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IAS Mains Examination

09th *to* 14th Mar 2026



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GENERAL STUDIES 2

1.1. POLITY & GOVERNANCE

1.1.1. GOVERNORS, CONSTITUTIONAL BOUNDARIES AND CENTRE–STATE RELATIONS

Context:

The Erosion of Federal Etiquette

The Governor holds a pivotal position in India’s constitutional framework as the **constitutional head of the State**. The office is expected to act as a **neutral authority safeguarding the Constitution and facilitating the elected government**, while also reflecting India’s **federal system with a unitary bias** by serving as a link between the **Union and the State**.

However in recent years, several controversies involving gubernatorial actions have raised questions about the **scope of discretionary powers and the limits of constitutional authority**.

These debates have brought attention to the interpretation of key constitutional provisions and judicial principles, including:



- **Article 176** – Governor’s address to the State Legislature.
- **Article 200** – Governor’s power regarding assent, return, or reservation of Bills.
- **Doctrine of “Deemed Assent”** developed through judicial interpretation to address delays in gubernatorial action.
- **Article 164** – Governor’s authority in relation to appointment and tenure of ministers.
- Constitutional principles clarified in **State of Punjab v. Governor of Punjab (2023)** regarding the limits of gubernatorial discretion.

The Constitutional Role of the Governor: Theory vs. Practice

The office of the Governor is established under **Article 153**, which provides that each State shall have a Governor. The Governor is appointed by the President and holds office during the President’s pleasure under **Article 156**. Although the State’s executive power is formally vested in the Governor under **Article 154**, it is ordinarily exercised on the **aid and advice of the Council of Ministers headed by the Chief Minister**. In constitutional theory, therefore, the Governor performs three key roles:

- **Constitutional Head of the State Executive**
- **Link between the Union Government and the State Government**
- **Guardian of Constitutional procedures within the State**

The normative expectation is that the Governor functions as a **non-partisan constitutional authority**, ensuring continuity and stability in governance.

Article 176: The Special Address and the Governor's Mandate.

Article 176 of the Constitution of India provides that the Governor shall address the State Legislature:

- At the commencement of the first session after each general election to the Legislative Assembly.
- At the first session of the Legislature each year.

Constitutional Significance

The Governor's address outlines the **policy framework and legislative agenda of the elected government** and is followed by a **Motion of Thanks**, allowing the Legislature to debate government policies. In practice, the speech is **prepared by the Council of Ministers**, reflecting the principle that the Governor acts on **ministerial advice**.

Constitutional Implications

When the Governor declines to deliver the address or substantially alters the text prepared by the government, it raises constitutional concerns because:

- The address represents the **policy statement of the elected government**, not the personal views of the Governor.
- Refusal or alteration may undermine the **principle of responsible government**.
- It may disrupt established **parliamentary conventions**.

Thus, adherence to Article 176 is essential for maintaining the procedural integrity of legislative functioning.

The Stalemate over Legislation.

Constitutional Provision

Under **Article 200 of the Constitution of India**, when a Bill passed by the State Legislature is presented to the Governor, the Governor may:

1. Give assent to the Bill.
2. Withhold assent and return the Bill to the Legislature for reconsideration (if it is not a Money Bill).
3. Reserve the Bill for consideration of the President.

Return of a Bill

If the Governor returns a Bill for reconsideration, the Legislature may re-pass the Bill with or without amendments. Once the Bill is re-passed, the Governor is generally expected to grant assent unless the Bill is reserved for the President under **Article 201 of the Constitution of India**.

Problem of Legislative Delay

Although Article 200 specifies the options available to the Governor, it does not prescribe a **time limit** for exercising these options. This constitutional silence has sometimes resulted in prolonged delays in granting assent to Bills.

Such delays may effectively obstruct legislative intent, thereby creating tensions between the Governor and the elected government.

The Doctrine of Deemed Assent

The absence of a clear timeline in Article 200 has led courts to evolve the doctrine of **deemed assent**.

Conceptual Basis

Deemed assent refers to a judicial interpretation whereby a Bill may be treated as having received assent if the Governor fails to act within a reasonable period or exercises powers in a manner inconsistent with constitutional principles.

Although the Constitution does not explicitly provide for deemed assent, the doctrine emerges from broader constitutional principles such as:

- **Democratic accountability**
- **Rule of law**
- **Functional efficiency of constitutional institutions**

Constitutional Rationale

The judiciary has emphasized that constitutional authorities must exercise their powers **within a reasonable timeframe**. Indefinite delay in the legislative process may amount to a violation of the spirit of parliamentary democracy.

Thus, the doctrine of deemed assent acts as a **constitutional safeguard against executive inaction**.

The Punjab Case (2023) and Judicial Clarification

The scope of gubernatorial powers was significantly clarified in the case of **State of Punjab v. Governor of Punjab (2023)**.

Background

The dispute arose between the Government of **Punjab** and the Governor regarding the summoning of the State Assembly and the processing of legislative Bills.

Supreme Court Observations

The **Supreme Court of India** held that:

- The Governor cannot indefinitely delay the legislative process.
- The Governor must ordinarily act on the **aid and advice of the Council of Ministers**.
- Constitutional authorities should facilitate democratic governance rather than impede it.

The judgment reinforced the principle that the Governor's role is **constitutional and procedural rather than political**.

Arrest of a Minister and Gubernatorial Authority

Constitutional Provision

Under **Article 164 of the Constitution of India**, ministers hold office during the pleasure of the Governor.

However, this “pleasure doctrine” operates within the framework of **parliamentary democracy**, where the Council of Ministers is collectively responsible to the Legislative Assembly.

Constitutional Practice

In practice, the Governor exercises the pleasure doctrine **on the advice of the Chief Minister**. Consequently:

- The Governor cannot unilaterally dismiss a minister without the recommendation of the Chief Minister.
- Arrest or criminal proceedings against a minister do not automatically terminate ministerial office.

Judicial interpretation has consistently emphasized that the **political accountability of ministers lies primarily with the elected government**.

Oath of Ministers in the State

Constitutional Provision

According to **Article 164(3) of the Constitution of India**, a minister must take the oath of office and secrecy before the Governor prior to assuming office.

Constitutional Convention

Although the Governor administers the oath, the appointment of ministers occurs **on the advice of the Chief Minister**. Therefore, the Governor’s role in the oath-taking process is primarily formal.

If a court suspends the conviction of a minister, constitutional scholars generally argue that there is **no legal barrier to the person assuming ministerial office**, provided the disqualification provisions under the Representation of the People Act do not apply.

