



## # Child sexual Abuse

↳ CAUSES :-

### SOCIO-ECONOMIC FACTORS

- ) Low Bargaining Power
- ) Lack of attention due to dual career families
- ) Disintegration of joint families
- ) Poverty
- ) Patriarchy
- ) Rigid Casteism
- ) Lack of awareness among children w/o abuse
- ) Lack of safe places
- ) Lack of democratic parenting
- ) dysfunctional families
- ) lack of state institutional care for  
children w/o families (families)
- ) Corruption of Value System  
objectification + Commodification of child  
eg: child Pornography

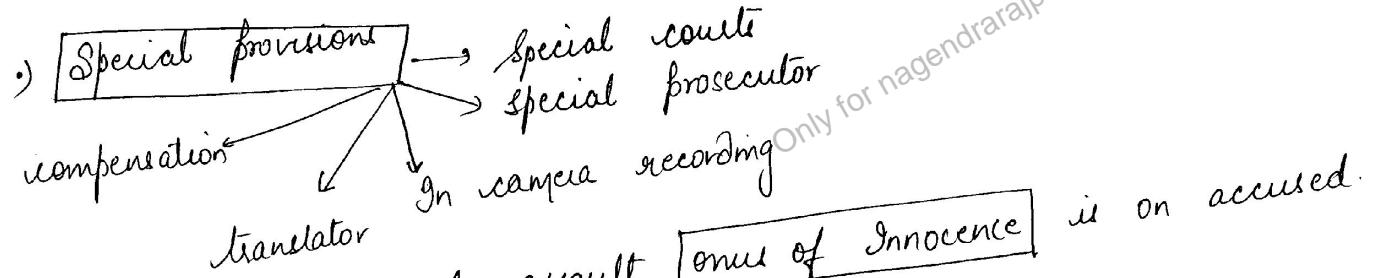
⇒ Psychological Factors

- .) Psychopath
- .) Victim of child abuse
- .) Broken window Theory
- .) Lack of deterrence due to (stigma associated  
leading to poor reporting)

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## # POCSO Act (2012)

- ) Gender neutral
- ) clearly defines 'CHILD' (< 18 yr)
- ) It defines sexual abuse of all kinds
  - aggravated
    - sexual Harassment
    - non-penetrative
    - penetrative
  - non-aggravated
    - child pornography



- ) In case of aggravated assault, onus of Innocence is on accused.
- ) No time limit to file complaint
- ) NCPCR, SCPCR are monitoring agency.
- ) Investigation has to be completed within 60 days
- ) It mandates investigation & trial within 8 months

## POCSO RULES 2020

④ **Background** :- PoCSO Act was amended in 2019

.) **Penetrative Sexual Assault** :- The act increases min punishment from 7yr → 10yr. It also provides for imprisonment b/w 20yr to life with fine (if child is < 16yr)

.) **Aggravated PSA** :- two more grounds added  
    ⇒ resulting in death of child  
    ⇒ assault committed during natural calamity  
It inc. min. punishment from 10 → 20yr.  
Max " (death penalty)

.) **ASA** : two more offences added.  
    .) assault during natural calamity  
    .) administering any chemical or any hormone to child  
        for attaining early sexual maturity

- ↳ child pornography :-
- It defines CP
  - as any visual depiction of sexually explicit conduct that involves child such as photograph, video, digital or computer generated image.
  - ) Punishment for storage of pornographic material increased from 3yr - 5yr. | fine | both.

- ) Two other offences added :-
- ① transmitting, displaying or distributing such material except for purpose of reporting it
  - ② failing to destroy or delete or report pornographic material involving child.

## ⑥ Rules &

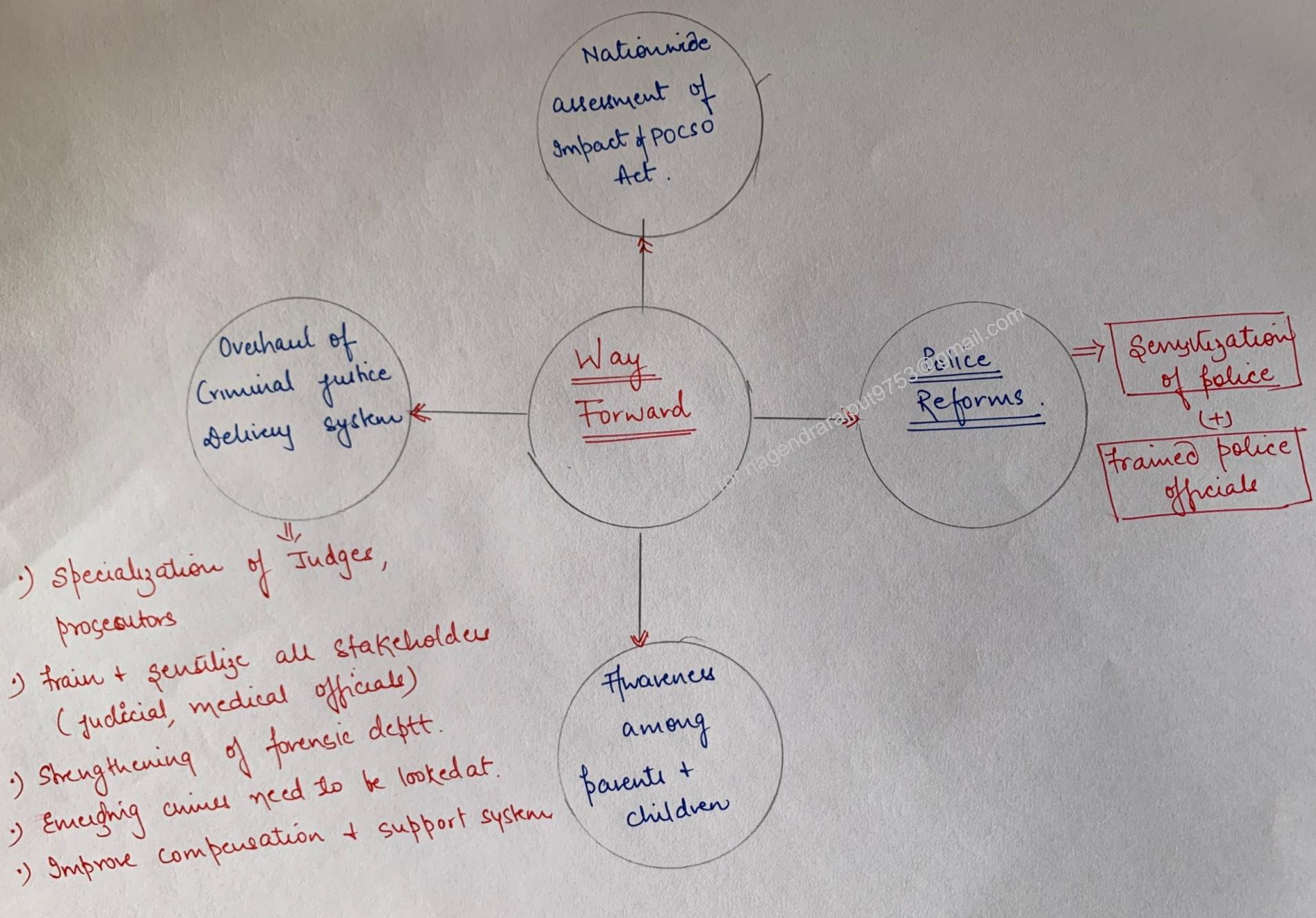
- ① Mandatory police verification of staff
- ② state government to formulate a child protection policy
- ③ based on [Zero-tolerance] Periodic training w.r.t. sensitization of all stakeholders regarding child safety and protection
- ④ Prepare age appropriate educational material & curriculum for children w.r.t personal safety, emotional & mental well-being, child helpline number etc.
- ⑤ Orientation prog & courses for police personnel & forensic experts for capacity building
- ⑥ Reporting of pornographic material w.r.t child is mandatory

## # Status of POCSO :-

- .) Law has not been able to produce expected deterrence.
- .) Proportion of child victim in rape cases has increased
- .) Higher no. of bail are granted under POCSO
- .) Conviction Rate U/POCSO (2016) = 28.2%
- .) 89% of cases pending (2019)

## ④ [challenges wrt POCSO Act implementation] :-

- .) Poor Reporting due to fear of ostracization
- .) Lack of awareness among the child wrt sexual abuse  
(Hence fail to report)
- .) Lack of Infrastructure : eg: shortage of skilled police force  
Lack of sensitized officials  
overburdened officials (refusal to file FIR)
- .) Overburdened judiciary : Justice gets delayed
- .) Lack of trained prosecutors
- .) Lack of Adequate compensation for child victim
- .) NCPCR, SCPCR have not been able to perform the fn of monitoring,  
evaluating & creating awareness wrt Act.  
(lack of alc, as their functioning not open to public scrutiny)



## Child labor

### ↳ Concept :- ILO

Any labors which deprives child of their potential, dignity & childhood + is harmful for their physical + cognitive dev.

### ↳ Statistics

- ) Acc. to Census, 10.1 mn children were engaged in labor
- ) 7.3% of child labor (Globally)
- ) 80% of child labor in rural areas
- ) Max<sup>m</sup> CL : UP, Bihar, Rajasthan, M'tra, MP
- ) 62.8% of CL in hazardous work

## ↳ Efforts Against child labor

### (i) Prov<sup>n</sup>

- ) Art 23, 24  
39 (e)

### Statutory laws

- ) child labor and  
Proh. Act.

