

The Hindu Important News Articles & Editorial For UPSC CSE Tuesday, 03 Dec , 2024

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Page 05: Prelims Fact

Poppy cultivation in Manipur decreased by 32.13% in 2023-24, yet it remains widespread across 12 of the state's 16 districts.

➡ This decrease follows concerted efforts by law enforcement to destroy illicit poppy fields, as part of the state's ongoing "war on drugs."The cultivation is linked to drug smuggling and ongoing ethnic clashes.

More About Poppy Plant:

- The poppy plant (Papaver somniferum) is native to the Mediterranean region.
- ▶ It is cultivated for its seeds, oil, and opium, which contains alkaloids like morphine and codeine.
- Poppy seeds are commonly used in baking and cooking.
- → The opium extracted from the plant is the primary source of narcotics such as heroin.
- Poppy plants typically grow to 3-4 feet tall and produce large, colorful flowers.
- ➡ The opium-producing varieties are often grown illegally in several regions worldwide.
- Poppy cultivation is a significant issue in countries like Afghanistan, Myanmar, and parts of India, including Manipur.
- Poppy farming contributes to illicit drug production, fueling global drug trade and addiction issues.
- Legal cultivation occurs under strict regulations for medicinal purposes, such as in pharmaceutical production.

Manipur records dip in poppy cultivation by 32.13%: MARSAC

The Hindu Bureau GUWAHATI

Poppy cultivation in Manipur decreased by 32.13% during 2023-24 from the previous fiscal but the opium-yielding plant continues to be grown extensively in 12 of the State's 16 districts, a report prepared by Manipur Remote Sensing Applications Centre (MARSAC) said.

Drug smuggling from adjoining Myanmar and large-scale poppy cultivation by clearing jungles on the hills are said to be among the factors behind the ongoing ethnic clashes between the Meitei and Kuki-Zo people in Manipur since May 3, 2023.

According to the MAR-SAC report, the Manipur police and other law enforcement agencies destroyed illegal poppy cultivation on 19,135.6 acres across 12 districts between 2017 and January 2024. The Kangpokpi district topped the list with 4,454.4 acres of poppy plantations destroyed followed by Ukhrul district with 3,348 acres, and Churachandpur with 2,713.8 acres.

The other districts where illicit poppy fields



The operations against poppy cultivation were carried out mostly in 2020-21 and 2022-23.

were destroyed during the seven years include 2,575 acres in Tengnoupal, 1,982.5 acres in Chandel, 1,682 acres in Senapati, and 737.9 acres in Imphal East.

The operations against poppy cultivation were carried out mostly in 2020-21 and 2022-23, during which the flowering plants were destroyed on 8,957.1 acres.

The report said the area under poppy cultivation in nine districts declined from 28,598.91 acres in 2021-22 to 11,288.1 acres in 2023-24.

"The data show that CM N. Biren Singh's war on drugs has had a major impact," a Manipur government official said, declining to be quoted.





Page 06: GS: 2: Governance

A study by Oxford University's Saïd Business School praised India's PRAGATI infrastructure monitoring system for accelerating major projects and fostering economic growth.

→ The system, launched by Prime Minister Narendra Modi, has significantly improved infrastructure development, accountability, and sustainability across the country.

PRAGATI System:

- PRAGATI stands for Pro-Active Governance and Timely Implementation of projects.
- It was launched by the Prime Minister to monitor infrastructure projects across India.
- The system aims to overcome bureaucratic inertia and promote efficiency, accountability, and timely completion.
- PRAGATI integrates stakeholders from Central and State governments on a single platform.
- It focuses on resolving challenges like land acquisition, inter-ministerial coordination, and project delays.
- → The system has accelerated 340 projects worth \$205 billion, contributing to economic transformation.
- It enhances GDP by ₹2.5 to ₹3.5 for every rupee spent on infrastructure.
- PRAGATI promotes the use of green technologies and sustainability in development projects.
- ▶ It has improved the quality of life by fast-tracking infrastructure services like roads, railways, and electricity.

Oxford study lauds PRAGATI system for fast-tracking projects

The Hindu Bureau NEW DELHI

A study by Oxford University's Saïd Business School has lauded Prime Minister Narendra Modi's PRAGATI infrastructure monitoring system for accelerating 340 projects worth \$205 billion across the country and bringing about economic transformation.

The study titled "From Gridlock to Growth: How Leadership Enables India's PRAGATI Ecosystem to Power Progress" was authored by Soumitra Dutta, dean at the SBS, and coauthored by associate fellow Mukul Pandya. It was presented at a symposium hosted by the Indian Institute of Management, Bangalore, on Monday.

The study looked at factors including close monitoring of infrastructure projects and their completion since 2015 through the PRAGATI system, an acronym for Pro-Active Governance and Timely Implementation of projects.

