

GOVERNANCE

NEW MEDICAL RULES FOR TERMINATION OF PREGNANCY

Recently, the Government has notified new rules under the Medical Termination of Pregnancy (Amendment) Act, 2021. The 2021 Act was passed to amend the Medical Termination of Pregnancy (MTP) Act, 1971.

The MTP Act 1971 and The MTP Act Amendments 2021		
	MTP Act 1971	The MTP Amendment Act 2021
Indications (Contraceptive failure)	Only applies to married women	Unmarried women are also covered
Gestational Age Limit	20 weeks for all indications	24 weeks for rape survivors Beyond 24 weeks for substantial fetal abnormalities
Medical practitioner opinions required before termination	One RMP till 12 weeks Two RMPs till 20 weeks	One RMP till 20 weeks Two RMPs 20-24 weeks Medical Board approval after 24 weeks
Breach of the woman's confidentiality	Fine up to Rs 1000	Fine and/or Imprisonment of 1 year

Key Points

The Rules-

Increased Gestational Limit: The gestational limit for termination of a pregnancy has been increased from 20 to 24 weeks for certain categories of women. The seven specific categories are:

- Survivors of sexual assault or rape or incest.
- Minors.
- Change of marital status during the ongoing pregnancy (widowhood and divorce).
- Women with physical disabilities.
- Mentally ill women.
- Foetal malformation that has a substantial risk of being incompatible with life or if the child is born, he/ she may suffer from serious physical or mental abnormalities.
- Women with pregnancy in humanitarian settings or disaster or emergency situations.

State-level Medical Board: A state-level medical board will be set up to decide if a pregnancy may be terminated after 24 weeks in cases of foetal malformation.

- The medical boards are to either accept or reject the proposal for medical termination of pregnancy within three days of receiving the request.
- The abortion procedure has to be done with five days of the board receiving the request for the same.

Significance

- The new rules will contribute towards ending preventable maternal mortality to help meet the Sustainable Development Goals (SDGs) 3.1, 3.7 and 5.6. SDG 3.1 pertains to reducing maternal mortality ratio whereas SDGs 3.7 and 5.6 pertain to universal access to sexual and reproductive health and rights.
- The new rules will increase the ambit and access of women to safe abortion services and will ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy. Oxfam said the deal would not put an end to tax havens.

TION

SOCIAL JUSTICE

“Returns on Investment in Adolescents’ Sexual and Reproductive Health

Recently, findings of a study titled “Returns on Investment in Adolescents’ Sexual and Reproductive Health in Rajasthan” were released. Adolescents are a heterogeneous group aged between 10 and 19 years, who are in different stages of development, live in varying circumstances and have distinct needs.

Key Points

- It examines the economic and health benefits that could accrue from increased investment in adolescents' sexual and reproductive health-specific interventions in Rajasthan. The study has calculated the benefit-cost ratio to conclude that for every Rs. 100 spent on meeting the unmet needs of adolescents, there will be a return of approximately Rs. 300 in terms of healthcare costs saved.
- It also explores the potential for scaling up the services such as Access to contraceptives; Comprehensive Abortion Care (CAC); Weekly Iron and Folic acid Supplementation (WIFS); and, Menstrual Hygiene Schemes (MHS) across the state.

Adolescents in India

- Population: With 253 million adolescents (which implies that every fifth person in India is an adolescent), India has an unprecedented opportunity to accelerate economic development and reduce poverty.
- Challenges to Healthy Development: A variety of factors that include structural poverty, social discrimination, regressive social norms, inadequate education, and early marriage and childbearing, especially in the marginalized and under-served sections of the population .

The Case of Rajasthan

- Adolescent Population: The total adolescent population of Rajasthan is 15 million or 23% of the total population in the state. Of these, 53% are males and 47% are females.
- Child Marriage and Adolescent Pregnancy: It continues to be of concern in Rajasthan as more than one-third of the girls (35.4%) get married before 18 years of age and 6.3% in the age group of 15-19 years are already mothers. This is significantly higher than the national average of 27%.

