

## LGBT: The Unfinished Policy Agenda



(Source: <https://images.duckduckgo.com/iu/?u=http%3A%2F%2Fstatic.dnaindia.com%2Fsites%2Fdefault%2Ffiles%2F2014%2F03%2F09%2F219538-lgbt.jpg&f=1.>)

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## Lead Essay

### LGBT: The Unfinished Policy Agenda

The LGBT community includes some of the most impoverished, exploited and marginalized sections of our society. The community faces a number of critical challenges. Yet, the needs of the LGBT community continue to be neglected. The substantial progress achieved in 2013-2014 towards securing the rights of the LGBT community is now slowly being reversed. Adding to the existing woes faced by the transgender community is a new and serious challenge -- the social and economic negative impact of the November 8, 2016 demonetization.

It is very important that greater public attention, as well as attention of policy makers, be focused on unaddressed issues faced by the LGBT community. To this end, we are highlighting here five critical challenges affecting the community in India: (i) the absence of a comprehensive national policy framework for safeguarding and promoting the well being of the LGBT community; (ii) criminalization of homosexuality; (iii) continuing discrimination and violence; (iv) lack of healthcare and social support; and (v) the adverse impacts of the November 8 demonetization.

#### 1. Absence of a Comprehensive Legislative and Policy Framework for Safeguarding and Promoting the well-being of the Transgender community:

Although 2 years and 8 months have passed since the April 15, 2014 landmark NALSA judgment by the Supreme Court<sup>1</sup> giving historical recognition to the rights of transgender individuals, a comprehensive legislative and policy framework for securing and promoting transgender rights is yet to be put in place by the Government of India.<sup>2</sup>

On April 24, 2015, the Rajya Sabha unanimously passed a private member's bill introduced in 2014 by DMK Member Shri. Tiruchi Shiva, "The Rights of Transgender Persons Bill, 2014". The passing of a private member's bill by the Rajya Sabha is a rarity – Shri. Tiruchi Shiva's bill was the first private member's bill passed in some 45 years. The Bill would provide a wide range of rights and measures for the benefit of members of the TG community, including the establishment of welfare boards at the national and state level, two per cent reservation in government jobs and Transgender Rights Courts. The Bill would establish pensions and unemployment allowances for TGs and prohibit discrimination in employment. In August 2016, the Government introduced the Transgender Persons (Protection of Rights) Bill, 2016 in the Lok Sabha. The 2016 Bill has been referred to the Standing Committee on Social Justice and Empowerment. There has been widespread criticism of the 2016 Government Bill as it significantly reduces the measures in the Bill passed in 2015 by the Lok Sabha and does not meet several key demands of the TG community. The most contentious issues relate to uncertainty over whether

<sup>1</sup> National Legal Services Authority v. Union of India & Ors. [Writ Petition (Civil) No. 400 of 2012 ('NALSA')] dated April 15, 2014, by a division bench of Justices K.S. Radhakrishnan and A.K. Sikri.

<sup>2</sup> In the NALSAR judgment, the Supreme Court recognized nine sets of rights for TGs, as follows: : "(1) Hijras, Eunuchs, apart from binary gender, be treated as "third gender" for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State Legislature; (2) Transgender persons' right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender; (3) We direct the Centre and the State Governments to take steps to treat them as socially and educationally; backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments; (4) Centre and State Governments are directed to operate separate HIV Sero-surveillance Centres since Hijras/ Transgenders face several sexual health issues; (5) Centre and State Governments should seriously address the problems being faced by Hijras/Transgenders such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies, social stigma, etc. and any insistence for SRS for declaring one's gender is immoral and illegal; (6) Centre and State Governments should take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities; (7) Centre and State Governments should also take steps for framing various social welfare schemes for their betterment; (8) Centre and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and be not treated as untouchables; and (9) Centre and the State Governments should also take measures to regain their respect and place in the society which once they enjoyed in our cultural and social life."

