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GS - II
Important Supreme Court Cases

S.No.	Case	Related Article	Supreme Court Judgement
1.	A.K. Gopalan Vs. State of Madras	21 & 22	<ul style="list-style-type: none"> Invalidated section 14 of Preventive Detention Act while declaring the rest of the act as valid and effective. “Personal liberty” under article 21 means liberty of physical body (freedom from physical restraint)
2.	Sajjan Singh Vs. State of Rajasthan (1964)	13 & 368	<ul style="list-style-type: none"> A constitutional amendment act made under Article 368 is not a law within the meaning of Article 13(2).
3.	I.C. Golak Nath Vs. State of Punjab (1967)	13 & 368	<ul style="list-style-type: none"> It overruled its earlier verdict delivered in the Shankari Prasad Case (1951) and Sajjan Singh Case (1964). Amending power under Article 368 cannot be used to abridge or take away the fundamental rights guaranteed in Part III of the Constitution.
4.	Kesavananda Bharati vs. State of Kerala (1973)	13 & 368	<ul style="list-style-type: none"> Popularly known as Fundamental Rights Case Parliament, by exercising its constituent power under Article 368, can amend any or all the provisions of the constitution including those relating to the fundamental rights, but except the “basic structure” of the constitution.
5.	Maneka Gandhi vs. Union of India (1978)	21	<ul style="list-style-type: none"> Overruled the judgement delivered in the A.K. Gopalan vs. State of Madras Case (1950). It laid down the following – <ul style="list-style-type: none"> ➤ Articles 14, 19 and 21 are not mutually exclusive. ➤ This means that a law prescribing a procedure for depriving a person a ‘personal liberty’ has to meet the requirements of Article 19. ➤ Also, the procedure established by law in Article 21 must answer the requirements of Article 14 as well.
6.	Minerva Mills vs. Union of India (1980)	31C & 368	<ul style="list-style-type: none"> Amendment made to Article 31C (to give precedence to Directive Principle of State Policy over Fundamental Rights) by 42nd Amendment Act was declared unconstitutional. Ruled that Parliament cannot exercise this limited power (to amend constitution under Article 368) to grant itself an unlimited power. Hence the parliament cannot usurp the fundamental rights of individuals, including the right to liberty and equality.



7.	Kihoto Hollohon vs. Zachilhu Schedule	368 & 10 th Schedule	<ul style="list-style-type: none"> • Popularly known as the Defection Case. • It declared the paragraph 7 of the 10th Schedule as unconstitutional. However, the court upheld the validity of remaining part of 10th Schedule
8.	Indra Sawhney vs. Union of Indian (1992)	16	<ul style="list-style-type: none"> • Popularly known as the Mandal Case. • Upheld the executive order which provided 27% reservation of jobs to the OBCs under the provision of Article 16 (4), with certain conditions. • Invalidated 10% additional reservation of jobs to economically backward sections of higher castes.
9.	S.R. Bommai vs. Union of India (1994)	356	<ul style="list-style-type: none"> • Laid down propositions with respect to Article 356 (President's Rule) • Validity of proclamation of President's Rule is subject to judicial review.
10.	Gian Kaur vs. State of Punjab (1996)	21	<ul style="list-style-type: none"> • It held that "right to life" under Article 21 does not include "right to die" or "right to be killed".
11.	Vishaka Vs. State of Rajasthan (1997)	15 & 21	<ul style="list-style-type: none"> • Sexual harassment of women at the workplace is a violation of Article 15 and 21. • Recommended a complaints committee at all workplaces, headed by a woman employee. • Introduced Vishaka Guidelines.
12.	T.M.A. Pai Foundation Vs. State of Karnataka	29 & 30	<ul style="list-style-type: none"> • On the scope of right of minorities to establish and administer educational institutions of their choice under Article 30 and Article 29 • In TMA Pai & others vs State of Karnataka & others 2002 case, SC ruled that Minority Educational Institutions can have separate admission process which is fair, transparent and merit based. They can also separate fee structure but should not charge capitation fee.
13.	Union of India Vs. Naveen Jindal (2004)	19	<ul style="list-style-type: none"> • Right to fly the national flag freely with respect and dignity is a fundamental right of a citizen.
14.	M.Nagaraj Vs. Union of India (2006)	16 & 335	<ul style="list-style-type: none"> • The petitioners argued that the four amendments were aimed at reversing the judgments in Indra Sawhney and other cases, that Parliament had arrogated to itself judicial powers, and had, therefore, violated the basic structure of the Constitution. • The court upheld the constitutional validity of the 77th, 81st, 82nd, and 85th Amendments. • It, however, ruled that if the state wished to exercise their discretion and make provision (for reservation in promotions for SCs/STs), the State has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment in addition to compliance of Article 335. • Even if the State has compelling reasons it will have to see that its reservation provision does not – breach the ceiling-limit of 50%

			<ul style="list-style-type: none"> – obliterate the creamy layer – extend the reservation indefinitely.
15.	I.R. Coelho Vs. State of T.N. (2007) (popularly known as Ninth Schedule case)	31B & Ninth Schedule	<ul style="list-style-type: none"> • Provisions in 9th Schedule of Constitution is open to challenge on the ground that they damage or destroy basic structure of the constitution.
16.	Aruna Ramchandra Shanbaug Vs. Union of India (2011)	21	<ul style="list-style-type: none"> • It held that active euthanasia and assisted death are not permissible and hence, continue to be illegal, whereas passive euthanasia is permissible with certain conditions, safeguards and procedure laid down by the court.
17.	People's Union for Civil Liberties Vs. Union of India (2013)	14, 19 & 21	<ul style="list-style-type: none"> • It directed Election Commission to provide "None of the Above" (NOTA) may be provided in EVMs so that the voters, who come to the polling booth and decide not to vote for any of the candidates, are able to exercise their "right not to vote" while maintaining their right to secrecy.
18.	Suresh Kumar Koushal Vs. Naz Foundation (2013)	14, 15 & 21	<ul style="list-style-type: none"> • In this case SC overturned the Delhi High Court Declaration and recriminalized homosexuality. • Held that Section 377 of IPC (1860) does not suffer from any constitutional infirmity
19.	National Legal Services Authority Vs. Union of India (2014)	14 & 21	<ul style="list-style-type: none"> • It declared transgender along with Hijaras / Eunuchs as "third gender" • Held that the fundamental rights granted under Part III of the constitution are equally applicable to them.
20.	Shreya Singhal Vs. Union of India (2015)	19	<ul style="list-style-type: none"> • It struck down section 66A of the Information Technology Act (2000). • It held that the section violates the freedom of speech and expression guaranteed under Article 19(1)(a).
21.	Shayara Bano Vs. Union of India (2017)	14	<ul style="list-style-type: none"> • It declared triple talaq i.e. "talaq-e-biddat" as unconstitutional.
22.	K.S. Puttaswamy Vs. Union of India (2017)	21	<ul style="list-style-type: none"> • It declared right to privacy as fundamental right. • It ruled that right to privacy is an intrinsic part of right to life and personal liberty under Article 21 and entire part III of the Constitution

SOME OTHER IMPORTANT CASES

Sr. No.	Cases	Judgement
1.	Abhiram Singh vs C.D. Commachen	<ul style="list-style-type: none"> • Judgment on use of identity in politics • In this case, a majority of four judges ruled that the Representation of the People Act prohibited any kind of appeal to caste, community, language, and religion during an election campaign.
2.	Krishna Kumar Singh vs. State of Bihar	<ul style="list-style-type: none"> • Judgment on ordinance power • ordinances are subject to judicial review, and do not automatically create enduring effects.

		<ul style="list-style-type: none"> Put simply, ordinances are not immune from judicial challenge and acts done through the duration of the ordinance would also lapse if the ordinance lapsed.
3.	NCT of Delhi vs Union of India,	<ul style="list-style-type: none"> Judgment on power conflict between elected and nominated in UT In NCT of Delhi vs Union of India, which concerned the distribution of powers between the elected Delhi government and the Lieutenant-Governor.
4.	Maneka Gandhi vs. Union of India	<ul style="list-style-type: none"> The Supreme Court in the case of Maneka Gandhi vs. Union of India held that right to life embodied in Article 21 of the Indian Constitution, is not merely a physical right but it also includes within its ambit, the right to live with human dignity.
5.	Hussainara Khatoon vs. State of Bihar	<ul style="list-style-type: none"> Right to Legal Aid and Right to speedy trial It has been held, in the case of Hussainara Khatoon vs. State of Bihar, that right to free legal aid at the cost of the State to an accused who cannot afford legal services

IMPORTANT SECTIONS OF IPC

Section of IPC	Related to
Section 377	<ul style="list-style-type: none"> Section 377 of the Indian penal code defines unnatural offences. The section has been in news as voices being raised against its being in violation of human rights, harassment and violence against LGBT community. Homosexuality
Sections 499 and 500	<ul style="list-style-type: none"> a person guilty of criminal defamation can be sent to jail for two years.
Section 498A	<ul style="list-style-type: none"> Domestic Violence
Section 295-A	<ul style="list-style-type: none"> Section 295A of IPC states that any speech or written text or signs, which maliciously insults or attempts to insult and demean the religious beliefs of any class of people is punishable with imprisonment upto 4 years or fine or both.

IMPORTANT ARTICLES OF CONSTITUTION

Important Article of Constitution	Related to
Article 13	<ul style="list-style-type: none"> Judicial Review
Article 21	<ul style="list-style-type: none"> Protection of life and Personal liberty Right to Privacy
Article 15 (4) (added by the 1st Amendment to the Constitution), 16 (4), 46, 330, 332, 341 and 342	<ul style="list-style-type: none"> Form the core of the affirmative action policies in India's Constitution
Article 32	<ul style="list-style-type: none"> Right to Constitutional Remedy
Article 44	<ul style="list-style-type: none"> Uniform Civil Code
Articles 102(1)(a) and 191(1)(a)	<ul style="list-style-type: none"> Office of Profit

Article 118(1)	<ul style="list-style-type: none"> gives the two Houses of Parliament the power to make rules to regulate their functioning.
Article 123	<ul style="list-style-type: none"> Power of President to promulgate Ordinances
Article 213	<ul style="list-style-type: none"> Power of Governor to promulgate Ordinances
Article 124 (4)	<ul style="list-style-type: none"> empowers the parliament to initiate the process of removal of any supreme court judge
Article 148	<ul style="list-style-type: none"> Office of CAG
Article 239 AA (incorporated by 69th C.A)	<ul style="list-style-type: none"> Special Status to Delhi among Union Territories (UTs)
Article 239 AB (incorporated by 69th C.A)	<ul style="list-style-type: none"> providing for legislative assembly and Council of Ministers
Article 262	<ul style="list-style-type: none"> Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
Article 279 A	<ul style="list-style-type: none"> GST Council
Article 280	<ul style="list-style-type: none"> Finance Commission of India is established by President of India
Article 312	<ul style="list-style-type: none"> Provides for the creation of All India Services.
Article 356	<ul style="list-style-type: none"> Imposition of President's Rule in states
Article 370	<ul style="list-style-type: none"> Special status to Kashmir

1. Indian Constitution—historical underpinnings, evolution, features, significant provisions and basic structure.

PREAMBLE

- **Berubari Union Case (1960)** - Preamble is **not a part** of the constitution
- **Kesavananda Bharati case (1973)** - Preamble is an **integral Part** of constitution. The Supreme Court also gave **basic structure doctrine** in this case.

