

- ① NCSC was created under Art 338 of Indian Constitution.

Mandate

- Studying constitution and safeguards for SC
- Suo motu cognisance of cases of atrocities against SC
- Giving advice to govt on promotion of SC
- Has the power of civil court.

~~to~~ to

There is need to strengthen NCSC

~~due~~ due to 2

- 1) Human resource crunch due to wide mandate
- 2) Sub optimal financial allocation.
- 3) Largely adviser role which reduces impact of NCSC annual reports.
- 4) Low strength of NCSC, lack of transparency in appointment and short tenure (of 3 years) which reduces effectiveness.
- 5) Lack of regional offices which reduces its domestic influence

6) Lack of awareness among SC community regarding how to approach NCSC.

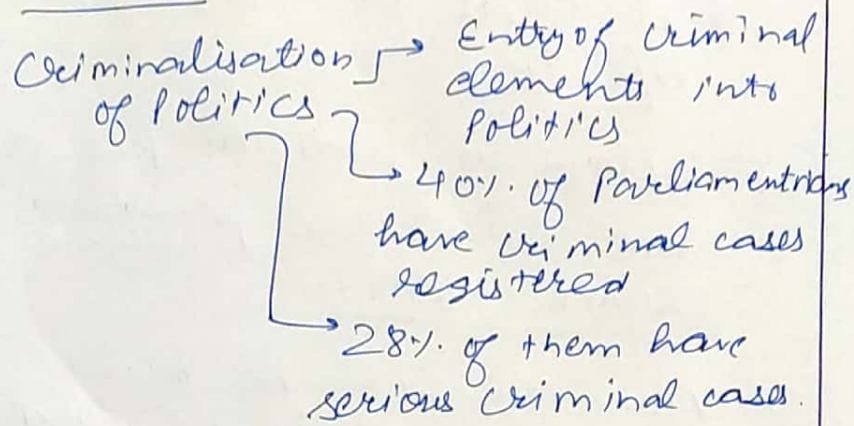
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Way forward

- 1) Increasing strength of NCSC.
- 2) Regular & optimal financial allocation.
- 3) Wider circulation of NCSC reports & online portal for complaint redressal.
- 4) More no. of regional offices of NCSC with adequate strength.
- 5) Collegium based transparent appointment system with fixed 5 year tenure.
- 6) Ban on future employment or office holders to promote impartiality.

This can promote interests of vulnerable groups like, SC (Art 46 of Constitution) in sustainable way.

② RPA regulates election in Parliamentary & State legislatures in India.



Provisions in RPA to counter criminalisation of politics

- 1) A person convicted for 2 years or more is barred from contesting elections till after 6 years of completion of punishment.
- 2) A person convicted on promoting untouchability charges of ~~corruption~~, violating National Honor act and committing social crimes like dowry/sati cannot fight elections.
- 3) A jailed / convicted person loses his right to vote except in case of preventive detention.
- 4) Provision of immediate disqualification is applicable (After Lily Thomas case)

Infirmities present

(4)

- 1) Debarment is after conviction and that too, not for life time
- 2) Delay in judicial process. Some cases are pending since 1989.
- 3) No case can be built against a person who has lost election for his unethical conduct.
- 4) Paid news is not an electoral offence
- 5) Some offences have less punishment e.g. filing false affidavit is not electoral offence.

