Indian Polity and Governance – Rights, Issues etc.

Short Answers

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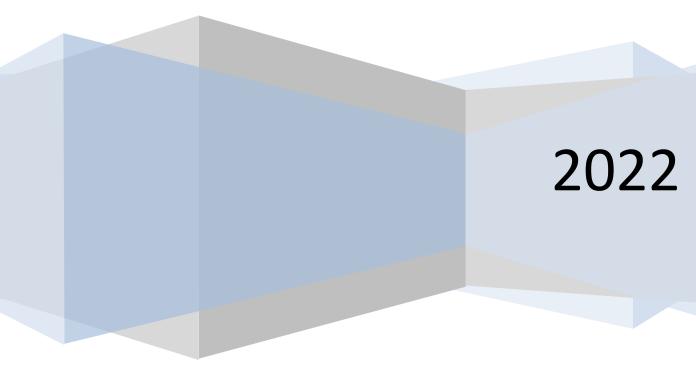
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1. 100+ GOVERNMENT SCHEMES AND THE IMPLEMENTING MINISTRIES

The government of India runs hundreds of schemes – under Central Plan and Central Assistance to States Plan. Not only in UPSC exams, but also in other competitive exams, the Government schemes are a hot topic.

Many questions are repeatedly asked in UPSC preliminary exam regarding Government Schemes and the implementing ministries. Hence we thought it would be helpful for our students if we come up with a compilation of the same with only the most relevant information.

Government Schemes and the Implementing Ministries

1. PAHAL (DBT)
- Ministry/Department : Ministry of Petroleum and Natural Gas
2. Pradhan Mantri UJJAWALA Yojana
- Ministry/Department : Ministry of Petroleum and Natural Gas
3. National LED Programme (UJALA) – UJALA stands for Unnat Jyoti by Affordable LEDs for All.
- Ministry/Department: Ministry of Power.
4. Green Corridor Project:
- Ministry of New & Renewable Energy
5. Green Highway Policy:
- Ministry of Road Transport and Highway
6. Namami Gange
- Ministry of Water Resources.
- Ministries of Environment, Urban Development, Shipping, Tourism & Rural Development are coordinating with Water Resource ministry in it.
7. National Mission of Green India
- Ministry/Department : Ministry of Environment, Forest & Climate Change
8. Crime and Criminal Tracking Network and Systems (CCTNS)
- Ministry/Department : Ministry of Home Affairs
9. Digital India.
- Ministry/Department: DeitY, Ministry of Communication. Implemented by entire government machinery in their respective domains.
10. Digi-Locker
- Ministry/Department : Ministry of Communication and IT
11. e-Biz
- Ministry/Department : Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce & Industry
- Implemented by Infosys
12. e-Courts Mission Mode Project
- Ministry/Department : Ministry of Law and Justice
- The project is being implemented by National Informatics Centre (NIC), Ministry of IT
13. Jeevan Pramaan
- Ministry/Department : Department of Electronics and IT, Ministry of Communication and IT
14. National Optical Fibre Network (NOFN)

- Ministry/Department : Department of Electronics and IT, Ministry of Communication and IT
15. Nowcast
- Ministry/Department : Ministry of Agriculture
- collaborative effort between mKisan Portal developed by DAC, weather technologies adopted by IMD and GIS Portal of NIC
16. PRAGATI – ProActive Governance and Timely Implementation
- Ministry/Department: Prime Minister's Office.
17. Startup-India
- Ministry/Department : DIPP, Ministry of Commerce and Industry
18. India Aspiration Fund & SMILE loans
- Ministry of Finance.
19. Atal Pension Yojana
- Ministry/Department : Ministry of Finance
- Administered by the Pension Fund Regulatory and Development Authority
20. Mudra Bank and Pradhan Mantri Mudra Yojana
- Ministry/Department : Ministry of Finance
21. Pradhan Mantri Jan Dhan Yojana
- Ministry/Department : Ministry of Finance
22. Pradhan Mantri Suraksha Bima Yojana (PMSBY)
- Ministry/Department : Ministry of Finance
23. Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY)
- Ministry/Department : Ministry of Finance
24. Stand-up India
- Ministry/Department : Department of Financial Services (DFS), Ministry of Finance.
25. Sovereign Gold Bonds
- Ministry/Department : Ministry of Finance
- In association with RBI
26. Gold Monetization Scheme
- Ministry/Department : Ministry of Finance
27. Rashtriya Arogya Nidhi (RAN)
- Ministry/Department : Ministry of Health & Family Welfare
28. Jan Aushadhi Scheme
- Ministry/Department : Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers
29. Janani Shishu Suraksha Karyakram (JSSK)
- Ministry/Department : Ministry of Health and Family Welfare
30. Janani Suraksha Yojana (JSY)
- Ministry/Department : Ministry of Health and Family Welfare
31. Mission Indradhanush
- Ministry/Department : Ministry of Health & Family Welfare
32. National Health Assurance Mission
- Ministry/Department : Ministry of Health & Family Welfare
33. National Rural Health Mission (NHM)
- Ministry/Department : Ministry of Health & Family Welfare
34. National Urban Health Mission (NUHM)
- Ministry/Department : Ministry of Health & Family Welfare
- Implemented by the Ministries of Urban Development, Housing & Urban Poverty Alleviation, Human Resource Development and Women & Child Development
35. National Ayush Mission
- Ministry/Department : Department of Ayush, Ministry of Health & Family Welfare
36. National Health Protection Scheme
- Ministry/Department : Ministry of Finance

37. Pradhan Mantri Swasthya Suraksha Yojana (PMSSY)
- Ministry/Department : Ministry of Health & Family Welfare
38. Pharma Jan Samadhan Scheme
- Ministry/Department : National Pharmaceutical Pricing Authority (NPPA), Department of Pharma, Ministry of Chemical & Fertilisers
39. Rashtriya Swasthya Bima Yojana (RSBY)
- Ministry/Department : Ministry of Health & Family Welfare (Earlier it was under Ministry of Labour and Employment)
40. Bharat Mala Project
- Ministry/Department : Ministry of Road, Transport and Highway
41. Deendayal Upadhyaya Gram Jyoti Yojana
- Ministry/Department : Ministry of Power
42. Ganga Gram Yojana
- Ministry/Department: Ministry of Water Resources
43. Integrated Power Development Scheme
- Ministry/Department : Ministry of Power
44. Mega Food Park Scheme
- Ministry/Department : Ministry of Food Processing Industries
45. Pradhan Mantri Gram Sadak Yojana (PMGSY)
- Ministry/Department : Ministry of Rural Development
46. Project Mausam
- Ministry/Department : Ministry of Culture
- Implemented by the Archaeological Survey of India (ASI) as the nodal agency
47. RURBAN – Also called Shyama Prasad Mukharjee Rurban mission
- Ministry/Department : Ministry of Rural Development
48. Sagarmala scheme
- Ministry/Department : Ministry of Shipping
49. Sansad Adarsh Gram Yojana
- Ministry/Department : Ministry of Rural Development
50. Setu Bharatam
- Ministry/Department: Ministry of Road, Transport and Highway
51. Swacchh Bharat Abhiyan
- Ministry/Department: Ministry of Drinking Water and Sanitation (for Gramin) and Ministry of Urban Development (for Urban)
52. UDAY – UDAY stands for Ujwal DISCOM Assurance Yojana
- Ministry/Department: Ministry of Power
53. Amended Technology Upgradation Fund Scheme
- Ministry/Department : Ministry of Textile
54. Make in India Programme
- Ministry/Department : Ministry of Commerce & Industry
55. National Investment and Manufacturing Zones
- Ministry/Department : Ministry of Commerce & Industry
56. Gram Uday se Bharat Uday Abhiyan
- Run jointly by the Ministries of Rural Development, Agriculture, Social Justice, Labour and Information and Broadcasting along with the States.
57. Khelo India
- Ministry/Department : Ministry of Youth Affairs and Sports
58. Ishan Uday
- Ministry/Department : Ministry of Human Resource Development
59. Ishan Vikas
- Ministry/Department : Ministry of Human Resource Development

60. Ajeevika – National Rural Livelihoods Mission (NRLM)
- Ministry/Department : Ministry of Rural Development
61. MGNREGA
- Ministry/Department : Ministry of Rural Development
62. National Skill Development Mission
- Ministry/Department : Ministry of Skill Development and Entrepreneurship
63. Pradhan Mantri Kaushal Vikas Yojana
- Ministry/Department : Ministry of Skill Development and Entrepreneurship
64. Pandit Deendayal Upadhyay Shramev Jayate Karyakram
- Ministry/Department : Ministry of Labour and Employment
65. USTAAD Scheme
- Ministry/Department : Ministry of Minority Affairs
66. PRASAD – Pilgrimage Rejuvenation and Spirituality Augmentation Drive
- Ministry/Department : Ministry of Tourism
67. HRIDAY – National Heritage City Development and Augmentation Yojana
- Ministry/Department : Ministry of Urban Development
68. Nai Manzil Scheme
- Ministry/Department : Ministry of Minority Affairs
69. Nai Roshni Scheme
- Ministry/Department : Ministry of Minority Affairs
70. Pradhan Mantri Khanij Kshetra Kalyan Yojana (PMKKKY)
- Ministry/Department : Ministry of Mines
71. Vanbandhu Kalyan Yojna
- Ministry/Department : Ministry of Tribal Affairs
72. AMRUT – Atal Mission for Rejuvenation and Urban Transformation
- Ministry/Department : Ministry of Urban Development
73. Housing for All by 2022 Mission
- Ministry/Department : Ministry of Housing & Urban Poverty Alleviation
74. Pradhan Mantri Awas Yojana
- Ministry/Department : Ministry of Housing & Urban Poverty Alleviation
75. Pradhan Mantri Awas Yojana – Gramin
- Ministry/Department : Ministry of Rural Development
76. Smart City
- Ministry/Department: Ministry of Urban Development
77. Beti Bachao, Beti Padhao Scheme
- Ministry/Department : Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development
78. Digitial Gudda Guddi Board
- Ministry/Department : Ministry of Women and Child Development
79. Indira Gandhi Matritva Sahayog Yojana
- Ministry/Department : Ministry of Women and Child Development
80. Integrated Child Development Services (ICDS)
- Ministry/Department : Ministry of Women and Child Development
81. SABLA – Rajiv Gandhi Scheme for Empowerment of Adolescent Girls
- Ministry/Department : Ministry of Women and Child Development
82. Soil Health Card Scheme
- Ministry/Department : Department of Agriculture, Cooperation & Farmers Welfare
83. PM Krishi Sinchai Yojana
- Ministry/Department : Ministry of Agriculture & Farmers Welfare
84. PM Gram Sinchai Yojana
- Ministry/Department : Ministry of Agriculture & Farmers Welfare

85. Paramparagat Krishi Vikas Yojna
- Ministry/Department : Ministry of Agriculture & Farmers Welfare

86. Rashtriya Krishi Vikas Yojana
- Ministry/Department :Ministry of Agriculture & Farmers Welfare

87. Price Stabilization Fund
- Ministry/Department :Ministry of Agriculture & Farmers Welfare

88. KISAN (Crop Insurance)
- Ministry/Department : Department of Agriculture and Cooperation, Ministry of Agriculture & Farmers Welfare

89. Integrated Scheme for Agriculture and Marketing (ISAM)
- Ministry/Department : Ministry of Agriculture & Farmers Welfare