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the 2016 Bill permits self-identification; the Bill's exclusion of psychological criteria (as against biological/physical criteria) in the definition of transgender; the absence of reservation; and the inadequacy and lack of provisions for right to marriage, inheritance and adoption. Shri. Tiruchi Shiva said, "The massively diluted Transgender Persons (Protection of Rights) Bill, 2016 of the government is unrecognizable from the private member's bill passed by the Rajya Sabha and betrays a lack of understanding of the community and its concerns. If passed it will reverse all the gains the community has achieved in its pursuit of dignity through decades of struggle." His view is supported by Orinam, various other NGOs working towards transgender rights in India and the community at large.

The 2016 Bill has been referred to the Parliamentary Standing Committee on the Ministry of Social Justice and is now pending before it.

The UPA Government had set up an Expert Committee in 2013 on Issues related to Transgender Persons. The Committee submitted its report on 27 January, 2014. In its NALSAR judgment, the Supreme Court had asked that the recommendations of the report be examined based on the legal declaration made in the Judgment and implemented within six months" (i.e., by October, 2014). The website of the Ministry of Social Justice and Empowerment of the Government of India says (visited on December 28, 2016) that (i) "Concerned Central Ministries and the State/ UT Governments are being consulted for their suggestions/views on the recommendations made by the Expert Committee and also confirm what action can be taken at their end; and (ii) that the Expert Committee has recommended that the Ministry of Social Justice & Empowerment may set up a Standing Coordination Mechanism in the form of an Inter-Ministerial Committee for coordinating the welfare activities being undertaken by the various Ministries and State/UT Governments for transgender community [with] representatives of concerned Central Government Ministries and representatives of State Governments" as members Accordingly, an Inter-Ministerial Committee has been constituted.

It is thus clear that since the assumption of office of the NDA Government in 2014, the work on developing a comprehensive legislative and policy framework to secure and promote the rights of TGs has made little progress.

Some administrative agencies have implemented the Supreme Court judgment but others have not. Election commission, National Pension System and the Aadhar program recognize the third gender. The option was included in Indian passports more than 10 years ago in 2005.<sup>i</sup> But, other agencies such as those responsible for ration cards, driving license, banks, insurance companies and mutual funds do not.

At the state level, only Kerala has put in place a policy framework for the LGBT community. This policy could serve as a model for a national policy. The 'State Policy for Transgenders in Kerala 2015' is based on the NALSA judgement and the findings of the Kerala State TG Survey. The policy covers all the categories of TGs, including male to female TGs and intersex people, the right to self-identification, equal access to social and economic opportunities, resources and services, right to equal treatment under the law, right to live life without violence and equitable right in all decision-making bodies. Further, it recommends setting up of a TG Justice Board with state Minister for Social Justice as its chairperson. The body will monitor and oversee the implementation of the policy and have Social Justice secretary as its Member-Secretary and secretaries of various departments as members. The Department of Social Justice will also conduct a mid-term evaluation of the policy implementation and results in 2018, three years after the initiation of the TG Policy.<sup>ii</sup>

Five states do not have a comprehensive state policy document on transgender rights but, they have provided members of the transgender community with social welfare benefits based on the NALSA judgment. These states include Maharashtra, Karnataka and Odisha, Jammu and Kashmir and Tamil Nadu. In 2009, the Tamil Nadu state government began providing free Sex Reassignment Surgery (SRS) in the Government Hospital (only for Male to Female); free housing program; various citizenship documents; admission in government colleges with full scholarship for higher studies; alternative sources of livelihood through formation of self-help groups (for savings)

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and initiating income-generation programmes (IGP). Tamil Nadu was also the first state to form a Transgender Welfare Board with representatives from the transgender community.

### 2. Criminalization of Homosexuality

Section 377 of the Indian Penal Code, criminalizes “voluntary carnal intercourse against the order of nature with any man, woman or animal”. Homosexuality is considered to be “against the order of nature” and therefore criminal, punishable with a 10-year prison term. A July 2009 Delhi High Court judgment decriminalized homosexuality<sup>3</sup>. The Supreme Court reversed the Delhi High Court decision in December, 2013. In February, 2016 the Supreme Court agreed to a review of its 2013 verdict by a fresh five judge constitutional bench. This review is pending.

A private member Bill was introduced by Mr. Shashi Tharoor in Lok Sabha to replace Section 377 of the Indian Penal Code and decriminalize homosexuality. The Bill was defeated by 71 votes to 24, with one abstention.<sup>iii</sup>

Over the past three years, gay activists have fought back against the court’s ruling, challenging the verdict, holding rallies and using social media to try and sway public opinion. The activists believe that the struggle will last for many years owing to the time consuming legal processes involved.