### Govt. Schemes

- ) NCL Project
- ) NCL Policy
- ) PENCIL

### International Conv<sup>n</sup>

- ) ILO, convention  
138, 182

\* Conv<sup>n</sup> 182 : first labor std to be universally ratified

## ④ CAUSES OF CHILD LABOUR

### PUSH FACTOR (SUPPLY)

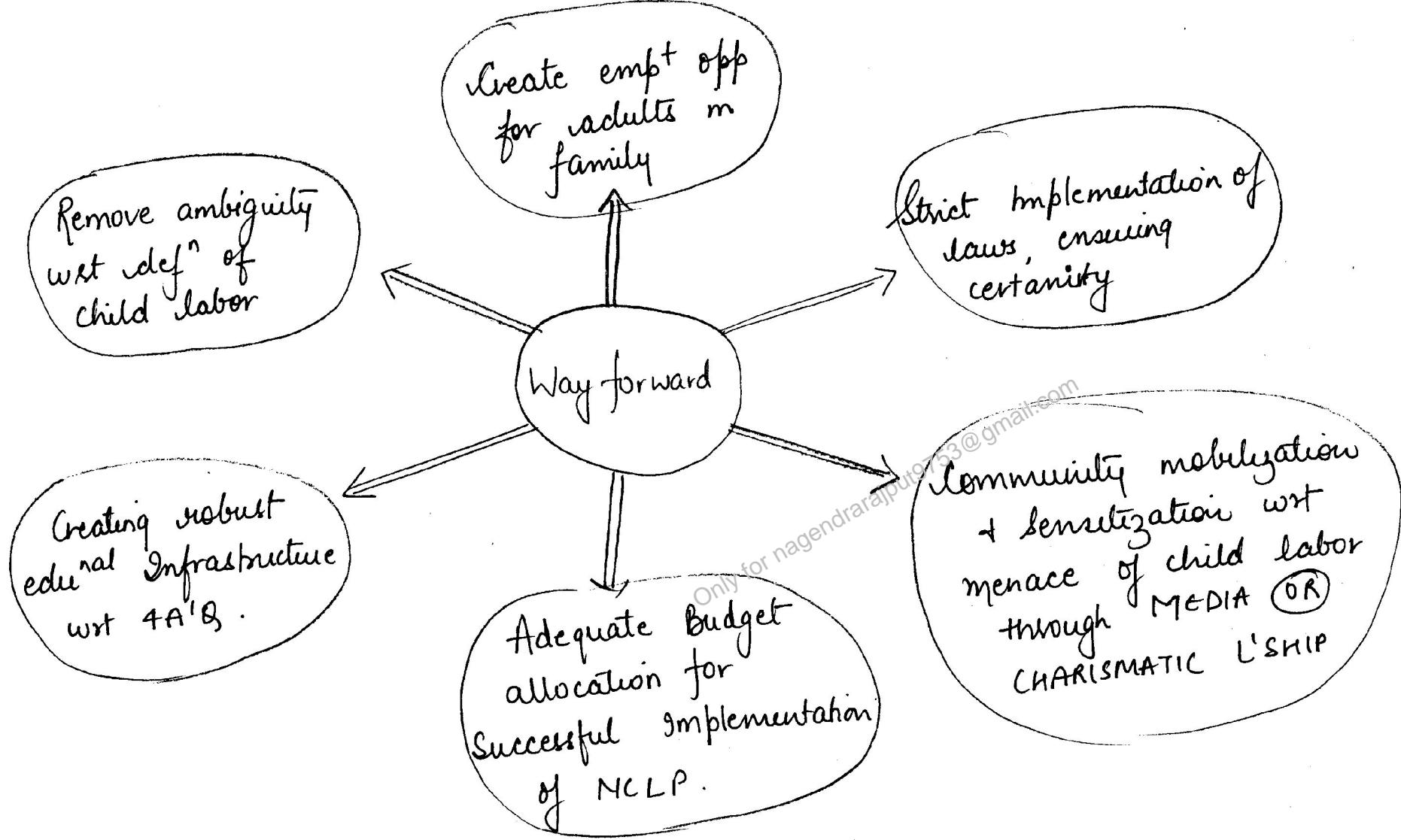
- ) Poverty
- ) Unemployment of parents
- ) High Fertility Rate
- ) Lack of formal schooling Infra to absorb child
- ) Patriarchy, socialization of girl child for domestic roles
- ) Lack of awareness, wrt (-ve) implication of CL
- ) Lack of qualitative child care centres (Orphan, abandoned, surrendered kids)
- ) Bonded labor
- ) High school drop-outs, due to content

### PULL FACTOR (DEMAND)

- ) cheap labor, Low Bargaining power
- ) Easy to hire + fire
- ) No labor laws Protection guaranteed
- ) Emergence of New Middle class
  - ↳ demand for cheap domestic helpers
- ) Few industries require labor of child (Cotton plucking, carpet weaving, diamond cutting etc.)
- ) Few Industries do not require skilled labor hence prefer cheap labor eg: bidi rolling, packaging etc.

## ④ Lacunae :-

- ) Lack of credible data, poor identification
- ) Lack of judicial Implementation of existing provision due to l.t.d administrative capacity.
- ) Lack of ⇒ SURVEY  
IDENTIFICATION  
WITHDRAW  
REHABILITATION
- ) Lack of availability, accessibility, affordability of qualitative edu) which can guarantee decent emp<sup>+</sup> opp.
- ) One size fit all approach
- ) Dependence of many MSME's on labor of child  
(any effort to eradicate might lead to making them financially unviable)
- ) Failure of govt. to generate emp<sup>+</sup> opp for Adults
- ) Large Informal economy which aggravates exploitation of children
- ) Failure to address perception : "More children means more number of working hands"



### Prov<sup>n</sup> of child labor Prohibition Act

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Act has  
provision of  
creating rehab fund  
for  
children

Emp<sup>t</sup> of  
children < 14 yr  
is completely banned  
except family ent.  
(+)  
Audio-visual ent<sup>t</sup>  
Industry  
(except circus)

Adolescent  
(14-18 yr)  
are added +  
their employment  
is banned in  
hazardous  
occupation

Govt is  
empowered to  
make periodic  
inspection of places  
where emp<sup>t</sup> of child  
is prohibited

Govt may  
confer power on  
'Smt', to ensure  
prov<sup>n</sup> are properly  
implemented

Act makes  
child labor a  
cognizable offence

Hazardous  
occupation  
is reduced from  
83 to 3  
⇒ Mining, Inf. subs  
+ hazardous process

Govt empowers  
Union Govt to add /  
omit any hazardous  
occupation from  
list

- ⇒ Employing (child < 14) will attract  
jail term (6 months - 2 yr) | penalty (20,000 -  
50,000)
- ⇒ Repeat offender (1 yr - 3 yr)
- ⇒ parents (10,000 fine for repeat offence)

## # National child labor project :-

- ↳ U/M of labor + Employment
- ↳ Central sector scheme
- ↳ Implementation Agency : District Project Societies  
(under DM/ collector)
- ↳ children (9-14) are withdrawn from work and put into NCLP special training centres
  - bridge edu<sup>n</sup>, mid-day meal, vocational training, health care etc is provided
- ↳ children (5-8 yr) are directly linked with formal edu<sup>n</sup> systems
- ↳ funds are directly provided to DPS

## # PGNCIL :- (platform for effective enforcement for No child labor)

- ) dedicated online portal
- ) to make NCLP successful
- ) Better monitoring, implementation, timely disposal with transparency of work

## # ILO 8-

- .) Tripartite UN agency
- .) formed in 1919
- .) It brings together govt, employers + workers of its member states
  - ⇒ To set labor std
  - ⇒ Develop policies
  - ⇒ Udevise programe promoting decent work for all men + women

- .) India is founding member
  - .) there are 8 ILO fundamental convention
    - ⇒ Except No. 87 (Freedom of Association + protection of Rt. to organise convention)
    - and No. 98 (Rt. to Organize + Collective Bargaining)
- India has ratified remaining. Recent being
- No. 138 (Min. Age)
  - No. 182 (Worst form of child labor)

## # child Marriage

↳ [Premise :-] Odisha govt rolled out plan to make state completely free of child marriage (2030)

↳ [Concept :-] As per CMPA (2006), Males  $> 21$  yr  
females  $\leq 18$  yr.

↳ [Statistics] :-

- .) India has  $\frac{1}{3}$ rd of global child brides
- .) Nearly 16% of adolescent girls ( $15-19$ ) are currently married
- .) Most commonly found in Jharkhand, Bihar, Rajasthan, AP, WB, UP
- .) NCRB (2020) : 785 cases were registered under PCMA (2006)

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## # Child Marriage

- ⇒ Statistics :-
- .) Acc. to Census 2011, 30.2% of married women were married before age of 18.
  - .) Acc. to SBI, mean marriage age in India = 22.3 yr.

⇒ Causes :-

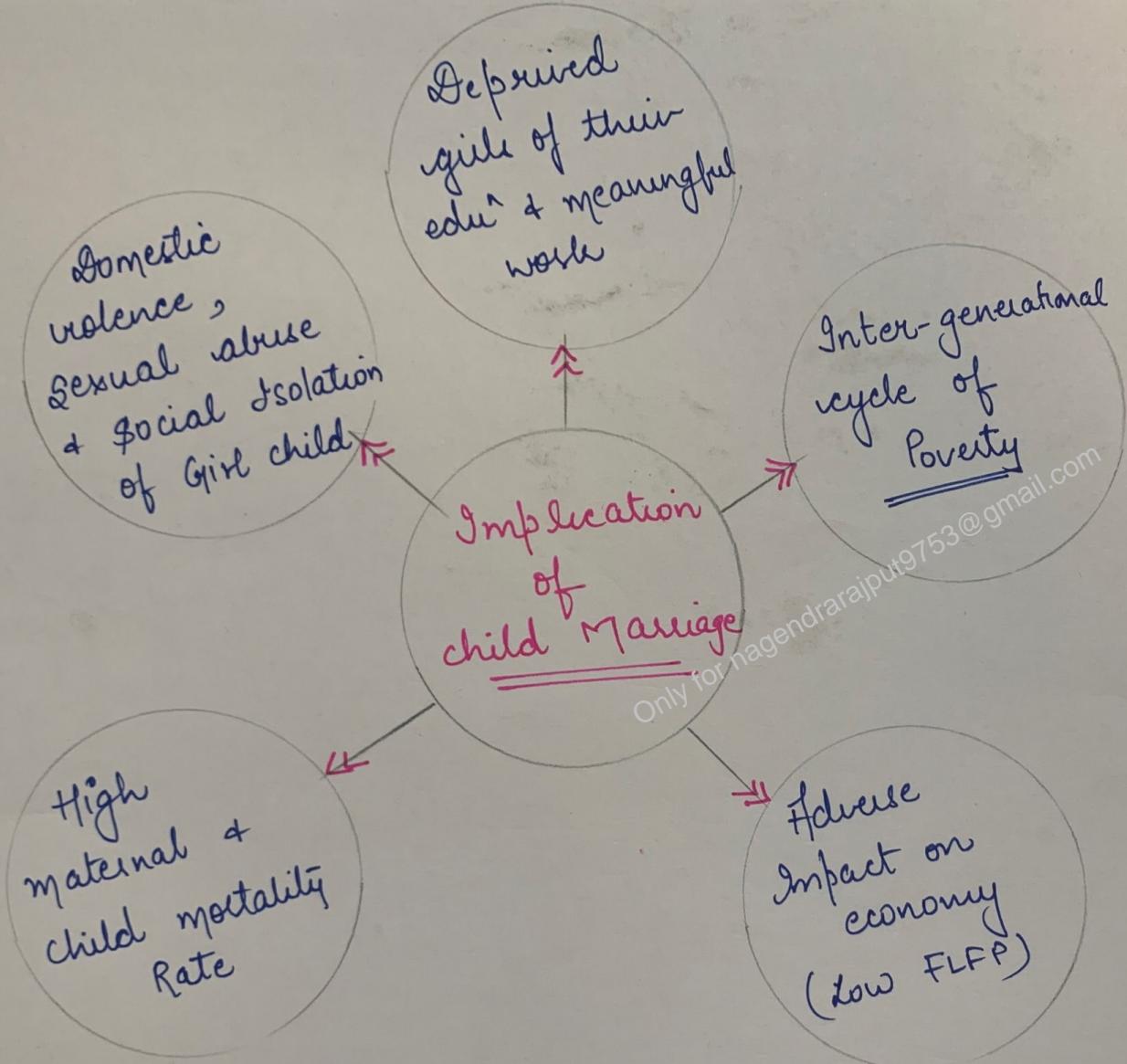
- .) Girl is associated with honour of family

