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“In absence or non-availability of any medicine to cure COVID-19, acceptance of vaccine as a preventive mode is thus expected to be high. However, that isn’t the case. It indicates that the strategies for combating the pandemic require many more serious and innovative efforts to educate and communicate to the general public about the vulnerability and the risks involved in avoiding the vaccination.”

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## About CMS Transparency

The CMS Transparency team focuses on issues of good governance, raising awareness about the Right to Information Act (RTI) and empowering citizens to benefit from the legislation. CMS Transparency has been providing significant database and momentum to create responsive governance systems in our country.

The team will continue to establish links with civil society groups and design campaigns for RTI to further social objectives like transparency in elections, exposing corruption and improving civic services.

*"I am happy to note that Centre for Media Studies (CMS) has been carrying out the exceptional good work in various areas having substantial public interest. One of their initiatives is the study on corruption in the country in particular in certain geographical areas or on a theme."*

K. V. Chowdary, Central Vigilance Commissioner, Central Vigilance Commission (2015)



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# COVID-19 vaccine hesitancy: why it is critical to address?

Alok Srivastava

Researchers around the world are conducting studies to better understand many aspects of Omicron, the new variant of the coronavirus, and continuing to share the findings of these studies as they become available. Researches are also being conducted to determine whether a fast-spreading coronavirus poses a threat to COVID vaccine effectiveness.

Globally there are more than 27 crore confirmed cases are found of COVID-19 and more than 53 lakh people died due to the disease till Dec 2021 (WHO). In India, it is estimated that nearly 3.5 crore people have been infected and has caused over 4.7 lakh deaths as of Dec 16, 2021

(Aarogya Setu App) and the number is increasing every day affecting thousands of families and paralysing economies, cutting incomes and leading to an increase in unemployment, particularly among the socio-economically marginalized and vulnerable sections of the society.

It says that it takes seventeen years to move medical research from bench to bedside. However, for a pandemic like COVID-19, such a time lag is intolerable. As the situation was difficult all over the world, therefore serious efforts have been made by the scientists and researchers working day and night to shorten the period of research and make available a vaccine to fight against COVID-19.

However, the availability of the different vaccines wasn't surety of their acceptability too. The susceptibility to take the vaccine to protect from the virus was found high in many parts of the country.

Some researches, like one done by CMS for the UNICEF in early January 2021 showed that the general urban and rural population of different states of India has had high trust in the process of development of vaccine as well upon the

health providers to accept the vaccine when made available.

At the same time, alarming was the prevailing low perception about the threat from COVID-19 among



a large section of the population, particularly in rural areas, just before the second wave, that affected the vaccination drive to achieve a desirable rate. It should have been anticipated because previous research studies on the reach of a hepatitis B vaccination program (Baars et. all, 2011) have shown that higher perceived severity of the disease increases the intention to receive the vaccination but conversely, perception of influenza as a mild disease reduced willingness to get vaccinated.

In absence or non-availability of any medicine to cure COVID-19, acceptance of vaccine as a preventive mode is thus expected to be high. However, that isn't the case. It indicates that the strategies for combating the pandemic require many more serious and innovative efforts to educate and communicate to the general public about the vulnerability and the risks involved in avoiding the vaccination.

One was the lack of communication strategy and messages that can highlight the high risk and vulnerability along with the vaccine efficacy results available through clinical trials as well as the success rate of vaccination drive among health warriors.

It was required as the misinformation spread through multiple channels could have a considerable effect on the acceptance of a COVID-19 vaccine. The frenetic pace of vaccine development may

## Complacency towards COVID Appropriate Behaviour (CAB) protocols by the public was another contributing factor for the emergence and spread of the second wave of COVID-19 in March 2021.

play into concerns such as the lack of a long-term safety record and could compromise acceptance (Cornwall, 2020).

Though influenced by the Positive Deviance theory, the government aimed to vaccinate the frontline health workers to vaccinate followed by the eminent personalities of different fields and celebrities were used to be vaccinated and prominently showcasing their vaccinated status on social media platforms to reduce the hesitancy and increase the acceptance, however it couldn't produce desired results as far as vaccine hesitancy was concerned.

### **Vaccine hesitancy critical to address**

CMS research findings observed that majority of the general population were more forthcoming to share the vaccine-related concerns and hesitation of others rather than their own.

However, a few health warriors along with a section of participants having a better socio-economic profile did share their apprehension, about the expedited clinical trial and approvals of vaccine for use. They raised the concern about the efficacy of the vaccine being not fully tested.

Complacency towards COVID Appropriate Behaviour (CAB) protocols by the public was another contributing factor for the emergence and spread of the second wave of COVID-19 in March 2021. CMS formative research too indicated similar practice, particularly among the rural and tribal population, along with youth, due to their preconceived notion of having strong immunity or preference for natural herbs and care, and not much inclination towards getting vaccinated.

As media too reported and the study findings though in a limited way also brought out, reluctance among a section of the population to get vaccinated as it

goes against their religious belief, was also not completely unfounded. Refusal or delay in getting vaccinated contributes to gaps in vaccine uptake and immunization coverage—a significant factor in controlling or eliminating vaccine-preventable diseases (VPDs), which due to non-availability of any cure, stands true for COVID-19, as well.

Convenience-related issues, such as accessibility, in terms of distance and timing; and affordability of price of vaccine are the other contributing factor to Vaccine Hesitancy. The proportion of economically weaker section population has increased substantially due to the closure of livelihood activities as a result of lockdown and restrictions imposed by the government agencies.

### **An anthropological perspective on vaccine hesitancy**

No doubt, as suggested by WHO, vaccine-hesitant individuals are a heterogeneous group who hold varying degrees of indecision about specific vaccines or vaccination in general. Vaccine hesitant individuals may accept all vaccines but remain concerned about vaccines; some may refuse or delay some vaccines; some individuals may refuse all vaccines.

From an anthropological perspective, psychological, sociocultural, and political factors are key influencers. In the context of COVID-19, these could include

- **Personal belief systems or community-level belief systems**, from religious to cultural to philosophical notions, or belief in alternative forms of medicine, such as homeopathy, Ayurveda is a big factor for reluctance towards vaccination. Contextual factors, such as conflicts and other external circumstances; and vaccine-specific issues, such as adverse events or research

findings; accessibility, and pricing further add to the hesitation for getting vaccinated.

