

Citizen's Report on Year Three of
the NDA II Government 2021-22

Promises & Reality



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Wada Na Todo Abhiyan

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Preface

In our continuous efforts to mirror the concerns and voices of the marginalized people/communities in the process of Governance, WNTA is anchoring the civil society assessment of year three of the NDA-II Government (2021-22). The review examines some of the key government policies and interventions in their impact on the lives of India's marginalized sections, taking into consideration the devastating impact of the second wave of the pandemic on the country.

“Promises & Reality 2021-22: Citizens’ Report on the Year Three of the NDA II Government,” is a collective work by eminent members and organisations of the Indian civil society. The report covers a wide array of concerns and issues in thematic areas including health, education, human rights, freedom of expression, as well as a focus on marginalized and vulnerable communities such as Dalits, Adivasis, women, people with disabilities, urban poor, farmers, religious minorities, to name a few. Each chapter provides an assessment of the government’s initiatives and actions during the year, includes a set of critical policy asks for each sector/issue/community, and highlights the key contributions/interventions of the civil society in India, especially during the second wave of the pandemic.

This Citizens’ Report (2021-22) on the government holds a mirror to how people’s lives, particularly that of the marginalized and vulnerable, have been impacted over the past year. In this context, the report becomes particularly important for people, communities and civil society organisations to bring their concerns to the forefront and engage with their elected representatives and administration in order to pursue the objective of inclusive sustainable development for all people everywhere.

Wada Na Todo Abhiyan (WNTA) is a national campaign consisting of over 3500 CSOs, working together to promote governance accountability to end Poverty, Social Exclusion and Discrimination. WNTA provides a multi-stakeholder platform for civil society organisations and networks to jointly review government promises and performance across multiple sectors.

The Annual Citizens’ review of the Union Government is an important piece of this process to document an assessment against its promises to the people and Constitutional mandates. The first review was held in 2005 of UPA I followed by annual reviews every year. In addition to the annual reviews, a consolidated review of the 9 years of UPA (I&II), 100 days of UPA II, 100 days of NDA-I and 4 years NDA-I were also done (<https://www.wadanatodo.net/>).

As the Union Government enters the penultimate year of its second term, we hope this report contributes to strengthening governance accountability towards deepening our democracy, and facilitates inclusive, multistakeholder partnerships to build forward better.

Annie Namala, Roshni Nuggehalli, AK Singh and Amitabh Behar.

Executive Summary

Together with involving communities to draw up a pre-election ‘People’s Manifesto’, an articulation of people’s demands and aspirations, Wada Na Todo Abhiyan’s review of the manifesto promises, and various international commitments of governments form the organisation’s central pillars. These draw their strength from civil society and are entirely voluntary in nature.

Political in its study, yet apolitical by nature, the annual governance review has over the past 15 years, consistently walked the extra mile to ensure it speaks for the ordinary citizen and advocates for welfare through State policies. As a citizens’ initiative, it attempts to remind those in power of the people in whose name they govern. This twelfth edition of the annual governance review report ‘Promises & Reality 2021-22’ can be seen both, in the context of the train of governance over the past decade-and-a-half as much as it is a commentary of the year gone by.

Promoting ‘governance accountability to eliminate poverty and social exclusion in India’ is central to development and a just, equal society that has no place for poverty and exclusion. It is also imperative to couch this advocacy in the Constitutional promises and the commitments made by governments and hold them accountable to the same. This adds value to the discussions on rights and entitlements of the most marginalised citizen as much as it serves the civil society’s efforts to proffer evidence for any discourse on development.

Engaging with young mind will need large hearts

The celebrated demographic dividend needs to be invested in, not squandered away. In the true spirit of civil society speaking up to power, the chapter on youth (*Young People in India, a Force Multiplier?*) raises the question, whether the highest echelons of power in the country know what is tormenting the minds of the young people. It tells how over the past few years, including the years of pandemic, young minds have been fed to build “polarised” opinions on various social issues, directly impacting their lives, including nationalism and communalism – at the expense of critical issues, such as education, employment, and overall development.

The same question is echoed by authors who discuss the low priority given to education of 320 million school-going children through the COVID-19 pandemic. The lockdowns served the worst shock to the education system in a century, and yet, the 2022-23 Union Budget does not reflect the government’s commitment towards ensuring the fundamental rights of all children to get equitable, quality, and inclusive education. The chapter on education (*Pandemic Made Schooling Out of Bounds*) argues that schools and early childhood care and education centres do not just educate children – they are places for socialization, for the provision of nutritious meals, connecting children with psycho-social support and providing social protection for the poor. Closed schools have deprived India’s children of more than just a chance to learning.

Disappointingly, this has gone together with some three million children growing weaker since the advent of the pandemic. As stunting and wasting will become visible only over the next nine months, potentially higher proportion of children could be affected, authors point out (*Chapter on Nutrition – Vulnerable and Hungrier*). During the pandemic, households with pregnant women or with toddlers were also challenged to receive food from Anganwadi centres, where food and nutrition related service provisions were very low and many households were left out of the coverage safety net.

Anaemic people and low health coverage

The latest National Family Health Survey (NFHS) data tells the story of an India where the num-

bers of anaemic people have increased since the last survey in 2015-16, across age groups ranging from children below six years to adolescents and women – despite the Anaemia Mukh Bharat programme, authors argue. More worrying is the exceedingly slow pace of improvement in nutritional indicators across all age groups with the percentage of severely wasted children below five years in fact increasing slightly from 7.5% to 7.7% between NFHS 4 and NFHS 5.

The Government's fascination with electronic health records while the country was still grappling with the COVID-19 pandemic came with a neglect of actual public healthcare delivery systems, raising doubts about its very intention, especially because it was evident that the beneficiaries of such access to citizens' personal information were big IT companies and commercial health insurers.

In tandem, allocations (in real terms) towards the National Health Mission (NHM) are declining since 2018-19. Essential services, like safe deliveries, vaccinations for children and the treatment of tuberculosis provided by the government conventionally will now suffer for limited resources. Lest it is forgotten, the chapter on Health (*Health Continues to Face Neglect*) reminds us that NHM money also goes into paying remunerations for frontline health workers like ASHAs and cuts mean reduced budget for paying these workers, who have been demanding minimum wages for a long time.

The Pradhan Mantri Jan Arogya Yojana (PMJAY), the flagship scheme of the Union Government, which promises coverage of hospitalisation costs failed in providing access to healthcare services to the poor and caused a significant decline in insurance claims during the COVID-19 pandemic. The government's continuance of these wasteful allocations is questionable, especially since it continues despite evident failures. For instance, of the total private hospital admissions under PM-JAY, Dalit beneficiaries form only about 4% and only 1.6% tribal people from the beginning of the programme till August 2021, raising questions around the very basis of the programme.

Sabka Saath, Sabka Vikas – An adage of the past?

The promise of justice and inclusive development continues to be elusive. Dispossession has been among the most important factors in the impoverishment and 2021 has been no different. Despite growing incidences of violence against women from Scheduled Castes (SCs) and Scheduled Tribes (STs), there is only a marginal allocation of Rs. 180 crores to improve their access to justice. NCRB data reveals that atrocities against Dalit women and girls account for 15.11% of total crimes registered between 2014 to 2019 under the SCs & STs Prevention of Atrocities (PoA). These atrocities have increased by 46% in the last six years for Dalit women and girls (*Chapters on Dalit people, Inclusive and Just Recovery for Dalits*). Atrocities against STs also increased by 26.5% in 2019 and further rose by 9.3% in 2020 (*Chapter on Tribal people, Inclusive Development Not Possible By Dispossessioning Adivasis*).

Schemes to provide health, livelihood, and shelter to people from Denotified and Nomadic Tribes have not been pursued in earnest (*Unspent Money, Reduced Budgets: The Bane of Denotified and Nomadic Tribes*). The formulation of a scheme for their welfare has been delayed no end, and, of the measly budget allotted for their welfare, the department did not spend even a rupee – such is the neglect.

As the chapter on urban poverty (Social Protection Will Help The Urban Poor Bounce Back) says, while there was an urgency to announce social protection measures as a response to safeguard people's health and secure livelihoods and incomes, it is also imperative to focus on the significant gaps in coverage, access and adequacy of these measures from the perspective of marginalised communities.

The two years of the pandemic have been particularly devastating for people with disabilities. They have been pushed backwards by at least two decades and people with disabilities are again viewed from a charity approach with tokenistic allocations and no concrete steps for their development (*Charity Can't Be The Leitmotif of Programmes for People with Disabilities*).

Religious minorities, especially Christians and Muslims, are frequently targeted – even by senior political leaders, including ministers. An atmosphere of deep trauma, fear and anxiety pervades these communities and people report anxieties because of experiences of exclusion, discrimination, harassment, bullying, intimidation, and violence. (*Chapters: Christmas Of Violence, And A Year Again Of Fear; and, Indian Muslims: A living testament of exclusion.*)

Rampant incidents of hate speech lace comments on these religious minority groups or their practices and the Anti-Conversion Law (ironically officially called Freedom of Religion Act) has become a pretext for the State for the persecution of Muslims and Christians and the same State turns a blind eye when vigilante groups act against them, heightening their sense of abandonment.

India continues to shelter refugees, specially from neighbouring countries – victims of ethnic persecution and violence, armed political unrest, and economic deprivation. The chapter (*The Unending Plight of Refugees in India*) raises many concerns about religious colour to asylum seekers, the risk of refoulement, poor access to basic services and livelihood opportunities and the risk of human rights violations that threaten India's historic support to refugees.

The ditty goes on in the case of women, especially those from marginalised and vulnerable communities. The second wave of the COVID-19 pandemic caused an exodus of women from the labour force. Data by Centre for Monitoring Indian Economy reveals that the Female Labour Force Participation Rate declined steeply to 9.4% between September and December 2021, the lowest since 2016 and 23% of unemployed people are women (*Working Women Could Well Be A People of the Past*).

This is also reflective of women's conditional access to resources and opportunities and deep-seated gender inequalities like restrictions on mobility, early marriage, a high incidence of violence at home and the burden of unpaid care work, all of which has only swollen during the COVID-19 pandemic, the authors reason. Despite stated commitment to gender equality, the LGBTQIA communities (*Chapter: Being LGBT*QIA in India*) continue to seek fundamental human rights and basic services to live a more equal and humane life.

Economic recovery from the pandemic has remained a challenge for women in India due to several factors, including unpaid domestic work, lack of social support and absence of the care economy, besides barriers to economic participation such as mobility restrictions owing to lockdowns and the digital divide, as authors of the chapter on the rights of women to a dignified life argue (*Unemployed and Under-Remunerated, Pandemic Further Marginalises Women*).

The chapter on informal workers (*Failing The Workers*) discusses how, in the absence of legislations, the lack of social protection means that this vast majority of the workforce has to incur high costs out of their meagre incomes for contingencies such as illness, children's education and old age.

It all boils down to what the government's priorities are

The government's actions do not reflect a commitment to work towards bridging the inequalities further exasperated by the pandemic and the lockdown, which drove 230 million more individuals below the national minimum wage threshold.

Poverty, joblessness, inflation, privatisation, and the adamant monetisation is a feature of the economic planning. The wealth of the public sector that has served as a livelihood option for India's poorest and most marginalised is being given to private players who needn't adhere to any such principles post an arrangement for monetization or lease (*Lies, Despair and a Grotesque Inequality Plagues Indian Economy Today*).

The mismanagement of the COVID-19 pandemic was an opportunity to peddle hate as Muslims were targeted with hate (as "super-spreader") and, in turn, stood out as one of the worst sufferers of the pandemic. Strangely, and with political astuteness, mishandling of the pandemic was turned into a political opportunity, the dividends of which could be reaped at the hustings.

However, as the chapter on the economy says, it must be remembered that the handling of the pandemic only aggravated an already dismal state of affairs with its severe disruptive effect on the economy (*An Economic Catastrophe On The Cards*). The chapter argues that conservative fiscal stance has been accompanied by other measures of reforms whose essence is to increase the concentration of control over wealth. Privatization and the national asset monetization programmes are simply ways of transferring national assets to a private corporate capital that has already acquired control a large part of the productive wealth.

The public relations exercises notwithstanding, the economy is at a painful trough. Rosy projections of GDP growth by the Economic Survey or the RBI have not helped. The focus of the Union Budget has been largely on capital expenditure, and the outlay on social sectors has taken a back seat. India's low spending on the social sector is an important contributing factor towards India's poor human development index ranking (*Budget 2022-23: Too Little for Development of Marginalised Communities*).

In fact, the budget has put little stress on the rural economy and the social sectors serving the villages. For example, the budget allocation for the flagship rural employment guarantee scheme – Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) has seen a dip of 25% in this year's budget (when compared with the revised estimates of 2021-22).

There are hardly any measures to enhance farm incomes in line with the target of doubling the farm income by 2022 and agriculture and allied activities that support the bulk of the population have seen a marginal increase of 2% in this budget. The share of the agriculture budget, as part of the total budget allocation, has gone down from 4.26% in 2021-22 to 3.84% in 2022-23.

What is the weather out there like?

Adaptation to climate change disturbances, fragmented landholdings, low farm productivity, poor access to mandis and high food price volatility are challenges faced by Indian agriculture. These call for next-generation reforms like the adoption of environmentally sustainable and climate-resistant new farm technology, development of a market for land consolidation and improvement in post-harvest practices. Whether in the budget or its various programmes, projects or schemes, the government has been silent on these vital issues, say authors of the chapter on Indian agriculture (*Lot More Needs To Be Done To Ensure No Farmer Is Left Behind*). In plain words, the allocation to the Ministry accounts for 3.4% of the government's budget, a reduction from last year's allocation of 4%.

2021 will perhaps go down in India's history as one where there was a paradigm shift in the manner of handling agriculture and farm-related issues. The enactment of the three controversial farm laws last year, the sustained agitation that followed, and the sudden and rather unexpected repeal of the laws are events that have the potential to shape the agricultural sector in the years to come. The issue of minimum support price (MSP) has remained contentious.

In the same breath, the chapter on environment and climate change (*Environmental Ambivalence and Other Misadventures on the Road to 5 Trillion Economy*) speaks of how, the government signals ambition on the international sphere while it simultaneously implements policies seeking salvation in old schools of “rapid economic growth” and improving “the ease of doing business” at the cost of all else.

India is woefully short of achieving its forest related Nationally Determined Contribution (NDC) declared in response to the Paris Agreement.

Scientists point out that to meet its forestry NDC, India might need 25 to 30 million ha land which is equal to area of West Bengal, Bihar and Jharkhand put together. There is huge under-spending on improving the quality of forests. The pressure for rapid economic recovery after the pandemic has also driven governments all over the world to dilute environmental standards. However, this also needs to be underlined that all of them have signed up to the Agenda 2030 and the SDGs, which commits them to balanced economic, social and environmental growth in order to eradicate poverty and hunger and make planet healthy for all.

Governance that ensures entitlements; assures right to live with dignity

All this brings us back to the *raison d’être* for Wada Na Todo Abhiyan and Promises & Realities – its voluntary effort to document the progress of the government on its promises.

Civil society initiatives will continue to emerge, no matter the pressure on civil society organisations, even in the face of the pandemic. Indeed, adding to the already collapsing democratic framework of the country, COVID-19 amplified the practice of autocracy and further deteriorated the state of minorities, the space of social activists, and the working of NGOs (*Trusted by the Public. Abused by the State*).

Last year saw the jailing of comedians for jokes they did not make. This year saw the employment of the Pegasus surveillance software on journalists, activists and members of civil society (*Shrinking Civic Space And Challenges For Civil Society In India*).

The new Rules and Guidelines issued under the Information Technology Act promise to haunt journalists, activists, and civil society in the years to come as it makes officials of social media companies criminally liable for posts by third parties. The chapter on the government’s use of digital technologies elaborates how, in the absence of data protection legislation, sharing of databases both within and outside the government is likely to put digital rights and privacy of individuals at risk (*Surveillance State Moves on Unchecked*).

The chapter on the freedom of the press (*The Very Slippery Slope Of Press Freedom*) details how media organisations have continued to highlight the severe impact of COVID-19, and the lockdown imposed by the government, while under surveillance and subjected to raids by financial investigation agencies. It isn’t without reason (and certainly not without all the efforts of the government) that India plunged from 142 in 2021 to 150 in 2022 among 180 countries in the Press Freedom Index.

Even individual citizens were targeted. The chapter on human rights (*A Year of State Led Abuse, Impunity and Intimidation*) details how unlawful and politically motivated restrictions were placed on freedom of expression and assembly throughout the year.

Authorities used repressive laws to silence critics both offline and online and human rights defenders continued to face intimidation and harassment. Grudgingly acknowledging the work

done by NGOs, the government came down on the same organisations, stifling the humanitarian actors' funding with the employment of the Foreign Contribution Regulation Act (FCRA).

What irks the government, is possibly the well-researched studies on inequality that pointed to how India remains one of the countries that has not been able to report on the SDG target of the rate of growth of the poorest 40% households since the goals were ratified. (*Chapter on Inequality – The Rich Man In His Castle, The Poor Man At His Gate*). Speaking of this ugly concentration of wealth in the hands of the few and the inequalities in terms of gender, caste, disability, and minority status is a necessity that civil society actors bring to the discourse on improving the lives of the most marginalised and vulnerable communities.

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SECTION 1

1. Budget

Budget 2022-23: Too Little for Development of Marginalised Communities

The focus of the Union Budget 2022-23 has been largely on capital expenditure, and the outlay on social sectors has taken a back seat. India's low spending on the social sector is an important contributing factor towards India's poor human development index ranking.

The Economic Survey 2021-22 projects Gross Domestic Product (GDP) to grow by 8 to 8.5% in 2022-23. However, the Reserve Bank of India and the Asian Development Bank (ADB) projected India's GDP growth for 2022-23 at 7.2% and 7% respectively. Other international financial bodies too peg the GDP growth rate much below the figures anticipated by the government. These projected growth figures are also lower than the figures projected by the Economic Survey.

The total union budget expenditure as a proportion of the GDP has declined to 15.3% in 2022-23 from 16.2% in 2021-22. Such a drop is, by default, accompanied by a negative impact on spending in the social and economic sectors. Union Budget 2022-23 was presented in the wake of rising unemployment, high inflation, low consumption trends and growing inequality in the country. However, these pressing problems did not find a mention in the Finance Minister's Budget Speech 2022-23. The focus of the Budget Speech included providing impetus to long-term growth through a range of priorities: the *Pradhan Mantri Gati Shakti*, inclusive development, productivity enhancement and investment, sunrise opportunities, energy transition and climate action, and financing of investments in heavy industries, road, port, airport and technology.

These announcements for long term inclusive growth and infrastructure development however did not include any measures to enhance farm incomes in line with the target of doubling the farm income by 2022. Agriculture and allied activities that support the bulk of the population have seen a marginal increase of 2% in this budget. Additionally, the share of the agriculture budget, as part of the total budget allocation, has gone down from 4.26% in 2021-22 to 3.84% in 2022-23. The budget allocation for the flagship rural employment guarantee scheme – Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) has seen a dip of 25% in this budget from the revised estimates of 2021-22, allocation declining to Rs. 73,000 crores from Rs 98,000 crores. Besides, a pending wage of Rs 21,000 crore continues to be a matter of concern. Higher allocation was required to boost consumption demand and raise employment opportunities in rural areas, especially in the times of the COVID-19 pandemic induced loss of livelihood and the uncertainties of future employment.

Similar trends have been observed in the budget's allocations for other social sectors as well. The focus of the Union Budget 2022-23 has been largely on capital expenditure, and the outlay on social sectors (education, health and investments for improving the lives of the marginalised sections of society like schedule castes, tribal communities, religious minorities, women, children and persons with disabilities) has taken a back seat. India's low spending on the social sector is an important contributing factor towards India's ranking at 131 out of 189 countries in human development index (HDI).

Further, the outlay for the existing government plans and those mentioned in the Budget Speech is not reflected in the budget. For instance, there is still no clarity on the initiative towards the universalisation of quality education. An announcement to expand the One class One TV channel programme to 200 television channels remains just an announcement with no hint on how the budget proposes to achieve this. Overall, the implementation of the New Education Policy

(NEP) would require substantial expenditure on education in a phased manner, and while both the Department of School Education and Literacy (DSEL) and the Department of Higher Education have witnessed an increase in allocation from 2021-22 (BE) by 16% and 7%, respectively in the Union Budget for 2022-23, the overall share of the education budget in the total Union Budget and the country's GDP has declined. The small increases in allocation by the Union Government does not seem to be enough to reach the target of 6% of GDP as total public spending (Centre and states combined) on education, within the given timeline.

Similarly, several announcements were made in the Budget Speech for the health sector, such as the national digital health ecosystem and national tele-mental health programme. However, these announcements are not backed by a specific budgetary provision in the 2022-23 health budget. The total budget allocation for the health sector have increased by 16% compared to the figure for 2021-22 (BE). But this enhanced allocation shows no significant change over the revised estimates for 2021-22. Despite the increase in absolute terms, the share of the health budget in the total Union Budget has remained almost stagnant over the past few years at around 2.3%. It is also important to note that although the COVID-19 pandemic is not yet over, COVID-related interventions have not received additional allocations in 2022-23 (BE).

The nutrition focussed schemes — the Umbrella Integrated Child Development Services (ICDS), Anganwadi Services, Poshan Abhiyan, Scheme for Adolescent Girls, and National Crèche scheme clubbed under *Saksham Anganwadi* and POSHAN 2.0, saw the Union Budget resource envelope shrink by 18.5% in 2021-22 (BE). But the allocation towards these restructured schemes in 2022-23 (BE) increased only by 0.79%. Further, the mid-day meal scheme, an important source of food and nutrition for children, and which has assumed new significance post COVID-19 pandemic, now renamed as *Pradhan Mantri Poshan Shakti Nirman*, has been downsized by 11% in 2022-23 (BE). Considering India's ranking at 101 out of 116 countries in the Global Hunger Index 2021 – an analysis based on essential nutritional needs and child nutrition figures provided by the government of India itself – this downsizing is a matter of concern.

Budget Speech for 2022-23 has not announced any new scheme for the development of the minorities. This year's Union Budget shows a hike of 4% over the previous year's budget (an increase of Rs 210 crore) for the Union Ministry of Minority Affairs based on a small increase in allocations for the *Pradhan Mantri Jan Vikas Karyakram* (PMJVK), formerly the Multi-sectoral Development Programme (MSDP). The total budget of this Ministry as a proportion of the total Union Budget, however, has declined to 0.12% in 2022-23 (BE) from 0.14% in 2021-22 (BE). The Ministry has utilized 77.95% in 2020-21 against the BE figure of Rs 5,029 crore for that year. It also seems that the Union Budget outlays have not been provided in accordance with the demands for funds made by the Ministry. For 2019-20 and 2020-21, Rs 4,700 crore and Rs 5,029 crore were allocated against the demands from the Ministry for Rs 5,795.26 crore and Rs 6,452 crore, respectively.

In this budget, the schemes relating to Post-Matric Scholarship for Minorities, Merit Cum Means Scholarships and *Pradhan Mantri Jan Vikas Karyakram* (PMJVK) have seen small increases in allocation from the previous year's budget, while several other schemes like, skill development and women leadership schemes have seen declines in allocation. The budget allocation for the Maulana Azad Education Foundation (MAEF) has been reduced to Rs 0.01 crore from Rs 90 crore in 2021-22. This is bound to affect the implementation of projects like construction grant to minority institutions and *Begum Hazrat Mahal Scholarship Scheme* for meritorious girls.

The Education Scheme for Madrasas and Minorities, which was shifted to the Minority Affairs Ministry from the Ministry of Education last year, has received a reduced budget outlay of Rs 160 crore this year (compared to Rs 174 crore in 2021-22). This has the potential to affect the education of children in Madrasas due to non-payment of honoraria to teachers.

The Union Government promised to give one crore scholarships to minorities annually under

an umbrella scholarship programme in 2019. As against this benchmark, only 58 lakh students received the scholarships provided by the Ministry of Minority Affairs (Pre-matric, Post-matric and Merit-cum-Means scholarship schemes) in 2020-21. During the same year, approximately 1.10 crore applications were received for the scholarships. It shows that 47.5% of total applicants were deprived from the scholarship benefits. As regards the Post Matric Scholarship scheme, only 36.7% of total applicants received the scholarship that year.

The amounts of scholarships given to the students is not adequate for meeting their educational expenses. The unit cost for scholarships in Pre-Matric, Post-Matric and Merit-cum-means for minorities has not been revised since inception of the schemes (2007-08).

In Union Budget 2022-23, the total allocation reported for Scheduled Castes (SCs) is Rs 1,42,342.36 crore. This has increased from Rs 1,26,259 crore in 2021-22 (RE) – i.e., an increase by over Rs. 16,000 crores. The total allocation for the Department of Social Justice and Empowerment has seen an increase of 13% from the previous budget. This can be traced largely to a substantial increase in the outlay for the scheme on Post Matric Scholarship for SC (PMS-SC). However, under Centrally Sponsored Schemes (CSS) and Central Sector Schemes (CS), the outlays earmarked for SCs (as per statement 10A) account for only 8.8% of the total budgetary allocation.

Two separate Pre-Matric scholarship schemes (for SCs and unclean and hazardous occupation respectively) were implemented for Classes 9th and 10th until 2021-22. These were meant to minimise dropouts, especially in the transition from the elementary to the secondary stage. These two schemes have now been merged and renamed as Pre-Matric Scholarship Scheme for SCs and others. After merger, the budgetary allocation for this scheme has got reduced from Rs 725 crore in 2021-22 (BE) to Rs 500 crore 2022-23 (BE).

The important policy strategy of Tribal Sub-plan (TSP) has, since long, been facing challenges with regard to planning, implementation and monitoring. Under TSP, the expenditure across many Ministries is reported 'notionally' instead of being based on need-based plans along with active participation of the community. In Union Budget 2022-23, the allocation reported for the Scheduled Tribes (STs) is Rs 89265.12 crore in 2022-23 (BE). The total allocation for the Ministry of Tribal Affairs has seen an increase of 12% from the previous year's budget because of increase in the allocation of fund for Eklavya Model Residential Schools. However, the outlays earmarked for STs account only for 5.5% of the total budgetary allocation under Centrally Sponsored Schemes and Central Sector Schemes which is less than the previous year. The planning, implementation and monitoring challenges persisting in and SCSP and TSP need to be addressed urgently.

An insurance scheme is one specific commitment toward Persons with Disabilities (PwD). The absence of any other specific financial commitment indicates that there is a gap in the realisation of the rights envisaged in the Rights of Persons with Disabilities Act, 2016 (RPDA 2016). The overall specific allocations for PwD as a percentage of GDP show a declining trend from 0.0097% in 2020-21 (BE) to 0.0084% in 2022-23 (BE). Under the Department of Health and Family Welfare, the majority of the allocation meant specifically for PwD goes to the National Institute of Mental Health and Neurosciences. However, implementation of the Mental Health Care Act, 2017 and the RPDA, 2016 also requires programmes such as community-based rehabilitation, universal health insurance that covers disability-specific extra costs related to health, and the cost of assistive devices. However, such a programme does not exist for all persons with disabilities.

Women have been disproportionately impacted by the pandemic across several domains, including employment, social protection, health, and face risks, especially violence. However, the Union Budget on the whole does not reflect any significant allocations towards addressing any of these. In fact, the overall 'gender budget' as a share of the total budget, has seen a fall from last year. Similarly, allocations for key employment and credit programmes catering to women have also stagnated or declined.

To sum it up, the focus on social sectors and marginalized groups that have been given a miss in this year's budget in favour of capital expenditure needs correction. The Union Government should allocate adequate budget to social sectors and marginalized groups to improve human development indices and to address the current economic challenges facing the country.

Recommendations:

- Union Government should allocate an adequate budget to the social and economic sectors for addressing the current economic challenges faced by the country. Further, the planning, implementation and monitoring challenges persisting in the Scheduled Castes Sub- Plan and the Tribal Sub- Plan need to be addressed urgently.
- The allocations to the Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs need to be increased for the economic and educational empowerment of SCs and STs.
- The current income ceiling limit and unit cost of the PMS- SC scheme needs to be revised taking into account the effect of inflation over the years.
- There is a need for complete and credible identification of all the manual scavengers in the country. The government should make necessary changes in the guidelines for the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) to address the bottlenecks constraining utilisation of the allocated budgets. An increase in demand can be created by raising awareness about the scheme among potential beneficiaries as well as within the government apparatus.
- The scholarships for minorities should be demand-driven along with the additional financial resources for enhancing the unit costs.
- The total budget allocation for the Ministry of Minority Affairs should be significantly increased, given the level of deprivation in the educational attainment of minorities.

Civil Society Interventions:

During the course of the COVID-19 pandemic, civil society groups led by CBGA and including former members of the People's Budget Advocacy, organised several meetings and consultations to highlight challenges faced by the common people before the government. Several collaborative research reports and policy briefs were prepared on different aspects and themes such as: fiscal packages for addressing COVID-19, health, education, disability groups, Dalit, Adivasis, gender, water and sanitation. The budget advocacy consultations were held in collaboration with CRY, NCDHR, WaterAid, Feminist Policy Collectives, among others.



Budget

Union Budget 2022-23 was presented in the wake of rising unemployment, high inflation, low consumption trends and growing inequality in the country. However, these pressing problems did not find a mention in Budget Speech 2022-23.



Total union budget expenditure as a proportion of GDP declined from 16.2% in 2021-22 to 15.3% in 2022-23.



Agriculture and allied activities supporting the bulk of the population saw a marginal increase of only 2%.



Allocation for MGNREGA declined to Rs 73,000 crores- a whopping 25% decrease from the revised estimates of 2021-22!



Nutrition-focused schemes saw 18.5% decline in 2021-22 (BE), and allocations for 2022-23 (BE) increased by only 0.79%- this when India was ranked 101 out of 116 countries in the Global Hunger Index 2021



Gender budget declined from 4.4% to 4.3% of total expenditure. Remains below 1% of GDP.

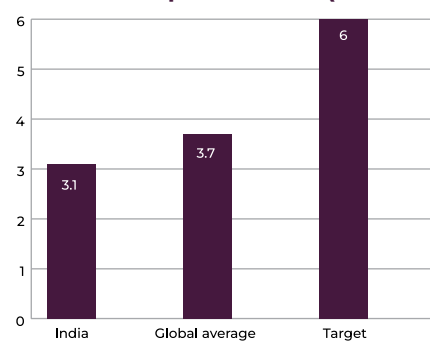


Budget allocation for Maulana Azad Education Foundation saw a huge reduction- from 90 crore in 2021-22 to Rs 0.01 crore in 2022-23!



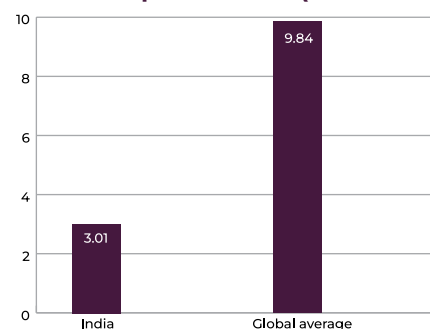
Pre-Matric Scholarship Scheme for SCs and others saw merger of two schemes in 2022-23, and a decline in total allocation from Rs 725 crore in 2021-22 (BE) to Rs 500 crore in 2022-23 (BE)

Education expenditure (% of GDP)



Education budget nowhere near 6% of GDP. (Sources: India's expenditure- Economic Survey 2021; Global average- UNESCO Institute for Statistics)

Health expenditure (% of GDP)



Health budget as a share of union budget almost stagnant at 2.3%. No additional allocations for COVID-related interventions. (Source of above graph- WHO Global Health Expenditure Database)

2. Economy

An Economic Catastrophe On The Cards

The conservative fiscal stance has been accompanied by other measures of reforms whose essence is to increase the concentration of control over wealth. Privatization and the national asset monetization programmes are simply ways of transferring national assets to a private corporate capital that has already acquired control a large part of the productive wealth.

To describe the economic situation in India as grim would be an understatement. The real consequence of the COVID-19 pandemic and how it has been handled in India has been to aggravate what was already a dismal state of affairs. However, precisely because of its severe disruptive effect on the economy, the pandemic has also temporarily altered the benchmark with reference to which economic performance tends to be judged.

In looking at signs of 'recovery' from the severe contraction experienced in 2020-21, attention has been diverted from the underlying realities that had emerged prior to the pandemic. Even if GDP in 2021-22 turns out to be around 9% above the previous year's level in real terms, it would still be less than 2% above the figure in 2019-20. This means that per capita national income and consumption in 2021-22 has been lower than the pre-pandemic level, possibly even less than in 2018-19. The year 2019-20 itself saw at 3.7% the lowest GDP growth in decades, the conclusion of a process of successive decline in annual growth rates seen since 2016-17, the Demonetization year.

It is known that while employment growth always tends to lag far behind output growth because of productivity increases, it is not the opposite which happens when output contracts. Instead, the same mechanism works to increase the magnitude of the adverse effect on employment of such an output contraction – which means that the 'recovery' in employment and labour earnings would be even less than in output.

Declining labour force participation and stagnant wages were already well-established pre-pandemic trends. They were symptomatic of the growing crisis of employment and incomes faced by the vast majority of Indians who rely on earnings from work – whether in self-employment or in wage employment. They had facilitated a decline in the labour share in income, and a shift in income distribution in favour of the small minority in whose hands were concentrated much of the nation's wealth. This had a self-perpetuating character, low and stagnating incomes at one end blocking any scope to accumulate wealth while rising incomes at the other enlarged the scope for further accumulation.

The flip side of this was a progressive narrowing of the domestic market, the consequence of which was that the expansion process eventually came up against a demand barrier, the consequences of which have been visible for a decade. India thus came to be caught up in a vicious circle – enterprises were not investing heavily in creating greater capacity as there wasn't enough demand expansion domestically or in export markets, and this holding back of investment expenditure only reinforced the demand constraint.

Thus, in the absence of adequate job creation outside agriculture, even as there has been a continuing exodus from an agricultural sector increasingly incapable of supporting a large population, a large labour surplus situation has become chronic. This, in turn, has ensured an across the board holding down of wages and the consequent demand constraints. All attempts to get out

of this process by stoking the 'animal spirits' of private investors have proved futile. Yet, the grip of the ideology of fiscal conservatism has been so strong that no course correction has been possible. The use of the powers of taxation and public expenditure to address the structural imbalances in distribution and to stimulate a process of demand expansion has been firmly eschewed by the government. Even the calamity of such magnitude originating in the pandemic has not called forth any deviation, even a modest one.

Of course, the fiscal deficit or the gap between receipts and expenditure went up dramatically in the first year of the pandemic. This was, however, more due a collapse of revenues than of any significant stepping up of expenditure. The only measure taken for shoring up revenues was the increase in oil excise duties in 2020, a universal tax which directly and indirectly squeezed further the already shrunk incomes of working people. Despite the drop in consumption of petrol and diesel, revenues from central excise duties increased by almost 63% in 2020-21 over 2019-20, and this benefit has been retained in 2021-22 as the tax increases have not been reversed.

On the other hand, corporate and personal income taxes have shown a dramatic improvement in 2021-22, far in excess of the growth in nominal GDP. While the final figures will be known only by end of May 2021, the government has announced that direct tax collections for 2021-22 are 49% higher than in the previous year. Data up to February 2021 indicate that the greatest increase has been in corporate taxes, over 60%, while personal income taxes have increased by nearly 46%. Even in comparison to 2019-20, the increase is much more than in nominal GDP.

Since the rates of direct taxation have not been increased, clearly this growth in revenues reflects a growth of the underlying incomes – namely corporate profits and high incomes. This clearly points to a grossly uneven nature of the 'recovery' whereby inequality has increased sharply and the share of corporate profits and high incomes in the total national income has increased. A small minority and the segments of the corporate sector are therefore better off now than before the pandemic despite the stagnation in the economy, which means that the rest of the population has consequently become worse off. By choosing to impose additional oil taxes, the Central Government has exaggerated that increase in inequality even as the magnitude of relief has been held down.

Shockingly, despite the revenue gains to the government from its perverse tax measures and rising inequality, government expenditure has been squeezed. In real terms (after adjusting for inflation), the Central Government expenditure in 2021-22 was lower than in the previous year and is budgeted to remain at almost the same level in 2022-23. Even the claimed increase in budgeted capital expenditure, the emphasis of which is on roads and highways, is simply a piece of accounting jugglery. Firstly, it excludes investment by public enterprises out of their own resources – taking which into account significantly brings down the percentage of increase in capital expenditure. Secondly, assistance to states for capital expenditure have been budgeted to increase by Rs. 85,000 crores in 2022-23 over 2021-22, but this replaces loans of Rs. 159,000 crores given by the Central Government to states in 2021-22 in lieu of GST compensation shortfall. The latter had, however, been kept of the books of the Central Government by netting them out against the Central Government borrowing to finance those loans – thereby avoiding its effect on the Central Government's accounting fiscal deficit. The loans now being given are however included as expenditure. These accounting practices, however, make no difference to the economic impact of the expenditures and seen from that standpoint it is a savage squeeze, the exact opposite of a stimulus, that is being imparted to the economy.

The conservative fiscal stance has been accompanied by other measures of reforms whose essence is to increase the concentration of control over wealth. Privatization and the national asset monetization programmes are simply ways of transferring national assets to a private corporate capital that has already acquired control a large part of the productive wealth. Coming as it does in the background of stagnation in private corporate investment, such transfers in effect are

rewarding private capital for its failure to boost the economy despite umpteen benefits being accorded to it. It means that private capital will have even less incentive to invest as it can expand by acquiring existing assets. This is being combined with a process where the big private corporate sector is also increasingly squeezing out the vast unorganized and MSME sectors in several spheres.

As the global economic situation increasingly veers towards adding to domestic economic woes rather than providing any stimulating effects, and inflation rates have once again moved up, an economic catastrophe of vast proportions is on the cards for India's hapless citizens unless a course correction happens soon or is forced on the government.

Recommendations:

- Increase revenue mobilization through direct taxes
- Step up public expenditure and investment, especially in employment intensive ways, including by increasing the scale and scope of employment guarantee programmes.
- Expand the scale and scope of systems of procurement of agricultural commodities and public distribution to cover more items (like pulses) and more households.

3. Financial Accountability

Lies, Despair and a Grotesque Inequality Plagues Indian Economy Today

Much of the public sector, in fact, serves as a livelihood option for India's poorest and most marginalised sections. The private sector does not have to adhere to any such principles is bound to have detrimental impact on the representation of marginalized sections post monetization or lease.

We have witnessed an infantile jubilation on the part of the government since last year about a "record recovery" from the COVID-19 pandemic. A 2021 report of the Finance Ministry¹ claimed that "armed with necessary macro and micro growth drivers, India is on its way to becoming the fastest growing major economy in the world." The Prime Minister claimed that "COVID-19 affected the economies of the entire world, including that of India. But our economy has recovered more strongly than it was halted by the pandemic."²

In its 'Report on Currency and Finance (RCF) for 2021-22', the Reserve Bank of India (RBI) stated that the country would overcome the losses made during the COVID-19 pandemic only by 2034-35. The RBI acknowledged the role of deep-rooted structural bottlenecks and said that the virus has "scarred minds, production capacities and confidence with far-reaching economic and social costs." The report also acknowledged that in addition to the ruin of the informal sector, even the smaller ones in the formal sector have suffered. As expected, the central bank did not critically assess the possible role of the government in exacerbating the crisis, as the government kept insisting on supply side solutions to demand side problems.

While manipulative use of data, using low base effect, and withholding of data has been deployed to cover up the odds and project a rosier picture, there are other data sets that run contrary to the government's claims, ones they don't talk about.

Poverty:

The State of Working India 2021 by Azim Premji University finds that while millions already lived on the edge, the shock of the lockdowns meant that 230 million more individuals went below the national minimum wage threshold during the pandemic. For daily wage workers, field surveys after the first wave showed that two-third (66%) of the respondents reported decrease in household food intake after the pandemic. People either stopped eating or reduced quantity of pulses, oil, eggs, vegetables, etc.

Joblessness:

With India betting on young workers to drive growth in one of the world's fastest-expanding economies, the latest numbers are an ominous harbinger. Between 2017 and 2022, the overall labor participation rate dropped from 46% to 40%. Among women, the data is even more stark with about 21 million disappearing from the workforce, leaving only 9% of the eligible population

employed or looking for positions. Now, more than half of the 900 million Indians of legal working age — roughly the population of the U.S. and Russia combined — don't want a job, according to the CMIE³.

Inflation: Inflation is alarmingly cutting into the meagre savings of the poor who are struggling to recover from the impact of the lockdowns during the pandemic waves. Some have even called the effect akin to an “inflation tax”. The Wholesale Price Index (WPI) has been hovering alarmingly high since last year and touched 14.55% in March 2022. Food price inflation in rural areas has more than doubled from 3.94% to 8.04% in the same month⁴. While it has been an easy way out for the government to blame the rising prices on external factors like the Russo-Ukraine war, much of the factors pushing the gears of inflation are actually home grown⁵.

The fact that the MSMEs have systematically decimated over the last eight years with successive poor policy decisions like demonetisation, GST and the lockdown playing a significant role has meant that undue leverage to determine prices is present with the remaining big players – pushing them up even as supply volume dwindles. The oligopolistic core has not only survived the viral waves but have also thrived under favourable policies, like the tax exemptions, waivers, and lower interests. And the time has come for it to exercise its pricing powers which would further drive inflation thereby hurting the poor. Since October 2019, barring one month, inflation has always been more than 4%, at times even crossing 6%, and yet the RBI has refused to take steps. This is despite the fact that the RBI was well aware of the surge in crude oil prices as early as February 2022. It was only on May 4, 2022, that the RBI announced in an unscheduled meeting of the Monetary Policy Committee that the repo rate is to be pushed up. A lower repo rate⁶, while advantageous to big business allowing them to take cheaper loans, has come at a cost as it ignored the mounting pressure of inflation on the poor who are struggling to recover.

Alarming concentration of wealth in recent years

Belying such claims that the pandemic has been an “equalizer” affecting one and all, studies have shown a regressive impact of the pandemic – i.e., the rich were less affected than the poor. We have witnessed that while the earnings of the poor have been severely depleted, the super-rich have only gotten richer. Several reports like the World Inequality Report 2022 and the Oxfam Inequality Report 2022 have pointed towards alarming levels of inequality. The average wealth of Indian billionaires grew by 35% during the lockdown period, while 24% of the population was struggling to make Rs 3000 per month. In 2021, the number of Indian billionaire families grew from 102 to 142, while the resilience of the poor was severely depleted as their meagre savings were cut short by months of indebtedness when they were without work. It was the most marginalized that bore the brunt of the successive waves.

In a society that has practiced the inhuman norm of caste-based social distancing for centuries, the impact of the pandemic cannot be oblivious of its caste biases. Even a look at the basic prescriptions of home quarantine, hygiene and social distancing prescriptions, brings about the realization that they don't apply similarly to all. Findings from a study highlight that 71.85% of Scheduled Caste (SC) households cannot afford soap for washing hands after defecation while 33.94% cannot afford the same before meals.⁷ A similar pattern was observed in terms of job and income loss during the pandemic, where the rate of job losses among SCs was three times higher than that of the upper castes.⁸

Similarly, the hateful targeting (as “super-spreader”) and social vulnerabilities of the Muslims made them stand out as one of the worst sufferers of the pandemic. In rural areas, for instance, the increase in the percentage of persons with no work among the self-employed was highest

for Muslims (from 8.6% to 27.5%), followed by the SC/STs⁹.

