

CURRENT ISSUES WRITING PRACTICE

POST-TEST MATERIAL FOR CIWP – N

Q.1) One nation and one election is not the panacea to solve the governance deficit in the country. Critically examine. Discuss the feasibility of one nation and one election in such a large and diverse country like India.

Free and fair elections are integral to the functioning of any successful democracy. However, the sheer size and nature of exercise influences governance and developmental works.

Holding key elections after a gap of a few months hinders development. Additionally, the development process gets impeded because of the model code of the ECI. It also curtails some powers of an incumbent government during elections, resulting in delays in implementing welfare schemes which are already underway. In this context, the concept of one nation, one election can prove to be an important remedy to plug the governance deficits:

- 1) In the current scenario, the government, at least at the central level, is always in election mode, which affects governance and policy-making. This system will help ruling parties focus on governance instead of being constantly in election mode.
- 2) Frequent elections hampered development due to the huge expenditure involved. It also creates an ecosystem of vested interests that thrive on these frequent elections. Elections also cost money both to conduct and in terms of political 'costs'.
- 3) This also means a dilution of the federal system in favour of centralisation. This leads to homogenisation of the country, instead of bringing equity, sustaining plurality, and promoting local and regional leadership.
- 4) Fuelling the huge election machinery requires huge amount of diversion of officers and key persons like teachers and lecturers for election duty. Deputing government employees frequently on election duty hinders public services, including school education, as well as maintenance of law and order and national security.
- 5) The Model Code of Conduct prevents governments from announcing new schemes and making appointments.

On the other hand, experts argue that simultaneous election in India, "one nation, one election" notion, is an antithesis to good governance:

- 1) The model code by itself does not impede development. Even assuming that it does, it could be modified once the parties come to an understanding, and also by abiding with it so that the essential and on-going public services and projects are not affected.
- 2) The real cause for worry is the way the leaders and parties accuse each other and tend to vitiate the governance process
- 3) Repeated elections keep legislators on their toes and increases accountability. Since elections will be held once in five years, it will reduce the government's accountability to the people.
- 4) It is not good either for the democracy or for the inclusive development of the nation.
- 5) The "one election" idea undermines regional parties, local leaders and the regional agenda.

Therefore, these questions need to be looked at from the point of view of both feasibility under the constitution and its desirability to democracy and development. One key aspect in analyzing the idea of one nation, one election is its feasibility. Huge size of India and its diversity along with constitutional requirements make its implementation difficult:

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- 1) Unless the government brings a constitutional amendment, and provides for extra administrative arrangements for this purpose, it's a difficult proposition.
- 2) Besides, a large number of amendments to laws, rules and regulations would need to be carried out, making the task very arduous, if not impossible, and open to challenge in the courts on ground of defilement of the doctrine of basic structure.
- 3) Perhaps the biggest hurdle would be creation of a political consensus for simultaneous elections. This would require some states to agree to curtail the terms of their assemblies and forgo their regional identities.
- 4) It may be difficult to find a suitable time slot, given the geographical and administrative diversity relating to weather, agricultural cycle, exam schedule, religious festivals and public holidays.
- 5) The sheer logistics involved in holding simultaneous elections, in terms of requisitioning and movement of men, women and material, may make the exercise unmanageable.

Way Forward

It depends on whether there is impartial and effective implementation. In theory, there is no constitutional objection. The moot point is that of the dissolution of the state assemblies. We need to look at what the situations are under which state assemblies can be dissolved. This requires a deeper analysis of the scheme. The issues of cost and manpower are peripheral. This is a bigger issue. Therefore, 'One Nation One Election' is a much-needed electoral reform. This would save public money, reduce the burden on the administrative set-up and security forces and lead to concentration on developmental activities which will directly benefit each and every citizen of India and only disadvantages those who prey on the uncertainties caused by frequent elections.

Q.2) The ideals of social justice reinforced through reservation policy have witnessed limited success over the seven decades. Comment. Suggest measures to ensure social and economic justice for the most deprived sections of the society.

The basic aim of social justice is to remove the imbalances in the social, political and economic life of the people to create a just society. It means dispensing justice to those to whom it has been systematically denied in the past because of an established social structure. It also aims to alleviate long years of suffering on account of caste discrimination, and to redistribute the benefits that privileged elites had monopolized.

