

India to raise the issue of Indians stranded in Sao Paulo

INTERNATIONAL RELATIONS



India may raise the plight of hundreds of Indians, stranded at Sao Paulo's Guarulhos Airport for several weeks with Brazilian Foreign Minister Mauro Vieira landing at New Delhi on Sunday. The Indian are suspected to be part of a growing trend of illegal immigrants landing and requesting asylum, and then taking the land route from Brazil to the Mexican border with the United States in order to cross over to the U.S. and Canada.

Brazil has put new regulations to crackdown on illegal immigration routes. According to the U.S. Justice Department, the number of such "asylum applications" has increased 61 times between 2013 and 2023, growing from 69 to 4,239. Meanwhile, the U.S. Border Control Services recorded that the number of Indians crossing over from the U.S.'s southern borders had

grown to around one lakh, five times more than 2019-20 figures, as Indians have now become the third-largest community of illegal immigrants in the U.S. On August 22, Brazil's Justice Ministry also announced it would impose new restrictions on travellers from "certain Asian countries" particularly, Indian, Chinese, Nepalese and Vietnamese citizens who transit through its airports beginning August 26, and will not allow them to stay in Brazil.

Mr. Vieira is here to hold the ninth India-Brazil Joint Commission meeting with External Affairs Minister S. Jaishankar. The Joint Commission will meet on Tuesday, with cooperation in defence, agriculture and energy on the agenda. Brazil exports crude oil and cooperates with India on biofuels. They will also discuss the agenda for the G-20 Summit in Rio de Janeiro on November 18 and 19. The two sides would discuss ways to further strengthen the India-Brazil strategic partnership signed in 2006. Mr. Vieira is meeting with business leaders on ways to grow bilateral trade, which has ranged between \$10 and \$15 billion in the past few years.



**MASTER THE NEW
LEARNING MANTRA**

www.vedhikiasacademy.org

Israel launch pre-emptive strikes in Lebanon

INTERNATIONAL RELATIONS



Israel launched air strikes across southern Lebanon, claiming they were pre-emptive actions to prevent a major Hezbollah attack. In response, Hezbollah fired hundreds of rockets and drones, citing retaliation for the death of one of its commanders, Fouad Shukur, killed in an Israeli air strike the previous month. Although the exchange of fire did not escalate into a broader war, tensions remain high.

Meanwhile, Egypt hosted talks to broker a ceasefire in the ongoing Israel-Hamas conflict in Gaza, in hopes of reducing regional tensions. The exchange resulted in at least three Hezbollah fighters and one Israeli soldier being killed, with both sides stating their targets were exclusively military.

'Determined to defend'

During the exchange of fire between Israel and Hezbollah, air-raid sirens were activated across northern Israel, and Ben-Gurion International Airport temporarily closed and diverted flights. Israel's Home Front Command raised the alert level but later lifted restrictions in most areas. Hezbollah claimed to have launched over 320 Katyusha rockets and numerous drones, targeting significant Israeli military sites, including Iron Dome missile defence platforms. Although Hezbollah suggested these strikes could enable further attacks deeper into Israel, they later announced that military operations for the day had concluded. Hezbollah also denied Israel's claim of thwarting a larger attack, without offering evidence for its own assertions. Egypt is hosting high-level talks in Cairo on Sunday aimed at bridging the gaps in an evolving proposal for a truce and the release of scores of hostages held by Hamas.

**The
More
You Learn,
The
More
You Earn**



www.vedhikiasacademy.org


VEDHIK
IAS ACADEMY
The New Learning Mantra



Rajnath visit to deepen bilateral cooperation

INTERNATIONAL RELATIONS



Defence Minister Rajnath Singh, during his ongoing tour of the U.S., visited the William B. Morgan Large Cavitation Channel (LCC) in the Naval Surface Warfare Centre at Memphis, Tennessee, reflecting the growing cooperation in undersea domain and anti-submarine warfare (ASW) between India and the U.S. After maritime domain awareness, undersea domain awareness has emerged as a key focus area for India and among the

Quad as China rapidly expands its maritime presence in the Indian Ocean and larger Indo-Pacific.