- **Pandemic-related anxieties and stress** due to loss of livelihoods and compelling priorities affect decision-making because basic needs get priority. Due to stress, the marginalised community also faces difficulty in processing the right information and source from wrong and fake ones.

- **Marginalised populations are deprived of resources-** Experience of limited access to resources makes it difficult for poor people to believe that they are getting an equal opportunity like others to get vaccinated, and doubt is genuine because most of the time better off and influential people generally grab the resources and poor continue to remain deprived of the benefits.

- **Power dynamics in the family-** Generally, the decision-making in the Indian families rests with the male members hence low priority is given to get the women of the family vaccinated, revealed CMS-UNICEF study. Women engaged in the informal economy fear more of opportunity cost to avoid vaccination. Around 45% of the respondents were worried about the number of days they would be out of work after getting vaccinated (SEWA Bharat, 2021).

- **Vaccination of adults** is not considered 'normal' as the history of adult vaccination coverage in India is dismal (Verma 2015). As a renowned cardiologist, (late) Dr. KK Aggarwal way back in 2017 in one of his blogs had mentioned that over two-thirds of the Indian adults are not aware of adult vaccination, as many think that vaccines are only for children.

- **Perceived severity increases the intention to receive vaccination**, as could be seen during and post 2nd wave, which witnessed a heartbreaking increase in mortality of COVID infected persons in India. To add to it the fear of 3rd wave

reduced vaccine hesitancy. Anthropological analysis in the past of how illness and healing function in "traditional cultures", shows that willingness has been motivated by the desire to observe and analyse, not to change (Ohio, 1988). Vaccination seems like unknown territory, while the COVID environment is under their control.

- **Political inclination and rhetoric** also affect vaccination drive adversely. Mistrust in governments is a factor for those reluctant to be vaccinated. A global survey of potential acceptance of a COVID-19 vaccine and posted on nature.com shows that in the survey carried out in June 2020 among around 13,000 people across 19 countries, people with little trust in government were less likely than others to say that they would get a vaccine. Similarly, the COVID-19 Symptom Survey (CSS) conducted by the University of Maryland and Carnegie Mellon University, in partnership with Facebook shows that among the 'No, definitely not' group, other significant reasons for hesitancy included not trusting the government. Further to add, deficiency in the supply of vaccines was used for scoring political points but on the other hand, it dampens the motivation to get vaccinated among the followers of these political fronts.

The above factors emphasizes the much-needed preparedness to tackle pandemic like COVID-19 not only in terms of investment of resources on R&D, infrastructure, and human warriors but also continued sensitization of different stakeholders, particularly politicians, media persons, community influencers, and the general public on differentiating between genuine concerns and rhetoric statements.

Correct identification and posing faith and reliability on experts and official mouthpiece is a must to win the war against situations like the COVID-19 pandemic.

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# Mainstreaming environment issues in media through an interactive and participatory approach

**Annu Anand**

Indian media is obsessed with the coverage of politics, films, and sports. With the advent of electronic and digital media, news space in Indian media has increased several times in the past two decades. However, issues concerning majority of the people like health, environment, and other socio economic subjects remain neglected in media.

More than one lakh newspapers and magazines are currently published in India. Around 17,000 newspapers are published every day in different languages. There are 800 channels and 36000 weekly magazine publications and thousands of web portals. Yet there is a lack of diversity in news coverage. (RNI India with 56 crore social media users is the second-largest market in the world, next only to China.(Digital India: Mc Kinsay).

There are many reasons for neglect of relevant issues like environment, science and health in Indian media. In India, most news organisations don't have a regular and full-time correspondent to cover environment, climate change and related subjects like energy. The coverage of such issues is restricted to expert column and comments on global or national events importance.

Coverage of politics, crime, films, and sports, and other day-to-day events which are relatively easy to understand get more space in the process. Moreover, in the name of efficiency, reporters increasingly cover a vast range of beats, making it as difficult as ever to satisfactorily portray the complexities of climate change. Put simply, journalists and editors striving for fair and accurate reporting are getting swamped by these larger-scale pressures

One of the major reasons for the poor coverage of important issues is lack of skill and capacity on the part of reporters to cover technical and scientific subjects. Journalists are not sensitized to cover stories related to technical subjects like climate change, energy conservation. They also do not have access to experts and other concerned persons working in such fields.



This problem can be addressed through interactive and participatory approach to orient and train the regular reporters. This has been demonstrated at the national and international levels with regard to reporting of environment and climate change. The Centre for Media Studies (CMS), a Delhi based think tank, has adopted the same approach in a three-year intervention of engaging media through sustained interaction and participation. It has produced desired results of increasing the coverage on climate change in the regional and national media.

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## **Need for training on climate change reporting**

A journalist working in any news media is expected to cover different issues as per the requirement of the media organisation. In Indian media, there is not much scope for covering specialised or scientific subjects by the persons having an educational background or interest in the same.

In most organisations the specialized beats are given based on the experience of covering general news. A very few journalists get such opportunity and most of them get their lessons of learnings while covering the subject itself.

As a reporter, most journalists are required to cover different subjects which they haven't studied or learned in their degree courses. As the techniques of covering any issue are the same except having basic knowledge about the subject. The Journalists who cover politics, crime, cinema, and entertainment can be also asked to write a report or cover the news item on the issue of science, environment, IT, economic issues, and other specialised beats like conflict; terrorism, and disaster management etc.

Most of the journalists have to take extra efforts to gain knowledge from concerned experts about the subject. Full-time reporting doesn't allow them to do short or crash courses on the subjects. Most of the time they look for such kind of training that can be provided them during their job and also give them access to experts to answer their queries and share updated information about and recent developments occurring all over the world related to the issue.

Such kind of training builds their capacity in a short time and develops the confidence to write on the issue which otherwise they wish to avoid.

Some media houses provide the training while on the job but such examples are very few. In this background CMS, launched a media training program on climate change to build the capacity of the media persons to do quality reporting on the issue and bring the climate change and related different aspects into the mainstream.

The initiative was launched as a media capacity building program in Nov 2016 with the support of the Indian Himalayan Climate Adaptation Project of Swiss Development Cooperation and GIZ, a German agency, works in the field of international cooperation for sustainable development, to orient and train the

journalists of the Himalayan and coastal region on the issue of climate change to trigger sustain interest among media persons about the subject and mainstream the issue in the media with quality reporting.

### **Structure and tools of the training program:**

The programme was designed to provide journalists in a very short period basic knowledge about climate change. This included science behind climate change; the impact of climate change on livelihood, National and state action plans on climate change; national-level policies affecting the climate change adaptation; programs on climate resilience and development policies.

