



# CURRENT AFFAIRS FEBRUARY 2015

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## TABLE OF CONTENTS

<b>MAJOR ISSUES .....</b>	<b>4</b>
<i>Growing Intolerance in Society .....</i>	<i>4</i>
<i>Right to Life .....</i>	<i>10</i>
<i>Land Related Issues.....</i>	<i>16</i>
<i>Social Security.....</i>	<i>25</i>
<b>POLITY AND GOVERNANCE .....</b>	<b>34</b>
<i>Right to Vote for Undertrials.....</i>	<i>34</i>
<i>The Contempt Of Courts.....</i>	<i>35</i>
<i>GIPC index.....</i>	<i>36</i>
<i>World Press Freedom Index (WPFI).....</i>	<i>36</i>
<i>Intra-District Disparity.....</i>	<i>37</i>
<i>Resilient city.....</i>	<i>38</i>
<i>Women's Political Representation.....</i>	<i>38</i>
<i>Public distribution System leakages .....</i>	<i>39</i>
<i>Political funding .....</i>	<i>41</i>
<i>Decriminalization of politics .....</i>	<i>42</i>
<i>Special commercial courts.....</i>	<i>42</i>
<i>Right to religion versus public morality.....</i>	<i>43</i>
<i>Amendment to marriage laws proposed.....</i>	<i>44</i>
<i>Trying juveniles as adults.....</i>	<i>45</i>
<i>Matrubhasha Divas.....</i>	<i>45</i>
<i>Article 25 of the constitution.....</i>	<i>46</i>
<i>Anti-conversion legislations.....</i>	<i>47</i>
<b>INTERNATIONAL /INDIA AND WORLD .....</b>	<b>48</b>
<i>India-Srilanka relations.....</i>	<i>48</i>
<i>Political crisis in YEMEN.....</i>	<i>49</i>
<i>Russia-India-China (RIC) grouping.....</i>	<i>49</i>
<i>Islamic State's reach into North Africa .....</i>	<i>50</i>
<i>Kokang Rebels.....</i>	<i>51</i>
<i>Sectarian war in Pakistan.....</i>	<i>52</i>
<i>Persons with albinism.....</i>	<i>53</i>
<i>Sean and David Goldman International Child Abduction Prevention and Return Act.....</i>	<i>53</i>
<i>U.S Cuba Restore Ties after 50 Years.....</i>	<i>54</i>
<i>Constitutional Deadlock in Nepal.....</i>	<i>55</i>
<i>SCO: Russia to push for India's full membership.....</i>	<i>57</i>
<i>Trilateral Partnership: China, India and Sri Lanka.....</i>	<i>58</i>
<b>ECONOMY .....</b>	<b>59</b>
<i>Impact investment.....</i>	<i>59</i>
<i>Changes made in methodology of GDP calculation .....</i>	<i>59</i>
<i><math>GDP_{MP} = GDP_{FC} + \text{Indirect Taxes} - \text{Subsidies}</math>.....</i>	<i>60</i>
<i>New criteria for capital infusion into Public Sector Banks.....</i>	<i>61</i>
<i>14th Finance Commission Report – Recommendations and Analysis.....</i>	<i>63</i>
<i>Key Recommendations of 14<sup>th</sup> FC.....</i>	<i>63</i>
<i>National Minorities Development and Finance Corporation(NMDFC).....</i>	<i>65</i>
<i>Sustainable Livelihoods and Adaptation to Climate Change Project.....</i>	<i>65</i>
<i>Reserve Bank of India's (RBI) Bi-Monthly Monetary Policy Review – .....</i>	<i>65</i>
<i>Consumer Price Index.....</i>	<i>66</i>
<i>Wholesale Price Index.....</i>	<i>67</i>
<i>Fifth India-U.S. Economic and Financial Partnership Dialogue .....</i>	<i>68</i>
<i>Growth in export of agri products slides.....</i>	<i>69</i>
<b>SOCIAL ISSUES.....</b>	<b>70</b>
<i>Millennium Development Goals: India's achievement.....</i>	<i>70</i>
<i>Reservation and Organisational Efficiency .....</i>	<i>71</i>

<i>Self-identification of class status.....</i>	<i>72</i>
<i>Social bias.....</i>	<i>73</i>
<i>Governance and Management of Health System .....</i>	<i>74</i>
<b>SCIENCE AND TECHNOLOGY /ENVIRONMENT.....</b>	<b>76</b>
<i>SAFAR-Air.....</i>	<i>76</i>
<i>Centre for Science and Environment's (CSE) Green Rating Project.....</i>	<i>76</i>
<i>Sinkhole Formation.....</i>	<i>77</i>
<i>The menace of plastic waste.....</i>	<i>78</i>
<i>An alternative to syringes for drug delivery.....</i>	<i>80</i>
<i>New Delhi Sustainable Development Summit .....</i>	<i>81</i>
<i>Increase in Forest cover.....</i>	<i>81</i>
<i>Three-Parent babies.....</i>	<i>83</i>
<i>Internet.org.....</i>	<i>84</i>
<i>Superior water filter.....</i>	<i>84</i>
<i>Personalised TB treatment.....</i>	<i>85</i>
<i>SPECTRUM ALLOCATION.....</i>	<i>85</i>
<i>National Deworming Initiative .....</i>	<i>86</i>
<i>15000MW grid connected solar project.....</i>	<i>87</i>
<i>R V SamudraRatnakar.....</i>	<i>87</i>
<i>Soil Health Card scheme.....</i>	<i>88</i>
<i>Mridaparikshak.....</i>	<i>89</i>
<i>Model Mechanized farm .....</i>	<i>89</i>
<i>Need for Standardisation and Certification of Indigenous Medical systems.....</i>	<i>91</i>
<i>Jan Aushadhi scheme.....</i>	<i>91</i>
<i>digitisation of specimens: ZSI.....</i>	<i>92</i>
<i>eBiz Portal.....</i>	<i>92</i>
<i>Mars One.....</i>	<i>93</i>
<i>India home to 18% of raptors.....</i>	<i>93</i>
<i>Ministry of Environment and Forests: roadblock to development or a facilitator .....</i>	<i>94</i>
<i>Carbon Disclosure PROJECT (CDP): REPORT.....</i>	<i>95</i>
<b>CULTURE.....</b>	<b>98</b>
<i>Currency Building.....</i>	<i>98</i>
<i>Explore Rural India.....</i>	<i>98</i>
<i>Indian Exhibitions to South East Asian countries of Indonesia and Malaysia .....</i>	<i>98</i>
<i>Vanaj 2015.....</i>	<i>98</i>
<i>Sacred Grooves.....</i>	<i>99</i>
<i>'Bharat ke rang'.....</i>	<i>99</i>
<i>Jallikatu.....</i>	<i>100</i>

# MAJOR ISSUES

## GROWING INTOLERANCE IN SOCIETY

### Controversy Related to Religious Conversions

Recent incidents of the “Ghar Wapsi” i.e. re-conversion attempts by certain right-wing organizations fuelled controversy around religious conversions. It re-opened the debate on rights granted under article 25 and whether it conceives the right to convert as a fundamental right. The debate was intensified because the government asked all parties to consider passing the Anti-conversion law. Religious conversions have been a centre of controversy since pre-Independence period.

According to the Constitution of India, every individual has a fundamental right to freedom of religion. It conceives freedom of conscience and free profession, practice and propagation of religion (Article 25-28). The meaning of propagation is to promote, spread and publicize one’s religion relating to his own faith for the edification of others, for which the logical culmination is the conversion of others to one’s own religion. The term propagation implies persuasion and exposition without any element of fraud, coercion and allurement for conversion. It may be pointed out that the right to convert other person to one’s own religion is distinct from and individual right to get convert to any other religion on his own choice. The latter is undisputedly is in conformity with the freedom of religion and freedom of conscience under Article 25 of the constitution while the former is the subject of long prevailing controversy with reference to propagation of faith.

### Historical Background

The idea of Ghar Wapsi can be traced back to the ‘Shuddhi’ movement initiated by the Arya Samaj founder Dayanand Saraswati in pre-Independence period. The movement was aimed at removing untouchability and re-conversion of Hindus converted to other religions. In initial phase, it emerged as a reaction to the conversion attempts by Christian missionaries. The right to propagate one’s religion does not give a right to convert any other person to one’s own religious faith.

### Reasons for Conversions in India

Most of the conversion attempts by any religion follower in India involve socially, economically and educationally backward classes of society. These communities face serious disabilities under the hierarchical social structures of Hindu religion, particularly the caste system. They are discriminated and often exploited by their fellow religionists. They live in abject poverty and not able to fulfil their basic needs. It acts as a measure push factor for conversions.

**Gandhiji’s views:** He opposed proselytising and people of one faith trying to convert others.

**B. R. Ambedkar’s views:** He saw conversion as a means of social elevation and a way to revolt against the discrimination of the caste system. Ambedkar’s 1956 conversion to Buddhism inspired about 3,65,000 erstwhile “untouchables” to follow suit.

### The Constitutional Basis

- To go back in history, one has to start with the morning of December 6, 1948, at the Constitution Hall where the Constituent Assembly debated the inclusion of “right to propagate” as a Fundamental Right.
- Here, Lokanath Misra cautioned the Assembly that “the cry of religion is a dangerous cry. Today, religion in India serves no higher purpose than collecting ignorance, poverty and ambition under a banner that flies for fanaticism. The aim is political, for in the modern world all is power-politics and the inner man is lost in the dust.”
- But Pandit Lakshmi Kanta Maitra disagreed that “propagation does not necessarily mean seeking converts by force of arms, by the sword, or by coercion.” He argued the Fundamental Right to propagate

may probably work to remove the “misconceptions” in the minds of the people about other co-existing religions in this land of different faiths.

- H.V. Kamath argued that even as no particular religion should receive State patronage, “we must be very careful to see that in this land of ours, we do not deny anybody the right not only to profess or practise but also to propagate any particular religion.”

### Judicial Interpretation and Legal Basis

- Chief Justice of India A.N. Ray, heading a five-judge Bench, in *Rev. Stainislaus vs. State of Madhya Pradesh*, the court dissected Article 25 to hold that “the Article does not grant the right to convert other persons to one’s own religion but to transmit or spread one’s religion by an exposition of its tenets.” “What is freedom for one is freedom for the other in equal measure and there can, therefore, be no such thing as a fundamental right to convert any person to one’s own religion.”
  - In reference to the 1954 judgment of *Ratilal Panachand Gandhi vs. State of Bombay*, the court held that the “freedom of conscience [the right to believe in one’s faith] is not meant merely for followers of one particular religion but extends to all.”
  - The Supreme Court, in reference to the *Arun Ghosh vs. State of West Bengal* verdict of 1950, held that an attempt to raise communal passions through forcible conversions would be a breach of public order and affect the community at large. Thus, it held that the States were empowered under Entry 1 of List II of the Seventh Schedule of the Constitution to enact local Freedom of Religion laws to exercise its civil powers and restore public order. Thus, it upheld the validity of two regional anti-conversion laws of the 1960s — the Madhya Pradesh Dharma Swatantraya Adhiniyam and the Orissa Freedom of Religion Act.

### Anti-Conversion Laws

- The local laws make forcible religious conversions a cognisable offence under Sections 295A and 298 of the Indian Penal Code. These provisions stipulate “malice and deliberate intention to hurt the sentiments of others” as a penal offence.
- Over the years, more Freedom of Religion Bills have found their place in legislative history, including in Arunachal Pradesh in 1978 and Gujarat in 2003.
- Under the Madhya Pradesh Freedom of Religion (Amendment) Act of 2006, if a person chooses to convert, he has to declare it before the District Magistrate concerned. Even the religious priest who “directly or indirectly participates” should give details of the purification ceremony and details of person whose religion is going to be changed to the District Magistrate with one month’s notice.
- The same year saw Chhattisgarh pass a similar law seeking 30 days’ notice from a person desiring to convert and permission from the District Magistrate. With the Himachal Pradesh Freedom of Religion Act, 2006, the State became the first Congress-ruled one to adopt a law prohibiting forcible conversions.

### Criticism

- The case relates to a fundamental, and more nuanced, issue of intervention by the state — and its courts — in religious affairs. Anti-conversion laws allow the state the authority to determine what constitutes an ‘illegitimate inducement’, and, in doing so, they create a slippery slope. They promote increased governmental involvement in matters that involve pure ethical choices. These state laws reflect the entrenched paternalism of elites that view most citizens as incapable of making well-considered decisions for themselves.
- Many constitutional experts feel that provisions in these laws can be easily misused by communal organizations for harassment of people while carrying out social uplifting exercise. According to one view point even a humanitarian help and work for betterment of the lives of these people and subsequent voluntary conversion based on the help can be easily proved as inducement and allurements.
- Conversely, as in the recent case of ‘Ghar-Wapsi’, the right wing organizations have used provision of BPL (below poverty line) cards, ration cards and other such inducements for reconverting to Hinduism.

- In such cases, it thus, becomes difficult to distinguish between the forcible conversions and voluntary conversions. As a response to this situation, some people have suggested blanket ban on conversions, which is outright unconstitutional and infringes the freedom of religion enshrined in the Constitution.
- UN report on religious freedom concedes that coercion must be prevented; it also states that such concepts as inducement or allurement are not only vague but that “any invitation to another religion has elements of inducement or allurement”. It notes that these are “loosely defined terms” and don’t meet the standards of criminal justice, in which “laws need to be clear”.

### Requirement of National Law

Since the 1950s, conservative Hindu groups have clamoured for a national law to regulate religious conversions, which they argue is necessary to prevent the gullible from being coerced, duped or lured away from their ancestral faith.

So, would a national law help? Could it be precise and clear, thus giving force to the Constitution’s provisions, both its rights and protections? Might it help overcome the current contradictions? After all, since all religions including Hinduism (In the so called re-conversion case) have indulged in propagating their religions – and faced accusations of coercing, inducing and alluring – it is theoretically possible to agree on a minimum definition of acceptable norms that are compatible with the Constitution.

The law commission says that proper guidelines on the subject of religious conversions and reconversions will help avoiding conflicts. The law should be such as to respect the conscience of the individual. When the change of religion is a conscious choice of an individual based on his belief in God, the law cannot insist on obtaining the prior permission from the District Magistrate to change his or her religion. It is only after the conversion that it would be appropriate to send the intimation to the concerned officer of the Government.

The enactment of law by Parliament is necessary. The Commission is inclined to think that a separate enactment or amendments does not in any way impinge on the religious freedom or faith of any person.

But again, the criticism of the state anti-conversion laws, as noted above, also holds ground. Thus, the debate continues to go on without any final verdict.

### Conclusion

There will be no end to these controversies until an enlightened stop is put to use of religion as an organized force to convert persons from one faith to another. This applies to all religions practised in India. Historically, India has never witnessed persecution purely on religious grounds. Compared with Europe, the Middle East and elsewhere, India has had a benign environment in this respect. Religious wars are alien to India. But the country has not been immune from religious violence due to flaring up of passions among different communities. Any idea of a fundamental right to conversion in the name of freedom of religion will badly hurt India’s secular fabric. The country should not go on that path.

### Freedom of Speech Debate – Should there be any Restrictions?

Freedom of speech and expression is a **cardinal principle** in any democracy. Every democratic constitution has a peculiar scheme for realizing it. This scheme is based on **historical developments**. However, a common thread among all these schemes is the discussion on *whether the freedom of speech is an absolute right or if it has certain restrictions*.

### Thinkers’ Views

**John Stuart Mill**, a political thinker and an activist in the nineteenth century Britain, offered a passionate defence of the right to freedom of speech, including freedom of thought and discussion. In his book, ‘On Liberty’, he offered four reasons as to why there should be freedom of expression even for those who espouse ideas that appear ‘false’ or misleading today.

1. First, no idea is completely false. What appears to us as false has an element of truth. If we ban 'false' ideas, we would lose that element of truth that they contain.
2. The first point is related to the second point. Truth does not emerge by itself. It is only through a conflict of opposing views that truth emerges. Ideas that seem wrong today may have been very valuable in the emergence of what we consider right kind of ideas.
3. Thirdly, this conflict of ideas is valuable not just in the past but is of continuing value for all times. Truth always runs the risk of being reduced to an unthinking cliché. It is only when we expose it to opposing views that we can be sure that this idea is trustworthy.
4. Finally, we cannot be sure that what we consider true is actually true. Very often ideas that were considered false at one point by the entire society and therefore suppressed turned out to be true later on. A society that completely suppresses all ideas that are not acceptable today runs the danger of losing the benefits of what might turn out to be very valuable knowledge.

According to one filmmaker, *"My right to free speech has to be absolute, and if you are offended, you have **the right to respond**. But if we start placing restrictions, we are **shaking the foundations of tolerance** for views that one finds disagreeable, and tolerance has to be one of the foundations of a true democracy."*

However, many thinkers recognise that restraints are necessary for realizing true freedom. John Stuart Mill in the same book gave one principle to answer the question of restraints. It is called as **Harm Principle**. It says that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. **French declaration** also talks about *liberty as freedom to do everything which injures no one else*. But these restrictions on freedom should be placed strictly by laws enacted with due deliberations. The **Offence principle** deals with the **psychological or social harm** may be done by any speech. It is used to assess **ethical dimension** of the restraints.

## Indian Context

The Constitution places numerous restrictions on the freedom of speech. Integrity and sovereignty of the nation, public order, decency and morality, security of the State, defamation, incitement to an offence are some of the restrictions placed on the freedom of speech. In the **constitutional debate**, most of the speakers were against the unrestrained freedom of speech. They believed that unrestrained freedom leads to anarchy and endangers the very existence of the state. It reduces the capacity of state to protect the rights in long term.

The **Supreme Court** also sided with the same view in numerous cases related to freedom of speech. The Supreme Court's overriding concern, over the years, has been that **free speech should not affect communal harmony**. The ground rule has been that religious harmony cannot be sacrificed at the altar of free expression. The court however, observed that *"freedom of expression cannot be suppressed on account of [the] threat of demonstration and processions or threats of violence."* The right to freedom of speech and expression is enshrined in the Constitution, and chauvinist elements, no matter of what hue, should not be allowed to infringe on this right citing some imagined slight to a group or community.

## Recent Incidents

### The Cartoon Controversy

The satirical weekly French magazine, Charlie Hebdo, was attacked recently for publishing cartoons of Prophet Muhammad. Many countries criticised the attack and participated in Je Suis Charlie (french for 'I am Charlie') March. The magazine has targeted almost every religion. It is mainly involved in anti-institutional, anti-religion and anti-extremist publications, sparing none.

The French revolution espouses absolute liberty and freedom of speech. In most of the western countries, least restrictions are placed on freedom of speech. The artistic expressions are restricted only in exceptional circumstances. The above mentioned principles of J. S. Mills are exhibited for absolute freedom which builds a dialog for arriving at the truth. In France, the cartoonists were promoting a French culture in which individual



freedoms are absolute and collective sensibilities overlooked. They were upholding the secularist traditions of the French nationalism.

However the issue is debated primarily as a question of freedom of expression, but the more fundamental issue at stake is the terms of engagement between various cultures in a multicultural society.

While in most Western societies, individual rights are absolute and community rights limited or non-existent, in Islamic world, the situation is the opposite. While individual rights are not respected, community is valorised and glorified. Individual rights still do not command social legitimacy as opposed to the sentiment of “collective hurt.” The “hurt sentiment” phrase is often quoted to define or represent the feelings of a larger group and rarely of an individual, when outrage is created.

In addition to that, emotional violence is not measurable. Physical violence is. That makes the latter a crime that can be proven, hence a greater crime, especially when emotional violence is directed at something as notional as religion. We cannot measure the hurt Charlie’s cartoons caused the Muslim community. We cannot measure the Muslim community’s sensitivity or over-sensitivity. But we can measure the outcome of the actions of the killers. We can therefore easily condemn violence. That it caused hurt, rage, humiliation, enough for some people to grab guns, is a non-measurable assumption, a belief. The intellectual can hurt with his/her words. The soldier can hurt with his/her weapons. We live in the world where the former is acceptable, even encouraged. The latter is not.

Increasingly, politicians and policymakers, publishers and festival organisers, liberals and conservatives, in the East and in the West, have come to agree. Whatever may be right in principle, in practice one must appease religious and cultural sensibilities because such sensibilities are so deeply felt. We live in a world in which there are deep-seated conflicts between cultures embodying different values. For such diverse societies to function and to be fair, we need to show respect for other peoples, cultures, and viewpoints. Social justice requires not just that individuals are treated as political equals, but also that their cultural beliefs are given equal recognition and respect. The avoidance of cultural pain has, therefore, come to be regarded as more important than the abstract right to freedom of expression. As the British sociologist Tariq Modood has put it, *“If people are to occupy the same political space without conflict, they mutually have to limit the extent to which they subject each others’ fundamental beliefs to criticism.”*

However, one could argue that Charlie Hebdo chose a brave editorial course. The publication asserted the right to equally offend anyone and everyone as a part of the practice of French secularism. Over and above this, by doing so, the French publication also presented itself in the vanguard of secularism, not concerning itself with short-term appeasement politics.

Prevention of sentimental hurt amongst the population presents a situation in which we want material advancement but not social and cultural change that accompanies conditions of economic change. So, we want better highways, newer airports, and faster internet connections but not the free movement of ideas that threaten to pass through such avenues. We want our modernity to be purely technical and not social and cultural.

### **PK Movie controversy**

A movie named ‘PK’ was released recently which came under the fire of right wing outfits for allegedly insulting Hindu traditions and culture. A case was registered in courts for banning the screening of the film. This is not the first time that a movie ran into hard waters after its release. There is a long list of movies either banned or blacked out on the pretext of ‘hurting sentiment’.

Movies are one of the prime victims of the growing intolerance in the society. Movies are constantly targeted in India by chauvinist groups for ‘hurting the sentiments’ of particular group or community. Chauvinist elements are emboldened when the government adds to the pressure on the film-makers, instead of getting tough on those threatening to disturb law and order. Too often, the producers are forced to compromise and agree to cuts rather than risk prolonging the release of the film. When the government does not stand up for freedom of



speech and expression, film-makers, distributors and exhibitors think it is safer to buy peace with the chauvinist groups.

Once a film has been cleared by the Censor Board, no one has the right to demand that it be pulled from theatres because it has offended them. Everyone is sensitive to something, and if you begin to factor it all in, you'll never make a movie. Then why every film is under threat? Bigger reason is that our 24x7 TV channels and Internet portals need news, and when this news is related to a blockbuster film, it becomes bigger news. Sensational, viewership/readership-attracting news as well —when protesting organisations, in their quest for cheap and easy and guaranteed publicity, offer up such incendiary images of rioting and poster-burning.

However, films, cartoons, provocateurs and other outlandish figures serve useful public roles. Satirists and ridiculers expose our weakness and vanity when we are feeling proud. They puncture the self-puffery of the successful. They level social inequality by bringing the mighty down. When they are effective they help us address our foibles communally, since laughter is one of the ultimate bonding experiences.

So what is needed is freedom of speech where there are no restraints imposed by law, which have the potential to stifle the dialog very easily. This dialog is often aimed at correcting errors in the established system. Freedom of speech needs restraint in the form of social manners, self-regulating mechanisms and codes. In the short run, the legal restrictions appear an easy way out to protect social harmony but history teaches us that an easy way out leads to a dangerous 'offence culture'. India is experiencing same nowadays. Unrestrained freedom of speech may look like a catastrophe in short term, but in the long term it is a pre-condition for social integration and perpetual peace in the society.

## RIGHT TO LIFE

### Right to Life, Section 309 and Euthanasia

#### Meaning of Article 21

Article 21 of Indian Constitution provides for “**Protection of Life and Personal Liberty**” and reads as “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

The fundamental right under Article 21 is one of the most important rights provided under the Constitution which has been described as the **heart of fundamental rights** by the Apex Court in Unni Krishnans case.

The objective of the fundamental right under Article 21 is to prevent encroachment upon personal liberty and deprivation of life except according to **procedure established by law**. It clearly means that this fundamental right has been provided against the state only. However, the state cannot be defined in a restricted sense. It includes Government Departments, Legislature, Administration, Local Authorities exercising statutory powers and so on so forth, but it does not include non-statutory or private bodies having no statutory powers such as company, autonomous body and others. If an act of private individual amounts to encroachment upon the personal liberty or deprivation of life of other person, such violation would not fall under the parameters set for the Article 21. In such a case, the remedy for aggrieved person would be either under Article 226 of the constitution or under general law.

Therefore, the fundamental right guaranteed under Article 21 relates only to the acts of State or acts under the authority of the State, which are not according to procedure established by law. **The main object of Article 21 is that before a person is deprived of his life or personal liberty by the State, the procedure established by law must be strictly followed.**

#### Widening the Scope of Article 21 through Judicial Interpretation



#### Cases Related to the Scope of Article 21

- **Maneka Gandhi vs. Union of India Case**
- **Gopalanachari vs. Administrator, State of Kerala**
- **Francis Coralie Mullin vs. Union Territory of Delhi**
- **Olga Tellis vs. Bombay Municipal Corporation**

- The scope of Article 21 was a bit narrow till 1950s as it was held by the Supreme Court in **A. K. Gopalan vs. State of Madras Case 1950** that there was no guarantee in our Constitution against arbitrary legislation encroaching upon personal liberty. Hence if a competent legislature makes a law providing that a person may be deprived of his liberty in certain circumstances, the validity of law could not be challenged in a court of law on the ground that the law is unreasonable, unjust, and unfair. *Thus, in Gopalan case, the majority at Supreme Court propounded the view that by adopting the expression 'procedure established by law', article 21 has embodied the English concept of personal liberty in preference to that of American 'Due Process'.*
- The majority judgement in Gopalan case was, however, overturned in **Maneka Gandhi v. Union of India Case 1978** that led to the following propositions:
  - Art 19 and 21 are not water-tight compartments. On the other hand, the expression of 'personal liberty' in Art 21 is of the widest amplitude, covering a variety of rights of which some have been

included in Art 19 and given additional protection. Hence, there may be some overlapping between Art 19 and 21.

- Thus, a law coming under Art 21 must also satisfy the requirements of Art 19. In other words, a law made by state, which seeks to deprive a person of his personal liberty, must prescribe a procedure for such deprivation which must not be arbitrary, unfair, or unreasonable.
- This view has been further relied upon in a case of **Francis Coralie Mullin v. Union Territory of Delhi** as follows: Article 21 requires that no one shall be deprived of his life or personal liberty except by procedure established by law and this procedure must be reasonable, fair and just and not arbitrary, whimsical or fanciful. And if any such law is challenged, the court would have to decide whether the procedure laid down by such law for depriving a person of his personal liberty is reasonable, fair and just.
- In another case of **Olga Tellis vs. Bombay Municipal Corporation**, it was further observed: Just as a mala fide act has no existence in the eye of law, even so, unreasonableness vitiates law and procedure alike. It is therefore essential that the procedure prescribed by law for depriving a person of his fundamental right must conform to the norms of justice and fair play.
- The Supreme Court in its several judgements has held that right to life under Art 21 does not have restricted meaning. It is something more than surviving or animal existence. **Right to Life means the right to live meaningful, complete and dignified life.**
- The expanded scope of Article 21 has been explained by the Apex Court in the case of **Unni Krishnan v. State of A.P.** and the Apex Court itself provided the list of some of the rights covered under Article 21 on the basis of earlier pronouncements and some of them are listed below:
  1. The right to go abroad.
  2. The right to privacy.
  3. The right to shelter.
  4. The right to social justice and economic empowerment.
  5. The right against solitary confinement.
  6. The right against hand cuffing.
  7. The right against delayed execution.
  8. The right against custodial death.
  9. The right against public hanging.
  10. Doctors assistance
  11. Protection of cultural heritage.
  12. Right of every child to a full development.
  13. Right to pollution free water and air.

Thus it is clear that the provision of Article 21 was constructed narrowly at the initial stage but the law in respect of life and personal liberty of a person was developed gradually and a liberal interpretation was given to these words. New dimensions have been added to the scope of Article 21 from time to time. It imposed a limitation upon a procedure which prescribed for depriving a person of life and personal liberty by saying that the procedure must be reasonable, fair and such law should not be arbitrary, whimsical and fanciful.

### Right to Life and Suicide (Sec 309 of IPC)

**Suicide law in India:** Under Section 309 of the Indian Penal Code, an attempt to commit suicide is punishable with simple imprisonment up to one year and/or a fine.

**The Supreme Court in 1994** not only decriminalised the attempt to suicide but also observed that the 'right to life' includes the 'right to die.' *The court observed that all fundamental rights have positive connotations as well as negative connotations.* Thus,

- the fundamental right to freedom of speech and expression can be said to include the right not to speak.
- freedom of movement and association includes the freedom not to move or join an association.
- freedom to do business includes freedom not to do any business.

However, a five-judge bench headed by Justice J.S. Verma in **Gian Kaur case(1996)** overturned the 1994 decision which brought Section 309 back to life and made 'right to die' unconstitutional. The Court held that the right to life under Article 21 does not include the right to die.

In 2008, the **Law Commission** recommended that the suicide bids be decriminalized. It suggested that the intention to commit suicide should be seen as a manifestation of a diseased condition of mind, requiring care and treatment, not punishment. It also pointed out that only a handful of nations like Pakistan, Bangladesh, Malaysia, Singapore and India have persisted with this undesirable law. On the basis of this recommendation, in 2014, the **Centre called for inputs from states**. 18 states including the state of Tamil Nadu and 4 union territories are in favour of deletion of Section 309. Bihar, MP, Delhi, Punjab and Sikkim however, have expressed reservations citing suicide bombers and agitators fasting pressurise government. Considering the majority, recently government has decided to decriminalize section 309 of IPC. With this decision, the debate whether the 'right to life' also implies 'right to die' has come to the fore.

### Arguments against Decriminalizing Suicide

- It is argued that no individual has complete autonomy with respect to life. His family does have a claim over him. A person may be the sole bread winner of his family and if he commits suicide, his family would certainly be driven to destitution. (This was SC observation in Gian Kaur case).
- But the counter argument is that decriminalization of suicide (Section 309 of IPC) will also decriminalize the abetment to the commission of suicide (Section 306 of IPC). This is more technical as how can abetment of something which is not a crime can be termed as crime. This may enhance the abuse of law after deletion of section 309 of IPC, particularly in cases of dowry death, honour death and by child in case of elderly parents. However, this technical issue can be dealt with by proper amendments.

### Arguments In Favour Of Decriminalizing Suicide

- Section 309 of IPC makes suicide a criminal offence and has a provision of maximum one year of jail or fine or both. It is unfortunate that this is the only law which penalises for not being successful in committing an offence. If the offence (suicide) is successful, he is beyond the reach of law.
- Further, a sound mind commits suicide when he is depressed, hopeless and out of emotional outburst. These conditions may be created because of social, economic, personal, emotional etc factors. Anyone committing suicide certainly needs soft words and wise counselling, not stony dealing by a jailor following harsh treatment meted out by a heartless prosecutor.
- Decriminalising attempt to suicide is one thing and conferring a 'right to die is another'. Right to silence or right not to do business or trade constitutes merely temporary suspension of rights and on any future date a person may exercise these rights. But once a life is extinguished, it is lost forever. The 'right to die' is based on a conservative and individualistic argument whereby suicide is considered a private affair which in no way can cause damage to others. Even by citing examples from mythology of Lord Rama taking Jal Samadhi in the Sarayu to Buddha and Mahavira achieving death by seeking it, suicide could not be termed an irreligious act.
- Again what about those persons who are terminally ill and want to die with dignity? The loss of bodily integrity is traumatic and they should be allowed to sleep without pain, trauma and in peace.