GENERATIONS OF FUNDAMENTAL RIGHTS

- **First-generation human rights** - sometimes called “blue” rights, deal essentially with **liberty and participation in political life.**
- **Second-generation - “socio-economic” human rights** - guarantee equal conditions and treatment.
- **Third-generation - “collective-developmental”** - rights of peoples and groups held against their respective states aligns with the final tenet of “fraternity.”

UNIFORM CIVIL CODE

- Article 44, a directive principle to the state policy, to strive for the uniform civil code for the citizens of India.

HATE SPEECH

NOTES

Definition

- **Law Commission in its 267th report** had observed that
“Hate speech generally is an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief. Thus, hate speech is any word written or spoken, signs, visible representations within the hearing or sight of a person with the intention to cause fear or alarm, or incitement to violence.”

- **Supreme Court Observations**

“hate speech is an effort to marginalise individuals based on their membership in a group. It seeks to delegitimise group members in the eyes of the majority, reducing their social standing and acceptance within society. It, therefore, rises beyond causing distress to individual group members and lays the groundwork for later, broad attacks on vulnerable....”

Committees

- **The T. K. Viswanathan committee**, constituted by the Centre, has recommended introducing stringent provisions for hate speech.

Constitutional Provisions

- **Article 19 of the Constitution** *Freedom of Speech and Expression is guaranteed to all the citizens of India.* However, the right is subjected to reasonable restrictions

EUTHANASIA

Definitions

- **Euthanasia**, also known as assisted suicide, and more loosely termed mercy killing, means to take a deliberate action with the express intention of ending a life to relieve intractable (persistent, unstoppable) suffering.
- **In active euthanasia** a person directly and deliberately causes the patient’s death.
- **In passive euthanasia** they don’t directly take the patient’s life, they just allow them to die.
- India is witnessing a debate on whether right to die is a part **of right to life** under **Article 21**

Supreme Court Judgments

- In the **Aruna Shanbaug’s case in (2011)**, a major milestone, the Supreme Court decided to legalise passive euthanasia by means of withdrawal of life support to patients in a persistent vegetative state (PVS). According to the Court, the decision of the patient must be an informed decision.

Law Commission Recommendations

- **The Law Commission, in its 241st report** came out in favour of allowing withdrawal of life support for certain categories of people — like those in persistent vegetative state (PVS), in irreversible coma, or of unsound mind, who lack the mental faculties to take decisions.

RESERVATION IN PROMOTION

Constitutional Provisions

- **Article 15(4)** allows State to make special provision for the advancement of any socially and educationally backward classes of citizens or for SCs and STs

- **77th Constitutional Amendment (CA)**, inserted Clause 4A in Article 16 and provided provision of reservations in promotions.
- **85th Constitutional Amendment Act, 2001** gave back “consequential seniority” to SC/ST promotees.

Related Cases

- In the **Indira Sawhney case (1992)**, the Supreme Court held that the reservation policy cannot be extended to promotions
- Guidelines laid down in **M Nagaraj case 2006** presently applicable as there is no specific law which deals with the reservation in promotions

2. Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure

Special Category status

NOT SO SPECIAL ANYMORE

The Centre claims that following the increase in tax devolution to States from 32% to 42% of divisible pool of central taxes, there is no further need to give 'Special Category' status to any State

BENEFITS AS PER GADGIL-MUKHERJEE FORMULA	
On account of their location and backwardness, Special Category States have been allocated assistance as grants	
<ul style="list-style-type: none"> • They are provided 30 % of the total central assistance (90% of it as grants) • Special plan assistance for projects (90% of it as grants) • Untied special central assistance (100% of it provided as grant) 	<ul style="list-style-type: none"> • Assistance for externally aided projects (90% grant) • Accelerated Irrigation Benefit Programme (AIBP) assistance (90% as grant) • Central incentives for the promotion of industry on account of economic backwardness
DILUTION FOLLOWING UNION BUDGET 2015-16	
<ul style="list-style-type: none"> • Discontinued are central assistance, special central assistance and special plan assistance • Very few externally aided projects 	<ul style="list-style-type: none"> • Allocations under AIBP reduced from Rs.8,992 crore in 2014-15 to just Rs.1,000 crore: scheme to be run with a higher matching contribution by States

Special Category status

Graphics: L. Balamurugan

CAUVERY RIVER DISPUTE

Facts

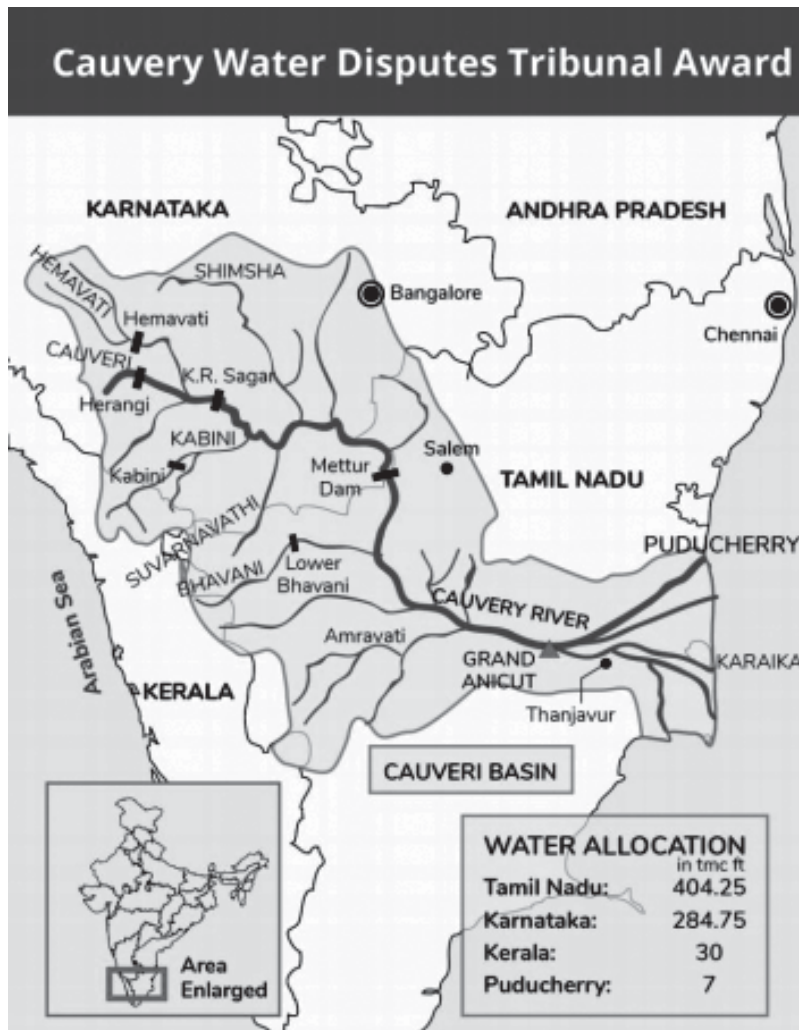
- SC increased Karnataka’s share of the Cauvery water than previous award by the Cauvery Water Disputes Tribunal in February 2007.

Constitutional Provisions

- **Article 262(2)** empowers Parliament with the power to by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- **The Interstate River Water Disputes Act, 1956 (IRWD Act)** enacted under Article 262 of Constitution
- **Seventh Schedule**
- **Entry 17 of State List** : Water that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to entry 56 of Union List



- **Entry 56 of the Union List:** Regulation and development of inter-State rivers and river valleys.



Cauvery Water Disputes Tribunal Award

3. Devolution of powers and finances up to local levels and challenges therein

PANCHAYATI RAJ

Related Laws

- **73rd (Article 243D) and 74th (Article 243T)** constitutional amendment acts mandating at least one third of seats for women in PRIs.
- 108th (Women Reservation Bill which seeks to reserve one-third of all seats for women in the Lok Sabha and the state legislative assemblies.), 110th and 112th (mandating 50% seats for women in PRIs and Urban local bodies) constitutional amendment bills were proposed, although they have lapsed.
- Bihar, Uttarakhand, Madhya Pradesh, Punjab and Himachal Pradesh have already reserved 50% seats and Sikkim reserved 40% seats for women in local governance.

Devolution of funds to local bodies

- Local expenditure as a percentage of GDP is only 2 per cent compared with the OECD (14 per cent), China (11 per cent), and Brazil (7 per cent).

4. Structure, organization and functioning of the Judiciary

Status of Judiciary

Facts

- **Number of Cases Pending**
 - Supreme Court (SC) - 59,000 case pending
 - High Courts (Dec 2016) - 40.15 lakh
 - Subordinate courts (Dec 2016) - 2.74 crore
- For 1.7 billion people in India, there are 31 judges in the SC and 1,079 in high courts.
- **Post Vacant** - As of April 2017, there were 430 posts of judges and additional judges lying vacant in high courts, and 5,000 posts vacant at the district level and lower.
- In the Supreme Court (SC), each judge is tasked with reading more than 60 cases on a Monday and Friday, that is, at least 120 on two days.
- India has one of the world's largest number of under trial prisoners. A little over two-thirds of India's roughly 4.2 lakh prisoners await trial.

Open Court

- Open court system of justice administration requires that Court proceedings must be open and accessible to public and the media.

Supreme Court Judgement

- Supreme Court stated in Vineet Narain writ petition on **Jain Hawala Diary case**, 1997 "Justice should not only be done but also seen to be done"
- **Sahara India Real Estate Corporation Limited v Securities Exchange Board of India (2012)** had pointed out that courts had to keep proportionality and necessity in mind while passing such orders postponing publication of proceedings by the media.

Legal Status

- In India Section 153 B, Civil procedure code and section 327, Criminal Procedure Code mandate public access to court proceedings.

Why in news?

- The Supreme Court said it was open to live-streaming its proceedings under "comprehensive and holistic guidelines."

SPECIAL COURTS FOR TRYING POLITICIANS

What is Criminalization in Politics?

When politics or political power is used by self-interest seeking persons for pecuniary gains or various other advantages such as to get special position in administration or to rise to the higher stage of administration which is normally not feasible

Facts

- The Supreme Court accepted Centre's scheme to set up 12 fast track courts to exclusively prosecute and dispose 1,581 criminal cases pending against MPs & MLAs within a year
- Out of the 542 winners in 2014 Lok Sabha elections analysed, 185 (34%) winners have declared criminal cases against themselves.
- 112 (21%) winners have declared serious criminal cases including cases related to murder, attempt to murder, communal disharmony, kidnapping, crimes against women etc.
- The chances of winning for a candidate with criminal cases in the elections are 13% whereas for a candidate with a clean record it is 5%.

