



DAILY CURRENT AFFAIRS

30 SEPTEMBER, 2023



S.NO.	TOPIC
1.	INDIA AGEING REPORT 2023
2.	PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT (POCSO ACT)

INDIA AGEING REPORT 2023

SOURCE: [TH](#)

WHY IN NEWS?

India's elderly population is growing at a rapid rate, with a projected share of **over 20% of the total population by 2050**, according to the **United Nations Population Fund (UNFPA)** in its **2023 India Ageing Report**.

KEY FINDINGS OF THE REPORT:

DEMOGRAPHIC TRENDS:

- ❖ India's senior citizen population is experiencing rapid growth, with a **decadal growth rate of 41%**.
- ❖ **By 2050, over 20% of India's population will be elderly.**
- ❖ The elderly population will surpass the population of children (0 to 15 years old) by **2046**.
- ❖ The population of individuals aged **80+ years** is predicted to **increase by approximately 279% from 2022 to 2050**.

HIGHER LIFE EXPECTANCY OF WOMEN:

- ❖ **Women have a longer life expectancy at ages 60 and 80 compared to men**, with variations among states.
- ❖ For instance, in Himachal Pradesh and Kerala, women at 60 years have a life expectancy of 23 and 22 years, respectively, which is four years more than men at 60 years in these States, unlike the national average gap of only 1.5 years.

POVERTY AND WELL-BEING:

- ❖ **Over 40% of India's elderly are in the poorest wealth quintile.**
- ❖ Poverty among the elderly is a concern, impacting their quality of life and healthcare utilization.
- ❖ A significant proportion of elderly individuals, particularly women, lack any income, affecting their quality of life and healthcare utilization.

REGIONAL VARIATIONS:

- ❖ There are notable differences in the elderly population and their growth rates across states.
- ❖ **Most southern and certain northern states like Himachal Pradesh and Punjab reported a higher proportion of elderly population than the national average in 2021**, a gap expected to widen by 2036.

SEX RATIO OF THE ELDERLY POPULATION:

- ❖ The sex ratio among the elderly has been steadily increasing since 1991, in contrast to the stagnation in the general population's ratio.
- ❖ Between 2011 and 2021, the ratio increased across India except in Union Territories and western India.

- ❖ In the northeast and east, the ratio remained below 1,000, indicating more men than women among the elderly.
- ❖ However, in central India, the ratio increased significantly, suggesting that women have outperformed men in survival after 60 years over the decade.

LOW AWARENESS OF SOCIAL SECURITY SCHEMES:

- ❖ Senior citizens in India have limited awareness of various social security schemes designed for them.
- ❖ **Only about 55% are aware of the old-age pension scheme (IGNOAPS), 44% of the widow pension scheme (IGNWPS), and 12% of the Annapurna Scheme.**

CONCERNS AND CHALLENGES:

- ❖ Poverty in old age is gender-biased, especially when older women are more likely to be widowed, living alone, without income, and dependent on family support.
- ❖ The primary challenges facing India's aging population include the **feminization and ruralisation of the elderly population.**

KEY RECOMMENDATIONS OF THE REPORT:

ENHANCE DATA COLLECTION ON ELDERLY:

- Include **questions related to older individuals** in forthcoming data collection efforts like the **National Sample Survey, National Family Health Survey, and Census of India to acquire more reliable data** regarding elderly issues.

BOOST AWARENESS OF ELDERLY SCHEMES:

- The government should take measures to heighten awareness regarding existing schemes and initiatives tailored for senior citizens. This ensures eligible individuals are informed and can benefit from these programs.

REGULATE OLD AGE HOMES:

- Subject all Old Age Homes to regulatory oversight to safeguard the well-being and rights of elderly residents.

