

Citizen Review of 4+ years of NDA II Government 2019-2023



Promises & Reality



Coordinated by
Wada Na Todo Abhiyan

Annual Governance Review Report 2023

Coordinated by
Wada Na Todo Abhiyan



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Note from Convenors

Wada Na Todo Abhiyan is a campaign formed by 3000+ Civil Society Organisations in 2004 to promote governance accountability while reflecting the needs and voices of marginalized communities. Towards these efforts, one of our key consistent works has been this collaborative report that annually reviews the elected union government's performance within different sectors, issues, and communities to document an assessment against the electoral promises and Constitutional mandates.

The first review was held in 2005 of UPA-I followed by annual reviews every year. Additionally, consolidated reviews of the 100 days of UPA II, 9 years of UPA (I&II), 100 days of NDA-I, and 4-years NDA-I were also done. Continuing this effort in the same spirit to review government initiatives in the full term, we are delighted to bring out this year's report: '**Promises and Reality 2019-2023: Citizens Review of 4+ years of NDA-II Government**', to reflect and amplify citizen perspectives on governance, especially those from marginalised communities.

The report this year presents an analysis across four broad themes looking at the status of – **democracy, development, governance, and marginalised communities**. Through a series of over 25 chapters within these themes, the report attempts to review key government policies and interventions across these themes looking at the status of economy, education, accountability, and human rights among a slew of many critical aspects. The section on marginalised communities brings focus to how governance since 2019 has served for different communities as well.

The contributors of this report include members of the civil society including organisations, rights-based campaigns and coalitions, academics, and individuals – all renowned experts in their own fields. This report would truly not be possible to bring out, if not for the time and energy provided by our contributors to this entirely voluntary process.

With every edition, this report draws focus on the need to uphold economic and social rights. As we continue to do that, this year, the WNTA Steering Group took a deliberated decision to additionally focus on the eminent need to uphold civil rights, such as freedom of expression, freedom of life and freedom of liberty in the face of the shrinking civic space and the nature of challenges being posed across sectors and communities.

These challenges have cast a shadow on the production of this report as well. Bringing out this voluntary report has proven to be increasingly difficult over the past few years and this year, despite our best efforts, we missed out on three critical chapters reviewing the status of judiciary, Adivasis, and De-notified and Nomadic Tribes.

This report is a sincere labour of love and commitment to include citizen voices in policy and governance dialogues. As we move towards electing the next government, we truly hope that the insights contribute towards strengthening inclusive governance accountability and deepening our democracy. We also hope it inspires other efforts across the country towards keeping alive processes of dialogue and participation, both critical elements of a vibrant democracy.

In memory of our dear friend and co-traveller late Naresh Kumar, who remained an integral and dedicated part of this process until his health allowed him to. With deep gratitude to the Steering Group, the contributors, and all others who have been able to contribute their time and resources to make this report a reality.

Annie Namala, Roshni Nuggehalli

Executive Summary

Promises and Reality 2019–2023: Citizen Review of 4+ years of NDA II Government aims to reflect and amplify citizen perspectives on the status of governance while also drawing a special focus on the rights of marginalised communities.

The structure of this report is rooted in the aspiration to build upon our abiding focus on economic and social rights, while also expanding to review the status of civil rights – such as freedom of expression, freedom of life, and freedom of liberty – in the face of the shrinking civic space and the nature of challenges across sectors and communities. In that spirit, the report this year is structured around four broad themes looking at the status of democracy, development, governance, and marginalised communities.

Status of Democracy

The section on democracy begins with a critical review of the parliamentary processes and comments on many pressing concerns, such as the hurried passage of Bills without debate, limited engagement of parliamentary committees, reduced sitting days, limited budgetary deliberations, restricted access to data for Members of Parliament, and the growing presence of elected representatives with criminal records (Parliamentary debates: Much missed).

The chapter on the state of media reflects on how this pillar of democracy is struggling to stay up, in light of increased capital investment from those with business-oriented interests, rising communalism, diminishing space to critique the establishment, and rising attacks on journalists/media organizations not towing ‘the line’. The stark decline of people in the media and publishing industry from 10.3 lakhs in 2016 to 2.3 lakhs in 2021, as highlighted in the chapter, clearly evidences the unhealthy trends discussed (Indian Media in Amrit Kaal).

The concluding chapter of this section on civic space in India observes and analyses a ‘chilling effect’ that has encompassed not just traditional civil society groups but business, philanthropy, media, academia, and ordinary citizens alike. This has arisen after students, activists, academics, journalists, artists, actors, comedians, fact-checkers, publishers, and a range of other citizens have been charged under draconian laws for exercising their fundamental freedoms.

It also addresses how rather than recognising the pivotal role domestic civil society organisations (CSOs) play in addressing issues of social justice and the climate crisis, CSOs in India have found themselves scrambling to cope with new, onerous regulatory compliance requirements, even as governments worldwide provided fiscal support and/or tax incentives to their non-profit sectors through the pandemic. Along with this, the battle for authentic data has also been hindering the ability of CSOs to analyse policy, design programmes, advocate for the excluded or evaluate impact as the decadal census that was due in 2021 shows no sign of being conducted any time soon and other datasets being suppressed or discredited (India’s Civic Space 2019–2023: Breaking Point or Turning Point?).

■ Status of Development

India has lacked official poverty data for over a decade, but various studies indicate a significant increase in the number who have come under the bracket since the pandemic, especially among marginalised groups. Structural shifts in the labour market have led to income collapse, savings erosion, and mounting household debt – particularly affecting rural poverty and food insecurity. Despite robust GDP growth, India remains highly unequal, with the top 10% holding 57% of national income, out of which the top 1% accounts for 22% of it. Conversely, the bottom 50% share has gone down to 13%. The current growth paradigm is weak on inclusive democratic development, exacerbating inequality and excluding marginalised populations.

The country is facing economic challenges with a pre-pandemic low per capita GDP of INR 91,481 in 2021-22, coupled with an unresponsive fiscal and monetary system, a 59% rise in debt to GDP, reduced public provisioning, and high inflation of nearly 13%. Private investment – a crucial growth pillar – has dwindled from 31% of GDP in 2011 to 22% in 2020, with a sharp decline in industrial investment proposals. Despite economic progress, India's workforce is moving toward agriculture, with the sector's share in GDP increasing, yet farmers not being able to access fair prices. The closure of 70% of MSMEs, which are key contributors to India's growth, also highlights the need for policy support (Demystifying Growth and Development).

The increasing poverty and inequality also create an emergent need for robust social security measures, but what currently exists is a patchwork of national and state schemes with a wide range of eligibility criteria (inclusions and exclusions), operational procedures and target groups administered by a labyrinth of departments, welfare boards and parastatals (No Roadmap for Social Security). The income inequality is also leading to a state of hunger and poor nutritional status with 70% population unable to afford a nutritious and healthy diet (Data Shows a Worrying Food Security and Nutrition Scenario).

Despite the need to direct public resources towards healthcare, a diversion of government funds to the private sector is happening with 75% of PM-JAY payments made to private entities (Can a Welfare State Slash its Health budget?). While only 46% population reported access to safely managed sanitation services in 2020, the Jal Jeevan Mission flagship programme has positively resulted in household tap connection in more than 60% of rural households to date as compared to merely 17% in 2019 (WASH – an issue of equity).

Only 25.5% of schools across the country are compliant with the Right to Education Act infrastructure norms, compliance rates range between 63.6% (Punjab) and 1.3% (Meghalaya). Early timelines of implementation of the National Education Policy have been missed on the back of the pandemic and inadequate financial allocations, among other reasons (Revise NEP to realise the Right to Education). Higher Education Institutes are also experiencing intellectual impoverishment alongside a consistent reduction in state financial support resulting in prominent universities witnessing the appointment of teachers with subpar academic records (Impoverished Phase of Higher Education).

While there has been improvement in India's climate ambition and diplomacy internationally, a lot more needs to be done domestically. There has been no systematic assessment of the National

Action Plan on Climate Change even after almost 15 years since it was launched, while recently passed laws and notifications are set to remove protection from 28% of forest cover, among other changes that put the environment and marginalised communities at risk (Environment at the Altar of Ease of Doing Business).

■ Status of Marginalised Communities

This section is particularly critical given the period that this report is reviewing, the period that included the COVID-19 pandemic and its aftermath – both of which had a well-documented disproportionate impact on the most marginalised communities.

The chapter on children notes that while there were unprecedented school dropouts recorded during the pandemic, the enrollment rates in the age group of 6–14 years in 2022 have returned to pre-pandemic figures. It does, however, put forth the need to invest more in children, with critical examinations of the challenges posed by learning loss, nutrition gaps, widespread violence against children, and continuing cases of child labour and child marriage (Limited Investment Can Impair Progress for Children).

These challenges have naturally also had an overlapping impact on the youth population and resulted in over 20% of them reporting having suicidal thoughts, according to a recent study on wellbeing. While there have been efforts to enable the significant population in this demographic, government policies have been able to suggest very few avenues of social engagement, but hardly any for political engagement, which are independent of a paternal gaze of institutions like universities or local governments or business associations (Treat the Youth as Equal Partners in Nation Building).

A need to evolve the fundamental thought process behind development policies is argued in the chapter on women, where it's discussed that while there is a strong increase in the overall focus on "women's empowerment", there is an imminent need to define this empowerment in terms of wage parity, autonomy in decision-making, and addressing structural barriers for women across identities. That is the only way to move towards combating challenges such as the steady incline in crimes against women in the past 4 years, with over 30,000 complaints made in just the last year (Need to increase financial allocations for women).

Sharing the sentiment of needing more than verbal commitments, the report notes how despite recurring mentions from the government on the safety, protection, resilience and entitlements of Dalits and Tribals, the status of empowerment and systems of neglect have remained largely unchanged over the past four years. A combined effect of historical inequities and limited fiscal support has resulted in not only limiting the development of these constitutionally protected communities, but also putting them at a looming risk of climate change inequities with 31% of Scheduled Castes and 45% of Scheduled Tribes being at particular risk of climate change (Tribal and Dalit People Live Through a Climate of Atrocities).

Gaps in the implementation of constitutional provisions are also underlined in the review of religious minorities. The chapter discusses studies concluding that consistent social exclusion of Indian Muslims causes constant economic backwardness - with 31% below the poverty line, and questions

the lack of any government policies directed to bring them out of this morass (Governance Outcomes for Indian Minorities). Compounding this impact, is the diminished sense of safety and security in the community, as evidenced by 204 incidents of cow vigilantism since 2014 and 539 incidents of violence against Christians in just nine months of 2023 (Imaging the apprehensions of Christians in Ten Years of Achhe Din).

Despite passing some progressive laws in recent years, India abstained from voting on the resolution that renewed the mandate for an independent expert to monitor the protection of LGBTQ rights at the United Nations Human Rights Council in 2019 and 2022, casting doubts on the government's commitment to welfare and empowerment of the community (Government Remains Married to the Past). The government's commitment to the inclusion of people with disabilities is also under scrutiny with the recent decision to omit the collection of disability-related data from the sixth round of the National Family Health Survey (Invisibilising Persons with Disabilities).

The chapters reviewing farmers and urban marginalities further reflect on how the consolidated effect of marginalisation impacts overarching intersectional communities. The real wages of male agricultural labourers grew by less than 1% between 2014-15 and 2021-22; the number of persons engaged in the farming sector to have committed suicide was nearly 53,000 between 2017-2022 (Addressing Farmers' Crisis Is Not Rewri Culture). Struck by a lack of housing and necessities like access to water and sanitation, health services, education infrastructure and social security, multidimensional poverty continues to rise in urban areas, where over 30% population resides (The ever-unending shock of the marginalised urban poor).

■ Status of Governance

While the last five Union Budgets were presented in the wake of rising unemployment, high inflation, low consumption demand and growing inequality in the country, specific emphasis has been on major infrastructure projects and education, health, and investments for marginalised groups like scheduled castes, tribal communities, religious minorities, women, children, and persons with disabilities have been neglected (Public Expenditure on Infrastructure Development).

Despite about 80% of NGOs in India focusing their efforts on promoting quality education, ensuring good health, and working towards eradicating poverty, contributing 2% of India's GDP and offering livelihoods to millions, the government often perceives the development sector as a hindrance to development (A stronger voluntary sector strengthens India).

Even as India pioneers e-governance initiatives like UPI, it still leads the world in internet shutdowns. Balancing technological progress with preserving democratic principles and individual rights in the evolving data governance landscape is a challenge seeing very slow progress. Concerns about increased surveillance and hollow protection for data users loomed large in the new Data Protection Bill 2023 and the Digital India Act, while India's Freedom House rating also changed from 'free' to 'partly free' due to government authoritarian actions in 2021 (Navigating the Digital Crossroads).

Twelve CAG reports tabled in the parliament in August 2023 revealed corruption and irregularities in the functioning of several Union government ministries and departments. The only effective way to

fight corruption in a democracy as vast as India is to empower citizens with appropriate tools and institutions to hold the government and its functionaries accountable. However, unfortunately, the track record of the current dispensation has been marked by a consistent undermining of legislations and institutions of transparency and accountability (Bhrashtachar mukt Bharat – Promise versus Reality).

With continued multi-pronged attacks on basic human rights for all, especially for the most marginalised, the last five years stand out for an intentional redefinition and abuse of human rights on the ground and obscurantist chicanery. This gesture in no way expands the scope of peoples' power to seek accountability from the State to uphold their fundamental rights – which should ideally be the core premise for a democratically elected government (India and Human Rights).

Conclusion

These critical insights are coming from members of the civil society, including organisations, rights-based campaigns and coalitions, academics, and individuals who all have decades of experience working on the subject they've written about. The report is a collaborative work representative of a people-centric view of governance and the challenges faced. The collective body of work merits attention and reflection towards a greater inclusive dialogue for a way forward aiming towards a just and inclusive nation. We hope to draw the government's attention to these challenges and hope that the policy-making processes are duly informed of the citizen's perspectives, and are carried out in the quest for equity with dignity.

Contributors List

- Aabha Joshi, Raya S. Azad; Reviwed by: Rituparna Bohra, Saurav Verma Nazariya QFRG
- Ajay Kumar Jha
- Akshay Jain, Vamika Gupta (National Centre for Promotion of Employment for Disabled People)
- Anjali Bhardwaj, Amrita Johri (National Campaign for Peoples' Right to Information, Satark Nagrik Sangathan)
- Anjela Taneja (Right To Education Forum)
- Apoorvanand
- Avinash Kumar
- Bipasha Majumder
- Dr. Abdul Rashid Agwan (Institute of Policy Studies and Advocacay)
- Dr. Amir Ullah Khan, Moumita Barman (Centre for Development Policy and Practice)
- Dr. Jawed Alam Khan (Institute of Policy Studies and Advocacay)
- Dr. Neethi P, Dr. Sundara Babu (Working Peoples Coalition)
- Grijesh Dinker, Juno Varghese, Lee Macqueen, and Pritika Pariyar (National Campaign on Dalit Human Rights)
- Indranil
- Ingrid Srinath
- Internet Freedom Foundation
- Jitendra Kumar
- John Dayal
- Jushya Kumar (inputs by Annu and Sapontara Bora; edited by Jayashree Velankar)Jagori
- Navsharan Singh
- Noshir H Dadrawala
- Prakriti, Raj Shekhar (Right to Food Campaign/Rozi Roti Adhikar Abhiyan)
- Prof. Ritu Dewan (Mumbai School of Economics & Public Policy, University of Mumbai)
- Steve Dom Rocha
- Youth for Unity and Voluntary Action (YUVA)



Status of Democracy

1. Parliamentary Debates:
Much Missed
2. Indian Media in Amrit Kaal
3. India's Civic Space 2019-2023:
Breaking Point or Turning Point?

Parliamentary Debates: Much Missed

In the intricate tapestry of the contemporary Indian policy making, there are many pressing concerns, such as the hurried passage of Bills, limited engagement of parliamentary committees, reduced sitting days, limited budgetary deliberations, restricted access to data for Members of Parliament, and the growing presence of elected representatives with criminal records.

We take pride in our steadfast belief in democracy, a system that rests on the consent of its citizens. This essence of democracy finds its most vivid expression through the institution of the Parliament, which serves as the bedrock of governance. The Indian Parliament stands as the apex legislative body in the Republic of India. Comprising two houses, the Lok Sabha (House of the People) and the Rajya Sabha (Council of States), it enacts crucial legislation that governs the country's diverse populace¹. Among these, the Lok Sabha holds paramount importance due to its direct representation of the Indian electorate. As per the Election Commission of India, the members of the Lok Sabha are elected directly by eligible voters from their respective constituencies, making it a cornerstone of representative democracy.

The Lok Sabha plays a pivotal role in legislative authority, having the power to pass laws on subjects outlined in the Constitution's Union and Concurrent Lists. Additionally, it contributes significantly to constitutional amendments, ensuring it remains adaptable to the evolving needs of the citizens. Financial authority is another critical aspect, as the Lok Sabha exclusively deals with money Bills, which is crucial for effective government operation and resource allocation.

Furthermore, the Lok Sabha holds the key to government formation. The majority party or coalition in the Lok Sabha assumes governance, with its leader becoming the Prime Minister. This underscores the Lok Sabha's role in shaping the executive branch, ensuring direct accountability. Moreover, the Lok Sabha serves as a vital check on the executive, scrutinising government policies and actions through debates and questions. This oversight maintains a balanced power dynamic, preventing undue influence from any single branch².

Given its crucial functions, the increasing importance of accountability and transparency in the functioning of the Indian Parliament has prompted a closer examination of certain practices within the Lok Sabha in recent years. This paper discusses providing and proposes reforms for a robust democratic process towards guaranteeing that the state remains receptive and accountable to the requirements and aspirations of the populace. These issues include the passing of Bills without adequate discussion, fewer Bills being referred to parliamentary committees, fewer sitting days and their implications, the growing concern with Members of the Parliament (MPs) with criminal records, less time spent on discussing the union budget, and limited supply of information for Members of the Parliament (MPs).

¹ The Constitution of India. (1950). The Parliament. National Portal of India.

² The Constitution of India. (1950). The Parliament. National Portal of India.

■ Passing of Bills without Adequate Discussion

The legislative process in the Lok Sabha is designed to ensure comprehensive deliberation on proposed Bills. As articulated by Ambedkar, “the debates in Parliament are a vital part of the democratic process. They help to ensure that the laws are made in the best interests of the people.” However, recent instances have raised concerns about Bills being rushed through without thorough debate. This hasty decision-making can have profound implications on the quality of legislation and, ultimately, on democratic principles.

Illustrative instances vividly highlight the issue at hand. For instance, during the Monsoon Session of the Indian Parliament in 2021, a staggering 18 Bills were passed, with a mere 34 minutes of discussion allotted for each³. During the Monsoon Session of 2023 (held from July 20 to August 11), Lok Sabha passed 22 Bills. 20 of these Bills were discussed for less than an hour before passing. Nine Bills, including the IIM (Amendment) Bill, 2023 and Inter-Services Organisation Bill 2023, were passed within 20 minutes in Lok Sabha. The Bills to create the National Nursing and Midwifery Commission and the National Dental Commission were discussed and passed together in Lok Sabha within three minutes⁴.

The government’s increasing reliance on its strong majority in Parliament to assert its authority on all issues makes the state authoritative and rigid. This poses a significant threat to our democracy and requires serious attention. Achary (2021) opines that the government often claims it has no alternative. They assert that crucial Bills require immediate passage, and amidst the chaos, conducting deliberations becomes impractical.⁵ Consequently, the quickest recourse is to expedite them in a matter of minutes, bypassing any substantive discourse. While disruption is a political manoeuvre, it calls for a political resolution rather than undermining the constitutional process of legislating.

■ Fewer Bills Referred to Standing Committees

Another acute concern arising from the haste in the Indian Parliament is the declining number of Bills being referred to standing committees. The establishment of Parliamentary Standing Committees in 1993 was to bolster Parliament’s effectiveness in legislative and financial matters. However, since 2004, only 45 per cent of introduced Bills have been subjected to committee review. This trend has become more pronounced in recent years, notably in the 16th and current 17th Lok Sabha sessions. In the 2023 Monsoon session, out of 25 Bills introduced, only three were referred to committees. In this Lok Sabha, only 17 per cent of Bills have been directed to Committees, a lower figure compared to the previous three Lok Sabhas. This contrasts with practices in countries like the United Kingdom, where all Bills (excluding Money Bills) undergo a thorough examination by Committees.⁶

Understanding the pivotal role of these committees is crucial. Given the sheer volume of information

3. Gandhi, F. V. (2022, April 20). Why is there no debate in Parliament? The Indian Express. <https://indianexpress.com/article/opinion/columns/why-is-there-no-debate-in-parliament-lok-sabha-monsoon-session-bills-7877230/>

4. PRS Legislative Research, 2023b - <https://prsindia.org/sessiontrack/monsoon-session-2023/vital-stats>

5. Achary, P. D. T. (2021). Passing Bills without discussion is a recipe for bad laws, invites judicial intervention. The Wire. <https://thewire.in/government/Bills-passed-no-discussion-receiple-bad-laws>

6. *ibid*

and the magnitude of tasks undertaken by the Indian Parliament, addressing every issue on the House floor is admittedly not always feasible. Consequently, Parliamentary committees comprising MPs are constituted to address such scenarios and handle sector-specific concerns. Committee deliberations offer several advantages, including the ability to solicit insights from experts and stakeholders on diverse matters. Their capacity to allocate more time to each item enables comprehensive examination. Additionally, they facilitate consensus-building among parties on various issues⁷.

■ Lesser Sitting Days and its Implications

The decline in the number of sitting days in the Lok Sabha is another matter of concern. Between 1952 and 1970, there was an annual average of 121 sitting days; since 2000, it has decreased to a mere 68 days. In the 2023 Monsoon session, the Lok Sabha operated for only 43 per cent of its scheduled time and the Rajya Sabha for 55 per cent. In 2022, the Parliament convened for just 56 days⁸.

This trend got entrenched during PM Modi's first term (2014-19), which recorded one of the lowest working hours compared to other full-term Lok Sabhas. It was marginally better than the 15th Lok Sabha (2009-14), the Congress-led UPA's second term, which logged the fewest working hours⁹. The reduction in parliamentary sittings hampers its scrutiny responsibilities. For instance, important Bills with far-reaching implications for governance and citizens' lives are introduced. Due to the limited sittings, members have insufficient time to prepare for Bill deliberations, resulting in several being passed without thorough discussion.

Additionally, legislatures are also tasked with scrutinising budget proposals before approval. However, due to fewer sittings, budgets for many departments are passed without detailed discussion. Even on the limited days that the Lok Sabha convene, disruptions reduce the time available for deliberating on crucial state matters¹⁰. The frequency of disruptions during parliamentary sessions has become so prevalent in recent years that their capacity to astonish or catch people off guard has significantly diminished.

■ Lesser Time Spent on Discussing the Union Budget

The discussion of the Union Budget in the Indian Parliament is crucial for transparency, accountability, and informed fiscal policymaking. It outlines government spending priorities and allows members to scrutinise allocations. The Budget's impact on taxation, subsidies, and public spending affects every citizen, making parliamentary deliberations essential. It also serves to evaluate economic policies, holding the executive branch accountable. Additionally, budget discussions allow for constructive input and amendments from MPs, enhancing fiscal policies. Overall, this process is vital

7. Mahapatra, K. V., & Verma, K. (2023, April 12). The role of Parliamentary Committees. The Hindu. <https://www.thehindu.com/news/national/the-role-of-parliamentary-committees/article66730595.ece>

8. PRS Legislative Research, 2023b <https://prsindia.org/sessiontrack/monsoon-session-2023/vital-stats>

9. Bhattacharya, S. (2023, March 23). The progressive decline of the Indian Parliament. The Diplomat. <https://thediplomat.com/2023/03/the-progressive-decline-of-the-indian-parliament/>

10. Banare, A. (2018). Why Decline in Sittings of the Parliament & Assemblies Is Worrying. PRS Legislative Research. <https://prsindia.org/articles-by-prs-team/why-decline-in-sittings-of-the-parliament-assemblies-is-worrying>

for democratic values, responsible fiscal management, and national prosperity¹¹.

However, the Lok Sabha's allocation of time for deliberating on the Union budget, including specific allocations for ministries, has seen a gradual decline since the 1990s¹². The budget session of Parliament, held from January 31 to April 6, 2023, with a recess from February 14 to March 12, was notably brief. The session, which lasted for 25 days, witnessed limited legislative activity and scant deliberation on the budget due to frequent disruptions. Remarkably, it ranks as the sixth shortest budget session since 1952. In the Lok Sabha, only 18 hours were devoted to financial matters, with a mere 16 hours allocated for the general discussion of the Budget. This is a notable decrease from previous budget sessions which averaged 55 hours of financial business discussion¹³.

Despite five Ministries' expenditures totalling Rs.11 lakh crore being listed for discussion in Lok Sabha, none were actually deliberated upon. Surprisingly, the proposed expenses of all Ministries, amounting to Rs 42 lakh crore, were passed without any discussion. Over the past seven years, an average of 79 per cent of the budget has been approved without examination or debate. This limited discussion over the budget, too, calls for immediate rectification (PRS Legislative Research, 2023a).

■ MPs with Criminal Records: A Growing Concern

The 2023 report by the Association of Democratic Reforms (ADR) and New Election Watch (NEW) reveals that 40 per cent of current Members of Parliament (MPs) in India have declared criminal cases against them. Shockingly, 25 per cent of these legislators face charges of serious offences, including murder, attempted murder, kidnapping, and crimes against women. The analysis, titled "Analysis of Sitting MPs from Lok Sabha and Rajya Sabha of India 2023," scrutinised the self-sworn affidavits of 763 sitting MPs, encompassing the Lok Sabha and Rajya Sabha¹⁴.

Why do political parties choose to field candidates with criminal records? Milan Vaishnav (2017) in 'When Crime Pays: Money and Muscle in Indian Politics' states that a significant factor in this decision-making process is financial. Elections have become increasingly costly, while party organisations have weakened. Parties seek candidates with substantial resources who can not only fund their campaigns but also contribute to the party's coffers or support other candidates. Individuals with criminal backgrounds often have considerable wealth, providing them with the means to contest elections and offering incentives to do so. While winning an elected position does not grant them formal immunity, it does afford a degree of protection and opens up new avenues for financial gain.

Regarding voter choice, it is stated that candidates leverage their criminal reputations to signal credibility. The book underscored that voters who support candidates with criminal backgrounds are

11. The Organisation for Economic Co-operation and Development (OECD). (2019). Parliament's role in budgeting-BUDGETING AND PUBLIC EXPENDITURES IN OECD COUNTRIES 2019. <https://www.oecd.org/gov/budgeting/Parliament-role-in-budgeting.pdf>

12. PRS Legislative Research, 2022 https://prsindia.org/files/parliament/vital_stats/Vital%20Stats_70%20years%20of%20Parliament.pdf

13. PRS Legislative Research, 2023a: <https://prsindia.org/sessiontrack/budget-session-2023/vital-stats>

14. Dasgupta, S. (2023). Forty Percent of Sitting MPs Have Declared Criminal Cases Against Them: ADR Report. The Wire. <https://thewire.in/politics/forty-percent-of-mps-have-criminal-cases-against-them-adr-report-says>

typically well-informed about their histories. They make deliberate, rational decisions when casting their votes. In regions where the rule of law is weak, where the government struggles with basic functions, and where social relationships between local communities are strained, candidates may use their criminal records as evidence of their reliability in 'getting things done' for their constituents. In a scenario where politics is seen as a win-lose situation, voters seek a representative who is willing to go to great lengths to safeguard their community's social standing¹⁵.

■ Improving Information Supply for MPs

Access to information is synonymous with empowerment. To ensure effective oversight of the administration, Parliament requires a robust information framework. Members of Parliament (MPs) must be furnished with timely and pertinent updates across all spheres of parliamentary interest, especially regarding matters pertinent to their House or Committees. Relying solely on published documents and official sources often leads to outdated information. Hence, it is imperative for Parliament to establish an autonomous national information repository complemented by a network of data dissemination and retrieval points.

The initiative to computerise the storage and retrieval of information within Parliament was a commendable step. However, the efficacy of this system hinges on the quality of data input. Regrettably, it appears that there has been no substantive improvement in the information-gathering process. MPs require firsthand, current insights on a wide array of subjects relevant to Parliament, particularly concerning the operations of government ministries and departments. This is crucial for monitoring and evaluating progress, performance, and efficiency, ultimately enhancing the surveillance of the administration¹⁶.

■ Way Forward

Several viable solutions can be explored to address the challenges at hand. To mitigate the issue of Bills and the budget needing more deliberation, a promising approach would entail mandating specific timeframes and deadlines for the comprehensive discussion and review of each Bill. Additionally, to address the issue of limited involvement of parliamentary committees, it is crucial to refer these Bills promptly to the same for thorough scrutiny. Empowering these committees, led by opposition members, would bolster their authority and equip them to hold the executive branch accountable, preventing any potential ineffectiveness. The institutionalisation of such practices is indispensable for fostering a robust parliamentary system in India, safeguarding against hasty decisions that could compromise the depth of the legislative process.

Furthermore, integrating mechanisms for public participation, such as public consultations, emerges as a pivotal step towards fortifying the system's checks and balances. This inclusive approach would

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15. Vaishnav, M. (2017, January 15). People choose criminal politicians as they're seen to get things done. Carnegie Endowment for International Peace. <https://carnegieendowment.org/2017/01/15/people-choose-criminal-politicians-as-they-re-seen-to-get-things-done-pub-67701>
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enable citizens to offer their invaluable insights on proposed Bills, ensuring a more democratic and transparent decision-making process. In effect, this would not only enhance the credibility of parliamentary proceedings but also strengthen the democratic foundation on which our system thrives.

Addressing the challenge of fewer sitting days, the existing attendance and record-keeping mechanisms provide a foundation. To enhance this, a system of strict accountability for MPs should be established, coupled with commendation for those who consistently engage in parliamentary proceedings. Furthermore, proactive planning of the parliamentary calendar is imperative. This planning should be meticulous, factoring in the legislative workload, prioritising pending Bills, and ensuring comprehensive deliberations. This approach will pave the way for a more engaged and efficient parliamentary process.

In tackling the problem of MPs with criminal records, both the Law Commission of India and various committees (such as the Vohra Report) have put forth a range of suggestions to combat the current issue of criminalisation in politics. The Supreme Court of India has consistently provided guidelines to eradicate this phenomenon. Regrettably, these efforts have yielded little result, as the government appears to need more genuine political resolve to enforce these guidelines and recommendations. What is urgently required is a concerted effort to educate the citizens of India about refraining from voting for politicians and parties that engage in criminal activities within the realm of politics¹⁷.

The Department of Legal Affairs has recommended that a range of modern tools and techniques can be implemented. This includes organising briefing sessions led by experts to address current parliamentary concerns, establishing well-equipped audio-visual rooms with the provision of aids and cassette loans for relevant events, and introducing problem-oriented quick studies such as current awareness series, background notes, and issue briefs. Additionally, the adoption of Selective Dissemination of Information (SDI) can be instrumental in providing tailored information on selected subjects to members based on their respective areas of interest, fostering a more informed and engaged parliamentary community (2018).

Revitalising India's democratic process demands a comprehensive review of current parliamentary practices, offering a promising avenue for positive change. By tackling the mentioned concerns head-on, we can make our parliamentary system stronger and stay true to the principles of our democracy. Active participation from stakeholders, including lawmakers, citizens, and civil society, is crucial for further deliberation on these issues. This collective effort can pave the way for a more resilient and transparent parliamentary process, one that genuinely reflects the interests of the Indian citizenry. However it is at the very top of the hierarchy that the responsibility rests and it is important for the leader of the house to attend parliament, participate in debates and listen to voices from all parties and stakeholders.

17. Kaur, J. (2019, January 1). Criminalisation of politics and politicisation of criminals: a need for decriminalisation. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4081762

Parliamentary Debates: Much Missed

- Rapid passage of bills without adequate debate raises concerns about the impact on legislative quality and democratic principles. In the 2023 Monsoon Session of the Indian Parliament, 22 Bills were passed, with 20 receiving less than an hour of discussion, and nine Bills, including significant ones, passing within 20 minutes in Lok Sabha.¹
- In the 2023 Monsoon session, only 3 out of 25 Bills were referred to Parliamentary Committees, marking a meagre 17% referral rate, significantly lower than the previous three Lok Sabhas at 45%. In contrast, the UK's parliamentary democracy subjects all Bills (excluding money bills) to thorough committee examination and legislative scrutiny.²
- Engaging in the Union Budget debate in the Indian Parliament is vital for transparency, accountability, and informed fiscal policy. However, in the 2023 Budget Session, only 18 hours were dedicated to financial matters, with just 16 hours allotted for the Budget's general discussion, a significant reduction from past budget sessions, which averaged 55 hours of financial business discussion.³
- Over the past seven years, an average of 79 per cent of the budget has been approved without examination or debate⁴. Proposed expenses of all Government Ministries in 2023, amounting to Rs 45 lakh crore, were passed without any discussion.⁵
- Forty percent of current Members of Parliament (MPs) in India have declared criminal cases against them, with 25% of these MPs facing charges of serious offences such as murder, attempted murder, kidnapping, and crimes against women.⁶

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1. Why there is no debate in Parliament Monsoon Sessions: Indian Express - <https://indianexpress.com/article/opinion/columns/why-is-there-no-debate-in-parliament-lok-sabha-monsoon-session-bills-7877230/s>
 2. Parliament Functioning in Monsoon Session 2023 - <https://prsindia.org/sessiontrack/monsoon-session-2023/vital-stats>
 3. PRS Legislative Research, 2023a: Vital Stats - Budget Session 2023 - <https://prsindia.org/sessiontrack/budget-session-2023/vital-stats>
 4. *ibid.*
 5. summary of the union budget 2023-24 - <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1895320>
 6. Analysis of Criminal Background and other details of sitting MPs 2023: ADR - https://adrindia.org/sites/default/files/Analysis_of_Criminal_Background_Financial_Education_Gender_and_other_details_of_Sitting_MPs_2023_Final_Ver_English.pdf

Indian Media in Amrit Kaal

The country's biggest moneylenders and businessmen increased their stake and went on taking over organization after organization, pushing out smaller media owners from the market and restricting the media business to a few hands. These are the hands that manipulate the ruling establishment as per their wish.

A discussion on the attacks on Indian media over the past nine years will delve into three distinct aspects. Firstly, the nature and character of Indian media and the gradual changes in it. Secondly, who are the victims of attacks on media, what is the nature of these attacks and what is the reason behind it? Third and final aspect, what does Prime Minister Narendra Modi's tenure of more than nine years mean to the Indian media?

One recent instance encompassing all of these aspects is the release, on 13 September 2023 by the main opposition camp 'INDIA', of a list of 14 news anchors on whose shows they would not participate.¹ Leaders of the ruling party created a ruckus on most TV channels and the Modi government deployed its entire cabinet to oppose 'INDIA'. Surprisingly, after this attack by the Government, the INDIA camp, especially the Congress leadership, seemed to be under some kind of pressure and provided clarification. Whereas, there was no need to ban those anchors actually – or if at all they had to be banned, it should have been accompanied by a ban on the news channels platforming their shows! The important thing is that among the 14 anchors whose shows were supposed to be banned, the anchor who was campaigning against every phenomenon of the society along with the opposition parties, was not included in the boycott list (by the way, behind the scenes the story was told that the leader of India Today Group had made a strong recommendation to the Chief Minister of Delhi for not including his name. Even today, most leaders of members of INDIA Front do not attend the programs of those 14 anchors. However, those anchors have not been affected much by this boycott! Even today, they question the leaders of opposition parties in favour of the government and hold the opposition accountable for the sake of defending the ruling government and hiding their every failure.

It is not that this character of Indian media was always so disgusting. Nevertheless, a large section of the media definitely spent its time in the company of those in power and at the same time, it made every attempt to project its publication or channel as unbiased. In the past, if any article was published in favour of the government on the editorial page, then the editor would make every effort to publish one or two articles criticizing any of the Government's policies. That was before the arrival of Narendra Modi as Prime Minister. But after 2014 it has almost stopped, especially in the case of Hindi newspapers that serve the same Hindi speaking belt where BJP is the strongest and is in power.

¹ Opposition names, blacklists 14 TV anchors; gag on Press as in Emergency, say media panel, BJP | Political Pulse News - The Indian Express - <https://indianexpress.com/article/political-pulse/opp-names-blacklists-14-tv-anchors-gag-on-press-as-in-emergency-say-media-panel-bjp-8940540/>

■ Communal media

To say that the only reason for this is the newspaper owner's submission to power is not completely correct. A concurrent view reveals the reality that the media is not purely neutral and its character is completely communal. A 2006 study by CSDS-Media Study Group revealed that 88 per cent of the people in the news rooms belong to the upper castes. Oxfam also reiterated the same thing in its 2022 study that this number has further increased to 92 per cent. That is, the upper caste section of society is completely with BJP and when the same people come to work in their professional space, they openly speak and write whatever they think. It means that the caste equation of the newsroom also encourages the media to stand in favour of BJP.

Earlier Dainik Jagran was the only newspaper which always supported BJP at the national level and tried to maintain cordial relations with the ruling parties in the states because it needed advertisements. Narendra Mohan, the owner of this newspaper during the Babri Masjid episode and the one who was later elected to the Rajya Sabha on behalf of the BJP, had announced in a meeting of senior editorial colleagues in his office in Noida, "Just as the Urdu newspaper does Muslim journalism; our newspaper, Dainik Jagaran, would adopt Hindu journalism: "Dainik Jagran will do Hindu journalism. If any of you have any objection to this, then you may leave the newspaper." This was the first instance of institutional establishment of the communal nature of Hindi newspapers. But it would be completely wrong to say that the Hindi newspaper was not communal. Earlier the editor of the newspaper had the right to decide to what extent he would go and on the same basis the game of communal and secularism was also played.

■ Intolerant establishment

Before Narendra Modi came to power, a news article in any Delhi-based publication showing any minister or ministry in bad light was countered with every possible effort by the minister and departmental officials to convince the beat correspondent that the story is not what s/he had written and that the truth was a bit different. That is the extent they would go to, to deal with a not-so-flattering account of their work. But the situation has now changed completely. In the current situation, forget about raising questions against any scheme of the government, even if any news is published showing any minister or ministry of government department in poor light, the media house is ordered to immediately dismiss that journalist. No matter how big the journalist is, the management has to implement the government's orders. The result is that no journalist dares to write of or speak or show anything against the establishment. The 'Center for Monitoring Indian Economy' has said in its report that in September 2016, 10.3 lakh people were working in the media and publishing industry, which significantly dropped to 2.3 lakh by August 2021. It should not be misunderstood that this happened because the government forced people out of jobs. This also happened because there was an outbreak of COVID-19 in the country and also the establishments were firing its employees indiscriminately in the name of cost cutting. However, another important question related to these statistics is that this continuously increasing unemployment has been ignored by all the newspapers and channels because if such news is published then it would defame the regime of the day. In the last nine years, the media did not bother to ask what happened to the promise of providing employment to two crore people every year? Yet, news channels highlights a minister's tweets announcing that a few hundred people have got jobs in a department of the government during the

year, even to the last letter, often reiterating the Prime Minister's vision for development.

Similarly, before 2014, in the press conferences of ministers, even if it was convened for something else, questions were asked on every topic related to that department. But after Narendra Modi came to power, it has stopped completely. For example, the violence in Manipur started on May 3 and yet, even six months hence, no journalist has asked the Home Minister in any press conference about measures adopted by the government in this regard. Newspapers and channels carry news on the Home Minister and Manipur while ensuring it does not bring disrepute to the government, else news related to Manipur has generally disappeared. Barring exceptions, no newspaper fetched exclusive news from Manipur. Generally, there has been a tradition in national newspapers to follow up news on a major incident. But this, too, was not done in the case of Manipur because the government there is run by the BJP.

■ Government vendetta

India is continuously going South in the World Press Freedom Index. In 2023, India was placed at 161 among 180 countries, whereas it was placed 150 in 2022 and at 142 in 2021.

In October, Newsclick portal's Editor-in-Chief, Prabir Purkayastha and its HR Department Head, Amit Chakraborty were arrested. Later that day, more than 40 journalists working for Newsclick were picked up from their homes by the Special Cell of Delhi Police and most of them were forced to stay in their office on Lodhi Road till that evening. Among those who were picked up by the Special Cell were some people who had occasionally freelanced for Newsclick!

If we turn the clock back a bit, in the Year 2016, former editor of BBC Hindi Service and an independent journalist, Vinod Verma was arrested after a case was registered against him for reporting unfavourably against the then BJP government of Chhattisgarh. The Raipur CBI special court granted bail to Verma after he surrendered his passport in December 2017.

Similarly, a Freelance Photojournalist, Kamran Yusuf, working in Kashmir, was summoned by Pulwama District Police for reporting extensively on various issues in Kashmir, while the NIA arrested him on charges of stone pelting. Just a day later, NIA brought Yusuf to Delhi. He was kept in custody without any charge till 4 September, 2017. On 18 January, 2018, Yusuf was formally charged with treason, criminal conspiracy and attempting to wage a war against the country. In March 2018, the special court granted bail to Yusuf on two bonds of Rs 50,000 each.

What's more, French documentary maker, Comiti Paul Edwards was arrested by government officials under section 14 of the Indian Passport Act after he reported on the use of pellet guns on protestors in Jammu and Kashmir. Officials said that Comiti was in India on a business visa that does not allow him to make documentaries on political and security related issues. A Srinagar court granted bail to Comiti and later returned him his passport.

The most shocking incident occurred with the BBC after it released two documentaries on the 2002 Gujarat riots and the current situation of minorities in India. Its offices in New Delhi and Mumbai were raided by the income tax authorities. The Editors Guild of India expressed concern over these raids and said that any kind of investigation should be done as per the rules and their purpose should not

be to suppress or intimidate the independent media.

The character and nature of Indian media has never been very bright. But the majority of the journalists and editors working in this arena followed high standards of ethics. Therefore, media owners could not do much wrong even if they wanted to. In today's world, the owner of almost every media organization is both – a declared and undeclared editor of his organization. The 'Editor' is nothing but merely a manager or owner of that organization. In such a situation, the interest of the owner is now the ultimate interest of that organization and protection of those interests is the main editorial policy of that organization. All this did not happen overnight. After independence, until a certain period, owner and editor were the two important foundations of any media organization. Both had their own defined boundaries and both took the organization forward without interfering too much in each other's role and space. The editor and his reporters used to deal with 'people's concerns' on a decent scale, although not very much, and also asked some tough questions to the governments. The change in this equation officially started during the period of emergency. During that period, while the country saw the phenomenon of 'crawling when asked by the ruling establishment to bow down', it also saw some owners, editors and reporters who mixed their voices with the voice of the public.

■ No Love for Democracy

In the post-Emergency period, whispers started doing rounds in the ruling establishment (comprising more or less every ideology and colour) that having two separate owners and editors in a media organization was not suitable for them. Then an effort began to disrespect the institution called the editor. It became easy to speed up this campaign during the era of Rajiv Gandhi, when the doors of the Indian economy started opening. The story meant that the editor must be dwarfed. During the tenure of Manmohan Singh as Finance Minister and then Prime Minister, everyone from a mine owner to a reed seller became the owner of a media institution. Now 'Business' was everything for the owners and the media organization was just a 'Tool' to fulfil the 'business interest' and the editor was just the 'keeper'/'caretaker' of that tool. Many owners themselves became the heads of the 'editorial' department. Every journalist working in the organization was just a clerk now.

The next phase of this phenomenon started when the country's biggest moneylenders and businessmen started investing in media houses and then gradually increased their stake and went on taking over organization after organization, pushing out smaller owners from the market. Media business was restricted to a few hands. These are the hands that manipulate the ruling establishment as per their wish. For them, the media was no more an advocate of farmers, labourers, the poor and the common man. Instead, thanks to their alliance with the ruling establishment, it had become a means of diverting people's attention from their wrongdoings. Media has now become a curtain to conceal the complementary interests of money lenders and the ruling establishment. Most journalists were merely watched with interest as the biggest money lender entered the media business. They were hoping that the arrival of big money lenders would bring them "the gift of happiness".

Later on, the third phase of power and journalism began. Congress and BJP planted their people into this business directly. Such people were given every kind of help, allotted government advertisements and even capital investment was made in those organizations. But as has always been the case, though Congress started the game, BJP played one up on it. The BJP has produced many

representatives who always relished dragging to the witness box journalists who carry out objective journalism that might be critical of the establishment.

Indian media houses played many games together. Barring exceptions, the wealthy who invested in media did not start media to create an independent media or to protect democracy. The main objective of capital investment in media was to be friends with the government; to make it easier for them to carry forward their other businesses. It was an insurance against the government cracking the whip on them or their businesses. The journalists would help stop any government action against them. The BJP knew this very well. Therefore, when a so-called professional media house like Living Media India Limited wants to cover any news against the government, the owner risks being implicated in any case or have his home raided. This is why, when Vasant Valley School alumni wrote to the owner of Living Media about a journalist on his channel spreading hatred against Muslims, the owner, Aroon Purie, replied that he chose not to interfere in the said journalist's work, just as he never interfered in the students' affairs. (Aroon Purie owns both, Living Media India Limited and the Vasant Valley School.)

■ Attacks on Media

Strong efforts were made to crack down on the media during the emergency. The few journalists who defied the orders of the ruling establishment were sent behind bars. Even then the entire media was not in the mood to 'cry in one voice'. Yet, some media organizations (alternate or social media were not born then) would fearlessly raise questions against the ruling establishment.

But, who are the victims of attacks on the media in today's era of the entire so-called mainstream media 'groaning unanimously'? Have there been any attacks on the so-called mainstream media? Barring a few isolated cases, most of the attacks have taken place or are taking place on those media institutions (mostly alternative or social media institutions) and journalists who do not fall in the 'line' outlaid by the ruling establishment and are in conflict with the ruling establishment and are daring to expose the nexus of wealthy and the ruling establishment. What is the nature of these attacks? Tactics ranging from intimidation to spying, making arbitrary allegations of treason and implicating people in fake cases are being used.

The victims of these attacks have mostly been alternative or social media organizations and the journalists associated with them. But to understand these attacks, we have to understand the meaning of Modi's tenure. The 'One' that Modi's regime, steeped in the ideology of 'One Country, One Language and One Culture', emphasizes on is nothing but a systematic and thoughtful exercise and attempt to wipe out the idea of 'Diversity', 'Variety' and 'Plurality' completely. The bottom line is that the approach of 'Diversity', 'Variety' and 'Plurality' is the foundation of democracy. However, this regime is fundamentally the opposite of democracy. So, unfortunately though, when democracy ceases to exist, how can media think of the Dalits, tribal people, backward classes, minorities, farmers, labourers and the poor? And sadly, it is evident that the media institutions and journalists who talk about democracy and the downtrodden and the oppressed, will be compelled to face brutal attacks.

Indian Media in Amrit Kaal

- A 2006 study by CSDS–Media Study Group revealed that 88 percent of the people in the news rooms belong to the upper castes.¹ Oxfam also reiterated the same thing in its 2022 study that this number has further increased to 92 percent.²
- India’s position on the World Freedom Index has been on a consistent decline. In 2023, India was ranked 161st out of 180 countries, a significant drop from its 2022 ranking of 150th and its 2021 ranking of 142nd.³
- Recent arrests of Newsclick portal’s Editor-in-Chief, as well as the targeting of journalists with treason and conspiring against India like former BBC editor Vinod Verma, Kashmiri Photojournalist Kamran Yusuf, and French Filmmaker Comiti Paul Edwards (making a documentary in Kashmir), highlight a concerning trend of journalists facing violence and intimidation in India.
- The abundance of media outlets conceals tendencies toward the concentration of ownership, with only a handful of sprawling media companies at the national level, including the Times Group, HT Media Ltd, The Hindu Group and Network18. Four dailies share three quarters of the readership in Hindi, the country’s leading language.⁴
- Media outlets, despite high stock market values, rely heavily on government advertising contracts, blurring the line between business and editorial decisions. This allows the central government to invest over 1.8 billion rupees (20.4 million euros) annually in print and online media ads to promote its own narrative.⁵
- With an average of three or four journalists killed in connection with their work every year, India is one of the world’s most dangerous countries for the media.^{6,7,8}

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 2. Oxfam India- Newslaundry Report: 90% leadership positions in Indian media are occupied by Upper Caste groups with not even single Dalit or Adivasi heading Indian mainstream media - <https://www.oxfamindia.org/press-release/oxfam-india-newslaundry-report-90-leadership-positions-indian-media-are-occupied-upper-caste-groups>
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India's Civic Space 2019–2023: Breaking Point or Turning Point?

Despite the brutal excesses of the Emergency, the duration of this latest onslaught and the attack on the foundational values of India's democracy it represents, arguably make the last four years the more potentially lethal period.

Has there been a period of greater threat to civil society space and the very existence of civil society organisations (CSOs) in India than the period following the last Parliamentary elections in 2019? Despite the brutal excesses of the Emergency in 1975–76¹, the duration of this latest onslaught and the attack on the foundational values of India's democracy it represents, arguably make the last four years the more potentially lethal period.

Soon after the new government took office in May 2019, it abrogated Article 370², the legal provisions granting the state of Jammu and Kashmir special autonomous status under the Constitution of India. Though the Supreme Court has yet to pronounce on the constitutionality of the abrogation and on the Citizenship Amendment Act³ that was adopted soon after, the state's response to the nationwide protests⁴ that followed clearly signalled a heightened assault on the basic freedoms of expression, association and assembly guaranteed by Article 19⁵ of India's Constitution and by its international treaty obligations⁶. Students, activists, academics, journalists, artists, actors, comedians, fact-checkers, publishers, and a range of other citizens exercising these fundamental freedoms have been charged⁷ under draconian laws like the Unlawful Activities (Prevention) Act (UAPA)⁸, the Prevention of Money Laundering Act (PMLA)⁹, Section 124A of the Indian Penal Code (Sedition)¹⁰, and the like creating a 'chilling effect' that has encompassed not just traditional civil society groups but business, philanthropy, media, academia, and ordinary citizens alike.

The most severe consequences have been reserved for religious minorities¹¹, Muslims and Christians

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11. Religious Freedom Conditions in India | USCIRF - <https://www.uscirf.gov/countries/india>

in particular, for CSOs and journalists in Kashmir¹², and for members of the Scheduled Castes¹³ and Scheduled Tribes¹⁴ as rampant majoritarianism¹⁵ and crony capitalism¹⁶ have granted perpetrators of violence and purveyors of hate speech against these communities both, rank impunity and a fast track to political favour¹⁷. Selective suppression of social media accounts through takedown orders and threats to social media companies¹⁸, combined with online and offline armies of trolls have sought to silence all voices that might challenge the official narrative or amplify the concerns of marginalised groups. A particularly vicious brand of vitriol is reserved for Muslims¹⁹, Dalits²⁰, women²¹, and those at the intersections of those identities.

Some hoped that the yeoman service rendered by civil society organisations and citizen groups during the COVID-19 pandemic²² might earn them the gratitude of the public and of the state and, consequently, a measure of protection. Instead, despite providing almost all the relief experienced by ordinary citizens while public services revealed their glaring inadequacies, and despite being lauded by senior officials, ministers, and the Prime Minister, the state's official response to civil society organisations took the form of greater regulatory constraints and large-scale diversion of support away from civil society to the Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM-CARES)²³ set up in March 2020. This stood in sharp contrast to both, government responses during previous national calamities such as the 2002 earthquake in Gujarat or the 2004 Indian Ocean tsunami when blanket tax exemptions and FCRA waivers were provided to facilitate relief work by CSOs and support from within India and overseas. It was also markedly different from the response of governments around the world²⁴ – from the USA, Canada and the UK, to Turkey, Russia and China – all of whom provided fiscal support and/or tax incentives to their nonprofit sectors. In India, on the other hand, CSOs found themselves not only in a highly skewed contest with the Prime Minister for financial support, especially from business through CSR grants, but also scrambling to cope with new, onerous regulatory compliance requirements ranging from the amendments to the Foreign Contribution

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12. Journalists, human rights defenders in Kashmir face increasing assaults - Frontline - <https://frontline.thehindu.com/politics/kashmir-journalists-and-human-rights-activists-face-increasing-assaults/article66846169.ece>
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 18. India's social media crackdown is a challenge to the rules-based order | Lowy Institute - <https://www.loyyinstitute.org/the-interpretor/india-s-social-media-crackdown-challenge-rules-based-order>
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 23. PM CARES Fund - <https://pmcares.gov.in/en/>
 24. Giving civil society the right response - https://www.cafonline.org/docs/default-source/about-us-global-alliance/charities-aid-foundation-covid-19-global-policy-paper.pdf?sfvrsn=ddec7747_14

(Regulatory) Act Amendments, 2020 (FCRA)²⁵ to Income Tax provisions²⁶ for registration under Sections 12A, 12AA, 10 (23C) and 80G, more stringent rules for CSR²⁷ grants from businesses as well as harsher penalties for even minor infractions. The chimerical nature of the PM CARES Fund²⁸, which functions as a public authority when it is raising resources, receiving fast-track clearances to receive foreign funds, provide 100 per cent tax exemptions, and making it eligible to receive CSR contributions, but morphs into a private entity when it comes to applicability of Right to Information scrutiny, is just one more instance of executive impunity or what some have termed 'Sultanism'²⁹.

The nature of the amendments to the FCRA³⁰ underscore the specific targets of these growing restrictions as they disproportionately render the work of research, campaigning, advocacy, and rights-based programmes nigh impossible. Also disproportionately affected are smaller, more remote, grassroots organisations which can no longer receive sub-grants from other larger organisations even when both are licensed to receive foreign contributions.

The cavalier process by which these amendments and other laws have been rushed through Parliament speaks to the hollowing out of the legislature's role³¹ in India's democracy and the concentration of power at the very apex of the executive branch. Similar erosion of other institutions that might afford some protection to CSOs is in evidence with the judiciary³², and with the co-option of law enforcement agencies like the police and the Enforcement Directorate³³ toward political ends and to silence critics. The issue of the use of sophisticated technological tools³⁴ to surveil, and possibly frame³⁵, activists remains unresolved presently with alleged targets of such action, such as the acclaimed Bhima Koregaon 16 still mostly imprisoned without trial for over five years³⁶. Seizing and cloning devices of activists and journalists during 'raids' and 'surveys' is now commonplace.

Further impediments to free expression and assembly have been manifested in the indiscriminate

25. THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 2020 NO. 33 OF 2020 An Act further to amend the Foreign Contribution (Regul - https://fcraonline.nic.in/home/PDF_Doc/fc_amend_07102020_1.pdf

26. How does the Finance Bill 2023 impact NGOs in India? | IDR - <https://idronline.org/article/board-governance/how-does-the-finance-bill-2023-impact-ngos-in-india/>

27. Amendments to CSR Rules - Centre For Advancement of Philanthropy - <https://capindia.in/amendments-to-csr-rules/>

28. PM CARES not for transparency - <https://www.deccanherald.com/opinion/editorial/pm-cares-not-for-transparency-1148238.html>

29. Watch: 'What You See in India Is Less an Undeclared Emergency and More Sultanism' - <https://thewire.in/politics/watch-christophe-jaffrelot-undeclared-emergency-sultanism>

30. How the Proposed FCRA Amendments Hurt India's Development and Democracy - Centre for Social Impact and Philanthropy - <https://csip.ashoka.edu.in/fcra-amendments-hurt-india-development-democracy/>

31. How India's Govt Is Setting In Place A New Structure For A Dysfunctional Parliament | Article-14 - <https://article-14.com/post/how-india-s-govt-is-setting-in-place-a-new-structure-for-a-dysfunctional-parliament-619c5af27c1d2>

32. Union Government is eroding judicial independence by its control over appointments - The Leaflet - <https://theleaflet.in/union-government-is-eroding-judicial-independence-by-its-control-over-appointments/>

33. How the Modi government has weaponised the ED to go after India's Opposition - <https://scroll.in/article/1027571/how-the-modi-government-has-weaponised-the-ed-to-go-after-indias-opposition>

34. After Pegasus 'PR Problem', Modi Govt Looking for Spyware From Less Exposed Firms: Financial Times - <https://thewire.in/government/pegasus-spyware-india-modi-quadream-cognyte>

35. Bhima Koregaon Evidence Was Planted on 2 Activists' Laptop, Others' Mails Were Compromised: Report | The Swaddle - <https://www.theswaddle.com/bhima-koregaon-evidence-was-planted-on-2-activists-laptop-others-mails-were-compromised-report>

36. Bhima Koregaon Case: HRDs and families await justice, five years down | CJP - <https://cjp.org.in/bhima-koregaon-case-hrds-and-families-await-justice-five-years-down/>

use of Section 144³⁷ and of internet shutdowns³⁸, for which India holds the dubious world record. Repeated attempts to enact laws that provide the state with near untrammelled power over data³⁹, communications and social media platforms⁴⁰ continue unabated. Combined with mass media that have been almost entirely recruited to championing the ruling party and promoting the agenda defined by their private owners, these laws would choke off some of the last remaining channels for independent journalism, free expression as well as online mobilising and advocacy. The recent suppression of information about atrocities in Manipur⁴¹ and the continuing near blackout of information on the situation in Jammu and Kashmir, are some of the most egregious examples of the consequences of such unbridled state control of the internet.

Another key front for civil society has been the battle for authentic data⁴². While the decadal census that was due in 2021 shows no sign of being conducted any time soon, other datasets, including the Household Consumer Expenditure Survey 2017-18, the National Sample Survey (NSS), the National Family Health Survey (NFHS), the Periodic Labour Force Survey, and the socio-economic caste census have sought to be suppressed⁴³ or discredited⁴⁴. International indices and rankings on issues ranging from hunger⁴⁵ to academic freedom⁴⁶, human rights⁴⁷, and indeed civil society space⁴⁸ have also been attacked as being of unsound methodology (despite their global acceptance) or as motivated by a conspiracy⁴⁹ to undermine India's accomplishments. Experts have resigned their positions⁵⁰ on the National Statistical Commission in protest at these actions or been harassed into stepping down⁵¹.

The lack of reliable data and the loss of access as in the case of FCRA data⁵², hinder the ability of CSOs to analyse policy, design programmes, advocate for the excluded or evaluate impact. The impact of these actions is ultimately faced by the communities that CSOs seek to serve. For instance,

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37. The Use and Misuse of Section 144 CrPC - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4389147
 38. 'A tool of political control': how India became the world leader in internet blackouts - <https://www.theguardian.com/world/2023/sep/25/a-tool-of-political-control-how-india-became-the-world-leader-in-internet-blackouts>
 39. Key Takeaways: The JPC Report and the Data Protection Bill, 2021 #SaveOurPrivacy - <https://internetfreedom.in/key-takeaways-the-jpc-report-and-the-data-protection-bill-2021-saveourprivacy-2/>
 40. India introduces stricter regulation for social media platforms | Digital Watch Observatory - <https://dig.watch/updates/india-introduces-stricter-regulation-for-social-media-platforms>
 41. Apar Gupta writes: In Manipur, another internet shutdown, a conflict intensified | The Indian Express - <https://indianexpress.com/article/opinion/columns/apar-gupta-writes-in-manipur-another-internet-shutdown-a-conflict-intensified-8970390/>
 42. India's Statistical System: Past, Present, Future - Carnegie Endowment for International Peace - <https://carnegieendowment.org/2023/06/28/india-s-statistical-system-past-present-future-pub-90065>
 43. NSO Will Not Release Report Showing First Decline in Consumer Expenditure in 40 Years - <https://thewire.in/economy/nso-consumer-expenditure-report-release>
 44. Shamika Ravi writes: Our national surveys are based on faulty sampling | The Indian Express - <https://indianexpress.com/article/opinion/columns/shamika-ravi-writes-our-national-surveys-are-based-on-faulty-sampling-8799300/>
 45. India - Global Hunger Index (GHI) - peer-reviewed annual publication designed to comprehensively measure and track hunger at the global, regional, and country levels - <https://www.globalhungerindex.org/india.html>
 46. Academic Freedom Index - <https://academic-freedom-index.net>
 47. India: Freedom in the World 2022 Country Report - <https://freedomhouse.org/country/india/freedom-world/2022>
 48. India - Civicus Monitor - <https://monitor.civicus.org/country/india/>
 49. Salvatore Babones At India Today Conclave: Demonising Indian Democracy? | Rajdeep Sardesai - <https://www.youtube.com/watch?v=GiQOzG7dRn0>
 50. Two remaining National Statistical Commission members resign - The Hindu - <https://www.thehindu.com/news/national/2-remaining-nsc-members-resign/article26122815.ece>
 51. Govt Accepts Resignation of Scapegoated IIPS Director After Revoking His Suspension for Unflattering NFHS Data - <https://thewire.in/government/ks-james-iips-director-resignation-nfhs-health-ministry>
 52. Home ministry removes data on NGO licenses, funding deleted from FCRA website: Report - <https://scroll.in/latest/1028211/home-ministry-removes-data-on-ngo-licenses-funding-deleted-from-fcra-website-report>

estimates of the population below the poverty line determine entitlements to welfare schemes. In the absence of census or other data, these estimates currently range from 2.5 per cent to 29 per cent⁵³. On India's population base of at least 1.4 billion, the headcount of the poor would range anywhere between 34 million and 373 million people. Similar discrepancies negatively affect lowered castes, the LGBTQIA+ community, and people with disabilities. Constant attempts to dilute the efficacy of citizens' right to information⁵⁴ have further diminished civil society's ability to hold institutions accountable. Cumulatively, the lack of data silences the voices of the most marginalised citizens, erode their ability to access entitlements, shape policy, or seek accountability from both state and business, to ensure sustainable stewardship of natural resources and the environment, and build a just, equitable and peaceful society.

These lacunae are sought to be filled by private philanthropy – by individuals, foundations, and businesses – channelled into, and limited to, private delivery of services. The constraints on foreign funding, eligibility criteria for CSR compliance⁵⁵, and the soon to be launched Social Stock Exchange⁵⁶ all work towards this purpose. Indian donors too have, in the main, chosen to fall in line with this trend. The constant threat of action by enforcement agencies against CSOs who seek to perform their full complement of roles – as watchdogs, amplifiers of the voices of the most vulnerable, incubators of innovation, platforms for accountability, and as active critics and shapers of public policy – as well as their funders, and those who seek to defend them provides strong disincentives to such support even as the possibility of winning recognition and favour from those in authority incentivises support to programmes and organisations that toe the line. At an estimated Rs. 1.05 lakh crores⁵⁷, domestic Indian philanthropy could, and should play a pivotal role in addressing issues of social justice and the climate crisis. Despite some evidence that suggests broadening of causes receiving support, and evolution of mindsets to include support to organisation capacity and ecosystem building, wealthy Indians have in the main chosen to restrict their interventions to 'safe', technocratic service delivery programmes aimed at filling the gaps in the delivery of public services. The silence of the philanthropic community and of big business in the face of the persecution of minorities, the clampdown on civil society and independent media, and the erosion of democratic rights and freedoms, has been stark.

The lack of a strong, coherent narrative and representative voices speaking for CSOs has permitted an insidious narrative to gain traction. Rather than recognising the value of civil society in getting citizens more engaged, involved and responsible for their communities; for improving and delivering better, more responsive public services; in empowering communities to access and defend their rights and freedoms; in upholding the rule of law and holding institutions to account; in ensuring that the rights of future generations, the species we share our planet with, and the global commons are

53. Do we know how many people in India live in poverty? | IDR - <https://idronline.org/article/inequality/do-we-know-how-many-people-in-india-live-in-poverty/>

54. RTI 2.0: Eroding a valued right | Analysis - Hindustan Times - <https://www.hindustantimes.com/analysis/rti-2-0-eroding-a-valued-right-analysis/story-p3rmIFGwH8QpssvNSYfE5O.html>

55. SCHEDULE VII (See section 135) Activities which may be included by companies in their Corporate Social Responsibility Policies A - https://upload.indiacode.nic.in/schedulefile?aid=AC_CEN_22_29_00008_201318_1517807327856&rid=79

56. Social Stock Exchange - https://www.sebi.gov.in/legal/circulars/sep-2022/framework-on-social-stock-exchange_63053.html

57. India Philanthropy Report - https://www.bain.com/globalassets/noindex/2023/bain_dasra_report_india-philanthropy_2023.pdf

protected; in building a more cohesive social fabric; and providing the spaces where diverse groups of citizens find meaning and purpose as well as learn and practice tolerance, co-operation, mutual understanding and respect, the narrative that has been systematically propagated seeks to paint civil society as ineffective, inefficient, unaccountable and inimical to national interests. This, more than any other consequence, is the primary weapon that has been unleashed against civil society with increased scale, intensity and sophistication. It comprehensively undermines CSOs' credibility and legitimacy, and discredits, even demonises, them as civil society actors.

How can this onslaught be combated? A comprehensive review of all regulations affecting CSOs⁵⁸ is urgently necessary, leading to rationalisation or 'ease of doing good'. Formal recognition of the 'voluntary sector' – its role, value and contribution to national income, employment, development outcomes and the fostering of democratic values – is critical⁵⁹. The 2023 report, 'A Million Missions – The Nonprofit Sector in India'⁶⁰ provides a valuable starting point to advocate for better measurement, reporting and recognition of the sector's contributions in the national accounts and statistics. Collaborative actions by the diaspora community, cutting across religious⁶¹, caste⁶², and class divides, provide both inspiration and a template for civil society organising. The shift from providing financial and material support toward engaging in policy advocacy during the COVID-19 pandemic⁶⁴ is also a change civil society would do well to build upon. The gigantic opportunity for 'retail' resource mobilisation reflected in the data⁶⁵ and in the success of a range of causes from online freedoms⁶⁶ to fact-checking⁶⁷ and a wide range of other causes⁶⁸, must receive more attention and investment by CSOs and philanthropists alike. Ensuring that India's 2023 review by the Financial Action Task Force (FATF)⁶⁹ redresses the excesses of regulatory overreach and the disproportionate targeting of activists and organisations is of vital importance. Calling for the repeal of overbroad, vaguely defined offences under draconian laws aimed at stifling dissent and curtailing free expression, assembly and association is urgently necessary. All these processes must necessarily be demonstrably inclusive and transparent. Clearly these steps all require strong, empowered, representative sector bodies that can serve as convenors, platforms and advocates. The price we pay as citizens for the lack of such bodies has been strikingly visible through the pandemic and the assault on civil society and democratic freedoms we have witnessed, particularly over the past four years. Conversely, over the past few years civil society's pandemic response, the farmer's movement, and multiple mobilisations

58. Executive Summary: A Study on the Legal, Regulatory, and Grants-in-Aid Systems for India's Voluntary Sector – Centre for Social Impact and Philanthropy – <https://csip.ashoka.edu.in/executive-summary-a-study-on-the-legal-regulatory-and-grants-in-aid-systems-for-indias-voluntary-sector/>

59. India's Constitution needs to recognise civil society | IDR – <https://idronline.org/indias-constitution-needs-to-recognise-civil-society/>

60. India's Million Missions – India's Non-Profit Sector Report – Catalyst 2030 – <https://catalyst2030.net/indias-million-missions-indias-non-profit-sector-report/>

61. Hindus for Human Rights – <https://www.hindusforhumanrights.org/>

62. Indian American Muslim Council – <https://iamc.com/>

63. Equality Labs – <https://www.equalitylabs.org/>

64. How Indian Americans Got the President's Ear – POLITICO – <https://www.politico.com/news/magazine/2021/05/04/indian-americans-biden-485382>


65. How India Gives – Centre for Social Impact and Philanthropy – <https://csip.ashoka.edu.in/how-india-gives/>

66. About Internet Freedom Foundation – <https://internetfreedom.in/about/>

67. About – Alt News – <https://www.altnews.in/about/>

68. About Give – <https://give.do/aboutus>

69. India Could Be Under FATF Scrutiny for Pressuring NGOs and Civil Society: Report – <https://thewire.in/government/india-fatf-review-ngo-civil-society-pressure-bloomberg>



by athletes, women, students, and grassroots movements, have also demonstrated the powerful role civil society can play not just as a compensatory force for the inadequacies of state and market, but as a co-creator, an enabler and a constructive challenger, creating the political and social space for collaborations that are based on the core values of trust, service, justice and the collective good.

India's Civic Space 2019–2023: Breaking Point or Turning Point?

- Students, activists, academics, journalists, artists, actors, comedians, fact-checkers, publishers, and a range of other citizens exercising fundamental freedoms have been charged under draconian laws creating a 'chilling effect' that has encompassed not just traditional civil society groups but business, philanthropy, media, academia, and ordinary citizens alike.
- In a markedly different response from the governments around the world, all of whom provided fiscal support and/or tax incentives to their non-profit sectors with the pandemic outbreak in 2020, CSOs in India found themselves scrambling to cope with new, onerous regulatory compliance requirements.
- The amendments to Foreign Contribution (Regulatory) Act Amendments, 2020 underscore the specific targets of growing restrictions as they disproportionately render the work of research, campaigning, advocacy, and rights-based programmes nigh impossible.¹
- Impediments to free expression and assembly have been manifested in the indiscriminate use of Section 144 and of internet shutdowns, for which India holds the dubious world record.²
- The battle for authentic data has been a key front for civil society with the decadal census that was due in 2021 showing no sign of being conducted any time soon and other datasets being suppressed or discredited.^{3,4}
- Systematically propagated narrative has sought to paint civil society as ineffective, inefficient, unaccountable and inimical to national interests instead of recognising the pivotal role in domestic Indian philanthropy could play in addressing issues of social justice and the climate crisis

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1. FCRA Amendment impacts grassroots activism and NGO Sector - <https://thewire.in/rights/fcra-amendment-ngo-sector-impact-grassroots-activism>
 2. India Remains Internet Shutdown Capital of the World for Fifth Year Running: Report - <https://thewire.in/tech/india-remains-internet-shutdown-capital-of-the-world-for-fifth-year-running-report>
 3. Delay in India's census hurting quality of survey reports, says official - The Economic Times - <https://economictimes.indiatimes.com/news/india/delay-in-indias-census-hurting-quality-of-survey-reports-says-official/articleshow/101942861.cms>
 4. Govt moves to Hide Official Statistics damaged Indian democracy - <https://scroll.in/article/911442/the-daily-fix-modi-governments-moves-to-hide-official-statistics-greatly-damages-indian-democracy>

Status of Development

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4. Indian Economy: Demystifying Growth and Development (2019–2023)

 5. Revise NEP to Realise the Right to Education

 6. Impoverished Phase of Higher Education

 7. Environment at the Altar of Ease of Doing Business

 8. Data Shows a Worrying Food Security and Nutrition Scenario

 9. Can a Welfare State Slash its Health Budget?

 10. No Roadmap for Social Security

 11. WASH – An Issue of Equity

Indian Economy: Demystifying Growth and Development (2019–2023)

The total revenue loss due to corporate exemptions and uncollected taxes is large enough to ensure universalisation of healthcare, education, social security and welfare for every citizen of India. The consequence is a growth trajectory that does not place at its central focus the urgency to prioritise equitable and inclusive gender-sensitive sustainable and sustained livelihood opportunities.