The LCC is one of the world's largest and most technically advanced water tunnel facilities for testing submarines, torpedoes, naval surface ships and propellers. India also plans to set up a similar facility. The discussions also intend to support the ongoing proposal for establishment of similar facility for indigenous design and development in India.

A Memorandum of Agreement was signed between India and the U.S. regarding the deployment of more Indian military liaison officers at key U.S. military commands. India will be accordingly deploying the first liaison officer to the Headquarters Special Operations Command in Florida, U.S.

Supply chain stability

The Security of Supply Agreement (SoSA) signed on Friday is one of the two broad-based defence industrial cooperation agreements currently under discussion between the two countries as cooperation between defence industries deepens, and comes following the conclusion of all four foundational agreements. Through this SoSA, the U.S. and India agree to provide reciprocal priority support for goods and services that promote national defence. The arrangement will enable both countries to acquire the industrial resources they need from one another to resolve unanticipated supply chain disruptions to meet national security needs

Indo-Pacific Maritime Domain Awareness (IPMDA)

Both Ministers appreciated the progress made in operationalising the Indo-Pacific Maritime Domain Awareness (IPMDA), a Quad initiative that aims to establish a comprehensive system for monitoring and securing maritime activities via enhanced Maritime Domain Awareness for the partners in the Indian Ocean Region in the Indo-Pacific. They also welcomed the ongoing Indian participation in the Combined Maritime Forces (CMF) and noted that India will deploy its Navy personnel in CMF's Combined Task Force 150 headquarters in 2025.

WE AIM TO INSPIRE YOU

Drug money endangering security and economy: Shah

INTERNAL SECURITY

Union Home Minister Amit Shah virtually inaugurating the zonal office of the Narcotics Control Bureau (NCB) noted consumption of contraband in Chhattisgarh was higher than the national average. The percentage use of sedatives in Chhattisgarh was 1.45, which was more than the national average and the use of cannabis (ganja) was also 4.98 %, which was also more than the national average. Reiterating Prime Minister Narendra Modi's resolve of a drug-free India by 2047, drug money apart from ruining the country's young generation weakened the country's national security and economy as the money earned from illicit drug trade promoted terrorism and left-wing extremism.