90. National Mission on Agricultural Extension and Technology (NMAET)
- Ministry/Department :Ministry of Agriculture & Farmers Welfare

91. National Horticulture Mission
- Ministry/Department : Department of Agriculture and Cooperation, Ministry of Agriculture & Farmers Welfare

92. National Mission on Sustainable Agriculture
- Ministry/Department : Department of Agriculture and Cooperation, Ministry of Agriculture & Farmers Welfare

93. National Dairy Plan
- Ministry/Department : Department of Animal Husbandry, Dairying and Fisheries

94. National Initiative on Climate Resilient Agriculture (NICRA)
- Ministry/Department : Ministry of Agriculture & Farmers Welfare

95. Mission for Integrated Development of Horticulture
- Ministry/Department : Department of Agriculture and Cooperation, Ministry of Agriculture & Farmers Welfare

96. National Mission on Oilseeds & Oil Palm (NMOOP)
- Ministry/Department : Department of Agriculture and Cooperation, Ministry of Agriculture & Farmers Welfare

97. National Food Security Mission
- Ministry/Department : Ministry of Agriculture & Farmers Welfare

98. National Agriculture Market (NAM)
- Ministry/Department : Department of Agriculture & Cooperation, Ministry of Agriculture & Farmers Welfare

99. Pradhan Mantri Fasal Bima Yojana
- Ministry/Department : Ministry of Agriculture & Farmers Welfare

100. ASMITA
- Ministry/Department : Ministry of Human Resource Development

101. GIAN – GIAN stands for Global Initiative of Academic Networks
- Ministry/Department : Ministry of Human Resource Development

102. Rashtriya Madhyamaik Shiksha Abhiyan (RMSA)
- Ministry/Department : Department of School Education & Literacy, Ministry of Human Resource Development

103. Kasturba Gandhi Balika Vidhyalaya
- Ministry/Department : Department of School Education & Literacy, Ministry of Human Resource Development

104. Mid-Day Meal Scheme
- Ministry/Department : Department of School Education & Literacy, Ministry of Human Resource Development

105. Sarva Shiksha Abhiyan(SSA)

- Ministry/Department : Department of School Education & Literacy, Ministry of Human Resource Development

2. ROLE OF CIVIL SERVICES IN A DEMOCRACY

Indian state has three typical branches – Executive, Legislature and Judiciary. Executive is responsible to Legislature while Legislature is responsible to people.

By Executive here we meant Political Executive – the ministers. Political executives are not permanent, and in Indian scenario, since the Lok Sabha and State Legislative Assemblies are elected only for 5 years, there is chance of change in the political executives, every five years.

But there is another line of executives too in India, a permanent one. They are called Civil Servants. Civil Servants are accountable to ministers (political executives).

Importance of the topic: Mentioned in the syllabus for UPSC Civil Services Mains GS2 paper. Also an essential topic in GS4 (ethics) paper.

Difference between Indian Civil Services and American Civil Services

Though civil servants are there in almost all countries, the selection and nature of job differs. The main difference between Indian and US system are as below:

- Indian Civil Services are permanent. US Civil Servants in higher echelons change with government (spoils system).
- Indian system is based on merit, judged through competitive exams. US system, at-least in higher civil services, is given as a reward for favors done to the political executives.

Advantages of Indian Civil Services System

1. Chance of nepotism and corruption in spoils system. Indian system is designed to be impartial and permanent.
2. A permanent civil service provides continuity and develops expertise as well as institutional memory for effective policy making.
3. A permanent executive looks at long term social pay-offs. (Political executives often look at short term gains).
4. Brings uniformity in public administration and also acts as a unifying force.
5. A permanent civil service like any other reputable profession is likely to evolve over time an ethical basis for its functioning.

Accountability of a civil servant

- In any democracy, Ministers are responsible to the people through Parliament and therefore the civil servants have to be accountable to the Minister.
- However, an impartial civil service is responsible not only to the government of the day but to the Constitution of the land to which they have taken an oath of loyalty.
- At the same time, implementing the policies of the duly elected government is a core function of civil servants.
- Civil Servants (Eg: Secretaries) have the constitutional mandate to advice the political executives (ministers).

Role of Civil Services in Indian Democracy

- Give advice to political executives.
- Assist the political executive to: (a) Formulate policy (b) Implement policy.

NB: Qualities expected from Civil Servants: Knowledge, experience, understanding of public affairs etc.

Constitutional Provisions Related to Civil Services in India

- In terms of **Articles 53 and 154**, the executive power of the Union and the States vests in the President or Governor directly **or through officers subordinate to him**. These officers constitute the permanent civil service and are governed by Part XIV of the Constitution (Services under the Union and States (Article 308-323)).
- **Government of India (Allocation of Business) Rules:** Work is allocated among Ministers as per the Government of India (Allocation of Business) Rules.
- **Government of India (Transaction of Business) Rules:** The manner in which the officers are required to help the President or Governor to exercise his/her executive functions is governed by the Government of India (Transaction of Business) Rules.
- Article 308 – Definition of state.
- Article 310 – Tenure of office of persons serving the Union or a State.
- Article 311 – Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State.
- Article 312 – All India Services.
- Article 313 – Transitional Provisions.

3. FUNCTIONS OF AN IAS OFFICER

We covered 'Role of Civil Services in a Democracy' in our last post. Hope the overview is now clear. Civil Servants being permanent executives, they advise political executives. They also assist the ministers to formulate and execute policies. In this post, we shall see in particular the functions of an Indian Administrative Service (IAS) officer.

History of Indian Administrative Service (IAS)

Indian Administrative Service (IAS) is one of the premier services of Government of India. IAS was constituted in 1946. Prior to that Indian Imperial Service (1893-1946) was in force.

The basic pattern of the cadre system in the Civil Service was established following the recommendations of the Aitchison Commission. Provincial Civil Service constituted in the 1890s was also on the basis of the recommendations of the Aitchison Commission. In 1912 the Islington commission was appointed to study Civil Service reforms. By 1934, the system of administration in India came gradually to consist of seven All India Services and five Central Departments.

IAS posts are filled by direct recruits as well as by promotion /appointment of State Civil Services officers/ Non-State Civil Service officers.

All India Services

The Constitution provides that without depriving the States of their right to form their own Civil Services there shall be an All India service recruited on an All- India basis with common qualifications, with uniform scale of pay and the members of which alone could be appointed to these strategic posts throughout the Union. No wonder that Sardar Vallabhai Patel, one of the eminent leaders of the freedom struggle referred to the ICS as the steel frame of the country. The civil services, therefore, represents the essential spirit of our nation – unity in diversity.

Functions of an IAS officer

IAS officer is responsible for maintenance of law and order, revenue administration and general administration in the area under him. Functions of an IAS officer broadly include:

1. Collection of revenue and function as Courts in revenue matters.
2. Maintenance of law and order.
3. Function as Executive Magistrate.
4. Function as Chief Development Officer (CDO)/District Development Commissioner.
5. Supervision of implementation of policies of State Government and Central Government.
6. To travel to places to oversee implementation of policies.
7. Supervision of expenditure of public funds as per norms of financial propriety.
8. In the process of policy formulation and decision making, IAS officers at various levels like Joint Secretary, Deputy Secretary etc. make their contributions and the give final shape to policies.
9. To handle the daily affairs of the government, including framing and implementation of policy in consultation with the minister-in-charge of the concerned Ministry;

Designations held by IAS officers during field posting

- SDO/SDM/Joint Collector/ Chief Development Officer (CDO).
- District Magistrate/District Collector/Deputy Commissioner.
- Divisional Commissioner.
- Member Board of Revenue.
- Chairman Board of Revenue

Appointments to other Organizations / Bodies

Besides IAS officers can be appointed in autonomous organizations/sub ordinate organizations/PSUs/UN Organizations/international organizations like World Bank, Asian Development Banks etc in various capacities. They also serve as Personal Secretaries to Ministers in Central Government. There is provision for deputation of IAS officers to private organizations also for a fixed tenure.

Designations during Posting in Secretariat of State Government/ Central Government

1. Under Secretary in Government of India.
2. Deputy Secretary in Government of India.
3. Director in Government of India.
4. Joint Secretary to Government of India / Secretary in State Government.
5. Additional Secretary to Government of India / Principal Secretary in State Government.
6. Secretary to Government of India/ Chief Secretary.
7. Cabinet Secretary.

Regulations Governing IAS

IAS officers are regulated through different All India Services Rules such as :

1. AIS (Conduct) Rules, 1968,
2. AIS (PAR) Rules, 2007,
3. AIS (DCRB) Rules, 1958,
4. AIS (Cadre) Rules, 1954,
5. AIS (Pay) Rules, 2007 etc.

PS: These rules are made under the powers conferred by the All India Services Act, 1951.

4. IAS/IPS ALLOCATION OVERHAUL PROPOSAL BY PMO – AN IMPRACTICAL MOVE TO CREATE A 'LOYAL' BUREAUCRACY?

As per news reports, the Prime Minister's Office (PMO) is seeking a change in the way candidates are allocated services like IAS or IPS. The government is analyzing the possibility not only to change the way services like IAS or IPS are allocated, but also the way cadres are assigned. Many retired, serving, and aspiring civil servants are not happy with the new IAS/IPS allocation proposal.

PMO wants to count Foundation Course Marks in addition to UPSC Civil Services Exam Marks!

Currently, allocation to services like IAS, IPS etc is based on marks secured by candidates in the Civil Services Exam conducted by Union Public Service Commission (UPSC).

If the new proposal is accepted, scoring high marks in the civil services examination conducted by the Union Public Service Commission will not be enough to get into IAS, IPS or IFS.

PMO has sought the feasibility of adding an additional component – the marks secured by the candidates in the compulsory three month 'foundation course' conducted by Department of Personnel & Training (DoPT).

What is the 'Foundation Course' all about?

Once a candidate clears UPSC CSE, he/she should undergo training by DoPT. The first part of the training is called the "Foundation Course" or FC. This is a 100-day training program.

F.C. is compulsory only for IAS, IFS, IFoS and IPS. It is optional for other services of Group A. Group B services are not made to attend it.

Long back when the number of selected candidates and services used to be less, all services used to attend Foundation Course (FC) at Lal Bahadur Shastri National Academy of Administration (LBSNAA). Now candidates selected by UPSC undergoes FC at different academies including LBSNAA.

The Foundation Course, a combination of activities carried out at the academy, consists of academic components such as public administration, law and political science, besides a number of extra-curricular activities such as trekking, village visits and interaction with fellow probationers.

At present, the Foundation Course counts for 400 marks, but, along with the other phases of the probation period, only goes towards establishing seniority within the batch.

DoPT writes to all cadre-controlling ministries

The Prime Minister's Office wants that besides the marks scored in the UPSC Civil Services Exam, the probationers for IAS, IPS or IFS should be allocated service or cadre after reviewing their performance in the foundation course.

DoPT, under the ministry of personnel has written a letter to all cadre-controlling ministries seeking their opinion on the issue saying the PMO wants to change the rules from this year itself.

Items to be examined:

1. If service allocation/cadre allocation to probationers selected on the basis of the civil services examination be made after Foundation Course.
2. The feasibility of giving due weightage to the performance in the Foundation Course and making service allocation as well as cadre allocation to All India Services Officers, based on the combined score obtained in the civil services examination and the Foundation course.

