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Society - Dynamic Issues - Part 2

Caste

- **Caste in India's Politics**
  - **Caste Polarization [#CIP]**
    - creation of resentment against dominat caste such as Jats in Haryana, Patel in Gujarat to break the hegemony of 'dominant caste'
    - Dominant caste group are between 'upper caste' and 'lower castes' like Dalits and other OBC groups. And their powers have risen.
    - As dominant caste group grew more powerful economically and politically, weaker castes resented it. Political parties are aggregating these weaker castes against dominant caste to create new vote banks.
    - Tightening the leash on **dominant castes**, the BJP expanded its base among the backward castes and Dalits
    - Dominant communities reacted to their relative political marginalisation in multiple ways, but most pointedly in demands for reservations by the Marathas, Jats and Patels.
  - **Issues of Dalit-Bahujan politics:**
    - They have **successfully demanded political representation** and fought to achieve it but simultaneous social and economic empowerment have been largely ignored.
    - **Politics reflects society.** From the days of the Poona Pact of 1932, Dalits have been co-opted into the power structure on terms dictated by others. They have been given a share of the pie, but never the rights to distribute or allocate the pie (though BSP and some other parties have challenged this trend)
- **Ram Manohar lohiya** on caste:
  - Caste restricts opportunity. Restricted opportunity constricts ability. Constricted ability further restricts opportunity. Where caste prevails, opportunity and ability are restricted to ever-narrowing circles of the people.
- **Manual scavenging**:
  - The practice of manually cleaning excrement from private and public dry toilets and open drains persists in several parts of South Asia.
  - **As many as 282 people have died while cleaning sewers and septic tanks in the country between 2016 and November 2019**, the **Ministry of Social Justice and Empowerment report**. #VAD
    - “The deaths have been higher in states like Tamil Nadu, Gujarat and Uttar Pradesh where there has been rapid and unplanned urbanisation.

        - Central government has put on record that **there are about 60,440 manual scavengers identified across the country, in 17 States**. More than half of them, about 35,472, have been identified from Uttar Pradesh alone. #VAD
    - Across much of India, consistent with centuries-old feudal and caste-based custom, women from communities that traditionally worked as “manual scavengers,” still collect human waste on a daily basis.
    - India’s Supreme Court has ruled that the practice of manual scavenging violates international human rights law including UDHR, CEDAW (The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW))
    - India’s Constitution bans the practice of untouchability, and the **Protection of Civil Rights Act, 1955,** prohibits compelling anyone to practice manual scavenging. #IBA
    - **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** declared the employment of manual scavengers and construction of dry toilets to be punishable with fines and imprisonment. #IBA
    - **National Commission for Safai Karamcharis (NCSK)** would monitor implementation of the Act and enquire into complaints regarding contravention of the provisions of the act.
    - **Self-Employment Scheme for Rehabilitation of Manual Scavengers(SRMS),** a successor scheme to NSLRS (National Scheme for Liberation and Rehabilitation of Scavengers and their Dependents), was introduced in 2007 with the objective to rehabilitate remaining manual scavengers and their dependents in alternative occupations, in a time bound manner.
    - Apart from these under Swachh Bharat Mission focus has been given on conversion of insanitary latrines into sanitary latrines.
    - **Bandicoot** robot should be used on a wider scale; use of technology
    - **Issues:**
        - compensation is not paid to manual scavengers swiftly.
- **the Caste system can’t be dissolved or eliminated as it has strengthened over time, providing advantages to many people.** (very imp)
    - Social prestige to higher caste -- cultural and social capital
    - Economic benefits to lower caste due to affirmative action
    - Political benefits to candidates by belonging to caste with large population base
- **cultural capital** comprises the social assets of a person (education, intellect, style of speech, style of dress, etc.) that promote social mobility in a stratified society.
    - asymmetrical distribution of cultural capital results in reproduction of social inequality.

Women's Issues:

- **Case for women's education:**
  - Almost all girls go to primary school and, according to the India Human Development Survey (IHDS) of 2011-12, 70% of girls aged 15 to 18 are still studying, only five percentage points less than boys. #VAD
  - Health Ministry survey (**The Comprehensive National Nutrition Survey #pre) that showed a direct correlation between the nutritional status of children and their mothers' education**.
    - with higher levels of schooling for a mother, her children received better diets.
  - women's well being is strongly influenced by women's literacy and educated participation in decisions within and outside the family.
  - In the late 1990s, Tamil Nadu along with the Danish International Development Agency, launched a mass rural literacy project in Dharmapuri, then considered backward, riding largely on local leaders, most of them women. It brought significant sucess, such as in Health and well-being. #EASD [**Arivoli Iyakkam**]
  - **In Census 2011, the female literacy rate was 65.46%, much lower than for males, at 82.14%.** #VAD
  - States such as Kerala with a high literacy rate (male and female) also sit at the top of the table on development indicators.
  - Girls can study at Sainik schools from 2021 - defence miniter
    - The decision follows the success of a pilot project started by the Ministry of Defence for admission of girl children in Sainik School, Chhingchhip, Mizoram, two years ago
  - the education ecosystem needs to go through a set of system strengthening initiatives, including the introduction of digital and STEM (science, technology, engineering and mathematics) education in schools, which in turn will introduce girls to various career choices.
- **Justice Ruth Bader Ginsburg** has explained in the context of the fight for gender justice, **the pedestal on which women are made to stand is often a cage**. - explain - #QTP
  - what is considered a measure to protect a certain group from harm or to advance its interests often, in fact, has the unintended consequence of substantially undercutting those very interests. This is because it prevents members of that group from fully participating in all societal institutions on equal terms and thereby circumscribes the scope of their aspirations
  - Examples to elucidate:
    - During national movement women were put on pedestal as Gods, ideal wives - but in this picture **chastity, notion of family honor restricted spheres of activites of women.**
    - in modern times, 'new women' is supposed to be hard working, self-dependent, and employed. But many women, after having children, want to withdraw from employment to better take care of their children. But this is objected to by feminists.
    - **Honor killings happens paradoxically to protect the honor of women**.
- **Violence against women**
  - **7% rise in crime against women as per NCRB data.** #VAD

