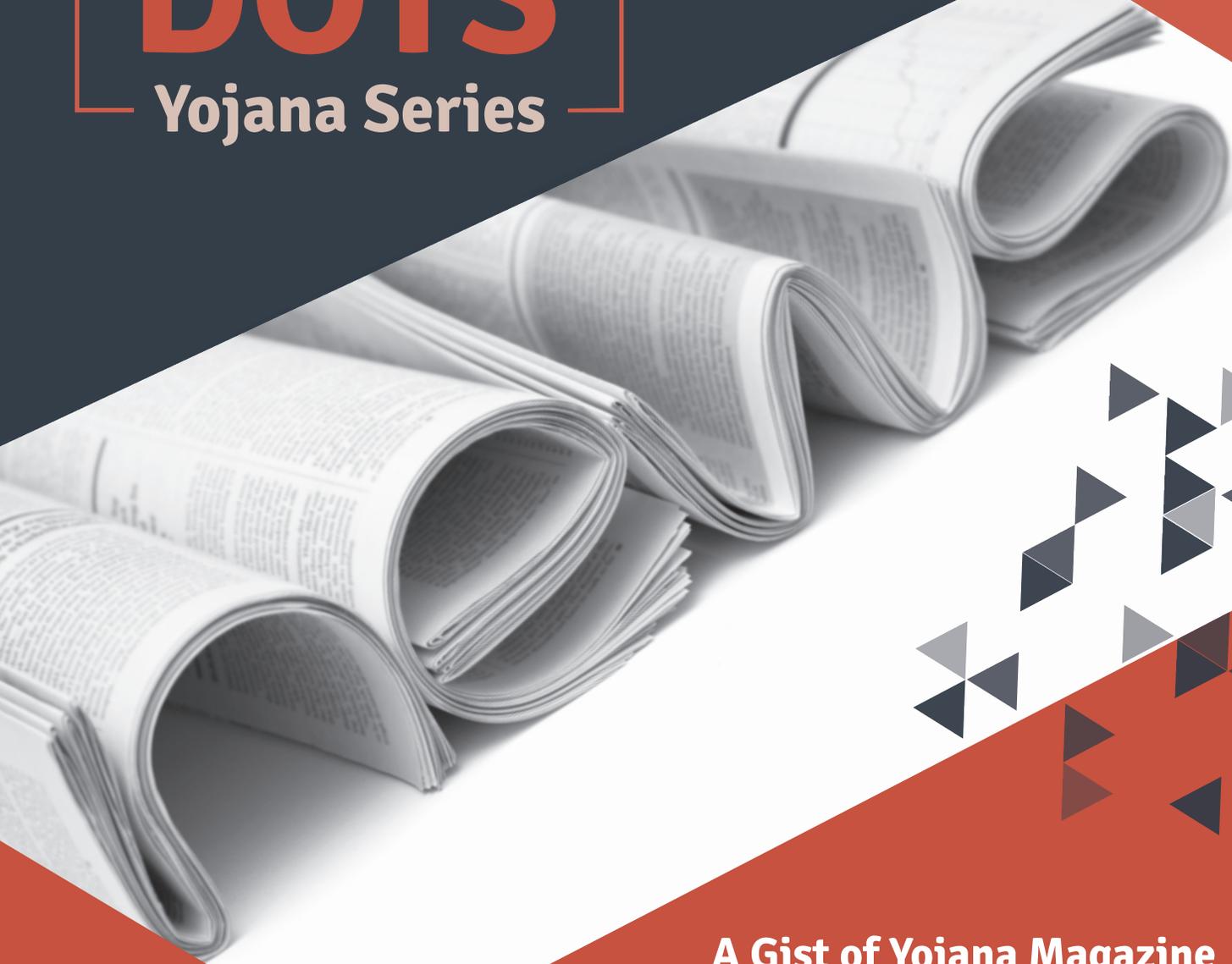


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A Gist of Yojana Magazine (April 2020 issue)

- Safeguarding Human Rights
- Panchayati Raj System
- Foreign Relations and the Indian Constitution
- Checks and Balances

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Contents

1.	Safeguarding Human Rights.....	1
2.	Balancing Fundamental Rights and Duties.....	2
3.	Objectives and Challenges.....	2
4.	Drafting The Constitution of India.....	3
5.	Mending Court Judgements: The First Constitutional Amendment.....	4
6.	The Indian Parliament: Performance and Challenges.....	4
7.	Panchayati Raj System.....	5
8.	Checks and Balances.....	6
9.	Foreign Relations and Indian Constituion.....	7
10.	Gender Rights: Reflection, Commitment and Action.....	8