What's is good about the new IAS/IPS Allocation Proposal? (if any)?

A lot of newly selected civil servants take the foundation course as just a formality because they know that they have been allocated cadre and services. When their marks and rank in UPSC and performance in foundation course will be at stake, they will take those three months seriously.

What is bad about the new IAS/IPS Allocation Proposal?

There are many problems with the new proposal. A few are listed below.

- If the Government tries to take the control and authority of selection and recruitment from the independent agency – UPSC – it can be interpreted as violation of the principles of Constitution (Article 311 – 315).
- If the service and the cadre allocation are determined on the combined score of the civil services examination and the score or performance of the foundation course, it will dilute the role of UPSC by increasing the interference of the executive.

- Service allocation after foundation course will have tremendous potential for misuse. There can be a lot of political pressure on the faculties, and academy directors to select bureaucracy loyal to the ruling government.
- If the PMO's latest proposal is accepted, it will theoretically be possible for a candidate whose rank in the UPSC civil services examination can get him only into, say, the Indian Defence Accounts Service, to climb up to the coveted Indian Administrative Service on the basis of how well he does his foundation course.
- If a person who has studied hard for years to get top rankings in the UPSC exam somehow performs low in the 3-month foundation course, and if she is denied the cadre and service wanted or deserved, then it would be unfair for him/her.
- A single academy cannot accommodate all 1000 candidates at a time for the foundation course.
- The papers, the subjects, the faculty, and also the overall standards are different for different foundation courses. As result, there would be a lot of arbitrariness in something as crucial as service allocation for which candidates put in so much effort
- It is also unhealthy to make the probationers compete from day one of their foundation course; the camaraderie among them will be lost.
- The current government has already made so many crucial changes or proposals in the way top bureaucrats are selected. Reducing the importance of CSAT (aptitude) paper, proposal for lateral entry into civil services, introduction of zones above the cadres, proposal to reduce age limit as per Baswan committee reports etc – being some of them.

Is the New IAS/IPS Allocation Proposal practical?

The move has already caused outrage among retired, serving and aspiring civil servants. Many believe that the new move will do no good but destroy the existing system.

However, to implement the IAS/IPS allocation policy will not be easy.

First, there are many candidates who skip the Foundation Course every year, to attempt the UPSC Civil Services Exam again. If that is the case, how can the foundation marks be added to find the final ranks in a year is a big question.

Second, the rules of allocation based on UPSC CSE 2017 was already published. Induction to every service is as per laid down recruitment rules. The recruitment rules will have to be amended if this move is to be formalized. It might lead to many court case if government alter the same for this year. Not only this, UPSC has published the notification for Civil Services Exam 2018, and candidates are not pre-informed about any change in the final allocation process.

Should Civil Service Aspirants worry about the new IAS/IPS Allocation Proposal?

Minister of State for personnel Jitendra Singh said: "There was a suggestion to this effect which has been followed up by eliciting the views of all stakeholders. At present, the issue is still in the consultation stage. There is nothing more to it."

The government is only exploring the option and has hence invited views and suggestions of the cadre-controlling ministries, to see if the option is feasible.

Nothing much should be read into it as of now.

5.LATERAL ENTRY INTO CIVIL SERVICES – SHOULD THE GOVERNMENT ALLOW IT?

Prime Minister's Office (PMO) has asked Department of Personnel & Training (DoPT) to put up a proposal for lateral entry into Civil Services – the prestigious career option of millions.

In this article, we discuss the need of reforms in Indian Civil Services and whether lateral entry system should be used or not.

What is Lateral Entry into Civil Services?

Traditionally to get into Civil Services like IAS, IPS etc. a candidate has to clear the three stages of UPSC Civil Services Exam – Preliminary, Main Exam, and Interview. One-third of the vacancies in Indian Civil Services is also filled by **promotion** of eligible candidates working in different State Services.

Lateral entry into civil services – means bypassing these two options.

Now the proposal is for selecting private individuals for appointment in the ranks of deputy secretary, director and joint secretary.

Why Indian Bureaucracy needs rejuvenation?

The World Bank ranks India at 130 in the Ease of Doing Business Index. India ranks 76 in the Corruption Perception Index brought by Transparency International. It also mentions that India has the highest incidence of bribery in the Asia-Pacific. The Political and Economic Consultancy Report rated Indian bureaucracy as the slowest among its 12 Asian counterparts. Such indices and reports are a manifestation of the retrograde bureaucracy of India and its unprogressive performance, urging immediate rejuvenation.

An Analysis of the Recent Steps for Lateral Entry into Civil Services

Several steps have been taken by the current government to enhance the qualitative value of civil servants in India. One among them is the instruction issued by the Prime Minister's Office to the Department of Personnel and Training to prepare a memorandum on induction of outsiders in the middle rung of ministries that deal with economy and infrastructure.

This announcement has caused an upheaval of speculations in both the political and administrative circles of the country. As rightly pointed out by Honorable Member of Parliament Shashi Tharoor in the Question Hour of Lok Sabha, there are underlying vacancies in different departments of multiple ministries and also inefficiencies in the existing system of complacent bureaucracy. The government has to take leapfrogging measures to arrive at a political consensus for reforms in bureaucracy.

- According to some sources, the shortlisting of private sector executives or social workers would be through a matrix of experience and qualifications, without taking into account their current salaries.
- The final selection committee would be headed by the Cabinet Secretary.
- As per preliminary estimates, 40 individuals such as entrepreneurs, academicians, and social workers would be selected to the middle management level.

- Notably, there would be no entry of such officials in the Ministry of Home, Defence, Personnel, and Corporate Affairs.

Need for lateral entry into Civil Services

1. The assurance of a secure career path has been held to be the career-based system's biggest lacuna.
2. This weakness has been compounded by a heavy reliance on seniority, an inadequate annual reporting system, and frequent transfers (Reference: Indian Express).
3. It has discouraged initiative by reducing competition in the higher echelons of government.
4. Allegedly, the quasi-monopolistic hold of the career civil services on senior management position breeds complacency, inhibits innovative thinking and prevents the inflow of new ideas from outside government.
5. There is a huge shortfall in a number of recruits, such as 20% shortage of IAS officers in 24 state cadres of India.
6. The Baswan Committee has pointed out the huge deficit of officers. The government has in March 2017, informed that there is a shortage of over 1,400 IAS and 900 IPS officers in the country. While the total strength should be 6,396 Indian Administrative Service (IAS) officers, however, there are only 4926 officers in the country.
7. There is an unwillingness among officers of the state to undertake Centre deputation.

Counter-arguments over Lateral Entry into Civil Services

1. The All India Services provide a unique link between the cutting edge at the field level and top policy-making positions as has also been mentioned by the First Administrative Reforms Commission (ARC) and by the Sarkaria Commission.
2. This bridge between policy-making and implementation, while crucial to all systems, has been of strategic significance in the Indian context, given the regional diversity of the country.
3. The exposure and sensitivity to the country's complex socio-political milieu and to the needs of the common man, which widespread field experience provides to these Services, may not be available in the private sector since the private sector does not have the same width and depth of exposure to this type of field experience.
4. Lateral entry only at top level policy making positions may have little impact on field level implementation, given the multiple links in the chain of command from the Union Government to a rural village.
5. Lack of sufficient and suitable talent in the private sector.
6. Operational difficulties of fresh recruitment for a Senior Executive Service (SES).
7. The possible adverse impact of such recruitment on the constitutional mandate for affirmative action as a result of the creation of a new recruitment channel at a senior level.
8. An issue of conflict of interest when it comes to entrants from the private sector.
9. The potential loss of internal talent as well as the likelihood of atrophy of the existing career based services.

How do other Countries Operate?

CAREER-BASED SENIOR EXECUTIVE SERVICE (SES)

1. Found in India, France, Italy, Japan, South Korea, Malaysia, and Spain.
2. Recruitment at the entry level through competitive examinations.

3. They are trained and groomed to become elite corps and then put on an accelerated career trajectory.
4. The advantage of its closed nature is that there are a common culture and value system, and an enviable degree of esprit de corps, a combination that facilitates excellent communication across the governmental spectrum.

POSITION-BASED SENIOR EXECUTIVE SERVICE (SES)

1. Found in Australia, Belgium, New Zealand, UK, USA, Netherlands.
2. The appointments to identified senior positions are made from a wider pool comprising all civil servants who are qualified to apply as well as those applicants from the private sector with relevant domain competency and experience.
3. Its openness is its basic strength. All professional cadres in the government and even those outside the government can compete for selected top positions.
4. This makes it possible for lateral entrants to bring in their own work culture which enables renewal and adaptiveness in government organizations.
5. However, the bulk of appointments in the position-based system is from among career civil servants.
6. In the American SES, only 10% of the positions are filled up by "outsiders". In Australia, recruitment to the SES from outside the Australian Public Service has ranged from 25% in 1992-93 to 14% in 2000-01. 20% of Korea's career-based SES is now recruited from the open market.

Comparison

- Career management is more decentralized in the position-based system as compared with the career-based system.
- While members of the career-based SES are employed from the time of recruitment to the age of retirement, the position-based SES is on the basis of contracts.
- In both cases, performance standards are stipulated in advance and appraised rigorously.

First Administrative Reforms Commission inputs

The first Administrative Reforms Commission while examining the whole issue of Personnel administration with reference to the higher management positions in Government of India, had distinguished between two categories of senior management posts, viz,

- Posts within the functional area which should be staffed by the relevant functional cadre.
- Posts outside the functional area for which the required functional experience may be available in the All India Services, the Central Services, and among specialists like engineers, scientists, economists, etc.

The Commission went on to recommend that the level of Joint Secretary and Additional Secretary in senior management, outside the purely functional posts, "the areas of specialism will broaden out and it should be possible, and it is necessary to provide for mobility from one specialism to an allied specialism. At the highest level of Special Secretary or Secretary and equivalent in Central Government, the factor that should count most is one's general managerial competence".

Sixth Central Pay Commission inputs

1. For creating a senior management or leadership pool in Government of India, competition can be infused through two main mechanisms: **a)** opening up the senior management cadre to all existing Services, and **b)** lateral entry by opening the senior management cadre to aspirants from the private sector who can bring new skills into government.
2. Lateral entry into civil services as done in the past on an ad hoc basis is not a suitable model of manpower planning since the present incumbents in government departments tend to resist entry of outside talent and the whole process remains personality driven and inchoate.
3. Need to institutionalize the process of induction of outside talent into the government.
4. Lateral entries should be done at the present level of Additional Secretary / HAG which is a leadership position from which one can aspire to reach the rank of Secretary to Government.
5. These posts involve leadership rather than purely operational roles and issues such as the requirement of greater functional/ technical knowledge at operational levels.
6. Central Civil Services Authority should be entrusted with the task of identifying the posts at the higher management level, HAG and above, where induction of outside talent would be desirable.
7. Such posts could then be opened for recruitment by tapping talent both from within and outside the government through a transparent process to be implemented by the Authority.

