

## 1. Critically evaluate the recent measures taken by the government to address the vulnerabilities of the transgenders and LGBT community.

### Introduction

The population of transgender community is officially 5 lakhs as per 2011 census and unofficially LGBT account for around 3-4 million as per a report submitted by government to the supreme court. Being identified as one of the most vulnerable community, the government has over the years taken various measures to uplift them.

### Body

#### Government measure to address LGBT vulnerabilities:

- The government has passed Transgender Bill 2019 to address the various issues of LGBT community with features
  - Definition of transgenders to choose the gender does not match the gender assigned at birth certified by district administration.
  - Prohibition against discrimination: including denial of service or unfair treatment vis a vis education, employment, healthcare, access to goods, right to movement, right to reside and so on.
  - Establishment of National council for transgender persons.
  - Urging the relevant governments to take welfare measures to ensure the full inclusion and participation of transgender persons in society.
- Further, the government has allowed transgenders to change their gender without sex reassignment surgery and declassified transgender as a mental illness.
- Transgender has been declared as a 'third gender' by several state governments.
- A Media Committee has been constituted in the Ministry of social justice and empowerment for the purpose of initiating sensitization drives in society.
- The central government has formulated an umbrella scheme which includes scholarship for education, vocational training, pension and monetary support etc., Also, Ministry of Labour and Employment has directed states to give vocational training under skill development initiative.
- MGNREGA scheme provide employment for transgenders.
- The state governments have taken various measures like
  - Kerala has passed bill to provide reservation for transgender community in higher education, reservation in metro and so on.
  - The state of Tamilnadu introduced Transgender welfare policy.
  - Maharashtra has setup a welfare board assessing the state of LGBT and recommend measures for their development.
  - The SWE EKAR scheme of Odisha government with provisions of monetary support, reservation in jobs etc.,

- Occupational Safety, Health and Working Conditions Code, 2019 requires the employer to provide a hygienic work environment like separate bathing places and locker rooms for male, female and transgender employees.
- Various expert committees are formed by centre and state governments to recommend welfare measure for LGBT community.

These measures have been helping in mainstreaming transgenders and the recent supreme court ruling decriminalizing sec 377 has provided respite for LGBT community against exploitation. The welfare schemes have provided wide range opportunities in education and employment with support from both centre and several state governments.

### **Critical assessment:**

However, the measure taken by the government has been inadequate and half-hearted.

- The transgender bill has issues like the mandatory certification by district administration violating privacy and the use of 'Shall' making it voluntary on the part of government to take welfare measures.
- The reservation in education and employment has been sidelined by the central government.
- The government is silent in spite of several fundamental rights of LGBT is being violated like discrimination in provisions on rape of a transgender, violation of right to privacy in getting gender identity etc.,
- The intersex group has been neglected by the government which just consider LGBT which is different from intersex group.
- Same-sex marriages are still not legally recognized in India.

This can be derived from the ground reality where in transgender community still faces discrimination and social exclusion. Study by NHRC revealed that 98% of transgenders are separated from their family, 60% never attended schools and 92% are deprived of the right to participate in any form of economic activity in the country with even qualified ones refused jobs.

Further, around 57 percent are keen on getting sex-alignment surgery but don't have money for it showing the lack of government support to the community in taking their life choices.

Furthermore, 18 percent of them are physically abused, 62 percent are verbally abused in school. 15 percent are harassed by students as well as teachers which depicts the failure of government in mainstreaming LGBT community as a normal section in the society including schools.

### **Conclusion**

Thus, several measures have to be taken like dedicated research studies to design appropriate programs/schemes for LGBT, mass-media awareness campaigns, legalizing same-sex marriage, medical facility for transgender, reservation in employment and education and so on. As a progressive nation, it is vital for India to take measures alleviating the stigma associated with LGBT and utilize their potential in national development upholding their fundamental rights.

## 2. Do you think the existing laws and mechanisms adequately address the issue of atrocities committed against the SC/ ST community? Critically examine.

### Introduction

Scheduled castes are those castes/races in the country that suffer from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of lack of infrastructure facilities and geographical isolation, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development.

As per National council for strengthening the SC/ST (Prevention of Atrocity) act in the last 15 years, a total of 5, 58, 103 cases of atrocities were registered.

- Every 15 minutes 4 Dalits and Adivasis are subjected to atrocities
- Every day 3 Dalit women are raped, 2 Dalits are murdered & 11 Dalits are beaten up
- Every week 13 Dalits are murdered, 5 Dalits' houses are set on fire, 6 Dalits are kidnapped

### Body

#### Existing laws and mechanisms to deal with atrocities committed against the SC/ ST community

- **SC/ST (Prevention of Atrocity) act** - The PoA Act was meant not only to prevent but also to eliminate atrocities against SCs and STs. With this in view, it defined the term 'atrocity' as 'an offence punishable under Section 3' of the Act which lists a number of offences.