        - assault on women with intent to outrage her modesty comprised 21.7%, and rape 7%. For every rape reported, there are many which go unrecorded as patriarchal mindsets remain unchanged
    - **Issue of sexual Abuse:**
        - A rape culture embodied in the brutal power of male sexual entitlement and impunity seems to have gained strength with rising instances of gruesome rapes.
            - On an average, **93 women were victims of rape every day**. **One-third of them were minors.** [NCRB report 2017.]
            - **Issues in tacking rape crimes:**
                - The NCRB report shows that the **backlog of cases**, including cases of child rape, is huge. For all crimes against women, the **pendency of cases is as high as 89.6%.** In 2017, there were as many as 1.17 lakh rape cases from previous years pending trial.
            - utter failure to reform the justice system and ensure conviction leads to an increase in the impunity with which crimes against women are committed.
- **Recommendations of Justice J S Verma Committee:**
    - It placed the responsibility on the Central and State governments to ensure the **social and physical infrastructure to prevent crimes against women**
    - The **suggestions** included
        - **changes in school and college syllabi to educate young people** on the social values of equality and **respect for women's autonomy**;
        - **ensuring safe public transport, city and street lighting, CCTV cameras;**
        - **mapping unsafe areas and provision of increased police patrolling in such areas**;
- **Legal provisions to deal with rape:**
    - **IPC:**
        - **Section 375 of the IPC** made punishable the act of sex by a man with a woman if it was done against her will or without her consent.
            - **Definition of 'rape' is not gender neutral**. **Law Commission in its 172th report recommended widening the scope of rape law to make it gender neutral.** #IC #vad
            - rape law in India even today remains gender specific, as the perpetrator of the offence can only be a 'man'
        - Section 376 provided for seven years of jail term to life imprisonment to whoever commits the offence of rape.
        - Section 228A makes it punishable to disclose the identity of the victim of certain offences including rape.
        - Section 498A of the IPC [analyse this section]
- **Indian Evidence Act of 1872:**

        - Section 114A in the Indian Evidence Act of 1872 says that there is absence of consent in certain prosecutions of rape if the victim says so. This applied to custodial rape cases.
    - **Criminal Law (Second Amendment) Act of 2013. [Nirbahaya Act]**
        - amendments on the recommendation of the **Justice J.S. Verma Committee**, which was constituted to re-look the criminal laws in the country and recommend changes.
        - The 2013 Act, which came into effect on April 2, 2013, **increased jail terms in most sexual assault cases** and **also provided for the death penalty in rape cases that cause death of the victim** or leaves her in a vegetative state.
        - **created new offences**, such as use of criminal force on a woman with intent to disrobe, voyeurism and stalking.
            - unwelcome physical contact, words or gestures, demand or request for sexual favours, showing pornography against the will of a woman or making sexual remarks have been explicitly defined as offences and punishments have been assigned.
            - **stalking was made punishable with up to three years in jail.** The offence of acid attack was increased to 10 years of imprisonment.
        - The punishment for gang rape was increased to 20 years to life imprisonment from the earlier 10 years to life imprisonment.
    - **Criminal Law (Amendment) Act, 2018**
        - for the first time put **death penalty as a possible punishment for rape of a girl under 12 years**; the minimum punishment is 20 years in jail.
        - new section was also inserted in the IPC to specifically deal with rape on a girl below 16 years. The provision made the offence punishable with minimum imprisonment of 20 years which may extend to imprisonment for life.
        - The minimum jail term for rape, which has remained unchanged since the introduction of the IPC in 1860, was increased from seven to 10 years.
    - #MeToo movement
        - The movement has created a critical mass of survivors and spurred a conversation worldwide about breaking silence, combating shame, shattering disbelief; and creating safe environments, empowered communities and avenues for redress
        - **#MeToo rewrote the rules of engagement. It forced men to take the idea of consent seriously**. It pushed organisations to sit up and take notice of sexual harassment.
        - Need to expand the movement to include most vulnerable sections of society such as Dalit women, Muslim women, Adivasis, transgenders etc.

        - Currently it is bringing voices of upper-caste, middle-class, non-disabled, **cisgender** women in urban areas, who are active on social media.
        - Sexual exploitation of women migrant workers from Odisha is widely regarded to be pronounced.
            - **The Western Odisha Migration Network**, a civil society organisation, with support from organisations such as Aide et Action, Global Alliance Against Traffic in Women and Aaina are working on a database of women migrant worker leaders. #VAD
- **issues with #meToo movement:**
    - lot of women anonymously share stories about their harassers but refuse to take further legal or police action. This raises questions on the ingenuity of their claims.
        - as we propose to create a more equal society, we must not let the oppressed assume the role of the oppressors. While there are **great tools at our disposal, they also come with great responsibility.**
        - When a movement is based on the premise that a woman must be believed simply because she is a woman, it carries the seeds of self-destruction.
        - newest methods of justice delivery cannot eschew the oldest tenets of ethics. Accusations must be proven before judgment is pronounced.
- sexual harassment is dictated not only by sex or gender, but also by factors like people's race, caste, religion, colour, region, age, disability and sexuality.
- **Rape** is presumed if occurrence of sexual intercourse is proved and the woman claims the act was committed without her consent, the Supreme Court has held in a recent judgment.
    - "**Section 114-A of the Indian Evidence Act, 1872** deals with the presumption as to absence of consent in certain prosecution for rape. A reading of the Section makes it clear that where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped, and such woman states in her evidence before the court that she did not consent, the court shall presume that she did not consent" - #IBA #VAD
- In a significant verdict that will have implications on a large number of rape cases in India, the Delhi High Court has ruled that the offence of rape falls under the category of "heinous and serious crime" which cannot be quashed even if the parties have settled their dispute or got married.
- **what can be done to prevent the misuse of rape laws:**
    - **Polygraphic Test** shall be made mandatory before registration of Rape FIR
    - **Medical and DNA tests to be made mandatorily** before registration of FIR.
    - There is a need for comprehensive set of reforms which include police reforms, educational reforms, training of personnel in the criminal justice