Recommendations from the 10th Administrative Reforms Committee report

1. The present empanelment system for short-listing officers for posting at the Senior Administrative Grade (SAG) level and above should be replaced by a more transparent and objective placement procedure.
2. At higher levels of government, it is necessary to ensure that the tasks assigned to a public servant match his/her domain competence as well as aptitude and potential.
3. Ministries should classify all of their SAG level posts according to their relevant functional domains.
4. There is need to introduce competition for senior positions in government by opening these positions in Government to all Services.
5. A Central Civil Services Authority should be constituted under the proposed Civil Services Bill. It shall be a five-member body consisting of the Chairperson and four members.
6. The Central Civil Services Authority should deal with matters of

- assignment of domains to officers,
- preparing panels for posting of officers at the level of Joint Secretary and above,
- fixing tenures for senior posts,
- deciding on posts which could be advertised for lateral entry into civil services and
- such other matters that may be referred to it by the Government.

Conclusion: Lateral Entry into Civil Services – needed or not?

- The recruitment in the lateral entry can be done for specific mission-mode projects. Eg, Nandan Nilekani for the Aadhaar Project.
- Transparent recruitment as per recommendations of 10th ARC report to ensure clearly defined service rules and accountability.
- Norms should be liberalized for civil servants to work outside the government with multilateral agencies, nonprofits or corporations.

6.POLICE REFORMS IN INDIA – AGAINST THE BACKDROP OF T P SENKUMAR CASE

The way Police forces work in India needs a lot of reforms. Police need more autonomy, professionalism, fixed tenure and so on. This article is on Police reforms in India – the history, the reforms so far, the Supreme Court directives, recent cases like T P Senkumar Case etc.

Police Reforms: Why in news now?

The Supreme Court for the first time in history, on 24-04-17, ordered the reinstatement of ousted Kerala DGP T.P. Senkumar, sending out a clear message that police officers cannot be made "scapegoats" by politicians in power.

The decision is likely to have repercussions in States where police chiefs were removed by the political dispensation against the Supreme Court's ruling in Prakash Singh Case (we will be discussing the same below) that DGP should have a fixed tenure of two years and not be subject to the whims of the political powers in the State.

Role of Police in a Parliamentary Democracy

There is no doubt that police have a vital role in a parliamentary democracy. The police ensure safety and security of the society. The rate and complexity of the crime have increased over the years adding new dimensions to the responsibilities of police. The present Indian police system is largely a legacy of the British rule in India since it is based on the **Police Act of 1861**.

A.H.L Fraser Commission

A.H.L Fraser, the chairman of the commission appointed by the British in 1902 said:
The police force is far from efficient, it is defective in training and organizing, it is inadequately supervised, it is generally regarded as corrupt, oppressive and it utterly failed to secure the confidence and cordial cooperation of the people.

Since 1902, little has changed. The functions of the police during the British time are different from the functions that are to be performed after the independence. After independence, India had adopted the most inclusive and comprehensive constitution to ensure the welfare of the citizens but the institution of police which is responsible for implementing the law and order was not overhauled.

Police is a State Subject

- Police is an exclusive state subject and the center has its limitations in this regard.
- After independence, some states came out with their own police acts.
- For example, the Bombay Police act, 1951; the Kerala Police act 1960; the Delhi Police act, 1978.

However, all of these police acts were a replica of the **Indian police act, 1861**. This has in extreme situations made the situation of guardian turning predator and the confidence of the people has come down.

National Police Committee, 1978

- This was the first commission at the national level after independence.

- It had wide terms of reference covering the police organization, its role, functionality, accountability, relations with the public etc.

This committee gave a comprehensive report and recommended to bring an autonomous body of organization which could be accountable to people. However, the **major recommendations of this committee were not accepted** by the government.

Important Case: Prakash Singh and others vs the Union of India (1995)

- In 1995, Prakash Singh, former DGP of Uttar Pradesh filed a PIL regarding police reforms in India.
- This led to the government constituting a new committee under the chairmanship of Julio Ribeiro, and the **Julio Ribeiro Committee** was formed in 1998.
- This was followed by further committees like **Padmanabhaiah, Malimath committee, Soli Sorabjee committee.**
- In 2006, since there were no movements in the direction of reforms, the **Supreme Court made the police reforms a mandatory reform** to be taken up by the central and state governments.

The Seven Directives by Supreme Court (2006)

The apex court gave its nearly revolutionary directions in 2006, a decade after Mr. Singh first filed his petition. The states and union territories were directed to comply with seven binding directives that would kick-start reform.

1) Directive One

Constitute a **State Security Commission (SSC)** to:

1. Ensure that the state government does not exercise unwarranted influence or pressure on the police.
2. Lay down broad policy guideline.
3. Evaluate the performance of the state police.

2) Directive Two

- Ensure that the DGP is appointed through the merit-based transparent process and secure a minimum tenure of two years.

3) Directive Three

- Ensure that other police officers on operational duties (including Superintendents of Police in-charge of a district and Station House Officers in-charge of a police station) are also provided a minimum tenure of two years.

4) Directive Four

- Separate the investigation and law and order functions of the police.

5) Directive Five

- Set up a **Police Establishment Board (PEB)** to decide transfers, postings, promotions and other service related matters of police officers of and below the rank of Deputy Superintendent of Police and make recommendations on postings and transfers above the rank of Deputy Superintendent of Police.

6) Directive Six

- Set up a **Police Complaints Authority (PCA)** at state level to inquire into public complaints against police officers of and above the rank of Deputy Superintendent of Police in cases of serious misconduct, including custodial death, grievous hurt, or rape in police custody and at district levels to inquire into public complaints against the police personnel below the rank of Deputy Superintendent of Police in cases of serious misconduct.

7) Directive Seven

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

After this, 14 states have passed legislation but these were mainly to circumvent the directives but not to implement them. Till today, the government has not shown its commitment to follow the directives of the court in true letter and spirit.

"Police reforms are going on and on. Nobody listens to our orders." – Supreme Court

"Police reforms are going on and on. Nobody listens to our orders." This is how a Supreme Court bench headed by Chief Justice J.S. Khehar reacted while declining the plea of a lawyer demanding immediate action to usher in major police reforms in the country (March 2017). The lawyer had earlier been permitted to implead himself in a pending PIL on the subject.

It is sad that the highest court of the land is so helpless in the matter.

T P Senkumar Case

T P Senkumar – DGP of Kerala – was transferred by the Left Democratic Front government led by Chief Minister Pinarayi Vijayan to the Kerala Police Housing and Construction Ltd as its chairman and managing director. Lokanath Behara had replaced him as the new DGP.

Though it may be argued that the government has the right to appoint a DGP of its choice, but Senkumar had argued that the case against him reeked of arbitrariness and was a result of his fair and efficient probe in the cases of political murders in the state, wherein some leaders of the present government were found to be accused.

In a major verdict, the Supreme Court ordered the Kerala government to restore the services of ousted DGP T P Senkumar holding that his removal was arbitrary and not as per established law. It's rare for the apex court to interfere in such appointments and the ruling has led to a debate on judicial overreach.

Why do we need police reforms?

1. The security of the society and the welfare of the people is dependent on the efficiency of the police.
2. To eliminate the undue political interference which led to the loss of autonomy of police. The police of today are victims of politicization as well as criminalization.
3. To instill the confidence of the people in the institution of police by making police more people friendly
4. To prevent the highhandedness of police in the form of extra-judicial killings. Recently NHRC noted that 206 cases of encounters occurred in the last 12 months
5. To continue security and growth with our high economic growth, the maintenance of law and order plays a vital role.

The recent example of Haryana police during the Jat reservation riots either due to inherent caste bias or hesitation of not getting support by the people further stresses the need for reforms.

Challenges and solutions

- Challenges like police training and quantity of force along with the quality, the long working hours as well as the isolation of police force from the public in the form of separate living quarters should be looked into.
- Police should be made an integral part the society they live in.
- Police reforms should no longer be delayed and the civil society should play its role for faster action by the government.

Summary

The nation can no longer afford a politician's police and it's time for people's police.

The Supreme Court's directions on police reforms have not been complied with in letter and spirit by any state. Many states have enacted laws to legitimise the status quo and circumvent the implementation of the Court's directions. Some states have passed executive orders which dilute or amend the SC's directions. No wonder the Justice Thomas committee, which was set up to monitor the implementation of the Court's directions, expressed a sense of "dismay" over the indifference to judicial directions.

The verdict in TP Senkumar case was in continuation of the Prakash Singh case that would be applicable to all the States. It's high time that the states should obey the Supreme Court directives. Urgent steps should be taken by all states to set up police complaints authority, Security Commission and separate the law and order and investigation wings.

7. MECHANISMS, LAWS, INSTITUTIONS AND BODIES FOR VULNERABLE SECTIONS

Mechanisms, Laws, Institutions and Bodies constituted for the development and betterment of Vulnerable Sections is a topic listed under UPSC Mains General Studies Paper 2 (GS2) syllabus (Topic : Social Justice). As there is a shortage of relevant text books for Social Justice (suitable for UPSC exam)

in the market, we are attempting to provide online notes for the same. We may update this post as when new laws or bodies or mechanisms are created for vulnerable sections.

To start, who are the vulnerable sections?

Vulnerability refers to the inability to withstand the effects of a hostile environment. And, vulnerable are those who are exposed to the possibility of being attacked or harmed, either physically or emotionally.

1. Women
2. Children
3. OBC.
4. SC.
5. ST.
6. Minority.
7. Differently Abled.
8. Senior Citizens.
9. Victims of Substance Abuse.
10. Unhealthy.
11. Illiterate.
12. Unorganized workers.
13. Poor migrants.
14. People living with HIV/AIDS.
15. Sexual Minorities (LGBT).
16. Poor in general.

NB: Vulnerable sections marked in bold are those who are taken care by Ministry of Social Justice and Empowerment.

Mechanisms to protect the interests of vulnerable sections

1. Constitution : Various provisions for safeguarding the interests of vulnerable sections.
2. Legislature : Union and State levels : Various bills for vulnerable sections.
3. Executive : Various Ministries under Central and State Governments.
4. Judiciary : For delivering social justice.
5. Decentralized Administration (extending to Panchayati Raj Level to reach vulnerable sections).
6. National and State commissions for vulnerable sections (Like National Commission for Women).

ALSO THERE ARE ADMINISTRATIVE MECHANISMS LIKE :

1. Reservation.
2. Subsidy.
3. PDS.
4. Scholarships.
5. Centrally Sponsored Schemes.

MINISTRIES RELATED TO SOCIAL JUSTICE

1. Ministry of Social Justice and Empowerment.

2. Ministry for Development of North-East Region.
3. Ministry of Labour & Employment.
4. Ministry of Law & Justice.
5. Ministry of Minority Affairs.
6. Ministry of Personnel, Public Grievances & Pensions.
7. Ministry of Tribal Affairs.
8. Ministry of Women and Child Development.

PS : Check out all the ministries under Government of India.

Laws for the development and betterment of vulnerable sections

Laws about vulnerable sections can be seen in two dimensions.

1. Constitutional
2. Statutory

PS : If you want to know Indian Constitution in brief, check out : Indian Constitution Parts and Articles.

Constitutional Provisions for Vulnerable Sections

There are certain constitutional provisions which cover all vulnerable sections (common to all). Also, there are provisions which deals only with specific sections.