Meanwhile, the number of cases against gays and lesbians have been rising. The police is said to be using online dating portals to lure them. According to National Crime Records Bureau in 2015, 1491 arrests have been made under Section 377, out of which 207 were minors and 16 were women. There has been a 17% increase in these arrests compared to 2014 and 814 cases involved underage children. Thus, it shows that consensual sex between same sex couples has been clubbed with child abuse.<sup>iv</sup>

### 3. Discrimination and Violence Against LGBT

Members of the LGBT community face discrimination at home, in education and employment on a regular basis. Hate crimes against the community have been rising as well.<sup>v</sup> Discrimination and bias-motivated crimes against the community are rampant and often go unreported.

Violence can be physical, emotional, mental or sexual in nature and can often lead to severe medical complications. There are many reasons for the violence, the primary one being the stigma attached with same sex relations, discrimination and non-conformity with gender or societal roles. The violence may even in some cases be a form of state violence. For example, in case of LGBT sex workers forced rescue and rehabilitation raids may lead to them being evicted from their residences onto the streets, where they may be more exposed to violence. Also, fear of arrest or harassment by the police may force street-based sex workers to move to locations that are less visible or secure, or pressure them into hurried negotiations with clients that may compromise their ability to assess risks to their own safety.<sup>vi</sup>

The treatment of a transgender in India is paradoxical and this can be seen by the fact that they are considered auspicious in Hindu mythology and sought at weddings and post births but, cases of abuse and exploitation of the community are common too.

Transgendered persons are usually treated as inferior to men and women and face constant heckling in public places leading to social exclusion. For the 4,90,000-transgendered people in India,<sup>4</sup> the real fear is of persecution and not prosecution. Members of both the community due to their prior experiences with law enforcement can no

<sup>3</sup> Naz Foundation v. Govt. of NCT of Delhi and others WP(C) No.7455/2001

<sup>4</sup> Transgendered people were included in India’s Census Survey for the first time in 2011. It estimated there are 4,90,000 transgendered persons in India though activists believe the number is much higher.

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longer rely on institutional bodies or mechanisms to safeguard them and they are suffering from the effects silently.

#### 4. Lack of Healthcare and Social Support

The Ministry of Health estimated that there are 2.5 million homosexuals in India as per its National Aids Control Programme. Further, it stated that 7% of the 2.5 million are HIV positive while only 0.2% of the population is HIV infected.

Under professional standards and medical rules, doctors cannot deny patients medical healthcare – yet many cases of homosexual HIV patients being denied treatment have been reported by journalists. They have faced abuse and discrimination by doctors. It is estimated that only 21% of HIV positive transgendered persons and 33% of sex workers have access to treatment.

Awareness has been increasing regarding the disease and the importance of safe sex which has led to a 50% decrease in cases of HIV in the last decade. The stigma of associating homosexuality with a fatal disease often leads to discrimination. Awareness campaigns debunking myths and incorrect information are essential. The misinformation surrounding the LGBT community continues to be the source of harassment and to empower these communities, social reform is required. People must be educated and campaigns promoting equality of all sections of society must be undertaken. India must aim towards being an inclusive society.

#### 5. Adverse Impacts of Demonetization

The NDA Government's demonetization scheme came as a surprise to many and has generated considerable amount of debate. The scheme was implemented in haste with the ostensible aim of curbing corruption and removing black money from circulation. The policy has been heavily criticized by many renowned economists including Dr. Manmohan Singh, Prof. Larry Summers and Prof. Amartya Sen. While public opinion on whether the move will be successful in achieving its aims is divided, there are very severe social implications of demonetization on marginalized fringe communities in India.

- A. **Demonetization Violates Constitutional Rights of LGBT:** The cash crunch most affects communities, such as the economically backward sections of the LGBT community, whose meager income is generally paid in cash and who do not have adequate documentation, knowledge or physical access to establish and operate bank accounts. The most vulnerable and impoverished sections of the LBGT community including unskilled or semi-skilled workers in the informal sector and daily wage earners would be most affected. These impacts would constitute violations of Fundamental Rights of such members of the LGBT community under Articles 21, 19(d) and 19(g) of the Constitution.

