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HALF YEARLY DIGEST FOR THE LAW MAKER

Vol. LI
JULY-DECEMBER 2021
No. 1


SECRETARIAT OF THE KERALA LEGISLATURE

Focus－July 2021 to December 2021

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#### Abstract

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 (High Level Expert Group on Universal Health Coverage)





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வงปைகுூிி，


## Against the grain

T．K．Rajalakshmi



In his Independence Day speech on August 15，Prime Minister Narendra Modi flagged malnutrition as a major impediment to the development of women and children and declared that rice would be fortified under various government schemes by 2024．The plan is to initially distribute fortified rice through the Integrated Child Development Services（ICDS）and the Mid Day Meal（MDM）scheme and later expand it to the entire public distribution system（PDS）．In 2018，the Food and Safety Standards of India（FSSAI）had issued standards for fortifying five staples－wheat flour，rice，milk，oil and salt－with iron and other micronutrients．

Of late，however，the focus has shifted to iron deficiency，on the basis of a comparative study of the prevalence of anaemia in the fourth and fifth National

Family Health Surveys（NFHS）．As 65 per cent of the Indian population consume rice，fortification of rice with iron has taken centre stage．

Although public health experts， paediatricians and clinicians agree that anaemia poses a serious challenge to health，there are doubts as to whether iron－fortified rice is the best way to go about it．It has also been pointed＇out that if the decades－old iron tablet supplementation programme has not worked there is little reason to believe that food fortification will，given the challenges involved on both demand and supply sides．Therefore，some argue that rather than mass fortification of cereals， the Anaemia Mukt Bharat programme （Anaemia－free India）and the Poshan Abhiyaan（Nutrition campaign）under the National Health Mission should focus on dietary diversity，animal protein，and easy access to affordable diet．This initiative is also expected to boost the cultivation
and consumption of millets which are richer in micronutrients and other vitamins has rice and wheat. The grandiose plans for rice fortification are to take off despite the several concerns raised about the efficacy of its implementation, cost-effectiveness, toxicity due to excess iron, conflict of interest, and dietary diversity.

Significantly, pilot schemes for iron fortification launched by the Food and Public Distribution department were not successful. Sudhanshu Pandey, Secretary, Department of Food and Public Distribution, admitted this at a webinar organised by the Bharat Krishak Samaj, an advocacy-based farmers' organisation, on October 25. Arun Singhal, the Chief Executive Officer of FSSAI, too, accepted that the pilots had not taken off.

## PILOT STUDIES

The Centrally sponsored pilot scheme for fortification of rice and its distribution through the PDS was launched in '2019. This was for a period of three years with a budgetary outlay of Rs.174.6 crore. One district each in 15 States was identified and five States started the distribution of fortified rice. In November 2020, it was decided to
scale up the programme to include all districts. The Food Corporation of India (FCI) was tasked with developing a comprehensive plan for the procurement and distribution of fortified rice in all districts under the ICDS and MDM scheme from 2021-22, with special emphasis on 112 aspirational districts.

According to a Press Information Bureau release, a meeting was held at the NITI Aayog on November 3, 2020, involving government departments and private stakeholders such as Tata Trusts, World Food Programme, PATH and Nutrition Inter-national to discuss supply chain and other logistical requirements to scale up rice fortification and distribution for the ICDS and MDM scheme in the aspirational districts.

At this meeting it was agreed that in order to achieve the goal, there was a need to increase the supply of fortified rice kernels (FRK), whose availability at that time was a meagre 15,000 metric tonnes (MT) a year.

To cover the 112 aspirational districts, nearly 130 lakh MT of fortified rice would be required; for this the FRK supply capacity in the country needed to go up to nearly 1.3 lakh MT. If the entire PDS (National Food Security Act) rice supply of about 350 lakh MT had to be fortified, an uninterrupted supply of 3.5 lakh MT of FRK was required.

According to the PIB release, nearly 28,000 rice mills in the country needed blending machines to mix FRK with normal rice. The FCI was asked to tie up with rice mills in different regions for investments in this regard. The FCI's operational readiness was expected to help increase procurement and supply of fortified rice in a phased manner from 2021-22.

However, the pilot studies for the fortification programme, which were meant to evaluate efficacy and toxicity, were a failure. There were design issues and 'communication strategy gaps. Therefore, the outcomes of nutritional deficiency levels and iron toxicity were unknown. Stating that there were fundamental problems with the pilot studies, both logistical and on the supply side, Sudhanshu Pandey said at the webinar that "one did not have the luxury of time to fix all collateral problems and then take a decision". Many people, he said, had given advice but none had offered a solution. The government had to take a decision, he stated.

The pilot programme, which began in 15 districts of 15 States, was eventually scaled down to 11 districts in 11 States. He said an ecosystem was necessary for the supply of micronutrient mix and the
production of FRK. Besides this, the equipment for fortification and blending had to be standardised. Moreover, the fortified kernels had to look as natural as the local rice; otherwise it would be identified as a foreign element and removed while cleaning the rice before cooking.

If FRK manufacturing had gone up from $15,000 \mathrm{MT}$ a year ago to 1.6 lakh MT now, Sudhanshu Pandey said, it was because of "certainty of policy". Even though the pilot projects had not taken off, there was enough data on the shelf life of the rice and the efficacy of the programme, he said. In his presentation he made it clear that the government wanted to, in its "certainty of policy" framework, give a clear indication to both pre-mix suppliers about the quantities they were required to produce and FRK manufacturers about the kind of investment required of them.

Arun Singhal said as sufficient time had elapsed, a change of strategy was necessary. Even though rice was the staple for 65 per cent of the population, only 3.5 per cent of the rice produced had been fortified. By 2024, all rice in the PDS would be fortified according to the new initiative, he said, under the new policy initiative. He went on to say that
he had not come across any documented cases of iron toxicity anywhere in the world. FSSAI, he said, had established science-based stand- ards and fixed levels of fortification to avoid any toxicity. Even if there was, it could be clinically managed, he said at the webinar.

## IN DEFENCE OFFORTIFICATION

Defending the policy at the webinar, NITI Aayog member Ramesh Chand argued that the decline in per capita consumption of cereals was not off-set by an increase in consumption of nutrients elsewhere. He admitted that per capita consumption of cereals and pulses had declined and said that if the incomes of the poor went up, they were most likely to spend them on food that was not necessarily nutritious. Fortification was the only solution in the short term, he said, as improving nutrition by creating awareness could take time. Besides, producing the 30 odd millet varieties developed by the Indian Council for Agricultural Research could take up to a decade. Neither the FSSAI nor the NITI Aayog specified how short this term would be although others speculated that it would not be less than five years.

According to Arun Singhal, there was no evidence of diet improving despite rising incomes. Supplementation, he argued, was targeted and had a limited reach, whereas fortification was short term but had a wider impact; and dietary diversity was long term but it was the most sustainable. "We cannot give up fortification as an approach," he said categorically. He said the FSSAI had been advocating fortification of cereals in the ICDS and MDM programmes. It was also the Women and Child Development Ministry's goal to make fortification mandatory in both schemes by March 2022.

## WHAT INDIANS EAT

The general assumption was that Indians were not eating right and not eating enough and the only way to address this problem was to fortify rice with iron and possibly with other micronutrients such as zinc and selenium. Dietary diversity was at the bottom of the solution pyramid.

However, no comparative studies have been done to determine the difference in efficacy between those who consumed fortified rice and those who did not. Nor were there any toxicity studies. The only evidence was that anaemic levels were worsening.

The National Nutrition Monitoring Bureaux, with their extensive networks across the country, had been done away with several years ago. Therefore, policymakers had little idea of what or how much India ate except that they thought under-nutrition and overnutrition were the two sides of what they knew as malnutrition.

Speaking to Frontline, Ajay Jakhar, chairperson of the Bharat Krishak Samaj, said: "It needs a wider range of consultation not only to get the counterviews but also to decide the transition. The science is still grey, there are two points to consider. If the government is of the opinion that it is a transition, then what is the design to ending the transition? Whether it should be targeted or universal also needs to be discussed."

According to T. Nand Kumar former Secretary to the Government of India and ex-chairperson of the National Dairy Development Board (NDDB), fortification could be one of the options. The ICDS and MDM schemes were probably more appropriate instruments to address child nutrition, he said, but then it could be addressed in the form of dietary diversity. "The logical thing would
be to look at impact studies. This will tell us whether the intervention was correct or not. It is only rational to look at the results of the pilot, not to reject them, but to improve the design," he told Frontline.

The primary commodities distributed through the PDS are rice and wheat. Wheat flour or atta can be fortified, but there are logistic issues as the entire quantity of wheat has to first go through chakkis (flour mills). Storage is also an issue. Said Nand Kumar: "Many people prefer to grind the wheat themselves. Rice then becomes the typical candidate for fortification. If one looks at the poverty profile of States, you will see most of them are rice-eating States. There is a colour difference also between varieties of rice. The Odisha variety is not like that of Punjab. If people see rice of different colour, it will most likely be regarded as foreign matter and thrown out. I do have reservations both on the science and the efficacy of implementation."

He also expressed concern about the usage of the term "continuity of business" in fortification discussions. "We keep hearing this now and then. If this is the case, one will not wait for pilot studies to come through. But this should not be a matter of weight- age as one is
addressing an issue of under-nutrition. I am against mandatory fortification though am sure we are heading towards that," he said. In his opinion, mandatory and large-scale fortification would ultimately be irreversible.

In Nand Kumar's opinion, the fortification of milk and edible oils would also be problematic because it would eventually lead to branded products, and most poor people, the intended beneficiaries of the fortification, did not buy branded milk or packaged oil. He said the Government could reintroduce pulses and edible oils in the PDS in order to ensure dietary diversity. "Pulses can be given [through the PDS] or a cash subsidy, just as the gas subsidy," he said.

## DOCTORS' OBJECTIONS

H.P.S. Sachdev, a leading pediatrician, disagrees with the government's push for rice fortification. The biggest myth, he said, was to equate under-size with under-nutrition. Some countries use cast iron utensils to reduce anaemia, he said. Extra iron, he claims, will only harm the vulnerable poor who are already at risk because of their elevated serum ferritin levels."As a clinician I will not prescribe iron to those suffering from haemoglobinopathy, infections or thalassemia. The subclinical harm of fortified rice has to be looked at," he said.

According to the Comprehensive National Nutrition Survey, he said, children in the 5-19 age group had shown biomarkers indicative of early noncommunicable diseases. In an article titled "When the cure might become the malady", which was published in the American Journal of Clinical Nutrition in July 2021, Sachdev, along with Anura V. Kurpad of the St. John's National Academy of Health Sciences, Bengaluru, Arun Gupta, a leading paediatrician, and others, argues that while food fortification has its place in alleviating specific nutrition deficiencies, it may be overdone in response to the apparent failure of other interventions. The authors contend that nutrients, like medicines, can be harmful if ingested in excess. Before supplying more iron, it was important to understand why the iron supplementation programme had not worked he said According to the authors, the layering of multiple intervention programmes may emerge from incorrect measurements of the risk of nutrient inadequacy in the population or incorrect biomarker cut-offs used to evaluate the extent of such deficiencies. For example, using potentially higher universal haemoglobin cut-offs to diagnose anaemia among Indian children and
adolescents may not be the correct marker as it could be much lower than the level recommended by the World Health Organisation (WHO). With the proposed cut-off, they say, anaemia prevalence among children would fall from the current 30 percent to 11 percent. Capillary or finger-prick blood samples to estimate anaemia could underestimate HB levels compared with venous blood samples. This, they argue, explained the wide difference between the anaemia prevalence rates (in children 1-4 years) between the NFHS 4 and the Comprehensive National Nutrition Survey (CNNS), which was 56 and 44 per cent respectively. Both Sachdev and Kurpad are members of the NITI Aayog's National Technical Board on Nutrition and on FSSAI Expert committees.

According to the researchers, the lack of response of anaemia to iron fortification was not uniform and could be because of other nutrient deficiencies and inflammation. The study also estimated the cost of iron fortification to be around $\$ 350$ million a year which was in addition to the $\$ 130$ million per fiscal for the Anaemia Mukt Bharat programme. The authors argue for a dietary diversity programme with highquality foods along with limited fortification if a supplementation
programme did not exist concurrently. They warn of three dangers: one, a fixation with a nutrient rather than a broader appraisal of the entire food system; two, an urge to simplify coverage operations and make fortification mandatory and universal; and three, a lack of will to roll back interventions when things improve.

## COCHRANE REVIEWS

The WHO guidelines on rice fortification with minerals and vitamins as a public health strategy viewed it as a challenge because most iron powders used in food fortification were coloured, resulting in differences between fortified kernels and unfortified ones. According to a Cochrane systematic review of 16 studies' conducted from 2012 to 2017, and cited in the WHO guidelines, rice fortified with iron and other minerals increased iron content but had no effect on anaemia in the general population of those over the age of two. Cochrane reviews, Sachdev said, were recognised internationally as the gold standard for high quality and trust worthiness.

The proponents of fortification argue that as most of India cannot afford a healthy diet and a good number of the population a nutrient- adequate one, fortification of cereals was the only way
out to arrest an aemia. At the webinar, a World Food Programme representative, citing the State of Food Insecurity Report 2020, argued that the cost of a healthy diet was 60 per cent higher than a nutrient-adequate diet and five times the cost of an energy-sufficient diet. Around 78 per cent of India's population could not afford a healthy diet and 39 per cent a nutrient-radequate one. There were, she said, "huge affordability issues."

Across the globe, mandatory rice fortification is prevalent in eight countries and in ten it is voluntary; mandatory wheat fortification is prevalent in 19 countries while in 11 it is voluntary. As many as 67 countries fortify more than three commodities. No public health policy was set in stone, she said, and implementation should begin.

It is well known that there is no recent data on dietary intake. The last dietary intake survey was conducted by the National Nutrition Monitoring Bureau (NNMB) in 2012. The rice fortification piolot studies were unsuccessful, yet the implementation for
the programme is being pushed, more so perhaps because the Prime Minister made the clarion announcement.

Given a range of unresolved issues, it is unclear why the FSSAI and the government were keen to push rice fortification. The FSSAI has a Food Fortification Resource Centre which works with donor and partner organisations. According to Arun Gupta, a paediatrician by training and convener of Nutrition Advocacy in Public Interest, some of the donors and partners of those organisations had links with the food and nutrients industry.

It is evident that there is nothing short term about the rice fortification plan. It simply cannot be short term given the huge investments that would be made by units preparing the premix and those manufacturing blenders to mix the fortified rice kernels and regular rice. One of the big questions therefore in the fortification debate is "Cui Bono", or who benefits, the answers to which will emerge gradually.

Frontline
3rd December, 2021

## TOXIC IGNORANCE

## Richa Singh



HARMFUL CHEMICALS have become a constant companion of modern life．They are used to sanitise houses， power bulbs and tube lights and they even find safe refuge in medicines，ointments and the like．While these potentially dangerous products are handled with extreme care at home，similar caution is not exercised when throwing them out with household garbage．

The reckless handling of such toxic garbage，classified as domestic hazardous waste，continues even outside households because of the country＇s vague legal frame－work and a virtually non－existent management mechanism．As a result， such hazardous waste，though produced in small quantities，piles up in landfills and other dumping grounds．
＂The dangers of such disposal methods might not be immediately
obvious，but improper disposal of these wastes can pollute the environment and pose a threat to human health，＂notes the US Environmental Protection Agency．

Yet，India continues to live in denial． The country，which has close to 8,000 towns and cities as per Census 2011，has never officially estimated the domestic hazardous waste it generates．Traces of this toxic waste，though，can be found in most landfills．In 2020，researchers from the Indian Institute of Technology（IIT） Delhi and IIT Bombay analysed fine particles from eight dump sites across the country，including Delhi，Mumbai Kadapa（Andhra Pradesh），Hyderabad and Ahmedabad．They found a significant level of toxic heavy metals and persistent organic contaminants like pesticides in these particles．There is a very real possibility that a large portion of this
toxicity is due to dumping of domestic hazardous waste. But in the absence of proper monitoring there is no way of ascertaining just how much.

## NOBODY'S PRIORITY

Domestic hazardous waste does find a mention in the Solid Waste Management Rules, 2016, which define it as "discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge etc. generated at household levels". The definition is not exhaustive, and so leaves a lot to the imagination of individual households and local government bodies such as panchayats and municipalities. For example, the Rules leave out cigarette butts even though they contain traces of heavy metals and other chemicals.

Further, as per the Rules, households must segregate waste into wet, dry and domestic hazardous categories. Local .government bodies must collect the hazardous waste, and/ or set up collection centres every 20 km so households can deposit it on their
own. the local authorities must then safely deliver the collected waste to disposal facilities. The Rules also direct the authorities to develop the necessary infrastructure and sensitise people by 2018. But none of these requirements have translated on the ground.
"More than half of the municipal solid waste is biodegradable, followed by dry waste and inerts. While domestic hazardous waste is generated in small quantities, if not handled separately, it can contaminate the entire quantum of waste," says Asad Warsi, consultant at the Indore Municipal Corporation, the only local government body in the country that segregating and treating domestic hazardous waste (see 'The lone exception').

Even if the waste is collected, the country does not have enough disposal facilities to safely treat them. A disposal facility typically has engineered landfills that stop the percolation of toxic leachate into the ground, and/or controlled incinerators. Currently, there are only 45 of these facilities, as per the Handbook on Chemicals and Hazardous Waste Management and Handling in India released in 2019 by the Union Ministry
of Environment，Forest and Climate Change．Their distribution remains skewed．At least 18 states and Union Territories，including Delhi，Bihar and Assam，do not have safe disposal facilities．Twelve others such as Punjab and Haryana，have one facility for the entire state

Given the poor performance，the country may consider including hazardous waste under Extended

Producer Responsibility（EPR），a policy intervention where manufacturers have the responsibility of collecting and channelling their post－consumer products．India currently has an EPR policy only for plastic products and electronic and electrical equipment．In Canada，domestic hazardous waste has been under EPR since the 1990s．The policy has relieved the government and taxpayers of the cost of domestic hazardous waste collection．

## Down to Earth，

16－31 October， 2021.


## INDIA'S SUCCESSES AT COP26

Bhupender yadav


Collaborative, not competitive, approach can save our planet

- The recently concluded $26^{\text {th }}$ session of the Conference of the Parties (cop26) to the UN Framework Convention on Climate Change in Glasgow, Scotland, proved to be a success from India's standpoint. India emerged on the world stage as a global power walking the talk on combating climate change, voicing concerns of the developing world and leading international initiatives to drive change in building an environmentally sustainable world.

Delivering the National Statement at the cop26 Summit in Glasgow, Prime Minister Narendra Modi reminded the world that despite being home to 17 per cent of the world's
population, India has been responsible for only 5 per cent of the global emissions. From the cop26 stage, the prime minister announced India's commitment to "Panchamrit":

- India will bring its non-fossil energy capacity to 500 GW by 2030
- India will bring its economy's carbon intensity down to 45 per cent by 2030
- India will fulfil 50 per cent of its energy requirement through renewable energy by 2030.
- India will fulfil 50 per cent of its energy requirement
- India will reduce 1 billion tonnes of carbon emissions from the total projected emissions by 2030
- India will achieve net-zero by 2070

While India did its bit, the country also reminded the Global North of its unfulfilled commitments. India told the world that while we all are raising our ambitions on climate action, the world's ambitions on climate finance cannot remain the same as they were at the time of the Paris Agreement. During his address at the World Leaders Summit, the prime minister said, "India expects developed countries to provide climate finance of $\$ 1$ trillion at the earliest:".

He also launched the Infrastructure for Resilient Island States (IRIS), which will work to achieve sustainable development through a systematic approach to promote resilient, sustainable and inclusive infrastructure in Small Island Developing States. A major boost for India-initiated International Solar Alliance (ISA) came when US Special Presidential Envoy for Climate John Kerry announced at cop26 that the US has joined the ISA as a member country. The membership of ISA thus rose to 101 .

India also launched the Green Grids Initiative-One Sun One World One Grid (GGI- OSOWOG) along with the UK. GGI-OSOWOG will bring technical, financial and research co-operation to help facilitate crossborder renewable energy transfer projects, which will provide OSOWOG its global infrastructure. cop26 was successful in alerting the world to climate crisis and securing
commitments from all towards "keeping 1.5 degrees alive" and accelerated action towards mid-century global net zero.

For the first time, developing countries have been able to bring in a language that "notes with deep regret" the failure of developed countries to deliver the promised climate finance.

India made strong interventions throughout regarding climate finance in cop26, including making written submissions and securing support from developing countries. As a result the standing committee in finance has been mandated by COP to work towards definitions of climate finance, so that the wide range of numbers in climate finance can be resolved.

Under the Paris Agreement, we need a new collective quantified goal (NCQG). A structured process through a work programme has been launched for working on the NCQG that will complete its work by 2024. The work programme will consider the needs of developing countries, call for submissions from parties and experts, undertake technical work and then give its recommendations. This is a big step
forward towards forcing the hand of developed countries to realise that there has to be a NCQG by 2025, and this goal must come through a structured process under cop.

India and other developing countries were also successful in keeping the agenda oflong-term finance under the convention alive till the year 2027, while developed countries wanted to end this agenda under the convention. India was supportive of the enhanced transparency framework but remained firm that there must be assured and adequate climate finance provision for fulfilling enhanced reporting needs.

India was successful in getting language inserted regarding support from GEF (Global Environment Facility) to developing countries for ETF (Enhanced Transparency Framework).

On markets, Article 6 has been finally resolved in a balanced manner that takes into account the concerns of developing countries. Article 6 of the Paris Agreement provides for market and non- market approaches in achieving Nationally Determined Contributions (NDCS).

Parties in Glasgow finally adopted the long pending Article 6 rulebook. There are always compromises in negotiations, but India, along with other developing countries, managed to convince developed countries to agree for a transition of pre- 2020 projects/ activities, and units from the Clean Development Mechanism under the Kyoto Protocol. We were firm on our position to help our private sector that has invested in reduction of emissions and generated Certified Emission Reductions under the Clean Development Mechanism (CDM) and ensured that the private sectors' trust in the UNFCCC processes is not diluted. The Article 6 market mechanisms will play a crucial role in driving investments from private and public enterprises into India and help us achieve our mitigation and adaptation targets. Most countries have mentioned the use of such markets for achieving their NDC targets.

Under Article 6.2, India set the terms for accounting of units outside the NDC. Our call for countries to have flexibility in defining what is inside and outside our country's NDC was accepted, and corresponding adjustments based on the authorisation of projects helps us, as it gives us
additional flexibility while maintaining the quality of units．The nationally determined nature of accounting remains and that is a positive outcome for India．

In addition，the countries are strongly encouraged to commit to contribute resources for adaptation and to cancel Internationally Transferred Mitigation Outcomes to deliver an overall mitigation in global emissions． These measures will further help achieve emission reductions globally．

Under Article 6．4，we were able to secure the transition of CDM projects，activities and units．Further， we also negotiated strongly to have these top－down markets aligned firmly with the principles of common but differentiated responsibilities and equity．Under Article 6．8，the adoption of work programme for non－market approaches will help developing countries in relation to，inter alia， mitigation，adaptation，finance， technology development and transfer， and capacity－building．The conclusion of Article 6 lays the ground for
participation of private sector in the new carbon markets that will emerge under the Paris Agreement．

On adaptation，a two－year work programme has been launched on the global goal，which was a big demand of developing countries．

Collaborative，not competitive， approach alone can save our planet． Time for blame game has long ended． And that is why India upped its commitment to the cause of saving the planet before demanding others to do their bit．On the whole，cop26 has had a positive outcome．Countries，as part of the Glasgow Climate Pact，have also agreed to meet next year in Cairo， the capital city of Egypt，to discuss further carbon cuts so that the goal to limit warming to $1.5^{\circ} \mathrm{C}$ can be reached．India looks forward to working with the world in finding sustainable and equitable solutions．
（Bhupenderyadav is Union Cabinet Miniser for Environment， Forest and Climate Change；and Labour \＆Employment，Government of India）

Down to Earth， 1－15 December， 2021

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YES，SAYS PRIME MINISTER

## Shagun Kapil，New Delhi



On November 19，Prime Minister Narendra Modi announced that the Centre will repeal the three controversial farm laws that were passed in Parliament in September 2020．The Modi government，before the announcement，had maintained a confrontational stance claiming that the farmer groups at the helm of the protest did not represent the＂real＂ farmers．
＂Despite our best intention to support our farmers，especially the small farmers，we could not take them into confidence，＂he said in an address to the country on the occasion of Gurupurab，the birth of the first Sikh Guru，Guru Nanak．＂We offered to amend the laws，even put them on hold for two years ．．．but it is time for a new beginning．Let us not blame anyone，＂he said．

While announcing that the laws will be repealed in the up－coming winter session，he spoke about setting up a committee with officials from the Centre and states，along with farmers and agricultural experts as members． The committee，keeping in mind the future of farmers，will make decisions on the zero－budget natural farming， encourage a scientific shift in the crop pattern and make minimum support price（MSP）more effective and transparent．

He also urged farmers to leave the protest sites and return home．Farmer groups，though，want more．Till the time the magazine went to print， farmer groups had not called off the November 29 march to Parliament to mark the protest anniversary．

The Samyukta Kisan Morcha (SKM) that represents more than 40 farmers' unions said they will wait for the announcement to take effect through "due parliamentary procedures". Their reaction suggests that demonstrations at different protest sites along Delhi's border will continue, at least till the winter session of Parliament. "We will wait for the day when farm laws will be repealed in Parliament," tweeted farmer leader Rakesh Tikait.

SKM also reminded the government that their demand for a statutory guarantee to MSP and withdrawal of the Electricity Amendment Bill is still pending.

Kavitha Kuruganti of non-profit Alliance for Sustainable and Holistic Agriculture says there are many pending issues that even the Prime Minister is aware of. "Let us hope the government realises that after acceding to this (demand of repealing farm laws), it will be foolish if they will hold back on other things," she adds.

This is the second time in his seven-year incumbency that Modi rolled back laws concerning farmers
and farming. In August 2015, he had to declare in his regular radio show Mann Ki Baat the burial of the amendments to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, aimed at making farmland acquisition by private companies easier. Like in the case of the current farm laws, these amendments to the land acquisition law were also preceded by massive protests by farmers and political parties. Like then, even this time the decision to roll back approved laws comes before crucial state elections.
R. Ramakumar, professor, Centre for Study of Developing Economies, Tata Institute of Social Sciences, Mumbai, calls the development historic. "The Centre had tried to break, divide, buyout, demean, denigrate, demonise and shame the movement by multiple means. That the movement survived these efforts is by itself salutary," he says. The movement has also helped positively politicise the demands of the farming community in policy making. "It also gives a boost to effects to galvanise and mobilise
political support for causes of the peasantry in the near future，＂ Ramakumar adds．

Sukhpal Singh，professor，Centre for Management in Agriculture at the Indian Institute of Management， Ahmedabad，says the government may accede to the farmers＇demand for MSP．＂But in the law，it should be made clear who is responsible for
implementing MSP．It is a promise made by the government．The legal binding should not be on the private sector to buy the produce at MSP．In case farmers are paid a lower price，they should be compensated by the government，＂Singh says．He suggests farmers should agree for the proposed committee announced by Modi and use it to voice their concerns．

Down to Earth，
1－15 December， 2021.

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## CAPACITY BUILDING OF PSUs

## Trishaljit Sethi \＆Dr．Praveen Kumari Singh

In order to meet the training needs in the current dynamic scenario，it is imperative that there is synergising of resources and more active exchange of technical knowledge and other related ideas among PSUs．There is a need to bring about collaboration between training facilities of various PSUs and create a pool of shared resources．A successful collaboration between these training facilities owned by distinct PSUs will not only create cross－ synergisation between them but also develop a vibrant pool of common resources to be shared with others．

Training and Capacity Building in Public Sector Undertakings is an area that is gaining importance，particularly due to rapid advancements in technology and other operational methodologies．To meet the training needs in the current dynamic scenario， it is imperative that there is synergising of resources and a more active exchange of technical knowledge and other related ideas among PSUs．

There is a need to bring about collaboration between training facilities of various PSUs and create a pool of shared resources．This would also be in line with the＇National Programme
for Civil Services Capacity Building＇ （NPCSCB）being implemented by the Department of Personnel and Training．

There are 256 operational Central Public Sector Undertakings（CPSUs）in the country，employing around 10 lakh people．Out of these CPSUs， 96 have been conferred the Ratna status among which 10 are Maharatna companies， 14 are Navaratnas，and 72 are Miniratnas． The net profit of these organisations was 93，294 crore rupees in 2019－2020． They also make a substantial contribution to the growth of the Indian Economy and critical infrastructure．

Since they are also expected to perform on a competitive basis with prudent management, quality decisionmaking while ensuring accountability, efficiency, and transparency, the need for world-class training inputs cannot be overemphasised. Modem processes and capacity building in the form of functional competencies, skills, and attitudes will foster a culture of efficiency, competitiveness, integrity, and probity, will also curb administrative malpractices.

Many of these Public Sector Undertakings, especially the larger ones with 'Ratna' status have their own state- of-the-art training facilities which are used mainly for Training and Capacity Building of the employees working in these companies. Some PSUs even have more than one such training institute, each with a distinct field of specialisation. While most of these training institutes have some select core competencies in their operational field, some also individually cater to the development of managerial expertise like Leadership, Team building, Communication, Executive Development, Decision- making and other similar soft skills for their employees. As of now, there is no
institutionalised system of collaboration between these training institutes and each one caters mainly to its own employees using in-house resources and some select outside resource persons.

A successful collaboration between these training facilities owned by distinct PSUs will not only create cross-synergisation between them but also develop a vibrant pool of common resources to be shared with others. This collaboration would be most beneficial if it is done in a manner such that the distinct institutes complement each other's training capabilities in terms of their core competencies and also the general (managerial) areas of training. This collaboration may not be restricted to the training institutes of PSUs of the same sector. For the best optimisation of resources, this scheme could be extended to training institutes across various sectors. Common training areas could be identified and executives of one PSU could benefit from training/ other inputs from another PSU's training institute.

