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# INDEX

<b>1. GENERAL STUDIES 2</b>	<b>01</b>
1.1. POLITY & GOVERNANCE	01
1.1.1. Crisis of the Anti-Defection Law: Re-Evaluating the Tenth Schedule	01
1.1.2. Digital Vigilantism	05
1.2. INTERNATIONAL RELATIONS	04
1.2.1. India–New Zealand Free Trade Agreement (FTA)	08
1.3. SOCIAL JUSTICE	13
1.3.1. From Coverage to Care: Strengthening India’s Public Health System	13
<b>2. GENERAL STUDIES 3</b>	<b>18</b>
2.1. ECONOMY	18
2.1.1. Extreme Heat and the Gig Economy	18

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## 1.1. POLITY & GOVERNANCE

### 1.1.1. CRISIS OF THE ANTI-DEFECTION LAW: RE-EVALUATING THE TENTH SCHEDULE

#### Context:

The recent mass defection of more than two-thirds of a political party's representatives in the **Rajya Sabha** to a rival formation has sparked a critical debate regarding the efficacy of the **Tenth Schedule**. This event highlights a growing trend where constitutional safeguards designed to ensure political stability are being circumvented through legal maneuvers, potentially undermining the sanctity of the democratic mandate.



#### Overview of Tenth Schedule in India

##### 1. What is the Tenth Schedule?

- The **Tenth Schedule** is a constitutional provision that was added to the Constitution of India through the **52nd Constitutional Amendment Act, 1985**. It is commonly referred to as the **Anti-Defection Law**.
- In simple terms, the **Tenth Schedule** lays down the rules under which **an elected member of a legislature** may be **disqualified from membership** on the **grounds of defection**; that is, if they abandon or betray the party on whose ticket they were elected, as determined by the **Presiding Officer of the House**.

##### 2. Genesis of the Anti-Defection Law

- **Political Instability and "Aaya Ram, Gaya Ram"**: The origin of the anti-defection law can be traced back to the political instability that gripped many Indian states in the late 1960s. The phrase "**Aaya Ram, Gaya Ram**" became a symbol of this era.
  - In 1967, a legislator from Haryana changed his party affiliation multiple times within a single day, highlighting how legislators were treating their political allegiance as a tool for personal advancement rather than as a public trust.
- **Consequences and Scale of Defections**: Unchecked defections led to **toppling of governments, frequent imposition of President's Rule, and erosion of legislative credibility**, with **over 140 defections recorded between 1967 and 1971**.
- **Committee Recommendation and Legal Response**: The **Y.B. Chavan Committee (1968)** recommended strong legal measures, which resulted in the enactment of the **52nd Constitutional Amendment Act, 1985**, inserting the **Tenth Schedule (Anti-Defection Law)**.

##### 3. Constitutional Provisions

The Tenth Schedule operates alongside several other articles of the Constitution that together form the complete framework of the anti-defection law:

- **Article 102(2)**: Provides that a **member of either House of Parliament** shall be disqualified if they are disqualified under the Tenth Schedule.

- **Article 191(2):** Provides the same disqualification for members of **State Legislative Assemblies and Councils**.
- **Article 136:** Empowers the **Supreme Court of India** to grant special leave to appeal against decisions of the Speaker or Chairman in disqualification matters.
- **Article 226:** Empowers High Courts to exercise **judicial review** over decisions taken under the Tenth Schedule, on grounds such as violation of natural justice or constitutional provisions.

#### 4. **91st Constitutional Amendment Act, 2003**

This amendment strengthened the anti-defection law by **abolishing the split exception** and raising the merger threshold from one-third to **two-thirds of the total membership of the legislature party**. It also capped the size of the **Council of Ministers at 15% of the total strength of the House**.

#### **Key Features of Anti-Defection Law Provisions (Tenth Schedule of Indian Constitution)**

1. **Conditions Leading to Disqualification:** A member of a House belonging to a political party will lose their membership if they **voluntarily leave their party**. They will also be disqualified if they **vote against the party's direction (whip)** or **choose not to vote without prior permission**, and the party **does not excuse (condone) this action within 15 days**.
2. **Rules for Independent Members:** An **independent member**, who was elected without the support of any political party, will be **disqualified if they join any political party after the election**.
3. **Rules for Nominated Members:** A **nominated member** is allowed to join a political party **within six months from the date of taking their seat** in the House. If they join any party **after this six-month period**, they will be **disqualified from membership**.
4. **Situations Where Disqualification Does Not Apply (Exceptions)**
  - **Party Merger Exception:** Disqualification does not apply when a member leaves their party due to a **merger with another party**. A valid merger occurs when **at least two-thirds of the members of that party agree to the merger**.
  - **Presiding Officer Exception:** If a member is elected as the **Presiding Officer (Speaker or Chairman)**, they may **resign from their political party** to maintain neutrality. They can also **rejoin the party after leaving the post**, without being disqualified. This exception exists to preserve the **dignity and impartiality** of the office.
5. **Authority Responsible for Decision-Making:** Under the Tenth Schedule, if there is any doubt about whether a member should be disqualified, the decision is taken by the **Speaker or Chairman of the House**. This decision is **not made by the President**, nor is it based on the advice of the **Council of Ministers**.
6. **Power to Make Rules:** The **Presiding Officer** of the House has the authority to **frame rules** to implement the **Anti-Defection Law**. According to these rules, a defection case can be taken up only when a **complaint is filed by another member of the House**.
7. **Function of the Whip:** The **whip** is responsible for **informing party members about the party's official position** and ensuring they vote accordingly. If a member **violates the whip and votes**

against the party line, they may face **disqualification or disciplinary action** under the Anti-Defection Law.

### Important Judgements on Anti-Defection Law

- **Kihoto Hollohan v. Zachillhu (1992):** This was the **first major judgement** on the Anti-Defection Law. The Supreme Court **upheld the constitutional validity** of the Tenth Schedule and ruled that it does **not violate the basic structure** of the Constitution. It also clarified that the **Speaker's decision is subject to judicial review**, but **only after the decision is made**, meaning courts cannot interfere while the matter is still pending before the Speaker.
- **Rajendra Singh Rana v. Swami Prasad Maurya (2007):** The Supreme Court held that the **Speaker cannot delay decisions indefinitely** on disqualification petitions. Such **unreasonable delay or inaction** can be **challenged in court**, as it may amount to a **violation of constitutional duty**.
- **Subhash Desai v. Principal Secretary (2023):** In this recent and significant ruling, the Supreme Court made a clear distinction between the **legislature party** (elected members) and the **political party** (wider organisation). It held that the **political party's decisions are binding** on legislators and that a **rebellion within a legislature party does not amount to a merger**. This judgement addressed issues arising from **recent political defections**.
- **G.V. Krishnamurthy v. Union of India (2023):** The Supreme Court reiterated that **disqualification cases must be decided within a reasonable time**. It emphasized that **deliberate delays cannot be used as a political tool**.