Constitutional Provisions relevant to Social Justice & Empowerment as a whole

1. Preamble
2. Article 23 : Prohibition of traffic in human beings and forced labour.
3. Article 24 : Prohibition of employment of children in factories, etc.
4. Article 37 : Application of the principles contained in this Part (DPSP).
5. Article 38 : State to secure a social order for the promotion of welfare of the people.
6. Article 39 : Certain principles of policy to be followed by the State.
7. Article 39A : Equal justice and free legal aid.
8. Article 46 : Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

Constitutional Provisions relating to SCs

Definition and Specification of SCs

1. Article 341 : Scheduled Castes.
2. Article 366 : Definitions .

Social Safeguards

1. Article 17 : Abolition of Untouchability.
2. Article 25 : Freedom of conscience and free profession, practice and propagation of religion.

Educational, Economic and Public Employment – related Safeguards

1. Article 15 : Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
2. Article 16 : Equality of opportunity in matters of public employment.
3. Article 46 : Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
4. Article 320 : Functions of Public Service Commissions.
5. Article 335 : Claims of Scheduled Castes and Scheduled Tribes to services and posts.

Political Safeguards

1. Article 330 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.
2. Article 332 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.
3. Article 334 : Reservation of seats and special representation to cease after sixty years.
4. Article 243D : Reservation of seats (in Panchayats).
5. Article 243T : Reservation of seats (in Municipalities).

Agency for monitoring safeguards

1. Article 338 : National Commission for Scheduled Castes.

Constitutional Provisions relating to Socially & Educationally Backward Classes (OBCs)

The constitution does not define the term backward classes. It is up to the center and the states to specify the classes that belong to this group. However, it is understood that classes that are not represented adequately in the services of the state can be termed backward classes. Further, the President can, under Art. 340, can constitute a commission to investigate the condition of socially and educationally backward classes. Based on this report, the president may specify the backward classes.

Commission for Enquiring into Conditions of Backward Classes

1. Article 340 : Appointment of a Commission to investigate the conditions of backward classes.

Safeguards relating to Educational & Public Employment

1. Article 15 : Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
2. Article 16 : Equality of opportunity in matters of public employment.

- Art. 15 (4): "Nothing in this article or in article 29(2) shall prevent the state from making any provisions for the advancement of any socially and economically backward **classes** of citizens or for Scheduled Castes and Scheduled Tribes." This clause started the era of reservations in India. You may please note that Art. 15(4) talks about backward classes and not backward castes thus caste is not the only criterion for backwardness and other criteria must also be considered.
- Art. 15 (5) : This clause was added in 93rd amendment in 2005 and allows the state to make special provisions for backward classes or SCs or STs for admissions in private educational institutions, aided or unaided.
- Art. 16(4): This clause allows the state to reserve vacancies in public service for any backward classes of the state that are not adequately represented in the public services.

- Art. 16 (4A): This allows the state to implement reservation in the matter of promotion for SCs and STs.
- Art. 16(4B): This allows the state to consider unfilled vacancies reserved for backward classes as a separate class of vacancies not subject to a limit of 50% reservation.

Agency for Monitoring Safeguards

1. Article 338 : National Commission for Scheduled Castes.

Constitutional Provisions relating to Persons with Disability and the Old

1. Article 41 : Right to work, to education and to public assistance in certain cases.

In Constitution of India, entry 24 in list III of Schedule IV deals with the "Welfare of Labour, including conditions of work, provident funds, liability for workmen's compensations, invalidity and Old age pension and maternity benefits.Further, Item No. 9 of the State List and Item No. 20, 23 and 24 of the Concurrent List relates to old age pension, social security and social insurance, and economic and social planning.
Article 41 of the Directive Principle of the State Policy has particular relevance to Old Age Social Security. According to this Article, "the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of undeserved want."

Constitutional Provisions relating to Prevention of Substance Abuse

1. Article 47 : Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

Constitutional Provisions relating to Children

Art. 19 A: Education up to 14 yrs has been made a fundamental right. Thus, the state is required to provide school education to children.

In the case of Unni Krishnan vs State of AP, SC held that right to education for children between 6 to 14 yrs of age is a fundamental right as it flows from Right to Life. After this decision, education was made a fundamental right explicitly through 86th amendment in 2002.

Art. 24: Children have a fundamental right against exploitation and it is prohibited to employ children below 14 yrs of age in factories and any hazardous processes. Recently the list of hazardous processes has been update to include domestic, hotel, and restaurant work.

Several PILs have been filed in the benefit of children. For example, MC Mehta vs State of TN, SC has held that children cannot be employed in match factories or which are directly connected with the process as it is hazardous for the children.

In the case of Lakshmi Kant Pandey vs Union of India, J Bhagvati has laid down guidelines for adoption of Indian children by foreigners. [source : legalservicesindia.com]

Art. 45: Urges the state to provide early childhood care and education for children up to 6 yrs of age.

Constitutional Provisions relating to Women

Art. 15(3): It allows the state to make special provisions for women and children. Several acts such as Dowry Prevention Act have been passed including the most recent one of Protection of women from domestic violence Act 2005.

Art. 23: Under the fundamental right against exploitation, flesh trade has been banned.

Art. 39: Ensures equal pay to women for equal work.

In the case of Randhir Singh vs Union of India, SC held that the concept of equal pay for equal work is indeed a constitutional goal and is capable of being enforced through constitutional remedies under Art. 32.

Art. 40: Provides 1/3 reservation in panchayat.

Art. 42: Provides free pregnancy care and delivery.

Art. 44: It urges the state to implement uniform civil code, which will help improve the condition of women across all religions. It has, however, not been implemented due to politics. In the case of Sarla Mudgal vs Union of India, SC has held that in Indian Republic there is to be only one nation i.e. Indian nation and no community could claim to be a separate entity on the basis of religion. There is a plan to provide reservation to women in parliament as well.

Some   General   Provisions

Definition of "State"

1. Article 12 : Definition [Part III : Fundamental Rights].
2. Article 36 : Definition [Part IV : Directive Principles of State Policy].

Division of Legislative & Executive Powers Between The Union & The States

1. Article 246 : Subject-matter of laws made by Parliament and by the Legislatures of States.
2. Article 73 : Extent of executive power of the Union.
3. Article 162 : Extent of executive power of the State.

Devolution of Powers and Responsibilities on Panchayat & Municipalities

1. Article 243G : Powers, Authority and Responsibilities of Panchayat.
2. Article 243W : Powers, Authority and Responsibilities of Municipalities, etc.
    Seventh Schedule(See Art.246)
- Union List Entries 59, 97.
- State List Entries 8, 9.
- Concurrent List Entries 15, 16, 19, 20, 23.

Eleventh Schedule(See Art.243G)

- Entries 16, 17, 18, 19, 23, 24, 25, 26, 27, 28.

  Twelfth Schedule(See Art.243W)

- Entries 3, 6, 9. 10, 11.

Statutory Provisions for Vulnerable Sections

1. The Protection of Civil Rights(PCR) Act, 1955 : For SC.
2. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 : For SC and ST.
3. The National Commission for Backward Classes Act, 1993 : For Backward Classes.
4. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
5. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999.
6. Rehabilitation Council of India Act, 1992. : For PWD.
7. Maintenance and Welfare of Parents and Senior Citizens Act, 2007 : For Social Defense.
8. Dowry Prevention Act.
9. Protection of women from domestic violence Act 2005.

PS : The proposed Rights of Persons with Disabilities Bill, a comprehensive measure that covers a whole spectrum of problems from physical disabilities to mental illness and multiple disabilities will replace the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act of 1995.

Institutions for the development of vulnerable sections

1. National Institute of Social Defence.
2. Deen Dayal Upadhyaya Institute of Physically Handicapped, New Delhi.
3. National Institute for the Orthopaedically Handicapped, Kolkata.
4. National Institute of Visually Handicapped, Dehradun.
5. National Institute of Mentally Handicapped, Secunderabad.
6. Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai.
7. National Institute of Rehabilitation Training and Research, Cuttack.
8. National Institute for the Empowerment of Persons with Multiple Disabilities, Chennai.
9. Swami Vivekanand National Institute of Rehabilitation,Training & Research (SVNIRTAR), Orissa.
10. The Indian Sign Language Research and Training Centre, New Delhi.
11. The National Scheduled Castes Finance and Development Corporation.
12. The National Safai Karamcharis Finance and Development Corporation.
13. The National Backward Classes Finance and Development Corporation.
14. The National Handicapped Finance and Development Corporation.
15. Artificial Limbs Manufacturing Corporation, Kanpur.
16. Dr. Ambedkar Foundation.
17. Babu Jagjivan Ram National Foundation

Bodies for the development of vulnerable sections

1. National Commission for Scheduled Castes.

2. National Commission for Backward Classes.
3. National Commission for Safai Karamcharis.
4. National Commission for Scheduled Tribes – NCST.

STATUTORY BODIES FOR VULNERABLE SECTIONS

1. The Rehabilitation Council of India.
2. The Chief Commissioner for Persons with Disabilities.
3. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities.
4. National Commission for Women, New Delhi, India.
5. National Commission for Protection of Child Rights.
6. National Consumer Disputes Redressal Commission.
7. National Human Rights Commission, New Delhi, India.

8. SEVOTTAM MODEL

Sevottam Model is a model proposed by 2nd ARC (Administrative Reforms Commission) for public Service Delivery. The word, Sevottam, is a combination of two Hindi words: 'Seva' (service) and 'Uttam' (excellence). Sevottam Model is now regarded as a standard model for providing services in citizen centric governance. The model is developed by rectifying the drawbacks in the earlier mechanisms of public service delivery like Citizen Charters (CC), and is gradually adopted by various departments under Central and State government.

What is sevottam model, to be precise?

Sevottam model, a quality management framework applicable to public service delivery organisations, in all its departments. Service Delivery Excellence Model provides a framework for organisations to **assess** and **improve** the **quality of service delivery to citizens**.

Seven Steps in Sevottam Model

The model prescribes seven steps:

1. Define services and identify clients.
2. Set standards and norms for each service.
3. Develop capability to meet the set standards.
4. Perform to achieve the standards.
5. Monitor performance against the set standards.
6. Evaluate impact through an independent mechanism.
7. Continuous improvement based on monitoring and evaluation.

Three Modules in Sevottam Framework

The Sevottam framework has basically three modules. They are:

1. Citizen Charter.
2. Public Grievance Mechanism.

3. Service Delivery Capability.

Sevottam model in detail:

Sevottam model provides a standard for providing public service delivery in a citizen centric administration. Those organisations adopting Sevottam model for service delivery needs to comply the 7 steps and ensure the formulation of 3 modules. Indian Standard IS:15700:2005 formulated on basis of Sevottam.

MAIN OBJECTIVE:

Improve the quality of public service delivery in the country.

INTERMEDIATE OUTCOMES:

Intermediate outcomes are expected from compliance of conditions designed for each of these three components. These include Citizen Empowerment, Redress Satisfaction and Capacity Enhancement.

Defects of earlier systems of public service delivery:

Drawbacks of Citizens Charter

- Prepared without involvement of citizens/clients/stakeholders.
- No relation with service delivery improvement.
- Information about charter does not percolate down the line, hence not implemented.

Drawbacks in earlier Public Grievance Redress Mechanism

- Not in place in many organizations.
- Grievances not taken as feedback for improvement of services.
- Employees not trained for improvement of tasks assigned.

Defects in earlier Public Delivery Standards

- Not prescribed or not met due to inadequate infrastructure.
- Non involvement ,de-motivation and lack of training of employees at the cutting edge level.
- Lack of proper planning for optimum utilization of resources.