An exposure visit was also part of the program to showcase the different adaptations initiatives started at the community level to combat and adapt to climate change. It was followed by a full-day session on writing skills, knowledge about resources and experience sharing.

The major tool used to obtain the expected outcome was training sessions by experts, specially designed capacity building modules for media persons, identified common and state-specific issues, exhaustive resource material developed for the training purposes; as well as training media manual for the journalists on climate change and adaptation.

To sustain the interest of journalists after the training workshops, a small grant was planned to provide selected journalists to write in-depth articles on climate adaptation. The fellowship program was designed after conducting a telephonic assessment study with journalists who were either covering environment or who intended to cover such subjects. The fellowship was aimed at improving the quality of reporting, increasing scientific accuracy in reporting and effective communication for vulnerable mountain communities.

The modules for the three-day residential training was divided in major four sessions to cover basic concepts of climate change and science of climate change; major impacts of climate change in especially on livelihood in local context; how temperature increases in course of time and the kind of measures have been taken to mitigate the climate impact at policy level. To cover these topics experts on each subjects were identified in consultation with state level climate change cells and environment nodal departments. Resources were also pooled from others public and private related institutions from all over the target states. To showcase the local perspective of impact of climate change and adaptation measures many scientists were taken on the board from state level.

First day comprised of three technical sessions wherein scientists gave the specially prepared presentations for media persons. Each presentation was prepared in simple and understandable language that media persons can grasp in short span of time without getting lost in scientific and technical jargon.

### **Implementation of the training program:**

To organize the trainings workshop, a team was formed consisting of three executives, team head and a climate change consultant. The team started the work to understand the geographical and social status of the respective state and understanding the issues related to climate change through secondary research.

A recce visit was done in each state before the training program by CMS Advocacy team to interact with state government officials of environment departments to understand the local issues confronting the climate change and adaptation process and to finalise the modalities of training workshop. The visiting team were also having meetings with local media persons to understand their needs and specific expectations from

the training program to write a quality report that can cater to their target audience.

The state level departments concerning the climate change and environment were involved in conceptualising sessions and organising field visits. Journalists from print, electronic and digital media with experience of writing on environment issues or those showing inclination to cover the subject were identified by the visiting team in each state.

The module for the first day of the session was designed in such a way so that media persons get knowledge about basic aspects of climate change and how it is different from the change in weather (basic concept); major impacts of the climate change especially on livelihood; disaster management like drought; floods and melting of glaciers. The major aspect of the climate change that is mitigation and adaptation was kept for live demonstration, wherein participants were showcased the live examples of adaptation of climate change.

Second day was kept for field visit where journalists were exposed to see that how communities are getting engaged in adaptation to climate change at ground level through different initiatives. The third day focused on developing the skills of media persons so that they can cover issues pertaining to climate change in a better way. A session on bridge the gap between the scientists, media and civil society was also conducted on last day of each workshop where representative of these sectors discussed that how frequent flow of information and communication can help to generate the awareness on climate change in the public.

In addition, promotion on social media was also done to create the awareness so that more and more journalists can participate in the workshops.

### **The outcome of the program:**

The three-year project was well received by the media. CMS could reach to around 450 journalists during the project period

and around 550 stories got published in state and national level media. Many in-depth stories appeared in *Times of India*, *Down to Earth*, *Deccan Herald*, *Dainik Bhaskar*, *India Today*, *Outlook* to name a few. In fact, these stories helped at a great extent to mainstream the issue of climate change in the media. Many stories also appeared in the regional publications that created a buzz about the local issues concerning climate change and adaptation.

Stories about the science of climate change, features on the adaptation measures taken in the Himalaya region to combat the adverse climate impact, drew the attention of different stakeholders working in different states on the issue. During the national consultation, which was a culmination of the media engagement project, many scientists, including Director of DST appreciated efforts of CMS for bringing the initiatives and issue of climate change adaptation in fore front.

The training workshops provided them intensive knowledge- based information about different aspects of climate change mitigation and adaptation. This objective is being achieved by designing the format of each workshop in a way to make it interactive, while also exposing all participants to live examples and case studies of mitigation and adaptation efforts.

Manuals helped the media persons to provide them information regarding resources like relevant websites, names of the experts and global and national overview about the subject. The manual became very popular among environment journalists and most of the journalist writing on the environment issues got the copy of it and appreciated it for having hands on information.

The enthusiasm shown by media persons especially of the Himalayan region encouraged some state government

departments to initiate similar training and orientation schemes of providing knowledge and streamlining the coverage on the issue by providing them fellowship and awards. For example, the Directorate of Environment of Manipur Government has launched a state level media fellowship program soon after the completion of CMS program; to sustain the efforts of engaging the media on the subject.

Mass Communication departments of about one dozen universities in the Himalayan region have kept the manual as reference material in their departments post training program.

### **Lessons Learnt and way forward:**

Though the three-year program mainly covered the Himalayan region and four states of the coastal and plain areas, journalists from other states also showed keen interest. The response from participants in workshops as well as applications received for the fellowship program was highly encouraging.

It was also felt that there is need for designing the training program at district level as many district level journalists who participated in the workshop expressed that there aren't enough resources to elicit the relevant information from district level department

It was also realised that there is a need of some kind of comprehensive capacity building training on the subject of environment or climate change as many new developments/ research or policy level changes keep on occurring every year. Besides, the media scenario keeps on changing rapidly, many young journos who aspire to write on the subject look for regular and sustained training on the issue that encourage them to cover such issues.

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# Missing links of sustainable environment

Dr. N. Bhaskara Rao

Going by the status of nature and ecology, including forests, wildlife, climate change and the trend over the years, it is obvious that something is missing with India's environmental concerns.

A separate ministry is in existence for nearly four decades but that has not made a difference in the quality of drinking water, air cleanliness, pollution control, climate change or there is much to say about forest coverage or about protecting the wildlife. Neither we can accomplish what we wanted nor match up with the claims of achievement. How come? Something is missing, not in taking forward, but even to blunt the decline in all these respects. It must be more than one missing link.

What could be these missing links! Unless we identify these, we cannot correct or modify or intervene to catch up with upholding the environmental status of the country. The least we should do is to prevent the decline or decay. The trend for over the decade is that India's performance on the environment is declining rapidly pushing many parts and sections of India as badly affected. And yet the question arises whether we are prepared or gearing up to adequately respond to the signals.

