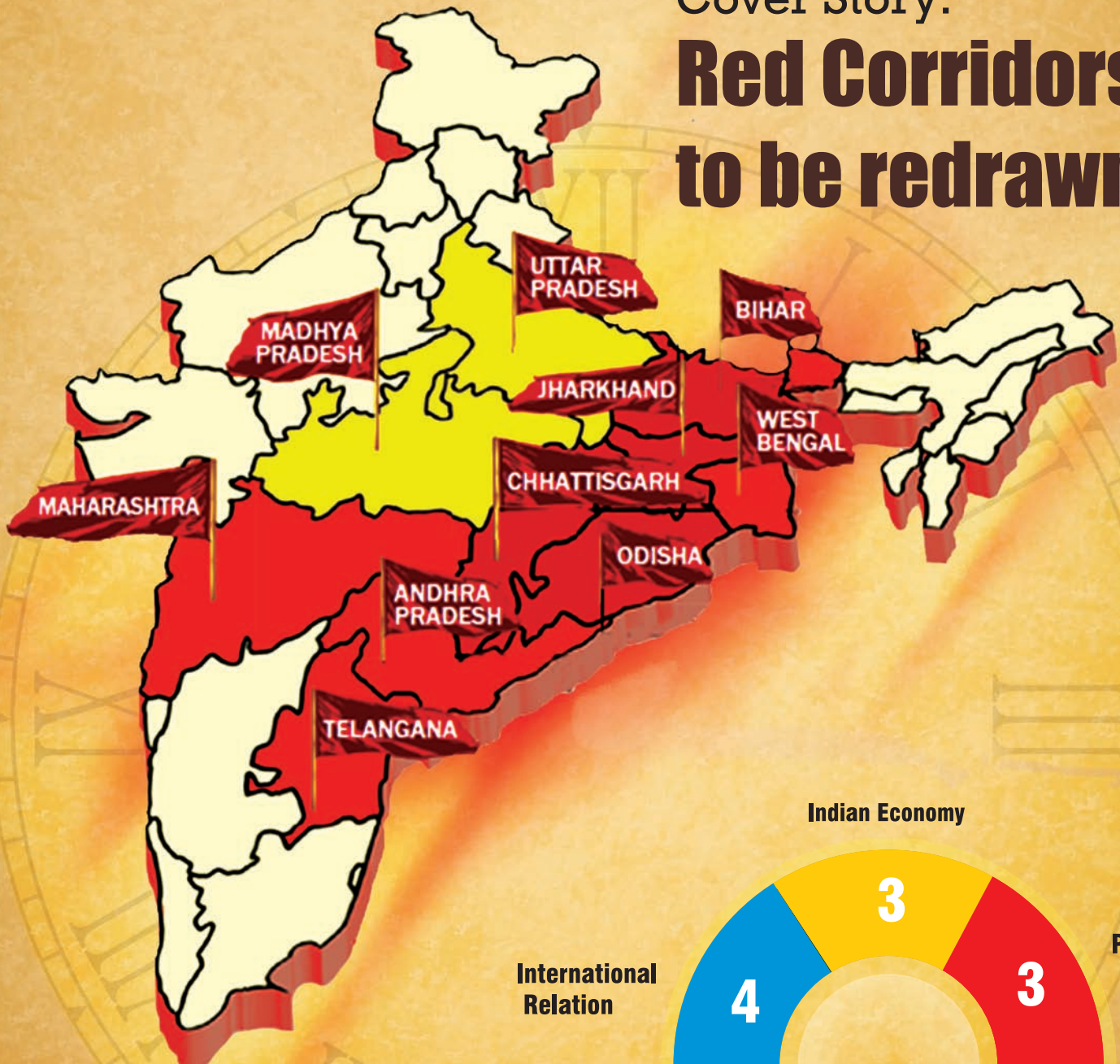


Current ANALYST

Cover Story:
**Red Corridors
to be redrawn**



Special Issues

**Regional Comprehensive
Economic Partnership
faces logjam**

International
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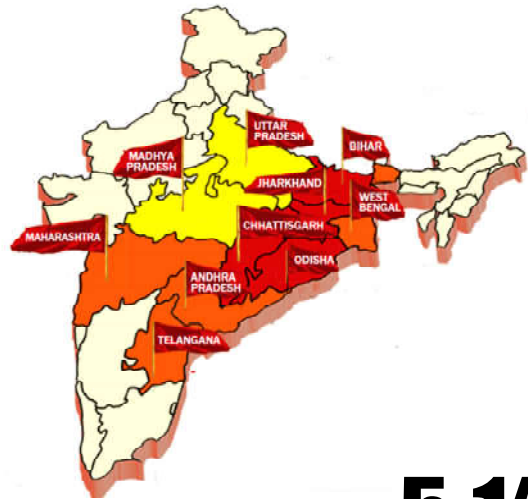
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All the best !!!

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COVER STORY

Red Corridors to be redrawn

Context

Government is planning to remove few districts from the list of districts coming under Red Corridor on the basis of following criteria: their violence profile, an assessment of the kind of logistical and other support provided to armed Maoist cadres by their sympathisers and “over ground workers”, and the kind of positive changes brought about by development work that these districts have seen.

The Red Corridor area is under the influence of Left Wing Extremists (LWE) or Maoists and is spread across 10 states — Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Telangana, Uttar Pradesh, West Bengal and some northern fringes of Tamil Nadu. Over the years, the number of districts coming under the Red Corridor has increased.

Recently the government is planning to remove around 20 of the 106 Maoist-affected districts that are part of the Red Corridor.

These Maoist-affected areas were first classified in 2006. The BJP-led government started assessing these districts two years back based on certain parameters and started the exercise of redrawing the Red Corridor. The considerations on which the government has examined the districts with LWE features are: their violence profile, an assessment of the kind of logistical and other support provided to armed Maoist cadres by their sympathisers and “over ground workers”, and the kind of positive changes brought about by development work that these districts have seen.

Around 118 districts in 17 states are affected by the LWE, according to *South Asia Terrorism Portal* (SATP) data. As many as 22 districts in Bihar, Jharkhand and Chhattisgarh are highly affected, 18 are moderately affected and 78 marginally affected.

Now let's analysis of underline issue which led to the establishment of Red corridor

This all started in *Naxalbari* district of West Bengal. Though the origin of peasant's marginalisation and exploitation dates back to the late Moghul time when the rulers began restructuring the agrarian

sector. Whereas under British Raj restructuring was continued and intensified much more in order to meet the economic requirements of the Empire. The British rule was broadly based on the alliance with and co-opting of traditional local elites that consisted mostly out of high-ranking castes. The soil of the peasants was taken and handed over to the landlords and revenue collectors. Their duty was to act as intermediaries between the British rulers and working rural population. They demanded their share, a certain amount of the generated crops. This system was based on force and legitimized by the extraordinary standing of the landlord in the Indian society. The new large landowners generally did not have any knowledge concerning efficient agriculture management and so the output could not have been enhanced. The peasant that lived erstwhile mainly from subsistence farming were now forced to bonded labour on their formerly self owned land. The tribal population was worst affected. The high demands by the landlords led to indebtedness and pauperization of the rural population on large scale. In addition the introduction of "commodity market" along the lines of western capitalism destroyed existing traditional social structures in a sustainable manner.

As a consequence of the concentration of the agricultural land in the hands of a few rentier landowners between 1783 and 1900, 110 violent peasant uprisings took place. Although after independence government took measures for land reforms and redistribution, but it failed to bring considerable changes.

Also unprecedented investment in infrastructure was at the heart of the Government of India strategy

to bring economic development to India's rural population. Government took the strategy of backward area development and hope for trickle-down effect. But 'Development' has become a

nightmare for many in the Third World countries in such a way that the so called 'target group' or beneficiary becomes, 'victims' of progress and development.

Finally it culminated to the Naxal movement

According to the food and agriculture organization (FAO) the term, land reforms means: "more than redistribution of land either by breaking up large estates to improve consolidation of land holdings, it must include a number of measures to improve the relationship of the man who works the soil to the land he works, including opportunity for land ownership, improved conditions of tenancy, agricultural credit at reasonable rates of interest, reforms of exorbitant rents and taxes and facilities for obtaining agricultural supplies and marketing agricultural products with emphasis on cooperatives".

At the time of independence, there were three types of land tenure systems in India viz., Zamindari system and Ryotawari system. In Zamindari system land revenue was collected by the Zamindars from the farmers and given to the government. In Mahalwari system, village head was responsible to collect the land revenue. Under Ryotwari system, land revenue was paid by the farmers to the state government. There were also three types of tenants viz., occupancy tenants, tenants at will and sub-tenants. Occupancy tenants enjoy permanent and heritable rights on land. Tenants-at-will did not have any security of tenure on the land could be evicted at any time whenever the landlord desired to do so. The position of sub-tenants was also similar. In addition to these classes of people, a big class of agricultural labours existed with no rights on land but worked on land for wages.

This landlessness added more vulnerability to the backward section of the society.

After independence following steps were taken for land reform:

- Abolition of intermediaries.
- Tenancy reforms which include Regulation of rent, Security of tenure, Ownership rights, Ceiling on land holdings, etc.
- Reorganization of agriculture which include Redistribution of land, Consolidation of holdings and Cooperative farming.

But the land reforms failed because of the following reasons.

The absence of concurrent evaluation and reliable (up-to-date) records played the biggest hurdle for the slow progress of land reforms. There has been no systematic review of progress at periodic intervals. No efforts are being made to make comprehensive concurrent evaluation. Wrong records are maintained with deliberate mala-fide motives.

Another reason for the failure of land reforms in India was the lack of integrated approach such as abolition of intermediary tenures, tenancy reforms and ceiling of holdings etc. They lack proper co-ordination in the programmes. It means that land reform programmes has been viewed in isolation from the mainstream of economic development programme.

There was a time gap between announcement of policy and enactment of laws and their actual implementation. This enabled the conscious landlords to dispute their surplus land through fictitious transfer and sale. Further, the legal cases filed in the courts also delayed the progress. The land ceiling laws have various loopholes. The rich farmers took the advantages of these defects and escaped from the ceiling net spread by the Government. The ceiling law did not make detailed provision for benami transfer of land.

Stated Purpose for the Naxal Movement

The Naxalites state their main political purpose as establishing an alternative state structure in India by creating a "red corridor" in Naxalite-affected states, stretching from the border of Nepal to central

India to Karnataka in the south through violent struggle. To achieve this political objective, which requires local support, Naxalite rebel leaders take up causes like protecting people's rights of Jal, Jangal and Jamin (water, forest, and land) and providing

justice through their committees like the Sangam and Jan Adalat (people's court). Local support is crucial for the Naxalites for cadre recruitment, intelligence, logistics, and territorial control. The Naxalite movement engages in guerrilla warfare against the Indian security forces, as propounded by Mao Tse Tung.

Why Naxalism got huge support from common man?

If natural resources or lack of it is a major reason for the Naxalite conflict, then why is there is a Naxalite problem in Jharkhand, but not in Himachal Pradesh? Why in Bihar, and not in eastern Uttar Pradesh? Are natural resources an accurate parameter to measure growth of the Naxal problem in these regions? Either the state or Union government controls natural resources like mountains, forests, reservoirs, rivers, and mineral resources like coal, mica, bauxite, and copper. The state remains the arbiter and distributor, while the individuals or groups of individuals have little say in this matter. Individuals have exploited the state for their own benefits, but the problem lies with the failure of governance by the state, but not with individuals.

The naxalites operate in vacuum created by absence of administrative and political institutions, espouse the local demands and take advantage of the disenchantment prevalent among the exploited segments of the population and seek to offer an alternative system of governance which promises emancipation of these segments from the clutches of 'exploiter' classes through the barrel of a gun.

The tribal population of the country is around 8% of the total population of India and almost 50% of tribal population lives in Bihar and Jharkhand, Madhya Pradesh and Chhattisgarh and Andhra Pradesh. This means that Central India is the largest tribal belt of the country. Significantly this tribal belt is inhabited by the poorest, most under-developed, and most economically backwards tribal population living under severely oppressive conditions.

Economic Reforms entail unequal payoffs to economic agents. People with higher skills stand to gain more compared to those with lower skill sets (read, less productive people). This has resulted in more skewed income distribution leading to social unrest.

Status of Tribals in India

- ▶ Between 1961 and 2001, the literacy rate of STs increased 5.32 times, while that of total population increased 2.69 times. However, the gap between the literacy rates of STs and of the general population continued during the three decades between 1971 and 2001 almost at the same level of 17.70% and above.
- ▶ The dropout rate is a critical indicator reflecting lack of educational development and inability of a given social group to complete a specific level of education. In the case of tribals, dropout rates are still very high – 42.3% in Classes I to V; 65.9% in Classes I to VIII; and 79.0% in Classes I to X in 2004–05.
- ▶ 81.56% of the total ST workers, both rural and urban taken together, are engaged in the primary sector, of whom 44.71% are cultivators and 36.85% are agricultural labourers. This indicated that STs are essentially dependent on agriculture.
- ▶ The STs are mainly landless poor forest dwellers and shifting cultivators, small farmers and pastoral and nomadic herders.
- ▶ The incidence of poverty amongst STs still continues to be very high at 47.30% in rural areas and 33.30% in urban areas, compared to 28.30% and 25.70%, respectively in respect of total population in 2004–05. A large number of STs who are living below the poverty line are landless, with no productive assets and with no access to sustainable employment and minimum wages. The women belonging to these groups suffer even more because of the added disadvantage of being denied equal and minimum wages.
- ▶ Loss of tribal rights over land and forests;
- ▶ Poor and primitive mode of agriculture resulting in deficit supply of food grains;
- ▶ Expenditure beyond their means, due to extravagant spending on marriages, deaths, fairs and festivals;
- ▶ Adherence to panchayat decisions regarding fines for fear of ex-communication.

Therefore Naxalism is essentially an expression of the people's aspiration to a life of dignity and self-respect. Much of the self-respect and dignity is lost due to limited opportunity to earn income.

Further the Development-induced displacement which can be defined as *the forcing of communities and individuals out of their homes, often also from their homelands, for the purposes of economic development added more heat to the movement.*

The effects of displacement spill over to generations in many ways, such as loss of traditional means of employment, change of environment, disrupted community life and relationships, marginalization, a profound psychological trauma and more. In addition forced resettlement tends to be associated with increased socio-cultural and psychological stresses and higher morbidity and mortality rates. Population displacement, therefore disrupts economic and socio-cultural structures. People who are displaced, undergo tremendous stress as they lose productivity process-land otherwise in the adjustment process. But for the government and its agents displacement for development, cash compensation seems to be the only panacea for the problems induced by displacement and only policy of rehabilitation, whereas, in practice it is the most inadequate means for rehabilitation.

Package differs from project to project, normally cash component is invariably involved in all projects in addition to provide space for housing. The case of the Narmada Dam exemplifies displacement without proper rehabilitation. Thousands of people mostly tribal have been displaced due to the dams built across the river Narmada. More than 2,000 families displaced by the multi-purpose Hirakund dam project in Sambalpur district of Orissa were not compensated as of February 2002. In 2007, on the land acquisition issue of Singur for setting up a automobile project, Nandigram area of west Bengal turned into a battle field between the state police officials and anti-land acquisition Bhumi Uchhed Pratirodh committee comprising of the poor who were unwilling to sell their lands. Numerous supporters of the BUPC were killed, women were raped and at least 1500 persons were displaced from their homes. On 16th November 2007, the Calcutta High Court declared the police killings as unconstitutional and unjustified and awarded compensation of Rs. 500,000 each to those killed, Rs. 200,000 to each of the rape victims and 100,000 to each injured person.

Another important, impact of displacement is the problem of scheduling and certification. The displaced people are generally not rehabilitated in the form of home and land but by money. Very few

are given land in the new areas, which creates conflict with the already existing groups. They are not recognized as tribal in the areas do not have certificate of proof of residence in the new place and thus lose their tribal identity. Resetting the displaced poor, remote and economically disadvantaged is not always an easy task.

As per the survey of Faction Aid and Indian Social Institute over 14 million people have been displaced from their homes in the four states of Andhra Pradesh, Chhattisgarh, Orissa and Jharkhand. A total of 10.2 million acres have been acquired for setting up of development projects such as mines industrial plants and dams in these states in the last decade. Out of the 14 million displaced persons in these four states, 79 percent were tribals. Studies on the social impact of development projects suggest that indigenous people and ethnic minorities are disproportionately affected. In India, adivasi or tribal people, although only representing 8 per cent of the total population, make up 40-50 per cent of the displaced. The decision on displacement adds to this ongoing sense of threat to their livelihood and the consequent feeling of insecurity. Similar is the situation with the dalits, particularly the landless labors among them who depend for their survival on the village as a community. Disappearance of the village is the threat to their livelihood. They therefore need to defend themselves more than the middle farmers do. As a result of loss of land through displacement which deprives them by their livelihood with no other economic base to take its place. It impoverishes the tribals more than others. On the one hand for the developed countries the displacement problem is not so big due to balance of land and man ratio. On the other hand for the developing countries the displacement problem has emerged as an issue due to adverse land man ratio. According to the statistical estimates 2 crore people out of which 85 lakhs are tribal have been displaced from their native places from 1957 to 1990 due to the construction, irrigation projects, mining projects and national highway projects. In a democratic country, where displacement takes place by government or private collaboration with government, it is the responsibility of the government to take care of the displaced people by providing rehabilitation and resettlement.

Why Naxalism is biggest threat to internal security?

The Naxalite threat is the biggest security problem for India's future as its effects are multi-layered. The Maoist movement highlights India's interior weaknesses, which makes India also vulnerable to external threats. As part of

globalisation, threats such as the Naxalite movement can no longer be viewed as simply internal as it also affects external security.

The Naxals' potential for violence has increased substantially with their acquisition of sophisticated weapons and expertise in the use of improvised explosive devices (IEDs). They are said to be in possession of at least 6,500 regular weapons including AK 47 rifles and SLRs. They have built this arsenal essentially by looting weapons from police/landlords, purchasing them from smugglers, acquiring from insurgent groups like the NSCN (IM) and ULFA and also obtaining some weapons from Nepal.

The movement got a tremendous boost when its two major components, the People's War (PW) and the Maoist Communist Centre of India (MCCI), decided to merge on March 21, 2004, though a formal announcement was made on October 14, 2004 only. The unified party was called the Communist Party of India (Maoist). The merger, apart from augmenting the support base of the movement, has given it the character of a pan-Indian revolutionary group. The Naxals' plan to have a Compact Revolutionary Zone stretching from Indo-Nepal border to the Dandakaranya Region is likely to get a fillip with the unification of their ranks.

The Naxalite groups' nexus with the other extremist organizations has added to the complexity of the problem. There are indications that the PWG cadres received training in the handling of weapons and IEDs from some ex-LTTE cadres. They have also some understanding with the National Socialist Council of Nagaland (I-M) to support each others' cause. Some batches of CPML-Party Unity also appear to have received arms training under the guidance of United Liberation Front of Assam. The Communist Party of India (Maoist) has close fraternal relations with the Communist Party of Nepal (Maoist) also.

The nature of Naxal violence has undergone a subtle change in the recent years. Small scale isolated attacks have been replaced by large scale, well organized attacks on the government apparatus.

