

Gist of EPW July Week 3, 2022

The Economic and Political Weekly (EPW) is an important source of study material for [IAS](#), especially for the current affairs segment. In this section, we give you the gist of the EPW magazine every week. The important topics covered in the weekly are analyzed and explained in a simple language, all from a [UPSC](#) perspective.

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1. Inequalities in School Education

Context: Analysis of the National Achievement Survey (NAS) 2021.

National Achievement Survey (NAS)

- The National Achievement Survey (NAS) is a large-scale assessment survey conducted nationwide to collect data regarding the achievement of students in the learning of Classes 3, 5, 8 and 10 studying in State government schools, Government Aided schools, Private Unaided and Central Government schools with a cycle period of three years.
- NAS is undertaken by the Union Ministry of Education.
- NAS provides a platform to recognise the effectiveness of school education and helps compare the performance across the spectrum and population.
- NAS data helps in identifying various challenges in school education based on which key interventions can be undertaken in terms of educational policies, teaching practices and learning.
- The NAS focuses mainly on measuring the student's ability to analyse, reason, and communicate ideas, unlike other surveys that test their memorisation abilities.
- NAS plays a significant role in designing the future course of action for the Indian education system as it acts as a database of the existing learning gaps.

National Achievement Survey (NAS) 2021

- The National Council of Educational Research and Training (NCERT) developed the assessment framework for measuring the competencies attained by the students with respect to learning outcomes.
 - This assessment test was translated into 22 languages by NCERT.

- The survey was administered by the Central Board of Secondary Education CBSE on one single day at the same time.
- Over 34 lakh students from about 1.18 lakh schools in 720 districts from both rural and urban areas participated in the 2021 edition of NAS.
 - The survey also covered over 5.26 lakh teachers.
- Subjects covered were:
 - Class 3 & 5 - Language, Mathematics and Environmental Studies (EVS)
 - Class 8 - Language, Mathematics, Science and Social Science
 - Class 10 - Language, Mathematics, Science, Social Science and English

Important challenges highlighted by NAS 2021

- The competency scores for different subjects and classes were found to be in the range between 41% and 65%.
 - The scores ranged between 61% and 65% in Class 3, which reduced to 57%–62% range in Class 5 and reduced further to 41% and 55% in Class 10.
 - Hence, the competency scores gradually reduced in the higher classes.
- According to the survey, low competency scores in the higher classes and low scores in subjects such as mathematics and science are major challenges.
- Large discrepancies in competency levels between the states are another key challenge.
 - The interstate discrepancies in Class 3 were found to be in the range of 17%–20% range and this gap further increased to 25%–30% in Class 10.
 - According to the report, the highest competency in Class 10 was seen in the states and UTs such as Punjab, Delhi, Rajasthan, and Chandigarh.
 - Low competency levels were recorded in Mizoram, Meghalaya, Uttar Pradesh, and Dadra and Nagar Haveli.
- The report further points out that there is a serious disparity in the competency levels of students in urban areas (higher) as compared to students in rural areas.
 - This disparity was observed to increase with higher classes.
- The disparity in the competence levels among the students of general category and Other Backward Classes (OBCs), Scheduled Caste (SCs), and Scheduled Tribe (STs) students were also observed and lower competency levels of students from the disadvantaged social groups are a major cause of concern.
- Additionally, the average competency scores of girl students were seen to be higher than that of boys in all the classes.

Also read: [National Education Policy, 2020](#)

Performance of government schools v/s private schools

- The performance of government schools v/s private schools is said to be one of the most important assessments in the NAS.
- The competency levels varied significantly among these schools.
- The state government schools were found to have had the highest competency scores among Class 3 students.
- But, private school students performed better in Class 5.
- The highest competency levels were recorded with the private school students in Class 8.
- Central government school students recorded the highest competency levels in Class 10.
- NAS proves that the usual perception of private schools being better in terms of education is wrong as state and central government school students performed better despite their limitations.

Conclusion

The assessment and analysis of the National Achievement Survey (NAS) 2021 suggest that there is an immediate need for interventions by the government and other regulatory bodies to address the widening disparities in the competence levels between various categories of students, schools in urban and rural areas, and various states and UTs.