The Act is expansive in its scope in many respects: in the list of offences, in constituting organizational mechanisms, in identifying officers for performing specific responsibilities, in defining their specific duties, in framing penalties for offences committed, and in assuring relief and rehabilitation measures to the victim-survivors. It has, indeed, promised to address the issue of discrimination and atrocities faced by Dalits and Adivasis.

Despite the deterrence assured by the Act, the numerical increase in atrocities has not stopped. Nor has the response from the different



governance agencies in the country (police, district and state level monitoring committees, district and state level vigilance committees, public prosecutors, special courts, etc.) been satisfactory.

- Article 17 abolishes Untouchability. The Protection of Civil Rights Act prescribes punishment for the preaching and practice of Untouchability. However very often Dalits are denied temple entry in various parts of the country.
- Forest right act 2005 – recognised ST's right to live in the forest and their livelihood rights. However forceful evictions of forest dwellers are still practiced by forest authorities.
- Article 338 provides for a National Commission for the Scheduled Castes and Scheduled Tribes with duties to investigate and monitor all matters relating to safeguards provided for them, to inquire into specific complaints and to participate and advise on the planning process of their socio-economic development etc.
- 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.
- Particularly Vulnerable Tribal Groups identification to protect and preserve extremely vulnerable tribal groups against any existential threat from outside.

### Conclusion

Ours is a battle not for wealth or for power. It is a battle for freedom. It is a battle of reclamation of human personality - Dr. B. R. Ambedkar

There is a need of awareness campaign and behavioral change among people apart from strengthening criminal justice system. Only then dream of Dr. B. R. Ambedkar will be fulfilled.

### 3. What are the initiatives meant for addressing the vulnerabilities of rural landless labourers? Examine their efficacy and limitations.

#### Introduction

As per census of 2011, proportion of landless people in rural India had reached around 55%. The essence of the problem lies in the growth of the landless in our rural society from 28.1% in 1951 to 37.8% in 1971, from 40.3% in 1991 to less than

55% in 2011. It is estimated that around 30 lakh farmers lose their land each year because of debt, uncertain weather conditions and fluctuating prices of crops. Some of the factors of vulnerability for rural landless farmers are poverty, lack of tenure for landless farmers, absence of documents and non-inclusion in government programs, no or inadequate credit facility and debt trap among others.

### Body

#### Initiatives meant for addressing the vulnerabilities of rural landless labourers and their efficacy and limitations

- **Land Consolidation Act, 1961** - define the size of land that an individual/family can own. But the ceiling limits varied from state to state. There has been circumvention of this act. According to the census of India, 47.3% of the farmers in the country are landless tillers.
- The initiatives in the form of Acts such as the Workmen's Compensation Act (1923), the Industrial Disputes Act (1947), the Employees State Insurance Act (1948), the Minimum Wages Act (1948), the Coal Mines Provident Funds and Miscellaneous Provisions Act (1948), The Employees Provident Fund and Miscellaneous Provisions Act (1952), the Maternity Benefit Act (1961), the Seamen's Provident Fund Act (1966), the Contract Labour Act (1970).
- **Mahatma Gandhi National Rural Employment Guarantee (MNREGA) scheme** – As per the memorandum submitted by All India Agricultural Workers Union (AIAWU) to the Prime Minister, Labour Minister and Rural Development Minister. Instead of 100 days work the figures are only 37 days per family. The wages of labour under MNREGA are less than the minimum wages declared by different states and often thousands of crores of dues have not been paid for work done as a result of not receiving central funds in time.
- **Unorganized Sectors' Social Security Act (2008)** - The Act provides for constitution of National Social Security Board to recommend social security schemes viz. life and disability cover, health maternity benefits, old age protection and any other benefit as may be determined by the Government for unorganized workers. However the act is non-binding and there is no concrete provision for an unorganized worker in this Act.
- **Aam Admi Bima Yojana** - providing for death and disability cover to rural landless households between the age group of the 18 to 59 years.
- **Rashtriya Bima Yojana** for BPL families (a unit of five) in unorganized sector. The scheme providing for smart card based cashless health insurance cover of Rs. 30,000/- per family per annum on a family floater basis.
- **Indira Gandhi National Old Age Pension Scheme** provides for old age pension of Rs. 200/- per month to persons above the age of 60 years and for

the persons above the age of 80 years the amount of pension has been raised to Rs. 500/- per month.

### Suggestions

- Minimum pension of Rs. 3000 every month for old and destitute agricultural labourers.
- There was more than enough ceiling-surplus land vested in gram panchayats, along with waste and forest land that has been inhabited for generations by Adivasis without pattas. Tilling rights can be given for such lands to landless labors.
- In case of land acquisitions, agricultural labourers losing their jobs should be compensated adequately.
- Universal basic income for bare minimum living standard.