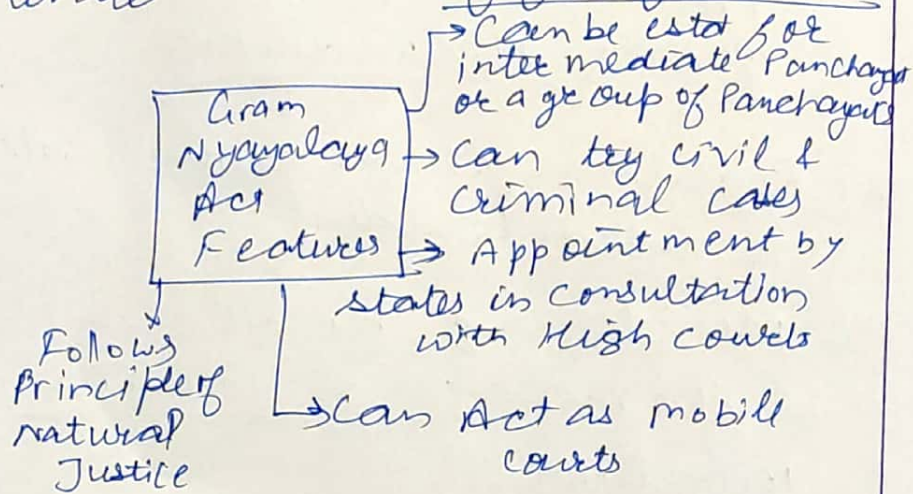
Way Forward

- 1) Banning people from contesting if charges are framed by judiciary in serious case.
- 2) Paid news and false affidavit to be made electoral offence.
- 3) ~~Panel~~ Ban should be for life time & not just for 6 years

Haryana govt's step of Right to Recall in PRTs is an ideal step in this direction.

③ Gram Nyayalayas are constituted under Gram Nyayalaya Act, 2008.

⑤



Challenges faced

- 1) Inconsistency with Taluk level courts
- 2) Financial allocation is less as support by centre is over.
- 3) Human resource availability along with infra availability is sub-optimal.
- 4) Lack of awareness amongst people.
- 5) Working as limited courts for few days, so dealing with less no of cases.
- 6) Compared to target of more than 5000 courts, around 500 are existent. Not even a single one in North eastern states (PRS report)

Way Forward

(6)

- 1) Appointing separate cadre of gram Nyayadhikari
- 2) Regular financial allocation & infra building.
- 3) Monitoring by HCs in performance of gram nyayalaya
- 4) Wide spread awareness among community regarding act. & promoting them as mobile courts.

These can become instrument in provide cheap & easy justice to all (Art 39 A)

④ Alternative mechanisms refer to process & institutions which promote multi stakeholder participation in governance process.

Rationale for using these for effective decision making

- 1) Better inter departmental coordination in decision making & breaking departmental silos
e.g. Empowered Group of Secretaries
- 2) Allows knowledge sharing by private sectors & experts.
- 3) Increases trustworthiness of process and promote democratic spirit.
- 4) Provides better monitoring at the ground level and appropriate input for policy making.
- 5) Ensures Transparency & accountability in policy making process.

Challenges

⑧

- 1) Lack of effective participation of all sections due to power differential.
- 2) may promote elite nexus which neglects policies for ~~poor~~ vulnerable e.g. Creany capitalism
- 3) may present a wrong picture to govt regarding outcomes of policies

Diverse and democratic participation via digital media (e.g. gov platform) can be used in this -

- ③ Bureaucracy refers to permanent executives involved in policy planning, monitoring & implementation.

(Bureaucracy & Democracy are paradoxical as)

- 1) Bureaucrats share Power with political class but are unelected
- 2) Bureaucratic-corporate nexus is detrimental to democracy.
- 3) Lack of connection of bureaucrats with ground level leads to poor policy making.

(Bureaucracy & democracy are complementary)

- 1) Bureaucratic recruitment are merit based, hence democratic.
- 2) Bureaucrats follow constitutional principles in their job.
- 3) They are under overall control of elected political executive.

4) They derive their authority from laws created by elected legislatures.

(10)

5) With proper grievance redressal & accountability based mechanisms like CAG, RAMS & RTI, they are answerable to ~~under control~~ of people at large.

Way Forward

1) Increasing accountability & transparency by e-governance (2nd ARC)

2) Civil services board & police reform to ensure impartiality (2nd ARC)

3) Decentralised governance & more powers to PRIs in planning & execution.

4) 360° performance appraisal mechanism for bureaucrats.

This can realise Sardar Patel's dream of making Civil services, steel frame of India.

⑥ e-governance refers to induction of electronic technologies in planning, implementation & dissemination of govt. Policies and providing various govt services.