### Conclusion

So, the recent decision of government to decriminalize section 309 of IPC is good for the society, as it will not exaggerate the problems for already overburdened person who just attempted suicide. Thus, better option is not to punish anyone for attempting suicides and decriminalization of section 309 of IPC seems to be right step. Further allowing 'Right to die' only to the terminally ill patient can be thought upon.

## Right to Life and Euthanasia

*"Death solves all problems...no man, no problem."... Joseph Stalin*

*"I will give no deadly medicine to any one if asked, not suggest any such counsel.".....Hippocrates*

*"Right to life is an inalienable and inherent right of every human being.".....Thomas Jefferson*

### Introduction

The word 'euthanasia', which originated in Greece, literary means a good death but in this context it means mercy killing. Euthanasia encompasses various dimensions, from **active** (introducing something to cause death) to **passive** (withholding treatment or supportive measures); **voluntary** (consent) to **involuntary** (consent from guardian) and **physician assisted** (where physician's prescribe the medicine and patient or the **third party administers** the medication to cause death).

Request for premature ending of life has contributed to the debate about the role of such practices in contemporary health care. This debate cuts across complex and dynamic aspects such as **legal, ethical, human rights, religious, economic, social and cultural aspects** of the civilised society. In our day to day life, we often come across terminally ill patients that are bedridden and are totally dependent on others. It actually hurts their sentiments. Looking at them we would say that death will be a better option for them rather than living such a painful life. But if on the other hand we look at the *Netherlands* where euthanasia is made legal, we will see that how it is abused there. So following its example no one wants euthanasia to be legalized in India. But the question that lies before us is which will be a better option.

In the above light, let's argue this complex issue from both the supporters and opponents' perspectives, and also attempt to present the plight of the sufferers and their caregivers. The objective is to discuss the subject of euthanasia from the medical and human rights perspective given the background of **Aruna Shanbaug vs. Union of India** case as decided on 7 March, 2011.

### International Position on Euthanasia

Country	Euthanasia	Physician Assisted Suicide
Netherlands, Belgium	Legal	Legal
Germany	Illegal	Legal
Australia, Canada, Israel, Italy, India	Illegal	Illegal

#### Assisted Dying Vs. Euthanasia

- Assisted dying involves a doctor prescribing a life-ending dose of medication to a mentally competent, terminally ill adult at his request. It is the patient who administers the medication to himself. The *State of Oregon in the U.S.* was the first in world to legislate assisted dying way back in 1997. Washington State emulated Oregon and voted for assisted dying in 2008. Three countries — *Belgium, Luxembourg, and the Netherlands* have legislated assisted dying.
- In the case of euthanasia, the life ending medication is administered to the patient by a third party, usually a doctor (Active Euthanasia) or Life support is withdrawn (Passive Euthanasia).

## Arguments Against Euthanasia

1. **Constitution of India:** 'Right to life' is a natural right embodied in Article 21 but euthanasia/suicide is an unnatural termination or extinction of life and, therefore, incompatible and inconsistent with the concept of 'right to life'. It is the duty of the State to protect life and the physician's duty to provide care and not to harm patients. Supreme Court in **Gian Kaur Case 1996** has held that the right to life under Article 21 does not include the right to die.
2. **Neglect of Healthcare by State:** If euthanasia is legalised, then there is a grave apprehension that the State may refuse to invest in health (working towards Right to life). Legalised euthanasia has led to a severe decline in the quality of care for terminally-ill patients in Holland.
3. **Malafide Intention:** In the era of declining morality and justice, there is a possibility of *misusing euthanasia by family members or relatives for inheriting the property of the patient*. The Supreme Court has also raised this issue in the Aruna Shabauq judgement.
4. **Commercialisation of Health Care:** Passive euthanasia occurs in majority of the hospitals across the country, where poor patients and their family members refuse or withdraw treatment because of the huge cost involved in keeping them alive. If euthanasia is legalised, then commercial health sector will serve death sentence to many disabled and elderly citizens of India for meagre amount of money. This has been highlighted in the Aruna Shabauq Judgement.
5. **Palliative Care Supporters:** The practice of palliative care counters the view of euthanasia, as palliative care would provide relief from distressing symptoms and pain, and support to the patient as well as the care giver. Research has revealed that many terminally ill patients requesting euthanasia, have major depression, and that the desire for death in terminal patients is correlated with the depression. They need palliative and rehabilitative care. Whenever, there is no cure, the society and medical professionals become frustrated and the fellow citizens take extreme measures such as suicide, euthanasia or substance use. In such situations, palliative and rehabilitative care comes to the rescue of the patient and the family.

### Suicide Vs. Euthanasia

There has also been a confusion regarding the difference between suicide and euthanasia. It has been clearly differentiated in the case Naresh Marotrao Sakhre v. Union of India. Justice Lodha clearly said in this case, "Suicide by its very nature is an act of self-killing or self-destruction, an act of terminating one's own act and without the aid or assistance of any other human agency. Euthanasia on the other hand means the intervention of other human agency to end the life. It is thus not suicide and an attempt at mercy killing is not covered by the provisions of Sec 309. The two concepts are both factually and legally distinct. Euthanasia is nothing but homicide whatever the circumstances in which it is effected."

## Arguments In Favour Of Euthanasia

1. **Right To Die With Dignity:** 'Right-to-die' supporters argue that people who have an incurable, degenerative, disabling or debilitating condition should be allowed to die with dignity.
2. **Care-givers Burden:** The caregiver's burden is huge and cuts across various domains such as financial, emotional, temporal, physical, mental and social.
3. **Refusing Care:** Right to refuse medical treatment is well recognised in law, including medical treatment that sustains or prolongs life. For example,
  - a. a patient suffering from blood cancer can refuse treatment or deny feeds through naso-gastric tube. Recognition of right to refuse treatment gives a way for passive euthanasia.
  - b. Many do argue that *allowing medical termination of pregnancy before 16 weeks* is also a form of active involuntary euthanasia. This issue of mercy killing of deformed babies has already been in discussion in Holland.
4. **Encouraging Organ Transplantation:** Euthanasia in terminally ill patients provides an opportunity to advocate for organ donation. This in turn will help many patients with organ failure waiting for transplantation. *Not only euthanasia gives 'Right to die' for the terminally ill, but also 'Right to life' for the organ needy patients.*



## Supreme Court Judgment on Euthanasia

SC turned down a friend's plea for mercy killing of vegetative **Aruna Shanbaug** saying that only hospital could make such a request. The judgment of SC is based on the following logic:

1. If we leave it solely to friends and relatives, there is always a chance that this may be misused by some unscrupulous elements who wish to inherit or grab patients' property.
2. If euthanasia is legalised, then commercial health sector will serve death sentence to many disabled and elderly citizens of India for meagre amount of money.

### Conclusion

The Constitution of India reads 'right to life' in a positive direction of protecting life. Hence, there is an urgent need to fulfil this obligation of 'Right to life' by providing 'food, safe drinking water and health care'. On the contrary, most of the States till date have not done anything to support the terminally ill people by providing for hospital care. If the State takes the responsibility of providing reasonable degree of health care, then majority of the euthanasia supporters will definitely reconsider their argument. ***We should endorse the Supreme Court Judgement that our contemporary society and public health system is not matured enough to handle this sensitive issue; hence it needs to be withheld.***

However, this issue needs to be re-examined again after few years depending upon the evolution of the society with regard to providing health care to the disabled and that of the public health sector with regard to providing health care to poor people. The Supreme Court judgement to withhold decision on this sensitive issue is the first step towards a new era of health care in terminally ill patients. ***The Judgment laid down is to preserve harmony within a society, when faced with a complex medical, social and legal dilemma. There is a need to enact a legislation to protect terminally ill patients and also medical practitioners caring for them as per the recommendation of Law Commission Report.*** However, certain measures should be taken before legalizing euthanasia in India:

1. Be convinced that the request was voluntary, well considered and lasting.
2. Be convinced that the patient was facing unrelenting and unbearable suffering.
3. Have informed the patient about his situation and prospects.
4. Have reached the firm conclusion with the patient that there is no reasonable alternative solution.
5. Have consulted at least one other independent physician who has examined the patient and formed a judgment about the patient stated above.
6. Terminate life in a medically appropriate fashion.

There is also an urgent need to invest in our health care system, so that poor people suffering from ill health can access free health care. Investment in health care is not a charity; 'Right to Health' is bestowed under 'Right to Life' of our constitution.



## LAND RELATED ISSUES

### Introduction

Issues related to land have become the most contentious and complex in recent times in India. The issues vary from the age old debate on displacement vs development to latest land acquisition, rehabilitation and resettlement.

There is an urgent need of land for the expanding urban areas, but at the same time, there is also a need to conserve agricultural land to feed the increasing population. Protection of environment and biodiversity are the hot-topics but at the same time there is an outcry on lack of growth and development. The land issues are being revisited with a new perspective with the impact of liberalization, privatization and globalisation.

### Debate on Displacement vs. Development

In the 1950s and 1960s, it may be said that the dominant view on development was informed by modernization theory, which, put crudely, saw development as transforming traditional, simple, third world societies into modern, complex and westernized ones. Seen in this light, large-scale, capital-intensive development projects accelerated the pace toward a brighter and better future.

In recent decades, however, a 'new development paradigm' has been articulated, one that promotes poverty reduction, environmental protection, social justice, and human rights. In this paradigm, development is seen as both bringing benefits and imposing costs. Among its greatest costs has been the involuntary displacement of millions of vulnerable people.

- After independence, India faced massive challenges in the economic front. Centuries of colonial rule had drained out its productive resources and led to huge unemployment and disguised unemployment. The subsistence agriculture often battered by floods and droughts could barely hold up an ever-growing population.
- Determined steps were taken to bring development and make India an industrialised and modern nation. The 'Five-Year Plans' emphasised on developing key sectors like irrigation, power, heavy industries and transport. Large dams, colossal steel plants, national highways and big ports were built to create 'growth centres' with the twin objective of creating employment and reducing the burden of import.
- Eventually most of these projects came up in mineral-rich areas, upper stream of the rivers and coastal belts. While heavy industries like steel and power were set up near coal and iron-ore rich belts, dams were built in mountain ranges and refineries and ports in coastal areas.
- These developmental projects, though increase productivity and production to a great extent, give rise to involuntary displacement, thereby creating untold miseries for the oustees as has been experienced in the completed and ongoing projects.
- Apart from the cost of displacement and relocation, there is also the problem of deforestation, loss of agricultural land, environmental degradation, and marginalization of the weaker sections. These adverse effects are called the 'backwash effects.' The benefits of 'spread effects' are enjoyed by the nation at large, while it is the local population that bear the brunt of the backwash effects.
- Development-related Displacement may be divided into two subcategories – direct and indirect. Direct displacement refers to those cases, where the installation and commissioning of development projects lead to a direct displacement of people who have inhabited these sites for generation together.
- Indirect displacement emanates from a process whereby installation and functioning of projects continuously push up the consumption of natural and environmental resources, thereby depriving the indigenous people of the surrounding regions of their traditional means of wherewithal and sustenance.

### Impact of Developmental Projects on the Displaced

- Landlessness: This is the principle form of de-capitalization and pauperization of displaced people, as they lose both natural and human-made capital.

- **Joblessness:** Unemployment or underemployment among re-settlers often endures long after physical relocation has been completed.
- **Homelessness:** Loss of a family's individual home and the loss of a group's cultural space tend to result in alienation and status deprivation.
- **Marginalization:** Marginalization occurs when families lose economic power and spiral on a 'downward mobility' path. Many individuals cannot use their earlier acquired skills at the new location; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization.
- **Food Insecurity:** Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary for normal growth and work.
- **Increased Morbidity and Mortality:** Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation related illnesses, particularly parasitic and vector-borne diseases such as malaria. The weakest segments of the demographic spectrum— infants, children, and the elderly—are the most affected.
- **Loss of Access to Common Property:** For poor people, loss of access to the common property assets that belonged to relocated communities (pastures, forest lands, water bodies, burial grounds, quarries, and so on) result in significant deterioration in income and livelihood levels.
- **Social Disintegration.** The fundamental feature of forced displacement is that it causes a profound unraveling of existing patterns of social organization. Long-established residential communities and settlements are disorganized, while kinship groups and family systems are often scattered. Life-sustaining informal social networks that provide mutual help are rendered non-functional.
- **Violation of Human Rights:** In addition to violating economic and social rights, arbitrary displacement can also lead to violations of civil and political rights, including: arbitrary arrest, degrading treatment or punishment, temporary or permanent disenfranchisement and the loss of one's political voice.

## Environment vs Development

The environment/climate change crisis and development needs of the India's poor require us to acknowledge the necessity and urgency for both continued growth at the current pace, and rapid greening of this growth strategy.

## Economic Development

- According to India's Planning Commission, rapid economic growth has helped reduce the poverty rate from 37.2% in 2005 to 29.8% in 2010. That is 40 million less people in the absolute number of the country's poor. Per capita income doubled during those five years, as well.
- The World Bank reports, "The reforms India started in 1991 hold the promise of considerable improvements in the living standards of the country's 300 million poor. During the last few decades, India's inward-looking and public sector driven industrialization strategy led to rates of growth and poverty reduction far more modestly than those witnessed elsewhere in the world, particularly in South East Asia. The economy has responded well to the reforms, and the government has made it an explicit objective to accelerate the development of the country's human resources. The last five years have shown the rates of growth that India could achieve with market oriented development policies and a better integration with the world economy."
- Social and Economic Development go hand in hand. With a thriving economy, human rights in India will flourish. Developing the economy of India will require improvements in education, and worker training, in order to improve human capital. With improved education, and worker skill, worker's rights will be improved in India. Thus improving human rights.

## Impact of Environmental Protection on Economic Growth

- India and many developing countries actually suffer "a double injustice": environmental degradation and climate change will impinge on the poor countries hardest, but at the same time, they are required to be

“part of the solution” by cutting greenhouse gas (GHG) emissions at the expense of their economic development.

- Environmental degradation can only intensify the existing development problems. For example, increased maximum temperatures and changing rainfall patterns are already exerting negative impacts on the agriculture and food security of many low-income communities.
- Compared to developed nations, developing countries are much more vulnerable to the effects of climate change due to their low capacity to adapt and their disproportionate dependency on natural resources for welfare.
- The resource-intensive model of growth of the past fails not only because of the lack of cheap raw materials, but also because of the earth’s limited capacity to absorb carbon emissions and waste. Since environmental degradation will harm human productivity and welfare, the traditional economic growth pattern cannot be sustainable, and will eventually be self-defeating.

### **Maintaining the Balance**

The perception of a trade-off between the two goals of development and environmental protection rests on the view that environmental protection is an obstacle to rapid growth. The reality, however, is that it will not be possible to sustain high growth in the coming years without environmental care. The reason is that we are facing a twin crisis — economic and environmental — and the two are highly interlinked.

- The spike in food prices signal in good measure, pressures on production that are exacerbated by the deleterious effects of environmental devastation and climate change.
- While some may set aside the global risks of climate change as being distant, recent extreme weather events point to changes that may already be upon us.
- The economic costs, including the losses caused by air pollution, water contamination and solid wastes as well as deforestation are estimated to amount to some three per cent of GNP in China as well as India, Argentina, Turkey and elsewhere.
- Strikingly, prevention is often far cheaper than cure — whether it is curbing industrial pollution, arresting deforestation or reinforcing structures in disaster-prone areas.
- Green growth aiming to achieve a harmony between economic growth and environmental sustainability is just what the world needs to obtain long-term and all rounded human development.
- With sound protection and management, natural capital can actually yield considerable economic dividends for India as well — especially due to its dependent on agricultural production, which is in turn highly dependent on natural resources for the livelihoods of producers.
- Alternatively, economic development can provide a solid material foundation for environmental protection efforts, enabling Indian government to take better care of their ecosystems, and equip them financially and technologically for the fight against climate change / environment. It is about growing cleaner and greener, but not slower.

### **Agriculture vs Industrial Use**

A growing industrial sector is crucial to greater economic development and takes in a number of areas as a country develops. Ensuring steady industrial growth helps to compliment and sustain continued economic development. A well-developed industrial sector, covering various different areas is vital to the economic development of a country. With a variety of different industrial sectors that feed off each other, a well-balanced industrial sector is at the centre of economic development.

However, in a developing country like India, agriculture still plays a major role. The agriculture sector provides employment to 58.4% of country’s work force and is the single largest private sector occupation. Various important industries in India find their raw material from agriculture sector - cotton and jute textile industries, sugar, vanaspati etc. are directly dependent on agriculture. Handloom, spinning oil milling, rice thrashing etc. are various small scale and cottage industries which are dependent on agriculture sector for their raw material. Agriculture accounts for about 14.7% of the total export earnings. Besides, goods made with the raw material of agriculture sector also contribute about 20% in Indian exports.

There is no doubt that without agriculture, India cannot exist and without industry, it cannot develop. Agriculture and industry are like two wheels of a bicycle; one cannot survive without other. So it's necessary for a country to have both - agriculture as well as industry. Industries should be promoted but not by compromising with agriculture. Policies should be made in order to promote both, industries as well as agriculture.

- Government should try to set up industries in those lands, which are either unproductive for agriculture or barren. India has a vast reserve of barren lands. These lands are either not suitable for agriculture due to lack of fertility or shortage of natural resources such as water and minerals.
- Such areas can be found in western region of the country, which includes states like Gujarat and Rajasthan. Areas, which have very less food production, can also be utilized for industries.
- But setting up of industries in such lands are not always possible. The location of an industry depends upon several factors, which includes availability of raw material, cheap labour, communication and other economic viabilities.
- If the agricultural lands are to be used for industrial development, government must ensure that the farmers are compensated adequately. The compensation may be in the form of money or in job, whichever viable.
- While, food production must also be increased by using scientific method of agriculture. Genetically modified seeds, which are resistant to pest and can have high productivity, can increase food production. Modern methods of agriculture can also benefit farmers.

### **Tribal Land Rights**

Forests in India are home to over 250 million people, whose primary source of livelihood is forest produce. But under the Indian Forests Act 1927, reserved and protected forests couldn't be used for farming or livestock grazing. This led to mass encroachment by traditional forest dwellers, who were then were subjected to legal action in the form of eviction, fines and arrest.

The situation deteriorated after the Zamindari (tenant farming) system was abolished in the 1950s, leading to a diminished social sense of ownership and protection of forest among the tribals as there was no law to protect their interests.

After a period of dissent and social unrest, the government decided to grant land ownership titles to locals based on how long they had been there. This system raised the importance of the Patwari (keeper of land records). But as the tribals didn't have any means of proving the period of occupation, the system became corrupt, vesting all the power in the hands of one person, the Patwari.

### **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was enacted to correct the "historical injustices" done to forest dwellers under the Indian Forest Act, 1927, which gave the government arbitrary power to take over forest land without proper rehabilitation and resettlement of the traditional inhabitants.

- The rights granted under the act are:
  - ✓ Title rights - i.e. ownership - to land that is being farmed by tribals or forest dwellers as on 13 December 2005, subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family as on that date, meaning that no new lands are granted.
  - ✓ Use rights - to minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc.
  - ✓ Relief and development rights - to rehabilitation in case of illegal eviction or forced displacement; and to basic amenities, subject to restrictions for forest protection.
  - ✓ Forest management rights - to protect forests and wildlife.

- Eligibility to get rights under the Act is confined to those who "primarily reside in forests" and who depend on forests and forest land for a livelihood. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years.
- The Act provides that the gram sabha, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognised. This resolution is then screened and approved at the level of the sub-division and subsequently at the district level. The screening committees consist of three government officials and three elected members of the local body at that level.

Critics of the FRA say it was enacted by the government for privatizing natural resources and making vote banks out of the forest dwellers. But the basic principles of the act were largely misunderstood. Contrary to popular belief, the FRA is not a land redistribution legislation. It merely provides for land ownership titles to forest dwellers who have occupied and farmed the land. These titles cannot be sold but can be passed on within a family.

But even after many years of implementation of the landmark legislation - which overturned centuries-old colonial legislation made by the British to exploit India's rich forest resources –it has not shown the results hoped for.

- Land rights activists say poor implementation is down to a number of issues - a lack of awareness, difficulties in proving entitlement and illegal interference by forest department officials to prevent claims being awarded.
- Activists accuse forest officials of "deliberately sabotaging" claims for land by destroying the evidence and creating hurdles for claimants.
- Accusations of violations of the law itself by state authorities are also widespread, with forest-dwellers complaining that they are being evicted which, under the legislation, can only be done with their agreement.

## Land Acquisition in India

Land acquisition remains at the centre of many controversies and public policy paralysis in India. There are very few public policy issues in India that rival land acquisition in terms of its complexity, challenges and significance to country's growth and transition to more urbanised and industrialised status. Currently, the Union Government is mounting series of efforts to clear several hurdles with regard to the existing land law which dates back to 1894.

### Land Acquisition Act 1894

Till 2014, the land acquisition in India was governed by the colonial period's Land acquisition act of 1894. The Land Acquisition Act of 1894 allowed the government to acquire private lands. Under the 1894 Act, displaced people were only liable for monetary compensation linked with market value of the land in question, which was still quite minimal considering circle rates are often misleading.

- The title of the law itself conveyed that its primary purpose was to expedite the acquisition of land.
- Once the acquiring authority has formed the intention to acquire a particular plot of land, it can carry out the acquisition regardless of how the person whose land is sought to be acquired is affected.
- There was no real appeal mechanism to stop the process of the acquisition. A hearing (under section 5A) was prescribed but this was not a discussion or negotiation. The views expressed were not required to be taken on board by the officer conducting the hearing.
- There were absolutely no provisions in the 1894 law relating to the resettlement and rehabilitation of those displaced by the acquisition.
- Urgency clause: This was the most criticised section of the Law. The clause never truly defined what constituted an urgent need and left it to the discretion of the acquiring authority. As a result almost all acquisitions under the Act invoked the urgency clause.

- Even where acquisition had been carried out the same had been challenged in litigations on the grounds mentioned above. This resulted in the stalling of legitimate infrastructure projects.

### **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement act, 2013**

- The new act provided for land acquisition as well as rehabilitation and resettlement. It replaced the Land Acquisition Act, 1894.
- The process for land acquisition involves a Social Impact Assessment survey, preliminary notification stating the intent for acquisition, a declaration of acquisition, and compensation to be given by a certain time. All acquisitions require rehabilitation and resettlement to be provided to the people affected by the acquisition.
- Compensation for the owners of the acquired land shall be four times the market value in case of rural areas and twice in case of urban areas.
- The new law stipulates mandatory consent of at least 70 per cent for acquiring land for public-private-partnership (PPP) projects and 80 per cent for acquiring land for private companies.
- Purchase of large pieces of land by private companies will require provision of rehabilitation and resettlement.
- The provisions of this act shall not apply to acquisitions under 16 existing legislations including the Special Economic Zones Act, 2005, the Atomic Energy Act, 1962, the Railways Act, 1989, etc.

### **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014**

The ordinance was promulgated by the new NDA government in December 2014. Following are the important changes brought into the act:

- The LARR Act 2013 exempted 13 laws (such as the National Highways Act, 1956 and the Railways Act, 1989) from its purview. However, the LARR Act 2013 required that the compensation, rehabilitation, and resettlement provisions of these 13 laws be brought in consonance with the LARR Act 2013, within a year of its enactment, through a notification. The Ordinance brings the compensation, rehabilitation, and resettlement provisions of these 13 laws in consonance with the LARR Act 2013.
- The LARR Act 2013 requires that the consent of 80% of land owners is obtained for private projects and that the consent of 70% of land owners be obtained for PPP projects. The Ordinance creates five special categories of land use which are exempted from the above requirement: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land.
- In addition, the Ordinance permits the government to exempt projects in these five categories from the following provisions, through a notification:
  - (i) The LARR Act 2013 requires that a Social Impact Assessment be conducted to identify affected families and calculate the social impact when land is acquired.
  - (ii) The LARR Act 2013 imposes certain restrictions on the acquisition of irrigated multi-cropped land and other agricultural land. For example, irrigated multi-cropped land cannot be acquired beyond a limit specified by the government.
- The LARR Act 2013 required that if land acquired under it remained unutilised for five years, it was returned to the original owners or the land bank. The Ordinance states that the period after which unutilised land will need to be returned will be five years, or any period specified at the time of setting up the project, whichever is later.
- The LARR Act 2013 excluded the acquisition of land for private hospitals and private educational institutions from its purview. The Ordinance removes this restriction.



## Land Acquisition and Adivasis

Among the worst excesses committed in India's six decade-old democracy, the forcible displacement of rural Indians in the name of nation-building ranks high up. And within this, the brunt of the oppression, emanating from the state's claim of eminent domain, has been borne by India's adivasis. In 2011, the Twelfth Five-Year Plan blandly noted that of the estimated 60 million people displaced in development projects since independence, as many as 40% were adivasis; their share in the general population has hovered around 8%. That Indian society lacks quantitative or qualitative insight into violence against such communities for developmental and industrial projects is a measure of how policymakers and citizens have routinely devalued the adivasi point of view and experience. The adoption of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), which received the presidential assent on 26 September, marks a long overdue move to end the colonial Land Acquisition Act of 1894, the primary instrument through which the state forcibly evicted its citizens. The new law is potentially a step towards greater justice for adivasi communities.

The LARR Act states that as far as possible, land will not be acquired in the scheduled areas. Though in a damaging omission, which should be corrected, the Act makes no reference to adivasis who live in areas that are still not covered by the Fifth Schedule, which is an estimated 50-70% of the adivasi population, according to the National Advisory Council. If acquisition is done, the Act goes on to say, it will only be done, "as a demonstrable last resort". Much will hinge on how rules currently being drafted for the Act define this ambiguous "last resort" principle. Given official estimates that 90% of India's coal reserves are located in adivasi areas, as are 50% of other key minerals and prospective dam sites, it is easy to envisage governments and elites continuing to deploy the "national interest" argument to jettison adivasi interests for such projects.

The far more meaningful provision for adivasi communities is that acquisition in scheduled areas will be now be subject to the free, prior and informed consent principle. This is what the relevant clause states:

*"In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or Panchayats or autonomous District Council, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition\*, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force.."*

This by far is the most unequivocal recognition in law of a people's constitutional right to participate in decision-making over projects that affect it, and more importantly, to be able to say no to such projects. The clause is an essential acknowledgement of the numerous, and increasingly intense, protests unfolding across adivasi blocks of central India, despite state and police efforts to intimidate and stamp down such citizen movements against forced displacement. However, given numerous instances of officials and corporations usurping gram sabha powers, the Act should have recognised violation of the consent clause as an offence, to be penalised by fines or imprisonment, just as it has laid down such penalties for violation of compensation and resettlement clauses.

Finally, if the LARR Act has to be meaningfully implemented, it should be accompanied by a massive awareness campaign, primarily directed at three audiences. The first audience should be officialdom, particularly administrative and police personnel working within the district, who have to look beyond the deeply entrenched notion of eminent domain, give up the imperious power and rent-seeking opportunities that come with it, and instead imbibe and feel responsible for the participatory spirit of the new law. Having the average revenue and forest official, policeman and collector respect the gram sabha as a legitimate site of decision-making is a mammoth task, and we should not underestimate the importance of pushing for this shift in official attitudes if the law has to mean something on the ground.

The second audience that needs to be sensitised is business, including state-owned and private mining corporations, steel and power corporations that are looking to operate in or source raw material from adivasi areas. Many of the people working in these entities are openly contemptuous of the new Act and view it as a hurdle to economic activity and profits, instead of a mechanism to have a more equal, expansive and educative



conversation about a proposed project's benefits and damages, and as a tool for pre-empting conflict and abuses.

Finally, the campaign should actively engage adivasi communities, who must not just be told about the safeguards in the new law but also the seriousness of its intent. The latter is especially important, given how little faith villagers today have in public hearings, knowing from bitter experience that such events have been reduced to just another box to be ticked by officials in the clearance process. One way of crafting a campaign for this audience could be for the Ministry of Tribal Affairs to closely ally with networks like the Bhasha Research Institute, the central Indian citizen media initiative Swara, adivasi student movements, lawyers, community leaders and activists on the ground to produce and propagate succinct rights primers in various adivasi languages. Such written or oral accounts should clearly outline for communities on the ground what their new participation and anti-displacement rights are, how they can exercise them, and finally the mechanisms available to them to raise violations, of which there are bound to be many as a landmark law takes life on the ground.

#### **Appendix: National Policy on Rehabilitation and Resettlement 2007**

The policy aims at striking a balance between the need for land for developmental activities and, at the same time, protecting the interests of the land owners, tenants, the landless, the agricultural and non-agricultural labourers, artisans, and others whose livelihood depends on the land involved.

It recommends that only the minimum necessary area of land commensurate with the purpose of the project should be taken and the use of agricultural land for non-agricultural purposes should be kept to the minimum. Also, multi-crop land should be avoided and irrigated land use should be kept to the minimum for such purposes. Projects may preferably be set up on wastelands or un-irrigated lands.

The objectives of the National Rehabilitation and Resettlement Policy are as follows:-

- To minimize displacement and to promote, 'as far as possible, non-displacing or least-displacing alternatives;
- To ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- To ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- To provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- To integrate rehabilitation concerns into the development planning and implementation process; and
- Where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

Key features of the National Rehabilitation and Resettlement Policy, 2007 are the following:

- Policy covers all cases of involuntary displacement;
- Social Impact Assessment (SIA) introduced for displacement of 400/200 or more families in plain/tribal, hilly, Scheduled Areas, etc.;
- Tribal Development Plan in case of displacement of 200+ ST families;
- Consultations with Gram Sabha or public hearings made compulsory;
- Principle of rehabilitation before displacement;
- Ombudsman for grievance redressal; and
- A National Rehabilitation Commission.

The benefits to be offered under the policy to the affected families include:

- Land-for-land, to the extent government land would be available in the resettlement areas;

- Preference for employment in the project to at least one person from each nuclear family within the definition of the 'affected family', subject to the availability of vacancies and suitability of the affected person;
- Training and capacity building for taking up suitable jobs and for self-employment;
- Scholarships for education of the eligible persons from the affected families;
- Preference to groups of cooperatives of the affected persons in the allotment of contracts and other economic opportunities in or around the project site;
- Wage employment to the willing affected persons in the construction work in the project;
- Housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits.

### What is Social Security

Social security may be defined as any programme of social protection established by legislation, or any other mandatory arrangement, that provides individuals with a degree of income security when faced with the contingencies of old age, survivorship, incapacity, disability, unemployment or rearing children. It may also offer access to curative or preventive medical care.

As defined by the International Social Security Association, social security can include social insurance programmes, social assistance programmes, universal programmes, mutual benefit schemes, national provident funds, and other arrangements including market-oriented approaches that, in accordance with national law or practice, form part of a country's social security system.

Social security is essential for the well-being of people and society. It is a basic human right (though not one of the constitutional fundamental rights), and its fulfilment will contribute to achieving various developmental goals of the nation. Social security measures will have far reaching benefits in the form of reducing infant and maternity mortality rates, improving productivity and promoting sense of pride and self-respect amongst the citizens.

Such measures will also help in eradicating poverty to some extent. Starting from the minimal level of providing protection against health and life hazards in work situations, it can progressively be extended to social security welfare measures involving provision of better health care, maternity care, old age provisions, etc. Such social security can, and perhaps, be extended to one and all.

Economists Amartya Sen and Jean Dreze distinguish two aspects of social security —“protection” and “promotion.” While the former denotes protection against a fall in living standards and living conditions through ill health, accidents, the latter focuses on enhanced living conditions, helping everyone overcome persistent capabilities deprivation.

### A Universal Right

The first social security programmes based on compulsory insurance were established in Europe in the late-19th century. It was during the 20th century, however, that national social security programmes developed more widely around the globe, not least as a result of decolonisation and the institution of new independent states after World War II. The development of social security has also been supported by various international conventions and instruments, and the recognition of social security as a basic human right was enshrined in the 1948 Universal Declaration of Human Rights.