5. *Separation of powers between various organs dispute redressal mechanisms and institutions.*

TRIBUNALS

Definition

- 'Tribunal' is an administrative body established for the purpose of discharging quasi-judicial duties.
- An Administrative Tribunal is neither a Court nor an executive body rather a midway between the two.
- It has to observe the principles of natural justice or act in accordance with the statutory provisions under which the Tribunal is established

Committees

- On recommendation of **Swaran Singh Committee**, the 42nd Amendment Act of 1976 provided for the insertion of Articles 323-A and 323-B in the Constitution.

Constitutional Provisions

- **Article 323A** deals with administrative tribunals.
- **Article 323B** deals with tribunals for other matters

Related Laws

- **The Administrative Tribunals Act, 1985**- An Act to provide for the adjudication by Administrative Tribunals of disputes with respect to recruitment and conditions of service of persons appointed to public services

Recommendations by Law Commission

1. **Qualification of judges** - In case of transfer of jurisdiction of HC (or District Court) to a Tribunal, the **members of the newly constituted Tribunal should possess the qualifications akin to the judges of the HC (or District Court).**
2. Also it has proposed a **common nodal agency, possibly under law ministry to monitor the working of tribunals** as well as ensure uniformity in the appointment, tenure and service conditions of all members appointed in the tribunals.
3. **Vacancy arising in the Tribunal should be filled up quickly** by initiating the procedure well in time, preferably within six months prior to the occurrence of vacancy.
4. **Selection of the members of Tribunals** The Commission stated that the members' **selection should be impartial with minimal involvement of government agencies as the government is a party in litigation.**
5. **Separate Selection Committee, for both judicial and administrative members,** must be formed.
6. **Tenure** - The Chairman should hold office for 3 years or till he attains the age of 70 years, whichever is earlier. Whereas Vice-Chairman and Members should hold the office for 3 years or till they attain the age of 67 years whichever is earlier.

6. Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.

Simultaneous Election

Facts

- Simultaneous election has been recommended by following
 1. First Annual Report of Election Commission of India (1983)
 2. Law Commission's report (1999)
 3. 79th report of Parliamentary Standing Committee (2015).
- In 2017, a paper by NITI Aayog released a paper on Simultaneous election
- Simultaneous Election were held in India till 1967 which was disrupted due to premature dissolution of Assemblies.
- There is a **77% chance** that the Indian voter will vote for the same party for both the state and centre, when elections are held simultaneously.

Amendment required for simultaneous election

- A definition of "simultaneous elections" may be added to Section 2 of the 1951 Act.
- Article 83 and 172 of the constitution (dealing with duration of both houses and state legislatures respectively)
- sections 14 and 15 of the 1951 Act (dealing with notification of general elections in both houses and state assemblies respectively),
- The Anti-defection Law laid down under paragraph 2(1) (b) of the Tenth Schedule of the Constitution be removed as an exception to prevent stalemate in the Assembly due to Hung Parliament.

ATTENDANCE IN PARLIAMENT

- In the initial years of our Republic, Lok Sabha sat for about 125-140 days a year.
- Parliament has met for just 65-75 days per year in the last couple of decades.

7. Topic: Salient features of the Representation of People's Act.

ELECTORAL FUNDING

- According to an ADR (Association of Democratic Reforms) analysis, **69% of the total income** of national and regional parties between 2004-05 and 2014-15 was contributed through funding from unknown sources.
- 40% donations have been received with no PAN details.
- Nearly **Rs. 7,900 crore donations came from unknown sources in 2015-2016**

ELECTORAL BONDS

Electoral bonds were announced in Union Budget 2017-18 and the required amendments in

- Reserve Bank of India Act, 1934
- Representation of People Act, 1951
- were made through Finance Bill, 2017

INNER PARTY DEMOCRACY

Definition

- Internal democracy in political parties refers to the level and methods of including party members in the decision making and deliberation within the party structure.

Committees

- **The 170th report of the Law Commission (1999) of India** on reform of electoral laws focused on “Necessity of providing laws relating to internal democracy within parties
- **The ARC’s 2008 Ethics and Governance report** talked about corruption due to high centralization.
- A committee headed by the former **Chief Justice of India, M. N. Venkatachaliah**, had drafted a bill to regulate the functioning of political parties

8. *Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.*

OFFICE OF PROFIT

Constitution

- **Articles 102(1) a and 191 (1)** mention disqualifications on the basis of Office of Profit but it is neither defined in the constitution nor under **Representation of People’s Act**.

Important Supreme Court Cases

- Supreme Court in **Pradyut Bordoloi vs Swapan Roy (2001)**, the Supreme Court outlined the following questions for the test for office of Profit:
 - Whether the government makes the appointment;
 - Whether the government has the right to remove or dismiss the holder;
 - Whether the government pays the remuneration;
 - What are the functions of the holder and does he perform them for the government; and
 - Does the government exercise any control over the performance of those functions
- **Jaya Bacchan v. Union of India case** SC defined it as “an office which is capable of yielding a profit or pecuniary gain.” thus it is not the actual ‘receipt’ of profit but the ‘potential’ for profit that is the deciding factor in an ‘office of profit’ case.

9. *Development processes and the development industry—the role of NGOs, SHGs, various groups and associations, donors, charities, institutional and other stakeholders.*

CIVIL SOCIETY

Definition

- Civil society is the “**third sector**” of society, along with government and business.
- The term “civil society” generally is used to refer to **social relations and organizations outside the state or governmental control**. Sometimes it is also taken to mean outside the economic or business sphere as well.
- Usually “civil society” refers to non-governmental organizations (NGOs) and associations that people belong to for social and political reasons: churches and church groups, community groups, youth groups, service organizations, interest groups, and academic institutions and organizations.

Media

- India ranked 136 among 180 countries in World **Press Freedom Index (PFI)** 2018.

10. Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

MGNREGS ASSESSMENT

- MGNREGA provides a legal guarantee for 100 days of employment in every financial year to adult members of any rural household willing to do public work-related unskilled manual work at the statutory minimum wage

Facts

- A NCAER study showed that the Act **helped in lowering poverty by almost 32 per cent** between 2004-05 and 2011-12.
- The poverty level among scheduled caste and scheduled tribes also decreased by 38 per cent and 28 per cent respectively.
- Geo-Tagging of over 2 crore assets has been taken in the last two years.
- About 6.6 crore workers have Aadhaar linked Bank accounts and 97% wages are paid through the Electronic Fund Management System (NeFMS).

Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Disability

Facts

- In India, according to the 2011 Census, **2.21% of the population has one or multiple types of disabilities**, making the country home to one of the largest disabled populations in the world.
- Further, the **2030 Agenda for Sustainable Development** pledges to “**leave no one behind**”. It states that persons with disabilities must be both “beneficiaries and agents of change”
- India has **20.42 lakh disabled children** aged between 0 and 6 years. Around **71% of them - 14.52 lakh children are in rural areas**. There are 5.9 lakhs disabled children in cities.

Government's Initiatives

- The Rights of Persons with Disabilities Act increased the quota for disability **reservation in higher educational institutions from 3% to 5% and in government jobs from 3% to 4%**.
- Indira Gandhi National Disability Pension Scheme, scheme of national awards for them, scholarships, assistance to purchase aids and appliances.
- Accessible India Campaign (Sugamya Bharat Abhiyan)

Manual Scavenging

Definition

- Manual scavenging refers to the practice of manually cleaning, carrying, disposing or handling in any manner, human excreta from dry latrines and sewers.

Facts

- Socio-Economic Caste Census (SECC) of 2011 identified **1,80,657 manual scavengers** across the whole of India, whereas the Safai Karmachari Andolan (SKA) estimates that there are more than **six times that number, around 1.2 million**.



- According to a report tabled in the Rajya Sabha in 2016, **22,327 lose their lives every year due to manual scavenging.**
- There are **22 states where not a single person has self-declared to be a manual scavenger.**
- India has **2.6 million “insanitary” latrines**, which require human excreta to be handled manually - Census 2011.

Child Labour

Facts

- India’s 2011 census shows that there are **more than 10.2 million** “economically active” children in the age group of five to 14 years – 5.6 million boys and 4.5 million girls.
- Around 71% of working children are concentrated in the **agriculture sector**, with 69% of them undertaking unpaid work in family units.

Related Laws:

- **Child Labour (Prohibition and Regulation) Act (1986)** to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments
- **Juvenile Justice (Care and Protection of Children) Act 2000 and amendment of the JJ Act in 2006:** includes the working child in the category of children in need of care and protection, without any limitation of age or type of occupation.
- The Right to Education Act 2009

Government Initiatives

- **National Policy on Child Labour (1987)**, with a focus more on rehabilitation of children working in hazardous occupations and processes, rather than on prevention.



Child Labour in India



CHILD SEX ABUSE

Definitions

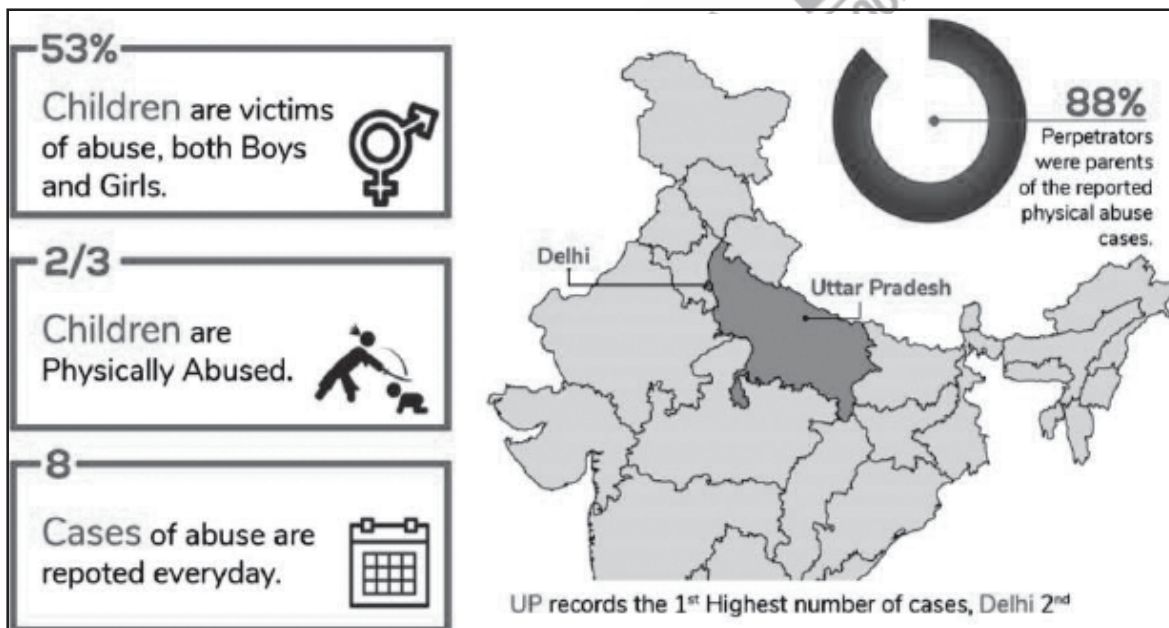
According to 1999 WHO Consultation on Child Abuse Prevention, “Child sexual abuse is the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society.”