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April, 2020

The Constitution Of India

Safeguarding Human Rights

- The International Covenant on Civil and Political Rights, 1966 and the Optional Protocol dealt with the rights of equality, personal liberty, freedom from arbitrary arrest and detention, freedom from rendering compulsory personal service, freedom of expression and conscience, right to participate in the administration of the country etc.
- The International Covenant on Economic, Social and Cultural Rights, 1966 deals with the right to work, the right to fair wages, the right to collective bargaining, the right to carry on trade or profession, the right to establish institutions to conserve culture etc.
- The Constitution safeguards all citizens, individually and collectively through the six broad categories of Fundamental Rights, which are justiciable. Article 12 to 35 contained in Part III of the Constitution deals with Fundamental Rights.
- The Supreme Court in its various decisions has stated that Right to Life, enshrined in Article 21 means something more than mere survival or animal existence. Over the years, human rights jurisprudence has developed allowing the judiciary the power of judicial review of all legislation in India.
- In *Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra*, the Supreme Court opined that gender injustice, pollution, environmental degradation, malnutrition, social ostracism of dalits are various forms of violations of human rights. The presumption of innocence is also a human right.
- In the case of *National Legal Services Authority v. Union of India*, the Supreme Court of India declared transgender people to be a 'third gender' and affirmed that the fundamental rights granted under the Constitution of India will be equally applicable to transgender people.
- The Supreme Court in *Navtej Singh Johar v. Union of India* gave a historic, and unanimous decision on Section 377 of the Indian Penal Code, decriminalising homosexuality.
- The NHRC came into being in October, 1993. It is in conformity with the Paris Principles, adopted at first international workshop on national institutions for the promotion and protection of human rights held in October 1991, and endorsed by the General Assembly of the United Nations.

Some of the main functions of the Commission are to;

- Inquire, on its own initiative or on a petition presented to it by victim or any person on his behalf, into complaint of—
 - violation of human rights or abetment thereof, or
 - negligence in the prevention of such violation, by a public servant;
- Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- Visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged.
- Review the safeguards by or under the Constitution;
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights;
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- Undertake and promote research in the field of human rights;
- Spread human rights literacy among various sections of society and promote awareness;
- Encourage the efforts of non-governmental;

- Such other functions as it may consider necessary for the promotion of human rights.

The NHRC, by way of recent innovations, has tried to enhance its outreach. Some important steps in this regard are—online complaint registration through HRCNet portal, provision for the authorities to upload the reports directly on the HRCNet portal, dedicated MADAD counter which assists the complainants in filing complaints.

NHRC has a dedicated focal point for Human Right Defenders who extends assistance to HRDs in case they are in distress due to state action.

Balancing Fundamental Rights and Duties

- The inclusion of the Fundamental Rights in the Constitution is to ensure the inviolability of certain essential rights against political vicissitudes.
- To offset the increasing tendencies of indifference towards the business of the government amongst its citizens and to check fissiparous growth, the Constitution (**Forty-Second Amendment Act, 1976**) introduced the concept of fundamental duties by adding Part IV-A, consisting of the sole Article 51A.
- In *Union of India v Naveen Jindal*, the Supreme Court observed that fundamental duties are implicit in the concept of fundamental rights, the former providing certain restrictions on the exercise of the latter.
- In *Shyam Narayan Chouksey v UOI*, the Supreme Court stated that Article 51A(a) enjoins a duty on every citizen of India the duty to respect ideals and institutions, including the national flag and national anthem.
- Further, interestingly, **Article 51A(k)** was introduced as a fundamental duty in **2002**, along with **Article 21A as a fundamental right**. Through Article 51A(k) read with Article 21A, the State and the parents are made to share obligation with regard to education of the children in the following manner: 1. the State with free education; 2. the parents with compulsory education.
- The **unenforceable** duties have got a booster dose of contents as well as some sort of enforceability through increased references in various judicial pronouncements.
- The **Universal Declaration of Human Rights** also declares: “*Everyone has duties to the community in which alone the free and full development of the personality is possible.*”
- The doctrine of **proportionality or Wednesbury reasonableness** (judicial review of administrative actions) approach requires judicial interference only for the decisions that are **seriously unreasonable**.
- Since the duties were spelt out by the preamble to the constitution, whatever is needed to achieve the goals set in the Constitution, is our obvious duty to perform—is a dictate of the preamble.
- In **1999**, the **Justice Verma committee** had suggested ways and means to make fundamental duties more effective.