The Right to Life has been interpreted by the Supreme Court of India in such manner as to give expression to the scope intended by the framers of the Constitution. In **Kharak Singh vs. State of UP (1963)** the Supreme Court said, "By the term "life" as [used in Article 21, the Right to Life and Personal Liberty], something more is meant than mere animal existence." In **Sunil Batra v. Delhi Administration (1978)** the Supreme Court said that "the "right to life" included the right to lead a healthy life so as to enjoy all faculties of the human body in their prime condition. It would even include the right to protection of a person's tradition, culture, heritage and all that gives meaning to a man's life. It includes the right to live in peace, to sleep in peace and the right to repose and health." Article 19(d) recognizes the right to move freely throughout the territory of India; and Article 19 (g) recognizes the right to practice any profession, or to carry on any occupation, trade or business."

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- B. Lack of Cash Blocks Access to Health Care:** In time of low income, due to lack of cash some LGBT members have been forced to go to ‘gurus’.<sup>viii</sup> ‘Gurus’ or local doctors, who are often unqualified, only take cash. Thus, demonetization will severely affect access to healthcare for LGBT persons who cannot afford it. Considering this, a higher cash withdrawal ceiling for these communities may help ease the suffering caused by this policy. But, that would only help those with bank accounts.
- C. Harassment in Bank Queues:** Due to demonetization, members of the LGBT community have been forced to partake socially by standing in ATM lines where they have faced sexual harassment and discrimination. In some cases, they have been abused or even asked to leave by other customers. Demonetization has forced them to return to abusive interactions with people. It has reinforced the belief that the police instead of saving them from such abuse would plead helplessness or at times even partake in the abuse.

Ranjita Sinha, a member of the Association of Transgender/ Hijras in Bengal who holds a bank account in SBI alleged that she was harassed and abused at the bank.<sup>ix</sup> The problem of harassment being faced by these communities while standing in line at ATMs can be solved by having a separate counter for them like ones for senior citizens. This will allow them to access money safely and with dignity.

- D. Lack of Access to Banks:** The transgender community is diverse and includes those who do not wish to conform to either gender and, those who do not identify with the gender they are born with. In case of those who do not identify with either gender, they find it difficult to open bank accounts without the third gender option in the forms and those who do not identify with the gender of their bodies, find it difficult to prove the same, even post-surgery. Thus, very few transgender people have all the identity documents that the know-your-customer (KYC) process requires. These include PAN cards and proof-of-address documents such as voter identification cards, ration cards, drivers’ licenses and passports (all of which offer options for “male,” “female” and “other”). To have these IDs requires school education certificates but, most transgendered persons do not have those certificates. Only 25% members of the transgender community are estimated to have bank accounts and are still barred from getting driving licenses, ration cards or pan cards. Reserve Bank of India directed all banks to include “third gender” in their banking form. The directive does not include a deadline by when banks must comply and most bank forms do not include that option. SBI, ICICI and a few other banks have included this option.<sup>x</sup>

The members of these communities managed by dealing only in cash and saving all their money in cash as well. But, now they fear they will lose all their savings due to demonetization as they do not have bank accounts or the means to exchange old currency.<sup>xiii</sup>

Special centres must be set up to aid LGBT persons in getting ID cards and Aadhar cards made and to help them get bank accounts. KYC forms must be formatted to include the third gender option as well. Training and instruction on banking and using ATMs must be given and they should be allowed to have ration cards and PAN cards.

- E. Loss of Income:** The transgender- sex worker community is in a unique position of fearing the loss of their savings but, at the same time they are being forced to turn away the few regular customers that they still might attract. In case the customer has old currency or credit cards, they cannot accept payments.

“There have been no customers for a week now. They just stopped showing up. Some did come with old notes of Rs 500 or Rs 1,000, but we sent them away. They won’t get any services without paying. Our business does not work on credit,” said a sex worker, who has been working in a G B Road brothel for over a decade.

This loss of income can often leave members of these communities without food or shelter. Thus, ‘Special Patrols’ at night must be organized to provide food and shelter for people who have been forced to become

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homeless due to lack of informal income sources. Special provisions to accept old currency from these people could also be made to aid the especially vulnerable.