### Conclusion

Landless labour is a vital factor of agricultural production; their productivity and earnings being an important determinant of the level of economic prosperity. Despite their indispensability, they continue to suffer silently, leading a life of poverty and pauperisation.

A comprehensive Act, catering to the security needs of the unorganized sector such as Food, Nutrition, Health, Housing, Employment, Income, Life and accident, and old age is need of the time.

### 4. What is the mandate of the National Commission for Women? What role has it played in the protection and betterment of women in India? Critically evaluate.

#### Introduction

The National Commission for Women(NCW) was setup with the vision to make Indian Woman, secure in her home and outside, fully empowered to access all her rights and entitlements, with opportunity to contribute equally in all walks of life. Constituted in 1992 under the NCW Act, the women's panel comprises five members and a chairperson, appointed by the government. The NCW chief has to be a person committed to the cause of women.

#### Body

The National Commission for Women was set up as a statutory body in January 1992 under the National Commission for Women Act, 1990 to:

- review the Constitutional and Legal safeguards for women;
- recommend remedial legislative measures;
- facilitate redressal of grievances and

- advise the Government on all policy matters affecting women.

**NCW has a wide ranging mandate which includes the following:**

- Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any state;
- review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;
- take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- look into complaints and take suo moto notice of matters relating to women in India and violation of their rights.

The Commission shall, while investigating any matter referred to it, have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely :-

- summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- requiring the discovery and production of any document;
- receiving evidence on affidavits;
- requisitioning any public record or copy thereof from any court or office;
- issuing commissions for the examination of witnesses and documents; and
- any other matter which may be prescribed.

In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report.

- The Commission completes its visits to all the States / UTs except Lakshadweep and prepares Gender Profiles to assess the status of women and their empowerment.
- It receives a large number of complaints and acts suo-moto in several cases to provide speedy justice.
- It takes up the issue of child marriage, sponsored legal awareness programmes, Parivarik Mahila Lok Adalats and reviews laws such as Dowry Prohibition Act, 1961, PNDT Act 1994, Indian Penal Code 1860 and the National Commission for Women Act, 1990 to make them more stringent and effective.



- It organizes workshops / consultations, constituted expert committees on economic empowerment of women, conducted workshops / seminars for gender awareness and took up publicity campaign against female foeticide, violence against women etc. in order to generate awareness in the society against these social evils.
- It also strive towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women.

In spite of positive aspects of women commission and great achievements, there are also some shortcomings:

- Although the NCW is an autonomous body, it is functioning as if it is under the ministry of women and child development.
- The commission is dependent on the grant from the Union Government.
- The commission does not have the power to select own members. The power is vested with the Union Government.
- The commission has no right to concrete legislative power. It has only to power recommend amendments and submit reports which are not binding on state or Union Government.
- Financial assistance is so less that it is difficult make awareness of legal program.
- The National Commission for women in India seizes women's cause only when it is brought to light. Unreported cases of oppression and suppression of women are not attended to.
- In rural sector, there is lack of mindfulness education, opportunities and basic facilities for women for economic of empowerment.

Maneka Gandhi had mooted more teeth to the NCW by giving it the status of a civil court with rights -- like that of the National Human Rights Commission (NHRC).

### Conclusion

The Violence against Women is a fundamental violation of human rights, across nations, societies, cultures and classes and to stop this violation of the fundamental right, the NCW plays an important role which can be furthered enhanced with appropriate remedial measures.

**5. What vulnerabilities does decline in economic growth bring along? What are the most vulnerable groups of population towards economic shocks? Are there mechanisms to address this vulnerability? Examine.**

### Introduction



Economic slowdown can be cyclical or structural in nature.

- A cyclical slowdown is a period of lean economic activity that occurs at regular intervals.
- A structural slowdown, is a more deep-rooted phenomenon that occurs due to a one-off shift from an existing paradigm.

## Body

### Vulnerabilities due to decline in economic growth:

- The slowing growth of GDP is the major indicator of slowdown. “GDP can be thought of as a measure not so much of size...It measures the movement of money through and around the economy; it measure the activity.”- John Lanchester.
- Drop in automobile sales- the production in top 5 firms in India has dropped by about 30% compared to 2018.
- Drop in Fast moving Consumer Goods sector: Compared to 2018, the sectors growth fell by about 9.7% in the rural areas. This is the sector which has demand even during the poor economic performance as this constitutes basic necessities like toiletries, OTC medicines etc.
- Consumption: Private consumption, which contributes nearly 55-60% to India’s GDP, has been slowing down. While the reduced income growth of households has reduced urban consumption, drought/near-drought conditions in three of the past five years coupled with the collapse of food prices have taken a heavy toll on rural consumption.
- Savings: Savings by household sector – which are used to extend loans for investment -- have gone down from 35% (FY12) to 17.2% (FY18). Households, including MSMEs, make 23.6% of the total savings in the GDP.
- Investment: Gross Fixed Capital Formation (GFCF), a metric to gauge investment in the economy, too has declined from 34.3 per cent in 2011 to 28.8 per cent in 2018, government data show. Similarly, in the private sector, it has declined from 26.9% in 2011 to 21.4% in 2018.
- NBFC crisis triggered by IL&FS default led to a liquidity crunch in the economy.
- RBI’s Annual report highlighted that there are still structural issues in land, labour, agricultural marketing and the like that need to be addressed.