Implications for Indian Federalism: Key Challenges

1. **Absence of Clear Timelines** – The Constitution does not prescribe specific time limits for Governors to act on legislative Bills, leading to delays and uncertainty.
2. **Politicisation of the Governor’s Office** – Gubernatorial appointments are often political, which can affect the perception of neutrality and impartiality.
3. **Frequent Judicial Intervention** – Constitutional ambiguities increasingly require judicial clarification, indicating institutional friction.
4. **Legislative Delays** – Prolonged gubernatorial inaction can obstruct or slow down the legislative process.
5. **Centre–State Tensions** – Disputes between Governors and elected State governments may intensify conflicts within the federal structure.
6. **Institutional Uncertainty** – Such conflicts can create instability in governance and weaken public trust in constitutional institutions.

Way Forward

1. **Implement Commission Recommendations** – The **Sarkaria Commission** recommended appointing eminent individuals detached from active politics as Governors to ensure neutrality and constitutional impartiality.
2. **Clarify Discretionary Powers** – As suggested by the **Punchhi Commission**, clearer constitutional guidelines should be framed regarding the discretionary powers of Governors to avoid institutional conflicts.
3. **Fix Reasonable Timelines for Assent to Bills** – Establishing clear timelines for gubernatorial decisions on Bills can prevent legislative delays and administrative uncertainty.
4. **Strengthen the Principle of Ministerial Advice** – Constitutional conventions must be reinforced to ensure that Governors ordinarily act on the **aid and advice of the Council of Ministers**.
5. **Ensure Non-Partisan Appointments** – Greater transparency and neutrality in the appointment of Governors can strengthen public trust and uphold the spirit of cooperative federalism.

Conclusion

The constitutional controversies surrounding the Governor's tenure highlight the complex interaction between **constitutional authority and democratic governance**. Going forward, strengthening **constitutional conventions, judicial clarity, and cooperative federalism** will be essential to ensure that the Governor's office functions as a **neutral constitutional institution**, facilitating governance while respecting the democratic mandate of elected State governments.

Q. "The office of the Governor is intended to function as a neutral constitutional authority, yet recent controversies have raised concerns regarding the erosion of federal etiquette." Discuss with reference to Articles 176, 200, and recent judicial interventions.

1.2. SOCIAL JUSTICE

1.2.1. DUTY OF CARE: VACCINE INJURY COMPENSATION PROGRAMMES

Context:

- Recently, the **Supreme Court of India**, in **Rachana Gangu vs Union of India**, directed the **Ministry of Health and Family Welfare** to formulate a **"no-fault compensation scheme"** for **serious Adverse Events Following Immunisation (AEFI)** arising from India's **COVID-19 vaccination campaign**, marking a shift from a **fault-based liability system to a no-fault framework** in state-run public health programmes.
- Furthermore, the Supreme Court emphasised that in a **welfare state**, the government must assume a **duty of care** when it actively promotes public health interventions such as mass vaccination.



Background: Vaccine Injury Cases and Legal Context

A. Petitions Before the Supreme Court

- The issue of **vaccine injury compensation** came before the **Supreme Court of India** through petitions filed by families alleging that **young individuals aged between 18 and 40 years** had died or suffered serious complications after receiving COVID-19 vaccines such as the **Covishield vaccine** and **Covaxin**.
- A key petition was **Rachana Gangu vs Union of India**, which arose from the deaths in **2021 of two women aged 18 and 20** who were allegedly affected by **Vaccine Induced Immune Thrombotic Thrombocytopenia (VITT)**, a rare complication associated with the **Covishield vaccine**.
- **Key Issues Raised by Petitioners:**
 - **Lack of Informed Consent:** Petitioners argued that individuals were not adequately informed about **possible rare side effects**, including clotting disorders.
 - **Vaccination Practically Mandatory:** Although vaccination was officially voluntary, **administrative restrictions** (travel, workplace entry, etc.) allegedly made vaccination **de facto compulsory**.
 - **Absence of Compensation Mechanism:** India lacked a **dedicated national vaccine injury compensation programme**, leaving victims' families without clear legal remedies.

B. Government's Response to the Petitions

The **Union Government** presented the following arguments:

- **Rigorous Safety Approval:** Vaccines deployed in India had undergone **scientific evaluation and regulatory approval**, and the country maintains a **robust AEFI monitoring system**.
- **Extremely Rare Adverse Events:** Serious clotting disorders were reported at an **extremely low rate (around 0.001 per lakh doses)**.
- **Alternative Legal Remedies:** Affected individuals could seek compensation through **civil or consumer courts** by proving negligence or liability.

A critical turning point occurred when **AstraZeneca** acknowledged in a **U.K. court** in 2024 that its vaccine (**Covishield in India**) could, in rare instances, cause **VITT**. This undermined the government's earlier stance that such adverse events were purely coincidental.

Core Issues and Policy Challenges

The absence of a dedicated compensation framework created several systemic problems:

- **Heavy Burden of Proof:** In a **fault-based system**, victims must prove negligence by the **State or manufacturer**, which is difficult in **complex medical cases** like VITT.
- **Legal Vacuum:** Despite running **one of the world's largest immunisation programmes**, India lacked a **formal mechanism to compensate vaccine injuries**.
- **Voluntary vs Mandatory Paradox:** While vaccination was declared **voluntary**, administrative mandates effectively made it **compulsory**, raising questions about **state responsibility**.
- **Equality Concerns:** Forcing families into **lengthy individual litigation** could produce **unequal outcomes**, violating **Article 14 (Equality before Law)**.

Supreme Court's Key Findings

- **Rejection of Individual Litigation:** The Supreme Court of India rejected the idea that affected families should file **separate cases in lower courts**, stating that this approach is not suitable for addressing vaccine injury cases arising from a **large public health programme**.
- **Difficulty in Proving Negligence:** The Court noted that proving negligence in vaccine injury cases requires **complex scientific and medical evidence**, which makes the legal process **difficult and burdensome for ordinary families**.
- **Risk of Inequality and Inconsistent Judgments:** The Court warned that forcing families to fight **multiple individual cases** could lead to **different outcomes in different courts** and **unequal access to compensation**, which may weaken the **principle of equality before the law under Article 14 of the Constitution of India**.

Judicial Reasoning: "No-Fault" Doctrine and State Accountability

The Supreme Court's directive is a landmark shift in Indian law, moving from "proving guilt" to "ensuring welfare." It anchors the state's responsibility in a compassionate, constitutional framework.

1. The Principle of "No-Fault" Liability

Traditionally, getting compensation required proving that the manufacturer or the state was **negligent** (at fault). The Court has replaced this with **No-Fault Liability**.

- **Direct Relief:** Compensation is granted based on a **plausible link** between the vaccine and the injury. Families do not need to prove a mistake; the injury itself triggers the right to support.
- **Recognition in Indian and Global Legal Framework:** The principle of **no-fault compensation** is already recognised in certain areas of Indian law. **Examples**
 - **Motor Vehicles Act compensation framework**, where victims of road accidents may receive compensation without proving fault.
 - **Industrial accident compensation regimes**, which provide relief to workers injured during employment.
 - **Global Practice:** Similar **no-fault vaccine injury compensation systems** operate in several countries, including **Australia, the United Kingdom, and Japan**, where claimants are not required to prove negligence but only establish a **reasonable connection between vaccination and injury**.
- **Article 14 (Right to Equality):** Forcing families to fight expensive, scientific legal battles against powerful entities violates **Article 14**. This doctrine ensures that even the most vulnerable have an equal path to justice.