### Significance of the Tenth Schedule

- **Ensuring Stable Governments:** India's parliamentary system requires the government to maintain a **majority in the legislature**. By restricting defections, the Tenth Schedule helps prevent **political instability** and protects **elected governments** from being unfairly toppled.
- **Reducing Political Corruption:** Defections in India have almost always been linked to inducements — financial benefits, ministerial positions, protection from legal proceedings, and other personal gains. The **Second Administrative Reforms Commission (2008)** specifically identified such inducement-based defections as one of the most corrupting influences in Indian democratic politics. The anti-defection law serves as a constitutional deterrent against this form of corruption.
- **Strengthening Political Party Accountability:** In a parliamentary democracy, political parties form the organisational backbone of governance. When legislators are held to their party's platform, parties are incentivised to maintain coherent and accountable positions, which ultimately benefits governance and policy-making.
- **Preserving Federal Balance:** The law helps prevent the misuse of defections to **destabilise state governments**, especially by external political influence. This supports the **federal structure** and maintains balance between the **Centre and States**.

## Criticisms of the Anti-Defection Law

- **Restriction on Freedom of Expression (Curbing Dissent):** The law limits the ability of legislators to act according to their **own judgement and conscience**. Members are often forced to follow the **party line**, even when it goes against their **beliefs or the interests of their constituents**.
- **Weakening of Intra-Party Democracy:** By penalising defection, the law strengthens the control of **party leadership** over members. This discourages legislators from **questioning leadership decisions** or raising **internal disagreements**, thereby reducing **democratic debate within parties**.
- **Encouragement of Party Fragmentation:** To escape disqualification, politicians may create **new parties** or shift to **smaller groups**, leading to the **fragmentation of the political system**. This can make it difficult to ensure **stable governments** and effective policy implementation.
- **Concerns Regarding the Role of the Presiding Officer:** The role of the **Speaker or Chairman** has been criticised due to **lack of transparency and possible bias**. Since the law's provisions can be **interpreted differently**, and decisions are often seen as **final in practice**, concerns arise about **fairness and impartiality**, especially when there is **limited judicial oversight during proceedings**.

## Global Best Practices

- **United Kingdom:** The United Kingdom does not have a formal anti-defection law, and instead relies on strong political conventions, party discipline, and accountability to voters to regulate the conduct of legislators.
- **South Africa:** South Africa previously allowed floor crossing under regulated conditions; however, due to widespread misuse, the provision was eventually abolished to maintain political stability.
- **Bangladesh:** Bangladesh has a stringent anti-defection law, where even abstaining from voting against party directions can lead to disqualification, thereby ensuring strong party discipline.
- **Germany – Constructive Vote of No Confidence:** Under **Article 67 of the Basic Law**, a government can be removed **only if a new Chancellor is elected simultaneously with majority support**. This ensures **stability** by preventing **opportunistic defections** and allowing change **only with a viable alternative government** in place.

## Way Forward: Strengthening the Anti-Defection Law

- **Clarifying the Merger Clause through Constitutional Amendment:** Parliament should amend the law to clearly state that a **valid merger** must be decided by the **entire political party (through its authorised body)**, and not just by **two-thirds of the legislature party**. This condition should be **additional, not a substitute**, thereby closing existing **legal loopholes**.
- **Shifting Disqualification Power to an Independent Body:** The authority to decide disqualification cases should be taken away from the **Speaker/Chairman** and given to an **independent institution**. Both the **Law Commission of India (170th Report, 1999)** and the **National Commission to Review the Working of the Constitution (2002)** have recommended assigning this role to the **Election Commission of India** or a **special tribunal** to ensure **impartial decisions**.
- **Ensuring Time-Bound Decisions:** A legal provision should mandate that all **disqualification petitions** are decided within a **fixed period of 3 months**. If the presiding officer fails to act, the

case should be **automatically transferred** to the **Election Commission or a tribunal**, preventing **deliberate delays**.

- **Promoting Intra-Party Democracy:** The **Election Commission of India** should be empowered to enforce **internal democracy within political parties**, as suggested by the **Second Administrative Reforms Commission (2008)**. Greater **transparency in party decisions**, especially on mergers, will reduce **forced defections**.
- **Creating a Strong Electoral Deterrent:** Members disqualified for defection should be **barred from contesting elections for at least 5 years**. This would increase the **cost of defection** and discourage **opportunistic party switching**.
- **Timely and Active Judicial Intervention:** The **Supreme Court of India** should more actively use its powers under **Article 142** to ensure **quick resolution** of cases and issue **clear guidelines**. Delays in such matters can **undermine democratic mandates**.

### Conclusion

The **Tenth Schedule** stands as a constitutional guarantee that the voter's mandate is not betrayed by post-election opportunism; however, its growing erosion through misinterpretation and institutional failure demands urgent and meaningful reform. Legislative clarity, an independent adjudicatory mechanism, and timely judicial intervention are no longer optional they are indispensable to keeping India's democracy truly representative.

*Q. While the Anti-Defection Law under the Tenth Schedule was enacted to ensure political stability, it has increasingly come under criticism for weakening democratic principles. Critically examine. (15 Marks)*

### 1.1.2. DIGITAL VIGILANTISM

#### Context:

The Delhi High Court raised concerns over **"digital vigilantism"**. High Court Observed that social media posts can **transcend free speech** and become tools of **public shaming**.



#### What is Digital Vigilantism?

**Digital vigilantism** refers to the phenomenon where private citizens use digital tools primarily social media platforms to investigate, identify, and "punish" individuals they perceive as having committed a legal or moral offense.

Unlike traditional vigilantism, which might involve physical confrontation, digital vigilantism operates through the **weaponization of information**.

#### Key Characteristics of Digital Vigilantism

- **Crowdsourced Action:** It often involves a "pile-on" effect where thousands of strangers share, comment on, and amplify an allegation.
- **Doxxing:** A common tactic where a target's private information (home address, phone number, workplace) is published online to encourage real-world harassment.

- **Public Shaming:** The primary goal is often "social death" destroying a person's reputation, livelihood, or social standing.
- **Bypassing Due Process:** It functions outside the formal legal system, acting as investigator, judge, and executioner simultaneously.

### Legal & Constitutional Dimensions of Digital Vigilantism

- **Fundamental Rights: Article 19(1)(a)** grants the right to expression online, while **Article 19(2)** allows the State to impose "reasonable restrictions" to prevent defamation or threats to public order and morality.
- **Right to Reputation:** The Supreme Court has consistently held that an individual's reputation is an inseparable facet of the **Right to Life and Liberty under Article 21**, protecting it from arbitrary social shaming.
- **Principles of Natural Justice:** These ensure a **fair hearing** for the accused and uphold the **presumption of innocence**, both of which are fundamentally bypassed by the immediate "verdict" of a digital mob.
- **Relevant Legal Provisions: IPC Sections 499–500** provide criminal remedies for defamation, while the **IT Act** regulates platform accountability through intermediary liability and mandates the removal of illegal content via takedown norms.

