



OFFICERS IAS ACADEMY®
IAS ACADEMY BY IAS OFFICERS

MAINS HARVEST™



SOCIAL JUSTICE

OFFICERS' IAS ACADEMY

GS II SOCIAL JUSTICE

Mains Harvest

**ISO 9001:2015
CERTIFIED ACADEMY**

OFFICERS IAS ACADEMY
(IAS Academy by IAS Officers)

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MESSAGE FROM THE DIRECTOR

Dear Aspirant,

This book is dedicated to YOU, the untiring civil service aspirant who has the drive and commitment to persevere towards clearing this exam which is considered as one of the toughest exams in the world.

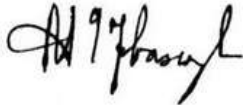
We congratulate you on choosing this book for “**Social Justice**”. Our attempt here is to simplify important concepts without losing the key points. Hence, we hope you will find this book useful in your civil services journey.

About this book

This book is a distillation of the expertise of the faculty at Officers IAS academy, explained in simple and easy to understand language. What you get to study in this book has been painstakingly collated by our faculty through their years of teaching and mentoring thousands of aspirants.

A strong zeal from you to clear this exam combined with our coaching and textbook will, I am sure help you scale great heights.

I wish you the very best in the most important endeavour of your life.



R. A. Israel Jebasingh

(IAS, 2004 Batch All India Rank 59)

Director of Officers IAS Academy

HOW TO USE THIS BOOK?

Hello Aspirant!

There is a subtle difference between putting in effort and putting in the right and focussed effort. That difference could determine whether you get into the civil services or not! This statement becomes highly relevant during the UPSC Main Examination stage.

Aspirants know that every mark scored or missed in the Main examination determines their presence as well as their place in the All-India Rank list. Unlike the Preliminary examination, Main exams are fairly predictable. But with Mains, completing the examination on time becomes the biggest challenge.

Even with persistent efforts, aspirants generally tend to struggle in completing the Mains Syllabus. And even when the syllabus is covered, there is a struggle in recollecting appropriate points during the examination.

Such challenges are faced by all UPSC Mains Candidates. This is because of the sheer mindboggling number of topics, dimensions, and links with current affairs that aspirants have to sift through in their mind before writing an answer – something that is indeed a herculean task.

We in the R&D team of the Officers IAS Academy, have been pondering over this challenge, and have found a solution.

Our R&D team spent a year meticulously combing through the *past 47 years'* Mains General Studies question papers, to identify all possible topics and dimensions ever covered for each subject in an UPSC Main examination. Our researchers, then set out to prepare a series of books for each of the 'Main exam subjects' (pertaining to GS1, GS2, & GS3) where all relevant content is covered in a scientific and precise manner. Aspirants can confidently use these books to 'complete' the UPSC Main Exam syllabus effectively and efficiently.

Please note, we do not advocate the use of these 'Mains Harvest' books as 'Standard' sources. However, instead of reading endless number of books for the UPSC preparation, aspirants can focus on the standard books (NCERTs) for foundational knowledge and then devote the rest of their time in studying the Officers IAS Academy's Mains Harvest books.

For you, dear aspirants, we have practically 'harvested' the 'essence' of the UPSC main examination to produce the 'Mains Harvest' book series. Use them well!

Thanking and wishing you all the very best in your preparations,

R&D Team,

Officers IAS Academy, Chennai.

Contents

Vulnerable Sections of the population	1
1) Issues related to Women	1
2) Gender Budgeting	2
3) Issues Related to Women	3
4) Feminisation of Agriculture	3
5) Feminisation of Poverty	4
6) Women Reservation in Legislature	4
7) Dowry	5
8) Domestic Violence	7
9) Labour force participation of women	7
10) Maternity Benefit Act, 1961	8
11) Prevention of Sexual Harassment at Workplace Act, 2011	9
12) Surrogacy	10
13) Assisted Reproductive Technology Act, 2021	11
14) Pandemic on Women	11
15) Reduction in Age of marriage for women	12
16) Marital Rape	13
17) Women in Judiciary	13
18) Issues related to Children	14
19) Child Labour	14
20) Child Sexual Abuse	16
21) Juvenile Delinquency	17
22) Child Marriage	18
23) Child Adoption	20
24) Elderly	20
25) Disabled	21
26) Rights of Persons with Disability Act, 2016	22
27) National Policy on Disability, 2022	23
28) Transgender	24
29) Transgender Persons (Protection of Rights) Act, 2019	24
30) Issues with welfare scheme for vulnerable	25

31) Issues related to Poverty	26
32) Human Development Index.....	28
33) Multi-dimensional Poverty Index.....	29
34) Hunger.....	30
35) Mid-Day Meal Scheme	32
QUESTIONS:	33
Issues related to development and management of social sector -----	35
1) Issues related to healthcare.....	35
2) Issues related to Vaccines.....	36
3) Traditional medicine.....	36
4) Primary and community healthcare.....	37
5) Universal Health Coverage	38
6) Limitation of Public sector in providing Universal Health Coverage.....	39
7) National Digital Health Mission	39
8) Geriatric Healthcare	41
9) Maternal Healthcare	42
10) Issues related to Education.....	42
11) Primary education	43
12) Challenges in Higher Education	44
13) TSR. Subramanian Report on Education.....	45
14) Standing Committee on Human Resource Development.....	45
15) Foreign Universities	46
16) New Education Policy, 2020	46
17) Right to Education.....	47
18) Skill Development.....	48
19) Linkages between Education, Skill Development and Employment.....	49
20) Impact of digital illiteracy and lack of ICT in socio economic development.....	49
QUESTIONS:	50