In a few countries, for example, Germany and Brazil, social security is a right guaranteed by the Constitution. Today, most countries have some type of social security system. Worldwide, the most common type of programme is for old-age, disability, and survivors' pensions, followed by programmes for benefits for work injuries and occupational diseases, sickness and maternity, family allowances and unemployment.

According to available estimates, around 50 per cent of the global population has access to some form of social security, while only 20 per cent enjoy adequate social security coverage.

The need to extend coverage is, therefore, a key challenge for social security organisations in all regions. However, this can only be done while also addressing wider policy issues, including the demographic ageing of populations, evolving family structures, the impacts of economic globalization, the growth of informal labour markets, and epidemiological and environmental developments.

## Importance of Social Security

The social importance of social security systems for society is now widely accepted. However, there is less unanimity regarding the economic importance of social security systems. Regardless, that social security systems should be understood as a productive factor in economic development is a view that is gaining ground.

When arguing the case for the economic importance of social security provision, European social security history is particularly instructive. Many European countries introduced social security programmes early in their development; before they were rich societies. European history also shows that efficient economies and efficient social security systems can grow hand-in-hand, and that the latter is not a brake on the former. Clearly, all countries must develop their social security systems according to their own socio-economic needs and circumstances. Nonetheless, on the basis of European experience, the message for developing countries is a clear one: effective and efficient social security systems are key to long term social and economic development.

## Strengthening Social Protection (HDR Report 2014)

Social protection, including unemployment insurance, pension programmes and labour market regulations, can offer coverage against risk and adversity throughout people's lives and especially during sensitive phases. By providing an additional and predictable layer of support, social protection programmes help households avoid selling off assets, taking children out of school or postponing necessary medical care, all detrimental to their long term well-being.

Further, the distribution networks and mechanisms for administering social protection programmes can also be used to provide short-term emergency responses and assistance during crises such as natural disasters and droughts. Many social protections have positive spinoff effects. Unemployment insurance improves the working of labour markets by allowing the unemployed to choose jobs that better match their skills and experience rather than forcing them to simply take the first job that comes along.

Income support to households has been shown to encourage labour market participation by providing resources to enable people to search for better opportunities, including allowing members of the household to migrate to find jobs. Some contend such support may reduce the incentive to get back to work. Much depends on the design of the policy. Nevertheless, there is considerable evidence that labour market regulations have a net benefit and are able to reduce inequality.

Social protection is feasible at early stages of development and can even bring about other benefits such as stimulating spending and reducing poverty. Social protection offsets output volatility by reducing fluctuations in disposable income. ***Strong universal social protection policies not only improve individual resilience, they also bolster the resilience of the economy as a whole.***

## Need for Social Security System in India

Indian society is traditionally a Joint Family system. So social security was primarily provided by the community and the family. The state was obligated by the constitution to become a "welfare state". However, due to limited capacity of the state just after the turmoil of the Independence a large chunk of the social security obligation were placed under the DPSP, which are non-justifiable. Also, since formal employment is a meager 7% in India, as per economic survey 2013-14, thus an overwhelming majority of the citizens were mostly dependent more on the social structure rather than on the state for their social security.

The wave of globalisation demanded greater attention and protection to informal workers as the process of globalisation has eroded employment relations, which have encouraged formal sector employers to hire workers at low wages with no social-security benefits or to subcontract the production of goods and services, which helped them maintain cost efficiency.

The need was particularly realised as the globalisation influenced policies of the government had led to increased contractualisation, outsourcing and informalisation of industries, thus leading to an increase in the size

of the unorganised sector. The adverse labour market implications of the informal sector were also recognised by the government, and as a response, an unprecedented revival of the social security measures in India is observed.

Further, with the rise of migration, urbanization and demographic changes, the Institution of Joint family system is on the decline which used to act as a safe net. Also a more aware citizenry increasingly demands good governance which includes social security measures for them.

Finally, the resources with the government at present are much more than what it was at the time of independence. This all makes it imperative for the government to focus diligently upon wide social security net.

## Constitutional Basis and Acts

Matters relating to Social Security are listed in the Directive Principles of State Policy and the subjects in the Concurrent List. The following social security issues are mentioned in the Concurrent List (List III in the Seventh Schedule of the Constitution of India):

- **Item No. 23:** Social Security and insurance, employment and unemployment.
- **Item No. 24:** Welfare of Labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pension and maternity benefits.
- **Part IV Directive Principles of State Policy**
  - **Article 41** Right to work, to education and to public assistance in certain cases. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.
  - **Article 42** Provision for just and humane conditions of work and maternity relief. The State shall make provision for securing just and humane conditions of work and for maternity relief.
- **Acts**
  - The Employees' Provident Fund & Miscellaneous Provisions Act, 1952
  - The Employees' State Insurance Act, 1948
  - The Payment of Gratuity Act, 1972
  - The Employees' Compensation Act, 1923
  - The Maternity Benefit Act, 1961

## Nature of Social Security

As the word social security conveys different meanings to different people in different contexts, it is necessary to define the components that comprise social security. The essential components of social security that need consideration are as follows:

### Life and Disability Cover

Protection of life comes on top of all priorities in all situations. Everyone is exposed to the risk of untimely death due to disease or accident. The exposure in unorganized sector is all the more because of sub-standard living and deficient care. Whereas addressing these reasons like improving living standards is desirable on one hand, it is absolutely essential on the other to provide some sort of financial assistance for the family to carry on till emerging of alternatives. The concept of life insurance addresses this issue, but the workers in un-organized sector can hardly afford individual life insurance policy for following reasons:

- Financial inadequacies
- Not literate enough to understand concept of insurance and choose the right one
- Sustaining the protection over a period of time

The need for life insurance cover for this segment is more than those in organized sector because some or other sort of protection and benefit is available to them through employers and other institutions. What is required for

this segment is a very simplistic module covering the basic element of risk cover made available to them at a very low cost.

Such protection may be made available to them either from government funds, or on co-contribution basis. Sometimes a person is left with partial or total disability as a result of accident. This not only affects his income earning capacity, but also enhances expenses on account of treatment. While detailed health care may be addressed separately, some financial protection in terms of disability cover in case of partial or permanent disability should be made an essential component of social security for all.

### **Old Age Income Security**

A person makes up his living by skilled or unskilled work according to his capacity, background and opportunities available in the market. His capacity to do physical work goes on diminishing with increase in age and a stage comes when he can do no more of physical work or becomes unemployable on account of old age. In joint family system, some family support was in-built. But with disintegration of joint family system, old age quite often becomes real curse, if his financial needs are not taken care of.

To address this issue comprehensively, there should be a mandatory provision of old age pension for every unorganized worker. For this, all employers and institutions along with government may provide funding.

Nominal co-contributions may also be taken from the workers themselves so as to make the benefit more meaningful. For this purpose, a comprehensive mechanism for providing pension benefits by the Government on its own, or in collaboration with insurance companies, should be devised and the scheme should be extended to all the workers in the unorganized sector in the country.

### **Health Care and Maternity Benefit**

Without a proper system of health care, country cannot go long on the path of progress and development. At present, health care system is outside the reach of unorganized workers and poor people. Some beginning in this area has been made by way of Rashtriya Swasthya Bima Yojana, which provides cash-less health care to workers and poor people.

The same can be made more broad based covering people at the mass level with a matching increase in the network of medical facilities/hospitals so that the same is within the reach of people. All in all, there should be a comprehensive health cover scheme where under a common man can avail of medical facilities without involving any cash payment and he does not have to travel much for medical care.

### **Minimum Wages Act**

The Constitution of India envisages a just and humane society and accordingly gives place to the concept of living wage in the Chapter on Directive Principles of State Policy. Even though there is no uniform and comprehensive wage policy for all sector of the economy in India, mechanism exists for determination of wages in the organized and unorganized sector and their enforcement. Wages in the organized sector are determined through negotiations and settlements between employers and employees.

In the unorganized sector, where labour is vulnerable to exploitation due to illiteracy and having no effective bargaining power, minimum rates of wages are fixed both by the Central and State Governments in the scheduled employment falling within their respective jurisdictions under the provisions of the Minimum Wages Act, 1948. The

Act binds the employers to pay to the workers the minimum wages so fixed from time to time. The wages for the huge informal sector cannot be left to be determined entirely by the interplay of the market forces and, therefore, intervention of the Government becomes necessary. As of now, there is no uniform and comprehensive wage policy for all sectors of the economy in India. It is with this objective of protecting the vulnerable/less privileged strata of the society from exploitation that Government of India enacted the Minimum

Wages Act, 1948. The Act provides for fixation/revision of minimum rates of wages Act, 1948 in sweating employments for invoking the authority of States.

## **Problems and Challenges**

### **Convergence of Social Security Schemes**

While there is multiplicity of social welfare scheme run by different government units at central and state level, there is bound to be some amount of confusion at the level of beneficiaries as to what exactly they are entitled to. This involves the problem of duplication of efforts, record keeping and there is also a possibility of double or multiple benefits reaching the same person under different schemes by way of manipulation.

Administration of each scheme involves huge administrative cost. Hence presence of large number of schemes for the same common cause makes up a very strong case for rationalization of the whole system leading to convergence of all schemes and benefits under one umbrella, if possible.

This will save huge costs on one hand, and simplify the system from beneficiaries' point of view on the other hand. There should be one centralized data base for all the social security schemes and access to the social security benefits should be made available against one single identity number. Further, it is felt that although technically there is lot of scope for extending social security cover to a variety of areas list here-in-above, but an all-inclusive comprehensive provision will require huge resources.

It will therefore be prudent to divide the social security needs in to two levels. The minimum social security floor involving the basic components of security at its minimal level and other security needs which can be added or built later according to convenience and affordability. As a part of minimum social security floor, following needs of social security may be addressed immediately leaving others to be added or built up later depending upon affordability and convenience.

- Life and Disability Cover : Natural and Accidental deaths and accidental disability, partial or permanent;
- Old Age Income Security : Pension solution;
- Health Care Support.

It was felt that all the state and central schemes of aforementioned nature should be converged in to one single scheme or fewer schemes keeping in mind the regulatory restrictions where under life cover and pension benefits can be provided by life insurance companies, health care can be provided by non-life insurance companies. But the central idea should be convergence of all schemes reducing to one single interface between beneficiaries on one side and the service providers on the other side. This solution should duly leverage the advancements in technological sphere so as to save on cost.

### **Implementation Issues**

Strong administrative mechanism is required for implementation of universal social security scheme for all. Merits of the scheme apart, the scheme is unable to take off, sometimes, because of lack of interest on the part of key implementers. Many of the central government schemes where state government was required to commit some resources were not implemented by all states uniformly.

Minimum social security floor should be a central subject and should be mandatory for all eligible people through the length and breadth of the country. If states are willing, they can make provision for additional welfare measures or higher covers within their resources.

The greatest problem that has been faced in the past is identification of beneficiaries, their enrolment and making them aware to participate in the scheme. This will require setting up vast number of 'workers facilitation centers' near the actual location of workers, for the purpose of registration and providing a single point interface between the workers and social security service providers.



These WFCs (Workers Facilitation Centers) should be duly networked on technology so that cost effective and real time information can be processed at a fast speed. Every worker should be issued a single multi-purpose smart card on which a variety of transactions can be made. Entire history of benefits, work details, health etc should be available against this identity.

There should also be provision of 'Central Data Exchange or Warehouse' where entire information can be pooled and analyzed. The data exchange can provide important inputs on health, deployments, education etc. which can be very strategic from planning and research point of view.

### **Delivery Mechanism**

There is a need for rationalization of the existing processes relating to delivery of various social security benefits to both organized as well as unorganized workers. It is felt that a number of laudable schemes had failed to deliver the desired results because of complex processes and procedures inherent in delivery of benefits under such schemes, thereby defeating the purpose of the entire scheme. Available evidence on various such programmes, including the evaluation studies on the programmes by the Planning Commission of India, almost unanimously points out delivery deficit in most of the social security programmes. Such deficit includes:

- Lack of delivery infrastructure at the level of state governments
- Lack of organizational capabilities on the part of delivery agencies
- Misidentification of the programme beneficiaries due to both type I (exclusion) and type II (inclusion) errors
- Incidence of corrupt practices, rent seeking by the administration and delivery agencies, and elite capture of the schemes
- Lack of awareness on the part of people regarding details of schemes as well as their own entitlements.

It is therefore important to identify appropriate delivery channels and design adequate delivery mechanisms for social security that have the capability to reach all the intended beneficiaries while avoiding leakages of benefits, and favouritism and rent seeking on the part of administrators of the schemes. Such channels and mechanisms should also be capable of making the beneficiaries aware of their rights and entitlements, and enhancing their participation in administering the programmes. It is also important that the delivery platforms are adequately backed and supported by relevant technology.

### **Social Security Programs based on Different Criteria**

#### **Addressing the Social Security of Indians Working Abroad**

- **Social Security Agreements (SSAs)**
  - SSA, a bilateral instrument to protect the interests of Indian professionals as well as self-employed Indians working in foreign countries
  - SSAs are bilateral agreements between India and other countries designed to protect the interests of cross border workers. They provide for avoidance of 'no coverage' or 'double coverage' and equality of treatment of the workers of both countries
  - It was initiated by signing an SSA between India and Belgium on 3 November 2006
  - So far India has signed 15 SSAs with Belgium, Germany, Switzerland, France, Luxembourg, Netherlands, Hungary, Denmark, Czech Republic, Republic of Korea, Norway, Finland, Canada, Sweden, and Japan
  - These SSAs facilitate mobility of professionals between two countries by exempting them from double payment of social security contributions and enables them to enjoy the benefits of exportability and totalization
  - **This scheme is especially beneficial for poor Indians working in the Gulf region**

## Addressing the Social Security of the Workers in the Organized Sector

- **Employees' Provident Fund**

- The Employees' Provident Fund Organisation (EPFO) is a statutory body under the Ministry of Labour and Employment that administers social security regulations.
- **The EPFO covers pensions and survivors' benefits in the event of an employee's death.** It is compulsory for all workers employed by companies with more than 20 staff. Employers must apply for the fund on behalf of their workers.
- Since October 2008, all foreigners employed in India have been subject to the terms of the EPFO under the category of "international workers".
- The employee is required to contribute 12 percent of their salary to the EPFO, which is automatically deducted by the employer. Employers must match this 12 percent contribution. Employers are legally required to deduct these contributions and remit them to the EPFO.
- Tax-free interest is earned on contributions made to the fund at a specified rate, which is updated regularly by the government.

## Addressing the Social Security of Workers in the Unorganized Sector

In India out of total workforce of 45.9 crore, 94% is in the unorganized sector and remaining 6% is in the organized sector. The workers in the organized sector are covered under social security legislations like Employees' Provident Funds & Miscellaneous Provisions Act, 1952 and Employees' State Insurance Act, 1948. However, the majority of workforce in the unorganized sector was devoid of any formal social security legislation. To address the social security needs of such workers, the Government enacted 'Unorganised Workers' Social Security Act, 2008.

The Unorganized Workers Social Security Act 2008 and National Social Security Fund:

- The Act provides for constitution of a National Social Security Board and State Social Security Boards
- It will recommend social security schemes for unorganized workers
- The National Social Security Board was constituted in August 2009. It has made some recommendations regarding extension of social security schemes to certain additional segments of unorganized workers
- A National Social Security Fund with initial allocation of Rs 1000 crore to support schemes for weavers, toddy tappers, rickshaw pullers, beedi workers, etc. has also been set up

## Addressing Social Security of the Rural Poor

- **Indira Awaas Yojana**

- The IAY is one of the six components of Bharat Nirman
- The unit assistance provided to rural households for construction of a dwelling unit under the IAY is Rs 70,000 in plain areas and Rs 75,000 in hilly/ difficult areas/Integrated Action Plan (IAP) districts
- Under the Homestead Scheme, the unit assistance for purchase/acquisition of house sites for those rural BPL households who have neither land nor a house site is Rs 20,000 to be shared by the centre and states in a 50:50 ratio
- For effective monitoring of the IAY, MIS software '**Awaasoft**' has been put in place

- **NRHM**

- Improvement in the standard of living and health status of the population has remained one of the important objectives for policymakers in India
- In line with the National Health Policy 2002, the NRHM was launched on 12 April 2005
- Its objective is to provide accessible, affordable, and quality healthcare to the rural population

- It seeks to bring about architectural correction in the health systems by adopting the approaches like increasing involvement of community in planning and management of healthcare facilities, improved programme management, flexible financing and provision of untied grants, decentralized planning and augmentation of human resources
- In the Twelfth Five Year Plan the central outlay for health has been increased by 200 per cent to Rs 3,00,018 crore compared to the actual outlay of Rs 99,491 crore in the Eleventh Five Year Plan
- This outlay will be directed towards building on the initiatives taken in the Eleventh Plan period, for extending the outreach of public health services, and for moving towards the long-term objective of establishing a system of universal health coverage
- Better infrastructure, availability of manpower, drugs and equipment, and augmentation of health human resources in health facilities at different levels have led to improvement in healthcare delivery services.

### **Addressing the Social Security of the Pregnant and Lactating Mothers**

- **Janani Suraksha Yojana (JSY) & Janani Shishu Suraksha Karyakram (JSSK)**
  - The JSY launched in 2005 aims to bring down the MMR by promoting institutional deliveries conducted by skilled birth attendants
  - Janani Shishu Suraksha Karyakram (JSSK) is a new initiative which entitles all pregnant women delivering in public health institutions to an absolutely no expenses delivery covering free delivery including Caesarean, free drugs, diagnostics, blood and diet, and free transport from home to institution including during referrals, is also in operation.

### **Addressing the Social Security of the Old Age Citizens**

- **Integrated Program for Older Person**
  - The main objective of the Scheme is to improve the quality of life of the Older Persons by providing basic amenities like shelter, food, medical care and entertainment opportunities and by encouraging productive and active ageing through providing support for capacity building of Government/ NGOs /Panchayati Raj Institutions/ local bodies and the Community at large
  - It encourages the establishment of Old Age Homes, Day Care Centers, Mobile Medicare Units and Non institutional services
  - Popularize the concept of life through reinforcement and strengthening of the ability and commitment of the family to provide care to the older persons.

### **Addressing the Food Security of the Population**

- **National Food Security Act**
  - In rural India today, 23 crore people are under-nourished, and 50% of children fall victim to malnutrition.
  - Every third Indian in the age-group 15-49 years is feeble-bodied.
  - The situation is so grim that today every fourth malnourished global citizen is an Indian.
  - It is in this context that the Right to Food has been passed and now it is a statutory right of 2/3<sup>rd</sup> Indian citizens to get good at a highly concessional rate.
  - States like Tamil Nadu already have a Universalized Food Security system.

### **Present Status**

The biggest gap in India, and one, which may only widen, is in social protection for the working poor. The UPA government appointed the National Commission for Enterprises in the Unorganised Sector (NCEUS) in 2004 to

look into livelihood conditions and social security for unorganised workers — employed in the unorganised sector and those in the formal sector without any social protection. It found that only those in the formal sector, 8 per cent of India's workforce, enjoys social security. Over 91 per cent of workers, over 39.5 crore workers, are in the informal sector.

The Commission highlighted that there had been almost no growth in formal employment since early 1990s and almost all growth in employment was in the unorganised sector. NCEUS' finding that 79 per cent of workers in the unorganised sector lived on an income of less than Rs. 20 a day made it evident that the gains of growth were bypassing the majority of the working population.

The NCEUS proposed legislation for a national minimum security package for unorganised sector workers, social insurance, social assistance for life and health cover, old age benefits to all workers within a period of five years financed by the Centre and state governments, employers (where identifiable) and workers at a cost of less than 0.5 per cent of Gross Domestic Product after five years.

The UPA discarded the Commission's recommendations for statutory backing to social protection. "The NCEUS suggested a National Fund for this and a fund with Rs. 1,500 crore was set up. It proposed that National and State Social Security Advisory Boards were to be created but only 14 States set these up," says a senior government official.

India spends 1.4 per cent of its GDP on social protection, among the lowest in Asia, far lower than China, Sri Lanka, Thailand, and even Nepal. The NDA government has not yet indicated any support to the idea of legally guaranteed social protection for all workers. Officials say the government is proposing to issue a smart card, "U-WIN," Unorganised Sector Identification Number, to every worker in the unorganised sector with a unique identification number for accessing social schemes.

# POLITY AND GOVERNANCE

## RIGHT TO VOTE FOR UNDERTRIALS

Right to vote is not a fundamental right or a constitutional right but is **only a statutory right**. Being a statutory right, the legislature can determine the terms on which the right to vote is to be enjoyed by the people of India subject to **Articles 325 and 326** of the Constitution.

- Section 62(5) of the Representation of the People Act, 1951 governing the “right to vote”, stipulates that no person shall vote in any election if they are confined in a prison “under a sentence of imprisonment or transportation or otherwise” or are in the “lawful custody” of the police.
- Chapter 43 of the Reference Handbook on the General Elections, 2014 also makes it clear that “undertrial prisoners” are not eligible to vote, even if their names are on the electoral rolls.
- India denies voting rights to not only individuals convicted of a crime and serving a sentence in prison, but also to undertrials and even those in police custody.

## THE SUPREME COURT’S STAND

The constitutionality of Section 62(5) of the RP Act was challenged before the Supreme Court in Anukul Chandra Pradhan v. Union of India (July 1997) as being violative of the right to equality and the right to life under Articles 14 and 21.

The Supreme Court took the view that it was reasonable to deny voting rights to convicted prisoners, undertrials and those in police custody. The following arguments had given by the Supreme Court.

Supreme Court Justification for Sec 62(5)	Counter-Arguments against the Judgements
To curb the criminalisation of politics.	Criminalisation of politics is a larger issue that cannot be handled only by preventing the undertrials to vote.
Practical considerations and requirement of additional resources.	Practicality and “resource crunch” are not sound justification to curb civil liberties.
A prisoner was “in prison as a result of his own conduct and is, therefore, deprived of his liberty during the period of his imprisonment [and] cannot claim equal freedom of movement, speech and expression with the others who are not in prison.	The SC observation contradicts the principle of “innocent until proven guilty”, at the same time, presume undertrials to be guilty as far as voting rights are concerned.

## UNDERTRIAL PRISONERS

- Undertrial prisoners are persons who have not been convicted of the charge(s) for which they have been detained, and are presumed innocent in law.
- NCRB’s latest figures reveal there are 2,78,503 undertrials in prison today, constituting more than two-thirds (67.6 per cent) of our prison population.

## CONCLUSION

The government should consider the voting rights to undertrials since depriving such a large class of Indian citizens of this important civil and political right is definitely democratically flawed. Also, there is urgent need to bring comprehensive electoral reform to end criminalization of politics.

## THE CONTEMPT OF COURTS

The Contempt of Courts Act, 1971 define and limit the powers of certain courts in punishing contempts of courts and to regulate their procedure in relation thereto. Contempt of court means civil contempt or criminal contempt.

### CIVIL CONTEMPT

Civil contempt means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.

### CRIMINAL CONTEMPT

Criminal contempt means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which

- Scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or
- Prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

### POWER OF PUNISHMENT FOR CONTEMPT OF COURTS

- Art. 129 :Supreme Court to be a court of record.—The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.
- Art.215: High Courts to be courts of record.—Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.
- Power of High Court to punish contempts of subordinate courts(Section 10 in the Contempt of Courts Act, 1971).—Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself.

### THE CONTEMPT OF COURTS ACT, 1971-SALIENT FEATURES

- Innocent publication and distribution of matter - not contempt (Sec.3).
- Fair and accurate report of judicial proceeding - not contempt (Sec 4).
- Fair criticism of judicial act - not contempt (Sec.5).
- Complaint against presiding officers of subordinate courts when not contempt- in respect of any statement made by him in good faith (Sec.6).
- Publication of information relating to proceedings in chambers or in camera - not contempt except in certain cases (Sec 7).
- Limitation for actions for contempt. No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

### CRITICISM

- Contempt of court law is hangover from British rule.
- Article 19(1)(a) of the Constitution gives the right of freedom of speech and expression to all citizens. But Articles 129 and 215 give the power of contempt of court to the higher judiciary, and this power limits the freedom granted by Article 19(1).
- In a democracy people often criticize executives and legislature this implies that people should have the right to criticize judiciary also.

- There is no definition of what constitutes scandalising the court, or what prejudices, or interferes with, the course of justice in act.

## CONCLUSION

Healthy criticism is good for democracy and prevents stagnation in any democratic institutions. At the same time we have to uphold the integrity and sanctity of judicial system from unreasonable criticism.

## GIPC INDEX

The Global Intellectual Property Center (GIPC) is the principal institution of the United States Chamber of Commerce handling all issues relating to intellectual property. The GIPC champions intellectual property (IP) rights as vital to creating jobs, saving lives, and advancing global economic growth.

It aims to:

- Strengthen the protection and enforcement of IP rights in the United States and abroad,
- Promote and defend the system of IP rights and norms in the United States, key countries, and multilateral forums,
- Increase support for IP rights as a driver of innovation and creativity.
- The US Chamber of Commerce's Global Intellectual Property Center (GIPC) released the third edition of the International IP Index, entitled UP: Unlimited Potential, which speaks to some of these IP concerns.
- The GIPC Index maps the IP environment in 30 countries based on factors indicative of a strong IP environment. In the 2015 GIPC Index, India ranked 29 out of the featured 30 countries.
- According to the report, India's overall score has improved from previous editions with a score of 7.23, while the US which tops the list has a score of 28.53.

## WORLD PRESS FREEDOM INDEX (WPFI)

World Press Freedom Index is produced by France-based international non-governmental organization Reporters Without Borders (RWB).

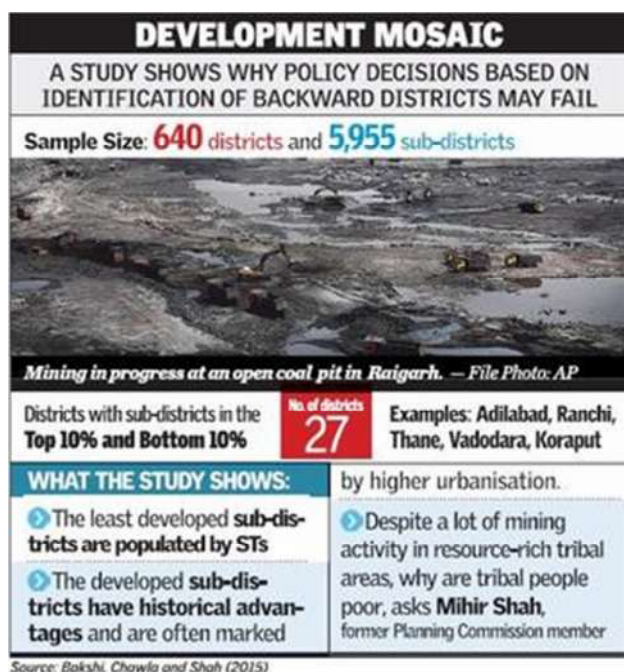
- WPFI aims to promote and defends freedom of information and freedom of the press.
- The WPFI ranks the performance of countries according to index calculated based upon various parameters. Few important parameters are given below:
  - ✓ media pluralism and independence
  - ✓ respect for the safety and freedom of journalists and
  - ✓ The legislative, institutional and infrastructural environment in which the media operate.

## INDIA IN WORLD PRESS FREEDOM INDEX 2015

- India was ranked 136 out of 180 nations worldwide in terms of press freedom in 2015, which marks an improvement from its rank of 140 in 2014, although its absolute score has declined from 40.34 to 40.49.
- India's "abuse score," which reflects the intensity of violent harassment faced by journalists was 59.58, which is higher than Sri Lanka's score of 40.6 but below Pakistan's score of 64.91 and China's score of 89.64.



## INTRA-DISTRICT DISPARITY



The first assessment of the level of development of India's sub-districts has revealed wide variations within the same district.

### FINDINGS OF STUDY

- In 27 districts there were sub-districts that made it to both the top 10 per cent as well as the bottom 10 per cent.
- There were 92 districts with sub-districts that made it to both the top 20 per cent and bottom 20 per cent, and 166 districts accounting for sub-districts among the top 30 per cent and bottom 30 per cent.
- One factor systematically common to the least developed sub-districts across the country was the presence of Scheduled Tribes (STs).

The researchers called these India's "polarized districts." To measure the extent of backwardness, researchers looked at five indicators:

- Agricultural workers as a proportion of all workers
- Female literacy rate
- Access to electricity
- Access to water and sanitation and
- Access to banking

### ANALYSIS

- Sub-districts level development data will provide more accurate information about India's backwardness.
- There is need to realign our development policies that not only focus on backward districts but also on backward regions within districts.
- Block /sub-district level development plan will certainly mitigate some the problems reported in the study.
- Special focus should be given to those regions where the concentration of tribal population is more.

## RESILIENT CITY

**Definition:** “A Resilient City is one that has developed capacities to help absorb future shocks and stresses to its social, economic, and technical systems and infrastructures so as to still be able to maintain essentially the same functions, structures, systems, and identity.”

### “100 RESILIENT CITIES” (100RC) NETWORK

100RC, pioneered by the Rockefeller Foundation, is dedicated to helping cities around the world become more resilient to the physical, social and economic challenges that are a growing part of the 21st century. 100 Resilient Cities takes the view that resilience enables cities

- To evaluate their exposure to specific shocks and stresses,
- To develop a proactive and integrated plan to address those challenges, and
- To respond to them more effectively.

Resilience is about making cities better, for both the short and long-term, for everyone.

**CHRONIC STRESSES** Weaken the fabric of a city on a day-to-day or cyclical basis. Examples of these stresses include high unemployment; an overtaxed or inefficient public transportation system; endemic violence; and chronic food and water shortages.

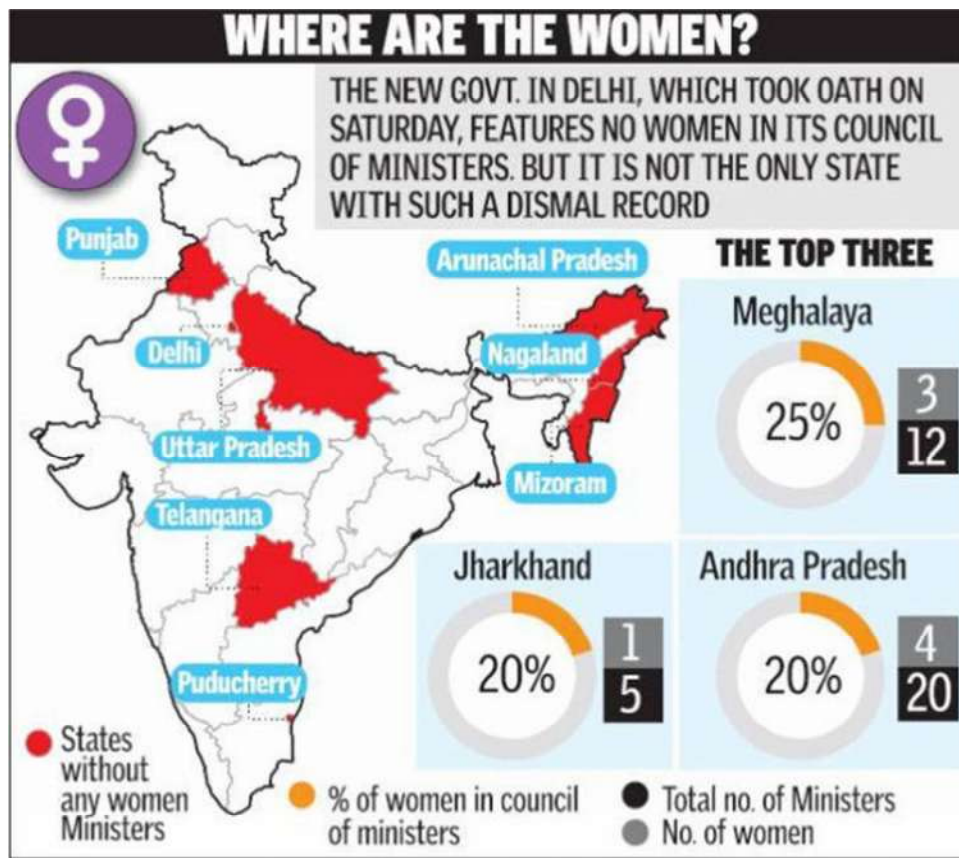
**ACUTE SHOCKS** are the sudden, sharp events that threaten a city, including earthquakes, floods, disease outbreaks, and terrorist attacks.