Impact on Mother and Infant

- Birth-related Complications: Adolescent mothers aged 10-19 years face higher risks of birth-related complications like eclampsia, puerperal endometritis (uterine infection) and other systemic infections than women of higher age groups.
- Risk to Newborn: Babies born to adolescent mothers also face a higher risk of low birth weight, prematurity, birth injuries, stillbirth and infant mortality.
- Restrict Career Choices: Health problems, lack of education and the responsibilities of parenthood combine to further restrict the adolescent's future economic opportunities and career choices.

Suggestions

- Development of new standards and guidelines to improve the quality of reproductive health services. The State government should prudently invest in ensuring that the working age population is healthy and literate, and has access to resources.
- While the adolescent-specific health interventions needed to be sensitive to their requirements, nutrition supplementation programmes should also be strengthened and scaled up.
- Increase in the modern contraceptive prevalence rate for spacing methods from the existing 10.1% to 32% in the 2021-25 period. Adoption of a multi-faceted and innovative approach to reach out to adolescents.

INTERNAL SECURITY**JURISDICTION ENHANCEMENT OF BSF**

Recently, the Ministry of Home Affairs has issued a notification to widen the jurisdiction of Border Security Force (BSF) for seizure, search and arrest up to 50km from the international border in Assam, West Bengal and Punjab.

Key Points**About the Order**

- This notification replaces a 2014 order under the BSF Act, 1968, which also covered the States of Manipur, Mizoram, Tripura, Nagaland and Meghalaya. It also specifically mentions the two newly created Union Territories- J&K and Ladakh.
- The violations for which the BSF carries out search and seizure include smuggling of narcotics, other prohibited items, illegal entry of foreigners and offences punishable under any other Central Act among others.
- After a suspect has been detained or a consignment seized within the specified area, the BSF can only conduct "preliminary questioning" and has to hand over the suspect to the local police within 24 hours.

Issues Involved

- **Public Order vs Security of State:** Public order, which connotes public peace, safety and tranquility, is primarily the responsibility of a State Government. However, when there is a serious public disorder which threatens the security or defence of the State or of the country itself (entry 1 of Union list), the situation becomes a matter of concern for the Union Government also.
- **Weakening Spirit of Federalism:** Without obtaining the concurrence of the state government, the notification amounts to encroachment on the powers of the states. The Punjab Government has asserted that this notification is Centre's encroachment under the guise of security or development.
- **Affecting Functioning of BSF:** Policing in the hinterland is not the role of a border guarding force, rather it would weaken the capacity of the Border Security Force in discharging its primary duty of guarding the international border.

Border Security Force

The **BSF** was raised in 1965, after the India-Pakistan war. It is one of the seven Central Armed Police Forces of the Union of India under the administrative control of the Ministry of Home Affairs (MHA).

- Other Central Armed Police Forces are: Assam Rifles (AR), Indo-Tibetan Border Police (ITBP), Central Industrial Security Force (CISF), Central Reserve Police Force (CRPF), National Security Guards (NSG) and Sashastra Seema Bal (SSB).

The **2.65-lakh force** is deployed along the Pakistan and Bangladesh borders.

- It is deployed on Indo-Pakistan International Border, Indo-Bangladesh International Border, Line of Control (LoC) along with Indian Army and in Anti-Naxal Operations.

It has an air wing, marine wing, an artillery regiment, and commando units.

- BSF has been defending Sir Creek in Arabian Sea and Sundarban delta in the Bay of Bengal with its state of art fleet of Water Crafts.
- BSF has an instrumental role in helping state administration in maintaining Law and Order and conducting peaceful elections.
- BSF has been crusading against natural calamity to save precious human lives as and when warranted.

It contributes dedicated services to the UN peacekeeping Mission by sending a large contingent of its trained manpower every year.

It has been termed as the First Line of Defence of Indian Territories.

