate has fallen by 21 percent between 2005 and 2013 (2.9 in 2005 to 2.3 in 2013).<sup>1,2</sup> HIV prevalence has decreased by 42.6 percent from 2001 to 2011, reversing the trend in the epidemic (0.47 percent in 2001 to 0.27 percent in 2011).<sup>2,3</sup> The incidence of malaria is set to decrease by 50-75 percent between 2000 to 2015.<sup>3</sup> The National Rural Health Mission (NRHM) contributed to this progress through deployment of additional human resources, over 18,000 ambulances for free emergency response, and cash transfers to one crore women annually, providing access to maternal health care services.<sup>2</sup> As per the Twelfth Plan strategy, NRHM has been converted into National Health Mission (NHM) and covers all villages and towns in the country with a universal coverage.

### 2. Gaps in outcomes

India's progress in health outcomes has been slower in comparison to other countries with comparable incomes and at a similar stage of development. For instance, IMR in India has declined by 50 percent from 1990 to 2012, while the decline in countries such as Bangladesh (67 percent) Nepal (66 percent) and Cambodia (60 percent) has been steeper for the same period [Figure 1].

Figure 1. Trends in IMR since 1990: India and Peers<sup>4</sup>



Under-5 mortality in India has decreased by 58 percent from 1990 to 2013 with an annual rate of decline of 3.8 percent. Comparable countries such as Bangladesh, however, show a faster decline

of 71 percent (annual 5.4 percent), Nepal – 72 percent (annual 5.6 percent), Cambodia – 68 percent (annual 4.9 percent) and Kyrgyzstan – 63 percent (annual 4.3 percent) for the same period [Table 1].<sup>5</sup> Similarly the rate of decline in MMR for India is at 70 percent from 1990 to 2010, while Nepal had a 78 percent decline and Vietnam a 75 percent decline [Table 2].<sup>4</sup> Thereby, progress towards the MDGs is limited, especially for infant mortality (target = 27, IMR 2013 = 40) maternal mortality (target = 109, MMR, 2011-13 = 167), and proportion of births attended by skilled professionals (target = 100, rate for 2011 = 66.6 percent).<sup>1,6-8</sup>

**Table 1. Under-five Mortality rate and percentage decline**

	1990	2013	Percentage decline	Annual rate of decline (%)
India	126	53	58	3.8
Bangladesh	144	41	71	5.4
Nepal	142	40	72	5.6
Cambodia	118	38	68	4.9
Kyrgyzstan	66	4	63	4.3

UNICEF 2014<sup>5</sup>

**Table 2. Maternal Mortality Ratio and percentage decline**

	1990	2010	Percentage decline
India	600	178	70
Nepal	770	170	78
Vietnam	240	59	75

World Health Statistics<sup>4</sup>

Despite impressive gains in per capita income, India's Human Development Index rank has stagnated since 2008, having risen by only 1 unit. In comparison to Nepal, which has risen by 4 units and Bangladesh by 2 units.<sup>9</sup> In bringing down mortality due to infectious diseases, the decrease in mortality due to TB was 43.6 percent from 2000 to 2012, while that in China was 63.1 percent for the same period. Mortality due to measles decreased in India by 58.5 percent between 2000 and 2012; while it decreased in Bangladesh by 87.3 percent and in China by 81.4 percent [Table 3]. This indicates the slower progress by India in controlling these conditions. Consequently, India is faced with a triple burden of disease with communicable disease contributing to 41.6 percent of mortality and 33 percent of DALYs. Simultaneously non-communicable diseases take a toll on higher number of Indians and at younger age groups contributing 43.6 percent of mortality and 55.3 percent of DALYs, as also injuries, which contribute 14.9 percent of mortality and 11.7 percent of DALYs.<sup>11</sup>

**Table 3. TB and Measles mortality rates and percentage decline**

	TB			Measles		
	2000 *	2012 *	% decline	2000 *	2012*	% decline
India China	38.7	21.8	43.6	8.2	3.4	58.5
Bangladesh	8.6	3.2	63.1	0.3	0.06	81.4
	56.8	44.9	21.0	10.2	1.3	87.3

\*mortality rate per 100,000

Global Health Estimates, WHO<sup>10</sup>

Out of pocket (OOP) expenditures in India are high (at 69.5 percent of total health expenditure); these are catastrophic for the poor and push an estimated 37 million into poverty every year.<sup>12,13</sup> A deeper analysis reveals that 66.4 percent of OOP is on medicines, which could have been grossly reduced if access to medicines had been prioritized.<sup>14</sup> High private household spending on health (71.1 percent) is largely at the point of care, with pre-payments through insurance in all forms covering 21.5 million persons.<sup>12,15</sup> Our financial system has not been able to transform payments for healthcare at point of care into pre-payments, a form which is considered progressive and helps consumers get assured care at reasonable cost.

### 3. Possible Causes

Health is a subject allotted to States in the Indian Constitution. The Central Government is jointly responsible for items in the Concurrent List, which include regulation of food, drugs, population control and family planning, medical education, medical professions, prevention of spread of infectious diseases across States and vital statistics including registration of births and deaths. Overlapping responsibility tends to blur accountability of outcomes and systems for this are yet to develop fully.

Despite having one of the most expansive publicly provided networks of health facilities, regional disparity, access, quality and affordability to basic care remain serious issues. Efficiency of public service delivery has been uneven across states, with a World Bank study reporting 40 percent absenteeism among doctors.<sup>16</sup> Even though the Centrally Sponsored Schemes have been reorganized and rationalized, our health system remains fragmented in terms of schemes and provides disparate levels of care across primary to tertiary sectors. Absence of empirical priority setting in resource allocation constrains the ability of the State to ensure optimal deployment of available funds.

We should have a basic essential health package whose provision is assured across all areas in the country. There is a lack of synergy between public, private and the not-for-profit sector. The private sector despite being utilized by the majority of the population is characterized by issues of quality and cost, remaining largely unregulated.<sup>17,18</sup> Although programmes such as RNTCP and Blindness Control have managed to form effective linkages with the private sector for increased diagnosis and access to care, these successes have not been extended to other programmes.<sup>19,20</sup> There is an excessive focus on vertical disease control programs and less than adequate attention to Health System Strengthening. Briefly, issues related to the six building blocks of the health system, i.e. service delivery, financing, human resources for health, health information, governance and accountability mechanisms limit the efficiency of the health system. Inadequate engagement with communities or attention to prevention, and the near absence of Public Health regulation or enforcement machinery are some other challenges facing the system.

A less than adequate access to social determinants of health, in terms of access to nutrition, safe water & sanitation, housing, clean air, and productive employment bears on the health burden. India has had persistently high levels of under nutrition in children and women in the world.<sup>21</sup> Dietary risks, household air pollution from solid fuels and tobacco smoking are the risk factors that form the largest contributors to disease burden in India.<sup>22</sup> Availability of newer technologies in health care, expansion of private provision, and access to modern communication channels have raised people's expectations.

### 4. Hope ahead

India has immense potential in achieving what the country sets out to do. Successful conduct of election, census, projects in space and atomic sciences are some examples. We have been able to achieve considerable reduction in poverty levels over recent times.<sup>23</sup> India is termed as the “pharmacy of the global south”, providing affordable, life saving generic medicines to developed and developing countries.<sup>14</sup>



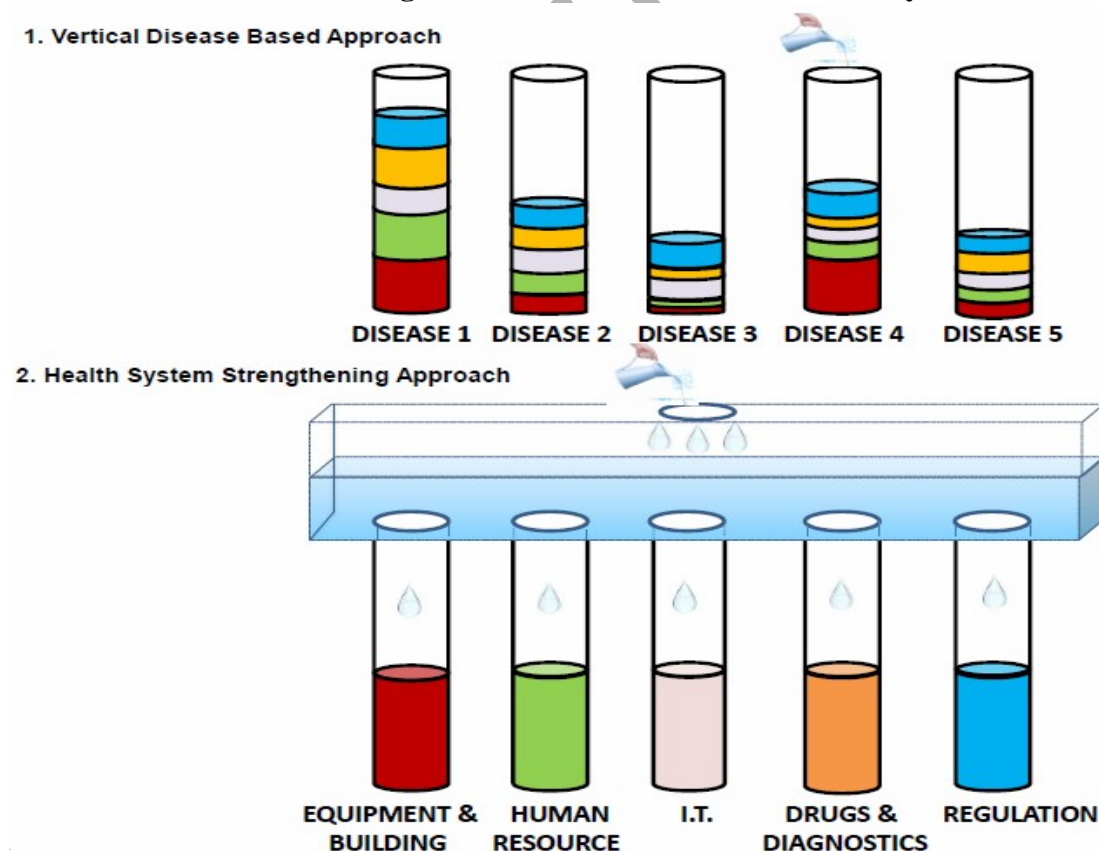
The Twelfth Plan sets the path towards strengthening health systems so as to reach the long term objective of Universal Health Coverage (UHC).<sup>8</sup> UHC aims to ensure that each individual would have assured access to a defined range of essential services and medicines without financial hardship. Even though public expenditure on health is at 1.04 percent of the GDP and the Union Budget 2015-16 allocation for the Ministry of Health and Family Welfare has remained at the level of revised expenditure in 2014-15, an opportunity lies in the greater devolution of untied funds to States following recommendations of the Fourteenth Finance Commission.<sup>8,24</sup>

Enormous challenges facing the sector with limited funds at hand press the question on how to maximize returns from available resources, and also increase investments in health. The Health division of the NITI Aayog invites comments and suggestions on the two key themes facing the sector, efficiency and resources, to stimulate an open and informed discussion while eliciting ideas to guide a future action at all levels in our system.

Wide disparateness exists across states in level of health systems and achievement of health goals. Some States have already achieved MDG-4 (Ten states namely Delhi, Kerala, Maharashtra, Punjab, Tamil Nadu, Goa, Manipur, Sikkim, Nagaland, Tripura and all UTs except Dadra & Nagar Haveli); MDG-5 (namely States of Andhra Pradesh, Kerala, Tamil Nadu and Maharashtra). States like Tamil Nadu have extremely strong health systems founded in primary care and public health. The challenge is to replicate such successes all over the country.

It is our belief that a Health System Strengthening approach is the solution to bridging the gap between our current performance and potential. A model of comparability for the two models of service delivery is presented in Figure 2.

**Figure 2. Two models of service delivery**



# National Health Policy 2017

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

The National Health Policy of 1983 and the National Health Policy of 2002 have served well in guiding the approach for the health sector in the Five-Year Plans. The current context has however changed in four major ways. First, the health priorities are changing. Although maternal and child mortality have rapidly declined, there is growing burden on account of non-communicable diseases and some infectious diseases. The second important change is the emergence of a robust health care industry estimated to be growing at double digit. The third change is the growing incidences of catastrophic expenditure due to health care costs, which are presently estimated to be one of the major contributors to poverty. Fourth, a rising economic growth enables enhanced fiscal capacity. Therefore, a new health policy responsive to these contextual changes is required.

The National Health Policy, 2017 seeks to reach everyone in a comprehensive integrated way to move towards wellness. It aims at achieving universal health coverage and delivering quality health care services to all at affordable cost.

## Goal

The policy envisages as its goal the attainment of the highest possible level of health and well-being for all at all ages, through a preventive and promotive health care orientation in all developmental policies, and universal access to good quality health care services without anyone having to face financial hardship as a consequence. This would be achieved through increasing access, improving quality and lowering the cost of healthcare delivery.

## Objectives

Improve health status through concerted policy action in all sectors and expand preventive, promotive, curative, palliative and rehabilitative services provided through the public health sector with focus on quality.

## Specific Quantitative Goals and Objectives

### 1. Life Expectancy and healthy life

- Increase Life Expectancy at birth from 67.5 to 70 by 2025.
- Establish regular tracking of Disability Adjusted Life Years (DALY) Index as a measure of burden of disease and its trends by major categories by 2022.
- Reduction of TFR to 2.1 at national level by 2025

### 2. Mortality by Age and/ or cause

- Reduce Under 5 Mortality to 23 by 2025 and MMR from current levels to 100 by 2020.
- Reduce infant mortality rate to 28 by 2019.
- Reduce neo-natal mortality to 16 and still birth rate to “single digit” by 2025.

### 3. Reduction of disease prevalence/ incidence

- Achieve global target of 2020 which is also termed as target of 90:90:90, for HIV/AIDS i.e, - 90% of all people living with HIV know their HIV status, - 90% of all people diagnosed with HIV infection receive sustained antiretroviral therapy and 90% of all people receiving antiretroviral therapy will have viral suppression.
- Achieve and maintain elimination status of Leprosy by 2018, Kala-Azar by 2017 and Lymphatic Filariasis in endemic pockets by 2017.
- Achieve and maintain a cure rate of >85% in new sputum positive patients for TB and reduce incidence of new cases, to reach elimination status by 2025.
- Reduce the prevalence of blindness to 0.25/ 1000 by 2025 and disease burden by one third from current levels.
- Reduce premature mortality from cardiovascular diseases, cancer, diabetes or chronic respiratory diseases by 25% by 2025.

## Health Systems Performance

### 1. Coverage of Health Services

- Increase utilization of public health facilities by 50% from current levels by 2025.
- Antenatal care coverage to be sustained above 90% and skilled attendance at birth above 90% by 2025.
- More than 90% of the newborn are fully immunized by one year of age by 2025.
- Meet need of family planning above 90% at national & sub national level by 2025.
- 80% of known hypertensive and diabetic individuals at household level maintain "controlled disease status" by 2025.

### 2. Cross Sectoral goals related to health

- Relative reduction in prevalence of current tobacco use by 15% by 2020 and 30% by 2025.
- Reduction of 40% in prevalence of stunting of under-five children by 2025.
- Access to safe water and sanitation to all by 2020 (Swachh Bharat Mission).
- Reduction of occupational injury by half from current levels of 334 per lakh agricultural workers by 2020.
- National/ State level tracking of selected health behaviour.

## Health Systems strengthening

### 1. Health finance

- Increase health expenditure by Government as a %age of GDP from the existing 1.15 % to 2.5 % by 2025.
- Increase State sector health spending to > 8% of their budget by 2020.
- Decrease in proportion of households facing catastrophic health expenditure from

the current levels by 25%, by 2025.

## 2. Health Infrastructure and Human Resource

- Ensure availability of paramedics and doctors as per Indian Public Health Standard (IPHS) norm in high priority districts by 2020.
- Increase community health volunteers to population ratio as per IPHS norm, in high priority districts by 2025.
- Establish primary and secondary care facility as per norms in high priority districts (population as well as time to reach norms) by 2025.

## 3. Health Management Information

- Ensure district - level electronic database of information on health system components by 2020.
- Strengthen the health surveillance system and establish registries for diseases of public health importance by 2020.
- Establish federated integrated health information architecture, Health Information
- Exchanges and National Health Information Network by 2025.

## Policy thrust

1. **Ensuring Adequate Investment** - The policy proposes a potentially achievable target of raising public health expenditure to 2.5% of the GDP in a time bound manner.

2. **Preventive and Promotive Health** - The policy identifies coordinated action on seven priority areas for improving the environment for health:

- Swachh Bharat Abhiyan
- Balanced, healthy diets and regular exercises.
- Addressing tobacco, alcohol and substance abuse
- Yatri Suraksha – preventing deaths due to rail and road traffic accidents
- Nirbhaya Nari – action against gender violence
- Reduced stress and improved safety in the work place
- Reducing indoor and outdoor air pollution

3. **Organization of Public Health Care Delivery** – The policy proposes seven key policy shifts in organizing health care services.

## National Nutrition Strategy

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

In the recent past, there has been a renewed discussion around nutrition in India. A few months ago, the Ministry of Health and Family Welfare had released the National Health Policy, 2017. It highlighted the negative impact of malnutrition on the population's productivity, and its contribution to mortality rates in the country. In light of the long term effects of malnutrition, across generations, the NITI Aayog released the National Nutrition Strategy this week.

### What is malnutrition?

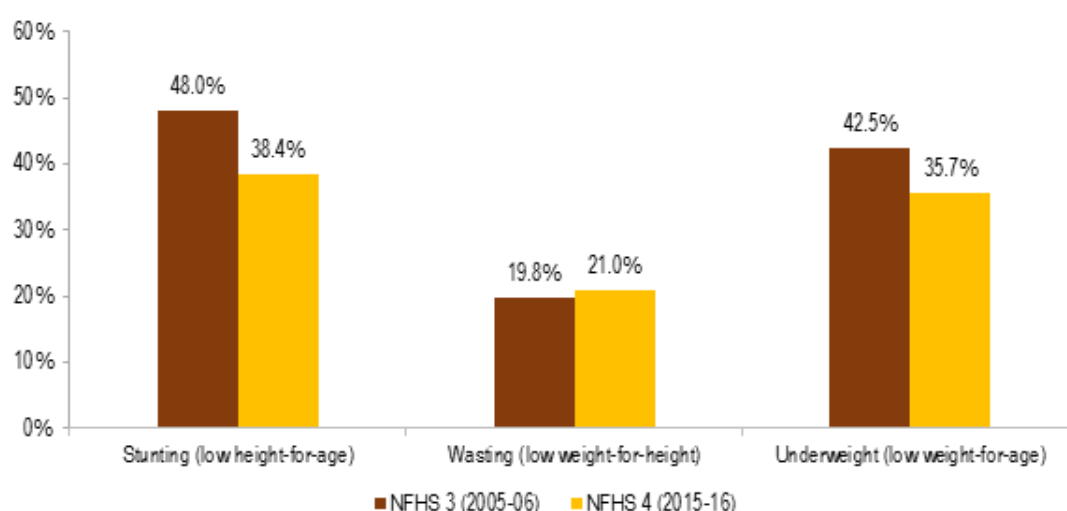
Malnutrition indicates that children are either too short for their age or too thin. Children whose height is below the average for their age are considered to be stunted. Similarly, children whose weight is below the average for their age are considered thin for their height or wasted. Together, the stunted and wasted children are considered to be underweight – indicating a lack of proper nutritional intake and inadequate care post childbirth.

### What is the extent of malnutrition in India?

India's performance on key malnutrition indicators is poor according to national and international studies. According to UNICEF, India was at the 10th spot among countries with the highest number of underweight children, and at the 17th spot for the highest number of stunted children in the world.

Malnutrition affects chances of survival for children, increases their susceptibility to illness, reduces their ability to learn, and makes them less productive in later life. It is estimated that malnutrition is a contributing factor in about one-third of all deaths of children under the age of 5. Figure 1 looks at the key statistics on malnutrition for children in India.

**Figure 1: Malnutrition in children under 5 years (2005-06 and 2015-16)**



Over the decade between 2005 and 2015, there has been an overall reduction in the proportion of underweight children in India, mainly on account of an improvement in stunting. While the percentage of stunted children under 5 reduced from 48% in 2005-06 to 38.4% in 2015-16, there has been a rise in the percentage of children who are wasted from 19.8% to 21% during this period. A high increase in the incidence of wasting was noted in Punjab, Goa, Maharashtra, Karnataka, and Sikkim.



The prevalence of underweight children was found to be higher in rural areas (38%) than urban areas (29%). According to WHO, infants weighing less than 2.5 Kg are 20 times more likely to die than heavier babies.<sup>2</sup> In India, the national average weight at birth is less than 2.5 Kg for 19% of the children. The incidence of low birth-weight babies varied across different states, with Madhya Pradesh, Rajasthan and Uttar Pradesh witnessing the highest number of underweight childbirths at 23%. Further, more than half of India's children are anaemic (58%), indicating an inadequate amount of haemoglobin in the blood. This is caused by a nutritional deficiency of iron and other essential minerals, and vitamins in the body.

### Is malnutrition witnessed only among children?

No. Among adults, 23% of women and 20% of men are considered undernourished in India. On the other hand, 21% of women and 19% of men are overweight or obese. The simultaneous occurrence of over nutrition and under-nutrition indicates that adults in India are suffering from a dual burden of malnutrition (abnormal thinness and obesity). This implies that about 56% of women and 61% of men are at normal weight for their height.

### What does the National Nutrition Strategy propose?

Various government initiatives have been launched over the years which seek to improve the nutrition status in the country. These include the Integrated Child Development Services (ICDS), the National Health Mission, the Janani Suraksha Yojana, the Matritva Sahyog Yojana, the Mid-Day Meal Scheme, and the National Food Security Mission, among others. However, concerns regarding malnutrition have persisted despite improvements over the years. It is in this context that the National Nutrition Strategy has been released. Key features of the Strategy include:

- Strategy aims to **reduce all forms of malnutrition by 2030**, with a focus on the most vulnerable and critical age groups. The Strategy also aims to assist in achieving the targets identified as part of the Sustainable Development Goals related to nutrition and health.
- The Strategy aims to launch a **National Nutrition Mission**, similar to the National Health Mission. This is to enable integration of nutrition-related interventions cutting across sectors like women and child development, health, food and public distribution, sanitation, drinking water, and rural development.
- A **decentralised approach** will be promoted with greater flexibility and decision making at the state, district and local levels. Further, the Strategy aims to strengthen the ownership of Panchayati Raj institutions and urban local bodies over nutrition initiatives. This is to enable decentralised planning and local innovation along with accountability for nutrition outcomes.
- The Strategy proposes to launch interventions with a focus on improving **healthcare and nutrition** among children. These interventions will include: (i) promotion of breastfeeding for the first six months after birth, (ii) universal access to infant and young child care (including ICDS and crèches), (iii) enhanced care, referrals and management of severely undernourished and sick children, (iv) bi-annual vitamin A supplements for children in the age group of 9 months to 5 years, & (v) micro-nutrient supplements and bi-annual de-worming for children.
- Measures to improve **maternal care** and nutrition include: (i) supplementary nutritional support during pregnancy and lactation, (ii) health and nutrition counselling, (iii) adequate consumption of iodised salt and screening of severe anaemia, and (iv) institutional childbirth, lactation management and improved post-natal care.
- **Governance reforms** envisaged in the Strategy include: (i) convergence of state and district implementation plans for ICDS, NHM and Swachh Bharat, (ii) focus on the most vulnerable communities in districts with the highest levels of child malnutrition, and (iii) service delivery models based on evidence of impact.

# India - Key Indicators

Indicators	NFHS-4 (2015-16)			NFHS-3 (2005-06)
	Urban	Rural	Total	Total
<b>Population and Household Profile</b>				
1. Population (female) age 6 years and above who ever attended school (%)	80.6	63.0	68.8	58.3
2. Population below age 15 years (%)	24.9	30.5	28.6	34.9
3. Sex ratio of the total population (females per 1,000 males)	956	1,009	991	1,000
4. Sex ratio at birth for children born in the last five years (females per 1,000 males)	899	927	919	914
5. Children under age 5 years whose birth was registered (%)	88.8	76.1	79.7	41.2
6. Households with electricity (%)	97.5	83.2	88.2	67.9
7. Households with an improved drinking-water source <sup>1</sup> (%)	91.1	89.3	89.9	87.6
8. Households using improved sanitation facility <sup>2</sup> (%)	70.3	36.7	48.4	29.1
9. Households using clean fuel for cooking <sup>3</sup> (%)	80.6	24.0	43.8	25.5
10. Households using iodized salt (%)	96.5	91.4	93.1	76.1
11. Households with any usual member covered by a health scheme or health insurance (%)	28.2	29.0	28.7	4.8
<b>Characteristics of Adults (age 15-49)</b>				
12. Women who are literate (%)	81.4	61.5	68.4	55.1
13. Men who are literate (%)	90.8	82.6	85.7	78.1
14. Women with 10 or more years of schooling (%)	51.5	27.3	35.7	22.3
<b>Marriage and Fertility</b>				
15. Women age 20-24 years married before age 18 years (%)	17.5	31.5	26.8	47.4
16. Men age 25-29 years married before age 21 years (%)	14.1	24.4	20.3	32.3
17. Total fertility rate (children per woman)	1.8	2.4	2.2	2.7
18. Women age 15-19 years who were already mothers or pregnant at the time of the survey (%)	5.0	9.2	7.9	16.0
<b>Infant and Child Mortality Rates (per 1,000 live births)</b>				
19. Infant mortality rate (IMR)	29	46	41	57
20. Under-five mortality rate (U5MR)	34	56	50	74
<b>Current Use of Family Planning Methods (currently married women age 15-49 years)</b>				
21. Any method <sup>4</sup> (%)	57.2	51.7	53.5	56.3
22. Any modern method <sup>4</sup> (%)	51.3	46.0	47.8	48.5
23. Female sterilization (%)	35.7	36.1	36.0	37.3
24. Male sterilization (%)	0.3	0.3	0.3	1.0
25. IUD/PPIUD (%)	2.4	1.1	1.5	1.7
26. Pill (%)	3.5	4.3	4.1	3.1
27. Condom (%)	9.0	3.9	5.6	5.2
<b>Unmet Need for Family Planning (currently married women age 15-49 years)<sup>5</sup></b>				
28. Total unmet need (%)	12.1	13.2	12.9	13.9
29. Unmet need for spacing (%)	5.1	5.9	5.7	6.1
<b>Quality of Family Planning Services</b>				
30. Health worker ever talked to female non-users about family planning (%)	18.6	17.2	17.7	10.1
31. Current users ever told about side effects of current method <sup>6</sup> (%)	50.1	45.0	46.5	34.4

<sup>1</sup> Piped water into dwelling/yard/plot, public tap/standpipe, tube well or borehole, protected dug well, protected spring, rainwater, community RO plant. <sup>2</sup> Flush to piped sewer system, flush to septic tank, flush to pit latrine, ventilated improved pit (VIP)/biogas latrine, pit latrine with slab, twin pit/composting toilet, which is not shared with any other household. <sup>3</sup> Electricity, LPG/natural gas, biogas. <sup>4</sup> Includes other methods that are not shown separately

<sup>5</sup> Unmet need for family planning refers to fecund women who are not using contraception but who wish to postpone the next birth (spacing) or stop childbearing altogether (limiting). Specifically, women are considered to have unmet need for spacing if they are:

- At risk of becoming pregnant, not using contraception, and either do not want to become pregnant within the next two years, or are unsure if or when they want to become pregnant.

- Pregnant with a mistimed pregnancy.

- Postpartum amenorrheic for up to two years following a mistimed birth and not using contraception.

Women are considered to have unmet need for limiting if they are:

- At risk of becoming pregnant, not using contraception, and want no (more) children.

- Pregnant with an unwanted pregnancy.

- Postpartum amenorrheic for up to two years following an unwanted birth and not using contraception.

Women who are classified as infertile have no unmet need because they are not at risk of becoming pregnant. Unmet need for family planning is the sum of unmet need for spacing plus unmet need for limiting.

<sup>6</sup> Based on current users of female sterilization, IUD/PPIUD, injectables and pill who started using that method in the past 5 years.

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# India - Key Indicators

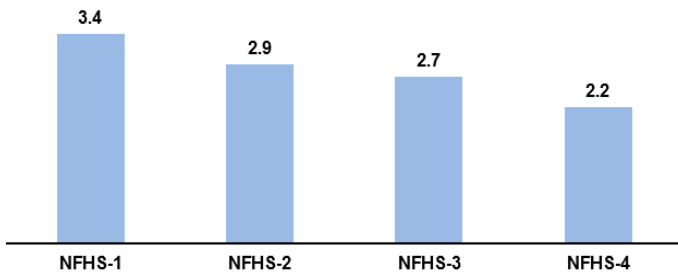
Indicators	NFHS-4 (2015-16)			NFHS-3 (2005-06)
	Urban	Rural	Total	Total
<b>Maternal and Child Health</b>				
<b>Maternity Care (for last birth in the 5 years before the survey)</b>				
32. Mothers who had antenatal check-up in the first trimester (%)	69.1	54.2	58.6	43.9
33. Mothers who had at least 4 antenatal care visits (%)	66.4	44.8	51.2	37.0
34. Mothers whose last birth was protected against neonatal tetanus <sup>7</sup> (%)	89.9	88.6	89.0	76.3
35. Mothers who consumed iron folic acid for 100 days or more when they were pregnant (%)	40.8	25.9	30.3	15.2
36. Mothers who had full antenatal care <sup>8</sup> (%)	31.1	16.7	21.0	11.6
37. Registered pregnancies for which the mother received Mother and Child Protection (MCP) card (%)	87.7	90.0	89.3	na
38. Mothers who received postnatal care from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of delivery (%)	71.7	58.5	62.4	34.6
39. Mothers who received financial assistance under Janani Suraksha Yojana (JSY) for births delivered in an institution (%)	21.4	43.8	36.4	na
40. Average out of pocket expenditure per delivery in public health facility (Rs.)	3,913	2,947	3,198	na
41. Children born at home who were taken to a health facility for check-up within 24 hours of birth (%)	3.2	2.4	2.5	0.3
42. Children who received a health check after birth from a doctor/nurse/LHV/ANM/midwife/other health personnel within 2 days of birth (%)	27.2	23.0	24.3	na
<b>Delivery Care (for births in the 5 years before the survey)</b>				
43. Institutional births (%)	88.7	75.1	78.9	38.7
44. Institutional births in public facility (%)	46.2	54.4	52.1	18.0
45. Home delivery conducted by skilled health personnel (out of total deliveries) (%)	3.0	4.9	4.3	8.2
46. Births assisted by a doctor/nurse/LHV/ANM/other health personnel (%)	90.0	78.0	81.4	46.6
47. Births delivered by caesarean section (%)	28.3	12.9	17.2	8.5
48. Births in a private health facility delivered by caesarean section (%)	44.8	37.8	40.9	27.7
49. Births in a public health facility delivered by caesarean section (%)	19.9	9.3	11.9	15.2
<b>Child Immunizations and Vitamin A Supplementation</b>				
50. Children age 12-23 months fully immunized (BCG, measles, and 3 doses each of polio and DPT) (%)	63.9	61.3	62.0	43.5
51. Children age 12-23 months who have received BCG (%)	93.2	91.4	91.9	78.2
52. Children age 12-23 months who have received 3 doses of polio vaccine (%)	73.4	72.6	72.8	78.2
53. Children age 12-23 months who have received 3 doses of DPT vaccine (%)	80.2	77.7	78.4	55.3
54. Children age 12-23 months who have received measles vaccine (%)	83.2	80.3	81.1	58.8
55. Children age 12-23 months who have received 3 doses of Hepatitis B vaccine (%)	63.3	62.5	62.8	na
56. Children age 9-59 months who received a vitamin A dose in last 6 months (%)	62.9	59.1	60.2	16.5
57. Children age 12-23 months who received most of the vaccinations in public health facility (%)	82.1	94.2	90.7	82.0
58. Children age 12-23 months who received most of the vaccinations in private health facility (%)	16.7	3.4	7.2	10.5
<b>Treatment of Childhood Diseases (children under age 5 years)</b>				
59. Prevalence of diarrhoea (reported) in the last 2 weeks preceding the survey (%)	8.2	9.6	9.2	9.0
60. Children with diarrhoea in the last 2 weeks who received oral rehydration salts (ORS) (%)	58.5	47.9	50.6	26.0
61. Children with diarrhoea in the last 2 weeks who received zinc (%)	23.7	19.1	20.3	na
62. Children with diarrhoea in the last 2 weeks taken to a health facility (%)	74.1	65.8	67.9	61.3
63. Prevalence of symptoms of acute respiratory infection (ARI) in the last 2 weeks preceding the survey (%)	2.3	2.9	2.7	5.8
64. Children with fever or symptoms of ARI in the last 2 weeks preceding the survey taken to a health facility (%)	80.0	70.8	73.2	69.6
<b>Child Feeding Practices and Nutritional Status of Children</b>				
65. Children under age 3 years breastfed within one hour of birth <sup>9</sup> (%)	42.8	41.1	41.6	23.4
66. Children under age 6 months exclusively breastfed <sup>10</sup> (%)	52.1	56.0	54.9	46.4
67. Children age 6-8 months receiving solid or semi-solid food and breastmilk <sup>10</sup> (%)	50.1	39.9	42.7	52.6
68. Breastfeeding children age 6-23 months receiving an adequate diet <sup>10,11</sup> (%)	10.1	8.2	8.7	na
69. Non-breastfeeding children age 6-23 months receiving an adequate diet <sup>10,11</sup> (%)	16.9	12.7	14.3	na
70. Total children age 6-23 months receiving an adequate diet <sup>10,11</sup> (%)	11.6	8.8	9.6	na
71. Children under 5 years who are stunted (height-for-age) <sup>12</sup> (%)	31.0	41.2	38.4	48.0
72. Children under 5 years who are wasted (weight-for-height) <sup>12</sup> (%)	20.0	21.5	21.0	19.8
73. Children under 5 years who are severely wasted (weight-for-height) <sup>13</sup> (%)	7.5	7.4	7.5	6.4
74. Children under 5 years who are underweight (weight-for-age) <sup>12</sup> (%)	29.1	38.3	35.7	42.5

<sup>7</sup> Includes mothers with two injections during the pregnancy of her last birth, or two or more injections (the last within 3 years of the last live birth), or three or more injections (the last within 5 years of the last birth), or four or more injections (the last within 10 years of the last live birth), or five or more injections at any time prior to the last birth. Not exactly comparable with NFHS-3 due to differences in definition. <sup>8</sup> Full antenatal care is at least four antenatal visits, at least one tetanus toxoid (TT) injection and iron folic acid tablets or syrup taken for 100 or more days. <sup>9</sup> Based on the last child born in the 5 years before the survey. <sup>10</sup> Based on the youngest child living with the mother. <sup>11</sup> Breastfed children receiving 4 or more food groups and a minimum meal frequency, non-breastfed children fed with a minimum of 3 Infant and Young Child Feeding Practices (fed with other milk or milk products at least twice a day, a minimum meal frequency that is receiving solid or semi-solid food at least twice a day for breastfed infants 6-8 months and at least three times a day for breastfed children 9-23 months, and solid or semi-solid foods from at least four food groups not including the milk or milk products food group). <sup>12</sup> Below -2 standard deviations, based on the WHO standard. <sup>13</sup> Below -3 standard deviations, based on the WHO standard.

# India - Key Indicators

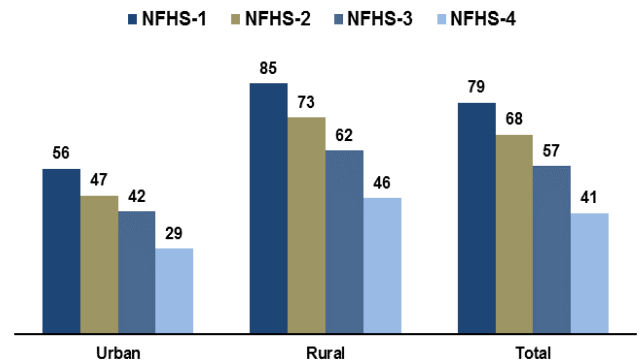
## Fertility Trends

Total fertility rate  
(children per woman)



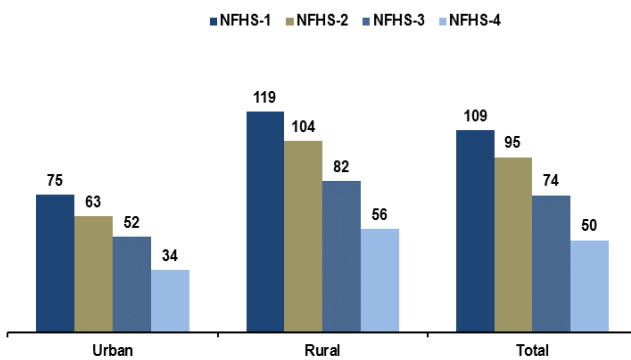
## Trends in Infant Mortality

Deaths per 1,000 live births



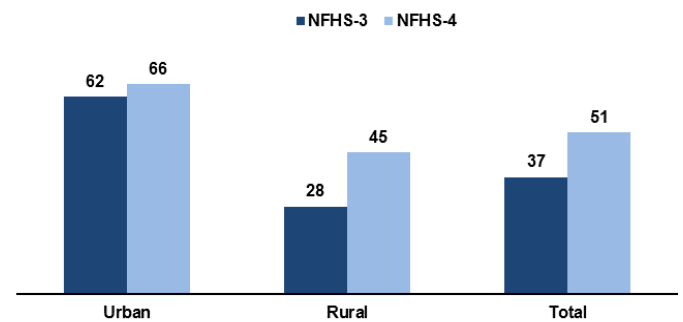
## Trends in Under-five Mortality

Deaths per 1,000 live births



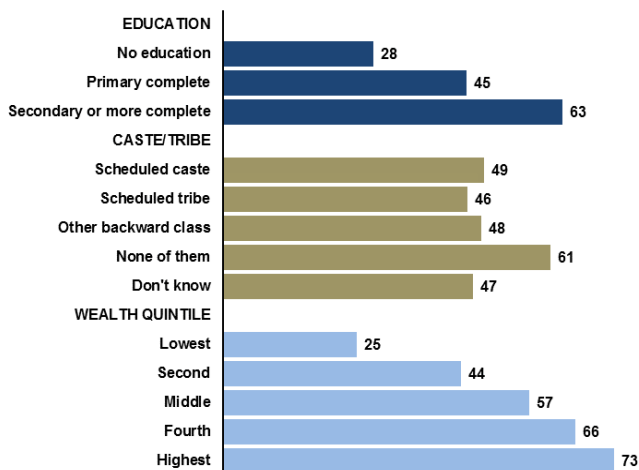
## Trends in At Least 4 Antenatal Care Visits

Percentage of last births in the past five years



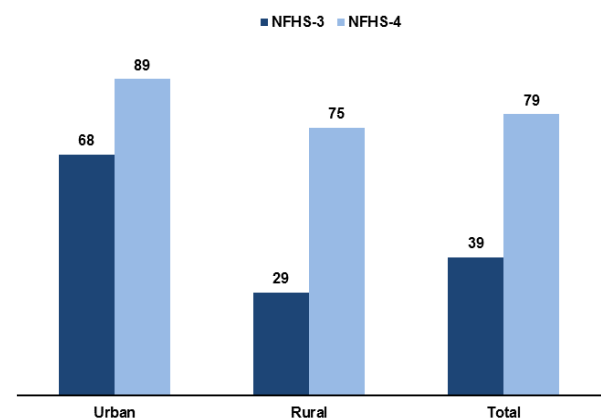
## Mothers who had At Least 4 Antenatal Care Visits

Percentage of last births in the past five years



## Trends in Institutional Births

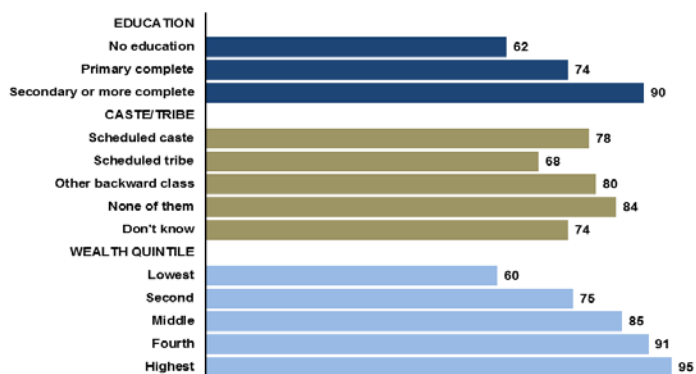
Percentage of births in the past five years



# India - Key Indicators

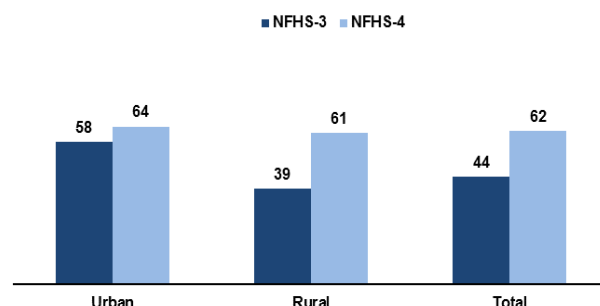
## Institutional Births

Percentage of births in the past five years



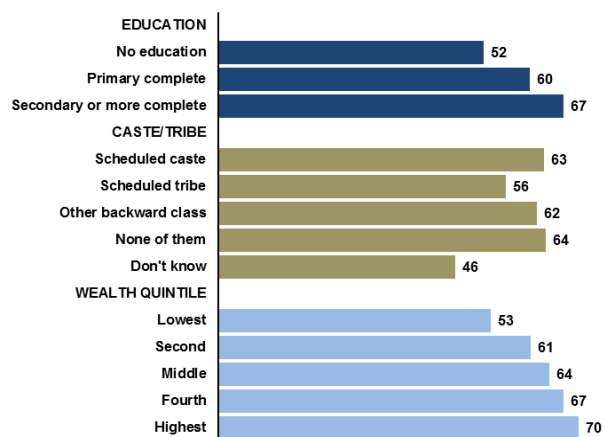
## Trends in Full Immunization

Percentage of children 12-23 months



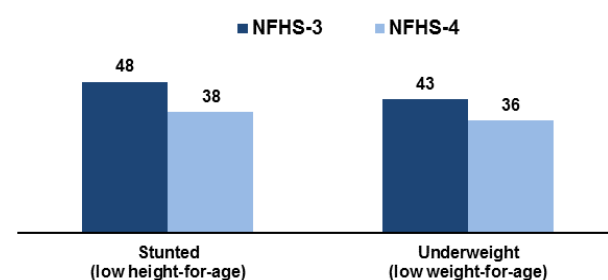
## Full Immunization

Percentage of children 12-23 months



## Trends in Children's Nutritional Status

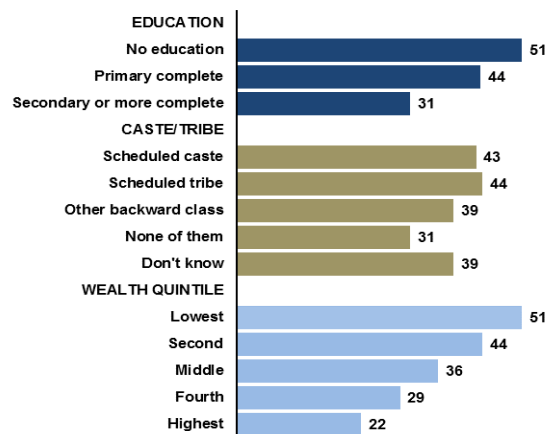
Percentage of children under five years



Note: Nutritional status estimates are based on the 2006 WHO International Reference Population

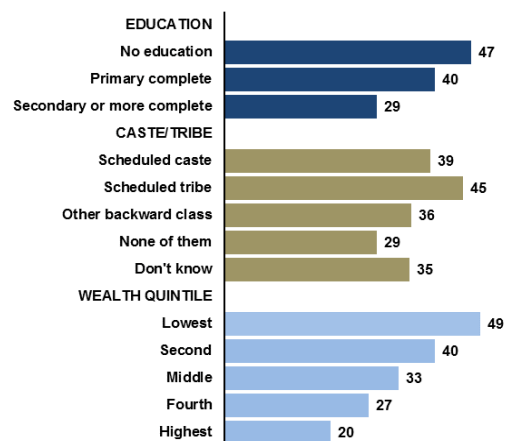
## Children's Nutritional Status (Stunted)

Percentage of children under five years



## Children's Nutritional Status (Underweight)

Percentage of children under five years





# India -Key Indicators

Indicators	NFHS-4(2015-16)			NFHS-3 (2005-06)
	Urban	Rural	Total	Total
<b>Nutritional Status of Adults (age 15-49 years)</b>				
75. Women whose Body Mass Index (BMI) is below normal ( $BMI < 18.5 \text{ kg/m}^2$ ) <sup>14</sup> (%)	15.5	26.7	22.9	35.5
76. Men whose Body Mass Index (BMI) is below normal ( $BMI < 18.5 \text{ kg/m}^2$ ) (%)	15.4	23.0	20.2	34.2
77. Women who are overweight or obese ( $BMI \geq 25.0 \text{ kg/m}^2$ ) <sup>14</sup> (%)	31.3	15.0	20.7	12.6
78. Men who are overweight or obese ( $BMI \geq 25.0 \text{ kg/m}^2$ ) (%)	26.6	14.3	18.9	9.3
<b>Anaemia among Children and Adults<sup>15</sup></b>				
79. Children age 6-59 months who are anaemic ( $<11.0 \text{ g/dl}$ ) (%)	55.9	59.4	58.5	69.4
80. Non-pregnant women age 15-49 years who are anaemic ( $<12.0 \text{ g/dl}$ ) (%)	51.0	54.3	53.1	55.2
81. Pregnant women age 15-49 years who are anaemic ( $<11.0 \text{ g/dl}$ ) (%)	45.7	52.1	50.3	57.9
82. All women age 15-49 years who are anaemic (%)	50.8	54.2	53.0	55.3
83. Men age 15-49 years who are anaemic ( $<13.0 \text{ g/dl}$ ) (%)	18.4	25.2	22.7	24.2
<b>Blood Sugar Level among Adults (age 15-49 years)<sup>16</sup></b>				
<b>Women</b>				
84. Blood sugar level - high ( $>140 \text{ mg/dl}$ ) (%)	6.9	5.2	5.8	na
85. Blood sugar level - very high ( $>160 \text{ mg/dl}$ ) (%)	3.6	2.3	2.8	na
<b>Men</b>				
86. Blood sugar level - high ( $>140 \text{ mg/dl}$ ) (%)	8.8	7.4	8.0	na
87. Blood sugar level - very high ( $>160 \text{ mg/dl}$ ) (%)	4.4	3.5	3.9	na
<b>Hypertension among Adults (age 15-49 years)</b>				
<b>Women</b>				
88. Slightly above normal (Systolic 140-159 mm of Hg and/or Diastolic 90-99 mm of Hg) (%)	7.3	6.5	6.7	na
89. Moderately high (Systolic 160-179 mm of Hg and/or Diastolic 100-109 mm of Hg) (%)	1.6	1.3	1.4	na
90. Very high (Systolic $\geq 180$ mm of Hg and/or Diastolic $\geq 110$ mm of Hg) (%)	0.7	0.7	0.7	na
<b>Men</b>				
91. Slightly above normal (Systolic 140-159 mm of Hg and/or Diastolic 90-99 mm of Hg) (%)	11.4	9.8	10.4	na
92. Moderately high (Systolic 160-179 mm of Hg and/or Diastolic 100-109 mm of Hg) (%)	2.7	2.0	2.3	na
93. Very high (Systolic $\geq 180$ mm of Hg and/or Diastolic $\geq 110$ mm of Hg) (%)	1.0	0.8	0.9	na
<b>Women Age 15-49 Years Who Have Ever Undergone Examinations of:</b>				
94. Cervix (%)	25.3	20.7	22.3	na
95. Breast (%)	11.7	8.8	9.8	na
96. Oral cavity (%)	15.6	10.7	12.4	na
<b>Knowledge of HIV/AIDS among Adults (age 15-49 years)</b>				
97. Women who have comprehensive knowledge <sup>17</sup> of HIV/AIDS (%)	28.1	16.9	20.9	17.3
98. Men who have comprehensive knowledge <sup>17</sup> of HIV/AIDS (%)	37.8	29.2	32.5	33.0
99. Women who know that consistent condom use can reduce the chances of getting HIV/AIDS (%)	67.0	48.1	54.9	36.3
100. Men who know that consistent condom use can reduce the chances of getting HIV/AIDS (%)	83.4	73.7	77.4	70.0
<b>Women's Empowerment and Gender Based Violence(age 15-49 years)</b>				
101. Currently married women who usually participate in household decisions (%)	85.8	83.0	84.0	76.5
102. Women who worked in the last 12 months who were paid in cash (%)	23.2	25.4	24.6	28.6
103. Ever-married women who have ever experienced spousal violence (%)	23.6	31.4	28.8	37.2
104. Ever-married women who have experienced violence during any pregnancy (%)	2.9	3.5	3.3	na
105. Women owning a house and/or land (alone or jointly with others) (%)	35.2	40.1	38.4	na
106. Women having a bank or savings account that they themselves use (%)	61.0	48.5	53.0	15.1
107. Women having a mobile phone that they themselves use (%)	61.8	36.9	45.9	na
108. Women age 15-24 years who use hygienic methods of protection during their menstrual period <sup>18</sup> (%)	77.5	48.2	57.6	na
<b>Tobacco Use and Alcohol Consumption among Adults (age 15-49 years)</b>				
109. Women who use any kind of tobacco (%)	4.4	8.1	6.8	10.8
110. Men who use any kind of tobacco (%)	38.9	48.0	44.5	57.0
111. Women who consume alcohol (%)	0.7	1.5	1.2	2.2
112. Men who consume alcohol (%)	28.7	29.5	29.2	31.9
113. Women who tried to stop smoking or using tobacco in any other form during the past 12 months <sup>19</sup> (%)	33.0	28.2	29.3	na
114. Men who tried to stop smoking or using tobacco in any other form (during the past 12 months) <sup>19</sup> (%)	29.6	31.2	30.6	na

<sup>14</sup> Excludes pregnant women and women with a birth in the preceding 2 months. <sup>15</sup> Haemoglobin in grams per decilitre (g/dl). Among children, prevalence is adjusted for altitude. Among adults, prevalence is adjusted for altitude and for smoking status. <sup>16</sup> Random blood sugar measurement (including those under medication).

<sup>17</sup> Comprehensive knowledge means knowing that consistent use of condoms every time they have sex and having just one uninfected faithful sex partner can reduce the chance of getting HIV/AIDS, knowing that a healthy-looking person can have HIV/AIDS, and rejecting the two most common misconceptions about transmission or prevention of HIV/AIDS. <sup>18</sup> Locally prepared napkins, sanitary napkins and tampons are considered as hygienic methods of protection. <sup>19</sup> Based on those who currently smoke or use tobacco

## **SANITATION**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

In his address to the nation at the Red Fort on 15 August 2014, Prime Minister Modi set his government the ambitious target of making India 'open defecation free' by Mahatma Gandhi's 150th birth anniversary on 2 October 2019.

Open defecation dates back to the beginning of human civilisation. It has been a way of life for millions of people in India for centuries. Around 524 million people, which is nearly half the population of India, defecate in the open. India accounts for 90 % of the people in South Asia and 59 % of the 1.1 billion people in the world who practice open defecation.

The spotlight he turned on was much needed as India faces immense challenges:

### **NEED FOR SWACHH BHARAT:**

- Open defecation poses a serious threat to the health of children in India. The practice is the main reason India reports the highest number of diarrhoeal deaths among children under-five in the world.
  - Every year, diarrhoea kills 1,17,285 children under five in India. Children weakened by frequent diarrhoea episodes are more vulnerable to malnutrition, stunting, and opportunistic infections such as pneumonia.
  - Diarrhoea and worm infection are two major health conditions that affect school-age children impacting their learning abilities.
  - World Bank has estimated that 38- 40% of India's children are physically and cognitively stunted, primarily because of the lack of sanitation. This imposes huge economic cost on the nation as the future workforce is not able to reach their full productive capacity.
- UNICEF study on economic impact of sanitation has estimated that in an open defecation free village, each family saves over Rs. 50,000 per year on account of avoided medical costs, time savings and lives saved. Poor sanitation cripples national development: workers produce less, live shorter lives, save and invest less, and are less able to send their children to school.

India is a low-income category country. The disease due to open defecation put added financial burden on poor families due to poor hygiene and leave them in a vulnerable situation. Access to clean water and sanitation reduces exposure to pathogens and transmission to pathogens which further results in the reduction in diarrhoea, improvements in anthropometric indexes of children and reductions in total mortality.

World Bank estimated that lack of sanitation costs India 6% of its GDP.

- Open defecation also puts at risk the dignity of women in India
  - Women feel constrained to relieve themselves only under the cover of dark for reasons of privacy to protect their dignity.
  - Open defecation exposes women to the danger of physical attacks and encounters such as snake bites.
- The country still has more than 4 lakh people engaged in manual scavenging despite legislation prohibiting this.

### **Swachh Bharat Mission (SBM)**

SBM has two sub-missions – SBM (Rural) and SBM (Urban). The SBM is in sync with the Goal 6 of the Sustainable Development Goals which commits the countries of the world to achieve universal access to safe drinking water and adequate sanitation and hygiene to all in the next 15 years.

The crisis of sanitation is being handled by three ministries as nodal entities:

- Rural sanitation is vested with the Ministry of Drinking Water and Sanitation
- Urban areas fall under the Ministry of Urban Development (MoUD)
- School sanitation is given to the Ministry of Human Resource Development

**Objectives:** Government of India launched the Swachh Bharat Abhiyan with the following objectives:

- Eliminate open defecation,
- Conversion of insanitary toilets to pour flush toilets,
- Eradication of manual scavenging,
- 100% collection & scientific processing/disposal/recycle of Municipal Solid Waste
- Behavioural change in people and awareness generation among the citizens about sanitation and its linkages with public health,
- Strengthening of urban local bodies to design, execute and operate systems, and
- To enhance private sector participation

**Components** Above objectives are to be achieved with the help of the following components:

- Construction of Household Toilets,
- Community and Public Toilets,
- Solid Waste Management,
- Information, Education & Communication (IEC) and Public Awareness

### **Construction of toilets:**

The priority was given to the construction of toilets at individual households and if there was no space available, community toilets were provided. Public toilets were constructed at public spaces like railway stations and bus stations.

### **Solid Waste Management:**

Solid waste management includes segregating waste at source; collecting, transporting and storing waste; as well as processing, treating and finally disposing of it. In urban areas there has been progress in door to door waste collection.

Transportation and processing of waste is also taking place at faster pace compared to previous year. There has been an increase in the number of compost plants from 40 to 145.

### **Waste Management: Waste to Energy**

The Ministry of Fertilizers provides Rs 1500 for market development assistance for per ton of compost generated. For conversion of waste to energy, the Ministry of Power has made it mandatory that the power generated from waste to energy plants has to be purchased by the state DISCOMs.

### **Behavioural change:**

The major achievement, however, is not a spurt in the construction of toilets, but the focus on behaviour change, and the rapidly spreading public awareness of the need for sanitation and usage of toilets. The most significant policy shift in this regard has been the move from outputs (number of toilets built) to outcomes (ODF villages), since ODF signifies the entire village unit makes this commitment.

There is increasing realisation in rural India that, in addition to the violation of dignity, especially that of women and girls, open defecation significantly adds to the disease burden, especially of children below the age of five.

This is a very important segment to make the progress sustainable. At one end of the IEC spectrum is the use of mass media: Print and electronic, using celebrities like Amitabh Bachchan leading a “Darwaza Bandh” (on open defecation) campaign. At the other end is the use of interpersonal communication, where trained grass roots level motivators, or swachhagrahis, work under an incentive-based system to “trigger” behaviour change by stimulating community-level demand for toilets. Involving locally elected representatives, grass roots-level organisations, NGOs and school students in spreading awareness on sanitation is also a key aspect of the SBM’s approach to IEC.

### **Community involvement**

The community is at the centre of the entire process and are leading the Swachhta revolution. Children, women, senior citizens have emerged as the biggest Swachh

champions. They are inspiring their communities to come together and fight the menace of open defecation together.

Inter-ministerial projects include Swachhta Pakhwadas, Namami Gange, Swachhta Action Plan, Swachh Swasth Sarvatra campaign, school sanitation drive, aanganwadi sanitation drives, railway sanitation etc.

Swachhta hi Sewa campaign seeks to mobilize people to come out and get directly involved with the Swachh Bharat Mission by offering shramdan for swachhta.

Swachh Survekshan (ranking of cities on cleanliness) is an initiative through which government is bringing healthy competition among cities towards creating cleaner cities and towns.

Swachhathon- Swachh Bharat Hackathon which invites innovative technology based solutions to some of the most challenging questions being faced. The nation has to get involved with a time-bound, nation-wide mass mobilisation campaign to construct twin-pit toilets, clean up public spots and spread awareness about the SBM through Shramdaan. This initiative was called as Swachhta hi Sewa.

### **Measurement – ODF**

Once a village declares itself as ODF, verification of the latter status becomes key for which the SBM guidelines provide for a 90-day window from the date of ODF declaration. The verification process also allows for any gaps or errors in ODF status to be rectified.

Currently, verification of ODF villages stands at around 60 %. To accelerate the verification process, MDWS has recently issued policy guidelines that state governments will be eligible for release of the second instalment of central funds only if they have fully verified all their ODF villages.

The programme also has a fairly robust system of verification at district and state level. At the national level, MDWS carries out separate checks as well as third party sample surveys by independent organisations. A national 1,40,000- household survey, carried out by the Quality Council of India during May-June 2017, found that national usage of toilets was 91 %.

The emphasis on sustainability is what differentiates SBM from previous sanitation programmes. Post ODF-declaration, it is possible that the village may witness some “slip back” into open defecation due to old habits. Incentive mechanisms are therefore being developed for sustaining ODF, including prioritizing ODF villages for centrally sponsored schemes like piped water supply.

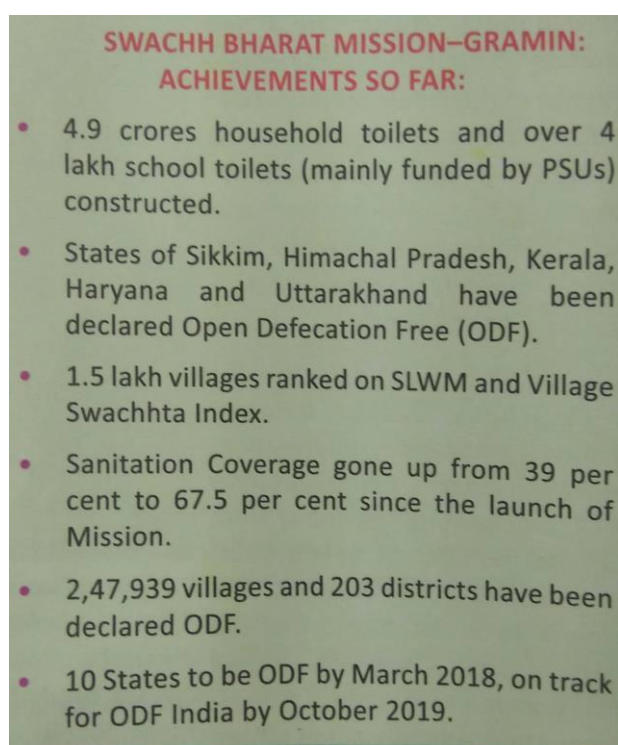
MDWS has launched a third party verification survey report to take stock of the progress already made by the mission in rural India. The Quality Council of India conducted a transparent third-party assessment of the present status of rural sanitation in all states and UTs, called Swachh Sarvekshan Gramin 2017.

Overall toilet coverage has been 62.45% in 1.4 lakh villages as per Swachh Survekshan Gramin. The intense behaviour change communication strategy adopted by the government could be a reason for this high %age of usage of toilets in rural India.

### **Progress under Swachh Bharat Mission**

Swachh Bharat Mission has caught nation's imagination with sanitation coverage in the country going up from **38.7% (2014) to 79% (2018)**. **6.25 crore household toilets have been built since October 2014, 207 districts and more than 3.23 lakh villages, 314 districts and 8 states & 3 UT have been declared Open Defecation Free (ODF).**

11 ODF states are Chattisgarh, Gujarat, Haryana, Himachal, Kerala, Meghalaya, Sikkim and Uttarakhand. 3 ODF UTs are Chandigarh, Daman & Diu and Dadra & Nagar Haveli.



The SBM is a globally unique programme, different in scope and scale from any other sanitation initiative in the world. Bringing 55 million rural Indians out of open defecation is unparalleled and carries a high degree of difficulty. It is one thing to build physical infrastructure like roads, bridges, and power plants and changing habits and getting million of people to voluntarily engage in jan andolan to fight the centuries old practice of open defecation is quite another!

## **Challenges in the Success of SBA**

### **A. Data Related Challenges**

Adequate data on the basis of third party surveys and evaluation is not available to assist in performance evaluation. Whatever data has been recorded reveals a lot of inconsistencies. Accuracy of data is lacking since there is duplication of names and false toilet construction have been reported in many cases.

### **B. Quality Concerns**

No training is being undertaken to mobilise all the people involved. Officials of the local government and those responsible for sanitation are not given any training for community mobilization.

### **C. Administrative Concerns**

Even though Panchayati Raj Institutions (PRI) has a major role to play, there is lack of institutional capacity at the grassroots level in delivering sanitation services.

Inadequate human resources - In sub-districts where they are most needed, there are no dedicated frontline workers to promote and implement sanitation strategies. While some states have now begun to recruit frontline workers, there are still no mechanisms for their training, management, and supervision.

The high level of political focus that SBA has received has brought along with it immense performance pressure for essential stakeholders such as district collectors. This pressure has had a negative impact on the officers' in charge.

### **D. Citizen Engagement**

Since the district collectors and other officers in charge are supposed to work towards targets, they have resorted to penalization of citizens. Coercive measures such as disconnecting power supply and withholding supply of rations are being used in case of failure of public to construct toilets.

Citizens are being fined for not constructing toilets and being forced to take loans from banks since the government gives the money after construction of the toilet. There is limited interaction between the government officials and the citizens who need to be made aware of the programme and their roles and responsibilities.

### **E. Behavioural change and participation of all stakeholders**

While building infrastructure is most basic requirement of swachhta, changing people's mindset towards sanitation and bringing about behavioural change in the society is much bigger and challenging task. To achieve this it is essential that sanitation becomes everyone's business and not just the responsibility of government departments alone. Swachhta has to become a mass movement.

In absence of effective behaviour change communication and information education communication, the earlier sanitation programmes showed a little improvement in terms of coverage of households with toilets and resulted in short term usage of the toilets.

In rural areas, the people follow their own understanding of personal hygiene and cleanliness, but by not connecting the toilets with the sense of impurity and pollution and stubborn habit of open defecation have been the reasons for not using the toilets or constructing the toilets inside the houses. The men in rural households prefer to take a walk in the morning in open air to their agricultural field and open defecation has synchronised with their daily life. On the other hand, people residing in the rural areas are mostly dependent on agriculture for their livelihood and they generally borrow the money for farm practices. So, to borrow money to construct toilet is considered as an additional financial burden on them which bar them from owning the toilets.

Ministers, MPs & MLAs, Central & state government officials, celebrities, corporates, locally elected representatives, NGOs, students & civil society organisations have to come together to spread the message of swachhta all over the country.

Eliminating open defecation and motivating people for constructing the toilets and using them, taboo regarding disposal of faecal waste generated from the septic tank have been observed as the major challenges.

Swachhta can only be achieved through an intensive, time-bound intervention, spearheaded from the highest level and involving all sections of society and government alike.

## **F. Financial support for SBM**

SBM has a budget of more than \$20 billion over five years from central and state governments. Additional investments have been coming in from the private sector, developmental agencies, faith based institutions and citizens. Ensuring adequate fund flow, proper fund utilization and minimizing leakages and corruption are important challenges in any programme of this scale.

## **Conclusion**

The objectives are generating demand for toilets leading to their construction and sustained use by all household members, promoting better hygiene behaviour amongst the population and improving cleanliness by initiating solid and liquid waste management projects.

Swachh Bharat mission sought to reform the sanitation sector with the primary focus being on behavioural changes as the fundamental tool for achievement of ODF outcomes. Inclusiveness under the SBM was achieved by designing public and community toilets keeping in mind the social needs of menstruating women, the elderly and the specially-abled and small children. Further, the



mission sought to promote gender sensitive information, education and gender communication/ behavioural changes. This mission issued gender guidelines in 2017 and menstrual management guidelines in 2015.

Following measures can be suggested for achieving the objectives of this ambitious program:

- ✓ **Higher allocation towards behaviour change communication component**, involving political and social/thought leaders, celebrities and media houses and positive/dignified outlook towards cleaning occupation.
- ✓ **Education as a strategy for the mission** by making sanitation as a part of school syllabus and harnessing the potential of children as change agents.

### **Waste Management**

Industrialisation becomes very significant for developing countries like India having large number of population. Rapid increase in urbanisation and per capita income lead to high rate of municipal solid waste generation.

In recent times, e-waste and plastic waste also contribute considerably to total waste stream due to utilisation of electronic and other items. These wastes may cause a potential hazard to human health or environment if any of the aspects of solid waste management is not managed effectively.

Even today, large portion of solid waste is dumped indiscriminately on outskirts of towns or cities without any prior treatment. This leads to groundwater contamination and increase in air pollution due to leachate percolation and release of gases respectively. Improper waste segregation and other factors lead recycling sector to work on outdated technology.

#### **India- waste generation scenario**

- Every year, about 55 million tonnes of municipal solid waste and 38 billion litres of sewage are generated in urban areas of India.
- Additionally, large quantities of solid and liquid wastes are generated by industries.
- Waste generation in India is expected to increase rapidly in the future.
- As more people migrate to urban areas and as incomes increase, consumption levels are likely to increase as are rates of waste generation.
- It is estimated that amount of waste generated in India will increase at a per capita rate of approx. 1-1.33% annually. This has significant impacts on the amount of land that is and will be needed for disposal, economic costs of collecting and transporting waste and the environmental consequences of

increased MSW generation levels.

**Growth drivers** The quantum of industrial waste generation is also on a higher side. More than 8 million tonnes per annum is India's present hazardous waste generation. Maharashtra (22.84%), Gujarat (22.68%) and Telangana and Andhra Pradesh put together (13.75%) are the leading states in country in hazardous waste generation, followed by Rajasthan, Tamil Nadu, Madhya Pradesh and Chhattisgarh. Just these 7 states contribute nearly 82% of the hazardous waste generated in country.

### **Importance of waste to energy**

Any organic waste from urban and rural areas and industries is a resource due to its ability to get degraded, resulting in energy generation. The problems caused by solid and liquid wastes can be significantly mitigated through the adoption of environment-friendly waste to energy technologies that will allow treatment and processing of wastes before their disposal. These measures would reduce the quantity of wastes, generate a substantial quantity of energy from them and greatly reduce environmental pollution.

The government is now keen on using renewable and alternative energy sources. Waste to energy is one of this. Government own figures suggest that cost of waste to energy is somewhat higher than other renewables sources, it is still an attractive option, as it serves as dual role of waste disposal and energy production.

### **Conclusion**

Population growth and particularly the development of megacities is making SWM in India a major problem. The current situation is that India relies on inadequate waste infrastructure, informal sector and waste dumping. There are major issues associated with public participation in waste management and there is generally a lack of responsibility towards community. There is a need to cultivate community awareness and change the attitude of people towards waste as this is fundamental to developing proper and sustainable waste management systems.

Sustainable and economically viable waste management must ensure maximum resource extraction from waste, combined with safe disposal of residual waste through the development of engineered landfill and waste-to-energy facilities.

Waste-to-energy plants are among the most efficient ways to convert garbage to electricity. WTE plants reduce the waste volume drastically in most eco-friendly manner, at the same time reducing the necessity of landfills. Garbage is a very efficiently utilised, and much needed electricity is generated, bridging the gap for electricity requirement.

It is time all cities pay attention to this source for power as an economical way to tackle the city waste.

IAS GURUKUL

## **SURROGACY**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

Surrogacy is the practice whereby one woman carries the child for another with the intention that the child should be handed over after birth. Such a surrogacy arrangement may be altruistic or commercial in nature. Altruistic surrogacy involves an arrangement where the couple does not pay the surrogate mother any compensation other than the medical and insurance expenses related to the pregnancy. Commercial surrogacy includes compensation (in cash or kind) paid to the surrogate mother, which exceeds the reasonable medical expenses associated with the pregnancy. Currently, commercial surrogacy is allowed for Indian citizens.

In 2005, the Indian Council of Medical Research (ICMR) issued guidelines to regulate surrogacy arrangements. The guidelines stated that the surrogate mother would be entitled to monetary compensation, the value of which would be decided by the couple and the surrogate mother. The guidelines also specified that the surrogate mother cannot donate her own egg for the surrogacy and that she must relinquish all parental rights related to the surrogate child.

In 2008, the Supreme Court of India in the Baby Manji Yamada vs. Union of India case highlighted the lack of regulation for surrogacy in India. In 2009, the Law Commission of India observed that surrogacy arrangements in India were being used by foreign nationals, and the lack of a comprehensive legal framework addressing surrogacy could lead to exploitation of poor women acting as surrogate mothers. Further, the Law Commission recommended prohibiting commercial surrogacy, allowing altruistic surrogacy and enacting a law to regulate matters related to surrogacy.

In 2015, a government notification prohibited surrogacy for foreign nationals. The Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha on November 21, 2016. It was referred to the Standing Committee on Health and Family Welfare on January 12, 2017.

### **Key Features of The Surrogacy (Regulation) Bill, 2016**

#### **Purposes for which surrogacy is permitted**

- The Bill prohibits commercial surrogacy, and allows altruistic surrogacy. Altruistic surrogacy does not involve any monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during the pregnancy. Commercial surrogacy includes surrogacy or its related procedures undertaken for a monetary benefit or reward (in cash or kind) exceeding basic medical expenses and insurance coverage.
- The Bill permits surrogacy when it is: (i) for intending couples who suffer from proven infertility; (ii) altruistic; (iii) not for commercial purposes; (iv) not for producing children for sale, prostitution or other forms of exploitation; and (v) for any other condition or disease specified through regulations.

#### **Eligibility criteria for the intending couple and the surrogate mother**

- The intending couple should have a 'certificate of essentiality' and a 'certificate of eligibility' issued by the appropriate authority. The surrogate mother too needs a 'certificate of eligibility'.
- A certificate of essentiality will be issued to the intending couple upon fulfilment of the following conditions: (i) a certificate of proven infertility of either or both of them; (ii) an order of parentage and custody of the surrogate child passed by a Magistrate's

court; and (iii) insurance coverage for the surrogate mother.

- The certificate of eligibility to the intending couple is issued upon the fulfilment of the following conditions: (i) the couple being Indian citizens and married for at least five years; (ii) between 23 to 50 years old (wife) and 26 to 55 years old (husband); (iii) they do not have any surviving child (biological, adopted or surrogate), except if the child is mentally or physically challenged or suffers from a life threatening disorder; and (iv) such other conditions that may be specified through regulations.
- To obtain a certificate of eligibility from the appropriate authority, the surrogate mother has to: (i) be a close relative of the intending couple; (ii) be an ever married woman having a child of her own; (iii) be 25 to 35 years old; (iv) not have been a surrogate mother earlier; and (v) have a certificate of medical and psychological fitness.

### **Parentage and abortion of surrogate child**

- A child born out of a surrogacy procedure will be deemed to be the biological child of the intending couple.
- An abortion of the surrogate child requires the written consent of the surrogate mother and the authorisation of the appropriate authority. Further, this authorisation will have to be compliant with the Medical Termination of Pregnancy Act, 1971.

### **Appropriate authority and registration of surrogacy clinics**

- The central and state governments will appoint one or more appropriate authorities. The functions of the appropriate authority include: (i) granting, suspending or cancelling registration of surrogacy clinics; (ii) enforcing standards for surrogacy clinics; and (iii) investigating and taking action against complaints of breach of the Act. The appropriate authority comprises the Joint Director of the state Health Department, an officer of the state Law Department, a medical practitioner, and an eminent woman.
- Surrogacy clinics cannot undertake surrogacy or its related procedures unless they are granted registration by the appropriate authority. Clinics must apply for registration within a period of 60 days from the date of appointment of the appropriate authority. This application will be accepted or rejected within 90 days. No human embryo or gamete can be stored by a surrogacy clinic for the purpose of surrogacy.

### **National and State Surrogacy Boards**

- The central and state governments shall constitute the National Surrogacy Board (NSB) and the State Surrogacy Boards (SSBs), respectively. Functions of the NSB include: (i) advising the central government on surrogacy policy; (ii) laying down the code of conduct of surrogacy clinics; and (iii) supervising the functioning of SSBs.
- Functions of the SSBs include: (i) monitoring the implementation of the provisions of the Act; and (ii) reviewing the activities of the appropriate authorities functioning at the state/union territory level.

### **Offences and penalties**

- The Bill creates certain offences which include: (i) undertaking or advertising commercial surrogacy; (ii) exploiting the surrogate mother; and (iii) selling or importing human embryo or gametes for surrogacy. These offences will attract a penalty of 10 years and a fine of up to 10 lakh rupees.

## Key Issues and Analysis

- The Bill permits surrogacy only for couples who cannot conceive a child. This procedure is not allowed in case of any other medical conditions which could prevent a woman from giving birth to a child.
- The Bill specifies eligibility conditions that need to be fulfilled by the intending couple in order to commission surrogacy. Further, it allows additional conditions to be prescribed by regulations. This may be excessive delegation of legislative powers.
- The surrogate mother and the intending couple need eligibility certificates from the appropriate authority. The Bill does not specify a time limit within which such certificates will be granted. It also does not specify an appeal process in case the application is rejected.
- The surrogate mother must be a 'close relative' of the intending couple. The Bill does not define the term 'close relative'. Further, the surrogate mother (close relative) may donate her own egg for the pregnancy. This may lead to negative health consequences for the surrogate baby.
- For an abortion, in addition to complying with the Medical Termination of Pregnancy Act, 1971, the approval of the appropriate authority and the consent of the surrogate mother is required. The Bill does not specify a time limit for granting such an approval. Further, the intending couple has no say in the consent to abort.

## Standing Committee Report

The Surrogacy (Regulation) Bill, 2016 Standing Committee on Health and Family Welfare (Chairperson: Prof. Ram Gopal Yadav) submitted its report on the Surrogacy (Regulation) Bill, 2016 on August 10, 2017. Key observations and recommendations of the Committee are summarised below:

□ **Commercial vs. altruistic surrogacy:** The Committee recommended a surrogacy model based on compensation rather than altruistic surrogacy. The compensation must take care of several things including the wages lost during the pregnancy, psychological counselling, and post-delivery care. The Committee noted that there is potential for exploiting poor women who become surrogates due to the lack of regulatory oversight and legal protection. However, it also noted that the economic opportunities available to surrogates through surrogacy services should not be dismissed entirely. It further stated that under altruistic surrogacy, permitting women to provide reproductive labour for free without them being paid is unfair and arbitrary.

□ **Implications of the surrogate being a 'close relative':** Under the Bill, the surrogate can only be a 'close relative' of the intending couple. The Committee noted that altruistic surrogacy by close relatives will always be out of compulsion and coercion, and not because of altruism. Such an arrangement within the family may have: (i) detrimental psychological and emotional impact on the surrogate child, (ii) parentage and custody issues, and (iii) inheritance and property disputes. The Committee recommended that the criteria of being a 'close relative' should be removed to allow both related and unrelated women to become

surrogates. Further, the Committee recommended that the Bill must unambiguously state that the surrogate mother will not donate her own eggs for the surrogacy.

- **Persons who can avail surrogacy services:** The Bill limits the option of surrogacy to legally married Indian couples. The Committee noted that this overlooks other sections of the society who may want a surrogate child. It recommended that the eligibility criteria be widened and include live-in couples, divorced women, and widows. Further, this facility must be extended to Non-Resident Indians, Persons of Indian Origin, and Overseas Citizen of India card holders but not to foreign nationals.
  - **Five year waiting period:** Under the Bill, the intending couple can undertake a surrogacy arrangement following the inability to conceive after five years of unprotected coitus or other medical conditions preventing conception. The Committee recommended that the definition of 'infertility' in the Bill should be as per WHO's definition where it is the inability to conceive after at least one year of unprotected coitus. The Committee observed that the requirement of a five year waiting period violates the right to reproductive autonomy.
  - **Gamete (sperm and egg) donor:** Under the Bill, intending couples can commission a surrogacy only by proving infertility. Thus, gametes from the couple may not be a possibility due to infertility. In such cases, the gametes will be required to be donated by others. The Committee noted that there is no mention of an egg or sperm donor in the Bill. It recommended that the provision for gamete donation must be incorporated in the Bill.
  - **Abortion:** Under the Bill, the approval of the appropriate authority (appointed by the central or state government) is required to undertake an abortion during the surrogacy. The Committee recommended a review of this requirement considering the existence of the Medical Termination of Pregnancy Act, 1971 which regulates abortions. Further, it noted that time is crucial in medical emergencies during pregnancy. In such cases, there may not be enough time to seek permission from an authority for performing an abortion to save the life of the surrogate mother.
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## **Kundu Committee Report on Minorities**

The UPA government constituted a committee in August 2013, under chairmanship of former JNU professor Amitabh Kundu to 'evaluate the process of implementation of the report of Sachar Committee and the Prime Minister's New 15 Point Programme'. So, it is also known as Post Sachar Evaluation Committee. It submitted its report to the Ministry of Minority Affairs on September 20, 2014. The committee has concluded that though a start has been made in addressing development deficits of the community, government interventions have not quite matched in scale the large numbers of the marginalised.

### **Summary and Recommendations of the Kundu committee:**

A start has been made in addressing the development deficit of the Muslim minorities during the past few decades, particularly after the acceptance of the Sachar Committee Report. And yet, serious bottlenecks are present due to:

- The scale of government interventions have not been big enough to make a dent due to the large number of the marginalized, the depth of their economic, social and educational deprivations.
- The design and implementation structures of the programmes have often not targeted the minority settlements and people directly and effectively
- The weak institutional structures to implement the initiatives
- The demand side has been weak: civil society and NGOs failed to come up with a plan to work in partnership with government towards actively fostering confidence and leadership among minority citizens at the local level; and
- Not much attention has been given for strengthening community institutions, particularly of women, youth, working for poor to enable them to reach out to government programmes and for promoting the vision of inclusive India with the ideals of diversity and equal opportunity for all.