- **Effect of casteism on sexual violence against women:**
  - Birth-based superiority, illegitimate as it is, cannot be sustained, unless it is renewed day in and day out through a combination of patent lies and brute force. **Verbal and physical acts of sexualised humiliation and violence directed at the lower castes and Dalits are necessary for the survival of caste society** and increasingly so, in the face of challenges and resistance
- **most assaulters are known to the victim, creates an increasingly intimidating environment in which to move forward with justice.**
  - The latest report of the National Crime Records Bureau (**NCRB**) shows that of a total of 32,559 cases of rape reported across the country in 2017, **in one-third or 10,553 cases the victim and offender were either friends, online friends, live-in partners or separated husbands.** #VAD
  - **way forward:**
    - Imparting **healthy sex education in schools**, providing means by which socially and emotionally marginalised men are given the opportunity to be identified and rehabilitate themselves, is paramount, before it leads to further tragedy.
    - **Better policing, fast-track courts, quick sentencing are the need of the hour** as each can serve as a deterrent
      - JS verma committee: social and physical infrastructure to deal with crimes against women.
    - **When sexual assault this pervasive response must be systemic, not episodic**.
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 #IBA**
  - Establishment of **Internal Complaints Committee (ICC)**
- The **States and Union Territories have utilised less than 20% of the budget allocated to them under the Nirbhaya Fund** for safety of women by the Central government between 2015 and 2018, #VAD
  - The key schemes under which the States have been allocated money include **Emergency Response Support System,** Central **Victim Compensation Fund**, Cyber Crime Prevention against Women and Children, **One Stop Scheme**, **Mahila Police Volunteer**, and **Universalisation of Women Helpline Scheme**.
- Centre has continued to pump in more cash for schemes like One Stop Scheme as well as Universalisation of Women Helpline Scheme — which provides for a **single national helpline 181 linked with One Stop Centres for women in distress**.
- Recently The Home Ministry has sanctioned ₹100 crore from the Nirbhaya Fund for setting up **women help desks in police stations across the country.** “These desks would focus on making the police stations more women-friendly, as they would be the first point of contact for any woman walking into a police station,”
- Over the last five years, utilisation of amounts for the Nirbhaya fund projects is only

to the extent of 9 per cent and in Maharashtra, it is 0 per cent.

- **Life cycle analysis of sexual violence against women:**
  - as a young child, a girl is part of an incontrovertible landscape where **there has been a 336% rise in sexual crimes against children in the last decade**.
  - As a young woman, she is in the most unsafe country in the world, according to a recent Thomson Reuters Foundation survey, which recorded around 40,000 rapes a year. She is subject to the routine threats of **honour killing and trafficking.**
  - As a widow or single mother, she is ostracised in a patriarchal society.

- **Domestic violence:**
  - **More than 68% of women in India are victims of domestic violence**. #VAD

- **Honor killing:**
  - Many crimes committed in the name of defending the **honour of a caste,** clan or family may have their origin in India's abominable **caste system**.
  - Law commission has drafted The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill to penalise honour killings and uphold the right of adults to marry persons of their own choice without unlawful interference from **caste panchayats** or persons and relatives intent on harming the couple. #IC
  - The High Courts of Punjab and Haryana and Madras have laid down guidelines to the police on creating special cells and 24-hour helplines to provide assistance and protection to young couples.
  - **SC has upheld that choice of consenting adults to love and marry is part of their fundamental rights**. Supreme Court issued guidelines for ensuring safety of couples who may be threatened by **Khap Panchayats**. #IJSC
    - SC observed that 'honor killing' violates the liberty and dignity of individuals, and something that requires preventive, remedial and punitive measures.
    - SC came down heavily on Khap Panchayats for perpetrating honor killings.
    - The district magistrate or police chief have to provide couples, who risk the wrath of khap panchayats, not only with **logistics and protection at their wedding but also a "safe house" to stay during the first year of marriage.**
    - The court gave a list of actions which trigger honour-based crimes: loss of virginity outside marriage; unapproved relationships; refusing an arranged marriage; divorce; demanding custody of children; scandal; and "falling victim to rape".

Marriage related issue

- Whereas a third of Japanese women and 11% of Sri Lankan women aged 30-34 are single, less than 3% of Indian women are single at that age. - **so married life also pulls them out of labour market.**
- Research from other countries shows that educated women marry similarly educated men.

But in India, women frequently marry men with lower education than themselves.

- whereas less than 5% women married men whose education was lower than themselves in the 1970s, the proportion has grown to nearly 20% recently. #VAD
- Inter-caste and inter-religious marriages are still not tolerated. hadiya case, dalit boy marrying upper caste girl etc. several cases have come up.
  - **Provisions Under Special Marriage Act, 1954 #IBA**
    - Anyone irrespective of religion can lawfully marry any one of opposite gender, under this act.
    - Marriage contracted under this act is known as '**court marriage**'.
    - Succession is governed by Indian Succession Act, 1925, and not by the personal laws.
- **colourism**(discrimination based on skin colour) in India has colonial roots. it has effected women more acutely than men.
  - Colorism in India has also been fueled due to the events under **British colonial rule**, where **British officials consistently demeaned dark-skinned Indians and favored light-skinned Indians for jobs over dark-skinned Indian**.
  - Other forms of colorism in India can be seen in the cosmetic industry, where **"fairness" creams** meant to lighten skin are popular, and in the Bollywood industry, where the **majority of actors and actresses hired are light-skinned**, and **actresses are often photoshopped to look lighter.**
  - **Colourism** is characteristic of Indian subcontinent. [relation with caste system: Aryans are supposed to be white-skineed. Upper caste is more likely to have light-skin]
- **Marital rape in India**:
  - **Section 375** of the Indian Penal Code (IPC), which defines the offence of rape, has an exception clause that says the **intercourse or sexual act by a man with his wife, not below 15 years, is not a rape**.
  - The recently the **Supreme Court of India** read down the exception to Section 375 of the IPC, holding that **sex with one's wife who is below 18 years of age is rape**, whether or not the minor consents
  - The **Justice Verma Committee also recommended to delete the exception under section 375 of IPC.** #IC
  - **Arguments for criminalizing marital rape:**
    - By depriving married women of an effective penal remedy against forced sexual intercourse, **it violates their right to privacy and bodily integrity**, aspects of the right to life and personal liberty under Article 21. The United Nations has also recommended India make it criminal for a man to rape his wife.
      - In NFHS, about 5.5% of the women surveyed say they have experienced sexual violence; over **80% of these instances of violence are perpetrated by husbands**.
      - the **National Family Health Survey-4** revealed that **every third married**

woman had experienced physical and/or sexual violence but only 1.5% had sought help from the police.

- Experts say that sexual consent is the right of every woman – married or unmarried – as much as of men, and nonconsensual sex should be treated exactly the same, regardless of the relationship of the perpetrator to the victim.

- **Arguments against criminalizing Marital rape:**
  - It is often argued, however, that the **institution of marriage is so sacred and sacrosanct to the Indian society** that the decision to criminalize marital rape can be counterproductive. It would "**destabilize the institution of marriage**".
  - Biggest danger of such legislation is the **misuse to torment groom and his family in case of marital disputes**. The Centre in an affidavit to Delhi High Court said that marital rape may become an easy tool for harassing the husband and that **there can be no lasting evidence in the case of sexual acts between a man and his own wife**.
    - **way forward**:
      - Before criminalizing the act, we need to create awareness among women and their right of consent.