### 6. The Way Ahead

The LGBT community is one of the most vulnerable groups of citizens of our country. The true effects of the new policy on demonetization by the Government can be seen on these communities, majority of whose members are illiterate, disempowered, bearing a deep mistrust of the system and cannot afford the income loss caused by it. Policy makers must keep in mind the fringe communities while devising policies as usually they are the ones that take the worst brunt of Government policies.

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<sup>i</sup> Preeti Kulkarni, The Economic Times, 25 February, 2016, Available at: <http://economictimes.indiatimes.com/wealth/insure/lic-introduces-third-gender-option-in-its-proposal-form-move-cleared-by-irda/articleshow/51131020.cms>

<sup>ii</sup> The Indian Express, 12 November, 2015, Available at: <http://indianexpress.com/article/india/india-news-india/kerala-becomes-first-state-to-unveil-transgender-policy/>.

<sup>iii</sup> Indian Express, 18 December, 2016, Available at: <http://indianexpress.com/article/india/india-news-india/shashi-tharoor-bill-to-decriminalise-homosexuality-defeated-in-ls/>.

<sup>iv</sup> Mambaonline.com, 25 October, 2016, Available at: <http://www.mambaonline.com/2016/10/25/nearly-1500-arrested-anti-gay-law-india/>.

<sup>v</sup> Haeyoun Park, New York Times, 16 June, 2016, Available at: <http://www.nytimes.com/interactive/2016/06/16/us/hate-crimes-against-lgbt.html>

<sup>vi</sup> WHO, Addressing violence against sex workers, Available at: [http://www.who.int/hiv/pub/sti/sex\\_worker\\_implementation/swit\\_chpt2.pdf](http://www.who.int/hiv/pub/sti/sex_worker_implementation/swit_chpt2.pdf)

<sup>vii</sup> Menaka Rao, Priyanka Vora, The Scroll, 15 November, 2016, Available at: <http://scroll.in/pulse/821579/demonetisation-or-not-doctors-have-no-business-denying-emergency-healthcare-services>.

<sup>viii</sup> Sreemoyee Chatterjee, Times of India, 30 November, 2016, Available at: <http://timesofindia.indiatimes.com/city/bengaluru/Only-21-of-HIV-positive-transgenders-33-of-sex-workers-have-access-to-treatment/articleshow/55693798.cms>

<sup>ix</sup> IndiaLiveToday, 24 November, 2016, Available at: <http://www.indialivetoday.com/transgender-kolkata-bank-faced-misbehaviour-complaint-lodged-bank-staff/64969.html>

<sup>x</sup> Derek Francis, Reuters, 22 June, 2015, Available at: <http://blogs.reuters.com/india/2015/06/22/transgenders-search-for-identity-and-a-bank-account-in-india/>.

<sup>xi</sup> Soumya Pillai, Hindustan Times, 30 November, 2016, Available at: <http://www.hindustantimes.com/delhi/giggles-and-stares-but-no-cash-for-transgenders-in-delhi/story-OWLMzMOUWEujCFGStvtsZL.html>

<sup>xii</sup> Derek Francis, Reuters, 22 June, 2015, Available at: <http://blogs.reuters.com/india/2015/06/22/transgenders-search-for-identity-and-a-bank-account-in-india/>.

## Headlines

### **While the RBI Is Silent, Its Numbers Tell Us Demonetisation Has Failed**

(Surajit Maumdar, The Wire, 29 December, 2016)

Since the statement by the deputy governor on December 13, which said Rs 12.44 lakh crore of the old Rs 500 and Rs 1000 notes ('invalid notes') had been received by the RBI or in currency chests, the RBI has put out no figures on the deposits of invalid notes the public has made with banks or the value of such notes returned to the RBI. The exact amount of fresh or valid banknotes (new Rs 500 and Rs 2,000 notes and notes of smaller denominations) the RBI has put into circulation after November 8 has also not been provided for a long time (and the one statement of December 7 that did was subsequently withdrawn from the RBI website). Only a rough idea of this can be got from the data on valid banknotes issued to public by banks since November 10. The last figure on this put out by the RBI was Rs 5.93 lakh crore, as the amount issued up to November 19.