Vulnerable Sections of the population

1) Issues related to Women

Conception Stage

1. Female Foeticide

Infant Stage

1. Infanticide
2. Infant mortality
3. Malnutrition

Childhood

1. Child mortality
2. Malnutrition
3. Iron deficiency and Anaemia
4. Sexual exploitation

Adolescence

1. Increased dropout from school
2. Underage/Child marriage
3. Trafficking
4. Sexual exploitation

Adulthood

1. Domestic violence
2. Violence and crime at workplace
3. Marital rape
4. Destitution

Barriers for Women

1. Deep rooted ideologies and gender bias
 - Example- Prohibiting entry of women in temple during menstruation
2. Restriction on mobility
3. Poor access to health service, nutrition, education and employment
4. Exclusion in public and political sphere
5. Discrimination within household

Constitutional Provisions

1. **Article 14-** Equality before law
2. **Article 15-** Non discrimination by the State
3. **Article 15 (3) -** legislature to create special provisions for women and children.
4. **Article 16(3)-** Provisions for reservation of women in employment
5. **Article 39(d)-** Equal pay for equal work
6. **Article 42-** Maternity Benefit
7. **Article 44-** State shall endeavor to provide Uniform Civil Code
8. **73rd and 74th Constitutional Amendment-** reservation for women in panchayat and urban local bodies

Legislation

1. Preconception and Prenatal diagnostic Technology Act, 1994
2. Maternity Benefit Act, 1961
3. Equal Remuneration Act, 1976
4. Protection of women from domestic violence Act, 2005
5. Dowry Prohibition Act, 1961
6. Prevention of sexual harassment at workplace Act, 2013

Schemes

1. Beti Bachao Beti Padhao

- The Beti Bachao, Beti Padhao (BBBP) scheme was launched on 22 January 2015. It aims to address the issue of the declining child sex ratio image (CSR)
- It is a national initiative jointly run by the Ministry of Women and Child Development, the Ministry of Health and Family Welfare and the Ministry of Education.

2. Sukanya Samriddhi Yojana

- Sukanya Samriddhi Account is a Government of India backed saving scheme targeted at the parents of girl children.
- The scheme encourages parents to build a fund for the future education of their female child.

3. Women Helpline number

- 181 is a toll-free 24-hours telecom service made available to women affected by violence seeking support and information

4. Working Women Hostel

- The Government of India has launched "Working Women Hostel Scheme" to promote the availability of reliable and conveniently located accommodation for the working women who are leaving their homes due to professional commitments.

5. Support to Training and Employment Program for women (STEP)

- STEP Scheme aims to provide skills that give employability to women and to provide competencies and skill that enable women to become self-employed/entrepreneurs

6. Nari Shakti Puraskar

- The Nari Shakti Puraskar is an annual award given by the Ministry of Women and Child Development of the Government of India to individual women or to institutions that work towards the cause of women empowerment

7. Nirbhaya Scheme

- Post-2012, Nirbhaya Gang rape case, a dedicated fund was set up in 2013 with the focus on implementing the initiatives aimed at improving the security and safety of women in India.

8. Mahila Shakti Kendras

- Post-2012, Nirbhaya Gang rape case, a dedicated fund was set up in 2013 with the focus on implementing the initiatives aimed at improving the security and safety of women in India.

2) Gender Budgeting

- Gender budgeting is a tool to monitor whether the **government's commitments to gender equality** are effectively translated into budgetary commitments.
- Every year, a gender budget statement is **laid along with the union budget**
- It consists of two parts- **Part A** and **Part B**

- **Part A-**
 - Schemes in which **100% beneficiaries are women**
- **Part B-**
 - Schemes in which at least **30% beneficiaries are women**
- It encourages **debates, discussions on the issues of women**
- However, it is often **misreported** because of **sex disaggregated data**

3) Issues Related to Women

Economic Issues

1. **Pink Collarisation and Velvet Ghettoisation-** Stereotyping of work as men's domain and women's domain. Jobs such as nurse, teacher are considered as women's domain and as pink collar jobs
2. **Glass Escalator effect-** These are the traditional women job in which men enter and gain rapid progress. Eg- cooking field in which men become famous cooks
3. **Glass Cliff-** If job is at high risk, a women is posted at a high position. Eg- Company in risk of closure, then women is appointed as CEO to provide an impression that women are not fit as leaders as well as to gain sympathy for the company
4. **Glass Ceiling effect-** where women are prevented from achieving higher positions in various fields. Eg- **The Glass Ceiling Index** released by the Economist provides that even in the country with minimum glass ceiling effect (Iceland), only **49% managerial positions are held by women**
5. **Under Representation in various fields.** For example, only **11% is the representation of women in higher judiciary**
6. **Low in Periodic Labour Force-**Labour force participation rate in India is 41.6%, which is 57.5% for male and 25.1% for female.
7. **Gender Wage Gap-** According to **Gender Wage Gap Report** by ILO, the wage gap is **34% in India**
8. **Feminisation of Poverty**
9. **Feminisation of Agriculture**

4) Feminisation of Agriculture

- The trend of feminisation of agriculture was observed by the **Economic Survey 2018-19**
- The feminization of agriculture refers to the measurable increase of women's participation in the agricultural sector
- It is said that **60% of working women are employed in agriculture.**
- According to **Food and Agriculture Office (FAO)**, **60% of world's food is produced by women**

Issues

1. Agriculture is **less paying** compared to other sectors of the economy
2. There is **very low land ownership of women**. According to the **World Economic Forum**, **women ownership of agricultural land is a mere 13%.**
3. Engagement of women in agriculture is considered **not as a choice but as force** due to **male specific migration** causing **dual burden for rural women**