Objectives and Challenges

- Whenever the law recognises that a person has right, it also means that another person is under a legal duty to comply with that right.
- Part IV of the Constitution of India provides for Directive Principles of State Policy. A common thread runs through Part III, Part IV and Part IV A of the Constitution of India. The first lays down the fundamental rights, second enumerates the fundamental principles of governance and the third prescribes the fundamental duties of the citizens.
- The ‘National Commission to Review the Working of the Constitution (NCRWC)’ was set up by Government in the year 2000 under the Chairmanship of Justice M.N. Venkatachaliah. The Commission submitted its report in which it emphasised upon the importance and enforcement of the Fundamental Duties.
- A careful perusal of the provisions of the Constitution suggests both rights and duties of the citizens. The Preamble of the Constitution affirms “liberty of thought, expression, belief, faith and worship”; and also dictates securing “Justice- Social, Economic and Political”, Equality and Fraternity.
- Also, the preamble itself incorporates the objective resolution of the Constituent Assembly which inherently had duties in it.
- The mandate of Article 51A is obligatory and not mandatory in nature. It simply says that it shall be certain duties of every citizen which they are expected to observe. There should not have been any need to state so, nonetheless it states such duties.

- There is no provision for enforcement of the Fundamental Duties, nor there is any sanction for the violation of the duties under the Constitution. The Constitution of India neither intends nor prescribes for sanctions.
- At the same time we have provisions under the Indian Penal Code, 1860 which punishes for the act done against the sovereignty and integrity of the State. The penal code also punishes for the outrageous acts committed against women, acts damaging the public property etc. There are laws for the protection of forests, environment, and wildlife
- The fundamental duties are a constant reminder to every citizen that while the Constitution confers upon them certain fundamental rights, it also expects its citizens to observe certain basic norms of democratic behaviour.

Drafting The Constitution of India

- The Constitution of India is one of the most comprehensive and longest enumerated documents of its kind in the world.
- The Constitution of India is its *lex loci* i.e. the parent of all laws in the country. This is because all laws of Parliament and State Legislatures derive their authority from the Constitution. The three pillars of Indian State (Legislature, Executive & Judiciary) derive their authority from the Constitution.

History

- British came to India in the 17th century for trading purpose. Thereafter, they slowly gained more power.
- With the Charter Act of 1833, the Governor General of Bengal became the Governor General of India.
- The Government of India Act 1858 shifted the power from the Company to the British Crown.
- The Indian Council Acts of 1861, 1892 and 1909 started giving representation to the Indians in the Viceroy's Councils.
- Later, with the enactment of the Government of India Act 1919, Legislative Councils came into existence in all the States. The Britishers adopted bicameral structure with separate Central and State Governments. It was for the first time when people could elect their own representatives through direct elections. The Constitution of India later adopted this quasi-federal and bicameral structure of governance.
- The Government of India Act 1935 divided powers of governance into Federal List, Provincial List, and Concurrent List. Later, the Constitution of India also incorporated this division of powers between the Central and State Governments.
- The enactment of the Indian Independence Act of 1947 marked the final step in the departure of the British from India.

Constituent Assembly

- The Constituent Assembly of India came into existence as per the provisions of Cabinet Mission Plan of May 1946.
- The Assembly was to have proportional representation from existing provincial legislatures and from various princely states. The elections were completed by the end of 1946 under the supervision of Reforms Office under the Governor General.
- The members of Provincial Assemblies indirectly elected the members of the Constituent Assembly. This Assembly served as the first Parliament of India. It first met on 9 December, 1946 in Delhi.
- After independence, the Assembly elected Dr. Rajendra Prasad as its Chairman while V.T. Krishnamachari and H.C. Mookerji served as Vice-Chairmen. H.V.R Iyengar was the Secretary General of the Assembly and S.N. Mukerji was the Chief Draftsman.
- Thus, began the exercise for drafting of the Constitution with Dr. B.R. Ambedkar as the Chairman of the Drafting Committee who is often called the father of the Indian Constitution.
- There was no official document in public domain on the exact number of committees formed by the Constituent Assembly. Resolutions were moved for setting up committees as per need and adopted after careful discussion.
- After more than two years of deliberations, the Constituent Assembly finally approved the Constitution on 26 November, 1949, which is now celebrated as Constitution Day.
- The Constituent Assembly formally adopted the Constitution on 26 January, 1950 to make our country a Sovereign Republic.