The Indian economy has undergone a major transformation in the past few years, with severe impacts on the citizens especially the marginalised and vulnerable sections. This is a consequence not merely of the pandemic but also due to policies that have not focused on equality, equity and the needs of the majority of the population. India's global rankings today across innumerable indicators are the lowest in its entire history, and cover almost all SDGs: 111 among 125 countries in the Global Hunger Index; World Economic Forum's Global Gender Gap 140/156; Oxfam Inequality Index 129/157; Healthcare 145/195; Environment 168/180; Water Quality: 120/122; Air Quality 179/180; Internet Quality 79/85; Peace 139/163. And all this within the perceived notion that India is on a 'high growth' trajectory. This chapter focuses on demystifying growth trends in the context of gendered ramifications on economic and extra-economic inclusion, the primary aspects being livelihoods and poverty, societal inequality analysis being necessarily inbuilt.

Growth Trends & Policy Response:

The pandemic struck in India at a time when the process of de-development and de-equalisation had already gathered momentum, with most indicators declining sharply. The gross domestic product (GDP) witnessed a secular fall since the third quarter of 2016-17 post-demonetisation, reaching a 42-year low of 4 per cent in financial year 2020. Per capita GDP was already low before the pandemic at INR 99,694 (\$ 1,347), falling to Rs. 91,481 in 2021-22, lower than 2018-19. Combined with these is an unresponsive fiscal and monetary architecture; 59 per cent rise in debt to GDP; reduced public provisioning; sharp rise in inflation to almost 13 per cent; industries functioning at less than 40 per cent capacity.

The growth story continues to be worrisome, although the World Bank assessed that India's real GDP expanded by an estimated 6.9 per cent in fiscal year 2022-23. The NSO report shows that income from production increased at an annual 7.8 per cent rate in April-June 2022-23: the problem however is that expenditure is assumed to be identical to income earned, thereby violating international best practice. Further, Q3 GDP (2022-23) growth shows a decline to 4.4 per cent, with Gross Value Added (GVA) down to 4.6 per cent from 5.5 per cent in Q2, and manufacturing continuing to shrink Cumulatively, the first nine months of 2022-23 have now reported a GVA uptick of 7.2 per cent compared to 10.7 per cent in the same period of 2021-22, while GDP is estimated to have increased three percentage points lower at 7.7 per cent compared to 11.1 per cent in April to December 2021. Concern has also been

expressed about the not insignificant fall in India's investment to GDP ratio to around 32 in Q3 from 34 in Q2.

India's growth story and its post-pandemic economic landscape is driven by a multifaceted interplay of factors, a closer look revealing a more sobering reality defined by burgeoning inequalities. The basis of rise in demand too is worrying: urban demand being due to spending on mid- to high-end automobile sales, UPI transactions, and domestic air travel; rural demand based on tractor sales, non-durable goods production, and the implementation of Mahatma Gandhi National Rural Employment Guarantee Act which in fact implies deepening rural distress. Additionally, the decline in particularly rural FMCG goods consumption is attributed to persistent high inflation that has prevailed over the last three years particularly for industrial and agricultural workers, with little signs of abating.

The underlying cause is evident: unequitable distribution of growth. Further, although public debt has fallen from over 87 per cent of GDP to around 83 per cent, the consolidation has largely been driven by an increase in revenues and a gradual withdrawal of pandemic-related stimulus measures. However, private investment, one of the pillars of economic growth, has been lacklustre for several years, falling from 31 per cent of GDP in 2011 to 22 per cent in 2020. Data since July 2019, from CEIC and Bank of Baroda Research, show that the number of industrial investment proposals fell sharply from 612 in July 2021 to 118 in July 2022.¹ Increased capital spending is focused on capital-intensive physical infrastructure, factors like rising borrowing costs, inflationary pressures, and financial tightening impacting future growth.²

The very fabric of India's growth also reveals intriguing sectoral dynamics. The services sector accounts for more than 60 per cent of GDP: trade, hotels, transport and communication; financing, insurance, real estate and business services and community, social and personal services. Agriculture, forestry and fishing constitute around 12 per cent of the output, although this sector employs more than half the labour force. Manufacturing accounts for a low 15 per cent, construction another 8 per cent, and mining, quarrying, electricity, gas and water supply for the remaining 5 per cent: it needs to be noted that mining and quarrying have fallen by 8 per cent between 2019 and 2023.³

Historically, as a country makes economic progress, its workforce moves away from agriculture: in India the reverse holds true. This sector grew at an average annual rate of 4.6 per cent during the last six years, its share in GDP rising from 17.8 per cent in 2019-20 to 19.9 per cent in 2020-21, and combined with allied sectors accounted for 20.2 per cent in total GVA. For three consecutive years, this was the only resilient sector, the Gross Value Added growth rates of agriculture, industry, and services being 3.63 per cent, -6.96 per cent, and -8.36 per cent respectively at 2011-12 prices in 2020-21, and 6.56 per cent, -5.61 per cent and -4.86 per cent at current prices (www.dea.gov.in; www.indiabudget.gov.in; Economic Survey 2021-22).

However, a series of policy changes have been initiated that is consistently weakening its resilience:

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1. Why private investment in India remains tepid post pandemic - <https://www.indiatoday.in/india-today-insight/story/why-private-investment-in-india-remains-tepid-post-pandemic-2343779-2023-03-07>
 2. India Overview: Development news, research, data | World Bank - <https://www.worldbank.org/en/country/india/overview>
 3. India GDP Annual Growth Rate - <https://tradingeconomics.com/india/gdp-growth-annual>

the un-debated Farm Acts; MSPs below promised amount, the last decadal increase in wheat MSP averaging merely 5.5 per cent as compared to 12.2 per cent per annum in the earlier decade; the conditionality of having an irrevocable Letter of Credit in order to export wheat, thereby excluding all farmers and farmers organisations except corporate; withdrawal of import subsidies; the proposal of September 6, 2022 to privatise fertiliser-producing Public Sector Units; schemes and allocations that support the organised dairy segment rather than the unorganised segment which is where the majority of dairy farmers are employed, women representing 70 per cent of the workforce in India's dairy sector; the drastic fall in beef production from 1511 (thousand metric tons) in 2018 to 1397 tmt in 2021.⁴ Furthermore, budgetary allocations have been consistently reduced: fall from 5.1 per cent to 4.3 per cent share of budget for agriculture and allied activities over the last two financial years, to a mere 2.9 per cent of the current budget outlay. Taking inflation into account, the decline adds up to a huge 11 per cent.

■ Livelihoods:

With only the agriculture and allied sectors showing consistent growth in spite of new structural and policy constraints, an increasing proportion of particularly women and of course men find their primary source of livelihood in this sector: 58 per cent of India's population and 70 per cent of rural households. The share of agriculture in total employment went up from 38 per cent in 2019-20 to 39.4 per cent 2021-22 (www.cmie.com). The latest PLFS report reports an even sharper increase from 42.5 per cent in 2018-19 to 45.6 per cent in 2019-20. Even though not recognised as farmers, agriculture employs 80 per cent of rural women as of March 2022, with nearly three-fourth of the full-time workers being women. Female farmers produce 60 to 80 per cent of India's food. In a given crop season, when fields are sown and harvested, women farmers work about 3,300 hours, double the 1,860 hours their male counterparts put into farming.⁵ The percentage distribution of women in agriculture in the three periodic labour force surveys (PLFS) of 2017-18, 2018-19, and 2019-20 – even though not strictly comparable to earlier surveys – is 73.2 per cent, 71.1 per cent and 75.7 per cent respectively in terms of Worker Population Ratio (WPR) – All Ages, and 17.5%, 19% and 24% in terms of Labour Force Participating Rates (LFPR) – All Ages.⁶

Among its South Asian neighbours India now has the lowest Female Labour Force Participation, falling behind Pakistan and Afghanistan which had half of India's FLFP in 1990. And at a time when the single major issue confronting people is poverty and livelihood opportunities, the share of MGNREGA in budget outlays has been consistently reduced: from 2.67 per cent in 2019-20 (A) to 2.02 per cent in 2020-21 (BE) to 2.14 per cent in 2022-23 (RE), even though the actual expenditure on MGNREGS was Rs 1,11,170 crore in 2020-21. In fact, actual allocation is even less, as pending dues at the end of fiscal 2022-23 are expected to be around Rs 25,800 crore: the actual allocation for 2023-24 is thus merely Rs 34,200

4. Dewan Ritu (2023). 'Resilient' Women, 'Resilient' Agriculture. Indian Journal of Agricultural Economics, Vol. 78, No. 1, Jan-March 2023. pp 71-78.

5. Women key to India's Agrarian Revolution - <https://www.niti.gov.in/rural-women-key-new-indias-agrarian-revolution>.

6. Dewan Ritu (2023). 'Resilient' Women, 'Resilient' Agriculture. Indian Journal of Agricultural Economics, Vol. 78, No. 1, Jan-March 2023. pp 71-78.

crore. And this in spite of the fact that the first four months of FY 2023–24 witnessed an uptick of 10 per cent over the comparative period last FY⁷.

Additionally, it is essential to note that the shift to agriculture is happening despite the fact that it has the lowest wage rates, with PLFS itself lamenting the low average daily wage of merely Rs 291 for rural casual labour, with women of course getting much less. Analysis based on Unit-level data from the 61st round NSS (2004–05), the PLFS (2018–19 and 2019–20), as well as All India Debt and Investment Surveys⁸ report sharp rise in gendered wage discrimination across the board for the most vulnerable and marginalised – Scheduled Castes, Scheduled Tribes and the Muslim community.

MSMEs play a major role in India's growth story: they account for 45 per cent of manufacturing output, 30 per cent of GDP, half of exports, and employ over 120 million workers of whom 28 per cent are women. With no policy support whatsoever, seven-tenth of them have closed down, while those surviving report a one-third decline in revenue.

Yet another crucial area that the marginalised especially rural women have historically relied on and which is being increasingly encroached upon is their rights over Common Property Resources, the produce of which ensures un-priced nutrition for their families as well as income earned by sale of commodities. The draft Environment Impact Assessment policy issued in 2020 significantly waters down the 2006 rules, making it easier to implement projects without any environmental scrutiny whatsoever. The dilution of The Forest Rights Act (2006), coupled with the latest dilution of powers of the State in forest matters under The Forest Conservation Act (1980), as well as recent mining reforms including privatisation of coal violates and undermines the provisions of the 1996 Panchayats (Extension to Scheduled Areas) Act: the result is the denial of the historical and constitutional rights guaranteed to protect tribal communities and natural resources.

The replacement of all labour legislation by the four Labour Codes has deeply impacted all workers rights in all sectors and sub-sectors. Daily working hours are increased from the internationally accepted 8 hours to 10 and in some cases even 12 hours, thus making redundant an entire shift of workers, and this in a situation where the unemployment rate is the highest in 45 years. The negation of labour rights include restrictions of definition of employee/worker to establishment/industry; de-recognition of home based workers, domestic workers and apprentices by precluding work in private households; delinking of sexual harassment from safe conditions of work; reinforcement and creation of new gender stereotypes; invisibilisation of female- and child headed households; self-certification of compliance by employer; reduction of women's representation on Boards and Committees; extension of ban on strikes and other forms of democratic protest to each and every sector whether primary, secondary or tertiary, and all sub-sectors in including agriculture, forestry, fishery, construction, health, education etc.⁹

7. Budget 2023 | MGNREGS fund cut by 33% to 60,000 crore - The Hindu - <https://www.thehindu.com/business/budget/budget-2023-mgnrega-budget-slashed-33-from-this-years-revised-estimates/article66458555.ece>

8. India Discrimination Report 2022 - https://www.oxfamindia.org/knowledgehub/workingpaper/india-discrimination-report-2022?gad_source=1&gclid=CjwKCAiAgeeqBhBAEiwAoDDhnxne_tnb7fEDfAdlzsYnyhiw_LjAskZeQNZKPNUSy6hiYbWe76eGGxoCc8oQAvD_BwE

9. Dewan, Ritu (2020), Gender De-equalisation via Labour Codes, Tamil Nadu National Law University Law Review, January, Vol. III, No.1.

■ Poverty:

India is probably the only country that has not released data on poverty for over a decade now, the leaked data of its Consumption Expenditure Survey of 2018–19 still not official. Although the 'National Multidimensional Poverty Index: A Progress Review 2023' inexplicably reports a significant decline of 9.89 percentage points in the number of multidimensionally poor from 24.85 per cent in 2015–16 to 14.96 per cent in 2019–2021, it yet notes that '374 million poor people are deprived in nutrition, sanitation, housing and cooking fuel at the same time; 445 million lack both electricity and clean drinking water, and 4.1 million are deprived in all included indicators.' (Alkire 2023)¹⁰. However, all studies whether macro, meso or micro that have been conducted by organisations, institutions, think-tanks and individual researchers record a massive rise in poverty levels especially since the pandemic and particularly for the marginalised and vulnerable sections.

Just prior to the pandemic, the proportion of persons below the poverty line had risen for the first time in 42 years by over five percentage points. India also fell 28 places within just one year to stand at 140 out of 156 countries in gender parity on the World Economic Forum's Global Gender Gap Index, and an abysmal low of 151 in terms of economic participation and opportunities. In less than 15 years, India fell 39 places on the Economic Gender Gap too, from 110 in 2006 to 149 in 2020. The 'leaked' NSS report of 2017–18 calculates that in rural India between 2011–12 and 2017–18, the per capita real spending on all goods and services, fell by 9%. The proportion of the rural population not able to access 2,200 calories per person per day has risen sharply from 68 per cent in 2011–12 to 77 per cent, India now ranking a disastrously low 111 among 125 countries in the World Hunger Index.

The structural changes in the labour market have translated into collapse of income levels, erosion of savings and ballooning of household debt. The result is a massive rise in especially rural poverty, the immediate and most direct outcome being increase in food insecurity. This needs to be viewed in the context of the fact that 76 per cent of rural households could not afford a nutritious diet even in the pre-pandemic period.¹¹ Per capita average monthly real income declined by 30% compared to the pre-pandemic level and by 42 per cent for the lowest decile.¹² The result is an even greater rise in poverty. Population below the national minimum wage threshold of INR 375 (USD 5.1) per day for rural areas and INR 430 (USD 5.8) for urban areas rose by 230 million in the pandemic year – a rise of 15 per cent in rural and twenty per cent in urban areas.¹³ The Pew Research Centre has predicted the shrinking of the Indian middle class by thirty-two million and an addition to the poor by seventy-five million plus. The London School of Economics Centre for Economic Performance (LSE-CEP) and Dalberg Surveys also attest to increased poverty with even higher levels of inequality, the bottom 20 per cent of households reporting 71 per cent income loss compared to 51 per cent for the top quintile (Totapally et al., 2020). India accounts for 57.3 per cent of the global rise in pandemic-induced poverty, and 59.3 per cent of the middle-income category.

Exclusion due to lack of a ration card or its non-portability remains a serious barrier especially for

10. Poverty rate in India was slashed, says report, but globally 1.2bn still poor | University of Oxford – <https://www.ox.ac.uk/news/2022-10-17-poverty-rate-india-was-slashed-says-report-globally-12bn-still-poor>

11. NFHS-5 (2019–20), http://rchiips.org/nfhs/factsheet_NFHS-5

12. APU (2021), State of Working India. Bengaluru: Azim Premji University.- https://cse.azimpremjiuniversity.edu.in/wp-content/uploads/2021/05/State_of_Working_India_2021-One_year_of_Covid-19.pdf

13. Ibid

migrants who are not covered under the National Food Security Act (Bhat, 2021). Seventy million poor women were excluded from free food support due to lack of a ration card (IWWAGE, 2020). Under-nutrition in children is also reported, given the suspension of food provision through childcare centres and school mid-day meals (Madhavan, 2020). Yet the first post pandemic budget reduced the over-all food subsidy by an astounding one-third, nutrition allocations by sixteen per cent, and the Midday Meal Scheme by INR 500 crores (USD 67.6 million).

By the time the second wave of the pandemic hit, most households had depleted their resources and were in debt, thus not only increasing vulnerability but also delaying their exit from poverty. Household debt ballooned and savings eroded at the macro level: between March 2020 and December 2020, from INR 68.9 lakh crore to INR 73.1 lakh crore (USD 9.3 to 9.9 trillion), a jump from 33.8 per cent to 37.9 per cent of Gross Domestic Product (GDP). Savings in the form of bank deposits crashed from INR 3.6 lakh crore (USD 4.9 trillion) in the July–September quarter of 2020 to INR 1.7 lakh crore (USD 2.3 trillion) in the following quarter.¹⁴

No matter how robust GDP growth rates are, unless the benefits are distributed so as to reduce inequalities, the development process of a country will be impeded. India is among the most unequal countries in the world, with rising poverty and an ‘affluent elite.’ The top 10 per cent and top 1 per cent hold 57 per cent and 22 per cent of the total national income respectively while the bottom 50 per cent share has gone down to 13 per cent: the average income for the bottom 50 per cent is merely Rs. 53,610 (World Inequality Report 2022: <https://wir2022.wid.world/>). Similarly, the Oxfam Inequality Report reports that the top 10 per cent of Indians hold 77 per cent of the total national wealth.¹⁵

Inequalities at all economic and extra-economic levels have risen across the board specially for all marginalised communities. Discrimination in income inequality rose sharply by 10 percentage points to 79 per cent just in one year in 2019–20 for rural SC and ST casual wage workers. Muslims witnessed the sharpest rise in unemployment at 17 per cent. In terms of agricultural credit, SCs and STs received not even a quarter of what forward castes got. For rural women the situation is even worse, gender discrimination accounting for the entire employment gap at 100%. Rural self-employed males earn twice of what females earn although the income levels themselves are extremely low, while male casual workers earn Rs 3,000 per month more than females, 96 per cent of which is attributed to discrimination. Additionally, rural women are increasingly unable to sell their produce^{16,17} or get jobs under MGNREGS due to increased competition from returning migrants.¹⁸ A critical issue for migrants especially for single women and transgender persons, is that of conditionalities and lack of portability of documents, changes in migration patterns being visible with fewer women migrating out of villages.¹⁹

14. Varma, S. (2021, July 01). Desperate Indians Used Savings, Took Loans to Survive COVID-19 Pandemic. – <https://www.newsclick.in/Desperate-Indians-Used-Savings-Took-Loans-Survive-COVID-19-Pandemic>

15. Inequality Kills: Oxfam – <https://www.oxfamindia.org/press-release/inequality-kills-india-supplement-2022>

16. MAKAAM (2020), Unlocking the Crisis: Understanding the Impact of COVID -19 and Subsequent Lockdown on Single Women Farmers of Maharashtra. SOPPECOM Pune.

17. Sharma, H. (2020, August 25), Migrants Back, Women’s Share in NREGS Dips to 8-year Low – <https://indianexpress.com/article/india/migrants-back-women-share-in-nregs-dips-to-8-year-low-6568476/>

18. Centre for Equity Studies, Delhi Research Group & Karwan-E-Mohabbat (2020), Labouring Lives: Hunger, Precarity and Despair Amid Lockdown. New Delhi.

19. Jan Sahas (2021), Voices of Invisible Citizens II: One Year of COVID-19 – Are We Seeing Shifts in Internal Migration Patterns in India? New Delhi: Migrants Resilience Collaborative.

Conclusion

The prevailing growth paradigm – with the essential element of inclusive democratic development missing – has detrimentally impacted the already marginalised the most, resulting in the reversal of whatever had been hitherto attained: de-development, de-growth, de-equalisation. Policies are becoming more and more exclusionary of the needs of the majority of the country's citizens at many and myriad levels: income; food; education; employment; decent work conditions; living wages; health; nutrition; access to common property spaces and resources; environmental rights; gender parity; rights to all communities; right to expression and dissent. The list is indeed long.

With its still strong economic base and a multitude of inclusive institutions, the monetary and fiscal architecture can be made more citizen-friendly in several interconnected ways. Indirect taxation is always regressive, impacting the poorest the most especially during times of unprecedented inflation. The single most crucial step therefore is to increase the share of direct taxes to total revenue, which are today among the lowest in the world at 35 per cent. Instead, the wealth tax was abolished in 2016, and corporate taxes have been lowered from 30 per cent to 22 per cent. The share of corporate tax has fallen sharply from 35 per cent in 2014-15 to 27 per cent today. Further, Rs 1,68,000 crore of bad loans have been written off in a single year alone. The highest ever India had achieved was 61 per cent in 2009-10. The accepted ideal is 65 per cent, achievable by a mere one per cent rise in surcharges for the richest 7 per cent of Indians. The current budget has done the opposite: reduced the fiscal deficit by primarily slashing social sector allocations, down from 33.5 per cent of total budget outlay in 2022-23 to a new low of 21.2 per cent in the current fiscal. Probably the most problematic are the one-third reduction in food subsidy, the lowest-ever child budget, as well as the disappearance of the Urban Livelihoods Mission and the much touted 'Health & Wellness centres'.

The central issue here is therefore that there is no dearth of revenue: what has been 'lost' is due to policy paths that do not benefit those who need financial strengthening the most. The amount of revenue foregone through corporate tax expenditures and exemptions is more than 2.5 per cent of the GDP, with another 10 per cent of GDP being 'lost' as a result of uncollected taxes. The total revenue loss is large enough to ensure universalisation of healthcare, education, social security and welfare for every citizen of India. The consequence is a growth trajectory that does not place at its central focus the urgency to prioritise equitable and inclusive gender-sensitive sustainable and sustained livelihood opportunities.

Indian Economy: Demystifying Growth and Development (2019–2023)

- India's Per Capita GDP dropped to INR 91,481 in 2021–22, worsened by a 59% debt-to-GDP increase, reduced public services, high inflation (almost 13%), and industries operating below 40% capacity.¹
- Historically, as a country makes economic progress, its workforce moves away from agriculture: in India the reverse holds true. India's agriculture sector grew (4.6% annually), but policy changes like the now repealed Farm Acts and low MSPs threatened to erode its resilience.²
- India's Female Labor Force Participation is the lowest in South Asia, due to most women's contributions being unpaid and invisibilized as it is concentrated in the informal sector where women outnumber men, and agriculture which employs 80% of rural women^{3,4,5} and its Gender Gap Index rank plummeted to 140 out of 156 countries⁶.
- India's income inequality is severe, with the top 10% and 1% holding 57% and 22% of income, while the bottom 50% has just 13%.⁷
- India's ranking has dropped 4 places to 111 out of 121 in the Global Hunger Index, 2023. India suffers from the highest child 'wasting' (low weight for height) rate across the world, at 18.7%, with 35% children marked stunted in India, and 16.6% of the overall population undernourished.^{8,9}
- Discrimination in income and employment is prevalent, with SCs, STs, and Muslims (17% unemployment) facing unequal access to resources and opportunities.¹⁰
- Revenue losses through corporate tax expenditures and uncollected taxes are significant, enough to fund universal healthcare, education, social security, and welfare for all citizens.

1. India's per capita income remains below pre Covid Levels: Economic Times – <https://economictimes.indiatimes.com/news/economy/indicators/indias-per-capita-income-remains-below-pre-covid-level-in-2021-22/articleshow/91923086.cms?from=mdr>
2. Economic Survey 2022–23 | Growth dips, public investment stagnant in agriculture sector – The Hindu – <https://www.thehindu.com/business/agri-business/economic-survey-2022-23-growth-dips-public-investment-stagnant-in-agriculture-sector/article66455088.ece>
3. Rural Women: Key to New India's Agrarian Revolution | NITI Aayog – <https://www.niti.gov.in/rural-women-key-new-indias-agrarian-revolution>
4. Women Left Behind: India's Falling Female Labor Participation – The Diplomat. – <https://thediplomat.com/2020/07/women-left-behind-indias-falling-female-labor-participation/#:~:text=India's%20female%20labor%20force%20participation%20is%20the%20lowest%20in%20South%20Asia.&text=Four%20of%20five%20women,India's%20FLFP%20was%2030.3%20percent>
5. India Must Protect the 150 Million Women in the Informal Sector – The Diplomat – <https://thediplomat.com/2023/03/india-must-protect-the-150-million-women-in-the-informal-sector/>
6. India slips 28 places to 140 amongst 156 countries in WEF Global Gender Gap index – The Hindu BusinessLine – <https://www.thehindubusinessline.com/news/india-slips-28-places-to-140-amongst-156-countries-in-wef-global-gender-gap-index/article34205487.ece>
7. India among most unequal nations; top 1% of population holds 22% of national income: report – The Hindu – <https://www.thehindu.com/news/national/india-among-most-unequal-nations-top-1-of-population-holds-22-of-national-income-report/article37891933.ece>
8. India – Global Hunger Index (GHI) – peer-reviewed annual publication designed to comprehensively measure and track hunger at the global, regional, and country levels – <https://www.globalhungerindex.org/india.html>
9. India Ranks 111 in Global Hunger Index; Report Makers Reject Indian Government Objections – <https://thewire.in/health/india-ranks-111th-among-125-countries-in-global-hunger-index-report>
10. What the India Discrimination Report tells us about unemployment | IDR – <https://idronline.org/article/inequality/what-the-india-discrimination-report-tells-us-about-unemployment/>

Revise NEP to Realise the Right to Education

Governments championing the role of the private sector in education, entry into education PPPs and ongoing thrust on privatisation of education has been deeply problematic.

The COVID-19 pandemic inflicted severe damage on India's education system, hitting learning across grades and subjects and throwing into sharp relief the existing inequalities in the system. The World Bank estimates that learning poverty rates shot up from 54 per cent to 70 per cent in India on the back of the pandemic¹. Almost half of the secondary school students and a third of parents of elementary school students reported that their child's mental and socio-emotional health was poor or very poor in 2020². The push towards online education during the pandemic affected the majority of India's students who lacked access to digital devices creating learning loss, stress and occasionally serving as a trigger for suicides. Thus, the 2021 National Achievement Survey found that close to a quarter of surveyed children didn't have access to digital devices for online education, 38 per cent of children struggled to learn at home and 80 per cent responded that they learn better at school with peers³.

The trauma caused by the pandemic, however, built on existing weaknesses of the system. According to the last available estimates in the public domain, only 25.5 per cent of schools across the country are RTE compliant in meeting the infrastructure norms; compliance rates have ranged between 63.6 per cent (Punjab) and a mere 1.3 per cent in Meghalaya⁴. Alarming, from 2017-18 to 2021-22, there was a 6.59 per cent decline in the number of government schools⁵. This is accompanied by a simultaneous growth in the number of private schools and rising private school enrolment, except in the aftermath of the pandemic which saw a widespread exclusion of children from online classes due to their parents' inability to pay (often hiked) private school fees despite exhortation from the government⁶.

Overall shortages are accompanied by simultaneous inadequate focus on addressing the basic prerequisites for quality. After more than 10 years of the RTE Act 2009, teacher vacancies constituted 11.70 per cent of sanctioned posts of teachers. Moreover, 12.7 per cent of teachers are contractual teachers. The UNESCO State of Education Report for India, 2021 reiterates that there are 11 lakh teacher

1. India's learning poverty has shot up: The Hindu - <https://www.thehindu.com/opinion/interview/post-covid-19-learning-process-for-children-should-be-accelerated-says-worldbanks-global-director-for-education/article65308623.ece?homepage=true>
2. Rapid assessment of learning during school closures in the context of COVID-19 | UNICEF India - <https://www.unicef.org/india/reports/rapid-assessment-learning-during-school-closures-context-covid-19>
3. UNESCO's State of the Education Report for India, 2021 - <https://www.unesco.org/en/articles/unesco-launches-2021-state-education-report-india-no-teacher-no-class>
4. Number of schools in India declined by 20,000 in 2021-'22, shows government data - <https://scroll.in/latest/1036654/number-of-schools-in-india-declined-by-20000-in-2021-22-shows-government-data>
5. Impact of School Closures & Mergers on Access to Education in India, 2023 - <https://educationforallindia.com/impact-of-school-closures-and-mergers-in-india/>
6. Min urges Pvt Schools to Reconsider Annual Fee Hike - <https://economictimes.indiatimes.com/industry/services/education/hrd-minister-urges-private-schools-to-reconsider-annual-fee-hike-quarterly-fee-payment-structure/articleshow/75206588.cms?from=mdr>

vacancies including 69 per cent of vacancies being in rural India⁷. Nearly 1.2 lakh schools are single teacher in violation of the provisions of the RTE Act⁸. Poor investments in quality, particularly in the remote areas, hits the most vulnerable hardest. Thus, in Rajasthan, 60 per cent of children with disabilities drop out due to a shortage of teachers⁹. The dropout rate of children attending classes 1-8 almost doubled in 2021-22, compared to the previous year¹⁰. Nearly half of the children enrolled in schools in tribal areas – 48.2 per cent – drop out before they complete Class 8¹¹. A recent study in Bihar, found only 20 per cent attendance in government primary and upper primary schools in Bihar¹².

It must be said though, that the preceding years also saw some degree of progress. The greater emphasis on the needs of the young child meant that across rural India, the proportion of 3-year-olds enrolled in some form of early childhood care and education stood at 78.3 per cent in 2022, an increase of 7.1 per cent compared to 2018¹³. There was also a gradual, but steady, improvement in secondary school retention¹⁴. There was also considerable emphasis on making learning less stressful and promoting non-academic skills including sports.

■ Targeted initiatives since 2019 and their implementation

The introduction of the National Education Policy (NEP) 2020 was the biggest reform introduced by the government. Several states like Tamil Nadu¹⁵, West Bengal¹⁶, Bihar¹⁷, Kerala¹⁸ and Karnataka¹⁹ expressed reservations about it or have chosen to implement their own state policies, making it an area of centre-state contestation²⁰. Meanwhile, its implementation by the centre continues despite

7. 1 lakh schools in India run with just 1 teacher each: Unesco report - <https://timesofindia.indiatimes.com/india/1-lakh-schools-in-india-run-with-just-1-teacher-each-unescoreport/articleshow/86798798.cms>
8. India has nearly 1.2 lakh schools with just one teacher each - <https://timesofindia.indiatimes.com/india/india-has-nearly-1-2-lakh-schools-with-just-one-teacher-each/articleshow/98106912.cms?from=mdr>
9. 60% Specially-abled Students Drop Out Due To Teachers' Shortage | Jaipur News - Times of India - <https://timesofindia.indiatimes.com/city/jaipur/60-specially-abled-students-drop-out-due-to-teachers-shortage/articleshow/101713214.cms?from=mdr>
10. More young children dropped out of school in 2021-22, but girl students up, says ministry report - <https://theprint.in/india/more-young-children-dropped-out-of-school-in-2021-22-but-girl-students-up-says-ministry-report/1194917/>
11. Missed Opportunity: Almost 50% Students in Tribal Areas Drop Out of School Before Completing Class 8 - News18 - <https://www.news18.com/news/education-career/missed-opportunity-almost-50-students-in-tribal-areas-drop-out-of-school-before-completing-class-8-6511393.html>
12. Jean Dreze: Only 20% Student Attendance in Govt Primary, Upper Primary Schools in Bihar - <https://thewire.in/education/jean-dreze-only-20-student-attendance-in-govt-primary-upper-primary-schools-in-bihar>
13. Overall enrolment figures increase despite school closures during Covid pandemic - Times of India - <https://timesofindia.indiatimes.com/education/news/overall-enrolment-figures-increase-despite-school-closures-during-covid-pandemic/articleshow/97089983.cms>
14. More young children dropped out of school in 2021-22, but girl students up, says ministry report - <https://theprint.in/india/more-young-children-dropped-out-of-school-in-2021-22-but-girl-students-up-says-ministry-report/1194917/>
15. Tamil Nadu won't implement NEP, will frame its own education policy, says minister - <https://www.deccanherald.com/india/tamil-nadu-won-t-implement-nep-will-frame-its-own-education-policy-says-minister-1161128.html>
16. Explained: Why Bengal Government Rejected NEP 2020 And Formulated Its Own Education Policy - <https://www.outlookindia.com/national/explained-why-bengal-govt-rejects-nep-2020-and-formulated-its-own-education-policy-news-314624>
17. Bihar Refuses To Implement NEP. How Will It Affect The State? - <https://www.outlookindia.com/national/bihar-refuses-to-implement-nep-how-will-it-affect-the-state--news-314666>
18. Kerala to delay adoption of NEP 2020 | Latest News | The Hindu - <https://www.thehindu.com/news/national/kerala/kerala-to-delay-adoption-of-nep-2020/article66692185.ece>
19. Congress-led Karnataka government plans new education policy, rejects NEP - Times of India - <https://timesofindia.indiatimes.com/education/news/congress-led-karnataka-government-plans-new-education-policy-rejects-nep/articleshow/102923430.cms>
20. Education: Now a frontier of Centre vs States war? - <https://www.deccanherald.com/education/education-now-a-frontier-of-centre-vs-states-war-2688857>

some of its clear weaknesses²¹ and apparent contradiction to the vision of the RTE Act²². More needs to be done to ensure the focus on the right to education is not diluted²³. At the same time, many of the NEP implementation roadmap early timelines have been missed on the back of the pandemic, inadequate financial allocations and other reasons.

Samagra Shiksha, the flagship scheme on elementary education, was amended to bring it in line with its provisions and extended from 2021–22 to 2025–26. The NEP was followed by the introduction of the National Curriculum Framework for Elementary and Early Childhood Care and Education. NCERT textbooks underwent revision in 2017, 2018, 2021 and 2022. However, the latest round of revisions was the most controversial;²⁴ changes in the curriculum in various states were even more controversial²⁵. A committee was constituted this year to revise the textbooks in line with the NCF²⁶ and new textbooks are anticipated in the 2024–25 session.

Other significant measures included in the follow-up to the NEP include the introduction of ‘Parakh’ as a standard-setting body in NCERT to set norms, standards, and guidelines for student assessment and evaluation for all recognized school boards of India, and states undertaking the national achievement survey (NAS). A stronger emphasis was also placed on strengthening Foundational literacy and numeracy (FLN) including through the launch of Nipun Bharat²⁷, although this has been criticised as reinforcing inequalities²⁸. Much more needs to be done to strengthen the preschool component of the ICDS program, including ensuring the availability of a second trained Anganwadi worker to deliver the early childhood education component and investing adequate resources²⁹.

India’s education system is marked by severe inequalities based on wealth and social identity³⁰. However, far from addressing these inequalities, the preceding years saw the introduction of several measures that risk further marginalising the poor. Wide-scale merger and consolidation of government schools, particularly in areas with low enrolment inhabited by marginalised communities, risk dropout of these communities. Model schools like the Pradhan Mantri Schools for Rising India

21. Reads like an impressive wish list but barbers right to education - <https://timesofindia.indiatimes.com/blogs/voices/reads-like-an-impressive-wish-list-but-barbers-right-to-education/>

22. The NEP Goes Against the Existing Constitutional Mandate of the RTE - <https://thewire.in/education/national-education-national-education-policy-right-to-education>

23. NATIONAL EDUCATION POLICY (NEP) 2020: MEASURES TO COMBAT COMMERCIALIZATION AND ENSURE AN EQUITABLE EDUCATION SYSTEM - <https://www.oxfamindia.org/knowledgehub/policybrief/national-education-policy-nep-2020-measures-combat-commercialization-and-ensure-equitable-education>

24. Mughals, RSS, evolution: Outrage as India edits school textbooks: Al Jazeera - <https://www.aljazeera.com/news/2023/4/14/mughals-rss-evolution-outrage-as-india-edits-school-textbooks>

25. Karnataka government orders textbook revision with 18 major changes; 15 lessons added after dropping old ones - The Hindu - <https://www.thehindu.com/news/national/karnataka/karnataka-govt-orders-textbook-revision-with-18-major-changes-15-lessons-added-after-dropping-old-ones/article66980773.ece>

26. Explained: What NCERT Book Revision Panel Is Tasked To Do - <https://www.ndtv.com/india-news/all-you-need-to-know-about-ncerts-19-member-panel-and-its-work-framework-4294138>

27. Nipun Bharat, India’s foundational literacy and numeracy program, is about making education experiential and our children future-ready - <https://www.moneycontrol.com/news/india/nipun-bharat-indias-foundational-literacy-and-numeracy-programme-is-about-making-education-experiential-and-our-children-future-ready-11464621.html>

28. Is the push for foundational numeracy and literacy pro-poor? - Hindustan Times - <https://www.hindustantimes.com/opinion/is-the-push-for-foundational-numeracy-and-literacy-propoor-101648036252345.html>

29. What will it cost to universalise early childhood education in India? - <https://timesofindia.indiatimes.com/blogs/developing-contemporary-india/what-will-it-cost-to-universalise-early-childhood-education-in-india/>

30. India’s Hierarchical Education Sector Precludes the Creation of a ‘Meritocracy’. - <https://thewire.in/books/indias-hierarchical-education-sector-precludes-the-creation-of-a-meritocracy#:~:text=Government%20schools%2C%20the%20last%20option,are%20enrolled%20in%20government%20schools>

(PM-SHRI) are more likely to enrol local elites and their expansion deepens educational inequality. Several high-profile incidents of discrimination, bullying and other forms of violence have been reported in the media³¹. The Pre-Matric Scholarship for Minority Students was abolished for classes 1–8³². The emphasis on vocational education risks premature screening of children from marginalised communities into vocational education³³.

The success of the NEP is predicated on the influx of additional financial resources for its implementation. However, the budgetary provisions have remained significantly below the levels necessary. The Standing Committee on Education noted that in 2021–22, following the launch of the NEP, Samagra Shiksha received an allocation of Rs 31,050 crore compared to a demand of Rs 57,914 crore³⁴. The intention to introduce breakfast under the midday meal scheme as part of the NEP was shelved in the face of inadequate budget allocations³⁵.

The pandemic saw the introduction of various digital initiatives that have continued and grown over time. These include data management (Shala Darpan, Shala Kosh, GIS, Aadhar database of students and teachers), dissemination of data (E-pathshala, Swayam platform, DTH, TV channels, to name a few), ensuring quality education (E-classroom, Digital classroom labs, Diksha platform) and evaluation and monitoring (Shala Siddhi, Shagun portal)³⁶. A process of standardising e-learning curricula across educational boards is underway³⁷. However, 60 per cent of India's districts scored less than 30 per cent in digital learning in a recent government survey³⁸.

■ Critique of initiatives since 2019

A detailed listing and analysis of the various policy measures introduced by the centre and the states over the preceding half decade would form an important exercise – which is beyond the scope of the present article. Broadly speaking, the preceding years saw the following major trends:

1. Aiming for innovation but ignoring rights and basic investments: The realisation of the right to education has not received political emphasis over the last half a decade. In contrast, the government has focussed on what it describes as a “forward-looking, futuristic education system”

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31. Alarming Casteism In Schools In India: A Painful Warning - <https://feminisminindia.com/2023/09/01/casteism-in-schools-in-india/>
 32. Pre-Matric Scholarship for Minority Students Will No Longer Apply for Classes I to VIII - <https://thewire.in/education/pre-matric-scholarship-for-minority-students-will-no-longer-apply-for-classes-i-to-viii>
 33. Leveraging Social Mobility: What India's Schools are Missing - The Hindu Centre - <https://www.thehinducentre.com/the-arena/current-issues/leveraging-social-mobility-what-indias-schools-are-missing/article66396159.ece>
 34. Demand for Grants 2022-23 Analysis : Education. - <https://prsindia.org/budgets/parliament/demand-for-grants-2022-23-analysis-education#:~:text=In%202021%2D22%2C%20the%20Samagra,under%20the%20Samagra%20Shiksha%20scheme>
 35. What The Scrapped Breakfast At School Plan Would Mean For Children. - <https://www.boomlive.in/explainers/nep-breakfast-at-school-mid-day-meal-scheme-children-14484#:~:text=How%20Much%20Would%20Breakfast%20Scheme,acre%20students%20across%20the%20country>
 36. RTE Forum Stocktaking Report 2022-23 - <https://rteforumindia.in/wp-content/uploads/2023/08/RTE-FORUM-stocktaking-report-2022-23-Pandemic-Years.pdf>
 37. How govt is trying to standardise e-learning curriculum across state & central boards - <https://theprint.in/india/education/how-govt-is-trying-to-standardise-e-learning-curriculum-across-state-central-boards/1605835/>
 38. 3/5th of India's districts score less than 30% in digital learning, shows Modi govt's school survey - <https://theprint.in/india/education/3-5th-of-indias-districts-score-less-than-30-in-digital-learning-shows-modi-govts-school-survey/1662124/>

through the NEP³⁹. Achieving that while ignoring the weak foundations of the education system because of poor infrastructure, inadequate financing, weak focus on equity and limited space for social accountability seems unlikely. The move towards closure of schools under the guise of school rationalisation or consolidation risks a negative equity impact⁴⁰. Even regularly updated data on RTE compliance is no longer available in the public domain. This would suggest that the government has deprioritized ensuring that all schools comply with the full set of RTE norms.

- 2. Building pockets of visible excellence but ignoring the universal standards of quality:** While there has been some progress in terms of RTE norms, such as the enhancement of WASH facilities in schools, the overall progress has been disappointing⁴¹. In contrast, there has been considerable emphasis on setting up institutions of excellence with the stated intention that doing so would trigger a demonstration effect. Existing research into the experience of past experiments with model schools suggests that attending these does improve individual learning outcomes⁴², but their existence has not triggered a national improvement in the quality of education. Individual states also launched model school initiatives including the Schools of Excellence in Gujarat⁴³ and the Cluster Schools scheme in Maharashtra⁴⁴.
- 3. Supporting centralization, compared to strengthening federal India:** The government saw consistent political opposition from several opposition-ruled states to the NEP as promoting centralization and reducing the decision-making capacity of states,^{45,46} although the centre has denied this⁴⁷. This came to the forefront on several occasions including the question of the medium of instruction⁴⁸, but also on less high-profile issues like insisting on the name PM-SHRI for schools under the eponymous scheme (despite the states contributing 40 per cent of the budget towards the PM-SHRI schools)⁴⁹.

39. Forward-looking, futuristic education system being created in country through NEP: PM Modi - The Hindu - <https://www.thehindu.com/news/national/forward-looking-futuristic-education-system-being-created-in-country-through-nep-pm-modi/article66301046.ece>

40. Pain without gain?: Impact of school rationalisation in India - ScienceDirect - <https://www.sciencedirect.com/science/article/abs/pii/S0738059318307909>

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42. Can India improve its public schools? Research says yes - <https://www.ideasforindia.in/topics/macroeconomics/can-india-improve-its-public-schools-research-says-yes.html>

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45. The National Education Policy 2020 and the future of cooperative federalism in India | ORF - <https://www.orfonline.org/expert-speak/the-national-education-policy-2020-and-the-future-of-cooperative-federalism-in-india/>

46. Siddaramaiah attacks NEP, says uniform system does not suit India | Nagaland Post - <https://nagalandpost.com/index.php/siddaramaiah-attacks-nep-says-uniform-system-does-not-suit-india/>

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48. Does NEP Propagate Hindi Imposition? Debate Over State's Language Policy Continues - <https://www.outlookindia.com/national/does-nep-propagate-hindi-imposition-debate-over-three-language-policy-continues-news-194785>

49. 'PM-SHRI' prefix mandatory for state government schools seeking to avail central funds - Telegraph India - <https://www.telegraphindia.com/india/pm-shri-prefix-mandatory-for-state-government-schools-seeking-to-avail-central-funds/cid/1950919>

4. **Using education to nurture Hindu nationalism instead of teaching the next generation to value diversity:** The changes in the curriculum and textbooks described above are part of the government's larger ideological project, particularly with an emphasis on Hindu nationalism⁵⁰.
5. **Introducing new reform, while weakening mechanisms for social accountability:** The NEP proposes a restructuring of the stages of school education without giving adequate pedagogical rationale⁵¹ and its continued failure to enforce the minimum age for school admission a decade after the RTE Act's enactment⁵². However, the processes of social accountability, including the strengthening of SMCs, have not long received inadequate attention with the process of parental participation in education being democratised⁵³. Transparency of the government's functioning is at the heart of the accountability process. However, there was a sharp decline in the extent and quality of the available visualised statistics based on UDISE data in the public domain. Ironically, this came at the time when UNESCO highlighted UDISE data as a global best practice for transparency and accountability in India's public education system⁵⁴.
6. **Supporting the private sector, instead of building a universal public system:** India has a sharply divided schooling system with those financially better off opting for private schools and some of the lowest levels of support for public education, according to a recent UNESCO survey⁵⁵. In this context, various governments championing of the role of the private sector in education⁵⁶, entry into education PPPs^{57,58} and ongoing thrust on privatisation of education⁵⁹ has been deeply problematic⁶⁰.

■ Recommendations for improving existing schemes

Some of the key recommendations include:

1. Introduce a timeline to ensure that all schools become compliant with the entirety of the RTE 2009 norms and ensure its realisation.

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50. India's School Textbooks Are the Latest Battleground for Hindu Nationalism - <https://time.com/6269349/india-textbook-changes-controversy-hindu-nationalism/>
 51. 'The New Education Policy Has No Commitment To Children, Equity, Inclusion Or Quality' - <https://www.indiaspend.com/the-new-education-policy-has-no-commitment-to-children-equity-inclusion-or-quality/>
 52. Government asks all States, UTs to make 6 years minimum age for Class 1 admission - The Hindu - <https://www.thehindu.com/education/government-asks-all-states-uts-to-make-6-years-minimum-age-for-class-1-admission/article66540085.ece>
 53. Full article: Connecting families with schools: the bureaucratised relations of 'accountability' in Indian elementary schooling - <https://www.tandfonline.com/doi/full/10.1080/01436597.2022.2070469>
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 55. Public Perceptions on Education Provision: The Case for Reforming India's Unequal School System | ORF - <https://www.orfonline.org/research/public-perceptions-on-education-provision/>
 56. PM asks private sector to come forward to improve school education quality | Mint - <https://www.livemint.com/education/news/pm-asks-private-sector-to-come-forward-to-improve-school-education-quality-11631031703109.html>
 57. Why Mamata's plan to run government schools on PPP model has backfired - <https://www.indiatoday.in/india-today-insight/story/why-mamata-s-plan-to-run-government-schools-on-ppp-model-has-backfired-1922279-2022-03-08>
 58. Why are school unions in Gujarat opposing the government's PPP mode schools? | Explained News - The Indian Express - <https://indianexpress.com/article/explained/school-unions-gujarat-opposing-ppp-mode-8556275/>
 59. Can India Afford the Increasing Privatisation of Public Universities? - <https://thewire.in/education/can-india-afford-the-increasing-privatisation-of-public-universities>
 60. How Privatisation Is Leading to Growing Inequality in India - <https://thewire.in/government/how-privatisation-is-leading-to-growing-inequality-in-india>

2. Review and revise the National Education Policy to realise the right to education and promote the democratic and secular values of the country.
3. Stop the closure and merger of government schools in the name of rationalisation.
4. Extend the right to education for children up to 18 years of age.
5. Reverse all forms of privatisation and commercialization of education including PPPs, franchising education to corporate houses and non-governmental bodies, privatisation of teacher education or the growth of corporate actors including via education technology companies among others.
6. Address unequal completion and quality in education based on student gender, social identity, class, place of residence, religion, disability status or other grounds. All educational institutions should be inclusive, provide reasonable accommodation and adhere to a universal design in line with the provisions of The Rights of Persons with Disabilities Act, 2016.
7. Ensure that children's education is not disrupted by emergencies and conflict and that steps are taken to address child protection challenges like child labour, trafficking, displacement, homelessness, and urbanization, including the impact of environmental degradation and climate change.
8. Strengthen the full humanistic vision and transformative potential of education including promoting critical thinking, enabling students to respond to the challenges of the future and respecting planetary boundaries.
9. Strengthen mechanisms for citizen, civil society and community participation in education and grievance redressal mechanisms.

■ Asks from the government in the context of upcoming elections

1. Extend the purview of the RTE Act from birth to 18 years in line with the internationally recognized definition of childhood by including ECCE, pre-primary and higher secondary education as a legal entitlement.
2. Make adequate allocation for education by ensuring that it does not fall below 6 per cent of the GDP.
3. Ensure complete implementation of the RTE Act along with norms and standards in true letter and spirit.
4. Stop the increase of commercialization and privatisation of education and enforce accountability of private schools and ECCE Centres by drafting, implementing and enforcing a national regulatory framework including regulation of fees, compliance with quality norms and addressing social segregation through the growth of private provision.
5. Review and revise the National Education Policy to realise the right to education.

I Revise NEP to Realise the Right to Education

Only 25.5% of schools across the country are RTE compliant in meeting the infrastructure norms; compliance rates ranging between 63.6% (Punjab) and a mere 1.3% in Meghalaya¹

- From 2017-18 to 2021-22, government schools decreased by (72,000+) 6.59%², and further during the pandemic, many kids were excluded from online classes due to high private school fees.³
- There are 11 lakh teacher vacancies including 69% of vacancies being in rural India⁴. Nearly 1.2 lakh schools have only a single teacher, in violation of the RTE Act.⁵
- Elite bias in model schools like PM-SHRI deepens educational inequality, with reported incidents of discrimination and violence.⁶
- The Pre-Matric Scholarship for Minority Students, initially created to support the most educationally disadvantaged community (Muslim children) according to the Sachar Committee Report, was discontinued for grades 1-8.⁷
- In 2021-22, the NEP led to a Samagra Shiksha budget of Rs 31,050 crore, falling short of the Rs 57,914 crore demand.⁸ Breakfast in the Midday Meal Scheme, as per NEP, was canceled due to budget constraints.⁹
- India has a sharply divided schooling system with those financially better off opting for private schools and some of the lowest levels of support for public education in a recent UNESCO survey^{10,11}

1. Number of schools in India declined by 20,000 in 2021-22, shows government data - <https://scroll.in/latest/1036654/number-of-schools-in-india-declined-by-20000-in-2021-22-shows-government-data>
2. Impact of School Closures & Mergers on Access to Education in India, 2023 - <https://educationforallinindia.com/impact-of-school-closures-and-mergers-in-india/>
3. Min urges Pvt Schools to Reconsider Annual Fee Hike - <https://economictimes.indiatimes.com/industry/services/education/hrd-minister-urges-private-schools-to-reconsider-annual-fee-hike-quarterly-fee-payment-structure/articleshow/75206588.cms?from=mdr>
4. 1 lakh schools in India run with just 1 teacher each: Unesco report - <https://timesofindia.indiatimes.com/india/1-lakh-schools-in-india-run-with-just-1-teacher-each-unescoreport/articleshow/86798798.cms>
5. India has nearly 1.2 lakh schools with just one teacher each - <https://timesofindia.indiatimes.com/india/india-has-nearly-1-2-lakh-schools-with-just-one-teacher-each/articleshow/98106912.cms?from=mdr>
6. Alarming Casteism In Schools In India: A Painful Warning - <https://feminisminindia.com/2023/09/01/casteism-in-schools-in-india/>
7. Pre-Matric Scholarship for Minority Students Will No Longer Apply for Classes I to VIII - <https://thewire.in/education/pre-matric-scholarship-for-minority-students-will-no-longer-apply-for-classes-i-to-viii>
8. Demand for Grants 2022-23 Analysis : Education. - <https://prsindia.org/budgets/parliament/demand-for-grants-2022-23-analysis-education#:~:text=In%202021%2D22%2C%20the%20Samagra,under%20the%20Samagra%20Shiksha%20scheme>
9. What The Scrapped Breakfast At School Plan Would Mean For Children. - <https://www.boomlive.in/explainers/nep-breakfast-at-school-mid-day-meal-scheme-children-14484#:~:text=How%20Much%20Would%20Breakfast%20Scheme,core%20students%20across%20the%20country>
10. Public Perceptions on Education Provision: The Case for Reforming India's Unequal School System | ORF - <https://www.orfonline.org/research/public-perceptions-on-education-provision/>
11. UNESCO, Global Education Monitoring Report, 2021/2: Non-state Actors in Education: Who Chooses, Who Loses, Paris, UNESCO, 2021. - <https://unesdoc.unesco.org/ark:/48223/pf0000379875>

Impoverished Phase of Higher Education

The higher education sector is passing through a difficult phase – financial and intellectual impoverishment is weakening it while a lack of freedom is killing free spirit on the campuses. The atmosphere of fear in the country has cast its shadow on the campuses leading to silencing of scholars.

The story of higher education in India in the last 10 years is the story of decay, destruction, impoverization, centralisation and brutalisation. The damage done to the higher education sector is long term and in many ways irreversible. The government, headed by an ultra right Hindutva-inspired Bharatiya Janata Party is inflicting this damage by introducing policies which starve the universities and other higher educational institutions of funds, centralise the process of making of curricula, dilute the core of disciplines in the name of making it 'student friendly' while robbing institutions of their autonomy, silencing the campuses by criminalising student and teacher activism and defaming the universities and higher education institutions in the eyes of the people and filling them with mediocrity by appointing faculty whose most important qualification is their allegiance to the ideology of the ruling party or its parent body the Rashtriya Swayamsevak Sangh (RSS) and not their expertise in their fields of knowledge.

It is universally accepted that one of the most crucial conditions for democracies to do well is to have free and live universities. It requires backing from the state through finance and policies which ensure that universities can pursue their work of creation and dissemination of knowledge in an atmosphere of freedom. Universities are also expected to help the people who are outside the campuses understand the world they inhabit by providing them with necessary information and also tools to analyse a given situation. Only informed people can make a considered decision for themselves and society. Universities inculcate a culture of enquiry and critique which alone can sustain democracy. The ability to question and reject is what universities seek to develop in their students and teachers. It is a critical mind which universities aspire to work for and not a compliant one.

Universities have a duty to inculcate a culture of excellence and thoroughness. Mediocrity is the enemy of knowledge. To live your life well is what universities should ask people to do and not compromise with anything less than the best.

Universities in all countries are also expected to develop and evolve a culture of togetherness of different kinds of diversities. They should be places where people from different religious, cultural backgrounds can not only live in close proximity but also develop mutuality. Friendship among very different people and their ability to work with each other fosters a culture where people can talk to each other, understand their viewpoints and take their decisions to further the wellbeing of the society. This aspect of the function of universities is all the more important for a country like India which is deeply divided rationally on the basis of caste and which has a history of communal and ethnic strife. The challenge before the universities is to work to establish the value of equality as the supreme value.

It is the duty of the HEIs to be inviting to all sections of the society and especially those who have not been part of the collective life and have lived on the margins traditionally. It means, in the context of India, hosting people from scheduled castes and tribes and minorities, especially Muslims.

Pursuit of truth and creation of knowledge go hand in hand. It can be done only in a cosmopolitan spirit. Boundaries of a nation cannot define the task of universities. Nationalism cannot be the objective of the universities.

In universities people learn not to just believe what they like or what is popular truth but train themselves into methods to find out the truth. They also learn to live in a civilised way with diversities of views and try to understand and appreciate them.

If we look at the record of the Higher Education Institutions (HEI) over a period of the last nine years, we find them wanting on all counts. Indian universities have become less free. Faculty members feel constrained by the political atmosphere in the areas of teaching and research. They are not allowed to teach freely. There are scores of instances of teachers being suspended or fired or even jailed for either a perceived 'anti-national' content of their opinions or manner. Anything which is seen as critical of the government or the ruling ideology can be criminalised. Teachers feel that they are being monitored which leads them to self censor or restrain themselves from interacting freely with the students.

The government is also trying to impose service rules which would make it impossible for the teachers to air their views publicly without permission from the authorities.

Apart from classroom teaching, seminars and other scholastic activities on the campuses are now heavily censored. 'Uncomfortable' or 'undesirable' names are either struck off or disinvited or cancelled. There have been cases in which organisers of seminars or other events have faced criminal cases or physical violence if the people affiliated with the ruling dispensation so decide. Film screenings or theatre performances are disallowed if the Akhil Bhartiya Vidyarthi Parishad (ABVP), student body of the RSS, objects or complains.

It has become nearly impossible for the student organisations to function. They face physical violence or police action. University authorities also act against them, penalising them either with heavy fines or with expulsion or rustication. Such actions have led to stifling of voices on the campuses across India.

Bodies that give research grants, like the Indian Council of Historical Research (ICHR) or the Indian Council of Social Science Research (ICSSR) refuse to give these grants to proposals which are seen as 'undesirable'.

Policing of classrooms or campuses is accompanied with centralisation of the curricula. The University Grants Commission (UGC) now mandates universities to follow the curricula prepared by it. They can design only 20 per cent of the syllabus or curriculum on their own. It is also expected that the universities gradually move from physical to online mode. They are being asked to have at least 30% of the syllabus in the online mode and then move to 70%. The online component is to be prepared

centrally. It means taking away from the teachers their right to frame courses.

Indianisation of the syllabus or curricula is yet another way of controlling the content of the syllabus. Combined with it is the introduction of value addition courses which are nothing but a propaganda of the 'nationalist' ideology of the RSS.

Universities and HEIs are controlled by appointing Vice Chancellors or directors who have allegiance to the ruling dispensation. They mostly act as representatives of the RSS. They facilitate the activities of the RSS and prevent other voices on the campuses.

Another way to control the HEIs is to appoint faculty members who again have only the loyalty to the RSS as their qualification. Universities like the Delhi University or the Jawaharlal Nehru University have been packed with teachers with very poor academic records. Candidates with better academic record or good publication are routinely ignored to favour those who are pushed by the regime. It means mediocre teachers dominating the departments and schools. They are going to be there for at least two to three decades. They will reach decisive positions and make further appointments. One can be sure that they will appoint people inferior to themselves. It will definitely destroy whatever is left of the public higher education sector.

The intellectual impoverization of the HEIs is accompanied by gradual and definite withdrawal of financial support from the state. Experts studying the pattern have observed a steady decline in the state funding of the universities. The per-student grant to the central universities over the past eight years, for example, has recorded a Compound Annual Growth Rate (CAGR) of 2.58%. Discounting inflation, the grants to the central universities have been declining." Prof Furqan Qamar finds the situation alarming: "the situation has been further aggravated due to the discontinuation of the development grants that these universities used to receive under five-year plans".

Such grants are no longer available to the central universities. Instead, they must access loans from Higher Education Funding Agency (HEFA) under the scheme of Revitalising Infrastructure and Systems in Education (RISE). Even though the government bears the interest burden and up to 90% of the principal, the borrowing university is required to repay 10% of the principal amount over a period of 10 years. This leads to a repayment obligation in their annual expenditure.

Wary of their inability to meet repayment obligations, only 26 of the 48 central universities have so far accessed HEFA loans totalling Rs 4,142 crore – averaging Rs 159.3 crore per university. The rest have probably given up on infrastructure and equipment upgradation. In contrast, during the 11th and 12th five-year plans, all the central universities received Rs 7,829.53 crore and Rs 9,346.29 crore, respectively. No wonder the central universities are now reeling under a resource crunch and are crumbling from within and outside. Many have not been able to add new infrastructure. Most have not been able to even maintain their existing facilities and physical infrastructure. Some are even finding it difficult to meet their committed expenses."

This is the story of the centrally funded HEIs. State universities are in much worse condition. They are starved of funds and most of them are functioning without teachers. Large scale vacancies in state universities and colleges have rendered them academically barren. Add to this the blatant

interference of the governors who are also chancellors of the state universities. Since they are appointed by the union government and have allegiance to the RSS or the BJP, they create all kinds of obstacles to make it impossible for the state governments to run their universities.

All this has made public HEIs unattractive to the economically secure sections of the society. They are moving either to universities abroad or to private universities. The number of students from India seeking admission in American universities is rapidly increasing. There is a small base of private universities which seeks to cater to those who can pay high fees. But these institutions are also not safe from government interference. So, they are also losing their USP.

Good scholars are looking towards institutions outside India as they find it increasingly difficult to work with independence.

The government meanwhile keeps boasting about the great vision of the National Education Policy (NEP) it unveiled in 2020. It is being implemented without even being discussed on the floor of the Parliament and without any clear programme of action plan from the document. It can mean different things to different people and everything that is now done by the UGC or the HEIs is justified by taking the cover of the NEP.

It has been pointed out by scholars that NEP promotes centralisation, withdrawal of state from education and control of the curriculum processes and is against the spirit of federalism.

All societies and governments seek to bring all sections to the campuses. To facilitate the entry of those on the margins they make special provisions. But since 2014 we have seen curtailment in the special schemes for minorities, especially Muslims. It has led to a significant fall in the number of Muslim students in the last 5 years.

Decline in the number of the students from all sections, especially the economically and socially deprived sections is a result of the withdrawal of the state from the public education sector. But there are other factors as well. It is also a result of other policies of the government. Studies are being done to understand the impact of the COVID-19 pandemic on learning and enrolment. But experts point out that steps like demonetisation and GST have also severely impacted enrolment at the school level. It is bound to lead to reduction in the numbers of the youth from the already marginalised communities from entering the HEIs.

Looking at all the aspects of the higher education sector, one can conclude that it is passing through a very difficult phase. Financial and intellectual impoverishment is weakening it. Lack of freedom is killing free spirit on the campuses. The atmosphere of fear in the country has cast its shadow on the campuses leading to silencing of scholars. Research is now driven by ideological purposes. The politics of hatred is dividing the university community. It makes disagreement and dialogue impossible without which one cannot imagine a university.

Impoverished Phase of Higher Education

- Over the past few years, Indian Higher Education Institutions (HEI) have seen a decline in freedom. Faculty members face constraints in teaching and research, with instances of suspensions, terminations, and even arrests for perceived 'anti-national' views. Criticism of the government or ruling ideology is often criminalized, leading to self-censorship among teachers.¹
- Current education trends include classroom policing and centralized curricula. The University Grants Commission (UGC) requires universities to follow its prepared curricula, limiting syllabus design autonomy to 20%. The shift towards online modes is encouraged, with at least 30% of the syllabus centrally prepared, diminishing teachers' course framing rights.²
- Prominent universities, such as Delhi University and Jawaharlal Nehru University, witness the appointment of teachers with subpar academic records. Often, candidates with strong academic backgrounds or notable publications are overlooked in favor of those backed by the ruling regime. The control extends to the appointment of Vice Chancellors or directors, who are aligned with the ruling dispensation.³
- HEIs are experiencing intellectual impoverishment alongside a consistent reduction in state financial support. Analysis reveals a continual decline in state funding for universities, with the per-student grant to central universities showing a Compound Annual Growth Rate (CAGR) of 2.58% over the past eight years, accounting for inflation.⁴
- Universities, lacking regular development grants, turn to HEFA loans for infrastructure. Although the government covers most costs, universities bear 10% of the principal, resulting in substantial repayment obligations. Of the 48 central universities, only 26 accessed HEFA loans totaling Rs 4,142 crore, averaging Rs 159.3 crore per university. In contrast, during the 11th and 12th five-year plans, all central universities received Rs 7,829.53 crore and Rs 9,346.29 crore, respectively.⁵

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 3. Higher education: Govt responses in Parliament show consistent under-utilisation of budgeted funds | Delhi News - The Indian Express - <https://indianexpress.com/article/cities/delhi/education-funds-lapsing-central-institutes-unspent-balance-spirals-to-rs-7143-cr-from-355-cr-in-2019-7753476/>
 4. The problem with higher education funding - Opinion News | The Financial Express - <https://www.financialexpress.com/opinion/the-problem-with-higher-education-funding/2917647/>
 5. Centre released less than half of HEFA loans sanctioned to institutions - <https://news.careers360.com/hefa-loan-education-ministry-central-university-research-laboratories-ap-uttar-pradesh-karnataka-tamil-nadu>
 6. The problem with higher education funding - Opinion News | The Financial Express - <https://www.financialexpress.com/opinion/the-problem-with-higher-education-funding/2917647/>

Environment at the Altar of Ease of Doing Business

India needs a strong institutional mechanism, the absence of which seems to be a gaping hole in India's climate action and policy. There has been no systematic assessment of the National Action Plan on Climate Change even after almost 15 years since it was launched.

Right since forming its government in the 2014, the BJP government has single-mindedly pursued the ease of doing business. This has led to wholesale changes in the environment and conservation legislations and their rules. One of the first actions of the BJP government was to set up a High Level Committee under a retired cabinet secretary, to recommend within two months amendments to six major laws governing environment, biodiversity, forests and pollution control, taking into account all judgments, so as to ensure the ease of doing business. The report rushed in three months recommended "to rely on utmost good faith in the investors to self-govern, keeping in mind the environment and associated socio economic and ecological rights" The report received national condemnation soon after it was published forcing government to promise that it will never be implemented. Through the second term of the BJP government, the wholesale onslaught of the environmental laws has continued often through office memorandums and SOPs diluting the statutory provisions, governance and rights of the people and bypassing the parliamentary.

Changes in the Forest Conservation Act, 1980

On 2nd August 2023 the Rajya Sabha passed the Forest Conservation Amendment Bill, 2023 titled Van Sanrakshan evam Samvardhan Adhinyam. The Act exempts certain forest lands lying outside recorded forest Area from the protection of the Forest Conservation Act, 1980. Nearly 28 per cent of India's forest cover lie outside the recorded forest area and will lose protection under the new amendment.³ The amendment also exempts land 100 km from India's border from the FCA if they are being diverted for security related projects and for eco-tourism projects. This will deny protection to the forests lying in most of the North East States. Many BJP ruled states including Sikkim, Mizoram, Tripura and Nagaland have opposed the 100 kms exemption.⁴

The forest conservation rules 2022 were issued exempting the statutory requirement of prior consent of the Forest Rights Committee constituted under the Forest Rights Act, 2006. Under the forest conservation Act 1980 all natural forests officially recorded as "forests" in government records were

1. Leo Saldhana, Frontline, Aug 05, 2023 as accessed at <https://frontline.thehindu.com/environment/primed-for-plunder-modi-government-new-environmental-laws-biological-diversity-act-forest-conservation-act-a-threat-to-india-biodiversity-and-forests/article67158366.ece>
2. ibid
3. Zaina Azhar Sayeda, 7th august 2023 as accessed <https://www.indiaspend.com/earthcheckindia/forest-law-amendment-will-make-it-easier-to-divert-28-of-indias-forest-cover-872329#:~:text=The%20new%20amendment%20exempts%20land,of%20forests%2C%20as%20we%20said.>
4. New Forest Conservation Bill: Ministry Ignores Dissent, JPC Pushes Ahead <https://thewire.in/government/changes-to-forest-conservation-act-heres-what-an-internal-document-of-the-govt-reveals>

protected. In a 1996 Supreme Court judgment, the ambit of the Act was extended to include all forests falling under the dictionary definition of forest to prevent deforestation. The new amendment exempts land not recorded as forests in government records as on or before October 25, 1980. This will impact 197,159 sq km (27.62%) out of India's 713,789 sq km of forests. Most impacted states include Odisha, Karnataka, Maharashtra, Chhattisgarh and Madhya Pradesh. This will have tremendous adverse impact on the millions of tribal people as they also will be unable to enforce their rights under the FRA, 2006 due to these changes. More than 60 per cent of the forest area in the country falls within 187 tribal districts. The modification to the laws made unilaterally may also pave way for renewed conflicts as they were done without consultations with the local communities.⁵

■ Changes in the Biodiversity Act

The Biological Diversity Amendment Bill 2021 was passed by the Lok Sabha on 25 July 2023. Earlier, the Bill was sent to the Joint Parliamentary Committee in December 2021, wherein several members of the opposition objected to the amendment. The JPC submitted its report to the Parliament on 22 August, 2022 after organizing 15 sessions and hearing 47 stakeholders. It has maintained status quo and accepted most of the changes proposed in the Bill.

The amendments seeks to (i) encourage expansion and cultivation of medicinal plants, (ii) exempt Ayush companies from seeking permission for using biodiversity for commercial purposes, (iii) makes distinction between cultivated and wild biodiversity, and (iv) decriminalizes offences under the Act by converting non bailable offence to a civil one. It also revokes the power of Biodiversity Management Committees for the protection of biological habitats. More importantly, the Bill also excludes "codified" traditional knowledge (TK) from the purview of the ABS (Access Benefit Sharing). The Bill was criticized for opening India's biological resources for further exploitation by commercial interests.⁶ The National Biodiversity Authority which originally set up as an autonomous regulator, is now a body consisting of 16 central government officials and four officials from the state biodiversity boards, ending the possibility of it functioning independently.⁷

■ Changes in the Environment Impact Assessment Notification

Flowing from the Environment Protection Act and Rules, 1986, the EIA notification is a procedural law. It specifies a list of activities whose environmental impacts require appraisal on their onset or in steps as laid down in the notification. There have been multiple changes in the EIA Notification 2006 since BJP formed the government in 2014. Under the EIA Notification 2006, all buildings and construction projects in excess of 20,000 sq metres required an environmental clearance. By a notification dated December 9, 2016 issued by the MOEFCC, real estate projects up to 1,50,000 sq metres built up area have been exempted from the need to seek environmental clearance. It has also exempted them from seeking clearance under the Air (Prevention and control of pollution) Act 1981 and water

5. Sumedha Pal, 5th June 2021, as accessed at <https://www.newsclick.in/world-environment-day-how-modi-govt-faring>

6. Biological Diversity Bill, which facilitates commercial use of traditional resources, passed in Lok Sabha <https://india.mongabay.com/2023/07/biological-diversity-bill-which-facilitates-commercial-use-of-traditional-resources-passed-in-lok-sabha/>

7. Leo Saldhana, Frontline, Aug 05, 2023 as accessed at <https://india.mongabay.com/2023/07/biological-diversity-bill-which-facilitates-commercial-use-of-traditional-resources-passed-in-lok-sabha/>

(Prevention and control of pollution) Act, 1974. The implementation of the notification was halted due to strong objection by the NGT.⁸

During the COVID pandemic lockdown in 2020, the environment ministry published the draft EIA Notification 2020. The notification aimed to give more powers in the hands of central government, allow ex post facto permission to projects started without clearance, and exempt more activities from seeking the clearance. The notification came to be heavily criticized by public, environmentalists and others and received more than two million comments.⁹ However, the government continued to bring many of these in application through office memorandums and standard operating procedures issued by the MOEFCC. The Ministry has been keeping the draft EIA notification 2020 alive through a number of notifications. Since its introduction and until Sept 2022, there have been 80 changes affected in the notification through a series of office memorandums and SOPs.

Since June 2021, the environment ministry has published standard procedures and clarifications for various dilutions introduced earlier. The procedures either justify past dilutions or, often, mask further dilution.

For example, in its order laying out the procedure for project proponents to provide certified compliance reports to expand existing projects, the ministry allows self-certified compliance reports with an environment clearance not older than six months.