- Three Indian cities, Bengaluru, Chennai and Surat have made it to the 100 Resilient Cities (100RC) project, run by the New York-based non-profit organisation Rockefeller Foundation.
- The financial commitment for the project is \$100 million. The cities would get funds to recruit the chief resilience officer. Other than that, support would be in the form of tools, people and the network.

## WOMEN'S POLITICAL REPRESENTATION

### STATISTICS

- With all State Assemblies put together, 360 of the country's 4,120 MLAs — or nine per cent — are women.
- 39 of the 568 Ministers in State governments, or less than seven per cent, are women.
- Two States and one Union Territory — Nagaland, Mizoram and Puducherry — have no women MLAs.
- Four additional States — Delhi, Uttar Pradesh, Telangana and Punjab — have women MLAs, but no women Ministers.
- In the 16th Lok Sabha, 61 women leaders have made their way to the Parliament. This is the highest ever number of Lok Sabha seats won by women and constitutes 11.23 per cent of the total 543 Parliamentary seats.



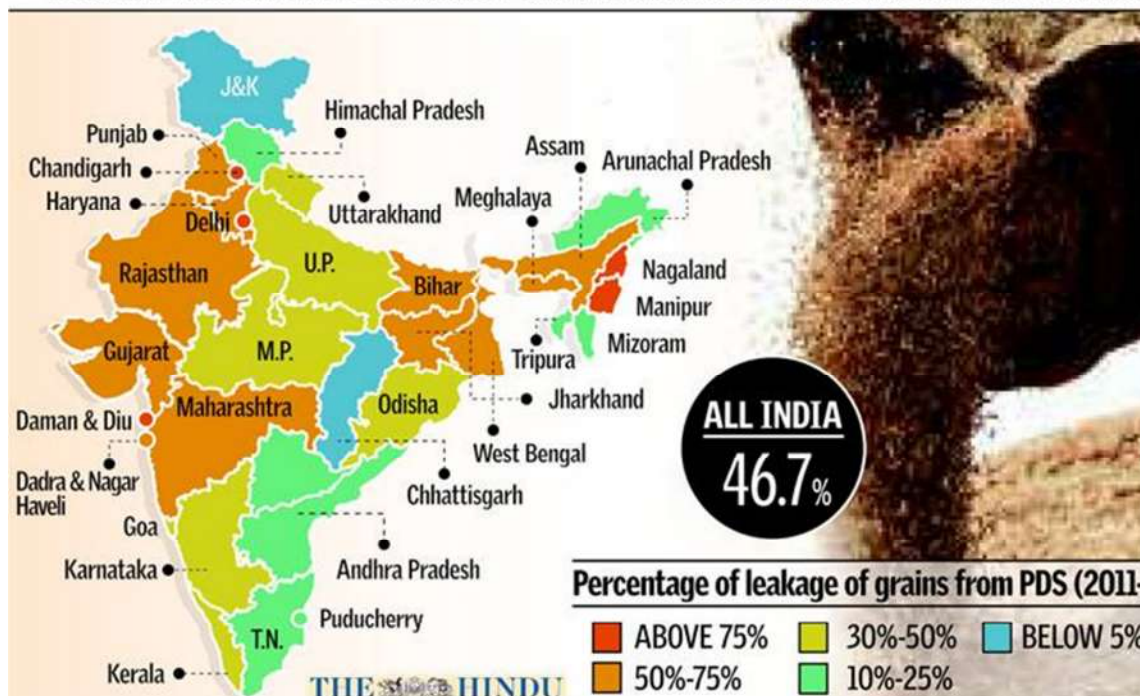
*Source: Data from govt. websites, compiled by Bhanupriya Rao*

## PUBLIC DISTRIBUTION SYSTEM LEAKAGES

The Shanta Kumar high-level committee on the restructuring of the Food Corporation of India submitted its report to Prime Minister recommending a gradual move to cash transfers.

- The committee used estimates of PDS leakage calculated by one of its members, Ashok Gulati, former chairperson of the Commission for Agricultural Costs, and Shweta Saini of the Indian Council for Research on International Economic Relations.
- Their study has estimated that 46.7 per cent or 25.9 million metric tonnes (MMTs) of the grains (rice and wheat), released through the PDS, did not reach the intended beneficiaries in 2011-12.
- Chhattisgarh was the best performing State with 0 per cent diversion.
- Andhra Pradesh and Tamil Nadu were among the better performers with 11.1 per cent and 12.2 per cent leakages respectively.
- The worst-performing State was Manipur where ~98% of the grains failed to reach beneficiaries.

## 25.9 MILLION METRIC TONNES OF GRAINS RELEASED THROUGH PDS FAIL TO REACH



- Economists Jean Dreze and Reetika Khera dispute these numbers. They pointed that their survey and many surveys shows that there is continuous decline in diversion.
- The existing literature on PDS in India has highlighted three important patterns.
  - First, there is a secular decline in leakage over the past decade.
  - Second, there is a large variation in the extent of leakage across states with some States like Andhra Pradesh, Himachal Pradesh, Karnataka, Kerala and Tamil Nadu consistently reporting low leakage.
  - Third, and more interestingly, many States like Bihar, Assam, Chhattisgarh, Jharkhand and Uttarakhand, have improved considerably over time with respect to leakage from the PDS.












DETERMINING DIVERSIONS			
ECONOMISTS CONTEST RECENT ESTIMATES OF PDS DIVERSION USED IN SHANTA KUMAR PANEL REPORT*			
PDS LEAKAGE ESTIMATES		PDS leakage in 2011-12 (%)	
2004-05	2011-12	STATE	
Gulati & Saini* NA, 46.70%		Gulati & Saini*	Dreze & Khera
DREZE & KHERA	IHDS	Bihar	68.70 24.40
54%	49%	Odisha	36.80 25.00
42%	32%	Chhattisgarh	0 9.30
		Gujarat	72.20 67.50
		Tamil Nadu	12.20 11.90

- The National Council for Applied Economic Research's (NCAER) nationwide India Human Development Survey (IHDS), also showed a decline in PDS diversion from 49 per cent in 2004-05 to 32 per cent in 2011-12
- Another study, by Himanshu, assistant professor of economics at Jawaharlal Nehru University, showed even lower levels of leakage than those estimated by Ms. Khera for 2011-12.
- The bulk of the leakage now is in the Above Poverty Line quota, into which more and more foodgrain is now being dumped. The best way to reform this would be to phase out the separate APL quota and instead broaden coverage under the Food Security Act.



## POLITICAL FUNDING

National Institute of Public Finance and Policy (NIPFP) has prepared a report on the black money, in the report it has brought out the issue of political funding.

<b>INVISIBLE PATRONS</b> More than 75% of funds raised by 11 parties between 2009-10 and 2010-11 have come from unknown sources		
Political Party	Total Funding (in Rs. lakh)	Donations below Rs. 20,000 (in %)
 Congress	77,466.74	88.11
 Bharatiya Janata Party	42,601.67	77.24
 Bahujan Samaj Party	17,267.84	100
 Nationalist Congress Party	6,815.35	95.36
 CPI(M)	14,985.15	98.71
 AIADMK	2,394.59	89.26
 Samajwadi Party*	4,331.65	95.52
 Janata Dal (United)	1,475.2	88.04
 Lok Jan Shakti Party	260.19	80.79
 Rashtriya Lok Dal*	436.6	78.96
 Shiromani Akali Dal	637.38	80.4

Source: ADR, NIPFP Black Money Report

\*(only 2009-10)

### FINDING OF REPORT ABOUT POLITICAL FUNDING

- Only three parties declared that they received more than 50 per cent of their funding in amounts above Rs. 20,000 during financial years 2009-2010 and 2010-2011.
- In the case of the BSP, its entire income is by way of donations below Rs. 20,000.
- In the case of 10 other parties — INC, BJP, NCP, CPI(M), AIADMK, SP, JD(U), LokJanshakti Party, RLD, SAD — this percentage is more than 75 per cent (below Rs. 20,000), or three-fourths, of their total funding are received
- Cash donations/coupon sales below Rs. 20,000 per donor are an opaque avenue for parties to introduce any amount in their books of account.

### REPRESENTATION OF THE PEOPLE ACT

Section 29C of the Representation of the People Act (RoPA) requires all political parties to furnish an annual statement of all contributions in excess of Rs. 20,000 to the Election Commission of India (ECI), giving the names and addresses of the donors.

### RECOMMENDATION:

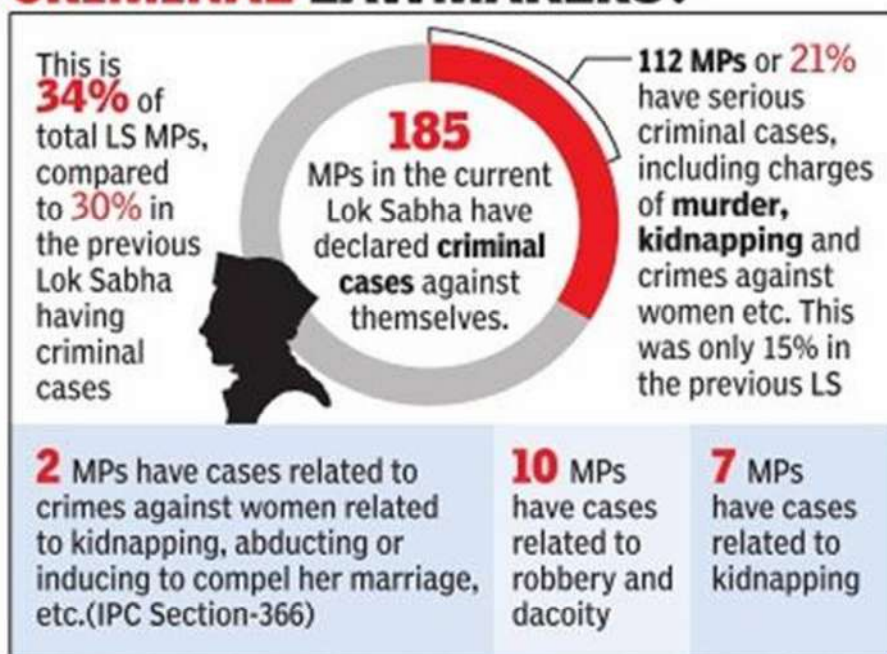
- Report recommends that the Income Tax rules be amended so that exemption is available to a political party only if it has not received any donation/contribution/fee etc. exceeding Rs. 10,000 in a year, except through account payee cheques, from a single person or entity.
- It also recommends that rules be framed for curbing the use of opaque avenues for funding. The alternatives could be machine numbered receipts or depositing cash collections in banks.

## DECRIMINALIZATION OF POLITICS

The supreme court of India is now taking incharge for electoral reform and decriminalization of politics. In a historic judgment, the Supreme Court ruled that the election of a returned candidate will be held as null and void if he fails to disclose complete and full details of his criminal antecedents at the time of his nomination.

- SC observed that the misconduct of a single candidate affects the entire process of his election because the non-disclosure amounted
  - ✓ To the violation of the voter's right to take an informed choice and created an impediment in the free exercise of electoral right.
  - ✓ Candidate has not only unduly influenced the voter to exercise his franchise with a misinformed mind, but also violated his "fundamental right to know."
- It clearly sends the message that mere disqualification of the errant candidate is not enough, but the ripples of his conduct should be felt by nullifying the election itself.
- Non-Disclosure would amount to undue influence and, therefore, the election is to be declared null and void under Section 100 (1) (b) of the Representation of the People Act, 1951.
- The court held that disclosure of criminal antecedents by a candidate is a "categorical imperative."

## CRIMINAL LAWMAKERS?



Note: Affidavits of 542 winners of LS polls analysed; Source: Association for Democratic Reforms

## SPECIAL COMMERCIAL COURTS

Recommendations of Law commission in its 253<sup>rd</sup> report:

- To set up special commercial courts for the speedy disposal of "high value commercial suits" and suggested "substantial" changes in the Civil Procedure Code.
- Establishment of a commercial division in the High Courts to ensure speedy disposal of high-value commercial suits.
- A commercial appellate division will hear appeals on the orders and decrees of the commercial courts.



- The Chief Justice will nominate judges with expertise and experience in commercial matters to the commercial and appellate courts.
- All pending commercial disputes beyond the specified value will be transferred to the commercial division.

#### IMPORTANCE OF RECOMMENDATIONS

- These recommendations are aimed to ensure disposal of cases expeditiously, fairly, and at reasonable cost.
- Fast Disposal of commercial disputes would also encourage foreign investors to invest in India who may have stayed away fearing long litigation periods.
- It will certainly help in ease of doing business.
- New divisions are expected to greatly cut down litigation time in disputes of a commercial nature.
- Besides decreasing the burden on other courts, commercial divisions would also encourage investment and lending.

#### COMMERCIAL DIVISIONS BILL/ACT

The Commercial Divisions bill introduces a commercial division in every high court having original jurisdiction and commercial courts in such districts, as the Central government, in consultation with the concerned State government and Chief Justice of the concerned High Court, may establish.

- The bill will define 'commercial disputes' so as to include ordinary transactions of merchants, bankers, financiers, joint ventures, partnerships, insurance companies and so on.
- These specialised courts will resolve all "commercial" disputes of value of over Rs. 1 crore.
- The Bill provides for a fast track mechanism with stringent timelines.
- For the first time it introduces in the Indian system the concept of a case management conference wherein a procedural order is passed prior to trial, setting out a time table (including time-bound oral arguments supplemented with written arguments) which has to be strictly adhered to.
- The court is given wide powers to ensure that strict compliance is enforced. Moreover, the court, too, is mandated to deliver its judgment within a period of 90 days.
- The Bill also makes mandatory the 'cost follow the event' regime, whereby, as a general rule, the party against whom the order/judgment is passed bears the entire cost of litigation, subject to exceptions where delaying parties, even if successful, have to bear part of the cost.

#### RIGHT TO RELIGION VERSUS PUBLIC MORALITY

##### THE SUPREME COURT'S JUDGEMENT

- The Supreme Court ruled that the fundamental right to religion did not include practices which ran counter to public order, health and morality.
- Sharp distinction must be drawn between religious faith and belief and religious practices. What the State protects is religious faith and belief.
- If religious practices run counter to public order, morality or health or a policy of social welfare upon which the State has embarked, then the religious practices must give way before the good of the people of the State as a whole.
- The Supreme Court upheld the constitutionality of Rule 29 (1) of the Uttar Pradesh Government Servant Conduct Rules, 1956.

## BACKGROUND OF CASE

- The judgment was on a petition filed by Khursheed Ahmad Khan against the Uttar Pradesh government's decision to remove him from service as Irrigation Supervisor for contracting a second marriage when his first marriage was still in existence.
- His ouster was based on Rule 29 (1) of the Uttar Pradesh Government Servant Conduct Rules, 1956. Mr. Khan challenged the constitutionality of the provision in the 1956 Rules, arguing that it violated his right to freely practice his religion.

## PREVIOUS JUDGMENT

- In Javed versus State of Haryana case in 2003, the Supreme Court observed that "a practice did not acquire sanction of religion simply because it was permitted."
- What was protected under Article 25 was the religious faith and not a practice which may run counter to public order, health or morality. Polygamy was not integral part of religion and monogamy was a reform within the power of the State under Article 25.

## AMENDMENT TO MARRIAGE LAWS PROPOSED

The UPA government introduced the Marriage Laws (Amendment) Bill, proposing amendments to the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954, to make "irretrievable breakdown of marriage" a ground for divorce. The Bill was passed by the Rajya Sabha in 2013, but could not be taken up for discussion in the Lok Sabha.

This amendment was conceived mainly on the recommendation of the Law Commission and on the strength of suggestions from the Supreme Court in a number of cases based on the experience of administering divorce laws. It would help expedite the process of divorce.

## OPPOSITION TO AMENDMENT

- Groups opposing the Marriage Laws (Amendment) Bill contend that it will cause an increase in "illegitimate and live-in relations and thereby a fall of the institution of marriage and family values."
- They fear crime rate and undue litigation will increase.
- The provision (current law) for divorce by mutual consent adequately covers the situation of a marriage lapsing into dysfunction.
- It is argued that a woman could enter into a sham marriage and later walk away with the husband's property by getting it annulled at will.

## CURRENT LAW

- Under the current law, divorce is granted if a couple jointly files an application by mutual consent.
- In case the divorce is contested, then the husband or the wife has to prove certain grounds under which a marriage can be dissolved.
- These include adultery, cruelty, insanity, desertion or medical reasons such as communicable disease.

The Amendment Bill essentially sought to remove this lacuna by allowing either the husband or the wife to contend that there has been an irretrievable breakdown in the marriage. Due to opposition from various groups government is reconsidering the bill.

## TRYING JUVENILES AS ADULTS

A Parliamentary Standing Committee has taken on board civil society's apprehensions of treating 16-to-18-year-olds as adults in cases of heinous crimes, and called for a review of this provision in The Juvenile Justice (Care and Protection of Children) Bill, 2014, introduced in the Lok Sabha in August.

It cited Supreme Court judgments, international conventions, and the experience of countries which have experimented with transferring juvenile cases to adult courts in making this recommendation.

Juveniles should be tried as adults in heinous crimes	Juveniles should not be tried as adults
It is odd that a person aged 17 years and 364 days will be tried as a juvenile while an 18 year old will be tried as an adult for the same crime. Also, there are issues related as to at what age a person becomes an adult.	In 2013, Supreme Court observed that there may be child offenders who cannot be "re-integrated into mainstream society, but such examples are not of such proportions as to warrant any change in thinking", and it is better to try and mainstream them rather than allow them to develop into hardened criminals.
Juvenile Courts do not punish but they aim to merely guide. Neither is there a guarantee of deterrence for the juvenile delinquent nor is the aim of guiding them fulfilled fully. The juvenile detention centres harden them further as criminals, rather than reforming them.	The UNICEF described the proposed amendment as a "real step back" as worldwide evidence shows that the process of transfer of judicial cases to adult courts has not resulted in reduction of crime or recidivism
NCRB data shows significant increase in the number of children apprehended for heinous crimes in this age-group.	The objective analysis of the data of the NCRB placed before the Committee makes it abundantly clear that the percentage of juvenile crimes in India – 1.2 per cent of the total child population – is quite low.
Boundary between juvenile and adult is no longer as clear, as children appear to grow up faster, with more exposure to adult ideas, and as adults more often engage in juvenile behaviors and activities.	Differential treatment of children between 16-18 years by subjecting them to an adult judicial system goes against Articles 14 and 15(3) of the Constitution.

## MATRUBHASHA DIVAS

The Centre has asked all the schools and higher educational institutions to celebrate February 21 as "Matrubhasha Divas" by organising day-long activities like group songs and essay competitions in Indian languages, with the UNESCO recently declaring it as International Mother Tongue Day.

- The objectives behind celebrating Matrubhasha Day included sensitising people about the need for greater use of mother tongue and other Indian languages.
- It also aims at highlighting the need to impart, among the students, the communication skills and proficiency in mother tongue and other Indian languages, especially among English medium students.

## IMPORTANCE OF MOTHER TONGUE

- Language is the essence and identity of culture, and is a major tool for communication. It is a major tool for exchanging ideas, emotions and feelings. To know your language is the key way to keep and preserve your culture.
- A language is more than just a means of communication. It is a repository of a community's collective history and heritage. It also provides an identity and a focus that binds a community together, which makes individual accomplishments easier.

- Within multilingual societies, maintaining the languages of ethnic and cultural groups is critical for the preservation of cultural heritage and identity.
- Using one's mother tongue at home will make it easier for children to be comfortable with their own cultural identity.

## ARTICLE 25 OF THE CONSTITUTION

Article 25(1) of the Constitution says "all persons," not just Indian citizens, are equally entitled to the freedom of conscience and the right to profess, practise and propagate religion freely.

The original intention of the Constituent Assembly and the interpretation of Article 25 by the Supreme Court later on clearly differentiate the right to propagate from the right to convert other persons to one's own religion. The former is a Fundamental Right, the latter, if forcibly done and not by choice of the person converting, is illegal.

- Art 25 reflects the reality that religion is a part of 'way of living' of the people of India. India is a country where almost all the religions are practised and professed. One of the pillars of Indian ideology has been secularism. This means State will treat all the religions equally and will not interfere in the religious matter, neither will allow the religious propaganda to interfere in the polity of India.
- The Art 25 is also complementary to Art 19, and allows for freedom to profess, practise and propagate religion. Religion is about one's faith. If one desire to practise other religion he should be allowed.
- Art 25 also is the manifestation of tolerance in society. It helps in creating an environment without the fear of losing one's faith and thus strengthen the unity and integration of India.

## RELIGIOUS CONVERSION

Religious conversion should be seen as a politico-socio-economic issues rather than religious issue. Many of the conversion before and after independence have happened because of social and economic factors such as:

- The cases of conversion of Dalits to Buddhism or to Christianity have happened because of caste hierarchy in the society. The lower strata people were devoid of many rights as a human. Buddhism or Christianity or Islam does not have any Caste hierarchy.
- The people who are converted got better livelihood opportunity.
- The polarizing tendency of religious orthodox groups.
- Vote bank politics

Even today the conversion is happening because of the social and economic factors rather than one's change of faith in religion. The recent event in Uttar Pradesh is also driven by the want of better livelihood conditions rather than a change of faith.

## ANTI CONVERSION LAW

Recent events of religious conversion in various parts of the country have strengthened the voices of those who are demanding a comprehensive National anti-conversion legislation.

The Supreme Court and various civil society organizations have opposed any move to bring anti-conversion law. Their arguments against law are given below

- Such law will prohibit even voluntary religious conversion. Stopping one from conversion because of change in faith will kill the conscience of the people.
- This may also lead to more intolerance in the society by creating a divide which can't be crossed and hence may give rise to antagonistic feelings.
- Religious conversion "is not a matter of legislation, it's a matter of choice.

- In past, many social groups got converted due to practice of untouchability and to avoid social exclusion.
- Poverty and exclusion are the heart of the issue, if we ban conversion, the poor will lose their bargaining power.

## CONCLUSION

Thus, both forced conversion and anti-conversion should not be allowed. But for this to happen, law alone will not help. It is important to eradicate the caste hierarchy, poverty and practice of untouchability. Further there should be better opportunity for employment, education and health care.

## ANTI-CONVERSION LEGISLATIONS

Currently, five states — Orissa, Madhya Pradesh, Gujarat, Chhattisgarh and Himachal Pradesh — have anti-conversion laws in place to prevent forced conversions. The laws do not ban conversions so long as they are voluntary.

- The laws are strikingly similar. They all prohibit conversion from one religion to another by the use of force or allurement or by fraudulent means. Allurement (also called inducement) is defined as a gift or material benefit, and force is defined as the threat of injury “including threat of divine displeasure or social excommunication.”
- These laws make forcible religious conversions a cognisable offence under Sections 295A and 298 of the Indian Penal Code.
- Under the Madhya Pradesh Freedom of Religion (Amendment) Act of 2006, if a person chooses to convert, he has to declare it before the District Magistrate concerned.
- A key difference is that in Gujarat and Chhattisgarh, a person wishing to convert must seek permission from the district magistrate at least 30 days before the date of the intended conversion. In Himachal Pradesh, a person must notify the magistrate 30 days in advance that they intend to do so.

## THE SUPREME COURT STAND ON ANTI-CONVERSION LEGISLATIONS

A five-judge Bench of the Supreme Court has upheld the validity of individual States to enact Freedom of Religion laws to ensure public order.

- In 1977, in *Rev. Stanislaus v. State of Madhya Pradesh*, (AIR 1977 SC 908), a five-judge bench of the court delivered a verdict on the constitutional validity of two of the earliest pieces of anti-conversion legislation in India: the Madhya Pradesh Dharma Swatantraya Adhiniyam, 1968, and the Orissa Freedom of Religion Act, 1967,
  - ✓ The Supreme Court of India considered the issue whether the fundamental right to practise and propagate religion includes the right to convert, held that the right to propagate does not include the right to convert and therefore upheld the constitutional validity of the laws enacted by Madhya Pradesh and Orissa legislatures prohibiting conversion by force, fraud or allurement.
  - ✓ A distinction was made between the right to propagate and the right to convert. The former was allowed while the latter was seen as not a part of the fundamental rights.
  - ✓ Referring to Article 25(1), Chief Justice Ray, writing for the Court, held: What the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets.
  - ✓ The Supreme Court upheld the constitutional validity of anti-conversion legislation.

# INTERNATIONAL /INDIA AND WORLD

## INDIA-SRILANKA RELATIONS



India and Sri Lanka had signed four substantive agreements during Sri Lankan president visit in India.

### PEACEFUL USE OF NUCLEAR ENERGY

- India and Sri Lanka signed a civil nuclear cooperation agreement, the first such deal signed by Sri Lanka with any foreign country, reflecting the new Lankan government's pro-India approach.
- According to the nuclear deal, India will assist Sri Lanka in developing its civil nuclear energy infrastructure, including sharing of resources, training of personnel and extending expertise.
- It will also facilitate cooperation in radioactive waste management and nuclear and radiological disaster mitigation and environmental protection.

### PROGRAMME OF CULTURAL COOPERATION BETWEEN SRI LANKA AND INDIA FOR THE YEARS 2015 - 18

- The Programme of Cultural Cooperation for 2015-18 seeks to enhance the level of cooperation in a wide variety of fields such as performing arts, visual arts, libraries, museums, archives & cultural documentation, archaeology, handicrafts, publications and professional exchanges.

### MOU ON THE ESTABLISHMENT OF NALANDA UNIVERSITY

- The MoU would enable Sri Lanka to participate in the Nalanda University Project.

### WORK-PLAN 2014-2015 UNDER THE MOU ON COOPERATION IN THE FIELD OF AGRICULTURE

- The Work Plan would facilitate bilateral cooperation in Agro Processing, Agricultural extension, horticulture, agricultural machinery, training in farm mechanization, livestock diseases, etc. between relevant institutes and organizations from both countries.



## ANALYSIS

As Sri Lanka's closest neighbour that has ethnic links to its most significant minority, India is a huge influence in the island nation's political, economic, social and cultural consciousness, and its world view. To reduce the Chinese influence on Sri Lanka, India needs to develop strong relation with new government in Colombo.

## POLITICAL CRISIS IN YEMEN

Forceful takeover by Houthi rebels has created a political crisis in Yemen. They unilaterally announced the dissolution of parliament and said a new interim Assembly and government would be formed, a move denounced by a main political faction as a coup.

Houthis' rebellion began in September 2014, when they advanced on the capital and seized control of much of Yemen. In January 2015 they raided the presidential palace and besieged the residence of then-President Abed Rabbo Mansour Hadi.

## IMPLICATIONS

- The stability of Yemen is a priority for the US and its Gulf Arab allies because of its strategic position next to Saudi Arabia, a top oil exporter, and shipping lanes in the Gulf of Aden.
- The Houthis' gains may also exacerbate sectarian and political tensions in the region.
- Saudi Arabia, the main Sunni power, believes that the rebels are backed militarily, financially and politically by its Shia regional arch-rival, Iran.
- The unrest could strengthen Yemen's al-Qaida branch, considered the world's most dangerous wing of the terror movement, and complicate U.S. counter-terrorism operations in Saudi Arabia's southern neighbor.

## HOUTHI REBELS

- Ansar Allah ("Supporters of God"), more commonly known as the Houthis, are a Zaidi Shia group operating in Yemen. The group takes its name from Hussein Badreddin al-Houthi, who launched an insurgency in 2004.
- In 2011, the Houthis joined the protests against then President Ali Abdullah Saleh and took advantage of the power vacuum to expand their territorial control in Saada and neighbouring Amran province.
- They subsequently participated in a National Dialogue Conference (NDC), which led to President Hadi announcing plans in February 2014 for Yemen to become a federation of six regions.

## RUSSIA-INDIA-CHINA (RIC) GROUPING

The Russia India China (RIC) summit 2015 was held in Beijing.

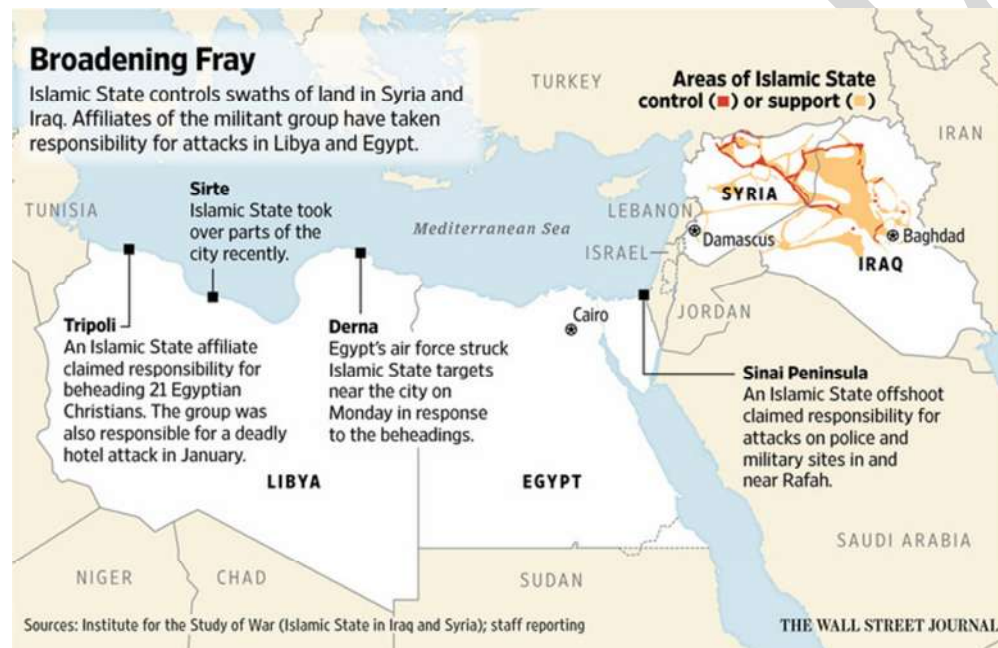
- The foreign ministers of the Russia-India-China (RIC) grouping issued a comprehensive joint communiqué that called for an ambitious reform of an international system that was respectful of the diversity of home-grown political systems.
- The communiqué recommended India's inclusion in an expanded Asia Pacific Economic Cooperation (APEC), a 21-nation grouping of Pacific Rim countries.
- The statement calls for a security architecture in Asia that must be "open, inclusive, indivisible and transparent".
- The statement hopes that in 2015, a legally-binding instrument would be arrived at on the basis of "equity, common but differentiated responsibilities and respective capabilities."