- India is a diverse nation with respect to its culture, citizens and this is why the drafting committee took so long to complete the draft and therefore the historical growth of our Constitution can be traced back to many acts mentioned in this article.

Mending Court Judgements: The First Constitutional Amendment

- The need for the first Constitutional Amendment arose on account of some judgments of High Courts and the Supreme Court that interpreted the constitution vastly differently from the manner the ruling class came to interpret it or wanted it to be interpreted.
- Many restrictions on freedom of speech and expression came to be challenged before the Supreme Court. The Supreme Court in the much cited **judgment Romesh Thapar Vs. State of Madras** held in no uncertain terms that securing “**public order**” was **not one** of the enumerated exceptions to free speech under **Article 19(2)**.
- The other area in which courts differed with the executive, was in the realm of land reform. The Bihar Land Reforms Act was invalidated by the Patna High Court. The Act had given less compensation to the rich zamindars which was held violative of Article 14 of the Constitution by the High Court.
- The exact nature of the debates and the stand taken by various parties and parliamentarians in relation to the first constitutional amendment have now been narrated in the book “Sixteen Stormy days: The story of the First amendment to the Constitution of India”⁸ and makes for very interesting reading.
- The main objects of this Bill are to amend article 19 to insert provisions fully securing the constitutional validity of zamindari abolition laws in general and certain specified State Acts in particular. The opportunity has been taken to propose a few minor amendments to other articles in order to remove difficulties that may arise
- The First Amendment Act therefore went on to amend articles 15, 19, 85, 87, 174, 176, 341, 342, 372 and 376. It inserted articles 31A and 31B.
- The Ninth schedule to the constitution was also added in this amendment vide Article 31B.
- Any law included in the Ninth Schedule was protected from judicial review, even if it was unconstitutional and violating Fundamental Rights.
- However, in the last few decades courts have started asserting their status as guardian of free speech and expression more effectively. In *S.Rangarajan Vs. P.Jagjivan Ram*¹¹ the Supreme Court required proximity between the expression and the likelihood of the same causing public disorder to be akin to a “spark in a powder keg”.
- Most recently, in *Arup Bhuyan Vs. State of Assam*¹², the court read down a provision in the TADA criminalising membership of a banned association to only apply to cases where an individual was responsible for incitement to imminent violence.
- In striking down Section 66 A of the Information Technology Act in *Shreya Singhal Vs Union of India*¹³ the Court once again assertively established its constitutional role as protector of freedom of speech and expression.

The Indian Parliament: Performance and Challenges

- Over the years, the Parliament has been meeting for a fewer days. The number of sitting days has declined from 125-140 in the 1950s to about 70 days in the last twenty years.
- Also, disruptions have further reduced the amount of time available for discussion in Parliament. During the period of the 15th Lok Sabha, one-third of the scheduled time was lost to disruptions.
- An important casualty is Question Hour. If the House is disrupted, it often sits late or through the lunch hour to make up for lost time. However, the time lost in Question Hour is never made up.
- The areas of structural reforms include the repeal of the anti- defection law, recording all votes on bills and major debates, referring all bills to committees and strengthening the support system for committees.

Anti-Defection Law

- The Tenth Schedule of the Constitution was added in 1985 through the fifty second amendment. In brief, it provides for the disqualification of an MP if he defects from his party or if he does not vote that there is no effective discussion on or challenge to a Government bill or motion.
- It effectively converts Parliament from a body that consists of thinking men and women to one controlled by a few party leaders. It also impacts the accountability of the MP/MLA to the voters of their constituencies.
- We have seen several instances in the recent past in states such as Karnataka, Uttarakhand and Arunachal

Pradesh, where this provision has failed to maintain party discipline. We have seen several instances in the recent past in states such as Karnataka, Uttarakhand and Arunachal Pradesh, where this provision has failed to maintain party discipline. Thus the law needs to be revisited.