One of the most important measure or policy to realize the basic ideals of social justice is Affirmative action. It includes policy of reservation for weaker and vulnerable sections of society, in matters of education, employment and welfare. However, there is a pressing need to recognise that while reservations play a crucial equalising role, it has witnessed limited success:

- 1) Affirmative action in India, due to the specific forms it takes, cannot be a complete remedy for discrimination, the fact that they apply only to the public sector, whereas there is some evidence of widespread discrimination in the private sector, which is becoming increasingly important in our economic and social structures today.
- 2) Privileged groups have come into existence which corners all the benefits of reservation. Women continue to be doubly disempowered within the reserved category, and targeted by families for marrying into a lower caste.

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- 3) The success of politics of social justice is limited to the accession of leaders from dalit-bahujan communities to governmental power, detached from any substantive consequences for dalit-bahujan communities.
- 4) Politics does hamper an objective review of India's reservation policy. The reservation instead of creating a sense of unity among different sections of society, resulted in even greater divergence due to some politically coloured agendas.
- 5) Despite reservation, the employment of the dalits in the higher grade jobs has not gone up, and has considerably decreased. Although the number of students enrolling in colleges due to reservation has considerably increased, it has not ensured them higher grade jobs in the government. The grounds for keeping technical institutions of excellence beyond the purview of affirmative action in some ways go against the very idea of why affirmative action is needed in the first place.
- 6) Lack of educational and an employment resource was, and remains, so intense that instead of reducing caste discrimination it has unintentionally sucked out hope.
- 7) Those who use reservation to enter the portals of higher education and corresponding employment continue to suffer from low self-esteem, and, problems of asserting themselves in public life.
- 8) There have been many attempts to dilute reservation in the past.

Therefore, reforms in reservations is the need of the hour to ensure that they act as a form of social engineering to address centuries of oppression and discrimination, extreme inequities in the distribution of educational opportunity, and the formation of a huge class of Indian citizens who are not equipped to compete without this assistance.

Our efforts to combat discrimination must seek more creative ways in which those who are truly marginalised can realise equal opportunities. More pervasive measures are necessary to truly realise the ideal of egalitarianism and social justice:

- 1) In order to increase its efficacy, affirmative action policies should be less mechanical: provision of quotas should be seen as the beginning, not the end, as is the current practice. There needs to be a more holistic focus on outcomes.
- 2) Out of the box measures targeted towards Dalits and Adivasis must be considered - free, compulsory and good quality primary education that these communities are actually able to access, vigorous expansion of employment opportunities that go beyond traditional caste occupations, land reforms wherever feasible, comprehensive social security and subsidies/support for self-employment.
- 3) American example of encouraging diversity by incentivising it. Even in India, he said, States such as UP, Bihar, Karnataka, AP and Telengana follow a policy of affirmative action in awarding contracts and in that manner protecting the SC and ST entrepreneurs' entry into trade, business and other public works as contractors. For instance, Recently, Karnataka enacted legislation, namely, The Karnataka Transparency in Public Procurement (Amendment) Act, 2016, which reserves 24.1% for SC and ST contracts in all Government works, public contracts up to Rs 50 lakh.
- 4) The definition and scope of CSR needs to be broadened to include measures to counteract the natural tendencies towards exclusion of certain groups.
- 5) Other focused interventions are also essential, such as efforts to eliminate bonded and child labour, and practise of manual scavenging which overlaps significantly with caste discrimination as the vast majority of bonded labourers are Dalits.

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6) Social justice requires that all social goods (material as well as non-material goods such as dignity) should be distributed on the basis of the criterion relevant to that good or activity. Social justice need not reject relevance of ability, effort and choices to life prospects of individuals and groups.

7) The case for adequate political representation for dalit-bahujan has to be linked to the consequences of such representation on state policy, economic well-being and social power of these communities.

8) Besides state power, the politics of social justice needs to be aware of and encompass 'civil society' institutions, institutionalized religion and market. Above all, it is time that both the politics and policy of social justice focused energy on the private sector that represents the largest arena of economic opportunities. An improvement in the social composition of higher judiciary would go a long way in strengthening policies of social justice.

The idea of social justice implies that a democratic system has to ensure that the social development is in tune with democratic values and norms reflecting equality of social status and opportunities for development, social security and social welfare. It must require an end to all forms of indirect discrimination, historically accumulated deprivation and systemic disadvantages.