2. Right to Health and Life (Article 21)

The Court expanded the scope of **Article 21**, stating that the "Right to Life" inherently includes the **"Right to Health."**

- **The State as a "Parens Patriae" (Guardian):** In a state-led public health drive, the government does not act merely as a service provider but as a **Guardian of Welfare**. Its role is to protect the life and dignity of every citizen.

- **Duty of Care:** When the state endorses a medical intervention for the "**public good**" (like herd immunity), it assumes a **Duty of Care**. It cannot abandon the few individuals who suffer rare, severe side effects while serving a collective social goal.

3. The Welfare State and Constitutional Mandates

This judgment reinforces India's identity as a **Welfare State**, governed by the **Directive Principles of State Policy (DPSP)**.

- **Article 38:** Mandates the state to secure a social order that promotes the **welfare of the people**.
- **Article 39(e) & Article 47:** These articles specifically task the state with protecting the **health of its citizens** and regard the **improvement of public health** as a primary duty.
- **Core Logic:** In a welfare state, the "**Duty of Care**" means that the protection of the majority cannot come at the uncompensated cost of a few.

4. Reference to Earlier Judicial Precedents (Jacob Puliyeel Case)

The Court referred to **Jacob Puliyeel vs Union of India**, which:

- **Upheld the legality of the emergency vaccine approval process.**
- Recognised the **AEFI (Adverse Events Following Immunisation) monitoring system** as an important safety mechanism.
- Reaffirmed that **bodily autonomy and personal integrity under Article 21** mean that **vaccination cannot be forcibly imposed on individuals**.

5. Precedent of Ex Gratia (Gaurav Kumar Bansal Case)

- The Court's present approach also reflects its earlier intervention during the pandemic in **Gaurav Kumar Bansal vs Union of India**, which addressed **financial relief for families of COVID-19 victims**.
- In that case, the Court directed the National Disaster Management Authority to **frame guidelines for providing ex-gratia compensation** to families of those who died due to COVID-19.
- **NDMA Compensation Framework:** Following this judgment:
 - The National Disaster Management Authority issued **September 2021 guidelines**.
 - **₹50,000 ex-gratia compensation** was provided for **each COVID-19 death**.
 - Payments were made by **States through the State Disaster Response Fund (SDRF)**.
 - **District grievance committees** were created to resolve disputes regarding **death certification and compensation claims**.
 - **Definition of COVID-19 Death:** Deaths occurring **within 30 days of a positive COVID-19 test** were treated as COVID-19 deaths for compensation purposes.

Global Best Practices: The International Landscape

India's move aligns with established global norms where vaccine injury is treated as a collective social responsibility rather than an individual legal burden.

- **United States:** Operates the **National Vaccine Injury Compensation Program (VICP)**, funded by a small tax on vaccine doses.
- **United Kingdom:** Utilizes the **Vaccine Damage Payment Scheme (VDPS)** to provide lump-sum payments for severe disabilities.
- **COVAX Facility:** Established a no-fault mechanism specifically for **92 low- and middle-income countries** to ensure **equity** during the pandemic.

Way Forward: Framework for a Robust Policy

To bridge the gap between public health goals and individual rights, the following steps are required:

- **Creation of a Dedicated Fund:** The government should establish a permanent **Vaccine Injury Compensation Fund**, possibly through a public-private partnership or manufacturer levies.
- **Simplified Claim Procedure:** Following the NDMA model, the process must be administrative and time-bound, avoiding the complexities of traditional courtrooms.
- **Enhanced AEFI Transparency:** Data regarding side effects must be made **publicly available** to ensure informed consent for future drives, such as the upcoming **HPV vaccination** for cervical cancer.
- **Independent Medical Boards:** While existing AEFI committees monitor data, independent boards could be utilized to adjudicate complex compensation claims fairly.

Conclusion

The Supreme Court’s directive effectively bridges the gap between public health goals and individual rights by establishing that the State cannot endorse medical risks without providing a safety net. This transition to a **no-fault framework** ensures that India's identity as a **Welfare State** is upheld through a compassionate **"Duty of Care"** that prioritizes human dignity over statistical insignificance.

Q. Mass vaccination programmes involve collective benefits but may impose rare risks on individuals. Evaluate how a vaccine injury compensation framework can strengthen public trust and vaccine acceptance.

1.2.2. ADDRESSING THE GROWING CHALLENGE OF CHILDHOOD OBESITY IN INDIA

Context

- The **World Obesity Federation** recently released the **World Obesity Atlas 2026**, highlighting the **rapid rise of childhood obesity globally and in India**.
- The **World Obesity Atlas 2026** report indicates that **India has the second-highest number of children with high Body Mass Index (BMI) after China**.
- With millions of children already affected and projections indicating a sharp rise by 2040, **childhood obesity is emerging as a major public health concern** with long-term implications for **non-communicable diseases (NCDs), economic productivity, and demographic dividend**.



Understanding Childhood Obesity

A. Definition of Obesity

- According to the **World Health Organization**, **obesity** is defined as a **chronic, relapsing disease characterised by abnormal or excessive fat accumulation that poses a risk to health**.

B. Measurement: Body Mass Index (BMI)

- **BMI = Weight (kg) / Height² (m²)**
- It is widely used to classify **overweight and obesity** in both adults and children.

C. WHO Growth Reference for Children (5–19 years)

- **Overweight:** BMI greater than **1 standard deviation above the WHO median**
- **Obesity:** BMI greater than **2 standard deviations above the WHO median**

Thus, **childhood obesity refers to excessive body fat accumulation in children and adolescents that significantly increases health risks**.

World Obesity Atlas 2026: Key Findings

A. Global Scenario

- Prevalence of obesity among children (**5–19 years**) increased from **4% in 1975 to nearly 20% in 2022**.
- Majority of affected children reside in **middle-income countries**.
- **Ten countries alone account for over 200 million children with high BMI**, led by **China, India, and the United States**.
- **Childhood obesity often persists into adulthood**, increasing risk of **NCDs such as diabetes, cardiovascular diseases, and certain cancers**.

B. Indian Scenario

India is experiencing a **rapid nutritional transition**.

1. Current Statistics (2025)

- **14.9 million children (5–9 years)** are overweight or obese.
- **26.4 million children (10–19 years)** are overweight or obese.
- **41 million children** have **high BMI**.

2. Health Indicators

- **8.39 million children** have **BMI-attributed metabolic dysfunction-associated steatotic liver disease (MASLD)**.
- **2.98 million children** suffer from **BMI-related hypertension**.

3. Projections for 2040

- **20 million children likely to be obese**.
- **56 million children expected to be overweight**.

