



WOMEN EMPOWERMENT

SOCIAL MEDIA ACCOUNTABILITY

**IASBABA'S**

**EPW**

**BI-MONTHLY  
GIST**

FEASIBILITY OF UBI

CHILD MARRIAGE

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# Women Empowerment

## GS 1

- Role of women and women organisations
- Social empowerment

## Gender in Public Policy

- Over the last few decades, the hitherto dominant **gender-blindness in academic works and policy initiatives** has been **countered** by the stress on the need to fight gender inequalities and violence, and to ensure women's empowerment for development.
- Prior to that, fundamental issues surrounding the lives of women and varied forms of gender-based abuse were not treated as violations of human rights, for women's rights and human rights were seen as distinct.
- However, with the **declaration of the United Nations (UN) Decade for Women (1975–85)**, the adoption of the **UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979**, the **World Conference on Human Rights in Vienna in 1993**, **categorically stating that women's rights are human rights**, along with subsequent policy initiatives by governments across the world, gender has slowly but certainly marked its presence in the rights and development discourses.
- Even on the academic front, since the 1990s especially, the research on gender and feminism has become more institutionalised and recognised as a legitimate field of research.
- In 2005, **Kofi Annan**, the former UN Secretary General, stated that study after study has taught us that there is **no tool for development more effective than the empowerment of women** ... no policy is more important in preventing conflict, or in achieving reconciliation after conflict has ended.

## Scope of Women Empowerment

- Yet, reductionist understandings of the concept have not gone unchallenged: one of them being the Western idea of empowerment forced on the non-Western "other" and another being how the one in power defines what empowerment means for the oppressed sections.



- **Generally, empowerment has been used to include access to education, healthcare, and increased representation;** however, it misses “the ways in which power politics constrain access for women”
- The empowerment of women, therefore, has to be seen as a process in which the following elements will be considered: **awareness/consciousness, choice/alternatives, resources, voice, agency, and participation.**
- This dimension of women’s empowerment is linked to enhancing women’s ability to make choices over the areas in their lives that matter to them.

### Women NGOs

- In contemporary global development circles, non-governmental organisations (NGOs) are now performing many more roles and activities than they did a few decades ago.

### Role of NGOs

1. **Work with government, community and private sector**
  - NGOs work with governments, community groups and the private sector
2. **Implementation and evaluation of projects**
  - They develop and implement programs, monitor and evaluate their progress
3. **Train people**
  - They help train people working on those projects.
4. **Reach upto most vulnerable people**
  - They’re considered more nimble than other institutions in accomplishing development goals because **they can reach the most vulnerable or disaffected people in a community and find innovative solutions to problems.**
  - Although **their funding streams and institutional decision-making structures are typically multinational,** NGOs’ legitimacy, indeed, often rests on perceptions of them being “local” and “close to the people.”

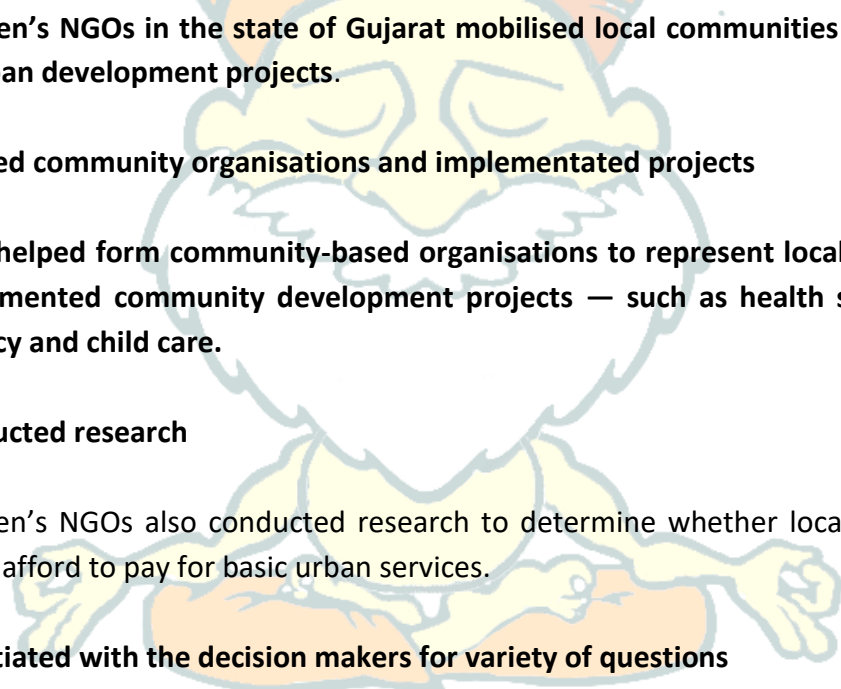
## Role of NGOs in Women Empowerment

- NGOs are increasingly taking on the responsibility of implementing the gender equality and women's empowerment agendas of the global development sector.
- The **United Nations' Sustainable Development Goals**, adopted in 2015 will undoubtedly **increase the engagement of women's NGOs in a variety of activities.**

### Women's NGOs in India

- In India, women's NGOs were involved in delivering urban basic services like water, sanitation and electricity.
- Women's NGOs played crucial roles in development projects, often mobilising, organising and building projects that otherwise would never have launched.