Four specific missing links are too obvious. These are:

1) "connectivity to" and "relevance" of customs and traditions to sustain the environment which is understanding of relationship or linkage between human development and environment,

2) Missing "communication between" people and the stake-holders, including "adversaries". This includes new generation India-ns who had little exposure and understanding of India's rich traditions and customs and their significance and linkage in upholding the environment.

The third and fourth are to do with a messy understanding of linkage of the environment with life goals and ways of living.

These are, 3) disconnected view of environment and its significance and linkage to and/or 4) constrained view of environment, more as a stumbling block to "development" which is the concern of the successive governments.



## Disconnected view of the challenge

The environment is not an intervening variable. It is nature-centric. It is a process. It is not for taming but for respecting and adopting that determines. Civilisations sustained to the extent of such an understanding only. That is why it is better to view environment not merely as mythology but as inherent in the culture and way of living in coexistence with nature in all its manifestations. They are interwoven. Culture and human life patterns are evolved around these fundamentals of environment. Values are the result of realisation of these fundamentals. Governments are interested and concerned more in immediate control and command aspects. This interest of governments conflicts with fundamentals of nature and even to the extent of threatening more often. A basic missing link in today's concern and crusade for the environment is realisation or recognition that it can only be by plugging into this platform of culture and its artefacts in terms of beliefs, rituals, traditions, customs and perceptions. All these are based on relationships between

A basic missing link in today's concern and crusade for the environment is realisation or recognition that it can only be by plugging into this platform of culture and its artefacts in terms of beliefs, rituals, traditions, customs and perceptions.

living beings as interconnected. An isolated view or disjointed approach could be a temporary outlook. These relationships are at every level of human life and development, at individual, family and community levels. Recognising these practices and availing them is a better approach than functioning in isolation and an exploitation course.

### **Even the most vulnerable are ignored?**

The story of Uttarakhand in the last 50 years reminds that how the linkage is ignored or neglected. This cannot be unknowing of the government as consisting of not merely the political leaders but experts, institutions and designated agencies with responsibilities. What I wrote in February 2021 in the wake of yet another disaster in Chamoli is relevant here. Climate is changing. Temperatures are warming. This is known to farmers and housewives too as to experts and scientists. Only the governments seem to be not or not bother about! Or so. How else one would explain the Chamoli Reni village flash floods of February 7, 2021, which is also the site of India's first Environment movement 50 years ago!? If disasters and tragedies only make the governments alert, the 2013 disaster was big enough with over 5000 deaths and many victims yet to be rehabilitated to date. Have we learned from that much review? Between 1970 and 2004 three extreme floods happened annually on average which multiplied after 2005. And, the extent of melting doubled during the decade. Several more things have been happening since 2013 in and around and across the hotspots of the Himalayas, signalling what was in store.

As if in recognition of that, the Union Government even expanded the Ministry of Environment with climate change in 2014. And yet the state of affairs in Uttarakhand in the last decade exemplifies missing links in India's crusade to sustain the environment. In 2014, it has become the MoEFCC. What difference has made where it was expected to make the most? In a drastic change of stance from 2014, and ignoring 2019 high level meets, the MoEFCC claimed at the Supreme Court (on August 17, 2021), that a consensus was reached between the MoEFCC, the power ministry, the Jal Shakti ministry and the

Uttarakhand government to continue work on seven hydropower projects stalled earlier by the court after a series of floods. These are Tehri II, Tapovan Vishnugad, Vishnugad Pipalkoti, Singoli

Bhatwari, Phata Byung, Madmaheshwar and Kaliganga. Of the seven projects, five were damaged in previous flood-related disasters. The 2013 floods damaged four. One project was damaged in floods of 2012, 2013, 2016 and 2021 and yet MoEFCC pursued hydropower projects going against its own earlier position, stand of local environmentalists and experts. that the seven projects also fall under seismic 'severe' and 'very severe' intensity zones didn't bother the ministry.

There is no opposition party or the government to blame for things that happened since then that influenced climate change the most, including the February 2021 disaster. Which was as big as 2013 in terms of damage and destruction but with signals of serious consequence. The saga of the fifty-year-long crusade to save the climate in the Himalayas by people individually and as civil society has not been scaled up and

availed to play an intense role. This was perhaps because of the proliferation of government-funded agencies. Institutes and committees. As if to remind the role of local initiatives, the February 2021 flash flood due to glacier burst happened around Reni village where the 1970 Chipko movement was launched by local women to safeguard the trees as a ritual and responsibility.

That temperature goes up once the trees are cut was realised by local women of Chamoli as early as 1970. In their foresight, they came together to disallow the cutting and felling of trees. In fact, it was this Chipko movement that became a torchbearer for the “environmental activists” of the country. Thereafter, its founder Chandi Prasad Bhatt and Sunderlal Bahuguna become role models.

In 2012, he predicted that disasters would stuck if we do not protect the Himalayan region. In 2019, CMS Vatavaran had honoured Bhatt once again to remind the nation of the pioneering role of Chipko and its continued relevance now. In 2020, there were 11 landslides never taken seriously of their accumulated effect.

A 2000 report of ICMOD also indicated a 50 percent change since 2000 in climate change based on satellite observations of 40 years and reminded 2013 Kedarnath-like disaster. In fact, this report also reminded us that temperatures will melt away a third of the Himalayan glacier by the end of the century. During the fortnight after the 2021 tragedy, a dozen agencies, engaged in review and research in the Himalayan region, had come up with different explanations for the occurrence. Explanation of most of these, either directly under government or funded indirectly, include glacier burst, an

avalanche of snow or boulders, lake collapse, flash flood, heavy snowfall, a landslide triggered, etc.

The explanations of equally long-standing independent institutions were climate change coupled with “reckless construction”, “result of doing stupid”, ignoring recommendations, etc. Most of them had reported that February 7 was the warmest day in six decades.

Environmenta lists and activists have been pointing time to time against development construction, dams, hydro, power projects and the *Char Dham* Highway. In what way now mid-2021 we are better at focusing?