Another reason why the Naxalites are the biggest threat to security is because of the way the issue affects India's economic development. This is apparent in several ways. For example, the more the Maoists concentrate on the poor and marginalised regions of India, the more economic development (which is imperative to improving those regions' conditions) will be hampered. Furthermore, the Naxalite rebels are no longer just focussing on remote jungles but on urban centres. Maoist leader Kishenji even declared that the group aims to

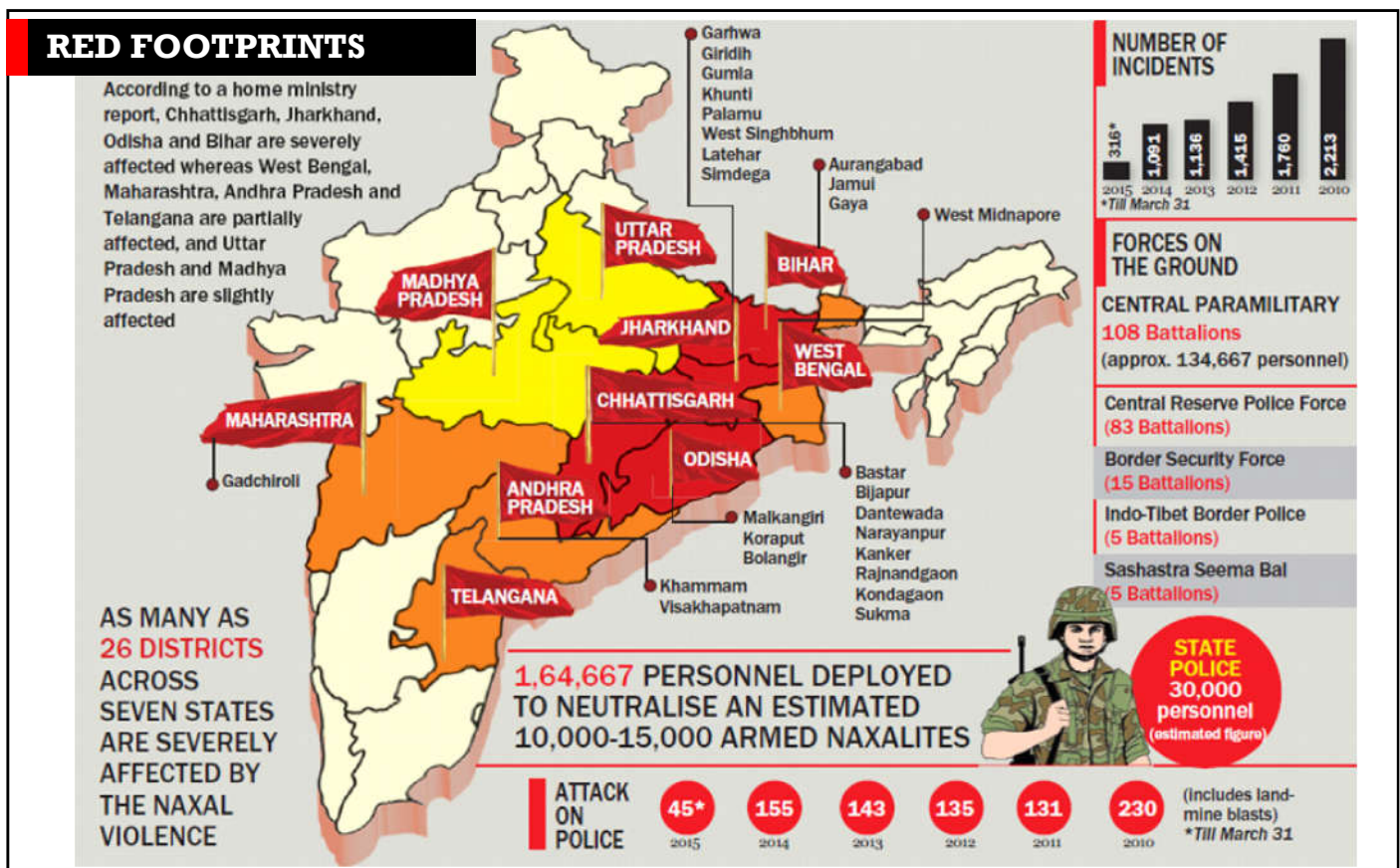


Fig. 1

establish an armed movement in Calcutta by 2011. Internal order and stability are necessary for a nation's economic development. For India to continue being able to withstand outside security threats, it must build up its infrastructure, its defence and its people. In terms of lifting its citizens out of poverty, India has a long way to go, and continued economic growth is integral to India's development as a strong global player. The Naxalite activities are using up scarce resources on defence and internal security when it should be spent on areas such as social development. For example in 2006, 22% of the total government expenditure is on the military, compared with a mere 1.84% of the Gross Domestic Product (GDP) spent on the social sector.

The Naxalite movement is also the biggest threat to India, in terms of the effects on its citizens and what it means for democracy and rule of law. Not only has there been a great loss of life since the conflict between the guerrillas and the military, but addressing the problem through violence risks polarising people further and driving them to subservience. The guerrilla warfare is a threat not only to citizens' lives but their properties. Too impatient and desperate to wait for government intervention, civilians such as landlords are taking matters into their own hands. As writer Navlakha noted, by portraying the Maoists as a 'menace' and separating the movement from socio-economic causes, it "allows the rich and poor divide to impose itself on a formal democratic structure". Navlakha gives the example in Bihar where Naxalite groups are band under the Prevention of Terrorist Activities Act, yet a majority of the massacre were committed by landlord armies which were not considered an act of terror under the law. Such treatment for the upper class only serves to threaten the rule of law, state legitimacy and democracy as the political norm.

State Response to Naxalism

A case study of a tribal village named Gangapur in Adilabad district-once a hotbed of Naxalite activities-indicates how Naxalism can be countered by genuine development. This village used to depend upon the market in Kadam, 40 km away. The main road was located 16 km from the village. The tribals used to trek all the way around a hill to sell their paddy or forest produce.

Very often, money lenders or traders used to make them trek again to collect the payment for their produce. The village school was unmanned since no teacher was ready to work in that remote place. This was the sort of situation that is the breeding ground for Naxalites until a police officer named Mahesh Bhagwat decided to study

the situation by meeting the villagers. He was told that a road connecting their village with the main road which will help in marketing their produce will solve their problems. Mr Bhagwat used all his influence to get a road constructed in 2004. The local two-term Member of Parliament had not thought of this at all. In fact, he was ridiculed by the public when he came to attend the opening ceremony of the road. Now the villagers are able to bypass Kadam and sell their produce to other markets. Since Gangapur is located on the Maharashtra state border, they are even able to sell cotton at a higher price. Wholesale traders from Maharashtra now send their trucks to Gangapur to collect the produce. Teachers have started coming to their school. The net effect is that Naxalites have "vanished".

Hence the need of hour is social and economic development of the region by allocating a large percentage of the national budget for addressing the needs of these regions.

Government has initiated following measures for improving the situation:

- ◎ **Forest Rights Act:** This Act was enacted primarily to safeguard the rights of the tribals who have been living in forests for generations and to mitigate the injustice by earlier forest Acts (e.g. Indian Forest Act, 1927, Wild Life Protection Act, 1972, Forest Conservation Act, 1980). The Act recognizes three rights: land rights, use rights over minor forest products (e.g. tendu leaves, herbs etc.) and grazing grounds and right to protect and conserve the forests. The act was amended to include the following provisions. The Gram Sabha shall monitor the committee constituted for the protection of wildlife, forest and biodiversity. It has to approve all decisions of the committee pertaining to the issue of transit permits to transport minor forest produce, use of income from sale of produce, or modification of management plans. The collection of minor forest produce is to be free of all fees. The committee has to prepare a conservation and management plan for community forest resources. The Forest Rights Committee (FRC) of the Gram Sabha shall not re-examine recognised forest rights or interfere in the verification of claims that are pending. The number of Scheduled Tribes represented on the FRC has increased from one-third to two-thirds. The quorum of the Gram Sabha meeting has been decreased from two thirds to one-half of the members. Atleast one-third of the members present shall be women. While passing a resolution regarding the claims of forest rights, atleast 50 per cent of the claimants to forest

rights or their representatives should be present. District level committee should ensure that a certified copy of the record of the right to community forest resource is provided to the Gram Sabha. State level monitoring committee should meet atleast once in three months to monitor the recognition, verification and vesting of forest rights, and furnish a quarterly report to the central government.

- ◎ **Education initiatives:** The opening of residential schools has been quite effective in retaining children in schools. According to official figures there are 77 residential schools/ hostels in LWE districts with intake capacity of 31650 children. 889 Kasturba Gandhi Vidyalaya residential schools for girls have been opened in the affected districts for class VI to VIII. Under the provisions of a scheme of the Ministry for Tribal Affairs 100 per cent central assistance is provided for construction of all Scheduled tribe girls' ashram schools and boys' ashram schools in naxal-affected districts identified by Ministry of Home

Affairs from time to time. The coordination with Ashram Shalas and other SC/ST department schools by giving free text books, the mid day meal, teacher training school maintenance grant and teacher grant for teaching aids has also helped. Multi Lingual Education in early grades in tribal districts of Odisha, Andhra Pradesh and Chhattisgarh is another step that can improve learning comprehension and retention of children in schools.

- ◎ **Integrated Action Plan (IAP):** This scheme was launched under the BRGF programme for 82 selected tribal and backward districts of India. The implementation period of the scheme was 2010-11 and 2011-12 and a sum of Rs. 25 crores and Rs. 30 crores respectively were sanctioned for each year for each district. The objective of the scheme was to build public infrastructure and provision of some basic services like school, anganwadicentres, primary health centres, drinking water supply, roads, etc.

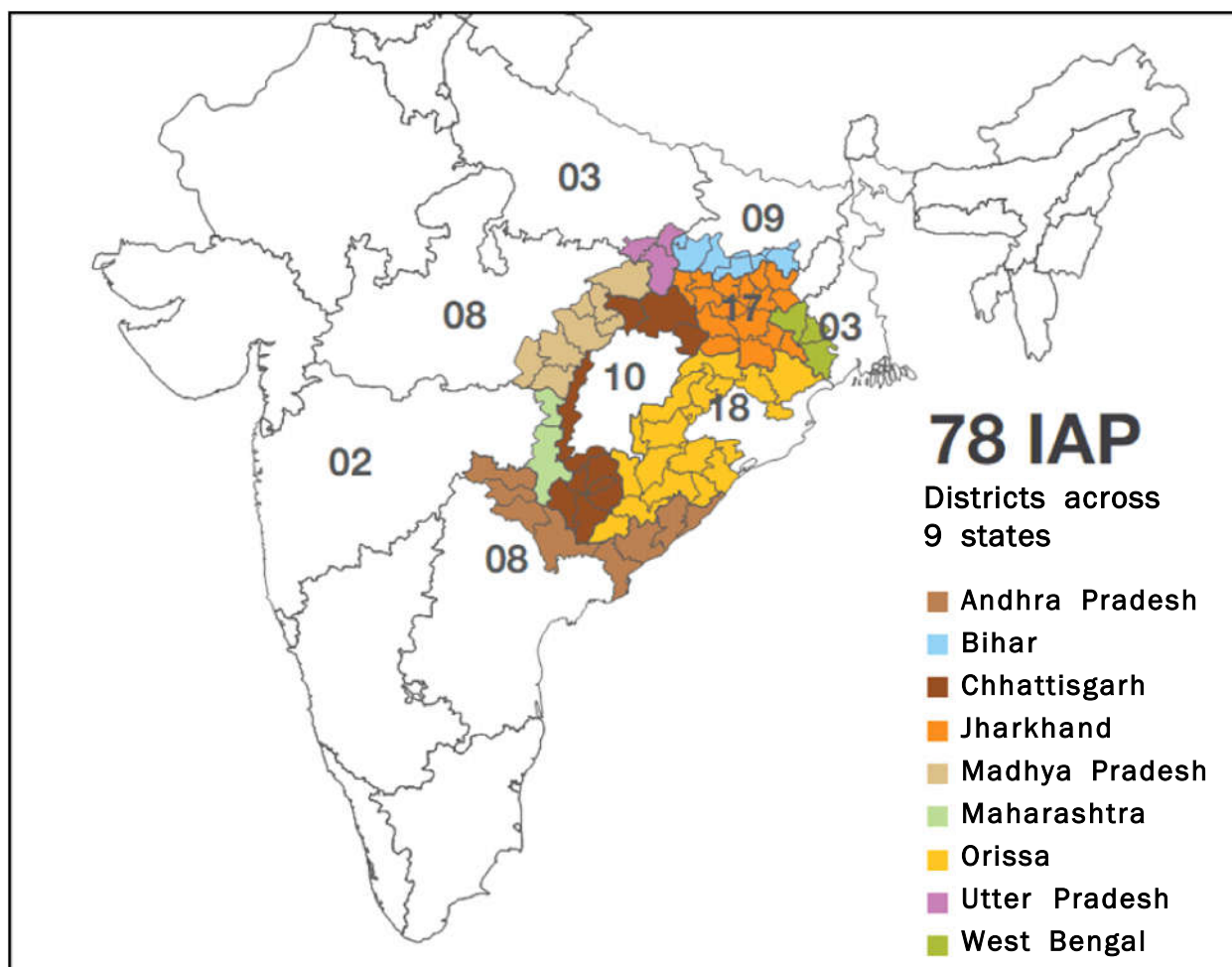


Fig. 2

- ◎ **Panchayat Extension to Scheduled Areas Act (PESA):** This Act came into effect in 1996 when the Indian Parliament passed a special legislation as an annexure to the 73rd Amendment

of the Constitution. The new Act entrusted special powers to the Gram Sabha in the scheduled areas. The key objective of the Act was to empower the local Gram Sabha for efficient management of

natural and community resources; conservation and protection of traditional customs and rituals; and management of non-timber forest products.

◎ **Balbandhu Programme of National Commission for Protection of Child Rights:**

An innovative Balbandhu scheme initiated by the National Commission for Protection of Child Rights (NCPCR) in strife torn areas two years back too has started making an impact. The scheme has been introduced in nine districts affected by civil strife in Sukhma in Chhattisgarh, Gadchiroli in Maharashtra, Khammam in Andhra Pradesh, East Champaran, Sheohar, Jammui and Rohtas in Bihar and Kokrajhar and Chirang in Assam. Balbandhus are young people recruited from within the community to oversee the children in such areas go to school, return to schools if they have dropped out and trace and restore the missing children to their families. While these balbandhus may not have the power to enforce implementation but they can put pressure on the authorities by involving the community and the Panchayats towards this end. An evaluation report on the Balbandhu programme says that these young recruits have given a distinct confidence to the children in these areas specially the school going ones.

- ◎ **Skill development initiatives:** ROSHNI is a special initiative under, Pandit Deen Dayal Upadhyaya Grameen Kaushalya Yojana (Formerly Ajeevika Skills), launched in June 2013 for training and placement of rural poor youth from 27 LWE affected districts in 09 States (Andhra Pradesh-01, Bihar-02, Chhattisgarh-08, Jharkhand-06, Madhya Pradesh-01, Maharashtra-01, Odisha-06, Uttar Pradesh-01 and West Bengal-01). So far two Roshni projects for skilling 1085 candidates in Bihar at a total cost of Rs. 16.82 crore and eight Roshni projects for skilling 3956 candidates in Jharkhand at a total cost of Rs.100.96 crore have been sanctioned. Main objectives of the Scheme "Skill Development" in 34 Districts affected by Left Wing Extremism" under implementation from 2011-12 are to establish 1 ITI and 2 Skill Development Centres each in 34 LWE affected districts of 09 States (Telangana-01, Bihar-06, Chhattisgarh-07, Jharkhand-10, Madhya Pradesh-01, Maharashtra-02, Odisha-05, Uttar Pradesh-01 and West Bengal-01) and to run demand driven vocational training courses comprising Long Term training and Short Term training and Instructor Training courses. Funds allocated to Bihar and Jharkhand are Rs. 41.69 crore and Rs. 69.48 crore respectively.

Government service delivery should be improved in these tribal areas. Both state and government must ensure that things such as statutory minimum wages, access to land and water sources initiatives are implemented. In coming up with strategies for national economic growth, the government must always bear in mind the possible effects of fast growth for all socio-economic groups in a country as large and diverse as India. If the social needs of these marginalised people are addressed, there will be no discontent to fuel the Naxalite movements.

The growing Naxalite insurgency also reflects a flaw in the federal structure. Because law and order is seen as a state responsibility, the central government is unable to implement a coherent national strategy to address the threat.

Strategy for Modernizing the Police Force

The government has launched a Police Modernization Scheme in areas affected by Naxal movements. Under this scheme huge sums of money have been provided to the state governments by the central government to modernize their equipment and tactical gear including latest communication, vehicles and infrastructure facility. States have also been told to determine police stations and outposts that are susceptible to Naxal attacks and have to be fortified.

Due to increased use of IED by the Naxalites and the increased number of casualties the government has decided to provide the forces with Mine Protected Vehicles (MPV).

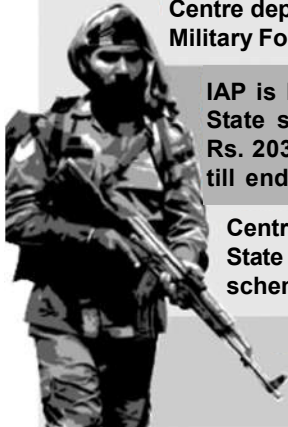
Central Para Military Forces have been deployed on a long term basis by the government to help the state governments to fight against the Naxals. The states have also been relieved from paying the charges involved in deploying these forces for about 3 years which nearly is about Rs.1100 crores. The government, also to discourage the youth from the path to militancy, has revised the recruiting guidelines to permit 40% recruitment in Central Para Military Forces from areas affected by Naxalism. The government has also raised a special force of 14,000 personnel consisting of Central Paramilitary Forces, state police and ex-servicemen from areas affected by Naxalism. At present 36 battalions of Central Para Military Forces are deployed in Naxalite affected areas.

The government, to strengthen the security network in the states, has set-up the Indian Reserve (IR) battalions. These forces along with providing additional security provide youth with employment opportunities. The Centre has also raised the amount provided to each battalion to Rs. 20 crores from the previous Rs. 13 crores. In April 2006, the government authorized the formation of nine more Indian reserve battalions of 1000 personnel each.

In order to ensure that the activities by the Nepalese Maoists don't affect India, SSB has been deployed along the Indo-Nepal border. They have been given a massive fund of Rs. 444 crores for their modernization.

The use of UAV's for reconnaissance missions and collection of intelligence from Naxal affected areas has been authorized by the Centre. Ex-service-men have also been called for the formation of an auxiliary force which will primarily be supervising the work of detecting mines and explosives laid by Naxalites. Around 4,800 ex-servicemen have already joined the fight and an expected 5,000 are expected to join. The government of Chhattisgarh started the Counter Terrorism and Jungle Warfare College in Kanker imparts training to counter the well trained and motivated guerrilla force

WAR ON RED MENACE



Centre deployed 15 battalions of Central Para-Military Forces to tackle Left Wing Extremists

IAP is being implemented in 18 dists of the State since 2010-11 and Govt has received Rs. 2037.57 crore from the Centre under IAP till end of 2014-15

Centre had sanctioned Rs. 60 crore to the State under modernisation of police forces scheme which has been fully utilised

The Central Government provided Rs226 crore to the State from 2005-06 till February 15, 2015 under the SRE

Fig. 3

of the Naxals, where police personnel are given rigorous training in guerrilla warfare and are made to live in the open and taught how to live off the land. Even the Army who as such are not very interested in getting themselves dragged into tackling Naxalism have been training 16 companies of para-military and state personnel to counter Naxalism operations.

States have also established their own special security force like Andhra Pradesh has formed the Grey hounds which are said to be one of the most effective police force to combat the Naxal problem and the government of Uttar Pradesh has also raised a battalion of the Provisional Armed Constabulary 40 consisting of the local youth. Even the Central government has formed the COBRA which is a special force formed to deal with Naxalism in any state.