- The joint statement affirms that the World Trade Organization (WTO) must remain the “preeminent global forum trade”.
- They have agreed to support a U.N. General Assembly (UNGA) resolution prohibiting intervention and “forced regime change”. This cuts against the idea of Responsibility to Protect (R2P), which was introduced by the western powers through the UNGA and sought to be built up as a norm governing interventions.
- The Ministers endorsed India’s impending membership to the Shanghai Cooperation Organisation (SCO) after elevating the grouping, which is pillared by Russia, China and most of the Central Asian States as “one of the key instruments in promoting multilateral political, security, economic and humanitarian interaction in the region.”

## ISLAMIC STATE'S REACH INTO NORTH AFRICA

The mass beheadings of Egyptian Christians by militants in Libya linked to the Islamic State (IS) group have thrown a spotlight on the threat the extremists pose beyond their heartland in Syria and Iraq.

Militants in several countries including Libya, Egypt, Algeria, Yemen and Saudi Arabia have pledged allegiance to IS leader Abu Bakr al-Baghdadi.



## LIBYA

- The country has been in free-fall since the end of the civil war that ousted longtime dictator Moammar Gadhafi in 2011.
- Fighting between government forces and Islamic militias has provided fertile ground for IS.
- IS-affiliated groups divide the vast, oil-rich country of 6 million people into three regions- Tripoli, Barqa or Cyrenaica in the east, and Fazzan in the south.
- Groups claiming allegiance to IS control the coastal cities of Sirte and Darna, and have a presence in at least three other locales, including Tripoli and Benghazi, the birthplace of Libya’s 2011 uprising.
- The Islamic State in Libya is not merely a Libyan problem but a regional one. The chaos in the country has allowed radical Islamists from across North Africa to take refuge here.

## EGYPT

- Some militant groups operating in Sinai Peninsula have declared their allegiance to IS, with one such group calling itself Sinai Province of the Islamic State.



## ALGERIA AND TUNISIA

- The IS group's successes in Syria have inspired a number of radical Islamist groups to splinter away from the dominant North African branch of al-Qaida, known as AQIM, and declare allegiance to al-Baghdadi. Most prominent has been the Algerian Soldiers of the Caliphate (Jund al-Khilafah).
- In Tunisia, the radical OqbaibnNafaa brigade has long had good relations with AQIM, but has also issued statements in support of IS. More importantly, however, there has been a steady flow of Tunisian recruits to al-Baghdadi's group.

## KOKANG REBELS

- The Kokangpeople are an ethnic group of Burma. They are Mandarin-speaking Han Chinese living in Kokang, administered as Kokang Special Region.
- Myanmar National Democratic Alliance Army or Myanmar Nationalities Democratic Alliance Army (MNDAA) is a rebel army in Kokang, northeastern Burma. The army has existed since 1989, having been the first one to sign a ceasefire with the Burmese government that lasted for about two decades.
- On 9 February 2015 the MNDAA tried to retake the Kokang self-administered zone, which had been under its control until 2009 and clashed with Burmese government forces in Laukkai. Heavy fighting between the Myanmar army and Kokang rebels for control of Laukkai Township, capital of the self-administered Kokang zone, in the northern Shan state, is causing civilians to flee across the border.
- China has assured Myanmar that it will not interfere in its domestic affairs, despite a cross-border surge in the Yunnan province of refugee.



## SECTARIAN WAR IN PAKISTAN

In recent years, sectarian violence in Pakistan has increased many folds. It has threatened the very existence of Pakistan and peace in south Asia. Though there has always been a sectarian fault line within the country, what is happening today is much more lethal than the earlier violence witnessed primarily in Punjab during the 1980s and 1990s.

There are at least five factors, which should make the ongoing sectarian war in Pakistan different from its earlier avatars, and more difficult to combat.

### GEOGRAPHIC SPREAD

- Sectarian violence during the 1980s and 1990s was centred in a few districts of Punjab (in and around Jhang), select pockets of Karachi city, and in Khurram Agency in the Federally Administered Tribal Areas (FATA).
- Today, incidents of sectarian violence cover the entire country. The new sectarian war in Pakistan is not restricted to any one geographic region. The nature and extent of violence against the Hazara community in Balochistan is also a new phenomenon. In fact, Balochistan has always witnessed violence on separatism but never on a sectarian basis.

### INTENSITY AND VIOLENCE

- Today, militants use suicide bombing in mosques belonging to the Shia and Ahmadiyya communities; the extent of human and material damage is substantial today when compared to the past.

### EXTERNAL LINKAGES

- During the 1980s and 1990s, the sectarian differences within the country were primarily fuelled by the Cold War between Pakistan and Iran.
- Today, the primary external driver of Pakistan's sectarian violence is no longer limited to the differences between Tehran and Islamabad.
- The larger Shia-Sunni Cold War led by Iran and Saudi Arabia, and more importantly the rise of the Islamic State in the Iraq-Syria region have unleashed a new sectarian war elsewhere.
- Sectarian groups within Pakistan are no more dependent on local and state sources for their survival.

### ABILITY OF THE STATE TO CONTROL IT

- It was no secret that in the 1980s and 1990s, the sectarian groups in Punjab had the support of the establishment. With funding support from outside and with TTP (Tehrik-i-Taliban Pakistan) linkages, sectarian groups in Pakistan no longer need the establishment; their survival is secure and expansion assured.

## CHANGE IN DISCOURSE

- Sectarian militancy is also a new phenomenon in terms of its ability to neutralise the erstwhile ethnic and nationalist movements in Balochistan and Sindh.
- The sectarian groups may be able to project themselves better than the nationalist movements — either of Sindhi or Balochi varieties.
- In the short term it may yield a dividend for the central government, as it is happening in Balochistan; as the sectarian war here has substantially changed the discourse from when it was led by the tribal Baloch Sardars. In the long run, however, it will hurt Pakistan even more.

## PERSONS WITH ALBINISM

Albinism is a hereditary genetic condition which causes a total absence of pigmentation in the skin, hair and eyes. It affects one Tanzanian in 1,400, often as a result of inbreeding.

- The United Nations High Commissioner for Human Rights harshly condemned the murder and mutilation of a toddler with albinism in Tanzania.
- Body parts of persons with albinism are used for witchcraft in the country.
- Attacks on people with albinism, which are often motivated by the use of body parts for witchcraft rituals, had claimed the lives of at least 75 people since 2000.
- Body parts of people with albinism sell for around \$600 in Tanzania, with an entire corpse fetching \$75,000, according to the UN.

## SEAN AND DAVID GOLDMAN INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT

The law authorises the State Department to take a series of calibrated measures against any country that does not facilitate the prompt return of an American child held there.

## CASES RELATED TO INDIA

- Case of Ms. Philips, who has won custody of her twin sons in U.S. courts, though the Indian justice system has not seen fit to send them back to the U.S. from the custody of her father, Sunil Jacob, who allegedly took them to India in 2008 during a bitter divorce.
- In July last, when U.S. authorities arrested Padmashini Devi Drees as soon as she landed in the country after allegedly fleeing the U.S. in 2006 with her son, Drew Drees, after divorcing his father Dean Drees.

India is not party to the 1983 Hague Convention on the Civil Aspects of International Child Abduction and also not a U.S. Treaty Partner under the convention.

The Hague Convention on the Civil Aspects of International Child Abduction, or Hague Abduction Convention is a multilateral treaty developed by the Hague Conference on Private International Law (HCCH) that provides an expeditious method to return a child internationally abducted by a parent from one member country to another.

## U.S CUBA RESTORE TIES AFTER 50 YEARS

### BACKGROUND

- Cuba and the United States have been ideological foes since soon after the 1959 revolution that brought Raul Castro's older brother, Fidel Castro, to power.
- Washington broke diplomatic relations with Havana in 1961 as Cuba steered a leftist course that turned it into a close ally of the former Soviet Union on the island, which lies just 90 miles (140 km) south of Florida.
- The hostilities were punctuated by crises over spies, refugees and the Cuban missile crisis of October 1962 that brought the world to the brink of nuclear war, and Bay of Pigs incident when U.S tried to topple Mr. Caestro in 1961.

### BAY OF PIGS 1961

- Fidel Castro had been a concern to U.S. policymakers since he seized power in Cuba with a revolution in January 1959. As a political strategy Castro's attacked U.S. companies and its interests in Cuba.
- His inflammatory anti-American rhetoric and Cuba's movement toward a closer relationship with the Soviet Union led U.S. officials to conclude that the Cuban leader was a threat to U.S. interests in the Western Hemisphere.
- In March 1960, President Dwight D. Eisenhower ordered the CIA to train and arm a force of Cuban exiles for an armed attack on Cuba. John F. Kennedy inherited this program when he became president in 1961.
- The Cuban Missile Crisis failed utterly. The failure at the Bay of Pigs cost the United States dearly. Castro used the attack by the "Imperialists" to solidify his power in Cuba and he requested additional Soviet military aid. Eventually that aid included missiles, and the construction of missile bases in Cuba sparked the Cuban Missile Crisis of October 1962.

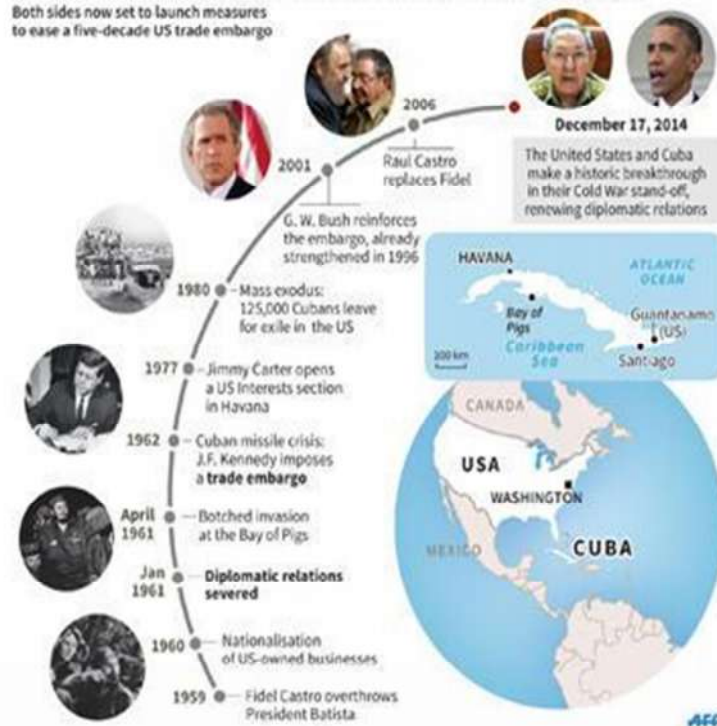
### CUBAN MISSILE CRISIS 1962

- During the Cuban Missile Crisis, leaders of the U.S. and the Soviet Union engaged in a tense, 13-day political and military standoff in October 1962 over the installation of nuclear-armed Soviet missiles on Cuba, just 90 miles from U.S. shores.
- On October 22, 1962, President John Kennedy (1917-63) notified Americans about the presence of the missiles, explained his decision to enact a naval blockade around Cuba and made it clear the U.S. was prepared to use military force if necessary to neutralize this perceived threat to national security.
- Following this news, many people feared the world was on the brink of nuclear war. However, disaster was avoided when the U.S. agreed to Soviet leader Nikita Khrushchev's (1894-1971) offer to remove the Cuban missiles in exchange for the U.S. promising not to invade Cuba. Kennedy also secretly agreed to remove U.S. missiles from Turkey.



## The US and Cuba in historic revival of diplomatic ties

Both sides now set to launch measures to ease a five-decade US trade embargo



## DEVELOPMENTS AND EVENTS NOW

- President Obama ordered the restoration of full diplomatic relations with Cuba and the opening of an embassy in Havana for the first time in more than a half-century.
- The surprise announcement came at the end of 18 months of secret talks that produced a prisoner swap negotiated with the help of Pope Francis and concluded by a telephone call between Mr. Obama and President Raúl Castro.
- In addition to reopening an embassy in Havana, the administration plans to significantly ease trade and financial restrictions, as well as limits on travel by Americans to Cuba, by using its regulatory and enforcement powers to evade limits imposed by a congressionally mandated embargo.
- U.S. exports to Cuba will be made easier, and additional items will be authorized. U.S. banks will be allowed to open correspondent relations with banks in Cuba.
- Communist-ruled Cuba pushed to be removed from a U.S. list of state sponsors of terrorism.

## CONSTITUTIONAL DEADLOCK IN NEPAL

### BACKGROUND

- In Nepal, Maoists had been entangled in a decade long battle with King Gyanendra's monarchy and its Royal Nepalese Army.
- The Monarchy was removed and democracy was established. It was decided that a new constitution be framed, intended to conclude a peace process begun in 2006 when Maoist guerrillas entered politics, ending a decade-long insurgency that left an estimated 16,000 people dead.
- The constitution was expected to dawn an era of equality and institutional reforms.
- The Constituent assembly came to be established in 2008 with the aim to form constitution within 2 years. Even after taking two years extension CA could not deliver the proposed constitution.

The bone of contention stalling the formation of the Constitution were:

- The form of polity- Federalism vs. Unitary
- The reservation for women in leading decision making bodies.
- Consensus vs. two-third majorities required to pass the constitution which was never achieved in totality by any party.

CA was abolished and fresh elections were called in November 2013, with the aim to deliver the constitution within one year i.e. by 22nd January 2015.

#### THE LATEST DEADLINE COULD NOT BE MET

- Rivalry and squabbles amongst parties are the main reasons for the state of political dysfunction. In the majority is a coalition of the Nepali Congress and the Unified Marxist-Leninist (UML) party that has a two-thirds majority in the Assembly.
- The Maoist party, which performed dismally in the second round of elections, has partnered with the Madhesi Morcha, a coalition of regional parties from the southern plains.
- Federalism has become one of the most contentious issues to be resolved by the Assembly. This debate is closely tied to issues of identity and equality in a diverse nation with hundreds of communities, dialects and cultures.
- The ethnic and regional parties demand a federal structure that recognizes and grants political autonomy to their groups, while its opponents warn that such sectarian politics threaten the country's unified national identity by fuelling ethnic conflicts among groups.
- In response to this the NC and CPN (Marxist and Leninist) coalition has proposed a "seven state system of federalism" while UCPN (Maoist) and Madhesi now demand a "Ten state model of federalism".

<u>Seven State Model of Federalism</u>	<u>Ten State model of Federalism</u>
<ul style="list-style-type: none"><li>• It claims to be a more nationalistic model of federalism, which discourages parochial identity politics.</li><li>• It is known to discriminate against various non-dominant castes from the plain region like Madhesi. It favors the already advantageous population of Mountains.</li></ul>	<ul style="list-style-type: none"><li>• At its very core has been the issue of ethnic federalism.</li><li>• The Maoist 'model' discriminates against some communities despite their larger population. For example, according to the 2011 Census, Muslims (1,164,255) are more than double the number of Gurungs (522,641) and Limbus (387,300) but the Maoists have proposed Tamuwan (for Gurungs) and Limbuwan as states.</li></ul>

#### THE LOGJAM AND INDIA

- India being the biggest democracy in the region assumed the responsibility of assisting Nepal in making its democratic endeavor successful along with United Nations.
- Moreover a stable Nepal is India's requirement owing to the country's porous borders with Nepal. In the presence of a stable government the Maoist camps which can help train insurgents against India can be stopped.
- Moreover a stable Nepal with its own democratic government and fixed constitutional guidelines will provide less space for China to intervene in its internal matters.

## SCO: RUSSIA TO PUSH FOR INDIA'S FULL MEMBERSHIP

Russia will push for India's full membership in the Shanghai Cooperation Organisation (SCO) during the upcoming meeting it is hosting in July. India is currently an observer in the multilateral grouping.

Russia will take all necessary steps to comply with India's application for full membership during the organisation's summit in Bashkortostan.

### SHANGHAI COOPERATION ORGANISATION (SCO):

- The Shanghai Cooperation Organisation or SCO or Shanghai Pact is a Eurasian political, economic and military organisation which was founded in 2001 in Shanghai by the leaders of China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan.
- These countries, except for Uzbekistan, had been members of the Shanghai Five, founded in 1996; after the inclusion of Uzbekistan in 2001, the members renamed the organisation.

Member States	Observer States	Dialogue Partners
<ol style="list-style-type: none"><li>1. China</li><li>2. Kazakhstan</li><li>3. Kyrgyzstan</li><li>4. Russia</li><li>5. Tajikistan</li><li>6. Uzbekistan</li></ol>	<ol style="list-style-type: none"><li>1. Afghanistan</li><li>2. India</li><li>3. Iran</li><li>4. Mongolia</li><li>5. Pakistan</li></ol>	<ol style="list-style-type: none"><li>1. Belarus</li><li>2. Sri Lanka</li><li>3. Turkey</li></ol>



Members ■ Observers ■ Dialogue Partners

### WHY IS MEMBERSHIP IMPORTANT FOR NEW DELHI?

- **Energy security:** Some of the member countries of the grouping are rich in energy resources – both hydrocarbons and uranium – and they want to connect with big energy markets like India.
- **Security :** The Asian-Eurasian block can play a key role not only in stabilizing Afghanistan post-2014, but also help form a joint platform against terrorism, reducing and minimizing the menace of drug trafficking, and ensuring energy security to all stakeholders.
- **Economic integration:** An important factor is the promotion of India's economic integration with the Central Asian republics, which is in line with India's Connect Central Asia policy. India has long historical and cultural ties with countries in the Central Asia region but economic relations lack substance – a gap that membership in the SCO could help address by opening up avenues for trade in the region.

## TRILATERAL PARTNERSHIP: CHINA, INDIA AND SRI LANKA

- China formally backed a trilateral partnership with India and Sri Lanka to establish a Maritime Silk Road (MSR) and promote the rise of Eurasia.
- China would “certainly like to hold talks” with India on a triangular relationship with Sri Lanka in the future, in tune with Sino-Indian partnership on key global and regional issues.
- Beijing would like to see progress in India-Sri Lanka relations, which would become a factor of stability in South Asia.

# ECONOMY

## IMPACT INVESTMENT

**Definition:** According to the definition of the Global Impact Investing Network (GIIN): "Impact investments are investments made into companies, organizations, and funds with the intention to generate a measurable, beneficial social or environmental impact alongside a financial return".

- Impact investing is a subset of socially responsible investing, but while the socially responsible investing encompasses avoidance of harm, impact investing actively seeks to make a positive impact.
- Impact investing is a global phenomenon and has recently received policy attention at the highest level in G8 countries with the formation of the Social Impact Taskforce and setting up of national advisory boards.
- Social impact investments have been picking up pace in India, expanding from the microfinance and financial inclusion space to other sectors such as access to renewable energy, affordable healthcare and education, water and sanitation, low-cost housing, agriculture and non-agriculture livelihoods, and vocational training.
- With proper impact investment, it is possible to leverage a large chunk of money from private capital, and encourage more people to take up social initiatives.

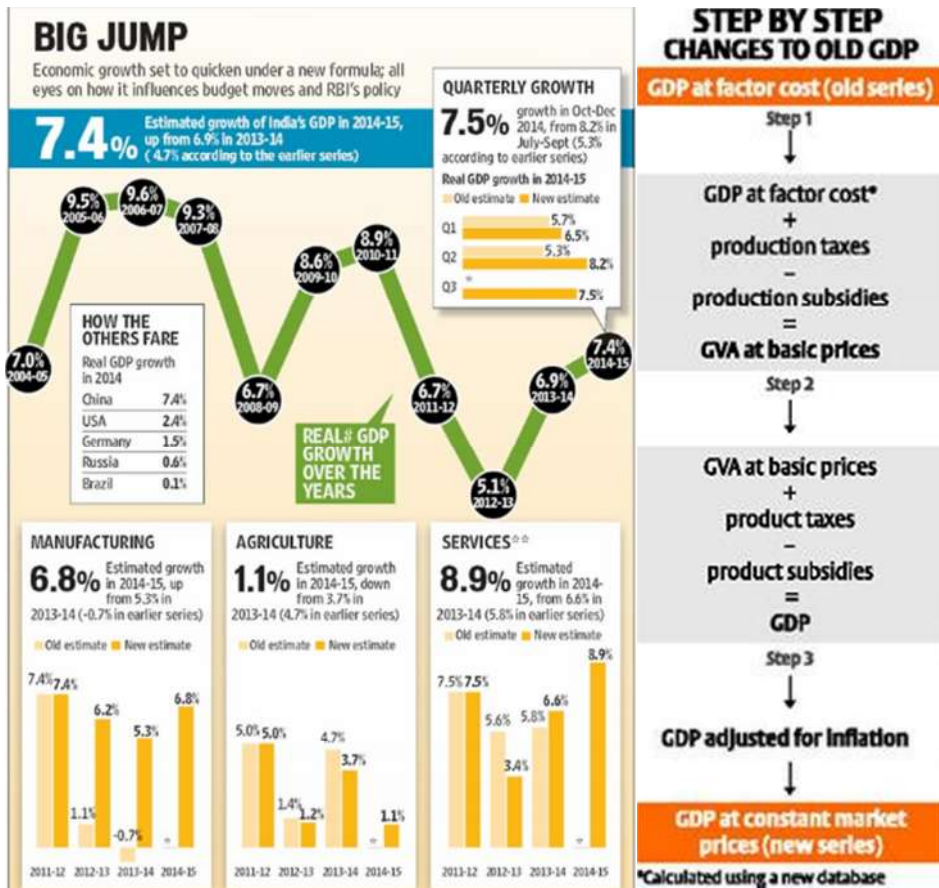
## CHANGES MADE IN METHODOLOGY OF GDP CALCULATION

The Central Statistical Office will measure gross domestic product (GDP) by the gross value added (GVA) method – a way of calculating GDP at basic prices instead of at factor cost.

**Definition (GDP):** The monetary value of all the finished goods and services produced within a country's borders in a specific time period.

## CHANGES MADE IN GDP CALCULATION

- Change in base year from **2004-05 to 2011-12**.
- Using **market prices instead of factor costs** to make the GDP computations.
- Data for the new GDP series will now be collected from 5 lakh companies (MCA21data base).



## ANALYSIS

### Base year:

Base year analysis is mainly done to eliminate the effects of inflation and to give a more meaningful picture of the data. This monetary value is first calculated in nominal terms or at current prices. It is then adjusted for inflation or the changes in the general price level over time and is thus, expressed in terms of the general price level of some reference year, called as the base year.

## GDP AT MARKET PRICE

GDP at factor costs is a measure of national income that is based on the cost of factors of production. It is essentially looking from the producers' side. GDP at market prices essentially looks at economic activity from the consumers' angle. It measures GDP at the last step of the transactions, which is the market price paid by the consumer.

## $GDP_{MP} = GDP_{FC} + \text{INDIRECT TAXES} - \text{SUBSIDIES}$

- For arriving at the new gross value added (GVA) at basic prices, production taxes, such as property tax, are added and subsidies are subtracted from GDP at factor cost.
- GDP at market prices makes adjustment for any subsidy or indirect tax — to arrive at GDP at market price, indirect taxes are added while subsidies are subtracted from GVA at basic price.
- Finally, inflation needs to be adjusted to arrive at GDP at constant market prices.



## CHANGE IN DATA BASE

- Many economic activities have been added to provide more realistic picture of economy.
- The new GDP incorporates more comprehensive data on corporate activity than the old one. Earlier, data from the Annual Survey of Industries (ASI), which comprises over two lakh factories, was used to gauge activity in the manufacturing sector.
- Now, annual accounts of companies filed with the Ministry of Corporate Affairs — MCA21 — has been used. This is said to include around five lakh companies, bringing in more companies from the unlisted and informal sectors.
- Until now, the manufacturing data was compiled factory-wise. Now, activity at the enterprise-level is taken. This means selling and marketing expenses are also reckoned, instead of just production costs.

## IMPACT OF CHANGES

- This exercise will increase the size of economy which in turn will help in lowering of fiscal deficit, computed as a proportion of the Gross Domestic Product (GDP).
- The change in method of calculation has brought Indian GDP calculations more in line with global practice.
- The latest revisions will help the Government meet this year's fiscal deficit target.
- There is more incentive for the Government to raise indirect taxes and reduce subsidies. This may have an impact on sectors such as agriculture which receive a lot of subsidy.
- Foreign /domestic investors may view India in more favourable light due to increase in GDP.

## SKEPTICISM

- Skepticism from different corners comes from the fact that the higher GDP growth numbers do not quite tie in well with numbers from other leading indicators of economic activity. For example, Index of Industrial Production numbers are down, so is the rate of gross fixed capital formation (investments).
- Industry chamber Assocham said the revision was confusing as “investment is yet to revive, consumer demand is not returning with a significant pace despite a sharp reduction in crude oil prices.”
- Other indicators such as industrial production and trade suggest the economy is still suffering from slack.
- New GDP data reflect the rosy picture of economy that is odd with not only domestic situation but also with international conditions.
- The revised calculations suggest that the dip in imports during that time was also accompanied by significant growth, which is unusual because slowing imports ordinarily indicate lower economic activity.

## NEW CRITERIA FOR CAPITAL INFUSION INTO PUBLIC SECTOR BANKS

The centre has adopted new criterion for capital infusion in public sector banks. On the basis of new criteria, the Centre has selected nine public sector banks (PSBs) for infusing Rs. 6,990 crore. The new criterion rewards only efficient banks.

### Methodology:

Efficiency of the bank is determined based on the two parameters:

- The weighted average of return on assets (ROA) for all PSBs for last three years. Banks above the average have been selected for the equity infusion.
- The second parameter used for selecting the banks for capital infusion is return on equity (ROE) for the last financial year. Banks with above average ROE have been rewarded.

## RETURN ON ASSET (ROA) - AFTER TAX

Return on Assets (ROA) is a profitability ratio which indicates the net profit (net income) generated on total assets. It is computed by dividing net income by average total assets.

- **$ROA = (\text{Net Income after tax} / \text{Total assets (or Average Total assets)}) * 100$**

## RETURN ON EQUITY (ROE)- AFTER TAX

Return on Equity (ROE) is a ratio relating net profit (net income) to shareholders' equity. Here the equity refers to share capital reserves and surplus of the bank.

$$ROA = \text{Profit after tax} / (\text{Total equity} + \text{Total equity at the end of previous year}) / 2 * 100$$

## ANALYSIS

- Until last year, it was need-based: banks in dire need of capital to grow and meet their regulatory requirements got the money.
- The Centre's move to consider the Return on Assets (RoA) and return on equity to gauge efficiency is sound. Both these ratios measure how efficiently a bank manages its asset base or equity.
- The new criteria would reduce the burden imposed by the PSBs' equity requirement on government finances
- Inefficient PSBs have to improve their profitability and manage their operations in effective and efficient way to get financial support from government in future.
- According to ICRA, the new parameters for equity infusion could lead to consolidation in the domestic banking sector.
- Rating agency Moody's has said PSU banks will have to raise funds from the capital market to meet capital requirement norms in the absence of adequate financial support from the government.
- Moody's said under the new criteria, weaker PSU banks with low capital levels and less ability to generate capital internally will have to rely on external capital infusions.
- Private banks average an RoA of about three times that of public sector banks.
- Indian Public sector banks require equity capital of rupees 2.4 lakh crore by **2018 to meet global Basel III norms on capital adequacy.**
- PSU banks with overseas operations have asked the Centre to relax the new norms for capital infusion.

## CONCLUSION

Denying funds to inefficient PSU banks is all very well, but the Centre also needs to address the root causes of inefficiency. There is urgent need for comprehensive reforms in public sector banks to improve their balance sheet and efficiency.

These reforms should address following concerns:

- External constraints, such as dual regulation, by the finance ministry and the Reserve Bank of India.
- Board constitution.
- Widening compensation differences with private sector banks.
- There has to be transparency in the way PSU bank chiefs are selected.
- Bank managements need greater autonomy in functioning.
- Reducing the government's stake can be the first step towards creating a conducive environment for these banks to compete.

## 14TH FINANCE COMMISSION REPORT – RECOMMENDATIONS AND ANALYSIS

### BACKGROUND

The Finance Commission of India came into existence in 1951. As per the Constitution; the commission is appointed every five years and consists of a chairman and four other members. Article 280 of the Constitution of India requires the Constitution of a Finance Commission every five years, or earlier.

### FUNCTIONS

Functions of the Finance Commission can be explicitly stated as:

- Distribution of net proceeds of taxes between Centre and the States, to be divided as per their respective contributions to the taxes.
- Determine factors governing Grants-in Aid to the states and the magnitude of the same.
- To make recommendations to president as to the measures needed to augment the Consolidated Fund of a State to supplement the resources of the panchayats and municipalities in the state on the basis of the recommendations made by the Finance Commission of the state.

For the period from 1st April, 2015 to 31st March, 2020, the 14th Finance Commission (FFC) was constituted by the orders of President on 2nd January, 2013 under the chairman ship of Dr. Y. V. Reddy, Former Governor Reserve Bank of India and submitted its report on 15th December, 2014.

### KEY RECOMMENDATIONS OF 14<sup>TH</sup> FC

#### HORIZONTAL DEVOLUTION FORMULA

- Horizontal devolution means transfer of finance between states.
- The Commission added a new criterion of forest cover for devolution of Central taxes which has gone against the nine states.
- The panel has assigned 7.5 per cent weight to forest cover for inter-se determination of the shares of taxes to the states, while population carries 17.5 per cent weight, demographic change 10 percent, income distance 50 and area 15 per cent weight.
- With the addition of the new criterion, Uttar Pradesh is the biggest loser followed by Bihar.
- Meanwhile, 19 states stand to gain from the new arrangement. Arunachal Pradesh is the biggest gainer, followed by Chhattisgarh.

#### HORIZONTAL DEVOLUTION FORMULA IN THE 13TH AND 14TH FINANCE COMMISSIONS

Variable	Weights accorded	
	13th	14th
Population (1971)	25.0	17.5
Population (2011)	0.0	10.0
Fiscal capacity/Income distance	47.5	50.0
Area	10.0	15.0
Forest cover	0.0	7.5
Fiscal discipline	17.5	0.0
Total	100	100

Source: Reports of 13th and 14th Finance Commission

- **Devolution to states:** States' share in net proceeds from tax collections be 42% — a huge jump from 32% recommend by the 13th Finance Commission, and the largest change ever in the percentage of devolution
- **Resource transfer:** Tax devolution be the primary route resource transfer to states
- **Grants:** It has recommended distribution of grants to States for local bodies using 2011 population data with weight of 90 per cent and area with weight of 10 per cent.
  - ✓ Grants to States are divided into two-grant to duly constituted gram panchayats and grant to duly constituted municipal bodies
  - ✓ Types of grants: A basic grant and a performance grant — the ratio of basic to performance grant be 90:10, with respect to panchayats; and 80:20 in the case of municipalities
- **Post-devolution revenue deficit grants:** The Commission assessed the revenue and expenditure of the States for the 2015-20 period and has projected the deficit for each State after taking into account its share in Central taxes. It has recommended a grant of over rupees 1.94 lakh crore to meet the deficit of 11 States.
- **Delinking of schemes:** Eight centrally sponsored schemes (CSSes) will be delinked from support from the Centre; various CSSes will now see a change in sharing pattern, with states sharing a higher fiscal responsibility
- **Cooperative federalism:** There are recommendations on cooperative federalism, GST, fiscal consolidation road map, pricing of public utilities and PSUs, too.
- Set up an independent council to undertake assessment of fiscal policy implications of Budget proposals.
- Replace existing FRBM Act with a debt ceiling & fiscal responsibility law.
- Wind up National Investment Fund and maintain all disinvestment receipts in the consolidated fund.
- Amend electricity Act to provide for penalties for delay in payment of subsidies by state governments.
- Steps for states to augment revenues, such as property tax reforms and issuance of municipal bonds suggested.
- Set up autonomous and independent GST compensation fund.