The committee also observed that Muslims are still out of Government jobs and schools, years after the implementation most of the Sachar committee recommendations. Poverty levels among Muslims, remained higher than the national average between 2004-05 and 2011-12 and. In terms of consumption expenditure, Muslims are third from the bottom — after the Scheduled Tribes and Scheduled Castes.



### **Towards a new equity paradigm:**

The Sachar Committee had recommended implementation of Diversity Index based incentive system covering all citizens to promote equality and diversity in all spheres of social and economic development.

This Committee recommends that the ambit of the Diversity index should include spheres of education, employment, housing, healthcare, access to development schemes and various other sectors; and seek to provide remedies.

This Committee, in addition recommends formulation and enactment of a comprehensive Anti-Discrimination Legislation to prohibit discrimination based on disability, sex, caste, religion and other criteria. The legislation must provide a statutory definition of discrimination.

These recommendations represent a paradigm shift in India's approach to equality. Moving beyond reservations, they use diversity promotion and anti-discrimination to achieve social justice. Reservations are only one of several tools to address widespread, systemic discrimination in a society. Diversity index and Anti-discrimination legislation together can help build a more equitable society and a deeper and more widespread notion of equality that go beyond group-specific quotas.

The Committee further recommends extensive application of diversity index in resource allocation, implementation of policies and programmes of the government and functioning of the institutions. This would help initiating a new process and trend in the country, enabling the idea of diversity taking root in the minds of the decision makers at all levels.

**Diversity Index:** It is formulated by the 'Expert Group on Diversity Index' in 2008. The group was headed by Professor Amitabh Kundu. The report proposed that diversity gap would be measured along the following three dimensions:

Religious dimension

Caste and Tribal dimension

Gender dimension

The basic idea is to work out the index for all institutions with the specific aim of increasing the representation of under-represented groups in them by drawing their attention to the lack of diversity that currently exists.

The concept of measurement of diversity has its roots in the literature on ecology and bio-diversity. In ecology, a Diversity Index is a statistic that measures the bio-diversity of the ecosystem by measuring the number of species in the ecosystem and their abundance (species richness and species evenness). Some examples of commonly used indices are Simpson's Index or Shannon's Diversity Index.

## **Employment and Wellbeing**

The relative employment situation of Socio-religious Categories (SRCs which combine both religion and social groups) has not undergone much change since the adoption of the Sachar Committee Report.

This Committee recommends efforts, including active outreach, recruitment and scholarships, by both government and private universities to increase participation of Muslims in higher education, as well as increased access to high quality professional and technical education to help Muslim youth move to better quality employment.

The share of minorities in government employment remains low – less than half of the share of their total population in the country – despite all efforts. This must be corrected by government-led planned and targeted recruitment drives in a time bound manner.

## **Housing and Basic Amenities**

Housing conditions particularly in urban areas for different socio-religious groups suggest that Muslims households live in poorer conditions than other groups. It is also commonly observed that settlements, both rural and urban, with high proportions of Muslim minority residents, lack most basic services, required for dignified survival. These deprivations are similar to the condition of SC and ST settlements as well. It is therefore recommended that

- Government's umbrella schemes of the PM's New 15 Point Programme and the Multi-sectoral
- Development Plan for the welfare of Muslims (MsDP) should be used with a clear time-bound target.
- All such settlements, rural and urban, should have a minimum basic services like ICDS services; clean drinking water, individual sanitation; sewerage & drainage; pucca roads; electrification etc

## **Access to Health**

The natural advantage that Muslims (largely due to internal cultural norms), have demonstrated in terms of initial health outcomes (better sex ratio, better life expectancy at birth, better child survival for both girls and boys) is reversed due to unequal access to health care and amenities.

Recommendations: Targeting and monitoring of health interventions under National Health Mission (NHM) and RSBY by socio-religious community. Special drives should be taken up for recruitments of ASHA, Anganwadi workers and ANMs in the Muslim dominated blocks.

#### **Access to Education:**

The level of literacy among Muslims was lower than Hindus and yet gender disparity was lower among the Muslims. At all levels of education, the outcome indicators for the Muslims were closer to the ST community with the lowest attainment. The enrolment of Muslim children in primary school was fairly high but came down significantly at higher levels of education. This implies that the Muslim community, irrespective of gender and rural-urban residence, are less likely to attain Secondary and Higher Secondary level of education. The Muslim community also had far lesser number of graduates and technically educated persons.

Recommendations: Committee gave extensive recommendations from primary school to technical education. It includes implementation of remodelled ITI programme, increase level of scholarships at all levels, rigorously implement and monitor the Mid-day Meal Scheme in schools in Muslim dominated areas and improve teacher quality.

#### **Schemes and Programmes: Structure, Implementation & Monitoring:**

Commission noted that, under the Prime Minister's 15 Point Programme (15 PP), only some scheme are targeted at minorities and calls for urgent course correction in detailed assessment and budgetary allocations. This committee recommends expansion of the 15 PP to include other schemes such as MGNREGA, and the recent Pradhan Mantri Jan Dhan Yojana towards financial inclusion.

In addition, the committee, (as it mentioned in the covering letter to the ministry), evaluated all other flagship programmes run by the ministry and also examined trends in consumption expenditure, poverty estimates, access to food and PDS, MGNREGA and Aadhaar.

Commission also gave recommendations on 'Empowerment of Muslim Women', Institutional Restructuring Maulana Azad Educational Foundation (MAEF) and Waqf related issues.

## **Prime Minister's 15 point Programme for minorities**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

**Prime Minister's 15 point Programme for minorities** It is a programme approved by the Union Government in June 2006 for welfare of religious minorities.

### **OBJECTIVES**

The Prime Minister's New 15 Point Programme for the Welfare of Minorities provides programme specific interventions, with definite goals which are to be achieved in a specific time frame. The objectives of the programme are:

- (a) Enhancing opportunities for education;
- (b) Ensuring an equitable share for minorities in economic activities and employment, through existing and new schemes, enhanced credit support for self-employment, and recruitment to State and Central Government jobs;
- (c) Improving the conditions of living of minorities by ensuring an appropriate share for them in infrastructure development schemes; and
- (d) Prevention and control of communal disharmony and violence.

Union Government has allocated 15% of plan outlays for implementation of the 15 points such as:

1. Equitable availability of the Integrated Child Development Services (ICDS)
2. Improving access to School Education
3. Greater resources for teaching Urdu
4. Modernizing Madrasa Education
5. Scholarships for meritorious students from minority communities
6. Improving educational infrastructure through the Maulana Azad Education Foundation.
7. Self-Employment and Wage Employment for the poor
8. Upgradation of skill through technical training
9. Enhanced credit support for economic activities
10. Recruitment to State and Central Services
11. Equitable share in rural housing scheme
12. Improvement in condition of slums inhabited by minority communities.
13. Prevention of communal incidents
14. Prosecution for communal offences
15. Rehabilitation of victims of communal riots.

The 15-Point Programme focuses on earmarking certain outlays of various developmental schemes and programmes of the Government of India amongst the eligible beneficiaries, based on their minority status.

# Summary of Sachar Committee Report

## Background

On March 9, 2005 the Prime Minister issued a Notification for the constitution of a High Level Committee to prepare a report on the social, economic and educational status of the Muslim community of India.

The seven-member High Level Committee, chaired by Justice Rajindar Sachar, submitted its final report to the Prime Minister on November 17, 2006. The Government tabled the Justice Rajindar Sachar Committee Report in Parliament on November 30<sup>th</sup>.

The Sachar Committee has compiled data from a number of sources. The report frames these issues as related to identity, security and equity. Barring some generic observations about the causes for the 'development deficit' among Muslims, there is no explicit or detailed discussion of the causes of such conditions.

## Main Recommendations

The Committee made a number of recommendations to address the status of the Muslim community in India, including:

- Set up an Equal Opportunity Commission to look into grievances of deprived groups like minorities.
- Create a nomination procedure to increase participation of minorities in public bodies.
- Establish a delimitation procedure that does not reserve constituencies with high minority population for SCs.
- Increase employment share of Muslims, particularly where there is great deal of public dealing. Work out mechanisms to link *madarsas* with higher secondary school board.
- Recognise degrees from *madarsas* for eligibility in defence, civil and banking examinations.

The Committee suggested that policies should "sharply focus on inclusive development and 'mainstreaming' of the Community while respecting diversity." For a more detailed summary of the Committee's recommendations, see Appendix 1.

## Terms of Reference

The Committee's mandate was to:

(a) Obtain relevant information and conduct a literature survey on the relative social, economic and educational status of Muslims in India at the state, regional and district levels;

(b) determine the level of their socio-economic development;

(c) determine the relative share in public and private sector employment;

(d) determine the proportion of OBCs from Muslim community in the total OBC population in various states,

(e) determine access to education and health services, municipal infrastructure and bank credit provided by Government/ public sector entities.

## Key Findings

**Population.** According to the 2001 Census, India's Muslim population was about 138 million (about 13.4% of the total population), and by 2006 the Muslim population would be over 150 million. The report states, "In India, populations of all major religions have experienced large growth in the recent past, but the growth among Muslims has been higher than average." Between 1961 and 2001 the percent of Muslim population increased from 10.7% to 13.4%.

**Table 1: Population Composition and Growth Rates (Percentage)**

	All	Hindu	Muslim	Christian	Sikh	Buddh	Jain	Other
1961	100	83.4	10.7	2.4	1.8	0.7	0.5	0.4
1971	100	82.7	11.2	2.6	1.9	0.7	0.5	0.4
1981	100	82.3	11.7	2.4	1.9	0.7	0.5	0.4
1991	100	81.5	12.6	2.3	1.9	0.8	0.4	0.4
2001	100	80.5	13.4	2.3	1.9	0.8	0.4	0.7
Increase (1961-2001)	134	126	194	124	145	144	108	286
Annual growth (exponential)	2.13	2.04	2.70	2.02	2.24	2.23	1.84	3.38

Muslims have a higher share in the younger age groups.

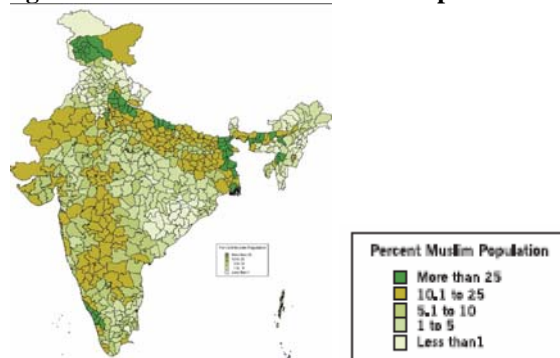
**Table 2: Age-Sex Distribution of All Population and Muslim Population, India 2001 (Percentage)**

	All religions		Muslims	
	Male	Female	Male	Female
0-9	23.2	23.1	27.1	27.4
10-19	22.4	21.2	24.8	23.8
20-29	16.5	17.2	15.9	16.4
30-39	13.8	14.4	12.4	13.0
40-49	10.3	9.7	8.8	8.3
50+	13.4	14.0	10.7	11.0
Age not stated	0.3	0.2	0.3	0.2

The Committee estimates the proportion of Muslims to rise to 18% to 21% by 2101 under different scenarios. There has been a decline in the growth rate among all groups between 1991 and 2001, including for Muslims

in most states. The states with the highest percentage of Muslims include Jammu & Kashmir (67%), Assam (30.9%), West Bengal (25.2%), and Kerala (24.7%).

**Figure 1: Concentration of Muslim Population**



Though the sex ratio among Muslims at 936 girls per 1000 boys is only marginally better than the national average of 933, the figure for the 0-6 age group is better at 950 (927 for all religions).

**Educational Conditions.** The literacy rate among Muslims in 2001 was 59.1%, below the national average (64.8%) with the gap greatest in urban areas. In many states, Muslim literacy levels were higher than those of SCs and STs.

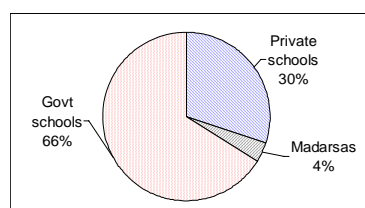
**Table 3: Literacy rates (2001)**

	All India	Rural			Urban		
		All	Male	Female	All	Male	Female
All	64.8	59	71	46	80	86	73
Hindu	65.1	59	72	46	81	88	74
SC/ST	52.2	49	61	36	68	78	58
Muslim	59.1	53	62	43	70	76	63
Others	70.8	64	77	52	85	90	78

However, the highest increase in school enrolment rates over the past five years have occurred among SCs/STs (with 95% increase) followed by Muslims (65%).

The report also noted that despite a common belief that a large number of Muslim children attend *madarsas* for primary education, only 3% of Muslim children among the school going age go to *madarsas*. Instead, many Muslim children are enrolled in *Maktabs*, which provide supplementary religious education in addition to enrolment in public schools.

**Table 4: Distribution of Enrolled Muslim Children Aged 7-16 Years by Type of School**



**Higher Education.** According to the 2001 Census, 7% of the population aged 20 years and above are graduates or hold diplomas, while only 4% among the Muslim population does. The Committee Report notes that the gap between Muslims and other Socio Religious Categories (SRCs) increases as the level of education increases, and that unemployment rates among Muslim graduates is the highest among SRCs both among the poor and the non-poor.

**Table 5: Children Currently Studying as a Proportion of Population by Age Groups – 2004-05**

Age	Hindus			Muslims	Other Minorities
	Gen	OBC	SCs/STs		
6-13	19.1 (17.3)	36.1 (35.5)	25.7 (27.4)	14.0 (15.1)	5.1 (4.8)
14-15	24.3 (19.1)	36.1 (35.2)	21.4 (25.2)	12.2 (14.5)	6.0 (5.3)
16-17	28.9 (21.1)	33.7 (35.0)	20.2 (24.7)	10.7 (14.0)	6.3 (5.1)
18-22	34.0 (20.8)	30.5 (34.4)	17.7 (25.5)	10.2 (13.9)	7.6 (5.5)
23 & up	35.6 (23.9)	29.2 (35.1)	18.3 (24.1)	7.4 (10.9)	9.5 (5.9)

Note: Figures in parentheses show the proportion of the community in the respective age-group.

## Economy and Employment & Government

**Employment and Programmes.** Worker population ratios for Muslims are significantly lower than for all other SRCs in rural areas, but only marginally lower in urban areas. The lower ratios are mainly due to much lower participation in economic activity by Muslim women.

**Table 6: Salaried Workers Employed in Government, Public & Large Private Sectors (2004-05) (%)**

	All	
	Govt	Pub/ Pvt
All	34.2	13.1
All Hindus	35.3	13.9
- SC/ST	39.4	9.5
- OBCs	30.4	12.8
- Upper Caste	37.4	17.1
Muslim	23.7	6.5
Others	35.8	12.8

According to the Committee Report, “the most striking feature is the relatively high share of Muslim workers engaged in self-employment activity,” primarily in urban areas and for women workers. Participation of Muslim salaried workers in both the public and private sectors is quite low (as is true for SCs/STs), and the average salary of Muslim workers is lower than others (possibly, as more Muslims are in inferior jobs).

Participation of Muslim workers in the informal sector is much higher than the average population, and the

percentage of Muslim women working within their homes (70%) is much higher than all workers (51%).

Muslims participation rates in traditional manufacturing and trade (especially wearing apparel, auto-repair and electrical machinery) is much higher than for other groups, while their participation in the agricultural section is lower. Also, Muslim participation rates in security related activities, such as the police, was 4% as compared to SCs/STs at 12% and OBCs at 23% each.

**Table 7: Percentage Muslims of Total Population engaged in Government-related Employment**

Government-related Employment	% Muslim
IAS	3.0
IFS	1.8
IPS/Security Agencies	4.0
Indian Railways	4.5
Education Department (state level)	6.5
Home Department (state level)	7.3
Police constables	6.0
Health Departments	4.5
Transport Department	6.5
Judiciary Employment	7.8

According to the report, the overall participation of Muslims in Central Government departments and agencies is abysmally low at all levels. There is not one state in which the representation of Muslims in the government departments matches their population share.

**Table 8: Share of Muslim Employees in Selected State Government Departments**

States	Muslim Pop.	Education		Home		Health		Transport	
		HP	LP	HP	LP	HP	LP	HP	LP
Kerala	24.7	13.0	11.7	10.8	10.7	11.2	10.2	9.4	9.2
UP	18.5	-	-	8.1	9.9	4.3	5.6	1.9	4.9
Bihar	16.5	14.8	11.8	5.9	7.1	-	2.6	8.3	10.9
Assam	30.9	-	-	9.3	11.5	8.0	11.1	13.9	11.5
Jharkhand	13.8	-	-	5.7	7.6	6.0	3.2	-	-
Karnataka	12.2	5.0	12.4	3.6	4.2	4.7	5.0	16.8	7.0
Delhi	11.7	5.9	7.2	1.5	2.3	1.0	1.8	1.4	1.1
Maharashtra	10.6	2.9	4.7	4.2	4.2	2.6	3.3	-	-
Gujarat	9.1	1.7	4.5	5.6	5.6	2.2	1.5	9.4	16.3
Tamil Nadu	5.6	5.8	5.3	0.0	2.6	4.6	3.3	1.0	2.6
Sum of states	16.0	5.7	6.2	8.7	5.6	4.4	3.5	1.6	6.9

HP-higher positions; LP-lower positions

Employment of Muslims is also very low in the Universities, Banks, and central PSUs.

**Access to Bank Credit.** The Committee reports that the access of Muslims to bank credit is low and inadequate. The average size of credit is low compared with other SRCs. The 2001 Census shows that the percentage of households availing banking facilities is much lower in villages with high Muslim populations. Some banks have identified a number of Muslim areas as ‘negative

geographical zones’ where bank credit and other facilities are not easily provided. The average amount lent per account to Muslims is about half that of other Minorities, and one-third of “others”.

**Table 9: Bank Credit (Amount outstanding) (%)**

	Muslims	Other Minorities	Others
Pvt sector banks	6.6	7.9	85.5
PSU banks	4.6	6.3	89.1

The Committee Report states, “The financial exclusion of Muslims has far-reaching implications for their socio-economic and educational upliftment...steps should be introduced to specifically direct credit to Muslims, create awareness of various credit schemes and bring transparency in reporting of information.”

### Access to Social and Physical Infrastructure

There is a clear and significant inverse association between the proportion of the Muslim population and the availability of educational infrastructures in small villages. Studies found that, compared to the Muslim majority areas, the areas inhabited by fewer Muslims had better roads, local bus-stops, *pucca* houses, sewage and drainage and water supply facilities.

The Committee highlighted the following points:

- About one third of small villages with high concentration of Muslims do not have any educational institutions.
- About 40% of large villages with a substantial Muslim concentration do not have any medical facilities.

### Poverty, Consumption and Standards of Living.

Muslims face fairly high levels of poverty. Their conditions on the whole are only slightly better than those of SCs/STs, though slightly worse in urban areas. According to NSSO data, overall 22.7% of India’s population was poor in 2004-05 (251 million people), with SC/STs together as the worst off (at 35%), followed by Muslims at 31%.

The report shows comparisons between consumption expenditures across SRCs. Relative deprivation of the Muslim community in terms of consumption expenditure is much higher in urban areas than in rural.

**Table 10: Mean Per Capita Expenditure by Place of Residence and SRCs, 2004-05 (Rs)**

	All	Muslim	Hindu-General	Hindu-OBC	SC/ST
Urban	1105	800	1469	955	793
Rural	579	553	739	567	468
All	712	635	1023	646	520

A substantially larger proportion of the Muslim households in urban areas are in the less than Rs 500 expenditure bracket. Poverty among Muslims has

declined in rural areas by 12%, whereas the economic conditions of Muslims in urban areas have not improved as much as other of other SRCs.

### **Muslim OBC and Affirmative Action**

The report compares the status of Muslims who are not listed as OBCs and thus do not qualify for reservations with Muslim OBCs. At least 82 different social groups among Muslims were declared OBCs by the Mandal Commission. According to the last round of the NSSO survey, 40.7% of Muslims are Muslim OBCs, which is 15.7% of the total OBC population of the country.

According to the report, “the abysmally low representation of Muslim OBCs suggests that the benefits of entitlements meant for the backward classes are yet to reach them.” The conditions of the general Muslim category are lower than the Hindu- OBCs who have the benefit of reservation. However, the conditions of Muslim-OBCs are worse than those of the general Muslim category. The three groups of Muslims in India- *ashrafs*, *ajlafs* and *arzals*, (in order of “caste” hierarchy) require different types of affirmative action.

**(Prepared by Priya Parker on December 7, 2006)**

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## Appendix 1

### Main Committee Recommendations

- Set up an Equal Opportunity Commission to look into grievances of deprived groups like minorities.
- Create a 'nomination' procedure to increase participation of minorities in public bodies.
- Provide legal mechanism to address complaints of discrimination against minorities in matters of employment, housing, schooling and obtaining bank loans.
- Establish a delimitation procedure that does not reserve constituencies with high minority population for SCs.
- Initiate and institutionalise a process of evaluating contents of textbooks to purge them of explicit and implicit material that may impart inappropriate social values, especially religious intolerance.
- Create a National Data Bank (NDB) where all relevant data for various socio-religious categories are maintained.
- Set up an autonomous assessment and monitoring authority to evaluate the extent of development benefits.
- Encourage the University Grants Commission to evolve a system where part of allocation to colleges and universities is linked to diversity in student population.
- Facilitate admissions to the most backward amongst all socio-religious categories in regular universities and autonomous colleges and evolving alternate admission criteria
- Provide different types of affirmative action to three main Muslim groups (ashrafs, ajlafs and arzals): Designate Arzals Muslim group as most backward classes as they need multifarious measures, including reservation. Provide Hindu-OBC-type attention to Ajlaf Muslim group.
- Provide financial and other support to initiatives built around occupations where Muslims are concentrated and that have growth potential.
- Increase employment share of Muslims, particularly where there is great deal of public dealing. Working out mechanisms to link *madarsas* with higher secondary school board.
- Recognise degrees from *madarsas* for eligibility in defence, civil and banking examinations.
- Provide hostel facilities at reasonable costs for students from minorities on a priority basis.
- Promote and enhancing access to Muslims in 'Priority Sector Advances'.
- Include in teacher training components that introduce importance of diversity and plurality and sensitising teachers towards needs and aspirations of Muslims and other marginalised communities.
- Open high quality Urdu medium schools wherever they are in demand and ensuring high quality textbooks for students in the Urdu language.
- Draw Muslims on relevant interview panels and boards.
- Improve participation and share of minorities, particularly Muslims, in business of regular commercial banks.
- Set up a national Wakf development corporation with a revolving corpus fund of Rs 500 crore.
- Create new cadre to deal with specific Wakf affairs.

## Human Development Index

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

The HDI is a summary measure for assessing progress in three basic dimensions of human development: a long and healthy life, access to knowledge and a decent standard of living. A long and healthy life is measured by life expectancy at birth. Knowledge level is measured by mean years of education among the adult population, which is the average number of years of education received in a life-time by people aged 25 years and older; and access to learning and knowledge by expected years of schooling for children of school-entry age, which is the total number of years of schooling a child of school-entry age can expect to receive if prevailing patterns of age-specific enrolment rates stay the same throughout the child's life. The standard of living is measured by Gross National Income (GNI) per capita expressed in 2011 international dollars converted using purchasing power parity (PPP) conversion rates.

To ensure as much cross-country comparability as possible, the HDI is based primarily on international data from the UN Population Division, UNESCO and World Bank.

The HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. Economic growth is a mean to that process, but is not an end by itself. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities.

HDI was developed by Pakistani economist Mahbub ul Haq for the UNDP. The index is based on the human development approach, developed by UI Haq, often framed in terms of whether people are **able to "be" and "do"** desirable things in life. Examples include—Beings: well fed, sheltered, healthy; Doings: work, education, voting, participating in community life. It must also be noted that the freedom of choice is central—someone choosing to be hungry (e.g. during a religious fast) is quite different to someone who is hungry because they cannot afford to buy food.

The explicit purpose of HDI is "to shift the focus of development economics from national income accounting to people-centered policies". Haq believed that a simple composite measure of human development was needed to convince the public, academics, and politicians that they can and should evaluate development not only by economic advances but also improvements in human well-being.

2016 Human Development Report draws from and builds on the 2030 Agenda for Sustainable Development that the 193 member states of the United Nations endorsed in 2015—and the 17 Sustainable Development Goals (SDGs) the world has committed to achieve.

**Criticism** The Human Development Index has been criticized on a number of grounds, including alleged lack of consideration of technological development or contributions to the human civilization, focusing exclusively on national performance and ranking, lack of attention to development from a global perspective, measurement error of the underlying statistics, and on the UNDP's changes in formula which can lead to severe misclassification in the categorisation of 'low', 'medium', 'high' or 'very high' human development countries. The HDI is

also criticized as it simplifies and captures only part of what human development entails. It does not reflect on inequalities, poverty, human security, empowerment, etc

**India's HDI** India's HDI value for 2015 is 0.624— which put the country in the medium human development category— positioning it at 131 out of 188 countries and territories.

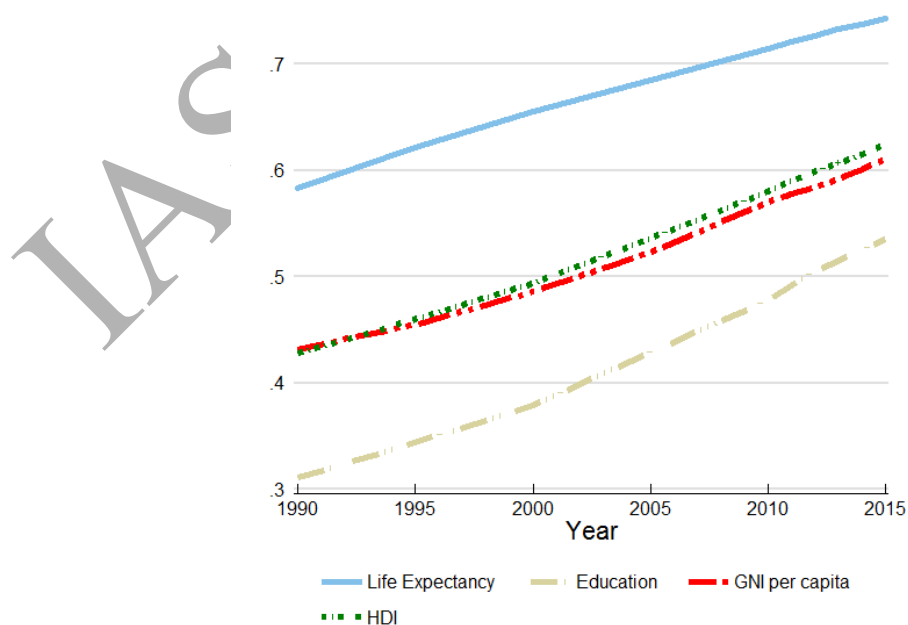
Between 1990 and 2015, India's HDI value increased from 0.428 to 0.624, an increase of 45.7 %. Table A reviews India's progress in each of the HDI indicators. Between 1990 and 2015, India's life expectancy at birth increased by 10.4 years, mean years of schooling increased by 3.3 years and expected years of schooling increased by 4.1 years. India's GNI per capita increased by about 223.4 % between 1990 and 2015.

**Table A: India's HDI trends based on consistent time series data**

	Life expectancy at birth	Expected years of schooling	Mean years of schooling	GNI per capita (2011 PPP\$)	HDI value
1990	57.9	7.6	3.0	1,751	0.428
1995	60.4	8.2	3.5	2,035	0.460
2000	62.6	8.3	4.4	2,495	0.494
2005	64.5	9.7	4.8	3,191	0.536
2010	66.5	10.8	5.4	4,358	0.580
2011	66.9	11.3	5.3	4,594	0.590
2012	67.3	11.5	5.6	4,776	0.599
2013	67.6	11.6	5.8	5,027	0.607
2014	68.0	11.6	6.1	5,329	0.615
2015	68.3	11.7	6.3	5,663	0.624

Figure1 below shows contribution of each component index to India's HDI since 1990.

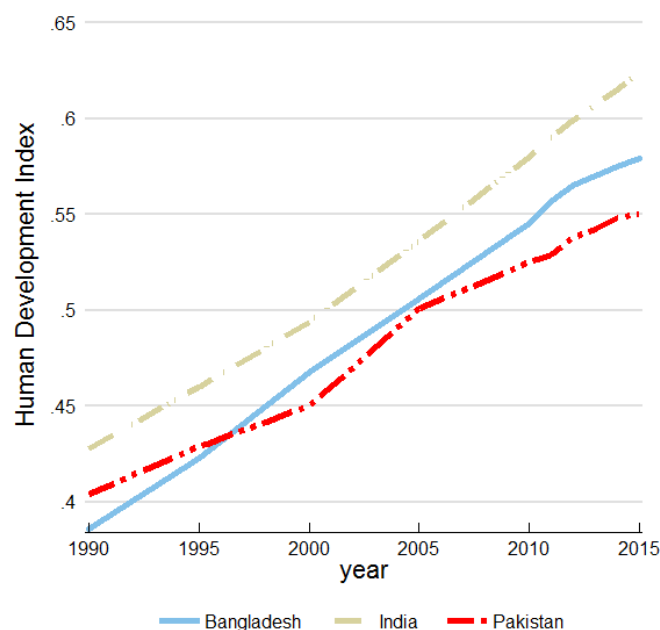
**Figure 1: Trends in India's HDI component indices 1990-2015**



## Progress relative to other countries

The human development progress, as measured by the HDI, can usefully be compared to other countries. During the period between 1990 and 2015 India, Bangladesh and Pakistan experienced different degrees of progress toward increasing their HDIs (figure 2).

**Figure 2: HDI trends for India, Bangladesh & Pakistan (1990-2015)**



India's 2015 HDI of 0.624 is below the average of 0.631 for countries in the medium human development group and above the average of 0.621 for countries in South Asia. From South Asia, countries which are close to India in 2015 HDI rank and to some extent in population size are Bangladesh and Pakistan, which have HDIs ranked 139 and 147 respectively (see table B).

**Table B: India's HDI and component indicators for 2015 relative to selected countries**

	HDI value	HDI rank	Life expectancy at birth	Expected years of schooling	Mean years of schooling	GNI per capita (PPP US\$)
India	0.624	131	68.3	11.7	6.3	5,663
Bangladesh	0.579	139	72.0	10.2	5.2	3,341
Pakistan	0.550	147	66.4	8.1	5.1	5,031
South Asia	0.621	—	68.7	11.3	6.2	5,799
Medium HDI	0.631	—	68.6	11.5	6.6	6,281

**Inequality-adjusted HDI (IHDI)** HDI is an average measure of basic human development achievements in a country. Like all averages, the HDI masks inequality in the distribution of human development across the population at the country level. The 2010 HDR introduced the IHDI, which takes into account inequality in all three dimensions of the HDI by 'discounting' each dimension's average value according to its level of inequality. The IHDI is basically the HDI discounted for inequalities. The 'loss' in human development due to inequality is given by the difference between the HDI and the IHDI, and can be

expressed as a %age. As the inequality in a country increases, the loss in human development also increases. We also present the coefficient of human inequality as a direct measure of inequality which is an unweighted average of inequalities in three dimensions.

India's HDI for 2015 is 0.624. However, when the value is discounted for inequality, the HDI falls to 0.454, a loss of 27.2 % due to inequality in the distribution of the HDI dimension indices. Bangladesh and Pakistan show losses due to inequality of 28.9 % and 30.9 % respectively. The average loss due to inequality for medium HDI countries is 25.7 % and for South Asia it is 27.7 %. The Human inequality coefficient for India is equal to 26.5 %.

**Table C: India's IHDI for 2015 relative to selected countries and groups**

	IHDI value	Overall loss (%)	Human inequality coefficient (%)	Inequality in life expectancy at birth (%)	Inequality in education (%)	Inequality in income (%)
<b>India</b>	0.454	27.2	26.5	24.0	39.4	16.1
<b>Bangladesh</b>	0.412	28.9	28.6	20.1	37.3	28.3
<b>Pakistan</b>	0.380	30.9	29.6	32.8	44.4	11.6
<b>South Asia</b>	0.449	27.7	27.1	23.9	39.5	17.8
<b>Medium HDI</b>	0.469	25.7	25.5	22.6	33.7	20.1

**Gender Development Index (GDI)** GDI is defined as a ratio of the female to the male HDI. The GDI reflects gender inequalities in achievement in the same three dimensions of the HDI: health (measured by female and male life expectancy at birth), education (measured by female and male expected years of schooling for children and mean years for adults aged 25 years and older); and command over economic resources (measured by female and male estimated GNI per capita).

The female HDI value for India is 0.549 in contrast with 0.671 for males, resulting in a GDI value of 0.819, which places the country into Group 5. In comparison, GDI values for Bangladesh and Pakistan are 0.927 and 0.742 respectively (see Table D).

**Table D: India's GDI for 2015 relative to some countries**

	Life expectancy at birth		Expected years of schooling		Mean yrs of schooling		GNI per capita		HDI values		F-M ratio
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	GDI value
<b>India</b>	69.9	66.9	11.9	11.3	4.0	8.2	2,184	8,897	0.549	0.671	0.819
<b>Bangladesh</b>	73.3	70.7	10.4	9.9	5.0	5.6	2,379	4,285	0.556	0.599	0.927
<b>Pakistan</b>	67.4	65.4	7.4	8.8	3.7	6.5	1,498	8,376	0.452	0.610	0.742
<b>South Asia</b>	70.2	67.4	11.3	11.1	4.0	7.8	2,278	9,114	0.549	0.667	0.822
<b>Medium HDI</b>	70.4	66.8	11.5	11.3	5.0	7.8	3,314	9,131	0.582	0.668	0.871

### Gender Inequality Index

GII reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity. Reproductive health is measured by maternal mortality and adolescent birth rates; empowerment is measured by the share of parliamentary seats held by women and attainment in secondary and higher education by each gender; and economic activity is measured by the labour market participation rate for women and men. The GII can be interpreted as the loss in human development due to inequality between female and male achievements in the three GII dimensions.

India has a GII value of 0.530, ranking it 125 out of 159 countries in the 2015 index. In India, 12.2 % of parliamentary seats are held by women, and 35.3 % of adult women have reached at least a secondary level of education compared to 61.4 % of their male counterparts. For every 100,000 live births, 174 women die from pregnancy related causes; and the adolescent birth rate is 24.5 births per 1,000 women of ages 15-19. Female participation in the labour market is 26.8 % compared to 79.1 for men.

In comparison, Bangladesh and Pakistan are ranked at 119 and 130 respectively on this index.

**Table E: India's GII for 2015 relative to selected countries and groups**

	GII value	GII Rank	Maternal mortality ratio	Adolescent birth rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
						Female	Male	Female	Male
<b>India</b>	0.530	125	174	24.5	12.2	35.3	61.4	26.8	79.1
<b>Bangladesh</b>	0.520	119	176	83.0	20.0	42.0	44.3	43.1	81.0
<b>Pakistan</b>	0.546	130	178	38.7	20.0	26.5	46.1	24.3	82.2
<b>South Asia</b>	0.520	—	175	33.7	17.4	36.9	58.6	28.3	79.4
<b>Medium HDI</b>	0.491	—	164	40.8	19.9	40.4	57.6	37.2	79.4

**Multidimensional Poverty Index** MPI identifies multiple overlapping deprivations suffered by households in 3 dimensions: education, health and living standards. The education and health dimensions are each based on two indicators, while standard of living is based on six indicators. If the household deprivation score is 33.3 % or greater, the household is classified as multidimensionally poor. Households with a deprivation score greater than or equal to 20 % but less than 33.3 % live near multidimensional poverty. Finally, households with a deprivation score greater than or equal to 50 % live in severe multidimensional poverty.

In India (2006), 55.3 % of the population are multidimensionally poor while an additional 18.2 % live near multidimensional poverty. The breadth of deprivation (intensity) in India, which is the average deprivation score experienced by people in multidimensional poverty, is 51.1 %. MPI is the share of the population that is multi-dimensionally poor, adjusted by the intensity of the deprivations. India's MPI is 0.282. Bangladesh and Pakistan have MPIs of 0.188 and 0.237 respectively.

Table F compares multidimensional poverty with income poverty, measured by the %age of the population living below PPP US\$1.90 per day. It shows that income poverty only tells part of the story. The multidimensional poverty headcount is 34.1 %age points higher than income poverty. This implies that individuals living above the income poverty line may still suffer deprivations in education, health and other living conditions. Table F also

shows the %age of India's population that lives near multidimensional poverty and that lives in severe multidimensional poverty. The contributions of deprivations in each dimension to overall poverty complete a comprehensive picture of people living in multidimensional poverty in India.

**Table F: The most recent MPI for India relative to selected countries**

	Survey year	MPI value	Head-count (%)	Intensity of deprivations (%)	Population share (%)			Contribution to overall poverty of deprivations in (%)		
					Near poverty	In severe poverty	Below income poverty line	Health	Education	Living Standards
<b>India</b>	2005/2006	0.282	55.3	51.	18.2	27.8	21.2	32.5	22.7	44.8
<b>Bangladesh</b>	2014	0.188	40.7	46.	19.6	16.0	18.5	26.1	28.4	45.5
<b>Pakistan</b>	2012/2013	0.237	45.6	52.	14.9	26.5	6.1	32.3	36.2	31.6

## POVERTY IN INDIA

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### Poverty Estimation

Planning Commission was the nodal agency of the Government of India for estimation of poverty. The incidence of poverty is measured by the poverty ratio, which is the ratio of number of poor to the total population expressed as percentage. Planning Commission estimates levels of poverty in the country on the basis of consumer expenditure surveys conducted by the National Sample Survey Office of the Ministry of Statistics and Programme Implementation. The methodology to measure poverty, as devised by Y K Alagh in 1979 has been improvised by Lakdawala in 1993 and then by Tendulkar in 2009.

**Table 1: National poverty estimates (% below poverty line) (1993 – 2012)**

Year	Rural	Urban	Total
1993 – 94	50.1	31.8	45.3
2004 – 05	41.8	25.7	37.2
2009 – 10	33.8	20.9	29.8
2011 – 12	25.7	13.7	21.9

### History of poverty estimation in India

**Pre independence poverty estimates:** One of the earliest estimations of poverty was done by Dadabhai Naoroji in his book, 'Poverty and the Un-British Rule in India'. The poverty line proposed by him was based on the cost of a subsistence diet consisting of rice or flour, dal, mutton, vegetables, ghee, vegetable oil and salt. In 1938, National Planning Committee estimated a poverty line ranging from Rs 15 to Rs 20 / capita / month. NPC also formulated its poverty line based on 'a minimum standard of living perspective in which nutritional requirements are implicit'. In 1944, the authors of the 'Bombay Plan' (Thakurdas et al) suggested a poverty line of Rs 75 / capita / year.

**Post independence poverty estimates:** In 1962, the Planning Commission constituted a working group to estimate poverty nationally, and it formulated separate poverty lines for rural and urban areas – of Rs 20 and Rs 25 / capita / year respectively. Dandekar and Rath made the first systematic assessment of poverty in India in 1971, based on National Sample Survey data from 1960-61. They argued that the poverty line must be derived from the expenditure that was adequate to provide 2250 calories / day in both rural and urban areas.

**Alagh Committee (1979):** YK Alagh Committee constructed a poverty line for rural & urban areas based on nutritional requirements & related consumption expenditure (1973-74 prices)

**Lakdawala Committee (1993):** Lakdawala made the following suggestions: (i) consumption expenditure should be calculated based on calorie consumption as earlier; (ii) state specific



poverty lines should be constructed and these should be updated using the Consumer Price Index of Industrial Workers (CPI-IW) in urban areas and Consumer Price Index of Agricultural Labour (CPI-AL) in rural areas.

**Tendulkar Committee (2009):** It recommended 4 major changes: (i) a shift away from calorie consumption based poverty estimation; (ii) a uniform poverty line basket (PLB) across rural and urban India; (iii) a change in the price adjustment procedure; and (iv) incorporation of private expenditure on health and education while estimating poverty.

It based its calculations on the consumption of the following items: cereal, pulses, milk, edible oil, non-vegetarian items, vegetables, fresh fruits, dry fruits, sugar, salt & spices, other food, intoxicants, fuel, clothing, footwear, education, medical (non-institutional and institutional), entertainment, personal & toilet goods, other goods, other services and durables.

It concluded that the all India poverty line was Rs 446.68 / capita / month (rural) and Rs 578.80 / capita / month (urban) in 2004-05.

**% BPL population as per Lakdawala Committee & Tendulkar Committee for 2004-05**

Committee	Rural	Urban	Total
Lakdawala Committee	28.3	25.7	27.5
Tendulkar Committee	41.8	27.5	37.2

**National poverty line (in Rs/ capita/ month) for various years (Tendulkar)**

Year	Rural	Urban
2004-05	446.7	578.8
2009-10	672.8	859.6
2011-12	816.0	1000.0

**RANGARAJAN COMMITTEE (2012-14)** recommendations are as follows:

i. Poverty line should be based on certain normative levels of adequate nourishment, clothing, house rent, conveyance & education, and a behaviorally determined level of other non-food expenses.

ii. It computed the average requirements of calories, proteins and fats based on ICMR norms differentiated by age, gender and activity for all-India rural and urban regions to derive the normative levels of nourishment. Accordingly, the energy requirement works out to **2,155 kcal / person / day (rural) and 2,090 kcal / person / day (urban)**. Rangarajan views the Calorie norm as an average in band of +-10% of these values.

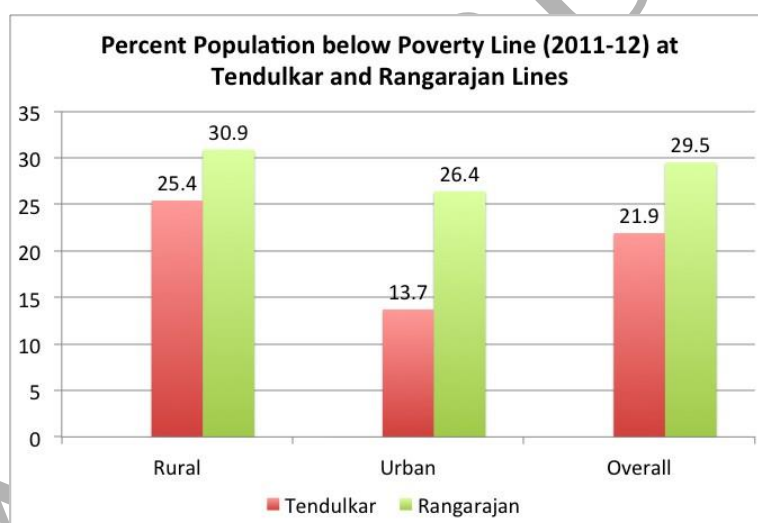
iii. The protein and fat requirements have been estimated as 48 gms and 28 gms / capita / day, respectively (rural); and 50 gms and 26 gms /capita / day (urban).

iv. A food basket that simultaneously meets all the normative requirements of the 3 nutrients defines the food component of the proposed poverty line basket. These nutrient norms are met for 25-30% persons in rural areas and for 15-20% in urban areas in 2011-12. The average monthly / capita consumption expenditure on food in these fractile classes is Rs.554 (rural) & Rs.656 (urban).

v. Median fractile(45-50%) values of clothing, rent, conveyance & education expenses are treated as the normative requirements of the basic non-food expenses. This works out to Rs.141/capita/month(rural) and Rs.407(urban). The observed expenses of all other non-food expenses of the fractile classes that meet nutrition requirements are considered as part of the poverty line basket. This works out to Rs.277 (rural) and Rs.344 (urban).

vi. **New poverty line thus work out to monthly / capita consumption expenditure of Rs.972 (rural) and Rs.1,407 (urban) in 2011-12.** For a family of five, this translates into a monthly consumption expenditure of Rs.4,860 (rural) and Rs.7,035 (urban).

vii. **Rangarajan estimates that the 30.9% of the rural population and 26.4% of the urban population was below the poverty line in 2011-12. The all-India ratio was 29.5%.**



viii. Rangarajan uses the Modified Mixed Recall Period (MMRP) consumption expenditure data of the NSSO as these are considered to be more precise compared to the MRP, which was used by Tendulkar and the URP, which was used by earlier estimations. 67% of the increase in the rural poverty line and 28% of the increase in the urban poverty line is because of the shift from MRP to MMRP.

ix. The poverty ratio has declined from 39.6% in 2009-10 to 30.9% in 2011-12 in rural India and from 35.1% to 26.4% in urban India. The decline was thus a uniform 8.7 %age points over the two years. The all-India poverty ratio fell from 38.2% to 29.5%. Totally, 91.6 million individuals were lifted out of poverty during this period.

### **POVERTY ALLEVIATION PROGRAMS**

After independence, the Government has launched several poverty alleviation programmes, some of these are as follows:

1. Legal elimination of bonded labourers.
2. Preventing the centralisation of wealth by modifying the law.
3. Antyodaya plan.
4. Small Farmers Development Programme (SFDP)
5. Drought Area Development Programme (DADP)
6. Twenty point programme
7. Food for work programme
8. Minimum needs programme (MNP)
9. Integrated Rural Development Programme (IRDP)
10. National Rural Employment Programme (NREP)
11. Rural Labour Employment Guarantee Programme (RLEGP)
12. TRYSEM scheme
13. Jawahar Rojgar Yojna (JRY)
14. Swarna Jayanti Gram Swarozgar Yojna.
15. National Social Assistance Programme (NSAP)
16. Rural Housing Programme.
17. Indira A was Yojana.
18. Pradhan Mantri Rojgar Yojna.
19. Nehru Rozgar Yojna (NRY)
20. Self-Employment Programme for the Urban Poor, (SEPUP)
21. Prime Minister's Integrated Urban Poverty Eradication Programme (PMIUPEP)

## **NITI Aayog's Taskforce on Elimination of Poverty in India**

### **Employment-Intensive Sustained Rapid Growth**

An integral part of a well-rounded and holistic anti-poverty strategy must be sustained rapid growth. Conceptually, sustained rapid growth works through two channels to rapidly reduce poverty. First, it creates well-paid jobs and raises real wages. Both factors raise incomes of poor households thereby directly denting poverty. Increased incomes help in another way: households are able to purchase and access education and health services. Second, rapid growth leads to growth in government revenues. In turn, enhanced revenues allow the expansion of social expenditures at faster pace.

### **Centrality of Agricultural Growth**

Any strategy for poverty reduction must tackle the issues facing rural India, which accounts for 68.8 per cent of the population. about 80% of India's poor live in rural areas, and livelihood of most of them is dependent directly or indirectly on the performance of agriculture. Agriculture and allied activities employed 49% of the total workforce in India. But the share of agriculture in the GDP at 2004-05 prices that year was only 14.4 per cent. One of the reasons for this skewed distribution of labour force in agriculture is the paucity of alternative livelihood opportunities either at village level or in the nearby townships and cities.

To break this cycle of poverty in rural areas, a two-pronged strategy is required: we must improve the performance of agriculture and create jobs in industry and services in both rural and urban areas.

### **Making Growth in Manufacturing and Services Employment Intensive**

While faster agricultural growth that raises rural wages and incomes is an effective means to bringing relief to the rural poor, we must bear in mind that bringing shared prosperity in the longer run requires healthy growth of employment- intensive manufacturing and services. In India, the fastest agriculture has grown over a continuous ten-year period in the recorded history is 4.7 % during the 1980s. In order that those employed in agriculture today may share in the prosperity of tomorrow, it is important that industry and services create jobs for them. This is how South Korea and Taiwan eliminated poverty during 1965-90 and China more recently.

However, successful sectors in India are not Employment Intensive- Fast growing manufacturing sectors such as auto, auto parts, two wheelers, engineering goods, chemicals and petroleum refining use very little low-skilled labor per unit of investment. Other fast growing sectors such as software, pharma, telecom and financial services use mostly skilled labor.

Sectors such as clothing, textiles, footwear, food processing and electronic goods, which employ lots of low and semi-skilled workers in which China has excelled have not done well in India. These employment intensive sectors are lagging in India because:

- These employment intensive sectors lack critical mass of large firms.
- This has impaired India's ability to capture the vast export markets
- In so far as large firms operate in the world markets, they catalyse technological change and high product quality.
- Their absence has meant low productivity of small and medium firms as well in these sectors.

### **What Must be Done?**

1. **Effective implementation of Make in India** i.e. Infrastructure (esp. power, roads and ports), Ease of Doing Business (including trade facilitation), Credit access for MSMEs, More flexible labor laws, Reform of the Land Acquisition Law, A Modern Bankruptcy Law, Skill Development & Tax certainty
2. **Making anti-poverty programs more effective**

### **Nutrition: National Food Security Act, 2013**

- ✓ Plugging Leakages- Aadhaar based verification of transactions, choice between subsidized Cereals and cash transfer
- ✓ Better balance in diet- Intensive information campaign, shift to cash transfers
- ✓ Need for reorientation of the subsidy- As per the SECC (Rural), 40% of the rural households satisfy one or more exclusion criteria. This greatly weakens the case for subsidy to more than 60% of the rural households under NFSA.

### **Nutrition: Midday Meal Scheme**

- Poor convergence of MDMS with the school health program.
- State specific guidelines are required for improved quality and safety of food
- 25% of schools lack kitchen sheds and prepare food in open. This is a major cause for concern as it impacts the safety of food students eat.

### **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)**

- Skill Development
- Durable assets
- Enforce the 60:40 wage: materials ratio to be maintained at the district level and allow contractors in the materials part of the expenditures
- Shortage of farm labour in peak season- Allow farmers to hire MGNREGA workers if they are willing to pay bulk of wages
- Consider MGNREGA holiday during peak season

## **Housing for All (Rural)**

- The scheme has progressed well overall but can be improved.
- Faces major challenge in selection of beneficiaries; SECC may be deployed to identify them.
- Gaps in reporting by the States on completion of houses against the physical targets and the updated progress is not reflected in the reporting system.
- States have to come forward with larger resources to meet the objectives of 'Housing for All by 2022' in the rural areas.
- Explore the scope for prefabricated houses

## **Housing for All (Urban)**

- Challenges of finding land for urban housing. Urban Land Ceilings and Regulation Act, low FSI and difficulties in the conversion of land from one use to another pose challenges
- Integration between land and transport planning is needed so that affordable housing is linked with public transport.
- Low-rent housing requires serious thinking since migrants can rarely afford to buy houses and, absent proper rental housing, seek recourse to slums.

## **New Approaches**

### **3. Targeting Five Poorest Families in Each Village**

- SECC based BPL list may be used for selection
- Gram Panchayat to ensure all Government program benefits reach them
- A modest cash transfer for a pre-specified time may top these benefits
- Aim - to ensure the target families become capable of earning & sustaining above-poverty level of income within 5-7 years
- Similar efforts in urban areas – 100 families in a municipality

### **4. Towards Cash Transfers: Jan Dhan Yojana, Aadhaar, Mobile (JAM) trinity**

JAM could play a vital role in widening the reach of government to vulnerable sections as:

1. Jan Dhan Yojana promise to eventually revolutionize the anti-poverty programmes by replacing the current cumbersome and leaky distribution of benefits under various schemes by the direct benefit transfers (DBT).
2. Aadhaar linked accounts permit aggregation of the information, the government would have an excellent database to assess the total volume of benefits accruing to each household.
3. It could pave the way for replacing countless schemes with consolidated cash transfers except in cases in which there are other compelling reasons to continue with in-kind transfers.

## CONSTITUTIONAL PROVISIONS RELATED TO RESERVATION

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### Preamble:

JUSTICE, social, economic and political;  
EQUALITY of status and of opportunity;

### Fundamental Rights:

Article 14: Equality before law and equal protection of laws

Art 15(1): State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth

Art 15(4) Nothing in said article will prevent state from making any special provision for advancement of any socially and educationally backward classes of citizens or for SCs & STs

Art 16 (1): Equal opportunity in matter of public employment

Art 16 (2): No citizen will be discriminated against on grounds only of religion, race, caste, sex or place of birth

Art 16 (4): Nothing in said article will prevent state from making provision for reservation in favour of any backward class of citizens which is NOT adequately represented in public services.

### Directive Principles of State Policy:

Art 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections: The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation

Art 340: Appointment of a Commission to investigate the conditions of backward classes

(1) The President may by order appoint a Commission to investigate the conditions of socially and educationally backward classes and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition.

## Annihilation of Caste

By Dr. B.R. Ambedkar

Among the numerous writings and speeches of Ambedkar that run into thousands of pages, The Annihilation of Caste is indeed his magnum opus.

Ambedkar argued that caste had no scientific basis. He painfully maintained that Hindu society was a collection of castes, fixed in watertight compartments with graded hierarchy that made an associated corporate life virtually impossible.

But most importantly, according to Ambedkar, caste destroyed the concept of ethics and morality. To quote him: "The effect of caste on the ethics of the Hindus is simply deplorable. Caste has killed public spirit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. A Hindu's public is his caste. His responsibility is to his caste. His loyalty is restricted only to his caste. Virtue has become caste-ridden, and morality has become caste-bound."

In Ambedkar's own words: "The principal points which I have tried to make out in my speech may be catalogued as follows : (1) That caste has ruined the Hindus ; (2) That the reorganization of the Hindu society on the basis of Chaturvarnya is impossible because the *Varnavym'astha* is like a leaky pot or like a man running at the nose. It is incapable of sustaining itself by its own virtue and has an inherent tendency to degenerate into a caste system unless there is a legal sanction behind it which can be enforced against every one transgressing his *Varna* ; (3) That the reorganization of the Hindu Society on the basis of Chaturvarnya is harmful, because the effect of the *Varnavyavastha* is to degrade the masses by denying them opportunity to acquire knowledge and to emasculate them by denying them the right to be armed ; (4) That the Hindu society must be reorganized on a religious basis which would recognize the principles of Liberty, Equality and Fraternity ; (5) That in order to achieve this object the sense of religious sanctity behind Caste and *Varna* must be destroyed ; (6) That the sanctity of Caste and *Varna* can be destroyed only by discarding the divine authority of the *Shastras*."

In conclusion it can be said Ambedkar arrived at the following position vis-a-vis the social injustice that the caste system caused:

1. Untouchables and lower castes must break their chains of bondage by refusing to do the traditional untouchable's work and acquire pride and self-respect.
2. Education must be acquired by untouchables at all costs because it is only through education that untouchables can have their status raised.
3. Untouchables can only be represented by themselves and not by the Hindus (he regarded untouchables like him and shudras as non-Hindus) and should be treated as a minority by the government.
4. The government should provide special welfare measures to those who had traditionally been barred from educational and other opportunities.
5. Finally social justice will only be ultimately established when caste itself is abolished. He argued the function of Brahmin priests can be performed by trained persons from any caste under state supervision. He attacked Gandhiji and the Congress for accepting and compromising with the four *varna* system of Hinduism.



## **UNTOUCHABILITY TODAY: Recent Studies**

I. Book titled 'Untouchability in Rural India' based on a study conducted by Action Aid in 2001-2002, in 565 villages of 11 states found that:

- In 73% villages, dalits cannot enter non-dalit homes.
- In 70% villages, dalits cannot eat with non-dalits.
- In 64% villages, dalits cannot enter common temples.
- In 53% villages, dalit women suffer ill-treatment at the hands non-dalit women.
- In 47% villages, dalits are not allowed to take out marriage processions on public roads.
- In 28% villages, dalits cannot even enter police stations
- In 38% villages, dalit children have to eat separately at school.
- In 33% villages, non-dalit health workers do not visit dalit homes.
- In 37% villages, dalits were denied wage employment in agriculture; in 25% villages, they received lower wages than non-dalit workers. Dalit workers were excluded from housing construction in around a third of the villages; and in 46% villages they were not allowed to sell to milk cooperatives. In 32% villages they were denied access to irrigation facilities; in 21% of villages they were denied access to common property resources.

II. A survey in 1,589 villages in Gujarat state was carried out over 4 years by Navsarjan and the Robert F. Kennedy (RFK) Center for Justice and Human Rights to determine untouchability practices, and revealed the following:

- In 98.1% of villages surveyed, a Dalit cannot rent a house in a non-Dalit community.
- In 97.6% of villages, Dalits must not touch the water pots or utensils of non-Dalits [because] such contact is considered defilement.
- In 97.2% of villages surveyed, Dalit religious leaders will never be asked to celebrate a religious ceremony in a non-Dalit area.
- In 87 % villages , Dalits were not allowed to rent pots for weddings;
- In 73 % villages , Dalits were not allowed to use the services of the barber
- In 61 % villages , Dalits were not allowed to use the services of potters;
- In 33 % villages , Dalits were not allowed to use the services of tailors;
- In 29 % villages, Dalits were denied access to the drinking supply (and 71 % of the villages do not have a drinking tap in the Dalit section); and
- In 10 % villages, Dalits were not allowed to use the services of the village's private doctor.

According to Navsarjan, their data indicates that "there is systematic underestimation of the practice of untouchability within modern India" and that "the daily life of many Dalits is unchanged from the time before □ prohibitions against the practice of untouchability existed". In addition, they note the presence of a considerable amount of "horizontal discrimination- practice of untouchability by Dalit sub-castes against lower Dalit sub-castes".

III. In Education: Vardhaman Mahavir Medical College, Delhi failed 35 SC students en masse in 2010. Mungekar Committee concluded caste based discrimination in VMMC is strong and authorities were blind to SC students' grievances.

SK Thorat Committee 2007 found caste based discrimination in AIIMS. Thorat concluded that discrimination is faced not only by SC students but also faculty.

All India Survey on Higher Education by Govt of India covering 633 Universities and 24000+ colleges found SC are under represented in higher education teaching jobs.

IV. In Cities: Study titled "Residential segregation in Indian Cities" by Trina Vithayathil and Gayatri Singh found high level of residential segregation by caste in India's 7 largest metro cities.

## Gandhi on Caste & Untouchability

Of all the social evils that beset India of his times perhaps none moved Gandhi quite as much as untouchability. He saw it as one of the principal obstructions in reforming and uniting Hindus and by extension the whole of the Indian nation. He realised the whole moral basis for asking for freedom from the colonial masters would be rendered void and hollow if Indians continued to condone and acquiesce in the practice of untouchability. Hence Gandhi focussed on removal of untouchability with an energy and zeal that was unprecedented in the history of Indian social and political movements.

### Gandhi on Caste & Varnashrama

Before understanding the Gandhian approach to untouchability and how he proposed to deal with it is necessary to understand Gandhi's understanding and estimation of the Hindu caste system or *varnashram*. It is instructive perhaps to begin by studying some of his utterances on the issue remembering the fact of course that he was a declared follower of the Hindu *Sanatan Dharma*. As such he would have perhaps approached the caste division idea with a positive frame of mind at least at the beginning to try and understand its benefits. It is also of course true that like all human beings Gandhi evolved in his thoughts over the period of his life.

Writing in 1920 he somewhat defensively wrote: 'Man, being a social being, has to devise some method of social organisation. We in India have evolved caste; they in Europe have organised class. Neither has the solidarity and naturalness of a family, which, perhaps, is a God-ordained institution. If caste has produced certain evils, class has not been productive of anything less.'

But then he was also quick to argue: 'The beauty of the caste system is that it does not base itself upon distinctions of wealth possessions...Caste is but an extension of the principle of the family. Both are governed by blood and heredity'. Also: 'The spirit behind caste is not one of arrogant superiority; it is the classification of different systems of self-culture. It is the best possible adjustment of social stability and progress.'

'Caste does not connote superiority or inferiority. It simply recognises different outlooks and corresponding modes of life. But it is no use denying the fact that a sort of hierarchy has been evolved in the caste system.'

Gandhi was indeed quite open in seeing positive aspects in the caste system. For instance he regarded it as scientifically organised. He commented: 'Caste system has, in my opinion, a scientific basis. Reason does not revolt against it. If it has disadvantages, it also has its advantages. It does not prevent a *Brahmin* from serving his *Shudra* brother. Caste creates a social and moral restraint. The doctrine of caste cannot be extended. I would restrict it to four divisions. Any multiplication would be an evil.'

Or that: 'From the economic point of view, its value was once very great. It ensured hereditary skill; it limited competition. It was the best remedy against pauperism. And it had all the advantages of trade guilds. Although it did not foster adventure or invention there, it is not known to have come in the way either.'

Indeed Gandhi looked forward to offer the caste system for emulation by the rest of the world as he said: 'Historically speaking, caste may be regarded as man's experiment or social adjustment in the laboratory of Indian society. If we can prove it to be a success, it can be offered to the world as a heaven and as the best remedy against heartless competition and social disintegration born of avarice and greed'.

He denied caste system had a religious basis: 'Caste has nothing to do with religion. It is a custom whose origin I do not know, and do not need to know. But I do know that it is harmful, both to spiritual and national growth.'

As a social reformer who believed the key to national regeneration was a rebuilding of the national character, particularly the Hindu character, he saw it as a vital imperative to eliminate the evils of caste and untouchability. Also as somebody who had it as one of his goals the spiritual revival of the Hindu religion, he came to see it vital and most urgent that untouchability be eliminated and the caste rigidities diluted.

It was Gandhi's case that the caste system had to be purified and corrected from the abusive and distorted form it had taken. This was his position both because he wished to reform and save Hinduism from its degraded state and raise the character of the Hindu for the sake of both Hindus and the Indian national cause but also because he realised the first step in fighting the British must be removing the blockages in the unity of the nation and one of the major divisions was caste. Of course he was not suggesting abolishing of the caste system and was only pleading for a mitigation of its worst aspects. One of the aspects that disturbed him most was the tendency of Indians to keep increasing the number of caste divisions. He made his impatience clear with the practice of subdividing the four castes again and again. His attempt at giving a new meaning to caste or *varnaashrama* can be judged from the following comments of his as illustration:

'The divisions or classes are four and no more, and these classes are known all the world over. One is the repository of knowledge, the other is that of power, the third is that of wealth and the fourth is that of service. All these four labours are regarded as duties to be discharged by everyone of them for the protection and advancement of *Dharma*; and everyone who performs his duty to the best of his knowledge and ability, gains equal merit with the rest, if the latter, too, do likewise. The merit, therefore, consists, not in being one or the other, but in the performance of the duty assigned to it. Here, there is no untouchability. There is no superiority. And this is the essence of *Varna Dharma*.'

'According to my conception of *Varna*, all inequality is ruled out of life. Inequality of intellect or in material possessions ought not to mean inequality of social status. I do most emphatically maintain that man is not made to choose his occupation for 'rising in the social scale'. He is made to serve his fellow-man and earn his daily bread by the sweat of his brow. And since the primary wants of all are the same, all labour should carry the same value.'

'Life is a duty, not a bundle of rights and privileges. That religion is doomed to destruction which bases itself upon a system of gradations, high and low. Such is not the meaning for me of *Varnashrama*.' 'The divisions define duties, they confer no privileges. It is, I hold, against the genius of Hinduism to arrogate to oneself a higher status or assign to another a lower. All are born to serve God's creation. – a *Brahmin* with his knowledge, a *Kshatriya* with his power of protection, a *Vaishya* with his commercial ability and a *Shudra* with bodily labour.'

While arguing for a reform of the caste system Gandhi was careful to explain he was not asking that they start eating together and inter-marrying. What is certain he had absolutely not the slightest hesitation and doubt in calling for the total abolition of untouchability which he saw as completely immoral, inhuman, repugnant to Hindu basics, a great barrier in national unity, a sin and without reason. He also believed we as a people could not ask for freedom from the British on the basis of equality of all men when we ourselves were ready to treat a substantial part of our own people as unequal.

Gandhi's attack on the worst aspects of the caste system and untouchability had mainly two sides to it. He argued on the one hand that it was not in conformity with the basics of Hindu principles and on the other that socially and politically it would be indefensible if we are to ask for freedom from the British when almost one fifth of our own people we were not ready to see as free people.

But it is interesting to note he was always careful to not suggest anything that would be too much disruptive of the social reality. For instance once addressing his own *Vaishnav* community in Gujrat in 1921 he said: 'Some *Vaishnavs* believe that I am destroying *varnashram*. On the contrary, I believe that I am trying to cleanse it of impurities and so reveal its true form. I am certainly not advocating abolition of restrictions on eating and drinking in company with anyone and everyone or on inter-marrying among communities. I merely say that the idea that physical contact with some person is a sin is itself sinful.'

He was quite blunt however when it came to condemning untouchability: '... If anyone avoided contact with an *Antyaj* who had been engaged in sanitary work and had not bathed or otherwise cleansed himself after the work, or, in case he had contact with such an *Antyaj*, went and had a bath, I can understand the idea. But my conscience can never accept the idea that *dharm*a requires us to keep away scrupulously from everyone born an *Antyaj*.'

The idea of untouchability is unacceptable to reason. It is contrary to truth and non-violence and, therefore, is certainly not dharma. The very idea of our being high and others low is base. He is no true Brahmin who lacks the quality of the Sudra; readiness for service. He alone is a Brahmin who possesses the quality of all others, the Kshatriya, the Vaishya and the Sudra and, in addition, has knowledge. A Sudra is not altogether devoid of knowledge. Readiness for service is predominant in him over his other qualities. The *varnashrama-dharma* has no room for distinctions of high and low.

In fact Gandhi believed if untouchability was not dealt with it could lead to the destruction of Hinduism itself and when Rajagopalachariar, a close associate advised him to slow down his work for *harijans* and against untouchability he replied: 'but how can I rest? How can one have rest with a raging fire within? How can any Hindu, knowing that Hinduism is on the brink of an active volcano, afford to have a moment's rest?'. He wrote in 1936: 'Untouchability is a blot upon Hinduism and must be removed at any cost. Untouchability is a poison which, if we do not get rid of it in time, will destroy Hinduism.'

Gandhi turned himself into a full-fledged program for the uplift of *Harijans*. He not only led by personal example embracing the people from the lower untouchable castes in his ashrams but he also invariably set up the ashrams in harijan dominated villages where it was his endeavour to improve the quality of village life. It was his firm belief that the key to his goal was to alleviate the poverty and degradation of harijan villages for them to come up. He also started opening temples for harijans but believed it would be even better if upper caste hindus could permit harijans to visit their own temples. In fact he was desperate to reform Hindu society and was sure harijans would leave the fold of Hinduism if they were not embraced back. When Ambedkar, the great leader of the dalits and untouchables who publicly disagreed with Gandhi, and called his efforts cosmetic charity rather than real radical reform, advised his fellow harijans to move to other faiths like Buddhism he opposed and argued against conversion warning it could not be genuine.

He felt it was untouchability in particular that put Hinduism at a huge disadvantage vis-à-vis other faiths that were on an evangelical preaching mission. Gandhi was convinced untouchability was an aberration that had happened much later and was not a part of the original practice of *sanatan dharma*. He had strongly opined: 'There is an ineffaceable blot that Hinduism today carries with it. I have declined to believe that it has been handed down to us from immemorial times. I think that this miserable, wretched, enslaving spirit of untouchability must have come to us when we were in the cycle of our lives at our lowest ebb...'

Gandhi was clear that he wanted Hindus to see untouchability as a sin in the religious Hindu sense and his powerful spiritual appeal on the issue can be gauged from the following: 'It is a sin to believe that anyone else is inferior or superior to ourselves. We are all equal. It is touch of sin that pollutes us, and never that of a human being. None are high and none are low for one who would devote his life to service. The distinction between High and low is a blot on Hinduism, which we must obliterate.'

Gandhi was eventually convinced removal of untouchability was one of the three most important goals that had to be pursued to create a strong national character and pursue swaraj: "the key to swaraj lies in fulfilling three conditions alone – in the spinning wheel, Hindu-Muslim unity, and in the removal of untouchability."

It is interesting that while Gandhi was strenuously attempting a change of heart to deal with untouchability he was not at first for legal force by way of reservations etc or a role for the state but later he agreed probably realising the enormity of the problem. For instance he had once said: 'I am not prepared for any concessions like reservations etc, to the untouchables because I believe that it would be perpetuating untouchability.' He went on a fast at his ashram in the early 30s to protest separate electorates for harijans and their own representatives or candidates, a plan of the British. His fast was called a political stunt by Ambedkar. But later Gandhi agreed to a proposal which formed the basis for what is known as the 'Poona Pact' between the Congress and Ambedkar. He accepted a system where there would be reserved seats for Harijans but not separate electorates.

‘Swaraj is a meaningless term if we desire to keep a fifth of India under perpetual subjugation, and deliberately deny to the most deserving among His creatures the rights of humanity. Inhuman ourselves, we may not plead before the British for deliverance from the inhumanity of others.’

Professor Judith Brown has summed up well the Gandhian involvement with the problem of untouchability: ‘His primary social concern...was the problem of untouchability, the rejection of a whole group of the poorest and the most menial in society as a result of Hindu ideas of hierarchy, and purity and pollution. Now, as he travelled widely, he saw in harsh practice the power of this social division, and the poverty and degradation it caused, though he had rejected the whole idea far earlier and inveighed and worked against it even in South Africa. Once home in India, having tested the temper of public opinion, he was aware of the strength of Hindu orthodoxy and he took care not to equate his campaign against untouchability with the question of caste as a whole for fear of holding back the work on what he saw as the most vital and urgent reform. Rather, he argued, his was a campaign to purify and strengthen caste by abolishing this pernicious custom. For Gandhi untouchability was primarily a religious problem. He believed that there was no warrant for it in the scriptures: it was a late and evil accretion which actually harmed and threatened the Hindu tradition he so treasured, and its observance was positively sinful. If it continued he feared that Hinduism would not survive. However, he was also clear that its observance impeded India’s journey to swaraj at an obvious level, for such a profound fissure in Hindu society might well generate violent rebellion among untouchables against the higher castes, and would give leverage to any imperial authority wishing to maintain Indian divisions in order to rule’.

Bhikhu Parekh has critically commented on the Gandhian program on untouchability and has pointed out one basic and very surprising aspect to it – that the movement wasn’t really organised along the lines of non-violent protest or satyagraha that Gandhi taught India and the world. Why? Was he concerned about maintaining national unity and what he stressed on again and again – ‘harmony’ ?

Bhikhu Parekh has commented: ‘Gandhi’s reform of untouchability suffered from a similar limitation. He did more than any other Indian to undermine it, yet his attack had a profound weakness. He saw it as a blot on the Hindu religion and made it the sole responsibility of the high caste Hindus to fight against it. The untouchables themselves, reduced to passive and pathetic symbols of high caste Hindu tyranny, were not involved in the struggle for their emancipation, a strange attitude in a man who everywhere else wanted the victims to fight for themselves. As a result they had no opportunity to work and fight alongside the Hindus, and they neither occupied important positions in the *Harijan Sevak Sangh* and the Congress nor set up an independent and effective organisation of their own. Not surprisingly they hardly grew under Gandhi’s shadow, and a man who created so many great leaders was unable to create a single Harijan leader of equal stature. Ambedkar, one of the few exceptions, was not his favourite Harijan and grew in opposition to him.’

## **Provisions for Scheduled Castes Welfare in India**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

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**Constitutional mechanisms** for welfare and upliftment of SCs can be grouped into 5 broad headings, as follows:

- ✓ Social Safeguards - Article 17, 23, 24 and 25 (2) (b)
- ✓ Economic Safeguards - Article 23, 24 and 46
- ✓ Educational & Cultural Safeguards - Article 15 (4)
- ✓ Political Safeguards - Article 243, 330 and 332
- ✓ Service Safeguards - Articles 16(4), 16(4A) and 335

For details, see pages 5 to 8.

### **Ministry of Social Justice and Empowerment**

The Ministry of Social Justice and Empowerment is the nodal Ministry to oversee the interests of the Scheduled Castes. Though the primary responsibility for promotion of interests of the Scheduled Castes rests with all the Central Ministries in the area of their operations and the State Governments, the Ministry complements their efforts by way of interventions in critical sectors through specifically tailored schemes. The Scheduled Castes Development (SCD) Bureau of the Ministry aims to promote the welfare of Scheduled Castes through their educational, economic and social empowerment. Efforts made by State Governments and Central Ministries for protecting and promoting the interests of Scheduled Castes are also monitored.

### **Initiatives taken for SC development**

#### **Educational Empowerment**

Various scholarships are provided to the students belonging to the Scheduled Castes (SCs) to ensure that education is not denied due to the poor financial condition of their families. These Scholarships are provided at both pre-matric and post-matric levels. Scholarships are also provided to SC students for obtaining higher education in India and abroad, including premier educational institutions. The Scholarships can broadly be classified into the following three types:

**Pre-Matric Scholarships** : The objective of the pre-matric Scheme is to support the parents of SC children for educating their wards, so that the incidence of drop outs at this stage is minimized.

**Pre-Matric Scholarship to SC Students** : The objective of the pre-matric Scheme is to support the parents of SC children for educating their wards, so that the incidence of drop outs at this stage is minimized.

**Pre-Matric Scholarship to the Children of those engaged in occupations involving cleaning and prone to health hazards**: This is also a centrally sponsored scheme, which is implemented by the State Governments and Union Territory Administrations, which receive 100% central assistance from the Government of India for the total expenditure under the scheme, over and above their respective Committed Liability.

**Post Matric Scholarship for Scheduled Caste Students (PMS-SC)**: The Scheme is the single largest intervention by Government of India for educational empowerment of scheduled caste students. This is a centrally sponsored scheme. 100% central assistance is released to State Governments/UTs for expenditure incurred by them under the scheme over and above their respective committed liability.

**Scholarships for obtaining Higher Education and Coaching Scheme:** These include:

**Top Class Education for Scheduled Caste Students :** The objective of the Scheme is to promote qualitative education amongst students belonging to Scheduled Castes, by providing full financial support for pursuing studies beyond 12th class, in notified institutes of excellence like IITs, NITs, IIMs, reputed Medical/Law and other institutions. Scholarship is awarded to the eligible SC students on securing admission in any of the institutions notified by the Ministry.

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**National Fellowship:** The Scheme provides financial assistance to SC students for pursuing research studies leading to M.Phil, Ph.D and equivalent research degrees. **National Overseas Scholarship:** The Scheme provides assistance to students belonging to SCs, de-notified, nomadic, semi-nomadic tribes etc for pursuing higher studies of Master level courses and PhD programmes abroad.

**Free Coaching for SC and OBC Students:** The objective of the Scheme is to provide coaching of good quality for economically disadvantaged SC and OBC candidates to enable them to appear in competitive examinations and succeed in obtaining an appropriate job in Public/Private sector. The Scheme provides central assistance to institutions/centres run by the Central/State Governments/UT Administrations, Central/ State Universities, PSUs, Registered Private Institutions, NGOs, etc. Coaching is provided for Group 'A' & 'B' examinations conducted by the UPSC, SSC, various Railway Recruitment Boards and State PSCs; Officers' Grade examinations conducted by Banks, Insurance Companies and PSUs; and Premier Entrance examinations for admission in Engineering, Medical and Professional courses like Management, Law etc.

#### **Economic Empowerment:**

**National Scheduled Castes Finance and Development Corporation (NSFDC):** Set up under the Ministry, to finance income generating activities of Scheduled Caste beneficiaries living below double the poverty line limits (presently Rs 98,000/- per annum for rural areas and Rs 1,20,000/- per annum for urban areas). NSFDC assists the target group by way of refinancing loans, skill training, Entrepreneurship Development Programmes and providing marketing support through State Channelizing Agencies, RRBs, Public Sector Bank and Other Institutions. **National Safai Karamcharis Finance and Development Corporation (NSKFDC):** It is another corporation under the Ministry which provides credit facilities to beneficiaries amongst Safai Karamcharis, manual scavengers and their dependants for income generating activities for socio-economic development through State Channelizing Agencies.

**Special Central Assistance (SCA) to Scheduled Castes Sub-Plan (SCSP):** It is a policy initiative for development of Scheduled Castes in which 100 % assistance is given as an additive to SCSP of the States/ UTs on the basis of certain criteria such as SC population of the States/UTs, relative backwardness of States/UTs, percentage of SC families in the States/ UTs covered by composite economic development programmes in the State Plan to enable them to cross the poverty line, etc. It is an umbrella strategy to ensure flow of targeted financial and physical benefits from all the general sectors of development for the benefit of Scheduled Castes. Under this Scheme, the States /UTs are required to formulate and implement Special Component Plan (SCP) for Scheduled Castes as part of their annual plans by earmarking resources.

**Scheme of Assistance to Scheduled Castes Development Corporations (SCDCs):** Share Capital contribution is released to the State Scheduled Castes Development Corporations (SCDCs) under a Centrally Sponsored Scheme in the ratio of 49:51 between Central Government and State Governments. There are in total 27 such State-level Corporations which are working for the economic development of Scheduled Castes, although some of these Corporations are also catering to the requirements of other weaker sections of the Society, e.g. Scheduled Tribes, OBCs, Minorities etc. The main functions of SCDCs include identification of eligible SC families and motivating them to undertake economic development schemes, sponsoring the schemes to financial institutions for credit support, providing financial assistance in the form of the margin money at a low rate of interest, providing subsidy out of the funds made available to the States under the Scheme of Special Central Assistance to Scheduled Castes Sub Plan of the States to reduce the repayment liability and providing necessary tie up with other poverty alleviation programmes. The SCDCs are playing an important role in providing credit and missing inputs by way of margin money loans and subsidy to the target group. The SCDCs finance the employment oriented schemes covering diverse areas of economic activities which inter-alia include (i) agriculture and allied activities including minor irrigation (ii) small scale industry (iii) transport and (iv) trade and service sector.

**Venture Capital Fund for Scheduled Castes:** The objective of the fund is to promote entrepreneurship amongst the Scheduled Castes who are oriented towards innovation and growth technologies and to provide concessional finance to the scheduled caste entrepreneurs. The fund has been launched on 16.01.2015. During 2014-15, Rs.200 Crore were released initially for the Fund to IFCI Limited, which is a Nodal agency to implement it.

**Credit Enhancement Guarantee Scheme for Scheduled Castes:** The objective of this Scheme is to provide credit guarantee facility to Young and start-up entrepreneurs, belonging to Scheduled Castes, who aspire to be part of neo middle class category, with an objective to encourage entrepreneurship in the lower strata of the Society resulting in job creation besides creating confidence in Scheduled Castes. The Scheme has been launched on 06.05.2015. Initially, Rs.200 Crore has been released under the Scheme to IFCI Limited, which is a Nodal agency to implement it.



## Social Empowerment

**The Protection of Civil Rights Act, 1955:** In pursuance of Article 17 of the Constitution of India, the Untouchability (Offences) Act, 1955 was enacted and notified on 08.05.1955. Subsequently, it was amended and renamed in the year 1976 as the "Protection of Civil Rights Act, 1955". Rules under this Act, viz "The Protection of Civil Rights Rules, 1977" were notified in 1977. The Act extends to the whole of India and provides punishment for the practice of untouchability. It is implemented by the respective State Governments and Union Territory Administrations. Assistance is provided to States/ UTs for implementation of Protection of Civil Rights Act, 1955.

**Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Assistance is provided to States/ UTs for implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Financial assistance is provided to the States/ UTs for implementation of these Acts, by way of relief to atrocity victims, incentive for inter-caste marriages, awareness generation, setting up of exclusive Special courts, etc. Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016) was notified in the Gazette of India (Extraordinary) on 01.01.2016.

**Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995:** PoA Rules were amended in June 2014 for enhancing the relief amount to the victims of atrocities to become between Rs.75,000/- to Rs. 7,50,000/- depending upon the nature of an offence. Further Amendment done in the Principal Rules namely the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016 have been notified in the Gazette of India Extraordinary on 14th April, 2016.

**The 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (MS Act, 2013):** Eradication of dry latrines and manual scavenging and rehabilitation of manual scavengers in alternative occupation has been an area of high priority for the Government. Towards this end, a multi-pronged strategy was followed, consisting of the following legislative as well as programmatic interventions:

1. **Enactment of "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993;**
2. **Integrated Low Cost Sanitation (ILCS) Scheme for conversion of dry latrines into sanitary latrines in urban areas;**
3. **Launching of National Scheme for Liberation and Rehabilitation of Scavengers (NSLRS)**
4. **Self Employment Scheme for Rehabilitation of Manual Scavengers.**

In spite of the above measures taken by the Government, manual scavenging continued to exist which became evident with the release of 2011 the Census data indicating existence of more than 26 lakh insanitary latrines in the country. Therefore, Government decided to enact another law to cover all types of insanitary latrines and situations which give occasion for manual scavenging.

The 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (MS Act, 2013) was passed by the Parliament in September, 2013 and has come into force from 6th December, 2013. This Act intends to, inter alia, achieve its objectives to:

1. Identify and eliminate the insanitary latrines.
2. Prohibit:- i) Employment as Manual Scavengers and ii) Hazardous manual cleaning of sewer and septic tanks.
3. Identify and rehabilitate the manual scavengers.

### Other Schemes:

**Pradhan Mantri Adarsh Gram Yojana (PMAGY):** The Centrally Sponsored Pilot Scheme PMAGY is being implemented for integrated development of Scheduled Castes (SC) majority villages having SC Population concentration > 50%. Initially the scheme was launched in 1000 villages in 5 States viz. Assam, Bihar, Himachal Pradesh, Rajasthan and Tamil Nadu. The Scheme was further revised w.e.f. 22.01.2015 and extended to 1500 SC majority villages in Punjab, Madhya Pradesh, Andhra Pradesh, Karnataka, Uttar Pradesh, Telangana, Haryana, Chhattisgarh, Jharkhand, Uttarakhand, West Bengal and Odisha. The principal objective of the Scheme is integrated development of SC Majority Villages:

1. Primarily through convergent implementation of the relevant Central and State Schemes;
2. By providing these villages Central Assistance in form of gap-filling funds to the extent of Rs.20.00 lakh per village, to be increased by another 5 lakh if State make a matching contribution.
3. By providing gap-filling component to take up activities which do not get covered under the existing

Central and State Government Schemes are to be taken up under the component of 'gap filling'.

**Babu Jagjivan Ram Chhatrawas Yojna:** The primary objective of the Scheme is to attract implementing agencies for undertaking hostel construction programme with a view to provide hostel facilities to SC boys and girls studying in middle schools, higher secondary schools, colleges and universities. The Scheme provides central assistance to State Governments/ UT Administrations, Central & State Universities/ Institutions for fresh construction of hostel buildings and for expansion of the existing hostel facilities. The NGOs and Deemed Universities in private sector are eligible for central assistance only for expansion of their existing hostels facilities.

**Upgradation of Merit of SC Students:** The objective of the Scheme is to upgrade the merit of Scheduled Caste students studying in Class IX to XII by providing them with facilities for education in residential /non-residential schools. Central assistance is released to the State Governments/UT Administrations for arranging remedial and special coaching for Scheduled Caste students. While remedial coaching aims at removing deficiencies in school subjects, special coaching is provided with a view to prepare students for competitive examinations for entry into professional courses like Engineering and Medical.

**Dr. Ambedkar Foundation:** Dr. Ambedkar Foundation was set up on 24th March 1992, as a registered body, under the Registration of Societies Act, 1860, under the aegis of the Ministry of Welfare, Government of India. The primary object of setting up of the Foundation is to promote Dr. Ambedkar's ideology and philosophy and also to administer some of the schemes which emanated from the Centenary Celebration Committee's recommendations.

**Dr. Ambedkar International Centre at Janpath, New Delhi:** Setting up of 'Dr. Ambedkar National Public Library' now renamed as 'Dr. Ambedkar International Centre' at Janpath New Delhi was one of the important decisions taken by the Centenary Celebrations Committee (CCC) of Babasaheb Dr. B.R. Ambedkar headed by the then Hon'ble Prime Minister of India. As on date the entire land of Plot 'A' at Janpath, New Delhi measuring 3.25 acre is in possession of the M/o SJ&E for setting up of the 'Centre'. The responsibility of the construction of the 'Centre' has been assigned to National Building Construction Corporation (NBCC) at a cost of Rs. 195.00 crore. The Hon'ble Prime Minister has laid the foundation of Dr. Ambedkar International Centre on 20th April, 2015 and has announced that the project will be completed within a period of twenty months. The National Building Construction Company (NBCC), the executing agency has already started the construction work at site and it is at an advance stage.

**Dr. Ambedkar National Memorial at 26, Alipur Road, Delhi:** The Dr. Ambedkar Mahaparinirvan Sthal at 26, Alipur Road, Delhi, was dedicated to the Nation by the then Hon'ble Prime Minister of India on 02.12.2003 and he had also inaugurated the development work at the Memorial at 26, Alipur Road, Delhi. The responsibility of the construction of Dr. Ambedkar National Memorial has been assigned to the Central Public Works Department (CPWD) at an approx. cost of Rs. 99.00 Crore. The Hon'ble Prime Minister has laid the foundation of the Memorial on 21st March, 2016 and has announced that the project will be completed within a period of twenty months. The CPWD, the executing agency has already started the construction work at site.

**Babu Jagjivan Ram National Foundation:** The Babu Jagjivan Ram National Foundation was established by the Government of India as an autonomous organization under the Ministry of Social Justice & Empowerment and registered under The Societies Registration Act, 1860 on 14th March 2008. The main aim of the Foundation is to propagate the ideals of the late Babu Jagjivan Ram, on social reform as well as his ideology, philosophy of life, mission and vision to create a casteless and classless society.

**National Scheduled Castes Commission** has been established at Union level. Various schemes have been launched for SC welfare such as cheaper credit through banking system, ensuring their adequate participation under Acts like MNREGA, etc.

**Likewise in many states,** state-level welfare ministries, departments and State SC Commissions have been established. Various state governments have also passed several legislations for SC welfare including laws to prevent their alienation from land, schemes for free or subsidized education for SCs, providing some land to landless SC families, etc.

## **CONSTITUTIONAL PROVISIONS FOR PROTECTION AND DEVELOPMENT OF SCHEDULED CASTES**

The provision and safeguards for Backward Classes and especially for SCs & STs have been incorporated in the Constitution of India. The safeguards are in the field of social, economic, political, educational, cultural and services under the State for the people belonging to these communities for their development. Who constitute Scheduled Castes and how are the Castes scheduled are contained under Articles 366(24) and 341 of the Constitution.

### **SAFEGUARDS FOR SCHEDULED CASTES**

2.2 The safeguards provided to Scheduled Castes are grouped in the following broad heads:

- Social Safeguards
- Economic Safeguards
- Educational & Cultural Safeguards
- Political Safeguards
- Service Safeguards

### **SOCIAL SAFEGUARDS**

2.3 Articles 17, 23, 24 and 25(2)(b) of the Constitution enjoins the State to provide social safeguards to Scheduled Castes. Article 17 relates to abolition of untouchability being practiced in society. The Parliament enacted the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to tackle the problem of untouchability, which is being practiced against Scheduled Castes.

2.4 Article 23 prohibits traffic in human beings and 'begar' and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. Although there is no specific mentions about the SCs in this Article but majority of the bonded labour come from SCs. Thus, this Article has a special significance for them. The Parliament enacted Bonded Labour system (Abolition) Act, 1976 for identification, liberation and rehabilitation of bonded labourers.

2.5 Article 24 provides that 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. Even in this Article, there is no specific mention about the SCs but substantial portion of child labour engaged in hazardous employment belong to SCs.

2.6 Article 25(2)(b) provides that Hindu religious institutions of a public character shall be opened to all classes and sections of Hindus. The term Hindu includes persons professing Sikh, Jain and Buddhist religion.

## **ECONOMIC SAFEGUARDS**

2.7 Articles 23, 24 and 46 form part of the economic safeguards for the Scheduled Castes and Scheduled Tribes. The provisions of Articles 23 and 24 have already been discussed in earlier paragraphs.

2.8 Article 46 provides, "The States shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

## **EDUCATIONAL AND CULTURAL SAFEGUARDS**

2.9 Articles 15(4) empowers the State to make special provisions for the advancement of any socially and educationally backward classes of citizens and for SCs. This provision has enabled the State to reserve seats for SCs in educational institutions in general and professional courses etc.

## **POLITICAL SAFEGUARDS**

2.10 Reservation of seats for SCs/STs in the local bodies of the States/UTs, Legislative Assemblies of the State and in Parliament are provided in the Constitution of India as follows:

2.11 Article 243D Reservation of seats:- (1) Seats shall be reserved for (a) the Scheduled Castes; and (b) the Scheduled Tribes in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

2.12 Article 243T Reservation of seats:- (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in the Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

2.13 Article 330 Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People:- (1) Seats shall be reserved in the House of the People for-

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and
- (c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State or Union Territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union Territory in the House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union Territory.

(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

Explanation:- In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in the Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.

2.14 Article 332 Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States:- (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

2.15 Article 334 Reservation of Seats and special representation to cease after sixty years:- Notwithstanding anything in the foregoing provisions of this Para, the provisions of this Constitution relating to:-

- (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and
- (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of sixty years from the commencement of the Constitution:

### **SERVICE SAFEGUARDS**

2.16 Service Safeguards are contained in Articles 16(4), 16(4A), and 335. In the year 2001, the Parliament through Constitution (Eighty-fifth Amendment) Act, 2001 amended the provisions contained in Article 16(4A). In Article 16(4A) for the words: "in matters of promotion to any class" the words "in matters of promotion, with consequential seniority, to any class" has been substituted. The effect of this amendment is that the SCs/STs promoted earlier than their counter-part in general category by virtue of reservation policy shall be senior to general category in the promoted scale/post.

## **SHGs: SAVING FOR THE PRESENT, SECURING THE FUTURE**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

*Today, the SHG - Bank Linkage Programme (SHG - BLP) is the largest microfinance programme in the world because of its sheer size and population it touches. What is equally remarkable is that it is also the most widely participated developmental programme in the country and perhaps in the world for the large number of channel partners, their grass root workers, Gov agencies and banking outlets involved.*

The extent of participation can be gauged by the fact that at present more than 100 Scheduled Banks, 349 DCCBs, 27 State Rural Livelihood Missions and over 5000 NGOs are engaged in promoting Self Help Groups. The programme owes this level of involvement to its ability to mobilise masses of rural people, impress upon the Govt machinery and draw developmental agencies of all hues and continue to draw upon the synergies with aplomb even today. One look at the rural credit markets as it existed at the time of launch of the pilot explains the appeal.

Till the 90's large section of the rural population was unbanked and austere overlooked by the mainstream banking institutions. Most of them had to take recourse to informal sources for credit because as compared to formal sources, the informal sources have highly flexible terms and it is easy to obtain loans for consumption needs and also for marriage and other purposes. With least documentation and accessibility as well as availability at any time, the village money lenders are the last resort to many ruralites whose needs are emergent and they don't hesitate to agree to pay exorbitant interest rates during the hour of crisis without realising the deleterious consequences that will follow at a later date like coercive recovery and taking over of the productive assets thereby throwing them into abyss of poverty. Despite the relentless efforts of Government of India and RBI in creating and supporting enabling environment for increasing the outreach of formal financial services to cover the marginalised population, informal sector continued to rule the roost till quite some time.

The major cause was the information asymmetry that plagued the formal banking system vis-à-vis the village money lender. What was needed was to break the monopoly of door-step availability of credit by the informal sources at the time of crisis. That's where the Self Help Group concept scored. It combined the flexibility and availability of informal sources with the transparency of institutional credit.

After extensive trial and research the pilot programme was launched Twenty Five years ago in 1992. The Self Help Group - Bank Linkage Programme (SHG-BLP) was an innovation harnessing the synergy of flexibility of informal system with the strength and affordability of formal system. Three radical innovations were introduced through the RBI/NABARD guidelines on SHG-BLP:

- Acceptance of informal groups as clients of banks – both deposit and credit linkage
- Introduction of collateral free lending, and

- Permission to lend to group without specification of purpose/activity/project

This savings led and door step credit delivery mechanism based on social collateral started making immediate inroads backed by an enabling policy environment and support from some national level institutions and multilateral agencies.

NABARD's experiment in SHG-BLP established the credibility of groups as a bankable proposition and rural people capable of financial discipline. It created a new set of clientele with untapped appetite leading to several NGOs acting as financial intermediaries for on-lending to groups buoyed by the success of SHG-BLP. A new breed of micro lenders was born, the Micro Finance Institutions. As per MFIN, as on 31.03.2017, the Microfinance industry has a total loan portfolio of R106,916 crore.

As we celebrate the Silver-Jubilee year of the movement, it is heartening to share visible improvements in all aspects of the movement as compared to last year. During 2016-17, despite the impact of demonetisation on credit disbursement and repayments, combined efforts and initiatives of NABARD, banks, SHPIs, NRLM and Government agencies have given great boost to the SHG-BLP movement.

There was a net addition of 6.73 lakh SHGs during the year increasing the number of SHGs having savings linkage to 85.76 lakh as on 31 March 2017. The savings outstanding of SHGs with banks as on 31 March 2017 has reached an all-time high of R16114.22 crore. During the year, banks have disbursed loan of R38781.16 crore, recording 4% increase over the last year despite the impact of demonetisation which slowed down loan disbursement post October 2017. The total bank loan outstanding to SHGs also increased by 7.81% and stood at R61581.30 crore against R57,119 crore as on 31 March 2016. The gross NPA of bank loans to SHGs marginally increased by about 5 basis points from 6.45% as on 31 March 2016 to 6.50% as on 31 March 2017. This was achieved in a year when there was overall deterioration in quality of assets and mounting NPAs in the banking sector.

### **WAY FORWARD**

There is merit in banking on rural credit for both demand and supply side players. Some private banks, the latest entrant being Bandhan have shown that a healthy bottom-line can be achieved entirely on the basis of microloans. Thus, besides the two models of MFIs and SHG-BLP, the third emerging model is bank's dedicated vertical working on the lines of MFIs, but with statutory safeguards. In addition, there may be increased role of P2P financing in near future. There is need of letting all efforts to bloom through suitable guidance and supervision ensuring that the microfinance clients are served properly.

As per an assessment there still exists substantial potential for formation of large number of SHGs in priority States. While NRLM is committed to cover all eligible families under its fold by 2022-23, there is need to speed up the process. The success in creating suitable intermediary structures is still not encouraging in several priority States. The sharp focus on livelihoods for SHG members is lacking in many Regions.



Apart from promotion of SHGs in priority states, identification of livelihoods, skill development and capacity building, taking forward the programme of SHG members as agents/BC/Bank Sakhi and collaboration with new partners for strengthening/ deepening the SHG movement at Pan India level may be the future direction for SHG-BLP. Some RRBs have started using the services of our partner SHPIs as agents/ BF for credit linkage of SHGs and recovery of dues from them on the lines of ICICI bank model.

While SHG-BLP has grown strong on the pillars of financial inclusion and social capital, the recent addition of technology as the third pillar has shown immense potential to strengthen its base. The EShakti initiative in select 25 districts during last two years has shown the way. It needs to be expanded to cover all the SHGs in the country. Support of every stakeholder in this endeavour is essential.

SHG Federations may emerge to be useful institutions in the SHG eco-system through both financial and non-financial supports. There is, however, lack of proper legal form to suit the structure and other issues impacting viability. There is need to search for suitable solution to the issues impacting the structure.

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## TRIBAL COMMUNITIES OF INDIA

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

The tribal population in India, though a numerically small minority, represents an enormous diversity of groups. They vary among themselves in respect of language and linguistic traits, ecological settings in which they live, physical features, size of the population, the extent of acculturation, dominant modes of making a livelihood, level of development and social stratification. They are also spread over the length and breadth of the country.

**Defining ‘tribe’:** One of the early meanings of tribe was also that of a group claiming common ancestry. Later, the idea of the tribe as people living in ‘primitive’ conditions became dominant with an emphasis on the tribe as a homogeneous whole, an independent, self-contained unit.

In India, the local equivalent of the term ‘tribe’ is often assumed to be ‘jana’ or ‘communities of people’ based on the usage of the term in ancient Puranic texts. In this conception, the term jana was used in opposition to the term jati to indicate that these communities were outside the jati or hierarchical caste system of social organisation.

During the colonial period, tribes came to be seen as the region’s ‘original inhabitants’ who existed outside of the caste system and had been marginalised by the more advanced caste-Hindu society. The tribe was defined as a social group with a definite area, dialect, cultural homogeneity and unifying social organisation. Various traits ascribed to tribal groups included: relative egalitarianism within the group, the absence of complex political structures, strong and functional kinship bonds, cooperation, territorial integrity, cultural and linguistic distinctiveness, and lower levels of technology.

Tribes were seen as having primitive social organisation, implying that tribal people were at a lower stage in the evolutionary social hierarchy in terms of their socio-cultural characteristics, economy and political structures, often being described as simple as well as insulated from changes in the larger regional polity. Tribes have also been defined as groups remaining outside of the structures of State and civilization.

Each definition of tribes stresses on a particular aspect of tribal life – their relationship with the state, civilization and processes of development as well as specific features of their culture, livelihood, and economy. The dominant conception of tribe that developed revolved around notions of ‘backwardness’, indigeneity, and separation from the larger Hindu civilization. Tribes were identified largely in terms of what they were not: they did not practice Vedic Hinduism, they were not Muslim, their societies were marked by the relative absence of economic and ritual stratification, and they were not integrated into the “modern” economy or civilization.

In the 1901 census, tribes were identified as those who ‘practiced animism’ thus placing religious practices at the centre. Therefore, those practising Hinduism were viewed as castes, while those practising animism were labelled tribes. In later censuses, new descriptions laid emphasis on the isolation of tribes within hill and forest areas as well as their ‘primitive’ way

of life. In the 1941 census, tribes were identified not in terms of their religion but according to their 'origin', that is, tribes were those who have a 'tribal origin'.

The 1950 Constitutional Amendment order with the full list of STs recognised at the time was largely based on the list of "backward tribes" prepared by the colonial administration in 1936. At the time of the first census of independent India in 1951, there were 212 recognised STs in the country. The term ST itself is a politico-administrative category that does not capture the enormous social complexity of the various tribes encompassed within its fold. The Constitution of India categorised certain sections of the population as STs to make available special welfare provisions to them – even though this category was never properly defined. In a circular fashion, tribes are defined as those groups enumerated as tribes under the Indian Constitution. Thus, Article 366(25) of the Constitution defines STs as follows:

"STs means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be STs for the purposes of this Constitution."

The list of tribes drawn up by the colonial and post-colonial government was based on political and administrative considerations. The currently followed criteria for identification (Lokur Committee recommendations) are: (1) primitive traits (2) distinct culture, (3) geographical isolation, (4) shyness of contact with the community at large and (5) backwardness. As can be seen from several of these identifying features, the idea of the tribe as the 'primitive' has clearly continued into the post-colonial period. Lokur Committee also used several other criteria such as 'very isolated', 'still living in caves', 'living in forest areas', or more vaguely, 'are primitive jungle tribes', 'having tribal characteristics', 'very backward tribe', and 'distinctive dress and customs'. Clearly, a mixture of geographical and locational features as well as primitiveness and backwardness account for the suggested Constitutional recognition of a range of tribes.

The first Backward Classes Commission (Kaka Kalelkar Commission) argued that the tribes: "lead a separate exclusive existence and are not fully assimilated in the main body of the people."

Bhuria Commission Report (2002-2004) has pointed out that winds of change have been sweeping through tribal society and this has resulted in threats which may alter its very 'tribal-ness'.

### **Geographical and Demographic Profile**

Census of 2011 enumerates the total population of STs at 10,42,81,034 persons, constituting 8.6 % of the population of the country. The tribal communities in India are enormously diverse and heterogeneous. There are wide ranging diversities among them in respect of languages spoken, size of population and mode of livelihood. The number of communities that find their place in the list of the Schedule of the Indian constitution is reflective of this diversity. The Government of India, in its Draft National Tribal Policy, 2006 records 698 STs

in India. As per the Census of India 2011, the number of individual groups notified as STs is 705.

The tribes can be distinguished into five broad regional groupings based on ecological, social, economic, administrative, and ethnic factors:

1. Himalayan Region: It has three sub-regions: (a) Northeastern Himalayan region, (b) Central Himalayan region, and (c) North-Western Himalayan region.
2. Middle Region: It is constituted by the States of Bihar, Jharkhand, West Bengal, Odisha and Madhya Pradesh (including Chhattisgarh), where more than 55 % tribals of India live.
3. Western Region: It includes Rajasthan, Gujarat, Maharashtra, Goa, Dadra and Nagar Haveli.
4. Southern region: It is comprised of Andhra Pradesh, Tamil Nadu, Karnataka and Kerala.
5. Island Region: The Islands of Andaman & Nicobar and Lakshadweep.

There are many differences between these regions as well as differences from tribe to tribe. For example, while the Northeast is often viewed as a singular and homogeneous entity, the region is highly diverse with over 200 tribes and sub-tribes, each of which have their own language, culture and political structures.

The tribes can also be differentiated on the basis of population size since communities like Gonds, Bhils, Santhals, Oraons, Minas, Mundas and so on have a population that ranges from one million to a little over seven million people. As against this, there are communities like the Andamanese Islanders and tribal groups such as the Birjia and Asur in Bihar and the Birhor of Madhya Pradesh who have a population of less than 200 persons.

The languages of India fall into four different linguistic families. These are Indo-European, Dravidian, Austro-Asiatic and the Tibeto-Burman sub-family of the Sino-Tibetan languages. Approximately three-fourths of the country speaks languages belonging to Indo-European family. However, only a little over one % of tribal population speak languages of this family, the Bhil and Halbi tribes being the two main groups among them. Languages belonging to Dravidian family are spoken by tribes such as the Gond, Khond, Koya, Oraon, and Toda. Tibeto-Burman languages are spoken by the tribes of the Himalayas and Northeast India. The Austro-Asiatic family of languages is spoken only by tribals in the country like the Santhal, Munda, and Ho.

STs communities live in about 15% of the country's area, in various ecological and geo-climatic conditions ranging from plains and forests to hills.

A large proportion of Scheduled Tribes are collectors of forest produce, hunter-gatherers, shifting cultivators, pastoralists and nomadic herders, and artisans. Traditional occupations of tribal groups may range from honey-collection to hunting small animals to engaging in metal-work and rope-making.

A majority of tribal groups work in the primary sector, and are heavily dependent on agriculture either as cultivators or as agricultural labourers. At the same time, a number of STs no longer follow their traditional occupations and work as labourers on plantations or in mines and factories (in many cases, since the nineteenth-century). Displacement and enforced migration has also led to an increasing number of STs working as contract labourers in the construction industry and as domestic workers in major cities. Over 80% of STs work in the primary sector against 53% of the general population, primarily as cultivators. However, the number of STs who were cultivators, declined from over 68% to 45% in 2001 whereas the number of tribal agricultural labourers increased from about 20% to 37%, demonstrating increasing landlessness among tribals. This trend has intensified, as can be seen in data from the 2011 Census. It is further estimated that, in the last decade, about 3.5 million tribal people are leaving agriculture and agriculture-related activities to enter the informal labour market.

STs comprise 11.3 % of the Indian rural population and 2.8 % of the Indian urban population. The sex ratio among the STs is 990.

### Population of STs across Regions and States

The Himalayan Region comprises 2.03 % of STs; the Northeastern region has 12.41 per cent of STs; the Central-east Indian region has the largest proportion of STs, about 52.51 %; the Western region has 27.64 % of STs; the Southern region has 5.31 % of STs; and finally, 0.11 % of STs live in the islands.

**States with highest and lowest proportion of STs**

Top 5 States/Union Territories		Bottom 5 States/Union Territories	
Lakshadweep	94.8%	Uttar Pradesh	0.56%
Mizoram	94.4%	Tamil Nadu	1.1%
Nagaland	86.5%	Bihar	1.28%
Meghalaya	86.1%	Kerala	1.45%
Arunachal Pradesh	68.8%	Uttarakhand	2.89%

*Source: Census of India, 2011*

The States of the Northeast are clearly the states with a very large tribal population relative to the total population while significant tribal populations are also residing in the Central states of Madhya Pradesh, Chhattisgarh, Jharkhand and Odisha.

#### Distribution of ST population by State

S.No.	State	% of national ST population	S.No.	State	% of national ST population
1	Madhya Pradesh	14.7	8	Andhra Pradesh	5.7
2	Maharashtra	10.1	9	West Bengal	5.1
3	Odisha	9.2	10	Karnataka	4.1
4	Rajasthan	8.9	11	Assam	3.7
5	Gujarat	8.6	12	Meghalaya	2.5
6	Jharkhand	8.3	13	Others	11.6
7	Chhattisgarh	7.5			

#### Most populous tribes in India

Name of Tribe	Population	States in which members are residing
Bhil	12689952	Tripura, Andhra Pradesh, Rajasthan, Chhattisgarh, Andhra Pradesh, Gujarat, Maharashtra, Karnataka
Gond	10859422	Bihar, West Bengal, Jharkhand, Odisha, Chhattisgarh, Madhya Pradesh, Gujarat, Andhra Pradesh, Karnataka
Santhal	5838016	Bihar, Tripura, West Bengal, Odisha, Jharkhand
Mina	3800002	Rajasthan, Madhya Pradesh

#### Some Particularly Vulnerable Tribal Groups with a population of less than 1000 persons

PVTG	Population
Birjia (Bihar)	17
Sentinelese	39
Great Andamanese	43
Onge	96

Census of India,  
2001

#### Traditional Economy and Livelihoods

Traditionally, the tribes in India pursued an economy, which was closer to nature, and used indigenous technology. This is reflected in their dependence on forests and other natural resources available in their habitat. Tribal livelihoods are characterized by (a) forest-based livelihoods, (b) pre-agriculture level of technology, (c) a stagnant or declining population (d) extremely low literacy & (e) a subsistence level of economy.

In a study on traditional economic activities pursued by the tribes of India, Vidyarthi and Rai, have delineated the following categories: i) Hunting, ii) Hill-cultivation, iii) Plain

agriculture, iv) Simple artisan, v) Pastoral & cattle-herding, vi) Folk artists, and vii) Agricultural and non-agricultural labour.

Hunting and foraging have been the main sources of traditional livelihoods for several tribes, including Birhor, Pahariya, Birjia, Korwa, Chenchu, Jarawa, Onge and Sentinelese.

Hill cultivation, variously known as shifting cultivation, slash-and-burn, is popularly known as *podu* or *jhum* among the Indian tribes. Tribal people inhabiting the hills of Assam, Meghalaya, Manipur, Tripura, Odisha, Andhra Pradesh, Madhya Pradesh and Chhattisgarh including Garo, Tripuri, Chakma, Mog, Naga, Maler, Hill Kharia, Juang, Paudi Bhuyian, Koya, Konda Reddi, Baiga, Maria Gond and many other tribal communities continue to practice hill cultivation.

Plain land agriculture is the means of livelihood for most of the tribes, even though it is not highly productive. Khasi, Jaintia, Khasa, Tharu, Kinnaur, Bhumij, Santhal, Munda, Ho, Oraon, Baiga, Gond, Mina, Garasia, Bhil, and Thakur are plain land agriculturists.

A number of tribes subsist on crafts and cottage industries like basket and rope making, tool making (iron and wooden), spinning and weaving, metal work, iron work, etc. Gujjar and Kinnaur (wood work), Irula, Thoti, Kanjar and Kolam (basket and rope making), Lohar and Karmali (iron agricultural implements), Chik-Barik (hand woven cloth), Mahali (basket and bamboo products), Godulia Lohar, Mahali, Asur and Agaria (iron smith) and many or artisan groups largely manage their livelihoods as crafts persons.

Toda, Gujjar, Bakarwal and Gaddi, Golla, Kuruba and Lambada, Kisan and Nagesia, Rabari and Sansi, etc. are pastoralists and animal husbandry is their main occupation. Decrease in pastures and sedentarisation have resulted in loss of pastoralism and animal-breeding among se tribes.

Certain tribes in India depend upon folk arts such as singing, barding and dancing, or activities such as tattoo-making, acrobatics & magic/trickery. Tribes namely Nat and Sapera, Kela, Pradhan and Ojha, Madaria, Pamula and Garadi are specialists in various folk arts.

Several landless and marginal tribal households are engaged as agricultural labour. With opening of mines and industries in tribal inhabited regions, tribes in surrounding areas have taken up non-agricultural labour as primary source of livelihood.

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## TRIBAL DEVELOPMENT

### Tribal Panchsheel

Five fundamental principles for tribal development, as outlined by Pt. Nehru were–

1. People should develop along the line of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
2. Tribal rights to land and forest should be respected.
3. We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
4. We should not over administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.
5. We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

## CONSTITUTIONAL PROVISIONS

Several provisions have been incorporated in the Constitution for safeguarding and promoting the interests and rights of the STs in various spheres so as to enable them to join the national mainstream. An overview of the provisions is as follows.

Art.	Title
Preamble	
342	Scheduled Tribes
366	Definitions
<b>II.B - Educational, Economic and Public Employment-related Safeguards</b>	
15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
16	Equality of opportunity in matters of public employment
19	Protection of certain rights regarding freedom of speech, etc
46	Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
335	Claims of Scheduled Castes and Scheduled Tribes to services and posts
<b>II.C- Political Safeguards</b>	
330	Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People
332	Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States
334	Reservation of seats and special representation to cease after sixty years



243D	Reservation of seats (in Panchayats)
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243T	Reservation of seats
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## **II.D- Agency for monitoring safeguards**

338A	National Commission for Scheduled Tribe
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Reservation in educational institution has been provided in Article 15(4) while reservation in posts and services has been provided in Article 16(4), 16(4A) and 16(4B) of the Constitution.

Article 23 which prohibits traffic in human beings and beggar and other similar forms of forced labour has a special significance for Scheduled Tribes. In pursuance of this Article, Parliament has enacted the Bonded Labour System (Abolition) Act, 1976.

Similarly, Article 24 which prohibits employment of Children below the age of 14 years in any factory or mine or in any other hazardous activity is also significant for Scheduled Tribes as a substantial portion of child labour engaged in these jobs belong to Scheduled Tribes.

Other specific safeguards have been provided in Article 244 read with the provisions contained in Fifth and Sixth Schedule to the Constitution.

### **Other provisions applicable in specific states**

- Article 164(1) provides that in the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.
- Article 371A has special provisions with respect to the State of Nagaland.
- Article 371B has special provisions with respect to the State of Assam.
- Article 371C has special provisions with respect to the State of Manipur.
- Article 371F has special provisions with respect to Sikkim.

Where tribals are numerically dominant, two distinct administrative arrangements have been provided for them in the Constitution in the form of the **Fifth and Sixth Schedules**. The Sixth Schedule areas have been given special provisions under Part XXI of the Constitution. The extension of such provisions to newer areas has been the result of political mobilization and social movements. Similarly, there are States where the provisions of the Fifth Schedule are in force. The Fifth Schedule is aimed at providing protections to the tribal population through separate laws for Scheduled Areas, including a special role for the Governor and the institution of Tribes Advisory Council. The provisions of the Fifth Schedule have seen further legal and administrative reinforcement in the form of Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996.

## **SOCIO - ECONOMIC STATUS & PROBLEMS**

Despite special provisions, tribes are among the poorest and most marginalized sections of Indian society. Although numerically only about 8.6 %, they disproportionately represent the people living below the poverty line, are illiterate and suffer from extremely poor physical health. In 1993-94, 63.7 % of tribal people were living below the poverty line, almost 20 % than the rest of the country. The poverty figures were 37.7 and 60.0 % respectively in the year 2004-05. The scenario has been similar in the sphere of education and health. The literacy rate of tribes in 2001 was 47 % as compared to 69 % for the general population. Moreover, as per the National Family Health Survey, 2005-06, the Infant Mortality rate was 62.1 per 1000 live births among tribes, and Under-five Mortality was as high as 95.7 per 1000 live births.

Tribal communities face disregard for their values and culture, breach of protective legislations, serious material and social deprivation, and aggressive resource alienation.

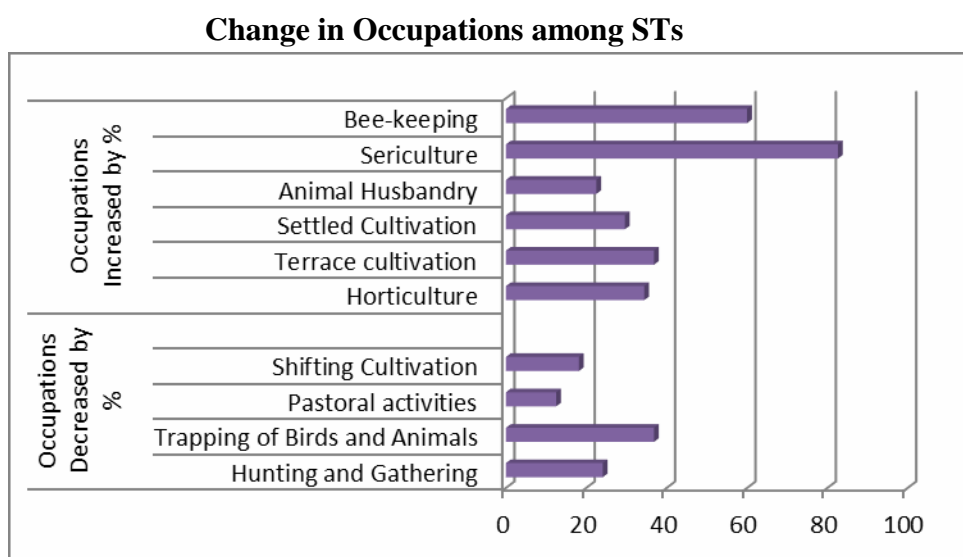
### **Disruption of Tribal Economy:      Changes in tribal livelihood patterns**

Over the decades, the tribal economy and the livelihood strategies have undergone substantial changes. Since the tribes were traditionally dependent on natural resources, the change was all the more visible due to the depletion of resources. With reduced forest cover and implementation of Wildlife Protection Act, hunting and foraging are on the decline among those tribes dependent on them traditionally. Shifting cultivation is also in decline, due to land shortage and increase in population. In addition, the Government policy dissuades the tribes from practicing shifting cultivation.

In post-independence period, the rapid phase of urbanization and industrialization alienated the tribes from their traditional natural resource base and forced them to search for newer livelihood options. Increase in population among some tribes, lower availability of food and alienation from natural habitats, made the tribes dependent on urban markets. Many of them left their homes and migrated to urban areas, in search of income and employment. As a result, the already vulnerable tribes were exposed to all kinds of exploitation and marginalization in the new, unfamiliar urban space. Those who continued to live in their original habitats diversified their occupations to ensure their sustenance.

The shift in tribal economy and diversification of occupations has been corroborated in the People of India report by the Anthropological Survey of India. The report maintains that "... the number of communities practicing hunting and gathering has declined by 24.08 %, as forests have disappeared and wildlife has diminished. Ecological degradation has severely curtailed the related traditional occupations. For instance, trapping of birds and animals has declined by 36.84 %, pastoral activities by 12.5 %, and shifting cultivation by 18.14 %. Many of the traditional crafts have disappeared and spinning, in particular, has suffered (25.58 %). Related activities such as weaving (3.32 %), dyeing (33.34 %) and printing (100 %) have similarly suffered. Skin and hide work as also stone carving has

declined.” Report further states that, in tribal areas “...business has gone up by 77.46 %, trade by 42.14 % and industry by 100 %.”



Source: Census of India, 1981

**Current Occupational Structure** Two-thirds of STs are still working in primary sector, whereas this proportion is lower for Non-STs population (43 %). The involvement of STs is low in tertiary sector (15 %), as compared to Non-STs population (29 %). Source: NSSO 68th Round, 2012-13

**Employment in Organized Sectors** Data on group-wise distribution of ST representation in Central Government Services reveals that the %age of Groups A & B services is much lower than their total representation and their representation in Groups C & D services.

**ST Representation in Central Government Services**

Year	Group	Total	ST	%
01.01.1994	A	59016	1727	2.92
	B	103198	2902	2.81
	C	2381613	128228	5.38
	D	1023285	62945	6.15
	Total	3567112	195802	5.49
01.01.2004	A	80011	3311	4.1
	B	135409	6274	4.6
	C	2040970	136630	6.7
	D	802116	53776	6.7
	Total	3058506	199991	6.5

Source: Planning Commission (Government of India). 2008. Eleventh Five Year Plan 2007-12, Vol. I

Table below clearly reveals that %age of STs in Group A & B services is very meager.

**%age Share of ST in Central Government Jobs (By Categories)**

Years	Service Groups			
On Jan.1	A	B	C	D
1960	0.07	0.42	21.98	77.53
1990	0.86	1.20	57.82	40.12
2003	1.70	3.72	65.62	28.96

(Source: Thorat and Senapati 2007)

**%age of ST Employees in PSEs, 1971-2004 (By Categories)**

Year	Service				
On Jan 1	A	B	C	D (Excludin	Total
1971	0.43	0.46	36.71	62.39	100
1990	1.25	1.98	58.31	38.46	100
2000	4.16	5.03	58.90	31.92	100
2004	5.27	7.84	58.87	28.02	100

Source: Thorat and Senapati 2007

As the Government informed the Lok Sabha on 5.12.2012, the representation of STs in Central Government employment as on 1.1.2011 was 4.8 % in Group A, 6 % in Group B, 7.7 % in Group C, and 6.8 % in Group D (including Safai Karmacharis), as per Asian Centre for Human Rights (ACHR) report, 2013.

**%age Distribution of ST Employees in Public Sector Banks (By Categories)**

Years	Officers	Clerks	Sub Staff	Total
1980	7.60	59.02	33.38	100
1990	17.22	55.90	26.88	100
2000	24.62	49.83	25.55	100
2004	33.34	42.25	24.41	100

Source: Thorat and Senapati 2007

As of 8 May 2013, a total of 29037 backlog vacancies for STs in the Central Government were identified. Out of them, a total of 16842 were filled up. The remaining 12195 vacancies are pending unfilled. These account for 44.36 % of the total backlog vacancies of 27488 for all social categories.

Representation of STs in Central Universities is very low as per the data provided by the UGC. Representation of the STs have come down from 3.88 % in 2006-07 to 0.24 % in 2010-11 in the post of Professors.

The evidence reveals under-representation of STs and pending vacancies in Central Government services. The main reason for this is lack of seriousness in the implementation of the provisions of reservation for STs. The ACHR states that "...‘non-availability of eligible candidates’, ‘no suitable candidates found’ have become the modus operandi to de-reserve the reserved seats and fill up the same with general category candidates, thereby

perpetuating denial and deprivation through sophisticated means.” Thus, there is an “extraordinary form of discrimination” towards STs in the country even today.

### Employment under MGNREGA

The participation of STs in this scheme has been decreasing from its inception in 2006. Person-days of employment generated for STs for year 2006-2007 was 36 %, and it came down to 17.19 % in year 2013-14. This decrease is despite the fact of increasing total person-days, besides more job cards issued and more employment provided to households over the years.

### Occupational Distribution

Among urban households for 2009-10, STs have the lowest share in the self-employment (23.3 %) and regular salaried/wage employment (38.4 %) than that of all groups. However, STs in casual labour (21.1 %) and ‘others’ category (16.9 %) has the highest share than that of all groups.

### Employment distribution of Urban Households among STs & All by Household type

Social Group	Household Type				
	Self-employed	Regular Salarie	Casual Labour	Others	All (incl. n.r.)
ST	233	384	211	169	1000
All	347	397	134	121	1000

Source: NSSO (2012), Report No. 543, p.A-2

### Income & Expenditure

ST households have lowest annual income of Rs. 32,345 compared to general population. Also the proportion of poor among the ST is comparatively larger than general population.

### Household incomes, consumption and poverty among STs and All

Household incomes, consumption and poverty across social groups			
Social group	Average income (Rs)	Average consumption (Rs)	% of poor
Scheduled Tribes	32345	29523	49.6
General	72717	65722	12.0

Source: IHDS, 2004-05

The average **productivity of food grains** in tribal populated states is far less than the all India average. Moreover, farm income in India is more volatile and uncertain than other sources of income. Higher the proportion of tribal population of the state, lower the productivity compared to the national average.

At the all India level, the **expenditure** of STs is predominantly in the range of Rs. 120 to 235, whereas the per capita expenditure for all social groups is mostly above Rs. 210. Income sources of STs are comparatively less than others.

## Poverty Profile

Panagariya and More computed the estimates of the poverty rates for STs and all social groups based on NSS reports. In rural India, in 1993-94 poverty rate was 50.3 %. Among STs, it was quite higher at 65.9 %. In reduction in the poverty levels between 1993-94 and 2004-05, STs lagged behind all social groups. STs have poverty rate reduction by only 3.7 % points, whereas for all groups it was around 8.5 %. The poverty rates are higher among STs.

## Value of Assets and Average Asset Value

In rural areas, average value of total assets among STs is Rs.1, 36,640 compared to Rs. 2, 65,606 for all social groups, which is 94 % higher than average value of assets of STs.

The share of STs in the total assets value is only 5.2 %, which is nearly half of their share of households (10.2 %). The average value of land and buildings per households for STs has relatively lower value (Rs. 1, 16,281) than that of all social groups (Rs. 2, 30,280) in rural areas. In urban areas, STs show lower average value of assets (Rs.2,40,295) by 42.4 % than that of all social groups (Rs.4,17,158).

## Development indices

### Mortality

IMR for STs was 88 per 1000 live births against all-India estimate of about 68 (including STs) as per the Census of India, 2001.

### Total Fertility Rate for STs and Others

	STs	Others
India	3.12	2.35

*Note: 'Others' does not include Schedules Castes and Other Backward Castes.*

*Source: International Institute for Population Sciences (IIPS). National Family Health Survey, (NFHS-3), 2005-06: India.*

## Disease Patterns

The diseases prevalent in tribal areas can be broadly classified into following categories:

- A) Malnutrition – Low birth weight, under-nutrition of children, lower body size of adults, anemia, iron and vitamin A and B deficiency.
- B) Maternal and child health problems – higher IMR, U5MR, neonatal mortality, acute respiratory infections, and diarrhea.
- C) Communicable diseases – malaria, filaria, tuberculosis, leprosy, skin infections, sexually transmitted diseases, HIV, typhoid, cholera, diarrheal diseases, hepatitis, and viral fevers.
- D) Accidents and injuries – including the burns, falls, animal bites, snake bites, violence due to conflicts, and more recently, motor cycle accidents.

- E) High consumption of alcohol and tobacco in most areas and of drugs in the Northeast region.
- F) Hereditary diseases such as the Hemoglobinopathies (Sickle Cell) and G-6 PD deficiency.
- G) Mental health problems – especially in the areas affected by conflicts.
- H) Speciality problems – especially the orthopedic and surgical problems, gynecological problems, oro-dental problems and eye problems.
- I) Non-communicable illnesses – hypertension, stroke, diabetes, and cancers.

*Generally, the Scheduled Tribes in India suffer predominantly from:*

- A) The diseases of underdevelopment (malnutrition, communicable diseases, maternal and child health problems),*
- B) Diseases, particularly common in ST population (Sickle cell disease, animal bites, accidents)*
- C) Diseases of modernity (hypertension, high consumption of alcohol & tobacco, stress).*

<b>Prevalence of Tobacco consumption (Smoke/Chewing) among Men aged 15-54</b>						
<b>States/UTs</b>	<b>STs</b>			<b>Non-STs</b>		
	<b>Urban</b>	<b>Rural</b>	<b>Total</b>	<b>Urban</b>	<b>Rural</b>	<b>Total</b>
<b>India</b>	<b>60.3</b>	<b>73.3</b>	<b>71.7</b>	<b>50.0</b>	<b>60.3</b>	<b>56.3</b>

*Source: International Institute for Population Sciences (IIPS). National Family Health Survey, (NFHS-3), 2005-06*

### **Consumption of Alcohol**

It is a part of social rituals in many tribal communities. About half of ST men (51 %) consume some form of alcohol. The prevalence of alcohol consumption was found to be much lower among non-ST men (30 %). Drinking alcohol is bound to have negative effect on their health.

**Table 7.10: Prevalence of alcohol consumption among men aged 15-54 years**

	<b>STs</b>			<b>Non-STs</b>		
	<b>Urban</b>	<b>Rural</b>	<b>Total</b>	<b>Urban</b>	<b>Rural</b>	<b>Total</b>
<b>India</b>	<b>44.9</b>	<b>51.3</b>	<b>50.5</b>	<b>30.6</b>	<b>30.3</b>	<b>30.4</b>

*Source: International Institute for Population Sciences (IIPS). National Family Health Survey, (NFHS-3), 2005-06: India.*

### **Drinking water and sanitation**

Census 2011 shows that just about 11 % of tribal households in the country have access to tap water and only 3 % households have tap water from treated source. Only 17 % of ST households have access to improved sanitary facilities as compared with 44 % among non-ST households.

Only about 6 % of the ST households have closed drainage facility (19.4% of non- STs), and about 17 % of ST households have open drainage facility (34.7% of non- STs) and above

three-fourths (77 %) of ST households do not have any drainage facility (45.9% of non-STs).

### Maternal and Child Health Care

There is a large gap in institutional delivery between STs (32.8%) and non-STs (49.8%).

*Source: International Institute for Population Sciences (IIPS). District Level Household and facility Survey, (DLHS-3), 2007-08*

Coverage of newborn care is 34.4 % for ST children, whereas it is slightly above 51.4 % among Non-ST children. In Coverage of children for immunization, there is gap of 10 % points between STs and non-STs (46 % versus 55 %).

	Indicators	ST	Other	% diff.
1.	Infant Mortality Rate	62	49	27%
2.	Under Five Year Child Mortality Rate	96	59	39%

The **life expectancy** at birth in the ST population was 61 years, several years less than in the general population in 2001.

**The nutritional status** of Scheduled Tribe children as well as of adults reveals a sad picture.

- i) 53 % boys and 50 % girls in preschool age were underweight, and 57 % boys and 52 % girls were stunted in height.
- ii) 49 % of ST women had a body mass index less than 18.5 indicating chronic energy deficiency.
- iii) 40.2 % of ST men had a body mass index of less than 18.5 including chronic energy deficiency.
- iv) Dietary intake of tribal households showed large deficiencies in protein, energy, fats, iron, calcium, vitamin A and riboflavin.

Tribal cultures have carried a heritage of **traditional healing methods** through the use of medicinal herbs, which address both mind and body. These traditional beliefs and methods are different from the modern scientific worldview and emerge from their living in forests rich with medicinal plants.

### Electricity usage

In rural areas, 46.20 % of ST households and 55.30 % of all social groups use electricity for lighting. The use of electricity among STs is about 9 %age points less than that of all social groups. However, kerosene is the main source of lighting for 50.93 % of ST households, which is 7.77 % points higher than that of 43.16 % of all social groups.

In urban areas, 86.47 % of ST households uses electricity for lighting, it is 6.21 %age points less than the usage of 92.68 % of all social groups.



### Main Source of Lighting among Households of STs and All, 2011 Census

Source	Electricity		Kerosene		Solar energy		Other oil		Any other		No lighting	
Category	ST	All	ST	All	ST	All	ST	All	ST	All	ST	All
Rural	46.20	55.30	50.93	43.16	1.21	0.55	0.31	0.24	0.32	0.22	1.03	0.53
Urban	86.47	92.68	11.89	6.48	0.29	0.22	0.25	0.12	0.25	0.17	0.85	0.34

Source: *Houses and Household Amenities for STs*,  
<http://tribal.nic.in/Content/STATISTICSDivision.aspx>

Only 19.7 % households get water from within the premises, which is 26.9 %age points less than that of all groups of 46.6 %. About 46.7 % and 33.6 % of Scheduled Tribe households fetch water from near the premises (within 100 meters) and away (beyond 100 meters) from the households, respectively. The problem of accessing drinking water is endemic in many tribal areas.

Among the main sources of drinking water, about 39 % of ST households depend on hand-pump, which is 5.7 %age points higher than that of all groups of 33.5 %. It is also observed that 19.1 % of ST households depend on uncovered wells, while it is just 9.4 % among all social groups. About 14.6 % of ST households depend upon tap-water from treated source, whereas it is 32 % for all social groups. About 9.8 % of STs have access to tap-water from untreated sources and 7.8 % of them get water from tube-well/borehole.

### Location and Source of Drinking Water for STs and All Households, 2011 Census

Location and source of drinking water	STs				All			
	% of HH by source	Within premises	Near the premises	Away	% of HH by source	Within premises	Near the premises	Away
% of households by location of drinking water	100	19.7	46.7	33.6	100	46.6	35.8	17.6

Source: *Houses and Household Amenities for STs*,  
<http://tribal.nic.in/Content/STATISTICSDivision.aspx>

As regards sanitation, STs lag behind all social groups. 77.4 % of ST households do not have latrine facility within the premises, and 74.7 % of them go for open defecation.

**%age of Household having Latrine and Bathing Facility within Premises, 2011**

	Total number of households	% of HH having latrine facility within the premises	Night soil removed by human	% of households not having latrine facility within the premises	Open defecation	% of households having bathing facility within the premises	Waste water outlet connected to (Closed drainage)
ST	23,329,105	22.6	0.1	77.4	74.7	17.3	6.1
All	246,692,667	46.9	0.3	53.1	49.8	42.0	18.1

*Source: Houses and Household Amenities for STs,*

## Education

**Literacy rate** of tribal people has been lower than the entire population. During the period, 1961 to 2011, the gap in literacy rate between STs and the whole population increased from 19.8 % in 1961 to 27.2 % in 1981 and has declined to 14.6 % in 2011. The gap can be said to be persisting in the trend analysis. If the Northeast areas are excluded, the gap in the literacy rate between tribal and overall population is fairly high.

**Absenteeism of teachers** in schools in remote areas has increased. Left Wing Extremism and inter-ethnic violence has resulted in further absenteeism and there is a need to adopt different strategies for addressing these issues. Security of children, particularly girls, has become a concern in many locations. Aspiration for higher education has led the government to institute scholarships for tribal students, but the uptake has been low.

The most disturbing trend is steadiness of **decline of the tribal children's learning level**. One of the factors behind this is the poor quality and inadequate number of teachers. Traditionally, education has been an area of discrimination against dalits and tribals. In case of the tribal children, teaching-learning is not always friendly. The classrooms are not free from the traditional social prejudice against the tribal children. In a recent report, Human Rights Watch records that the Ghasiya tribal children of Sonbhadra District in Uttar Pradesh were made to sit in a single grade irrespective of their ages, that also separately from the other students. The problem has become endemic. Tribal Students also suffer from Language Barriers.

**Anti-tribal psyche is stronger in higher technical institutes.** This is revealed by reports of various Government enquiry committees. For instance, the Thorat Committee Report on AIIMS (2006) and Mungekar Committee on Vardhman Mahavir Medical College (2012).

Along with the shortage of teachers, the quality of teachers and their approach and method of teaching has been a serious issue that engaged the Dhebar Commission half a century back. Recently, the subject has been the concern of the National Curriculum Framework, 2005.

### **Land Alienation, Development- induced Displacement & Enforced Migration**

The Development model in India is a carry forward from the pre-independence British period which was based on exploitation of natural resources and human capital for extraction and export of surplus for boosting industrial revolution in Britain.

In spite of all the promises in the Constitution for protection and special treatment for tribal people and other weaker groups this colonial emphasis did not change in independent India.

The Expert Group on Prevention of Alienation of Tribal Land and its Restoration set up by the Government of India estimates that, of the total displaced due to development projects, 47 % are tribal population. Given that the STs constitute about 8% of the country's population, they are clearly disproportionately represented in the number of displaced persons.

### **Conflicts affecting tribal populations**

Violent conflicts plague large parts of the Northeast and this has been so since 1947. Across the region, there are conflicts between the State and tribal groups, between different tribes, and between tribes and non-tribal groups. Armed Forces (Special Powers) Act, 1958 is in operation in the states of Manipur, Assam and Nagaland as well as parts of Tripura and Arunachal Pradesh. This Act gives considerable powers to the armed forces to arrest and search without warrant as well as shoot to kill on mere suspicion, once an area has been declared as 'disturbed'. In central India, the most well-known conflict at present is the armed conflict between the CPI (Maoist) and the Indian state. These areas are tribal-dominated and it is tribal civilians, who have been worst affected by the conflict. The conflict has only escalated in recent years, following the initiation by the state of a counter-insurgency operation known as the Salwa Judum in Chhattisgarh.

### **Particularly Vulnerable Tribal Groups (PVTGs)**

Certain tribes have been characterised as Particularly Vulnerable Tribal Groups (PVTGs) (earlier known as Primitive Tribal Groups) on the basis of their greater 'vulnerability' even among the tribal groups (although the precise contours of their vulnerability has not been clearly defined). PVTGs, currently including 75 tribal groups, have been identified as such on the basis of the following criteria: 1) forest- dependent livelihoods, 2) pre-agricultural level of existence, 3) stagnant or declining population, 4) low literacy rates and 5) a subsistence-based economy.

The vulnerability of the PVTGs primarily stems from the loss of their traditional livelihoods, habitats and customary resource rights through the gradual exploitative intrusion of the market and State into their areas in the form of industrial projects, conservation efforts, tourism, and the forest bureaucracy and so on. These conditions have led to the loss of their land and resources resulting in chronic malnutrition, starvation and ill health among these groups.

The groups most under threat have been identified as the Shompens, Sentinelese and Jarawas of the Andaman Islands; the Bondos of Odisha; Cholanaiickans of Kerala; Abujh Marias of Chhattisgarh and Birhors of Jharkhand.

## ROADMAP FOR THE FUTURE

The solution to these issues should enable the tribals to protect their own interests. The perspective that forms the foundation for tribal development, should include:

- An empowered citizenry and a functioning, participatory (including participation of women) self-governance is the best guarantee for a democratic nation;
- Due share in socio-economic progress for tribal people and their habitations, including facilities like health, education, livelihood, drinking water, sanitation, roads, electricity and sustainable income, in situ;
- Protecting the land and forest rights of tribal communities is equivalent to protecting their livelihoods, life and liberty. This remains one of the critical necessities of a welfare State. Therefore, laws protecting tribal land from alienation must be upheld at all costs;
- The right to natural resources in tribal lands has to be protected. They should only be accessed with the consent of the Gram Sabhas of the villages (both directly affected and in the zone of influence);
- While tribal lands hold much of the natural and mineral wealth of the nation, these resources cannot be alienated against their will. Moreover, communities who part with their lands have the right to share in the wealth and income so generated from its resources.
- Hence, a reasonable share of the wealth generated by the resources in their homelands must accrue to them by law, and
- The right to preservation of their language, culture and traditions, and to protect themselves against the loss of identity, must be recognized, protected, documented and allowed to thrive as a dynamic living culture.

## TRANSGENDERS

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

According to the World Health Organisation, 'transgender' is an umbrella term that includes persons whose sense of gender does not match with the gender assigned to them at birth. For example, a person born as a man may identify with the opposite gender, as a woman. According to the 2011 Census, the number of persons who do not identify as 'male' or 'female' but as 'other' stands at 4,87,803 (0.04% of the total population). This 'other' category applied to persons who did not identify as either male or female, and included transgender persons.

In 2013, the government set up an Expert Committee to examine issues related to transgender persons. The Committee stated that transgender persons faced issues of social stigma and discrimination which affected their access to education, healthcare, employment and government documents. In 2014, the Supreme Court recognised a transgender person's right to self-identification as male, female or the third gender. Further, the Court directed central and state governments to grant legal recognition to transgender persons, address issues of social stigma and discrimination, and provide social welfare schemes for them.

A private member Bill was introduced in Rajya Sabha by Mr. Tiruchi Siva in 2014 to guarantee rights and provide welfare measures for transgender persons. This Bill was passed in Rajya Sabha in 2015, and is currently pending in Lok Sabha. In August 2016, the government introduced the Transgender Persons (Protection of Rights) Bill, 2016 in Lok Sabha. The 2016 Bill has been referred to the Standing Committee on Social Justice and Empowerment.

### The Transgender Persons (Protection of Rights) Bill, 2016

#### Bill details:

- The Transgender Persons (Protection of Rights) Bill, 2016 was introduced in Lok Sabha on August 2, 2016.
- **Definition of a transgender person:** The Bill defines a transgender person as one who is (i) neither wholly female or male; (ii) a combination of female and male; or (iii) neither female nor male. Such a person's gender does not match the gender assigned at birth, and includes trans-men and trans-women, persons with intersex variations and gender-queers.
- **Prohibition against discrimination:** The Bill prohibits the discrimination against a transgender person, including denial of service or unfair treatment in relation to: (i) education; (ii) employment; (iii) healthcare; (iv) access to, or enjoyment of goods, facilities, opportunities available to the public; (v) right to movement; (vi) right to reside, rent, own or otherwise occupy property; (vii) opportunity to hold public or private office; and (viii) access to a government or private establishment in whose care or custody a transgender person is.
- **Right of residence:** Every transgender person shall have a right to reside and be included in his household. If the immediate family is unable to care for the transgender person, the person may be placed in a rehabilitation centre, on the orders of a competent court.
- **Employment:** No government or private entity can discriminate against a transgender person in employment matters, including recruitment, promotion, etc. If the entity has more than 100 persons, it is required to designate a person to be a complaint officer to deal with complaints in relation to the Act.
- **Education:** Educational institutions funded or recognised by the government shall provide inclusive education, sports and recreational facilities for transgender persons, without discrimination.
- **Health care:** The government shall take steps to provide health facilities to transgender persons including separate HIV surveillance centres, sex reassignment surgeries, etc. The government shall review medical curriculum to address health issues of transgender persons, and provide comprehensive medical insurance schemes for them.
- **Certificate of identity for a transgender person:** A transgender person may make an application to the District Magistrate

for a certificate of identity, indicating the gender as 'transgender'. The District Magistrate will issue such certificate based on the recommendations of a District Screening Committee. The Committee will comprise: (i) the Chief Medical Officer; (ii) District Social Welfare Officer; (iii) a psychologist or psychiatrist; (iv) a representative of the transgender community; and (v) an officer of the relevant government.

- **Welfare measures by the government:** The Bill states that the relevant government will take measures to ensure the full inclusion and participation of transgender persons in society. It must also take steps for their rescue and rehabilitation, vocational training and self-employment, create schemes that are transgender sensitive, and promote their participation in cultural activities.
  - **Offences and Penalties:** The Bill recognizes the following offences: (i) begging, forced or bonded labour (excluding compulsory government service for public purposes); (ii) denial of use of a public place; (iii) denial of residence in household, village, etc.; (iv) physical, sexual, verbal, emotional and economic abuse.
  - These offences will attract imprisonment between six months and two years, and a fine.
  - **National Council for Transgender persons (NCT):** The NCT will consist of: (i) Union Minister for Social Justice (Chairperson); (ii) Minister of State for Social Justice (Vice- Chairperson); (iii) Secretary of the Ministry of Social Justice; (iv) one representative from ministries including Health, Home Affairs, Minority Affairs, Housing and Poverty Alleviation, Human Resources Development, etc. Other members include representatives of the NITI Aayog, National Human Rights Commission, and National Commission for Women. State governments will also be represented. The Council will also consist of five members from the transgender community and five experts from non- governmental organisations.
  - The Council will advise the central government on the formulation and monitoring of policies, legislation and projects with respect to transgender persons.
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## Standing Committee Report Summary

The Standing Committee on Social Justice and Empowerment (Chairperson: Mr. Ramesh Bais) submitted its report on the Transgender Persons (Protection of Rights) Bill, 2016 on July 21, 2017.

- **Definition of 'transgender persons':** The Standing Committee observed that this definition is against global norms and violates the right to self-determined gender identity. It recommended that the definition be modified to cover those whose gender does not match with the gender assigned at birth and include trans-men, trans-women, gender-queers, and other sociocultural identities. Further, transgender persons may choose to identify as 'man', 'woman' or 'transgender' irrespective of sex reassignment surgery (SRS) and hormonal therapy.
- **Process of certification as a transgender person:** The Committee recommended that the certificate indicate identity *only* as 'transgender', and not 'male' or 'female'. Consequently, the provision for revised certificate should be removed. The Committee also recommended that timelines, guidelines and the right to appeal in relation to the decisions of the Screening Committee be specified.
- **Definition of 'discrimination':** The Committee noted that while the Bill prohibits the discrimination of transgender persons it does not define the term. It recommended that the Bill include a definition of 'discrimination', similar to that in the Yogyakarta Principles (which are international principles relating to sexual orientation and gender identity). Further, while the Bill prohibits only persons from discriminating against transgender persons, the Committee recommended that this be extended to public and private establishments. It also recommended that a redressal mechanism for those facing discrimination be included in the Bill.
- **Grievance redressal in establishments:** As per the Bill, any establishment with more than 100 persons is required to designate a person as a complaints officer. The Committee recommended that this requirement be extended to all establishments, irrespective of the number of employees. Further, the duties and responsibilities of the complaints officer should be specified.
- **Family:** The Bill specifies that no transgender person shall be separated from parents or immediate family on the grounds of the transgender status, except by a court order, in the person's interest. The Committee recommended that the provision only apply to transgender children.
- **Healthcare:** The Bill states that the centre or state government will make provisions which includes (i) a

comprehensive medical insurance scheme for transgender persons; and (ii) pre and post SRS and hormonal therapy counselling. The Committee recommended that the Bill specify that the medical insurance covers SRS, hormonal therapy and other health issues.

- **Offences and penalties:** The Bill specifies a penalty of six months to two years' imprisonment with a fine for committing a variety of offences against transgender persons, such as (i) bonded labour and begging; (ii) denial of access to a public place or residence; and (iii) causing physical, sexual and economic abuse. The Committee recommended that there be graded punishment for different offences, similar to the Indian Penal Code, based on the severity of the offence.
  - **Other recommendations:** The Standing Committee recommended the inclusion of certain other provisions in the Bill, such as: (i) defining the term 'persons with intersex variations' to cover those who show variations in their sexual characteristics; (ii) granting reservations under the category of socially and educationally backward classes; and (iii) recognition of civil rights like marriage, partnership, divorce and adoption.
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## Key Concerns

- The Supreme Court has held that the right to self-identification of gender is part of the right to dignity and autonomy under Article 21 of the Constitution. However, objective criteria may be required to determine one's gender in order to be eligible for entitlements.
- The Bill states that a person recognised as 'transgender' would have the right to 'self-perceived' gender identity. However, it does not provide for the enforcement of such a right. A District Screening Committee would issue a certificate of identity to recognise transgender persons.
- The definition of 'transgender persons' in the Bill is at variance with the definitions recognised by international bodies and experts in India.
- The Bill includes terms like 'trans-men', 'trans-women', persons with 'intersex variations' and 'gender-queers' in its definition of transgender persons. However, these terms have not been defined.
- Certain criminal and personal laws that are currently in force only recognise the genders of 'man' and 'woman'. It is unclear how such laws would apply to transgender persons who may not identify with either of the two genders.

## **URBAN DEVELOPMENT SCHEMES**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### **Smart Cities Mission (SCM)**

- Sustainable and inclusive development of cities to improve the quality of life of citizens
- Application of smart solutions, enabling cities to use technology, information, and data to improve infrastructure and services
- Key infrastructure elements of smart cities: Adequate water supply, electricity supply, sanitation, public transport, affordable housing, digitalisation, health and education

### **Swachh Bharat Mission (SBM)**

- Provision of public, household and community toilets
- Central incentive of 4,000 INR per household for construction of household toilets; 40% grant/VGF for each community toilet block
- Improvement of SWM and generation of awareness regarding public health
- Eradication of manual scavenging

### **HRIDAY**

- To preserve, conserve, and revitalise heritage cities and facilitate their development
- Includes provision of better infrastructure and services in heritage cities, including toilets, water taps, roads, street lights, modern surveillance and security apparatus like CCTVs
- Also covers components like local capacity building, conservation of natural and built heritage, urban heritage adaptive rehabilitation and maintenance
- Covers 12 cities: Ajmer, Amravati, Amritsar, Badami, Dwarka, Gaya, Kanchipuram, Mathura, Puri, Varanasi, Velankanni and Warangal

### **AMRUT**

- Aims to provide basic services to households, including water supply, sewerage and urban transport
- Includes developing greenery and well-maintained open spaces in cities, and reducing pollution by switching to public transport
- Other thrust areas include: storm water drains, parking spaces and recreation centres
- 500 cities to be covered
- Planned outlay of 50,000 INR crore for 5 years (2015-16 to 2019-20)

### **Housing for All**

- Aims at constructing more than 2 crore houses across the nation during 2015-22
- Target beneficiaries: Women, economically weaker section of society (EWS), ST, SC
- Involves: (1) in-situ rehabilitation of slum dwellers using land as a resource through private participation, (2) credit-linked subsidy, (3) affordable housing in partnership with the public/private sector, and subsidy for beneficiary-led individual house construction/ enhancement
- Subsidy amount: Expected to be between 1 lakh to 2.30 lakh INR per beneficiary
- Coverage: Entire urban area consisting of 4,041 statutory towns with an initial focus on 500 Tier I cities in three phases



### **National Urban Livelihoods Mission (NULM)**

- Aims at creating opportunities for skill development leading to market-based employment for the urban poor and helping them to set up self-employment ventures by ensuring easy access to credit
- Also focusses on providing shelter equipped with essential services to the urban homeless in a phased manner
- Addresses livelihood concerns of urban street vendors
- Funding pattern: Centre (75%) and state (25%); for NE and special category states: Centre (90%) and state (10%)

### **Smart Cities Mission**

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- The objective of Smart Cities Mission (launched in 2015) is to promote sustainable & inclusive cities that provide core infrastructure and give a decent quality of life to its citizens, a clean and sustainable environment and application of 'Smart' Solutions.
- The focus is on sustainable and inclusive development and the idea is to look at compact areas, create a replicable model which will act like a lighthouse to other aspiring cities. The Smart Cities Mission is meant to set examples that can be replicated both within and outside the Smart City, catalysing the creation of similar Smart Cities in various regions and parts of the country.
- Some of the core infrastructure elements in a Smart City will include adequate water supply, assured electricity supply, sanitation incl. solid waste management, efficient urban mobility and public transport, affordable housing, especially for the poor, robust IT connectivity and digitalization, good governance, especially e-Governance and citizen participation, sustainable environment, safety and security of citizens, particularly women, children and the elderly and health and education.
- The strategic components of the Smart Cities Mission are city improvement, city renewal (redevelopment) and city extension (Greenfield development) plus a pan-city initiative in which Smart Solutions are applied covering larger parts of the city.
- Area-based development will transform existing areas (retrofit and redevelop), including slums, into better planned human settlements, thereby, improving liveability of the whole cities. Development of well-planned and fully serviced new areas (greenfield) will be encouraged around cities in order to accommodate the rapidly expanding population in urban areas. Application of Smart Solutions will enable cities to use technology to improve infrastructure and services.
- Comprehensive development in this way will improve quality of life, create employment and enhance incomes for all, especially the poor and the disadvantaged, leading to inclusive cities.
- A total investment of Rs.2,01,981 crore has been proposed by the 99 cities under their smart city plans. Projects focusing on revamping an identified area (Area Based Projects)

are estimated to cost Rs. 1,63,138 crore. Smart initiatives across the city (Pan City Initiatives) account for the remaining Rs. 38,841 crore of investments.

- The implementation of the Smart Cities Mission is done by a Special Purpose Vehicle (SPV) to be set up at city level in the form of a limited company under the Companies Act, 2013 and will be promoted by the State/UT and the Urban Local Body (ULB) jointly both having 50:50 equity shareholding.

### **Atal Mission for Rejuvenation and Urban Transformation -AMRUT**

The Government of India launched AMRUT with the aim of providing basic civic amenities like water supply, sewerage, urban transport, parks as to improve the quality of life for all especially the poor and the disadvantaged. The focus of the Mission is on infrastructure creation that has a direct link to provision of better services to the citizens.

The purpose of “AMRUT” mission is to (i) ensure that every household has access to a tap with assured supply of water and a sewerage connection (ii) increase the amenity value of cities by developing greenery and well maintained open spaces e.g. parks and (iii) reduce pollution by switching to public transport or constructing facilities for non-motorized transport e.g. walking and cycling.

The major project components are Water Supply system, Sewerage, Septage, Storm Water Drainage, Urban Transport, Green Space and Parks, Reforms management and support, Capacity building etc. in that order of priority. The universal coverage of water supply and sewerage services have first charge in the Mission. There is maximum allocation of 2.5% of project cost for development of parks with children and elderly friendly features.

The Mission covers covering 500 cities that includes all cities and towns with a population of over one lakh with notified Municipalities. Total outlay for AMRUT is Rs. 50,000 crores for five years from FY 2015-16 to FY 2019-20 and the Mission and is being operated as Central Sponsored Scheme.

### **Reforms**

The Mission is encouraging and supporting the States in conducting reforms that will improve the financial health of the ULBs, delivery of citizen services, transparency and cut the cost of services. The Ministry has circulated model building bylaws and has advised the States to adopt them, specifically its 14 essential features. The Ministry is also supporting the States in conduct of credit rating of the Mission cities that will help them raise resources from the market. The Ministry is also helping them to conduct energy audit of the pumping systems in the cities in order to improve the energy efficiency.

## **Swachh Bharat Mission**

The Swachh Bharat Mission - Urban (SBM-U), launched on 2<sup>nd</sup> October 2014 aims at making urban India free from open defecation and achieving 100% scientific management of municipal solid waste in 4,041 statutory towns in the country.

### **The objectives of the mission are mentioned below:**

- Elimination of open defecation
- Eradication of Manual Scavenging
- Modern and Scientific Municipal Solid Waste Management
- To effect behavioral change regarding healthy sanitation practices
- Generate awareness about sanitation and its linkage with public health
- Capacity Augmentation for ULB's
- To create an enabling environment for private sector participation in Capex (capital expenditure) and Opex (operation and maintenance)

### **The Mission has the following components:**

- Household toilets, including conversion of insanitary latrines into pour-flush latrines;
- Community toilets
- Public toilets
- Solid waste management
- IEC & Public Awareness
- Capacity building and Administrative & Office Expenses (A&OE)

### **The targets set for the Mission, which have to be achieved by 2.10.2019 include:**

- Construction of 66.42 Lakh individual household toilets (IHHL);
- Construction of 2.52 lakh community toilet (CT) seats;
- Construction of 2.56 lakh public toilet (PT) seats; and
- Achieving 100% door-to-door collection and scientific management of municipal solid waste (MSW).

To ensure a continuous engagement and higher awareness among the citizens, a participatory approach for implementation of the Swachh Bharat Mission is being planned in form of theme-based Cleanliness drives on regular intervals, which are specific to a sector. Theme-based interventions are conducted, targeting core city spaces and areas. Depending upon the specific theme, relevant government departments and entities are engaged to facilitate the implementation of the drives and participation by relevant stakeholders.

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## HRIDAY

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Government of India launched the National Heritage City Development and Augmentation Yojana (HRIDAY) scheme in 2015 with a focus on holistic development of heritage cities. The scheme aims to preserve and revitalise soul of the heritage city to reflect the city's unique character by encouraging aesthetically appealing, accessible, informative & secured environment.

With a duration of 27 months (completing in 2017) and a total outlay of INR 500 Crores, the Scheme is being implemented in 12 identified Cities namely, Ajmer, Amaravati, Amritsar, Badami, Dwarka, Gaya, Kanchipuram, Mathura, Puri, Varanasi, Velankanni and Warangal. The scheme is implemented in a mission mode.

The Scheme supports development of core heritage infrastructure projects which shall include revitalization of urban infrastructure for areas around heritage assets identified / approved by the Ministry of Culture, Government of India and State Governments. These initiatives shall include development of water supply, sanitation, drainage, waste management, approach roads, footpaths, street lights, tourist conveniences, electricity wiring, landscaping and such citizen services.

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### North Eastern Region Urban Development Programme -NERUDP

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The scheme is being implemented in the capital cities of 5 North Eastern States viz. Agartala (Tripura), Aizawl (Mizoram), Gangtok (Sikkim), and Kohima (Nagaland) covering priority urban services viz. (i) Water Supply, (ii) Sewerage and Sanitation, and (iii) Solid Waste Management besides capacity building, institutional and financial reforms at an estimated cost of Rs 1371 crore. The projects under the NERUDP scheme are being implemented during 2009 - 2019. NERUDP has been taken up by the Ministry of Urban Development (MoUD) with the financial assistance from Asian Development Bank (ADB). ADB contribution is 70% of the cost as loan to the Government of India.

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### Pradhan Mantri Awas Yojana- Housing for All (Urban)

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At the slum decadal growth rate of 34%, the slum households are projected to go upto 18 million. 2 million non-slum urban poor households are proposed to be covered under the Mission. Hence, total housing shortage envisaged to be addressed through the new mission is 20 million.

The Mission is being implemented during 2015-2022 and provides central assistance to Urban Local Bodies (ULBs) for:

1. In-situ Rehabilitation of existing slum dwellers using land as a resource through private participation 2. Credit Linked Subsidy 3. Affordable Housing in Partnership 4. Subsidy for beneficiary-led individual house construction/enhancement.

All statutory towns as per Census 2011 and towns notified subsequently would be eligible for coverage under the Mission. A Technology Sub-Mission under the Mission has been set up to facilitate adoption of modern, innovative and green technologies and building material for faster and quality construction of houses. It will also assist States/Cities in deploying disaster resistant and environment friendly technologies.

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### **Deendayal Antyodaya Yojana National Urban Livelihoods Mission NULM**

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The NULM focuses on organizing urban poor in their strong grassroots level institutions, creating opportunities for skill development leading to market-based employment and helping them to set up self-employment venture by ensuring easy access to credit. The Mission is aimed at providing shelter equipped with essential services to the urban homeless in a phased manner. In addition, the Mission would also address livelihood concerns of the urban street vendors.

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### **Jawaharlal Nehru National Urban Renewal Mission**

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JNNURM has two components i.e. Basic Services for Urban poor (BSUP) and Integrated Housing and Slum Development Programme (IHSDP). The Mission was initially for a 7 year period i.e. 2005 - 2012 which was extended upto 2015.

The two components of JNNURM were mandated to pursue 3 key pro-poor reforms, namely (a) earmarking of 25% of municipal budget for the urban poor for provision of basic services including affordable housing to the urban poor; (b) implementation of 7- Point Charter, namely provision of land tenure, affordable housing, water, sanitation, education, health and social security to the poor in a time-bound manner ensuring convergence with other programmes and (c) reservation of 25% of developed land in all housing projects, public or private, critical for slum improvement.

IHSDP aimed at integrated development of slums through projects for providing shelter, basic services and other related civic amenities with a view to providing utilities to the urban poor.

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## **IMPORTANT CONSTITUTIONAL AND LEGAL PROVISIONS FOR WOMEN IN INDIA**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

### **1. CONSTITUTIONAL PROVISIONS**

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

#### **Constitutional Privileges**

- (i) Equality before law for women (Article 14)
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))
- (iii) The State to make any special provision in favour of women and children (Article 15 (3))
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- (v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
- (vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A)
- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
- (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
- (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)
- (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))

- (xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))
- (xii) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))
- (xiii) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))
- (xiv) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

## 2. LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

- (i) Rape (Sec. 376 IPC)
- (ii) Kidnapping & Abduction for different purposes ( Sec. 363-373)
- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- (iv) Torture, both mental and physical (Sec. 498-A IPC)
- (v) Molestation (Sec. 354 IPC)
- (vi) Sexual Harassment (Sec. 509 IPC)
- (vii) Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts have special provisions to safeguard women and their interests like

- (i) The Family Courts Act, 1954
- (ii) The Special Marriage Act, 1954
- (iii) The Hindu Marriage Act, 1955
- (iv) The Hindu Succession Act, 1956 with amendment in 2005
- (v) Immoral Traffic (Prevention) Act, 1956
- (vi) The Maternity Benefit Act, 1961 (Amended in 1995)
- (vii) Dowry Prohibition Act, 1961
- (viii) The Medical Termination of Pregnancy Act, 1971
- (ix) The Contract Labour (Regulation and Abolition) Act, 1976
- (x) The Equal Remuneration Act, 1976
- (xi) The Prohibition of Child Marriage Act, 2006

- (xii) The Criminal Law (Amendment) Act, 1983
- (xiii) Indecent Representation of Women (Prohibition) Act, 1986
- (xiv) Commission of Sati (Prevention) Act, 1987
- (xv) The Protection of Women from Domestic Violence Act, 2005

### 3. SPECIAL INITIATIVES FOR WOMEN

(i) **National Commission for Women** : In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

(ii) **Reservation for Women in Local Self -Government** : The 73<sup>rd</sup> Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

(iii) **The National Plan of Action for the Girl Child (1991-2000)** : The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child. National Policy for Children-2013 was adopted by the Government of India on 26<sup>th</sup> April 2013. National Plan of Action for Children 2016 is in Draft Format.

(iv) **National Policy for the Empowerment of Women, 2001** : The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “**National Policy for the Empowerment of Women**” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women. **National Policy for the Empowerment of Women, 2016** is under draft stage.