This “good faith” approach assumes project owners will respect their commitments to the people and the environment and abide by the conditions of the clearance.¹⁰

The ministry also did away with the need for a clearance for expansion of airport terminals within the existing area; highways within 100 km of border areas; and ropeway projects. In these cases, the ministry has simply suggested that standard operating procedures be followed during construction. While the ministry has explicitly said that the Rules don't substitute permissions or consent required under any other law, the draft EIA Notification 2020 indicates that a dilution for building construction might also be in offing. Specifically, the notification suggested no expert environmental appraisals for all construction projects of upto 20,000 sq. m and 'green buildings' of up to 150,000 sq. m. Post facto clearance, as mentioned earlier, is one of the most contentious parts of the draft EIA 2020 – yet it was brought in via an administrative route, in the form of a 'standard operating procedure'.¹¹

■ Changes in the mining regulations

The government had amended the provisions of Mines and Minerals (Development and Regulations) Act, 1957 in March 2021 thereby allowing lessees of captive mines across the country to sell up to 50 per cent of minerals excavated in a year after meeting their end-used requirements. Earlier, the

8. WNTA Governance Review, 2014-2018

9. Meenakshi Kapoor and Kritika A Dinesh, 29th Sept 2022, as accessed at <https://science.thewire.in/environment/moefcc-eia-notification-modifications/#:~:text=This%20effectively%20extended%20the%20validity,has%20continued%20its%20tinkering%20spree>

10. Meenakshi Kapoor and Kritika A Dinesh, 29th Sept 2022, as accessed at <https://science.thewire.in/environment/moefcc-eia-notification-modifications/#:~:text=This%20effectively%20extended%20the%20validity,has%20continued%20its%20tinkering%20spree>

11. *ibid*

Forest Conservation Act, 1980 prevented lessees of captive mines from commercial sale of minerals.¹² However, the MOEFCC circular dated 17th March lifted this restriction allowing commercial sale of the minerals by lessees. This will have significant impact on the environment as the lessees will be tempted to mine more minerals than their requirements. The transportation of the minerals outside the lease areas and the need for rail/road connectivity will further endanger the environment. Many of the captive mines in the reserved forests lie in the Schedule V areas and it has been alleged that unilateral permission for commercial mining without the consultation of the local communities violates PESA Act, 1996. The PESA Act makes it mandatory to obtain the consent of Gram Sabhas – local self-governing councils comprising all adult members of any village – before using natural resources in Schedule V areas for the purposes of industries. The other reforms include rationalizing stamp duty computation across the states, to base it on the extent of the mining area and the underlying land without any reference to the value of the minerals.¹²

■ Changes in the Coastal Regulation Zone

The government brought changes in the CRZ allowing huge swathes of coastal area for real estate and eco-tourism development in 2018. Environmentalists allege that the notification favours private interests. By opening up 6,068 kilometers (km) mainland coastline for more commercial activities, it has put at risk the ecology and communities vulnerable to extreme weather events and sea level rise.¹³ Furthermore, the new notification also regulates fishing activities to the adverse effect on livelihoods of the coastal communities. The earlier 2011 notification allowed fishing activity by the coastal communities. Huge proportions of the coastal communities depend on fishing for their livelihoods.

Besides, the government is going great guns also on the “development” of the Great Nicobar region and Lakshadweep. In the Nicobar region the government intends to create a mega trans-shipment terminal, an airport, a township and large-scale development of gas and solar power to promote tourism. While in Lakshadweep, the government is aiming for extensive changes to the land ownership and regulation in the island.¹⁴

■ Climate change

On climate change India has appeared to be ambitious. The Prime Minister has declared that India is the only G20 country to have fulfilled its Paris Agreement obligations. Indeed, India has taken few steps strongly in the climate change diplomacy and actions. India has become the fifth country in renewable energy capacity additions, it has committed USD 2 billion to develop green hydrogen. It has also committed USD 2.6 billion to ramp up solar storage capacity besides nudging its private sector for transition from fossil fuel. At Glasgow, India committed to become carbon neutral by 2070, besides generating 500GW non fossil energy by 2030, fulfilling half of the electricity through renewable sources and reducing its emission intensity by 45 per cent. This is more ambitious than

12. Sumedha Pal, 5th June 2021, as accessed at <https://www.newsclick.in/world-environment-day-how-modi-govt-faring>

13. Ishan Kukreti, 4th February, 2019, as accessed at <https://www.downtoearth.org.in/coverage/governance/coastal-regulation-zone-notification-what-development-are-we-clearing-our-coasts-for-63061>

14. Sumedha Pal, 5th June 2021, as accessed at <https://www.newsclick.in/world-environment-day-how-modi-govt-faring>

its previous NDCs. However, climate crisis is a global and systemic problem and needs ambitious political solutions, including leadership by the high income countries in mitigation, making available finances for adaptation, loss and damage and appropriate technology for just transition. Much of the commitments India has made is based on the assumption of getting international support.

While India has improved its climate ambition and diplomacy in the international realm, a lot more needs to be done domestically. The investment in renewables is less than one-third of what is required to achieve these commitments and overcoming its fossil fuel (coal) addiction. India will need to ramp up its renewable energy ambition almost by three times to achieve its commitment. 75 per cent of India's electricity and 70 per cent of its energy requirements are still coming from coal. India is aiming to increase its coal production in the coming years even at the risk of its coal infrastructure becoming a stranded asset. India's pursuit of coal has spiraling effects on environment, forests and ambient air pollution needs urgent redress. Acute water scarcity and pitiable conditions of rivers and disappearing water bodies also need equal attention.

To achieve all this India needs a strong institutional mechanism, the absence of which seems to be gaping hole in India's climate action and policy. There has been no systematic assessment of National Action Plan on Climate Change even after almost 15 years since it was launched. The State Action Plans, which could have been an excellent tools to decentralize climate action and policymaking, have been gathering dust without a clear direction, support and finances. The Prime Minister's Council on Climate Change reconstituted in 2014 has been defunct with almost no meeting since then. Neglect of Institutions has not augured well in a period when climate change is rampaging India and strong coordination is required to achieve sustainable development without compromising on the economic, social and ecological balance. The need is irreplaceable in the light of the fact that climate change impacts are certain to intensify in intensity, frequency and scope in the coming decades.

Environment at the Altar of Ease of Doing Business

- Nearly 28% of India's forest cover is set to lose protection under the newly passed Forest Conservation Amendment Bill, 2023.¹
- Biological Diversity Amendment Bill 2021 passed in the Lok Sabha in July 2023 despite strong objections from the Joint Parliamentary Committee that reviewed it in consultation with 47 stakeholders. The Bill has been criticized for opening India's biological resources for further exploitation by commercial interests.²
- The environment ministry published a draft Environment Impact Assessment Notification in 2020 which allowed retrospectively granting permission to projects started without clearance among other 'ease-of-business' changes. The notification was heavily criticised through more than 200 million comments, but the government went on to bring about 80 changes affected there through issuing a series of office memorandums and standard operating procedures.³
- Amendments made in the Mines and Minerals (Development and Regulations) Act, 1957 in March 2021 allow lessees of captive mines to sell up to 50% of minerals excavated annually after meeting their end-used requirements, putting the environment at significant risk by tempting more mining for commercial sale.⁴
- Changes in the Coastal Regulation Zone have opened up the 6,068 km mainland coastline for more commercial activities, putting the ecology and communities vulnerable to extreme weather events at high risk.⁵
- While India has improved its climate ambition and diplomacy in the international realm, a lot more needs to be done domestically. There has been no systematic assessment of the National Action Plan on Climate Change even after almost 15 years since it was launched.⁶

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1. Zaina Azhar Sayeda, 7th august 2023 as accessed at Forest Law Amendment Will Make It Easier To Divert 28% Of India's Forest Cover .- <https://www.indiaspend.com/earthcheckindia/forest-law-amendment-will-make-it-easier-to-divert-28-of-indias-forest-cover-872329#:~:text=The%20new%20amendment%20exempts%20land,of%20forests%2C%20as%20we%20said>
 2. Biological Diversity Bill, which facilitates commercial use of traditional resources, passed in Lok Sabha - <https://india.mongabay.com/2023/07/biological-diversity-bill-which-facilitates-commercial-use-of-traditional-resources-passed-in-lok-sabha/>
 3. Environmental Impact Assessment Draft Notification 2020, India: A Critique in - https://brill.com/view/journals/cjel/5/1/article-p11_2.xml?language=en
 4. AMENDMENTS IN THE - Mines and Minerals (Development and Regulation) Act,1957 - <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2021/oct/doc202110751.pdf>
 5. Making India's coastal infrastructure climate-resilient: Challenges and opportunities | ORF. - <https://www.orfonline.org/research/making-indias-coastal-infrastructure-climate-resilient-challenges-and-opportunities-54330/#:~:text=4.1%20Liberalisation%20of%20coastal%20zone%20regulations&text=By%20opening%20up%206%2C068%20km,events%20and%20sea%20level%20rise>
 6. National Action Plan on Climate Change (NAPCC) - <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2021/dec/doc202112101.pdf>

■ Data Shows a Worrying Food Security and Nutrition Scenario

As more than half of the population faces continued livelihood distress leading to food insecurity and hunger, there is a need to restore people's food security needs and the universalisation of the public distribution system to provide subsidised rations to everyone who demands it.

The access to food security and adequate nutrition plays a fundamental role in the well-being and development of every citizen. It contributes to the making of an equitable and just society where each individual is ensured the right to life with dignity. However, for some years now, India has been facing a distressing situation as a result of overall poor nutritional status and food insecurity.

It is crucial to understand that food security is not an issue that can be dealt with in isolation. To assume that measures such as preventing lack of foodgrain stocks and opening up of more ration shops would be adequate to ensure food security is to deal with just one dimension of the issue. There is a vast gap between ensuring provision and ensuring access – access in a manner that is actually effective and not one where factors such as digitalization, legal documentation, leakages, mismatched data etc. effectively stop access to provisions. The citizens entitled to ration supplies should also have the “effective freedom” of being able to get those ration supplies without the many structural hurdles blocking their access.

According to the Hunger Watch surveys conducted in 2020 and 2021 to understand extensively the current scenario of hunger, malnutrition and nutritional deprivation in India, “there are multiple factors that affect malnutrition levels as well as access to livelihood/employment which is a critical determinant of household food security. Other services such as health, sanitation and hygiene contribute to preventing and treating illnesses, which can then prevent malnutrition as well. An enabling environment for childcare in the form of maternity entitlements and creches is also essential. Better status for women within the household and the community has also been seen to contribute to reducing child malnutrition.”

■ Targeted initiatives since 2019

The worrying figures and data on malnutrition and hunger in India, while exacerbated by the COVID-19 pandemic, have been, actually, pre-existing. There were targeted initiatives introduced by the government to tackle this. Their efficacy, however, is yet to be fulfilled.

1. Pradhan Mantri Gareeb Kalyan Anna Yojana (PMGKAY) was a scheme operationalized in April 2020 as part of the “Atmanirbhar Bharat” initiative to supply free food grains to migrants and poor. Under the scheme, the Centre has to provide 5 kgs of free food grains per month to the eligible

1 “Sen’s Capability Approach.” Internet Encyclopaedia of Philosophy. Web. <https://iep.utm.edu/sen-cap/#H3>

poor². This is in addition to the subsidized (Rs 2–3/kg) ration provided under the National Food Security Act (NFSA) to families covered under the Public Distribution System (PDS). The food grain and the amount varies from state to state.

2. The rice fortification programme is touted as a cost-effective solution to addressing health concerns such as anaemia by adding vitamins and minerals to the rice in the post-harvest phase³. It was specifically targeted at addressing micronutrient deficiencies (including that of iron, folic acid, vitamin B12). This is due to the loss of said vitamins and minerals during the milling and polishing process that rice undergoes. According to the Food Safety and Standards Authority of India (FSSAI)'s website, rice was the ideal choice for this process since it is the staple food for 65 per cent of Indian population and with having the highest uptake in government safety net programmes, it has the potential to reach the most vulnerable and poorer sections of society.
3. Clubbing of older schemes and introduction of new schemes for women and child development under "Umbrella Schemes⁴" was carried out in 2021–22. These three schemes – Mission Poshan 2.0, Mission Shakti and Mission Vatsalya – include various other schemes under them. The breakdown is given as follows:

- **Mission Poshan 2.0** – this is an integrated nutrition support programme. It seeks to address the challenges of malnutrition in children, adolescent girls, pregnant women and lactating mothers. Under the programme, nutritional norms and standards and quality and testing of Take Home Ration will be improved. Furthermore, it will bring preexisting three important programmes/schemes under its ambit, viz., Anganwadi Services, Scheme for Adolescent Girls and Poshan Abhiyaan. As per the Government's goal, Poshan 2.0 was to focus on Maternal Nutrition, Infant and Young Child Feeding Norms, Treatment of Moderately Acutely Malnourished/Severely Acutely Malnourished women and children and Wellness through AYUSH.
- **Mission Shakti** – Mission Shakti has two sub-schemes – 'Sambal' and 'Samarthya'. The Sambal sub-scheme consists of the existing scheme of One Stop Centres (OSC), Women Helplines (181-WHL) and BetiBachaoBetiPadhao (BBBP). Besides, a new component of Nari Adalats has been added as women's collectives to promote and facilitate alternative dispute resolution and gender justice in society and within families. The "Samarthya" sub scheme is for empowerment of women, consisting of existing schemes of Ujjwala, SwadharGreh and Working Women Hostel. In addition, the National Creche Scheme for children of working mothers and the Pradhan Mantri Matru Vandana Yojana (PMMVY), which have been under the Umbrella ICDS Scheme till now, are also subsumed in 'Samarthya'.
- **Mission Vatsalya** – According to the government's website, components under Mission

2. Pradhan Mantri Garib Kalyan Anna Yojana <https://www.myscheme.gov.in/schemes/pm-gkay>

3. <https://fortification.fssai.gov.in/commodity?commodity=fortified-rice>

4. Mission Poshan 2.0, Mission Shakti and Mission Vatsalya Strategic Interventions for addressing Malnutrition Concerns and for the Empowerment, Development and Protection of Women and Children <https://pib.gov.in/PressReleasePage.aspx?PRID=1794595#:~:text=and%20Child%20Development-,Umbrella%20Schemes%20of%20Ministry%20of%20Women%20%26%20Child%20Development%3A,Protection%20of%20Women%20and%20Children>

Vatsalya will include statutory bodies; service delivery structures; institutional care/services; non-institutional community-based care; emergency outreach services; training and capacity building.

4. The government has introduced digitization and digital ID-based linking as part of the registration and access process of many schemes. An example is the 'Poshan Tracker' rolled out by MoWCD to complement POSHAN 2.0 that was introduced to strengthen and bring about transparency in nutrition delivery support systems. Technology under Poshan Tracker is being leveraged for (i) dynamic identification of stunting, wasting, under-weight prevalence among children; (ii) last mile tracking of nutrition service delivery. Similarly, the introduction of e-POS machines to the PDS system under Aadhar-enabled PDS has been envisioned to bring about transparency to the public distribution system. The fair price shops have to be linked to the POS device for the registration to be successful. As part of its Digital India campaign, the government's initiative has been aimed at digital inclusion. However, exclusions due to issues with connectivity, access, human errors etc. have led to further persons being excluded from getting access to nutrition and food security.

■ Critique of initiatives since 2019

The Bhartiya Janta Party (BJP), which leads the present ruling NDA alliance promised to successfully extend the food security cover to over 80 crore people from poor and lower-middle-income families who receive food grains (wheat/rice/coarse grains) at highly subsidised prices. They even promised to widen this cover to provide subsidised sugar (at Rs. 13 per kg per family per month) in their manifesto for the 2019 general election⁵. The government has failed to expand the food security coverage as per the population and the inclusion of diverse food items in the food basket. The NFSA quota in the country is still based on the 2011 census due to the long delay in the census that is leading to the exclusion of more than 10 crores of individuals in the country. The COVID-19 pandemic and the migrant exodus in the country due to the lockdowns have exposed the broken food security measures of the government. The economic shocks and the impact of a pandemic require an immediate expansion of food security coverage.

During this tenure, the NDA government has even tried to dismantle the entire food security of the country that safeguards the food rights of more than half of the country's population. The controversial farm laws were introduced by the central government and passed through parliament. While these were withdrawn after protest by farmers, these had the potential to destroy the country's massive self-reliant food stocks. Through the farm laws, the end of the Essential Commodities Act would have led to unlimited hoardings by the private players leading to a dismantling of the government's food stocks.

Over the last few years, India has experienced inequality where malnutrition and food insecurity have reached a high level. 70 per cent of India's population cannot afford a nutritious and healthy

5 <https://www.bjp.org/files/2019-10/BJP-Election-english-2019.pdf>

diet⁶ according to FAO's State of Food Security and Nutrition in the World 2022. The extreme income inequality of the majority population is leading to depriving the state of hunger and poor nutritional status. The budgets for many of these social safety nets have been declining in the last few years. The 2023-24 Union budget is 43 per cent less in real terms as compared to the 2014-15 Union budget. The Government of India's fight against malnutrition and the efforts to ensure nutritional security is still a far-fetched dream. Numerous studies have pointed to the debilitating impact of the pandemic and the associated economic slowdown, especially in the informal sector. The two hunger watch surveys by the Right to Food Campaign⁷ conducted across the country during the COVID-19 pandemic showed staggering levels of food insecurity and poor nutritional intake by a majority in their daily food consumption.

The last four-plus years of the NDA government have witnessed a lack of transparency and accountability by the state machinery on the continued ineffectiveness of rights-based schemes and laws. While the concern should be to expand food security coverage and strengthen food security, an attempt has been made to exclude a larger population from their constitutional rights. As per the Targeted Public Distribution System (TPDS) control order 2015, all states/UTs have been directed to regularly review their list of beneficiaries to identify any ineligible, bogus, or duplicate ration cards. In the period of 2013-2020, more than 4 crores of ration cards have been cancelled⁸ across the country. However, no proper reason has been given to the beneficiaries whose ration cards have been cancelled, and the central government in its answer to the Supreme Court has also failed to give a reason for these cancellations. On the other hand, the problems related to biometric records of beneficiaries, Aadhar-related difficulties, and lack of proper internet connectivity have led to exclusion⁹ and have been the major reasons for the mass cancellations.

We are also witnessing an attempt to corporatise the food system with the interference of private players in vital food security programmes. The large-scale distribution of iron-fortified rice has raised serious questions about the food security and public health of millions. Nutritionists and public health experts have questioned the government's initiative which is short-sighted and lacks scientific backing. The fact-finding by the Right to Food Campaign and ASHA Kisan Swaraj¹⁰ in Jharkhand and Chhattisgarh where the distribution is going on extensively, the government has ignored the contra-indicative impact of fortified rice consumption. Further, the recent expose report by the Reporters Collective¹¹ on the rice fortification programme showed that despite the pilot result showing lots of issues related to conflict of interests and the pressure by some international companies to expand it for their own benefits.

6. The State of Food Security and Nutrition in the World 2022 <https://www.fao.org/3/cc0639en/cc0639en.pdf>

7. <https://www.righttofoodcampaign.in/covid-19>

8. Over 47 m bogus ration cards deleted between 2013-21 after Aadhaar seeding - Economy News | The Financial Express <https://www.financialexpress.com/economy/over-47-m-bogus-ration-cards-deleted-between-2013-21-after-aadhaar-seeding/2619374/>

9. When Aadhaar-related problems lead to denial of rations and benefits: what the data show | - Explained News - The Indian Express - <https://indianexpress.com/article/explained/explained-when-aadhaar-related-problems-lead-to-denial-of-rations-and-benefits-what-the-data-show-7277092/><https://indianexpress.com/article/explained/explained-when-aadhaar-related-problems-lead-to-denial-of-rations-and-benefits-what-the-data-show-7277092/>

10. <https://kisanswaraj.in/food-fortification/>

11. The Reporters' Collective | #ModifiedRice Papers - <https://www.reporters-collective.in/projects/modified-rice-papers><https://www.reporters-collective.in/projects/modified-rice-papers>

The decline in the decentralised nature of the democratic structures with an increased centralisation in the form of more technological interference in place of participatory processes of people and less autonomy of state governments has led to a situation where there is a shortage of redressal mechanisms when it comes to welfare schemes related to food security.

■ Recommendations to improve existing schemes

a. Demand to improve the nutritional status and address Hidden Hunger: Inclusion of eggs and other nutritional interventions

The inclusion of eggs and other nutritional interventions has been a long-standing demand from the communities which remains to be fulfilled by the government. Eggs provide many of the nutritional needs of children and are recommended by most nutritional experts in a population that is known to suffer from malnutrition, anaemia, and protein deficiency. They are tasty, affordable, simple to cook, and less vulnerable to adulteration and pilferage than other nutritious foods. There is also evidence that they increase school attendance in food-insecure sections of society. Moreover, current levels of consumption of eggs are quite low (due to reasons of affordability rather than preference) with data from the Comprehensive National Nutrition Survey (CNNS) 2016-18 data¹² showing that only 16% of children in the age group of 2 to 4 years and 35% adolescents consumed eggs the previous day, whereas more than half the families interviewed claimed to have a preference for non-vegetarian diets. The outcomes of the provision of eggs on childhood anaemia and malnutrition are well understood and the denial of the role of non-vegetarian foods in strategies for combating these grave and persistent public health issues is inexplicable by nutrition science.

An inter-ministerial panel has recommended significant changes to the National Food Security Act (NFSA) which the government would do well to implement¹³. Pointing out that the COVID-19 pandemic is likely to have “aggravated the silent crisis” of malnutrition, the committee has made a strong case for giving nutritional security. It has sought a legal mandate for the inclusion of protein-rich foods such as eggs, nuts, and legumes in nutritional schemes at the school and Anganwadi levels. Eggs are served in mid-day meals only in 13 states and three Union Territories. State governments often cited food-related sensitivities to oppose their inclusion in nutritional programmes. The panel takes such reservations on board by proposing that “those who do not consume eggs may be provided double the proposed quantity of nuts and seeds”.

The demand to improve the nutritional status falls under the larger, more important challenge of tackling hidden hunger. The state of micronutrient deficiencies (iron, folic acid, vitamin B12 etc.) or undernutrition is known as hidden hunger. This is caused by many factors, including hunger and undernutrition, disease, or insufficient micronutrient intake the need for which increases during pregnancy and lactation. A person may have a sufficient intake of calories but lack adequate micronutrients in their diet. Similarly, in nonemergency situations, poverty

12. Comprehensive National Nutrition Survey (CNNS; 2016-18) <https://nhm.gov.in/WriteReadData/1892s/1405796031571201348.pdf>

13. Tweaks proposed by inter-ministerial panel to food security act could be just what the doctor ordered | The Indian Express <https://indianexpress.com/article/opinion/editorials/tweaks-inter-ministerial-panel-food-security-act-nfsa-malnutrition-protein-rich-foods-8011075/>

is a major factor that limits access to adequate nutritious foods. When food prices rise, consumers tend to continue to eat staple foods while cutting their intake of non-staple foods that tend to be richer in micronutrients¹⁴.

The effects of hidden hunger can be devastating – it can lead to mental impairment, poor health, low productivity, and even death. Its adverse effects on child health and survival are particularly acute, especially within the first 1,000 days of a child’s life. Symptoms of hidden hunger are not always obvious, and people may not be aware of it, but it has negative impacts on the health and growth of an individual. Hidden Hunger is also structural in that it can be brought about by consumption of ‘high fibre’ foods that may give the person a feeling of fullness after eating while being deficient in micronutrients itself. This is not desirable, especially in cases of malnourished children.

One of the most crucial ways to reduce hidden hunger is to increase the food basket of the various food security and nutrition-related schemes (MDMs, PDS, Supplementary Nutrition, dry rations etc.) so that a more diverse range of and quantities of food items are made available under these schemes. For instance, the reinstatement of eggs or an equally protein-packed substitute, inclusion of dal, cooking oil etc. to the items provided (instead of being limited to cereals) etc. would be a basic first step towards reducing hidden hunger.

■ Important initiatives in some states

b. Breakfast scheme in government schools introduced by the Tamil Nadu Government

In Tamil Nadu, along with mid-day meals the state government has recently launched the breakfast scheme for schoolchildren¹⁵ from class 1 to 5. Multiple studies across the globe indicate that eating breakfast regularly confers positive outcomes on students, affecting their ability to focus, learn, and retain information positively. School performance improves, as do behaviour and cognition. Still, a regular breakfast also takes care of diet quality, micronutrient sufficiency, anaemia and height, and weight issues in children, and is even believed to sculpt BMI scores for the future. The government has targeted providing schoolchildren with an average of 293 calories and an average protein input of 9.85 gm per day. The mid-day meal that is already being provided to students in schools comes up to an average of 553 calories and 18 gm of protein, giving every student who takes the food supplied in school about 846 calories and nearly 28 gm of protein a day. The government will spend Rs. 12.75 per student to provide breakfast. The local millet available in the area will also, be part of the menu for at least two days a week.

c. Odisha’s Millet Mission: Important step towards diverse sustainable food baskets

Odisha’s initiative in millet has been with the intervention through four verticals in production,

14. Global Hunger Index, Chapter 3: Addressing the Challenge of Hidden Hunger https://www.ifpri.org/sites/default/files/ghi/2014/feature_1818.html

15. Chief Minister’s Breakfast Scheme launch in Tamil Nadu | Scheme not a freebie, but duty of State to feed its children, says CM Stalin - The Hindu <https://www.thehindu.com/news/national/tamil-nadu/chief-ministers-free-breakfast-scheme-launch-in-tamil-nadu-scheme-not-a-freebie-but-duty-of-state-to-feed-its-children-says-cm-stalin/article65893603.ece>

processing, marketing, and consumption (including awareness campaigns and inclusion in nutritional programmes). With the procurement process, the millet mission aimed at conserving biodiversity for greater resilience and for better nutritional outcomes with the inclusion of other millets like saun/gurji (little millets), kanga (foxtail millet), Kodo/Kodua (Kodo millet), khira (barnyard millet), bajra (pearl millet) and janha/jowar (sorghum) in procurement and public distribution. The programme had spread across 76 blocks in 14 districts in its fourth year in 2020–21 where the target was to reach one lakh farmers to cultivate millets in 50,000 hectares (as of 31st August 2020), of which 5,000 hectares was to be six other millet crops.

COVID-19 has impacted food availability, food security, access, stability, utilization, agency, and sustainability. The Odisha Millet Mission reinforces more sustainable food systems that increase the resilience of territories facing the current challenges within rural development. In an increasing corporate hegemony within the food system, an initiative like the Millet Mission in Odisha with the direct involvement of local actors in the food systems in the process of procurement, production, and storage with strengthened social and political processes would lead to a more robust, resilient and more productive food system.

■ Key asks from the government with respect to the 2024 elections

Owing to the fact that the country has been going through the economic hardship since demonetisation where more than half of the population is facing continued livelihood distress leading to food insecurity and hunger, the need is to restore people's food security needs. The universalisation of the Public Distribution System to provide subsidised rations to everyone who demands it assumes importance.

To begin with, the quotas under the NFSA should be immediately expanded on the basis of the population projections for 2023 to include all vulnerable persons, especially migrant workers, homeless, sex workers, trans people, and all other vulnerable communities. Redetermining the state-wise quotas in light of the increase in population since the 2011 census has also been directed by the Supreme Court in the migrant workers' case.

Second, the budgetary allocation for various nutrition and food-security-related schemes, including but not limited to ICDS schemes, mid-day meal scheme, maternity benefits schemes etc should be increase. This increase will ensure coverage of not just adequate supplies but also the rightful wages for Anganwadi workers, Sathins, Sahyoginis, etc. and their labour. These are the persons through whom the schemes are actually able to sustain on the ground. As the current situation stands, people are either not receiving their entitled cash benefit transfers under various schemes such as PMMVY or receiving them with a great delay. The allocation for funds for food subsidy under NFSA have already been slashed by 32 per cent in the latest Union budget 2023–24^{16,17}. Given the discontinuation of COVID-19 related additional free ration supply under programmes such as PMGKP and the continuing precarity in India's food security and nutritional status, the budget needs to be restored to its previous allocation levels and increased further on an urgent basis.

16. This year, the allocation was of Rs. 1,97,350 crores against the previous Budgetary allocation of Rs. 2,06,831 crores. This is a reduction of Rs. 89,000 crores.

17. Budget 2023-24: Food security in just name as Centre slashes funds by 32% <https://www.downtoearth.org.in/news/food/budget-2023-24-food-security-in-just-name-as-centre-slashes-funds-by-32--87447>

Third, conducting of the national census and obtaining the required data should be prioritized and the processes, surveys initiated at the earliest. The last national census was conducted in 2011. Since then, the government has shown little to no interest in continuing the decennial national census. The data obtained from the census is immensely crucial to including more people under the fold of food security and nutrition-related schemes and understanding where the gaps/unintended exclusions may be taking place. We are continuing to work with outdated census data from 2011. As a result, there is no realization even of how many eligible persons are being excluded only because they have not been counted as data figures in the census.

Fourth, decentralized grievance redressal mechanisms should be ensured under NFSA. With the coming of the Digital Personal Data Protection Act (DPDP), the transparent nature of these democratic laws will become more difficult and opaque. As it stands, the DPDP Act is currently in direct violation of Section (8)(1)(j) of the Right to Information Act 2005. The text in this subclause reads “information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person¹⁸. ” This crucial section of the RTI has been amended and now the miniscule information that people were able to gather in their struggle against injustices and corruption will be stopped in the name of personal information.

Fifth, the problem of hidden hunger needs to be tackled effectively by expanding the food basket under NFSA and other schemes crucial to food security and nutrition in India. The steps towards achieving this would including reinstatement of eggs/equally protein-packed substitutes in meals, incorporating dal etc. instead of just cereals, etc.

Along with these important demands for the upcoming general election in 2024, there is a need to strengthen and revive the agriculture. The recent pandemic and climate change issues have led to major impacts on the agri-food systems. The implementation of MSPs on the food produce has been a demand of farmers. The assured MSP will lead to greater autonomy to the farmers and an expansion in the food basket within NFSA schemes. Any food system transformation necessarily involves democratic land redistribution of lands among the marginalised communities of the society. These important steps establishing solidarity on the farm issues would lead to an effective and diverse food security for all.

18. Section 8(1)(j) in The Right To Information Act, 2005 <https://indiankanoon.org/doc/223928/>

■ Data Shows a Worrying Food Security and Nutrition Scenario

- NFSA quota still relies on the outdated 2011 census, leading to the exclusion of an estimated* 10 crore individuals, according to population estimates and the rules under the National Food Security Act 2013 which is supposed to cover 67% of the population^{1,2}.
- India faces malnutrition and high inequality, with 70% unable to afford a nutritious and healthy diet as of 2020^{3,4}.
- Budget allocations for key nutrition programs have decreased significantly, with the Anganwadi program's allocation dropping from 0.13% of GDP in 2014-15 to 0.07% in 2023-24 (slashed by half), and the mid-day meal scheme's allocation declining from 0.08% in 2014-15 to 0.04% in 2023-24, despite their myriad positive impacts⁵.
- According to National Family Health Survey (NFHS)-5 data, the percentage of anaemic, underweight and stunted children in India is 67%, 32% and 36%, respectively, which is among the worst in the world. Yet, funds meant to address malnutrition are being slashed with abandon⁶.
- Over 4 crore ration cards were cancelled without clear reasons, causing exclusion due to issues like biometrics, Aadhar, and internet connectivity⁷.

1. The Nowhere Men & Women: How India Abandoned 14 Crore Citizens on a Policy Paper | Outlook Business.-<https://www.outlookbusiness.com/the-big-story-1/lead-story-8/the-nowhere-men-women-how-india-abandoned-14-crore-citizens-on-a-policy-paper-6835#:~:text=Since%20the%20census%20and%20National,Union%20territories%20has%20been%20exhausted>
2. Control and delete: Lack of data updating has left millions of poor Indians hungry; here is how - <https://www.downtoearth.org.in/news/governance/control-and-delete-lack-of-data-updating-has-left-millions-of-poor-indians-hungry-here-is-how-87155>
3. The State of Food Security and Nutrition in the World - <https://www.fao.org/publications/home/fao-flagship-publications/the-state-of-food-security-and-nutrition-in-the-world/en>
4. Hungry nation: 70% Indians cannot afford healthy diet - <https://www.downtoearth.org.in/news/food/hungry-nation-70-indians-cannot-afford-healthy-diet-85497>
5. Welfare spending has been getting a regular pruning - https://epaper.thehindu.com/ccidist-ws/th/th_delhi/issues/36068/OPS/GE1B7MV3T.1+G51B7N83F.1.html
6. National Family Health Survey (NFHS-5), 2019-21 for India - https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf
7. Aadhar-related problems and resultant denial of rations. - <https://www.deccanherald.com/india/aadhar-related-problems-and-resultant-denial-of-rations-975329.html#:~:text=On%20March%2017%2C%202021%2C%20the,cards%2C%20resulting%20in%20starvation%20deaths>

Can a Welfare State Slash its Health Budget?

The Union government must immediately initiate a legislation on “Right to Health and Healthcare”. Health and Healthcare are basic human rights which must be treated as political priority by all governments, whether at central or state level, especially in the current situation.

India’s health system is characterised by lack of care, particularly for the vast majority of people who need it the most. It is organised to ensure hegemony of the powerful and privileged and the scream of deprived voices remain systematically unheard. Thus people die avoidable deaths, delay their health needs, lack access to appropriate and good quality care, and submerge into deeper pauperisation or indebtedness in their desperate attempts to save lives of their near and dear ones. The COVID-19 pandemic exposed the fault lines of India’s healthcare system.

If one looks at the Union Budget allocations on health for the post-COVID years, it looks like things are unlikely to change. While the union government claims that “India has emerged a shining star”, “showing signs of robust viability”, we find that the union budget allocations for the health sector have declined further, making it the second year in a row to have witnessed sharp budgetary cuts in crucial health schemes. As we are being made to believe that Amrut Kaal has arrived, one wonders if we can achieve eternal glory without health security for the majority of its people. Can we become a vishwaguru without a more caring health system? In health what matters is care, care as a right; care when lives are at stake, taking care that lives are not at stake, not at least, prematurely.

Lessons from COVID-19 Pandemic

COVID-19 had brought in unprecedented misery for millions of people in India. While the people were facing the worst health and humanitarian crisis, political leadership responded with little empathy and sensibility, remained busy in propaganda and displayed complete lack of foresight. The fault lines of the Indian health system have come out in the open, with people dying due to lack of basic services, oxygen, beds, and medicines. Thousands of bodies were found floating on the river Ganges, people were denied basic dignity in death, and a large part of the deaths remained uncounted.

It needs to be recognized that a major reason for the rapid spread of the pandemic is failure on part of the Union government to anticipate the gravity of the second wave. It systematically ignored the warnings raised by the 123rd report of the Parliamentary Standing Committee on Health and Family Welfare on “the outbreak of pandemic COVID-19 and its management”. Allowing large gatherings in the Maha-kumbh and leading huge election rallies, without any concern for physical distancing, rapidly amplified and accelerated the pandemic curve.

Union government response has been largely that of evading responsibility by blaming it on non-observance of COVID-19 behaviour, and on the emergence of mutant strains, systematically under-counting of deaths, implying that this wave could neither have been anticipated nor dealt with.

During the entire period, the response of the Centre and some states seemed more concerned about managing the media, weakening democratic spaces by shutting down free speech and dissent, and shifting responsibility to the people. Indeed, the restrictions accompanying COVID-19 enabled the government to push through policies of privatisation and profiteering.

While the fault lines of the health system have been exposed considerably, the Union Government has taken very little effort to strengthen the public system. It was pressure from states and mass movements that the government had to undertake a universal vaccination programme, however, there has been business as usual since then, so far as the Union Government's attitude towards health is concerned.

Particularly disturbing has been the government's attitude to under-report COVID-19 data and trying to bully those who have been critical of the government response to COVID-19 and its estimates of COVID-19 related mortality. A transparent data system is a prerequisite for more effective pandemic management, and for better research and understanding of the problem.

■ Budget cuts on Health by the Union Government post-COVID

Though there was some modest increase in allocations on health during the COVID-19 period, during the post COVID-19 phase we have seen continuous budget cuts over the last two years.

In nominal terms, there is some increase in the total allocation of the Ministry of Health and AYUSH taken together. Allocations have been increased from Rs 89,251 crores (2022-23 Budget Estimate) to Rs 92803 crores (2022-23 BE), an increase of Rs 3552 crores in nominal terms. If we adjust for the effect of inflation this means a decline of 2 per cent in real terms (figure 1). In the previous budget also there was a 7 per cent decline in real allocation. This means, the care that could be provided in 2019-20 cannot be ensured now, given that allocations have declined while prices have skyrocketed..

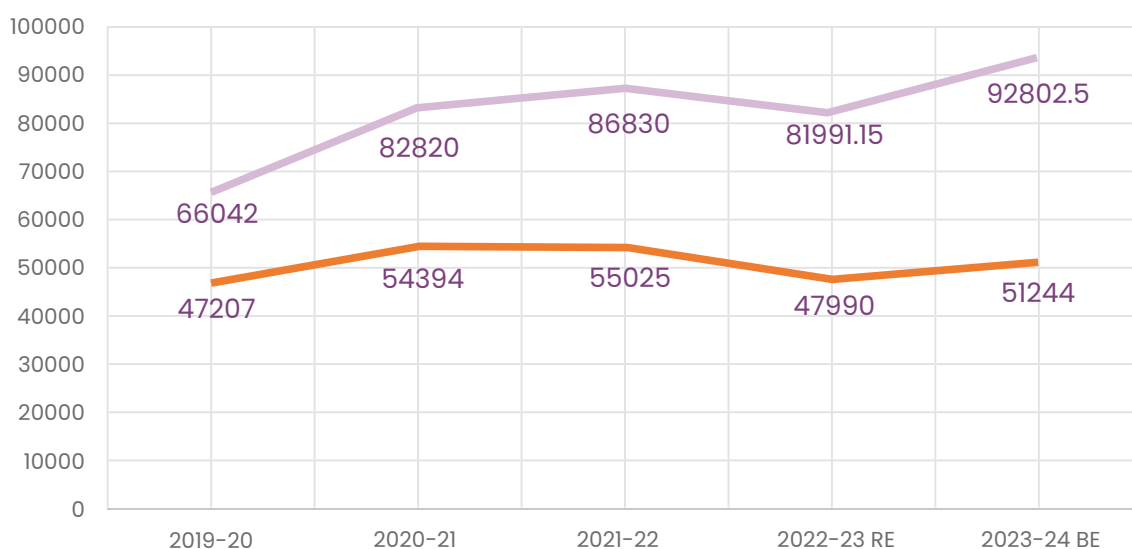


Figure 1: Expenditure and allocations on Health in the Union Budget (INR Crores)

Source: indiabudget.gov.in, Union Budget various years. For price adjustment CPI has been used.

This also means that as percent of GDP, Union government allocation to health has declined from 0.37 per cent to 0.31 per cent between 2021-22 (Actual Expenditure and 2023-24 BE) (Figure 2). It seems priority accorded to the health sector in the Union Budget has also declined. Share of health in the total budget has declined from 2.26 per cent to 2.06 per cent compared to previous year.

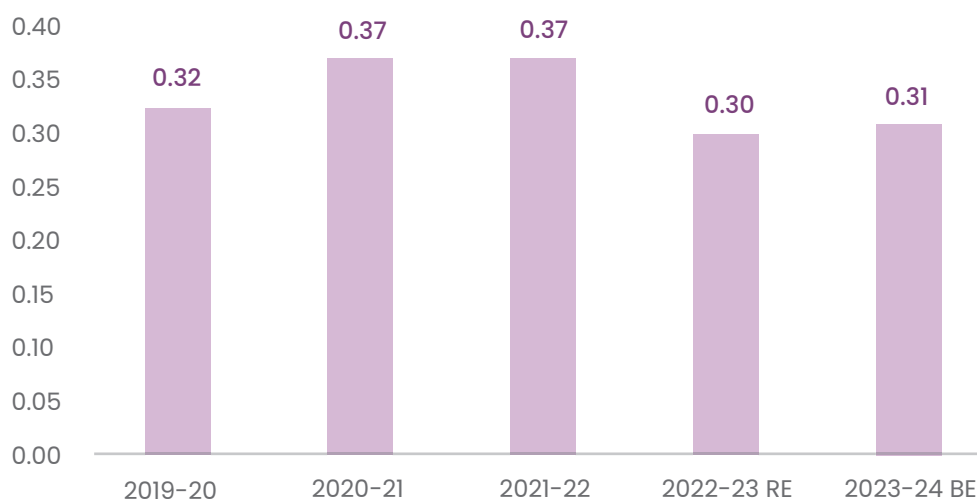


Figure 2: Union government expenditure and allocations on Health as % of GDP
Source: indiabudget.gov.in, Union Budget various years. GDP numbers are from Economic Survey; GDP for 2022-23 and 2023-24 are from Union Budget, Budget at a Glance statement

It is further worrying to note that whatever resources were allocated in the previous budget (BE 2022-23) has been cut further in the Revised Estimate of 2022-23. For instance, the Ministry of Health and Family Welfare’s allocation has been cut from INR 86200 crores (2022-23 BE) to INR 79145 crores (2022-23 RE)- a whopping 8 per cent decline in nominal terms. This shows lack of intent of the Union Government to spend on Health, while policy pronouncements and rhetoric going around in the political circles portray the incumbent as very committed to improving the health of the people.

But if we dissect the budget a bit and try to identify which schemes and programs have received cuts and which have not, it becomes apparent that schemes which contribute to strengthening the public system and protecting the health of most vulnerable sections of the society, like the National Health Mission, Pradhan Mantri Swasthya Suraksha Yojana (PMSSY), Schemes on nutrition and health research received severe cuts.

■ Undue reliance on PMJAY

The flagship scheme for the government on health has been the Pradhan Mantri Jan Arogya Yojana (PMAJY). It has been clearly seen during the COVID-19 pandemic how PMJAY abysmally failed in providing access to healthcare services to the poor and deprived sections during COVID-19. Moreover, during COVID-19, a significant drop in insurance claims was seen. This has led to lukewarm response from people in terms of getting enrolled under the schemes. It is significant to note that 75 per cent of payments under PMJAY have been made to the private sector. This proves that schemes like PMJAY divert government money to the private sector, systematically excluding marginalised communities

from coverage under the scheme¹. Moreover, there have been reports of massive corruption under the scheme, as reported recently by the CAG. Blind obsessions to promote commercial interest needs to be replaced with serious introspection – why the uptake remains low, despite all the promotion and hype and repeated increase in package rates and premiums. It is common knowledge that people do not receive free care under PMJAY. They only get partial relief and in this process, end up paying a lot from their pockets.

■ Strengthening Public System: Role of NHM

The National Health Mission is the key program through which the Union Government intervenes in improving primary and secondary maternal and child health, disease control programs and non-communicable diseases. Despite limitations, NHM has been of considerable success in bringing up the institutional deliveries. Much of these services suffered during the lockdown. However, since 2018–19, NHM allocations have declined in real terms. This means that essential services like safe deliveries, vaccination for children, treatment of TB provided earlier cannot be provided anymore with current limited resources.

NHM money also goes into paying remunerations for frontline health workers like ASHAs, mostly women, who received global recognition for their stellar role during the pandemic. Cuts in NHM budget means reduced budget for paying these workers, who have been demanding minimum wages for a long time. As the NHM agenda needs to gradually shift towards non-communicable diseases it needs more Union allocation and greater

Like last year, one of the biggest gains in allocations has been received by the Digital Health Mission – from INR 200 crores allocated in the previous year, the Ayushman Bharat Digital Mission budget has increased to INR 341 crores for 2023–24, an increase of almost 70 per cent in one year, even though a large part of the budget allocated last year is unlikely to be spent.

■ Neglect of Health Research and Mental Health

The allocation for the Department of Health Research has been a meagre 3 per cent of the total budget of health. Actual expenditure on health research in the year 2020–21 was 3.8 per cent of the health budget, which declined to 3.1% in the current budget. Furthermore, **ICMR, which has led several research initiatives during the pandemic including vaccines, has received a cut. In the 2021–22 Budget, ICMR had been allocated INR 2358 crores. Previous year (2022–23BE) allocation has been cut to INR 2198 crores – a 17 per cent decline in real terms.** This is going to affect funding of several health research institutes who depend on ICMR funding.

The existing National Mental Health Programs (NMHP) and various Union Government funded institutions continue to face neglect, even though the finance minister has announced a special National Tele Mental Health Program. **The NMHP has received a measly allocation of INR 40 crores- which continues to be the same since 2019–20.** This amounts to spending just 30 paise per person per year, for the NMHP! Furthermore, even these allotted funds remain largely underspent; Actual Expenditure in

1. <http://164.100.24.220/loksabhaquestions/annex/172/AS170.pdf>

2021-22 was just Rs. 20.46 crores. In absence of adequate support for the Mental health programme on the ground tele-mental health initiatives remain limited to better off sections of the society.

■ Privatisation overdrive

The COVID-19 pandemic has also brought out the exploitative nature of the private sector – numerous instances of over-charging, denial of care, including emergency care, unethical practices – all of which show complete insensitivity and profiteering by the private sector, while lack of regulatory architecture. While there have been some efforts from the state and judiciary to implement COVID-19 specific regulations, in the absence of a comprehensive regulation, these have had limited success. Government must urgently regulate the irrational prescriptions and rates by both private and public hospitals for all medicines, curb black marketing and take punitive actions for violation of such regulations. There is an urgent need for the implementation of the ‘Patients’ Rights Charter’ as advised by the NHRC –ensure with full operationalisation of Clinical Establishments Act by Central government, and ensuring implementation of similar legislations in context of states which have not adopted Central CEA would be crucial. In the middle of the pandemic government undertook a series of measures to privatise healthcare, including the entire set of recommendations provided by NITI Aayog to handover district hospitals to private providers.

A completely unregulated and commercially driven healthcare industry finds multiple ways to fleece the patients and in this process push healthcare towards further super-specialization and tertiarisation. It is high time to recognize that trust and social solidarity cannot go hand in hand with unbridled profits.

■ Demands for health sector

The Union government must immediately initiate legislation on “Right to Health and Healthcare”. Health and Healthcare are basic human rights which must be treated as topmost political priority by all governments, whether at Central or State level, especially in the current situation.

These must be done in larger context of major expansion and strengthening of Public health services, including regular recruitment of staff, filling all vacant posts, upgrading honorarium, urgently paying the pending honorarium and working conditions of ASHAs and other frontline health workers, democratic and participatory governance etc. supported by massively expanded public health budget.

The government must undertake special efforts to ensure safe motherhood, universal vaccination and expand various disease control programs, ensure appropriate nutrition to catch up with the loss during the pandemic. NHM budget cuts should be revised immediately and more resources should be devolved towards Non-communicable diseases.

The government should immediately scrap PMJAY and instead use these resources to strengthen the public health system.

Even after many years of its inception of NMHP there remain huge gaps in human resources. Trying to fill those major gaps in services just by relying on a tele-medicine program will invariably mean that a



large section of the society would continue to be deprived of quality mental health care.

The government must step up domestic manufacturing production of all essential medicines, diagnostics, vaccines and adopt a policy of compulsory licensing and ensure that price control mechanisms comprehensively cover all essential medicines.

The central government must unequivocally reject all policy proposals for privatisation of Healthcare, including the entire set of recommendations provided by NITI Aayog in its recent document, along with reversing all decisions regarding privatisation and handing over of public health facilities like district hospitals to private providers, at either central or state government levels.

Government must urgently regulate the irrational prescriptions and rates by both private and public hospitals for all medicines, curb black marketing and take punitive actions for violations.

These should go hand in hand with implementation of Patients' Rights Charter as advised by the NHRC; ensure full operationalisation of Clinical Establishments Act (CEA) and ensure implementation of similar legislations in the context of states which have not adopted Central CEA.

Lastly, what is also needed is a strengthening of the death reporting system; ensuring rights of records and certificates; and, ensuring public dissemination of gender, caste disaggregated data on morbidity, mortality and utilisation.

Can a Welfare State Slash its Health Budget?

- When adjusted for inflation, allocations for the Ministry of Health and AYUSH saw a decline of 2% in real terms, which follows a 7% decline in real allocation the previous year, meaning the care that could be provided in 2019-20 cannot be ensured now, given that allocations have declined while prices have skyrocketed¹.
- Resources allocated in the previous budget (BE 2022-23) reduced even more in the Revised Estimate for 2022-23. The Ministry of Health and Family Welfare's allocation decreased from INR 86,200 crores (2022-23 Budget Estimate) to INR 79,145 crores (2022-23 Revised Estimate), an 8% nominal decline.
- 75% of PMJAY payments go to the private sector, demonstrating a diversion of government funds to private entities. Only 4% and 1.5% private care is utilised by Dalits and STs respectively² which points to the scheme resulting in the systematic exclusion of individuals from marginalised communities³.
- Allocation for the Department of Health Research has been a meagre 3% of the total budget of health. ICMR, which has led several research initiatives during the pandemic including vaccines, has received a 17% budget cut in real terms.⁴
- The (National Mental Health Plan) NMHP, a scheme for modernization of state-run mental hospitals has received a measly allocation of INR 40 crores- which continues to be the same since 2019-20. This amounts to spending just 30 paise per person per year⁵.
- Funding for Saksham Anganwadi and POSHAN 2.0 increased by just Rs. 291 crore, but when adjusted for inflation, it's actually a 4.3% decrease. In real terms, ICDS-related funding is now below 2014-15 levels^{6,7}.

1. indiabudget.gov.in

2. Failing to Serve Marginalised Private Health Sector Burdens Public Systems Instead: NewsClick - <https://www.newsclick.in/Failing-to-Serve-the-Marginalised-Private-Health-Sector-Burdens-Public-Systems-Instead>

3. Dong D. Sehgal P. Chhabra S. Naib P. Smith O. Jay P.M.-The Role of private hospitals.National Health Authority, 2020 https://pmjay.gov.in/sites/default/files/2020-11/Policy_Brief_9_Private_PM-JAY_201123_WB_NHA_R.pdf Date accessed: December 10, 2021

4. Jan Swasthya Abhiyan - (Peoples Health Movement) - <https://phmovement.org/wp-content/uploads/2023/02/JSA-Press-Release-on-Union-Budget-2023-24-English-corrected.pdf>

5. Jan Swasthya Abhiyan - (Peoples Health Movement) - <https://phmovement.org/wp-content/uploads/2023/02/JSA-Press-Release-on-Union-Budget-2023-24-English-corrected.pdf>

6. Jan Swasthya Abhiyan - (Peoples Health Movement) - <https://phmovement.org/wp-content/uploads/2023/02/JSA-Press-Release-on-Union-Budget-2023-24-English-corrected.pdf>

7. Mission Poshan 2.0 Raises Hopes But Budgetary Allocations Disappoint - <https://www.outlookindia.com/website/story/poshan-news-mission-poshan-20-raises-hopes-but-budgetary-allocations-disappoint/373231>

■ No Roadmap for Social Security

We need to learn from the difficult lessons from the COVID-19 experience and move toward an integrated, adaptive and universal social protection system, which, while recognising the special attention required to address precarity of specific groups, doesn't leave out those facing structural exclusions.

The International Labour Organization (ILO) defines 'social security' broadly as 'protection that a society provides to individuals and households to ensure access to health care and to guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner.'¹ Another United Nations body, the UNICEF, uses the term 'social protection' to describe 'a set of policies and programmes aimed at preventing or protecting all people against poverty, vulnerability and social exclusion throughout their life-course, with a particular emphasis towards vulnerable groups'² It advocates for provision of progressive universalisation of social protection, while prioritising vulnerable groups and adopting a life-cycle approach wherein social protection provisions are made to conform to a cradle to grave approach. Typically, the nature of such protection measures can be classified into three broad categories: social transfers (which include both cash transfers and in-kind transfers like provision of nutritious food under mid-day meals, etc.); social insurance (which include risk pooling mechanisms like health and accident insurance which aim at minimising the economic impacts of shock events like illness or accidents; and, employment support (which include programmes which provide employment support like NREGA etc.). Thus, the idea of social protection goes beyond employment-linked social security measures like pensions, gratuity, etc. to include child and family benefits, nutritional interventions, maternity benefits, healthcare, disability and old-age assistance, and a wide range of employment related measures like livelihood generation programmes, unemployment allowance, pensions etc.

■ Indian experience

The period of the past three decades, which has seen increasing economic precarity on the back of ever widening field of liberalisation, privatisation, and globalisation, has also seen contradicting logics at work. The ascendancy of the neo-liberal ideology has brought pressure on the state to withdraw from any active intervention in market processes (deregulation) aimed at achieving more equitable outcomes and has forced adherence to the tenets (or mythology) of balanced budgets (fiscal austerity). While those holding the levers of policy have uncritically swallowed these shibboleths, the countervailing pressure of being in a representative democratic set-up has partially staved off the itch felt by many in power to raze every modicum of social protection measure grudgingly granted by the state. Thus even the most ardent supporters of neoliberalism are forced to make

1. International Labour Organisation (undated), Facts on Social Security https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_067588.pdf.
2. UNICEF. (2019). UNICEF's Global social protection programme framework, New York, USA. - <https://www.unicef.org/reports/global-social-protection-programme-framework-2019>

ritualistic references to phrases like ‘reforms with human face’ at least during periodic election cycles (witness the withdrawal of Pradhan Mantri Garib Kalyan Yojana early in 2023 and announcement of its reintroduction before state and national elections) or when faced by unrelenting protests (the amendment of the Essential Commodities Act and its withdrawal after protests by farmers, for example). This specific feature of India’s political economy has resulted in a social protection system characterised by ad-hocism, fragmentation, gaps as well as overlaps. In some instances, these gaps – in terms of exclusion of ‘invisible groups’ like informal and among them the migrant workers; women, and youth; extent of coverage, shortage in budgetary allocations – have been filled by state-specific schemes, but these state schemes often end up excluding interstate migrants on account of domicile eligibility requirements. Thus, what emerges is a patchwork of national and state schemes with a wide range of eligibility criteria (inclusions and exclusions), operational procedures and target groups administered by a labyrinth of departments, welfare boards and parastatals.

■ Existing Exclusions and Need for an Integrated Social Security System

The COVID-19 crisis not only laid bare the extent of lack of social security prevalent in the Indian economy, but also threw light on those ‘invisible’ sections in the society, which had been excluded from even the inadequate sets of social security measures. Among those structurally excluded are the informal sector workers comprising over 91 per cent of the total workforce in the economy,³ especially the migrant workers, who are the most insecure in terms of access to social protection measures. Because of the mobile nature of work engaged in by the migrant workers, they do not get access to measures like free primary education under the Right to Education Act, 2005; rations, mid-day meals, anganwadis etc. under the National Food Security Act, 2013 or welfare schemes of various welfare boards. The idea of portability which has attained greater significance since COVID-19 has again faced headwinds because of factors like technological fetishism, lack of awareness among the target groups, lack of streamlining of procedures, etc⁴.

Overlapping with the exclusion along economic faultlines, exists the exclusion along social and demographic axes because an overwhelming number of those in the informal sector are young people, including women and those who come from marginalised caste backgrounds. While India is supposed to be going through a phase of demographic dividend, where half of its population is of working-age and will remain in this zone for over two decades, the sectors which have seen employment generation – construction, platform economy, domestic work – are characterised by complete lack of social security. Also, from being a young country, in twenty years’ time, India will become an ageing society, and yet there seems to be no apparent roadmap to ensure social security for any of these cohorts in the future. The recent ranking of India, 41 out of 44 countries in the Global Pension Index, is rather concerning.

From a gendered-lens, India has one of the lowest female workforce participation rates, and more than 95 per cent of India’s working women are informal workers, who work in labour intensive, low

3. Prachi Salve, ‘90% Of Jobs Created Over Two Decades Post-Liberalisation Were Informal,’ Indiaspend, 9 May 2019. <https://www.indiaspend.com/90-of-jobs-created-over-two-decades-post-liberalisation-were-informal/>

4. Centre for Policy Research and UNICEF, ‘Assessing the portability of social protection and services for children affected by migration: A study across five Indian states,’ 2021. <https://cprindia.org/wp-content/uploads/2022/01/UNICEF-FULL-REPORT-13122021.pdf>

paying, highly precarious jobs/conditions and with no social protection. Domestic work and home-based work, for example, have one of the highest share of women informal workers, and have proven to be the most difficult to reach in terms of social protection. Thus, we need to learn from these difficult lessons learnt from the COVID-19 experience and move toward an integrated, adaptive and universal social protection system, which, while recognising the special attention required to address precarity of specific groups, doesn't leave out those facing structural exclusions.

■ Role of Technology

It is widely recognised that technology has the potential to play the role of an enabler in facilitating access to social protection measures but the ever expanding footprints of technology in the social protection space has largely favoured the interest of the State over those of the people, embedded as it is in the political economic context described earlier. This can be seen in the manner in which privacy and surveillance concerns, have been completely ignored while instituting massive data gathering systems⁵; how propositions like linking bank-account, Aadhar and mobile numbers (referred to as JAM) have been made mandatory of all cash-based entitlements with complete disregard to the exclusion they create because of lack of reliable connectivity in areas⁶; and the top-down manner in which the attendance system for MNREGA was changed despite protests from the workers⁷. In all these instances, the primary use for which technology has been deployed is not inclusion of the unreached, but to prevent 'wasteful use of precious resources'. Often technology, instead of making the process of accessing social protection schemes easier, adds another layer of complexity and opacity, and thereby hinders access. An illustrative example is of digitisation of application processes through web-portals or apps, which are often designed from the perspective of the management of application by the relevant departments, as opposed to the applicants, indicated by the poor error handling, lack of public interface for tracking of the status of the applications, absence of option of appeal or escalation in case of rejection or delay in processing of applications. Hence, it is extremely important that the use of technology is designed keeping the needs and realities of the citizens in mind.

■ The Code on Social Security, 2020

One of the prominent moves made by the Union Government in its present tenure was the passage of the Code on Social Security in September 2020. Although the Code has not been operationalised yet because of non-notification of the rules under the Code, an analysis of the framework of the Code is warranted here since it represents the vision of the present government towards tackling increasing precarity in an economy which is characterised by increasing informalisation⁸. The Code

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5. Shivangi Rai & Shefali Malhotra, 'India is piloting ambitious digital health initiatives while neglecting data safeguards,' Scroll.in, October 31, 2023. <https://scroll.in/article/1057716/india-is-piloting-ambitious-digital-health-initiatives-while-neglecting-data-safeguards>
 6. Aishwarya Narayanan, 'Govt linked JAM to DBT but the blindspot of 'exclusion' emerged. Here's how to plug it,' The Print, June 03, 2022. <https://scroll.in/article/1057716/india-is-piloting-ambitious-digital-health-initiatives-while-neglecting-data-safeguards>
 7. Srinivas Kodali, 'Why NREGA Workers Are Protesting Against an App,' February 20, 2023. <https://thewire.in/tech/nrega-workers-nmms-app-protest>
 8. Prachi Salve, '90% Of Jobs Created Over Two Decades Post-Liberalisation Were Informal,' Indiaspend, 9 May 2019. <https://www.indiaspend.com/90-of-jobs-created-over-two-decades-post-liberalisation-were-informal/>

defines social security as ‘...the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code.’ Despite an expansive definition of social security, the Code doesn’t go very far from the schema embedded in the eight previous legislations that it seeks to replace, of which seven legislations date back to the 20th century⁹. To illustrate, the Code still retains the wage and enterprise size (number of workers) thresholds for applicability of provisions pertaining to Employee State Insurance (ESI), Employee Provident Fund (EPF), etc.

Similarly, the Code retains the duality of organised and unorganised sector prescribing separate social security systems for both these categories of workers. The ‘Working Group on Labour Laws and Other Regulations’ (MoL&E, 2011) had suggested the creation of a national ‘minimum benefit policy’ that will extend to all workers. This resonates with international norms where the importance of a minimum social protection floor is recognised. For example, under the SDG for eradicating poverty, target 1.3 calls for the implementation of nationwide social protection floors. Similarly, ILO Recommendation 204 suggests the implementation of minimum social security guarantees to facilitate the transition from an informal to a formal economy¹⁰. However, the current Code is out of step with the international consensus of moving towards a universal social security system, irrespective of whether the worker works in the organised sector or in the unorganised sector. Moreover, considering the enormous size of India’s informal workforce it is also pertinent to plan out an incremental coverage framework to achieve the goal of universal coverage within a stipulated time frame – something missing in the Code.

Another duality created by the Code is the unnecessary division of social security domains between the Union and the state governments. This would lead to further fragmentation in the implementation process since both the Union as well as the state governments would now evolve separate social security mechanisms for the same set of workers¹¹. A simpler mechanism would have been to leave the implementation to the states while the Union government shared budgetary responsibilities with the states. The division of domains between the Union and the state governments also seems arbitrary. Additionally, while the Code grants only a limited set of domains for the states, it retains the residual domains for itself, which is undesirable keeping in mind that the state governments, in part owing to greater accountability to democratic pressures, have been more proactive, innovative and forward-looking on the social security front, in terms of budgetary allocations and range of measures. For example, in the face of the Union government’s lack of initiative in operationalizing social security measures for platform and gig workers, state governments in Rajasthan and Karnataka, have announced their own initiatives¹². The creation of a Central Welfare Board for Unorganised Sector

9. Santosh Mehrotra and Jajati Keshari Parida, ‘Social Security For All of India’s Informal Workers is Possible. Here’s How,’ *The Wire*, 10 February 2022. <https://thewire.in/economy/social-security-informal-workers-code-welfare>

10. Mridusmita Bordoloi Mohammad Hamza Farooqui and Sharad Pandey, ‘Social Security of Informal Workers in India,’ *Accountability Initiative Research Brief*, November 2020. https://accountabilityindia.in/wp-content/uploads/2021/01/Brief_SocialSecurity_InformalWorkers_8Jan2021.pdf

11. Santosh Mehrotra and Kingshuk Sarkar, ‘Social Security Code, 2020 and Rules: A Critique,’ *Economic and Political Weekly*, Vol 61 (12), March 20, 2021.

12. Fairwork. (2023). *Fairwork India Ratings 2023: Labour Standards in the Platform Economy*. Bengaluru, India; Oxford, United Kingdom <https://fair.work/wp-content/uploads/sites/17/2023/10/Fairwork-India-Ratings-2023-English.pdf>

Workers when such boards exist at the state level would also add to the confusion at the implementation level.

In this context, it is important to take note of the popularity of E-Shram, as more than 250 million workers have already registered on this digital portal since its launch. However, apart from the linked entitlements of automatic insurance cover against injury and death at the workplace, its links with other social security schemes have to be explored. For instance, as the Supreme Court has recently ordered, recently all workers with E-Shram registration who do not have access to food cards under India's National Food Security Act must be enrolled into the scheme immediately.

■ Recommendations

- The Code on Social Security 2020 needs to be revised to lay down a clear map for moving towards an **integrated, universal** and **adaptive** social protection system encompassing the whole life-cycle of a citizen.
- International federations of workers such as WIEGO have long argued that worker organisations are able to co-produce social protection outcomes in partnership with the state. A mutually enabling regulatory framework, where the state recognises these worker organisations and enables the incorporation of collectives of informal workers as infrastructures of delivery for social protection, should be included as part of the Code¹³.
- The administrative and financial structures of social security, due to overlapping authority between central, state authorities, have led to several implementation obstacles and the Code on Social Security, 2020 also fails to clear this fog. An integrated financial and administrative structure paying attention to the needs of the footloose nature of informal work is highly necessary in this context.
- Equally important is the need for a push to raise (a) the awareness among the workers about their social security rights, (b) a consolidated database of existing schemes, (c) as well as the new schemes that they offer.
- Technological solutions in governance must pay equal attention to questions of privacy, accountability and exclusion.

■ Interconnected Asks

- Strengthen existing schemes such as Employees' Provident Fund (EPF), Employees' State Insurance Scheme (ESI) and National Social Assistance Programme (NSAP) with budgetary support and expansion of coverage.
- Amend the ESI Act and include all **E-Shram card holders** by removing all the threshold limits including wage ceiling to avoid exclusion of workers.

13. Bhan, G. (2022), 'Operationalising social protection: Reflections from urban India', Urban Studies (1-17): DOI: 10.1177/00420980231186077journals.sagepub.com/home/usj

- Ensure strict **enforcement** of standard safety norms in all establishments irrespective of sizes. Ensure strict monitoring and **regulatory responsibilities**.
- Ensure strict criminal **prosecutions** including the principal employers when incidents related to violation of worker safety and health occur at worksites
- Ensure immediate **fixation of the 'National Minimum Wage'** for determining social protection benefits (based on Dr. Anoop Satpathy Committee recommendations)
- **Financial** aspects and **budgetary allocations** must be clearly spelled out. For the subsistence wage workers, the contribution should come from the governments.
- **'Social Protection Floor'** among other dimensions should also include ESI benefits, EPF benefits, maternity benefits, and all other essential human wellbeing benefits.
- **Registration** of unorganised workers should be completed on a time-bound manner.
- Ensure establishment of separate dedicated **sector specific welfare boards** for each category forming a large number of unorganised workers (E.g., Mathadi Boards)

■ No Roadmap for Social Security

- The 'Working Group on Labour Laws and Other Regulations' (MoL&E, 2011) recommended a national 'minimum benefit policy' for all workers, emphasising a minimum social protection floor (SDG target 1.3 and ILO Recommendation 204). However, India's current Labour Code falls short of explicitly aiming to universalize social security.¹
- Existing social security provisions apply to formal employer–employee relationships, making it challenging to address the complex needs of informal workers who often have multiple jobs and change sectors frequently, and over half of India's unorganized workers are self-employed, further complicating employer identification².
- Only 24.4% of the Indian population has effective social protection coverage which is the lowest among the G20 Countries. For comparison, 49% of South Africa, 62% of Mexico and 69% of Brazil have effective social protection coverage amongst other similar G20 nations, further complicating employer identification³.
- Falling birth rates strain pension systems worldwide, and India ranked 45th out of 47 global retirement systems (a slight improvement from last year). While the government has made strides in promoting pensions for the unorganized sector, pension coverage in India remains inadequate, with even private pension plan coverage as low as 6%.⁴.

1. New Labour Code for New India - https://labour.gov.in/sites/default/files/labour_code_eng.pdf
2. how to extend social protection to workers in informal employment in the asean region - https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_735508.pdf
3. World Social Protection Dashboard: ILO - <https://www.social-protection.org/gimi/WSPDB.action?id=1475>
4. India Improves Score To 45.9 In Mercer CFA Global Pension Index - <https://retirement.outlookindia.com/spend/senior-living/india-improves-score-to-45-9-in-mercere-cfa-global-pension-index>

WASH – An Issue of Equity

Safe WASH is not only a prerequisite to health, but contributes to livelihoods, school attendance and dignity and helps to create resilient communities living in healthy environments. There is much to learn from success in individual states to overcome yawning gaps in the provision of basic services.

An overview of water supply

In the last five years, the Government of India has undertaken giant strides in terms of having a vision to reach out to every household in India with a functional household tap connection under Jal Jeevan Mission (JJM) flagship programme with support from respective state governments. This has resulted in a household coverage of functional household tap connection in about 70 per cent rural households till date as compared to merely 17 per cent as on 15th August 2019. More than 10 crore new rural households gained access to a functional household tap connection with central share of funds drawn to the tune of 1,52,185 crore as per JJM dashboard data till date since 2019.

Atal Mission for Rejuvenation and Urban Transformation (AMRUT) was launched on 25 June 2015 in selected 500 cities and towns across the country and caters to infrastructure building for urban water supply and sanitation. As the five year anniversary of the AMRUT Programme approached, in June of 2020, 79 lakh household water tap connections and 45 lakh sewer connections were supplied in all. This figure included assistance under the SCM and PMAY (Urban) as well which focuses on slums and low-income habitations¹. In June 2023 the total number of water tap connections rose to 137 lakh, and 105 lakh sewer connections (including households covered through faecal sludge and septage management- FSSM) were provided through AMRUT and convergence against targeted 139 lakh water connections and 145 lakh sewer connections respectively. Total sewage treatment capacity of 6,347 Million Liters Per Day (MLD) is being developed through AMRUT projects. Of which, 2,840 MLD sewage treatment capacity has been created and 1,437 MLD capacity has been developed for recycle/reuse. In addition, Atal Mission for Rejuvenation and Urban Transformation (AMRUT) - 2.0 scheme has been launched on 1st October, 2021 for the period of 05 years i.e. from the financial year 2021-22 to 2025-26. AMRUT 2.0 envisages to make all notified statutory towns and the cities of the country 'water secure'. Sustainability of quality of water supply is an admissible component of the project. Also continuous (24x7) pressurized water supply systems with 'Drink from Tap' facilities shall prevent the contamination of drinking water in the pipelines and make the water fit for consumption. AMRUT 2.0 Mission promotes this (24x7) water supply with 'Drink from tap' facility in the selected wards which will be evaluated on parameters of quality, accessibility and availability of water. Through Pey Jal Survekshan ULBs are being assessed for compliance of service level benchmarks with respect to quality, quantity and coverage.

The biggest challenge of both Jal Jeevan Mission and AMRUT remains to sustain this massive progress made with commensurate financing and mechanisms to sustain the piped water supply schemes and the sustainability of water sources they depend on, through professionalisation of services at the

1. 5TH Anniversary of Urban Missions - <https://pib.gov.in/PressReleasePage.aspx?PRID=1634268#:~:text=79%20lakh%20household%20water%20tap,slums%20and%20low%20income%20habitations>

grass root levels (Gram Panchayats, Urban Local Bodies) and community participation. Increasing ground and surface water quality issues with rapid industrialisation and development and over abstraction of ground water coupled with weak regulation for protection of water sources, makes many rural water supply schemes vulnerable to enhanced costs of treatment of water, enhancing the costs of operation and maintenance for many state governments with poor financial resources to manage the same.

Similarly, in urban informal settlements and peri-urban unserved areas, where an informal water market has emerged rapidly to fill in the gaps, inequity of water access and poor affordability has emerged as a major challenge. What is needed in these areas perhaps is to push for hybrid management model (such as those based on PPP) that help the mandated utilities, municipalities and other service providers to involve the informal service providers in a well regulated environment that ensures their protection and livelihood on one hand and equitable access at affordable costs to poor respecting the right to basic access to water and sanitation as a human right. The Delhi government's free basic access to water supply through Delhi Jal Board remains an example where unserved people have been brought in rapidly to the utility network for access to treated and safe water supply by Delhi Jal Board while drastically reducing Non Revenue Water by eliminating water theft and wastage.

The recent development and design of AMRUT 2.0 mission tries to address some of these challenges through Drink from Tap Mission. However, a similar policy direction for rural water supply in the next few years would ensure sustainability of massive investments made by the government towards reaching every Indian household with a functional household tap connection supplying safe and sufficient water supply.

■ Sanitation

Swachh Bharat Mission (Grameen) [SBM(G)] was launched on 2 October, 2014 with the goal to make the rural areas of the country Open Defecation Free (ODF) by 2 October, 2019, the 150th birth anniversary of Mahatma Gandhi, by providing access to toilets to all rural households. More than 10 crore individual household latrines (IHHLs) were constructed under the programme and, as a result, all the villages and States/UT had declared themselves ODF by 2 October, 2019. A total amount of Rs. 68,461.50 crore was released to the States/UTs under Swachh Bharat Mission (Grameen) from 2014-15 to 2019-20.

The UNICEF-WHO Joint Monitoring Programme (JMP) estimated that in 2020, only 46% of India's population had access to safely managed sanitation services, that is, improved sanitation facilities that are not shared with other households and where excreta are safely disposed of onsite or transported and treated offsite (WHO and UNICEF, 2021). This estimate of sanitation coverage is similar to other countries in the region – Bangladesh (39 per cent) and Nepal (49 per cent) – as well as globally—including Ecuador (42 per cent) and Albania (49 per cent) (WHO and UNICEF, 2021). However, while these countries have similar estimates of safely managed sanitation coverage, estimates of OD varied. Albania, Bangladesh, and Ecuador were all estimated to have rates of OD less than 1 per cent, compared to an estimated 10 per cent in Nepal and 15 per cent in India.