Recently, the Cabinet has approved the NPCSCB by setting up an Integrated Government Online

Training (iGOT) portal. It essentially aims at the development of an integrated training infrastructure across services. One of its core guiding principles is to "create an ecosystem of shared training infrastructure including that of learning materials, institutions and personnel."

The premier training institutes for Civil Services such as the Lal Bahadur Shastri National Academy of Administration, SVP National Police Academy, Indira Gandhi National Forest Academy, National Academy of Direct Taxes, Rafi Ahmed Kidwai National Postal Academy, National Academy of Indian Railways, etc., have been co-opted to synergise their resources for this mission.

It is therefore in the interest of training of personnel of PSUs that a similar integrated approach is adopted to create a common pool of resources among their training institutes.

## CENTRES OF EXCELLENCE

The premier training institutes of most of the bigger PSUs are equipped with the latest training infrastructure as well as human resources to cater to the needs of their personnel. Each of them has certain flagship programmes
that they run for the senior management. In addition, each has its own 'core competency' or specialised area of training. Invariably, the Core Competency areas relate to the PSUs area of functioning. For example, Oil and Natural Gas Corporation Limited (ONGC) has a training institute that specialises in areas such as Drilling Technology, Geo- Data Processing, Reservoir Studies, Oil Field Equipment, etc. Coal India Limited has an institute in Ranchi which mainly deals with the training and development of executives.

It is seen that though some of these institutes are also designing custornised courses for executives of other PSUs and even for foreign nationals, yet there is no institutionalised mechanism as of now for collaboration and resource sharing.

This resource sharing needs to be institutionalised and two or more training institutes when collaborated could be designated as 'Centres of Excellence' (CoEs). To create the shared infrastructure of these combined resources, the core competencies of all the training facilities of the PSUs could be mapped first and then can be modalities developed for strengthening
it. Different institutes could be identified to further enhance a 'specific' competency. This could be done in a manner, so as to avoid duplication of process and create specialisation in a particular field by the identified institute. This would be followed by resource sharing between institutes which could be in terms of experts/faculty, infrastructure, R\&D, etc. Common programmes could be designed for personnel of different PSUs which would also result in an exchange of ideas and sharing of best practices.

The areas where different sectors can best benefit from each other could be identified and each other's facilities be utilised, At times, some PSUs manufacture/supply key equipment for other PSUs. For example, BHEL (Bharat Heavy Electricals Limited), under the Ministry of Heavy Industries manufactures turbines for Power stations and also several other heavy equipment for the functioning of many PSUs. Orientation visits/training of employees of the user PSUs could be arranged at BHEL's training facility to familiarise them with the manufacturing process, size, scope, and other details of the equipment that they use, to better equip them to carry out their work.

In the case of smaller PSUs, there may not be any training facility at all. An arrangement could be made to provide training for the personnel of such smaller PSUs in the facility most suitable to them.

## i. Geographical Clusters

To begin with, geographical clusters could be identified where, in a single location, several training institutes from separate fields are located. These could be made CoEs wherein institutionalised mechanisms are developed for sharing resource people, experts, R\&D, and even the physical infrastructure. Gradually, a pool of master trainers could also be built by these 'Centres of Excellence' who could further impart training at various locations.

In these Centres, apart from utilising each other's core competency areas, the general areas of training like modules on Management, Preventive Vigilance, and Leadership could be designed and conducted collaboratively; This will not only prevent duplication of the process but also create uniform modules across institutes and standardise the training process.

## ii. Thematic Clusters

There may be different institutes offering similar core competencies. Tie-ups between such centres could help create Thematic Centres of Excellence. For this, institutes offering similar core competencies in the same specialised field could be brought together to share R\&D and Training techniques.

The thematic clusters can also be helpful in the Banking Sector. Most of the Public Sector banks too have premier training institutes located in different stations. These institutes other than having executives/management modules also impart domain-specific training like interest management, micro-finance, rural banking, credit management, etc. On similar lines for the training institutes of PSUs, the training institutes of banks could come together and provide training to officers and staff across banks.

The domain-specific core competencies of the various banking institutes could be mapped and ensure specialisation of a particular competency by a specific bank. This
would avoid duplication of processes and the resources in terms of manpower, infrastructure, and expert faculty could be utilised optimally.

## ETHICS AND MORAL VALUES

Another area that needs to be given paramount importance specially in training, is the awareness and the understanding that how work and values of organisations such as adherence to Rule of Law, transparency and efficiency contribute towards the larger objectives of an inclusive, just, and equitable society. Role of Public Sector Enterprises (PSEs) as agents of socio-economic growth and change, creators of formal and informal economic opportunities, providing social benefits through CSR (Corporate Social Responsibility) activities can help in mitigation of poverty, fulfilling the health and education needs of the underprivileged sections of society.

Training inputs can help in developing a sense of responsivity towards nation-building. The CoEs as proposed, could colaboratively tie-up with specialised institutes which provide insights on these issues.

Periodical training could be organised by these Centres to any of these selected institutes，to enable the participants to understand the economic and social milieu of the country，and the ultimate goals governance strives at．Goals of growth and development for all，fair and efficacious governance can only be realised if all stakeholders are enthused and trained in ideals imbued with ethics and empathy．In addition，the PSUs could use their CSR activities＇locations and organise field visits to provide a holistic view of the nation－building process to the trainees．

A developing economy like ours simply cannot afford to have its organisations working in silos without sharing resources and drawing upon each other＇s strengths and competencies．Training and Capacity

Building is an area where a large amount of resources in terms of financial outlays，manpower，material， and other infrastructure is used．

There is a requirement to create and develop an integrated training infrastructure across PSUs of the same sector and also different ones．One of the core guiding principles of the recently launched iGOT portal by the government is to＂create an ecosystem of shared training infrastructure including that of learning materials， institutions，and personnel．＂On the same lines，the PSUs and Banks need to collaborate on capacity building， share resources，identify and strengthen core competencies．This will optimise resource utilisation and have threefold benefits of avoiding duplication of process，standardise training，and creating specialisation．

## Yojana，

December， 2021.

## HAR GHAR JAL

## Yugal Joshi

Atmanirbhar Bharat initiative was announced to reboot the economy with a long－term goal，to structurally reform the system， and simultaneously empower the economic agents to perform better， and to remove structural inefficiencies that restrict efficient functioning of business．The five key pillars of the Atmanirbhar Bharat，namely，economy，infrastructure，system，democracy，and demand are to strengthen the domestic industry as well as to make Indian economy more closely integrated with global value chain．At a deeper level，it strengthens the economy by policy interventions in unorganised sector and MSMEs as well as strengthens democracy by making communities capable，ensuring their partnership in socio－ economic reforms，and transforming village community into a responsive and responsible leader．This implements Gram Swaraj in hundreds of thousands of villages across India in its true sense．

The government has been working to improve the quality of life and enhance the ease of living for people especially in villages．Speed，scale，and single－minded focus have ensured housing for all，electricity to every household，a toilet to every family， smoke－free lives for women，financial inclusion for every family，social security，and affordable health care for all．

Announced in 2019，Jal Jeevan Mission（JJM）is a huge step in improving the quality of life in villages and improving public health． JJM is under implementation in partnership with all the States to make provision of tap water supply to every rural household of the country．It is envisaged that by 2024，each household will have a potable tap－
water supply in adequate quantity (55 Ipcd) of prescribed quality (BIS: 10,500 ) on a regular and long-term basis. To implement this mission, institutional arrangements at various levels have been made and States' Water \& Sanitation/Public Health Engineering (PHE)IRural Water Supply (RWS) departments are playing a central role. They are helping Gram Panchayats and/or its sub-committee, Village Water and Sanitation Committee (VWSC) or Pani Samiti to plan, implement, manage, operate, and maintain its in-village water supply systems. VWSCs/Pani Samitis are being empowered to take ownership of the programme.

## COLLECTIVE OWNERSHIP AND ACTION

Jal Jeevan Mission is pivoted on the $73^{\text {rd }}$ Amendment of the Constitution that empowers Gram Panchayats with administrative control of water and related subjects.

JJM is a decentralised, demanddriven, and community- managed water supply programme. Gram Panchayat (GP) or its sub-committees (VWSCs)/Pani Samiti across States and Union Territories play a key role in planning, implementation,
management, operation, and regular maintenance of in-village water supply system. It also plans and implements water source augmentation strengthening water conservation, and greywater treatment, and reusage of treated greywater. For this purpose, programmes for capacity building of GPNWSC members are organised so that it can work as a local water utility for assured service delivery on a longterm and regular basis. Out of 6.05 lakh revenue villages in India, so far VWSC/Panis Samiti have been formed in more than 3.93 lakh villages. Local village communities are contributing towards in-village water infrastructure and have a sense of ownership and pride.

Addressing about 1.75 lakh Gram Sabhas with over 62 lakh people in attendance and interacting with Pani Samiti members on 2 October, 2021 on Jal Jeevan Mission to realise Mahatma Gandhi's vision of Gram Swaraj, the Prime Minister emphasised the role of Gram Sabha in universal access of water, its conservation, and sustainable use in making villages atmanirbhar or self-reliant for their water needs.

The motto of the mission is that 'no one is left out' and every household in a village should be provided with tap water connection. In villages where ground/surface water of good quality is available in sufficient quantity, Single Village Schemes (SVS) are planned and executed as the most preferred option. In villages with adequate groundwater having quality issues, water is treated before its supply to every home and it is done in isolated tribal hamlets/hilly/forested areas, Stand-alone solar-based and/or gravity-based water supply systems are being given priority. In water-stressed areas, bulk water transfer, treatment plants, and distribution systems are planned and executed.

The Mission is providing tap water supply in quality-affected areas, especially in Arsenic \& Fluorideaffected habitations, Japanese Encephalitis/Acute Encephalitis Syndrome (JE/AES) affected districts, socioeconomically backward Aspirational districts, drought-prone \& desert areas, Sansad Adarsh Gram Yojana (SAGY) villages, and $S C / S T$ majority villages on priority. For example, on 15 August 2019, at the announcement of JJM, only 8 lakh (2.6\%) households in JE/

AES affected districts were having tap water connections. In the last 26 months, despite the Covid-19 pandemic and lockdowns, tap water connections have been provided to 1.17 crore ( $38.5 \%$ ) more households. Only 24 lakh (7.2\%) households in Aspirational districts were having tap water connections before JJM, whereas more than 1.22 crore (36.9\%) households are getting tap water supply now.

## BOOSTING RURAL ECONOMY

Village Water and Sanitation Committee (VWSC) prepares a 5 -year Village Action Plan for water and sanitation, ensuring long-term source sustainability, greywater management, and water conservation works. These Village Action Plans (VAPs) are coterminus with 15 th Financial Commission period. It has provided for $60 \%$ of its total grant to local rural bodies/PRJs as a tied grant for water and sanitation alone. Thus, an assured Rs 1.42 lakh crore tied grant is available from 2021-22 to 2025-26 for: i) drinking water source augmentation/ strengthening, ii) drinking water supply system, iii) greywater treatment and its reuse, iv) regular operation and maintenance of in-village water supply infrastructure, and v) maintaining ODF
status of the village. Further, there is a provision that the VAPs to be implemented by dovetailing resources, viz. Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Swachh Bharat MissionGramin, JJM, District Mineral Development Fund (DMDF), Corporate Social Responsibility (CSR) funds, and community contribution, etc. Village Action Plans for about 3 lakh villages have been prepared by the VWSCs.

The total outlay of the Jal Jeevan Mission is Rs 3.60 lakh crore, out of which Rs 2.08 lakh crore is the Central share. Thus, a total amount of more than Rs 5 lakh crore is available for water-related works.

Jal Jeevan Mission is working towards making each village, a Water, Sanitation, and Hygiene (WASH) enlightened village. In every village, a cadre of $25-30$ people to manage its water utility is being prepared. Apart from 10-15 VWSC members, at least five skilled persons, a mason, a plumber, a fitter, an electrician, and one pump operator, are needed in each of them. The mission has started a capacity-building and skill development programme for such persons. This is generating a vast pool of skilled people
to operate village water utilities. Such investment in rural areas of the country is accelerating economic activities and also boosting the rural economy by generating employment opportunities in villages.

Taking note of the mission's approach, the Prime Minister, during his nationwide address to Gram Sabhas and interaction with Pani Samiti members on 2 October 2021, called upon village communities to manage water on the war footing so that no village ever has to get its supply of drinking water through tankers or trains. The true Gram Swaraj, he added, is people's participation in village development.

## WOMEN EMPOWERMENT

Speaking about one of the main benefits of Jal Jeevan Mission, PM had said, "another benefit will be that the rural women, who suffer the drudgery of having to travel long distances to bring water home will be saved from the ordeal." Following this vision, it has been mandated that a minimum of $50 \%$ of the VWSC members would be women. This accords them a significant role in village water governance suiting their traditional role as water managers.

At the announcement of the Jal Jeevan Mission in 2019, only 3.23 crore ( $17.7 \%$ ) households had tap water connections, Since then, 5.22 crore more rural households have been provided with tap water connections, thus alleviating rural women of their drudgery in fetching water and bringing them ease of living. During his interaction with VWSC members, the PM assured village people that in the days to come, no women will have to step out of the house to get water. At the same time, he called upon village communities for taking every measure in making their village water surplus.

While ease of living is envisaged to give rural women an opportunity in self-reliance or atmanirbharta, and leverages their experience as village water managers in VWSCs, women are also given a role of custodian of water quality in their villages. So far, more than 7.391 akh women have been trained in water quality testing by using Field Test Kits (FTKs). Under the Mission, each village will have a cadre of 5 trained women formed to monitor the tap water quality provided in homes.

Praising the role played by VWSC members in the management of invillage water supply schemes, the Prime Minister applauded VWSC women who are working with efficiency and expressed his satisfaction with their training in water quality testing using FTKs. He also underscored the importance and significance of the role of women of VWSCs in a village's wellbeing and prosperity and ushering a positive transformational change in the lives of tribals, scheduled castes, backward and economically weaker rural communites.

The training of VWSC women members has promoted village communities, self-reliance in assessing water quality and ensuring its potability thus helping households keep in check water-borne health concerns in rural areas.

## CHILDREN'S HEALTH AND WELL-BEING

A 100-day awareness programme was launched in Sep. 2020 for the need to have tap water connection in every school, Anganwadi Centres (AWCs), and Ashramshalas (tribal residential schools). A campaign was launched on 2 October 2020 to ensure that tap water reaches every learning
centre which includes schools, Anganwadi centres and Ashramshalas. Efforts are made by every State to ensure tap water availability for drinking, cooking mid-day meals, washing hands, and usage in toilets. Today, 8.151akh ( $79.2 \%$ ) schools and 8.15 lakh ( $73 \%$ ) Anganwadi centres provide tap-water supply.

During Covid-19 pandemic, need for frequent washing of hands with soaps and maintaining hygiene was experienced by everyone. Providing tap water supply to all these learning centres is a great investment in the health and well-being of the future generation.

In 1.08 lakh schools, provision for greywater reuse and in more than 93 thousand schools, provision of rainwater harvesting have been made. This will go a long way to make the students WASH enlightened citizens.

## TRANSPARENCY AND ACCOUNTABILITY

Transparency and accountability are two key pillars of any successful programme. Online progress of implementation and status of tap water supply in homes, schools, and AWCs has been put In the public domain and,
can be accessed by anyone at https:// ejalshakti.gov.in/jjmreportIJJM India.aspx

This dynamic dashboard not only provides detailed information about national progress in the implementation of J1M but one can see the status of implementation and progress at State/ UT level, district level, and village level. Information related to water supply in villages including names of the head of households who have got tap water connection, status of water supply in schools and Anganwadi centres including piped water in toilets and hand washing facilities along with the provision of rainwater harvesting and greywater usage is also provided. The dashboard also provides information about institutional arrangements like people managing various aspects of water supply in villages including water quality testing.

To pave the way towards Atmanirbhar Bharat, the importance of developing technologically-sound human resources and infrastructure can hardly be overemphasised. The JJM dashboard also shows ongoing sensorbased loT pilot projects in different
villages which shows the status of daily water supply in terms of quantity， quality，and regularity．In these pilots， one can see the quality of water including chlorination，water pressure in pipes at different places and per capita supply on a daily basis．

Village－level IT support is being provided to monitor everyday water supply in terms of quantity，quality， and regularity along with a public grievance redressal mechanism．There are more than 2000 water quality testing labs in the country which have now been opened for the general public at a nominal cost．Daily information about water quality samples tested，the number of villages where water quality testing was done， details about laboratories，contaminated samples found，etc．，is also available in the public domain on the $J J M$ dashboard．

To ensure speedy transfer of money to RLB／PR1s，States and VTs are advised to open an escrow account to receive a central allocation for JJM
implementation．JJM financial progress of each and every State／UTs since 2019－20 is also available in the public domain that includes opening balance， allocation，assured fund，fund drawn， available fund，and expenditure．

When we look at the Jal Jeevan Mission objectives，its elements both in terms of vision and policy steps， along with sectoral reforms and community empowerment，we find it as an ideal model for Atmanirbhar Bharat．Jal Jeevan Mission is about the capacity building of the community in achieving water security．To repeat the Prime Minister＇s words，water influences the quality of life like none other．It truly anchors a village＇s peace and prosperity．Its inaccessibility has cost millions of women and girls their educational opportunity，its paucity or inaccessibility has forced millions to migrate，abandoning their homes． Ensuring that every home has potable tap water supply in an adequate quantity of prescribed quality on a regular and long－term basis，is the cornerstone of Atmanirbhar Bharat．

## Yojana，

December， 2021.

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ตออย๐ゅ๐：A reveiw of Public Enterprises in Kerala 2019－20，Bureau of Public
Enterprises Govt．of Kerala 2021
\＃Net profit／Loss
\＃\＃Net profit after Tax and Dividend x 100
Capital Employed
1 Investment Turnover Ratio（Col．6）$=$（Turnover $\div$ Investment）
2 Turnover Profit／Loss Ratio（Col．7）＝（Net Profit／Loss $\div$ Turnover）＊100
3 Return on Investment $($ Col． 8$)=($ Net Profit $/$ Loss $\div$ Capital Employeed $) * 100$




























































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|  |  |  |  |  |  |
| 2010 | 26，160 | 1，311 | 2，603 | 229 | 30，303 |
| 2011 | 29，234 | 1，532 | 2，675 | 446 | 33，887 |
| 2012 | 33，793 | 1，672 | 3，971 | 386 | 39，822 |
| 2013 | 37，309 | 1，456 | 4，330 | 411 | 43，506 |
| 2014 | 41，495 | 1，071 | 5，143 | 521 | 48，230 |
| 2015 | 38，221 | 853 | 2，247 | 64 | 41，385 |
| 2016 | 40，777 | 1，049 | 2，312 | 33 | 44，171 |
| 2017 | 37，170 | 232 | 2，985 | 33 | 40，420 |
| 2018 | 35，126 | 254 | 2，858 | 18 | 38，256 |
| 2019 | 34，957 | 257 | 3，448 | 23 | 38，685 |

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|  |  |  |  |  |  |
| 2010 | 90 | 3 | 1 | 9 | 103 |
| 2011 | 78 | 9 | 2 | 14 | 103 |
| 2012 | 84 | 8 | 2 | 17 | 111 |
| 2013 | 163 | 3 | 8 | 14 | 188 |
| 2014 | 144 | 3 | 17 | 3 | 167 |
| 2015 | 148 | 3 | 4 | 5 | 160 |
| 2016 | 191 | 4 | 15 | 6 | 216 |
| 2017 | 209 | 1 | 5 | 0 | 231 |
| 2018 | 227 | 3 | 0 | 0 | 230 |
| 2019 | 247 | 2 | 4 | 0 | 254 |

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"It is highly deplorable and heart rending to note that many poverty stricken children and girls in the prime of youth are taken to 'flesh market' and forcibly pushed into the 'flesh trade', which is being carried on in utter violation of all canon of morality, decency and dignity of humankind. There cannot be two opinions indeed there is none - that this obnoxious and abominable crime committed with all kinds of unthinkable vulgarity should be eradicated at all levels by drastic steps."





















"Children ... constitute a vulnerable age group for social, educational, moral and physical development. Protecting children from wide - spread prevalence of substance abuse is one of the biggest policy challenges facing India."









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 றறைைீ ஸிகษวறาఱ』๐ 1860，พிவிண










 （Alternative Dispute Resolution Mechanism）； ゅறふைาヵ ๙ைகைவை๐ை๐（Intellectual Propetry






































































 ஜூைை 2021.

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12－19 พ1พ๐ぃธิ， 2021.

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## A MILLION SHADES OF GREY

## JUGAL MOHAPATRA AND SIRAJ HUSSAIN



Sometime in June this year，an 85－ year－old visually－impaired woman from Odisha＇s Ganjam district was reportedly abandoned by her sons at a secluded spot by the riverside．The siblings had lost jobs during the covid－19－induced lockdown and were struggling financially．Though the woman was rescued after local people informed the police，such cases of abandonment and neglect get regularly reported from across the country．

Traditionally，the institution of joint family used to take care of the elderly when they reached the stage of not being able to work and contribute to the household earnings or participate actively in daily chores．Over time，the joint family system has by and large weakened，
even in rural areas．Consequently，it is not un－common to find a large number of older persons left to fend for themselves．This is a cause of serious concern，as the number of elderly people in the country is growing at a much faster rate than the total population．As per the Census 2011，some 104 million people were at the age of 60 or above．Their number is expected to cross 173 million by 2026 ，as per the 2013 projection by the Registrar General of India．Another estimate by the UN Population Fund （UNFPA），in its report＂Social Security for the Elderly in India＂，notes that be tween 2000 and 2050，the overall population of India would grow by 60 per cent，whereas the number of elderly people could swell by 360 per cent．

These demographic project ions provide compelling reasons to review the financial status of the elderly poor who hardly have recourse to any other means of livelihood. In the absence of any recent official study, a 2016 survey by Agewell Foundation, a non-profit in Delhi, offers a peek into the kind of vulnerabilities older adults face.

Of the 15000 respondents interviewed during the survey, two-thirds (65.7 per cent) said that they lived alone with their spouses; only 16.34 per cent claimed to be living in joint families. About two-thirds (67 percent) also reported varying degrees of financial insecurity- they were either dissatisfied or not adequately satisfied with their financial status and 44 per cent were financially dependent on others. For about 12 per cent of the elderly 22.33 per cent
from rural areas and 2.39 per cent from urban areas-old-age pension (OAP) was the main source of income. Another such survey by UNFPA, the Institute of Economic Growth, the Institute of Social and Economic Change and the Tata Institute of Social Sciences, conducted in seven selected states in 2011, also found that half of the elderly were financially fully dependent of others.

This is appalling, given the fact that the Article 41 of the Constitution of India requires the government to provide assistance to its citizens in case of old age. Since the provision of social security and old age pension is listed in item 23 and 24 of the Concurrent list of the $7^{\text {th }}$ Schedule, both the Union and state governments are responsible for ensuring that the elderly citizens do not suffer on account of acute poverty and destitution.


To fulfil the obligation, majority of states and Union Territories have old-age pension (OAP) schemes in place since the 1970s, with Uttar Pradesh being the first one to introduce it in 1957 and Andhra Pradesh and Kerala in 1960.

The Centre has also introduced the National Old Age Pension Scheme (NOAPS) as part of the National Social Assistance Programme (NSAP), launched in 1995. Then why do the elderly poor fail to benefit from these schemes? To understand this we analyse three factors: one, whether the extent of coverage of the elderly poor under the
social security pension (OAP) schemes is adequate; two, whether the pension amount provides reasonable subsistence support to them; and three, whether the protection is available to the deserving elderly.

## COVERAGE GAPPED

First, let's analyse if OAP schemes put in place by both the Centre and the states adequately cover the growing elderly population.

As per the projections by the Unique Identification Authority. of India (UIDAI), the country's population in 2021 is 133.615 million. Assuming that
the share of 60+ is the same as it was during the 2011 Census- 8.59 per cent-the cur rent size of the older adults would be 115 million. Data with NSAP portal shows that the current coverage of NOAPS (renamed Indira Gandhi National Old Age Pension Scheme or IGNOAPS in 2005) is 24.9 million about 21.65 per cent of the current elderly population. It is, however, difficult to estimate the actual coverage of the elderly poor under OAP schemes of the Centre as well as the states, because NSAP portal has data only for Assam, Bihar, Chhattisgarh, Jharkhand and Odisha.

To assess if the schemes offer social security to an adequate number of elderly poor, we consider the prescribed coverage of the elderly under the National Food Security Act 2013 (NFSA) as the standard; after all, it is a fair index of the proportion of severely deprived population. We find that around 67 per
cent of the elderly are covered under NFSA; by comparison IGNOAPS covers only 21.65 per cent. Since we do not have authentic data for all state OAPS, we assess the actual coverage of the elderly poor (by considering IGNOAPS and state OAPS) only for those five poorer states for which data is available on the NSAP portal, ' and then compare it with the standard coverage offered by NFSA. While the coverage of pension schemes seems adequate in Assam, Jharkhand and Odisha, it is poor in Bihar and Chhattisgarh (see 'Level it up', p47). We thus suggest that the Ministry of Rural development (MORn), which implements NSAP, and state governments should jointly review the coverage of OAPS in other states and expand it wherever required, at least to match NFSA coverage in the absence of a more robust and updated measure of poverty.

## AMOUNT INADEQUATE

The next concern is related to the adequacy of the pension amount. Under IGNOAPS, the Union government provides a measly sum of ₹ 200 a month to the beneficiaries in the age group of $60-79(60+)$ and 500 to those at 80 or above (80+). States are expected to supplement these monthly entitlements.
updated the official poverty line (Tendulkar Committee estimates of 201112) for the states using the consumer price index (CPI) for rural for August 2021, and compared it with the pension amount being paid by the respective states, chosen from the high, mediumand low income categories.


Data informally collected from various states through personal contacts reveals that the monthly pension amount varies between ₹ 200 and ₹ 2,000 for the 60+ group (lowest in Nagaland and highest in Goa); for the 80+ group it ranges between ₹500 (Nagaland) and ₹ 2000 (Goa). Is this amount sufficient to provide subsistence support to an elderly poor? To assess this, we have

Except in Andhra Pradesh, Jharkhand and Goa, the monthly pension amount does not provide a reasonable level of subsistence support to the elderly poor even in richer states like Gujarat, Maharashtra and Karnataka (see 'Woefully insufficient', p48). Hence, our second suggestion to MORD and state governments is to raise the total pension to at least ₹ 1,000 per month in all states
by increasing the Centre＇s contribution to at least ₹ 600 ．A system of periodic revision of the pension entitlement at least once in three years，factoring in the change in the CPI，should also be put in place．

## FIX THE ERROR

Finally，we examine the targeting of these schemes．Originally，＂destitution＂ was used as the eligibility criterion for identifying beneficiaries of IGNOAPS． Subsequently，in 2007 it was replaced by the＂below－the－poverty line＂（BPL） criterion．State governments have increasingly switched over to BPL criterion for their OAPS．According to a working paper of the Asian Development Bank Institute，published in September 2017，two－thirds of the elderly poor continued to be left out（exclusion error）
of these schemes and two－fifths of the beneficiaries included were ineligible being non－poor or under－aged（inclusion error）．During the field visits，we have also come across such beneficiaries． Thus，the eligibility norms for these schemes warrant revision and a fresh survey needs to be carried out to identify the elderly poor based on robust proxies of severe deprivation．

To sum up，the Centre and States would review，verify and expand coverage of OAP schemes to ensure，that the deserving population is covered and the inclusion and exclusion errors are corrected．The number of the beneficiaries should be on par with NFSA coverage．And the minimum monthly pension should be raised to at least $₹ 1,000$ and revised once in three years to neutralise the rise in the cost of living．

# （Jugal Mohapatra is former union Rural Development Secretary．Siraj Hussain is Visiting Senior Fellow at the Indian Council for Research on International Economic Relations） 

Down To Earth，

16－30 November， 2021.

のツシュコロノ』

## OUT－OF－SCHOOL GENERATION

## MEENA T．PILLAI

The COVID－19 pandemic and the series of lockdowns have ripped off the makeshift bandages covering the sores of India＇s educational system． Millions of school－age children are falling off the education map owing to a lack of access to online education， giving rise to new structures of caste and class oppression．

On A sun－drenched morning in Himachal Pradesh＇s highest village of Komic，with the distant snow－capped peaks tugging at my heartstrings，I stopped for a cup of tea by a small shanty．Little children trooped around， sprightly like birds of spring in a rolling cloud，idling around without a care．To my question of when they would begin their online classes，their hapless parents stared at me blankly． My smartphone had gone dead since we set out to explore these small Himalayan hamlets in Spiti Valley． These little ones had probably never been to a school．Neither could the parents tutor them at home，unlettered
as most of them were．The tea shop owner told me wistfully about a woman from Delhi who had come as a tourist but stayed on to teach the children in another village after seeing their dismal plight．In that epiphanic moment in the Himalaya，I realised with dismay that I too，like many other privileged Indians，had bought into this fantasy called online education．

For nearly one and half years， schools in India have remained closed， in what could be one of the worst social casualties of the COVID－19 pandemic．Beyond the losses of lives and livelihoods，a state of emergency in education might taint the future prospects of millions of children and create significant negative impacts for prosperity．Denying millions of children in the country a fair chance to acquire an inclusive and accessible education will wreak more havoc than just threatening their individual futures．

In a country where the vulnerable and the marginalised far outnumber its dominant elite, the future of the disadvantaged majority hangs in a perilous balance, and they themselves remain unaware of the dangers to come, preoccupied as most are with eking out a bare living amidst a massive disaster. This persistent phenomenon will spark off intergenerational cycles of disadvantage, holding at stake the future of entire societies and of the nation itself. Inequality in education, currently so blatantly tied to unequal access to technology, can be a deeply traumatic childhood experience, especially one that in current crisisridden times can create lasting personal and social consequences.