### Why Does Digital Vigilantism Emerge?

Digital vigilantism emerges primarily as a **byproduct of institutional failure**. When formal systems do not provide timely or effective solutions, the public "crowdsources" justice.

- **Systemic Apathy:** A perceived lack of faith in the police, judiciary, or corporations to address grievances (e.g., sexual harassment or corruption) swiftly or fairly.
- **The "Accountability Gap":** Social media acts as a bridge where legal mechanisms fail, using public shaming to force an immediate response from otherwise slow-moving organizations.
- **Collective Helplessness:** Individuals feel powerless against systemic issues; digital "mob" action provides a sense of agency and immediate emotional catharsis.
- **Technological Ease:** The anonymity, speed, and reach of the internet allow for low-cost, high-impact "retributive action" that bypasses traditional gatekeepers.
- **Search for Solidarity:** Victims seek validation and support from a digital community when they feel ignored or blamed by formal authorities.

### Positive Aspects of Digital Vigilantism

- **Voice to the Voiceless:** It democratizes justice by allowing marginalized individuals to bypass biased legal barriers and reach a global audience directly. This "great equalizer" ensures those without social capital can secure public validation and support.
- **Accountability Mechanism:** Viral exposure creates reputational risks that compel apathetic authorities and corporations to take immediate corrective action. It bridges the gap where formal internal grievance cells or oversight bodies have failed to deliver.

- **Awareness Generation:** Bringing private ordeals into the public square forces societal conversation on systemic issues like workplace harassment and discrimination. This collective visibility often acts as a catalyst for long-term policy changes and legal reforms.
- **Speed:** While legal trials often take years, the "court of public opinion" delivers an almost instantaneous social response. This rapid feedback provides immediate emotional catharsis and can halt ongoing misconduct in real-time.

### Challenges of Digital Vigilantism

- **Violation of Natural Justice:** The principle of "*Audi alteram partem*" is often ignored as the internet acts as a one-sided tribunal without allowing the accused to present a defense. This results in a "guilty until proven innocent" environment that undermines the core tenets of a fair legal system.
- **Trial by Media:** Public opinion and viral outrage effectively replace the formal judicial process, delivering "verdicts" before any evidence is legally examined. This creates immense pressure on formal institutions and often leads to pre-judged outcomes in the eyes of society.
- **False Allegations:** The lack of robust verification mechanisms on social media allows unverified or malicious claims to spread unchecked. This creates a significant risk of irreversible reputational damage, where the "correction" rarely reaches the same audience as the original viral lie.
- **Mob Mentality:** Online outrage can rapidly escalate into a "digital lynching," where collective anger transforms into targeted harassment, stalking, and death threats. This aggressive environment prioritizes emotional catharsis over constructive justice or reform.
- **Privacy Violations:** "Doxxing" involves the malicious publication of private information, such as home addresses or personal contacts, to incite real-world harm. Such misuse of personal data puts individuals and their families at physical risk, violating the fundamental right to privacy.
- **Chilling Effect on Free Speech:** The fear of being targeted by a digital mob or a "shaming" campaign can discourage individuals from expressing dissenting or unpopular views. This leads to self-censorship, as the threat of social annihilation silences open dialogue and shrinks the space for healthy public discourse.

### Case Study

Airline misconduct case (2022): A male passenger allegedly urinated on a senior citizen in the business class of an Air India flight.

- Action was taken **only after social media outrage**.

### Way Forward

- **Strengthening Institutional Redress:** Implement robust, time-bound grievance mechanisms (like efficient Internal Complaints Committees or "No-Fly" lists) to close the "justice gap" that drives victims toward social media.
- **Judicial & Police Reforms:** Accelerate formal legal processes and sensitize police to restore public faith in due process, ensuring the judiciary remains the primary arbiter of justice.
- **Digital Literacy & Responsible Influence:** Encourage media and influencers to adopt a "Verification-First" approach, fact-checking allegations before amplification to prevent misinformation and irreversible reputational harm.

- **Enforcement of DPDP Act & RTBF:** Strictly implement the **DPDP Act, 2023**, and the "Right to be Forgotten" to allow removal of false or outdated shaming content, protecting long-term dignity.
- **Balancing Article 19 and 21:** Develop clear guidelines to distinguish between legitimate online activism and digital vigilantism, ensuring free expression does not trample the right to a fair trial.

### Conclusion

Digital vigilantism is a symptom of failing institutional redressal. To uphold the rule of law, we must strengthen formal justice systems, ensuring they are swift and empathetic enough to make "mob justice" unnecessary.

*Q. "Digital vigilantism is less a problem of social media excess and more a reflection of institutional failure." Critically examine. (15 Words)*

## 1.2. INTERNATIONAL RELATIONS

### 1.2.1. INDIA–NEW ZEALAND FREE TRADE AGREEMENT (FTA)

#### Context:

- At a time when global supply chains are fractured and protectionism is rising, India recently concluded a landmark **Free Trade Agreement (FTA) with New Zealand** one of its fastest-concluded FTAs ever, as a decisive reflection of its **recalibrated foreign trade policy** under the "**Viksit Bharat 2047**" vision, transitioning from a cautious, tariff-focused negotiator to a strategic, high-velocity trade partner.
- A **Free Trade Agreement (FTA)** is a treaty between two or more countries that reduces or eliminates barriers to trade such as tariffs, quotas, and regulatory restrictions to enable the free flow of goods, services, capital, and labour across borders, thereby enhancing economic cooperation.



#### India–New Zealand Relations: The Foundation

- **Historical Ties:** Formal diplomatic relations were established in **1952**; Indian soldiers fought alongside **ANZAC forces at Gallipoli (1915)** during **World War I**, forming a deep historical bond.
- **Diplomatic relations** were formally established in **1952**, and both countries are **members of the Commonwealth**, sharing **democratic values and common law traditions**. Both nations support a **rules-based international order**, strengthening cooperation in global governance.
- **Bilateral Trade:** Total trade in goods and services reached **USD 2.4 billion in 2024**. Bilateral merchandise trade grew by **49% to USD 1.3 billion in 2024–25**. India maintains a **positive trade balance**, exporting more than it imports. New Zealand is India's **second-largest trading partner in the Oceania region**.
- **Trade Composition:** India exports **pharmaceuticals, machinery, textiles, and precious stones** to New Zealand, while importing **wool, iron & steel, fruits & nuts, and aluminium**.

