



GS-2

Transgender Persons (Protection of Rights) Bill, 2019

Why in news?

The Transgender Persons (Protection of Rights) Bill, 2019, which was introduced in the Lok Sabha on July 19, was passed by a voice vote on August 5. A contentious provision that criminalised begging by transgender people has been removed from the Bill.

Who is a transgender person?

- The Bill defines a transgender as a person whose gender assigned at birth does not match with his/her perceived gender.
- This includes trans-men, trans-women, “(whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta”.

What are the provisions?

- The Bill states that a transgender person shall have the right to self-perceived gender identity.
- It prohibits discrimination against a transgender person on grounds including denial, discontinuation or unfair treatment in educational establishments, services, employment, healthcare.
- According to an analysis by PRS Legislative Research, every transgender person will have the right to be included in their household, and in case the immediate family is unable to take care of the person, he/she may be placed in a rehabilitation centre.



- The government shall provide education, sports and recreational facilities for transgender people.
- Provisions for separate HIV surveillance centres and sex reassignment surgeries should also be provided by the government, as per the Bill.

- The Bill mentions that the “appropriate Government” will formulate transgender sensitive, non-stigmatising and non-discriminatory welfare schemes and programmes.
- Additionally, the government should also take steps for the rescue, rehabilitation and protection of transgender persons.

The Grievance Redressal Mechanism

- The Bill states that every establishment will have to appoint a complaints officer to deal with complaints relating to the violation of any provisions.

What is the Certificate of Identity?

- A transgender person will have to make an application to the District Magistrate, who will issue a certificate of identity to the transgender person.
- Essentially, this certificate will be proof that the person is a transgender, reflecting their gender as “transgender”.
- Subsequently, the gender of the person as reflected in the certificate will be recorded in all official documents.
- In case of a minor child, such an application will be made by the parent or guardian of the child.
- A transgender person will be eligible for a revised certificate only if he/she undergoes surgery to change their gender.

What is the National Council for Transgender Persons?

- In order to exercise the provisions and functions of the Transgender Persons (Protection of Rights) Act, 2019, the Central Government will set up the National Council for Transgender Persons (NCT), on appointment.



- This body will consist of the Union Minister for Social Justice (Chairperson), a Minister of State for Social Justice (Vice- Chairperson), a Secretary of the Ministry of Social Justice, and one representative each from ministries including Health, Home Affairs, and Human Resources Development.
- Representatives of the NITI Aayog and the National Human Rights Commission will also be included, along with five members from the transgender community and five experts from non-governmental organisations.
- This body will advise, monitor and review the policies and schemes formulated by the central government for transgender people.

What constitutes offences and penalties under this Bill?

- Any person who is found to be compelling a transgender person into bonded labour (barring compulsory service imposed by the government), denying right of public passage to a transgender person, evicting a transgender from his/her place of residence, causing physical, sexual, verbal, economic and emotional abuse, can be penalised with imprisonment of not less than six months, that can extend up to two years, and be also fined.

PM Kisan Maan Dhan Yojana.

Context: Registration opens for PM Kisan Maan Dhan Yojana.

Aim: To improve the life of small and marginal farmers of the country.

Salient features of the scheme:



- The scheme is voluntary and contributory for farmers in the entry age group of 18 to 40 years.
- A monthly pension of Rs. 3000/- will be provided to them on attaining the age of 60 years.
- The farmers will have to make a monthly contribution of Rs.55 to Rs.200, depending on their age of entry, in the Pension Fund till they reach the retirement date i.e. the age of 60 years.
- The Central Government will also make an equal contribution of the same amount in the pension fund.
- The spouse is also eligible to get a separate pension of Rs.3000/- upon making separate contributions to the Fund.
- The Life Insurance Corporation of India (LIC) shall be the Pension Fund Manager and responsible for Pension pay out.
- In case of death of the farmer before retirement date, the spouse may continue in the scheme by paying the remaining contributions till the remaining age of the deceased farmer.
- If the spouse does not wish to continue, the total contribution made by the farmer along with interest will be paid to the spouse.
- If there is no spouse, then total contribution along with interest will be paid to the nominee.
- If the farmer dies after the retirement date, the spouse will receive 50% of the pension as Family Pension.
- After the death of both the farmer and the spouse, the accumulated corpus shall be credited back to the Pension Fund.
- The beneficiaries may opt voluntarily to exit the Scheme after a minimum period of 5 years of regular contributions.
- On exit, their entire contribution shall be returned by LIC with an interest equivalent to prevailing saving bank rates.
- The farmers, who are also beneficiaries of PM-Kisan Scheme, will have the option to allow their contribution debited from the benefit of that Scheme directly.
- In case of default in making regular contributions, the beneficiaries are allowed to regularize the contributions by paying the outstanding dues along with prescribed interest.
-

Significance of the scheme:



- It is expected that at least 10 crore labourers and workers in the unorganised sector will avail the benefit of the scheme within next five years making it one of the largest pension schemes of the world.