Absence of (+)  
Safety & security  
perceived as social burden -

- .) Girl child is perceived as economic liability
- .) younger the bride, lower is dowry
- .) In poor household, girl child is also treated as source of income  
( skewed sex ratio → Bride price )
- .) traditional practice, any staying away might lead to social exclusion

- .) Lack of formal educational Infrastructure hence only alternative left for girl child is to get married
- .) Due to patriarchy, prime purpose of women is assumed to be 'bear & beget' a male child hence they are married off early.
- .) 'Patriarchal nature' of marriage  
Easy to adjust in early years.

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## # Way forward

- ↳ Ensuring **safety + Security** of girls
- ↳ **IEC campaigns** (+) **Nukkad Natak** (+) **Television** to combat menace of CM.
- ↳ **Collective organising** of **Civil Society + NGO's**
- ↳ **Active Participation** to prevent CM.

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⑥ Demand to increase the minimum age of marriage for women. (Will bring parity in marriage age).

- ) Task force headed by Jaya Bachchan is established
- ) To examine correlation of age of marriage & motherhood with Health, well being, Nutrition, IMR, CMR, MMR etc

Arguments in favour :- child marriage / early marriage

- ↳ limits the opp. for education
- ↳ poor access to healthcare due to ltd knowledge
- ↳ unable to effective labor force participation
- ↳ limits the opp. to realize their full potential
- ↳ Generational Impact :- health + nutritional status of child
- ↳ limits the opp. to act as agency of social change.

## ↳ Arguments Against :-

- .) child marriage is social & economic issue  
+ Despite PCMA (2006), it is still persisting
- .) to ↑se marriage age  $\Rightarrow$  girl will have no say  
in their personal matter upto 21 yr.
- .) Age of marriage does not affect much the nutrition level etc  
its more related to edu, wealth, awareness etc
- .) Mean age of marriage has already ↑sed
- .) ↑sg. marriage age may deny many young women from experiencing  
pregnancy at safest age  
( as Mortality experienced during (20-24 yr) is lowest )

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## ④ Way forward

- Proper law enforcement [Under PCMA, marriage should be declared void ab initio (invalid). (K'taka has implemented) (However criticized) as even after being declared void girl remain de-facto wife]
- Girl empowerment wst life skills + protection skills
- Community mobilization through media, IEC campaigns
- Investment in edu<sup>n</sup>, welfare + opportunities for women.
- Incentivizing + enabling girl edu<sup>n</sup> atleast upto 12<sup>th</sup> std.
- Mandatory registration of marriages
- Treat child marriage as Human Rights violation (threat of Domestic violence, early pregnancy, MMR etc.)

## ⑤ 18<sup>th</sup> Law Comm<sup>n</sup> Report (2008)

To reduce age of marriage both for B + G to 18 yr.

⑥ Age of consent should be reduced to 16 yr. (Justice Verma Committee).

⑦ CEDAW  $\Rightarrow$  18 yr. as age of marriage

## # Child Marriage Act

- appointed by state govt
- invested with power of police office
- DM can be given additional powers

CM Proh. officers  
are responsible  
for implementation

defines child marriage  
⇒ Boy (< 21 yr)  
⇒ Girl (< 18 yr)

Marriage is VALID  
but voidable

### fns. of Proh. officer

offenders can be punished up to 2 yr and/or upto 1 lakh fine

guardians, parents, those performing, participating etc can be punished

child marriage  
Prohibition  
Act

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Allows minors to repudiate [nullify] marriage up till 2 years of attaining majority

Girl to be provided safe home / maintenance till her remarriage (Court can) order

No legal validity of  
→ trafficking  
→ enticement  
→ fraud, deceit

child born will be considered legitimate

## # Functions of Prob. officer :-

- .) Prevention of child marriages
- .) collection of evidences
- .) creating awareness
- .) Counseling
- .) Sensitizing community
- .) Maintaining statistics

## # Juvenile Delinquency :-

↳ Who is a Juvenile ? :- ) A juvenile is a person < 18 yrs.

↳ Causes of Juvenile Delinquency :- ) Juvenile Delinquency :-  
It refers to large variety of disapproved behavior  
for which some kind of punishment is justified  
in public interest.

↳ Statistics :- ) Acc. to NCRB,  
offences committed by juvenile shot up by 23% in 2020  
( ↑se in crime is attributed to lack of emp't opp (During lockdown))

## # CAUSES :-

- .) Globalization  $\Rightarrow$  changing value system
  - ↓ Consumerist Culture
  - ↓ Disintegration of IF
    - ↓ Lack of social control (+) Lack of proper socialization
- .) More emphasis on goals of material success rather than means to achieve it
  - ↓ disruption of value system
- .) Dysfunctional families (eg: strict or negligent parenting)
- .) Negative impact of Social Media (FOMO).
- .) Technology  $\Rightarrow$  various addictions (Online gaming)
- .) Lack of awareness regarding what constitutes crime.  
esp: not cybercrimes (Lack of awareness regarding cyber laws)

- ) Sub-Culture of Crime
- ) Reference Group (Negative grp)

- ) Negative Impact of CINEMA.

- ) Poverty, Unemp<sup>t</sup> ⇒ feeling of Relative Deprivation

- ) Labelling also have negative impact on psyche of child, which once associated is difficult to release away with.

- ) Stigmatization of delinquency. ⇒ limits possibility of Re-Integration  
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Vicious cycle



## ↳ Individual factors

- ) feeling of Insecurity
- ) Emotional Conflict
- ) Lack of Self Control
- ) Impulsive Behavior
- ) 'Broken-window' theory .

### Definition of Child

- JJ Act defines child as a person who has **not completed 18 years of age**. In 2015, it introduced a provision wherein a child in **age group of 16-18 years** could be **tried as an adult** in case of **heinous offenses**.
- Juvenile Justice Board carries assessment to **determine whether to try such a child as an adult or a minor**.

### Comparison between JJ Act 2015 and JJ Amendment Act, 2021

Specifications	JJ Act, 2015	JJ Amendment Act, 2021
Adoption	Adoption of a child is <b>final once a civil court issues an adoption order</b> .	District Magistrates (DM), including Additional DM, can issue adoption orders.
Appeals	There will be <b>no appeal for any order made by a Child Welfare Committee</b> .	Any person aggrieved by an adoption order passed by DM may file an appeal before the Divisional Commissioner, within 30 days of such order.
Categories of Offences	<ul style="list-style-type: none"> <li>• Offences committed by juveniles are categorised as           <ul style="list-style-type: none"> <li>○ <b>Heinous offences</b>, minimum punishment under IPC or any other law for the time being in force is <b>imprisonment for seven years or more</b>.</li> <li>○ <b>serious offences</b>, punishment is <b>imprisonment between three to seven years</b>.</li> <li>○ <b>petty offences</b>, maximum punishment is <b>imprisonment up to three years</b>.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Redefines '<b>serious offences</b>' to give effect to the recommendation of Supreme court in Shilpa Mittal v. State of NCT of Delhi case.</li> <li>• <b>Maximum imprisonment</b> for a term <b>more than seven years</b> but no minimum imprisonment or <b>minimum imprisonment of less than seven years</b> is provided.</li> </ul>
Designated Court	<ul style="list-style-type: none"> <li>• Offences punishable with imprisonment of <b>more than seven years</b>, will be cognizable, non-bailable and triable in <b>Children's Court</b>.</li> <li>• Other offences (punishable with imprisonment of <b>less than seven years</b>) will be tried by <b>Magistrate of First Class</b>.</li> </ul>	All offences will be tried in <b>Children's Court</b> .

## # Benefits of New Bill

- .) Enhanced protection of children
- .) Strengthens the process of monitoring
- .) Ensures smooth implementation
- .) Faster adoption as the bill empowers DM & F&DM to issue adoption order.

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## ④ Concerns wrt Bill :-

- ) The Bill puts entire onus of child welfare on DM  
↓  
Lead to Delays
- ) DM are already over-burdened
- ) DM & divisional commissioners are not trained to deal with specific laws related to child
- ) In other countries (UK, Germany, France etc) adoption orders are issued by court
- ) adverse impact on doctrine of Separation of Powers.  
↓  
as GRM has given power to executive

## # Way forward :-

- Proper record keeping & documentation by agencies to ensure transparency
- Sensitization of officials wrt. issues, needs, concerns, + safety of children
- Adequate no. of staff must be employed to ensure care & protection of child
- Coordinating with agencies & 3rd val (who are experts in area of children) to ensure effective policy making + emp<sup>n</sup>.

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## 3.2. AGE OF CONSENT

### Why in the News?

22<sup>nd</sup> Law Commission in its 283<sup>rd</sup> report advised that the age of consent should be not reduced from 18 to 16 years.

### More on News

- Law Commission received a reference to consider the reducing age of consent from 18 to 16 under the **Protection of Children from Sexual Offenses (POCSO) Act, 2012**.
- **POCSO Act, 2012** was enacted to protect children from offences of sexual assault, sexual harassment and pornography.
  - The Act also provides for the establishment of **Special Courts** for the trial of such offences.

### What is the Age of Consent?

- Age of consent is defined as the age at which one is **considered legally competent to consent for sexual activity**.
- **POCSO Act fixed the age of being categorised as a child at 18 years**, thus making it the **default 'age of consent'**.