⑦
[Empowering citizens by transforming governments functioning]

- 1) Improving transparency & accountability e.g. suo-motu declaration of inf-ormation online & e-RTI,
- 2) Grievance redressal system which is workflow based e.g. CPGRAMS.
- 3) Timelines for service delivery are fixed based on citizen charter e.g. Caste based certificate in Delhi
- 4) Linking performance of govt-employees with achieving timelines of service delivery e.s under ISO framework.
- 5) Standardisation of service delivery e.g. Sevottam framework.

7 Reinventing People's Participation

(12)

- 1) Taking suggestions from citizens e.g. e-gov platform.
- 2) Pre-legislative consultation
e.g. Encryption Policy was taken back after large feedbacks.
- 3) Gives equal power to most vulnerable sections as distance, cost, age does not matter.
- 4) Ensure anonymity in complaint related cases.

Increasing extent of digital infra, ~~for~~ privacy protection legislation & emphasis on cyber security is the way forward.

⑦ Transgender Person act 2019 aims towards (13)

- Eliminating discrimination
- Constituting National Council for Transgender
- Giving Right of self determination
- Facility of sex reassignment surgery
- Protecting economic interests of transgender

Diluting spirit of NALSA judgement as

- 1) need for certificate issued by DM (violates Right of self determination & Right to Privacy)
- 2) Does not provide reservation similar to OBC.
- 3) National Council for Transgender is just advisory body.
- 4) Right of Transgender is property & succession is still unclear.
- 5) Definition of transgender is not as broad as envisioned in NALSA judgement.

Way Forward

(14)

- 1) Extending reservation to transgenders under Act 15.
- 2) National Council for Transgender's authority need to be strengthened.
- 3) Requirement of certificate can be done away with.
- 4) Welfare Policy for Transgenders in line with Kerala and Tamilnadu need to be brought.

It will be true realisation of Right to equality under Act 14, 15 & 16.

⑧ Universal Health Coverage refers to accessibility, affordability of health services to all at all times.

⑮

Challenges in UHC in India

- 67% expenditure is out of pocket
- Public investment is just 1.5% of GDP (2.5% is target in National Health Policy)
- Every year 2 Mn people go below poverty line due to large expenditure on health.

Benefit of declaring Right to Health as fundamental right

- 1) Will promote Art 21 in its true spirit.
- 2) Already Art 21's scope has been extended in form of Right to Affordable Health care by SC.
- 3) Violation will be punishable under Art 32 & 226.

Challenges in declaring Right to health as fundamental right

(16)

- 1) Lack of financial capability to invest in health care by center & states
- 2) will increase case load in courts as certainty of violation will be there in absence of state capacity.
- 3) Health services require immediate support, but legal process is long. So not much beneficial.
- 4) Costly legal process will be detrimental for vulnerable & poorer sections.

Way Forward

- Strengthening state capacity for health services
- PPP mode in healthcare (as per NITI Aayog Paper)
- P M Ayushman Bharat Yojna implementation in letter & spirit.

This ~~is~~ will be realisation of SDG 3 in its true spirit.

(9)

2 mn Indian diaspora reside in Gulf countries, primarily in Saudi Arabia, UAE, Kuwait and Bahrain.

(17)

Indian diaspora in Gulf as an asset

- 1) Remittances are huge source of foreign income for India (around \$70 bn)
- 2) Strengthening diplomatic links with Gulf regions due to diaspora.
- 3) Promotes cultural interaction.
- 4) Can become a source for technological and financial innovation & investment in domestic arena.

Challenges

- 1) Ethnic crimes in Gulf countries against Indians.
- 2) Nationalistic Policies like Nitagarat, which results into job losses.

3) Lack of social security,
poor contract regulation
 which promotes exploitation.

4) Reducing oil prices,
reduces remittances

5) Regional conflicts like
 Iran - Saudi conflict,
 Yemen conflict requires
 need for rescue operation
 like Sankat mochan.