2. On Ensuring Protection of Women in the NRI Marriages

Context: This article talks about various challenges faced by Indian women trapped in non-resident Indian (NRI) marriages and recommends various remedies.

Details

- The Global Gender Gap Report of 2021 highlights the issue of increasing gender disparity on a global scale, particularly post the COVID-19 pandemic.
- The report also notes that India with a 65 crore population of women, remains “the third-worst performer in the South Asian region, having closed 62.5% of its gap”.
- The “gender gap” encompasses various challenges faced by women which include inequality, discrimination, and sexual and gender-based violence.
- Women being trapped in fraudulent marriages with NRIs is one such important issue faced by Indian women.

Data on fraudulent NRI marriages

- As per the data from the External Affairs Ministry, there are more than three crores of overseas Indians. These overseas Indians generally prefer to marry Indian residents because of cultural and traditional similarities.

- However, many such marriages break for various reasons and the husbands abandon their wives while travelling to a foreign country, or just after a short stay abroad.
- According to the Committee on Empowerment of Women (2007), such instances took place at an “alarming proportion”.
- According to various reports, nearly 50,000 incidents in NRI marriages have led to the registration of criminal cases under Section 498A of the [Indian Penal Code \(IPC\)](#) and other provisions of law which have resulted in the abandonment of women.
 - Over 32,000 women have filed FIRs in different districts of Punjab alone.
- Between 2015 and 2019, the External Affairs Ministry received over six thousand complaints from women who were deserted by their NRI spouses.
 - In 2019 alone, the ministry was said to have revoked 21 passports, suspended 21 passports, and impounded one passport of NRI husbands for deserting their wives.

Challenges of fraudulent NRI marriages

- **Conflicting law** - Issues in marriages of Indian women with NRIs come under the jurisdiction of both domestic personal laws of India and the laws of the country of residence of such NRIs.
 - This often gives rise to “conflicts” between the laws and jurisdiction of both countries.
 - However, India joined the Hague Conference on Private International Law in 2008 after facing problems such as fraudulent NRI marriages.
 - The Hague Conference on Private International Law is an intergovernmental organisation, the purpose of which is "to work for the progressive unification of the rules of private international law".
- **Modern trafficking** - It is often seen that NRI men marry Indian women in order to get free domestic help abroad which is said to be discriminatory and is regarded as “modern slavery” or “modern trafficking”.
- **Lenient grounds for divorce** - the availability of lenient grounds for divorce in a few countries has made it easier for NRI men to get a divorce which has aggravated the condition of women.
- **Problem of language** - It is seen that Indian women face language problems in foreign countries which work against them in accessing legal assistance.
- **Ineffective marriage legislation** - India’s marriage legislation has remained scattered in enactments, such as the [Code of Civil Procedure](#), the Special Marriage Act, the Indian Succession Act, and the Indian Divorce Act.

Key recommendations

- **Registration of marriages** - Committee on Empowerment of Women recommended that “all marriages, irrespective of religion should be compulsorily registered.”
 - The Law Commission of India has also suggested making the registration of marriages mandatory.

- **Formulation of comprehensive legislation** - There is a need for a Non-resident Indian Marriages (Protection of Women) Act that regulates aspects such as precautionary measures, verification mechanism for antecedents, monitoring activities at the Indian missions abroad, penalty clauses, and establishing a national regulatory authority for NRI marriages.
- **Nodal ministry** - The Ministry of Women and Child Development can be designated as a nodal ministry and should make provisions for its collaboration with other ministries for addressing various issues.
- **Establishment of special courts** - specialised regional NRI courts can be set up in various cities to take up NRI-associated issues.
- **Special monitoring cell in the Prime Minister's Office (PMO)** - such a body under the PMO can help bring together various agencies such as [National Human Rights Commission \(NHRC\)](#) and ministries like External Affairs and Women and Child Development to tackle issues of fraudulent NRI marriages.

3. Patent Opposition in India

Context: The Economic Advisory Council (EAC) to the Prime Minister recommended several measures to streamline the patent grant framework.