Facts

- The number of identified incidents of child sexual abuse decreased at least 47% from 1993 to 2005-2006.
- Only about 38% of child victims disclose the fact that they have been sexually abused
- Nearly 70% of all reported sexual assaults (including assaults on adults) occur to children ages 17 and under.
- About 90% of children who are victims of sexual abuse know their abuser.
- Approximately 30% of children who are sexually abused are abused by family members.

Related laws

- The Government had acceded to the **Convention on the Rights of the Child in 1992**
- Parliament of India passed the **Protection of Children against Sexual Offences Act (POCSO)** for the victims of child sexual abuse below 18 years of age.
- Young Persons (Harmful Publication) Act, 1956 deals with the issue of pornography, affecting children



TRIBAL DEVELOPMENT

Constitutional Provisions

- **Article 366** defined scheduled tribes as “such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this constitution”.
- **Article 342-** The President may, with respect to any State or UT, after consultation with the Governor, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall, for the purposes of this constitution, is deemed to be scheduled tribes in relation to that state or Union Territory.

Educational, Economic and Public Employment-related Safeguards

15

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

16

Equality of opportunity in matters of public employment

19

Protection of certain rights regarding freedom of speech, etc

46

Promotion of Educational & Economic interests of SC, ST and other weaker sections

335

Claims of Scheduled Castes & Scheduled Tribes to services and posts

Political Safeguards

330

Reservation of seats for SC and ST in the House of the People

332

Reservation of seats for SC and ST in the Legislative Assemblies of the States

334

Reservation of seats and special representation to cease after sixty years

243D

Reservation of seats (in Panchayats)

243T

Reservation of seats

Agency for Monitoring Safeguards

338A

National Commission for Scheduled Tribe

Relevant articles of Constitution for STs

Schemes and initiatives

- **VAN DHAN SCHEME** - Seeks to improve tribal incomes through value addition of tribal products.

Features of the Scheme:

-  | 10 SHGs* of 30 tribal gatherers is constituted
-  | To be trained and provided with working capital
-  | SHGs will market their products within and across states
-  | To form clusters to aggregate their stock and link with facility of primary processing in Van Dhan Vikas Kendras
-  | Involvement of big corporates under PPP** model

*Self Help Groups **Public Private Partnership

Features of Van Dhan Scheme

- **Tribal Cooperative Marketing Development Federation of India Limited (TRIFED)** for institutionalizing the trade of Minor Forest Produce (MFP) and Surplus Agriculture Produce (SAP) collected/cultivated by tribals as tribals are heavily dependent on these natural products for their livelihood.

GENDER GAP REPORT

Definition

- A gender gap, by definition, is a disproportionate difference or disparity between the sexes

Facts

- About 32% of the gender gap still remains to be closed as compared to 31.7% in 2016
- India has slipped 21 ranks to 108 behind Bangladesh (47) and China (100).
- India's greatest challenge lies in
 - Economic participation and opportunity pillar - ranked 139
 - Health and survival pillar where it ranks 141.
- Workplace gender gap is evident due to low participation of women as well as low wages to women as compared to men (66% women are unpaid as compared to 12% men)
- India, however, has successfully closed the primary and secondary as well as tertiary education gender gap.

Homosexuality (Section 377 of IPC)

- Section 377 of IPC — which came into force in 1862 — defines unnatural offences.
- It says, “Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall also be liable to fine.
- Homosexual intercourse was made a **criminal offense under Section 377 of the Indian Penal Code, 1860.**

Supreme Court Judgments related to Section 377

- The Delhi High Court in **Naz Foundation v. Government of NCT of Delhi (2009)**, held that criminalising sexual activities with consent in private not only impairs the dignity of those persons targeted by the law, but it is also discriminatory and impacts the health of those people. This judgment lifted the criminal restrictions on gay men.
- The Supreme Court in **Suresh Kumar Koushal v. Naz Foundation (2013)** set aside the Delhi High Court judgment. The Koushal judgment did not notice that the rape law itself had changed whereby instead of mere restriction on penile-vaginal non-consensual sex, it now includes a range of sexual activities, including digital and object penetration.
- The Supreme Court in its 2014 in **National Legal Services Authority vs. Union of India case**, asked the government to take steps for the welfare of transgender persons and to treat them as a third gender for the purpose of safeguarding their fundamental rights.
- Supreme Court judges observed in **Justice K.S. Puttaswamy vs Union of India** that equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Articles 14, 15 and 21 of the Constitution

11. Issues relating to development and management of Social Sector/ Services relating to Health

Healthcare in India

It is health that is real wealth and not pieces of gold and silver - Mahatma Gandhi

Health in Constitution

1. **Article 47** under part IV (**DPSP**) states that “Duty of the State to raise the level of nutrition and the standard of living and to improve public health”.
2. Health is a state subject under **7th schedule** of the constitution.

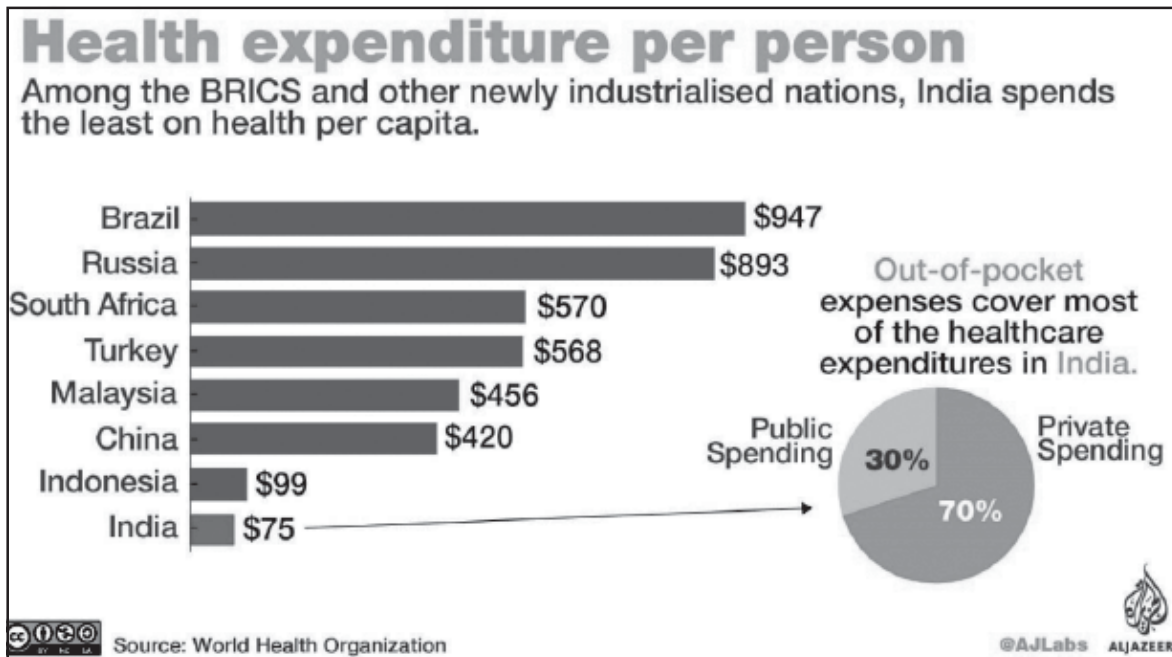
Facts

- India’s total healthcare expenditure is **1.4% of GDP** while WHO recommends 5% public spending on Health.
- The 2017 National Health Policy set a goal of raising this figure to 2.5% of GDP by 2025.
- **Doctor-population ratio of 0.62:1000 i.e 1:1612 WHO** prescribes a doctor population ratio of 1:1000
- There is an **81% shortage of specialists in community health centres (CHC)**, the first point of contact for a patient with a specialist doctor.
- Poor Public Health Infrastructure- According to **National Sample Survey Organization (NSSO-2015)**, more than 70% of ailments —72% in rural areas and 79% in urban areas—were treated at private healthcare facilities due to a decaying public healthcare system.
- National Health Accounts (NHA) published by the Union health ministry reveals that **Out Of Pocket (OOP) constitutes 62.6% of the total health spend in India** — including all government and private sources. (OOP spending is the money individuals pay on their own rather than being covered by insurance or health benefits)
- Due to OOP, about 7% population is pushed below the poverty threshold every year
- Out of all health expenditure, 72% in rural and 68% in urban areas was for buying **medicines** for non -hospitalised treatment

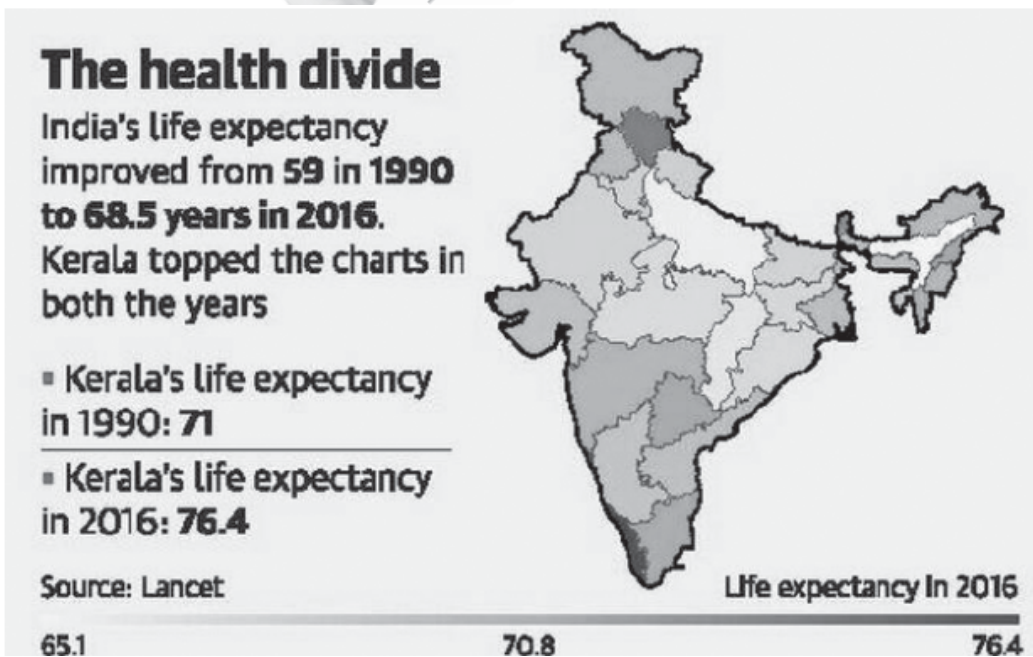
- Nearly **70%** of healthcare services are provided by **private players** which are largely unregulated.
- About **0.75 million newborns die every year in India, which is the largest number for any country in the world.**
- Four states—Uttar Pradesh, Madhya Pradesh, Bihar and Rajasthan—alone contribute to 55 per cent of total neonatal deaths in India.
- There is a significant increase in the number of institutional deliveries in many states with more than 90% institutional births in eight of the 15 states.