Read More: <https://thewire.in/90231/rbi-demonetisation-currency/>.

Date Accessed: 30/12/2016

## Economy

### **Banks go for cuts, lending rates down by up to 90 bps**

(George Mathew, *The Indian Express*, 2nd January, 2017)

Rolling out one of the steepest cuts in borrowing rates in recent times, leading banks lowered their lending rates on Sunday by up to 90 basis points, or a little less than one per cent, a day after Prime Minister Narendra Modi suggested that they should focus on the poor, lower middle class, middle class and senior citizens, and act in “public interest”. After the deadline for the demonetisation of Rs 500 and Rs 1,000 notes ended Friday, State Bank of India (SBI), the country’s largest bank, reduced the overnight marginal cost of funds based lending rates (MCLR) to 7.75 per cent from 8.65 per cent. The new rates are 8 per cent against 8.90 per cent for one-year loans, 8.10 per cent for two-year loans and 8.15 per cent for three-year maturity, SBI said.

Read More: <http://indianexpress.com/article/business/banking-and-finance/banks-go-for-cuts-lending-rates-down-by-up-to-90-bps-4455001/>

Date Accessed: 2/01/2017

### **Petrol prices hiked by Rs 1.29, diesel by Rs 0.97**

(DNA, 2nd January, 2017)

The prices of petrol and diesel have been increased by Rs. 1.29 and Rs. 0.97 per litre with effect from midnight. After the hike, petrol in New Delhi costs Rs. 67.39 per litre and diesel costs Rs. 55.94. The Indian Oil Corporation Ltd has decided to effect the price changes with effect from January 1 midnight. "The current level of international product prices of petrol and diesel and INR-USD exchange rate warrant an increase in selling price of petrol and diesel, the impact of which is being passed on to the consumers with this price revision," the official release stated.

Read More: <http://www.dnaindia.com/money/report-petrol-prices-hiked-by-rs-129-diesel-by-rs-097-2288488>

Date Accessed: 2/01/2017

### **Cash is medieval, cards break vicious economic cycles**

(Neelkanth Mishra, *The Indian Express*, 2nd January, 2017)

There is something medieval about cash: In providing the medium of exchange economies needed for transactions, rulers made a hefty profit converting pieces of paper or metal into money (this profit is called “seigniorage”). With democratically-elected governments, the extortionary nature of this activity is perhaps less obvious. But cash is a zero-cost loan for the government. If it instead issues a bond to fund its expenses, it needs to pay interest. The Rs 65,000 crore of dividend paid by the RBI to the government every year is seigniorage-related. A fall in currency in circulation would bring this down.

Read More: <http://indianexpress.com/article/opinion/columns/cash-is-medieval-cards-break-vicious-economic-cycles-4450956/>

Date Accessed: 2/01/2017

### **Poor swiped out in choice-less, not cashless, society**

(Aruna Roy, *The Indian Express*, 30th December, 2016)

Demonetisation is, by its very nature, an autocratic, coercive step. The demonetisation of November 2016 has affected every single Indian. We are, as usual, persuaded to bear the pain and suffering, to “sacrifice” for the nation. The rhetoric continues but it now seems clear that the objective to root out black money has failed. Having failed to deliver the promise, the new goal post is to get rid of money altogether — to go “cashless”.

In a fait accompli, this government coerces us into a cashless world. For the poor and the marginalised, with little cash in the first place, this dark digital nightmare promises to “swipe” them out, before their marginalisation from the economy is even addressed. The “acche din” promise mocks at them.

Read More: <http://indianexpress.com/article/opinion/columns/poor-swiped-out-in-choice-less-not-cash-less-society-4450986/>

Date Accessed: 02/01/2017

## Governance & Development

### *POLITICS AND GOVERNANCE*

#### **Questioning the ‘Phenomenal Success’ of Aadhaar Linked DBT for LPG**

(Rahul Lahoti, *The Economic and Political Weekly*, December 24, 2016)

The Aadhaar-linked Direct Benefit Transfer scheme for reducing leakages in Liquefied Petroleum Gas (LPG) subsidies has been widely advertised as a phenomenal success and has been used to promote Aadhaar and DBT in other spheres by prominent government officials. However, analyses of various studies and data shows that the government’s tall claims of savings cannot be confirmed and leaves much to be questioned.