"The platform symbolises India's commitment to overcoming bureaucratic inertia and fostering a Team India mindset and culture of accountability and efficiency," says the report. "PRAGATI has brought together diverse stakeholders from Central

The report says that PRAGATI system symbolises India's commitment to overcoming bureaucratic inertia

and State governments onto a single platform and this collaborative approach has been instrumental in addressing some of the complex challenges in infrastructure development, from land acquisition to inter-ministerial coordination," the report says.

The report adds that the economic impact of PRA-GATI is evident. According to studies by the Reserve Bank of India and the National Institute of Public Finance and Policy, for every rupee spent on infrastructure, India sees a gain of ₹2.5 to ₹3.5 in GDP. "By fast-tracking projects that provide services like roads, railways, water, and electricity, PRAGATI has improved the quality of life for millions of Indians. It has incorporated sustainability into its core operations, facilitated faster environmental clearances and promoted the use of green technologies. This holistic approach ensures that India's development is both inclusive and sustainable," the report says.





Page 07: Prelims Fact

A rare spade-toothed whale, one of only seven ever recorded, was discovered on a New Zealand beach, offering a unique opportunity for scientific study.

This dissection, the first of its kind, aims to unlock mysteries about the species' biology and behavior.

Analysis of the news:

- ▶ The spade-toothed whale is the world's rarest whale, with only seven recorded specimens and no live observations at sea.
- A near-perfectly preserved spade-toothed whale was discovered dead on a New Zealand beach in July, providing a rare research opportunity.
- This marks the first-ever dissection of the species, aiming to explore its anatomy, feeding system, sound production, and potential parasites.
- The species' habitat, behavior, and biological processes remain largely unknown.
- ➡ Earlier specimens were identified through DNA sequencing in 2002, confirming them as a distinct species of beaked whale.
- Previous discoveries include skeletal remains in New Zealand (1872 and 1950s) and Chile (1986), with intact specimens found in 2010.
- The dissection is conducted with cultural sensitivity, in partnership with New Zealand's Indigenous Maori, who regard whales as ancestral treasures.
- New Zealand's history as a whale-stranding hotspot has recorded over 5,000 episodes since 1840.



photo taken on July 5 by the New Zealand epartment of Conservation shows rangers eside what appears to be the carcass of a r

Scientists in NZ gather to decode puzzle of rarest whale

It is the world's rarest whale, with only seven of its kind ever spotted. Almost nothing is known about the enigmatic special special

The dissection will be slower than usual, because it is being undertaken in partnership with the Maori, for whom whales are a precious treasure, and the creature will be treated with the reverence afforded to an ancestor

New Zealand is a whale-stranding hotspot, with more than 5,000 episodes recorded since 1840, according to the Department of Conservation. The first spade-toothed whale bones were found in 1872 on New Zealand's Pitt Island. Another discovery was made at an 1872 on New Zealand's Pitt Island. Another discovery was made at an 1872 on New Zealand's 1986 at an 1872 on New Zealand's 1986. DNA sequencing in 2002 proved that all three specimens were of the same species and that it was distinct from other the species was extinct until 2010, when the species was extinct until 2010, when two whole spade-toothed whales, both dead, washed up on a New Zealand besch.

death, washed up on a New Zeahand
On Monday, the seventh of its kind,
surrounded by white-aproned scientists
who were measuring and photographing,
appeared relatively unblemished, giving
no clue about its death. Researchers
no clue about its death. Researchers
sharks – normal, they said, and not the
cause.
The dissection will be quiet,
methodical, and slower than usual,
because it is being undertaken in
indigenous people. To Maori, whales are
a precious treasure, and the creature will



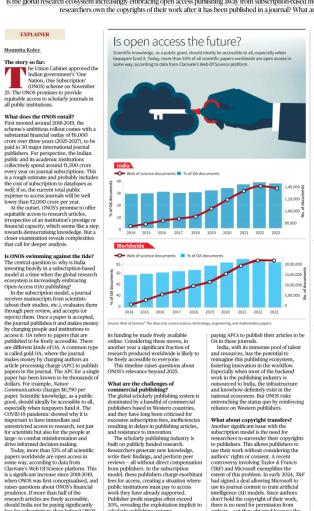


Page 10: GS 2: Governance

The Union Cabinet recently approved the 'One Nation, One Subscription' (ONOS) scheme, aiming to provide equitable access to scholarly journals across public institutions.

India's 'One Nation, One Subscription' plan

Is the global research ecosystem increasingly embracing open access publishing away from subscription-based models? What is an article processing charge? Do researchers own the copyrights of their work after it has been published in a journal? What are open access repositories



What are the challenges of commercial publishing?
The global scholarly publishing system is dominated by a handful of commercial publishing system is dominated by a handful of commercial publishers based in Western countries, and they have long been criticised for excessive subscription fees, inefficiencies resulting in delays in publishing articles, and resistance to innovation. The scholarly publishing industry is built on publicly funded research. We will be supposed to the publishing subscription from publishers. In the subscription model, these publishers charge exorbitant fees for access, creating a situation where public institutions must pay to access work they have already supported. Publisher profit margins often exceed the publisher profit margins often exceed the publisher profit margins often exceed by the publishing systems. Even the shift rowards OA has been of the subscription, such as PoEs. Many prominent journals in a few disciplines, such as biological science, have transitioned to become fully OA. Indian researchers wishing to publish in

prudence. If more than half of the research articles are feely accessible, should India not be poying significantly less of subscriptions than before? ONOS risks draining taxpayer money to achieve an obsolete good.