Recorded Voting

- In democracies such as the United States or the United Kingdom, the voting records of legislators are easily available to citizens. This information also feeds in to the voting choices of citizens at the time of elections.
- In our Parliament, most Bills and motions are passed by voice votes.
- In our Parliament, most Bills and motions are passed by voice votes. That is, the Speaker asks the members supporting a motion to say “aye”, and then those opposing to say “no”, and then he/she judges which side has more voices. The votes of individual members are recorded (called a division) only if any MP demands so. The exception is for bills that amend the Constitution. This implies that voters cannot question their MPs on their voting behaviour.

Committee System

- The Parliament has constituted several committees, each typically having 20-35 members, to scrutinise various issues and make recommendations to the full House.
- During the process of examination of any issue, committees often engage with experts and stakeholders to understand issues from different perspectives.
- There are three financial committees. The Public Accounts Committee (PAC) examines the reports of the Comptroller and Auditor General (CAG) on the working of various Ministries, considers the responses of the officials, and makes its recommendations.
- The Parliament has constituted 24 such committees, each of which examines the functioning of a set of Ministries and departments. They examine bills that are referred to them, demand for grants of the departments, and various subjects that fall within the jurisdiction of the respective ministry
- **All bills are not automatically referred to Committees** (unlike the British Parliament where scrutiny by committee is a mandatory step in the process for all bills other than money bills).
- The decision is made by the Speaker of Lok Sabha or Chairman of Rajya Sabha in consultation with the Government. The percentage of bills referred to committees has declined in recent years.
- While Parliament passes a bill into an Act, it often delegates details to be laid out by the Government through rules or statutory bodies through regulations.
- There is a need to strengthen the working of parliamentary committees. They do not have expert research staff to assist the members.
- The attendance of members is close to 50%, much thinner than the 80% plus in the House.

Panchayati Raj System

- The Constituent Assembly preferred two-tier system of governance. In December 1946, when the resolution was presented on the aims and objectives of the India’s Constitution before the Constituent Assembly, there was no specific reference to the villages and their governance.
- After independence and adoption of the Constitution of India, **Community Development projects were inaugurated in 1952.**
- In 1957, **Balwant Rai Mehta Committee** was constituted, which submitted the report stating that, ‘Public participation in community works should be organised through statutory representative bodies
- First three-tier Panchayati Raj system was inaugurated on 2 October, 1959 in **Nagaur**, Rajasthan.
- The **Jayaprakash Narayan Committee** further strengthened the idea of Panchayati Raj and the Ministry of Community Development was brought under the Ministry of Food and Agriculture in 1971 and the word ‘Community Development’ was replaced with the ‘Rural Development’.
- The **Ashok Mehta Committee, 1978** is the one which recommended for introducing the Panchayati Raj as a Constitutional institution through an amendment.
- In the year 1992-93, 73rd and the 74th amendments were brought into the Indian Constitution which recognised local self-governance as the third stratum of government.

- The statement of objects and reasons of the 73rd Amendment, 1992 the Parliament recognised the existence of Panchayat Raj Institution in India as a social institution and aimed to provide it the constitutional status by introducing relevant provisions into the Constitution.
- After 73rd Amendment, Nagaur district of Rajasthan followed by Andhra Pradesh conducted the first elections for Panchayat Raj.
- Policies such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) were introduced which mandates Panchayats as the planning and implementing agency. Backward Region Grant Fund (BRGF) has been introduced as a financial backup for the Panchayats for promoting decentralisation
- The 13th Central Finance Commission award has brought radical changes in the Panchayat Raj System by devolving a share of the divisible tax pool for panchayats, by granting them defacto recognition as third tier of governance.
- Some reforms that can be taken to improve the functioning of Panchayati Raj institution like providing sufficient staff, office space and infrastructure, allocating sufficient funds, creating mandatory obligation upon states for devolution, implementing the Provisions of the Panchayats (Extension to Scheduled Areas) Act (PESA) to address the demands of the tribal population living in rural areas, special focus for North-east states, etc.

Checks and Balances

- The Constitution's main purpose is not merely to confer powers on the various organs of the government, but also to restrain those powers. Constitutionalism envisages checks and balances and puts the powers of the legislature, executive and judiciary under restraint.