Impact of Maoists on Development

- ▶ Maoists directly disrupt the roll-out of certain types of infrastructure, including roads and telecommunications, but not others, such as village level electrifications and small-scale IAP projects. Direct disruption thus appears to be motivated by the security benefits certain types of infrastructure can offer.
- ▶ The Maoists attempt to justify their opposition by referring to concerns of the local population about the quality of implementation (for electrification) or local work opportunities (PMGSY).
- ▶ Maoists are regularly reported to extort money from contractors, which suggests a willingness to allow for infrastructure development in return for other benefits.
- ▶ Maoist activity may have delayed, stopped, or diverted infrastructure development and there are two reasons for this: reduced willingness of contractors to enter areas or reluctance by government officials to travel to certain sites.
- ▶ Reduction in per Capita GDP Growth.
- ▶ Lower tax revenues – The Naxals run a parallel government in their areas preventing the governing agencies to collect taxes etc.
- ▶ Lower domestic investment and higher expenditure on defense at the cost of lower expenditure on education and health.
- ▶ Lower exports, reduced bilateral trade flows and reduced foreign direct investment inflows. Due to the Naxal violence and their extortion business foreign and domestic investment remains low. These problems are coupled with the lack of good transportation facilities which are also a victim of Naxal violence.
- ▶ Micro-economic effects include lower tourist inflows, lower regional tourism market share, reduced usage of public transport, reduced long term investments in agriculture and other potential sectors, reduced enrollment in schools, lower job availability and lack of substantial opportunities.

Impact of redrawing the corridor

The crisis of socio-economic development is the main factor behind the naxalite movement and government is proposing to redraw the districts under it.

Though the decision might be right according to few parameters which have been listed earlier (*their violence profile, an assessment of the kind of logistical and other support provided to armed Maoist cadres by their sympathisers and “over ground workers”, and the kind of positive changes brought about by development work that these districts have seen*) and also there has been a 35 percent decline in casualties in Naxal violence under present government, the Maoist cadre and leadership are disillusioned and demoralized but this will reduce the funding to these districts which may hamper the socio-economic development. Most of the region is backward and lack proper infrastructure and is not self sustainable hence government funding act as

the main driver for development. But withdrawal of funding may affect the health, education, forest rights, etc of the tribals which may lead to re-establishment of naxalism in these districts.

To conclude, the Naxalite problem reflects underlying issues in the Indian social, economic and political institutions which threaten to expose India to even more danger from outside forces. Until the government implements employment, poverty alleviation and land reform programmes, counter-insurgency measures cannot achieve much. Social justice and inclusive growth are the planks on which the government must build its programme.

While the Naxalite movement is mainly an internal threat, with globalisation, external and internal security threats are inextricably linked. The complex and multi-faceted approach to solving the Naxalite issue also reflects the fact that this is the biggest menace to India's security in the future.

SPECIAL ISSUES

REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP FACES LOGJAM

Context

Due to the proposal of liberalized visa regime for movement of professionals across borders and India's three-tier system of tariff relaxation and services sector matters is leading to logjam in the finalization of RCEP.

What is RCEP?

Regional Comprehensive Economic Partnership (RCEP) is a proposed Free Trade Agreement (FTA) between the 10 member states of the Association of Southeast Asian Nations (ASEAN) Brunei, Burma (Myanmar), Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, Vietnam) and the six states which include India, China, Australia, Japan, South Korea and New Zealand.

RCEP countries have a total population of more than 3 billion, a total GDP of around \$US23 trillion (2015 IMF figures), and they account for about 27% of global trade (2014 UNCTAD figures), and 55% of our goods exports (2015 figures).

The core areas of negotiation include trade in goods, trade in services, investment, economic and technical cooperation, intellectual property, competition, dispute settlement and other relevant issues. Hence, RCEP is envisaged to be a modern, comprehensive, high-quality and mutually beneficial economic partnership agreement.



Fig. 4

What are the objectives of RCEP?

Guiding Principles and Objectives for Negotiating the Regional Comprehensive Economic Partnership are:

► Trade in Goods

The RCEP will aim at progressively eliminating tariff and non-tariff barriers on substantially all trade in goods in order to establish a free trade area among the parties. Tariff negotiations will be conducted on a comprehensive basis.

► Trade in services

The RCEP will be comprehensive, of high quality and substantially eliminate restrictions and/or discriminatory measures with respect to trade in services between the RCEP participating countries. Rules and obligations on trade in services under the RCEP will be consistent with the General Agreement on Trade in Services (GATS) and will be directed towards achieving liberalization commitments building on the RCEP participating countries' commitments under the GATS and the ASEAN+1 FTAs.

► Investment

The RCEP will aim at creating a liberal, facilitative, and competitive investment environment in the region. Negotiations for investment under the RCEP will cover the four pillars of promotion, protection, facilitation and liberalization.

► Economic and technical cooperation

Economic and technical cooperation under the RCEP will aim at narrowing development gaps among the parties and maximizing mutual benefits from the implementation of the RCEP agreement. The economic and technical cooperation provisions in the RCEP will build upon existing economic cooperation arrangements between ASEAN and ASEAN's FTA partners participating in the RCEP. Cooperation activities should include electronic commerce and other areas that would be mutually agreed upon by the RCEP participating countries.

► Intellectual property

The text on intellectual property in the RCEP will aim to reduce IP-related barriers to trade and investment by promoting economic integration and cooperation in the utilization, protection and enforcement of intellectual property rights.

► Competition

Provisions on competition will form the basis for parties to cooperate in the promotion of competition, economic efficiency, consumer welfare and the curtailment of anti-competitive practices while cognizant of the significant differences in the capacity and national regimes of RCEP participating countries in the area of competition.

► Dispute settlement

The RCEP will include a dispute settlement mechanism that would provide an effective, efficient and transparent process for consultations and dispute resolution. The RCEP negotiations will consider including other issues covered by FTAs among RCEP participating countries, which may be identified and mutually agreed in the course of negotiations, and take into account new and emerging issues relevant to business realities.

Significance of RCEP for India

From India's point of view, the RCEP presents a decisive platform which could influence its strategic and economic status in the Asia-Pacific region and bring to fruition its Act East Policy.

It would be the world's largest trading bloc covering a broad spectrum of issues such as trade in goods, services, investment, competition, intellectual property rights, and other areas of economic and technical cooperation. Together, the RCEP group of countries accounts for a third of the world's gross domestic product, and 27.4% and 23.0% of the world's goods and services trade, respectively.

The RCEP agreement would complement India's existing Free Trade Agreements with the Association of South East Asian Nations and some of its member countries, as it would deal with Japan and South Korea.

India is not a party to 2 important regional economic blocs: the Asia-Pacific Economic Cooperation and the Trans-Pacific Partnership. The RCEP would enable India to strengthen its trade ties with Australia, China, Japan and South Korea, and should reduce the potential negative impacts of TPP and TTIP on the Indian economy.

RCEP will facilitate India's integration into sophisticated "regional production networks" that make Asia the world's factory. The RCEP is expected to harmonize trade-related rules, investment and

competition regimes of India with those of other countries of the group. Through domestic policy reforms on these areas, this harmonization of rules and regulations would help Indian companies plug into regional and global value chains and would unlock the true potential of the Indian economy. There would be a boost to inward and outward foreign direct investment, particularly export-oriented FDI.

India enjoys a comparative advantage in areas such as information and communication technology, IT-enabled services, professional services, healthcare, and education services. In addition to facilitating foreign direct investment, the RCEP will create opportunities for Indian companies to access new markets. This is because the structure of manufacturing in many of these countries is becoming more and more sophisticated, resulting in a "servicification" of manufacturing. India is well placed to contribute to other countries in RCEP through its expertise in services, not only consolidating the position of the region as the world's factory but also developing it as the world's hub for services.

India may emerge as an attractive investment destination for China. To offset the increasing labour costs, Chinese firms have been relocating labour-intensive manufacturing to Vietnam, Cambodia, Thailand and Indonesia. By setting up manufacturing joint ventures in India, China can effectively reach India's domestic market and also a large European market once India signs an FTA with the European Union. If this story plays out, India's trade deficit with China will come down as well.

Issues of logjam

India has proposed for liberalized visa regime for movement of professionals across borders while other countries refuse to budge, i.e., movement of natural persons, or Mode 4 in World Trade Organization parlance.

Mode 4 refers to the temporary migration of workers, to provide services or fulfill a service contract. Because the current framework of Mode 4 allows for only temporary movement of workers across borders to provide services, and their visa as well as their right to stay and work are tied to their original terms of employment or contract and to their employer.

Further India wants more sectors to be covered in services, liberalization benchmarks in each mode of services and opening up Mode 4 because India has little to gain in getting market access in goods in other countries due to its poor infrastructure and weak manufacturing base, but it has an upper hand in services negotiations. India hopes to acquire market access for its burgeoning skilled professionals and easier visa regimes in the RCEP member countries.

However, liberalization of trade in services remains a contentious issue for other member countries, with most showing reluctance to open up their labour market.

Further India has also proposed three-tier system of tariff relaxation and services sector matters. India has decided to offer greater access to its market for ASEAN countries – with which it has a free trade agreement in place – and has proposed to eliminate duties or tariffs on 80 per cent of items for the 10-nation bloc under this proposed pact.

Similarly, for Japan and South Korea, it has offered to open up 65 per cent of its product space.

For Australia, New Zealand and China, India has proposed to eliminate duties on only 42.5 per cent of products, as India does not have any kind of FTA with these three countries.

Comparison of RCEP and TPP

The Regional Comprehensive Economic Partnership (RCEP), originally conceived by 10-nation Association of South-east Asian Nations (ASEAN), is a China-backed trade framework that has gained prominence as an alternative to the recently concluded 12-nation Trans-Pacific Partnership (TPP), which was backed by USA.

Membership

The 16-nation RCEP comprises the ASEAN regional grouping plus six others – China, India, Japan, South Korea, Australia and New Zealand.

The largest regional trade agreement to date, the 12-nation TPP comprises the United States, Australia,

Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam.

Size

The RCEP has the potential to cover around 3.4 billion people in the Asia-Pacific region, or 45% of the world's population, with a combined Gross Domestic Product (GDP) of about US\$17.23 trillion (S\$24.36 trillion), or about a third of the world's current annual GDP.

By comparison, the Pacific Rim TPP covers a region with a population of 800 million, and a combined GDP of around US\$30 trillion, or about 40 per cent of global GDP.

Impact

TPP will influence the global value chain of some specific industries and sectors. For example, according to Chiou's estimates (RIETI, 2014), Vietnam and Malaysia are likely to benefit from new electronics supply chains under TPP. But these benefits may come at a cost to other ASEAN members. Electronics sectors in Cambodia and Laos are expected to experience slower growth, or even some losses, as American and Japanese companies move their assembly lines to TPP members in Asia and Latin America. Moreover, Cambodia and Laos, two of the fastest-growing economies in Asia, may miss some chances to improve manufacturing productivity and advance sustainable development by participating in global supply chains.

The RCEP seems more development-friendly than the TPP. It promises special and differential treatment for developing economies which may make it easier for them to join the bloc. This implies gradual tariff liberalization and longer transition times for impoverished countries like Cambodia and Myanmar.

The pact also promises development assistance through economic and technical cooperation provisions. The TPP, meanwhile, applies the same high-standard trade rules for developed and developing countries.

While both agreements will generate notable income benefits, larger gains arise from the more ambitious TPP. Projections by the Asian Development Bank, generated from a multi-country, multi-sector computable general equilibrium model, indicate that the RCEP provides global income benefits of about \$260 billion. Similar studies of the TPP project larger global income benefits of \$320 billion to \$400 billion.

Manufacturing, global value chains and services are likely beneficiaries while agriculture and mining may lose out.

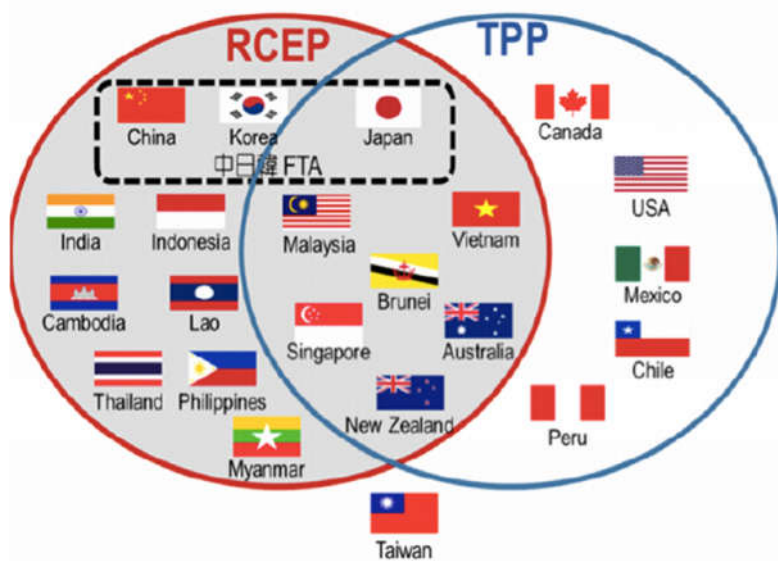


Fig. 5

ISSUE OF UNDER-NUTRITION IN INDIA

Context

Global Nutrition Report 2016, India ranks 114 out of 132 countries, with the incidence of stunting at 38.7 per cent.

What is under-nutrition?

Under-nutrition is defined as the outcome of insufficient food intake and repeated infectious diseases. It includes being underweight for one's age, too short for one's age (stunted), dangerously thin for one's height (wasted) and deficient in vitamins and minerals (micronutrient malnutrition).

Whereas Malnutrition is an imbalance between the nutrients the body needs and the nutrients it gets. Thus, malnutrition also includes overnutrition (consumption of too many calories or too much of any specific nutrient—protein, fat, vitamin, mineral, or other dietary supplement), as well as undernutrition.

Where does India lies?

According to Global Nutrition Report 2016, India ranks 114 out of 132 countries, with the incidence of stunting at 38.7 per cent, compared with Germany and Chile at 1.3 per cent and 1.8 per cent, respectively. Even Bangladesh and Nepal rank marginally higher than India. On wasting, India ranks 120 out of 130 countries, at 15.1 per cent, compared with Australia and Chile at number 1 and 2, with 0 per cent and 0.3 per cent, and South Sudan at 130 with 22.7 per cent. On the prevalence of anaemia in women of reproductive age, India ranks 170 out of 185 countries at 48.1 per cent, compared with Senegal which is the worst at 57.5 per cent and the U.S. which is the best at 11.9 per cent.

Which sections of the society are more Vulnerable to undernutrition?

The vulnerable sections include adolescent girls, women and children, and among them Scheduled Castes and Tribes. According to the most recent United Nations Population Fund (UNFPA) report, nearly 50 per cent of women

in India are married before they turn 18, in violation of the law. The poor nutritional status of adolescent girls, combined with child marriage and multiple pregnancies even before becoming an adult, lead to another dismal fact, that 30 per cent of all children are born with low birth weight.

What are the negative impacts of undernutrition?

Malnutrition manifests itself in many different ways: as poor child growth and development; as individuals who are skin and bone or prone to infection; as those who carry too much weight or whose blood contains too much sugar, salt, fat or cholesterol; or those who are deficient in important vitamins or minerals.

Malnutrition is responsible for nearly half of all deaths of children under age 5, and, together with poor diets, is the number one driver of the global burden of disease.

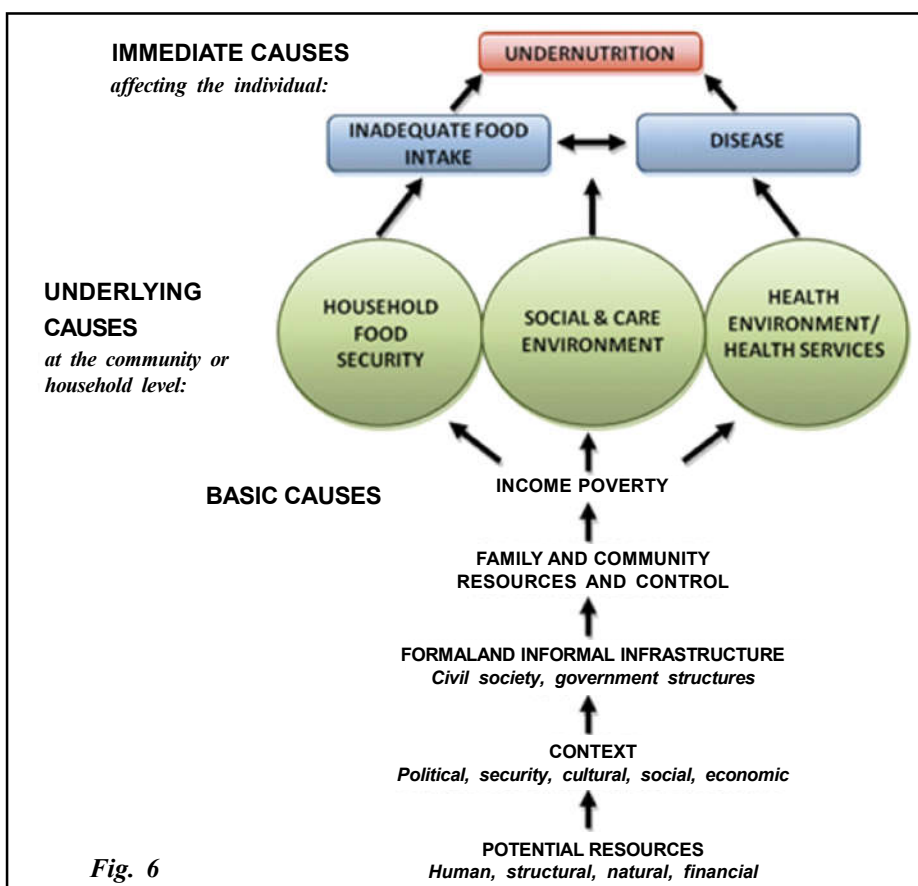


Fig. 6

The most damaging effects of under-nutrition occur during pregnancy and the first two years of a child's life. These damages are irreversible, making dealing with malnutrition in the first two year crucially important. It retards their physical growth and increases their susceptibility to disease in childhood and adulthood. It also affects cognitive and motor development, limits educational attainment and productivity, and ultimately perpetuates poverty.

Protein-energy malnutrition weakens immune response and aggravates the effects of infection.

The World Bank estimates that India loses 2-3 per cent of its annual GDP by way of lower productivity, the underlying cause of which is malnutrition.

Poor nutrition will make the demographic dividend as the liability rather than an asset.

Why the government initiatives fail?

Article 47 of the Constitution mentions the "duty of the state to raise the level of nutrition and the standard of living and to improve public health. The state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties." Government has initiated many nutritional programmes as ICDS, Mid Day Meal, Fair Price Shops, etc. But these fail because there is no structure for multi-sectoral coordination which is essential to address the inter-generational and multifaceted nature of malnutrition. The announcement therefore from the Ministry of Women and Child Development of plans to overhaul the ICDS is welcome and much needed.

What steps needed to tackle the situation?

The steps needed are:

- ▶ Revamp ICDS, which caters to the needs of pregnant and nursing mothers and children under the age of six by investing in training the 2.5 million workers and helpers at these centres, standardising the nutrition component of the supplementary food offered and focussing on the overall dissemination of information and education to pregnant and nursing mothers on healthy eating habits, hygiene and sanitation, etc..
- ▶ Revamp the Mid-day Meal scheme, which directly feeds approximately 120 million school children every day by addition of micronutrients to cooked food or by adding universally liked and accepted products such as milk, biscuits, etc. fortified with micronutrients as a mid-morning or afternoon snack.
- ▶ The public distribution system, which makes available subsistence rations to above and below poverty line families, must be made transparent and accountable.
- ▶ Create a Nutrition Secretariat as part of the Prime Minister's Office with responsibility for ensuring multi-sectoral alignment on priorities, sequencing and timelines. This would include both nutrition-specific and nutrition-sensitive initiatives. Agree on a dashboard of nutrition metrics to be tracked, just as we track economic metrics.
- ▶ Invest in information and education about good nutrition practices, extending from a diverse diet to deworming, breastfeeding, hygiene and sanitation, etc. Nutrition is complex and therefore needs to be simplified in behavioural terms.

PELLET GUNS & HUMAN RIGHTS VIOLATION

Context

The pellet guns are used by the police and paramilitary forces in the Jammu and Kashmir valley which is leading to disability and blindness, thus violating human rights.