It is too obvious that since climate change has become a pursuit of bureaucracy since 2014, the government seems to have lost its direction, focus and priorities. Worst, never its pursuit and policies, have been futures oriented and gross roots concerned. There is no evidence that the governments have cared about the perspective of locals, citizens and independent experts and activists. How else they could pursue what they have been since 2014? (As if ignoring what had happened in 2013 and now in February 2021 and what had happened in between). All that was not in public purview and reported as there was no disaster and destruction every time in the fury of rivers, rains, cloud bursts, avalanches and glaciers. Dr. Ravi Chopra’s 2014 report on the 2013 disaster recommended no hydroelectricity power plants and dams in para glacial regions be ignored despite the Secretary of the Ministry endorsing the recommendations as timely. Instead, the Secretary of the Ministry was shifted out no sooner (presumably at the instance of the dams lobby). No wonder Dr. Chopra felt that

As if to remind the role of local initiatives, the February 2021 flash flood due to glacier burst happened around Reni village where the 1970 Chipko movement was launched by local women to safeguard the trees as a ritual and responsibility.

The idea of big dams higher up the Himalayas was some kind of taming and challenging source of our life lines, the rivers instead of respecting and restoring nature.

“disasters in the Himalayas region happen when we do something stupid”. Ignoring natural happenings and local peculiarities was the fate of the 2018 PIL by Citizens for Green.

A chronology of decisions and developments during the 50 years since 1970, to do with and in the context of the Himalayan region spreading over six states, brings out utter insensitivity of the powers, particularly since 2005 and even more since 2014. The momentum built up by Chipko was never followed up with specific local plans with responsibilities was never kept up even to keep up the trees lost.

Landslides in 2004 and 2005 had not deterred the launch of Tapovan Hydro Power Project or the Tehri Dam. And an agreement to build more than a hundred dams higher up was formalised. That was when 2013 witnessed Kedarnath flood devastation involving over 5000 deaths. The idea of big dams higher up the Himalayas was some kind of taming and challenging source of our life lines, the rivers instead of respecting and restoring nature. The plans involve diverting the flow of streams and rivers through tunnels, turbines to generate electricity, to explore and exploit the mountains and trees and flora and fauna. Ambitious plans are being pursued in the name of development, ignoring implications and without concern for sustainability. Going

beyond and further in that pursuit of development, in 2016 a Char Dham Highway project (initial estimate of the cost of Rs. 14,000 crores) was launched connecting the four prime Hindu pilgrim shrines stretching over 900 km long all along the fragile ecosystem regions in the Himalaya (3500 metres above sea level) involving a loss of over 700 hectares of forest land, over 47,000 trees already felled and another 10,000 trees to be cut by the time it is completed.

The project is projected as India's pride in tourism and a source of revenue generation. Blatant was the way the procedures even to do with Environment Impact Assessment and appraisals were ignored, avoided or bypassed and independent review was ever allowed. The controversy and arguments against the necessity of wider highway roads are ignored with the argument that future demands have to be accommodated. The laws were violated and warnings of experts and complaints of Citizens to NGT in 2019 were ignored. The committee appointed as a formality was full of government nominees who could not oppose the project but support it. Independent voices were removed or ignored.

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# How RTI turns into a 'Toothless Tiger'

Shailesh Gandhi

The National Right to Information Act (RTI) became operational from 12 October 2005. This day was Dussehra, and those working in the RTI movement were very upbeat about it since it had taken many inputs from civil society in the drafting of the law. This was undoubtedly the best transparency law in the world and had been given shape by including inputs from citizens. This was actualising the promise of democracy to its rulers. It recognised that the government was not the ruler and was given the mandate to govern for five years.

## Citizens Were the Rulers

In RTI, the default mode was that the rulers – the citizens – were the owners, hence all information with the government must be shared with them. There are only ten exceptions that have been defined clearly in the law. Except for these, all other information must be accessible to citizens. Section 4 of the Act puts the responsibility on public authorities to share most of the information with the citizens suo motu. Unfortunately, this has not been done by most public authorities. The law fixed responsibility on Public Information Officers (PIOs), who must be nominated in every administrative unit of a public authority. Failure to provide information to the ruler invites the penalty provision of the law on the PIO.

Article 19 (1)(a) of the Constitution guarantees 'Freedom of Speech and expression' as a fundamental right of citizens. Article 19(2) permits reasonable restrictions on this "in the interests of the

sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence". The Supreme Court, by a catena of landmark judgments, has ruled that this includes freedom to publish and right to information.



## The Scope of 'Freedom to Publish'

The ambit of freedom of speech and freedom to publish has been widened over the years. Let us examine whether the scope of RTI has also been treated in a similar fashion.

While the freedom of speech and publishing was largely in the hands of citizens, the Right to Information required public authorities to provide the information held by them. The RTI Act codified this right very elegantly.

Information is power. Those who were holding the information – the public servants who had come to believe they are rulers – were unwilling to share it with the legitimate rulers, - the citizens. Parliament had drafted a fairly good law, and the usurpers of citizens rule - the public servants - were very uncomfortable with sharing information exposing their faults and corruption. In less than a year, the government drafted a set of

Those who were holding the information – the public servants who had come to believe they are rulers – were unwilling to share it with the legitimate rulers, - the citizens.

amendments that would have weakened the Act. Widespread public protests stopped this move.

### **How an SC Judgment Misinterpreted the Act**

Citizens spread the knowledge and understanding of the RTI Act with great enthusiasm. In the first few years, the PIOs were worried about the penal provisions of the Act and the personal responsibility thrust on them to abide by the law. In most cases, citizens began to realise the potential of using transparency to expose and shame recalcitrant public servants and get better governance. The Information Commissions, which were the final appellate authorities under the Act, ordered information to be provided and also imposed penalties. However, there was another factor that also started impacting this striving towards empowered citizens. A majority of Information Commissioners were retired bureaucrats. They were not able to internalise the concept that the true rulers in a democracy are the citizens. Corrupt public servants felt threatened by the new, resurgent empowered citizens. Slowly, the opposition started getting stronger. RTI users started being branded as blackmailers and extortionists. The Act was also subjected to gross deprecation and misinterpretation by the adjudicators. It started being touted that information seekers must establish public interest when seeking information. This displayed lack of understanding of fundamental rights.

One Supreme Court judgment said: “The (RTI) Act should not be allowed to be

misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty.”

This statement was made without any evidence or facts.

Section 8 (1)(j) of the Act exempts from disclosure information that has no relationship to any public activity, or which would cause invasion of the privacy of an individual. To make it easy for PIOs and all adjudicators, it had a proviso: “Provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.”