Some intermitational developments further complicate the picture. The U.S. Office of Science and Technology Policy has mandated that from 2056, all publicly funded research articles must be freely

points of the control of the control

What about copyright transfers? Another significant issue with the subscription model is the need for researchers to surrender their copyrights to publishers. This allows publishers to use their work without considering the use their work without considering the authors' rights or consent. A recent controversy involving Taylor & Francis (T&F) and Microsoft exemplifies the extent of this problem. In early 2024, T&F had signed a deal allowing Microsoft to use its journal content to train artificial intelligence (AI) models. Since authors

use is journal content to train artifician intelligence (M) models. Since authors don't hold the copyright of their work, there is no need for permission from authors – yet they objected because the use of their work to train Al models was going unpaid. There is an urgent need for publice that profer is are urgent need for publice that profer is are urgent need for publice that profer is an urgent need for publice that profer is an urgent need for violation to the profer in the profer is the profer in the profer in the profer is the profer in the profer is the profer in the profer is the profer in the profer in the profer in the profer in the profer is the profer in the profession in the p

work in OA repositories. Many institutes like the Massaelussetts institute of Technology and the Investivy of Oxford followed suit. ONOS has the opportunity to emulate these models by incorporating a nationwide "rights retention" policy, enabling Indian researchers to deposit their work in institutional repositories immediately after publication – a practice known as green open access. India's own 2014 Open Access Policy requires researchers funded by the requires researchers funded by the requires researchers funded by the Science & Technology to make their work openly accessible – but its implementation has been lacklustre. The ONOS could have been the ideal platform to enforce this mandate, ensuring Indian research becomes globally accessible through open repositories immediately after publication.

Is digital content preserved?

Is digital content preserved?
Another issue is the long-term
preservation of research articles, now that
preservation of research articles, now that
preservation of research articles, now that
online. A recent study in the journal of
Librarianship and Scholary!
Communication reported that 28% of
articles with Data Object Identifiers (DOIs)
– unique IDs to identify published papers
aren't preserved, exposing gaps in
current practices. The discontinuation of
feterocycles, a journal published by the
preserved of the preserved of the preserved of the preserved
in accessible, highlighting the risks of
relying solely on publishers to preserve
scientific knowledge. In this case access
was eventually restored, but the delay
illustrates the need for solutions like
self-archiving through green OA.

Is self-reliance possible in publishing?
In an era where self-reliance is a national priority, it has been overlooked in scholarly publishing. While Indian researchers may continue publishing in journals like Nature, Science, Cell, etc., significant potential exists to elevate Indian journals to world-class standards. India has the resources and expertise to build a robust indigenous publishing ecosystem. Preprinting and data sharing should also be considered as an integral part of the publishing workflow.

ecosystem. Preprinting and and subgreat part of the publishing workflow (preprinting refers to a paper being published online before it has been peer-reviewed). By investing in infrastructure, editorial processes, and global visibility for Indian journals, the country can reduce its dependence on Western publishers and attract world. This is not just about the money being drained from our ecosystem: it's also about establishing India as a leader in science and innovation.

What could ONOS have done? what could ONOS have done?
ONOS can be lauded for its ambition to
democratise research access, but it
should have addressed deeper structural
issues plaguing scholarly publishing.
There should have been parallel efforts to
allow authors to retain copyright,
implement OA through institutional

implement OA through institutional repositories, and, importantly, improve self-reliance in scholarly publishing. Given the allocation ONOS has received from the Indian government, it certainly had the potential to set a precedent for equitable and innovative publishing by addressing all the issues in parallel – yet it chose to overlook them. Without addressing these challenges, ONOS risks becoming a costly short-term fix. It is time to re-evaluate whether this initiative is a step forward or an expensive detour. Mounta Koley is a sonior research analyst at Indian Institute of Science, Bengoluru.

THE GIST

In the subscription model, a journal receives manuscripts from scientists (about their studies, etc.), evaluates them through peer review, and accepts (or rejects) them. Once a paper is accepted, the journal publishes it and makes money with the monthe and

Open Access (OA) refers to papers that are published to be freely accessible. There are different kinds of OA. A common type is called gold OA, where the journal makes money by charging authors an article processing charge (APC) to publish papers in the journal. The APC for a single paper has been known to be thousands of dollars. For example, Nature

onus can be taueue for its ambition to democratise research access, but it should have addressed deeper structural issues plaguing scholarly publishing. There should have been parallel efforts to allow authors to retain copyright, implemented OA through institutional repositories, and, most importantly, improved self-reliance in scholarly substitutions.