What are non-lethal weapons?

These weapons intended to be less likely to kill a living target than conventional weapons. Non-lethal weapons are used in combat situations to limit the escalation of conflict where employment of lethal force is prohibited or undesirable, where rules of engagement require minimum casualties, or where policy restricts the use of conventional force.

What are pellet guns?

Pellets are loaded with lead and once fired they disperse in huge numbers. They don't follow a definite path. They are a form of non-lethal crowd control methods used by police and military worldwide. The other popular methods are tear gas, water cannon, pepper spray, taser guns etc.

Pellets guns are intended to injure individuals and cause pain. They are effective over short ranges up to 500 yards but when fired from close quarters can be lethal, particularly when sensitive parts like eyes are hit. Pellets can penetrate soft tissues.

Pellet guns and issue of human rights violation

The pellet guns are used by the police and paramilitary forces in the Jammu and Kashmir valley. Most of victims shot by pellet guns have been shot above the chest and many pellets have hit the eyes of victims - damaging in the process either partially or completely their ability to see.

Out of 117 cases at SMHS, 106 surgeries were performed in which five people lost one eye completely.

As opposed to bullet wounds, injuries from pellet guns require the intervention of multiple specialist doctors as innumerable pellets can penetrate multiple parts of the body in a single instance.

What are the international guidelines for use of force?

▶ Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that

would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations.

- ▶ The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.
- ▶ Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.
- ▶ Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:
 - (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;
 - (b) Minimize damage and injury, and respect and preserve human life; and
 - (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.
- ▶ Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.
- ▶ Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.
- ▶ Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Hence by use of pellet guns in such lethal way the government is violating the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

Views of institutions on the use of pellet guns

Human rights organizations like Amnesty International have called for prohibition on the use of pellet guns.

It stated that in policing protests, the police must distinguish between persons engaging in violence and peaceful demonstrators or bystanders. Any force used should be only against those acting violently, and the police should always ensure that uninvolved persons are protected from injury.

When the police is trying to contain violent persons, it is important that they focus any use of force accurately at those individuals. However, pellet guns cannot ensure well-targeted shots and risk causing serious injury, including bystanders or other protesters not engaging in violence. These risks are almost impossible to control.

Further the SHRC of J&K has observed that law enforcing agencies were bound to strictly follow Standard Operating Procedure (SOP) and adhere to the use of non-lethal methods of mob control in order to prevent casualties. But it must be the endeavor of law enforcing agencies to use minimum force, which will not cause any casualties or serious injuries.

The government has constituted an expert team headed by a Joint Secretary in the Ministry of Home Affairs to explore possible alternatives to pellet guns.

Way forward

The use of pellet guns as a crowd control tactic must be banned. These weapons have neither been used proportionally nor in compliance with international standards on the use of force or domestic standards on crowd control.

The crowd control tactics must aim to minimise collateral damage and avoid the loss of human life, and that during training, an emphasis should be placed on respecting human rights.

During a crowd control operation, only two to five officers should have non-lethal weapons and banners should be used to warn the unlawful assembly prior to the deployment of any force. Moreover, if shooting is resorted to, firing must be in single shot mode. Yet pellet guns fire hundreds of tiny shots with each cartridge. This goes hand in hand with the requirement that fire only be directed towards the most violent sections of a stone-pelting mob, not the mob in its entirety. Pellet guns do not offer effective aim to target the crowd accordingly and many peaceful protesters and bystanders have been injured during their use.

The current state of law in India grants government officers impunity for even the most serious human rights violations, including the current pellet attacks and breakdowns in crowd control procedure. The Indian Criminal Procedure Code (CrPC) produces de facto immunity for police officers, members of the armed forces and other government officials. Section 197 of the CrPC says that no court has jurisdiction over an alleged criminal offence committed by a government official "while acting or purporting to act within the discharge of his official duty", without first obtaining authorisation from the requisite central or state government.

This all is leading to serious human rights violations.

DOPING AND INTEGRITY IN SPORTS

Context

Inderjeet Singh and Narsingh Yadav has been tested positive for doping before Rio Olympics.

What is Doping?

'Doping' refers to an athlete's use of prohibited drugs or methods to improve training and sporting results. Steroids are the drugs that often come to mind when we talk about doping, but doping also includes an athlete's use of other forbidden drugs (such as stimulants, hormones, diuretics, narcotics and marijuana), use of forbidden methods (such as blood transfusions or gene doping), and even the refusal to take a drug test or an attempt to tamper with doping controls.

Violations of the anti-doping rule include not only the use or attempted use of prohibited substances, but also the presence of a prohibited substance, or its metabolites or markers, in an athlete's urine or blood sample; violation of the athlete's obligation to inform about his/her 'whereabouts'; tampering or attempted tampering with doping control procedures; possession of prohibited substances or the means for performing prohibited methods; and trafficking or attempted trafficking in a prohibited substance or the means for performing a prohibited method.

What are Performance enhancing drugs?

The most commonly used substances are androgenic agents such as anabolic steroids. These allow athletes to train harder, recover more quickly and build more muscle, but they can lead to kidney damage and increased aggression. Other side-effects include baldness and low sperm count for men, and increased facial hair and deepened voices for women.

Anabolic steroids are usually taken either in tablet form or injected into muscles. Some are applied to the skin in creams or gels.

Then there are stimulants, which make athletes more alert and can overcome the effects of fatigue by increasing heart-rate and blood flow. But they are addictive and, in extreme cases, can lead to heart failure.

Diuretics and masking agents are used to remove fluid from the body, which can hide other drug use or, in sports such as boxing and horse racing, help competitors "make the weight".

The primary medical use of Beta-2 agonists compounds is to treat conditions such as asthma and other respiratory ailments. Some studies have shown beta-2 agonists have performance-enhancing effects when consistently high levels are present in the blood.

Then there are **peptide hormones**. These are substances such as EPO (erythropoietin) - which increases bulk, strength and red blood cell count and gives athletes more energy - and HGH (human growth hormone), which builds muscle.

Less common is **blood doping**, where blood is removed from the body and injected back in later to boost oxygen levels. This practice, which can lead to kidney and heart failure, is banned.

The above stated substances are prohibited at all times in the sports.

Which substances are prohibited during the competition?

- ▶ **Stimulants:** Stimulants directly affect the central nervous system, increasing blood flow and heart rate. Stimulants that are banned include amphetamines, beta-2 agonists, ephedrine, pseudoephedrine, fencamfamine, cocaine, methamphetamines, mesocarb, and other substances with similar chemical structures and biological effects.
- ▶ **Narcotics:** Narcotic analgesics decrease the sensation of serious injuries, allowing athletes to continue training for competition after serious injuries.
- ▶ **Cannabinoids:** The cannabis products marijuana and hashish are also banned due to their cannabinoid content.
- ▶ **Glucocorticoid steroids:** Glucocorticoids are a class of corticosteroids that affect the metabolism of carbohydrates, fat, and proteins, and regulate glycogen and blood pressure levels. They possess pronounced anti-inflammatory activity and cause alteration of connective tissue in response to injuries. The anti-inflammatory and connective tissue effects of glucocorticoids might mask injuries, leading to more serious injuries to athletes.

Because of this and metabolic regulation effects, the administration of any glucocorticoid orally, rectally,

intravenously, or intramuscularly is prohibited and requires a therapeutic use exemption.

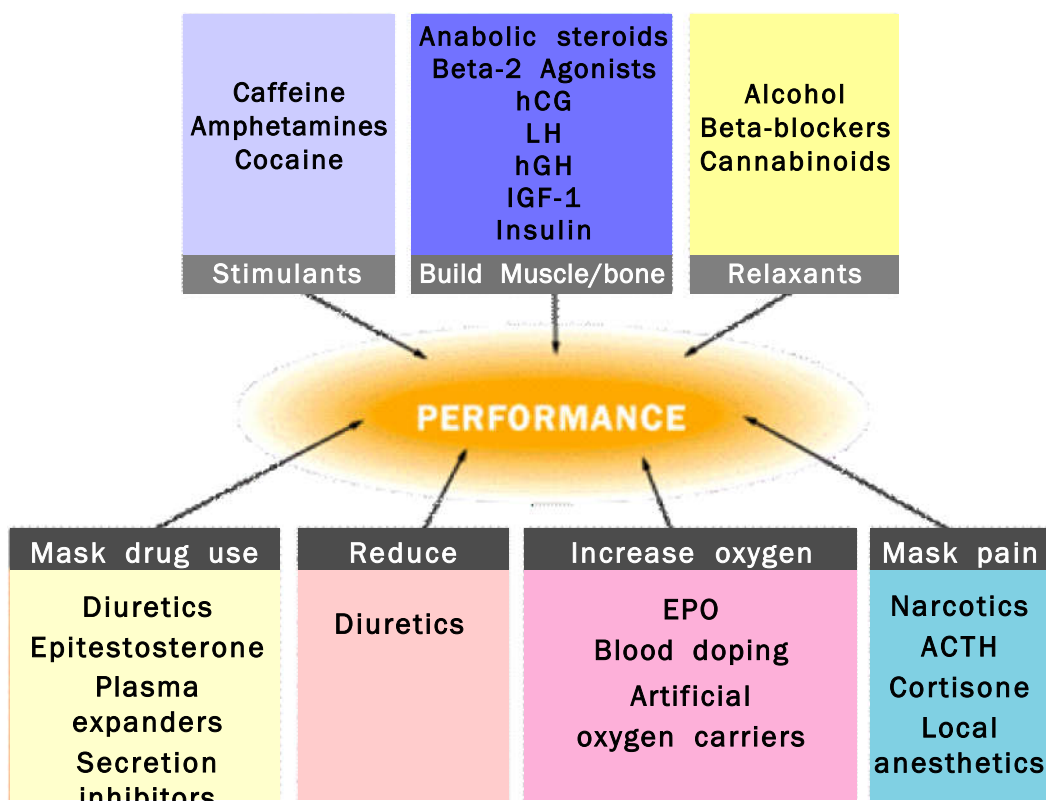


Fig. 7

What is the methodology of drug testing?

Drug testing is the evaluation of a urine, blood or other type of biological sample to determine if the subject has been using the drug or drugs in question.

For drug testing mass spectrometry is used. This involves firing a beam of electrons at urine samples to ionise them - turning the atoms into charged particles by adding or removing electrons. Each substance the sample contains has a unique "fingerprint" and as the scientists already know the weight of many steroids, for example, they are able to rapidly detect doping. But there are difficulties with the system.

Some by-products of doping substances are so small, they may not produce a strong enough signal for detection.

Blood testing is capable of detecting EPO and synthetic oxygen carriers, but not blood transfusions.

One method introduced to aid the detection of such transfusions is the **biological passport**.

Brought in by Wada in 2009, the passport aims to reveal the effects of doping rather than detect the substance or method itself.

It is an electronic document about an athlete that contains certain markers from throughout their career. If these change dramatically, it alerts officials that the athlete might be doping.

Some scientists have questioned the passport's efficiency - especially when complicating factors such as training at altitude are factored in - but also its sensitivity to micro-dosing, a little-but-often approach to doping.

Which act as the anti-doping agency in India?

National Anti Doping Agency is mandated for Dope free sports in India. The primary objectives are to implement anti-doping rules as per WADA code, regulate dope control programme, to promote education and research and creating awareness about doping and its ill effects.

The primary functions of NADA are as under:

- ▶ To implement the Anti Doping Code to achieve compliance by all sports organizations in the Country.
- ▶ To coordinate dope testing program through all participating stakeholders.
- ▶ To promote anti doping research and education to inculcate the value of dope free sports.
- ▶ To adopt best practice standards and quality systems to enable effective implementation and continual improvement of the program.

NADA is responsible to implement an effective number of in-competition and out-of-competition

tests on the athletes in its registered testing pool. This includes international and national level athletes being tested by NADA. The NADA develops a test distribution plan and allocates the number of samples for each sport or discipline required for effective deterrence. The plan includes in-competition testing, out-of-competition testing, target testing, and may include blood as well as urine collection.

Recent case of doping

Inderjeet Singh has been tested positive with his A and B sample testing positive for two weak steroids used to build muscular strength and energy.

Narsingh Yadav's both A and B dope samples have returned positive. He has been placed under provisional suspension but government has allowed him to participate in Rio Olympics. But Indian wrestler was ousted from the Olympics and slapped with a four-year ban for flunking a dope test after Court of Arbitration for Sports overturned the clean chit given to him by the National Anti-Doping Agency.

What is the punishment, if found guilty?

Sanctions for violating anti-doping regulations may range from a reprimand to a life-time ban, according to WADA. The period of ban may vary depending on the type of anti-doping violation, the circumstances of an individual case, the substance, and the possible repetition of an anti-doping rule violation. The decision to strip the medal, however, lies with the sports organization.

Doping and ethics in sports

The fundamental idea of sport is considered to be character building, teaching the virtues of

dedication, perseverance, endurance and self-discipline. Sport is suppose to help us learn from defeat as much as from victory, and team sports foster a spirit of co-operation, and interdependence, importing something of moral and social values. It is also integrating us as individuals, to bring about a healthy, integrated society. This would mean that drug use has no place in sport.

Doping in sport is cheating. It is fundamentally contrary to the spirit of sport and is detrimental to the positive impact of sport in society.

“Equal conditions for all” are the sports equivalent of the general moral principle of equal justice for all. Equal justice for all implies that the same justice applies to everybody regardless of their class, race, origin, or gender with no special privileges or advantages.

Not only is drug use clearly cheating and an ethical dilemma for coaches, doctors and officials, but it also puts the health of the athlete at great risk.

Doping affects all levels of athlete. It could also affect future generations who may be influenced by what top athletes do. To protect the integrity of sport, the health of athletes, and young aspiring sports people worldwide, we need a concerted and comprehensive approach to the fight against doping.

The elimination of doping in sport requires a commitment by all to ethical practice and upholding standards of fair play. It requires consistent and accountable decision-making and sanctioning of Participants who are found guilty of a doping violation.

MONSOON PREDICTION USING SUPERCOMPUTER

Context

To improve the prediction of Monsoon in India, Government is planning to use Supercomputer by 2017 which will use 3D model to predict how the seasonal rains will develop.

What is Monsoon?

The seasonal reversal of winds and the associated rainfall is called monsoon. The annual oscillation in the apparent position of the Sun between the Tropics of Cancer and Capricorn causes the annual oscillation in the position of the thermal equator (region of maximum heating) on the Earth's surface. This is associated with the annual oscillation of temperature, pressure, wind, cloudiness, rain etc. This is the cause of the monsoons. On the Earth's surface, there are asymmetries of land and Ocean. The differential heating of land and Ocean cause variations in the intensity of the annual oscillation of the thermal equator and hence regional variations in the intensity of monsoon. The south-westerly wind flow occurring over most parts of India and Indian seas gives rise to south-west monsoon over India from June to September.

Formation of Monsoon

During the early summer months, increased solar heating begins to heat the Indian subcontinent, which would tend to set up a monsoon circulation cell between southern Asia and the Indian Ocean. However, the development of the summer monsoon is delayed by the sub-tropical jet stream.

Jet streams are great rivers of air that ring Earth at levels in the atmosphere ranging from 7 to 8 miles (11 to 13 kilometers) above the surface. The subtropical jet stream is a permanent feature, flowing westerly (from west to east). It migrates over the year in response to the seasons, moving northward to higher latitudes in the summer and southward in the winter.

As summer progresses, the subtropical jet slides northward. The extremely high Himalayan mountains present an obstacle for the jet; it must "jump over" the mountains and reform over central Asia. When it finally does so, a summer monsoon cell develops. The transition can be very fast; the Indian monsoon has a reputation for appearing suddenly as soon as the subtropical jet stream is out of the way. As the air is forced to rise over the foothills of the Himalayas, it causes constant, heavy rains, often resulting in

destructive flooding. The town of Cherrapunji, India, located on the Himalayan slopes, receives an annual rainfall of over 36 feet (11 meters), making it one of the wettest places on Earth.

Why monsoon prediction to hard...

- ▶ The topography of the Indian subcontinent makes the monsoon system very complex.
- ▶ Good data are not available on many parameters, both over land and the sea.
- ▶ No knowledge on how aspects of weather, like aerosols and clouds, influence the monsoon.
- ▶ Computational resources are not good enough even when data are available.

IMD Criteria for announcement of Monsoon

The IMD's criteria for announcing monsoon arrival requires that 60 per cent of the 14 stations record more than 25 mm of rainfall for two consecutive days.

Monsoon winds must flow in the south-westerly direction and atmospheric pressure at the height at which these winds form (approximately 4.5 km above the sea level) should measure about 600 hectapascal, the unit of measuring pressure. Wind speed should be at least 16-20 knots and there should be good clouding close to the Arabian Sea.

The outgoing long-wave radiation or the amount of electromagnetic radiation emitted as energy from earth and its atmosphere to space in the form of heat is also a criterion for declaring monsoon. Only if at least three of these criteria are fulfilled, monsoon is declared to have arrived.

IMD issue many forecasts for the monsoon — one of course is the monsoon onset, that is when Kerala will get the first rain.

The Indian Meteorological Department, IMD, gives its forecast in April which is updated in June after more data comes in. In April it gives an advanced forecast so that the government has enough time to respond.

In addition to that it issues a separate forecast for monsoon rainfall for the country as a whole. That is very important – whether there will be a drought, normal monsoon or excess monsoon. The first forecast for this is issued in April.

Forecasting terminology

What is Forecasting?

- ▶ In science, the forecasting means the process of estimation of the value of some variable at some future time. One of the primary functions of the national Weather service is forecast of weather parameters such as rainfall, temperature, wind, humidity etc. over a region averaged over a particular time period. For example forecast of daily rainfall (rainfall averaged over a day).

What is Nowcasting?

- ▶ A weather forecast in which the details about the current weather and forecasts up to a few hours ahead (but less than 24 hours) are given.

What is short range weather forecasting?

- ▶ Short range weather forecasts are weather forecasts valid up to 72 hours ahead. This forecast range is mainly concerned with the weather systems observed in the latest weather charts and also by considering the generation of new systems within the time period.

What are medium range forecasts?

- ▶ These are weather forecasts generally valid for a period of 4 to 10 days (However, up to 7 days in tropics). In this, the average weather conditions and the weather on each day will be prescribed with progressively lesser details and accuracy than that of the short range forecasts.

What is long range forecast?

- ▶ As per the World Meteorological Organization (WMO) definition, long range forecast is defined as the forecast from 30 days' up to one season's description of averaged weather parameters. The seasonal forecast comes under long range forecast.

What is extended range forecast?

- ▶ This is the forecast range which lies between long range (seasonal) and medium range. Thus, it starts generally from 10 days (however, beyond days 7 in tropics) up to one month.

Which methodology is used for monsoon prediction in India?

In general, three approaches are used. These are (i) Statistical method, (ii) Numerical Weather Prediction or Dynamical method, and (iii) Dynamical cum Statistical method. From the beginning, the main approach towards the long range prediction has been based on statistical methods. IMD's operational forecasts for the monsoon rainfall are based on this technique.

The statistical method involves identification of predictive signals (predictors) that having significant and stable historical relationship with the predict and predicting the value of predict and at future time. For this purpose, it is assumed that the observed predict and-predictor relationship persists in the future also and that the predictor values corresponding to the future predict and value to be forecasted are known. The parameters are as follows.