The impact of the pandemic was rather gendered and, in this respect too, the pandemic was anything but an equaliser. The findings of the State of Working India 2021 Report show that conditional to being in the labour force in pre-pandemic times, women were seven times more likely to lose their job during the pandemic and were 11 times more likely to not return to work. And even when they return to work, they do so with lesser earnings.

The pandemic has been a rude reminder of the fact that three decades of liberalization and pro-market policies have not only allowed for grotesque levels of inequality, but have pushed millions into extremely precarious living. The economic policies over the last three decades actively facilitated the concentration of immense wealth at the top, peddling the ‘trickle down’ theory that this would eventually generate jobs, investments, growth and upliftment of those at the bottom. The rich have not amassed this wealth on their merit alone, this process has been duly supported by subsidies, tax holidays, large loans from public sector banks, massive loan waivers and indiscriminate environmental clearances, all in the name of “ease of business”, irrespective of the unease it has caused to the common people.

The pandemic was an opportunity to actually reimagine the future as a more equitable one by fundamentally rethinking our economic trajectory. Instead of changing course, however, the government relied on the same prescriptions that caused the ailment in the first place. It has continued, albeit more aggressively, on the path towards further concentration of wealth in fewer hands, towards creating oligopolies while striking down all redistributive mechanisms that were aimed at protecting the poor in terms of their affordability and accessibility to basic services. This is evident in their desperate drive towards privatization and monetization of the public sector and public services.

Enriching those at the top at the cost of the poor

The crucial role that the Public Sector Units (PSUs) played in nation building has been erased, downplayed or even tarnished over the years. What has also been sidelined is the question of affordability of services and their accessibility in the remotest areas, which has only been possible because PSUs have operated beyond the pale of profit motive alone. By their very presence in each sphere – from steel to higher education, from health to airways – they have had the effect of setting the benchmark for even the private sector to operate. They have been able to counterbalance (through regulations) the exigencies of an unbridled market and risks of monopolies. However, what we are witnessing now is the handing over of public sector units to private hands and a withdrawal of the state.

Privatization

In her 2021 budget speech the Union Finance Minister announced the government’s intent of privatizing two Public Sector Banks (PSBs) apart from IDBI. Faced with massive strikes from the bank unions and given the upcoming elections, there was no mention of it in the 2022 budget speech. But with the election season coming to an end, the move towards privatization has gathered steam again. The social obligations of PSBs would now be replaced with a singular motive of profit.

The other scandalous sale is the story of privatisation of Central Electronics Limited (CEL), a prof-

it-making PSU developing critical frontier technologies for defence and space, to a minor finance firm owned by a furniture and interior decorator company in November 2021. It was sold at Rs 210 crores. It was only when the employees went to court that the deal was put on hold.

Monetization:

While an over-complacent government was largely missing in action when the tragic second wave swept through the country, it has in fact has used the pandemic as its pretext to justify raising necessary resources through monetization of brown field assets made by public money. In August 2021, the government unveiled its grand design to put chunks of the nation's public assets on lease for private profits. The plan has been named the National Monetization Pipeline – the idea being to lease or monetise infrastructural assets ranging from roads, railways, ports, telecom, gas, power and so on, to raise Rs 6 lakh crores over the course of four years. The fate of the national assets built over seventy years with people's money was decided with no participation of the people or even their representatives in the Parliament.

If one calculates the capital cost of the assets at today's price and compares these with the price that has been targeted for realisation by the government in this pipeline, one can get a sense of the undervaluation. For instance, 22% of the National Highways aggregating 26,700 km is going to be monetised. The government announced that it would realize a sum of Rs 1.6 lakh crore from the said asset as upfront price. However, if we draw from the estimate made by the Ministry of Road Transport and Highways in 2019 as the capital cost even today, the construction cost of 26,700 km of four lane national highways comes to not less than Rs 8 lakh crore¹⁰.

At a time when the macro-economy is weak, when the global economic climate is straining under the pandemic, and private investment is extremely constrained, monetization of assets is akin to a distress sale.

Much of the public sector, in fact, serves as a livelihood option for India's poorest and most marginalised sections. Be it the railways, or road construction, they provide employment to millions, adhering to their obligation as an equal opportunity employer by following the reservation policy in the hiring process. With the railways (25%) and the roadways (27%) as the biggest bloc earmarked for monetization, the fate of reservation for the historically oppressed castes hangs by a thread today. The fact that the private sector does not have to adhere to any such principles is bound to have detrimental impact on the representation of marginalized sections post monetization or lease.

A further implication of this monetization would be a shifting of the burden on the people, the consumers, in the form of higher and exorbitant user charges, as well as deterioration of the maintenance of the assets, for private companies to maximize their profits over a limited time frame.

Need to tax the super-rich

It is evident that each of the above measures would only hurt the interests of the poor and further the trend of concentration of wealth in fewer hands giving further fillip to the gaping inequalities that plague the country today. Progressive income tax rates have come down sharply since the 1980s, and with that has stagnated social spending that was characteristic of the erstwhile welfare model. A simultaneous and striking trend is the drastic and continual fall in the

corporate income tax rates since the 1980s. Between 1985 and 2018, the global average statutory corporate tax rate fell by more than half, from 49% to 24%, further aggravating the concerns around concentration of wealth¹¹.

Simultaneously, trade unions have been crippled, labor laws have been diluted and the safeguards against displacement or dispossession have been weakened. Along with this has come the casualization of the workforce, cuts in social security and the withdrawal of the state from providing crucial services. Ironically, far from discouraging investment, increased public spending can in fact boost the economy from below. Tax cuts, in fact, have been accompanied by reduced growth rate as compared to the earlier phase and have only fostered concentration of wealth.

Recommendations:

- Implement a progressive wealth tax model as the tax generated may be invested by the government to ensure a set of universal rights so as to ensure a framework of social protection that is uplifting in general.
- Add a 2% wealth tax on the top 1%. This would yield enough public revenue for the government to increase spending on health, education, public transport, social security and basic income.
- Add an inheritance tax of 50% on the top 1% wealthy to generate substantial resources and augment the redistribution process to some extent.

Since these taxes would be applied on less than 1% of Indians, the effort of tax officials would not have to be spread thin over our vast population. Ultimately, it is a matter of political will – whether the country adopts an alternative pro-people vision that ensures the well-being of 99% of the country, or continue on the same path that left millions in despair while allowing for super-profits for the top 1%.

Endnotes

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4. Media

The Very Slippery Slope Of Press Freedom

The year also saw the sensational disclosure of how the Israeli military spy software Pegasus was also used to target select journalists and national economic intelligence departments raided the offices of independent media houses. Media organisations have continued to highlight the severe impact of COVID-19, and the lockdown imposed by the government.

The US state department in May 2022 noted that the Indian government “pressured or harassed media outlets” that were critical of it. The report, perhaps by design, came on the day secretary of state Antony Blinken and Defence Secretary Lloyd Austin met Indian counterparts S Jaishankar and Rajnath Singh in New Delhi in the bilateral dialogue, and said the United States was monitoring increasing human rights abuses in India by government officials.

India is one of the deadliest countries for journalists in the world, according to global media watchdog Reporters Without Borders (RSF), with India plunging from 142 in 2021 to 150 in 2022 among 180 countries in the Press Freedom Index. The RSF report lambasted India for “violence against journalists, the politically partisan media and the concentration of media ownership,” which “all demonstrate that press freedom is in crisis.” Of the 46 journalists killed in connection with their work in 2021, four were from India (the third-highest in the world).

International and Indian observers have noted that the government continues to imprison journalists under draconian Acts like the Unlawful Activities Prevent Act [UAPA]. The colonial era sedition law, currently paused by the Supreme Court, has been used to charge many journalists with sedition for offences such as a Tweet or a Facebook post. Reporters were arrested for their despatches on conditions and corruption in hospitals. And recently, journalists were paraded in their underwear in a police station.

The RSF has reported a 20% increase in the number of journalists detained for their work in 2021. As per the Committee to Protect Journalists, seven journalists are currently in jail in India. Additionally, two journalists are currently out on bail for covering anti-Muslim violence in Tripura, and four journalists had been detained in Jammu and Kashmir as well¹.

Coinciding with campaigning for the all-important elections to the Uttar Pradesh Assembly, the Press Information Bureau (PIB) delayed the annual renewal of the Press Accreditation card of correspondents for three months, sending across ripples among the large press corps that covers the activities of the central government. The PIB guidelines contain various new provisions under which accreditation of a journalist can be revoked, many of which are arbitrary and without any due process of law.

For instance, accreditation can be revoked if a journalist is “charged with a serious cognizable offence”, or if a journalist, “acts in a manner which is prejudicial to the sovereignty and integrity of India, the security of State, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence”.

And as late as May 2022, the government was sending notices of eviction to the Press Club of India, the Indian Women’s Press Association and the Foreign Correspondents’ Club which are housed in old bungalows leased from the union government. This has become an annual exercise, keeping the clubs, managed by working journalists themselves, on tenterhooks..

Egregious attitude

Just how is the Indian press coerced, abused, and incapacitated emerged from one of a kind investigation done by the Editors Guild of India in Tripura². The Editors Guild together with the National Alliance of Journalists, the Delhi Union of Journalists and the Press Club of India have been in the forefront of documenting and challenging excesses by government, police, and non-state actors on the media and on individual journalists across the country.

After reports of the Tripura government using draconian laws to deter journalists and civil society activists from reporting on the communal violence in the state began cause a major concern, the EGI sent a three-member fact-finding team to the state. The members of the team were independent journalist Bharat Bhushan, General Secretary of the Editors' Guild, Sanjay Kapoor, and Editor of 'Imphal Review of Arts and Politics' Pradip Phanjoubam. The team visited Tripura from November 28 to December 1, 2021 and met a cross-section of journalists, representatives of the state government, including the Chief Minister, ministers and the Director General of Police, as well as civil society activists, to assess the state of media freedom in Tripura.

In their detailed report, the committee concluded the "Tripura Police and the administration have displayed lack of professionalism and integrity in dealing with the communal conflict and with those reporting on the issue. This makes them complicit in the growth of muscular majoritarianism that subverts democratic institutions. The result of this subversion of institutions has been visible everywhere.

"Grand conspiracy theories have been cooked up to show how independent journalism that exposes communal violence and the rise of Hindu majoritarianism is an attempt by the enemies of the State to undermine a democratically elected government. Hence, reporting and Tweeting – law enforcement agencies claim – about the violence in that state, is a criminal act. This is the reason why the police and the ruling party faithful see a design in the tweets and expectedly drag neighbouring Pakistan as being responsible in this exposure of social instability in Tripura when they dramatically confide in you – one tweet is even from Pakistan.

"Ever since this matter blew up, the police and an insecure political leadership have used draconian laws like UAPA and the might of the police and a pliant judiciary to pulverize the civil society that includes the media – mostly from outside the state. Fact-finding missions of Supreme Court lawyers have been served notices under UAPA for sharing their findings on the violence against minorities in a press conference! Women journalists were charged with incitement when they were performing their journalistic duty of asking questions from witnesses to the torching of mosques and shops.

The Editors said "While most state governments, especially those in smaller states, are given to pressuring the media, the attitude of the current Tripura government towards the media seems particularly egregious. While it has been able to condition and manipulate the local media to prevent free expression, it has been less successful with media based outside the state or journalists visiting the state from other parts of India. The instrument of withholding of government advertisement cannot be used against them with the same efficacy as in the case of locally based media.

While the local press either covered before the state government and was too afraid of the ground reality as it was, journalists writing for national media or for media based outside the state tried to report the communal violence for what it was. This did not suit the narrative of good governance the government was desirous of projecting.

Trolling has become a professional hazard, with no moves to curb organised, vicious abuse and

threats on social media. Minority journalists face some of the worst hate speech. Women journalists are repeatedly targeted with sexist abuse and threats of rape. In what were called Sulli and Bulli Deals, targeted women journalists were “auctioned” over the internet, seen by journalists as not only sexist and communal, but also inciting possible violence against the women.

Journalists’ groups have pointed out that physical attacks and threats against media personnel have increased rapidly. The Editors Guild had repeatedly issued statements condemning such attacks. Raman Kashyap, a TV journalist who was reporting on Lakhimpur Kheri’s farmers protest on October 3, 2021, was killed along with eight others, in the violence that erupted after some vehicles were driven through the protesting farmers, allegedly under the instructions of Ashish Mishra, son of union minister of state, Ajay Kumar Mishra. Ashish Mishra is currently in jail, after the court cancelled his bail.

Abuse of power

Media freedom continues to be impacted severely by government using access to the internet in a very punitive manner. India holds a world record in the number of internet shutdowns. The digital rights group Access Now calculates that Indian authorities shut down the internet at least 106 times in 2021³.

The year also saw the sensational disclosure that the Israeli military spy software Pegasus, which can be sold only to government agencies, was also used to target select senior journalists in the country known for their independence and fearless reportage.

National economic intelligence departments raided the offices of Newsclick, Newslaundry, both popular online media, and the offices of Bhaskar, a major newspaper chain.

Media organisations have continued to highlight the severe impact of COVID-19, and the lockdown imposed by the government. Approximately 3,000 journalists lost their jobs in this period as news organisations cut their losses and trimmed operational staff. Many smaller newspapers closed. Legal challenges to some retrenchments are pending in the courts.

Among the more serious cases brought out by the EGI and others included the arrest of Fahad Shah, the editor of Kashmir Walla on 4 February 2022 on the specious ground of “glorifying terrorist activities and spreading fake news.” In Kashmir, where the media continues to be under stress, the government recently closed the Press Club, denying professionals a place to congregate⁴.

Media groups have also continued to agitate the inhuman treatment being meted out to Kerala journalist Siddique Kappan, who has been in custody since October 2020 under UAPA, for trying to report on the rape and death of a Dalit girl in Hathras, Uttar Pradesh. The Chief Minister of Uttar Pradesh has been ignoring the demands from his family and the civil society for fair treatment of the journalist. The Supreme Court of India has yet not intervened in this case to ensure a fair trial of the journalist, despite a Habeas Corpus petition challenging his arrest.

Dangerous times

Disdain for the news media is disdain for democracy. People’s relationship with and expectations from the media will evolve, mutate, decay and hopefully improve. It will constantly change—

it always has. But this relationship will be more fragmented into polarised tribes than it has ever been. That is the huge change seen in the digital age.

It is not news that the world is becoming increasingly polarised. In part, binaries tend to get even more extreme during online debates. Echo chambers gained prominence in the digital age. In the context of news media, the impact of a combination of echo chambers and commercial interests, will create smaller news tribes and communities. How this will play out is and has always been about how society, technology and contemporary values interact. What is worrying and of grave concern is the most powerful legitimate force in democratic governance having disregard for the news media.

Strongmen political leaders and governments in many parts of the world are leaning towards clamping down on news media. Philippines, Russia, Turkey, Hungary, Sri Lanka are just some examples.

News professionals never had any expectations from the Saudi Arabias and Singapores of the world in any case. However, countries that consider themselves democrats are following this trend of clamp downs. Even western leaders like Boris Johnson⁵ and Donald Trump⁶ took to harassing the media in their own style.

Thankfully for the United Kingdom and the United States, the gravity of the importance of news media and free speech is not lost on the robust and resilient institutions, which enjoy greater standing in those societies.

Worryingly, the UK and the US are not the only western nations which have fallen prey to such strong arming. The Council of Europe has released a report which suggests that there has been a 41 percent increase in press freedom violations in 2021 compared to 2020⁷.

When the executive decides that their relationship with the press is not adversarial, but that of an enemy that must be crushed, we are in dangerous territory. The news media is the first line of defence against self harm for any democratic nation and also the most effective one. Once that goes the rest can collapse fairly easily. We have seen this throughout history.

The danger for India is immense and it cannot be overstated. We are at the cusp of something profound. The trajectory our nation takes, especially socially and politically, has much to do with where news goes, how it is valued, and its relationship with the citizenry.

Recommendations:

The National Alliance of Journalists (NAJ) and the Delhi Union of Journalists have demanded-

- A comprehensive law to protect media persons from arbitrary arrests and prosecutions.
- A broad-based Media Council for the entire media to replace the “toothless” Press Council, which has been without a chairperson for quite some time.
- An important demand raised by working journalists is for an expert Media Commission of all the stakeholders to investigate the entire media spectrum as prev-

alent today besides going into ethical issues broadly on the lines of the First and Second Press Commissions when the emergent media and new monopolies and interests were less conspicuous.

- Conduct an enquiry on administrative and police excesses, including jailing of journalists, foisting false cases, conducting raids, internet shutdowns, employing spyware, increasing moves to 'regulate' digital social media, trolling, widespread sexism and abuse, job losses, and the dismantling of labour laws.

Endless judicial delays deny us justice for years together. Yet many intrepid media persons carry on speaking truth to power.

Endnotes

- 1 <https://scroll.in/latest/1007846/j-k-release-salman-shah-suhail-dar-from-detention-says-committee-to-protect-journalists>
- 2 <https://editorsguild.in/wp-content/uploads/2021/12/Report2021-Final.pdf>
- 3 <https://www.accessnow.org/cms/assets/uploads/2022/04/2021-KeepItOn-Report-1.pdf>
- 4 <https://indianexpress.com/article/cities/srinagar/jammu-and-kashmir-government-takes-control-of-kashmir-press-club-premises-7727932/>
- 5 <https://www.theguardian.com/politics/2022/jan/16/boris-johnson-accused-of-targeting-bbc-to-save-his-premiership>
- 6 <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>
- 7 <https://ipi.media/council-of-europe-report-red-lights-flashing-for-media-freedom/>

5. Environment and Climate Change

Environmental Ambivalence and Other Misadventures on the Road to 5 Trillion Economy

While on one hand India signals ambition on the international sphere; on the other, national policies have been seeking salvation in the same old “rapid economic growth” and improving “the ease of doing business” at the cost of all else.

India upgraded its Nationally Determined Contribution (NDC)¹ during the Glasgow Climate COP 26 in November 2021 committing to (i) reduce its emission intensity by 45% by 2030 (33-35% under previous NDC), (ii) achieve meeting 50% of electricity demand by renewable energy by 2030 (40% under previous commitment), (iii) install non-fossil energy capacity of 500 GW by 2030 (450 under previous pronouncements), (iv) reduce total projected carbon emission by 1 GT by 2030, and (v) achieve Net Zero by 2070.

India also expressed the need for financial support of USD 1 Trillion to be able to achieve its commitments. It is also interesting to note that despite its persistent disagreement to get on the Net Zero bandwagon, India seems to have plucked it magically from a thin air once on the podium. While the first two may be relatively easier to achieve, the rest require ambition, planning, and investment.

India needs a bold commitment to have a firm and clear policy on coal, put its act together on the renewables, and significantly improve environmental and forest governance. However, an equally or more important task is to protect the people and livelihoods of those who are on the frontlines of extreme climate events and on the wrong side of the transformation.

While on one hand India signals ambition on the international sphere; on the other, national policies have been seeking salvation in the same old “rapid economic growth” and improving “the ease of doing business” at the cost of all else.

Recent years in India have witnessed an increased concentration of power in the central government and most business-friendly environmental governance. The government has been trying to change environmental and forest regulations (including Forest Rights Act, 2015, National Forest Policy, 1988, and Environmental Impact Analysis notification, 2016). These changes attempt to put more power in the hands of the central government, exempt more industries from environmental and forest compliances, minimizes public engagement, and provides ex post facto approval to industries who have set shop even before the necessary approvals.

The policy ambiguity and confusion leads to a number of policy conflict at the implementation. Most important of them being coal and forest policies merit some detailed analysis.

India's coal policy

The government of India started the process of inviting bids for allocating 41 coal blocks in 2020 as a part of the Atmanirbhar Bharat amidst the pandemic. The government claims that the coal blocks allocation will bring much needed revenue to coal-bearing, poor tribal areas. The Prime Minister also added that the allocation of coal mining blocks would not make any difference to

India's environmental commitments.

India's installed coal capacity is expected to grow from 202 GW in 2021 to 266 GW in 2030. Coal-powered electricity generation has increased at 6% per annum since 2015. India's coal mining capacity stands at 700 million tonnes, which the government wants to increase to 1 billion tonnes by 2023. The total coal demand in India in 2030 is expected to be 900-1000 million tonnes per annum and 1300-1900 million tonnes per annum by 2050 (Coal Vision of India 2030, CIL, 2017). The report also states that total capacity of mines already allocated/auctioned as on 2017 is about 1500 million tonnes per annum. The Central Electricity Authority also estimated the 2030 coal demand at 892 million tonnes. Thus, it is clear that current coal mines capacity in India is sufficient for meeting coal demands projection in 2030. The argument of exporting coal to other markets is also questionable since Indian coal would not be able to compete with high quality coal from Indonesia (at a price almost equal to what CIL sells its coal) due to the fact that Indian coal has half heat value as that of Indonesian coal (CREA, 2021).

This coal block allocation is also historic in the sense that now the central government has removed the "end user" requirement through the Minerals (Amendment) Act 2020. While earlier only private companies could mine coal for their own captive use (mainly power, iron and steel companies), now they can do it for the commercial purposes bringing host of other interests including real estate in coal mining sector. The government also wants to invite foreign companies in the sector. The areas for allocation also include rich biodiversity forests, elephant habitats and highly fertile land including Hasdeo Forests in Chhattisgarh, already ravaged Angul district in Odisha etc. This is despite the fact that out of 90 coal blocks auctioned since 2015, only 28 are operational (Gaon Connection, 2020).

A little discussion on emission standards from the thermal power plants also would not be out of place in the context of policy coherence. The Ministry of Environment, Forest and Climate Change (MOEFCC) had notified superior emission standards thermal power plants (TPPs) in December 2015, to be effective from 2017. However, upon the resistance from the thermal power plants, the deadline was pushed to December 2022. In April 2021, the MOEFCC pushed the deadline further to 2025. Therefore, the majority of the TPPs can continue to pollute till 2025. This is despite the fact that TPPs account for 60% of the PM, 45% of the SO₂, and one-third of the NO_x in the country. (Down to Earth, 2021).

More clarity and action on coal policy is needed not only to meet climate commitments but is also imperative from ambient air pollution and health consideration. Ambient air pollution remained relentless and the recent report from the Swiss Agency IQAir, listed 22 of India's city (and also 14/15 cities) as the most polluted ones. The Global Burden of Disease reported in February 2021 that pollution accounts to death of one in five persons amounting to 8.7 million global deaths. 1.7 million deaths in India are also attributable to pollution related causes. (The Guardian, 2021). The government response to pollution control remains at best halfhearted.

Environmental and Forest standard dilution

India has always maintained that its forest and tree cover is increasing. The latest government report says that India's total tree and forest cover rose by 2,261 sq. km since 2019 (Forest Survey of India, 2022). However, this is contested by independent scientists and experts who allege that government's definition of forest is flawed and definition masks the distinction between natural forests and plantations².

In 2021 the MOEFCC did significant dilution in environmental and forest laws throughout the

year.

In March 2021, the MOEFCC issued a notification tweaking the Environment Impact Assessment (EIA) Notification of 2006. It exempted all projects from public hearing whose environmental clearance had expired. According to the earlier practice environmental clearance was issued for a period for 5-10 years. If the projects remained incomplete during this period, they were to apply afresh. The notification stated that projects who have achieved 50% completion, are exempt from the requirement of conducting public hearing.

In July 2021, the MOEFCC came up another Standard Operating Procedure for dealing with cases where industrial projects have been operating without having environmental clearance under EIA Notification 2006. These projects were exempted from the deterrent provisions of the EIA Notification 2006, implying that they can be given ex post facto clearance even without following due process.

In October 2021, the MOEFCC proposed an amendment in the Forest Conservation Act, 1980 permitting non forest activities of cultivation, construction and mining in exceptional circumstances in the state or central government notified forest or private forest-where the owner can be any private or public sector entity.

In November 2021, the MOEFCC issued a gazette notification seeking an amendment in the CRZ Notification 2019, to exempt oil and natural gas exploration and development activities from seeking mandatory clearance.

Among this slew of reforms, the government is also intending to strip the Andaman and Nicobar Islands of the protection that the ecologically and ethnically significant archipelago enjoys. In January 2021, the MOEFCC amended the Island Coastal Regulation Zone Notification, 2019, to move Great Nicobar from Group I of islands with 200 metres buffer from the high tide line to Group II with 100 metres buffer. The government is planning to set up big commercial, tourism, and shipping projects in the Andaman and Nicobar Islands. Union Cabinet has also approved a proposal to expand palm oil production in India to have 1 million ha of land under palm cultivation, most of it lying in the A&N Islands and Northeast India. (Business Standard, Dec 2021)

Recommendations

- **Clear coal policy:** India has insisted on its right to use coal responsibly. However, now that India has declared a number of commitments which closely relate to reduced use of coal, it would be good to have a clear coal policy with targets of peaking. This would also enable policymakers to have clear goals and timelines as far as reduction in coal power is concerned. It is also evident that India does not need either new coal mines or new thermal power plants except which are already under construction.
- **Strengthening environmental and forest standards:** India is woefully short of achieving its forest related NDC declared in response to the Paris Agreement. Scientists point out that to meet its forestry NDC, India might need 25 to 30 million ha land which is equal to area of West Bengal, Bihar and Jharkhand put together. (Article 14.com, Oct 2021). There is huge underspending on improving the quality of

forests (TERI, 2021)³. The pressure for rapid economic recovery after the pandemic has also driven governments all over the world to dilute environmental standards. However, this also needs to be underlined that all of them have signed up to the Agenda 2030 and the SDGs, which commits them to balanced economic, social and environmental growth in order to eradicate poverty and hunger and make planet healthy for all.

- **Sensitization and awareness on the climate change emergency:** Demystification of climate change, particularly among the youth, to help in building a climate change consensus and consciousness within the community is important. It is also essential to ensure a robust and gender-sensitive climate action plan at the local level, with due inputs from the women of the community.

Endnotes

1 Nationally Determined Contribution is a climate action plan to cut emissions and adapt to climate impacts.

2 GOI defines forest cover as any piece of land over 1 ha with a tree canopy of more than 10% including plantations like bamboo, tree orchards and oil palm and tree covers refers to patches of trees in an area less than 1 ha, including isolated trees outside recorded forest area. GOI defines forest cover as any piece of land over 1 ha with a tree canopy of more than 10% including plantations like bamboo, tree orchards and oil palm and tree covers refers to patches of trees in an area less than 1 ha, including isolated trees outside recorded forest area.

3 TERI estimates a gap of 82% in the money spent annually (INR 11,256 crore) on state and central schemes and the total money required (INR 60,000 crore pa) to achieve 2.5 to 3 GT of Co2e through additional forest and tree cover.

Environment

While on one hand India signals ambition on the international sphere; on the other, national policies have been seeking salvation in the same old “rapid economic growth” and improving “the ease of doing business” at the cost of all else



Nearly 740,000 excess deaths in India annually could be attributed to abnormal hot and cold temperatures due to climate change.

(Source: The Lancet Planetary Health Journal, July 2021)



- India one of countries that will be most “economically harmed” by climate change.
- By middle of the century, around 35 million people in India could face annual coastal flooding.

(Source of above 2 points: IPCC Sixth Assessment Report, 2021)



- 22 of India’s cities listed as most polluted cities globally.
- Pollution amounts to death of one in five persons. 1.7 million deaths in India caused by pollution.

(Source of point 1: IQAir; Source of point 2: Global Burden of Disease)

Despite these stark findings, 2021 saw significant dilution of the environmental and forest laws throughout the year by the Ministry of Environment, Forests and Climate Change (MOEFCC).

- **March 2021:** Notification issued tweaking the Environment Impact Assessment (EIA) Notification of 2006. Projects achieving 50% completion whose environmental clearance had expired now exempt from the requirement of public hearing.
- **July 2021:** Standard Operating Procedure (SOP) for industrial projects operating without environmental clearance to be exempt from deterrent provisions of the EIA Notification 2006 and get ex post facto clearance even without following due process.
- **October 2021:** Amendment proposed in the Forest Conservation Act, 1980 permitting non-forest activities of cultivation, construction and mining in exceptional circumstances in the state or central government notified forest or private forest-where the owner can be any private or public sector entity.
- **November 2021:** Gazette notification issued seeking an amendment in the CRZ Notification 2019, to exempt oil and natural gas exploration and development activities from seeking mandatory clearance.

6. Digital Governance

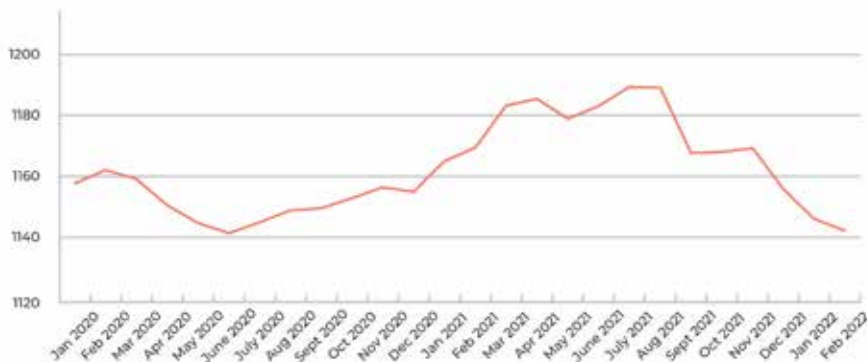
Surveillance State Moves on Unchecked

In the absence of data protection legislation, sharing of databases both within and outside the government is likely to put digital rights and privacy of individuals at risk. It is thus important that any such framework facilitating data sharing and exchange must fulfil the threshold of legality put in place by the right to privacy decision given by the Supreme Court of India.

India has been an enthusiastic adopter of the innovation, convenience and gains offered by digitisation. Today, technology is a form of power which enables, but also prevents human liberty. The telecom sector witnessed a significant drop in wireless subscribers between August and September 2021, from 1186.72 million to 1166.02 million (wireline figures have mostly stayed the same). The significance of the drop can be witnessed from the fact that for the period January 2020 - October 2021, the drop in September is both the highest (positive or negative) gross change - 20.43 million - and the highest (positive or negative) percentage change - 1.69% - in month-on-month total subscriber figures.

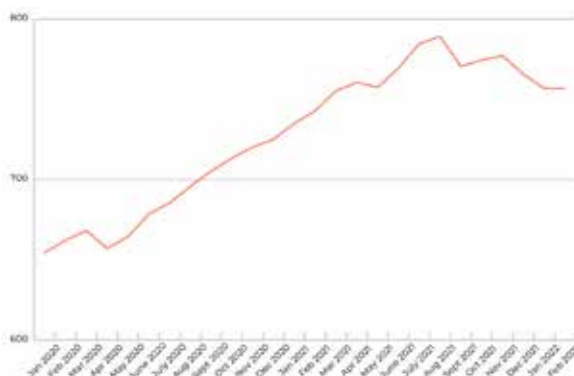
The situation has not improved in the following months. After being stagnant in October and November, the number of subscribers fell even further in December and January, settling at 1145.24 million as of January 31st, 2022. It must be noted that while some have conjectured that this loss is due to reduced incomes, many have said that the reduced numbers are due to a clean-up of TSP networks by removing dormant subscribers.

Total telephone subscribers (in Millions)



A similar trend can be seen with the number of broadband subscribers: from an all-time peak of 789.18 million in August 2021, the number of broadband subscribers fell to 756.78 million in January 2022. Once again, the fall in numbers from August greatly exceeds the decline that occurred during the first wave of the COVID-19 pandemic.

Broadband subscribers (in Millions)



While the benefits of technological advancements are often celebrated, the year gone by has brought into focus the privacy dangers and threats to individual liberties which may arise as a result of these very advancements. Free speech on the internet, net neutrality, data protection framework, proliferation of surveillance technologies, digital divide and emerging data paradigm across sectors and digital welfare constitute important aspects related to digital rights.

- **Draft Data Protection Bill, 2021:** As India's digitalisation proceeds further, the need for a robust and comprehensive data protection law becomes even more urgent. After two years and several extensions, the Joint Parliamentary Committee (JPC) finally tabled its report in both the houses of the Parliament proposing a Data Protection Bill, 2021 (DPB Bill) which is supposed to be the overarching legislation for personal as well as non-personal data in India. However, several issues remain unresolved. As is evident from the dissent notes filed by eight Members of Parliament against the final recommendations of the committee, problems of overbroad government exemptions and the independence of the Data Protection Authority (DPA) are key issues that emerge from the report of the JPC¹.
- **The Election Laws (Amendment) Bill, 2021:** The Bill passed in the Lok Sabha on December 20, 2021, and in Rajya Sabha on December 21, 2021, seeks to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951 to implement certain electoral reforms. Though the move to amend the Election Laws to provide for additional qualifying dates and for making it gender-neutral is appreciated, however, the provision to link Aadhaar numbers and Voter cards is unconstitutional and goes against the established legal precedents².
- **Responsible Vulnerability Disclosure and Coordination Policy (RVDCP):** The CERT-In³ released its new RVDCP that sets forth guidelines for reporting vulnerabilities in computer networks. While the policy increases transparency and clarifies the process of reporting to CERT-In, it also contains a significant issue in that it penalises cybersecurity researchers for good-faith vulnerability disclosures⁴. Addressing such issues would not just involve changing the disclosure policy but also amending the existing regulatory regime as well as Draft DPB to prevent data fiduciaries from bringing vexatious legal claims and proceedings against vulnerability testers and cyber security experts.
- **Privacy issues with voice-enabled AI assistants:** Given the ubiquity of AI assistants in our daily interactions, the three predominant and popular Voice-enabled AI assistants, Alexa, Google Assistant and Siri, present a range of privacy risks and security concerns, that can be mitigated by a user-centric, rights focussed, data protection law. These concerns revolve around retention of data indefinitely and processing and storage of data without user knowledge and consent.
- **Community management applications:** Resident associations in Tier 1 and Tier 2 cities across India are increasingly adopting society and community management applications (like MyGate and Adda). Such neighbourhood vigilance, which is akin to the rise of community policing, would encourage residents of a community to "take the responsibility of detecting and preventing crime through surveillance of their neighbourhoods"⁵. In order to safeguard the rights of the users and residents as well as to minimise intrusion into the personal lives of people, the applications must ensure strict compliance with the right to privacy decision enshrined in *K.S. Puttaswamy v. Union of India*⁶.
- **COVID-19 and technology:** The distressing second wave of the COVID-19 pandemic manifested the gaping divide between the technologically sound and technologically deprived

population of India like never before. Right from the unilateral dependence on the web or mobile applications like Co-WIN for registrations for vaccination or the Aarogya Setu for undertaking long distance travel to the ubiquity of Aadhaar card for accessing almost every essential health service, the enmeshing of technology for access to COVID related services has proven to be ill-timed and a hindrance to accessing public health services for a large section of citizens.

Free speech and platform governance

While the Indian Constitution guarantees the right to freedom of speech and expression as a fundamental right to every citizen, it also ties it up to “reasonable restrictions” under Article 19(2). The loose verbiage in the latter has often resulted in excessive platform governance and censorship. The thin line between allowing free speech and curtaining hate speech often gets debilitated.

- **Platform Governance:** The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules) require, under Rule 4(1)(d), significant social media intermediaries (SSMIs) to publish monthly compliance reports. While the said rule aims to further transparency and bring in accountability for SSMIs, it does not make a provision for disclosure of the number of removal requests made by the Indian government to a SSMI. The IT Rules were floated following a call for attention for “misuse of social media platforms and spreading of fake news”, but there seems to be no data disclosure on content takedown for fake news by any SSMI other than Twitter. There is also a lack of transparency about the algorithms used for proactive monitoring.

Internet shutdowns

Section 5(2) of The Indian Telegraph Act, 1885 read with Telecom Suspension (Public Emergency and Public Safety) Rules, 2017 (**‘2017 Rules’**) empower the central and the state governments to suspend internet services. The Supreme Court in *Anuradha Bhasin vs Union of India*, (2020) 3 SCC 637 held that the power to suspend internet services must only be used in ‘*unavoidable*’ circumstances such as a public emergency and directed the government to ensure that internet shutdowns are lawful, necessary and proportionate, and are published through some suitable mechanism. Despite the decision in *Anuradha Bhasin*, governments across the country continue to suspend internet services even when there isn’t a public emergency. Recently, the Government of West Bengal suspended internet services to prevent cheating in exams. In *Ashlesh Biradar vs State of West Bengal*, WPA(P) No. 104 of 2022, the High Court of Calcutta restrained the government from continuing with the internet shutdown order which it found it be *prima facie* contrary to applicable law⁷. However, the High Court of Calcutta’s decision in *Ashlesh Biradar* is an outlier. Most internet shutdowns are not even challenged because the governments do not even publish internet suspension orders. As a result, governments across the country are suspending internet services even when it is not permissible by law. They are acting with impunity in the belief that the judiciary can review their actions.

Surveillance and facial recognition technology

There is growing pushback against the use of facial recognition in some parts of the world and even Microsoft and Amazon are curbing sales of the technology to the police in some countries. But India offers a study in contrast. The government is rolling out a nationwide automated facial recognition system. This will be largest of its type in the world, ostensibly to bolster security, to prevent crime and find missing children. Warnings of privacy risks from such mass surveillance have gone unheeded.

The DigiYatra Scheme: With an aim to make air travel paperless and hassle-free, the DigiYatra Scheme (“Scheme”) was launched by the Ministry of Civil Aviation on June 8, 2017. As per the Scheme, digital processing of passengers will be done by using facial recognition to check the identities of passengers. In the absence of a regulatory framework and strong provisions protecting citizen data from unwarranted & overbroad government access, DigiYatra is essentially a trojan horse for data maximisation and profiling in the guise of providing public convenience.

- **Surveillance-For-Hire:** On 16 December, 2021, Meta, which is the parent company of Facebook, issued a press release titled, “Taking Action Against the Surveillance-For-Hire Industry” which was based on and accompanied by a threat report titled, “Threat Report on the Surveillance-for-Hire Industry”. At the end of a months-long investigation, seven entities were identified as engaging in surveillance-for-hire activities and subsequently removed from Meta’s platforms. One of the entities identified was the Delhi-based M/s Belltrox Infotech Services Private Limited (“Belltrox”). Around 400 Facebook accounts which were found linked to Belltrox (and were removed by Meta), were used for profiling intended targets and collecting information from available online records; establishing contact with targets; gaining access to their confidential information through deception, and; tricking them into clicking on malicious links or files, which would facilitate hacking. The other technique adopted by Belltrox was to operate multiple fake accounts impersonating persons of public standing — politicians, journalists, activists, etc. — in order to solicit information including email addresses from targets, likely for phishing attacks at a later stage.
- **Pegasus revelations:** While the progress in India related to the Pegasus revelations has been slow, other jurisdictions have fared much better. France was the first country in the world to officially confirm that the Pegasus spyware was used to target its citizens. As a result of the diplomatic fallout from the incident, Israel reportedly offered to ban the targeting of any French number by any future NSO Group clients. Following the revelations, the US Government also raised concerns with senior Israeli officials about the use of NSO spyware, and later added the NSO Group to its Entity List for Malicious Cyber Activities. In the immediate aftermath of the Pegasus Project reports, Israel had set up a senior inter-ministerial team to look into the revelations.

Digital technologies, social justice, and public welfare

The transformative effects of digital technology are a driving force for transformation in today’s India, and we must ensure that the benefits of such technology are not limited to only a certain section of the society. The Supreme Court of India, in *Anuradha Bhasin v. Union of India*, has also highlighted that the internet is a medium to exercise fundamental rights provided by the Constitution of India. As such, the implementation of digital technology must be done in a manner that centres the needs of the intended beneficiaries: the citizens of India.

- **AgriStack:** The AgriStack is a collection of technologies and digital databases proposed by the Central Government focusing on India's farmers and the agricultural sector. The central government has claimed that these new databases are being built to primarily tackle issues such as poor access to credit and wastage in the agricultural supply chain (for an explainer on the Agristack, please see here⁸). Several farmers organisations have voiced their criticisms about the project⁹. Questions have also been raised about the spate of MoUs signed recently with companies ranging from Microsoft to Amazon to Patanjali, with the main concern being the fate of farmers' data^{10,11,12}. On 13th August, a response to a RTI- asking for copies of all the consultation responses received for the DCAFW consultation paper titled "India Digital Ecosystem of Agriculture' (IDEA)" – revealed that consultation responses from various other organisations such as the All India Kisan Sabha and Internet Freedom Foundation had not been received^{13,14}.
- **Health Data:** Digital medicine and healthcare has witnessed rapid growth over the last couple of years, especially due to the fillip provided by the pandemic. However, this has brought with it several attendant concerns, including risks of exploitation of health data, public surveillance, a lack of user rights, and exclusion. Furthermore, these concerns have not been addressed in subsequently released policies such as the Health Data Management Policy, the Health Data Retention Policy, or the Unified Health Interface^{15,16,17}.
- **E-Shram portal:** The E-Shram portal is a registration portal for the government's National Database of Unorganized Workers where unorganised workers can sign up to avail key social security services that may be extended to the unorganised sector. Certain concerns regarding the registration process have been raised such as the online-only registration process might exclude workers who are not digitally literate¹⁸. Additionally, migrant workers often have to change their phone numbers, and so may not always have access to their Aadhaar linked number. Allowing workers the flexibility to use different numbers would increase the portal's registration intake. Further, mandating the linkage of Aadhaar for social security benefits may present an additional hurdle to accessing benefits.
- **Account Aggregator framework:** The Account Aggregator framework, introduced by the RBI and launched on 2nd September, 2021, aims to make financial data more accessible by creating data intermediaries called Account Aggregators which will collect and share the user's financial information from a range of entities that hold consumer data called Financial Information Providers to a range of entities that are requesting consumer data called Financial Information Users after obtaining the consent of the consumer. Critics argue that the AA framework allows for sharing of potentially unlimited amounts of sensitive personal data with an unbounded set of entities for no specific purpose. Policy researchers have questioned the role of the RBI in regulating the flow of sensitive personal data, especially since here the sharing of financial information is not related to the provision of any financial services.

Recommendations:

- India, to its credit, has a robust network of research and policy organisations that work on digital rights issues in India. But, a bottleneck exists in maintaining sustained, planned public advocacy. The way forwards requires conscious policy making that involves active stakeholder consultation.
- While the Governments' move to embrace digitisation is commendable, the condition of digital literacy in the country remains deplorable. Thus, the creation of

digital infrastructure must be ramped up on a mission mode basis. Additionally, the scale of digital literacy schemes must also be increased, while the quality of the training imparted must be improved.

- Lastly, in the absence of data protection legislation, sharing of databases both within and outside the government is likely to put digital rights and privacy of individuals at risk. It is thus of utmost importance that any such framework facilitating data sharing and exchange must fulfil the threshold of legality put in place by the right to privacy decision given by the Supreme Court of India¹⁹.

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SECTION 2

1. Education

Pandemic made schooling out of bounds

Despite the educational crisis induced by the COVID-19 pandemic, the 2022-23 Union Budget does not reflect the government's responsibility towards ensuring the fundamental rights of all children to get equitable, quality and inclusive education.