Reports

- Lancet study:** India ranks 145th among 195 countries in terms of quality and accessibility of healthcare, behind its neighbours like China, Bangladesh, Sri Lanka and Bhutan.



Health Expenditure per Person



The Health Divide

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Government's effort

- **Mission Indradhanush:** The Ministry of Health & Family Welfare has launched “Mission Indradhanush “ to fully immunise more than 89 lakh children who are either unvaccinated or partially vaccinated.
- **The National Health Mission (NHM):** The National Health Mission (NHM) encompasses its two Sub-Missions, the National Rural Health Mission (NRHM) and the National Urban Health Mission (NUHM).
- **Ayushman Bharat scheme:** Ayushman Bharat is National Health Protection Scheme, which will cover over 10 crore poor and vulnerable families (approximately 50 crore beneficiaries) providing coverage upto 5 lakh rupees per family per year for secondary and tertiary care hospitalization.

The scheme has two components:

1. Upgrading the 150,000 sub-centres (for a 5,000 population level) into wellness clinics that provide 12 sets of services
2. Providing health security to 40% of India's population requiring hospitalisation for up to a sum assured of 5 lakh per year per family

National Health Policy 2017

- It aims to raise public healthcare expenditure to 2.5% of GDP from current 1.4%, with more than two-thirds of those resources going towards primary healthcare.
- It envisages providing a larger package of assured comprehensive primary healthcare through the ‘Health and Wellness Centers’.
- It is a comprehensive package that will include care for major non-communicable diseases (NCDs), geriatric healthcare, mental health, palliative care and rehabilitative care services.
- It proposes free diagnostics, free drugs and free emergency and essential healthcare services in all public hospitals in order to provide healthcare access and financial protection.
- It seeks to establish regular tracking of disability adjusted life years (DALY) Index as a measure of burden of disease and its major categories trends by 2022.
- It aims to improve and strengthen the regulatory environment by putting in place systems for setting standards and ensuring quality of healthcare.
- It also looks at reforms in the existing regulatory systems both for easing drugs and devices manufacturing to promote Make in India and also reforming medical education.
- It advocates development of mid-level service providers, public health cadre, nurse practitioners to improve availability of appropriate health human resource

Targets under NHP 2017

- Increasing life expectancy to 70 years from 67.5 years by 2025
- Reduce infant mortality rate to 28 by 2019
- Reduce under five mortality to 23 by 2025
- Reduce Total Fertility Rate to 2.1 at the national and sub - national levels by 2025
- Maternal Mortality Ratio from current levels to 100 by 2020
- Reduce neonatal mortality to 16 and stillbirth rate to “single digit” by 2025.

Recent Bill

- **The National Medical Commission Bill:** The NMC bill seeks to replace the apex medical education regulator, the Medical Council of India (MCI), with a new body National Medical Commission (NMC).

National Medical commission bill

The National Medical Commission (NMC) Bill, 2017, seeks to replace the Medical Council of India (MCI) with a new body.

Key Feature of Bill

- **National Medical Commission (NMC) is established:** It will be an Umbrella body which will subsume the MCI and regulate the medical education and practice in India
- Each state will establish state medical council within three year
- Uniform National Eligibility-cum-Entrance Test (NEET)
- **National Licentiate Examination** -for the students graduating from medical institutions to obtain the license for practice and admission into postgraduate courses at medical institutions.
- **Bridge course**- It allows practitioners of homoeopathy and Indian systems of medicine to prescribe allopathic medicine upon completion of a course.

Committees

- **Prof. Ranjit Roy Chaudhury committee (2015)** - recommended structurally reconfiguring the MCI's functions and suggested the formation of a National Medical Commission
- **Dr. Arvind Panagariya Committee** formed to address concerns over quality of medical education, proposed to repeal Indian Medical Council Act, 1956.

NEWBORNS

Facts

- More than 80 per cent of all the newborn deaths are the result of causes that could have been prevented with basic solutions.
- The "Every Newborn Action Plan" estimated that the lives of 3 million mothers, newborns and stillborn babies could be saved each year by improving care.

Every Newborn Action Plan

- It is led by WHO and UNICEF.
- It provides a road map of strategic actions for ending preventable newborn mortality and stillbirth and contributing to reducing maternal mortality and morbidity.
- At 6,40,000 newborn child deaths in 2016, India has the largest number of babies dying in the world

Schemes

India Newborn Action Plan (2014)

- It is India's committed response to the Every Newborn Action Plan to advance the Global Strategy for Women's and Children's Health.
- Its goal is to attain Single Digit Neonatal Mortality and Stillbirth Rates by 2030.

CANCER IN INDIA

- As per 2016 ICMR reports, India is likely to have over 17.3 lakh new cases of cancer and over 8.8 lakh deaths due to the disease by 2020 with cancers of breast, lung and cervix topping the list.
- India accounts for the third highest number of cancer cases among women after China and the US, growing annually at 4.5-5%.

Drug Resistance

- The World Bank said Drug-resistant diseases could add as much as **\$1 trillion a year to health-care costs** by 2050 across the globe
- The first-ever survey of drug-resistant (DR) tuberculosis (TB) has found that over a quarter of patients in India could be resistant to one or more drugs that can cure them.
- India is home to 2.8 million TB patients, the largest in the world.

ANTIMICROBIAL RESISTANCE

- **Definition:** It occurs when microorganisms such as bacteria, viruses, fungi and parasites change in ways that render the medications used to cure the infections and causing them ineffective
- Microorganisms that become resistant to most antimicrobials are often referred to as **“superbugs”**.
- In 2014, **India was the highest consumer of antibiotics**, followed by China and the United States. However, the per capita consumption of antibiotics in India is much lower than in several other high income countries.
- **Scoping Report on Antimicrobial Resistance** in India has highlighted that mass bathing in rivers as part of religious mass gathering occasions associated with potential acquisition and spread of antibiotic-resistant bacteria (20 times greater in the Ganges River during pilgrimage season)
- India will be the **fourth-largest consumer of antibiotics** in food animals by 2030.
- **80% of the antibiotics** sold worldwide are manufactured in India and China. The effluents from the antibiotic manufacturing units contain a substantial amount of antibiotics, leading to contamination of rivers and lakes in India

International Initiatives

- **‘One Health’ approach:** in designing and implementing programmes, policies, legislation and research in which multiple sectors communicate and work together to achieve better public health outcomes against the food safety, the control of zoonoses (diseases that can spread between animals and humans, such as flu, rabies) , antimicrobial resistance etc.

Policy/Initiatives of Government

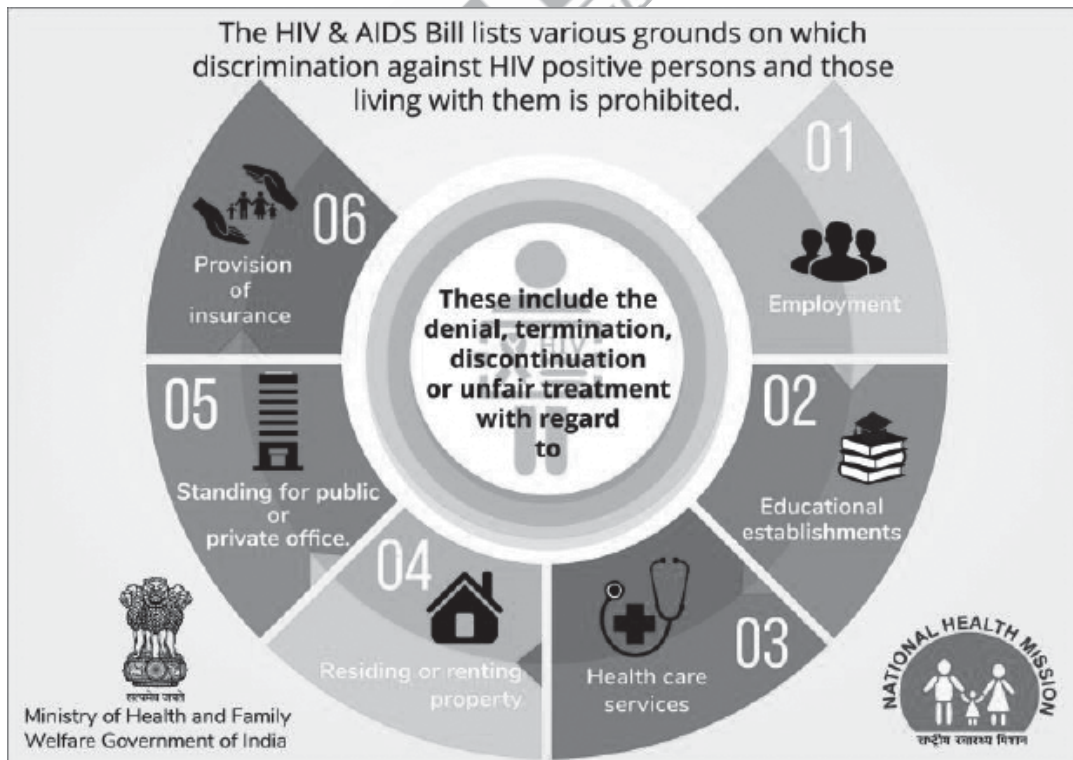
- **Red Line Campaign on Antibiotics 2016**, was launched to create awareness regarding rational usage and limiting the practice of self-medication of antibiotics among the general public.
- **National Policy for Containment of AMR 2011** envisaged enforcement of regulatory provisions for use of antibiotics for humans as also for veterinary use along with a hospital based surveillance system for monitoring antibiotic resistance.
- **The National Action Plan on Antimicrobial Resistance (NAP-AMR) 2017** has assigned coordinated tasks to multiple government agencies involving health, education, environment, and livestock to change prescription practices and consumer behaviour and to scale up infection control and antimicrobial surveillance.