- **How normative compulsions in society constrains women exercise of free choice?**
  - incidents like honor killing
  - role as wife, mother, sister.
  - domestic duties as primary caretaker
  - safety and security issue.
- **Women as workforce:**
  - Data from the National Sample Survey Office (NSSO) and the IHDS show that education and employment have a **U-shaped relationship**. **Illiterate women are most likely to participate in the workforce. Work participation drops sharply for women with primary and secondary education and rises only with college education**.
  - the proportion of women among professionals, managers and clerical workers is only about 15%.
  - Educated women's main employment options lie in qualifying as a nurse or a teacher or looking for office jobs.
  - **female participation in the workforce fell from 42.7% in 2004-05 to 23.3% in 2017-18.**
  - widespread belief that it is acceptable for women to work as long as they **also carry out their traditional duties at home** needs to be tackled.
  - huge inequality in the treatment and payment of women workers, and with labour conditions being unfriendly to women focus on equity is imperative. [Gender pay gap]
  - Creches at workplaces should be mandatory.
  - **reasons for low participation:**
    - **low social acceptability of women working outside the household**, **lack of access to safe and secure workspaces**, widespread prevalence of poor and unequal wages, and a

dearth of decent and suitable jobs.

- Most women in India are engaged in subsistence-level work in agriculture in rural areas, and in low-paying jobs such as domestic service and petty home-based manufacturing in urban areas.
  - Indian women do the most unpaid domestic work of any country globally, next to Kazakhstan

- what can be done:
  - gender-responsive public services such as free and accessible public toilets, household water connections, safe and secure public transport, and adequate lighting and CCTV cameras to **prevent violence against women in public spaces and to increase their mobility.**
  - **women must be recognised as farmers in accordance with the National Policy for Farmers [issue of feminization of agriculture]**
  - Women also reiterate the need to recognise and redistribute their unpaid work in the household

- sexual harassment at the workplace and obstacles to women's participation at all levels of the workforce, including political representation are major obstacle to women empowerment.
- **Initiatives by UN:**
  - In September 2017, the UN released a System-wide Strategy on Gender Parity to transform the UN's representation of women at senior levels. Today the UN's Senior Management Group, which has 44 top UN employees, comprises 23 women and 21 men.
- **Issues of domestic workers:**
  - as per the National Sample Survey(NSSO Statsitics-2011-2012,68th round) according to which estimated 39 lakhs people are employed as domestic workers by private households, of which **26 lakhs are female domestic workers.** #VAD
  - The salient features of the proposed draft National Policy on Domestic Workers are as under:-
    - Inclusion of Domestic Workers in the existing legislations
    - **Domestic workers will have the right to register as unorganized workers. Such registration will facilitate their access to rights & benefits.**
    - **Right to form their own associations/unions**
    - **Right to minimum wages**, access to social security
    - Right to enhance their skills
    - **Protection of Domestic Workers from abuse and exploitation**
    - Establishment of a mechanism for regulation of private placement agencies.
    - The Central Government is already implementing **Unorganised Workers' Social Security Act, 2008**, to provide social security relating to life and disability cover, health and maternity benefits, old age protection to the unorganised workers including domestic workers
    - Domestic Workers have also been included as a specific category of workers (with home

as the workplace) in the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act (2013)
        - In several States, trade unions are organizing domestic workers and unions have been registered exclusively for domestic workers.
        - Domestic Workers Sector Skills Council has been established under Ministry of Skills Development to enable professionalization of domestic workers and enable their career progression.
- **Women in Police**:
    - **Women constitute about 7% of the police strength in India**. #VAD
        - many States and Union Territories providing for 30% (and more) reservation for women in the police in specific ranks
        - The presence of women personnel in the police force, considering the crime against women, is the prime need of the hour, the Supreme Court has said in a recent judgment. #IJSC
    - **challenges:**
        - police departments still lack proper internal childcare support systems.
    - **way forward:**
        - making policing inclusive, non-discriminatory and efficient in India is missing in policy circles.
        - develop a **model policy** that will challenge the deep-rooted patriarchy in the institution.
            - the model policy should strive to ensure that decisions on deployment of women are free of gender stereotyping to facilitate **bringing women into leading operational positions**. At present, **there appears to be a tendency to sideline women, or give them policing tasks that are physically less demanding**, or **relegate them to desk duty, or make them work on crimes against women alone.**
        - police departments should develop an action plan to achieve the **target of 30% or more in a time-bound manner.**
        - Departments are legally bound to set up Internal Complaints Committees to prevent sexual harassment at the workplace
        - Implement the suggestions made by the **National Conference of Women in Police #IC**
- **Feminism**:
    - In the magazine Die Gleichheit (Equality), German socialist and feminist **Clara Zetkin wrote in 1894: "Bourgeois feminism and the movement of proletarian women** are two fundamentally different social movements."
        - Zetkin held that "bourgeois feminists" were not concerned with the conditions of working class women who were fighting not only against men who sought to suppress them, but also with men against a common oppressor, capitalism
        - According to her, socialism was the only way to serve the needs of working class women.
    - **Women's movements in India:**

        - The women's movement became fragmented, only to see a resurgence in the 1970s after the Emergency when there was a rallying cry for civil rights.
            - The women's movement slowly regained strength, **fighting against dowry deaths, domestic violence, and sexual abuse**.
            - However, it **never really appreciated the struggles of Dalit and Bahujan women.**
- **World Economic Forum's Global Gender Gap Index 2020**: #VAD #pre
    - India has dropped four points from 2018, to take the **112th rank** on the Index.
    - The Index measures the extent of gender-based gaps on four key parameters — economic participation and opportunity, educational attainment, health and survival, and political empowerment.
    - only a third of the economic gender gap has been bridged.
    - **The participation of women in the labour force is also among the lowest in the world, and the female estimated earned income is only one-fifth of male income.** #VAD
    - It is on the educational attainment (112th rank) and political empowerment (18th rank) fronts that the relative good news come.
    - **conclusion:**
        - **A commitment to ameliorate the conditions for women is a non-negotiable duty of any state**.
- ## Women in Politics
    - The Global Gender Gap report for 2018 said that the widest gender disparity is in the field of political empowerment. #VAD
    - Twitter is a toxic space for **Indian women politicians**, who face substantially higher abuse on the social media platform than their counterparts in the U.S. and the U.K., according to a recent study. (Amnesty India)
        - While all women are targeted, Muslim women politicians faced 55% more abuse than others.
    - **Inter-Parliamentary Union 2018 report**, #pre #vad
        - women legislators account for barely 24% of all MPs across the world. #VAD
        - **Rwanda tops the list, with 61.3%** seats in the Lower House and 38.5% in the Upper House occupied by women.
        - Swedish Parliament, now has 161 women with 46.1% representation.
        - Nepal occupies the 36th position in the IPU and its 275-member Lower House has 90 women, about 32.7% of the total strength. The Nepal Constitution earmarking 33% seats for women in all state institutions, including the legislature.
        - **India**, at 149 among the 192 countries in the IPU list, had barely 11.8% women's representation in the 16th Lok Sabha, which improved to **14.5% in the current Lower House**, a long way from the first election in 1951-52, when they made up only 5% of the House.
            - Even Pakistan with 20% participation from women is ahead of India. India had 65

women out of 545 members of Parliament (MPs) elected to the 16th Lok Sabha in May 2014, for a 12% representation.