- **120 million school-going children may show early signs of chronic diseases**, including: **Hypertension, Cardiovascular diseases, Diabetes**

Global Shift in Child Nutrition: Rising Childhood Obesity Trends

According to a **2025 report by the UNICEF**, global child nutrition patterns are undergoing a major transformation. For the **first time, the proportion of children and adolescents affected by obesity has surpassed those who are underweight**.

A. Rising Prevalence of Overweight and Obesity in India (NFHS-3 to NFHS-5)

Data from the **National Family Health Survey** indicate a consistent increase in overweight and obesity across various age groups between **NFHS-3 (2005–06)** and **NFHS-5 (2019–21)**.

- **Children under five years:** prevalence increased from **1.5% to 3.4%**.
- **Adolescent girls:** rose from **2.4% to 5.4%**.
- **Adolescent boys:** increased from **1.7% to 6.6%**.
- **Adult women:** prevalence nearly doubled from **12.6% to 24.0%**.
- **Adult men:** rose from **9.3% to 22.9%**.

B. Key Findings of the UNICEF Report

- Among children and adolescents aged **5–19 years**, **obesity prevalence (9.4%) has slightly exceeded the share of underweight children (9.2%)**, reflecting a shift in malnutrition patterns.
- Since **2000**, obesity in this age group has **tripled**, rising from **3% to 9.4%**, while underweight prevalence has declined from **around 13% to 9.2%**.
- Globally, about **5% of children below five years** and **20% of children and adolescents aged 5–19** are affected by **overweight or obesity**.
- The **steepest rise in overweight prevalence is observed in low- and middle-income countries**, highlighting the rapid nutrition transition.
- In most regions of the world, **obesity rates have surpassed underweight levels**, except in **sub-Saharan Africa and South Asia**, where undernutrition still remains a major concern.

Factors Contributing to the Rise in Childhood Obesity

- **Shift Towards Unhealthy Diets:** Children increasingly consume **ultra-processed foods (UPFs)** that contain high amounts of **sugar, salt, unhealthy fats, and additives**. These foods are widely advertised, which strongly influences children's eating habits.
- **Economic Factors:** Ultra-processed foods are often **cheaper and more easily available than fresh and nutritious foods**. This price difference partly results from **agricultural subsidies for crops such as corn, soy, and wheat**, along with preservatives that increase shelf life.
- **Unhealthy Foods in School Meal Programmes:** The **2024 Global Survey of School Meal Programs** indicates that **about one in four school meal programmes globally include processed meat**, while many also provide **sweets, fried foods, and sugary drinks**, which can contribute to unhealthy diets.

- **Declining Physical Activity:** Physical activity among children has decreased due to **urbanisation, limited play areas, increased use of motorised transport, and higher screen time**, leading to more sedentary lifestyles.
- **Genetic Factors:** In some cases, obesity may be influenced by **genetic variations and metabolic conditions**, making certain individuals more prone to gaining excess weight.
- **Weak Policy Measures:** Many countries still lack strong regulations. Only a **small proportion of countries have mandatory front-of-pack nutrition labelling**, and **very few provide subsidies to promote healthy foods**, limiting effective control over unhealthy diets.

Impact of Increasing Childhood Obesity

Childhood obesity substantially increases the likelihood of **long-term health complications**, affecting metabolic, physical, and psychological well-being. Major health risks include:

- **Metabolic and Cardiovascular Disorders:** Childhood obesity increases the risk of **type-2 diabetes, hypertension, hyperglycaemia, high cholesterol, and cardiovascular diseases**, as excessive body fat disrupts normal metabolic functioning and elevates long-term disease susceptibility.
- **Liver-Related Complications:** Excess fat accumulation can lead to **Metabolic Dysfunction-Associated Steatotic Liver Disease (MASLD)**, a condition characterised by abnormal fat deposition in the liver, which may progress to serious liver damage if untreated.
- **Musculoskeletal Problems:** Increased body weight places excessive stress on bones and joints, often resulting in **joint disorders, skeletal strain, and reduced mobility**, which can limit physical activity and overall fitness.
- **Psychological and Social Consequences:** Children with obesity frequently experience **low self-esteem, anxiety, depression, and social stigma**, often aggravated by bullying and discrimination in schools and social settings.
- **Persistence into Adulthood:** Childhood obesity often continues into adulthood, significantly increasing the **lifetime risk of non-communicable diseases and chronic health conditions**.

Key Government Initiatives to Promote Healthy Nutrition and Prevent Obesity

- **POSHAN Abhiyaan:** Aims to improve **nutritional status of children, adolescent girls, and mothers** through better nutrition services and awareness.
- **Eat Right India Movement:** Promotes **safe, healthy, and sustainable diets** through consumer awareness campaigns, supply-side reforms, and initiatives in schools.
- **'Aaj Se Thoda Kam' Campaign:** A nationwide awareness programme that encourages people to **gradually reduce the intake of fat, sugar, and salt** in their daily diet.
- **RUCO (Repurpose Used Cooking Oil) Initiative:** Ensures that **used cooking oil is collected and converted into products such as biodiesel or soap**, preventing its reuse in food preparation.

Global Policy Measures

- **Frameworks of World Health Organization and UNICEF:** Recommend measures such as **healthy school food environments, taxes on sugary beverages, regulation of junk-food marketing, and national monitoring of childhood obesity trends.**

Way Forward to Address Childhood Obesity

- **Promoting Healthy Diets:** Improve access to **affordable and nutritious foods** through measures such as **food assistance programmes, vouchers, cash transfers,** and strengthening **local food systems.**
- **Strengthening Regulatory Measures:** Implement **stricter regulations** on **junk-food advertising, front-of-pack nutrition labelling, and taxation of ultra-processed foods** to discourage unhealthy consumption.
- **Encouraging Active Lifestyles:** Promote regular physical activity among children and adolescents through initiatives such as **Fit India Movement** and **Khelo India,** while integrating sports and fitness into daily routines.
- **Improving Physical Infrastructure for Children:** Ensure strict enforcement of **Right to Education (RTE) norms** mandating playgrounds and sports facilities in schools and develop parks and open recreational spaces in residential areas to encourage outdoor activities.
- **Advancing Medical Interventions:** New **anti-obesity drugs** such as **semaglutide** and **tirzepatide** show promising results. While high costs currently limit access, the availability of affordable generic versions in the future may improve treatment options.
- **Enhancing Public Awareness:** Promote awareness among families and communities about balanced diets, the risks of excessive junk food consumption, and the importance of regular exercise.

Conclusion

Childhood obesity has emerged as a **significant public health challenge in India,** driven by changing dietary habits, sedentary lifestyles, and rapid socio-economic transitions. Addressing it through **preventive strategies such as healthy nutrition, regular physical activity, effective regulations, and public awareness** is essential to safeguard the health of future generations and sustain India's demographic dividend.