## ANALYSIS

- The FFC has made a fundamental shift in the pattern of financing revenue expenditures. There is a shift from scheme and grant-based support from the Central Government to a devolution-based one.
- The higher tax devolution will allow States greater autonomy in financing and designing schemes as per their needs and requirements.
- The commission's recommendations are meant to bridge the gap between the resources of states and the cost of funding their responsibilities. The higher tax devolution will allow states greater autonomy in financing and designing of schemes as per their needs and requirements.
- This process has also discontinued the distinction between special category and other states.
- **Abandoning one size fits all** - The proliferation of centrally sponsored schemes has often meant that states have only a limited amount of so-called untied resources. Consequent to the higher devolution of funds, the Centre is likely to re-evaluate several schemes that it sponsors for the States. The finance ministry, in a statement, said that it will start by delinking eight such schemes from central assistance.
- **The principle of equity** - A key principle that the Finance Commission is also required to pursue is the principle of horizontal equity between states. In a radical departure, which may not go down well with some states, the FFC has done away with the distinction between special (like North-Eastern states, Jammu and Kashmir) and general category states (like Maharashtra, Tamil Nadu). Instead it has provided for a category of 11 states, which include the North-Eastern states, that have a post-devolution deficit and hence will be entitled to special grants.
- A new dynamic – **"Cooperative Federalism"** → With greater resources being devolved to states, their relationship with the Centre is likely to be more equal. This is because the centre's discretion will be severely diminished.

However, critics argue that not all the states have effective capacity to utilize these additional funds and there is no proper monitoring mechanism in place to monitor the expense of additional allocation by state governments.

## NATIONAL MINORITIES DEVELOPMENT AND FINANCE CORPORATION (NMDFC)

The Union Cabinet gave its approval for increasing the Authorised Share Capital of the National Minorities Development and Finance Corporation (NMDFC), from Rs. 1500 crore to Rs. 3000 crore. Approval was also given to revise the shareholding pattern from 65:26:9 to 73:26:1 among the Centre, States/Union Territories and Individuals/Institutions respectively. Also, approval was also given for restructuring of the NMDFC's business model.

**Impact:** The decision will enlarge the quantum of funds available for economic activities, better coverage and enhanced outreach. Enhancement of share capital would expand its ambit of coverage and increase disbursement of funds to larger sections of the economically deprived minority population. The target of NMDFC for the year 2014-15 is to cover 97000 beneficiaries.

### Background:

NMDFC is Central Sector Public Enterprise (CPSE) under the aegis of Union Ministry of Minority Affairs. It was constituted in 1994 as a non-profit making company under Section 25 of the Companies Act, 1956.

**Function:** NMDFC provides loans at concessional interest rates for self-employment and economic development activities to backward sections of minority communities having yearly family income up to Rs. 1,03,000 in urban areas and Rs. 81,000 in rural areas. In this case minority communities are Muslims, Christians, Sikhs, Buddhists and Parsis. It also includes Jains as they have been notified as a minority community recently in 2014.

## SUSTAINABLE LIVELIHOODS AND ADAPTATION TO CLIMATE CHANGE PROJECT

- India signed an agreement of 8 million US dollars with World Bank (WB) for funding Sustainable Livelihoods and Adaptation to Climate Change (SLACC) Project.
- The amount will be used to implement special projects under SLACC to improve adaptive capacity of the rural poor engaged in farm-based livelihoods to climate change in Bihar and Madhya Pradesh.
- This grant is in addition to National Adaptation Fund (NAF) set up by the Union government in 2014 for which 100 crore rupees were set aside for taking up agriculture adaptation measures.

### SLACC PROJECT

- SLACC project aims to improve the adaptive capacity of the rural poor to climate variability and change affecting farm based livelihoods, through community based interventions.
- The key beneficiaries of SLACC project will be the rural-poor supported by the National Rural Livelihoods Mission (NRLM) including, self-help groups of women and their federations, common interest/producer groups such as farmers' groups, livestock rearers' groups, and their higher order collectives such as producer companies.

## RESERVE BANK OF INDIA'S (RBI) BI-MONTHLY MONETARY POLICY REVIEW -

In its bi-monthly Monetary Policy Review, RBI left interest rate unchanged saying there was no substantial development on inflation or fiscal fronts to warrant a fresh reduction.

**Key Facts** –On the basis of an assessment of the current and evolving macroeconomic situation, it has been decided to:

- Keep the policy repo rate under the liquidity adjustment facility (LAF) unchanged at 7.75 per cent.
- Keep the cash reserve ratio (CRR) of scheduled banks unchanged at 4.0 per cent of net demand and time liabilities (NDTL).

- Reduce the statutory liquidity ratio (SLR) of scheduled commercial banks by 50 basis points from 22.0 per cent to 21.5 per cent of their NDTL with effect from the fortnight beginning February 7, 2015.
- Continue to provide liquidity under overnight repos of 0.25 per cent of bank-wise NDTL at the LAF repo rate and liquidity under 7-day and 14-day term repos of up to 0.75 per cent of NDTL of the banking system through auctions.

**Analysis:** This action will provide more liquidity to the banking system. This is likely to pump in around Rs.45, 000 crore to the system, which is likely to encourage the banks to cut their lending rates. Banks will try to increase **their lending to productive sectors on competitive terms so as to support investment and growth.**

**Statutory Liquidity Ratio (SLR)**-SLR is a measure under which (as per the **Banking Regulations Act 1949**) all Scheduled Commercial Banks in India must maintain an amount in one of the following forms as a percentage of their total Demand time liabilities(DTL)/net demand & time liabilities (NDTL).

- Cash
- Gold
- Investments in un-encumbered Instruments that include
  - ✓ Treasury-Bills of the Government of India.
  - ✓ Dated securities
  - ✓ State Development Loans (SDLs) issued by State
  - ✓ Other instruments as notified by the RBI.

Traditionally the amount to be held thus was stipulated to be no lower than 25 percent and not exceeding 40 percent of the bank's total DTL. However, effective from January, 2007 the floor of 25 percent on the SLR was removed following an amendment of the Banking Regulation Act, 1949.

SLR is also a tool for controlling liquidity in the domestic market via manipulating bank credit. A rise in SLR locks up increasing portion of a bank's assets in the above three categories and may squeeze out bank credit.

**Cash Reserve Ratio:** CRR refers to the fraction of the total Net Demand and Time Liabilities (NDTL) of a Scheduled Commercial Bank held in India, that it has to maintain as cash deposit with the Reserve Bank of India (RBI). The requirement applies uniformly to all banks in the country irrespective of an individual bank's financial situation or size.

As per the RBI Act 1934, all Scheduled Commercial Banks (that includes public and private sector banks, foreign banks, regional rural banks and co-operative banks) are required to maintain a cash balance on average with the RBI on a fortnightly basis to cater to the CRR requirement. Non-Bank Financial Corporations (NBFCs) are outside the purview of this reserve requirement.

Presently, banks are not paid any interest on behalf of the RBI for parking the required cash. If a bank fails to meet its required reserve requirements, the RBI is empowered to impose a penalty by charging a penal interest rate.

## CONSUMER PRICE INDEX

The Central Statistics Office (CSO), Ministry of Statistics and Programme Implementation has revised the Base Year of the Consumer Price Index (CPI) from 2010=100 to 2012=100. In this revised series, many methodological changes have been incorporated, in order to make the indices more robust.

Following changes have been introduced in the CPI compiled by the CSO, Ministry of Statistics and Programme Implementation.

- The Base Year has been changed from 2010=100 to 2012=100.
- The basket of items and their weighing diagrams have been prepared using the Modified Mixed Reference Period (MMRP) data of Consumer Expenditure Survey (CES), 2011-12, of the 68th Round of



National Sample Survey (NSS). This has been done to make it consistent with the international practice of shorter reference period for most of the food items and longer reference period for the items of infrequent consumption/purchase.

- The weighing diagrams of old series of CPI were based on the Uniform Reference Period (URP) data of CES, 2004-05, of the 61st Round of NSS.
- With this change in the weighing diagrams, the gap between Weight Reference Year and Price Reference Year (Base Year), which was six years in the old series, has now been reduced to six months only.
- The number of Groups, which was five in the old series, has now been increased to six. 'Pan, tobacco and intoxicants', which was a Sub-group under the Group 'Food, beverages and Tobacco', has now been made as a separate Group.
- The numbers of items also increase from 437 to 448 in the rural basket and from 450 to 460 in the urban basket.
- The weight of the Core group (CPI ex-food and fuel) increased to 47.3% from 42.9% earlier.

A comparison of weighing diagrams of the old and revised series is given in the table below:

Group Description	Old Series of CPI (Weights computed on the basis CES 2004-05)			Revised Series of CPI (Weights computed on the basis CES 2011-12)		
	Rural	Urban	Combined	Rural	Urban	Combined
Food and beverages	56.59	35.81	47.58	54.18	36.29	45.86
Pan, tobacco and intoxicants	2.72	1.34	2.13	3.26	1.36	2.38
Clothing and Footwear	5.36	3.91	4.73	7.36	5.57	6.53
Housing	-	22.54	9.77	-	21.67	10.07
Fuel and Light	10.42	8.40	9.49	7.94	5.58	6.84
Miscellaneous	24.91	28.00	26.31	27.26	29.53	28.32
Total	100.00	100.00	100.00	100.00	100.00	100.00

## WHOLESALE PRICE INDEX

**What is WPI?** Wholesale Price Index (WPI) represents the price of goods at a wholesale stage i.e. goods that are sold in bulk and traded between organizations instead of consumers. WPI is used as an important measure of inflation in India.

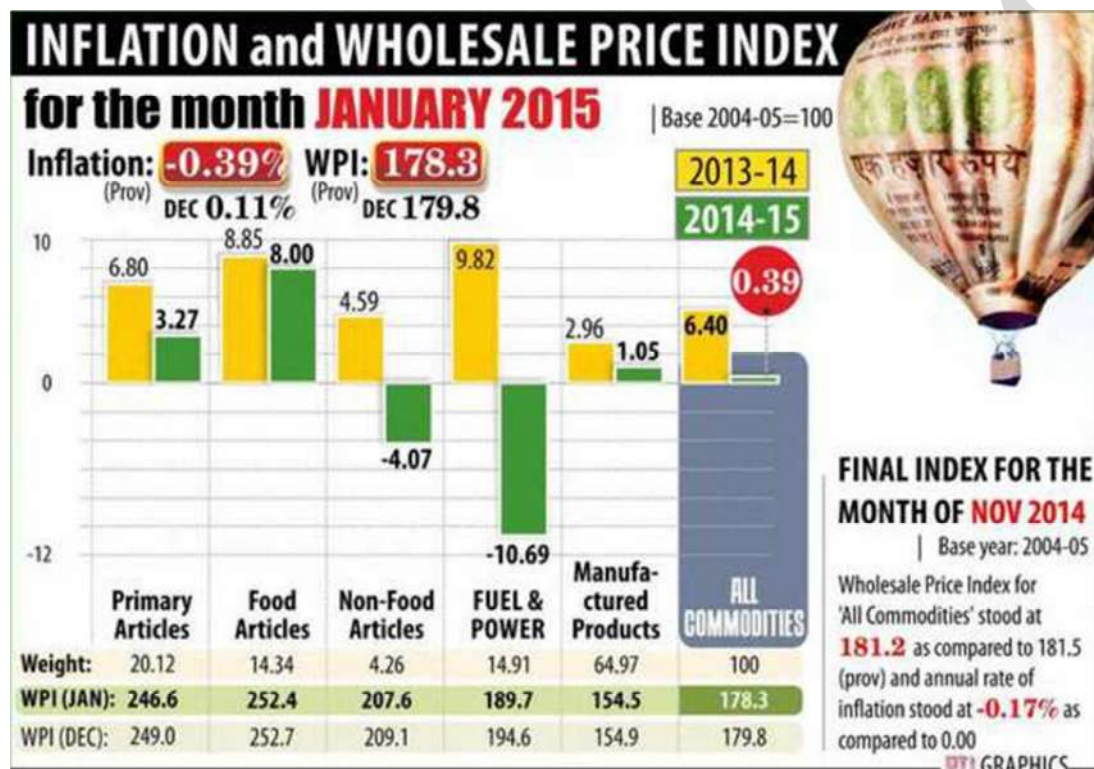
### COMPONENTS OF WPI

- Primary Articles (Weight 20.12%)
  - ✓ Food Articles (Weight 14.34%)
  - ✓ Non-Food Articles (Weight 4.26%)
  - ✓ Minerals (Weight 1.52%)
- Fuel & Power (Weight 14.91%)
- Manufactured Products (Weight 64.97%)

**Base Year:** 2004-05=100

Because of fall in fuel prices, the wholesale price index (WPI) dipped to -0.39 per cent in January. A fall in inflation has been recorded for the eighth consecutive month.

- Negative WPI inflation reflects falling cost of production in the economy since 65% weightage is attributed to manufactured products in WPI.
- It captures inflation closest to producers and has a broader coverage of manufactured products.
- It does not capture price inflation in services.
- In India, headline inflation is measured through the WPI – which consists of 676 commodities (services are not included in WPI in India). It is measured on **year-on-year** basis i.e., rate of change in price level in a given month vis a vis corresponding month of last year. This is also known as point to point inflation.



## FIFTH INDIA-U.S. ECONOMIC AND FINANCIAL PARTNERSHIP DIALOGUE

The Finance Minister of India and U.S. Secretary of the Treasury met for the Fifth Annual India-U.S. Economic and Financial Partnership.

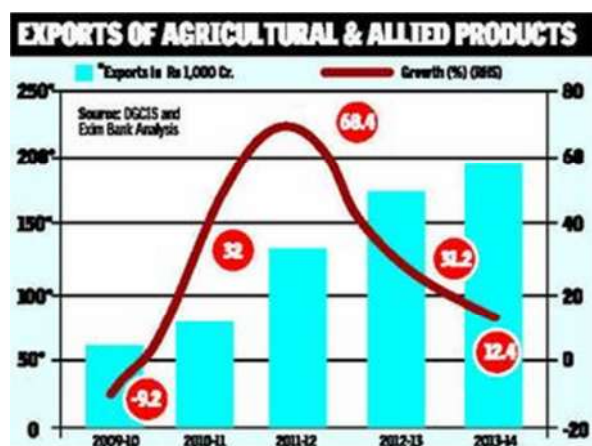
### Key Points:

- Both countries commit to build on the new dynamism of a renewed India-U.S. partnership for the 21st century through Shared Effort, Progress for All.
- Significant efforts have been taken by both sides in recent months to re-energize the bilateral and strategic partnership that has elevated the partnership to an unprecedented level and scale.
- India-US agreed that they would continue to grow their diversified partnership through enhanced consultations and economic cooperation.

- Both countries noted the challenges their economies face and agreed that sound macroeconomic policies, structural reforms, and strong prudential frameworks will help boost economic growth and increase resilience to financial market volatility.
- India-US reviewed the growing trade and investment flows between them. They agreed that continued collaboration to increase bilateral trade and investment flows would enhance opportunities for Indian and U.S. citizens through greater economic growth and job creation, providing mutual benefits to both the countries.
- They emphasized the importance of strengthening international financial institutions, including the World Bank and International Monetary Fund.
- India-US noted the need for an early conclusion of reciprocal arrangement on the Foreign Account Tax Compliance Act and look forward to working for an early adoption of the new global standards on automatic exchange of information on a fully reciprocal basis for getting information about unaccounted money hoarded in offshore jurisdictions and tax havens.
- The two countries commit to collaborate on technical assistance in the area of public debt management.

### GROWTH IN EXPORT OF AGRI PRODUCTS SLIDES

- The year-on-year growth in agricultural exports has reduced considerably in 2012-13 and 2013-14.
- Though in absolute terms, agri. products exports have increased to Rs.1.96 lakh crore in 2013-14 from Rs.1.74 lakh crore in 2012-13, it is significantly lower than 68.4 per cent growth (y-o-y) registered in 2011-12 (Rs.1.33 lakh crore in 2011-12 against Rs.78,854 crore in 2010-11).



### REASONS

- Decline in commodity prices,
- glut in global markets, and
- Import ban by several countries-- Recent ban by Saudi Arabia and the EU
- High production levels in other countries and domestic issues like quality

### IMPACTS

- A decline in trade might have a significant impact on production levels as well as on the income of farmers.
- **Forex Earnings:** Agri exports account for around 12-14 per cent of our total exports and, hence, they are critical from our balance of payments position.

# SOCIAL ISSUES

## MILLENNIUM DEVELOPMENT GOALS: INDIA'S ACHIEVEMENT

With the Millennium Development Goals (MDGs) reaching their December 2015 deadline, a new report from the United Nations tracks India's progress in achieving the MDGs. According to the report, while India has made remarkable progress in achieving the MDGs, achievement across various indicators has been mixed.

- On poverty, with 21.9 per cent of the population below the poverty line, India has already achieved the target of reducing poverty by half.
- On education indicators, the country has already achieved gender parity in primary school enrollment and according to the report it is likely to reach parity in secondary and tertiary education by 2015.
- India is also set to achieve the goal of reducing hunger by half and reduce maternal mortality by three quarters.
- The country has successfully managed to control the spread of deadly diseases such as HIV/AIDS, malaria and tuberculosis.
- It has also creased the forest cover and has halved the proportion of population without access to clean drinking water

But on other indicators, the performance has been far from satisfactory. India lags behind on targets for

- ✓ empowering women through wage employment and political participation,
- ✓ reducing child and infant mortality and
- ✓ Improving access to adequate sanitation to eliminate open defecation.

### INDIA'S PROGRESS ON MDGS



#### MDG (millennium development goals)1 POVERTY AND HUNGER

Poverty (Below national poverty line, %)	21.90
Underweight children (< 3 years of age, %)	27.00



#### MDG2 ACHIEVE UNIVERSAL PRIMARY EDUCATION

Net enrolment ratio (Primary, %)	88.08
Apparent survival rate (Ratio of enrolment grade V to grade I, %)	93.00
Youth literacy ratio (15-24 years, %)	86.00



#### MDG3 PROMOTE GENDER EQUALITY AND EMPOWER WOMEN

Ratio of girls to boys (primary education)	1.01
Ratio of girls to boys (secondary education)	0.93
Ratio of girls to boys (tertiary education)	0.88
Women in wage employment (non-agriculture, %)	19.30



#### MDG4 REDUCE CHILD MORTALITY

Child mortality rate (< 5 years, per 1,000 live births)	49.00
Infant mortality rate (< 1 year, per 1,000 live births)	40.00
Measels immunisation (12-23 months, %)	74.00



#### MDG5 IMPROVE MATERNAL HEALTH

Maternal mortality ratio (per 100,000 live births)	167.00
Birth attendance by skilled health professional (%)	76.20

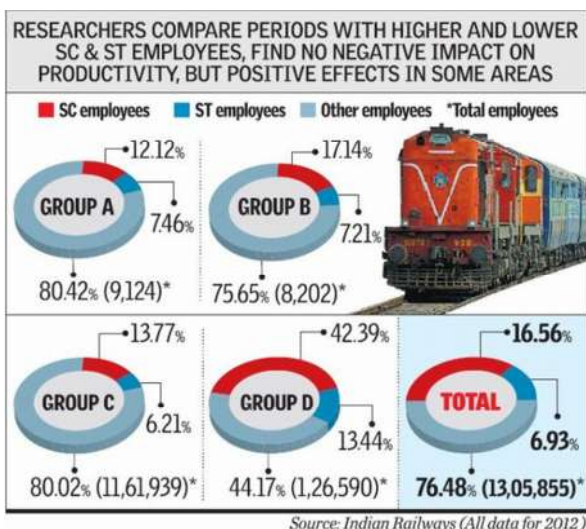


#### MDG6 ENSURE ENVIRONMENTAL SUSTAINABILITY

Households with access to water (%)	90.60
Households with access to adequate sanitation (%)	54.60

Source: India and the MDGs, Towards a sustainable future for all, United Nations

## RESERVATION AND ORGANISATIONAL EFFICIENCY



### BACKGROUND

- A first-of-its-kind study of the impact of reservations in public sector jobs on productivity and efficiency.
- In the study measured the impact of reservation for Scheduled Castes (SCs) and Scheduled Tribes (STs) on productivity and efficiency in the Indian Railways between 1980 and 2002.
- The study looked at SC and ST employees in Group A and B only.

### FINDINGS OF STUDY

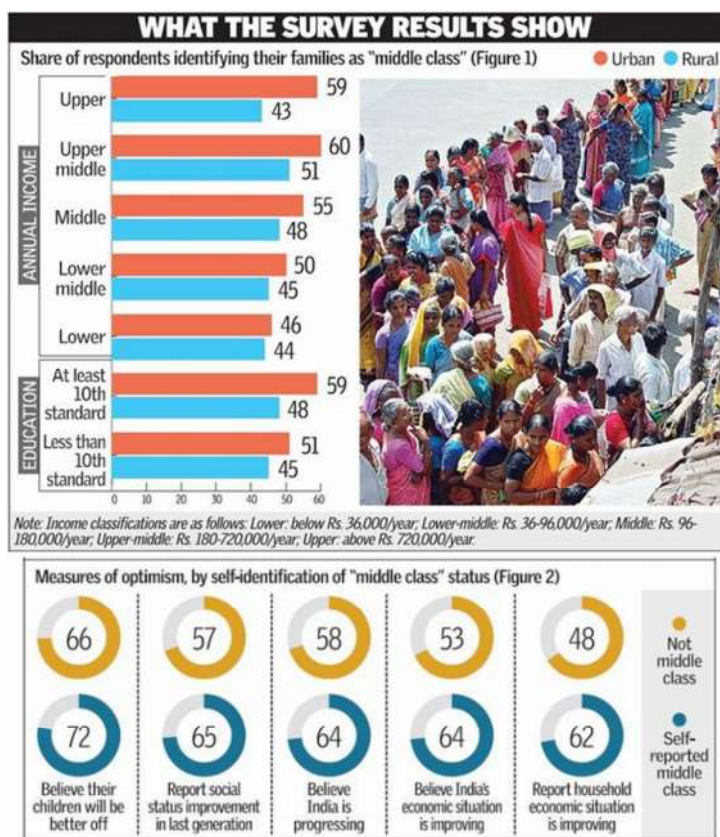
- The study found no negative impact due to reservation, on productivity and efficiency in any area, and some positive effects in some areas of work.
- Reservation motivates those recruited to higher echelons through the system of quotas to work harder and thus prove efficiency.
- Individuals from marginalised groups may be especially highly motivated to perform well when they attain decision-making and managerial positions.

### CRITICISM OF THE REPORT

- The productivity of an organisation depends primarily on the attitude of its employees, an upgrade of staff skills and employee-employer relations.
- The study on the impact of reservations in the railways should not be viewed from the angle of reservations. Such an achievement is a result of team-work (specially at lower levels), which includes both reserved and non-reserved categories, keeping in mind the organisation's interests.
- The results can be interpreted to mean that the underprivileged sections too are efficient and there is no need, therefore, to sustain reservation policy in its current form.
- The period of study was between 1980 and 2002.
- The methodology used in this research is questionable. Sample should be compared with another sample where affirmative action doesn't exist, which is practically impossible. It is thus only a hypothetical analysis.



## SELF-IDENTIFICATION OF CLASS STATUS



The rapid growth of the Indian economy over the past three decades has led to a substantial expansion of India's "middle class".

This has triggered a robust debate over who in India actually belongs to the "middle class," its size, composition, and political and social behaviour. This is a debate with serious implications for economic growth and governance since a range of scholarship in diverse settings has shown that the middle class is an important driver of a country's economic, political and social development.

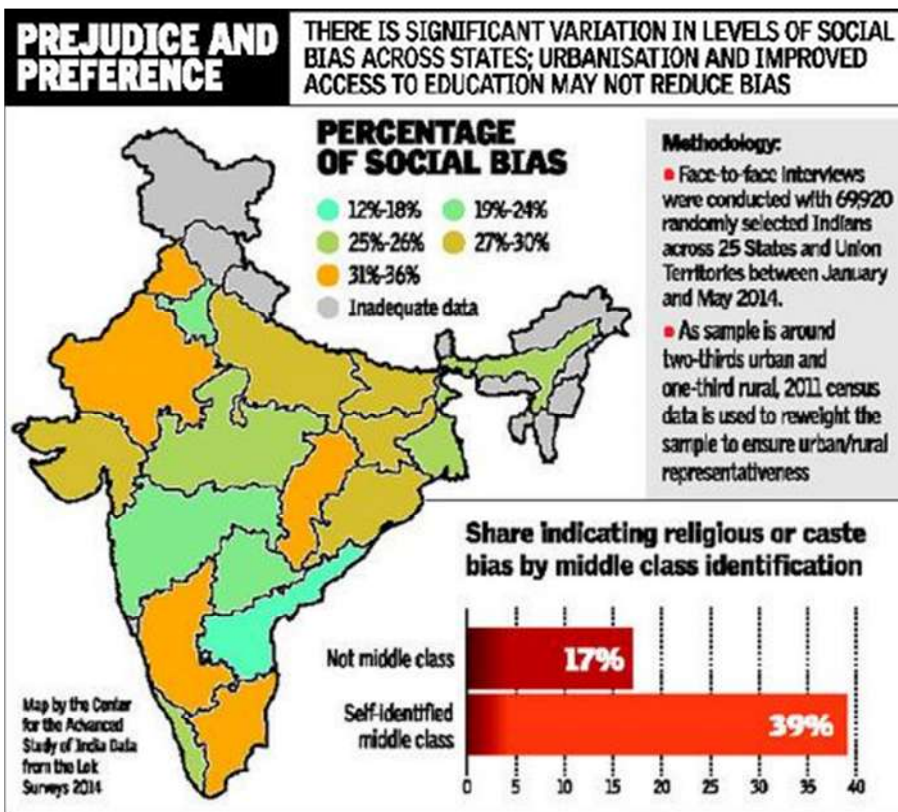
**Self-identification of class status:** Self-identification of class status is important because it suggests the possibility that Indians may behave in ways that are actually at odds with material realities.

- 49 per cent of all Indians, including people from all segments of Indian society, self-identified as "middle class."
- They were more optimistic about the economic conditions of their family and the nation as a whole as compared to those who did not identify as middle class.
- The self-identified middle class was also more likely to report that their family had experienced social mobility within the last generation.

Three structural changes occurring in India — service-sector led economic growth, rapid expansion of urbanisation and higher education — are undoubtedly resulting in a massive expansion of the middle class, however defined. The political and social consequences will depend on whether this middle class emerges simply as a social formation or as a self-conscious political force, whether progressive or possibly even reactionary.



## SOCIAL BIAS



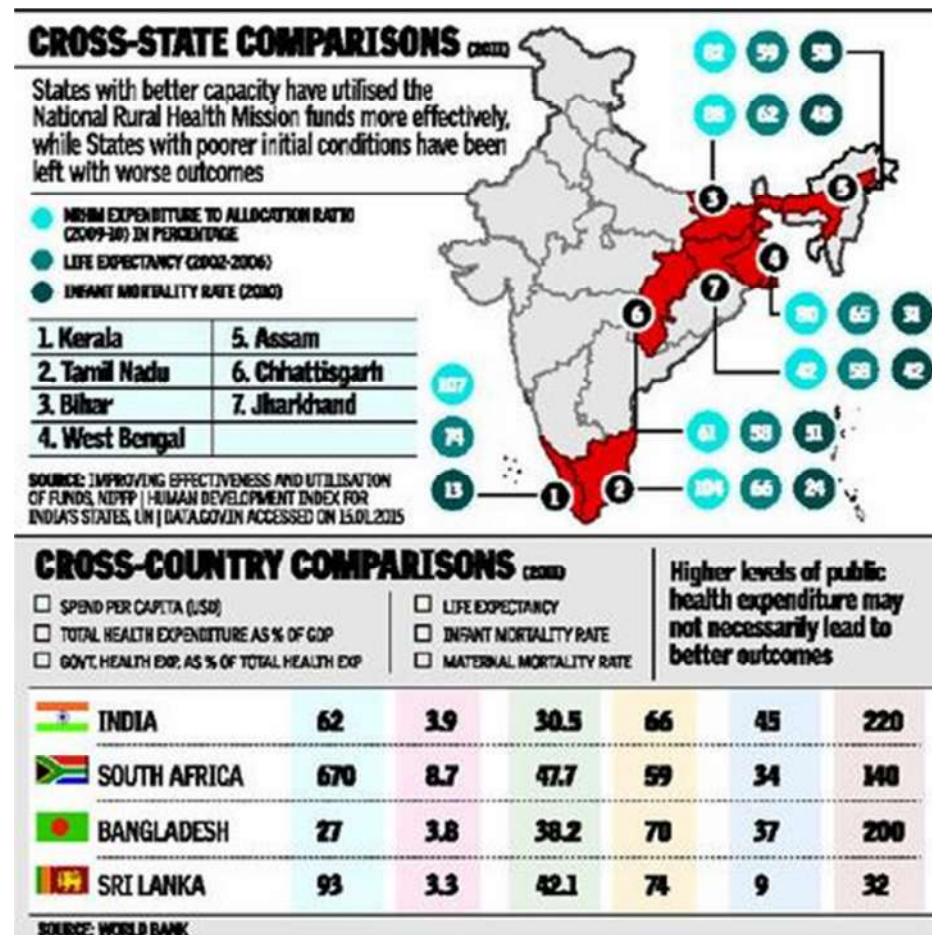
Popular debate around social biases in India is structured around two competing narratives.

- One view holds that as an urbanizing country with rapid economic growth over the past few decades, the importance of ascriptive identities such as caste and religion is gradually eroding.
- An opposing view holds that these biases have remained resilient in India, even in the face of substantial economic development and increasingly heterogeneous cities

## CONCLUSION

- Marginalised communities display higher levels of social bias against traditionally dominant communities, perhaps as a reaction to historical stigmatization and concerns for social solidarity.
- Upper caste Hindus now report the most social bias against OBCs, instead of groups lower on the caste hierarchy.
- Those identifying as the Indian middle class display much higher levels of social bias than those who do not identify as such.
- The very process of development and change in India may be generating new forms of social and economic competition that manifest themselves in terms of social bias.
- A modernising India may trigger the erosion of certain traditional hierarchies while, at the same time, opening the way for new cleavages based around social and economic contestation.

## GOVERNANCE AND MANAGEMENT OF HEALTH SYSTEM



- The Draft National Health Policy of 2015 speaks about a wide variety of issues that plague our health-care system — low public health expenditure, inequity in access, and poor quality of care.
- It also suggests a variety of ways to address them, mainly focused around increasing government spending on health and expanding the public delivery system.
- However, the health policy fails to tackle head-on the core problem of the Indian health system — its management, administration and overall governance structure.

### HIGHER LEVEL OF PUBLIC HEALTH EXPENDITURE

- Higher level of public health expenditure may not necessarily lead to better outcomes.
- Russia and South Africa both spend a significantly higher amount on public health than India, yet they have life expectancies that are worse, as in the case of South Africa, or only marginally better, as in the case of Russia.
- On the contrary, Sri Lanka and Bangladesh are both countries that actually spend less on their healthcare (as a percentage of GDP) than India, yet both have better outcomes.
- Within India too, the draft policy notes that States with better capacity have utilised the National Rural Health Mission (NRHM) funds more effectively, while States with poorer initial conditions have been left with worse outcomes.
- The fundamental difference lies in management and governance structures.

## CRITICALITY OF ADMINISTRATION

- Globally, research findings have highlighted the criticality of administration in improving health outcomes.
- Rajkumar and Swaroop in a 2008 study find that the effectiveness of public health spending in reducing child mortality depends on the level of perceived corruption. It is found that higher integrity is associated with reduced child mortality.
- Gupta et al in a 2000 paper show that corruption indicators are negatively correlated with child and infant survival, attended births, immunisation coverage and birth weight.
- In a study looking at the United Nations's Millennium Development Goals, Wagstaff and Claeson in 2004 conducted an analysis which showed that across-the-board additions to government health spending have no significant effect on underweight children, maternal mortality, or tuberculosis mortality in poorly governed countries.
- They defined poorly governed countries as being one standard deviation below the mean score on the World Bank Country Policy and Institutional Assessment (CPIA) index.