PROMOTE AGING IN PLACE:

- Encourage older individuals to age in their own residences whenever possible. This can be facilitated by establishing **short-term care facilities**, such as **day-care centres, to support families in caring for elderly members.**

SUPPORT ELDERLY SELF-HELP GROUPS:

- Encourage the formation and operation of self-help groups among the elderly. These groups can offer social support, resource-sharing, and promote the well-being of older individuals.

PROMOTE MULTIGENERATIONAL HOUSEHOLDS:

- Emphasize the importance of having elderly individuals reside in multigenerational households. This arrangement can provide emotional and practical support to older family members.

GOVERNMENT SCHEMES FOR ELDERLY POPULATION:			
SCHEME	OBJECTIVE	ELIGIBILITY	BENEFITS
1. National Policy on Older Persons (NPOP)	To provide a comprehensive framework for the welfare of older persons in India.	Persons aged 60 years and above.	Social security benefits, healthcare, nutrition, housing, and other services.
2. National Social Assistance Programme (NSAP)	To provide social security benefits to the poor and vulnerable, including older persons.	Persons aged 60 years and above who are destitute, indigent, or physically or mentally disabled.	Old age pension, widow pension, disability pension, and pension for the unmarried.
3. Pradhan Mantri Vaya Vandana Yojana (PMVVY)	To provide a regular income to senior citizens.	Persons aged 60 years and above.	A monthly pension of Rs. 3,000, Rs. 3,500, or Rs. 4,000, depending on the age of the subscriber and the amount of premium paid.
4. Rashtriya Vayoshree Yojana	To provide a monthly pension to indigent senior citizens.	Persons aged 60 years and above who have a monthly income of less than Rs. 2,000.	A monthly pension of Rs. 3,000.
5. SAMPANN Project	To provide financial assistance to older persons to set up self-employment ventures.	Persons aged 60 years and above.	Financial assistance of up to Rs. 50,000.
6. SACRED Portal for Elderly	To provide a single window for accessing information and services for older persons.	All older persons in India.	Information on government schemes, social welfare organizations, and other resources for older persons.
7. Senior care Ageing Growth Engine (SAGE)	To promote entrepreneurship and innovation in the ageing care sector.	All interested individuals and organizations.	Financial assistance, training, and mentorship for entrepreneurs in the ageing care sector.

ABOUT UNFPA (UNITED NATIONS POPULATION FUND):

- UNFPA operates as a specialized agency focusing on sexual and reproductive health within the UN General Assembly.

MANDATE ESTABLISHMENT:

- The UN Economic and Social Council (ECOSOC) grants UNFPA its mandate.
- It started as a trust fund in 1967 and commenced operations in 1969.
- In 1987, it was formally renamed the United Nations Population Fund, retaining the original abbreviation, 'UNFPA.'

OBJECTIVE:

- UNFPA directly addresses Sustainable Development Goals related to health (SDG3), education (SDG4), and gender equality (SDG5).

FUNDING:

- UNFPA does not receive funding from the UN budget.
- It relies solely on voluntary contributions from donor governments, intergovernmental organizations, the private sector, foundations, and individuals.

UNITED NATIONS (UN):

- International organization **established in 1945**.
- Comprises **193 Member States**.
- Works on maintaining international peace, human rights protection, humanitarian aid, sustainable development, and upholding international law.

HISTORY OF UN FOUNDATION:

- The **International Peace Conference in 1899** led to **instruments for peaceful conflict resolution** and the **establishment of the Permanent Court of Arbitration**.
- **League of Nations**, created in **1919**, aimed at promoting international cooperation and peace.
- UN's precursor, the **League of Nations**, and the **International Labour Organization (ILO)** were **established in 1919**.
- The name "**United Nations**" was **coined by U.S. President Franklin D. Roosevelt in 1942**
- **United Nations Conference on International Organization in 1945** led to the signing of the UN Charter, **establishing the UN**.