### Age of consent under Bharatiya Nyaya Sanhita (BNS), 2023

- **Age of consent for a married woman** under the definition of rape (Section 63 BNS) has been increased from 15 to 18 years.
  - Previously, it was **15 years for married women** under **section 375 of the IPC**.

Arguments for Reducing Age of Consent	Arguments against reducing the Age of Consent
<ul style="list-style-type: none"> <li><b>Rising Criminal Cases under POCSO Act:</b> Girls' parents urge the police to file POCSO Act charges in cases of elopement or consensual sexual conduct.</li> <li><b>Changing social realities:</b> Early puberty and consensual relationships are increasing due to social media and internet access; 39% of women had sex before 18 (NFHS-5).</li> <li><b>Recognising sexual autonomy:</b> Sexual autonomy includes the right to desired sexual behaviour and protection from unwanted sexual aggression.</li> <li><b>Global practices:</b> Consent age is 13-18 worldwide. The consent age in Germany, Austria, Hungary, Italy, and Portugal is 14. In England and Wales, 16 years.</li> </ul>	<ul style="list-style-type: none"> <li><b>Emotional or psychological immaturity:</b> Hinders making informed decisions by adolescents about sexual activity.</li> <li><b>Convergence of Age of Consent with Age of Marriage:</b> Due to this social approval of lowering consent age is challenging.</li> <li><b>Child exploitation and trafficking:</b> Provides a safe harbour provision to coerce minor girls into subjugation, marital rape and other forms of abuse, including trafficking.</li> <li><b>Child marriage and early pregnancy:</b> This could undermine the fight against child marriage by allowing parents to marry minor girls.</li> </ul>

## **Key Recommendations of the Law Commission**

- **Guided judicial discretion:** Court may **sentence the accused below the prescribed minimum sentence** to address cases where a child aged 16-18 has tacit approval in fact but not legal consent.
  - The **age difference** between the accused and child **should not exceed 3 years.**
  - Discretion should be used if there is tactical approval, no criminal history, and excellent conduct after the offense.

### 3.3. CHILD MARRIAGE

#### Why in the News?

A recent study conducted by **Lancet Global Health report-2023** has analysed the prevalence of child marriage across states and Union Territories in India for the time period **1993-2021**.

#### More on the News

- **Key Findings of study**
  - **Decline:** Child marriage in girls declined **from 49·4% in 1993 to 22·3% in 2021**.
  - **Current situation:** **1 in 5 girls** and **1 in 6 boys** are still married below the legal age of marriage.
  - **Prevalence in states:** Bihar, West Bengal, Uttar Pradesh and Maharashtra (in decreasing order) accounted for **more than 50%** of child marriages in **girls**.
  - **Exception:** **Manipur** was the only state that experienced an **increase** in the prevalence of child marriage in girls from 1993 to 2021.
- Sustainable Development Goal **target 5.3 aims to end child marriage** in girls by 2030.

#### Reasons of overall decline in Child Marriage

- **Implementation of laws:** Appointment of **Child Marriage Prohibition officers** under Prohibition of Child Marriage Act (2006) and implementation of Protection of Children from Sexual Offences (POCSO) Act (2012), etc.
- **Increase in girl education:** Due to effective implementation of schemes like Kasturba Gandhi Balika Vidyalaya (KGBV), Beti Bachao Beti Padhao, etc.

#### Important examples of states to curb child marriage

- **West Bengal:** **Kanyashree scheme** offers financial aid to girls wanting to pursue higher studies.
- **Uttar Pradesh:** UP Free Education Scheme 2023 for Girls Till Graduation.

## 4.5. ELDERLY IN INDIA

### Why in the News?

Recently, NITI Aayog released a position paper titled “**Senior Care Reforms in India: Reimagining the Senior Care Paradigm**”.

# Overview of Senior-care



## Key facts



In India, senior citizens (people aged 60 years and above) currently **comprise around 10% of population, i.e. about 104 million**



**Economic vulnerability:**  
78% of elderly population survives **without pension**



**Social vulnerability:**  
Only 18% of seniors are covered by **Health insurance**

## Constitutional Provisions



**Article 41:** State shall **make effective provision for securing right to work, education, and to public assistance** in cases of unemployment, old age, sickness, and disablement, etc.



**7th Schedule:** Item **No. 9 of State List and item 20, 23 & 24 of Concurrent List** relates to **old age pension, social security and social insurance, and economic and social planning.**

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## Initiatives taken for welfare of elderly



## Best Practices across world



- **Social Domain:** Implementation gaps in social security schemes, rural-urban disparities, gender-based inequalities, and inadequate elder-friendly infrastructure limit access and support.
  - Only 12% of elderly people are aware of the Maintenance and Welfare of Parents and Senior Citizens Act 2007 and Annapurna scheme.
- **Economic Domain:** Nearly 70% of the elderly individuals depend on family for daily needs.
- **Digital Domain:** Approximately 85.8% of respondents were digitally and computer illiterate. (Age Well Foundation Survey)
- **Undervalued and underpaid care economy:** Care work is often viewed as a low-skilled job and is mostly performed by women.

## **Key Recommendations**

- **Health Empowerment:**
  - **Promote health literacy among seniors** and **caregivers** to enhance understanding of geriatric health issues and related risks.
  - **Increase accessibility of services.**
  - **Incentivize preventive health** – health checks, annual health assessments, vaccinations, etc.
  - **Strengthen research & research institutions** to enhance knowledge repository of geriatric healthcare.
  - **Synergies between public and private sectors** through PPP to develop low-cost healthcare delivery models.
- **Social Empowerment:**
  - **Sensitize larger community** on challenges experienced by elderly, to facilitate their social inclusion.
  - **Build and strengthen provisions of Assisted Living Facilities** like adult day-care.
  - **Elder for elderly model:** Peer support groups where seniors can exchange experiences and information on various issues.
  - **'One-stop' centralized portal** for senior care to provide easy access to services to seniors.
- **Economic Empowerment:**
  - **Reskilling of elderly population:** Foster age-friendly labour markets and employment opportunities.
  - **Pension support to the elderly population** from the unorganized sector.
- **Digital Empowerment:**
  - **Improve access to digital devices for seniors** by making them **affordable** through senior discounts.
  - **Increase digital literacy** among the elderly population.

## ④ Elderly pp<sup>n</sup> in India

- ↳ Statistics :-
- ) Acc. to Census 2011, 8.6% of pp<sup>n</sup> is old age.
  - ) It will rise to 16% by 2041
  - ) Ruralization of old age = 71%
  - ) Feminization of old age = 1033/1000
  - ) Regional Variation = 12.6% of old pp<sup>n</sup> (Kerala)
  - ) 2001 - 2011, 35.6% rise in old age pp<sup>n</sup>
  - ) Old age dependency ratio has risen from 10.9% (1961) to 14.2% (2011)

- ↳ PREMISE :- MoHFW launched 'Decade of Healthy Ageing' (2020-2030)

- ↳ Healthy Ageing :-
- ) It has replaced focus on 'Active Ageing'
  - ) Optimizing opportunities for health, participation & security to improve quality of life of older pp<sup>n</sup>

↳ Healthy Ageing refers to "the process of developing & maintaining the functional ability that enables well being in older age".

- It is about having capabilities that enable all people to be & do what they have reason to value eg: make decisions, mobility, basic needs etc
- It includes all physical & mental capacities of an individual.
- The economic growth potential created due to rise in life expectancy.

Longevity Dividend

## # Silver Economy :-

- It is a system of production, distribution & consumption of goods & services aimed at using the purchasing potential of ageing people and satisfying their consumption, living & health needs.
- It also provides for est. of residential & infrastructure facilities of diff' grades for senior citizens for dignified & safe experience.

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## ④ challenges faced by old pp

- ↳ failing health :-
  - if aging is synonymous with declining health
  - It is further complicated due to lack of A/Q wrt health infrastructure.
- ↳ Income Insecurity :-
  - absence of assured + sufficient income to support themselves for healthcare, social security.
- ↳ Isolation & Neglect :-
  - Due to disintegration of Joint family
  - change in value system & lifestyle
  - No longer considered as source of wisdom
  - Dual career family
- ↳ Rapid changing world :-
  - find it hard to adapt with lifestyle changes brought due to globalization, technological dev, urbanization, migration

- ↳ Abuse :- they are subjected to physical, emotional, financial, sexual abuse
- ↳ Ageist stereotypes :-
  - Stereotyping, Prejudice & Discrimination towards people on the basis of their age.
  - Ageism affects people of all ages but has particularly deleterious effects on health & well-being of older people.
  - This marginalizes older people within their communities, reduces their access to services, including health and social care.
- ↳ Lack of preparedness :-
  - In India, there is no formal awareness prog<sup>n</sup>e for people to prepare for old age. It sets in quietly and suddenly.

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↳ Inufficient data system :- as a result exclusion of elderly ppn in national policies

↳ Low Digital literacy :- Acc. to NSS (75<sup>th</sup> round) on Edu in India

(above 60 yrs)

- .) [5.3% male] can operate computer
- .) [1.7% female] , ,
- .) [5.8% male] can use internet
- .) [1.9% female] , ,

(gap is higher in rural areas)

↳ Food Insecurity :- Acc. to LASI, 2020 report, 8% of adults older than 45 yrs. reported severe constraint in household food availability

↳ Inadequate govt owned old age home :- M + W of senior citizen Act mandates every city should have govt run old age home. Majority are pvt. owned.

## Fem' of old age E-

- .) Under-rep' of women in paid work.  $\rightarrow$  Financially vulnerable in old age.
- .) Only 10% E & 11% women (old) in R & U areas resp. are financially independent.
- .) Acc. to World Widows Report, India is home to highest number of widows in world
- .) They are subjected to stigma + discrimination
- .) Lack of Human Capital formation
- .) Digital Divide
- .) Lack of Imp' of Inheritance laws.
- .) Acc. to ICMR, burden of diseases has been shifted to older pp'. However, women lack awareness + edu' + are not aware of health risk factor.  
they are less likely to engage in health-seeking beh'.

## ④ Way forward :-

- Age friendly environment :-
  - .) Remove social, physical barriers
  - .) promote health, build physical & mental capacity

## ↳ Promote Geriatric care

- ↳ Mainstream the concern of senior citizens
- ↳ Promote income security, old age pension, housing etc
- ↳ Recognize elders as a productive asset
- ↳ Promote care of old (old pp) within family + Inst'nal care should be last resort.
- ) Encourage emp + opp :-
  - .) self emp +
  - .) SHGs, cooperatives
  - .) counselling agents
  - .) Recruitment in think tanks
  - .) Multigenerational Care homes etc

↳ Introduce / enhance legislation to promote equality & non-discrimination on the basis of age in prov' of health, insurance services, social protection policies etc.