NCB performance

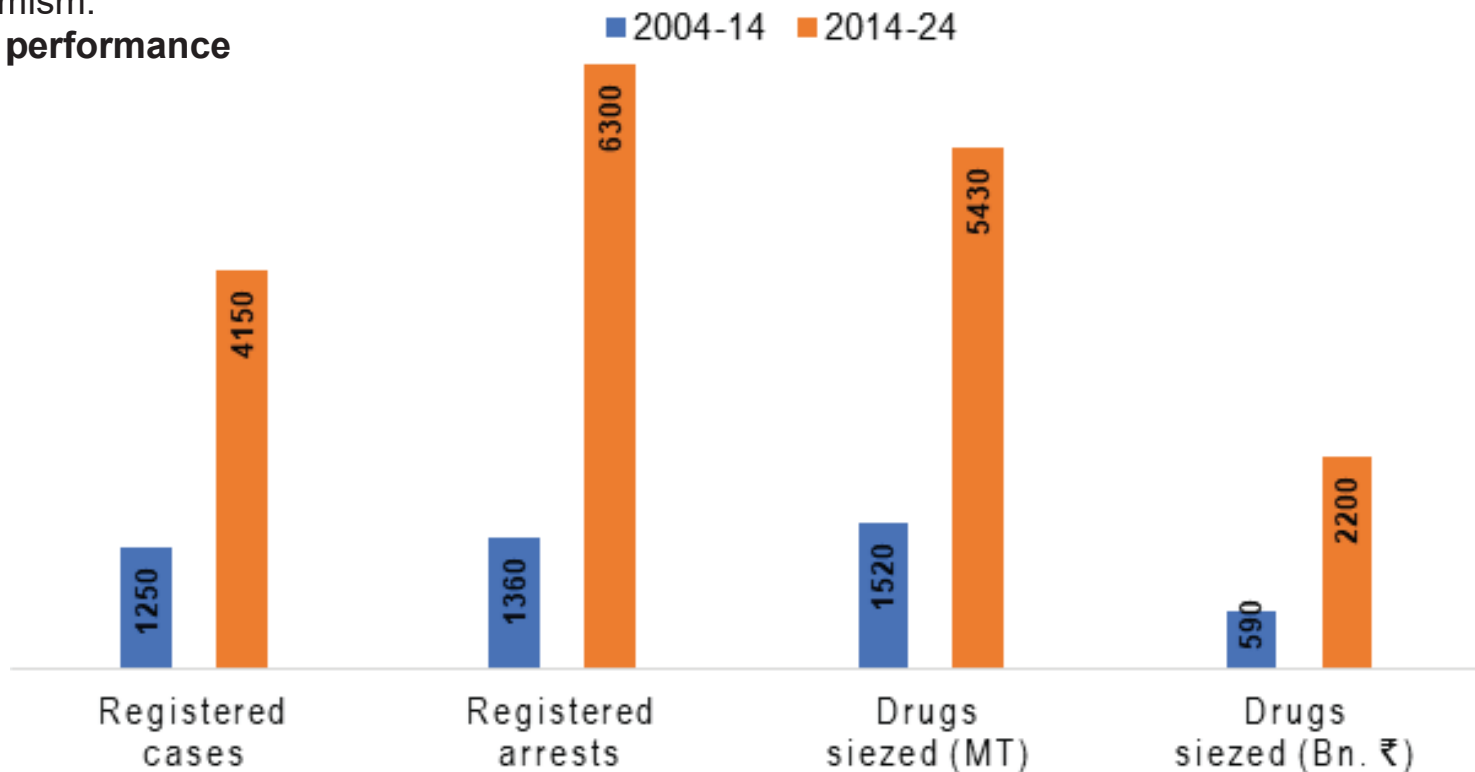


FIGURE: Column chart representation related to narcotics enforcement.

Unified Pension Scheme (UPS)

ECONOMICS AND DEVELOPMENT

The Centre has reinstated guaranteed pensions for its employees, attempting to balance this concession with principles of fiscal responsibility. Pension schemes globally, whether funded through contributions and market investments or supported by government finances, are experiencing crises driven by various factors, including demographic changes. According to the Reserve Bank of India, the total Budget estimates of various States and Union Territories for pension in 2023-24 was ₹ 5, 22,105.4 Cr., which is between 6 % - 21 % of their total revenue receipts.

Governments are increasingly outsourcing jobs, using short-term service schemes like Agnipath for military services, and leaving positions unfilled, primarily to manage rising pension costs. These measures are diminishing state capacity and reducing job opportunities for India's growing young population. The New Pension Scheme (NPS), introduced during a stock market

boom, linked pensions to market performance. However, two decades later, retirees under the NPS found their pay-outs significantly lower compared to the old guaranteed pension scheme.

The Unified Pension Scheme (UPS), based on recommendations from a committee led by T.V. Somanathan requires both employee contributions and increased government funding, guarantees a pension of 50 % of the average basic pay of the last 12 months before retirement and sets a minimum pension of ₹ 10,000 for those with at least 10 years of service. The government's contribution has been raised from 14 % under the NPS to 18.5 %. Sustainable reforms need broad political support and that social security should aim to cover the widest population. Government employees, having secured this guaranteed pension, should support the UPS rather than oppose the requirement for employee contributions.

Warship INS Mumbai to make first visit to Sri Lanka today

INTERNATIONAL RELATIONS



The Indian Naval Ship (INS) Mumbai will arrive at the port of Colombo on Monday for a three-day visit to Sri Lanka. This is INS Mumbai's first visit to Sri Lanka and will be the eighth port call by Indian Ships this year. The ship will bring essential spares for the Sri Lankan Air force-operated Dornier maritime patrol aircraft, the pilots and flight navigators of

which are being trained by the Indian Navy. Apart from this, the Indian Navy also supports the aircraft's maintenance with a technical team and spares.