Thus, it is expected that whoever denies information claiming exemption under Section 8 (1)(j) should make a subjective statement that he would deny the information to Parliament. This would be the case if privacy was being violated and this is in congruence with Article 19 (2), which permits reasonable restrictions on the exercise of Article 19 (1)(a), where ‘decency or morality’ could be violated.

### **Inefficient Commissions**

The Supreme Court judgment in the *Girish Deshpande* case gave no legal reasoning but declared that all personal information is exempted, including that of public servants and their work. This appears to be contrary to the earlier judgments in *ADR-PUCL* and *R Rajagopal*. The Deshpande judgment has been considered a precedent in three other apex court judgments and is being used

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to deny information in a widespread manner across the country. Most information can be linked to a natural person. There are many such instances.

Another aspect that is leading to regression in RTI is the working of the Information Commissions. The delays in the Commissions are of one year to three years. This has reduced the efficacy of the adjudicatory body. Delays are converting 'Right to Information' into 'Right to History'. This is due to the following reasons:

- Anti-transparency mindset of a majority of the Commissioners. This is based on their belief that the political and bureaucratic set-up are the rulers.

- Slow disposal of the Commissioners. The average disposal by a High Court judge is about 2,700 cases per year. Considering the simplicity of issues before a Commissioner, it should be possible to dispose of about three times this number. The average disposal of most commissioners is around 1,500 to 3,000.

- Lack of any transparent process and criterion for selection. This is the problem with most Commissioners, regulators and Lokayuktas. These are our checks and balances of democracy. Most of these are

selected by political patronage or bureaucratic networking. To this is added the sloppiness of governments in appointing Information Commissioners.

### **What Happened to Delhi's Lokpal?**

Citizens and media are quite lazy in getting accountability and having serious discussions on these matters.

Lakhs of citizens took to the streets demanding a Lokpal. A Lokpal has been in Delhi for over 30 months and nobody seems to know what it is doing.

Similarly, on the RTI Act, there needs to be an active discussion on the law, Information Commissions, judgments, etc. If citizens and media fulfil their roles, the RTI Act will take India towards transparency and better governance.

We got Independence from the British. We can certainly enforce our rights from our own government. If we do not act, Article 19(1)(a) itself may be in jeopardy.

*(Source: The quint)*

***The writer is Shailesh Gandhi, Former Central Information Commissioner. This is an opinion piece and the views expressed above are the author's own.***

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# Legal implications of enforcing age of marriage

**The Union Cabinet has cleared 21 years as the minimum marriage age for women, from 18 earlier. What laws will need to be changed to enforce this?**

**T**he Union Cabinet has cleared a proposal to raise the minimum marriage age for women from 18 to 21. A look at the legal implications:

## **What is the minimum age of marriage?**

Personal laws that govern marriage and other personal practices for communities prescribe certain criteria for marriage, including age of the bride and groom. For example, Section 5(iii) of The Hindu Marriage Act, 1955, sets a minimum age of 18 for the bride and 21 for the groom. This is the same for Christians under the Indian Christian Marriage Act, 1872 and the Special Marriage Act.

For Muslims, the criteria is attaining puberty, which is assumed when the bride or groom turns 15.

## **Why is there a minimum age?**

Essentially to outlaw child marriage. This is done through special legislation such as the Prohibition of Child Marriage Act, 2006 and the Protection of Children from Sexual Offences Act, 2012. Under the Child Marriage Prevention Act, any marriage below the prescribed age is illegal and the perpetrators of a forced child marriage can be punished.

## **What happens to such marriages once detected?**

Child marriages are illegal but not void. It is voidable at the option of the minor party. This means the marriage can be declared void by a court only if the minor party petitions the court. This flexibility is kept to ensure that the rights of the minor, especially the girl, is not taken away in marital homes later on.

However, if a court finds a minor was coerced into marriage by parents or guardians, the provisions of the Juvenile Justice (Care and Protection of Children) Act come into effect to keep the custody of the minor until he or she attains majority and can make a decision on the marriage.

## **What laws will have to be changed to raise the minimum age of marriage?**

First, the age limit in the Prohibition of Child Marriage Act will have to be changed. The government had indicated this will be followed by necessary changes in personal law. The Hindu Marriage Act, the Indian Christian Marriage Act and the Special Marriage Act will also have to be change consequently.

However, changes in the Muslim law could raise significant legal issues.

## **What are these legal issues?**

The Prohibition of Child Marriage Act does not contain any provision that explicitly says the law would override any other laws on the issue. And there is an obvious discrepancy in the letter of the law between the Prohibition of Child Marriage Act and Muslim law on the minimum age of marriage.

For example, although the marriage of a 16-year-old girl deemed to have attained puberty is not considered invalid in Muslim law, it would be a child marriage under the Prohibition of Child Marriage Act.

Additionally, the Supreme Court, in a landmark 2017 verdict, has held that in case of a minor wife, the law recognises marital rape. Husbands of minor women, as opposed to husbands of adult women,

cannot enjoy the blanket immunity that the Indian Penal Code provides in Exception 2 to Section 375 against charges of marital rape.

### **Why has the government decided to re-examine the age of marriage?**

The Narendra Modi government decided to re-examine the age of marriage for women for a number of reasons, including gender-neutrality. An early age of marriage, and consequent early pregnancies, also have impacts on nutritional levels of mothers and their children, and their overall health and mental wellbeing. It also has an impact on Infant Mortality Rate and Maternal Mortality Rate, and the empowerment of women who are cut off from access to education and livelihood after an early marriage.

The recently released National Family Health Survey (NFHS) revealed that child marriage has come down marginally from 27 per cent in 2015-16 to 23 per cent in 2019-20 in the country, but the government has been pushing to bring this down further.

### **But if a marriage is valid, can a marital rape claim still be made by the minor wife?**

Experts have noted that this is a blind spot in the law that needs to be rectified.

Don't miss | Raising legal age of marriage for women: the law, the reasons and the criticism

### **Can Muslim law be amended too?**

Muslim law is a mere codification of Shariah law.

In *Shayara Bano v Union of India*, the case in which the Supreme Court declared the practice of instant triple talaq as unconstitutional, one of the key questions was whether the Supreme Court could quash a religious or divine law. The court said all personal laws will have to fall under the constitutional framework and will be subject to public order, morality and health.

Experts suggest the minimum age of marriage can be justified under public health. However, there are several differing verdicts from high courts on this issue.

### **What have courts said so far?**

In February this year, the Punjab and Haryana High Court granted protection to a Muslim couple (a 17-year-old girl married to a 36-year-old man), holding that theirs was a legal marriage under personal law. The HC examined provisions of the Prohibition of Child Marriage Act but held that since the special law does not override personal laws, Muslim law will prevail.