↳ Global measures : eg: Global campaign to combat vaccination.

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↳ Data driven policy making (age inclusive data collection) to understand eco. + social implication of pp<sup>n</sup> ageing.

↳ Digital empowerment of elderly.

↳ 'Feminization of old age' in reality in India

Hence, need to implement policies that ensure gender equity

e.g. ensuring women property + inheritance rights

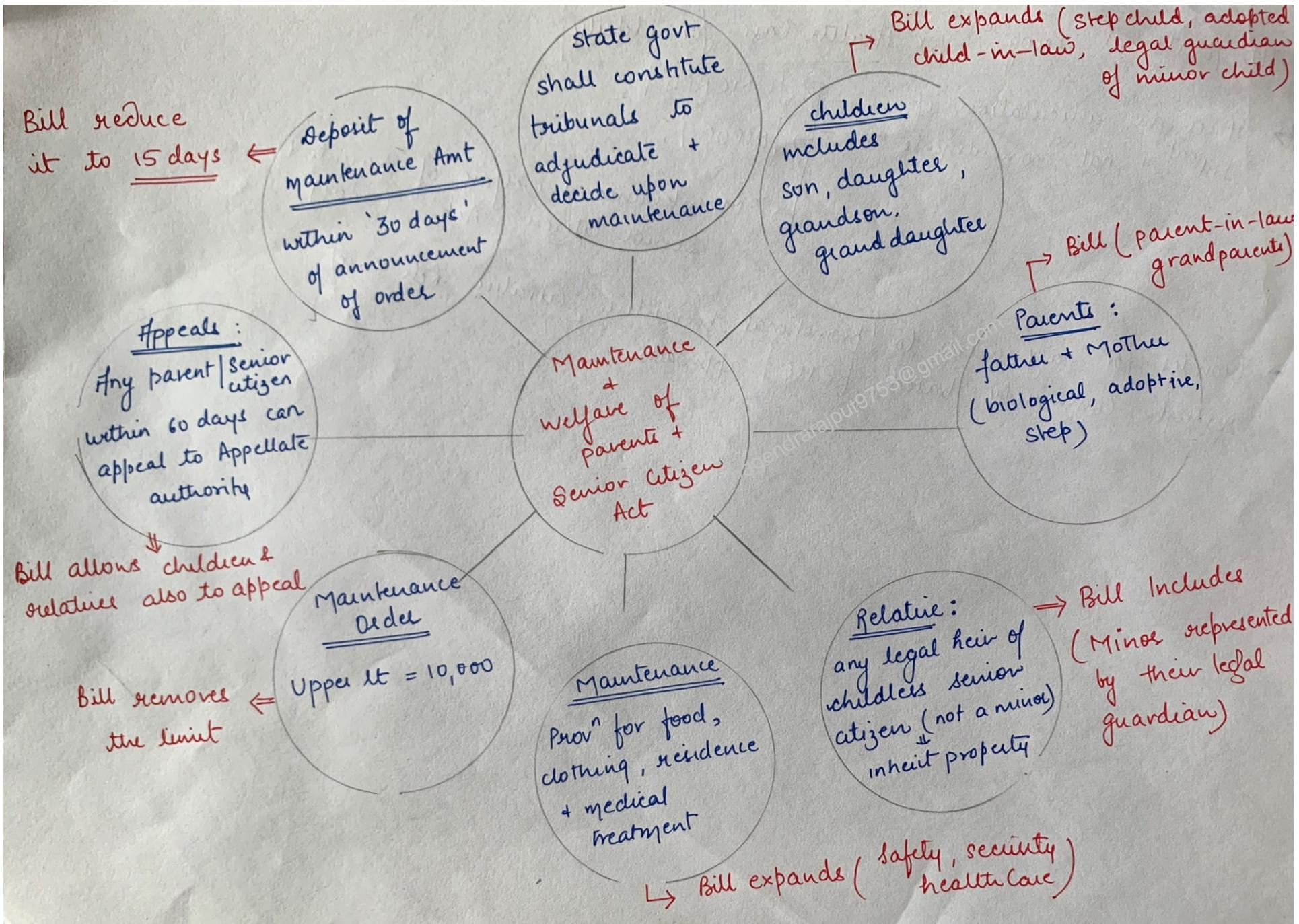
promotion of edu + skills

encourage FLPP

Special attention to older widowed women, transgender.

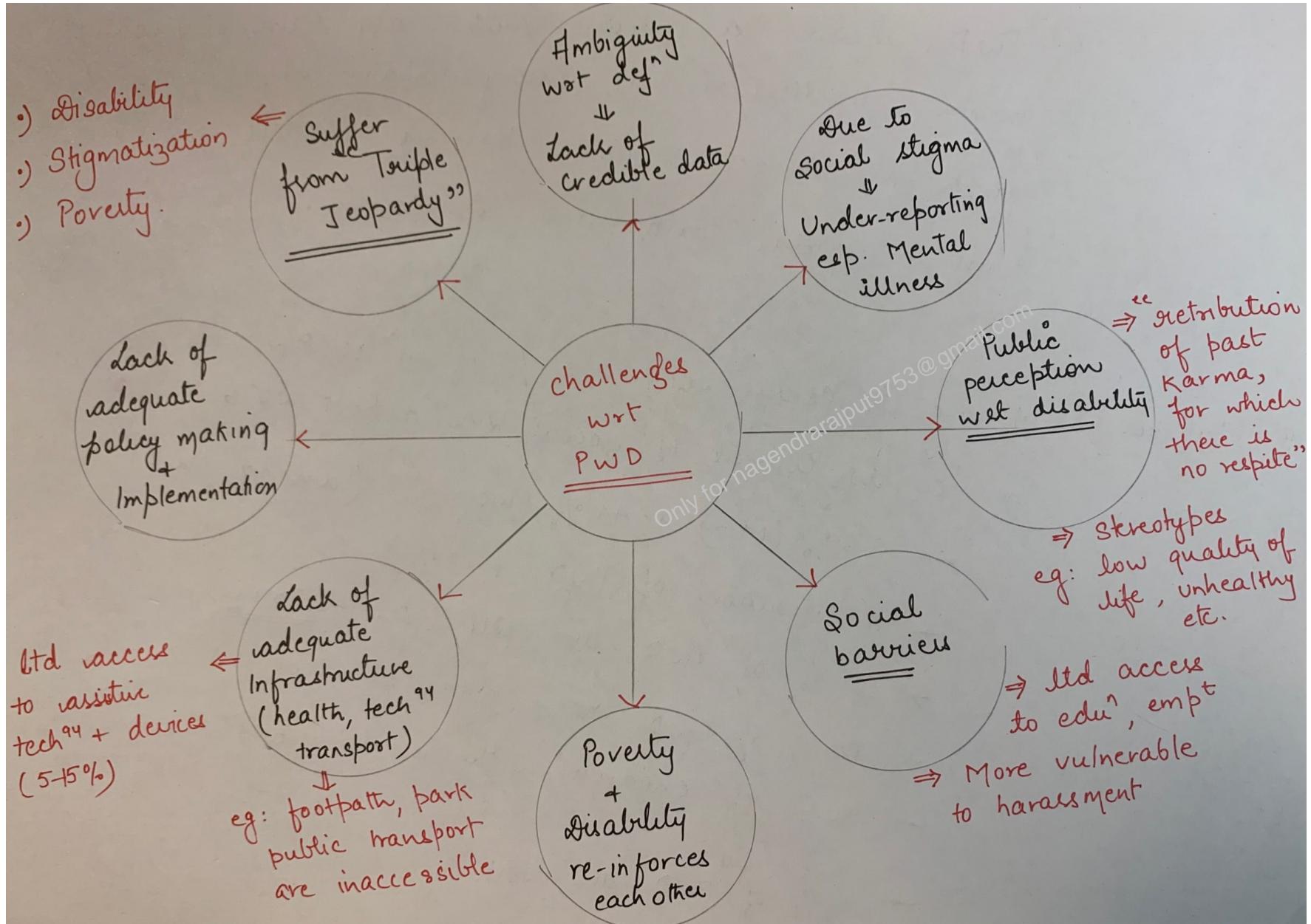
↳ Every company under CSR norms, should dedicate a proportion of their CSR fund to support cause of elderly.

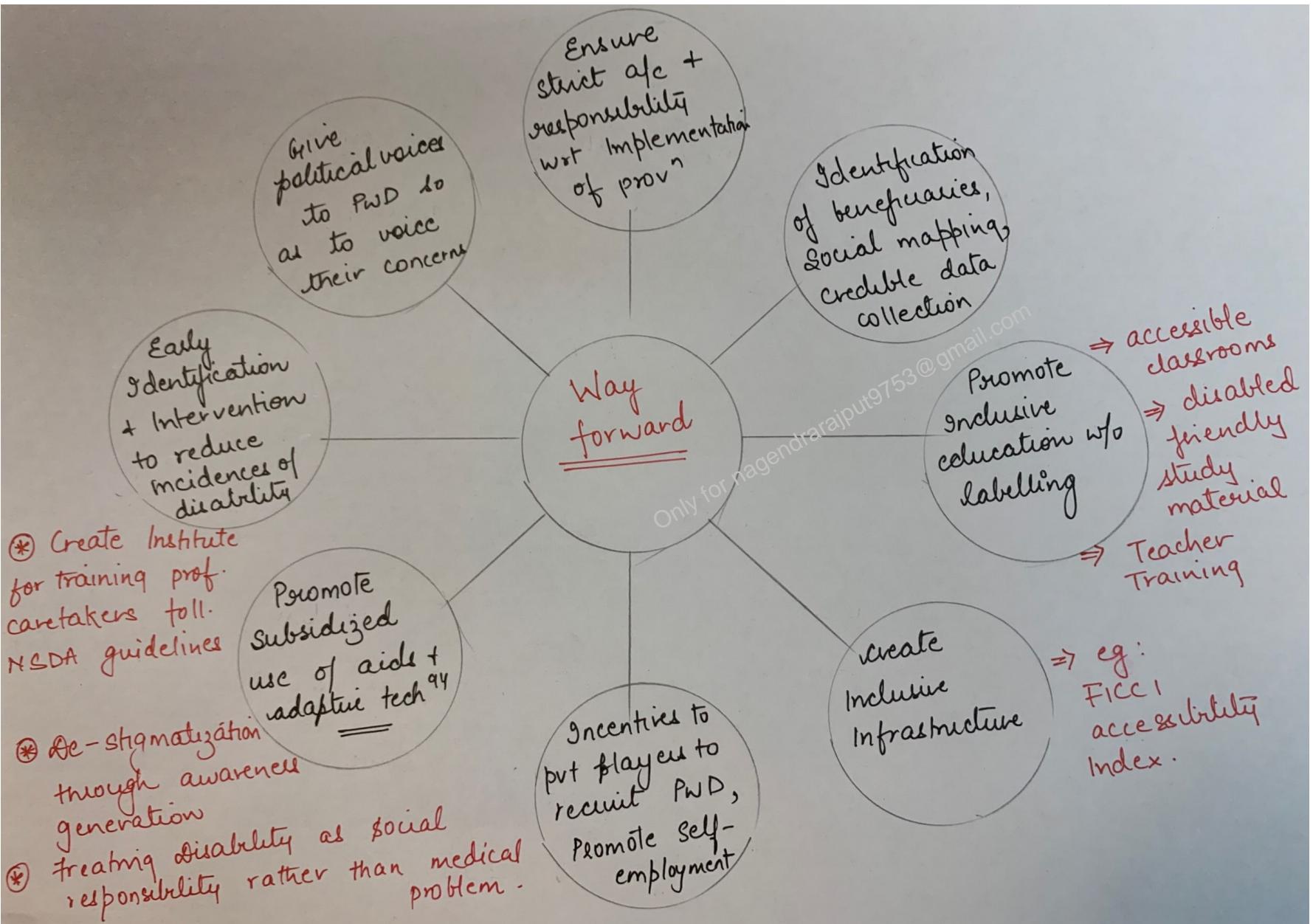
↳ Govt' good quality Govt owned old age home.