Tax demands over non-linked PANs

ECONOMICS AND DEVELOPMENT



Employers are facing issues with the Income Tax (I-T) Department over demand notices for short tax deductions. These issues arise from employees not meeting the May 31 deadline to link their PAN with Aadhaar, even for those earning below the taxable income threshold. The Revenue Department had warned in April that PANs would become inoperative if not linked by this date, leading to higher tax deduction rates and withheld refunds. This deadline extended a previous directive, which stated that such consequences would apply from July 1, 2023.

75 Cr. PANs issued

As of March 31, 2024, the Department had issued about 75 Cr. PANs or Permanent Account Numbers. Approximately, 11.5 Cr. PANs were yet to be linked to Aadhaar as of January 2024. Many companies are asking employees to link the PAN after receipt of the demand notices, and have been revising their withholding tax returns, but there is no clarity on the taxman's stance in such cases. For financial year 2023-24, they should deposit the outstanding tax amount if the employee's PAN and Aadhaar remained unlinked after May. Thereafter, the employees should also claim the TDS [Tax Deduction at Source] amount by filing or revising their tax return for 2023-24 subject to PAN-Aadhaar linkage".

Employers may receive notices for short deductions if they have deducted taxes at a rate lower than 20 %, which would also be subject to interest and penal consequences. Employers must verify that all employees have linked their PAN with Aadhaar to ensure accurate TDS and avoid such notices. Where employees had linked their PAN and Aadhaar on or before May 31, employers would not be liable for short deduction.

Classical language centres ask for autonomy

ART AND CULTURE

India has six classical languages — Tamil, Sanskrit, Telugu, Kannada, Malayalam, and Odia. While four of the centres for classical languages function under the aegis of the Central Institute of Indian Languages (CIIL), Mysuru, the centre for Tamil is autonomous. For the promotion of Sanskrit, dedicated universities also receive funds directly from the Union Education Ministry

Special centres set up for the promotion of Telugu, Kannada, Malayalam, and Odia were designated classical languages are demanding functional autonomy. At a meeting on March 18, the project directors of the centres for Telugu, Kannada, Malayalam, and Odia demanded that their institutes be made autonomous.

Once a language is notified as a classical language, the Education Ministry provides certain benefits to promote it, including two major annual international awards for scholars of eminence in the said languages. The Union Government replying to a question in the Lok Sabha in 2020 in the previous three years spent ₹ 643.84 Cr. on the promotion of Sanskrit, while ₹ 29 Cr. was spent on the other five classical Indian languages. A Centre of Excellence for Studies in the classical language is set up, and the University Grants Commission is requested to create a certain number of Chairs for the classical language at least in the Central Universities.

At the Centre of Excellence for Studies in Classical Telugu in Nellore, Andhra Pradesh, as against an approved staff requirement of 36 people, only 12 are on board. Similarly, the Centre of Excellence for Studies in Classical Odia in Bhubaneswar has the approval for 30 senior and associate fellows and 10 administrative staff, but has been able to hire only eight. In 2023, the Education Ministry allocated ₹ 1.76 Cr. for the Odia centre but it could spend only ₹ 56 lakh.



INDIA'S TOP MOST CIVIL SERVANTS FOR COACHING

START YOUR
JOURNEY WITH THE
BEST



VEDHIK

IAS ACADEMY

The New Learning Mantra

START YOUR JOURNEY WITH THE BEST

**INDIA'S
TOP MOST
CIVIL SERVANTS
FOR COACHING**

www.vedhikiasacademy.org

Head Office:
Vedhik IAS Academy
Mercy Estate,
MG Road, Ravipuram,
Ernakulam-682 015,

Corporate office:
Vedhik IAS Academy
Samkalp Bhawan, Plot No.15,
Sector 4, Rama Krishna Puram,
New Delhi, Delhi-110022

Regional office
Vedhik IAS Academy
202, Raheja Chambers, 12,
Museum Road. Bangalore -
560001. Karnataka, India.