Functional Overlap

- The Indian Constitution does not strictly follow the principle of separation of powers. The executive is part of the legislature and is responsible to it. Functionally, the President's or the Governor's assent is required at the centre and states respectively for all legislations.
- The President (Article 123) or the Governor (Article 213) has the power of making ordinances when both houses of the legislature are not in session, which has the same status as that of a law of the legislature.
- Article 311 allows the executive to hold an enquiry into charges against any person holding a civil post under the Union or the State and to award punishment.
- The President or the Governor has the power to grant pardon or modify the punishment of a convicted person.
- The legislature performs judicial function as Parliament can punish members as well as outsiders for breach of its privileges or its contempt by reprimand, admonition or imprisonment (also suspension or expulsion in case of members).
- Executive is dependent on the legislature while it performs some legislative functions in the form of subordinate legislation.
- The Forty-second Amendment (1976) introduced Articles 323A and 323B which authorise Parliament and the state legislatures, respectively, to create tribunals to which the power of adjudication of disputes on various subjects can be transferred. The jurisdiction of the courts is excluded in respect of those subjects. The Articles also made it possible to totally exclude the powers of judicial review under Articles 32 and 226 and vest such powers in tribunals legislatively.
- The power of impeachment of judges is reserved to Parliament although it ultimately depends on parliamentary majority to determine the outcome of the procedure.
- The most unusual form of legislative powers granted under the Constitution to the executive are listed under emergency provisions (Articles 352, 356 and 360).

The Role of Judiciary

- The application of judicial review to determine constitutionality of the legislation and to review the executive decision sometimes creates conflict among the three pillars of democracy.
- Article 32 of the Constitution makes it the guardian of the inviolable fundamental rights guaranteed to citizens for the protection of which it can issue writs. Even High Courts enjoy this power under Article 226 for the protection of not only fundamental rights but also other legal rights.

- Article 141 provides that the law declared by the Supreme Court shall be binding on all courts of India. Under Article 142, it may pass such decree or make such order as is necessary for providing complete justice in any cause or matter pending before it, and Article 144 mandates that all authorities, civil and judicial, shall work in the aid of the Supreme Court. These three Articles make the Supreme Court, the most powerful institution of the country. This imposes restrictions on the constituent power of Parliament that the basic structure of the Constitution is not amendable.
- The verdict of the Supreme Court on the 99th Constitution Amendment Act and the National Judicial Appointments Commission (NJAC), declaring them to be *ultra vires* the Constitution is another glaring example when any parliamentary Act is overturned as unconstitutional on the principle of judicial review.
- The recent judgment of the Supreme Court on the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 and the populist response of the Parliament in enacting Section 18A in the said Act virtually circumvented the dicta of the judgment passed by the Supreme Court. These are the challenges to judicial.
- India evolved through the invocation of Article 142 by the Supreme Court. The Apex Court not only saved the marbles of Taj Mahal from yellowing due to sulphur fumes from the surrounding industries but provided relief to the aggrieved and affected people in many cases.
- The Supreme Court interventions were appreciated when a five bench judge headed by Venkatchaliah, former Chief Justice of India awarded compensation in Bhopal gas leak tragedy, well beyond the limits created by the statutory provisions. The Apex Court armoured with the weapon of Article 142 has come out proactively to dispense justice to those who are deprived of it

Foreign Relations and Indian Constitution

- The Constitution of India lays down clearly the bases on which foreign policy should be framed and respected.⁵ The basic thrust of Article 51 is to maintain international peace and security, international relations and international obligations, matters which, under the Indian Constitution, fall exclusively within the domain of the Union.
- Under the Constitution, the constituent units of the Indian Union do not enjoy any international standing. Although this article falls in the Part IV of the Constitution which is non-justiciable, nonetheless, it occupies an important position in the determination of foreign policy in India.
- Article 51(c) does not deal with the enforcement of treaties, it only obligates the State to foster respect for “international law and treaty obligations” in inter- state relations. It does not specify that international treaties or agreements entered into by India shall have the force of municipal law without appropriate legislation undertaken under Article 253.
- Article 253 could be regarded as articulating a “transformation doctrine” essentially a positivistic- dualist position.⁹ This Article is in conformity with the objectives as declared by Article 51(c), i.e., treaty making, implementation of treaties.. The treaties are not self-executing in India and to make a treaty enforceable in the court, the Parliament has to adopt legislation under the Article 253 of the Constitution.
- The Supreme Court of India over the years has greatly **liberalised the rigours of *locus standi*** of individuals to institute legal proceedings.
- In *Vishaka and others v. State of Rajasthan*¹⁵, the Indian Supreme Court appeared to have moved from transformation doctrine to incorporation doctrine.
- Human rights jurisprudence in India has reached a stage where one could easily say that the Indian Constitution recognises the fundamental right to human dignity. The fundamental right to human dignity directly flows from Article 21 of the Indian Constitution.
- The *Maneka Gandhi v. Union of India* decision gave a new direction to human rights jurisprudence. It laid down that not merely should there be procedure established by law, but the procedure itself must also be *reasonable, fair and just*, otherwise the law would be violative of Article 21.
- **Rashtriya Kishor Swasthya Karyakram**
 - Promoting health and prevention of disease and risk factors is an important aspect of the *Rashtriya Kishor Swasthya Karyakram* under the National Health Mission. It includes the following components:
 - The Adolescent Friendly Health Clinics (AFHCs)