- **Diaspora Bridge:** The ~**300,000-strong Indian diaspora** roughly **5–6% of New Zealand's population** acts as a powerful cultural and economic bridge between both nations. Cultural connections are further strengthened through **education exchanges, tourism, and traditional knowledge systems**.
- **Defence & Security:** A bilateral **Defence Agreement signed in early 2025** enhanced military engagements and naval port visits. New Zealand is also aligning with India's **Indo-Pacific Oceans Initiative (IPOI)** to improve maritime domain awareness.
- **Multilateral Cooperation:** New Zealand supports India's bid for **permanent UNSC membership** and entry into the **Nuclear Suppliers Group (NSG)**. It is a member of the **International Solar Alliance (ISA)** and the **Coalition for Disaster Resilient Infrastructure (CDRI)**, both led by India.

## Strategic Features of the India–New Zealand FTA

### 1. Unprecedented Market Access for Indian Exports

- **100% Duty-Free Access:** New Zealand has **eliminated all tariffs** on Indian exports, benefiting **labour-intensive sectors** like MSMEs, textiles, leather, footwear, and gems & jewellery where earlier tariffs were as high as **10%**.
- **India's Tariff Offer:** India has offered tariff liberalisation on **70.03% of tariff lines**, covering approximately **95% of bilateral trade value**. While **30% of these lines** will see immediate duty elimination, the rest will undergo **phased reduction over 3 to 10 years**.
- **Input Cost Reduction:** India gains duty-free access to key industrial inputs like **wooden logs, coking coal, and metal scrap**, directly enhancing manufacturing competitiveness and supporting 'Make in India'.

### 2. Protection of Sensitive Domestic Sectors

- **Strategic Exclusion List:** India has kept **29.97% of tariff lines** outside the liberalisation framework to shield domestic industries.
- **Excluded Items:** All **dairy products** (fluid milk, cheese, yogurt), sensitive agricultural commodities like **onions, peas, corn**, sugar, aluminium, arms & ammunition, and specific gems & jewellery.
- **Dairy Red Line:** The exclusion of core dairy products is India's most significant protective win, shielding **millions of small dairy farmers** from New Zealand's global dairy dominance.
- **Graduated Access for Value-Added Dairy:** India will grant progressive **duty-free access for infant formula and high-value-added dairy products** over a **seven-year period**, enabling domestic firms to access quality raw materials.
- **Tariff Rate Quota (TRQ) Mechanism:** Products like **apples, kiwifruit, Manuka honey, and albumins** are regulated through **TRQs with minimum import price safeguards and seasonal constraints**, balancing market access with farmer protection.
- **Trade Remedies:** The FTA allows **safeguard measures against import surges** — including raising duties or pausing tariff cuts — ensuring balanced protection for domestic industries.

### 3. Massive Foreign Direct Investment Commitment

- **USD 20 Billion Investment:** New Zealand has made a **binding commitment to invest USD 20 billion in India over the next 15 years** in high-priority sectors including **agri-tech, food processing, renewable energy, education, and healthcare management**.
- **Rebalancing Clause:** A dedicated **rebalancing mechanism** addresses any shortfall in investment delivery, ensuring this commitment translates into **tangible economic outcomes** rather than remaining a paper pledge.

### 4. Talent Mobility & Human Capital Pathways

- **5,000 Skilled Professional Visas:** An annual quota of **5,000 Temporary Employment Entry Visas** (up to 3 years) has been created for skilled Indians in **IT, healthcare, and engineering**.
- **Student-Friendly Provisions:** Caps on Indian students are removed; students may work **20 hours per week** during study, with **post-study work rights of 3–4 years** for STEM graduates.
- **Working Holiday Visas:** An annual quota of **1,000 work-and-holiday visas** for young Indians aligns India's workforce with New Zealand's age-eligibility requirements.

### 5. Services, AYUSH & Cultural Diplomacy

- **Services Market Access:** New Zealand offers market access across **118 service sectors** including IT, education, finance, and tourism — along with **Most-Favoured Nation (MFN) treatment in 139 sub-sectors**.
- **AYUSH Recognition — A Historic First:** This is the **first bilateral FTA** to formally recognise India's traditional medicine systems like **Ayurveda, Yoga, Unani, Siddha, and Homoeopathy (AYUSH)** alongside New Zealand's indigenous **Māori health practices**, enabling formal trade and professional exchange in traditional medicine.
- **Cultural Chapter:** A dedicated chapter covering **traditional knowledge, audio-visual industries, sports, and tourism** strengthens people-to-people linkages between the two nations.

### 6. Intellectual Property & GI Protection

- **GI Law Amendment:** New Zealand has pledged to **amend its Geographical Indication legislation within 18 months**, providing EU-equivalent protection to Indian GI products in the Oceania market.
- **Iconic Products Protected:** Iconic Indian brands like **Darjeeling Tea, Basmati Rice**, and other GI-tagged exports will gain top-tier legal protection in New Zealand and Oceania.
- **Mutual Recognition Arrangement (MRA):** Shared standards via Australia enable India's **80+ organic exports** including basmati rice, tea, flax seeds, and isabgol to gain smoother access in New Zealand.

### 7. Trade Facilitation, Pharma & Rules of Origin

- **Faster Customs Clearance:** The FTA mandates **24–48 hour cargo clearance**, paperless trade systems, and **Authorised Economic Operator (AEO) mechanisms** to boost MSME efficiency.

- **Pharma Fast-Track:** Global **Good Clinical Practice (GCP) / Good Manufacturing Practice (GMP)** approvals such as US FDA and EMA certifications will be mutually recognised, reducing duplicative inspections and lowering costs for Indian pharma exports.
- **Product Specific Rules of Origin (PSRs):** A robust PSR framework ensures **genuine value addition** by Indian exporters, preventing misuse of trade benefits by third-country actors routing goods through India.

## 8. Geopolitical & Strategic Significance

- **Gateway to Oceania & Pacific:** The FTA enables India to use New Zealand as a **logistical hub and regulatory reference point** to access **Pacific Island Countries (PICs)**, strengthening India's Indo-Pacific footprint.
- **OECD Standards Compliance:** By meeting New Zealand's high standards, India demonstrates its capacity to engage in **OECD-standard global supply chains**, setting a precedent for future FTA negotiations.
- **First-Mover in Oceania:** Negotiations concluded in just **9 months** (March to December 2025), marking India's **fastest FTA execution** and a decisive first-mover advantage in the region.