## RISE IN CHILDREN'S STRESS

There are numerous studies across India reporting a massive rise in children's stress, anxiety, fear and worry over pandemic-induced uncertainties and loss of peer support and sociality.

What does this portend for a country where a student commits suicide every hour? Since the
beginning of the pandemic, suicide rates have been on an alarming rise, often amid gross under-reporting and the authorities displaying a persistent reluctance to focus on the root causes of the problem. The silent pleas for help from many, who stretch their hands out imploringly to an unseeing world, remain immured within their homes. Many little ones have fallen along the way, yearning for a mobile phone, longing to share the joy of a class, perhaps too proud to admit that their mothers who are domestic helps or fathers who are migrant labourers cannot get them even the cheapest of phones or 2 gigabytes of data, without which they simply cannot belong.

They had already ceased to exist amidst `dropped connections' and `out of network coverage areas'. There are no roll calls to bring them back to the classes they dreamt of sitting in. To think that festivals of learning continue unabashedly without them, that these stripling martyrs of learning, who died too young and without a cause, and will remain unmourned in the annals of larger histories of 'progress' towards 'world-class education', is part of the tragedy of our times.
‘Locked Out: Emergency Report on School Education', a school survey conducted in 15 States and Union Territories in August 2021, presents a dismal picture, one that is dreary and bleak in its portrayal of a heartwrenching panorama of utter helplessness and social apathy. (The survey was carried out in Assam, Bihar, Chandigarh, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal.)

## EMERGENCY REPORT

It archives the lament of an age when nearly 37 per cent of the children in rural India are not studying at all, with half of all the children in the sample unable to read more than a few words. A meagre 24 per cent of urban children and 8 per cent of rural children are able to study `online'
regularly. Nearly 92 per cent of children from the villages, who are in their formative years, have largely been left in the lurch, crippled not only in accessing knowledge but also in finding comfort in the 'other' and learning organic models of sociality. Perhaps the privileged of this land will create a deprecatory history in having remained immune and mute to such a generation's plight, a society which failed to stand up for adjust and inclusive future.

The emergency report compared the literacy rates of school children from the 2011 population Census and came up with shocking revelations. Even after a decade of education, the pandemic caused a very significant dip in the literacy rate, the illiteracy rates climbing four times higher than 2011 for the same age group, with Dalit and Adivasi children being the worst affected.

Education is not a privilege but a birthright, and can we really say with a clear conscience that we have, in the last 550 -odd days, granted it to the most dispossessed and the vulnerable
of this country, the ones who need it most? This pandemic has ripped off the makeshift bandages covering the oozing sores of our educational systems, revealing the canker at their core and the utter fragility of their claims to robustness. In a land with the burden of a history that dictated the pouring of molten lead into the ears of those in the lowest echelons of caste hierarchy, the rise of new kinds of technological Brahminism once again invokes the very structures of oppression that we, more than seven decades after Independence, are still fighting to eradicate, at least for all appearances.

Or are we, like the `gurus' of the past, demanding the writing thumbs of a new generation of Ekalavyas, so that our privileged children remain the `heroes' of contemporary epics and developmental sagas? How else can we interpret our own insensitivity to the certain , knowledge that poverty and caste are the biggest blots on the world's most populous democracy, a country where 364 million people are extremely poor, where the politics of
the everyday is riven by structural inequalities, unemployment and gender marginalisations?

The pandemic has pushed millions of people in India's urban margins too into deep poverty, with studies reporting that it would take seven generations for India's persistently poor to reach anywhere near the country's mean income.

Without inclusive institutions and mindsets that ensure access to education to the most needy, how can social mobility be attained?

For over 220 million people of this nation with the ability to spend less than Rs. 32 a day, what does the closure of public schools, accompanied by the stoppage of free education and midday meals and the removal of a climate of equitable socialisation, mean? By what magical trick of economics will they be able to afford a phone or a computer with network access, given their income? But, for a world divided and the privileged enclosed in the cocoons of booming middle class aspirations and comfort,
these are probably irrelevant questions, as expendable as the lives and realities they evoke.

For many girl children, the end of school is also the end of childhood. Escalating poverty and systemic violences might all result in harnessing the girl child to the burdensome yoke of domestic labour, in effect nullifying the gender empowerment achievements of the nation post-Independence. In a country where an estimated 1.5 million girls under 18 get married every year (according to the UNICEF), the denial of education might end in many never returning to school at all again, turning back the wheels of national progress in terms of half of its population by many decades. It is high time we begin to think in terms of gendering the digital divide.

New networked feminisms and online gender alliances can be seen as harbingers of change and hope, but with the statutory warning that while many have found a voice in the digital public sphere, there are multitudes of girls and gender marginals for whom
digital literacy and inclusivity are impossible dreams. Gender inequality in the physical world is being replicated in digital terrains too, clipping wings and cutting tongues even before flights are dreamt of or songs are sung. What does this bode for. the world's largest democracy? For many, the underlining caution that without education democracy is meaningless might indeed sound cliched in a post-truth era which measures progress using the yardsticks of beliefs, ideologies and jingoisms, but the fact remains that uninformed zealots, misguided reactionaries, and hate-mongering varieties of nationalists, among others of this ilk, can hold entire populations under siege.

The so-called shift to a digital democracy will sadly come undone if we do not empower citizens to be digital citizens, giving them the necessary literacy and means to negotiate digital worlds and economies, a rather impossible task in a country where around 350 million peoplenearly a quarter of the total population still have no access to the Internet. But
we do rush in where `angels would fear to tread, and the current mess is proof enough.

Across the world the pandemic has already normalised, under the garb of a "new normal", some of the most dubious policies and decisions-some that should have been debated long and deep within the structures of deliberative democracy have gone on to become bills and laws. All this, while the pandemic lay bare the social fault lines, where class, caste, gender have exacerbated the vulnerabilities.

## BRIDGING DIGITAL DIVIDE

Probing beyond morbidity and mortality also reveals how injustices and inequities, which existed before the pandemic, have further enfeebled populations, bringing down their resilience and reinforcing precarity. Where historically disadvantaged groups have already been severely affected by pandemic precarity, their young ones might beat the virus, but they certainly cannot attain herd immunity from poverty. How do we bridge the digital chasm when it comes
to the children of migrant labourers, poor farmers, daily wage earners, rickshaw pullers, street hawkers, and others, the wretched and dispossessed of this land?

No one can discount the immense benefits of online education, as also the necessity to initiate the shift towards it in an increasingly globalised and digitised knowledge economy. Yet, it must be hastily added that the Indian soil seems still unripe for that fantasy called technological utopianism, and bureaucrats need to be socially realistic before hitching their wagons to impossible slogans and catchy captions, at the risk of jeopardising entire generations.

Technology is Janus-faced, which can improve or undermine democracy, depending on who uses it and how, and who controls it. In India, the democratisation of technology is still moot, with millions of people outside its fold, and control vested in the hands of too few, a condition that does not augur well for democracy, as history has borne witness across ages and civilisations.

By no stretch of misanthropic imagination can we think of the millions of underprivileged children of this land as collateral damage， ritualistic scapegoats at the altar of future techno－democracies．Perhaps technology will democratise humankind tomorrow．But today＇s lives，no matter how insignificant， cannot be sacrificed in the killing fields of technocracies．The dreams of marginal lives，with bare aspirations of the here and the now，are not expendable in this hurry to write ourselves into a free market global economy．

If the destiny of a nation，that in the past was shaped in those amazing and vibrant social institutes called classrooms，is to be crafted in unequally accessed，non－inclusive technologically enhanced digital spaces written over with different degrees of privilege，ones that cannot connect with large sections of its teeming millions－then to misquote E．M．Forster out of context，two cheers for Indian democracy，for without a necessary critical introspection on the structural exclusions built into its practices and policies of creating literate citizens essential for democracy，it does not call for a third cheer．

October 8， 2021.

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#### Abstract

                

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#### Abstract

              
























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12 мற๐円னை 2021， வ๐றைகృவி．

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#### Abstract

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## CRIMINALISING WELFARE ISSUES

Shraddha Chaudhary

Before the legislature adopts coercive legal measures，a welfare response should be considered

The Supreme Court recently issued notice on a writ petition on the condition that the petition＇s prayer seeking a direction to＂restrain beggars and vagabonds／homeless from begging on traffic junctions，markets and public places to avoid the spread of COVID－19 pandemic in all the States and Union Territories across India＂be modified to focus on the rehabilitation of those forced to beg for a living．In doing this，the court rightly observed that being compelled to begwas a socio－ economic issue that could not be remedied by directions of the kind originally sought．It required，instead，a welfare response from the state．This order points to the largely ignored nexus between coercive measures and welfare issues，which can be a useful guide to making and implementing criminal law in three ways．

## WHAT SHOULD BE CRIMINALISED？

First，when decisions about criminalisation are being taken by the legislature，an important point of consideration should be whether the issue sought to be addressed might be better suited to a welfare response． Salient，examples of welfare issues against which the coercive force of criminal law has inappropriately been deployed serve to illustrate the point． In holding the criminalisation of beggary under the Bombay Prevention of Begging Act， 1959 （as extended to the NCT of Delhi）unconstitutional，the High Court of Delhi，in Harsh Mander \＆Anr．v．Union of India（2018），had noted that the criminalisation of beggary served only to invisibilise beggars without doing anything to address the structural deprivations that drove people to beg．

Similarly, the criminalisation of triple talaq by the Muslim Women (Protection of Rights on Marriage) Act, 2019, purportedly to 'protect' Muslim women, does nothing to address the structural gender inequality, social stigma, poor employment options, and lack of state support which actually cause the deprivations associated with divorce (and not just with triple talaq).

Second, socio-economic marginalisation and poverty may frequently make people susceptible to exploitation, whether through poorly paid/unpaid labour, trafficking and sex work, or indeed, begging. A criminal response to those who seek to take advantage of such vulnerability (but never the vulnerable themselves) might be appropriate, but it would amount to little more than lip service to the predicament of the exploited without accompanying welfare measures. In other words, it is important to ensure that pimps, brothel owners, and traffickers are held criminally liable for sexually exploiting a person. Equally important is to create alternative, wellpaying and dignified employment, to make such employment accessible by imparting requisite education and skills, and to have social security nets to ensure that no person feels that sex
work is their 'least worst' option. This is essential not only to prevent exploitative practices, but also to rehabilitate those who have been rescued (and/or those who would like an exit option) from such practices. To 'rescue’ a sex worker is meaningless unless they have a legitimate way out of such work, an option that is materially (not morally) better for them.

Focusing on the welfare aspect of exploitative practices also sheds light on structural forms of impoverishment, and on who is most likely to be exploited as a result. It is, thus, largely those marginalised and discriminated against based on gender, caste, class and even age who occupy the ranks of beggars, sex workers, bonded labourers, and child labourers. Such a focus also exposes the culpability of the state and society in creating or enabling the vulnerabilities of those prone to exploitation. This recognition is reflected in the apt remarks of the High Court in Suhail Rashid Bhat v. State of jammu \& Kashmir and Others (2019), "Begging is also in fact evidence of the failure of the Government as well as the society at large to protect its citizens from debilitating effects of extreme poverty and to ensure to them basics of food,
clothing，shelter，health，education， essential concomitants of the right to life ensured under Article 21 of the Constitution of India．＂

## CRIMINAL LAW FOR WHOM？

Finally，when evaluating the function or necessity of a criminalisation response to something that is essentially or even partly a welfare issue，it is crucial to question whose interests the law does，in fact，
serve．Does it help the vulnerable and／ or the exploited，or is it a tool of persecution？Does it cater to the morality and sensibilities of the powerful？Does it hide the failures of the state？Or is it a quick fix that allows the government to abdicate and divert attention away from its welfare responsibilities？Only by following these interests can we，as citizens， hope to hold the state accountable in its use of the power to criminalise conduct．
（Shraddha Chaudhary is Lecturer，Jindal Global Law School，Sonepat and a Ph．D Candidate（Law）at the University of Cambridge）

3 August，2021，
The Hindu．

## Make the mental well－being of teachers a priority

Kishore Darak \＆Tasneem Raja



It is now clear that COVID－19 caught us all by surprise．The school education sector in India too struggled during the novel coronavirus pandemic． While online learning for children has had its fair share of challenges， including Iearning loss，fatigue from online／learning to mental stress，there is another group that faced severe adversity－a group that has not been adequately considered in the general discourse－our teachers，who too struggled with meaningful pedagogies embedded in digital platforms．The pandemic－induced conditions posed several challenges which largely remained unnoticed．

## THE TWO SIDES

India has an estimated nine million teachers，but they are not a homogeneous group in India．There are extremes：those working in schools under the Union government with better qualifications，working conditions，salaries and systemic protection to those in／low－fee private schools with abysmally low salaries， poor working conditions and no systemic protection．Those in medium range，urban private schools faced a new type of＇bullying＇by being under constant＇watch＇of parents who pointed out even the tiniest mistakes， including variety in pronunciation in online classes．In addition to this，
under COVID-19 duty, their deployment in undertaking door-to-door COVID-19 survey, distributing immunity booster tablets, policing inter- and intra-district checkposts, managing queues outside fair price shops, keeping records in COVID-19 care facilities and, at times, disciplining queues outside liquor shops led them to a sense of 'loss of identity'.

This peculiar situation, juxta-posed with media reports suggesting that 'teachers drew salary without any work' led to much mental turmoil, a lowering of the self-image and selfrespect. Teachers were also under constant pressure to submit records of efforts made to keep learning 'alive'.

These efforts could neither be fully verified nor could their effectiveness be gauged. One of the main pain-points for teachers during the pandemic was a total cut-off from contact with children during the initial months and during and after the second wave.

## NOT JUST A PROFESSION

For many teachers, teaching is not just a profession but also the most rewarding work as interacting with young children and adolescents brings with it great pleasure and joy. Mental stress due to being cut-off from children fuelled by societal perception of the salary of teachers being a great burden led to some innovative responses from teachers to mitigate their own stress and pressure. For example, at Akole (Ahmednagar, Maharashtra), teachers started a COVID-19 care facility which is operational till date, with more than 650 patients cured and returning home. Such work, according to Bhausaheb Chaskar, a Zilla Parishad teacher and Convener of Active Teachers' Forum Maharashtra, is helping teachers rebuild their image under assault by vested interests and is also bringing a lot of so-lace, mental peace and meaningfulness to the community of teachers.

But, it is now increasingly clear that our children face a crisis in terms of their mental health and well-being. The silent pandemic of mental illhealth in adolescents and young people was brought to the fore globally by the pandemic. Teachers, as primary caregivers to children, influence the emotional environment of a classroom as well as the emotional and behavioural well-being of those in their care. The teacher's ability to navigate this responsibility is significantly shaped by their own mental health and well-being

## NEED FOR DESTIG MATISATION

Teachers, especially those working in high poverty environments and with marginalised groups, face an inordinate mount of job, stress, it is very important to recognise and validate their stress, bring it out and discuss it openly. School environments often embody the larger cultural milieu and discussing mental health and wellbeing might be stigmatised; recognising and addressing this stigma through a cogent set of policies at a systemic level will help schools create an environment where mental health can be discussed openly. Some steps that might be helpful include creating a
space where teachers can talk about their daily stressors and their wellbeing with their peers in a supportive environment. Community of Practice of teachers and teacher unions can take this up as an agenda of priority.

Including mental health, wellbeing and burnout management in teacher training programmes and refresher training will go a long way in prioritising mental health.

Systemic investments in school mental health allow for a creation of an environment focused on well-being, addressed through clearly defined policies on anti-bullying, redress of harassment and grievances, creating a support system of psychosocial services that teachers can access.

An objective recognition programme focused on the small achievements of teachers also goes a long way in building a culture focused on strengths.

If we want to be a thinking, forward-looking, advanced society sensitive of challenges, a society in which children are safe, secure and protected with professionally welltrained teachers who know the ways of mitigating newer challenges (including
mental health and the well－being of children），then there IS no alternative to making the mental health of our educators a priority．It is a very important first step in addressing the mental health and well－being of our children．Our acknowledgement of
systemic challenges created for teachers and our focus on teachers＇ well－being and mental health would perhaps ensure a safe and secure ＇future of our future＇．
（Kishore Darak works with the Education team of the Tata Trusts．
Tasneem Raja has over 22 years of experience in the health－care sector and has worked on a range of issues including non－communicable diseases， infectious diseases and maternal and child health）

11 December，2021，
The Hindu．

# Poverty in India is on the rise again 

Santosh Mehrotra \＆Jajati Keshari Parida



India has not released its Consumption Expenditure Survey （CES）data since 2011－12．Normally a CES is conducted by the National Sample Survey Office（NSO）every five years．But the CES of 2017－18 （already conducted a year late）was not made public by the Government of India．Now，we hear that a new CES is likely to be conducted in 2021－22，the data from which will probably not be available before end－2022．

Meanwhile，we know that the economy has been slowing for nine quarters prior to the outbreak of the novel coronavirus pandemic． Unemployment had reached a 45－year high in 2017－18，as revealed by NSO＇s Periodic Labour Force Survey（PLFS）．

## SUFFICIENT TO ESTIMATE CHANGE

India＇s labour force surveys， including the five－yearly Employment－ Unemployment Rounds from 1973－74 to 2011－12，have also collected consumption expenditure of house holds．The PLFS has maintained that tradition．While the PUS＇s questions on consumption expenditure are not as detailed as those of the CES，they are sufficient for us to estimate changes in consumption on a consistent basis across time．It enables any careful researcher to estimate the incidence of poverty（i．e．，the share in the total population of those below the poverty line），as well as the total number of persons below poverty．That is exactly what we do ill the table．

There is a dear trajectory of the incidence of poverty falling from 1973 to 2012. In fact, since India began collecting data on poverty, the incidence of poverty has always fallen, consistently. It was $54.9 \%$ in 1973-74; $44.5 \%$ in 1983-84; $36 \%$ in 1993-94 and $27.5 \%$ in 2004- 05 . This was in accordance with the Lakdawala poverty line (which was lower than the Tendulkar poverty line), named after a distinguished economist, then a member of the Planning Commission.

## Methodology

In 2011, it was decided in the Planning Commission, that the national poverty line will be raised in accordance with the recommendations of an expert group chaired by the late Suresh Tendulkar (then professor of Economics at the Delhi School of Economics). That is the poverty line we use in estimating poverty in the table. As it happens, this poverty line was comparable at the time to the international poverty line (estimated by the World Bank), of $\$ 1.09$ (now raised to $\$ 1.90$ to account for, inflation) person per day.

Based on the Tendulkar poverty line, the poverty estimates for 2004-05 and 2011-12 are to be found in the Planning Commission's own estimates using the CES of those years. Hence, we have ex- ended the 2011-12 poverty line for each State and used the consumption expenditure reported by the PLFS to estimate a consistent poverty head count ratio (i.e., incidence of poverty in the population) as well as the absolute number of the poor. We feel confident about using the PLFS, because in the absence of CES data, the PLFS can be used to estimate the incidence of poverty. It also collects the household monthly per capita consumption expenditure data based on the Mixed Recall Period methodology. Similar to the CES, the PLFS (PLFS annual report, 2019-20, page 6) also asks the household questions about expenses on health, clothing and bedding, education, footwear and consumer durables for a 365 day recall period - prior to the day of the survey; but for non-durable consumption goods/services - including expenses on food, housing and conveyance, etc. - its question expects a recall period of 30 days prior to the day of survey. We naturally updated the Tendulkar poverty line, using the Consumer Price Index far each State to 2019-20, to arrive at the estimate for the last year before COVID-19.

Relative and absolute poverty rose after 2012
Tracking poverty in India from 2005 to 2020

| Incidence of poverty | As per NSSCES data |  |  | As per PLFS |
| :--- | :--- | :---: | :---: | :---: |
|  |  |  | $2004-05$ | $2011-12$ | $2019-20$ |
| Poverty Head Count <br> Ratio(\%) | Rural | 41.8 | 25.7 | 30.5 |
|  | Urban | 25.7 | 13.7 | 15.5 |
|  | Total | 37.2 | 21.9 | 25.9 |
| Number of poor <br> (Million) | Rural | 325.8 | 216.7 | 270 |
|  | Urban | 81.4 | 53.1 | 71 |
|  | Total | 407.2 | 269.8 | 348 |
| Tendulkar Poverty Line <br> (MPCE in ₹) AU India | Rural | ₹446.68 | $₹ 816$ | $₹ 1,217.96$ |
|  | Urban | $₹ 578.8$ | $₹ 1000$ | $₹ 1,467$ |

An urban and rural rise What is stunning is that for the first time in India's history of estimating poverty, there is a rise in the incidence of poverty since 2011-12. The important point is that this is consistent with the NSO's CES data for 2017-18 that was leaked data. The leaked data showed that rural consumption between 2012 and 2018 had fallen by $8 \%$, while urban consumption had risen by barely $2 \%$. Since the majority of India's population (certainly over $65 \%$ ) is rural, poverty in India is also pre-
dominantly rural. Remarkably, by 2019-20, poverty had increased significantly in both the rural and urban areas, but much more so in rural areas (from $25 \%$ to $30 \%$ ).

It is also for the first time since the estimation of poverty began in India on a consistent basis, that the absolute number of poor has risen: from 217 million-in 2012 to 270 million in 2019-20 in rural areas; and from 53 million to 71 million in the urban areas; or a total increase of the absolute poor of about 70 million.

It is important here to recall two facts: between 1973 and 1993, the absolute number of poor had remained constant (at about 320 milion poor), despite a significant increase in India's total population. Between 1993 and 2004, the absolute number of poor fell by a marginal number ( 18 million) from 320 million to 302 million, during a period when the GDP growth rate had picked up after the economic reforms.

It is for the first time in India's history since the CES began that we have seen an increase in the absolute numbers of the poor, between 2012-13 and 2019-20.

The second fact is that for the first time ever, between 2004-05 and 2011-12, the number of the poor fell, and that too by a staggering 133 million, or by over 19 million per year. This was accounted for by what has come to be called India's 'dream run' of growth: over 2004 and 2014, the GDP growth rate had averaged $8 \%$ per annum a 10 year run that was not sustained thereafter. By contrast, not only has the incidence of poverty increased since then, but the absolute increase in poverty is totally unprecedented.

## THE CONTRIBUTORY FACTORS

The reasons for increased poverty since 2013 are not far to seek. While the economy maintained some growth momentum till 2015, the monumental blunder of demonetisation followed by a poorly planned and hurriedly introduced Goods and Services Tax, both delivered body blows to the unorganised sector and Micro, Small and Medium Enterprises. The economic slowdown followed. None of the four engines of growth was firing after that. Private investment fell from $31 \%$ inherited by the new government, to $28 \%$ of GDP by 2019-20. Public expenditure was constrained by a silent fiscal crisis. Exports, which had never fallen in absolute dollar terms. for a quarter century since 1991, actually fell below the 2013-14 level ( $\$ 315$ billion) for five years. Consumption stagnated and household savings rates fell. Joblessness increased to a 45 -year high by 2017-18 (by the usual status), and youth (15-29 years of age) saw unemployment triple from $6 \%$ to $18 \%$ between 2012 and 2018. Real wages did no; increase for casual or regular workers over the same period, hardly
surprising when job seekers were increasing but jobs were not at anywhere close to that rate．Hence， consumer expenditure fell，and poverty increased．
Santosh Mehrotra has recently edited＇Reviving jobs：An Agenda for Growth，2020＇． jajati Keshari Parida is Assistant Professor of Economics at the Central University of Punjab，Bathinda

4 August，2021， The Hindu．

# A Call for improving civil registration systems 

Gopalan Balagopal \＆K．Narayanan Unni



A working paper for the Center for Global Development，co－authored by former Chief Economic adviser Arvind Subramanian，concludes that excess deaths during the pandemic period could be as high as 49 lakh in India as against the 4．14lakh reported in government data．The Hindu has come out with estimates of excess deaths based on Civil Registration System（CRS）data for many States which showed that the death toll was several times higher than the official death toll due to COVID－19．Such discrepancies have been reported from other countries including the U．S．and Europe－though they may not have been of such magnitude．

## CAPTURING

EXCESS

## MORTALITY

＇Excess deaths＇are defined as the difference between the observed number of deaths in specific time periods and the expected number of deaths in the same time periods．At the time of a pandemic，when the normal system is disrupted，it is not likely that every person who dies could have been tested for COVID－19 or the death could have been mistakenly assigned to some other cause．

Soumya Swaminathan，Chief Scientist at the World Health Organization，has tweeted in this connection：＂For every country，it＇s important to capture excess mortality only way to prepare the health system for future shocks \＆to prevent further
deaths. It's also why we need to invest in strong civil registration and vital statistics, so policies can be adjusted based on real data".

Section 19 of the Registration of Births and Deaths Act, 1969, stipulates that the State governments have to "publish for the information of the public a statistical report on the registered births and deaths during the year at such intervals and such form is may be prescribed". The Act also stipulates that the deaths be registered at the place of occurrence.

In India, the annual report for 2019 that is based on the data provided by the Chief Registrars has been released though the States themselves have not published the data. According to the Rules, these were to be submitted by the Chief Registrars to the State governments by July 31, 2020 and published within five months thereafter. Considering that technology enables the States to release data on the number of deaths registered on a monthly, weekly or daily basis, it is shameful that in some States researchers had to use the Right to Information law to obtain data on
the number of deaths registered. What stands in the way of our ability to record deaths and bring out reports that are of critical importance today?

## COMPLICATING FACTORS

Let us look at the organisational structure of the administrative machinery that is responsible for this task. While the Registrar General, India, is the head of the national organisation tasked with the registration of births and deaths, the actual work is carried out by the State and Union Territory (UT) administrations. The heads of the State organisations are called Chief Registrars. These officers come from the Health Department in 21 States/ UTs and the Department of Planning, Economics and Statistics in 13 States/ UTs. In two States/ UTs, they are from the Panchayat/Local Administration Departments. We also have Secretaries to the State government functioning as Chief Registrars in a few States. The multiplicity of agencies responsible for the registration of births and deaths is replicated at the district and lower levels with municipalities and
panchayats playing a major role in registration. This impedes effective oversight. Also, the traditional bureaucratic practice is to function within departmental silos.

Another complicating factor is that civil registration involves good coordination between different actors. The responsibility to report births and deaths to the Registrar rests with the hospital where the event occurred or with the head of the household if it occurred at home. The Registrar then provides them with a legal document (the birth or death certificate) that is the evidence for registration. The Registrar could be a full-time government employee, or a medical officer in a hospital or a health centre, or the secretary of a local panchayat or municipality as appointed by the State government. In case of deaths occurring in public places, other agencies like the police or the local government would need to be involved. The State governments have not given adequate attention to the CRS. This has resulted in an inadequate budget for carrying out its regular activities including processing
of the data. The data needed to establish 'excess deaths’ originates from the processes described briefly above. The information on deaths registered are compiled at regular intervals by the Chief Registrar. Dissemination of this data is neglected to such an extent that the Health Departments, including the States where they are in charge of the system, are generally not aware of this data.

All the agencies involved in the processes of civil registration will need to coordinate their activities seamlessly to ensure that the civil registration work is carried out efficiently. Committees established at the State, district and local government levels to ensure coordination meet rarely and the challenges of coordination continue to be a major issue in most parts of the country.

## Strengthening the system

The first step that needs to be taken to address this is to accord high priority to strengthening civil registration and generation of vital statistics. The top level of the leadership at the Central and State governments must announce a timebound commitment to achieve $100 \%$ registration of deaths in the country.

While eleven States register more than $90 \%$ of deaths, they do not include several of the larger states including Madhya Pradesh, Telangana, Uttar Pradesh and Bihar. Uttar Pradesh registered $63 \%$ of the deaths and Bihar registered only $51.6 \%$, according to the 2019 report of the Registrar General, India.

Vital Statistics Reports that the government is required to publish are expected to meet a standard that is set by the UN Statistics Division, which seeks to ensure that all national reports are produced in a way that they can be internationally comparable. Apart from the problem that our reports are overdue, they do not contain all the tables that are prescribed even under
our own Rules. Data include deaths that took place in previous years but are registered in the years that the report is published. This distorts the accuracy of the report. Some reports do not cover some major areas in the country. For instance, the Kerala report does not include data for Kochi Corporation.

We need data that fully meets quality standards. This is what the pandemic has called on us to do. We need to use this as an opportunity to mend matters in this critical area of public concern and swiftly assign resources and give high priority to make the changes that are badly overdue in all States and UTs.
(Gopalan Balagopal is a former civil servant and continues to work on Civil Registration and Vital Statistics Systems, primarily in Africa. K. Narayanan Unni is a statistician and former Deputy Registrar General (CRS))

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## TOWARDS A MORE HUMANE POLICE FORCE

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regime in police stations．

## DEATHS IN POLICE CUSTODY

Deaths in police custody are indeed a matter of grave concern．Each such death must be seriously inquired into，to unravel the truth．National Crime Records Bureau（NCRB）data reveal that though the number of custodial deaths varies year to year，in average of about 100 custodial deaths have taken place every year between 2010 and 2019．Of them，about 3.5 persons allegedly died due to injuries caused by policemen， 8.6 while escaping from custody， 28.1 due to suicide，and the rest due to various reasons like illness and injuries caused in road accidents．A judicial inquiry， which is mandatory for every suspicious custodial death，was
conducted in 26.4 cases. Though every death in custody needs to be prevented, suspicious deaths which bring disrepute to the police system must be rooted, out completely.

The foremost measure to reduce instances of custodial violence is to reduce the number of arrests. The law on arrest says that arrest for offences punishable up to seven years of imprisonment should be made only when the police officer is satisfied that such arrest is necessary to prevent the person from tampering with evidence, to prevent the person from committing any further offence, etc. The Supreme Court held that each arrest must be necessary and justified, having the authority to arrest is alone not sufficient. In Arnesh Kumar v. State of Bihar (2014), It was held that despite the offence being non-bailable under Section 498A of the Indian Penal Code (IPC), which relates to torture for dowry, arrest is not mandatory as per Section 41 of the Code of Criminal Procedure (CrPC). In Special Action Forum v. Union of India (2018), the Court further held that the police officer shall furnish to the magistrate the reasons and materials which
necessitated the arrest for further detention of the accused. The purpose of theses checks is to ensure that the police does not abuse the power of arrest.