- **The 108th Constitutional Amendment Bill stipulating 33% quota for women in the Parliament and in State Assemblies remains in political cold storage**.
- As has happened in the case of panchayats and municipalities, only a legally mandated quota could perhaps ensure a large-scale entry of Indian women into the higher echelons of political power.
- **conclusion:** Women must have greater political representation in decision-making bodies as a first step towards changing chauvinistic mindsets, and Parliament needs to show the way.

Women's health issues:

- According to the **National Family and Health Survey** (201516), teenage pregnancy has halved in the last 10 years and the **percentage of girls married as children has decreased from 47% to 27%.**
- A third of women of reproductive age in India are undernourished, with a body mass index (BMI) of less than 18.5 kg/m2. #VAD
- Indian girls are more likely to be anaemic than Indian boys. [more than 50% prevalence of anemia among women of reproductive age]
- **Issues related to menstrual hygiene:**
  - **Issues**:
    - girls dropped out of school once they attained puberty or missed classes during their periods.
    - According to UN data, 66% of Indian girls are unaware of menstruation before their first period. For 23% to 28% of girls in rural India, periods, together with a lack of private spaces and facilities are a major reason for their being out of school. #VAD
    - **National Family Health Survey 4** data state that a **staggering 62% of young women in India are still using cloth which leaves them vulnerable to health issues such as urinary and reproductive tract infections**. #VAD
    - Periods were a taboo topic among girls and women
    - Women who worked in the fields made “indigenous tampons” with the ends of their saris.The result was high prevalence of vaginal infection.
    - There are also widespread reports of restrictions and isolation of girls during menstruation.
  - **Initiatives:**
    - **Vatsalya Foundation (NGO)**: provide a “total health solution during menstruation.
    - **Arunachalam Muruganandam,** invented of the low-cost sanitary napkin machine in Coimbatore, Tamil Nadu.
    - **Sakhi**, a **cellulose-based organic sanitary napkin**, manufactured by women in villages in and around Vadodara and the city bastis. A pad is sold for ₹2.50. The

Gujarat government gives subsidies to **women self-help groups**

- Sakhi units also operate in refugee settlements in Jordan, and are being set up in Cameroon and South Africa. Bhutan is the latest customer of Sakhi napkins and the incinerator.

- For disposal of the napkins: **low-cost terracotta incinerator (Ashudhinashak)**has been invented that could be kept in villages, and girls' toilets in schools. It won the best grass root innovation award from the President and is part of the Swachh Bharat programme.

- **conclusion:**
  - Menstrual health is a comprehensive, multifaceted issue and evidence has shown the need to address it on war footing. It is not only a public health issue but also a human right, for, every menstruating girl and woman must have access to a safe, clean and private space.
    - An initiative to address menstrual health through a national campaign such as **#YesIBleed (launched by WCD ministry)** will raise awareness and ensure that every girl and woman gains the requisite knowledge on menstrual management and has greater access to hygiene products at affordable prices to comfortably manage her periods with dignity.

- **India's Maternal Mortality Ratio (MMR) has seen a decline from 130 per 1 lakh live births in 2014-2016 to 122 per 1 lakh live births in 2015-2017**. #VAD
  - As per the World Health Organization (WHO), **maternal death is the death of a woman while pregnant or within 42 days of termination of pregnancy**. The WHO says the MMR dropped by 38% worldwide between 2000 and 2017.
  - Karnataka has shown the highest percentage decline in MMR, **Uttar Pradesh and Madhya Pradesh have shown an increase by 15 points each in MMR.**
  - Retaining its first position, Kerala has reduced its MMR from 46 in 2014-2016 to 42 in 2015-2017
  - **11 States have achieved the National Health Policy target of MMR 100 per lakh live births well ahead of 2020.** #VAD
  - public health **initiatives** under the **National Health Mission** such as **LaQshya**, **Poshan Abhiyan**, **Pradhan Mantri Surakshit Matritva Abhiya**n, Janani Shishu Suraksha Karyakram, **Janani Suraksha Yojana** and **Pradhan Mantri Matru Vandana Yojana** have contributed to this decline.
  - recently lauched **Surakshit Matritva Aashwasan Initiative (SUMAN)** : not a single mother or newborn dies due to a preventable cause and move towards zero preventable maternal and newborn deaths. #ISN #pre

Issues of LGBTQI

- **LGBTQIH+ is also used.** (H refers to Hijra in India)
- **Issues of Intersex**
    - In April this year, **Madras High court bench instructed authorities to register marriage transwoman and her husband**. #IJSC
        - the Madras High Court ruled that the term **"bride" under the Hindu Marriage Act, 1955 includes trans women.**
        - judge went on to ban sex reassignment surgeries on intersex infants and children
            - The court observed that the consent of the parent cannot be considered the consent of the child
        - Tamil Nadu government passed an order on August 13 banning sex normalisation surgeries in intersex children and infants, except in life threatening circumstances
    - Definition of intersex:
        - Intersex refers to people born with physical and biological characteristics that are more diverse than stereotypical definitions of male or female bodies
        - Genetically, the male is invested with XY chromosomes and the female, XX. **In intersex there are at least 40 different variations**
        - **Transgenders have a different gender identity than what was assigned to them at birth,** while intersex indicates diversity of gender based on biological characteristics — ambiguity in anatomical genitalia — at birth. There are also multiple variations in intersex itself.
    - There are **differences between gender, sexual identity and sexual orientation.**
        - While gender identity is assigned at birth based on the anatomy (male or female sexual organs, both internal and external), sexual identity is what one sees oneself as, and sexual orientation is the sex a person is attracted to.
    - every year there are 10,000 babies born with intersex conditions, when it is difficult to classify the reproductive organs as male or female #VAD
    - When these differences are apparent at birth, parents are eager to resolve the question of the gender of the baby and pick a gender, possibly ignorant of the fact that the child will have to pick a sexual identity in the process of growing up.
    - **Way forward**:
        - a great deal of awareness is necessary even for the medical community to recognise the possibilities of gender ambiguity