### Example of Gujarat

- **Women's NGOs in the state of Gujarat mobilised local communities to participate in urban development projects.**
1. **Formed community organisations and implemented projects**
    - They **helped form community-based organisations to represent local interests and implemented community development projects — such as health services, adult literacy and child care.**
  2. **Conducted research**
    - Women's NGOs also conducted research to determine whether local communities could afford to pay for basic urban services.
  3. **Negotiated with the decision makers for variety of questions**
    - They negotiated subsidies, fair pricing and flexible terms of payment with utilities on behalf of marginalised people.
  4. **Arranged easy access to various government services**
    - They arranged access to loans from microfinance institutions for households that could not cover the cost of water or electricity connections.
  5. **Enhanced women participation by aligning with the state**
- 

- And by insisting that water and electricity bills be issued in the names of female heads of households, women's NGOs strengthened women's access to property and housing.

#### 6. Educated people and policymakers

- The NGOs also educated stakeholders about the realities of life for the urban poor, and shared lessons learned in one urban area with NGOs in other cities in India.

#### Women's NGOs easily marginalised

- After the success of the pilot projects, the **other partners declared that they would "go it alone" and no longer involve the NGO partner** in delivering basic urban services.
- They were often **dismissed as supplementary** and dispensable by the other partners.
- Because the NGOs' role of organising, mobilising and helping local communities participate in development initiatives was seen as a "natural" extension of women's caregiving work, it was easy for other partners to diminish and dismiss their contributions.

#### Way forward

##### 1. Formal agreements to define concrete role

- The lack of such formal agreements entrenches the perception that the role NGOs play is not particularly valuable.
- But the **involvement of partners with a wide range of views, sizes, structures and experiences** underscores the importance of formalising the role of women's NGOs.

##### 2. Data dissemination to signify their role

- **Collecting, maintaining and analysing data on a regular basis about key project impacts and outcomes** will be crucial for making NGO contributions more visible and less dismissible.
- **Collaborating with academics and other development professionals** to publish and disseminate findings from such projects will also strengthen and validate NGO efforts.

## Connecting the dots

- Discuss the role played by NGOs in women empowerment.
- Examine the dimensions of women empowerment and the actors that play role in empowering women.

# Child Marriage

## GS 1

- Indian Society

## GS 2

- Government policies and their implementation
- Welfare schemes for the vulnerable sections of the society – Children

## Introduction

- Supreme Court read down the marital rape exception for married girls between the ages of 15 and 18. The judgment is prospective in nature.
- Essentially, the court held that since sexual assault in marriage is already a crime under the **Protection of Children from Sexual Offences Act, 2012 (POCSO)**, it is discriminatory and arbitrary to suspend the protection of the rape law for these underage married girls.
- Supreme Court questioned the rationality and validity of the **Exception 2 under Section 375 provided in the Indian Penal Code (IPC)**, which validates intercourse of a man with a girl who could be between the ages of 15 and 18 provided she is his wife.
- As a girl did not cease to be a child under the age of 18, **Exception 2** ran contrary to the beneficial intent in **Article 15 (3) of the Constitution**, which enabled Parliament to make special provisions for girls and women.
- In April 2017, Karnataka inserted “sub-Section (1A) in Section 3 of the PCMA, declaring that henceforth every child marriage that is solemnised is void ab initio”, i.e., it is to be treated as invalid from the outset.



## Child Marriages

- A **2014 UNICEF report**, which ranked **India 6th among the top 10 countries** with high rates of child marriage among women, found that the median age at first marriage was 15.4 years for women in the poorest quintile, and 19.7 years for those in the richest quintile.
- The prevalence in **Rajasthan was as high as 65%**, followed by Jharkhand at 63%.
- The **Rapid Survey on Children** commissioned by the Ministry of Women and Child Development in 2013-14 estimated that such marriages had **declined from 47.4 per cent** according to the National Family Health Survey-3 (2005-06) data **to 30.3 per cent**.
- As per **census 2011**, the percentage of child marriage in 2011 is **31.6% which was 52 % in 2001** which shows a decreasing trend.
- As per National Family Health Survey (NFHS)-4(2015-16), the percentage of Women age 15-19 years who were already mothers or pregnant is **6.3% which was 16% in National Family Health Survey (NFHS)-3(2005-06)**.

## Reason for Child Marriages

### In rural areas and amongst disadvantaged sections

- A **stronger correlation between child marriages and poverty, indicating that the law by itself was inadequate to address** the challenge unless accompanied by government interventions at multiple levels.
- The percentage of such marriages was higher than the national average among the Scheduled Castes (34.9 per cent) and the Scheduled Tribes (31 per cent).
- Child marriages were prevalent in nearly 44.1 per cent of families with a low wealth index, an indication that poverty was a dominant factor in child marriages.