SBM (G) Phase-II was approved in February 2020 by the Ministry of Jal Shakti. It aspired to make Indian villages ODF Plus by the end of the plan period. ODF Plus entails that ODF behaviours are sustained, and every village has access to solid and liquid waste management.

Under Swachh Bharat Mission-Urban [SBM(U)], works for construction of Individual Household Latrine (IHHL), Community/Public Toilets, Solid Waste Management (SWM) plants or Used Water Management (UWM) plants are taken up. Under the programme, from 2014 to 2021, funds amounting to Rs.10,473.22 crore were released to the States/UTs for IHHLs, community toilets and SWM works, and funds amounting to Rs.1010.67 crore were released for IEC. Under SBM-U 2.0, funds amounting to Rs.1747.08 crore have been released to the States/UTs for toilet construction, UWM and SWM works, and funds amounting to Rs.141.17 crore have been released for IEC.

The SBM-U is an ongoing mission with many objectives yet to be achieved by 01.10.2026. The unhygienic state of affairs in many cities is being addressed under the mission. Under SBM-U, the focus was on improving access to toilets. Under SBM-U 2.0, the additional focus is on ensuring functionality and maintenance of community/public toilets. A new category of toilets termed as aspirational toilets is proposed to be constructed at historic/ tourist places with high footfalls under SBM-U 2.0.

A new component of UWM has also been included under the ongoing phase of the Mission for Urban Local Bodies (ULBs) with less than one lakh population. Under this component, Central assistance is provided for mechanized desludging equipment, sewage/septage treatment facilities and interception and diversion of drains. In addition, Certification Protocols for Open Defecation Free (ODF), ODF+, ODF++ and Water+ have been designed for third party verification of every city every year on its ODF status. Also, under the annual Swachh Survekshan survey conducted across the country, access to clean and user-friendly community/public toilets is one of the performance indicators.

The one-stop grievance redressal platform, Swachhata App has also been made available to citizens to submit any complaints related to cleanliness. Recently, on the occasion of World Toilet Day, on 19th November 2022, Toilets 2.0 campaign was launched which aims to change the face of public and community toilets in urban India through collective action involving citizens and ULBs.

This remarkable progress made under SBM and SBM 2.0 in rural and urban areas is unprecedented in the history of sanitation anywhere in the world. However, the major challenges in sustaining the benefits reaped under SBM G and SBM U has been as under.

1. Poor quality of construction of Individual Household Latrine coupled with assumption in many states that the incentives provided under SBM (INR 12000 per toilet) as construction cost of a quality latrine has led to many of the latrines constructed under the mission turning soon in dilapidated state or requiring retrofitting. Retrofitting of latrines has been incentivised by SBM 2.0 by providing an incentive of up to INR 5000 per household under different schemes of government in rural India. Similarly, one pit or two pit toilet technology has been often used in areas where they may not be best fit, such as areas prone to flooding or areas which are rocky or have high water tables.

2. The fecal sludge management provisions at community level is largely absent in rural India though a lot many households have adopted septic tank technology as a local best option for on-site sanitation.
3. The safety of sanitation workers continues to remain a major challenge with a continuing want for adequate availability of safety equipment, strong regulation to enforce standard operating procedures for safety of sanitation workers engaged in cleaning of pits, septic tanks and sewer lines or STPs / FSTPs.

■ Hygiene

Though safe water and sanitation access are prerequisite to good hygiene and health, hygiene involves more than just that. There has been a large focus on enhancing hand hygiene by safe hand washing with soap and water besides the focus on Menstrual Hygiene Management within the domains of personal hygiene, especially during and after the COVID-19 pandemic. Food hygiene is rarely talked about as a problem.

Hand hygiene is promoted through two national WASH flagship programmes – the Swachh Bharat Mission Phase 1 and 2 and the Jal Jeevan Mission on rural drinking water. Hand hygiene is also promoted through other programmes such as Swachh Vidyalaya on school WASH, Bal Swachhta Mission on Anganwadis, Kayakalp on hospitals and GPDP on entire village development activities. Further, in schools, hand hygiene is part of the School Health Ambassador programme. Handwashing with soap was made a part of mid-day meal scheme in 2013 with provision for construction of handwashing stations near the mid-day meal dining area. Government upscaled the Hand Washing Days celebrations on 15 October as a Swachhta Pakhwada (cleanliness fortnight) from the year 2015 onwards with a focus on promotion of hand hygiene.

According to the Joint Monitoring Programme of WHO-UNICEF, by 2022, overall 62 per cent of the population had access to basic hygiene services. The progress in rural areas was slow with 53 per cent progress whereas this was 82 per cent for urban India. There are huge inequities in access to basic sanitation with the figure for the lowest quartile of income levels being only 29 per cent as compared to 96 per cent for the richest quartile.

The fifth National Family Health Survey (2019-2021) revealed that around 90 per cent of women with 12 or more years of schooling used safe period products (locally prepared napkins, sanitary napkins, tampons, and menstrual cups) in 17 states and Union territories. From the previous round of the survey, 20 per cent more women aged 15-24 years used hygienic methods during menstruation. If MHH is to be inclusive, it must also cater to the menstrual needs of the differently abled, transgender men, and people with other gender identities who menstruate. Gender-nonconforming persons face safety problems and a lack of menstrual supplies. We need to urgently understand their unique needs as well.

A different overlooked part of MHH is the safe disposal of sanitary napkins and the associated difficulties and misconceptions. Despite being cheap and affordable, officials have also noted quality issues in sanitary napkins distributed under various government schemes. This could undermine the

goal of providing accessible, safe menstrual hygiene care for females. Menstrual cups are a cheap, sustainable, and eco-friendly alternative to sanitary napkins, but they are still treated with scepticism.

Research has found that socio-cultural and socio-economic factors influence menstruators' choice of absorbents and disposal mechanisms. As there can be no one-size-fits-all solution, menstruators must be educated and empowered to make informed choices, rather than expecting all of them to prefer sanitary pads.

Some of the key recommendations for water, sanitation and hygiene programmes are as under.

Given the progress made and reflections from the ongoing government programmes to enhance rural and urban water supply and water security and sanitation, some of the key recommendations include:

1. Professionalise the water supply service delivery in rural areas with a technically competent agency responsible for operation, maintenance including water quality testing, water treatment as per need, chlorination, distribution, billing, collection and other emergency response works and allocate adequate financial resources for same in centre and state plans.
2. AMRUT 2 should focus on city wide scales for conversion and expansion of existing piped water supply schemes in 24X7 piped water supply schemes improving the quality of water supplied, reducing non revenue water and elimination of needs to store water at household level. The state of Odisha has already shown a way by taking a lead on Drink from Tap Mission in several cities and towns and covering the low income areas and slums as well. They have also set up a state level utility to manage the same for professionalised service delivery, carving it from the Public Health Engineering Department and ring fencing it from other two functions of policy making and regulation. Management Models including hybrid ones using the route of PPP should be explored to ensure source and system sustainability for water supply schemes enhancing its serviceability and willingness to pay by communities.
3. Currently, there are several government schemes at state level and central government level that focus on ground water recharge and rain water harvesting while rehabilitating existing ponds etc. for larger water security. Integrated Water Resource Management at catchment level or micro waterhead level can be adopted and all these schemes both central and state should be brought under one nodal agency under Jal Shakti Mantralay for convergence and larger impacts. Data management with state of art technologies should be centralised to have common baselines and end line data for water conservation projects that claim groundwater recharge. It should be ensured by regulatory bodies in the water sector that a plethora of agencies working on the ground are doing no harm to the environment, with their footprints on water and carbon.
4. Build incentives for usages of latrines and keeping them functional rather than construction of toilets.
5. Continue to reinforce further campaigns like Community Led Total Sanitation under SBM 2.0 for ODF and ODF + and finally ODF ++ to bring in sustainable behaviour change

6. Focus on professionalised service delivery in space of O&M of sanitation facilities and running Solid and Liquid Waste Management Plans by promoting technical professional organizations both within the rural and urban areas. Public Private Partnership with support from non-governmental organisations and citizens need to be strengthened to solve some of the sustainability issues.
7. Unlocking the private sector/CSR finance for O&M of sanitation facilities and management plans should help to raise funds further to achieve universal access to sanitation facilities.
8. Ensure creation of a new normal of safe hand washing with decentralisation of hand washing with soap facilities in all institutions and homes. This can be quickly scaled up using prefab hand washing stations such as HappyTap in both the urban and rural areas to provide nudge to safe handwashing with soap multiple times in a day.
9. There is a need to spread awareness about safer options for Menstrual Hygiene Management products such as reusable antibacterial cloth based safe pads , menstrual cups etc. in place of disposable sanitary napkins to reduce environmental footprints and to ensure users safety and convenience.
10. Food Hygiene must be brought in national agenda for promotion of hygiene and awareness and research on same must be invested in.

WASH – An Issue of Equity

- Jal Jeevan Mission flagship programme with support from respective state governments has resulted in a household coverage of functional household tap connection in more than 60% rural households till date as compared to merely 17% as on 15th August 2019.^{1,2}
- In 2020 ³ only 46% of India's population had access to safely managed sanitation services, that is, improved sanitation facilities that are not shared with other households and where excreta are safely disposed of onsite or transported and treated offsite⁴.
- There are huge inequities in access to basic sanitation. When divided into 4 equal groups, only 29% of the population with the lowest income levels had access to basic sanitation as compared to 96% for the group with highest income levels.⁵ (Basic sanitation involves access to safe human waste disposal facilities and services like garbage collection, industrial waste management, and wastewater treatment.)
- As of July 2020, about 60% of the urban population is dependent on On-site Sanitation systems which are not connected to sewers and centralised wastewater treatment plants⁶.

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1. Functional Household Tap Connection - <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1779730>
 2. Jal Jeevan Mission Achieves 60% Coverage Milestone - <https://pib.gov.in/PressReleasePage.aspx?PRID=1913570>
 3. Progress on HH Drinking Water and Sanitation from 2000-2020 five years into SDGs: WHO-UNICEF - <https://apps.who.int/iris/bitstream/handle/10665/345081/9789240030848-eng.pdf?sequenc>
 4. Effectiveness of the Swachh Bharat Mission and barriers to ending open defecation in India: a systematic review - <https://www.frontiersin.org/articles/10.3389/fenvs.2023.1141825/full#B48>
 5. <https://washdata.org/data/healthcare#!/>
 6. ON-SITE AND OFF-SITE SEWAGE MANAGEMENT PRACTICES - https://www.cseindia.org/static/mount/recommended_readings_mount/Advisory-On-Site-and-ffsite-Sewage-Management-Practices-MoHUA.pdf

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Limited Investment Can Impair Progress for Children

Budgetary allocation and expenditure on children's interventions in the Union Budget has continued to fall, especially at a time when additional budget is required to regain lost grounds after the aftermath of COVID-19. The allocation has dropped from 3 to 2.3 per cent of the total Union Budget.

The National Policy for Children, 2013 recognises that every child is unique and children are the country's supremely important asset¹ as their physical, mental, emotional, cultural, and social development ensures the future of the country as well. In 2022, India completed 30 years of ratification of the United Nations Convention on the Rights of Child (UNCRC) which points to the country's commitment towards providing and protecting every child's universal and indivisible rights towards life, health, education, and safe spaces to grow to their maximum potential.

As a result of the COVID-19 pandemic, the last three years (2020-2022) had a devastating impact on children's rights and development. With the longest period of school closure in the world², children's reading abilities have been pushed back to pre-2012 levels³. It not only impacted their health as public healthcare systems had to divert their resources towards addressing the public health emergency, but many children also became orphans during this time. The multi-month lockdowns accompanying the first two waves of the COVID-19 pandemic pushed numerous families further into poverty due to the loss of livelihoods. As such, many children were forced into labour and girls were married off early. The pandemic also resulted in aggravating the existing social inequalities and increasing the vulnerabilities of children in difficult situations such as street children, survivors of abuse, child engaged in labour (child labour), children with disabilities and migrant children, among others.

In the past four years however, the government has taken numerous steps to provide support through PM CARES for Children scheme for those children who lost their parents or guardians during the pandemic⁴, and reorganising and restructuring schemes and programs to improve the situation. The government integrated various schemes under umbrella programs such as Saksham Anganwadi and Poshan 2.0, a Nutrition Support Program that caters to the nutrition of children, adolescent girls, and pregnant and nursing mothers under ICDS⁵ and Samagra Shiksha Abhiyan that subsumed SSA,

1. Mission Vatsalya: WCD <https://missionvatsalya.wcd.gov.in/public/pdf/children-related-law/NATIONAL%20POLICY%20ON%20CHILDREN%202013.pdf>
2. After Uganda, India saw longest Covid-led school closure: Govt cites Unesco https://www.business-standard.com/article/current-affairs/after-uganda-india-saw-longest-school-closures-due-to-covid-says-govt-122031401233_1.html
3. ASER Report - National Findings 2022 <https://img.asercentre.org/docs/ASER%202022%20report%20pdfs/All%20India%20documents/aser2022nationalfindings.pdf>
4. PM CARES for Children Scheme (Ministry of Women & Child Development) June 09, 2022 <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/jun/doc20226962601.pdf>
5. Ministry of Women and Child Development issues Guidelines of 'Saksham Anganwadi and Poshan 2.0' - an Integrated Nutrition Support Programme <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1847548>

RMSA and Teachers' Education⁶. Govt is also leveraging technology through Poshan Tracker, providing mobile phones to all aanganwadi workers to enable transparency and real-time monitoring of stakeholders and beneficiaries alike⁷, and introducing a national digital library, smart classrooms, and use of ICT in teacher's training⁸. Child Protection Services Scheme was reintroduced as Mission Vatsalya in 2021 that combined child protection and welfare services and linked them with the SDGs.

Though the initiatives are important steps in the right direction, statistics on education, nutrition, and crime against children continue to be a concern. Even though malnourishment has been reducing over the assessment years, according to NFHS-5 (2019-2021)⁹ stunting is still high at 35.5 per cent of all children under the age of five years and an infant mortality rate of 41.9 (per 1000 births) for children under five years. Prevalence of undernourishment continues to be a paradox in context to India's economic growth and in comparison to the performance of neighbouring countries on similar parameters. Due to an increase in reporting, crime against children has seen a steady rise with a 16.2 per cent increase in 2021 over the total number of cases registered in 2020, of which over 30 per cent of the cases were registered under the POCSO Act.¹⁰

Given this background, it is a matter of concern that budgetary allocation and expenditure on children's interventions in the Union Budget has continued to fall, especially at a time when additional budget is required to regain lost grounds after the aftermath of COVID-19. The allocation has dropped from 3 to 2.3 per cent of the total Union Budget though total outlay has increased from INR 80,439 crore in 2019-2020 to 103,791 in 2023-2024¹¹. Even though there is an increase of 14.3 per cent against 2022-2023 (BE), child protection remains the most underprioritised and least funded sector.

In education, a budget allocation of INR 37,453 crore was a slight increase (0.19%) from 2022-2023 (BE). The budget for education, however, does not reflect a proportionate increase after the National Child Labour Project, which is responsible for rescuing and rehabilitating children in labour, was merged with Samagra Siksha Abhiyan. An analysis of the Union Budget 2023-2024 by HAQ: Centre for Child Rights shows a gap of 47.65 per cent in the budget approved versus budget released for Samagra Siksha Abhiyan in 2021-2022¹². For health programs, the budget allocation for 2023-2024 remained almost at the same level with INR 3,494 crore, while child development received INR 18,092 crore, a nominal increase of 1.5 per cent over 2022-2023 (BE).

The National Policy on Children, 2013 reaffirmed the Constitutional rights guaranteed to all children in the country and reconfirmed the government's commitment to its realisation. Despite the progress over the years, there are still numerous gaps in health, education, and child protection that remain to be addressed. With imminent climate crisis and ongoing environmental degradation adding to the needs of children now and in near future, upholding the rights of children and the future generation can become an uphill task if these gaps are not addressed urgently.

6. <https://samagra.education.gov.in/>

7. https://wcd.nic.in/sites/default/files/ICDS_FINAL_GUIDELINES_2021_0_0.pdf

8. CBGA Analysis of Union Budget 2023-2024

9. National Family Health Survey (NFHS-5), 2019-21 for India https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf

10. Every third crime against children relates to sexual offences: NCRB- The New Indian Express <https://www.newindianexpress.com/nation/2022/oct/30/every-third-crime-against-children-relates-to-sexual-offences-ncrb-2513215.html>

11. CBGA Analysis of Union Budget 2023-24

12. From Marginalisation to Deprioritisation – Budget for Children 2023-2024: a report by Haq Centre for Child Rights

■ Health and Nutrition: Results yet to show

The outbreak of the COVID-19 pandemic led to a disruption in routine immunisation services resulting in a fall in immunisation coverage in 2020 and 2021. As many as 35 lakh children missed their DTP3 doses, an additional 14 lakh missed children over 2019¹³. The pandemic not only impacted the immunisation supply chain, but also exacerbated the inequalities associated with lack of education, lower economic status and urban-rural gap in accessing immunisation and other healthcare services. NFHS-5 data shows that 76.4 per cent of children between the ages of 12-23 months have received all vaccination indicating a need to strengthen the process. Intensified Mission Indradhanush 4.0 was launched in 2022 to address these gaps and expedite the execution of the affected services.

NFHS-5 data also reflects a high rate of stunting (35.5 per cent) for children under the age of five years, 19.3% of children under five who are wasted, and 32.1% children under five who are underweight. Surprisingly, despite the Anaemia Mukh Bharat initiative, 67.1% of children in the age group of 6-59 months, a rise from the previous assessment period (58.6%) and 59% of adolescent girls (as against 31% of adolescent boys) are anaemic¹⁴. With schools and midday meals closed for 82 weeks¹⁵, many disadvantaged children were deprived of the necessary nutrition during this period making them more susceptible to illness and diseases. During this period, all Aanganwadi services were brought under Saksham Aanganwadi and Poshan 2.0, a centrally sponsored scheme, to provide six services including supplementary nutrition, pre-school non-formal education, nutrition and health education, immunisation services, health check-ups, and referral services to children below the age of 6 years, pregnant women and lactating mothers, and adolescent girls. New initiatives were introduced to support the services like Poshan Tracker (9.84 crore beneficiary registered), providing smartphones (11.22 lakh) and growth monitoring devices (12.65 lakh) to aanganwadi workers, making migration from one AWC to another available for pregnant women, opening 730 One-Stop or Sakhi Centres across 36 states and UTs¹⁶ (2022 year-end review data), and setting up 4.37 lakh Poshan Vatikas or nutri-gardens in AWCs (as of September 2022)¹⁷.

PM Poshan, previously known as midday meals, will continue to provide one hot cooked meal to children in pre-school or Bal Vatikas and in classes I to VIII¹⁸. Millets have been introduced in midday meals once a week to add to the nutritional intake. Those suffering from Severe Acute Malnutrition are being provided additional Take Home Ration as well¹⁹. However, these schemes have not been able to

13. Operational Guidelines for IMI 4.0 https://imi4.mohfw.gov.in/assets/document/operational/IMI4.0_operational_guidelines.pdf

14. Anemia Mukh Bharat <https://anemiamukhbharat.info/>

15. India Covid-19: After more than 600 days shut out, Delhi's students just want to go back to school | CNN <https://edition.cnn.com/2022/01/27/india/india-delhi-schools-reopen-600-days-intl-hnk/index.html>

16. Saksham Aanganwadi & Poshan 2.0, Mission Shakti and Mission Vatsalya Aanganwadi workers provided with 11.22 lakh smart phones <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=1885352>

17. Poshan Vatikas or Nutri-gardens being set up across the country to provide easy and affordable access to fruits, vegetables, medicinal plants and herbs. Under ongoing Poshan Maah 2022, activities for setting-up nutri-gardens or retro-fitting Poshan Vatikas with backyard poultry / fishery units being carried out in a big way across the country. Around 4.37 lakh Aanganwadi Centres set up Poshan Vatikas 1.10 lakh medicinal saplings planted across selected districts of 6 States <https://pib.gov.in/PressReleaseframePage.aspx?PRID=1861686>

18. PM Poshan <https://pib.gov.in/PressReleasePage.aspx?PRID=1812421#:~:text=The%20Government%20has%20approved%20the,by%20the%20Ministry%20of%20Education>

19. Saksham Aanganwadi and Poshan 2.0 guidelines https://wcd.nic.in/sites/default/files/Final_Saksham_Aanganwadi_and_Mission_2.0_guidelines_July_29_2022.pdf

reach children in difficult circumstances and children of seasonal migrant workers as they are unable to register for such services.

The government has launched two schemes to improve the health and nutrition outcomes of vulnerable population: to provide free foodgrains to Antodaya and priority households under PMGKAY; and Pradhan Mantri PVTG Development Mission to improve socio-economic conditions of PVTGs.

■ Education: An ambitious yet a difficult road ahead

During the COVID-19 pandemic many disadvantaged families could not immediately shift to online classes due to the lack of access to mobile phones, internet connection, as well as lack of capacity of parents to oversee these classes. Many children had to drop out of school as well due to a loss of livelihoods. However, as the ASER (2022) report shows, school enrolments are back on track with 98.4 per cent enrolment in 6-14 years age group in 2022 as against 97.2 per cent in 2018 or pre-COVID times. The UDISE Plus (2021-2022) report²⁰ reflects the same trend which shows an increase of 19.36 lakh enrolments in elementary and upper secondary levels. The UDISE Plus report, however, shows a drop of 11.5 lakh enrolments in pre-primary section. The ASER Report also shows a sharp increase in enrolment in government schools in 2022 (72.9% over 65.6% in 2018) which is more an indication of shifts in economic situation and closure of 20,000 private and government-aided schools during the pandemic. The quality of learning, however, has suffered a lot with basic reading and arithmetic levels dropping to pre-2018 level negating the improvement in that last decade.

The new National Education Policy was introduced in 2020 with the objective to shift the current rote learning to an experience-based learning that will enhance critical thinking and problem solving abilities, and develop cognition and skills. The policy lays emphasis on early childhood care and development, digital infrastructure and literacy, holistic and integrated curriculum, flexibility of choice for students, use of mother tongue, and adequate resources to mitigate any crisis like COVID-19 that can impact learning in future²¹. The government has already taken a few steps in its implementation such as integrating Aanganwadi services under the umbrella Saksham Aanganwadi and Poshan 2.0 and introducing the 'Padhai Bhi Poshan Bhi' programme that focuses on Early Childhood Care and Education through a play-based, activity-based learning pedagogy for children below the age of 6 years²². The Samagra Shiksha Scheme which was launched in 2018 has been aligned with the objectives of NEP 2020 and SDG-4²³. Various initiatives such as DIKSHA for teaching-learning e-content, NISHTHA for secondary-level teachers' training program under NIPUN Bharat Mission²⁴ and Vidya Pravesh, a three-month play-based preparatory module for grade I students²⁵ have also been introduced as per the new NEP guidelines.

20. The after-effects of Covid-19 on the Indian education system: the new UDISE+ Report 2021-22 <https://timesofindia.indiatimes.com/readersblog/third-view/the-after-effects-of-covid-19-on-the-indian-education-system-the-new-udise-report-2021-22-48226/21> National Education Policy 2020

21. National Education Policy 2020 https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf

22. 'POSHAN BHI PADHAI BHI' National Event on Key initiatives to strengthen Early Childhood Care and Education (ECCE) under Mission Saksham Anganwadi and Poshan 2.0 being held tomorrow <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1922874>

23. https://www.education.gov.in/sites/upload_files/mhrd/files/document-reports/annual_report_eng.pdf

24. NIPUN Bharat <https://nipunbharat.education.gov.in/>

25. VIDYA PRAVESH <https://ncert.nic.in/pdf/vidyapravesh.pdf>

Very ambitious in scale, the implementation of NEP poses a few challenges²⁶:

- NEP requires a complete overhaul of the entire education ecosystem in India which the current system lacks the capacity to handle. To shift to experiential learning, all schools and colleges have to reorient their organisational structure and build the capacity of everyone in the system.
- With one of the largest education system in the world, the sector is currently underfunded and lacks the capacity for innovation and scaling up. To implement the new policy will require a sharp increase in the allocation of national annual budgets. With budget allocation which has been less than 3 per cent for years, its implementation will be a daunting task.
- Its success depends on the involvement, sharing of responsibilities, and ownership by all stakeholders at all levels, including the private sector. It also depends on the cooperation of all states with the centre, especially on allocation state budgets for its implementation.
- Shifting away from the common school system can lead to the creation of parallel and multiple schooling systems within government schools and increase in privatisation of schools and education. This can further create gaps in the learning and achievement levels of children accessing different school systems.

Budgetary allocation to support the Eklavya Model Residential Schools for tribal students has seen a substantial increase (from INR 2,000 crore in 2022–2023 (BE) to INR 8,927 in 2023–2024 (BE)) which is an important step towards inclusion. However, similar residential schools are also required for SC and OBC category children as a significant number of seasonal migrant families belong to the SC, ST and OBC categories. Innovative methods like Bhonga Shalas that serve as education centres for children whose parents work in the brick kilns in Thane, Maharashtra can be used as replicable models to reach such section of the population.

■ Child Protection: An underprioritised sector

A very disturbing trend that is on the rise year on year is the rate of crime against children. The NCRB 2021 data shows a total of 149,404 cases of crime against children registered in India which was a 16 per cent increase over cases registered in 2020. Of these, 53,874 cases were sexual offences registered under the POCSO Act. The NCRB 2020 report showed that 28.9 per cent of all children population has experienced some form of sexual crime of which only 65.6% were reported.²⁷

The crime rate against children had shot up during COVID-19 with the government supported Childline registering a high 3.07 lakh calls just 11 days into the pandemic. Of the total 3.07 calls, 92,105 calls were related to abuse and violence²⁸. Cybercrime also increased during this time as children were left unsupervised with mobile phones due to online classes.

26. Five challenges that would shape the outcome of NEP 2020 | ORF <https://www.orfonline.org/expert-speak/five-challenges-that-would-shape-the-outcome-of-nep-2020/27> Child Sexual Abuse in India: Alarming statistics, lifelong impact, how to heal

27. Child Sexual Abuse in India: Alarming statistics, lifelong impact, how to heal <https://www.indiatoday.in/education-today/featurephilia/story/child-sexual-abuse-in-india-alarming-statistics-lifelong-impact-how-to-heal-2416285-2023-08-04>

28. *ibid*

As per 2011 Census, there are more than 10 lakh children who are working between the ages of 5-14 years of which 32.9 per cent worked as agricultural labourers and 26 per cent as cultivators²⁹. During COVID-19, loss of livelihoods would have resulted in children dropping out of school and into labour³⁰. Many such children remain unprotected as helping in family enterprises is allowed under child labour laws without any mechanisms for monitoring their attendance in schools. NFHS-5 data also shows that 23.3 per cent of women were married before the age of 18 years which is still a high rate despite the work on preventing child marriage.

Violence against children is a widespread reality and the lack of sufficient data makes it more difficult to address the issue. This is also a sector which is the least funded within child rights with only 0.04 per cent of the annual Union Budget 2023-2024 share, unchanged from 2022-2023 (BE). Within children specific budget, its share has declined from 1.7 per cent in 2022-2023 (BE) to 1.5 per cent in 2023-2024³¹. The budget allocated to National Commission for Protection of Child Rights, responsible for reviewing the safeguards provided by law and providing recommendations, and Central Adoption Resource Authority, responsible for operationalizing adoption, has remained stagnant and reduced respectively in 2023-2024.

The guidelines of Mission Vatsalya, an umbrella scheme that combines Child Protection and Welfare Services, was launched in 2022. However, the budget allocation for this has remained same as the budget for ICPS in 2022-23 (BE) even though there are more services than ICPS under Mission Vatsalya. An analysis of its budget over the past two years shows poor fund utilisation which is a matter of concern.

■ Recommendations

1) **Strengthen data on children, especially the most vulnerable:**

There is a huge gap in the national level data on children, especially those who come from vulnerable and/or difficult circumstances such as street children, orphans, children with disabilities, child marriage, children who are trafficked and sexually exploited, child labour among others. In order for the policies to be inclusive and reach the last mile, there is a need for robust monitoring and reviewing mechanisms and systems. There is a need to build credible disaggregated data and knowledge base that can help achieve annual targets in a focussed manner.

2) **Increase public investment and transparency on children:**

There is an urgent need to significantly increase allocation of Union Budgets (up to 6 per cent of the total Budget) and state level public investments on children to address the impacts of COVID-19, especially on the marginalised children, improve the rate of undernourished and anaemic children in the country, implement the new NEP 2020 in its full spirit, and create safer

29. CHILD LABOUR IN INDIA https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_557089.pdf

30. Child labour rises to 160 million – first increase in two decades <https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>

31. CBGA Analysis of Union Budget 2023-2024

environments and spaces for all children to grow up in a healthy manner free from crime and violence. To be inclusive and to cater to the rights of all sections, every scheme should have a special component for the most unreached categories such as children of seasonal migrant workers, children affected by natural disasters, children of communities facing forced evictions or displacement, children of sex workers, children affected by HIV/AIDS and mining, among others. The periodic report on United Nations Convention on the Rights of Children should be submitted as per schedule.

3) **Inclusive decision-making:**

Policy makers are yet to recognise the agency of children in analysing and providing solutions to their as well as broader societal issues. At a time when climate crisis is already impacting the physical, mental, and emotional state of children and youth, it is necessary to provide them with platforms and spaces for voicing their opinions and concerns, which can feed into effective policy implementation. It is also important to include the voices of the marginalised including girls, transgender, children with disabilities and special needs. The Union Budget for children can allocate a percentage of the budget for encouraging children's participation through establishment of Children's Parliaments across the country.

4) **Address environmental issues to protect the rights of children and their future:**

The UN Child Rights Committee issued guidelines on General comment No 26 (September 2023) on child rights and environment with a special focus on climate change that addressed the urgent need to ensure children's current and future rights to life, health, and a clean and sustainable environment. Children's rights under the Convention on the Rights of the Child is directly linked to the adverse impacts that environmental degradation, rising pollution and collapse of biodiversity will have on the life and health of the future generation. The National Policy on Children, 2013 should be reviewed urgently against the context of these current and near future planetary crises.

5) **Create robust community-based child protection mechanisms and institutional spaces:**

To reduce various forms of vulnerabilities, strong community-based mechanisms and institutional spaces are required to identify children in difficult situations and/or vulnerable to exploitation, crime and violence, and provide them with safe spaces to report violence. Institutions like Child Protection Committee at the village, ward, and block levels under Mission Vatsalya can help reach them in a structured manner.

6) **Partner with stakeholders:**

Apart from active cooperation between the Centre and the states, a coordinated and synergised effort is required from all stakeholders including private organisations, civil society, media, etc. to help in the effective implementation of policies, laws, and schemes and finding innovative solutions for the all-round development of children as enshrined in our Constitution and the National Policy on Children.

7) **Provide a nourishing environment:**

There is a need to address the quality of education through improved teaching-learning materials, the shortage of qualified and well-trained teachers, eliminate gender disparities, and prioritise mental health of students to address their emotional wellbeing.

Limited Investment Can Impair Progress for Children

- The allocation on intervention for children dropped from 3% to 2.3% of the total Union Budget between 2019-20 to 2023-2024¹.
- Due to livelihood loss during the COVID-19 pandemic, many children had to drop out of school as well. However, school enrolments are back on track with 98.4% enrolment in the 6-14 years age group in 2022 as against 97.2% in 2018².
- Implementing the New Education Policy necessitates a comprehensive transformation of the entire education ecosystem. However, this is challenging due to India's underfunded, bureaucratically burdened, and innovation-limited education system. Additionally, there's a notable lack of collaboration between the central and state governments³.
- NCRB 2021 data shows a total of 1,49,404 cases of crime against children registered in India which was a 16% increase over cases registered in 2020. Of these, 53,874 cases were sexual offences registered under the POCSO Act⁴.

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1. Walking the Tightrope - An Analysis of Union Budget 2023-24 - CBGA India - <https://www.cbgaindia.org/publication/walking-the-tightrope-an-analysis-of-union-budget-2023-24/>
 2. Annual Status of Education Report 2022 flags widening learning gaps - The Hindu - <https://www.thehindu.com/education/after-the-pandemic-school-enrolment-rose-but-learning-gaps-widened-aser-report-2022/article66398324.ece>
 3. Five challenges that would shape the outcome of NEP 2020 | ORF - <https://www.orfonline.org/expert-speak/five-challenges-that-would-shape-the-outcome-of-nep-2020/>
 4. NCRB data | Crime against kids: a third still under POCSO | India News - The Indian Express - <https://indianexpress.com/article/india/crime-against-kids-a-third-still-under-pocso-8119689/>

■ Tribal and Dalit People Live Through a Climate of Atrocities

Survivors of the caste atrocities are denied timely monetary relief. The failure of other government programmes for social justice and economic empowerment due to the inaccessibility, complex procedures, and absence of essential documents adds yet another layer of vulnerability of Dalits and Adivasis.

The government of India spent over Rs.4000 Cr¹ on G20 planning and preparations. While Delhi looked stunning the city's inhabitants were missing – street vendors, thele walas and people who spent time on the sidewalks. Numerous slums were razed² and violence against other marginalised populations around the country persisted unabatedly. It is safe to say that a vast majority of people affected by this violent displacement for a glittering G20 summit show were Dalits.

This is happening while the government grabs every opportunity on offer to speak for the Dalit peoples' safety, protection, resilience and entitlements. The government's words aside, the litany of the Dalits of India, their empowerment and the neglect of their rightful place under the sun remains unchanged over the past four years or more.

■ Manual Scavenging

In spite of the government's refusal to acknowledge the prevalence of manual scavenging in India, the number of incidents involving deaths of manual scavengers is rising. *The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013* refers to a 'manual scavenger' as: "a person engaged or employed ... for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit." This is a caste-based and hereditary-based occupation, merely the bane of Dalits. 95–98 percent of the 1.2 million manual scavengers in India are women who come from the Valmiki, Haila, Halalkhor, Mister and Dome castes, according to a 2020 study published in the *Economic and Political Weekly*. This occupation reinforces social stigma and perpetuates widespread discrimination. In India, it is sad to note that over the last few years, the deaths of sewage workers have increased, with 347 deaths related to manual scavenging recorded in the last five years. As per the Ministry of Social Justice and Empowerment (MSJE), a total of 1035 people have died while undertaking this work since 1993. With a lack of minimum wages, a lack of protective gear, an absence of alternate economic opportunities, social security, and health risks, the practice of manual scavenging poses serious questions on the human rights situation in the country.

Under MSJE, the National Safai Karamcharis Finance and Development Corporation (NSKFDC) and

1. G20 Budget: How Much Has India Spent On Hosting The G20 Summit In Delhi?– <https://business.outlookindia.com/news/g20-budget-how-much-has-india-spent-on-hosting-the-g20-summit-in-delhi#:~:text=Over%20Rs%204%2C100%20crore%20was,Delhi%20and%20central%20government%20agencies>
2. How slums in Delhi were flattened before the G20 summit - <https://www.reuters.com/graphics/G20-SUMMIT/SLUM/zdpxrxoaypx/>

Commission for Safai Karamchari (NCSK) deals with the schemes focused on sanitation workers. NSKFDC functions many loan-based schemes that provide alternate livelihood for sanitation workers. Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) is one such scheme with the objective to aid the rehabilitation of 'former' manual scavengers transitioning to other occupations. However, over the last three years, there has been a reduced allocation trend towards this scheme. In the financial year (FY) 2020-21, there was an allocation of Rs.110 crores. This was reduced to Rs.100 crores in FY 2021-22 and further reduced to Rs 70 crores in FY-2022-23. Worse, no money has been allocated for this scheme in FY-2023-24 and the scheme has been replaced with a newly introduced scheme called NAMASTE (National Action for Mechanised Sanitised Ecosystem). This move is based on the premise that manual scavenging in the country is a thing of the past and the present goal is to reduce hazardous cleaning of sewers through the scheme. The scheme has received an allocation of Rs. 97.41 crores.

Even though manual scavenging has been made illegal since 1993, the 2011 caste census alluded that there are more than 2.6 million functional dry toilets where a maximum number of women are employed as manual scavengers. Additionally, the allocation towards NSKFDC has been reduced over the years from Rs.50 Cr in FY 2021-22 to Rs.10 Cr in FY 2023-24. Considering the role of NSKFDC as a body looking into the overall socio economic uplift of the Safai Karamcharis and people engaged in manual scavenging and their dependents throughout India, this reduction in the allocation questions the government's agenda of inclusive development.

While the present government has highlighted the importance of modernising India's sanitation system, it is also necessary to acknowledge the existence of the practice of manual scavenging and to take steps to ensure access to housing, employment, and basic amenities, for the people who leave manual scavenging.

■ Violence and Atrocities

Atrocities against Dalits have increased manifold. The various existing laws and legal mechanisms have not helped in curbing violence. The National Crime Records Bureau Report 2021 says that atrocities/crimes against Scheduled Castes have increased by 1.2 per cent in 2021 (50,900 cases) over 2020 (50,291 cases). Charge sheeting percentage for the atrocities against Scheduled Castes ended with 80.0 per cent and conviction percentage under the SCs and STs (PoA) Act in conjunction with IPC remained at 36.0 per cent for SCs. At the end of the year, 96.0 per cent of cases of atrocities against SCs were pending trial.

While there has been an increase of 15.55 per cent in crimes against women and children from SC/ST communities in the last three years (2017-2019), the conviction rate under the Prevention of Atrocities (PoA) Act in the same period has been as low as 26.86 per cent, with pendency at an alarming 84.09 per cent. While it is encouraging to see that the Ministry of Social Justice and Empowerment (MSJE) has launched a National Helpline to track and address the cases of violence, it is yet to be effectively implemented.

However, it is disheartening to see that the budget allocation for implementation of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (SC & ST (PoA) Act) was reduced from Rs. 630 crores to Rs. 550 crores in 2021-22 with the allocation of Rs. 165 crores for addressing violence

against SC/ST women. Similarly, the allocated amount was reduced to Rs 500 Cr from 600 Cr in 2023–24, and only Rs 150 Cr was allocated for addressing violence against Dalit women. Still, sadly, the survivors of the caste atrocities are denied timely monetary relief under Rule 12(4) of the PoA Act of 1989. In most cases, the survivors receive a partial amount of the compensation (first instalment). The failure of other programmes of the government for social justice and economic empowerment of the target communities due to the inaccessibility, complex procedures, and absence of essential documents also adds another layer of vulnerability to the Dalits and Adivasis.

■ Education

Even though education of the Scheduled Castes (SC) or Dalits in India has brought improvements to their social and economic lives, they still struggle to get high-quality education because of the caste structure and poverty. Most children in the SCs are unable to access school, and their educational quality is still subpar, even after 75 years of independence and the adoption of the Universal Declaration of Human Rights³.

As of academic year, 2022–2023 the government has discontinued scholarships to children in classes one through eight who belong to the Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Community (OBC) and Minorities⁴. According to the union government, the Right to Education (RTE) Act of 2009, which mandates that all children receive free and obligatory primary education, covers the students enrolled in these programmes. However, making such a choice will result in more primary school dropouts and absences.

According to a report from a parliamentary standing committee presented in the Lok Sabha, there is no variation in the number of beneficiaries under the study grant plan for the years 2020–21, 2021–22, and 2022–23, even in the pre-matric scholarship for the Scheduled Tribe, these figures should be raised to reduce early school dropout⁵. The allocation for the pre-matric scholarship for SCs and others in the current financial year (2023–24) is Rs. 500 crores which is same as last year's allocation of Rs. 500 crores (FY 2022–23).

Similarly, concentrating on higher education like Post Matric Scholarship (PMS), the Union Budget for this fiscal year 2023–2024 allots Rs. 6,359.14 crores to the SCs as compared to Rs. 5660 crores in the FY 2022–23. However, several schemes have been included in the Allocation for Welfare of SCs (AWSC) budget, even though they do not generate any funds for the SC welfare and advancement. These schemes are Scheme Grants to Central Universities (Rs. 722 crores), support to National Institute of Technology (NITs) and IIST (Rs. 330 crores), the gross budgetary support for All India Council for Technical Education (AICTE- Rs. 63 crores) World Class Institution (Rs. 295 crores), Rastriya Uchcharat Sikhsha Abhiyan (RUSA- Rs. 295 crores), University Grants Commission (UGC-Rs. 890 Cr), Support to Indian Institute of Technology (IIT- Rs. 565 crores) together these schemes will make a total of Rs. 3160 crores. When compared to the previous year (Rs. 29 crores) the scheme that would help the SC students such as 'Scholarship for college and university students' has received no funding in this fiscal year. It is incomprehensible that there is not a direct allocation to the schemes that help SC and ST students at a time when many of them are having trouble getting into higher education.

3. Rajadurai, Benet, Education Status of Scheduled Caste Children – A Historical View (June 28, 2023). Available at SSRN: <https://ssrn.com/abstract=4493625>

4. How slums in Delhi were flattened before the G20 summit

5. How slums in Delhi were flattened before the G20 summit

The National Overseas Scholarship (NOS), a Central Sector programme for Master's or Ph. D. programmes, is another significant scholarship for the SC & ST students who desire to pursue overseas education. The allocation of NOS for SC in this FY 2023-24 is Rs. 50 crores under SHREYAS umbrella scheme).

■ Climate Change

India is witnessing drastic climate change and its impact is being felt differentially across marginalised communities and groups. Global Climate Risk Index 2021 ranked India the 7th most affected nation due to climate change. As per the State of India's Environment in Figures 2022, India reported 280 heatwave days (the highest in 12 years) between the period 11th March – 18th May 2022. Existing disparities in the availability, accessibility, and actualization of public services, social protection programmes, and sustainable livelihood options have been made worse by climate change.

Climate apartheid is likely to impact the historically underserved and underrepresented caste and ethnic groups more than others in India. Historical injustices against the Scheduled Caste (SC) and Scheduled Tribe (ST) communities have resulted in poor development indicators among them. About 31 per cent of individuals from the SC groups and 45 per cent from the ST groups still live in poverty, and India is one of the most vulnerable nations to climate-related risks to agriculture. Droughts have significant implications for food and water security, and impact the poorer farmers, usually from marginalised castes, disproportionately. Water-based disasters have endangered basic public services, and imperilled smallholders and marginal farmers. Worse still is the case of landless sharecroppers and lease farmers who till the land without the formal recognition of their rights. They stand to lose much more to these disasters. National Dalit Watch of NCDHR ground reports⁶ from Bundelkhand region in Uttar Pradesh, and Marathwada region in Maharashtra allude to an increasing decline in locally available sustainable livelihood opportunities ensuing in involuntary migration and exploitative working conditions for the SC-ST communities. A high proportion of the SC and ST communities that form a significant proportion of informal workers India have been disproportionately impacted by climate vagaries.

While leapfrogging in climate commitments, the Economic Survey 2022-23 has very pertinently acknowledged that the jobs that are likely to be created in the so-called 'green economy' are tilted towards skill and technology-intensive than in traditional industries. This implies that without targeted budgets for climate-resilient livelihood options both on-farm and off-farm, these communities would be ill-prepared to survive the impacts of climate change.

■ Climate Initiatives 2019-23

The Climate Change Performance Index 2023 report was released recently and India secured eighth position in the index which is two positions up from the last edition⁷. At COP25 (Conference of the Parties to the UNFCCC), in 2019, India argued for a stocktaking exercise for the fulfilment of pre-2020 commitments of developed countries, financing for developing countries, and financial teeth for the Warsaw International Mechanism on Loss and Damage. In COP26 in 2021, India called on the developed countries for climate justice. It demanded for deeper cuts by the developed countries as they have

6. <http://www.ncdhr.org.in/wp-content/uploads/2022/09/NCDHR-Drought-Report-low-res.pdf>

7. <http://www.ncdhr.org.in/wp-content/uploads/2022/09/NCDHR-Drought-Report-low-res.pdf>

already consumed more than their fair share of the carbon budget and all countries should have equitable access to the global carbon budget, which is a finite global common. It also demanded to track climate finance and ratchet the ambitions on climate finance by the developed countries⁸.

During the intervening period between CoP26 to CoP27 the Government of India advanced noteworthy initiatives. The cabinet approved India's updated Nationally Determined Contribution (NDC), translating into a transition to greener economic growth and clean energy; net zero emissions by 2070; reduced Emissions Intensity of its GDP by 45 per cent and 50 per cent of cumulative electric non-fossil fuel-based energy resources by 2030, and the launch of the campaign LiFE, 'Lifestyle for Environment'. One of these transitions will focus on promoting Adaptation in Urban Design, Energy and Material-Efficiency in Buildings, and Sustainable Urbanisation⁹.

DAPSC & DAPST (Development Action Plan for Scheduled Castes & Development Action Plan for Scheduled Tribes)

DAPSC & DAPST has been formulated as a mechanism for allocating development funds for SCs and STs across the Central Ministry and all departments in the state in proportion to the SC/ST population, both in physical and financial terms. It is one of the critical tools in ensuring that the budget reaches the most marginalized community through realizing the public entitlements for the Dalits.

However, across the years since its initiation, the true potential of DAPSC and DAPST has not been realized. Its implementation for the last several decades has been extremely poor and disrupts the guidelines set by the NITI Aayog. There is a serious repudiation of equitable allocations because of this many of the schemes that directly benefit SCs and STs are facing a crisis in fund allocation. Moreover, the majority of the funds that are allocated in sub-plans are notional in nature with no actual impact on the development of SC and ST communities.

Considering this pattern of allocation, it is critical to ensure that proportionate funds are earmarked for the holistic development of the communities. The lack of legislative framework for the implementation of SC & ST schemes has led to a lack of implementation of most schemes. There is therefore an urgent need for the passing of DAPSC/DAPST legislation at the union and state levels along the lines of the Karnataka and Telangana model of Legislation.

■ Persisting Gaps

India ratified the United Nations Framework Convention on Climate Change (UNFCCC), its Kyoto Protocol and Paris Agreement. It is contributing to many global platforms such as the International Solar Alliance (ISA), Coalition for Disaster Resilient Infrastructure (CDRI) and Leadership Group for Industry Transition (LeadIT). The different ministries and line departments implement these programmes and schemes monitored by the Ministry of Environment, Forest, and Climate Change (MoEFCC). India developed its policy response through National Action Plan on Climate Change (NAPCC) 2008 missions and programmes to reduce its climate vulnerability. The NAPCC

8. <https://pib.gov.in/PressReleasePage.aspx?PRID=1876119>

9. <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1895857>

programmes/schemes pertain to solar energy, energy efficiency, water, sustainable agriculture, Himalayan ecosystem, sustainable habitat, health, green India, and strategic knowledge for climate change to combat against climate change. The major climate financing priorities have greater leaning towards mitigation projects. The adaptation projects focus largely on water availability, climate resilient agriculture and livelihood diversification, improved livestock resource, and knowledge generation for better policy inputs.

Over the past five years, India has established its stance on climate justice and equity firmly. It has been an ardent advocate for equity in climate negotiations termed under the Paris Agreement, as Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC) is a principle within UNFCCC that acknowledges the different capabilities and differing responsibilities of individual countries in addressing climate change. The Damage and Loss Fund announced at CoP27 is yet to be operationalized and while it is seen as progress in the direction of CBDR-RC principle.

A study by the Research Institute for Humanity and Nature¹⁰ assessed that when compared to low expenditure households, the top 20 per cent of high expenditure households generate nearly seven times the carbon emissions (in India). By far, the principle of equity is found wanting in India's climate solutions driven through a host of schemes under the aegis of the NAPCC. All the international advancements necessitate analysing climate impacts and actions encompassing mitigation and adaptation from a class, caste, and gender perspective within the country as well. The domestic climate action tends to be oblivious to caste, ethnicity, and gender nexus at play in climate crises. They seem to have abandoned the resource-deprived communities, engaged in informal sector work, needless to mention about the reliance of the SC-ST communities on value chain and supply chain of the unorganised sector for livelihood.

Moreover, the absence of the consolidated national climate budget statement on allocations and utilisations makes it impracticable to track the utilisation of funds on climate mitigation and adaptation in general, and for the SC-ST communities particular. The ministries are obligated to allocate population proportionate funds for SC-ST communities (NITI Aayog DAPSC & DAPST Guidelines 2017), including those earmarking for climate programmes.

Many of the climate mitigation and adaptation schemes, dovetailed into development schemes are legitimately focus on covering the SC-ST and most marginalised households on priority. However, the Union Budget allocations over the last five years continue to evade setting clear SC-ST coverage targets. This paves the way for fund diversion and underutilization. To top it all, the general nature of existing climate schemes is less responsive to the needs of the SC-ST communities for building their resilience.

10. <https://science.thewire.in/environment/india-carbon-emissions-rich-poor-households/>

While a substantial number of schemes are appropriately geared towards supporting the vulnerable farmers against climate risks, they also need to view vulnerability holistically, along multidimensional parameters. The schemes/programmes and financing exclude the agriculture workers, sharecroppers, lease farmers, unorganized fish workers, and so on. There is no commensurate policy measure for recognising the losses of these categories of farming communities due to climate events. The post disaster damage and loss inclusion assessments over a decade by the National Dalit Watch-NCDHR have unearthed how they are left to fend for themselves without any appreciable assistance for livelihood recovery post cyclones and floods. Noteworthy, a substantial proportion of women are employed in agriculture work alongside men, who suffer wage loss without financial security in disasters and climate events.

Similarly, the Jal Jeevan Mission, launched in August 2019, envisions to provide safe and adequate drinking water through individual household tap connections by 2024. It is to be noted that the mandatory condition of 5 to 10 per cent beneficiary contribution for the piped-water connection and ownership of homestead land for Swachh Bharat Mission (SBM) have precluded the SCs-STs from availing these vital public services even as they grapple with recurrent drought and floods and resultant agrarian distress, loss of land and biodiversity, poor access to water and sanitation that continues to impact the reproductive and child health in perilous ways, as duly acknowledged in the SBM guidelines.

The reduction in social sector spending, such as, MGNREGA, can lead to maladaptation and greater vulnerability to climate shocks, despite the allocations for SC-STs in climate adaptation schemes. The absence of clear SC/ST target-oriented outputs and outcomes, indicators and results, risks defeating the purpose for earmarking.

Equity needs to be assessed not just from an international perspective of the emission comparison between the Global North and Global South, but also from the viewpoint of varying socio-economic inequalities existing among countries. On the domestic front, the impact of climate change is not going to be the same for all, and investing in climate change and designing specific actions on adaptation and mitigation for resilience building may still increase the existing inequalities and vulnerabilities of the at-risk communities if the programmes are not designed based on the specific locational, social, economic, and ecological vulnerabilities and risks to the poorest groups. In this context, as India has taken leadership at the global level on climate equity, it would need to exhibit equivalent rigour in implementing the domestic climate action to place equity and inclusion at the centre of its intent.

Key Recommendations

- Identify individuals engaged in the practice of manual scavenging and address the problems faced by them in accessing government programs and other basic amenities.
- Action to be taken against the government officials who employ people to engage in manual scavenging.
- Rehabilitation entitlements to be provided under the 2013 scheme, including alternate livelihood options, financial assistance, housing, and education support to the children of the persons engaged in manual scavenging.
- Introduction of modernised tools and technology and community members should be trained to use this technology.
- Abolition of dry latrines and manual scavenging completely. The Indian Railways should end manual scavenging by installing bio-toilets in the rail coaches.
- Elimination of all direct human contact with faecal matter during sanitation work.
- Confirming social security provisions for persons engaged in manual scavenging.
- Just implementation of Section 15A (Rights and victims and Witnesses), Rule 8 (Setting up of SC/ST protection cell) for the prevention of the atrocities
- Regular meetings of the State/District and Block-level Monitoring and Vigilance Committees for monitoring of the status and ensuring the effective implementation of the PoA Act.
- Increase budgets for direct benefit schemes like Post-Matric Scholarships, National Overseas Scheme, Hostels, and Skill Development schemes, and timely disbursement of cash to the recipients.
- Increase the budget to provision specialised instruction, remedial classes, evening classes, extra classes, and bridge courses for non-regular schooling students to equip them academically.
- Recruit SC teachers and training of non-SC teachers to build sensitivity towards Dalit children. Recognise the socio-economic vulnerabilities of the SCs, STs and women from these communities in implementing and monitoring the NAPCC missions. Caste-ethnicity-gender intersection aggravate climate vulnerabilities causes differential impact on these communities and groups.
- Enact Climate Change Adaptation and Mitigation Policy and Law respectively making it justiciable
- Utilise demographic data on human development and deprivations for the SC and ST populations from government data points to inform the NAPCC missions and schemes.

- Institute the Union Climate Budget with proportionate allocations for SC-ST under Development Action Plans for SC & STs (DAPSC-DAPST) as being done by the Governments of Bihar and Odisha etc.
- Enhance the budget for climate actions under the DAPSC-DAPST proportionate to SC and ST population, Gender budget and Child budget, considering regional and socio-economic vulnerabilities and exposure to climate risks.
- Introduce policy and programmatic measures to recognize the losses of the landless, homestead less and sharecroppers under existing and new schemes/programmes for land allocation, disaster relief norms, and alternative local and stable livelihood and income generation initiatives.
- Constitute a Special Authority for Climate Change Adaptation to conceive and implement such packages where in the locus of decision-making both pertaining to implementation administration and finances should be devolved to the Panchayat level to ensure immediate, ongoing, and complete access to the SC-ST and other marginalized communities.

I Tribal and Dalit People Live Through a Climate of Atrocities

- In the past 5 years, 339 people have lost their lives in fatalities related to manual scavenging^{1,2}
- The Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) aims to help former manual scavengers switch to other jobs. However, its funding has dwindled over the past three years: Rs. 110 Cr in 2021 to Rs. 70 Cr in 2022, with no allocation for FY 2023-24.³
- According to a 2021 Parliament Standing Committee Report on Home Affairs, crimes against women and children from SC/ST communities rose by 15% from 2017 to 2019, yet the conviction rate under the Prevention of Atrocities (PoA) Act during the same period was only 26.86%, with an alarming 84.09% of cases pending.⁴
- High expenditure households (top 20%) in India produce almost seven times more carbon emissions than low expenditure households and climate change disproportionately affects marginalized SC and ST communities, particularly informal workers in urban areas and poorer farmers from marginalized castes due to droughts⁵.
- While abiding by India's climate commitments, the Economic Survey 2022-23 has very pertinently acknowledged that the jobs that are likely to be created in the so-called 'green economy' are tilted towards skill and technology-intensive than in traditional industries, which will.
- Budget allocations for SC communities in central government schemes addressing climate change in 2023-24 (Green India Mission, National Coastal Mission, Fasal Bima Yojana, Jal Jeevan Mission, Swachh Bharat Mission) have either remained the same or decreased, except for a slight increase in the Krishi Vikas Yojana.⁶

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1. 339 Lives Lost to Manual Scavenging in the Last Five Years, Govt Data Reveals - <https://thewire.in/rights/339-lives-lost-to-manual-scavenging-in-the-last-five-years-govt-data-reveals>
 2. 1,035 people died due to hazardous sewer cleaning since 1993, compensation given to kin of 948: Govt. in Lok Sabha - The Hindu - <https://www.thehindu.com/news/national/1035-people-died-due-to-hazardous-sewer-cleaning-since-1993-compensation-given-to-kin-of-948-govt-in-lok-sabha/article66619003.ece>
 3. Pending applications, stigma: Central scheme to help manual scavengers find other jobs stuck in quagmire in UP - <https://www.newslaundry.com/2023/06/22/pending-applications-stigma-central-scheme-to-help-manual-scavengers-find-other-jobs-stuck-in-quagmire-in-up>
 4. Crimes against SC/ST women, children up 15%, but conviction rate low, says House panel - <https://theprint.in/india/governance/crimes-against-sc-st-women-children-up-15-but-conviction-rate-low-says-house-panel/626548/>
 5. Study Finds India's Rich Emit 7x More Emissions Than the Poor - The Wire Science - <https://science.thewire.in/environment/india-carbon-emissions-rich-poor-households/>
 6. Dalit Adivasi Budget Analysis 2023-24 - https://www.ncdhr.org.in/wp-content/uploads/2023/02/NCDHR-Budget-2023_9-Feb-for-web.pdf

■ LGBT*QIA in India: Government Remains Married to the Past

The efforts of the government are tokenistic as it pats its own back in the name of 'welfare and empowerment' of the trans* community, while thousands of trans* persons continue to experience gross violation of human rights, discrimination, violence, and exclusion from social and economic life.

The past decade has seen a significant change in the Indian nation-state's approach towards the rights of the LGBT*QIA+ community. The efforts of various activists, organisations and advocacy spanning several decades have helped to achieve various landmark judgments that ensure a better future for the LGBTQ+ community. From the National Legal Services Authority (NALSA) v. Union of India (2014) judgement which provides several rights to transgender persons including the right to self-determination of gender identity to the decriminalisation of homosexuality in 2018 and now the ongoing discourse on marriage equality, it is evident that the various institutions of the State are making an active effort to include the LGBTQIA+ community into the mainstream. Even the central and state governments have ardently launched schemes to provide a more equitable ground for LGBTQIA+ persons. The National Portal For Transgender Persons, shelter homes for transgender persons called Garima Greh, the formation of the Transgender Persons' Welfare Board, as well as the inclusion of transgender persons in various schemes launched by the central and state governments, are a few initiatives taken up by the central and state governments. In New Delhi a significant achievement has been the setting up of the Out-Patient Department for Transgender Persons at Dr Ram Manohar Lohia Hospital are some progressive measures taken up by the government.

While progressive steps have been taken, the situation on the ground is far from ideal. LGBTQ+ people are constantly targeted, harassed, and discriminated against. The harmful pseudoscientific practice of conversion therapy has also led to suicide and acute emotional trauma for many members of the LGBT*QIA+ community. Even though, following the Madras High Court's Judgement¹ the National Medical Commission banned conversion therapy, it is still being overtly practised. Cases of deaths by suicide due to discrimination in educational institutions have also increased. In February 2022, a 15-year-old student in Faridabad died by suicide, due to severe bullying and sexual assault they faced at their school. Similarly, a Jadavpur University student also died by suicide after facing unbearable harassment by his seniors over his sexual orientation. There are many such cases which make LGBTQ+ community members vulnerable and put their lives in jeopardy.

■ Central Laws and Policies: An Overview

Since the passing of the NALSA judgement, many state governments as well as the central government have formulated policies and schemes for transgender persons. There have been quite a few progressive judgements by high courts and the apex court which protects the rights of LGBTQIA* persons. For instance, the Allahabad High Court in 2021 ruled out that a person cannot be removed

1. S. Sushma & Anr. versus Commissioner of Police & Ors. (2021)

from service on grounds of sexual orientation. Since 2019, the union government has taken steps to ensure the rights of LGBTQ+ people. For instance, the central government passed the Transgender Persons (Protection of Rights) Act in 2019 and since then several policies e.g. - The SMILE scheme, the setting up of the National Portal for Transgender Persons etc. State Governments have also brought out pension schemes for trans*² gender persons.

■ The Transgender Persons (Protection of Rights) Act 2019

The Government of India passed the Transgender Persons (Protection of Rights) Act 2019 which was formulated to address the issues and promote the overall welfare of the transgender community. As per that act “transgender person” means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Gender Affirmative Surgery or hormone therapy or laser therapy or such other therapy), a person with intersex variations, genderqueer and person having such socio-cultural identities as kinnar, hijra, aravani and jogti. The act recognises the transgender community as a marginalised group. It is intended to protect them against violence and discrimination and states that they are entitled to all the fundamental rights enshrined under the Indian Constitution. In 2020, parliament legally recognised transgender identity as an official gender in India.

■ National Council for Transgender Persons

In the exercise of the powers conferred by section 16 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019), the Central Government constituted a National Council for Transgender Persons on 21st August 2020. The National Council for Transgender Persons performs the following functions:

- The council advises the central government on policy formulation, programs, projects, and legislation, concerning transgender persons.
- Evaluation and assessment of the implemented programs, policies and such instituted by the government.
- Review and Coordination with governmental, and non-governmental that are dealing with matters relating to transgender persons.
- Address redresses and grievances of the transgender persons; and
- Perform such other functions as may be described by the government.

■ S.M.I.L.E. Scheme

The Ministry of Social Justice and Empowerment launched, ‘SMILE – Support for Marginalised Individuals for Livelihood and Enterprise’ on February 12, 2022. This scheme is aimed towards the

2. Using trans* to signify that transgender identities are on a spectrum. Trans* persons include non-binary, agender, and gender non-confirming persons, transmen, transwomen and anyone who self-identifies as trans.
https://commrzs3.ap-south-1.amazonaws.com/store/image/image_nazariya/catalog/pdf/2021+Gender+and+Sexuality+Terminology.pdf

welfare of transgender persons with a focus on the rehabilitation of trans persons engaged in begging, provision of medical facilities, counselling, education, skill development, etc. with support of the support of State Governments/UTs/Local Urban Bodies, Voluntary Organizations, Community-Based Organizations (CBOs)/Institutions and others³. The scheme has two sub-schemes, 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' and 'Central Sector Scheme for Comprehensive Rehabilitation of Persons engaged in the Act of Begging' which aim to work towards the objectives of SMILE.

The scheme aims to achieve this through various measures. It provides scholarships for transgender students to support their education from class IX till their post-graduation to promote education among the transgender community. The scheme also provides a medical package under the Pradhan Mantri Jan Arogya Yojana (PM-JAY) for gender-affirmative surgeries from selected hospitals.

It supports community-based organisations working on LGBTQIA+ to set up Garima Greh, a government-anchored shelter home for transgender persons. Garima Grehs were set up to not only provide shelter for transgender persons but also provide medical support and skill development to the residents of the shelter homes.

■ The National Portal for Transgender Persons

This portal allows trans people to apply for identification certificates, Gender Dysphoria letters and other e-documents online. It was set up by the Department of Social Justice and Empowerment to provide trans* persons with a comprehensive portal to acquire IDs based on their self-identifying identities.

■ A reality check

Under the umbrella scheme, SMILE, 12 Garima Grehs, shelter homes for trans* persons have been set up across nine states in the country⁴. While the intention of the government may seem noble to many, Garima Grehs are struggling to sustain themselves. A budget of 365 crores was allocated for this pilot project to sustain the Garima Grehs⁵. The residents of the shelter home can stay up to 12 months and are under compulsion to stay for a minimum of 3 months in Garima Grehs. Many reports published by the media indicate how the funds that are allocated to the shelter homes seldom reach them on time. In the year 2022, an article published by The Quint reported that the Garima Greh in Mumbai did not receive funds for 11 months⁶. The report mentioned how many trans* persons left the shelter due to the difficulties that arose owing to insufficient funds, including a counsellor who left her job because she had not received her salary.

Apart from the ongoing problem of insufficient and irregular funding, the shelter home's rules restrict the movement and entry of many trans* persons into the shelter home. For instance, once admitted

3. SMILE SCHEME - <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1806161>

4. Transgender Shelter Homes Teeter On Closure During Pride Month - <https://www.indiatimes.com/trending/spectrum/transgender-shelter-homes-under-threat-during-pride-month-605438.html>

5. GUIDELINES FOR GARIMA GREH - <https://transgender.dosje.gov.in/docs/GarimaGrehGuidleines.pdf>

6. 'No Funds From Govt for 11 Months': How Garima Greh Shelters for Trans Persons Are Struggling - <https://www.thequint.com/gender/garima-greh-transgender-persons-shelter-home-delhi-no-funds#read-more>

into the Garima Greh, a resident cannot leave the shelter home for a minimum period of three months. They are not allowed to work and are not admitted into the shelter home if they are already employed. People who are engaged in sex work or beggary are not admitted into the homes either⁷. It is important to understand that for most trans women, beggary and sex work are their primary sources of income. This leaves out a huge section of trans women and impedes the entry of many engaged in traditional occupations who are likely to seek shelter. This is detrimental to their source of income, which can help them sustain better during such times. The anti-begging and sex-work language of the law lingers around respectability politics by reducing the larger structural economic and social problems that force trans* people to remain in these occupations. There are also various restrictions on the mobility of the residents. This creates a very hostile situation for them and leads to rising discomfort during their stay.

Many couples also run away together to escape homophobic and transphobic violence in their natal homes. Garima Grehs don't house the cis-identifying queer partners of trans* persons. Couples in such precarious times find immense support and safety with each other which is snatched away from them due to the rigid regulations of Garima Grehs.⁸

If one were to look at this from the lens of Goal 11 of The Sustainable Development Goals which focuses on making cities and human settlements inclusive, safe, resilient, and sustainable for all; it becomes clear that the poor implementation and execution of this scheme contradicts the Sustainable Development Goals.

The population of 'other' as per Census 2011 is 4,87,803⁹. By December 2021, over a year after the launch of the portal, of 9,064 applications received to issue a transgender certificate and ID card, 1,995 (22 per cent) are pending and 1,164 (13 per cent) have been declared 'not-eligible', as per data from the National portal for transgender persons, as of June 20, 2022¹⁰. Government data also showed that despite receiving applications, Arunachal Pradesh, Assam, Chhattisgarh, Goa, Karnataka, and Punjab did not issue a single certificate¹¹. Activists claim that multiple bureaucratic processes fall short in the effective functioning of the issuing of the certificates from the portal. Many trans* persons have to undergo an arduous process and painstakingly wait for months to receive their IDs and Transgender Certificate and Identity cards¹².

The Trans Act 2019, constituted with the intention of the welfare and protection of transgender persons against violence and discrimination only extends the benefits to individuals who have undergone Gender Affirmative Surgery. Many activists from the LGBT*QIA+ community have argued that this comes in direct violation of the NALSA (National Legal Services Authority vs. Union Of India) judgement

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7. Rules regulations and guidelines for Garima Greh: GUIDELINES FOR GARIMA GREH - <https://transgender.dosje.gov.in/docs/GarimaGrehGuidleines.pdf>
 8. <https://thenazariyaoundation.org/queer-women-and-transpersons-experiences-rights-and-choices-with-respect-to-shelters-in-delhi> - <https://thenazariyaoundation.org/queer-women-and-transpersons-experiences-rights-and-choices-with-respect-to-shelters-in-delhi>
 9. Welfare of Transgenders - <https://pib.gov.in/PressReleasePage.aspx?PRID=1575534>
 10. Why Only 236 Trans Person Victims Of Crimes Were Recorded In India In 2020 - <https://www.indiaspend.com/gendercheck/why-only-236-trans-person-victims-of-crimes-were-recorded-in-india-in-2020-823034>
 11. India's New Transgender Portal Is Caught In Red Tape, Apathy and Bias - BehanBox - <https://behanbox.com/2022/03/30/indias-new-transgender-portal-is-caught-in-red-tape-apathy-and-bias/>
 12. Transgender Certificate

in 2014¹³. The NALSA judgement recognises the self-determination of queer and trans* individuals while the imposition of giving Transgender certificates to trans* persons who have undergone surgery only contradicts the NALSA judgement. Besides, it also leaves out a lot of individuals who do not have access to gender-affirmative healthcare (who are trans* but don't want to undergo surgery namely non-binary, gender-fluid, gender non-conforming individuals) from availing these benefits. A document released by the Press Information Bureau¹⁴ published in 2020 stated how the Act criminalises violence and discrimination against transgender persons. While the Act criminalises acts of violence against trans* persons for offences like rape with an imprisonment of six months which may extend up to two years and a fine, the punishment for the same offence against women under the IPC is for ten years which may extend to imprisonment for life and will be liable for a fine. This reflects the gross neglect of the state in giving equal importance to the violence faced by the trans* community and grossly violates their dignity. The Trans Act also does not provide any horizontal reservations for trans* persons from socially marginalised communities.

96 per cent of transgender people were unemployed, according to a 2018 report published by the National Commission for Human Rights (NCHR). Not a single report from states or recognised think tanks about the unemployment status of the community has been published since. While the SMILE scheme works towards securing the livelihood of trans*gender persons, there are ample media reports that highlight the struggles of accessing employment for trans* people¹⁵.

Despite the schemes, the government harbours a negative attitude towards the LGBTQ+ community. Recently, the Indian government has opposed the recognition of marriage equality in the ongoing case of LGBTQ+ community members in the recent petitions heard by the Supreme Court. The Solicitor General of India was vehemently opposed to the idea of Marriage Equality and said that "A valid marriage is only between a biological male and a biological woman," and stated that any equality offered to same-sex couples went against religious values and "seriously affects the interests of every citizen"¹⁶. In an affidavit filed to the Supreme Court the government of India submitted that while in 2018, the apex court had read down Section 377 that criminalised homosexuality, it had not 'legitimized' this conduct.

In another similar act of homophobia, in November 2022, the Government of India referred letters from the Research and Analysis Wing to the Supreme Court Collegium frowning upon the appointment of an openly gay lawyer Saurabh Kirpal¹⁷. The grounds of concern mentioned by the state were his 'intimate relationship' with his Swiss partner and his advocacy for the rights of LGBTQIA+ as leading to bias.

13. Trans Act 2019, Activists Feedback: The Wire - <https://thewire.in/lgbtqia/trans-act-2019-rules-feedback-activists>

14. The Transgender Persons (Protection of Rights) Act 2019 - <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2023/may/doc2023519200301.pdf>

15. The Economic Status of Transgender People in India - UAB Institute for Human Rights Blog - <https://sites.uab.edu/humanrights/2022/10/12/the-economic-status-of-transgender-people-in-india/>

16. Indian government labels same sex-marriage 'elitist' as supreme court hearing begins | India | The Guardian - <https://www.theguardian.com/world/2023/apr/18/indian-government-labels-same-sex-marriage-elitist-as-supreme-court-hearing-begins>

17. Supreme Court Collegium firm on appointing gay lawyer Saurabh Kirpal as High Court judge - The Hindu - <https://www.thehindu.com/news/national/supreme-court-collegium-firm-on-appointing-gay-lawyer-saurabh-kirpal-as-high-court-judge/article66408634.ece>

■ India on International Platforms on Issues of LGBTQIA+ people

Despite the historical NALSA judgment and the nationwide campaign that led to the reading down of the colonial-era law, section 377 that criminalised homosexuality, India abstained from voting on the resolution that renewed the mandate for an independent expert to monitor the protection of LGBTQ rights at the United Nations Human Rights Council (UNHRC) in the year 2019 and 2022¹⁸.

All of this indicates the tokenistic efforts of the government that pats its own back in the name of 'welfare and empowerment' of the trans* community as thousands of trans* persons continue to experience gross violation of human rights, discrimination, violence, and exclusion from social and economic life.

■ Recommendations for improving existing schemes

While the Transgender Protection of Rights Act, The Navtej Singh Johar Judgement as well as the NALSA judgement have paved the way for a more equitable ground, a lot is still left to achieve. The state governments on the other hand along with various NGOs, CBOs (Community-Based Organisations), and LGBTQ+ activists have introduced quite a few progressive schemes and policies. For instance, the Karnataka Government under its scheme 'Shakti' is providing free bus service to women and transgender persons. The Jharkhand government has announced that it will be providing a social security pension of Rs. 1000 to transgender persons, and the Odisha government has launched a similar policy under the 'Madhu Babu Pension Yojna' which will now provide a monthly pension of Rs 500 to Rs 900 to transgender persons¹⁹. Manipur has launched the first transgender women's grievance cell under the Manipur State Commission for Women²⁰. The Bihar government has announced that it will help facilitate SHGs (Self Help Groups) for transgender persons. The state of Tamil Nadu has also launched a dedicated mobile app for transgender persons called "Thirunangaial" which enables transgender persons to register their details and easily avail of an Identity Card. The government of Kerala launched the Saphalam Scheme for Transgender Students pursuing Professional Courses which provides financial assistance up to Rs 1,00,000 per year to transgender students.