Way Forward

- **Consent of State is Desirable:** Given the security condition in India's neighbourhood, the existing relationship between the Union armed forces and the State civil authorities do not require any change. However, before the Union Government deploys its armed forces, it is desirable that the State Government should be consulted, wherever feasible.
- **State Becoming Self-Reliant:** Each State Government may work out, in consultation with the Union Government, short term and long-term arrangements for strengthening its Armed Police. The objective will be to become largely self-reliant in the matter of Armed Police so that the assistance of the Union armed forces will be necessary only in cases of very severe disturbances.
- **Regional Arrangement:** A group of neighbouring States may, by consensus, have a standing arrangement for the use of the Armed Police of one another in case of need. The Zonal Council would be the best forum for achieving consensus of the States within a zone for devising such an arrangement.
- **Police Reforms:** It is high time for carrying out much needed Police reforms as highlighted by various committees and judgment.

IMPORTANT FACTS FOR PRELIM

Endosulfan -An Organochlorine Pesticide

Protestors at Periya Plantation Corporation godown in Kasaragod, Kerala have called for returning endosulfan (an organochlorine pesticide) to the manufacturing firm for safe disposal. In 2011, the supreme court banned endosulfan throughout India. Use of endosulfan causes a great threat to the balance of the environment.

APRIL 29, 2011

- Global consensus reached on adding endosulfan to list of banned substances and phasing it out as an agrichemical
- Use of endosulfan banned by Stockholm Convention on Persistent Organic Pollutants
- Under pressure from pesticide firms, India sought remission on the ban for 10 years

MAY 13, 2011

Supreme Court of India issues temporary ban on production, storage and sale of endosulfan

WHAT IS ENDOSULFAN ?
It is a widely-banned pesticide with hazardous effects on human genetic and endocrine systems.

HAZARDOUS EFFECTS

- Delayed reproductive development (late sexual maturity)
- Sensory Loss
- Neurotoxicity
- Long-range contamination
- Endocrine disruption (stunting of hormones)
- Bioaccumulation (substance does not leave body)
- Autism

NEUROTOXIC
"Endosulfan blocks the inhibitory receptors of the CNS, disrupts the ionic channels and destroys the integrity of the nerve cells. – report of fact-finding mission."

KASARGOD DISASTER
From the mid-70s, Kerala villages used aerial spraying of endosulfan on 4,600-ha. cashew nut plantation. Locals reportedly experienced illnesses, palsies and deformities

USES
Sprayed on crops like cotton, cashew, fruits, tea, paddy, tobacco etc. for control of pests in agriculture such as whiteflies, aphids, beetles, worms etc.

DAILY ANSWER WRITING PRACTICE

Qns.The recent appointment of nine judges to the Supreme Court is a welcome step as it reduces vacancies. However, further steps are needed to reduce pendency of cases. Elaborate. (150 word)

Introduction

Nine new Supreme Court judges were administered their oaths of office by Chief Justice NV Ramana recently. It is for the first time in the history of Supreme Court that nine judges took oath of office at one go. With the swearing-in of the nine new judges, the strength of the Supreme Court has now increased to 33, including the CJI, out of the sanctioned strength of 34.

Body

Appointment of nine judges to the Supreme Court is a welcome step:

- Any move to increase the strength of the judiciary ought to be welcomed, given the perennial complaint that availability of judges is not increasing in proportion to the institution of cases.
- In this perspective, the strength of the Supreme Court now increased to 33, including the Chief Justice of India, will help in dealing with the large pendency.
- The wheels of justice at India's top court is seemed to be clogging with the pendency of cases reaching an all-time high of almost 68,000 (as of 25 July, 2021).
- There was a steep rise in pending cases especially during the period of January 2021 till May 2021.

Rise in number of judges alone will not help reduce the pendency:

- From 1950 to 1921, the number of Supreme Court judges has increased nearly four times. Even then, case pendency has steadily kept rising.
- The key reason for the mounting of pending cases can be attributed to shifting the role of the Supreme Court from adjudicating cases of constitutional significance into a regular court of appeals.
- According to legal experts, most of the cases that the Supreme Court was handling daily are either appeals from various high courts or cases of gross violation of individual's fundamental rights. But this role was never meant for the apex court.
- It is because of frivolous PILs and various government policies which are challenged by the people that takes up most of judiciary's time

Other measures needed to reduce pendency of cases:**Improving infrastructure for quality justice:**

- The Parliamentary Standing Committee which presented its report on Infrastructure Development and Strengthening of Subordinate Courts, suggested:
- States should provide suitable land for construction of court buildings etc. It should undertake vertical construction in light of shortage of land.
- Timeline set out for computerization of all the courts, as a necessary step towards setting up of e- courts.