### Impact of child marriages

- Early marriages result in multiple child births and often are the **reason for maternal mortality, infant mortality and reproductive health challenges**.
- Girls between 15 and 19 were more likely to die at childbirth and pregnancy than older women, making pregnancy a leading cause of death in developing countries.
- Girls from S.C. and S.T. communities were on an average 10 per cent more likely to give birth earlier than girls from other castes.

## Legal precedents on Child Marriages

### Law Commission Reports in 1980, 2000 and 2008

- The court's attention was drawn to the **Law Commission of India's** (LCI) 84th report titled "Rape and allied offences: Some questions of substantive law, procedure and evidence", submitted in **1980**, which had pointed out that **marriage with a girl below 18 was prohibited under the Child Marriage Restraint Act (CMRA), 1929** (although not void in personal law), and so **sexual intercourse with a girl under 18 should also be prohibited**.
- The minimum age of marriage for girls as 18 was laid down in 1978.
- The **LCI's 172nd report (submitted in 2000)** recommended the **retention of the exception in Section 375**, maintaining that sexual intercourse by a man with his wife, **provided she was not below 16 years** of age, was not tantamount to sexual assault.
- Taking a conservative position, the LCI's 172nd report held that removing Exception 2 from Section 375 "may amount to excessive interference with the marital relationship".
- However, the age of the child was not raised from 15 to 16 in Exception 2 as recommended by the LCI.
- The **LCI's 205th report** on "The proposal to amend the Prohibition of Child Marriage Act, 2006, and allied laws", which was submitted to the Law Ministry in 2008, made several recommendations for changes in the PCMA and allied laws.
- While hearing a writ petition in 2006, the Supreme Court sought the assistance of the Law Commission to look into the **definition of a child under different laws**.
- The Law Commission looked at various aspects, including the implications of child marriage from various dimensions and also the various laws relating to age of consent and age of marriage in different countries.
- It **examined the CMRA and the age of marriage and age of consent for sexual intercourse and recommended that child marriage below 18 be prohibited for boys and girls, marriage below age 16 be made void, and marriage between 16 and 18 be voidable**.
- More importantly, it recommended that the **age of consent should be 16 for all girls, regardless of marriage**.

### Hindu Marriage Act

- A **child bride under the Hindu Marriage Act** could nullify her marriage if she was married under the age of 15.

## Prohibition of Child Marriage Act, 2006

- There are provisions in the **Prohibition of Child Marriage Act (PCMA), 2006**, that **allow for annulment of a child marriage within two years of the minor attaining majority**.
- For the order to be effective, it is important for the legislature to step in and amend the PCMA, making marriage between minors void, and not just voidable, i.e., capable of being adjudged void, as is the case now.
- As marriages in India come under the purview of personal laws, the PCMA stops short of invalidating child marriage. It holds that marriage between a boy of under 21 years and a girl under 18 years of age is voidable, at the option of the contracting parties.
- This means a child marriage, even under the secular laws, can only be annulled if a case is filed in a district court by either of the two contracting parties within two years of becoming adult, or through a guardian if still a minor.
- **Child Marriage Restraint Act, 1929, was amended** to create the PCMA in 2006, introducing more stringent punishments, including a jail term of up to two years for the 18-years-plus boy or anyone who abets/performs such a marriage

## POSCO Act, 2012

- It was **inconsistent with the provisions of the Protection of Children from Sexual Offences (POCSO) Act, 2012**.
- Under the POCSO Act, the rape of a married girl child would constitute a form of aggravated penetrative sexual assault, which was punishable with 10 years' imprisonment or a fine.

## UN Convention on Child Rights

- International conventions such as the **United Nations Convention on the Rights of the Child** made it obligatory on the part of the government to take steps to “**prevent the coercion of a child to engage in any unlawful sexual activity**”.

## Issues

1. **Ambiguity on age of child**

- While **children were defined as persons under 18 in the Indian Majority Act and Juvenile Justice (Care and Protection) Act, 2000**, it was **18 for girls and 21 for boys in the CMRA**.
- The **IPC had no definition for “child**.
- The petitioners pointed out that Sections 5 and 11 of the Hindu Marriage Act did not give the court the authority to declare a marriage void on the grounds that either of the parties was under age and the Exception to Section 375 exempted the husband from the charge of rape if the wife was not under 15 years of age.
- They pleaded that this was in contradiction with the CMRA, which disallowed child marriage but did not totally invalidate it.
- The petitioners said that there should be a uniform definition of a child in all laws in order to protect children from abuse.
- Marriages under 18 should be declared void as such marriages could only be “coerced and no full or informed consent could be given by a person under eighteen.
- The Law Commission report, however, said that the age of consent should be 16 for girls irrespective of whether they were married or not. The Supreme Court bench of Justices Lokur and Gupta did not make this distinction.