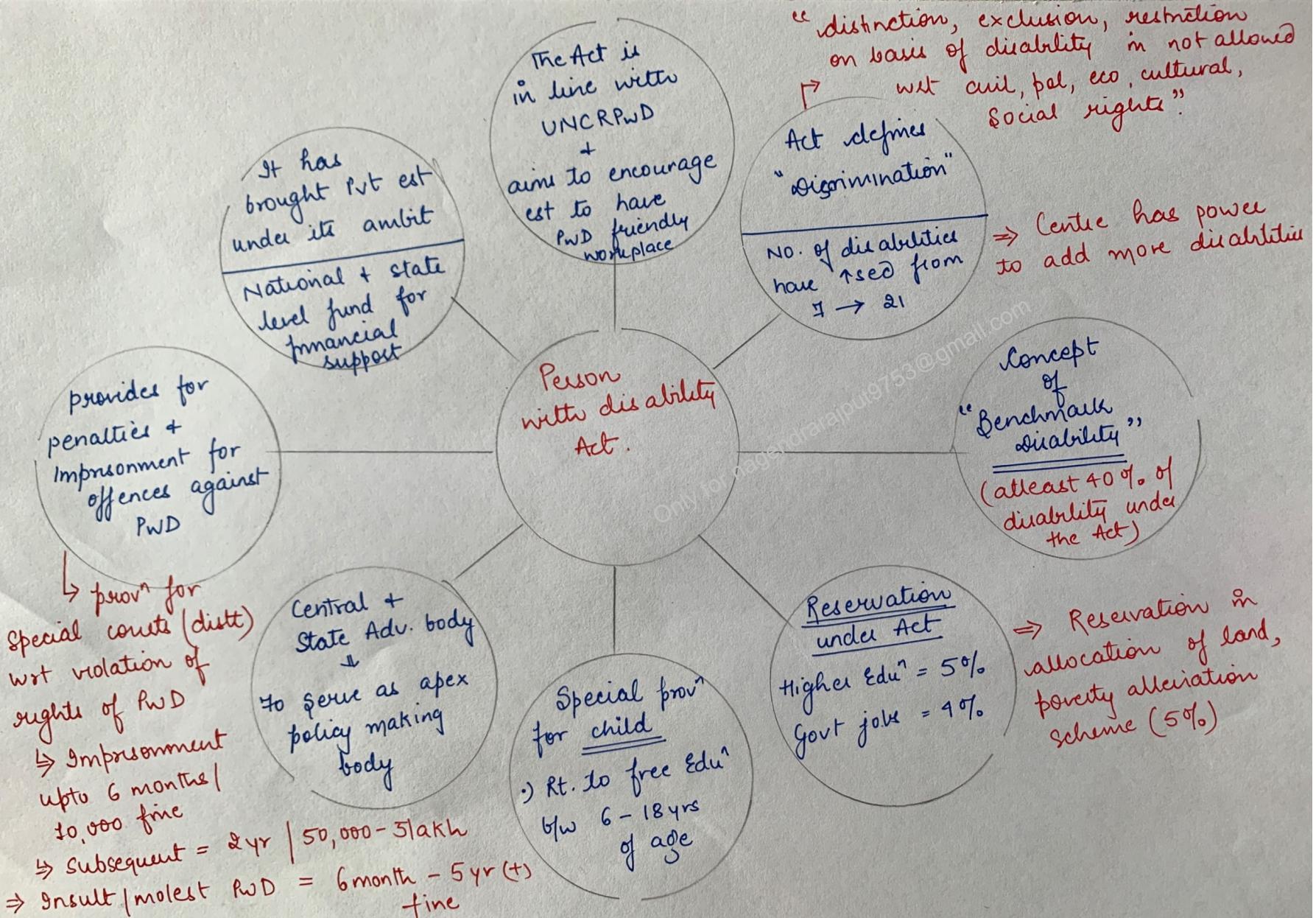


# **Concept** :- PWD, means a person with long term physical, mental, intellectual or sensory impairment which in interaction with barriers hinders full & effective participation in society.

- # **Statistics** :-
- Acc. to Census 2011, 2.21% of pp<sup>n</sup> are PWD
  - Acc. to Council of social report 2016.
  - 56% (Men) & 44% (women) (among PWD)
  - Ruralization of PWD (69%)
  - 55% of PWD are illiterates (literate)
  - 54% of CWD never attended school.
  - 50% of children with mental illness are OoS.
  - 36% of PWD are workers.







- **Inadequate allocation of resources:** The Parliamentary Standing Committee in 2022-23 highlighted between 2016-17 and 2020-21, number of components under the SIPDA increased from 6 to 13, whereas the budgetary allocation increased by less than 9%.
- **Coordination issues:** For example, the non-receipt of Utilisation Certificates from the State Governments has remained a recurring problem, which has resulted in non-release of funds for initiatives for PwDs by the Centre.
- **Rehabilitation services:** 69% of the PwDs reside in rural areas where accessibility, availability, and utilization of rehabilitation services is inadequate.
- **Lack of data and research:** There is a lack of updated reliable and disaggregated data.

## Some major schemes for PwDs



### Social Empowerment

- ▶ Accessible India Campaign (AIC)
- ▶ Unique Disability Identification (UDID) Project



### Physical Empowerment

- ▶ Assistance to disabled persons for purchase/fitting of aids/assistive devices (ADIP)



### Economic Empowerment

- ▶ National Action Plan for Skill Training of Persons with Disabilities
- ▶ Concessional loan to entrepreneurs



### Educational Empowerment

- ▶ Scholarships for students with Disabilities
- ▶ Deendayal Disabled Rehabilitation Scheme (DDRS)

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## Way Forward

- **Handholding to states:** Union ministry should guide state agencies with expert advice, targets, and resources.
- **Enhancing Collaboration:** Foster partnerships across government, civil society, disability rights groups, and private sector.
- **Improve accessibility:** Implement accessibility criteria in procurement laws for physical, digital, and transport infrastructure.
- **Impact assessment:** Establish data systems to monitor the RPwD Act and support research.
- **Social audit:** Section 48 of the Act requires the appropriate government to undertake a social audit of all general schemes and programmes involving PwDS.

## # Transgender Persons (Protection of Rights) Act 2019

↳ Who are transgender?

↳ Background:

.) NALSA judgement (2014)

- 'Third gender'
- Right to self identification
- Reservation under OBC quota
- Commission on line of NC for SC/ST.

- ↳ Report published by NHRC.
- .) Acc. to census 2011, 4.8 lakh Transgenders.
  - .) Only 30,000 registered with election commission
  - .) 99% have suffered social rejection
  - .) 96% denied jobs
  - .) 89% say (No job for qualified ones).
  - .) 18% are physically abused, 62% are verbally abused in schools
  - .) Only 2% live with parents.
  - .) 53% live under Guni-chela system

### Provisions to protect transgenders

④nal prov<sup>n</sup>  
⇒ Art 14, 15,  
19, 21

National  
portal for Transgender  
for issuing i-cards

Kerala is  
1st state to  
formulate Transgender  
policy (2015)

Garima Greh  
to provide shelter  
with basic amenities  
food, healthcare  
capacity building

Khudol  
Initiative of  
manipur  
India's 1st  
Transgender  
football team



# Transgenders

Transgender person means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman, person with intersex variations, genderqueer, etc.



## Important Judicial Pronouncements related to Transgenders

### NALSA vs UoI (2014)

Legal Recognition for Transgender Persons as 'Third Gender'.

### K.S. Puttaswamy vs UoI (2017)

Recognition of the right to sexual orientation as an aspect of privacy.

### Navtej Johar vs UoI (2018)

Decriminalization of Homosexuality

### Deepika Singh vs Central Administrative Tribunal (2022)

Atypical families such as unmarried or queer relationships are also entitled to equal protection of law (under Article 14).



## LGBTQIA+ rights across the world

Currently, there are more than 130 countries that have decriminalized homosexuality.

The Netherlands was the first country to legalise same-sex marriages in 2001

More than 30 countries around the world have legalized the same-sex marriages.

## # Challenges faced by Transgenders :-

- ↳ **Health issues** :- Prevalence of HIV among transgenders  
(estimated to 3.1% in 2017)
- ↳ **Lack of livelihood opportunities** : If they are denied jobs + confined to low paying / undignified work  
e.g.: begging, sex work, baihai.  
④ During COVID-19  
(major setback : as it depends on social interaction)
- ↳ often are victim of **social ostracization** : shunned by both society and well as family.
- ↳ **Exclusion** from participation in political culture
- ↳ Ltd access to **education & skill devt**
- ↳ Subjected to different **form of abuse** : sexual, physical, mental  
(domestic violence during covid)
- ↳ Suffer from **mental illness** : stress, anxiety, depression.  
(esp. during covid-19)

- ↳ **Legal hurdles** in possessing identity documents.
- ↳ **Lack of Inheritance rights** for transgenders
- ↳ **Administrative apathy** towards community
- ↳ discrimination by society creates **barriers in accessing public space**  
+ shelter.
- ↳ Lack of **gender Neutral IPC prov'**  
eg: Section 345, 376 of IPC.