## GOVERNANCE STRUCTURES

- Governance structures need to balance responsibility, flexibility and accountability in order to carry out their functions. It is clear that our systems today, at best, fix responsibility, but do not provide flexibility and accountability.

## GOVERNANCE MODEL IN TAMIL NADU

- A useful model to consider would be the one pioneered in India by the Tamil Nadu Medical Services Corporation. It is a registered corporation set up by the Tamil Nadu government to procure drugs for the public health system.
- It is accountable to an independent board of directors which includes the health secretary.
- The model has proved so successful in improving drug supply in Tamil Nadu that several other States, including Kerala, have adopted it as the basis of their own governance structure.

## CONCLUSION

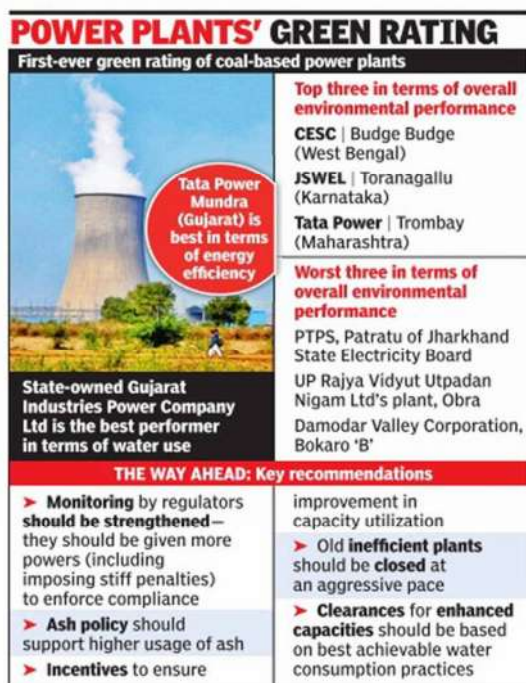
- To improve the health indicators requires not only higher expenditure but also a good management and governance model.
- Governance model should be adopted based on the needs of individual states and their capacities and capabilities.
- Priority should be accorded in making primary healthcare robust, efficient and effective.

# SCIENCE AND TECHNOLOGY /ENVIRONMENT

## SAFAR-AIR

- India's first 'air quality' Mobile App, SAFAR-Air, was launched at the Indian Institute of Tropical Meteorology in Pune.
- The application, developed by scientists at IITM, will enable citizens to check their city's air quality in real time.
- The first mobile application service in India to provide a current and advanced forecast for air quality.

## CENTRE FOR SCIENCE AND ENVIRONMENT'S (CSE) GREEN RATING PROJECT



India's first-ever environmental rating of coal-based power plants finds the sector's performance to be way below global benchmarks.

- The plants were rated on around 60 parameters covering everything from coal and water use and plant efficiency to air and water pollution and ash management.
- Local community views and impact on them were given due weightage along with the plants' compliance record and environment policies.
- The ratings involve comparing the performance of the plants against the best practices.

## IMPORTANT FINDINGS OF REPORT

- The sector's overall score was a low 23 per cent (a plant adopting all the best practices would have scored 80 per cent).
- The average efficiency of the plants in the study was 32.8 per cent, one of the lowest among major coal-based power producing countries.
- Average CO<sub>2</sub> emission was 1.08 kg/kWh, 14 per cent higher than China's.
- A disappointing 40 per cent of the plants in the study received less than a 20 per cent score, pointing to the dismal state of the sector.

- India's thermal power plants are estimated to withdraw around 22 billion cubic metre of water, which is over half of India's domestic water need.
- Fifty-five per cent of the units were violating air pollution standards which are already extremely lax – particulate matter (PM) norms are at 150-350 mg/Nm<sup>3</sup> (milligram per normal metre cube) compared to Chinese norms of 30 mg/Nm<sup>3</sup>.
- Fly ash disposal remains a major problem. Presently, only about 50-60 per cent of the 170 million odd tonne of fly ash generated by the sector is "utilised"; the remaining is dumped into poorly designed and maintained ash ponds.
- Ash slurry, which has toxic heavy metals, was found in river and reservoirs of 20 plants.
- Thirty-six of the 47 plants were unable to meet the MoEF's mandated target of utilising 90 per cent of the solid waste (ash) generated – average use was only 54 per cent.
- Inefficient resources use and technological backwardness leading to high levels of pollution– says the rating report card. Immense scope for improvement
- Plants operating at 60-70 per cent capacity only

#### KEY RECOMMENDATIONS

- Monitoring by regulators should be strengthened - they should be given more powers (including imposing stiff penalties) to enforce compliance
- Ash policy should support higher usage of ash
- Incentives to ensure improvement in capacity utilization
- Old inefficient plants should be closed at an aggressive pace
- Clearances for enhanced capacities should be based on best achievable water consumption

#### SINKHOLE FORMATION

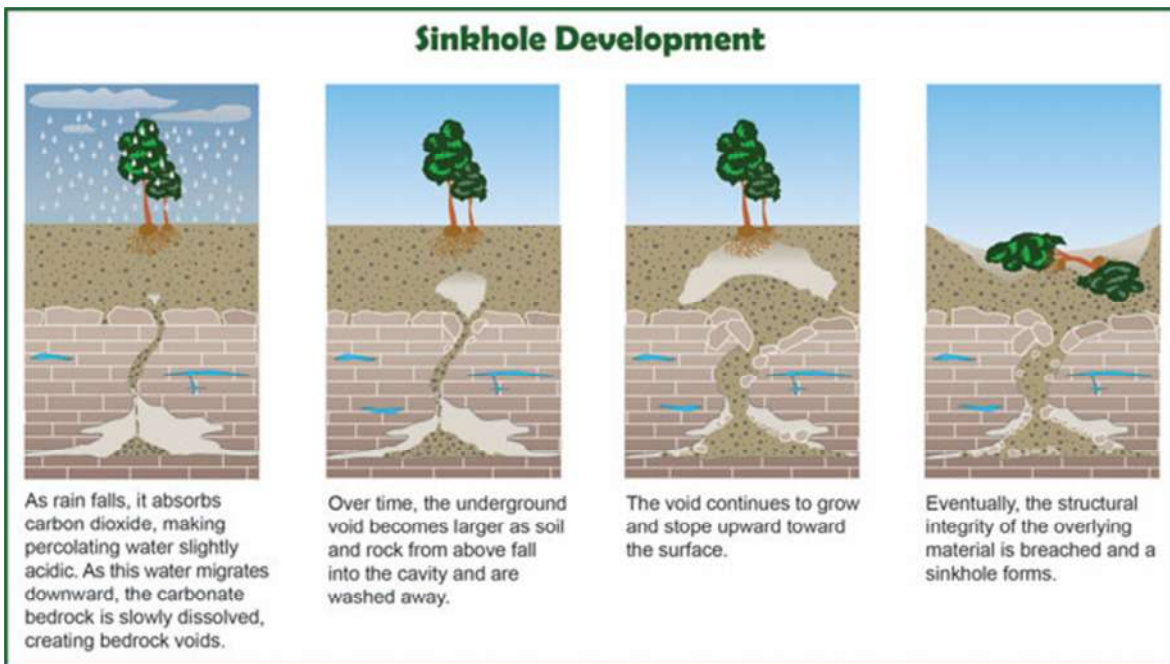
**Definition:** A sinkhole is a depression or hole in the ground caused by some form of collapse of the surface layer. Sinkholes may be formed gradually or suddenly, and are found worldwide.

Sinkholes usually form in soils characterised by rocks of gypsum or dolomite or limestone which melt in water available in the sub surface channels, leading to a sudden collapse.

#### HUMAN ACTIVITIES THAT LEADS TO SINKHOLES FORMATION

- **Overexploitation of groundwater:** The intensity of drawing ground water through a string of agriculture borewells was high in the vicinity of the river, where there were a number of sweet lime orchards.
- No recharge of the water table in the absence of good rains
- Diverting surface water from a large area and concentrating it in a single point
- Artificially creating ponds of surface water
- Drilling new water wells





During dry conditions, water tables drop in the limestone and cavities under the sand and clay soil. The combination of gravity, loss of buoyancy and water pressure can activate a collapse on the topsoil.

- In a first of its kind phenomenon, the sinkhole was noticed on the dried Chitravati riverbed near the Goddumarri village in this perennially drought-prone district of Andhra Pradesh.
- It had a depth of 30 feet and a diameter of 25 feet.

## THE MENACE OF PLASTIC WASTE

Plastic waste is one type of municipal solid waste that has become ubiquitous in India and most developing countries. Much of it is not recycled, and ends up in landfills or as litter on land, in waterways and the ocean.

## IMPORTANT FINDINGS OF STUDY

- For the first time, researchers have estimated that eight million tonnes of plastic being dumped into the oceans by 192 coastal countries in 2010.
- Researchers have identified the top 20 countries that have dumped the most plastic waste into the oceans.
- At twelfth position, India is one of the worst performers. It has dumped up to 0.24 million tonnes of plastic into the ocean every year; the amount of mismanaged plastic waste per year is 0.6 million tonnes.
- In the case of China, the No. 1 polluter, the coastal population sends up to 3.53 million tonnes of plastic waste into the oceans each year.
- Annual input into the oceans is set to double by 2025





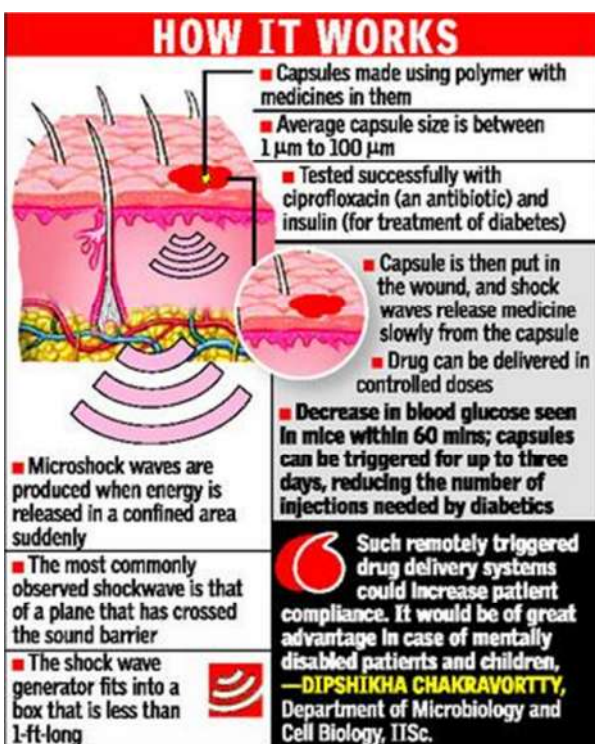
### IMPLICATIONS

- An unknown quantity of degraded plastic in the form of particles enters the food chain. Besides affecting marine life, plastic that gets into the food chain has serious health implications for humans.
- Debris in the ocean, such as plastic and glass, has been having a life-threatening global impact on marine life
- Instances of fish and bird entanglement

### WAY FORWARD

- A two-pronged approach has to be adopted to reduce per capita plastic waste generation and cut the amount of mismanaged waste by employing better waste management practices.
- Recycling is the best available way to tackle the waste.
- Cutting down on the use of plastic should also begin in earnest, and the first item that has to be targeted is the single-use plastic bag.

## AN ALTERNATIVE TO SYRINGES FOR DRUG DELIVERY



Scientists at the Indian Institute of Science have successfully tested an alternative to syringes for drug delivery. They have designed a capsule loaded with medicine that is triggered by micro-shock waves.

### HOW IT WORKS

- The researchers designed tiny biocapsules made of a polymer (spermidine-dextran sulfate or Sper-DS). The capsules are so small that 10 of the biggest ones could be placed in a length of one millimetre.
- The capsules are loaded with either insulin or the antibiotic ciprofloxacin.
- They are then placed on the infection site — for instance, external diabetic wounds — and are triggered by micro-shock waves produced by a handheld machine.

### RESULTS

- The result is that a controlled portion of the drug is released with every shock wave (on an average 20 per cent of the medicine is released with every wave). Almost 90 per cent of the drug release was observed when the particles were exposed to micro-shock waves five times.
- The method, tested on mice, delivers medicine through tiny capsules when triggered by a micro-shock wave.

### IMPORTANCE/BENEFITS

- It will prevent infections that are spread through contaminated, non-sterilised syringes.
- Each year, 1.3 million early deaths are caused by unsafe injections.
- Infections by bacteria such as Staphylococcus (cause of foot infections that people living with diabetes are susceptible to) are lethal as they form a biofilm around the protein in the cell. The shock waves tear this biofilm and aid the treatment.

## NEW DELHI SUSTAINABLE DEVELOPMENT SUMMIT

The 15th Sustainable Development Summit was held at Delhi. The summit was organised by The Energy and Resources Institute (TERI) with its theme being Sustainable Development Goals and Dealing with Climate Change.

### ISSUES DISCUSSED

- The international development agenda ahead of the UN summit on Sustainable Development Goals (SDG's) was discussed and the members formulated ideas to promote sustainable growth and prosperity globally.
- Environmental issues like climate change, global warming, environmental pollution and find ways to prevent environmental degradation was discussed.
- Issues like the mitigation in energy supply sector, generating financing for projects focusing on sustainable and holistic growth, educating the youth about sustainable development were also raised during the summit.

### SUSTAINABLE ENERGY FOR ALL (SE4ALL)

- Sustainable Energy for All (SE4ALL) is a global initiative co-chaired by United Nations Secretary General Ban Ki Moon and World Bank President Jim Kim.
- SE4ALL seeks to achieve, by 2030, universal access to electricity and modern cooking fuels, a doubling in the rate of improvement of energy efficiency and a doubling of the share of renewable energy in the global energy mix.
- Current proposals for the post-2015 Sustainable Development Goals also include a goal on energy to "Ensure access to affordable, reliable and sustainable energy for all" that is closely related to the SE4ALL objectives.

### GLOBAL CALCULATOR AND ITS USES

- Nearly 20 nations, including India, will deploy a global calculator, similar to those launched in London and Beijing, to calculate climate impact scenarios in their territories.
- It is a model developed by what is physically possible, from kilometres travelled per person to calorie consumption and diet, and to show the energy and land requirements to satisfy this demand.
- It also illustrates the climate impacts of different choices by linking the model to the latest Intergovernmental Panel on Climate Change (IPCC) climate science.

### THE GLOBAL CALCULATOR IS DESIGNED FOR

- Exploring what a low carbon world could look like.
- Businesses will be able to explore the potential size of future markets for their products and the impact they can have by reducing their emissions.
- NGOs can use it to inform their strategies and campaigns.
- Governments will be able to use benchmarks from the tool to see if their plans are aligned with a 2°C pathway.

### INCREASE IN FOREST COVER

A study conducted by the Forest Survey of India points out the increase of 5,871 sq km forest cover in India. There has been an increase of 31 sq km of 'very dense' forest cover and 'moderately dense' forest has decreased while 'open forests' have increased, putting the overall increase at 5,871 sq km.

In West Bengal's forest cover has increased by 3,810 sq km, followed by Odisha where increase in forest cover has been 1,444 km and Kerala where the increase has been about 622 sq km.

## 21% OF COUNTRY IS FOREST AREA

Country's forest cover <b>697,898 sq km</b> (21.23% of country's geographical area)	Tree cover (outside forest area that includes urban green patches) <b>91,266 sq km</b> (2.78% of geographical area)	Total forest & tree cover <b>789,164 sq km</b> (24.01% of geographical area)
<p>➤ There is a <b>net increase of 5,871 sq km in forest cover in 2013</b> compared to 2011  Total increase – 7,128 sq km  Total loss – 1,257 sq km</p>		
<p>➤ <b>Maximum increase in forest cover</b>  1. West Bengal (3,810 sq km)  2. Odisha (1,444 sq km)  3. Kerala (622 sq km)</p>		
<p>➤ <b>Northeastern states</b>, which account for one-fourth of India's forest cover, report <b>net decline of 627 sq km</b></p>		

### REASONS FOR THE INCREASE IN COVER

- The participation of the local people
- Coppice growth (dense growth of small trees).
- Afforestation inside the forests.
- Growth of commercial plantations and shade trees in tea gardens.

### DEPLETION IN NORTH-EAST

- States from northeast like Nagaland, Arunachal Pradesh, Tripura and Manipur, whose forest cover comprises over 75 percent of the State's area, have shown a decrease in forest cover.
- The main reason for this is attributed to the biotic pressure and shifting cultivation.

### FOREST SURVEY OF INDIA

- Forest Survey of India (FSI), is a premier national organization for forest resource assessment working under the Ministry of Environment and Forests, Government of India.
- Besides, carrying out forest and tree cover assessment, Forest Survey of India is also engaged in providing the services of training, research and extension.

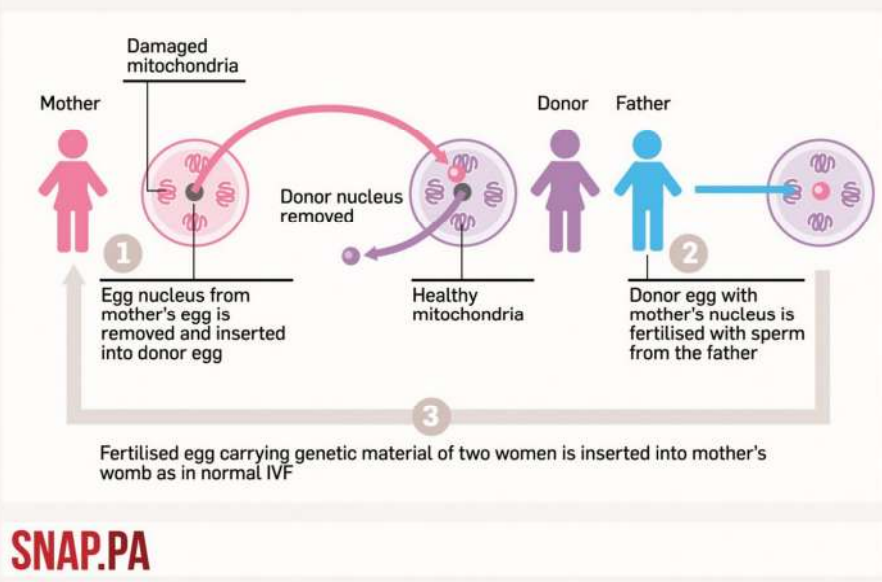
### OBJECTIVES OF FSI

- To prepare State of Forest Report biennially, providing assessment of latest forest cover in the country and monitoring changes in these.
- To prepare thematic maps
- To function as a nodal agency for collection, compilation, storage and dissemination of spatial database on forest resources.
- To conduct training of forestry personnel in application of technologies
- To strengthen research & development infrastructure in FSI
- Forest Cover Assessment
- Inventory of Forest areas and trees Outside Forests (Rural & Urban categories)

## THREE-PARENT BABIES

- Britain became the first country to allow a “three-parent” IVF technique which doctors say will prevent some inherited incurable diseases.
- The treatment is known as “three-parent” in vitro fertilisation (IVF) because the babies, born from genetically modified embryos, would have DNA from a mother, a father and from a female donor.
- Mitochondrial DNA (mdDNA) is passed through the mother and mitochondrial diseases cause symptoms ranging from poor vision to diabetes and muscle wasting.

### Mitochondrial donation how it works



## CONCERNS

- The Church opposes the technique on the grounds that the manipulation of the nuclear DNA of two women and a man would create three-parent babies. This is against the nature.
- It is a step towards creating designer babies.
- Some raised concerns that the fertilisation process may cause inherited conditions such as fatal heart problems, liver failure, brain disorders, blindness and muscular dystrophy.

## WHAT ARE MITOCHONDRIA?

Mitochondria are tiny organelles found in almost every cell in the body.

- They are known as the "powerhouse of the cell."
- They are responsible for creating more than 90 percent of cellular energy.
- They are necessary in the body to sustain life and support growth.
- They are composed of tiny packages of enzymes that turn nutrients into cellular energy.
- Mitochondrial failure causes cell injury that leads to cell death. When multiple organ cells die there is organ failure.

## WHAT IS MITOCHONDRIAL DISEASE?

- Mitochondrial disease is a chronic, genetic disorder that occurs when the mitochondria of the cell fail to produce enough energy for cell or organ function.



- Mitochondrial diseases are sometimes (about 15% of the time) caused by mutations in the mitochondrial DNA (mDNA) that affect mitochondrial function.

**Mitochondrial DNA:** Mitochondrial DNA is separate from DNA found in the cell nucleus and does not affect human characteristics such as hair or eye colour, appearance or personality traits.

## INTERNET.ORG

Internet.org is a partnership between social networking service company Facebook and seven mobile phone companies (Samsung, Ericsson, MediaTek, Microsoft, Opera Software, Reliance and Qualcomm) that aims to bring affordable Internet access to everybody by increasing affordability, increasing efficiency, and facilitating the development of new business models around the provision of Internet access.

- Facebook announced a tie-up with Reliance Communications to launch Internet.org in India.
- India now becomes the sixth destination for Internet.org
- The service has already been launched in Zambia, Tanzania, Kenya, Colombia and Ghana.

## INTERNET.ORG CRITICS

- The Internet.org model violates most definitions of net neutrality, as it provides access to a limited menu of services claiming to be the Internet
- The subscribers have no say in selecting the websites.
- The Internet ceases to be an open platform where everyone has an equal chance to succeed.
- In the long run, internet.org could present a huge competitive advantage to some, to the disadvantage of many.

## WHAT IS NET NEUTRALITY?

Net neutrality is the principle that Internet providers should treat all traffic on their networks equally.

## SUPERIOR WATER FILTER

A membrane capable of producing safe drinking water by filtering out objects at the nanoscale level and killing the commonly found pathogenic bacteria *E. coli* has been developed, IISc, Bengaluru.

The membrane is produced by mixing two polymers — poly(vinylidene fluoride) (PVDF) and poly(methyl methacrylate) (PMMA). As the membrane is about 1 mm thick, a combination of fine pores and channels are produced when the PMMA is removed. The average pore size is 50 nm.

- It can enhance the efficiency of a RO membrane if placed before it
- The nano-porous membrane can filter the water and send semi-pure water to the RO membrane. As a result, the RO membrane will require lesser pressure to produce pure water.
- The nano-sized porous structure can prevent bacteria from passing through the pores as bacteria are typically micron-sized. However, the bacteria can form a biofilm on the structure. As a result, the filter's efficiency will be reduced within a short period.
- To improve efficiency and to kill the bacteria, they mixed silver, titanium dioxide and carbon nanotubes to the PVDF-PMMA mixture. The three nanoparticles serve two important purposes.
  - ✓ First, the nanoparticles promote PVDF crystallisation at a much faster rate. As a result of faster crystallisation, defective crystals are developed.
  - ✓ The second advantage of silver, titanium dioxide and carbon nanotubes that are embedded on membrane is their ability to kill *E. coli* bacteria. Silver leaches in water and when the ions so



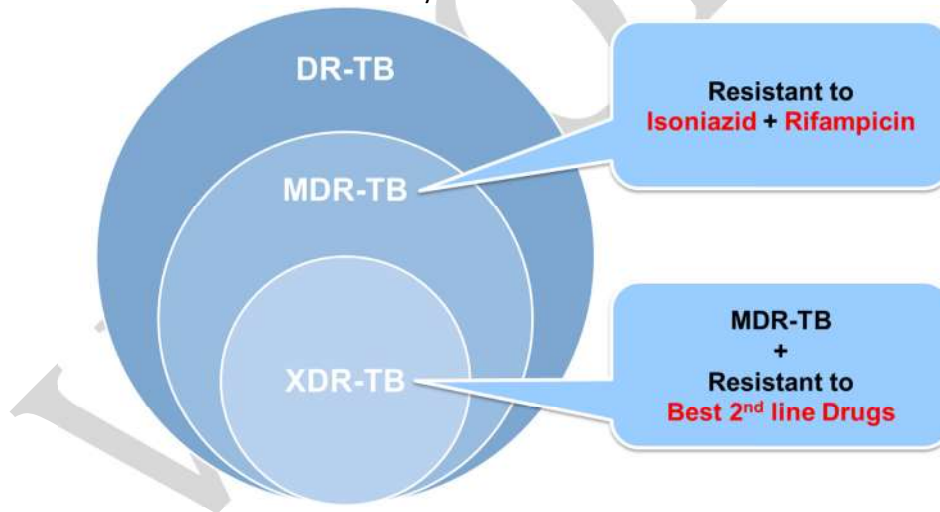
released kill the bacteria by destroying the integrity of the cell and by damaging the cell proteins and terminating the DNA replication.

- ✓ Titanium dioxide also kills the bacteria. Though its antibacterial property is best in the presence of UV light, the present study did not use UV light.
- ✓ Carbon nanotubes kill the bacteria through direct physical contact — the roughness of the nanotubes kills the bacteria.

## PERSONALISED TB TREATMENT

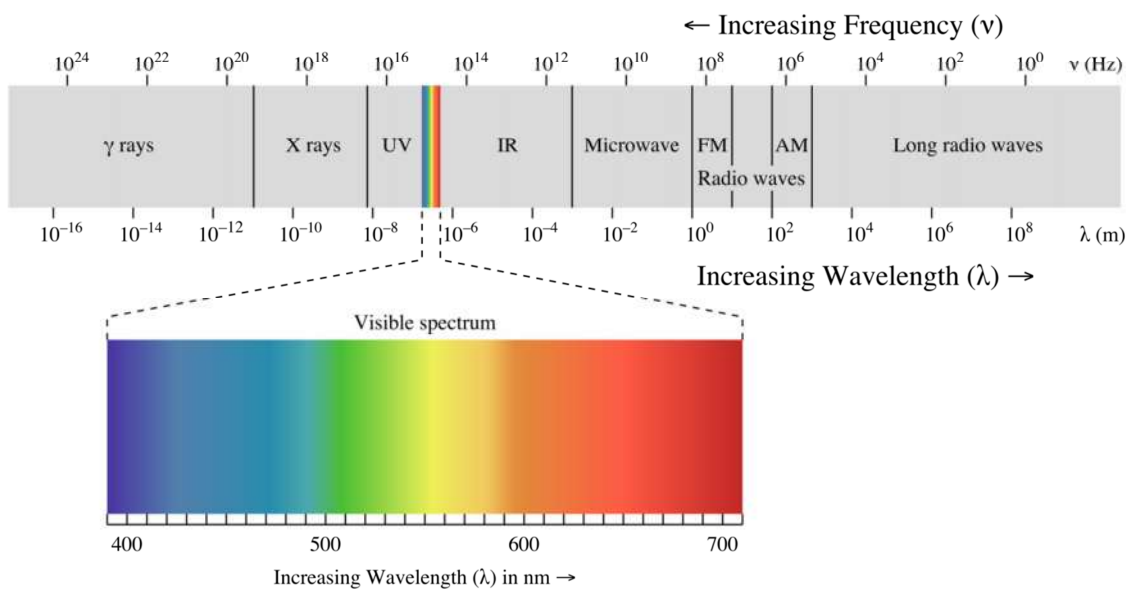
The Chennai-based National Institute for Research in Tuberculosis (NIRT) will develop new diagnostic tools and new treatments to address the sharp rise in cases of multi-drug resistant tuberculosis (MTB).

- It will be done through whole genome sequencing of the TB bacterium to see the pattern of drug resistance in the community.
- Many patients with MDR-TB and XDR-TB (extensively drug-resistant tuberculosis (TB)) are resistant to second-line drugs.
- The new technology will help in finding out the mutations in a patient and decide a treatment that is tailor-made for him.
- MDR (multi drug resistant) TB is the name given to TB when the bacteria that are causing it are resistant to at least isoniazid and rifampicin, two of the most effective TB drugs.
- XDR TB (extensively drug resistant TB) is defined as strains resistant to at least rifampicin and isoniazid in addition to being resistant to one of the fluoroquinolones, as well as resistant to at least one of the second line injectable TB drugs amikacin, kanamycin or capreomycin.<sup>3</sup>
- MDR TB and XDR TB do not respond to the standard six months of TB treatment with "first line" anti TB drugs, and treatment for them can take two years or more and requires treatment with other drugs that are less potent, more toxic and much more expensive. Worldwide only a few thousand patients with MDR TB and XDR TB are treated each year.



## SPECTRUM ALLOCATION

Spectrum means a band of frequencies of electromagnetic waves also called as radio waves. Electromagnetic waves range from extremely low frequency to gamma rays. This includes radio waves used for communication and broadcasting purposes including satellite communications, visible region light, infrared and ultraviolet rays, X-rays and gamma rays.



- Radio waves are used for communication and broadcasting. For example, FM transmissions use the frequencies from 88MHz to 108 MHz, satellite communications use 4000-6000 MHz and 11000-14000 MHz generally and so on. Mobile service providers also use the radio waves normally in the range of 900-1800 MHz.
- Two operators cannot use the same frequency in the same region as there will be interference between each other and both the services will get affected.
- Same frequencies can be used at two different places separated by sufficient distance so that there will not be any interference. This is called space diversity.
- The number of voice channels that can be supported depends on the bandwidth of the frequency spectrum allocated. Higher the bandwidth, more the number of channels that can be accommodated.
- This radio frequency spectrum is a limited resource and different services are allocated different frequencies.

## NATIONAL DEWORMING INITIATIVE

**Aim:** To protect more than 24 crore children in the ages of 1-19 years from intestinal worms.

### PARASITIC INTESTINAL WORMS (SOIL TRANSMITTED HELMINTHS) INFECTION:

- There are three types of soil transmitted helminths that infect people: round worm, whip worm and hookworms.
- Parasitic worms in small children interfere with nutrient uptake. As a result they can cause severe complications for them resulting in anemia, micronutrient deficiencies.
- Infections of heavy intensity impair physical growth and cognitive development.
- It may lead to poor school performance, cognitive development and absenteeism in children.

**Spread in India:** According to WHO estimates, **nearly 24 crore children** are at risk of intestinal parasitic worm infestation.

**Treatment:** Albendazole tablets

## PROGRAMME IMPLEMENTATION

- In the first phase about 14 crore children across eleven States/UT of Assam, Bihar, Chhattisgarh, Dadra & Nagar Haveli, Haryana, Karnataka, Maharashtra, Madhya Pradesh, Rajasthan, Tamil Nadu and Tripura will be covered; while nearly 10 crore will be targeted in the second phase.
- On National Deworming Day on 10th February 2015, Albendazole tablets will be given to all targeted children.
- All government and aided schools and anganwadi centres will be the sites for administering deworming tablets.

**What more needs to be done:** This initiative needs to be coupled with **improved sanitation, hygiene**, and availability of safe drinking water for reducing worm load.

## 15000MW GRID CONNECTED SOLAR PROJECT

Union Cabinet has approved the implementation of the **scheme** for setting up of 15,000 Mega Watt Grid-connected Solar Photo Voltaic Power projects under the National Solar Mission.

**Implementing agencies:** The scheme will be implemented through NTPC and NTPC Vidyut Vyapar Nigam Limited.

### **Benefits:**

- The completion of the projects under the Mission would accelerate the process of achieving reduction in cost of generation for solar power.
- This will also help reduce consumption of kerosene and diesel.
- Improved environment
- Strengthening of India's Energy security

## R V SAMUDRARATNAKAR

### **What it is:**

- It is a Geological Survey of India (GSI)'s state-of-the-art research ship.
- It will search for gas hydrates below the sea-bed off the east coast and off Kanyakumari.
- The ship is equipped with high-end technologically advanced instruments needed for geological, geophysical and geochemical explorations in the offshore areas.
- RV Samudra Ratnakar is fitted to perform sea-bed mapping, deep-water mineral exploration and geo-scientific explorations, such as multi-channel seismic survey, gravity survey, magnetic survey, deep sea imaging within the Exclusive Economic Zone (EEZ) of India, as well as international waters.

