

UPSC Syllabus Topic : GS Paper 2 Governance – Government policies and interventions.

Regulating 'Dark Patterns' - Combating Deceptive Online Practices

Dark patterns refer to a range of deceptive practices aimed at manipulating or strongly influencing online consumers to make decisions that may not be in their best interests. These tactics exploit psychological vulnerabilities and are recognized as unfair trade practices. Examples include false timers indicating offer expiry, displaying limited stocks, making it difficult to opt out of mailing lists, and collecting user data without informed consent.

Growing concerns about dark patterns include the potential for increased manipulation with advancements in technology, the risk of financial harm in industries like finance, and the disproportionate impact on vulnerable socio-economic groups with low digital literacy.

The aims of regulating dark patterns should encompass:

1. **Protecting Consumers:** Regulations should aim to shield consumers from manipulative practices, ensuring transparency and fairness in online interactions.
2. **Preventing Discrimination:** There should be measures in place to prevent dark patterns from exacerbating existing inequalities and discriminating against certain socio-economic groups.
3. **Balancing Regulation and Economic Growth:** It is crucial to strike a balance where regulations effectively address dark patterns without imposing an overly burdensome compliance load on firms in India's digital economy. The goal is to protect consumers without stifling the potential growth of the digital economy, which is expected to contribute significantly to India's GDP.

In summary, the regulation of dark patterns should be geared towards safeguarding consumers, preventing discrimination, and promoting a fair digital marketplace while being mindful of not hampering the growth of the digital economy.

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Who is Transgender?

According to the World Health Organization, the term 'transgender' encompasses individuals whose gender identity and expression do not align with the societal norms traditionally associated with the sex assigned to them at birth. In India, the 2011 Census indicates a transgender population of 4.9 lakh, with Uttar Pradesh having the highest proportion at 28%, followed by Andhra Pradesh, Maharashtra, Bihar, Madhya Pradesh, and West Bengal.

Issues with Transgender Healthcare in India:

1. **Historical Discrimination:** Transgender individuals in India face historical marginalization, leading to limited access to healthcare due to discrimination and unscientific practices.
2. **Gaps in State Healthcare Policies:** Existing state policies have not effectively ensured healthcare access for the transgender community, particularly in primary and secondary care settings.
3. **Mandatory Surgery for Gender Recognition:** The Transgender Act mandates surgery for gender recognition, conflicting with the NALSA judgment, which asserts that surgery should not be obligatory for declaring one's gender.
4. **Limited Role of Government Hospitals:** While private healthcare providers offer gender-affirming procedures, government hospitals, including AIIMS, have been less actively

involved in providing these services.

Government Initiatives to Improve Transgender Healthcare:

1. **Legal Recognition and Healthcare Directions:** The NALSA v Union of India (2014) judgment legally recognised transgender individuals, with the Supreme Court directing central and state governments to ensure comprehensive medical care addressing mental, sexual, and reproductive health.
2. **Transgender Persons (Protection of Rights) Act, 2019:** This legislation reinforces the government's responsibility to provide holistic healthcare services to the transgender community, including sex reassignment surgery, hormone therapy, counselling, and HIV sero-surveillance.
3. **Transgender Persons Rules, 2020:** These rules instruct state governments to provide transgender-specific facilities in hospitals by 2022, including separate wards and washrooms. The rules also emphasize sensitizing healthcare professionals and the requirement for establishments to publish equal opportunity policies.
4. **AIIMS's Planned Centre of Excellence:** AIIMS, New Delhi, plans to establish a Centre of Excellence for transgender healthcare in 2024, a significant move towards providing specialised healthcare services to the transgender community.

Way Forward: To enhance transgender healthcare in India, it is imperative for all government medical colleges and hospitals to offer gender-affirming services, ensuring accessibility in primary and secondary care. Medical education should undergo revision for inclusivity, and the establishment of grassroots healthcare centres tailored to transgender needs is crucial. These efforts should complement the initiatives of specialized centres such as the proposed Centre of Excellence at AIIMS.

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Impact of Delimitation on Fiscal Federalism – The Crucial Role of the Finance Commission

Challenges for the 16th Finance Commission (FC) in Light of Delimitation Exercise

- **Shift in Political Representation:** Post the 2026 census delimitation, a reallocation of Lok Sabha seats is anticipated, potentially leading to an increased representation for northern states due to higher population growth. This shift poses challenges in terms of political dynamics and representation.
- **Tax Revenue Distribution Complications:** The changing political landscape may impact the 16th FC's approach to distributing tax revenues, potentially favouring states with increased Lok Sabha representation. States such as Tamil Nadu and Maharashtra, despite their significant economic contributions, may face challenges in advocating for their fiscal interests due to the potential reduction in representation.
- **Maintaining Federal Harmony:** The 16th FC must navigate these changes carefully to preserve harmony in India's federal structure. Balancing the fiscal needs of all states while managing the evolving political landscape is crucial for sustaining cooperative federalism.

What Should be Done?

1. **Fair Lok Sabha Representation:** To ensure equitable representation in the Lok Sabha post the 2026 census delimitation, a balanced consideration of both population and economic

contributions is essential. This approach will address concerns from southern and western states, which, despite achieving better population control and economic growth, fear a loss of political influence under the current population-based seat allocation system.

2. **Strengthen Federal Structure:** Develop mechanisms to more effectively manage economic disparities between states. This involves reducing the burden on higher-performing states while promoting efficient resource utilization. Strengthening the federal structure will contribute to a more balanced and sustainable distribution of resources across the country.

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