NCRB data show that the ratio of the number of arrests to the number of IPC offences has decreased from 1.33 in 2010 to 0.96 in 2019 and despite an increase in total IPC offences, the actual number of arrests has reduced by more than five lakh in the last five years. Though the arrests in the previous years' cases may increase to some extent, it is hoped that violence in custody will `checked if the amended law is implemented in letter and spirit.

The National Police Commission (1977-81), the Law Commission in its 154th report (1996) and the Malimath Committee Report (2003), among others, and the Supreme Court in Prakash Singh v. Union of India (2006), have recommended that the investigating police should be separated from the law-and-order police to ensure better expertise in investigation. It was suggested that the separation start in towns which have more than 10 Lakh population. It is
believed that a separate wing will do more professional investigation and will not use unwarranted methods to, extract confession from the accused. The Central Bureau of Investigation and the National Investigation Agency have already earned the reputation of the country's premier investigation agencies. Though efforts have been made by some States in this direction, more resources are required in policing to implement the Court's directions.

One of the alleged reasons for using extreme methods is to extract a quick confession from the suspect. Though the total police force has increased in the last five years, the civil police mostly remains over- stretched. Therefore, unless investigating officers are increased in proportion to the number of serious offences, the quality of investigation may suffer, and the Malimath Committee's recommendation that an investigating officer should preferably investigate no more than 10 cases every year will continue to remain a dream. Similarly, with the increase of newer types of crime like white collar crime and cybercrime,
subject experts are needed to assist the police in the investigation.

It cannot be denied that much has changed in the police consequent to judgment in D.K. Basu v. State of West Bengal (1996). In that case, the Supreme Court laid down guidelines to check custodial torture and increase transparency and responsibility of the police officer effecting arrest. Most of these guidelines such as providing information to a friend or relative about the arrest, medical exanimation; and permission to meet a lawyer have now been incorporated in the CrPC . Investigating officers mostly comply with them.

Further, in order to check the violation of human rights, CCTV cameras have been installed in police stations. In Paramvir Singh v. Baljit Singh (2020), the Supreme court has directed States to cover more area of each police station under CCTV cameras and have storage facility of audio-video recording for 18 months. An independent committee shall study the footage and periodically publish reports of its observations. Thus,
sufficient steps are being taken to ensure that the abuse of human rights is minimised．

Custodial death is perhaps one of the worst crimes in a civilised society governed by the rule of law．The guilty，therefore，must be punished severely for his misconduct and criminal act．NCRB data show that on average about 47.2 criminal cases were registered annually against policemen in last 10 years．Departmental action against errant officers is a rule in the police force，rather than an exception． The National Human Rights Commission also oversees deaths in custody due to human rights violations and recommends compensation in appropriate cases．

## PROTECTING RIGHTS

The police officers must know that their mandate is to protect human rights and not violate them．They need to be sensitised regularly and
encouraged to employ scientific tools of interrogation and investigation like the lie detection test，narco test and brain finger printing test．

The Home Ministry has recently linked the＇police modernisation scheme＇with police reforms．Unless sufficient action is taken by the State governments and the police authorities， incentives in the form of additional funds will not be released．

The CJI＇s suggestion to install display boards on human rights to disseminate information about the constitutional right to legal aid and availability of free legal aid services may deter police excesses．Our commitment to the protection of human rights is unconditional and total．Many steps have been taken so far check custodial violence and no stone shall be left unturned to eliminate such violence in toto．

> (R.K. vij is a senior IPS officer in Chhattisgarh)

30 August，2021， The Hindu．

# A NEW JURISPRUDENCE FOR POLITICAL PRISONERS 

Kaleeswaram Raj



A Judgment of the Supreme Court of India on October 28， 2021 has immense potential to reclaim the idea of personal liberty and human dignity． In Thwaha Fasal vs Union of India， the Court has acted in its introspective jurisdiction and deconstructed the provisions of the Unlawful Activities （Prevention）Act（UAPA）with a great sense of legal realism．This paves the way for a formidable judicial authority against blatant misuse of this draconian law．

## The background

In this case from Kerala，there are three accused．The third among them is absconding．The police registered the case and later the investigation was handed over to the National

Investigation Agency（NIA）．The accused were in their twenties when arrested on November 1，2019．During the investigation，some materials containing radical literature were found，which included a book on caste issues in India and a translation of the dissent notes written by Rosa Luxemburg to Lenin．There were also leaflets that were allegedly related to Maoist organisations．

Thus，the provisions of the UAPA were invoked．Against the first accused，Allen Shuaib，offences under Sections 38 and 39 of the UAPA and 120B of the Indian Penal Code（IPC） were alleged．Section 38 deals with ＂offence relating to membership of a terrorist organisation＂and Section 39 deals with＂offence relating to support given to a terrorist organisation．＂

Section 120 B of the IPC is the penal provision on criminal conspiracy. Against the second accused, Thwaha Fasal, over and above these charges, Section 13 of the UAPA was alleged which is the provision about punishment for unlawful activities. Both the accused were students and there were no allegations of any overt act of violence. According to the accused, the charges were an attempt to label them as terrorists, based on the intellectual and ideological inclinations attributed to them.

## Judicial trajectory

The case had a curious trajectory. After initial rejection of the pleas, the trial judge granted bail to both the accused in September 2020. By that time, the students had completed more than 10 months in prison. The High Court, in appeal, while confirming the bail of Allen, chose to set aside the bail granted to Thwaha. The matter then reached the Supreme Court. The Supreme Court, after a comprehensive examination, upheld the trial judge's finding that the materials, prima facie, do not show any "intention on the part of both the accused to further the activities of the terrorist organisation". It found fault with the High Court for
not venturing to record, prima facie, findings regarding charges against Thwaha, whose bail was set aside by the High Court. The top court confirmed the bail granted to both the students. Now, they have been set free.

The Supreme Court was emphatic and liberal when it said that mere association with a terrorist organisation is not sufficient to attract the offences alleged. Unless and until the association and the support were "with -intention of furthering the activities of a terrorist organisation", offence under section 38 or 39 is not made out, said the court. Mere possession of documents or books by the accused at a formative young age, or even their fascination for an ideology, does not ipso facto or ipso jure make out an offence; the Court ruled.

The judgment can act as an effective admonition against a suppressive regime. It also exposes the hypocrisy of the law, the UAPA. Section 43D(s) of the UAPA says that for many of the offences under the Act, bail should not be granted, if "on perusal of the case diary or the report (of the investigation)... there are reasonable grounds for believing that the accusation ... is prima facie true".

Thus, the Act prompts the Court to consider the version of the prosecution alone while deciding the question of bail. Unlike the Criminal Procedure Code, the UAPA, by virtue of the proviso to Section 43D (2), permits keeping a person in prison for up to 180 days, without even filing a charge sheet. Thus, the statute prevents a comprehensive examination of the facts of the case on the one hand, and prolongs the trial indefinitely by keeping the accused in prison on the other.

## Presumption of guilt

Instead of presumption of innocence, the UAPA holds presumption of guilt of the accused. Section 43E of the Act expressly says about "presumption as to the offences". According to section 43D(5), jail is the rule and bail is often not even an excemption. The Court, Thwaha Fasal, refused to construct this Section in a narrow and restrictive sense. This analysis has to some extent, liberalised an otherwise illiberal bail clause. In the process, the Court has also tried to mitigate the egregious error committed by a two-judge Bench of the Supreme Court in National Investigation Agency vs Zahoor Ahmad Shah Watali (2019)
that interpreted the same provision.
In Zahoor Ahmad Shah Watali, the Court said that by virtue of Section 43 D (s) of UAPA, the burden is on the accused to show that the prosecution case is not prima facie true. The proposition in Zahoor Ahmad Shah Watali is that the bail court should not even investigate deeply into the materials and evidence and should consider the bail plea, primarily based on the nature of allegations, for, according to the Court, Section 43D (s) prohibits a thorough and deeper examination. As such, in several cases, bail pleas were rejected relying on Zahoor Ahmad Shah Watali, despite the strong indications that the evidence itself was false or fabricated. Many intellectuals including Sudha Bharadwaj and Siddique Kappan were denied bail based on a narrow interpretation of the bail provision as done in Zahoar Ahmad Shah Watali. Stan Swamy was another victim of this provision and its fallacious reading.

The top court has now altered this terrible legal landscape. For doing so, the Court also relied on a later threejudge Bench decision in Union of India vs K.A. Najeeb (2021). In K.A.

Najeeb，the larger Bench said that even the stringent provisions under Section 43 D （s）do not curtail the power of the constitutional court to grant bail on the ground of violation of fundamental rights．

The text of the draconian laws sometimes poses immense challenge to the courts by limiting the space for judicial discretion and adjudication． This is more evident in the context of bail．The courts usually adopt two mutually contradictory methods in dealing with such tough provisions． One is to read and apply the provision literally and mechanically which has the effect of curtailing the individual freedom as intended by the makers of the law．In contrast to this approach， there could be a constitutional reading of the statute，which perceives the issues in a human rights angle and tries to mitigate the rigour of the vicious content of the law．The former approach is reflected in Zahoor Ahmad Shah Watali and the latter in Thwaha Fasal．In Thwaha FasaI，the Court has
asserted the primacy of judicial process over the telt of the enactment，by way of an intereptive exercise．

## DELHI RIOTS CASE

On June 15，2021，the Delhi High Court granted bail to student activists Natasha Narwal，Devangan Kalita and Asif Iqbal Tanha who were charged under the UAPA for alleged connections with the Delhi riots．In an appeal by the Delhi police， unfortunately，the Supreme Court said that the well－reasonable judgment of the High Court shall not be treated as a precedent．

The Thwaha Fasal judgment has， by implication，legitimised the methodology in the Delhi High Court verdict that ventured to mine the content of the charge instead of swallowing the prosecution story．It is this judicial radicalism that builds an emancipatory legal tool．The judgment should be invoked to release other political prisoners in the court who have been denied bail either due to the harshness of the law or due to the follies in understanding the law or both．

8 November 2021，
The Hindu．

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## Going back to the foundation of the Republic

Dr. Shashi Tharoor, MP



The recent speech by Congress leader Rahul Gandhi in Jaipur, drawing a distinction between Hinduism and Hindutva, echoes arguments that have become familiar in recent years, as Bharatiya janata Party (BJP) rule has given broad currency to the idea of India as a Hindu nation and in turn provoked a backlash from secularists. But in fact the issue raises a debate that goes back to the very foundation of the Republic, and to the heart of the questions our Constitution sought to answer.

## A new understanding

The most important contribution of the Constitution to Indian civic nationalism was that of representation centred on individuals. As the legal scholar, Madhav Khosla, explains in his impressive book of legal history,

India's Founding Moment, the political apparatus of establishing a constitutional democracy in postcolonial India - a land that was poor and illiterate, divided by caste, creed, geography and language, and burdened by centuries of tradition involved asking Indians to have a new understanding of authority. They would be liberated from British imperial despotism through submission to a new idea of Indianness that saw them as equal agents.

The founders of the republic chose-as the chairman of the Constitution's Drafting Committee, Dr. B.R. Ambedkar, recognised - to impose a liberal Constitution upon a society which was not liberal, hidebound as it was by traditional customs and entrenched prejudices
relating to caste, religion, and social hierarchies. They saw the principles of liberal constitutionalism - the centrality of the state, non-communal political representation, and so on as essential to Indian democracy. In keeping with contemporary liberal thought, they committed India to a common language of the rule of law, constructed a centralised state, but instituted a model of representation whose units were individuals rather than groups. This was an attempt to free Indians from their prevailing understanding of their place in society and to place citizens in a realm of individual agency and deliberation that was appropriate to self-rule.

That was never going to be easy Constitutions are, as Ambedkar pointed out, tools to control and restrain state power. The challenge lies in reconciling restrictions on state power with popular rule to prevent temporary majorities (since in a democracy, a majority is temporary, though some people forget that) from completely undoing what the Constitution has provided. The founders of the Indian republic held a conception of
democracy that went beyond majority rule. They subordinated politics to law. As Ambedkar put it, the rights of Indian citizens could not 'be taken away by any legislature merely because it happens to have a majority'.

## Basis of representation

It is particularly striking, in today's context, that the Constitution makers explicitly rejected the nation of religion playing any role in citizenship, arguing that each individual voter exercised agency in the democratic project and should not be reduced to the pre-existing loyalties of religious affiliation. This was far removed from the assumptions that have animated the BJP's Citizenship (Amendment) Act and their threat to introduce a National Register of Citizens. The Constitution granted representation not to one's predetermined religious identity but to one's individual expression of political agency. That was why the individual vote was so important. Democratic politics could not be reduced to the advocacy of pre-set interests.

At the same time, the Constitution acknowledged group rights, such as the right of religious denominations to establish and maintain institutions for religious and charitable purposes (Article 26(a)), or the right of a 'section of the citizens' to conserve a distinct language, script or culture (Article 29 (1)). There were also provisions to protect the interests of Scheduled Tribes (Article 19(5)) and a specific provision in Article 25 stating that a 'heavy responsibility' would be cast on the majority to see that minorities feel secure. But though the Constitution recognised groups as bearing constitutional rights, Justice Dhananjaya Y. Chandrachud of the Supreme Court of India has argued (in his Justice P.D. Desai Memorial Lecture last year) that this 'was nested in the understanding that membership of groups had a unique role of crafting and determining individual identity .. In elevating groups as distinct rights holders as well as empowering state intervention to address historical injustice and inequality perpetrated group membership, the framers located liberalism within the pluralist reality of India and conceptualized every
individual as located at an intersection between liberal individualism and plural belonging ... At the time of its birth, the nation was conceptualized as incorporating its vast diversity and not eliminating it.'[emphasis added].

## Privileging the individual

This ability to recognise groups and yet adjudicate the rights their individual members, and the adaptability of the Constitution to the ever-changing realities of national life, have effectively made it a vehicle of social change. But the leitmotiv, from the start, remain privileging the individual citizen above the group.

It is striking, for instance, that the Constituent Assembly rejected separate electorates, weighted representation, and reservations on the basis of religion. Sardar Vallabhbhai Patel, in his capacity as Chairman of the Advisory Committee on Minorities and Fundamental Rights, wrote to the President of the Assembly, Rajendra Prasad, to explain that differentiated citizenship on the basis of religion had already been tried in the colonial era and had led to Partition.

The answer lay in moving away from a representative frame work that recognised identities that were regarded as stable and fixed, and towards a model of citizenship centred on the political participation of individuals. Such a model would allow the categories of majority and minority to be constantly defined and redefined within the fluid domain of politics and it would thereby offer the greatest form of security to all citizens.

## Key debate

The key intellectual division among the Constitution-makers, therefore, was not between those who wanted a united territorial India and those who did not; that issue was settled by Partition, which occurred soon after the Assembly began its work. The key debate in the Constituent Assembly was between those who wanted to assert a conception of individual citizenship in India that went beyond immutable identities (like religion or caste) and those who insisted on Indian nationhood being defined as a confederation of such inescapable identities. Many nationalists who
argued passionately out-side the Constituent Assembly for a united India nonetheless thought that India was indeed a collection of distinct communities, who could flourish together in amicable co-existence. But the Constituent Assembly, led by Nehru and Ambedkar, went in the opposite direction, consciously opting for individual citizenship as the root of nationhood, transcending the limitations that India's communities imposed on their members.

Ambedkar made this clear: `I do not believe there is any place in this country for any particular culture, whether it is a Hindu culture, or a Muhammadan culture or a Kanarese culture or a Gujarathi Culture. There are things we cannot deny, but they are not to be cultivated as advantages, they are to be treated as disadvantages, as something which divides our loyalty and takes away from us our common goal', he argued. `That common goal is the building up of the feeling that we are all Indians. I do not like what some people say, that we are Indians first and Hindus afterwards or Muslims afterwards, I am not satisfied with that

I do not want that our loyalty as Indians should be in the slightest way affected by any competitive loyalty， whether that loyalty arises out of our religion，out of our Culture or out of our language．I want all people to be Indians first，Indians last and nothing else but Indians ．．．＇

## Divided between two ideas

This fundamental difference of opinion－whether people are Hindus or Muslims first，or Indians first－continues to haunt our politics today．The nationalist movement was divided between two ideas；that held by those who saw religious identity as the determinant of their nationhood，and
those who believed in an inclusive India for everyone，irrespective of faith，where rights were guaranteed to individuals rather than to religious communities．The former became the Idea of Pakistan the latter the Idea of India．Pakistan was created as a state with a dominant religion，a state that discriminates against its minorities and denies them equal rights．But India never accepted the logic that had partitioned the country：Our freedom struggle was for all，and the newly independent India would also be for all．Reducing India to a Hindu Rashtra would be repudiation of that essential conception of India，the India that our founding fathers fought to free．
（Shashi Tharoor is a third－term Member of Parliament（Congress） representing Thiruvananthapuram and an award－winning author of 23 books， including most recently，Pride，prejudice and Punditry）

15 December 2021，
The Hindu．

## Mediation Bill : Not getting the Act together

Sriram Panchu



Over the last 15 years, the dispute resolution landscape in India has undergone significant change with the advent of mediation. To house this consensual creature in the same stables as thorough breds of adversarial litigation and arbitration was a challenge, and even more to ensure that they got on reasonably well, working in tandem in inventive ways like arbitration-cummediation and vice versa.

It seems to be the way of the world that when something becomes prominent, there must be a law to regulate it. And so with mediation. While scattered mention was made of its use in several statutes, including commercial and consumer disputes, there was no comprehensive statute providing for all dimensions of the mediation process and its practice.

Such a need was articulated in several quarters, notwithstanding doubters and dissenters who insist that regulation will kill the free spirit that mediation embodies. A group of senior mediators was set up by the Supreme Court Committee in charge of courtannexed mediation process, and over a period of several months, a draft Bill emerged which then started to make its way through the labyrinthine processes of governmental and legislative mandarins. The resultant Bill titled the Draft Mediation Bill 2021, slated for presentation now to Parliament, bears no resemblance to the original in some crucial places. It reminds the mediation community of an old Clint Eastwood film - the Good, the Bad, and the Sad (tweaked).

## The good

The Bill recognises that mediation has come of age and needs to be treated as a profession, which is a huge improvement over the part-time honorarium basis it has in the courtannexed mediation schemes. The Bill acknowledges the importance of institutes to train mediators, and service providers to provide structured mediation under their rules. It provides for pre-litigation mediation. This is quite a remarkable step, but is designed to be easy to implement. Parties are required to have at least one substantive session with the mediator where the process is explained to them. Thereafter they are free to continue or terminate the mediation and follow the litigation path if they so decide. Further, if any urgent interim order is needed, they can bypass mediation at the first stage and return to it after resolving the interim relief issue.

Another plus is that the Bill does away with the confusion emanating from using both expressions "mediation" and "conciliation" in different statutes by opting for the former in accordance with international practice, and defining it widely to include the
latter. It recognises online dispute resolution, a process that is going to move mediation from the wings to centre stage in a world that COVID-19 has changed. It provides for enforcement of commercial settlements reached in international mediation viz between parties from different countries as per the Singapore Convention on Mediation to which India was a notable signatory. The Convention assures disputants that their mediation settlements will be enforced without much difficulty across the world, unlike the fresh headaches that the litigative decree or arbitration award present at the time of enforcement.

## The Bad

Leading in from the last point, it is expected that this Bill would make India a hub for international mediation in the commercial disputes field, and indeed institutions are being opened for this purpose. Exactly the reverse may happen. This is because the Bill unwisely treats international mediation when conducted in India as a domestic mediation. The settlement under the latter is given the status of a judgment or decree of a court. Now, that is excellent for cases between Indian
parties, but disastrous when one party is foreign. The reason is that the Singapore Convention does not apply to settlements which already have the status of a judgment or decree. Ergo, if you conduct your cross-border mediation in India, you lose out on the tremendous benefits of worldwide enforceability. In sum, go to Singapore or Sri Lanka or anywhere else other than' India to conduct your mediation. If this drafting mismatch is not remedied, dreams of our robust hubs and ease of doing business in India are neatly nipped in the bud.

Then comes the governing mechanism, the Council. It has three members: a retired senior judge, a person with experience of Alternative Dispute Resolution (ADR) law and an academic who has taught ADR. This is an all-powerful body which regulates, certifies, accredits, plans, governs, etc., and it doesn't have a single mediator. Judging from the fact that these are full-time members, it is clear that none of them will be active practitioners. Most likely we are looking at sinecures for the bureaucratic and academic world. Certainly this Bill will be unique where a profession is being regulated without a single professional on the regulator. Try doing that to
lawyers, doctors and accountants. And one more lapse - this is the field of dispute resolution, the judiciary's domain, so how come the Chief Justice of India is not in the picture for making appointments?

Then there is a long list of disputes which should not be mediated. Some of them look understandable at first sight but unnecessary -at second. Fraud, for example. It is standard practice in litigation to make as many and as serious charges as possible; that doesn't prevent parties from settling, and these accusations are disposed of by retraction or apology or simply ignored. In cases involving minors' or persons of unsound mind, the law provides for the court to pass orders to protect them. All that is necessary is to provide that any settlement of disputes involving them needs the court's approval, not to deny the possibility of a beneficial mediated settlement. Patents and copyright cases settle on commercial terms leaving untouched the validity of the grant, so why deny this possibility and consign the parties to litigative longevity? In the case of telecom, why can't manufacturers and service providers and consumers be allowed to talk and resolve issues?

## The sad

Why can＇t we get our act together to get the Mediation Bill in good shape？Why can＇t all the stakeholders get this Bill together？Mediators， lawyers，judges have applied their minds to a considerable degree．To be fair to the government，it did call for comments on the draft Bill．What is missing is the element of focused and engaged discussion after comments are
sent．It is as though a wall has been erected and no one knows what is going to emerge．We all have a common purpose：to place mediation strongly in our legal landscape，and place India prominently in the world＇s mediation landscape．Even if it takes more discussion and consideration amongst all stakeholders，let that be done．It is for Parliament now to do the needful．We should not settle for less．
（Sriram Panchu is Senior Advocate and President，Mediators India．）

8 December，2021，
The Hindu．

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# THE SHAKY FOUNDATION OF THE LABOUR LAW REFORMS 

K. R. SHYAM SUNDAR



The National Democratic Alliance government enacted the Code on Wages (https://bit.ly/3fMraIj) in August 2019 and the other three Codes, viz., the industrial Relations Code, the Occupational Safety, Health and Working Conditions Code and Code on Social Security (CSS) in September 2020. Later, it had framed the draft rules albeit incompletely under all the codes incompletely because the rules have not covered some aspects of the Codes, e.g. rules regarding recognition of central trade unions have not been framed so far.

## A RUSHED EXERCISE

Controversies surround the processes of the enactment of codes and the framing of rules. The Government has held only symbolic and partial
consultation with the central trade unions. The three codes were passed in Parliament even as the Opposition parties, otherwise insignificant, boycotted the proceedings. The tearing hurry in which the Government carried out the reforms even during the COVID19 period gave tremendous hope to employers and potential investors. It announced its intentions of implementing the Codes from April 1, 2021 even as State governments were completely unprepared with the rules. Further, the major political parties reallocated their energies to regional elections rather than the implementation of codes. Symbolically, labour law reforms have been affected and the government can boast of it. Since the Government has not shown serious intent to implement the
codes, the NDA government effected reforms to boast that it has executed the long-pending reforms; simply put, it is more symbolic rather than a meaningful act.

## COURT DIRECTIVES

The central government has deferred the possible date of implementation to October 1,2021, again tentatively. In the meanwhile, the Supreme Court of India has exerted pressure on both the central and the State governments to implement a 'one nation, one ration card' (ONOR) scheme and register all the unorganised workers under the National Database for Unorganized Workers (NDUW), which was to have been done by July 31, 2021. Government agencies are rushing to comply with both the directives. In ONOR, Aadhaar seeding and the universal availability of an electronic point of sale (EPOS) system are necessary. And for the NDUW, it has to register each of the approximately 400 million workers, a conservative figure.

Perhaps, the Supreme Court passed such an extraordinary perhaps impracticable order following the hesitancy in early 2020 to provide relief to suffering migrant workers following
the national lockdown. The governments did not honour the Supreme Court's orders relating to the registration of construction workers for many years. So, it has a bad track record. One is not sure when governments would comply fully and well with the Supreme Court's orders: Unorganised workers Including migrant workers will continue to be deprived of their promised and extended entitlements.

## GOVERNMENT'S LINE VS REALITY

The Government said the codes would extend universal minimum wages and social security, enable enhanced industrial safety and the provision of social security to gig workers, among other things. The Industrial Relations Code provides for recognition of trade union(s) by employers, a labour right that eluded workers for seven decades. On the other hand, employers celebrated the extension of tremendous flexibility to them, even those unasked, such as relief from framing standing orders for most firms. But do they enjoy these benefits?

On August 3, 2021, I browsed the Simpliance website (a law portal) to assess the record of State governments
regarding rules under the codes. It was a revelation to find that major States such as Tamil Nadu, Kerala, West Bengal, Maharashtra, Haryana and Delhi have not issued the draft rules under any codes. Karnataka, Gujarat and Jharkhand have framed Rules for the Code on Wages and the Industrial Relations Code. Madhya Pradesh, Chhattisgarh, Uttar Pradesh, Uttarakhand and Punjab have framed rules for all the codes. Even though the Code on Wages was enacted in August 2019, it was only in March 2021 that the central government notified the constitution of an advisory committee. On June 3, 2021 it also announced an expert committee with a tenure of three years to advise it on minimum wages. Then, on July 12, 2021, it announced that the wage index's base year would be shifted from 1965 to 2019 to use the revised wage index to determine minimum wages. The Government seems to be clueless regarding the implementation of minimum wages.

## POOR SAFETY RECORD

The incidence of major industrial accidents has remained undiminished even during the COVID-19 period. For instance, Industrial reported that between

May to June, 32 major industrial accidents occurred in India, killing 75 workers (https://bit.ly/3ApxvRV). The media reported four accidents in Vizag during 2020. Safe in India's annual reports, CRUSHED, for 2019 and 2020, provide a disturbing picture of industrial accidents in the automobile industry in the Gurgaon region (https://bit.ly/ 3CxPfwv). Industrial safety continues to be a grave concern. Even after the enactment of the Occupational Safety, Health and Working Conditions Code.

According to several research reports, COVID-19 intensified informality, led to the withdrawal of workers from the labour market, reduced earnings, increased unemployment and widened inequality. The non-statutory floor level minimum wage remains a meagre ₹178 still even as Wholesale Price Index-inflation rates have galloped to $12 \%$ in June 2021. The Government's relief measures to workers, especially unorganised and migrant workers and even to the so-called organised sector workers, are too meagre to make any difference. It did not implement the widely endorsed measure of direct benefit transfer at least for low-income families.

## IN PERSPECTIVE

Thus，we see two aspects concerning labour market governance in India．One， the Government has failed to provide legal visibility to millions of unorganised and migrant workers，even after decades， and despite direction by the highest court in the land．Two，despite the gazetting of four Codes，age－old laws are in force． Thus，they reflect poorly not only on the governance abilities of the governments but also on the countervailing power of the Opposition parties．Were the labour law reforms rushed with little or no
debate and consultation whatsoever，only to remain in the gazette books？ Employers and workers cannot enjoy the so－called benefits extended by the codes．

Given the facts mentioned above， the legislative impasse continues；one does not know how long it would be． However，India would score impressively on the ease of doing business exercise by any agency including the World Bank by the mere execution of labour reforms without them being implemented：what else then is needed！

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'GO BACK TO COMMITTEES' IS THE FARM LAWS LESSON

## P.D.T. ACHARY



The Prime Minister's apology to the nation for not being able to convince a section of the farming community about the real intent of the Government in enacting the farm legislations is unprecedented. But it is not clear why it was an apology to the nation when only a section of the farmers could not be convinced. And then the apology is not for enacting the three farm laws or causing enormous suffering to the farmers. In any case it appears that the farmers have clearly understood the intent; and that is the reason why they did not go back to their farms until the laws are repealed. Now that the Prime Minister has informed the nation that the Government is going to repeal these laws, the farmers are understandably jubilant over their victory. This victory indeed
takes india's politics to a new phase, a phase of robust non-political movements with a certain staying power. We do not know ultimately what transformation it will bring to India's jaded politics. But one thing becomes clear. The prolonged non-violent agitation by the determined farmers and the final capitulation by a very powerful Government augur well for India's democracy.

## Trajectory and intent

The trajectory of the three farm laws clearly shows the real intent of the Government. These were brought in first as ordinances which was quite perplexing. First, these laws have a farreaching impact on the farmers and it was very improper and quite unwise to push them through without taking the farmers into confidence.

Second, under Article 123 of the Constitution the President can legislate on a matter when there is great urgency in the nature of an emergency and the sitting of Parliament is quite some time away. Farm laws which make radical changes in the farm sector and affect the life of farmers in very significant ways do not have the kind of urgency which necessitates immediate legislation through the ordinances. Obviously, someone not very familiar with the working of Parliament must have advised the Government to take the ordinance route in order to avoid the standing committees' scrutiny. It is a wrong impression that Bills which are brought to replace the ordinances are not or cannot be referred to the standing committees of Parliament. There is no such restriction. The Speaker/Chairman has the authority to refer any Bill except a money Bill to the standing committees.

## It was being adventurous

These farm Bills should have been referred to the standing committee on agriculture for a detailed scrutiny. The committee could have held
comprehensive discussions with the farmers. They would have thus got an opportunity to present their views before the committee and Parliament. In fact, their main complaint was that they were not consulted at any stage before the ordinances were issued. Radical changes in the farm sector without having, any kind of consultation with the farmers was nothing short of adventurous.