COMPONENTS OF THE UN:

- **GENERAL ASSEMBLY:** Main UN organ for deliberation, policymaking, and representation.
- **SECURITY COUNCIL:** Responsible for **international peace and security, comprising five permanent and ten non-permanent members**.
- **ECONOMIC AND SOCIAL COUNCIL (ECOSOC):** Focuses on economic, social, and environmental issues and coordinates UN specialized agencies.
- **TRUSTEESHIP COUNCIL:** Managed trust territories, but it **suspended operations in 1994**.
- **International Court of Justice (ICJ):** Principal judicial organ of the UN, succeeding the Permanent Court of International Justice.
- **Secretariat:** Comprises the Secretary-General and UN staff responsible for day-to-day UN work.

ECOSOC oversees specialized agencies, including the International Labour Organization, Food and Agriculture Organization, UNESCO, WHO, World Bank Group, IMF, ICAO, IMO, ITU, UPU, WMO, WIPO, IFAD, UNIDO, WTO, and more. It also includes regional commissions, functional commissions, and other committees.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT (POCSO ACT)

SOURCE: [THE HINDU, IE](#)

WHY IN NEWS?

The 22nd Law Commission, led by Justice (Retired) Ritu Raj Awasthi, recently released a report addressing the age of consent under the Protection of Children from Sexual Offences (POCSO) Act, 2012.

POCSO ACT & ITS SALIENT FEATURES

- **Enactment and Purpose:**
 - ✓ POCSO Act enacted on November 14, 2012.
 - ✓ Result of India's ratification of the UN Convention on the Rights of the Child in 1992.
 - ✓ Aims to address child sexual exploitation and abuse.
- **Definition of a Child:**
 - ✓ The Act defines a child as anyone below 18 years.
 - ✓ Emphasizes the paramount importance of the child's well-being at every stage.
- **Gender-Neutral and Child-Centric:**
 - ✓ The Act is gender-neutral and prioritizes the child's best interests and welfare.
 - ✓ Ensures the healthy physical, emotional, intellectual, and social development of the child.
- **Different Forms of Sexual Abuse:**
 - ✓ Defines various forms of sexual abuse, including penetrative and non-penetrative assault, sexual harassment, and pornography.
 - ✓ Considers sexual assault as "aggravated" under specific circumstances, such as when the child is mentally ill or when the abuser holds a position of trust or authority over the child.
- **Punishment for Child Trafficking:**
 - ✓ Holds those who traffic children for sexual purposes accountable under abetment provisions.
 - ✓ Prescribes stringent punishments based on the gravity of the offense, with the possibility of life imprisonment and fines.
- **Amendments in 2019:**
 - ✓ Amendments introduced in 2019.
 - ✓ Imposes stricter penalties, including the death penalty.
 - ✓ Aims to deter and prevent sexual crimes against children.
- **POCSO Rules, 2020:**
 - ✓ The Government of India notified the POCSO Rules, 2020.

ABOUT UN CONVENTION ON THE RIGHTS OF THE CHILD IN 1992:

The Convention on the Rights of the Child (CRC) was approved by the General Assembly of the United Nations on 20 November 1989. The Convention was formally opened for ratification on 26 January, 1990, the Government of India ratified the CRC on 11 December, 1992.

THE 22nd LAW COMMISSION REPORT RECOMMENDATIONS

- ❖ The **current age of consent shall remain 18 years** and but recommended adding "**guided judicial discretion**" for cases involving children aged 16 to 18 years.
- ❖ The Commission **warned that lowering the age of consent would have adverse consequences, affecting efforts to combat child marriage and child trafficking.**
- ❖ It emphasized the importance of **courts exercising caution even in cases of "adolescent love"** where criminal intent might be absent.
- ❖ The Commission Proposing **the gradual implementation of electronic First Information Reports (e-FIRs)** for offenses punishable by prison sentences of up to three years.