Surrogacy (Regulation) Bill 2019

Why in news?

The Surrogacy (Regulation) Bill 2019, which proposes to ban commercial surrogacy, was passed by Lok Sabha on August 5. The Bill was introduced by the Minister of Health and Family Welfare, Harsh Vardhan, in the House on July 15.

What is commercial surrogacy?

- Surrogacy is defined as the practice in which a woman gives birth to a child for a couple, referred to as an “intending couple”, with the intention to hand over the child to that couple.
- An ‘intending couple’ are a couple who have medically been proved as infertile. Ordinarily, in surrogacy, eggs are extracted from the intending mother and after fertilisation, are implanted in the surrogate mother’s uterus.
- Surrogacy can be either altruistic or commercial. In the former, no monetary considerations are involved, except medical expenses and insurance.
- In the case of commercial surrogacy, the woman who gives birth to a child for the intending couple is rewarded for it in cash or kind.

Who can be a surrogate mother?



- Chapter I of the Bill defines a surrogate mother as, “a woman bearing a child (who is genetically related to the intending couple) through surrogacy from the implantation of the embryo in her womb...”. A married woman between the ages of 25 and 35 who has a child of her own can be a surrogate or can help in surrogacy by donating her egg.
- The surrogate mother needs to be a close relative of the intending couple and can become a surrogate only once in her lifetime.
- Additionally, a woman cannot become a surrogate mother by providing her own gametes (unfertilised eggs).

When is surrogacy permitted?

- As per the Bill, only altruistic surrogacy will be permitted in India, in cases where either or both members of the couple suffer from infertility, of which the certificate of essentiality is proof.
- Additionally, a certificate of eligibility is issued to the intending couple and is proof that the couple has been married for at least five years, and are Indian citizens.
- The wife must be in the age group of 23-50, and the husband in the age group of 26-55.
- The intending couple should not have any surviving biological child, through adoption or through surrogacy.
- An exception is made if the intending couple has a surviving child who is mentally or physically challenged, or is suffering from a fatal illness with no permanent cure.

Where can surrogacy procedures be carried out?

- Only surrogacy clinics registered under the Surrogacy (Regulation) Act, 2019 will be able to perform procedures related to surrogacy.
- The Bill defines surrogacy procedures as “all gynaecological, obstetrical or medical procedures, techniques, tests, practices or services involving the handling of human gametes and the human embryo in surrogacy”.

Who can be guilty of commercial surrogacy?



- According to the Bill, if an individual is found advertising or undertaking surrogacy, exploiting the surrogate mother, selling, importing, purchasing or trading human embryos or gametes for surrogacy, conducting sex selection for surrogacy, or has abandoned, exploited or disowned a surrogate child, he/she can be liable for imprisonment of up to 10 years and a fine of up to Rs 10 lakh.

Other provisions

- In case abortion of a surrogate foetus is considered, only the consent of the surrogate mother is required, as per the provisions under the Medical Termination of Pregnancy Act, 1971.
- The intending couple has no say in this decision. On the other hand, after being born, the child is considered to be the biological child of the intending couple.

The Protection of Children from Sexual Offences (POCSO) Act

Why in news?

Amendments to The Protection of Children from Sexual Offences (POCSO) Act were passed by Parliament last month.

The Act, which came into force in 2012, is the first comprehensive law in the country dealing specifically with sexual abuse of children. The amendments to the Act include enhancement of punishment to include death penalty for child sex abuse.

Why was the POCSO Act introduced, and what is its significance?

- The Act came into force on November 14, 2012, and was specifically formulated to deal with offences including child sexual abuse and child pornography.
- The Act through its 46 provisions increased the scope of reporting offences against children, which were not earlier covered under the Indian Penal Code.
- This included aggravated penetrative sexual assault to include punishment for abuse by a person in position of trust or authority including public servants, police, armed forces, management or staff of an educational or religious institution.
- It also defined the procedure for reporting of cases, including a provision for punishment for failure to report a case or false complaint.