The Indian Patent Regime:

- A patent is a set of rights awarded for an invention, which may be a process or product that offers a new way of doing something or provides a new technical solution to a problem.
- Indian patents are governed by the [Indian Patent Act of 1970](#).
- India continues to rely on intellectual property leading to the production, distribution, and use of knowledge and information in driving productivity and economic growth. India has amended its Patent Act and Rules time and again to match up with global practices.
- India became a party to the [Trade-Related Aspects of Intellectual Property Rights \(TRIPS\) Agreement](#) following its membership to the [WTO](#) on January 1, 1995.
- India amended its domestic patent laws to comply with TRIPS.
- India is also a signatory to several [Intellectual Property Rights](#) related conventions, including the Budapest Treaty, the Berne Convention, which governs copyright, the Paris Convention for the Protection of Industrial Property, and the Patent Cooperation Treaty (PCT), all of which govern various patent-related matters.
- The original Indian Patents Act did not grant patent protection to pharmaceutical products to ensure that medicines were available to the masses at a low price.
- Patent protection of pharmaceuticals was introduced in the 2005 amendment to comply with TRIPS.

- These changes have led to betterment in India's ranking in the [Global Innovation Index](#) from 81 in 2015–16 to 46 in 2021.
- As per the *2021–22 Economic Survey of India*, the number of patents filed and granted has also increased from 45,444 in 2016–17 to 58,502 in 2020–21 and from 9,847 in 2016–17 to 28,391 in 2020–21, respectively.
- However, India still lags behind in patents granted compared to China, the United States (US), Japan, and Korea. In 2021, India granted 30,074 patents, whereas the US granted 3,50,000 and China 5,30,000.

Narrow patentability:

- Issues regarding patents in India involve the threat of patent revocations, lack of presumption of patent validity and narrow patentability.
- Article 3 of the Indian Patent Act deals with what does not qualify as an invention under the Act, and Section 3(d) prevents what is known as the “evergreening” of patents. It allows for “generic competition by patenting only novel and genuine inventions.”
- Compulsory licenses can be invoked by the government in the public interest, permitting companies apart from the patent owner to produce a patented product without consent.

Suggestions by EAC:

- To promote innovation in line with the “Start-up India Scheme”, “Self-Reliant Scheme” and “Make in India Scheme”, etc., there is a need to improve the Indian Patent regime, which lags behind the US, China, and Japan. In this view EAC-PM has suggested the following:
 - Hiring more Patent Officers to reduce the pendency at the Indian Patent Office.
 - Utilizing Artificial Intelligence to simplify the procedures to become globally competitive.
 - Six months timeline for pre-grant opposition proceedings.

Pre-Grant Opposition:

- The Indian Patent Act provides an opportunity for opposition before the grant of the patent as well as after the patent is granted.
- The pre-grant opposition gives an opportunity to oppose the grant of trivial inventions and help the Patent Office in knowing these facts, which might have been hidden by the patent applicant, thereby helping the patent officers in ascertaining the validity of the information disclosed in the patent application.
- Anyone can file the pre-grant opposition.
- At present, there is no specific period to oppose the application before its grant. This generally affects the delay in granting the patent application.

Expected Outcome: If EAC suggestions are accepted

- The provision of the six-month timeline will reduce the time for granting a patent application in India to 58 months, whereas China and US have 20 months and Japan has 15 months to grant a patent application.
- A pre-grant opposition to a patent puts a check on big pharmaceutical companies and helps the patent examiners in reviewing the patent under the light of the opposition filed which would result in reducing the errors in the grant of patents.
- As per a study in 2017, the error in granting patents is as high as 72%. Hence, the fixation of six months' time for opposing a patent would further restrict rigorous scrutiny of patents and increase the burden on patent examiners as big pharmaceutical companies might bury the fine details in a patent application, making it more difficult for examiners to oppose a patent within the stipulated deadline.

Way Forward:

- The government should ensure that the increased number of patent officers are well-equipped and knowledgeable to ensure that erroneous patents are not granted.
- The government can provide affordable pharmaceutical products to consumers by encouraging and safeguarding the generic medicines market and ensuring that a passage is not given to big pharmaceutical companies to evergreen their patents.

Conclusion:

Given the global scenario, where the digital economy and knowledge-based economy are the new norms, India requires a competent IP framework with quicker processing time. Implementing EAC-PM recommendations will definitely attract positive consideration from the critical players of the industry and boost innovation in the country.

Read more on [National IPR Policy](#).