Way Forward

- Social security agreement
with Gulf countries
- Regulating contract
terms and punishing
erring agencies
- streamlined deportation
protocols.
- Alternative employment
opportunities for people
returning from Gulf
countries.

This can promote regional
prosperity.

10) World Food Program is a specialised agency of UN.

Genesis & Functioning

- In 1960s
- To provide food support for refugees and displaced people.
- Food support in countries which are politically unstable and economically backward.
- Takes help from contributing nations & philanthropic agencies.
- Works in coordination with FAO.
- Overall monitoring by UN secretariat.

Contribution in India's case

- 1) Support of Food to India in 1960s.
- 2) Provided technical support in Green Revolution along with FAO.

19

3) After Green Revolution & white revolution, India became contributor to WFP.

(20)

Challenges

- Less Financial support
- Human Resource crunch
- Political opposition by states

Due to WFP's efforts it was awarded Nobel Peace Prize for 2020.

(11)

Civil society groups are considered as 4th pillar in democracy. These are groups which includes NGOs, various pressure & interest groups which are neither part of state nor part of corporate sector e.g. PRS.

(21)

Various actions taken by govt. against civil society group

- 1) Cancellation of FIRA registration e.g. in case of Greenpeace.
- 2) Starting IB investigation against groups e.g. some Christian missionary groups.
- 3) Instead of banning NGOs, strict penalty are imposed on some groups.

It is seen as shrinking space for dissent by some due to following reasons:

- 1) Political motive is being accused behind some actions
- 2) It can lead to violation of Act 19, 21, 29 & 30 which includes Freedom of Association & Religion.

3) Criticised by foreign countries as anti-democratic e.g. in case of Narmada Bachao Andolan.

4) Is seen as economic strangulation tactics to curb activities of NCOs which are against interest of ruling party.

{ Merit based actions against certain groups is needed due to

1) IB report showed that some NCOs actions are politically motivated & is leading to 2-3% loss of GDP C.S. Kudamkulam Protests.

2) Just 10% NCOs file IT returns. So there are instances of money laundering.

3) Missionary activity may include coercion or enticement e.g. in case of Tribals, which is socio-culturally detrimental.

4) may result into foreign interference in sovereign functions of state i.e. National security

- 1) One national legislation for NGOs registration (2nd ARC)
- 2) National level assessment & Auditing of civil society groups.
- 3) Regular filing of transparency report.
- 4) Ease of registration and functioning for genuine NGOs (2nd ARC)

This can realise the goal of local capacity building and decentralised governance.

(12)

PM being the "first amongst equals" in Parliamentary system, PMO plays an important role in central coordination & monitoring.

(24)

But recently PMO's role has increased due to

- 1) Strong majority govt. of one party
- 2) Wider acceptability of party leader in govt.
- 3) Proactive governance by PMO by use of technology e.g. PRAGATI platform for governance

Implications of PMO being most powerful office in policymaking

Positives

- 1) Better coordination amongst different department e.g. ECoC were created to coordinate COVID action.
- 2) Improved monitoring & review capacity e.g. PRAGATI Portal, CPIGRAMS Portal.

3) Avoiding duplicity of work and breakdown of departmental silos.

(25)

4) Reduction of corruption & administrative delay.

Challenges

- 1) Weak devolution of administrative & financial powers which can cause demoticalisation in decentralised level.
- 2) Centralised tendencies are not conducive for disaggregated data based policy making.
- 3) May result into lack of incorporation of wider viewpoint in policy making.
- 4) May impact federal spirit of country e.g. Kerala's concern about GST devolution.

Although institutional frame work exist to cater to above challenges:-

- a) NITI Aayog^{state}
- b) Group of ministers to provide policy inputs e.g. in GST.
- c) Increased role of PRIs in policy formulation & execution e.g. Jal Jeevan Mission requires local participation.

PM's action as guiding point can promote better harmony in working amongst centre & states.

(13)

Judicial governance pertains to decision making by judiciary which is 3rd pillar of democracy.

(27)

Importance of judicial governance
in infusing accountability in
functioning of govt.