- It provided procedures for recording of the statement of a child by the police and court, laying down that it should be done in a child-friendly manner, and by the setting up of special courts.

What are the amendments passed by the Parliament?

- The Act has enhanced punishment under various sections of the Act including punishment for aggravated penetrative sexual assault to be increased to include death penalty.
- Other sections under which the punishment has increased includes the minimum punishment for penetrative sexual assault, which has been increased from seven years to 10 years -- and, if the child is below 16 years of age, the minimum punishment has been increased to 20 years.
- The Act has also tightened the provisions to counter child pornography. While the earlier Act had punishment for storing child pornography for commercial purposes, the amendment includes punishment for possessing pornographic material in any form involving a child, even if the accused persons have failed to delete or destroy or report the same with an intention to share it.
- The Act has also removed the words "communal or sectarian violence", which had punishment for a person who sexually abused a child during the course of such violence. The words have been replaced with "violence during any natural calamity or in similar situations".

Why were these amendments brought?

- Union Women and Child Development Minister Smriti Irani cited a report of the National Crime Records Bureau from 2016 indicating an increase in the number of cases registered under the said Act "from 44.7 per cent in 2013 over 2012, and 178.6 per cent in 2014 over 2013, and no decline in the number of cases thereafter".



- She said there was a strong need to take stringent measures to deter the "rising trend of child sex abuse" in the country to "deter the perpetrators and ensure safety" for a child.
- The government has argued that there was a need to make rules for prescribing a manner in which pornographic material involving a child can be deleted, destroyed or reported.

What was the feedback/criticism the amendment Bill received from child rights experts?

- Many have criticised the provision for death penalty that has been added to the Act. Reports by NGOs working with children, as well as the latest National Crime Records Bureau's Crime in India Report, 2016, state that over 94 per cent of the accused in cases registered under The POCSO Act, are known to the victims, including close family members.
- This may deter victims, or put pressure on them to not file a complaint, given the possibility of death now.
- Further, while the Act states that the cases should be heard expeditiously, the pendency rate as per the NCRB is over 89 per cent.
- The delays affect the probability of conviction despite the stringent sections," a prosecutor in a Mumbai court said.
- The conviction rate is less than 30 per cent under the Act.
- Last month, the Supreme Court directed the setting up of special courts in each district across the country within sixty days over the alarming rise of pendency.

GS-3

CPSE ETF

What is CPSE ETF?

- CPSE ETF, as the name suggests, is an exchange-traded fund (ETF) comprising public sector enterprises (PSEs).
- The ETF was launched by the government in March 2014 to help divest its stake in select public sector undertakings through the ETF route.



- The ETF is based on the Nifty CPSE index that comprises 11 PSEs such as ONGC, NTPC, Coal India, Indian Oil Corporation, REC, Power Finance Corporation, Bharat Electronics, Oil India, NBCC (India), NLC India and SJVN.
- The parameters based on which companies have been made part of the index include a criteria that they have paid at least 10% dividend in the last two consecutive years.

What are the benefits of CPSE ETF?

- Investors get to hold stake in the best of public sector enterprises — the so-called Maharatna, Navaratna and the Miniratna — that have a strong dividend-paying track record.
- Incidentally, the dividend yield of the CPSE ETF index is around 5%, higher than the other indices.
- While investors get an opportunity to diversify their portfolio through a single ETF, it also has the added advantage of an upfront discount that investors get if invested at the time of the further fund offering or fresh fund offering (FFO). Also, the fund has a very low expense ratio, which, in turn, enhances the returns.

How has the response to FFOs been till now?

- The new fund offer (NFO) of the CPSE ETF was launched in March 2014 and since then, there have been five rounds of FFOs. The popularity of the ETF can be gauged from the fact that each of the FFOs was oversubscribed, with investors across categories bidding in huge numbers.
- Till the sixth FFO in July, the government had raised ₹38,500 crore through the CPSE ETF. The sixth FFO attracted bids worth ₹40,000 crore which is five times the issue size of ₹8,000 crore.
- In other words, the last tranche has attracted as much subscription as the five tranches before it put together.



इहोइहोव
I A S A C A D E M Y
Your Dreams, Our Mission!

- This also assumes significance as the government has set a record divestment target of ₹1.05 lakh crore in the current financial year. The CPSE ETF is managed by Reliance Mutual Fund.