GCC Office:
Bobscoedu,
Bobsco Trading & Contracting Co. W. L . L
Office 22, Dream Tower 1,
Road: 2701, Adliya, Kingdom of Bahrain
www.bobscoedu.com

China and Philippines clash in South China Sea yet again

INTERNATIONAL RELATIONS



The Philippines and China clashed in disputed waters of the South China Sea on Sunday over what Manila said was a resupply mission for fishermen, the latest in a series of sea and air confrontations in the strategic waterway. The incident overshadows efforts by both nations to rebuild trust and better manage disputes after months of confrontations, including a violent clash in June where a Filipino sailor lost a finger. The Philippines accused China of “aggressive and dangerous manoeuvres” to block the resupply

mission, while China’s coast guard said it had taken “control measures” against a vessel that had “illegally” entered the waters and repeatedly approached Chinese ships in a dangerous manner.

Use of water cannons

In the incident near the Sabina Shoal, the Philippine South China Sea task force said Chinese vessels rammed and used water cannons against a Philippine Bureau of Fisheries ship transporting food, fuel and medical supplies for Filipino fishermen. China asserts sovereignty over nearly all of the South China Sea. An international arbitral tribunal in 2016 ruled Beijing’s claim had no basis under international law, a landmark victory for the Philippines, which filed the case.

Tackling the frictions in cross-border payments

ECONOMICS AND DEVELOPMENT



The global cross-border payments market, valued at \$ 181.9 trillion in 2022, is expected to reach \$ 356.5 trillion by 2032, with a CAGR of 7.3 % from 2023 to 2032. Historically, cross-border payments involved manual processes like letters of credit and checks, evolving with trade, currency exchange, and

industrialization. Despite technological advances, these payments still face inefficiencies, impacting businesses, individuals, financial inclusion, and economic growth. Improving the efficiency of cross-border payments is a key goal on the G-20 agenda. The Financial Stability Board (FSB) has released numerous consultations to gather insights and drive improvements. The FSB has identified particularly four challenges associated with cross-border payments — high costs, low speed, limited access, and insufficient transparency.

The old and the new

The Bank of England and the Bank for International Settlements classify retail cross-border payment systems into four models: correspondent banking, the single system model, interlinking payment infrastructures, and peer-to-peer. Correspondent banking, which uses intermediary banks, is declining due to complexity and costs. The single system model, relying on individual service providers, faces interoperability and regulatory challenges. Interlinking payment infrastructures aim to connect countries' systems for seamless transactions but encounter technical and regulatory difficulties. Peer-to-peer payments use technologies like distributed ledgers for direct transactions. The Financial Stability Board (FSB) has identified high costs and low speeds in these systems and suggests using technologies like block-chain and digital wallets to improve cross-border payments.

As new technologies emerge and the demand for improved cross-border payment systems grow, various bilateral and multilateral initiatives are being undertaken to enhance cross-border payment capabilities. These new-age models represent a significant shift from traditional cross-border payment methods, reflecting the ongoing evolution of the global financial landscape. Most of these new-age cross-border payment projects fall into three primary categories: Linking Fast Payment Systems (FPS) or Instant Payment Systems (IPS), Central Bank Digital Currency (CBDC) projects focusing on cross-border payments, and distributed ledger technology (DLT) based cross-border payment projects. Notably, many DLT-based projects also involve CBDCs. Innovative pilot projects aim to make international transactions faster, more cost-effective, and more secure, offering improved financial access and efficiency for businesses and individuals worldwide.

The PayNow-PromptPay (PNPP or PPPN) linkage, launched in April 2021, connects the FPS of Singapore (PayNow) and Thailand (PromptPay) through cross-border gateways built and operated by both countries' systems operators (BCS and ITMX, respectively). Similarly, the UPI-PayNow linkage enables real-time, cross-border fund transfers between India and Singapore. It allows users to send money using mobile numbers or virtual payment addresses, offering a secure and cost-effective solution for international remittances.

Challenges to cross-border payments

Cross-border payments rely not only on technology but also on adherence to various legal and regulatory frameworks. According to a 2021 Committee on Payments and Market Infrastructures (CPMI) report, providers highlighted legal, regulatory, and compliance costs as major challenges. Payments crossing multiple jurisdictions must comply with diverse domestic laws regarding anti-money laundering, customer due diligence, data sharing, and settlement processes, necessitating consistent and enforceable rules across all involved countries. As innovations flourish, regulatory bodies worldwide are catching up to create frameworks that ensure security, stability, and transparency. The Financial Action Task Force (FATF) has been pivotal in setting international standards for combating money laundering and terrorist financing that include guidelines for digital payment methods.