        - Give your baby space, allow gender identity to be fluid, if it is indeed so, and let them choose.
- **Decriminalisation of homosexuality:**
    - In **Navtej Johar v. Union of India**, Supreme Court of India in **2018** decriminalised all consensual sex among adults in private, including homosexual sex. #IJSC
        - The judgement also made note that **LGBT community is entitled to equal citizenship and protection under law, without discrimination**
        - As per the judgment, the choice of whom to partner, the ability to find fulfilment in sexual intimacies and the right not to be subjected to discriminatory behaviour are intrinsic to the constitutional protection of sexual orientation.
        - his case overturned a previous ruling **Suresh Kumar Koushal** v. Naz Foundation by Supreme Court of India in which **section 377** was upheld.
- Issues of **Transgenders:**
    - **Transgenders are the most visibly invisible population in the country**.
    - Their numbers are shrouded in mystery: ranging from around 4,90,000 as per Census 2011 to more than 1 crore (1.1 per cent of the total population), according to the UNAIDS report 2014.
    - the system denied their very human existence as they were neither male nor female, the only two genders recognised.
    - While **NALSA judgement** mandates the **right to identify one's gender even without medical intervention**, **government authorities do not allow change of name and gender identity unless medical certificates show that the person has undergone sex reassignment surgery**, thus completely nullifying what the Supreme Court aimed to protect.
    - While Kerala and Karnataka have introduced State Policies for Transgender Persons, there are no schemes for reservation of transgender/intersex persons in educational institutions and public employment.
    - **The NALSA (National Legal Services Authority) judgment (2014) in which the Supreme Court identified them as the 'Third Gender'**. #IJSC
        - **right to gender identity is inherent in one's right to life, autonomy and dignity.**
        - They held that transgender persons have the right to identify their gender as male, female or transgender **irrespective of medical sex reassignment** and the **right to expression of their chosen gender identity.**
        - Justice KS Radhakrishnan, "Recognition of transgenders as a third gender is not a social or a medical issue but a human rights issue."
        - The apex court directed the Central and State governments to grant legal recognition of gender identity of male, female or transgender; to provide reservations to transgender persons in admission in educational institutions and in public appointments; to provide medical care to transgender persons in hospitals and **provide them separate public toilets and other facilities;** to frame social welfare schemes for their uplift; and to create

public awareness.
    - There is a need for a national commission for LGBT for which constitutional amendment would be needed.
- **The Transgender Persons (Protection of Rights) Bill, 2019**: #IBA [It has been passed]
    - Bill "provides a mechanism for their social, economic and educational empowerment"
    - **Issues with the Bill:**
        - while the WHO recognises 'transgender' as an umbrella term "including persons whose sense of gender does not match with the gender assigned to them at birth", the Bill uses undefined terms such as 'trans-men', 'trans-women', persons with 'inter-sex variations' and 'gender-queers'.
        - **there are no provisions for affirmative action**, even though the **NALSA judgment talked explicitly about the need for reservations** in employment and education along with other welfare facilities, including commuting in public transport etc.
        - the Bill provides for six months to two years of punishment in case of violence, rape or murder of a trans-person. But, the punishment for the same offences against women could be seven years to life imprisonment. Why treat the former as a lesser crime?
- **As many as 15 criminal and personal laws only recognise 'man' or 'woman'. As these laws are not gender-neutral, it is unclear how they will be applied to transgenders**.
- **Historical perspective on India's transgenders:**
    - sexual fluidity has been mentioned in Jain, Hindu, Sufi and Mughal texts.
    - There have been mythological references to transgenders, including the **Ardhnarishwara** and Brihannala, **Shikhandi** in **Mahabharata**
    - under the British, the Victorian orthodoxy led to the passage of Section 377 of the Indian Penal Code, branding them as 'deviant'
- The lifecycle of a transgender is extremely painful. **Children who do not conform to the gender construct leave, or are forced to leave their biological families**. Only a quarter are accepted by the family, according to the **Pehchan Baseline Survey, 2010**. #vad
    - As per the UNDP and ICMRW (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), **50 per cent of transgender women have severe mental health issues and substance dependence**. #vad
    - They are trapped in a vicious cycle of poverty due to lack of access to education and decent employment
    - They drop out of school because of bullying and because most schools are ill equipped to handle children with alternative sexual identities. As they leave their houses young, they don't have educational certificates on their birth names. #Lifecycle approach
- As a direct result of their acute mistreatment, vilification, ostracisation and exploitation, they have to sell unsafe sex in order to make ends meet.
- they remain highly vulnerable to fatal communicable diseases, most notably HIV-AIDS.

Transgender sex workers are 14 per cent more vulnerable compared to other sex workers.

- **what can be done?**
  - The core issues that need urgent focus include **gender transition support**, **skill development,** **social sensitisation, educational support, housing, shelter, parental counselling and protection against violence**.
  - The **existing criminal and civil laws will have to be made gender-neutral.**

Issue of human trafficking:

- **Article 23** of Indian constitution prohibits human trafficking.
- Recent report of United Nations Office on Drug and Crime (UNODC) titled 'Anti Human Trafficking, 2013' revealed that out of over 19,000 women and children reported missing in West Bengal in 2011, only 6,000 could be traced.
- **Human trafficking is the third largest organized crime after drugs and the arms trade across the globe**.
- **Close to 80% of the human trafficking across the world is done for sexual exploitation** and the **rest is for bonded labor** and India is considered as the hub of this crime in Asia.
- **Issue of Bonded labour:**
  - Bonded Labour System (Abolition) Act, 1976 deals with it.
  - But poor implementation and low conviction rate in cases violating the act have resulted in continuation of bonded labour.
- As per the statistics of the government – in every eight minutes a child goes missing in our country. In 2011 about 35,000 children were reported missing and more than 11,000 out of these were from West Bengal. Further, it is assumed that only 30% of the total cases are reported, so the actual number is pretty high.
- Till date no concrete study has been conducted so far to know the exact number of trafficked kids in India.
- Kids especially girl and young women, mostly from Northeast are taken from their homes and sold in faraway states of India for sexual exploitation and to work as bonded labour by the agents who lure their parents with education, better life, and money for these kids.
- India has a complex patchwork of anti-trafficking laws, ranging from the Indian Penal Code and the **Immoral Traffic Prevention Act (ITPA), 1986.** #IBA
- Major reasons
  - **poor socio-economic condition of a large number of families**
  - poverty coupled with frequent, almost annual natural disaster like floods leading to virtual destitution of some people in some states.
  - Geographical limitations for some states – Because of the **porous border and long international border with Bangladesh cross border trafficking is very rampant in West Bengal.** It acts as a transit point to send girls to

different parts of the country.