## Key Challenges in India–New Zealand FTA

- **China Shadow Over FTA Gains:** New Zealand's **heavy economic dependence on China (~30% of exports)** may push it to avoid taking clear positions in Indo-Pacific disputes, potentially diluting the FTA's strategic value for India and limiting deeper supply chain integration.
- **Investment Delivery Risk:** The binding commitment of **USD 20 billion over 15 years** is ambitious. Without strong sector-specific enforcement, actual capital flows may fall well short of targets. The **rebalancing clause** provides a remedy mechanism, but its effectiveness will depend on consistent diplomatic follow-through from both sides.
- **Dairy Exclusion vs. Agricultural Expectations:** While India has protected **core dairy products** in the exclusion list, the **phased market access for infant formula and high-value dairy products** over seven years could still exert competitive pressure on domestic nutritional firms if domestic infrastructure is not upgraded simultaneously.
- **Security Friction — Khalistan Issue:** The presence of **pro-Khalistan elements** operating under New Zealand's liberal policies creates diplomatic tension. This security friction, if unaddressed, can undermine trust and delay the smooth operationalisation of FTA provisions, particularly those linked to **talent mobility and diaspora engagement**.
- **Weak Institutional Framework for Implementation:** Effective FTA delivery demands strong bilateral institutions. Current gaps in **counter-terrorism cooperation, critical minerals collaboration, and maritime security coordination** reduce the overall strategic depth of the partnership, making it susceptible to disruptions caused by changes in political leadership on either side.
- **Transactional Mindset Limiting FTA Depth:** New Zealand largely still perceives India as a **labour source and education destination** rather than a comprehensive strategic partner. This transactional outlook may restrict the FTA's potential in **deep-tech, defence innovation, and critical capital partnerships** that India needs to fully realise its **Viksit Bharat 2047 ambitions**.

## Way Forward: Measures to Strengthen the India–New Zealand FTA

- **Fast-Track the USD 20 Billion Investment:** Both countries must set up a **Joint Investment Monitoring Committee** to track sector-specific capital inflows in **agri-tech, renewable energy, food processing, and healthcare**. Activating the **rebalancing clause** early will prevent delivery gaps from becoming a diplomatic liability.
- **Maximise FTA’s Trade Potential Through Digital Integration:** India must leverage its **Digital Public Infrastructure (UPI, Aadhaar, ONDC)** to boost **MSME exports, digital commerce, and cross-border fintech services** under the FTA’s **118 services sectors** market access commitment, directly helping India double bilateral trade to the **USD 5 billion target in five years**.
- **Operationalise Agricultural & GI Commitments:** India must promptly activate the **Centres of Agricultural Excellence** and pursue **joint research in dairy modernisation, food safety, and cold-chain logistics**. Simultaneously, India must push New Zealand to complete its **GI law amendment within the 18-month timeline** to unlock legal protection for brands like **Darjeeling Tea and Basmati Rice** in Oceania.
- **Institutionalise Security to Protect FTA Gains:** A **bilateral counter-terrorism framework and Mutual Legal Assistance Treaty (MLAT)** must be established to tackle the **Khalistan issue and cross-border extremism**. Without resolving this security friction, the trust needed for smooth implementation of the FTA’s **talent mobility and diaspora provisions** will remain fragile.
- **Use FTA as a Launchpad for Future-Ready Sectors:** The FTA’s investment commitment should be channelled into **green hydrogen, space cooperation, clean technology, and AI-driven fintech** to transform the partnership from a **transactional trade deal into a long-term strategic alliance** that truly serves the goals of **Viksit Bharat 2047**.
- **Leverage Diaspora & Indo-Pacific Outreach to Expand FTA Reach:** The **300,000-strong Indian diaspora** must be systematically engaged to promote **FTA awareness, business linkages, and AYUSH trade**. Simultaneously, New Zealand’s role as a gateway must be used to deepen India’s outreach to **Pacific Island Countries (PICs)** under the **Indo-Pacific Oceans Initiative (IPOI)**, giving the FTA true regional strategic weight.

## Conclusion

- The **India–New Zealand FTA** is a next-generation, inclusive partnership that simultaneously empowers **farmers, MSMEs, women, youth, and startups** while maintaining a careful balance between **market access and domestic protection**, taking India's total FTAs to **9 agreements with 38 advanced economies covering nearly 65–70% of global GDP**.
- Far beyond a bilateral trade deal, this agreement is a **geopolitical statement** — signalling India's capacity for swift, standards-compliant diplomacy, its seriousness about Indo-Pacific leadership, and its resolute march towards **Viksit Bharat 2047**.

*Q. Free Trade Agreements are no longer just economic tools but instruments of geopolitical strategy. Analyse this statement in the context of the India–New Zealand FTA. (15 Marks)*

## 1.3. SOCIAL JUSTICE

### 1.3.1. FROM COVERAGE TO CARE: STRENGTHENING INDIA'S PUBLIC HEALTH SYSTEM

#### Context:

- India's public health sector stands at a defining moment **expanding insurance coverage** through schemes like **Ayushman Bharat PMJAY** has broadened financial access, yet the system continues to grapple with deep structural gaps in quality, affordability, and equity.
- The recently released **80th Round of the Household Social Consumption (Health) Survey**

#### Public Healthcare System In India



by the **National Statistical Office (NSO)** India's first comprehensive health survey in the **post-COVID era** reveals that having an insurance card still does not guarantee access to a hospital bed, making the journey from **coverage to care** India's most urgent health policy challenge.

#### Background: Key Highlights of the NSO 80th Round Health Survey

- **Survey Scope:** The **National Statistical Office (NSO)** released the **80th Round of the Household Social Consumption (Health) Survey** India's first comprehensive post-pandemic health survey and after **Pradhan Mantri Jan Arogya Yojana-PMJAY attained maturity**, covering **1,39,732 households (76,296 rural; 63,436 urban)** to assess healthcare access, affordability, and utilisation. Moreover, previous surveys of the same kind (**64th and 75th rounds**) had shown that most Indians lacked any form of health insurance.

#### A. Health-Seeking Behaviour

- **PPRA Nearly Doubles:** The **Proportion of Population Reported Ailing (PPRA)** rose from **6.8% to 12.2% in rural** and **9.1% to 14.9% in urban areas** (2017–18 to 2025), signalling improved **proactive health-seeking behaviour**, not a deterioration in health.
- **Epidemiological Transition:** India shows a **decline in infectious diseases** and rising **Non-Communicable Diseases (NCDs)** including **diabetes and cardiovascular conditions** aided by **Information, Education and Communication (IEC)** efforts and community screening.

#### B. Out-of-Pocket Expenditure (OOPE)

- **Median ₹11,285 Per Hospitalisation:** Over half of all hospitalisations involve low expenditure; only a few high-cost cases surgeries and cancer push up the mean. At **public health facilities**, the median OOPE per hospitalisation is just **₹1,100**, and for **outpatient care** it is **zero** supported by the **Free Drugs Service Initiative (FDSI)**, **Free Diagnostics Initiative (FDI)** (2015), and **1.84 lakh Ayushman Arogya Mandirs (AAMs)**.
- **Poor Benefit Most:** The **bottom two consumption quintiles** show a **declining OOPE trajectory**, confirming that government interventions are effectively reaching the most economically vulnerable.