Parliament is a kind of shock absorber. Its systems have been designed to address issues with a cool head and find solutions. The committees take the heat off the issues and deal with them in a mature manner by listening to all stakeholders. Parliament and its systems require men who govern, not to bypass it.

## House wisdom is invaluable

The English monarchs of the 13th century, powerful and arrogant though they were, felt the need to consult the commoners for running the realm because they became wiser after many battles and wars. Parliament emerged from these consultations. Consultation with Parliament and its time honoured system is a sobering and civilising necessity for governments howsoever powerful they may feel. The accumulated
wisdom of the Houses is an invaluable treasure. It is very surprising why important Bills which are coming before Parliament are not being referred to the committees. The experience of centuries shows that scrutiny of Bills by the committees make better laws. The case of the farm laws holds an important lesson for this Government or any government. A series of missteps led to avoidable sufferings to the farmers who do not normally leave their farms. and trudge along hundreds of miles to agitate. They lost 700 of their brothers after being exposed to the harshness of the summer, winter and monsoon for almost 14 months. Instead of using water cannons and barricades, had Parliament been allowed to intervene, the head of the Government would not have had to apologies to the nation. However, now that the Government has decided to repeal the farm laws, it will be widely welcomed no matter what political calculations have gone into it.

## These may be tactical moves

What next is an interesting question because the farmers seem to have decided to wait and watch. They will wait till Parliament repeals these laws in the winter session that commences on November 29. A tone of scepticism could
be detected in their reactions presumably because the Government has not taken the position that these farm laws are wrong or harmful to the farmers. In fact the Government is of the view that these laws are necessary for re-forming the farm sector. The public apology has not changed that position. So the apology and the repeal of laws may be tactical moves by the Government to tide over the emerging political situation in certain regions of the Indo-Gangetic Plain. Repealed laws can be brought back in future may be with certain modifications. There are no legal hurdles in that. The basic approach to corporatisation of the farm sector has not been abandoned.

A proper parliamentary scrutiny of pieces of legislation is the best guarantee that sectoral interest will not jeopardise basic national interest. Protection of farmers is an essential part of national interest. So, in any future legislation on farmers it is absolutely necessary to involve the systems of Parliament fully so that a balanced approach emerges. We must not forget that the farm Bills were not referred to either the standing committee or a joint select Committee of both Houses of Parliament as has been the practice earlier.

## A missed step

In fact，available data shows that Bills are very rarely referred to the committees these days．House rules have vested the discretion in the presiding officers in the matter of referring the Bills to Committees．No reasoned decisions of the presiding officers for not referring them are available．Since detailed examination of Bills by committees result in better laws，the presiding officers may， in public interest，refer all Bills to the committees with few exceptions． Although the relevant rule is not happily worded，the intent is clear，namely，that the committee should examine all the important Bills．In the light of the horrendous experience of the Government over the farm laws，the present pratice of not referring the Bills
to committees should be reviewed． Speaker Om Birla has spoken about strengthening the committee system in the recent presiding officers＇conference． One way of strengthening，it is by getting all the important Bills examined by them．

The farmers had to wage a prolonged struggle because the systems of Parliament were by passed by the Government．A government elected by the people can function only in a democratic way．Other options are not available to it．The farmers who sat at the Delhi border for 14 months，braving health and cold and death and conducting themselves in the most democratic way， have once again proved that．


# FOODSTUFF: MARKET REGULATION THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 2020 AND AFTER 

Manish Kumar


#### Abstract

Despite several objections, the three farm laws, including the Essential Commodities (Amendment) Act, 2020, were enacted with full force by the union government. However, after more than a year of the farmers' agitation, the government decided to withdraw these laws. The amended ECA had some contradictory provisions and in sum, limited the scope for regulation by locall state/union governments. The present article discusses the provisions of the amended ECA and its impact on the scope for regulation of the foodstuffs market.


Food price inflation is a politically sensitive matter and has caused problems for governments in the past as well. There have been many recent instances, especially during the COVID-19 pandemic, when the food price inflation recorded a sharp increase. One may claim that the international price rise is among the factors of high food inflation, particularly for the products in which import is a significant share of the domestic availability (Shankhdhar 2021). However, one cannot deny that hoarding is also one of the contributing factors to price rise (Stiff et al 1975). It should be noted that hoarding is associated with the tendency among profit-seekers to control
the larger supply segment of the value system that forces the consumers to pay an inflated price.

In many recent instances, the district, state and union government authorities had stepped in to prevent hoarding and the resultant price rise with the help of the Essential Commodities Act, 1955 before its amendment in 2020 (Hindustan Times 2020). In all the cases, the hoarders were selling essential commodities at rates higher than the market price or maximum retail price, keeping in mind the maximum profit share. The Supreme Court, through an interim order, had stayed the implementation of "farm laws," including the Essential

Commodities (Amendment) Act, 2020 (ECA 2020 henceforth) in January 2021. Later, on 19 November, the Prime Minister announced the government's decision to repeal these acts (PIB 2021).

## Hoarding of Essential Commodities

In a country like India, where one sees growing economic inequality, "profit-led inflation" can easily widen the gap between the rich and the poor (Patnaik 2007). In contrast, with the severe economic slowdown, the incomes of the majority of citizens are falling. And, with the hoarding of essential commodities, consumption inequality is bound to rise. Hence, it is pragmatic for any government to discourage the hoarding of essential commodities, including foodstuffs, through proactive and affirmative action. The Essential Commodities Act (ECA), 1955 has been a significant law against the hoarding of essential commodities. However, the provisions of the amended ECA 2020 had a very limited role in preventing the hoarding of agricultural produce. Because of which, the task of the government to control inflation of necessary food products was bound to become more difficult.

## Wider Implications

Section 3, subsection 1A of the ECA 2020 makes for the provision that the regulation of supply of cereals, pulses, potatoes, onions, edible oilseeds and oils by the government is only possible in the case of extraordinary circumstances like war, famine, extraordinary price rise and natural calamity of grave nature. The amended ECA authorises the union government to notify such a situation through the official gazette. According to the Government of India, as the answer of the minister of consumer affairs in Parliament reflects, the amendment does not make any change in the schedule of the ECA 1955, which lists all essential commodities (Lok Sabha 2021). However, it must be noted that the ECA 2020 implicitly changes the status of the above-mentioned foodstuffs from "alltime essential commodities" to "situational essential commodities," as far as the matter of supply or anything related to supply is concerned. This change not only affects the application of the ECA for the supply of the above mentioned agricultural products but affects many other Indian laws that adopt the meaning of "essential commodities" from the ECA 1955.

The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities (PBMMSEC) Act, 1980 is, to a large extent, dependent on the ECA 1955. The PBMMSEC Act makes the provision for the detention of hoarders for the purpose of prevention of black marketing and maintenance of supplies of essential commodities. Section 3(b)(i) of the PBMMSEC Act adopts the meaning of "essential commodities" from the ECA 1955. The Representation of the People Act, 1951, under Section 8, which is about disqualification of members of Parliament and legislative assemblies on conviction for certain offences, including hoarding of essential commodities, uses the meaning of "essential commodities" as per the ECA 1955. The Railways Act, 1989 (Section 88) and various sections of the Code of Criminal Procedure (CrPC) also adopt the meaning of "essential commodities" from the ECA 1955 (see, for example, CrPC 110). The difference between "hoarding" and "normal stock" is the deciding feature for the application of these laws, where the permissible stock limits allow for a differentiation between these two terms. Considering that the ECA 2020 prohibits the government authorities from imposing any stock limit for mentioned foodstuffs under normal
circumstances, the difference between "hoarding" and "normal stock" does not exist. That is why, all Indian laws that derive the meaning of "hoarding" from the "essential commodities," as defined by the ECA 1955, are affected. Hence, the impression of change is far greater than what is reflected in the ECA 2020.

## Controlling Stock Limits

The extensive use of the ECA 1955 in the recent past, including the current regime, also reflects the wider impact of the ECA 2020. In most of the cases, the union government used ECA 1955 for foodstuffs. Table 1 provides the summary of "central control orders" issued under ECA 1955 through the Gazette of India between 2014 and 2021, by the Ministry of Consumer Affairs, Food and Public Distribution. In 2002, the Government of India, led by the National Democratic Alliance (NDAI), issued an order-for the Removal of (Licensing requirements, Stock limits and Movement restrictions) on Specified Foodstuffs (RLSMSF)using the powers conferred by Section 3 of the Essential Commodities Act, 1955. The current union government replaced the 2002 order with another order of the same name in 2016. In the period after 2002, the union government (belonging to different political parties) amended these orders several times either to
impose or remove the stock limit. In fact, some of the stock limit orders continue to be in place by the time this article is written. The non-applicability of the RLSMSF order allows the authority to impose a stock limit on the commodity, whereas the applicability of RLSMSF prevents any supply control. As given in Table 1, 17 out of 29 control orders since 2014 were brought by the union
government to impose a stock limit using the ECA 1955, and three orders were used to prevent any supply control on specified commodities. Most of the control orders were for edible oils/oilseeds, pulses, and onions. Evidently, the ECA 1955 is vibrant and extremely useful for the government to control the price and supply of essential commodities, including foodstuffs.

Table 1: Control Orders Issued under the ECA 1955 by the Ministry of Consumer Affairs,

Food and Public Distribution

| Order <br> Number | Date | Commodity | Order Effect |
| :--- | :--- | :--- | :--- |
| SO 77 | 9 January 2014 | Edible oil/ <br> oil seeds, <br> rice | Exemption from the stock limit for <br> exporters |
| SO 1685 | 3 July 2014 | Onion, <br> potato | RLSMSF 2002 not applicable |
| SO 1797 | 2 July 2015 | Onion | RLSMSF 2002 not applicable |
| SO 2857 | 18 October 2015 | Pulses | RLSMSF 2002 not applicable |
| SO 1584 | 29 April 2016 | Sugar | RLSMSF 2002 not applicable |
| SO 929 | 29 September 2016 | Foodstuffs | RLSMSF 2002 replaced with |
| RLSMSF 2016 |  |  |  |
| SO 3341 | 27 October 2016 | Sugar | RLSMSF 2016 not applicable |


| SO 1288 | 25 April 2017 | Sugar | RLSMSF 2016 not applicable |
| :---: | :---: | :---: | :---: |
| SO 1600 | 18 May 2017 | Pulses | RLSMSF 2016 applicable |
| SO 2785 | 25 August 2017 | Onion | RLSMSF 2016 not applicable |
| SO 3136 | 27 September 2017 | Edible oil/ oil seeds | RLSMSF 2016 not applicable |
| SO 3397 | 23 October 2017 | Onion | RLSMSF 2016 not applicable |
| SO 3422 | 25 October 2017 | Sugar | RLSMSF 2016 not applicable |
| SO 4079 | 27 December 2017 | Onion | RLSMSF 2016 not applicable |
| SO 2414 | 13 June 2018 | Edible oil/ oil seeds | RLSMSF 2016 applicable |
| SO 2826 | 6 August 2019 | Foodstuffs | No stock limit for contract farming purchasers |
| SO 3540 | 29 September 2019 | Onion | RLSMSF 2016 not applicable above stock wholesaler: 50 mt and retailer: 10 mt |
| SO 4298 | 28 November 2019 | Onion | Extension of previous order |
| SO 4341 | 3 December 2019 | Onion | RLSMSF 2016 not applicable above stock wholesaler: 25 mt and retailer: 5 mt |
| SO 4417 | 10 December 2019 | Onion | RLSMSF 2016 not applicable above stock wholesaler: 25 mt and retailer: 2 mt |
| SO 4471 | 16 December 2019 |  | Exemption for commodity derivatives registered with the Warehousing Development and Regulatory Authority |
| SO 901 | 27 February 2020 | Onion | RLSMSF 2016 applicable |
| SO 1087 | 13 March 2020 | Mask, anitiser | Added in the schedule of the ECA 1955 |


| SO 1169 | 19March 2020 | Sanitiser | Control on price of alcohol used in <br> sanitiser |
| :--- | :--- | :--- | :--- |
| SO 1197 | 21 March 2020 | Mask, <br> sanitiser | Price control |
| SO 1207 | 24 March 2020 | Mask, <br> sanitiser | Price control |
| SO 3776 | 23 October 2020 | Onion | RLSMSF 2016 not applicable above <br> stock wholesaler: 25 mt and <br> retailer: 2 mt |
| SO 2674 | 2 July 2021 | Pulses | RLSMSF 2016 not applicable <br> above stock wholesaler: 200 mt and <br> retailer: 5 mt |
| SO 2871 | 19 July 2021 | Pulses | RLSMSF 2016 not applicable <br> above stock wholesaler: 500 mt <br> and retailer: 5 mt |

One may note that like the ECA 2020, the RLSMSF orders also prevent the control on supply. However, in the case of RSMSF, imposition of "stock limit" is at the will of the government, whereas in the case of ECA 2020, the supply control is permissible only under extraordinary circumstances mentioned in the amended act.

The lively use of the ECA 1955 can also be noted from the number of cases, arrests, prosecutions and convictions (Table. 2) under this act in recent years. The information in Table 2 is taken from the responses of union ministers in Parliament at different points of time;
most of the questions were on foodstuffs. Although the information from a substantial number of states/union territories is not reflected in the table; still the numbers are high and suggest the wider use of the ECA 1955. In 2017, the union minister for consumer affairs informed Parliament that the total value of goods confiscated in 2016, under the ECA 1955, was more than ₹ 133 crore (Lok Sabha 2017). Undoubtedly, such factors cannot be ignored and any reconsideration of the ECA must recognise that any changes to the ECA like the 2020 amendments may only legalise illegal hoarding, at present.

Table 2: Action Taken under the ECA 1955 during 2012-16

| Year | No of Raids <br> Conducted | Person <br> Arrested | Person <br> Prosecuted | Person <br> Convicted | Remark |
| :---: | :---: | :---: | :---: | :---: | :--- |
| 2012 | $2,19,092$ | 7,782 | 6,403 | 375 | Four states/union <br> territories did not <br> report or incomplete <br> report |
| 2013 | $2,20,413$ | 8,413 | 5,923 | 272 | Seven states/union <br> territories did not report <br> or incomplete report |
| 2014 | $1,31,868$ | 12,017 | 3,185 | 2074 | Eig htstate s/u ni on <br> territories did not report <br> or incomplete report |
| 2015 | $1,34,264$ | 1,765 | 802 | 59 | Five states/union <br> territories did not report <br> or incomplete report |
| 2016 | 95,673 | 7,962 | 4,817 | 389 | Four states/union <br> territories did not report |
| and reports by 19 states |  |  |  |  |  |
| union territories were |  |  |  |  |  |
| only for some months |  |  |  |  |  |

## ECA 2020 and High Inflation

The ECA 2020 precisely defines the "extraordinary price rise" under point (b) of Section 3, subsection 1A. The ECA 2020 prevents the imposition of a stock limit below $100 \%$ of retail inflation in the case of horticultural produce and $50 \%$ for non- perishable agricultural products.

There is no explanation from the government on why the permissible inflation for the most necessary consumption items was kept very high. Food inflation, even at a much lower rate than the permissible level set by the ECA2020, can be a recipe for disaster.

It is worth noting that since March 2015, the Reserve Bank of India (RBI) adopted inflation targeting" as a key monetary policy. The central government, in consultation with the RBI, fixed the inflation target at $4 \%$ (with $\pm 2 \%$ of tolerance level) (RBI 2021). Food inflation has been the biggest contributing factor to overall inflation. Hence, the inflation target of $4 \%$ and the food inflation threshold as pet the ECA 2020 are contradictory to each other. Food, being an essential commodity, forms a major part of wage income, so any increase in the prices of food items
results in a fall in real wages, which is not in favour of a country with already declining consumption levels (Patnaik 2020). As given in Table 3, for pulses and oil, the annual rate of inflation in recent months was below the permissible limit of the ECA 2020, yet, it created panic among all income groups. One must remember the protest demonstrations by the present ruling party when it was in opposition for all valid reasons on the annual food inflation between $10 \%$ and 15\% (NDTV2013).

| Table 3: All-India Average Retail Price Inflation in Different Months, |  |  |  |  |  |  |  |  |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| January 2019-August 2021 |  |  |  |  |  |  |  |  |


| September | 86 | 1 | 24 | 3 | 3 | 3 | -1 |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :---: | :---: |
| October | 120 | 3 | 25 | 5 | 3 | 3 | -2 |  |  |
| November | 177 | 3 | 27 | 5 | 3 | 4 | 2 |  |  |
| December | 390 | 1 | 23 | 5 | 4 | 5 | 9 |  |  |
| 2020 |  |  |  |  |  |  |  |  |  |
| January | 2 S6 | 0 | 21 | 8 | 8 | 8 | 17 |  |  |
| February | 135 | -1 | 16 | 8 | 8 | 9 | 18 |  |  |
| March | 97 | 0 | 16 | 8 | 6 | 8 | 15 |  |  |
| April | 72 | 6 | 25 | 9 | 10 | 11 | 19 |  |  |
| May | 28 | 4 | 20 | 9 | 10 | 12 | 17 |  |  |
| June | 8 | 1 | 12 | 10 | 9 | 12 | 18 |  |  |
| July | 2 | 1 | 11 | 11 | 11 | 13 | 20 |  |  |
| August | -9 | 1 | 9 | 15 | 11 | 14 | 21 |  |  |
| September | -18 | 5 | 10 | 15 | 12 | 17 | 24 |  |  |
| October | 7 | 9 | 21 | 16 | 13 | 20 | 25 |  |  |
| November | -3 | 11 | 20 | 18 | 15 | 22 | 26 |  |  |
| December | -53 | 11 | 19 | 21 | 20 | 26 | 27 |  |  |
| 2021 |  |  |  |  |  |  |  |  |  |
| January | -40 | 11 | 19 | 23 | 23 | 31 | 26 |  |  |
| February | 14 | 10 | 20 | 23 | 26 | 34 | 27 |  |  |
| March | 10 | 13 | 22 | 29 | 34 | 45 | 38 |  |  |
| April | -15 | 9 | 13 | 32 | 37 | 47 | 40 |  |  |
|  |  |  |  |  |  |  |  |  |  |


| May | 9 | 13 | 14 | 40 | 47 | 54 | 50 |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| June | 31 | 15 | 16 | 42 | 51 | 55 | 50 |
| July | 35 | 13 | 13 | 39 | 48 | 52 | 45 |
| August | 30 | 13 | 12 | 38 | 50 | 51 | 45 |

The table presents the percentage rise in the retail prices of the commodities, over the prices prevailing immediately preceding 12 months.

Source: Calculated using price data from the Department of Consumer Affairs, Government of India.

As it is clear from Tables 1 and 3, in the last three years, the union government amended the RLSMSF orders seven times to use the ECA 1955, for controlling the supply and price of onion and pulses. In most of the cases, the existing rate of inflation was well below the limits as permitted by the ECA 2020. Hence, as it is evident; in the recent past, the government also felt the need for intervention in supply at a lower inflation rate, which the amended act would not have allowed. It is equally important to note the absence of any logical basis in the ECA 2020 for keeping such a high level of inflation.

Further, considering the higher permissible limit of inflation and its peculiar regional pattern, how would the competent state or union authority manage for different rates of inflation in
different parts of the country? In Table 4 the regional variation in retail price inflation can be noted. In June 2021, retail inflation for onions varied from $19 \%$ in the west zone to $46 \%$ in the north zone. Such variation in the inflation of perishable commodities requires regioncentred affirmative action and proactive policies. In the case of pulses, the rate of inflation ranges between $7 \%$ in the northeast zone and $23 \%$ in the north zone. In the case of edible oils, in most of the cases, the all India average inflation rate is near $50 \%$, which is the limit for nonperishable commodities after that ECA 2020 permits the intervention. In the case of palm oil, the all India average inflation is just below $50 \%$, but it is above $50 \%$ in the south and east zones. There can be numerous examples to suggest the regional variation of consumption,
demand and price of commodities. Hence, the centralisation of power is bound to complicate regional management

The stated provision further reduces the government's scope for intervention, even under the extraordinary circumstances for every value chain participant. The value chain participants

Table 4: Retail Price Inflation in Different Zones of India, June 2021 (in\%)

| Zone | Onion | Gram <br> (Split) | Tur <br> (Arhar) | Mustard <br> Oil | Soya <br> Oil | Sunflower <br> Oil | Palm <br> Oil |
| :--- | :--- | :--- | :--- | :---: | :---: | :---: | :--- |
| North zone | 45.6 | 22.9 | 20.5 | 47.3 | 47.1 | 46.0 | 44.0 |
| West zone | 18.8 | 16.5 | 15.6 | 46.8 | 51.7 | 62.6 | 43.0 |
| East zone | 37.2 | 13.0 | 19.0 | 50.7 | 52.1 | 58.9 | 54.0 |
| North-east zone | 19.4 | 8.5 | 7.2 | 37.6 | 45.3 | 38.5 | 12.2 |
| South zone | 37.4 | 14.2 | 13.7 | 27.7 | 60.5 | 56.3 | 56.6 |
| All-India <br> average | 30.9 | 15.2 | 15.5 | 42.3 | 51.0 | 55.1 | 49.5 |

Source:- Calculated using price data from the Department of Consumer Affairs, Government of India

## Absolute Impunity

The ECA 2020 in subsection 1A of Section 3 further states,
provided that such order for regulating stock limit shall not apply to a processor or value chain participant of any agricultural produce if the stock limit of such person does not exceed the overall ceiling of installed capacity of processing or the demand for export in case of an exporter.
conceptually, include everyone from farming to consumption. The amended ECA explains the value chain participant in subsection 1A of Section 3,
"value chain participant" in relation to any agricultural product, means and includes a set of participants, from production of any agricultural produce in the field to final consumption,
involving processing, packaging, storage, transport and distribution, where at each stage value is added to the product.

It should be noted that every processing unit declares the "installed capacity" as per various rules, but the challenge is somewhere else; it is measured in terms of quantity per hour or per day or per month. Since it is measured in terms of time, a processing unit that is hoarding foodstuffs can simply say that the stock is as per one or two years of installed capacity. Similarly, the export demand can be projected at the maximum, but how can the government estimate export demand for one particular exporter who is hoarding food products? The ECA 2020 ignores to elaborate such a crucial aspect. The ambiguity of these provisions, to a large extent, nullifies and contradicts point (a) of Section 3, sub-section 1A, which allows the government to intervene under extraordinary circumstances.

## Potential Beneficiary

The ECA 2020 makes the provision of a "no stock limit" for "value chain participants." Hence, it is pertinent to
identify the potential beneficiary of this amendment. In most of the agricultural value systems, which include farm and non- farm sections, the power and control of the system are skewed in favour of the latter (Kumar 2019; Chengappa et al 2012). Among the farming segment, which is the largest part of the agricultural value chains, almost $88 \%$ households in India are small and marginal landholders (NSO 2021). There are enough studies to suggest that under various socioeconomic compulsions, the small and marginal farmers are always in a hurry to sell their harvest (Kumar 2021). This is why the largest part of the farming population is not going to benefit from the relaxations under the ECA 2020.

The storage facilities for agricultural produce require several arrangements and, hence, the ability to pile up stocks is directly proportional to the capital ownership. A participant of the agricultural value chains can be a potential hoarder, but their capacity is dependent on the size of economic status; needless to say, the majority of the Indian population is part of the lower economic strata. Apparently, by the introduction of "no stock limit" for value chains, participants can give a free hand to big
retail chains，etc．On the other hand，there was nothing in the ECA 2020 that would benefit the farmers，and its adverse impact would also be felt by most of the Indian households．

## The Way Forward

On 19 November 2021，the Prime Minister announced the withdrawal of all three farm laws，including the ECA 2020， with a promise to form a committee that would look into all issues with amendments．However，such issues can be addressed only with changes in the broader policy framework．Much of the criticism of the ECA 1955 was rooted in the arguments for pro－market reforms which，by design，favour corporate concentration in the agricultural value system，and the amendments to the ECA were a reflection of the same．

The corporate concentration is neither in favour of farmers nor consumers，whereas the need of the hour is for policies that can increase the farmers＇income through their participation in a large part of the value system．This can be done by making formal markets more easily accessible to farmers as well as price guarantees or enhanced public procurement．This continues to be part of the demands of the farmers movement，even after the Prime Minister＇s announcement．But it is important to note that the provisions of the ECA 1955 should not be diluted as it is an important tool for the government for supply－side managemen and controlling the hoarding of essential commodities，including food items．

4 December 2021， Economic \＆Political Weekly．

# NATIONAL MISSION TO ACHIEVE UNIVERSAL FOUNDATIONAL LITERACY AND NUMERACY BY 2026－27 LAUNCHED 

Rajat Asthana

The National Education Policy 2020 aims to achieve universal foundational literacy and numeracy in primary school by 2025 ．This implies that every child， by grade 3 ，must be able to read with comprehension，write，perform basic mathematical operations，and learn basic life skills．To achieve this by 2026－27，a national mission named National Initiative for Proficiency in Reading with Understanding and Numeracy（NIPUN Bharat）has been launched．

The Mission specifies yearly targets for achieving learning outcome at various grade levels．To track the progress of students，School－based Assessment and large－scale standardised assessment will be conducted．Training for teachers will focus on bridging the language barrier
and encouraging peer learning．A five tier structure will be in place for implementing the scheme（at the national， state，district，block，and school levels）． The responsibilities at the National level include：（i）preparing a list of measurable learning outcomes，by subject for each grade，（ii）preparing tool kits for measuring proficiency levels and（iii） creating robust information technology systems to monitor and track progress of the mission．States would be responsible for（i）creating yearly action plans to achieve foundational literacy and numeracy targets，（ii）ensuring availability of adequate number of teachers in each school at each grade and （iii）identifying and working with partners．

July 2021，
PRS Legislative Research

# The Constitution（127th Amendment）Bill， 2021 passed in Parliament 

## Rajat Asthana

The Constitution（127th Amendment）Bill， 2021 was passed by Parliament．The Bill amends the Constitution to allow states and union territories to prepare their own list of socially and educationally backward classes．Key features of the Bill are as follows：
－List of socially and educationally backward classes：The National Commission for Backward Classes （NCBC）was established under the National Commission for Backward Classes Act，1993．The Constitution （102nd Amendment）Act， 2018 gave constitutional status to the NCBC， and empowered the President to notify the list of socially and educationally backward classes for any state or union territory for all purposes．The 2021 Bill amends this to provide that the President may
notify the list of socially and educationally backward classes only for purposes of the central government．This central list will be prepared and maintained by the central government．Further，the Bill enables states and union territories to prepare their own list of socially and educationally backward classes． This list must be made by law，and may differ from the central list．
－Consultation with the NCBC：Article 338B of the Constitution mandates the central and state governments to consult the NCBC on all major policy matters affecting the socially and educationally backward classes． The Bill exempts states and union territories from this requirement for matters related to preparation of their list of socially and educationally backward classes．

July 2021，
PRS Legislative Research．


# Plastic Waste Management（Amendment） Rules， 2021 notified 


#### Abstract

The Ministry of Environment， Forest and Climate Change notified the Plastic Waste Management （Amendment）Rules，2021．The graft Rules were released in March 2021 for public comments．The 2021 Rules amend the Plastic Waste Management Rules，2016．The Rules provide for reduction of plastic waste．Key


 amendments include：－Ban on plastic items：The 2021 Rules impose a ban on the manufacture， sale and use of certain single－use plastic items across the country from July 1，2022．＂Single use plastic items are those which are used only once before being recycled or disposed．＂These items include：
（i）plastic cutlery（such as spoons），
（ii）ear buds with plastic sticks，
（iii）plastic sticks for balloons，
（iv）plastic flags，
（v）candy sticks，and
（vi）plastic banners with thickness less than 100 microns．
－Thickness of carry bags：As per the 2016 Rules the thickness of plastic carry bags（except those made up of compostable plastic）at least 50 microns．The 2021 Rules increase the minimum thickness of such bags to 75 microns with effect from September 30，2021．This will further increase to 120 microns from December 31，2022．Further 2021 rules add that the thickness of non－woven plastic carry bags must be at least 60 grams per square meter （GSM）．Non－woven plastic bags are those made by presenting plastic threads together by machine，which form a weave like texture．

August 2021，

# DRAFT SCHEMES ON INVESTIGATION AND SETTLEMENT OF HIT AND RUN CASES RELEASED 

Shruti Gupta

The Ministry of Road Transport and Ministry of Road Transport and Highways released draft schemes and draft amendments to the Central Motor Vehicles Rules, 1989 on investigation of, and compensation for victims of hit and run accidents. Key features of the draft schemes and amendments include:

## Compensation scheme for road accident victims

The draft scheme seeks to increase compensation in cases which result in grievous injuries or death Key features include.

- Committees : The draft Rules propose to establish District Level Committees responsible for reviewing the scheme's implementation, encourage publicity, and ensure awareness of rights among claimants. The draft Rules also seek to establish a Standing Committee
which may guide District Level Committees. The Standing Committee will review the scheme's working and recommend amendments to increase efficient disbursals and prevent fraud.
- Compensation:TheCentral government has proposesd enhancing compensation in cases of : (i) grievous hurt from Rs. 12,500 to Rs. 50,000, and (ii) death from Rs. 25,000 to two lakh rupees. Compensation must be disbursed within 15 days of a sanction order by the District Level Committee.


## Scheme proposing to establish accident fund

The proposed fund will provide aid to victims of road accidents through compensation, treatment for accidents, and other purposes. The Scheme
proposes to replace the Solatium Scheme， 1989，under which a fund provides compensation for hit and run accidents．

The fund will be registered as a public charitable trust and have three accounts operated by the General Insurance Corporation of India（Table 3）．

Table 3：Accounts under proposed accident fund

| Account | Funding |
| :--- | :--- |
| Treatment of victims of accidents by <br> insured vehicles | －Contributions by insurance <br> companies |
| Treatment of victims of hit and <br> run accidents and those caused by <br> uninsured vehicles | －Fees from National Highways <br> －Budgetary grants |
| －Fines under Motor Vehicles Act |  |

PRS Legislative Research， August 2021.