- This initiative coincides with a global shift towards Open Access publishing, raising concerns about its financial prudence and relevance.
- The scheme also highlights challenges in the existing publishing ecosystem.

disciplines, such as biological science, have transitioned to become fully OA. Indian researchers wishing to publish in these journals will have to pay APCs since the allocation for ONOS doesn't provide for this fee. Moreover, most subscription journals are now hybrid, so researchers – especially from the U.S. and the BU – are

Shift Towards Open Access and ONOS's Relevance

Globally, the research ecosystem is transitioning towards Open-Access (OA) publishing, which makes scientific papers freely available.





- → Over 53% of all scientific papers are now freely accessible, a significant rise since ONOS was first conceptualized in 2018-2019.
- ▶ Countries like the U.S. and the EU are mandating free access to publicly funded research by 2026, reducing reliance on subscription models.
- ▶ ONOS risks becoming outdated as more research becomes freely accessible.

Introduction to the ONOS Scheme

- → The Union Cabinet approved the 'One Nation, One Subscription' (ONOS) scheme on November 25.ONOS aims to provide universal access to scholarly journals across all public institutions in India.
- The scheme is allocated ₹6,000 crore for three years (2025-2027), compared to the current public expenditure of around ₹1,500 crore annually on journal subscriptions.
- → The initiative seeks to promote equitable access to research articles, regardless of an institution's financial capacity.

Challenges in the Existing Publishing Model

- → The subscription-based publishing system is dominated by a few Western publishers who charge exorbitant fees.
- Researchers perform the core activities—conducting studies and peer reviews—without compensation, yet institutions pay publishers to access their work.
- Researchers must transfer copyrights to publishers, enabling misuse of their work, as seen in the Taylor & Francis-Microsoft controversy.

Opportunities for Indian Scholarly Publishing

- ▶ India has the potential to establish a robust indigenous publishing ecosystem, given its talent and resources.
- Preprinting, data sharing, and investments in Indian journals could reduce dependency on Western publishers.
- Self-reliant publishing would position India as a global leader in science and innovation.

Missed Opportunities in ONOS

- → ONOS focuses on access but neglects critical reforms like copyright retention, green OA, and strengthening self-reliance in publishing.
- ▶ Without addressing these issues, ONOS risks being a costly temporary measure rather than a transformative solution.

Conclusion

▶ While ONOS has a laudable goal of democratizing knowledge, it requires structural changes to ensure long-term sustainability and relevance in the evolving research landscape.

UPSC Mains Practice Question

Ques: The 'One Nation, One Subscription' scheme aims to democratize access to research but raises questions about its relevance amidst the global shift towards Open Access publishing. (150 Words /10 marks)





Page 11: GS 3: Economy

The article explores mutualism, an economic and social theory advocating decentralized, cooperative ownership and voluntary exchanges to promote fairness and equality.

It critiques capitalism for exploitation and authoritarianism for coercion, offering a radical alternative to hierarchical systems.



Proudhon's theory of mutualism: a critique of capitalism and authoritarianism

Mutualism is seen as a form of libertarian socialism, balancing individual freedom with collective well-being. It offers a radical alternative to both

utualism is an economic and utuaism is an economic and social theory that emphasises voluntary cooperation, reciprocity, and the fair exchange of goods and services. It advocates for a society where individuals

the fair exchange of goods and services. It advocates for a society where individuals and communities engage in cooperative ownership, decentralising and collectively managing productive resources like land or tools for the benefit of all. Such systems would be free from central authority and capitalist exploitation. While property itself is not inherently exploitative in this theory, ownership of tools or land is acceptable, provided it does not lead to exploitation of others. Unlike capitalism, which profits from labour exploitation, mutualism envisions a system where individuals and communities own resources for personal and collective benefit. It also promotes the idea of workers controlling the means of production through cooperatives or other voluntary associations, ensuring that production is driven by need, not profit. This model seeks to eliminate hierarchical power structures and promote equality and fairness in economic relations.

economic relations.

Origins of the theory
The term "mutualism" was coined by French philosopher Pierre-Joseph Proudhon in the mid-19th century as part of his broader critique of capitalism and authoritarianism. While Proudhon is often remembered for his declaration, "Property is theft!" in his seminal work What is Property? (1840), his philosophy was more complex. Mutualism was not a call for the outright abolition of property but for its reimagning into a system that serves collective well-being and fairness. Proudhon was influenced by a secret society of weavers, known as the "Mutualists", who he encountered during his time in Lyon in 1843. These workers advocated for worker-led cooperative production, envisioning a society where factories and resources could be run by associations of workers. They believed in transforming society through peaceful

economic action rather than violent revolution, challenging the centralised political traditions of Jacobinism. Deeply inspired by their ideas, Proudhon adopted the term "mutualism" as a tribute to these working-class visionaries. His adaptation of their ideals sought to build a decentralised society where cooperation and reciprocity replaced exploitation and domination.