Q. Rising childhood obesity reflects deeper structural issues related to food systems, urbanisation, and lifestyle changes. Critically examine.

2.1. ECONOMY

2.1.1. LABOUR REFORMS IN INDIA: ECONOMIC SURVEY PROMISES VS. STRUCTURAL REALITIES

Context

- The consolidation of **29 central labour laws** into **four comprehensive Labour Codes**, finalized with draft rules in late 2025, represents a paradigm shift in India's regulatory architecture.
- While the **Economic Survey 2025–26** projects these reforms as a catalyst for formalization and massive job creation, deep-seated structural informality and evolving employment patterns present significant hurdles to achieving these optimistic macroeconomic goals.



Background: Constitutional Foundations and Structural Transformation of Labour Laws in India

The evolution of India's labour governance represents a transition from a fragmented, archaic legal system to a unified, modern regulatory architecture. This shift is deeply rooted in India's democratic values and judicial mandates.

A. Constitutional and Judicial Foundations of Labour Rights

Labour welfare is not merely a policy goal but a fundamental mandate under the Indian Constitution.

1. Fundamental Rights (Part III):

- **Article 14:** Ensures **equality before the law**, preventing arbitrary discrimination among different classes of labour.
- **Article 19(1)(c):** Guarantees the **right to form associations or trade unions**, essential for collective bargaining.
- **Article 21:** Interpreted by the Supreme Court to include the **Right to Livelihood** as part of the Right to Life.
- **Article 23:** Prohibits **forced labour and human trafficking**, protecting vulnerable sections of workers.

2. Directive Principles of State Policy (Part IV):

- **Article 38:** Directs the State to promote a **social order based on social, economic, and political justice**.
- **Article 39(d):** Advocates **equal pay for equal work** for both men and women.
- **Article 41:** Calls for ensuring the **right to work and public assistance** in cases of unemployment or old age.

- **Article 43:** Aims to secure **living wages and decent working conditions ensuring a dignified standard of life.**

3. Key Supreme Court Judgements:

- ***Olga Tellis v. Bombay Municipal Corp.*:** Established that the right to life includes the **right to a means of subsistence.**
- ***Randhir Singh v. Union of India.*** Ruled that "**Equal Pay for Equal Work**" is a constitutional goal, even if not a fundamental right per se.
- ***Bandhua Mukti Morcha v. Union of India.*** Emphasized that the **right to live with human dignity** is paramount for the working class.

B. Institutional Reform through Consolidation of Labour Laws

1. **Consolidation of Labour Laws:** To address **complex compliance requirements** and reduce **legal ambiguities**, the Government of India consolidated **29 central labour statutes** into four streamlined codes. This reform aims to balance **industrial productivity** with **worker protection.**

- **Code on Wages (2019):** Simplifies the definition of wages and universalizes the provision of **minimum wages** and timely payment to all employees, irrespective of the sector.
- **Industrial Relations Code (2020):** Enhances **labour market flexibility** by introducing **Fixed-Term Employment (FTE)** and increasing the threshold for layoffs and retrenchment in industrial establishments.
- **Code on Social Security (2020):** Extends **social protection** to previously excluded categories, specifically **gig workers** and **platform workers**, facilitating a more inclusive safety net.
- **Occupational Safety, Health and Working Conditions Code (2020):** Standardizes **workplace safety norms** and health standards, specifically easing the compliance burden for multi-state establishments.

Economic Survey 2025–26: Projections for Labour Market Transformation

The **Economic Survey 2025–26** presents an optimistic roadmap for India's labour market, suggesting that the reduction in **regulatory complexity** will catalyze a "**virtuous cycle**" of investment and employment. By streamlining 29 laws into four codes, the government aims to modernize the workforce through the following strategic projections:

- **Ambitious Formalization Targets:** The Survey projects a substantial increase in **formal employment**, rising from the current **60.4% to 75.5%** by 2030.
 - This transition is expected to be driven by the **legal recognition** of **Fixed-Term Employment (FTE)**, which allows **firms to hire workers on a temporary basis** while providing them with formal benefits like **gratuity** and **appointment letters.**
- **Employment Generation Dividend:** Simplified compliance, such as **single-window licensing** and easier entry-exit norms, is anticipated to generate approximately **77 lakh jobs.**
 - The economic survey suggests that when businesses face fewer administrative hurdles, they are more likely to expand their operations and payrolls.

- **Expanding Female Participation:** A major highlight is the transformative rise in the **Female Labour Force Participation Rate (LFPR)**, which has surged from **23.3% in 2017–18 to 41.7% in 2023–24**. This growth is supported by **gender-responsive provisions**, including:
 - Legislative enabling of **night shifts** for women with mandated safety protocols.
 - Mandatory provision of **creche facilities** and expanded **maternity benefits**.
 - Removal of statutory barriers preventing women from working in hazardous industries.
- **Macroeconomic Impact and Governance:** The effective implementation of these reforms is projected to contribute an additional **1.25% to the GDP** by 2029–30.
 - This growth is facilitated by a shift from a **punitive inspection regime** to an **"Inspector-cum-Facilitator"** model.
 - Moreover, this new approach prioritizes **administrative guidance, digital transparency, and cooperative compliance** over traditional litigation.
- **Enhanced Skill Development:** By integrating the **National Apprenticeship Promotion Scheme (NAPS)** and industry-aligned training, the reforms aim to bridge the **skill gap**. Tools such as **Skill Impact Bonds** and **Direct Benefit Transfer (DBT)** for stipends are designed to link funding directly to verified employment outcomes.

Key Challenges and Structural Gaps in the Implementation of Labour Codes

Despite the ambitious objectives of India's labour reforms, several **structural constraints, labour market realities, and institutional weaknesses** raise concerns about the effectiveness of the labour codes. While the reforms aim to promote **formalisation, labour flexibility, and economic efficiency**, the **dominance of informal employment and weak enforcement mechanisms** may limit their actual impact.

1. Persistently High Informality

- **More than 80% of India's workforce** is employed in the **informal sector**, often lacking **written contracts, job security, social protection, and labour rights**.
- A large proportion of these workers **remain outside the effective coverage of labour regulations**, including several provisions of the labour codes.
- As a result, labour reforms may **benefit only a limited segment of the workforce**, while the majority continues to remain in precarious employment.

2. Rising Contractualisation and Decline of Stable Employment

- There has been a growing shift from **permanent employment to contractual and casual labour**, even in the organised sector.
- **Direct factory employment declined from 61% (2011) to 47% (2023)**, while **contract workers increased to around 42%** of the factory workforce.
- In **2024, regular employment in Central Public Sector Enterprises declined by about 30,000 workers**, many of whom were replaced by **casual or contract workers**.
- Greater labour market flexibility under the codes may further **encourage firms to prefer temporary or fixed-term hiring** over permanent employment.