## 2. **Choice relationships**

- The aspects relating to the prevalence of voluntary consensual sex among young people needed to be considered.

## 3. **Very low conviction rate**

- Evidence for the **inefficacy of the PCMA** lies in National Crime Records Bureau (NCRB) data. In 2014, 2015 and 2016, only 280, 293, and 326 cases respectively were registered under the Act.
- Rajasthan registered only 5, 6, and 12 cases under PCMA in these three years, while Jharkhand saw 4 cases being registered last year and just one each in the preceding two.

## **Way forward**

- The best way to stop child marriages was to **enforce the provisions of the PCMA and at the same time ensure that the rights of the girl and the children born from such marriages were safeguarded**.
- The difference in the ages of marriage for men and women as 21 and 18 was not based on any scientific understanding.

- The LCI report had maintained that there was no rationale for different ages of marriage for boys and girls.
- It had recommended that **marriages below 16 be made void; between 16 and 18, they be voidable at the option of either party; and the Exception to Section 375 be deleted, which would ensure that the age of consent for sexual intercourse for all girls, married or not, would be 16.**

## Personal laws and PCMA

### 1. Dissolution of marriage

- Under the **Hindu Marriage Act, 1955**, (applicable to Hindus, Buddhists, Sikhs, Jains) and the **Dissolution of Muslim Marriages Act, 1939**, a girl can **legally seek dissolution of her marriage if she was married off before the age of 15 years** — but she has to do so **before she is 18 years of age (unlike the PCMA which sets the age at 20 for girls and 22 for boys).**

### 2. Age of marriage

- The **uncodified Muslim personal law considers puberty** (presumed to be 15 years) as the minimum age of marriage for girls.
- The **Hindu Marriage Act**, while making the marriage of an **under-18 girl punishable**, applies the **punitive measures only against the boy who is over 18 years of age**, and not against the parents or guardians.
- The **Indian Christian Marriage Act** also in a way legitimises child marriage by stating that marriage registrars have to put up a public notice for 14 days prior to the marriage of a minor.

## Way forward

- While the PCMA overrides personal laws, it has been argued that **personal laws should be amended to make them consistent with PCMA.**

## Connecting the dots

- **In the light of Supreme Court judgement, discuss why child marriages still persist in our society despite legal provisions.**



# User Charges on Public Health Services

## GS 2

- Issues relating to health

### User Charges

- User charges as a component of public health policy were **introduced in World Bank–promoted healthcare reforms in the 1990s.**
- Many states that received World Bank and other multilateral assistance for health sector reforms were forced to introduce user charges in public health facilities. During this period, the healthcare budgets of governments also declined, from 1.5% of GDP in the mid-1980s to 0.7% of GDP in the mid-1990s.
- The **hike in user charges precipitated a decline in footfall in public health facilities for both outpatient and inpatient care.**

### Indian States

- In India, each state reports a different scenario for user charges as well as OOP expenditure for availing health services.

### Mizoram

- For example, Mizoram has not undertaken any externally funded reforms and, yet, the public health system in Mizoram is robust, well supplied, and well utilised, and it has **no user charges.**
- This is despite the fact that there is no competition from the private sector in the healthcare industry in Mizoram, perhaps an indication that in the health domain, state monopolies have an advantage.

### Meghalaya

- On the other hand, in neighbouring Meghalaya, **in addition to user fees, a donation box** is kept in each public health facility, and the money so collected is used by the Rogi Kalyan Samiti (Patient's Welfare Committee) for purchasing equipment and maintaining the facility.

- Meghalaya, for the same year, allocated ₹2,506 per capita towards healthcare (Duggal 2017), but health outcomes and access to healthcare is limited.

## Kerala

- Kerala, which has the best health outcomes in the country, undertook health sector reform projects and **introduced user charges in the mid-1990s**.
- Money was collected at health facilities for various services, and it was accumulated in local accounts.
- Hospital development committees were appointed to manage the user fees so collected. The committees were administered by people's representatives (politicians) who fought amongst themselves about how to use the money. The result was that the **money was never spent**. Supplies of medicines continued to be inadequate, and there were no funds for maintenance, etc.
- Noticing the growing discontent, the Kerala government proactively **banished user charges in June 2002** (Duggal 2003), but they have **come back under the National Health Mission with an exemption for those below the poverty line**.

## Conclusion

- World over, wherever universal access to healthcare prevails, the **only method of financing healthcare is pooling together resources under a public authority, whether it is through social insurance, tax revenues, payroll deductions, and other such collective mechanisms in some appropriate combination, but never through individual modes of payment like user fees or private insurance**.
- For example, National Health Services in the United Kingdom, National Health Insurance in Canada, Thai Universal Healthcare System, Sri Lanka, all Organisation for Economic Co-operation and Development (OECD) countries with the exception of the United States, and many other middle and lower income countries pool resources to reduce private expenditure burden to less than 25% of total health spending, unlike in India, where it accounts for over 70% of total health expenditure (WHO 2015).
- It is time we learnt from these experiences and allow user charges to wither away. Wherever healthcare is a core function of the government, health becomes a public good. People pay taxes to finance public goods like health and education, and thus, any form of fees would be an onslaught on their right to access these services and will only contribute to further increasing inequities.