A significant regulatory challenge noted by many surveyed projects is the inconsistent implementation of the anti-money laundering and counter-terrorist financing (AML/CFT) framework, which can profoundly impact system design and functionality. The FSB's 2023 report reveals that while AML/CFT requirements are based on FATF principles, fragmentation across jurisdictions creates friction, particularly in wire transfer recordkeeping. This inconsistency affects various aspects of cross-border payments, including customer identification, sanctions screening, and data sharing. Variations in documentation requirements and screening processes can lead to delays, additional queries, and operational inefficiencies.

Furthermore, privacy laws and data protection regulations contribute to these challenges. For instance, varying standards for data sharing and privacy can complicate compliance with AML/CFT regulations, leading to issues such as conflicting information and increased manual reconciliation. Overall, these regulatory discrepancies necessitate tailored solutions for each jurisdiction, adding complexity and cost to cross-border payment systems.

The way forward

To ensure the integrity and efficiency of cross-border payments, legal frameworks must balance user privacy with financial integrity requirements, particularly around AML and CFT. Countries should adopt a risk-based approach to AML/CFT compliance, ensuring consistency in regulatory measures and engaging the private sector to develop effective techno-legal solutions. This involves clearly defining participant roles in compliance, setting transaction limits for reduced compliance requirements, enhancing sanctions screening through information sharing, and exploring Know Your Customer (KYC) utilities to streamline identity verification.

Additionally, countries should agree on common purpose codes to reduce compliance costs and technical issues in cross-border payments. Security and privacy are paramount in cross-border payment systems. Governance frameworks should outline clear terms for data collection, processing, and sharing, ensuring compliance with data protection laws. Privacy-by-design principles should be incorporated to address privacy concerns. International cooperation on privacy interoperability through bilateral agreements and model contractual clauses is essential. Consumer protection must include transparency regarding fees, terms, and a clear grievance redressal mechanism.

A robust dispute resolution framework should address both user grievances and inter-provider disputes, including a centralised complaint management system and a well-defined process for resolving conflicts between Payment Service Providers (PSPs). Access to cross-border payments should be broadened by including non-bank entities and simplifying compliance requirements, while capital controls should be streamlined to facilitate smoother transactions. Overall, these measures are critical for enhancing the efficiency and inclusiveness of cross-border payment systems.

Safety at Work Place

POLITY AND GOVERNANCE

The Justice K. Hema Committee constituted in 2017, based on a petition submitted by the Kerala-based Women in Cinema Collective, and submitted its report two years later was released last week, several paragraphs redacted, and contains unsurprising and yet disturbing revelations about the state of affairs in the film industry — discrimination, exploitation and sexual harassment of women. The term 'casting couch', hatched in Hollywood, has become repugnantly accepted as a euphemism for sexual favours in exchange for a role in films. Justice Hema points out that making the exchange of sexual favours the passkey for entry into the field itself, and normalising it and conflating it with consensual sexual activity, makes the industry inherently exploitative. The report deals also with other inequities that disadvantage women in the industry, including the lack of essential facilities such as toilets, changing rooms, safe transportation, and accommodation at the shooting spot which are violative of the right to privacy; and discrimination in remuneration, and a lack of binding contractual agreements. These affect the range of women across the industry — actors, technicians, make-up artists, dancers, support staff, and particularly so, women lower in the pecking order.

The Justice K. Hema Committee report, which was released by the Kerala government on August 19, 2024, has ignited a debate on the issues faced by women in Malayalam film industry. The

committee, which was formed in 2017, had submitted its report to the government in 2019. A redacted version of the report has now been put up in the public domain. Though it addresses the issues faced by women in the vernacular films, the issues transcend these boundaries.

Broadly, the report deals with two categories of issues. The first is the sexual exploitation of and assault against women in cinema. The report says that women are often required to exchange sexual favours for opportunities and those women who refuse to 'co-operate' are side-lined from the industry at the instance of powerful men. The second is discriminatory practices against women and a lack of even basic facilities. The report has facilitated a long overdue discussion on the lack of gender equality for women at the workplace. The brutal incident of the rape and murder of a doctor at a hospital in Kolkata also reinforces the need for this conversation.