Suggestions

1. **Training and skill development** for women
2. Increasing women's **access to land and inheritance**
3. **Uncultivable land could be redistributed to women Self Help Groups (SHG)** for other economic activities

5) Feminisation of Poverty

- Feminization of poverty refers to a trend of increasing inequality in living standards between men and women due to the widening gender gap in poverty.
- Data shows that **70% of world's poor are women**
- It is also shown that the **poverty gap between men and women are also widening** globally
- This is especially true **in India that poverty has a female face**
- **Barber B.Conoble**, former president of World Bank, **women do 2/3 of world's work, earn 1/10 of world's income and own less than 1% of world's property.** They are poorest of the poor.
- **The International Labour Organisation (ILO)** has changed the definition of women by **excluding the economic remuneration condition**, so that care work could also be included.
- It is estimated that **care work contributes to 3.1% of GDP.**

Reasons

1. **Care Work-** As per NSO Time Use Survey, **27% of male and 92% of female are involved in care work.**
2. **Employment Scarcity** so that male are given preference for providing the scarce employment.
3. Women are being **denied access to critical resources** such as land, credit
4. **Healthcare and nutrition of women** are not given priority. As per NFHS survey, around 50% of women are anaemic.
5. **Lack of access to education.** **ASER report** suggest the preference given to male over female in providing education in private school
6. **Lack of participation in decision making at home**

Way Forward

1. **Gender sensitisation.** For example, in **Bangalore Airport, diaper changing facilities** is kept in men's restroom
2. Feminization of Poverty can be eradicated by practicing **equity, presenting resources for the woman, practicing gender equality in term of pay**
3. **Families need to be sensitized** towards gender roles and gender norms and new schemes.
4. **Education loans** should be made **accessible** to young girls.
5. Easily approachable **skill training centers** should be set up.
6. Access to a **medical facility for women** is important.

6) Women Reservation in Legislature

Need for women reservation in legislature

1. **Low representation of women** in both parliament and state legislature. As on October 2021, women constitutes mere **10.1% of MPs in parliament**

2. **Gendered Portfolios**, wherein portfolios such as defense are mostly dominated by men
3. According to **the World Economic Forum**, there is a **decline of 13.5% in women's participation from 2019**.
4. In **Rwanda, 52% of member of Parliaments are women**
5. Empirical studies show that **more than 100 countries reserved seats for women**.
6. Representation of women in politics could **increase their decision making in home**
7. Women representatives are more **likely to bring women specific policies** which can lead to their **empowerment and protection**
8. According to **Nobel laureate Esther Duffer**, in gram panchayats where **pradans were women**, more **investment was done in the infrastructure sector**

Challenges

1. Reservation could **perpetuate the unequal status of women**
2. It **diverts the attention from larger issues of elections** such as development
3. **Reduces incentives for working for one's constituency** due to reservation on rotational basis
4. It **reduces the choice of voters**.
5. **No substantive change** in countries in which reservation is provided for women. **Eg- Afghanistan** was one of the first state to introduce reservation for women in politics
6. Problem of **Sarpanchpati in Panchayati Raj Institutions** proves that without attitude change, mere reservation could be of no use

Suggestions

1. **Reservation within the political party**. It could solve the issue of biasness within the party
2. Providing **Dual member constituencies** in which one is reserved for women and the other is for open competition
3. **Sensitisation** such as **pink pantsuit movement in USA, Gulab Gang in Uttar Pradesh and Chingari Andolan**

7) Dowry

- A dowry is a payment, such as property or money, paid by the bride's family to the groom or his family at the time of marriage.

Legal Provisions

Section 304B of Indian Penal Code

- **304B. Dowry death.**
- Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Section 498-A of the IPC (offence of cruelty)

- Against the husband or his relative if the wife commits suicide within a period of seven years from the date of her marriage.

Section 174 of CrPC

- It was also amended to **secure Post Mortem in case of suicide or death of a woman within seven years of her marriage**.

Section 113A

- It has been introduced in the **Evidence Act, 1872** raising a **presumption of cruelty as defined under Section.**

Dowry Prohibition Act, 1961

- It provides an **extensive definition of dowry**
- **Section 2 in the Dowry Prohibition Act, 1961**
- **Definition of 'dowry'.**
 - In this Act, "dowry" means any property or valuable **security given or agreed to be given** either directly or indirectly,
- It establishes a **dowry prohibition officer**

Section 8B in the Dowry Prohibition Act, 1961

1. 8B. Dowry Prohibition Officers,

(1) The State Government may appoint as many Dowry Prohibition Officers as it thinks fit and specify the areas in respect of which they shall exercise their jurisdiction and powers under this Act. (1) The State Government may appoint as many Dowry Prohibition Officers as it thinks fit and specify the areas in respect of which they shall exercise their jurisdiction and powers under this Act."

(2) Every Dowry Prohibition Officer shall exercise and perform the following powers and functions, namely:

- (a) To see that the provisions of this Act are complied with;
- (b) To prevent, as far as possible, the taking or abetting the taking of, or the demanding of, dowry;

(c) To collect such evidence as may be necessary for the prosecution of persons committing offences under the Act; and

(d) To perform such additional functions as may be assigned to him by the State Government, or as may be specified in the rules made under this Act.

(3) The State Government may, by notification in the Official Gazette, confer such powers of a police officer as may be specified in the notification on the Dowry Prohibition Officer who shall exercise such powers subject to such limitations and conditions as may be specified by rules made under this Act.

(4) The State Government may, for the purpose of advising and assisting Dowry Prohibition Officers in the efficient performance of their functions under this Act, appoint an Advisory Board consisting of not more than five social welfare workers (out of whom at least two shall be women) from the area in respect of which such Dowry Prohibition Officer exercises jurisdiction under sub-section (1).]