The COVID-19 pandemic has been the worst shock to education systems in a century. India's 320 million students have experienced one of the longest school lockdowns in the world.¹ Schools and Early Childhood Care and Education (ECCE) Centres do not just educate children; they are places for socialization, they provide nutritious meals, connect children with psycho-social support and provide social protection for the poor. Closed schools deprive India's children of more than just a chance to learning. The losses that children and young people suffered will never be recouped.

Close to two years since the National Education Policy (NEP) 2020 was announced, the policy remains largely unimplemented. 2021 was a year when most of India's children continued to lose access to meaningful opportunities for learning with the move online, yet an Indian EdTech company became the world's 13th most valuable start-up with a valuation of over Rs. 1.6 lakh crore.² It was a year when government schools held up their own amidst the devastating impact of the pandemic and provided refuge for those displaced from private schools that had been rendered unsustainable. This was the year when the need for adequate investment in education was never clearer and its absence was never more acutely felt.

Locked out of education:

Even before the pandemic, nearly 32.2 million children (6-17 years) were out of school as per NSSO report 2017-18. Majority of them were from the marginalised Dalit, Adivasi, Muslim minority. Girls and children with special needs too dropped out of school. While the pandemic was popularly supposed to have been a great equalizer, the reality was that its impact was grossly unequal. Among the hardest hit were vulnerable communities who have had to battle a combination of poverty, prejudice and disruption to their lives caused by the pandemic. Extended school closures have derailed decades of progress made in bringing these hard-to-reach children to schools. The move towards online instruction individualised education, placing children from these communities, who are often first-generation learners, at a disadvantage.

Another community impacted was children with disabilities (CwDs). During the pandemic, many students with disabilities were left outside the realm of online education, with 90% CwDs compared to 60% of all children unable to participate in online classes.³

In August 2021, the Union Education Minister stated that about 150 million children were out of the education system.⁴ The pandemic has further worsened the risk of children dropping out of schools, with the RTE Forum estimating around 10 million girls at risk of dropping out of school due to the pandemic.⁵ A 2021 study by Aide et Action on the impact of the pandemic found that 50% of migrant children were engaged in work to help their parents, with 67% of school-going children forced to accompany their parents to worksites on account of prolonged school closures. While 18% of migrant children were out of school during the first wave of the pandemic, the rise during the second wave has been a staggering 100%.⁶ Another study conducted in Au-

gust 2021 on 1,400 school students from underprivileged backgrounds highlights that only 8% of the children in rural areas were attending online classes. Further, nearly half of all children in the sample were unable to read more than a few words.⁷

India's ranking on the Global Hunger Index 2021 slipped from 94 out of 107 countries in 2020 to 101 out of 116 countries in 2021. Further, the findings from the National Family Health Survey- 5 also confirmed high malnutrition among children, with over 3.3 million children in India malnourished, including 1.77 million who are severely malnourished.⁸ The central government's flagship scheme to address childhood hunger, including hunger in the classroom, is the midday meal scheme (MDM). However, access to the MDM was severely disrupted by the pandemic and school closures.

With face-to-face classes disrupted and online classes outside the reach of a large share of children, textbooks and print materials could have provided children with support. However, distribution of textbooks was again grossly delayed in many states,^{9 10} with additional challenges experienced in states that relied on direct benefit transfers instead of making books available to students.¹¹ The second wave of the pandemic added to these challenges, with even photocopies not available in some instances, and with textbooks and stationary not included as essential commodities for sale online.¹²

Policy lacuna in the 2022-23 Union Budget:

Despite the educational crisis induced by the COVID-19 pandemic, the 2022-23 Union Budget does not reflect the government's responsibility towards ensuring the fundamental rights of all children to get equitable, quality and inclusive education.

The Budget has yet again failed to provide an investment of at least 6% of GDP on education, a long pending demand since the Kothari Commission and reiterated by all the previous policies, including the National Education Policy (NEP) 2020. With RTE compliance still staggering at 25.5% at the national level,¹³ the absence of a concrete roadmap to strengthen the public education system and formal schooling system will hamper the goal of Universalisation of Education and pave the way for rapid privatisation and commercialisation of the whole education sector.

There is an increased focus on digital learning and expansion of e-VIDYA instead of concentrating on re-opening of schools and strengthening the government school system. The underfunding of the public education system will further encourage inequality and adversely impact the education of the disadvantaged sections of society.

While there has been a marginal increase of Rs 6,333 crores in allocation on the Samagra Shiksha Abhiyan, it is yet to return to the pre-pandemic level of Rs 38,860 crores (2020-21 BE) which was already much lower than what is required for an effective implementation of the scheme. Allocations to MDM have also shrunk, despite the policy commitment made to provide breakfast in schools and focus on health issues of children during the pandemic. The newly named scheme – Pradhan Mantri Poshan Shakti Nirman (PM-POSHAN)- was allocated only Rs. 10,233.75 crores, an 11% decrease from the budgeted allocation for 2021-22. With MDM already facing an acute resource crunch for long, and India's derailed nutrition targets, the decline in allocation will have a devastating impact on the nutritional status of India's children.

The COVID-19 pandemic has disproportionately impacted the education of children from marginalized communities, especially girls. In such a situation, the National Scheme for Incentive to Girls has been allocated no budget this year. Even the Gender Inclusion Fund, as promised in the

National Education Policy (NEP) 2020, receives no mention. At the same time, the much hoped for increase in scholarship schemes for Dalits and Adivasis has also not materialized.

It is not enough to just reiterate the target of 6% of GDP in some distant future, as the NEP 2020 has done. It is critical to lay down a financial roadmap which sketches the path to the target of equitable, quality and inclusive education with adequate allocations of resources by both, the Centre and the States.

Recommendations:

- Expand and strengthen the public school system to ensure the implementation of the Right to Free and Compulsory Education (RTE) Act, 2009 and extend it to all levels of schooling to achieve the goals of universalization till higher secondary.
- Increase budgetary allocations for education adhering to the minimum of 6% GDP to ensure continuation of learning for all children, particularly those from marginalised groups.
- Provide adequate investment in ensuring safe school operations and re-opening of schools.
- Promote holistic learning in children by providing an effective learning environment even in this time of crisis.
- Assess student's learning and support them to recover from learning loss through provision of accelerated learning and learning materials, including effective and inclusive use of technology including low tech modes.
- Ensure targeted support for learners who are at risk of not returning to school, especially, the vulnerable and marginalised sections of the society including Dalits, Adivasis, minorities, persons with disabilities, girls and those living in poverty.
- Guarantee food security of children by extending the entitlement to secondary grades, and include breakfast in line with the provisions of the NEP 2020.
- Propose a comprehensive plan to support the education and protection of children who lost their parents during the pandemic.
- Ensure all Teachers' vacancies are filled with immediate effect and pending salaries and allowances paid with immediate effect. Strengthen decentralized structures for teacher development.
- Stop Privatisation and Commercialisation of Education in all forms.
- Develop a long-term policy on Education in Emergencies to ensure readiness for future crises.

Teachers- Unsung COVID-19 heroes

A 2021 study titled ‘Locked Out: Emergency Report on School Education’ found that during school closures, many teachers went out of their way to help children unable to connect to online classes through an impressive range of initiatives. Some convened small group classes in the open, or at someone’s home, or even at their own homes. Others recharged the phones of children who were short of money, or lent them their own phones for online studies. Others still helped some children with their studies on the phone, or even by conducting home visits.



In another instance in Puducherry and Tamil Nadu, many self-motivated teachers, people’s science forum and other progressive movements undertook initiatives to teach children in open areas and teach them through volunteers. These efforts were also supported by the state governments, with the Tamil Nadu government replicating these efforts in all its four zones and calling it *Makkal Palli* (People’s School).

Good initiatives taken by the Governments

During the school closure, Ministry of Education and State Education Departments took multiple initiatives. A comprehensive COVID-action plan was shared with the States and Union Territories (UTs) on May 4, 2021, outlining the role of local bodies, formation of nodal group at village/town level, conducting door-to-door/help-desk-based/app-based survey to identify out of school children, their mainstreaming and resource sharing. At the same time, an online module was developed for compiling data on Out of School Children (OoSC) identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal. At the same time, an Alternative Academic Calendar was prepared for learning solutions grade 1 to 12 for both- children with and without devices. Efforts were also made to introduce energized textbooks. As of June 30, 2021, 65% of textbooks¹⁴ had been energized¹⁵.



The Department of School Education and Literacy, Ministry of Education has further developed Guidelines on School Safety and Security, which contain provisions for fixing the accountability of the school management in the matter of safety and security of children studying in government, government-aided and private schools. These were circulated to all states/UTs/autonomous bodies of the Department and Stakeholder Ministries on October 1, 2021.¹⁶ States have also taken steps to ensure child protection during this time, as seen in the newly introduced Tamil Nadu State Policy for Children 2021 that prioritizes child protection.¹⁷

Endnotes

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Education

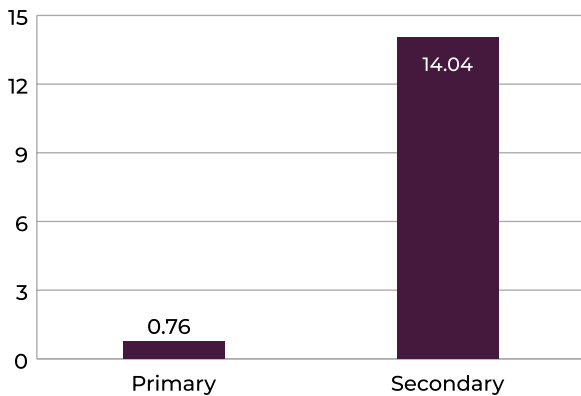
Despite the educational crisis induced by the COVID-19 pandemic, the 2022-23 Union Budget does not reflect the government’s responsibility towards ensuring the fundamental rights of all children to get equitable, quality and inclusive education.



150 million children out of the education system- more than the entire population of Russia!

(Source: as stated by the Union Education Minister, August 2021)

Drop-out Rate (in %)



The drop-out rate increases significantly from Primary to Secondary Education.

(Source and data points: UDISE+ Dashboard)



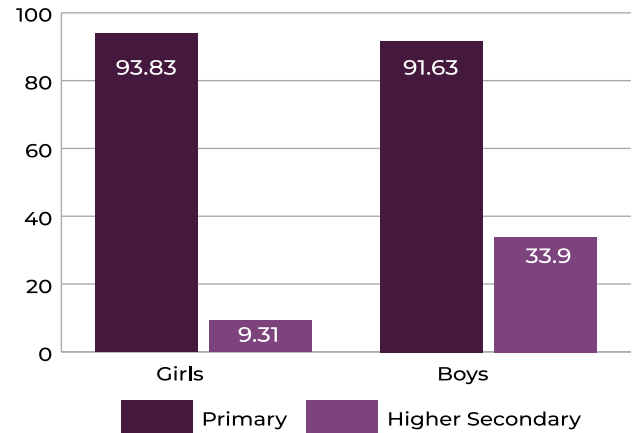
WASH in schools: COVID-19 has further propelled the importance of water, sanitation and hygiene (WASH) practices. With schools re-opening after

nearly 2 years, it is important to look at the availability of quality WASH provisions to prevent the spread of infection.

- Handwash facility- Unavailable in nearly 1.5 lakh schools
- Drinking water- Unavailable in nearly 43,000 schools
- Girls Toilet- Unavailable in 46,500 schools

(Source: UDISE+ Dashboard)

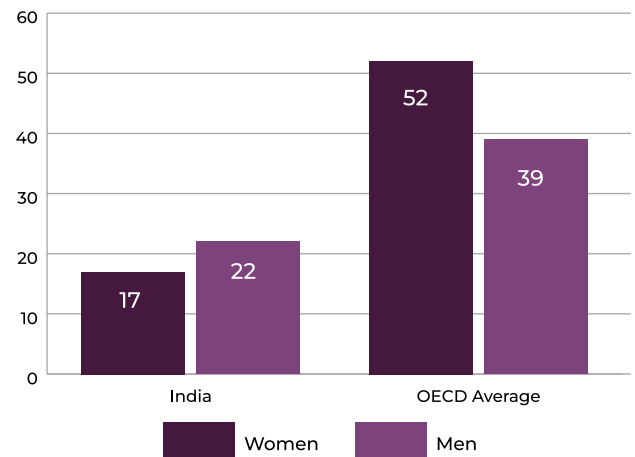
Net Enrolment Ratio



Drastic decrease in Net Enrolment Ratio from Primary to Higher Secondary Education.

(Source and data points: UDISE+ Dashboard)

Tertiary Qualification Among 25-34 year olds (in %)



(Source: Education At A Glance 2021, OECD)



- Education Budget 2022-23 far from 6% of GDP
- Only 20.3% increase for Samagra Shiksha Abhiyan
- 11% decrease for PM Poshan (erstwhile MDM)
- No money allocated for National Scheme for Incentive to Girl Child for Secondary Education

2. Healthcare

Health Continues to Face Neglect

The current approach to envision healthcare as a driver of private profit using public resources needs to be replaced by a non-commercial, transparent, accountable and people centric approach to the delivery of publicly oriented services.

Two waves of the COVID-19 pandemic have exposed the monumental health insecurity that persists in India. Rebuilding a robust people-centric health system and improving health security could have been key pillars in the post-pandemic recovery strategy. But the Union Government has been evading responsibility for the crisis, including the catastrophic collapse of health care that we witnessed during the second wave by blaming it on non-observance of COVID-19 behaviour or to deficiencies of individual states governments. In the middle of the second wave the response of the Union Government and some states seemed oriented towards making tall claims regarding vaccination, managing the media, weakening democratic spaces by shutting down free speech and dissent, and shifting responsibility to the people, while pushing through policies of privatization and profiteering.

Union Budget 2022-23:

One of the key maladies of India's health system is chronically low levels of public spending on health. Despite repeated proclamations since the National Health Policy of 2002 to augment public spending to at least 2.5% of GDP, there has not been any significant increase so far- it continues to hover around 1-1.2% of GDP. Union government traditionally spends around a third of the total government spending on health whereas the majority is borne by the states.

Defying popular expectations, allocations to health and related programs have been reduced in real terms in the Union Budget 2022-23 by 7% compared to Revised Estimate of 2021-22. As a per cent of GDP, Union government allocation to health has declined from 0.38% to 0.35% between 2021-22 RE and 2022-23 BE. Thus, priority towards health in the total budget has also declined from 2.35% to 2.26%¹. Budgets on key health programmes like the National Health Mission (NHM), health research, schemes related to women and adolescent girls have been reduced.

Schemes and implementation from the perspective of marginalized communities:

National Health Mission is a key program through which Union Government intervenes in improving primary and secondary care on maternal and child health, disease control programs and non-communicable diseases. Much of these services have suffered during the lockdown. However, since 2018-19, NHM allocations have declined in real terms. This means that essential services like safe deliveries, vaccination for children, treatment of tuberculosis provided earlier cannot be provided anymore with current limited resources. NHM money also goes into paying remunerations for frontline health workers like ASHAs and cuts mean a reduced budget for paying these workers, who have been demanding minimum wages for a long time.

The Pradhan Mantri Jan Arogya Yojana (PMJAY), the flagship scheme of the Union Government,

which promises coverage of hospitalisation costs up to Rs. 5 lakhs, abysmally failed in providing access to healthcare services to the poor and caused a significant decline in insurance claims during the COVID-19 pandemic. Many commercial private hospitals are known to have provided services at unaffordable rates, along with engaging in various unethical practices while promoting unnecessary medications, investigations, and procedures, but remained virtually unregulated. Despite massive failures, the government is continuing large and wasteful allocations for this scheme. Of the total private hospital admissions under PM-JAY, Dalit beneficiaries form only about 4% while 1.6% of tribal people were admitted in private hospitals empanelled under PM-JAY from the beginning of the programme till August 2021².

In the recent history of public health in India, nothing has drawn the country's attention to mental health issues like the ongoing COVID-19 pandemic. Many studies and news articles have highlighted the increasing stress, anxiety, depression insomnia, denial, anger, and fear among people. Especially vulnerable are the children, elderly, women, socially vulnerable groups, front-line healthcare workers, and people with existing mental illnesses. Historically, mental health has been lying on the fringes of public health and has been accorded low priority in terms of budget allocation and systemic integration.

It was expected that introduction of the National Mental Health Program (NMHP) would augment budgetary provisions to take the delivery of mental health care to the district and sub-district level. The NMHP has received a measly allocation of Rs. 40 crores, which continues to be the same since 2019-20. Allotted budget remain largely underspent in the absence of adequate priority support for the mental health, while service remain scanty. The mention of National Tele Mental Health Program in the Union Budget 2022-23 is a recognition of mental health challenges that have been exposed during the pandemic, even though there is no money allotted³.

Data Systems and Digital Health Mission

Reporting of cases, mortality and test data has been a source of controversy in the country – with estimates suggesting actual deaths as many times of reported deaths due to COVID-19. Reliable data makes for a good health system, and ultimately helps tackling a public health crisis. But the Union Government compromised national COVID-19 data by stopping the reporting of the age-old Integrated Disease Surveillance Project (IDSP), which has the larger data set, comprising information gathered from contact-tracing operations, quarantine centres, and airports. The result has been a complete information blackout.

While existing data systems are being neglected, Ayushman Bharat Digital Mission seems to be a major priority of the government – the scheme has received a seven times increase in budgetary allocation in a year. Government's fascination to create electronic health records in the middle of a pandemic, while neglecting the actual public healthcare delivery system raises serious doubts about the main intentions of the program. **It is highly likely that this scheme is going to benefit the big IT companies and commercial health insurance companies while the safety and security of personal information remain doubtful⁴.** The utter lack of transparency of the PM-CARE funds, which has been collected from people, is also disturbing.

Good Practices:

Response of the various states and the Union Government during pandemic remained inadequate, authoritarian, opaque and often exclusionary. Kerala and Tamil Nadu stand out in their

sincerity to deal with the severe crisis. In Kerala and Tamil Nadu government response to pandemic has not only been aided by a robust health system, these states could mobilise local resources to produce and organize supply of essential testing kits, PPEs, medicines etc. Kerala used a participatory approach involving local bodies and community groups in outreach and social support activities. These states remained exemplary in reducing hospitalisation and deaths rates by effective management of pandemic and ensuring greater transparency and accountability. Several state governments across the country were forced to take action to curb commercial excess, attempted to regulate rates for COVID treatment in the private sector, even though these attempts at partial regulation remained ineffective.

Recommendations:

- Civil society, mass movements, voluntary organisations and organisations working at the grassroots played a very critical constructive role during the pandemic – at a time when governments were at the very best unresponsive, often repressive and disruptive. From highlighting key challenges and issues with approach of governments, resist repressive and anti-people policies, to provide food support to prevent people from facing hunger, helping migrant workers to reach their native place, to provide medical relief and tele-medicine, civil society has shown exemplary spirit of democracy and humanism. This comes in the face of repression from governments and current dominant political dispensation continuing and intense challenges that increase with every passing day.
- At this juncture, it is of utmost importance for various mass movements, peoples' organisations, voluntary organisations, trade unions, farmers' organisations and NGOs to come forward and forge larger alliances to resist various onslaughts of the current regime and reinstate constitutional values. In the health sector, mass movements and networks like Jan Swasthya Abhiyan in alliance with various like-minded forces should organize campaigns to ensure health rights of the citizens.
- While this is a role for the civil society to play, there is much that the government needs to do to ensure health for all. The following figure primarily among these:
 - Health and healthcare are basic human rights which must be treated as topmost political priority by all governments, whether at Union or state level, especially in the current situation.
 - Governments must ensure that human rights violations are prevented and loss of rights to dissent and free speech are not compromised in the name of COVID-19 control.
 - The current approach to envision healthcare as a driver of private profit using public resources needs to be replaced by a de-commercialised, transparent, accountable and people centric approach to the delivery of publicly oriented services.
 - Substantially increased financial and human resources, as well as political attention having an approach of equity, universality and respect for democracy are essential to protect people's health, now and in future.

Endnotes

- 1 Jan Swasthya Abhiyan (2022). Implications of the Union Budget 2022-23 for Health – JSA Press Release; February 2, 2022; <http://phmindia.org/2022/02/02/implications-of-the-union-budget-2022-23-for-health-jsa-press-release/>
- 2 Chintan Richa (2021). Failing to Serve Marginalised, Private Health Sector Under PMJAY Burdens Public Systems; News-click, 16 August 2021. <https://www.newsclick.in/Failing-to-Serve-the-Marginalised-Private-Health-Sector-Burdens-Public-Systems-Instead>
- 3 Jan Swasthya Abhiyan (2022). Implications of the Union Budget 2022-23 for Health – JSA Press Release; February 2, 2022; <http://phmindia.org/2022/02/02/implications-of-the-union-budget-2022-23-for-health-jsa-press-release/>
- 4 Indranil (2022). A Deep Dive for Big Money: The Ayushman Bharat Digital Mission; The India Forum; January 19, 2022; <https://www.theindiaforum.in/article/ayushman-bharat-digital-mission>

Health

The current approach to envision healthcare as a driver of private profit using public resources needs to be replaced by a non-commercial, transparent, accountable and people centric approach to the delivery of publicly oriented services.



- India, with a score of 42.8/100, has slipped by 0.8 points in the Global Health Security Index, 2021

- India lags far behind in healthcare access.

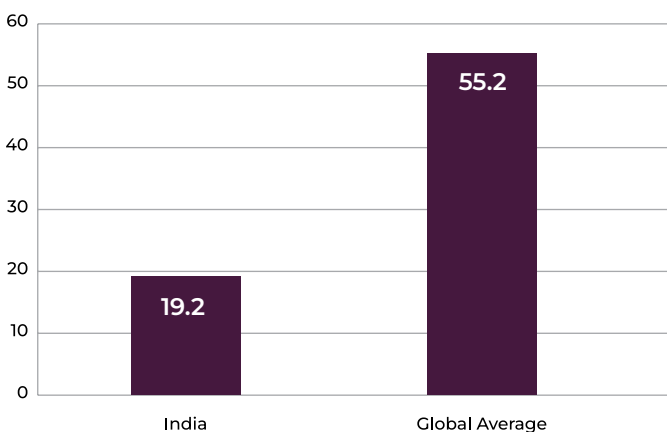


Maternal Mortality Rate improved from 113 in 2016-18 to 103 in 2017-19.

(Source: Special Bulletin on MMR, Registrar General of India. 2022)

India lags far behind in healthcare access.

Healthcare Access Score



(Source: Global Health Security Index, 2021)

Neonatal Mortality



(Source: Estimates by the UN Inter-Agency Group for Child Mortality Estimation)



Defying popular expectations, allocations to health and related programmes in Union Budget 2022-23 reduced in real terms by 7% compared to 2021-22 (RE)



As a percentage of GDP, union government allocation to health declined from 0.38% in 2021-22 (RE) to 0.35% in 2022-23 (BE)- far from the demand for at least 2.5% of the GDP!

- Nearly 6% decline in expenditure under the National Health Mission from 2021-22 (BE) to 2021-22 (RE) signifying underutilization of funds
- No change in allocation for the National Mental Health Programme since 2019-20!

3. Nutrition and Food Security

Vulnerable And Hungrier

Some three million children have grown weaker since the advent of the pandemic. As stunting and wasting will become visible only over the next nine months, potentially higher proportion of children could be affected.

India's ranking in the Global Hunger Index slipped to 101 from 94 during the past year. This grim information was met with vehement denials from the government. No specific measures were undertaken to enhance the outreach and benefits available through various food and nutrition-based schemes.

In fact, the year saw a partial withdrawal of the benefits available even through the t (PMGKY), projected as the central government's all-encompassing response to the COVID-19 pandemic and a vehicle to drive the most marginalized out of the livelihood crisis. Besides, issues around exclusion, as in the case of Targeted Public Distribution System (TPDS), continued to retard the potential of these schemes.

In May 2021, NHRC had to intervene and issue notice to the Centre, states, and union territories to ensure that no beneficiary of PMGKY is deprived of the right to food due to biometric authentication problems during the COVID-19 pandemic. Pointing out the AADHAR/technology actuated exclusions, the National Human Rights Commission (NHRC) of India acknowledged that the benefits to the beneficiaries were denied due to the non-completion of biometric authentication. The NHRC said that though the computerization of the TPDS is aimed at ensuring food security to the poor and vulnerable sections by eliminating shortcomings, the government must look into the lack of availability of internet or mobile connectivity to end-users who are residing in far-flung or remote areas. It further added that "paramount interest in these grave pandemic times is to ensure that the beneficiaries of the PMGKY scheme are not deprived of their entitlements."¹

Targetism, as the basis for provision of entitlements under TPDS, has always dampened the potential impact of the scheme. Despite being one of the most important schemes for addressing food insecurity in the country, complications pertaining to identification of beneficiaries continue to affect the efficacy of the whole scheme. The Census of India 2011 remains the source of data for arriving at the number of people to be covered by the scheme. As a consequence, subsequent years have seen the exclusion of a large chunk of the population. This inbuilt fallacy in the legal framework led to exclusion of at least 12% of population from the legal entitlements in the most legitimized way.

	Total Population	Total Population to be covered	% of Total Population	Rural Population to be covered	Rural - % of total population to be covered	Urban population to be covered	Urban - % of total population to be covered
2011 (Census and TPDS Control order figures)	1210327463	813491135	67	624929906	77	188561229	23

Cont...

Popula- tion Pro- jections (2021)	1361343000	912099810		702316854		209782956	
Popu- lation left un- covered (2021)		98608675	12	77386948	12	21221727	11

While this particular phenomenon does not seem to have had any direct implications for the Mid-Day Meal Scheme (MDMS) and Integrated Child Development Services (ICDS), it needs to be pointed out that the law itself excludes children above the age of 14 years from the mid-day meal programme. Alongside, the closure of Anganwadis Centres (AWCs) for most part of the year due to pandemic, despite the order of the Supreme Court on 11 November 2020 has also impacted on the food insecurity in the community.

A study by Dalberg Advisors and Kantar Public and funded by Bernard van Leer Foundation, Porticus, Echidna Giving, and Dalberg with technical support from NITI Aayog, sans its limitations, could not ignore that 43% of households with pregnant women or with children under nine months of age faced challenges in receiving food from AWCs². Food and nutrition related service provisions through AWCs continued to be low. 47% of households with a child aged 15 months to 6 years reported that their children were receiving less food or no food from the AWCs.

Across the 11 states from where the sample households were drawn, 8% of the households that reported that their child was receiving less food from AWCs during the pandemic also reported that their child was growing weaker. In addition, some households are excluded from Anganwadi coverage on multiple nutritional parameters. Eight out of 10 expecting or nursing women who reported not receiving food from AWCs also reported not receiving food for their child. Similarly, a greater proportion of households with children aged 15 months 6 years of age (35%) that reported not receiving nutrition-related information also reported receiving less or no food from AWCs.

“...We estimate that ~3 million children have grown weaker since the advent of the pandemic. As stunting and wasting will become visible only over the next 9 months in a year, potentially higher proportion of children could be affected,” the report said.

Despite having adopted both inclusion and exclusion criteria to identify priority households for TPDS under NFSA 2013, most states do not automatically include single women, socially vulnerable groups, transgenders, persons with disabilities and those chronically ill for availing of the benefits of the TDPS. States like Rajasthan, Sikkim, West Bengal and Uttar Pradesh did not include any of these population groups in their respective automatic inclusion criteria. Most of the states did not include SCs and STs automatically.

Exclusion of disables despite direction from Central Government

The central government issued a direction to the states and UTs under Section 38 of NFSA to identify disability as a separate criterion within the eligibility criteria for inclusion of persons with disabilities. The direction specifically required ensuring that all disabled persons eligible to be beneficiaries under NFSA are covered under the Act and those not already covered should be

covered with fresh ration cards to be issued as per the existing/ revised eligibility criteria that include disability as separate criteria. The direction further stated that if a disabled candidate/person is at par with another general candidate/person, preference should be given to disabled person and that no disabled person otherwise eligible shall be denied on the ground that the state has exhausted its upper limit under NFSA. In case such a situation arises, inclusion of disabled persons shall take precedence over those who may be either at par or above in terms of consumption expenditure criteria⁴. However, most states have not complied with this requirement.

Review of performance of authorities and institutions (functioning of SFCs, DGROs, VCs etc.)

Monitoring and grievance redressal mechanisms play a crucial role in ensuring efficient administration of schemes and programmes. 2022 marks the completion of the first terms of state food commissions and vigilance committees in most states. Most of the state food commissions suffer financial autonomy and the state governments have not gone beyond designating District Grievance Redressal Officers (DGRO) and forming vigilance committees. Building capacities, staffing and providing for infrastructure are some of the key areas of concerns for these institutions. Till date, none of the state governments have taken any initiatives to conduct training for the members of vigilance committees, or any other agency/authorities in the law.

Good practices from states

Continuation of some of the benefits as part of the schemes, despite the diluted set of entitlements in NFSA, lends desired optimism to the struggle against food insecurities and malnutrition. Many states, for instance, have retained MDMS benefits for students up to 10th standards. States like Karnataka also provide milk as part of MDMs and eggs through ICDS. Unfortunately, diluted norms in NFSA have demotivated some of the states to cut down on the benefits. The recent withdrawal of Karnataka's flagship programme, *Anna Bhagya*⁵, is an example.

Malnutrition

The national level data on malnutrition did not show any significant improvement in the nutrition profile of the country. NFHS-5 data tells the story of India as a country with increased number of anaemic people since NFHS-4 (2015-16), with anaemia rates rising significantly across age groups, ranging from children below six years to adolescents, pregnant women, and women between 15 to 49 years. Almost half of our human capital lacks iron power. Anaemia among adolescent girls (59.1%) that advances to maternal anaemia, remains a major cause of maternal and infant mortality. Prevalence of such a situation concurrently with the *Anaemia Mukta Bharat* programme raises many doubts regarding its design and implementation. Even more worrying is the exceedingly slow pace of improvement in nutritional indicators across all age groups. Between NFHS 4 and NFHS 5, the percentage of children below five years who are severely wasted have increased slightly from 7.5% to 7.7%.

With no respite from food insecurities and malnutrition and the government data itself pointing towards the gigantic problem, a statement came in from the Minister for Women and Child Development, saying that only 7% of India's children are malnourished, including around 2% in

the Severe Acute Malnourished category. This was a rude shock. On one hand, such misleading projections demonstrate denial and non-recognition of the severity of the problem. On the other hand, the scheme to fortify rice distributed through TPDS and MDMS with micronutrients (2020), was recently extended to ICDS as well. Huge investments have been made for fortification of food grains for distribution through nutrition schemes under NFSA 2013 without a comprehensive cost benefit analysis from the pilot phase of the initiative. The government could have promoted diversification of the food basket, knowing how central it is to better nutrition. This signals a major policy distortion.

Recommendations

Legal entitlements, along with other benefits available through schemes are the primary means through which the rights get translated into reality. The past year saw an increased number of people denied their legal entitlements. Service delivery mechanism could not get back on track in 2021 and the third wave of the pandemic made it worse. A knee-jerk response to the crisis and weakened institutional mechanisms for monitoring and grievance redressal have distorted the policy landscape. Civil society needs to reclaim its space and demand sustainable solutions.

It is important to invigorate institutional spaces available within the policy framework, such as vigilance committees, internal grievance redressal mechanisms, district grievance redressal mechanisms and the state food commissions (SFCs). Withdrawal of farm laws by the central government reestablished the tenacity of social movements. State governments must move towards aligning the delegated legislation with the norms and standards upheld by the judiciary. Need for a set of model rules for effective implementation of NFSA must be addressed by the Central government by invoking section 38 of NFSA.

Continued impact of the pandemic has yet again emphasized the need for sustainable and local solutions. Strategies such as fortification of food grains must be examined and must be compared with solutions such as diversification of the food basket.

Human resources have always been a critical link between the entitlement and its realization. As the Supreme Court recognises the historic injustice done to the anganwadi workers and recommends provision of service benefits to them, the same arguments must be extrapolated to also include mid-day meal workers.

Civil Society Interventions



The collapse of institutions triggered by the pandemic posed a major challenge in the path to recovery. While continuing to provide relief and support the institutions, CSOs largely engaged in accountability and advocating for sustainable solutions to food and nutrition insecurities during and post the second wave of the pandemic. Dialogues and multi-stakeholders discussions on critical issues such as the proposed amendments to the farm laws, and fortification of food grains; the collation of empirical data on the impact and challenges confronting access to relief announced by the state, gaps in provisioning, and seeking enforcement of the decisions by the court, were key areas around which CSOs organised advocacy efforts.

Exemplary resilience demonstrated by CSOs at the onset of the pandemic and the ability to adjust to the new normal continued to reflect in endeavours to link rightholders to the entitlements and benefits available through schemes such as TPDS, MDMS, ICDS, and maternity entitlements. Condemning the export of large quantities of food grains, the demands for universalization of the public distribution system and the inclusion of pulses and oil; were once again raised, considering the need to address the rising hunger and food insecurities.

Despite the looming funding crisis caused by the changes in the regulatory framework, Indian civil society continues to mobilise people and consolidate public opinion on sustainable food systems and nutrition solutions. In doing so, it is also effectively engaging with judicial processes, and supporting local solutions and innovations.

Endnotes

- 1 HRC notices to the Centre, States and UTs over alleged denial of benefits during Covid pandemic under PMGKAY and IMPDS due to non-completion of bio metric authentication of beneficiaries, <https://nhrc.nic.in/media/press-release/nhrc-notice-centrestates-and-uts-over-alleged-denial-benefits-during-covid>
- 2 Evidence based response to early childhood development (ECD) during COVID 19 crisis, https://www.niti.gov.in/sites/default/files/2022-04/ECD-Covid-Study-Report_clean-19042022.pdf, April 2022
- 3 Evidence based response to early childhood development (ECD) during COVID 19 crisis, https://www.niti.gov.in/sites/default/files/2022-04/ECD-Covid-Study-Report_clean-19042022.pdf, April 2022
- 4 <https://pib.gov.in/PressReleasePage.aspx?PRID=1648050>
- 5 Poor families used to get 30 kg of free rice through the scheme.

Nutrition & Food Security

Some three million children have grown weaker since the advent of the pandemic. As stunting and wasting will become visible only over the next nine months, potentially higher proportion of children could be affected.



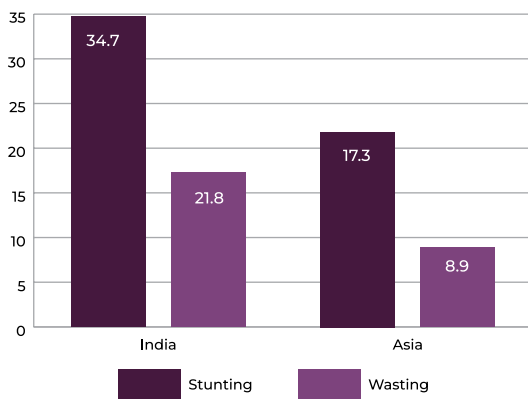
India's ranking in the Global Hunger Index slipped from 94 in 2020 to 101 in 2021.



Increase in anaemic women in India- from 52.6% in 2016 to 53% in 2020.

(Source of data point: Global Nutrition Report, 2021.)

Nutritional Status of Under-5 Children (in %)



(Source of graph: Global Nutrition Report, 2021.)



Public Distribution System (PDS): Use of Census 2011 data to determine number of beneficiaries resulting in exclusion of at least 98 million people- more than the entire population of Germany!

(Source: Calculations based on population projections for 2021 and TPDS Control Order figures)



Aadhaar authentication failure resulting in denial of ration to beneficiaries- failure rate was 8.5% for iris scans and 6% for fingerprints.

(Source: UIDAI to the Supreme Court in Justice K.S Puttaswamy vs Union of India)



PDS leakages estimated to be 46.7% in 2011. Recent official data on leakages not publicly available.

(Source: Report of the High-Level Committee on Reorienting the Role and Restructuring of Food Corporation of India; Third Report of the Standing Committee on Food, Consumer Affairs and Public Distribution)



One Nation, One Ration Card: Between August 2019 and November 2020, out of nearly 190 million portability transactions, only 22,087 were for inter-state portability- a mere 0.01%

(Source: 12th Report of the Standing Committee on Food, Consumer Affairs and Public Distribution)



- Department of Food and Public Distribution allocated Rs 2,15,960 crore in Union Budget 2022-23- a decrease of 28% from the revised estimates of 2021-22.
- PM Poshan (erstwhile Mid-Day Meal Scheme) saw a decline of 11%.

4. Agriculture

Lot More Needs To Be Done To Ensure No Farmer Is Left Behind

Adaptation to climate change disturbances, fragmented landholdings, low farm productivity, poor access to mandis and high food price volatility are challenges faced by Indian agriculture. These call for next-generation reforms like the adoption of environmentally sustainable and climate-resistant new farm technology, development of a market for land consolidation and improvement in post-harvest practices.

From food deficient and import dependent nation during the early nineteen sixties, India is a global agricultural powerhouse today. India has emerged as the world's largest producer of milk, pulses, jute and spices, and has the world's largest cattle herd (buffaloes). It is the second largest producer of rice, wheat, cotton, sugarcane, tea, groundnut, fruits, vegetables and goat meat. Although the share of agriculture has been declining in overall gross value added (GVA) of India, the share of the labour force in agriculture increased from 42.5% in 2018-19 to 45.6% in 2019-20¹.

The agriculture sector could withstand the COVID-19 shock and registered an above-average real growth of 3.6% in 2020-21, even as the overall economy (real GVA) contracted by 6.2%. In view of concerns about successive waves of COVID-19, many countries have started stockpiling food grains acquired at higher prices, whereas India remains comfortable with public stocks of cereals at 2.8 times the buffer norms (Chandrashekhar and Ghosh, 2021), a record increase in agricultural export of 20% in 2021-22 and a large increase in procurement of marketed surplus in 2020-21 and 2021-22. Despite such gains, Indian agriculture faces issues associated with adaptation to climate change disturbances, fragmented landholdings, low farm productivity, and high food price volatility which call for next-generation reforms like the adoption of environmentally sustainable and climate-resistant new farm technology, development of a market for land consolidation and improvement in post-harvest practices.

In September 2015, countries across the world adopted the Agenda 2030 (the SDGs framework) to eradicate hunger and poverty, ensure peace and justice and make the planet sustainable by 2030, with the ambitious principle of "leave no one behind". Farmers constitute a sizeable proportion of the planet's population and efforts to improve the prosperity and resilience of farmers and rural households is one of the greatest challenges that the world faces today. Sustainability of farmers, especially small and marginal, and family farmers is important not only for ensuring food security of the world, but also as agriculture and food intersect with many other goals in the SDG framework – they in turn impact poverty eradication (SDG1), health (SDG3), education (SDG4), women empowerment (SDG5), water and sanitation (SDG6), decent work (SDG8), inequality (SDG10), sustainable cities and communities (SDG11), climate change (SDG13), and life on land and sustainable terrestrial system (SDG15).

India, with a population of 1.3 billion, of which 364 million live in multidimensional poverty, is critical to the realization of Agenda 2030. Focusing on development and inclusion of small and marginal farmers, women farmers and agricultural workers is critical for India to achieve the SDGs. One out of four persons in India is either a farmer or an agricultural worker. Small and marginal farmers constitute 86.2% of the total farmers in India but own just 47.3% of the crop area². As per the Agricultural Census (2015-16), though the percentage share of female operational holders has increased from 12.7% in 2010-11 to 13.8% in 2015-16, close to 90% of women-owned landholdings fall under the small and marginal category. The feminization of agriculture due to increased

out-migration of male members from rural to urban areas has significantly increased the role and contribution of women in agriculture. However, in the social and policy perception, women are rarely acknowledged as farmers. Lack of land ownership limits women farmers' access to agriculture inputs, services, technology, and limits their representation in the agriculture policy and programme planning, government bodies and farmer committees.

Further, changes in land use policy, poor governance and access to legal aid, poor economic conditions to challenge forcible land acquisition or eviction from land compound the land alienation faced by the most marginalized such as tribals, Dalits, and the landless.

Despite achieving self-sufficiency in food production, 15.3% of the Indian population remains undernourished. As per the Global Nutrition Report 2021, over 34% of children under 5 years of age suffer from stunting, while over 17% suffer from wasting. Further, there has been a rise in prevalence of anemia among Indian women, with more than half of them suffering from anemia.

The resource intensive ways of Indian agriculture have raised serious sustainability issues as well. Increasing stress on water resources, desertification and land degradation also pose major threats to agriculture in the country.

The year 2021 will perhaps go down in India's history as one where there was a paradigm shift in the manner of handling agriculture and farm-related issues in the country. The enactment of the three controversial farm laws last year, the sustained agitation that followed, and the sudden and rather unexpected repeal of the laws are events that have the potential to shape the agricultural sector in the years to come. The issue of minimum support price (MSP) has remained contentious. The protesting farmers have demanded its legal sanction while the government has attempted to reassure them verbally that the MSP regime is here to stay.

Government Initiatives

Some of the recent major Government initiatives in the sector are as follows:

- In October 2021, the Union Home Minister launched the 'Dairy Sahakar' scheme in Anand, Gujarat.
- Ministry of Civil Aviation launched the Krishi UDAN 2.0 scheme in October 2021. The scheme proposes assistance and incentive for movement of agri-produce by air transport. The Krishi UDAN 2.0 will be implemented at 53 airports across the country, largely focusing on North-east and tribal regions, and is expected to benefit farmers, freight forwarders and airlines.
- In October 2021, Agricultural and Processed Food Products Export Development Authority (APEDA) signed a Memorandum of Understanding (MoU) with ICAR-Central Citrus Research Institute (ICAR-CCRI), Nagpur, for boosting exports of citrus and its value-added products.
- In October 2021, the Union Ministry of Agriculture and Farmers Welfare announced that 820,600 seed mini-kits will be distributed free of cost in 343 identified districts across 15 major producing states under a special programme. This programme is likely to boost production and productivity by speeding up the seed replacement rate and subsequently, help in increasing farmer's income.
- In September 2021, the Prime Minister launched 35 crop varieties with special traits such as

climate resilience and higher nutrient content.