9.JALLIKATTU: HISTORY, COURT RULINGS, AND CONTROVERSY

Jallikattu is a bull taming event practiced in Tamil Nadu as a part of Pongal celebrations. Jallikattu is recently in news because of the Supreme Court rulings, Government interventions and agitations from the public against the Jallikattu ban. In this post, let's analyze, Jallikattu and other important issues associated with it in detail.

What is Jallikattu?

- Jallikattu is a sport conducted as a part of Mattu Pongal (the 3rd day of the four-day long harvest, Pongal).
- Jallikattu is also known as **eru thazhuvuthal or manju virattu.**
- The Tamil word 'Mattu' means bull and the 3rd day of Pongal is dedicated to cattle. Bulls get precedence over cows because it helps in the ploughing of field, pulling their cart of goods and mating with cows to produce more offspring and in turn more production of milk.
- Bulls are brought to a common place where the ritual happens. The participants are supposed to embrace the bull's hump and try to tame it by bringing the bull to a stop.
- Jallikattu is derived from the words 'calli' (coins) and 'kattu' (tie), which means a bundle of coins is tied to the bull's horns. In older times, the tamer sought to remove this bundle from the animal's head to win gold or silver. He would be called 'brave' and 'valourous' and would also sometimes be rewarded with a bride.

What is the history of Jallikattu?

- Jalikattu is believed to have been practiced since at least 2500 years.
- A seal from Indus Valley civilization depicting the practice is preserved in the National Museum, New Delhi.
- A cave painting that depicts a man trying to tame a bull is estimated to be 2500 years old by the Archaeologists.
- There are references to people enjoying witnessing and participating in Jalikattu in Silappatikaram one of the 5 great epics of Tamil classical period and 2 other ancient literary works like Kalithogai and Malaipadukadaam.

Why PETA and other animal rights activists want to ban Jallikattu?

- Bulls are deliberately placed in a terrifying situation in which they are forced to run away from a mob of men. The bulls are so frightened that in desperation they jump off barriers which result in fatal injuries. The participants and spectators are also at risk.
- Bulls are often provoked with alcohol, sticks, knives, sickles and even chilli powder in the eyes.
- Betting on the bulls is another problem.

Judgments on Jallikattu

- In 1991, the Environment Ministry had banned the training and exhibition of bears, monkeys, tigers, panthers and dogs. This was challenged by the Indian Circus organisation in the Delhi High Court but the court upheld the notification.

- The ban on Jallikattu itself has existed on and off since 2006.

- In 2006, the Madras High Court banned it after the death of a young spectator.

- In 2009, the ban was subsequently lifted with the Tamil Nadu Regulation of Jallikattu Act, 2009.

- In 2011, the Environment Ministry at the Center issued a notification especially mentioning 'bulls'.

- But even after the 2011 notice, the Jallikattu practice continued to be held because under the Tamil Nadu Regulation Act No. 27 of 2009.

- After it was found that the regulations were not being followed and that bulls were indeed being subjected to cruelty as defined under the Prevention of Cruelty to Animals Act, 1960, the Animal Welfare Board of India (AWBI) and People for the Ethical Treatment of Animals (PETA) filed a petition.

- In 2014, the Supreme Court banned Jallikattu and struck down the 2009 act.

- In January 2016, in what could be seen as a clearly political move, the union environment ministry revoked the ban by issuing a notification months before the elections in Tamil Nadu were due to be held.

- In January 2016, Supreme Court stayed this 2016 Union Government notification, as it was challenged by the AWBI and PETA. The case is still being heard and so far the Court has not delivered its final verdict.

- On 8 January 2017, several hundreds of protesters conducted a rally at Chennai Marina opposing the ban on Jallikattu. The participants walked from the lighthouse to the labour statue bearing posters saying 'save Jallikattu'. Following the protests at Chennai, many students started rallies in various towns of Tamil Nadu. Numerous illegal Jallikattu events were held across Tamil Nadu in protest of the ban, and hundreds of participants were detained by police in response.

- Due to these protests, on 21 January 2017, the Governor of Tamil Nadu issued a new ordinance that authorized the continuation of jallikattu events. The ordinance is a 'State amendment' to the Central Act – Prevention of Cruelty to Animals Act (1960). This means that in its application to Tamil Nadu, some provisions will be different from what they are for the rest of the country. PCA falls under Entry 17 (Prevention of Cruelty to Animals) in the Concurrent List of the Constitution. This means both the Centre and the States have concurrent power to enact laws on the subject.

- On 23 January 2017, the Tamil Nadu legislature passed a bi-partisan bill, with the accent of Indian President, exempting jallikattu from the Prevention of Cruelty to Animals Act (1960). But Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 is not much different from the state law overturned by Supreme Court in 2009.

Supporters arguments for continuing Jallikattu

- Jallikattu is a way through which farmers flaunt their personal strength, the strength of their bulls, love for their cattle and how well they have looked after them and a chance to find out the most potent bull to mate their cows.
- For a Tamilian, the bull is a member of the family and to establish their identity as a hardworking, self-sufficient and powerful Tamilian.
- The supporters of jallikattu argue that on the basis of these rare issues the Supreme Court cannot ban 2500 years old tradition.
- If the sport is banned, farmers will be forced to abandon the raising of native livestock (*Bos indicus* bull, such as the Pulikulam breed or Kangayam breed) which already stands threatened due to the extensive use of motor pumps, tractors, and mechanized agriculture.

What are the recent policies of India on Animal Advocacy?

- The National Green Tribunal placed an interim ban on glass-coated kite flying strings after a petition by PETA because it causes the death of many birds. The ban came just before Makar Sankranti.

- In December 2016, the Hyderabad High Court upheld the ban on cockfighting in Andhra Pradesh and Telangana, after a petition was filed by the AWBI, HSI India (Humane Society International), PFA, and other organisations.
- In 2016, an amendment to the Schedule Y of the Drugs and Cosmetic Rules, 1945, was passed by the Ministry of Health and Family Welfare, following appeals by PETA India, HSI India (Humane Society International), and the Union Minister Maneka Gandhi. The amendment prevents testing on animals for new drug including two cruel and obsolete drug tests on rabbits, including the Draize irritation test.
- In 2016, HSI India and People for Animals urged the Director General of Foreign Trade to take cognisance of animal welfare concerns related to the shipping and import of dogs that are not suitable to India's tropical climate, including Siberian huskies, St Bernard's, and Alaskan malamutes.They are often left out by the owners because they do not have a proper understanding of the breed's requirements.
- The Gujarat High court banned the caging of birds in Dadra and Nagar Haveli after an appeal was filed by PETA India, as it is the fundamental right of the bird to live freely in the open sky. If the birds are kept caged it will amount to illegal confinement.
- Following efforts by PETA India, new veterinary education regulations will eliminate the killings of calves. According to PETA, almost 1,000 calves are killed annually in India to teach veterinary anatomy and surgery to medical students, along with thousands of frogs, rats, guinea pigs, and rabbits. The regulations will include computer simulation, the setting up of an ethically-sourced body-donation programme and other humane teaching methods.

Conclusion

The legal situation surrounding jallikattu is as yet not clearly resolved. Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 is not much different from the state law overturned by Supreme Court in 2009. For the Supreme Court, the question of interim stay on Tamil Nadu's Jallikattu Amendment Act is still open.

The matter will only be truly resolved if the Prevention of Cruelty to Animals Act (PCA) is amended by the Parliament. State ordinances and state laws cannot overrule an Indian federal law.

Again, if Jallikattu is a part of Tamil culture, it has to be conducted with protection to animals and human beings. It should be regulated by an authority. Age old traditions and cultures need to be revisited if they are in violation of the laws of the land.

10.THE PROBLEMS OF MEDICAL EDUCATION IN INDIA – SHOULD THE MEDICAL COUNCIL OF INDIA (MCI) BE SCRAPPED?

In this post, we analyze the problems of Medical Education in India. We will also see if the inefficient working of **Medical Council of India (MCI)** has compounded the problems in the health sector. Then we analyze what **government** had done to alleviate the situation. Finally, we will examine what all needs to be done and included in the new **National Medical Commission Bill**.

The Paradox of Medical Care in India

India has the largest number of medical colleges and is also a booming market for medical tourism, but a large majority of citizens does not have access to the basic healthcare facilities. The **doctor-population**

ratio is far lower than prescribed by World Health Organisation (one for every 1,674 persons, as per the parliamentary panel report, against the WHO-recommended one to 1,000).

Medical Council of India (MCI)

Management of medical education in India should take the major responsibility of such a paradoxical trend. Medical Council of India (MCI) is the regulatory body for medical education and medical practices in India. Many blame MCI for problems in the India health sector. The solution to this situation lies mainly in reforming and revamping MCI.

However, Medical Council of India (MCI) has conducted many studies to identify the problems the medical field (Eg: Vision 2015 Report).

Vision 2015 report of MCI

MCI published a vision document, in which it has analyzed problems of healthcare sector and reforms needed to resolve them.

- 3 main reasons for India's healthcare woes:
  - Shortage of physicians (both generalists and specialists).
  - Inequitable distribution of manpower and resources.
  - Deficiencies in the quality of medical education.
- Proposed reforms:
  - Increase production of doctors.
  - Reform curriculum by a transition from a science-based curriculum to skills and competency-based curriculum.
  - There is a need to emphasis on **primary health care and family medicine.**
  - Medical institutions should be strengthened by investing in technology.

The final goal of the vision document is to produce world-class Indian doctors. Needless to say, this vision remained a mere vision, even in 2018, without any marked improvement in ground reality.

The Problems of Medical Education in India

Medical education in India faces many issues, some of which are identified in the vision document. Most important of them are:

1. Inter-state and intra-state inequality in the distribution of manpower and resources

- There is a huge disparity in availability of opportunities for students across states.
  - **2010 report by MHRD** had stated that four states – Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu – account for 1.3 lakh out of 2.4 lakh medical seats across India.
  - There is also a glaring rural-urban disparity in both availabilities of health care and colleges.
  - A blanket standard for starting a medical college leads to neglect of states like Arunachal Pradesh, Mizoram, Nagaland etc. and rural areas.
- Amidst this situation, new medical colleges can bring in uniformity of access across sates and fill the **demand-supply gap.**

2. Low doctor-population ratio

- One of the reasons for this low ratio is that only low number of medical graduates are passing out each year. Reasons include:
    - As MBBS students are unable to find jobs, they are forced to specialize in a particular field leading to a **Super-Specialty craze.**
    - Brain drain to developed countries is also one of the reasons for unavailability of doctors in India.
    - MCI regulations prevent experienced MBBS doctors from carrying out procedures like cesareans and ultrasound tests. Experienced nurses are barred from administering anaesthesia. This leads to failure of utilizing the experienced manpower to increase the service delivery.
    - This shortage of doctors is largely affected by **rural health care.**
    - Another casualty of the Super-specialty craze is **Research and teaching,** as no one is choosing research or teaching as their preferred career.

Single breed of doctors can't cater to all the needs, especially in a country as diverse as India. So medical colleges should sensitize students about all the available opportunities and the attached perks and perils. This will introduce various options available to the students to explore and choose the field best applicable to them.