- The promise of immediate payments encourages the families living in financial difficulties to sell their daughters to the traffickers.
- **Trafficking is closely associated with child marriage**. Child marriage is one of the easiest modes applied by the traffickers to send young girls from one place to another
- Tribal conflicts for instance Kukis in Manipur vs Nagas make many kids homeless and agents take this as an opportunity and this led to increase in trafficking.
- demand of young girls for marriage in other regions
- demand for lowpaid and underage sweat shop labour
- rise in demand for women in the rapidly expanding sex industry
- Apart from these factors, **weak law enforcement machinery** helps the traffickers to recruit women and children from the districts and send them to distant destinations with relative ease.

- **Government's approach:**
  - **anti-Human Trafficking Units** have been established around the country and their aim is to rescue trafficked victims, mainly young girls.
  - Bonded Labour System (Abolition) Act (BLA)
  - Draft bill against trafficking is under process
  - There are no efforts made to tackle the problem of government officials' complicity in trafficking workers for overseas employment

Issues of Persons with Disabilities

- **Social stereotypes:**
  - 'untoward assistance' - such as offering chair to a blind person in gratuitous manner.
- I**ndia has around 26.8 million differently abled people according to the 2011 Census.**
- **Role of Social role valorization in empowerment of PWD:**
  - It is designed to address the social and psychological wounds that get inflicted on vulnerable people because they are devalued, that so often come to define their lives, and that in some instances wreak lifelong havoc on them and those who are close and committed to them.
  - **Social role valorization (SRV)** is defined as the use of culturally valued means to enable, establish, enhance, maintain, and/or defend valued social roles for people at value risk.
  - Concept of SRV is based on the idea that, within any given society, some attributes and by

association some people, are valued more highly than others. [**read** here for better understanding of the topic.]

1. The roles that people have are valued differently too. We all have roles - work roles (teacher, office worker), relationship roles (mother, brother), civic roles (tax payer, voter) and leisure roles (football supporter, dancer).
2. people with disability typically have fewer roles, or fewer roles that have positive value. People with disability might have the roles of patient, pension recipient or client - roles that our society doesn't value.
3. People without valued roles will find it harder to access those things that society calls the 'good things in life', things like a home, meaningful work, opportunities to meet people and form relationships, to have a positive reputation, to name but a few
    - The overall of goal of SRV is to create social roles for devalued populations that enhance their image and personal competencies.

- **political empowerment:**
    - The **Chhattisgarh Cabinet has approved the nomination of at least one differently abled member to each panchayat,** if not elected, making it the only State to have such members in all panchayats. #pre
        - for janpads and zilla panchayats, the State government would nominate two such members, one male and one female, to them.
    -

Issues of Minorities

- **Articles 29** (protection of the interests of minorities) and **30 (the right of minorities to administer educational institutions)** of the Constitution provide special protection to minorities. #IA
- **Muslims**:
    - **Lack of development among Muslims**:
        - The National Sample Survey Office (NSSO) labour force survey reports that the economic condition of Muslims does not show any signs of improvement despite India being the fastest-growing large economy.
        - **Lack of education among muslims**
            - The number of male graduates among Muslims is 71 per 1,000, less than even half the

number of graduates (per 1,000) in other communities.
    - the number of Muslims educated up to the secondary and higher secondary levels is 162 and 90 per 1,000 persons, respectively, again the least among all the communities.
    - **The number of illiterate people is highest among Muslims (190 per 1,000), followed by Hindus (84), Sikhs (79) and Christians (57)**
    - In urban areas, the number of male Muslim postgraduates is as low as 15 per 1,000; four times lower than that of other communities, including Hindus, Christians and Sikhs #VAD
    - So, the educational attainment of Muslims is the least among all these communities.
- The high level of illiteracy among Muslims and the low levels of general education ensure that they are trapped in a vicious circle of poverty, visible in terms of their low consumption expenditure and poor job market indicators, including LFPR, employment status, and worker population ratio
    - The NSSO data show that LFPR among Muslims is 342 and 337 (per 1,000) in urban and rural areas, respectively, the least among all the religious communities
    - **way forward:**
        - One way to improve their situation is to provide a special incentive and subsidy system for higher education.
        - students who don't wish to continue in general academic education must have access to vocational education from Class 9 onwards.
- **Muslim concerns** — modernisation of madarsas, protection of Urdu and streamlining of the Waqf Boards.
- **India is the nation with the third-highest number of Muslims in the world.**
- **Sachar committee report** on Muslim backwardness. #IC
- **Liberal Nature of Indian Islam:**
    - Due to syncretic and moderate nature of Indian Islam (**Influenced by Sufism**) and the democratic and secular character of the country which made them feel they were equal participants in the political process.
- The vast majority of Muslims in the Indian subcontinent belong to the **Hanafi sect based on the most liberal school of Islamic jurisprudence**.
- traditionally Indian Islam has been greatly influenced by Sufi teachings and is, therefore, tolerant and accepting of religious diversity.
- **Threat to this character of Indian Islam:**
    - **increasing influence of Saudi Wahhabism** and related forms of **Salafism** on Islam as practised in the Indian subcontinent.
        - **Influence on workers going to Gulf countries and coming back to India with such ideology** is one of the threats.
    - the spectacular rise of Hindutva or Hindu nationalism from the 1990s has had a major

psychological impact on a section of Muslim youth, prompting their estrangement from the national mainstream
        - **Instances of lynchings** and other hate crimes against muslims could prompt reaction.
        - the growth of Hindu nationalism has acted as a major stimulus for the **radicalisation of a section of Muslim society** in India and that the two phenomena feed off each other.
    - **Entry of women in Mosque** is prohibited, and recently this case has gone to supreme court.
        - At present, women are allowed to offer prayers at mosques under the Jamaat-e-Islami and Mujahid denominations and are barred by the predominant Sunni faction.
    - The main cause of their sorry plight is their backwardness, which in turn is due to the reactionary and feudal mindsets of some leaders who claim to represent them both from the **clergy** and the political class.
        - Way forward:
            - **demanding a uniform civil code for all Indian religious communities.**
            - abolition of the outdated feudal Sharia law.
                - **Sharia treats women as inferior**. It permits talaq (verbal) only to Muslim men, not women, and is thus a Damocles sword over the latter. It gives only half as much to daughters as to sons in inheritance. **It sanctifies the backward-looking rule of nikah halala**
                - **The law is a reflection of social conditions at a particular historical stage of a society's development. So as society changes, the law too must change**.
            - The second is a demand to abolish the burqa as it constricts the freedom of women
            - The third is a demand to abolish the All India Muslim Personal Law Board (AIMPLB), a non-statutory body set up in 1973
- **Issue of Anglo-Indians:**
    - Ministry of Minority Affairs report (2013) on the situation of Anglo-Indians.
        - report documented poor economic and social conditions for too many.
        - Among the major challenges and problems faced by people of the community, the report observed, the most significant ones related to identity crisis, lack of employment, educational backwardness, lack of proper facilities and cultural erosion.
        - The document also explicitly commended the assistance Anglo-Indians receive from their nominated MPs and MLAs, stating that "representatives of the Anglo-Indian community in the State Assemblies and local leaders of the community are working hard for the welfare and progress of the community". [**see in the context of recent constitutional amendment which has not renewed reservation for anglo-indians in Lok Sabha and state assemblies.**]
    - **All-India Anglo-Indian Association** works for the interests of anglo-Indians.
    - **way forward:**