- The Prime Minister launched the Pradhan Mantri Kisan Samman Nidhi Yojana (PM-Kisan) on February 24, 2019 to provide Rs 6,000 per annum to all landholding farmer families across the country (subject to certain exclusion criteria pertaining to the higher income strata). As of February 22, 2022, funds amounting to Rs 1.82 lakh crore have been released to eligible beneficiaries across the country, with Rs 1.29 lakh crore released during the pandemic period itself. As per the Union Budget 2022-23, Rs. 68,000 crore was allocated to Pradhan Mantri Kisan Samman Nidhi (PM-Kisan), not even a 1% increase in allocation from the 2021-22 budget.
- The Indian government has initiated Digital Agriculture Mission for 2021-25 for agriculture projects based on new technologies such as artificial intelligence, block chain, remote sensing and GIS technology, drones, robots and others.
- In September 2021, the Union Ministry of Agriculture and Farmers' Welfare signed five MoUs with CISCO, Ninjacart, Jio Platforms Limited, ITC Limited and NCDEX e-Markets Limited. This MoU will have five pilot projects, which will help farmers make decisions on the kind of crops to grow, variety of seeds to use and best practices to adopt to maximise yield.
- With a budget of Rs 11,313 crores, the 'Production-Linked Incentive Scheme for Food Processing Industry (PLISFPI)' has been approved to develop global food manufacturing champions commensurate with India's natural resource endowment and to support Indian food brands in international markets.
- Under the 2022-23 Union Budget, the Rashtriya Krishi Vikas Yojana (RKVY) saw a 400% increase in allocation as the scheme has been re-structured with erstwhile schemes viz. Pradhan Mantri Krishi Sinchai Yojana-Per Drop More Crop, Paramparagat Krishi Vikas Yojna, National Project on Soil and Health Fertility, Rainfed Area Development and Climate Change, and Sub-Mission on Agriculture Mechanization including Management of Crop Residue merged with RKVY.
- The Ministry of Food Processing has been allocated Rs. 2941.99 crores in the Union Budget 2022-23.
- Under Pradhan Mantri Formalisation of Micro Food Processing Enterprises (PM FME), an outlay of Rs. 10,000 crores over a period of five years from FY21 to FY25 has been sanctioned.
- To boost farmer incomes and growth of the agricultural economy, the government released funds in June 2021 for farm mechanisation such as establishment of custom hiring centres, farm machinery bank and high-tech hubs in different states.
- In April 2021, the Government of India approved a PLI scheme for the food processing sector with an incentive outlay of Rs 10,900 crores over a period of six years starting from FY22.
- The Government of India came out with Transport and Marketing Assistance (TMA) scheme to provide financial assistance for transport and marketing of agriculture products in order to boost agriculture exports.
- The Agriculture Export Policy, 2018 aimed to increase India's agricultural export to Rs 4.6 lakh crore and Rs 7.7 lakh crore in the next few years with a stable trade policy regime. As stated by the Ministry of Commerce and Industry, India's agricultural exports rose by about 20% to Rs 3.9 lakh crore during 2021-22.
- The Government of India is going to provide Rs. 2,000 crore for computerization of Primary

Agricultural Credit Society (PACS) to ensure cooperatives are benefitted through digital technology.

Budget Allocation (2022-23)

The Ministry of Agriculture and Farmers Welfare has been allocated Rs 1,32,514 crore in 2022-23, a less-than-1% increase over the budget allocated during 2021-22. Allocation to the Ministry accounts for 3.4% of the government's budget, a reduction from last year's allocation of 4%. 55% of the allocation to the Ministry in 2022-23 is for the PM-KISAN scheme (Rs 68,000 crore). All other programmes of the Ministry, including interest subsidy and crop insurance, have been allocated Rs 64,514 crore in 2022-23, a 4% decrease from 2021-22. As opposed to the allocation of Rs 131,531 crores in 2021-22, the revised expenditure saw a reduction of 4% to Rs 126,807 crores.

Farmers need to deal with many problems, including how to:

- Cope with climate change, soil erosion and biodiversity loss
- Meet rising demand for more food of higher quality
- Invest in farm productivity
- Adopt and learn new technologies
- Stay resilient against global economic factors
- Dealing with corporate sector

Recommendations

- The National Commission on Agriculture (NCA) had recommended that every Indian farmer should be able to reach a mandi in one hour by a cart. Thus, the average area served by a mandi was to be reduced to 80 square kilometres. However, there were only 6,630 mandis in 2019 with an average area served of 463 square kilometres. Therefore, India needs not less but more mandis.
- Create community based traditional Seed Banks by modifying the present Seed Village programme and allow it to be managed by farmers' organisations in close partnership with the Department of Agriculture.
- Ensure inclusion of produce from rainfed areas in PDS, MDM and ICDS to meet the nutritional needs of the population
- Dedicate an exclusive policy for rainfed farming in the light of its being vastly different and immensely diverse within.
- Increase investment in watershed programmes as opposed to large scale water projects
- Promote natural farming with reduced use of chemical fertilisers.
- Introduce innovative technologies to manage ground water and common water

resources

- Make allied livelihood opportunities available to landless and small farmers to distribute risk and diversify income sources.
- Operationalise the definition of 'Farmer'. Recognise women farmers, including landowners and women working on others' lands with a special focus on the most marginalised, according to National Policy for Farmers 2007. Ensure the inclusion of women tenant farmers, livestock-rearing women farmers, fisherwomen and women dependent on forests in the ambit of the definition.
- Bring in women farmers' knowledge and vision on farming, seed conservation and management, and in forestry and horticulture in policies and programmes.
- Put in place monitoring indicators specific to women farmers in the farming, forest and pastoralist and fisheries sectoral groups – to capture changes in ownership, access, income, capacities and representation and leadership.
- Acknowledge the indigenous knowledge of the pastoral communities and the economic, ecological and environmental contributions of mobile pastoralism and transhumance at the policy level through research and documentation.
- Develop a national fodder policy and states' fodder policies and design mechanisms for fodder production on commons, cultivable fallows and forest lands.
- Conduct mapping and design programmes and policies for holistic development of Common Property Resources (CPRs) and grasslands
- Guarantee MSP for produces of Adivasi farmers.
- Conduct research to understand the effectiveness of traditional agriculture of Adivasi communities in the context of climate crisis.
- Provide disaggregated data as well as integration of community-based data from indigenous communities for better assessment of progress of indigenous peoples.
- Take concrete steps to enhance farmers resilience through making resilient infrastructure, introducing diversification and cropping, providing weather information and early warning systems and improved crop and livestock insurance
- Prevent deforestation and forest degradation, enhance genetic biodiversity, encourage natural agriculture and improved access to Adivasi farmers on community forest rights and for minor forest produce
- Make women friendly agricultural markets and value chains

Civil Society

Agriculture and food security are deeply interlinked. During the COVID-19 pandemic and nationwide lockdowns, CECOEDECON along with community-based organisations, Yuva Mandals (youth groups) and Kisan Sewa Samitis worked closely with the local administration to facilitate last-mile reach of food rations, particularly for returning migrants who did not have access to ration cards.



The lockdown also saw many returnee migrants taking to agriculture in their villages. However, due to lack of proper documents and identification, these returnee migrants were unable to avail of government benefits for farmers. The civil society organisations helped link them to government services, and also provided technical inputs and training for organic farming and climate-friendly, sustainable agriculture.

Endnotes

- 1 Periodic Labour Force Survey 2019-20.
- 2 Agricultural Census 2015-16

Agriculture

Indian agriculture faces issues associated with adaptation to climate change disturbances, fragmented landholdings, low farm productivity, and high food price volatility. Increasing stress on water resources, desertification and land degradation also pose major threats to agriculture in the country.

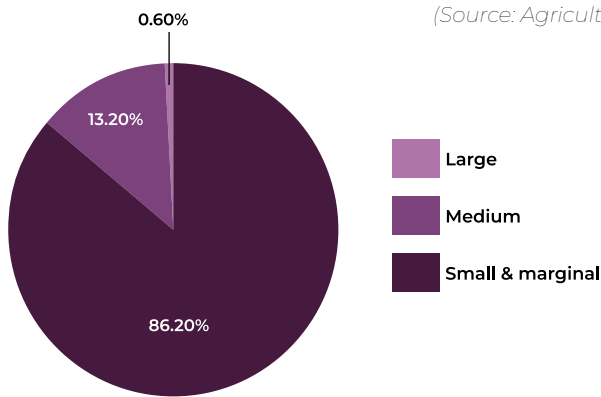


The share of labour force in agriculture increased from 42.5% in 2018-19 to 45.6% in 2019-20.

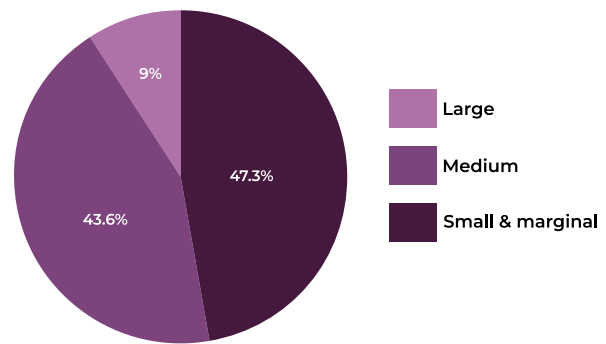
(Source: Periodic Labour Force Survey, 2019-20)

Small and marginal farmers (with less than 2 hectares of land) account for 86.2% of all farmers in India, but own just 47.3% of the crop area.

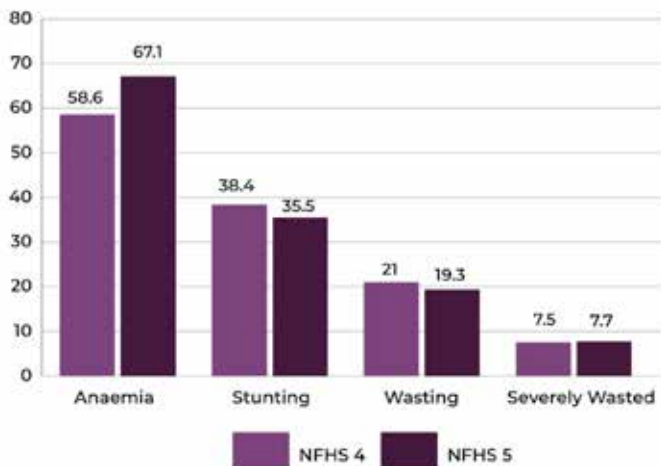
(Source: Agricultural Census, 2015-16)



Types of landholdings



Crop area



Nutritional Status of Children below 5 years of age

Despite achieving self-sufficiency in food production, levels of food insecurity and malnutrition remain high in the country. India's rank dropped from 94 out of 107 countries in 2020 to 101 out of 116 countries in 2021.

(Source: Global Hunger Index, 2021) *Second point is the graph alongside showing declining nutritional status of children*

In the Union Budget 2022-23, the Ministry of Agriculture and Farmers Welfare saw a mere 4.5% increase in allocation over the revised budget for 2021-22.

The revised estimates for 2021-22 show a 4% decrease from the budget estimates of 2021-22. PM KISAN allocated Rs. 68,000 crore- not even 1% increase

- PM Fasal Bima Yojana allocated Rs. 15,500 crore- decline of 3%
- Rashtriya Krishi Vikas Yojana- re-structured and merged with five schemes. Allocated Rs. 10,433 crore- over 400% increase

5. Livelihoods

Working Women Could Well Be A People of the Past

A major driver of inequitable participation has been the consistent decline in female labour force participation rate. This is also reflective of women's conditional access to resources and opportunities and deep-seated gender inequalities like restrictions on mobility, early marriage, a high incidence of violence at home and the burden of unpaid care work.

Economic growth in India is unequally distributed, leaving a large section of marginalised people, including women across caste, class, religious and citizens of other gender identities at the periphery. India became the fifth largest world economy in 2019. Yet, the country ranks among the worst performing countries on 'Economic Participation and Opportunity', as per World Economic Forum's Global Gender Gap Report 2021.¹ India has one of the largest youth populations in the world with 4.75 million youth who are expected to enter the workforce every year – and yet job creation growth was abysmally low at 2.8% in 2018-2019. There have been huge setbacks with job losses among youth, especially marginalised youth in vulnerable jobs following the COVID-19 pandemic. Youth labour force participation rate was at 38.10% in 2018-2019. The unemployment rate of youth rose to 24% for young men and 31% for young women in 2021 due to COVID induced job losses.

A major driver of inequitable participation has been the consistent decline in female labour force participation rate (LFPR) (37% in 2006, 18% in 2019 and 9% in 2020)². The declining LFPR is also reflective of women's conditional access to resources and opportunities and deep-seated gender inequalities like restrictions on mobility, early marriage, a high incidence of violence at home and the burden of unpaid care work.

UNICEF reports document that India accounts for a third of the global child marriages. 27% of India's children get married by age 18 as compared to 28% the world over³; National data suggests that more than 80% of women require permission to move out of their homes alone⁴ as public spaces are considered unsafe, a myth that helps relegate women to private spaces i.e. homes, which have proven to be equally unsafe⁵.

Women are expected to stay in the private sphere, look after the home, bear children and care for the family. 92% of the women in the age bracket of 15-59 years participate in unpaid domestic activities daily versus only 29% of men⁶. The reproduction of the structural divide envisioning women as care givers and men as providers accounts in large part to the former's inaccessibility to resources, services, information, education, and training for employable skills and entry to the job market impacting their fundamental right to equal opportunity⁷. The lack of access to skill and high education ensures that 90% of the women who are in the economy are employed in the informal sector in unskilled and vulnerable jobs, without contracts (71% of women in urban areas, 58% in rural areas had no written job contract) or social security (50% of the salaried women workers across rural and urban geographies were not eligible for paid leave and any social security benefit)⁸. More women workers are in the informal sector than men, these are highly vulnerable in sectors such as home-based work, domestic work, street vending, waste picking, construction labour, and so on. The pandemic induced lockdowns severely affected them as they took the brunt of job losses and faced enormous insecurities.

Impact of COVID-19 pandemic

The COVID pandemic and ensuing lockdown period has tipped the scales further for women as they grapple with a triple burden of loss in income or job, increased care and domestic work and an escalation of domestic violence. Globally, one in five women have reported loss of livelihoods⁹. With the informal sector impacted and in the absence of relevant skills or resources, women are less likely to recover their employment relative to men in India¹⁰. Between May to August 2020, the LFPR for women was 9.3% and men 67.4%. One in four women lost their jobs during the pandemic. Data from the National Commission of Women (NCW) confirmed an increasing trend of violence against women, with domestic violence rising 2.5 times during the period.

Prof. Ashwini Deshpande (2020) underscored the gendered impact of COVID-19 in the arena of employment¹¹. The paper noted that overall employment dropped sharply post-lockdown, and it was not gender neutral. Given large pre-existing gender gaps in employment (in absolute terms) more men lost employment than women and that women's chances of being employed were lower by 9.5% points as compared to men. It must be mentioned that India has amongst the most unequal gender divisions in household work globally.

Thus, COVID-19 has not just increased the existing forms of structural violence against women, in the form of increased violence and unpaid care burden leading to reinforced restrictions on mobility, but it has also added new forms of violence against women, like the digital gender-gap¹², further impacting their access to skills and decent jobs. The response of skill development and livelihood generation programs however, work only on bridging the skill gap. The states expansion of entrepreneurship as the vehicle for new job creation, mainstreaming of vocational education as envisioned in the NEP (2020) as an early foundation of the entrepreneurial spirit without adequate social security net puts the burden of livelihood generation on the marginalised without addressing structural limitations¹³. In addition, the new labour codes which converge 44 labour laws, despite having favourable norms also do not have the adequate regulatory mechanisms for implementation that secures the rights of workers.

Are available opportunities gender-sensitive?

There are however opportunities that are also opening up within the gig/ platform economy which is considered more flexible and has opened opportunities for work for women as well. Reports estimate that the E-commerce sector, can create 1 million jobs by 2023. Projections from Morgan Stanley indicate that the online food and grocery delivery segment is set to become one of the fastest growing sectors in India, expanding at a compound annual growth rate of 141% by 2020. Food delivery platforms are capturing the market and gaining ground across cities beyond Tier 1 cities and into Tier 2 and Tier 3 cities as well¹⁴. The gig economy which largely includes 'on-demand' work guided by app-based platforms such as Uber, Ola, Urban Company, Zomato etc has seen an influx of women workers of the past few years. It has also unveiled the potential for employment of women in non-traditional roles i.e., e-commerce delivery and cab driving. The domestic service sector, too, has received a lot of traction, with start-ups such as BookMyBai Helper4U, Helpers Near Me operating as platforms for house maids, babysitters, nannies, cooks, and patient care staff, which like others, bridges the gap between workers and individuals looking to hire. Such apps have now organised over 39,300 unorganised workers on their platform and are organising the informal sector through standardisation of rates. The government also has pushed opportunities for women in keeping with the diversity and inclusion agenda which is gaining visibility and traction internationally. For example, the National Skill Development Corporation (NSDC) has collaborated with Urban Company to create skilling initiatives to onboard

workers to the platform and platforms like AirBnB has signed a memorandum of understanding with the state of Orissa, Maharashtra and Meghalaya to develop tourism infrastructure in underserved parts of the country. Cab aggregators Uber and Olacabs both have partnered with various states to conduct skilling initiatives and extend lines of credit to onboard drivers to the platforms and create employment opportunities with a focus on inclusion of women.

While these efforts at inclusion are very commendable, the questions remain if these sectors are becoming gender-sensitive to sustain the inclusion of women, especially women from marginalised groups. A recent study by Institute of Social Studies Trust (ISST) has questioned the tenets of choice and flexibility, highlighting that women continue to face similar challenges due to lack of social and legal protection of workers, low pay in an incentive driven model and low opportunities for upskilling as women continue to struggle with balancing care work, negotiating digital divide¹⁵. Digital interventions in domestic services and care work have been framed by platform founders as avenues for independence and flexibility, however early studies on these platforms demonstrate the way they replicate and reinforce existing exploitative practices through digital methods¹⁶.

Azad Foundation¹⁷ which has been working with like-minded partners on interventions that have led to the germination of idea of women in non-traditional livelihoods¹⁸, which challenge the gendered occupational segregations enabling women to access, male domains like driving, carpentry, plumbing, construction work as masons, mechanics etc. Recently Azad Foundation also started training women in the two-wheeler sector (inkeeping with the market trend in e-commerce) and advocated with the government for opportunities for women in public transport as well.

In a recent study conducted by Azad Foundation to understand what barriers women are facing in transport and e-commerce sectors, it was revealed that sectors are still catering to male members only. An example of the Delhi Transport Corporation will illustrate this: A review of few depots during the study indicated that even though there are almost 700 female conductors, most washrooms are unhygienic, or locked and there are no separate changing rooms for women as well. Overall even the perception of male conductors and depot managers are that women will eventually leave post childbirth or that women are not committed and want to get home.

Such factors have not impacted by the global discourse on unpaid care work and its burden, nor has it left an imprint on the mindset or structural allocations that enable women to work for a living. Even within the gig economy which is supposed to be flexible, women have shared innumerable experiences highlighting how they could not retain their jobs in e-commerce due to the long working hours without breaks and a pressure of incentives along with odd hours of working, including having to report very early in the mornings.

Besides, there is a problem of access to resources like e-vehicles that are a pre-condition for e-commerce jobs. Women shared that they did not have the collateral to purchase or take a loan for purchasing the same and some companies who provided e-bikes or scooties deducted a huge rent for the same which impacted their overall earnings. In Delhi, the government has given a 35% quota for allocation of e-auto permits to women and have announced a small subsidy but are unable to find adequate number of takers as women do not have the collateral to make even subsidised payments. In such cases, the men would purchase vehicles with documentation resting on women in their households (wives, sisters etc.). This does not necessarily lead to inclusion of women in the workforce.

Gender-Just Recovery and ‘Leaving No One Behind’

Hence, while opportunities are available, there is scope to make these more effective and sustainable for women and marginalised sections, advocating structural changes i.e., making these opportunities more gender-sensitive to accept women and to provide gender-sensitive infrastructure like safe, hygienic washrooms, resting spaces, state-led child and elder care facilities, safe transport, safe houses for survivors, to sustain their presence in employment. These are even more important in the post-pandemic circumstance. However, jobs and markets continue to discriminate against and segregate women into gendered roles in the care industry, as voluntary health workers, domestic workers, unskilled contractual workers while the larger recognised, organised sectors remain male dominated and ‘male spaces’.

The recently concluded Generation Equality Forum in Paris has seen a commitment of 40 billion dollars towards economic justice and gender-just recovery. The decade of action of SDG’s also puts emphasis on sustainable and resilient recovery¹⁹. An inclusive and socially just economy needs to revisit skill building and interlink it systemic violence redressal, expand economic opportunities for women, interlink, essential labour protections, living wage and social protection along with creation of gender-sensitive markets and infrastructure that recognise care-work so that women can enter and sustain their work participation.

For effective recruitments: Azad has developed an eco-system of gender sensitive mechanisms to retain women trainees



When Azad Foundation began its work in 2008, there were no professionally trained women drivers in North India. The Women on Wheels Programme was undertaken and it led to educate clients (individuals, corporates, industry, government, etc.) on the reliability of women drivers. Delhi State Transport Corporation employed its first woman bus driver from Sakha/AZAD. As did other operators, (Uber, Ola,) and agencies (UNICEF, US Embassy, Australian Embassy, Delhi State Commission of Women) in hiring women chauffeurs. Overall 1500+ women chauffeurs have been in active employment and generated cumulative earnings of INR 2.4 million+, providing over 1.5million safe rides to women users. In addition, 100% of them have regained their right to mobility, become key wage earners in their families and made transformative changes in their personal and professional lives.

This indicates that much work is needed for ‘progressive policies’ to work in the face of rigid and discriminatory norms/practices. The Azad study (2019) noted that for every 100 women they engage with, only seven actually enrol in the programme. This led Azad to invest deeply into community mobilization awareness on non-traditional livelihoods, building trust with community leaders, local NGOs and families, while facilitating the aspirations of young women workers.

They undertake a 6-8 month training programme, while an enabling environment with family members is created. Azad has initiated programmes like Parvaz: a Feminist Leadership Programme (FLP), Men for Gender Justice (MGJ) and Azad Kishori that engages with young women, adolescent boys/girls to change mindsets around unpaid care work, end violence, empower them to claim their spaces, agency, right to education, decent jobs, choice and right to consent in marriage. Such an intensive support is crucial to retain women in the training process, and they have ensured an 85% retention rate for women who enrol and complete their course.

Endnotes

- 1 World Economic Forum, 2020. India is now the world's 5th largest economy. World Economic Forum, 2021. Global Gender Gap Report 2021
- 2 While 67 per cent of all men of working age are employed, only 9 per cent of all women of working age are employed. CMIE, 2020. Data for November 2020 show that the fall in urban FLPR fell further to 6.9 per cent. (<https://www.cmie.com/kommon/bin/sr.php?kall=warticle&dt=2020-12-14%2012:48:29&msec=703> accessed on 19th July)
- 3 State of World Population (UNFPA) 2017
- 4 Almost 80% of women said they had to seek permission from a family member to visit a health centre. Out of these women, 80% said they needed permission from their husband, 79.89% from a senior male family member, and 79.94% from a senior female family member. Indian Human Development Survey 2012
- 5 In India every third woman faces some form of domestic violence, and 52% of women and 42% of men believe it is justified for a husband to hit his wife (NFHS <http://rchiips.org/nfhs/nfhs-4Reports/India.pdf>)
- 6 Time use survey 2019 MOSPI
- 7 Oxfam inequality report 2020
- 8 PLFS, 2018-19
- 9 <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2021/feminist-plan-for-sustainability-and-social-justice-en.pdf?la=en&vs=3235>
- 10 IWWAGE, 2020, Women and Work- How India Fared in 2020
- 11 <https://ftp.iza.org/dp13815.pdf>
- 12 GSMA, 2020, The Mobile Gender Gap Report- states that there are only 21% women mobile internet users as compared to 42% male.
- 13 WNTA, 2020, Governance Review Report
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- 14 [report-skills-for-the-platform-economy-by-quest-alliance.pdf](https://www.questalliance.net/report-skills-for-the-platform-economy-by-quest-alliance.pdf) ([questalliance.net](https://www.questalliance.net))
- 15 https://www.isstindia.org/publications/1623413826_pub_Women_Workers_in_the_gig_economy_in_India_-_An_Exploratory_Study.pdf
- 16 [report-skills-for-the-platform-economy-by-quest-alliance.pdf](https://www.questalliance.net/report-skills-for-the-platform-economy-by-quest-alliance.pdf) ([questalliance.net](https://www.questalliance.net))
- 17 Azad Foundation, a professional feminist organisation was set up in 2008 to enable urban resource poor women to challenge gender norms and occupational segregations through access to skilled remunerative non-traditional livelihoods. Azad understands how social constructs and private-public and reproductive-productive divides have controlled women, restricted their mobility, decision-making power and agency. We envision a world where all women (in particular, women from underprivileged contexts) enjoy full citizenship, earn with dignity and generate wealth and value for all. Our mission is to equip resource-poor women so that they empower themselves and can excel as professionals to earn a "livelihood with dignity" in jobs and markets that had traditionally been closed to them.
- 18 Non-Traditional Livelihoods refer to livelihood practices that help women break stereotypes and challenge the gender division of labour emerging from the intersections of gender, caste, class, religion, sexual orientation, disability and other marginalities and oppressive structures, within a dynamic context of space and time. NTL increases the set of viable livelihood choices available to women and give them access and control over skills, technology, market, mobility and resources. It creates economic stability along with psychological, social and political empowerment. Charter, Non Traditional Livelihood Network
- 19 <https://sustainabledevelopment.un.org/hlpf/2021>

6. Social Protection

Failing The Workers

Informal workers have no coverage of social protection and incur high costs out of their meagre incomes for all contingencies such as illness, children's education and old age. This is so because legislations, as they exist today, only apply to those workers who have a clear employer-employee relationship.

COVID-19 revealed the cruel face of both the union and the state governments in India that failed to provide even basic social protection to informal workers. A quarter of the country's 1.3 billion population suffers from multidimensional poverty¹. India also has one-fourth (208 million) of the world's 800 million under-nourished people², with a dismal performance in the 2021 Global Hunger Index where its rank slipped from 94 out of 107 countries in 2020 to 101 out of 116 countries.

During the nationwide lockdown, the world witnessed the plight of millions of informal migrant workers struggling to return to their respective villages while the governments turned a blind eye. Thousands of workers along with their families, including the elderly, women, and children, risked their lives and walked several hundred kilometres, some even barefoot. Following the imposition of the first lockdown in 2020, governments offered cash assistance to ration card holders, including informal workers and artisans registered with various informal sector 'welfare boards.' However, the relief did not always reach those who needed it the most. For a long period, the administrative and governance institutions were mere spectators- watching these people experience pain, hunger and infections.

The fragile and deficient domestic health infrastructure too exposed the country's humongous supply-demand mismatch, severely exacerbating casualties particularly at the bottom of the socio-economic pyramid. When the authorities were asked for information, details and data on the migrant workers, the irresponsible answer was that they had no such data.

Informal Workers in India

More than 90% of workers in India are in the informal sector, with high levels of work and income insecurity³. Informal workers have no coverage of social protection and incur high costs out of their meagre incomes for all contingencies such as illness, children's education and old age. This is so because legislations, as they exist today, only apply to those workers who have a clear employer-employee relationship.

Though women constitute 48% of the population, they account for only 20.3% of the labour force in India⁴. More than 70% of women are engaged in low productive activities, taking up vulnerable and marginal jobs⁵. The Global Gender Gap Report for 2021 highlights India's uphill battle for gender equality, with India amongst countries with the largest gender gaps in economic participation and opportunity.

The Global Backdrop of Social Protection

Everyone, as a member of society, has a human right to social protection⁶. Effective social protection systems are powerful tools to provide income security, to prevent and reduce poverty and inequality, and promote social inclusion and dignity. Social protection strengthens social cohesion and contributes to building social peace, inclusive societies and a fair globalization with decent standards of living for all.

Since 1919, the International Labour Organization (ILO) and its tripartite structures have built a system of international labour standards covering practically all areas of work. The ILO has recently adopted, as its strategic objective, to enhance coverage and effectiveness of 'Social Protection for All'.

Social Protection in India

The 'Directive Principles' enshrined in India's Constitution lay considerable emphasis on the government taking steps to ensure social justice, minimize inequalities of income and status and to facilitate more equal opportunities.

The existing social protection schemes in India can be broadly categorized into four groups: (i) a programmatic framework to improve the living standards of the poor; (ii) targeted social protection programmes for the extreme poor, (iii) social protection measures for workers in the informal economy and (iv) social protection measures for workers in the formal economy. To guide its social protection schemes, India has a well-developed legal framework. The key provisions were enshrined in the Constitution, through Articles 38-39 and 41-43, which safeguard the right to work, education, public assistance, decent work and maternity relief.

Social Security Benefits as per ILO Convention 102 of 1952 and Indian Social Security Legislations				
	Social Security Component (ILO) [ii]	Provident Fund	Employee State Insurance	Employee's Compensation
1	Medical Benefit		✓	✓
2	Sickness Benefit		✓	
3	Unemployment Benefit		✓	
4	Old age Benefit	✓		
5	Employment Injury		✓	
6	Family Benefit		✓	

Cont...

Social Security Benefits as per ILO Convention 102 of 1952 and Indian Social Security Legislations				
7	Maternity Benefit		✓	
8	Invalidity Benefit	✓	✓	✓
9	Survivor's benefits	✓	✓	✓

Unfortunately, governments are now in the course of negating all those labour protection and welfare rights that have been acquired after long protracted struggles nationally and internationally, and are in the process of amalgamating them into four Labour Codes and new legislations in favour of private companies.

The new Code on Social Security 2020 attempts to merge existing legislation on social security and protections while highlighting the diverse sectors of the Indian workforce who would be eligible for these entitlements. In doing so, however, it has dealt a severe blow to labour protections, particularly for informal workers.

Despite the historical exclusions faced by the workforce, including migrant workers, which were highlighted during the COVID-19 lockdown, the new Labour Code does little to bolster social protection and excludes vulnerable workers in multiple ways.

It does not emphasise social protection as a right, nor does it make any reference to its provision as stipulated by the Constitution. Further, it does not stipulate a clear date for enforcement, leaving millions of workers vulnerable without clear social protection. It is most distressing to note that definitions have not been revised in the Code to specifically determine whether a worker belongs to the organised or unorganised workforce. There is no consideration for unemployment protection for unorganised workers, which is particularly important in times of great recession and outbreak of a health crisis. There is also no mention of how social protection contributions would work for atypical arrangements where there is no clear employer and employee relationship – including home-based work, self-employment, piece rate work, etc.

Historically marginalised groups continue to be excluded in the new Code. Section 4(1) provides no framework to include Scheduled Castes (SC)/ Scheduled Tribes (ST)/ Other Backward Classes (OBC); and women representatives on the Board of Trustees of the Employees' Provident Fund Organisation (EPFO). Nor is there any specific sectoral representation to include diversity of work types within the unorganised sector. Maternity benefits have not been universalised either. The Code also makes it easier for employers to flout legally required social protection for workers.

E-Shram Portal

In August 2021, the Union government launched the e-Shram portal- a centralized database of unorganised workers. As of May 2022, over 270 million of the expected 380 million workers in the unorganised sector are already registered with the portal⁷.

While this is an impressive feat, the on-ground challenges remain. In order to register on the portal, a worker must have an Aadhaar-linked mobile and an active Aadhaar-linked bank ac-

count. For migrant workers living in a constant state of flux, having a fixed mobile number linked to their Aadhaar is not always possible. Further, there are cases where multiple workers living in a shared space use the same mobile phone, however, at present the government only allows three people to register under the same number.

An active Aadhaar-linked bank account is also a challenge for many informal workers. Though there has been a significant increase in the number of workers with bank accounts under the Pradhan Mantri Jan Dhan Yojana, a large number of these are dormant or may not be linked to their Aadhaar.

The confusion regarding the benefits of registering under the e-Shram portal add to the challenges. Though the Union government plans to link the e-Shram card with other schemes such as the Pradhan Mantri Jeevan Jyoti Bima Yojana, Ayushman Bharat Yojana, the Public Distribution System, among others, the portal only provides information on the eligibility and benefits of these schemes. At present, there is no clarity on how the e-Shram card will facilitate access to these schemes.

Further, the voluntary registration of workers on the portal entitles them to benefits under social security schemes as and when they are formulated. However, social security needs to be mandatory, not voluntary. Entitlements under social security schemes and institutional labour rights are entirely different things. Registration on the e-Shram portal has nothing to do with labour rights⁸.

Recommendations

- Ensure a minimum social security net for all workers irrespective of wage, enterprise size, and place of origin.
- Guarantee access to social protection policies, with the individual's location or place of residence not being an obstacle to access.
- Establish a dedicated 'Social Protection Fund' with demarcated budgets and thoroughly drafted financial plans in consultation with trade unions and workers' organisations.
- Allocate adequate resources for universal social protection. These may be raised through multiple means such as a dedicated tax on industries linked to certain employment, like cess on industry or construction related activities, cess on mobile app-based companies (suggested in Code on Social Security 2020) cess on home appliances for domestic workers (suggested in the National Draft Policy for Domestic Workers).
- Ensure rapid implementation of 'Social Protection Floor' (SPF), containing basic guarantees of (i) protection for essential health care (including maternity care) (ii) financial security for children (including providing access to nutrition, education, care and any other necessary goods and services) (iii) financial security for persons in active age who were unable to earn sufficient income (particularly in cases of sickness, unemployment, maternity and disability) and (iv) financial security for older persons. Extend these benefits to all unorganised workers rather than applying ineffective fragmented welfare schemes.

- The state level social protection boards to re-examine their structures and roles to ensure accountability and the efficient implementation and monitoring of the schemes at the district and block levels.
- Government authorities to adopt an enabling approach to disseminate welfare related information as well as supervise its quality and effectiveness. Ensure synergy between the local bodies, state and central administration to create employment opportunities that ensure a decent living income for the workers, security in the workplaces, proper access to social protection, and respect for all fundamental human needs.

COVID-19 and its impact on the Handloom Sector



Handloom industry is one of the prominent employment generating industries in India. Despite this, the industry faces umpteen challenges and has been plummeting, especially in the last two years of the ongoing Covid-19 pandemic.

During the course of the pandemic, handloom weavers across India have struggled with piled up stock, rising yarn prices, production and marketing of their products and GST. Add to this, their stiff competition with the power loom sector. This has resulted in a number of weavers going out of work, trapped in distress, suicides, and choosing other means of employment.

Initiatives by the Ministry of Textiles

- Steps were taken to on-board weavers and artisans on Government e-Market place (GeM) by enabling them to sell their products directly to open market.
- The Ministry of Textiles plans to set up 10 more Design Resource Centres (DRCs) in Weavers Service Centres through NIFT in Bengaluru, Kannur, Hyderabad, Indore, Chennai, Kolkata, Meerut, Panipat, Bhagalpur and Nagpur
- 23 e-commerce platforms have been associated with the Ministry of Textiles under a policy framework to facilitate weavers to sell their products online
- Handloom Export Promotion Council organised seven international fairs virtually to enable the sale of handloom products
- Ministry of Textiles to develop craft villages in select handloom and handicraft pockets of the country

Concerns and demands of the handloom and handicraft sector

The sector has been demanding strict implementation and amendment of the Handloom Reservation Act. No attention has been paid by the Ministry to this demand. This has

directly resulted in the handloom sector being crushed by the power loom industry.

Accumulated stock has been another persistent concern for weavers. Government provides GeM portal with terms, conditions and terminologies as a new technological development. Most of them are least educated or uneducated and fails to adopt it. They want the Government to procure directly from them or their societies.

Budget allocated for Handloom in the year 2022-23 is Rs 200 crore, which is less than half of previous year's allocation. Government has not listened demands for more budgetary allocation.

Limits for GST exemption is there but its complexity mandated for weavers results in distress, confusion and unnecessary loss of time. Most of the weavers are not able to adopt and pay for it unnecessarily.

While the Yarn Supply Scheme doesn't translate to anything fruitful for the weavers. Hank yarn prices increases continuously in many folds during pandemic. NHDC meets only 8% of handloom sector requirement. Weavers want yarns at subsidized rates.

Hank Yarn Obligation Act obligates manufacturers to produce 40% of yarns in hank form so that handloom weavers can use it. But manufacturers violets it. Weavers want this Act to be implemented.

While the Ministry has taken initiatives, it's worth noting that it doesn't match the demand of the weaving community. When the pandemic hit, civil society groups had demanded actions from the Ministry suggesting an economic relief package and loan waivers. But no fruitful results were seen.

Endnotes

- 1 NITI Aayog Multidimensional Poverty Index 2021
- 2 <https://www.wfp.org/countries/india>
- 3 https://sbi.co.in/documents/13958/10990811/01112021_Ecowrap_20211101.pdf/a4a69fed-e227-6da0-d217-a8474a5ae982?t=1635764900143#page=2
- 4 <https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?locations=IN>
- 5 <https://www.businessinsider.in/india/news/the-number-of-working-women-in-india-has-been-steadily-declining-heres-why/articleshow/82823052.cms>
- 6 Article 22, Universal Declaration of Human Rights
- 7 <https://app.powerbi.com/view?r=eyJrjoiNTRjOGUwMmEtYmJmC00NGZkLWJkNDItNTgwZTA2MzBkZWNIiwidCI6jA2ZjUzZmMjMm-LTk3NTItNGVjNi04Y2Y4LTlzM3YmM2ZDO2MSJ9>
- 8 <https://thewire.in/labour/by-putting-the-onus-of-registration-on-workers-e-shram-ignores-responsibility-of-employers>

Social Protection

Everyone, as a member of society, has a human right to social protection. Unfortunately, informal workers in India have no coverage of social protection and incur high costs out of their meagre incomes for all contingencies such as illness, children's education and old age. This is so because legislations, as they exist today, only apply to those workers who have a clear employer-employee relationship.



More than 90% of workers in India in the informal sector, with high levels of work and income insecurity.

(Source: SBI, 2021)

Promise:

Social Security Benefits as per ILO Convention 102 of 1952 and Indian Social Security Legislations				
	Social Security Component (ILO) [ii]	Provident Fund	Employee State Insurance	Employee's Compensation
1	Medical Benefit		✓	✓
2	Sickness Benefit		✓	
3	Unemployment Benefit		✓	
4	Old age Benefit	✓		
5	Employment Injury		✓	
6	Family Benefit		✓	
7	Maternity Benefit		✓	
8	Invalidity Benefit	✓	✓	✓
9	Survivor's benefits	✓	✓	✓

Reality:

- Less than a quarter of the population covered by at least one social protection benefit.
- Less than half of persons above retirement age receiving pension
- Only 6% of people with severe disabilities collecting disability social protection benefits.
- No unemployed persons receiving unemployment benefits
- Only 4% of employed persons covered in the event of a work injury
- Only 16% of vulnerable persons covered by social assistance

(Source of above 5 points: ILO World Social Protection Database)

7. Inequality

The Rich Man In His Castle, The Poor Man At His Gate

India remains one of the countries that has not been able to report on the SDG target of the rate of growth of the poorest 40% households since the goals were ratified. This is primarily because much of the data on wealth, income or consumption inequality has not been updated since 2011-12.

The richest 98 Indian billionaires had the same wealth (Rs. 50.1 lakh crore) as the poorest 555 million people in India, who also constitute the poorest 40%¹. The top 10% holds 57% of the total national income while the share of the bottom 50% was just 13% in 2021². India now has more billionaires than France, Sweden and Switzerland combined, with a 39% increase in the number of billionaires in India in 2021³. As per the Forbes Billionaires Report, in October 2021, the collective wealth of India's 100 richest hit a record high of Rs. 59.1 lakh crore. While the wealth of elites grew, the Indian middle class may well have shrunk by a third. Simultaneously, the number of poor people earning less than Rs 150 per day doubled⁴. 84% of households in India suffered a decline in their income⁵.

The concentration of extreme wealth in the hands of the few is accompanied by horizontal inequalities in terms of gender, caste, disability and minority status. Research undertaken during this period shows high social inequalities. Female earnings were 63% of male earnings, earnings of the Scheduled Castes were 55% of the earnings of the relatively advantaged social groups, and rural earnings were only half of the urban earnings in 2018-19.⁶ Multigenerational mobility for Muslims in education and occupation has decreased in comparison to Hindus over three generations⁷ ⁸. Inequality also shapes the extent to which communities are able to claim their rights- inequality in land ownership and hierarchies of caste have shaped the abilities of small and marginalized farmers to organize collective action against land acquisition⁹.



Inequality leaves an indelible mark on peoples' lives. The neonatal mortality of the poorest wealth quintile is three times that of the highest wealth quintile,¹⁰ highlighting inequalities experienced even by the young child. The lives of India's poorest households are on average 7.6 years shorter than that of its richest 20% households¹¹. Upper-caste women live 15 years longer¹². While the rich have the best education, the poor barely get any schooling at all and, and when they do, it is of poor quality. Far from ensuring a common school system, the Indian government often discriminates, with the median expenditure in government schools being

58% of the expenditure in its Kendriya Vidyalayas¹³, aimed at bureaucrats in transferable jobs. This leads to grossly unequal development outcomes with the poor and marginalized communities having poor development outcomes.

Inequality has been a rising area of concern for citizens in India. As per the findings of IPSOS' *What Worries the World* survey, 23% of respondents from India considered poverty and social

inequality to be the most critical area of concern in January 2022 (only behind the pandemic and unemployment and jobs).¹⁴

Information about inequality

In February 2020, the Minister of State for Finance informed Parliament that data on income/wealth is not maintained by the government. India remains one of the countries that has not been able to report on the SDG target of the rate of growth of the poorest 40% households since the goals were ratified. This is primarily because much of the data on wealth, income or consumption inequality has not been updated since 2011-12. 140 countries have more updated information on income inequalities than India – with 20 countries updating income inequality data annually¹⁵. In the absence of updated statistics, the only official source of information is through civil society and academic initiatives – viz the World Inequality¹⁶ and the Oxfam Inequality reports¹⁷ respectively (the latter is accompanied by an India supplement¹⁸). India's levels of wealth inequality have been highlighted in both.

Government actions with an impact on inequality

- In 2019, the government cut corporate taxes from 30% to 22%, amongst the lowest in the world¹⁹. These cuts were, at the time, calculated to result in a loss of revenue of Rs. 1.45 lakh crores to the exchequer²⁰. Over 80% of Indians surveyed by the Fight Inequality Alliance supported increased taxes on those who earned record profits during the pandemic,²¹ however, India continued to rely on indirect taxes that place an undue burden on the poor. Regressively, the Goods and Services Tax (GST) remains the biggest contributor to tax revenues, ahead of corporate and other taxes²². In so doing, it has failed to adequately explore alternative sources of revenue to fund the government's development agenda. It is estimated that the combined wealth of India's 10 richest individuals is enough to fund the School and Higher Education of every child for 25 years. This is also part of an ongoing trend of growing private wealth; the World Inequality Report 2022 estimates that the ratio of private wealth to national income increased from 290% in 1980 to 555% in 2020, one of the fastest such increases recorded worldwide in history²³.
- The central government consistently increased the excise duty on fuel at a time when global crude prices were falling. Instead of taxes on the super-rich, it used taxes on petrol and diesel to fund vaccines and other social schemes²⁴. In a survey by Oxfam India, 55% of respondents were of the opinion that the government should impose a one-time tax of 1% on the net worth of India's 1000 richest families to fund free vaccines for everyone²⁵.
- India continues to experience jobless growth and high unemployment rates with the poor and the middle class worst affected²⁶. A year into the pandemic, 230 million Indians slipped below the national minimum wage threshold²⁷. Small businesses were worst affected – a survey of 81,000 self-employed and micro or small businesses found that 78% of them incurred losses²⁸.
- India has failed to address the combination of social and economic factors contributing to unequal outcomes among the rich and the poor. Health outcomes have remained grossly unequal, especially on the back of chronic budgetary neglect of the core issues of the sector, including the pandemic²⁹.
- Inequality is not just killing people but destroying the planet. The World Inequality Report

2022 highlights that while the bottom half of the population accounts for only 1 metric tonne of carbon emission per year, the top 1% emits 32.4% on average³⁰. India must do more to address climate change, including the transition to clean energy sources and wealth or corporate taxes with pollution top-up³¹.

Civil society contributions/impact in development and current challenges in functioning



Growing inequalities have prompted a debate within civil society organisations and the mainstream media. Prominent national and global reports like the World Inequality Report and the Oxfam Inequality report (along with its India supplement) have sparked discussions amongst policymakers. Several mentions regarding increasing inequality have been made in Parliament based on this increasing evidence. Furthermore, the Fight Inequality Alliance, a network of diverse CSOs, has also undertaken on ground mobilization to increase awareness on and shape the popular narrative around the issue. In 2022, the FIA India mobilized during the global protest against inequality and undertook a pre-budget survey highlighting its recommendations to the government for narrowing existing inequalities.