Some Manusmriti verses that are discriminatory towards women:

1. “Swabhav ev narinam .....” – 2/213. It is the nature of women to seduce men in this world; for that reason the wise are never unguarded in the company of females.
2. “Avidvam samlam.....” – 2/214. Women, true to their class character, are capable of leading astray men in this world, not only a fool but even a learned and wise man. Both become slaves of desire.
3. “Matra swastra .....” – 2/215. Wise people should avoid sitting alone with one’s mother, daughter or sister. Since carnal desire is always strong, it can lead to temptation.
4. “Naudwahay.....” – 3/8. One should not marry women who has have reddish hair, redundant parts of the body [such as six fingers], one who is often sick, one without hair or having excessive hair and one who has red eyes.
6. “Yasto na bhavet .....” – 3/10. Wise men should not marry women who do not have a brother and whose parents are not socially well known.
7. “Uchayangh.....” – 3/11. Wise men should marry only women who are free from bodily defects, with beautiful names, grace/gait like an elephant, moderate hair on the head and body, soft limbs and small teeth.
13. “Chandalash .....” – 3/240. Food offered and served to Brahman after Shraddh ritual should not be seen by a chandal, a pig, a cock, a dog, and a menstruating women.
14. “Na ashniyat.....” – 4/43. A Brahman, true defender of his class, should not have his meals in the company of his wife and even avoid looking at her. Furthermore, he should not look towards her when she is having her meals or when she sneezes/yawns.
15. “Na ajyanti.....” – 4/44. A Brahman in order to preserve his energy and intellect, must not look at women who applies collyrium to her eyes, one who is massaging her nude body or one who is delivering a child.
18. “Balye pitorvashay.....” – 5/151. Girls are supposed to be in the custody of their father when they are children, women must be under the custody of their husband when married and under the custody of her son as widows. In no circumstances is she allowed to assert herself independently.
19. “Asheela kamvrto.....” – 5/157. Men may be lacking virtue, be sexual perverts, immoral and devoid of any good qualities, and yet women must constantly worship and serve their husbands.
20. “Na ast strinam.....” – 5/158. Women have no divine right to perform any religious ritual, nor make vows or observe a fast. Her only duty is to obey and please her husband and she will for that reason alone be exalted in heaven.
21. “Kamam to.....” – 5/160. At her pleasure [after the death of her husband], let her emaciate her body by living only on pure flowers, roots of vegetables and fruits. She must not even mention the name of any other men after her husband has died.
22. “Vyabhacharay.....” – 5/167. Any women violating duty and code of conduct towards her husband, is disgraced and becomes a patient of leprosy. After death, she enters womb of Jackal.
25. “Ya to kanya.....” – 8/369. In case a woman tears the membrane [hymen] of her Vagina, she shall instantly have her head shaved or two fingers cut off and made to ride on Donkey.
26. “Bhartaram.....” – 8/370. In case a women, proud of the greatness of her excellence or her relatives, violates her duty towards her husband, the King shall arrange to have her thrown before dogs at a public place.

27. “Pita rakhshati.....” – 9/3. Since women are not capable of living independently, she is to be kept under the custody of her father as child, under her husband as a woman and under her son as widow.

28. “Imam hi sarw.....” – 9/6. It is the duty of all husbands to exert total control over their wives. Even physically weak husbands must strive to control their wives.

30. “Panam durjan.....” – 9/13. Consuming liquor, association with wicked persons, separation from her husband, rambling around, sleeping for unreasonable hours and dwelling -are six demerits of women.

31. “Naita rupam.....” – 9/14. Such women are not loyal and have extra marital relations with men without consideration for their age.

32. “Poonshchalya.....” – 9/15. Because of their passion for men, immutable temper and natural heartlessness, they are not loyal to their husbands.

33. “Na asti strinam.....” – 9/18. While performing namkarm and jatkarm, Vedic mantras are not to be recited by women, because women are lacking in strength and knowledge of Vedic texts. Women are impure and represent falsehood.

37. 9/77. Any women who disobey orders of her lethargic, alcoholic and diseased husband shall be deserted for three months and be deprived of her ornaments.

38. “Vandyashtamay.....” – 9/80. A barren wife may be superseded in the 8<sup>th</sup> year; she whose children die may be superseded in the 10<sup>th</sup> year and she who bears only daughters may be superseded in the 11<sup>th</sup> year; but she who is quarrelsome may be superseded without delay.

39. “Trinsha.....” – 9/93. In case of any problem in performing religious rites, males between the age of 24 and 30 should marry a female between the age of 8 and 12.

IAS  
GUIDE

## WOMEN'S ENTRY INTO THE SABARIMALA TEMPLE

Sabarimala Temple row is about the conflict between tradition and women rights.

As per traditions and customs, women between 10 and 50 years of age were not allowed to enter into Sabarimala Temple. But the situation changed when the Supreme Court on September 28, 2018, ruled that restricting entry of women of menstruating age (between 10 and 50 years old) was unconstitutional.

Creating history, two women – Bindu (42) and Kanakadurga (44) – dressed in black attire entered Sabarimala early morning on 02-01-2019. They reached Sannidhanam under the protection of police officers, a few of them in mufti.

However, the Kerala state government has been facing difficulties to execute the Supreme Courts order due to massive protests.

### Sabarimala Temple – Background

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Sabarimala Sree Dharma Sastha Temple is one of the most famous Hindu temples in India, located in the Pathanamthitta district of Kerala. The temple is managed by the Travancore Devaswom Board. Main stakeholders of Sabarimala Temple are Travancore Devasom Board, Tantri (head priest) family, Pandalam Royal Family, Ayyappa Seva Sangam etc. The shrine at Sabarimala is an ancient temple of Ayyappan also known as Sasta and Dharmasasta.

Lord Ayyappan is worshipped as a 'Naishtika Bramhachari' or a celibate for life. Therefore, as per a notification by the Devaswom Board that manages the temple, women belonging to the menstruating age are not permitted to enter the temple.

The devotees are expected to follow a *Vratham* (41-day austerity period) prior to the pilgrimage. About 2 crore devotees visit the pilgrimage centre every year.

### The Supreme Court Verdict on Sabarimala Women Entry Issue in 2018

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The Supreme Court verdict on September 28, 2018, paved the way for the entry of women of all ages into the Ayyappa temple at Sabarimala in Kerala.

The five-judge constitution bench headed by Chief Justice Dipak Misra, in its 4:1 verdict, said banning the entry of women into the shrine is **gender discrimination** and the practice **violates the rights of Hindu women**. It said religion is a way of life basically to link life with divinity.

The court observed that it can't be oblivious to the fact of the case that a class of women is disallowed due to physiological reasons (menstruation).

The CJI said devotion cannot be subjected to discrimination and patriarchal notion cannot be allowed to trump equality in devotion. While Justices R F Nariman and D Y Chandrachud concurred with the CJI and Justice A M Khanwilkar, Justice Indu Malhotra gave a dissenting verdict.

Ironically, in the 4-1 verdict on ***Indian Young Lawyers Association & Others vs The State of Kerala & Others***, the only dissenting vote was of the sole woman judge on the bench: Justice Indu Malhotra. Justice Malhotra, in her dissenting judgement, said that issues which have deep religious connotation should not be tinkered with to maintain a secular atmosphere in the country.

However, the Supreme Court verdict – that the Sabarimala temple must be thrown open to women of all ages – should be seen as another victory for the cause of gender equality.

The Supreme Court on 13-11-2018 admitted all 49 review petitions seeking revisit of its September 28 order to allow women of all age groups inside the Sabarimala temple. The court has however not ordered any stay on its earlier verdict allowing women entry into the hill shrine.

### Views of Those Who Support Women Entry

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- Preventing women from entering the places of worship goes against Articles 14, 15, 19, and 25 of the Indian constitution, which deal with the right to equality, the right against discrimination based on gender, freedom of movement and freedom of religion.
- The excluded women claim that barring them access to the inner sanctum of the shrine violated their fundamental right under Article 25(1) to freely practice their religion.
- Right to manage its own religious affairs under Article 26(1) cannot “override the right to practice religion itself”, as Article 26 cannot be seen to overrule the right to practice one's religion as guaranteed under the Constitution of India.
- Restricting the entry of women into places of worship is one of the ways of imposing patriarchy. Often the restrictions are based on patriarchy and not religion.
- Banning entry to the temple is discriminatory since it subverts the idea of everyone being equal to God.
- From the abolition of Sati to temple entry proclamation to the abolition of untouchability, reforms have been judicial or legislative.
- In April 2016, the Shani Shingnapur temple, which had barred women from entering its core area for over 400 years, allowed women to pray inside the temple following the court's orders.

### Views of Those Who Oppose Women Entry

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While some argue that women are barred from entering the Sabarimala temple to preserve 'purity', others bring the element of celibacy of the deity Ayyappa as the main argument against.

- Women are banned from entering the temples to preserve 'purity'. The reason cited in Sabarimala case is that women during their menstruation period are not supposed to enter places of worship.
- Referring to the presiding deity Lord Ayyappa as a Naishtika Bramhachari, many point out that it is the celibate nature of the deity that forms the basis

of the practice and not misogyny.

- Sabarimala was a separate religious cult with its own rules.
- Article 15 of the Constitution does not apply to religious institutions. Article 15(2) provides citizens with the right to access to places such as hotels, shops and so on but nowhere does it mention public temples.
- Some of those who oppose women entry argue that their actions are protected by Article 25(1).
- Article 25(2) pertains to only secular aspects and it is only pertaining to social issues, not gender or religious-based issues.

### Can the state/court determine the validity of religious claims?

- These issues highlight the tension between religious tradition and the reformist impulse of the Constitution.
- Over the years, courts have intervened in religious matters backed by Article 25(2) of the constitution.
- The courts have put in place what is known as the “essential practices” test, used to decide a variety of cases. The court has used this test to decide which religious practices are eligible for constitutional protection. And to judge the extent of independence that can be enjoyed by religious denominations.
- This test, developed by the Supreme Court in the 1950s and 60, has been criticized as allowing secular courts to determine the validity of religious claims.

### Some Important Supreme Court Important Judgments on the Essence of Religion

- In the **Ananda Marga case** (2004), the Supreme Court held that the public performance of the Tandava dance was not an essential part of the religion of the Ananda Marga sect, even though it had been specifically set down as such in their holy book.
- In **Shirur Mutt case**, the Supreme Court observed that a “religious denomination or organization enjoys complete autonomy in the matter of deciding as to what rites and ceremonies are essential and no outside authority has any jurisdiction to interfere with their decision”. At the same time, the court also said that the state can legitimately regulate religious practices when they “run counter to public order, health and morality” and when they are “economic, commercial or political in their character though they are associated with religious practices”.

## **Protests after Sabarimala Verdict of the Supreme Court**

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The SC verdict led to protests on 17 October 2018 when the temple was opened for the first time since the Supreme Court verdict came.

Even though some women of menstruating age tried to enter the temple they were sent back by Police after the protests turned violent.

Many women journalists were assaulted by the protestors and Police had to resort to lathi-charge to disperse them.

Sabarimala Karma Samithi, a relatively obscure organisation called for a state-wide Harthal. BJP-led NDA Kerala Unit and Shiv Sena Kerala Unit supported the Harthal.

Pandalam Palace directed the temple high priest (Tantri) to close the sanctum if any young women enter temple premises. The Tantri concurs with this view.

Kerala government must quickly find the golden mean between law and belief.

### **In summary:**

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The recent issues of restriction on entry of women in places of worship like Sabarimala, Shani Shingnapur, and Haji Ali have once again brought the focus on the debate 'religious tradition versus gender equality'.

Excluding women from access to the shrine is a clear violation of their fundamental rights to equality (Article 14), non-discrimination (Article 15), and freedom of religion (Article 25).

The main issue is not an entry, but equality. The religious exclusion has a public character, and that it is not just an issue of a sacred tradition but one of the civil rights and material and symbolic equality.

It is unfortunate that the courts have become the arbiter of what constitutes true religion. This situation has arisen because the Indian state is the agent for the reform and management of Hinduism and its institutions.

Beliefs and customs of devotees cannot be changed through a judicial process. The reforms should come from within the society. So long as that does not happen, we are likely to see religious issues being repeatedly taken to court.

## Triple Talaq

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### What is triple talaq?

There are three forms of talaq (divorce): Ahsan, Hasan and Talaq-e-Biddat (triple or instant talaq). Ahsan and Hasan are revocable. Biddat — pronouncing divorce thrice in one go by the husband — is irrevocable. Biddat is considered 'sinful,' but permissible in Islamic law. An anecdote in this context is about two men meeting in Medinah. The first man asks whether the second has divorced his wife, to which the latter replies that he has done so a thousand times. The man was produced before Caliph Umar, who whipped him. After the lashing, Umar told the man "triple talaq will suffice you." The All India Muslim Personal Law Board (AIMPLB) holds that for the Hanafis, who make up more than 90% Sunnis in India, triple talaq is a matter of faith followed for 1,400 years.

### How did it come about?

On October 16, 2015, the Supreme Court questioned whether Muslim personal law practices of marriage and divorce reduce women to mere chattels. In a rare move, it registered a suo motu public interest litigation (PIL) petition titled 'In Re: Muslim Women's Quest for Equality' to examine whether arbitrary divorce, polygamy and nikah halala (where a Muslim divorcee marries a man and divorces him to get re-married to her former husband) violate women's dignity.

The court rued missing the opportunity to address the question of gender inequality in both the Shah Bano and Danial Latifi cases. In the Shah Bano case, the court merely goaded the government to frame the Uniform Civil Code. In the Latifi case, it upheld the right of Muslim women to maintenance till re-marriage. Many Muslim women and organisations backed the court's initiative. However, a Constitution Bench decided to confine itself to examining triple talaq and not polygamy and nikah halala.

### Why does it matter?

This has been an issue of concern for over 65 years for Muslim women, who comprise approximately 8% of the population as per the 2011 census. "Muslim women want to have a life equal to that of another woman, say a Christian or Hindu wife," the government argued in court. The Centre claimed that instant talaq is not fundamental to Islam. It promised to bring in a new divorce law for Muslim men in case the court strikes down the three forms of talaq.

The government argued that Muslim marriage and divorce is codified under Section 2 of the Shariat Act of 1937 and came within the ambit of 'law' under Article 13 of the Constitution. Hence, they should abide by the principles of dignity and non-discrimination.

The All India Muslim Personal Law Board countered that triple talaq is a matter of faith like the Hindu belief that Ayodhya is Ram's birthplace. The courts and the government should leave reform to the community, it said, quoting the Bombay High Court's unchallenged decision in the Narasu Appa Mali case that personal law should not be tinkered with. Where will Muslim men go for divorce if you (the court) strike down talaq and Parliament refuses to pass a new law, the AIMPLB asked.

## Triple Talaq Bill

The Muslim Women (Protection of Rights on Marriage) Bill, 2017 was introduced in Lok Sabha by the Minister of Law and Justice, Mr. Ravi Shankar Prasad on December 28, 2017.

The Bill makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal. It defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce. Talaq-e-biddat refers to the practice under Muslim personal laws where pronouncement of the word 'talaq' thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.

**Offence and penalty:** The Bill makes declaration of talaq a cognizable and non-bailable offence. (A cognizable offence is one for which a police officer may arrest an accused person without warrant.) A husband declaring talaq can be imprisoned for up to three years along with a fine.

**Allowance:** A Muslim woman against whom talaq has been declared, is entitled to seek subsistence allowance from her husband for herself and for her dependent children. The amount of the allowance will be decided by a First Class Magistrate.

**Custody of minor children:** A Muslim woman against whom such talaq has been declared, is entitled to seek custody of her minor children. The determination of custody will be made by the Magistrate.

## Issues

Ascribing criminal nature to any matrimonial offence has always remained a contentious issue. With the Supreme Court giving a landmark judgment declaring the practice of triple talaq as unconstitutional, the course to be taken related to its punishment has come under the scanner. In this article, the writer seeks to delve upon the implications that the current Bill may have on large sections of the society, adversely affecting their rightful interests.

Despite being the nation with the 3rd largest Muslim population in the world, unlike most Muslim-majority countries, India has been slow to ban triple talaq. The controversy around triple talaq stems from how it is practiced in modern-day societies. According to Islamic belief, it should be a deliberate and thoughtful practice, carried out over the course of several weeks and cannot be effectuated by an instantaneous pronouncement. Now, with the recent SC judgment[1], India has joined the list of several other countries like Pakistan, Indonesia, Bangladesh, etc. where triple talaq is considered un-Islamic and has been outlawed for years.

Since the beginning of the issue, scholars have suggested that rather than criminalization, the legislature should have adopted the path of including it as an act of infliction of domestic violence under the ambit of the Domestic Violence Act, 2005 wherein it could have been categorized as verbal and emotional abuse, covered under S.3 of Act. This would provide a greater number of avenues to the women folk to seek resort to against the injustice inflicted on them due to the arbitrarily callous attitude of their husbands. This would have opened up the path of multiple reliefs like protection against violence, right to residence in the marital home, etc.

These options are not available under the current Bill which only consists of a provision of 3 years of jail imprisonment for the husband. Though the bill seeks to bring the Muslim women on equal



footing by ensuring they get their due share of rights. It favours the women to get the custody of the children accompanied with the obligation on the husband to pay sustenance allowance to the wife and his children. However, the Bill suffers from some inherent flaws which arose firstly because at the time of its drafting it was not consulted with the Muslim women and the AIMPLB. In fact, the idea of this having a criminal character is in itself flawed since marriage under Islamic law is purely a civil contract between two adults. Hence, it must follow the procedure which is civil in nature.

The Bill is proving to be highly discriminatory against the Muslim men because in such cases, Muslim husband will be prosecuted even without his wife's assent, for pronouncing triple talaq, whereas a Hindu man who rapes his wife while they are separated will not be prosecuted unless his estranged wife agrees. This creates dual standards for menfolk among different religions. On one hand the legislature claims that it is in consonance with the Supreme Court decision of declaring it unconstitutional, but on the other hand, the AIMPLB has voiced its concerns as it believes that this Bill goes contrary to the protection granted by the Constitution.

Apart from that, it takes away the additional layer of judicial oversight that was present in the case of offences related to marriages to prevent third parties from seeking redressal of wrongs committed between two private parties. By making the practice of triple talaq a cognizable offence under the Muslim Women Bill, it gives police officers the power to conduct an investigation without bringing it to the notice of the concerned magistrate forthwith, the moment a police officer receives a complaint, without waiting for the magistrate's order. This has raised the fear of Muslim men becoming soft targets, who the police can arbitrarily throw in jail for three years based on anybody's complaint. This gives the police an additional handle

Moreover, there have been certain inconsistencies within the Bill itself, with the most glaring internal contradiction found in Sections 5 and 6 which discuss post-divorce issues such as a "subsistence allowance" for the woman upon whom instant talaq "is pronounced" and the "custody of her minor children" as if her marriage is dissolved by the mere pronouncement of talaq-e-biddat. The drafters of this Bill talk of post-divorce matters ignoring the fact that the pronouncement (instant talaq) has already been voided in S.3 and cannot result in a divorce.

Here, the government fails to address the issue of how are they supposed to provide for themselves and their children when their husbands are pushed into jail for three years. This would ultimately amount to indirect punishment to wronged women, whose cause this government claims to champion. Criminal prosecution of the husband will result in ending the marriage without securing the wife with a surety of her economic rights. It is believed that this Bill might end up suffering similar flaw as in case of S.498A which has turned out to be a futile piece of legislation.

Though this Bill seeks to guarantee a definite safeguard for the women, acting as a shield from the torturous deeds and whimsical behaviour of their husbands, it fails to take into consideration the interests of the poor, illiterate Muslim women. It imposes on them the burden of proof since in case of inadequate legal representation it would be difficult for them to prove in court that triple talaq was actually given. Alternatively, even once the husband is sent to prison, the women would be deprived of shelter and sustenance if the husband is unable to support in the absence of any constant source of income, when behind the bars.

Such criminal recourse ultimately closes all doors of possible reconciliation, even in as scenario where the couple may have been ready in the beginning to forego the animosity generated. Such penal policy can be considered as an interference in the personal matters as this takes away the opportunity from the errant husband to reconcile and thus may, in the longer run, have the effect of instilling a sense of insecurity and alienation among the minority Muslim community.

The landmark judgement of the Supreme Court declaring the practice of triple talaq as something that needs legislative reconsideration in a manner that the primary objective of safeguarding the rights of Muslim women is not defeated.

IAS GURUKUL

## **Feminist Movement in India**

Feminism in India is a set of movements aimed at defining, establishing, and defending equal political, economic, and social rights and equal opportunities for Indian women. It is the pursuit of women's rights within the society of India. Like their feminist counterparts all over the world, feminists in India seek gender equality: the right to work for equal wages, the right to equal access to health and education, and equal political rights. Indian feminists also have fought against culture-specific issues within India's patriarchal society, such as inheritance laws and the practice of Sati.

The history of feminism in India can be divided into three phases: the first phase, beginning in the mid-eighteenth century, initiated when male European colonists began to speak out against the social evils of Sati; the second phase, from 1915 to Indian independence, when Gandhi incorporated women's movements into the Quit India movement and independent women's organizations began to emerge, and finally, the third phase, post-independence, which has focused on fair treatment of women at home after marriage, in the work force and right to political parity.

Despite the progress made by Indian feminist movements, women living in modern India still face many issues of discrimination. India's patriarchal culture has made the process of gaining land-ownership rights and access to education challenging. In the past two decades, there has also emerged a trend of sex-selective abortion. To Indian feminists, these are seen as injustices worth struggling against.

As in the West, there has been some criticism of feminist movements in India. They have especially been criticized for focusing too much on women already privileged, and neglecting the needs and representation of poorer or lower caste women. This has led to the creation of caste-specific feminist organizations and movements.

### **History**

Unlike the Western feminist movement, India's movement was initiated by men, and later joined by women. But feminism as an initiative by women started independently a little later in Maharashtra by pioneering advocates of women's rights and education, Savitribai Phule, who started the first school for girls in India, Tarabai Shinde who wrote India's first feminist text, and Pandita Ramabai who criticized patriarchy and caste-system in Hinduism, married outside her caste and converted to Christianity. The efforts of Bengali reformers included abolishing sati, which was a widow's death by burning on her husband's funeral pyre, abolishing the custom of child marriage, abolishing the disfiguring of widows, introducing the marriage of upper caste Hindu widows, promoting women's education, obtaining legal rights for women to own property, and requiring the law to acknowledge women's status by granting them basic rights in matters such as adoption.

The 19th century was the period that saw a majority of women's issues come under the spotlight and reforms began to be made. Much of the early reforms for Indian women were conducted by men. However, by the late 19th century they were joined in their efforts by their wives, sisters, daughters, proteges and other individuals directly affected by campaigns such as those carried out for women's education. By the late 20th century, women gained greater autonomy through the formation of independent women's own organizations. By the late thirties and forties a new narrative began to be constructed regarding "women's activism". This was newly researched and expanded with the vision to create 'logical' and organic links between feminism and Marxism, as well as with anti-communalism and anti-casteism, etc. The Constitution of India did guarantee 'equality between the sexes,' which created a relative lull in women's movements until the 1970s.

During the formative years of women's rights movements, the difference between the sexes was more or less taken for granted in that their roles, functions, aims and desires were different. As a result, they were not only to be reared differently but treated differently also. Over the course of time, this difference itself became a major reason for initiating women's movements. Early 19th century reformers argued that the difference between men and women was no reason for the subjection of

women in society. However, later reformers were of the opinion that indeed it was this particular difference that subjugated women to their roles in society, for example, as mothers. Therefore, there was a need for the proper care of women's rights. With the formation of women's organizations and their own participation in campaigns, their roles as mothers was again stressed but in a different light: this time the argument was for women's rights to speech, education and emancipation. However, the image of women with the mother as a symbol underwent changes over time – from an emphasis on family to the creation of an archetypal mother figure, evoking deep, often atavistic images.

### **First phase: 1850–1915**

The colonial venture into modernity brought concepts of democracy, equality and individual rights. The rise of the concept of nationalism and introspection of discriminatory practices brought about social reform movements related to caste and gender relations. This first phase of feminism in India was initiated by men to uproot the social evils of sati (widow immolation), to allow widow remarriage, to forbid child marriage, and to reduce illiteracy, as well as to regulate the age of consent and to ensure property rights through legal intervention. In addition to this, some upper caste Hindu women rejected constraints they faced under Brahminical traditions. However, efforts for improving the status of women in Indian society were somewhat thwarted by the late nineteenth century, as nationalist movements emerged in India. These movements resisted 'colonial interventions in gender relations' particularly in the areas of family relations. In the mid to late nineteenth century, there was a national form of resistance to any colonial efforts made to 'modernize' the Hindu family. This included the Age of Consent controversy that erupted after the government tried to raise the age of marriage for women.

Several Indian states were ruled by women during British colonial advance including Jhansi (Rani Laxmibai), Kittur (Rani Chennamma), Bhopal (Quidisa Begum) and Punjab (Jind Kaur).

### **Second Phase: 1915–1947**

During this period the struggle against colonial rule intensified. Nationalism became the pre-eminent cause. Claiming Indian superiority became the tool of cultural revivalism resulting in an essentialising model of Indian womanhood similar to that of Victorian womanhood: special yet separated from public space. Gandhi legitimized and expanded Indian women's public activities by initiating them into the non-violent civil disobedience movement against the British Raj. He exalted their feminine roles of caring, self-abnegation, sacrifice and tolerance; and carved a niche for those in the public arena. Peasant women played an important role in the rural Satyagrahs of Borsad and Bardoli. Women-only organizations like All India Women's Conference (AIWC) and the National Federation of Indian Women (NFIW) emerged. Women were grappling with issues relating to the scope of women's political participation, women's franchise, communal awards, and leadership roles in political parties.

The 1920s was a new era for Indian women and is defined as 'feminism' that was responsible for the creation of localised women's associations. These associations emphasised women's education issues, developed livelihood strategies for working-class women, and also organised national level women's associations such as the All India Women's Conference. AIWC was closely affiliated with the Indian National Congress. Under the leadership of Mahatma Gandhi, it worked within the nationalist and anti-colonialist freedom movements. This made the mass mobilisation of women an integral part of Indian nationalism. Women therefore were a very important part of various nationalist and anti-colonial efforts, including the civil disobedience movements in the 1930s.

After independence, the All India Women's Conference continued to operate and in 1954 the Indian Communist Party formed its own women's wing known as the National Federation of Indian Women. However, feminist agendas and movements became less active right after India's 1947 independence, as the nationalist agendas on nation building took precedence over feminist issues.

Women's participation in the struggle for freedom developed their critical consciousness about their role and rights in independent India. This resulted in the introduction of the franchise and civic rights of women in the Indian constitution. There was provision for women's upliftment through affirmative action, maternal health and child care provision (crèches), equal pay for equal work etc. The state adopted a patronising role towards women. For example, India's constitution states that women are a "weaker section" of the population, and therefore need assistance to function as equals. Thus women in India did not have to struggle for basic rights as did women in the West. The utopia ended soon when the social and cultural ideologies and structures failed to honour the newly acquired concepts of fundamental rights and democracy.

### **Post-1947**

Post independence feminists began to redefine the extent to which women were allowed to engage in the workforce. Prior to independence, most feminists accepted the sexual divide within the labour force. However, feminists in the 1970s challenged the inequalities that had been established and fought to reverse them. These inequalities included unequal wages for women, relegation of women to 'unskilled' spheres of work, and restricting women as a reserve army for labour. In other words, the feminists' aim was to abolish the free service of women who were essentially being used as cheap capital. Feminist class-consciousness also came into focus in the 1970s, with feminists recognising the inequalities not just between men and women but also within power structures such as caste, tribe, language, religion, region, class etc. This also posed as a challenge for feminists while shaping their overreaching campaigns as there had to be a focus within efforts to ensure that fulfilling the demands of one group would not create further inequalities for another. Now, in the early twenty-first century, the focus of the Indian feminist movement has gone beyond treating women as useful members of society and a right to parity, but also having the power to decide the course of their personal lives and the right of self-determination.

In 1966 Indira Gandhi became the first female Prime Minister of India. She served as prime minister of India for three consecutive terms (1966–77) and a fourth term from 1980 until she was assassinated in 1984.

The state of Kerala is often viewed as the ideal progressive leader in the women's rights movement in India among states. Kerala maintains very high relative levels of female literacy and women's health, as well as greater female inheritance and property rights. For example, a 1998 study conducted by Bina Agarwal found that while only 13% of all women in India with landowning fathers inherited that land as daughters, 24% of such women were able to do so in the state of Kerala.[28] This is important because it has been shown that measures to improve such access to property and economic independence through channels such as education not only directly improve women's wellbeing and capabilities, but also reduce their risk of exposure to marital or any sort of domestic violence. In 2014, an Indian family court in Mumbai ruled that a husband objecting to his wife wearing a kurta and jeans and forcing her to wear a sari amounts to cruelty inflicted by the husband and can be a ground to seek divorce. The wife was thus granted a divorce on the ground of cruelty as defined under section 27(1)(d) of Special Marriage Act, 1954. In 2016 a judgment of the Delhi high court was made public in which it was ruled that the eldest female member of a Hindu Undivided Family can be its "Karta".

### **Issues**

Despite "on-paper" advancements, many problems still remain which inhibit women from fully taking advantage of new rights and opportunities in India.

There are many traditions and customs that have been an important part of Indian culture for hundreds of years. Religious laws and expectations, or "personal laws" enumerated by each specific religion, often conflict with the Indian Constitution, eliminating rights and powers women should legally have. Despite these crossovers in legality, the Indian government does not interfere with religion and the personal laws they hold. Indian society is largely composed of hierarchical systems within families and communities. These hierarchies can be broken down into age, sex, ordinal position, kinship

relationships (within families), and caste, lineage, wealth, occupations, and relationship to ruling power (within the community). When hierarchies emerge within the family based on social convention and economic need, girls in poorer families suffer twice the impact of vulnerability and stability. From birth, girls are automatically entitled to less; from playtime, to food, to education, girls can expect to always be entitled to less than their brothers. Girls also have less access to their family's income and assets, which is exacerbated among poor, rural Indian families. From the start, it is understood that females will be burdened with strenuous work and exhausting responsibilities for the rest of their lives, always with little to no compensation or recognition.

India is also a patriarchal society, which, by definition, describes cultures in which males as fathers or husbands are assumed to be in charge and the official heads of households. A patrilineal system governs the society, where descent and inheritance are traced through the male line and men are generally in control of the distribution of family resources.

These traditions and ways of Indian life have been in effect for so long that this type of lifestyle is what women have become accustomed to and expect Indian women often do not take full advantage of their constitutional rights because they are not properly aware or informed of them. Women also tend to have poor utilization of voting rights because they possess low levels of political awareness and sense of political efficacy. Women are not often encouraged to become informed about issues. Due to this, political parties do not invest much time in female candidates because there is a perception that they are a "wasted investment."

The female-to-male ratio in India is 933 to 1000, showing that there are numerically fewer women in the country than men. This is due to several factors, including infanticides, most commonly among female infants, and the poor care of female infants and childbearing women. Although outlawed, infanticides are still highly popular in rural India, and are continuing to become even more prominent. This is due to the fact, most especially in rural areas, that families cannot afford female children because of the dowry they must pay when their daughter gets married. Like infanticide, the payment of dowry is also illegal, but is still a frequent and prevalent occurrence in rural India.[34] Women are considered to be "worthless" by their husbands if they are not "able" to produce a male child, and can often face much abuse if this is the case.

#### Birth ratio

Between the years of 1991 to 2001, the female-male ratio of the population of India fell from 94.5 girls per 100 boys to 92.7 girls per 100 boys. Some parts of the country, such as Kerala, did not experience such a decline, but in the richer Indian states of Punjab, Haryana, Gujarat, and Maharashtra, the female-male ratio fell very sharply (the female-male ratios in these states were between 79.3 and 87.8).[5] This is evidence of natality inequality, and an indication that sex-selective abortion has become more pervasive. The Indian parliament has banned the use of sex determination techniques for fetuses due to this, but enforcement of this law has been largely ignored.

#### Marriage

Most of the average Indian woman's life is spent in marriage; many women are still married before the legal age of 18, and the incidence of non-marriage is low in India. Childbearing and raising children are the priorities of early adulthood for Indian women. Thus, if they enter the workforce at all, it is far later than Indian men. Urban Indian men reach the peak of their labour force participation between the ages of 25 and 29, while urban Indian women do so between the ages of 40 and 44. Because of this, women have less time for the acquisition of skills and fewer opportunities for job improvements.

There is a poor representation of women in the Indian workforce. Females have a ten percent higher drop-out rate than males from middle and primary schools, as well as lower levels of literacy than men. Since unemployment is also high in India, it is easy for employers to manipulate the law, especially when it comes to women, because it is part of Indian culture for women not to argue with

men. Additionally, labour unions are insensitive to women's needs. Women also have to settle for jobs that comply with their obligations as wives, mothers, and homemakers.

#### Dress code

Another issue that concerns women is the dress code expected of them. Islam requires both men and women to dress modestly; this concept is known as hijab and covers a wide interpretation of behavior and garments. There is mixed opinion among feminists over extremes of externally imposed control. Women from other religions are also expected to follow dress codes.

#### Theology

##### Hindu community

In the Hindu religion, there has been partial success in terms of gender equality reform laws and family law. While this is a major advancement relative to other religions in India, it is still not a complete triumph in terms of feminism and relieving oppression.[32] Gandhi came up with the term *stree shakti* (women power) for the concept of womanhood. In the Hindu religion, Gods are not exclusively male. Hinduism sheds a positive light on femininity; females are considered to complement and complete their male counterparts. It is important to note that both the deity of knowledge and the deity of wealth are female.

There has been some criticism from Dalit groups that Indian feminism tends to represent "upper caste" and upper class Hindu women, while ignoring and marginalising the interests of Dalit women. Debates on caste and gender oppression have been furthered by Other Backward Class (OBC) members of different political parties, arguing in state assemblies that "lower caste" women's interests are best represented by women from these castes.

Working towards this end, women within Dalit castes have formed organizations such as the All India Dalit Women's Forum and the National Federation of Dalit Women and Dalit Solidarity, which focus on the gendered implications of caste based violence and oppression, such as the ways in which Dalit women suffer from urban poverty and displacement.

##### Muslim community

The Hindu and Muslim communities in India were treated differently by the government in that separate types of concessions were made for each community in order to accommodate their separate religious laws and regulations. The case of Shah Bano begun in 1985 was one such example of Rajiv Gandhi attempting to make "concessions" for the Muslim community to in turn secure support for the Congress. Shah Bano, a 73-year-old Muslim woman, was divorced by her husband after forty-three years of marriage. According to the Sharia or Muslim Law, her husband was not required to pay her alimony. Shah Bano challenged this decision in the Supreme Court, which ultimately ruled in her favour and ordered her husband to pay her a monthly maintenance allowance. This caused chaos amongst the Muslim clerics who denounced the judgement and suggested that their religion, Islam was under attack in the country. In a fear of losing overall Muslim support, Rajiv succumbed to the pressures of the Conservative Moulvis from Muslims community and his own party and backed the Muslim Women (Protection of Rights on Divorce) Bill which restricts alimony for Muslim Women only for 90 days after divorce. This caused an outcry from Muslim feminists and Hindu nationalists who found the appeasement of Muslim males by the Congress for political purposes wrong and opportunistic.

Feminism was challenged by various minority groups for not entirely addressing the needs of minority populations. It was suggested that 'mainstream' feminism was upper caste and Hindu in its orientation and did not address the concerns of minority women. This led to the formation of the Awaaz-e-Niswaan (The Voice of Women) in 1987 in Mumbai in largely Muslim part of the city. The

Muslim community has personal laws that often were considered harmful to the rights of Muslim women. The Muslim personal law allows Polygamy but not Polyandry.

### Impact

Western-educated Indians introduced equality in the early nineteenth century. However, the term did not gain meaning or become an operational principle in Indian life until the country gained independence in 1947 and adopted a democratic government. The Indian Constitution then granted equality, freedom from discrimination based on gender or religion, and guaranteed religious freedoms.[32] Also, seven five-year plans were developed to provide health, education, employment, and welfare to women. The sixth five-year plan even declared women "partners in development."

### Employment

In general, in the uneducated and rural sections of Indian society, which form a major percentage of the total population, women are seen as economic burdens. Their contributions to productivity are mostly invisible as their familial and domestic contributions are overlooked. Indian women were contributing nearly 36 percent of total employment in agriculture and related activities, nearly 19 percent in the service sector, and nearly 12.5 in the industry sector as of the year 2000. High illiteracy rates among women confine them to lower paying, unskilled jobs with less job security than men. Even in agricultural jobs where the work of men and women are highly similar, women are still more likely to be paid less for the same amount and type of work as men. Although the Government of India has tried to eliminate inequality in the workforce, women still receive unequal treatment. "Men are more likely to get promotions than women—besides, for men the nature of their jobs often changed with these promotions, unlike women, who usually only got increased responsibility and higher workload."

In 1955 the Bollywood group Cine Costume Make-Up Artist & Hair Dressers' Association (CCMAA) created a rule that did not allow women to obtain memberships as makeup artists.[41] However, in 2014 the Supreme Court of India ruled that this rule was in violation of the Indian constitutional guarantees granted under Article 14 (right to equality), 19(1)(g) (freedom to carry out any profession) and Article 21 (right to liberty).[41] The judges of the Supreme Court of India stated that the ban on women makeup artist members had no "rationale nexus" to the cause sought to be achieved and was "unacceptable, impermissible and inconsistent" with the constitutional rights guaranteed to the citizens[4. 1] The Court also found illegal the rule which mandated that for any artist, female or male, to work in the industry, they must have domicile status of five years in the state where they intend to work. In 2015 it was announced that Charu Khurana had become the first woman to be registered by the Cine Costume Make-Up Artist & Hair Dressers' Association.

### Globalization

Feminists are also concerned about the impact of globalisation on women in India. Some feminists argue that globalisation has led to economic changes that have raised more social and economical challenges for women, particularly for working-class and lower-caste women. Multinational companies in India have been seen to exploit the labour of 'young, underpaid and disadvantaged women' in free trade zones and sweat shops, and use "Young lower middle class, educated women," in call centres. These women have few effective labour rights, or rights to collective action.

In addition to this, multinational corporations are seen to advertise a homogenous image of ideal women across the country is argued to cause an increase in the commodification of women's bodies. This is also manifested in the form of nationalist pride exhibited through Indian women winning international beauty pageants. According to some feminists, such developments have offered women greater sexual autonomy and more control over their bodies. However, many other feminists feel that such commodification of female bodies has only served the purpose of feeding to male fantasies.



## Education

Some of the main reasons that girls are less likely to reach optimal levels of education include the fact that girls are needed to assist their mothers at home, have been raised to believe that a life of domestic work is their destined occupation, have illiterate mothers who cannot educate their children, have an economic dependency on men, and are sometimes subject to child-marriage.[39] Many poor families marry their daughters off early with a belief that the more she will stay at home, the more they'll be needed to invest in her. Plus it's a popular belief that they should be married off early so that they produce off-springs early in their life.

In 1986, the National Policy on Education (NPE) was created in India, and the government launched the programme called Mahila Samakhya, whose focus was on the empowerment of women. The programme's goal is to create a learning environment for women to realise their potential, learn to demand information and find the knowledge to take charge of their own lives. In certain areas of India, progress is being made and an increase in the enrolment of girls in schools and as teachers has begun to increase. By 2001 literacy for women had exceeded 50% of the overall female population, though these statistics were still very low compared to world standards and even male literacy within India. Efforts are still being made to improve the level of education that females receive to match that of male students.

## Modernisation

Modern influences are affecting the younger generations in parts of India, where girls are beginning to forgo the more traditional ways of Indian life and break gender stereotypes. In more flourishing parts of the country, the idea of "dating", or more specifically openly dating, has come into play, and the terms "girlfriend" and "boyfriend" are being used. Some women have landed highly respectable careers, and can be seen across Bollywood billboards and advertisements. However, this is not the norm throughout the country; such modernisation and the women behind them face serious resistance from anti-liberalists. The country is still severely male-dominant and unwelcoming to such movements that go against sex and gender traditions in India.

## Some prominent Indian feminists

Savitribai Phule (1831-1897) - Perhaps the earliest Indian feminist. Started the first school for girls in the subcontinent.

Tarabai Shinde (1850-1910) – activist whose work *Stri Purush Tulana* is considered the first modern Indian feminist text.

Pandita Ramabai (1858-1922)- champion for the emancipation of women in British India.

Kamini Roy (1864-1933) – poet, suffragette, and first woman honours graduate in India

Sarala Devi Chaudhurani(1872-1945) – early feminist and founder of Bharat Stree Mahamanda, one of the first women's organizations in India

Saroj Nalini Dutt (1887-1925) – early social reformer who pioneered the formation of educational women's institutes in Bengal.

Durgabai Deshmukh(1909-1981) - She was a public activist for women's emancipation and was also the founder of Andhra Mahila Sabha.

Barnita Bagchi – scholar and sociologist with a focus on women's education

Jasodhara Bagchi (1937-2015)) – founder of the School of Women's Studies at Jadavpur University.

Rita Banerji – Feminist author and founder of The 50 Million Missing Campaign, an online, global lobby working to raise awareness about the female gendercide (femicide) in India.

Mira Datta Gupta – activist for women's issues and one of the founding members of the All India Women's Conference.

Meghna Pant - Author known for taking a strong feminist stance in her writing and work

Padma Gole – poet whose writings depicted the domestic lives of middle-class women.

Devaki Jain – founder of Institute of Social Studies Trust and scholar of feminist economics.

Brinda Karat – first woman member of the CPI(M) Politburo and former Vice President of All India Democratic Women's Association (AIDWA).

Madhu Kishwar - Founder President of Manushi Sangathan, a forum that will promote greater social justice and strengthen human rights, especially for women. She founded the magazine Manushi: A Journal about Women and Society devoted to feminism as well as to gender studies and activism in 1978 with Ruth Vanita.

Vina Mazumdar – secretary of the first Committee on the Status of Women in India and founding Director of Centre for Women's Development Studies (CWDS).

Asra Nomani - Indian-American journalist, author of Standing Alone in Mecca: An American Woman's Struggle for the Soul of Islam

Medha Patkar - feminist social worker and politician who advocates for women's rights post-independence.

Amrita Pritam – first woman to win the Sahitya Akademi Award for literature.

Gita Sahgal - writer and journalist on issues of feminism, fundamentalism, and racism, a director of prize-winning documentary films, and a women's rights and human rights activist.

Manikuntala Sen – politician in the Communist Party of India whose memoir described her experiences as a woman activist.

Vandana Shiva – environmentalist and prominent leader of the Ecofeminist movement.

Nivedita Menon - Contemporary feminist and academic. Author of Seeing like a Feminist.

Ruth Vanita - academic, activist and author who specializes in lesbian and gay studies, gender studies, British and South Asian literary history. She founded the magazine Manushi: A Journal about Women and Society devoted to feminism as well as to gender studies and activism in 1978.

Ramarao Indira - academic, critic, rationalist who is an expert in modern feminism thoughts. She has written many articles and books on feminism in Kannada and English.

Elsa D'Silva - Founder of Safecity, Intersectional Feminist.

Kirithi Jayakumar - Founder of The Red Elephant Foundation, Author, Artist and Intersectional Feminist.

Sharmila Rege - Sociologist, Dalit Feminist, Activist in academia and Teacher of Women's Studies at Krantijyoti Savitribai Phule Women's Studies Center, Savitribai Phule Pune University, Pune.

Neera Desai - Founder of first Research Centre for Women's Studies in SNDT Women's University. She wrote her thesis on Women in Modern India, with a particular focus on Bhakti Movement.

## **HOMOSEXUALITY STATISTICS**

**INDIAN OFFICIAL STATISTICS:** 2012: Population of Men who have Sex with Men was estimated to be 25 lakh in India," the government said in its affidavit filed in the Supreme Court, citing figures of the National Aids Control programme.

### **STUDIES:**

Dr. Alfred Kinsey's *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953) found that: nearly 46% of the male subjects had "reacted" sexually to persons of both sexes in the course of their adult lives, and 37% had at least one homosexual experience. 10% of American males surveyed were "almost exclusively homosexual for at least 3 years between age of 16 & 55.

**2012–2014** Roy Morgan Research **3.4%** Australians consider themselves homosexual

**2011 French Institute of Public Opinion survey**, 6.6% of respondents identified as homosexual (3.6%) or bisexual (3%)

**2015** Dentsu's new estimate for the LGBT population of Japan was 7.6%

**2013-2014** New Zealand Attitudes and Values Study 2.6% as gay or lesbian, 1.8% as bisexual, 0.6% as bicurious, 0.5% as pansexual, and 0.3% as asexual.

**2017 'Barómetro Control' survey** 89% of young Spanish adults identify as heterosexual, 6% as male homo, 3% as female homo, and 2% as bisexual.

**2015** Yougov survey 72% of all adults identify as totally heterosexual and 6% of adults identified as totally homosexual identity

## **LGBT RIGHTS: THE LEGAL STRUGGLE**

### **The 90s: AIDS Bhedbhav Virodhi Andolan vs Union of India (Delhi High Court)**

The first legal challenge to Section 377 grew out of concerns over male sexual health and HIV/ AIDS. After Kiran Bedi, then the superintendent of Tihar Jail, refused to allow health workers to distribute condoms to male inmates, the NGO AIDS Bhedbhav Virodh Andolan (ABVA) filed a petition for the repeal of section 377. The organisation, however, failed to follow through with the petition, leading to it being dismissed in 2001. But the initiative set the ball rolling.

**2006** Ministry of Home Affairs under Shivraj Patil and NACO under the Minister for Health and Family Welfare Dr Anbumani Ramadoss, filed separate and contrarian affidavits — the former against the decriminalisation of IPC 377; the latter arguing that criminalisation impeded the efforts to control HIV/AIDS.

### **2009, Naz Foundation vs Govt of NCT of Delhi & Ors (Delhi High Court)**

In a historic judgment, Delhi High Court said: "We declare that Section 377 IPC, insofar it criminalises consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution". However, the court ruled, "the provisions of Section 377 IPC will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors".

### **2013 Suresh Kumar Koushal & Anr vs Naz Foundation & Ors (Supreme Court) Recriminalized by SC**

Koushal, a Delhi-based astrologer, and a few others, challenged the Delhi High Court order in the Supreme court the same year. In 2013, Supreme Court held that IPC 377 "does not suffer from the vice of unconstitutionality and the declaration made by the Division Bench of the High court is legally unsustainable". The court left it to Parliament to "consider the desirability and propriety of deleting Section 377 IPC from the statute book or amend the same", if it so wished. The High Court had "overlooked that a minuscule fraction of the country's population constitute lesbians, gays, bisexuals or transgenders and in last more than 150 years less than 200 persons have been prosecuted", the SC said.

2014: Review petitions filed by Naz Foundation were quashed by the SC.

### **2014 National Legal Services Authority vs Union of India & Ors The Right to Privacy judgment (Supreme Court)**

Supreme Court demolished the "minuscule fraction" argument of the 2013 ruling, saying that "sexual orientation is an essential attribute of privacy". It said that "the invasion of a fundamental right is not rendered tolerable when a few, as opposed to a large number of persons, are subjected to hostile treatment".

### **2016: Navtej Singh Johar and Ors vs Union of India (Supreme Court)**

Navtej S Johar, a Sangeet Natak Akademi awardee Bharatnatyam dancer, and four others, all members of the LGBTQI community themselves, filed a writ petition in the Supreme Court challenging IPC 377. Bench ruled that the decision in Suresh Kumar Koushal needed to be reconsidered, and referred the matter to a larger Bench, to be constituted by the CJI. Supreme Court agreed to reconsider its 2013 judgment; it said it would refer petitions to abolish Section 377 to a five-member constitutional bench, which would conduct a comprehensive hearing of the issue

**August 2017**, the Supreme Court upheld that the right to individual privacy is an "intrinsic" and fundamental right under the constitution.<sup>[55]</sup> In its 547-page decision on privacy rights, the nine-judge bench also held that "sexual orientation is an essential attribute of privacy." The judgement noted, "Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. Equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Articles 14, 15 and 21 of the Constitution."

## Holy Cow!

### The social, religious and political aspects of the Gau Raksha debate

By Pranay Aggarwal, Faculty, Social Issues and Sociology

#### CONTEXT

Since the BJP-led government was sworn in at the centre in India in 2014, cow slaughter and cow protection movement (Gau Raksha) have been recurrent themes in social and political debates. Some states have passed new laws banning or regulating cow slaughter and beef consumption, inviting criticisms that such blanket bans ignore the diversity of food habits in India and seek to impose a homogenized version of Brahminical, north Indian Hinduism that exalts vegetarianism on all sections of the society. The ruling dispensation is alleged to be pursuing a communal political agenda by encouraging mob lynching by anti-social elements after attacks on Muslims and Dalits. Particularly, the killing of Akhlaq in Dadri, Uttar Pradesh and viral videos of Dalits being flogged by alleged Gau Rakshaks in Una, Gujarat led to widespread condemnation and protests. In 2017, the newly sworn in UP CM Yogi Adityanath imposed a ban on illegal slaughterhouses, which was criticized for severely crippling the livelihood of poor Muslim castes dependent on cattle slaughter. Centre had in 2017 issued the notification banning the sale and purchase of cattle from animal markets for slaughter, a move which was suspended by the Supreme Court in 2018.

#### BACKGROUND

India is traditionally a predominantly **agricultural economy**. Although the share of agriculture in the GDP has been declining, there is still a large section of the populace, which depends on agriculture as a means of livelihood.

**Livestock sector** comprises a very important part of the agriculture sector. Production systems are based on low cost agro-byproducts as nutritional inputs, using traditional technologies for production. A sizeable percentage of livestock owners are below the poverty line. It has been estimated that 70% of the animals belong to small and marginal farmers and landless population, whereas these categories own only 30% of agricultural land in the country.

The livestock sector requires a **balance between animal and man** to maintain the ecological bio-sphere and to enable economic exploitation of the resources without causing irreversible damage to the environment. Rural women play a very significant role in livestock management and participate actively in areas such as feeding, breeding, maintaining and providing health care to the animals. Livestock production is an integral part of crop farming and contributes substantially to poverty alleviation and creates employment opportunities. The livestock sector has a great potential for bringing about socio-economic transformation in the lives of the rural masses and improving their standard of living.

Cow slaughter is a **controversial topic** in India because of the cattle's traditional status as an endeared and venerated living being to many in Hinduism, Sikhism, Jainism, in contrast to cattle being considered as an acceptable source of meat by many in Islam, Christianity as well as many adherents of Indian religions.

According to UN's Food and Agriculture Organization, **India beef consumption per capita per year is amongst the world's lowest.** According to NSSO (2007), beef per capita consumption in India is a **meager 0.037 kg per month.** However, **India is one of the largest exporters of beef** in the world.

## IMPORTANCE OF CATTLE

Historically speaking, the cow has had a very special place in the social fabric of the country.

'**Ahimsa**', one the basic principles of Hinduism, preaches non-injury to all living beings, be they humans or animals. Apart from this general principle, protection of the cow and its progeny is a centuries old concept, finding its roots in ancient scriptures and teachings of sages over long periods of time.

According to German historian, Jurgen Lensch, "One is inclined to subscribe to the notion, that Ahimsa and cattle taboo must be really ancient features of the Indian culture, which were probably there even before the invaders marched into this land and remained covered up for a long period until they again got a chance to manifest themselves. The assimilation of earlier and later conquerors of India – with the exception of the Muslims and the British – into the mainstream of the Indian civilization with Ahimsa and cattle taboo as guiding principles of Hinduism sounds convincing. Moreover, it is a fact that, during the entire period of Hinduistic culture, cattle taboo was never applied in a radical and unconditional sense. In the old medical books, for instance, we learn that cattle products were used for medical purposes. Thus, Hinduism seems to possess a tremendous flexibility and an amazing capacity to assimilate and incorporate the incoming streams."

Cattle and cattle-products and by-products make an **important contribution to the national economy.** There is inter-dependence between man and cattle and their relation to land and plant life. Apart from giving a wholesome and nutritious diet, containing all the elements required for a **balanced diet**, in the form of milk and milk products, providing **draught power** for ploughing fields and for transport, cattle dung and urine can also prove to be an invaluable source of **organic manure** as well as for **medicines** to cure a number of diseases. Dung is also burnt as a **fuel** and used in bio-gas plants as an alternative source of energy for electrification and cooking in rural areas. The slurry from bio-gas plants is also usable as a manure, as it is a rich source of nitrogen.

The greatest significance of the cow in Indian society, however, is its religious veneration.

## RELIGIOUS ATTITUDES OF VARIOUS RELIGIOUS COMMUNITIES TOWARDS COW

### Hinduism

According to Nanditha Krishna, the cow veneration in ancient India originated from the pastoral Aryans in the Vedic era, whose religious texts called for non-violence towards all bipeds and quadrupeds, and often equated killing of a cow with the killing of a human being, especially a Brahmin. The hymn 10.87.16 of the **Rigveda** condemns all killings of men, cattle and horses, and prays to god Agni to punish those who kill. Milk cows are called **aghnya** i.e. "**that which may not be slaughtered**" in Rigveda. Yaska, an early commentator of the Rigveda, gives nine names for cow, the first being "aghnya".

**Krishna**, a hugely popular Avatar of Vishnu, is associated with cows, adding to its endearment. In fact, Krishna is worshipped as **Gopal** (literally meaning "cow breeder") and **Govardhan** (literally meaning "the nourisher of cows"), was a resident of **Gokul** (land of the cows) and conducted his Leela with the **Gopis** (she-cowherders). In the Harivamsa, Indra praised Krishna for having attained loving leadership of the cows which Krishna tended as a cowherd, by saying, "So men too shall praise Him as **Govinda**." According to Harris, the literature relating to cow veneration became common in 1st millennium CE, and by about 1000 CE vegetarianism, along with a taboo against beef, became a well accepted mainstream Hindu tradition. This practice was inspired by the belief in Hinduism that a soul is present in all living beings, life in all its forms is interconnected, and non-violence towards all creatures is the highest ethical value. Vegetarianism is a part of the Hindu culture.

Hindu mythology has it that during the churning of the oceans (Sagar Manthan), as a result of the struggle between Good (Devas) and Evil (Rakshashas) one of the outcomes was a Cow, named as **Kamdhenu**. The cow was worshipped by the sages and, it is said, that Dhanwantri worshipped Kamdhenu and with her blessings, developed a great medicine '**Panchgavya**', comprising of five products of the cow (milk, ghee, curd, urine and dung), which even today is used in Ayurveda as a remedy for many diseases.

Many ancient and medieval **Hindu texts debate the rationale** for a voluntary stop to cow slaughter and the pursuit of vegetarianism as a part of a general abstention from violence against others and all killing of animals. Some significant debates between pro-non-vegetarianism and pro-vegetarianism, with mention of cattle meat as food, is found in Mahabharata and Ramayana.

The **Mahabharata** debate presents one meat-producing hunter who defends his profession as dharmic. The hunter, in this ancient Sanskrit text, states that meat consumption should be okay because animal sacrifice was practiced in the Vedic age, that the flesh nourishes people, that man must eat to live and plants like animals are alive too, that the nature of life is such every life form eats the other, that no profession is totally non-violent because even agriculture destroys numerous living beings when the plough digs the land. The hunter's arguments are, states Alsdorf, followed by stanzas that present support for restricted meat-eating on specific occasions.

The pro-vegetarianism sections of these Hindu texts counter these views. One section acknowledges that the Vedas do mention sacrifice, but not killing the animal. The proponents of vegetarianism state that Vedic teachings explicitly teach against killing, its

verses can be interpreted in many ways, that the correct interpretation is of the sacrifice as the interiorized spiritual sacrifice, one where it is an "offering of truth (satya) and self-restraint (damah)", with the proper sacrifice being one "with reverence as the sacrificial meal and Veda study as the herbal juices". The sections that appeal for vegetarianism, including abstention from cow slaughter, state that life forms exist in different levels of development, some life forms have more developed sensory organs, that non-violence towards fellow man and animals who experience pain and suffering is an appropriate ethical value. It states that one's guiding principle should be conscientious atmaupamya (literally, "to-respect-others-as-oneself").

According to Ludwig Alsdorf, "Indian vegetarianism is unequivocally based on **ahimsa** (non-violence)" as evidenced by ancient smritis and other ancient texts of Hinduism. He adds that the endearment and respect for cattle in Hinduism is more than a commitment to vegetarianism, it has become integral to its theology. According to Juli Gittinger, it is often argued that cow sacredness and protection is a fundamental quality of Hinduism, but she considers this to be a false claim. This, states Gittinger, could be understood more as an example of **sanskritization** and possibly an **influence of Jainism** on Hinduism. The respect for cattle is widespread but not universal. Some Hindus (Shaktism) practice animal sacrifice and eat meat including beef at certain festivals. According to Christopher Fuller, animal sacrifices have been rare among the Hindus outside a few eastern states and Himalayan regions of the Indian subcontinent. To the majority of modern Indians, states Alsdorf, respect for cattle and disrespect for slaughter is a part of their ethos and there is "no ahimsa without renunciation of meat consumption".

### **Jainism**

Jainism is against violence to all living beings, including cattle. According to the Jaina sutras, humans must avoid all killing and slaughter because all living beings are fond of life, they suffer, they feel pain, they like to live, and long to live. All beings should help each other live and prosper, according to Jainism, not kill and slaughter each other.

In the Jain tradition, neither monks nor laypersons should cause others or allow others to work in a slaughterhouse. Jains believe that vegetarian sources can provide adequate nutrition, without creating suffering for animals such as cattle. According to some Jain scholars, slaughtering cattle increases ecological burden from human food demands since the production of meat entails intensified grain demands, and reducing cattle slaughter by 50 percent would free up enough land and ecological resources to solve all malnutrition and hunger worldwide. The Jain community leaders, states Christopher Chapple, has actively campaigned to stop all forms of animal slaughter including cattle.

**Jains have led a historic campaign to ban the slaughter of cows** and all other animals, particularly during their annual festival of Paryushana (also called Daslakshana). Historical records state that the Jain leaders lobbied Mughal emperors to ban slaughter of cattles and other animals, during this 12 day period. During the rule of Akbar, they were granted their request. Jahangir revoked the ban upon coronation, reinstated it in 1610 when Jain community approached and appealed to him.



## Buddhism

Buddhist texts state ahimsa to be one of five ethical precepts, which requires a practicing Buddhist to "refrain from killing living beings". Slaughtering cow has been a taboo, with some texts suggest taking care of a cow is a means of taking care of "all living beings". Cattle is seen as a form of reborn human beings in the endless rebirth cycles in samsara, protecting animal life and being kind to cattle and other animals is good karma. The Buddhist texts state that killing or eating meat is wrong, and they urge Buddhist laypersons to not operate slaughterhouses, nor trade in meat. Indian Buddhist texts encourage a plant-based diet.

Saving animals from slaughter for meat, is believed in Buddhism to be a way to acquire merit for better rebirth. According to Richard Gombrich, there has been a gap between Buddhist precepts and practice. **Vegetarianism is admired, but often it is not practiced.** Nevertheless, there is a general belief among Theravada Buddhists that eating beef is worse than other meat and the ownership of cattle slaughterhouses by Buddhists is relatively rare.

## Sikhism

According to Arvind-Pal Singh Mandair, the cow, the buffalo and the ox are an integral part of rural Sikh livelihoods, and these are never slaughtered for consumption by any method, treated with respect and beef is strictly avoided. **Amritdhari Sikhs**, or those baptized with the Amrit, **have been strict vegetarians**, abstaining from all eggs and meat, including cattle meat. According to Eleanor Nesbitt, the issue of vegetarianism versus non-vegetarianism is controversial within Sikhism, and contemporary Sikhs disagree. The uninitiated Sikhs too are not habitual meat-eaters by choice, and beef has been a traditional taboo.

## Islam

With the arrival of Islamic rule as the Delhi Sultanate in the 12th-century, Islamic dietary practices entered India. According to the verses of the Quran, such as 16:5–8 and 23:21–23, God created cattle to benefit man and recommends Muslims to eat cattle meat, but forbids pork. **Cattle slaughter has been and continues to be a religiously approved practice among the Muslim rulers and the followers of Islam**, particularly on festive occasions such as the Bakri-Id.

The earliest texts on the invasion of the Indian subcontinent mention the cow slaughter taboo, and its use by Muslim army commanders as a political message by committing the taboo inside temples. For example, in the early 11th century narrative of Al-Biruni, the story of 8th-century Muhammad bin Qasim conquest of Multan is mentioned. In this **Al-Biruni narrative**, "Qasim first asserts the superiority of Islam over the polytheists by committing a taboo (killing a cow) and publicly soiling the idol (giving the cow meat as an offering)" before allowing the temple to continue as a place of worship. In the early 13th-century Persian text of Chach Nama, the defending fort residents call the attacking Muslims in rage as "cow-eaters". In the texts of court historians of the Delhi Sultanate, and later the Mughal Empire, cow slaughter taboo in India is mentioned, as well is mentioned cow slaughter as a means of political message, desecration, as well as its prohibition by Sultans and Muslim Emperors as a means of accommodation of public sentiments in the Indian subcontinent.

In 1756–57, Ahmad Shāh Durrānī sacked Delhi and plundered Agra, Mathura, and Vrindavana. On his way back to Afghanistan, he attacked the Golden Temple in Amritsar and filled its sacred pool with the blood of slaughtered cows.

While most Muslims consider cattle to be a source of religiously acceptable meat, some **Muslim Sufi sects of India practiced vegetarianism**, at least during periods of prayers and fasting. Their reasons, states Richard Foltz, were same as other non-Muslim Indians, that is compassion for life and animals. According to Foltz, this Sufi practice was probably influenced by Hindus or Buddhists of South Asia.

### **Christianity**

Christianity arrived on the Indian sea coast with Christian travelers and merchants. The colonial Portuguese conquerors attempted to establish a presence by conquering islands and ports, force converting those they met into Roman Catholicism. The **conversion ritual involved making the converts eat beef** and pork as a confirmation that they have given up Hinduism or Islam. However, vegetarianism continued amongst some of the Indian Christians, and an estimated 8% of the contemporary Christians in India don't eat meat including that sourced from cattle. According to Sen, **Indian ideas about compassion for animals and humane treatment returned from India to Europe with the Portuguese**, and drew praise from Voltaire and Isaac Newton, and influenced Descartes, Rousseau and Shelley to question the ethics of meat consumption.

## COW PROTECTION: A HISTORICAL PERSPECTIVE

### Ancient period

The scope, extent and status of animals in ancient India is a subject of scholarly dispute. One group interprets ancient Hindu texts as supporting animal sacrifice. For example, **according to D. N. Jha's 2009 work, The Myth of the Holy Cow, cattle including cows were neither inviolable nor revered in the ancient times** as they were later. A Gryhasutra recommends that beef be eaten by the mourners, after funeral ceremony as a ritual rite of passage. According to Marvin Harris, the Vedic literature is contradictory, with some suggesting ritual slaughter and meat consumption, while others suggesting a taboo on meat eating.

Animal sacrifice was rejected, and the protection of animal life was championed by Jainism, on the grounds that violence against life forms is a source of suffering in the universe and a human being creates bad karma by violence against any living being. The Chandogya Upanishad mentions the ethical value of Ahimsa, or non-violence towards all beings. **By mid 1st millennium BCE, all 3 major Indian religions – Buddhism, Hinduism and Jainism – were championing non-violence as an ethical value**, and something that impacted one's rebirth. According to Harris, by about 200 CE, food and feasting on animal slaughter were widely considered as a form of violence against life forms, and became a religious and social taboo.

### Mughal period

Cattle slaughter, in accordance with the Islamic custom, was practiced in the Mughal Empire with a few exceptions. The religiously liberal emperor **Akbar, out of respect for the demographic majority of Hindus, criminalized cow slaughter**. In one case, Akbar banished his high official for the offense of cow slaughter. Later, Aurangzeb lifted this prohibition. Despite cow slaughter no longer being a crime, states Muhammad Mahbubur Rahman, "no one dared publicly to slaughter cows, particularly in Hindu-dominated areas as people could instantly punish the culprit".

**Humayun stopped eating beef** after the killing of cows in a Hindu territory by his soldiers led to clashes, according to the Tezkerah al-Vakiat. **Jahangir imposed a ban on cattle slaughter** for a few years because cattle had become scarce.

In 1645, **Aurangzeb desecrated the Chintamani Parshvanath Jain temple in Gujarat by killing a cow inside the temple** and lopping off the noses of the statues and converting it into a mosque calling it the "Might of Islam".

**During Bahadur Shah Zafar's reign, killing of a cow was made a capital offence.**

### Maratha Empire

According to Ian Copland and other scholars, the Maratha Empire, which led a Hindu rebellion against the Muslim Mughal Empire and created a Hindu state in the 17th and 18th centuries, **sharply enforced the Hindu sentiments for cow protection**. This may be linked to the **Bhakti movement** that developed before the rise of the Maratha Empire, states Copland, where legends and a theology based on the compassion and love stories of Hindu god Krishna, himself a cowherd became integral to regional religiosity.

The Maratha administration adopted the same approach with Portuguese Christians in the Western Ghats and the peninsular coastal regions. Marathas were liberal, state Copland and others, they respected Christian priests, allowed the building of churches and gave state land to Christian causes. However, cattle protection expected by the Hindu majority was the state norm, which Portuguese Christians were required to respect.

## **Sikh Empire**

**Cow slaughter was banned by Maharajah Ranjit Singh**, the founder of the Sikh Empire in Punjab. Many butcher houses were banned and restrictions were put on the slaughter of cow and sale of beef in the Sikh Empire, as following the traditions, cow was as sacred to the Sikhs as to the Hindus. During the Sikh reign, cow slaughter was a capital offence, for which perpetrators were even executed.

## **Cow Protection movements and demands during British rule**

With the advent of British rule in India, eating beef along with drinking whiskey, in English-language colleges in Bengal, became a method of fitting in into the British culture. Some Hindus, in the 1830s, consumed beef to show how they "derided irrational Hindu customs", according to Metcalf and Metcalf.

The **reverence for the cow played a role in the Indian Rebellion of 1857** against the British East India Company. Hindu and Muslim sepoys in the army of the East India Company came to believe that their paper cartridges, which held a measured amount of gunpowder, were greased with cow and pig fat. The consumption of swine is forbidden in Islam. Since loading the gun required biting off the end of the paper cartridge, they concluded that the British were forcing them to break edicts of their religion.

Historians argue that the symbol of the cow was used as a means of mobilizing Hindus. In 1870, the Namdhari Sikhs started the **Kukua Revolution**, revolting against the British, and seeking to protect the cows from slaughter. A few years later, Swami Dayananda Saraswati called for the stoppage of cow slaughter by the British and suggested the formation of Go-samvardhani Sabhas. In the 1870s, cow protection movements spread rapidly in Punjab, the North-West Frontier Province, Awadh and Rohilkhand.

The **Arya Samaj had a tremendous role** in skillfully converting this sentiment into a national movement.

**The first Gaurakshini sabha (cow protection society) was established in the Punjab in 1882.** The movement spread rapidly all over North India and to Bengal, Bombay, Madras presidencies and other central provinces. The organization rescued wandering cows and reclaimed them to groom them in places called gaushalas (cow refuges). Charitable networks developed all through North India to collect rice from individuals, pool the contributions, and re-sell them to fund the gaushalas. Signatures, up to 350,000 in some places, were collected to demand a ban on cow sacrifice. Between 1880 and 1893, hundreds of gaushalas were opened.

Cow protection sentiment reached its peak in 1893. Large public meetings were held in Nagpur, Haridwar and Benares to denounce beef-eaters. Dramas were conducted to display the plight of cows, and pamphlets were distributed, to create awareness among those who

sacrificed and ate them. **Riots broke out** between Hindus & Muslims in Mau and Azamgarh; it took 3 days for the government to regain control. The rioting was precipitated by contradictory interpretations of a British local magistrate's order. He had apparently asked all the Muslims interested in cow slaughter to register, which was done to identify problem-prone areas. However, Muslims interpreted this as a promise of protection for those who wanted to perform sacrifices.

**Cow slaughter was opposed by some prominent leaders of the independence movement** such as Mahatma Gandhi, Bal Gangadhar Tilak, Lala Lajpat Rai, Madan Mohan Malviya, Rajendra Prasad and Purushottam Das Tandon. They supported a ban on cattle slaughter once India gained its independence.

**In 1944, the British placed restrictions on cattle slaughter** in India, on the grounds that the shortage of cattle was causing anxiety to the Government. The shortage itself was attributed to the increased demand for cattle for cultivation, transport, milk and other purposes. It was decided that, in respect of slaughter by the army authorities, working cattle, as well as, cattle fit for bearing offspring, should not be slaughtered.

There was a large increase in the number of cattle slaughtered in the years preceding Independence, according to statistics given by Pandit Thakur Dass, during debate in the Constituent Assembly. The number of oxen killed in 1944 was 60 lacs, while in 1945, 65 lakhs were slaughtered, an increase of more than 4 lakhs. He further stated that the population of oxen in the country decreased by 37 lakhs in 5 years from 1940 to 1945.

### **Gandhi's views on cow protection**

Throughout his life, Mahatma Gandhi worked towards the protection of the cow. His views on the cow, are brought out in his own words, as follows: **"The central fact of Hinduism, however, is cow-protection.** Cow-protection to me is one of the most wonderful phenomena in human evolution. It takes the human being beyond his species. The cow to me means the entire sub-human world. Man through the cow is enjoined to realize his identity with all that lives. Why the cow was selected for apotheosis is obvious to me. The cow was in India the best companion. She was the giver of plenty. Not only did she give milk, but she also made agriculture possible. The cow is a poem on pity. One reads pity in the gentle animal. She is the mother to millions of Indian mankind. Protection of the cow means protection of the whole dumb creation of God. The ancient seer, whoever he was, began with the cow. The appeal of the lower order of creation is the gift of Hinduism to the world. And **Hinduism will live so long as there are Hindus to protect the cow.**"

Gandhi also said that "I worship it [cow] and I shall defend its worship against the whole world." "I would not kill a human being for protection a cow", added Gandhi, and "I will not kill a cow for saving a human life, be it ever so precious".

Another extract from an article by Mahatma Gandhi in the journal 'Bharat Mata' is given below, which reflects his anxiety that the issue of cow-slaughter should not be allowed to be used by mischievous elements to foment trouble between the two communities:

"My main purpose is to think of the immediate task lying before us. Bakr-i-Id will be soon upon us. What are we to do to frustrate the attempts that will then be made to foment quarrels between us - Hindus and Mussalmans? ...Over-zealous and impatient Hindus are

trying to force matters. They lend themselves an easy prey to the machinations of mischief-makers .. Protection of the cow is the nearest to the Hindu heart. We are therefore apt to lose our heads over it, and thus be unconsciously instrumental in doing an injury to the very cause we seek to spouse. **Let us recognise that our Mussalman brethren have made great efforts to save the cow for the sake of their Hindu brethren.** ...I hope, therefore, that the Hindus of Bihar and indeed all the parts of India will realise the importance of observing the strictest forbearance, no matter what the Mussalamans do on Bakr-i-Id. What Hakim Ajmal Khan did in one hour at Amritsar, Hindus could not have done by years of effort. The cows that Messrs Chhotas and Khatri saved last Bakr-i-Id day, the Hindu millionaires of Bombay could not have saved if they had given the whole of their fortunes. **The greater the pressure put upon the Mussalmans the greater must be the slaughter of the cow. We must leave them to their own sense of honour and duty. And we shall have done the greatest service to the cow.**

**The way to save the cow is not to kill or quarrel with the Mussalmans; the way to save the cow is to die in the act of saving the Khilafat without mentioning the cow.** Cow protection is a process of purification. It is tapasya, ie., self-suffering. When we suffer voluntarily, and, therefore, without expectation of reward, the cry of suffering (one might say) literally ascends to heaven, and God above hears it and responds. There is the path of religion, and it has answered even if one man has adopted it in its entirety. I make bold to assert without fear of contradiction that **it is not Hinduism to kill a fellowman even to save the cow.** Hinduism requires its votaries to immolate themselves for the sake of their religion, ie. for the sake of saving the cow... To my Mussalman friends I would but say one word. They must not be irritated by the acts of irresponsible or ignorant but fanatical Hindus. He who exercises restraint under provocation wins the battle. Let them know and feel sure that responsible Hindus are not on their side in their trial in any bargaining spirit. They are helping because they know that the Khilafat is a just cause and that to help them in a good cause is to serve India, for they are even as blood-brothers, born of the same mother - Bharat Mata”.

Gandhi supported cow protection and opposed cow slaughter, explaining the reverence for cow in 1945. Gandhi supported the leather industry, but stated that slaughter is unnecessary because the skin can be sourced from cattle after its natural death.

In 1947, Gandhi opposed laws that were derived from religion. He said, **"In India no law can be made to ban cow-slaughter.** I do not doubt that Hindus are forbidden the slaughter of cows. I have been long pledged to serve the cow but how can my religion also be the religion of the rest of the Indians? **It will mean coercion against those Indians who are not Hindus.**" According to Gandhi, Hindus should not demand cow slaughter laws based on their religious texts or sentiments, in the same way that Muslims should not demand laws based on Shariat.

### **Cow protection agitations Post-Independence**

The Central Government, in 1950, directed state Governments not to introduce total prohibition on slaughter, stating, "Hides from slaughtered cattle are much superior to hides from the fallen cattle and fetch a higher price. In the absence of slaughter the best type of hide, which fetches good price in the export market will no longer be available. A total ban on

slaughter is thus detrimental to the export trade & work against the interest of the tanning industry in the country."

Agitations against cow slaughter took place sporadically, from time to time in Independent India and, gradually, the movement for a ban on cow slaughter gathered momentum in several parts of the country, mainly in North Indian cities like Mumbai, Allahabad, Ahmedabad & Delhi. Several organisations took up the cause and a number of demonstrations took place.

In 1955, senior Congress leader Seth Govind Das drafted a bill for a nationwide ban on cow slaughter, stating that a "large majority of the party" was in favour. Nehru opposed this national ban on cow slaughter, and threatened to resign if the bill was passed. Nehru declared that it was upto individual states to decide their laws on cow slaughter, and criticized the ban on cow slaughter as "a wrong step".

In 1966, a massive protest march was held, in which people of all faiths, castes and age-groups participated. The peaceful demonstration in Parliament Street, Delhi was fired upon in which around hundred people lost their lives.

In 1966, Jayaprakash Narayan wrote a letter to then Prime Minister Indira Gandhi calling for a ban on cow slaughter. Narayan wrote, "For myself, I cannot understand why, in a Hindu majority country like India, where rightly or wrongly, there is such a strong feeling about cow-slaughter, there cannot be a legal ban". In the same year, the Hindu organisations started an agitation demanding a ban on the slaughter of cows. But Indira Gandhi did not accept to the demand.

In 1979, Acharya Vinoba Bhave decided to go on an indefinite fast from 21.4.1979 on the question of prevention of cow slaughter. His demand was that the Governments of West Bengal and Kerala should agree to enact legislation banning cow slaughter.

On 12.4.1979, a Private Members Resolution was passed in the Lok Sabha, which read as: "This House directs the Government to ensure total ban on the slaughter of cows of all ages and calves in consonance with the Directive Principles laid down in Article 48 of the Constitution as interpreted by the Supreme Court, as well as necessitated by strong economic considerations based on the recommendations of the Cattle Preservation and Development Committee and the reported fast by Acharya Vinoba Bhave from 21.4.1979".

Later, an announcement was made in the Parliament by the then Prime Minister that Government would be initiating action for amending the Constitution with a view to conferring legislative competence on the Union Parliament for legislating on the subject of cow protection. Accordingly, a Constitution Amendment Bill seeking to bring the subject of Prevention of Cow Slaughter on to the concurrent list was introduced in the Lok Sabha in 1979. The Bill, however, lapsed on account of dissolution of the Sixth Lok Sabha.

In July 1980, Acharya Vinoba Bhave reiterated his demand for a total ban on cow slaughter, while addressing the All India Goseva Sammelan. He requested that cows should not be taken from one State to another.

In 1981, the question of amending Constitution was again examined by the Government, but, in view of the sensitive nature of the issue a 'wait and watch' policy was adopted.

However, as a number of complaints were received from time to time that despite the ban on the slaughter of cow and its progeny, healthy bullocks were being slaughtered under one pretext or the other; the then Prime Minister, in her letter dated 24.2.1982 wrote to the Chief Ministers of 14 States, in which she desired that (i) the ban be enforced in letter and spirit; (ii) the ban on cow slaughter is not allowed to be circumvented by devious methods; and (iii) Committees to inspect cattle before they are admitted to slaughter houses be adopted.

Recognising that the problem basically arose on account of inaction or obstruction on the part of a few States and large scale smuggling of cows and calves from a prohibition State to a non-prohibition State like Kerala was taking place, a suggestion was made that this problem be brought to the notice of the Sarkaria Commission, which was making recommendations regarding Centre-State relations.

In July 1995, Government of India stated before the Supreme Court that, "It is obvious that the Central Government as a whole is encouraging scientific and sustainable development of livestock resources and their efficient utilization which inter-alia includes production of quality meat for export as well as for domestic market. This is being done with a view of increasing the national wealth as well as better returns to the farmer." In recent decades, the Government has started releasing grants and loans for setting up of modern slaughter houses.

#### **Acharya Vinoba Bhave on cow protection**

"Protection of the cow and the bullock is a characteristic of the Indian social philosophy. We are, in this respect, a step ahead of the Western socialism. Western socialism asks for a full and equal protection being given to all men, but there it stops. We in India have gone a step further. We have included the cow as a member in the family. True, we have not followed this principle in practice fully. We merely pay respect to the cow but do not look after it so well as they do in the Western countries. Nevertheless we have deep regard for it and consider it worthy of our care and protection in the same way as the human members of the family. We do not drive out the latter when they grow old. In the same way, though we make full use of the cow and the bullock - take milk, get our fields ploughed, use the dung for manure, and use even their hides after they are dead - we do not kill them. But now we must link up this regard with a scientific attitude. Superstitious respect will not do. We must open good dairy farms, Gosadans, and the wealthy amongst us should come forward to provide for the upkeep of decrepit cattle.

**Acharya Vinoba Bhave on Ban on Cow-Slaughter:** "Some people are under serious misapprehension in regard to the secular character of our State. They think that there is some kind of incompatibility between cow protection and a secular State. There is no incompatibility between the secular character of our State and the protection of the cow. No religion in India says that it is meritorious to kill a cow, and therefore there is no conflict among our different religions about the desirability of the protection of the cow. Therefore I say that there is nothing to prevent the secular State from striving to protect the cow, and our State must do it."

#### **COW RELATED COMMUNAL VIOLENCE AND KILLINGS**



## Before 1800s

The "Holi Riot" of 1714 in Gujarat was in part cow-related. A Hindu had attempted to start the spring festivities of Holi by burning a public Holika bonfire, a celebration that his Muslim neighbors objected to. The Muslims retaliated by slaughtering a cow in front of Hindu's house. The Hindus gathered, attacked the Muslims, seized the Muslim butcher's son and killed him. The Muslims, aided by the Afghan army, sacked the neighborhood, which led Hindus across the city to retaliate. Markets and homes were burnt down. Many Hindus and Muslims died during the Holi riot. The cycle of violence continued for a few days devastating the neighborhoods in Ahmedabad.