## CABINET APPROVES VARIOUS MEASURES FOR THE TELECOM SECTOR

The Union Cabinet approved several measures for the telecom sector. These measures seek to infuse liquidity, encourage investment and competition, and reduce the regulatory burden on the telecom service providers (TSPs). Key measures include:

- Moratorium for outstanding dues: A moratorium of up to four years will be allowed to the TSPs on payment of: (i) dues on account of license fees and spectrum usage charges for the years between 2003 and 2019 (as per a 2019 Supreme Court Judgement), and (ii) dues for spectrum purchased in past auctions (excluding 2021 auction). TSPs may pay interest amounts arising due to deferment of payment by way of equity. The central government will have an option to get equity in place of the outstanding dues at the end of the moratorium period.
- Rationalisation of levies: Nontelecom revenue will be excluded from the definition of Adjusted Gross Revenue (AGR) on a prospective basis. AGR is the value of gross revenue after deduction of certain taxes and certain charges such as roaming charges from gross revenue.

AGR also includes revenue from any non-telecom operations such as income from investments and income from property rent Currently, the TSPs pay a percentage of their AGR to the central government in the form of license fees and spectrum usage charges.

No spectrum usage charges will be levied for spectrum acquired in future auctions. Additional charges for spectrum sharing will also be removed. The interest rate applicable on late payment of dues will be reduced from October 1, 2021 ( $2 \%$ less than earlier). No penalty and interest on penalty will be levied on such delayed payments

- FDI: 100\% Foreign Direct Investment under automatic route will be permitted in the telecom sector.
- Procedural changes: Spectrum auctions will be held in the last quarter of every financial year. For certain clearances for telecom towers, submissions on a selfdeclaration basis will be accepted.

PRS Legislative Research, September 2021.

# Ayushman Bharat Health Infrastructure Mission launched 

Aditya Kumar

The Ayushman Bharat Health Infrastructure Mission was launched．It seeks to strengthen the healthcare network across India within the next four to five years．Three major aspects of the Mission are：
－Facilities for diagnostics and treatment：
The Mission aims to enable early detection of diseases through health and wellness centres．Such centres will also provide medical consultation， test facilities and medicine free of cost．Further， 35,000 new critical care beds will be added in 600 districts，and referral facilities （transferring patients from one health care facility to other）will be provided in 125 districts．
－Development of diagnostic network：
Integrated public health laboratories will be created in 730 districts Block level public health units will be created in 3，000 blocks．The network for diagnostic facilities will be strengthened by using five regional national centres for disease control， 20 metropolitan units，and 15 bio－safety level labs．
－Expansion of existing research institutes：

Under this：（i）existing 80 viral diagnostic and research labs will be strengthened，（ii） 15 bio－safety level labs will be operationalised，and （iii）four new National Institutes of Virology and one National Institute for one Health will be established．

October 2021， PRS Legislative Research

## THE MEDICAL TERMINATION OF PREGNANCY （AMENDMENT）RULES， 2021 NOTIFIED

The Ministry of Health and Family Welfare notified the Medical Termination of Pregnancy （Amendment）Rules，2021．The Medical Termination of Pregnancy Act， 1971 was amended in 2021．The 2021 Rules provide for details to certain aspect of the 2021 Amendment Act（such as functions of a Medical Board to diagnose foetal abnormalities）．Key features of the 2021 Rules are：
－Functions of the Medical Board： The 2021 Amendment Act increased the period of the pregnancies eligible for termination from 20 weeks to 24 weeks．This
upper limit will not apply to terminations due to foetal abnormalities．A state level Medical Board will diagnose such abnormalities for approving the termination of pregnancies．

The 2021 Rules provide for the functions of the Board including：（i） examining reports of women requesting termination of pregnancy due to foetal abnormalities，（ii） deciding on requests for such termination of pregnancies within three days from the date of the request，and （iii）ensuring that the termination procedure is conducted safely within five days of the request．

PRS Legislative Research，
October 2021.

# PARLIAMENT PASSES BILL TO REPEAL FARM LAWS 

## Shashank Srivastava


#### Abstract

The Farm Laws Repeal Bill， 2021 was passed by Parliament．The Bill repeals the three farm laws passed by Parliament in September 2020．These are：（i）the Farmers（Empowerment and Protection）Agreement on Price Assurance and Farm Services Act，


2020，（ii）the Farmers＇Produce Trade and Commerce（Promotion and Facilitation）Act， 2020 and（iii）the Essential Commodities（Amendment） Act，2020．Note that，in January 2021， the Supreme Court had stayed the implementation of the three farm laws．

PRS Legislative Research，
November 2021.


## NUTRI－SMART VILLAGE PROGRAMME LAUNCHED

Payoja Ahluwalia

The Ministry of Agriculture and Farmers Welfare has launched a programme on Nutrition Smart Village． The initiative aims to：（i）promote nutritional awareness，（ii）inform women farmers of their legal rights， （iii）utilise traditional and local recipes to overcome malnutrition，and（iv） implement nutrition－sensitive agriculture．

Under the initiative， 75 villages will be adopted by All India Coordinated Research Project（AICRP） and Indian Council of Agricultural

Research－Central Institute for Women in Agriculture（lCAR－CIWA）with an aim to develop 75 malnutrition free villages．AICRP and Network Projects is a scheme of Indian Council of Agricultural Research for development， testing，or identification of technologies through multi－location trials．There are over 55 AICRP centres in India． These AICRP centres will adopt 5 villages each，with the remaining to be adopted by ICAR－CIWA．

PRS Legislative Research， August 2021.


## CABINET APPROVES RESUMPTION OF MP MPLAD SCHEME

Shashank Srivastava

The Union Cabinet approved the resumption of the Member of Parliament Local Area Development Scheme（MPLADS）from this year onwards till 2025－26．In April 2020， Cabinet had approved the suspension of the scheme for financial years 2020－21 and 2021－22．This was aimed at supplementing resources for management of the COVID－19 pandemic．Under the scheme，each MP may recommend developmental work of up to five crore rupees annually in
his constituency．As per the latest decision，the scheme will be made operational for the remaining part of 2021－22．In 2021－22，each MP may recommend works up to two crore rupees．During the years between 2022－23 and 2025－26，each MP may recommend works up to five crore rupees annually．Funds will be released in two instalments of Rs 2.5 crore each．Total outlay on the scheme during 2021－26 is estimated to be Rs 17,417 crore．

PRS Legislative Research，
November 2021.

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## REPORT ON REFORMS IN CONTENT AND DESIGN OF SCHOOL TEXT BOOKS

Omir Kumar

The Standing Committee on Education，Women，Children，Youth， and Sports（Chair：Dr．Vinay P． Sahasrabuddhe）submitted its report on the Reforms in Content and Design of School Text Books．Key observations and recommendations of the Committee include：
－Quality of textbooks：Textbooks are used as teaching material by teachers and as a source of self－ learning by students．Therefore，the development of quality textbooks becomes important．The Committee recommended that while creating content for textbooks，inputs by experts from multiple disciplines should be sought．Further，mandatory standards for content，graphics and layout，and pedagogical approaches should be developed．The Committee noted the need to have more child－friendly textbooks．It recommended the use of pictures， graphics，and audio－visual material．
－Updating syllabus：The Committee recommended the Ministry of Education and NCERT to set up an internal committee to examine suggestions received from teachers，
students，and institutions for updating syllabus of NCERT textbooks．Further，it recommended the Ministry to explore the possibility to develop a core class wise common syllabus for various subjects for implementation by Central Board of Secondary Education（CBSE），Council for the Indian School Certificate Examinations（CICSE），and State education boards．
－Representation of women in textbooks：Women are under represented in school textbooks and are depicted in traditional and voluntary roles．The Committee recommended that NCERT should undertake efforts to （i）make textbooks gender inclusive，（ii）portray women in emerging professions，and （iii）adequately represent the role of women in the Indian freedom movement．

November 2021， PRS Legislative Research

# CASTE PANCHAYATS USEFUL INSIGHTS AND INADEQUATE EXPLANATIONS 

Pankaj Kumar

The scandalous success of the democratic form of government and adaptability of caste to the democratic processes are perhaps the two central phenomena of the post-independence India that have troubled the social scientists the most. This success can be called as scandalous as caste and democracy are premised on the antithetical principles hierarchy and equality, respectively, caste and its encounters with democracy are the standard site to understand both the pecularity of Indian sociopolitical scene and challenge the unilinear and universal conception of modernity, which has informed much of the Western political thought. The book, Caste Panchayats and caste Politics in India by Anagha Ingole, which revisits these debates through a detailed study of one of the neglected themes in academic discourses, namely the caste panchayats, needs to be situated in this broad intellectual context.

The book under review is the outcome of the author's quest to come to terms with the salience of conservative institutions, such as caste panchayats, in an era of mandalisation of politics. The author's intrigued by the fact that even after facing harassment and expulsion from their respective caste panchayats, people are not appealing to the state to punish these panchayats, but are asking for their readmission back to their respective castes. Ingole has extensively studied the phenomenon of intra-caste panchayats among the Jats of Haryana and Marathas of western Maharashtra and was part of the process of framing the "Prohibition of Social Boycott Act," which the Government of Maharashtra later adopted. The book revolves around the following issues. Why are caste panchayats salient despite the mandalisation of politics in contemporary India? Has the mandal phenomenon revitalised the caste panchayats? Does it signify the failure of secular-liberal institutions in India? And, what implications does it have
for our understanding of caste and modernity in India? The book is divided into four chapters, apart from the introduction and conclusion. Chapters 2 and 3 are in the continuum. While the former underscores the transformations in caste panchayats throughout Indian history, the latter focuses explicitly on its concrete functioning in today's India. Chapters 4 and 5 provide a detailed account of two central armouries in the hands of caste panchayats, namely social ostracisation and caste endogamy.

The book is novel in at least three ways. First, this is one of the first book-length discussion on caste panchayats in general and intra-caste panchayats, in particular, in postindependence India. Second, it substantiates the distinction between caste's social and political reality which sociologists, since the days of M N Srinivas, often make. Such a distinction is evident in the simultaneous coexistence of conservative/primordial practices, such as social ostracisation, caste endogamy, oppression of women, despite democratisation of caste in the political sphere. And third, it makes a bold, although deeply problematic, assertion that the mandalisation of politics has
given a new lease of life to conservative bodies like caste panchayats as an enforcer of caste loyalty.

## Interrogating Claims

Ingole begins with a detailed discussion on the various factors behind the omission of caste panchayats in academic circles. It ranges from treating intra-caste panchayats as a mere phenomenon of village life; too much emphasis on inter-caste panchayats (within which dominant caste functioned) and the modernist assumption that caste panchayats have no role to play in democratic politics. On the contrary, the book argues that the caste panchayats are intrinsic to caste, and the fact that they have not disappeared signifies that they perform an active role in politics. It implies that panchayats are not merely reducible to as a forum for dispute resolution as is widely assumed. Ingole suggests that despite passive transformations in the nature and functions of the caste panchayats in different epochs, the modality of "enforcing allegiance of caste members through social boycott in order to preserve caste endogamy" remained a constant phenomenon. Details apart, the author makes three
central claims. Let me interrogate them one by one. First, she suggests that the debate between Louis Dumont, Srinivas and their camps has seriously distorted the under standing of caste. As it is seen either as an essentially religious-ideological system (Dumont) or a system based entirely on material and social power (Srinivas). However, in reality, for Ingole, caste is the conjunction of both temporal power and ritual status and not a disjunction between these two, as this debate has postulated. No doubt, Dumont has given primacy to the ritual status, but whether Srinivas has given primacy to temporal power cannot be said with certainty. But Ingole assumes that Srinivas has prioritised temporal power in his conceptualisation of caste. However, a careful reading of Srinivas would reveal that Ingole's assumptions are not valid since he never loses sight of the importance of ritual power in legitimising the position of those castes who have acquired politico-economic power (Srinivas 1962: 67). For instance, he suggests that

> Ambitious castes were aware of the legitimising role of the

Brahmin. Even a poor Brahmin priest living in a village dominated by peasants had to be treated differently from poor people of other castes.

Hence, framing of this debate in this book is based on flawed assumptions because, unlike Dumont, Srinivas never saw the relation between material power and ritual status in terms of disjunction, as claimed by the author.

Second, the assumption that caste panchayats can perform only regulative functions and are not well equipped to perform any associational and political functions as the caste associations have relegated the former to the margins in academic discussions. In this schema of functional differen tiation, political functions are the exclusive property of caste associations. That is why caste associations replaced caste panchayats as a valid explanatory variable in thinking about caste and politics in post-independence India.

Ingole positions herself against this dominant narrative and has emphatically suggested that, for analytical purposes, instead of differentiating these two bodies based on the functions they perform, it would be appropriate to differentiate them based on the methods that they employ to perform their respective tasks: caste panchayats can perform those tasks (political and associational) which caste associations do. Therefore, what differentiates these two lies in the fact that the former relies on "involuntary enforcement of the primordial authority of caste as a method of obtaining compliance", unlike the latter in which compliance is voluntary. Thus, the nature of obtaining compliance differentiates these two bodies and not the misconception that only caste associations can perform political functions, the argument whose genesis lies in Susanne and Lloyd Rudolph's works.

Third, the mandalisation of politics has not only given a new lease of life to the conservative role of caste panchayats but, more importantly, has put caste empowerment at odds with the annihilation of caste. But how? This is due to the indicators which the Mandal Commission had devised to ascertain the backwardness of a particular social group that do not
depend merely on the historical backwardness but also consider the present backwardness of the claimant group. In other words, to qualify for quotas within this framework makes it essential for a social group to validate their present backwardness continuously. And they can in turn, validate their backwardness only by invoking the primordial identity of caste. Consequently, the role of caste panchayats became crucial in this context as " it was these governing councils alone that could enforce the loyalty of caste members to the practices that preserved their primordial identities. Without their being preserved, they would not be able to justify the benefits of jobs, reservations, etc". In a nutshell, in Ingole's views, the very mandalisation of politics, which has been held as a vehicle for massive sociopolitical transformation, has revitalised the caste panchayats in contemporary India. Besides, the widespread phenomenon of loyalty towards a single jati in the rapidly shrinking public sector has deferred the Project of annihilation of caste with the sole intention to exploit the benefits for particular castes. Consequently, caste empowerment, seen as a stepping stone for caste annihilation by B R Ambedkar, has become antithetical to the latter.

## Debating Mandalisation

The book, like several other works (Varshney 2000; Kailash 2012; Mehta 2012), highlights the paradox of mandalisation of politics. No doubt, mandalisation of politics has failed to channelise caste assertion towards the annihilation of caste. But to suggest that it has given a new lease of life to conservative bodies like caste panchayats is a grave distortion of the facts on the ground. It would not be an exaggeration to say that the author's research appears to be largely purposive in nature. If not, then what explains the arbitrary choice of studying intra-caste panchayats of two dominant castes: Jats of Haryana and Marathas of western Maharashtra? There is no valid justification (although both are claiming quotas) for both these choices and site of study, except the fact that it fits into a larger narrative in which the author wants to establish a correlation between mandalisation of politics and revitalisation of caste panchayats. If caste panchayats are so central for a group to retain the backwardness and quotas, then why is it non-existent in states like Uttar Pradesh (UP) and Bihar? It appears that inter-caste
panchayats are either non-existent (except among Jats Of Western UP) or dysfunctional in these two states. Ironically, UP and Bihar, which have been the epicentre of mandal politics, do not feature in the author's conceptualisation, thereby seriously limiting the explanatory validity of what the book claims.

Rather than mandalisation reinforcing caste panchayats, these bodies are prevalent only in those states where mandalisation had been weak, and Other Backward Classes did not emerge as an independent political force. Apart from it, the author's claims around Jat politics can also be challenged because quota politics has never been, until recently, the anchoring principle of Jats. Instead, mobilisation based on kisan identity has been the dominant trend among Jats from the days of Chaudhary Charan Singh (Jaffrelot 2000: 91). More-over, their demand for reservations in recent times is based more on their economic backwardness, in the wake of liberalisation, and not primarily on social backwardness, as Ingole suggests.

Most of the in－text referencing are without specific page numbers，which makes it very difficult for the reader to validate the author＇s claims and counterpose against them．In some cases，even quotations are marked without page numbers．Despite these severe limitations，the painstaking
historical details of caste panchayats， explication of the concept of intra－ caste pollution，and the author＇s ability to theorise caste endogamy being not merely as a matter of honour，bereft of any material interests，make this book an interesting read．
（Pankaj Kumar is a Ph D candidate at the Center for Political Studies， Jawaharlal Nehru University）

Economic \＆Political Review，
25 December 2021.

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RESUME OF THE BUSINESS TRANSACTED BY THE RAJYA SABHA DURING THE TWO HUNDRED AND

FIFTY FOURTH (254TH) SESSION (19 ${ }^{\text {th }}$ July to 11 th August, 2021)

## SUMMONS

Summons for the Two Hundred and Fifty Fourth Session of the Rajya Sabha was issued to the Members on the 2nd of July, 2021.@

## DURATION OF THE SESSION

The Two Hundred and Fifty Fourth Session of the Rajya Sabha commenced on 19th of July, 2021 and was scheduled to adjourn on the 13th of August, 2021. However, the House was adjourned sine-die on the 11th of August, 2021, two days ahead of schedule. The House sat for 17 days and the actual hours of sittings were 28 hours and 33 minutes (excluding recess intervals). The House was prorogued by the President on the 31st of August, 2021.

## NATIONAL ANTHEM

On the 19th of July, 2021, the Session commenced with the playing of the National Anthem.
(Time taken: 1 Minute)

## OPENING REMARKS BY THE CHAIRMAN

On the 19th of July, 2021, The Chairman while making the opening remarks inter alia observed that the Covid -19 pandemic has not only dented the health of the people but also the economies across the globe resulting in multitude of adverse effects on the lives and livelihood of people. Referring to the previous three curtailed Sessions of Rajya Sabha, the Chairman hoped to run through the current Session in full. He urged the Members to make the best use of the opportunity provided during this Session and appealed to all sections of the

[^0]House to ensure a meaningful Monsoon Session. The Chairman informed the Members about the continuing Covid protocols, viz, special seating arrangements and non-circulation of Parliamentary papers in physical form, to avoid infections. He also informed that about 97 per cent Members of the total present membership of the House have taken at least one dose of vaccination and 207 Members have taken both doses. With reference to the working of Department Related Parliamentary Standing Committees, the Chairman acknowledged the efforts made by the Chairmen and Members of those Committees and complemented them for the visible improvement in the duration of meetings and attendance of Members. The Chairman also referred to his meeting with the Leaders of Parties/Groups and hoped that the sentiments expressed therein for the smooth functioning of the House would manifest on the floor of the House. He urged all the Members to rise to the occasion and demonstrate their commitment and responsibility towards the people by ensuring a productive Monsoon Session
(Time taken: 9 Mts.)

## OATH OR AFFIRMATION

2 newly elected Members made and subscribed oath and took their seats in the House, as detailed below:-

| Sl. | Date | Name of the | State | Time Taken |
| :---: | :---: | :---: | :---: | :---: |
| No. |  | Member |  |  |

1. 19-7-2021
2. 4-8-2021 Shri Jawhar Sircar

| West Bengal | $0-02$ |
| :---: | :---: |
| Total: | $0-03$ |

## OBITUARY REFERENCES

20 Obituary References were made in the House during the Session, as detailed below:

| $\begin{aligned} & \text { SI. } \\ & \text { No. } \end{aligned}$ | Date of Obituary Reference | Person in respect of whom Reference was made | Date of demise | Time taken Hrs. Mts. | Remarks |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1. | 19-7-2021 | Dr. Raghunath Mohapatra,member sitting (Nominated) | 9-5-2021 |  | o *The Chairman made references |
| 2 | 19-7-2021 | Shri Rajeev Satav, sitting-Member | 16-5-2021 |  | and the House observed silence |
| 3. | 19-7-2021 | Prof. N. M. Kamble, ex-Member | 3-4-2021 |  | all Members standing, as a mark |
| 4 | 19-7-2021 | Shri Bhagwati Singh, ex-Member | 4-4-2021 |  | of respect to the memory of the |
| 5 | 19-7-2021 | Shri Balihari Babu, ex-Member | 28-4-2021 |  | departed |
| 6 | 19-7-2021 | Shri Ajit Singh, ex-Member | 6-5-2021 |  | $\begin{array}{ll} \text { (For } & \text { SI.Nos1 } \\ \text { to } 13 \text { ) } & \end{array}$ |
| 7 | 19-7-2021 | Shri Matang Sinh, ex-Member | 6-5-2021 | -0-21 |  |
| 8 | 19-7-2021 | Shri Jitendrabhai Labhshanker Bhatt, ex-Member | 7-5-2021 |  |  |
| 9 | 19-7-2021 | Dr. Ramendra Kumar Yadav <br> 'Ravi', ex-Member | 14-5-2021 |  |  |
| 10 | 19-7-2021 | Shri Jagannath Prasad <br> Pahadia, ex-Member | 19-5-2021 |  |  |
| 11. | 19-7-2021 | Shrimati Shanti Pahadia, ex-Member | $23-05-2021$ |  |  |

Note :- ${ }^{\circ}$ *As a mark of respect to the memory of Dr. Raghunath Mohapatra and Shri Rajeev Satav, the House was adjourned for one hour.

| SI. <br> No. | Date of Obituary Reference | Person in respect of whom Reference was made | Date of demise | Time taken <br> Hrs. <br> Mts. | Remarks |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 12. | 19-7-2021 | Shri Yusuf Sarwar Khan alias Dilip Kumar, ex-Member | 7-7-2021) |  |  |
| 13. | 19-7-2021 | Shri Milkha <br> Singh, the legendary track and field sprinter | 18-6-2021 |  |  |
| 14. | 20-07-2021 | Shri Ramadhar Kashyap, ex-Member | 6-7-2021 | 0-02 | The Chairman made reference and the House observed silence, all Members standing, as a mark of respect to the memory of the departed. |
| 15. | 23-07-2021 | Shri Agniraj, ex-Member | 22-11-2021 |  | The Chairman made reference |
| 16. | 23-07-2021 | Shri Vijay Singh Yadav, ex-Member | $16-5-2021\}$ | $0-02$ | and the House observed silence, all Members standing, as a mark of respect to the memory of the departed. |

17. 27-07-2021 Shri Wasim Ahmad, 26-04-2021 ex-Member
18. 27-07-2021 Sir Anerood Jugnauth, former President and former Prime Minister of the Republic of Mauritius
03-06-2021 $\} 0-05$

| SI. | Date of | Person in respect | Date of | Time | Remarks |
| :--- | :--- | :--- | :--- | :--- | :--- |
| No. Obituary | of whom Reference | demise | taken |  |  |
|  | Reference | was made |  | Hrs. |  |
|  |  |  | Mts |  |  |

19. 27-07-2021 Dr.Kenneth David 17-06-2021

Buchizhya
Kaunda, Founding
Father and
First President of the Republic of Zambia
20. 11-08-2021 Shri Thindivanam K. 08-08-2021 0-02 The Deputy Ramamurthy, ex-Member

Chairman made reference and the House observed silence, all M e mbers standing, as a mark of respect to the memory of

Total: the departed.
0-32

## INTRODUCTION OF MINISTERS BY THE PRIME MINISTER

On the 19th of July, 2021 Shri Narendra Modi, Prime Minister, introduced 15 Cabinet Ministers and 28 Ministers of State to the House.
(Time taken: $04 \mathrm{Mts}$. )
ANNOUNCEMENT REGARDING THE LEADER OF THE HOUSE
On the 19th of July, 2021 the Chairman made the following announcement:-
"I have to inform Members that I had received a communication from the Minister of Parliamentary Affairs informing me that Shri Piyush Goyal, Minister of Commerce \& Industry; Consumer Affairs, Food \& Public Distribution and Textiles has been nominated as the Leader of the House in the Rajya Sabha by the Hon'ble Prime Minister."
(Time taken: $02 \mathrm{Mts}$. )
Note:-The list of Cabinet Ministers and Ministers of State was laid on the Table by the Prime Minister due to disruption in the House.

## REFERENCES BY THE CHAIR

4 References were made in the House during the Session, as detailed below: -

| Sl. Date of | Incident | Date of the | Time taken | Remarks |
| :--- | :---: | :---: | :---: | :---: |
| No. Reference |  | Incident | Hrs. Mts. |  |

1. 26-7-2021 Kargil Vijay Kargil Vijay. 26-07-2021 0-02 -
2. 27-7-2021 According of World

25-07-2021
0-01 $\qquad$
Heritage status to the
historic Rudreshwara
Temple, popularly
known as Ramappa
Temple, situated near
Warangal in Telangana
by the UNESCO.
3. 28-7-2021 According of World 27-07-2021 0-02 -

Heritage status to the
Harappan era city of
Dholavira in Rann of
Kutch, Gujarat by the
U N $\quad$ E $\quad \mathrm{S}$ C
4. 09-08-2021 79th Anniversary of the 09-08-2021 0-04 The House

Quit India Movement.

| 09-08-2021 0-04 | The House <br> observe d <br> silence, all <br> Member s |
| :--- | :--- |
| standing, as <br> a mark of <br> respect to the <br> memory of <br> the martyrs. |  |

Total 0-09

## FELICITATIONS BY THE CHAIR

Felicitations were offered to the following in connection with the Olympic Games, 2020 held in Tokyo, Japan:-

| $\begin{gathered} \text { Sl. } \\ \text { No. } \end{gathered}$ | Date | Subject | $\begin{gathered} \text { Date of } \\ \text { event } \end{gathered}$ | Time taken <br> Hrs.Mts |
| :---: | :---: | :---: | :---: | :---: |
| 1 | 26-7-2021 | Ms. Mirabai Chanu for winning Silver Medal in Women's $49-\mathrm{kg}$ category Weightlifting event. | July-August, 2021 | 1 0-01 |
| 2 | 2-8-2021 | Ms. P.V. Sindhu for winning Bronze Medal in Badminton Women's Singles event. | July-August, 2021 | 1 0-02 |
| 3 | 5-8-2021 | Ms. Lovlina Borgohain and the Indian Men's Hockey Team for winning Bronze Medal in the Welterweight category of Women's Boxing and Men's Hockey event respectively. | July-August, 2021 | 1 0-02 |
| 4. | 6-8-2021 | Shri Ravi Kumar Dahiya for winning Silver Medal in 57-kg category of Men's Freestyle Wrestling event | July-August, 2021 | 1 0-02 |
| 5. | 9-8-2021 | Indian Olympic contingent on their commendable performance. | July-August, 2021 | 1 0-12 |
|  |  |  | Total | 0-19 |

## PAPERS LAID ON THE TABLE

3864 Papers were laid on the Table during the Session. Some of the important papers that were laid are detailed below: -
SI. Date Subject

No.

1. 19-7-2021 The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 (No. 2 of 2021), promulgated by the President on the 4th of April, 2021.
2. 19-7-2021 The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2021 (No. 3 of 2021), promulgated by the President on the 4th of April, 2021.
3. 19-7-2021 The Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021 (No. 4 of 2021), promulgated by the President on the 13th of April, 2021.
4. 19-7-2021 The Indian Medicine Central Council (Amendment) Ordinance, 2021 (No. 5 of 2021), promulgated by the President on the 22nd of April, 2021.
5. 19-7-2021 The Homoeopathy Central Council (Amendment) Ordinance, 2021 (No. 6 of 2021), promulgated by the President on the 16th of May, 2021.
6. 19-7-2021 The Essential Defence Services Ordinance, 2021 (No. 7 of 2021), promulgated by the President on the 30th of June, 2021
7. 26-7-2021 Annual Report of the National Mission for Clean Ganga (NMCG), New Delhi, for the year 2019-20.
8. 27-7-2021 One Hundred and third Liquidator's Report on voluntary winding up of the Industrial Investment Bank of India (IIBI) Limited, Kolkata, for the period from 1-1-2021 to 31-3-2021, together with the Auditor's Report on the Accounts.
9. 29-7-2021 Fifty-seventh Annual Report of the Central Vigilance Commission (CVC), New Delhi, for the year ending 31st of December, 2020

29-7-2021 Seventieth Annual Report of the Union Public Service Commission (UPSC), New Delhi, for the year 2019-2021

11 30-7-2021 Thirty-sixth Progress Report on the Action Taken pursuant to the recommendations of the Joint Parliamentary Committee(JPC) on Stock Market Scam and matters relating thereto (June, 2021).

12 3-8-2021 Annual Report and Accounts of the Insolvency and Bankruptcy Board of India, New Delhi, for the year 2019-2020, together with the Auditor's Report on the Account

13 3-8-2021 Half Yearly Review of the trends in receipts and expenditure in relation to the Budget, at the end of the Financial year 2020-2021

14 3-8-2021 Annual Report and Accounts of the Deposit Insurance and Credit Guarantee Corporation Mumbai, for the period from 1-4.2020 to 31-3-2021, together with the Auditor's Report on the Accounts

15 3-8-2021 A statement of Market Borrowings by Central Government, during the year 2020-2021

16 4-8-2021 Annual Report and Accounts of the Coalition for Disaster Resilient Infrastructure, New Delhi, for the year 20192020, together with the Auditor's Report on the Accounts.

17 5-8-2021 Annual Report of the University Grants Commission (UGC), New Delhi, for the year 2019-2020

18 11-8-2021 Annual Report of the Lokpal of India, New Delhi, for the year 2019-2020

19 11-8-2021 Report of the Comptroller and Auditor General of India on Prime Minister's Development Package for the year ended 31st March, 2019-Report No. 2 of 2021Government of Jammu and Kashmir.

11-8-2021 Report of the Comptroller and Audit General of India for the year ended March, 2019-Union GovernmentCommunications and IT Sector, Report No. 3 of 2021 (Compliance Audit)

21 11-8-2021 Report of the Comptroller and Audit General of India for the year ended March 2019-Union Government (Defence Services)-Army (Compliance Audit)-Report No. 4 of the year 2021.