Recommendations

- Track data on income inequality and make it publicly available.
- Strengthen progressive taxation, including implementation of increased taxation on the super-rich, and re-distribute income thus generated to bolster human capital in the country through strengthening public services and social security for the poor.
- Put in place adequate social protection mechanisms for all, enforce living wage for all workers, stop labour abuses, and protect the rights of workers to organise, thereby reducing the gap between informal and formal sector workers.
- Ensure that no Indian falls into poverty because of health expenses and provide equal chances of survival for the rich and poor. Provide universal access to free and quality health services at publicly-funded health facilities with adequate infrastructure and human resources. Effectively regulate the private medical sector and ensure observance of patient's rights, regulation of rates and quality of various services.
- Address intergenerational educational inequalities
- Address all forms of inequality experienced by India's marginalized communities like Dalits, Adivasis, Muslim minorities, persons with disabilities and women and transgender communities.

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Inequality

Data on income/wealth is not maintained by the government. In the absence of updated statistics, the only official source of information is through civil society and academic initiatives.



The richest
98
Indian billionaires
had the same wealth
as the poorest 555
million people
in India

(Source: Oxfam India- Inequality Kills, India Supplement)



Lives of India's poorest households are
7.6 years shorter than that of its richest
20% households

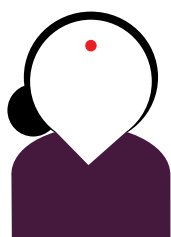
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India now has more billionaires
than France, Sweden and
Switzerland combined.

(Source: Oxfam India- Inequality Kills, India Supplement)

The concentration of extreme wealth in the hands of the few is accompanied by horizontal inequalities in terms of gender, caste, disability and minority status.



Female earnings only

63%
of male earnings

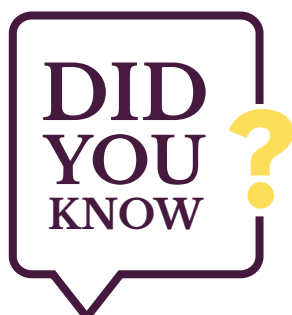


Earnings of the Scheduled
Castes only 55% of the
earnings of the relatively
advantaged social groups



Rural earnings only
half of urban earnings

(Source- Anand, I., & Thampi, A. (2021). The Crisis of Extreme Inequality in India <https://doi.org/10.1007/s41027-021-00335-9>. Author calculations using PLFS 2018-19 data)



- The ratio of private wealth to national income increased from 290% in 1980 to 555% in 2020- one of the fastest such increases recorded worldwide in history.
- The combined wealth of India's 10 richest individuals is enough to fund
 - The School and Higher Education Department for 25 years, or
 - The implementation of Ayushman Bharat for seven years.

8. Urban Poverty

Social Protection Will Help The Urban Poor Bounce Back

While there was an urgency to announce social protection measures as a response to safeguard people's health and secure livelihoods and incomes, it is also imperative to also focus on the significant gaps in coverage, access and adequacy of these measures.

Urban poverty refers to the set of economic and social difficulties found usually in industrialized cities and are the result of a combination of processes such as the establishment of comfortable living standards, an increase of individualism, processes of social fragmentation and the dualization of the labor market, which translates into social dualization (Cano, 2019)¹. According to the United Nations Development Programme (UNDP), India: Urban Poverty Report 2009, the nature of urban poverty poses a distinct shortage of affordable housing, water, sanitation, health, education, social security, livelihoods, and the special needs of vulnerable groups such as women, children and the aging². It further adds that most slum dwellers do not have access to clean water, sanitation and health care facilities. According to the report, some 54% of urban slums do not have toilets; public facilities are unusable due to a lack of maintenance.

Poverty data in India is at the moment highly contentious. There are a wide range of estimates for poverty changes since the last (accepted) estimate of 22.5% for 2011-'12. These oscillate between an increase (unreleased National Sample Survey, 2017-'18) to a near-elimination by 2019 (Bhalla and coauthors) with the Roy and van der Weide 2019 estimate falling in-between at about 10% (Sandefur, 2022)³. While poverty data and poverty lines have been long debated since they focus on income and consumption. Poverty is also understood as being multidimensional in nature - with health, education, and standard of living being indicative of the same.

This missing poverty data and has implications for the urban poor, especially in the light of the COVID-19 pandemic. Research has highlighted the differential impacts of the pandemic on the urban poor and their inability to cope with multiple shocks, owing largely to the multidimensional nature of poverty (APU 2020⁴, YUVA 2020⁵, YUVA & UNICEF 2021⁶). The emergence of the 'new poor' has also been seen during this period. Simultaneously, the pandemic has revealed social protection gaps in terms of pre-existing legislation as well as coverage of schemes and recovery measures for the urban poor who are mostly engaged in the informal economy. With poor data, this has led to a renewed attempt to enumerate or provide for various groups among the urban poor.

Social protection as a measure to mitigate urban poverty

Responding to a suo moto writ petition on migrant workers' plight during the first wave of the pandemic, the Supreme Court in June 2021 ordered the Central Government to speed up the creation of a national database of unorganised workers which has so far been pending for a few decades. The potential impact of this database is staggering — it is intended to ensure registration of India's informal workforce, estimated to be around 415.6 million and forming 90% of India's workforce⁷. As a result, about 400 occupations under broad categories such as agriculture, construction, domestic work, apparel, manufacturing, automobile and transportation, health-care etc. are being captured for the unorganised workers in the age group of 16- 59 years via

the eSHRAM portal. As of 9, May 2022, 27,43,57,485 workers have registered in the portal within which the maximum number of workers (14,25,76,823) belong to the agriculture sector. The enumeration of workers is a first step for any initiatives towards their welfare.

One of the main objectives of the eSHRAM portal is to facilitate the delivery of Social Security and Welfare Schemes to such workers. However not only is there a lack of awareness about this portal but there are some very prominent issues like the digital divide in communities, slow pace of registration, mandatory provision of having Aadhar linkage with phone number, missing occupational identities like waste pickers and home-based workers among many others prevent the enumeration of several vulnerable poor⁸.

To alleviate the conditions of the urban poor during the pandemic, the ministry has launched and implemented schemes.

As of 31 October 2021, ex-gratia of Rs 500 per month for three months has been transferred to approximately 20.40 crores women accountholders under the Pradhan Mantri Jan Dhan Yojana (PMJDY), as per parliamentary data provided by the Ministry of Labour and Employment.

Pradhan Mantri Garib Kalyan Yojana (PMGKY) has disbursed Rs. 2567 crores to retain 38.91 lakh low wage employees. Atal Beemit Vyakti Kalyan Yojana (ABVKY) has given financial assistance of Rs.7413 crore to 59507 beneficiaries. Rs. 5618 crores were disbursed to 1.83 crore construction workers and during the second wave, Rs. 1795 crores have been disbursed to 1.23 crore workers under the BOCW relief. Similarly, under SVANidhi Scheme, 30.75 lakh loans amounting to ₹3,095 Cr have been sanctioned and 27.06 lakh loans amounting to ₹2714 Cr have been disbursed.

However, to avail of these schemes, research suggests that owing to a lack of legal identity documents, people struggle in availing of these benefits. While many are unaware of these schemes and benefits, others do not have any idea about the process of how to avail of these schemes. In other words, welfare schemes don't work if nobody knows about them⁹. Many have also reported that they face hurdles like paying bribes to the facilitators to get access to schemes. It has also been seen that a large population relies on NGOs and Community based organisations to ensure access to these benefits.

Case Study of Two Respondents who received ration through One Nation One Ration Scheme *(Source: YUVA, UNICEF 2021)*

Malik had migrated to the city of Mumbai to live with his daughter and son-in-law because he found it difficult to work after a recent stomach operation. In the city, he felt embarrassed and indebted to his son-in-law, who was providing for them. So when he heard about the ONOR scheme, he tried to approach the ration shop, but was turned away because his NFSA card had his village address written on it. "The shopkeeper told me that he received enough ration only for the people who lived close to the shop and were registered under the PDS from there. He couldn't provide grain to anyone else."

Unfamiliar with the intricacies of the ONOR scheme, Malik returned the next time with a social worker, who produced to the ration shop owner his food grain entitlement on the Mera Ration App and asked why Malik's family was being denied ration. After that, the production of the ration card along with the Aadhaar card were enough for Malik and his wife to take home their share of the food. Yet he is convinced that many who tried before and after him would continue to be denied. "The only reason I received my ration is because I was supported by a social worker who knew about ONOR, and he came with me to the ration shop. Without him, I wouldn't have received anything."

Vilas, another resident of Mumbai faced similar difficulties when he moved within the city. His saffron ration card was previously registered at his previous address in Mumbai's Kanjurmarg suburb. Yet, when he lost his job and moved to Chembur, the ration shop in his new neighbourhood refused to provide him with ration because his new address did not reflect on his ration card. Unconvinced, he spoke to a NGO worker who to him his entitlement under the ONOR scheme. The next time he went to the ration shop, she spoke to the ration shop owner over the telephone and convinced him to provide Vilas with his 5 kg. entitlement of grain. Now he is able to receive ration based on card portability.

Assessing ground reach of relief and related schemes:

A report by IGSSS and YUVA titled 'Seeking Justice for Informal Workers During the COVID-19 Second Wave' (2021)¹⁰ assessed relief for informal workers during the second wave. Findings highlighted that during the second wave of the COVID-19 pandemic, a larger number of state governments provided relief to more types of informal workers in comparison with the first wave. The report stated that 'this is an important recognition of the workers' vulnerabilities during a crisis. What emerges clearly is that the legal recognition of different worker groups is a necessary precursor for that group to be included in government relief programmes. There remains, however, severe lacunae in ensuring relief and social protection for the most vulnerable among these workers.

While there was an urgency to announce social protection measures as a response to safeguard people's health and secure livelihoods and incomes, it is also imperative to also focus on the significant gaps in coverage, access and adequacy of these measures. While many welfare measures announced at the national level, such as the extension of the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), Jan Dhan Yojana, promise to speed up the One Nation, One Ration Card scheme, PM SVANidhi credit scheme among others, state governments announced limited measures for informal sector workers (restricted to cash transfers, rations and some social security measures) whose access to relief was conditional upon their prior registration.

Other workers like domestic workers, waste pickers, unregistered street vendors, rickshaw pullers, etc. were excluded, even though their financial suffering was evident. Although the government response the second time around has been a bit more nuanced, the fundamental problem of lack of social protection remains. As per the study, the 10 surveyed state governments released a total of 33 orders specific to the four worker groups, namely, construction workers, domestic workers, street vendors and waste pickers. Only three orders were passed by the Union Government of India, specifically in favour of the four groups – construction workers, street vendors, waste pickers and domestic workers during the second wave. The question of livelihood protection and formalisation was not addressed in any of these circulars and announcements. These groups barely recovered from their well-documented woes from loss of lives and livelihoods but the union, as well as the state government, remained largely unresponsive, except for very generalised relief measures.

Food insecurity prevails

The Hunger Watch Survey, conducted between December 2021 and January 2022 by the Right To Food Campaign and the Centre For Equity Studies is based on the Global Food Insecurity Experience Scale developed by the United Nations' Food and Agriculture Organization. Findings

revealed that even after two years into the pandemic, more than 80% of Indian households surveyed across 14 states reported experiencing food insecurity and 32% have lost wages. It highlights the ineffectiveness of the Public Distribution System (PDS) and the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), which made provisions for the distribution of free food grains as part of the central government's COVID-19 safety net. The report states that COVID-19 has hit India's urban poor more than those in villages as the urban poor have seen a decline in income and have been left hungrier, though this was not the case earlier. For example, the consumption of grains and pulses was at least 12 percentage points lower for urban respondents and some 54 per cent of urban respondents had to borrow money for food while this was 16 per cent lower for rural respondents¹¹.

Recommendations

Government schemes need to reach out to the urban poor: One of the core objectives of the authorities must be to strengthen the capacities of local administration and institutions to reach the poor and vulnerable groups with information on government entitlements.

- **Social audits of social protection schemes:** Social audit is a tool to narrow the gap between the mission of any scheme or service and the implementation process. In order to create an accountability system in the governance, it must be a legally mandated process where citizens and authorities can monitor the implementation of a scheme by comparing official records with ground realities.
- **Sensitive, participative planning and governance:** The urban poor need to be at the center of planning and policy-making decisions. Authorities must ensure that the poor have access to basic services like clean water, electricity, social security, and the right to have sustainable and safe livelihood and affordable housing with land rights. Urban poverty highlights issues in housing, basic services (water, sanitation), basic infrastructure (health, education), social security and livelihoods along with special needs of vulnerable groups. To address urban poverty would mean addressing each of these aspects.
- **Safeguard dignity of the poor:** Vulnerable sections among the Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic Tribes, women, children, the elderly, transgender persons, persons with disability were affected disproportionately during the lockdown. A robust social protection system for the urban poor must be responsive to evolving challenges and crisis situations and be able to ensure people's rights and dignity are constantly safeguarded.
- **Strong local governance systems:** In order for urban India to respond to its challenges it is crucial to ensure strong local governance systems. The 74th Constitutional Amendment Act (CAA) mandates the powers of urban local bodies and people's participation in urban governance. Central and State governments must facilitate decentralisation of governance and devolution of powers as mandated by the Constitution. Local governments must further ensure people are engaged and have avenues to participate meaningfully in decisions that impact them.

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SECTION 3

1. Civil Society

Trusted by the Public. Abused by the State.

Adding to the already collapsing democratic framework of the country, COVID-19 amplified the practice of autocracy and further deteriorated the state of minorities, the space of social activists, and the working of NGOs.

As the second wave of the COVID-19 crisis, in 2021, devastated both, urban and rural India alike, the State, civil society, and communities were seen struggling with a collapsing healthcare system, lack of basic necessities, mainly food and medicines, unemployment and loss of livelihood, vaccine hesitancy and many more complex problems. However, civil society actors emerged as the heroes who saved the day in those extremely difficult times. Civil Society Organisations (CSOs) took on the challenge of COVID-19 head-on.

Amidst all these challenges, the constant scanning of the foreign funds being diverted to Indian CSOs has been a drill. It was implied tactfully, with many established and well-known organizations losing their license to receive funds from overseas. The scope of Corporate Social Responsibility (CSR) was restricted in terms of its utilization, expanding the ambit of what could fall under a commercial and taxable activity, thereby imposing stricter application of the Income Tax regulations, which has not only scared the donors and chased them away but also put the CSOs in a state of adversity.

Apart from this, the Prime Minister Citizen Assistance and Relief in Emergency Situations (PM-CARES) Fund also attracted a major portion of available CSR resources, after the government amended the Companies Act, making the fund eligible to receive CSR money.¹ In totality, seeking funding from became increasingly difficult for CSOs, irrespective of the origins of the funds, whether foreign or local.

The role of civil society in mitigating COVID-19 on the one hand, and the impact of the State's actions on the sustainability of civil society organisations in India, are two stories in contrast.

It has led to one question: Why does the State mistrust civil society?

Challenges for civil society persisted due to fragile partnerships between NGOs and the State during the COVID-19 upsurge. India's public distribution system (PDS) was also seen collapsing.² There was inadequate access to the system meant that food security was at stake, especially for the poorest, marginalised and most vulnerable families. Civil society found it extremely difficult to cope with the social and economic impact of the pandemic amidst the crumbling public health system in India.³

The number of people who lost their lives while waiting in queues as they tried to access life-saving care or those who succumbed to death in hospitals due to a lack of oxygen supply was alarming and extremely concerning. One of the reasons for this shattering impact of the pandemic on India's health system was a meagre 1% of the GDP being spent on public health.⁴

In May 2021, India reported more than 3,00,000 new COVID-19 cases, daily – the highest rate of daily infections across the world.⁵ The death rate also exceeded the 3,000 mark every day and crossed a record high of 4,205 on May 11 (according to the government's own documents).⁶ Despite these overwhelming statistics, the WHO has said that the actual number of deaths and that of affected individuals is way beyond the official count⁷.

There was a nationwide shortage of hospital beds, oxygen cylinders, drugs, vaccines, and testing facilities. Experts criticised a lack of planning and flexibility in the COVID-19 response by the Indian government⁸.

While the effect of the pandemic was impartial towards all sections of society, the most vulnerable populations of the country were the worst impacted. The exodus of migrants during the first wave saw international press coverage. However, during the second wave, the migration was silent and the COVID-19 pandemic and the resulting lockdown had an equally devastating effect on the migrant workers.

Given the failure of the systems, the contribution of CSOs proved to be crucial in addressing the issues of the Indian citizens. CSOs and voluntary groups stepped forward to make ends meet, despite the shortage of resources for themselves. They provided water, food, sanitary items, temporary accommodation, masks, first aid and medicinal supplies, and even footwear to migrant workers. They also arranged medical equipment, oxygen cylinders and medicines for the sick and their care-givers and did their best to bridge the gaps in the health infrastructure wherever possible. They took the responsibility of bidding a respectable farewell to the thousands of unidentified and unclaimed bodies of casualties caused by COVID-19. They operated several COVID-19 testing facilities, ration distribution camps, oxygen refilling services, ambulance on-call services, and much more.

However, the majority of the CSOs in India, which were funding their COVID-19 mitigation activities from existing projects, shut down or reduced the expanse of relief measures due to a lack of funds forced by the changes in regulatory frameworks brought in the midst of the pandemic. In addition, the organizations heavily dependent on CSR funding faced severe challenges in arranging resources as all CSR money was being channelled to the PM-CARES fund⁹.

While on one hand, the contribution of the civil society in combatting the effects of the pandemic was recognized even by the State, the introduction of the FCRA Act at the same time raised suspicion. The Act put a restriction on the reallocation of funds, reduced the umbrella of permitted administrative expenses significantly, and directed all CSOs to have their FCRA bank accounts in a single specific branch of a specific government bank.

FCRA, which was initially introduced to ensure there was no foreign interference in the political space, has now been converted into a means to restrict the civic space. Many development sector leaders, activists, and organizations with decades of credible functioning and contributions to the development of this nation and its vulnerable communities are now threatened for their sustenance. As a result of these amendments, CSO outreach for ventilators and oxygen cylinders from overseas was also restricted, which could have been a huge relief to those in need.

While corporate laws are being brought in line with the global trends, civil society regulations in India have seen no improvements towards an enabling environment. There is a push towards boosting start-ups and make India self-reliant, while new NGOs face intense scrutiny under the FCRA and other laws. To complicate things further, there are disparities in central and state laws and regulations governing CSOs in India, causing differences and unwarranted hang-ups in the governance of civil society sector in the country.

Indian democracy is in a state of a paradox today. Adding to the already collapsing democratic framework of the country, COVID-19 amplified the practice of autocracy and further deteriorated the state of minorities, the space of social activists, and the working of NGOs. These elements are factored in a worldwide debate on this shift from democracy to authoritarianism in India. The pandemic also unveiled the frailty and inadequacy of the government, highlighted by millions of people succumbing to COVID-19, which has been hugely criticized all over the world. It also indicated the lack of aptitude of the government to respect democratic values, demonstrated

through unabashedly bypassing the legal procedures of passing bills and laws. However, the state was never held accountable for its part in curbing the CSOs from receiving information and providing humanitarian aid to the affected.

In an ideal scenario, the role of the government is to regulate, not to control. However, in the Indian context, it is a usual practice for the State to interfere, overpower, scrutinize, and impose overbearing compliances on CSOs with the intention of restricting their operations. Government is expected to establish mechanisms to strengthen partnerships with the CSOs and enable them to promote social welfare in the twenty-first century. Sadly, a top-to-bottom chain of control has been forged, rather than developing a network of trust and cooperation, where all the players can contribute toward a common goal.

Recommendations

India has some extremely important problems to address and civil society will play a remarkable role in doing so. Therefore, certain urgent measures are recommended keeping in mind the sustainability of the sector. These include:

- The existing laws or regulations impeding the functioning of the civil society sector must be repelled. There are already enough means to monitor the actions of CSOs and ensure that they function transparently.
- Being a democratic country, the Indian government must provide a platform for CSOs to raise their voices without fear. Dissent and criticism must be accepted equally readily, as are agreements and praises.
- The government's policy of "ease of doing business" provides an enabling environment for the business sector. However, this policy must also cover civil society and might be renamed "ease of doing social welfare".
- Developing a self-regulatory mechanism ensuring transparency, regulated by a single independent entity, is recommended.
- The only way to deal with the current crisis and the emergencies that might exist in the future is by bringing together the community as a whole, where the civil society, CSOs, and government entities work synergistically and can co-exist.

Endnotes

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2. Civic Space

Shrinking Civic Space And Challenges For Civil Society In India

If the last year's review saw India enjoy the ignominy of a nation that jailed comedians for jokes they did not make, this year saw the country added to the list of nations that allegedly used the Pegasus surveillance software on journalists, activists and members of civil society.

The space for civil society in India has continued to shrink at an unprecedented pace since the last governance review by WNTA in 2021. The playbook is not unique to India and has been used by regimes over time in many other contexts across the world. Concerted attacks minorities and those holding views inimical to the government, de-legitimisation of civil society by portraying them as foreign agents, the use of social media to spread fake news and disinformation, disenfranchisement of sections of the population and use of reprisals against organisations and individuals are the principal tools used against both political opponents and civil society actors.

In India the year that went by saw many new lows marked by the continuing uncertainty on renewal of Foreign Currency Regulation Act (FCRA) registrations by the Ministry of Home Affairs¹. The denial of FCRA renewals to several organisations including Oxfam India on the grounds that it is against the public interest had the intended chilling effect.² The self-censorship that various institutions were exercising earlier is now near universal. The recent Supreme Court judgement has further demoralised institutions as it makes sweeping observations against NGOs and goes so far to state that they do not have a fundamental right to receive foreign funding and raises repeated aspersions on the work of civil society³.

More worryingly, the increasing use of provisions under the Prevention of Money Laundering Act (PMLA) and the use of the Enforcement Directorate (ED) to probe CSOs is now gaining traction with several cases being registered this year. The cases foisted under PMLA on the Centre of Equity Studies (CES) which is led by Harsh Mander (Robert Bosch Foundation Fellow and Nobel Peace Prize nominee) is a case in point⁴. As is the recent preliminary enquiry initiated by the ED against the Narmada Bachao Andolan (NBA) on donations that they had received seventeen years ago⁵.

Student leaders arrested for mobilising citizens against the CAA-NRC continue to remain in prison under the draconian provisions of the Unlawful Activities Prevention Act (UAPA) and they are likely to see long years of incarceration before they get judicial relief⁶. Invoking of similarly draconian laws against journalists and civil society leaders in Kashmir and other states has picked up pace in the last year⁷.

The tightening of many of these laws, including the FCRA, UAPA and PMLA were an outcome of the recommendation of Recommendation 8 of the Financial Action Taskforce (FATF) which followed 9/11 in the United States and the subsequent "war on terror". Recommendation 8 which originally stated that 'non-profit organisations are particularly vulnerable to terrorist financing abuse' was subsequently revised and written down in 2016 following pressure from civil society organisations globally⁸. However, the weaponization of these laws continues unabated in India. The only silver lining here is that the upcoming FATF review of India slated in 2023 offer the government an opportunity to consider writing down the more punitive aspects of these laws to make India more compliant with updated FATF guidelines.

If the last year's review saw India enjoy the ignominy of a nation that jailed comedians for jokes they did not make, this year saw the country added to the list of nations that allegedly used the Pegasus surveillance software on journalists, activists and members of civil society.⁹ In the digital space, activists continue to be prosecuted for tweets and other social media posts, and on occasion even jailed for criticism of the State¹⁰. Civil society is not just bearing the brunt of the poor application of bad (and unjust) laws but is also gravely impacted by the new regulations by the RBI on recurring payments which has crippled the ability of small NGOs to raise recurring funds from retail donors.

Similarly, the new Rules and Guidelines issued under the Information Technology Act will haunt¹¹ journalists, activists and civil society in the years to come as it makes officials of social media companies criminally liable for posts by third parties. This is likely to lead to a much higher level of censorship by Meta, Twitter and other social media companies, than they exercise now.

State action over the last few years has also exposed the state of disarray in the formal civil society space (registered NGOs) in India and their complete inability to rise to the occasion and mount a coherent challenge either by addressing the popular narrative, litigating against unjust laws or even popular mobilisation. Paralysed (often) by fear of state reprisal, resistance has rarely, if ever, gone beyond a stray quote/ social media post or the occasional opinion pieces in the media. If the intent of the Indian State was to chill them into inaction if not craven subservience, they have (largely) succeeded as most organisations choose to endure in silence and crawl when they are asked to bend.

The positive lining to end this review would be that India continues to be the epicentre of democratic movements led by ordinary citizens that ever so often manages to restore the balance of power between the state the citizen. The success of the farmers' movement and the rollback of the farm laws proved that once again.

Endnotes

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3. Human Rights

A Year of State Led Abuse, Impunity and Intimidation

Unlawful and politically motivated restrictions were placed on freedom of expression and assembly throughout the year gone by and outspoken journalists, media outlets, actors and human rights activists were threatened and intimidated through the misuse of over-broad laws.

The authorities used repressive laws to silence critics by curbing freedom of expression both offline and online. Human rights defenders, including activists, journalists, students, lawyers and actors, continued to face intimidation and harassment. Independent investigations revealed a massive unlawful surveillance apparatus being used by the government against human rights defenders, violating their rights to privacy and non-discrimination.

The foreign contribution law was misused to crack down on non-governmental organisations (NGOs). Police and security forces used excessive force against members of minority communities and farmers protesting peacefully against farming laws. Courts undermined the right to a fair trial and delayed hearing crucial cases involving violations of human rights. In the context of COVID-19, lack of transparency over the distribution of funds increased and the right to health was undermined. Caste-based discrimination and violence against Dalits and Adivasis continued unabated. There has been a massive uptick in the violence against minorities particularly Muslims and Christians across country, fuelled by hate speeches with state, very often being an active participant.

Freedom of expression and association

Unlawful and politically motivated restrictions were placed on freedom of expression and assembly throughout the year gone by. Outspoken journalists, media outlets, actors and human rights activists were threatened and intimidated through the misuse of over-broad financial laws. On 28 July, multiple offices of the Dainik Bhaskar group, a Hindi-language news daily, were raided by tax authorities. Earlier, Dainik Bhaskar had reported on the mass dumping of bodies of COVID-19 victims along the river Ganges due to high cremation costs. Between 10 and 16 September, the offices of media outlets News Click and News laundry, as well as the house of actor-philanthropist Sonu Sood and the offices of human rights activist Harsh Mander, were raided on alleged charges of tax evasion and diversion of funds for “religious conversion”.

The Foreign Contribution Regulation Act (FCRA) was misused by government agencies to silence NGOs. In June, the Ministry of Home Affairs suspended the FCRA licence of the Commonwealth Human Rights Initiative, a human rights organization working on access to information and justice. The Ministry also cancelled the registration of 10 international NGOs working on environment, climate change and child labour issues, and placed more than 80 philanthropic and human rights agencies on a “Prior Reference Category” list without citing any reason. Among other organisations who lost their FCRA licenses this year include Oxfam India, Human Rights Law Network and Anandi.

In July 2021, the Pegasus Project, an international investigative journalism initiative, exposed the

unlawful surveillance of Indian citizens through the government's alleged use of Pegasus spyware. At least 300 phone numbers of human rights defenders, journalists, lawyers, government officials and opposition politicians were potentially compromised. The spyware, as examined by Amnesty International, enabled government agencies to monitor all phone activity, including emails, files, contact lists, location information and chat messages. It also enabled governments to secretly record audio and video using a phone's built-in microphone and camera. Parliament members from the ruling Bharatiya Janata Party (BJP) stalled all attempts by opposition leaders in Parliament to initiate an investigation into the allegations. On 27 October, the Supreme Court ordered the formation of a three-member committee to conduct an independent investigation into the use of Pegasus spyware for unlawful surveillance.

The names of many human rights defenders, including lawyers and academics, were added to the government's Union War Book as "enemies of state" requiring "surveillance at all times". The book is a colonial-era document which compiles information related to security threats.

In May last year, the government enforced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules without the necessary public consultation and despite pending litigation in various courts. The Rules regulate so-called Over-the-Top (OTT) platforms such as television streaming services, as well as news media platforms. They allow for the blocking and censoring of content without any legislative backing. The introduction of the Rules also mandated the identification of the originator of certain information on social media, effectively breaking end-to-end encryption and violating the right to privacy.

Arbitrary arrests and detentions

Thirteen human rights activists continued to be detained under the Unlawful Activities (Prevention) Act (UAPA) anti-terror legislation. They were academics Anand Teltumbde, Shoma Sen and Hany Babu; tribal rights activist Mahesh Raut; poet Sudhir Dhawale; lawyer Surendra Gadling; writer Gautam Navlakha; activists Rona Wilson, Arun Ferreira, Vernon Gonsalves and Sagar Gorkhe; and two members of the cultural group Kabir Kala Manch, Ramesh Gaichor and Jyoti Jagtap. They were arrested between 2018 and 2020 by the National Investigation Agency (NIA), India's main counterterrorism agency, for their alleged involvement in violence during the Bhima Koregaon celebrations in 2018.

Hundreds of members of the Tablighi Jamaat movement, who were arbitrarily arrested by 11 state governments for allegedly violating visa terms and intentionally disregarding COVID-19 guidelines, were acquitted by the courts. The court judgments called the prosecution "malicious" and held that the state governments abused their power and tried to make "scapegoats" of the accused. In October, several opposition politicians were arbitrarily detained or put under house arrest by the Uttar Pradesh Police for showing their support for four protesting farmers who were killed by a speeding car owned by a union minister.

Discrimination, hate crimes and communal riots

Dalits and Adivasis continued to face widespread abuses. According to official statistics released in September 2021, more than 50,000 crimes against members of Scheduled Castes and 8,272 crimes against Scheduled Tribes were reported in 2020. Dalit and Adivasi women faced sexual violence by men from dominant classes. In June, a 17-year-old Dalit boy was shot dead by dominant-caste men in the city of Bijnor, Uttar Pradesh. The victim had previously lodged a com-

plaint with local police after the men objected to him entering a temple, but the police had not taken any action. In August, a nine-year-old Dalit girl was allegedly raped and murdered by four men including a Hindu priest in a Delhi crematorium, and then cremated without her family's consent. In September, Arbaaz Aftab was murdered, allegedly at the behest of his Hindu girlfriend's parents, who opposed their daughter's interfaith relationship. Dalit and Muslim men were assaulted or beaten to death by vigilante cow protection groups in Assam, Bihar, Jammu and Kashmir, Meghalaya, Rajasthan, Uttar Pradesh, Tripura and Uttar Pradesh. Attempts to pass anti-mob lynching bills were pushed back by the central government-appointed governors.

Hate speeches were made against Muslims by religious and political leaders with impunity. The speeches called for genocide of Muslims, called for rape of Muslim women and demonized religious practices such as banning school-going girls and women from wearing hijab and eating and selling of halal products. As a result, religious violence against Muslims escalated in at least eight states during the festival month of Ramadan. Instead of providing reparations, Indian authorities penalised the victims and survivors of the violence by initiating unlawful demolition of their houses, shops and mosques in Madhya Pradesh, Gujarat, and Delhi and booking them under draconian laws such as the National Security Act.

Christians and Muslims were also harassed with charges of unlawfully converting people to their religion. Violent crimes against Christians rose nearly 75% to 486 in 2021 from 279 in 2020, according to United Christian Forum. According to the Government of India, 3,399 communal riots took place between 2016 and 2020¹.

Impunity

Enforced disappearances and torture and other ill-treatment were committed with impunity on a widespread and systematic basis. In July, an 84-year-old Jesuit priest, Father Stan Swamy, died after being repeatedly denied bail despite suffering from Parkinson's disease and contracting COVID-19 while in jail. He had been arrested in October 2020 by the NIA for his alleged involvement in violence during the 2018 Bhima Koregaon celebrations. Father Swamy had been a vocal supporter of Adivasis, India's indigenous people.

At least 28 people were killed in targeted attacks in Jammu and Kashmir by members of armed groups.

Excessive use of force

The year gone past has seen a number of instances of unlawful and excessive force was used by police and security officers to curb peaceful protests. In August, police beat up peacefully protesting farmers in Karnal, Haryana injuring at least 10 farmers. Prior to the incident, the Sub Divisional Magistrate of Karnal was recorded on video ordering police officers to "break the heads of protesters". In September, police indiscriminately fired on members of the Bengali Muslim community in a forced eviction drive in the village of Sipajha, Assam, killing a man and a 12-year-old boy. A photojournalist was seen stamping on the body of the murdered man as the police officers stood by. In October, the central government extended the jurisdiction of the Border Security Force in states sharing international borders, and gave them disproportionately wide powers of search, seizure, and arrest.

Right to a fair trial

In June, the Supreme Court granted bail to students and human rights activists Natasha Narwal, Devangana Kalita and Asif Iqbal Tanha, who were arrested under the UAPA for allegedly orchestrating the 2020 Delhi riots. However, it barred the judgment from being used as a precedent in similar cases, effectively preventing courts from granting bail to other students and human rights activists languishing in jail for peacefully protesting the Citizenship Amendment Act (CAA). The Supreme Court also delayed hearing crucial cases related to the constitutional validity of the Citizenship Amendment Act, sedition, and the abrogation of Article 370 of the Constitution.

Recommendations

- Immediately repeal Armed Forces (Special Powers) Act, 1958 and 1990 in accordance with India's commitments under the International Covenant on Civil and Political Rights and end the culture of impunity.
- Institute an effective mechanism of redress for victims of violations by security forces,
 - tasked to conduct independent investigation and prosecution in civilian courts.
- Enact modern prisons and police legislations in line with international standards, and after extensive public consultations.
- Fill vacancies at all levels in a time bound manner, ensuring proportionate representation of marginalised groups.
- Prohibit unnecessary arrests, and immediately institute protocols to realize early access to effective legal aid. Empower Police Complaints Authorities with resources, a strengthened mandate and independence.
- Enact the Prevention of Communal and Targeted Violence Bill and review and repeal the following anti-minority laws within one year:
 - CAA 2019;
 - All "anti-conversion" laws which target religious minorities.
- Provide special policy assurance not to implement an all India NPR/NRC;
- Ensure Foreigner Tribunals in Assam follow Indian constitutional and international law standards and detention centres are shut down.
- Ensure that print, digital, and social media platforms and channels maintain high professional standards and regulate hate speech:
 - Facebook to release its Human Rights Impact Assessment Report.
- Stop targeting of minority institutions in the social sector especially those running schools, charities, or children's homes.
- Institute a national legal framework, along the lines of the Asylum Bill 2015 to prevent non-refoulement and govern the legal status of refugees.
- Implement the Whistle-blowers Protection Act 2014 by notifying subordinate legislation and inserting provisions for whistleblowing through the media.
- Immediately ensure compulsory registration and investigation of cases of attacks

on citizens and journalists utilising the RTI Act under the supervision of human rights commissions, information commissions and vigilance commissions and ensure a more proactive disclosure of information by public authorities

- Repeal or comprehensively amend the FCRA, in line with the legal analysis of the Special Rapporteur on Freedom of Association and Assembly.
- Enact a law that recognises and protects human rights defenders, including environmental, indigenous and Dalit defenders in compliance with the UN Declaration on HRDs and other international standards.
- Ensure that the right to access the internet and information is not impeded, particularly using arbitrary internet shutdowns.
- Institute a transparent procedure for the selection of the Chairperson and Members of the NHRC in accordance with international standards and consider appointing members from civil society with credible track records for these positions.
- Provide adequate training and orientation on the Paris Principles and on international human rights standards to NHRC officials.
- Immediately institute a National Action Plan on Human Rights.
- Ratify the UNCAT and its Optional Protocol and enact a comprehensive and effective piece of domestic anti-torture legislation within two years.
- Institute mechanisms, for independent investigation and prosecution of perpetrators in civilian courts without recourse to death penalty; and appropriate reparations, redress, and remedy for victims.
- Immediately accept the standing request to visit from the UN Special Rapporteur on Torture.
- Fulfil India's obligations under all the international human rights treaties that it has ratified and amend all national laws and regulations that are not in full compliance with these treaties, within two years.
- Implement recommendations from UN Special Procedures and, in the spirit of engagement with the Special Procedures, immediately invite all those who have requested visits.

Endnotes

1 <http://164.100.24.220/loksabhaquestions/annex/178/AU4277.pdf>

SECTION 4

1. Adivasis

Inclusive Development Not Possible By Dispossessing Adivasis

Adivasis represent a disproportionate share of people living below the poverty line, with low literacy rates and poor health status. As per the Global Multidimensional Poverty Index, 2021, Adivasis account for about a sixth of all people living in multidimensional poverty in India.

As per Census 2011, the tribal population of the country is estimated at 104.3 million, constituting 8.6% of the total population, with nearly 90% of them residing in rural areas. The Scheduled Tribes (STs) are notified in 30 States/Union Territories (UTs) and the number of individual ethnic groups so notified stands at 705. Of them, 75 groups are earmarked as Particularly Vulnerable Tribal Groups (PVTG) and have been the subject of special concern for development. Broadly the STs inhabit two distinct geographical areas – Central and North-Eastern India. More than half of India's ST population is concentrated in Central India¹.

Adivasis represent a disproportionate share of people living below the poverty line, with low literacy rates and poor health status. As per the Global Multidimensional Poverty Index, 2021, Adivasis account for about a sixth of all people living in multidimensional poverty in India².

Recognition of tribal culture, language, cognitive strength, curriculum and inherent learning ability of tribal children could revamp the tribal education system of the country. However, there is a long way to go to ensure holistic education in tribal hinterlands³.

The Gross Enrolment Ratio (GER) of tribal students drops drastically from 106.7 at the primary level to 45.2 at the higher secondary level (the lowest among all social groups)⁴. Further, the quality of education provided to Adivasi children at the primary level is extremely poor. Though the government has been giving an impetus to the Eklavya Model Residential Schools (EMRS) for all-round development of Adivasi children, the poor quality of education imparted in the early years of their schooling results in them entering these residential schools with accumulated disadvantages.

The issue of health infrastructure and health services in conjunction with the health status of tribal communities remains a subject of key concern. However, it has not been given adequate attention. Tribal health issues have for long been ignored in India, and the proof lies in the statistics. Under-5 mortality for a child born to a tribal family is 50 per 1,000 births, while for non-SC/ST/OBC children, it is 33⁵. A child born to a tribal family is more likely to die as compared to a child born in a non-tribal family. The chances of dying are as high as 20% during the neonatal period, whereas it is 45% during post-natal⁶.

Public services accessibility to every village in India is one of the key promises of the present government. It boasts of having crossed many milestones during its regime. The Status of Adivasi Livelihoods Report 2021 highlights many gaps in this regard. The findings of the study show that only 46% of the surveyed villages in Jharkhand and 57% in Odisha had public transport services to their block headquarters. The percentage of villages having an all-weather road to block headquarter was 74% in the case of Jharkhand and 72% in the case of Odisha. The average distance of the nearest primary school not in the village was 3 km in the case of Jharkhand and 2 km in the case of Odisha, as opposed to the norm of 1 km under the Right to Education Act. The

study further revealed that 14% of the villages in Odisha and 8% in Jharkhand have no electricity connection. The coverage and availability of mobile networks is even worse⁷.

The promise of justice and inclusive development continues to be elusive. This is most evident in the scale of dispossession from land, forest, and other resources that Adivasis have suffered. This has pushed them to small and marginal landholdings as well as landlessness leading to their impoverishment and vulnerability. Dispossession has been among the most important factors in the impoverishment of tribal people in India. They suffer from the lowest development indicators, yet the process of dispossession continues. 2021 has been no different. For instance, despite strong resistance from the locals, the land acquisition for construction of an MSME park at Rio village under Panposh sub-division in Sundargarh district, Odisha is in progress⁸. Again, despite large-scale protests over mining in the dense forests of Chhattisgarh, the Union government has accorded stage II clearance to the Parsa coal block. The Indian Council of Forestry Research and Education (ICFRE) states that 14 out of the 23 proposed coal blocks in the region should not be given clearance given the dense forest tracks⁹. They would not only lead to the loss of forest cover, but also the rich biodiversity. Further, the mining would disturb the ecological balance and lead to environmental degradation by polluting air and river bodies and thereby contribute to climate change.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a crucial Act safeguarding against discrimination against SCs and STs. The Act came into force to prevent the commission of atrocities against members of the Scheduled Castes and the Scheduled Tribes. However, atrocities against STs increased by 26.5% in 2019¹⁰. In 2020 they rose by 9.3% in comparison to 2019¹¹. The data for 2021 is yet to be released. However, it is unlikely that there would be a decline in 2021 if one were to take the case of Madhya Pradesh. As per the data provided by the Madhya Pradesh Home Minister in the state Legislative Assembly in a written reply to a question asked by an MLA, there had been 33,239 cases registered under the SC/ST (Prevention of Atrocities) Act in a period of four years between January 2018 and November 2021¹².

The auditing of the promise of development carries a mixed bag. The Union Budget 2022-23 has allocated an amount of Rs 87,500 crores as part of the Scheduled Tribes Component (STC) of 41 ministries for the welfare of STs – a mere 12% increase over the STC Budget of the previous financial year. The Ministry of Tribal Affairs has been allocated Rs. 8,451 crores in the 2022-23 Union Budget, an increase of only 12.32% over the previous year's allocation of Rs. 7524.87 crore. Further, the revised estimates for FY 2021-22 show a decrease of 17% in expenditure, highlighting under-utilization of funds.

Recommendations

- Provisions of the PESA 1996, Forest Rights Act 2006, and the LARR Act 2013 be adhered to in letter and spirit in the event of land acquisition or wildlife protection projects.
- The National Commission for Scheduled Tribes be strengthened by ensuring its independence and effectiveness for the speedy redressal of grievances and delivery of justice.
- The shortfall of basic services, including education and health infrastructure and services at different levels of tribal development structure be urgently addressed.

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Adivasis

Adivasis represent a disproportionate share of people living below the poverty line, with low literacy rates and poor health status.



Adivasis account for about **one-sixth** of all people living in multidimensional poverty in India.

(Source: Global Multidimensional Poverty Index, 2021)



Under-5 mortality of tribal children- **50 per 1000 births**; Under-5 mortality of non-SC/ST/OBC children- **33 per 1000 births**

(Source: NFHS-5)



Atrocities against Adivasis increased by a whopping **26.5%** in 2019, with an additional increase of **9.3%** in 2020!

(Source: NCRB, Crime in India 2020)

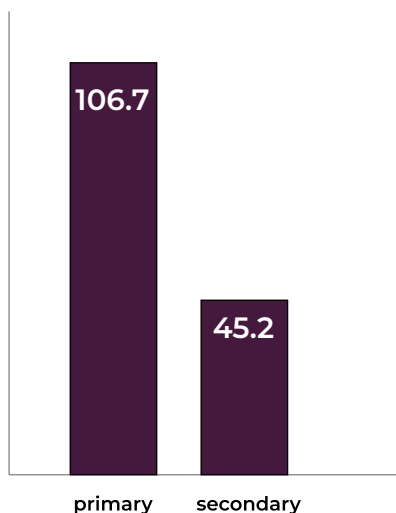


Union Budget 2022-23- only **12% increase** in the Scheduled Tribes Component (STC) for welfare of STs.