The 16 Monsoon (Original) parameters of the IMD model		
	Temperature	
1.		El Nino (The same year)
2.		El Nino (The Previous years)
3.		Northern India minimum temperature (March)
4.		East Coast of India minimum temperature (March)
5.		Central India minimum temperature (May)
6.		Northern hemisphere surface temperature (January to April)
	Wind	
7.		Wind pattern at 6km height (500 millar) and the location of the high pressure ridge along the 75° K longitude in April
8.		Northern hemispher wind pattern at 20 km height (50 milibar) that is, E-W extent of trough and Ridge (Winter)
9.		Zonal wind at 30 km height (10 millibar) in January
	Pressure	
10.		Southern oscillation index (SOI) during spring
11.		Sea surface pressure at Darwin
12.		Argentina pressure in April
13.		Northern hemisphere surface pressure anomaly (January to April)
14.		Indian ocean equatorial pressure (January to May)
	Snow	
15.		Himalayan snow cover (January to March)
16.		Eurasian snow cover in December

Now IMD is using a dynamical model along with a statistical model, and may soon switch completely to a dynamical model in the near future. A statistical model is based on parameters that are assumed to influence the monsoon. For example, increased Himalayan snow cover was seen to be associated

with a strong monsoon, and El Nino was seen to influence the monsoon negatively. These correlations seem to match reality during some seasons and not match during some other seasons.

For example, models show a strong negative influence of the El Nino on the monsoon, but in reality the influence is not always strong. Since statistics does not simulate reality, predictions were bound to go wrong. The Indian Institute of Tropical Meteorology (IITM), a government-run research institution, has been working on developing dynamical models for some time, and IMD has been using it in recent times along with a statistical model. There are hints that forecast accuracy has improved.

A dynamical model simulates in the computer the actual conditions in the atmosphere that lead up to a monsoon season. Developing and using them involves understanding the physics of the monsoon well, developing mathematical equations that determine the behaviour of the atmosphere and the sea during the monsoon, measuring the initial conditions accurately over land and the sea, and making a computer calculate how these initial conditions evolve based on the equations.

In practice this is a hard task, and no dynamical model has been accurately able to predict all aspects of a monsoon season accurately. Scientists do not understand the physics well, data are hard to get, and simulating the evolution of a coupled ocean-atmosphere model is hard for the most powerful computers in the world so far. However, there have been improvements in all these aspects in recent times, and scientists expect more for some time.

Advances in computing power constitute the most immediate and noticeable improvement, and not just on seasonal forecast. For example, providing a short-range forecast at the block level requires data from each block level as well as enormous computing. Currently, the country has 800 observation stations; there is a programme to increase it to more than 6,000 over the next five years.

Data at this level of granularity would require a five-fold increase in computing power. IMD is increasing its computing resources from 1.2 petaflops to 10 petaflops by 2017, and this upgradation would have an immediate impact even with current data. An increase in computing power will improve medium-term and seasonal forecasts as well.

Medium-term forecasts are a new phenomenon for the country. The IITM has been using an atmosphere-ocean coupled model for providing an experimental 20-day forecast from the year 2001. Short-range forecasts are based only on the atmosphere. Coupled models are hard to simulate, but the accuracy and utility of the IITM forecasts

were good enough for it to be taken over by the official forecaster from this year. This method is good for forecasting heat waves as well.

Use of technology for monsoon prediction

- ▶ **Use of supercomputer:** The new super-computers, made at an investment of Rs 400 crore, will impact the seasonal forecasts as well. The supercomputer will use 3D modeling to predict how the seasonal rains will develop. It may be operational by 2017. The machine will use data collected by satellites, planes and balloons.
- ▶ **Use of space technology:** The current Indo-UK programme is an example. The 8-million-pound project has scientists from the University of East Anglia, University of Reading, the Indian Institute of Science and the Indian Space Research Organisation, apart from expert support from a few more institutions. It has three components to study: the ocean, aerosols, and the land. The aerosol experiments are being conducted over Bengaluru. The ocean experiments will start within a week. An extensive observation network has been established over land, and data from them will go into making models with better resolution. Together, these experiments are expected to generate enough data to improve our understanding of the monsoon.
- ▶ **Understanding role of ocean:** The Indian Ocean plays an important role in the formation and behaviour of the monsoon, but it is not well understood as there are no data beyond a few hundred kilometers from the east coast of India. The current expedition, on the research ship Sindhu Sadhana, will use robots to gather data from below the surface.

Changes in weather terminology

With an aim to make the interface more audience friendly and fill the communication with civil administration, the India Meteorological Department (IMD) has changed the languages and also redefined many of its terms.

Following are some of the major changes introduced by the department:

- ▶ *Normal:* $\hat{A} \pm 10$ percent of the long period average (lpa).
- ▶ *Below normal:* Rainfall lower than 10 percent below average of the lpa.
- ▶ *Above normal:* Rainfall greater than 10 percent above average of the lpa.

- ▶ *Deficient year:* Rainfall deficit between 10 and 20 percent up to 40 percent of India's spatial area.
- ▶ *Large deficient year:* Rainfall deficit of over 10 percent across more than 40 percent of India's area.

India Meteorological Department also has standardised key terms. Some of these are as follows:

- ▶ *Heat wave:* Temperatures greater than 4.5 Degrees Celsius above usual temperatures for the region.
- ▶ *Severe heat wave:* Temperatures greater than or equal to 47 Degrees Celsius.
- ▶ *Cold wave:* Temperatures less than 4.5 Degrees Celsius below usual temperatures for the region.
- ▶ *Severe cold wave:* Minimum temperature is 2 Degrees Celsius or lower.

Proposed Benefits

The farming sector in India depends heavily on the monsoon season. More than two-thirds of India's annual rainfall is outcome of the monsoon that runs from June to September.

Farmers could identify the best time to sow their crops based on accurate predictions. Farm production could be increased by up to 14 percent through more accurate monsoon forecasts. It may

help in increasing India's farming output at levels justifying its cost in just one season.

For example: Farmers sow paddy at the start of the monsoon in June and the key areas are in the east and south. The crop is heavily dependent on rains for irrigation.

Corn, lentils, oilseeds and cotton – important crops in western and central India – have some dependency on the seasonal rains. India remains a net importer of lentils and cooking oils and domestic output can alter overseas purchases. An average rainfall could allow the world's second biggest producer of cotton continue with its free policy on overseas sale.

Higher farm output would rein in food prices and help the government to take steps to cut the fiscal deficit and farm subsidies.

A stronger economic outlook can lift sentiment in equity markets, mainly of companies selling products in rural areas, including consumer goods and automobiles.

Monsoon rains replenish reservoirs and lift ground-water levels, allowing better irrigation and more hydropower output.

Higher rainfall can cut demand for subsidised diesel, which is used to pump water from wells for irrigation and makes up for about 40 percent of India's oil products demand.

Hence better prediction of monsoon will help in economic growth of India.

CHILD LABOUR AMENDMENT BILL PASSED BY PARLIAMENT

Context

The amendments proposed in Child Labour Prohibition and Regulation Act has been passed in the Parliament.

Definition of Child Labour

Child Labour, as defined by the International Labour Organization, refers to work that leads to the deprivation of one's childhood and education opportunities. It deprives children of their childhood, their potential and their dignity and that is harmful to their physical and mental development.

Following are the incidences which can recognize as outcome of Child Labour:

- ▶ Mentally, physically, socially or morally dangerous and harmful to children; and
- ▶ Interferes with their schooling by:
 - I. depriving them of the opportunity to attend school;
 - II. obliging them to leave school prematurely; or
 - III. requiring them to attempt to combine school attendance with excessively long and heavy work.

Some data related to Child Labour in India

According to the Census 2011 figures there are 82.2 lakh working children in the age group of 5-14. India's biggest hub of child labour is Uttar Pradesh and it accounts for almost 20% of India's child labourers.

Child labour is prominent in rural India - 80% of working children live in India's villages, where most of them work in agriculture. Some of them also work in household industries and are employed in home-based businesses. Children between 14-17 years engaged in hazardous work account for 62.8% of the India's child labour workforce, 10% of whom are hired in family enterprises. Over half of working adolescents do not study. This number is higher for adolescents doing dangerous work. It is not surprising that more boys than girls (38.7 million vs. 8.8 million) are forced into doing hazardous work (according to International Labour Organization's World Report on Child Labour 2015).

Examples of Child Labour:

The following are some of the situations in which children are engaged in work:

- ▶ Agriculture - Children working long hours and under severe hardships on the fields. They are also exposed to the hazards of working with modern machinery and chemicals.
- ▶ Hazardous Industries/ Occupations - Like glass making, mining, construction, carpet weaving, zari making, fireworks and others as listed under the Child Labour Act.
- ▶ Small industrial workshops and service establishments.
- ▶ On the streets - Rag pickers, porters, vendors, etc.
- ▶ Domestic work- Largely invisible and silent and hence face higher degree of exploitation and abuse in the home of employees.

Constitutional article that prohibits Child Labour and proposes child development:

1. Article 14 (No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other danger employment.
2. Article 39-E (The state shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength.
3. Article 39-F (Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment.
4. Article 45 (The state shall endeavor to provide within a period of ten years from the commencement of the constitution for free and compulsory education for all children until they complete the age of fourteen years. The main legislative measures at the national level are The Child Labour Prohibition and Regulation Act - 1986 and The Factories Act - 1948.

Causes of Child Labour in India

Over population, illiteracy, poverty, debt trap are some of the common causes which are instrumental in this issue. Overburdened, debt-trapped parents fail to understand the importance of a normal childhood under the pressures of their own troubles

and thus it leads to the poor emotional and mental balance of a child’s brain which is not prepared to undertake rigorous field or domestic tasks. National and Multinational companies also recruit children in garment industries for more work and less pay which is absolutely unethical.

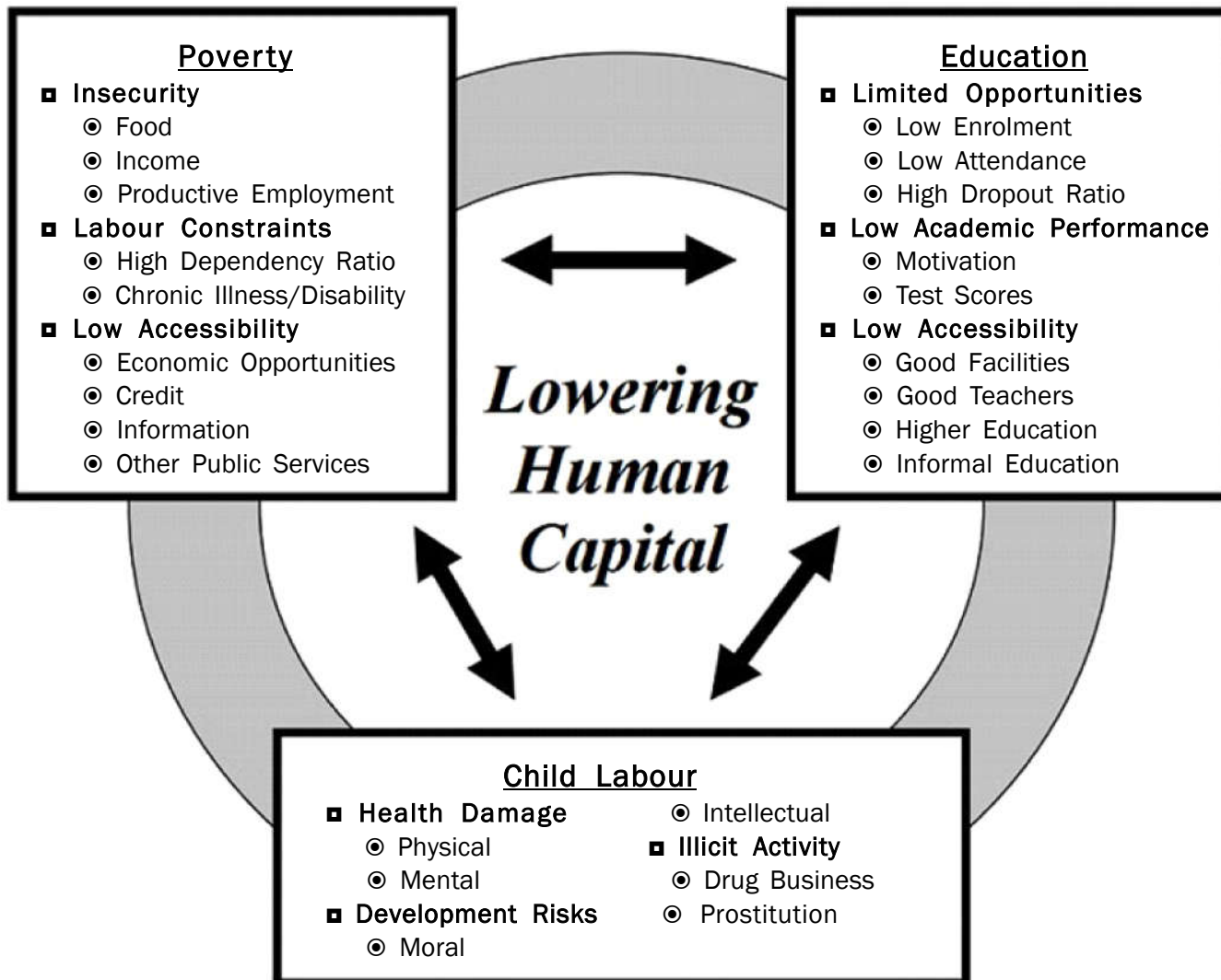


Fig. 8

Child Labour Prohibition and Regulation Act

According to the Child Labour Prohibition and Regulation Act, children of any age may be employed, provided employers adhere to restrictions, including a maximum 6-hour work-day with a 1-hour rest period, at least 1 day off per week, and no night or overtime work. The Child Labor Prohibition and Regulation Act bars children under age of 14 from 18 hazardous occupations and 65 hazardous processes, such as handling pesticides, weaving carpets, breaking stones, working in mines, and domestic service. The Factories Act bars children under age 14 from working in factories. Employing

children under age 14 in a hazardous occupation or process can lead to fines and imprisonment.

Amendments proposed in Child Labour Prevention Act

In a significant move to curb the rampant spread of child labour across the country, the Government of India has proposed amendments in Child Labour Prevention Act.

The amendment extends this ban on employment of children under 14 across all sectors, prohibits the employment of adolescents aged 14-18 years in hazardous occupations and introduces more stringent jail term and fines for offenders: a

jail term of six months to two years and a fine of Rs. 20,000 to Rs. 50,000.

Problems with the amendment

The ban on hazardous adolescent work is accompanied by changes in the schedule of hazardous work in the statute, bringing these down from 83 prohibited activities to only three. Apart from mining and explosives, the law only prohibits processes deemed hazardous under the Factories Act 1948. In other words, the amended law prohibits only that child work which is considered hazardous for adult workers, without recognising the specific vulnerabilities of children.

More damaging is the caveat in the amended law that permits even children under 14 years to now work in non-hazardous “family enterprises” after school hours and during vacations. The family is defined to include not just the child’s parents and siblings, but also siblings of the child’s parents. And a family enterprise includes any work, profession or business in which any family member works along with other persons.

It is estimated that around 80 per cent of child labour is in work with family members. This is in farms, forests, home-based work such as bidi rolling, carpet weaving, making of bangles and handicrafts, home-based assembly tasks, domestic work, eateries, roadside garages, and street vending. Hence this Amendment, in principle, goes against the Right of Children to Free and Compulsory Education Act, 2009, which mandates the state to ensure free and compulsory education to all children in the age group of 6 to 14 years. If a child is allowed to legally work in a non-hazardous industry, would he or she be able to meet all the demands of a school education? A condition set forth in this Amendment is that children should work only after school hours or during vacations. But meeting this condition is easier in theory than in practice.

Further child can work as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such

other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed, provided that no such work under this clause shall effect the school education of the child.

According to UNICEF, under the new Child Labour Act, some forms of child labour may become invisible and the most vulnerable and marginalized children may end up with irregular school attendance, lower levels of learning and could be forced to drop out of school. Secondary enrolment is still lagging behind, especially for the most vulnerable children, many of whom are working.

Possible Solutions

- ▶ Children irrespective of their race, caste, sex, economic condition, religion, place of birth, and parents to whom they born, need to know how to read and write. They need social and professional skills that only a school and nurturing environment can provide. Government should work for skill development and vocational education for the children.
- ▶ The NGOs also have a big role to play in this regard. Various NGOs are working for the cause of child labour. MVF in Andhra Pradesh is a striking example. They have been working for the welfare of children in various respects.
- ▶ Compulsory education can help eradicating the problem of child labour up to a large extent. Statistics also show that education has helped in reducing child labour in Western Countries up to a large extent.
- ▶ Mandatory on industrialists for equal pay without discrimination of Age, Status, Religion etc.
- ▶ Adequate health services for children at large living in the society.
- ▶ A robust monitoring mechanism is needed to ensure that accountability of all stakeholders can be maintained, especially because there is no reference to trafficking of children for work in the current amended Bill.

COMPENSATORY AFFORESTATION FUND BILL PASSED BY PARLIAMENT

Context

Parliament has passed the Compensatory Afforestation Fund Bill, National Compensatory Afforestation Fund under the Public Account of India, and a State Compensatory Afforestation Fund under the Public Account of each state.

What is Compensatory Afforestation?

Forests are a vital component to sustain the life support system on Earth. Forests whether Government, village or private subserve the entire community and represent a community resource that meets the need of the millions of rural people especially the tribals.

As per the Forest (Conservation) Act 1980, whenever forest land is to be diverted for non-forestry purpose usually the conditions relating to transfer, mutation and declaration as Reserve Forest/ Protected Forest the equivalent non forest land for compensatory afforestation and funds for raising compensatory afforestation etc are to be imposed. For mining purposes additional conditions like maintaining a safety zone area, fencing and regeneration etc and for major and medium irrigation projects, catchment area treatment plans are to be stipulated.

According to it as far as possible, the non-forest land for Compensatory Afforestation (CA) was to be identified contiguous to or in the proximity of Reserved Forest or Protected Forest. In case, non-forest land of CA was not available in the same district, non-forest land for CA was to be identified anywhere else in the State/Union Territory. If non forest land was unavailable in the entire State/ UT, funds for raising CA in double the area in extent of the forest land diverted had to be provided by the user agency.

What is CAMPA?

The funds for CA were to be recovered from the user agencies on the basis of the rates fixed by the State Forest Department which were site specific and varied according to the species, type of forest and site. The money received for Compensatory Afforestation, Additional Compensatory Afforestation etc was to be used as per site specific schemes submitted by the State along with the approved proposals for diversion of forest land. After receipt of the money, State Forest Department was to

accomplish the afforestation for which money is deposited in the Compensatory Afforestation Fund within a period of one year or two growing seasons. These funds were to be used towards the development, maintenance and protection of forest and wildlife management.

The Supreme Court of India in November 2001 had observed that there was poor utilization of funds deposited for compensatory afforestation and also that a large amount of money for compensatory afforestation was not realized by the State Governments from user agencies.

The Supreme Court of India in October 2002 directed the creation of a 'Compensatory Afforestation Fund' in which all the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value (NPV) of forest land, Catchment Area Treatment Plan Funds, etc. were to be deposited.

Compensatory Afforestation Fund Management and Planning Authority (CAMPA) are meant to promote afforestation and regeneration activities as a way of compensating for forest land diverted to non-forest uses. National CAMPA Advisory Council has been established as per orders of The Hon'ble Supreme Court with the following mandate:

- ▶ Lay down broad guidelines for State CAMPA.
- ▶ Facilitate scientific, technological and other assistance that may be required by State CAMPA.
- ▶ Make recommendations to State CAMPA based on a review of their plans and programmes.
- ▶ Provide a mechanism to State CAMPA to resolve issues of an inter-state or Centre-State character.

About Compensatory Afforestation Fund Bill

Parliament has recently passed the Compensatory Afforestation Fund Bill with following mandate:

- ▶ The Bill establishes the National Compensatory Afforestation Fund under the Public Account of

India, and a State Compensatory Afforestation Fund under the Public Account of each state.

- ▶ These Funds will receive payments for: (i) compensatory afforestation, (ii) net present value of forest (NPV), and (iii) other project specific payments. The National Fund will receive 10% of these funds, and the State Funds will receive the remaining 90%.
- ▶ These Funds will be primarily spent on afforestation to compensate for loss of forest cover, regeneration of forest ecosystem, wildlife protection and infrastructure development.
- ▶ The Bill also establishes the National and State Compensatory Afforestation Fund Management and Planning Authorities to manage the National and State Funds.