Mutualism and property
Proudhon's approach to property is
central to mutualist philosophy. While he
condemned capitalist property for
enabling exploitation and
monopolisation, he did not call for the
complete dimension of monopolisation. enabung exponation and in monopolisation, he did not call for the complete elimination of ownership. Instead, he distinguished between "property," which allowed control over others, and "possession," where individuals could use resources for crucial to understanding mutualism, as it emphasises a form of ownership based to the control of the control

cooperatives and shared resources were cooperatives and shared resources were central to aligning ownership with fairness and collective well-being. By balancing individual freedom with collective solidarity, Proudhon's theory sought to challenge the entrenched hierarchies of both capitalism and the state.

Mutualism and anarchism

Mutualism and anarchism Rejecting state enforced property rights, mutualism also connects closely with anarchism, particularly in the debate between individualist and social anarchism. Individual anarchists emphasise personal autonomy and freedom, focusing on the liberation of the individual from state control, while social anarchists advocate for the collective management of resources and the

rganisation of society to promote quality and fairness. Proudhon's work occupies a unique space between these two schools of thought. While some early anarchists saw

wine some earry anarciness saw mutualism as a form of individualist anarchism, emphasising personal freedom and the right to possess one's tools and land, others interpreted it as a more socialist form of anarchism, in which mutual cooperation and the collective management of resources were key. The tension between these interpretations arose from Proudhon's view that the state, by its very nature, was coervice and counterproductive to the freedom of the individual. However, Proudhon was not opposed to all forms of collective organisation. He argued that a mutualist society could be organised without a state, based on cooperation of the principles where people freely enter into contracts and mutual exchanges, thus blending both individual freedom and collective responsibility. mutualism as a form of individualist

The collective and the individual
The emphasis on cooperative
associations, mutual credit systems, and
workers' control over production
demonstrates the connection between
mutualism and the collective. These ideas aim to foster economic and social environments based on mutual aid and cooperation, rather than competition and cooperation, rather than competition and exploitation. Mutualism is also inherently tied to the human need for cooperation. By organising society and the economy on the basis of shared interests and reciprocity, mutualism seeds to build a society where individuals are free to pursue their own interests while maintaining a sense of community and mutual respect. In General Labour History of Africa:

Morkers, Employers and Governments, 20th-21st Centuries, Stefano Bellucci and Andreas Eckert discuss how traditional African societies embodied mutualistic principles. In these communities, communal land ownership and collective labour were the norms, with resources shared and production aimed at the collective good. This reflects mutualism's

focus on reciprocity and equitable distribution. The chapter on African mutualism contrasts it with neoliberalism, mutualism contrasts it with neoliberalism noting that mutualism promotes shared ownership, fair compensation, and cooperation, while neoliberalism fosters inequality. It also explores the role of governments in either supporting or hindering mutualistic practices across the continent:

hindering mutualistic practices across the continent.

Mutualism was also seen as a form of libertarian socialism, balancing individual freedom with collective well-being. It offered a radical alternative to both capitalism and state socialism, promoting voluntary cooperation and mutual respect without centralised power or hierarchy.

Critiques of the theory
While mutualism holds significant
revolutionary potential, it has faced
critiques on several fronts. One major
critique is that its reliance on small-scale
property ownership may not sufficiently
hallenge the capitalist system's broader
structural inequalities. Critics argue that
mutualism fails to address the
concentration of wealth and power that is
turnish to modern capitalist economies. concentration of wealth and power that i intrinsic to modern capitalist economies. Furthermore, some question the feasibility of creating an egalitarian society based on voluntary cooperation, suggesting that it may be too idealistic or

suggesting that it may be too idealistic or difficult to implement on a large scale. Marxist critics contend that mutualism does not sufficiently address the core issues of capitalism, such as exploitation and inequality, and fails to dismantle capitalist relations of production. They argue that Proudhon's defence of small property owners and opposition to collectivism overlooks the realities of class struggle, where small producers are squeezed out by larger corporations. Despite these criticisms, mutualism remains a radical theory that offers an alternative to both capitalist exploitation

remains a radical theory that offers an alternative to both capitalist exploitation and authoritarianism. While it may not have fully resolved the challenges of inequality and exploitation, it continues to be a significant concept in the history of anarchist and socialist thought.

The writer is a freelance journalist.

Theory of Mutualism

Mutualism emphasizes voluntary cooperation, reciprocity, and the fair exchange of goods and services.