In other cases, the Karnataka and Gujarat High Courts have held that the 2006 special law would override personal laws and have sent the minor girl to a care facility.

### **What did the committee recommend?**

The committee has recommended the age of marriage be increased to 21 years, on the basis of feedback they received from young adults from 16 universities across the country. Over 15 NGOs were also engaged to reach out to young adults in far-flung areas and marginalised communities.

Committee members have said that feedback has been taken from youth belonging to all religions, as well as from rural and urban areas equally.

The committee also asked the government to look into increasing access to schools and colleges for girls, including their

transportation to these institutes from far-flung areas. Skill and business training has also been recommended, as has sex education in schools.

The committee said these deliveries must come first, as, unless they are implemented and women are empowered, the law will not be as effective.

The committee has further recommended that an awareness

campaign be undertaken on a massive scale on the increase in age of marriage, and to encourage social acceptance of the new legislation, which they have said would be far more effective than coercive measures

### **What have critics said about raising the age of marriage?**

Child and women's rights activists, as well as population and family planning experts have not been in favour of increasing the age of marriage for women on the basis that such a legislation would

push a large portion of the population into illegal marriages.

They have contended that even with the legal age of marriage for women being kept at 18 years, child marriages continue in India and a decrease in such marriages has not been because of the existing law but because of increase in girl's education and employment opportunities.

They have said the law would end up being coercive, and in particular negatively impact marginalised communities, such as the Scheduled Caste and Scheduled Tribes, making them law-breakers.

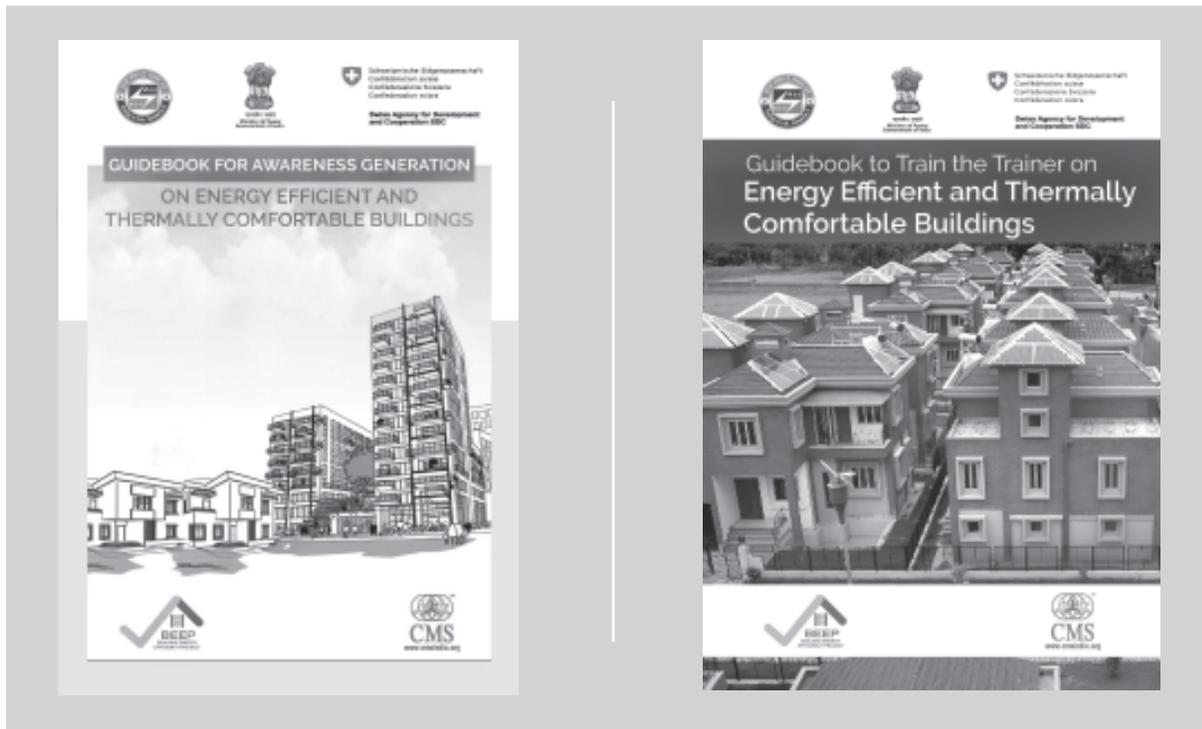
**Source: Indian Express**

## **Media Guidebooks Released**

Two Media manuals on energy efficiency building developed and published by CMS were released by the Minister of Power and New & Renewable energy, Sh. Raj. K Singh, as part of the energy conservation celebration on Dec 14, 2021.

The media guidebook and Train the Trainer manual were developed under the Media Engagement Program of Indo-Swiss Building Energy Efficiency Project (BEEP)

The media manuals have been developed as toolkits for journalists interested in writing stories on different aspects of building energy efficiency. The manuals also explain the techniques and resources of writing quality report on the issue.



# The good, the bad, the ugly: What went wrong during India's COVID-19 response

Osama Manzar

No single entity—be it the government, the corporates, or the social sector—can operate in isolation. However, all three failed to collaborate when the pandemic was at its peak in India. Why?

From its devastating economic impact and the migrant crisis to the startling death toll, the COVID-19 pandemic in India unfurled one crisis after the other. The glaring gaps in our system, which had always been there, became even more prominent during the pandemic. There is one question at the back of everyone's mind that still remains unanswered: *What went wrong?*

No entity can operate in isolation, be it the government, the private sector, or civil society. During times of crisis, the government must ensure that all cogs in the wheel continue to work effectively. Civil society—local communities and nonprofits—must enable delivery of public services up until the last mile. And, finally, the private sector needs to step up in terms of financial resources and leveraging of networks and influence.

However, when the pandemic was at its peak in India, these three entities failed to come together and work collaboratively to cushion the devastating effects of COVID-19 on the people.

## **The missing link between the government and the social sector**

According to our village-level digital entrepreneurs in the SoochnaPreneur program at Digital Empowerment Foundation (DEF), the four essential systems that were massively hit by the pandemic were education, healthcare, finance, and citizen entitlements. When the pandemic was raging, our SoochnaPreneurs reported that all people wanted was food and rations, a device to access online education for their children,

the ability to talk to a doctor or health worker to learn how to keep themselves safe, and to make some money to meet their daily needs from the confines of their homes. Ironically, given the stringent nature of the lockdowns, all this needed access to the internet.