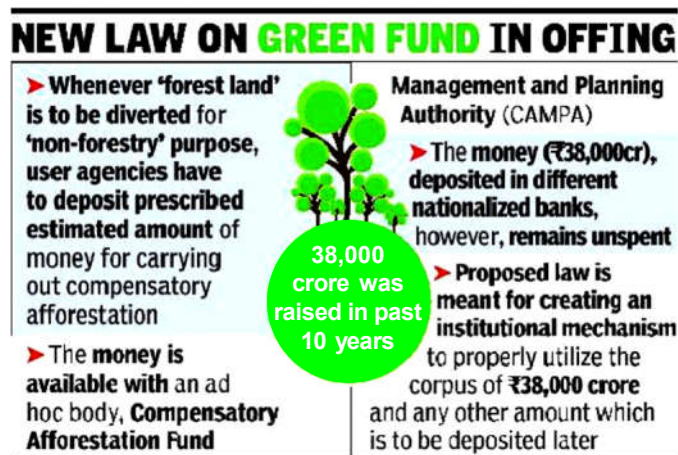


Fig. 9

Issues raised

While the principle of compensatory afforestation, and the need for payment of NPV, is fairly straightforward, the implementation is plagued with complications. The main difficulty has been the availability of non-forest land for afforestation. The law says the land selected should preferably be contiguous to the forest being diverted, so that it is

easier for forest officials to manage it. But in case that is not possible, land in any other part of the state can be used for the purpose. If no suitable non-forest land is found, degraded forests can be chosen for afforestation, but in that case, twice the area of diverted forest has to be afforested. Still, there is difficulty in finding land, especially in smaller states, and in heavily forested ones like Chhattisgarh.

Further the onus of utilization of funds lies on bureaucracy. Official records show that 19.4 million hectares has been afforested by the forest department over the last decade but forest cover has barely increased, reflecting the failure of the centralised forest bureaucracy to undertake ecological greening. Even the ecological value of whatever survives is highly dubious, as monocultures and mixed plantations can't be substitutes for natural forests.

Instead of entrusting the Rs. 41,000 crore to the forest bureaucracy, we need to use these funds to further strengthen local rights and empower communities to restore forests and degraded lands.

This bill may lead to the possible violation of tribal rights, and gram panchayats not having the final say in deciding what kind of forests could be grown.

Further according to a recent study by Rights and Resources Initiative (RRI), almost half of India's forests are likely to come under the jurisdiction of gram sabhas; thus, any efforts to regenerate or afforest these lands will require their consent and support. In view of this, an amendment to the proposed bill was introduced in the Rajya Sabha to include the provision of gram sabha consent for any afforestation activity.

The utilization of the fund will result in creation of productive assets and generation of huge employment opportunities in rural areas, especially backward tribal areas but the rights of tribals should be respected.

ECONOMIC IMPACT OF TRAFFIC CONGESTION

Context

The recent traffic jam chaos in Delhi NCR due to heavy rains.

Importance of urban transport

Urbanization and economic development have a strong positive correlation which is indicated by the fact that a country with a high per capita income is also likely to have a high degree of urbanization. The economic advantages provided by urban areas are many. Generally, the industrial, commercial and service sectors tend to concentrate in and around urban areas. These areas provide a larger concentration of material, labour, infrastructure and services related inputs on the one hand and also the market in the form of consumers, on the other.

City efficiency largely depends upon the effectiveness of its transport systems, i.e., efficacy with which people and goods are moved throughout the city. Poor transport systems hampers economic growth and development, and the net effect may be a loss of competitiveness in both domestic as well as international markets

Thus proper development of urban transport to meet the needs of growing population is urgently needed in country like INDIA. The public transport system helps in improving urban-rural linkage and improves access of the rural/semi-urban population in the periphery to city centres for the purpose of labour supply without proliferation of slums within and around cities.

The major objective of urban transport initiative is to provide efficient and affordable public transport. A National Urban Transport Policy (NUTP) was laid down in 2006, with the objective of ensuring easy, accessible, safe, affordable, quick, comfortable, reliable, and sustainable mobility for all. In order to provide better transport, proposals for bus rapid transit system (BRTS) were approved.

The quality and quantity of roads had been improved by providing better signaling system, foot over bridges for pedestrians, over bridges and flyovers to decrease travelling time, diverging heavy vehicles directly to highways without accessibility to city roads etc. The new concept of low floor buses has been introduced in capital cities to control pollution as well as for improving the conditions of local government buses.

Metro rail projects as already present in Delhi/ NCR has been further sanctioned for new cities as Chennai, Bangalore, Mumbai as (monorail) to decrease the travelling time and environmental effects of vehicular emissions.

But most of the cities are suffering from medium to high level of traffic congestion. In some major cities the growth of private vehicle usage has increased at a faster rate. Alongwith that the poor roadway condition, non-uniform roadway features in terms of carriageway and shoulder width, encroachment of road, abutting land use and resulting pedestrian activities, poor lane discipline, improper bus stop location and design, vehicles of wide ranging characteristics of technology and operating condition, heterogeneity of traffic, uncontrolled on-street parking, etc. indicate the nature and cause of congestion in India.

Reasons for rampant traffic jams

Unplanned cities: Roads tend to be narrow and poorly built. As cities grow in an ad-hoc manner, no provision is made towards scaling road capacities, eventually resulting into several bottleneck roads, which remain congested for extended periods of time. Furthermore, many developing countries have witnessed an explosive growth in their vehicular population resulting in a failure of conventional traffic management strategies.

Poor discipline: Drivers often are not trained sufficiently to follow lane discipline. The impact of poor lane discipline, especially at traffic junctions, deteriorates the already overcrowded junction situation. Furthermore, drivers frequently jump red lights and block the intersection, causing further traffic congestion. These problems are compounded by the fact that traffic law enforcement is poor, thereby providing no incentive for drivers to follow the rules.

Alternate traffic means: Countries with fast growing economies have witnessed a surge in the number of vehicles across major cities. These cities seldom have efficient mass transit systems, forcing

people to operate private vehicles. This problem is compounded by the social stigma, where people view operating a private vehicle as a sign of prosperity, while public transport is viewed as being used by the lower echelons of society.

Archaic management: Traffic junctions are often unmanned, thereby allowing drivers to drive in a chaotic manner. Even if a junction is controlled by a cop or a traffic light, the traffic junctions are largely independent of any traffic management strategy, only optimizing the respective junction traffic flow, in the direction of maximum traffic build up. Furthermore, these approaches enhance traffic mismanagement in already congested roads, accelerating congestion collapse.

Tighter budgets: A significant amount of investment is required to set up a traffic management infrastructure which can scale with the increasing traffic. Such an infrastructure not only involves measuring and analyzing real-time traffic data but also focuses towards enhancing congestion detection, solving real time congestion and forecasting congestion scenarios. In developing countries, ravaged by corruption and bureaucracy, there are multiple hurdles before the money actually progresses towards such large initiatives.

What are the economic impacts of traffic jams?

Due to traffic jam people are losing money in following ways:

- ▶ Loosing man-hours,
- ▶ Extra transportation cost,
- ▶ Extra fuel consumptions,
- ▶ Vehicle operating cost, and
- ▶ Miscellaneous cost (indirect impact on health, environment)

From an economic perspective, congestion's main impact is the lost productivity from more time spent traveling to work rather than working; delaying (or missing) meetings; foregoing interactions among individuals or personal activities due to long travel time; and spending more time to accomplish tasks than would otherwise be necessary if we could reliably plan for accomplishing the same things at free-flow speeds.

The Centre for Economics and Business Research, a London-based consultancy, and INRIX, a traffic-data firm, have estimated the impact of

such delays on the British, French, German and American economies. To do so they measured three costs: how sitting in traffic reduces productivity of the labour force; how inflated transport costs push up the prices of goods; and the carbon-equivalent cost of the fumes that exhausts splutter out. In 2013 the expenses from congestion totalled \$200 billion (0.8% of GDP) across the four countries. As roadbuilding fails to keep up with the increasing numbers of cars on the road, that figure is expected to rise to nearly \$300 billion by 2030. Two-thirds of the costs incurred are the result of wasted fuel and time that could be better spent elsewhere, and the remainder from increased business expenses.

But these numbers mask huge variation within countries. In America the average cost of congestion to a car-owning household is estimated to be \$1,700 a year; in France it is \$2,500. But traffic is so bad in Los Angeles that each resident loses around \$6,000 a year twiddling their thumbs in traffic – at a total cost of \$23 billion, the costs are estimated to exceed that of the whole of Britain. But these costs do not take account of the price of carbon-dioxide emissions. In total, over 15,000 kilotons of needless CO₂ fumes were expelled last year – which would cost an additional \$350m to offset at current market prices. In choked-up Los Angeles \$50m alone would have to be set-aside.

Uneven driving in slow traffic leads to increases in fuel consumption (repeated accelerations at low speed) and pollutant emissions. In traffic jams, in addition to the stress, the poorer air circulation around the vehicles increases the pollutants concentrations inside. In town, traffic jams reduce the commercial speed of public transport, making it less efficient and thus less attractive.

Impact on health

Carbon monoxide (CO): This gas is created when fuels containing carbon are burned incompletely. Fetuses and persons afflicted with heart disease are at greater risk. CO hinders oxygen transport from the blood into the tissues. Therefore, more blood is required to be pumped to deliver the same amount of oxygen. Healthy individuals are also affected at higher levels of CO exposure. Large dose of CO can be fatal.

Sulfur dioxide (SO₂): This gas is created when fuel containing sulfur is burnt. High concentration of SO₂ can result in temporary

breathing impairment for asthmatic children and adults who are active outdoors. This gas mainly affects the functions of lungs.

Suspended particulate matter (SPM): At high concentration, particulate matter can adversely affect human health. There are two classifications for particulate matter, PM10 and PM2.5. All particles smaller than 10 microns in diameter are classified as PM10 or coarse size particles. Fine size particles or PM2.5, are those particles less than or equal to 2.5 microns in diameter. Diesel vehicle exhaust is the main source of PM in urban areas. These particles penetrate deeply into the lungs and are captured by lung tissue. The most dangerous aspect of PM pollution from diesel vehicles is the hundreds of different chemicals that are adsorbed to the particle. Exposure to PM pollution has been associated with respiratory and cardiac problems, infections, asthma attacks, lung cancer and decreased life expectancy.

How traffic congestion and unplanned growth are related?

The unplanned urbanisation over the past few years has led to encroachment or hindrance in the alignment of the natural water channels. Some of them have completely disappeared. Water bodies such as, ponds, johars, low-lying areas, submergence areas upstream of bunds, act as a natural sponge of rainfall and help discharge excess run off. The land use has been changed and sold to builders to construct housing and commercial projects. It has led to constant problem of waterlogging. Also, the current drainage system is grossly inadequate to meet the needs of the ever growing population.

The study (MoUD) revealed that based on a sample of 87 cities, under business-as-usual circumstances, in 20 years, the expected average journey speeds would decrease from 17-26 km/hour to 6-8 km/hour. In other words, journey speeds will slow down by more than 50 percent by 2040 – if the pace of infrastructure development continues at the current crawl rate.

Further due to unplanned development the public transport system has remained insufficient to meet the needs of the growing population. Mini-buses and an old bus system have been characterised by slower speeds, longer trip times, and increased vehicular queuing.

What are the steps needed?

► **Awareness Building**

To reduce traffic congestion, the most vital prerequisite, is the development of public awareness. Unless and until people change their perception and develop a mind to abide traffic rules, whatever strategy Government takes, it will not work properly. Law-abiding consciousness, good-intention and sincere co-operation can remarkably reduce traffic jam.

► **Financial penalty to the traffic law breakers**

Government can take such strict step like imposing financial penalty on the law disobeying drivers. They should be made to dissuade the drivers from certain congestion-causing habit such as wrong overtaking, one way driving. Mobile court should be introduced to fine the truck drivers for disobeying traffic law and driving unfit truck. This kind of implication of law can mitigate the traffic jam in short run, but in long run all the people should be involved to create awareness and responsible to the society. Otherwise traffic jam solution is impossible.

► **Supply and Demand**

Congestion can be reduced by either increasing road capacity (supply) or by reducing traffic (demand) revealed that road capacity can be increased in a number of ways such as adding more capacity over the whole of a route or at bottlenecks, creating new routes, and improvements for traffic management. Reduction of demand can include, parking restriction, park and ride, congestion pricing, road space rationing, incentives to use public transport and introduction of e-education, e-shopping and home-based working options which will reduce the number of people traveling.

► **Increasing and developing the manpower (Traffic police)**

As the city is running with inadequate amount of traffic police than required, so it is the need of the hour for the authority to increase the number of traffic police. This step will create some scope for employment also. Only recruitment is not enough, they should be trained up for the betterment of the traffic management.

► **Road widening**

Road widening is often advocated as ways to reduce traffic congestion. Roads of the city are narrow in different places, further Hawkers on the footpath and illegal possession on the road or illegal structures create problems. This kind of unlawful activity has to be prevented by imposing proper law and city development plan. Several steps of road widening have been undertaken. However some research indicates that road widening provides only slight reductions in urban traffic congestion.

Urban planning principles have to be followed to make the city sustainable and resilient. Facing the same problems year-after-year and escaping to business-as-usual after a few days of negative press is not the solution.

Solution Provided by Experts

- Increasing pedestrian facilities,
- NMT (Non Motorized Transport) free road,
- Maximum use of road width,
- Banning unauthorized parking,
- Controlling road side activities,
- Modern signalling system,
- Speed wise dedicated road for vehicles,
- Car free days,
- High Parking charge,
- Training of traffic polices.

Experts also suggest implementing environment sustainable transport to provide transportation facilities to people as well as not to harm the environment. It is essential to minimize the negative impact of transport sector on environment and create increased transport-related environmental awareness in society.

ALL ABOUT HILL COUNTRY TAMILS

Context

Sri Lankan Government has decided to establish a body for the welfare of over one-million plantation community, which essentially comprises hill-country Tamils.

Who are Hill Country Tamils?

Indian Tamils of Sri Lanka are Tamil people of Indian origin in Sri Lanka. They are partly descended from workers sent from South India to Sri Lanka in the 19th and 20th centuries to work in coffee, tea and rubber plantations. Some also migrated on their own as merchants and as other service providers. These Tamil-speakers mostly live in the central highlands, also known as the Malayakam or Hill Country yet others are also found in major urban areas and in the Northern Province.

As migrant indentured labourers, the plantation Tamil workers, 'Indian Tamils', remain subordinated within the Tamil ethnic hierarchy dominated by the 'Jaffna' Tamils. Although plantation workers gained limited franchise in 1931, in a divide-and-rule colonial policy, these rights were retracted following independence in 1948 (Jayawardena, 1985; Sivathamby, 1991).

As per an official estimate, nearly one million people are residing in the estates and the plantation sector, as a whole, provides direct and indirect employment to 1.5 million people. Around 40 per cent of the residents of the estates belong to the category of non workers. The plantation sector – tea and rubber – contributes around 20 per cent of export earnings of Sri Lanka with \$ 1,366 million in 2015.

Upcountry Tamils were originally classified as follows: Estate workers, Railway workers, PWD workers and as Persons engaged in business (trade). But today, they may be classified as: Estate workers, Persons connected with state institutions, Persons who do not belong to the estate sector, Persons connected with NGOs, Persons engaged in business, Persons who are employed abroad and Persons engaged in garment and the private sector.

Living status and problems faced by them

The 'line' system that exists in estate housing is the same one established in the late 19th century – a row of small houses, each more similar in size to a single room, that share a roof. These were initially meant to be temporary shelters for the

workers yet estate management over the years never sought to develop the living conditions of the workers.

Each family is allocated one of these 'houses', meaning everyone lives in uncomfortably close quarters, severely distorting family dynamics. Yet the estate worker is not the owner of his house, even though it is that small. Since the plantation land belongs entirely to the estate, the worker is not provided with a deed or permit that proves that the house is his/hers.

Because of this system, where the housing comes under the control of the management, individual houses are not provided with an address. This results in administrative issues, problems for the police and issues during voting.

The lack of an address also means important correspondence doesn't reach the house – all mail must be addressed to the estate's head office and is distributed at the management's convenience. Workers don't receive time-sensitive EPF notices, students who persevere enough to complete their education don't receive their university letters in time and most personal correspondence never reaches the person it was meant for.

Estates, being private lands, do not fall under the Pradeshiya Sabha Act therefore local authorities do not have the power to provide addresses in these areas as the roads too are the estate's property; their maintenance is the responsibility of the estate.

Classes in estate schools are limited and students who wish to study further have to go into the main town. Hospitals, long since neglected, are not adequate for all emergencies and again, they are forced to resort to services in the town. Surgeries and delivery of babies has to be done by trained doctors in a town hospital.

Health issues are constantly mounting in the cramped living conditions. In addition, most estates don't have a proper toilet system for the inhabitants of the line houses to use.

Birth certificates are not issued or don't carry accurate information, individuals do not have national identity cards and when couples marry, they do not seek to obtain a marriage certificate. Lack of awareness of the administrative procedures due to being cut off from society reinforces these inactions.

Reasons for such miserable state

Article 15 of the UN Declaration of Human Rights states:

- ▶ Every person has a right to belong to a nationality.
- ▶ No person shall be deprived of his nationality or denied the right to change his nationality.

But the root cause for this deplorable state of affairs among the hill country Tamils is the consequence of having been deprived of citizenship rights.

The following five laws were enacted on the subject of citizenship:

- ▶ Citizenship Act, No. 40 of 1948
- ▶ Indo-Pakistan Act No. 3 of 1949
- ▶ Indo Ceylon Act, No. 14 of 1967
- ▶ Grant of citizenship to stateless persons Act No. 5 of 1986
- ▶ Grant of citizenship to stateless person (Special Provisions) Act 39 of 1988

In accordance with this acts, those who were granted citizenship as Registered Citizens had to carry with them the certificate signifying citizenship by registration whenever they had to transact business anywhere.

Tamils of the hill country, being backward in education, do not have the capacity to understand the laws under which they are registered. Furthermore, since the administrative authorities belong to the majority community, Tamils from the upcountry are unable to assert rights whenever they go to transact official business.

Further according to the laws of Sri Lanka, any citizen above the age of 18 may be registered as a voter. But among upcountry Tamils there are many

persons above the age of 18 who are not registered. This is because their parents were granted citizenship by the Indian government as they came within that quota. The parents however chose to remain in Sri Lanka without agreeing to repatriation. Since they had become Indian citizens, the Sri Lanka government did not grant them citizenship. It was however their children who suffered. They were not Indian citizens because their parents had chosen to remain in Sri Lanka despite being granted Indian citizenship. But just because they were born in Sri Lanka to Indian citizens they were not granted Ceylon citizenship either. Therefore, even though the parents have citizenship rights and voting rights, these rights were denied to children.

Administrative structure in place

At present, the Plantation Human Development Trust (PHDT), a body comprising representatives of the Sri Lanka government, regional plantation companies (RPC) and trade unions, is in place. Set up in 1992, the PHDT's mandate is to implement social development programmes for the community.

However, it suffers from several handicaps such as limited scope and coverage, reliance on contributions of the RPCs and the absence of the role of coordination with other Ministries, departments and agencies. Its social security net is not applicable to workers' family members, who do not form part of the workforce in the estates. Also, the Trust's functions do not cover small private estates and those coming under the control of Janatha Estate Development Board and State Plantation Companies.

Recently government has decided to establish a body for the welfare of over one-million plantation community. It will carry out the functions of planning and coordination.

It will carry out the five-year action plan of \$690 million for the economic, social and educational development of the community. As part of the action plan, the idea is to build 56,500 houses at an approximate investment of \$575 million.