An important recommendation would be to formulate Garima Grehs not only for transgender persons but for all individuals of the LGBTQ+ community. Apart from this one must also make sure that the rules of the Garima Grehs are rewritten and made to be more inclusive.

The state must also ensure the protection of all LGBTQ+ including cisgender lesbian, gay, and bisexual persons and recognise that they may face discrimination and harassment in different spheres of their life. The union government can also look into creating more job opportunities and ensuring that educational institutes and workplaces have strict policies for discriminating against queer individuals. In case of an absence of such policies, the state authorities are in a position to seek accountability

18. At UNHRC, India Abstains on LGBTQ Rights-Linked Resolution for Third Consecutive Time - <https://thewire.in/lgbtqia/unhrc-india-abstains-lgbtq-vote>

19. Jharkhand government to give Rs 1,000 pension to transgenders - India Today - <https://www.indiatoday.in/india/story/jharkhand-government-to-give-rs-1000-pension-to-transgenders-2432004-2023-09-06>

20. Manipur Inaugurated Its First Transgender Women's Grievance Cell - <https://feminisminindia.com/2021/04/12/manipur-first-transgender-women-grievance-cell/>

from educational institutes and workplaces. They must also ensure that all the existing policies and schemes are duly carried out and reach the people at the grassroots level.

The Trans* Act should be amended to uphold the NALSA judgment that recognises the right of trans*gender persons to self-determine their gender. At the same time, the Trans* act rests the power in the hands of the District Magistrate to provide the Trans*gender certificate.

■ Demand

The transgender community has been fighting for equal rights for several years, and while the NALSA judgement has been a remarkable victory the struggle does not end there. Several transgender activists have been fighting for horizontal reservations for transgender persons. Horizontal reservations for transgender persons would mean that a percentage of seats from the general OBC, SC and ST categories would be reserved for trans* people coming from socially marginalised communities. The Karnataka government in 2021 has already set an example by providing 1 per cent horizontal reservations to transgender persons in employment for civil services posts²¹.

Another key demand of the LGBTQ+ community is providing access to free gender-affirmative healthcare not only to binary transgender persons but to transgender persons across the spectrum. As of now genderqueer, agender, gender fluid and non-binary persons are not able to access gender affirmative healthcare.

■ Marriage Equality Petitions, 2022

Activists have argued that marriage is a political issue and not bound to the confines of personal choice. This is because there are several civil and political rights like housing, inheritance, adoption, property, etc. that are attached to marriage. Marriage is therefore seen as a gateway to a bouquet of many constitutional rights²².

Queer people form families outside of marriage. It is a demand from the community to provide for civil and political rights to chosen families in the community. One of the many reasons for forming chosen families is rooted in the violence that queer and trans* individuals face in their natal homes. Queer individuals and couples seek to run away from their homes to escape the familial violence they experience because of their gender identity and expression. It then becomes imperative to recognise families of queer and trans* individuals that are formed outside the institution of marriage and to legally recognise them and extend a bouquet of rights to queer chosen families.

A report published by a national network of LBT* organisations and collectives²³ cites the various examples of natal family violence faced by queer and trans* persons. This report was published after a closed-door public hearing attended by queer and trans* individuals, activists, lawyers, members of

21. Explained: Why Trans People Are Demanding Horizontal Reservation Across Castes - <https://www.thequint.com/explainers/trans-people-fight-for-horizontal-reservations-across-castes#read-more>

22. Going Beyond Marriage: A Case for Relational Equality - Supreme Court Observer - <https://www.scoobserver.in/journal/going-beyond-marriage-a-case-for-relational-equality/>

23. <https://thenazariyafoundation.org/doc/nazariyapdf/Apno-ka-Lagta-hai.pdf> - <https://thenazariyafoundation.org/doc/nazariyapdf/Apno-ka-Lagta-hai.pdf>

various queer and trans* organisations, collectives and community-based organisations. This report informed 1 of the 20 marriage equality petitions filed in the Supreme Court that focused on acquiring civil and political rights for chosen families.

The petition filed by Rituparna Borah, Meenakshi Sanyal, Chayanika Shah and Maya Sharma and three couples argues that the conception of family is limited to marriage, birth and adoption²⁴, and asks for non-recognition of marriage on the grounds of sexual orientation or gender identity to be deemed unconstitutional. Since marriage brings a bouquet of rights, the petition asks for protection from the natal family and community as well as the right to have a chosen family, civil rights like inheritance and guardianship rights for chosen families, and finally, the queer person's right to marry the person of their choice.

■ Marriage Equality Petitions, 2023

On the 17th of October 2023, the Supreme Court delivered its final judgement on the marriage equality case. The Supreme Court, as anticipated in much of the activist circle, did not legally recognise the right of marriage or the right to form civil unions. The bench invoked judicial review and separation of powers claiming that forming laws strictly lay in the legislative domain and shirked from the responsibility²⁵. However, the two judges (minority judgement of Chief Justice Chandrachud and Justice Kaul), voiced that same-sex couples are permitted to form civil unions.

In regards to adoption, the minority judgement argued that Central Adoption Resource Authority (CARA) had exceeded its authority by barring queer couples and unmarried couples from adopting²⁶. As a result, the right to adoption for queer couples was struck down.

The majority judgment however recognised the marriage equality rights for transgender persons in heterosexual relationships. All the five judges including the majority judgement, agreed that queer and trans* couples have the right to cohabit as granted in the judgment of Navtej, and that the responsibility to protect them lies entirely with the State. Chief Justice Chandrachud laid down a list of directives that focused on non-discrimination and protection of queer and trans* persons in the face of violence and discrimination. The bench invoked the Shakti Vahini vs Union of India saying that the protections given to heterosexual couples should be extended to non-heterosexual couples. These directives include:

1. Security to the couple/family is provided and a safe house be established at each district headquarter for the same.
2. The safe house may be placed under the supervision of the jurisdictional District Magistrate and Superintendent of Police.
3. If a valid complaint is received from a couple or from an independent source that the relationship is opposed by their family members/local community/ Khaps, the complaint shall be entrusted by the District Magistrate/ Superintendent of Police to an officer of the rank of Additional

24. Going Beyond Marriage: A Case for Relational Equality - Supreme Court Observer - <https://www.scobserver.in/journal/going-beyond-marriage-a-case-for-relational-equality/>

25. Supreme Court's marriage equality judgment unpacked: Two views on four key issues | Explained News - The Indian Express - <https://indianexpress.com/article/explained/explained-law/scs-marriage-equality-judgment-unpacked-two-views-on-four-key-issues-8988049/>

26. SC Refuses to Legalise Marriage Equality, 2 of 5 Judges Say Queer Couples Must Be Given Legal Rights - <https://thewire.in/law/marriage-equality-supreme-court-decision>

Superintendent of Police who shall submit a report to the Superintendent of Police in not less than one week.

The majority bench also stated that no queer, trans* or intersex persons could be subjected to involuntary medical treatments or surgeries. While the rights to legally recognised marriages, civil unions, and the right to co-adopt have not been granted by the Supreme Court, the minority judgement explicitly states that **if the State does not recognise non-heterosexual couples the same tangible and intangible rights that accrue from marriage to heterosexual couples, then it would amount to discrimination of queer and trans* people**. Recognising the discriminatory access to rights and entitlements extended to heterosexual and non-heterosexual couples through marriage by the Supreme Court can be seen as a vantage point for further advocacy and rights of LGBT*QIA+ individuals.

LGBT*QIA in India: Government Remains Married to the Past

- The SMILE umbrella scheme has established 12 Garima Grehs in 9 states, with a budget allocation of 365 crores. Despite these efforts, funding delays have been a persistent issue, such as the 11-month delay in funding for a Garima Greh in Delhi¹. This financial challenge hinders the effective operation of these shelter homes designed to support transgender individuals.
- Garima Grehs enforce regulations like a minimum 3-month stay and prohibitions on employment, which impact trans women who rely on such work for income. Additionally, these shelters do not accommodate cis-identifying queer partners of trans individuals, causing separations during crises, especially for couples seeking refuge from homophobic and transphobic violence.^{2,3}
- Despite the launch of the National Portal for Transgender Persons, there are significant delays and rejections in the issuance of transgender certificates and ID cards. As of June 20, 2022, 22% of applications are pending, and 13% have been declared 'not-eligible'⁴.
- Several states, including Arunachal Pradesh, Assam, Chhattisgarh, Goa, Karnataka, and Punjab, have not issued a single certificate. Activists argue that bureaucratic processes hinder the efficient issuance of these certificates, causing trans individuals to endure a lengthy wait for their IDs and Transgender Certificates⁵.
- The Trans Act 2019, aimed at protecting transgender individuals, **only benefits those who undergo Gender Affirmative Surgery, contradicting the NALSA 2014 judgement recognizing self-determination. This excludes non-binary, gender-fluid, and gender non-conforming individuals** who lack access to gender-affirming healthcare⁶.
- A 2018 NCHR report indicates a 96% unemployment rate among transgender individuals, but no recent data on their employment status is available⁷.
- The Indian government opposes marriage equality in ongoing LGBTQ+ petitions, citing religious values and broader societal interests. Activists argue that marriage is a gateway to various constitutional rights, making it a political issue, not just a personal choice⁸.
- India abstained from voting on the resolution that renewed the mandate for an independent expert to monitor the protection of LGBTQ rights at the United Nations Human Rights Council (UNHRC) in the year 2019 and 2022⁹.

1. No Funds From Govt for 11 Months: How Garima Greh Shelters for Trans Persons Are Struggling - <https://www.thequint.com/gender/garima-greh-transgender-persons-shelter-home-delhi-no-funds#read-more>
2. GUIDELINES FOR GARIMA GREH - <https://transgender.dosje.gov.in/docs/GarimaGrehGuidleines.pdf> - <https://thenazariyafoundation.org/queer-women-and-transpersons-experiences-rights-and-choices-with-respect-to-shelters-in-delhi>
3. Queer Women and Trans*persons' Experiences, Rights and Choices with respect to Shelters in Delhi - <https://thenazariyafoundation.org/queer-women-and-transpersons-experiences-rights-and-choices-with-respect-to-shelters-in-delhi>
4. Why Only 236 Trans Person Victims Of Crimes Were Recorded In India In 2020 - <https://www.indiaspend.com/gendercheck/why-only-236-trans-person-victims-of-crimes-were-recorded-in-india-in-2020-823034>
5. India's New Transgender Portal Is Caught In Red Tape, Apathy and Bias - BehanBox - <https://behanbox.com/2022/03/30/indias-new-transgender-portal-is-caught-in-red-tape-apathy-and-bias/>
6. Halt Implementation of the Trans Act 2019: Activists - <https://thewire.in/lgbtqia/trans-act-2019-rules-feedback-activists>
7. Transgender And Unemployment In India: Outlook - <https://www.outlookindia.com/national/transgender-and-unemployment-in-india-news-182617>
8. Indian government labels same sex-marriage 'elitist' as supreme court hearing begins | India | The Guardian - <https://www.theguardian.com/world/2023/apr/18/indian-government-labels-same-sex-marriage-elitist-as-supreme-court-hearing-begins>
9. India abstains from voting on UNHRC resolution to monitor LGBTQ rights - <https://www.reuters.com/world/india/india-abstains-voting-unhrc-resolution-monitor-lgbtq-rights-2022-06-20/>

■ Invisibilising Persons with Disabilities

Persons with disabilities constitute approximately 2.21 per cent according to the 2011 census. So, the government's decision to omit disability-related questions from the sixth round of the National Family Health Survey is unfair towards the needs of this community.

There has been significant attention focused on disability related issues over the past nine years of the BJP-led government at the Centre. It was during this period that the Rights of Persons with Disabilities Act (RPWD Act) was enacted, although some of the provisions in the bill introduced by the previous government in December 2013 were diluted.

The passage of the Act, as stated in its preamble, is to “to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto”. India had ratified the UNCPRD in 2008. However, the implementation of the Act has been more on rhetoric than concrete action.

■ Targeted Initiatives since 2019

There has been a notable decline in both the training and employment of individuals with disabilities under various central government schemes during the second term of the Modi government, following a gradual rise in the first term.

In response to an unstarred question by Trinamool Congress MP Dibyendu Adhikari, the minister of State for Social Justice and Empowerment Pratima Bhoumik had shared that as per the 2011 Census, of the 2.68 crore persons with disabilities in the country, only a meagre 36 per cent were employed as workers.

According to a report in 2021 by a market research firm Unearthinsight, out of an estimated 3 crore disabled persons in India, 1.3 crore are employable, however only 34 lakh (26%) of them are employed across the organised, unorganized sector, government led schemes¹.

The trend was quite similar even for the Persons with Disabilities who were employed after being trained. From 4,605 in 2014-15 (under NHFDC) their number increased to 11,208 in 2016-17 under the scheme. The peak occurred in 2018-19 when 17,125 people trained under NAP got employed. However, this number too dropped significantly by nearly 90 per cent the following year, with a meagre 357 people finding jobs in 2020-21 and 361 in 2021-22.

Some hope was felt with a new education policy that endorses the provisions of the RPWD Act and promises the inclusion and equal participation of children with disabilities in early childhood care and education (ECCE). However, the numbers say something different.

¹ Half of the disabled population in India employable: Report | Jobs News - The Indian Express - <https://indianexpress.com/article/jobs/half-of-the-disabled-population-in-india-employable-report-7405660/>

According to Unified District Information System for Education (UDISE+) data from 2021–22, India had 14,89,115 schools with 26,52,35,830 children attending them in different states of the country. Of these only 0.84 per cent i.e., 22,40,356 were students with disabilities². Similar trends can be noticed with school enrolments with persistently low and almost static enrolment of children with disabilities over the years.

Adding to the low enrolment ratio is the poor state of physical infrastructure in schools. In spite of the emphasis on providing physical infrastructure like drinking water facilities, Toilets friendly to children with special needs (CWSN), ramps etc., as also mentioned under legal frameworks and schemes like Accessible India Campaign, there has been little compliance on ground. For instance, in 2021–22, only 25.7 per cent of schools had reported to have functional CWSN/Children with disabilities toilets while only 71.8 per cent of them have reported to have ramps³.

On similar lines, the Standing Committee has also observed the failure of the Accessibility India Campaign in its 2021 report. The committee suggested that DoEPwD adhere to deadlines and invoke penalty provisions under the Rights of Persons with Disabilities Act (RPwD Act) 2016 for breach of deadlines.

Even in terms of access to health and care services, the expenditure on health of Indians has increased in recent years. The World Health Organisation has estimated that out of pocket expenditure on health in India is double the global average (65 per cent compared to the world average of 32 per cent – percentage of the current health expenditure). The situation deteriorates furthermore with very few government insurance schemes for persons with disabilities on one hand and high-cost plans with extremely limited private players offering the same, on the other.

There has been little progress with respect to insurance products tailored to the needs of disabled people, despite judicial orders as a result of advocacy efforts by National Centre for Promotion of Employment for Disabled People and a circular issued by IRDAI to all insurance companies to develop insurance products for persons with disabilities. The few insurance products for persons with disabilities are riddled with gaps, mainly because these include policies not centred on needs of people with disabilities, high range of premium, no declaration of underwriting philosophy and the like.

Gender based violence against women with disabilities: According to a 2018 report by Human Rights Watch (HRW), *Invisible Victims of Sexual Violence: Access to Justice for Women and Girls with Disabilities in India*, women and girls with disabilities face significant barriers to justice and face a higher risk of sexual violence. The inaccessible criminal justice system fails in many respects in rendering justice to survivors of violence⁴. One of the major hurdles is the lack of any data on violence on disabled people in our country. As a result, the enormity of the issue never comes to the forefront. Hence, it is important that the National Crime Records Bureau collect data disaggregated by sex, age, place of residence, relationship with perpetrator and disability in cases of violence and exploitation,

2. UDISE+ (2021–22), CWSN Enrolment by Gender & Educational Level (Government). Retrieved from: UDISE dashboard (Accessed on 11/09/2023)

3. UDISE+, 2021–22, Schools with available infrastructure facility. Retrieved from: <http://dashboard.seshagun.gov.in/#!/reports> (Accessed on 11th September 2023).

4. India: Women With Disabilities Locked Away and Abused | Human Rights Watch (hrw.org) – <https://www.hrw.org/news/2014/12/03/india-women-disabilities-locked-away-and-abused>

including gender-based violence against women and girls with disabilities, and violence inflicted by intimate partners.

Accessibility: The Rights of Persons with Disabilities Act, of 2016 provided a timeline of five years for making all existing public buildings accessible by June 14, but out of the total 2,839 buildings, 585 state buildings and 1,030 central government buildings were made barrier-free for the disabled by December 2022⁵. Although the government has launched feedback mechanisms specifically for Persons with Disabilities called Sugamya Bharat app which aims to enable people with disabilities and the elderly to register accessibility-related problems in buildings, transport, or any infrastructure, the complaints are subject to delays and accessibility remains a major issue according to Disability rights activist Arman Ali⁶.

According to the 76th round of National Sample Survey (NSS) conducted in 2018, among the persons with disabilities who were surveyed and had used public transport in the 365 days preceding the survey, 67.1 per cent of them had faced difficulties in accessing or using public transport, both in urban and rural areas⁷.

Census data analysis reveals that people with certain disabilities (e.g., movement, speech, sight, and hearing) are more likely to be employed than those with multiple disabilities or mental disabilities. This is due to the lack of reservation for people with mental illness in the disability policy. Additionally, disabled individuals often find it easier to secure employment or be self-employed in smaller cities where there is less chaos and a stronger sense of community⁸.

Having said this, for these policy developments and government schemes to be truly inclusive of the needs of persons with disabilities, it is imperative that people with disabilities play a central role in the governance process. However, this has been a persistent challenge that is evident from the miniscule participation of persons with disabilities in the political arena. Inaccessibility of infrastructure and information coupled with the attitudes of political parties who don't often consider people with disabilities as a potential 'vote bank' often perpetuates ignorance for this community and fails us as a true democracy.

■ Review of Budget 2022-23

Despite the marginalization of people with disabilities and the varied cross-sectoral issues affecting them in differing proportions, their presence can be hardly seen, especially in reference to the availability of data. The term "Missing Millions" is also often used for Persons with Disabilities (PwDs) to indicate this invisibility.

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5. Disabled friendly cities remain a mirage: New Indian Express - <https://www.newindianexpress.com/nation/2022/dec/03/disabled-accessible-cities-remain-a-mirage-in-india-2524763.html>
 6. Disabled-accessible cities remain a mirage - <https://www.deccanherald.com/india/disabled-accessible-cities-remain-a-mirage-1168139.html>
 7. Opinion | In India, there are too many barriers for persons with disabilities - <https://www.moneycontrol.com/news/trends/lifestyle-trends/opinion-in-india-there-are-too-many-barriers-for-persons-with-disabilities-9683101.html#:~:text=Roads%20might%20be%20uneven%20or,even%20life%2Dthreatening%2C%20task.>
 8. How disabled friendly are India's cities? | Mint - <https://www.livemint.com/Opinion/ZfYenwlgBcXBgKqg0A2S2M/How-disabled-friendly-are-Indias-cities.html>

The picture becomes clearer with the statistics in the 2023-24 budget tabled in parliament by finance minister Nirmala Sitharaman. While the total expenditure in the budget increased by 7.5 per cent to Rs. 45 lakh crores (approximately), the allocation of resources for the disabled community has been insufficient and unfair. The Department of Empowerment of Persons with Disabilities (DoEPwD) under the Ministry of Social Justice and Empowerment has been allotted Rs 1,225 crore in this financial year. This is a meagre 0.027 per cent of the total budget. Similarly, other schemes under DoEPwD did not find much presence in the budgetary allocations. This is evident from the budget allocation of a mere Rs. 150 crore for the Scheme for the Implementation of Persons with Disabilities Act (SIPDA), a 37 per cent decline from the last year⁹.

The government's decision to omit disability-related questions from the sixth round of the National Family Health Survey (NFHS-6), further demonstrates the government's apathy towards the needs of this community. This decision discounts the fact that persons with disabilities constitute approximately 2.21 per cent of the country's population – 2.68 crore people as per the 2011 Census.

Further, even these statistics are not trustworthy. Over the years, disability activists have consistently raised concerns about not only the data collection method but also the insufficient training of enumerators, leading to the distorted figures. While Census 2011 reports a disabled population of 2.21 per cent, the NFHS-5 data shows it to be only 1 per cent.

Regular data collection is imperative not only to meet the Sustainable Development Goals (SDGs) but also to adhere with the Rights of Persons with Disabilities Act 2016 and the United Nations Convention on the Rights of Persons with Disabilities.

■ Recommendations

- The 'special school' and 'home-based education' which have been left to a line each in different laws, need to be defined and cross referenced in both the laws for adequate implementation.
- Availability of trained teachers, provision of individualized support and reasonable accommodations and teaching and learning in preferred means and modes of communication are needed in all sites of education.
- A system of regular audit must be carried out on the status of all these sites of education and the information needs to be made available in public domain.
- There needs to be strict collection of data along with focus on disaggregated data on disability for targeted policy reforms.
- Audits must be conducted of the full panoply of services to be provided from the standpoint of disability inclusion, including: (a) accessibility of paperwork and prescriptions; (b) whether reasonable accommodations are being provided; (c) whether the physical infrastructure is disabled-friendly.

9. 'Missing Millions': Persons With Disabilities Yet Again Get a Raw Deal in Budget (thewire.in) - <https://thewire.in/rights/missing-millions-persons-with-disabilities-yet-again-get-a-raw-deal-in-budget>

- A network of technical persons, such as sign language interpreters, special educators and other disability professionals, should be built on the district-level, and connected to healthcare facilities.
- Further, disability sensitization training should be provided to healthcare workers who are tasked with administering any healthcare programme or providing related services.
- An accountability and monitoring mechanism should be developed, which would ensure continued compliance with accessibility norms, spelt out in the RPwD Act, 2016.
- Persons with disabilities should be provided with the same range, quality and standard of free or affordable health care and insurance services as provided to other persons while integrating insurance on assistive technology in the health insurance policies.

I Invisibilising Persons with Disabilities

- In a 2021 report, out of an estimated 3 crore disabled persons in India, 1.3 crore are employable. However only 34 lakh (26%) of them are employed¹. As per Census of 2011, 36% of India's 2.68 crore persons with disabilities were employed².
- In 2021-22, India had 14,89,115 schools with 26,52,35,830 students, but only 0.84% (22,40,356) were students with disabilities³.
- Compliance with disability-friendly infrastructure, such as accessible toilets, disabled friendly drinking water facilities and ramps, remains low despite legal frameworks like the Accessible India Campaign. In 2021-22, only 25.7% of schools reported to have functional CWSN/Children with disabilities toilets while only 71.8% of them reported to have ramps⁴.
- The omission of disability-related questions resulted in only 1% of citizens being classified as PwD according to the NFHS-5 even though in the 2011 Census, the disabled population was as high as 2.21%.⁵
- Even though the Rights of Persons with Disabilities Act, 2016 specifies 21 disabilities, no questions about those disabilities were included in the National Family Health Survey - 6^{6,7}
- The allocation for the Department of Empowerment of Persons with Disabilities in the budget is a mere 0.027% of the total budget, with a 37% decline in funding for the SIPDA scheme⁸, through which grants-in-aid are provided to state governments to fund programmes focused on catering to the occupational aspirations of Persons with Disability and enhancing their skills for wage employment.

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1. Half of the disabled population in India employable: Report | Jobs News - The Indian Express - <https://indianexpress.com/article/jobs/half-of-the-disabled-population-in-india-employable-report-7405660/>
 2. Training, Employment of Persons With Disabilities Drops Under Central Schemes in 2nd Modi Regime - <https://thewire.in/government/training-employment-of-persons-with-disabilities-drops-under-central-schemes-in-2nd-modi-regime>
 3. UDISE+ (2021-22), CWSN Enrolment by Gender & Educational Level (Government). Retrieved from: UDISE dashboard (Accessed on 11/09/2023)
 4. UDISE+, 2021-22, Schools with available infrastructure facility. Retrieved from: <http://dashboard.seshagun.gov.in/#!/reports> (Accessed on 11th September 2023).
 5. Omission of disability-related questions from NFHS-6 shows that disability remains misunderstood | The Indian Express - <https://indianexpress.com/article/opinion/columns/indian-government-does-not-understand-disability-decisions-for-nfhs-6-are-proof-8918424/>
 6. Omission of disability-related questions from NFHS-6 shows that disability remains misunderstood | The Indian Express - <https://indianexpress.com/article/opinion/columns/indian-government-does-not-understand-disability-decisions-for-nfhs-6-are-proof-8918424/>
 7. NFHS 6 Household Survey - https://rchiips.org/NFHS/NFHS6/Questionnaire/NFHS6_Household.pdf
 8. 'Missing Millions': Persons With Disabilities Yet Again Get a Raw Deal in Budget (thewire.in) - <https://thewire.in/rights/missing-millions-persons-with-disabilities-yet-again-get-a-raw-deal-in-budget>

■ Governance Outcomes for Indian Minorities: A Five Year Review

Most studies report that Indian Muslims are facing a consistent pattern of social exclusion, which keeps them economically backward year after year. There is no policy in place at the Government level to bring them out of this morass except the small business loans.

India is home to about 300 million people belonging to religious minorities that comprise 20 per cent of its population. The Constitution of India enshrines the concept of 'minority' in its Articles 29 and 30. Moreover, the National Commission for Minorities Act, 1992 and the National Commission for Minority Educational Institutions Act, 2004 provide certain safeguards for the development and welfare of the six statutory religious minority communities in India, i.e. Muslims, Christians, Sikhs, Buddhists, Parsis and Jains. In the wake, the Ministry of Minority Affairs of the Central Government and its various undertaking bodies are made responsible to look after these communities through appropriate policies and budgetary provisions. The present review underlines major governance outcomes and shortcomings as regards the implementation of the desired constitutional and legal provisions and the developmental policies and schemes for minorities during the last five years.

■ Scholarships for Minorities

Promotion of education among minorities through implementation of different schemes has been a very effective initiative of the Central Government since 2007. It continued to be a flagship program for the religious minorities, including ten schemes, even during the first five years of the present dispensation. However, with the commencement of the second term of the present government in 2019, some adverse policy decisions could be marked that have affected this otherwise an effective measure for ameliorating their grave educational backwardness. A few schemes were modified to limit their reach or altogether dropped and some others face cutback of funds. It began with the reduction of fiscal support and underutilization of the allocated funds for different educational schemes. According to the data tabled in the Parliament, from 2019 to 2022 "the government spending on six educational schemes for religious minorities dropped by around 12.5%, while the number of beneficiaries declined by 7%".¹ The drastic impact could be seen on two measure schemes Naya Savera (Free Coaching and Allied Scheme) and Begaum Hazrat Mahal Scholarship for Minority Girls for promoting secondary education among Muslim girls, being one of the major schemes of Maulana Azad Education Foundation since it was formed in 1989. In August 2023, the Pre-Matric Scholarship for Minorities was discontinued for Class I-VIII. It should be noted that total 57,10,789 children from the six statutory religious minorities received this scholarship during the year 2021-22, almost 55 lakh per annum during the last five years before the current session. Due to this decision, more than two-

1. Sumeda (2023). Explained | The reality of scholarship schemes for religious minorities in India. The Hindu: August 27, 2023. <https://www.thehindu.com/news/national/religious-minorities-muslims-india-education-scholarship-explainer/article67226138.ece>. Retrieved on 15 November 2023

thirds of them have lost this support from the current year onwards. Muslim students remain the most affected section under this decision, being three-fourth of them all. Maulana Azad National Fellowship meant for research students from minority communities was rolled back in December 2022. It may be noted that 6,722 candidates were selected under this scheme between 2014-15 and 2021-22. Now onwards, the minority students will have to compete with OBC and other fellows for any alternative support. In the current budget, though amount for Post Matric Scholarship for Minorities was increased by Rs 515 crore to Rs 1065 crore, whereas the fund for Merit-cum-Means Scholarship for Minorities was scaled down in the budget 2023-24 from Rs 365 crore in the previous session to mere Rs 44 crore. The major reduction of funds has been in the Pre Matric Scholarships, which was lessened from Rs 1425 crore in the Budget 2022 to mere Rs 433 crore in the current budget provisions. It may be noted from the above stated policy changes that the educational schemes for minorities are largely facing a hard time since 2019. Though all beneficiaries of the religious minorities will be proportionately affected, Muslims, understood to be an educationally backward community, would be highly deprived from these recent changes since they were provided with a 75 per cent quota of these schemes. It is also noteworthy that the religious minorities were already receiving very small fiscal support as compared to other weaker sections, being generally one tenth of the SCs, though the population of minorities in the country is larger than SCs. This leads to double discrimination against the Indian minority population.

The scholarship schemes for minorities were a great booster for their educational development for more than last fifteen years. For instance, Muslim students' enrolment from Grade I to XII in 2012-13 was 31.6 million which became 36.6 million by 2021-22 showing a small but steady increase as against an irregular pattern in the general enrolments². The total enrolment of minority students in schools was 47,543,853 in 2019-20 which was more than that of the previous year. The overall enrolment of all children from primary to higher secondary has increased from 253,804,461 in 2020-21 to 255,740,623 in 2021-22, showing a slight increase of 0.75 per cent³. During the same period the enrolment of Muslim children has been respectively 36,202,678 and 36,591,868, i.e. a slightly higher increase of 1.07 per cent as compared all students. It should be noted that the enrolment of students from all religious minorities has come down during the corresponding period from 45,505,633 in 2020-21 to 45,439,404 in 2021-22, with a decrease of 0.14 per cent. This fall of minority students' enrolment from primary to higher secondary is of 4.43 per cent since 2019-20. Thus, the withdrawal of government support to minority education has started affecting by this time the remarkable achievement of the previous decade in terms of drop in the number of enrolment.

This negative impact is also visible in case of Muslim enrolment in higher education. After a steady increase of Muslim percentage in higher education for more than a decade, it has recently shown a decline. All India Survey on Higher Education (AISHE) 2020-21 reports that the enrolment of Muslim students has increased to 1.92 million in 2020-21 from 1.74 million in 2016-17, except in the fourth year of this period. This enrollment was 2.10 million students in 2019-20. Thus, in the year 2020-21, the

2. Arun C. Mehta. 2023. The State of Muslim Education in India: A Data-Driven Analysis. Education for All. <https://educationforallinindia.com/the-state-of-muslim-education-in-india-a-data-driven-analysis-by-prof-arun-c-mehta-based-on-udiseplus-aishe-2023/>

3. Report on PLUS (UDISE+) 2021-22. Department of School Education and Literacy Ministry of Education Government of India. - https://www.education.gov.in/sites/upload_files/mhrd/files/statistics-new/UDISE%2B2020_21_Booklet.pdf

Muslim enrolment in higher education has actually fallen by 0.18 million students, i.e. a fall of 9.52 per cent. It is difficult to analyse the situation of the last two years in the absence of AISHE Reports for the years 2021-22 and 2022-23. It should be noted that the same trend is visible in terms of number of beneficiaries in Post-Matric Scholarship availed by Muslim students who were 572,341 in 2019-20 and dropped to 500,785 in the following year, a decline of 12.5 per cent, throwing 72,000 Muslim students out of higher education. The most drastic decrease has been noted in Uttar Pradesh where this decline has been of 36 per cent, despite the fact that in many southern states the increase in Muslim enrolment in higher education remained unabated. This led to the reduction of overall Muslim share in higher education from the peak of 5.45 per cent in 2019-20 to 4.64 per cent in 2020-21.

The overall number of beneficiaries of Post-Matric Scholarship from minority communities was 743,141 students in 2019-20 which came down to 663,316 in 2020-21, i.e. a decrease of 10.74 per cent, revealing that the pattern of enrolment in higher education in case of Muslim and other religious minorities is largely the same. Though it could not be regarded as the only factor for this untoward decline in the minority education, the recent policy changes seem a major one

■ Minority Educational Institutions

According to the UDISE+ 2019-20 data of Department of School Education and Literacy, Ministry of Education, out of 50,536 minority schools (including linguistic minorities), 27,259 schools are run by the management belonging to Muslim, 600 by Sikh, 1140 by Jain, 15,808 by Christian, 126 by Parsi, 720 by Buddhist communities and 4,883 by linguistic minorities and others⁴. It has been noted that non-minority students make over 60 per cent of those enrolled in minority schools across the country and only 8 per cent of the overall minority students actually study in the minority schools⁵. Yet, there are efforts by certain activists to bring minority institutions under the purview of the RTE Act with a view to increase the number of non-minority students therein.

The reduction of the budget of Maulana Azad Education Foundation (MAEF) in the current session will surely lead to lesser availability of public funds for establishing minority schools and hostels in the backward areas having minority concentration. The Central Government's grant for MAEF was just zeroed from the last allocation of Rs 90 crore to 0.01 crore this year. This will further reduce the number of minority institutions needed for the educationally backward communities. There is also a reduction over the years in the fiscal support for the scheme of the Ministry of Education, called Integrated Development of Minority Institutions (IDMI), which has been made available for the development of infrastructure of minority schools.

Though there is an increasing number of educational institutions being established under the management of minority communities, they are facing a number of problems in terms of recognition and financial support. The data of National Commission for Minority Educational Institutions (NCMEI) reveal that Minority Status Certificate (MSC) up to 2021 has been granted to only 13,602 institutions. Of them, 5,153 run by the Muslim community, 7,550 by Christians, 522 by Jains, 300 by Sikhs and the rest

4. Shia Schools and Colleges. - <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1778480#:~:text=2021%2C%20the%20NCMEI%20has%20granted,and%2014%20by%20Parsi%20community>

5. Minority Schools Cater to Less Than 8% of Minority Children, NCPCR Report Finds - <https://thewire.in/education/minority-schools-ncpcr-right-to-education>

by Buddhists and Parsi communities.⁶ It is evident here that only fourth of the minority schools could avail the minority certificate by the year mentioned. According to the Annual Report of NCMEI 2020–21, 13,553 institutions have received MSCs from 2005 to 2019, averaging at 968 per annum during the past 14 years.⁷ However, in the years 2019–20 and 2020–21 only 12 and 14 institutions were granted the MSCs, making the tally to 13,579 by the last available report. It is evident that by the time of the reviewed years, the trend of issuing MSC has drastically reduced.

■ Economic Development

Most studies report that Indian Muslims are facing a consistent pattern of social exclusion, which keeps them economically backward year after year. There is no policy in place at the Government level to bring them out of this morass except the small business loans from NMDFC. The National Council for Economic Research (NCER) found that 31 per cent Muslims were living below the poverty line in 2010. Jains, Sikhs, and to a lesser extent Christians, have been found to be relatively more prosperous than Muslims; “together their 2005 poverty rate was only 12 per cent, about the same as Forward Caste Hindus.”⁸ Devrupa Rakshit (2023) says “While Muslim disadvantage has been widely noted... there are few policies in place to protect them and there has not been an effective political mobilization in their interest. Muslims have also been frequent targets of discrimination and even violence.”⁹

Labour Force Participation Rate (in per cent) according to usual status for major religious groups has been reported by Periodic Labour Force Surveys (PLFSs). Accordingly, the rate for all persons has gone up from 40.1 per cent in 2019–20 to 41.6 per cent in 2020–21 and then it slightly came down to 41.3 per cent in 2021–22. For the same years, it was respectively 34.1 per cent, 35.5 per cent and 35.1 per cent for Muslims; 43.9 per cent, 43.6 per cent and 45.6 per cent for Christians and 41.1 per cent, 39.1 per cent and 41.4 per cent for Sikhs.¹⁰ Except the latter community, all other religious groups have shown a slight increase in 2020–21 followed by decrease in the following year, perhaps due to the recent pandemic. Whereas the unemployment rate noted by PFLS 2021–22 for all persons is 4.1 per cent, it is 4.4 per cent for Muslims, 5.8 per cent for Christians and 6.2 per cent for Sikhs. This shows that all major religious minority groups have an unemployment rate higher than Hindus (3.9 per cent) and the latter two communities are on the major disadvantage in this regard. The following table illustrates percentage distribution of workers in usual status by broad status in employment for major religious groups. (Source: Annual Report, PLFS, 2021–22, A-460)

6. Shia Schools and Colleges. - <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1778480#:~:text=2021%2C%20the%20NCMEI%20has%20granted,and%2014%20by%20Parsi%20community>

7. <https://cdnbbsr.s3waas.gov.in/s33de568f8597b94bda53149c7d7f5958c/uploads/2023/03/20230315100.pdf>

8. Thorat A et al - <https://www.jstor.org/stable/40276548>

9. Why the Economic Marginalization of Indian Muslims Is Systemic | The Swaddle - <https://www.theswaddle.com/why-the-economic-marginalization-of-indian-muslims-is-systemic>

10. PLFS 2021–22. P78 - https://www.mospi.gov.in/sites/default/files/publication_reports/AnnualReportPLFS2021-22F1.pdf

SRC	Self-Employed	Regular Wage/ Salary	Casual Worker
Hindus	56.1	21.5	22.4
Muslims	58.0	19.3	22.6
Christians	45.9	28.5	25.5
Sikhs	48.8	25.7	25.5
All	55.8	21.5	22.7

It is evident that Muslims are more conspicuous in self-employment than other communities, a sign of their lesser regular income. Whereas Christians are in a better position in regular/salaried employment followed by Sikhs, Muslims have least share in terms of regular/salaried jobs and casual work than all others, which is again an indication of their disadvantage on the front of better employment. This seems to be a direct outcome of their educational backwardness.

National Minorities Development and Finance Corporation (NMDFC) is the only agency that directly impacts the economic development of minority communities in the country. The year-wise achievement of NMDFC during some previous years makes it evident that the combined number of beneficiaries of its three schemes, namely micro-credit, micro-credit to NGO and term loan, in 2019-20 was 136,649, which went up to 205,777 by 2022-23. However, this has come down to just 51,843 in the current session. It is due to the fact that the total amount made available for the year 2022-23 was of Rs 881.70 crore a decline of almost one three-fourth by the amount to Rs 227.64 crore in 2023-24.¹¹ This matches with the policy of withdrawal of fiscal support to minorities in various schemes of the Central Government in recent years.

■ Safety and Security

In the present circumstances, safety and security of members of minority communities remains one of the major concerns of the policymakers as well as the affected populations. However, the communal situation in the country has not changed much during the previous years. These communities are consistently facing physical violence off and on in the form of communal riot, lynching and mental torture by individuals and organizations influenced by the ideology of Hindutva.

NCRB has decided in 2014 to present details on riots due to communal/religious reasons in its annual report. Accordingly, it has reported that 723 cases of such riots took place in 2017 that came down to 512 in 2017. The number was highest in 2014, i.e. 1,227. In the years 2018 and 2019, this number was 512 and 438 respectively. Strangely, the cases of communal rioting have almost doubled in 2020 from the previous year to 857, though the COVID-19 pandemic had drastically limited the outdoor activities.

11. Year Wise Achievements | Official website of National Minorities Development and Finance Corporation, Ministry of Minority Affairs, Government of India - <https://www.nmdfc.org/yearwiseachievements>

In the year 2021, 378 cases of communal violence have been registered in the country. It has been reported that, "In the last eight years since 2014, 2020 had the most communal killings reported at 62. Barring 2013 (71) & 2020, the toll has never crossed 50 in any single year."¹² This is despite the reported decrease in the communal incidents during the past few years. Though 190 murders with communal motive between 2014 and 2021 has been seen as a fall as compared 216 murders during the period from 2006 to 2013, the menace remains unabated.¹³ The proposed law against communal rioting needs to be implemented for reducing such heinous crimes.

A new form of violence against weaker sections, particularly Muslims, has started occurring from 2014 onwards, largely on the pretext of cow vigilantism. Wikipedia records that from 2010 to June 2017, there were 63 incidences of lynching in the country which led to 28 persons killed and 124 injured. Since then the menace has only increased between 29 June 2017 till date with 82 incidences of lynching causing 43 deaths and 145 persons badly injured. The Centre for Studies in Society and Secularism (CSSS) reports based on its documentation of five newspapers published from Mumbai that the incidents of mob lynching in 2020 were 23 and in 2021 it were 16.¹⁴ Thus, out of the 145 total incidents reported here, the majority pertains to recent years. The Documentation Of The Oppressed (DOTO) database, updated until August 2022, recorded that there were 206 such instances affecting more than 850 people, including Dalits, Christians and public servants, though mainly Muslims.¹⁵ About 86 per cent of those killed in the recent mob lynching were Muslims, Dalits were another major section. Strangely, the police have filed counter cases against the victims/survivors in 21 per cent of them all. The Supreme Court strongly criticized in 2018 regarding some recent incidents of lynching and mob violence in the country perpetrated against Dalits and minority community members as "horrendous acts of mobocracy". It further advised the Parliament to pass suitable law while establishing lynching as a separate offence with due punishment. However, the advice has not been taken care of so far.

Justice

One indicator of justice is the number of inmates in the jails. It has been reported that out of total 488,511 prisoners in 2020, 19.1 per cent (93,774) were Muslims, which is quite disproportionate to their population in the country.¹⁶ Other disproportionate representation is of Scheduled Caste and Scheduled Tribe people respectively 20.7 per cent and 11.2 per cent of the overall prisoners. The share of Muslim prisoners was 18 per cent in 2016, 19 per cent in 2017, 18.2 per cent in 2018, showing almost the same pattern. Over 30 per cent of all detainees in Indian prisons were Muslims in the year 2021. It is evident that most inmates belong to the category of under trials and could be granted bail with the due process of law. Experts have underlined socio-economic backwardness, financial constraints and the prejudice against Muslims prevailed in the system as the major causes of this grave situation. A

12. Have communal killings gone up or down? NCRB data show 12% fall in toll from 2006-13 to 2014-21 - <https://theprint.in/india/have-communal-killings-gone-up-or-down-ncrb-data-show-12-fall-in-toll-from-2006-13-to-2014-21/1707687/>

13. Ibid

14. Communal Violence in the year 2021 | C.J.P. - <https://cjp.org.in/communal-violence-in-the-year-2021/#:~:text=This%20methodology%20is%20not%20very,greater%20number%20of%20communal%20riots>

15. "It was his birthday": Muslim lynched over beef in western India | Islamophobia News | Al Jazeera - <https://www.aljazeera.com/news/2023/6/30/it-was-his-birthday-muslim-lynched-over-beef-in-western-india>

16. Why The Percentage Of Muslim Prisoners In India's Jails Is Disproportionate to Their Population In India | Article-14 - <https://article-14.com/post/why-the-percentage-of-muslim-prisoners-in-india-s-jails-is-disproportionate-to-their-population-in-india--6230001268058>

curious case in this regard is from Tamil Nadu where the state government was waiting by October 2023 for Governor's nod, in the light of recommendations of Justice N Athinathan Committee recommendations submitted a year back, to release 49 life term prisoners, including 20 Muslims, who have been languishing in jail even after completion of their sentence.¹⁷ It is natural to believe that many more such cases could be found in various other states too.

■ Policy Asks

In the wake of above-mentioned issues, the following major recommendations should be considered in the right earnest for alleviating the deteriorating conditions of minorities, particularly Muslims.

- The schemes undertaken for the welfare and development of minorities should be strengthened by conducive policies and due fiscal support.
- The budget of scholarship schemes for minorities should be made at par with the SCs who almost match with the former in the demographic attributes.
- The laws should be passed by the Parliament and enacted for controlling the communal discrimination and violence.
- A separate law should be enacted against the mob lynching as advised by the Supreme Court of India.
- Appropriate schemes should be adopted and implemented for the economic development of minorities for skilling their youths and providing them easy bank loans for promoting entrepreneurship.
- The Government and civil society organizations should take effective measures for the promotion of communal harmony and peace in society.
- The left-out recommendations of Sachar Committee should be approved for implementation such as the establishment of a databank on minorities and promotion of diversity in the country.

17. Steps being taken to release Muslim prisoners: Tamil Nadu CM Stalin - <https://www.deccanherald.com/india/tamil-nadu/steps-being-taken-to-release-muslim-prisoners-tamil-nadu-cm-stalin-2720769>

Governance Outcomes for Indian Minorities: A Five Year Review

- Government spending on six educational schemes for religious minorities decreased by approximately 12.5%, impacting two key programs—Naya Savera and Begaum Hazrat Mahal Scholarship.¹ In August 2023, Pre-Matric Scholarship for Minorities for Class I-VIII was discontinued, affecting over two-thirds of the 57 lakh beneficiaries from the six religious minorities, predominantly Muslim students.²
- In the academic year 2019-20, the enrollment of Muslim students in higher education was 2.10 million. However, in 2020-21, there was a decline of 0.18 million students, marking a decrease of 9.52%. A similar trend is observed in the number of beneficiaries of the Post-Matric Scholarship for Muslim students, which dropped from 572,341 in 2019-20 to 500,785 in the following year—a decline of 72 thousand students.³
- Non-minority students make over 60% of those enrolled in minority schools across the country and only 8% of the overall minority students actually study in the minority schools.⁴ Yet, there are efforts by certain activists to bring minority institutions under the purview of the RTE Act with a view to increase the number of non-minority students therein.
- In 2010, a National Council for Economic Research report found that 31% Muslims were living below the poverty line. In 2013, another survey by an organization under the Ministry of Statistics and Program Implementation had found Muslims to be the poorest religious group in India.⁵ Despite widespread recognition of Muslim disadvantage, there is a lack of protective policies and effective political mobilisation in their interest.⁶
- The National Minorities Development and Finance Corporation (NMDFC), the primary agency for minority community economic development, experienced a nearly 75% reduction in allocation for the year 2023-24 compared to the previous year. This signifies a significant withdrawal of fiscal support for minorities in various central government schemes.⁷
- The Supreme Court strongly criticized incidents of lynching and mob violence in 2018⁸ when there were 512 rioting cases with 812 victims. The figures declined to 440 incidents and 593 victims in 2019 but sharply rose in 2020 to 857 cases and 1,065 victims. From 2010 to 2017, 86% of those killed in cow vigilantism violence were Muslims, with 97% of these incidents occurring after 2014.⁹

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1. Explained | The reality of scholarship schemes for religious minorities in India - The Hindu.- <https://www.thehindu.com/news/national/religious-minorities-muslims-india-education-scholarship-explainer/article67226138.ece>
 2. Pre-matric scholarship for minority students was discontinued based on 'cogent reasons': Union Minister Smriti Irani in Parliament - The Hindu - <https://www.thehindu.com/news/national/pre-matric-scholarship-for-minority-students-was-discontinued-based-on-cogent-reasons-union-minister-smriti-irani/article67153512.ece>
 3. aise 2020-21 - <https://aishe.gov.in/aishe/BlankDCF/AISHE%20Final%20Report%202020-21.pdf>
 4. Minority Schools Cater to Less Than 8% of Minority Children, NCPCR Report Finds - <https://thewire.in/education/minority-schools-ncpcr-right-to-education>
 5. Muslims poorest among religious groups, says NSSO survey - The Hindu - <https://www.thehindu.com/news/national/muslims-poorest-among-religious-groups-says-nssso-survey/article5042032.ece>
 6. Why the Economic Marginalization of Indian Muslims Is Systemic | The Swaddle - <https://www.theswaddle.com/why-the-economic-marginalization-of-indian-muslims-is-systemic>
 7. Year Wise Achievements | Official website of National Minorities Development and Finance Corporation, Ministry of Minority Affairs, Government of India - <https://www.nmdfc.org/yearwiseachievements>
 8. Supreme Court urges separate laws against mob killings | Reuters - <https://www.reuters.com/article/india-lynching-supremecourt-idINKBN1K71FD>
 9. 86% killed in cow-related violence since 2010 are Muslim, 97% attacks after Modi govt came to power | Latest News India - Hindustan Times - <https://www.hindustantimes.com/india-news/86-killed-in-cow-related-violence-since-2010-are-muslims-97-attacks-after-modi-govt-came-to-power/story-w9CYOksvgk9joGSSaXgpLO.html>

Hate, Threaten, Kill – Imaging the Apprehensions of Christians in Ten Years of Achhe Din

Most studies report that Indian Muslims are facing a consistent pattern of social exclusion, which keeps them economically backward year after year. There is no policy in place at the Government level to bring them out of this morass except the small business loans.

Eight months after he administered the oath of the office of Prime minister of India to Mr Narendrabai Damodardas Modi, the then President of India, Mr. Pranab Mukherjee, noted the rise of communalism and the targeting of religious minorities in the months following that extortionary and colourful event staged in the forecourt of the magnificent Rashtrapati Bhawan.

In his address to the Nation on 25th January 2015, the eve of Republic Day, President Mukherjee said “In an international environment where so many countries are sinking into the morass of theocratic violence ... We have always reposed our trust in faith-equality where every faith is equal before the law and every culture blends into another to create a positive dynamic. The violence of the tongue cuts and wounds people’s hearts. The Indian Constitution is the holy book of democracy. It is a lodestar for the socio-economic transformation of an India whose civilisation has celebrated pluralism, advocated tolerance, and promoted goodwill between diverse communities. These values, however, need to be preserved with utmost care and vigilance.”

Mr. Mukherjee, who in his retirement was honoured in its Nagpur headquarters by no less than by the Rastriya Swayamsevak Sangh, the venerable organisation whose cadre Mr Modi was before his elevation as the chief minister of Gujarat in 2001, touched a point that has worried many among even those who voted BJP hoping he would bring about a change from the corruption and economic coma in which the country had found itself in the last few years.

Even in the short period of less than one year of the new government, the religious minorities, specially Christians and Muslims, found the Union and State governments dismissive of their complaints of targeted violence and persecution, both by political and non-State actors, who already seem to enjoy immunity from prosecution. Even at that early stage, it was clear to many among them that he had contempt for them. “I know you will not walk with me,” he told a delegation of the Christian community in Delhi which called on him to felicitate him.

Nine years later, some members of that delegation were in another group which was invited by the Chairman of the National Commission of Minorities, Mr Iqbal Singh Lalpura, a BJP leader from the Punjab, for a discussion on the persecution of Christians in various parts of the country. The meeting had been called by Mr Lalpura on the directions of the Minister for Minorities, Mrs Smriti Irani, who in

turn had been instructed by the Prime Minister's office to look into a letter of complaint sent to Mr Modi by members of the Catholic church in the national capital which the prime minister had visited on Easter.

In a meeting some months earlier, Mr Lalpura had been arrogant in rejecting complaints of targeted hate and violence against the Christians across the country, particularly from Uttar Pradesh. He was now effusive. Could the church, he said, give him the list of attacks. He would have them investigated. The NCM does not have an investigation wing and depends on the police forces of the states and districts from which the complaints come.

But Mr Lalpura made an extraordinary revelation. The Prime Minister, he said, wanted to treat every community, every citizen the same way. His welfare schemes were for all communities, castes, and classes. There was no need to have any special thing for any religion or group. Mr Modi, quoted Mr Lalpura, therefore disparaged policies such as the 15-point programme for minorities [created by Mrs Indira Gandhi in her second return to power]. Here was the answer people had been seeking for the last three years as they saw the shrinking of the Ministry of Minority Affairs, and the various Commissions which look after Scheduled cases, Tribes, even women and the physically challenged. But none more than the departments working for minorities. In five years of the second term of Mr Modi's NDA government, they now look like an atrophied fossil of their old self. Most of the programmes and scholarships have been sharply reduced, or ended entirely. Institutions have seen their budgets shrink rapidly.

Little wonder Mr Modi's non-state followers have harkened to his dog whistle while governments and police have looked on.

In the Christian season of Advent in December 2021, Haridwar on the banks of the sacred Ganga river within a half a day's easy drive from national capital New Delhi, saw an extraordinary event unfolding. Over the next three days, a large group of religious men and a few women, many of them ranking state leaders of the BJP and its sister organisations, gathered in a Dharma Sansad, a Parliament of the Faith. Their voices pitched high, and some raising their staff of holy office, the speakers called for the killing of minorities, and a destruction of their places of worship. Many were not reluctant to spell out which groups they meant. Muslims and Christians.

Prabodhanand Giri, a former RSS cadre who heads the Hindu Raksha Sena asked Hindus to emulate Myanmar's ethnic cleansing of the Muslim Rohingyas. Giri associates himself with the Uttar Pradesh chief minister, whose picture he features on his Facebook page. Sadhvi Annapurna, formerly Pooja Shakun Pandey, the head of the Niranjani Akhara and a general secretary of the Hindu Mahasabha, called for the killing of Muslims. "If 100 of us are ready to kill two million of them, then we will win and make India a Hindu nation," she said.

Swami Anandswaroop, who heads the Sambhavi Dhaam, told people that the government would have to comply with the ruling of the Dharm Sansad because it was the "word of God." Otherwise, he said, it would wage a war like the one which was waged in 1857.

In New Delhi the same month, the Hindu Yuva Vahini, an organisation which was founded by UP chief

minister Adityanath, took an oath “We make a resolution until our last breath: We will make India a Hindu nation, and keep it a Hindu-only nation. We will fight and die if required, we will kill as well.” The oath was administered by Suresh Chavhanke, the editor-in-chief of the Sudarshan News channel.

And in Raipur, on Christmas day 2021 at another Dharma Sansad, godman Kalicharan Maharaj, declared Father of the Nation Mahatma Gandhi a “traitor who destroyed the nation” and praised his assassin Nathuram Godse. Others urged Hindus to arm themselves if they desired to make India a Hindu Rashtra, claimed that tribals in the region were “being lured” to become Christians while Muslims were “entrapping Hindu women”. Police cases were registered after a massive civil society outrage.

India seems to be rapidly descending into a pit marked by sharp religiously targeted violence against Muslim and Christian communities, on the one hand, and an equally rapid escalation of violence against the Dalit, and the indigenous or Tribal ethnic groups. In May, a deliberately orchestrated hate and violence campaign was unleashed against the Christian ethnic group called the Kuki-Zo, an almost entirely Christianity adherents by the majority Meiti group of plains living ethnic Hindus in the state of Manipur, which adjoins Myanmar. This violence has seen the most bloodshed since the Kandhamal anti Christian Pogroms of 2007 and 2008 which were rated the most vicious violence against the minority community since Independence, and in fact in 300 years of its 2,000 year old presence in India.

Manipur is undoubtedly the most blazing marker of the constant targeted hate. And the impunity surrounding it has been such a feature of Mr Modi’s two terms in office. Manipur is a complex mix of targeted violence people based on their ethnicity and religion – the victims of the Kuki-Kho tribe are almost totally Christian. It has been internalised by the Christian community as if it was on them as a national group. The Christians have also identified themselves fully with Fr Stan Swamy, the 84 year old Jesuit priest who was picked up from his home office in Jharkhand’s Ranchi, on trumped up charges of being part of an extreme left wing conspiracy now called the Bhima Koregaon case. Fr Stan died while still a prisoner of the state.

The nine months count of persecution cases in India till September 2023 was 589, an all-time record since the initiation of keeping statistics in the mid 1990s. The total number of Christians arrested in India so far in 2023 was 648, also a record, of which an unheard of 440 cases were from the state of Uttar Pradesh. Out of these, 35 Christians were still awaiting release in October 2023. There are 13 Districts in India wherein practicing Christianity is becoming dangerous. Bastar is leading with 51 incidents of violence against Christians followed by 14 each in Kondagaon and Azamgarh, 13 each in Jaunpur, Raebareli and Sitapur, 12 in Kanpur, 10 each in Hardoi, Maharajganj, Kushinagar and Mau, 9 each in Gazipur and Ranchi. Three of the large states of India are witnessing the highest number of incidents of violence against Christians: Uttar Pradesh leading with 211 incidents, followed by Chhattisgarh with 118 and Haryana with 39 incidents.

The previous nine years have seen increasing crimes against the Christian community – a disastrous decade in the 2,000-year history of this community, and touching the magnitude of Kandhamal, Odisha, in 2007-2008. Manipur deserves a separate note. The national figures of the two terms of the

NDA make a terrifying matrix.

The violence was sharp, but the changes in institutional and structural edifice of the state relating to religious and ethnic and religious minorities would be seen to be having a far more deeper impact on the community. These include a remoulding of the education system in the country which effectively dilutes the Constitutional rights of minorities on education, apart from opening up the now corporatised education system, wide open to infiltration and manipulation by extreme right wing political forces preferred by the current regime.

Added to these is a calculated sharpening of the political rhetoric demanding a common civil code, presumably taking away the separate laws on marriage and divorce enjoyed by religious minorities – and the majority Hindu community. This will also impact the tribal communities which have their traditional laws protected by the Constitution. Christian tribals also face a double whammy of their ethnic status as Tribes obliterated on conversion to Christianity, but not on conversion to Hinduism from their ancestral modes of faith and worship.

It should not have been so, India – or Bharat as Mr Modi has now “officially” foreground it – is a mix of communities, peoples, cultures and religions. The 2011 Census of India – the next census due in 2021 has still not begun – says Hindus constitute 79.8 per cent Muslims 14.23 per cent Christians 2.3 per cent, Sikhs 1.72 per cent, Buddhists 0.7 per cent, Jains 0.37 per cent (4,451,753), and other religions’ adherents, including Parsis and Jews, constitute 0.6 per cent of the population in India. There is no official data for India’s many indigenous religions as well as for the number of atheists and agnostics in India. The Christian community in India is not homogenous and its members owe allegiance to various denominations. The Catholic Church, the largest of them, is itself of three Rites, Latin, and the Kerala based Syro Malabar and Syro Malankara.

Many members of tribal and indigenous communities were originally animists, and subsequently converted to Christianity and Hinduism by processes of cultural assimilation. Additionally, Dalits (belonging to oppressed castes) converted from Hinduism to Christianity, Buddhism and other religions, partially to escape from the clutches of the oppressive and discriminatory caste system within the Hindu fold. As a result, in the present context, the Christian population comprises a large proportion of Dalit and tribal people, as well as Christians belonging to varied denominations, living across many states in India.

The guarantees written by the makers of the Constitution of India, therefore, are equally vibrant, and reassuring to the smallest of the groups.

The Preamble to the Constitution envisages India as a sovereign, socialist, secular, democratic republic. The Supreme Court of India has stated that religious tolerance and equal treatment of all religious groups and protection of their life, property and their places of worship formed essential aspects of secularism as enshrined in the Indian Constitution. Freedom of religion is guaranteed by the Indian Constitution, comprising the following aspects: freedom of conscience (Article 25), right to freely profess, practice and propagate religion (Article 25), freedom of religious denominations to establish, maintain and manage religious and charitable institutions (Article 26), freedom from paying tax promoting any religion (Article 27), and freedom from religious instruction in state-funded

educational institutions (Article 28). Courts have clarified that the Constitution of India seeks to “synthesise religion, religious practice or matters of religion and secularism.” Rights pertaining to the freedom of religion or belief are not absolute, and are subject to restrictions such as public order, morality and health, other provisions of Part III (that is, other fundamental rights), laws providing for regulation or restrictions of economic, financial, political or other secular activity which may be associated with religious practice, and laws providing for social welfare and reform.

The Freedom of religion is also dealt with in the Indian Penal Code (IPC), the Religious Institutions (Prevention of Misuse) Act 1988, the Places of Worship (Special Provisions) Act 1991 and the Representation of the People Act (ROPA) 1951. Acts related to promoting enmity between different groups on the ground of religion are punishable offences under the IPC. The ROPA disqualifies a person convicted of the IPC offences mentioned above from being a member of either House of Parliament or Legislative Assembly or Legislative Council of a state. Rights related to and arising from marriage and family are contained in personal status laws that are specific to specific religious communities, shaped by religious beliefs and customary practices, in addition to a civil, secular law.

The call for a Uniform Civil Code in this regard, in the name of national unity, secularism and gender equality, are ironically being made by the Sangh Parivar whose members are complicit in spreading inter-religious hatred and polarisation. [This is despite the Law Commission of India recommending that the Uniform Civil Code was neither necessary nor desirable.] Additionally, anti-conversion legislations are operative across an increasing number of states in India.

The BJP conflates Indian culture with Hindu culture and identity, and aggressively promotes Hindu nationalism — that blends territorial unity with Hindutva. Hindutva, in juxtaposition with Hinduism as a religion, is the political ideology of the Hindu right wing and Hindu majoritarian politics intensified since 2014, placing all religious minorities (particularly the Muslims and Christians) as second-class citizens, and damaging the social fabric of the country. The Minority Rights Group said “the BJP’s promotion of Hindu nationalism is not only exclusionary towards India’s minorities but has contributed to an overall climate of intolerance in India”.

In August 2019, the government revoked constitutional autonomy guaranteed to the state of Jammu and Kashmir by the Indian Constitution’s Articles 35A and 370. BJP supporters engaged in mob attacks or threatened violence, while several states adopted laws and policies to target minority communities, particularly Christians, Muslims, Dalits, and Adivasis. A case in point is the Citizenship (Amendment) Act of 2019, which expedites citizenship for certain religious groups. The anti-conversion laws are now totally weaponised, their warheads threatening long jail terms, now even for marrying a Hindu woman if anyone in her family or even a stranger goes to the police with his objection to the marital union.

In the ensuing gloom, it is not surprising that where some religious minorities are under attack, it has adverse ramifications on the human rights of other religious communities, including the Christian community. For instance, the ban on hijab (headscarf worn by Muslim women and girls) in public educational institutions in Karnataka—which received constitutional sanction from the Karnataka High Court—could potentially extend to a ban on the habit worn by Catholic nuns. Even if it does not, the

hijab ban has instilled such a fear within the Christian community. We situate the precarious situation of Indian Christians within the larger context of deteriorating socio-legal status of most religious minorities, particularly Muslims and Sikhs.

On the grounds that Hindus worship cows, 'cow protection' laws have been enacted in at least 22 out of 31 state legislatures in India. The laws prohibit the transportation of cows for slaughter, killing of cows, sale, purchase, storage and consumption of beef and makes such acts as offences punishable with varying terms of imprisonment and fine.

The laws have created an institutional framework within which cow vigilante groups (referred to as gau rakshaks) – in nexus with the local police – operate with impunity and violently attack suspected offenders. States with the strictest laws against cow slaughter have witnessed the most horrific lynchings and murders of persons involved in the cattle trade and who are suspected or accused of violating under the laws.

Representatives of Karawan-e Mohabbat who visited some three dozen cases of lynching of Muslim youth – and two Christians – found police delayed registration of criminal complaints. The families of victims' were threatened, and in some cases, criminal complaints were filed against them to silence them. There was gross contravention of legal procedures, shielding of perpetrators, destruction of evidence and biased investigation. Additionally, political patronage to the perpetrators has also fostered violence and impunity.

Given that the Dalit and tribal communities consume beef as an inexpensive source of nutrition, and many members of the Muslim community are involved in business activities around beef, the legislation is used to target the lives and livelihoods of Dalits and Muslims predominantly. Scholars have highlighted that the beef ban is a cultural imposition on adivasis, Dalits, Christians and Muslims, to destroy their food culture, protein availability and choice of food. Additionally, the political discourse around the same is also intended to change the dietary habits of Indians, towards vegetarianism, termed by some as 'food fascism'.

For Christians, the main whip hand is the false bogey of proselytisation which is used to justify horrific crimes against them. These incidents of persecution, as the community calls them, intensified in 2020 and 2021, and peaked in the first ten months of 2023. Christian institutions have reported being targeted, harassed, attacked, threatened, intimidated, arrested based on false allegations and in some cases, fatal assaults. It is only a matter of time before the call for "war against Muslims" is extended to other religious minorities, particularly the Christians. Each year, Christians are most vulnerable to attacks in the second half of the year—particularly in the months from August to December, the Christmas season.

COVID-19 did not deter perpetrators from attacks on the Christian community. Given the complete lockdown for some months and severely restricted mobility for several months thereafter, following up with criminal law processes such as arrests, investigation and prosecution of perpetrators was challenging. A 2020 report of Evangelical Fellowship of India (EFI) noted the near collapse of the media, the absence of journalists on the ground, leading to severely constrained accurate collection of data on the persecution of Christians, and the inability of civil society activists to provide socio-

legal assistance to affected persons in the villages. The EFI reports also state that crimes against Christians are under-reported due to the unwillingness of the police to register criminal complaints, and with courts being virtually closed during the pandemic, affected Christians had little access to justice.

As in the case of Dalit Christians and Adivasi Christians, Christian women are vulnerable to violence and discrimination due to their intersectional identities. Women's bodies have been the site of communal and targeted violence against religious minorities in India since independence, with a discernible pattern of attacks and impunity for the same. Incidents of communal violence and targeted attacks against religious minorities have intensified in the past two decades, when the Hindu extremist forces became active, and widened their support base. Sexual and gender-based violence on Muslim women has been documented in many contexts.

Catholic nuns, who are conspicuous due to the religious habits that they wear, are often attacked deliberately to teach a lesson to, shame and intimidate the Christian community in India, and to force it into a subservient status in Indian society. The Hindu right wing's hate propaganda that falsely accuses all Christians of conducting forcible conversions, provides a further justification for targeted attacks on nuns. Some reported attacks in recent years include the following:

- In June 2017, a Catholic nun, Sister Bina Joseph, was detained along with four tribal girls at a railway station in the state of Madhya Pradesh, and subsequently arrested, based on a complaint by 50 members of Bajrang Dal alleging forced conversion.
- In April 2019, when a Class 10 student of a Catholic school in the state of Tamil Nadu ended her life as she had failed in the mathematics exam, her family members reportedly attacked the school along with a mob of about 200 persons, assaulted nuns who were managing the school (who had to be hospitalized) and vandalized the institution. Four nuns who were targeted for vicious attack, including an attempt to strangle them with rosary beads they wore on their necks, were reportedly hospitalized for some days.
- In March 2021, four nuns, including two postulants, were attacked by members of Bajrang Dal, while they were travelling by train to their homes at Rourkela in Odisha and forced to get off the train in Jhansi. They were falsely accused of conducting forced conversion on the two postulants who were younger women, and the four women were taken into police custody and questioned for several hours before being released. The Syro-Malabar Church reportedly said that it was a pre-meditated attack as 150 Bajrang Dal activists had assembled at the railway station in no time.
- In October 2021, two nuns—Sister Gracy Monteiro and Sister Roshni Minj—who were waiting at a bus stop in Mau in the state of Uttar Pradesh were falsely accused of conducting forcible conversions and taken to a police station by vigilante groups and detained there the entire day.
- In January 2022, after a 17-year-old girl ended her life in a hostel run by Catholic nuns in the state of Tamil Nadu, a 62-year-old nun—Sister Sahaya Mary—was arrested, and accused of forcibly converting the deceased prior to her death. The arrested nun was granted bail several

weeks after she was arrested, and the Central Bureau of Investigation has now taken over the investigation. While these are just illustrative cases, these indicate a common pattern of targeting nuns and making false allegations of forced conversions against them, and using state machinery (particularly the police) to harass, detain and arrest them.

The incidents also indicate the quick mobilization among members of vigilante groups, who arrive at the scene of harassment in large numbers in no time at all, and act with impunity and brazenness. The top political leadership in the central and state governments has failed to publicly denounce such acts and assure nuns of security, and in the rare instance that they do, owing to public outrage, the assurance has not been transformed into concerted action at the ground level. This has caused an extreme feeling of insecurity and fear among all nuns in the country for professing Christianity, for wearing clothes that indicate their religious identity and restricting their mobility.

But then, the Prime minister of India has not spoken a word on Manipur in public, nor gone to the state. He has so far not met a single Christian victim of targeted hate and violence from any state, even from a state governed by his arch enemy, the Congress.

His silence in the face of the terrorising of his fellow citizens, a micro minority of 2.3 per cent of the population, is an epitaph of his nine years in office as the prime minister of India.

Table showing the number of incidents documented from respective states during the same period (from 2013 to 2022, excluding 2016).

State/UT	# of incidents
Andaman & Nicobar Islands	1
Andhra Pradesh	82
Arunachal Pradesh	7
Assam	25
Bihar	120
Chhattisgarh	433
Delhi	46
Goa	5
Gujarat	38
Haryana	93
Himachal Pradesh	15
Jammu & Kashmir	10
Jharkhand	141
Karnataka	156
Kerala	17
Madhya Pradesh	214
Maharashtra	150
Manipur	4

State/UT	# of incidents
Meghalaya	2
Odisha	74
Puducherry	5
Punjab	34
Rajasthan	30
Tamil Nadu	212
Telangana	93
Tripura	6
Uttar Pradesh	664
Uttarakhand	54
West Bengal	33
Total	2764¹

Table showing the number of incidents documented from respective states during the same period (from 2013 to 2022, excluding 2016).

Types of Violence	Total
Threat/Harassment	541
Physical Violence	517
Falsely Accused / Arrested	335
Church / Worship Stopped	348
Social Opposition / Boycott	170
Arrested	164
Forced Conversion	32
Vandalism	133
Gender Violence	30
Hate Campaign	70
Murder	23
Demolition of Church	21
Physical Violence / Arrested	56
Church Burnt	13
Theft	3
House burnt	1
Total	2457²

1. Calculated based on Data from Evangelical Fellowship of India <https://efionline.org/category/news/statements/>

2. Ibid

Manipur 2023 – A Blood Red Marker of the Modi Years

Gujarat 2002 will hound India for a long time, but it is Manipur 2023 that will be red marker to the ten Mr Narendra Modi's government has been in power in New Delhi. It may take the state a decade to recover from the man-made human tragedy and political turmoil into which it has been hurled in May of this year. Women were gang raped and paraded naked in the streets by mobs, armouries allowed to be looted, and armed private militias ruled the highways for months.

As the year ends, the fires of April and May 2023 are smouldering, sporadic acts of violence keep the anxiety high and the political process low. With governance processes barely moving, civil society unable to cope with the demand on their services, a hundred thousand people – 50,000 of them in non-government impromptu refugee camps in church compounds – are without homes, without jobs, without medicines, and increasingly without nourishing food for children, nursing mothers, and pregnant women.

October end, the Manipur statistics, as gathered from media reports and voluntary groups' data, were:

- The number of people forcibly displaced due to the violence: 70,000+
- At least 10,000 children have been staying in relief camps.
- 180 or more lives lost in violence, and some for want of medicines.
- The number of arms looted from police armouries: 4,000+
- More than 200 AK-47s, 406 carbines, 551 INSAS rifles, 250 machine guns, and five lakh rounds of ammunition were looted from police armouries and stations, primarily in the Meitei-dominated Imphal valley. However, there have been no substantial recoveries.
- Crimes against women: 27 or more.
- The Tribal Students Federation alleged that of 27 women affected, 7 were raped, 8 were strangled, 2 were burnt, 5 were shot dead, 3 were lynched while the cause of death of the rest is unknown.
- 500 or more churches destroyed: A Supreme Court petition claims by MCCCCM (Meitei Christian Churches Council, Manipur that 642 places of worship were demolished.
- Internet shutdown since May 3: 130 days.
- There have been 11,414 Zero FIRs, out of which 6,621 were converted to regular FIRs, and 4,766 were original FIRs filed within their original jurisdiction.