- ▶ It advocates for cooperative ownership of resources like land and tools, which are collectively managed for shared benefit.
- Ownership is based on use rather than profit, ensuring that resources are not exploited for personal gain.
- ▶ It supports worker-controlled production through cooperatives that align production with collective needs rather than market profit.
- Mutualism rejects hierarchical power structures, promoting equality and fairness in economic and social relations.
- ▶ It opposes state-imposed property rights, instead favoring decentralized systems of exchange and ownership.
- The theory distinguishes between "property," which enables exploitation, and "possession," which allows personal use without domination.
- ▶ It fosters shared interests and community solidarity, balancing individual freedom with collective well-being.

Critique of Capitalism and Authoritarianism

Critique of Capitalism

- Capitalism exploits labor by concentrating wealth and power in the hands of a few individuals or corporations.
- o It prioritizes profit and accumulation over collective needs, leading to systemic inequality.
- o Mutualism challenges the monopolization of property ownership under capitalism, which perpetuates exploitation.
- o The capitalist system is criticized for enabling hierarchical control over resources and workers.
- Mutualism advocates for worker-controlled production systems as an alternative to capitalist profiteering.

Critique of Authoritarianism

- ▶ Authoritarianism enforces state-imposed property rights, which sustain exploitation and inequality.
- ▶ It centralizes power, creating systems that are coercive and counterproductive to individual freedom.
- Mutualism promotes voluntary and decentralized exchanges, ensuring equality and personal autonomy.
- ▶ It rejects the domination inherent in hierarchical state systems, proposing a society based on reciprocity and mutual aid.
- Mutualism encourages cooperative systems to avoid the domination of both the state and capitalism, fostering fairness and collective well-being.

UPSC Prelims Practice Question

Ques: Discuss the principles of mutualism as an alternative economic theory. How does it critique capitalism and authoritarianism while proposing a decentralized approach to ownership and production? (150 Words /10 marks)





Page : 08 Editorial Analysis Citizens with disabilities, making their rights real

he data from the 2011 national Census of India indicate that persons with disabilities constitute 2.21 % of the total population. This is a grossly underestimated figure. According to the 2019 Brief Disability Model Survey conducted by the World Health Organization across India, Tajikistan and the Lao People's Democratic Republic, the prevalence of severe disability among Indian adults is 16%. India ratified the United Nations Convention on the Rights of Persons with Disabilities on October 1, 2007 and one of the immediate measures expected out of the state parties to the convention is to ensure alignment of the national disability legislations in line with the principles of the convention. Accordingly, Parliament passed the Rights of Persons with Disabilities Act 2016 (RPWD Act) that came into force on April 19, 2017 to replace the earlier Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which fell short of promoting a social and a human rights model of disability rights.

The role of the State Commissioner

One of the unique points of the RPWD Act in comparison to many disability legislations of the developing countries is the provision for the constitution of the office of the State Commissioners for Disabilities at the State level with a combination of review, monitoring, and quasi-judicial functions to ensure effective implementation of the disability law. According to Section 82 of the RPWD Act, the State Commissioners, for the purpose of discharging their functions under the Act, shall have the same powers of a civil court under the Civil Procedure Code 1908 while trying a suit, and every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (45

Despite the legislation providing far-reaching quasi-judicial powers to the State Commissioners in safeguarding the rights and fundamental freedoms of persons with disabilities, the State Commissioners in many States have fallen short of the expectations of citizens with disabilities. This dismal functioning of the office of the State Commissioners is largely due to the lax attitude on the part of the State governments to invigorate the statutory office in discharging its functions in accordance with the law. This reality has been aptly highlighted in the writ petition WPC 29329/2021, Seema Girija Lal vs. Union of India, in which the delay in appointment of the state Commissioners has also been highlighted.

Among various reasons for the failure to fulfil the statutory role by the State Commissioners is the manner in which the commissioners are appointed. The RPWD Rules provide an opportunity for persons with substantial



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State
Commissioners
have a vital
role in
safeguarding
the rights and
fundamental
freedoms of
persons with
disabilities, but
in many States,
their statutory
role has fallen
short of
expectations

experience in law, human rights, education, social work and rehabilitation and with a non-governmental organisation background to be appointed to the position of State Commissioner. In reality, a majority of the commissioners, either independent or holding additional charge, are civil servants from the nodal ministry. According to the latest report (2021-22) of the Chief Commissioner for Persons with Disabilities, only eight States have For an appointed commissioners who are inclusive not part of the mainstream civil future service. Having civil servants from the nodal ministry is in conflict with the purpose of having an impartial and independent office that can exercise oversight over the executive and hold them accountable for not implementing the provisions of the disability law.

Some of the progressive States in terms of disability inclusion have appointed representatives of civil society organisations as State Commissioners and the State governments should consider appointing qualified women with disabilities as commissioners as they will be in a better position to address intersectional forms of discrimination that women and girls with disabilities in India currently experience.

The State Commissioners have a substantive role including powers to intervene *suo motu* to identify and inquire about any specific policy, provision, programme and laws that contravene the provisions of the RPWD Act and recommend appropriate corrective measures.