Q.3) Proper rules and regulations in the online pharmacy space can attract investments. Comment. How the current status of regulation hindering the growth of this market?

'Online pharmacy' means the business of distribution or sale, stock, exhibit or offer for sale of drugs through a web portal or any other electronic mode. The e-pharmacy sector in India has a huge growth potential considering key factors such as growing use of mobile internet, increasing access to private and government-backed health insurance schemes, cost-effectiveness and high incidence of lifestyle-related diseases that require regular use of medicines over a long period. Presently, e-pharmacies follow three major models:

1. Marketplace online pharmacies, which provide an online marketplace to brick & mortar pharmacies;
2. Inventory-led e-pharmacies, where a company procures medicines directly from brands and stocks it;
3. Franchise-led e-pharmacies

The present definition clearly includes franchise and inventory-based online pharmacies, but is unclear about marketplace e-pharmacies. The definition leaves out major players in the industry. The government should explicitly include "facilitators" of online sale of drugs in the definition, to provide equal opportunity to all e-pharmacies in India. This will remove ambiguity in the interpretation of the rules and attract investment.

Counterfeiting of medicines, data privacy issues, unethical practices by chemists, extremely fragmented market among others, has highlighted the need for a comprehensive regulatory framework. Moreover, lack of progressive and proactive e-pharmacy regulatory framework is impacting the overall growth potential and future investments in the Indian e-pharmacy sector:

1) Currently e-pharmacies register with the Drugs and Cosmetics Act, which is riddled with ambiguities and lacks a clear definition of over the counter (OTC) drugs.

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- 2) The lack of a regulatory framework in the e-pharmacy sector has led to nationwide strikes and filing of unnecessary litigations.
- 3) Taking into consideration the concerns regarding data privacy and its transmission, there is a conflict between the proposed Personal Data Protection Bill, 2018 (PDP Bill) and the much anticipated Digital Information Security in Health Care Bill, 2018 (DISHA). The PDP Bill allows cross-border flow of the health data on the grounds of emergency services while DISHA does not provide for any such localisation of the health data which may lead to regulatory confusion and data privacy issues.
- 3) Since e-pharmacies deal with large amounts of data in daily transactions, ambiguity concerning disclosure requirements, transmission and storing this data can hinder the growth of the sector to a large extent.
- 4) Where there are so many compliances of laws, there is no modicum of doubt that proper regulations will significantly curb e-pharmacies who along with accomplice of offline chemist shops indulge into unethical practices. This is important for both customer and investor confidence.
- 5) Due to lack of regulatory measures, the problem with regards to fake doctors prescribing medicines over a call and issuing a forged prescription, an online platform selling medicines without getting registered or following the basic code of conduct still subsists.
- 6) Concerns with respect to FDI norms as, drug regulators have not distinguished between the inventory-based and marketplace models thus leading to predatory pricing and lack of clarity on licensing requirements as to whether there will be a uniform licensing system or each state will have their own licensing rules for their operations
- 7) The regulation is always playing 'catch up' with innovation.
- 8) The e-pharmacy industry is rooting for regulations to come in place so that the recognition and contribution of legitimate players can be acknowledged to enhance the clarity and improve the quality of players in the market.

Way Forward

- 1) Introduction of a nation-wide framework for 'Electronic Health Records' where the healthcare data used by companies can be put in one place reducing the concerns over privacy issues. Also, a separate license registry for e-pharmacy companies can be created.
- 2) The development of a comprehensive list of medicines can also be prepared under which only the medicines in the list will be permitted to be dispensed via online platforms.
- 3) Awareness campaigns for increasing digital literacy and its intersection with essential health services to the weaker sections of the society can be carried out.
- 4) The government can also engage with foreign jurisdictions to adopt the successful measures like issuance of 'E-prescriptions' which is directly issued by pharmacists through electronic transmission as practised in the USA, usages of which reported reductions in misuse of prescription by patients.
- 5) Sharing information on drugs, counter-indications, precautionary measures to be taken for certain dosages, and cheaper generic substitutes would help the consumer make informed decisions.

Online pharmacy sector can still be considered in the nascent stage and a business-friendly environment can improve the confidence of the existing and future investors. Successful adoption of new regulations by the e-pharmacy sector coupled with value-added services like reminders for medication intake, prescription fill and diagnostic tests, and wellness programs for patients will enhance the likelihood of higher market penetration leading to faster growth.