AIDS

INDIA 2016



AIDS



HIV & AIDS Bill

Schemes

- **National Strategic Plan (2017-24)** - It aims to strive, along with partners, towards fast track strategy of ending the AIDS epidemic by 2030 and is expected to pave a roadmap **for achieving the target of 90:90:90.**

Tobacco Consumption

- Tobacco products contains around 5000 toxic substances.
- The tobacco related health burden amounts to about **one lakh crore rupees and government's earning from tobacco excise duty is only 17 % of health burden.**
- The total costs attributable to tobacco use as on 2011 was estimated to be 12% more than the combined state and central government expenditure on healthcare in that year, and 1.16% of India's GDP.
- According to Global Youth Tobacco Survey, in 2009, nearly 15% Children in India in the 13-15 age group used some form of tobacco.
- Annually, India loses around **ten lakh patients to tobacco-related diseases.**

Sanitation & Hygiene

Data

- According to health ministry data, only **12% of India's 355 million women use sanitary napkins** while remaining resort to unsanitary alternatives due to which 70% of these women suffers from the incidents of reproductive tract infection.
- NFHS (2015-16) data shows that about 4 out of 10 women do not use hygienic method of protection during menstrual cycle
- **Disposability:** According to Menstrual Health Alliance India data shows that around 13% of menstrual waste is thrown in open spaces such as rivers, lakes etc., 10% waste is disposed in toilets, 9% is burnt and 8% is buried

Government's Effort

- **Project Stree Swabhiman:** It aims to create a sustainable model for providing adolescent girls and women an access to affordable sanitary products in rural areas.

National Annual Rural Sanitation Survey (NARSS)

- 95.6% of Open Defecation Free (ODF) previously verified villages have been confirmed ODF.
- 77% of the households found to have access to toilets
- 93.4% of the people who had access to toilets used them regularly
- 70% of the villages were found to have minimal litter and stagnant water.
- Among the states, Kerala and Mizoram have achieved 100% Open Defecation Free status while Uttar Pradesh and Bihar are the bottom ranking with less than 44% of such households.
- **In Bangladesh only 8.4% households defecate** in the open, compared to 55% in India.

Suicide

- About **800,000 people commit suicide** worldwide every year of these 135,000 (17%) are residents of India.
- Between 1987 and 2007, the **suicide rate increased from 7.9 to 10.3 per 100,000** with higher suicide rates in southern and eastern states of India
- Among large population states, Tamil Nadu and Kerala had the highest suicide rates per 100,000 people in 2012.
- **The male to female suicide ratio has been about 2:1**
- 70% of persons who died by suicide in India lived on an annual income of Rs. 1 lakh.

Euthanasia

Supreme court judgment:-

- Passive euthanasia was recognised by Supreme court in Aruna Shanbaug in 2011.
- A Constitution Bench, led by Chief Justice of India Dipak Misra, upheld that the fundamental right to life and dignity includes right to refuse treatment and die with dignity
- Now it has expanded the jurisprudence on the subject by adding to it the principle of a 'living will', or an advance directive, a practice whereby a person, while in a competent state of mind, leaves written instructions on the sort of medical treatment that may or may not be administered in the event of her reaching a stage of terminal illness.



The world on Euthanasia

12. Issues relating to development and management of Social Sector/ Services relating to Education.

EDUCATION

Facts-

- Globally average spending on education is 4.9% of GDP while in the case of India it is just 3.4%.
- Only 3 Indian universities feature in top 200 of the Quacquarelli Symonds (QS) World University Rankings 2018
- U.S. accounts for 33% of global output of knowledge-intensive services, China 10%, but India only 2%.

Findings of All India Survey On Higher Education 2016-17

Important Results of the Survey	2016-17
Gross Enrolment Ratio (GER)	25.2
No. of Colleges per lakh population	28
Gender Parity Index	0.94
Pupil Teacher Ratio	22



Regulatory Framework Of Higher Education In India



Economic Survey

- **India's spending on R&D** in terms of **percentage of GDP has been stagnant at 0.6 to 0.7** per cent in the last two decades — much lower than the US, China, South Korea and Israel

Report

- **National Employability Report 2015-16** - The fifth edition of National Employability Report 2015-16 conducted by job skills matching platform Aspiring Minds has found that over **80 per cent of engineers in India remain unemployable**

Committee:

1. **N Gopalaswami Committee** - Government has constituted Empowered Expert Committee (EEC) to select 20 Institutions of Eminence from among 104 institutions (public or private).
2. **Dr. K. Kasturirangan committee** - Government has constituted it to prepare final draft of National Education Policy

Recent Acts

1. Higher Education Commission of India (HECI) Act, 2018 (Repeal of University Grants Commission Act).

Government Initiative

1. Revitalising Infrastructure and Systems in Education (RISE)
2. IMPRINT India
3. Global Initiative for Academics Network (GIAN)
4. Unnat Bharat Abhiyan
5. National Institutional Ranking Framework (NIRF)
6. Saksham scholarship scheme
7. Ucchar Aavishkar Abhiyaan
8. Study Webs of Active-Learning for Young Aspiring Minds (SWAYAM)
9. Swayam Prabha
10. Technical Education Quality Improvement Programme (TEQIP)
11. Madhyamik and Uchchar Shiksha Kosh (MUSK)

Data

- In the 2017-18 Union budget, education spending came to about 3.71% of gross domestic product (GDP), a considerably lower percentage than peer nations in the Brics (Brazil, Russia, India, China, South Africa) grouping. This is a persistent trend.



- Due to Right to Education Act, the **proportion of out-of school children has fallen to 3.1 per cent.**
- **Rising trend of education in rural India:** According to ASER data , only a little over 25% of all rural 18-year-olds were attending schools in 2001 .By 2016, the share of 18-year-olds in schools and colleges had gone up to 70%.
- According to the recent ASER 2017 findings while on average the difference between enrolment levels of boys and girls at age 14 are declining, by 18, when the state doesn't enforce compulsory education through the RTE Act, **32% girls are not enrolled compared to 28% boys.**

The UNESCO Global Education Monitoring Report and the Education Commission's Learning Generation Report:-

- 171 million people could be lifted out of extreme poverty if all children left school with basic reading skills. That's equivalent to a 12% drop in the world total.
- If workers from poor and rich backgrounds received the same education, disparity between the two in working poverty could decrease by 39%.

ALL INDIA SURVEY ON HIGHER EDUCATION (AISHE) 2016-17

Major findings:

1. **Institutions:** There exists a regional disparity in college density (number of colleges per lakh eligible population) which varies from **7 in Bihar to 59 in Telangana** as compared to All India average of 28.
2. **Enrolment:** Total enrolment in higher education has been estimated to be 35.7million with an overall **increase of 18.3% as compared with 2012-13.**
3. **Gross Enrolment Ratio (GER):**
 - A high percentage of the eligible population is still outside college.
 - GER in Higher Education in India of 25.2% (calculated for 18-23 years of age group).
 - The GER for male population is 26% (22.7% in 2012-13) and female is 24.5% (20.1% in 2012-13).
4. **Gender Parity Index:** There is a marginal increase in the Gender Parity Index (GPI) (a ratio of proportional representation of female and male) for all categories **from 0.89 in 2012-13 to 0.94 in 2016-17.**
5. **Pupil Teacher Ratio (PTR):** in Universities and Colleges is 22 which have remained stable from 21 in 2012-13.

ASER Report

Key Findings:

- 57% of 14-18 year old can't to do simple division
- 40% of 18 year olds can't read a simple sentence in English
- 25% in 14-18 age group cannot read basic text in their own language
- Only 5% school students are taking some kind of vocational education
- 42% of 14-18 age group students are working regardless of their schooling
- 76% of Indian students aged 14-18 could not count money correctly

Facts

- The literacy rate at 94% of Kerala is due to its consistent focus on primary schooling and proper implementation of the RTE Act.



SDG on Education

Status of R&D in India

- India spent **0.69 per cent of its GDP on R&D in 2014-15**, Brazil (1.24%), Russia (1.19%), China (2.05%) and South Africa (0.73%), while USA (2.8%) and South Korea (4.2%) spend much more.
- Women’s participation** in extra mural R&D projects has increased significantly from a mere **13% in 2000-01 to 29 % in 2014-15**.
- The country’s share in global research publications increased from **2.2 per cent in 2000 to 3.7 per cent in 2013**
- The number of researchers per million population increased from **110 in 2000 to 218 in 2015**

13. Issues relating to development and management of Social Sector/ Services relating to Human Resources.

DIGITAL DIVIDE

- Internet users in India is 481 **million with 35 per cent overall Internet penetration of the total population**.
- The report points out that **295 million of 455 million (64%)** people in urban India are already using the Internet.
- Meanwhile, rural India, with an estimated population of 918 million as per 2011 census, has only 186 million internet users.
- Female Internet users consist of **30 per cent (143 million) of total Internet users**.
- As per the 71st NSSO Survey on Education 2014, **only 6% of rural household have a computer**. This makes adoption of technology driven services delivery very slow.

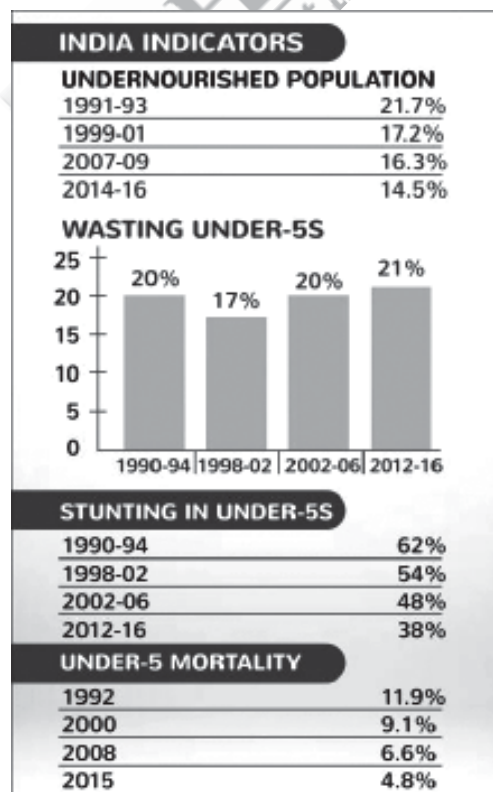
14. Issues relating to poverty and hunger.

GLOBAL HUNGER INDEX

- As per report titled “2017 global hunger index: The inequalities of hunger”, India has been ranked 100th among 119 developing countries on the Global Hunger Index (GHI), behind North Korea, Bangladesh and even Nepal
- The level of hunger across the Globe has declined by 27% since 2000.
- South Asia and Africa South of the Sahara have the highest levels of hunger.
- India has seen low improvement, despite being world’s second largest food producer, and world’s fastest growing economy.
- India’s poor performance shows country’s stubbornly high proportions of malnourished children—with about 20% Indian children under five suffer from wasting and 40 % from stunting.

BEHIND MOST NEIGHBOURS

COUNTRY	Rank	GHI
China	29	7.5
Nepal	72	22.0
Myanmar	77	22.6
Sri Lanka	84	25.5
Bangladesh	88	26.5
India	100	31.4
Pakistan	106	32.6
Afghanistan	107	33.3





- **National Nutrition Strategy:** It is a 10-point nutrition action plan that includes governance reforms and envisages a framework wherein the four proximate determinants of nutrition – uptake of health services, food, drinking water & sanitation and income & livelihoods – work together to accelerate decline of under nutrition in India.