## Connecting the dots

- User charges on health services are against the notion of “Universal Health Care”.  
Examine.

# Fiscal Numbers

## GS 3

- Budgeting
- Growth and development

## Expenditure

- Total expenditure in 2018–19 is **budgeted to grow by 10.1%** over the previous year, **less than the 11.5% by which nominal gross domestic product (GDP)** is expected to grow in 2018–19 over 2017–18, and slower than the 12.3% by which the estimated total expenditure for 2017–18 is expected to grow over the same in 2016–17.
- While the **revised estimates for total expenditure for 2017–18 were higher than the budget estimates**, the **revised estimates for capital expenditure were lower by ₹ 36,357 crore**. Capital expenditure in 2017–18 is thus lower than it was in 2016–17. Such expenditure largely goes into the creation of physical assets and is a crucial part of public investment.
- The **reduction in the revised estimates for 2017–18 seems to be on account of cuts in the outlays for “major and medium irrigation and power projects.”**
- **Capital expenditure has grown at an average year-on-year growth rate of 10.4% between 2014–15 and 2018–19, down from 16.4% between 2009–10 and 2013–14.** This is a worrying trend given that public investment “crowds in” private corporate investment, which has been faltering because of low expected profit rates, and the burden of financial stress in wake of the “twin balance sheet” problem.

## Tax Revenue

- Gross tax revenue is **projected to grow by an optimistic 16.7%** in 2018–19 over 2017–18.

- A noteworthy tax proposal in the budget to raise revenue is the **long-term capital gains tax of 10% for amounts exceeding ₹ 1 lakh**.
- The **new “Health and education cess” of 4%** that replaces the education cess of 3% raises the tax burden and does so without having to share the additional revenue with the states

## Fiscal Deficit

- The fiscal deficit (expenditure in excess of receipts) is projected to be **3.5% of nominal GDP** in 2018–19.
- To be sure, the **breach in the fiscal deficit target for 2017–18 can in large part be explained by lower revenue collections**.
- Both the conservative projection of fiscal deficit, and the proposal to introduce an even more regressive commitment to a **new “Debt Rule” that restricts government debt to 40% of GDP**, is to show the financial markets and the ratings agencies that the government is committed to adhere strictly to a “revised fiscal glide path.”
- This has arguably become the primary aim of the budgeting exercise.

## Social Media Accountability

### GS 2

- **Government policies and their implementation**

### GS 3

- **Challenges to internal security from communication networks**
- **Basics of cyber security**

## Social Media in India

- **30% of Indians have internet access**, and a majority of them access the net on mobile phones.
- **Facebook is said to have about 24 crore users in India**, by far its largest user base in any country. YouTube (owned by Google) is said to have a similar number of users in India, with the usage set to double soon thanks to the spread of 4G and broadband internet. Twitter is said to have at least two crore users in India, though the company has not put out any official figures.

- The **spread of social networks on the internet has gone hand in hand with the expanding internet use in India**. It is not just a small group of the elite in the urban areas anymore that is using the internet.
- India has had its problems with unlawful speech on social media platforms. In handling these, the Indian government's approach has been ham-fisted and crude.
- Section 66-A, which tried to address this, did so in such a poorly thought-out and unscientific manner that it had to be struck down by the Supreme Court (*Shreya Singhal v Union of India* 2015).
- Yet, the problems of regulating speech online have not gone away. There is, simultaneously, a problem of under-regulation and over-regulation.
- **Hate speech against women, minorities and disadvantaged communities continues unabated and mostly unpunished, while relatively innocuous content is taken down** and criminal proceedings started because someone in power does not like it.

### Why regulation of social media for fake news important?

- Social media has become the **largest source of news**.
- It sells ads against content, it hires moderators, it censors certain types of content, it commissions content providers to create original products and so on—that place it squarely in the media category. Facebook or Twitter doesn't need to hire (or pay) journalists to produce journalism.
- **However they claim that they were not a media companies, but tech companies** which hire engineers and not reporters.
- Today, if the potentially libellous information was published on a platform like Facebook or Twitter, the platform won't be liable for any damages. In media, however, both the outlet and the journalist can be held responsible. That's where the regulation of social media needs to change.

### Women and digitisation

- **Issues of access, digital politics, digital sociality and regulation** warrant more empirical work and a systematic documentation of the policy shifts and legal infrastructure.
1. **Online gender aggression**
    - There are different varieties of online aggression traceable to different user groups and motivations under the common label of trolling.



- The list includes the more commonly known offences such as stalking, pornography, infringements of privacy, trolling, and gender bullying but also emerging online offences such as sexting, revenge porn, “fake avatars” and “online grooming.”
- Online coercion through hurtful speech and bullying also happen.
- The **regressive gender tropes and violence against women have penetrated the digital spaces**, leaving the optimists to rethink their pronouncements on the possibility for radical empowerment through the digital.