- 1) Political reforms such as
Lily Thomas judgement (immediate
disqualification), advice to PM/CM
not to appoint criminal
background people as ministers
- 2) ~~Ensuring~~ Making govt. accountable
over delay of appointments in
various statutory posts e.g.
CIC
- 3) Asking & probing govt.
over actions taken to protect
migrants interests during
COVID pandemic
- 4) Non expenditure of
various funds by govt. functionaries
e.g. Building & construction
workers cess, Nirbhaya fund.

Engendering Human Rights Jurisprudence

(28)

- 1) Making scope of fundamental rights wider.
e.g. Right to clean environment (Art 21)
- 2) Abolishing sec 377 of IPC promoting LGBTQ rights
- 3) Religious reforms for women
e.g. Sabarna & Triple Taluk Judgments
- 4) Right to privacy e.g. Puttaswamy case.

Judicial overreach = Judiciary's overstepping into legislative & executive domain.

Concerns of Judicial overreach

- 1) NJAC's annulment
- 2) Interference into economic policy (e.g. entry tax on trucks entering Delhi)
- 3) Amending SC/ST act to incorporate baile provisions
- 4) Mandatory playing of national anthem in movie halls.

Way Forward

(29)

- 1) Strict adherence to constitutional principles by judiciary by supporting separation of powers.
- 2) Need for judicial accountability act. (NCRWC recom.)
- 3) more participation of executive in judicial appointment (2nd ARC)
- 4) Recent judgement to allow RTI in judiciary by SC is a step in right direction

(14)

Contempt of Court refers to Civil & Criminal contempt of court (As per Contempt of Court Act)

Civil contempt → Wilful disobedience of court's orders

Criminal contempt → Hindering administration of justice & lowering dignity of court

Exceptions → 1) Protection of "truth"
2) True reporting of judicial proceedings
3) Fair criticism of court judgements.

Source of power → Art 32, 226 of Constitution
Contempt of Court Act, 1971.

It is necessary for administration of justice as

- 1) It protects dignity of judiciary.
- 2) Judges can not defend themselves publicly and in media (As per Ethics rule)
- 3) Allows court to implement their decision through fear of punishment.

(30)

4) Freedom of speech & expression under Art 19 has reasonable restriction in Art 19(2).

(3)

But it can also lead to obstruction of justice as

- 1) Art is against principle of natural justice, as judge becomes judge in his own cause
- 2) Definition is subjective & based on personal interpretation.
- 3) Suo-motu cognisance by courts is creating problem e.g. Pleasant Bhuyan case
- 4) Long, costly & arduous judicial process, itself becomes a punishment.

Way Forward

- 1) Need of an independent panel constituting retired judges to decide contempt cases.
- 2) Criminal Contempt can be deleted, just keeping under civil contempt

3) Clear guidelines for deciding Contempt cases by SC which can be applied in all HC's also

(32)

This can further improve credibility of judicial system in the country.

(15)

Custodial violence cases refer to physical or psychological violence in police/judicial custody.

(33)

Legal concerns with custodial violence

- 1) It is against human rights jurisprudence & violates constitutional rights e.g. Art 21, 22.
- 2) Against international conventions. e.g. UDHR & International Political Rights Convention
- 3) Reduces legitimacy of state and promote local discontent
- 4) Creates impunity amongst police personnel, if goes unpunished. conviction rate is less than 5% in custodial violence cases (NCRB)

Challenges in curbing these incidents

- 1) Lack of appropriate legal help available
- 2) Lack of implementation of "Prabath Singh" judgement of SC. e.g. Police Complaint Authority etc.

3) Lack of legal knowledge & knowledge about their rights among citizens.

4) Non-ratification of Convention against Torture by India.

5) Poverty, illiteracy and lack of women empowerment which results into custodial rape cases

Suggestions to address the issue

1) Proactive role of Magistrate in identification of cases.

2) Availability of free legal help under Art 39(A) & Art 22 via NALSA.

3) Use of technology e.g. CCTV in police stations.

4) Fast tracking of cases against police man & recovery of compensation.