DISPUTE SETTLEMENT MECHANISM AT WTO

Context

The United States is seeking trade sanctions against India after winning a dispute at the World Trade Organization regarding Indian restrictions on imports of US poultry meat, eggs and live pigs.

Further India has also lost solar case against United States at the World Trade Organisation (WTO) for in breaching of international trade rules. Hence discussing the mechanism of WTO dispute settlement.

What is WTO?

The World Trade Organization (WTO) is the global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business.

The WTO, which has its headquarters in Geneva, Switzerland, has three basic functions:

- ▶ It organizes and staffs the periodic rounds of international trade negotiations.
- ▶ It organizes a dispute settlement process when one member country accuses another of violating one or more of the rules of international trade that all had agreed to abide by in the most recent round of negotiations.
- ▶ It organizes periodic reviews of every member country's trade policies to be sure they are consistent with the existing international trade rules.

What the basic principles of WTO?

The following principles form the basis of the WTO/GATT system:

- ▶ Non-discrimination in trade among nations
- ▶ Protection through tariffs only
- ▶ Maintaining predictability through binding of tariffs
- ▶ Progressive liberalization of trade through negotiations
- ▶ Promoting fair competition in trade in the world market
- ▶ Encouraging development and economic reforms among members

What is the dispute settlement mechanism of WTO?

A dispute arises when one country adopts a trade policy measure or takes some action that one or more fellow-WTO members considers to be breaking the WTO agreements, or to be a failure to live up to obligations.

Settling disputes is the responsibility of the Dispute Settlement Body (the General Council in another guise), which consists of all WTO members. The Dispute Settlement Body has the sole authority to establish "panels" of experts to consider the case, and to accept or reject the panels' findings or the results of an appeal. It monitors the implementation of the rulings and recommendations, and has the power to authorize retaliation when a country does not comply with a ruling.

First stage: Consultation (up to **60 days**). Before taking any other actions the countries in dispute have to talk to each other to see if they can settle their differences by themselves. If that fails, they can also ask the WTO director-general to mediate or try to help in any other way.

Second stage: The panel (up to **45 days** for a panel to be appointed, plus 6 months for the panel to conclude). If consultations fail, the complaining country can ask for a panel to be appointed. Officially, the panel is helping the Dispute Settlement Body make rulings or recommendations. The agreement describes in some detail how the panels are to work. The main stages are:

Either side can appeal a panel's ruling. Each appeal is heard by three members of a permanent seven-member Appellate Body set up by the Dispute Settlement Body and broadly representing the range of WTO membership. Members of the Appellate Body have four-year terms. They have to be individuals with recognized standing in the field of law and international trade, not affiliated with any government.

The appeal can uphold, modify or reverse the panel's legal findings and conclusions.

Follow of the recommendations of the panel report or the appeals report is must. It must state its intention to do so at a Dispute Settlement Body meeting held within 30 days of the report's adoption. If complying with the recommendation immediately proves impractical, the member will be given a "reasonable period of time" to do so. If it fails to act within this period, it has to enter into negotiations with the complaining country (or countries) in order to determine mutually-acceptable compensation – for instance, tariff reductions in areas of particular interest to the complaining side.

If after 20 days, no satisfactory compensation is agreed, the complaining side may ask the DSB for permission to impose limited trade sanctions (suspend concessions or obligations) against the other side. In principle, the sanctions should be imposed in the same sector as the dispute. If this is not practical, the sanctions can be imposed in a different sector of the same agreement.

Brief about the Poultry case

India had banned imports of various agriculture products including poultry meat and eggs from the US in 2007. These poultry products were banned as a precautionary measure to prevent outbreaks of Avian Influenza and bird flu fears. In March 2012, US had dragged India to the WTO for banning these products and had contended India's import prohibition saying that it was not based on the

relevant international standard or on a scientific risk assessment. Earlier in October 2014 WTO Appellate Body had ruled in favour of US and clearly mentioned that India's ban measures are arbitrarily and unjustifiably discrimination on international trade and constitutes a disguised restriction on it.

Due to trade restrictions the annual export decreased. US annual exports of poultry meat to India could exceed \$300 million once the restrictions are removed. Hence recently the United States is seeking trade sanctions against India after winning a dispute at the World Trade Organization regarding Indian restrictions on imports of US poultry meat, eggs and live pigs. The U.S. now wants an arbitration panel under the WTO to approve imposing trade sanctions that could cost India more than \$450 million annually.

The Centre is weighing "all" options including retaliatory measures to counter a U.S. move to seek imposition of more than \$450 million in trade sanctions against India on the grounds that India failed to comply with the World Trade Organisation (WTO) order in the poultry import ban case.

Indian government is in discussions with the U.S. to withdraw its efforts to seek an arbitration panel for assessing the quantum of trade sanctions, and instead give consent to India's demand for a "sequencing agreement." The 'sequencing agreement' is to ensure that the matter is instead referred to a WTO 'compliance panel,' which will look into India's claim that it has complied with the WTO appellate panel's recommendations.

BENAMI TRANSACTIONS (PROHIBITION) AMENDMENT BILL, 2015

Context

Parliament has passed amendments in the the Benami Transactions (Prohibition) Act, 1988.

What are Benami Transactions?

Benami properties are those which are bought in the name of other person whereas it is financed by some other entity.

The Bill has amended this definition to add other transactions which qualify as benami, such as property transactions where:

- ▶ The transaction is made in a fictitious name,
- ▶ The owner is not aware of denies knowledge of or the ownership of the property, or
- ▶ The person providing the consideration for the property is not traceable.

Which transactions are not considered as benami transactions?

These include cases when a property is held by:

- ▶ A member of a Hindu undivided family, and is being held for his or another family member's benefit, and has been provided for or paid off from sources of income of that family;
- ▶ A person in a fiduciary capacity;
- ▶ A person in the name of his spouse or child, and the property has been paid for from the person's income.

Reasons for benami transactions

- ▶ The benami transactions were made in order to find a way with the land ceiling laws, so the real owner can have more landed properties than provided by laws.
- ▶ The above mentioned transactions are made to transfer the property in the name of the relatives of the real owner or some other's name to evade taxation as provided by the tax laws.
- ▶ Benami transactions were also used as a way to conceal black money obtained through corrupt practises.

Institutional structure for curbing the benami transactions

- ▶ The Bill seeks to establish four authorities to conduct inquiries or investigations regarding benami transactions:
 - (i) Initiating Officer,
 - (ii) Approving Authority,
 - (iii) Administrator and
 - (iv) Adjudicating Authority.
- ▶ If an Initiating Officer believes that a person is a benamidar, he may issue a notice to that person. The Initiating Officer may hold the property for 90 days from the date of issue of the notice, subject to permission from the Approving Authority. At the end of the notice period, the Initiating Officer may pass an order to continue the holding of the property.
- ▶ If an order is passed to continue holding the property, the Initiating Officer will refer the case to the Adjudicating Authority. The Adjudicating Authority will examine all documents and evidence relating to the matter and then pass an order on whether or not to hold the property as benami.
- ▶ Based on an order to confiscate the benami property, the Administrator will receive and manage the property in a manner and subject to conditions as prescribed.
- ▶ The Bill also seeks to establish an Appellate Tribunal to hear appeals against any orders passed by the Adjudicating Authority. Appeals against orders of the Appellate Tribunal will lie to the high court.

What are the punishments for Benami transactions?

The punishment will include penalty to rigorous imprisonment of one year up to seven years, and a fine which may extend to 25% of the fair market value of the benami property.

The penalty for providing false information to be rigorous imprisonment of six months up to five years, and a fine which may extend to 10% of the fair market value of the benami property will also be placed.

WORKING OF INTER-STATE COUNCIL

Context

Recently the 11th Inter-State Council held to discuss the issues between Centre and States.

What is Inter-state Council?

Article 263 of the Constitution, provides the provision for the formation of an Inter-State Council.

The members of the Inter-State Council consist of Chief Ministers of all states, Chief Ministers of Union Territories having a Legislative Assembly and Administrators of UTs not having a Legislative Assembly, six Union Ministers and eleven Union Cabinet Ministers/Minister of State (Independent Charge) as permanent invitees.

The Council is charged with the duty of –

- ▶ Inquiring into and advising upon disputes which may have arisen between States;
- ▶ Investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest; or
- ▶ Making recommendations upon any such subject and in particular, recommendations for the better co-ordination of policy and action with respect to that subject, it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organization and procedure.

What were the salient issues discussed in the 11th Inter-state Council?

The salient issues discussed were:

- ▶ Consideration of the recommendations of the Punchhi Commission on Centre-State relations,
- ▶ Use of Aadhaar as an identifier and use of Direct Benefit Transfer (DBT) for providing subsidies, benefits and Public services,
- ▶ Improving quality of school education with focus on improving learning outcomes, incentivising better performance, and
- ▶ Internal security

Issues related to Inter-State Council

- ▶ **Issues related to structure:** The structure of Council has been designed in a manner that somehow ignores the participation of States in overall functioning of the Council. It has a top down approach. Also, it certainly does not provide a common platform to the states where they can

discuss and exchange knowledge, skills and ideas related to development of states. Even the Punchhi Commission Report talks about the sorry state of affair of the ISC. The Commission underlined the need for strengthening and mainstreaming the ISC and make it a vibrant forum for all the tasks contemplated in Article 263.

- ▶ **Low rate of meetings:** The ISC was established in 1990, i.e. 40 years after the framing of the Constitution, but it met for the first time only in 1996. Even after that it had hardly met and has been unable to work to its full potential. Committee has met only 10 times since its inception with last meeting taking place eight years back in 2006.
- ▶ **Temporary body:** As mentioned earlier, ISC is a temporary body, first constituted through a Presidential Order in 1990, with Prime Minister as its chairperson. Most recently it was reconstituted in 2013 by the UPA government. With a new government in office, it needs to be reconstituted, and here lies the opportunity to reform its structure and functions to make it truly relevant to achieve the vision of cooperative federalism of the new government.

Recommendations for improving the functioning of Inter-State Council

Best way for this is to restructure the ISC on the lines of a States-led Forum. The restructured ISC should aim at better co-ordination among states which can ultimately result into sharing, replication and up-scaling of innovative governance and developmental practices and also help in developing innovative solutions to address today's most pressing public policy challenges.

It should be dominated by Chief Ministers of States, and the central government must take a back seat in functioning of the ISC. The Prime Minister, while being the chairperson, must only discharge role of observer and to aid states to reach at mutually acceptable solutions. At present, a Standing Committee of the ISC has been constituted for continuous consultation and processing of matters for the consideration of the Council. Selective representation from the Business Community, Civil Society, Academia, Media, and Central Government in accordance with the selected

theme, must be allowed in such Standing Committee to take an informed all-round view on the subject under consideration.

A. Sarkaria Commission Recommendations

With regard to Inter-State Council the Commission made the following recommendations:

- ▶ The Council should be charged with duties as explained above. The Council should not be vested with powers of enquiring into and advising upon disputes between the States.
- ▶ It is very difficult for Council to work without an independent permanent secretariat.
- ▶ The separate identity of the National Development Council should be maintained. However, its status should be formalized and duties reaffirmed through a Presidential Order passed under Article 263 and it be renamed as National Economic and Development Council (NEDC).

B. Punchhi Commission Recommendations

The main recommendations of the Commission regarding the Inter-State Council and its secretariat were as under:

- ▶ The Inter-State Council need to be substantially strengthened and activated as the key player in intergovernmental resolutions. It must meet at least thrice in a year on an agenda evolved after proper consultation with States.
- ▶ The ISC must be empowered to follow up the implementation of its decisions for which appropriate statutory provisions should be made. The Government will be well advised to evolve an appropriate scheme to utilize the full potential of ISC in harmonizing Centre-State relations which has become urgent in the changed circumstances. Issues of governance must as far as possible be sorted out through the political and administrative processes rather than pushed to long drawn adjudication in the Court.
- ▶ Inter-State Council appears to be the most viable, promising, Constitutional mechanism to be developed for the purpose provided it is properly restructured and duly empowered. Once ISC is made a vibrant, negotiating forum for policy development and conflict resolution, the Government may consider the functions for the National Development also being transferred to the ISC.
- ▶ The Council should have functional independence with a professional Secretariat constituted with experts on relevant fields of knowledge supported by Central and State officials on deputation for limited periods.
- ▶ ISC should have an organizational and management structure which differ from the Government departments and flexible enough to accommodate management practices involving

multi-disciplinary skills conducive to federal governance under the Constitution.

- ▶ Given the Constitutional and quasi-judicial tasks, the Council should have experts in its organizational set up drawn from the disciplines of Law, Management and Political Science besides the All India Services.
- ▶ The Secretary of ISC should be designated ex-officio Secretary of the Department of States reporting directly to the Union Home Minister who is to be ex-officio Deputy Chairman of the Council.

Steps taken for cooperative federalism are:

- ▶ With the acceptance of the 14th Finance Commission recommendations, the States' share in central taxes has increased from 32 per cent to 42 per cent. This means that States now have greater financial resources to utilize in accordance with their requirements. Similarly, Panchayats and Urban Local Bodies will receive 2.87 lakh crore rupees during the period of the 14th Finance Commission, which is substantially higher than last time.
- ▶ Establishment of the National Institution for Transforming India (NITI) Aayog ('Aayog' should be dropped as it is redundant) on January 1, 2015 as a replacement for unlamented former Planning Commission. It has the potential to better facilitate Union-State Policy coordination and coherence. Inclusion of the Chief Ministers of the states, and their regular interactions with the Union government would help in policy and scheme formulation and design.
- ▶ The third policy initiative is the urgency demonstrated by the current government in implementing GST (Goods and Services Tax). It has far reaching implications as it will enable both the Union and the states to levy a sales tax on goods and on services, thus ending artificial restriction imposed by the Constitution. It will thus help unify the whole country as a market, and lead to uniformity in taxes on goods and services. The GST will be a dual tax (levied by the Union government and individual states) in a federal structure. It is thus among the most ambitious tax reforms attempted in India, requiring much greater professionalism in sales tax administration. The aim should not be to get the 'best' GST but a reasonable workable GST, which can be improved overtime.

CONTROVERSY OVER MATERNITY LEAVE

Context

The government has made changes in the maternity leave guidelines.

'Maternity leave is not just a holiday but a very stressful period for every mother. A women's body needs time to heal, and to make sure that child gets right nutrition; the child need to be with mother in the early months.'

Recently the Maternity leave for the working women in India has been **increased from 12 to 26 weeks** that will help in increasing women workforce participation in one of the world's fastest growing economies.

As per the Maternity Benefit (Amendment) Bill 2016, it provides maternity leave to 'Commissioning (one who gets a baby via a surrogate mother) and Adopting' mothers and will introduce an option of work from home for nursing mothers.

The purpose of the Bill is to increase the women working force, because workforce participation of women is decreasing day by day.

Salient features of the Bill

The Maternity Benefit Act, 1961 protects the employment of women during the time of her maternity and entitles her of a 'maternity benefit' - that is full paid absence from work to take care for her child. The Act is applicable to all establishments employing 10 or more persons.

Recent amendments to Maternity Benefit Act, 1961 are as follows:

- ▶ Increase Maternity Benefit from 12 weeks to 26 weeks for 2 surviving children and 12 weeks for more than 2 children.
- ▶ 12 weeks maternity benefits to a 'Commissioning mother' and 'Adopting mother'.
- ▶ Facilitate 'work from home', Mandatory provisions of Crèche in respect of establishment having 50 or more employees.

The amendments will help 1.8 million (approx.) women workforce in the organised sector.

Scope of applicability of Act

the Act does not apply to any such factory/ other establishment to which the provisions of the Employees' State Insurance Act are applicable for the time being.

But, where the factory/establishment is governed under the Employees' State Insurance Act, and the woman employee is not qualified to claim maternity benefit under section 50 of that Act, because her wages exceed Rs. 3,000 p.m. (or the amount so specified u/s 2(9) of the ESI Act), or for any other reason, then such woman employee is entitled to claim maternity benefit under this Act till she becomes qualified to claim maternity benefit under the E.S.I. Act.

Notice for Maternity Benefit must be given during pregnancy or soon after the delivery.

Penalties for contravention of Act by Employer:

- ▶ Failure to pay maternity benefit - The penalty is imprisonment upto 1 year and fine upto Rs. 5000, the minimum being 3 months and Rs. 2000 respectively.
- ▶ For dismissal or discharge of the women - The penalty is imprisonment upto 1 year and fine upto Rs. 5000. The minimum being 3 months and Rs. 2000 respectively.

Between 2008 and 2012, India's labour courts received more than 900 complaints of denial of maternity benefits by employers.

Advantages

- ▶ Maternity leave extension is beneficial for India's poor and declining female workforce participation. Women in India represent only 24% of the paid labour force as against the global average of 40%. In the 15-59 years age group, women participation is only 32% in rural areas compared with 83% of men, and 21% in urban areas as against 81% of men.
- ▶ This Bill covers every factory, mine or plantation (including those belonging to government) and establishment engaged in the exhibition of equestrian, acrobatic and other performances, irrespective of the number of the employees.
- ▶ Maternal care to the child during early childhood is the most important thing for healthy life of a mother and child as well. This span is crucial for growth and development of the child which may ultimately leads steps towards the healthy and creative nation building and economic prosperity of the country.

- ▶ There are more nuclear families nowadays and after giving the birth, a women body need to take a time to heal over a period of time. Also overlooking the challenges of malnutrition in India, the child breastfeeding is recommended which is not possible unless the mother is in physical proximity of the child.
- ▶ It makes mandatory for establishment with 50 or more employees to have a crèche acknowledging that maternal care to the child during early childhood is crucial for growth and development of the child and it allocate the additional time to women for breastfeeding and child rearing.
- ▶ With equal participation in the economic activities and the equality in the labour force, India's gross domestic product in 2025 would be 60% higher even if women work status remained at current levels, with deeply entrenched ideas about gender roles.
- ▶ In the sectors like aviation and financial services women are doing well because of women friendly policies. A few large private companies (for eg. Godrej and Accenture, Hindustan Unilever, Flipkart,etc.) offers long leave to new mothers.

This is a welcome step for the working women force but the women in India are largely employed in

the informal, semi-skilled or unskilled sectors where incomes are low, and benefits and job security are limited. There is the fears about the mandatory 6 months of maternity leave may affect the employability of women and may deter employers from recruiting women, resulting into that there should be other institutional development along with the maternity leave benefit.

Overall 62.8% women were employed in the agriculture sector; only 20% were employed in industry and 17% in the service sector. Although the majority of Indian women work in the informal sector, the bill doesn't cover them.

In a country where child rearing is supposed to be the responsibility of the mother alone, marriage and not career is perceived to be the primary goal of a woman no matter which profession she is in. For working women striking a work-life balance becomes difficult because only few employers provide flexible working hours or crèches. Request for maternity benefits are often rejected outright.

Although this long awaiting changes will definitely boost up the moral and creative productivity among masses of the working women but the provisions need to be made for unorganized sector too.

MODEL SHOP & ESTABLISHMENT BILL, 2016

Context

Cabinet has approved the Model Shops and Establishment (Regulation of Emp & Conditions of Service) Bill 2016.

What is the mandate of the Act?

The objective is to regulate the conditions of work and employment in shops, commercial establishments, residential hotels, restaurants, eating houses, theatres and other places of public entertainment.

What were the provisions of the previous Shop and Establishment Act, 1953?

It laid down the hours of work per day and week alongwith guidelines for spread-over, rest interval, opening and closing hours, closed days, national and religious holidays, overtime work.

Other features were:

- ▶ No employee is allowed to work more than 9 hrs in a day or for 48 hrs in a week.
- ▶ An employee may be allowed to work upto 3 hrs a week over and above this limit and upto 26 hrs or not more than 6 days in a year for purposes of making of accounts, stock taking settlements or prescribed occasions.
- ▶ No employee is allowed to work for more than 5 hrs at a stretch unless he is given rest for half an hour if in case of commercial establishment engaged in manufacturing process, and 1 hr in any other cases.
- ▶ The spread over of an employee in shop will not exceed 11 hrs on any day.
- ▶ Every shop or commercial establishment will remain closed on any one day of the week. The list of closing days to be notified to the Inspector and displayed in the premises of the establishment.
- ▶ Rules for employment of children, young persons and women.
- ▶ Lays down the minimum wages to be paid, etc.