3. Deficiencies in the quality of medical education

- There is no uniformity in selection students to medical colleges. A common entrance test at all India level is required to ensure this uniformity.
- Breakthroughs are frequent in the medical field, but syllabus is not updated adequately reflecting these new trends in the medical field.
- Lack of skilled teachers has afflicted all the educational paradigms of India. In the medical field, this issue is more critical. Here teachers are selected based on academic knowledge rather than clinical experience and adequate training is not imparted to them. Inadequate salary to teachers is also the main problem that makes this profession unattractive.
- No uniform quality standards of graduating doctors across India. There should be an exit test, that will bring parity to standards graduating from all medical colleges across India.

4. Lack of social accountability

- The medical profession is unique as it requires an amount of social responsibility and societal empathy. Newly graduated doctors are unaware or indifferent to their social responsibility. Colleges play a major role in infusing the young students with an empathetic attitude towards society. But instead, they are encouraging rot learning without the consideration of humanitarian dimension. Hippocratic oath is largely morphing into hypocrisy.

5. The recognition issue of foreign degrees

- MCI recognizes only a few medical courses from foreign universities. This becomes difficult for foreign graduated students to start practising in India.

6. Unregulated private colleges

- Change in rules brought about after the reforms of the 1990s made it easier to open private colleges. This has increased the number of medical colleges but leads to many undesired consequences.
- This commercialization of medical education had a profound impact on quality of graduate doctors, as anyone with money can buy seats in these colleges.
- MCI was incompetent to deal with this influx of commercialization and **capitation fee** skyrocketed, leading to **corruption** and black money circulation.
- Thus sanctity of education was lost as medical education became a field for unscrupulous practice and profit gain than imparting education and providing quality doctors. This has resulted in an unhealthy competition which in-turn lead to unreasonable medical practices and unwarranted diagnostics as graduates from these institutions wanted to recover their capitation fees at the earliest. Eventually, this leads to complete crowding out of the societal and humanitarian dimension of medical education from colleges.

Medical Council of India (MCI) – History | Objectives | Issues

Indian education system is regulated by Medical Council of India. From setting standards of education to approving colleges and setting ethical guidelines for doctors, are vested in this single institution. So the working of the same will be the main determinant of the success of medical education in India. Given the maladies of the medical education system, an overhaul of MCI is the first and foremost step of rescuing the medical system from its current rot.

History of MCI

- MCI is a statutory body for establishing uniform and high standards of medical education in India.
- It was established in 1934 under the Indian Medical Council Act, 1933. It later reconstituted under the **Indian Medical Council Act, 1956.**
- But the controversy over corruption plagued the institution as it was dissolved by the President of India in 2010 following the arrest of MCI's president Ketan Desai under the Prevention of Corruption Act.
- It was then reconstituted in 2013. After several committee reports and court orders, the government introduced National Medical Council bill in 2018.

Objectives of MCI

- Maintenance of uniform standards of medical education, for both undergraduate and postgraduate courses.
- Recommendation for recognition/de-recognition of medical qualifications of medical institutions of India or foreign countries.
- Permanent registration/provisional **registration of doctors** with recognized medical qualifications.
- Reciprocity with foreign countries in the matter of mutual recognition of medical qualifications.

Issues of MCI

- *Separation of regulatory powers*
    - The council regulates medical education as well as medical practice leading to the centralization of all regulatory functions in one single body.

- There should be a separation between the **regulation of medical education** from **regulation of medical practice**. **Expert committee- Ranjit Roy committee 2014** –recommended structural re-configuration of the council by separation of power.
- *Composition of MCI*
  - Most of the members of the MCI are elected.
  - **NITI Aayog Committee (2016)** noted that there will be a conflict of interest if members are elected. Because if the regulator is elected by the same fraternity that it would monitor, it will become ineffective and also prevents the entry of skilled professionals for the job. The Committee recommended the appointment of regulators through an independent selection process than elections.
- *Fee Regulation*
  - MCI is authorized for fee regulation of private colleges.
  - **NITI Aayog Committee (2016)** recommended against this practice as it will lead to corruption and increased capitation fees. Fee cap will discourage the entry of genuine private colleges, limiting the expansion of medical education in the country. Disallowing for-profit medical education has driven profit-taking underground with various kinds of inventive fee structures by medical colleges.
- *Professional conduct*
  - **Standing Committee on Health (2016)** observed that the present focus of the MCI is only on licensing of medical colleges and no emphasis given to the enforcement of medical ethics in education and on instances of corruption noted within the MCI.
  - Committee recommended that the areas of medical education and medical practice should be separated in terms of enforcement of the appropriate ethics for each of these stages.

Thus, now MCI has evolved into a body that has become a powerful rationing authority, controlled by those who it is supposed to be regulating, that is powerful medical colleges and medical professionals.

Various Committees on Medical Education in India

1. Ranjit Roy committee 2014

Amidst these crises, the government appointed a high power committee under the chairmanship of Ranjith Roy to look into the issue comprehensively and recommend reforms. Thus the committee has given recommendations, which form the basis of current restructuring of medical education in India. Important recommendations are:

- An **umbrella body – National Medical Commission (NMC)** should be constituted through a new act
- National Medical Commission should have an Appellate Tribunal and four independent and autonomous boards viz.
  - Under-Graduate medical Education Board (UGMEB),
  - Post-Graduate Medical Education Board (PGMED),
  - Medical Assessment and Rating Board (MARB)
  - Ethics and Medical Registration Board (EMRB).
- Steps to be taken to decrease the cost of medical education in India.
- Regional accessibility should be increased.
- Doctor to patient ratio should be increased.
- Common entrance exam should be conducted.

A parliamentary committee to overhaul MCI was constituted to study Ranjith Roy committee report.

2. Parliamentary standing committee to overhaul MCI 2016 – Prof Ram Gopal Yadav

Major observations of the committee are:

- The committee called MCI a "club" of influential medical practitioners who act without any fear of government and regulations.
- There was widespread corruption in granting approval for setting up medical colleges and prevalence of 'random' and opaque inspections as a scrupulous method for corruption.
- The committee finds MCI as responsible for the prevailing pathetic state of health care and low standard of conduct of medical practitioners and hospitals.
- It opined that the composition of MCI neither represent professional excellence nor follows medical ethos. More than half of the members are either from corporate hospitals or in private practice, carrying out unnecessary diagnostic tests and surgical procedures and flouting government rules and regulations, especially about treating patients from underprivileged backgrounds.

The committee asked the government to implement Prof Ranjit Roy Chaudhury committee. The government has introduced NEET exam as a common entrance test from 2016. But on other recommendations, government dragged its feet. Supreme Court ordered an oversight committee under Justice Lodha. Thus the inefficiency of government or executive paved the way for

3. Oversight committee under Justice Lodha 2016

Supreme Court set up an **oversight committee under Justice Lodha** while endorsing Parliamentary standing committee report, through **Article 142,** to bring in transparency and accountability within the MCI and oversee its statutory functioning. But a turf war between the Supreme court established the oversight committee and MCI hindered reform measures Then the government-appointed a team of five eminent doctors to oversee the medical regulatory body as the 1-year mandate of oversight committee ended.

National Medical Council Bill 2018 – Concerns and Solutions

Thus we have seen that there are many maladies in medical education in India, most of which roots back to the inefficient functioning of the regulator, the MCI. After a parliamentary committee report and an oversight committee by the Supreme Court, finally, the government have introduced a new bill, titled **National Medical Council 2018.** It is currently being debated in parliament. As the bill is being debated, we will look into the issues that are needed to be addressed in the bill:

#Issue 1 – Inequitable distribution of manpower and resources

- A fixed percentage of seats in each private colleges with government-determined fee structure will cater to economically underprivileged meritorious students. This can meet the issue of access to medical education by weaker sections.
- Removing bottlenecks to starting colleges, such as conditions stipulating the possession of a vast extent of land and needlessly extensive infrastructure, will considerably rectify the imbalance, especially in under-served States. The primary criterion to set up a college should only be the availability of suitable facilities to impart quality medical education.

#Issue 2 – Low doctor-population ratio

- Ending the fee cap and allowing private medical colleges to start new **for-profit colleges.**
  - This will meet the supply side constraints of medical practice in India by increasing number of doctors. It will also eliminate the regulatory-capture of the medical field in India.
  - this will also reduce corruption and black money generation simultaneously increasing the government revenue. Also, competition among private colleges will decrease the fees, making medical education accessible to all sections of society.
- **Bridge courses which** allow alternative-medicine practitioners (AYUSH) to prescribe modern drugs. (in line with barefoot doctors in China) can broad-base pyramid of health sector by increasing doctors in primary and secondary sector.
- Empowering experienced doctors and nurses for taking additional responsibilities will be a method for optimal utilization of experienced manpower to give health care services.
- three-year diploma course for rural medical-care providers, in lines of the Licentiate Medical Practitioners(before 1946), to take up the additional responsibilities of the healthcare sector
- Leverage practitioners in **AYUSH** to meet doctor deficit through **cross-practising. Shailaja Chandra report 2013** had opined that National Rural Health Mission had recruited AYUSH physicians as the sole care provider in many states, which were effective in meeting the requirement of health care providers. The report recommended training those AYUSH physicians to meet demands in **Primary Health Centres.**

#Issue 3 – Deficiencies in the quality of medical education

- **National licentiate examination** for doctors to practice medicine can help to restore public confidence in the competence of medical practitioners by ensuring uniform quality standards across India. Entrance level non-uniformity is met with the introduction of NEET
- Indian healthcare system should incorporate the **Psycho Socio-Ecological (PSE) model of health.** PSE focuses on **social determinants of health** with an emphasis on **health promotion and disease prevention**
- Medical education pedagogy should be improved by frequently revamping syllabus with respect to new breakthroughs in the medical field. The curriculum should include training on emerging technologies and models of healthcare delivery.
- India doesn't follow the use of **OSCEs (objective structured clinical exams)** to test medical candidates. Thus, their clinical skills are not tested till they start practising.

#Issue 4 – Lack of social accountability

- Need to align medical education with societal needs and expectations than work in isolation. For this **community-based education** is needed.

#Issue 5 – Revamping MCI

- Separation of power between medical education and medical practice should be the first step in reforming the MCI.
- There should be an independent selection committee to select members in NMC than electing the members as is done previously with MCI.
- the annual inspection should be scrapped with one-time registration and licensing, thus nullifying the scope of corruption through random inspections.

- There should be an independent accreditation and rating agency to inspect and rate colleges on basic standards and a penalty for not conferring with set standards.
- To reflect interests and concerns of states, an advisory body consisting of representatives from all states and UT should be constituted to advise NMC. Because each state have varied requirements and for a federal nation like India, a one-size-fits-all policy is not suitable. This will lead to issues, like that of Tamil Nadu during the implementation of NEET, to crop up.

Conclusion

Indian higher education system has a common problem concerning with incapacity of regulators like UGC, AICTE, MCI etc. A common problem of these institutions is the **concentration of power as they regulate both educational practices and professional practices** leading to a conflict of interest. There is a need for comprehensive reforms to usher in governance reforms for cleansing Indian higher education system of its maladies.

Moreover, all stakeholders should acknowledge that medical education has a special sanctity in itself. This should not be lost to the altar of profit-making.

As from above discussion, it is clear that a complete surgery of Indian medical education system is needed in order to cure cancer with which it has been afflicted. NMC act will be a watershed act in this respect. For a bill of such huge scope, it is prudent to have wide-ranging debates and discussions. So delay in the passage of the act is worth the while for waiting.