Issues with Dowry Prohibition Act, 1961

1. **Vague Languages** used in the legislation such as "in connection with marriage" which has led to several ambiguities
2. The **enforcement has not been consistent** due to social factors.
3. In most cases, dowry deaths are being **disguised as kitchen accidents**
4. **Inordinate delay** in the disposal of dowry cases
5. **Cultural attitude**, due to lack of financial independence to women, the single women being seen as taboo
6. Allegation of **misuse** against the groom and his families

Steps needed

1. Encourage **NGOs** to provide support to the victims in filing of cases
2. **Financial empowerment of women** to make them independent
3. **Faster delivery of justice** through Fast Track Courts
4. Increase the role of **Local Self Government**

5. **Police and judicial officers are to be sensitized**
6. **Increase the awareness to women**

8) Domestic Violence

- As per **Crimes in India Report**, there is a **7.1% increase in the crimes against women, 31%** of which are **committed by husband and family members**.
- According to **NFHS, 30% of women in age group of 18-49 years face domestic violence**.

Reasons

1. Patriarchy
2. Changing work culture. Example- night shifts, extended hours of work
3. Alcoholism of husband
4. Cursed for death or disability of husband
5. Infertility
6. Inability to procure male child
7. Dowry

Protection of Women from Domestic Violence Act, 2005

1. **Scope for women expanded** to include wife, live in partner, mother etc
2. **Right to secure housing**
3. Court can pass **prohibition order** against the perpetrators
4. **Protection officers and NGOs to provide assistance to women**
5. **Fine of Rs.20000 and imprisonment of upto 1 year** for domestic violence against women
6. **Failure to discharge duty is made an offense**

Issues

1. **Subjective Interpretation of provisions**. Eg- "**Verbal Abuse**" can be interpreted according to the understanding of the judges
2. **Lack of awareness** that domestic violence is a crime
3. Judicial system in most cases **resort to mediation** instead of criminal action, which is preventing deterrence
4. **Marital rape is not within the ambit of domestic violence**
5. **Absence of economic and psychological support system**
6. Burden on **finance of state in appointing the protection officers**
7. **False cases** are rising as the act remains one of the **highly misused legislation**.

9) Labour force participation of women

- **The Labour Force Participation** in India is 41.6%, which is 57.5% for male and **25.1% for female**

Reasons

1. Involvement in care services.
 - a. According to **NSO Time Use Survey**, 27% of male and **92% of women are involved in care services**.

2. **Increased disposable income of family** is preventing many middle class women from entering the labour force.
3. **Social stigma** associated with.
4. Working women who believe that working women are not giving priority to house and family
5. Provisions like the **Maternity Benefit Act** deter the employer from employing women.
6. **Imposter syndrome**, which is the self-doubt among women that they are not competent enough for some positions
7. **Non transition of superwomen syndrome**, which is the perfect balance between work and family life.
8. **U shape hypothesis**, that Female Labour Force Participation first decreases and then increases as the country is progressing economically.
9. Safety issues and **Harassment at workplace**
10. **Enrollment in higher education** can reduce the labour force participation
11. **Wage Gap** between men and women despite having provisions like Equal Remuneration provision under DPSP. According to **Gender Wage Gap Report**, the **wage gap is 34% in India**
12. **Informal Economy** in which **90% women are employed**
13. **Covid 19 Fallout** : According to **Center for Monitoring Indian Economy**, 29% of men and 39% of female lost employment due to Covid 19

Steps Taken

1. **UNDP and IKEA** has organised the **program DISHA** to provide **skill training and local jobs to women**
2. **Solar Technician** program by **UNEP** in which **15,000 women are trained to maintain solar pumps**
3. **SEWA**, an Self Help Group of Women, has established **childcare cooperatives** to take care of the children of working women

Suggestions

1. Improve the **access to education** to reduce the dropouts
2. Provide **skill development to women**
3. Promote **women entrepreneurship**
4. Promote **Financial inclusion** of women
5. **Gender diverse organizations** must be promoted
6. **Legal mechanisms** such as **Prevention of Sexual Harassment of Women at workplace Act** must be strengthened
7. **Social attitudes and beliefs** must be changed

10) Maternity Benefit Act, 1961

- The Act regulates **employment of women in certain establishments** for a certain period **before and after childbirth** and provides for **maternity and other benefits**.
 - The Act applies to mines, factories, circus, industry, plantation and shops and establishments employing ten or more persons, **except employees covered under the Employees State Insurance act, 1948**.
 - It can be **extended to other establishments by the state governments**.
 - There is **no wage limit** for coverage under the Act.
-

Provisions

- The maternity benefits which were **earlier available for 12 weeks** were **extended to 26 weeks**.
- If the employee **already has two children**, then the act provides **benefit only for 12 weeks**
- It provides maternity benefits also in case of **adoption, upto 12 weeks**
- The employer must provide for **work from home** wherever applicable
- **Creche facilities** are to be provided if the establishment employ more than 50 employees

Advantages

- The legislation **exceeds the ILO standards**. The ILO standards provides for **maternity benefit upto 14 weeks**
- It benefits more than **18 lakhs women**
- Could enhance the **work force participation rate of women**
- Could improve the **women and child's health**

Issues

- Reenforces **Gender Stereotype** that **child rearing is the responsibility of women**
- It could **disincentivize employers from employing women** and thus increase the gender pay gap
- It is **against the principle for equal pay for equal work**
- It doesn't apply to **single father and transgenders**
- **Financial burden to small firms**
- It is applicable **only to organized sectors** while women are mostly involved in informal sector
- Women may **lag behind their male colleagues** in career
- It could increase the **domestic burden of women**

Solutions

- **Paternity leave** for fathers on par with maternity leave
- **Singapore model** in which 8 out of the 16 week benefits are funded by the government
- Could be **extended to the informal sector**.
- The option of **work from home** could be considered as an alternative to paid leave

Maternity Benefit Act, 2017

- The amendment **increases the duration of paid maternity leave** available for women employees from the existing **12 weeks to 26 weeks**
- The Act also introduces provisions for **work from home for women**
- It requires companies with at least 50 employees to provide **crèche facilities** within a prescribed distance making workplaces women-friendly and gender-just.
- The Act **applies to all establishments employing 10 or more persons**, and to every woman who has worked in that establishment for a minimum of 80 days during the previous 12 months thereby ensuring that such benefits are not denied and preventing any discrimination.