There are many contraventions of the RPWD Act that are highlighted by aggrieved persons with disabilities and by certain proactive organisations of persons with disabilities (OPDs) and the State Commissioners have not been able to intervene suo motu to address discriminatory policies and practices which has led to an erosion of faith in the statutory offices created under the disability law to uphold the rights of citizens with disabilities. The State Commissioners should interact consistently with persons with disabilities and their representative organisations to understand which are those policies, guidelines, executive orders that contravene the provisions of the law and initiate necessary remedial action.

The example of Karnataka

It is vital for State governments and the office of the Chief Commissioner for Disabilities to build the capacity of the State Commissioners in performing their quasi-judicial role and in functioning as a civil court. As done by the State Commissioner's office in Karnataka, collaborating with law schools and legal experts in strengthening their respective capacities could be a viable option. While some States such as Karnataka and Delhi have been able to infuse confidence among persons with disabilities to register complaints with regard to a deprivation

of their rights, it is equally important for State Commissioners to look into complaints and dispose of them expeditiously. The websites of the office of the State Commissioners should – on the dashboard – indicate the number of cases received, disposed of and those pending for action along with other vital information such as annual reports and special reports submitted to

the government on implementation of the law by the government with concrete recommendations. Mobile adalats (mobile courts), as

practised years ago by the Karnataka Commissioner's office, could be a good practice for other States to emulate in reaching out to persons with disabilities in remote areas and to look into a deprivation of their rights. Adalats were organised in the State with prior notice to persons with disabilities through the nodal disability office in the districts for aggrieved individuals or institutions to get

their grievance redress.

Often, these grievances would be resolved on the spot for persons with disabilities and their families. Designating District Magistrates as Deputy Commissioners for persons with disabilities – as done in the case of Karnataka – is a promising way to make local governance disability inclusive.

The RPWD Act enables State Commissioners to monitor the implementation of various pieces of legislation, programmes and schemes that impact persons with disabilities. To maximise the effectiveness of this critical role, the District Disability Management Review (DDMR) undertaken by the Karnataka State Commissioner's office could be one of the preferred practices for State Commissioners. The DDMR has become an inclusive governance tool for the State Commissioner in Karnataka to have sight of how development and welfare programmes and policies have been implemented by the relevant departments at the district level, and to what extent the quotas earmarked for persons with disabilities have been fulfilled.

Research as a function

One of the key functions of the State Commissioners is to undertake and promote research in the field of disability rights. This opens up opportunities for the State Commissioners to collaborate with United Nations entities which have a mandate to promote disability inclusion on the basis of the UN Disability Inclusion Strategy in undertaking research in areas such as disability inclusive social protection, disability inclusive care economy and the impact of climate change on persons with disabilities. The findings could pave the way for more inclusive policies and in advancing the rights of persons with disabilities in India.





GS Paper 02: Social Justice – Vulnerable Sections

UPSC Mains Practice Question: Critically examine the role of State Commissioners under the Rights of Persons with Disabilities Act, 2016, in ensuring disability rights in India. Highlight the challenges and suggest measures for strengthening their effectiveness. (250 Words /15 marks)

Context:

- The Rights of Persons with Disabilities Act, 2016, aims to promote a human rights-based approach to disability inclusion in India.
- ▶ Despite progressive provisions like quasi-judicial State Commissioners, implementation gaps persist due to delayed appointments and lack of independent oversight.
- States like Karnataka showcase effective practices to ensure disability-inclusive governance.

Introduction

- The data from the 2011 national Census of India indicate that persons with disabilities constitute 2.21 % of the total population. This is a grossly underestimated figure. According to the 2019 Brief Disability Model Survey conducted by the World Health Organization across India, Tajikistan and the Lao People's Democratic Republic, the prevalence of severe disability among Indian adults is 16%.
- ▶ India ratified the United Nations Convention on the Rights of Persons with Disabilities on October 1, 2007 and one of the immediate measures expected out of the state parties to the convention is to ensure alignment of the national disability legislations in line with the principles of the convention.
- Parliament passed the Rights of Persons with Disabilities Act 2016 (RPWD Act) that came into force on April 19, 2017 to replace the earlier Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which fell short of promoting a social and a human rights model of disability rights.

The role of the State Commissioner

- ▶ Unique Features of the RPWD Act: One of the unique points of the RPWD Act in comparison to many disability legislations of the developing countries is the provision for the constitution of the office of the State Commissioners for Disabilities at the State level with a combination of review, monitoring, and quasi-judicial functions to ensure effective implementation of the disability law.
- According to Section 82 of the RPWD Act, the State Commissioners, for the purpose of discharging their functions under the Act, shall have the same powers of a civil court under the Civil Procedure Code 1908 while trying a suit, and every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860).