The UN Sustainable Development Goals 2018 report

- It said that the number of hungry people in the world increased from 7.77 crore in 2015 to 8.15 crore in 2016.
- It can defeat the Sustainable Development Goal 2 of achieving zero hunger by 2030

Other facts

- The IFPRI acknowledges that only 45% of child mortality is due to hunger or under nutrition.
- **Per capita food production in India has increased by 26%** (2004-05 to 2013-14), while it has doubled in the last 50 years.

NUTRITION

Data

- 51.4 percent of women in reproductive age between 15 and 49 years are anaemic.
- The NFHS data also shows a decline in stunting among children under five from 43% to 32%.
- There is a decline in prevalence of underweight children under five from 39% to 29%
- According to ASSOCHAM, **India loses nearly 4% of GDP due to different forms of malnutrition.**

Undernutrition

- Hidden hunger, defined as deficiency of micronutrients, is affecting **2 billion people globally.**
- Malnutrition had slowed the **growth of 155 million children under the age of five,** which impact on long-term health and educational attainment.
- Around 500 million people, or **more than two-thirds of the Indian population,** are now affected by deficiencies in protein and micronutrients.
- India pays an income penalty of about 9% to 10% due to a workforce that was stunted during their childhood

Over nutrition

- In the past 10 years, on average, overweight and obesity prevalence rates have rapidly increased across India to bring the national average prevalence to approximately 20% for both women and men (20.8% and 19.9%, respectively).
- As per the recent findings of the National Family Health Survey-4 (2015-16), 31.3% of urban women were in the category of overweight or obese
- Around 15% of urban men were underweight, while 26.3% belonged to the category of overweight and obese.

Double Burden of Malnutrition

• Undernutrition

- About 37% of our under-five children are underweight,
- 39% are stunted,
- 21% are wasted
- 8% are acutely malnourished



- **Overweight** - India is also ranked as the third most obese nation of the world after US and China, according to a WHO report of 2015.

Related law

- **Article 47** of the Constitution mentions the “duty of the state to raise the level of nutrition and the standard of living and to improve public health.”

Global Nutrition Report, 2016

- India ranks 114th out of 132 countries in stunting among children aged less than five and 120th out of 130 countries in under-5 wasting, Global Nutrition Report, 2016.

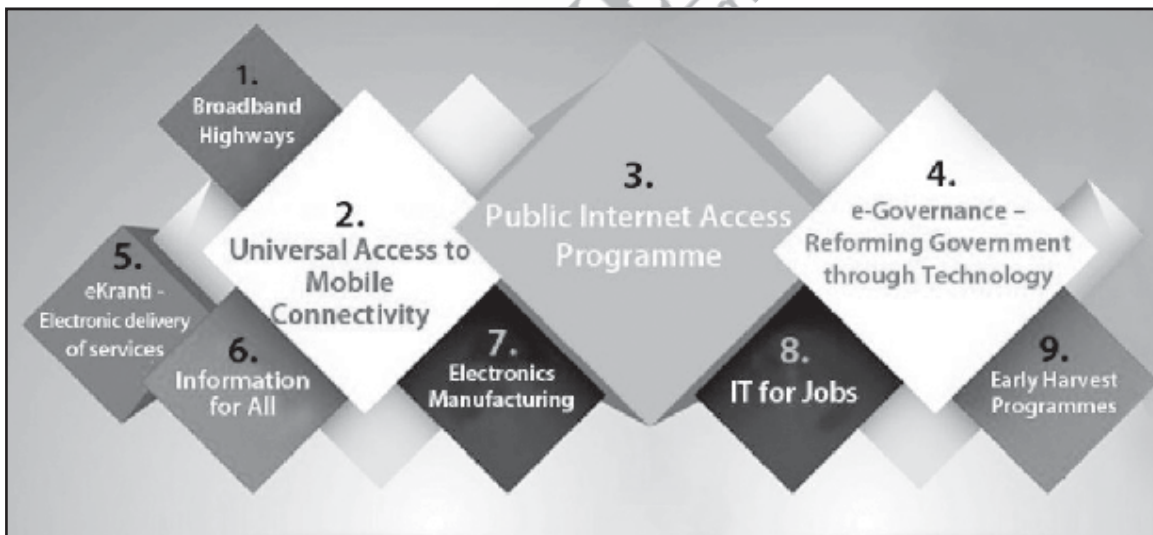
16. Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, and potential;

E-GOVERNANCE

Definition

- E-governance, expands to electronic governance, is the integration of Information and Communication Technology (ICT) in all the processes, with the aim of enhancing government ability to address the needs of the general public. The basic purpose of e-governance is to simplify processes for all, i.e. government, citizens, businesses, etc. at National, State and local levels.

Pillars of Digital India



Data

- In the next three years, India will add more than 300 million new mobile subscribers—and, by 2025, it is highly likely that the country will be the largest mobile market in the world.
- As per Broadband Commission for Sustainable Development, established by ITU and UNESCO, Broadband-Internet user penetration should reach 65% in developing countries by 2025

17. Role of civil services in a democracy.

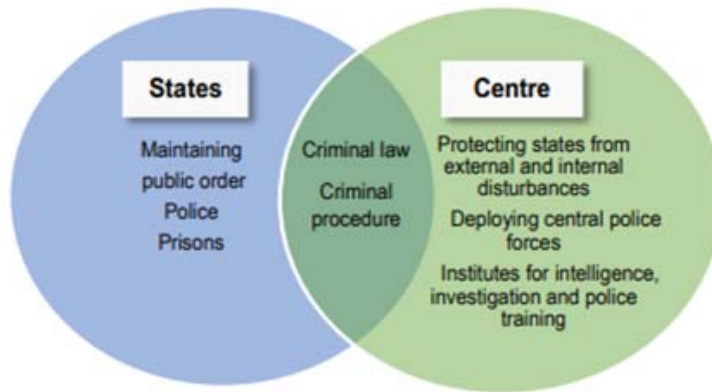
Data

- NCRB data - Only 47% convictions in Indian Penal Code (IPC) crimes at the national level.

Police Reform

Responsibilities of Centre and States:

- State police forces are primarily in charge of local issues such as crime prevention and investigation, and maintaining law and order.



Facts:

Number of police personnel

- **In India:** There were 17.2 million police officers across 36 states and Union Territories, when there should have been 22.6 million, according to the Ministry of Home Affairs. **This is lowest police-population ratio in the world.**
- **Global Average:** The global average ratio of police-population is 270 to 100,000,

India.'s average ratio of police-population is 120 to 100,000

- **UN recommendations:** The UN recommended number of police **personnel per lakh population is 222.**
- **Crime per lakh persons increased by 28% from 2005 to 2015.**

Supreme Court Judgments:

The 2006 verdict of the Supreme Court in the **Prakash Singh vs Union of India** case was the landmark in the fight for police reforms in India. The Court provide following directives to kick-start reforms:

1. Constitute a **State Security Commission (SSC)** to ensure that state government does not exercise unwarranted influence or pressure on the police.
2. Ensure that the DGP is appointed through the merit-based transparent process and secure a minimum tenure of two years.
3. Police officers on operational duties (including SP and SHO) are also provided a minimum tenure of two year.
4. Separate the investigation and law and order functions of the police.
5. Set up a **Police Establishment Board (PEB)** to decide transfers, postings, promotions and other service related matters of police. F)
6. Set up a **Police Complaints Authority (PCA)** at state level to inquire into public complaints against police officers of above the rank of Deputy Superintendent of Police.



7. Set up a **National Security Commission (NSC)** at the union level to prepare a panel for selection and placement of Chiefs of the Central Police Organizations (CPO) with a minimum tenure of two years.

IMMUNITY TO PUBLIC SERVANTS

- Criminal Laws (Rajasthan Amendment) Bill granting immunity to public servants, judges and magistrates from investigation without prior sanction.
- **Government's View** - Prior sanction will protect honest officials from frivolous allegations levelled by vested interests and thus prevent a situation of policy paralysis.
- **Supreme Court's View** - There have been conflicting views of Supreme Court on issue of prior sanction **In MK Aiyappa case, 2013 and Narayana Swamy, 2016 case Supreme Court** held that even an investigation cannot be ordered under Section 156(3) CrPC without prior sanction.
- While in some other cases SC has held opposite view saying that prior sanction for investigation impede an unbiased and efficient investigation.

Current Legal Status

- **Prevention of Corruption Act** also requires prior sanction for prosecution of public servants for offences such as taking a bribe or criminal misconduct.

PRISONS OVERCROWDING

Facts

- 67% of the people in Indian jails are under trials which is extremely high by international standards like it is 11% in UK, 20% in US and 29% in France.

Reports

- According to the Prison Statistics India 2015 report by the National Crime Records Bureau (NCRB), India's prisons are overcrowded with an occupancy ratio of 14% more than the capacity.
- According to government data 149 jails in the country are overcrowded by more than 100 per cent and that eight are overcrowded by margins of a staggering 500 per cent.

Related laws

- Fundamental rights and human rights of people violated-despite a landmark Supreme Court ruling that Article 21 of the constitution entitles prisoners to a fair and speedy trial as part of their fundamental right to life and liberty.

Prison Manual (2016)

- It aims at bringing in basic uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country.

Commissions

- **Law commission 268th report 2017** recommended
- Under trials who have completed one-third of the maximum sentence for offences up to seven years be released on bail. Those who are awaiting trial for offences punishable with imprisonment of more than seven years should be bailed out if they have completed one-half of their sentences.
- Amending the bail provisions in the Criminal Procedure Code with emphasis on the early release on bail of under trials.
- **Law Commission 273rd Report** Comprehensive anti-torture legislation on lines of Draft anti torture legislation
- **Draft National Policy on Prison Reforms and Correctional Administration, 2007**

- **All India Committee on Jail Reforms (also known as Justice Mulla Committee)** suggested setting up of a National Prison Commission as a continuing body to bring about modernization of prisons in India.

WOMEN IN PRISONS

Facts

- Around 4.3 % of jail inmates in India are women
- The number of women prisoners is showing an increasing trend - from 3.3% of all prisoners in 2000 to 4.3% in 2015.
- There are 1,401 prisons in India, and only 18 are exclusive for women which can house just around 3000 female prisoners

Recent Initiatives

- **Model Prison Manual, 2016** The manual contains additional provision for women and child prisoners.
- **Swadhar Greh:** This is a scheme for rehabilitation of women victims of difficult circumstances. Among other beneficiaries, the scheme also includes women prisoners released from jail and are without family, social and economic support

The International Norms

- **UN BANGKOK RULES on women offenders and prisoners:**
These rules talk about appropriate healthcare to women, treating them with humanity and preserving their dignity during searches, protecting them from violence and provide for the children of the prisoners.
- **International Covenant on Civil and Political Rights (ICCPR)** is the core international treaty on the protection of the rights of prisoners. India ratified the Covenant in 1979 and is bound to incorporate its provisions into domestic law and state practice.