22 11-8-2021 Report of the Comptroller and Audit General of India for the year ended March 2019-Union Government (Railways)-(Compliance Audit), Report No. 5 of 2021 and corrigendum dated 15-7-2021.

23 11-8-2021 Report of the Comptroller and Audit General of India on Compliance of the Fiscal Responsibility and Budget Management Act, 2003 for the year 2017-2018 and 2018-2019-Union Government-Department of Economic Affaiars (Ministry of Finance)-Report No. 6 of 2021

11-8-2021 Report of the Comptroller and Audit General of India for the year 2019-2020-Accounts of the Union Government, Report No. 7 of 2021 (Financial Audit), Union Government -Finance Accounts 2019-2020, Union Government-Appropriation Accounts (Civil) 2019-2020. Union Government-Appropriation Accounts (Postel Services) 2019-2020

11-8-2021 Indian Railways Appropriation Accounts Part I-Review, Part II-Detailed Appropriation Accounts and Part-II Detailed Appropriation Accounts (Annexure-G) for the year 2019-2020

11-8-2021 Union Government Appropriation Accounts of the Defence Services for the year 2019-2020

Total Time taken: 20 Mts.

## REPORTS/STATEMENTS OF THE COMMITTEES PRESENTED / LAID ON THE TABLE

The following Reports/Statements of various Committees were presented/laid on the Table:-

| Date | Name of the Committee | Report/Statement |
| :--- | :--- | :--- |
| $20-7-2021$ | Public Accounts | 36th to 38th Reports ${ }^{\text {s }}$ |
| 22-7-2021 | Transport, Tourism and Culture | 292nd Report |
| 23-7-2021 | Commerce | 161st and 162nd Reports |
| $23-7-2021$ | Transport, Tourism and Culture | 293rd Report |
| $23-7-2021$ | Labour | 20th to 24th Reports |
| $23-7-2021$ | Welfare of Other Backward Classes | 3rd to 8th Reports ${ }^{\star}$ |
| $26-7-2021$ | Transport, Tourism and Culture | 294th Report |
| $27-7-2021$ | Industry | 308th Report |
| $27-7-2021$ | Papers Laid on the Table | 162nd Report |
| $27-7-2021$ | Transport, Tourism and Culture | 295th Report |
| $27-7-2021$ | External Affairs | Action Taken Statement |
| 28 -7-2021 | Transport, Tourism and Culture | 296th Report |
| $29-7-2021$ | Energy | Action Taken Statement |

29-7-2021 Energy
Action Taken Statement
\$ The Thirty-sixth and Thirty-seventh Reports were presented to Hon'ble Chairman, Rajya Sabha on the 9th April, 2021 and to the Speaker, Lok Sabha on 13th April, 2021, respectively.
\& These Reports were presented to Hon'ble Chairman, Rajya Sabha on 22.06.2020 and 30-7-2020, and to Hon'ble Speaker, Lok Sabha on 13-6-2020 and 25-7-2020, respectively. The Speaker had ordered the printing, publication and circulation of the Reports under Rule 280 of the Rules of Procedure and Conduct of Business in Lok Sabha.

30-7-2021 Offices of Profit
1st to 3rd Reports
2-8-2021 Subordinate Legislation
247th Report
2-8-2021 Commerce
163rd Report
2-8-2021 Transport, Tourism and Culture
297th Report
3-8-2021 Transport, Tourism and Culture
298th Report
3-8-2021 Finance
32nd to 39th Reports
3-8-2021 Labour 25th Report
3-8-2021 Social Justice and Empowerment
3-8-2021 Water Resources
4-8-2021 Transport, Tourism and Culture
299th and 300th Reports
4-8-2021 Chemicals and Fertilizers
4-8-2021 External Affairs Action Taken Statements
4-8-2021 Welfare of Other Backward Classes
5-8-2021 Energy
5-8-2021 Rural Development
16th to 19th Reports
5-8-2021 Water Resources
5-8-2021 Chemicals and Fertilizers
5-8-2021 Food, Consumer Affairs and Public Distribution

5-8-2021 Information Technology
6-8-2021 Education, Women, Children, Youth and Sports

6-8-2021 Coal and Steel
12th Report
Action Taken Statements
Action Taken Statements

Action Taken Statements
327th to 330th Reports

21 st to 26th Reports

| 6-8-2021 | Petroleum and Natural Gas | 7th and 8th Reports |
| :---: | :---: | :---: |
| 6-8-2021 | Social Justice and Empowerment | 23rd to 25th Reports |
| 6-8-2021 | Urban Development | 8th and 9th Reports |
| 9-8-2021 | Food, Consumer Affairs and Public Distribution | 13th Report |
| 9-8-2021 | Welfare of Scheduled Castes and Scheduled Tribes | 6th and 7th Reports |
| 10-8-2021 | Home Affairs | 233rd and 234th Reports |
| 10-8-2021 | Agriculture | 29th and 30th Reports and Action Taken Statements |
| 11-8-2021 | External Affairs | 9th Report |
| 11-8-2021 | Public Accounts | 39th and 40th Reports |
| 11-8-2021 | Water Resources | Action Taken Statements |

(Total Time taken: 26Mts.)

## MOTIONS FOR ELECTION OF MEMBERS TO VARIOUS COMMITTEES/BODIES

| $\begin{aligned} & \text { SI. } \\ & \text { No. } \end{aligned}$ | Date | Name of the Committee/Body | Time taken <br> Hrs. Mts. |
| :---: | :---: | :---: | :---: |
| 1. | 23-7-2021 | Coconut Development Board | 0-01 |
| 2. | 2-8-2021 | Welfare of Other Backward Classes $\}$ | 0-02 |
| 3. | 2-8-2021 | Public Accounts $\int$ |  |
| 4. | 5-8-2021 | Personal Data Protection Bill, 2019 | 0-02 |
| 5. | 11-8-2021 | Central Advisory Committee for the National Cadet Corps | 0-01 |
|  |  | Total | 0-06 |

# MESSAGES FROM THE LOK SABHA - REPORTED / GOVERNMENT BILLS - LAID ON THE TABLE 

Secretary-General reported to the Rajya Sabha, 24 messages received from the Lok Sabha and laid on the Table, 15 Government Bills, as passed by the Lok Sabha, during the Session.
(Time taken:10Mts.)

## RESIGNATION BY MEMBERS

On the 19th of July, 2021, the Chairman informed the House that he had received letters from five Members namely Shri Manas Ranjan Bhunia representing the State of West Bengal, Shri R. Vaithilingam and Shri K.P. Munusamy representing the State of Tamil Nadu, Shri Biswajit Daimary representing the State of Assam and Shri Thaawarchand Gehlot representing the State of Madhya Pradesh, resigning their seats in the Rajya Sabha and that he had accepted the resignation of Shri Manas Ranjan Bhunia with effect from the 6th of May, 2021; resignation of Shri R. Vaithilingam and Shri K.P. Munusamy with effect from the 7th of May, 2021; resignation of Shri Biswajit Daimary with effect from the 10th, of May, 2021; and the resignation of Shri Thaawarchand Gehlot with effect from the 7th of July, 2021.
(Time taken: 01 Minute)

## LEAVE OF ABSENCE

The following Members were granted leave of absence during the Session on the dates and for the period as mentioned against each:-

| Sl. Name of Member <br> No. | State | Date of grant <br> of Leave of <br> Absence | Period of <br> Absence |  |
| :--- | :--- | :--- | :--- | :--- |
| 1 | Shri Birendra Prasad <br> Baishya | Assam | $19-7-2021$ | 19th July to 10th <br> August, 2021. |
| 2 | Shri Narain Dass <br> Gupta | NCT of Delhi 19-7-2021 | 19th July to 13th <br> August, 2021. |  |


| 3 | Shri Y. S. Chowdary | Andhra <br> Pradesh | 19-7-2021 | 19th July to 4th August, 2021. |
| :---: | :---: | :---: | :---: | :---: |
| 4 | Shri Oscar Fernandes | Karnataka | 23-7-2021 | *19th July to 13th August, 2021. |
| 5 | Shri K.G. Kenye | Nagaland | 23-7-2021 | *19th July to 13th August, 2021 |
| 6 | Dr. Mahendra Prasad | Bihar | 28-7-2021 $\}$ | *19th July to 13th August, 2021. |
| 7 | Shrimati Misha Bharti | Bihar | 28-7-2021 |  |
| 8. | Shri Parimal Nathwani | Andhra Pradesh | 28-7-2021 | 19th July, 2021 to 9th August, 2021 |
| 9. | Shri Subhasish Chakraborty | West Bengal | 11-8-2021 | *19th July to 13th August, 2021. |
|  |  |  | Total: | 0-04 |

## RECOMMENDATIONS OF THE BUSINESS ADVISORY COMMITTEE

3 Meetings of the Business Advisory Committee were held during the Session to allocate time for Government Legislative and other Business. Recommendations of the Committee were reported to the House on the dates, as mentioned below: -

| SI. Date of BAC <br> No. Meeting | Date of announcement of <br> the recommendations of <br> BAC in the House | Time taken <br> Hrs. Mts. |
| :--- | :--- | :--- |
| 1. 22-7-2021 | $23-7-2021$ | $0-02$ |
| 2. $3-8-2021$ | $4-8-2021$ | $0-01$ |
| 3. | $6-8-2021$ | $9-8-2021$ |$\quad$| $0-01$ |
| :--- |

[^1]
## STATEMENTS REGARDING GOVERNMENT BUSINESS

3. Statements regarding Government Business were made in the House on the following dates during the Session: -

| SI. No. | Date | Time taken <br> Hrs. Mts. |
| ---: | :--- | :--- |
| 1 | $23-7-2021$ | $0-03$ |
| 2 | $30-7-2021$ | $0-02$ |
| 3 | $6-8-2021$ | $0-02$ |
|  | Total | $0-07$ |

## ANNOUNCEMENT BY THE CHAIR

On the 19th of July, 2021 the Chairman informed the Members that in view of the special seating arrangements made for the current Session, he had acceded to the request made by the Minister of Parliamentary Affairs to allow his junior colleague, the Minister of State in the Ministry of Parliamentary Affairs to lay all the papers listed under the heading Papers to be Laid on the Table and Statements by Ministers related to DRPSCs in the List of Business for the day in the name of other Ministers, on their behalf.
(Total Time taken: 01 Minute)

## OBSERVATIONS BY THE CHAIR

(1) On the 23 rd of July, 2021, the Chairman expressed anguish over the dysfunction of the House over the last three days. He observed that barring a 4 hour discussion held on the issue of Covid-19, where members could express their views and concerns over the management of the pandemic besides highlighting the shortcomings and suggesting a way forward, nothing has happened and who would benefit from it is beyond his understanding. He further observed that the Minister of Electronics and Information Technology was scheduled to make a statement in the House on "Pegasus spyware" issue but papers were snatched, torn and thrown into the air bringing disrepute to the parliamentary democracy. He also stated that Parliament is much more than a
political institution. The entire country, including State Legislatures, look at the two Houses of Parliament for guidance, therefore disrupting the House will only halt the march of our nation besides letting down people. He further stated that the country is entering into the 75th year of independence and the spirit of its celebrations should not be marred by dysfunctional Parliament.
(II) On the 26th of July, 2021, the Chairman made some observations regarding the continued disruption of proceedings due to which Members are being denied the opportunity to raise Matters raised with Permission (Zero Hour submissions) and Special Mentions on wide ranging issues, as permitted by him during the previous four sittings of the House.
(III) On the 27th of July, 2021, the Chairman made some observations regarding the continued disruption of proceedings and stated that Leaders of various parties have conveyed to him their concern over the ongoing state of affairs of the House due to which the Members are deprived of opportunity to raise important issues. He again made an appeal to the Members to allow the House to function, so that important legislative business and issues of public importance could be discussed.
(IV) On the 30th of July, 2021, the Chairman made some observations regarding the need for maintaining decency and dignity of the House by the Members. He also apprised the House that a new system had been implemented whereby names of the Members along with the issues of public importance (Zero Hour Submissions and Special Mentions) which could not be taken up due to disruption of proceedings were being included in the Parliamentary Bulletin Part - I for record.
(V) On the 5th of August, 2021, the Deputy Chairman condemned the deplorable and unbecoming conduct of a Member of Rajya Sabha, who after being directed by the Chair on the 4th August, 2021, under Rule 255 of the Rules of Procedure and Conduct of Business in the Council of States to withdraw immediately from the Council for remainder of the day's meeting, tried to enter the Chamber forcefully, leading to injury to a security personnel in the process.
(VI) On the 11th of August, 2021, the Chairman expressed his anguish over unruly scenes and gross disorderly conduct of some Members on the IOth August, 2021, who stormed into the well of the House in violation of the rules and etiquettes and disrupted the proceedings of the House.
(Total Time taken: 16Mts.)

## SUSPENSION OF MEMBER

On 23rd July, 2021 on a motion moved by Shri V. Muraleedharan, Minister of State in the Ministry of External Affairs and Ministry of Parliamentary Affairs and adopted by the House, Dr. Santanu Sen, Member was suspended from the services of the House for the remaining part of the Session.
(Time taken: 01 Minute)

## WITHDRAWAL OF MEMBERS

On the 4th of August, 2021, the Chairman, under Rule 255 of the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha), directed Ms. Dola Sen, Shri Md. Nadimul Haque, Shri Abir Ranjan Biswas, Shrimati Shanta Chhetri, Ms. Arpita Ghosh and Shrimati Mausam Noor to withdraw immediately from the Council.
(Time taken: 01 Minute)

## MATTERS RAISED WITH PERMISSION

I. On the 27th of July, 2021:-
(1) Shri Sushil Kumar Modi raised a matter regarding need to have reservation for OBC and other weaker sections in NEET UG and PG entrance exams.
II. On the 6th of August, 2021:-
(2) Shri Harnath Singh Yadav raised a matter regarding need to encourage regional languages/mother tongue instead of English.
(3) Dr. Sasmit Patra raised a matter regarding need for infrastructural support for overall development of Odisha.
(4) Shri Ram Nath Thakur raised a matter regarding need for filling up of the vacancies of Judges in the High Courts and the Supreme Court.
(Total Time taken: 07 Mts.)

## DISPENSING WITH QUESTION HOUR AND LUNCH HOUR

On the llth of August, 2021, on a suggestion made by Shri Pralhad Joshi, Minister of Parliamentary Affairs, Minister of Coal and Minister of Mines, and agreed to by the House, the Question Hour and Lunch Hour were dispensed with to take up the discussion on the Constitution (One Hundred and Twenty Seventh Amendment) Bill, 2021, as passed by Lok Sabha.
(Time taken: 01 Minute)

## QUESTIONS

252 Starred Questions were put down in the Lists of Questions for Oral Answers, out of which 51 Questions were orally answered and answers to the remaining ones were laid on the Table of the House.
(Time taken: 3Hrs. \& 44 Mts.)
2711 Unstarred Questions were also put down in the Lists of Questions for Written Answers in respect thereof were laid on the Table of the House.

## STATEMENTS BY MINISTERS CORRECTING ANSWERS TO QUESTIONS

2 Statements correcting answers to Questions, as detailed below, were laid on the Table of the House, during the Session: -

| $\begin{aligned} & \hline \text { SI. } \\ & \text { No } \end{aligned}$ | Date | Subject | Ministry/ Department | Name of the Minister | Time taken Hrs.Mts |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 1. | 2-8-2021 | Correcting the answer Unstarred Question 654 given in the RajyaSabha on the 26th July, 2021, regarding'Priv atisation of Defence Establishments' | Ministry of Defence | Shri Ajay Bhatt | 0-01 |

$\begin{array}{lllll}2 \text { 10-8-2021 } & \begin{array}{l}\text { Correcting the answer } \\ \text { to Unstarred Ministry } \\ \text { of Finance Question }\end{array} & \begin{array}{l}\text { Ministry of }\end{array} & \begin{array}{l}\text { Dr Bhagwat } \\ \text { Karad }\end{array} & 0-01 \\ & 248 \text { given in the } & & \\ & \text { Rajya Sabha on the } & & \\ & \text { 20th July, 2021 } \\ \text { regarding 'Judegment } \\ \text { of Supreme Court and }\end{array} \quad \begin{aligned} & \text { Reversal from NPS } \\ & \text { to Old Pensions } \\ & \\ & \text { Scheme'. }\end{aligned}$
Total: $\mathbf{0 - 0 2}$

## STATEMENTS BY MINISTERS

(1) 1 Suo moto Statement was laid on the Table of the House by Minister during the Session:-

| Date | Subject matter of the Statement | Name of the <br> Minister | Time taken <br> Hrs. Mts. |
| :--- | :--- | :--- | :--- |
| $22-7-2021$ | Compromise of phone data of <br> some persons as reported in the | Shri.Ashwini <br> Vaishnaw | $0-01$ |
|  |  |  |  | media.

Total: $\qquad$
(II) The following Statements were laid on the Table, by Ministers in pursuance of the Direction of the Chairman, Rajya Sabha, dated the 24th September, 2004 in accordance with the provisions of Rule 266 of the Rules of Procedure and Conduct of Business in the Council of States:-

For Reference and Records:-

The Minister could not make the Statement as the copy of the same was snatched from his hand and torn by a Member and the proceedings of the House were continuously disrupted.

| SI. Date $\quad$ Subject matter of the Statement | Name of the <br> Minister | Time <br> No. |  |
| :--- | :--- | :--- | :--- |
|  |  | Hrs. |  |
|  |  | Mts. |  |

1. 23-7-2021 Status of implementation of recommendations contained in the First Report of the

Shri Sadhvi Niran Jyothi 0-01 related Department- Standing Committee on Rural Development on Demands for Grants (2019-20) pertaining to the Department of Rural Development, Ministry of Rural Development
2. 27-7-2021 Status of implementation of recommendations contained in the Three Hundred and Thirtythird Report of the Department- related Parliamentary Standing Committee on Science and Technology, Environment, Forests and Climate Change on Demands for Grants (2020-21) pertaining to the Ministry of Earth Sciences.
3. 27-7-2021 Status of implementation of recommendations contained in the Three Hundred and Fortysecond Report of the Department- related Parliamentary Standing Committee on Science and


| SI. Date <br> No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
| 6 28-7-2021 | Status of implementation recommendations observations contained in th Two Hundred and Twenty-firs Report of the Department related Parliamentary Standin Committee on Home Affairs o "Working Conditions in Borde Guarding Central Arme Police Forces (Border Securit Force, Indo- Tibetan Borde Police, Sashastra Seema Ba and Assam Rifles)". |  | - |
| 7 29-7-2021 | Status of implementation recommendations/ observation contained in the Two Hundre and Thirty- second Report the Department -relate Parliamentary Standin Committee on Home Affairs o Demands for Grants (2021-22) pertaining to the Ministry of Development of North Easter Region | Shri. B. L. Verma | 0-01 |
| 8. 30.7.2021 | Status of implementation recommendations/ observations contained in the Tenth Report of th Department-relate Parliamentary Standin | Shri. Ashwini Kumar Choubey | - |


| SI. Date <br> No. | Subject matter of the Statement | Name of the <br> Minister |
| :--- | :--- | :--- | | $\underline{\text { Time }}$ |
| ---: |
| taken |
| Hrs. |
| Mts. |


| SI. Date <br> No. | Subject matter of the Statement <br> 11. 30me of the <br> Minister | $\underline{\text { Time }}$ <br> $\underline{\text { taken }}$ <br> Hrs. |
| :--- | :--- | :--- |
| Mts. |  |  |


| SI. Date <br> No. | Subject matter of the Statement | Name of the$\underline{\text { Time }}$ <br> Minister$\underline{l}$taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: |
|  | Standing Committee on Water Resources on Demands for Grants (2021-22) pertaining to the Department of Drinking Water and Sanitation, Ministry of Jal Shakti. | $\rangle$ |
| 14 02-8-2021 | Status of implementation of recommendations contained in the Twenty-fifth Report of the Department-related Parliamentary Standing Committee on Finance on Demands for Grants (2021-22) pertaining to the Ministry of Finance | Shri. Pankaj Chaowdhary |
| 15 02-8-2021 | Status of implementation of recommendations/ observations contained in the Three Hundredth Report of the Department-related Parliamentary Standing Committee on Industry on Demands for Grants (2020-21) pertaining to the Ministry of Micro, Small and Medium Enterprises | Shri. Bhanu Pratap <br> Singh Verma $0-01$ |

SI. Date Subject matter of the Statement

No. \begin{tabular}{l}
Name of the <br>
Minister

$\quad$

$\underline{\text { Time }}$ <br>
\end{tabular}

16. 03-8-2021 Status of implementation of recommendations contained in the One Hundred and Twentieth and One Hundred and Twenty-

Shri. Sarbananda Sonowal second Reports of the Department-related Parliamentary Standing Committee on Health and Family Welfare on Demands for Grants (2020-21) (Demand No.4) pertaining to the Ministry of AYUSH.
17. 03-8-2021 Status of implementation of recommendations/ observations contained in the One Hundred and Ninetieth Report of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture on "Development of Tourism in Darjeeling and Sikkim" pertaining to the Ministry of Tourism.
18. 03-8-2021 Status of implementation of recommendations observations contained in the Two Hundred and Seventieth Report of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture

| SI. Date <br> No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | on "Development of Tourism in Jammu and Kashmir" pertaining to the Ministry of Tourism. |  |  |
| 19. 04-8-2021 | Status of implementation of recommendations observations contained in the First Report of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment on Demands for Grants (2019-20) pertaining to the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment. |  |  |
| 20. 04-8-2021 | Status of implementation of recommendations observations contained in the Sixth Report of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment on Demands for Grants (2020-21) pertaining to the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment. | Dr. Virendra Kuma | 0-01 |
|  | Status of implementation of |  |  |


| SI. Date No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | recommendations/ observations contained in the Third Report of the Department-related Parliamentary Standing Committee on Urban Development on Demands for Grants (2019-20) pertaining to the Ministry of Housing and Urban Affairs. | Shri. Hardeep Singh Puri |  |
| 22 04-8-2021 | Status of implementation of recommendations/ observations contained in the Eighteenth Report of the Departmentrelated Parliamentary Standing Committee on Coal and Steel on Demands for Grants (202122) pertaining to the Ministry of Steel. |  |  |
| 23 04-8-2021 | Status of implementation of recommendations/ observations contained in the Twentieth Report of the Departmentrelated Parliamentary Standing Committee on Coal and Steel on "Development of Leased Out Iron Ore Mines and Optimum Capacity Utilization" pertaining to the Ministry of Steel. | Shri. Faggansingh Kulaste | 0-01 |



| SI. Date No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | Committee on Personnel, Public Grievances and Pensions on Demands for Grants (2021-22) pertaining to the Ministry of Personnel, Public Grievances and Pensions. |  |  |
| 27 05-8-2021 | Status of implementation of recommendations contained in the Fourth Report of the Department- related Parliamentary Standing Committee on Defence on Demands for Grants (2019-20) on "Ordnance Factories, Defence Research and Development Organisation, Directorate General of Quality Assurance and National Cadet Corps (Demand Nos. 19 \& 20)". | y B | 0-01 |
| 28 05-8-2021 | Status of implementation of recommendations contained in the Sixth Report of the Department- related Parliamentary Standing Committee on Defence on Demands for Grants (2020-21) on "Army, Navy, Air Force and Joint Staff (Demand Nos. 19 \& 20)". |  |  |
| 29 05-8-2021 | Status of implementation of recommendations contained in the Eighth Report of the |  |  |



| SI. Date No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
| 32. 05-8-2021 | Status of implementation of recommendations/ observations contained in the Three Hundred and Twenty-fourth Report of the Department-related Parliamentary Standing Committee on Education pertaining to the Department of Higher Education, Ministry of Education. | Dr. Subhas Sarkar |  |
| 33. 06-8-2021 | Status of implementation of recommendations contained in the Twenty-fifth Report of the Department-related Parliamentary Standing Committee on Agriculture on Demands for Grants (2021-22) pertaining to the Department of Agricultural Research and Education, Ministry of Agriculture and Farmers Welfare. | Shri Narendra Singh Tomar | 0-01 |
| 34. 06-8-2021 | Status of implementation of recommendations contained in the Fourth Report of the Department- related Parliamentary Standing Committee on Information Technology on Demands for Grants (2019-20) pertaining to the Ministry of Electronics and InformationTechnology. | Shri Danve Raosaheb Dadarao |  |



| SI. Date <br> No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
| 38. 06-8-2021 | Status of implementation of recommendations contained in the One Hundred and Sixtieth Report of the Departmentrelated Parliamentary Standing Committee on Commerce on Demands for Grants (2021-22), (Demand No. 11), pertaining to the Department of Promotion of Industry and Internal Trade, Ministry of Commerce and Industry. | $\mid$ |  |
| 39. 06-8-2021 | Status of implementation of recommendations contained in the First Report of the Department- related Parliamentary Standing Committee on Defence on Demands for Grants (2019-20) on "General Defence Budget, BRO, ICG, MES, DGDE, DPSUs, CSD, Welfare of Exservicemen, ECHS, Defence Pension and SainikSchool (Demand Nos. 18 \& 21)". |  |  |
| 40. 06-8-2021 | Status of implementation of recommendations contained in the Third Report of the Department- related Parliamentary Standing Committee on Defence on | Shri Ajay Bhatt | - |


| SI. Date <br> No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | Demands for Grants (2019-20) on "Capital Outlay on Defence Services, Procurement Policy, Defence Planning and Married Accommodation Project (Demand No. 20)". |  |  |
| 41 06-08-2021 | Status of implementation of recommendations contained in the Seventh Report of the Department- related Parliamentary Standing Committee on Defence on Demands for Grants (2020-21) on "Capital Outlay on Defence Services, Procurement Policy, Defence Planning and Married Accommodation Project (Demand No. 20)" | Shri Ajay Bhatt | 0-01 |
| 42 06-08-2021 | Status of implementation of recommendations contained in the Two Hundred and Eightyeighth Report of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture on Demands for Grants (202122) pertaining to the Ministry of Tourism. | 1 |  |


| SI. Date No. | Subject matter of the Statemen | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
| 43 06-08-2021 | Status of implementation of recommendations contained i the Seventh Report of th Department- relate Parliamentary Standin Committee on Railways on Demands for Grants (2021-22) pertaining to the Ministry of Railways. | Shri .Danve Raosaheb Dadarao |  |
| 44 06-08-2021 | Status of implementation of recommendations contained i the Ninth Report of th Department- relate Parliamentary Standing Committee on Food, Consume Affairs and Public Distribution on Demands for Grants (2021 22) pertaining to the Department of Food and Publi Distribution, Ministry Consumer Affairs, Food and Public Distribution. | Sadhvi Niranjan Jyothi | $0-01$ |
| 45 06-08-2021 | Status of implementation of recommendations/ observation contained in the Twenty-fifth Report of the Department related Parliamentary Standin Committee on Informatio Technology on Demands fo | Dr. L.Murugan | 0-01 |


| S1. Date <br> No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | Grants (2021-22) pertaining to the Ministry of Information and Broadcasting. |  |  |
| 46 09-08-2021 | Status of implementation of recommendations contained in the Tenth Report of the Department- related Parliamentary Standing Committee on Water Resources on Demands for Grants (2021-22) pertaining to the Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti. | Shri Gajendra Singh Shekhawat | 0-01 |
| 47 09-08-2021 | Status of implementation of recommendations/ observations contained in the Eighth Report of the Department-related Parliamentary Standing Committee on Social Justice and Empowerment on Demands for Grants (2020-21) pertaining to the Ministry of Minority Affairs. | Shri John Barla | 0-01 |
| 48 09-8-2021 | Status of implementation of recommendations contained in the Twenty-second Report of the Department related |  |  |


| SI. Date No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | Parliamentary Standing Committee on Social Justice and Empowerment on Demands for Grants (2021-22) pertaining to the Ministry of Minority Affairs | - |  |
| 49 10-08-2021 | Status of implementation of recommendations contained in the $311^{\text {th }}$ and $315^{\text {th }}$, issues raised on $311^{\text {th }}$ and $315^{\text {th }}$, updated Action Taken Notes on $311^{\text {th }}$ and 317 on, clarifications on $317^{\text {th }}, 318^{\text {th }}, 319^{\text {th }}$ and $325^{\text {th }}$ Reports of the Departmentrelated Parliamentary Standing Committee on Education, Women, Children, Youth and Sports pertaining to the Department of Sports, Ministry of Youth Affairs and Sports. | Shri.Anurag Singh Thakur | 0-01 |
| 50 11-08-2021 | Status of implementation of recommendations contained in the Three Hundred and Fourteenth and Three Hundred and Twenty- sixth Reports of the Department-related Parliamentary Standing Committee on Human Resource Development and Education, Women, Child, Youth and | Smt.Smriti Zubin Irani | 0-01 |


| SI. Date No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | Sports on Demands for Grants (2020-21) and Demands for Grants (2021-22), respectively, pertaining to the Ministry of Women and Child Development. | - |  |
| 5111-08-2021 | Status of implementation of recommendations/ observations contained in the Two Hundred and Seventy-seventh Report of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture on Demands for Grants (2020-21) pertaining to the Ministry of Culture. | Shri Arjun Ram |  |
| 52 11-08-2021 | Status of implementation of recommendations/ observations contained in the Two Hundred and Eighty-second Report of the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture on Demands for Grants (2020-21) pertaining to the Ministry of Culture. | Meghwal | 0-01 |


| SI. Date No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
| 53 11-8-2021 | Status of implementation of recommendations/ observations contained in the One Hundred and Fifty- sixth Report of the Department-related Parliamentary Standing Committee on Commerce on Demands for Grants (2020-21) (Demand No. 10) pertaining to the Department of Commerce, Ministry of Commerce and Industry | Smt. Anupriya Singh Patel |  |
| 54 11-8-2021 | Status of implementation of recommendations/ observations contained in the One Hundred and Fifty-ninth Report of the Department-related Parliamentary Standing Committee on Commerce on Demands for Grants (2021-22) (Demand No. 10) pertaining to the Department of Commerce, Ministry of Commerce and Industry. | Smt. Anupriya Singh Patel | 0-01 |
| 55 11-8-2021 | Status of implementation of recommendations contained in the Eighteenth Report of the Department- related Parliamentary Standing | Smt. Darshana Vikram Jardosh |  |


| SI. Date <br> No. | Subject matter of the Statement | Name of the Minister | Time <br> taken <br> Hrs. <br> Mts. |
| :---: | :---: | :---: | :---: |
|  | Committee on Labour on Demands for Grants (2021-22) pertaining to the Ministry of Textiles. | - | - |
| 56 11-08-2021 | Status of implementation of recommendations contained in the Three Hundred and Twenty-third Report of the Department-related Parliamentary Standing Committee on Education, Women, Children, Youth and Sports on Demands for Grants (2021-22) pertaining to the Ministry of Education. | Smt. Annpurna Devi |  |
| 57 11-08-2021 | Status of implementation of recommendation contained in the Fifth Report of the Department- related Parliamentary Standing Committee on Defence on Demands for Grants (2020-21) on "General Defence Budget, BRO, ICG, MES, DGDE, DPSUs, CSD, Welfare of Ex-servicemen, ECHS, Defence Pensions and Sainik School (Demand Nos.18,19,20 and 21)" | Shri Ajay Bhatt | $0-01$ |
|  | Total : |  | 0-26 |