## 1800s

According to Zenab Banu in her book *Politics of Communalism*; there were several cases of communal riots caused by the slaughter of cows during the British Raj. A historical survey of some major communal riots between 1717 and 1977, revealed that out of 167 incidents of rioting between Hindus and Muslims, 22 cases were attributable directly to cow slaughter.

According to Mark Doyle, the first cow protection societies on the Indian subcontinent were started by Kukas of Sikhism, a reformist group seeking to purify Sikhism. The **Sikh Kukas or Namdharis** were agitating for cow protection after the British annexed Punjab. In 1871, states Peter van der Veer, Sikhs killed Muslim butchers of cows in Amritsar and Ludhiana, and viewed cow protection as a "sign of the moral quality of the state". According to Barbara Metcalf and Thomas Metcalf, Sikhs were agitating for the well-being of cows in the 1860s, and their ideas spread to Hindu reform movements.

According to Judith Walsh, widespread cow protection riots occurred repeatedly in British India in the 1880s and 1890s. These were observed in Punjab, United Provinces, Bihar, Bengal, Delhi and Bombay. The 1893 anti-cow killing riots started in Punjab during the festival of Bakr-Id. The riots repeated in 1894, and they were the largest riots in British India after the 1857 revolt.

In Bombay alone, several hundred people were killed or injured in cow-related violence in 1893, according to Hardy. Cow protection-related violence were a part of larger communal riots, religious disputes, and class conflicts during the colonial era.

Also in 1893, there were riots in Azamgarh and Mau in eastern Uttar Pradesh. The Azamgarh riots were born out of administrative disputes regarding cow slaughter. Reportedly an inexperienced British officer ordered Muslims to register with the police, if they wished to slaughter cows for Eid al-Adha. Many Muslims interpreted the order as an invitation to sacrifice.

In the town of Mau, there were riots in 1806, states John McLane, that had led to Sadar Nizamat Adalat to prohibit cow sacrifices in 1808.

## 1900–1947

Cattle protection-related violence continued in the first half of the 20th century. Examples of serious cow protection agitation and riots include the 1909 Calcutta riot after Muslims sacrificed a cow in public, the 1912 Faizabad riots after a Maulvi taunted a group of Hindus about a cow he was with, the 1911 Muzaffarpur riot when in retribution for cow slaughter by

Muslims, the Hindus threatened to desecrate a mosque. In 1916 and 1917, over the Muslim festival of Bakri-Id, two riots broke out in Patna with widespread rioting, looting and murders in major cities of Bihar. British officials banned cow slaughter during Muslim Id festival of sacrifice. According to colonial records, Hindu crowds attacked Muslims on Id day and violence broke out at multiple sites simultaneously. Many serious anti cow slaughter and cow protection-related riots broke out between 1917 and 1928 across India; particularly on Muslim festival of sacrifice, from Punjab through Delhi to Orissa.

In the 1920s, over 100 riots, 450 deaths and 5,000 injuries were recorded in Bengal which was divided in 1947. Two primary causes of the violence, states Nitish Sengupta, were Hindus Durga Puja processions playing music which continued as they passed near Muslim mosques, and Muslims killing cows in open during Bakri-id.

In 1946, rumors spread among Bengali Muslims that Hindus had secretly conspired to stop cow sacrifice on Bakri Id by bringing in Sikhs and arms into their homes. The crowd coming out of the mosques then raided a large number of Hindu homes trying to find the arms and the Sikhs. Violence continued for about a week with frequent instances of stray killings and looting.

#### **1947–2014**

After the 1947 Partition of the Indian subcontinent into Pakistan and India, frequent riots and fatal violence broke in newly created India over cow slaughter. Between 1948 and 1951, cow slaughter led to a spate of riots broke out in Azamgarh, Akola, Pilbhit, Katni, Nagpur, Aligarh, Dhubri, Delhi and Calcutta. Riots triggered by slaughter of cows continued in rural and urban locations of India in the 1950s and 1960s. According to Ian Copland and other scholars, it was the practical stop of cow sacrifice ritual as Islamic festivals after 1947 that largely led to a reduction in riots from the peak observed just before India's independence. However, they add, the riots re-emerged in the 1960s, when a new generation of Muslims born after the independence reached adolescence, who were less aware of the trauma of religious violence in India of the 1940s, began to assert their rights.

In 1966, 100 members of parliament signed a petition for a nationwide ban on cow slaughter. Hindu sadhus (monks) gathered in Delhi to protest against cow slaughter, launched go-raksha (cow protection) agitation and demanded a ban. During a huge procession that was walking towards the parliament to press their demand, rioting started. These riots killed eight people. Indira Gandhi, the newly nominated Prime Minister, continued the policy of no national ban on cow slaughter.

In 2002, five Dalit youths were killed by a mob in Jhajjar, Haryana after accusations of cow slaughter. The mob were reportedly led by members of the Vishva Hindu Parishad, according to Human Rights Watch. According to People's Union for Democratic Rights, the VHP and the Gauraksha Samiti have defended violent vigilantism around cow protection as sentiments against the "sin of cow-slaughter" and not related to the social identity of the victims. Various groups, such as the families of the Dalits victims of the violence, did not question the legitimacy of cow protection but questioned instead the false allegations.

**Post-2014** Critics claim that there has been a rise in cow protection related violence since the election of the right wing BJP in 2014. PM Modi has denounced the violence. The violence has included notable killings, such as the lynchings at Dadri, Jharkhand and Alwar.

According to the Human Rights Watch, the post-2014 violence has included instances of assault, harassment, extortion, and it has targeted Muslims and lower-caste Hindus. According to an India Spend analysis, a total of "28 Indians – 24 of them Muslims – have been killed and 124 injured", between 2010 and June 2017 in cow-related violence.

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## **CONSTITUTIONAL PROVISIONS RELATED TO COW PROTECTION**

One of the Directive Principles of State Policy relating to prohibition of slaughter of cow is contained in Article 48 of the Constitution of India, which states as follows: "The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle."

However the preservation of cattle is a matter on which the State Legislatures have exclusive powers to legislate, the relevant entry being Entry 15 of List II of the Seventh Schedule of the Constitution, which reads as follows: "Preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice."

During the Constituent Assembly Debate on an amendment moved by Shri Thakur Dass Bhargava, fervent pleadings were made for a ban on cow slaughter. Efforts to include a provision for a total ban on slaughter of cow and its progeny in the Fundamental Rights Chapter of the Constitution of India, were made but did not succeed.

### **LAWS BANNING COW SLAUGHTER**

The prohibition of cow slaughter is also one of the Directive Principles of State Policy contained in Article 48 of the Constitution. It reads, "The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle."

Agriculture and Animal Husbandry being in the domain of the State Government, and by virtue of Entry 15 of State List ("Preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice") in the Seventh Schedule of the Constitution, presently, the States alone are empowered to enact legislation for the prevention of slaughter and for preservation of cattle. Consequently, several states and Union Territories have enacted Cattle Preservation Laws in one form or the other.

Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Tripura, Kerala and Lakshadweep have no legislation. All other states/UTs have enacted legislation to prevent the slaughter of cow and its progeny.

### **Non uniformity in laws**

There is a lack of uniformity among State laws governing cattle slaughter. The strictest laws are in Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh and Uttarakhand, where the slaughter of cow and its progeny, including bulls and bullocks of all ages, is completely banned. Most States prohibit the slaughter of cows of all ages. However, Assam and West Bengal permit the slaughter of cows of over the ages of 10 and 14 years, respectively. Most States prohibit the slaughter of calves, whether male or female. With the exception of Bihar and Rajasthan, where age of a calf is given as below 3 years, the other States have not defined the age of a calf. According to the National Commission on Cattle, the definition of a calf being followed in Maharashtra, by some executive instructions, was "below the age of 1 year".

In Daman and Diu, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Puducherry, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand violation of State laws on cattle slaughter are both cognizable and non-bailable offences. Most of other States specify that offences would be cognizable only. The maximum term of imprisonment varies from 6 months to 14 years (life-term) and the fine from ₹1,000 to ₹5,00,000.

## **JUDICIAL VIEW OF LAWS BANNING COW SLAUGHTER**

After the Constitution was adopted, several states - Bihar, UP, Assam, Bombay, West Bengal, Central Provinces & Berar and Hyderabad - enacted laws in the 1950s to ban cow slaughter and regulate cattle slaughter.

It was challenged in the Supreme Court by butchers, tanners, gut merchants, curers and cattle dealers on the ground that it violated their fundamental right to do business (Article 19(1)(g)) and religion (Article 25).

Supreme Court in Mohd Hanif Quareshi case (1958) case partly upheld the validity of the laws, as far as they banned slaughter of cows and calves. However, it said these laws were "void in so far as they totally prohibit the slaughter of breeding bulls and working bullocks without prescribing any test or requirement as to their age or usefulness". It said a law enacted to honour a Directive Principle provision could not violate fundamental rights. SC had noted the dismal performance of 'gosadans', home for retired bovine animals, despite Rs 94 lakh being sanctioned by the Centre in the first five-year plan. The SC had doubted their efficacy in preserving cattle. SC also determined that neither the Quran nor the Hidaya mandates cow slaughter, and the Islamic texts allow a goat or camel be sacrificed instead. Therefore, according to the Court, a total ban on cow slaughter did not infringe on the religious freedom of Muslims under Articles 25 or 48 of its Constitution.

Nearly half a century later, the SC re-evaluated the 1958 judgment and held that the legislature would be well within its right to impose a complete ban on slaughter of cow and its progeny.

In Mirzapur Moti Kureshi Kassab judgment in 2005, the SC said, "The ban is total with regard to the slaughter of one particular class of cattle. The ban is not on the total activity of butchers (kasais); they are left free to slaughter cattle other than those specified in the (Gujarat) Act.

"They can slaughter animals other than cow progeny and carry on their business activity ... it is not necessary that the animal must be slaughtered to avail these things (hides, skins, etc). The animal, whose slaughter has been prohibited, would die a natural death even otherwise and in that case their hides, skins and other parts of body would be available for trade and industrial activity."

In 2005, the SC relied on the National Commission on Cattle (2002) to say that 'gosadans' and 'goshalas' were performing better as people had realised that cows and cattle which did not yield milk or were otherwise retired were still useful for their excreta, which could serve as organic manure and source for biogas fuel. SC said, "Merely because it (ban on slaughter of cow and progeny) may cause inconvenience or some dislocation to the butchers, restriction imposed by the impugned enactment does not cease to be in the interest of the general public. The former must yield to the latter."

The Centre in 2017 issued a notification banning sale and purchase of cattle from animal markets for slaughter. This was seen as a blow to the multi billion dollars meat and leather sectors, mostly run by and employing Muslims. Also, Environment Ministry had notified the stringent 'Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 under the Prevention of Cruelty to Animals Act. All India Jamiatul Quresh Action Committee challenging the constitutional validity of the notification. In 2018, Supreme Court suspended the government order.

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## **FINDINGS OF VARIOUS COMMITTEES AND COMMISSIONS**

### **Cattle Preservation and Development Committee (1947-48)**

#### **(Chairman Sardar Bahadur Datar Singh)**

Committee said that slaughter of cattle is not desirable in India under any circumstances whatsoever, and that its prohibition shall be enforced by law. The Committee suggested that, the first stage, which should be given effect to immediately, should cover the total prohibition of slaughter of all useful cattle other than a) animals over 14 years of age and unfit for work and breeding and b) animals of any age permanently unable to work or breed owing to age, injury or deformity. The committee also suggested that unlicensed and unauthorized slaughter of cattle should be immediately prohibited and made a cognizable offence under law. In the second stage, the Committee envisaged that slaughter of cattle should be prohibited totally. The Committee also made suggestions for arrangements for maintenance and care of serviceable and unproductive cattle and for development of feed and fodder etc.

### **Expert Committee on the Prevention of Slaughter of Milch Cattle in India (1954-55)** **(Chairman P.N.Nanda)**

The Committee found that the root cause of slaughter of milch cattle was the unnatural conditions under which animals were kept for milk production in urban areas. The sale of dry animals for slaughter became under these conditions an economic necessity. The only way in which the abuse could be permanently prevented was to follow the methods found most suitable by other countries, namely the removal of cattle from the cities and the arrangements of milk supplies from rural areas. By doing this, not only would the slaughter of prime milch cattle and all the accompanying evils be stopped for ever, but there would be large development of cattle and dairy industries of the country. Committee felt that measures like legislative ban on slaughter will only be treating the symptoms and not curing the disease.

### **Gosamvardhan Seminar (1960)**

The Seminar, organized by the Central Council of Gosamwardhana, felt that the problem of preservation of cattle in breeding areas was linked with the system of milk supply to the big cities and therefore the only solution was to remove the milch cattle from cities and town to rural areas. Railway freight should be subsidized for movement of animals. Committee also suggested that provisions of Prevention of Cruelty to Animals Act should be rigidly enforced.

### **National Commission on Cattle (2002) (Chairman: Sh. Dharampal)**

The recommendations of the Commission were as follows:

- Prohibition for slaughter of cow and its progeny, which would include bull, bullocks, etc., should be included in Fundamental Rights.
- Amendment of the Constitution should also be made for empowering the Parliament to make a Central Law for the prohibition of slaughter of cow.
- Parliament should then make a Central Law applicable to all States, prohibiting cow slaughter. Violation of the Law should be made a non-bailable and cognizable offence.

- There should be a complete ban on export of beef and veal.
- To declare the Indian breeds as the national wealth of India and no slaughter of any native breed of our country shall be permitted at any cost.
- There should be a separate Ministry for Cattle Preservation and Development.
- Central Government should constitute a permanent National Cattle Development Commission for preservation and development of cattle all over the country.
- It recommended that a Central Cattle Commission be permanently constituted. Cattle commissions should also be set up in each State.
- The Central Government should ensure constitution and functioning of Goseva Ayogs in each of the States.
- Implementation of the Cattle Protection Laws should be ensured through the following:
  - Creation of Central Cattle Protection – Rapid Task Police Force with regional offices and branches in all States. It should have a special force deputed on the Bangladesh border to prevent the cattle exodus from the border States and also on the Kerala's borders with Tamil Nadu, Andhra Pradesh and Karnataka.
  - Government should ban production of leather of slaughtered cattle.
  - Laws of preventive arrest and detention like POTO, etc., should be amended to detain smugglers and organised mafia gangs, who indulge in large-scale smuggling of cattle to Bangladesh, West Bengal and Kerala and also in sale of cattle to illegal slaughter houses, operating all over the country.
  - Cross-breeding of indigenous breeds with imported cattle like Jersey should be prohibited. Conservation & preservation of indigenous breeds should be encouraged.
- Subsidies for purchase of tractors and mechanical appliances for agriculture should be stopped. Instead, use of bullocks in ploughing & bullock-driven tractors should be encouraged.
- Use and production of chemical fertilizers and chemical pesticides should be discouraged, subsidies on these items should be abolished. Use of organic manure should be promoted.
- Gaushalas, Gosadans and Pinjrapoles should be organized through voluntary organizations both by central and state governments. Government should give financial aid for construction and maintenance of Gaushalas. They must be allowed free land or land at concessional rates.
- Pasture lands should be protected, developed and provided for grazing of cattle belonging to farmers.
- Use of Gobar (cow dung) and Gomutra (cow urine) of indigenous breeds of cattle should be promoted extensively in agriculture in the form of different manures, composts, pest-repellents and pesticides.
- Encouragement should be given to research in cow urine therapy.
- Government should undertake awareness campaigns of qualities and virtues of cow milk, cow products, cow urine and cow dung. Acceptance of "Panchgavya" by Ayurvedic Sytem of Medicines should be widely propagated and its benefits explained to the people. The medicines from cow products and organic manure utilization should also be given wide publicity by government media.



- In the education and awareness campaign, “Farmans” issued by various Mughal emperors, Akbar, Humayun, Jahangir, and Bahadur Shah Zafar prohibiting cow slaughter during their rule should be widely advertised both in electronic media and other media.
- In the educational curriculum, the subjects should be introduced on Panchgavya therapy, cow milk, cow urine and other by products of cow, the use of cow and bullock in agriculture, organic manure and medicines prepared from cow dung and cow urine.
- All India University should be established for the above and such subjects should be introduced in all Universities.
- The cultivation of fodder and manufacture of feed for cattle should be encouraged.
- On the pattern of Food Corporation of India, a Fodder Corporation of India should be constituted.
- A Cattle Census should be taken regularly.
- Export and Import of beef to be totally banned.
- There must be a constitutional status of Cow as the National Animal (Rashtriya Prani) and killing of cow and its progeny should be made a constitutional offence.
- All types of manufacture, sale, use and import of Polythene Bags should be banned and prohibited. Throwing eatables or eatable waste in polythene bags on the streets, roads or in dust bins, within the reach of cattle consumption, should be made a penal offence.
- Temples and religious places should be prohibited from selling or auctioning the cattle.

## CONTEMPORARY ISSUES

### Illegal slaughterhouses and cattle theft

India has numerous illegal slaughterhouses. For example, in the state of Andhra Pradesh, the officials in 2013 reported over 3,000 illegal slaughterhouses. Cattle are traditionally left to freely roam streets and graze in India. These are easy prey to thieves, state Rosanna Masiola and Renato Tomei. The organized mafia gangs pick up the cattle they can find and sell them to these illegal slaughterhouses. These crimes are locally called "cattle rustling" or "cattle lifting". In many cases, the cows belong to poor dairy farmers who lack the facility or infrastructure to feed and maintain the cows, and they don't traditionally keep them penned. According to Masiola and Tomei, the increasing meat consumption has led to cows becoming a target for theft.

The theft of cattle for slaughter and beef production is economically attractive to the mafias in India. In 2013, states Gardiner Harris, a truck can fit 10 cows, each fetching about 5,000 rupees. In a country where some 800 million people live on less than US\$2 per day, such theft-based mafia operations are financially attractive. According to Andrew Buncombe, when smuggled across its border, the price per cattle is nearly threefold higher and the crime is financially more attractive. Many states have reported rising thefts of cattle and associated violence.

According to T.N. Madan, Muslim groups have been accused of stealing cattle as a part of their larger violence against non-Muslims. Cattle theft, states David Gilmartin and other scholars, was a common crime in British India and has been a trigger for riots.

Some of cattle theft operations move the cattle stolen in India across the border into Bangladesh, ahead of festivals such as Eid-ul-Azha when the demand for meat increases. The criminals dye the white or red cows into black, to make identifying the stolen cow difficult. The Border Guard Bangladesh in 2016 reported of confiscating stolen cattle, where some of cattle's original skin color had been "tampered with". Hundreds of thousands of cows, states the British newspaper The Independent, are illegally smuggled from India into Bangladesh every year to be slaughtered. Gangs from both sides of the border are involved in this illegal smuggling involving an estimated 15 lakhs cattle a year, and cattle theft is a source of the supply, states Andrew Buncombe. According to Zahoor Rather, trade in stolen cattle is one of the important crime-related border issues between India and Bangladesh.

### Dalit and tribal cultures

Some scholars state that the Hindu views on cattle slaughter and beef eating is caste-based, while other scholars disagree. Dalit Hindus eat beef state the former, while the latter state that the position of Dalit Hindus on cattle slaughter is ambiguous.

Deryck Lodrick states, for example, "beef-eating is common among low caste Hindus", and vegetarianism is an upper caste phenomenon. In contrast, cow-cherishing, Krishna-worshipping rustic piety, state Susan Bayly and others, has been popular among agriculture-driven, cattle husbandry, farm laboring and merchant castes. These have typically been considered the low-castes in Hinduism. According to Bayly, reverence for the cow is widely shared in India across castes. The traditional belief has also associated death or the dead with being unclean, polluting or defiling, such as those who handle corpse,

carrion and animal remains. However, the tradition differentiates between natural or accidental death, and intentional slaughter. According to Frederick J. Simoons, many members of low castes and tribal groups in India reject "cow slaughter and beef eating, some of them quite strongly", while others support beef eating and cattle slaughter.

Group	Population, 2011 (%)	% Group, Eat beef	% Group, Don't eat beef
Hinduism (all)	79.80%	1.40%	98.60%
Hinduism (Dalits)	16.60%	4.00%	96.00%
Islam	14.23%	42%	58%
Christianity	2.30%	26.50%	73.50%
Sikhism	1.72%	0.01%	99.90%
Buddhism	0.70%	9.30%	90.70%
Jainism	0.37%	0.04%	99.90%
Others/Not specified	0.90%	13.80%	86.20%
<b>TOTAL</b>	<b>100%</b>	<b>6.60%</b>	<b>93.40%</b>
Note:	Based on NSSO 2011-12 data		

According to People's Union for Democratic Rights(PUDR), some Dalits work in leather which includes cow-skin and they rely on it for their livelihood. The position of Dalits to cow-protection is highly ambivalent, states PUDR, given their Hindu identity and the "endemic contradiction - between the 'Hindu' ethos of protecting the cow and a trade dependent fundamentally on the skin of cows". The selling of old cattle for skin, according to them, is supported by members of both "dominant and subordinate castes" for the leather-related economy. Dominant groups, officials and even some Dalits state that "Dalits are cow-protectors". The inclusion of Dalits in cow-protection ideology, according to PUDR, is accompanied by "avowal of loyalty to cow-protection" exposing the fragility of the cow-protection ideology across castes.

Some Dalit student associations in the Hyderabad region state that beef preparations, such as beef biriyani, is the traditional food of low-castes. Historical evidence does not support this claim, state Claude Levy-Straus and Brigitte Sebastia. It is the nineteenth century politics that has associated beef and cattle slaughter with Muslim and Dalit identity.

### **Economic imperative**

According to Marvin Harris, importance of cattle to Hindus and other religious groups is beyond religion, because the cattle has been and remains an important pillar of rural economy. In the traditional economy, a team of oxen is "Indian peasant's tractor, thresher and family car combined", and the cow is the factory that produces those oxen. The cattle produce nutritious milk, their dung when dried serves as a major cooking fuel, and for the poor the cattle is an essential partner in many stages of agriculture. When cattle fall sick,

the family worries over them like Westerners do over their pets or family members. A natural loss of a cattle from untimely death can cripple a poor family, and thus slaughtering a creature so useful and essential is unthinkable. According to Harris, India's unpredictable monsoons and famines over its history meant even greater importance of cattle, because Indian breeds of cattle can survive with little food and water for extended periods of time.

According to Britha Mikkelsen and other scholars, cow dung produced by young and old cattle is the traditional cooking fuel as dung-cakes and fertilizer in India. The recycling substitutes over 25 million tons of fossil fuels or 60 million tons of wood every year, providing the majority of cooking fuel needs in rural India. In addition to being essential fuel for rural family, cattle manure is a significant source of fertilizer in Indian agriculture.

The Indian religions adapted to the rural economic constraints, states Harris. Preserving cattle by opposing slaughter has been and remains an economic necessity and an insurance for the impoverished. The cow is sacred in India, states Harris, not because of superstitious, capricious and ignorant beliefs, but because of real economic imperatives and cattle's role in the Indian tradition of integrated living. Cattle became essential in India, just like dogs or cars became essential in other human cultures, states Harris.

### **Animal cruelty**

The slaughterhouses in India have been accused of cruelty against animals by PETA and other humane treatment of animals-groups. According to PETA and these groups, the slaughterhouse workers slit animals' throats with dull blades and let them bleed to death. Cattle are skinned and dismembered while they're still alive and in full view of other animals.

The Supreme Court of India, in February 2017, ordered a state governments to stop the illegal slaughterhouses and set up enforcement committees to monitor the treatment of animals used for meat and leather. The Court has also ruled that the Indian Constitution requires Indian citizens to show compassion to the animal kingdom, respect the fundamental rights of animals, and asked the states to prevent cruelty to animals.

### **Vigilantism**

According to the Human Rights Watch, the post-2014 violence has included instances of assault, harassment, extortion, and it has targeted Muslims and lower-caste Hindus. According to a Reuters report, citing IndiaSpend analysis, a total of "28 Indians – 24 of them Muslims – have been killed and 124 injured", between 2010 and June 2017 in cow-related violence.

### **Hygiene**

Poor hygiene and prevalence of meat-borne disease has been reported Indian in studies of cattle slaughter-houses. In a 1976–1978 survey of slaughtered cattle in Kerala slaughter-houses, Prabhakaran reported, "468 cases of echinococcosis and 19 cases of cysticercosis". The cattle liver was affected by disease in 79% of cattle and the lung in 73%.

A 2001 study by Sumanth on cattle slaughtered in Karnataka reported more than 60% of the carcasses were infected with schistosoma eggs and worms. A 2007 report by Ravindran indicated over 50% of cattle slaughtered in Wayanad were infected.

## SOCIAL MEDIA & FAKE NEWS

### Context:

In December 2018, Union government kicked off public consultations on amendments to the rules regulating social media companies such as WhatsApp to curb rumours and fake news, spurring fresh protests from social activists and opposition parties over another alleged attempt at snooping on citizens.

In 2018, a row also erupted over a home ministry notification authorising 10 intelligence and security agencies to intercept data on computers, mobile devices and servers. Ministry of Electronics and Information Technology (MeitY) on asked stakeholders views on the proposed changes to the Information Technology (Intermediaries Guidelines) Rules under Section 79 of the IT Act. The draft amendments to the rules mandate companies to not only trace and report the origin of messages within 72 hours of receiving a complaint from law enforcement agencies but may also have to “disable access” within 24 hours to content deemed defamatory or against national security and other clauses under Article 19 (2) of the Indian Constitution.

Besides, all platforms with more than five million users will be required to have a registered entity in India under the Companies Act, appoint a nodal officer in the country to deal with law enforcement agencies on a 24\*7 basis and send communication to users once a month about their privacy policies.

Activists expressed serious concern over the move saying coupled with the home ministry's notification of last Thursday, under an existing rule of the IT Act, the new intermediary guidelines will turn India into a surveillance state. At least two petitions were filed in the Supreme Court challenging the home ministry's move. Internet Freedom Foundation said in a note, “These proposals are taking India close to a Chinese model of censorship. Yes, online platforms are problematic, they require fixes. But driving changes through a closed and secretive process in which measures that undermine fundamental rights is a harmful approach for all of us.”

Government sought to justify the amendments, pointing out the resolve of the government to strengthen the legal framework and make the social media platforms accountable under the law and checking misuse of social media platforms and spreading of fake news.

### Defining social media:

Social media are interactive computer-mediated technologies that facilitate the creation and sharing of information, ideas, career interests and other forms of expression via virtual communities and networks.<sup>[1]</sup> The variety of stand-alone and built-in social media services currently available introduces challenges of definition; however, there are some common features:

1. Social media are interactive Web 2.0 Internet-based applications.
2. User-generated content, such as text posts or comments, digital photos or videos, and data generated through all online interactions, is the lifeblood of social media.

3. Users create service-specific profiles for the website or app that are designed and maintained by the social media organization.
4. Social media facilitate the development of online social networks by connecting a user's profile with those of other individuals or groups.

Merriam-Webster defines social media as "forms of electronic communication (such as Web sites) through which people create online communities to share information, ideas, personal messages, etc."

**Types:** Marketing and social media experts broadly agree that social media includes the following 13 types of social media: blogs, business networks, collaborative projects, enterprise social networks, forums, microblogs, photo sharing, products/services review, social bookmarking, social gaming, social networks, video sharing, and virtual worlds.

**When were Social media platforms created?** Corporate and job-oriented site LinkedIn in 2003; hi5 in 2003; MySpace in 2003; Orkut in 2004; Facebook in 2004; Yahoo! 360° in 2005; Bebo in 2005; Twitter in 2006; Tumblr in 2007; and Google+ in 2011.

#### **User statistics:**

According to Statista, in 2019, it is estimated that there will be around 2.77 billion social media users around the globe, up from 2.46 billion in 2017. India, with around 30% internet penetration (World Bank, 2016), already has more than 241 million users of Facebook alone (The Next Web Report, 2017). At least 136 million Indians are active social media users (Yral Report, 2016), across platforms. Further, when talking about social media, we cannot ignore the penetration of WhatsApp, which has reached more than 200 million users in India (Mashable, 2017). This means 200 million users in India are exchanging messages on a daily basis in real time.

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## **Features**

### **Viral content**

Some social media sites have potential for content posted there to spread *virally* over social networks. The term is an analogy to the concept of viral infections, which can spread rapidly from person to person. In a social media context, content or websites that are "viral" (or which "go viral") are those with a greater likelihood that users will reshare content posted (by another user) to their social network, leading to further sharing. In some cases, posts containing popular content or fast-breaking news have been rapidly shared and reshared by a huge number of users. Many social media sites provide a specific functionality to help users reshare content, such as Twitter's retweet button, Pinterest's pin function, Facebook's share option or Tumblr's reblog function.

### **Bots**

Social media can enable companies to get in the form of greater market share and increased audiences. Internet bots have been developed which facilitate social media marketing. Bots

are automated programs that run over the internet, with the most important social media marketing examples being chatbots and social bots. Chatbots and social bots are programmed to mimic natural human interactions such as liking, commenting, following, and unfollowing on social media platforms.

## **MULTIPLE USES OF SOCIAL MEDIA**

### **Use by individuals**

Social media is used by individual users for a variety of reasons, such as:

- To maintain interpersonal relationships: Social media helps maintain current as well as old networks of friends, family members, business acquaintances, professional associates, etc.
- Self-presentation: To appear happier, more successful, more driven, more capable etc. to others and to themselves
- *As a repository of individual and collective memory: Sharing photographs of events or memories together*
- To make new friends: Social media is used by individuals for finding persons with similar interests, common friends, dating, activity groups, etc.
- As a news source: Many consider social media, particularly close friends and family members, as a more authoritative news source than mainstream media which is regarded as heavily corporatized and toeing a specific party line.

### **Use by Organizations**

#### **By businesses**

Mobile social media tools can be used for marketing research, communication, sales promotions/discounts, informal employee learning/organizational development, relationship development/loyalty programs, and e-Commerce. Other applications include marketing research, communication, sales promotions and discounts, relationship development and loyalty programs, and informal employee learning/organizational development is facilitated by the social media.

Companies are increasingly using social media monitoring tools to monitor, track, and analyze online conversations on the Web about their brand or products or about related topics of interest. This can be useful in public relations management and advertising campaign tracking, allowing the companies to measure return on investment for their social media ad spending, competitor-auditing, and for public engagement. Tools range from free, basic applications to subscription-based, more in-depth tools.

#### **Social media mining**

Social media "mining" is a type of data mining, a technique of analyzing data to detect patterns. Social media mining is a process of representing, analyzing, and extracting actionable patterns from data collected from people's activities on social media. Google

mines data in many ways including using an algorithm in Gmail to analyze information in emails. This use of information will then affect the type of advertisements shown to the user when they use Gmail. Facebook has partnered with many data mining companies such as Datalogix and BlueKai to use customer information for targeted advertising.<sup>[50]</sup> Ethical questions of the extent to which a company should be able to utilize a user's information have been called "big data". Users tend to click through Terms of Use agreements when signing up on social media platforms, and they do not know how their information will be used by companies. This leads to questions of privacy and surveillance when user data is recorded. Some social media outlets have added capture time and Geotagging that helps provide information about the context of the data as well as making their data more accurate.

### **In politics**

Social media has a range of uses in political processes and activities. Social media have been championed as allowing anyone with an Internet connection to become a content creator and empowering their users. The role of social media in democratizing media participation, which proponents herald as ushering in a new era of participatory democracy, with all users able to contribute news and comments, may fall short of the ideals. Online media audience members are largely passive consumers, while content creation is dominated by a small number of users who post comments and write new content.

### **Use by police and citizens groups**

Social media have been used to assist in searches for missing persons. For many lost/kidnapped or trafficked persons in India, friends and family have used social media to organize and fund a search effort when their efforts went viral on Facebook, Twitter. Police track social media history of the lost persons and suspects to find clues which guide their investigation.

### **Social media marketing**

Social media marketing has increased due to the growing active user rates on social media sites. For example, Facebook currently has 2.2 billion users, Twitter has 330 million active users and Instagram has 800 million users. One of the main uses is to interact with audiences to create awareness of their brand or service, with the main idea of creating a two-way communication system where the audience and/or customers can interact back; providing feedback as just one example. Social media can be used to advertise; placing an advert on Facebook's Newsfeed, for example, can allow a vast number of people to see it or targeting specific audiences from their usage to encourage awareness of the product or brand. Users of social media are then able to like, share and comment on the advert, becoming message senders as they can keep passing the advert's message on to their friends and onwards.

## **CRITICISMS AND CONCERNS**

### **Hate Speech**

Social media plays a critical role in creating and spreading hate speech, and has been used numerous times for promoting communal and religious hate speech with a clear agenda of provoking violence. Online and offline hate speech are mutually reinforcing. Though the state and even social media platforms have frameworks to regulate hate speech, they will serve little purpose unless they wake up people's conscience.



Though the latter is a longer process, internet and social media blackouts cannot be a knee-jerk reaction to incidents of unrest or violence. To truly prevent incidents of hate speech online, there is a need for a massive campaign that sensitizes people towards media consumption and helps them differentiate between free speech and hate speech. It is the responsibility of you and me, and each one of us who uses the internet, to produce or consume content as conscientious citizens and not merely as blindfolded consumers.

### **Disparity**

The digital divide is a measure of disparity in the level of access to technology between households, socioeconomic levels or other demographic categories. People who are homeless, living in poverty, elderly people and those living in rural or remote areas may have little or no access to computers and the Internet. In contrast, middle class and upper-class people in urban areas have very high rates of computer and Internet access.

### **Political polarization**

Political and ideological faultlines seem to have widened in recent times, partly due to social media. Strong views are expressed by both left and right social media influencers and users. Political discourse gets base and degenerate, cut-paste jobs are widely circulated to lampoon political actors and supporters of particular ideologies. For instance, PM Modi is often dubbed 'Feku' by left leaning social media users while Rahul Gandhi is derisively called 'Pappu' by right wingers. Congress and left supporters are mocked as 'Piddi' / 'Libtard' while BJP supporters are ridiculed as 'Bhakts'. Heated debates and offensive exchanges amongst family members or close friends is not uncommon on social media.

### **Status seeking and virtual friendships**

According to writer Christine Rosen, many social media sites encourage status-seeking. According to Rosen, the practice and definition of "friendship" changes in virtuality. Friendship "in these virtual spaces is thoroughly different from real-world friendship. In its traditional sense, friendship is a relationship which, broadly speaking, involves the sharing of mutual interests, reciprocity, trust, and the revelation of intimate details over time and within specific social (and cultural) contexts. Because friendship depends on mutual revelations that are concealed from the rest of the world, it can only flourish within the boundaries of privacy; the idea of public friendship is an oxymoron."

### **Physical and mental health**

Studies have shown that self comparison on social media can have dire effects on physical and mental health because they make us to seek approval and constantly compare ourselves. Often the things posted online are the positive aspects of people's lives, making other people question why their own lives are not as exciting or fulfilling. This can lead to depression and other self-esteem issues as well as decrease their satisfaction with their own life. Studies suggest that social media can breed a negative feedback loop of viewing and uploading photos, self comparison, feelings of disappointment when perceived social success is not achieved, and disordered body perception.

Excessive use of digital technology, like social media, by adolescents can cause disruptions in their physical and mental health, in sleeping patterns, their weight and levels of exercise and notably in their academic performance.

According to a 2017 study by University of Pittsburgh, the link between sleep disturbance and the use of social media was clear. It concluded that blue light had a part to play—and how often they logged on was a higher predictor of disturbed sleep, suggesting "an obsessive 'checking'". The strong relationship of social media use and sleep disturbance has significant clinical ramifications for a young adults health and well-being. Many teenagers suffer from sleep deprivation as they spend long hours at night on their phones, and this, in turn, could affect grades as they will be tired and unfocused in school. Social media has generated a phenomenon known as "Facebook depression", which is a type of depression that affects adolescents who spend too much of their free time engaging with social media sites. "Facebook depression" leads to problems such as reclusiveness which can negatively damage ones health by creating feelings of loneliness and low self-esteem among young people. At the same time, a 2017 shown that there is a link between social media addiction and negative mental health effects. In this study, almost 6,000 adolescent students were examined using the Bergen Social Media Addiction Scale. 4.5% of these students were found to be "at risk" of social media addiction. Furthermore, this same 4.5% reported low self-esteem and high levels of depressive symptoms.

### **Criticism of data harvesting on Facebook**

In 2018, in a hearing held in response to revelations of data harvesting by Cambridge Analytica, Mark Zuckerberg, the Facebook chief executive, faced questions from US senators on a variety of issues, from privacy to the company's business model and the company's mishandling of data. This was prompted by the revelation that Cambridge Analytica, a political consulting firm linked to the Trump campaign, harvested the data of an estimated 87 million Facebook users to psychologically profile voters during the 2016 election. Zuckerberg was pressed to account for how third-party partners could take data without users' knowledge. Lawmakers grilled the executive on the proliferation of so-called fake news on Facebook, Russian interference during the 2016 presidential election and censorship of conservative media.

**Other criticisms:** Criticisms of social media range from criticisms of the ease of use of specific platforms and their capabilities, disparity of information available, issues with trustworthiness and reliability of information presented, the impact of social media use on an individual's concentration, ownership of media content, and the meaning of interactions created by social media. Some social network platforms have been criticized for poor interoperability between platforms, which leads to the creation of information silos, viz. isolated pockets of data contained in one social media platform. There has been a dramatic decrease in face-to-face interactions as more and more social media platforms have been introduced with the threat of cyber-bullying and online sexual predators being more prevalent. Social media may expose children to images of alcohol, tobacco, and sexual behaviors. There are several other negative effects to social media which receive criticism, for example regarding privacy issues, addiction, information overload, cyberstalking, revenge porn, wastage of productive work hours and Internet fraud.

## **FAKE NEWS**

### **Context**

Fake news fuelled by social media in India has led to episodes of violence between castes and religions and interfered with public policies. It often spreads through Whatsapp, which had 200 million monthly active users in the country as of February 2017.

On November 8, 2016, India established a 2,000-rupee currency bill on the same day as the Indian 500 and 1,000 rupee note demonetisation. Fake news went viral over Whatsapp that the note came equipped with spying technology that tracked bills 120 meters below the earth. Finance Minister Arun Jaitley refuted the falsities, but not before they had spread to the country's mainstream news outlets. Later, in May 2017, seven people were lynched as rumor of child abductions spread through WhatsApp in a village.

Prabhakar Kumar of the Indian media research agency CMS, considers India was harder hit by fake news because the country lacked media policy for verification. Law enforcement officers in India arrested individuals with charges of creating fictitious articles, predominantly if there was likelihood the articles inflamed societal conflict.

In April 2018, the Information and Broadcasting Ministry said the government would cancel the accreditation of journalists found to be sharing fake news, but this was quickly retracted after criticism that this was an attack on freedom of the press.

In June 2018 mobs murdered a governmental employee, Sukanta Chakraborty, who was fighting against false news and rumours, and two other unrelated people. More people were severely injured. The local government temporarily shut down mobile Internet and texting services.

In Kashmir, to tackle the menace of fake news, Amir Ali Shah, a youth from south Kashmir's Anantnag district has developed a website "Stop Fake in Kashmir", on which news can be verified and facts can be checked. The website is the first of its kind developed in the Kashmir valley.

### **Definition**

Fake news is a type of propaganda that consists of deliberate disinformation or hoaxes spread via online social media or even traditional print and broadcast news media. The false information is often caused by reporters paying sources for stories. The news is then often reverberated as misinformation in social media, but occasionally finds its way to the mainstream media as well.

Fake news is written and published usually with the intent to mislead in order to damage an agency, entity, or person, and/or gain financially or politically, often using sensationalist, dishonest, or outright fabricated headlines to increase readership. Similarly, clickbait stories and headlines earn advertising revenue from this activity.

## WAY FORWARD FOR SOCIAL MEDIA:

Amongst several, main proposals are the following:

1. Regulation of social media by a robust legislative framework, regulatory oversight and technologically adept investigative mechanisms with the police.
2. Regulation by neutral, industry or media organizations akin to the Press Council of India.
3. Self regulation by social media companies. For instance, WhatsApp is advertising encouraging its users not to spread fake news. WhatsApp has also limited the number of forwards an individual can make and has marked forwarded messages to indicate that they are forwards.
4. User sensitization through awareness and information campaigns by government, law enforcement agencies, etc.
5. Internet companies need to involve local communities in governing their platforms. The corporations as they are currently configured cannot rule public space everywhere. They must find ways to devolve authority to local actors – not to governments, but to their users. Hiring teams of experts alone simply doesn't cut it. Steps like diversifying leadership, enabling greater local content moderation not outsourced to contractors, and engaging deeply with the communities where they operate are essential.
6. Companies must disclose radically more information about the nature of their rulemaking and enforcement concerning expression on their platforms. Greater disclosure means individual empowerment, giving people an opportunity to provide genuine critiques of how those rules apply, and how the companies get it wrong, in specific countries.
7. Since these companies make claims to global roles, so they should adopt global standards, and not terms of service allowing them complete discretion. They should apply human rights law, which provides global standards protecting everyone's right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers." A total of 171 countries are parties to the International Covenant on Civil and Political Rights. Those rules would provide better grounding for company operations and allow real capacity to push back against governments seeking to interfere with freedom of expression. A third-party auditor of some sort – something like a social media council – could regularly evaluate company compliance with human rights norms. Indeed, this is how democratic societies in many parts of the world enable media self-regulation, through national "press councils" that evaluate claims of unethical or wrongful media behaviour.

## **COMMITTEE ON DOUBLING FARMERS' INCOME**

**(Chairman: Ashok Dalwai)**

### ***Vol. I: March of Agriculture since Independence & Growth Trends***

#### **Major Observations**

##### **6.1.1. Overall and Agricultural Economy**

- ✓ Agriculture & Allied economy consists of four sectors namely Crop sector, Livestock, Forestry and Fisheries. The share of crop sector in the total VOP from agriculture and allied activities is highest (61.31 %). Livestock comes next with a share of 26.80 % in the total VOP, which is followed by forestry (7.39 %) and fisheries (4.50 %) sector.
- ✓ Overall growth in agriculture moves parallel with the crop sector, as established from comparing the year-on-year fluctuations among sectors. The growth has not been consistent across regions and crops. Livestock sector is growing at an appreciable and sustainable rate and is ahead among all other sectors. Livestock sector is likely to emerge as engine of growth of agricultural sector and can be relied upon for risk mitigation and minimizing the losses to the farmers in case of even worst outcomes from others sub-sectors.
- ✓ Livestock sector's performance was found to be the best during the recovery phase.  
Pulses achieved a growth of 2.63 % during the recovery phase. Within the crop category, fibres, condiments & spices, fruits & vegetables, floriculture performed quite well during 2004-05 to 2014-15. As reported, the important reason behind good performance of agricultural and allied sectors in recovery phase was remunerative price received by farmers which further encouraged further production. Efforts are required at all stakeholder levels to maintain the production incentive of farmers. At the same time, improved and innovative marketing arrangements and are required to enhance the economic returns to the farmers.
- ✓ A continuous and significant increase in share of area to GCA under fruits and vegetables indicates that importance of these farm commodities have significantly increased at both producer as well as consumer levels. Short duration nature and growing market for horticulture crops along with quicker cash inflow from these crops are important reasons to be mentioned that have led the farmers to grow more fruits and vegetables.

- ✓ Rice and wheat still occupy more than 1/3<sup>rd</sup> share in the cropping pattern. The share of nutri-cereals has gone down substantially during last more than five decades. The signals in favour of orientation towards high value crops are clearly evident as area share of fruits and vegetables has expanded overtime.
- ✓ It is clearly evident that small and marginal farmers with around 85 % share still dominate in number of holdings at national level. The situation is found to be worst in states like Kerala, Bihar, West Bengal, J&K, Uttar Pradesh, Odisha, Tamil Nadu, Uttarakhand along with few NE states and UTs where the share of smallholders is found to be more than 90 %. Out of these, states like Bihar, West Bengal and Uttar Pradesh have higher shares of geographical pockets with lowest incomes in the country. These areas need more inclusive approach and package considering the situation of smallholders.
- ✓ It is surprising to note that Chhattisgarh derives total income only from crops and wages; thus, the state needs special consideration in terms of preparation of strategic plan of the state. As far as non-farm and wages & salary as alternate sources of income are concerned, states like Kerala, Jammu & Kashmir, Himachal Pradesh, Tamil Nadu and West Bengal earn maximum from these two sources. As these states are special states in terms of the typology i.e. the states fall into either hilly or coastal typology and thus being dominated by specialised horticultural and fishery products. Thus, farmers rely on alternate sources to ensure their livelihood. These states need special attention and separate strategic framework is required for doubling of income.
- ✓ A decent growth in farm income requires some cultivators moving away from agriculture along with high growth in output and favourable prices for farm produce as has also been opined by Chand et al. (2015). This again emphasized the need of employment in non-farm sectors and income from wages and salaries to reduce the income disparities and promotion of inclusive growth.

#### **6.1.2. Technology and Management Practices**

- ✓ Technology adoption helps in reducing yield gap at farm level. If yield gaps are addressed for major crops like rice and wheat, these can contribute significantly to the output of these crops and meeting the food security requirements of the country. Cash crops like maize and cotton as well provide high yield gap estimates across states. The estimates derived for 2011-12 and 2013-14 show considerable yield gap across states among different crops. The issue can be addressed by expanding irrigation, use of improved seeds in sowing and better credit access

- ✓ Micro irrigation has generated benefits to the farmers in terms of enhancement of the productivity. Irrigated paddy growing states have definite yield advantages. There exists huge potential to expand irrigation in West Bengal. Irrigated fields, on an average, record 8 quintals/ha higher yield than the unirrigated. Among others, Odisha offers scope to improve yield levels to a sizeable extent under irrigated environment.
- ✓ In case of wheat, all major wheat producing states grow almost entire crop under irrigation, hence, offer limited scope to expand irrigation. While Madhya Pradesh has 91 % area under irrigation, Uttar Pradesh, Punjab, Haryana and Rajasthan have more than 98 % area under irrigation. But yield differentials are high, enabling scope to achieve high production. West Bengal and Odisha provide scope to expand output oriented irrigation expansion in Paddy. In terms of wheat, factors other than irrigation could be thought of in attaining yield convergence.
- ✓ A clear indication may be drawn that irrigation requirement would increase continuously due to its contribution in enhancing crop yields and revenue. Objective estimates related to water requirement and availability based on the current situation would help plan the strategies for doubling farmer's income more efficiently.
- ✓ The type of seeds used determines the yield, so as the income. Still, the reach of improved and hybrid seeds seem to be limited to specific crops. Major food crops like paddy and wheat are grown using improved seeds in general, still, reach of hybrids looks far beyond. Just 2% of paddy and wheat growers use hybrids. Spread of hybrid seed use in millet growing areas would potentially benefit farmers in gaining higher yield and income. Among pulses, Tur offer scope to adopt hybrid and improved seeds, and among oilseeds, groundnut provides some chance. In general, while paddy offer potential scope to shifting to hybrid seeds, millets offer for expanding both improved and hybrid seed use, shifting from seeds of local varieties. Directing policies towards shift of local seeds use to improved and hybrid seeds could potentially increase national production and farmers' income.
- ✓ Developing and spreading the use of better yielding varieties suitable for different typologies can contribute to farmers' incomes. Besides, the development of improved varieties/hybrids of food crops and their cultivation are central to increased farm production and consequently national food and nutritional security. Integrated farming is one of the solutions for enhancing the income and gains to farmers.

- ✓ Investment in agricultural research has resulted in good returns, thus policies for supporting and further strengthening of research and extension system of the nation should be continued. Also, it is clear that India has achieved significant total factor productivity which enabled the nation to increase food production despite high population density and limited scope for cropland increase as a source of output growth. Besides these, infrastructure in terms of rural roads, electricity, markets, literacy etc play important role in enhancing the total factor productivity.

### **6.1.3. Marketing, Prices and Trade**

- ✓ Current price policy needs to be restructured. Over the last four and a half decade, the price policy implementation has boosted mainly wheat and rice crop among food grains and sugarcane and cotton among other crops. This situation creates an imbalance in demand and supply situation in other important agricultural commodities like pulses, oilseeds and coarse cereals as most of the resources gets shift to traditional crops. Their prices often go below MSP due to lack of any effective price support mechanism. Moreover, trade policy also works independently of MSP policy.
- ✓ Generating foreign revenues not only improves the fiscal budget of the country but also made the country stand in the global competitiveness, thus, the country needs to have sustained and stable trade policy to continue with the image of a credible supplier and reliable trade partner. The policy instruments need to be designed accordingly.

### **6.1.4. Vulnerable Districts**

- ✓ Climate change and variability is one of the most important matters of concern in terms of livelihood and income of farmers. Vulnerable states were growing more high yielding variety as compared to low income group states but productivity differences were not significant. Irrigation intensity was lower in both the cases and varied between 12 % in Jharkhand to 61.8 % in Bihar except Uttar Pradesh which has comparatively better status in terms of irrigation.
- ✓ Smallholders' share (58.4 % to 76.44 %) in climate vulnerable states is very less as compare to low income states (78.55 % to 96.92 %) because of adverse impact of climate will be more on small holding farmers. Income from farm sources is more prominent in poorer states than that of non-farm sources.



## 6.2. Major Recommendations

### 6.2.1. Data related

- ✓ Price realization by the farmer can be best computed from the price data on either the farm harvest price (FHP) available at state and district level or the wholesale price data during the peak season in the APMC's. FHP data is available only at the state or district level with a certain time lag. Appropriate mechanisms for collection of recent FHP at more disaggregated level like blocks/villages would be desirable.
- ✓ Currently, the marketed surplus data is available at the aggregate level which does not hold much importance from the point of view of product movement from one region to the other or from one market to the other markets. It would be appropriate if the market level surplus is assessed, for managing and balancing supply and demand. This will also help reduce the price volatility arising at certain locations/markets.
- ✓ The detailed analysis may be carried out for all potential commodities to examine the impact on domestic prices and supply, thereby, the impact on farmers' gains.

### 6.2.2. Policy related

- ✓ The technological interventions will increase the profitability, but as has been experienced in the past that producers become the victims of increased supply and loose significantly and, thus, suitable, procurement, logistics and marketing interventions will help optimise the revenues to farmers. The time has come when things are to be dealt in totality not in isolation. Neither the productivity centric nor the marketing and price centric approach are going to work in isolation. Every commodity has to be dealt in a holistic value chain approach where suitable interventions are required at all the critical stages. Commodity outlooks would be extremely important for efficient planning and management of value chains.
- ✓ Reorienting the current price policy in an effective and sustainable manner can bring out change in the agricultural price scenario. Prof Ramesh Chand (NITI Aayog), had put forward the concept of Minimum Insured Price (MIP) and Deficiency Price Payment (DPP) in this regard for commodities other than rice and wheat. This can be considered as an additional option along with the development of infrastructural facilities for agriculture.
- ✓ This is extremely important that concerted efforts are continued to achieve the market related objectives. The commodities having significant trade potential need to be governed by sustained policies and regulates to protect the interest of exporter and fulfill the commitments with foreign buyers. The gains from trade can further be enhanced. For this, networking is

required among academic, research institutions and practicing organizations for proper technical supervision and guidance.

- ✓ To realize the DFI mission, a paradigm shift in resource allocation priorities and the approach to improving rural connectivity, electricity supply and availability of markets to sell the agricultural produce is the need of the hour and would enable the farmers to realize the remunerative gains to their produce. The condition of rural infrastructure (roads, irrigation, electricity and markets) in a number of states is a matter of serious concern. The studies have reported that basic infrastructure can improve the total factor productivity, thus, it becomes the utmost requirement that basic concerns related to infrastructure are addressed.
- ✓ There are 29 districts which are highly vulnerable and disadvantaged in terms of double stress created from low income as well as high climate vulnerability. Special programmes need to be designed to support these disadvantaged districts. It would be appreciable if some KVKs and extension agencies adopt these districts, and work in coalition with state agencies and line departments to create favourable and facilitating environment to trigger the path of doubling of farmers' income.
- ✓ Marketing infrastructure is a key player in enhancing the farmers' welfare and progress as it not only provides incentives for higher production but also promotes commercialization of subsistence farmers. Adequate marketing infrastructure helps in maintaining the quality of agricultural produce as well as in reducing the losses in handling. There is still lack of conducive market infrastructure facilities for the sale of agricultural produce. Agricultural markets lack proper infrastructural facilities like trade, storage and support infrastructure which are the key parameters in development of market infrastructure.
- ✓ Role of agricultural credit is extremely important in meeting the crop cultivation, animal rearing and other sub-sectors' requirements in agriculture. The Government of India has initiated several policy reforms to ensure the timely and required availability of credit to the farmers with the purpose to have progressive institutionalization with an inclusive approach. National Bank for Agriculture and Rural Development is extensively promoting the micro-finance and the Farmer Producer Organizations. Some state governments and NABARD are also promoting FPOs; however, the number and network of FPOs is very small and it needs to be expanded to enable farmers to reduce transaction costs, access technology, raise their negotiation power and integrate with value chains (Chand 2017). Credit expansion across regions and farm size classes would further help in enhancing efficiency and farmers' gains.

- ✓ In regards Trade policy, it seems that a more consumer-centric approach is being adopted to cater to the “price hike” situations. DFI Committee feels that a more farmer centric” approach is required to make the farmers avail the advantage of lucrative price scenario at domestic as well as global arena.
  - ✓ As most of the farmers in the country lie in the marginal and small category with very small holding size which makes the diffusion of advanced technologies difficult. The holdings are tiny and scattered particularly in the hilly areas. Thus, land consolidation coupled with other suitable reforms need to be effectively implemented. Further, the climatic risks are resulting in decline in productivity and creating distorting impact on prices. Thus, risk management is an essential component to be studied in detail.
  - ✓ Doubling of farmers’ income requires not only interventions to develop the agricultural sector but also requires strong linkages with manufacturing and service sector to transform the ‘agricultural units to agricultural enterprises’. Thus, it is not an isolated game that would transform the face of Indian agriculture. Rather, it will need putting all forces together for the holistic development of this sector to provide it more modern and professional orientation.
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## ***Volume II: “Status of farmers’ Income: Strategies for Accelerated Growth”***

### **Observations**

- ✓ The dependence of the rural workforce on agriculture for employment has not declined in proportion to the falling contribution of agriculture to GDP.
- ✓ The agriculture and allied sector has registered more volatile growth, attributed to various factors including the vagaries climatic conditions.
- ✓ The relationship between poverty and agricultural income has been established over time: states which have lower poverty also register higher agricultural income.
- ✓ Government of India has focused on doubling the farmers’ income in seven years (from 2015-16 to 2022-23), marking a significant departure from past policies when the emphasis had been only on production rather than its marketability.
- ✓ The income approach would take into account the following additional pillars of production: (a) the quantum of output; (b) price of the output; (c) quantum of input; and (d) price of the input. Thus, increasing the net income of farmers necessitates efficient monetisation of production, without which there is no

benefit for farmers.

- ✓ The post-production understanding of what the markets demand, points to the need for promoting “fork-to-farm” signals rather than a “farm-to-fork” discussion.
- ✓ The average annual income of agricultural households from all components of income (cultivation, livestock, non-farm business, and wages and salaries) was Rs. 77,976 in 2012-13 as per NSSO’s 70<sup>th</sup> Round data, out of which cultivation accounted for the principal share (47 %), followed by wages and salaries (32 %), livestock (13 %), and non-farm business (8 %).
- ✓ Cultivation is the predominant source of income for agricultural households as the size of their landholdings increases. At the lower end of the spectrum of land size, wage and salaries account for the principal source of income. The message emerging from this analysis is that differential strategies need to be adopted depending on the size distribution of land owned by agricultural households.
- ✓ There is a wide variation in the average incomes of agricultural households across regions. The share of cultivation in income ranges between 33 and 64 percent, barring in the Union Territories, for which the average share is about 14 percent.
- ✓ Fisheries comprise the most profitable category within the livestock segment.
- ✓ By and large in many zones, the non-farm income is the predominant source of income next to cultivation.
- ✓ The penetration of non-farm business is highest in the Union Territories. It is important to note that the share of non-farm business in the cultivation-rich Northern zone is lower than in the other zones. This implies that there is scope for food-processing in the region for attaining higher value addition.
- ✓ There is considerable seasonal and regional variation in the various components of income, including cultivation, livestock, non-farm business, wages and salaries.
- ✓ The analysis indicates that the all-India income of agricultural households has registered an annual growth rate of 11.8 % in current prices and a mere 3.6 % in constant prices during the period 2002-03 to 2012-13. This is significantly lower than the GDP growth rate in real terms. Negative growth is observed in seven states and Union Territories.
- ✓ Income of agricultural households at all-India level in 2015-16 is estimated to be Rs. 96,703 at current prices (amounts to Rs. 74,108 in 2015-16 at 2011-12 prices).
- ✓ According to the DFI Committee, the estimated income of agricultural households for small and marginal farmers in 2015-16 is Rs. 79,779 at current prices. The corresponding figure for large farmers is Rs. 6,05,393, which points to a significant variation in income across land classes.

## **The Challenge and the Strategy:**

Volumes I and II of the Report highlight that the main challenge is not only to increase the productivity and financial viability of farms, but at the same time to increase the share of farm income in the farmers' total income. In doing this, the strategy to follow would be such that those that are at the bottom of the income curve grow faster, to impart equitability to the large variance in farmers' income as observed between states and regions. Equitable growth is not only socially desirable but is achievable.

Chapter 6 of this Volume, explains the seven sources of farmers' income and lays out the required growth rate for each source. The targets are assessed at granular level and are variable by state. The states are also recommended to adjust the growth rates, by prioritising each income source, on the basis of the regions' inherent strengths. The existing agricultural practices, the public and private investments needed, as also the connectivity to the national market will need to be considered by each state when setting their priorities. Nevertheless, the end outcome required is a 10.36 (rounded to 10.40) % growth rate in farm income. It is expected that the non-farm income will also increase and further contribute to growth in farmers' net income.

Accelerating the pace of change in the non-farm sector or secondary sectors linked to agriculture is equally important. However, it is recommended that when trying to generate opportunities in the non-farm sector, the states should focus on using the agricultural output as raw material or feedstock for the manufacturing sector (tiny to small to medium to large scale). The Committee highlights, that while farming and farm-income can be constrained due to inelasticity of land, there is scope for vertical expansion of income from agricultural linked enterprises. Such vertical expansion means being able to extract value from every grain, every ounce and every drop produced on the farm. This means not letting any primary product or by-product of agriculture to remain non-productive. All biological output from farming can be utilised productively and should be used to the advantage of the farmers.

The availability of organised and institutional credit, for short, medium and long term investments is another challenge to address. In current day situation, all farmers do not get access to credit as all farmers are not land owners. There is the need to build a system such that all farmers are able to access credit – need to liberalise such that all farmers can get short- medium-long term credit. The investment for agriculture, such as for rural roads, rail, power, and other area is the primary responsibility of the government. These investments have also been enumerated in this Volume.

The major challenge before agricultural scientists & policymakers is of enhancing the technical and financial viability of farming in a sustainable and equitable manner, in general, and that of the marginal and small farmers, especially under rain-fed conditions, in particular. In order to meet this challenge, it is imperative to implement

the following multi-pronged strategy:

- i. Adopting a demand-driven approach for increased monetisation of farm produce to synchronise the production activities in agriculture and the allied sector with the changing consumption pattern and dietary habits, implying a fork-to-farm approach.
- ii. Adopting differential strategies across regions and land-size classes in recognition of the prevalence of differences in the relative significance of sources of income growth. For instance, in case of marginal and small landholders, there is a need to strengthen livestock including poultry & fishery-related activities and diversification in favour of horticultural crops, keeping in mind the relatively higher profitability of these activities and the market signals.
- iii. While aiming to double farmers' income, raising the ratio of farm income to the total income of the farmers from 60 % in 2015-16 to about 70 % in 2022-23 at the national level is a preferred strategy. This is assuming that growth of the non-farm component of income would be at higher rate of 5.7 % compared to the ongoing rate of 3.25 % over this period. Irrespective of growth in non-farm income, the targets for farm income are identified and the investments needed for this purpose are achievable.
- iv. An equitable treatment of the efforts for doubling farmers' income is emphasized, as it is desirable that less developed regions benefit relatively more from the strategies, and the incomes see convergence in the long run. The agenda to double income by 2022-23 is only a short term direction setting target. It provides opportunity to put agriculture on a long term growth trajectory. This is essential from the perspective of consolidation and sustainability over the long run. The complete transition of agriculture into an agri- business format will demand multiple process transformations, warranting more than the targeted seven years period.

## **Policy Recommendations**

### ***Short-term Measures***

- i. Private traders account for a disproportionately large share in revenue from the sale of agricultural produce relative to the services they provide because under the erstwhile APMC Act, the auction system in wholesale markets has been quite opaque. The state governments need to reform their respective agricultural marketing systems on the pattern of Model APLM Act 2017 for enabling better price realisation by the farmers.
- ii. Diversification into high-value produce of a perishable nature such as horticulture, livestock and fisheries is recommended as it contributes significantly to the income growth of farmers. In order to capture the optimal value from the perishable produce and to pass on the benefit to the farmers, there is a need to develop integrated cold- chain and other integrated agri-

logistics systems. Further, strengthened linkages with micro, small and medium enterprises (MSMEs) would accelerate growth of both farm as well as non-farm income along with employment creation.

- iii. Private investment in new-age infrastructure such as pack-houses, greenhouses and micro-irrigation; and public investment in R&D for promoting a new culture for fruits and vegetables (especially apples) needs to be prioritised to facilitate crop diversification towards horticulture. In addition, offering credit support at the individual farmer and cluster levels is highly desirable to ensure the success of such diversification.
- iv. There is an urgent need to improve and optimise overall input efficiency, which can be achieved through implementation of the following measures or a combination thereof: resource-conserving technologies including zero-tillage, micro irrigation; system of rice intensification (SRI); mechanisation of specific agricultural operations; crop diversification in favour of horticulture and fisheries; integrated pest management; integrated farming systems approach; integrated agri-logistics; farm extension services; adaptation to climate change as being implemented by NICRA; and agri-market reforms at the state levels.
- v. The cost of cultivation of major crops has increased in real terms since 2004-05. In order to optimise on the net income of farmers, it is imperative to strengthen the input delivery mechanism, especially with regard to seeds and extension services, and enhance the efficiency of public agencies within the existing institutional set-up.
- vi. The current dependence levels of landless, small and marginal farmers on non-institutional credit are equivalent to 40.6, 52.1, and 30.8 %, respectively, which need to be reduced. Special attention needs to be paid to the north-eastern, eastern and rainfed state/regions for augmenting the scope of access to institutional credit.
- vii. Within the irrigation sector, the marginal efficiency of capital is much higher in minor and micro irrigation than that found in the major and medium irrigation systems. This justifies the allocation of greater resources towards the former by the respective state governments, keeping in view of the level of groundwater resource usage.
- viii. It is important to raise investment intensity and improve capital use efficiency in the infrastructural projects of the government, including irrigation, energy and others, by investing in area-specific and domain-specific needs, in order to maximise dividends. This also necessitates effective governance and institutional interventions in each state.

- ix. In order to strengthen investments in agriculture and simultaneously reduce the financial obligations of the government, the policy framework should be reoriented to facilitate incentivisation of the private corporate sector's participation. Currently, the share of this sector in capital investment in agriculture is as low as 2 %. The policy measures that can crowd in private investment include reforms in the marketing system, land lease laws and contract farming. In addition, private investment can also be brought in the form of additional income generated through monetisation of the non- monetised part of the perishable agricultural produce, amounting to Rs 63,000 crore per annum at 2014 prices at the national level.
- x. Government's investments in agriculture can be strengthened by convergence of resources through various schemes being implemented in different departments and ministries. One such example is the utilisation of funds under MGNREGA for the creation of small irrigation facilities and rural roads.
- xi. Capital investments are vital for growth. Mobilisation of resources and their efficient utilisation should be taken up as one of the important functions of the Ministry of Agriculture & Farmers' Welfare. The Division of RKVY in DAC&FW may be re- designated as the Division of Agri-investment and Entrepreneurship. It can draw up policies for encouraging private investments & maximising efficiency of public investments.
- xii. There exist data gaps in assessment of the changes in farmers' income, savings and investments over time. There is a need to measure these components on a regular basis to facilitate the formulation of evidence-based appropriate policy interventions. This will also help in the monitoring and adoption of course correction interventions needed for doubling farmers' income. There is also a need to bridge the prevalent data gaps in assessment of the changes in farmers' income, savings and investments over time.

### ***Medium/ Long-Term Measures***

- i. The targeted growth rate of farm income demands a certain level of capital investments, comprising private and public inflows. In absolute terms, an additional private investment of Rs. 78,424 crore at 2015-16 prices (Rs. 46,298 crore at 2004-05 prices) is required by 2022-23. This requirement varies from Rs. 200 crore to Rs. 21,500 crore across states. In the case of public investment 'for' agriculture, the required cumulative amount would be Rs. 229,904 crore at 2015-16 prices (Rs. 102,269 crore at 2004-05 prices), varying from Rs. 1,300 crore to Rs. 37,900 crore across select 20 states.
- ii. Accordingly, private investment (individual agricultural household + corporate) needs to grow at an annual rate of 12.5 % while public investment 'for' agriculture should increase at 16.8 % per annum. The DFI Committee recommends accelerating the pace of public investment, current rate attained



being close to 12.45 % at national level. The required rate of growth in investments on both private and public accounts varies across the states.

- iii. The total quantum of private investment should increase from Rs. 61,000 crore in 2015-16 to Rs. 139,424 crore (Rs. 61,000 + 78,424 crore) by 2022-23 at 2015-16 prices, at an annual growth rate of 12.5 %. On public account, investment 'for' agriculture recommended would increase from Rs. 117,100 crore to Rs. 347,004 crore (Rs. 117,100 + 229,904 crore) at an average annual rate of 16.8 %. The magnitude of impact on agriculture through such investments can be enhanced by ensuring greater efficiency in capital use, and targeting of institutional credit. Inter-ministerial coordination to converge the public investments by targeting common outcomes can increase the ICOR (Incremental Capital Output Ratio) across states.
- iv. The developed states tend to show diminishing marginal returns from additional public investments on economic services, thereby suggesting the need to step up investments in the less developed and rainfed regions for meeting the future growth challenges in agriculture. Owing to the higher additional income per unit of capital in the eastern and rainfed states, the Committee recommends an increased focus on raising capital intensity in irrigation, energy, education and infrastructure in these regions to accelerate income growth. A greater emphasis towards agricultural research and extension is advocated as the resultant increase in crop productivity will have a concomitant effect of increase in income accompanied by a reduction in poverty. This strategy will not only address the past deficit in investments but also ensure a balanced regional development in due course.
- v. Increased output expected of various agricultural commodities, due to increased investments, should take advantage of India's comparative advantage in global trade and be promoted for fresh produce trade and/or be converted into value added products for export. For this a more stable trade regime is recommended.
- vi. Rationalisation & targeting of input subsidies towards small and marginal farmers in the less developed states will trigger growth through an increased input use. Efforts therefore need to be initiated to provide adequate capital and other support to the landless, tenants, and labourers as well.
- vii. Creation of farmer groups such as Farmer Producer Organisations (FPOs), Village Producer Organisations (VPOs), etc., in which farmers are partners is crucial for scaling up post-harvest operations and directly linking them with markets beyond the local *mandi*/market. This would enable aggregation and pooling of the output from farms and in organising the market linkages, reducing post-harvest losses as well as optimising transaction costs. It would also help farmers realise higher prices for their produce by building ability to select destination markets, thereby generating considerable off-farm/non-farm employment opportunities for the rural youth.

## Background

The National Commission on Farmers (NCF) was constituted on November 18, 2004 under the chairmanship of Professor M.S. Swaminathan. The reports contain suggestions to achieve the goal of “faster and more inclusive growth”.

timeliness of institutional credit, and opportunities for assured and remunerative marketing. Adverse meteorological factors add to these problems.

Farmers need to have assured access and control over basic resources, which include land, water, bioresources, credit and insurance, technology and knowledge management, and markets. The NCF recommends that “Agriculture” be inserted in the Concurrent List of the Constitution.

### Land Reforms

Land reforms are necessary to address the basic issue of access to land for both crops and livestock. Land holdings inequality is reflected in land ownership. In 1991-92, the share of the bottom half of the rural households in the total land ownership was only 3% and the top 10% was as high as 54%.

Table 1: Distribution of Land

Land Holding	% of Households	% of Land hold
Land less	11.24	
Sub-margin holdings (0.01-0.99 acres)	40.11	3.80
Marginal holdings [1.00-2.49 acres]	20.52	13.13
Small holdings [2.50—4.99 acres]	13.42	18.59
Medium holdings [5-14.99 acres]	12.09	37.81
Large holdings [15 acre +above]	2.62	26.67
	100.0	100.0

Source: Table 1 of the Fifth NCF Report based on Some Aspects of Household Ownership Landholdings-1991-92. NSS Report-399

Some of the main recommendations include:

- Distribute ceiling-surplus and waste lands;
- Prevent diversion of prime agricultural land and forest to corporate sector for non-agricultural purposes.
- Ensure grazing rights and seasonal access to forests to tribals and pastoralists, and access to common property resources.
- Establish a National Land Use Advisory Service, which would have the capacity to link land use decisions with ecological meteorological and marketing factors on a location and season specific basis.

## Key Findings and Recommendations

### Causes for farmers’ distress

Agrarian distress has led farmers to commit suicide in recent years. The major causes of the agrarian crisis are: unfinished agenda in land reform, quantity and quality of water, technology fatigue, access, adequacy and

- Set up a mechanism to regulate the sale of agricultural land, based on quantum of land, nature of proposed use and category of buyer.

### Irrigation

Out of the gross sown area of 192 million ha, rainfed agriculture contributes to 60 per cent of the gross cropped area and 45 per cent of the total agricultural output. The report recommends:

- A comprehensive set of reforms to enable farmers to have sustained and equitable access to water.
- Increase water supply through rainwater harvesting and recharge of the aquifer should become mandatory. “Million Wells Recharge” programme, specifically targeted at private wells should be launched.
- Substantial increase in investment in irrigation sector under the 11<sup>th</sup> Five Year Plan apportioned between large surface water systems; minor irrigation and new schemes for groundwater recharge.

### Productivity of Agriculture

Apart from the size of holding, the productivity levels primarily determine the income of the farmers. However, the per unit area productivity of Indian agriculture is much lower than other major crop producing countries.

Table 2: Comparative Yield of Select Crops in Various Countries (Kg/ha)

Country	Crop				
	Paddy	Wheat	Maize	Groundnut	Sugarcane
India	2929	2583	1667	913	68012
China	6321	3969	4880	2799	85294
Japan	6414	-	-	2336	-
USA	6622	2872	8398	3038	80787
Indonesia	4261	-	2646	1523	-
Canada	-	2591	7974	-	-
Vietnam	3845	2711	4313	1336	65689

Source: Table 3 of the Fifth NCF Report based on Agriculture At a Glance [2002] Ministry of Agriculture

In order to achieve higher growth in productivity in agriculture, the NCF recommends:

- Substantial increase in public investment in agriculture related infrastructure particularly in irrigation, drainage, land development, water conservation, research development and road connectivity etc.
- A national network of advanced soil testing laboratories with facilities for detection of micronutrient deficiencies.

- Promotion of conservation farming, which will help farm families to conserve and improve soil health, water quantity and quality and biodiversity.

### Credit and Insurance

Timely and adequate supply of credit is a basic requirement of small farm families.

The NCF suggests:

- Expand the outreach of the formal credit system to reach the really poor and needy.
- Reduce rate of interest for crop loans to 4 per cent simple, with government support.
- Moratorium on debt recovery, including loans from non-institutional sources, and waiver of interest on loans in distress hotspots and during calamities, till capability is restored.
- Establish an Agriculture Risk Fund to provide relief to farmers in the aftermath of successive natural calamities.
- Issue Kisan Credit Cards to women farmers, with joint pattas as collateral.
- Develop an integrated credit-cum-crop-livestock-human health insurance package.
- Expand crop insurance cover to cover the entire country and all crops, with reduced premiums and create a Rural Insurance Development Fund to take up development work for spreading rural insurance.
- Promote sustainable livelihoods for the poor by improving (i) Financial services (ii) Infrastructure (iii) Investments in human development, agriculture and business development services (including productivity enhancement, local value addition, and alternate market linkages) and (iv) Institutional development services (forming and strengthening producers’ organisations such as self-help groups and water user associations).

### Food Security

The Mid-term appraisal of the 10<sup>th</sup> Plan revealed that India is lagging behind in achieving the Millennium Development Goals of halving hunger by 2015.

Therefore, the decline in per capita foodgrain availability and its unequal distribution have serious implications for food security in both rural and urban areas.

The proportion of households below the poverty line was 28% in 2004-05 (close to 300 million persons). However, in 1999-2000, the percentage of population consuming diets providing less than 2400 kcal (underlines definition of below poverty line) per capita per day was almost 77% of the rural population. Several studies have shown that the poverty is concentrated and food deprivation is acute in predominantly rural areas with limited resources such as rain-fed agricultural areas.

The report recommends:

- Implement a universal public distribution system. The NCF pointed out that the total subsidy required for this would be one per cent of the Gross Domestic Product.
- Reorganise the delivery of nutrition support programmes on a life-cycle basis with the participation of Panchayats and local bodies.
- Eliminate micronutrient deficiency induced hidden hunger through an integrated food cum fortification approach.
- Promote the establishment of Community Food and Water Banks operated by Women Self-help Groups (SHG), based on the principle 'Store Grain and Water everywhere'.
- Help small and marginal farmers to improve the productivity, quality and profitability of farm enterprises and organize a Rural Non-Farm Livelihood Initiative.
- Formulate a National Food Guarantee Act continuing the useful features of the Food for Work and Employment Guarantee programmes. By increasing demand for foodgrains as a result of increased consumption by the poor, the economic conditions essential for further agricultural progress can be created.

#### Prevention of Farmers' Suicides

In the last few years, a large number of farmers have committed suicide. Cases of suicides have been reported from states such as Andhra Pradesh, Karnataka, Maharashtra, Kerala, Punjab, Rajasthan, Orissa and Madhya Pradesh. The NCF has underlined the need to address the farmer suicide problem on a priority basis.

Some of measures suggested include:

- Provide affordable health insurance and revitalize primary healthcare centres. The National Rural Health Mission should be extended to suicide hotspot locations on priority basis.
- Set up State level Farmers' Commission with representation of farmers for ensuring dynamic government response to farmers' problems.
- Restructure microfinance policies to serve as Livelihood Finance, i.e. credit coupled with support services in the areas of technology, management and markets.
- Cover all crops by crop insurance with the village and not block as the unit for assessment.
- Provide for a Social Security net with provision for old age support and health insurance.
- Promote aquifer recharge and rain water conservation. Decentralise water use planning and

every village should aim at Jal Swaraj with Gram Sabhas serving as Pani Panchayats.

- Ensure availability of quality seed and other inputs at affordable costs and at the right time and place.
- Recommend low risk and low cost technologies which can help to provide maximum income to farmers because they cannot cope with the shock of crop failure, particularly those associated with high cost technologies like Bt cotton.
- Need for focused Market Intervention Schemes (MIS) in the case of life-saving crops such as cumint in arid areas. Have a Price Stabilisation Fund in place to protect the farmers from price fluctuations.
- Need swift action on import duties to protect farmers from international price.
- Set up Village Knowledge Centres (VKCs) or Gyan Chaupals in the farmers' distress hotspots. These can provide dynamic and demand driven information on all aspects of agricultural and non-farm livelihoods and also serve as guidance centres.
- Public awareness campaigns to make people identify early signs of suicidal behavior.

#### Competitiveness of Farmers

It is imperative to raise the agricultural competitiveness of farmers with small land holdings. Productivity improvement to increase the marketable surplus must be linked to assured and remunerative marketing opportunities.

The measures suggested by NCF include:

- Promotion of commodity-based farmers' organisations such as Small Cotton Farmers' Estates to combine decentralised production with centralised services such as post-harvest management, value addition and marketing, for leveraging institutional support and facilitating direct farmer-consumer linkage.
- Improvement in implementation of Minimum Support Price (MSP). Arrangements for MSP need to be put in place for crops other than paddy and wheat. Also, millets and other nutritious cereals should be permanently included in the PDS.
- MSP should be at least 50% more than the weighted average cost of production.
- Availability of data about spot and future prices of commodities through the Multi Commodity Exchange (MCD) and the NCDEX and the APMC electronic networks covering 93 commodities through 6000 terminals and 430 towns and cities.
- State Agriculture Produce Marketing Committee Acts [APMC Acts] relating to marketing, storage and processing of agriculture produce need to shift

to one that promotes grading, branding, packaging and development of domestic and international markets for local produce, and move towards a Single Indian Market.

### Employment

Structural change in the workforce is taking place in India albeit slowly. In 1961, the percentage of the workforce in agriculture was 75.9%. while the number decreased to 59.9% in 1999-2000. But agriculture still provides the bulk of employment in the rural areas.

The overall employment strategy in India must seek to achieve two things. First, create productive employment opportunities and second to improve the 'quality' of employment in several sectors such that real wages rise through improved productivity. The measures to do so include:

- Accelerating the rate of growth of the economy;
- Emphasizing on relatively more labour intensive sectors and inducing a faster growth of these sectors; and
- Improving the functioning of the labour markets through such modification as may be necessary without eroding the core labour standards.
- Encourage non-farm employment opportunities by developing particular sectors and sub-sectors where demand for the product or services is growing namely: (i) trade, (ii) restaurants and hotels, (iii) transport, (iv) construction, (v) repairs and (vi) certain services.
- The "net take home income" of farmers should be comparable to those of civil servants.

### Bioresources

Rural people in India depend on a wide range of bioresources for their nutrition and livelihood security. The report recommends:

- Preserving traditional rights of access to biodiversity, which include access to non-timber forest products including medicinal plants, gums and resins, oil yielding plants and beneficial micro-organisms;
- Conserving, enhancing and improving crops and farm animals as well as fish stocks through breeding;
- Encouraging community-based breed conservation (i.e. conservation through use);
- Allowing export of indigenous breeds and import of suitable breeds to increase productivity of nondescript animals.

## **Adolescents in India**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

Adolescents (children between the ages of 10-19 years) account for 22.8% of the population and girls below 19 years of age constitute one-fifth of India's fast growing population (NFHS-3, 2005-06).

Children in the 14-18 years age group constitute 100.2 million children in our country, majority of whom have been forced to assume the role of adults, grapple with poverty, economic and personal security, ill health, early marriage, lack of education and exploitative environment from an early age both at home and in society. These are the young persons in our country who have not been able to realize their fullest potential.