        - the community should find representation in the National Commission for Minorities.
- **Should minorities be decided on state-wise basis?**
    - **Supreme Court** dismissed a petition to recognise Hindus as minorities in the States where they are low in population.
        - The States have been carved language-wise. But **religion is beyond all borders, especially political borders**. **It has to be taken on a pan-India basis,**" the Chief Justice observed.

Issues of children:

- **Child labour**:
    - In 2017 India ratified two core conventions of the International Labour Organization on child labour.
    - As per the 2011 Census, in the age group 5-14 years, **10.1 million of 259.6 million constituted working children**. #VAD
        - The 2011 Census report pegs the number of working children in the country between 5 and 14 years of age to be at 43.53 lakh.
    - Target 8.7 of the UN Sustainable Development Goals (SDGs) is to end child labour in all forms by 2025. #SDGs
    - **way forward:**
        - A sector-wide culture of child labour-free businesses has to be nurtured.
        - India should invest in enhancing its body of knowledge on child labour, emphasising quantitative information.
- **Trafficking**
    - According to a news report from 2014, about 135,000 children are estimated to be trafficked in India each year. **Trafficked children are sold into slavery, domestic servitude, beggary, and the sex industry**
- **sexual abuse:**
    - **there has been a 336% rise in sexual crimes against children in the last decade**
    - One in every two-urban homeless child is believed to be sexually abused.
    - children typically delay disclosure of abuse (one third of them wait at least a year).
    - Only 2.8% of all the instances of sexual crimes against children in 2017 were reported to be committed against **boys, indicating that most cases remain undisclosed.**
        - Reflects a larger societal problem where sexual violence is considered to be a very gendered crime — especially where children are concerned.

- The report, published by **National Crime Record Bureau (NCRB)**, recorded 33,549 crimes committed against girls under the Protection of Children from Sexual Offences (POCSO) Act in 2017, and 956 against boys. #VAD
- The Supreme Court directed the setting up of **special courts in districts that have over 100 cases of child abuse** and sexual assault pending trial under the **Protection of Children from Sexual Offences (POCSO) Act.**
  - Ministry of women and child shall necessarily screen a short clip in movie halls and TV to spread awareness.
  - A child helpline shall be displayed in the video.
- **failure to deal with growing sexual abuses is mainly due to systemic issues in criminal justice system:**
  - **issues:**
    - shoddy police investigations, **low conviction rates**
      - aggressive cross-examination of the survivor and her witnesses by defence lawyers, inadequate witness protection, and cumbersome court proceedings have together disempowered rape complainants
    - unwarranted delay by the police in filing missing person complaints and registering written complaints of sexual assault survivors.
      - delay in police investigation amounts to an obstruction of justice since it allows the perpetrators to destroy crucial evidence and cover their tracks by influencing witnesses, and, sometimes, even the survivor.
  - way forward:
    - enhancing conviction rates through reforms in the police and judicial systems
    - augmenting measures **to rehabilitate and empower rape survivors**.
    - greater allocation of state resources towards the setting up of fast-track courts
      - The right thing to do in rape cases is to appoint senior judges in fast track courts; no adjournments should be permitted, and rape courts should be put under the direct control of High Courts; the district judge should not have any power to interfere, and the trial must be completed within three months. #IMP
    - more one-stop crisis centres;
    - **proper witness protection;**
    - more expansive compensation for rape survivors,
    - overhaul of existing child protection services
- # POSCO act:
  - Act calls for **exclusive courts**, **devoted public prosecutors**, special forensic department, **child-friendly courts** and **sensitised judges** and court staffers to create a conducive atmosphere for children to testify without fear.
  - recent **amendment** to the act, in 2019

- specifically defines what **‘child pornography’**
  - ‘using a child for pornographic purposes’ and for ‘possessing or storing pornography involving a child’ is punishable.
- widened the ambit of **‘Aggravated sexual assault’.**
- **death penalty for the rape of minors** - intention of the Bill is to have a deterrent effect;
  - **Argument against death penalty:**
    - the **perpetrators of abuse are family members and having such penalty in the statute book may discourage the registration of the crime itself**.
    - **it may threaten the life of the minor as the maximum punishment for murder is also the death sentence.**
    - Justice **J.S. Verma Committee**, which was constituted in 2013 in the aftermath of the Nirbhaya case, after due deliberations found itself **against the imposition of death penalty in rape cases.** #IC
    - The **262nd Report of the Law Commission of India**, 2015, also provides for abolition of the death penalty except in terror cases.
    - death penalty has become a **prominent tool of symbolic legislation** — a political statement indeed
    - It **largely diverts attention from the core issues of infrastructural apathy, procedural lapses and trial delays** and conveniently evades the fact that **‘it is the certainty of punishment rather than its severity which has deterrence in real sense**’
    - even a year-and-a-half after the passage of the Criminal Law (Amendment) Bill, 2018, which introduced the death penalty for rape of a minor girl, such incidents have not been under check.
    - The deterrent effect of capital punishment appears to be on the wane. Globally, there is research to support the view that despite stringent punishments, there is no fall in the rate of commission of crimes
  - **Issues with POSCO act implementation**
    - The **police also do not invoke the POCSO Act** in cases of sexual assault against children and merely file a case under the Indian Penal Code. For example, of the 17,557 cases registered for child rape in 2017, in as many as 10,059 cases, the POCSO Act was not invoked.
    - According to National Crime Records Bureau data of 2016, the **conviction rate in POCSO cases is 29.6%** while pendency is as high as 89%.
    - The prescribed time period of two months for trial in such cases is hardly complied with.
    -
  - 24,000 child rape cases had been registered between January and June of 2019.
  - what policy should be adopted to address the concerns of delayed reporting of abuse and