Read more: <http://www.epw.in/journal/2016/52/web-exclusives/questioning-%E2%80%9Cphenomenal-success%E2%80%9D-aadhaar-linked-direct-benefit>

Date Accessed: 29.12.2016

#### **Aadhaar shows India's governance is susceptible to poorly tested ideas pushed by powerful people**

(M Rajshekhkar, *Scroll*, 27th December, 2016)

This series has flagged a puzzling trend. State governments are struggling to use Aadhaar-based fingerprint authentication in ration shops. At the same time, a rising number of companies are integrating Aadhaar into their databases.

Read More: <https://scroll.in/article/825103/aadhaar-shows-indias-governance-is-susceptible-to-poorly-tested-ideas-pushed-by-powerful-people>

Date of Access: 29.12.2016

#### **Why Have Certain Security Forces Unlawfully Rejected RTIs?**

(News Laundry, 28 December, 2016)

In the wake of the 2016 unrest in Jammu and Kashmir, Factly filed an application under RTI with the Ministry of Home Affairs and the Ministry of Defence seeking information on records of human rights violations by all central combat forces stationed in the state of Jammu and Kashmir and North-Eastern states of Nagaland, Assam, Manipur, Mizoram and Arunachal Pradesh between 1990 and 2016. The application also requested to furnish how many of the personnel guilty of such violations were court-martialed.

Read More: <https://www.newslaundry.com/2016/12/28/why-have-certain-security-forces-unlawfully-rejected-rtis>

Date Accessed: 30/12/2016

### *ENVIRONMENT*

#### **Construction Projects Don’t Need Environmental Clearances**

(Ishan Kukreti, News Laundry, 28 December, 2016)

At some unspecified point in the past, it seems a mysterious someone showed up at the Ministry of Environment and Forest (MoEF) with “suggestions”. If this sounds vague, then blame it on the ministry’s website, which said it had “received suggestions for ensuring Ease of Doing Responsible Business; and streamlining the permissions for buildings and construction sector which is important for providing houses and for this purpose the scheme of Housing for all by 2022 with an objective of making available affordable housing to weaker sections”. Net result, the MoEF has tweaked the Environment Impact Assessment (EIA) notification 2006 so that now, construction projects no longer need environmental clearances (EC).

Read More: <https://www.newslaundry.com/2016/12/28/construction-projects-dont-need-environmental-clearances>

Date Accessed: 30/12/2016

## Governance & Development

### *AGRICULTURE*

#### **Arhar pinches, this time for farmers**

(Harish Damodaran, *The Indian Express*, 29th December, 2016)

If 2015 was the year of arhar (pigeon-pea) – retail prices of the milled dal scaled Rs 180-200 per kg levels in October and contributed hugely to the Bharatiya Janata Party's defeat in the Bihar Assembly polls – 2016 is set to close with the humble legume virtually disappearing from the public radar.

Read More: <http://indianexpress.com/article/business/commodities/arhar-prices-fall-pinches-this-time-for-farmers-4449589/>

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## Society

### CASTEISM

#### **The CBSE Just Removed an Entire History of Women's Caste Struggle**

(Maya Palit, *The Wire*, 24th December, 2016)

Do you remember the story of Nangeli, an Ezhava woman from Cherthala in Kerala? Her powerful and haunting gesture in protest of breast taxes – chopping off her breasts and handing them to the tax collector on a plantain leaf before dying from the loss of blood – is a local legend, but missing from official archives. Over the last few years her story has been revived in some cultural spaces, but it once ran the risk of fading into oblivion. According to Kerala-based painter T. Murali, who has illustrated her horrific story in paintings, it is a reminder of how hideous epochs in the history of India's caste relations can be all too easily forgotten.