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## Short-term Way forward

- Coronavirus testing centres should make themselves **trans-friendly**.
- Address **basic needs** of Transgenders eg: housing, food, employment.
- **Psychological counselling** so as to ensure sense of safety, hope, calmness etc
- Efforts to make **social welfare** schemes more accessible for community
- **Teacher training** → adopt inclusive teaching methods
- Authentic **data collection**

## Long-term way forward

- To promote **self-employment**, vocational training needs to be provided
- **Convergent approach**: est. linkages with livelihood prog, literacy prog, + other dev<sup>+</sup> prog.
- Introduction of **scholarships** for gender non-conforming persons.
- **Gender neutral laws** wrt sexual harassment
- Need for a separate, dedicated **Anti-discrimination bill**, which penalizes discrimination on the basis of gender.
- **Sensitization** of police, healthcare providers (+) **Mass media awareness** for public.

④ Give effect to SC judgement in NALSA case (2014)

→ Reservation under OBC status

→ Right to decide their own Identity

④ Ensure rehabilitation :-

- ) Welfare measures
- ) Skill devt
- ) Vocational training

## 4.4. SUPREME COURT JUDGMENT ON LGBTQIA+ RIGHTS

### Why in the News?

Supreme Court (SC) in **Supriyo @ Supriya Chakraborty vs Union of India case** unanimously refused to accord legal recognition to marriages between persons of the same sex and left it for the legislature and executive to decide, citing them being **matters of policy**.

### More on News

- While all five judges **acknowledged the need to eliminate discrimination against same-sex couples**, they did not unanimously agree on granting queer couples the designation of a legally recognized "**civil union**."
- Civil Union is a legal recognition, originally created for same-sex couples in jurisdictions where they are not legally allowed to marry
  - It is basically a **halfway approach between non-recognition and full recognition** to homosexual marriages.

### Issues raised by petitioners and court verdict

<b>Right of transgender persons to marry</b>	<ul style="list-style-type: none"> <li>• Unanimously held that there was <b>no fundamental, unequivocal right to marry</b> in India.</li> <li>• <b>Transgender persons in heterosexual relations</b> have the right to marry under the existing laws, including in personal laws regulating marriages.</li> </ul>
<b>Right to enter a Civil Union for queer couple</b>	<ul style="list-style-type: none"> <li>• Court <b>cannot prescribe a choice of civil unions to queer couples</b>.</li> <li>• Government is not obligated to recognize bouquet of rights flowing from such a Union. <ul style="list-style-type: none"> <li>○ Civil Union is a <b>legal recognition, originally created for same-sex couples</b> in jurisdictions where they are <b>not legally allowed to marry</b>.</li> </ul> </li> </ul>
<b>Interpretation of Special Marriage Act (SMA)</b>	<ul style="list-style-type: none"> <li>• <b>Court declined to invalidate or interpret SMA in a gender-neutral manner</b>, stating that such actions would encroach upon legislative domain and could have a "cascading" effect on other laws.</li> </ul>
<b>Adoption rights for non-heterosexual couples</b>	<ul style="list-style-type: none"> <li>• <b>Upheld restriction imposed by Central Adoption Resource Authority (CARA)</b> on queer couples from adopting.</li> <li>• Striking down the rules may have deleterious, "disastrous" and "anomalous outcome" that only legislature and executive could remedy.</li> </ul>

## Other key Highlights of the Judgment

- **Courts limit the question to secular laws:** During the hearings, the bench expressed that it would confine the issue only to the Special Marriage Act and would not touch personal laws.
  - If the court were to interpret HMA to include LGBTQIA+ marriages, the SC would also have to consider the bundle of rights dealing with adoption, guardianship and inheritance available to heterosexual couples.
- **Judicial restraint:** Judgement signifies **judicial restraint** wherein court refrained from taking on role of legislature or executive.
- **Future discussions paved:** The judgment's observations and dissenting opinions may guide future discussions on LGBTQIA+ rights.
- **Prevention of discrimination:** Court also directed government and police to prevent discrimination against the queer community.
  - In pursuance of this direction, Union Ministry of Law and Justice notified a 6-member committee headed by the Cabinet Secretary to recommend measures to ensure:
    - ✓ **no discrimination in access to goods and services** for the queer community,
    - ✓ queer people are **not subjected to involuntary medical treatments, violence, coercion**, etc.

## Conclusion

Though the judgement came as a setback for LGBTQIA+ rights, the assurance by the Union Government to constitute a **committee under the chairmanship of the Cabinet Secretary** gives a ray of hope in the struggle for equality.

## 4.1. INDIGENOUS PEOPLE AT A GLANCE

# Indigenous People

Indigenous people are distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live e.g. Santhal, Khasi, Chenchu etc.

 Constitutional Measures	 Legislative Measures	 Government Schemes
<ul style="list-style-type: none"><li>■ Article 342: Notification of STs</li><li>■ Schedule V and VI (Article 244)</li><li>■ Article 275: Grant of special funds for promoting the welfare of STs</li><li>■ Article 338A: National Commission for STs</li></ul>	<ul style="list-style-type: none"><li>■ Panchayat (Extension to Scheduled Areas) Act, 1996</li><li>■ Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006</li><li>■ SC/ST (Prevention of Atrocities) Act, 1989</li></ul>	<ul style="list-style-type: none"><li>■ Eklavya Model Residential School (EMRS)</li><li>■ Pradhan Mantri Vanbandhu Vikas Yojana</li><li>■ Pradhan Mantri Adi Adarsh Gram Yojna (PMAAGY)</li><li>■ Pradhan Mantri Kshetra Kalyan Yojana (PMKKY)</li></ul>



### Global Initiatives

United Nations Declaration on the Rights of Indigenous Peoples.

International Day of the World's Indigenous Peoples (World Tribal Day) is observed every year on August 9.



## Approaches to Tribal Development in India



### Isolationist approach

Non-interference with tribesmen's rights and their traditional manner of living.



### Assimilation approach

'Mainstreaming' tribal communities, often by encouraging them to adopt the language, customs, and lifestyle of the dominant society.



### Integration approach

It aims at developing a creative adjustment between the tribes and non tribes leading to a responsible partnership. It is reflected in the Panchsheel principles for Tribal development.



## Panchsheel Principles for Tribal development



People should develop along the lines of their own genius, and the imposition of alien values should be avoided



Tribal rights to land and forest should be respected



Judge results, not by statistics, but by the quality of human character that is evolved



Should not over-administer these areas or overwhelm them with a multiplicity of schemes



Teams of tribals should be trained in the work of administration and development

## 4.2. PARTICULARLY VULNERABLE TRIBAL GROUPS (PVTGs)

### Why in the news?

Recently, the Union government launched **PM JANMAN** (**PM- Janjati Adivasi Nyaya Maha Abhiyan**) on Janjatiya Gaurav Divas (Tribal Pride Day).

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## PVTGs

 **Particularly Vulnerable Tribal Groups (PVTGs)**

- These are centrally recognized special category from among the Scheduled Tribes (STs).
- First recognized in 1973 as Primitive Tribal Groups (PTGs) based on recommendations of the UN Dhebar Commission (1961).
- In 2006, the Government of India renamed the PTGs as PVTGs.

 **Criteria for identifying PVTGs**

-  Pre-agricultural level of technology
-  Low level of literacy
-  Economic backwardness
-  A declining or stagnant population

- Currently, there are 75 PVTGs spread over 18 states and the UT of Andaman and Nicobar Islands.
- Odisha houses highest number (13) of PVTGs in India

## About PM JANMAN

- **Pradhan Mantri PVTG Development Mission:** Announced in the Union Budget 2023-24.
- **Scope and Funding:** Comprises 11 critical interventions across 9 ministries with an estimated outlay of ₹24,104 crore over 3 years.
- **Objectives:** It aims to **saturate PVTG households and habitations with basic facilities** such as safe housing, clean drinking water and sanitation, improved access to education, health, and nutrition, etc.
- **Additional Goals:** Saturation will be ensured for Sickle Cell Disease Elimination, TB Elimination, 100% immunization, PM Surakshit Matritva Yojana, PM Matru Vandana Yojana, PM Poshan, etc.