Challenges in the Functioning of State Commissioners





- ▶ Despite the legislation providing far-reaching quasi-judicial powers to the State Commissioners in safeguarding the rights and fundamental freedoms of persons with disabilities, the State Commissioners in many States have fallen short of the expectations of citizens with disabilities.
- → This dismal functioning of the office of the State Commissioners is largely due to the lax attitude on the part of the State governments to invigorate the statutory office in discharging its functions in accordance with the law.
- → This reality has been aptly highlighted in the writ petition WPC 29329/2021, Seema Girija Lal vs. Union of India, in which the delay in appointment of the State Commissioners has also been highlighted.

Reasons for the Failure to Fulfil Statutory Role

- Among various reasons for the failure to fulfil the statutory role by the State Commissioners is the manner in which the commissioners are appointed.
- → The RPWD Rules provide an opportunity for persons with substantial experience in law, human rights, education, social work, and rehabilitation and with a non-governmental organisation background to be appointed to the position of State Commissioner.
- ▶ In reality, a majority of the commissioners, either independent or holding additional charge, are civil servants from the nodal ministry.
- According to the latest report (2021-22) of the Chief Commissioner for Persons with Disabilities, only eight States have appointed commissioners who are not part of the mainstream civil service.
- → Having civil servants from the nodal ministry is in conflict with the purpose of having an impartial and independent office that can exercise oversight over the executive and hold them accountable for not implementing the provisions of the disability law.

Recommendations for Improved Appointments

- Some of the progressive States in terms of disability inclusion have appointed representatives of civil society organisations as State Commissioners.
- → The State governments should consider appointing qualified women with disabilities as commissioners as they will be in a better position to address intersectional forms of discrimination that women and girls with disabilities in India currently experience.
- ▶ Role of State Commissioners: The State Commissioners have a substantive role, including powers to intervene suo motu to identify and inquire about any specific policy, provision, programme, and laws that contravene the provisions of the RPWD Act and recommend appropriate corrective measures.
- ▶ **Issues with Current Practices:** There are many contraventions of the RPWD Act that are highlighted by aggrieved persons with disabilities and by certain proactive organisations of persons with disabilities (OPDs).





- → The State Commissioners have not been able to intervene suo motu to address discriminatory policies and practices, which has led to an erosion of faith in the statutory offices created under the disability law to uphold the rights of citizens with disabilities.
- ▶ **Need for Stakeholder Engagement:** The State Commissioners should interact consistently with persons with disabilities and their representative organisations to understand which are those policies, guidelines, executive orders that contravene the provisions of the law and initiate necessary remedial action.

The example of Karnataka

- ▶ Capacity building for State commissioners: It is vital for State governments and the office of the Chief Commissioner for Disabilities to build the capacity of the State Commissioners in performing their quasi-judicial role and in functioning as a civil court.
 - o As done by the State Commissioner's office in Karnataka, collaborating with law schools and legal experts in strengthening their respective capacities could be a viable option.
- ▶ Complaint management and disposal: While some States such as Karnataka and Delhi have been able to infuse confidence among persons with disabilities to register complaints with regard to a deprivation of their rights, it is equally important for State Commissioners to look into complaints and dispose of them expeditiously.
 - o The websites of the office of the State Commissioners should on the dashboard indicate the number of cases received, disposed of, and those pending for action along with other vital information such as annual reports and special reports submitted to the government on implementation of the law by the government with concrete recommendations.
- ▶ Mobile adalats for reaching remote areas: Mobile adalats (mobile courts), as practised years ago by the Karnataka Commissioner's office, could be a good practice for other States to emulate in reaching out to persons with disabilities in remote areas and to look into a deprivation of their rights.
 - Adalats were organised in the State with prior notice to persons with disabilities through the nodal disability office in the districts for aggrieved individuals or institutions to get their grievance redress.
 - Often, these grievances would be resolved on the spot for persons with disabilities and their families.
- ▶ **Designating District Magistrates for disability inclusion:** as Deputy Commissioners for persons with disabilities as done in the case of Karnataka is a promising way to make local governance disability inclusive.

Monitoring the Implementation of Legislation

➡ The RPWD Act enables State Commissioners to monitor the implementation of various pieces of legislation, programmes, and schemes that impact persons with disabilities.





- → To maximise the effectiveness of this critical role, the District Disability Management Review (DDMR) undertaken by the Karnataka State Commissioner's office could be one of the preferred practices for State Commissioners.
- The DDMR has become an inclusive governance tool for the State Commissioner in Karnataka to have sight of how development and welfare programmes and policies have been implemented by the relevant departments at the district level, and to what extent the quotas earmarked for persons with disabilities have been fulfilled.

Conclusion: Research as a function

- One of the key functions of the State Commissioners is to undertake and promote research in the field of disability rights.
- This opens up opportunities for the State Commissioners to collaborate with United Nations entities which have a mandate to promote disability inclusion on the basis of the UN Disability Inclusion Strategy in undertaking research in areas such as disability inclusive social protection, disability inclusive care economy and the impact of climate change on persons with disabilities.
- → The findings could pave the way for more inclusive policies and in advancing the rights of persons with disabilities in India.