Read More: <https://thewire.in/89403/cbse-removed-history-womens-caste-struggle/>

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### GENDER

#### **Postpartum Depression: Is Motherhood for Indian Women as Blissful as it Should Be?**

(Teertha Arora and Nandita Bhan, *The Wire*, 29th December, 2016)

Postpartum depression usually manifests a few weeks after childbirth. The birth of a baby triggers numerous emotions in the mother, from zest and joy to fear and anxiety. Some may experience 'postpartum baby blues' along with physiological and hormonal changes that last up to two weeks after delivery. When these blues, along with physiological symptoms, continue beyond two weeks and manifest in more severe signs, it usually requires medical help. The mother in such a case experiences severe mood swings, excessive crying, difficulty bonding with the infant, loss of appetite or overeating, insomnia or sleeping too much, panic attacks – or, in extreme cases, thoughts of harming oneself or the new born child. Freak cases where a depressed mother has killed her own child have been reported in the US and the UK. In India, such instances go unreported or misreported.

Read More: <https://thewire.in/90192/postpartum-depression-mothers-violence/>

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#### **Sexual Harassment Complaints to be Part of Annual Report**

(*The Tribune*, December 29, 2016)

Following fresh guidelines from the Department of Personnel and Training, any case of sexual harassment at ministries will now be part of their annual report. The guidelines also include details on implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and time-bound inquiry into complaints. The norms were issued following a review meeting on implementation of the Act held by Women and Child Development Minister Maneka Gandhi in October.

Read more: <http://www.tribuneindia.com/news/nation/sexual-harassment-complaints-to-be-part-of-annual-report/343191.html>

Date Accessed: 29.12.2016

#### **A New Birth Control Injection Spells Disaster For Women's Health But The Government Doesn't Care**

(News Laundry, 28 December, 2016)

Governments everywhere have always had a continued interest in controlling and profiting from women's bodies. They do this brazenly and in all kinds of ways — one of which is to control contraceptive methods and their availability. So, while women in Tamil Nadu have hardly any access to emergency contraceptive pills (because some people consider its availability a 'moral concern') that the state government is trying to lift its unofficial ban on, the Centre is now all set to roll out free birth control injections that suppress ovulation. They're the same depot medroxyprogesterone acetate (DMPA) injections that The Ladies Finger had reported on last year — the ones some doctors — with evidently classist and casteist attitudes — have said they would endorse for the poor but, fearing side effects, wouldn't prescribe to their own patients in private practice.

Read More: <https://www.newslaundry.com/2016/12/28/a-new-birth-control-injection-spells-disaster-for-womens-health-but-the-government-doesnt-care>

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## India and World

### *INDIA IN THE WORLD*

#### **New Draft Proposal on NSG Membership Unlikely to Please India**

**(The Wire, 29 December, 2016)**

A new proposal drafted to bring those who are not signatories to the Nuclear Non-Proliferation Treaty (NPT) into the Nuclear Suppliers Group is unlikely to find much resonance in New Delhi, due to a rider that membership will be contingent on “commitment not to conduct a nuclear test”. Earlier this month, Argentine ambassador Rafael Mariano Grossi circulated a draft proposal which listed nine “general commitments” that countries who have not signed the nuclear non-proliferation treaty would have to undertake to join the cartel.

Read More: <https://thewire.in/90403/nsg-membership-nuclear-testing/>.

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## Opinions/ Books

### OPINIONS

#### Globalisation Era Ends

(G. Parthasarathy, *The Tribune*, December 29, 2016)

While some in India have drawn satisfaction from Trump's friendly references to India, 'Hindus' and PM Modi, it would be prudent to proceed cautiously on his policies towards China, and even Afghanistan, where India has vital national security interests. While contacts have been established with Lt Gen Flynn, one can expect the State Department headed by Rex Tillerson to be more forthcoming than what prevailed when John Kerry was Secretary of State. But what should one expect from the unpredictable President-elect Donald Trump who assumes office on January 20?

Read more: <http://www.tribuneindia.com/news/comment/globalisation-era-ends/343058.html>

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#### Reducing Suicides

(*The Economic and Political Weekly*, December 24, 2016)

The emerging explanations point not only to rapid changes in economic life, especially after economic liberalisation, but also to changes in society (family structure, marriage, social aspiration, among other changes). Peter Mayer, in a series of three articles on suicide in India in this journal (2 April, 8 October, and in this issue), argues that there is an urgent need to broaden our understanding of suicide, and thereby push policymakers -towards addressing suicide in its complexity.

Read more: <http://www.epw.in/journal/2016/52/editorials/reducing-suicides.html>

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