It has the signature hallmarks of the current regime. Dog whistles, digging up old wounds, aggravated spin on facts, a trigger for violence, state and central armed forces working at cross purposes and occasionally against each other, and the deliberate comatose inaction to see how the fires burn down, and future can be read in their ashes. The prime minister is yet to visit the state even though he has traversed the rest of the country and much of the globe in that period. Away from Parliament, he said he was shamed by the outrage on women..

Manipur shares an international border with Myanmar. With a population of more than 31 lakh, it has been on the road linking the rest of India with Indo China and southeast Asia. Its three main people, the majority plains-dwelling Meitei of the Imphal valley who number some 52 per cent of the population, the Naga tribes and the Kuki-Zo tribes in the forested hills surrounding the valley, have led an uneasy but mostly peaceful coexistence since independence. Inter community violence in the past, was sometimes sharp, but was always brought under control. Underground activity has waxed and waned in a long history but has been quiescent in recent years.

Trouble was triggered when tribal groups called for a 12-hour total shutdown to protest the state government's survey on reserved forests and protected forests, and eviction from villages on the day of Chief Minister Biren Singh's visit to Churachandpur on April 28. The Tribals have long feared their land will be usurped for plantations run by crony capitalists. Tribals were also angry at the demolition of churches in Imphal by the state government during an eviction.

On April 27, a day before Biren Singh's visit to Churachandpur, the open gym the chief minister was scheduled to inaugurate, was set on fire. The next day, Section 144 was imposed, internet suspended as protesters and security forces clashed, with police using tear gas shells to disperse the mob.

On May 3, more than 60,000 turned up for the Tribal Solidarity March called by the All Tribal Students Union of Manipur (ATSUM) to protest against the inclusion of Meitei in the ST category as ordered by a single-judge bench of the state High Court. Violence erupted during the rally in the Torbung area of Churachandpur. Two men were shot dead, and many injured in Saikul in Kangpokpi district.

May 4 saw an armed 1,000 strong mob surround and then attack a village in Kangpokpi district of Manipur. They looted homes, killed the men and raped women. Before they torched the houses, and abducted two women, and frogmarched them naked in a parade which one of them filmed with his mobile phone. Close to three months later, that video went viral across the globe.

The Chief Justice of India, Dr DY Chandrachud, too took notice of the video, said he had been shamed together with the nation, and then proceeded to act. He summoned the Director General of police of Manipur to his court, appointed a powered committee with three retired high court women judges, and another of senior police officers to look into the crimes.¹

1. Trust Deficit in Manipur: Indian Currents: Articles - <https://www.indiancurrents.org/article-trust-deficit-in-manipur-john-dayal-1772.php>

Civil society groups who eventually could visit the state said there really are no Kuki-Zo left in the Imphal valley, barring the occasional government official. And there are no Meitei left in the hills inhabited by the Kuki-Zo.

The gulf between the people is enormous. Just as an illustration, the military and paramilitary forces are armed as if for war.

The political solution may take a long time, months, possibly years, but the human crisis is a tragedy that demands a solution right now. The refugee camps of the Kukis in the church compounds remain short of food for the children, short of proteins and crucial vitamins, and above all, of all medical care.

Even the dead have not been allowed to be buried. Many bodies remained in hospital morgues even in October.

The Kukis remain highly suspicious towards the state government, towards the Meitei as a group, and towards the central government, assuming that all of them are enemies who are denying them human identity and denying them their existence on a land which has been homeless for as many years as anybody else can claim. The state and central governments are yet to do anything to help them change their opinion. The Kuki-Zo have to be reassured that the government is not conspiring to throw them out by defining them as infiltrators from Burma.

In terms of religion, since the Meitei community is largely Hindu, the Kuki-Zo and the Nagas are almost entirely Christian, seamless efforts have to be taken to restore communal harmony.

Hate, Threaten, Kill – Imaging the Apprehensions of Christians in Ten Years of Achhe Din

- In the 11 years between 2012 and 2022, the number of incidents recorded have gone up four times. The first big jump was in 2016, when the EFI report detailed 247 incidents. This number continued to rise in the next few years. The next jump was in 2021, which saw 505 incidents recorded. This rose further to 599 in 2022.¹
- There have been 539 attacks against Christians in India in the first nine months of 2023. This year will likely exceed the record violence set in 2022 and in 2021.²
- Thirteen districts in India are witnessing increasing danger for Christians, with Bastar topping the list with 51 incidents, followed by 14 each in Kondagaon and Azamgarh. Uttar Pradesh leads the states with 211 incidents, followed by Chhattisgarh with 118 and Haryana with 39 incidents.³ Crimes against Christians are often under-reported, as the police display an unwillingness to register criminal complaints.
- Catholic nuns, recognizable by their religious habits, are often deliberately targeted to shame and intimidate the Christian community in India. This involves making false allegations of forced conversions and utilizing state machinery, particularly the police, to harass, detain, and arrest them.
- After 2 months of wanton violence in Manipur, the state government submitted a report to the Supreme Court delineating the following: 142 deaths (mostly minority Christians), 5,053 registered cases of arson, and the displacement of nearly 54,500 people, most of whom are living in relief camps.⁴ 249 churches belonging to various denominations were destroyed in the violence, most of which were Baptist and Presbyterian.⁵

1. Evangelical Fellowship of India - <https://efionline.org/2022/02/15/religious-liberty-commission-yearly-report-2021/>

2. Ibid

3. Ibid

4. Manipur govt: Most deaths in Imphal West & East, Churachandpur | India News - The Indian Express - <https://indianexpress.com/article/india/manipur-govt-most-deaths-in-imphal-west-east-churachandpur-8825006/>

5. According to a report filed by Archbishop Dominic Lumon of Imphal.

■ The Ever-Unending Shock of the Marginalised Urban Poor

Apart from employment and incomes, urban poverty is linked with other forms of deprivation including a lack of housing and basic services like water and sanitation, basic health and education infrastructure and social security. It is time all these dimensions of urban poverty need to be tackled simultaneously.

For the first time since Independence, the quantum growth in urban population in India outpaced the growth in the rural population during the first decade of the new millennium and this trend in rapid urbanisation is likely to have continued, and even intensified since the last census exercise. As per the census enumeration in the year 2011, 31.17 per cent of the total population of India, accounting for a total of 377.2 million people lived in urban areas. According to an estimate by the United Nations, by 2050, over half of India's population, accounting for 814 million people, would be residing in urban areas.¹

It would seem that the urban is the future. But what kind of future are we looking at? Because of the haphazard, unplanned, crisis-borne and desperation-induced nature of the process of urbanisation in India, the urban space has been marked with extreme dualities where luxury and squalor, abundance and scarcity, empowerment and powerlessness have co-existed often within striking distance of each other. Thus the very charm and attractiveness of the city has also produced multiple and intersecting axes of marginalities including poverty, lack of adequate housing, migration and refugee status.

■ The Urban Poor

The estimation of urban poverty in India varies based on the estimation methodology. Based on the consumption surveys, the urban poverty rate for the period 2011-12 was estimated to be 13.7 per cent based on the Tendulkar Committee methodology and 26.4 per cent, based on the Rangarajan Committee methodology. The data from the 2017-18 consumption survey has not been officially released; leaked estimates, however, hinted towards worsening of poverty in the country, and the data for 2022-23 surveys will only be released after the 2024 elections.²

In Maharashtra, where the state level survey report from the consumer expenditure survey for the period 2017-18 has been released, the survey shows a decline in consumption of major cereals in urban areas and an increase in proportion of monthly expenditure on food, which went up from 38 per cent (in 2011-12) to 40.6 per cent (in 2017-18).³ These official figures pertain to periods before the

1. United Nations, Department of Economic and Social Affairs, Population Division (2015). World Urbanization Prospects: The 2014 Revision, (ST/ESA/SER.A/366).
2. The Wire, 'Results of Consumer Expenditure Surveys 2022-23, 2023-24 Only After 2024 Elections: Report,' 20 April 2023, retrieved from: Results of Consumer Expenditure Surveys 2022-23, 2023-24 Only After 2024 Elections: Report - <https://thewire.in/economy/results-of-consumer-expenditure-surveys-2022-23-2023-24-only-after-2024-elections-report>
3. Government of Maharashtra, 'A Report on 'Consumer Expenditure' based on State Sample Data Collected in 75th Round of National Sample Survey (July 2017- June 2018);' Directorate of Economics and Statistics, Planning Department, Government of Maharashtra, Mumbai.

pandemic. It is expected to have worsened urban poverty further because of its impact on livelihoods and incomes. In an ad-hoc survey done by the government of Maharashtra, over 47 per cent of those interviewed in urban areas reported a drop in incomes while over 19 per cent reported not having received any income at all.⁴ In the face of such widespread economic disruption, the union government had announced several temporary relief measures including free rations for ration-card holders and limited cash transfers. The reach of these interventions was extremely limited and uneven, especially in urban areas, as brought out by several independent studies.^{5,6} The Maharashtra government survey report quoted above, found that in urban areas, only 26.4 of households reported having received additional rations under Pradhan Mantri Garib Kalyan Yojana, while the National Food Security Act mandates a coverage of 50. The estimation of urban poverty in India varies based on the estimation methodology. Based on the consumption surveys, the urban poverty rate for the period 2011-12 was estimated to be 13.7 per cent based on the Tendulkar Committee methodology and 26.4 per cent, based on the Rangarajan Committee methodology. The data from the 2017-18 consumption survey has not been officially released; leaked estimates, however, hinted towards worsening of poverty in the country, and the data for 2022-23 surveys will only be released after the 2024 elections.⁷

■ In Urban Areas

To address urban poverty, the Union government had initiated the National Urban Livelihoods Mission in the year 2013, which was subsequently renamed as Deendayal Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM). Two components of DAY-NULM are geared towards alleviation of general urban poverty, namely, Employment through Skills Training and Placement (EST&P) and Self-Employment Programme (SEP). The table below shows the comparative progress made under the mission during 2014-19 and 2019-23.⁸ Under the EST&P component, while in the first tenure, the pace of providing skill training was 2.6 lakh persons per year, during the second tenure, the pace slowed down to 0.33 lakh persons per year. But there was some improvement in the placement rate, which improved from 36 per cent to 53 per cent. Similarly, under the SEP component, the rate of formation of Self-Help Groups (SHGs) increased significantly from 0.71 lakh SHGs per year in the first tenure to 1.19 lakh SHGs per year in the second tenure. There was marginal improvement in the percentage of SHGs which were provided with revolving fund support under the component, from 69.1 per cent in the first tenure to 72.15 per cent in the second tenure.

4 Government of Maharashtra, 'Report on Ad-hoc Survey on Impact of Covid-19 on health, education and livelihood of people in the State (August-September 2021),' Directorate of Economics and Statistics, Planning Department, Government of Maharashtra, Mumbai.

5 Action Aid India. 2020. Workers in the Time of Covid-19 – Round II of the National Study on Informal Workers. Retrieved from: Workers in the Time of Covid-19 – Round II of the National Study on Informal Workers

6 Youth for Unity and Voluntary Action (YUVA) and UNICEF. (2021). Field Verification of the Relief Package Provided by the Government of Maharashtra Between April and June 2021. City Se. Mumbai: India.Report

7 The Wire, 'Results of Consumer Expenditure Surveys 2022-23, 2023-24 Only After 2024 Elections: Report,' 20 April 2023, retrieved from: Results of Consumer Expenditure Surveys 2022-23, 2023-24 Only After 2024 Elections: Report

8 For a more detailed analysis, see: Youth for Unity and Voluntary Action (YUVA). (2022). Parliamentary Watch Report: An analysis of questions asked on urban issues in the Indian Parliament in 2022. Mumbai: India.

Table: Implementation of EST&P and SEP components under DAY-NULM

Component of DAY-NULM	2014-19*	2019-23	Total**
Number of beneficiaries provided skill training & certification	1317489	133511	1451000
Number of beneficiaries placed after skill training	476374	294626	771000
Number of SHGs formed	357510	476490	834000
No. of SHGs provided Revolving Fund support	247168	343832	591000

Beyond the DAY-NULM, the Union government initiated the Pradhan Mantri Street Vendor's Atmanirbhar Nidhi (PM-SVANidhi) scheme in 2020, with the aim of providing collateral-free working capital loans of up to Rs. 10,000 for rebuilding street-based businesses affected by the pandemic. During the period from 2020-21 to 2022-23, of the 64.13 lakh eligible applications received, 48.13 lakh applications were sanctioned (at a rate of 75.05%) and 42.29 lakh loans had been disbursed.⁹ These are very encouraging numbers given the reluctance of institutional lenders in providing credit to street vendors. In terms of repayment of these loans, of the 31.85 lakh loans disbursed till March 2022, 14.46 lakh loans (45.40%) had been repaid.¹⁰ On repayment of the first loan, the vendors became eligible for a second loan of Rs 20,000 and on repayment of this second tranche, they further became eligible for a third loan of Rs 50,000. The uptake of the second loan (introduced on 09 April 2021) and third loan (introduced on 01 June 2022) has been extremely slow, with only 9.25 lakh applications for the second loan and 0.39 lakh applications for the third loan being sanctioned till August 2023.¹¹ These trends indicate that while an intervention to rebuild the working capital of street vendors was badly needed and hence PM-SVANidhi came at the right time, the scale of intervention was inadequate when compared to the extent of depletion of the savings during the pandemic. Hence, while the uptake for the first loan was very high, in absence of concomitant revenues, a large section of the vendors were unable to repay the loan and thus couldn't take advantage of the subsequent tranches of loans available.

9. Lok Sabha Unstarred Question No.3731 dated 23-03- 2023.

10. Lok Sabha Unstarred Question No.1553, 15-12-2022.

11. Lok Sabha Unstarred Question No.3564, 10-08-2023.

■ The Urban Homeless

According to census 2011, India has over 17 lakh homeless persons of which 9.38 lakh reside in urban areas. But several civil society organisations have pointed out that this is a gross underestimate because of the limited coverage of census enumerations. A recent study done by Indo Global Social Service Society (IGSSS) reveals that the majority of the homeless respondents belonged to oppressed and marginalised sections of the society with a staggering 36 per cent of respondents found to be from Scheduled Castes, 23 per cent of respondents from Scheduled Tribes, and 21 per cent of respondents from Other Backward Classes.¹²

The Scheme of Shelter for Urban Homeless (SUH), a component under NULM, was initiated in 2013 pursuant to the proceedings in People's Union for Civil Liberties vs Union of India.¹³ Under the SUH, a shelter home (with a capacity of 50-100 occupants) should be built for every one lakh population, with a provision for separate shelter homes for men, women, children, people with disability, etc. By this yardstick, over 3700 shelter homes are required in the country, but as per the latest data, there were only 1788 functional shelter homes in the country as of December 15, 2022.¹⁴ During the pandemic, the homeless were not on the radar of the governments at all, and because of lack of linkages with most of the social protection measures, they were left out of even the limited set of relief programmes initiated by various governments. A study conducted by the Indo Global Social Service Society (IGSSS) in 19 Indian cities highlighted this severe lack of access: 77 per cent of the homeless are unable to access shelter homes, 83 per cent couldn't access cooked meals, 31 per cent couldn't access dry ration provided by the government through the Public Distribution System (PDS) system, and only eight per cent women homeless had access to women shelter homes.

■ Migrants

According to the data from Census 2011, 449.9 million (37.16 per cent of the total population) were classified as internal migrants.¹⁵ Of these, 41.4 million (9.09 per cent of all internal migrants) persons had migrated out, for the purpose of work, and among these over 74 per cent (30.6 million) were residing in urban areas at the time of enumeration. Interstate migrants comprised 11.91 per cent (54.26 million) of all internal migrants but 23.23 per cent (12.55 million) of all economic migrants and over 34 per cent (10.48 million) of all economic migrants residing in urban areas. The Working Group on Migration (2017) has argued that the census undercounts the extent of labour migration because the fact that female migrants take up employment post-migration is not reflected in the census data. Additionally, short-term migration is not captured by decadal census enumerations.¹⁶

12. Enabling Inclusive City for the Homeless", Indo-Global Social Service Society (IGSSS), & Organisation Functioning for Eytham's (OFFER) New Delhi, 2019, accessed from Enabling Inclusive Cities for the Homeless, IGSSS 2019 - <https://www.indiaspend.com/wp-content/uploads/2020/05/Baseline-Study-Enabling-Inclusive-Cities-for-Homeless.pdf>

13. Writ Petition (Civil) 196/2001. - <https://main.sci.gov.in/jonew/bosir/orderpdfold/33378.pdf>

14. Youth for Unity and Voluntary Action (YUVA). (2022). Parliamentary Watch Report: An analysis of questions asked on urban issues in the Indian Parliament in 2022. Mumbai: India. - https://yuvaindia.org/wp-content/uploads/2023/05/Yuva_PW_Report_Web_2022.pdf

15. From 1971 onwards, the Census enumeration has been using two methods of classifying individuals as 'migrants': place of birth and place of last residence. If these differ from place of enumeration, the individual is classified as a migrant. The data included here pertains to migrant classification based on last place of residence.

16. Ministry of Housing and Urban Poverty Alleviation, Government of India (2017). Report of the Working Group on Migration, New Delhi. India. - <https://mohua.gov.in/upload/uploadfiles/files/1566.pdf>

The scale of contribution of migrant workers to urban economies and their exclusion from social protection systems became visibly apparent during the pandemic and the lockdowns, when in the absence of any support from employers and governments, lakhs of migrant workers were forced to walk back to their villages. In response to these tragic scenes and some harsh comments by the Supreme Court, the Union government announced some short-term measures including cash transfer to those registered as construction workers with Building and other Construction Workers' Welfare Boards, increase in wages under NREGA etc. Among the long-term measures, the speedy implementation of One Nation One Ration Card (ONORC) scheme which allows for inter-state portability of ration cards and Affordable Rental Housing Complex (ARHC) component under the Pradhan Mantri Awas Yojana-Urban (PMAY-U) were specifically targeted to benefit workers migrating to cities.

The ARHC component was added to PMAY-U in July 2020 with the objective of providing 'dignified living to urban migrants/poor near their workplace'. Under this component, two models have been suggested. Under Model 1, existing vacant houses constructed under previous government-funded housing schemes are to be converted to ARHCs; and under Model 2, new ARHCs are to be constructed on available lands. As of February 2023, i.e. over two-and-half years after the launch of the scheme, only 5,648 vacant houses had been converted to ARHCs under Model 1, and of these 4,470 had been occupied. In cities like Mumbai, Delhi, Bengaluru, Chennai etc, which attract migrant workers in large numbers not a single dwelling had been converted to ARHCs during this period.¹⁷ During the same period, under Model 2, a total of 82,273 dwellings had been sanctioned and construction on 30,001 units had begun but none had been completed. Again, with the exception of Chennai, in major migration destinations like Mumbai, Delhi, Bengaluru, etc., not a single unit has been sanctioned.¹⁸ Thus, after a period of two and half years, since the component was launched, a total rental housing capacity of less than 6000 units has been created under the initiative.¹⁹

The ONORC scheme was rolled out in 2019 but gained traction only after the push provided to it by the apex court in the context of the migrant worker exodus witnessed during the pandemic. Since then, the scheme has been implemented across all 36 states and UTs. But the uptake of the scheme has been extremely uneven. During the period from 2019-20 to 2022-23, while the Public Distribution System (PDS) back-end registered 171 million intrastate transactions annually on average, the annual intrastate transactions averaged only 1.4 million, and a majority i.e. two-thirds of these transactions were in just one state: Delhi.²⁰ In 2022-23, of the total 37.13 lakh intrastate transactions, over 70% transactions were recorded in Delhi, followed by Haryana (12.92%). The minuscule number of interstate transactions in states like Maharashtra (1.69 lakh), Gujarat (1.03 lakh), Kerala (0.17 lakh) and Karnataka (0.09 lakh) which attract migrants in significant numbers, indicate the low uptake of the scheme in these states, which can be attributed to lack of awareness among the beneficiaries and dealers about the ONORC process, biometric authentication failures, lack of clear offline exception handling

17. Lok Sabha Unstarred Question No. 228 dated 02-02- 2023.

18. Lok Sabha Unstarred Question No. 228 dated 02-02- 2023.

19. For a more detailed analysis, see: Youth for Unity and Voluntary Action (YUVA). (2022). Parliamentary Watch Report: An analysis of questions asked on urban issues in the Indian Parliament in 2022. Mumbai: India. - https://yuvaindia.org/wp-content/uploads/2023/05/Yuva_PW_Report_Web_2022.pdf

20. Indiaspend, 'Why Ration Card Portability Scheme Is Mostly Limited To Delhi,' 5 July 2023. - <https://www.indiaspend.com/governance/why-ration-card-portability-scheme-is-mostly-limited-to-delhi-867957>

guidelines, and inadequate backend systems to manage the dynamic demand introduced by portability.

■ Refugees

India is not a signatory to the United Nations Convention on the Status of the Refugees (1951) and the 1967 Protocol under the Convention. Those taking shelter in India as refugees are governed by the Foreigners Act 1946, which is geared more towards deportation of refugees rather than protection of their human rights, in keeping with norms of international law. Based on available data, there are at least 92,837 Srilankan Tamils and 72,291 Tibetans residing in India.²¹ Additionally, as of March 2023, there were 49,415 refugees, largely from Myanmar and Afghanistan, who were not registered with the Government of India but have been issued identification cards by the United Nations High Commission for Refugees (UNHCR).²² Most of these refugees are victims of ethnic persecution in their own countries. A large section of these refugees reside in urban areas, in substandard habitats without access to basic services such as schooling, healthcare, and livelihoods because of the absence of any domestic law recognizing the human rights and entitlements of the refugees. Despite the enabling provisions of the Right of Children to Free and Compulsory Education Act 2005, very few refugees are able to enrol in schools because of challenges ranging from lack of knowledge of vernacular languages to discrimination based on their race, looks and language. Because of lack of legal status, most of the refugees have access only to low-paying insecure and informal work like waste collection. They often face exploitation because of their refugee status which includes payment of discriminatory low wages and often, denial of payment altogether. The anti-refugee environment created by the introduction of the Citizen Amendment Act has further heightened their sense of insecurity.

Given the severe impact of the pandemic which has deepened the insecurity that characterises the lives of the urban marginalised in India, and the inadequate response from the government, following recommendations are being made for urgent their implementation.

■ Key Demands and Recommendations

- **Recognizing the multidimensionality of urban poverty:** Apart from employment and incomes, urban poverty is closely linked with various other forms of deprivation – lack of housing, basic services (water, sanitation), basic infrastructure (health, education) and social security. Thus, all these dimensions of urban poverty need to be tackled simultaneously.
- **Moving towards a shock responsive social protection system for the urban marginalised:** While the pandemic impacted the whole society, it had a disproportionate impact on the urban marginalised communities – scheduled castes, scheduled tribes, Denotified Tribes, Nomadic Tribes, women, children, the elderly, transgender persons, persons with disability, the homeless, migrants, refugees. The pandemic has demonstrated the urgent need to move towards a

21. Ministry of Home Affairs, Government of India. Annual Report 2021-22, New Delhi. – https://www.mha.gov.in/sites/default/files/AnnualReport202122_24112022%5B1%5D.pdf

22. The United Nations High Commission on Refugees (UNHCR), India: UNHCR India – <https://www.unhcr.org/in/>

shock-responsive universal social protection system which addresses the needs of individuals throughout their life-cycle.

- **Food security to all:** In the short-term greater publicity should be provided to the provisions of ONORC scheme and awareness should be provided to the ration dealers about the scheme. In the long-term, there is a need to move towards universalization of the PDS.
- **Allocating more resources and developing an action plan for homeless under NULM-SUH:** Greater allocations in terms of budgetary resources are needed to scale up the building of shelter homes under NULM-SUH programme. Additionally, non-shelter home based interventions need to be explored to meet associated needs of the homeless.
- **Facilitation of the government schemes to the residents of shelter homes:** The residents of shelters should be assisted with accessing government schemes such as Jan Dhan Yojana, Aadhaar Identification, Training under Skill India, accessing labour card, Voter ID Card, and pension schemes.
- **Effective implementation of protections under the Inter-State Migrant Workmen Act, 1979 (ISMW Act):** The rules and regulations under this law must be implemented and the Act must be reviewed in consultation with representative bodies of migrant workers, labour unions and civil society.
- **Expedited Implementation of Urban Rental Housing Scheme:** The implementation of the rental housing component (ARHC) under the PMAY(U) should be expedited with greater allocation of lands towards the scheme.
- **Ratification of the UN Refugee Convention 1951:** The Government of India should ratify the 1951 Convention on Refugees and the Optional Protocol of 1967.

The Ever-Unending Shock of the Marginalised Urban Poor

- Urban poverty rates in India varied between 13.7% and 26.4% based on different methodologies in 2011-12. The 2017-18 consumption survey data, though unofficial, suggested a potential worsening of poverty.¹
- Skill training under the DAY-NULM Scheme slowed from 2.6 lakh persons per year to 0.33 lakh, but placement rates improved from 36% to 53% in the second tenure.²
- Over 3700 shelter homes are needed in India as per guidelines, but only 1788 are functional as of December 15, 2022, leaving the homeless largely excluded from relief programs during the pandemic and beyond.³
- The Affordable Rental Housing Complex (ARHC) component of PM Awas Yojana created fewer than 6000 residential units in two and a half years for a total recognised migrant population of 450 million, and the constant increasing influx of migrant workers in major cities like Mumbai, Delhi, Bengaluru, and Chennai.⁴
- 70% of all One Nation One Ration Card transactions happened in Delhi. Low usage of the One Nation One Ration Card Scheme in states like Maharashtra, Gujarat, Kerala, and Karnataka suggests issues such as lack of awareness, biometric authentication failures, and inadequate backend systems for portability management.⁵

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1. The Wire, 'Results of Consumer Expenditure Surveys 2022-23, 2023-24 Only After 2024 Elections: Report', 20 April 2023, retrieved from: Results of Consumer Expenditure Surveys 2022-23, 2023-24 Only After 2024 Elections: Report - <https://thewire.in/economy/results-of-consumer-expenditure-surveys-2022-23-2023-24-only-after-2024-elections-report>
 2. **Source: Lok Sabha Unstarred Question No. 1151 dated 27.07.2023.
 3. Youth for Unity and Voluntary Action (YUVA). (2022). Parliamentary Watch Report: An analysis of questions asked on urban issues in the Indian Parliament in 2022. Mumbai: India. - https://yuvaindia.org/wp-content/uploads/2023/05/Yuva_PW_Report_Web_2022.pdf
 4. Lok Sabha Unstarred Question No. 228 dated 02-02- 2023
 5. Why Ration Card Portability Scheme Is Mostly Limited To Delhi - <https://www.indiaspend.com/governance/why-ration-card-portability-scheme-is-mostly-limited-to-delhi-867957>

Need to Increase Financial Allocations for Women

While there has been a strong focus by Union and State Governments on “women’s empowerment”, the status on the ground shows a different reality. It is high time that women-centric approaches are adopted where “empowerment” is defined in terms of wage parity, autonomy in decision-making, and addressing structural barriers for women across identities.

Three years post the initial phase of the pandemic, India is touted to be on its way to a partial recovery. However, it is crucial to examine what this means in the context of status of women in the country. India ranked 127th in World Economic Forum’s Gender Gap Report for 2022–2023, climbing eight positions since last year¹, however, as compared to 2019 when it ranked 112th, the gap has not been closed. An improvement in sex ratio at birth by 1.9 percentage points to 92.7 per cent after more than a decade of slow progress² is a positive indicator this year. However, it is difficult to celebrate this given the realities on ground when areas like gender-based violence, girls’ education and women’s labour force participation, political participation and health are examined. Data from the National Commission for Women (NCW) has recorded a steady increase in the number of complaints regarding violence against women in the past four years – with the number being 19,730 in 2019³ and 30, 957 in 2022⁴ (with a whopping 54.5 per cent being reported from the state of Uttar Pradesh).

According to the Annual Status of Education Report, the proportion of girls not enrolled in school has continued to drop since 2018. For girls aged 11–14, this number is at 2 per cent and for girls aged 15–16, this number is at 7.9 per cent (as compared to 10.3 per cent and 13.5 per cent in 2018 respectively)⁵. Allocations for scholarship schemes, especially for marginalised communities, have also dropped, despite the well-documented drop-out rate for girls during the pandemic. The WNTA Governance Review in 2021–2022 noted a reduction in the budget for scholarships for girl children from Scheduled Tribes and rural areas.

Several scholarship and skill development schemes also witnessed major fund cuts in this last year of the second term of the incumbent NDA government. This includes the merit-cum means scholarship for professional and technical courses for students from minority communities. The allotted funds for these schemes has fallen to an eighth of what it was in the previous year – ₹44 crores this year as opposed to ₹365 crores last year⁶. This has hit the interests of girl students most, as many families prefer to invest in the education of boys, rather than on their girl children.

1. https://www.weforum.org/reports/global-gender-gap-report-2023/?gclid=Cj0KCQjwj5mpBhDJARIsAOVjBdoGYyslQZtqzelWizNNXmsSrrZ7p-Ky_c0h8pp3pW5lMVOdNb2S-tlaAptREALw_wcB
2. Ibid.
3. NCW :: Report - <https://ncwapps.nic.in/frmReportNature.aspx?Year=2019>
4. NCW::C&I Cell::Statistical Overview of Complaints - https://ncwapps.nic.in/frmComp_stat_Overview.aspx
5. ASER 2022 National Findings - <https://img.asercentre.org/docs/ASER%202022%20report%20pdfs/All%20India%20documents/aser2022nationalfindings.pdf>
6. Budget 2023 | Funds for minority schemes slashed, allocation reduced 38% than last year - The Hindu - <https://www.thehindu.com/business/budget/budget-2023-funds-for-minority-schemes-slashed-allocation-reduced-38-than-last-year/article66459232.ece>

Further, India is home to the largest total number of girls married in childhood – with Uttar Pradesh being home to the highest number of child brides⁷. This is reflected to an extent in the school enrolment rates, with the highest percentage of girls aged between 11 and 14 not being enrolled in school⁸. Further, 85 per cent of the girls who are aged between 15–17 and are married do not attend school⁹. Sanctions for the establishment of 20 new Kasturba Gandhi Balika Vidyalayas (KGBVs) in the state of Telangana denotes a step in the right direction to bridge the gap in education¹⁰. Around Rs. 60 lakh has been sanctioned for each KGBV and Rs 36 lakh will be shared by the Central government and Rs. 24 lakh by the State government¹¹.

State Bank of India's ECOWRAP Report 2023 indicates that women's unpaid care work is potentially equivalent to almost 7.5 per cent of India's total GDP¹². A research paper by IIM-A Professor Namrata Chindarkar titled "Time Use Data: A Tool for Gendered Policy Analysis" found that women aged between 15–60 years spend 7.2 hours a day on unpaid care work as compared to 2.8 hours spent by men. It also says that men spend nearly 150 minutes more per day on paid employment relative to women¹³. Yet, public sector expenditure on care infrastructure – including pre-primary education, childcare centres, and maternity, disability, and sickness benefits – stands at less than one per cent of the GDP¹⁴.

While there has been a strong focus by Union and State Governments on "women's empowerment", the status on the ground shows a different reality. It is high time that women-centric approaches are adopted where "empowerment" is defined in terms of wage parity, autonomy in decision-making, and addressing structural barriers for women across identities.

■ Female Labour Force Participation (FLFPR) and Women's Livelihoods

Periodic Labour Force Survey Report 2022–23 released by the Ministry of Statistics and Programme Implementation on 9 October 2023 shows that the Female Labour Force Participation Rate in the country has improved significantly by 4.2 percentage points to 37.0 per cent in 2023¹⁵. However, it also indicates a deep gender-gap between men and women, with rural FLFPR at 41.5 per cent (as

7. Ending Child Marriage: A profile of progress in India - UNICEF DATA - <https://data.unicef.org/resources/ending-child-marriage-a-profile-of-progress-in-india-2023/>
8. <https://img.asercentre.org/docs/ASER%202022%20report%20pdfs/All%20India%20documents/aser2022nationalfindings.pdf>
9. Ending Child Marriage: A profile of progress in India - UNICEF DATA - <https://data.unicef.org/resources/ending-child-marriage-a-profile-of-progress-in-india-2023/>
10. <https://www.thehansindia.com/telangana/hyderabad-hmrmetro-fest-begins-831493?infinitescroll=1> - <https://www.thehansindia.com/telangana/hyderabad-hmrmetro-fest-begins-831493?infinitescroll=1>
11. Ibid.
12. ecowrap | sbi - https://sbi.co.in/documents/13958/25272736/010323-Ecowrap_20230228.pdf/b026257e-8b66-4f4b-b746-270338fdc8b7?t=1677652287574#:~:text=Our%20analysis%20indicates%20that%20the,7.5%25%20of%20the%20India's%20GDP
13. Women spend 7.2 hrs on unpaid domestic work compared to 2.8 hrs spent by men: IIMA prof's research – ThePrint – <https://theprint.in/india/women-spend-7-2-hrs-on-unpaid-domestic-work-compared-to-2-8-hrs-spent-by-men-iima-profs-research/1367609/>
14. Building India's Economy on the Backs of Women's Unpaid Work: A Gendered Analysis of Time-Use Data | ORF - <https://www.orphonline.org/research/building-indias-economy-on-the-backs-of-womens-unpaid-work/#:~:text=In%20India%2C%20women's%20unpaid%20work,1%20percent%20of%20the%20GDP>
15. Female Labour Force Participation Rate Jumps to 37.0% - <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1967291#:~:text=Periodic%20Labour%20Force%20Survey%20Report,status%20concept%20of%20measuring%20labour>

compared to 80.2 per cent for men) and urban FLFPR at 25.4 per cent (as compared to 74.5 per cent for men)¹⁶. It is also of significance that the FLFPR over the last four years, especially for urban women, has only increased by 2 per cent – from 23.1 per cent in 2019–2020¹⁷. Further, the changes haven't been homogenous for all women – in 2021–22, the FLFPR saw small dips for rural women, women from Scheduled Tribe, Scheduled Caste, and Other Backward Class communities, as well as women who were illiterate or had primary-to-middle level of education¹⁸. In fact, women SC/ST workers earn only 54 per cent of what dominant caste women earn in salaried work¹⁹.

According to the State of Working India Report 2022, the marginal increases in female employment since 2019, even with slow economic growth, can be led by the fact that there was an increase in distress-led self-employment. Even two years after the 2020 lockdown, self-employment earnings were only 85 per cent of what they were in the April–June 2019 quarter²⁰. Even here, only 1 per cent among those self-employed employed others in their enterprise. The India Discrimination Report 2022 further emphasises the gender wage gap in employment²¹. The employability gender gap in India is 50.9 per cent, with only 19.2 per cent of women in the labour force compared to 70.1 per cent of men, as per data from the International Labour Organisation (ILO). This is despite the fact that 52 per cent of women in India express a desire to work either in paid jobs or have a paid job while also caring for families and homes²². Even in the corporate world, the seventh edition of Deloitte Global's "Women in the Boardroom" Report reveals that while 17.1 per cent of board seats are currently held by women, only 3.5 per cent of Board Chairs are women, which is a decrease of 0.6 per cent since 2018²³. Further, with the exodus of women from the labour force during the pandemic, there seems to be a curious lack of data on economic recovery of women.

Oxfam's Digital Divide–India Inequality Report 2022 says that India accounts for half of the world's gendered digital divide. Indian women are 15 per cent less likely to own a mobile phone, and 33 per cent less likely to use mobile internet services than men²⁴. This affects women's participation in fields that require digital skills, such as technology and engineering, perpetuating the gender gap in these sectors. Additionally, women who lack access to digital technologies are often excluded from the global gig economy²⁵. In addition, and perhaps more importantly, the digital divide hinders access to

16. Periodic Labour Force Survey (PLFS) Annual Report 2022–2023 Released – <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1966154>

17. Insights from Periodic Labour Force Survey (PLFS) 2019–2020 – <https://skillsip.nsdciindia.org/sites/default/files/kps-document/Insights%20from%20PLFS%202019-2020.pdf>

18. Growth in Female Labour Force Participation in India Now Seems to Be Stagnating – <https://thewire.in/women/women-labour-force-india-growth>

19. Ibid.

20. STATE OF WORKING INDIA 2023 – https://publications.azimpremjuniuniversity.edu.in/5166/1/State_of_Working_India_2023.pdf

21. INDIA DISCRIMINATION REPORT 2022 – https://d1ns4ht6ytuzzo.cloudfront.net/oxfamdata/oxfamdatapublic/2022-09/Low%20Res%20IDR%202022_0.pdf?kYOrnFo63vB4a5VOLwnbHJJl0zqaXam9

22. Female leaders are better than men. Then why are there so few women CEOs? – India Today – <https://www.indiatoday.in/education-today/jobs-and-careers/story/female-leaders-are-better-than-men-then-why-are-there-so-few-women-ceos-2438318-2023-09-22>

23. Number of women in leadership roles in India grows but fewer serving as board chairs: Report – <https://timesofindia.indiatimes.com/business/india-business/number-of-women-in-leadership-roles-in-india-grows-but-fewer-women-serving-as-board-chairs-report/articleshow/89435010.cms>

24. India Inequality Report 2022: Digital Divide – <https://www.oxfamindia.org/knowledgehub/workingpaper/india-inequality-report-2022-digital-divide>

25. Dear India Inc., Here's How Digital Gender Divide Is Holding Back Women – <https://www.bqprime.com/opinion/dear-india-inc-heres-how-digital-gender-divide-is-holding-back-women>

web-based benefits including E-shram cards, labour cards, ration cards, pension schemes, Delhi Ladli Scheme, PM SVAnidhi Scheme etc. Further, in India, one in five women do not have access to a bank account. The programmes focussing on financial inclusion have increased but women continue to face barriers to accessing these due to lack of identity proof and access to a mobile or the internet²⁶.

National Domestic workers' Movement (NDWM) estimates the total number of domestic workers in India from anywhere between the official statistic of 5.2 million to more than 50 million, based on statistics from non-government organisations (NDWM n.d.). A rapid survey conducted by Jagori on the economic well-being of women domestic workers in May-June 2021 revealed that 44 per cent of respondents saw a 50 to 70 per cent decrease in their incomes post-lockdowns, whereas 28 per cent respondents remained unemployed since March 2020²⁷. In addition to this, India is yet to define the household as a workplace, thereby excluding domestic workers from existing labour codes. Women informal workers have also been largely excluded from consideration in the e-Shram portal (with online registration). Given the gendered digital divide and the fact that only 33.3 per cent of women in India have ever used the internet, women informal workers continue to remain excluded from the meagre social security promised. The demand for a National Legislation for Domestic workers also remains unmet.

In May 2022, India's one million-plus group of ASHAs, who are all women and classified as volunteers rather than employees, were honoured with a World Health Organization (WHO) Global Health Leaders Award for their "outstanding contribution" to protecting and promoting health. However, this distracts from the truth of ASHA workers not having a respectable salary or fixed working hours and the mistreatment they face at dispensaries and hospitals²⁸. An issue that persists is the exclusion of frontline workers such as Anganwadi Workers and ASHAs from social security benefits. In October 2021, Anganwadi workers and helpers were included as beneficiaries for health insurance offered under the Pradhan Mantri Garib Kalyan package. This was projected to benefit over 13.2 lakh Anganwadi workers and over 11.7 lakh helpers with a health cover of Rs 50 lakh. But now, the allocation for this scheme has been slashed from Rs 813.6 crores in 2021-22 (RE) to Rs 226 crores in 2022-23 (BE). This is bound to leave these workers unprotected²⁹.

According to the Accountability Initiative, the Gender Budget for FY 2023-2024 increased by a mere 2 per cent from the Revised Estimates (RE) of FY 2022-23. In FY 2023-24, Part A of the BUDGET went further down to 39 per cent while Part B increased to about 61 per cent. This implies wholly-women-specific schemes do not form the majority in the gender budget as of now. Peaking in FY 2021-2022, the budget allocated for women-specific schemes has been dropping³⁰. The Union Budget 2023-2024 dealt a bloody blow to the Mahatma Gandhi Rural Employment Guarantee Act (MGNREGA) with only

26. Financial Inclusion of Women: Current Evidence from India | ORF - <https://www.orfonline.org/research/financial-inclusion-of-women/>

27. https://www.jagori.org/sites/default/files/Domestic_Workers_Infographics_2.pdf - https://www.jagori.org/sites/default/files/Domestic_Workers_Infographics_2.pdf

28. Health without wealth: the plight of India's ASHA workers | - <https://www.britsafe.in/publications-and-blogs/safety-management-magazine/safety-management-magazine/2023/health-without-wealth-the-plight-of-india-s-asha-workers/>

29. India's Gender Budget 2023-24: Moving towards women-Led Development | ORF - <https://www.orfonline.org/expert-speak/indias-gender-budget-2023-24/>

30. The Status of Gender Budgeting in India - <https://accountabilityindia.in/blog/gender-budgeting-in-india/>

Rs. 60,000 crores earmarked for the scheme³¹, which is the exact amount earmarked for the scheme in the budget for FY 2019–2020. This stark stagnancy of the allocation is particularly harmful for women – with only 27 per cent of the funds allocated under this accounting for Part B of the BUDGET, despite women being 55 per cent of MGNREGS workers³². Under 0.2 per cent of GDP, in real terms, this is the lowest MGNREGS allocation ever. Further, on the one hand, the Finance Minister proclaimed that the government wants women in 81 lakh SHGs to benefit from government policies and run their businesses professionally³³, but on the other hand, under the programme component of the National Rural Livelihood Mission (NRLM) – which includes social mobilisation, community institution and capacity building, financial inclusion, livelihood promotion and convergence – the fund allocation has dropped from Rs 11,552 crores to Rs 9,494 crores³⁴. The focus on “nari-shakti” and “women-led development” and promises made of investing into women’s employment, under a microscope, failing to deliver.

■ Women’s Political Participation

Currently, 15% of Lok Sabha MPs and 13% of Rajya Sabha MPs are women³⁵. While there has been a lot of discourse around this being the highest representation in the last 15 years, it is still only a marginal increase from last year and is still below the low global average of 26.5% women Parliamentarians³⁶. In fact, according to data from Inter-Parliamentary Union, India fares worse than its South Asian neighbours including Nepal (34 per cent), Bangladesh (21 per cent), Pakistan (21 per cent) and Bhutan (17 per cent). At the state level, no state in India has more than 20 per cent women representation in its Assembly – with Chhattisgarh has the highest representation with 18 per cent women MLAs. This is still lower than the number of women ministers in 2019, which stood at 23.1 per cent.

The Constitution (128th Amendment) Bill, 2023 (or the Women’s Reservation Bill) which has been in the works for 27 years – to provide 33 per cent reservation to women in the Lok Sabha and state legislative assemblies – was passed in September 2023. While this Bill evokes a sense of cautious optimism, it shall not be implemented before 2029 and is tied to the delimitation exercise – the merits of which are being debated³⁷. Here, it is also necessary to address questions of intersectionality – with no separate reservation within the Bill for Dalit, Muslim and Adivasi women³⁸.

While the trend of low women’s political representation at the National and State being consistent

31. MGNREGS budget cut: Squeezing a lifeline for rural poor – <https://www.deccanherald.com/specials/mgnregs-budget-cut-squeezing-a-lifeline-for-rural-poor-1189999.html>

32. The Status of Gender Budgeting in India – <https://accountabilityindia.in/blog/gender-budgeting-in-india/>

33. In push for women self help groups, FM Sitharaman takes a leaf out of Lijjat papad success story – <https://www.cnbctv18.com/business/budget-2023-in-push-for-women-self-help-groups-fm-nirmala-sitharaman-takes-a-leaf-out-of-lijjat-papad-success-story-15847401.htm>

34. Budget 2023–24: Whither rural development? Allocation for livelihood and other schemes sees 14% cuts – <https://www.downtoearth.org.in/news/water/budget-2023-24-whither-rural-development-allocation-for-livelihood-and-other-schemes-sees-14-cuts-87437>

35. Women in Parliament and State Assemblies – <https://prsindia.org/parliamenttrack/vital-stats/women-in-parliament-and-state-assemblies>

36. Women in politics: 2023 | Digital library: Publications – <https://www.unwomen.org/en/digital-library/publications/2023/03/women-in-politics-map-2023>

37. Lok Sabha Passes Women’s Reservation Bill, Amit Shah Confirms Implementation Not Before 2029 – <https://thewire.in/government/lok-sabha-passes-womens-reservation-bill-amit-shah-implementation-2029>

38. Intersectionality, The Missing Link In The Women’s Reservation Bill – BehanBox – <https://behanbox.com/2023/02/16/intersectionality-the-missing-link-in-the-womens-reservation-bill/>

every year, women increasingly constitute a larger share of voters. Interestingly, in 2019, for the first time, women voters outnumbered male voters by 0.17 per cent³⁹ at the National level. The number of female electors in the country has witnessed a rise of 5.1 per cent between 2019 and 2022⁴⁰. Women are an important vote bloc for political parties – with a seemingly laser sharp focus on women-centric schemes and “female empowerment”. In fact, there is interesting on-going discourse in relation to this and the passing of the Women’s Reservation Bill.

■ Ending Gender-Based Violence and Women’s Health

According to NCW data, crimes against women have seen a steady incline in the last four years (as mentioned earlier) with 30,957 complaints registered over the last year. As many as 2,523 complaints of outraging the modesty of women or molestation, 1,701 of rape and attempt to rape, 1,623 of police apathy against women and 924 of cyber-crimes (more accurately, digital-space violence) were recorded⁴¹. Let alone since 2019, there is constant under-utilisation of the Nirbhaya Fund since 2013. This is alarming because several schemes that seek to provide redress for gender-based violence – One Stop Centres, Women’s Helpline, and Mahila Police Volunteers – of the sub-scheme Sambal (under Mission Shakti) are funded through the Nirbhaya Fund⁴². As on April 28, 2023, around Rs 12,008.5 crores has been appraised under the Nirbhaya project, of which only Rs 4,923 crores has been released and Rs 2,521 crores has been utilised⁴³. Of the total allocated amount of Rs 587 crores for Sambal in 2021-22, Rs 183 crores, or roughly around 31 per cent, has been used in that particular year. As a result, the allocation for the scheme was reduced to Rs 562 crores in subsequent years⁴⁴. It is clear that while schemes like Nirbhaya and Sambal have the potential to provide relief to violence-survivors, they are not prioritised in budget allocations.

The lack of access to redress in cases of gender-based violence is particularly severe for marginalised women across identities. The 2021 NCRB data shows an increase in crimes to 50,013 crimes against Dalits and Adivasis, the allocation for implementation is reduced to Rs. 500 crores from Rs.600 crores last year (FY 2022-2023) and only Rs.150 crore is allotted for addressing violence against Dalit Women⁴⁵. When the Supreme Court read down section 377 of the Indian Penal Code in 2018, it said police officials should be given sensitisation training to equip them to handle issues related to the queer community. Four years later, police continue to harass and attack lesbians, gays, transsexuals, and others of varying sexual orientations, and ‘counsel’ them to seek ‘treatment’. Compliance with the Supreme Court’s orders remains low⁴⁶. Further, since the punishment under Transgender Persons

39. Woman voter a big factor- The New Indian Express - <https://www.newindianexpress.com/states/karnataka/2023/jan/23/woman-voter-abig-factor-2540490.html>⁴⁵ Dalit Adivasi Budget Analysis 2023-24

40. Female voters up 5.1%, male 3.6% since 2019 Lok Sabha polls: CEC | India News - <https://timesofindia.indiatimes.com/india/female-voters-up-5-1-male-3-6-since-2019-lok-sabha-polls-cec/articleshow/89102669.cms>

41. NCW::C&I Cell::Statistical Overview of Complaints - https://ncwapps.nic.in/frmComp_stat_Overview.aspx

42. How Funds for Women’s Safety in India have been Under-utilised - <https://accountabilityindia.in/blog/nirbhaya-fund-for-women-safety-under-utilised/>

43. What Government Expenditure Tells Us About Official Attitudes Towards Women’s Safety - <https://thewire.in/women/what-government-expenditure-tells-us-about-official-attitudes-towards-womens-safety>

44. Ibid.

45. Dalit Adivasi Budget Analysis 2023-24 - https://www.ncdhr.org.in/wp-content/uploads/2023/02/NCDHR-Budget-2023_9-Feb-for-web.pdf

46. 4 Years After SC Decriminalised Homosexuality, Police Violence Against LGBTQIA+ People Hasn’t Stopped | Article-14 - <https://article-14.com/post/4-years-after-sc-decriminalised-homosexuality-police-violence-against-lgbtqia-people-hasn-t-stopped-629820915541e>

(Protection of Rights) Act 2019 is less severe than the punitive sanction provided by section 498A of the IPC, even brutal acts of violence committed against transwomen warrant less punishment than those against cis women⁴⁷. In a recurring trend, disaggregated data on violence against women with disabilities remains absent – making it hard to address the extent of sexual and gender-based violence faced by them.

The National Family and Health Survey data for 2019–2021 (NFHS 5) shows an increased prevalence of anemia in women aged 15–49 years⁴⁸. The Global Nutrition Report 2022 states while India is ‘on course’ to meet the targets of maternal, infant, and young child nutrition, considerable progress needs to be made to meet the target of childhood wasting or anaemia reduction among women of reproductive age⁴⁹. Data from National Family Health Survey (NFHS) 5 highlights that child mortality under 5 years is 8.3 per cent higher in girls than boys, and malnutrition is a significant contributing factor. The Union Budget 2023–24 is disheartening with a meagre 1.08 per cent increased allocation for crucial social security programmes for women and children despite the challenges faced by them. PM-POSHAN (renamed mid-day meal scheme) received an outlay of Rs. 11,600 crores in 2023–24, up by 13 per cent compared to Rs. 10,233 crores in 2022–23 – but it shows a decrease when compared against the Revised Estimates (RE)⁵⁰.

After almost four years since the launch of the POSHAN Abhiyan meant to address these issues, the problem remains persistent, pervasive, and grave – with every third child under five and a fifth of women undernourished, and overweight women increasing to a quarter⁵¹. This is despite a substantial positive trend in maternal-child health services. In FY 2023–2024, the allocation for the National Health Mission was reduced from Rs. 37,800 crores to Rs. 36,785 crores this time. Policy mandates for budgetary commitments for health is 2.5 per cent of GDP; but presently less than half of this mandate is fulfilled leading to inadequate and poor-quality services⁵². Further, the budget for Mission Shakti, which houses the Pradhan Mantri Matru Vandana Yojana, Women Helpline, Beti Bachao Beti Padhao, and other important programmes for the protection of women, declined by 1.2 per cent from Rs. 3,184.11 crores in 2022–23 to Rs. 3,143.96 crores in 2023–24⁵³. The Pradhan Mantri Matru Vandana Yojana (PMMVY) has been underfunded since it began in 2017. As against the requirement of Rs. 14,000 crores as per the National Food Security Act (NFSA) mandate, the allocation/budget estimate for 2023–24 has been a scanty Rs. 2,581.96 crores⁵⁴.

47. Reflecting on Transgender Rights in 2023: Have Legal Recognition and Advocacy Efforts Broken the Cycle of Discrimination and Ostracism? | CJP - <https://cjp.org.in/reflecting-on-transgender-rights-in-2023-have-legal-recognition-and-advocacy-efforts-broken-the-cycle-of-discrimination-and-ostracism/>

48. National Family Health Survey (NFHS-5), 2019–21 for India - https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf

49. Women’s Nutrition in India: A Closer Look - <https://www.smilefoundationindia.org/blog/womens-nutrition-in-india-a-closer-look/>

50. Union Budget 2023 does injustice to equity and social justice, writes Ravi Duggal - <https://www.freepressjournal.in/analysis/union-budget-2023-does-injustice-to-equity-and-social-justice-writes-ravi-duggal>

51. Malnourishment in Indian women: The hidden crisis - <https://timesofindia.indiatimes.com/blogs/voices/malnourishment-in-indian-women-the-hidden-crisis/>

52. Union Budget 2023 does injustice to equity and social justice, writes Ravi Duggal - <https://www.freepressjournal.in/analysis/union-budget-2023-does-injustice-to-equity-and-social-justice-writes-ravi-duggal>

53. Budget 2023: Food for thought when it comes to women, children, and nutrition | ORF - <https://www.orfonline.org/expert-speak/budget-2023-food-for-thought/>

54. Ibid.

A continued area of concern when it comes to women's health is unsafe abortion. Unsafe abortions are the third leading cause of maternal mortality in India, and close to eight women die from causes related to unsafe abortions each day, according to the United Nations Population Fund (UNFPA)'s State of the World Population Report 2022⁵⁵. NFHS 5 data indicates that more than a quarter of the total abortions in India, 26.2 per cent, took place at the woman's home. Only 16.3 per cent of the women had surgical abortions. Most of them (67.5 per cent) relied on medicines, which has serious consequences such as heavy bleeding and the need for urgent emergency care. Access to abortion services in government hospitals needs to be improved in a way where women do not have to opt for unsafe abortions.

NFHS 5 data showed that an overall 30 per cent of women in India face gender-based violence – putting a third of all women in India at higher risk of developing anxiety disorders and depression. This clearly establishes the connection between gender-based violence and women's health and the criticality of addressing violence as a public health issue. The treatment of adolescent girls as “women in waiting” adds household responsibilities, reduces access to education and safe spaces outside home, limits mobility, conditioning them into caregivers, often at the cost of their own physical and mental well-being⁵⁶. Besides, the stigma related to mental health is life-altering for women. The National Commission for Women found that families willingly abandoned mentally ill women. These circumstances were made worse during the COVID 19 pandemic where adolescents reported higher isolation, decreased access to psychiatric support, increased rates of domestic violence, increased household chores and disruption of education – reducing the already limited access to mental healthcare⁵⁷. In a positive step, the flagship initiative of the Ministry of Health and Family Welfare (MoHFW), the National Tele-Mental Health Programme (T-MANAS), has received a substantial sum of ₹134 crores. This represents the Government's focus on scaling digital mental health⁵⁸. However, given the gendered digital divide, it is unclear how women will be able to access this service. Further, In November 2022, along with T-MANAS, the MoHFW also released the National Suicide Prevention Strategy (NSPS) addressing a crisis of rising suicide rates in the country. While T-MANAS has received significant financial backing, the NSPS does not have funds explicitly earmarked for its implementation, nor did it find a mention in the Budget Speech⁵⁹.

A relatively unexplored aspect of women's health is occupational health. Jagori conducted a first-of-its kind study in 2022–2023 with 524 women domestic workers in Delhi-NCR and Jaipur to enquire into occupational health hazards posed by paid domestic work⁶⁰. The findings, presented in a report titled “Caring Hands, Fragile Health: Unravelling Women's Occupational health and Well-Being in Domestic Work” show that women domestic workers (WDWs) reported over 25 health issues, there of which emerged as the most prominent: pain in body parts (20.4 per cent), “common ailments” such as

55. State of the World Population Report 2022: Seeing the unseen – <https://india.unfpa.org/en/seeing-unseen>

56. Mental Health and Gender in India: Do Women Pull the Short Straw? – <https://www.c3india.org/blogs/gender-and-mental-health>

57. Ibid.

58. What the Union Budget 2023–24 tells us about the government's mental health priorities – <https://cmhlp.org/blogs/what-the-union-budget-2023-24-tells-us-about-the-governments-mental-health-priorities/>

59. Ibid.

60. Caring Hands, Fragile Health Unravelling Women's Occupational Health & Well-being in Domestic Work-Final.pdf – <https://cmhlp.org/blogs/what-the-union-budget-2023-24-tells-us-about-the-governments-mental-health-priorities/>

cough, cold, headache, fever and weakness (12.6 per cent) and blood pressure issues (12.2 per cent) – 41 per cent respondents also said that they had multiple health issues. While health issues cannot be attributed to the nature of domestic work alone, an overlap was observed between health issues, and the tasks WDWs perform. Activities undertaken by WDWs as a part of paid domestic work were thus explored as potential health hazards. 63 per cent respondents reported discomfort due to bending, 53.2 per cent reported discomfort due to standing for long hours, 32 per cent reported discomfort due to working for long hours without food, 30 per cent reported discomfort due to the use of cold water to perform cleaning tasks even during winter and 21 per cent reported discomfort due to working with chemicals. WDWs also reported time and financial constraints as the main barriers to access to healthcare. These tie in with the larger issue of the non-recognition of private homes as workplaces, the lack of definition of employer accountability and the lack of a National legislation for domestic workers. Studies like these indicate the urgent need for a multi-dimensional perspective on women's health.

■ Recommendations

- Given that sexual harassment at the workplace and the burden of unpaid care work are deterrents to women's workforce participation, urgent implementation of preventive and protective measures such as maternity benefits, creche facilities at the workplace and sensitization and awareness-raising on the POSH Act are required to ensure an increase in women's economic participation.
- Re-energisation of the redress system for gender-based violence through optimal utilization of the Nirbhaya fund. A fund to be included under Mission Shakti for gender sensitisation of all personnel who provide first-responder services.
- It is crucial to see violence against women as a public health issue and build synergies with the Health and Social Justice and other ministries of the government. A range of support services must be made available at the one stop centres with clear allotments under the Nirbhaya Fund for activating confidential helplines, counselling, safe shelters, one-stop centres (attached to hospitals), mental health services and legal aid 24/7. Transwomen, women with disabilities, migrant or homeless women are especially vulnerable, and special protocols are required to ensure their access to services.
- Increase allocations towards scholarships for girls. Furthermore, it would be essential to re-introduce budgetary allocations and expenditure for Pre-Matric Scholarships for children from minority as well as marginalised communities.
- Increase allocations for enhancing digital infrastructure in schools from foundational to secondary levels as envisaged in the NEP 2020⁶¹. This is crucial for universal access, given the gendered digital divide.

61. Transformative Financing for Women and Girls: Recommendations for Union Budget 2023-24 - http://www.feministpolicyindia.org/documents/resources/FPC_Pre-budget%20Recommendations_2023-2024.pdf

- Urgent need for a National Legislation for Domestic Workers – defining “workplaces”, codifying employer responsibilities, compensation for workplace accidents etc. Draft bills at the National and Delhi level have been proposed, though not yet adopted – issues of occupational health and safety need to be incorporated in the present drafts.
- Large-scale, multi-centric and longitudinal studies for in-depth analysis of occupational health and safety of domestic workers. Domestic workers should also be included in the Employees’ State Insurance (ESI) Scheme,
- An Urban Employment Guarantee Scheme specifically targeted at women should be devised and implemented urgently. Provisions regarding preferential employment for women in Public Works Departments can also be considered.
- Universalise PDS, and increase budgetary support for Saksham Anganwadi and POSHAN 2.0 to ensure women do not suffer from food insecurities for the households.
- II Access to abortion services in government hospitals needs to be improved in a way where women do not have to opt for unsafe abortions.

Need to Increase Financial Allocations for Women

- Women's unpaid care work is potentially equivalent to almost 7.5% of India's total GDP.¹
- India is home to the largest total number of girls who are married in childhood – with Uttar Pradesh being the state with the highest child brides.²
- Women aged 15–60 dedicate 7.2 hours daily to unpaid care work, while men spend 2.8 hours. However, public spending on care infrastructure, such as pre–primary education and childcare, is less than 1% of the GDP.³
- Indian women are 15% less likely to own a mobile phone, and 33% less likely to use mobile internet services than men, which also leads to economic exclusion with the rise gig economy.⁴
- Given the gendered digital divide and the fact that only 33.3% of women in India have ever used the internet, women informal workers continue to remain excluded from the meagre social security promised.⁵
- Currently, 15% of Lok Sabha MPs and 13% of Rajya Sabha MPs are women, below the low global average of 26.5% women Parliamentarians, and lower still than that of South Asian neighbours, including Nepal (34%), Bangladesh (21%), Pakistan (21%), and Bhutan (17%)⁶
- Data from National Family Health Survey (NFHS) 5 highlights that child mortality under 5 years is 8.3 % higher in girls than boys and malnutrition is a significant contributing factor.⁷
- 2021 NCRB data shows an increase in crimes to 50,013 crimes against Dalits and Adivasis, the allocation for implementation is reduced to Rs. 500 crores from Rs.600 crores last year (FY 2022–2023) and only Rs.150 Cr is allotted for addressing violence against Dalit Women.⁸

1. ecowrap | sbi - https://sbi.co.in/documents/13958/25272736/010323-Ecowrap_20230228.pdf/b026257e-8b66-4f4b-b746-270338fdc8b7?t=1677652287574#:~:text=Our%20analysis%20indicates%20that%20the,7.5%25%20of%20the%20India's%20GDP
2. Ending Child Marriage: A profile of progress in India - UNICEF DATA - <https://data.unicef.org/resources/ending-child-marriage-a-profile-of-progress-in-india-2023/>
3. Building India's Economy on the Backs of Women's Unpaid Work: A Gendered Analysis of Time-Use Data | ORF- <https://www.orfonline.org/research/building-indias-economy-on-the-backs-of-womens-unpaid-work/#:~:text=In%20India%2C%20women's%20unpaid%20work,1%20percent%20of%20the%20GDP>
4. India Inequality Report 2022: Digital Divide - <https://www.oxfamindia.org/knowledgehub/workingpaper/india-inequality-report-2022-digital-divide>
5. India needs to double down on bridging its digital gender gap. - <https://india.unfpa.org/en/news/india-needs-double-down-bridging-its-digital-gender-gap#:~:text=Data%20for%20first%2Dtime%20users,in%20a%20patriarchal%20social%20order>
6. Women in Parliament and State Assemblies - <https://prsindia.org/parliamenttrack/vital-stats/women-in-parliament-and-state-assemblies>
7. Women's Nutrition in India: A Closer Look - <https://www.smilefoundationindia.org/blog/womens-nutrition-in-india-a-closer-look/>
8. Dalit Adivasi Budget Analysis 2023–24 - https://www.ncdhr.org.in/wp-content/uploads/2023/02/NCDHR-Budget-2023_9-Feb-for-web.pdf

Treat the Youth as Equal Partners in Nation Building

There is an urgent need to open up avenues, especially in Panchayati Raj Institutions and Urban Local Bodies where young people can participate politically, as representatives and not just as apprentices, but the National Youth Policy 2023 appears to be wary of venturing in that direction.

Youth, defined as those in the age group of 15–29 years as per National Youth Policy 2023, comprised over 27 per cent of India's population in 2021, i.e. one in every fourth person living in India is young.¹ This makes for a 37.14 crore youth population, one of the largest in the world, which has given rise to the discourse of India's demographic dividend, since India would remain one of the youngest countries for next two decades or so in a rapidly ageing world. But for this 'youth bulge' to yield a dividend would first require adequate investments along social, educational, economic, political and environmental dimensions of the development of the country's youth.

This becomes even more urgent in the context of the rapid changes occurring in the lives of young people across all these fronts, as they are subjected to conflicting experiences. While the much hyped 'revolution of aspirations' is a reality, so is the disappointment of not being able to find jobs matching these soaring expectations. The influx of technology, especially the mobile phones, has brought the world closer to the youth, but the rising inequalities have also kept this glittering world out of bounds for many young people. The rapid flow of information bubbling through the six-inch screen of the mobile flow has also brought with itself an avalanche of misinformation and hate-filled content, polarising opinions across various social issues directly impacting the lives of the young population, including nationalism and communalism. In the process, critical issues, such as education, employment and overall youth development, which in any case found only rare mention, have disappeared from public debates.

The pandemic exacerbated some of these challenges while throwing up new ones. In the debates on the impact of the pandemic and the recovery from it, the perspective and interests of the youth were completely missing. Adolescents and young people simultaneously faced education uncertainties, restrictions on mobility and socialisation, increase in household chores and domestic conflicts along with anxieties around their employment prospects.² Consequently, there has been a major learning loss due to the digital divide, adverse wellbeing due to isolation and an increase in child labour, child marriage and school dropouts. A recent report indicates that around half of the young respondents felt a diminished sense of wellbeing – feeling angry, worries about jobs and relationships, loss of sleep and over 20 per cent have reported having suicidal thoughts.³ Does the Draft National Youth Policy, 2021 recognise these challenges and identify adequate steps to address them? Let's have a look.

1. Government of India, Ministry of Statistics and Programme Implementation (2022). Youth in India: 2022, Social Statistics Division, National Statistical Office, New Delhi, India. - https://www.mospi.gov.in/sites/default/files/publication_reports/Youth_in_India_2022.pdf?download=1
2. Population Foundation of India (2022). 'Impact of COVID-19 on young people: Bihar, Rajasthan and Uttar Pradesh,' May 2022, India - https://populationfoundation.in/wp-content/uploads/2020/08/Rapid-Assessment_Report_Youth_Survey_Covid.pdf
3. Centre for Study of Developing Societies, Lokniti and Konrad Adenauer Stiftung (2021). Indian Youth: Aspirations and Vision for the Future, Lokniti - Centre for the Study Developing Societies (CSDS), New Delhi, India. - <https://www.kas.de/documents/264392/264441/Youth+Report.pdf/f8d753a7-9a9b-46fe-3c0c-b6f4fa9a7a17?version=1.0&t=1645676644584>

■ Draft National Youth Policy 2021

India's first National Youth Policy was drafted in 1988 and has been revised since then in 2003, 2014 and most recently in 2021. The NYP 2014 had recommended a review of the policy after a 5-year period. After the review process, a draft of NYP 2021 was placed in the public domain for comments in April 2022⁴, and subsequently a revised draft was published in July 2023.⁵

To develop an understanding of the thinking behind this latest draft of the NYP 2021, one has to focus on what the draft does not say. The draft, in keeping with the thrust of National Education Policy (2020), completely eschews the language of constitutional rights, while words like 'socially responsible citizens', 'productive economic agents', 'Kartavya kal' make their appearance on the very first page of the policy, words like 'constitution' and 'rights' aren't even mentioned in passing. This makes for a very narrow and anaemic understanding of the 'aspirations' and 'energies' of the youth that are sought to be harnessed by the policy. In fact, the overwhelming sense that one gets from a critical reading of the document is that it perceives youth as those who need to be tamed and guided in the right direction lest they drift away and become unproductive or socially irresponsible. Hence, even in terms of the engagement pathways suggested by the policy, there are very few avenues of social engagement, and hardly any for political engagement, which are independent of the paternal gaze of institutions like universities or local governments or business associations.

While a role for civil society has been mentioned in the document, no structured pathways have been envisioned in the document. A focus on engagement with constitutional values is completely missing. The paternal attitude taken towards the youth is also visible in the way engagement with governance systems is envisioned in the document. The primary mechanism suggested by the policy is working with the government as opposed to representing themselves in the governance structure itself. There is an urgent need to open up avenues, especially in Panchayati Raj Institutions and Urban Local Bodies where young people can participate politically, as representatives and not just as apprentices, but the Policy appears to be wary of venturing in that direction.

The primary thrust of the policy is on education, skilling and job creation. But even here, the policy doesn't deal with some of the structural issues which have existed on the policy map for several decades without much attention. That Gross Enrolment Ratio (GER) at the higher secondary level for girls (54.6 per cent in 2021) has been higher than that for boys (53 per cent in 2021) for some years now, and the GER for girls has also slightly exceeded the GER for boys at the higher education level as well in the recent years (27.3 per cent for girls and 26.9 per cent for boys in 2019-20), has been noted as a positive aspect by the policy, but the fact that this advantage is reversed when it comes to labour force participation rate of the youth (60.1 per cent for males and only 21.1 per cent for females for year 2020-21) goes unnoticed in the policy.⁶

4. Ministry of Youth Affairs and Sports, 'National Youth Policy 2021,' April 29, 2022, New Delhi, India. - <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/may/doc2022553401.pdf>

5. Ministry of Youth Affairs and Sports, 'National Youth Policy,' July 23, 2023, New Delhi, India. - <https://yas.gov.in/sites/default/files/DRAFT%20NATIONAL%20YOUTH%20POLICY%2025july23.pdf>

6. All figures are from: Government of India, Ministry of Statistics and Programme Implementation (2022). Youth in India: 2022, Social Statistics Division, National Statistical Office, New Delhi, India. - https://www.mospi.gov.in/sites/default/files/publication_reports/Youth_in_India_2022.pdf?download=1

The policy quotes the data from the Periodic Labour Force Survey (PLFS)s to paint a picture of a gradually improving employment scenario (presented in the Table below). Before we get into the issues with PLFS data, an important aspect which the report ignores is that the unemployment rate (based on PLFS data) for the youth (15–29 years) has consistently been thrice the overall unemployment rate. This is a worrying trend which the policy completely ignores.

Table: Unemployment rate (%) based on PLFS survey data

Sector	PLFS (2022–23)			PLFS (2021–22)			PLFS (2020–21)		
	Male	female	person	male	female	person	male	female	person
Unemployment Rate (15–29 years)									
rural	8.3	7.4	8.0	11.4	8.5	10.6	11.6	8.2	10.7
urban	13.8	21.7	15.7	15.8	21.6	17.2	16.6	24.9	18.5
rural+urban	9.7	10.6	10.0	12.6	11.8	12.4	13.0	12.5	12.9
Unemployment Rate (All age groups)									
rural	2.8	1.8	2.4	3.8	2.1	3.3	3.9	2.1	3.3
urban	4.7	7.5	5.4	5.8	7.9	6.3	6.1	8.6	6.7
rural+urban	3.3	2.9	3.2	4.4	3.3	4.1	4.5	3.5	4.2

Source: Periodic Labour Force Survey, Annual Report 2022–23, MoSPI, GoI.

Now coming to the issues with PLFS data, it is worth noting here that under the usual status definition under PLFS, a person is considered to be employed if they were engaged in some economic activity for 30 days or more during the reference period of 365 days preceding the date of survey. A more substantial definition is the one used by the Consumer Pyramids Household Survey (CPHS) of Centre for Monitoring Indian Economy (CMIE) considers a person to be employed only when the person is employed for the better part of the day⁷. The CMIE data for youth in the age group 15–24 years, shown below, shows a much more worrying picture, of consistently declining labour participation rate between 2016–17 to 2022–23 and a worsening of unemployment rate, especially since Covid-19 pandemic. Unlike the PLFS data which shows that unemployment (overall and that among the youth) was completely unaffected by COVID-19, the CMIE data appears to be more accurate and representative of the informal section of the economy, since it shows the impact of the all-evident

7. Rosa Abraham and Anand Shrivastava. (2022), 'How Comparable are India's Labour Market Surveys?', CSE Working Paper #45, January 2022, Centre for Sustainable Employment, Azim Premji University, Bangalore, India. - https://publications.azimpremjiuniversity.edu.in/3473/1/CSE-Rosa45-Jan2022-merged_JUNE_13.pdf

shock dealt by the pandemic to employment, especially the informal segment. Clearly, by relying on unrepresentative PLFS figures, the policy makers are compounding the worsening problem of absolute unemployment and under-employment among the youth.

Table: Labour Participation Indicators for Youth (15–24 years)

Indicator	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Labour Participation Rate	29.4	23.0	22.9	23.7	18.6	18.4	18.1
Unemployment Rate	29.0	22.2	32.2	38.1	41.3	43.5	45.4

Source: Natasha Somayya K. (2023), 'Youth unemployment shockingly high,' September 26, 2023, Centre for Monitoring Indian Economy, India.