## Issues faced by PVTGs

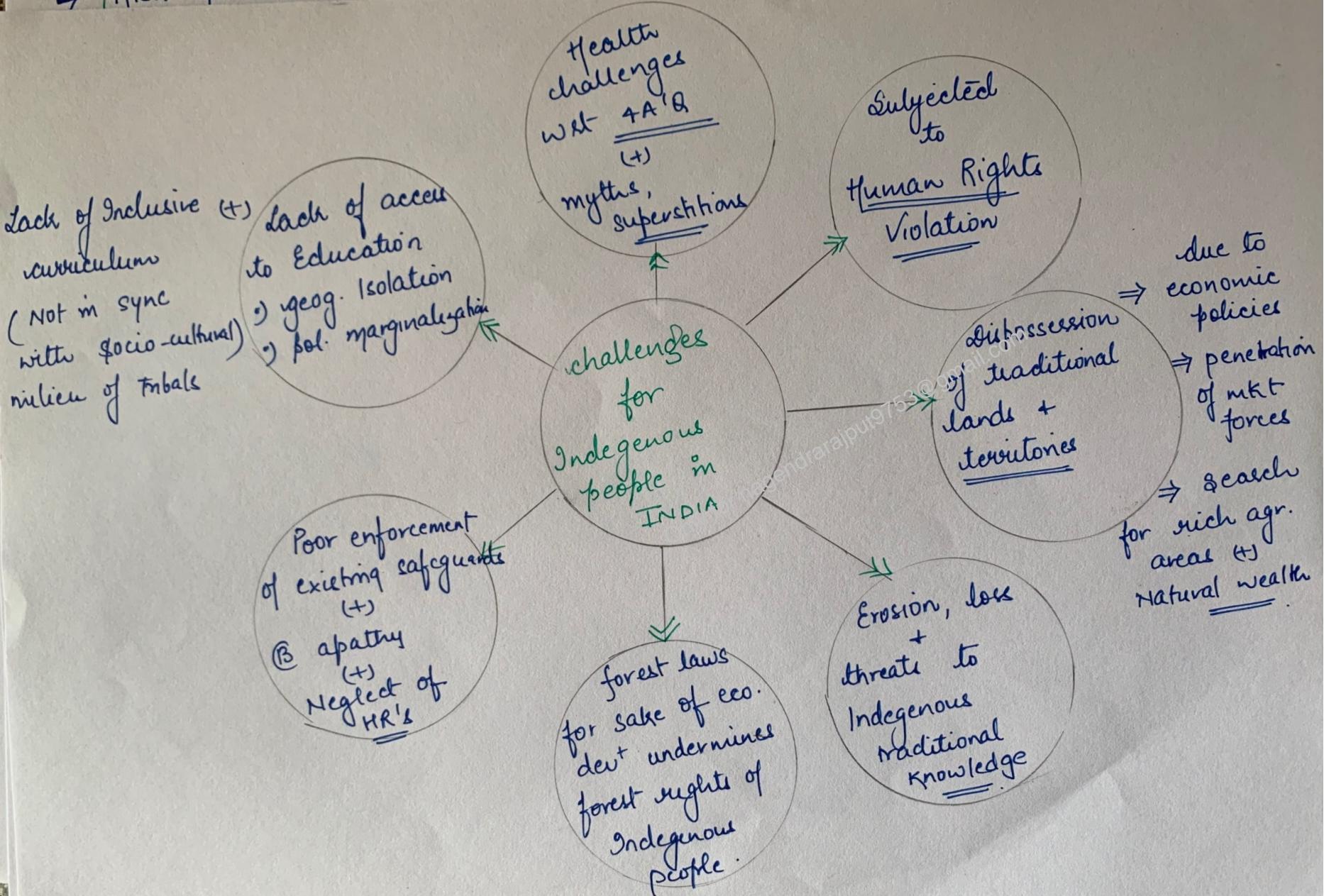
- **Erosion of identity:** Traditional systems clash with modern ones, e.g., Extinction of tribal dialect.
- **Forced displacement:** Development, disasters, and conflict displace tribals from their lands.
  - **e.g., Kalahandi Forest Department forcefully evicted 32 tribal (Kondh) families (2020).**
- **Low literacy:** Poverty, infrastructure, and language barriers limit education for tribals.
  - **The literacy rate among STs is just 59% which is 73% among the general population. (Census 2011).**
- **Triple health burden:** Malnutrition and communicable diseases, non-communicable diseases, and **mental illness and addiction** plague tribal communities.
- **Debt bondage:** Poverty, weak laws, and limited employment trap tribals in debt-slavery.
- **Climate vulnerability:** Close connection to nature exposes tribals to climate change impacts.
- **Marginalization & discrimination:** Social exclusion limits access to education, healthcare, and jobs.

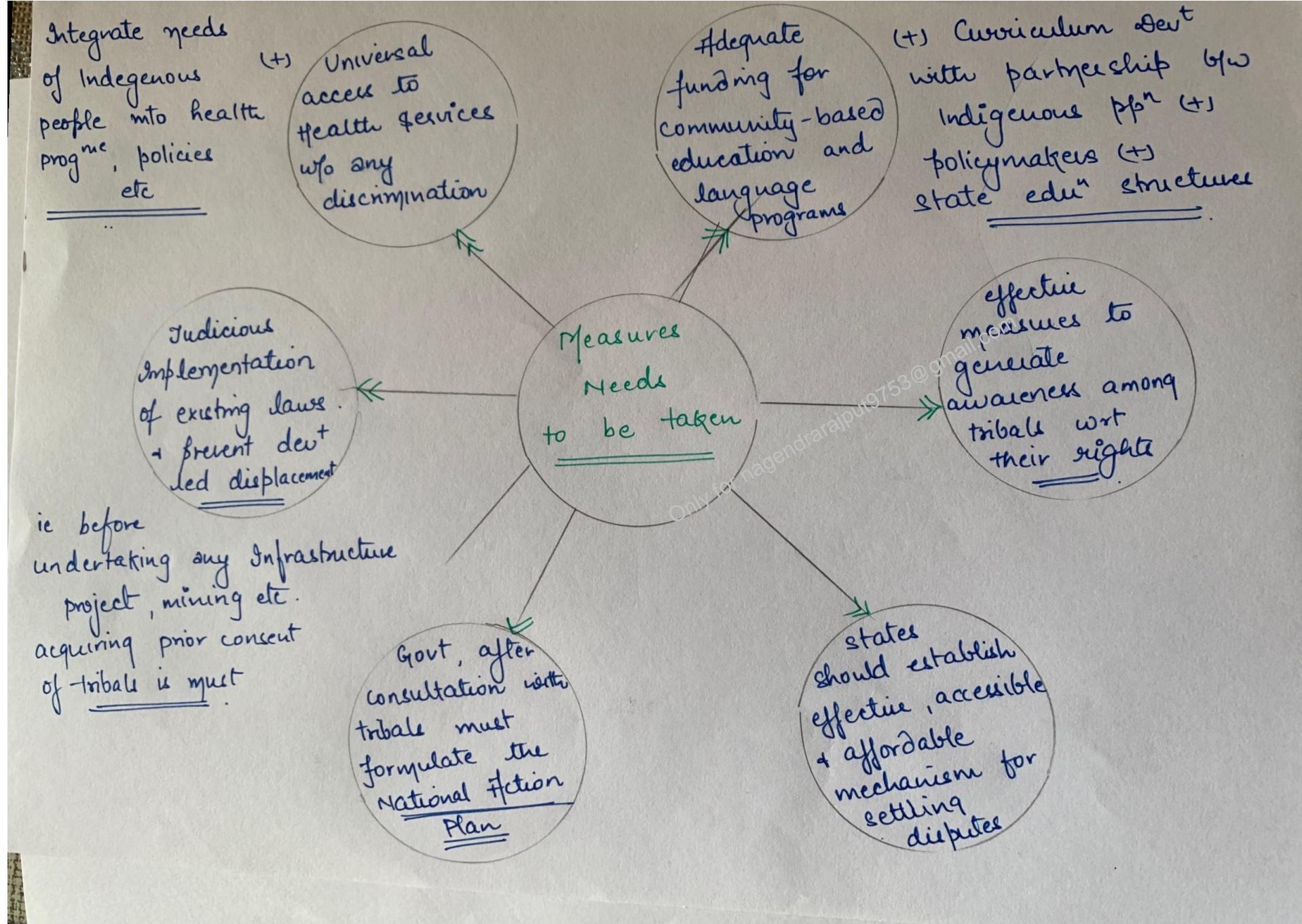
### ↳ Who are Indigenous people?

- ;) Inheritors + practitioners of unique culture & ways of relating to people & envt
- ;) They retained their social, cultural, economic + pol. characteristic
- ;) Census 2011 : 8.6% pp<sup>n</sup>
- ;) Ruralization of IP = 90%
- ;) 705 ethnic grps notified as ST's with 75 PVTG's
- ;) Rights of Indigenous people 8-

- ;) Collective + Individual rights w.r.t land, territories, resources
- ;) Self-govt by their own institutions
- ;) Conserve, develop, use + protect their traditional knowledge
- ;) fair + equitable benefit sharing from conservation & devt actions involving their land, territories, resources + people.

↳ Risk factors can be classified:





## 4.2.1. TRIBAL HEALTH

### Why in the news?

Recently, the Standing Committee on Empowerment of Women submitted a report in Lok Sabha titled “Health Facilities for Tribal Women”.

### Key findings of the Report

- **High Mortality Rates:** Child marriage, early motherhood, low body mass index, and high anaemia rates contribute to high mortality among tribal women, with 64.5% anaemia prevalence and 25.5% underweight.
- **Data Deficiency:** There is insufficient data on tribal healthcare, particularly for women and girls.
- **Teenage Pregnancy:** Teenage pregnancy rates are highest among Scheduled Tribes (STs).
- **Triple Disease Burden:** Tribal people face a triple disease burden: communicable, nutritional, and non-communicable diseases.



## Importance of Health for Tribal Women



**For Economic stability**  
as tribal women's  
livelihood is mostly  
neither permanent  
or fixed.



**For women's  
empowerment** as they  
are most susceptible  
to various health  
vulnerabilities.



**Improve sexual and  
reproductive health.**



**Recognising their health  
rights under **UN Declaration  
on the Rights of Indigenous  
Peoples.****

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## **Challenges faced by the healthcare system for the tribal health**

- **Communication Barriers:** Language and cultural differences hinder effective communication between healthcare providers and tribal patients, causing misunderstandings.
- **Distrust in Modern Healthcare:** Ignoring indigenous healing methods fosters distrust in modern healthcare among tribal populations.
- **Geographical Remoteness:** Tribal communities often reside in remote, inaccessible areas with poor transportation infrastructure.
- **Inadequate Healthcare Access:** Lack of skilled healthcare leads to delayed diagnoses, inappropriate treatment, and limited access to specialized care.
- **Misaligned Healthcare Assumptions:** Tribal healthcare is often lumped with rural healthcare, assuming similar health problems and needs.

- **Parliamentary panel suggested:**
  - **Creation of a Separate database on all aspects of tribal healthcare** by the Ministry of Tribal Affairs for better assessment of welfare measures.
  - **Better infrastructure**, such as all-weather roads, is needed to ensure timely healthcare access for the tribal population, including pregnant women.
  - **Organize special drives to educate women** and their husbands on the proper use and benefits of modern contraceptives.
- **Separate plan for tribal population:** Delineate the tribal and rural populations and promote behaviours and practices that do not directly challenge the norms and customs.
- **Integration of traditional medicine:** The Ministry of Tribal Affairs should coordinate with the Ayush Ministry to integrate traditional healers and promote modern medicine.
- **Reforming governance structure for tribal health.**

#### **Initiatives under the National Health Mission for beneficiaries in tribal areas**

The NHM envisages the achievement of **universal access to equitable, affordable & quality healthcare** services that are accountable and responsive to people's needs.

- **Ayushman Bharat- Health and Wellness Centres (HWCs)** established by transforming the Sub-Health Centres (SHCs) and Primary Health Centres (PHCs), as part of the Ayushman Bharat.
- The population norms for setting up Health Facilities in **vulnerable areas are relaxed**.
- States/UTs can deploy Mobile Medical Units (MMUs) for diverse healthcare services
- **National Free Drugs Service Initiative and the National Free Diagnostic Service Initiative** launched to reduce health service expenses.
- Tribal majority districts with below-average health indices receive more resources per capita.