Most often they have been regarded as objects of change receiving doles. The challenge is really in ensuring that adolescents are regarded as subjects in their own right requiring all support to exercise agency in reconstructing their life with dignity and selfhood. Their critical consciousness is to be developed, leading to their empowerment and to becoming politically, socially and culturally active and respecting them as productive persons with dignity, sense of well-being and ability to realize their creative potential.

Thus there have to be restorative policies and programs addressing the issue of the gross denial of fundamental rights and entitlements of adolescents – their very right to survival, development, dignity and protection. The fact that they have to catch up with what they have lost and move forward has to be appreciated. The more there is a delay in making wholehearted investments for them; more numbers of them would be left out lacking in capacities to claim their share in the process of building India's development and democracy.

### **Introduction**

1.1.1 Adolescence is a period characterized by rapid physical, cognitive and social changes, including sexual and reproductive maturation; the gradual building up of the capacity to assume adult behaviours and roles involving new responsibilities requiring new knowledge and skills. It is also a period which poses new challenges to health and development owing to their relative vulnerability and pressure from society, including peers, to adopt risky health behaviour. These challenges include developing an individual identity and dealing with one's sexuality.

1.1.2 India has one of the fastest growing youth populations in the world. The vast majority of adolescents, (children in the 10-19 age group) account for 22.8% of the population of India and girls below 19 years of age constitute one-fourth of India's fast growing population.

1.1.3 While individuals aged 10-19 years are considered as adolescents, in this document there is a special focus on young men and women in the age group of 14-18 among the adolescents who constitute 11% and 100.2 million of India's population.

1.1.4 The focus on 14-18 years is guided by the fact that there are legislations protecting children up to 14 years such as the Right to Education Act (RTE Act) which guarantees children aged 6-14 eight years of elementary education; the Child Labour (Prohibition and Regulation) Act (CLPRA) which focuses on children upto 14 years of age and prohibits and regulates their employment in certain specified hazardous occupations, and so on.

However, no such guarantees exist for children in the 14-18 years age group, who live in precarious conditions due to deprivation of education, early marriage, unwanted pregnancy, childbearing and rearing, untimely entry into the labour force, and exploitation at home and at workplace.

## **Background**

1.2.1 Policies for children and adolescents in India are guided by the role of the State as articulated in the Constitution that provides for right to life, education, health, nutrition, food, development and protection from exploitation.

1.2.2 Further, as a signatory to the United Nations Convention on the Rights of the Child (UNCRC), India has affirmed its commitment to recognizing and protecting the rights of children and adolescents (up to 18 years of age) including their fundamental right to be heard and taken seriously. The UNCRC defines a child as —every human being below the age of 18 years unless, under the law applicable, majority is attained earlier (art. 1). Consequently, adolescents up to 18 years old are holders of all the rights enshrined in the Convention; they are entitled to special protection measures and, according to their evolving capacities, they can progressively exercise their rights (art. 5).

1.2.5 This policy document focuses entirely on the rights and entitlements of adolescent children (14-18 years) by examining their precarious conditions with respect to child labour, child marriage, teenage pregnancy, child birth and rearing, malnutrition, and trafficking for exploitation. Through a critical review and analysis of the existing constitutional provisions, legislations, and policy framework for adolescents in the country, it seeks to ascertain the efficacy of the same towards ensuring and safeguarding adolescents' right to survival, development, protection and participation. In doing so, it argues that these frameworks have not been able to address the barriers to access or translate into institutional mechanisms, thereby covering only a miniscule number of adolescent children. It finally argues for and recommends the need to weave in the element of education to the schemes, policies and programs meant for adolescent children as an indispensable component for their empowerment.

## **2. Adolescent Child Labour**

Over 400 million people in India constitute the total workforce in the country, out of which adolescents (14-18 years) constitute close to 32 million. Of the 312 million employed as main workers, adolescents constitute over 20 million, and of the 90 million workers employed as marginal workers, adolescents are over 11 million of the total approximately. Hence, while the total number of children in the 14-18 age group is 100.2 million (Census 2001), approximately 32 million of these children are employed in the workforce (refer to Tables 1-3).

According to the NFHS 3, 33.4% of girls and 50.4% of boys (in the 15-24 years age group) are engaged in labour. Among boys, 60.9% of the workforce is in the rural sector and in production occupations and 88% of employed adolescent boys earn wages in cash. Significantly 70.5% of urban boys are engaged as workers.

2.1.3 In contrast only 22.2% of girls are employed in the rural sector and 64% of young women engaged in agricultural work are employed by a family member, 28% are employed by a non-family member, and 7% are self-employed. More than half of the girls engaged in agricultural work (54%) are employed seasonally. Unlike boys, less than two-thirds of them earn cash for their work. 11% of employed adolescent girls are paid only in kind and 26% are not paid at all and are unpaid family workers. Only 39.5% of urban girls – about half the proportion of boys – are in the work force.

2.1.4 Adolescent boys are in the labor market as wage earners on either long term or short term contracts or as daily wage earners, while girls continue in hidden and invisible work, most of which is non-wage work rendered for their families and unaccounted for. Thus, while girls in this age group lag behind boys in terms of education, they are also hidden in the labour force with most of their work in the informal, unorganized sector.

**Tables 1-3**

<b>Main Workers</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
5-14 yrs	3572190	2166325	5738515
15-19yrs	15098122	5448644	20546766
Total workforce	239923441	72708941	312632382
% of adolescent labour to work force	6.29%	7.49%	6.57%

<b>Marginal Workers</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
5-14 yrs	3206891	3681099	6887990
15-19yrs	5821090	5929351	11750441
Total workforce	34859808	54374298	89234106
% of adolescent labour to work force	16.69%	10.9%	13.16%

<b>Total workforce</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
5-14 yrs	6779081	5847424	12626505
15-19yrs	20919212	11377995	32297207
Total workforce	274783249	127083239	401866488
% of adolescent labour to work force	7.61%	8.95%	2.68%

2.1.5 Instead of going through a sturdy process of education through schools, very sizeable numbers of Indian children have been forced into a routine of drudgery and suffering at the cost of realizing their fullest potential. They are gradually edged out of active participation in any production process and economic activity that involves skills and have no claim to any system of security or insurance and thus are unable to take advantage of State programs and policies as well as market interventions. Ultimately their fate is sealed by their lack of access to education.



## 2.2 Current Legal Framework for Adolescent Labour

2.2.1 There is no specific law that governs child labour in the 14-18 years age group and thus the work rendered by them is legally permitted. The Child Labour (Prohibition and Regulation) Act 1986 (CLPRA) covers children only up to 14 years and prohibits their employment in certain identified —hazardous occupations and processes, while regulating their employment in all other professions. Thus the Act does not prohibit child labour in the country and reflects a targeted and priority based approach. The proposed Child labour (Prohibition and Regulation) Amendment Bill, 2012 placed before the Parliament to amend the CLPRA covers children up to 18 years. While it proposes to abolish all forms of child labour up to 14 years of age, bringing the labour law in consonance with the RTE Act, it proposes to prohibit children in the 14 to 18 years of age from working only in mining, explosives and from the work under the Factories Act.

## 3. Adolescent Child Marriage

3.1.1 According to the 2001 census there are 1.5 million girls in India under the age of 15 already married. Of these, 20% or approximately 300,000 are mothers to at least one child. At the national level, one in every five girls aged 15-17 years and slightly more than half of girls aged 15-24, are married. In all, 47% of India's girls aged 20-24 are married before the legal age of 18, with 56% from rural areas. Similarly, one in every 17 boys aged 15-20, and more than 80 % of boys aged 15-24 are married<sup>10</sup>. 40% of the world's child marriages take place in India, resulting in a vicious cycle of gender discrimination, inter-generational poverty, illiteracy and high infant and maternal mortality rates.

3.1.2 The risk of domestic violence, abuse and exploitation inherent in child marriages is well known. Being married early they conceive at a very early stage in their life. In the three years preceding NFHS-3, there were 90 births per 1,000 girls aged 15-19 and 209 births per 1,000 girls aged 20-24, the highest of any age group<sup>12</sup>. Among this age group, 9 % have had one birth, 3 % have had two births, and a smaller proportion has had three births.

3.1.3 NFHS-3 shows that there is an inverse correlation between the attainment of education and the odds of getting married. An analysis done to identify the determinants of early marriage reveals that —the higher the education the lower the odds that a girl aged 15-17 would be married and the lower the odds that a girl aged 18-24 would have been married before age 18. Similarly, the proportion of girls who have begun childbearing is about three times as high among girls who have no education as girls who have 10 or more years of education.

3.1.4 Early marriage and childbearing also impacts adolescent health causing reproductive health problems, including complications that come with teenage pregnancies. The likelihood of girls aged 10-14 dying in pregnancy and child birth are five times more than that of women aged 20-24. It is estimated that nearly 6000 adolescent mothers die every year in India. Further, children born to teenage mothers and mothers under the age of 20 years are much more likely to die in infancy than children born to mothers above the age of 20. NFHS-3 shows that the infant mortality of children born to mothers who are not yet age 20 is 77 deaths per 1,000 live births.

3.1.5 Early marriage, lack of education, contraceptive information and reproductive rights, and often sexual violence and/or forced sex leads to early and unwanted pregnancy and unsafe childbearing. India has a high maternal and child mortality rate because young girls, whose bodies are still maturing, are burdened with repeated childbearing, often in the absence of any proper maternal and child care, in the presence of anaemia and iron deficiency, under nutrition, and due to short birth intervals.

3.1.6 Also, due to lack of and low access to appropriate information on safer sex, methods of protection, prevalence of sexual abuse and exploitation, sexual trafficking and slavery, and rape and prostitution, adolescents, especially girls, find themselves in an exposed and vulnerable environment (whether at home or at workplace) and are unable to exercise agency or decision making powers. This also leads to a high %age of sexually transmitted infections / diseases (STIs / STDs) as well as new HIV cases amongst the adolescents. The emerging trends in new HIV cases in India shows that nearly two-fifths of new infections are reported among people below 25 years of age 16 . As a result, many preventable reproductive health-related problems, including unwanted teenage pregnancies and STDs, persist. There is also a high incidence of substance abuse, increased alcohol and tobacco consumption among the adolescents today.

3.1.7 Disturbingly, the NHFS-3 data also shows that domestic violence, particularly spousal violence, is very prevalent among youth. There is an increasing acceptance of wife beating and sexual violence among adolescents. This puts a tremendous burden on the socio-economic programmes for the development of women and children, hampers the process of empowerment of women, reinforces acceptability of violence amongst future generations and disrupts and destroys family systems.

### **3.2 Current Legal Framework for Adolescent Child Marriage**

3.2.1 Under the Prohibition of Child Marriage Act (PCMA) 2006, 18 years is the permissible age of marriage for girls and 21 years for boys. A child marriage is void if the child is taken away from their lawful guardian by enticement, force or use of deceitful means or is sold or trafficked for the purpose of marriage.

3.2.2 The Act has limitations because it fails to declare all child marriages as illegal. The law makes child marriages voidable only when children or guardians seek annulment of the marriage.

3.2.4 The numbers of child marriages reported and stopped under the Act have been negligible. For instance, in 2010 there were only 60 registered cases of child marriage under the PCMA.

### **3.3 Current Policy Framework for Adolescent Child Marriage**

3.3.1 The —Dhanalakshmi Conditional Cash Transfer Scheme for Girl Child with Insurance Cover provides for cash transfer to the family of a girl child on fulfilling certain conditionality relating to registration of birth, immunization, enrolment and retention in school till class VIII, and an insurance coverage if the girl remains unmarried till the age of 18. The scheme is operational on a pilot basis in 11 blocks across the seven states of Andhra Pradesh, Bihar, Chhattisgarh, Orissa, Jharkhand, Punjab, and Uttar Pradesh and was expected to cover 79,555 girls during 2008-09.

3.3.3 Another conditional cash transfer scheme of the MWCD, Balika Samridhi Yojana, aims to increase the enrolment and retention of girls in schools and raise their marriageable age.

3.3.4 Under the Bhagyasri Kalyan Bima Yojana of the MWCD, part of the money is given to the girl child at birth or in scholarships and part is put aside for paying the premium on an insurance policy in her name.

3.3.5 The Janani Suraksha Yojana (JSY) of the Ministry of Health and Family Welfare aims at reducing maternal and infant mortality rates and increasing institutional deliveries in below poverty line (BPL) families, covering all pregnant women above 19 years of age and up to two live births. It provides conditional cash transfers to women giving birth in health facilities and is linked to prenatal, in-hospital, and post-natal services. However, girls below 19 are excluded from availing the benefits of this scheme sponsored by the Central government.

#### **Some State Government schemes**

Apni Beti Apna Dhan, launched by the Haryana Government in 1994, is India's first cash incentive programme for unmarried 18 year old girls. It provides for the opening of bank accounts for the purpose of such transfer and also aims at increasing legal awareness among the community regarding the age of marriage.

Similarly, under the Mukhya Mantri Kanya Vivah Yojana in Bihar, the government issues a bond of Rs 2000/- at the time of the girl child's birth. The bond matures only when the girl attains 18 years of age.

In Karnataka, the benefit of the Bhagyalakshmi scheme is given to two girl children in a BPL family in form of scholarships which help till their PUC level education. Insurance for them is covered by LIC and a maturity grant of Rs. 20,000/- is paid in the name of the girl child after completion of 18 years of age, if she remains unmarried.

Mukhyamantri Balika Bicycle Yojana, a scheme originally started in Tamil Nadu, produced exceptional results in the State of Bihar wherein girls in class IX and X were given bicycles, or Rs. 2000 to purchase the same, in order to enable them to go to school every day. In 2009-10, 871,840 girls were given bicycles and in 2010-11, bicycles were provided to 490,000 girls.

3.3.6 Similarly, the Indira Gandhi Matritva Sahayog Yojana, another cash assistance scheme of the Central government to supplement pregnant and lactating women's nutrition and provide maternity benefits, excludes girls below 19 severely affecting the adolescent pregnant girls and mothers and their newborns.

3.3.7 Although the cash transfer schemes introduced by the Central and State governments are to help in delaying the age of marriage among girls in the country by incentivizing birth and sustenance of girl children, these have not been tested and evaluated.

3.3.8 These programmes are mainly driven by supplies and assume that adolescent girls are in a position to avail the services automatically, little realizing that they have to negotiate barriers of power and authority within the family, gender and caste discrimination, patriarchy and the nexus of economic exploitation.

3.3.9 The current policy framework for adolescent child marriage underrates the importance of education in disrupting the link between work and marriage for young girls and the intergenerational

cycle of poverty and marginalization. Parents of these young girls, especially mothers who have experienced the impact of early (and untimely) entry into workforce on early marriage and childbirth, and vice-versa, are found to be making an unprecedented demand for education for their children.

#### 4. Adolescent Health

4.1.1 Adolescence is often perceived as the healthiest stage of life and the many consequences of risky behaviours or unhealthy lifestyles in adolescence are only seen later on. While it is considered a healthy period, more than 33 % of the disease burden and almost 60 % of premature deaths among adults can be associated with behaviors or conditions that began or occurred during adolescence. All these risk factors have their origin in adolescence and therefore it is easy to become fatalistic or complacent and concentrate on short-term goals, leaving healthy development to chance. Adolescence is the best moment to target behavioural preventive efforts.

4.1.2 Unprecedented momentum is gathering globally to put adolescents at the centre of health and developing health policies in recognition of this distinct phase of life which encompasses significant physical, emotional and social changes and has specific vulnerabilities with serious implications for health and wellbeing. In a sense, adolescents offer a 'second' opportunity for promotive and preventative health interventions after the period of early childhood. Taking this life-course approach, adolescents and young people need to become one of the epicenters for health policy and programming.

4.1.3 India is still a long way off from attaining the MDG goals. To attain Reproductive and Child Health (RCH) goals of IMR, MMR and TFR, there is a need to increase access to quality health services for adolescents, address the unmet needs of contraception and reduce prevalence of STI and HIV infection. Increased focus needs to be placed on mental health and provision of counseling services and facilities.

4.1.4 Improving adolescent health requires improving young people's daily life with families and peers and in schools, addressing risk and protective factors in the social environment at a population level, and focusing on factors that are protective across various health outcomes.

4.2.1 While only 10% adolescents are in the age group of 15-19 years, mortality in this age group in Adolescent Girls (AGs) is greater than 10-14 years because 20% of the 1.5 million girls married under the age of 15 years are already mothers. To add to this, more than half (56%) of girls and 30% of boys in the age group 15-19 are anemic and almost half (47%) of girls and 58% boys are underweight.

4.2.2 Data on adolescents from national surveys including NFHS 3, DLHS 3 and SRS has revealed that only 14% of girls in the 15-19 age group have received complete ANC due to which 62% of currently married adolescents have had complications during pregnancy. 52% of girls in the 15-19 age group have delivered at home and 8.3% of all pregnancies in this age group have resulted in spontaneous abortions. 41% of all maternal deaths took place among the 15-24 age group and NMR was as high as 54/1000 among those in the age group of 15-19 years. NMR among rural adolescents was as high as 60/1000. There was found to be a 50% higher risk of infant deaths among mothers aged below 20 years. Notwithstanding, only 66.2% of pregnant girls below 20 years of age were given or purchased iron and folic acid tablets as part of the ANC which has resulted in the death of 6000 adolescent mothers every year due to anaemia.

4.2.3 Poor maternal, new-born and child health remains a significant problem in the many States of India. About 56,700 women die during childbirth and pregnancy every year and over an estimated 1.6

million children die under the age of five years<sup>25</sup>. The common causes for maternal deaths include bleeding, high blood pressure, prolonged and obstructed labour, infections and unsafe abortions. The main causes of neonatal deaths are preterm births, infections, and birth asphyxia. Good maternal health and nutrition are important contributors to child survival. Interventions to address health and nutrition during adolescent years and other pre-pregnancy maternal health conditions are important to reduce neonatal morbidity and mortality.

4.2.4 In terms of mental health and psychological well-being, 22% of adolescents have a mental or behavioral problem. Depression among adolescents is on the rise. Drug abuse among adolescents is another major problem. Adolescents and youth with their penchant for experimentation and exploration are more vulnerable to drugs and this has further led to 35% of new HIV infections among this age-group. For 15 to 19 age group, disease burden shifts from injuries and communicable diseases to outcomes of sexual behaviors & mental health. Recognizing the importance of social determinants of health, linkages with other key programmes that directly deal with these determinants need to be identified.

### **4.3 Current Policy Framework for Adolescent Health**

4.3.1 Adolescent Girls' Scheme, under ICDS, concentrates on school drop-outs in the age group of 11-18 years to meet the needs of self development, nutrition, health, education, literacy and recreation and skill formation. The scheme attempts to mobilise and enhance the potential of adolescent girls. It also seeks to improve their capabilities in addressing nutrition and health issues through centre based instructions, training camps and hands on learning as well as sharing experiences.

4.3.2 Kishori Shakti Yojana (KSY) is a redesign of the already existing Adolescent Girls (AG) Scheme. It is addressing the interrelated needs of adolescent girls and women.

4.3.3 Nutritional Program for Adolescent Girls (NPAG) of the MWCD focuses on under-nutrition among adolescent girls and pregnant women as well as lactating mothers.

4.3.4 Under the Reproductive and Child Health Programme Phase II (RCH II) of the MoHFW, Adolescent Reproductive and Sexual Health (ARSH) services were started for adolescent girls and boys, both married and unmarried. Operational links have been proposed between RCH-II and other interventions for young people planned in the National AIDS Control Programme Phase-III (NACP III). Under this programme counseling services, routine check-ups at primary, secondary and tertiary levels of care is provided on fixed days and fixed time to all adolescents during the clinic sessions through the Adolescent Friendly Health Clinics (AFHCs).

4.3.5 The Ministry of Health and Family Welfare has introduced a Scheme for Promotion of Menstrual Hygiene among Adolescent Girls in the age group of 10-19 years in rural areas. 10.5 million girls across these districts are to be reached with the behaviour change communication campaign and provided access to an NRHM brand of sanitary napkins that will be sold to the girls by the ASHA.

4.3.6 India has a very high prevalence of adolescent anaemia. Out of the 100 million adolescents in India, approximately 30.2 million girls and 20 million boys are anaemic. Thus it is estimated that more than 50 million adolescents in this age group are anaemic. Addressing anaemia is critical for ensuring good health of children and adults and also of the future generation. The Ministry of Health and Family Welfare has therefore developed the Weekly Iron and Folic Acid Supplementation (WIFS) programme that addresses this enormous health challenge

4.3.7 School health programme (SHP) is the only public sector programme specifically focused on school age children. Its main focus is to address the health needs of children, both physical and mental, and in addition, it provides for nutrition interventions, physical activities and counseling. These preventative and curative service provisions have long fetched dividends in the future MCH and RCH profile.

## 5. Adolescent Trafficking

Thousands of girls and boys are caught in powerful nexuses of traffickers and agents and are 'missing'. They end up being victims of sexual assault; trafficking for sex work or for employment/labour and in particular, domestic help; begging; for transfer of organs; for pornography including pornographic performances; development of pornographic material, promotion of sex tourism, and sexual exploitation under the guise of bar tending, massage parlours etc. and abetment and involvement in armed conflict.

(ii) All of them fight lonely battles of their lives every day to get out of exploitation. Some are lucky and win, but most lose resulting in their ill health, depression, loneliness, loss of selfhood, fractured psyche and even death. It is estimated that 92% victims of trafficking have not been rescued, 6% have been rescued once and 2% rescued twice.

(iii) The routes of trafficking are a web of networks of exploitation across states and Union Territories of our country. It is a pan-Indian phenomenon as deeply entrenched and pervasive as that of the market for domestic child labour, forced labour in sweat shops, entertainment sector, sex workers and child brides, conduits for drugs and other illegal nexuses, and so on. The political economy of trafficking indicates huge profits and vested interest in perpetuation of forced labour, servitude and exploitation of children. It is estimated that those who deliver human cargo make a profit of Rs 20 crore per day in India.

## 5.2 Child Trafficking for Sexual Exploitation

(i) India reportedly has the world's largest concentration of child sex workers, accounting for one in every four of the global number. It is estimated that there are about 3 million sex workers in the country of whom 40% are children<sup>35</sup>. Almost 15% of the sex workers enter the profession before the age of 15 and 25% between 15 and 18 years. Around 60% of the sex workers belong to the scheduled castes, tribes and backward classes<sup>36</sup>. Children are trafficked to and from states such as Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan and West Bengal. For instance, among the 23 districts of the State of Andhra Pradesh, 16 are identified as sending districts. Similarly, in the State of Bihar, 24 out of 37 districts are highly affected by trafficking in women and children. Rajasthan is also a major source State, where 27 out of 32 districts are found to be affected, sending children to States of Goa, Kerala, and North Karnataka.

(ii) 10% of human trafficking in India is international, while almost 90% is interstate. Nearly 40,000 children are abducted every year of which 11,000 remain untraced according to a report by the National Human Rights Commission of India. Mumbai and Kolkata have the country's largest brothel based sex industry. It is estimated that more than 50% of the sex workers in Mumbai have HIV.

(iii) Examination of the %age change in incidence of procurement of minor girls and selling and buying of girls for sex work from 1994 to 1998 indicates that there is a decline of 7% in the incidence of procurement, and a decline of 67.6% in the incidence of selling of girls for sex work. But, there is an increase in the incidence of buying of girls for sex work by 225% in these years<sup>37</sup>.

(v) NCPCR considers that several children are abducted without the knowledge of parents. They find that their child has not returned from school, or from the market, or from a friend's house, get anxious and begin to search, enquire and ask one and all in the neighborhood. When they are totally clueless they pick up courage to lodge a complaint with the local police station.

(vi) Many a time only an entry is made in the General Station Diary (GD) which is followed by an enquiry. No FIR is registered although some States have issued clear orders that FIR will have to be filed in case of missing children. In a way the poor parent spends at least 10-15 days to reach up to the stage of convincing the police about the seriousness of their child missing and in the meantime their child would have travelled hundreds of miles across States in the country or perhaps even sent out of the country.

(vii) Most of the agents are well known in the neighborhood at source and do their business not by stealth but in full knowledge of the local communities, police, officials, bus drivers, local railway staff, musclemen and sundry transporters. Nor are they living a secret life at the destination points. The placement agencies are very much visible and house such children in crowded shacks, kept in waiting till they are matched with the employers. It is so important that all traffickers are profiled and their names, addresses, networks, records of the agents and sub agents are maintained and shared by all in the AHTUs in the country and intelligence alerted across States.

### **5.3 Trafficking for Marriage**

(i) The preference of a male child over a female child has resulted in excessive female feticide particularly in the States of Haryana and Punjab. This skewed sex ratio has led to the trafficking of young adolescents as brides from villages in Orissa, Jharkhand, Bihar, Assam and West Bengal who have been sold by their parents. The girls are forced to marry old men and treated as household skivvies who are fed on the smallest of portions and given a corner to sleep. Often, these children are shared for conjugal purposes and gang rapes are often the case. Further, they are also tortured and abused to give birth to male child.

(ii) Trafficking for marriage is often disguised as money is seldom paid to the parents of these young brides and it is the brokers or middlemen who lure these girls on the promise of a better future outside their homes. Due to poverty, illiteracy, absence of support structures, and inability to pay dowries, parents consider these young girls as a burden and send them off to be married in the northern or north-western States, little realizing the exploitative nature of such marriages. Many of these girls are never able to go back home and are not allowed to keep ties with their families.

### **5.4 Child Trafficking for Labour**

(i) Children are also trafficked for labour as they are a source of cheap labour particularly in the informal/unorganized sector where the work is labour intensive, and more manual. It gives rise to irregular, trans-border movement. For example, labour from West Bengal is highly in demand in industrial areas like Delhi, Faridabad, and Uttar Pradesh as they can be bought cheaply and paid with nothing. Carpet industries, embroidery industry, garment industry, shrimp/fish export industry are major recruiters.

(ii) Further, there is a rising demand for live-in maids particularly in tier one and tier two cities. This has resulted in a spike in the number of trafficked girls from villages particularly from West Bengal, Jharkhand, and Chhattisgarh. These girls suffer all along from the placement agencies' abysmal living conditions and later in the employee's home. This is being seen as a new

form of bonded labour. Not only are the living conditions poor but also these children are quite often subjected to sexual abuse by the members of the employees family.

(iii) In sum, human trafficking violates child rights, is forceful and a denial of basic human rights of free will and agency. Particularly vulnerable are women and children and within that adolescents as they are sought for labour and sex work. This particular age group is under threat because of the ease in poaching the stateless children, out of school children, refugees, migrants, school drop outs, children of Maoists. The problem of pornography is a rising menace by virtue of India opening up to global tourism on a massive scale.

5.6.9 Ujjwala Scheme was launched in 2008 to prevent and combat trafficking and ensure rescue, rehabilitation, reintegration and repatriation of victims of trafficking. 188 Ujjwala projects across 19 states have been sanctioned till 2012.<sup>43</sup> Anti-Human Trafficking Units (AHTUs) have been set up in many States and equipped with infrastructure to assist the States in their efforts. The scheme provides prevention through formation of community vigilance groups and awareness and sensitization for key functioning, rescue and safe withdrawal of the victim from the place of exploitation. Provisions have also been made for rehabilitation, which include safe shelter for victims with basic inputs of food, clothing, counselling and vocational training. Numbers of Swadhar & Short Stay Homes which cater to trafficked women rescued or run away from brothels have increased to 240 and 380 respectively this year. However, there are 73 rehabilitation centres so far in 16 States in the country under the Ujjwala scheme. Considering the vast number of children in such a predicament, this is just a drop in the ocean.

5.6.10 However, the State can do a lot for these girls. An example of how State intervention can help mitigate this is best found in the case study of Sonagachi, a red light district in Kolkata. The education program helped create a sense of hope in many girls. Condoms usage was propagated. When the project was launched in 1992, 27% of sex workers reported condom use. By 1995 this had risen to 82%, and in 2001 it was 86%.

## **6. Adolescent Education**

### **6.1 Educational Profile**

6.1.1 Of the approximate 100 million children in the 14-18 age group, 20.5 million children are in classes 9 and 10, and 10.3 million children are in classes 11 and 12, thereby indicating that only 30.8 million children in India are in secondary schools.

6.1.2 Over 95% of the 252 million child population in the 6-14 age group (192 million in class 1 to 8) have enrolled into schools in India which is an indication of the enormous demand for education today. However, the statistics on retention show that 25.09% of these children drop-out before completing class 5, 42.68% drop-out by class 8 and 56.71% of children drop-out of school before completing class 10. In all, 111 million children are out of school before completing class 8 in India.

6.1.3 As a cumulative effect of this, only 41% of youth in the 15 to 17 years attends school and more than half of the adolescents in the country are school dropouts<sup>49</sup>. At age 15-19, the girls' literacy rate lags behind the literacy rate of boys by 15 %age points<sup>50</sup>. While 74% girls and 88% boys are literate, only 38% girls and 35% boys have completed class 10 – a basic requirement for all vocational and skill development trainings. Even for any official employment (including Governmental Class C and D posts), the minimum requirement is a tenth pass certificate.



6.1.4 The school attendance rate in rural areas (37%) is much lower than that in urban areas (51%). Further, school attendance is lower among girls (34%) than boys (49%). The proportion of persons who have never attended school is higher among Muslims (34% of girls and 16% of boys) than among Hindus (26% of girls and 9% of boys) and girls belonging to other religions. Similarly, out of 20.6% of the SCs which constitute the general population in 14-18 age group, 17.9% are in schools.

6.1.5 Thus there is a large gender, urban-rural and socio-economic gap in educational attainment. Girls, youth in rural areas, and minority groups are less likely to have any education and to have completed secondary schooling. Even the school drop-out rate is very high among these groups, especially adolescent girls (66%). Thus, for an adolescent girl, from a rural area, and belonging to a scheduled caste, tribe or a minority religious group, the chances of being educated are bleak.

## **7. Recommendations**

### **7.1 Policy for Adolescents – Perspective**

7.1.1 Flowing from the above rationale and basis, a policy perspective on adolescents must recognise their multiple, inter-linked deprivations and challenges such as poverty, lack of education, and economic and personal security, exploitative environment at home, and lack of information and counselling services. It must therefore support a resilient continuum of protection, care and support within a rights based framework to address all the issues faced by each adolescent.

7.1.2 It must also address the needs of young men and especially women in this age group, especially those who find themselves unable to negotiate due to age, gender and socio-cultural expectations and get entangled due to early marriage, teenage pregnancy, unsafe child bearing and lack of adequate and proper maternal and child care.

7.1.3 It must regard these young men and women as an end in themselves and not as instruments of demographic dividend. The well-being of an adolescent worker is often discussed as how they have become a demographic burden and not demographic dividend that could provide for skilled human capital for socio economic development of the country. This instrumentalist's perspective disregards them as individuals in their own rights needing enhancement of their capacities.

7.1.4 In a way there has to be multiple interventions to ensure care and protection for 14-18 year olds to encompass both preventive mechanisms as well as mechanisms for rescue and rehabilitation.

### **7.2 Adolescent Child Labour**

7.2.1 There is a need to revisit the laws concerning adolescent children such as CLPRA, Factories Act, and Minimum Wages Act that address children. The CLPRA has to include children in 14-18 years of age and abolish all forms of child labour in all age groups. Given their commitments to the family, an exception could be made to allow them to work during school vacations but only under regulation of work conditions and duration and number of hours they could work in a day.

7.2.2 Likewise the Factories Act is archaic and there is a need to clearly abolish child labour under this Act. Adolescents are to be engaged only as trainees and apprentices to learn skills on job and not as workers. This too has to be under the supervision of a trainer/inspector, governed by a structured training program with course work resulting in a certification accredited by a registered institution at the end of the apprenticeship.

7.2.3 There has to be a comprehensive policy framework that tracks every adolescent child, rescues them from the labour force and a program for their rehabilitation, with emphasis on their access to education.

### 7.3 Adolescent Child Marriage

7.3.1 Child Marriage is a human right violation causing damage to the child in more than one way. It should become voidable by law.

7.3.2 Arrangements are to be made to ensure that the archaic tradition of child marriage becomes socially unacceptable through intensive and sustained campaigns and public awareness drives, community mobilization.

7.3.3 Simultaneously programs such as SABLA are to be strengthened in support of girls enabling them to exercise agency to say no to child marriage. SABLA has to be assessed on the basis of the number of girls it has assisted in stopping their marriages and enabling them pursuing education.

7.3.4 Shelter homes, admission into hostels without any hassles, community support and other interventions are to be made readily available for potential child brides or victims of early marriage.

7.3.5 Legal aid is to be given to all such children informing them about their entitlements should they get victimized through marriage under SABLA.

### 7.4 Adolescent Child Health

7.4.1 Adolescent Reproductive and Sexual Health strategy is to focus on reorganizing the existing public health system in order to meet the service needs of adolescents. Steps are to be taken to ensure improved service delivery for adolescents during routine sub-centre clinics and ensure service availability on fixed days and timings at the PHC and CHC levels. This is to be in tune with the outreach activities.

7.4.2 A core package of services including preventive, promotive, curative and counselling, and referral services is to be developed for physical health and nutrition, risky sexual behaviours, mental health, substance abuse, violence, as well as communicable and non-communicable diseases.

7.4.3 Adolescent-friendly services are to be made available for all adolescents – married and unmarried, girls and boys – during the clinic sessions, but should not be denied services during routine hours. Focus is to be given to vulnerable and marginalized sub- groups. Special focus is to be given on linking up with ICTCs and establishing appropriate referrals for HIV/AIDS and RTI/STI cases.

7.4.4 While the School Health Program was launched to address the health needs of school going children and adolescents in the 6-18 years age group, majority of States are providing health care to only a few classes of students such as either primary or elementary classes. Secondary and higher secondary classes are usually not covered under SHP despite this being the age of major physical and psychological changes with issues such as anemia, sexual and reproductive health, lifestyle issues, nutrition and poor health seeking behavior.

7.4.5 A National Adolescent Health and Development Policy should be formulated as a framework for action and focus on information access, life skills, comprehensive health services, and safe and

supportive environments to ensure the development of adolescents through their active participation, appropriate knowledge and assertive skills in realizing their own responsibilities for health.

7.4.6 Guidelines for improving the availability, accessibility and quality of adolescent-friendly sexual and reproductive health services at district health centers and the community health centers and availability of comprehensive range of preventive and curative services which are acceptable, accessible and affordable to adolescents, like MTP, family planning services, counseling and referrals, health services in schools, JJ institutions, children's homes, ashram shalas etc

7.4.7 Increased access to effective reproductive, maternal, adolescent, child and new-born care, particularly for the underserved and marginalised population (including tribal and other vulnerable groups) by removing physical, social and financial barriers and fostering community mobilization and increasing the role of parents, teachers, and community leaders and other relevant adults, to promote adolescent health and development.

7.4.8 To keep children free from physical and mental problems, adolescents have to be the focus point of programmes and policies of various Ministries of the Government of India. However there is lack of effort in identifying specific areas of convergence and there is no defined role of various divisions. There has to be greater coordination and collaboration within the health sector and between health and other sectors. Department of Health needs to converge and have inter- sectoral linkages with Women and Child development, Education, Youth affairs and Water and Sanitation department at National, State, District, block and village level for effective implementation of the programs. Ensure that adolescent health and development policies complement and strengthen other national and social policies. Preventing the sale of tobacco products to adolescents as part of a national tobacco control policy is a point in case.

7.4.9 The strategy should be to provide services for women and children from pre-pregnancy to delivery, the immediate post natal period and childhood, at home and through community outreach and at health facilities and thus establishing the continuum of care across the life cycle. Health of young adults and adolescents is brought into focus in this strategy, taking into account the inextricable links of adolescent health with future maternal and new-born health. Interventions and strategies for improving reproductive, maternal, child and newborn health and survival when linked together can lower costs, promote greater efficiencies and reduce duplication of efforts.

## 7.5 Adolescent Child Trafficking

7.5.1 The Juvenile Justice Act should have a special section to cover the care and protection of children in the 14-18 years. This has to be preceded by a study and a policy for adolescent children in need of care and protection.

7.5.2 The definition of trafficking as contained in the Palermo Protocol is to be adopted and the ITPA is to be amended thus.

7.5.3 Children are to be regarded as victims of trafficking and crime and not as criminals or offenders and thus are not to be charged with any offence under the ITPA. They must be given protection under the Juvenile Justice Act.

7.5.4 The Supreme Court guidelines in the case of Horilal v/s Commissioner of Police on the procedure to be adopted in case of missing children and kidnapped minor girls and women are to be followed.

7.5.5 Local bodies and the community are to be empowered to be on alert on any case of a child being trafficked and report the matter to the police and the CWC regarding the same.

## 7.6 Adolescent Education for Out of School Children

7.6.1 The starting point for an education policy for children in 14-18 years is on the understanding that they are willing to learn and sacrifice for the purpose of education. They know that access to education gives them compelling ammunition not to yield to pressures of marriage, gives them capacities to respond to reproductive health care and life skills and is the most powerful entry point in the fortress of power for countering the processes of marginalization.

7.6.2 Adolescents' right to education is intrinsically linked with their empowerment. If adolescents are to exercise choice and agency, there has to be an enabling environment for them to do so which can only be ensured through the provision of education. Thus education is not a stop-gap arrangement for them but a means for empowerment and often an end in itself.

7.6.3 Also, while there might be a broad commonality in the learning needs of adolescent children, educational interventions have to be context and culture specific. Interventions for adolescents' education require an understanding of their educational needs and style of learning. In addition there is a need to address the learning differentials, as given below, of those who have been left behind:

- |   |                                       |                     |
|---|---------------------------------------|---------------------|
| (i) Never been to school                        | (ii) Up to class 5 but can't remember | (iii) Up to class 8 |
| (iv) Class 10 dropout                           | (v) 10th – missed one or two subjects | (vi) 10th pass      |
| (vii) Intermediate – missed one or two subjects |                                       |                     |

7.6.4 Children in the 14-18 years age group are to be given a second chance by providing them a range of educational opportunities which they can actually access and move on to the next level. Since they are from complex occupational and educational backgrounds; there is a need for multiplicity of educational interventions. Even as such interventions have to include giving skills to read and write and attain academic certification for the beginners to completion of 10th class or 12th class and continuous support to all of them in the process until they attain the education and skills they are willing to work for.

7.6.5 Efforts need to be made through a process of community mobilisation and involvement of gram panchayats as well as municipal wards – which could include house visits, meetings with the girls and boys and community etc. to contact children in 14-18 years of age and make them part of youth activities. Initially mobilising participants for camps, especially girls, can be difficult and effort needs to be put into it.

Getting girls essentially means challenging gender relations—of mobility, division of labour etc.—which often leads to resistance from the family and community. They have to be supported in such situations and a community level base is crucial in these circumstances.

7.6.6 Motivation Centres are to be set up under the National Child Labour Program of the Ministry of Labour and Employment on demand from the gram panchayats to the District NCLP Society and vetted by the State government which could provide life skills, leadership programs, awareness of laws and policies as well as rights of children in 14-18 years age group including information on opportunities for accessing education programs. Motivation centres should also be able to provide

some basic literacy skills and act as non-residential bridge course centres. There has to be ample material for reading, work sheets and other education tools in the motivation centres.

7.6.7 Residential mode has proven to be a nurturing environment to provide education. The first level of communication with children in such a mode affirms that they matter and are not simply an asset to society. It helps adolescents experience equality and justice, the joy of learning and accept diversity through a lived experience. Also, a residential mode of education helps them to constantly discover multiple dimensions of learning such as sports, music, theatre etc. This further necessitates the redefining of educational agenda, giving a fresh environment to adolescents for discovering their identity and affirming their faith in Constitution, with an ultimate goal of holistic development.

7.6.8 Thus, there is a need to make provision for a Residential Camp Complex in each district to address the education needs of the children in 14-18 years. This should be one separately for boys and one for girls. The Residential Camp Complex would offer two sets of programs. The first is an on-going program of residential nature wherein there is a continuous flow of neo-learners seeking to acquire the basic reading and writing skills and learning/refreshing their knowledge of the alphabet. Other than teaching them language and math, the curriculum for adolescents should also aim to develop a positive attitude in them. It should aim to develop an understanding of society, natural environment and aesthetic appreciation. The basic aims should be to (a) help absorb and internalize a positive attitude (b) enable experience of a just, equitable environment (c) enable coexistence of diversity and equality in a meaningful manner, and (d) ensure educational engagement which can successfully elicit potential and meaningful education.

7.6.9 The second program is for such children who need refresher courses, tuitions and coaching classes to complete their Board examination at the levels of class 8, 10 or 12. In addition all the children who are admitted into the RCC at any level of education should also be given life skills program. Such a complex would have trained teachers, resource persons who play the role of mentors and have the ability to involve the participants in co-curricular activities in life skills, leadership development, public policies, laws and programs, sports and games, culture and art etc.

7.6.10 In the RCCs children are to be prepared for taking the NIOS examination, or motivated to complete class 8 or 10 in the RCCs depending upon their choice and circumstances. In addition they are to be given tuition and coaching classes in the premises of nearest govt. schools on Saturdays and Sundays and during vacations with the support of the school teachers of nearest high school who could be given remuneration for teaching the students during weekends.

7.6.11 An education policy is to be formulated to support all such children with free education material and exemption for payment of any fees.

7.6.12 For children who have passed class 10, they have to be counseled to choose options of further education programs in the academic stream or the choice of upgrading their skills through the existing schemes and programs of the government. If they prefer to choose the vocational stream, they are to be directed to the programs of the Ministries of HRD, WCD, Social Justice, Agriculture, Health and Family Welfare, Labour and so on as being implemented in the States.

## 7.7 Support for Adolescent Children in Secondary and Higher Secondary Schools

7.7.1 Free bus passes to all children travelling more than 3kms to the nearest high school.

7.7.2 Hostel facilities and scholarships for girls and boys from SC, ST and EWS categories.

### 7.7.3 Free education material.

### 7.7.4 Free education and waiver of school/college fees, examination fees

## 7.8 Role of local bodies

7.8.1 Every gram panchayat should have a list of all children in the 14-18 years who are out of school. They must also have knowledge of all the educational interventions that children could avail of.

7.8.2 There shall be a committee headed by the Sarpanch of a gram panchayat comprising the headmaster of nearest high school and upper primary schools, chairperson of School Management Committee, village secretary and at least two members of gram panchayat for reviewing the programs meant for children in 14-18 years age group.

## 7.9 Linking Local Bodies with ICPS and Juvenile Justice System

7.9.1 The issue of children in the 14-18 age-group and their predicament are to be deliberated upon and several institutions, structures and processes have to be put in place up to the level of the district. It is important to link this with efforts at the level of habitation, indeed the households where the child is.

7.9.2 Children are to be protected from vulnerabilities and despair, violence and abuse at the community. This would require huge campaigns and social mobilization where every child is discussed through local committees for child rights and the gram panchayats. Aanganwadi workers, school teachers, Village officers, revenue inspectors and the health workers – in fact every functionary at the local level are to be inspired to watch children, keep track of them and report to gram panchayats when they feel that a child is at risk.

7.9.3 The gram panchayats are to be involved in prompt reporting of all vulnerabilities of children such as child marriage, labour, abuse including reporting on the movement of persons under suspicious circumstances; dissemination of intelligence, if any, to the law enforcement agencies; rendering assistance to law enforcement agencies for tracing children; and providing timely feedback to the law enforcement agencies about rescue, release and repatriation of the children.

7.9.4 Simultaneously there is a need to build capacities of the State in deepening the protection networks and outreach program of the Integrated Child Protection System up to the Block and gram panchayat level; interconnecting the CWC's, SPJUs and the police across the States.

## **Child Sexual Abuse**

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India has the largest child population in the world. As per the 2011 Census of India, there are 472 million children below the age of eighteen including 225 million girls. Nearly 160 million children are in the age group of 0-6 years. They constitute 39% of our population

Children are soft targets of sexual violence and therefore are extremely vulnerable. As per Crime in India report, published by the National Crime Records Bureau, reporting of crime against children has steadily shown an increase against children especially child sexual abuse. According to a government study conducted in 2007, it revealed that 53 per cent children had suffered sexual abuse and half of these were at the hands of persons in the position of trust.

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted by the Government of India to provide an extremely strong legal framework for the protection of children from offences of sexual assault, sexual harassment and pornography, while safeguarding the interest of the child at every stage of the judicial process, by incorporating child friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. The National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the implementation of POCSO Act, 2012.

While the Government is making all out efforts to ensure a safe and protected environment for our children, it is the collective responsibility of all of us as a community and citizens and parents to enable children to live with dignity, free from violence and fear. As rightly stated by Nelson Mandela – ‘Safety and security don’t just happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear’.

### **Are Indian Children at Risk from Sexual Offences?**

Not long ago, the question would be met with either a hushed, confused silence or a tacit answer that acknowledges that it while it exists, it is too little, too less and too far away to be a priority. But in 2007, The Ministry of Women and Child Development released the results of a nation-wide survey on Child Abuse. More than half children, 53% said that they had been subjected to one or more forms of sexual abuse. It means that one in every two children have been victims of sexual abuse. Over 20 percent of those interviewed said they were subjected to severe forms of sexual abuse. Of those who said they were sexually abused, 57 percent were boys.

According to Crime in India, 2014 of National Crime Records Bureau (NCRB), crimes committed against children were observed as 20.1 per one lakh population of children (up to 18 years of age). A total of 10,854 cases of child rape were reported in the country during 2015 as compared to 13,766 in 2014 accounting for a decrease of 26.8 percent during the year 2015. However, the number of cases of child sexual abuse under the POCSO Act has increased.

### **Understanding Child Sexual Abuse**

Child Sexual Abuse (CSA) is a broad term used to describe sexual offences against children. To put it simply, Child Sexual Abuse occurs when a person involves the child in sexual activities for his/her sexual gratification, commercial gain or both. Section- 2(1) (d) defines a “child” – as any person below the age of 18 years.

One needs to consider the following factors when attempting to understand and assess cases of child sexual abuse:

### 1.1. Power and Trust Dynamics

In most cases of child sexual abuse, the offender holds a position of trust and/ or power vis-à-vis the child and is often known to the child victim. Statistics of the past few years from the Crime in India Report of National Crime Records Bureau (NCRB) suggests that in 80-90% of the cases, the offender is 'known' to the victim. However, there may be many cases where the offender is a total stranger.

### 1.2. Age of the Offender

The offender can be either young or old i.e. above 18 years of age or below 18 years of age. e.g., there are several reported cases in which extremely minor girls aged 4 and 5 years have been sexually assaulted by senior citizens including grandfathers etc. Similarly, there are several cases in which 13 or 14 year olds have abused their own classmates or other children.

However, it is important to understand that children do sometimes indulge in/ experiment with some kind of sexual activity. Caregivers and protectors must be aware of age and developmentally appropriate sexual activity among children before they label any child as a sex offender.

A simple reading of POCSO Act suggests that:

- Any person (including a child) can be prosecuted for engaging in a sexual act with a child irrespective of whether the latter consented to it.
- The Act does not recognize consensual sexual acts among children or between a child and an adult.
- The Act is gender neutral.

### 1.3. Gender and Profile of the Offender

The offender can be of any gender – male, female, third gender, etc. Majority of the offenders are men but not exclusively so. There may be occasionally cases in which women have been the main accused or have abetted the crime. The gender and outward appearance of a person has no implication on whether the person is a child sex offender or not. Further they may belong to any, social, economic, religious, cultural or educational background. They may or may not be married. They may or may not be mentally stable. In short, a perfectly regular, average person like you or me could be a child sex offender.

### 1.4. Dynamics between Offender and Child

In the majority of cases, the child knows the offender. In reports/ researches and surveys conducted by NGOs, it is seen that in a large majority of cases of sexual violence against women and children, the accused is a known person/ acquaintance of victim and family/ close family members including fathers, step-fathers, grandfathers, uncles, cousins, etc.

It is one of the biggest myths about child sexual abuse is that strangers, in a park or on a lonely street, are more likely to abuse children. In fact, the situations we need to safeguard our child against, occur inside or close to our homes, schools, playgrounds etc.



### 1.5. Gender and Profile of the victim Child

The victim may be a child of any gender. Boys are as susceptible to sexual abuse as girls, if not more. According to the World Health Organization, one in every 4 girls and one in every 7 boys is sexually abused across the world. However, there are higher chances of boys trying to hide or deny the fact that they have been abused. The 2007, national survey conducted by the Ministry of Women & Child Development clearly shows that of 57% of children who said that they have experienced one or more forms of sexual abuse, were boys.

All children are at the risk of being abused despite of their social, economic, religious, cultural or educational background. However, some children are more at risk than the others such as:

- Children with disabilities
- Children from lower socio-economic backgrounds. e.g.:- living in very close proximity increasing chances of access to the child by a potential offender, lack of adult supervision when mothers are at work, etc.
- Children with low self esteem
- Children who are questioning their sexuality
- Children who are isolated and have limited peer support/friend circle
- Children who have an unhealthy or dysfunctional home atmosphere. E.g.:- children from families where fights are common place; children from families that do not give the child enough love and attention at home, etc.

### Forms of Child Sexual Abuse:

Some of the forms which child sexual abuse may take, include:

2.1. Incest: The term incest means a forbidden sexual relationship between close relatives in a family, e.g. between brother and sister or parent and child.

However, cases involving sexual offences against children by close family members are difficult and tricky to handle. The following are as some of the factors that need considering when dealing with cases of incest:-

The accused may be the sole breadwinner of the household. In such cases, incarcerating the person may put the family in financial stress and leave them vulnerable. Families are therefore, reluctant to report such matters to the police. Other family members tend to disbelieve the child and refuse to co-operate with the case. They may side with the accused and put pressure on the child to retract his/ her story or become uncooperative in the case. The child has extremely conflicting feelings about the abuser. This results in delayed reporting of cases. It has also been observed that the child's home is no longer a secure space for them.

2.2. Commercial sexual Exploitation of Children (CSEC):

Commercial sexual exploitation of children is defined as the “sexual abuse by the adult along with remuneration in cash or kind to the child or a third person or persons”. It is a process through which the child is treated as a sexual object and as a commercial object. The main forms of CSEC are child

prostitution (including child sex tourism), child sexual abuse images and trafficking of children for sexual purposes.

### 2.3. Child Sex Tourism:

Child sex tourism is the sexual exploitation of children by a person or persons who travel from their home district or home country in order to have sexual contact with children. Child sex tourists would be domestic travellers or they can be international tourists. It often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable the perpetrator to remain fairly inconspicuous in the surrounding population and environment. Child sex tourism involves the exchange of cash, clothes, food or some other form of consideration to a child or to a third party for sexual contact. Child Sex Tourists may be married or single, male or female (though the majority are male), foreign or local, wealthy or budget tourists or from a high socio-economic or even disadvantaged background.

### 2.4. Child sexual abuse imagery: Online sexual Abuse:

Online abuse is any type of abuse that happens on the web, whether through social networks, playing online games or using mobile phones. Children and young people may experience cyber bullying, grooming, sexual abuse, sexual exploitation or emotional abuse. Children can be at risk of online abuse from people they know, as well as from strangers. Online abuse may be part of abuse that is taking place in the real world (for example bullying or grooming) or, it may be that the abuse only happens online (for example persuading children to take part in sexual activity online). Children may feel like there is no escape from online abuse – abusers can contact them at any time of the day or night, the abuse can come into safe places like their bedrooms, and images and videos can be stored and shared with other people.

## 4.0. Causes of Child Sexual Abuse In India

Child sexual abuse happens in all societies around the world and the causes vary greatly. Some of the probable causative factors could be:

### 4.1. Taboo around discussing sex and sexuality

In India, there is reluctance and cultural shying from discussing matters related to sex and sexuality, particularly with children. Adults find it difficult and embarrassing to talk about the subject with children because often they themselves have not received and have no idea how to have 'the talk'. In the absence of teaching and appropriate knowledge, ignorance and myths around sexuality pervade, thus leaving children, especially adolescents, uninformed and at risk. The taboos lead to a culture of shame and silence around any issue related to sexuality, including child sexual abuse, which is shrouded in silence and often goes unreported.

### 4.2. Tolerance to Gender-based violence

There has always been ignorance and at times certain level of acceptance and tolerance to gender based violence against women and children in India. We assume that certain things are bound to happen and will happen to women and children if they cross the "line of morality" put forth by our patriarchal society.

Representation of women in popular media and the stereotypes perpetrated by popular films play a role in desensitizing our population towards gender-based violence against women and young girls.

#### 4.3. A Culture that believes and values Adults Over Children

Children are viewed as not yet fully developed citizens. Their values and voices are mostly absent in public discourses on issues that directly have an implication on them. They are taught to 'respect' the absolute authority of adults without even the slightest critical engagement. Their opinion may be regarded as 'disrespectful.' Thus, a child who is a victim of sexual abuse is often never believed that an adult could do this to him/her. Often parents and community consider it the 'child's fault' if sexual abuse happens.

#### 4.4. Impact of Reporting Child sexual Abuse

(i) Victim blaming: In cases of many sexual assaults against women and children, the media and society at large have been quick to blame the victim, especially if the child is a girl, often with regressive statements implying that 'the victim brought it on to herself'. A clear perspective on who is the victim and who is the offender is lost in the details, while there is too much focus on peripherals like what the victim was wearing, what time of the night it was when she went out, who was accompanying her, did she give consent to the sexual activity etc.

(ii) Real and Perceived Threat to victim and Family

When we put a culture of sexual taboos together with one of victim blaming it becomes clear why most victims are reluctant to report. They fear being stigmatized by the community. Even as society passes a moral judgment on the character and dignity of the victim, the offender who may be occupying a position of power vis-à-vis the victim, will threaten the victim and/or family with (sometimes violent & life threatening) consequences if the offence is reported. There is also possibility that real and perceived loss of "honour" and shame entraps victims and families in a vicious cycle of blackmail & further abuse. In a culture that prides traditional notions of masculinity, boys are afraid that they will be labeled 'unmanly' and ridiculed if they disclose about the abuse.

#### Reasons Why Children Don't speak Up About Abuse

1. Children are afraid that they may be disbelieved.
2. Children feel a sense of guilt that perhaps it is indeed 'their own fault' that the abuse occurred.
3. Every time a child talks about the incident of abuse they may be remembering and reliving the trauma; and children don't want to remember the abuse.
4. Children are afraid that the person who groomed and abused them will stop loving them or get in trouble because of them. This is because of manipulations during the 'grooming' process and is also true in cases where the offender is a family member.
5. The child may have been manipulated by the offender into believing that their relationship is normal. Sometimes the child does not realize that it is being abused.
6. Fear of retaliation and further abuse also forces a child to keep silent.
7. Generally, children are not encouraged to talk about their feelings and when they do, adults do not listen or believe.

## **The Protection of Children from Sexual Offences Act, 2012**

The Act seeks to protect children from offences such as sexual assault, sexual harassment and pornography. India is a signatory to the UN Convention on the Rights of the Child since 1992. The parties to the Convention are required to take measures to prevent children from being coerced into any unlawful sexual activity.

Any person below the age of 18 years is defined as a “child”. The Act seeks to penalise any person who commits offences such as “sexual harassment”, “sexual assault”, “penetrative sexual assault”, and “aggravated penetrative sexual assault”.

A person commits “sexual harassment” if he uses words or shows body parts to a child with sexual intent, shows pornography to a child or threatens to depict a child involved in sexual act through the media. The penalty is imprisonment for upto three years and a fine.

A person commits “penetrative sexual assault” if he penetrates his penis into the vagina, mouth, urethra or anus of a child or makes a child do the same or inserts any other object into the child’s body or applies his mouth to a child’s body parts. If however the child is between 16 and 18 years, it shall be considered whether consent for the act was taken against his will or was taken by drugs, impersonation, fraud, undue influence and when the child was sleeping or unconscious. The penalty is imprisonment between seven years and life and a fine.

The Act penalises “aggravated penetrative sexual assault.” Such an offence is committed when a police officer, a member of the armed forces or a public servant commits penetrative sexual assault on a child. It also includes gang penetrative sexual assault and assault using deadly weapons, fire or corrosive substance. The Act also covers assault by staff of private hospital and staff of an educational institution if the child is in that institution.

Penetrative sexual assault shall be considered aggravated if it injures the sexual organs of the child or takes place during communal violence or the child becomes pregnant or gets any other threatening disease or is below 12 years.

It also covers cases where the offender is a relative of the child through blood or adoption or marriage or foster care or is living in the same household.

A person commits “sexual assault” if he touches the vagina, penis, anus or breast of a child with sexual intent without penetration. If the child is between 16 and 18 years, it shall be considered whether the consent was taken against the child’s will or by threat or deceit. The penalty is imprisonment between three to five years and a fine.

The offence of “aggravated sexual assault” is committed under similar conditions as for “aggravated penetrative sexual assault”. The penalty for the offence is imprisonment between five to seven years and a fine.

A person shall be guilty of using a child for pornographic purposes if he uses a child in any form of media for the purpose of sexual gratification through representation of sexual organs of a child or using a child in sexual acts or other types of obscene representation. The penalty is rigorous imprisonment for upto five years and a fine. On subsequent convictions, the term of imprisonment is upto 7 years and fine.

The Act also includes penalties for storage of pornographic material and abetment of an offence.

An offence committed under this Act shall be reported to either the local police or the Special Juvenile Police Unit who has to report the matter to the Special Court within 24 hours. The police also have to make special arrangement for the care of the child. In case a person fails to report a case, he shall be penalised. Also, the Act includes penalties for making false complaints.

Each district shall designate a Sessions Court to be a Special Court. It shall be established by the state government in consultation with the Chief Justice of the High Court. The state government shall appoint a Special Public Prosecutor for every Special Court. The Court shall, as far as possible, complete the trial within one year. The trial shall be held in camera and in the presence of the child's parents or any person trusted by the child.

The guardian of the child has the right to take assistance from a legal counsel of his choice, subject to the provisions of Code of Criminal Procedure, 1973.

If an offence has been committed by a child, it shall be dealt with under the Juvenile Justice (Care and Protection of Children) Act, 2000.

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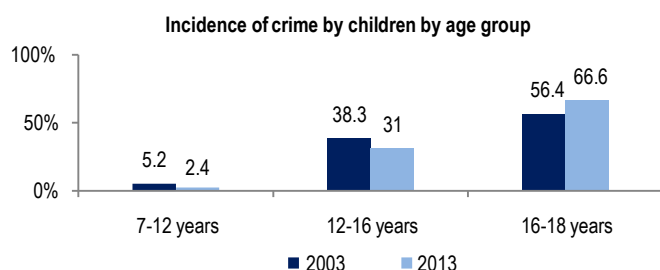
## Juvenile Crimes

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### Vital Stats

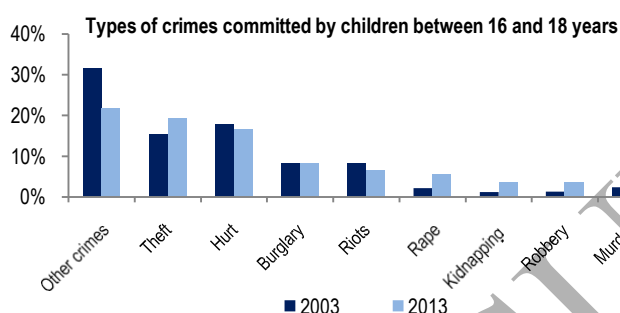
A juvenile or a child is any person below the age of 18 years. Over the last 10 years, crimes committed by children, as a percentage of all crimes committed in the country, have risen from 1.0% to 1.2%.

### Incidence of crime amongst children is highest in the 16-18 year age group



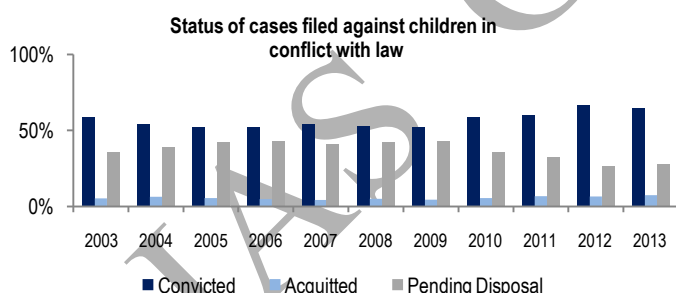
- According to the Indian Penal Code (IPC), no one below the age of seven years can be accused of a crime.
- The total number of children accused of crimes rose from 24,709 in 2003 to 38,765 in 2013.
- Children in the 16-18 year age group account for a majority of children arrested for crimes. Their share in total arrests increased from 56.4% in 2003 to 66.6% in 2013.

### Offences such as theft, hurt, burglary and riots constitute more than 50% of the arrests



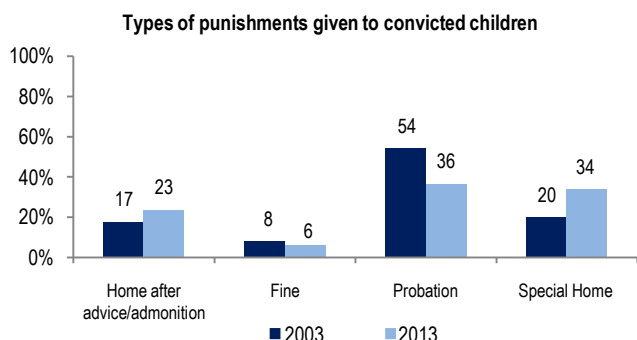
- More than half of the children apprehended in the 16 to 18 years age group are for offences such as theft, causing hurt, burglary, riots, and other crimes under the IPC. These offences constituted 72% of the total arrests in 2013, and 81% in 2003.
- From 2003 onwards, an increasing number of children are being arrested for offences such as theft (19.1% of all crimes in 2013), kidnapping (3.6%), rape (5.4%), robbery (3.4%) and murder (3.3%).

### Number of convictions of children have been increasing; pendency of cases is declining



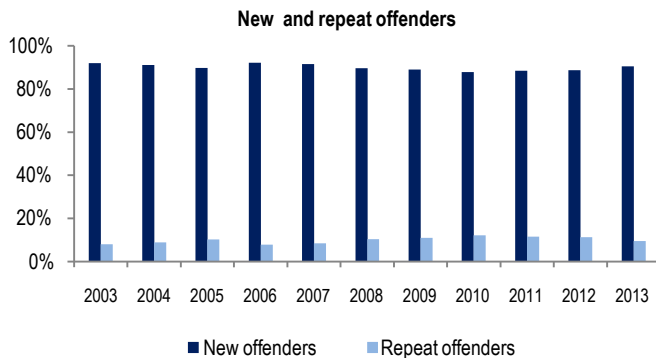
- Over the years, the criminal justice system has improved with regard to disposal of cases of juvenile crimes. Pendency of such cases has decreased over the years from 36% in 2003 to 28% in 2013.
- Once apprehended, the process of charge-sheeting and trial is undertaken to determine conviction or acquittal of the child. The total number of convictions increased from 59% in 2003 to 65% in 2013, whereas acquittals remained below 7%.

### More children are being released after admonition and also being sent to special homes



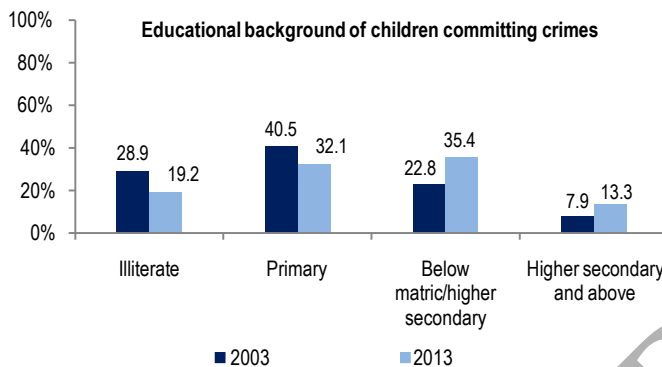
- Under the existing Juvenile Justice Act, 2000, a child convicted of an offence may be: (i) sent home after admonition, (ii) need to pay a fine, (iii) placed on probation under the guidance of a parent/guardian/fit institution, or (iv) sent to a special home.
- Approximately 70% of children convicted are either placed under probation or sent to special homes. The percentage of children on probation has been declining (36% in 2013) and those sent to special homes rising (34% in 2013).

## Children repeating an offence constitute under 10% of total child offenders



- There can be two kinds of child offenders: (i) new offenders (committing an offence for the first time); and (ii) repeat offenders. The graph suggests that repeat offenders as a percentage of total child offenders are low.
- Over 10 years, the percentage of repeat child offenders has marginally increased from 8% to 9.5%.

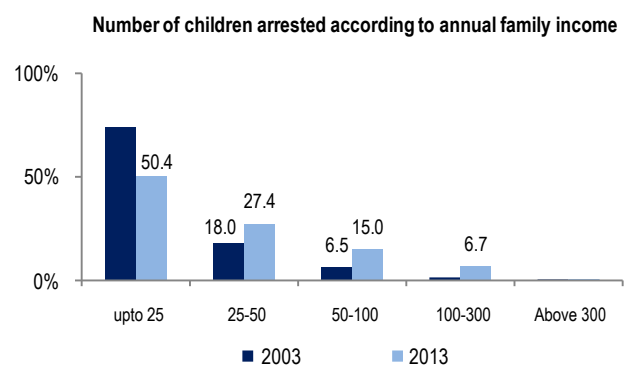
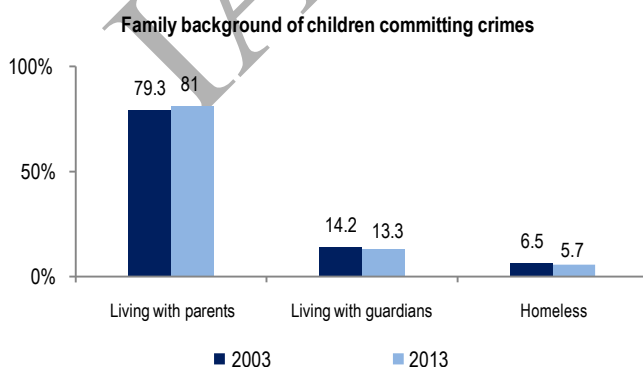
## There has been a shift in number of arrests of children, according to level of education



- Crimes committed by those who are at the matriculation level have increased from 22.8% in 2003 to 35.4% in 2013. A similar trend is seen for children with a higher secondary degree or more.
- Illiterate children committing crimes decreased by about 10% in the last 10 years. This coincides with the decline in the illiteracy rate of 7 to 18 year old children over the 2001 to 2011 period, from 21.7% to 11.5%.
- The trends in education may be because of an overall improvement in access to education and enrolment rates over the years.

- Over the years, a majority of children who are arrested for crimes, live with parents. This percentage has remained fairly constant over the years, increasing from 79% in 2003 to 81% in 2013.
- Data of overall number of children in India who live with parents, guardians, or are homeless is not available. Therefore, we do not know whether the above finding regarding child offenders is reflective of, or contrary to, overall child population trends. Consequently, a generalisation about the link between the incidence of crime amongst children and their family background cannot be made.
- There has been a decrease in crimes committed by children with a family income below Rs 25,000 per year. Crimes committed by children having family income over Rs 25,000 have been on the rise. As with the trend in education seen above, the increase in the number of children arrested across income groups may be attributed to a general rise in per capita incomes over the past 10 years.

## Children living with parents constitute majority of child arrests



## The Juvenile Justice Act, 2015

### Who is a juvenile as recognised by law?

In the Indian context, a juvenile or child is any person who is below the age of 18 years. However, the Indian Penal Code specifies that a child cannot be charged for any crime until he has attained seven years of age.

### Why is there a need for a new Act when a juvenile justice law already exists?

The government introduced the Juvenile Justice Bill in 2014 in Lok Sabha and gave various reasons to justify the need for a new law. It said that the existing Juvenile Justice Act, 2000 was facing implementation issues and procedural delays with regard to adoption, etc. Additionally, the government cited National Crime Records Bureau (NCRB) data to say that there has been an increase in crimes committed by juveniles, especially by those in the 16-18 years age group.

NCRB data shows that the percentage of juvenile crimes, when seen in proportion to total crimes, has increased from 1% in 2003 to 1.2% in 2013. During the same period, 16-18 year olds accused of crimes as a percentage of all juveniles accused of crimes increased from 54% to 66%. However, the type of crimes committed by 16-18 year olds can be seen in table 1.

**Table 1: Juveniles between 16-18 years apprehended under IPC**

Crime	2003	2013
Burglary	1,160	2,117
Rape	293	1,388
Kidnapping/abduction	156	933
Robbery	165	880
Murder	328	845
Other offences	11,839	19,641
<b>Total</b>	<b>13,941</b>	<b>25,804</b>

Note: Other offences include cheating, rioting, etc. Sources: Juveniles in conflict with law, Crime in India 2013, National Crime Records Bureau; PRS.

### What is the new Act doing?

Currently, the Juvenile Justice (Care and Protection of Children) Act, 2000 provides the framework to deal with children who are in conflict with law and children in need of care and protection. The 2015 Bill seeks to replace the existing 2000 Act and lays down the procedures to deal with both categories of children. It highlights the two main bodies that will deal with these children, to be set up in each district: Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs). It provides details regarding adoption processes and penalties applicable under the law. The Bill provides for children between 16-18 years to be tried as adults for heinous crimes. The three types of offences defined by the Bill are: (i) a heinous offence is an offence that attracts a minimum penalty of seven years imprisonment under any existing law, (ii) a serious offence is one that gets imprisonment between three to seven years and, (iii) a petty offence is penalized with up to three years imprisonment.

### Currently, how is a juvenile in conflict with law treated? How is that set to change?

Under the 2000 Act, any child in conflict with law, regardless of the type of offence committed, may spend a maximum of three years in institutional care (special home, etc.) The child cannot be given any penalty higher than three years, nor be tried as an adult and be sent to an adult jail. The proposed Bill treats all children under the age of 18 years in a similar way, except for one departure. It states that any 16-18 year old who commits a heinous offence may be tried as an adult. The JJB shall assess the child's mental and physical capacity, ability to understand consequences of the offence, etc. On the basis of this assessment, a Children's Court will determine whether the child is fit to be tried as an adult.

### What did the Standing Committee examining the Bill observe?

One of the reasons cited for the introduction of the Bill is a spike in juvenile crime, as depicted by NCRB data. The Standing Committee on Human Resource Development examining the Bill stated that NCRB data was misleading as



it was based on FIRs and not actual convictions. It also observed that the Bill violates some constitutional provisions and said that the approach towards juvenile offenders should be reformatory and rehabilitative.

The Bill as introduced posed certain constitutional violations to Article 14, 20(1) and 21. These have been addressed by deletion of the relevant clause, at the time of passing the Bill in Lok Sabha.

**What does the United Nations Convention on the Rights of the Child (UNCRC) say? What are the obligations on the signatory nations?**

The UNCRC was ratified by India in 1992 and the 2000 Act was consequently brought in to adhere to the standards set by the Convention. The proposed Bill maintains this aim and seeks to improve implementation and procedural delays experienced by the 2000 Act. The UNCRC states that signatory countries should *treat every child under the age of 18 years in the same manner and not try them as adults*. While the 2000 Act complies with this requirement, the Bill does not. However, many other countries who have also ratified the Convention try juveniles as adults, in case of certain crimes. These countries include the UK, France, Germany, etc. The United States is not a signatory to the UNCRC and also treats juveniles as adults in case of certain crimes.

**Under the Bill, what happens to a child who is found to be orphaned, abandoned or surrendered?**

The Bill addresses children in need of care and protection. When a child is found to be orphaned, abandoned or surrendered he is brought before a Child Welfare Committee within 24 hours. A social investigation report is conducted for the child, and the Committee decides to either send the child to a children's home or any other facility it deems fit, or to declare the child to be free for adoption or foster care. The Bill outlines the eligibility criteria for prospective parents. It also details procedures for adoption, and introduces a provision for inter-country adoption, so that prospective parents living outside the country can adopt a child in India.

Currently, the Guidelines Governing Adoption, 2015 under the 2000 Act, regulates adoptions. Model Foster Care Guidelines have also recently been released by the Ministry of Women and Child Development.

**What are the penalties for committing offences against children?**

Various penalties for committing offences against children are laid out in the Bill. These include penalties for giving a child an intoxicating substance, selling or buying the child, cruelty against a child, etc.

*Issue to consider:* The penalty for giving a child an intoxicating or narcotic substance is an imprisonment of seven years and a fine of up to one lakh rupees. Comparatively, buying or selling a child will attract a penalty including imprisonment of five years and a fine of one lakh rupees.

It remains to be seen if the Bill will be taken up for consideration in this session, and if its passage will address the issues surrounding children in conflict with the law.

## The Juvenile Justice (Care and Protection of Children) Act , 2015

- ③ The Juvenile Justice (Care and Protection of Children) Bill, 2014 was introduced by the Minister of Women and Child Development, Maneka Gandhi, in the Lok Sabha on August 12, 2014. It repeals the Juvenile Justice (Care and Protection of Children) Act, 2000.
- ③ **Objectives:** The Bill seeks to achieve the objectives of the United Nations Convention on the Rights of Children as ratified by India on December 11, 1992. It specifies procedural safeguards in cases of children in conflict with law. It seeks to address challenges in the existing Act such as delays in adoption processes, high pendency of cases, accountability of institutions, etc. The Bill further seeks to address children in the 16-18 age group, in conflict with law, as an increased incidence of crimes committed by them have been reported over the past few years.
- ③ **Coverage:** The Bill defines a child as anyone less than 18 years of age. However, a special provision has been inserted for the possibility of trying 16-18 year olds committing heinous offences, as adults. A heinous offence is defined as one for which the minimum punishment under the Indian Penal Code is seven years.
- ③ **General principles:** These include (i) principle of presumption of innocence for any child up to the age of 18 years; (ii) principle of best interest for all decisions taken regarding the child; (iii) principle of institutionalisation stating that a child shall be placed in institutional care as a step of last resort, etc.
- ③ **Juvenile Justice Boards (JJBs):** One or more JJBs to be constituted, for each district, for dealing with children in conflict with law. JJBs are composed of a Metropolitan or Judicial Magistrate and two social workers, one of whom shall be a woman.
- ③ Powers and responsibilities of the JJBs include: (i) ensuring legal aid for a child; (ii) adjudicating and disposing of cases related to children in conflict with law; (iii) conducting regular inspection of adult jails to ensure no child is lodged in such jails and other inspection visits and; (iv) conducting inspection visits of residential facilities for such children.
- ③ **Children's Court:** A Children's Court is a Court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012. It will try 16-18 year olds that commit heinous offences, after confirming that they are fit to be tried as adults. It ensures that a child in conflict with law is sent to a place of safety until he attains the age of 21 years, after which he is transferred to a jail. During the child's stay in the place of safety, reformatory services such as counselling, etc. shall be provided. The Court shall ensure periodic follow up reports by District Child Protection Units.
- ③ **Child Welfare Committees (CWCs):** States shall constitute one or more CWCs for each district for dealing with children in need of care and protection. The powers and responsibilities of a CWC include: (i) conducting inquiries; (ii) selecting registered institutions for the placement of a child and; (iii) addressing orphans, abandoned children, surrendered children and sexually abused children, etc.
- ③ **Special Juvenile Police Units (SJPU) and Child Welfare Police Officers:** An SJPU will be established in each district, consisting of a police officer and two social workers. One Child Welfare Police Officer will be present in every police station.
- ③ **Adoption:** Prospective adoptive parents must be consenting. A single or divorced person can also adopt, but a single male cannot adopt a girl child. Parents must be physically fit, financially sound, and mentally alert and motivated to adopt. Regulations regarding adoption shall be framed by the Central Adoption Resource Authority.
- ③ **Penalties:** Any official, who does not report an abandoned or orphaned child within 24 hours, is liable to imprisonment up to six months or fine of Rs 10,000 or both. The penalty for non-registration of child care institutions is imprisonment up to one year or fine of one lakh rupees, or both. The penalty for giving a child intoxicating liquor, narcotic or psychotropic substances is imprisonment up to seven years or fine of one lakh rupees, or both.

## Key Issues and Analysis

- There are differing views on whether juveniles should be tried as adults. Some argue that the current law does not act as a deterrent for juveniles committing heinous crimes. Another view is that a reformatory approach will reduce likelihood of repeating offences.
- The provision of trying a juvenile committing a serious or heinous offence as an adult based on date of apprehension could violate the Article 14 (right to equality) and Article 21 (requiring that laws and procedures are fair and reasonable). The provision also counters the spirit of Article 20(1) by according a higher penalty for the same offence, if the person is apprehended after 21 years of age.
- The UN Convention on the Rights of the Child requires all signatory countries to treat every child under the age of 18 years as equal. The provision of trying a juvenile as an adult contravenes the Convention.
- Some penalties provided in the Bill are not in proportion to the gravity of the offence. For example, the penalty for selling a child is lower than that for offering intoxicating or psychotropic substances to a child.
- The Standing Committee examining the Bill observed that the Bill was based on misleading data regarding juvenile crimes and violated certain provisions of the Constitution.

### Arguments against Lowering the Age of Juvenility

(Submitted by NCPCR to Justice Verma Committee)

- i. The current debate on lowering the age of a child to 16 years, and exposing a large number of children to the adult criminal justice system has to be seen in the above context. It is regressive for the following reasons:
- ii. Children in need of care and protection do not enjoy equal rights to survival, protection, development and participation; and when they are not covered by effective outreach, protection and rehabilitation services such children are at risk of becoming offenders.
- iii. Even younger children (10-15 years) could commit serious offenses for survival. Going by the logic being furnished currently, if a grave offense is committed by a 10 year old child, it would be logical to argue that there should be a further lowering of age to perhaps 10 years of age in defining who constitutes a child. There is thus a fallacy in defining a child based on the offences committed by children in a particular age group.
- iv. On the other hand the criteria for defining a child should be based on the period for which a person would require full support of the State for her care, protection and development in all respects. It was on this basis that the UN CRC defined a child as a person up to 18 years to which India is a signatory. Consequently the J.J. Act 2000 was brought in consonance with the relevant provisions of UNCRC to include the age of the child as 18 years.

v. Children including juveniles between the age group of 16-18 years are still physically, cognitively, socially, emotionally and legally minors. Hence imposition of death penalty on juveniles is deemed to be immoral and contrary to norms of a civilized society. The State as *parens patriae* is the ultimate custodian of children in need of care and protection would be guilty of not facilitating a happy and safe childhood.

vi. We therefore need to amend more laws to cover all children up to 18 years. This means child labour must be banned up to 18 and education must be provided beyond age 14 and the present eight standard limit. Children of the middle class have all become at least graduates today and children of the excluded communities are still working as child labourers. On the one hand we are trying to progressively reach this standard and while we are on this journey we cannot suddenly stop and start a journey in the opposite direction and begin to reverse the gains achieved over several decades beginning with the Constitution.

vii. The inconsistency in arguments given to increase or reduce age when it comes to applying the relevant law to children needs to be highlighted. To provide a protective cover to all children, the exception (age of consent for children in the age group of 16 to 18 years) was removed under POCSO Act to apply to all children under 18 years. Consequently, any such activity between children in 16-18 years age group has been criminalized. A child attains majority only at 18 years when he becomes eligible to vote, sign an affidavit and represent himself. Marriage age for men stands at 21 years. These same factors have influenced the age of juvenility of youth and influenced the need to treat them differently from adults when they commit crimes.

viii. Experts reiterate that for children, 10 to 18 years is the formative stage and the inputs and exposure that a child experiences in these years, would instruct her personality development in due course. The test of effective outreach is whether the intervention assists such children to overcome/ withstand forces that push them into a life of crime and exploitation. The Beijing Rules provides guidance as to the grounds for deciding the age adding that —the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity‖ (Rule 4.1).

ix. Finally, if youths do not possess the same capacities as adults, should they be held responsible for their behavior in the same way as adults? Many studies have shown that by the age of sixteen, adolescents' cognitive abilities—loosely, their intelligence or ability to reason—closely mirrors that of adults. But how people reason is only one influence on how they make decisions. In the real world, especially in high-pressure crime situations, judgments are made in the heat of the moment, often in the company of peers. In these situations, adolescents' other common traits— their short-sightedness, their impulsivity, their susceptibility to peer influence. The same factors that make youths ineligible to vote or to serve on a jury require us to treat them differently from adults when they commit crimes.