### C. Health Insurance Coverage

- **Threefold Expansion Under PMJAY:** Coverage under **Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (AB-PMJAY)** and State schemes rose from **12.9% to 45.5% in rural** and **8.9% to 31.8% in urban areas**, protecting vulnerable populations from **catastrophic health expenditure**.

### D. Public Facility Utilisation

- **Rural Outpatient Utilisation: 28% → 35%:** Use of public facilities for outpatient care rose from **28% (2014) to 35% (2025)** in rural areas, driven by **preventive, promotive, and early diagnostic care** under AAMs.

### E. Maternal and Child Health

- **Near-Universal Institutional Deliveries:** Institutional deliveries rose from **90.5% to 95.6% in rural** and **96.1% to 97.8% in urban areas** (2017–18 to 2025), driven by **Janani Suraksha Yojana (JSY)**, **Janani Shishu Suraksha Karyakaram (JSSK)**, and **Pradhan Mantri Surakshit Matritva Abhiyan (PMSMA)**. Notably, **66.8% of rural deliveries** now take place in **government health facilities** (urban: 47%).

## Challenges in India's Public Health Sector

### 1. Structural Weakness in Public Hospitals

- India spends only about **2.1% of GDP on health (2021–22)** well below the **WHO-recommended 5%** and far behind nations like Brazil (9.6%) and Thailand (3.7%).
- India has approximately **0.55 hospital beds per 1,000 population** against the WHO norm of 3 per 1,000, revealing a chronic **infrastructure deficit** in the public sector.
- Public hospitals are severely short-staffed: India has just **0.65 doctors per 1,000 people** (WHO recommends 1 per 1,000), with acute shortages in **rural and semi-urban areas**.
- Private hospitals dominate **tertiary and super-speciality care** while public facilities remain largely confined to primary and basic secondary care, creating a **dual-tier healthcare system**.

### 2. Insurance Coverage Without Genuine Access

- **PMJAY reimbursement rates are often below market rates**, making many private hospitals reluctant to empanel or causing them to recover costs through separate charges on patients.
- The survey confirms: while insurance coverage has grown threefold, the **hospitalisation rate has not returned to pre-2014 levels** showing that the poor remain practically excluded despite being nominally covered.
- **Awareness gaps** about entitlements and empanelled hospitals further reduce the effective utilisation of insurance, especially among **women, elderly, and marginalised communities**.

### 3. Underfunded Preventive and Chronic Care

- The **Ayushman Arogya Mandir (AAM) network** formerly Health and Wellness Centres which provides free medicines and diagnostics, is **significantly underfunded relative to NCD management needs**.

- India's NCD burden is rising rapidly: NCDs account for **over 60% of all deaths** in India (ICMR, 2023), requiring sustained medicines, diagnostics, and specialist follow-ups all expensive and largely private.
- **Generic medicine availability** under Pradhan Mantri Bhartiya Janaushadhi Pariyojana (PMBJP) is patchy in rural areas, limiting affordable access to essential chronic care drugs.

#### 4. Financial Risk Despite Nominal Protection

- The **catastrophic health expenditure** defined as OOPE exceeding 10% of household income still affects roughly **17% of Indian households** (National Health Accounts, 2022).
- The 80th Round confirms this duality: while the median OOPE has dropped, the **mean OOPE has roughly doubled**, reflecting that a minority of households face very high expenditures particularly for surgeries, cancer treatment, and organ care.
- **Health expenditure remains a leading cause of indebtedness and poverty in India**, with an estimated **55 million people pushed into poverty annually** due to healthcare costs (World Bank).

#### 5. Urban-Rural and Gender Disparities

- Rural areas have far fewer public health facilities per capita, with only **25,743 Community Health Centres** against a requirement of over 35,000 (RHS 2022–23).
- **Women's access to healthcare** is constrained by mobility, social norms, and the concentration of gynaecology and maternal care facilities primarily in district hospitals.

#### Government Initiatives: Building the Architecture of Universal Health Coverage

- **Ayushman Bharat PMJAY (2018)**: Provides health cover of **₹5 lakh per family per year** for secondary and tertiary hospitalisation to over **12 crore poor and vulnerable families** the world's largest government-funded health insurance scheme.
- **Ayushman Arogya Mandir (AAM)**: Converted from Sub-Health Centres and PHCs to provide **comprehensive primary care** including free essential medicines, diagnostics, and telehealth services; **over 1.72 lakh centres** operationalised by 2024.
- **Pradhan Mantri Jan Arogya Yojana (PM-JAY) Expansion (2024)**: Extended to cover **all citizens above 70 years of age** irrespective of income, addressing the vulnerable elderly population.
- **National Health Mission (NHM)**: Aims to strengthen **rural health infrastructure**, focusing on maternal and child health, immunisation, and disease control through a network of ASHAs, ANMs, and health workers.
- **PM Ayushman Bharat Health Infrastructure Mission (PM-ABHIM)**: A ₹64,180 crore scheme to develop critical healthcare infrastructure at the block, district, and metropolitan levels, particularly strengthening **public hospitals for pandemic preparedness and tertiary care**.
- **Pradhan Mantri Bhartiya Janaushadhi Pariyojana (PMBJP)**: Over **10,000 Janaushadhi Kendras** provide generic medicines at 50–90% less than market prices, reducing OOPE for chronic disease patients.

- **eSanjeevani Telemedicine:** India's national telemedicine platform has recorded **over 30 crore consultations** (2024), bridging specialist access in rural and remote areas.

### Global Best Practices: Lessons India Can Learn

- **Thailand's Universal Coverage Scheme (UCS):** Thailand achieved near-universal health coverage by investing heavily in **public hospital networks** and setting regulated fees for all facilities, resulting in the private sector's OOPe share dropping to under 12%. India can adopt **regulated pricing mechanisms** for PMJAY-empanelled hospitals.
- **Brazil's Sistema Único de Saúde (SUS):** Brazil's unified public health system, funded by dedicated taxes, provides **free universal healthcare** through strong primary care — reducing hospitalisation by preventive management. India's shift toward **strengthening primary care through AAM** mirrors this model.
- **Rwanda's Community-Based Health Insurance (CBHI):** Rwanda achieved over **90% insurance coverage** by integrating community health workers into insurance enrolment and care delivery a model relevant to India's ASHA network.

### Way Forward: Strengthening India's Public Health Sector

#### A. Expand and Upgrade Public Hospital Capacity

- India must urgently increase **public sector hospital beds** from 0.55 to at least 2 per 1,000 population, with a special focus on **district hospitals and medical colleges** to enable tertiary care competition with the private sector.
- Under PM-ABHIM, fast-tracking the development of **Critical Care Blocks in every district** will reduce dependence on expensive private hospitals for emergency and speciality care.