3. Higher Regulatory Thresholds and the Risk of “Formalisation Illusion”

- The labour codes **raise several regulatory thresholds**, which may reduce the number of establishments covered by labour protections.
 - The **definition of a factory** has been increased to **20 workers (with power) and 40 workers (without power)** under the Occupational Safety, Health and Working Conditions Code.
 - The **contract labour threshold** has been raised from **20 to 50 workers**.
 - Government approval for **layoffs and retrenchment** is now required only for establishments employing **more than 300 workers**, compared to **100 earlier**.
- While these changes reduce compliance burden, they may also **exclude many establishments from regulation**, creating **formalisation in statistics rather than improvements in job quality or security**.

4. Expansion of Fixed-Term Employment (FTE)

- The labour codes recognise **Fixed-Term Employment**, allowing firms to hire workers for **short-term contracts**.
- Workers receive **appointment letters, equal wages and certain benefits**, including **gratuity eligibility after one year**.
- However, FTE may weaken **job security, stable income, and collective bargaining power**, making formal jobs **more precarious and temporary in nature**.

5. Ambiguities in Gig Worker Welfare

- The **Code on Social Security** provides welfare provisions for **gig workers (*workers engaged in platform-based, on-demand or app-mediated jobs such as ride-hailing or food delivery services*)**.
- Platform companies are required to contribute **1–2% of their annual turnover** towards gig worker welfare schemes.
- However, key aspects remain unclear, including **contribution mechanisms, benefit coverage, eligibility criteria, and fund management**, raising concerns about **effective implementation and utilisation of welfare funds**.

6. Uncertainty in the Reskilling Framework

- The labour codes propose a **reskilling fund for retrenched workers**, requiring employers to deposit **15 days’ wages per worker**.
- However, there is limited clarity regarding **access mechanisms, training institutions, skill programmes, and monitoring of outcomes**, which may reduce the effectiveness of this initiative.

7. Lack of Clarity in Wage Determination

- The **Code on Wages** introduces the concepts of **National Floor Wage (*the minimum benchmark wage set by the Central Government below which states cannot fix minimum*)**

wages) and National Minimum Wage (a statutory wage level ensuring a minimum income standard across sectors).

- However, the framework lacks clarity regarding **methodology, coordination with state wages, and revision mechanisms**, leading to potential **policy inconsistencies across states**.

8. Weakening of Labour Enforcement

- Labour inspectors have been redesignated as “**Inspector-cum-Facilitators**”, focusing on **guidance rather than strict enforcement**.
- Employers may **compound certain violations by paying fines**, which may weaken deterrence if penalties remain low.
- In sectors with **weak unions and limited worker awareness**, reduced inspection powers may **limit grievance redressal and regulatory accountability**.

Way Forward: Toward Inclusive Labour Governance

To ensure that the labour reforms meet their intended goals of equity and growth, the following strategic interventions are necessary:

- **Universal Social Security Portability:** Fully operationalize the **Universal Account Number (UAN)** to ensure that social security benefits remain attached to the worker, regardless of their sector, state, or employment type.
- **Evidence-Based Wage Fixing:** Establish a clear, inflation-indexed methodology for the **National Minimum Wage** to ensure it effectively supports consumption-led economic growth.
- **Institutionalizing the Care Economy:** To sustain the projected rise in **Female LFPR**, the government must treat the “**Care Economy**” (**Anganwadis and creches**) as a critical infrastructure sector, providing the support system necessary for women to remain in the workforce.
- **Strengthening Enforcement Accountability:** Enhance the **Facilitator model** with technology-driven, randomized inspections to prevent employer harassment while ensuring that the safety and rights of the worker remain non-negotiable.
- **Enhance Skill Development and Reskilling:** Strengthen training and reskilling programmes for workers affected by automation, restructuring, or retrenchment by promoting **STEM enrolment** and supporting workforce reintegration initiatives such as “**Back to Work**” and “**Returnship**” programmes.

Conclusion

The new Labour Codes offer a roadmap for an aspirational economy. However, as the **Economic Survey** notes, success depends on whether “flexibility” for firms is balanced with **socio-economic resilience** and **dignity of labor** for the Indian workforce.

Q. Effective implementation of labour reforms requires strong institutional capacity. Evaluate the statement in the light of prevailing labour market realities in India.

2.1.2 REVISION OF INDIA'S GDP SERIES: KEY HIGHLIGHTS AND IMPLICATIONS

Context:

India periodically revises its **National Accounts Statistics (NAS)** to better capture the evolving structure of the economy. In **2026**, the **Ministry of Statistics and Programme Implementation (MoSPI)** released a **new GDP series with 2022–23 as the base year**, replacing the earlier **2011–12 base year series introduced in 2015**.



Concept of GDP and Related Measures

1. Gross Domestic Product (GDP): **Gross Domestic Product (GDP)** refers to the **total monetary value of all final goods and services produced within a country's borders during a specific period**, usually a **financial year**. It is the most widely used indicator to measure the **size and performance of an economy**.

- **Importance of GDP:** GDP is widely used to:
 - **Measure the size of an economy** and overall economic activity.
 - **Track economic growth or contraction** over time.
 - **Compare economic performance across countries**.
 - **Assess changes in living standards** and general economic welfare.

An **increase in GDP** generally indicates **economic expansion**, while a **decline in GDP** may signal **economic slowdown or contraction**.

2. GDP at Market Price (GDP-MP) and Factor Cost (GDP-FC):

- **GDP at Market Price (GDP-MP):** Value of output measured at **prices paid by consumers**, including **indirect taxes and excluding subsidies**.
- **GDP at Factor Cost (GDP-FC):** Measures income earned by **factors of production (land, labour, capital, entrepreneurship)**.
- **Relationship:**

$$\text{GDP at MP} = \text{GDP at FC} + \text{Indirect Taxes} - \text{Subsidies}$$
- **GVA at Basic Prices** is currently used to derive **GDP at Market Prices** in India's national accounts.

3. Nominal GDP and Real GDP

- **Nominal GDP:** **Nominal GDP** refers to GDP measured at **current market prices**.
 - **Key characteristics include:**
 - It is calculated using **prevailing prices in the current year**.
 - It **includes the effects of inflation or price changes**.
 - It reflects the **actual monetary value of goods and services produced**.
- **Real GDP:** **Real GDP** refers to GDP measured at **constant prices using a base year**.
 - **Key characteristics include:**
 - It **removes the impact of inflation or price fluctuations**.
 - It reflects the **actual change in production levels**.

- It provides a **more accurate measure of economic growth over time**.

Therefore, **Real GDP is considered a better indicator of economic performance** when comparing growth across different years.

4. **Gross Value Added (GVA):** **Gross Value Added (GVA)** measures the **value created by different sectors of the economy** during the production process. It is calculated using the formula: **GVA = Value of Output – Value of Intermediate Inputs**

Thus, **GVA represents the net value added by producers** after deducting the cost of inputs used in production.

