



Gaming and banning

Online gaming might be addictive, but a ban will militate against individual freedom



Highlights:

1. Yet another legislative attempt to prohibit online gaming has failed under judicial scrutiny. The amendments brought to existing regulations on betting and gambling in Karnataka have been struck down by the State's High Court. Last year, the Madras High Court invalidated similar amendments that targeted online rummy and poker.
2. What is common to both cases is that the legislature assumed a paternalistic role, arguably with the laudable aim of protecting the people, especially the youth, from the temptations of online gambling.
3. However, the resulting provisions failed to make a distinction between games of skill and games of chance and sought to bring under the proscription all games played online, regardless of the extent to which skill was required.

Games of skill and Games of chance:

1. Further, the Karnataka High Court has rejected a key submission that it could be upheld as a 'public order law. It referred to "the menace of cyber games"



of epic proportions, and the registration of about 28,000 cases by the police in the State in the last three years.

2. The Government did have a point when it said many have taken their own lives and families ruined as a result of gaming addiction and indebtedness.
3. However, as the court has pointed out if the objective was to curb the menace of gambling, the Government should prohibit activities that amount to gambling as such, and not the games of skill.
4. While enacting the extreme measure, it did not consider the feasibility of regulating wagering on games of skill.



Constitutional protection:

1. While the idea of betting and gambling conjures up the image of a 'bucket shop' associated with dingy gaming-houses frequented by hustlers, there is an element of 'information, expression and entertainment that has constitutional protection.
2. And gaming platforms are also legitimate businesses that enjoy the freedom of trade when used for online versions of games of skill.
3. The court has drawn attention to the fact that what such bans do is to create "a wholly new category of medium-based regulation when the chance of medium per se does not alter the true nature and content of the games".



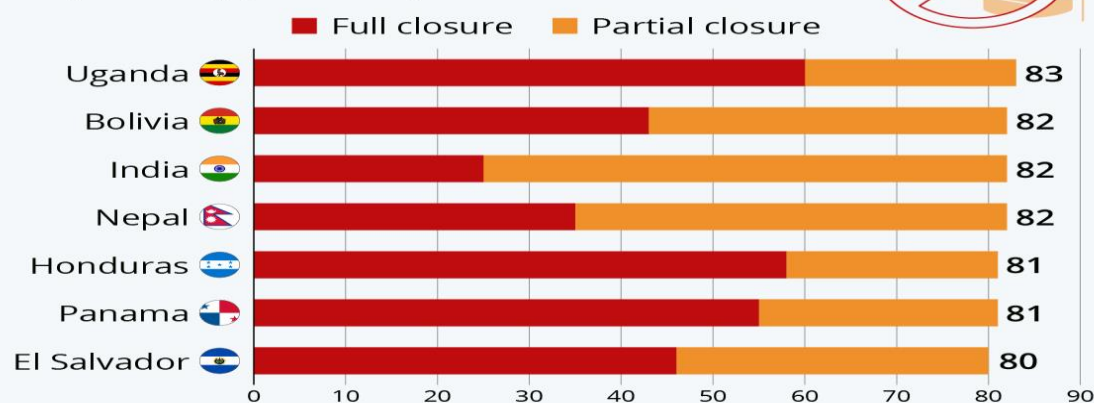
4. In other words, what is targeted is not the gambling part but the 'online' part. Also, the amendments contradicted a general exemption in the original law to 'games of skill' by making all online gaming punishable even if they involved skill.
5. It is clear that an absolute embargo on games of skill involving money or stakes could not have been upheld by the court, as the line between individual freedom, both to carry on the business and to participate in it as a consumer, and state action could not have been obliterated.
6. All legislation that assumes that sections of society require the hand of the state to guide and support them have some populist appeal. And there is an addictive element to online gaming, but that does not mean there is no individual freedom and choice at all.