11) Prevention of Sexual Harassment at Workplace Act, 2011

- It provides **definition for aggrieved women**
- The term 'aggrieved woman' has been defined under the PoSH Act to mean,

1. In relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
2. In relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.

Wide Definition of Sexual Harassment

- The PoSH Act provides a broad and inclusive definition of sexual harassment, which includes **unwelcome sexual behaviour**, whether directly or by implication, such as,
 1. physical contact and advances
 2. demand or request for sexual favours
 3. making sexually coloured remarks
 4. showing pornography
 5. any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Definition of workplace

- It includes both conservative and emerging workplace
- The workplace is not confined to any physical space or office of the employer. It also extends beyond the office premises to any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey

Internal Complaint Committee

- It must be established at every workplace to enquire into the complaints of sexual harassment
- **Audit** must be held on the number of complaints registered and the actions taken
- If employer fails to establish the internal complains committee or to register the complaint, a **fine of upto Rs.50,000 could be imposed.**

Issues

- **70% of sexual harassment at workplace are not reported**
- **36% Indian firm and 25% MNCs have not constituted Internal Complaints Committee**
- The act **do not fix the accountability**

12) Surrogacy

- Surrogacy is an arrangement, often supported by a legal agreement, whereby a woman **agrees to deliver/labour on behalf of another couple or person**, who will become the child's parent(s) after birth.

Issues with Surrogacy

- **Commercialisation** of surrogacy, as surrogacy amounts to **\$2.3 billion in India**
- **Exploitation** of surrogate mother due to **involvement of middle men**
- Contracts may not be favouring the surrogate mother due to **illiteracy**
- **Abandonment of babies** post surrogacy if it has some health or other issues
- Some countries provide **no citizenship** to surrogate babies

Surrogacy Regulation Act 2021

- **Only altruistic surrogacy** is permitted and no commercial surrogacy is allowed
- It is allowed **only for Indian couples and NRIs**
- **Certificate of essentiality and infertility** is needed for the parents to opt for surrogacy
- **Live in couples and LGBTQ are not allowed**

- **National Assisted Reproductive Technology and Surrogacy Board** is to be established

Issues

- Only altruistic surrogacy permitted. It affects the **right of women to prevent mental and physical trauma**
- **LGBTQ and Live in couples** are not covered. In **Dinesh Viswash Vs Union of India**, the court recognized the right to reproduce of LGBTQ community
- There is **no provision for withdrawal of consent** of surrogate mother
- Only near relatives are permitted to be surrogate. This could **increase the pressure on women who are close relatives**
- It affects the **medical tourism** in the country, which is expected to grow at **21% from 2020 to 2027**
- It affects the **right of surrogate mother to use her womb** for commercial purpose

13) Assisted Reproductive Technology Act, 2021

Need for the Act

- **10 to 15% couples** are facing **infertility**
- **Social stigma** associated with not having a child
- **Psychological trauma** of couples without a child
- **Ethical aspect** of getting the joy of parenting

Assisted Reproductive Technology(ART) Act

- **Assisted Reproductive Technology Bank** established. Only these banks can store sperms
- **Women** in age of **18 to 50** and **men** in age of **21 to 55** can avail ART service.
- **National ART and Surrogacy Board** is established for regulation of ART
- **National Registry** is established which provides information for all ART banks and registered clinics

Conditions for donations, supply and services

- Women can **donate oocytes only once**. **Maximum of seven oocytes** can be donated
- **Insurance** must be taken by the woman
- **No sex determination** of the foetus
- The child is to have **all the rights of biological child**

Criticism of the Act

- **Discriminatory against the LGBT and live in couples**
- **No compensation** for the donating women
- **No mention of the insurance amount** and hence the insurance is said to be a mere formality

14) Pandemic on Women

Positive impacts

- **Work from home** provides opportunities for many women to rejoin the workforce. For example, **TCS plans to make 25% of its workforce to work from home from 2025**
- In many urban families, there is a **realization of shared responsibility** in household and domestic activities

Negative impacts

- **Increases burden** on women as there is no clear boundary between domestic and work time. This has increased the **burden of double shift** i.e. burden of both household and professional works
- **Steep pay cuts**
 - As per **Opportunity Index 2021**, 85% of women in India feel that they have missed out on raise, promotion due to their gender.
- Increase in **cyber offenses against women**. Emergence of “**Digital rape**”
- **Reverse migration** has replaced the female workforce in rural areas with the returning men.
- Benefited women in **only specific sectors where work from home is possible**.