5) Gender Sensitization of Police force (2nd ARC)

6) Ratification of Convention Against Torture by govt.

This can result into realisation
of Ram Rajya as envisioned
by Gandhi;

(35)

(16)

Civil society interventions ^{have} resulted into changes in laws, policies to promote democratic & ethical governance.

(36)

Confrontation & ~~engage~~ to promote transparency & accountability

- 1) Anna Hazare fast for Jan Lok Pal.
- 2) SC/ST movement to take back amendments in SC/ST Prevention of atrocities act, done by Judiciary.
- 3) MKSS efforts to bring RTI (Protests, demonstration etc)
- 4) Implementation of Forest Rights Act (After protest from Tribals).

Engagement to promote transparency & Accountability

- 1) Engagement of ~~the~~ NGOs to promote Social Audit in various schemes e.g. MNREGA.
- 2) Interest groups like PRS in promoting transparency in electoral funding e.g. Electoral bonds

3) Promotion of e-governance by utilising services of civil society organisations e.g. Nilekani foundation

4) Role of citizen developers in development & modification of various apps e.g. Aarogya Setu app.

5) Ensuring govt's accountability in data privacy case (Puttaswamy case)

Way Forward

- 1) Need for more institutional & continuous engagement e.g. via NITI Aayog.
- 2) More participation at State & Local level.

Role of civil society organisations is paramount in achieving goals of India@75 and realisation of sustainable development.

(17) Ranked 95 in Global Hunger Index 2019,
India has world's largest Population
of hungry children.

→ India has 37% stunted
children & 20% wasted
children

→ 50% of women are anemic.

→ India has triple burden of
malnutrition, obesity and
hidden hunger

Paradox of Plenty → Above conditions
exist despite
plenty.

- 1) India's food grains are
overflowing. Every year
10-15 Mn Tonnes gets lost due
to improper management.
- 2) India is largest producer
of milk, and fruits like
guava. 2nd largest in
wheat & rice
- 3) India has largest area
(in % age) which is arable
and 2nd largest production
of food grains.

(38)

Ways to address the Problem

(39)

- 1) Diversification of food baskets to include more coarse grains.
- 2) Better management of stock, more investment and use of technology.
- 3) Consistent Liquidation Policy to provide grains to people
- 4) Fortified Food Provisions via ICDS & midday meal.
- 5) Promoting sustainable food processing industry e.g. via SAMPADA Yojna.
- 6) creating decentralised/ local food grain storage at village level
- 7) Reforming PDS system & FCI (as per Shanta Ram committee recommendation)
- 8) Putting emphasis on people nutrition of mothers (lactating & pregnant), emphasis on sanitation & vulnerable groups (e.g. Tribals)

90
This can realise the goal of
hunger free India (SDG 2) for
us.

(18) Wage employment is an employment contract in which fixed wages are given after a pre-defined execution of job.

(91)

Poverty status in India:

21% people are poor (Tendulkar committee recommendation)

25% in rural & 18% urban people are poor.

Role of wage employment in alleviating poverty

- 1) Guarantee of minimum wage
- 2) Availability of work in distress situation e.g. drought
- 3) Child labor is prohibited.
- 4) Fixed income can promote children's health & education standards.
- 5) No discrimination on the basis of caste, class, gender etc.
- 6) Results into development of skill, if employment is skill based.

7) Rural urban migration
reduces especially distress
migration

(42)

MANREGA is different from
earlier wage ~~and~~ employment
Program

- 1) it is demand based
program
- 2) Limit of 60:40 to Man
& material so labor
intensive.
- 3) Creates sustainable asset
- 4) Use of social audit to
promote transparency.
- 5) Direct payment into banks
promote financial
inclusion.
- 6) A part of money need to
be spent on women employment
so promote gender inclusion

Similarities

- 1) Primary emphasis on
unskilled workers.
- 2) Reducing distress
migration.

There is need for more fund
allocation & use of technology
for geo-tagging to capture
all the benefits of the scheme.