■ National Skill Development Mission

The UPA-II government had launched the National Skill Development Policy in 2009 which was revised in 2015 with the launch of Skill India and the setting-up of a separate ministry, Ministry of Skill Development and Entrepreneurship (MSDE). The MSDE runs eight skill development schemes, including the Pradhan Mantri Kaushalya Vikas Yojana (PMKVY), Skills Acquisition and Knowledge Awareness for Livelihood Promotion (SANKALP), the Jan Shikshan Sansthan, and the National Apprenticeship Promotion Scheme, and also operates a scheme to upgrade existing Industrial Training Institutes into model ITIs.⁸ As the Table below shows, the budgetary outlays for the ministry have seen a declining trend in the last two years. In fact, the Revised Estimate for the year 2022-23 were the lowest budgetary allocations in the last five fiscal years completed.

Table: Trends in Budgetary Expenditures (in Crore Rupees) under Ministry of Skill Development and Entrepreneurship

2018-19 (AE)	2019-20 (AE)	2020-21 (AE)	2021-22 (AE)	2022-23 (RE)
2618.98	2404.98	2625.41	2121.14	1901.71

In response to queries by the Parliamentary Standing Committee on such low allocation for the period 2022-23, the Ministry indicated, inter alia, the disruption caused by the pandemic which has resulted in sluggish implementation of the schemes, low expenditures and hence low budgetary allocations.⁹ In just one year, 35 Pradhan Mantri Kaushal Kendras, envisaged as state of the art, visible and aspirational model training centres, had closed down. The performance under the

8. Lok Sabha Secretariat (2022), 'Thirty-Second Report of the Standing Committee on Labour, - Textiles and Skill Development, Demand for Grants (2022-23) Ministry of Skill Development and Entrepreneurship, Seventeenth Lok Sabha, March 2022, Lok Sabha Secretariat, New Delhi. https://sansad.in/getFile/Isscommittee/Labour,%20Textiles%20and%20Skill%20Development/17_Labour_Textiles_and_Skill_Development_32.pdf?source=loksabhadocs

9. Ibid.

flagship PMKVY made for a dismal picture, as shown in Table below, which provided figures for Jan 2021–Jan 2022. In this one-year duration, close to 4.5 lakh persons were provided skill training under various segments of the centrally managed and the state government managed component of PMKVY 3.0 (launched in Jan 2021). Of these, just above 38% individuals received a certificate of completion of training, but what is the most shocking is that only 3.8% of the individuals who enrolled for the training programmes could get placement. This flies in the face of the claims by the government of the runaway success of the Skill India Mission.¹⁰

Table: Persons Provided Training under various components of PMKVY 3.0

Component	Training Type	Trained	Certified	Placed
Centrally Sponsored Centrally Managed (CSCM)	Short Term Training	79,798	49,587	12,464 (15.6%)
	Special Projects	94,075	62	29 (0.03%)
	Recognition of Prior Learning	1,57,015	65,882	0 (0.0%)
	Sub-Total	3,30,888	1,15,531	12,493 (3.8%)
Centrally Sponsored State Managed (CSSM)	Short-Term training	48,635	25,607	2,957 (6.1%)
	Special Projects	5,843	145	0 (0.0%)
	Recognition of Prior Learning	61,668	31,757	0 (0.0%)
	Sub-Total	1,16,146	57,509	2,957 (2.5%)
GRAND TOTAL		4,47,034	1,73,040	15,450 (3.5%)

Source: Lok Sabha Secretariat (2022), 'Thirty-Second Report of the Standing Committee on Labour, Textiles and Skill Development, Demand for Grants (2022-23) Ministry of Skill Development and Entrepreneurship, Seventeenth Lok Sabha, March 2022, Lok Sabha Secretariat, New Delhi.

■ Trends in the Budgetary Allocation for the Ministry of Youth Affairs and Sports

Another way of assessing the political will of the present government in translating the positive assertions made in the Draft NYP 2021 into actual outcomes is to assess the budgetary allocations made for the Ministry of Youth and Sports Affairs in recent years. The budgetary allocations for the Ministry (Table below) show a declining trend over 2019–20) to 2022–23. The Revised Estimates (RE) for the year 2022–23 is only slightly higher (1.19 per cent) than the allocations for the ministry in the pre-COVID year (2019–20), even in nominal terms. If one is to take into account inflation over this period, it would be safe to say that the Ministry has seen absolute decline in real terms, which puts paid to

¹⁰ T K Rajlakshmi (2022). 'Skill India grounded: Problems plague technical training ecosystem,' July 24, 2022, Frontline, India. - <https://frontline.thehindu.com/economy/skill-india-grounded-problems-plague-technical-training-ecosystem-unemployment-crisis/article65675733.ece>

the lofty goals set-out in the National Youth Policy of 2014 and 2023. Out of the total expenditure by the Ministry, a consistent trend has been that over 70 per cent of the budgeted expenditure has been spent on sports while a much smaller portion has been allocated for the Department of Youth Affairs which is the nodal department for implementation of the youth policy and important programmes like Nehru Yuva Kendra Sangathan (NYKS); National Service Scheme (NSS); National Youth Corps (NYC); youth welfare activities like youth festivals, and Boy-scouts and girls-guides programme.¹¹

**Table: Trends in Budgetary Expenditures (in Crore Rupees)
under Ministry of Youth and Sports Affairs**

Year	2019-20 (AE)	2020-21 (AE)	2021-22 (AE)	2022-23 (RE)
Department of Youth Affairs	717.25 (26.5)	483.71 (27.1)	628.22 (26.4)	765.66 (28.6)
Department of Sports	1989.39 (73.5)	1304.12 (72.9)	1748.74 (73.6)	1907.69 (71.4)
Total	2636.06	1748.45	2376.96	2673.35


Source: Indian Budget Documents across the years and Report of the Rajya Sabha Department-Related Parliamentary Standing Committee on Education, Women, Children, Youth and Sports over the years.

Note: AE: Actual Expenditure; RE: Revised Estimate. The figures in the parenthesis are percentage allocation for the department out of the total allocation for the ministry.

Recommendations

- The Draft National Youth Policy needs to be revised to incorporate a framework undergirded by constitutional values and rights. The youth should be seen as equal partners as opposed to junior partners in national building, and they should be given representation in governance structures, beginning with the third tier of government - Panchayati Raj Institutions and Urban Local Bodies.
- The young India in different geographies and communities, especially the female, transgender, gender minorities and many marginalised sub-groups within youth, need special intervention to bridge the digital and economic divide. It is important for NYP 2021 along with various departments to chalk out plans to make the last mile connectivity, in terms of connecting youth as well as towards making Indian digitally inclusive.
- It is important to build convergence across departments and design a comprehensive plan with outcome framework for "Rashtriya Yuva Sashaktikaran Karyakram (RYSK).
- Wellbeing is a key imperative to address, particularly after pandemic and in digital India - not just in the form of curative measures like counselling, but also preventive measures like

11. Department-Related Parliamentary Standing Committee on Education, Women, Children, Youth and Sports, 351st Report, Demands for Grants 2023-24 of the Ministry of Youth Affairs and Sports, Rajya Sabha, New Delhi, India. - https://sansad.in/getFile/rsnew/Committee_site/Committee_File/ReportFile/16/167/351_2023_3_16.pdf?source=rajyasabha



building resilience and agency. This is where all youth clubs, associations/agencies affiliated and connected with NYKS and NSS to be evolving a national curriculum on making youth aware of mental health, wellbeing as part of their personality development and several institutional mechanisms needs to be put in place by MoYAS through NYKS/NSS to enable the young population access services and programmes that makes them resilient and skilled to deal with socio-psychological challenges.

- Developing and building institutional mechanisms to promote entrepreneurial education along with affordable and inclusive access to financial and capacity building institutions towards promoting entrepreneurship and self-employment among youth in the growing market opportunities. Simultaneously building employability along with creation of employment for youth is a major challenge that needs to be addressed in planned manner by the government.

I Treat the Youth as Equal Partners in Nation Building

- 20% young people reported having suicidal thoughts around half claimed to have a diminished sense of wellbeing in a 2021 study.¹
- National Youth Policy 2021 suggests very few avenues of social engagement, and hardly any for political engagement, which are independent of a paternal gaze of institutions like universities or local governments or business associations.
- While the National Youth Policy 2021 discusses Periodic Labour Force Survey to depict a gradually improving employment scenario, it ignores the important aspect of the same data that the unemployment rate for the youth has consistently been thrice the overall unemployment rate.
- Labour participation indicators for youth have consistently declined with being 29.4% in 2016-17 to 18.1% in 2022-23, along with the worsening of unemployment rate, especially since Covid-19 pandemic.²
- Over 70% of the budgeted expenditure of the Ministry of Youth and Sports Affairs has been consistently spent on sports, while a much smaller portion gets allocated for the Department of Youth Affairs which is the nodal body for implementation of the youth policy and youth-centric programmes.³

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1. Centre for Study of Developing Societies, Lokniti and Konrad Adenauer Stiftung (2021). Indian Youth: Aspirations and Vision for the Future, Lokniti - Centre for the Study Developing Societies (CSDS), New Delhi, India. - <https://www.kas.de/documents/264392/264441/Youth+Report.pdf/f8d753a7-ea9b-a6fe-3c0c-b6f4fa9a7a17?version=1.0&t=1645676644584>
 2. Languid youth labour participation: CMIE - <https://www.cmie.com/kommon/bin/sr.php?kall=warticle&dt=20230919182824&msec=513>
 3. Demand for Grants Analysis : Youth Affairs and Sports - <https://prsindia.org/budgets/parliament/demand-for-grants-analysis-youth-affairs-and-sports>

■ Addressing Farmers' Crisis Is Not Rewri Culture

The agricultural sector is beset with structural challenges which beg for genuine transformative solutions. Policymakers are not addressing these issues. They are only letting the crisis grow, wounds fester, and problems simmer with ad hoc approach and disingenuous claims.

Initiating a public debate on welfare schemes, the RBI in "State Subsidies and Freebies," RBI Bulletin June 2022¹ argued that the states were crowding out resources from useful purposes by increasing the share of subsidies in GSDP. It further noted that a large portion of the subsidies was going in the form of "freebies" defined as "a public welfare measure that is provided free of charge".

It further argued that a multitude of social welfare schemes in the form of freebies will not only put a heavy burden on the exchequer but will also exert upward pressures on yields if they are financed through market borrowing. It will be important, therefore, for the state, RBI advised, that governments re-prioritise their expenditure **"to achieve optimum long-term welfare advantages by ensuring that the beneficiaries get empowered permanently and forego such benefits."**

This document brings farm loan waiver in the realm of 'freebies' – a public bad, which needs to be curbed and argues for permanent empowerment. Loan waiver is a significant demand of the farm unions so it's important to look at the context of it. The argument advanced by the RBI conveniently overlooks that farmers have been clamouring for attention to the fact that the farm loans (which turn into farm debts) are a manifestation of a nationwide 'agrarian crisis'. The farmers have repeatedly taken to the streets demanding relief from debt, asking the state to step in and alleviate their debt burden. In 2018, India witnessed thousands of farmers from across the country taking to the streets in a series of protests, culminating in two huge rallies in Mumbai and Delhi. In the same year, a member of the Parliament tabled a bill titled The Farmers' Freedom from Indebtedness Bill, 2018 in an attempt to draw attention to the crisis which the agriculture sector was facing.

■ Agrarian crisis and rural indebtedness

Digging further on the crisis, it is evident from the National Sample Survey Office (NSSO) data that there has been a steady increase in both the magnitude and depth of rural indebtedness since the 1970s. Key reasons for the increase in indebtedness are rising costs of agricultural inputs and relative stagnation of commodity prices, growth in the monetization of agriculture, shifts in rural debt-relations, stagnation of rural wage rates, and increases in consumption expenditures by rural households which they are unable to cover from their meagre incomes.

As is well-known, widespread adoption of green revolution-style agriculture since the 1970s saw increased use of intensive agricultural techniques, resulting in a quantum leap in output. National rice production increased about 42 million tons (mts) in 1970-71 to over 135 mts, in 2022-23. Wheat

1. RBI Bulletin June 2022

production during this period rose from 24 mts to over 112 mts. This increased production contributed to India's food security. State agencies procure food grains from farmers at the government notified Minimum Support Prices (MSPs) and the food grains are provided to the economically weaker sections at subsidised prices through fair price shops under the Public Distribution System (PDS). The central and state governments provide subsidised food grains to beneficiaries under the National Food Security Act, 2013 as well as under certain other welfare schemes such as the Mid-Day Meal scheme.

With this increase in production, however, there was a corresponding increase in agricultural inputs such as fertilisers, and irrigation on which the high yielding varieties HYVs were dependent. According to the Ministry of Agriculture, the national consumption of fertilisers rose from about 2 metric tonnes in 1971-72 to over 63 metric tonnes in 2021-22.

Increased application of agricultural inputs contributed to a significant rise in the cost of cultivation. There has, however, been a steady decline in earnings from cultivation. Over the last few decades, the cost of production has risen steeply – costs of seeds, fertilisers, pesticides, diesel, and other farm inputs controlled by large private agri-corporates have all shot up, raising the year-on-year cost of cultivation by 8-10 per cent. But the minimum support price of food grains has been revised at about half that rate year-on-year, leading to a steady fall in farm incomes and pushing huge numbers of small farmers into a debt trap.

An average agricultural household in India has debt equivalent to 60 per cent of their annual income. According to the National Sample Survey, the annual income of a farm household was Rs 1.23 lakh, and the average debt was Rs 74,100 from July 2018 - June 2019. Two major contributors to income are crops and wages. According to the survey, 50.2 per cent of Agri households in India are in debt. Data from the All India Debt and Investment Survey, 2019 shows that 35 per cent of rural Indian households are in debt, with about 44 per cent accessing non-institutional (informal) sources of credit that charge exorbitant interest rates as high as 25 per cent. On calculations, average agricultural household income is much lower than the notified minimum wage in rural India if the average household size is controlled for. 54 per cent of rural households are declared agricultural, of which, 40 per cent of their income comes from wages – an increase of eight percentage points since 2013. The widening of the gap between agricultural and non-agricultural sector incomes, particularly since the late 1990s, and the inability of the industry to absorb "surplus" labour from agriculture, have worsened the disparity.

■ Landless farmers also carry the burden of debt

In addition to farmers, there is also a significant population of landless farmers and rural workers – wage workers, agricultural workers, artisans, etc. who carry a significant debt burden. Recent studies have found that rural wage rates have been stagnating. The real wages of male agricultural labourers, non-agricultural labourers and construction workers grew at less than 1 per cent per year between 2014-15 and 2021-22. Labour Bureau data point to near-stagnation of informal-sector real wages in recent years. In 2022-23, the trend growth rates from 2014-15 onwards show 0.8 per cent per year for agricultural labour, 0.2 per cent for non-agricultural labour and slightly negative for construction workers (men only).

Suicides by farmers and agricultural labourers have been spiralling as farming became unsustainable for a large majority of small and marginal farmers and labourers, increasing indebtedness and an inability to make ends meet. 315,000 farmers took their own lives between 1995 and 2018, as the numbers of the National Crime Records Bureau show. Millions either became agricultural labourers or migrated out of their villages in search of jobs. During the pandemic, many millions of these workers had to march back in search of those livelihoods that were destroyed in rural areas. Close to 10 million workers from urban areas went back to their villages by trains in the month of May 2020 alone only after a month into the lockdown.

It is in this background of the crisis in the agriculture sector, and the calls to the State to step in and provide relief and find a sustainable solution, that the State came up with the three farm laws in the Parliament in September 2020, claiming that the laws provided the much-needed solution for the agriculture sector reeling under crisis. The government claimed that the three laws would free farmers from the clutches of the commission agents, allowing them to sell their crops outside state-regulated areas, or mandis, in states where they previously were not allowed to do so and allow them to benefit from efficiency along the supply chain.

■ **Three farm laws: Sustainable solution for the crisis in the agriculture sector?**

So what are these laws? One, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act limited state oversight to Produce Marketing Committees while allowing new corporate players to create new markets without paying any taxes or fees, purportedly to allow farmers to sell their produce to anyone as opposed to selling only in the government regulated markets at a minimum price fixed prior to the sowing season.

The second, the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act (the Contract Farming Act), provided a framework for contract agreements between farmers and contractors (called sponsors) for a specific quantity of a specific crop at a specific price. The Act provided no regulations and contained clauses that forbid any legal recourse for disputes. If a corporation violated a contract with a farmer, the new law prohibits the farmer from seeking redress in a regular court.

The third, the Essential Commodities (Amendment) Act, removed restrictions on stockpiling food grains that were put in place to discourage firms from artificially raising prices. The new law allows large corporations to stockpile food and engage in warehouse and supply management.

The three laws taken together eased restrictions for corporate players to function in the country's agrarian markets. They marked a retreat of government responsibility from public procurement of food grains and provided a deregulated environment in which big agribusinesses could push farmers to enter into contracts for the supply of agricultural produce on terms that may be unclear and unfavourable to them.

■ Repeal farm laws: Farmers reject the three laws

The farmers and the unions termed these laws stratagems of big corporate players and a compliant government which will make the job of growing food not worth doing for Indian smallholders. The large corporate houses aligned with global agribusiness corporations are already diversifying into procuring, transporting, storing, processing and food distribution. The new farm laws would pit the farmers against agribusiness firms which would enter the market with control over market information and the advantages of scale. The farmers recognized that this would make the mandi system defunct and lead to an end to the guaranteed (MSP) – without which the debt-ridden small holders were unable to continue. They also feared that with the government withdrawing support to the farm sector, slowly the subsidies for inputs, extension services, and procurement assurances which provided a semblance of stability to agricultural production would also be withdrawn. They feared that these laws were enacted for enabling the corporate takeover of agriculture making smallholder farming unsustainable, forcing them to leave their villages and reducing them to seeking casual labour, or to toil in factories on starvation wages in unwelcoming cities. They saw these laws and threatened the food security of a large population of poor people who were dependent on food rations. When food becomes a commodity to be traded only under market conditions, the urban and rural poor who need food rations forgo their right to food.

‘We will fight over and over again and generation upon generation, but we will not let our lands go,’ the farmers proclaimed and led by their unions, made their way in a convoy of tractor trolleys and trucks – thousands of them, extending miles – towards Delhi on 26 November 2020. They came waving their union flags, equipped with food, stoves, utensils, blankets, and other essentials to last them for months. They chanted: ‘We are here to stay; we will leave only when the government repeals these draconian laws.’

■ Putting the corporates on notice

For the next thirteen months the farmers stayed on the borders of Delhi, they held the state and corporates to account and located their protest as part of larger resistance against a global corporate capitalist agenda. As the protests began, farmers focussed on the nexus between the government and the corporate giants. The large corporate houses like the Adani group and the Reliance groups, making an entry into the agriculture sector, became the centre of farmers’ opposition.

Adani Agri Logistics has built and operated grain silos for the central government’s Food Corporation of India (FCI) in an ongoing public-private partnership. The latter activity has accelerated since 2017, with new private railway lines, automated grain-processing plants and other infrastructure built around these outsourced FCI silos in several states as part of a wider process of capturing logistical chains. Reliance Industries (RIL) is entering the agritech business through a combination of online technology and collaborations in farm equipment innovations as part of its move to expand its “farm-to-fork” model. The farmers protested against Ambani and Adani which they saw as representing corporate greed which they were committed to resist.

■ Farm laws rolled back but struggle for sustainable development solution continues

The three laws were rolled back after thirteen months as the Prime Minister admitted in December 2021 that he had failed to convince a section of the farmers of the advantages of the three laws. He promised a committee to be formed to take decisions on making the MSP more effective and transparent and take other decisions on agriculture as per the changing needs of the country. He urged the farmers to end their protest. Following this announcement, a written commitment to farmers was made and the farmers ended that phase of andolan in good faith. However, the government failed to fulfil the “written commitments” it made to them which included a legal guarantee on the minimum support price (MSP), withdrawal of cases registered against farmers, compensation to families of farmers who died during the protest, pension, debt waiver, and withdrawal of the Electricity Bill. As is evident, the promised committee to suggest measures to make MSP available to farmers across the country was an eyewash. First, it was not set up, then nearly 18 months later, the Ministry of Agriculture in (July 2022) issued a gazette notification announcing the setting up of a committee to suggest measures to make MSP available to farmers across the country, promote natural farming and prepare a comprehensive strategy for crop diversification, among others. The Centre kept three posts in the Committee for representatives of farmers. The Sanyukt Kisan Morcha, however, rejected the committee, as there was no mention of making a law on MSP in the committee’s agenda.

The farm crisis continued, and the farmers kept raising the demand for debt waiver – the debt waiver tied to the survival of farming, the food security of the country, and above all the livelihood of millions of rural farmers. It is no freebie as the farmers demonstrated but it is central to the survival of rural lives in the absence of a sustainable policy solution for the crippling effects of a crisis-ridden farm sector. The farmers’ unions continued to say that they were hoodwinked and the roll back of the three laws was not genuine. And, they were not wrong.

■ Lies, misinformation, false claims – the truth of Doubling of Farmers’ Income

Nearly 24 months after the government proclaimed the defeat of its ‘genuine intention’ to bring the agriculture sector out of the crisis, an investigative report by the Reporters’ Collective brought out the background to the three laws. As the farm unions had claimed that the laws were passed to facilitate the entry of the corporates into small holding agriculture, the country learnt through the Reporters’ Collective that ahead of the three farm laws, an NRI seeded the idea to corporatise agriculture and government’s Niti Aayog’s created a task force to envision a future where farmers lease out farmland to corporations, pushing for corporatisation of agriculture as a way to double farmers’ income.

Prime Minister Narendra Modi had made a promise in 2016 on ‘doubling farmers’ income’ (DFI) by 2022, as India completes 75 years of independence. The Ashok Dalwai Committee on DFI was set up on April 13, 2016. The Committee set the time frame for achieving the target from 2016–17 to 2022–23, with 2015–16 as the base year. Extrapolating from 2012–13 NSSO estimates, the average annual income of the farmer at the national level in 2015–16 was taken as Rs 96,703 i.e., about Rs 8,058 per month for

a farm household. The targeted farmers' income at the national level in 2022–23 according to the Committee was to be Rs 2,71,378 at current prices or Rs 22,610 per month. Achieving this target, the Committee pointed out in its report, required a farm income growth rate of 10.4 per cent per annum.

A year after the DFI promise was made and Ashok Dalwai Committee estimates were making the rounds, at the peak of farm protests demanding implementation of the promise of MSP at C2+50 per cent, in May 2017, the then BJP president, made a claim that within three years of coming to power, the 2014 poll promise was nearly fulfilled and the MSP was 43 per cent more than the cost of production if the cost of land is excluded from the price calculation. He also asserted that MSP by taking into account the land price was impossible to implement.

But as has been revealed in the Reporters' Collective report² in August 2023, a separate Special Task Force on DFI was also set up by the Niti Ayog in January 2018, acting on a letter by an NRI businessman with no known expertise in agriculture who submitted a concept note titled "Doubling of Farmers' Incomes Through Market Driven, Agri Linked Made in India". The report claims that the documents obtained by it reveal Niti Aayog moved quickly to push the businessman's vision: a future where farmers lease out farmland to corporate-style agribusiness companies and effectively work as their cogs. Niti Ayog later appointed this businessman on the task force, which consulted mostly big corporations involved in agriculture commodities trade, such as the Adani Group, Patanjali, BigBasket, Mahindra Group and ITC. But no farmers, economists or farmer organisations were consulted before submitting the report in 2018 to the government, whose aim was to double the income of around 60 per cent of Indians who depend on agriculture as imagined by Prime Minister Narendra Modi. The report has not been made public till now. In the interest of transparency, Niti Aayog must make public the process of setting up of the task force, its members and the report of the task force.


■ Ad Hoc policy making must stop

It is this larger context of lies, misinformation, false claims and ad hoc policy making, which is playing havoc with the rural lives associated with agriculture. The agricultural sector is beset with structural challenges which beg for genuine transformative solutions. Policymakers are not addressing these issues. Instead, they are only letting the crisis grow, wounds fester, and problems simmer with ad hoc approach and disingenuous claims. It is leading to generating added contradictions in rural India and making lives more miserable.

Farmers have been demanding decisive state action to address the systemic agrarian crisis and protect rural livelihoods. To make the lives of farmers and labourers better, first and foremost unions of farmers and agriculture labourers must be consulted and made stakeholders in the process of agriculture policy making. The practice of consulting only big corporations and incorporating big businesses on the agriculture policy task force, must stop.

If farming is to become sustainable, farmers' incomes must be enhanced by guaranteeing MSP for all crops which gives the farmers at least 50 per cent returns after covering all input costs of capital

2. NRI seeded idea to corporatise agri ahead of farm laws: Reporters Collective <https://www.reporters-collective.in/trc/ahead-of-farm-laws-an-nri-seeded-idea-to-corporatise-agriculture>



and the rent on the land. The employment opportunities in rural areas must expand by promoting labour intensive industrialisation. The input prices which are the major reasons for farm debt must be regulated. The combination of declining state support, rising input costs, and uncertain agricultural incomes have left farmers with little choice but to take on high levels of informal debt at exorbitant interest rates. To address farm indebtedness regulation and state support must be strengthened and the usurious practices of private moneylenders in rural India must be curbed.

While the vast majority of small and marginal farmers face a daily struggle to remain engaged in agriculture, the landless tenant cultivators and agricultural workers have seen their already tenuous livelihoods further undermined. Land reforms must be re-initiated and excess of ceiling land must be given to landless farmers. Rural minimum wages which have been stagnating must be raised and employment opportunities must expand.

Addressing Farmers' Crisis Is Not Rewri Culture

- Over the past 25 years, the **cost of production has risen** steeply – seeds, fertilizers, pesticides, diesel, and other farm inputs controlled by large private agri-corporates have all shot up in price, causing **annual inflation of 10%**¹ but the **MSP of food grains has grown at less than half that rate** annually, leading to a steady fall in farm incomes.^{2,3}
- According to the National Sample Survey an average agricultural household in India has debt equivalent to 60 per cent of their annual income and adds that 50% of Agri households in India are in debts.⁴
- All India Debt and Investment Survey, 2019 shows that 44 per cent of agricultural households access non-institutional (informal) sources of credit that charge exorbitant interest rates as high as 25 per cent.⁵
- Labour Bureau data says that real wages of male agricultural labourers grew at less than 0.8 per cent per year between 2014-15 and 2021-22.⁶
- Between 2017 and 2021, nearly 53,000 persons engaged in the farming sector died by suicide. 15 farmers and 15 agricultural labourers died by suicide every day in 2021, accounting for nearly 7 per cent of the total suicides reported in India.⁷

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1. Changing Crop Production Cost in India: Input Prices, Substitution and Technological Effects - https://niti.gov.in/sites/default/files/2023-02/2_Changing_cost_of_crop_production_Srivastava_et_al.pdf
 2. How MSP has changed in last 5 years - Times of India - <https://timesofindia.indiatimes.com/business/india-business/how-msp-has-changed-in-last-5-years/articleshow/88212997.cms>
 3. MSPs, dearness allowance raised ahead of elections | Mint - <https://www.livemint.com/news/india/cabinet-approves-2-7-msp-increase-for-six-crops-for-2024-25-marketing-season-11697631748762.html>
 4. Income and debt account of India's farmers | EXPLAINED - <https://www.indiatoday.in/diu/story/indian-agriculture-debt-data-msp-farmers-protest-1878975-2021-11-20>
 5. All India Debt & Investment Survey NSS 77th round (January – December, 2019) - <https://pib.gov.in/PressReleasePage.aspx?PRID=1753935>
 6. Since 2014, the poorest communities are earning less | The Indian Express - <https://indianexpress.com/article/opinion/columns/since-2014-the-poorest-communities-are-earning-less-8625367/>
 7. Every Day, 15 Farmers Died By Suicide in India in 2021; Biggest Spike in 5 Years: Govt Data - News18 - <https://www.news18.com/news/india/every-day-15-farmers-died-by-suicide-in-india-in-2021-biggest-spike-in-5-years-govt-data-6160171.html>

Status of Governance

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■ Silent on Unemployment, Inflation

The total union budget on revenue expenditure as a proportion of the total budget has declined over the last few years. The decrease in revenue expenditure, consequently, led to negative impact on social and economic sector spending such as MGNREGA, schemes related to education and health.

Preparation and presentation of the budget is an annual exercise at various levels of the governance system. The annual budget is prepared for optimal allocation of scarce financial resources taking into account the prevailing social, economic and political situation of the country. Budget is a statement of estimated expenditure and receipts during the ensuing financial year. Larger objectives of the government budgetary policy are to provide effective governance, to maintain fiscal balance through economic and price stability, promoting employment opportunities, increasing human resource development, reducing income inequalities and improving social and physical infrastructure.

The Budget document broadly consists of two parts, namely (i) Expenditure Budget, and (ii) Receipts Budget. The Expenditure Budget presents information related to intended expenditure and services to be provided in the next fiscal year. Similarly, the Receipts Budget presents information on the possible sources and quantum of revenue the government intends to collect for meeting its expenditure requirements in the next fiscal year. Further, the Expenditure Budget is divided into Revenue and Capital Expenditure. Capital Expenditure are those expenditures by the government that lead to an increase in the assets and creation of long-term projects (e.g., construction of flyovers, roads, schools and hospital) or a reduction in the liabilities of the government (e.g., Union government repays the principal amount of a loan it had taken in the past). The revenue expenditures by the government includes expenditure on food subsidies, salary of staff, procurement of medicines, procurement of textbooks, payment of interest¹.

The last five Union Budgets were presented in the wake of rising unemployment, high inflation, low consumption demand and growing inequality in the country. However, the finance minister, in her last budget speech, did not mention much regarding these pressing problems the country is facing. The Constitution of India makes it obligatory for the legislators to scrutinize public expenditure and resource mobilisation on the behalf of common people. However, the desired scrutiny of the budget generally remains weak. The Constitution of India has made it obligatory that all revenues and receipts go to a consolidated fund and money can be withdrawn only from this consolidated fund in accordance with the laws passed by the Parliament. Financial business in the Parliament consists of approving the budget comprising the General Budget, Demand for Grants, Vote on Account, Supplementary Demand for Grants, Appropriation Bill and the Finance Bill. (Vide Article 112 to Article 117 and Article 262 to Article 267)

1. Budget Basics - <https://budgetbasics.openbudgetsindia.org/>

■ Marginal decline in public spending with respect to GDP

The projected net tax revenue in the Receipt Budget of the Union Government has increased over the years (Rs 23.31 lakh crores in 2023-24 from Rs 20.87 lakh crores in Revised Budget of 2022-23). However, despite a hike in the tax revenue, the overall size of the Union Government's expenditure as a proportion of the country's GDP has shown a marginal decline in the projections for 2023-24. The total union budget expenditure as a proportion of the GDP has declined to 15.3 per cent in 2021-22 from 16.2 per cent in 2022-23. The decrease in the budget might have a negative impact on social and economic sector spending. The size of the Union Budget as a proportion of GDP was less than 14 per cent before the pandemic. After COVID-19 pandemic, the expenditure by the Union Budget as a proportion of the country's GDP had increased to 17.7 per cent in 2020-21 (A) and 16 per cent in 2021-22 (A) respectively. It is to be highlighted here that the increase in the size of the Union Budget as a proportion of the GDP during the COVID-19 was mainly due to the clearing of outstanding dues in terms of food and fertiliser subsidy. As per the analysis of Union Budget, 2023-24, by CBGA² this increase in size reflects "a relatively large amount of erstwhile 'off-budget' expenditure being reported as part of the Union Government's expenditure (for improving fiscal transparency of the government), and the slowdown in GDP growth in those years. The overall magnitude of the Union Budget as compared to the GDP has shown a decline over the last two Union Budgets; it is estimated at 14.9 per cent in 2023-24 (BE)".

Table: The Union Budget as a Proportion of GDP (in %)

	2019-20 (A)	2020-21 (A)	2021-22 (A)	2022-23 (RE)	2023-24 (BE)
Total Expenditure (In crore)	20,074,856	19,800,914	23,664,637	27307751	30175065
Capital Expenditure (In crore)	2686330	3509836	3793801	4187232	4503097
% of Capital Expenditure in Total Expenditure	13.4	17.7	16.0	15.3	14.9

Source: Union Budget document for several years (<https://www.indiabudget.gov.in/>)

In the last five financial years, the overall government expenditure on capital creation has increased significantly with objectives of creating physical infrastructure and increasing economic activities in many sectors. However, an increase in the overall quantum of capital expenditure will affect total revenue expenditure. The percentage of Capital Expenditure in total expenditure was 12.50 in 2019-20 (A) which has gradually increased to 22.23 percent in 2023-24 (BE). The size of the capital expenditure budget (within the overall Union Budget) is estimated to be Rs 10 lakh crore for FY 2023-24. Total capital expenditure in the Union Budget 2023-24 is projected to rise by nearly 37 per cent compared to 2022-23 (RE). It implies that the Ministries and Departments, which are involved in building up physical social infrastructure, must have received the higher allocation.

2 <https://www.cbgaindia.org/publication/walking-the-tightrope-an-analysis-of-union-budget-2023-24>

Table 2: Percentage of Capital Expenditure in Total Expenditure

	2019-20 (A)	2020-21 (A)	2021-22 (A)	2022-23 (RE)	2023-24 (BE)
Total Expenditure (In crore)	2686330	3509836	3793801	4187232	4503097
Capital Expenditure (In crore)	335726	426317	592874	728274	1000961
% of Capital Expenditure in Total Expenditure	12.50	12.15	15.63	17.39	22.23

Source: Union Budget document for several years (<https://www.indiabudget.gov.in/>)

Largely, the Union Budget for the last five years has provided the impetus to long-term policy initiatives for economic growth through a range of priorities including the PM Gati Shakti, inclusive development, productivity enhancement and investment, sunrise opportunities, energy transition and climate action and financing of investments in heavy industries, road, port, airport and technology with sab ka paryas. Among the several ministries and departments, Housing and Urban Affairs, Rural Development, Jalshakti and Road Transport and Highways ministries are spending large amounts of funds on infrastructure development. The budget allocation for the Ministry of Road Transport and Highways has increased three times over the last five years. Housing and Urban Affairs and Road Transport and Highways ministries are focusing on creation of physical infrastructure, whereas Rural Development and Jalshakti Ministries are building up social infrastructure.

Table 3: Budgets of Select Union Government Ministries for Infrastructure Development (in Rs. crore)

Ministries / Departments	2019-20 (A)	2020-21 (A)	2021-22 (A)	2022-23 (BE)	2022-23 (RE)	2023-24 (BE)
Ministry of Housing and Urban Affairs	42054	46701	106840	76549	74546	76432
Ministry of Rural Development	123622	197593	161643	138204	182382	159964
Ministry of Jalshakti	7419	7232	17215	18968	14000	20055
Ministry of Road Transport and Highways	78249	99159	123551	199108	217027	270435

Source: Union Budget document for several years (<https://www.indiabudget.gov.in/>)

■ Pompous words; little money

Important Initiatives for inclusive welfare and infrastructure Development by the Union Government over the years include, Har Ghar, Nal Se Jal (3.8 crore households to be covered in 2022-23), PM-Development Initiatives (infrastructure and social development based on felt needs of the North East) and Aspirational Blocks Programme (For development of lagging blocks of aspirational districts). Further, the government has announced the Vibrant Villages Programme (Targeting development of villages on the Northern Border left out from the development gains), Digital Banking by Post Offices (100 per cent of post offices to come on the core banking system) and Digital Payments (Scheduled Commercial Banks to set up 75 Digital Banking Units in 75 districts). Apart from these policies, Union Government has increased allocation of budget over last few years for social and physical infrastructure. The social infrastructure programmes include the Pradhan Mantri Awas Yojna (Rs. 90,020 crore in BE 2023-24 from Rs.79,590 crore in actual 2021-22), Eklavya Model Residential Schools (Rs.5,943 crores in BE 2023-24 from Rs.2,000 in RE 2022-23), Jal Jeevan Mission/National Rural Drinking Water Mission (Rs. 63,126 crores in BE 2023-24 from Rs. 70,000 crores in Actual 2021-22), Swachh Bharat Mission- Urban (Rs. 1952 crore in BE 2023-24 from Rs. 5000 crore in Actual 2021-22) and Swachh Bharat Mission-Gramin (Rs.3099 crores in BE 2023-24 from Rs.7192 crores in Actual 2021-22)

Looking at the budgetary priorities of the Union Government, more allocation was given to the programmes related to physical infrastructure programmes such as PM Gram Sadak Yojna (Rs.13,992 in BE from Rs.19,000 crore in Actual 2021-22), Urban Rejuvenation Mission including AMRUT and Smart Cities Mission (Rs.13,868 in BE 2023-24 from Rs.16,000 from Actual 2021-22), Investment in PSU/JV/SPV (Rs. 25,751 in BE 2023-24 from Rs.34,354 crores in Actual 2021-22, Road Works (Rs.66,237 crore in BE 2023-24 from Rs.1,07,713 in Actual 2021-22), National Highways Authority of India (Rs.57081 crore in BE 2023-24 from Rs.162207 crore in Actual 2021-22), Member of Parliament Local Area Development Scheme (Rs.1732 crores in BE 2023-24 from Rs.3959 crores in Actual 2021-22).

Along with these big announcements on infrastructure budget, the focus has not been given adequately to the promise made in the election manifesto regarding the doubling of farm income and job creation. In fact, agriculture and allied activities which support the bulk of the population has seen only a marginal increase in the overall budget. The total union budget on revenue expenditure as a proportion of the total budget has declined over the last few years. The decrease in revenue expenditure, consequently, led to negative impact on social and economic sector spending such as MGNREGA, schemes related to education and health.

The MGNREGA is a very important scheme for improving economic life in the countryside. The budget allocation for the flagship rural employment guarantee scheme has seen a dip. The allocation declined to Rs. 60,000 crores in 2023-24 from Rs 111500 crores in 2020-21. Besides, a pending wage of Rs 6231 crore and Rs. 7,616 crores in material component continues to be a matter of concern and severe impediments in the process of implementation of the MGNREGA. A higher allocation could have boosted consumption demand and could have raised employment opportunities in rural areas. This was especially needed in the wake of the COVID-19 pandemic and the uncertainties of employment in the coming year.

Inadequate attention was paid for budget's allocations over the last five years for other social sector schemes as well. The budgets for education, health and investments for improving the lives of the marginalised sections of society like scheduled castes, tribal communities, religious minorities, women, children and persons with disabilities have been similarly neglected. A look at other social sectors shows a similar trend of pompous words in a budget speech but with little budgetary outlay to support these. For instance, in terms of the universalisation of quality education, the One class One TV channel programme is to be expanded to 200 television channels. But the question remains, how the budget proposes to achieve this. In the same breath, several announcements were made under the health budget, like the national digital health ecosystem, national tele-mental health programme, integrated security architecture: mission shakti, mission vatsalya, sakshamanganwadi, and Poshan 2.0. (Saksham Anganwadi will lead to the upgrading of two lakh Anganwadis). However, these announcements are not backed by adequate budgetary provision. The mid-day meal scheme has been renamed as PM Poshan Shakti Nirman with reduced allocation of budget. During the pandemic, low policy priority had affected the child retention rate as well as nutrition.

In the Global Hunger Index (GHI) 2023, India ranked 111 out of 125 countries, indicating a serious level of hunger. Neighbouring countries, such as Pakistan (102), Bangladesh (81), Nepal (69), and Sri Lanka (60), scored better than India. The GHI is a score calculated on the basis of important indicators of child nutrition, child mortality, child stunting and wasting. There is, however, a slight improvement in the school education budget. Let us not forget that India's low spending on education is an important factor that leads to India's poor Human Development Index (HDI), 2012 ranking at 132 out of 192 countries. HDI covers the indicators related to education, health and income.

■ Conclusion

The creation of physical and social infrastructure in the annual budgets of the Union Government has been the most empowering mechanism for the development and welfare of citizens of the country. The annual budget for States and local bodies also play a vital role for the creation of development infrastructure for weaker sections of the country. Public policies and budgets over the years laid specific emphasis on the major infrastructure projects but now more priority should be given to creation of social infrastructure for inclusive development of weaker sections. Further, there are many gaps in both the policy framework, and planning and implementation of the infrastructure projects, which requires the adequate attention of all levels of Governments, Parliamentarians and Civil Society Organisations for improving the desired outcome of development policies for disadvantaged communities.

Civil Society Organisations (CSOs) and concerned citizens of the country have been engaging with the budgets since a long time. This responsibility entails the CSOs to analyse the social and economic sector scheme budgets to demystify the underlying priorities of public policy and budget allocation, and hence, the effectiveness of implementing developmental infrastructure schemes. A major objective of the CSOs' engagement with budgets should be assessing the impact of the long term infrastructure project on the development of the disadvantaged communities. CSOs exercise of budget analysis and advocacy with governments will significantly contribute towards increasing the accountability and transparency in the governance system at various levels across the country.

Silent on Unemployment, Inflation

- The Union Budget's overall magnitude, relative to GDP, has decreased in the last two years. In 2023-24, it's estimated to be 14.9% of the GDP, while during the COVID-19 pandemic, it reached 17.7% in 2020-21 and 16% in 2021-22.¹
- Looking at the budgetary priorities of the Union Government, more allocation was given to the programmes related to physical infrastructure programmes such as PM Gram Sadak Yojna, Urban Rejuvenation Mission including AMRUT and Smart Cities Mission, Road Works and the National Highways Authority of India.²
- Over recent years, the proportion of revenue expenditure in the total union budget has decreased. This reduction in revenue expenditure has negatively affected social and economic sector spending, including programs like MGNREGA and those related to education and healthcare.³
- The election promise of doubling farm income and generating jobs has not received sufficient attention in the budget.⁴ The allocation for agriculture and related sectors, which support a significant portion of the population, has only seen a slight increase.⁵
- The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is pivotal for enhancing rural economic vitality; however, the budgetary allotment for this flagship rural employment guarantee scheme has seen a dip. The allocation decreased from Rs. 1,11,500 crores in 2020-21 to Rs. 60,000 crores in 2023-24. A more substantial allocation could have fostered more employment opportunities in rural areas, a necessity in the wake of the COVID-19 pandemic.⁶
- Over the past few years, there has been insufficient focus on budget allocations for various social sector schemes. Education, health, and investments for marginalised groups like scheduled castes, tribal communities⁷, religious minorities⁸, women, children, and persons with disabilities⁹ have been neglected.
- Despite grand announcements, budgets for universal quality education such as One class One TV channel program, health initiatives, and programs like PM Poshan Shakti Nirman lack adequate financial backing. Additionally, the mid-day meal scheme, now renamed PM Poshan Shakti Nirman, faces reduced funding, impacting child retention rates and nutrition during the pandemic.¹⁰

1. <https://www.cbgaindia.org/publication/walking-the-tightrope-an-analysis-of-union-budget-2023-24>
2. <https://www.cbgaindia.org/publication/walking-the-tightrope-an-analysis-of-union-budget-2023-24>
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4. Doubling of Farmers Incomes a tale of empty promises: The Wire <https://thewire.in/agriculture/doubling-farmers-income-a-tale-of-empty-promises-deceit-and-propaganda>
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■ Navigating the Digital Crossroads: India's Data Governance Dilemma in 2023

In 2023, as India led the G20 economies in digital transformation in governance, concerns about increased surveillance and hollow protection for data users loomed large in the new Data Protection Bill 2023 and the Digital India Act. While India pioneers e-governance initiatives like UPI, it still leads the world in internet shutdowns. Balancing technological progress with preserving democratic principles and individual rights amongst the evolving data governance landscape is a challenge seeing very slow progress.

The DPDPB, 2023 covers digital personal data processing in India, including offline data digitization and processing for services offered in India. It requires lawful data processing with individual consent, except for specific legitimate purposes. Data fiduciaries (websites, apps that collect data) must ensure data accuracy, security, and deletion when no longer needed. Individuals have rights to access, correct, erase data, and seek grievance resolution. Certain government agencies may receive exemptions. A Data Protection Board will address non-compliance. However, the DPDPB, 2023 falls short of incorporating many meaningful recommendations from public consultations and stakeholders, highlighting similarities with its 2022 predecessor.

■ Inadequacies of the DPDPB, 2023¹

Concerns Over Consultation and Introduction Process: MeitY (Ministry of Electronics and Information Technology) stated that comments received would not be made public. Registration on the MyGov platform created participation barriers. The parliamentary procedure may have been sidestepped in discussions on the DPDPB, 2023 by the Standing Committee on IT, leading to an opposition party walkout.

Restricts Protection of Publicly Available Data: The Bill excludes from its application any personal data made publicly available by a data principal or another person to comply with a law. This provision will restrict data principals from protecting their personal data.

Vague Non-Consensual Processing of Data Permitted: The Data Privacy and Data Protection Bill granted data fiduciaries the authority to presume consent in certain scenarios, such as those related to public order, employment, and public interest. The phrase "certain legitimate uses" was introduced to denote such instances increasing the scope for the usage of people's data.

Data Transfer Criteria Unclear: The Act introduced a blacklist of countries for prohibited data transfers but criteria for how these countries are chosen are not shared.

1. IFF's first read of the draft Digital Personal Data Protection Bill, 2023 - <https://internetfreedom.in/iffs-first-read-of-the-draft-digital-personal-data-protection-bill-2023/>

Expanded Exemptions for Private Actors: The 2023 DPDPB allowed the Union Government to grant exemptions to specific data fiduciaries including startups.

Widened Government Exemptions: In DPDPB 2023, Clause 17(2)(a) expands exemptions for government instrumentalities and their data processing activities. Information shared with the Union Government remains exempt, without collection limits or access conditions.

Independence of Data Protection Board Questioned: The 2023 DPDPB gives the Union Government control over the Data Protection Board (DPB) and centralises appointments, raising concerns about its independence.

Likely No Monetary Relief for Data Principal: The Data Protection Bill of 2023 states that penalties imposed by the Board will be credited to the Consolidated Fund of India², which according to analysts, clearly indicates that the person whose data has been breached would not get any compensation.³

Weakening of Right to Information Act: In 2023, the DPDPB removed the public interest exception from the Right to Information Act, negatively impacting access to granular information, including personal information which is critical to empower people to undertake collective monitoring and ensure they are able to access their rights and entitlements.⁴

In its present form, the DPDPB, 2023 does not sufficiently safeguard the Right to Privacy. The bill that was in the making for over 6 years (after the Supreme Court reaffirmed the right to Privacy in Justice KS Puttaswamy vs Union of India judgement) was passed after only approximately 2 hours of combined discussion in Parliament, and did not even include a referral to an appropriate committee which would have further sought public inputs in the course of its deliberations.

■ Reforms in the Digital Sector

The Digital India Act replaced the outdated 2000 Information Technology Act to adapt to evolving technology. It introduced a classification system for various platforms, enabling tailored regulations and risk assessments. A dedicated internet regulator is introduced to ensure user protection and address issues like **misinformation, cyberbullying, and identity theft**. The legislation covers emerging technologies and concerns about the removal of the 'safe harbour' clause (where an intermediary site shall not be liable for any third-party information, data, or communication link) for intermediaries, potentially affecting online free speech and innovation.

The Digital India Act 2023 has faced criticism on several fronts⁵ :

- **Surveillance and Privacy Concerns:** Critics argue that certain provisions of the act may grant excessive surveillance powers to the government, potentially compromising privacy rights. Robust

2. Digital Personal Data Protection Bill 2023 - https://content.internetfreedom.in/api/files/divco3ywedt9rpe/7hw4zj8vsvwdake/the_draft_digital_personal_data_protection_bill_2023_QCSAKZYLMx.pdf?ref=static.internetfreedom.in

3. Union Govt to Pocket Data Breach Penalties Under Digital Personal Data Bill - <https://thewire.in/government/union-govt-to-pocket-data-breach-penalties-under-digital-personal-data-bill>

4. 'Regressive Amendments to RTI Act': NCPRI Flags Concerns Over Digital Personal Data Protection Bill - <https://thewire.in/rights/regressive-amendments-to-rti-act-ncpri-flags-concerns-over-digital-personal-data-protection-bill>

safeguards should be incorporated to protect against abuse of power and violations of privacy.

- **Burdensome Compliance Requirements:** The act's regulations may place a significant burden on businesses, particularly small and medium-sized online enterprises (SMEs). Simplified compliance procedures should be considered to alleviate these concerns.

Union Govt Fact Check Unit: The amendments introduce a fact-check unit, solely at the discretion of the Union Government⁶, to identify "fake," "false," or "misleading" online content related to the government. Non-compliance by intermediaries risks losing their 'safe harbour' status. The constitutionality of this provision is being challenged in the Bombay High Court⁷, posing a threat to online free speech and the right to information. As a result of these amendments, information about the Union government will essentially be fact checked by the government itself, through an FCU established by it.⁸

No Updated National Cyber-Security Policy: Recent data breaches highlight the urgent need for an updated National Cyber Security Strategy (NCSS). While public consultations were initiated in 2020, a public draft of the new NCSS is still pending.⁹ The reliance on the 2013 National Cyber Security Policy leaves our digital infrastructure vulnerable to cyberattacks in the face of increasing internet usage. In 2021, there were multiple data breaches in India, including leaks of COVID-19 test results, personal data of airline passengers, Common Admission Test candidates' information, and credit card records and pizza orders.¹⁰

Recent Data Breaches:

- **AIIMS Hospital**, New Delhi has seen two major cyber attack attempts just in the last 8 months.
- The recent **CoWIN portal**¹¹ associated data breach resulted in the leak of personal data of vaccinated Indian citizens including several high-profile politicians and Members of Parliament.

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5. Decoding Digital India Act: A critical analysis of India's proposed legislative framework for the digital era - <https://suranaandsurana.com/2023/06/29/decoding-digital-india-act-a-critical-analysis-of-indias-proposed-legislative-framework-for-the-digital-era/>
 6. Panjjar Tejasi, Waghre Prateek, "IT Amendment Rules, 2023 are a nightmare, dressed like a fact-checking daydream", Internet Freedom Foundation, Apr 21 2023, <https://internetfreedom.in/public-brief-it-amendment-rules-2023>.
 7. In June 2023, the Bombay High Court directed that all these petitions, filed by The Association of Indian Magazines, Kunal Kamra and others, for final hearing on July 6 and 7, 2023. During these hearings, Senior Advocate Navroz Seervai expressed concerns regarding the Rules and questioned the government's ability to impartially adjudicate these matters while upholding the principles of natural justice. Mr. Gautam Bhatia, representing the Association of Indian Magazines, argued that the government should not unilaterally assume the role of determining truth. He highlighted an implicit coercive element in the IT Amendment Rules, 2023, where intermediaries risk losing their safe harbour protection if they fail to comply with the fact-check unit's directives. The matter has now been reserved for judgment, pronounced tentatively on December 1, 2023.
 8. IT Amendment Rules, 2023 are a nightmare, dressed like a fact checking daydream. - <https://internetfreedom.in/public-brief-it-amendment-rules-2023/#:~:text=The%20notified%20IT%20Amendment%20Rules,analyse%20the%20hits%20and%20misses>
 9. #What'sTheStatus: We inquire about the pending National Cyber Security Strategy - <https://internetfreedom.in/whatsthestatus-we-inquire-about-the-pending-national-cyber-security-strategy/>
 10. India's tryst with a New National Cyber Security Policy: Here's what we need - Defence News | The Financial Express - <https://www.financialexpress.com/business/defence-indias-tryst-with-a-new-national-cyber-security-policy-heres-what-we-need-2304053/>
 11. CoWIN data leak: Aadhaar, Passport details, phone numbers of lakhs of Indians made public on Telegram - <https://www.newslaundry.com/2023/06/12/cowin-data-leak-aadhaar-passport-details-phone-numbers-of-lakhs-of-indians-made-public-on-telegram?ref=static.internetfreedom.in>

- In April 2023, **Rentomojo**¹², a furniture and electronics rental startup confirmed a data breach for consumer data including phone numbers, emails, and names etc.
- Human Rights Watch found that Diksha, an education app owned and used by the central government, transmitted¹³ children's data to a third-party company using advertising trackers and also had the capacity to collect children's precise location data, which it failed to disclose in its privacy policy.

In light of all these occurrences and the imminent danger of others, the government should be working on the draft National Cyber Security Policy with a great sense of urgency and should provide a public deadline/timeline.

■ Free Speech

Freedom House, a US non-profit, downgraded India from 'free' to 'partly free' in 2021, citing the government's authoritarian tendencies under Prime Minister Narendra Modi^{14,15}. Social media, like Twitter, served as a vital platform for dissent as traditional media yielded to government pressure. The government wanted to remove content it considered "objectionable," with much of the withheld content being critical reporting on the government¹⁶.

BBC Documentary Suppression: The release of a BBC documentary on PM Narendra Modi's role in the 2002 religious riots led to widespread censorship in India. Universities cautioned against its screening, with some detaining students and cutting power. Government officials ordered websites and social media platforms to remove content related to the documentary, resulting in compliance¹⁷. Even the Internet Archive removed the documentary¹⁸, and Twitter took down over 50 tweets in response to Indian government requests. Additionally, tax officials conducted a surprise 'raid' on BBC offices in Mumbai and Delhi, questioning staff and searching documents, highlighting the Modi administration's pattern of using legal means to stifle critics and the challenges faced by Indian journalists.

Twitter Censorship: As the Indian government faced mounting pressure for its handling of a devastating second wave of COVID 19, there were many complaints and reports of mismanagement aired on Twitter. The government immediately moved to reclaim the narrative by quashing free speech online. Twitter said it had received a notice of noncompliance with India's information technology laws. The notice asked the company to remove any content critical of the government's

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12. Rentomojo confirms data breach, says attackers accessed identifiable customer information - India Today - <https://www.indiatoday.in/technology/news/story/rentomojo-confirms-data-breach-attackers-accessed-identifiable-customer-information-2362942-2023-04-21?ref=static.internetfreedom.in>
 13. "How Dare They Peep into My Private Life?": Children's Rights Violations by Governments that Endorsed - Online Learning During the Covid-19 Pandemic | HRW - <https://www.hrw.org/report/2022/05/25/how-dare-they-peep-my-private-life/childrens-rights-violations-governments>
 14. India: Country Profile | Freedom House - <https://freedomhouse.org/country/india>
 15. Legislative Brief_Monsoon Session.pdf - <https://drive.google.com/file/d/IPFdNqHqBhRNsXufRcMSxbTTUXKb-k88E/view?ref=static.internetfreedom.in>
 16. Twitter accused of censorship in India as it blocks Modi critics- <https://www.theguardian.com/world/2023/apr/05/twitter-accused-of-censorship-in-india-as-it-blocks-modi-critics-elon-musk>
 17. Elon Musk Caves to Pressure From India to Remove BBC Doc Critical of Modi - <https://theintercept.com/2023/01/24/twitter-elon-musk-modi-india-bbc/>
 18. Internet Archive takes down upload of BBC's Modi documentary - The Hindu - <https://www.thehindu.com/sci-tech/technology/internet-archive-takes-down-upload-of-bbcs-modi-documentary/article66425460.ece>

handling of the coronavirus and about farmers' protests, including some posted by journalists, activists and politicians¹⁹. Under Indian law, Twitter's executives in India would face up to seven years in prison if the company failed to abide by government orders to remove content that it considers subversive or a threat to public order and national security.

■ Surveillance

The Telecom Regulatory Authority of India (TRAI) on Friday 7th July 2023 shared the draft Indian Telecommunication Bill, 2022, a framework for regulating internet-based calls and messaging apps such as Facebook, WhatsApp, Telegram, Apple's FaceTime etc. to selectively ban their services in special situations.

A parliamentary panel recommended the Department of Telecom to examine and come out with a policy which **will enable the selective banning of OTT services such as Facebook, WhatsApp and Telegram during unrest and crisis as these apps are prone to be used by terrorists or anti-national elements in specified regions.**

Lawyer and Internet Freedom Foundation founder-director Apar Gupta raised concerns about potential regulatory proposals that could impact user privacy, end-to-end encryption on platforms like Signal and WhatsApp, and the possibility of bans on social media messaging. The Telecom Authority of India has the authority to regulate OTT platforms, but the proposed rules seem to prioritise easier lawful intervention, possibly weakening crucial privacy features.

Concerns with the draft Telecom Bill, 2022²⁰ :

- **Broad Vague Definitions:** Numerous modern apps and technology devices will require government licences for operation, potentially impacting end-to-end encryption.
- **State Surveillance:** Replicates language from an old act, maintaining surveillance powers without proper oversight, centralizing power contrary to court rulings and international norms.
- **Internet Shutdowns:** Establishes internet suspension powers without adequate procedural safeguards.
- **Neglecting Net Neutrality:** Fails to recognize the importance of net neutrality principles, ignoring TRAI recommendations for a multi-stakeholder body.
- **Onerous KYC Processes:** Weakens user anonymity and privacy rights, potentially enabling Aadhaar linkage and extensive personal data collection.
- **Excessive Penalties:** Introduces penalties for users of unlicensed services and personal liability for company officials.

19. Twitter Calls on Indian Government to Respect Free Speech - The New York Times - <https://www.nytimes.com/2021/05/27/technology/india-twitter.html>

20. Return to Sender : IFF's submission to the draft Telecom Bill, 2022 - <https://internetfreedom.in/our-response-to-the-draft-telecom-bill-2022/>

Digital Public Infrastructure: DPIs are interoperable digital solutions governed by rules that promote innovation, inclusion, and competition, with diverse ownership and management approaches. DPIs have become essential for achieving policy objectives like financial inclusion and identity management. Notable examples include India's Aadhaar covering over 99% of adults, the UPI network processing nearly 13 trillion transactions in 2022, and CoWIN vaccinating 90% of India's population with at least one COVID-19 dose. Brazil's Pix instant payment system serves 67% of adults, and Singapore's Government Technology Agency uses digital tools to enhance financial access and cybersecurity.

But despite its growing popularity, there is no consensus on what constitutes a DPI which is a roadblock to the adoption of DPIs in a globally consistent manner²¹. Moreover, there are many issues with the way DPI is adopted and being coercively thrust on all manners of government work that must be brought to light. As per analysis of RTI reply²² filed by the Internet Freedom Foundation, in India, the potential misuse of the DPI tools can occur in the following ways

- **FSSAI:** Aadhaar authentication has become a necessary step for any government transactions. Vendors who were unwilling or unable to complete Aadhaar authentication will be excluded.
- **Ministry of Railways:** Use of Aadhaar authentication for registration on IRCTC website and for online ticket booking. Such use could be utilised to track the movements physical location of an individual and as a result, negatively impact the right to freedom of movement.
- **Education Department (Chandigarh):** Aadhaar Authentication services for Centralised online admission of children belonging to Economically Weaker Section (EWS) and Disadvantaged Group in Private Unaided Schools as per section 12 (1) (C) of Right to Education Act, 2009. The use of Aadhaar authentication could result in a higher degree of harm when used for categories of people who may be at a higher risk due to the sensitivity of their data, such as children or those sharing health data, and professions which may be at higher risk such as journalism.
- **User privacy is at risk due to apps like DigiYatra and their use of Facial Recognition Technology (FRT):** The DigiYatra Foundation, started in 2017 to improve air travel, aims to use facial recognition for passenger processing at airports. However, the use of facial recognition technology is expanding rapidly without strong data protection guarantees, and private companies are regulating it. While enhancing the airport experience is important, relying solely on solutions like DigiYatra may not be enough. This can lead to sharing data with various entities for other purposes, violating the principle of using only necessary data.²³

Aadhaar authentication has expanded into various government services, including inmate registries and welfare programs. The rationale behind approving specific uses remains unclear. Relying heavily on Aadhaar, which includes biometric data, poses risks for marginalized communities with poor network connectivity or issues like smudged fingerprints, affecting their ability to access food entitlements and potentially violating their rights.

21. What is the DPI Approach? - Carnegie India - <https://carnegieindia.org/2023/05/15/what-is-dpi-approach-pub-89721>

22. RTI responses reveal the extent of Aadhaar use by the government - <https://internetfreedom.in/rti-aadhaar-amendment-rules/>

23. Planning to use DigiYatra? Read this first! - <https://internetfreedom.in/planning-to-use-digiYatra/>

Benefits of Robust DPI: DPI has the potential to transform economies and promote inclusive growth. India's investment in Digital Public Infrastructure (DPI), which includes Aadhaar, played a crucial role during the pandemic by improving the direct transfer of social safety net payments, saving approximately 1.1 percent of GDP. This system rapidly supported 87 percent of impoverished households and extended to education, health, and CoWIN for vaccine distribution. Furthermore, the rise of digital payments like UPI has become the dominant mode, aiding small businesses in tracking cash flow and accessing finance.

Non-tech Issues with DPI i.e. accountability, trust, transparency, liability: A robust data protection framework is essential to protect citizens' privacy, prevent companies and governments from indiscriminately collecting data, and holding companies and governments accountable for data breaches. The governance of most DPI **falls under non-profit private companies without legally defined relationships with the government** ²⁴. **This lack of parliamentary oversight and accountability under the RTI Act raises concerns about transparency, accountability, and the potential for misuse.**

Government-sanctioned DPIs like some UPI apps and ONDC (Open Network for Digital Commerce) may benefit larger companies, potentially providing better terms to sellers and discounts to users. These platforms disclaim responsibility for disputes but wield significant power to enforce their Network Policy, raising accountability concerns. Concerns also emerge when a single entity manages both sides, with reports indicating potential data sharing by major players like Amazon, despite efforts to keep personal and competitive data separate.²⁵

■ Internet Shutdowns

From 2018-2022, India led the world^{26,27}, in suspending internet services, even as the country promotes Digital India, offering online services such as financial aid, Aadhaar-linked pensions, and Jan Dhan bank accounts. These shutdowns disrupt essential activities and violate various rights under the law. A recent report²⁸ by the Internet Freedom Foundation and the Human Rights Watch delves into how shutdowns hinder access to critical services. In the case of Anuradha Bhasin v. Union of India, the Supreme Court stressed that internet suspensions should be a last resort, used only in necessary and unavoidable situations, and the orders must be made public.

24. Open Network for Digital Commerce (ONDC): An Explainer - <https://internetfreedom.in/ondc-an-explainer/>

25. Open Network for Digital Commerce (ONDC): An Explainer - <https://internetfreedom.in/ondc-an-explainer/>

26. According to 2023 data, India was second in the world behind Iran in imposing internet shutdowns on its own populations - India is second in the world in internet shutdowns in H1CY23 - The Hindu BusinessLine - <https://www.thehindubusinessline.com/data-stories/data-focus/india-is-second-in-the-world-in-internet-shutdowns-in-h1cy23/article67131027.ece>

27. India: Internet Shutdowns Hurt Vulnerable Communities | Human Rights Watch - <https://www.hrw.org/news/2023/06/13/india-internet-shutdowns-hurt-vulnerable-communities>

28. Our report with HRW on internet shutdowns demonstrates a disproportionate impact on communities dependent on welfare. - <https://internetfreedom.in/our-report-with-hrw-on-internet-shutdowns-demonstrates-a-disproportionate-impact-on-communities-dependent-on-welfare/>

Concerns:

- Uptil now this year, internet services were suspended at least 44 times in India, out of which internet services were suspended in Manipur at least 14 times.
- Between January 2020 - December 2022, local authorities in India shut down the internet 127 times, out of which a worrying 42.5 % of the times were either to prevent protests or in response to them.
- Reports suggest that Jammu and Kashmir witnessed the highest number of internet suspensions in the world.
- In 2023, India lost \$255.2 million because of shutdowns. India had 2,353 hours of shutdown affecting "43.2 million users in India."²⁹

Internet Shutdowns with Vague Orders: The orders lack explicit details about the perceived threat to public safety. For instance, in a recent internet shutdown in Punjab (March 17, 2023), the order mentions a vague threat to public order due to "incitement to violence and widespread violence by sections of society," largely through social media. However, it doesn't specify the exact reasons behind this perceived threat, leading to speculation from various reports. The shutdown was reportedly related to the Punjab police's attempt to arrest Amritpal Singh, who is linked to the Khalistani separatist movement.

Censorship in Manipur: The suspension of internet access in the State of Manipur, which was imposed on May 3, 2023, was narrowly lifted on July 25, 2023, only in the case of broadband services (internet leased line and fibre to the home), even though broadband constitutes just 3% of all internet connections in India. What is quite alarming is the absence of an end date in the July 25 order (more than 100 days ago now) which effectively makes the suspension indefinite in nature. A vast majority of the residents of Manipur remain without any access to the internet, and such disproportionate terms and conditions cannot be considered to be the least restrictive measure as per *Anuradha Bhasin v. Union of India*. Access to healthcare, education, banking facilities, and livelihood, are all impacted. The economy also suffers drastically. Access to government welfare schemes, which are dependent on the internet, is also impeded. The ghastly video emerging of the sexual assault and parading of two women from the ethnic minority in Manipur 2 months after the incident took place brought to light the sort of consequences an internet blackout can have in an area of conflict.

■ Social Justice

- **Digital India excludes the most marginalised:** Internet shutdowns significantly hinder fundamental activities and violate economic, social, and cultural rights protected by the law.

29. Among the world's worst offenders, internet shutdowns cost India \$255.2 million this year - Afpkudos - <https://afpkudos.com/technology/internet/among-the-worlds-worst-offenders-internet-shutdowns-cost-india-255-2-million-this-year/>

Since 2015, the Government of India has been aggressively advancing its 'Digital India' program, which exclusively relies on online access for beneficiaries to avail entitlements. As a result, the most vulnerable, particularly under the National Food Security Act and NREGA, are left without essentials when the internet is suspended or mobile networks are unavailable. This rigid digitization approach has triggered protests by workers demanding fair compensation, despite the government's assertion of Digital India's effectiveness.³⁰

- **Registration of Birth and Death Act Amendment:** The Amendment Act, 2023 makes Aadhaar mandatory for tracking births and deaths, creating a comprehensive database used to update various government databases including the National Population Register, Electoral Rolls, Driving Licence, Passport. It also mandates birth certificates for various purposes, including education, government jobs, voting, and marriage, for those born after the Act's commencement. This legislation essentially establishes a government surveillance and population tracking tool that monitors individuals throughout their lives, from birth to death. Despite its significance, the Act received minimal parliamentary discussion, with just 10 MPs participating in the debate in both Houses of Parliament during a one-hour session.

■ Recommendations

Meaningful Public Consultation on Data Protection Act: The DPDPB, 2023 fails to inculcate several of the meaningful recommendations that had been made during the consultation process which were subsequently made public by the relevant stakeholders. In its present form, the DPDPB, 2023 does not sufficiently safeguard the Right to Privacy. There must be meaningful discussion and debate on the draft bill in the Parliament, including a referral to an appropriate committee which may further seek public inputs in the course of its deliberations to re-architect the bill such that it protects citizens' privacy from private entities as well as state instrumentalities.

IT Rules Amendments: Such regulation by the Union government is highly violative of democratic principles in India and will strongly threaten press freedom by increasing censorship possibilities in India.

- The preamble must include a reference to the, "public trust doctrine" that governs the role of the Union Government in public resources allocations.
- Legislative and jurisdictional ambiguities must be cleared up in order to avoid overlap of powers between the DoT and MeitY. Online communication services should continue to be governed under the IT Act, 2000

30. Our report with HRW on internet shutdowns demonstrates a disproportionate impact on communities dependent on welfare. - <https://internetfreedom.in/our-report-with-hrw-on-internet-shutdowns-demonstrates-a-disproportionate-impact-on-communities-dependent-on-welfare/>

Procedural Safeguards Against Internet Shutdowns: Internet access should be recognized as a right, not just a service. Recommendations from the Standing Committee on Communication and IT, such as reviewing the legal framework for shutdowns and ensuring access to social security programs, need immediate consideration to protect vulnerable populations from frequent shutdowns in India. Judicial approval must be required for each shutdown order. The government should also ensure access to social security programmes under the NREGA and Food Security Act, irrespective of internet availability.

Reasonable Caution around Apps like DigiYatra: It is essential that issues of increasing footfalls and crowds at airports be tackled at multiple levels instead of trying to fix the issue with one solution such as DigiYatra. It is essential that the privacy issues³¹ be re-examined to assess whether it should be continued. It should be ensured that this Scheme remains opt-in, any person experiencing issues is given access to swift alternatives, and non-DigiYatra modes of access remain functional.

31. Biometric Travel through DigiYatra: The Wire - <https://thewire.in/rights/digi-yatra-privacy-biometric-travel?ref=static.internetfreedom.in>

■ Navigating the Digital Crossroads: India's Data Governance Dilemma in 2023

- The Data Protection Bill of 2023 has ignited concerns about privacy, bestows extensive exemptions upon government agencies, lacks clarity on matters pertaining to data processing and sharing, and has the effect of diluting the current form of the Right to Information (RTI) Act.¹
- The Digital India Act 2023, designed as an internet regulatory framework, aims to enhance user protection and tackle problems like misinformation, cyberbullying, and identity theft. However, it faces criticism over possible government surveillance and privacy concerns. Furthermore, it presents compliance difficulties, especially for small and medium-sized enterprises (SMEs).²
- In 2021, India's Freedom House rating changed from 'free' to 'partly free' due to government authoritarian actions, including censorship of a 2002 riots BBC documentary, state pressure on Twitter to remove critical content, and threats to free speech.³
- The 2022 Telecom Bill has generated multiple concerns, including its antiquated framework reminiscent of colonial-era policies, the mandate for government licenses to operate various apps, the retention of centralized surveillance powers without effective oversight, and the absence of sufficient procedural safeguards against internet shutdowns, among others.⁴
- In India, just in 2023, internet services were suspended 44 times, with Manipur experiencing 14 of these shutdowns. From January 2020 to December 2022, there were 127 instances of internet shutdowns in India, with 42.5% of them linked to protest prevention or response. In 2023, these shutdowns resulted in a loss of \$255.2 million and impacted 43.2 million users over 2,353 hours of downtime.⁵
- Government-backed DPIs like UPI and ONDC⁶ may benefit big players, offering advantages and disclaiming dispute responsibility. Concerns emerge when a single entity handles both buyer and seller sides, raising data sharing worries, as seen with Amazon.⁷

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1. IFF's first read of the draft Digital Personal Data Protection Bill, 2023 - <https://internetfreedom.in/iffs-first-read-of-the-draft-digital-personal-data-protection-bill-2023/>
 2. Decoding Digital India Act: A critical analysis of India's proposed legislative framework for the digital era - <https://suranaandsurana.com/2023/06/29/decoding-digital-india-act-a-critical-analysis-of-indias-proposed-legislative-framework-for-the-digital-era/>
 3. Twitter Calls on Indian Government to Respect Free Speech - The New York Times - <https://www.nytimes.com/2021/05/27/technology/india-twitter.html>
 4. Return to Sender : IFF's submission to the draft Telecom Bill, 2022 - <https://internetfreedom.in/our-response-to-the-draft-telecom-bill-2022/>
 5. Our report with HRW on internet shutdowns demonstrates a disproportionate impact on communities dependent on welfare. - <https://internetfreedom.in/our-report-with-hrw-on-internet-shutdowns-demonstrates-a-disproportionate-impact-on-communities-dependent-on-welfare/>
 6. Open Network for Digital Commerce (ONDC): An Explainer - <https://internetfreedom.in/oncd-an-explainer/>
 7. As govt pushes ONDC as e-com's UPI equivalent, industry not sure | Business News - The Indian Express - <https://indianexpress.com/article/business/as-govt-pushes-oncd-as-e-coms-upi-equivalent-industry-not-sure-8609396/>

■ Bhrashtachar Mukht Bharat – Promise Versus Reality

The government has taken no steps for over nine years to implement the WhistleBlowers Protection Act passed in 2014 which provides for the protection of identity of whistleblowers and safeguards against their victimisation

The popular sentiment that buoyed the BJP in the 2014 general elections was resentment towards corruption in public life. In 2014 and again in the 2019 elections, the clarion call of a Bhrashtachar mukht Bharat resonated with the electorate who believed the party's PM candidate when he declared, "Na khaunga, na khane dunga". However, little seems to have been achieved by the BJP government in this regard. Allegations of big-ticket scams continue to surface. In August 2023, 12 CAG reports were tabled during parliament's monsoon session. These revealed corruption and irregularities in the functioning of several Union government ministries and departments. These included instances of irregularities and massive overrun in costs from Rs. 18 crore to 250 crore per kilometre in the Dwarka Expressway project, diversion of pension scheme funds for publicity and serious fraud in the Centre's flagship health insurance Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PMJAY) by showing crores spent on treatment of dead persons and the CAG finding that lakhs of beneficiaries were linked to a single phone number.