- Weekly Iron Folic Acid Supplementation (WIFS) Programme is being implemented for school going adolescent boys and girls and out of school adolescent girls across the country.
- The Peer Educator Programme is being implemented in select 200 districts
- Under the Menstrual Hygiene Scheme, funds are provided to the States/UTs for procurement of sanitary napkins for Adolescent Girls (aged 10-19 years)
- Various platforms are being used to promote health and well-being of adolescents through Social and Behaviour Change Communication

Gender Rights: Reflection, Commitment and Action

- Fundamental rights laid down in Part – III of the Constitution ensures protection against discrimination on the basis of gender through Article 14, 15(1) and 16(2). Article 39(a), 39(c) and 42 of the Directive Principles of State Policy provided in Part - IV guides that India's governance shall ensure gender equality in law and policy.
- Article 51A(e), imposes fundamental duty on the citizens of the country to renounce practices derogatory to the dignity of the women and to promote harmony and the spirit of common brotherhood amongst all the people of India.
- India is committed are—Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) 1993, The Mexico Plan of Action 1975, the Nairobi Forward Looking Strategies 1985, the Beijing Declaration and Platform for Action 1995 and 2020.
- India also adopted UN Women, Peace and Security (WPS) agenda and committed to adopt WPS National Action Plan (NAP). India also committed to the implementation of the WPS resolution (S/RES/1325) of UN Security Council on women, peace and security.
- **Constitutional provisions for promoting gender equality**
 - Preamble: Socialism, equal distribution of opportunities and resources, social justice, assuring the dignity of the individual,
 - Article 14: Equality before law and equal protection of laws,
 - Article 15(1): Prohibition of discrimination on the grounds of sex,
 - Article 15(3): Empowering State to make special provisions for women and children,
 - Article 16(2): Equality of opportunity in matters of public employment; prohibition of discrimination on the grounds of sex,
 - Article 38: State to secure a social order for the promotion of welfare of the people with social justice and equal opportunities,
 - Article 39(a): Secure, men and women equally, the right to an adequate means of livelihood,
 - Article 39A: Equal justice and free legal aid,
 - Article 42: Just and humane conditions of work and maternity relief,
 - Article 51A(e): Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women,
 - Articles 243D (3) & (4) 243T (3) & (4): Reservation of seats for women candidates in Panchayats and Municipalities
- **Other Initiatives of the Government of India**
 - Pan India - Emergency Response Support System (ERSS), single internationally recognized number – 112 for all emergencies with artificial intelligence to identify the location of distress,
 - National Policy for the Empowerment of Women 2001,
 - Technology based smart policing and safety management,
 - Cyber-crime reporting portal specific to women and children to report obscene content,
 - National Database of Sexual Offenders (launched on 20th September 2018) for facilitating the investigation and tracking the habitual sexual offenders,

- Launched 'Investigation Tracking System for Sexual Offences (ITSSO)' on 19th February 2019 to monitor and track time-bound investigation of sexual assault cases according to Criminal law (Amendment) Act, 2018,
- Over 700 Stop Centres were approved and 595 are fully functional pan India exclusively designed to provide medical aid, police assistance, legal and psycho-social counselling, court case management, temporary shelter for survivors of sexual offences.
- **Commitment:**
 - India ratified the following international instruments related to gender equality:
 - Universal Declaration of Human Rights, 1948
 - International Covenant on Civil and Political Rights, 1966
 - International Covenant on Economic, Social and Cultural Rights, 1966
 - Beijing Principles of the independence of judiciary
 - Convention on the Political Rights of Women, 1954
 - The Declaration on Elimination of Violence against Women (DEVW) 1993
 - Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)
 - UN Women UN Security Council Resolution on Women, Peace and Security
 - Beijing Declaration and Platform for Action, 1995 and 2020 etc.



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