ISSUES AND CHALLENGES IN POSCO ACT

- **Low Representation of Women in the Police Force:**
 - ✓ The POSCO Act mandates a woman sub-inspector to record the statement of the affected child, but with **only 10% women in the police force**, this requirement is often unmet.
- **No Examination by Judicial Magistrates:**
 - ✓ While the act requires **recording the prosecutrix's statement by a judicial magistrate**, there is no provision for cross-examination during trial, undermining the value of these statements.
- **Issue of Age Determination:**
 - ✓ The Juvenile Justice Act of 2015 guides age determination for juvenile delinquents, but the **POCSO Act lacks such provisions for juvenile victims.**
 - ✓ In the **Jarnail Singh vs State of Haryana (2013)** case, the Supreme Court suggested using this statutory provision to determine the age of child victims.
 - ✓ However, without changes in the law or specific directions, investigating officers still rely on school admission-withdrawal registers for age verification.
- **Delays in Filing Charges:**
 - ✓ Investigations often exceed the mandated one-month period due to resource limitations, forensic delays, or case complexity.
- **Lack of Conditions for Proving Recent Intercourse:**
 - ✓ Unlike the Indian Evidence Act, the POSCO Act doesn't set conditions for the prosecution.


GOVERNMENT INITIATIVES TO CURB CHILD ABUSE

INITIATIVE	OBJECTIVE
Child Abuse Prevention and Investigation Unit	Prevent and investigate cases of child abuse.
Beti Bachao Beti Padhao	Promote the welfare and education of girls and combat gender bias.
The Juvenile Justice (Care and Protection of Children) Act, 2015	Ensure the care, protection, and rehabilitation of juvenile offenders.
Child Marriage Prohibition Act (2006)	Prohibit and prevent child marriages in India.

Child Labour Prohibition and Regulation Act, 2016	Prohibit and regulate child labour to protect children's rights.
POCSO Courts under Special Fast Track Courts	Expedite the trial of case related to child sexual abuse.

WAY FORWARD

- The Law Commission's recommendations highlight the importance of maintaining the current age of consent under the **POCSO Act while introducing guided judicial discretion in relevant cases.**
- These measures aim to strike a balance between legal enforcement and protecting the rights of minors.
- Additionally, the **Commission's recommendation for e-FIRs seeks** to modernize the criminal justice system for more efficient reporting of offenses.

LAW COMMISSION OF INDIA:

- ❖ The Law Commission of India is a **non-statutory body** formed by the **Union government**.
- ❖ This commission is **ad hoc in nature**, established for specific purposes.
- ❖ It is **not defined in the Indian Constitution** but is constituted to give effect to Article **39A**.
- ❖ **Purpose:** Its role is to ensure the fairness and justness of laws and promote their effective implementation.
- ❖ **Advisory Function:** Primarily, it serves as an advisory body to the Ministry of Law and Justice.
 - **HISTORY OF LAW COMMISSION:**
- ❖ **Pre-Independence Commission:** The British Government in India formed the first law commission in 1834, following the Charter Act of 1833. Lord Macaulay chaired this commission.
- ❖ **First Independent India Commission:** In 1955, post-independence, the first Law Commission of independent India was established, led by **M.C. Setalvad**.
- ❖ **Total Commissions:** Since independence, there have been **22 Law Commissions in India**.
- ❖ **Current Commission:** The **22nd and current Law Commission** is headed by Justice Ritu Raj Awasthi.
 - **IMPORTANT RECOMMENDATIONS:**
- ❖ **Abolition of Death Penalty:** In its 262nd Report, the Law Commission proposed the elimination of the death penalty for all crimes, with exceptions for terrorist offences.
- ❖ **Electoral Reforms:** In 1999, the Commission recommended holding simultaneous elections for the Lok Sabha and state assemblies to enhance governance and stability.
- ❖ **Uniform Civil Code (UCC):** The **21st Law Commission, in 2018**, stated that a **Uniform Civil Code** is currently deemed **unnecessary and undesirable**.