**How it finds gas hydrates:** It sends **high-energy sound waves** deep into the sea-bed and **recording** the waves that echo back through hundreds of **hydro phones** (which detect the echos) laid on the surface of the sea.

## BENEFITS OF EXPLORATION

- Improvement in energy security of India: vast reserve of gas hydrates could be used as an industrial and domestic energy source.
- According to scientists if even 10 per cent of the gas hydrates available in India's oceans is exploited, they would meet the country's energy requirement for a century.

## GAS HYDRATES

- Natural gas hydrates are solids that form from a combination of water and one or more hydrocarbon (methane, ethane, propane, etc.) or non-hydrocarbon gases. In physical appearance, gas hydrates resemble packed snow or ice. In a gas hydrate, the gas molecules are caged within a crystal structure composed of water molecules.

## APPLICATION

The quantity of natural gas in sedimentary gas hydrates greatly exceeds the conventional natural gas resources. So, in future energy can be produced from these gas hydrates.

## PROBLEMS AND CONCERNS

- Lack of economical methods for production for most hydrate accumulations especially marine shelf hydrates.
- Gas hydrates in continental shelf sediments can become unstable either as a result of warming bottom water, or as a result of a pressure drop.
- Methane is a greenhouse gas. In fact, methane is many times more effective as a greenhouse gas than is CO<sub>2</sub>. If methane comes out of these hydrates it can cause global warming.
- This global warming will further enhance the temperature of sea floor which will make these gas hydrates unstable and will lead to further dissociation of gas hydrates. This gas hydrate disassociation would cause further warming.

## OCCURRENCE

- Marine shelf sediments.
- In deep lake sediments (e.g. Lake Baikal).
- In the polar permafrost regions.
- The amount of methane potentially trapped in natural methane hydrate deposits may be significant (10<sup>15</sup> to 10<sup>17</sup> cubic metres), which makes them of major interest as a potential energy resource.

## SOIL HEALTH CARD SCHEME

### PROVISIONS

- Under the scheme farmers will be given Soil health cards which provide them with information about soils and the kind of crops to be grown in various regions, amount and type of fertilizer to be used.
- 100 mobile testing laboratories across India
- Central Government provides assistance to State Governments for setting up Soil Testing Laboratories for issuing Soil Health Cards to farmers.

**Aim:** checking unbalanced use of fertilizers and improving farm productivity.

**Target:** 14 crore soil health cards to be issued next in 3 years.

### BACKGROUND

- The ambitious scheme was announced in the first budget in July last year.
- The budget allotted Rs.100 crore for issuing cards and an additional Rs.56 crore to set up 100 mobile soil testing laboratories across the country.

## NEED OF SOIL HEALTH CARDS

- A majority of our population is dependent on agricultural activities for their livelihood.
- Deteriorating soil health has been a cause of concern and that has been leading to sub optimal utilization of farming resources.
- Imbalanced use of fertilisers, low addition of organic matter and non-replacement of depleted micro and secondary nutrients over the years, has resulted in nutrient deficiencies and decrease in soil fertility in some parts of the country.
- Soil health needs to be assessed at regular intervals so as to ensure that farmers apply the required nutrients while taking advantages of the nutrients already present in the soil.

## MRIDAPARIKSHAK

Indian Institute of Soil Science, Bhopal, a research institute of Indian Council of Agricultural Research (ICAR), has developed Mridaparikshak, a MINILAB that can determine soil health.

## CHARACTERISTICS

- It has a soil test kit to provide soil testing service at farmers' doorsteps.
- Mridaparikshak determines all the important soil parameters i.e. soil pH, EC, organic carbon, available nitrogen, phosphorus, potassium, sulphur and micronutrients like zinc, boron and iron.
- It also provides crop and soil specific fertilizer recommendations directly to farmer's mobile through SMS.
- It is highly compatible with soil health card.
- It can be operated by young educated farmers/rural youths (11-12 Pass) with short training.

## MODEL MECHANIZED FARM

ICAR (Indian Council of Agricultural Research) has planned to set up model mechanised farm units at select 100 centres.

**Location:** farm units will be made particularly in peripheral villages of agricultural colleges and research institutes across the country

**Aim:** To **motivate** farmers understand and apply advantages of the latest technology in agriculture.

## CHARACTERISTICS OF MECHANIZED FARM

- Area: 40 acres
- It will be an all-machinery site – right from sowing seeds, clearing of weeds and harvesting produce.

## ADVANTAGES FOR FARMERS FROM MECHANISED FARMS

- Farmers would be motivated to understand various mechanisation techniques being adopted in different fields and would adopt them in their fields.
- The villagers would be motivated to float groups on the lines of the self-help groups and the groups would be responsible for utilisation of the machinery.
- They could hire the machinery on fair rental basis and the profit generated could be utilised for maintenance and upkeep of the machinery.

## NEED FOR MECHANISATION IN INDIAN AGRICULTURE

- Viability and export competitiveness of Indian agriculture are gravely endangered due to the steadily worsening labour shortage and rising agricultural wages.
- Production costs are rapidly escalating, eroding profit margins in agriculture.
- The need, therefore, is to replace, to a suitable extent, the human and animal workforce with machines to reduce costs, enhance productivity and efficiency and save time to raise more than one crop in a year.

## SOME KEY ADVANTAGES OF FARM MECHANIZATION

- Increase in crop intensity and yield thus ensuring better returns to the farmer
- Reduction of weather risk and risk of non-availability of labor thus minimizing post harvest wastages
- Improved working conditions and enhanced safety for the farmer
- Conversion of uncultivable land to agricultural land through advanced tilling technologies
- Shifting land used for feed and fodder cultivation for draught animals towards food grain production
- Farm mechanisation also provides different streams of employment related to handling of farm machines thus resulting in increased rural employment.

## ISSUES AND CHALLENGES

Though, India is one of the top countries in agricultural production, in terms of farm mechanisation, it is behind the world average. However, this sector faces some key challenges such as:

- **Highly diverse farm size & soil types:** resulting in the need for customized farm machinery and equipment for different regions of the country.
- **Skewed and seasonal usage resulting in low economic viability:** This calls for innovative solutions for scaling up usage \* Irrigation facility: Best results from mechanization can be obtained if the usage is coupled with sufficient irrigation
- **Cattle population:** Increased mechanisation results in surplus draught cattle and their upkeep is a concern for the farmers
- **Extension service:** Education and training for efficient usage of farm equipment is required to be imparted along with knowledge about selection of appropriate machinery
- **Capital investment, operational & maintenance cost:** small and marginal farmers have cyclic nature of revenue streams resulting in limited capital availability

## WAY FORWARD

- Develop a legislative and structural framework that encourages custom hiring (renting) services so as to facilitate better capacity utilisation of farm equipment.
- Enabling framework to encourage land consolidation and development of land lease market to make efficient use of farm machinery.
- Need to focus research efforts towards design and development of farm machinery suitable for different types of soils, farm sizes and diverse crops.
- Increased focus on commercialization of research done by various university especially in the farm equipment space.
- Focus on standardization and quality control especially for farm equipment so as to protect the interest of farmer and increase usage.
- Sensitize small farmers having operational holding of less than 4 ha from owning tractors unless they have substantial grounds to make economical use of it.
- Formation of cooperative for ownership of farm machinery at village level
- Supporting the finance of second hand tractors for small farmers;
- Extension services to advise the farmer on suitability of various makes, models and horse powers for different size of land holdings.



## NEED FOR STANDARDISATION AND CERTIFICATION OF INDIGENOUS MEDICAL SYSTEMS

- Most of the foreign countries including USA, Australia, European countries etc. have not recognized Ayurveda, Siddha and Unani, as systems of medicine. Therefore practice of these systems and marketing of their products as medicines faces problems.
- They are often exported by the industry to such countries as food supplements or dietary supplements because of non-fulfillment of the regulatory requirements of the importing countries.

### WHAT GOVT. HAS DONE TO DEAL WITH THIS ISSUE?

- Government has set up Pharmacopoeia Commission of Indian Medicine and Homoeopathy and Pharmacopoeia Committees to develop the standards of Ayurvedic, Siddha and Unani drugs.
- Quality standards of Ayurvedic, Siddha and Unani (ASU) drugs including the permissible limits of heavy metals, pesticide residue, aflatoxins and microbial load are being published in the respective Pharmacopoeias and Good Manufacturing Practices (GMP).
- Also, to promote export a Central Scheme has been implemented through which ASU drug industry can avail financial support for registration of products in foreign countries, preparation of drug dossiers and participation in international fairs and exhibitions.

## JAN AUSHADHI SCHEME

### What it is:

It is a scheme of government of India. In this **less priced quality unbranded generic medicines** will be made available through **Jan Aushadhi stores** which are less priced but are of same and equivalent quality, efficacy and safety as compared to branded generic medicines.

The Bureau of Pharma Public Sector Undertakings of India (BPPI) under Department of Pharmaceuticals, Ministry of Chemicals and Fertilizers has been selling quality generic medicines at affordable prices in the name of Jan Aushadhi medicines since 2008. The scheme is being revisited by expanding medicines basket.

**Objective:** The aim of this scheme is to make available quality medicines at **affordable prices for all, especially the poor** and the disadvantaged.

### MEASURE TO IMPROVE JAN AUSHADHI SCHEME

- To ensure quality, samples of each batch of medicines are got tested from NABL accredited laboratory before put to sale.
- To ensure regular and adequate supply of medicines, apart from procurement of medicines from the CPSUs, BPPI supplements supply by direct purchase of medicines from private sector companies.
- To expand the network of sale and to reach out to all sections of the Society, it has been decided to permit sale of Jan Aushadhi Medicines through private retailers.
- An IT based management system has been installed to ascertain availability of medicines in stores / stockists on a real time basis.

### MORE STEPS WHICH WILL BE TAKEN IN FUTURE

- Government set to launch its own brand to sell low cost generic medicines.
- Under this initiative the Centre will procure medicines in bulk from public as well as private drug manufacturing firms and rebrand them under Jan Aushadhi.

- These will be sold in the retail market at a competitive price, allowing consumers to buy a cheaper yet quality product from the government.
- To start with, the government has identified 504 essential medicines, which include antibiotics, painkillers, vitamins and medicines used in treatment of cardiovascular, respiratory, diabetes and gastroenterology diseases.

### DIGITISATION OF SPECIMENS: ZSI

- The Zoological Survey of India (ZSI) is aspiring for an ambitious project of digitisation of its millions of specimens.
- ZSI has identified 96,000 species in India, considered a mega-diversity country possessing seven-eight per cent species of the world.
- ZSI pointed out that despite the identification of 96,000 species, only 10 per cent of the country's biodiversity and 50 per cent of the ecosystem had been explored.

### ZOOLOGICAL SURVEY OF INDIA (ZSI)

The **Zoological Survey of India** (ZSI) is a premier Indian organisation in zoological research and studies.

It was established in 1916, to promote the survey, exploration and research of the fauna in the region.

### OBJECTIVES AND FUNCTIONS

- Exploration and Survey of Faunal Resources
- Taxonomic Studies: Scientists in ZSI are engaged in exploring, naming, describing, classifying and documenting animals from all over India.
- Status Survey of Endangered Species
- Publication of Fauna of India
- Maintenance and Development of National Zoological Collections

### EBIZ PORTAL

#### Features:

- eBiz portal is a government to business (G2B) portal to improve India's ranking in the ease of doing business.
- The eBiz platform, make service delivery more efficient by changing approach from being department-centric to customer-centric as a single window portal.
- eBiz is one of the integrated services projects and part of the 27 Mission Mode Projects (MMPs) under the National E-Governance Plan (NEGP) of the Government of India.

**Why in news:** Government announced the launch of 11 central government services on eBiz portal. These services are required for starting a business in the country.

### BENEFITS OF INTEGRATION OF 11 SERVICES ON E-BIZ PORTAL

- A business-user today avails these services either from the portal of respective ministry/department or by physical submission of forms.
- With the integration of these services on eBiz portal, he/she can avail all these services 24x7 online end-to-end, that is, online submission of forms, attachments, payments, tracking of status and also obtain the license/permit from this portal.
- It will bring transparency, improve efficiency and promote convenience.

## MARS ONE

**Mars One** is a not-for-profit organization based in the Netherlands that has put forward plans to land the first humans onto Mars and establish a permanent human colony there by 2025.

### PROJECT

- It is a project aimed at establishing a permanent human settlement on Mars.
- The mission plans to initially send four astronauts in 2025 on a one-way trip to Mars where they would spend the rest of their lives building the first permanent human settlement.
- Mars One will select and train for 8 years the human crew for permanent settlement.
- The first trip to Mars (carrying four candidates) is expected to commence in 2024 and will last for about eight months. Every two years from then, the other candidates will travel until all 24 reach Mars.

**Criticisms:** The project's schedule, technical and financial feasibility as well as ethics have been criticized by scientists, engineers and those in the aerospace industry.

### WHY IN NEWS

- Three Indians, two women and one man, have made it to the list of 100 applicants who will move on to the next round of an ambitious private mission that aims to send four people on a one-way trip to Mars in 2024.
- From the initial 202,586 applicants, only 100 have been selected to proceed to the next round of the Mars One Astronaut Selection Process.

## INDIA HOME TO 18% OF RAPTORS

- India is home to 106 species of raptors, popularly known as 'birds of prey'. There are primarily two kinds of raptors: diurnal (day flying) and nocturnal (night flying).
- Out of the 333 species of diurnal birds of prey found in the world, 101 species can be found in the Indo-Malayan region.
- India's bio-geographical regions support 69 species of kites, vultures, eagles, harriers, hawks, buzzards and falcons in different habitats.

### THE PRESENCE OF RAPTORS IN THE WILD SERVES AS A

- Barometer for ecological health.
- Important ecological role by keeping the balance.
- Controls the population of rodents and other small mammals

### IUCN RED LIST

- Among these raptors, the Indian White-backed Vulture, the Long Billed Vulture, the Slender Billed Vulture, the Red headed Vulture and the Forest Owlet are in the 'critically endangered' category.
- The Egyptian Vulture and the Saker are in the 'endangered' list of the International Union for Conservation of Nature's (IUCN) 'Red List'.

## CONSEQUENCES

The sudden collapse of the natural animal disposal system in India has had obvious and multiple consequences.

- Carcasses once eaten by vultures now rot in village fields, drinking water has become seriously contaminated.
- The disappearance of vultures has allowed other species, such as rats and wild dogs, to take their place. These newly abundant scavengers, however, are not as efficient as vultures
- A vulture's metabolism is a true "dead-end" for pathogens, but dogs and rats become carriers of the pathogens thus they are directly or indirectly responsible for thousands of human deaths.

## MINISTRY OF ENVIRONMENT AND FORESTS: ROADBLOCK TO DEVELOPMENT OR A FACILITATOR

### THE BEGINNING

- Ministry of Environment and Forests began as a department in 1980 and was set up as a Ministry in 1985 after India's participation in the United Nations Conference on the Human Environment in Stockholm.

### ENVIRONMENT VS DEVELOPMENT

- The Debate between environment and development is more intense now as the country is on an ambitious growth path.
- There is apprehension in many quarters that new government may dilute existing legislation to fast track the clearance of projects.
- Many civil society organizations and NGOs have alleged that government is curbing dissent and portraying voluntary organizations as threat to economic development
- Ordinances on the proposed changes to the Land Acquisition Act and on mines and minerals have led to fears that amendments to environmental laws will be brought in through ordinances.
- Protection of the environment and people's livelihoods are pitted against the powerful industry lobby.

### THREAT TO PEOPLE

- All over the country there are struggles against projects which:
  - ✓ Threaten to displace people
  - ✓ threats to dilute the Forest Rights Act (FRA)
  - ✓ Deprive them of land and livelihoods and give them no decent alternatives.
  - ✓ Northeast India, ignored by policymakers has become the new battleground against massive hydel projects.

### REVIEWING LAWS: HIGH-LEVEL COMMITTEE (HLC)

- There are also threats to dilute the Forest Rights Act (FRA). Last August, the MoEF decided to appoint a High-Level Committee (HLC) to review six environmental laws.
- HLC has proposed a new Environment Law (Management) Act under which new offences are prescribed, applicants who want environmental clearances for projects are expected to be honest and truthful, and the concept of 'utmost good faith' is statutorily introduced.
- The HLC dilutes the role of the NGT; the Tribunal will only be able to judicially review the decision of Appellate Boards.

- It introduces special environment courts and proposes new agencies — the National Environment Management Authority at the national level and the State Environment Management Authority to replace the Central Pollution Control Board and State Pollution Control Boards.
- **Criticisms of report :**
  - ✓ The report violates Article 21 of the Constitution since interests of industry have been given importance, and overrides the right to clean air, water and a balanced ecosystem.
  - ✓ The critique notes that recommendations of the HLC suggest dispensing with public hearings in projects of “strategic” and “national importance” and dispensing with public hearings in most regions that are already severely polluted.
  - ✓ The power sector and coal mining projects undefined ‘fast track treatment’ through ‘Special Procedure’ that appear likely to short-circuit or eliminate public hearings and gram sabha approval.
  - ✓ Environmental, rehabilitation and resettlement issues can be heard by the public, though the present Environment Impact Assessment (EIA) notification 2006 allows all persons to participate in the public consultation process.
  - ✓ The report enforces the stereotype that environmentalists obstruct development. It refers to “genuine public participation” as though public hearings are not genuine otherwise.

## DEVELOPMENT REFUGEES

- Farmers have been displaced by the Bargi dam in Madhya Pradesh, the Baiga are being evicted from forests where they once thrived, fisherfolk are struggling for survival, among other examples.
- To add to this, there is a new genre of climate refugees who are affected by the rise in sea levels, changes in cropping patterns and other climate change impacts.

## ANALYSIS

- Sustainable development is need of hour; we cannot destroy our fragile ecosystem to make India as manufacturing hub.
- Government should not dilute the existing provision of various legislations that not only protect environment but also the livelihood of marginalized sections.
- Government should improve the process of decision making so that due clearance can be accorded to projects within the purview of law.
- Provision of social impact assessment (SIA) and environmental impact assessment (EIA) should not be diluted .
- Sustainable development needs serious commitment, capacity building at the local level and urgent action.
- Science has clearly underscored the need for urgent action if the world has to be saved from the irreversible impacts of climate change.

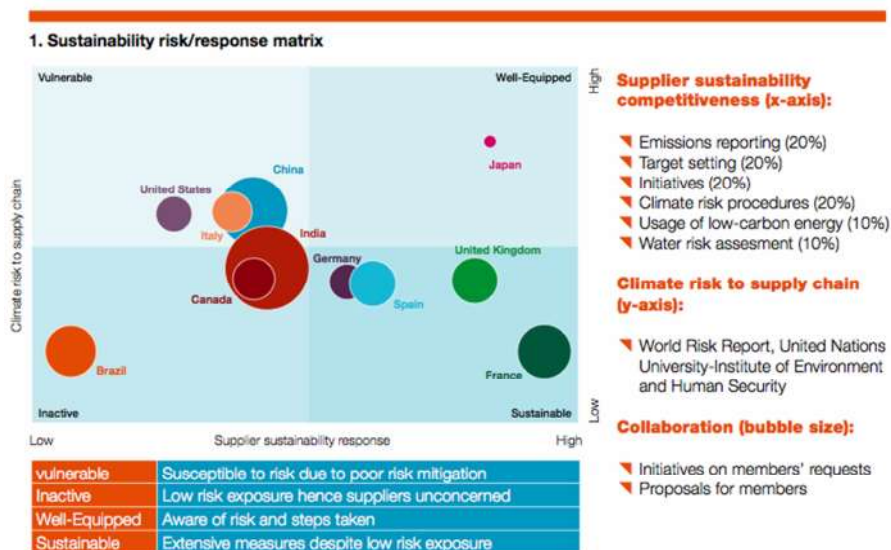
## CARBON DISCLOSURE PROJECT (CDP): REPORT

- The Carbon Disclosure Project (CDP) is an organisation based in the United Kingdom which works with shareholders and corporations to disclose the greenhouse gas emissions of major corporations
- **Supply Chain Sustainability Revealed: A country comparison** released by CDP. The report asked 3,400 suppliers in 11 key markets to answer a questionnaire about how they are addressing climate and water risks, making it the largest existing data set on climate risk in the global supply chain.

## IMPORTANT FINDINGS OF REPORT

- Lack of preparation leaves supply chains in Brazil, China, India and the U.S. more vulnerable to climate change risks than those in Europe and Japan.

- France, the U.K., Spain and Germany have the most well-prepared and sustainable supply chains. Japan is the only country where suppliers are well equipped to respond to high climate risks.
- It states that Chinese and Indian suppliers deliver the greatest financial returns on investment to reduce their greenhouse gas emissions and demonstrate the strongest appetite for collaboration across the value chain.
- The report says that Indian firms need to do more to avoid climate change risks.
- Though Indian suppliers are responding to the CDP supply chain questionnaire, disclosure and performance have been declining over the last two years.
- Multinationals could better engage with their Indian suppliers on emission reduction efforts, and Indian suppliers are increasingly active in proposing emission reduction initiatives to their value chain partners.
- There is an increase in investments in low-carbon energy and emission reduction initiatives.



## SCOPE 1, 2 AND 3 EMISSIONS TYPES

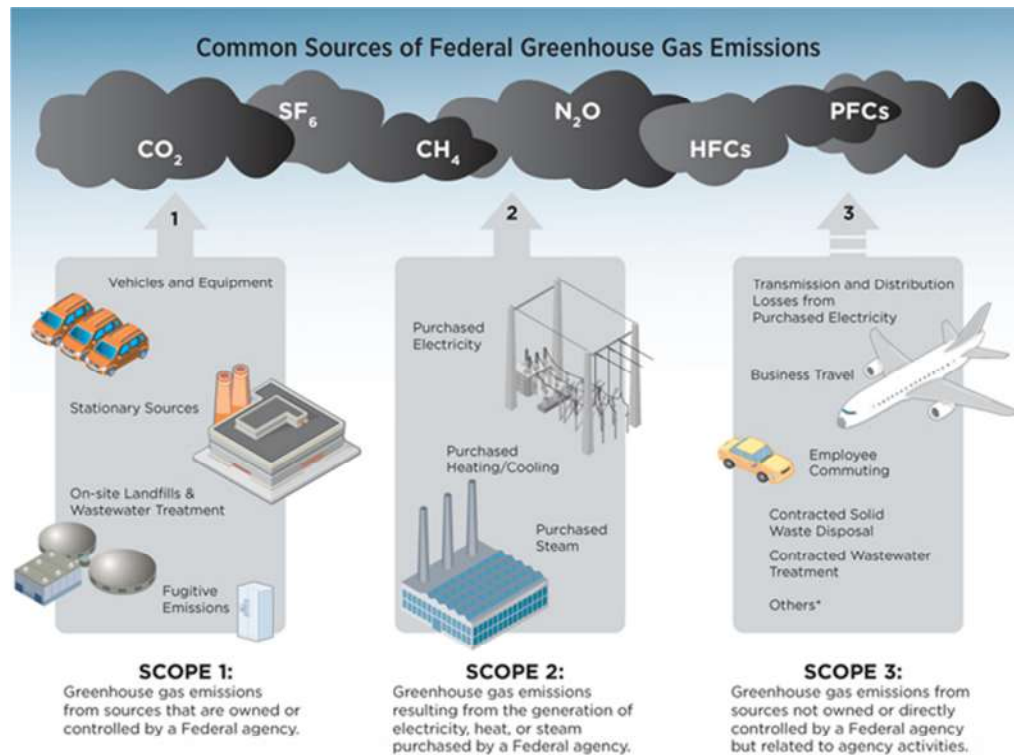
At the very basic level, carbon emissions are classified into Direct and Indirect emissions. The Greenhouse Gas Protocol (GHG Protocol) defines them as follows:

- Direct GHG emissions are emissions from sources that are owned or controlled by the reporting entity.
- Indirect GHG emissions are emissions that are a consequence of the activities of the reporting entity, but occur at sources owned or controlled by another entity.

These direct and indirect emissions are further categorized into three broad scopes, based on sources of emissions, that help establish conceivably emissions reduction goals— Scope 1, 2 and 3 emissions type.

- **Scope 1:** All direct GHG emissions.
- **Scope 2:** Indirect GHG emissions from consumption of purchased electricity, heat or steam.
- **Scope 3:** Other indirect emissions, such as the extraction and production of purchased materials and fuels, transport-related activities in vehicles not owned or controlled by the reporting entity, electricity-related activities (e.g. T&D losses) not covered in Scope 2, outsourced activities, waste disposal, etc





\*Additional, significant Scope 3 emission sources exist beyond the examples provided.

# CULTURE

## CURRENCY BUILDING

The Currency Building was built in 1833 for housing the Agra Bank and later, the Government of India occupied large parts of the building for housing and issuing paper currency. Till 1937, the building served as the first office of the Reserve Bank of India. Overlooking the Dalhousie Square in Kolkata, it stands as one of the masterpieces of Italian architecture.

**Years of neglect:** Despite the rich archaeological and historical significance, the building suffered years of neglect. The ASI plans to make the renovated building into a museum for rare archaeological sculptures.

## EXPLORE RURAL INDIA

The Union Ministry of Tourism had launched the 'Explore Rural India' sub-brand in 2008 under its 'Incredible India' campaign aimed at extending the stay of tourists and providing livelihood opportunities to the local villagers.

- The idea is to help tourists experience village life by getting involved in routine rural activities and see firsthand the skills of the local people.
- According to the description of the rural tourism scheme by the Union Ministry of Tourism, 'counter-urbanisation' and growing interest in heritage, culture and environmental consciousness have helped in the growth of rural tourism.
- The Alankuppam village in Puducherry, close to Auroville, was among the places identified in 2011 by the Union Ministry of Tourism with potential for rural tourism, for its expertise in crafts.
- With the tie-up of the Puducherry government and the Ille-et-Vilaine (Brittany region, France) administration to develop the Alankuppam rural circuit under the 2nd call for Joint Indo-French Projects in Support of Decentralised Cooperation for the year 2015-16, this project marks the government's first rural tourism project in Puducherry.

## INDIAN EXHIBITIONS TO SOUTH EAST ASIAN COUNTRIES OF INDONESIA AND MALAYSIA

As a part of Festival of India celebrations in Indonesia & Malaysia, two travelling exhibitions on '**Life on the Silver Screen: The Fascinating Story of Indian Cinema**' and '**The Rise of Digital India**' developed by National Council of Science Museums (NCSM) an autonomous body under Ministry of Culture, Govt. of India.

### National Council of Science Museums (NCSM)

- National Council of Science Museums (NCSM), an autonomous society under the Ministry of Culture, Government of India was formed on April 4, 1978.
- NCSM, with its Headquarters in Kolkata, has its own network of 25 science museums/centres spread across the country and a Central Research & Training Laboratory (CRTL), in Kolkata.
- NCSM forms the largest network of science centres and museums in the world.

## VANAJ 2015

The Union Ministry of Tribal Affairs is organising a week-long First National Tribal Festival, 'Vanaj 2015, which has a host of activities lined up to showcase the culture of tribal people from across the country.

## SACRED GROOVES

Sacred Groves are patches of natural or near-natural vegetation, dedicated by local communities to their ancestral spirits or deities.

The states particularly, rich in abundance of groves are Kerala, West Bengal, Jharkhand, Maharashtra, Meghalaya, Rajasthan and Tamil Nadu.

## THE INSTALLED SACRED GROVES INCLUDES

- Kaava - Kerala,
- Maw-Bukhar- Meghalaya,
- Umanglai-Manipur,
- Oran- Rajasthan,
- Rajbanshi- West Bengal,
- Sarna- Chhattisgarh,
- Kovilkadu- Tamil Nadu,
- Devarai- Maharashtra.

## WHAT IS THE NEED TO PRESERVE THEM?

- The industrialization and globalization affected biodiversity and natural resources to great extent.
- In a view of the adverse effects of biodiversity degradation, conservation of biodiversity is an issue of global significance.

## PROMINENT SACRED GROOVES

- **SARNA:** Sarna is the term used to refer to sacred groves in the Chotanagpur plateau (Jharkhand) and Chhattisgarh. It is the religious centre of the community within the village ecosystem, where the village deity resides.
- **RAJBHANSHIS:** The Rajbanshis are from Vaishnav community and worships Lord Krishna. They have great respect for Bamboo, as the flute of Lord Krishna is also made-up of bamboo, that's why the Rajbanshi sacred groves have bamboo trees. Bowl folk songs, explains the importance of bamboo in human life.
- **UMANGLAI:** these are the sacred groves of Manipur. Major tribal dance of Manipur includes Lai-Haraoba, Shim lam and Thang-Ta dances.

## 'BHARAT KE RANG'

'Bharat ke rang', a programme of cultural performances of North-eastern states in collaboration with Kendriya Vidyalaya Sangathan. Artists from Manipur, Assam and Meghalaya performed folk and tribal dances in this programme.

## KABUI AND DHOL CHOLAM DANCE' OF MANIPUR

- The Kabuis, inhabiting the western hill ranges of Manipur. During the Gang-Ngai festival, the Kabuis perform a series of dances in different stylized forms, accompanied by the sound of heavy drums and high-pitched songs.
- The boys wield sharp weapons (daos) in their hands and move around in circles along with girls dressed in traditional costumes.
- The Shim Lam Dance and the Kit Lam Dance are some of dances of the Kabui Nagas. The Shim Lam dance is also known as the Fly Dance.

## BIHU DANCE OF ASSAM

- Performed by both young men and women,
- Characterized by brisk dance steps, rapid hand movement, and a rhythmic swaying of the hips in order to represent youthful passion.
- The most important and colourful of the three Bihu festival is the spring festival "Bohag Bihu" or Rangali Bihu celebrated in the middle of April. The three Bihus/Festivals includes Bohag (spring) and Magh (winter) Bihu and Kati (autumn) Bihu.

## BASANTA RASS (TERMED AS DANCE DRAMA OF MANIPUR)

The Basant Raas Lila, the epitome of Manipur classical dance reveals the sublime and transcendental love of Krishna and Radha and the Gopis devotion to the lord.

## GHANTU' FOLK DANCE OF SIKKIM

- The Ghantu dance is **Sikkimese** folk dance patronised by the **Gurung** community. This ancient folk dance form depicts the colourful lifestyle of the people of the land and is performed by young girls in traditional costumes & headgear and is full of fun and vigour.
- The Ghantunach or dance festival takes place in the month of Magh Panchami in Magh (towards the end of January) and ends on Baisakh Purnima which fall around in the end of April or the beginning of May. They wear typical Ghantu dress which comprises the traditional Gurung dress, jewellery and special headgear.

## JALLIKATU

Jallikattu is a bull taming sport played in Tamil Nadu as a part of Pongal celebrations on Mattu Pongal day.

## SUPREME COURT JUDGMENT AGAINST JALLIKATTU

- Upholding animal rights and pointing out the "untold cruelty" the bovines are subjected to, the Supreme Court banned centuries-old Jallikattu-bullfights and bullock-cart racing- organised during festivals in Tamil Nadu and neighbouring states.
- Significantly, the bench headed by Justice K.S. Radhakrishnan favoured elevating the rights of the animals to "constitutional rights".

## HISTORICAL EVIDENCE OF JALLIKATTU

400-year-old 'hero stone' inscribed with Tamil words depicting the existence of jallikattu in the past stands as a historical evidence for the sport.

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