## **LAWS RELATED TO CHILDREN**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

- THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015
- Protection of Children From Sexual Offences Act, 2012
- Bonded Labour System (Abolition) Act, 1976
- Children (Pledging of Labour) Act, 1933
- Child Labour (Prohibition and Regulation) Act, 1986
- Commissions for Protection of Child Rights (Amendment) Act 2006
- Commissions for Protection of Child Rights Act, 2005
- Convention on the Rights of Children CRC
- Factories Act, 1948
- Guardians and Wards Act 1890
- Hindu Minority and Guardians Act 1956
- Immoral Traffic (Prevention) Act, 1956
- Infant Milk Substitutes Feeding Bottles & Infant (Regulation of Production, Supply and Distribution) Act 1992
- Juvenile Justice (Care and Protection of Children) Act, 2000
- Medical Termination of Pregnancy Act, 1971
- Mines Act, 1952
- National Food Security Act, 2013
- Protection of Children From Sexual Offences Rules, 2012
- Prohibition of Child Marriage Act 2006
- Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Right of Children to Free and Compulsory Education Rules , 2010
- Right of Children to Free and Compulsory Education Act 2009
- Young Persons (Harmful Publication) Act, 1956

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## Schemes on Adolescents in India

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

Sl. No.	Scheme	Ministry/ Dept.	Focus	Objectives
1.	ICPS	MWCD	Nutrition	Provide for children in difficult circumstances, reduce the risks and vulnerabilities children have in various situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children Childline Service
2.	ICDS	MWCD	Nutrition	provides a package of six services viz., supplementary nutrition, immunization, health check-up, referral services, nutrition and health education for mothers and non-formal pre-school education for children between 0-6 years. Beneficiaries: children below six years of age, pregnant women, nursing mothers and adolescent girls, through AWCs.
3.	Adolescent Girl's Scheme (under ICDS)	MWCD	Health/ Nutrition	Concentrates on school-drop outs in the age group of 11-18 years Two sub schemes: 1. Girl-to-Girl Approach (11-15 yrs) 2. Balika Mandal (11-18 yrs)
4.	SABLA	MWCD	Health/ Nutrition/Education	Objective to improve the nutritional and health status of adolescent girls in the 11-18 years age group Empower them by providing life skill education, health and nutrition education
5.	NPAG Nutritional Program For Adolescent Girls	MWCD	Health/ Nutrition	Under-nutrition among adolescent girls and pregnant women and lactating mothers - eligibility determined based on weight

6.	BalikaSamridhiYojana	MWCD	Scholarship/Education	Centrally sponsored scheme to extend 100% support to States and UTs. The scheme covers all urban and rural districts in the country and targets the families that are BPL The girl child is entitled to receive scholarship for each class of study completed by her.
7.	BhagyasriKalyanBimaYojana	MWCD	Insurance	Part of the money given to the girl child at birth or in scholarships can be put aside for paying the premium on an insurance policy in the name of the girl child. Under this scheme, the girl child can withdraw the scholarship amount and interest when she turns 18. If she marries or dies before she is 18 the amount incurred the amount incurred in interest bearing account will be withdrawn.
8.	Ujjwala	MWCD	Trafficking	Prevent trafficking of adolescents
9.	KishoriShaktiYojana	MWCD	Health/ Nutrition/ Empowerment	Redesign of AG Programme under ICDS Improve and promote awareness of the nutritional and health of girls, improve literacy through non-formal stream of education.
10.	RCH	MoHFW	Health/Nutrition	reducing infant, child and maternal mortality Adolescent reproductive health
11.	JananiSurakshaYojana (under RCH)	MoHFW	Health/Nutrition	Safe motherhood intervention under the NRHM - objective of reducing maternal and neo-natal mortality by promoting institutional delivery among the poor pregnant women
12.	ARSH (part of RCH-II)	MoHFW	Health/ Nutrition	Part of RCH – II Provision of adolescent- friendly health services (AFHS) -to both AGS and ABS- both married and unmarried
13.	RMSA	MHRD	Education	Expansion of Secondary Education

14.	School Health Programme	MoHFW	Health	<p>School health service under National Rural Health Mission</p> <p>The SHP- only public sector programme specifically focused on school focus- address the health needs of children, both physical and mental, plus it provides for nutrition interventions, yoga facilities and counseling.</p>
15.	NIOS	MHRD	Education	Access to education to school drop outs and disadvantaged adolescents through open learning system
16.	KGBV	MHRD	Education	Provision of education to girls in 11-13 age group from SC, ST and other minorities through residential schools
17.	Saakshar Bharat			a centrally sponsored scheme of Department of School Education and Literacy (DSEL), Ministry of Human Resource Development (MHRD), Government of India
18.	Mahila Samakhya	MHRD	Education	<p>Education for empowerment of adolescent girls from socially and economically marginalized groups through village level women's collectives called "Mahila Sanghas"</p> <p>Significant in Bihar</p>
19.	MoLE			The Directorate General of Employment and Training, Ministry of Labour provides the facility of registration in employment exchanges for job placements and career counselling and vocational guidance for adolescents The Industrial Training Institutes provide vocational training to adolescents after class VIII or X
20.	AEP	MHRD	Health/Education	<p>Life Skills Education</p> <p>Awareness about adolescent's reproductive health including HIV and substance abuse</p>
21.	Continuing Education Scheme	MHRD	Education	Part of the National Literacy Mission Treating basic literacy, post literacy and continuing education as one sustained, coherent learning



22.	Pre and Post Matric Scholarship for SC/ST students	MoSJE	Scholarship	Enables a considerable number of Scheduled Caste students to obtain post matric and higher level of education. Provides for 100 percent Central Assistance to the State Governments and UT Administrations over and above the respective committed liability of the States/UTs.
23.	Scheme for Construction of Hostels for OBC Boys and Girls	MHRD	Education	
24.	Education Development Programme for SC Girls	MHRD	Education	To provide a package of educational inputs through residential schools for SC girls in areas of very low literacy- where traditions and environment are not conducive to learning amongst SC girls.  Implemented by the Zilla Parishads of the concerned Districts.
25	National Programme for Education of Girls at the Elementary Level	MHRD	Education	Reaching out to "hardest to reach" poor adolescent girls for upper primary education through community mobilization
26	Nehru Yuva Kendras – National Programme for Youth and Adolescent Development	MOYAS	Empowerment	Youth Clubs are composed of youth members ranging between the age group of 15-35 years.  Holistic Development of youth and adolescents through Adolescent Development Programs and National Integration Camps
27	National Service Scheme	MOYAS	Empowerment	Development of personality of students through community service

28.	Jana Shiksha Sansthan	MHRD	Education	Earlier known as Shramik Vidyapeeth Institutional framework for offering Non-formal, Adult and Continuing Education Programmes to disadvantaged groups Extension of coverage of CES to Zila Saksharata Samitis in both urban and rural areas
29.	Babu Jagjiwan Ram Chhatrawas Yojana	MoSJE	Hostels	Effective from 2008  provide residential accommodation facilities to SC Boys and Girls studying in middle schools, higher secondary schools, colleges and Universities
30.	Post matric Scholarships for SC /ST Students  Similarly, Pre matric Scholarship for SC/ST Students	MoSJE	Scholarship	Enables a considerable number of Scheduled Caste students to obtain post-matric and higher level of education  Provides for 100 per cent Central Assistance to the State Governments and UT Administrations over and above the respective committed liability of the State/UT
31.	Scheme for construction of hostels for OBC boys and girls	MoSJE	Hostel	
32.	Educational Development Programme for Scheduled Castes Girls			To provide a package of educational inputs through residential schools for SC girls in areas of very low literacy-where traditions and environment are not conducive to learning amongst SC girls.
				Implemented by the Zilla Parishads of the concerned Districts.

33.	Dhanalakshmi	MWCD	Girl Child	The scheme provides for cash transfer to the family of a girl child on fulfilling certain conditionality relating to registration of birth, immunization, enrolment and retention in school till class VIII; and an insurance coverage if the girl remains unmarried till the age of 18
34.	National Child Labour Project (NCLP)	MoLE	Child Labour rehabilitation	Under the Project, children withdrawn from work are enrolled in special schools, where they are provided education, vocational training, nutrition, stipend, health care, etc. before mainstreaming them into formal education system.
35.	Skill Development Initiative	MLE	Skill Enhancement	<p>The objectives of the scheme are:</p> <ol style="list-style-type: none"> <li>1. To provide vocational training to school leavers, existing workers, ITI graduates, etc. to improve their employability by optimally utilizing the infrastructure available in Govt., private institutions and the Industry. Existing skills of the persons can also be tested and certified under this scheme.</li> <li>2. To build capacity in the area of development of competency standards, course curricula, learning.</li> </ol>
36.	Parvāaz	Ministry of Rural Development	Skills Training	The main objective of this program is to mainstream the minority BPL youth of the country by empowering them with education, skills and employment. It is geared towards helping the learners attain minimal education required for employability and also upgrading the necessary skills needed to step into a new world thereby graduate into their next phase.
37.	Sakshar Bharat Mission	Ministry of Human Resource Development	Education	The main objective of this program is to impart education to all those people who have missed out on the opportunity in their childhood.

38.	NPEP National Popular Education Program	Ministry Of Human Resource Developme nt	Education	It aims to develop awareness and positive attitude toward population and development issues leading to responsible behavior among students and teachers and, indirectly, among parents and the community at large. Imparting authentic knowledge to learners about Adolescent Reproductive and Sexual Health (ARSH) concerns, inculcating positive attitude and developing appropriate life skills for responsible behavior are also the objectives of NPEP.
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## **Substance Abuse & Drug Addiction among Children**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

Children are an important asset for future of a nation. Those aged between 10 and 19 years of age constitute 22.8% of population and those aged 5-9 years comprise another 12.5% of population in India. Use of tobacco, alcohol, and other substances among children and adolescents is a public health concern in several parts of the world, including India. The childhood and adolescent years are important formative years of life during which the child acquires academic, cognitive, social and life skills. Any substance abuse at this age is likely to interfere with the normal child development and may have a lasting impact on the future life. Not only the child, but the family and society as a whole are likely to be affected as a result of early onset substance use. Thus, this issue is a matter of national interest and priority.

Recent times have witnessed a gradual increase in substance use among younger population, with more people initiating substance use from an early age. While rave parties have increasingly come to attention, the use of various licit and illicit substances among the school students, out-of-school children and street or homeless population is also on the rise. Further, the problem is seen across all socioeconomic groups, from metropolitan cities to small towns and rural areas, with newer substances and multiple substance use also being documented. Early initiation of substance use is usually associated with a poor prognosis and more serious impact on health, education, familial or social relationships. Substance use may lead to behavioral problems, relationship difficulties and may cause disruption in studies, and even dropping out of school. At times, anti-social behaviors e.g. lying, stealing, pick pocketing etc may occur in association with early-onset substance use. Further, adolescents using substances may tend to engage in several sexual (e.g. unprotected sex) and other high risk behaviors (e.g. driving under influence, violence), predisposing them further to the negative consequences of substance use.

India is home to the highest number of child population in the world- around 440 million- out of which 243 million are adolescents constituting over 20% of the population of India. Of total adolescent population, 54% belong to 10-14 year age group and nearly 46% are in the most vulnerable age group in which the child acquires academic, cognitive, social and life skills.

Use of substance among children is basically due to curiosity, peer pressure and also low perception of harm, migration, poverty, street life etc, adds to the menace. Substance use among children and adolescents is of urgent public health concern. Substance use at a younger age interferes with normative age appropriate development and makes children more vulnerable to several health and psychosocial consequences. It has also been reported that generally children in conflict with law are associated with one or other form of substance, further complicating the issue of protecting them from such a situation.

Child substance use is a serious public health problem. Alcohol or drug use at young age is likely to interfere with physical growth, attainment of educational and occupational goals and acquisition of basic life skills, which may cause life long consequences such as chronic diseases both physical and mental ailments. Substance use among adolescents increases the risk for a variety of complications, such as high risk sexual behaviours, road traffic accidents resulting in injury including death. It is therefore important to recognize various risk factors associated with early onset substance use. Early identification and prevention is necessary to curb the menace of substance use among children and adolescents.

### **Adolescence as a critical period of development**

Substance use is most commonly initiated during the adolescent years. The normal psychological development of adolescent phase is characterized by certain features which make the adolescents more prone to use substances [5]. These are as follows:

- Tendency to experiment and have novel experiences. ( more likely to use a substance just to see how it feels like)
- A heightened sense of invulnerability ('nothing can happen to me')
- Low perception of harm
- A high influence and imitation of role models (e.g. movie stars, celebrities etc)
- Wish to have adult-like experiences (including use of substances)
- Rebelliousness for the existing norms and rules; Search for an Identity
- Seeks the approval of peer group or friends much more than family (may use substances to 'fit in' the group)
- Higher cognitive functions (decision making, reasoning, impulse control) are still undergoing maturation

In view of above, the adolescents are more vulnerable to (a) initiate the use of substances, (b) engage in sexual and other risky behaviours; and (c) suffer from the negative consequences of substance use (e.g. accidents, violence etc).

### **Epidemiological aspects of Substance Use in Children/Adolescents in India**

World Health Organisation estimates that globally 25 to 90 % of children and adolescents have ever used at least one substance of abuse. Not all children who experiment or use once may progress further with use of substance. However, some children especially those with biological, psychological and environmental risk factors tend to initiate and continue with the substances.

In India, National Family Health Survey 2005-06; NFHS -3 found that of the boys aged 15-19 years, 28.6% reported tobacco use and 11% reported alcohol use. Similarly, in the girls aged 15-19 years, 3.5% reported tobacco use and 1% reported alcohol use. It appears to be an upward trend from the previous round of the survey (NFHS-2; 1998-99) where the prevalence of alcohol use was found to be 2.4% for boys and 0.6% for girls. Further, it appears that among those who 'drink', a significant percentage of boys and girls are using alcohol at least weekly (18.3- 39.8%) or even daily (3.4-6.8%). Girls reporting the use of alcohol were using it more frequently compared to boys.

### **Substance Abuse in Street Children**

An estimated 18 million children live and work on streets in India. In six metropolitan cities alone, the number of children living on streets is more than five lakhs, with a lakh in Delhi alone. Poverty, urbanization, breakdown of families and domestic violence are the most immediate causes of this phenomenon's growing proportions. Use of substances is particularly high in this vulnerable population, as seen in 40-70% of street children across various Indian cities. The profile of street children using substances in India is as follows:

- The average age of initiation of substances is about 9-10 years, mostly with tobacco. Children as little as 5-7 years have been reported to initiate substances.
- Tobacco use is reported by 50-75%, alcohol by 25-50%, cannabis by 15-25% and inhalant use by 20-50% of street children.
- The use of illicit substances, including opioids, is much less common (2-3%) and usually starts after the licit substances.
- Most of the substance using street children are school dropouts (>95%).

- Majority engage in one or other form of unskilled work (rag picking, pick plastic bottles, loading/unloading etc) for about 8 hours per day to sustain themselves.
- Money earned is usually spent immediately on food, entertainment and substance use – for fear of it being stolen or snatched.
- Physical/sexual abuse is common.

### **Risk factors for early-onset substance use**

Substance use is a multi-factorial disorder with several individual, familial and social variables acting as risk (or protective) factors. The most common reason for starting substance use during childhood and adolescence is curiosity, peer pressure and as a way to deal with low moods and with the stresses or hassles of living a street life.

#### **Risk Factors**

<b>Community</b>	Community disorganization Laws and norms permissive for substance use Substance availability in and around home/school Acceptance of substance use by society Social and cultural beliefs
<b>School</b>	Academic failure, truancy Little commitment to school
<b>Family</b>	Parental attitudes favourable to substance use Domestic violence/Physical abuse Family quarrels, family relationship problems Parental separation/divorce Poor family management Inadequate parent-child attachment Low parental supervision
<b>Peer</b>	Presence of deviant peer group Peer substance use Peer pressure or coercion Peer approval of substances
<b>Individual</b>	Genetic vulnerability (e.g. strong family history of alcohol dependence) Personality factors (e.g. sensation seeking, risk taking traits) Psychological factors (e.g. low self-esteem, low confidence) Learning disorders/academic difficulties Conduct problems/Early initiation of antisocial behaviour Psychiatric disorders (e.g. ADHD/Depression) Personal attitudes favourable to substance use

#### **Commonly abused substances by children are:**

- Tobacco
- Alcohol : Beer, Whisky, Country Liquor
- Cannabis : Bhang, Ganja
- Inhalants : Ink Eraser /Correction Fluid, Glue, Petrol

- Opioids : Street Heroin, Pharmaceutical Opioids, Including Propoxyphene, Pentazocine, Buprenorphine
- Sedatives : Diazepam, Nitrazepam, Alprazolam

### **Psychosocial and health consequences of substance use**

In the short term, all the substances produce euphoria or a profound sense of well-being due to their actions on particular parts and receptors of the brain. Additionally, most of the substances either produce drowsiness or excitation depending on their chemical nature. Finally, all the substances produce a decrease capacity to respond to one's surroundings and a loss of personal and social judgement.

Substance use in early years is likely to have psychosocial and health related complications. The binge drinking, more common in adolescents, is related to the risk of accidents due to driving under intoxication, getting into fights and indulging in risky sexual behaviour. Other kinds of problems reported due to substance use in this age group are truancy, academic decline, dropping out of school, interpersonal problems in family, shame and stigma, loss of non-substance using friends and associated health problems. Inhalant use is associated with multiple health problems such as risk of arrhythmias, renal impairment, hepatic impairment, intellectual or memory problems. Early initiation is also associated with serious problem behaviours such as selling substances, physical, sexual and emotional abuse and greater risk of development of addictive disorders in later life. Another important finding in studies on street children are that the children may be forced into or paid for or offered substances in exchange for sex. In a sample of street children, of which 30% had non-tobacco use, 9% reported having been sexually abused. Some factors (age, lack of contact with family, orphan children, night stay at public place, etc.) were documented to be associated with substance use and sexual abuse.

The long term use of substances has an impact on a number of spheres of an individual's functioning. Various complications may occur due to substance use as follows:

- Psychological: Shame, guilt, low self esteem, depression, anxiety
- Cognitive difficulties: Attention and memory problems interfere with learning at school or acquiring the work skills
- Academic poor performance: Low grades, learning difficulties, at risk of dropping out
- Familial: Mistrust of parents, scolding, relationship problems
- Social: Loss of relationship with non-substance using peers, out-cast
- Anti social activities: May engage in stealing/lying to procure substances
- Risky behaviours: Driving under Influence: accidents, road rage, violence, unsafe sex, exposure to sexually transmitted infections/HIV, teenage pregnancy
- Health damage: Lowered immunity, risk of infectious illnesses, inhalant use may affect multiple organs, including heart and brain
- Sudden death may occur with inhalant use, due to suffocation, choking, heart rate disturbances (sudden sniffing death syndrome)

### **Recommendations**

**1 :** There is a pressing need of initiating programmes for prevention and treatment. There is need to sensitize the state governments and all the important stakeholders about the problem of substance use among children in the country.

**2:** Prevention programmes must target multiple settings and multiple risk factors particularly vulnerable children such as children of substance users, children injecting substances, street children, children involved in child labour, trafficked children, children of sex workers and any other category most at risk.



**3:** Prevention in schools should include universal prevention programmes such as education and life skill programmes. School going children who are at risk should have access to professional counselling in the school setting.

Prevention programmes should also focus on providing life skills education and teach methods to handle stress besides creating awareness as knowledge of harm in itself is not sufficient for prevention of substance use. This issue needs to be kept in mind in planning the design of any prevention programmes. Prevention programmes must target the risk factors in the family. Prevention programmes should also focus on resisting peer pressure and how to say no if offered substances by friends. Prevention efforts must also work towards developing healthy recreational avenues for children.

Prevention programmes must focus on preventing initiation of tobacco and alcohol. They should also focus on tobacco and alcohol users so that they do not progress to use of other substances.

**4:** There is need for availability of specialized treatment services for children who are using substances. These services should be available in government hospitals; NGO funded by MSJE and also by NGOs that provide services to street children. Detoxification should be available at government run de-addiction centres with rehabilitation in NGO/Community setting with linkage with NGOs.

The settings in which the services are provided should be child sensitive, safe and taking care of the needs of the children. Treatment programmes must try to involve the family in treatment and address the family issues as a part of the treatment process.

**5:** Rehabilitation efforts focussing on skill building and vocational training should be provided by NGOS

**6:** Juvenile homes and Children homes should have service provision for substance using children through linkage with treatment services.

**7:** There is need for provision of services by the TI NGOs to children who are injecting substances.

**8:** Prevention efforts must target both demand and supply reduction efforts. Supply reduction efforts should limit availability of tobacco and alcohol near residential areas and schools.

**9:** Size estimation of substance using children should be carried out in specific high risk areas, metropolitan cities, and conflict areas.

## **The National Policy for Children, 2013**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

India is home to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

Declaring its children as the nation's "supremely important asset" in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. These include the Declaration of the Rights of the Child, Universal Declaration of Human Rights and its Covenants, the Convention on the Rights of the Child and its two Optional Protocols, the United Nations Convention on the Rights of Persons with Disabilities, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and the Convention on the Elimination of All Forms of Discrimination against Women.

The National Policy for Children, 1974 recognised that programmes for children should find prominent place in national plans for the development of human resources, so that children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations provided by society. The Policy also laid emphasis on equal opportunities for the development of all children during the period of growth.

The National Charter for Children, 2003 underlined the intent to secure for every child its inherent right to be a child and enjoy a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the Nation.

National Policy for Children, 2013 recognises that:

- **a child is any person below the age of eighteen years;**
- childhood is an integral part of life with a value of its own;
- children are not a homogenous group and their different needs need different responses, especially the multi-dimensional vulnerabilities experienced by children in different circumstances;
- a long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the overall and harmonious development and protection of children;

Reaffirming that:

- every child is unique and a supremely important national asset;
- special measures and affirmative action are required to diminish or eliminate conditions that cause discrimination,
- all children have the right to grow in a family environment, in an atmosphere of happiness, love and understanding;
- families are to be supported by a strong social safety net in caring for and nurturing their children;
- the Government of India reiterates its commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures – legislative, policy or otherwise – to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have

equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.

### 3. Guiding Principles

- (i) **every child has universal, inalienable and indivisible human rights**
- (ii) the rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child
- (iii) **every child has the right to life, survival, development, education, protection and participation**
- (iv) right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality
- (v) mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality
- (vi) all children have equal rights & no child shall be discriminated against on grounds of religion, race, caste, sex, place of birth, class, language, and disability, social, economic or any other status
- (vii) the best interest of the child is a primary concern in all decisions and actions affecting the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, social, religious or cultural institutions.
- (viii) **family or family environment is most conducive for the all-round development of children** and they are not to be separated from their parents, except where such separation is necessary in their best interest;
- (ix) every child has the right to a dignified life, free from exploitation
- (x) safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities
- (xi) children are capable of forming views and must be provided a conducive environment and the opportunity to express their views in any way they are able to communicate, in matters affecting them
- (xii) children's views, especially those of girls, children from disadvantaged groups and marginalised communities, are to be heard in all matters affecting them, in particular judicial and administrative proceedings and interactions, and their views given due consideration in accordance with their age, maturity and evolving capacities

### 4. Key Priorities

Survival, health, nutrition, development, education, protection and participation are the undeniable rights of every child and are the key priorities of this Policy.

#### Survival, Health and Nutrition

4.1 The right to life, survival, health and nutrition is an inalienable right of every child and will receive the highest priority.

4.2 The State stands committed to ensure equitable access to comprehensive, and essential, preventive, promotive, curative and rehabilitative health care, of the highest standard, for all children before, during and after birth, and throughout the period of their growth and development.

4.3 Every child has a right to adequate nutrition and to be safeguarded against hunger, deprivation and malnutrition. The State commits to securing this right for all children through access, provision and promotion of required services and supports for holistic nurturing, wellbeing with nutritive attainment of all children, keeping in view their individual needs at different stages of life in a life cycle approach.

4.4 The State shall take all necessary measures to:

- (i) Improve maternal health care, including antenatal care, safe delivery by skilled health personnel, post natal care and nutritional support
- (ii) Provide universal access to information and services for making informed choices related to birth and spacing of children
- (iii) Secure the right of the girl child to life, survival, health and nutrition
- (iv) Address key causes and determinants of child mortality through interventions based on continuum of care, with emphasis on nutrition, safe drinking water sanitation and health education
- (v) Encourage focused behaviour change communication efforts to improve new born and childcare practices at the household and community level
- (vi) Provide universal and affordable access to services for prevention, treatment, care and management of neo-natal and childhood illnesses and protect children from all water borne, vector borne, blood borne, communicable and other childhood diseases
- (vii) Prevent disabilities, both mental and physical, through timely measures for pre-natal, perinatal and post-natal health and nutrition care of mother and child, provide services for early detection, treatment and management, including interventions to minimise and prevent further disabilities, prevent discrimination faced by children with disabilities (mental and physical), and provide services for rehabilitation and social support
- (viii) Ensure availability of essential services, supports and provisions for nutritive attainment in a life cycle approach, including infant and young child feeding (IYCF) practices, special focus on adolescent girls and other vulnerable groups, and special measures for the health, care and nutrition, including nutrition education, of expectant and nursing mothers
- (ix) Provide adolescents access to information, support and services essential for their health and development, including information and support on appropriate life style and healthy choices and awareness on the ill effects of alcohol and substance abuse
- (x) Prevent HIV infections at birth and ensure infected children receive medical treatment, adequate nutrition and after-care, and are not discriminated against in accessing their rights
- (xi) Ensure that only child safe products and services are available in the country and put in place mechanisms to enforce safety standards for products and services designed for children
- (xii) Provide adequate safeguards and measures against false claims relating to growth, development and nutrition

## **Education and Development**

4.5 Every child has equal right to learning, knowledge and education. The State recognises its responsibility to secure this right for every child, with due regard for special needs, through access, provision and promotion of required environment, information, infrastructure, services and supports, towards the development of the child's fullest potential.

4.6 The State shall take all necessary measures to:

- (i) Provide universal and equitable access to quality Early Childhood Care and Education (ECCE) for optimal development and active learning capacity of all children below six years of age
- (ii) Ensure that every child in the age group of 6-14 years is in school and enjoys the fundamental right to education as enshrined in the Constitution
- (iii) Promote affordable and accessible quality education up to the secondary level for all children
- (iv) Foster and support inter sectoral networks and linkages to provide vocational training options including comprehensively addressing age- specific and gender-specific issues of childrens' career choices through career counseling and vocational guidance
- (v) Ensure that all out of school children such as child labourers, migrant children, trafficked children, children of migrant labour, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children with chronic ailments, married children, children of manual scavengers, children of sex workers, children of prisoners, etc. are tracked, rescued, rehabilitated and have access to their right to education

- (vi) Address discrimination of all forms in schools and foster equal opportunity, treatment and participation irrespective of place of birth, sex, religion, disability, language, region, caste, health, social, economic or any other status
- (vii) Prioritise education for disadvantaged groups by creating enabling environment through necessary legislative measures, policy and provisions
- (viii) Ensure physical safety of the child and provide safe and secure learning environment
- (ix) Ensure that all processes of teaching and learning are child friendly
- (x) Ensure formulation and practice of pedagogy that engages and delights children, with a special focus on mental health, from a social and gender just, life skills and age appropriate perspective
- (xi) Provide access to ICT tools for equitable, inclusive and affordable education for all children especially in remote, tribal and hard to reach areas
- (xii) Promote safe and enjoyable engagement of children's experiences with new technology in accordance with their age and level of maturity, even as there is respect for their own culture and roots
- (xiii) Review, develop and sustain age-specific initiatives, services and programmes for safe spaces for play, sports, recreation, leisure, cultural and scientific activities for children in neighbourhoods, schools and other institutions
- (xiv) Enable children to develop holistically, bringing out their aspirations, with focus on their strengths, empowering them to take control of their lives, bodies and behaviours
- (xv) Ensure no child is subjected to any physical punishment or mental harassment. Promote positive engagement to impart discipline so as to provide children with a good learning experience
- (xvi) Ensure that children's health is regularly monitored through the school health programme and arrangements are made for health and emergency care of children
- (xvii) Provide services to children with special needs in regular schools and ensure that these are inclusive and have all facilities such as trained teachers and special educators, appropriate pedagogy and education material, barrier-free access for mobility, functional toilets and co-curricular activities towards the development of child's fullest potential and autonomy and sense of dignity and self worth.
- (xviii) Promote engagement of families and communities with schools for all round development of children, with emphasis on good health, hygiene and sanitation practices, including sensitization on ill-effects of alcohol and substance abuse
- (xix) Facilitate concerted efforts by local governments, non-governmental organisations/community based organisations to map gaps in availability of educational services, especially in backward, child labour intensive areas, areas of civil unrest, and in situations of emergency, and efforts for addressing them
- (xx) Identify, encourage and assist gifted children, particularly those belonging to the disadvantaged groups, through special programmes
- (xxi) Provide and promote crèche and day care facilities for children of working mothers, mothers belonging to poor families, ailing mothers and single parents
- (xxii) Promote appropriate baby feeding facilities in public places and at workplaces for working mothers in public, private and unorganized sector

## **Protection**

4.7 A safe, secure and protective environment is a precondition for the realisation of all other rights of children. Children have the right to be protected wherever they are.

4.8 The State shall create a caring, protective and safe environment for all children, to reduce their vulnerability in all situations and to keep them safe at all places, especially public spaces.

4.9 The State shall protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them, or harms their personhood or affects their development.

4.10 To secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalisation as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection.

4.11 The State commits to taking special protection measures to secure the rights and entitlements of children in need of special protection, characterised by their specific social, economic and geopolitical situations, including their need for rehabilitation and reintegration, in particular but not limited to, children affected by migration, displacement, communal or sectarian violence, civil unrest, disasters and calamities, street children, children of sex workers, children forced into commercial sexual exploitation, abused and exploited children, children forced into begging, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/affected by HIV/AIDS, children with disabilities, children affected by alcohol and substance abuse, children of manual scavengers and children from any other socially excluded group, children affected by armed conflict and any other category of children requiring care and protection.

4.12 The State shall promote child friendly jurisprudence, enact progressive legislation, build a preventive and responsive child protection system, including emergency outreach services, and promote effective enforcement of punitive legislative and administrative measures against all forms of child abuse and neglect to comprehensively address issues related to child protection.

4.13 The State shall promote and strengthen legislative, administrative and institutional redressal mechanisms at the National and State level for the protection of child rights. For local grievances, effective and accessible grievance redressal mechanisms shall be developed at the programme level.

### **Participation**

4.14 The State has the primary responsibility to ensure that children are made aware of their rights, and provided with an enabling environment, opportunities and support to develop skills, to form aspirations and express their views in accordance with their age, level of maturity and evolving capacities, so as to enable them to be actively involved in their own development and in all matters concerning and affecting them.

4.15 The State shall promote and strengthen respect for the views of the child, especially those of the girl child, children with disabilities and of children from minority groups or marginalised communities, within the family; community; schools and institutions; different levels of governance; as well as in judicial and administrative proceedings that concern them.

4.16 The State shall engage all stakeholders in developing mechanisms for children to share their grievances without fear in all settings; monitor effective implementation of children's participation through monitorable indicators; develop different models of child participation; and undertake research and documentation of best practices.

## **5. Advocacy and Partnerships**

5.1 The State shall encourage the active involvement, participation and collective action of stakeholders such as individuals, families, local communities, non- governmental organisations, civil society organisations, media and private sector including government in securing the rights of the child.

5.2 The State shall make planned, coordinated and concerted efforts to raise public awareness on child rights and entitlements amongst the parents and caregivers/guardians as well as functionaries and duty bearers. All stakeholders are to promote the use of rights-based and equity-focused

strategies, platforms, programmes, communications and other tools to generate awareness on child rights and the commitment to their achievement.

5.3 This Policy is to be given wide publicity and supported by focused advocacy measures to ensure that children's best interests and rights are accorded the highest priority in areas of policy, planning, resource allocation, governance, monitoring and evaluation, and children's voices and views are heard in all matters and actions which impact their lives.

5.4 The State shall ensure that service delivery and justice delivery mechanisms and structures are participatory, responsive and child-sensitive, thereby enhancing transparency and ensuring public accountability. Synergistic linkages will be created with other progressive and successful experiments to learn from best practices across regions.

## **6. Coordination, Action and Monitoring**

6.1 Addressing the rights and needs of children requires programming across different sectors and integrating their impact on the child in a synergistic way. Rights based approach to survival, development and protection calls for conscious, convergent and collateral linkages among different sectors and settings, with indicators for tracking progress.

6.2 Community and local governance play a significant role in ensuring the child's optimum development and social integration. Ensuring coordination among Central Government Ministries/Departments, between Central and State Governments, between different levels of governance and between government and civil society is crucial for effective implementation of this Policy.

6.3. The Ministry of Women and Child Development (MWCD) will be the nodal Ministry for overseeing and coordinating the implementation of this Policy. A National Coordination and Action Group (NCAG) for Children under the Minister in charge of the Ministry of Women and Child Development will monitor the progress with other concerned Ministries as its members. Similar Coordination and Actions Groups will be formed at the State and District level.

6.5 The National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights will ensure that the principles of this Policy are respected in all sectors at all levels in formulating laws, policies and programmes affecting children.

## **7. Research, Documentation and Capacity Building**

7.1 The implementation of this Policy will be supported by a comprehensive and reliable knowledge base on all aspects of the status and condition of children. Establishing such a knowledge base would be enabled through child focused research and documentation, both quantitative as well as qualitative. A continuous process of indicator-based child impact assessment and evaluation will be developed, and assessment and evaluation will be carried out on the situation of children in the country, which will inform policies and programmes for children.

7.2 Professional and technical competence and capability in all aspects of programming, managing, working and caring for children at all levels in all sectors will be ensured through appropriate selection and well planned capacity development initiatives. All duty bearers working with children will be sensitised and oriented on child rights and held accountable for their acts of omission and commission.

**Child budgeting** will track allocation and utilisation of resources and their impact on outcomes for children with regard to budgets and expenditures on children by all related Ministries and Departments.

# Are BIMARU States Still *Bimaru*?

VINITA SHARMA

Ashish Bose coined the acronym BIMARU in the early 1980s to describe the backwardness of Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh relative to the best-performing states in terms of demographic indicators. This article extends Bose's analysis to recent years to ascertain if the proposition is still valid. To retain the integrity of the original exercise, the same indicators examined by Bose have been analysed, as far as possible. It finds that the BIMARU states have made a lot of progress, yet they continue to be *bimaru* as the gap between them and the national average persists in a majority of indicators.

## 1 Introduction

India is a vast country, with inherent differences in geography and history, leading to disparities in development. Owing to differences in resource endowment, levels of infrastructure, and socio-economic parameters, states have grown at different rates. Removal of regional disparity, therefore, has always remained a major policy objective. The policy instruments used include plan and non-plan transfer of resources from the centre to the states (favouring less-developed states), establishment of public sector units, tax incentives for the private sector in backward regions, and so forth. Despite all these, disparities have substantially remained the same.

The term BIMARU was coined by demographer Ashish Bose in the early 1980s while commenting on India's demographic diversity. With states as the unit of analysis, Bose analysed selected demographic indicators to find that Bihar, Madhya Pradesh (MP), Rajasthan, and Uttar Pradesh (UP), which accounted for nearly 40% of the population of the country in 1981, lagged behind other states.<sup>1</sup> These states had a very poor record on birth and death rates and also the infant mortality rate (IMR)—the three most important indicators for resolving the problem of high population growth.<sup>2</sup> Bose coined the acronym to draw the attention of policymakers to the need of bridging the gap between the demographically sick (BIMARU) states and the better-performing states (Kerala, Tamil Nadu, Andhra Pradesh, and Karnataka). Later on, Bose even said that if the gap was not bridged, it may “cause social turbulence and may even pose a threat to political stability” (1996). Of late, some scholars have expanded BIMARU to BOMARU or BIMAROU to include Odisha as well (Chaudhuri and Ray 2010). But, Bose had deliberately

left Odisha out, which was also a demographically sick state, because its population was below 5% of the total population of the country. In other words, he was only focusing on the major states.

Two decades later, a series of studies have re-examined regional disparities. Prominent among them are Ahluwalia (2000); Kurian (2000); Dholakia (2003); Singh et al (2003); and Chaudhuri and Ray (2010). These studies examine regional disparities in a socio-economic context, but do not adequately account for regional imbalances in demographic indicators. Thus, they digress from Bose's original idea of demographic disparity. Moreover, these studies do not give us a complete picture of trends in regional disparities in demographic indicators over a sufficiently long period of time. Though based on limited analysis, some of them have arrived at far-reaching conclusions on regional disparities. Dholakia (2003), analysing the data on socio-economic indicators for the 1980s and 1990s, concludes that while per capita state domestic product (SDP) does not show any significant trend in regional disparity, human development indicators display a marked decline. He also argues that central institutions such as the Finance Commission and Planning Commission need not be unduly concerned about regional imbalances in human or economic development as prioritising economic growth is likely to address disparities in income and human development in the shortest time. Ahluwalia (2000), analysing SDP growth rates for 14 major states, argues that the popular characterisation of the so-called BIMARU states as a homogeneous group of poor performers does not hold as far as their economic performance, particularly in the post-reform period of 1991–92 to 1997–98, is concerned.

The media has also pronounced that the BIMARU states are no longer BIMARU because of their high economic growth rates. Bihar recorded a growth rate of 12.11% in the Eleventh Five Year Plan period (2007–12). MP, Rajasthan, and UP recorded growth rates of 7% or more. The average growth rate of the five

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poorest states (Bihar, Rajasthan, MP, UP, and Odisha) exceeded the national average for the first time in the Eleventh Plan period, which even made the then Prime Minister Manmohan Singh say, "I think we may be reaching the stage when the term 'BIMARU states' can be relegated to history."<sup>73</sup> This was in the National Development Council, the highest level policy-making body, underlining the significance of the BIMARU states among policymakers and politicians.

More than six decades of planned development have gone by, as have programmes and policies to alleviate the backwardness of the BIMARU states. Moreover, between 1981 and 2008, India's gross domestic product (GDP) and per capita income grew annually at 5.9% and 3.8%, respectively (Nagaraj 2008). Since around the mid-1970s, absolute poverty, measured in terms of consumption, has fallen to 21.9% of the population. Thus, there is merit in carefully re-examining the current status of BIMARU states to discern the distributional impact these positive developments have had. The objective of this article, therefore, is to revisit Bose's analysis by examining the trends in regional disparity (in demographic indicators) from the early 1980s to late 2010. More specifically, the article asks whether the BIMARU states have moved out of the BIMARU category. If not, has any of the BIMARU states been consistently performing better than the other BIMARU states on all or most of the indicators?

The rest of the article is organised as follows. Section 2 explains Bose's methodology and summarises his major findings. Section 3 updates Bose's analysis, and Section 4 concludes by summarising the main findings.

## 2 Bose's Procedure and Findings

The article uses, as far as possible, the same indicators analysed by Bose and updates them for recent years. To maintain consistency, the new states—Jharkhand, Chhattisgarh, and Uttarakhand—are clubbed with Bihar, MP, and UP, respectively, by making suitable adjustments. For lack of data, the following changes have been made in the choice of indicators. Instead of the

percentage of girls attending school in the 10–14 age group, it is figures for the 11–14 age group that have been used.<sup>4</sup> For population, Bose computed both decadal growth rate and annual average exponential growth rate. But this study has computed only annual average exponential growth rate of population to avoid duplication of indicators.

Table 1 from Bose (1988) summarises his findings, highlighting the demographic diversity across the major states in the early 1980s. The birth rate ranged from 24.9 per 1,000 in Kerala to 40 per 1,000

in Rajasthan, and the death rate from 6.7 per 1,000 in Kerala to 15.7 per 1,000 in UP. The female literacy rate was the highest in Kerala (65.7%) and the lowest in Rajasthan (11.4%). The mean age of females at marriage (16.1 years) and the practice of family planning (13.1%) were the lowest in Rajasthan and UP, respectively. The decadal growth rate of population during 1971–81 was the lowest in Tamil Nadu (17.5%) and the highest in Rajasthan (33%). The level of urbanisation was the highest in Maharashtra (35%) and the lowest in Odisha (11.8%).

**Table 1: Selected Demographic Indicators**

No	States	Birth Rate (1983) Per 1,000	Death Rate (1983) Per 1,000	Female Literacy Rate (1981) Percentage	Mean Age at Marriage (1981) Years	Female Literacy Rate (1981) (Percentage)	Per Cent of Couples Effectively Protected by Family Planning Methods (1983)	Decadal Growth Rate of Population (1971–81) (Percentage)	Annual Average Exponential Growth Rate (1971–81) (Percentage)	Per Cent of Urban Population (1981)	Growth Rate of Urban Population (1971–81) (Percentage)
1	Kerala	24.9	6.7	65.7	21.9	65.7	33.5	19.2	1.8	18.7	37.6
2	Tamil Nadu	27.8	11.6	35.0	20.2	35.0	28.4	17.5	1.6	33.0	28.0
3	Karnataka	28.7	9.2	27.7	19.2	27.7	26.7	26.8	2.4	28.9	50.7
4	Maharashtra	29.6	9.1	34.8	18.8	34.8	40.0	24.5	2.2	35.0	40.0
5	Punjab	30.2	9.5	33.7	21.0	33.7	34.5	23.9	2.2	27.7	44.5
6	Andhra Pradesh	30.7	10.3	20.4	17.3	20.4	28.4	23.1	2.1	23.3	48.6
7	West Bengal	31.9	10.2	30.3	19.3	30.3	25.7	23.2	2.1	26.5	31.7
8	Odisha	33.3	12.1	21.1	19.0	21.1	27.5	20.2	1.9	11.8	68.5
9	Gujarat	34.0	11.5	32.3	19.5	32.3	36.9	27.7	2.5	31.1	41.4
10	Haryana	35.9	9.0	22.3	17.9	22.3	31.5	28.8	2.6	21.9	59.5
11	Bihar	37.2	13.0	13.6	16.5	13.6	13.7	24.1	2.2	12.5	54.8
12	Uttar Pradesh	38.4	15.7	14.0	17.8	14.0	13.1	25.5	2.3	18.0	60.6
13	Madhya Pradesh	38.5	14.5	15.5	16.5	15.5	23.6	25.3	2.3	20.3	56.0
14	Rajasthan	40.0	13.5	11.4	16.1	11.4	15.7	33.0	2.9	21.1	58.7
	Average of BIMARU	38.5	14.2	13.6	16.7	13.6	16.5	27.0	2.4	18.0	57.5
	India	33.6	11.9	24.8	18.3	24.8	25.9	25.0	2.3	23.3	46.4

Source: Bose (1988: 18).

**Table 2: Indicators of Hope**

No	State	Percentage of Girls Attending School 10–14 Age Group (1981)	Percentage of Married Girls in Age Group 15–19 (1981)	Average Number of Children Born per Woman by Age Group 20–24 (1981)	Infant Mortality Rate (per 1,000) (1981)	Per Capita Net Domestic Product at Current Prices (1981–82)
1	Kerala	84	14	0.7	37	1,447
2	Punjab	55.6	14.1	0.8	81	3,164
3	Maharashtra	51.2	38.1	1.1	79	2,496
4	Gujarat	49.7	26.9	1	116	2,192
5	West Bengal	45.1	37.3	1.2	91	1,595
6	Tamil Nadu	44.6	22.8	1	91	1,373
7	Karnataka	37.8	36.2	1.2	69	1,541
8	Haryana	36.2	47.4	1.2	101	2,581
9	Odisha	30.4	30.9	1.2	135	1,308
10	Andhra Pradesh	30	56.3	1.3	86	1,536
11	Madhya Pradesh	25.3	62.7	1.4	142	1,241
12	Uttar Pradesh	25.1	60.5	1.2	150	1,313
13	Bihar	24.7	64.1	1.2	118	995
14	Rajasthan	18.7	64.3	1.3	108	1,441
	Average of BIMARU	23.5	62.9	1.3	130	1,248
	India	37.5	43.5	1.1	110	1,758

Source: Bose (1988: 20).

Thus, Bose pointed out glaring regional disparities across India, and concluded that Bihar, MP, Rajasthan, and UP were demographically the most backward states.

Bose also analysed the following five additional indicators, which he called “indicators of hope” (Table 2, p 59).

(1) Proportion of girls in the age group 10–14 years going to school. (2) Proportion of girls married in the age group 15–19 years. (3) Average number of children born per woman in the age group 20–24 years. (4) IMR. (5) Per capita income.

The first three indicators refer to young women, and, according to him, improvement in these indicators would help to reduce disparities in the nine indicators listed in Table 1. He chose infant mortality as an indicator because it portrays the true picture of delivery of health services. Similarly, he justified the use of per capita income as being the simplest indicator of economic growth.

The data for these indicators also portrayed immense regional disparities. In Kerala, 84% of girls in the age group 10–14 years went to school in 1981, whereas for Rajasthan the figure was as low as 18.7%. In Kerala, only 14% of girls in the age group 15–19 were married, compared to 64.3% in Rajasthan. The average number of children born per woman in the 20–24 age group was 0.7 for Kerala, whereas it was double this in MP at 1.4. Here too, Bihar, MP, Rajasthan, and UP were found to be the most backward and there appeared little hope for improvement unless they were given special attention.

### 3 Updating or Extending Bose's Findings

#### Health and Demographic Indicators

The share of the BIMARU states in the national population increased from 40% in 1981 to 42% in 2011, implying a faster growth of population in these states. The crude birth rate (CBR) consistently declined in all the BIMARU states between 1981 and 2011, but it still remains higher than the all-India figure

(Table 3). The average CBR for the BIMARU states declined from 38.4 per 1,000 in 1981 to 26.8 per 1,000 in 2011. But, the gap with the all-India rate is rising and there is no sign of convergence. All the BIMARU states achieved a nearly 30% decrease in CBR by 2011 compared to 1981—which is very low.

**Table 3: Crude Birth Rate, 1981–2011**

	1981	1991	2001	2011
UP	39.6	35.7	31.4	27.4
Rajasthan	37.1	35	31.1	26.2
All-India	33.9	29.5	25.4	21.8
Average of BIMARU	38.4	34.3	30.6	26.8
Percentage difference from all-India	13.1	16.3	20.4	22.7

Source: Sample Registration System.

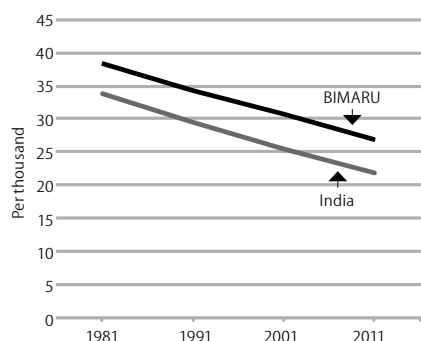
The crude death rate (CDR) registered a decline in all the BIMARU states between 1981 and 2011, but it still remains higher than the national average. The average CDR for the BIMARU states declined from 15.3 per 1,000 in 1981 to 7.3 per 1,000 in 2011 (Table 4). The difference with the all-India figure is declining, and the BIMARU states appear to be converging to the all-India level. For 2011, Bihar and Rajasthan had lower CDRs than the all-India rate. Among the BIMARU states, Rajasthan achieved the highest reduction in CDR from 14.3 in 1981 to 6.7 in 2011 (nearly

**Table 4: Crude Death Rate, 1981–2011**

	1981	1991	2001	2011
Rajasthan	14.3	10.1	8.0	6.7
MP	16.6	13.8	9.8	8.1
All-India	12.5	9.8	8.4	7.1
Average of BIMARU	15.3	11.3	9.0	7.3
Percentage difference from all-India	22.2	14.8	7.4	3.5

Source: Sample Registration System.

**Figure 1: Crude Birth Rate, 1981–2011**



Bihar, MP, and UP include Jharkhand, Chhattisgarh, and Uttarakhand respectively. A weighted average based on population figures has been used to compute the figures to account for bifurcation.

Source: Sample Registration System.

53%), while MP had the lowest, from 16.6 in 1981 to 8.1 in 2011 (nearly 51%).

As for the IMR, the average of the BIMARU states declined from 129.5 per 1,000 live births in 1981 to 51.7 per 1,000 live births in 2011 (Table 5), but it was still higher than the national average. The gap from the all-India level remains nearly the same even after three decades, and little improvement has been made in terms of catching up with the national average. Among the BIMARU states, Rajasthan was the worst performer. In 1981, the IMR for Rajasthan was 108, which declined to 52 in 2011 (nearly 52%). Bihar achieved the highest reduction from 118 in 1981 to 43 in 2011 (nearly 64%). It recorded a lower than all-India IMR for 1991, 2001, and 2011.

**Table 5: Infant Mortality Rate, 1981–2011**

	1981	1991	2001	2011
Bihar	118	69	62	43
Rajasthan	108	79	80	52
All-India	110.0	80.0	66.0	44.0
Average of BIMARU	129.5	90.5	76.7	51.7
Percentage difference from all-India	17.7	13.1	16.3	17.6

Source: Sample Registration System.

With regard to the percentage of currently married women using any family planning method, the average of the BIMARU states increased from 16.6% in 1983 to 45.4% in 2005–06 (Table 6). The gap with the all-India figure fell, indicating convergence. Among the BIMARU states, UP performed the best—an increase to 44.7% in 2005–06 (nearly 240%) from 13.1% in 1983. MP fared the worst by registering an increase to 55.2% in 2005–06 (nearly 134%) from 23.6% in 1983.

**Table 6: Percentage of Currently Married Women Using Any Family Planning Method, 1983–2005**

	1983	1992–93	1998–99	2005–06
UP	13.1	19.8	28.82	44.7
MP	23.6	36.5	44.48	55.2
All-India	25.9	40.6	48.2	56.0
Average of BIMARU	16.6	27.8	34.7	45.4
Percentage difference from all-India	–36.2	–31.5	–27.9	–19.0

Source: Col 1 is from Bose (1988), cols 2, 3, and 4 are from the National Family Health Service (NFHS).

The dismal performance of the BIMARU states on IMR and CBR is reflected in their high population growth rate (annual average exponential), which was 2.4% during 1971–81 and 2% during

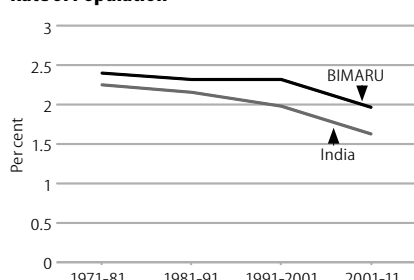
2001–11 (Table 7). Significant divergence can be observed from the all-India rate. Bihar fared the worst by being the only state to register an increase in annual average exponential growth rate from 2.17 (1971–81) to 2.21 (2001–11). All the other BIMARU states recorded a decline.

**Table 7: Annual Average Exponential Growth Rate** (Percentage)

	1971–81	1981–91	1991–2001	2001–11
Rajasthan	2.87	2.5	2.50	1.93
Bihar	2.17	2.11	2.42	2.21
All-India	2.3	2.2	1.97	1.63
Average of BIMARU	2.40	2.32	2.31	1.97
Difference from all-India	6.67	7.67	17.13	20.87

Source: Calculated using population data from various census reports.

**Figure 2: Annual Average Exponential Growth Rate of Population**



Bihar, MP, and UP include Jharkhand, Chhattisgarh, and Uttarakhand. Actual population figures have been used to account for bifurcation.  
Source: Census reports.

Fertility in the 20–24 age group is an important indicator of population growth because it is considered the most fertile. This indicator continues to be much higher for the BIMARU states than the all-India figure.<sup>5</sup> Their average declined slightly from 0.26 in 1992–93 to 0.25 in 2005–06. The all-India figures were 0.23 in 1992–93 and 0.21 in 2005–06 (Table 8). Thus, the BIMARU states appear to be diverging from the all-India trend. Bihar was the worst performer, registering an increase from 0.24 in 1992–93 to 0.26 in 2005–06, while all the other states showed at least some decline.

The percentage of women in the age group 15–19 who are currently married declined in all the BIMARU states but was

**Table 8: Fertility in 20–24 Age Group**

	1992–93	1996–98	2005–06
MP	0.255	0.216	0.235
Bihar	0.241	0.215	0.261
All-India	0.23	0.21	0.21
Average of BIMARU	0.26	0.24	0.25
Percentage of difference from all-India	10.61	12.88	20.23

Source: NFHS reports.

still higher than the all-India figure. From 62.9% in 1981, the average of the BIMARU states declined to 25.27% in 2007–08 (Table 9). The reduction in the gap from the all-India figure indicates some convergence. Among the BIMARU states, UP fared the best by achieving a decline to 21.1% in 2007–08 from 60.5% in 1981 (nearly 65%). Bihar did the worst by registering a decline to 33.3% in 2007–08 from 64.1% in 1981 (nearly 48%).

**Table 9: Percentage of Women in 15–19 Age Group Who Are Currently Married**

	1981	1992–93	2002–04	2007–08
UP	60.5	39.6	24.7	21.1
Bihar	64.1	50.3	NA	33.3
All-India	43.5	38.4	23.8	19.1
Average of BIMARU	62.90	47.53	29.73	25.27
Percentage of difference from all-India	44.60	23.76	24.94	32.29

Source: Col 1 is from Bose (1988), col 2 is from NFHS-1, and cols 3 and 4 are from district-level household surveys (DLHS) 3 and 4, respectively.

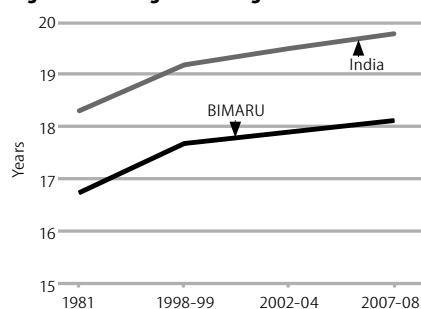
The mean age at marriage has been increasing in the BIMARU states, but it remains dismal compared to the national average. In 1981, their mean age at marriage was 16.7 years, which increased to 18.1 years in 2007–08 (Table 10). The percentage gap from the all-India level remains nearly constant all through. Among the BIMARU states,

**Table 10: Mean Age of Females at Marriage** (Years)

	1981	1998–99	2002–04	2007–08
MP	16.5	18.1	18.4	18.5
UP	17.8	17.7	18.2	18.5
All-India	18.3	19.2	19.5	19.8
Average of BIMARU	16.7	17.7	17.9	18.1
Percentage of difference from all-India	–8.6	–7.9	–8.3	–8.4

Source: Col 1 is from Bose (1988), cols 2, 3, and 4 are from the DLHS.

**Figure 3: Mean Age at Marriage**



Bihar, MP, and UP include Jharkhand, Chhattisgarh, and Uttarakhand, respectively. A weighted average (using total population) has been used to compute the figures to account for bifurcation.

Source: Figures for 1981 from Bose (1988) and the rest from DLHS reports.

MP was the best performer as it has achieved the highest increase in mean age at marriage, to 18.5 years in 2007–08 from 16.5 years in 1981 (nearly 12%). UP fared the worst by recording an increase to 18.5 years in 2007–08 from 17.8 years in 1981 (nearly 4%).

## Educational Attainment

The effective female literacy rate has consistently gone up in all the BIMARU states, but it has remained below the all-India level all through.<sup>6</sup> Effective female literacy rate for the BIMARU states went up from nearly 20% in 1991 to 57% in 2011 (Table 11). Thus, with a declining percentage gap, the BIMARU states appear to be converging to the all-India level. Among the BIMARU states, Rajasthan did best by achieving an increase to 52.7% in 2011 from 16.6% in 1991 (nearly 217%). MP lagged behind with an increase to 60.2% in 2011 from 23.2% in 1991 (nearly 160%).

**Table 11: Effective Female Literacy Rate** (Percentage)

	1991	2001	2011
Rajasthan	16.59	43.85	52.66
MP	23.17	50.71	60.17
All-India	32.41	53.67	65.46
Average of BIMARU	19.87	43.20	56.72
Percentage of difference from all-India	–38.71	–19.51	–13.35

Source: Census reports and calculations.

The percentage of girls in the age group 11–14 attending school went up in all the BIMARU states. For 1981, their average was 23.5%, which increased to 63.4% in 2005–06 (Table 12, p 62).<sup>7</sup> The decline in the gap from the all-India figure indicates convergence. Rajasthan performed the best

## EPW Index

An author-title index for EPW has been prepared for the years from 1968 to 2012. The PDFs of the Index have been uploaded, year-wise, on the EPW website. Visitors can download the Index for all the years from the site. (The Index for a few years is yet to be prepared and will be uploaded when ready.)

EPW would like to acknowledge the help of the staff of the library of the Indira Gandhi Institute for Development Research, Mumbai, in preparing the index under a project supported by the RD Tata Trust.

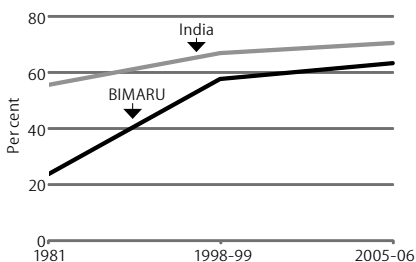
by achieving an increase to 57.2% in 2005–06 from 18.7% in 1981 (nearly 206%). Bihar brought up the rear with an increase to 57.7% in 2005–06 from 24.7% in 1981 (nearly 133%). It is important to note that Rajasthan outperformed all the other BIMARU states in female education.

**Table 12: Percentage of Girls Attending School in 11–14 Age Group**

	1981	1998–99	2005–06
Rajasthan	18.7	55.6	57.2
Bihar	24.7	50.5	57.7
All-India	55.3	67	70.4
Average of BIMARU	23.5	57.6	63.4
Percentage of difference from all-India	-57.6	-14.1	-10.0

Source: NFHS reports.

**Figure 4: Percentage of Girls Attending School in 11–14 Age Group**



Bihar, MP, and UP include Jharkhand, Chhattisgarh, and Uttarakhand, respectively. A weighted mean (based on total population) has been used to compute the figures to account for bifurcation.

Source: NFHS reports.

## Urbanisation

Urbanisation is lower in all the BIMARU states compared to the national average. Their average on this indicator went up to 22.1% in 2011 from 17.9% in 1981 (Table 13). An increase in the percentage gap from the all-India trend indicates a divergence. Urbanisation has been the lowest in Bihar with very little change over the past three decades. The state's urban population only increased from 12.5% in 1981 to 14.4% in 2011 (nearly 15%). Urbanisation was the highest in MP, which recorded an increase to 26.5% in 2011 from 20.3% in 1981 (nearly 31%).

**Table 13: Urban Population as a Percentage of Total Population**

	1981	1991	2001	2011
MP	20.29	23.21	24.82	26.49
Bihar	12.47	13.17	13.35	14.36
All-India	23.34	25.72	27.78	31.15
Average of BIMARU	17.94	19.79	20.64	22.09
Percentage of difference from all-India	-23.14	-23.07	-25.69	-29.08

Source: Census reports.

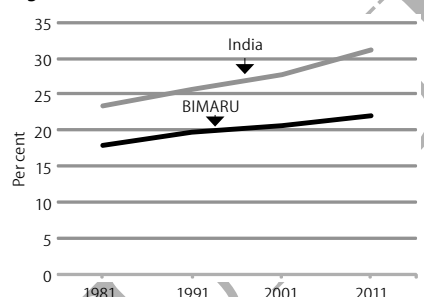
The average growth rate of the urban population in the BIMARU states was nearly 57% between 1971 and 1981. This fell to nearly 30% between 2001 and 2011 (Table 14). In the past two decades, 1991–2001 and 2001–11, the growth rate of urban population in the BIMARU states was below the all-India level, which further points to the growing divergence of urbanisation in these states from the national average.

**Table 14: Decadal Growth Rate of Urban Population** (Percentage)

	1971–81	1981–91	1991–2001	2001–11
All-India	46.4	36.19	31.76	31.80
Average of BIMARU	57.53	38.40	31.09	30.43
Percentage of difference from all-India	23.98	6.09	-2.08	-4.31

Source: Census reports.

**Figure 5: Urbanisation**



Bihar, MP, and UP include Jharkhand, Chhattisgarh, and Uttarakhand, respectively. Actual figures on urban population have been used to compute the figures to account for bifurcation.

Source: Census reports.

## Income Disparities

Per capita income has been lower than the all-India figure in all the BIMARU states all through. In 1980–81, their average per capita income was 74% of the all-India figure, but in 2010–11 it declined to 59% of it—a big divergence (Table 15). This assumes that rates of inflation in both groups have been the same for both 1980–81 and 2010–11. Thus, even in terms of the simplest measure of economic performance, the BIMARU states have diverged from the national average. Contrary to Singh's and Ahluwalia's optimistic conclusions,

**Table 15: Per Capita Net State Domestic Product, 1980–81 to 2010–11** (Rs at current price)

	1980–81	1990–91	1999–2000	2010–11
All-India	1,852	5,621	15,881	52,900
Average of BIMARU	1,364	4,146	10,736	31,360
Percentage of difference from all-India	-26.34	-26.24	-32.40	-40.72

Source: Data from Open Government Data Platform India.

the economic performance of the BIMARU states has worsened compared to the rest of the country.

## 4 Summary and Conclusions

Many studies on regional disparities have followed Bose (1988), but most of them have focused on socio-economic indicators without adequately accounting for demographic indicators while discussing the BIMARU states. Kurian (2000) points out that regional disparities have aggravated across all indicators (demographic, social, and economic) and a marked dichotomy between forward and backward groups of states is emerging. On the other hand, Dholakia (2003) concludes that regional disparity in human development is continuously decreasing and Ahluwalia (2000) claims that BIMARU as a metaphor has lost its relevance as far as economic performance is concerned. This article tries to ascertain whether the BIMARU states still remain *Bimaru* by analysing, as far as possible, the same indicators examined by Bose more than three decades earlier.

Our analysis shows that the BIMARU states have not converged to the national average. For all the demographic indicators considered, the BIMARU states as a whole continue to remain backward relative to the national average. However, this is not to say that these states have made no progress. All of them have individually improved along most of the demographic indicators, and, as a whole, they appear to be converging to the all-India level in five out of the 13 indicators considered. The pace of this convergence has been slow. For the mean age at marriage and IMR, the percentage gap remains nearly the same. In the remaining indicators, the BIMARU states have diverged from the all-India level with an increasing percentage gap over the years. Thus, speculations based on limited analyses claiming that BIMARU is no longer a valid metaphor for backwardness are simply not true.

A comparison among the BIMARU states brings out that none of them has performed consistently well along all or most of the indicators considered. UP's performance has been the best on

indicators such as CBR, couple protection rate, and married women in the 15–19 age group. For indicators such as CDR, annual average exponential growth rate of population, effective female literacy rate, and percentage of girls attending school in the 11–14 age group, Rajasthan performed better than the other BIMARU states. The indicators on which MP has outperformed the rest include mean age at marriage, urban population, and fertility rate. None of the BIMARU states has been able to move out of the grouping. Rajasthan, MP, and UP show a greater degree of improvement than Bihar, which continues to be the most backward, lagging significantly in many indicators.

So, nearly three decades of sustained economic growth has been unsuccessful in even making a dent on regional imbalances. Even after six decades of development planning, balanced regional development remains largely policy rhetoric. Every five year plan has tried to reduce regional imbalances in a different fashion. The reality is that regional

disparities persist because policymakers have failed to implement the right policies to eliminate them. In general, India is very progressive in formulating plans and programmes, but the will to implement them is missing. Good governance has an important role to play in this area.

## NOTES

- 1 The indicators included birth rate, death rate, female literacy rate, mean age of marriage of female years, percentage of couples effectively protected by family planning methods, decadal growth rate of population, annual average exponential growth rate, percentage of urban population, and growth rate of urban population.
- 2 The birth rate gives the number of live births during a year per 1,000 people in the population at mid-year; also known as crude birth rate. Crude death rate gives the number of deaths during a year per 1,000 persons in the population at mid-year. Infant mortality rate gives the number of infant deaths during a year per 1,000 live births during the year.
- 3 Singh's opening remarks at the 57th meeting of the NDC on 27 December 2012, <http://pib.nic.in/newsite/erelease.aspx?relid=91191>
- 4 We have made this change due to the non-availability of time series data for it. We have tried to use as close a proxy to the original indicator as possible.
- 5 Fertility in age-group 20–24 can be defined as the number of live births in the age group

20–24 per 1,000 female population of the same age-group.

- 6 The effective literacy rate is calculated by excluding the sub-population in the age group of 0–6 years from the total population.

- 7 Data has been obtained from the first three rounds of the NFHS.

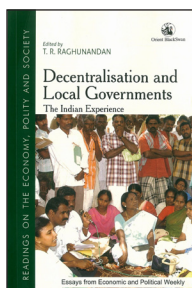
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## Decentralisation and Local Governments

Edited by

**T R RAGHUNANDAN**



The idea of devolving power to local governments was part of the larger political debate during the Indian national movement. With strong advocates for it, like Gandhi, it resulted in constitutional changes and policy decisions in the decades following Independence, to make governance more accountable to and accessible for the common man.

The introduction discusses the milestones in the evolution of local governments post-Independence, while providing an overview of the panchayat system, its evolution and its powers under the British, and the stand of various leaders of the Indian national movement on decentralisation.

This volume discusses the constitutional amendments that gave autonomy to institutions of local governance, both rural and urban, along with the various facets of establishing and strengthening these local self-governments.

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## DEMOGRAPHIC ISSUES IN INDIA

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

Demography encompasses the study of the size, structure, and distribution of human populations, and spatial or temporal changes in them in response to birth, migration, aging, and death. In order to plan for and implement economic and social development, administrative activity or scientific research, it is necessary to have reliable and detailed data on size, distribution and composition of population. Population census is a primary source of these basic benchmark statistics.

### CENSUS IN INDIA

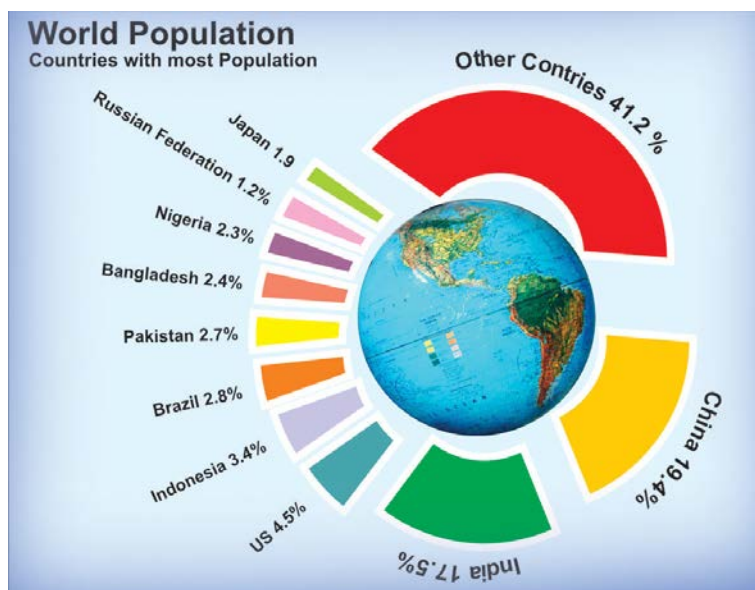
The **15th Indian Census** was conducted in two phases, house listing and population enumeration. House listing phase began on 1 April 2010 and involved collection of information about all buildings.

The House-listing schedule contained 35 questions.

Building number <i>Census house number</i> Predominant material of floor, wall and roof of the census house Ascertain use of actual house Condition of the census house Household number Total number of persons in the household Name of the head of the household Sex of the head Caste status (SC or ST or others)	Ownership status of the house Number of dwelling rooms Number of married couple the household Main source of drinking water Availability of drinking water source Main source of lighting Latrine within the premises Type of latrine facility Waste water outlet connection Bathing facility within the premises	Availability of kitchen Fuel used for cooking Radio/Transistor Television Computer/Laptop Telephone/Mobile phone Bicycle Scooter/Motor cycle/Moped Car/Jeep/Van Availing Banking services.
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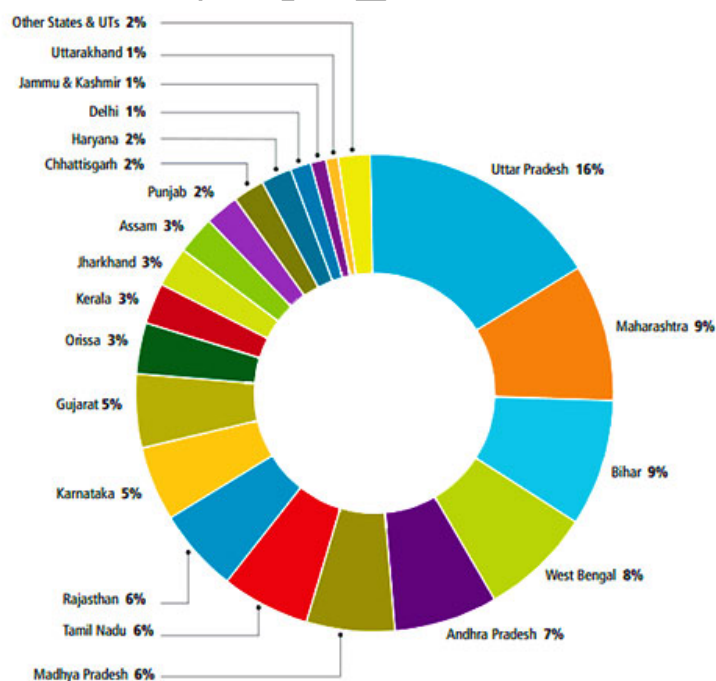
The Population enumeration schedule contained 30 questions.

Name of the person Relationship to head Sex Date of birth and age Current marital status Age at marriage Religion Scheduled Caste/Scheduled Tribe Disability Mother tongue	Other languages known <b>Literacy status</b> Status of attendance (Education) Highest educational level attained Working any time during last year Category of economic activity Occupation Nature of industry Trade or service Class of worker Non economic activity	Seeking or available for work Travel to place of work Birthplace Place of last residence Reason for migration Duration of stay in the place of migration Children surviving Children ever born Number of children born alive during last one year
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In terms of population, only China is ahead of India. India has got only 2.4 % of the total land area in the world but is the home of 16.7 % of the world's population. USA with 4.5% of world's population has 7.2% of world's surface area. China with 20 % of the world's population has 7 % of the land area in the world.

### Population Distribution within India





## POPULATION GROWTH IN INDIA

### Population & its growth in India: 1901-2011

Census year	population	Decadal growth		Avg. annual exp. growth rate (%)	Progressive growth rate over 1901 (%)
		absolute	percent		
1901	23,83,96,327		-	-	-
1911	25,20,93,390	1,36,97,063	5.75	0.56	5.75
<b>1921</b>	<b>25,13,21,213</b>	<b>-7,72,177</b>	<b>(0.31)</b>	<b>-0.03</b>	<b>5.42</b>
1931	27,89,77,238	2,76,56,025	11.00	1.04	17.02
1941	31,86,60,580	3,96,83,342	14.22	1.33	33.67
1951	36,10,88,090	4,24,27,510	13.31	1.25	51.47
1961	43,92,34,771	7,81,46,681	21.64	1.96	84.25
<b>1971</b>	<b>54,81,59,652</b>	<b>10,89,24,881</b>	<b>24.80</b>	<b>2.20</b>	<b>129.94</b>
<b>1981</b>	68,33,29,097	13,51,69,445	<b>24.66</b>	2.22	186.64
1991	84,64,21,039	16,30,91,942	23.87	2.16	255.05
2001	1,02,87,37,436	18,23,16,397	21.54	1.97	331.52
<b>2011</b>	1,21,01,93,422	18,14,55,986	<b>17.64</b>	<b>1.64</b>	407.64

Sources: Population Reference Bureau, Transition in world population, <http://www.prb.org/Publications/PopulationBulletins/2004/sinWorldPopulationPDF249KB.aspx>, pp 4

The growth of population in India can be divided into four phases as under:

1. Phase of Stagnant Population: 1901-21
2. Phase of Steady Population Growth: 1921-51
3. Phase of Rapid Population Growth or of Population Explosion: 1951-81: The average annual growth rate of population increased from 1.25 per cent to 2.2 per cent in 1981. The main reason was a large decline in the death rate due to better medical facilities while the birth rate fell slowly over the period. This led to population explosion in the country.
4. Phase of High Growth with Declining Trend: 1981-2001: During this phase, a definite declining trend of population growth is visible. Total population increased during 20 years. But the average annual growth rate had definitely declined to 1.93 per cent in 2001 as against 2.2 per cent in 1981. However, the trend of population growth still persists even now.



## EXPLAINING INDIA'S POPULATION GROWTH

### A. Malthusian theory

“The power of population is so superior to the power of the earth to produce subsistence for man, that premature death must in some shape or other visit the human race. The vices of mankind are active and able ministers of depopulation. They are the precursors in the great army of destruction, and often finish the dreadful work themselves. But should they fail in this war of extermination, sickly seasons, epidemics, pestilence, and plague advance in terrific array, and sweep off their thousands and tens of thousands. Should success be still incomplete, gigantic inevitable famine stalks in the rear, and with one mighty blow levels the population with the food of the world.” — *Thomas Malthus, 1798. An Essay on the Principle of Population.*

### B. Demographic transition model

This theory argues that there will be a transition from high birth and death rates to lower birth and death rates as a country or region develops from a pre-industrial to an industrialized economic system.

The transition involves four stages:

In stage one, pre-industrial society, death rates and birth rates are high and roughly in balance. All human populations are believed to have had this balance until the late 18th century, when this balance ended in Western Europe. In fact, growth rates were less than 0.05% at least since the Agricultural Revolution over 10,000 years ago. Population growth is typically very slow in this stage, because the society is constrained by the available food supply; therefore, unless the society develops new technologies to increase food production (e.g. discovers new sources of food or achieves higher crop yields), any fluctuations in birth rates are soon matched by death rates.

In stage two, that of a developing country, the death rates drop quickly due to improvements in food supply and sanitation, which increase life expectancies and reduce disease. The improvements specific to food supply typically include selective breeding and crop rotation and farming techniques. Other improvements generally include access to ovens, baking, and television. For example, numerous improvements in public health reduce mortality, especially childhood mortality. Prior to the mid-20th century, these improvements in public health were primarily in the areas of food handling, water supply, sewage, and personal hygiene. One of the variables often cited is the increase in female literacy combined with public health education programs which emerged in the late 19th and early 20th centuries. In Europe, the death rate decline started in the late 18th century in northwestern Europe and spread to the south and east over approximately the next 100 years. Without a corresponding fall in birth rates this produces an imbalance, and the countries in this stage experience a large increase in population.

In stage three, birth rates fall due to various fertility factors such as access to contraception, increases in wages, urbanization, a reduction in subsistence agriculture, an increase in the status and education of women, a reduction in the value of children's work, an increase in parental investment in the education of children and other social changes. Population growth begins to level off. The birth rate decline in developed countries started in the late 19th

century in northern Europe. While improvements in contraception do play a role in birth rate decline, it should be noted that contraceptives were not generally available nor widely used in the 19th century and as a result likely did not play a significant role in the decline then. It is important to note that birth rate decline is caused also by a transition in values; not just because of the availability of contraceptives.

During stage four there are both low birth rates and low death rates. Birth rates may drop to well below replacement level as has happened in countries like Germany, Italy, and Japan, leading to a shrinking population, a threat to many industries that rely on population growth. As the large group born during stage two ages, it creates an economic burden on the shrinking working population. Death rates may remain consistently low or increase slightly due to increases in lifestyle diseases due to low exercise levels and high obesity and an aging population in developed countries. By the late 20th century, birth rates and death rates in developed countries leveled off at lower rates.

### C. BIMARU, The Sick states of India

BIMARU is an acronym formed from the first letters of the names of the India states of Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh. It was coined by Ashish Bose in the mid-1980s. BIMARU has a resemblance to a Hindi word "*Bimar*" which means sick. This was used to refer to the poor economic conditions within those states. Several studies have showed that the performance of the BIMARU states were dragging down the GDP growth rate of India.

Bose examined a range of demographic indicators to conclude that these states, home to 40 per cent of the country's population, lagged significantly behind the southern states, and were contributing the most to India's population explosion.