15) Reduction in Age of marriage for women

- Recently there has been a proposal to increase the age of marriage for women from current **18 years to 21 years**
- This has been recommended by the **Jaya Jaitly committee**

Arguments in favour

- Increases the **autonomy and empowerment of women**
- Women could **focus on studies** for a longer period
- Can reduce the **health of women**
- Makes the woman **emotionally, physically and reproductively mature for marriage** with the increase in age of marriage
- Could **reduce the maternal mortality rate and infant mortality rate**
- Could **change the stereotype that bride must always be younger than the groom** for marriage by making the marriage age same for men and women

Arguments against

- **Low implementation** of the provision of minimum age even when the minimum age is 18 years.
- According to **NFHS, 23.3% girls are married before the age of 18 years**. But **only 785 cases has been filed** for under age marriage
- **Weaponization of social legislation** by the family members for girls eloping in choice based marriages
- It could result in many **unwed mothers**. The **Prevention of Children from Sexual Offences** provides the **consent for intercourse at 18 years**. If marriage is not allowed at the age of 18 years, it could result in **many abortions**
- **No institutional mechanism for rehabilitation** as the child protection centers could provide rehabilitation only till the age of 18 years.

What could be done

- The provision of 18 years as minimum age must be **implemented in spirit**
- Enforce the **accountability of Child marriage prevention officer**
- **Address the root causes** such as poverty, illiteracy, superstitions.

16) Marital Rape

Need for Criminalisation

- Marital rape is a **violation of right to bodily autonomy**, which is a part of **right to privacy** under the **Puttaswami judgement**
- Against the Supreme court Judgements. The judiciary in cases like **State of Karnataka Vs Krishnappa, Suchitra Srinivasan Vs Chandigarh Administration** has recognized the right of bodily autonomy
- Not criminalising the marital rape provides for assumption that women are subordinate to men
- Several countries like Australia, Canada and South Africa have criminalized marital rape
- Convention on Elimination of All forms of Discrimination Against Women (CEDAW) provides for criminalisation of marital rape
- Criminalisation was also suggested by Justice Verma committee.

Challenges Associated

- **Threatens the institution of marriage.**
- Could be **misused**. For example, **Dowry Prohibition Act, Domestic Violence Act** are one of the most misused legislations
- **Difficulty in proving the presence or absence of consent** during intercourse
- The **Law Commission** has provided that India is **not ready for such legislations** at present
- Due to **widespread illiteracy**, women could be convinced by others for filing false cases as well as for withdrawing genuine cases.

17) Women in Judiciary

Under representation of women in judiciary

- According to **law ministry, 30% of judges in Supreme court, 11.5% judges in high court are women**
- Just **11 women** have been **judges in Supreme court since Independence**
- Women advocate constitutes mere **15% of total advocates in the country**

Global Scenario

- As per **OECD Report**, women judges account for **33.3% of judges in the Supreme court.**

Reason for under representation

- **Social Mindset-** Patriarchy has created an illusion as women being incapable of such roles
- **Historic Exclusion-** Judiciary has been perceived as male dominated field since historic time
- **Infrastructure-** Gender sensitive infrastructures like toilets are absent in many of the lower courts
- **Eligibility-** Eligibility criteria of **minimum 7 years of legal practice** and be **above 35 years of age** acts as disadvantage to women as many women in this age are taking career breaks due to childbirth and familial responsibility
- **Promotional Bias-** women who account for 30% of judges in lower judiciary account for mere **11% in Higher judiciary** highlights the promotional bias in judiciary
- **Under representation in Collegium-** women are mostly not represented or underrepresented in collegium

- **Low number of advocates-** Judges are mostly promoted from advocates but women constitute mere 15% of total advocates

Need for women in judiciary

- **Empowerment-** presence of women in judiciary will lead to their empowerment in domestic, social and other professional spheres
- **Gender sensitive judgements-** women judges have given several gender sensitive decisions in the past. Eg- **Justice Sujata Manohar** has given the **Vishaka Guidelines**
- **Judicial Legitimacy-** Increasing representation of women could help arrest the declining public trust and increase the legitimacy
- **Substantive equity-** It ensures differentiated equality rather than formal equality
- **Improves accessibility-** It helps women to come out and report crimes from the encouragement of women judges

Suggestions

- **Quota-** The **Standing Committee on Law and Justice** has recommended in 2015 recommended a fixed quota for women in the judiciary
- **Attorney General Venugopal** has suggested internal sensitisation, data collation, representation and training to address the problem of underrepresentation of women
- **Infrastructure** such as toilets must be developed in all the courts
- **Reforms in ethical codes** to promote gender sensitivity
- **Awareness to women** to promote their participation in judiciary

18) Issues related to Children

Who is a child

- The **definition of child varies** across different legislations
- **Prevention of Child labour Act- below 14 years**
- **Juvenile Justice Act- below 16 years**
- **Prevention of Child Marriage Act- 18 years for female and 21 for male**
- The most commonly accepted definition of child is the one under **UN Convention on Rights of Child, which provides the age to be under 18 years**

Reasons for Exploitation

Individual reasons

- Physical, social and psychological dependence
- Low bargaining power

Intersectoral reasons

- High in families which are poor, lower caste and from minorities.

19) Child Labour

- **UN Convention on Rights of Child** provides **4 types of rights to children**, right of survival, development, protection and participation
- These rights are being violated in case of child labour

Extent of Child labour

- According to **Census 2011**, there are **10.1 million child labourers in India**
- As per **UNICEF's State of World Children Report**, childlabour contributes to around **13% workforce** in India
- Child labour constitutes **4% of total children in India**

Types of Child Labour

- **Main Child labour**- who are working for more than 6 months in a year
- **Marginal Child labour**- who are working for less than 6 months in a year

Causes for Child Labour

Demand side reasons

- Some sectors **specifically prefer child labour** for the nature of work. For example, in **handloom carpet industries** and **tea plantations**, child labourers are preferred for their tiny fingers
- **Huge informal sector** as around 90% of workforce is employed in informal sector which is difficult to regulate
- **Bulging middle class** in which **need of child labour increased** for domestic work