## SPECIAL MENTIONS

The following 11 Special Mentions on Matters of Public Importance were laid on the Table of the House during the Session:-

|  | Date | Name of the Member | Subject Ti | Time taken Hrs. Mts. |
| :---: | :---: | :---: | :---: | :---: |
| 1. | 20-7-2021 | Dr. V. Sivadasan | Need to increase production and availability of Covid 19 vaccines. |  |
| 2. | 20-7-2021 | Shri. Ajay Pratap Singh | Demand to accept CT Scan and Rapid Antigen Test of dead Covid 19 patients for providing Government benefits. | $0-01$ |
| 3. | 20-7-2021 | Shrimati Phulo DeviNetam | Demand to supply fertilizers to Chhattisgarh as per its demand for the Kharif crop 2021. |  |
| 4. | 20-7-2021 | Shri Kanakamedala Ravindra Kumar | Concern over withdrawal of certain benefits being given to PIO/OCI card holders. |  |
|  | 20-7-2021 | Shri. Maharaja Sanajaoba Leishemba | Demand to delete Eight Assembly constituencies from the 2 -outer Manipur Parliamentary Constituency and their inclusion in the 1-inner Manipur Parliamentary Constituency. | $0-01$ |
|  | 20-07-2021 | Dr. Amar Patnaik | Demand for reducing the Odisha's State share in centrally sponsored schemes and SDRF. | $\}$ |

$\left.\left.\begin{array}{llll}\text { 7. 20-07-2021 } & \text { Dr. Vikas Mahatme } & \begin{array}{l}\text { Demand for ST status to } \\ \text { certain shepherd community } \\ \text { tribes. }\end{array} \\ \text { 8. 20-07-2021 } & \begin{array}{l}\text { Shri Sakaldeep } \\ \text { Rajbhar }\end{array} & \begin{array}{l}\text { Demand for direct elections } \\ \text { of Block and District } \\ \text { Panchayat President. }\end{array} \\ \text { 9. } & \text { 09-08-2021 } & \text { Dr. M.Thambidurai }\end{array}\right\} \begin{array}{l}\text { Demand for protecting the } \\ \text { rights of Tamil Nadu in } \\ \text { Cauvery River water share. }\end{array}\right\} 0-02$

SUPPLEMENTARY DEMANDS FOR GRANTS LAID ON THE TABLE

| Date | Particulars | Minister who Laid <br> on the Table | Time taken <br> Hrs. Mts. |
| :--- | :--- | :--- | :---: |
| 20-07-2021 | Supplementary Demands <br> for Grants, 2021-22 | Dr. Bhagwat Karad | $0-01$ |
|  | Total | $\mathbf{0 - 0 1}$ |  |

SHORT DURATION DISCUSSION (Discussion under Rule 176)

| Date | Name of the Member who raised the discussion | Subject | No. of Speakers | Minister who replied | Time taken Hrs.Mts |
| :---: | :---: | :---: | :---: | :---: | :---: |
| $20-07-2021$ | 1 Shri. Mallikarjun <br> Kharge, <br> Leader of the Opposition | Management of COVID 19 pandemic, implementation of vaccination policy and challenges of the likely third wave. | 24 | Shri. Mansukh Mandaviya, Minister of Health and Family Welfare and Minister of Chemicals and fertilizers | 4-37 |
| 10-8-2021 | Shri Vijay PalSingh Tomar | *Agricultural problems and solutions. |  | - | 0-12 |
|  |  |  | Total |  | 4-49 |

*The discussion was not concluded.

## STATUTORY RESOLUTIONS

| Sl. <br> No. | Date | Name of the Mover | Subject | No. of speakers | Time <br> taken <br> Hrs.M | Remarks |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 1. | $03-08-2021$ | Shri. Shaktisinh Gohil | "That this House dis approves the Insolvency and Bankruptcy Code Amendment) Ordinance, 2021 (No. 3 of 2021) promulgated by the President of India on $4^{\text {th }}$ April, 2021." |  | $0-02$ | Discussed together with the Insolvency and Bankruptcy Code (Amendment) Bill, 2021, as passed by Lok Sabha. The Resolution was negatived. <br> For other details, pl. see item Sl.No. 9 under the h e a d i n "GOVERNMENT LEGISLATIVE BUSINESS". |


| Sl. Date No. | Name of the Mover | Subject | No. of speakers | Time taken Hrs.M | Remarks <br> Its. |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 2. 05-08-2021 | Shri.Shaktisinh Gohil | "That this House disapproves the Commission for Air Quality Management in National Capital Region and Adjoining Areas Ordinance, 2021(No. 4 of 2021) promulgated by the President of India on $13^{\text {th }}$ April, 2021." | - | 0-03 | Discussed together with the Commission for Air Quality Management in National Capital Region and Adjoining Areas Bill 2021, as passed by Lok Sabha. <br> The Resolution was n egatived For other details, pl. see item at Sl. No. 14 under the heading "GOVERNMENT LE G I S L AT I V E BUSINESS". |
| 3. 05-08-2021 | Shri Elamaram Kareem | "That this House disapproves the Essential Defence Services Ordinance, 2021 (No. 7 of 2021) promulgated by the President of India on $13^{\text {th }}$ April, 2021." | - | 0-02 | Discussed together with the Essential Defence Services Bill, 2021, aspassed by Lok Sabha The Resolution was n egatived For other details, pl. see item at Sl. No . 15 under the h e a d i n g "GOVERNMENT LEGISLATIVE B USINESS". |
| 4. 09-08-2021 |  | "That this House disapproves the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 (No.2 of 2021) promulgated by the President of India on 4th April,2021." | - | 0-03 | Discussed together Tribunals Reforms Bill, 2021, as passed by LokSabha The Reso lution was negatived. For other details, pl. see item atSl No. 16 under the h e a d i n g "GOVERNMENT LEGISLATIVE B USINESS" |

0-10

## GOVERNMENT LEGISLATIVE BUSINESS

| SI. Title of the Bill | Date of | Date of | Minister-in- | No.of | Time | Time |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | Remarks

1. The Marine 22-03-2021 19-07-2021 Shri 6

Aids to
Navigation Bill, 2021, as passed by Lok Sabha.
2. The Indecent 13-12-2012 26-07-2021 Shrimati - - 0-01 Withdrawn Representation of Women Smriti Zubin
Irani
(Prohibition)
Amendment
Bill, 2012
3. The Juvenile 24-03-2021 27-07-2021 Shrimati - $3-00$ 0-19 Passed.

Justice (Care and Protection of Children) Amendment Bill, 2021, as passed by LokSabha.

The Factoring Regulation
4. (Amendment) 27-07-2021 29-07-2021 Shrirnati $\quad 5 \quad 2-00 \quad 0-14$ Passed.

Bill, 2021, as passed by Lok Sabha.

Nirmala
Sitharaman,

| 5.\#The Coconut | 29-07-2021 | 30-07-2021 | Shri | 1 | 1-00 | 0-06 | Introduced, |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Development |  |  | Narendra |  |  |  | considered |
| B o a r d (Amendment) |  |  | SinghTomar |  |  |  | $\text { and } \quad \text { Passed }$ |
| Bill, 2021. |  |  |  |  |  |  |  |
| 6. The Inland | 30-07-2021 | 02-08-2021 | Shri | 9 | 2-00 | 0-32 | Passed. |
| Vessels Bill, 2021, as passed |  |  | Sarbananda |  |  |  |  |
| by Lok Sabha. |  |  | Sonowal |  |  |  |  |
| 7. *\#The | 29-07-2021 | 02-08-2021 | Shri Pankaj | - | 5-00 | 0-01 | Under consideration |
| Appropriation (No.4)Bill, 2021, as passed |  |  | Chaowdhary |  |  |  |  |

8. *\%The 29-07-2021 02-08-2021

Appropriation (No.3)Bill, 2021, as passed by Lok Sabha.
9. The Insolvency 29-07-2021 03-08-2021 Shrimati $6 \quad 3-00 \quad 0-33$ D is cus sed and Bankruptcy C o d e (Amendment) Bill, 2021, as passed by Lok Sabha.

Nirmala
Sitharaman
together with the
Statutory
Resolution moved
by Shri
ShaktisinhGohil.
The Resolution
was negatived
and the Bill was passed.

For other details pl. see at Sl . No. 1 under the heading "Statutory Resolutions."

[^2]
*The Bill was introduced by Rao Inderjit Singh, Minister of State (Independent Charge) of the Ministry of Statistics and Programe Implementation, Ministry of Planning and Minister of State in the Ministry of Corporate Affairs, 30-7-2021.
*The Bill was introduced by Dr Bhagwat Karad, Minisiter of State in the Ministry of Finance on 30-7-2021.
${ }^{@}$ The Bill was introduced by Shri Arjun Munda, Minisiter of Tribal Affairs on 02-08-/2021.


[^3]For other details pl. see at Sl. No. 4 under the heading "STATUTORY RESOLUTIONS"
Also see item at S1. No. 1 under the heading 'DIVISIONS'.


[^4]| The National | Shri |
| :--- | :--- |
| Commission for | Sarbananda |
| Homoeopathy | Sonowal |
| (Amendment) |  |
| Bassed by Lok |  |
| Sabha |  |
| The National | Shri |
| Commission for | Sarbananda |
| Indian System | Sonowal |
| of Medicine |  |
| (Amendment) |  |
| Bill 2021 as |  |
| passed by Lok |  |
| Sabha |  |

2 1-00 0-28 Passed.

Sarbananda
Sonowal
Total: ..... 12-15

## DIVISION

2 Divisions were held during the Session, the details of which are as follows:-

| Sl. <br> No. | Subject | Date of Division | Brief Question on which Division was sought | Result as declared, subject to correction | Final <br> Corrected <br> Result | Remarks |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | The Tribunals Reforms Bill, 2021, as passed by Lok Sabha. | 9-8-2021 | The Amendment moved by Shri Tiruchi Siva for reference of the Bill, to a Select Committee of the RajyaSabha | Ayes-44 <br> Noes-79 | $\begin{aligned} & \text { *Ayes-44 } \\ & \text { *Noes-79 } \end{aligned}$ | The amendment was negatived. For more details, pI.see item at SI. No. 16 under the heading "GOVERNMENT LEGISLATIVE BUSINESS". |

[^5]2. The Constitution 11-08-2021 (i) Motion for Ayes-188 "Ayes-188 The motion was (One Hundred and Twenty S eventh Amendment) Bill, 2021, as passed by
Lok Sabha.

| (ii) Adoption of Ayes-186 Clause 2 of Noes-NIL the Bill | voting. <br> \#Ayes-186 Clause 2 was *Noes-NIL adopted by a Abstain-NIL majority of the total membership of the Houseand by a majority of not less than twothirds of the membersof the House presentand |
| :---: | :---: |
| (iii) Adoption of Ayes-187 <br> Clause 3 of the Noes-NIL. <br> Bill | *Ayes -187 Clause 3 was <br> *Noes-NIL majority of the <br> Abstain-NIL total membership of the House and by a majority of not less than twothirds of the members of the House present and voting. |

- The final result of the Division was published in Parliamentary Bulletin Part - II No. 61119, dated the 11th of August,2021.
(iv) Adoption of Ayes-I87 *Ayes-187 Clause 4 was

Clause 4 of the • Noes-NIL *Noes-NIL Bill

Abstain-NIL
ajority of majority of the total membership of the House and by a majority of not less than two-thirds of the members of the House presentand
$\mathrm{V} \quad \mathrm{o}$ t i n g.
Clause 1, the Enacting formula and the Title were adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. The Motion was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.
For more details, pl. see item at Sl . No. 19 under the heading "GOVERNMENT LEGISLATIVE B USINESS".

## For Reference and Record

Division Slips were used during the Divisions held.

- The final result of the Division was published in Parliamentary Bulletin Part - II No. 61119, dated the $11^{\text {th }}$ of August, 2021.


## VALEDICTORY REMARKS

On the $\mathrm{ll}^{\text {th }}$ of August, 2021, the Deputy Chairman made valedictory remarks on the conclusion of the Session.
(Time taken: 01 Minute)

## NATIONAL SONG

On the $11^{\text {th }}$ of August, 2021, National Song (Vande Mataram) was played.
(Time taken: 01 Minute)

## STATEMENT SHOWING BREAK-UP OF THE TIME TAKEN BY THE RAJYASABHA ON VARIOUS ITEMS OF BUSINESS DURING THE SESSION

Sl. No. Subject

1. National Anthem
2. Opening Remarks by the Chairman
3. Oath or Affirmation 0-03
4. Obituary References

0-32
5. Introduction of Ministers by the Prime Minister 0-04
6. Announcement regarding the Leader of the House 0-02
7. References by the Chair 0-09
8. Felicitations by the Chair 0-19
9. Papers Laid on the Table 0-20
10. Reports / Statements of the Committees Presented/ 0-26 Laid on the Table
11. Motion for Election of Members to various 0-06 Committees/ Bodies
12. Messeges from the Lok Sabha - Reported/ 0-10 Government Bills Laid on the Table
13. Resignation by Members 0-01
14. Leave of Absence ..... 0-04
15. Recommendations of the Business Advisory Committee ..... 0-04
16. Statements regarding Government Business ..... 0-07
17. Announcement by the Chair ..... 0-01
18. Observations by the Chair ..... 0-16
19. Suspension of Member ..... 0-01
20. Withdrawal of Members ..... 0-01
21. Matters raised with permission ..... 0-07
22. Dispensing with Zero Hour and Lunch Hour ..... 0-01
23. Questions ..... 3-44
24. Statements by Ministers Correcting Answers ..... 0-02
to Questions
25. Statements by Ministers ..... 0-27
26. Special Mentions ..... 0-06
27. Supplementary Demands for Grants - Laid on the Table ..... 0-01
28. Short Duration Discussion ..... 4-49
29. Statutory Resolutions ..... 0-10
30. Government Legislative Business ..... 12-51
31. Valedictory Remarks ..... 0-01
32. National Song ..... 0-01
33. Points Raised ..... 3-17
Total: ..... 28-33

STATEMENT SHOWING THE TIME TAKEN AND TIME LOST DUE TO INTERRUPTIONS/ADJOURNMENT OF THE HOUSE DURING THE SESSION

| Date | Time Taken |  | Time <br> Lost |  | Remarks |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | H | M | H | M |  |
| 19-7-2021 | 1 | 16 | 4 | 44 | The House was adjourned and Zero Hour could not be taken up due to protests by Members belinging to the AITC, INC, YSRCP, BJD, AAP, DMK, and CPI over the issues of repeated hike in fuel prices[ ongoing farmers' agitation and alleged mishandling of the COVID-19 pandemic situation in the country. |
| 20-7-2021 | 5 | 06 | 2 | 06 | The House was adjourned and Zero Hour question Hour and Government Legislative Business could not be taken up due to protests by Members belonging to the INC, YSRCP AITC and CPI over the issues of alleged snooping and hacking of phones of journalist judges and politicians, using Pegasus spywar and demand for special category status fo Andhra Pradesh |
| 22-7-2021 | 0 | 06 | 5 | 54 | The House was adjourned and Zero Hour and Gpovernment Legislative Business could not be taken up due to prpotests by Members belonging to the INC, AITC, AAP and YSRCP overr the issues of alleged snooping and backing of phones of journalists, judges and politicians using Pegasus spyware and ongoing faramers' agitatison on three new farm laws |


| Date | Time Taken |  | $\begin{aligned} & \text { Time } \\ & \text { Lost } \\ & \hline \end{aligned}$ |  | Remarks |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | H | M | H | M |  |
| 23-7-2021 | 0 | 29 | 5 | 01 | The House was adjourned and Zero Hour Question Hour and Government Legislative Business could not be taken up due to protests by some opposition parties over the issues of alleged snooping and hacking of phones of journalists, judges and polliticians, using Pegasus spyware and ongoing farmers' agitation on three new farm laws, |
| 26-7-2021 | 0 | 44 | 5 | 16 | The House was adjourned and Zero Hour and Government Legislative Business could not be taken up due to protests by Members belonging to the AITC, INC, CPI, SP, AAP and DMK over the issues of alleged snooping and hacking of phones of journalists, judges and politicians using Pegasus spyware and ongoing farmers agitation on three new farm laws. |
| 27-7-2021 | 0 | 34 | 5 | 26 | The House was adjourned and Zero Hour could not be taken up due to protests by Member belonging to the AITC, INC, CPI, CPI(M) and DMK over the issue of alleged snooping and hacking of phones of journalists, judges and politicians, using Pegasus spyware. |
| 28-7-2021 | 1 | 12 | 4 | 48 | The House was adjourned and Zero Hour could not be taken up due to protests byMembers belonging to the AITC, INC, CPI(M), CPI, DMK, AAP, SP and IUMLover the issue of alleged snooping and hacking of phones of journalists, judges and politicians, using Pegasus spyware. |
| 29-7-2021 | 0 | 55 | 5 | 05 | The House was adjourned and Zero Hour could not be taken up due to protests by Members belonging to the AITC, INC, CPI, DMK $\mathrm{CPI}(\mathrm{M})$ and AAP over the issue of alleged snooping and hacking of phones of journalists. judges and politicians, using Pegasus spyware. |


| 30-7-2021 | 0 | 30 | 5 | 00 | The House was adjourned and Zero Hour coulc not be taken up due to protests by Member belonging to the AITC, INC, DMK and $\mathrm{CPI}(\mathrm{M})$ over the issues of alleged snooping and hackins of phones of journalists, judges and politicians, using Pegasus spyware and ongoing farmers agitation on three new farm laws. |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 2-8-2021 | 1 | 19 | 4 | 41 | The House was adjourned and Zero Hour coulc not be taken up due to protests byMember belonging to the AITC, $\operatorname{INC}, \operatorname{CPI}(\mathrm{M})$ AAP, CPI and SP over the issues of alleged snooping and hacking of phones of journalists, judges anc politicians, using Pegasus spyware and ongoins farmers' agitation on three new farm laws. |
| 3-8-2021 | 1 | 30 | 4 | 30 | The House was adjourned and Zero Hour could not be taken up due to protests by Members belonging to the INC, AITC, $\mathrm{CPI}(\mathrm{M}), \mathrm{CPI}$, DMK and AAP over the issues of alleged snooping and hacking of phones of journalists. judges and politicians, using Pegasus spyware, ongoing farmers' agitation on three new farm laws and various other issues. |
| 4-8-2021 | 1 | 13 | 4 | 47 | The House was adjourned and Zero Hour and Question Hour could not be taken up due to protests by Members belonging to the INC AITC, DMK, CPI(M), CPI, AIADMK, AAP RJD, SP and Ind., over the issues of alleged snooping and hacking of phones of journalists judges and politicians, using Pegasus spyware repeated hike in fuel prices and ongoing farmers agitation. |
| 5-8-2021 | 2 | 20 | 3 | 40 | The House was adjourned and Zero Hour could not be taken up due to protests by Member belonging to the AITC, INC, AAP, DMK anc $\mathrm{CPI}(\mathrm{M})$, over the issues of alleged snooping anc hacking of phones of journalists, judges anc politicians, usingPegasus spyware and ongoins farmers' agitation. |


| 6-8-2021 | 0 | 32 | 5 | 28 | The House was adjourned and Governmen Legislative Business could not be taken up due to protests by Members belonging to the INC AITC, DMK, CPI(M), SP, AAP and an Independent over the issues of alleged snooping and hacking of phones of journalists, judges and politicians, using Pegasus spyware and ongoing farmers' agitation. |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 9-8-2021 | 2 | 45 | 3 | 15 | The House was adjourned and Zero Hour and Question Hour could not be taken up due to protests by Members belonging to the INC AITC, DMK, CPI(M), AAP and SP over the issues of alleged snooping and hacking of phones of journalists, judges and politicians, using Pegasus spyware and ongoing farmers agitation. |
| 10-8-2021 | 0 | 55 | 5 | 05 | The House was adjourned and Zero Hour and Government Legislative Business could not be taken up due to protests by Members belonging to the INC, AITC,DMK, CPI(M), SP, AAP and CPI over the issue of alleged snooping and hacking of phones of journalists, judges and politicians, using Pegasus spyware. |
| $11-8-2021$ <br> SS, snooping | 7 | 07 | 1 | 39 | The House was adjourned and Zero Hour could not be taken up due to protests by Members belonging to the INC, AITC, DMK, CPI(M), AAP and CPI over the issue of alleged and hacking of phones of journalists, judges and politicians, using Pegasus spyware, ongoing farmers' agitation and various other issues. |
| Total | 28 | 33 | 76 | 25 |  |

- Time taken includes the actual time spent for transaction of business and the time spent on points raised.
- Time lost comprises adjournments of the House following interruptions and also includes the Time between the final adjournment of the House due to continued interruptions on some issue and the Scheduled Time of adjournment of the House, i.e., 6-00 p.m. (excluding time of lunch-break/recess for 1 hour from Monday to Thursday and 1 hour and 30 minutes on Friday).
Highlights of business transacted during the $254^{\text {th }}$ Session - At a Glance
Sittings
Date of issue of Summons ..... 2-7-2021
Duration of the Session ..... 19-7-2021 to
11-8-2021
Number of actual days of sitting ..... 17
Actual Hours of sittings (excluding recess intervals) ..... 28 Hrs.\& 33 Mts.
Time lost due to interruptions/adjournments ..... 76 Hrs.\& 25 Mts
Time made up by late sittings/skipping lunch recess ..... 3 Hrs.
Date of prorogation of Session ..... 31-8-2021
Questions
No. of Starred Questions listed ..... 252
No. of Starred Questions answered orally ..... 51
No. of Unstarred Questions answered ..... 2711
Short Notice Questions
Half-an-Hour Discussions
Government Bills
No. of Bills introduced ..... 4
No. of Bills withdrawn ..... 1
No. of Bills passed/returned ..... 19
No. of Bills part discussed (Under consideration)No. of Bills referred to Joint/Select CommitteeNo. of Bills deferred


## Private Members' Business

No. of Bills introduced

No. of Bills part discussed (Under consideration)
No. of Bills withdrawn/negatived
No. of Bills passed
No. of Bills on which debate adjourned/deferred
No. of Resolution part discussed
No. of Resolution withdrawn/negatived

## Oath/Affirmation

| No. of Members made and subscribed | 2 |
| :--- | :--- |
| oath/affirmation |  |

Statements by Ministers
No. of suo motu Statements made/laid by Ministers 1
No. of Statements laid by Ministers regarding Status
of implementation of recommendations contained in 57
the Reports of the Department-related Parliamentary
Standing Committees
Matters of public importance raised
No. of Calling Attentions
No. of Short Duration Discussions 2
No. of Special Mentions 11
No. of Matters raised with permission 4
Submission by Members
Papers Laid on the Table

## For Referenceand Record

As per the practice followed for last few Session, due to prevailing situation of Covid-19, the ( $\left.254^{\text {th }}\right)$ Session of Rajya Sabha was also held in compliance with the safe distancing norms and with all necessary precaution. Various arrangements were made by the Secretariat in co-ordination with various agencies

As was done during the $252^{\text {nd }}$ Session and $253^{\text {rd }}$ Session, during $254^{\text {th }}$ Session also, four large display screens in the Rajya Sabha Chamber along with six small screens in the four Rajya Sabha Galleries except Press Gallery enabled Members to watch proceedings of the House from any of the places they were seated, without any hindrance. The seats earmarked for Members in the Rajya Sabha Galleries were fitted with sound consoles and microphones for facilitating their participation in the proceedings from their respective seat, however, as the number of Members to be seated in the Galleries increased, aisle seats in each block with micro phone and sound console were kept reserved so that Members who are seated on seats not having such facilities may come there and take part in the proceeding of the House from there. Further, Interpretation facilities were also made available through these consoles. Audio and Video systems between the Rajya Sabha Chamber/Galleries were integrated.

For sake of reference, the details about the various arrangements made during the Budget ( $254^{\text {th }}$ ) Session of Rajya Sabha and mentioned in various Parliamentary Bulletins Part-II have been stated below:-

## Seating Arrangement for the $\mathbf{2 5 4}^{\text {th }}$ Session

Special Seating Arrangements were made for the $254^{\text {th }}$ Session in compliance of the safe distancing norms with Members being seated with some physical distancing in the Rajya Sabha Chamber and Rajya Sabha Galleries. No fixed Seat/Division No. was allotted to individual Members. The number of seats for each party in the Rajya Sabha Chamber and Rajya Sabha Galleries was fixed as per their numerical strength for allocation amongst their Members, by the respective parties. For details, see Para No. 60884 published in Parliamentary Bulletin Part-II dated the $12^{\text {th }}$ of July, 2021.

Letters regarding Special Seating Arrangements/change in seating arrangements were issued to the Party Leaders/Single Member Party/ Leader of the House/Ministers of Parliamentary Affairs/Nominated Members/Independent Members.

## Non - availability of Rajya Sabha Galleries and Central Hall for visitors during the $254^{\text {th }}$ Session of the Rajya Sabha

No Distinguished Visitors Gallery, Public Gallery and Central Hall passes were issued and no visitors were allowed to watch the proceedings of the House. Further, Central Hall was exclusively used for the sitting Members of the Rajya Sabha and Lok Sabha. For details, see Para No. 60885 published in Parliamentary Bulletin Part - II dated the $12^{\text {nd }}$ of July, 2021.

## Discontinuance of issue of Bar Coded PS/PA Passes during the $\mathbf{2 5 4}{ }^{\text {th }}$ Session

To avoid overcrowding and to obviate the risk of COVID-19 infection, practice of issuing of Bar-coded PS/P A passes for entry inside Parliament House was done away with during the Session. For details, see Para No. 60890 published in Parliamentary Bulletin Part - II dated the $12^{\text {th }}$ of July, 2021.

## Voting through Division Slip

Members were informed that in view of the special seating arrangements made during the current ( $254^{\text {th }}$ ) Session, with Members seated in the Rajya Sabha Chamber and Rajya Sabha Galleries with some distancing, it would not be possible to conduct voting through Automatic Vote Recording System. Therefore, voting would be done through the Division Slips. Since no fixed Seat/Division Number was assigned to Members, Members were requested to legibly write their names and their Identity Card (I.C.) Number in place of the Division Number in the Division Slips. For details, see Para No. 60896 published in Parliamentary Bulletin Part - II dated the $12^{\text {th }}$ of July, 2021.

## Attendance of Members in the House

For the convenience of Members, the Attendance Register was split into six parts (State- wise and within State, Names of Members were arranged in alphabetic order) and placed on separate rostrums in the Inner Lobby for signature of Members. For details, see Para Nos. 60894 and 61071 published in Parliamentary Bulletin Part - II dated the $12^{\text {th }}$ of July, 2021 and $30^{\text {th }}$ of July, 2021, respectively.

## COVID-19 Vaccination and RTPCR Testing for Members of Parliament

As a precautionary / remedial measure to contain the spread of the COVID19 infection and safety of the Members, the following advisory issued by ICMR
and Ministry of Health and Family Welfare (CGHS) was brought to the notice of the Members before the commencement of the $254^{\text {th }}$ Session of Rajya Sabha:

- Members who have already received atleast one dose of COVID-19 vaccine need not undergo RTPCR test for COVID-19 prior to attending or during the Parliament Session.
- Members who are yet to receive vaccine for COVID-19 are requested to take their first dose of vaccine immediately. Vaccination facility is available in Parliament House Complex and CGHS Wellness Centres; North Avenue, South Avenue and Zakir Hussain Marg.
- The Members who are unable to get even a single dose of vaccine against COV1D-19 before attending the upcoming Monsoon Session would require to get themselves tested for COVID-19 infection (RTPCR test) prior to attending the Parliament Session and thereafter once in two weeks during the Session.

For details, see Para No. 60876 published in Parliamentary Bulletin-II dated the $10^{\text {th }}$ of July, 2021.


[^0]:    Note :- @ As informed to Members through Parliamentary Bulletin Part-II No. 60827, dated 2-7-2021, Summons were issued only electronically through Members' Portal.

[^1]:    * However, the House was adjourned sine-die on the 11th of August, 2021.

[^2]:    \# The Bill was introduced by Shri Narendra Singh Tomar, Minisiter of Agriculture and Farmers Welfare on 29/7/2021.
    *\#Discussed together
    $* \%$ The Bills could not be returned by the Rajya Sabha and where deemed to have been passed by both houses under Article 109 (5) of the Constitution

[^3]:    ${ }^{\text {\% }}$ Shri Raj Nath Singh, Minister of Defence, replied to the combined discussion.

[^4]:    * Originally 3Hrs. were allotted in BAC meeting. However, as per the consensus arrived at in the House during the discussion, the time limit was increased from 3 Hrs. to 4 Hrs .

[^5]:    * The final result of the Division was published in Parliamentary Bulletin Part - II No.61103, dated the $9^{\text {th }}$ of August, 2021.