Ministry of Tribal Affairs allocated **Rs 7524.87 crore**- an increase of only **12.32%**

Revised estimates of 2021-22 show **17%** decrease from the budget estimates highlighting under-utilization of funds.



Gross enrolment ratio of tribal students
At the higher secondary level, tribal students have the **lowest Gross Enrolment Ratio (GER)** among all social groups.

(Source: UDISE+ Dashboard)

2. Children

Exacerbated Vulnerabilities of India's Children

There exists a geographical diversity in terms of the quality of life enjoyed by Indian children. As per World Vision India's Child Well-being Index 2021, Southern states fare better than the rest of on the Child Well-being Index.

India has made rapid economic growth since the economic reforms of 1991. Per capita incomes have increased and consumption levels too have gone up. Yet, despite constitutional promise of special provisions for children and the enactment of legislations, many children are denied basic rights to education, health, and child protection.

The year gone past has been a difficult period for children. The COVID-19 pandemic exacerbated their vulnerabilities as India witnessed a lethal second wave of COVID-19. Its negative implications on the livelihoods of many households aggravated the vulnerabilities of children further. Many children became COVID orphans. As per NCPCR's 'Bal Swaraj' portal 1,53,827 children have been registered including 1,42,949 children with a single parent¹, 492 abandoned children, and 10,386 children who have lost both their parents. Government launched the PM CARES for Children Scheme in May 2021 which provides support for education and health and creates a corpus of Rs 10 lakh for each child when he or she reaches 18 years of age². Despite this worthy initiative by the government, these children face trauma and other risks to their rights.

There exists geographical diversity in terms of the quality of life enjoyed by children in India. As per World Vision India's Child Well-being Index 2021³, southern states in India are faring better than the rest of the states⁴. Besides, Kerala, Punjab, and Sikkim feature under the best performance category. There are quite a few states; for instance, Bihar, which perform abysmally low on the index.

Digital divide marginalizes the education of disadvantaged children

India is among countries that have had the longest school closures⁵. The number of out of school children has increased as compared to pre-pandemic days, especially in the age group of 6-10 years⁶. India has also witnessed the phenomenon of increase in enrolment in government schools accompanied by a fall in enrolment in private schools⁷. School closures disrupted education with an adverse impact on learning. The digital divide put children from economically weaker sections at a further disadvantage. Many children have struggled in accessing learning materials and teaching support.

Health and Nutrition of children remain a concern

In December 2021, India announced COVID-19 vaccination for children in 15-18 year age group⁸. Vaccination for



12-14 year old children has also started in March 2022⁹. Since vaccines offer a good degree of protection against Coronavirus it is important that children are vaccinated.

The second wave of COVID-19 disrupted the health system and services. Prevalence of diseases like Diarrhoea (7.3%) and Acute Respiratory Infection (2.8 %) remains high among children under five years of age¹⁰. India has made progress in full immunization as percentage of children (12-23 months) who received it has increased from 62% to 76%¹¹. However, it is worrying that about a quarter of all children (12-23 months) are still deprived of full immunization¹².

Nutrition

India's food-sufficiency has not, however, reduced the challenge of under-nutrition, especially child under nutrition. In response to a Right to Information (RTI) query, the government shared that over 33 lakh children in India are malnourished and more than half of them fall in the severely malnourished category¹³. The Women and Child Development ministry estimates that over 33 lakh children in India are malnourished out of which 17.76 lakh are severely acute malnourished children (SAM) and 15.46 lakh are moderately acute malnourished (MAM) children, as of October 14, 2021¹⁴. Large scale surveys like National Family Health Survey (NFHS) and the Comprehensive National Nutrition Survey (CNNS) also show high prevalence of under-nutrition among children in India. COVID-19 and its negative impact on livelihoods are further likely to have exacerbated the magnitude of child under-nutrition. The pandemic also impacted the Anganwadi-centre (AWC) based nutritional service provisioning. 47% of households with a child aged 15 months to 6 years reported that they were receiving less or no food from AWCs, according to a study supported by Bernard Van Leer Foundation¹⁵ with technical support from the NITI Aayog. The launch of Poshan Abhiyan shows the priority and urgency that the government accords to addressing under nutrition, although disruptions caused by COVID-19 pandemic risk the focus and priority being diverted from the Programme. As per Cabinet's approval, Poshan Abhiyan, Government of India's flagship programme to improve nutritional outcomes, will now be implemented in Mission mode.¹⁶



Unabated risk of violence against children

Violence against children leads to serious consequences to health and well-being of children. As per NCRB's latest Crime in India Report¹⁷, a total of 1,28,531 cases of crime against children were registered in 2020. Majority of these crimes were registered under the crime heads of 'Kidnapping and Abduction' (42.6%)¹⁸. Sexual violence against children remains a reality, even though the government enacted the Protection of Children from Sexual Offences (POCSO) Act in 2012 to deal with cases of sexual abuse of children. A total of 47,221 cases of the POCSO Act, were reported (NCRB)¹⁹, with a majority of cases indicating the higher risk that girls are at As per the Crime in India 2020 report 59,262 children (13,566 male, 45,687 female and 9 transgender) were reported missing in 2020²⁰. Cybercrimes committed against children continue to witness an upward trend as these types of crimes increased by more than 400% per cent in one year²¹, with many being about publishing or transmitting materials depicting children in sexually explicit acts²².

Child marriage remains a major driver of child rights violations and though some progress has

been made in reducing child marriage, the latest round of NFHS points out that 23.3% of girls continue to get married before they turn 18²³. As per Census 2011, India had 10.1 million children in child labour and with the impact COVID-19 is having on livelihoods, experts fear that more children are likely to enter the labour force.

As per the Desk Based Study on Sexual Violence Against Children in India conducted by Joining Forces for Children India, there is a wide range of rights-based policies and legislations for children in India. Several states have framed their own specific programmes and initiatives to respond to children in difficult circumstances. However, challenges in the implementation of these initiatives persist at the ground level owing to challenges such as poor infrastructure, staffing patterns, insufficient training and lack of active and efficient monitoring systems²⁴.

Lack of data on vulnerable children poses challenges

A lack of data on vulnerable children remains a major barrier for policy makers as well as implementing agencies. Children in Street Situations (CiSS) are one of the most vulnerable population groups in India. Unfortunately, there is lack of data about number of such children in the country. The lack of information on the magnitude, together with a fair assessment of their current vulnerabilities, remains a major barrier in ensuring their rights. The direction of the Supreme Court to states to identify and enumerate children in street situations and to furnish their information on Balswaraaj portal²⁵ is therefore a welcome development. Apart from CiSS there are many other groups of vulnerable children about whom data is lacking. Data is also insufficient on a number of child rights issues especially related to violence, abuse and exploitation.

Voices of children are missing in formulating policies and implementation

National Policy for Children, 2013, recognises the importance of providing opportunities to children for expressing their views in matters that affect them. However, many a times, children are not provided with enough opportunities and adequate platforms to express their views. At a time when Greta Thunberg has become a powerful global voice to address the urgency of climate crises it is important for us to listen to the voices of our own children as well²⁶. Voices of children, especially girls, need to be heard while formulating policies and programmes, their monitoring as well as implementation. There is also a need to recognize the agency of children in resolving their own as well as broader societal concerns.



Public investments in children fall short of the expectations

The Budget for children now stands at 2.35% of the total union budget. There is a further reduction from 2.46% (BE) in 2021-2022²⁷, and is much below the 5% recommended by the National Plan of Action for Children 2016.

Considering the vulnerabilities exacerbated by COVID-19 pandemic's impact on livelihoods and

income of people, Union Budget 2022-23 was expected to address these vulnerabilities by increasing allocation for investing in children's potential.

The government's Samagra Shiksha Abhiyan has received an increased allocation of 20.40% with total allocation of Rs. 37,383.36 crores in 2022-23 against Rs. 31050.16 Crore (BE) in 2021-22 Budget which is a positive step²⁸.

With regards to child protection issues, the budget has been increased for Mission Vatsalya. However, the budget for National Child Labour Protection (NCLP) has been reduced from Rs 120 crores in 2020-21 (BE) to Rs 30 crores in 2022-23- a 75% decline. This reduction in budget for NCLP was unexpected considering the heightened risk of children entering child labour due to the impact of COVID-19.

Despite the constant health risks posed due to the pandemic situation, the allocation for Child Health has decreased by 6.08% with allocations going down from Rs. 3,727.57 Crore in 2021-22 to Rs. 3,501.11 Crore in Union Budget 2022-23²⁹.



Civil Society Organisations (CSOs) provided crucial support to communities

The second wave of the COVID-19 pandemic overwhelmed the health system and affected livelihoods of millions of people, especially those employed in the informal economy. Civil society organizations (CSOs) provided crucial support by distributing key items such as personal hygiene items including masks, sanitisers, sanitary pads, gloves, and PPE kits to community members and frontline workers³⁰. Many CSOs also distributed dry rations, cooked food and some also pitched with the support in the form of medicines, oxygen cylinders and concentrators, and oximeters³¹. CSOs also played a crucial role by disseminating relevant information to the communities. Some CSOs supported by providing learning materials to the students. As mental well-being was affected by the Pandemic, CSOs also pitched in by providing counseling services to children and families through helplines.

Recommendations

- **Use Mission Vatsalya to identify vulnerable children and ensure their participation:** Mission Vatsalya is one of the three important Umbrella Schemes of the MWCD to be implemented in mission mode³². As part of Mission Vatsalya scheme there is a need for structured strategies to reach out to vulnerable children. Mission Vatsalya should also ensure meaningful participation of children through strengthening their capacities and creating institutional spaces in existing platforms like VLCPCs, Ward level CPCs and in Gram Sabhas. There is also a need to ensure meaningful and active participation of children in reviewing National Policy for Children, 2013 which was to be reviewed in 2018, a mandate still pending.

- **Strengthen data on most vulnerable children:** There is need for stronger monitoring and review system, with greater investments to create a credible knowledge hub and data analysis mechanisms. It is important to ensure that data is collected on the most vulnerable children.
- **Increase public investments on children:** It is important to increase investments on children bearing in mind that COVID-19 and its after effects will continue to affect the lives of children in the near future. Ensuring that health, nutrition, education, and protection services are well-resourced and inclusive with a specific focus on marginalised children will be key for ensuring rights of children.
- **Reach out to COVID-19 orphans:** There is an need to have an effective mechanism to monitor policies and measures announced by national and state governments to address the vulnerabilities of COVID-19 orphans.
- **Ensure equitable access to teaching learning materials:** Equitable access to teaching learning materials with special focus on vulnerable children should be ensured. There is a need to focus on developing low-tech and no-tech solutions.
- **Improve equitable coverage of healthcare services:** There is a need to improve equitable coverage of healthcare services by removing financial and non-financial barriers. It is important to prioritize efforts and resources to make services available free at the point of use for vulnerable children, especially girls.
- **Improve nutrition services:** Mission POSHAN 2.0 should ensure use of low cost and locally available nutritious diet model for children and promotion of IYCF practices through Nutrition Counselling and Childcare Sessions. It is important to prioritise better outreach and nutritional service delivery for vulnerable population especially young children, pregnant women and adolescent girls.
- **Strengthen community-based child protection mechanisms:** There is a need to strengthen community-based child protection mechanisms to identify vulnerable children who are either out of school/drop outs at risk of entering into child labour. It is critical to strengthen the community-level child protection system so that children are able to report violence safely.
- **Submit the India Periodic report on UNCRC:** India should submit the scheduled periodic report on United Nations Convention on the Rights of the Child.

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Children

Despite constitutional promise of special provisions for children, enactment of legislations by government and increased prosperity in the country, many children are denied basic rights to education, health, and child protection. Lack of data on vulnerable children remains a major barrier for policy makers as well as implementers.



Allocation for child health **decreased by 6%**- from Rs 3727.57 crore in 2021-22 to Rs 3501.11 crore in 2022-23.



A **quarter** of all children (12-23 months) are still deprived of full immunization.

(Source: NFHS)



Over **3.3 million children** in India are malnourished- nearly equal to the population of Mongolia. More than half of them fall in the severely malnourished category.

(Government response to an RTI query)



150 million children out of the education system.

(Source: as stated by the Union Education, August 2021)

20.4%

increase in allocation for Samagra Shiksha Abhiyan- from Rs 31,050.16 crore in 2021-22 to Rs 37,383.36 crore in 2022-23.



47,221 cases reported under POCSO Act, with girls at higher risk.

(Source: NCRB 2020)



A total of **128,531 cases** of crime against children were registered in 2020, majority of which were under the crime head of Kidnapping and Abduction.

(Source: NCRB 2020)

75%

decline in allocation for the National Child Labour Project- from Rs. 120 crore in 2020-21 to Rs 30 crore in 2022-23. This is despite increased risk of children entering into child labour due to impact of COVID-19.



The budget for children stands at **2.35%** of the total union budget- a 2.46% reduction in allocation from 2021-22 (BE).

3. Christian Minority

Christmas Of Violence, And A Year Again Of Fear

Christians too are impacted whenever there is violence against Muslims, or when senior political leaders including ministers do not hesitate to target the largest minority. An atmosphere of deep trauma, fear and anxiety pervades the Christian communities in rural areas, as well as in medium-sized towns. The people report anxieties because of experiences of exclusion, discrimination, harassment, bullying, intimidation, and violence.

Sixteen cases of desecration of churches, breaking of statues, disturbing religious services and beating up people would have shocked any government, but there was not very much of a sound from the Union and State governments as the year 2021 went down as another year of record-breaking violence. The Religious Liberty Commission of the Evangelical Fellowship of India (EFI) recorded 505 individual incidents of violence including three murders across India¹ - and other agencies that document violence published an even larger figure. Various international human rights and religious freedom organisations have expressed concern about the situation of religious minorities in India. A US group has listed India as a country of concern for its record on the persecution of Muslims and Christians.

The first quarter of 2022 unfortunately predicts a possibly worsening scenario, fuelled as much by non-state actors as by the actions of state governments, in particular, of Karnataka². In Chhattisgarh, the state was not directly involved but did precious little to stop those terrorising its religious minorities. EFI recorded 130 incidents in the first quarter (January to March) of 2022.

Visuals of the Holy Redeemer Catholic Church in Ambala, a landmark first built in 1848 and rebuilt in 1905, went viral on social media on Christmas morning. The shattered a statue of Jesus Christ lay at the entrance gate, its head thrown far away. In a final act of hate and contempt, the attackers urinated at the doors of the historic building that had “stood through wars and the partition of India”, as EFI noted in its annual report.

The victims are from all denominations, including small independent worshipping families facing intense, chilling hate. It also needs to be recorded that Christians too are impacted whenever there is violence against Muslims, or when senior political leaders including ministers do not hesitate to target the largest minority. Christian activists say they have found that “an atmosphere of deep trauma, fear and anxiety” pervades the Christian communities in rural areas, as well as in medium-sized towns. The people report anxieties because of experiences of exclusion, discrimination, harassment, bullying, intimidation, and violence.

The most chilling event of 2021 was calls for genocide and threats of mass violence made from public platforms by important political and religious figures on the stage. In Chhattisgarh, where episodes of violence against Christians have skyrocketed during 2021 and are continuing to rise at alarming rates during 2022, a religious leader called for the beheading of Christian ‘converters’.

Neither the central government nor the governments of the states and union territories record targeted religious violence, even in the cases where police file a First Information Report. In fact, the police across the country are keen to write that the people of religious minorities communities clashed with local persons, entirely trivialising the violence, and making sure that further investigations, and the court cases, do not result in a conviction. Referring to data collected by

the EFI and organisations such as Persecution Relief helps correlate whatever information is available from official sources.

Even so handicapped, the EFI, for instance, documented 130 cases in Uttar Pradesh in 2021, the highest of any state, with Chhattisgarh at 75, neighbouring Madhya Pradesh with 66 and Karnataka in South India at 48. West Bengal, Himachal Pradesh, and Jammu and Kashmir, documented one case each. The North-eastern states as well as Kerala and Goa on the west coast did not record any case. All of them have sizable populations of Christians, and in fact Meghalaya, Nagaland and Mizoram have a Christian majority in the population.

While three persons were murdered, in terms of other crimes enunciated in the Indian Penal Code, Coercion, Intimidation, Threats of violence and harassment of Christians was the most “common” crime with 137 cases. Arrest by police on fabricated cases close behind at 81 cases. Of these, 17 persons were jailed by the police. Physical violence took place in 84 cases, while in 7 cases attacks on women were seen. Worship in various churches was interrupted or forced to stop in 66 incidents and 5 churches were destroyed. Critically for the communities in tribal and other rural areas, there were recorded 36 cases of social boycott and ostracization, and 7 cases of forced conversion to Hinduism.

Another avenue for targeted hate was added with the “surveys” of Christian places of worship in the state of Karnataka which preceded the passing of an anti-conversion law by the legislature. Karnataka is the tenth state to have such a law. It was quickly followed by Haryana. The states that already had this law are Odisha (in 1967), Madhya Pradesh (1968, 2021), Arunachal Pradesh (1978), Chhattisgarh (2000), Gujarat (2003), Himachal Pradesh (2006), Jharkhand (2017), Uttarakhand (2018) and Uttar Pradesh (2020), Karnataka (2021). In 2021, Madhya Pradesh modified its anti-conversion law and made it much more stringent. It now carries prison sentences of up to 10 years for any person found guilty of leading “illegal conversions.”

This law now all but criminalizes interfaith marriages and exposes believers in Christ to police and social harassment even before they convert or are baptized. Long jail terms and heavy fines are listed for violations, including “fraud” or “force” if used by the pastor. Wherever the Anti-Conversion law, ironically officially called Freedom of Religion Act, was passed, it became a justification for the persecution of the minorities and other marginalized identities. The attacks on the minorities grew sharply in recent years since this law was tweaked and used as a weapon targeting the dignity of Christians and Muslims.

The anti-conversion laws violate international covenants and instruments to which India is a signatory. These include Articles 1, 18 and 19 of the Universal Declaration of Human Rights (UDHR), Articles 18 and 19 of International Covenants on Civil and Political Rights (ICCPR) and the UN Declaration on Elimination of All Forms of discrimination.

Legal experts have said these laws use broad and vague terms (inducement, allurement) that might be interpreted to cover the legitimate expression of many religious beliefs. They fail to clearly define what makes a conversion improper, bestows on the authorities unfettered discretion to accept or reject the legitimacy of religious conversions and to intrude individuals’ choice of partners. They require prior notice to, or in some cases approval from, authorities for conversion. Religious conversion is presumed to be illegal (presumption of guilt) and the burden of proof of the legality of the conversion is on the person accused of illegal conversion; in violation of article 14(2) ICCPR. In fact, some of these laws give preferential treatment to conversions or re-conversions to Hinduism by stipulating that returning to the religion practiced by their forefathers or to one’s own original religion shall not be construed as conversion.

This climate of hatred and intolerance empowers and incites vigilante groups to act against religious minorities. There is a heightened sense of abandonment by the government. So far, the

central government has been silent, failing to condemn violence against religious minorities. Nor has it promoted public messaging encouraging intercommunal harmony, an alternative to incitement to violence and discrimination, neither has it taken any action against its party members who made these threats on public fora.

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4. Dalits

Inclusive and Just Recovery for Dalits

The post-pandemic recovery of India's historically discriminated people has been neglected. Crimes against members of the Dalit and Tribal communities have increased and budgetary allocations for targeted government welfare schemes have reduced.

Even though the pandemic had affected all the sections of the society, the pain is not borne equally with caste manifesting itself through various mechanisms – be it social distancing, home quarantine or community quarantine. Caste became a serious issue when it was termed as a 'virus carrier' and Dalits were ostracised because of it.

The ill-considered lockdown was dreadful to the socially and economically marginalized sections of the society and had no effect on the longstanding social epidemic of prejudice against the oppressed¹. Worse, the prejudice against minority groups like Dalits and Adivasis even got inflated. For instance, Dalits, Adivasis and other minority groups faced challenges while availing the food security benefits announced by the government, often because the food distribution centres by the government were located far from their settlement and nearer to those of the dominant caste groups².

Further, mistreatment of Dalits during the pandemic has been evident with media reports on instances of mistreatment by officials at quarantine centres and police brutality. The pandemic, and the subsequent recovery measures so far, have only reinforced the caste-based social inequality³.

The government's strict measures on curbing freedoms for the marginalized communities have thus resulted in multiple forms of discrimination. Some of these are as below:

National Scheme for Incentive to Girl Child for Secondary Education (NSIGSE):

NSIGSE, a Centrally Sponsored Scheme has been discontinued without giving any reasons. It has been reported that for the past three years it was the centre's agenda to drop this scheme (Sinha, 2022). According to the government, this scheme was discontinued in order to redesign it for better and more effective implementation (Dominique, 2021), but the halt of this scheme will result in restricting access to education for several marginalised girls who will be left at an added risk of not only dropping out but also underage employment, early marriage, and domestic violence.

Schemes for sanitation and frontline workers

Manual Scavenging has been outlawed in India and there are dedicated initiatives in place to rehabilitate manual scavengers. Yet, the practice of manual scavenging continues in many states. Despite this, in comparison to last year, the budgets for the Self Employment Scheme for Rehabilitation of Manual Scavengers saw a 30% decline and the National Safai Karamchari Finance

and Development Corporation saw a 50% decline in allocations for 2022-23.

Revision on the scheme Pre-Matric Scholarship to The Children of Those Engaged in Occupations Involving Cleaning and Prone to Health Hazards:

In the 2022-23 Union Budget, 'Pre-Matric Scholarship for SC students' and 'Pre-Matric Scholarship for Children of those engaged in unclean occupations and prone to health hazards' have been merged under one as 'Pre-Matric Scholarship for SCs and Others'. Though the schemes have been merged, the budget allocated in FY 2022-23 is only Rs. 500 crores, considerably reducing the focus on children of those engaged in hazardous occupations⁴. It is concerning that this diversion comes after children from these communities bore a disproportionate impact of the pandemic with their parents being frontline workers.

Restrictions on National Overseas Scholarships (NOS) for Students who want to study Indian topic abroad:

The scheme, operating for the past seven decades, has supported higher education opportunities in universities abroad for students from low-income SC/ST/DNT households, landless agricultural labourers, and traditional artisans. However, the new guidelines applicable from the year 2022-23 prevents students benefitting from this scheme to pursue 'Topics/courses concerning Indian Culture/heritage/History/Social studies on India'.

This guideline is a regressive step for academic exchange, an unwarranted restriction of the academic freedom of scholars studying abroad on government bursaries as well as an unjustifiable attempt to restrict international scholarship in India. Besides, the ministry did not consult the public before implementing this drastic measure which is completely lax.

Dalit Women:

The latest NCRB data (2019) reveals that atrocities against Dalit women and girls accounts for 15.11% of total crimes registered under the SCs & STs Prevention of Atrocities (PoA) Act from 2014-19. These atrocities have increased by 46% in the last six years for Dalit women and girls⁵. Despite growing incidences of violence against SC and ST women there is only a marginal allocation of Rs. 180 crores for their access to justice. There is only one scheme pertaining to the same namely 'Strengthening of Machinery for Enforcement of PCR Act, 1955 and PoA Act, 1989' which focuses primarily on sensitization programmes and not on equitable redress mechanisms, this year this scheme didn't see any increase in allocation.

BUDGET 2022-23:

The union budget 2022-23 was one of the most critical budgets against the milieu of the of gradual recovery taking place in the Indian economy hit by the unprecedented COVID-19 pandemic.

The government has been voicing the need for the development of the Dalits and Adivasis. However, the same is not reflected in the budget. The allocation for the SC stands at Rs. 1,42,342.36 crores and the allocation for the welfare of the Scheduled Caste is Rs. 329 crores. While the allocations seem large in absolute terms, the proportion of targeted schemes is 4.4% with only Rs. 53,795 crores allocated for targeted schemes under the SC budget and the rest are general schemes masked as SC schemes which will not address the development gap between the SC and rest of the population as mandated by the guidelines.

1. **Post Matric Scholarship Scheme:** While *Post-Matric Scholarship for SCs* finds an increase in the Union Budget 2022-23 to the tune of Rs.5,660 crores, an increase from Rs. 3,416 crores last year, allocation to direct benefit schemes like Post-Matric Scholarships, hostels, skill development schemes should be increased, and timely transfer of funds to beneficiaries should be ensured. Education being a key avenue for the community's youth, funding should be enhanced to accommodate all eligible students under Post Matric Scholarship, Rajiv Gandhi National Fellowship, and other similar scholarship schemes.
2. **Budgetary Allocation for Livelihood:** Between December 2019 to April 2020, the proportion of employed members of the dominant castes decreased by 7% while there was a drop of 20% among members of Scheduled Castes (Dalits). This was a direct consequence of the lockdown imposed in March 2020, and the disproportionate impact it had on the Dalit community. Dedicated efforts and resources from the government are needed to address and eradicate the inequities exacerbated by sudden loss of livelihoods.
3. **Budgetary Allocation for Dalit and Adivasi Youth:** In 2018-19, unemployed youth with education above graduation consisted of 22.4% Dalit and Adivasi youth. Graduate Dalit youth with salaried jobs comprised of merely 15.66% of the overall salaried graduates, with the rest accounting for 84.34%. A glaring inequality with regard to access to salaried jobs for the youth from Dalit households is observed on an analysis of the composition of the salaried workforce in India where reservation is mandated. The budget this year has failed to provision adequately for the unemployed and youth of this country.
4. Out of the total allocation of Rs 2,682.42 crores under the Ministry of Labour and Employment for SCs, Rs. 1,408.51 crores has been allocated for *Employees Pension Scheme*, which is a general scheme, providing no direct benefits to the community. *Aatmanirbhar Bharat Rojgar Yojana* gets Rs 1,062.4 crores which again is not a scheme targeted for Dalits. These are grave violations of the SCP/TSP guidelines. In total, Rs. 3,751.06 crores from Dalit and Adivasi budgets under the Ministry were diverted towards general schemes.
5. **Under-allocation of funds under SC budget:** There has been serious under-allocation of funds under SC budget in the union budget 2022-23. It has been found that there has been a major under-allocation of the funds for the development of the SC students. Schemes like National Overseas scholarships for SCs has received only Rs. 36 crores. The scholarship for college and university students from the community is Rs. 30 crores. The PM Research fellowship has been allocated a mere Rs. 36 crores. The national means cum merit scholarship scheme received Rs. 66 crores and scholarships for higher education for young achievers' schemes (SHREYAS) for SCs and free coaching for SCs and OBCs got just Rs. 47 crores.

Other schemes, apart from the education related schemes like the National Safai Karamcharis Finance and Development Corporation received Rs25 crores; the National Scheduled Castes Finance and Development Corporation received Rs 50 crores and the Venture Capital Fund for SCs and OBCs got an allocation of Rs 70 crores.

NCDHR'S Intervention During COVID-19

With the imposition of nationwide lockdown on the 25 March 2020 in the wake of COVID-19 pandemic, and its indefinite phase wise extension, marginalized communities who mostly engage in daily wage labour and informal sector occupations suddenly lost their livelihoods. The lack of preparedness and coping capacity due to the prolonged absence of work pushed the most marginalized, particularly the Scheduled Castes and Scheduled Tribe communities to hunger and disease. Many of them are still not registered under the social security schemes. Therefore, they were likely to get excluded from the relief entitlements announced and channelized by the Government through ongoing social security schemes of the State and the Centre.

Considering the deplorable situation of these communities and requests from their representatives for immediate assistance in the face of extended lockdown, NCDHR decided to provide emergency relief support to 4,000 households across 5 states namely Bihar, Andhra Pradesh, Odisha, Jharkhand and Haryana, with lifesaving essential food supplies and hygiene materials. NCDHR's operational presence helped gather information like the addresses and mobile numbers prior to the relief distribution, so that all involved in the relief distribution could access details over a google sheet. This also ensured transparency and accountability in reaching out to the pre-identified households and enabled sharing of information across all levels of operation, among the team members.

Existing rapport with PRI members and CSO/CLOs aided the smooth identification of the most needy households, especially homes of widows, people with disability, migrant labourers, landless and daily wagers, de-notified tribes, sanitation workers, BPL families, jobless families, and families from SC and ST communities. Upon completion of the 80% of the relief distribution, randomized verification calls were made to the beneficiaries to check on the status of the receipt of relief kits, and their suggestion on quality and quantity of the relief materials.



a. No pension and PDS; the elderly living with disability and health problems received relief in Latehar District Jharkhand.



b. 24 years old Physically challenged girl in Latehar District in Jharkhand lived on the community's offerings until she had own food to cook.



c. The relief was critical for a widow who lives all by herself in Nawada District in Bihar.



d. With her husband stranded in Kerala, relief kit came as a huge support for this resident of Odisha's Mohana District.

Conclusion:

It is evident from the fact how issues related to caste have been bolstered even during pandemic recovery. An equal and just recovery is nowhere to be found under this context. If the beginning of the pandemic was harsh for the Dalits and other marginalized communities, the aftermath of the pandemic is even harsher. Nothing changed within the government policies and the society. But within the government, there has been a definite bid to alter schemes meant for the development of the Dalit and Adivasi communities.

The education sector has faced enormous challenges since the lockdown. The continuous closure of the schools during the pandemic has led to the loss of learning, especially for those unable to join online classes for lack of internet facilities and non-availability of computers and smartphones as this created an enormous digital divide. SC/ST students form the bulk of this section.

A number of schemes for SC and ST students have been changed and will lead to further marginalised students from SC and ST backgrounds.

The pandemic has also led to more SC and ST children dropping out of the schools, most often because of their families' deteriorating financial condition. The same children have now taken up odd jobs. An attempt must be made for the return of these children to school and help them catch up on their lost lessons.

The government must address the atrocities against Dalit women and girls and work with their communities to address the violence instigated upon them. Even though the government has been voicing the need for the development of the Dalit and Adivasi communities, the same has not been reflected in the budgetary allocation. Some of the schemes under the Dalit budget are de-facto general schemes which do not qualify as the SC schemes that benefits the communi-

ties. There is a strong need to re-evaluate government policies and access to various schemes in order to address the existing inequalities and make it more impactful and inclusive. The expectation post-pandemic would be good for the government to move towards a more fair and inclusive recovery thereby ensuring that it is just for the communities most affected but in fact there seems to be no concrete plans to set this recovery in motion.

Endnotes

- 1 Agoramoorthy & Hsu, 2021 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7587164/>
- 2 Chandrashekharan, 2020 <https://www.downtoearth.org.in/news/governance/the-dispensable-india-data-shows-how-dnts-advocates-dalits-muslims-bore-lockdown-brunt-73224>
- 3 Mondal & Karmakar, 2021 <https://journals.sagepub.com/doi/full/10.1177/2455328X211036338>
- 4 Pre-Matric Scholarship for SC students saw an expenditure of Rs. 569.51 crores and Pre-Matric Scholarship for Children of those engaged in unclean occupations and prone to health hazards saw an expenditure of Rs. 26.81 crores in FY 2020-21
- 5 <http://www.ncdhr.org.in/wp-content/uploads/2021/04/Dalit-Women-Rise-For-Justice-Status-Report-2021.pdf>

Dalits

The post-pandemic recovery of India's historically discriminated people has been neglected. Crimes against members of the Dalit communities have increased and budgetary allocations for targeted government welfare schemes have reduced.



33.3% of the SC population, numbering 94 million people, live in multidimensional poverty.

(Source: Global Multidimensional Poverty Index, 2021)



Under-5 mortality rate of Dalit children- 49 per 1000 births; under-5 mortality rate of non-SC/ST/OBC children- 33 per 1000 births.

(Source: NFHS-5)



Over 50,000 cases registered for crimes committed against SCs in 2020- an increase of 9.4% over 2019!

(Source: NCRB, Crime in India Report 2020)



Over 4000 cases lodged under the SC/ST Prevention of Atrocities Act in 2020.

(Source: NCRB, Crime in India Report 2020)

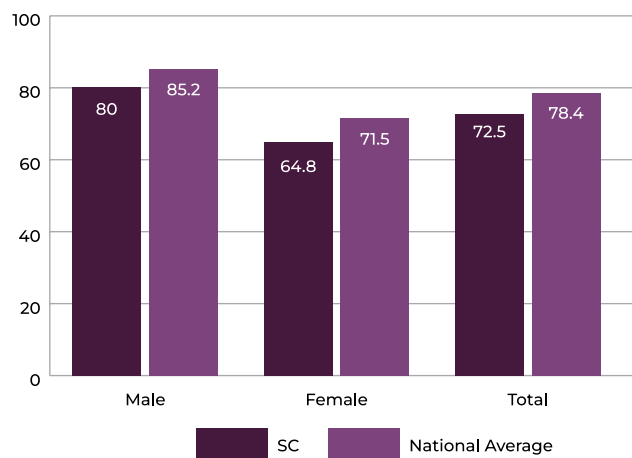


2022-23 budgets for Self-Employment Scheme for Rehabilitation of Manual Scavengers saw 30% decline and the National Safai Karamchari Finance and Development Corporation saw a 50% decline in allocations.



'Pre-Matric Scholarship for SC students' and 'Pre-Matric Scholarship for Children of those engaged in unclean occupations and prone to health hazards' merged under one scheme- 'Pre-Matric Scholarship for SCs and Others'- which saw a 16% decline in allocation from the actual expenditure of 2020-21.

Literacy Rate (7 years and above)



(Source of graph: PLFS 2019-20)

Almost **40%** of employed persons from the Scheduled Caste community are casual workers- the highest among all social groups!

(Source: PLFS 2019-20)

5. LGBT*QIA+

State Action Necessary for LGBT*QIA+ to Live With Dignity

It is time to acknowledge the lack of participation and the systematic inequalities that make India's LGBT*QIA+ community vulnerable to abuse by families, communities and the police and the impact it has on their mental and physical health.

Discriminated, stigmatised and abused, India's diverse community of lesbian, gay, bisexual, transgender, queer, intersex, and asexual people have been neglected by the State for too long. The abuses they have had to bear have not been officially recorded by authorities – for one, the orientation of LGBT*QIA+ people itself has been held illegitimate for too long. Only now has the government authority documenting crime in India, the National Crimes Records Bureau, started documenting crimes against transgender people.

But officials, right from the local police post and upwards, continue to hold sweeping, extremely prejudicial norms about the LGBT*QIA+ community – for one, there is no appreciation of the transgender umbrella, or the 'T' in the abbreviated nomenclature the community includes an array of gender identities – transman, transwoman, agender, genderfluid, gender non binary, gender non-conforming and more.

The limited understanding of gender in officialdom has been insensitive to sexual orientation, gender identity, gender expression and sex characteristics (SOGIESCs).

With legal judgements and civil society action reinforcing the Supreme Court's recognition of the legitimacy of this section of India's marginalised populace, the government has also undertaken some initiatives. At some levels, the government has also invited participation of LGBT*QIA+ people, even though much more is needed.

For instance, though some concerns were raised by the community in 2020-21, the year gone past saw various changes such as the implementation of Trans Act - 2019 under which India has 12 Garima Greh (shelter homes for transgender persons) as of now with a Transgender Welfare Board being set up in all states. Despite this, the issue of quick gender identity card or transgender identity card has been an issue – reminding the LGBT*QIA+ community that the struggle is still on. Mercifully, the Madras High Court stepped in to direct the government to extend *Garima Greh* to all LGBT*QIA+ individuals (Imranullah, 2021).

The COVID-19 pandemic inflated the challenges as members of the community found it difficult to find employment to support themselves. The government's only step in this direction was a woefully meagre, short term cash transfer for three months.

There are a host of issues that need to be addressed, with equality, education, health, and violence standing out as four important areas LGBT*QIA+ people have to grapple with in day-to-day life. Addressing these is also important for the government to ensure that no one is left behind in its journey to achieve the sustainable development goals (SDGs).

Equality – still a dream for LGBT*QIA+ community

Gender equality programmes and policies work with a narrow definition of gender which leaves trans* persons out of the scope of these programmes. Gender needs to be understood in its multiple intersections with SOGIESC identities to understand the different levels of discrimination faced by the community. People systematically fall prey to violence when protection policies fail to acknowledge the subject of their protection.

India ranks at 123 in the Gender Inequality Index with men occupying 76.1% space in the labour force (UNDP, 2020). The LGBT*QIA+ community in India is still under-represented with trans* community still fighting for much needed reservation in employment. India also slipped to 81st rank in 2017 from 44th in 2003 in the gay acceptance index study by UCLA (Flores, 2019, 33). The intersection of SOGIESC leads to unequal access to services, employment and education, discrimination at social spaces, acceptance from the society, and many others.

The key driver behind gender-based violence is also based on a system of punishments and privileges wherein people from the LGBT*QIA+ communities face severe consequences for not following the traditional gender and sexuality norms (OHCHR, 2011). LGBT*QIA+ persons, especially transwomen, gender non-conforming persons, and non-binary persons face violence specifically because of their gender identity. This ranges from casual street harassment to violence by the state apparatuses such as the police. Thus, without keeping the ones who do not fit into the traditional gender roles the actualisation of gender equality is impossible.

The dichotomy is hard to miss. The law places all kinds of violence including sexual, social, and structural into one category and gives punishment of minimum six months extendable till two years with fine or without it (Sec 18, Trans Act, 2019) and sexual assault on a biological woman may result to 10 years in prison to even death penalty. This places transgender people at an inferior level in comparison to other genders such as women. This is surely not a way to achieve the equality. The State is actively promoting discrimination based on gender identity by setting two different parameters for the same crime against cisgendered and transgendered women.

The pandemic years have only added to the lengthy history of non-participation of the trans* people in the rules being framed for their dignity. Gender equality can only be achieved if it involves the voices from all marginal fronts, thus making LGBT*QIA+ voices a must in all sectors and especially in all SDGs indicators. Queer and trans* people should have the opportunity and environment for growth and agency.

Violence: a State that does not change

National Crime Record Bureau's (NCRB) annual data on crime has started including the transgender population yet the distinction between transmen and transwomen continues to remain missing (vii, Crimes in India, 2020). The violence faced by the larger LGBT*QIA+ community is still missing from such data production.

In a recent case of Agartala (Tripura) four transgender persons were asked to strip by the police to prove their gender which was a direct violation of the NALSA vs Union of India (2014) judgment by the Supreme Court of India. The community continuously face incidents of harassment and violence without no respite from any State machinery, which somewhat explains the lack of data on crime against the LGBT*QIA community (PTI, 2022).

In January 2022, four transgender persons were picked up by Agartala (Tripura) police and taken to the police station. The police stated that they were “wearing girls’ costumes” thus they were picked up (Chakraborty, 2022). Such incidents are a daily occurrence for the Trans community and this one is one of the only cases that has been reported.

The LGBT*QIA+ community also suffers from a lower reporting of the crime as NCRB’s crimes in India report shows comparatively smaller number of reports filed by Transgender persons. As studies have shown, a low incidence of reporting does not mean that the issues are resolved. Rather, it could be explained by barrier to limit access to justice. The transpersons are very vary of police and often avoid reporting the crimes committed against them, thus the data on crime against transpersons shows low in numbers.

Another issue of violence faced by queer persons is of the conversion therapy. It is a systemic way through which LGBT*QIA+ people are forced to behave like heterosexual and cisgender persons. This often involves various kinds of violence and psychiatric procedures. In the case of S. Sushma Vs Comissioner of Police (2021), the Madras High Court came up with a landmark judgment against conversion therapy. In the judgment, the court banned conversion therapy in India meanwhile suggesting measures to sensitize the society, branches of state judiciary, police, and many other to remove the discrimination and stigma against LGBT*QIA+ community.

In another case, in July 2021, the Gorkahpur Court affirmed the right of the woman to choose her partner who was a transman in this case. The family of the woman were against their marriage and filed a case of kidnapping. But the decision of the court gave the couple the right to live together irrespective of the gender identity of the man. One can only imagine the psychological violence such couples must go through while seeking a space free of violence. The continuous violence against LGBT*QIA+ community can only be stopped once governments start taking concrete measure to tackle such violence.

Seeking a safe and equal space in education

“Education is what makes a person fearless, teaches him the lesson of unity, makes him aware of his rights and inspires him to struggle for his rights.”
- Dr Bhim Rao Ambedkar

Participation of the LGBT*QIA+ community in the education sector has been impacted by discrimination and stigma. A 2019 submission in Lok Sabha stated that there are only 814 transgender students in central university. All these students were from an open university, the Indira Gandhi Open Learning University (Gaha, 2019). Under the Indian Constitution, education is a fundamental right, and every child should get free education till the age of 14. Education is one of the mediums for marginalized sections to lead a dignified life.

LGBT*QIA+ children who are visible because of their gender identity or sexual orientation face bullying and violence not just from their peers but many times from their teachers as well. This leads to either a suspended academic growth or leads them to quit educational institutions. They are also targeted at universities where sexual and gender identity-based bullying leads to various mental health issues. Thus, it is important to include the LGBT*QIA+ community as a focal point in anti-ragging, anti-bullying, and anti-discrimination policies at all educational levels. This explains a relatively lesser number of transgender persons in central universities, with many instead, choosing to enrol themselves in open schools that do not mandate regular classes.

Schools are supposed to be safe space for young people but oftentimes due to bullying, they can be the source of discrimination and stigma. A recent incidence in Delhi-NCR where bullying

led to the death of a teen shows exactly why school curriculum on violence and bullying need to take LGBT*QIA+ as a lens as well (The Quint, 2022).

One such way to bring the much-needed change is by increasing the awareness and sensitivity toward the LGBT*QIA+ community. Recently, the Madras High Court suggested changes in school and university syllabi to incorporate education on LGBT*QI+ for students. For example, one of the suggestions by the Hon. Court was to include LGBT*QI+ affirming counsellors (India Today, 2021). Some of the key recommendations that the Madras High Court suggested are:

- Ensure availability of gender-neutral restrooms for the gender-nonconforming student.
- Change of name and gender on academic records for transgender persons.
- Inclusion of 'transgender' in addition to M and F gender columns in application forms for admission, competitive entrance exams, etc.
- Appointment of counsellors who are LGBT*QIA+ inclusive, for the staff and students to address grievances, if any, and to provide effective solutions for the same.

Healthcare - a utopian dream

The COVID-19 pandemic has highlighted the gaps in the healthcare system. It has added to the existing vulnerabilities of individuals, especially as many lost their jobs and livelihoods and had to migrate due to the sudden, unplanned, nationwide lockdown. The lockdowns, the lack of access to healthcare, stigma and discrimination in accessing medical services, and the lack of resources has put LGBT*QIA+ community, especially transgender persons, at a larger risk to face long term impacts of a pandemic. The pandemic added more to their existing vulnerabilities. In 2021, the Madras High Court remarked that queerphobia was rampant in medical education. The court further directed the medical institutions to revamp their services to become friendly and accessible for LGBT*QIA+ individuals (Chandrababu, 2021).

After the COVID-19 pandemic, there has been a significant rise in cases of domestic violence. Many queer and trans individuals who had access to their chosen safe spaces, like colleges/schools, a friend's house, public places like parks, etc. were restricted to their homes by unsupportive natal families. This has led to a lot of mental health issues like depression, anxiety, and distress. Staying with natal families has also led to multiple forms of domestic violence like increased surveillance of people at home, and increased threats or abuse (verbal/physical). In some extreme cases, there have been forced marriages (in heterosexual settings) or conversion therapy.