## 2. Access to women

- However, a **persistent gender gap in digital access** has accompanied the impressive growth of digital technologies and internet communications.
- The meaning of cybercrime **should include acts of denying digital access to women**. There are cases of village *khap* panchayats preventing women from accessing the internet

## Issues in regulating Cybercrime

### 1. Lack of uniform law

- India **does not have any uniform law to regulate Internet or digital crimes** targeting women
- As a result, **existing provisions scattered across different legislations, some as old as the Indian Penal Code and the Evidence Act, 1872** are invoked to address online offences.
- Special legislation such as the **Information Technology Act, 2000, amended in 2008**, provides another resource, but the controversial sections in the act attest to the evolving and ambiguous nature of the legal terrain still struggling to keep pace with the changing digital architecture.

### 2. Accountability of internet servers outside ambiguous

- There is the **jurisdictional challenge of bringing servers outside of India accountable** to existing legislations in the country.
- This is **despite the amendment in the Information Technology Act that has extended the jurisdiction beyond the territorial (physical) boundaries** of India if the offence or harm concerns a citizen of India

### 3. Digital anonymity

- Digital anonymity is yet another enabling feature for the offenders, adding to the challenge of legal redressal and punitive actions.

#### 4. **Low understanding of privacy**

- Understanding of privacy norms is “extremely low among the youth in semi-urban and rural places”

### **German law**

- **Germany’s Network Enforcement Act** came into force.
- The law is **applicable to “social networks”** (such as Facebook, Twitter, Google+, and others)

### **Provisions**

#### 1. **Remove unlawful content within specified time**

- It requires them to **remove “unlawful content” within 24 hours of receiving a complaint about the content on their website**. The failure to do so involves massive penalties, going up to millions of euros.

#### 2. **Develop procedure to regulate content from users**

- They are also required to **put in place an “effective and transparent procedure” for handling complaints of unlawful content from users**.

#### 3. **No definition of “unlawful content”**

- It is important to note that the **law itself does not define what “unlawful content” is**. Rather, it relies on the pre-existing laws that criminalise some forms of speech, such as hate speech, incitement to violence, etc.

### **Criticism**

#### 1. **Privatisation of censorship**

- Ever since it was first mooted, the law has been criticised on the issue that it amounts to a “privatisation” of censorship.
- This may end up increasing the power of social media platforms to determine what content they find acceptable and censor accordingly.

- It is also contended that this effectively means that the interpretation of the laws concerning free speech has been left to the discretion of private corporations rather than public institutions.

## 2. Limited time for social networks may infringe into “right content”

- The heavy fines and short timeline mean that companies running such social networks will err on the side of caution and censor content simply on the basis of a complaint, rather than really examine whether the content might infringe the laws.

## Responsibility of intermediaries

### 1. Exemption for innovation not relevant today

- **Since the mid-1990s**, the approach taken to imposing liabilities on intermediaries, that is, those **merely hosting or carrying content they did not create**, has been to **give them an exemption from liability for illegal content** so long as they also remove such illegal content when the fact of illegality is brought to their notice.
- This was put in place to keep in mind the needs of the then fledgling industry, to ensure that the growth of the internet was not hampered by a crushing legal regime and innovation being stifled.

### 2. Use of algorithms give control to social media companies

- Whereas Facebook was the outlier in terms of **moving away from a purely chronological feed** (latest posts first) to an **algorithmic** one (where the user sees what the social network’s algorithm thinks may be most relevant), this seems to have become the standard across all social networks. There is the **serious potential of this algorithm being gamed to spread fake news and other unlawful** content.
- More importantly, **social networks cannot just be considered the internet’s version of bulletin boards**.
- Rather, the use of algorithms now means that they should be considered more akin to an editor of a newspaper. When they **have the control and the power to choose what content is seen and what goes up**, the legal liability must also reflect this shift.

## Germany

- While the **German law does not subvert this** paradigm, it fundamentally **does impose much higher obligations on the intermediary**, which has prompted the

concern that the government has “outsourced” its obligation to enforce the law to private entities.

## India

- As far as intermediary liability is concerned, **Section 79 of the Information Technology Act, 2000 mandates that intermediaries (such as social networks) will not be held liable for content uploaded by others on to their websites if such content is unlawful in any way, provided that when this fact was communicated to them, they removed the content “expeditiously.”**
- This immunity from liability is what may be leading to under-regulation in the context of unlawful content; that in the absence of any definition of “expeditiously,” **companies that run social media platforms do not feel the need to respond quickly to complaints of unlawful behaviour on social media.**

## Internal regulations

- Making Facebook directly responsible for everything it publishes would probably be going too far, but not for the reasons Facebook itself puts forward.
- It keeps **saying it’s unable to police the vast sea of content** its billion users produce.
- That’s a flawed argument; attracting hundreds of millions of unpaid writers and refusing to edit them because there are too many wouldn’t have saved any other news outlet from liability.
- Social media must **update its algorithms which can catch hate content** effectively.