Addressing the Issue of Vacancies:

- Ensure the appointments of the judges be done in an efficient way by arriving at an optimal judge strength to handle the cases pending in the system.
- The 120th Law Commission of India report for the first time, suggested a judge strength fixation formula.
- Supreme Court and High Courts should appoint efficient and experienced judges as Ad-hoc judges in accordance with the Constitution.
- All India Judicial Service, which would benefit the subordinate judiciary by increasing quality of judges and help reduce the pendency.

Timeframe to dispose of cases:

- Having a definite time frame to dispose the cases by setting annual targets and action plans for the subordinate judiciary and the High Courts. The judicial officers could be issued a strict code of conduct, to ensure that the duties are adequately performed by the officials.
- Strict regulation of adjournments and imposition of exemplary costs for seeking it on flimsy grounds especially at the trial stage and not permitting dilution of time frames specified in Civil Procedure Code.

Better Court Management System & Reliable Data Collection and Use of Information technology (IT) solutions:

- For this categorization of cases on the basis of urgency and priority along with bunching of cases should be done. The use of technology for tracking and monitoring cases and in providing relevant information to make justice litigant friendly. A greater impetus should be given to

Alternate dispute resolution (ADR):

- As stated in the Conference on National Initiative to Reduce Pendency and Delay in Judicial System- Legal Services Authorities should undertake pre-litigation mediation so that the inflow of cases into courts can be regulated.
- The Lok Adalat should be organized regularly for settling civil and family matters.
- Gram Nyayalayas, as an effective way to manage small claim disputes from rural areas which will help in decreasing the workload of the judicial institution.
- Village Legal Care & Support Centre can also be established by the High Courts to work at grass root level to make the State litigation friendly.

Conclusion:

The fundamental requirement of a good judicial administration is accessibility, affordability and speedy justice, which will not be realized until and unless the justice delivery system is made within the reach of the individual in a time bound manner and within a reasonable cost. Therefore, continuous formative assessment is the key to strengthen and reinforce the justice delivery system in India.

DAILY QUIZ

Q1. Consider the following statements:

1. The Reserve Bank of India Act, 1934 requires the National Financial Reporting Authority (NFRA) to have a chairperson who will be appointed by the Central Government.
2. NFRA can investigate professional misconduct committed by members of the Institute of Chartered Accountants of India (ICAI) for prescribed class of body corporate or persons.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only**
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Q2. With reference to Right to Information Act, 2005, consider the following statements:

1. It sets out the rules and procedures regarding citizen's right to information.
2. It replaced the former Freedom of Information Act, 2002.
3. It was enacted in order to consolidate the fundamental right in the Indian constitution 'freedom of speech'.

Which of the statements given above is/are correct?

- (a) 1 and 3 only
- (b) 1 and 2 only
- (c) 2 and 3 only

(d) 1, 2 and 3

Q3. Consider the following statements about International Energy Agency (IEA):

1. It was established in the framework of Organization of the Petroleum Exporting Countries (OPEC) in 1974 in the wake of the 1973 oil crisis.
2. It is best known for the publication of its annual World Energy Outlook.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only**
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Q4. Consider the following statements about Anti-corruption Working Group (ACWG):

1. It was established by G20 Leaders at the Pittsburgh Summit in 2009.
2. It sets international standards that aim to prevent all illegal activities and the harm they cause to society.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2**

Q5. Consider the following statements about the G20:

1. It is the international forum that brings together the world's major economies.
2. A "Troika", represented by the country that holds the Presidency, its predecessor and its successor, works to ensure continuity within the G20.
3. Its agenda and activities are established by the rotating Presidencies, in cooperation with the membership.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 1 and 2 only**
- (c) 2 and 3 only
- (d) 1, 2 and 3**