Poor mental health has been linked with behaviour that is detrimental to their overall health including extended use of substance abuse, smoking, drinking, self-harm, eating disorders, and suicidal tendencies (Ratnam, 2020). The public healthcare system in India has always struggled to meet the needs of the population. But as per a study, the transgender community finds it more difficult than others to access healthcare services due to discrimination at healthcare facilities, lack of treatment protocols, and inadequate information on health (Pandey and Redcay, 2021). The study also notes barriers like lack of financial resources, exclusion from the social healthcare schemes, and lack of health insurance.

Certain procedures like Gender Affirmation Surgery (GAS) and other gender-affirming treatments are crucial for trans* persons. Since these services are not accessed by the majority of cis-gender people, there is no comprehensive national policy in place regulating these treatments. Some states like Tamil Nadu have provided the services for free to the community but at large, there is an ambiguity on the legal status of GAS/SRS. Due to this ambiguity, there have also been cases of doctors being criminalized for performing these surgeries in India.

The amalgamation of all of these has led to inflated costs of the surgeries and increased incidents of clinical malpractice (Ghosh, 2020) and has resulted in grave consequences. This was highlighted in a recent suicide case of Annanya Kumari Alex, an activist, and a radio jockey, in Kerala. She died by suicide after a bungled-up sex affirmation surgery. This case should be a lesson in how hospitals need to be carefully controlled in providing such intricate services to an already marginalized community (Abraham, 2021).

It is important to acknowledge these gaps as systematic inequalities that make the LGBT*QIA+ community vulnerable to mental and physical health issues.

Recommendations

- Anti-bullying and anti-harassment policies to be put place in all educations institutions like schools and universities to ensure a safe space for LGBT*QIA+ persons.
- Ensure police protection and safe shelter homes to all LGBT*QIA+ persons who are under threat from family, society and other oppressive institutions.
- Horizontal Reservation the existing vertical reserved categories, for transgender persons and intersex persons across all government institutions and ensuring for uniform legal documentation process for them to access various welfare schemes.
- Implementation of anti-violence and harassment against LGBT*QIA+ persons policies in all workplaces.
- Nationwide safe houses and queer affirming mental health helplines to support people threatened by natal families, and the subsequent loss of support networks.
- Safety protocols and streamlined Gender Affirmative treatments to improve the quality of and access to the treatments.
- Strict implementation of directions given by Madras High court to revamp the education spaces and police mechanisms.

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 - [W.P.No.7284 of 2021 dated 18.02.2022](#) Garima Greh: Court had directed to consider extending the Garima Greh Scheme to all persons belonging to the LGBTQIA+ community and not to confine it to the Transgender persons

6. Muslim Minority

Indian Muslims: A living testament of exclusion

Though the government agencies are making schemes for the welfare and development of minorities, they need sufficient funds and effective execution at every level to ensure that *Sabka Saath Sabka Vikas* does not turn into an empty slogan.

The development and welfare of Indian Muslims is governed along with other religious minorities under the Ministry of Minority Affairs (MoMA) along with its different commissions and undertaking. In this regard, the MoMA frames policies and gets an annual budget approved for its various schemes. The implementation of these policies and availability of resources for their realization has been reviewed here for the period from May 2021 to April 2022 apart from discussing other avenues for the development of religious minorities, particularly Muslims. Muslims are increasingly facing the menace of discrimination, hatred, and violence, which makes them a living testament of increasing exclusion. They need proper social and political atmosphere to live a normal life as equal citizens of the country. They are the most deserving section to be included in the orbit of *Sabka Saath Sabka Vikas*. Though the government agencies are making schemes for the welfare and development of minorities, they need sufficient funds and effective execution at every level.

Implementation on the Schemes for Minorities

Major schemes of MoMA include the Prime Minister Jana Vikas Karyakram (PMJVK), different minority scholarship schemes, the women leadership programme, skill development programme, etc. The major flagship scheme of the ministry, PMJVK, was allocated Rs 1,390 crore in the Budget Estimate (BE) 2021-22. However, the amount was reduced to Rs 1199.55 in the Revised Estimate (RE) and the actual expenditure (AE) on the scheme up to the end of December 2021 was only Rs. 799.25 crore, i.e. only 56% of the BE. This amount was mainly spent on the construction of residential schools, day schools, additional classrooms, hospitals and on some infrastructure development projects. Major beneficiaries of the approved projects are different Minority Concentration Areas (MCAs) of just two states – Sikkim and Kerala, and Muslims could benefit from this programme only in certain districts of Kerala, such as Mallapuram. It has been reported that at least 80% of the resources under the program have been allocated for education, health and skill development including 33-40% of them for women centric projects.

MoMA's scholarship schemes have received the regular support of the ministry though without any clue of move towards the promised "One Crore Scholarships for Minorities". Rather, the actual amount made available on this head has drastically come down during 2021-22. As compared to the previous year's expenditure of Rs 1325.54 crore on Pre-Matric Minority Scholarships, only Rs 202.82 crore could be spent on the scheme by MoMA by December 2021, i.e. 15% of the previous year. Out of the total 86,01,023 fresh and renewed pre-matric scholarships released during 2021-22, Muslims received 41,75,344, or just 48.54%, instead of 75%.

Similarly, Rs. 512.81 crore were released for funding 6.63 lakh Post-Matric Scholarships during the year 2020-21. However, only Rs. 31.82 crore could be released during 2021-22 (as on 31.12.2021), i.e. 6% of the expenditure as compared to the previous year and 6.8% of the allocated

amount for the year. Of this, Muslims received 5,30,074 (of 19,47,411) or 27.21% scholarships instead of the designated 75%.

Similarly, whereas Rs. 396.34 crore were spent in case of the Merit-cum-Means scholarship last year, only Rs. 34.26 crore could be released by 31 December 2021 (i.e. less than 10% of the preceding year) during the reviewed period. Out of the total 2,39,837 beneficiaries under the scheme, the number of Muslim recipients during the year has been 1,01,939 or just 42.50% rather than 75% of all.

It is evident from the information available on the three scholarship schemes that besides inadequate fiscal provisions, the actual amounts released by MoMA to the beneficiaries during the first nine months of 2021-22 was much less than the expected one and the number of Muslim awardees was also not enough. It is possible that a significant amount of the budget would have been released in the last quarter of the financial year, but there is no information available on this in the public domain.

One better performance of the ministry has been reported as regards its skill development scheme, *Seekho Aur Kamao*. Out of the allocated amount of Rs 276 crores under this head, Rs 221.68 crore were spent by 31st December. The total allocation for the scheme has been increased from Rs 250 crores during the past few years to the current amount. Under the scheme Padho Pardesh (study overseas), the government has paid reimbursement of interest subsidy on behalf of the students amounting to be 16.20 crores, which was 20.20 crores during the previous year.

Yet, of a budget allocation of Rs. 79.00 crores for the coaching support scheme for the reviewed year, only 18.22 crore could be released by the end of December 2021. Similarly, financial support of Rs 4.78 crore has been provided to 904 candidates, who have cleared the preliminary exams conducted by UPSC, SSC and various SPSCs during the financial year 2021-22 (as on 31.12.2021).

The Project Approval Board for the Madrasa modernization scheme has approved proposals from eight states amounting to Rs. 295.53 crore with the Central share of Rs.180.63 crore under SPQEM for the year 2021-22.

Trend of Budgetary Allocations

The budget allocations for the Ministry of Minority Affairs have increased from Rs 500 crore in 2007-08 (when the ministry was established and allocated separate funds for the development and the welfare of minorities) to Rs 4810 crore in 2021-22, i.e. by 962%. But the funds allocated over the last five years has remained almost stagnant in the range of Rs 4,700 crores to Rs 5,000 crores. This allocation was of Rs 5020.50 crore in the Union Budget 2022-23, just slightly more than Rs 4,810 crore given under the head in 2021-22. This amount earmarked for the welfare and progress of a large population (21% of the country's population) of minorities is inadequate.

Commissions, Councils and Corporations for Minorities

There are seven autonomous bodies working under MoMA – the National Commission for Minorities (NCM), Commission for Linguistic Minorities (NCLM), National Commission for Minorities Educational Institutions (NCMEI), Maulana Azad Education Foundation (MAEF), National

Minorities Development and Finance Corporation (NMDFC), Central Waqf Council (CWC) and National Waqf Development Corporation Limited (NAWADCO). The number of complaints to the NCM has increased over the previous year by 70.47%: from 1,463 in 2020-21 to 2,076 during the reported year. Minority communities are increasingly feeling the heat of minority specific problems in the country. The complaints of Muslims among them have gone up from 1,103 to 1420, (by 77%). Since 2015-16, this is the highest number of complaints registered with the NCM. No latest annual reports of CLM, NCMEI and NCPUL are available to analyze their performance.

MAEF has received more than 2.82 lakh applications under its girls' scholarship scheme (Begum Hazrat Mahal Scholarship) during 2021-22, which were reported under process. During the financial year 2021-22, the government of India contributed Rs. 100.00 crores to NMDFC. Thus, its total paid up capital has become Rs. 2,355.42 crores (by end of December 2021). Loans amounting to only Rs 357.19 crore have been released by the corporation during 2021-22 (up to December 2021) as compared to Rs 650.41 crore during 2020-21. The CWC is sponsoring coaching schemes for preparing Muslim aspirants for the exams of civil services, etc and has released first installments to five organizations during the year besides the second installment to some others.

15-Point Programme

The Prime Ministers' New 15-Point Programme has much potential to strengthen the welfare and development of minority sections in the country. It covers a wide range of interventions including educational, economic, employment, security and safety, etc. However, no data is available on the implementation of this programme. MoMA reviewed the program in 2016 and a report in this regard was brought out titled "Evaluation of Prime Minister's New 15 Point Programme for Welfare of Minorities". One of its key findings has been that beneficiary-oriented schemes like Pradhan Mantri Awas Yojana, Swarnjayanti Gram Swarozgar Yojana, scholarship schemes have been implemented well, while the performance of the infrastructure-based schemes have not been found to be satisfactory. Another major finding is that "data maintained by the officials at the state and district level with regard to the performance of various schemes under 15 Point Programme was unsatisfactory."

Gender Equality

It has been reported that MoMA has earmarked 30% of the scholarships for females. The ministry also runs a special scheme for women leadership development, called Nai Roshni. As reported, MoMA has provided 30-40% of the funds under PMJKV to women centric projects. According to the MoMA's annual report for 2021-22, the scheme is being implemented in 27 states and Rs. 109.02 crores have been disbursed to the PIAs. Funds in tune of Rs. 1.40 crores (till 31.12.2021) have been released as subsequent installments to the PIAs. Begum Hazrat Mahal Scholarships for Muslim Girls is one of the major schemes of MAEF.

Security and Safety

The safety and security of Muslim lives has emerged as the major issue for the members of the community, particularly during the past few years. Communal polarization has become

a favored formula for winning elections as it is paying political dividends. Consequently, hate mongers find strong patronage from political parties and the system. Besides discrimination, communal violence and mob-lynching, threats of economic boycott and genocide of Muslims are becoming new normal in India. Tragically neither the central nor the state governments are taking due steps to curb this menace of Islamophobia. According to the data monitored by the Centre for Study of Society and Secularism (CSSS), “There were 20 communal riots in the year 2021, in which one person died, and 16 incidences of communally motivated mob lynching”¹ were reported. The study noted an increase in the number of communal riots in the year 2021 to 20 from 10 communal riots in the previous year. These data are not exhaustive as could be noted from the fact that the National Crime Records Bureau (NCRB) informed that communal riots registered an increase of 96% in 2020 over the previous year- 438 in 2019 and 857 in 2020.²

Not strangely, the Ministry of Home Affairs (MHA) has now stopped publishing the statistics regarding communal violence under the NCRB records. The CSSS underlines that Maharashtra, Tripura, Telangana, Chhattisgarh, Madhya Pradesh, Rajasthan and Gujarat are more prone to such incidences. In fact, lynching is more prevalent in Jharkhand where the government has formally admitted that 46 incidents of mob-lynching have taken place in the state from 2016 to 2021 and that 51 persons were convicted in this regard and were awarded life imprisonment. The major target of communal violence and lynching are Muslims, though Dalits, Adivasis and Christians are also often targeted. The CSSS reported that there were a total of 15 incidents of mob lynching in India in 2021 with loss of 11 lives – 7 Muslims, 3 Hindus and 1 unidentified victim. There is an inconclusive effort since 2005 to give the country an act against communal violence. Ironically, the governor of Jharkhand has returned to the Assembly a bill “Prevention of Mob Violence and Mob Lynching Bill, 2021” despite its dire need there and elsewhere.

Recommendations

To improve the overall situation of the Indian Muslim community and its vulnerable sections, the following key recommendations may be taken into consideration besides many others.

- There is a need to enhance the overall fiscal support for the welfare and development of minority communities of the country, making it relatively at par with the SC/ST components.
- NITI Aayog should compile data regarding the conditions of Indian Muslims under different indices on regular basis and make them available for policymakers and advocacy groups.
- NCRB should restart publishing data on communal violence so that the trend may be monitored and curtailed in an effective way.
- To strengthen the leverage of the Muslim community from its internal sources, Waqf properties should be effectively managed in all states and for this the Waqf Act should be thoroughly revised on the lines of SGPC Act.
- Enactment on Prevention of Communal Violence and Mob Lynching should be earnestly taken up as early as possible.

Good Practices

The Telangana Minorities Residential Educational Institutions Society is a celebrated scheme for minority welfare in India run by the Government of Telangana, funding 204 Minorities Residential Schools in 31 districts of Telangana and 12 Residential Junior Colleges catering the education of more than 1 lakh minority students per year, mostly from the Muslim community.



Civil Society Contribution

Civil society contribution towards the welfare and development of Indian Muslims is steadily increasing from within the community and general philanthropic organizations. One of the largest platforms in the form of community's initiative is Vision 2026 under Human Welfare Foundation. The organization works in the fields of education, career guidance, health care, drinking water, low-cost housing, hunger relief, disaster response, women empowerment, etc. Empower India Foundation is another platform of working on almost similar projects. Association of Muslim Professionals is also an emerging outfit of the kind which has a pan-India focus on education and employment. There are several state and local level NGOs and community organizations that regularly serve the Muslim community. Besides, platforms like WNTA, Oxfam India, ActionAid India, etc have been taking interest for improving the human rights situation as regards Indian Muslims.



Endnotes

- 1 <https://cjp.org.in/communal-violence-in-the-year-2021/#:~:text=There%20were%2020%20communal%20riots,Mumbai%20%E2%80%93%20The%20Times%20of%20India%2C>
- 2 <https://www.barandbench.com/news/ncrb-data-2020-over-51k-cases-of-rioting-communal-incidents-up-by-96-from-2019v>

7. Denotified and Nomadic Tribes

Unspent Money, Reduced Budgets: The Bane of Denotified and Nomadic Tribes

There is a need to formulate a social protection framework for government policies and schemes that focuses on access to entitlements, land, housing, livelihood, education and health of NT-DNT communities.

The DNT-NT tribes constitute approximately ten per cent of the Indian population¹. 12th October 2021 marked the 150th year since the Denotified tribes were notified as 'criminals' under the Criminal Tribes Act, 1871, which at one instant deemed generations to come as 'born criminals'. Nearly 198 communities were listed under this notification, which gave sweeping powers to the police to control and monitor the movement of these communities. The Act allowed for surveillance and all members of these communities were compelled to register themselves at local police stations and register their attendance at regular intervals (Bokil 2002).

While independent India repealed the Act in 1952, thereby 'de-notifying' these tribes, it was replaced by the Habitual Offenders Act across different states in the following years. The Habitual Offenders Act and Prevention of Anti-Social Activity Act perpetuated the colonial mindset in the law enforcement machinery, causing continued harassment and violence aimed at the now denotified communities. To this day, many of these communities face false allegations and are picked-up by the police for crimes they have not committed. The DNT communities have a disproportionately high number of criminal allegations against them based purely on the fact that they are from this community.

Latest Primary Findings on DNTs

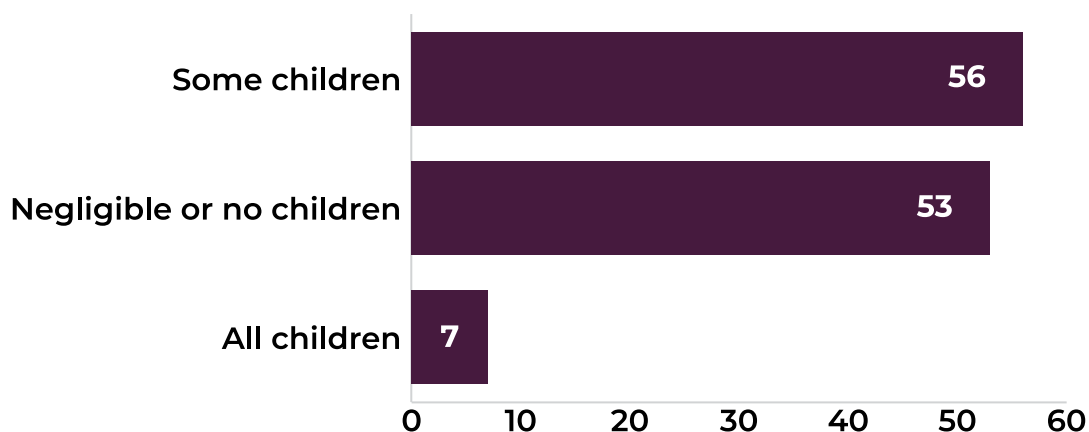
Data for this report has been collected from 116 locations across eight states of India. The data is collected by community fellows between the period of November 2021 – April 2022.

Of the studied population, 84% were found to be daily wage workers. Migration in search of livelihood is on increase with 70% study locations reporting increased migration in search of livelihood. The benefits of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) are also reaching the DNT communities in a limited way, with partial coverage in 55% locations and negligible coverage in 33% locations.

Only 35% locations reported that some households received LPG cylinder under the Ujjwala Yojana² and 18% locations reported nil or negligible coverage. In 43% locations some beneficiaries reported receiving an old age pension and 14% locations reported having nil or negligible beneficiaries. For widow pension schemes, 38% locations reported having some beneficiaries and 12% locations reported having nil or negligible beneficiaries.

Additionally, a common trend of rise in the number of drop-out children was observed at most locations. This push out caused due to the COVID-19 pandemic and subsequent lockdowns is particularly a setback for first-generation learners who have had to leave their education to support their family's livelihood.

Total frequency of response regarding the accessibility of education through TV/Online System



The data collected shows that majority of DNT children did not have any access to online education. There is hardly any plan by the government to address the issue of these children who lost crucial years of their education. In 59% locations, the children who were enrolled in the school reported that they haven't received any mid-day meal. However, over 75% locations reported that households regularly received the ration quota they were eligible for.

Policy

The Scheme for Economic Empowerment of DNTs (SEED) was planned in 2021 with an outlay of Rs. 200 crore to be spent between Financial Year 2021-22 to 2025-26, and formally launched in February 2022³. However, The Standing Committee on Social Justice and Empowerment, in its 31st report, noted that "The Scheme for Economic Empowerment of DNT communities formulated to provide coaching, health insurance, facilitate livelihood and financial assistance for construction of homes for the members of DNT, with total outlays of Rs 200 crore for the period of five years from 2021-22 to 2025-26 and the Department could not spend even a single rupee in 2021-22 and the budgetary allocation has been reduced to Rs 28 crore for 2022-23 against the budgetary allocation of Rs 50 crore for 2021-22. The Committee are dismayed that the Department has already delayed in formulation of the Scheme for welfare of Denotified, Nomadic and Semi Nomadic communities"⁴.

About the functioning of the Development and Welfare Board for De-notified, Nomadic and Semi-Nomadic Communities (DWBDNC), the standing committee said: "At present 269 such Denotified, Nomadic and Semi-Nomadic communities are specified and a survey is now in under process to place these castes in SC, ST and BC categories. The Committee are surprised to find that the Department has not been able to take any decision till date hence they would like the Department to take necessary action in this regard so that these castes are placed either under SCs, STs or BCs and avail benefits."

Recommendations

- The Habitual Offenders' Act, 1952 is similar in spirit to the repealed Criminal Tribes Act of 1871. It should be abolished as the first step towards de-criminalisation of DNTs and prevention of atrocities by police.
- Both central and state governments should prepare the official list of NT-DNT communities across India. All the NT-DNT should be classified separately and should be given reservation.
- Amendments should be made to legislations such as the Wildlife Protection Act, the Prevention of Cruelty to Animals Act, the Environment Protection and Biodiversity Conservation Act, the Drugs and Magic Remedies Prohibition Act, and the Prevention of Beggary Act taking into consideration that these Acts have criminalised the traditional professions of the NT-DNT and specifically target street performing nomadic communities such as acrobats, tight rope walkers, dancers and singers, leaving them with no alternate source of livelihood.
- A social protection framework (policies and schemes) should be formulated that focuses on access to entitlements, land, housing, livelihood, education and health of NT-DNT communities. The central and state government should allocate a fixed budget based on their population.
- The Government of India should create a separate category for NT-DNT in the census and National Health and Family Survey (NFHS). It will help in generating data for policymakers.
- The Government of India should constitute a permanent commission for the NT-DNT in line with the Schedule Caste and Schedule Tribe commission at the central and state level. Also, National and state commissions like Human Right Commission, Women Right Commission and Commission on Protection on Child Rights must have a separate unit within the commission to address the issues of the NT-DNT.
- An intervention and action plan needs to be devised to ensure basic citizenship entitlements, including access to basic citizenship documents, food security, caste certificates, health facilities, shelter needs, political rights and other socio security programs are made available specifically for the NT-DNT.
- NT-DNT should get free education with good hostel facilities, particularly for girls. Special effort should be made to sensitise the teaching and non-teaching staff in educational institutions on the issues related to NT-DNT.
- There should be a separate reservation in private sector for NT-DNT.
- Government should provide employment opportunities for nomadic tribes by offering loans for small enterprises. Some of those practising traditional occupations, including street performers, are struggling due to changes in laws and need to be revived. Companies that are hampering traditional occupations and polluting the local environment should be discouraged as it further marginalises these communities. For landed NT-DNT communities, there needs to be strengthening of irrigation as well as other input facilities so that they do well in agriculture.
- Landlessness is high among NT-DNT communities, and in some places, influential people have grabbed land belonging to NT-DNTs. There are also instances where

businesses and government have taken over their land for developing project sites. The land belonging to the NT-DNT should be restored to them; there should be active consultation before any such step of displacement and allocation of land. The government should recognise the rights of the pastoral community over their grazing land and provisions should be made to transfer the ownership of these land to the pastoral communities.

Endnotes

- 1 Renke Report 2008
- 2 Ujwala Yojana is a scheme aimed at improving access to LPG for household use and making a move towards clean energy
- 3 <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/feb/doc202222519501.pdf>
- 4 <https://indianexpress.com/article/explained/state-of-denotified-tribes-house-panel-development-programme-7854312/>

8. People with Disabilities

Charity Can't Be The Leitmotif of Programmes for People with Disabilities

'Sabka Saath, Sabka Vikas' will only be possible when people with disabilities are viewed as equal contributing members and not viewed through a lens of pity.

The last two years have been particularly devastating for people with disabilities. They have been pushed backwards by at least two decades. People with disabilities are again viewed from a charity approach. In terms of various schemes, the status of implementation has been almost as diverse as disability. People with disabilities, particularly those from economically marginalized sections, continue to suffer in terms of access to education, employment and healthcare services.

Despite having a strong legislation in the Rights of Persons with Disabilities (RPwD) Act 2016, implementation of the provisions of the said Act remains a challenge. For instance, Section 45 (1) and Section 46 of the RPwD Act 2016 states the time limit for making existing infrastructure and premises accessible; accessibility by service providers as five years and two years respectively. It has been more than five years now and accessibility is still one of the major concerns for people with disabilities.

Missing data means people left out

Disability is complex and diverse and therefore difficult to measure. Stereotypes and stigma continue to exist around people with disability. "Data disaggregated by disability in all areas is essential to ensure progress is measured and people with disabilities are not left behind from future mainstream development programmes", the UN Expert Group on Disability Data and Statistics, Monitoring and Evaluation has said.

In answer to an unstarred question (No 257) in the Rajya Sabha seeking data on people with disabilities vaccinated and deceased due to the COVID-19 pandemic, the government said that as on 28 November 2021, as per CoWIN portal, 8,390 people with disabilities received the first dose of COVID-19 and 4,018 received both doses of the COVID-19 vaccine.

However, the answer put before Parliament said that the number of people with disabilities deceased due to COVID-19 is not available.

On the other hand, an article in the Times of India newspaper of 14 October, 2021 states that only 20,000 persons with disabilities have been vaccinated in the state of Maharashtra as estimated by public health officials. Maharashtra state public health officials stated that nearly 22,901 persons with disabilities have been vaccinated so far but the numbers may be higher. With the CoWIN app not having a separate category, the tally has to be coordinated with the disability commissioner's office.

The instance is indicative of the data collection process and monitoring mechanisms being blind to disability, resulting in invisibility of people with disabilities from the mainstream development

narrative and unintentionally leaving out people with disabilities from development interventions.

Budgets stem from a charity mindset

Year after year, the disability sector has been sending its 'asks' to the Ministry of Finance, but persons with disabilities continue to be featured dismally in the Union Budget. With world over the mantra being to '*Build Back Better*' as we cope from the pandemic, the absence of an 'inclusive budgeting' adds to the cost of living with disability which has increased manifold in this duration.

The increase in this year's budget¹ for the Department of Empowerment of Persons with Disabilities (DEPWD) is a meagre Rs. 40 crores. In terms of schemes and programmes the allocation of funds has either been stagnant or reduced and, in most cases, under-utilised².

A survey conducted by the National Centre for Promotion of Employment for Disabled People (NCPEDP) in 2020 found that a majority of people with disabilities are engaged in the unorganised sector, many of whom lost their livelihoods due to the COVID-19 pandemic and the subsequent lockdowns. This year's Union Budget failed to address this and did not provide any respite to people with disabilities with no mention of special packages or relief schemes to ensure jobs and secure their livelihoods. People with disabilities found mention in the Budget Speech³ of the Finance Minister for 2022-23 to amend Section 80 DD of the Income Tax Act which allows for maturity of an insurance policy even while the parent/guardian of the disabled ward is alive, but there was no assurance on providing for life and other insurance.

The Gender Budget Statement reflected that there are no specific programmes for women with disabilities.⁴ Analysis of the previous year's Budget also reveals that there is an under-utilisation of the allocated budget.

As such, there is a need for allocation of funds in research around the new types of disabilities to make informed policy decisions. There is also a need for allocation for sensitization programs for removing stigma. For instance, there is a widespread assumption that women with disabilities are unable to conceive.

An increase investment in research and development of high-quality assistive aids and appliances and a provision for rebates/concessions to individuals and organizations for using and promoting Universal Design for accessibility in both physical environment and ICT will go a long way in helping disabled people lead a more dignified life.

'*Sabka Saath, Sabka Vikas*' will only be possible when people with disabilities are viewed as equal contributing members and not viewed through a lens of pity.

RECOMMENDATIONS

- Social audits of all general schemes and programmes involving people with disabilities to ensure that the scheme and programmes do not have an adverse impact upon people with disabilities and meet their requirements and concerns as mandated by Section 48 of the RPwD Act, 2016
- Review implementation of the provisions of the RPwD Act, 2016
- Disability responsive planning and budgeting by all Ministries which includes specific earmarking of budgets for disability under various Central/State schemes of all Ministries/Departments
- 5% allocation for persons with disabilities in all poverty alleviation schemes to not be limited to only the RPwD Act but also be featured in the Ministry of Panchayati Raj and Rural Development
- Remuneration of special educators to be at par with regular teachers and adequate remuneration for therapists working in District Early Intervention Centres (Ministry of Health and Family Welfare) and District Disability Rehabilitation Centres (Ministry of Social Justice and Empowerment) as mandated by the Supreme Court in Rajneesh Kumar Pandey & Ors versus Union of India and Ors⁵
- Similar budget like that of an accessible election budget can be replicated for accessible healthcare services for people with disabilities
- Accessibility of infrastructure and services to be included in the rural areas and not limited to the urban areas only
- Budgetary allocation for life and health insurance schemes of persons with disabilities

Endnotes

1 <https://www.indiabudget.gov.in/doc/eb/sbe94.pdf>

2 <https://www.indiabudget.gov.in/doc/eb/sbe94.pdf>

3 <https://www.indiabudget.gov.in/?jwsourc=cl>

4 <https://www.cbgaindia.org/wp-content/uploads/2022/02/In-Search-of-Inclusive-Recovery-An-Analysis-of-Union-Budget-2022-23.pdf>

5 2021 SCC Online SC 1005

Persons with Disabilities

'Sabka Saath, Sabka Vikas' will only be possible when people with disabilities are viewed as equal contributing members and not viewed through a lens of pity.

- Disability is complex and diverse, and difficult to measure.
- As per Census 2011, the estimated number of people with disabilities in India is close to 26.8 million people- more than the entire population of Australia!



People with disabilities, particularly those from economically marginalized sections, continue to suffer in terms of access to healthcare, education, and employment.

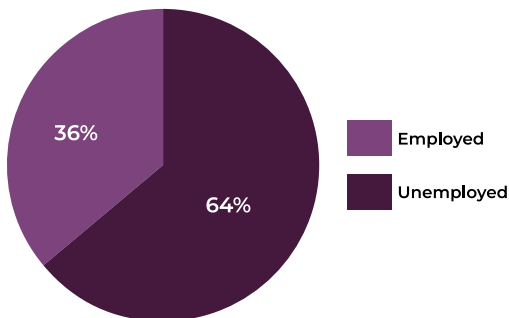


As on November 2021, only 8390 people with disabilities had received the first dose of the COVID-19 vaccine, and just about 4000 were fully vaccinated.

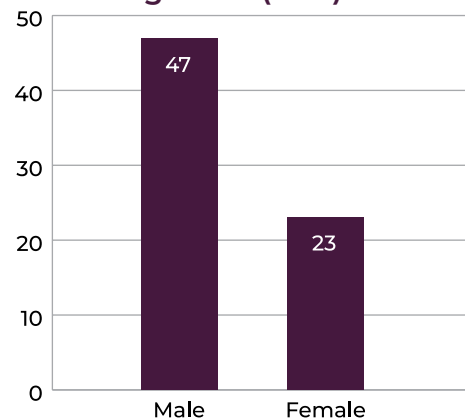
(Source: CoWIN Portal)

No data available on the number of people with disabilities deceased due to COVID-19

Employment status of PwDs



Employment status of PwDs by gender (in %)



Source of above 2 graphs: Persons with Disabilities (Divyangjan) in India- A Statistical Profile (2021), Ministry of Statistics and Programme Implementation (MoSPI).



- Nearly 30% of schools still not equipped with a ramp
- A total of 2.2 million children with special needs (CWSN) enrolled in schools in 2020-21, of which 57% are boys and 43% are girls
- Only 666,853 teachers trained to teach CWSN

(Source of above 3 points: UDISE+ Dashboard)



- A mere Rs 40 crore increase in the budget for 2022-23.
- No specific programmes for women with disabilities in the 2022-23 Gender Budget
- Revised estimates for 2021-22 show massive underutilization of funds-
 - 10% decrease from the overall budget estimates
 - 21% decrease in expenditure on National Programme for Welfare of Persons with Disabilities

9. Refugees

The Unending Plight of Refugees in India

India's history of support to refugees through centuries is being reduced to exactly that: history – more so as refugees and asylum seekers are being deprived of essential humanitarian services, essentially because their status is not recognised.

India has a long history of hosting refugees. Out of the 210,000 refugees registered with the government, 73,407 are from Tibet (PRC) and 92,691 from Sri Lanka¹. UNHCR has also registered 47,832 refugees and asylum-seekers in India as of 31 March 2022. In March 2022 alone 727 individuals were registered mainly from Afghanistan and Myanmar.

Though India is not party, nor has it acceded to, the 1951 UN Refugee Convention or the 1967 Protocol to that Convention, India has especially sheltered large fleeing populations from various parts of the world, though mostly from its neighbouring countries in South Asia. The people arriving in the country are primarily victims of ethnic persecution and violence, armed political unrest, and economic deprivation. Refugees are governed by the Foreigners Act 1946, a deportation-oriented law, that does not take into account their need for protection and places them at risk of refoulement or “return” to the very conditions that they escaped from, in violation of customary international law.

Due to this ill-defined status, refugees in India are unable to access basic services such as schooling, healthcare, and livelihoods and risk human rights violations including arrest, detention and trafficking. UNHCR identification cards issued to refugees in India lack legal validity. Thus employment in the formal sector, accessing formal education or any other basic public services becomes nearly impossible for them. This leaves many refugee groups at higher risk and largely deprived of government protection, relief, and rehabilitation aid necessary for survival. More than half of the world's refugees currently live ‘invisibly’ in cities rather than in camps. India hosts a refugee population exiled in both types of settlements across the country.

Tamil Nadu is home to Sri Lankan refugees, camped in various locations across the state. Housing programmes have come up and some of the camp dwellers have even vacated their camp site and moved into government allotted houses. The state Chief Minister has recently requested the Prime Minister to allot special funds for their rehabilitation.

Similarly, the Government of Mizoram has also provided not only food and shelter but have also provided access to school education to the Chin refugees of Myanmar.

Urban refugees in India suffer in silence. The support rendered to the vast population of Afghans, Chins, Rohingyas, Somalis and Congolese among others is, at best limited, mainly due to lack of government recognition. The new CAA rules have made it more difficult for refugees to live in peace and certainty. Lack of government support in terms of shelter, health and legal needs of refugees has left most of them vulnerable. Asylum seekers wait for years to get recognized as a refugee and in cases where their cases are rejected, they have to face the burden of paying fine to the government for their illegal stay here. Therefore, the delay in recognition plays a huge burden on the families as they remain in a state of uncertainty and live in fear of being deported back to their country of origin.

The conflict in Myanmar beginning February 2021 has caused thousands of families to flee their country and find refuge in the North-eastern states of India. As per UNHCR data about 22,000

refugees have entered India and about 7000 crossing into Manipur and Mizoram States in the second half of January 2022 alone. The incoming people seeking refuge include victims of land mines, civil servants, anti-coup protesters and youth and student leaders. However, the failure of these individuals to be recognized as refugees makes it even more challenging for them to survive and therefore, they have come to seek temporary safety in India and plan to go back and fight for their home country.

The law on education must apply to refugees children too

The Right of Children to Free and Compulsory Education Act or the Right to Education Act (RTE) describes the modalities of the importance of free and compulsory education for children between the ages of six and 14 in India under Article 21a of the Indian Constitution. In principle, this right ensures that refugees coming from any country have the right to seek an education. Yet, very few refugees are consistently enrolled in the national educational system. They are similarly challenged to access higher education.

Sri Lankan Tamil children form about 38% of camp's populations. It is observed that the age group of school going children are five to 17. A 6% dropout is observed after class 8. Although Right to Education sets objective as 100% literacy, drop-out rates continue to increase. Fortunately, the Tamil Nadu government has a provision to enrol refugee children in nearby host community schools. Yet, the government-provided tiny shelters, the camp's living conditions, poverty and untreated war-borne trauma are not conducive for the young people to meet the academic requirements or to participate and learn from extra-curricular activities. The children who attend these government schools often feel being singled out by their teachers and classmates for unfair and prejudiced attention.

Despite the provision to attend the government schools, the 70% of Chin refugees and 40% of Afghan refugees residing in Delhi do not attend government schools as the children need to attend vernacular medium. The number of English medium government schools in residential areas of the refugees is limited. In addition, discrimination based on their race, looks and their language demotivates the refugee children to continue schooling – especially since it goes unreported as most refugee parents try to prevent a police case and avoid risk disrupting their process of resettlement which is already a challenge for most.

The students continuing in government schools are promoted to a higher grade without proper assessment of the students which creates a knowledge gap depending how parents' level of education and their ability to assist their children's learning. The poor economic condition does not permit parents to engage the students in tuition classes. These gaps thus result in high dropout rate among the refugee students.

Government health workers must serve refugees

Considering the type of work refugees have access to, it becomes almost impossible for them to get access to primary health care services and private alternatives usually leave them in debt. Occupations like waste collection, for instance have their own hazards that require medical attention. Refugees find it challenging to opt for government health services because most health care workers are unaware of the legal rights of refugees and treat them merely as foreigners. Refugees are asked to make payment upfront or in most cases being denied of health care services altogether. Their inability to communicate their health issues due to language barrier often

leads to a complication in their health due to wrong medication. If the refugee settlement areas are in remote region and refugees, they also do not have sufficient means to reach city or nearest town for serious illness.

There was very little attention towards the needs of the refugees during the COVID-19 pandemic. The discrimination only further exacerbated their vulnerabilities.

Legal status of refugees impacts their livelihood

Most refugees in India are deprived of the profession and career they are fit for. When they leave their countries, they unfortunately have to leave their careers behind. Many of the refugees arrive with different specialties and skills. They include doctors, engineers, nurses and teachers etc. But they are forced to take up menial jobs because they are not recognised as refugees. They are often paid less for whatever few work opportunities they come by and undertake because of their refugee status and also because they do not have bank accounts.

The knowledge of refugee status of the individuals is the starting point of exploitation at work in terms of remuneration, working hours, etc. There are security risks in traveling to and from work, especially when the refugee gets the occasional and lucrative catering jobs at night. Sexual gender-based violence (SGBV) is prevalent in New Delhi and refugee women are victimized because they look different. The compensation from these jobs is meagre, making it for families to make both ends meet.

The employment challenges that the Chin refugees face is particularly tough since most of them come from an agricultural background and therefore, lack skills required to find jobs in Delhi. This background often leaves them in a state of vulnerability and leads to an increase in the cases of harassment, torture, and violence. Hence, they end up taking daily wage jobs, or jobs containing high risks. Such high-risk jobs often harm their health, often draining whatever they earn and exposing them to further vulnerabilities.

Afghan refugees work largely in the fast-food industry, in the pockets in Delhi where they have settled. A small number of the Afghan refugees, who have some skills, engage themselves in knitting, sewing, embroidery etc. Afghan women generally do not engage in work outside home due to their community's cultural traditions. Afghan single women are more vulnerable due to lack of skills, language, and the exploitative nature of working conditions. Urban refugees in India, no matter their experience or educational qualifications, are limited to working as volunteers and not as employees. However, working as a volunteer limits their opportunity to learn and grow professionally or take up challenging assignment as per their capability. This limits their financial capacity and only pushes refugees into further poverty despite their potential and enthusiasm.

Most Sri Lankan refugees, including those qualified, remain either unemployed or underemployed. There are a few emerging small-scale women entrepreneurs in camps, where some married women have taken up knitting consignments for export companies and receive meagre wages. A few qualified women are employed as teachers in private schools and firms. However, they are underpaid and risk exploitative work environments. While dropouts often end up in jobs such as cleaners and helpers, there are also refugees who completed their education in India but could not secure a job because of their citizenship status or statelessness. Underemployment is high and a major concern that causes frustration among the camp members.

Legal matters and integration

Appeals to seek Indian citizenship by group of refugees anguished with the protracted conditions have now been slammed by Citizenship Amendment Act in (December) 2019. An alternative to protracted refugee situation could possibly be the integration of Sri Lankan Tamil refugees in the host community, most likely in Tamil Nadu. The 34,273 Sri Lankan Tamils who live outside government permitted camps complain about the difficulties of living outside camps without legal or property ownership rights and inability to access employment as per their qualifications. The refugees remain uncertainty about their future options. Much of what governs them and what they are made aware of is circumstantial and is subject to change. Absence of sustainable legal solutions, greater socio-political insecurity and economic exclusion and discrimination in both, India and their original countries has put hurdles in the road to their reintegration or repatriation. However, Sri Lankan refugees now have access to gain ration card, adhaar card, and bank account owing to the efforts of civil society.

In fear of the Military attack in Myanmar, the Burmese civilians (each one of them entitled to protection in accordance with internationally accepted protection to civilians (PoCs)) headed to Mizoram leaving behind all their belongings. They had to cross Tiau river through boat or at small junction roads by bikes. The Burmese were met by Young Mizo Association (YMA) or villagers from Mizoram and provided a makeshift shelter near Tiau River. Later, the population was dispersed to different villages; some of them also moved closer to their relatives who are permanent residents of Mizoram. Despite the harsh journey, the respondents felt that they were secure along the route and at displacement site. A majority of them have taken their security concerns to the tribal council and to religious or community leaders.

Temporary identification facility to the Burmese PoCs was recently announced by Mizoram government, under which identity cards will be given to Burmese entering Mizoram. Selected entry points (Farkawn, Zokhawthar and Bulfekezawl at Champhai District) have been recognised. Any person illegally entering through unidentified points will not be given identity card.

Urban refugees seeking resettlement mostly face issues getting police clearance certificates from the FRRO offices. The delay ensures that the resettlement process is not smooth. In most cases, the long-delayed applications are rejected, most often for ambiguous reasons. Further, difficulty to communicate prevents them from resolving the issue. This issue is mostly faced by the Chin and Rohingya refugees who do not own a passport or a visa.

Forced repatriation of Rohingya refugees is another serious concern. For example, Ms. Hashina Begam was picked up from the holding centre in Jammu, separated from her husband and three minor children, brought to the border town of Moreh in Indo-Myanmar border of Manipur and handed over to the Myanmar authorities on 22 March 2022. This is despite of the order of the Manipur Human Rights Commission directing the Government of Manipur “to put a hold on the deportation” as it violates the right to life and personnel liberty guaranteed by the Constitution of India read with Article 14 of the Universal Declaration of Human Rights². This is not the first repatriation and certainly not the last. Reports of more repatriation from the same post continues to pour in.

CSOs intervention – a helping hand

The urban refugees in New Delhi which includes the Chin, Afghans, Rohingyas and a small population of Somalis often live in the sub-urban parts of the city. Civil society groups have been

working closely with the Chin and Afghan communities to address issues with regards to education, livelihood, health and social security. Refugees in Delhi are often seen scattered in several locations which makes it difficult to identify the most vulnerable among them. One source of support for the refugees are civil society groups who help them meet basic needs. The lack of recognition of Chin, Afghan, Somalis and Rohingya refugees however, limits the scope of CSOs to effectively ensure support to the refugees.

However, keeping in mind the limitations, most CSOs have played a huge role in building capacities of refugees and asylum seekers through informal education targeting school drop-out children, providing complementary education for school going children to encouraging them to continue their education and also scholarship support to go for vocational training or higher education.

Through joint collaborations of CSO's, refugees have had better access to livelihood training programmes and access to a decent means of income. This helped them in meeting the livelihood opportunities in the urban setting and encouraged them to work.

Through collective support, refugees were also accompanied in court cases or with any legal matters and ensured that they were protected from threats and helped them experience their right to safety and security.

As health becomes a main issue for refugees' accessibility, CSOs ensure their support by accompanying refugees to hospitals, advocating for their health rights and the same time provide medical assistance when available. An example is the subsidy allowance for refugees provided to BOSCO to the most vulnerable among them to meet their monthly expenses.

The COVID-19 pandemic has caused immense economic and social disruptions worldwide. 54,292 refugees and asylum-seekers are reported to be vaccinated, thanks to efforts by the government. Amidst the pandemic and its adverse effects, CSOs continue to coordinate work in India and provide refugees and asylum seekers with support to ensure that their basic needs were met and also gave them more scope for learning.