#### B. Reform PMJAY Reimbursement and Regulate Private Providers

- Reimbursement rates under PMJAY must be periodically revised to reflect actual treatment costs, and **empanelled hospitals must be prohibited from charging separately for diagnostics** and ancillary services already included in packages.
- A dedicated **Health Regulatory Authority** similar to the Insurance Regulatory and Development Authority (IRDAI) can monitor hospital billing, quality standards, and patient grievances.

#### C. Adequately Fund the AAM Network for NCD Management

- The **Ayushman Arogya Mandir (AAM) network** must receive **dedicated NCD care funding** including point-of-care diagnostics for diabetes, hypertension, and cancer screening so that chronic disease patients are managed at the primary level, reducing costly hospitalisations.
- **Universal free essential medicines** for NCDs at all public health facilities, similar to Tamil Nadu's model, can dramatically cut OOPe for the poor.

#### D. Strengthen Health Workforce

- India must produce more doctors, nurses, and paramedics the **National Medical Commission's push to increase MBBS seats** must be matched by expanding post-graduate medical education to reduce the specialist shortage.

- **Community Health Officers (CHOs) deployed at Health and Wellness Centres** should be expanded and empowered to provide first-line chronic disease management.

#### E. Increase Public Health Expenditure

- India must progressively increase **public health expenditure to 2.5% of GDP** as committed in the National Health Policy 2017, and further toward the WHO-recommended 5% with **dedicated funds for public hospital upgradation** and telemedicine infrastructure.
- States should be incentivised through **GST devolution conditionalities** tied to health infrastructure outcomes, encouraging higher state-level health spending.

#### F. Leverage Technology and Data

- The **Ayushman Bharat Digital Mission (ABDM)** creating unique health IDs, digitising health records, and enabling health data exchange must be accelerated to reduce duplication of diagnostics and improve clinical decision-making.
- Real-time OOPe and disease burden data from surveys like the 80th Round must be **integrated into health policy planning cycles** at the state level for targeted interventions.

#### Conclusion

- The **80th Round of the Household Social Consumption (Health) Survey** by the **National Statistical Office (NSO)** clearly shows that while **insurance coverage has expanded, gaps in access, infrastructure, and affordability continue to persist**.
- India must now focus on **strengthening public hospital infrastructure for tertiary care, regulating private providers under insurance schemes, fully funding preventive and chronic care, and progressively increasing public health expenditure** — so that every Indian citizen's right to affordable, quality healthcare moves from a **constitutional aspiration to a lived reality**.

*Q. India's healthcare challenge is no longer just about financial protection but about ensuring actual access to care. Discuss the key challenges in India's public health system and suggest measures to strengthen public sector hospital capacity. (15 Marks)*

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## 2.1. ECONOMY

### 2.1.1. EXTREME HEAT AND THE GIG ECONOMY

#### Context:

- India has seen a **sharp rise in the frequency, intensity, and duration of heatwaves** over the past decade, with the **India Meteorological Department** reporting that these events now affect larger areas and occur earlier in the year, while **2022 recorded notable heat-related deaths** in several regions.
- At the same time, the **Intergovernmental Panel on Climate Change** warns that **South Asia** is likely to face extreme **wet-bulb temperatures (which combine heat and humidity)**, which can make outdoor work unsafe for long periods.
- In this situation, as India enters another summer of intense heat, the growing vulnerabilities of millions of **gig workers engaged in delivery and transport services without formal labour protection** highlight a serious governance challenge related to **climate resilience, labour rights, and platform-based employment**.



#### Background: Gig Workers in India — An Overview

##### A. Who are Gig Workers?

- The term "**gig economy**" refers to a **labour market characterised by short-term contracts, freelance work, and on-demand tasks**, as opposed to permanent jobs.
- **Gig Workers:** The **Code on Social Security, 2020** defines a gig worker as "**a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship.**"
  - They include **food and grocery delivery agents, e-commerce couriers, ride-hailing drivers, logistics handlers, and freelance professionals** working through apps and websites.
- **Platform Workers:** **Platform workers, a subset of gig workers**, are those engaged specifically through **online or digital platforms**.
- **Aggregators:** Digital intermediaries or marketplaces for a buyer of service and a seller (**e.g., Swiggy, Zomato, Ola, Uber, Urban Company**).

##### B. Government Initiative

- **Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023:** Rajasthan became the **first state in India** to enact legislation specifically for gig workers, establishing a welfare board and mandatory registration of platform workers. Karnataka has also proposed similar legislation.

##### C. Growth and Scale of Gig Workforce in India

- **As per NITI Aayog's 2022 report 'India's Booming Gig and Platform Economy':**

- India had approximately **7.7 million gig workers in 2020–21**.
- This number is projected to **surpass 23 million by 2029–30**, reflecting an annual growth rate of nearly 12 percent.
- Gig workers may constitute **over 6–7% of the non-agricultural workforce** in the coming decade.
- **Share in Total Workforce:** Gig workers constituted **about 1.5 percent of India's total workforce in 2020-21**, a share expected to rise to **4.1 percent by 2029-30** as platform-based employment grows.
- **Current Workforce:** According to the **Economic Survey 2025-26**, India's gig sector witnessed a **55% increase** from **7.7 million workers** in FY21 to approximately **12 million** in FY25.
- **Urban Concentration:** Gig work is predominantly concentrated in **Tier-1 and Tier-2 cities** such as **Mumbai, Delhi, Bengaluru, Hyderabad, and Chennai**, where **platform-based delivery and ride-hailing services are most active**.

### Significance of the Gig Workforce in India

Gig workers, particularly delivery partners and transit drivers, have evolved into the **invisible backbone** of India's urban economy.

- **Last-Mile Essential Service Enablers:** They facilitate the seamless movement of food, medicines, and groceries, ensuring that **urban consumption cycles** remain resilient. During the **COVID-19 pandemic**, this workforce acted as a systemic lifeline, maintaining essential supply chains while formal sectors remained restricted.
- **Engine of the Digital Economy:** The gig economy is a visible manifestation of India's digital infrastructure. Platforms like **Swiggy, Zomato, Blinkit, Amazon, Flipkart, Ola, Uber, and Porter** collectively support **millions of workers and handle billions of transactions annually**, thereby driving **Goods and Services Tax (GST)** collections and attracting **Foreign Direct Investment (FDI)**.
- **Macroeconomic Value Addition:** The sector contributes approximately **1.25% to India's Gross Domestic Product (GDP)**. By optimizing **transaction costs** and providing **operational flexibility**, gig work fuels the rapid expansion of the **e-commerce** and **Quick Commerce (Q-commerce)** industries. A healthy and productive gig workforce is essential to sustaining this economic ecosystem.
- **Democratized Employment Safety Net:**
  - **Low-Barrier Entry:** It serves as a vital **livelihood bridge** for **first-generation urban migrants** and **low-income youth** who may lack the formal educational credentials required for the organized sector.
  - **Social Inclusivity: Flexible scheduling** offered by gig platforms has enabled individuals who cannot commit to fixed-hour employment including **persons with disabilities or those with caregiving responsibilities** to earn income on their own terms.
  - **Gender-Diverse Pathways:** While delivery roles are **male-dominated**, **women are carving significant niches** in **digital freelancing, home-based micro-tasks, and beauty/wellness platforms**, enhancing overall **Female Labour Force Participation (FLFPR)**.