(43)

(19)

Chinese aggressiveness is an outcome of domestic compulsions & international rebuttal on COVID spread

(44)

Examples of aggressiveness

- 1) Troop buildup along LAC
- 2) Galwan conflict which led to deaths of soldiers from both sides.
- 3) Use of undiplomatic language in communication
- 4) Aggressive stance in South China Sea
- 5) Hong Kong protests were suppressed
- 6) Strong line on unification of Taiwan

Challenges to India due to this

- 1) Need to equate Chinese buildup with our own.
This is military expenditure which can be used for COVID response
- 2) Balancing India's interests in neighbourhood e.g. Nepal's boundary conflict has Chinese support

3) Pakistan may become aggressive with China's support & increased ~~turce~~ input to J&K may ensue.

(45)

4) maintaining strategic autonomy despite becoming part of QUAD.

5) Promoting Indian investment to counter BRI of China.

6) Dependancy for various critical items on China e.g. API.

Opportunities to strengthen India domestically

1) Developing domestic critical industries e.g. Pharma

2) Technology Transfer e.g. in defence from US.

3) Promoting employment generation via more investment in strategic industries

4) Building infra along borders. Can esp. benefit North Eastern states.

5) Putting more emphasis on Regional integration e.g. SAARC electricity trade

International opportunities

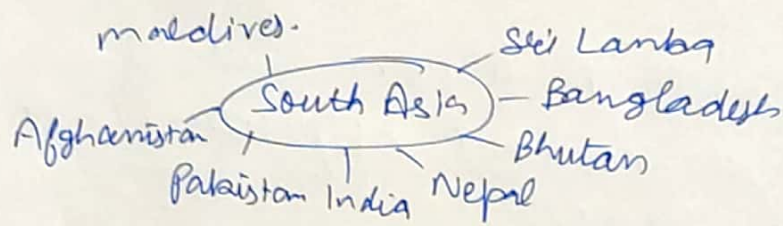
(46)

- 1) More ~~cto~~ strategic closeness with US.
- 2) Developing relations with democratic partners
e.g. Australia, Japan, ASEAN.
- 3) Increased role of India in Global supply chain.
- 4) Improved soft power ~~status~~ due to benign foreign policy.
- 5) Promoting India's role in SAGAR and as Net Security Provider in Indian Ocean.

This is possible with emphasis on defence, trade and maritime diplomacy with ~~some~~ ^{other} countries.

(20) South Asia is least integrated economically, despite having very high cultural similarities

(47)



Challenges in South Asia

- 1) Poor infra connectivity
- 2) Political conflicts e.g. India - Pakistan.
- 3) Fear of India as big brother
- 4) Relatively under developed economies, so less scope for investment
- 5) Regional institutions in disarray due to conflicts e.g. SAARC.
- 6) MVA could not be implemented due to Bhutan's ecological concerns.
- 7) Digital connectivity is also not optimal due to fear of cyber security.
- 8) SAARC trade accounts for less than 5% of total trade of member

Opportunities for South Asia

(48)

- 1) India as 3rd largest economy (PPP wise) has huge potential for economic investment.
- 2) South Asia can act as huge market opportunity for companies.
- 3) Energy security can be promoted by BIMSTEC/
South Asia Grid
- 4) Cross^{oil} pipe line connectivity can promote energy security.
- 5) Role of HIT (Highway, Informa-tionway & Transmission way) can open huge opportunities.
- 6) Digital India can be extended to Digital South Asia.
- 7) Cultural connectivity via tourism circuits (e.g. Krishna circuit, Buddha circuit) can be promoted.
- 8) CIAN can promote knowledge connectivity between research & academic institutions.

9) Sister city concept can promote sustainable urbanisation.

(49)

Some recent initiatives

- 1) Akhaura Agartala rail line
- 2) Amlekhganj oil pipe line
- 3) Electricity trade with Bangladesh, Nepal & Bhutan
- 4) India - Afghanistan connectivity via Chhambahat

There is a need for institutional leadership to make South Asian ~~to~~ regional integration a success similar to ASEAN.