In a democracy as vast as India, the only effective way to fight corruption is to empower citizens with appropriate tools and institutions to hold the government and its functionaries accountable. These include an effective law for people to access information and a framework of laws and institutions to investigate allegations of corruption in an independent manner. Unfortunately, the track record of the current dispensation has been marked by consistent undermining of legislations and institutions of transparency and accountability.

■ Attacks on the Right to Information (RTI) law

The RTI Act has empowered people in India to meaningfully participate in democracy and hold their governments accountable. Estimates suggest that every year 4 to 6 million RTI applications are filed across the country. The law has been used extensively in the last 18 years to hold governments and functionaries accountable for corruption and lapses in the delivery of essential services and secure access to basic rights. It has also been used to question the highest authorities of the country on their performance, their decisions and their conduct.

Under the RTI law, Information Commissions (ICs) are the final appellate authority and are mandated to safeguard and facilitate people's fundamental right to information. ICs have been set up at the central level (Central Information Commission) and in the states (state information commissions). Commissions have wide-ranging powers including the power to require public authorities to provide access to information and penalize errant officials for violations of the transparency law. It is, therefore, imperative that commissions be independent of the governments they are supposed to

hold accountable for violations of the law. There have been many progressive orders of commissions, which compelled governments to provide information that they were reluctant to disclose. These include: directions to provide records related to demonetisation; declaring national political parties to be public authorities under the RTI Act; and details of high-profile loan defaulters of public sector banks.

Information commissions have been under attack. Security of tenure and high status was provided for commissioners under the RTI Act of 2005 to enable them to function autonomously and direct even the highest offices to comply with the provisions of the law. Their tenure was fixed at five years and their salaries, allowances and other terms of service of the Chief and commissioners of the Central Information Commission and the chiefs of state commissions at the same level as that of the election commissioners (which equals that of a judge of the Supreme Court). The BJP government, without any pre legislative consultation, introduced amendments to the RTI Act in Parliament to empower the central government to decide the tenure and salaries of all commissioners in the country. The RTI Amendment Act passed in July 2019, amid strong protest by citizens and opposition parties, seriously compromises the autonomy of information commissions.

RTI rules prescribed by the BJP government confirm fears that the amendments were brought to cripple the independence of commissions and make them function like caged parrots. The rules reduce the tenure of all information commissioners to three years is an instance. Rule 22 empowers the central government to relax the provisions of the rules in respect of any class or category of persons, effectively allowing the government to fix different tenures for different commissioners.

The rules do away with the high stature guaranteed to commissioners in the original law. A fixed quantum of salary has been prescribed for the commissioners – Chief of CIC at Rs. 2.50 lakh per month and all other central and state information commissioners at Rs. 2.25 lakh per month. By removing the equivalence to the post of election commissioners, the rules ensure that salaries of information commissioners can be revised only at the whim of the central government. Again, the government reserving for itself the power to relax provisions related to salaries and terms of service for different category of persons, destroys the insulation provided to commissioners in the original RTI Act.

The RTI rules further erode the autonomy of commissions by enabling the Central Government to decide certain entitlements for commissioners on a case-by-case basis. The rules, which are silent about pension and post-retirement entitlements, state that conditions of service for which no express provision has been made shall be decided in each case by the Central Government. The power to vary the entitlements of different commissioners could easily be used as a means to exercise control and influence – effectively reducing commissions to central government departments. Commissioners will potentially be wary of giving directions to disclose information that the government does not wish to provide.

The attack on the institution of information commissions has not been limited to regressive amendments made to the law. The functioning of commissions has been adversely impacted due to the failure of governments to ensure timely appointments of commissioners. Not a single

commissioner has been appointed by the BJP government to the Central Information Commission since May 2014 without citizens approaching courts. Currently, the CIC is functioning with only three commissioners out of the sanctioned strength of 11 – eight posts are vacant. Not appointing commissioners in a timely manner is leading to a huge backlog of appeals and complaints. More than 21,000 cases are pending in the CIC and people often have to wait for many months, even years, to have their cases heard. Recently, while hearing a petition on the failure of governments to appoint commissioners to information commissions, a Supreme Court bench headed by the CJI, noted in the order that the RTI Act will become a 'dead letter' if vacancies in information commissions are not filled. (Order dated October 30, 2023 in Miscellaneous Application No.1979/2019 In W.P.(C) No.436/2018 in Anjali Bhardwaj & Ors. Vs Union Of India & Ors.)

In August 2023, the government pushed through the Digital Personal Data Protection (DPDP) Act which includes a provision to amend the right to information law. The RTI Act, 2005 included a provision to protect privacy through section 8(1)(j). In order to invoke this section to deny personal information, at-least one of the following grounds had to be proven: information sought has no relationship to any public activity; or has no relationship to any public interest; or information sought is such that it would cause unwarranted invasion of privacy and the PIO is satisfied that there is no larger public interest that justifies disclosure. The DPDP Act 2023 amended section 8(1)(j) to expand its purview and exempt all personal information from the ambit of the RTI Act!

To effectively hold their governments accountable in a democracy, people need access to information, including various categories of personal data. For example, the Supreme Court has held that citizens have a right to know the names of wilful defaulters and details of Non-Performing Assets (NPAs) of public sector banks. Democracies routinely ensure public disclosure of voters' lists with names, addresses and other personal data to enable public scrutiny and prevent electoral fraud. Experience of the use of the RTI Act in India has shown that if people, especially the poor and marginalized, are to have any hope of obtaining the benefits of government schemes and welfare programs, they must have access to relevant, granular information. For instance, the Public Distribution System (PDS) Control Order recognizes the need for putting the details of ration card holders and records of ration shops in the public domain to enable public scrutiny and social audits of the PDS. By making regressive amendments to section 8(1)(j) of the RTI Act, the DPDP law has severely restricted peoples' ability to access this kind of personal information.

Further, under the RTI Act, exemptions are not absolute. A key provision for limiting the exemptions is the proviso to Section 8(1) which states that "information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person". This important provision, which gives the citizens a right to information at par with Members of Parliament and Members of State Legislatures, has also been deleted.

■ Undermining the Lokpal

The Lokpal and Lokayuktas Act was passed by Parliament and received the assent of the President on January 1, 2014. The law was enacted as a result of a strong public campaign demanding the setting up of an independent and empowered anti-corruption ombudsman, which would work without fear or

favour to tackle cases of big-ticket corruption involving high level government functionaries.

The need for the Lokpal stemmed from the lack of public trust in existing investigating agencies like the CBI, widely seen as a caged parrots dancing to the tunes of the ruling dispensation. After riding to power on the anti-corruption agenda in the 2014 general elections, it was expected that the BJP government would take necessary steps to ensure prompt appointment of the Lokpal in a manner that instilled faith in the institution. The government, however, failed to take necessary steps to appoint any Lokpal for nearly five years. Three weeks prior to the commencement of the 2019 general elections, when the appointment of the Chairperson and members of the Lokpal was finally been made, the process of appointment was completely compromised. An important principle for ensuring independence of institutions is that the selection committee responsible for making appointments to them should not have a majority of members from the ruling party. The manner in which the Chair and members of the Lokpal were appointed by a selection committee with a preponderance of the government and its representatives raised serious doubts about the independence of the Lokpal even before it became operational.

For nearly a year after the appointments were made, the government did not make the requisite rules for the institution to function effectively, prompting one of the Lokpal members to tender his resignation.

Currently, the composition of the Lokpal is not in accordance with the Section 3(2)(b) of the Act, which states that,

“The Lokpal shall consist of—

...(b) such number of Members, not exceeding eight out of whom fifty per cent. shall be Judicial Members”

In contravention of the law, only the acting chief and one member are judicial members. The anti-corruption ombudsman has clearly been a non-starter, with a deafening silence from the institution on all recent allegations of big-ticket corruption like the those exposed by the CAG and banking scams that have rocked the country.

■ Non-implementation of the Whistle Blowers Protection Act

Scores of whistleblowers have been killed across the country for exposing corruption and wrongdoing in the government. Showing complete lack of political will to provide a robust anti-corruption framework in the country, the government has taken no steps for over nine years to implement the Whistle Blowers Protection (WBP) Act passed in 2014 which provides for the protection of identity of whistleblowers and safeguards against their victimisation. As a result whistleblowers who show truth to power, often at great risk, have no statutory mechanism for seeking protection. Instead of promulgating rules to operationalise the law, the government moved an amendment bill in Parliament which seeks to severely dilute the Act.

■ Failure to re-introduce the grievance redressal bill

Providing a legal framework for grievance redress was a commitment made in the sense of House resolution passed unanimously in Parliament in August 2011. The 'Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011' (GR Bill), which was introduced in Parliament in 2011, lapsed with the dissolution of the 15th Lok Sabha. It had support of Members of Parliament across party lines. In December 2013, Members of Parliament from various parties, including Arun Jaitley and Ravi Shankar Prasad of the BJP, spoke in support of the Grievance Redress Bill.

The current government repeatedly stated its commitment to re-introducing and passing the GR Bill. In fact, in a communication dated June 24, 2014, the PMO stated that passing the Grievance Redress Bill was "part of immediate thrust areas of the government". The concerned minister in Parliament in December 2014, February 2015 and May 2015, reiterated that the government was "committed to bringing in a legislation for ensuring effective redressal of grievances of citizens related to non-delivery of entitled goods and services by the government."

In March 2016, however, in response to a question in Parliament, the government made no reference to the legislation and, instead, stated that it had prepared a scheme known as Delivery of Services and Grievances Redressal Scheme, 2015. The government has clearly reneged on its commitment to bring in a statutory framework for time-bound and effective redress of grievances.

This is even more concerning given the amendments that were made to the Prevention of Corruption Act in 2018 which criminalise all bribe-giving. In the absence of an effective grievance redress mechanism to ensure proper delivery of rights and services to citizens, millions of people across the country are forced to pay bribes to get even their legal entitlements. The amendments to the PCA without a statutory framework for grievance redress, has opened up the possibility of a double wrong, as people who are forced to pay bribes to access what is legally theirs would also be criminalized and could face up to seven years in prison!

Without an effective information access law, and an anti-corruption and grievance redress legislative framework which is properly implemented, the tall promises of eradicating corruption made to the electorate by the BJP before the 2019 elections, remain mere jumlas.

I Bhrashtachar Mukta Bharat – Promise Versus Reality

- The Central Information Commission is currently functioning with only 3 commissioners out of the sanctioned strength of 11. Not appointing commissioners in a timely manner is leading to a huge backlog of appeals and complaints with more than 21,000 cases pending.
- The Digital Personal Data Protection (DPDP) Act 2023 was pushed with a provision to amend the Right to Information Act to make critical changes including deletion of the provision that gave citizens a right to information at par with Members of Parliament and Members of State Legislatures.
- The government has taken no steps for over nine years to implement the Whistle Blowers Protection (WBP) Act passed in 2014 which provides for the protection of identity of whistleblowers and safeguards against their victimisation.

India and the Human Rights: A Road to Hell Paved with Hellish Intentions

Repressive laws including counterterrorism legislations were used rampantly to silence dissent. Authorities intimidated human rights defenders using digital technologies, including unlawful surveillance. Adivasis and marginalized communities including Dalits continued to face violence and entrenched discrimination.

Reviewing the vitality of human rights in the country for the last five years is a sombre enterprise. The continued multi-pronged attack on basic human rights for all, especially for the most marginalized, is the common thread weaving together the NDA-led Union government's (in)actions and policy dispensation. This along with the dismantling of any and every kind of institutional apparatus and framework seeking government accountability to uphold human rights, has led to a dystopian inversion of people's perception of their role as citizens - who (are being taught to) see themselves more as mute recipients and bystanders and unquestioningly accept all diktats as sacred, rather than be equal stakeholders and hold to account the government that they elected.

The last five years saw laws and policies passed without adequate public and legislative consultation that eroded the rights of human rights defenders and religious minorities. The government selectively and viciously cracked down on religious minorities, and explicit advocacy of hatred by political leaders and public officials towards them was commonplace and went unpunished - the latest being a Member of Parliament (MP) shouting Islamophobic slurs against a Muslim MP in the inaugural session of the new Parliament building in September 2023¹, and facing no censure or punitive action, while instances of opposition MPs being suspended for seeking accountability abound. It is worth recalling that in 2022, the lower house of Parliament banned ordinary words from being spoken during Parliamentary debates including, among others, "corrupt", "sexual harassment", "criminal", "eyewash", "incompetent" and "hypocrisy".

Punitive demolitions of Muslim family homes and businesses were carried out with impunity. The meaning of the word 'bulldozer' transformed itself from a machinery to a 'spectacle' in full public view, a large section of that watching gleefully. Peaceful protesters defending minority rights were presented and treated as a threat to public order. Repressive laws including counterterrorism legislations were used rampantly to silence dissent. Authorities intimidated human rights defenders using digital technologies, including unlawful surveillance. Adivasis and marginalized communities including Dalits continued to face violence and entrenched discrimination.²

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1. <https://www.aljazeera.com/news/2023/9/22/muslim-mp-called-terrorist-pimp-by-bjp-member-inside-indian-parliament>
 2. Amnesty International Report 2022-23 - The State of World's Human Rights, 2023 <https://www.amnesty.org/en/documents/poll0/5670/2023/en/>

The years 2020 and 2021 also saw the COVID pandemic unite the world by its mortality, and some of the worst indignities occurred in the country – people dying of exhaustion and starvation as they walked back hundreds of miles to their villages from the cities after a nation-wide lockdown was imposed with just a four-hour notice rendering them jobless and shelter-less overnight³, people dying due to lack of infrastructure, countless dead bodies disposed in rivers, and so on. The subsequent sections outline the status of some of the fundamental rights in the country

■ Right to Equality

The right to equality is one of the most important fundamental rights within Indian Constitution that guarantees equal rights for everyone, irrespective of religion, gender, caste, race or place of birth.

Religion-based Hate Crimes: Conflict erupted in Manipur in May 2023 as a “community conflict between the predominantly Hindu Meitei and the predominantly Christian Kuki ethnic communities.”⁴ Human rights experts appointed by the UN Human Rights Council in a statement added, “by mid-August 2023, an estimated 160 persons had reportedly been killed, mostly from the Kuki ethnic community, and over 300 injured, while thousands have been displaced as entire villages have been burned to the ground, as well the destruction of farmland, loss of crops and loss of livelihood.”

The wave of violence in Manipur was preceded by widespread hate speech, both online and offline. This hate speech is said to have been used to justify the atrocities committed against the Kuki ethnic minority, particularly women, on account of their ethnicity and religious beliefs. Furthermore, as the U.N. experts identified, there are reports of counter-terrorism measures being abused to legitimize acts of violence and repression against ethnic and religious minorities⁵. Even as the state was reeling under conflict for months, the Union government showed no urgency to act upon the matter and there has remained negligible to nil reporting on this by mainstream media.

Earlier, according to the home ministry, over 2,900 cases of communal or religious rioting were registered in the country between 2017 and 2021. Citing National Crime Records Bureau data, Union Minister of State for Home Nityanand Rai said a total of 378 cases of communal or religious rioting were registered in 2021, 857 in 2020, 438 in 2019, 512 in 2018 and 723 in 2017⁶.

A report of the Human Rights Watch notes that members of the ruling BJP used communal rhetoric to incite violent campaigns against beef consumption and defended the violence and its perpetrators⁷. The police stalled investigation into these crimes and was sometimes complicit in covering them up and instead, filed complaints against the victims’ family members.⁸

Caste-based Hate Crimes: More than 50,000 suspected crimes against Dalits and more than 9,000

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3. Media reports estimate that 23% of migrant workers walked back after the nation-wide lockdown was imposed in March 2020.
 4. <https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur>
 5. <https://www.forbes.com/sites/ewelinaochab/2023/09/05/what-is-happening-in-indias-state-of-manipur/?sh=26a08b2c2f62>
 6. <https://indianexpress.com/article/india/2900-communal-violence-cases-india-5-years-govt-8311709/>
 7. “India: ‘Cow Protection’ Spurs Vigilante Violence,” Human Rights Watch, October 28, 2020, Available at: <https://www.hrw.org/news/2017/04/27/india-cow-protection-spurs-vigilante-violence>.
 8. Ibid.

crimes against Adivasis were reported in 2021. More than three-quarters of India's prison population were in pre-trial detention, with Dalits, Adivasis and members of other disadvantaged groups being disproportionately represented⁹.

Despite a formal ban on manual scavenging, at least 19 sanitation workers suffocated to death after being forced to clean sewers and septic tanks by private businesses, political leaders and the police. Almost three-quarters of sanitation workers across India belonged to Dalit community¹⁰.

Indigenous Peoples' rights have also been curtailed with the passage of the Forest Conservation Rules, 2022 by Ministry of Environment, Forest and Climate Change, permitting private businesses to cut down forest without obtaining free, prior and informed consent from forest-dwellers, including Adivasi peoples, who self-identify as Indigenous. Arbitrary detention and arrests of independent journalists, forest dwellers, environmental human rights defenders and Adivasi people have been reported¹¹.

Crimes against Women: According to India's National Crime Records Bureau, crimes against women rose 87 per cent over 10 years between 2011 and 2021 – with most cases in the latter year relating to alleged "cruelty by husband or his relatives" and assault. The number of complaints received by the National Commission for Women (NCW) in 2022 is the highest since 2014, when the panel had received 33,906 complaints¹². About 54.5 per cent (16,872) of the complaints were received from Uttar Pradesh.

Legal practitioners aver that despite reforms that followed the Nirbhaya rape case in 2012, which included broadening the definition of rape, raising the minimum punishment for the offense to seven years in jail and increasing the age of consent from 16 to 18, there is a perception amongst law enforcement agencies that they have done everything feasible to address the problem¹³. As chairperson of the Delhi Commission for Women notes, "The intensity of the crime, the frequency of the crime and the brutality of the crimes have gone up." Reportage of shocking rapes and brutal sexual assault of infants and 8 year old girls appear to be normalized if one is to check social media newsfeeds on crimes against women in the country.

A case in point is the recent protests by Olympic medallists women wrestlers, who demanded an inquiry into claims of sexual harassment by the Wrestling Federation of India (WFI) President Brij Bhushan Sharan Singh, who denies all allegations. It took the police four months to even file the initial complaint in April 2023.

In February 2022, controversy over wearing the hijab in classrooms in Karnataka led to the state government issuing orders prohibiting hijab in classrooms which led to over 18,000 girl students pushed out of schools. It originated from a dispute over school uniforms, when hijab wearing Muslim students who were denied entry into classrooms, staged protests. This inflamed when Hindu students staged counter-protests demanding to wear saffron scarves, and protests turned violent in some

9. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>

10. Ibid

11. Ibid

12. <https://www.ndtv.com/india-news/most-crimes-against-women-in-2022-of-violation-of-right-to-dignity-womens-panel-3654897>

13. <https://edition.cnn.com/2023/06/07/india/india-violence-against-women-teen-murders-intl-hnk-dst/index.html>

instances. The ban was upheld by the Karnataka High Court in March 2022. In October 2022, the Supreme Court issued a split verdict and referred the case to a larger panel of judges. Even as the ban remains in place, the present Congress-led state government is considering withdrawing this official ban¹⁴. This, of course is part of the larger set of attacks targeted against Muslims, where targeting them through newly institutionalized tools like hijab, love-jihad, bulldozing their houses, lynching them on allegations of slaughtering cows or trading in beef, have all become part of the whole.

Most recently, the brutal and prolonged attack against two women in Manipur, India, which was filmed and later circulated online, has highlighted the targeting of women amid ethnic conflict in the region. The video of the assault that was shared on social media almost three months after conflict broke out in Manipur owing to internet restrictions, led to global outrage. The Indian government's response has been tepid, inadequate and mis-directed, what with the government focused on punishing the people sharing the video online¹⁵.

■ Right to Freedom

Freedom is one of the most important ideals cherished by any democratic society. The Indian Constitution guarantees freedom to citizens, including the rights to freedom of speech, of expression, of assembly without arms, of association, to practice any profession, and to reside in any part of the country.

Farmers' Protest: In November 2020, farmers marched towards Delhi to peacefully protest against three farm laws passed by Parliament in August 2020. The police indiscriminately used water cannons, charged at them with batons and fired tear gas shells, killing more than 40 farmers and injuring others. Termed as the largest farmers' peaceful protest globally, it all began when farmers from Punjab and Haryana marched towards Delhi and were meted out with police brutality. A subsequent march on 26th January 2021, part of which went inside Delhi including the Red Fort, was also quelled using brute force. Police arrested hundreds of protesters and journalists covering the event, and charged them under several punitive laws. There was light at the end of the tunnel though as, a year later in December 2021, the Union government rolled back the three farm laws as the farmers remained steadfast in their protest that lasted over a year.

Attack on Journalists: In September 2020, a Dalit woman was allegedly raped and murdered by a group of dominant-caste men in Hathras, Uttar Pradesh, and was cremated overnight by the Uttar Pradesh police without her family's consent. The accused men were arrested only after nationwide protests. Later, several FIRs were registered by the Uttar Pradesh police against protesters for criminal conspiracy and sedition. Siddique Kappan, a journalist, who was on his way to report on the incident was, along with few others, was arrested on charges of conspiring to create law and order trouble and inciting violence. He was released after two years in February 2023. A report by Committee Against Assault on Journalists has found that in the State of Uttar Pradesh, since 2017 when Chief Minister

14. <https://timesofindia.indiatimes.com/city/bengaluru/karnataka-govt-may-withdraw-circular-banning-hijab-warns-of-rss-ban/articleshow/100484319.cms?from=mdr>

15. <https://www.ibanet.org/gbv-ethnic-conflict-india>

Yogi Adityanath assumed office, a total of 138 cases of persecution of journalists were registered. 12 journalists were killed, 48 journalists were physically assaulted and 66 have been booked or arrested for alleged criminal offences.¹⁶

Press freedom activists fear that India is becoming increasingly unsafe for journalists. Last year, the country dropped eight places and was ranked 150 on the 180-country World Press Freedom Index, compiled by Reporters Without Borders.¹⁷

Even as the judiciary attempts to tilt the scales in favour of justice, other institutional agencies are mobilized into resisting these moves. In May 2022, the Supreme Court suspended the enforcement of Section 124a¹⁸ of the Penal Code, observing that it had been misused by governments to quash dissent. However, a year later, in May 2023, the Law Commission of India recommends retaining the sedition law within the Indian Penal Code, and suggests an extension of maximum jail term under the sedition law from three years to seven years¹⁹. The most recent attack against journalists includes the raid against Newsclick office and arrest of two of its senior heads under the draconian UAPA laws besides raids and interrogations against over a 100 people in the same case.

Attack against non-government organizations / civil society: Civil society organisations countering hate and discrimination have often found themselves being hounded rather than protected by law enforcement agencies. In September 2020, the government amended the Foreign Contribution (Regulation) Act (FCRA), banning large NGOs from passing to grassroots NGOs funds received from foreign donors. The new amendments required all FCRA-registered non-profit organizations to limit their administrative expenses to 20 per cent of donations (from the earlier 50 per cent). This amendment was likely to force NGOs to reduce staff, potentially reducing their work related to human rights.

In July 2021, the Pegasus Project, an international investigative journalism initiative, exposed the unlawful surveillance of Indian citizens through the government's alleged use of Pegasus spy ware. At least 300 phone numbers of human rights defenders, journalists, lawyers, government officials and opposition politicians were potentially compromised. The spyware, as examined by Amnesty International, and subsequently through other agencies published by Washington Post among others, enabled government agencies to monitor all phone activity, including emails, files, contact lists, location information and chat messages. It also enabled governments to secretly record audio and video using a phone's built-in microphone and camera.

Ruling party members stalled all attempts by opposition leaders in Parliament to initiate an investigation into the allegations. On 27 October 2021, the Supreme Court ordered the formation of a three-member committee to conduct an independent investigation into the use of Pegasus spyware for unlawful surveillance. A year later, in August 2022, the Supreme Court refuses to make public the

16. "In Yogi's UP, 48 Journalists Assaulted, 66 Booked, 12 Killed: Report", The Wire, February 12, 2022, Available at: <https://thewire.in/media/in-yogis-up-48-journalists-assaulted-66-booked-12-killed-report>

17. <https://www.bbc.com/news/world-asia-india-64494426>

18. A 152-year-old provision that penalizes sedition, it has historically been used to suppress political dissent under the British Raj against freedom fighters such as Lokmanya Tilak and Mahatma Gandhi.

19. <https://www.cnbcvtv18.com/india/sedition-law-commission-of-india-penal-code-amendments-central-government-16833641.htm>

investigatory report it had commissioned, thereby bringing the issue back to square one.

The misuse of FCRA to silence NGOs continued in subsequent years. In June 2022, the Ministry of Home Affairs suspended the FCRA licence of the Commonwealth Human Rights Initiative, an organization working on right to information and justice. The registration of 70 international NGOs working on environment, climate change and ending child labour were cancelled, and more than 80 philanthropic and human rights agencies were placed on a “Prior Reference Category” list without citing any reason. Reputed organisations including Lawyers Collective²⁰, Anhad²¹, Sabrang Trust²², Centre for Promotion of Social Concerns²³, Navsarjan Trust²⁴, Commonwealth Human Rights Initiative²⁵, Oxfam India²⁶, Greenpeace India²⁷, Amnesty International India²⁸ and others, have been targeted through provisions of FCRA. As per the government reports, the FCRA registration of 6,677 NGOs were cancelled by the government between 2017 and 2021²⁹.

In September 2022, Income Tax department conducted coordinated raids – presented as “surveys” – on the offices of NGOs including Oxfam, the Independent and Public-Spirited Media Foundation and the Centre for Policy Research, for alleged contraventions of the Foreign Contribution (Regulation) Act³⁰. This was preceded by the Supreme Court upholding provisions of the Prevention of Money Laundering Act (2002) relating to the powers of arrest, confiscation of property and search and seizure conferred on the Enforcement Directorate, India’s primary agency for investigating financial

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20. FCRA registration of Lawyers Collective, an organisation that provides legal aid for the marginalized sections in the society, was cancelled in 2016. Appellate proceedings concerning FCRA was pending before the Bombay High Court. While so, criminal case was filed by the Central Bureau of Investigation in 2019 and the offices and residences of the organisation and its Trustees Indira Jaising and Anand Grover were raided. The organisation has challenged the criminal prosecution initiated as mala fide and vindictive since it is a prominent voice critical of the ruling dispensation. The High Court directed the CBI to not take any coercive action against Lawyers Collection. The CBI challenged this order and the case is pending before the Supreme Court. See, “Statement by the Lawyers Collective on CBI raids on its office and homes and offices of Ms. Indira Jaising and Mr. Anand Grover”, Available at: <https://lawyerscollective.org/>
 21. The FCRA license was renewed in March 2016 but was cancelled in December 2016. See, Gaurav Vivek Bhatnagar, “NGOs take to social media to slam FCRA license cancellation”, The Wire, December 16, 2016, Available at: <https://thewire.in/politics/ngos-take-social-media-slam-fcra-licence-cancellation>
 22. “Cancellation of FCRA of Sabrang Trust to stop public justice says Teesta Setalvad”, June 12, 2017, Available at: <https://cjp.org.in/cancellation-of-fcra-of-sabrang-trust-to-stop-public-justice-says-teesta-setalvad/>
 23. The CBI registered a case in January 2022 against the Centre for Promotion of Social Concerns (CPSC), an NGO, and its programme unit People’s Watch for allegedly violating provisions of the FCRA in the years 2011-13. The organisations have alleged that belated prosecution indicates that the intention of the investigative agencies is oblique, to stifle right to association and free speech. “People’s Watch and its parent NGO booked for alleged violation of foreign funding law”, The New Indian Express, January 10, 2022, Available at: <https://www.newindianexpress.com/states/tamil-nadu/2022/jan/10/peoples-watch-and-its-parent-ngo-booked-for-alleged-violation-of-foreign-funding-law-2405023.html>
 24. Syed Khalique Ahmed, “FCRA license cancelled, BGO Navsarjan lays off all staffers”, The Indian Express, December 27, 2016, Available at: <https://indianexpress.com/article/cities/ahmedabad/fcra-licence-cancelled-ngo-navsarjan-lays-off-all-staffers-4440969/>
 25. “Delhi High Court upholds suspension of FCRA nod for rights body”, The Hindu, February 16, 2022, Available at: <https://www.thehindu.com/news/national/delhi-high-court-upholds-suspension-of-fcra-nod-for-rights-body/article65053852.ece>
 26. <https://www.oxfamindia.org/press-release/fcra-renewal-denied>
 27. Aneesha Mathur, “Centre cancels Greenpeace India’s FCRA registration”, The Indian Express, September 4, 2015, Available at: <https://indianexpress.com/article/india/india-others/greenpeace-indias-fcra-registration-cancelled-govt/>
 28. “International NGO Amnesty shuts operations in India, alleges “witch-hunt” by Got, The Economic Times, September 29, 2020, Available at: <https://m.economictimes.com/news/politics-and-nation/human-rights-group-amnesty-halts-india-operations-says-faces-harassment/articleshow/78379069.cms>
 29. <https://indianexpress.com/article/india/fcra-licence-of-6677-ngos-cancelled-in-5-years-govt-8311630/>
 30. <https://time.com/6255425/india-raid-bbc-modi-documentary/>

crimes in July 2022. These powers have been repeatedly abused to repress civil society and limit dissent.

More recently, building on the same, it has taken away the charity status and registration of prominent agencies like Oxfam India, Care India, Centre for Policy Research and Environics Trust among several others. This effectively means they would not be able to raise even domestic funds under the existing charity laws that gave them tax exemption.

■ Arbitrary Arrests and Detentions

Human rights defenders faced huge challenges including arbitrary arrests, unlawful detentions and unfounded prosecutions. The sixteen leading activists, lawyers, scholars and artists who were arrested without trial in the Elgar Parishad–Bhima Koregaon case, under the Unlawful Activities (Prevention) Act, 1967 remained in prison despite the Indian prisons becoming COVID-19 hotspots. All of them worked with the most marginalised, such as Dalits and Adivasis, and were critical of the government. First among those arrested were Surendra Gadling, Sudhir Dhawale, Rona Wilson, Shoma Sen and Mahesh Raut in June 2018. P. Varavara Rao, Sudha Bharadwaj, Arun Ferreira, Vernon Gonsalves and Gautam Navlakha were arrested in August 2018. In subsequent months, Anand Teltumbde, Father Stan Swamy, Hane Babu, Sagar Gorkhe, Ramesh Gaichor, and Jyoti Jagtap were arrested³¹.

84-year old Stan Swamy who was the oldest person ever accused to be a terrorist, died in prison in July 2021. As of 2023, six of the sixteen arrested have been released on bail. Incidentally, the Maharashtra government in July 2023 extended the Bhima Koregaon Inquiry Commission's deadline to 30 September 2023. The Commission was set up in February 2018 and has been granted 12 extensions over a period of five and a half years³².

Draconian sedition charges under Section 124A of the Indian Penal Code continued to be used for criminalizing dissent. In October 2019, 49 renowned celebrities were charged with sedition for writing an open letter to Prime Minister Narendra Modi urging him to take meaningful action against hate crimes³³.

In June 2019, former police officer Sanjeev Bhatt was sentenced to life imprisonment in a custodial death case, clearly due to his filing an affidavit in the Supreme Court alleging Prime Minister Modi's role in Gujarat riots.

Between April and June 2022, the government cracked down on critics by resorting to arbitrary arrests, including without following due process, under draconian and repressive laws. These included independent Dalit member of the Gujarat Legislative Assembly Jignesh Mevani, prominent human rights defender Teesta Setalvad, former police officer RB Sreekumar, and co-founder of the

31. <https://www.livemint.com/news/india/bhima-koregaon-elgaar-parishad-case-16-arrested-1-died-in-custody-some-got-bail-a-2023-update-11690537456618.html>

32. <https://www.scobserver.in/journal/the-bhima-koregaon-arrests-the-story-so-far/>

33. The Hindu, Ramchandra Guha, Mani Ratnam, Aparna Sen among 49 booked for sedition for letter to Narendra Modi against mob lynching, 4 Oct 2019, <https://www.thehindu.com/news/national/ramchandra-guha-mani-ratnam-aparna-sen-and-others-who-wrote-open-letter-to-pm-modi-booked/article29593009.ece>; Economic Times, Shehla Rashid booked for sedition over tweets on Kashmir situation, 6 Sept 2019,

independent fact-checking website ALT News, Mohammed Zubair,

COVID-19-related Violations: Journalists in India were summoned to police stations to explain their stories, e.g. Siddharth Varadarajan of The Wire, in Uttar Pradesh in April 2020. The colonial Epidemic Diseases Act was used to censor and police journalists for their critical reporting during the lockdown imposed by the government to curb the COVID-19 pandemic³⁴. In July 2021, multiple offices of the Dainik Bhaskar group, a Hindi-language news daily, were raided by tax authorities for its reportage on the mass dumping of bodies of COVID-19 victims along the Ganges due to high cremation costs. Dainik Bhaskar is the largest circulated daily in the country, with 65 editions spanning 12 states.

The handling of the COVID-19 pandemic exposed weaknesses in the public healthcare system, especially with the killer second wave in 2021. The government showed extreme incompetence, to say the least, by pushing ahead with state elections in four states and advancing the Kumbh fair by one year to be held in Feb-March 2021, where more than 35 lakh devotees were to gather. Politicians went ahead with mass public rallies well into the second wave of the coronavirus, leading to a swift and exponential increase in new infections. Infrastructure collapsed, hundreds of people died. People were left to fend for themselves. At the same time, Uttar Pradesh Chief Minister threatened to seize property of those indulging in 'rumour making over lack of health facilities³⁵.'

■ Use of force against protesters

Brutal use of police force against protesters has been a major concern. Police used severe force against the protesters during the anti-CAA protests that were held in different parts of the country. In the state of Uttar Pradesh, at least 23 persons were admittedly killed and 83 injured in police action to clamp down CAA protests³⁶. Scores of persons were tortured, arrested and detained by the police.

The police used unlawful force and committed other human rights violations, including abusing laws to intimidate people and silence dissent. In June 2022, a video reported by multiple media outlets, police officers repeatedly hit detained male protesters with batons in Saharanpur, Uttar Pradesh. In October 2022, Gujarat state police tied nine men to a pole in Kheda city for allegedly throwing stones at a Hindu festival celebration and publicly flogged them with lathis (batons) while spectators cheered. In Uttar Pradesh, the government cracked down severely on anti-CAA protesters resulting in arrests of thousands of people including children.

■ Right to Constitutional Liberties

The Constitution guarantees remedies if citizens' fundamental rights are violated. The government cannot infringe upon or curb anyone's rights. When these rights are violated, the aggrieved party can

34. Rights & Risk Analysis Group, 55 Journalists Targeted During Lockdown- India Is The Riskiest Place For The Journalists In The World, 15 Jun 2020, <http://www.rightsrisks.org/press-release/india-medias-crackdown-during-covid-19-lockdown/>

35. <https://www.aljazeera.com/news/2021/4/27/indian-state-cracks-down-on-hospitals-flagging-oxygen-shortage>

36. Citizens Against Hate, "Everyone has been silenced: Police Excesses Against Anti-CAA Protesters in Uttar Pradesh, and the Post-violence Reprisal", March 2020, Available at: <https://citizensagainsthate.org/wp-content/uploads/2020/03/Citizens-Against-Hate-Everyone-Has-Been-Silenced.pdf>

approach the courts.

Repressive Laws and ensuing violence: Many repressive amendments were made to laws such as the Citizenship Amendment Act (CAA), Unlawful Activities (Prevention) Act (UAPA), Transgender Persons (Protection of Rights) Act and the Right to Information (RTI) Act.

In December 2019, the Citizenship (Amendment) Act was passed amending the Citizenship Act of 1955 to enable irregular migrants to acquire Indian citizenship through naturalisation and registration. It restricted the eligibility to only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 December 2014³⁷. The Act also reduced the requirement of residence in India for citizenship by naturalisation from 11 to 5 years for these particular communities. Viewed as an attempt to damage the democratic fabric of the country, people responded to it by staging nation-wide public protests. The Government tried to rebuff the protests using all tricks in the book, including the use of force, which did not dampen the protestors' spirits. This was followed by violence in Delhi³⁸ in February 2020.

Along with the previous instances of violence in Jamia Milia University and Jawaharlal Nehru University in early 2020, the Delhi riots were also preceded by the hateful speeches made by political leaders³⁹. From union ministers like Kapil Mishra, Anurag Thakur to chief ministers like Yogi Adityanath, elected representatives exhorted people to shoot down 'traitors' and 'take revenge'. Even Prime Minister Narendra Modi said that the protesters who were destroying the property "can be identified by the clothes they are wearing".

Besides adversely impacting the refugees and asylum seekers, the amendments also impinge on the human rights of Indian citizens, particularly Muslims. In November 2019, the Union Home Minister, Amit Shah announced a nation-wide National Register of Citizens (NRC) to document the citizenship of over 1.3 billion people, raising concerns on the fate of excluded Muslims from the Register. This was preceded by a process carried out in Assam to detect undocumented immigrants that led to the exclusion of around 20 lakh people from the NRC in 2018⁴⁰. In the wake of nation-wide protests against the Act, the Government of India has temporarily withdrawn its announcement.⁴¹

Instead of fixing accountability where it was due, three student leaders Natasha Narwal, Devangana Kalita and Asif Iqbal Tanha were arrested in May 2020 under the UAPA for allegedly orchestrating the 2020 Delhi riots! A full year later, in June 2021, the Supreme Court granted bail to the three students but it also barred the judgment from being used as a precedent in similar cases, effectively preventing

37. Amnesty International India, Citizenship (Amendment) Bill: A Bigoted Law That Must Be Immediately Repealed, 12 Dec 2019, <https://amnesty.org.in/news-update/citizenship-amendment-bill-a-bigoted-law-that-must-be-immediately-repealed/>

38. Amnesty International Report 2022-23 - The State of World's Human Rights, 2023 <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>

39. Amnesty International India, Violence Fuelled By Hate Speeches Needs Immediate Action By The Government, 23 Feb 2019, <https://amnesty.org.in/news-update/violence-fuelled-by-hate-speeches-needs-immediate-action-by-the-government/>

40. <https://www.hindustantimes.com/india-news/no-decision-yet-on-nrc-at-national-level-govt-tells-parliament-101679454040948.html>

41. India Today, PM Modi counters what Amit Shah, BJP manifesto say on bringing all-India NRC, 22 Dec 2019, <https://www.indiatoday.in/india/story/pm-modi-counters-what-amit-shah-bjp-manifesto-say-on-bringing-all-india-nrc-1630576-2019-12-22>

courts from granting bail to other students and human rights activists languishing in jail for peacefully protesting the CAA.

Blatant misuse of Section 124A of sedition law against protesters was observed. A study has found that six cases were registered during the farm protests; 25 during anti-CAA protests; 22 after the Hathras gang rape.⁴²

Justice Delayed is Justice Denied: The courts, particularly the Supreme Court, failed to monitor the government's response to the COVID-19 crisis in a timely manner. On 13 March 2020, even before the national lockdown was imposed, the Supreme Court declared that the courts – for public health reasons – would function at reduced capacity. Between 23 March and 4 July 2020, the Supreme Court only took up cases of “extreme urgency”, barring physical hearings and relying on video conferencing facilities. With no qualifying criteria or definitions laid down for cases of “extreme urgency”, judges were left with wide discretion, resulting in many cases involving grave human rights violations either not being heard or being seriously delayed. The Supreme Court also delayed hearing crucial cases related to the constitutional validity of the CAA, sedition, and the abrogation of Article 370 of the Constitution.

■ Freedom of Religion

This right indicates the secular nature of the country and that the State has no official religion. Every person has the right to freely practice his or her faith, and establish and maintain religious and charitable institutions.

Atrocities against Muslims: Criminal laws were used disproportionately against religious minorities, particularly Muslims. The police routinely arrested Muslims for allegedly “promoting enmity between groups” and “outraging religious feelings” for acts including offering namaz (prayers), conducting legitimate business transactions, consensually marrying Hindu women and eating beef.

As per Amnesty's report⁴³, scores of Muslims were either charged in criminal cases or with administrative penalties for offering namaz in public spaces and private homes in 2022.

In April 2023, the Supreme Court ordered India's states to register incidents of hate speech without waiting for any complaints to be filed⁴⁴. This notwithstanding, public calls were made by some Hindu groups for the economic boycott of Muslim businesses in Haryana, Uttar Pradesh, Madhya Pradesh, Kerala and Gujarat. Explicit incitement to violence against Muslims, including to rape and murder Muslim women, were made with impunity by Hindu priests in Uttar Pradesh and Delhi.⁴⁵

42. 'Our new database reveals rise in sedition cases in the Modi era- Article 14', Available at- <https://www.article-14.com/post/our-new-database-reveals-rise-in-sedition-cases-in-the-modi-era>.

43. <https://efe.com/en/latest-news/2023-03-28/amnesty-slams-minority-repression-in-india-restrictions-on-afghan-women/#:~:text=%E2%80%9CIn%20May%2C%20July%20and%20August,in%20several%20states%20in%202022>.

44. <https://www.aljazeera.com/news/2023/8/12/muslims-in-haryana-face-calls-for-economic-boycott-after-violence-in-nuh#:~:text=Hindu%20far%20right%20groups%20call,residents%20to%20boycott%20Muslim%20shops.&text=New%20Delhi%2C%20India%20%E2%80%93%20Hindu%20far,out%20in%20India's%20Haryana%20state>.

45. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>

A recent **fact-finding report by the Citizens and Lawyers Initiative** edited by senior advocate Chander Uday Singh with a foreword by Justice Rohinton Nariman (ret'd) called out the systematic, planned manner in which Ram Navami and Hanuman Jayanti processions were used in April 2022 – in Gujarat, Jharkhand, Madhya Pradesh, Delhi, Uttarakhand, Rajasthan, Maharashtra, West Bengal, Karnataka, Bihar and Andhra Pradesh – by Hindutva forces to foment riots in localities where Muslims stay⁴⁶. This was followed with targeted destruction of the homes and businesses of Muslims by the governments mostly in BJP-ruled states. Muslims have been forcibly prevented from offering namaz in public places. There are also open calls for the social and economic boycott of Muslims by Hindutva forces, with the connivance of the powers that be.⁴⁷

■ Status of Right to Freedom of Association

Popular Front of India (PFI) was banned in Jharkhand for its alleged links with Islamic State.⁴⁸ This decision was taken months after the High Court set aside the ban on the organisation as violative of natural justice and freedoms under Article 19.⁴⁹

■ Jammu and Kashmir

In August 2019, the government revoked the special status of Jammu and Kashmir (J&K) guaranteed under Article 370 of Indian Constitution and bifurcated the state into two union territories⁵⁰. This was preceded and followed by a region-wide clampdown on civil liberties, increased deployment of the army, a communications blackout and detention of key political leaders under various administrative detention laws, including the draconian Public Safety Act (PSA) and Section 107 and 151 of the Code of Criminal Procedure. To date, no official information has been made available on the number of people detained, their access to lawyers or family members, where they are held and, under what charges.

Government-imposed restrictions prevented journalists and activists from independently documenting and sharing information about the situation, including allegations of human rights abuses⁵¹. Access to emergency services, healthcare, education and other services were highly restricted⁵². The UN human rights experts, including the Special Rapporteur on the promotion and protection of freedom of expression, the Special Rapporteur on the situation of human rights defenders, Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the

46. <https://thewire.in/communalism/new-report-finds-distinct-eerie-patterns-in-hanuman-jayanti-ram-navami-rallies-in-april-2022>

47. <https://thewire.in/rights/five-years-of-incarceration-and-the-audacity-of-hope>

48. "UP Wants to Ban Popular Front of India, So Does Kerala. But There is a Complication", News18.com, January 5, 2020, Available at: <https://www.news18.com/news/india/up-wants-to-ban-popular-front-of-india-so-does-kerala-but-there-is-a-complication-2446117.html>

49. "Jharkhand HC decision to revoke PFI ban welcomed", The Times of India, August 29, 2018, Available at: <https://timesofindia.indiatimes.com/city/kozhikode/jharkhand-hc-decision-to-revoke-pfi-ban-welcomed/articleshow/65584730.cms>

50. Vijaita Singh and Devesh K. Pandey, The Hindu, J&K loses its special status, divided into two UTs, 5Aug 2019, <https://www.thehindu.com/news/national/jk-loses-its-special-status-divided-into-two-uts/article28827159.ece>

51. Amnesty International India, Situation Update and Analysis: Jammu and Kashmir After One Year of Abrogation of Article 370, 5Aug 2020, https://amnesty.org.in/wp-content/uploads/2020/08/Kashmir-report-updated_06_for-WEB.pdf

52. Amnesty International India, Kashmir Situation Update and Analysis, 18 Oct 2019, <https://amnesty.org.in/wp-content/uploads/2019/10/Amnesty-International-India-Kashmir-Situation-Update-Final.pdf>

right to peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions described the crackdown as ‘a form of collective punishment’⁵³.

In January 2020, the Supreme Court (SC), while hearing a petition on lifting the restrictions, held that any restriction on the internet must satisfy the test of necessity and proportionality⁵⁴. It directed the government to review each internet shutdown against such tests and lift the restrictions that were not necessary. Since this judgment and until 4 August 2020, there have been 67 government-imposed internet shutdowns in Jammu & Kashmir.⁵⁵

For the purpose of review, the SC ordered the government to constitute a review committee. Since its formation, the Committee has denied 4G mobile internet making it difficult for hospitals, judiciary and schools to function smoothly with 2G mobile internet during the lockdown imposed by the government to curb the COVID-19 pandemic⁵⁶. As on March 2020, the Special Committee has not made public any information on its functioning, particularly its constitution, number of meetings held, reviewing of the government orders imposing internet shutdowns and its decision⁵⁷. The internet facilities were finally restored in February 2021, two years after its suspension.

Political leaders such as Farooq Abdullah, Omar Abdullah and Mehbooba Mufti, who were administratively detained in 2019, were released in 2020. However, the union government continued to silence those who demanded accountability and imposed a harsh media blackout as in the case of Peerzada Ashiq and two others. Several journalists have been physically attacked, arbitrarily arrested, unlawfully detained and prosecuted for their critical reporting.⁹

In October 2020, the J&K government closed the office of the Kashmir Times, without prior notice, after its editor, Anuradha Bhasin, had challenged the communications blockade in the Supreme Court. The NIA also raided the offices and residences of civil society activists including Khurram Parvez and three of his associates, and Parveena Ahanger, who had reported extensively on human rights abuses in Kashmir. The NIA alleged that the activists had raised funds for “carrying out secessionist and separatist activities” in Jammu and Kashmir.

According to official data, J&K accounted for the highest proportion of deaths involving the police in India between April 2020 and March 2022. Media reports suggested that at least 19 civilians were killed by armed groups during 2022, of which seven belonged to the regional Hindu minority community⁵⁸.

In conclusion, instead of taking steps to address these serious concerns, the last five years stand out

53. United Nations Human Rights Office of the High Commissioner, UN rights experts urge India to end communications shutdown in Kashmir, 22 Aug 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24909&LangID=E>

54. Anuradha Bhasin v. Union of India, Writ Petition (Civil) 1031/2019, <https://indiankanoon.org/doc/82461587/>

55. Outlook India, Journalists in Kashmir allege attacks, harassment by cops, 10 Feb 2020, <https://www.outlookindia.com/newscroll/journalists-in-kashmir-allege-attacks-harassment-by-cops/1730729>

56. Amnesty International India, Situation Update and Analysis: Jammu and Kashmir After One Year of Abrogation of Article 370, 5 Aug 2020, Pg. 24, https://amnesty.org.in/wp-content/uploads/2020/08/Kashmir-report-updated_06_for-WEB.pdf

57. Internet Freedom Foundation, FMP demands compliance with SC directions by Special Committee for restoration of 4G in J&K, 20 May 2020, <https://internetfreedom.in/fmp-demands-compliance-with-sc-judgement-by-special-committee-for-restoration-of-4g-in-j-k/>

58. Amnesty International Report 2022-23 - The State of World's Human Rights, 2023 <https://www.amnesty.org/en/documents/poli0/5670/2023/en/>

for an intentional redefinition and abuse of human rights on ground and obscurantist chicanery. Other than being limited in its appeal to a majoritarian Hindutva, this gesture in no way expands the scope of peoples' power to seek accountability from the State to uphold their fundamental rights, which should ideally be the core premise for a democratically elected government.

■ Key Recommendations

1. Undertake review and repeal anti-terror laws including UAPA that restrict freedom of speech and expression.
2. Repeal the offence of sedition in Section 124A of the IPC as undemocratic and unconstitutional.
3. Ensure that minorities are protected from hate speech.
4. Ensure that restrictions in the name of public order and security of state are proportional and do not unduly restrict freedom of expression of the people.
5. Protect the spirit of democracy by ensuring that the right to free speech and expression is available and guaranteed without any fear of persecution by the state or majoritarian mobs.
6. Ensure that law enforcement authorities do not abuse their powers and target civil society organisations, human rights defenders, journalists and persons critical of the government in order to silence them.
7. Institute an effective mechanism of redress for victims of violations by security forces, tasked to conduct independent investigation and prosecution in civilian courts.
8. Enact the Prevention of Communal and Targeted Violence Bill and review and repeal the following anti-minority laws within one year:
 - i) CAA 2019;
 - ii) All "anti-conversion" laws which target religious minorities;
9. Provide special policy assurance not to implement an all India NPR/NRC;
10. Ensure Foreigner Tribunals in Assam follow Indian constitutional and international law standards and detention centres are shut down.
11. Ensure that print, digital and social media platforms and channels maintain high professional standards and regulate hate speech
12. Stop targeting of minority institutions in the social sector especially those running schools, charities, or children's homes.
13. Institute a national legal framework within two years, along the lines of the Asylum Bill 2015 to prevent non-refoulement and govern the legal status of refugees.
14. Implement the Whistle blowers Protection Act 2014 by notifying subordinate legislation and inserting provisions for whistleblowing through the media.
15. Immediately ensure compulsory registration and investigation of cases of attacks on citizens and journalists utilising the RTI Act under the supervision of human rights commissions, information commissions and vigilance c
16. Repeal or comprehensively amend the FCRA, in line with the legal analysis of the Special Rapporteur on Freedom of Association and Assembly.

17. Enact a law that recognises and protects HRDs including environmental, indigenous and Dalit defenders in compliance with the UN Declaration on HRDs and other international standards.
18. Ensure that the right to access the internet and information is not impeded, particularly through the use of arbitrary internet shutdowns.
19. Institute a transparent procedure for the selection of the Chairperson and Members of the NHRC in accordance with international standards and consider appointing members from civil society with credible track records for these positions.
20. Provide adequate training and orientation on the Paris Principles and on international human rights standards to NHRC officials.
21. Immediately institute a National Action Plan on Human Rights.
22. Institute mechanisms, for independent investigation and prosecution of perpetrators in civilian courts without recourse to death penalty; and appropriate reparations, redress, and remedy for victims.
23. Immediately accept the standing request to visit from the UN Special Rapporteur on Torture.
24. Fulfil India's obligations under all the international human rights treaties that it has ratified and amend all national laws and regulations that are not in full compliance with these treaties, within two years.
25. Implement recommendations from UN Special Procedures and, in the spirit of engagement with the Special Procedures, immediately invite all those who have requested visits.

India and the Human Rights: A Road to Hell Paved with Hellish Intentions

- Between 2017 and 2021, there were over 2,900 cases of communal or religious rioting in the country according to NCRB data¹. Punitive demolitions of Muslim homes and businesses occurred, and the term 'bulldozer' transformed from machinery to a weapon to use against peaceful protesters advocating for minority rights. As per Amnesty's report² scores of Muslims were either charged in criminal cases or with administrative penalties for offering namaz in public spaces and private homes in 2022.
- Arbitrary arrests and prolonged detentions have become more common. More than three-quarters of India's prison population were in pretrial detention, with Dalits, Adivasis and members of other disadvantaged groups being disproportionately represented³.
- Crimes against women surged by 87% from 2011 to 2021, with the majority of cases in 2021 involving alleged "cruelty by husband or his relatives" and assault. In 2022, the National Commission for Women (NCW) received the highest number of complaints since 2014⁴. The disturbing case from Manipur underscored the vulnerability of women in the midst of ethnic conflict, yet the government's response remained inadequate⁵.
- Brutal use of police force against protesters has been a major concern. Whether it was the Anti CAA Protests in Dec 2019⁶, or the world's largest peaceful protest by farmers against three farm laws in November 2020. In these and many other instances, the police indiscriminately used water cannons and fired tear gas shells, killing more than 40 farmers and injuring others with police brutality⁷.
- The Colonial Epidemic Diseases Act was used to censor and police journalists for their critical reporting during the lockdown imposed by the government⁸. Journalists from many news organisations in India received summons to police stations to explain their stories which were highlighting the failure of the public healthcare system during COVID 19
- Revoking of the special status of Jammu and Kashmir (J&K) guaranteed under Article 370 immediately demoted the state to a Union Territory⁹ and was preceded and followed by a region-wide clampdown on civil liberties, increased deployment of the army, a communications blackout and detention of key political leaders under various administrative detention laws, including the draconian Public Safety Act (PSA)

1. Over 2,900 communal violence cases registered in country in last 5 years: Govt | India News - The Indian Express - <https://indianexpress.com/article/india/2900-communal-violence-cases-india-5-years-govt-8311709/>
2. Amnesty Slams Minority Repression in India - <https://efe.com/en/latest-news/2023-03-28/amnesty-slams-minority-repression-in-india-restrictions-on-afghan-women/#:~:text=%E2%80%9CIn%20May%2C%20July%20and%20August,in%20several%20states%20in%202022>
3. Human rights in India Amnesty International - <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>
4. Most Crimes Against Women In 2022 Of Violation Of Right To Dignity: Women's Panel - <https://www.ndtv.com/india-news/most-crimes-against-women-in-2022-of-violation-of-right-to-dignity-womens-panel-3654897>
5. Ethnic Conflict in India: IBANET - <https://www.ibanet.org/gbv-ethnic-conflict-india>
6. Citizens Against Hate, "Everyone has been silenced: Police Excesses Against Anti-CAA Protesters in Uttar Pradesh, and the Post-violence Reprisal", March 2020, Available at: <https://citizensagainsthate.org/wp-content/uploads/2020/03/Citizens-Against-Hate-Everyone-Has-Been-Silenced.pdf>
7. Indian Farmers March on Delhi in Protest of Agricultural Laws: The Guardian
8. Rights & Risk Analysis Group, 55 Journalists Targeted During Lockdown- India Is The Riskiest Place For The Journalists In The World, 15 Jun 2020, <http://www.rightsrisks.org/press-release/india-medias-crackdown-during-covid-19-lockdown/>
9. Vijaita Singh and Devesh K. Pandey, The Hindu, J&K loses its special status, divided into two UTs, 5Aug 2019, <https://www.thehindu.com/news/national/jk-loses-its-special-status-divided-into-two-uts/article28827159.ece>

■ A Stronger Voluntary Sector Strengthens India

It is important for the government to understand that the voluntary sector is not a threat to the government. The focus of the majority within the sector is 'welfare' and not advocacy or policy. The voluntary sector should be treated as a friend and partner of the government of India.

India's voluntary sector, noted for its vibrancy, innovation and research-based advocacy, has always been an important nation-building partner of the government. During the COVID-19 pandemic, the social impact work of our NGOs became even more visibly vital: not just in providing relief, food, clothing and shelter to those affected by the corona virus and lockdown, but also creating a sustainable ecosystem for long-term rehabilitation of vulnerable communities.

It is rather unfortunate; therefore, that the government seems to perceive the corporate sector as enhancing the country's economic growth and the voluntary sector as fomenting dissent and thwarting development. This erroneous perspective does not reflect the facts. Voluntary organisations (VOs) contribute 2 per cent of India's GDP and provide livelihood to millions!

Yet, as described by two research studies (A Study on the Legal, Regulatory, and Grants-in-Aid Systems for India's Voluntary Sector and Regulatory Frameworks for India's Voluntary Sector) produced by Ashoka University's Centre for Social Impact and Philanthropy in partnership with NITI Aayog, the rigors of legal compliance that VOs must go through in comparison to businesses create unnecessary hurdles to progress.

■ Need for an enabling environment

Instead of treating the voluntary sector with mistrust, the government should seek to empower it to promote public welfare by establishing mechanisms to consult, fund and collaborate with voluntary organisations – starting with a more enabling legal environment to enhance effectiveness.

While corporate laws have seen significant reform aimed at simplification, improving transparency and governance in sync with global trends in recent years, the voluntary sector has not seen any similar movement. India's business startups get a number of benefits; but the voluntary sector startups face numerous obstacles under FCRA and CSR regulations. While the national mantra is "ease of doing business," the government does not seem to recognize the importance of "ease of doing good."

Instead, VOs are over regulated, facing compliance requirements which are complex and multi-layered. At the state level, the regulator is the Charity Commissioner (for Trusts) or Registrar of Societies (for Societies) or Registrar of Companies (for Section 8 Companies). At the Central level, the Income Tax Authority determines if an organisation exists for charitable purpose or not, and accordingly grants

1. CSO@75 – India's non profit sector report 2023 - https://guidestarindia.org/India_CS0_Reports.aspx

registration under section 12AB (for tax exemption) and section 80G for tax deduction (enabling a donor to enjoy 50 per cent tax deduction). Additionally, the Ministry of Home Affairs is the central regulator granting registration or prior permission to any VO wanting to receive funds from any “foreign source” for a “definite cultural, economic, educational, religious or social programme.”

Depending on the size, nature of work and scope of activities of the voluntary organisation, other regulations like Shops and Establishments Act, GST, POSH, EPF, Gratuity, Maternity Benefit Act, etc., would also apply.

All the registration and processing time to obtain tax exemptions and deductions can take several months. Moving processes online has helped simplify some of this work while reducing opportunities for corruption, but procedural delays remain rampant.

■ State level inconsistency

At the state level, India’s lack of uniformity and standardisation becomes even more confusing. Some states have excessive regulations; others have virtually none at all. For example, in the states of Maharashtra and Gujarat the charity commissioner requires regular ‘change reports’ to be filed and prior permission for buying and selling of immovable property. In contrast, the National Capital Region (Delhi) does not have a charity commissioner, nor do several other states. Therefore, it is no surprise that many new non-profits attempt to seek registration in New Delhi or such territories, in order to bypass at least one regulatory authority on the list.

A trust can be registered within a matter of a few days in Delhi or Karnataka state. However, in Maharashtra or Gujarat, the process could take months. Trusts registered in states other than Maharashtra, Gujarat, Madhya Pradesh and Rajasthan can legally bypass at least one regulating authority because most other states including the National Capital Delhi do not have a Public Trusts Act (a state legislation) or the office of the charity commissioner. And societies, registered under the Societies Registration Act 1860 in Maharashtra and Gujarat, are by default required to also register as Trusts under the Trusts Act.

Companies seeking registration under the Indian Companies Act are required to go through a name approval process. This process ensures that there is no other company registered in India under a similar name. However, there is no such process or procedure laid down at the state level for trusts or societies; as a result, there are instances of several trusts and societies registered under the same or similar name.

The years 2020 and 2021 were difficult years for everyone globally because of the pandemic and subsequent lockdowns. However, in India the difficulties were further exacerbated for social development organisations (SDOs) with virtually every regulatory law governing them tightened.

In these two years, voluntary organisations worked tirelessly to provide both relief and rehabilitation to migrant workers and marginalised communities who had lost their livelihood and required food, shelter, education, health care and above all else hope. However, the regulatory regime made the environment hopeless and more disabling than ever before, especially for voluntary organisations precisely during these two years and of course even after that.

■ Foreign contributions

In September 2020, the Ministry of Home Affairs made major amendments to the Foreign Contribution (Regulation) Act (FCRA) 2010. These changes included a complete prohibition on sub-granting, a 20 per cent cap on administrative expenses drawn from foreign funds, and a requirement that organisations open a bank account to receive foreign funds only at one particular branch of the State Bank of India (SBI), among other onerous provisions.

The complete prohibition on sub-granting of foreign funds—even to other NPOs (non-profit organisations) that had FCRA registration—was and remains a major blow to the sector. Many grassroots-level NGOs working at the local and community level conventionally relied on resources from larger Indian intermediaries that formally and legally channelled funding from foreign sources to India. This was completely nipped in the bud.

The reduction in the cap on administrative expenses from 50 per cent to 20 per cent was and remains another significant blow to many organisations.

The five-years validity of FCRA registration of a majority of organisations expired at the end of September 2021. Hundreds are still waiting for their registration to be renewed for another five years even now as of September 2023. Hundreds of voluntary organisations have also lost their FCRA licence².

■ The tax regime

COVID-19 had not yet been declared a pandemic when, on 1st February 2020 in her Union Budget speech, the Finance Minister proposed that all charitable trusts and institutions enjoying tax exemptions or tax deductions must revalidate their registrations with the Income Tax Department.

On 1 April 2021, at the height of India's second COVID wave, the Income Tax online portal finally opened to receive applications to revalidate 12AA (tax exemption) and 80G (tax deduction) certificates that were due to expire within a period of three months. These revalidated certificates are only valid for five years, which means organisations are now faced with the substantial administrative burden of applying for revalidation every five years.

From April 1, 2022, the Income tax regime has also placed the onus on voluntary organisations to report donations received during the fiscal year, along with donor details on the Income Tax portal in online Form 10BD and generate tax deduction certificates in Form 10BE.

■ Grants potentially to be taxed under GST

In November 2021, the Maharashtra Authority for Advance Ruling (AAR) ruled that grants to non-profits are also subject to Goods and Services Tax (GST), raising concerns among both funders and recipient organisations that NGOs may be required to register under the GST. This would mean yet another compliance burden for NGOs, while potentially forcing donors to pay GST at the rate of 18 per cent for services provided by their grantees even though NGOs are non-profit and established for "charitable purpose".

2. Hundreds of NGOs' FCRA licences no longer valid now - The Economic Times - <https://economictimes.indiatimes.com/news/india/hundreds-of-ngos-fcra-licences-no-longer-valid-now/articleshow/99017502.cms>

■ CSR

The Indian Companies Act 2013 requires certain companies to spend two per cent of their pre-tax profits on CSR activities. The Companies (CSR Policy) Amendment Rules 2021 have made CSR compliance for companies extremely stringent, impacting CSR-implementing NGOs.

Previously, the Ministry of Corporate Affairs (MCA) only placed emphasis on companies spending two per cent of their pre-tax profits on approved CSR Activities. The emphasis has now shifted from 'spending' to 'utilisation.' As a result, some companies are now putting unrealistic pressure on NGOs to fully utilise funds before the fiscal year closes.

Unless funding happens to be for an 'ongoing project' (lasting up to three years), any un-utilized funds must be returned by the social development organisation to the company, to be given to government funds such as the Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund (PM CARES) or the Prime Minister's National Relief Fund (PMNRF). NGOs are also required to register on the MCA portal and obtain a unique identification number in CSR-1.

The new CSR rules have complicated project implementation, increased compliance costs and made more room for transfer of resources from NPOs to government institutions.

■ Changes under Finance Act 2022

Under Finance Act 2022 the following major changes have come into effect

1. Cancellation of tax exemption

The Principal Commissioner may, after giving adequate opportunity of being heard, cancel the registration of an approved charitable institution (for tax exemption) if it is found to have violated any of the following conditions:

- The income is applied towards objects other than for which it is established;
- It has earned profits from a business which is not incidental to the attainment of its objects;
- It has not maintained separate books of account for a business activity which is incidental to the attainment of its objects;
- It has applied any part of its income for the benefit of any particular religious community or caste;
- It has undertaken any activity that is not genuine or has not adhered to the conditions subject to which it was registered.

This amendment clarifies the violations for which the Principal Commissioner may, after giving adequate opportunity to the institution of being heard, cancel the registration granted under section 12AB (earlier 12AA).

2. Follow cash system of accounting

Tax-exempt institutions are required to apply at least 85 per cent of the total income during any fiscal year. However, the method of such application is not defined under the Act and accordingly, it is determined on the method of accounting i.e., cash or accrual system followed by the institution.

As per Finance Act 2022, 'application of income' for the purpose of the Income Tax Act shall mean actual payment following cash system of accounting and shall not include expenses accrued but not paid during the year.

3. Maintaining 'Books of Account'

From April 2022, charitable trusts and institutions are required to maintain books of account as prescribed under the Income Tax Rules.

■ Changes under Finance Act 2023

Finance Act 2023 has tightened the income tax law even further for charitable trusts and institutions.

1. Inter charity donations – potential setback for grant making organisations

Inter charity donations (i.e. one tax exempt charitable trust or institution donating to another tax exempt charitable trust or institution) continues to be allowed but with various restrictions.

Under an earlier amendment one charitable organisation could donate to another charitable organisation but not from its 'accumulated income'. As we are aware one of the key conditions for tax exemption given to charitable organisations is applying or spending at least 85 per cent of the total income every financial year. If the organisation is unable to spend this minimum amount it has the option to accumulate the same for up to five years. However, this accumulated amount must be spent by the organisation on its own activities and cannot be donated to another charitable organisation.

Later, the Finance Act disallowed charitable organisations from giving donation to another charitable organisation, whether from its accumulated or current year's income towards the corpus of another charitable organisation.

Now under Finance Act 2023, in addition to the above restrictions, if one charitable organisation donates to another charitable organisation only 85 per cent of such donations given will be considered as application of income for the donor charitable organisation. In other words if Trust A donates a sum of Rs. 100,000/- to Trust B, in the books of account of Trust A while Rs. 100,000 will reflect as given, only Rs. 85,000/- will qualify as 'application of income for charitable purpose'.

This may prove to be a potential setback for purely grant making organisations unless of course they spend one hundred per cent of their total income every year and not avail the benefit of stashing away fifteen per cent towards reserve after applying 85 per cent of the income.

2. Application of corpus

Under an earlier amendment, if a charitable organisation decides to use its corpus or borrow by way of a loan, that amount would be considered as application of income only in the year the amount is put back into the corpus fund or the loan is repaid.

Under the Finance Act 2023 application out of corpus or a loan before April 1, 2021 shall not be allowed as application for charitable or religious purposes even when such amount is put back into corpus or the loan is repaid. This is in order to avoid double tax deduction.

Further, deduction shall be allowed only if the amount taken from the corpus is put back into the corpus or the loan is repaid within five years from application out of the corpus or loan.

Conclusion

The regulatory regime is far from friendly towards voluntary organisations. Year after year the laws are amended to make compliance more and more difficult. It is time the Government of India realises that India's voluntary sector does much more than just fill gaps in the government's service delivery system, and deserves to be recognized and treated with respect.

It is important for the government to understand that the voluntary sector is not a threat to the government. The focus of the majority within the sector is 'welfare' and not advocacy or policy. The voluntary sector should be treated as a friend and partner of the government of India.

By all means, the government has the right to regulate voluntary organisations. However, the regulatory laws should be uniform and enabling. A stronger voluntary sector strengthens India.

A Stronger Voluntary Sector Strengthens India

- India's voluntary sector, known for its vibrancy, innovation, and research-based advocacy, plays a crucial role in nation-building, as evidenced during the COVID-19 pandemic.¹
- Despite about 80% of NGOs in India focusing their efforts on promoting quality education, ensuring good health, and working towards eradicating poverty, contributing 2% of India's GDP and offering livelihoods to millions, the government often perceives the development sector as a hindrance to development.²
- Voluntary organisations (VOs) and charitable trusts in India face increased regulatory complexities making things like obtaining tax exemptions and deductions cumbersome.
- In September 2020, major amendments to the Foreign Contribution (Regulation) Act had significant consequences, including a ban on sub-granting, stricter administrative expense caps, and a requirement for foreign funds receipt through a specific bank branch, putting undue pressure on NGOs.³
- Under the Finance Act 2023, inter-charity donations face restrictions, with only 85 percent considered as the application of income for the donor organization meaning that if Trust A donates Rs. 1,00,000 to Trust B, only Rs. 85,000 will qualify as 'application of income for charitable purposes' in the books of Trust A. ⁴
- Grant-making organizations must spend their entire income to avoid stashing away reserves for future projects, and the Act imposes stricter rules on the application of corpus or borrowed funds.
- There is an urgent need for more uniform and enabling regulatory laws to support the voluntary sector as a friend and partner of the government of India as the focus of the majority within the sector is 'welfare'.

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 3. FCRA Amendments and 'reasonable restrictions' - The Hindu BusinessLine - <https://www.thehindubusinessline.com/business-laws/fcra-amendments-and-reasonable-restrictions/article65366523.ece>
 4. Impact of Finance Act 2023 on Grants - <https://capindia.in/impact-of-finance-act-2023-on-grant-making/>



Wada Na Todo Abhiyan (WNTA)

is a national campaign focused on promoting governance accountability to end poverty, social exclusion and discrimination through tracking government promises and commitments at the national and international levels.

WNTA emerged out of World Social Forum 2004 in Mumbai, after consensus among human rights activists and social action groups there for a need to create an action-oriented environment for focused and concerted efforts to try making a difference in India, where one-fourth of the world's poor live and experience intense deprivation from opportunities to learn, live and work with dignity.

Towards these efforts, one of WNTA's key works is this collaborative report that annually reviews the elected union government's performance within different sectors, issues, and communities to document an assessment against the electoral promises and Constitutional mandates.

To ensure that citizen aspirations and concerns are heard and addressed by political parties, WNTA also prepares a People's Manifesto ahead of elections.

Further, WNTA also reviews the implementation against the international commitment to achieve the 2030 Agenda for Sustainable Development Goals and works for upholding the Leave No One Behind agenda in India.

Address: C-1/E, 2nd Floor, Green Park Ext, New Delhi, Delhi 110016
Email: info.wadanatodo@gmail.com, secretariat.wnta@gmail.com
Phone: +91 92056 02045

Editor: **Bijoy Basant Patro**
Contributing editors: **Annie Namala, Avinash Kumar, Roshni Nuggehalli**
Coordinated by: **Aditi Anand**
Supported by: **Adrian D'Cruz, Aradhna Joanna**
Design by: **Manoj Hodawadekar**
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