- **Climate and Crisis Buffer:** During **extreme weather events** such as **heatwaves or urban flooding**—**gig workers absorb** the **physical risks of transit**, allowing the broader population to adhere to safety advisories while ensuring that the economy does not come to a standstill.
- **Human Capital Utilization:** By providing immediate earning opportunities, the gig economy prevents **involuntary unemployment** and allows workers to monetize their **time and assets** (like two-wheelers) effectively, contributing to the overall **productivity** of the urban labor force.

## Key Challenges Faced by Gig Workers in India during Extreme Heat and their Impact

### 1. Heat as an Income Shock:

- Gig workers face a **direct income shock during extreme heat**, as their earnings depend entirely on the **number of deliveries completed, trips undertaken, or hours logged on digital platforms**.
- Therefore, unlike salaried employees who can **work remotely or avail paid leave**, gig workers must choose between **stopping work and losing income or continuing to work at the cost of their health**, creating a harsh trade-off.

### 2. Absence of Occupational Health and Safety Norms:

- India's current labour framework does not provide **mandatory heat-related rest periods for gig workers**, as they fall outside formal employer–employee relationships.
- Although several cities have introduced **Heat Action Plans, temporary cooling centres, and water kiosks**, these interventions are largely designed for **stationary populations rather than mobile workers**.
- A delivery worker completing **thirty to forty trips daily across multiple locations** cannot reliably access fixed cooling facilities, limiting their effectiveness. As a result, they are compelled to depend on **public infrastructure or personal resources**, which are often inadequate during extreme heat conditions.

### 3. Algorithmic Pressure and Performance Metrics:

- Digital platforms use **algorithmic management systems** that continuously monitor performance through **delivery speed, acceptance rates, and customer ratings**. During extreme heat, these metrics create **implicit coercion**, as workers who slow down or log off to manage heat stress risk **lower ratings, fewer orders, or even deactivation**.
- Since algorithms do not factor in **environmental conditions**, they reinforce **structural pressure to work despite unsafe heat exposure**.

### 4. Gender-Specific Vulnerabilities:

- Women gig workers face **intersecting burdens**, as they must manage **occupational heat exposure alongside unpaid domestic and caregiving responsibilities**, particularly during summer months. This dual burden makes it harder for them to **absorb income losses and maintain consistent work participation**.
- In addition, women workers experience **heightened safety concerns**, as extreme heat often leads to **deserted streets and reduced public presence**, increasing risks during work hours.

## 5. Limited Access to Social Security and Welfare Mechanisms:

- Responsibility for gig worker welfare remains **fragmented across multiple institutions**, as **health departments focus on medical outcomes, disaster management agencies respond reactively, labour departments are constrained by unclear employment status, urban local bodies neglect labour needs in planning, and digital platforms prioritise efficiency without climate-risk integration**, resulting in a **lack of a coordinated and comprehensive response**.
- Most gig workers do not have access to **Employees' State Insurance (ESI), Provident Fund, or any employer-funded health insurance**. When a worker falls ill due to heat stress or is hospitalised, there is no compensatory mechanism.
- The **e-Shram portal, launched in 2021** to register informal workers and provide them with social security benefits, has achieved significant registration numbers **but has not yet translated into comprehensive health and income protection for platform workers**.

### Global Best Practices

To address these challenges, India can look toward international models that have successfully integrated heat safety into labor regulations.

- **United States (OSHA Standards):** The **Occupational Safety and Health Administration (OSHA)** uses a "**Heat Stress Guide**" that mandates a "**Water, Rest, Shade**" protocol. This includes **acclimatization** periods for new workers and mandatory breaks when the heat index reaches specific thresholds.
- **UAE and Gulf Countries:** Many Middle Eastern nations implement a **Mandatory Midday Break** law, which **prohibits outdoor work** during the hottest hours of the summer months (**typically 12:30 PM to 3:00 PM**).
- **Parametric Insurance (SEWA, India):** The **Self-Employed Women's Association (SEWA)** has piloted **parametric heat insurance**, where **payouts are automatically triggered** if local temperatures exceed a certain threshold for a specified number of days, compensating for lost income.
- **Spain's "Rider Law":** Spain's 'Riders' Law', enacted in 2021, mandates that **food delivery platforms classify their delivery workers as employees** rather than independent contractors. This entitles delivery workers to social security contributions, collective bargaining rights, and occupational safety protections, including those relevant to heat exposure.

### Way Forward: Building a Climate-Resilient Gig Economy

- **Heat-Responsive Platform Design:**
  - **Dynamic Incentives:** Platforms should introduce "**Heat Surcharges**" during extreme weather, which are passed directly to workers as hazard pay.
  - **Algorithm Adjustments:** Delivery timelines should be automatically relaxed when the **Heat Index** exceeds safe levels, removing the threat of penalties for slow service.
- **Urban Infrastructure Development:**

- **Cooling Hubs:** Municipalities should collaborate with aggregators to set up **Climate Resilient Rest Areas** (equipped with water, fans, and first aid) at high-density delivery hubs.
- **Right to Cooling:** Policy should recognize access to cooling as a basic labor right for outdoor workers.
- **Policy and Legislative Reforms:**
  - **Enforceable Standards:** The **Occupational Safety, Health and Working Conditions (OSHWC) Code** must be updated to include specific, mandatory heat-safety standards for platform-based outdoor work.
  - **Climate-Linked Social Security:** Utilizing the **Social Security Fund (mandated by the 2020 Code)** to provide "**Weather-Loss Compensation**" or parametric insurance for gig workers.
- **Institutional Coordination:**
  - **Convergence of Departments:** Effective heat management requires coordination between the **Ministry of Labour, Ministry of Health, and Disaster Management Authorities** to treat heatwaves as an economic disaster rather than just a health issue.

## Conclusion

India's gig workers are both the **most visible and the most vulnerable participants** in its urban economy, and as heatwaves intensify, the **absence of labour protections for this workforce represents a systemic failure of climate adaptation** that demands urgent, coordinated policy action. Genuine resilience for this workforce must mean not just preventing heat-related illness, but protecting livelihoods and that requires **India to reimagine heat preparedness as an issue of economic justice**, not merely a public health advisory.

*Q. Discuss the significance of the gig economy in India's urban growth and analyse how climate change is altering its sustainability. Suggest a way forward. (15 Marks)*

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