Culture of assault

The concerns raised in the Hema Committee report are disturbing, yet are not surprising. They are an extension of the problems women face in a conservative, patriarchal society such as ours. Women are burdened by stereotypes and expectations about how they should behave. This is why it is problematic to consider instances of sexual assault on women as isolated. Viewed this way, rape must not be considered only as a crime committed by a bad man but as a culmination too of the social practices which deem the consent of women to be practically irrelevant. A rigid individualistic approach to sexual assault often distracts attention from this reality. Ranging from what to wear and what friends to have, individual choice is too often stolen from women. Rape is the crudest manifestation of this approach — not considering women as persons of autonomy and dignity. The normalisation of objectification and gender stereotypes has a central role in perpetuating sexual assault against women. According to the National Crime Records Bureau, 31,516 cases of rape are reported in 2022 in India — a reported rape in every 16 minutes. Workplace harassment is another reflection of this culture of assault.

In the context of workplace assault, in *Vishaka and Ors vs State Of Rajasthan and Ors* (1997), a writ petition was filed to enforce the rights of working women against sexual harassment. A series of guidelines was prescribed by the Supreme Court of India — a unique kind of judicial legislation — to prevent workplace harassment. These included duties on the employer to prevent assault as well as the constitution of a complaint redress mechanism for aggrieved persons.

It took more than 16 years thereafter for the legislature to enact *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. A notable feature of the legislation is that it provides for the constitution of an internal complaints committee (ICC) which can be approached by the aggrieved woman. The definition of 'workplace' in section 2(o) of the Act is broad enough to take in the film industry as well.

The Justice Hema Committee report has however indicated that the ICC is not suitable for women in the film industry. It is argued that there is a likelihood of the abuser or the employer influencing ICC members. The committee, therefore, pleads for an independent forum constituted by the government to deal with the problems faced by women in cinema.

However, this is a problem that any ICC faces and is not unique to the industry. While additional safeguards of accountability might help alleviate the problem, the suggestion to completely overlook the complaints redress mechanism formulated by a parliamentary legislation seems unwise.

Registration of crimes

Many have questioned the lack of a registration of crimes pursuant to the committee report. They ask why an investigation is not initiated and why the accused cannot be brought to justice. The concern is sensible. The report is a modified version which redacted the names of survivors and the

culprits. Masking the names of survivors is done in recognition of the principle of survivor anonymity, a well-accepted norm in criminal jurisprudence on sexual assault. Anonymity will remain intact during the investigation and prosecution as well.

In *Nipun Saxena vs Union of India (2018)*, the Supreme Court explained the importance of penalisation of the disclosure of the name and the identity of the survivors of sexual offences as mandated in Section 228A of the Indian Penal Code, which is now reiterated in Sections 72 and 73 of the *Bharatiya Nyaya Sanhita*. Since the provisions are substantially the same, the ratio of the judgment in *Nipun Saxena* would govern the field. In the judgment, the Court said that the object of the provision is to protect survivors from hostile discrimination and future harassment. This being the law of the land, the Kerala government must take a proactive role in the matter after sensitising itself in the matter.

The right to privacy is an integral part of the right to life under Article 21 of the Constitution (*Puttuswamy, 2017*). The statements were given by several victims in the belief that this anonymity will be maintained. The right to decide whether to pursue a criminal case does lie with the victim. It is true that in our criminal justice system, the state initiates prosecution against the accused, arguing and conducting the case on behalf of the victim. However, even if the state investigates the crime, it becomes quite difficult to prove a crime without the cooperation of the victim.

Why survivors are often reluctant to pursue complaints in the case of sexual assault is important for us to recognise. A society which looks at survivors of sexual assault, with misguided empathy and disgust, instead of support and trust, probably has no moral standing to demand that the survivor must necessarily launch the complaint. We all share collective responsibility for manufacturing this status quo. Moreover, trials in sexual assault cases take years to complete, which are attributable to the high degree of judicial pendency in our country. Bear in mind that the Hema Committee was formed after the sexual assault allegation against a leading Malayalam cinema actor, the trial of which is not yet completed. Survivors also fear potential retaliation from the abuser and others, in terms of refusal to give them work, and being branded as 'problem-makers.'