### Most vulnerable groups of population

- Farmers: Price of agricultural products is stagnant, resulting in farm distress and fall in income and consequent fall in purchasing power—which is directly related to lack of demand.
- Consumers: Increased cost of Living The rising costs of fuel, food and basic daily items further cause consumer difficulties. When consumers spend increased portions of their monthly budget on necessities such as food, fuel

and gas, it leaves less money for them to pour into the economy to help offset an economic slowdown

- **Entrepreneur:** While start-ups dealing with sectors impacted directly by slowdown will have a large effect on their business growth, start-ups engaged in consumer retail and essential business will have a blip in their growth until a deeper sense of the impact is realized.
- **Exporters:** Net exports, this figure for April to June 2019 stood at -\$46 billion. This was almost similar to the net exports for April to June 2018 at -\$46.6 billion. This is primarily because both exports and imports during the period were at almost similar levels as last year. Given this, there hasn't been any increased economic activity on the exports front either.
- **Investors:** The value of new projects announced during April to June 2019 fell by 79.5% year on year. This is the highest fall since September 2004. In absolute terms, the value of new investment projects announced during April to June 2019 stood at ₹71,337 crore, the lowest since September 2004. This is a great indicator of the fact that businesses really do not have faith in the economic future of India.

### Measures

- RBI, in its annual report, called for counter-cyclical actions in terms of monetary and fiscal policies, along with deep-seated reforms for the structural slowdown
- Economic Survey 2018-19 asked for taking measures to boost investment, especially private investment, that is the 'key driver' that drives demand, creates capacity, increases labour productivity, introduces new technology, allows creative destruction, and generates jobs.
- The Economic Survey of 2018-19 had suggested making the MGNREGS more efficient in targeting areas of low consumption expenditure where demand for such work is higher.
- The ILO's 2018 report had suggested policies to enhance wages and collective bargaining power so that wages grow in tandem with labour productivity, more so since India relies on progressive increase of domestic consumption by lower and middle income groups as a key factor in overall aggregate demand.
- **Investors:**
  - \* Enhanced surcharge on FPIs and surcharge on domestic investors in equity markets withdrawn.
  - \* Aadhaar-based KYC for opening demat accounts and investment in mutual funds.
  - \* Govt to consult with RBI to enhance Credit default swap options.
- **Industry:**
  - \* CSR violation would be treated as a civil offence, not a criminal offence.
  - \* All pending GST refunds till now shall be paid in 30 days. Future GST refunds to be paid in 60 days.

- \* GST system to be simplified further.
- **Auto sector:**
  - \* BS-IV cars purchased till March 2020 to remain operational for the entire period of registration.
  - \* Govt asks its departments to replace old vehicles.
  - \* Higher vehicle registration fee deferred to June next year.
  - \* Depreciation increased to 30 per cent for all vehicles purchased till March 2020.
  - \* Scrappage policy to be announced soon.
- **MSMEs:**
  - \* Govt withdraws angle tax provision for startups and their investors.
  - \* One-time settlement policy for MSME loans. Policy to be based on checkbox approach.
  - \* Laws to be amended to ensure one MSME definition.
- **For NBFCs:**
  - \* NBFC can now use Aadhaar-based KYC.
  - \* Additional liquidity to support Housing Finance Companies by National Housing Board increased to Rs 30,000 crore
  - \* Govt to release Rs 70,000 crore upfront for PSBs recapitalisation.
- **Home, auto loans:**
  - \* Banks to make home, auto loans cheaper. Banks have agreed to pass on the rate cut announced by RBI to customers. Banks to launch Repo Rate linked loans.
  - \* Online tracking system for home, auto loans.
  - \* PSBs to return loan documents to customers within 15 days of loan closure.
- **Income Tax:**
  - \* From October 1, all Income Tax notices must be disposed off within 3 months.

### Conclusion

A strong revival in investments and exports could help India navigate her way out of both domestic and external weaknesses. As global value chains get reshaped under the shadow of the US-China trade war and the impending launch of a long-awaited pan-Asian trade deal (RCEP), India's more competitive tax rates could help the economy grab a larger share of the global trade pie