## External regulations

- Practically speaking, however, the goal of any new regulation wouldn’t be to bury Facebook and its rivals in lawsuits: There should be a way for them to **make a transition to surviving as legitimate media businesses.**
- It might be a better idea to **make Facebook, Twitter and others liable only in cases where the original producer of the offending content cannot be traced.**
- There are multiple ways to make sure all the users are real people who are responsible for what they publish for everyone to see.
- An incentive to identify users properly would also solve the advertising transparency problem, which, however, is less important than the traceability of public posts to specific authors. If Facebook, contrary to its own rules, wants to provide anonymity in the name of some lofty ideal like giving a voice to dissidents, it should be prepared

to pay for it when necessary – a laudable undertaking that media liability insurance could cover.

### Way forward for India

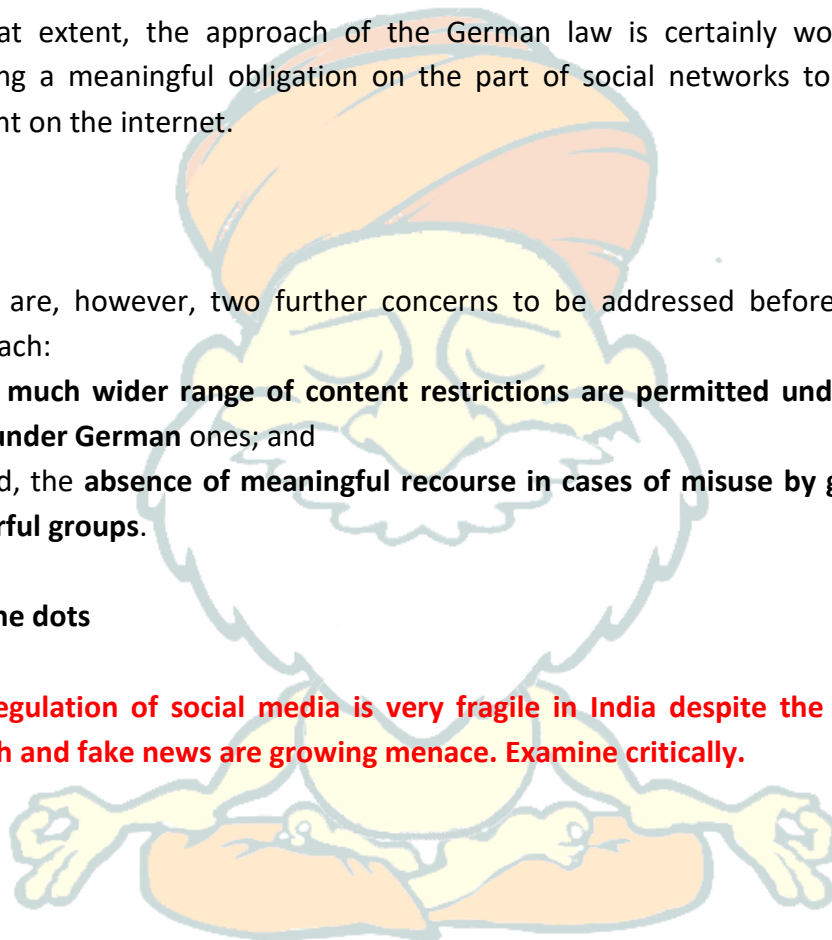
- The mistake made with **Section 66-A** (and one which the Supreme Court also pointed out) **was to try and create a new definition of unlawful speech for the purposes of the internet.**
- **In contrast, the Network Enforcement Act's concern is only enforcement of existing laws.**
- To that extent, the approach of the German law is certainly worth emulating: creating a meaningful obligation on the part of social networks to stop unlawful content on the internet.

### Conclusion

- There are, however, two further concerns to be addressed before adopting this approach:
- first, **a much wider range of content restrictions are permitted under Indian laws than under German ones;** and
- second, the **absence of meaningful recourse in cases of misuse by government or powerful groups.**

### Connecting the dots

- **The regulation of social media is very fragile in India despite the fact that hate speech and fake news are growing menace. Examine critically.**





# Feasibility of Universal Basic Income

## GS 3

- Inclusive growth
- Growth and development

### Intro

- Universal Basic income is a concept in which a certain amount of money government will provide annually to every citizen of the country. This concept is being adopted from European countries like Norway.
- Universal Basic Income is seen by many as an alternative to the existing system of subsidies, which is often associated with systemic inefficiencies.
- Planning Commission had worked on it in the early 1960s.