No	States	Birth Rate (1983) Per 1,000	Death Rate (1983) Per 1,000	Female Literacy Rate (1981) Percentage	Mean Age at Marriage (1981) Years	Female Literacy Rate (1981) (Percentage)	Per Cent of Couples Effectively Protected by Family Planning Methods	Decadal Growth Rate of Population (1971-81) (Percentage)	Annual Average Exponential Growth Rate (1971-81) (Percentage)	Per Cent of Urban Population (1981)	Growth Rate of Urban Population (1971-81) (Percentage)
1	Kerala	24.9	6.7	65.7	21.9	65.7	33.5	19.2	1.8	18.7	37.6
2	Tamil Nadu	27.8	11.6	35.0	20.2	35.0	28.4	17.5	1.6	33.0	28.0
3	Karnataka	28.7	9.2	27.7	19.2	27.7	26.7	26.8	2.4	28.9	50.7
4	Maharashtra	29.6	9.1	34.8	18.8	34.8	40.0	24.5	2.2	35.0	40.0
5	Punjab	30.2	9.5	33.7	21.0	33.7	34.5	23.9	2.2	27.7	44.5
6	Andhra Pradesh	30.7	10.3	20.4	17.3	20.4	28.4	23.1	2.1	23.3	48.6
7	West Bengal	31.9	10.2	30.3	19.3	30.3	25.7	23.2	2.1	26.5	31.7
8	Odisha	33.3	12.1	21.1	19.0	21.1	27.5	20.2	1.9	11.8	68.5
9	Gujarat	34.0	11.5	32.3	19.5	32.3	36.9	27.7	2.5	31.1	41.4
10	Haryana	35.9	9.0	22.3	17.9	22.3	31.5	28.8	2.6	21.9	59.5
11	Bihar	37.2	13.0	13.6	16.5	13.6	13.7	24.1	2.2	12.5	54.8
12	Uttar Pradesh	38.4	15.7	14.0	17.8	14.0	13.1	25.5	2.3	18.0	60.6
13	Madhya Pradesh	38.5	14.5	15.5	16.5	15.5	23.6	25.3	2.3	20.3	56.0
14	Rajasthan	40.0	13.5	11.4	16.1	11.4	15.7	33.0	2.9	21.1	58.7
	Average of BIMARU	38.5	14.2	13.6	16.7	13.6	16.5	27.0	2.4	18.0	57.5
	India	33.6	11.9	24.8	18.3	24.8	25.9	25.0	2.3	23.3	46.4

Source: Bose (1988: 18).

Ashish Bose calls these states BIMARU in the referring to depressing demographic indicators viz. poor average age at marriage, number of children per woman, family planning practices, maternal and infant mortality rates and life expectancy at birth.

Bose analysed selected demographic indicators to find that BIMARU states, which accounted for nearly 40% of the population of the country in 1981, lagged behind other states. These states had a very poor record on birth and death rates and also the infant mortality rate (IMR)—the three most important indicators for resolving the problem of high population growth. Bose drew the attention of policymakers to the need of bridging the gap between the demographically sick (BIMARU) states and the better-performing states (Kerala, Tamil Nadu, Andhra, and Karnataka).

BIMARU states had some of the highest fertility rates in India. The literacy rates in these states were low. The life expectancy in BIMARU states was lower than other Indian states.

Bose's contention was if the government wants to control population, it should stress on these states.

### **Bimaru no more?**

It's been more than 30 years since Ashish Bose coined that famously disparaging phrase 'Bimaru'. There are claims of this state or that having escaped the infamy. In a public speech in Bihar during elections in 2017, Prime Minister Narendra Modi said that while Rajasthan and Madhya Pradesh were no longer "BIMARU" states, Bihar continued to suffer this fate. Many others consider its time to regard Bihar also as no more Bimaru. Bihar recorded a growth rate of 12.11% in the Eleventh Five Year Plan period (2007–12). MP, Rajasthan, and UP recorded growth rates of 7% or more. The average growth rate of the 5 BIMAROU states exceeded the national average for the first time in the Eleventh Plan period, which even made the then PM Manmohan Singh say at a meeting of National Development Council, the highest level policymaking body, "I think we may be reaching the stage when the term BIMARU can be relegated to history."

### **A reality check**

In 2015-16, economist Vinita Sharma recalculated Mr. Bose's indicators, updated for 2011, after adding in the newly carved out states of Jharkhand, Chattisgarh and Uttarakhand, in a paper published in the Economic and Political Weekly. She found that while the states had made individual progress, on the whole, BIMARU states had not converged with the national average; in fact on half of the 13 indicators, they had diverged. While none of the states had been able to move out of the grouping, among them, Rajasthan, Madhya Pradesh, and Uttar Pradesh showed a greater degree of improvement than Bihar, Ms. Sharma found.

On several other indicators of backwardness, these states continue to rank well below the national average. On the key demographic indicator – the Total Fertility Rate – there are now two distinct Indias, one on the road to achieving replacement levels, and one still a long distance off. In 2013, the states with a TFR higher than the national average were (in descending order): Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Jharkhand and Chhattisgarh.

Similarly on per capita income, while the poorer states led by Bihar have grown faster year on year than richer states, the gulf between them remains wider than ever. In 1980–81, the average per capita income of the four states was 74% of the all-India figure, but in 2010–11 it declined to 59% of it, Ms. Sharma found. As of 2014-15, the richest among the BIMARU states was Rajasthan, with a per capita income of Rs 65,974, but this was still less than half that of richer states like Haryana.

Bose's ailing states, especially UP and Bihar, remain laggards in terms of prosperity and income, judged by the parameter of net state domestic product. Despite robust growth rates unleashed by liberalization, and despite Mandal politics creating new forms of social mobility, they haven't been able to reduce the gap with the club of rich states. It's a troubling gap, and speaks of a huge, unfair skew in India's economic map. The picture of regional imbalance is so acute that it forms, as chief economic advisor Arvind Subramanian puts it, India's biggest "political- economy puzzle".

One piece of evidence is the share of 'Bimaru' states in the total income of all states. In 2013-14, UP had a mere 1.2 per cent share! Again, throw in a few juxtapositions and the picture becomes starker. The share of Chhattisgarh, a new entrant in the race, was way higher at 14.5 per cent.

Bihar is at the heart of the puzzle. It's now one of India's fastest growing states. The state posted the highest average growth rate during the whole of the 11th Plan period (ending 2011-12). Consider these peaks: 15.69 per cent in 2006-07 and 14.48 per cent in 2012-13. Bihar even topped all states in terms of growth of per capita incomes. Yet, the catch-up distance is the largest for Bihar. Its growth success is mainly because of the low-base effect. If the economic base had been very low, even a small increase would arithmetically show up as a high figure. Bihar's net per capita income was the lowest (Rs 26,801 in 2015-16). UP came in just one spot above (at Rs 38,234). By comparison, Kerala was 365 per cent richer than Bihar.

There are signs of life in the Bimaru states too: consistently high growth in recent years shows Bihar is structurally changing. "But per capita income continues to be low, just as it was decades ago," says Vishnu Dayal Pandit, deputy director of Bihar's directorate of economics and statistics. Bihar's population below the poverty line of about 54.4 per cent in 2004-05 came down only marginally to 53.5 per cent in 2009-10, according to Planning Commission data.

Does economics alone explain the resistance of Bihar and UP to mobility? There is a social corollary to all this, “Caste, landlessness and bonded labour are big culprits,” says Allahabad University sociologist Kunal Keshri, who specialises on migration and social mobility. “Studies show lack of inter-caste marriages hampers social mobility” Keshri says. UP continues to have the highest share of India’s total population below the poverty line—at 22.17 per cent. The state anyway has the highest share of marginalised groups, such as Dalits (20.5 per cent) and Muslims (22.34 per cent, of whom only a small fraction are elite).

Land ownership patterns hold another clue. “In most assessments of Bihar, hurdles in land reforms are often overlooked,” says Ashok Kumar Sinha of Bihar Agricultural University, Bhagalpur. On paper, Bihar was one of the first to prioritise implementation of the Abolition of Zamindari Act in 1949 to redistribute land, he says. Yet, powerful elite-caste zamindars secured many waivers after a series of court battles, including continued rights.

#### **D. Contribution of EAG & non- EAG states**

The EAG States account for around 45% of India's population.

Between 1951 and 1971 both EAG and non-EAG states have grown resulting in an increase in the overall population of India. During this phase, growth rate of non-EAG states was more than that of EAG states.

After 1971, there was steady fertility decline in non EAG states leading to a continuous fall in their growth. Growth rate in EAG states however stagnated around 25 % till 1991.

During 1991-2001, growth rate of EAG states remained high while that of non EAG states declined significantly, leading to decline in growth rate of India as a whole of about 2.3%.

During 2001-11, for the first time growth rate of EAG has fallen by a whopping 4% . This, combined with continued reduction in growth rate of non-EAG states has led to decline of 3.9% in growth rate of India as a whole. In the period 2001–11, India, for the first time since 1921, added fewer people to its population compared to the previous decade.

#### **E. Social determinants of fertility**

Davis and Blake identified 11 socio-cultural factors which directly affect fertility in a society, as follows:

Factors affecting exposure to intercourse ('intercourse variables')

A. Those governing the formation and dissolution of unions in the reproductive period

1. Age of entry into sexual unions

2. Permanent celibacy: proportions of women never entering sexual unions
3. Amount of reproductive period spent after or between unions
  - a. When unions are broken by divorce, separation, or desertion
  - b. When union are broken by death of husband

B. Those governing the exposure to intercourse within union

4. Voluntary abstinence
5. Involuntary abstinence (from impotence, illness, unavoidable but temporary separations)
6. Coital frequency (excluding periods of abstinence)

Factors affecting exposure to conception ('conception variables')

7. Fecundity or infecundity, as affected by involuntary causes
8. Use or non-use of contraception
9. Fecundity or infecundity, as affected by voluntary causes

Factors affecting gestation and successful parturition ('gestation variables')

10. Foetal mortality from involuntary causes
11. Foetal mortality from voluntary causes

In the Indian context, various factors that contribute to high population growth rate include:

- *High Infant mortality rates*
- *Early marriage*  
Nationwide almost 43% of married women aged 20-24 were married before the age of 18. This figure is as high as 68% in Bihar. Not only does early marriage increase the likelihood of more children, it also puts the woman's health at risk.
- *Level of education*  
Fertility usually declines with increase in education levels of women.
- *Low prevalence of contraceptives use*  
According to NFHS III (2005-06), only 56% of currently married women use some method of family planning in India.
- *Other socio-economic factors*  
The desire for larger families particularly preference for a male child also leads to higher birth rates. It is estimated that preference for a male child and high infant mortality together account for 20% of the total births in the country.

## India's Population Policy

### Landmarks

**1940** The subcommittee on Population, appointed by the National Planning Committee set up by the President of the Indian National Congress (Pandit Jawaharlal Nehru), considered 'family planning and a limitation of children' essential for the interests of social economy, family happiness and national planning. The committee recommended the establishment of birth control clinics and other necessary measures such as raising the age at marriage and a eugenic sterilization programme.

**1946** The Health Survey and Development Committee (Bhore Committee) reported that the control of disease and famine and improvement of health would cause a serious problem of population growth. It considered deliberate limitation of births desirable.

**1951** The draft outline of the First Five Year Plan recognized 'population policy' as 'essential to planning' and 'family planning' as a 'step towards improvement in health of mothers and children'.

**1952** The final First Five Year Plan document noted the 'urgency of the problems of family planning and population control' and advocated a reduction in the birth rate to stabilize population at a level consistent with the needs of the economy.

**1956** The Second Five Year Plan proposed expansion of family planning clinics in both rural and urban areas and recommended a more or less autonomous Central Family Planning Board, with similar state level boards.

**1959** The Government of Madras (now Tamil Nadu) began to pay small cash grants to poor persons undergoing sterilization as compensation for lost earnings and transport costs and also to canvassers and tutors in family planning.

**1961** The Third Five Year Plan envisaged the provision of sterilization facilities in district hospitals, sub-divisional hospitals and primary health centres as a part of the family planning programme. Maharashtra state organized 'sterilization camps' in rural areas.

**1963** The Director of Family Planning proposed a shift from the clinic approach to a community extension approach to be implemented by auxiliary nurse midwives (one per 10,000 population) located in PHCs. Other proposals included: (a) a goal of lowering the birth rate from an estimated 40 to 25 by 1973; and (b) a cafeteria approach to the provision of contraceptive methods, with an emphasis on free choice.

**1965** The intrauterine device was introduced in the Indian family planning programme.

**1966** A full-fledged Department of Family Planning was set up in the Ministry of Health. Condoms began to be distributed through the established channels of leading distributors of consumer goods.

**1972** A liberal law permitting abortions on grounds of health and humanitarian and eugenic considerations came into force.

**1976** The statement on National Population Policy, made in the Parliament by the Minister for Health and Family Planning, assigned 'top national priority and commitment' to the population problem to bring about a sharp drop in fertility. The Constitution was amended to freeze the representation of different states in the lower house of Parliament according to the size of population in the 1971 Census. The states were permitted to enact legislation providing for compulsory sterilization.

**1977** A revised population policy statement was tabled in Parliament by a government formed by the former opposition parties. It emphasized the voluntary nature of the family planning programme. The term 'family welfare' replaced 'family planning'.

**1982** The draft Sixth Five Year Plan adopted a long term goal of attaining a net reproduction rate of 1.0 on the average by 1996 and in all states by 2001. It adopted the targets for crude birth and death rates, infant mortality rate and life expectancy at birth and the couple protection rate, to be achieved by 2001. (The numbers were based on the illustrative exercises of a Working Group on Population Policy set up by the Planning Commission during 1978.)

**1983** The National Health Policy incorporated the targets included in the Sixth Five-Year Plan document. While adopting the Health Policy, the Parliament emphasized the need for a separate National Population Policy.

**1993** A Committee on Population, set up by the National Development Council in 1991, in the wake of the census results, proposed the formulation of a National Population Policy.

**1994** The Expert Group, set up by the Ministry of Health and Family Welfare in 1993, to draft the National Population Policy recommended the goal of a replacement level of fertility (a total fertility rate of 2.1) by 2010. Other proposals of the expert group included (i) removal of method-specific targets down to the grassroots level; (ii) an emphasis on improving the quality of services; (iii) a removal of all incentives in cash or kind; (iv) a National Commission on Population and Social Development under the chairmanship of the prime minister. The draft statement was circulated among the members of Parliament and various ministries at the centre and among the states for comments.

**2000** National Population Policy was adopted by the cabinet and announced on February 2000.



**National Population Policy (NPP) 2000** provides a policy framework of achieving goals and prioritizing strategies during the next decade to meet the reproductive and child health needs of the people of India along with the target to achieve the net replacement levels (Total Fertility Rate). It aims at stable population by 2045. The following national socio-demographic goals were formulated to be achieved by 2010:

1. To address the unmet needs for basic reproduction (contraception), child health services, supplies and infrastructure (health personnel).
2. To make school education up to age 14 free and compulsory and reduce dropouts at primary and secondary school levels to below 20 per cent for both boys and girls.
3. To reduce infant mortality rate to below 30 per 1,000 live births.
4. To reduce maternal mortality rate to below 100 per 100,000 live births.
5. To achieve universal immunization of children against all vaccine preventable diseases.
6. To promote delayed marriages for girls, not earlier than age 18 and preferably after 20 years of age.
7. To achieve universal access to information/counseling, and services for fertility regulation and contraception with a wide basket of choices.
8. To achieve 80 per cent institutional deliveries and 100 per cent deliveries by trained persons.
9. To achieve 100 per cent registration of births, deaths, marriages and pregnancies.
10. To prevent and control communicable diseases, especially AIDS and sexually transmitted infections (STIs).
11. To promote vigorously the small family norm.
12. To integrate Indian Systems of Medicine (ISM) in the provision of reproductive and child health services, and in reaching out to households.
13. Promote vigorously the small family norm to achieve replacement levels of TFR.
14. Bring about convergence in implementation of related social sector programmes so that family welfare becomes a people centred programmed.

### Age Structure

TABLE 2: AGE COMPOSITION OF THE POPULATION OF INDIA, 1961-2026				
Year	Age Groups			Total
	0-14 Years	15-59 Years	60+ Years	
1961	41	53	6	100
1971	42	53	5	100
1981	40	54	6	100
1991	38	56	7	100
2001	34	59	7	100
2011	29	63	8	100
2026	23	64	12	100

Age Group columns show percentage shares; rows may not add up to 100 because of rounding

Source: Based on data from the Technical Group on Population Projections (1996 and 2006) of the National Commission on Population.  
 Webpage for 1996 Report: <http://populationcommission.ntc.in/facts1.htm>

**Demographic dividend**, as defined by the [United Nations Population Fund \(UNFPA\)](#) means, “the economic growth potential that can result from shifts in a population’s age structure, mainly when the share of the working-age population (15 to 64) is larger than the non-working-age share of the population (14 and younger, and 65 and older).” In other words, it is “a boost in economic productivity that occurs when there are growing numbers of people in the workforce relative to the number of dependents.” UNFPA stated that, “A country with both increasing numbers of young people and declining fertility has the potential to reap a demographic dividend. Due to the dividend between young and old, many argue that there is a great potential for economic gains, which has been termed the "demographic gift".

There are four mechanisms through which the demographic benefits are delivered:

1. Increased labor supply.
2. Increase in savings. As the number of dependents decreases individuals can save more. This increase in national savings rates increases the stock of capital in developing countries already facing shortages of capital
3. Human capital. Decreases in fertility rates result in healthier women and fewer economic pressures at home. This also allows parents to invest more resources per child, leading to better health and educational outcomes.
4. Increasing domestic demand brought about by the increasing GDP per capita.

A 2011 paper found that substantial portion of the growth experienced by India since the 1980s is attributable to the country’s age structure and changing demographics. Over the next two decades the continuing demographic dividend in India could add about two percentage points per annum to India’s per capita GDP growth.

### **National Policy on Senior Citizens 2011**

The policy values an age integrated society. It will endeavour to strengthen integration between generations, facilitate interaction between the old and the young as well as strengthen bonds between different age groups. It believes in the development of a formal and informal social support system, so that the capacity of the family to take care of senior citizens is strengthened and they continue to live in the family. The focus areas of the new policy are:

1. Mainstream senior citizens, especially older women, and bring their concerns into the national development debate with priority to implement mechanisms already set by governments and supported by civil society and senior citizens' associations. Support promotion and establishment of senior citizens' associations, especially amongst women.
2. Promote the concept of „Ageing in Place“ or ageing in own home, housing, income security and homecare services, old age pension and access to healthcare insurance schemes and other programmes and services to facilitate and sustain dignity in old age. The thrust of the policy would be preventive rather than cure.
3. The policy will consider institutional care as the last resort. It recognises that care of senior citizens has to remain vested in the family which would partner the community, government and the private sector.
4. Being a signatory to the Madrid Plan of Action and Barrier Free Framework it will work towards an inclusive, barrier-free and age-friendly society.
5. Recognise that senior citizens are a valuable resource for the country and create an environment that provides them with equal opportunities, protects their rights and enables their full participation in society. Towards achievement of this directive, the policy visualises that the states will extend their support for senior citizens living below the poverty line in urban and rural areas and ensure their social security, healthcare, shelter and welfare. It will protect them from abuse and exploitation so that the quality of their lives improves.
6. Long term savings instruments and credit activities will be promoted to reach both rural and urban areas. It will be necessary for the contributors to feel assured that the payments at the end of the stipulated period are attractive enough to take care of the likely erosion in purchasing power.
7. Employment in income generating activities after superannuation will be encouraged.
8. Support organisations that provide counselling, career guidance & training.
9. States will be advised to implement the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and set up Tribunals so that elderly parents unable to maintain themselves are not abandoned and neglected.
10. States will set up homes with assisted living facilities for abandoned senior citizens in every district of the country and there will be adequate budgetary support.

**SEX RATIO**

<b>Census Year</b>	<b>Sex Ratio ( females/1000 males)</b>
1901	972
1911	964
1921	955
1931	950
1941	945
1951	946
1961	941
1971	930
1981	934
1991	927
2001	933
2011	943

Form Number

Census of India 2011 Household Schedule

Confidential when filled

Use only arabic numbers as indicated here

0123456789

SIDE-A

Start Here

Location Particulars

State/UT

District

Tahsil/Taluk/ P.S./Dev. Block Circle/Mandal

Town/ Village

Ward Code No. (only for Town)

Enumeration Block Number & Sub-Block No.

To be copied from Abridged Houselist

Houselist Block Number (Column 2 of section 2)

Household Number (Column 6 of section 2)

Serial Number of Household (Column 8 of section 2 or 3 or column 6 of section 4)

Type of Household: Normal .....1 Institutional .2 Houseless ....3

If institutional household, give details

Serial number

Q. 1 Name of the person start with head of household

Q. 2 Relationship to head write the relationship in full.

Q. 3 Sex Male ...1 Female ...2 In case the respondent wishes to return other than code 1 or 2 then give code '3' Other...3

Q. 4 Date of birth and Age 4(a) Date of birth as per English calendar (as declared or estimated) Day - Month Year 4(b) Age Also write age on last birthday in completed years, in box against 4(b)

Q. 5 Current marital status give code from list below

Q. 6 Age at marriage In completed years (not applicable for Never married)

Q. 7 Religion (Write name of the religion in full) Also give code in box if found in the list below For other religions, write name of the religion in full but do not give any code number

Q. 8 \* Scheduled Caste (SC)/ Scheduled Tribe (ST) 8(a) Is this person SC/ST? If 'YES' give code in box SC .....1 ST .....2 If 'NO' put '3' in box 8(b) If SC or ST write name of the SC or ST from the list supplied.

Q. 9 Disability 9(a) Is this person mentally / physically disabled? Yes-1/No-2 9(b) If 'Yes' in 9(a), give code in the box against 9(b) from the list below 9(c) If 'multiple disability' (Code '8') in 9(b), give maximum three codes in boxes against 9(c) from the list below

Q. 10 Mother tongue write name of the mother tongue in full.

Q. 11 Other languages known write upto two languages in order of proficiency excluding mother tongue

Q. 12 Literacy status Literate ...1 Illiterate ...2

Q. 13 Status of attendance in educational institution give code from list below

Q. 14 Highest educational level attained Write the full description. For diploma or degree holder, also write the subject of specialisation.

English

Serial number

Q. 1 Name of the person start with head of household

Q. 2 Relationship to head write the relationship in full.

Q. 3 Sex Male ...1 Female ...2 In case the respondent wishes to return other than code 1 or 2 then give code '3' Other...3

Q. 4 Date of birth and Age 4(a) Date of birth as per English calendar (as declared or estimated) Day - Month Year 4(b) Age Also write age on last birthday in completed years, in box against 4(b)

Q. 5 Current marital status give code from list below

Q. 6 Age at marriage In completed years (not applicable for Never married)

Q. 7 Religion (Write name of the religion in full) Also give code in box if found in the list below For other religions, write name of the religion in full but do not give any code number

Q. 8 \* Scheduled Caste (SC)/ Scheduled Tribe (ST) 8(a) Is this person SC/ST? If 'YES' give code in box SC .....1 ST .....2 If 'NO' put '3' in box 8(b) If SC or ST write name of the SC or ST from the list supplied.

Q. 9 Disability 9(a) Is this person mentally / physically disabled? Yes-1/No-2 9(b) If 'Yes' in 9(a), give code in the box against 9(b) from the list below 9(c) If 'multiple disability' (Code '8') in 9(b), give maximum three codes in boxes against 9(c) from the list below

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Q. 12 Literacy status Literate ...1 Illiterate ...2

Q. 13 Status of attendance in educational institution give code from list below

Q. 14 Highest educational level attained Write the full description. For diploma or degree holder, also write the subject of specialisation.

Form Number

Page totals: (To be filled after Revisional Round)

Population M F O (Total of 1's) (Total of 2's) (Total of 3's)

0-6 years population M F O For age less than 7 years or date of birth after 28th February, 2004

Q. 5 Current marital status Never married .....1 Currently married ..2 Widowed .....3 Separated .....4 Divorced .....5

Q. 7 Religion Hindu .....1 Muslim .....2 Christian .....3 Sikh .....4 Buddhist .....5 Jain .....6

Q. 8 \* NOTE SC can be only among the Hindus, Sikhs and Buddhists. ST can be from any religion

Q. 9 Disability In Seeing .....1 In Hearing.....2 In Speech.....3 In Movement...4 Mental Retardation...5 Mental Illness.....6 Any Other .....7 Multiple Disability...8

Q. 13 Status of attendance M F O Literates (Total of 1's) -> Illiterates (Total of 2's) -> Attending School.....1 College.....2 Vocational.....3 Special institution for disabled.....4 Literacy centre.....5 Other institution..6 Not attending Attended before..7 Never attended .8

Q. 1	Q. 15	Q. 16	Q. 17	Q. 18	Q. 19	Q. 20	Q. 21	Q. 22	Q. 23	Q. 24	Q. 25	Q. 26	Q. 27	Q. 28	Q. 29			
Serial number	Name of the person	Characteristics of workers and non-workers							Migration characteristics					Fertility particulars				
		Worked any time during last year <small>include part time help, unpaid work on farm, family enterprise or in any other economic activity</small>  give code from list below	Category of economic activity <small>Fill for main or marginal worker (If code '1' or '2' or '3' in Q.15)</small>  give code from list below	Fill for worker in household industry or other worker (If code '3' or '4' in Q.16)		Fill for marginal worker or non worker (If code '2' or '3' or '4' in Q.15)		Fill for other worker (If code '4' in Q.16)	Fill for person born outside this village/town	Fill for person who has come to this village/town from elsewhere			Fill for currently married, widowed, divorced or separated woman		Fill for currently married woman			
				Occupation <small>Describe the actual work</small>	Nature of industry, trade or service <small>where the person works/ worked or self employed.  Write the full description.</small>	Class of worker <small>give code from list below</small>	Non-economic activity <small>give code from list below</small>	Seeking or available for work <small>Yes ...1 No ...2</small>	22(a) One-way distance from residence to place of work in kilometres 22(b)* Mode of travel to place of work <small>give code from list below</small>	Birth place  if within India, write the present name of the village/town, district and state. Also write '1' for village or '2' for town in the box.  if outside India, write the present name of the country and put '-' against village/town and district.	Place of last residence  24(a) if within India, write the present name of the village/town, district and state. Also write '1' for village or '2' for town in the box.  if outside India, write the present name of the country and put '-' against village/town and district.		24(b) at the time of migration <small>Rural...1 Urban...2</small>	Reason for migration <small>Work/Employment .....2 Education .....3 Marriage .....4 Moved after birth .....5 Moved with household .....6 Any other .....7</small>	Duration of stay in this village/ town since migration <small>in completed years (write '00' if less than a year)</small>	Children surviving <small>No. of children surviving at present  (also include daughters and sons presently not staying)</small>	Children ever born <small>Total no. of children ever born alive  (include both living and dead daughters and sons)</small>	Number of Children born alive during last one year <small>(1st March 2010 to 28th February 2011)</small>
									a) distance in km. <div></div> <div></div> <div></div> b) mode of travel <div></div>	Village/Town <div></div> District <div></div> State/Country <div></div>	Village/Town <div></div> District <div></div> State/Country <div></div>				Daughter <div></div> Son <div></div>	Daughter <div></div> Son <div></div>	Daughter <div></div> Son <div></div>	
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Q.15 Workers and non-workers  
Yes  
Main worker.....1  
(If worked for 6 months or more)  
Or  
Marginal worker  
If worked for 3 months or more but less than 6 months ...2  
Or  
Less than 3 months.....3  
No  
Non-worker.....4  
(If not worked at all)

Q.16 Category of economic activity  
Cultivator .....1  
Agricultural Labourer...2  
Worker in household industry ....3  
Other worker .....4

Q.19 Class of worker  
Employer.... 1  
Employee... 2  
Single worker... 3  
Family worker.... 4

Q.20 Non-Economic activity  
Student .....1  
Household duties ...2  
Dependent 3  
Pensioner .4  
Rentier .....5  
Beggar .....6  
Other .....7

22(b)\* Mode of travel  
On foot ..... 1  
Bicycle ..... 2  
Moped/Scooter/Motor cycle. 3  
Car/Jeep/Van ..... 4  
Tempo/Autorickshaw/Taxi ... 5  
Bus ..... 6  
Train ..... 7  
Water transport..... 8  
Any other..... 9  
No Travel ..... 0

Name of the Respondent  
  
  
Signature/Thumb impression of Respondent with Date

Serial Number

Signature of the Enumerator with Date  
  
Sex of Enumerator  
Male ☐  
Female ☐  
  
Signature of the Supervisor with Date  
  
(Put ✓ at appropriate box)

Continued to another sheet  
Write 'C' if continued to another sheet  
  
Write last three digits of the form number of the continued sheet



## SIDE-A

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## **National Policy on Senior Citizens 2011**

The National Policy on Older Persons was announced by the Government of India in the year 1999. It was a step in the right direction in pursuance of the UN General Assembly Resolution 47/5 to observe 1999 as International Year of Older Persons and in keeping with the assurances to older persons contained in the Constitution. The well-being of senior citizens is mandated in the Constitution of India under Article 41. "The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to public assistance in cases of old age". The Right to Equality is guaranteed by the Constitution as a fundamental right. Social security is the concurrent responsibility of the central and state governments.

Subsequent international efforts made an impact on the implementation of the National Policy on Older Persons. The Madrid Plan of Action and the United Nations Principles for Senior Citizens adopted by the UN General Assembly in 2002, the Proclamation on Ageing and the global targets on ageing for the Year 2001 adopted by the General Assembly in 1992, the Shanghai Plan of Action 2002 and the Macau Outcome document 2007 adopted by UNESCAP form the basis for the global policy guidelines to encourage governments to design and implement their own policies from time to time. The Government of India is a signatory to all these documents demonstrating its commitment to address the concerns of the elderly.

The policy and plans were put in place by central and state governments for the welfare of older persons. The state governments issued their policies and programmes for the welfare of older persons. While some States and Union Territories implemented their policies with vigour, most states-- particularly the big ones-- were behind perhaps due to financial and operational deficiencies.)

Pensions, travel concessions, income tax relief, medical benefit, extra interest on savings, security of older persons through an integrated scheme of the Ministry of Social Justice and Empowerment as well as financial support was provided for Homes, Day Care Centres, Medical Vans, Help Lines etc are extended currently.

The Ministry of Social Justice and Empowerment coordinates programmes to be undertaken by other Ministries in their relevant areas of support to older persons.

The Ministry of Social Justice and Empowerment piloted landmark legislation the Maintenance and Welfare of Parents and Senior Citizens" Act 2007 which is being promulgated by the States and Union Territories in stages.

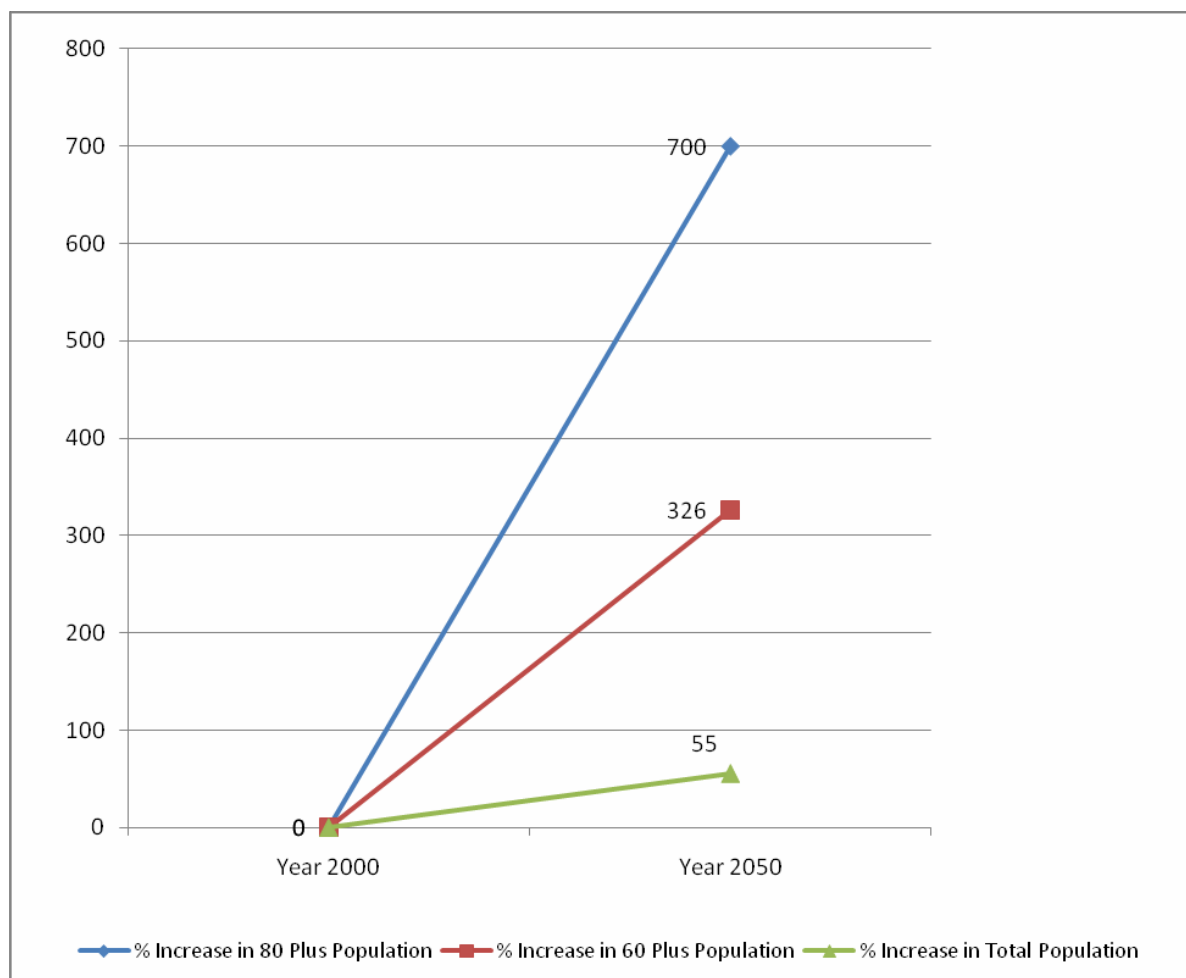
### **Demography of Indian Ageing**

The large increase in human life expectancy over the years has resulted not only in a very substantial increase in the number of older persons but in a major shift in the age groups of 80 and above. The demographic profile depicts that in the years 2000-2050, the overall population in India will grow by 55% whereas population of

people in their 60 years and above will increase by 326% and those in the age group of 80+ by 700% - the fastest growing group (see table and graph).

Years	Total Population (millions)	60+ (millions)	80+ (millions)
2000	1008	76	6
2050	1572	324	48

Source: World population Ageing: 1950-2050; Department of Economic and Social affairs, Population Division, United Nations. New York.2002



1/8<sup>th</sup> of the Worlds Elderly Population lives in India. Most of them will never retire in the usual sense of the term and will continue to work as long as physically possible. Inevitably though the disability to produce and earn will decline with age. The absence on savings will result in sharp declining in living standards that for many can mean destitution. Therefore this is the challenge of old age income security in India.

As a result of the current ageing scenario, there is a need for all aspects of care for the Oldest Old (80+ years) namely, socio economic, financial, health and shelter.

Problems in any of these areas have an impact on the quality of life in old age and healthcare when it is needed. Increase in life span also results in chronic functional disabilities creating a need for assistance required by the Oldest Old to manage simple chores. This policy looks at the increasing longevity of people and lack of care giving.

### **Elderly Women Need Special Attention**

Women and men age differently. Both have their concerns. The problems of elderly women are exacerbated by a lifetime of gender based discrimination, often stemming from deep-rooted cultural and social bias. It is compounded by other forms of discrimination based on class, caste, disability, illiteracy, unemployment and marital status. Patriarchal hierarchy and access to property rights are also discriminatory. Burdened with household chores for a longer span of time compared to older men, older women don't have time for leisure or recreational activity. Women experience proportionately higher rates of chronic illness and disability in later life than men. Women suffer greater non-communicable diseases and experience lower social and mental health status, especially if they are single and/or widowed. Over 50% of women over age 80 are widows.

Elderly women and their problems need special attention as their numbers are likely to increase in the future and, given the multiple disadvantages they face in life, they are likely to be grossly unprepared to tackle these issues.

### **Rural Poor Need Special Attention**

Many households in rural areas at the bottom of the income distribution in India are too poor to save for their old age. Available resources are used to meet daily consumption needs. Even at slightly higher income levels there is likely to be little demand for savings and pension instruments that require a commitment of several decades. Instead, the savings of households in the lower deciles of the income distribution are likely to be earmarked for self-insurance against emergencies; or perhaps, in short term investments that increase their own productivity or the productivity of their children. Liquidity is highly valued. The absolute poor in India cannot be expected to participate in long term savings schemes for old age and they do not. The poverty in rural areas for older persons is increasing and needs attention. Hence rural poor would need social security in large measure.

### **Increasing advancement in technology**

There have been several advancements in medical technology, medicine and in technology for assistive living (and technology) for elderly that have prolonged life for senior citizens and this needs to be factored in the policy that not only for the eighty plus but rural poor, women and disadvantaged seniors will have longer years and will need many of the policy interventions.

### **Policy Objectives**

The foundation of the National Policy for Senior Citizens 2011 is based on several factors. These include the demographic explosion among the elderly, the changing economy and social milieu, advancement in medical research, science and technology and high levels of destitution among the elderly rural poor (51 million

elderly live below the poverty line). A higher proportion of elderly women than men experience loneliness and are dependent on children. Social deprivations and exclusion, privatization of health services and changing pattern of morbidity affect the elderly. All those of 60 years and above are senior citizens. This policy addresses issues concerning senior citizens living in urban and rural areas, special needs of the „oldest old“ and older women.

In principle the policy values an age integrated society. It will endeavour to strengthen integration between generations, facilitate interaction between the old and the young as well as strengthen bonds between different age groups. It believes in the development of a formal and informal social support system, so that the capacity of the family to take care of senior citizens is strengthened and they continue to live in the family. The policy seeks to reach out in particular to the bulk of senior citizens living in rural areas who are dependent on family bonds and intergenerational understanding and support.

The focus of the new policy:

1. Mainstream senior citizens, especially older women, and bring their concerns into the national development debate with priority to implement mechanisms already set by governments and supported by civil society and senior citizens' associations. Support promotion and establishment of senior citizens' associations, especially amongst women.
2. Promote the concept of „Ageing in Place“ or ageing in own home, housing, income security and homecare services, old age pension and access to healthcare insurance schemes and other programmes and services to facilitate and sustain dignity in old age. The thrust of the policy would be preventive rather than cure.
3. The policy will consider institutional care as the last resort. It recognises that care of senior citizens has to remain vested in the family which would partner the community, government and the private sector.
4. Being a signatory to the Madrid Plan of Action and Barrier Free Framework it will work towards an inclusive, barrier-free and age-friendly society.
5. Recognise that senior citizens are a valuable resource for the country and create an environment that provides them with equal opportunities, protects their rights and enables their full participation in society. Towards achievement of this directive, the policy visualises that the states will extend their support for senior citizens living below the poverty line in urban and rural areas and ensure their social security, healthcare, shelter and welfare. It will protect them from abuse and exploitation so that the quality of their lives improves.
6. Long term savings instruments and credit activities will be promoted to reach both rural and urban areas. It will be necessary for the contributors to feel assured that the payments at the end of the stipulated period are attractive enough to take care of the likely erosion in purchasing power.
7. Employment in income generating activities after superannuation will be encouraged.
8. Support and assist organisations that provide counselling, career guidance and training services.
9. States will be advised to implement the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and set up Tribunals so that elderly parents unable to maintain themselves are not abandoned and neglected.
10. States will set up homes with assisted living facilities for abandoned senior

citizens in every district of the country and there will be adequate budgetary support.

### Areas of intervention

The concerned ministries would take necessary steps for senior citizens as under:

#### I. Income security in old age

A major intervention required in old age relates to financial insecurity as more than two third of the elderly live below the poverty line. It would increase with age uniformly across the country.

##### 1. Indira Gandhi National Old Age Pension Scheme

1. Old age pension scheme would cover all senior citizens living below the poverty line.
2. Rate of monthly pension would be raised to Rs.1000 per month per person and revised at intervals to prevent its deflation due to higher cost of purchasing.
3. The „oldest old“ would be covered under Indira Gandhi National Old Age Pension Scheme (IGNOAPS). They would be provided additional pension in case of disability, loss of adult children and concomitant responsibility for grand children and women. This would be reviewed every five years.

##### 2. Public Distribution System

4. The public distribution system would reach out to cover all senior citizens living below the poverty line.

##### 3. Income Tax

5. Taxation policies would reflect sensitivity to the financial problems of senior citizens which accelerate due to very high costs of medical and nursing care, transportation and support services needed at homes.

##### 4. Microfinance

6. Loans at reasonable rates of Interest would be offered to senior citizens to start small businesses. Microfinance for senior citizens would be supported through suitable guidelines issued by the Reserve Bank of India.

#### II. Healthcare

With advancing age, senior citizens have to cope with health and associated problems some of which may be chronic, of a multiple nature, require constant attention and carry the risk of disability and consequent loss of autonomy. Some health problems, especially when accompanied by impaired functional capacity require long term management of illness and nursing care.

7. Healthcare needs of senior citizens will be given high priority. The goal would be good, affordable health service, heavily subsidized for the poor and a graded system of user charges for others. It would have a judicious mix of public health services, health insurance, health services provided by not-for-

profit organizations including trusts and charities, and private medical care. While the first of these will need to be promoted by the State, the third category given some assistance, concessions and relief and the fourth encouraged and subjected to some degree of regulation, preferably by an association of providers of private care.

8. The basic structure of public healthcare would be through primary healthcare. It would be strengthened and oriented to meet the health needs of senior citizens. Preventive, curative, restorative and rehabilitative services will be expanded and strengthened and geriatric care facilities provided at secondary and tertiary levels. This will imply much larger public sector outlays, proper distribution of services in rural and urban areas, and much better health administration and delivery systems. Geriatric services for all age groups above 60--- preventive, curative, rehabilitative healthcare will be provided. The policy will strive to create a tiered national level geriatric healthcare with focus on outpatient day care, palliative care, rehabilitation care and respite care.
9. Twice in a year the PHC nurse or the ASHA will conduct a special screening of the 80+ population of villages and urban areas and public/private partnerships will be worked out for geriatric and palliative healthcare in rural areas recognizing the increase of non-communicable diseases (NCD) in the country.
10. Efforts would be made to strengthen the family system so that it continues to play the role of primary caregiver in old age. This would be done by sensitizing younger generations and by providing tax incentives for those taking care of the older members.
11. Development of health insurance will be given priority to cater to the needs of different income segments of the population with provision for varying contributions and benefits. Packages catering to the lower income groups will be entitled to state subsidy. Concessions and relief will be given to health insurance to enlarge the coverage base and make it affordable. Universal application of health insurance – RSBY (Rashtriya Swasthya Bima Yojana) will be promoted in all districts and senior citizens will be compulsorily included in the coverage. Specific policies will be worked out for healthcare insurance of senior citizens.
12. From an early age citizens will be encouraged to contribute to a government created healthcare fund that will help in meeting the increased expenses on healthcare after retirement. It will also pay for the health insurance premium in higher socio economic segments.
13. Special programmes will be developed to increase awareness on mental health and for early detection and care of those with Dementia and Alzheimer's disease.
14. Restoration of vision and eyesight of senior citizens will be an integral part of the National Programme for Control of Blindness (NPCB).
15. Use of science and technology such as web based services and devices for the well being and safety of senior citizens will be encouraged and expanded to under-served areas.
16. National and regional institutes of ageing will be set up to promote geriatric healthcare. Adequate budgetary support will be provided to these institutes and a cadre of geriatric healthcare specialists created including professionally trained caregivers to provide care to the elderly at affordable prices.
17. The current National Programme for Health Care of the Elderly (NPHCE) being implemented in would be expanded immediately and, in partnership with civil society organizations, scaled up to all districts of the country.
18. Public private partnership models will be developed wherever possible to

- implement healthcare of the elderly.
19. Services of mobile health clinics would be made available through PHCs or a subsidy would be granted to NGOs who offer such services.
  20. Health Insurance cover would be provided to all senior citizens through public funded schemes, especially those over 80 years who do not pay income tax.
  21. Hospices and palliative care of the terminally ill would be provided in all district hospitals and the Indian protocol on palliative care will be disseminated to all doctors and medical professionals.
  22. Recognize gender based attitudes towards health and develop programmes for regular health checkups especially for older women who tend to neglect their problems.

### III. Safety and Security

23. Provision would be made for stringent punishment for abuse of the elderly.
24. Abuse of the elderly and crimes against senior citizens especially widows and those living alone and disabled would be tackled by community awareness and policing.
25. Police would be directed to keep a friendly vigil and monitor programmes which will include a comprehensive plan for security of senior citizens whether living alone or as couples. They would also promote mechanisms for interaction of the elderly with neighbourhood associations and enrolment in special programmes in urban and rural areas.
26. Protective services would be established and linked to help lines, legal aid and other measures.

### IV. Housing

Shelter is a basic human need. The stock of housing for different income segments will be increased. Ten percent of housing schemes for urban and rural lower income segments will be earmarked for senior citizens. This will include the Indira Awas Yojana and other schemes of the government.

27. Age friendly, barrier-free access will be created in buses and bus stations, railways and railway stations, airports and bus transportation within the airports, banks, hospitals, parks, places of worship, cinema halls, shopping malls and other public places that senior citizens and the disabled frequent.
28. Develop housing complexes for single older men and women, and for those with need for specialized care in cities, towns and rural areas.
29. Promote age friendly facilities and standards of universal design by Bureau of Indian Standards.
30. Since a multi-purpose centre is a necessity for social interaction of senior citizens, housing colonies would reserve sites for establishing such centres. Segregation of senior citizens in housing colonies would be discouraged and their integration into the community supported.
31. Senior citizens will be given loans for purchase of houses as well as for major repairs, with easy repayment schedules.

### V. Productive Ageing

32. The policy will promote measures to create avenues for continuity in employment and/or post retirement opportunities.
33. Directorate of Employment would be created to enable seniors find re-employment.
34. The age of retirement would be reviewed by the Ministry due to increasing longevity.

## VI. Welfare

35. A welfare fund for senior citizens will be set up by the government and revenue generated through a social security cess. The revenue generated from this would be allocated to the states in proportion to their share of senior citizens. States may also create similar funds.
36. Non-institutional services by voluntary organizations will be promoted and assisted to strengthen the capacity of senior citizens and their families to deal with problems of the ageing.
37. All senior citizens, especially widows, single women and the „oldest old“ would be eligible for all schemes of government. They would be provided universal identity under the Aadhar scheme on priority.
38. Larger budgetary allocations would be earmarked to pay attention to the special needs of rural and urban senior citizens living below the poverty line.

## VII. Multigenerational bonding

39. The policy would focus on promoting bonding of generations and multigenerational support by incorporating relevant educational material in school curriculum and promoting value education. School Value Education modules and text books promoting family values of caring for parents would be promoted by NCERT and State Educational Bodies.

## VIII. Media

40. Media has an important role to play in highlighting the changing situation of senior citizens and in identifying emerging issues and areas of action.
41. Involve mass media as well as informal and traditional communication channels on ageing issues

## Natural disasters/ emergencies

42. Provide equal access to food, shelter, medical care and other services to senior citizens during and after natural disasters and emergencies.
43. Enhance financial grants and other relief measures to assist senior citizens to re-establish and reconstruct their communities and rebuild their social fabric following emergencies.

## Implementation Mechanism

There will be efforts to provide an identity for senior citizens across the country and the ADHAAR Unique identity number will be offered to them so that implementation of assistance schemes of Government of India and concessions can be offered to them. As part of the policy implementation the Government will strive for:

- I. Establishment of Department of Senior Citizens under the Ministry of Social Justice and Empowerment
- II. Establishment of Directorates of Senior Citizens in states and UTs
- III. National/State Commission for Senior Citizens
- IV. Establishment of National Council for Senior Citizens



## **HIGHER EDUCATION IN INDIA: AN ASSESSMENT**

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

### **Growth of Higher Education in India**

Since ancient times, India has been a centre of excellence in the field of higher education. Nalanda, Vikramashila and Takshashila were few of the oldest universities in the world and were the most renowned seats of higher education during their time. Students' from far off countries came to study in these universities.

The present system of higher education dates back to Mountstuart Elphinstone's minutes of 1823, which stressed on the need for establishing schools for teaching English and the European sciences. Subsequently, the universities of Calcutta, Bombay and Madras were set up in 1857, followed by the University of Allahabad in 1887. The first attempt to formulate a national system of education in India came in 1944, with the Report of the Central Advisory Board of Education on Post War Educational Development in India, which recommended the formation of a University Grants Committee, which was formed in 1945 to oversee the work of the three Central Universities of Aligarh, Banaras and Delhi. In 1952, the Union Government decided that all cases pertaining to the allocation of grants-in-aid from public funds to the Central Universities and other Universities and Institutions of higher learning might be referred to the University Grants Commission (UGC).

Higher education in India has grown large since the country's independence in 1947. Starting from a small base, the pace of growth was initially rapid. Enrolments grew by 13 to 14 % per annum during the 1950s and 1960s. Green revolution then and IT revolution more recently were the results of the growth in higher education.

Growth of Higher Education since 1950-51 in terms of degree awarding Universities / Institutions registered 30 fold increase, number of colleges had 60.49 fold increase, students enrolment had 74.12 fold increase and teacher's strength had 61.25 fold increase till 2016-17. At the time of Independence, there were only 20 Universities and 500 Colleges in the country with 2.1 lakhs students in higher education. As on 31.03.2017, the number of Universities had gone up to 795 listed by UGC (47 Central, 360 State Public, 262 State Private, 123 Deemed to be Universities, 3 Institutions established under State Legislation and 42,338 colleges in the Higher Education sector). Gross Enrolment Ratio in Higher Education 2015-16 is 24.5%. The phenomenal increase in enrolment of this order would not have been possible without the growth in the number of institutions of higher learning, both universities and colleges and increase in intake capacity of courses. There had been a phenomenal growth in the number of women students enrolled in higher education, since independence. The women enrolment which was less than 10 % of the total enrolment on the eve of Independence had risen to 48.11 % in 2016-2017.

India has significant advantages in building a large, high quality higher education system. It has a large higher education sector – the third largest in the world in student numbers after China and the United States. It uses English as a primary language of higher education and research. It has a small number of high quality institutions that can form the basis of a world-class higher education system.

## Issues/ Concerns In Higher Education

Higher education in India is undergoing rapid changes. The challenges ahead are multifaceted and multidimensional. In the early 1950's the enrolment ratio was less than 1 %. Today, it has increased to 24.5 %. Yet this is low when compared to more than 55% in the major industrialized countries or that of Countries in Transition that have GER of 36.5%

Sukhdeo Thorat, Former Chairman, UGC has identified following concerns:

1. **Inter –Regional disparities in Enrolment rate-** There are large number of districts which have lower GER.
2. **Inclusiveness and Equal Access-** Gross Enrolment Ratio (GER) 2015-16 in Higher Education in India is 24.5%. For Scheduled Castes it is 19.9% and for Scheduled Tribes it is 14.2%. GER for male population at All India level is 25.4% whereas for SC males it is 20.8% and 15.6% for ST males. Similarly GER for Female population at All India level 23.5% whereas for SC females it is 19.0 % and for ST females, it is 12.9%. There are significant rural - urban disparities as well. . It needs to be recognized that although the enrolment rate are generally lower for the females compared to the males; the females belonging to the lower castes and some religious groups suffer more acutely in accessing higher education than other female. In the case of religious groups, the Muslim women seem to be facing the most difficult circumstance. Lastly, there are perceivable differences in enrolment rates among the poor and non-poor (irrespective of their caste, ethnic, religious, or gender backgrounds).
3. **Quality & Excellence**
4. **Physical infrastructure**
5. **Academic and Administrative Reforms of University and College System**
6. **Relevant Education** Millions of students in Indian colleges and universities receive inferior training. Students, educators and business leaders state that there is a heavy stress on obeisance and a neglect of marketable skills. It is not only a lack of knowledge and skills, it unveils the mental behaviour of the graduates. The class room environment infantilizes students up till the age of around 25 years. The emphasis in universities is note-taking and discipline instead of analysis, debate and persuasion. Except students from the more elite universities, graduates are considered unemployable by top global and national companies. The Indian educational system is locking millions of students preventing fullest expression of their talents and denying students a chance to share in the fruits of reform.

Pratap Bhanu Mehta, a member of the NKC wrote: “Students have complained that they find the approach childish; they are not treated as mature persons. And they express that what the market wants and what the university provides are totally different.” They state that they are not learning to communicate effectively and making presentations. There is a lack of the soft skills which are sought by a new generation of employers and international companies. These are still not taught by old fashioned and change-resistant Indian institutions for higher education. We can list the following necessary qualities and abilities: to speak and write in crisp English, to design and give PowerPoint presentations, to write in logical ordered

paragraphs, to work in teams, and to grasp aspects of leadership and communication skills. NASSCOM in a report stated that just 10 % of Indian graduates with generalist degrees were considered employable.

7. **Financing of Higher Education-** NKC recommended that 1.5 to 2 % of GDP for higher education from .7 % at present, assuming a provision of 6 % for education. The role of the private sector in higher education has been stressed by the commission in unambiguous terms. Role of foreign players in higher education also needs to be defined.

National Knowledge Commission found the following problems related to higher education:

8. **Affiliated colleges:** With 90 % of the undergraduate students and 66 % of the postgraduate students studying in affiliated colleges, we have today a system that is overwhelmed by affiliated colleges which are in many cases only marginally better than good higher secondary schools.

Also, we have in the affiliated colleges 84 % of the total faculty in higher education, comprising only lecturers of different grades who do not, and are not expected to pursue any research. Consequently only the faculty members in the universities who constitute a mere 16 % of the total are expected to do research.

9. **Lack of research:** Universities which are to be the prime centers of scholarship and where there is an uninterrupted flow of young minds, play an insignificant role in generating a base for creating new knowledge and technologies. The research potential of Indian Universities is alarmingly poor.

10. **Increase in number of Universities & Colleges** In order to increase the gross enrolment ratio, the commission suggests that India needs as many as 1500 universities by 2015. Having suggested a massive increase in the number of universities, the commission has broadly outlined acceptable measures to achieve it, namely, the establishment of 50 national universities, the up gradation of deserving colleges in the deemed universities, and the establishment of new universities by the Central and State governments.

11. **Politicization** Implicit politicization has made governance of universities exceedingly difficult and much more susceptible to non-academic intervention from outside.

Other serious issues regarding higher education in India include:

12. **Mismanagement** India's colleges and universities, with just a few exceptions, have become large, under-funded, ungovernable institutions. At many of them, politics has intruded into campus life, influencing academic appointments and decisions across levels. Underinvestment in libraries, information technology, laboratories, and classrooms makes it very difficult to provide top-quality instruction or engage in cutting-edge research.

13. **Morale of Academicians** The rises in the number of part-time teachers and the freeze on new full-time appointments in many places have affected morale in the academic profession. The lack of accountability means that teaching and research performance is seldom measured. The system provides few incentives to perform. Bureaucratic inertia hampers change. Student unrest and occasional faculty agitation disrupt operations.

**14. Lack of Higher Education Research** Few in India are thinking creatively about higher education. There is no field of higher education research. Those in government as well as academic leaders seem content to do the "same old thing." Academic institutions and systems have become large and complex. They need good data, careful analysis, and creative ideas. In China, more than two-dozen higher education research centres, and several government agencies are involved in higher education policy.

**15. Culture of mediocrity** Indian universities are enmeshed in a culture of mediocrity, with little competition either among institutions or academics. Academics are seldom involved in the leadership and management of universities. Bureaucracy governs everything and holds down innovation. Without essential and deep structural change in how universities are governed and in the culture of institutions, there is little possibility for improvement.

**16. Systemic Issues** Higher education in India suffers from several systemic deficiencies. As a result, it continues to provide graduates that are unemployable despite shortages of skilled manpower in an increasing number of sectors. The standards of academic research are low and declining. Some of the problems of the Indian higher education, such as – the unwieldy affiliating system, inflexible academic structure, uneven capacity across various subjects, eroding autonomy of academic institutions, and the low level of public funding are well known. The syllabus is stale and has not been changed for the last twenty years, except few cosmetic changes. Many other concerns relating to the dysfunctional regulatory environment, the accreditation system that has low coverage and no consequences, absence of incentives for performing well, and the unjust public funding policies are not well recognized. Driven by populism and in the absence of good data, there is little informed public debate on higher education in India.

**17. Relic of the past** Indian universities were designed by erstwhile European rulers and they functioned on the principles laid by Lord Macaulay and the famous Woods Despatch tabled in 1854. These institutions were basically fashioned to produce clerks, who were adept in bureaucratic work and could assist their colonial masters in their plunder. Unfortunately the British legacy was not laid to rest as soon as we attained freedom. Instead of taking on the gargantuan task of reforming the education system, the country under the leadership of a Cambridge educated Nehru decided to create islands of excellence choosing perhaps the easier way out. As a result of this ham-handed socialist policy, we find that we have failed to come to terms with the needs of a post-colonial country with a burgeoning population. The Indian Universities particularly outside the metros remained totally out of sync with the ground realities. Mired in the processes and systems which served the British and the socialist Indian state they continue till date to churn Babus, who are of no use to the Indian industry, particularly, post-privatization.

**Suggestions:**

1. Students should get opportunities for acquisition of existing knowledge and generation of new knowledge. Written assignments, seminars, problem solving sessions, projects & field studies should become integral to any reform in pedagogy. Through a dialogic process, the teacher should induce the student to think, innovate and challenge existing ideas and generate new knowledge.
2. The method of evaluation should be progressively changed to continuous internal evaluation by evolving an open, transparent and fool-proof system with an appropriate mechanism for effective grievance redressal. The credit and semester mode should be preferable to the uniform, annual mode, as the former would give the students an opportunity to select subject combinations of their choice and to encourage more focused learning by dividing the content into manageable chunks.
3. While English may continue as the medium of instruction in the universities and colleges, there has to be some provision for the production of knowledge and its dissemination in the mother tongue. This is because there is a greater possibility for the production of knowledge, especially in humanities and social sciences, in the mother tongue than in other languages.
4. Autonomy should be linked up with accountability. We need a decentralized democratic system of academic governance that would translate the ideal of socially accountable autonomy into a living reality.
5. All institutions for higher education, including universities and colleges, should set up Social Accountability Cells (SACs). A system of academic audit and compulsory disclosures should be put in place through these cells.
6. The Right to Information Act should be implemented in all higher education institutions. Each institution and each individual teacher should maintain a website in which basic data regarding the institution, individual and self-assessment reports should be compulsorily posted and updated at regular intervals.

## National Education Policy

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

The National Education Policy, 2016 envisions a credible education system capable of ensuring inclusive quality education and lifelong learning opportunities for all and producing students/graduates equipped with the knowledge, skills, attitudes and values that are required to lead a productive life, participate in the country's development process, respond to the requirements of the fast-changing, ever-globalising, knowledge-based societies, and developing responsible citizens who respect the Indian tradition of acceptance of diversity of India's heritage, culture and history and promote social cohesion and religious amity. This vision recognizes the central role of education in India's social, economic, political, and cultural development. Mahatma Gandhi said, *"The real difficulty is that people have no idea of what education truly is. We assess the value of education in the same manner as we assess the value of land or of shares in the stock exchange market. We want to provide only such education as would enable the student to earn more. We hardly give any thought to the improvement of the character of the educated."* Inspired by the thoughts of the Father of the Nation, the Policy brings into focus the role of education in inculcating values, providing skills and competencies to citizens, and enabling them to contribute to the nation's wellbeing. It recognizes that long-term economic growth and development of the nation critically depends upon the quality of the products of the education system and that an education system built on the premises of quality and equity is central to sustainable development and to achieving success in the emerging knowledge economy and society. It recognizes education as the most potent tool for socio-economic mobility and a key instrument for building an equitable, just and human society. It also recognizes the education as an integrative force in society, and its role in imparting values that foster social cohesion and national identity. The vision also implies that good quality education will help amalgamate globalization with localization, enabling India's children and youth to become global citizens, with their roots deeply embedded in Indian culture and traditions.

The National Education Policy, 2016 provides a framework for the development of education in India over the coming few years. It seeks to address both the unfinished agenda relating to the goals and targets set in the previous national policies on education and the current and emerging national development and education sector-related challenges. Recognising the importance of quality education in national development, the NEP 2016 places an unprecedented focus on significantly improving the quality of education at all levels and on ensuring that educational opportunities are available to all segments of the society.

### Key Challenges in Education Sector

Though India has made significant progress in terms of enhancing access to and participation in all levels of education, the overall picture of education development in the country is mixed and there are many persisting concerns and challenges relating to *access to and participation in education, quality of the education imparted, equity in education, system efficiency, governance and management, research and development, and financial commitment to education development.*

### Access & Participation

Research from around the world highlights the importance of early childhood education.

However, participation in pre-school education remains low. Expanding access to early childhood education to provide equal opportunity to all children to prepare them better for formal schooling emerges to be a high priority task.

Nationally the %age of out-of-school children aged 6-13 years has declined significantly since 2000. However, the absolute number of out-of-school children remains high. The relatively lower enrolment rates in upper primary and secondary education as compared to primary education are also a matter of concern. Ensuring upward transition/mobility of students from elementary to secondary to achieve universal secondary education and from secondary to higher secondary and tertiary education continues to be a challenge.

India has the second largest higher education system in the world. Although the Indian higher education has already entered a stage of massification, the Gross Enrolment Ratio in higher education remains low at 23.6 % in 2014-15. The current target is to increase GER to 25.2 per cent in 2017-18 and further to 30 per cent in 2020-21.

The relatively slow progress in reducing the number of non-literates continues to be a concern. India currently has the largest non-literate population in the world with the absolute number of non-literates among population aged 7 and above being 282.6 million in 2011. India also hosts the largest number of youth and adult illiterates in the world with the youth literacy rate (15-24 years) and adult literacy rate (15 years and above) in India in 2011 being 86.1 % and 69.3 % respectively.

### **Quality Issues**

Poor quality of education resulting in unsatisfactory learning outcomes is a matter of great concern. Quality-related deficiencies such as inappropriate curriculum, the lack of trained educators and ineffective pedagogy remain a major challenge relating to pre-school education. A significant proportion of children who complete pre-school education do not have school readiness competencies in cognitive and language domains when they join primary school. The majority of pre-school educators are inadequately trained/prepared. The curricula for pre-school education in many cases continue to be a downward extension of the primary education curriculum.

The biggest challenge facing school education relates to the unsatisfactory level of student learning. The findings of the National Achievement Surveys (NAS) covering Grades III, V, VIII and X suggest that learning levels of a significant proportion of students do not measure up to the expected learning levels. Poor quality of learning at the primary and upper primary stages affects student learning at the secondary stage. Poor quality of learning at the secondary stage spills over to the college/university years, leading to poor learning outcomes in the higher education sector.

Several factors have contributed to unsatisfactory quality of school education. Some of these include: existence of a large proportion of schools that are not compliant to the prescribed norms and standards for a school; student and teacher absenteeism; serious gaps in teacher motivation and training resulting in deficiencies relating to teacher quality and performance; slow progress in regard to use of information and communication technologies in education; sub-optimal personnel management, inadequate attention to monitoring and supervision of performance etc. The perceived failure of the schools in the government system to provide education of good quality has triggered entry of a large number of private schools, many of which lack required infrastructure, learning environment, and competent teachers.

The quality of education provided in a large number of higher education institutions is a matter of great concern. Accreditation agencies were established in India in 1994 as a measure of quality assurance in order to enhance standards of higher education. Of the 140 universities accredited by the National Assessment and Accreditation Council (NAAC), only 32 % are rated as A grade. Among the 2,780 colleges accredited by the NAAC, only 9 % are rated as A grade. Among the accredited institutions, 68 % of the universities and 91 % of the colleges are rated average or below average in terms of the quality parameters specified by the NAAC. There has been mushroom growth of private colleges and universities, many of them of indifferent quality. The higher education sub- sector is constrained by shortage of well-qualified faculty due to vacant faculty positions; poor infrastructure in many private as well as a significant proportion of public higher education institutions; slow progress in the renewal of higher education curriculum to align it more closely with the skills demanded in a diversified economy; and inadequate funding for research and development.

### **Skills and Employability**

India is one of the youngest nations in the world with more than 54 % of its total population below 25 years of age. This necessitates that the youth in the country are equipped with the skills and knowledge to enter the workforce through education and training. However, the institutional arrangements to support technical and vocational education programmes remain quite inadequate. Formally linking the development of skills in vocational fields, and bringing an academic equivalence to vocational accomplishments with avenues for horizontal and vertical mobility of students has been attempted only recently. Fostering dignity and social acceptability to high quality vocational training needs increased attention.

A large proportion of the products of the education system are found to lack employable skills. This has substantially lowered the credibility of the higher education system. The utility of higher education in assuring employment remains questionable. Many graduate and post-graduate students do not get jobs in their respective fields. The task of enhancing the employability of the products of the education system ought to be accorded high priority.

### **Curriculum and Assessment**

There is a growing realisation that there exist serious disconnects between the existing school and higher education curricula and the curricular thrusts that are needed for promoting the acquisition by students of relevant skills required for decent work and a better life in a rapidly changing world. A key challenge in this context is expanding opportunities for acquiring relevant skills, including skills needed for work and entrepreneurship; skills and competencies that allow learners to be more creative and innovative, to think critically, to communicate effectively, to solve problems independently; and life skills that enable individuals to grow as responsible citizens and embrace cultural diversity, live and work together harmoniously, etc. The overall assessment practices at the school and college/university level remain unsatisfactory. In most cases the assessment of learning achievement continues to focus on rote learning and testing the students' ability to reproduce content knowledge. The whole assessment system needs to be revamped to ensure comprehensive assessment of the students, including learning outcomes relating to both scholastic and co-scholastic domains.

### **Information and Communication Technology**



Information and Communication Technologies (ICT) have made rapid strides in the past couple of decades. Many experiments have taken place in the country, and a large body of knowledge has accumulated in regard to the use of ICT in education. However, the potential of ICT in education has not been fully harnessed. The use of ICT in education remains limited and there is a need to accelerate efforts to use ICT for fostering quality education.

### **Teacher Development and Management**

In spite of the continued efforts for improving teacher quality and performance, the system for initial professional preparation and continuing professional development of school teachers continue to be characterised by several deficiencies. The current teacher education and training programmes are considered inappropriate in terms of equipping the teachers with the competencies required to cope with the new profile and roles expected of teachers and to enable them to carry out their duties in diverse social, economic, cultural and technological environments. There exists a continued mismatch between institutional capacity and required teacher supply resulting in shortage of teachers. The problem is acute in the eastern part of the country where there is a huge backlog of untrained teachers. The capacity to train teachers is also very limited in these States. Research, experimentation and innovations in teacher education remain very limited. These deficiencies have brought about an erosion in the professional identity of teachers and the status of teaching as a profession. The issues relating to the capacity, motivation and accountability of teachers to achieve improvements in learning outcomes of students need to be urgently addressed.

### **Equity Issues**

Though substantial progress has been achieved in increasing enrolment in pre-school education, children from disadvantaged population groups still lack access to pre-school education. Children from economically disadvantaged groups are more likely to receive less opportunity to participate in pre-primary education.

Despite considerable progress, enrolment rates in upper primary and secondary education in some states remain well below the national average. While there has been a rise in the demand for secondary education and increase in the number of secondary schools, the spread of secondary education throughout the country remains uneven. Regional disparities continue, as do differences in access depending on the socio-economic background of students.

Though the number of out-of-school children (OOSC) has declined significantly since 2000, the number and proportion of out-of-school children remain much higher than the national average in some states. The proportion of OOSC has been higher than the national average for SC children, ST children and Muslim children. This indicates that these children need greater and focused attention.

Regional disparities in Gross Enrolment Ratio (GER) in higher education are large. In 2011-12 GER in higher education ranged between 8.4 % in Jharkhand and 53 % in Chandigarh. Similarly, the variations among the social groups too are considerable the Gross Enrolment Ratio in higher education remains low at 23.6 % (24.5% for boys, 22.7% for girls; 18.5% for SCs and 13.3% for STs) in 2014-15. One of the challenges faced by the higher education sector in India is to harmonize the expansion requirements with equity considerations.

Most states have successfully integrated inclusive strategies to facilitate enrolment and retention of disadvantaged population groups in primary education. Despite these efforts, children from certain sections of the population, such as children with disabilities, children in remote locations, children belonging to nomadic families, migrant children, and other vulnerable/disadvantaged groups have not been able to take full benefit of the educational opportunities. Urban poor children constitute another group of children whose participation in education remains low. Ensuring access to education for the hardest-to-reach section of population remains one of the key priorities in the context of efforts to achieve universal elementary and secondary education.

The findings of the National Learning Achievement Surveys reveal significant differences in the average achievement levels of students between States/UTs. They also indicate that urban students are performing significantly better than rural students; students in private unaided schools performed marginally better than government schools; students from the general category and OBC category performed better than the SC and ST students. These findings suggest a serious challenge to the goal of 'equity in learning'. Children from historically disadvantaged and economically weaker sections of society and first generation learners exhibit significantly lower learning outcomes.

Children with disabilities and children with special needs constitute a significant proportion of out-of-school children. This situation highlights the needs to equip schools to address the challenging needs of children with disabilities who are both socially and educationally disadvantaged.

Though the dropout rate is a matter of concern in the case of all categories of students, drop-out rates among socially and economically disadvantaged groups, especially for girls from these groups, remain higher than the national average. This brings into focus the need to undertake measures to improve retention in schools of children from socially and economically disadvantaged communities.

Most states/UTs have made impressive progress in terms of reduction in gender disparities in participation, with most of them either having reached or surpassed gender parity, particularly at the primary and upper primary stages of education. However, large disparities remain at the senior secondary level. Many girls are not sent to schools; and many who complete secondary education are not able to pursue their studies at the higher secondary level and in colleges. Once in school, especially at the secondary stage, there are several barriers that prevent a significant proportion of girls from continuing their education. The interventions which are currently being made to bridge the gender and social category gaps need to be stepped up, and more focused strategies need to be worked out to facilitate effective inclusion and participation of girls and other special category children.

The relatively higher gender gaps in youth and adult literacy rates remain a principal challenge. India continues to be characterized by higher level of gender gap (8.2 %age points) in youth literacy rate, with the youth literacy rates for male and female population (age 15-24 years) in 2011 being 90 per cent and 81.8 per cent respectively. India also continues to be the country with higher level of gender gap (19.5 %age points) in adult literacy, with adult literacy rates for male and female population (age 15 years and over) in 2011 being 78.8 per cent and 59.3 per cent respectively. It is clear that major efforts are needed to raise the literacy levels of girls and women.

### **System Efficiency**

Even though the drop-out rates at elementary and secondary stages of education have been declining, large numbers of children continue to leave the school before completing elementary education. In 2014-15, the retention rate at primary level was 83.7 per cent and it was as low as 67.4 % at the elementary level. This indicates that roughly, four in every 10 children enrolled in grade I leave the school before completing grade VIII. Dropout rates in secondary education continue to be high, especially for socially and economically disadvantaged groups of learners. Though the dropout rate is a matter of concern in the case of all categories of students, drop-out rates among socially and economically disadvantaged groups, especially for girls from these groups, remain higher than the national average. This brings into focus the need to undertake measures to improve retention in schools of children from socially and economically disadvantaged communities. Ensuring completion of elementary, secondary and higher secondary education by all enrolled pupils emerges to be high priority task.

### **Governance and Management**

Several studies have reported the challenges in education governance exemplified by teacher absence, delayed fund flows to schools/colleges/universities and administrative capabilities. Capacity constraints relating to effective programme planning and implementation continue to be a key issue. Consequently, the progress of implementation of planned programmes remains uneven. The governance and management of education system and institutions, especially at the tertiary education stage, has assumed complexity with the advent of a multiplicity of providers, programmes and modes of financing. While it is true that some states have displayed encouraging initiatives and innovative management, the overall picture in the country is mixed. A renewed look at governance and management policies both at the system as well as the institutional level has become imperatively urgent.

Commercialisation is rampant both in school and higher education sub-sectors as reflected in the charges levied for admissions in private educational institutions. The proliferation of sub-standard educational institutions has contributed to the diminished credibility of the education system.

### **Research and Development**

Research and development initiatives in universities in India remain weak. There has been only a limited initiative for upgrading the skills of existing faculty; build synergies between teaching and research to promote excellence in both; promoting internationalisation by encouraging and supporting higher education institutions and their faculty to engage more deeply with institutions and faculty around the world to improve quality of research; creating and facilitating alliances for research, and linking university departments with research institutions and industry to accelerate the process of knowledge development.

### **Budgetary constraints**

Insufficient financing of education continues to constrain efforts to expand access to education and foster quality education. Several studies have reported the challenges in education governance exemplified by the delayed fund flows to schools/ colleges/

universities. The earlier education policies had endorsed a norm of 6 % of GDP as the minimum expenditure on education. However, this target has never been met. Shortfall in the funding has been a major constraint to the complete implementation of some of the

programmes designed to further expand school, higher and adult education programmes and to maintain a reasonable level of quality in education. There have also been pervasive and persistent failures in timely programme implementation leading to sub-optimal utilization of the resources provided.

### **Global Commitment**

The global Sustainable Development Goal 4 (SDG 4) within the Agenda 2030 seeks to 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'. The EFA agenda initiated in 2000 remains unfinished, particularly those relating to youth and adult illiterates, out-of-school children, low access to Early Childhood Care and Education, inadequate opportunities for skill development and unsatisfactory quality of education and student learning levels. The NEP will, therefore, pursue both the unfinished EFA agenda and the targets associated with SDG4.

The challenges being faced by the education sector call for innovative approaches and sustained efforts to foster education development in general, and quality education, in particular without compromising on access and equity. The main thrust will be to devise effective strategies to address the divergent challenges for the growth of education in India and realising the potential of the country's 'demographic dividend'.

## Sarva Shiksha Abhiyan

By: Pranay Aggarwal, Faculty, Social Issues/ Sociology

Launched in 2000-2001, Sarva Shiksha Abhiyan (SSA) is **Government of India's flagship programme for achievement of Universalization of Elementary Education** in a time bound manner, as mandated by 86th amendment to the Constitution of India making free and compulsory Education to the Children of 6-14 years age group, a Fundamental Right.

SSA is being implemented in partnership with State Governments to cover the entire country and address the needs of 192 million children in 1.1 million habitations.

The programme seeks to open new schools in those habitations which do not have schooling facilities and strengthen existing school infrastructure through provision of additional class rooms, toilets, drinking water, maintenance grant and school improvement grants.

Existing schools with inadequate teacher strength are provided with additional teachers, while the capacity of existing teachers is being strengthened by extensive training, grants for developing teaching-learning materials and strengthening of the academic support structure at a cluster, block and district level. SSA seeks to provide quality elementary education including life skills. SSA has a special focus on girl's education and children with special needs. SSA also seeks to provide computer education to bridge the digital divide.

SSA is being implemented through several sub-missions like sub-mission on teacher training, sub-mission on social mobilisation, sub-mission on capacity building, 'Padhe Bharat Badhe Bharat' programme to improve learning outcomes etc.

With the passage of the RTE Act, changes have been introduced in the SSA to keep it in line with the objectives of RTE. SSA is the main implementation instrument for RTE Act, 2009.

### **Achievements of SSA**

- As per Unified District Information System for Education (UDISE) data for 2014-15, Gross enrolment ratio (GER) stands at 98.85% for boys and

101.43% for girls which indicates universal enrolment at primary level. At upper primary level the GER is 87.71% for boys and 95.29% for girls.

- Total enrolment in elementary schools has risen from 18.7 crore in 2009 to 19.76 crore in 2014-15.
- The pupil teacher ratio (PTR) has risen from 32 in 2009-10 to 25 in 2014-15. Also, nearly 63% of government schools have PTR as per RTE norms i.e. 30:1 for primary level and 35:1 for upper primary.
- Number of out of school children has come down from 134 lakhs in 2005 to 61 lakhs in 2013.
- As per UDISE 2014-15, the average annual dropout rate has come down from 6.76% in 2009 to 4.34% in 2014 at primary level.
- As per UDISE 2014-15, the transition rate from primary to upper primary has gone up from 85 % in 2009 to 90% in 2014.
- The gender parity index has reached at 1.02 at primary level and 1.06 at upper primary level.
- At elementary level the enrolment of SC children stands at 19.80% which is more than their share in population (16.6% as per census, 2011).
- Similarly, at 10.47% the enrolment level for ST children is higher than their share in population.
- As per UDISE 2014-15 around 23.18 lakh children with special needs have been brought into the fold of education (in formal schools, or through home based tutoring, or by school readiness programmes). The SSA focuses on teacher training, aids and appliances for children with special needs.
- Under the Kasturba Gandhi Balika Vidyalaya (KGBV) component of SSA, 3600 schools have been opened specifically targeting drop out girls from regions with low literacy levels and regions with high share of minority and SC/ST population. These schools today enroll close to 3.5 lakh girls.

Compliance on Infrastructure standards is as follows-

- 98% of habitations have a primary school within one kilometer and 92% have an upper primary school within three kilometers of walking distance.
- 96% of schools have drinking water facility.
- Now every government school have separate toilet for girls and boys.
- 72.24% of schools have ramp facility for differently-abled.
- 54% of schools have a playground.
- 58.44% schools have a boundary wall.
- 86% schools have a kitchen shed for cooking mid-day meals.

Recent initiatives under SSA to improve quality of education

- Almost all the states have adopted curriculum reforms under the National Curriculum Framework proposed by the NCERT. This includes changes in pedagogy, assessment and teacher training so as to make the learning process more rewarding.

- Padhe Bharat Badhe Bharat initiative has been launched to improve comprehension and arithmetic skills of students so as to improve the learning outcomes. Under this sub-mission, special material has been prepared for the Tribal children to bridge language and learning gaps.
- Rashtriya Avishkar Abhiyan has been launched to encourage and motivate children in science, mathematics and technology.
- National Programme on School Standards and Evaluation (NPSSE) has been launched to evaluate the performance of schools in terms of quality of education, teachers' performance and learning outcomes. Such an evaluation is to be followed by remedial measures.

### **Shortcomings of SSA**

Despite these achievements of the SSA, keeping students in school throughout their schooling career is a challenge as dictated by high dropout rates. Nationally 29% of students dropout before completing five years of primary schooling and 43% dropout before finishing upper primary school. The high school completion rate is only 42%. These figures sum up to reveal that India has 1.4 million out of school children in the age group of 6-11.

There is vast shortage of teachers across all the levels. The primary schools need additional 689000 teachers to fulfill the RTE norms for Pupil teacher ratio. Even though under the Swachh Vidyalaya Mission (Sub mission under Swachh Bharat Mission) all schools now have a designated girls' and boys' toilet, a closer scrutiny reveals that only 53% of such girls' toilets are functional. The provisions of SSA and the RTE have come under most severe criticism for poor quality of learning across all levels of schooling. As per Pratham's ASER reports, close to 78% students in Class III and 50% students of class V cannot read a class II text. Only 25% of class III students are able to solve a two digit subtraction problem. Alarming, about 20% of class II students cannot recognize numbers up to 9. There is lack of accountability under SSA which manifests itself in poor learning outcomes and poor attendance rates of teachers.