Supply side reasons

- **Poverty**, as around **23% of India's population** in living below the poverty line
- **Ignorance and illiteracy**. According to **OECD**, **one additional grade of schooling could increase the earning capacity by 8-11%**
- **Lack of schools**, the access for which was significantly reduced post covid
- **Gender** plays a role as **boys** are forced in to child labour for **inculcation of skills** and **women** are trained to be an **ideal bride to do household work**
- **Low castes** are more prone to poverty and child labour

Constitutional Provisions against child labour

- **Article 21 A**- Right to Education
- **Article 51 A**- Fundamental Duties of parents to educate children
- **Article 45**- Provision for early childhood care and education to children below the age of six years.
- **Article 39 e**- that the health and strength of workers, men and women, and the tender age of children are not abused

Legal Provisions

1. Prevention of Child Labour Act

- Children below the age of 14 years are prohibited in all employments
- Children between 14 to 18 years of age are prohibited in hazardous employments
- Children are permitted to work in entertainment or family industries but it must not affect the education of children
- 2016 Amendment has diluted the hazardous industries by reducing the number of hazardous industries

2. ILO Convention

- **138 (Minimum Age Convention)**

- **180 (Convention on worst form of childlabour)**
- 3. National Child Labour Project**
 - Children rescued are put into **NCLP training centers** to provide bridging courses to enable children to join the age appropriate classes as per Right to Education Act
 - **Pencil portal** to register complains on child labour.
- 4. Mahila Samakya Program**
 - The program is in line with New Education Policy for empowerment of women with twin objectives of increasing girls education and tackling child labour.

Way Forward

- Child labour to be seperately mentioned under **Scheduled Class sub plan**
- Follow the approach of **libertarian paternalism** given by **Richard Tiller** to address the status quo bias. Eg- School admission along with birth certificate

20) Child Sexual Abuse

Data

- As per **Child Rights India report**, child sexual abuse **increased by 4% in last 20 years**
- According to **UNICEF**, **1/10 children are facing sexual harassment** and **90% are by persons who are known to the child**

Reasons

- **Low bargaining power**
- Many times children **themselves don't know** that they are being harassed due to their immaturity
- There are **30 million orphan children** who have no safe place

Provisions in Indian Penal Code

- **Section 376- Rape**
 - Issue- includes only penetrative action
- **Section 354- Attack on modesty of women**
 - Issue- men or boys not covered
- **Section 377- unnatural sex**

Prevention of Children from Sexual Offences Act, 2012

- Covers **sexual assault, sexual harassment and pornography**
- **Gender neutral provisions** covering both boys and girls
- **Age of consent** for sexual relation is fixed as **18 years**
- **Child friendly investigation**
- Special courts for **POCSO cases**

2019 Amendment to POCSO Act

- **Rape of children under 12 years** are to be provided with **death penalty**.
- While this provision earlier was applicable only in case of rape of girl child, has been **extended to both boys and girls**.

- **Punishment for child pornography** is extended even for **possession of pornographic material**

POCSO Rules

- **Mandatory police verification** for those who come in contact with children such as the bus drivers of school buses.

Issues

- **Conflict with personal laws.**
 - For example, **muslim personal law allows marriage on attaining puberty**. If the age for consent for sexual relationship is placed at 18 years, then the consensual sexual relationship with husband is considered as rape
- **Provisions such as need for skin to skin contact affects justice**
 - Example- the recent **Bombay High court judgment** that groping above the clothes doesn't attract punishment.

21) Juvenile Delinquency

- According to the **broken window theory** in criminology, if the juvenile delinquency is left unchecked, it could lead to increase of ardent criminals
- **99% of juvenile delinquents are boys**
- It is highest in states of **UP, Maharashtra, Madyapradesh**

Theories explaining reasons for delinquency

- **Strain theory**
 - It says that delinquency is induced by removal of positive strains (Eg- lost parents) or presence of negative stimuli(eg- Childhood trauma)
 - According to **National Commission for Protection of Child Rights**, Covid-19 has resulted in addition of strain as it orphaned many children
- **Subculture theory**
 - Children in order to become a part of deviant group, they are forced to get involved in such acts
- **Differential Opportunity Theory**
 - Due to differential opportunities to different children, those from poor and disadvantaged backgrounds believe that delinquency is the only way to get out of the disadvantaged position.

Factors causing delinquency

- **Environment.**
 - Example- those in slums are more likely to get involved in such activities due to their environment
- **Mental health**
 - Example- Those who have faced trauma and with poor mental health are most vulnerable
- **Virtual World**
 - Example- Recently a child killed his parents for stopping him play PUBG game
- **Peer group and peer pressure**

International Efforts

- **Beijing Rules**
 - Minimum rules and standards to deal with juveniles
- **Riyadh Guidelines**

- Measures to prevent juvenile delinquency
- **Vienna Convention**
 - Criminal Justice System to be made more juvenile friendly
- **Havannah Convention**
 - Not to deny basic liberties to juveniles. Eg- education must be provided within the juvenile homes

Juvenile Justice (Amendment) Act, 2015

- It was based on the recommendation of the **Verma committee**.
- Children in age group of **16 to 18** convicted for **heinous crimes are to be treated as adults**
- **Juvenile Justice Board** to determine whether a particular juvenile is to be treated as adult or not
- **Adoption** to be regulated by specialized bodies called **Central Adoption Resource Authority** and **State Adoption Resource Authority**
- **Child Welfare Committee** to be constituted to provide welfare, shelter to children in need of care and protection

Advantages of treating 16 years juvenile as adult

- Earlier, juveniles could commit heinous crimes and easily **take refuge under the Juvenile Justice Act**. This is checked by the amendment
- It could act as **deterrence** against heinous crimes

Issues with the amendment

- It is a **violation of Beijing Rules** which provides standards for treatment of juveniles
- It does **not focus on addressing root cause** such as poverty
- **Emperical studies** show that **detaining juveniles in adult jail could increase their chances of becoming hardened criminals**.