Recommendations:

- Government of India should ratify the 1951 Convention on Refugees and the Optional Protocol of 1967.
- Institute a national legal framework along the lines of the Asylum Bill, 2015 to prevent the breach of non-refoulement principle and govern the legal status of refugees.
- Establish more English medium schools within or close to refugee settlements.
- Limit the number of students in schools based on teacher capacity.
- Ensure enrolment of refugee students to government schools after they turn 14 years of age since the lack of valid Indian document prevents them from enrolling to government school after they turn 14.
- Permit recognized refugees to open bank accounts with passport authorization.
- Provide livelihood program support to refugees and asylum seekers.
- Ensure proper follow up with FRRO regarding refugee cases/ getting PCC especially during the resettlement process

- Provide Myanmar POCs from Northeast a legal permit to travel to Delhi to get refugee status.
- Reduce the tax amount for the visa fee as most refugees find it difficult to pay the fees.
- Provide scholarship support for refugees living in the urban setting to get access to higher learning.
- Provide financial assistance to most vulnerable refugees to seek education and health assistance.
- Sensitise, in a partnership with CSOs, various health service providers, teachers and police personnel and other government functionaries on whom refugees are dependent and have to deal with.

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10. Women

Unemployed and Under-Remunerated, Pandemic Further Marginalises Women

Economic recovery has remained a challenge for women in India due to several factors, including unpaid domestic work, lack of social support and absence of the care economy, besides barriers to economic participation such as mobility restrictions owing to lockdowns and the digital divide.

Two years into the pandemic, the humanitarian crisis continues to disproportionately affect women even as they navigate the crisis from the frontline. According to the 2022 World Bank study “Women, Business and the Law”, India has fallen to being 124th out of 190 countries in its ranking on gender equality in legal terms¹. Data from the National Commission for Women (NCW) shows that in 2021, 30,865 complaints regarding violence against women were received, 26% of which were due to domestic violence². The complaints received have risen by 30% from 2020 to 2021. During the pandemic, women’s unpaid care work increased by 30%³ and they were 7 times more likely to lose employment than men and 11 times more likely to not return to work following the pandemic⁴ along with being burdened by a persistent gendered digital divide.

According to a policy brief issued by the Right to Education Forum in January 2021, 10 million girls in India could drop out of secondary school due to COVID-19, putting them at higher risk of early marriage, early pregnancy, trafficking and violence⁵. Further, according to a study conducted by the Centre for Budget and Policy Studies (CBPS), only 30% of children surveyed in India reported having access to a phone, with only 26% of girls having access in comparison to 37% of boys, which further makes it difficult for girls to continue their studies remotely⁶.

Particularly vulnerable women — women from oppressed caste backgrounds, women with disabilities, and queer women — experienced unique discrimination. For instance, Bahujan women comprise a large proportion of the domestic workforce, which saw a 50 to 70% decrease in income⁷. **Therefore, it is time for Union and State Governments to renew their commitment to building gender equitable environments in family, work, education, and health and putting women at the centre of recovery.**

Women’s Political Participation

A survey conducted by Pew Research Centre with 30,000 participants across India affirms perceptions that women generally make better political leaders than men, as reflected by one in every ten participants^{8,9}. However, India has regressed considerably, with a significant drop in the number of women ministers in recent years — from 23.1% in 2019 to 9.1% in 2021¹⁰. At the national level as well, the number of women parliamentarians still registers at an abysmal 14.4%, much below the already low global average of 25.5%. At the state level, this number remains at below 10%¹¹. The Women’s Reservation Bill, which seeks to reserve a third of all seats in the Lok Sabha and in all state legislative assemblies for women, was passed by the Rajya Sabha in 2010 but 12 years later, Lok Sabha is yet to put the bill to a vote for it to become a law¹². It is important to also note that affluent class women dominate the political space and measures like reservation need to be complemented with institutional responses to bring Dalit, Adivasi and OBC women into the fold¹³.

Despite women's political representation being low, their political participation as veritable voters remains high. Across five poll-bound states in 2022 (Uttar Pradesh, Goa, Punjab, Manipur, and Uttarakhand) several political parties created manifestos catering specifically to women – focusing on women's safety, and schemes benefiting them. According to the latest data assessments by the Election Commission, all poll-going states saw significant improvement in the gender gap ratio between the 2017 assembly polls and the upcoming elections - ranging from 10 points in Punjab to 29 points in Uttar Pradesh¹⁴. A total of about 1,135,000 lakh women have registered as first-time voters¹⁵.

With 33.3% seats reserved for women in Panchayati Raj Institutions in rural India, millions of women in rural India hold government roles. However, the concern remains that they are titular position-holders with their husbands or other male-relatives taking the lead. On a positive note, it was found that women who participated in Self Help Groups were twice as likely to attend village assembly meetings or jointly demand representation and combat backlash from men¹⁶. **Therefore, in order to bring more women into the electoral fold, there is a need to annihilate structural and legal obstacles that hinder girls' and women's participation in politics and decision-making¹⁷.**

Women's Livelihoods and Female Labor Force Participation Rate (FLFPR)

The COVID-19 pandemic caused an exodus of women from the labor force. According to an analysis of the latest data by Centre for Monitoring Indian Economy (CMIE), FLFPR steeply declined to 9.4% between September and December 2021, the lowest since 2016¹⁸. According to CMIE, 23% of unemployed people are women. In 2021, across both urban and rural India, the proportion of men actively seeking work increased to 33.7 % and 14.9 %, respectively. In contrast, the proportion of women doing the same decreased¹⁹.

Economic recovery has remained a challenge for women in India due to several factors, including unpaid domestic work, lack of social support and absence of the care economy. Other barriers to economic participation include mobility restrictions owing to lockdowns and a persistent gendered digital divide. A rapid survey conducted by Jagori on the economic well-being of women domestic workers in May-June 2021 revealed that 44% of respondents saw a 50% to 70% decrease in their incomes post-lockdowns, whereas 28% respondents remained unemployed since March 2020²⁰.

While the Ministry of Labor and Employment is currently in the process of developing a comprehensive National Database of Unorganized Workers (NDUW), most of India's 4.2 million women domestic workers are not protected by government welfare schemes. In addition to this, India continues to ignore the household as a workplace, thereby excluding domestic workers from existing labor codes. Women informal workers have also been largely excluded from consideration in the e-Shram portal, the registration for which is online. Given the gendered digital divide and the fact that only 33.3% of women in India have ever used the internet²¹, women informal workers continue to remain excluded from the meager social security promised. Further, gig workers still do not have the social security they were promised last year²² and the demand for an Urban Employment Guarantee Scheme remain unmet.

Approximately 25 lakh ASHA, ANMs and Anganwadi Workers continued to perform crucial, frontline work during the pandemic – often without protective gear, 10-11-hour workdays, debt burdens and an honorarium below minimum wage²³. Between January and March 2022, Anganwadi workers and helpers conducted peaceful strikes in Delhi and other states with the primary

demand of increased honorarium/wages. However, in Delhi, this strike resulted in over 3,000 show-cause notices and 150 terminations, until the Delhi High Court asked authorities to not issue any such orders after a petition was filed²⁴. On April 25, 2022, in a relief to Anganwadi workers and helpers, the Supreme Court ruled that they were entitled to payment of gratuity and asked the Central and state governments to take serious note of their plight as they were the backbone of various welfare schemes and services to society²⁵. Despite this welcome ruling, ASHA and Anganwadi workers are still volunteers and not recognised government employees who continue to be excluded from social security benefits and health insurance.

The expectation of focus on boosting women's employment was unmet yet again this past year. According to an analysis by the All India Democratic Women's Association, the overall gender budget has decreased from 0.71% of the GDP of the revised estimates (RE) for 2021-22 to 0.66% of the BE for 2022-2023²⁶. The Union Government's proposed agricultural reforms to deregulate the agricultural market and weaken the government-established minimum sale price for crops are expected to further marginalize women farmers by erasing their bargaining power and avenues for price discovery²⁷.

Further, budget of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGN-REGS), 54.54% of beneficiaries of which are women²⁸, was cut by 25.2% in FY 2022-2023(BE)²⁹.

As a result of COVID-19, a third of businesses run by women were shut temporarily or permanently, and they suffered a revenue loss of more than 70%.³⁰ Women entrepreneurs highlighted two major challenges in this regard³¹: to recognize the value women entrepreneurs can add to the country's economy, and to implement programmes to provide women with the necessary skills and capital required to ensure their success.

Furthermore, particularly during the pandemic, women lacked the skills needed to pivot their businesses and were unable to access digital markets owing to the persistent gendered digital divide. WE Hub, a startup incubator program designed specifically for women entrepreneurs by the government of Telangana is a good practice to this end³².

WE Hub - The Standard in Entrepreneurial Training



Jayamma is a 57-year-old entrepreneur from Jakallapally village of the Mahbubnagar district in Telangana. She is the founder of Arogya Dayini, an enterprise manufacturing cold-pressed oils. After experiencing a health scare herself, Jayamma was motivated to make healthier choices. Therefore, through her cold-pressed edible oils known for their health benefits, she is on a mission to promote good health and conscious living.

She was supported by WE Hub. The incubation program trained her to scale her business, price effectively for the market, and ensure tax compliance. Today, Jayamma is a role model in her

local community. She asserted, “I started something. If a few people learn from me and set up their own businesses, employing 1,000 more people, that is the true meaning of business and being an entrepreneur.”³³

Ending gender-based violence (GBV) against women

High incidences of domestic violence were reported during the second wave. National Commission for Women received 6,663 complaints of domestic violence in 2021, the highest since 2014. As many as 1,819 complaints were also received regarding the offence of outraging the modesty of women or molestation, 1,675 complaints of rape or attempt to rape, 1,537 of police apathy against women, and 858 complaints of cyber-crimes³⁴. Evidence from the previous year and anecdotal evidence this year suggests that there remains a gap in the redress of gender-based violence with police insensitivity, lack of access to redress services, and refusal to categorise services for survivors of gender-based violence as “essential services”³⁵.

In Dalit Women Rise for Justice - Status Report 2021, researchers noted low conviction rates under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 with perpetrators being convicted under sections of the Indian Penal Code instead, thereby invisibilizing caste and robbing survivors of the right to compensation³⁶. Emphasising on the fact that the total number of atrocities on Dalit women is very high with close to 10 Dalit women being raped on a daily average, the budget of Rs. 180 crores to address violence and crimes against Dalit women remains inadequate.

Women’s access to sexual and reproductive healthcare remained difficult despite the Medical Termination of Pregnancy (Amendment) Act, 2021 that allows women to access abortions up to 24 weeks into pregnancy. According to findings of a study conducted by Indian Council of Medical Research in Mumbai show that during the second wave, women were at greater risk of miscarriages or “spontaneous abortions” with 82.6 of every 1,000 births resulting in this. Despite this risk, women continued to have limited access to antenatal and delivery services³⁷. In a study conducted by the Maternal and Perinatal Health Research collaboration, India, (Maat HRI) researchers noted a significant decrease in hospital births during the pandemic. Hospital admissions from septic abortion were 56% higher. Additionally, the overall case-fatality of complications increased by 23% and remained high across the different phases of the pandemic with a significant increase in deaths from heart failure in pregnancy³⁸.

Evidence from a survey conducted across six states shows that roughly 30% of the female respondents report that their feelings of depression, exhaustion, anxiety, and perception of safety worsened over the course of the pandemic³⁹. There is a 12.15% increase in the Centre’s budget for mental health in 2022-2023 – however less than 1% of the total HFW budget has been allotted to mental health services in the last four fiscal years⁴⁰. Despite increased conversation and the need for such services, the prioritisation of resources remains bleak.

Despite rising trends in violence against women, the gender budget has declined from 4.4% to 4.3% of the total budget for 2022-23. The Union Ministry of Women and Child Development which had 19 Central Sector Schemes is left with only three revamped categories of schemes – Mission Shakti, Mission Vatsalya, Saksham Anganwadi and POSHAN 2.0. The Sambal component of Mission Shakti under which combined schemes like Beti Bachao Beti Padhao, One Stop Centres, Women’s Helpline, saw a decline of 4.2%⁴¹, in addition to presently having no accommodations for queer women, women with disabilities, and women from marginalized caste backgrounds. Further, the scheme on women’s safety on public road transport saw a 80% decline in budget from 2021-22 to 2022-23.⁴²

While the government had made allocations under the Nirbhaya fund to strengthen and set up Anti-Trafficking Units and Women's Helpdesks in police stations in all states and UTs in 2021-2022, a parliamentary panel found gross under-utilisation of the Nirbhaya Fund yet again, with only 30% of it being used, and has said that the Fund should not be utilised by other ministries to construct routine infrastructure⁴³.

Further, the pendency of cases in fast-track courts has crossed the 10 lakh mark as of December 2021, thus defeating the purpose of such courts and dragging the process of access to justice for women survivors of sexual and gender-based crimes⁴⁴.

In a report by queer rights organization Sangama, more than half (52%) of respondents said they had been harassed by the police and nearly all (96%) said they felt that they could not complain because of their gender identity⁴⁵. Similarly, women with disabilities often become 'invisible victims' of violence. The National Crime Records Bureau (NCRB), which is responsible for collecting and analyzing crime data, has failed to provide disaggregated data on women with disabilities^{46,47} in its annual report, making it increasingly difficult to mitigate GBV against women with disabilities.

Good practice: A More Accessible Criminal Justice System

In an April 2021 judgment, Supreme Court Justice Dhananjaya Chandrachud acknowledged the nuanced threat of sexual violence women and girls with disabilities face. He noted its incidence as "an all-too-familiar fixture of their lives." The ruling marked an opportunity to expand access to justice for People with Disabilities (PwDs), particularly women who are GBV survivors.

The judgment asserted that the audio identification of a perpetrator should be awarded equal legal weight as visual identification. Furthermore, it called for disability sensitivity training for judges, lawyers, and police officers so they may properly manage cases involving survivors with disabilities, as well as the creation of a database of trained "special educators," interpreters, and legal aid providers. These changes are expected to make the criminal justice system more accessible for people with disabilities.

Women and Social Security

Recovery and interventions since the pandemic hit continue to be center majorly around food security. The data in NFHS 2019-21, the fifth in the series, show that among all age groups, the highest spike in anaemia was reported among children aged 6-59 months, at 67.1%⁴⁸. This is followed by anaemia in females aged 15-19 years — 59.1% per cent (NFHS-5). Yet, the fund allocation for food and nutrition is grossly inadequate with just a marginal rise in budget allocation for Saksham Anganwadi and POSHAN 2.0 to Rs 20,263 crore from Rs 20,105 crore in 2021-22. The funds are to be utilised to create 2 lakh Smart Anganwadis focusing on IT and infrastructure, rather than nutrition. The scheme for maternity allowance is incorporated under SAMARTHAYA which is allocated Rs. 2,622 crores in the budget.

In August 2021, a member of the Advisory Committee for the Mid-day meal programme admitted that delivery of ration under the scheme has been irregular and can lead to further malnutrition amongst children⁴⁹. Yet, the financial allocation for Mid-Day meals in schools reduced from 11,500 crores in the previous year to 10,234 crores in the current year and the scheme itself has been renamed Prime Minister Poshan Shakti Nirman⁵⁰.

Both the Jal Jeevan and the Ujjwala Schemes have been positive policy steps to alleviate the burden of unpaid care work on women. As compared to FY 2021-2022, Rs. 60,000 crores has been allocated under the Jal Jeevan Mission as compared to Rs. 50,000 crores in FY 2021-2022⁵¹. A boost in funding was expected for the Ujjwala scheme in the face of increasing LPG prices. However, allocations to the SAMBAL schemes (under which Ujjwala is one) have been reduced. Further, in FY 2022-2022(BE), the budget for social security pensions (National Social Assistance Programme) remains at around Rs 9,600 crores, despite the demonstrated need for additional social security during the pandemic, indicating that it has not been extended to more beneficiaries.

With the ongoing pandemic and digital divide, the risk to girls dropping out of school remains high. The Union Budget this year has promised a setting up of a digital university and expanding the 'one class one TV channel' programme under the PM e-Vidya scheme. The Union Budget 2022-23 has seen a massive cut from the scholarship incentive scheme for girl children from Schedule Tribes and rural areas. The overall budget for this scheme has been reduced to zero for the 2022-23 financial year⁵². This budgetary allocation and focus on online education has drawn criticism from women's groups who point out that virtually nothing to enable the opening of schools and colleges by allocating more funds for improving infrastructure for safe learning. According to AIDWA, the "stagnant level of funding for educational programmes and sports for girl students implies that Budgetary allocations for education will be diverted from scholarships and expansion of physical infrastructure to online learning and the needs of girl students will be ignored".

Feminist Advocacy

The women's movement in India has been at the forefront of advocating for gender responsive policies and providing women with relief and support during the pandemic. Women's groups have constantly been advocating with stakeholders and policy-makers to ensure that women do not fall off the map in the bid to recover from the pandemic. Civil society organizations have called for expanded labour rights of women, entitlements, and benefits. For instance, the Self-Employed Women's Association (SEWA) has called for the government to invest in women's cooperatives, which aim to protect women in the informal economy and ensure access to social security such as healthcare, childcare, insurance, and pensions⁵³.

Crucially, the women's movement has strongly conveyed a need to recognize informal women workers as frontline workers. Due to a highly unregulated market, those who retained their jobs were left especially vulnerable; with little to no bargaining power, domestic workers were expected to complete more work without extra pay and in unsafe conditions.

The Network for the Rights and Voices of Domestic Workers in Delhi-NCR argued that domestic workers should be considered as essential/frontline workers. Some of their demands included unconditional cash transfers of INR 7,500 per month for at least three months to each worker with immediate effect; the distribution of immediate relief packages of food and other essential items such as sanitation products and condoms; and the provision of daycare facilities for children of domestic workers⁵⁴. Other civil society initiatives include those by the National Domestic Workers' Movement to ensure women workers' access to social security⁵⁵. Similarly, members of the National Platform of Domestic Workers (NPDW) demanded comprehensive social security legislation for domestic workers⁵⁶.

Recommendations

- The adoption of the National Policy for Women Draft (2016) along with a Gender Equality and Social Inclusion (GESI) action plan to all policies and programmes.
- An Urban Employment Guarantee Scheme specifically targeted at women should be devised and implemented urgently. Provisions regarding preferential employment for women in Public Works Departments can also be considered.
- The government should increase preferential procurement from women enterprises from its current 3 per cent to at least 10 per cent.
- Increased allocations for creches in both rural and urban settings.
- Cash transfers by expansion of the Jan Dhan scheme in women's accounts. Also, moratorium on interests and / or loans of women entrepreneurs from lower socio-economic strata.
- There needs to be a focus on re-opening schools and colleges with increased allocations for improving infrastructure for safe learning. If only digital and e-learning is focused on, given the digital divide, education will be inaccessible to millions of girls and they will be at greater risks of early marriage and pregnancy, violence and trafficking.
- Enhanced allocations of the Maternity Entitlement Benefits scheme to cover all women with amounts equivalent to wages foregone, and without disqualifying criteria. The Employees' State Insurance Scheme, a social health insurance programme for the formal sector working classes, can be universalised to cover informal workers.
- Wage subsidies should be provided to women employed in the MSME sector. Allocate budgets for setting up a recovery fund for informal sector workers including domestic and home-based workers in every state. This is keeping in mind the adverse effects of the pandemic on these workers.
- It is crucial to see violence against women as a public health issue and build synergies with the Health and Social Justice and other ministries of the government. A range of support services must be made available at the one stop centres with clear allotments under the Nirbhaya Fund for activating confidential helplines, counselling, safe shelters, one-stop centres, mental health services and legal aid 24/7. Transwomen, women with disabilities, migrant or homeless women are especially vulnerable, and special protocols are required to ensure their access to services. All districts should have OSCs attached to hospitals.
- Universalise PDS, and increase budgetary support for Saksham Anganwadi and POSHAN 2.0 to ensure women do not suffer from food insecurities for the households.

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Women's Rights

Two years into the pandemic, the humanitarian crisis continues to disproportionately affect women even as they navigate the crisis from the frontline.



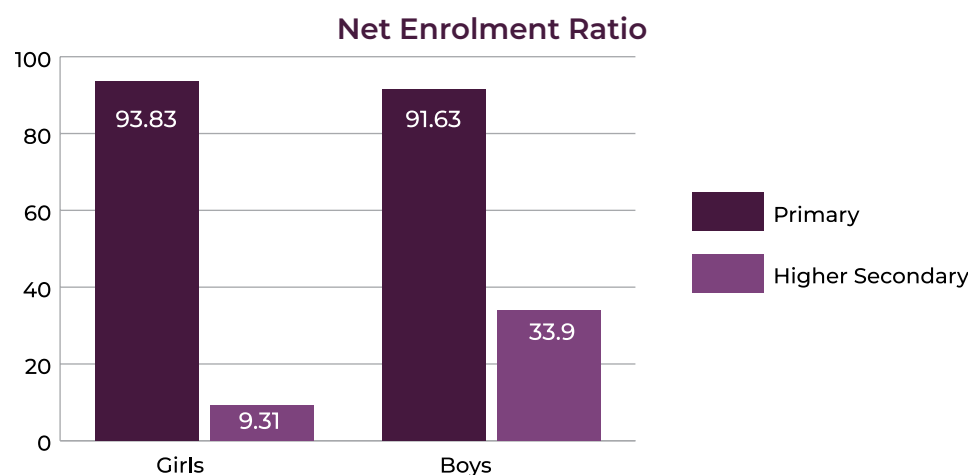
- India ranks 140 out of 156 countries in the Global gender Gap Index 2021- the third worst performer in South Asia with a decline of 28 places!
- India ranks among bottom five countries in discrimination against women in health and survival
- Estimated earned income of women in India only 1/5th of men's
- More than one in four women has faced intimate violence in her

lifetime



- During the pandemic, Indian women's unpaid care work increased by 30%.
- Women were 7 times more likely to lose employment than men, and 11 times more likely to not return to work following the pandemic.
- Female labour force participation rate declined to 9.4% between September and December 2021- the lowest since 2016.

(Source of point 1: UN Women, Source of point 2: Azim Premji University, 2021, Source of point 3: Centre for Monitoring Indian Economy)



(Source: UDISE+ Dashboard, 2020-21)



As many as 57% women aged 15-49 were anaemic in 2019-21, compared to 53% in 2015-16.

(Source: NFHS-5)



Only one in three women in India (33%) have ever used the internet.

(Source: NFHS-5)

- 6,663 complaints of domestic violence registered with the National Commission for Women in 2021- the highest since 2014!
- Decline in gender budget from 4.4% to 4.3% of total budget in 2022-23.
- Sambal component of Mission Shakti, with schemes like Beti Bachao Beti Padhao, One Stop Centres, and Women's Helpline, saw a decline of 4.2% in the 2022-23 budget.

11. Youth

Young People in India, a Force Multiplier?

The past few years, including the years of pandemic, have witnessed how young people have been fed to build “polarised” opinions on various social issues, directly impacting their lives, including on the subjects of nationalism and communalism. Critical issues, such as education, employment and overall youth development in the country are rarely discussed.

India has the largest youth population in the world which is undoubtedly seen as a demographic dividend. With nearly one out of every four persons being a youth¹, India has an enviable youth population which provides a window of opportunity in terms of growth and development of our country – and this opportunity should be seized before the window closes. Current estimated number of youth in India are more than 34% of the total population and while a decline in these numbers is expected in the coming years, youth will still account for almost 24% or 365 million people of India’s population in 2030². However, it would be short-sighted to look at young people solely as a dividend. Instead, they must be seen as a force multiplier that would have far reaching positive effects economically, socially, politically, and psychologically if invested in appropriately. Achieving inclusive growth and meaningful and productive participation of youth comes with huge challenges that must be bridged.

COVID-19 exacerbated all existing fault lines. Adolescents and young people have simultaneously faced education uncertainties, restrictions on mobility and socialisation, increase in household chores and domestic conflicts along with anxieties around their employment prospects³. Consequently, there has been a major learning loss due to the digital divide, adverse wellbeing due to isolation and an increase in child labour, child marriage and school dropouts. India’s soaring unemployment rate currently stands at 7.91%⁴.

The National Youth Policy 2020 (Draft) envisages a 10-year vision for youth development to achieve by 2030, in line with the Sustainable Development Goals (SDGs) and aim to “unlock the potential of the youth to advance India”. All CSOs and youth-centric agencies second that it is critical to address needs of youth across social groups and geographies to envision a sustainable future. There is an emergent need to develop multi-dimensional interventions that can transcend sectoral programmes and contribute to a holistic development of youth in India.

Are we investing in our Youth? Review of Youth Intervention from National Youth Policy (Draft) 2020 Lenses

With increasing insecurities, aggravated by COVID-19, India has witnessed changes in the lives of young people cutting across all fronts including, social, political, and economic. The rising inequality, influx of technology and the COVID-19 pandemic have together ushered in an unprecedented mix of situations for India’s youth. The country’s young generation is living in digital world where information flow to them is quite high and frequent as compared to any of the past decades. Young people are fed with all sorts of information on a daily basis which further builds opinion around many issues in the country. The last few years, including the years of pandemic, have witnessed how young people have been fed to build “polarised” opinions on various social issues directly impacting the lives of the young population, including nationalism and communalism. Critical issues, such as education, employment and overall youth development in the country are rarely discussed.

A quick glimpse of government expenditures on youth development for the last three financial years shows a reiteration of the same old pattern of expenditure and thinking where youth are touted as a “productive force” on paper but not in reality. The total expenditures in 2021-2022 have been Rs. 643.31 crore in comparison to Rs. 550.51 crore in 2018-19⁵, a nominal increase with almost similar programmes and objectives. The major expenditures and focus of the Ministry of Youth Affairs and Sports (MoYAS) has been to enable young population “assume leadership to help others to live a meaningful life, to develop leadership skills amongst the youth to make them responsible citizens for inculcating strong character, self-discipline, integrity, positive commitment to the nation and strong desire to work for Nation- Building”.

A. Education:

Government Interventions: Being severely hit, education of over 32 crore students in India was impacted during the COVID-19 pandemic. In keeping with this, education was projected as a key focus area in the budget 2021-22 with proposed interventions of increased budgetary allocation, promoting EdTech, enhancing education quality and easing education loans⁶. Furthermore, National Education Policy (NEP) 2020 unequivocally endorses and envisions a substantial increase in public investment in education both by the Central Government and all State Governments.

Reality: While the COVID-19 crisis has largely spared children from its devastating health effects, its impact on their education has been profound. The effects of school closures have been far-reaching for children and young people, particularly those living in the rural areas. According to one research of 15 states and union territories, an August 2021 survey from the School Children’s Online and Offline Learning (SCHOOL) found that that only 8% of rural children were studying online regularly, 37% were not studying at all and nearly half could be classified as illiterate⁷. Therefore, there is an emergent need to identify lagging students and intervene to bring their learning back to pace and one of India’s flagship schemes Nipun Bharat, the National Initiative for Proficiency in Reading with Understanding and Numeracy, is a reassuring step in that direction.

According to the NYP 2020, COVID-19 has forced government institutions to rethink traditional forms of teaching and accelerated technology integration as a channel to deliver lessons. However, it would be amiss to not consider the realities of digital divide, not just in terms of connectivity and affordability, but in terms of differential access across genders.

B. Employment and Entrepreneurship

Government Interventions: Pradhan Mantri Kaushal Vikas Yojana (PMKVY), the flagship initiative of the Ministry of Skill Development & Entrepreneurship (MSDE), claims to offer youngsters a chance to pursue industry-relevant skill training. The government announced a series of measures under Aatma Nirbhar Bharat to support the economy, especially the MSME sector in order to deal with the impact of COVID-19. This inter-alia includes (i) Rs. 20,000 crore Subordinate Debt for stressed MSMEs; (ii) Rs. 50,000 crore equity infusion through MSME Fund of Funds (SRI Fund); (iii) 3 lakh crore Emergency Credit Line Guarantee Scheme (ECLGS) for Businesses, including MSMEs (which has subsequently been increased to 5 lakh crore)

Reality: COVID-19 and the nationwide lockdown has resulted in humongous job loss. Data from CMIE’s Consumer Pyramids Household Survey reveals that youngsters (20-24 years) accounted for 8.5% of the total employed persons in the country, in 2019-20. In the short term, the gov-

ernment should provide a loan relief package, deferring the loan repayment for unemployed graduates of 2018/ 2019, by at least two years⁸. The Centre for Monitoring Indian Economy (CMIE) recently released the unemployment status report of India for December 2021. According to the report, the unemployment rate in the country was 7.91% in December. It was 7% in November. The highest unemployment rates were reported in Haryana (34.1%) and Chhattisgarh (2.1%) reported the lowest unemployment rates in India⁹.

C. Youth Leadership and Development

Government Interventions: The principal objective of NYKS is to mobilize, motivate, organize rural youth of the country, and enhance their capacities to develop democratic institutional mechanisms in the form of village-based Youth Clubs. Other interventions include Training on Youth Leadership and Community Development (TYLCD) and (NSS) to acquire leadership qualities and democratic values among others. Furthermore, NYKS, NYC and NPYAD have been merged as “Rashtriya Yuva Sashaktikaran Karyakram (RYSK)”.

Reality: India’s young people have been leading the way in the battle against COVID-19 through heroic acts of goodwill and support in their families and communities¹⁰. It is important to recognise the adaptability and resilience shown by young people in this challenging time and champion their skills development.

According to NYP 2020, volunteering with CSO is an essential part of developing leadership in the youth. Furthermore, youth volunteers need to be trained and supported in their journeys as deeply entrenched hierarchy and patriarchy serve as roadblocks preventing them to ‘be the change’. This requires their skill set to be developed beyond traditional competencies and include the 21st century Skills of critical thinking, problem solving, conflict management, etc. accompanied by a deep self-awareness. Unfortunately, excluding sports expenditure, the government’s expenditure on youth development has been just Rs. 483.6 crores for a population of almost 450 million. This is a sad commentary on the government’s seriousness to invest in its youth.

D. Health, Fitness and Sports

Government Interventions: There is an increase of 124.51% in the Capital component of the Budget in 2022-23 over previous year’s allocation which is earmarked mainly for strengthening of infrastructure for healthcare system in the country.

Reality: The Government has not conducted any assessment of the impact of COVID-19 pandemic and lockdown had on the physical and mental health of the population, especially young people.

The latest CSDS report indicates that 50% young people are reporting a diminished sense of wellbeing – feeling angry, worries about jobs and relationships, loss of sleep and over 20% have reported having suicidal thoughts¹¹.

The NHP (National Health Policy) of 2017 and the National Mental Health Policy (NMHP) of 2014 emphasise on investment in school programmes with mental health specialists and community support network, which should be implemented on priority. Overall health and wellbeing need a significant boost and must be addressed in all spaces and spheres that young people occupy.

E. Safety Security, Social Justice and Peace

Government Interventions: There are a range of social protection measures implemented, both legal and pragmatic to prevent discrimination against vulnerable and marginalised groups. The focus of the Department of Social Justice's welfare efforts is on the requirements of the poorest households as represented by the socially, educationally and economically marginalized sections of the society including Scheduled Castes (SCs) Scheduled Tribes (STs), Other Backward Classes (OBCs), Senior Citizens, Victims of Alcoholism and Substance Abuse, Transgender Persons, Beggars, Denotified and Nomadic Tribes (DNTs), Economically Backward Classes (EBCs) and Economically Weaker Section (EWS). The Department is implementing various programmes/schemes for the welfare of these poor and marginalized sections.

Reality: The social fabric of India thrives on interdependence, both emotional and economic, within families, relatives, and friends. Young people, on the other hand, are excluded, socially, economically, and psychologically. Moreover, in recent times, we have been witnessing an array of mainstream narratives that polarise young people across class, caste, gender, religion, and other identities. Young people often resort to violence, both as leaders and followers. Measures must be taken to strengthen fraternity, minimising the spread of misinformation and discrimination. It is important that even as government schemes are strengthened to uphold equality and justice, educational spaces, workplaces and communities also become flagbearers of peace and fraternity. Once again, Draft NYP 2020 does not recognise many vulnerable and socially excluded communities with respect to their needs, contextual disaggregated data and specific interventions need towards making development inclusive.

Recommendations and Conclusions

- The pandemic has pushed all of us to rethink and invest towards reducing the digital divide along with Inequality that is constantly growing. The young India in different geographies and communities, especially the female, transgender and many sub-groups within youth, need special intervention to bridge this digital and economic divide. It is important for NYP 2020 along with various departments to chalk out plans to make the last mile connectivity, in terms of connecting youth as well as towards making Indian digitally inclusive.
- Planning and Investment on youth has been always same and ineffective for many decades whereas the hope from young India is multidimensional. It is important to build convergence across departments and design a comprehensive plan with outcome framework for "Rashtriya Yuva Sashaktikaran Karyakram (RYSK).
- Wellbeing as a key imperative to address, particularly after pandemic and in digital India – not just in the form of curative measures like counselling, but also preventive measures like building resilience and agency. This is where all youth clubs, associations/agencies affiliated and connected with NYKS and NSS to be evolving a national curriculum on making youth aware of mental health, wellbeing as part of their personality development and several institutional mechanisms needs to be put in place by MoYAS through NYKS/NSS to enable the young population access services and programmes that makes them resilient and skilled to deal with socio-psychological challenges.
- Developing and building institutional mechanism to promote entrepreneurial edu-

cation along with affordable and inclusive access to financial and capacity building institutions towards promoting entrepreneurship and self-employment among youth in the growing market opportunities. Simultaneously building employability along with creation of employment for youth is a major challenge that needs to be addressed in planned manner by the government.

BOX 1:

Civil society has remarkably shown the path to young India in protecting the most vulnerable while also holding those in authority accountable throughout the COVID-19 pandemic. There are enough evidence and data available to ascertain the fact that youth across country came forward as frontline workers individually, or as part of larger networks and supported the people in need. Youth centric/focussed organisations engaged with youth on ground towards not only building their capacities to help others during COVID-19, rather several forms of coalitions and network among youth emerged during the pandemic, indicating how young India have the capacity to collaborate and make differences in the lives of people.



The government needs to recognise this strength of youth where they hold the country during pandemic by becoming support to poor and vulnerable along with the civil society. The much-needed handholding and capacity building of the diverse and constantly growing young population could be only achieved through wider collaborations and joint efforts by government, civil society and private sectors.

Endnotes

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Youth

With nearly one out of every four persons being a youth, India has an enviable youth population which provides a window of opportunity for the growth and development of our country- and this opportunity must be seized before the window closes.



Youth accounts for more than 34% of the total population of India. Even with the expected decline in numbers in the coming years, it will still account for around 365 million people in 2030- more than the entire population of the USA!

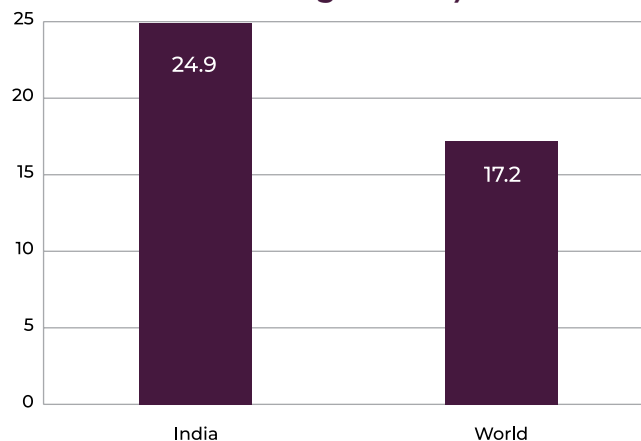
(Source: Draft National Youth Policy 2020)



Youngsters (20-24 years) accounted for 8.5% of the total employed persons in the country in 2019-20. In contrast, nearly 30 million youngsters (20-29 years) were jobless and looking for work in 2021, accounting for 85% of the unemployed!

(Source: CMIE Consumer Pyramids Household Survey)

Youth Unemployment (% of Total Labour Force Ages 15-24)



(Source: ILOSTAT Database, 2020.)



• 50% of young people reported a diminishing sense of well-being: feeling angry, worried about jobs and relationships, and loss of sleep.

• Over 20% of youth reported having suicidal thoughts.

(Source for above 2 points: 2021 Study by Lokniti-CSDS-Centre for the Study of Developing Societies)



• Excluding sports expenditure, the government's expenditure on youth development has been a mere Rs 483.6 crore for a population of nearly 450 million!

• The total expenditure of the government on the youth programme in 2021-22 was Rs 643.31 crore- nearly 7% decline from the budget estimates for 2021-22.

List of Partners

1. Aadhar, Bihar
2. Aasha Ramesh, Independent Consultant
3. Abdul Rauf, Independent Consultant and Social work professional
4. AC Michael, Independent Consultant
5. Akhil Bhartiya Sarvangin Vikas Samiti, Bihar
6. Ambedkar samajik trust, Jharkhand
7. Association for Promotion Sustainable Development
8. Aulia Adhyatmik Anusandhan Kendra, Bihar
9. Avinash Kumar, Independent Consultant and Human Rights researcher
10. Azad Foundation
11. Bihar Gram Vikas Parishad
12. Bihar Voluntary Health Association
13. Campaign for Judicial Accountability and Reforms
14. Centre for Community Economics and Development Consultants Society (CECOEDECON), Rajasthan
15. Centre for Budget & Governance Accountability (CBGA)
16. Centre for Dalit Rights, Rajasthan
17. Centre for Environment Concerns (CES)
18. Centre for Social Equity and Inclusion (CSEI)
19. Chhatra Chhaya, Bihar
20. Dalit Adivasi Vikas Parishad
21. Dalit Evam Adiwasi Vikash Parishad
22. Centre for Dalit Rights, Rajasthan
23. Dr. Ambedkar Yuva Kendra, Gujarat
24. Earth Care
25. Environics Trust
26. Foundation for Sustainable Development (FSD)
27. Grameen Vikas Prayas Samiti, Uttar Pradesh
28. Gramin Punarnirman Sansthan, Uttar Pradesh
29. Gramin Samajik Vikas Samiti, Patna
30. Gramin Vikas Sahara Santha, Chhattisgarh
31. Gramin Yuva Pragatik Mandal (GYPM), Maharashtra
32. Gyan Sagar
33. Health Watch Forum, Bihar
34. Human Rights Alert (HRA), Manipur
35. Hunger Free Bihar Campaign, Bihar
36. Hunger Free West Bengal
37. Indian Social Institute (ISI) Delhi
38. Indo-Global Social Service Society (IGSSS)
39. Institute of Policy Studies and Advocacy (IPSA)
40. Jagori
41. Jagriti Seva Samiti, Uttar Pradesh
42. Jan Sikshan Kendra, Ambedkarnagar
43. John Dayal, Independent researcher and Journalist, Delhi
44. Kisan Sewa Samiti (KSS) Rajasthan
45. Lok Manch Campaign
46. Lok Prabhat, Post mortem Road, Bihar
47. Lokpriya Janhit Sewa Sansthan (LJSS)
48. Mahila Evam Paryavaran Vikas Sansthan, (MEPVS) Jaipur
49. Mahila Sewak Samaj, Bihar

50. Mahila Sishu Kalyan Sansthan, Bihar
51. Mahila Vikas Manch, Bihar
52. Movement for Advancing Understanding on Sustainability and Mutuality (MAUSAM)
53. Mitrashray, Patna
54. Mrinal Sharma, Independent Consultant and Human Rights researcher
55. Nalini Foundation
56. Nari-O-Sishu Kalyan Kendra (NSKK)
57. National Adivasi Solidarity Council (NASC)
58. National Alliance Group for Denotified and Nomadic Tribe (NAG - DNT)
59. National Campaign on Dalit Human Rights (NCDHR)
60. National Centre for Advocacy Studies
61. National Centre for Promotion of Employment for Disabled People (NCPEDP)
62. National Coalition of People living with HIV in India (NCPI+)
63. National Coalition to End Bonded Labour and Human Trafficking (NCBL/HT)
64. National foundation for India (NFI)
65. National Hawker Fedaration
66. National Youth Equity Forum (NYEF)
67. Nav Bhartiya Nari Vikas Samiti, Uttar Pradesh
68. Nazariya:A Queer Feminist Resource Group
69. Non-Traditional Livelihoods Network
70. North East Social Trust (NEST)
71. Oxfam India
72. Pankaj Ashram, Bihar
73. PARIVARTAN, Assam
74. Partners for Urban Knowledge, Action and Research (PUKAR)
75. Paryavaran Mitra, Gujarat
76. People's Action for National Integration (PANI), Uttar Pradesh
77. People's Association For Social Justice, Andhra Pradesh
78. People's Vigilance Committee on Human Rights (PVCHR)
79. Praveen Jha, Professor of Economics
80. Public Advocacy Initiatives for Rights & Values in India (PAIRVI)
81. People's Commission /Public Inquiry Committees on Covid 19 pandemic in India
82. Right to Education Forum
83. Right Track
84. Ritu Dewan, Director & Professor (retd), Mumbai School of Economics & Public Policy
85. Sadbhavna Gramin Vikas Sansthan, Uttar Pradesh
86. Samajik Nyay Evam Vikas Samiti, Madhya Pradesh
87. Sarwangin Vikas Sangathan
88. SCORPION, Assam
89. Shaarda Seva Sansthan, Uttar Pradesh
90. Sitara, Bihar 91 Social Uplift Through Rural Action (SUTRA)
91. Society for Development Action
92. Society for promotion of Rural Education and Development, Patna
93. Srithi Seva Sansthan, Uttar Pradesh
94. Shree Deenoday Graamodyog Seva Sansthaan, Uttar Pradesh
95. Supporting Association for Thematic and Holistic Initiatives (SATHI), Uttar Pradesh
96. South Asian Network for Social & Agricultural Development(SANSAD)
97. Tarun Chetna Trust
98. The 3.5 Collective, Manipur
99. The Message Welfare Foundation, Bihar
100. United reform Organization (URO)
101. Vaishali Samaj Kalyan Sansthan, Bihar
102. Vikalp

103. Vikas Path Vikram
104. Vikas Sahyog Pratishthan
105. Voluntary Action Network India (VANI)
106. Women Development Foundation
107. Working People's Commission
108. Youth for Peace International
109. Youth for Unity and VoluntaryAction (YUVA)

WADA NA TODO ABHIYAN

Wada Na Todo Abhiyan (WNTA) is a national campaign focused on promoting Governance Accountability to end Poverty, Social Exclusion & Discrimination, through tracking government promises and commitments at the national and international levels.

WNTA emerged from the consensus among human rights activists and social action groups who were part of the World Social Forum 2004 (Mumbai). The purpose was to create an environment through focused and concerted effort and try to make a difference in India where one-fourth of the world's poor live and experience intense deprivation from opportunities to learn, live and work with dignity. In this regard, WNTA highlights the aspirations and concerns of the most marginalized sections of the society – Dalits, Adivasis, Nomadic Tribes, Minorities, Women, Sexual Minorities, Children, Youth and the Person with disability to the government through People's Manifestoes before elections. Further, WNTA reviews and monitors the performance of the government on its promises and plans towards the marginalized sections on the framework of Constitutional mandates, National development goals and International commitments set in the UN Millennium Declaration (2000) / The 2030 Agenda for Sustainable Development Goals. We work to ensure that the concerns and aspirations of the marginalized sections are mainstreamed across programs, policies and development goals of the central and state governments.

Wada Na Todo Abhiyan
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