Structural reforms

The accusations in 2017 against Harvey Weinstein, the American film producer, had eventually led to the #MeToo movement which received global attention. The findings in the Hema Committee report must pave the way for structural reforms, for which the government must take an effective lead. The difficulties faced by women in the industry, particularly those in the lower strata as opposed to the lead actresses deserve acknowledgment. From the lack of adequate sanitation facilities to hostile bias, every issue needs comprehensive study and resolution. More importantly, the report will accelerate the Indian woman's struggle against workplace discrimination by equipping her with an emboldened awareness.



 **VEDHIK**
IAS ACADEMY
The New Learning Mantra

**MASTER THE NEW
LEARNING MANTRA**

www.vedhikiasacademy.org

Justice J.S. Verma panel say on death penalty for rape

POLITY AND GOVERNANCE

The Union Cabinet did not take the recommendation on the death penalty when it cleared an ordinance on sexual assault in 2013, and signed the criminal amendments into law. The committee to amend criminal laws was set up after the gang rape of a paramedic student in Delhi on December 16, 2012. Led by Justice J.S. Verma (retired), the committee submitted its recommendations on January 23, 2013. One of its key suggestions that the death penalty does not necessarily act as a deterrent against such crimes was overlooked. The Justice J.S. Verma Committee recommendations, which led to the amendment of criminal laws in 2013, had specifically said it was not inclined to recommend the death penalty for rape even for the rarest of rare cases. "...seeking of [the] death penalty would be a regressive step in the field of sentencing and reformation."

Key amendments were brought in to provide the death penalty for rape that led to death of the victim or reduced her to a persistent vegetative state (Section 376A of the Indian Penal Code) and anyone found guilty of rape more than once (Section 376E). In 2018, further changes introduced death as the maximum punishment for every participant in a gang rape when the victim is less than 12 years old (Section 376DB), and life-long imprisonment if the victim is less than 16 (Section 376DA). Under the new Bharatiya Nyaya Sanhita, punishment for rape is laid down in several Sections including 64, 65 and 70(2), which notes the punishment for gang rape of a woman under the age of 18 is the death penalty.

What did the committee recommend?

The Justice Verma Committee provided for enhanced sentences for rape, increasing it from 7 years to 10 years, 20 years, and life, but "short of death". "Whoever causes the person to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but may be for life, which shall mean the rest of that person's natural life," it noted. The committee pointed out that "there is considerable evidence that the deterrent effect of death penalty on serious crimes is actually a myth. According to the Working Group on Human Rights, the murder rate has declined consistently in India over the last 20 years despite the slowdown in the execution of death sentences since 1980."

What was its stance on marital rape?

The Verma Committee recommended that the exception to marital rape be removed, pointing out that "a marital or other relationship between the perpetrator or victim is not a valid defence against the crimes of rape or sexual violation." Concurring with the judgment of the European Commission of Human Rights in *C.R. vs U.K.*, the Verma Committee endorsed the conclusion that a rapist remains a rapist regardless of his relationship with the victim. The Union government did not go by this recommendation and refused to criminalise marital rape. Under the BNS, exception 2 of Section 63 states that "sexual intercourse or acts by a man with his wife, the wife not being under 18 years of age, is not rape."

What about gender rights?

The Verma Committee pointed out that "the ethos of empowerment of women does not limit itself to political equality, but also extends, in equal terms, to social, educational, and economic equality. If true empowerment of women were to mean anything, it is necessary that law, as well as public policy, must be capable of engaging substantially with women's rights, opportunities, acquisition of skills, the ability to generate self-confidence and insist on total equality in relationships, both with society and the

state.” The correction of social mind-sets of its gender bias depends more on social norms, it observed, noting that “the deficiency has to be overcome by leaders in society aided by the necessary systemic changes in education and societal behaviour.”



MASTER THE NEW LEARNING MANTRA

www.vedhikiasacademy.org