### Arguments in favour

- **2016-17 Economic Survey** argued that Universal Basic Income is “...more feasible in a country like India, where it can be pegged at relatively low levels of income but still yield immense welfare gains”.
  - **IMF**, in its analysis, used fiscal space equivalent to the **cost of the public distribution system and energy subsidies** in 2011-12 and showed that this **can finance an annual Universal Basic Income of Rs 2,600 per person, which is equivalent to about 20% of that year’s median per capita consumption**, with the estimated cost at about 3% of the gross domestic product (GDP).
1. **Social equality can be maintained with the help of financial aid**
  2. **Market demand will get a boost.**

### Argument against

- There are strong economic and political reasons why India cannot opt for Universal Basic Income, at least in the present circumstances.
1. **Poor fiscal capacity**
- India doesn’t have the fiscal capacity to implement Universal Basic Income.

- **Economic Survey** calculations showed that a **75% universality rate** with an annual Universal Basic Income of Rs 7,620 per year at 2016-17 prices will cost about **5% of the GDP**.
- Economist Pranab Bardhan showed that an **inflation- indexed Universal Basic Income of Rs 10,000 at 2014-15 prices—about three-quarters of that year's poverty line—will cost about 10% of the GDP**.
- It is often assumed that resources can be raised by rationalizing subsidies and capturing a part of the revenue forgone on account of various tax exemptions, including in the personal income tax. These may not happen. The revenue forgone in most cases is optical and the result of poor design.
- It is always advisable for the government to work on reducing non-merit subsidies, but the gains should be used to increase capital spending, which will help boost growth in the medium-to-long term.

## 2. Distort labour market

- Universal Basic Income can create distortions in the labour market.
- A steady, permanent and guaranteed income without any work is likely to **affect labour mobility and participation**.
- It is also **likely to increase wages** without a commensurate increase in productivity which will affect India's competitiveness. This could also have longer-term implications in terms of higher inflation and lower growth.
- The distortions in the labour market will, of course, depend on the amount of Universal Basic Income.

## Conclusion

What India needs is not Universal Basic Income. It needs rationalization of subsidies, better targeting and operational efficiency. It needs to move to cash transfers at an accelerated pace with the use of Jan-Dhan, Aadhaar and mobile. This will help reduce costs and spare resources for capital spending to augment growth.

## Connecting the dots

- **The concept of 'universal basic income' is not feasible for India for many reasons. Critically analyse those reasons.**

# Employment Data

## GS 3

- Employment

### Introduction

- The measurement of employment in India has certain weaknesses: **small samples, infrequent surveys, and lagged data release.**
- There has been a long-standing need to have larger surveys as well as quicker, “real-time” indicators.
- The “**Report of the Task Force on Improving Employment Data**” (2017) mentions, among other possible methods, the **use of “administrative datasets”** such as the EPFO, the Employees’ State Insurance Corporation (ESIC), the National Pension Scheme (NPS), and other similar schemes to gather information on the labour market.
- The study conflates new enrolment into these social security schemes with new employment.
- The set of workers covered by the administrative data sets used in the study in any case comprise a small proportion of all workers. Therefore, it is meaningless to make a claim of new employment without accounting for employment figures for the rest of the labour market.
- At best, this data represents the rate of enrolment into some social security schemes in the workforce—a kind of formalisation—and not employment creation.

### Negatives

- The specificities of these databases make them vulnerable to being misleading proxies.
- Biases creep into these data sets due to government policy changes.
- The willingness and intensity of enforcement may vary from year to year.
- Government pressure to enrol workers in these schemes may lead to inflated estimates if these data sets are used to measure employment. The EPFO has been particularly proactive in recent times and has directed various government bodies to enrol their contractual workers in its provident fund and pension schemes.

- When a non-permanent staff becomes permanent, it too adds to the “payroll” without creating new employment. The report also warns that there will be a high chance of duplication between administrative data sets (like EPFO, ESIC, NPS), as they lack a common identifier to de-duplicate entries. Even if one accounts for de-duplications, the data might not be error-free.

## Comparison with US

- Enthusiasts argue how their method will help build something similar to monthly non-farm payroll reports by the Bureau of Labour Statistics (BLS) in the United States (US).
- The **BLS, however, relies on large-scale quick enterprise surveys supplemented by household surveys** to compile information for its non-farm payroll reports. The sample is large, covering more than a third of non-farm employment. These surveys are somewhat **similar to India’s Labour Bureau enterprise surveys, but are larger**, conducted more regularly, and with systems that allow quick generation of information.
- Clearly, **administrative databases designed for specific purposes are no substitute for household and enterprise surveys. Measuring the extent of employment growth is only one aspect of studying the labour market.** It also involves studying the nature and conditions of work.

## Way forward

- The focus should be to **build on the far richer history of the National Sample Survey Office and Labour Bureau employment surveys.** Over the years, they have designed methods that adapted survey techniques to Indian conditions to better understand difficult phenomena.
- These, for instance, have attempted to **measure informality of work in the formal sector, various kinds of employment in the informal sector, the seasonality of employment, and even underemployment.**

## Connecting the dots

- **Administrative data sets cannot replace enterprise and household surveys to measure employment in the economy. Explain.**

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