11. RIGHT TO RECALL – CAN THIS CLEAN UP THE INDIAN POLITICAL SYSTEM?

In Indian democracy, the term of an MP or an MLA is 5 years (the term of the house). There exists no recourse for the electorate if they are unhappy with their elected representative. What if they have a right to recall legislators before the end of the term?

What is Right to Recall?

Recall refers to the condition when a person who has been elected be removed from his office before the end of his term by a direct vote.

Right to Recall (RTR) confers **the electorate a right of recall** that can be initiated by any elector within a particular constituency through a recall petition signed by not less than one-fourth of the total number of electors. It is found in many contemporary constitutions. Canada and the US also allow the right to recall on grounds of misfeasance and misconduct.

Should we recall the representatives we elected?

There are numerous instances in India which could demonstrate the said proposition, for instance:

1. Sri Prakash Jaiswal has openly rejected the findings of the CAG report on the coal-gate scam.
2. Vilasrao Deshmukh has allegedly been involved in the infamous Adarsh Society scam.
3. A. Raja had engaged in massive corruption during the allocation of 2G-spectrum etc.

It this backdrop, there has been a wide-spread demand to have a right to recall or a right to de-elect our elected representatives.

The progress of 'Right to Recall' in India

- In **2016**, Varun Gandhi introduced '**The Representation of the People (Amendment) Bill**' in Lok Sabha **to recall MPs, MLAs for the non-performance**. However, the concept of Right to Recall was not a new one in India.
- The concept of "**Rajdharma**" during the Vedic times is similar to the concept of Right to Recall. In this system, the king was removed when there is a lack of effective governance.
- In 1944, M.N. Roy proposed the decentralisation and devolution of governance which will allow for the election and recall of representatives.
- The 'Right to recall' was stated by Somnath Chatterjee when he said that it can be used for accountability purposes.
- The **Representation of Peoples Act (RPA) 1951 talks about Right to Recall**. RPA does not account the ground of incompetence or the dissatisfaction of the electorate as the ground for recall and vacation. It only provides for the vacation of the office upon the commission of the certain offence.
- Right to recall exists in the local bodies of Bihar, Madhya Pradesh, and Chhattisgarh.

The Judiciary's take on the Right to Recall

In the case *of Mohan Lal Tripathi Vs. District Magistrate, Rae Bareilly and Ors.,* the Supreme Court of India opined that:

"*A President who is elected by the entire electorate when removed by such members of the Board who have also been elected by the people is in fact removal by the electorate itself. The Board represents the entire electorate as they are representatives of the people although smaller in the body. Such provision neither violates the spirit nor purpose of recall of an elected representative.*"

However, the Allahabad High Court later in the case of *Smt. Ram Beti Vs. District Panchayat Raj Adhikari and Ors.* advised that the provisions of removal of the representative could be made more stringent by restoring the old provisions of recall by Gram Sabha i.e. by the electors themselves.

The position taken by the Supreme Court appears to be quite dangerous and therefore, the advice was given by the Allahabad High Court indeed holds substance. Therefore, the interests of justice and fairness demand that the de facto power to remove the representatives should be with the electorate itself and not the representatives of the electorate.

What are the advantages of Right to Recall?

- It gives the power to ensure vertical accountability of a person in a democracy.
- Criminalization of politics would reduce.
- Raise inclusiveness and engender direct democracy.
- Election promises would be fulfilled by the representative due to the apprehension that he may be kicked out if he does not keep promises.
- The free and fair election is the very essence of the democracy. The people should decide according to their confidence on the elected one who should be elected and who can be removed.
- To deepen democracy, the right to recall must be given hand in hand with the right to vote.
- Having the system of recall will deter candidates from spending crores of money in campaigning for the elections because they will always have a fear of being recalled.

What are the disadvantages of Right to Recall?

- Right to recall creates an additional burden on the Election Commission.
- It will also place undue pressure on limited resources such as manpower, time, money etc.
- The criteria provided for recall viz., the dissatisfaction of the electorate with the performance of the candidate, is vague and provides immense scope for misuse.
- The representative would be under constant pressure to work the way people want him.
- There is an uncertainty of the time period he would be serving the public. This uncertainty would make it hard to make plans/policies which yield substantial results in long-term.
- Political rivals would make an issue out of smallest of the mistake of the representative and demand a recall election.
- Representatives would keep spending lots of money just to please people.
- There will be a state constant political turmoil and politicians would be busy saving seat instead of working for development.
- It is contentious as to whether the right to recall will instil vertical accountability. For instance, the existence of local self-government has not automatically led to the improvement of vertical accountability across India.
- In a polity, which is yet to have an efficient and impartial bureaucracy, it is contentious as to whether the right to recall has met expectations vis-à-vis the limited number of local self-government frameworks which provide such right to the electorate (as in the case of Madhya Pradesh).
- Even though the right to recall is intuitive, it must be rejected as it does not satisfy the test of pragmatism.
- Primarily, it leads to 'excess' of democracy and this will hamper the independence of the legislators.

Way forward

- Granting of **Right to Reject** is a balanced option. It is safer and would not lead to constant political upheaval. Parties would be forced to give a ticket to a candidate with clean and good past record. Good representatives can actually be expected to keep up their performance for next five years.
- Legislative change is required to bring about right to recall.
- Built-in safeguards should be there.
- However, the right to recall should not be misused to harass the elected representatives.
- The electronic voting procedure should be used.
- It should be ensured that the representatives cannot be recalled by a small margin of voters.
- It should represent the mandate of the people.
- Moreover, any elected person when found to be engaged in the corrupt practice or any misdeed can be removed from his position.

12. ELECTRONIC VOTING MACHINES (EVMS): CAN THEY BE TAMPERED WITH?

In 2017, after the election results in 5 states of Punjab, Manipur, UP, Goa, and Uttarakhand are announced there have been allegations of tampering of Electronic Voting Machines (EVMs). This has put a question mark on the fairness of elections in our democracy. Let us discuss EVMs in detail and see whether they can be tampered with or not.

What are Electronic Voting Machines (EVMs) and how does it work?

- EVMs are electronic voting machines which provide the voter with a button for each choice and it is
connected by a cable to an electronic ballot box.
- It consists of two units – **control unit** and **balloting unit**– which are connected by a 5-metre cable.
- The control unit is with the Election Commission appointed polling officer and the Balloting Unit is in the voting compartment into which the voter enters to cast his/her vote in secret by pressing the button against the name and symbol of the candidate of his/her choice.
- The EVM runs on a 6-volt single alkaline battery fitted in the control unit, and can even be used in areas that have no electricity.

Why did India replace paper ballots with Electronic Voting Machine?

- Inherent problems of paper ballots – their printing, storage, and transportation involve huge expenditure, lakhs of ballot boxes need for each election and logistics issues with their safe storage between elections.
- Using EVMs mean doing away with paper ballots, thus save paper and hence trees.
- It makes the voting process very simple and easy.
- EVMs, in the long run, are cost effective.
- EVMs don't require electricity and run on batteries.
- EVMs are lighter and portable as compared to huge ballot boxes.
- EVMs have made the vote counting process much faster, delivering results in hours as against manual counting of votes.

When were Electronic Voting Machines first used in elections?

EVMs were used on experimental basis for the first time in 16 Assembly Constituencies in the States of Madhya Pradesh, Rajasthan and NCT of Delhi in 1998. In the Lok Sabha elections of 2004, the entire country voted using EVMs.

What is the latest controversy about Electronic Voting Machines?

- The opposition parties have alleged that the EVMs have been tampered with in favour of the ruling party.
- This allegation is not new and both political parties and experts have repeatedly questioned the functioning of EVMs since its adoption.
- Following are the ways the doubters allege EVMs can be tampered with:

Before Polling

- Chips/components replaced with look-alikes that favour particular party.
- To beat mock drills, manipulation programmed such that it kicks in only once when voting has been going on for a while. So mock poll shows correct results but final tally dodgy.
- A chip with a Bluetooth link placed in an EVM controlled from a mobile phone.

During polling

- EVMs can be rigged to switch votes between the candidates.

- The voter can't know whether the vote reported is same as vote the cast.
- It is alleged that recorded vote may never be cast.
- There is no reliable way to detect errors in the recording of votes.

After voting

- Portable hardware devices can change vote records stored in the machines (can be carried out by local officials).
- Physical seals on EVMs consists of stickers, string, and red wax is not difficult to tinker with.

Note: Further Two PSUs Bharat Electronics Limited (BEL) and Electronics Corporation of India Limited (ECIL) which manufacture EVMs engage others, including foreign firms, to make EVM chips which can be a potential hazard.

Note: It is to be noted that hacking of EVMs is apparently not possible as these have no internet connection.

How has the world treated Electronic Voting Machines?

- Germany ended electronic voting in 2009 on grounds that system lacked transparency. The court ruled electronic voting as unconstitutional.
- Netherlands banned EVMs in 2007 after an anti-EVM group showed how the machines could be manipulated within 5 minutes without anybody spotting the fraud.
- In the US, states that use electronic voting make a paper trail mandatory.
- England and France have never used EVMs.
- Italy felt e-voting results could be fudged.
- Ireland junked EVMs after spending 51 million pounds researching them for 3 years.

Election Commission's response to criticisms

- In 2009, ECI invited skeptics to demonstrate the alleged fallibility of EVMs, using 100 randomly sourced machines from 10 states. The outcome was that none of the persons who were given opportunity could demonstrate that ECI-EVM could be tampered in any of the 100 machines put on display.
- ECI said that EVMs can neither be reprogrammed nor controlled by the external device. The source
  code is so designed that it allows the voter to cast the vote only once. The next vote can be recorded only after the Presiding Officer enables the ballot on the Control Unit. In between, the machine becomes dead to any signal from outside.
- The Commission said that the comparison between EVMs in India and abroad, where they have failed, are both misplaced and misguided. This is because most of the systems used in other countries are PC based and running on the operating system. Hence they are vulnerable to hacking. But EVMs in India are the standalone machine without being part of any input. The software in the chip is one time programmable and is burnt into the chip at the time of manufacture. Nothing can be written on the chip after manufacture. Thus there is a fundamental difference between EVMs in India and abroad.

Voter Verified Paper Audit Trail (VVPAT)

- Following a PIL by Subramanian Swamy, <u>Supreme Court</u> asked EC to introduce VVPAT.
- VVPAT is a slip generated in a printer-like a machine attached to EVM and flashes voter's choice of candidate and party. Generated slip is shown for a few seconds to the voter to cross check before it falls into a sealed drop box which can be opened during counting. Under VVPATs, initially, election results are announced based on the recording of votes given by EVMs. If the election results are disputed, then the votes recorded under Paper Trail System shall be counted and announced. If there is any discrepancy between the two results, then the result given by VVPAT will prevail over the EVMs.
- The Supreme Court has supported the EC endeavor to use VVPATs in a phased manner to usher in more transparency in voting.
- The Election Commission would need over 16 lakh paper trail machines, which dispel doubts about votes cast using EVMs, to cover all polling stations in the 2019 Lok Sabha elections.
- Since June 2014, the Commission has given at least 11 reminders to the government seeking funds for VVPAT machines.
- ECIL and BEL, two PSUs which manufacture VVPATs and EVMs, need 30 months to manufacture the required number of VVPAT units from the day funds are released.
- There are challenges and concerns with VVPAT too.