- **Relationship Between GDP and GVA** GDP is derived from GVA through the following relationship: **GDP = GVA + Taxes on Products – Subsidies on Products**.
- Hence:
 - **GVA reflects sector-wise production performance** in the economy.
 - **GDP represents the total economic output**, including the effect of **government taxes and subsidies on products**.

5. **Base Year and Rebasing**

- **Base Year:** The **Base Year** is the **reference year whose prices are used to calculate Real GDP** and measure economic growth over time.
- For India's latest GDP series:
 - **Current Base Year: 2022–23**
 - **Previous Base Year: 2011–12**
- **Rebasing:** **Rebasing** refers to the **process of updating the base year using improved data sources, updated methodologies, and revised statistical techniques**.
 - This process helps capture:
 - **Changes in production patterns**
 - **Technological advancements**
 - **Shifts in consumption behaviour**

Periodic rebasing ensures a **more accurate and realistic measurement of economic activity**.

Methodology for Estimating GDP in India

India compiles its GDP estimates in accordance with the **United Nations System of National Accounts (SNA 2008)** and plans to transition towards **SNA 2025 standards** in future revisions.

Additionally, as a subscriber to the **International Monetary Fund's Special Data Dissemination Standard (SDDS)**, India follows **globally accepted norms of statistical transparency, consistency, and data quality**.

A. Approaches to GDP Calculation

GDP can be estimated using **three standard approaches**, each capturing a different dimension of economic activity.

1. Production Approach (Output Method)

This approach measures the **value added by different sectors of the economy**.

Major sectors include:

- **Agriculture and allied activities**
- **Industry (manufacturing, mining, construction, etc.)**
- **Services sector**

The total **value added across these sectors** forms the basis for estimating GDP.

2. Expenditure Approach

This approach measures GDP by **summing total expenditure on final goods and services** in the economy.

It includes:

- **Private Final Consumption Expenditure (PFCE)**
- **Government Final Consumption Expenditure (GFCE)**
- **Gross Capital Formation (Investment)**
- **Net Exports (Exports – Imports)**

Thus, **GDP = Consumption + Government Spending + Investment + Net Exports**

3. Income Approach

The income approach measures GDP by **summing all incomes generated from production activities**.

These incomes include:

- **Wages and salaries**
- **Profits of firms**
- **Rent earned from property**
- **Interest earned on capital**

The revised GDP series attempts to **better reconcile these three approaches using improved datasets and statistical techniques**.

B. Quarterly GDP Estimation

In addition to annual estimates, **Quarterly GDP estimates** are prepared by the **National Statistical Office (NSO)**.

These estimates are calculated using the **Benchmark–Indicator Method (Proportional Denton method)**, which is widely used internationally.

- **Process:**
 - **Annual GDP estimates serve as the benchmark reference point.**
 - **High-frequency indicators**, such as **monthly or quarterly economic data**, are used to track short-term movements in economic activity.
 - These indicators are then **applied to the benchmark estimates to derive quarterly GDP figures**.

This methodology follows internationally accepted standards, including:

- UN System of National Accounts (SNA 2008)
- IMF Quarterly National Accounts Manual (2017).

Key Highlights of the Revised GDP Series

- **Revised Base Year (2022–23):** The base year for the National Accounts Statistics has been revised to 2022–23, replacing the earlier 2011–12 base year. The year FY 2022–23 was selected because it represents the latest relatively stable or “normal” economic period after the disruptions caused by the COVID-19 pandemic (2019–2021).
- **Incorporation of High-Frequency Data:** The revised GDP series incorporates high-frequency and administrative datasets to improve the accuracy and coverage of economic activity. These include GST collections, the e-Vahan vehicle registration portal, and the Public Financial Management System (PFMS).
- **Shift from Single Deflation to Double Deflation:** The new methodology introduces Double Deflation, particularly in manufacturing and agriculture, where both input prices and output prices are adjusted for inflation.
 - This replaces the earlier Single Deflation method (a technique where only the output price is adjusted for inflation while the cost of intermediate inputs is not separately deflated).
- **Adoption of the Supply and Use Tables (SUT) Framework:** The Supply and Use Tables (SUT) framework has been aligned with the National Accounts system. This helps reduce inconsistencies between production-based and expenditure-based GDP estimates and improves the overall coherence of national accounts data.
- **Enhanced Estimation of Private Final Consumption Expenditure (PFCE):** Estimation of PFCE has been strengthened by combining direct production-based estimates, administrative datasets, and the commodity flow approach, resulting in a more accurate measurement of household consumption patterns.
- **Adjustments in Government Sector Accounting:** Government sector estimates now incorporate the effects of both the National Pension System (NPS) and the Old Pension Scheme (OPS), allowing for better accounting of government expenditure and pension liabilities.
- **Enhanced Domestic Sector:** Inclusion of hired domestic workers and activities related to the digital, platform, and gig economy in the revised GDP estimates.
- **Improved Measurement of Informal Sector:** Use of data from the Annual Survey of Unincorporated Sector Enterprises (ASUSE) and the Periodic Labour Force Survey (PLFS) to improve the measurement of the household and informal sectors.

Implications of the Revised GDP (Base Year 2022–23)

- **Reduction in Nominal GDP:** The revised statistical framework has lowered India’s nominal GDP by around 3–4% for FY 2025–26 and the preceding three years, reflecting adjustments in estimation methods and datasets.
- **Pressure on Fiscal Deficit Targets:** Since the fiscal deficit is calculated as a percentage of nominal GDP, a smaller GDP base increases the deficit ratio.

- The **FY 2025–26 fiscal deficit target**, earlier estimated at **4.4%**, rises to **about 4.5% under the new series**.
- Achieving the **4.3% fiscal deficit target for FY 2026–27** would now require **nominal GDP growth of around 13–14%**, which is significantly higher than the **10% growth assumption in the Union Budget 2026–27**, potentially necessitating **adjustments in government borrowing strategies**.
- **Increase in Debt-to-GDP Ratio:** A **lower estimated GDP size** leads to a **higher debt-to-GDP ratio**. The **Centre's debt ratio** is projected to increase from **56.2% to about 58.1% in FY 2025–26** under the revised series.

Conclusion

The shift to the **2022-23 base year** is a landmark move toward statistical accuracy. While the reduction in absolute GDP size presents fiscal challenges, it provides a more grounded and "**honest**" baseline for India's growth story. By integrating modern data sources like GST and gig-work metrics, the new series ensures that India's economic measurements are fit for the 21st century.

Q. How does the revision in GDP base year affect fiscal indicators and sectoral estimates in India? Analyse with reference to the 2022–23 base year GDP series.

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3.1. ETHICS

3.1.1. UNDERSTANDING AMARTYA SEN'S CAPABILITIES APPROACH

Context:

Development has traditionally been measured through economic growth, industrial expansion, and rising national income, with indicators such as **Gross Domestic Product (GDP)** and **per capita income** serving as the primary benchmarks of progress.