Juvenile Justice Act, 2021

- **Adoption orders** to be provided **by the district magistrates**. Earlier in Juvenile Justice Act, it was to be provided by courts
- **Classification as heinous and serious crimes**. If the **maximum punishment is more than seven years but the minimum punishment is not provided**, it is to be treated as **serious crime**.

Way Forward

- **Government to act as enabler**. It could involve providing financial package for disadvantaged children
- **Child guidance clinics** could be established to provide counselling, career guidance
- **Re-engineering of the social environment**. Eg- creating book clubs, recreation zones in vulnerable areas like slum
- **Family of juveniles is to be educated**
- **Child care institutions** to be established to provide all basic amenities.

22) Child Marriage

- **UNICEF** defines **child marriage** as marital union of any children under the age of 18 years
- As per **NFHS**, **23.3% girls in India are getting married before the age of 18 years**.

Reasons

- **Poverty** which forces family to marry off their daughters early
- Daughters are **seen as a burden** to get rid off through marriage
- Later marriage increases the **burden of dowry**
- **Patrilocal societies** because of which family of girls are discouraged to educate them as the return for their education goes to the marital home
- **Demand is high for younger brides** as they are seen as productive social labour.
- To **control the sexuality of girls**, they are married on reaching puberty.
- **Poor law enforcement.**

Prohibition of Child Marriage Act, 2006

- It replaced the **The Child Marriage Restraint Act of 1929**
- This Act is **equipped with enabling measures** that will make **child marriage illegal, offer victims' rights protection, and strengthen penalties** for those who aid, abet, promote, or solemnize such weddings.
- According to the law, **men must be 21 years old** to get married, and **girls must be 18 years old.**
- Any marriage between two persons who are less than these ages is termed child marriage, which is against the law and is penalized by law.
- **Annulment of marriage permitted** for boys till age of 23 years and girls till the age of 20 years.
- Where child marriage has been declared void, the **children born out of the marriage** before the passing of the decree would be **deemed to be legitimate children.**
- **Child marriage prohibition officer** is to be appointed.
- The Act prescribes a **punishment of up to 2 years of rigorous imprisonment** along with a **fine of up to Rupees 1 lakh** for anyone who abets, directs, conducts or performs a child marriage.
- A similar punishment is prescribed for those who promote child marriages or act negligently and fail to prevent it or attend a child marriage or permit its solemnisation.

Issues

- Child marriages can **only be nullified if a district court petition** for annulment is filed or child is kidnapped or removed from the care of a guardian, or if fraud, force, or trafficking is involved.
- The **Act renders child marriages voidable voluntarily rather than immediately** is concerning.
- If the petitioner is below 18 years old, the **petition can only be submitted by a guardian or a close relative** with the assistance of the child marriage prohibition officer. This is one of the most worrying issues because many children experience **resistance and physical restraint** from their own families, which prevents them from filing a case and obtaining justice.
- **Personal law** protection further hinders the PCMA's implementation because many towns still have personal laws that **allow for child marriages**, despite the PCMA's efforts to outlaw them. For example, Muslim personal laws permit marriage on puberty
- PCMA 2006 also **failed to amend the Hindu Marriage Act of 1955, and the Dissolution of Muslim Marriages Act, 1939**, which could have made things clear and unambiguous.
- The Act **criminalizes family members** who are living in poverty, lack of proper education, and may give in to societal pressure is one of the most significant problems.

- A number of non-governmental groups have advocated for **penalizing government personnel who fail to register such weddings** in their jurisdiction.
- The **right to challenge the marriage is provided to either the bride, groom or the guardian**. Since they are the people who arrange, they won't challenge the marriage
- **Child marriage prohibition officer is not punished** for dereliction of duty. It results in under reporting

Way Forward

- **Voluntary national review of SDG 5.3** to be taken up again
- To adhere to provisions of **Convention on Elimination of All forms of Discrimination Against Women**
- Implement the **Kathmandu call for Action**

23) Child Adoption

- According to **UNICEF, 30 million orphan children** are there in India
- But **only 4.7 lakhs are in institutional facilities**
- Earlier, adoption was governed by personal laws like **Guardian and Wards Act, Hindu Adoption and Marriage Act**.
- Now adoption is governed by **CARA** (Central Adoption Resource Authority) and **SARA** (State Adoption Resource Authority) under the **Juvenile Justice Act**

Issues

- There are so many orphans in India but those **available for adoption are very less**. This is because only those **declared by Child Welfare Commission and approved by Child Adoption Resource Authority** are allowed to be adopted
- **Ministry of Women and Child Development** (2015-2018) held that **4% of adopted children are returned after adoption**
- **Older children and children with cognitive disorders** are urgently placed for adoption. They are **mostly not adaptable to new home**
- It takes an average of **2 to 3 years for adoption**
- **Social stigma** associated with adoption

24) Elderly

Data

- According to the **United Nation World Population Prospect** report, India is expected to consist of **16% of world's elderly by 2023**
- As per **National Statistic Office**, the population of elderly are expected to **increase by 41% in 2031 from 2021**
- According to **UN, 79% elderly are without any social security in India**
- **UN Population Fund**, dependency ratio is expected to be **50% by the year 2050**

Constitutional Provisions

- **Article 41**- Right to work, to education and to public assistance in certain cases
- **Article 21**- Protection of Life and Personal Liberty



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