The pathology of school closure in India

Scientific evidence supports a complete re-opening; analysing the root causes will guide future policy interventions

The Longest School Closures of the Pandemic

Longest school closures due to Covid-19, by country (in weeks)*



* between Feb 16, 2020, and Oct 31, 2021
Source: UNESCO



statista



Notorious achievement:

1. In the last two years, India has achieved the dubious distinction of becoming the country with the second-longest COVID-19 pandemic-linked school closure in the world — next only to Uganda.
2. According to a United Nations report, it is an estimated 82 weeks, with some intermittent classes in between.
3. However, there has been very limited discourse on why — in spite of scientific evidence to support re-opening — Indian States continued to remain reluctant to reopen schools.
4. Analysing the root causes of school closure in India is an urgent need to derive lessons and to guide future policy interventions.

Reasons for prolonged school closure:

1. To start with, one of the biggest reasons for continued school closure has been widespread misinformation. Unsubstantiated statements such as ‘the third wave would affect children’ and ‘let’s wait for vaccination of kids before reopening schools’ were made by influential individuals and amplified on social media.
2. These scared parents and (incorrectly) linked school reopening with COVID-19 vaccination of children.
3. Two, the opinion of a small section of privileged parents dominated and prevailed in the mainstream discourse. Though surveys had indicated that poor and middle-class parents wanted schools to be open.
4. Three, the Government’s response, at all levels, to the misinformation was delayed and arguably insufficient. Though science communication increased over a period of time, it did not match the pace of misinformation.
5. For many months after the initial closure of schools, there was almost no planning and discussion on the need for objective criteria to reopen schools.

The delay in school reopening has revealed societal aspects as well.

1. First, it is not a given that those with the influence and voices would speak on behalf of the poor and the voiceless.
2. Second, school closure has had the worst impact on children who were already at a disadvantage.



3. Third, the learnings during the novel coronavirus pandemic have been (wrongly) equated with completion of the syllabus. Parents have started to believe that learning loss can be addressed by having their wards attend extra classes or through online EdTech solutions.

Ineffective solution:

1. In the Union Budget 2022-23, while acknowledging learning loss due to the pandemic, the Government has proposed, under the 'one class, one TV channel' programme of the Pradhan Mantri eVidya, or PM eVIDYA, scheme, to expand 12 television channels to a total of 200 channels, in order to "impart supplementary teaching". This has inadvertently ended up equating learning with syllabus completion.
2. The School Children's Online and Offline Learning (SCHOOL) survey in India has shown that TV-based education programmes are completely ineffective.

There is a need for every government to prepare a mid to long-term plan to compensate for the learning loss, with a sufficient focus on overall child development. There is a need for strategic and innovative thinking and lasting solutions.

Education as hope

1. For the majority of the poor and lower- and middle-income families, quality education is the only hope to come out from the vicious cycle of poverty and think of a bright future.
2. The widening educational inequities now mean that the pandemic has deprived the poor and the most vulnerable in the society of this opportunity.
3. Continued school closure and hesitation in reopening academic institutions are the symptoms of a deeper malady in India's education system as well as a reflection of the value decision-makers attach to school education.
4. It is our socio-political responsibility that everything needed to ensure the safe return of every child in the country to the school is done. It is not a matter of choice but what we, as a responsible society, must do urgently.



The importance of caste data

Data will help us determine who needs and does not need affirmative action and the effectiveness of such a measure

Open competitive exams: the illusion of providing equal opportunity

1. Last month, the Supreme Court upheld the 27% quota for Other Backward Classes (OBC) in the All-India Quota seats for the National Eligibility-cum-Entrance Test and reiterated that reservations for backward classes were not an exception but an extension of the principle of equality under Article 15(1) of the Constitution.
2. The judgment highlighted how open competitive exams give the illusion of providing equal opportunity in ignorance of the widespread inequalities in educational facilities, the freedom to pursue such education, and societal prejudices.
3. The Court pointed out how such disparities are not limited to the issue of access to good education or financial constraints alone, but also to the psychological and social effects of inherited cultural capital (communication skills, books, accent, academic accomplishments, social networks, etc.), which ensures the unconscious training of upper-caste children for high-grade performance.
4. The Constituent Assembly held a similar philosophy while introducing constitutional provisions which enable the government to make special provisions for the uplift of the “lower castes”.