Challenging this narrow view, economist and philosopher Amartya Sen proposed the **capabilities approach**, redefining development as the **expansion of human freedoms and choices** rather than mere economic growth.



The Idea of Capability: Moving Beyond Skills and Income

- At the heart of Sen's framework lies the **idea of capability**, a concept that goes far beyond the conventional understanding of skills or competencies. In the capabilities approach, capabilities refer to the **substantive freedoms individuals possess to achieve valued ways of living**.
- Sen draws a crucial distinction between **functionings** and **capabilities**. Functionings represent the actual achievements of individuals—such as being healthy, educated, or politically active. Capabilities, by contrast, represent the **real opportunities or freedoms to achieve those functionings**.
- Individuals with the same income may still have very different opportunities depending on their access to education, healthcare, and social mobility. Such access expands life choices, while its absence restricts them. Therefore, development must focus not only on income or outcomes but on the **freedom and opportunities people have to achieve them**.

Rethinking Development: The Limits of GDP and Per Capita Indicators

1. **Economic Reductionism:** GDP and per capita income measure economic activity but provide only a partial picture of overall societal progress.
2. **Distributional Blindness:** High economic growth may coexist with inequality, leaving large sections of the population marginalized or impoverished.
3. **Neglect of Social Dimensions:** GDP fails to capture access to essential public goods such as healthcare, education, social security, and civil liberties.

Instrumental Role of Growth: As emphasized by Amartya Sen, economic indicators should be treated as means, while true development lies in the **expansion of human capabilities and freedoms**.

Development as the Expansion of Human Freedom

Building upon this critique, Sen conceptualizes development as a process of **expanding human freedom**. Freedom, in this framework, is both the **primary objective** and the **principal means** of development.

Human freedoms encompass several interrelated dimensions:

- **Political freedoms**, including the right to vote, express opinions, and participate in democratic governance.
- **Economic facilities**, such as access to employment, credit, and markets.
- **Social opportunities**, including education, healthcare, and public services.
- **Protective security**, which safeguards individuals against extreme deprivation, exploitation, or social exclusion.

These freedoms are **mutually reinforcing**—for example, education improves employment opportunities, which enhances economic security and social participation.

By strengthening these linkages, development expands the **range of choices available to individuals**. In this sense, people are not merely beneficiaries but **active agents of change** shaping their own lives and societies.

Equality of Autonomy and the Role of Human Agency

- An essential element of Amartya Sen's framework is the principle of **Equality of Autonomy**, which stresses that individuals should have equal opportunities to shape their own lives and pursue their aspirations.
- Autonomy requires enabling conditions such as **education, access to information, and democratic participation**, without which formal freedoms remain ineffective. Thus, development must strengthen **human agency**, enabling individuals not just to receive benefits but to actively participate in decisions affecting their lives.

Niti and Nyaya: Institutions versus Realized Justice

Drawing on classical Indian philosophy, Amartya Sen distinguishes between **niti** and **nyaya**.

- **Niti** refers to the correctness of institutional rules and arrangements.
- **Nyaya** refers to the realization of justice in actual social outcomes.

This distinction shows that well-designed institutions alone do not guarantee justice. Consequently, development policy must evaluate not only the design of institutions but also their **practical impact on human well-being**.

Challenges to the Capabilities Approach

1. Normative Debate on Defining Capabilities

- One of the major challenges to the capabilities approach concerns the **identification of core capabilities**. Martha Nussbaum attempted to address this issue by proposing a **definite list of central human capabilities**—such as bodily health, emotional well-being, practical reason,

and political participation—which she argues should be guaranteed by the state as a minimum threshold for human dignity.

- However, Amartya Sen cautions against prescribing a universal list of capabilities and argues that they should emerge through **democratic public reasoning** within societies. This creates a key challenge: the **absence of a universally agreed framework** for identifying and prioritizing capabilities.

2. Difficulty in Translating Theory into Policy (Praxis Problem)

Another major limitation lies in the gap between **theoretical insight and practical implementation**, often described through the philosophical concept of **praxis**—the integration of theory and practice.

- **Policy Translation Challenge:** Although the capabilities approach offers a strong normative framework, translating it into concrete policies remains complex.
- **Operationalization in Governance:** Governments must convert ideas of **freedom and opportunity** into policies such as universal education, public healthcare, social protection, and inclusive labour markets.
- **Institutional Effectiveness:** The key challenge is ensuring that institutions **genuinely expand real opportunities** rather than merely adopting the rhetoric of capability.

3. Measurement and Contemporary Political Challenges:

- **Measurement Challenge:** Capabilities such as **freedom, dignity, and participation** are qualitative and difficult to quantify compared to indicators like **GDP or income**.
- **Political Challenge:** The rise of **plutocratic populism**, where economic elites consolidate power while appealing to popular sentiments, reduces development discourse to **mere economic growth**.
- **Normative Impact:** This trend shifts attention away from **human freedom, justice, and democratic participation**, thereby undermining the core principles of the **capabilities approach**.

4. Institutional Justice versus Real Outcomes

- The capabilities approach also raises debates within theories of justice. John Rawls introduced the concept of the **veil of ignorance**, emphasizing the design of fair institutions that protect equality and justice. While Sen appreciates Rawls's framework, he argues that justice cannot be judged solely by institutional design.
- Instead, attention must focus on **actual social outcomes and lived experiences**. Institutions may appear just in theory but fail to produce equitable results in practice. This raises the practical challenge of ensuring that institutional frameworks genuinely translate into **expanded human capabilities**.

Way Forward for Strengthening the Capabilities Approach

- 1. Democratic Deliberation for Defining Capabilities:** Societies should encourage **inclusive democratic public reasoning** to identify and prioritize core capabilities. Participatory policymaking involving citizens, experts, and institutions can help create a **context-specific yet broadly acceptable framework of capabilities**.
- 2. Translating Capability Theory into Effective Public Policy:** Governments must integrate the capabilities approach into **development planning and governance frameworks** by strengthening policies on universal education, public healthcare, social protection, and inclusive labour markets, ensuring that these policies expand **real freedoms and opportunities**.
- 3. Developing Multidimensional Indicators of Human Development:** To address measurement challenges, policymakers should adopt **multidimensional indicators**—such as the Human Development Index (HDI), social progress indicators, and well-being metrics—that better capture aspects like **health, education, participation, and dignity** beyond GDP.
- 4. Strengthening Democratic Institutions and Accountability:** To counter challenges such as plutocratic populism and the gap between institutional design and real outcomes, states must reinforce **transparent governance, rule of law, and institutional accountability**, ensuring that development policies translate into **tangible improvements in human capabilities and freedoms**.

Conclusion

The capabilities approach, advanced by Amartya Sen, offers a **future-oriented vision of development** where progress will be measured by the expansion of human freedoms, choices, and agency rather than merely by economic growth.

Q. While the Capabilities Approach has transformed development discourse, it faces several conceptual and practical challenges. Critically examine.

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