However, across the country, lack of access to resources, high levels of digital illiteracy, and the deepening digital divide exacerbated by the pandemic acted as major roadblocks in India's COVID-19 response. Even as the government announced relief packages—food grains and cash payments—the mechanisms of delivery to beneficiaries at the last mile were unclear.

Nonprofits in 13 states and union territories were able to provide meals to more people during the lockdown than the concerned state governments.

For instance, common service centres (CSCs), which are supposed to work as access points that enable digital delivery of services such as banking and finance across rural India, were mostly non-functional. During the pandemic, the government claimed that people could use their local CSCs to access various digital services including telehealth and registration for vaccinations. However, like any other office, shop, or business centre, almost all CSCs had closed their operations due to the strict lockdown rules in various states.

With government services not always being available, the social sector stepped up. Whether it was making access to digital tools and digital literacy a priority or the distribution of essentials, nonprofits across the country filled in the gaps. According to one report, nonprofits in 13 states and union territories were able to provide meals to more people during the lockdown than the concerned state governments.

## The question that arises is: Would a collaborative relationship between the government and the social sector have aided a better response to the COVID-19 crisis?

The question that arises is: Would a collaborative relationship between the government and the social sector have aided a better response to the COVID-19 crisis?

For instance, the distribution of food grains could have been made efficient from the get-go if, rather than having long queues of people waiting at shops, organisations with the digital know-how had been allowed to deliver ration at the doorsteps of people with a biometric machine in hand. This synchronisation and management of resources is something that should have been under the government's purview, while a partnership with civil society organisations could have helped with execution and delivery. Considering that hundreds of thousands of nonprofits working at the grassroots were tasked as frontline workers, the government could have tapped into this already existing infrastructure and network.

The lack of trust between the social sector and the government didn't help. During the pandemic, there was little support from the government when it came to making funding and resources available to the nonprofits that were working closely with communities. For instance, while local nonprofits worked as service providers during the pandemic, funds lying with local government bodies could have been diverted to their operations to successfully navigate the panic-like situation brought on by the first lockdown when everything came to a halt.

### **The private sector did not step up either**

There was lack of communication and collaboration across business, and a piecemeal approach was adopted. Industry associations could have encouraged CEOs and company heads to

interact with each other and solve issues on a larger scale. For instance, industry bodies such as the Confederation of Indian Industry (CII), Federation of Indian Chambers of Commerce & Industry (FICCI), and Associated Chambers of Commerce and Industry of India (ASSOCHAM) could have deployed their resources to help manage the mass migration of workers from industrial towns and urban centres more systematically and humanely.

In pre-pandemic times, CSR within corporates would ask nonprofits to work in areas where they have manufacturing facilities and offer localised support. Corporates could have extended this reasoning during the lockdown as well and enlisted the support of their nonprofit partners to help those workers and informal sector migrants who were homebound, while providing the nonprofits with the required monetary and infrastructure support.

There was also a reluctance from corporates to innovate in times of need. Since DEF works on digital integration to fight poverty, we reached out to many CSR funders to provide funds for buying smartphones, tablets, projectors, and other electronic devices to provide digital infrastructure in the villages. However, it took us more than a year to convince some of them to help us offer support to people with no digital access and empowerment through our Digital Daan initiative.

It is important to contextualise the social and economic support at the time of disaster and that can happen only if there is a relationship of trust between the stakeholders.

What the social sector could have done better

The onset of the pandemic brought with it uncertainty for most nonprofits. In addition to lack of funding and overstretched resources, many nonprofits

had to take up the role of relief workers and divert efforts from their primary objectives, which would have been domestic violence, child protection, water and sanitation, and so on.

One important factor missing in this entire conversation was the inability of many nonprofits to adopt digital tools to improve operations, efficiency, and delivery of services. While webinars became a recurring feature in their calendars, thus creating a space for knowledge sharing, grassroots nonprofits were often not a part of these dialogues. Smaller nonprofits were also overwhelmed with work on the ground due to the needs of their communities coupled with inadequate support from either their funders or governments; hence, many of them had little time or resources to think or build their capacity to go digital.

While the pandemic did push many nonprofits to incorporate technology-led solutions, I find that urgency dwindling again.

The pandemic did however push several nonprofits to adopt digital tools for operations and delivery of services. Larger nonprofits with their own networks, adequate funding, and a strong digital presence were able to leverage digital platforms. However, many of the smaller nonprofits and those at the frontlines had to innovate to reach beneficiaries digitally.

Moreover, with the government aggressively pushing Digital India—from telehealth to online education and even the vaccine roll-out—it became imperative for organisations to incorporate digital and technological solutions in their everyday operations. Many nonprofits therefore had to work on building in-house digital capacity and infrastructure during the pandemic, while also serving their communities and raising funds.

In the case of mobilising money, digital platforms could have been a powerful tool for the sector, and they did help many

nonprofits raise funds. However, this was not the case for the entire social sector.

According to the India Giving Report 2021 by the Charities Aid Foundation, individual donations were at an all-time high during the pandemic. Crowdfunding platforms such as GiveIndia provided people easy access to donate to various causes. However, this giving may not have been as diversified—the absence of reliable information online acted as a barrier for many givers while donating. Therefore, givers may have chosen to stick to organisations they trusted. And many local nonprofits with limited digital know-how had to rely on local giving or local resource mobilisation.

For example, our colleague Mohamed Arif, whom we lost in the second wave, was in charge of DEF's digital centre at Nuh, Haryana. He was digitally savvy and active on social media and was thus able to raise approximately INR 25 lakh (in cash and food grains, and other essentials) through his personal Facebook profile and networks.

However, while the pandemic did push many nonprofits to incorporate technology-led solutions, I find that urgency dwindling again. Digital empowerment of the sector requires sustained efforts wherein organisations put aside certain funds every year for digitally upskilling their employees, maintaining digital collaterals, and modifying their approach to include technology in their everyday operations.

I see the pandemic as an inflection point in the future of nonprofits and civil society as a whole. Which organisations survive this period of transition will largely depend on how well they can adapt to these changing times. According to me, one of the key changes the sector will have to make to stay relevant is to become more digitally aligned

*Source: India Development Review (IDR)*

**The writer is Founder and Director of Digital Empowerment Foundation.**



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