Privileges are hidden in Caste lessness

1. However, despite the underlying good intentions, positive discrimination has been a controversial topic.
2. Many oppose affirmative actions like reservation; they believe that such provisions only perpetuate caste differences and they call for a “casteless society”.
3. As Justice D.Y. Chandrachud pointed out, “caste lessness” is a privilege that only the upper caste can afford because their caste privilege has already translated into social, political and economic capital.
4. On the other hand, individuals who belong to the lower castes must retain their caste identity in order to claim the benefits of measures such as reservation, which recognize historic harm.



Caste-based census		Commissions dealing with issues related to OBCs	
YEAR	OUTCOME		
1872	Classified population into Brahmins, Kshatriyas, Rajpoots, other castes based on profession, native Christians, Aboriginal tribes, semi-Hindooised tribes	Kaka Kalelkar Commission (1953)	Identified 2,399 backward castes, including 837 most backward castes. Recommended caste-based census in 1961. Report rejected. Government says no objective tests for identifying backward class.
1901	1,642 castes	Mandal Commission (1979)	Identified OBCs comprise 52% of India's population, granted 27% reservation in government jobs.
1931	4,147 castes	Rohini Commission (2017)	Recommends 27% reservation for OBCs be divided into four sub-categories. Finds 97% of jobs and educational seats went to 25% sub-castes. 10% of the 2,633 OBC communities cornered 25% of these jobs, while 983 communities had zero representation.
1941	Census curtailed due to World War II		
2011*	Over 46 lakh caste names, sub-castes, surnames and gotras. Caste numbers withheld citing inaccuracies.		

*socio-economic and caste census

Promises without justifiable data

1. But even for those who are conscious of these issues, it is hard to blindly trust the state's motivations because of the caste and class politics ruling our country today.
2. Political parties often promise reservation for communities on being brought to power without any credible data collection exercises to justify the decision.

Need for a credible exercise

1. Against this backdrop, it can be said that the faith of our citizens cannot be restored until credible exercises of data collection are undertaken regarding caste.
2. Even though data concerning the Scheduled Castes and Scheduled Tribes have been included in the Census, there is no similar data on OBCs.
3. The Socio-Economic and Caste Census (SECC) conducted in 2011 has been called "faulty" and "unreliable".
4. Even the Mandal Commission's recommendations were criticized as being based merely on the "personal knowledge" of the members of the commission and sample surveys.
5. In the Indra Sawhney case, the Supreme Court held that the States must conclude the "backwardness" of a particular class of people only after proper assessment and objective evaluation.
6. It held that such a conclusion must be subject to periodic review by a permanent body of experts. The National Commission for Backward Classes Act, 1993, provides under Section 11 that the Central government may every 10 years revise lists with a view to excluding those classes which have ceased



to be backward and include new backward classes. This exercise has not been done to date.

7. Last year, many calls were made for the inclusion of caste data (including that of the OBCs) in the 2021 Census, and the matter reached the Supreme Court.

Caste data as a tool against the shadow of caste and class politics

1. Caste data will enable independent research not only into the question of who does and does not need affirmative action but also into the effectiveness of this measure.
2. As long as reservation results from violent agitations and political pressures, attempts at any affirmative action will always be under the shadow of caste and class politics.
3. Impartial data and subsequent research might save the bona fide attempts of the uplift of the most backward classes from the shadow of caste and class politics and be informative to people on both sides of the spectrum – for and against reservation.
4. It is not reservation that creates the current divide in our society but the misuse or the perceived misuse of reservation.