India and its neighborhood- relations

India - Japan

- Japan offered Rs. 88,000-crore 50-year loan at 0.1-per cent interest rate for **Bullet train project**.
- Japan was the lone country to come out openly in support during the Doklam standoff.
- Economic cooperation agreement between both countries - **Asia-Africa Growth Corridor** is a counter to China's Belt and Road Initiative.
- Both countries undertook a comprehensive review of the Special Strategic and Global Partnership as outlined in the “ **India and Japan Vision 2025** “
- India has been the **largest recipient of Japanese ODA** (Official development Assistance) Loan for the past several years .
- Japan supports India's efforts for accelerated economic development.

For example:

- New Delhi metro network.
- The Western Dedicated Freight Corridor (DFC),
- The Delhi -Mumbai Industrial Corridor with eight new industrial townships
- The Chennai-Bengaluru Industrial Corridor (CBIC)

18. Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.

BIMSTEC

- The BIMSTEC countries host
 - population of around 1.5 billion, approximately **21% of global population**
 - cumulative **GDP of US\$ 2.5 trillion**
 - The annual **GDP growth rate** has averaged around **6%**.

BRICS

- BRICS countries represent around
 - 25% of the world's gross national income,
 - more than 40% of the world's population and
 - about 40% of the global burden of disease
 - combined nominal GDP of US\$18.6 trillion, about 23.2% of the gross world product

India - ASEAN

- ASEAN is currently India's fourth largest trading partner, accounting for 10.2% of India's total trade.
- India is ASEAN's seventh largest trading partner.

TRACKS OF DIPLOMACY

Track I Diplomacy

Track One Diplomacy is official government diplomacy whereby communication and interaction is between governments.

Track II Diplomacy

It is also known as Backchannel Diplomacy, in which private individuals (such as former diplomats, military veterans, academicians etc.), meeting unofficially, can find their way to common ground that official negotiators can't and the talks under it are not codified as official statements.

Regional comprehensive Partnership Agreement (RCEP)

- RCEP is a proposed free trade agreement (FTA) between 10 ASEAN countries and their six FTA partners, namely Australia, China, India, Japan, Korea and New Zealand.
- It accounts for 25% of global GDP, 30% of global trade, 26% of FDI flows and 45% of the total population.

Important International institutions, agencies and for their structure, mandate

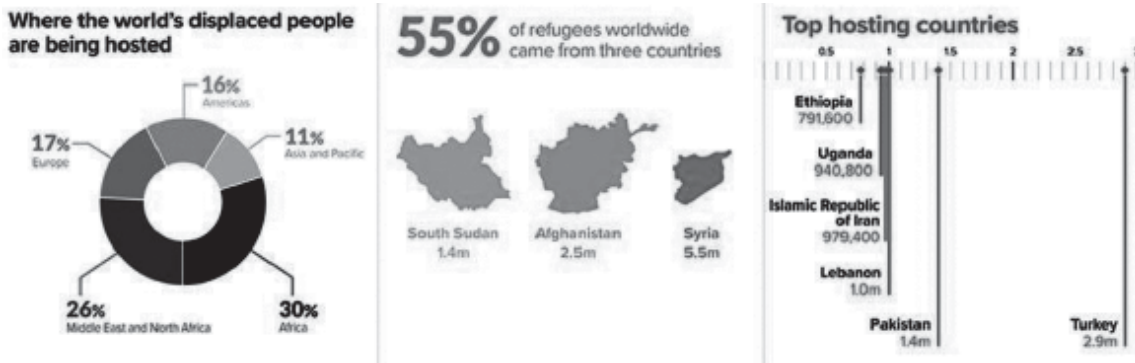
- In 1970, the United Nations agreed that economically advanced countries should provide 0.7% of their gross national income (GNI) as ODA.
- Global ODA has grown from around US\$40 billion in the 1960s to US\$128 billion in 2012. Nearly two-thirds of ODA comes from five G8 countries that are consistently the largest donors by volume: the US, the UK, Germany, France and Japan.

Asian Infrastructure Investment Bank (AIIB) and India

- India is the first country where the Bank has committed more than \$1 billion of financing.
- It has approved \$1.5 billion in loans to India for infrastructure-related projects in 2018.

Global Refugees

NOTES



CHABAHAR PORT

- It is a seaport in Chabahar located in southeastern Iran, on the Gulf of Oman.
- The Chabahar port **allows India to strategically bypass Pakistan** and reach landlocked Afghanistan and Central Asian countries, contributing to bilateral and regional trade and economic development.
- India views Chabahar port as strategic response to China's development of Gwadar port in Pakistan and its aggressive pursuit of Belt and Road Initiative (BRI)
- The sea route connects Gujarat's Kandla port to Chabahar from where the shipment will be taken to Afghanistan through a land route.



Chabahar Port

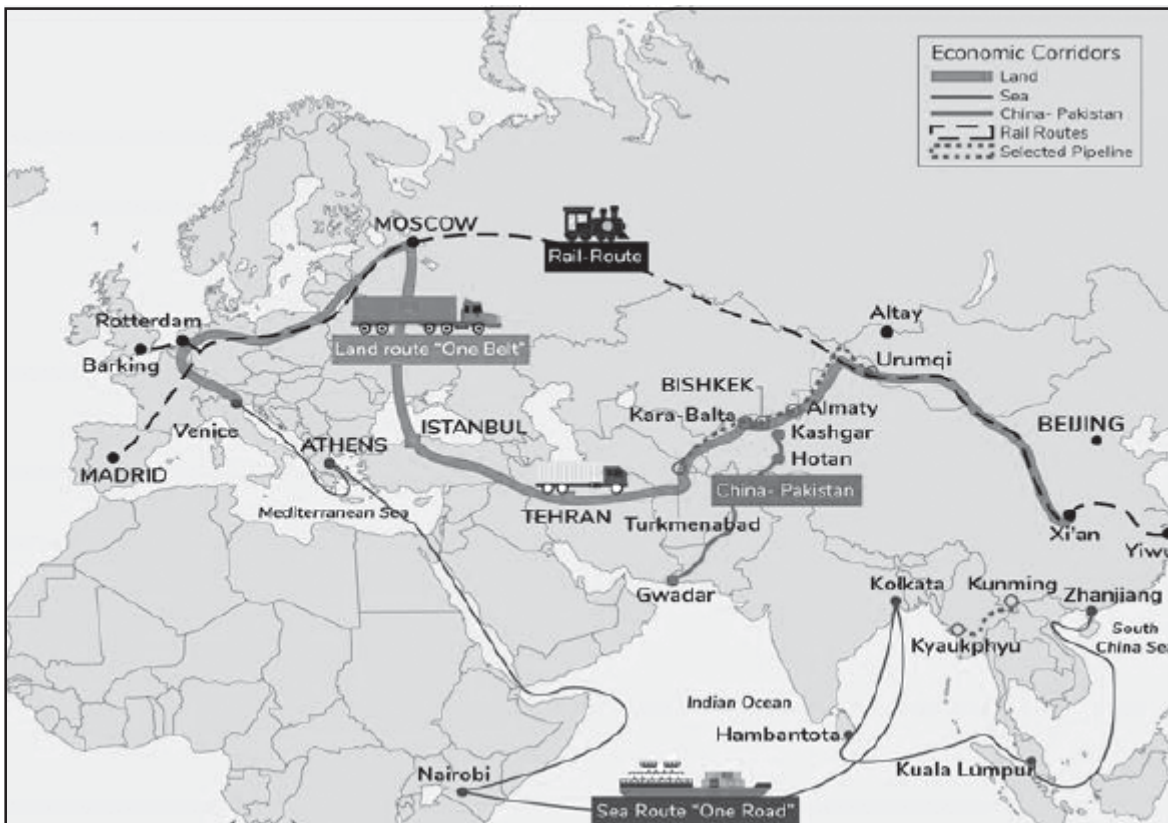
BELT AND ROAD INITIATIVE

Facts

Belt– The “One Belt” refers to the land-based “**Silk Road Economic Belt**”. Here Beijing aims to connect the country’s underdeveloped hinterland to Europe through Central Asia.

Road – The “One Road” references the ocean-going “**Maritime Silk Road**”. It is to connect the fast-growing South East Asian region to China’s southern provinces through ports and railways

- It is also called as “**New Silk Road**” initiative.
- OBOR covers 65% of the world’s population, three-quarters of global energy resources and 40% of GDP.



Belt and Road Initiative



ALL INDIA MAINS TEST SERIES - 2018

with Face to Face Evaluation

Modus operandi of the All India Mains Test Series

1. Copy Evaluation in front of the student

- A student can schedule his/her test according to his/her own convenience.
- After writing the test, S/he can book half an hour slot with the faculty.
- At that predetermined slot, his/her copies would be evaluated in front of him/her.
- The student can discuss his/her strengths and weaknesses based on the feedback provided by the faculty.
- A Student would be knowing the rationale behind high or low marks awarded to him/her in any particular question.
- Based on the assessment, the faculty would suggest him means of improvement.

2. Performance Tracking

- As far as practicable, the same faculty would be evaluating the answersheets of a particular student for each tests.
- Thus, Focused and personalised guidance would be provided to each student.

3. Discussion Class by Faculty

- Discussion class would be organised 1 week after the scheduled date of the test.

- Subject faculty of the topic concerned would be taking the class.
- If any student fails to attend that class, video of the same shall be provided.

4. Answer Hints shall consists of

- Structure of the Answer – It shall be indicative of the ideal framework of the answer like what should come in introduction, body and conclusion. It shall be aimed at enriching the answer writing skill of the student.
- Model Answer – An standard answer shall also be provided for every question. It shall be aimed at enriching the knowledge of the student.

5. Questions as per UPSC Pattern

- Questions would be designed to improve candidates' lateral thinking and multidisciplinary approach apart from the factual knowledge.
- Comprehensive coverage of complete GS Syllabus
- Special emphasis on issues related to current affairs.

6. Snippet: Mains Fact File

- It shall consist of value added material like facts, data, graph, diagram.
- It shall be provided free of cost.

Open Mains Test Series-2018 with Face to face evaluation

15 Sep.	Essay	9 AM - 12 PM
16 Sep.	GS-1 & GS-2	9 AM - 12 PM 2 PM - 5 PM
17 Sep.	GS-3 & GS-4	9 AM - 12 PM 2 PM - 5 PM

SNIPPET - WORKSHOP

- HINDU / INDIAN EXPRESS EDITORIAL DISCUSSION
- COVERAGE OF NCERT BOOKS/YOJANA / KURUKSHETRA
- QUESTION/ANSWER (PRELIMS & MAINS) DISCUSSION

Every Sunday 9:30 to 11:30 AM
Starting: 7th October

UPPCS-2018 Prelims Test Series

Total Test -5 (Starts on 9 Sep. 12 PM - 2 PM)

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