What are the salient features of the new Bill?

The main features of the Model Act are:

- ▶ It will cover only establishments employing 10 or more workers except manufacturing units. The draft law proposes to cover all premises, barring

factories, or shops with work related to printing, banking, insurance, stocks and shares, brokerage or theatres, cinema and “any other public amusement” which is currently not covered under the Factories Act 1948.

- ▶ It provides for freedom to operate 365 days in a year and opening/closing time of establishment.
- ▶ Women to be permitted during night shift, if the provision of shelter, rest rooms, ladies toilets, adequate protection of their dignity and transportation, etc., exists.
- ▶ No discrimination against women in the matter of recruitment, training, transfer or promotions.
- ▶ One common online registration through a simplified procedure.
- ▶ Powers of government to make rules regarding adequate measures to be taken by the employer for the safety and health of workers.
- ▶ Clean and safe drinking water.
- ▶ Lavatory, crèche, first aid and canteen by group of establishments, in case, it is not possible due to constraint in space or otherwise by individual establishment.
- ▶ Five paid festival holidays in addition to national holidays, etc.

What are the proposed benefits of the new provisions?

At present, states have their own rules related to shops and establishments which cover physical shops or workplaces regardless of the size of the unit. The law lays down statutory obligations and rights of employers and employees.

For the first time, godowns, warehouses or workplace related to packaging activities are proposed to be covered under the law, as per the draft Model Act. This will bring many e-commerce companies under the labour law rulebooks as many of these companies face problems while operating godowns in various states.

It will lead to increased consumer spending as establishments stay open for longer hours, leading to increased revenue for establishments, and

corresponding increase in the tax base for the government. It will generate employment and improve the tax collection of the government.

It also mandates that if women are being employed, facilities like a crèche and cab services should be provided for them. Such a move would have a sweeping effect on the nature of women's work in the country.

The provision of operating 24X7 is expected to boost up the retail market across the country and will give customer flexibility and convenience to shop any time.

The model law provides for exemption of highly skilled workers (for example workers employed in I.T., Bio-Tech and R&D) from, daily working hours of 9 hrs and weekly working hrs of 48 hrs subject to maximum 125 over-time hrs in a quarter. This flexibility will enable the establishment to better services to their clients who cater to international customers especially in the IT sector.

What are the challenges in implementation?

- ▶ Lack of reliable public transport
- ▶ Women safety issue
- ▶ Sociological impact on the family and value system
- ▶ Criminal activities may increase due to weak law enforcement
- ▶ Infrastructure to handle the changes are poor

It would bring about uniformity in the legislative provisions, making it easier for all the States to adopt it and thereby ensuring uniform working conditions across the country and facilitate the ease of doing business and generate employment opportunities but the two areas that need urgent reform in all States are provision of reliable public transport and strong law enforcement.

MULTIPLE LIFE TERM

Context

Supreme Court in a recent judgment rejected pronouncement of multiple life terms for a convict guilty of heinous crimes.

Honorable Supreme Court has recently pronounced its verdict over rejecting multiple life terms for a convict guilty of heinous crimes by stating that-

- ▶ Multiple life sentences will be served concurrently and not consecutively, any direction that requires the offender to undergo imprisonment for life twice over would be anomalous and irrational for it will disregard the fact that humans like all other living beings, have but one life to live.
- ▶ The court delivered the judgment on a batch of cases referred by other benches seeking interpretation of several laws, including CrPC Sections 31 and 427 and IPC Section 71, and clarifications on awarding sentences to be served concurrently or consecutively.

Interpreting Section 31 (sentence in cases of conviction of several offences at one trial) of the Criminal Procedure Code, the Constitution Bench clarified that two or more life sentences have to run concurrently and not consecutively, the latter being an "obvious impossibility".

Any remission or commutation granted in one such sentence would not apply to the other, adding that jail terms could run consecutively in cases involving both life terms and lesser sentences.

"Any direction that requires the offender to undergo imprisonment for life twice over would be anomalous and irrational for it will disregard the fact that humans like all other living beings have but one life to live. Smaller jail terms will have to be served first before the life sentence kicks in." Unless the judiciary specified that sentences would run consecutively, it should be taken as concurrent terms.

Sentence in case of conviction of several offences at one trial:

- ▶ When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Indian Penal Code (45 of 1860), sentence him for such offences, to the several punishments prescribed therefor which

such Court is competent to inflict; such punishments when consisting of imprisonment to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

- ▶ In the case of consecutive sentences, it shall not be necessary for the Court by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court: Provided that-
 - (a) In no case shall such person be sentenced to imprisonment for longer period than 14 years;
 - (b) The aggregate punishment shall not exceed twice the amount of punishment which the Court is competent to inflict for a single offence.
- ▶ For the purpose of appeal by a convicted person, the aggregate of the consecutive sentences passed against him under this section shall be deemed to be a single sentence."
- ▶ A careful reading of the above would show that the provision is attracted only in cases where two essentials are satisfied viz.
 - (1) A person is convicted at one trial, and
 - (2) The trial is for two or more offences.

It is only when both these conditions are satisfied that the Court can sentence the offender to several punishments prescribed for the offences committed by him provided the Court is otherwise competent to impose such punishments. What is significant is that such punishments as the Court may decide to award for several offences committed by the convict when comprising imprisonment shall commence one after the expiration of the other in such order as the Court may direct unless the Court in its discretion orders that such punishment shall run concurrently.

Further detail directions in the CrPC:

- ▶ Section 31(1) CrPC enjoins a further direction by the court to specify the order in which one particular sentence shall commence after the expiration of the other. Difficulties arise when the courts impose sentence of imprisonment for life and also sentences of imprisonment for fixed term. In such cases, if the court does not direct that the sentences shall run concurrently, then the sentences will run consecutively by operation of Section 31(1) CrPC.
- ▶ There is no question of the convict first undergoing the sentence of imprisonment for life and thereafter undergoing the rest of the sentences of imprisonment for fixed term and any such direction would be unworkable. Since sentence of imprisonment for life means jail till the end of normal life of the convict, the sentence of imprisonment of fixed term has to necessarily run concurrently with life imprisonment. In such case, it will be in order if the Sessions Judges exercise their discretion in issuing direction for concurrent running of sentences. Likewise if two life sentences are imposed on the convict, necessarily, the court has to direct those sentences to run concurrently.
- ▶ In the case of a convict undergoing life imprisonment, he will be in custody for an indeterminate period. Therefore, remissions earned by or awarded to such a life convict are only notional. In his case, to reduce the period of incarceration, a specific order under Section 432 of the CrPC will have to be passed by the appropriate government. However, the reduced period cannot be less than 14 years as per Section 433-A of the CrPC.

Humanitarian Ground:

- ▶ It's important to note that "life" sentences don't always mean "life" in prison. Generally, they are an indeterminate sentence, for which the prisoner may petition for release after a set period of time. Sentencing someone to multiple consecutive life sentences really serves two purposes:
 - (1) It ensures that there is no way that they will be released in their lifetime even if paroled for the first sentence, the second would then kick in; and
 - (2) It ensures that the punishment as required by law has been handed down to the defendant, which is as much as the court can do to reassure his or her victims that justice has been done.

The subsequent imprisonment for life awarded to a prisoner can be "superimposed" over the earlier life sentence. That is, if a prisoner twice condemned to life gets remission or his first life sentence is commuted, the second life sentence immediately kicks in and depriving him of the ability to enjoy the benefit of the remission or commutation of the first life sentence.

Whereas in the serial killing or the chain murder case, will the justice has been provide for each of the deceased or killed individual in a correct way? Whether the family of every killed person who was killed by the same killer gets the true legitimacy by the Countries law?

In most of the western Europe for example, a 'life sentence' actually means that after a minimum term of 12 to 25 years, the prisoner becomes eligible for parole, however, in most of the Europe, prisoners who are consider to be dangerous can be sentenced to 'indefinite detention' despite eligibility for parole.

Norway has no life sentence, or many countries have the law by which only men can be punished under its ambit and women are exempt out of it. Firstly Portugal and then Mexico, Spain, Vatican city, Norway, Serbia, most south and central American countries, Mozambique and republican of Congo had abolished the life sentence a way back. But often they keep prisoners incarcerated indefinitely if they pose a threat to public safety.

Case study:

The Madras High Court also agreed with the trial court's logic.

"Logic behind life sentences not running consecutively lies in the fact that imprisonment for life implies imprisonment till the end of the normal life of the convict," Chief Justice Thakur observed in the verdict for the Bench comprising Justices F.M.I. Kalifulla, A.K. Sikri, S.A. Bobde and R. Banumathi.

The judgment came on a batch of petitions including the one filed by A. Muthuramalingam on award of sentence in a case and whether they would run concurrently or consecutively. The case deals with the appeals filed by convicts accused of a single instance of multiple murders in Tamil Nadu. The trial court had awarded them life sentences for each murder they committed and pronounced them to be served consecutively that is one after the other.

The court lays down the law that in such cases the convict would complete his term sentence before graduating to his life sentence. The converse would be improbable as life imprisonment extends till his last breath and there is no question of his undergoing any further sentence.

A second such question is what if a person convicted for life is out on parole and commits a second crime for which he is again sentenced to life imprisonment.

The court said both life sentences would run concurrently and the second life term would be “super-imposed” on the first, effectively denying him any chance of a pre-mature release from prison.

Conduct of a Life term prisoner:

- ▶ The life sentence, life imprisonment means that one must serve the given years punishment first, and then the prisoner will start going in front of the Board of Prison Terms to try to exhibit his/her suitability for parole.
- ▶ The board looks at things like psychiatric evaluations, disciplinary records, supervisor reports, vocational training, education certificates, self-help participation, parole plans, and letters of support. They will also ask questions to determine if he/she have gained insight into the causative factors that led to their crime, what they have done to address those issues, and accused plans for making sure it never happens again.
- ▶ Prisoners learned very early on what an uphill climb laid in front of them from the other lifers who had already received several denials from the board. Only a handful of lifers were being found suitable for release, and even some of

them had their dates taken back by a reversal of decision from the governor.

- ▶ For a lifer who is trying to earn his freedom, and not all are, because many are still caught up in their addictions and criminal thinking, the margin for error is razor thin. Any rules violations from a fistfight to a dirty urinalysis test could be grounds for a parole board denial and add several years to prisoner’s sentence. Even prisoners get written up for things like smoking or other minor things. These infractions are documented in a lifer’s C-file and usually result in them receiving a denial.
- ▶ Hardest part about serving a life sentence is not being able to tell your loved ones when they are coming home. Going in front of the parole board is a highly subjective process and as yet, there is no magic formula for being found suitable. Lifers seemingly do everything right and still be denied for things like the nature of their crime. This has also been ruled unconstitutional, because the commitment of the crime is one thing that a lifer doesn't have the power to change. Technically, the parole board is supposed to base a lifer's suitability on his time in and his current threat to society. Lifers with more than 30 years in on their sentences and still they are continuing the years of imprisonments.

‘Serving a life in prison feels like a long and arduous journey towards a freedom that is not guaranteed to be there once you arrive.’

SENTENCES & CLAUSES

India is among 90 countries that have life imprisonment awarded *concurrently* for multiple convictions. Thirty-two countries award *consecutive* person terms. Forty-one countries award both kinds of punishments depending on the nature of the crime among other considerations. Some countries award punishments with caps ranging from 15 to 75 years.

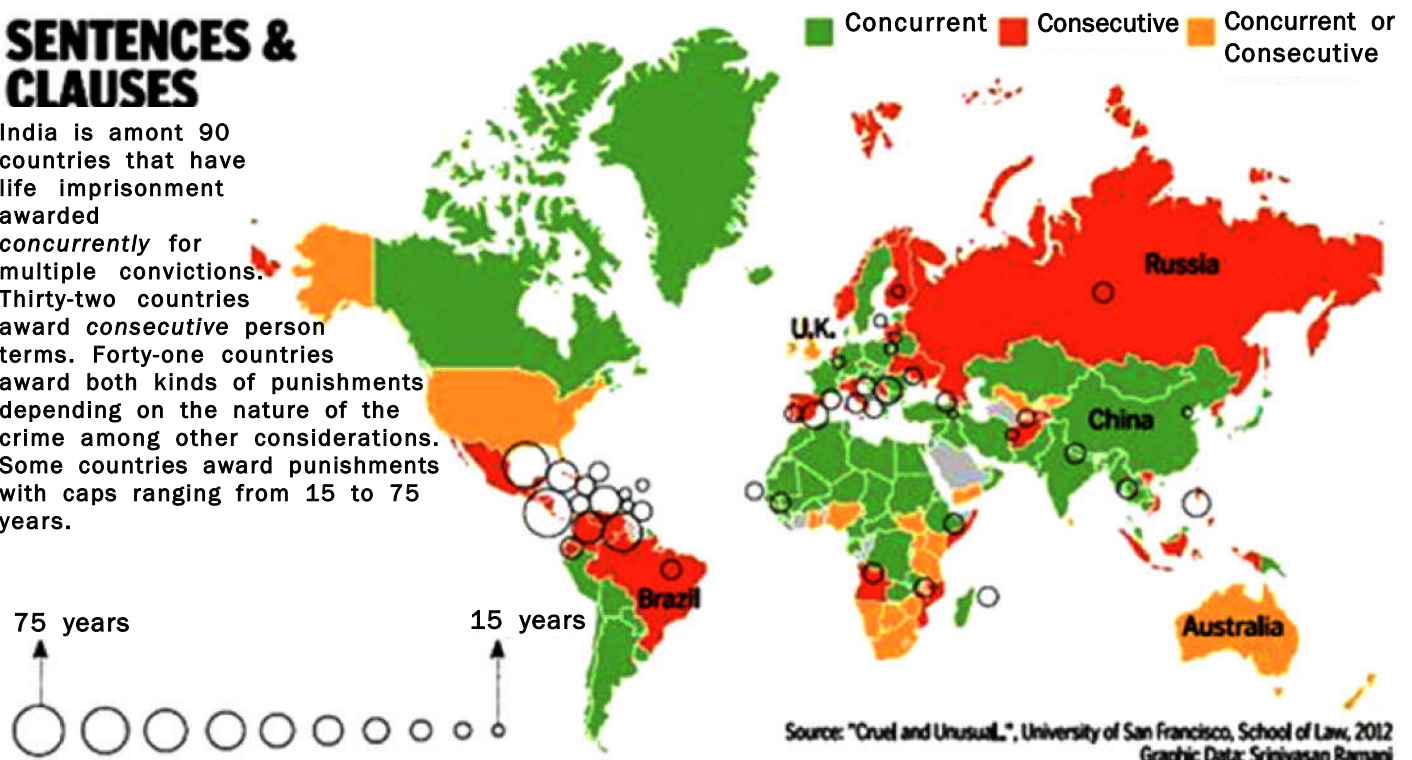


Fig. 10

WHO REPORT TITLED 'THE HEALTH WORKFORCE IN INDIA'

Context

The recent report of WHO provide new evidence on an increasing mismatch between the supply, demand, and need for health workers.

In September 2015, the world came together to launch an ambitious Agenda for Sustainable Development. *People, planet, peace, prosperity, and partnership* are prioritized, with a commitment to leave no one behind.

It also included one of the goals of improving health facility. These evidence-based health workforce plans and policies carry with them the potential to deliver benefits across the Sustainable Development Goals, i.e., improving health, particularly for women and youth.

In India also, the Twelfth Plan strategy had outlined the goal of Universal Health Care (UHC) and government has initiated many steps in this direction. But the recent report of WHO on the status of health workforce in India has placed the dream of Universal Health coverage in dark.

WHO Report on the status of Health Workforce in India

India has some top quality medical institutes which provide quality education and a huge number of medical professionals are added to the task-force every year. While that is indeed a huge number, most of them are based in urban centres resulting in deficit of healthcare services in rural and semi-urban India.

However the recent report of WHO provide new evidence on an increasing mismatch between the supply, demand, and need for health workers. While the market in middle and high income countries is likely to create 40 million new health workforce jobs over the next fifteen years, it is likely to fall well short of generating the 18 million health workers required to achieve and sustain Universal Health Coverage in low- and low-middle income countries.

WHO study describes the nature of health workforce inequalities and provides invaluable insights into myriad health and health workforces challenges faced by India.

National profile of India

► Composition:

- a) Population: 1,028,610,328 in 2001
- b) Health workers: 2,069,540
- c) Doctor: 819,475 (or 39.6%)
- d) Nurses and midwives: 630,406 (or 30.5%)
- e) Dentists: 24,403 (or 1.2%)

► Of all doctors:

- a) Allopathic: 77.2% and Ayurvedic, homeopathic or Unani: 22.8%
- b) Other Health Workers: 28.8% were Pharmacists ancillary health professionals traditional and faith healers

► Density:

- a) Density of all doctors – allopathic, ayurvedic, homoeopathic and unani – at the national level was 80 doctors per lakh population compared to 130 in China.
- b) Density-Nurses and midwives: India had 61 workers per lakh population compared to 96 in China. The number reduced tenfold to 6 per lakh population, if only those with a medical qualification were considered.

► Qualification:

- a) More than half of them don't have any medical qualification, and in rural areas, just 18.8 per cent of allopathic doctors are qualified.
- b) Allopathic doctors : Almost one-third (31 per cent) of those who claimed to be allopathic doctors in 2001 were educated only up to the secondary school level and 57 per cent did not have any medical qualification.
- c) The lack of medical qualifications was particularly high in rural areas. Whereas 58% of the doctors in urban areas had a medical degree, only 19% of those in rural areas had such a qualification.

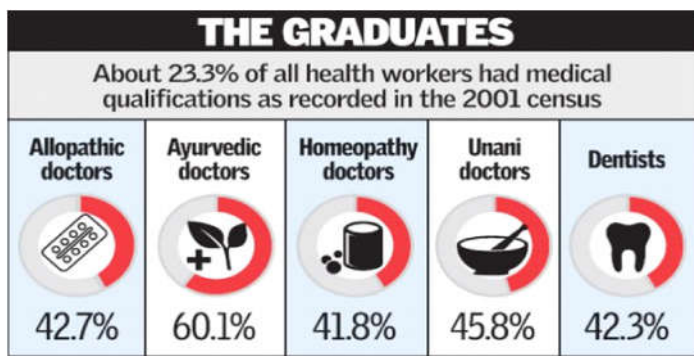


Fig. 11

Inter-district differentials in India

- ▶ Among the lowest 30 districts ranked by density of allopathic doctors, half are in north-eastern states and the remainder are in central states mainly in the states of Uttar Pradesh, Bihar and Madhya Pradesh.
- ▶ Among the highest 30 districts ranked by density of allopathic doctors, 18 are in state capitals or in the national capital (seven are in Delhi).
- ▶ Out of the 593 districts in the country, 58 districts had no dentists at all; 88 districts had no dentists with more than secondary schooling; and 175 districts had no dentists with a medical qualification.

Gender Divide: Male–female ratios

- a) One of the interesting findings in the study was that the percentage of female doctors who had medical degrees was much higher than male doctors.
- b) Female healthcare workers – 38 per cent of the total – were found to be more educated and medically qualified than their male counterparts.

Inter-state comparisons

Composition of health workers

Although nationally 22.8% of all doctors were ayurvedic, homeopathic or unani (hereafter referred to as “AYUSH”), in some states the fraction of AYUSH doctors was much higher.

Health worker distribution by gender

The percentage of all health workers in the country who were female was 38.0%, but there was great variation across states. The states with the highest share of female health workers were Kerala (64.5%) and Meghalaya (64.2%), and the states with the lowest were Uttar Pradesh (19.9%) and Bihar (22.3%).

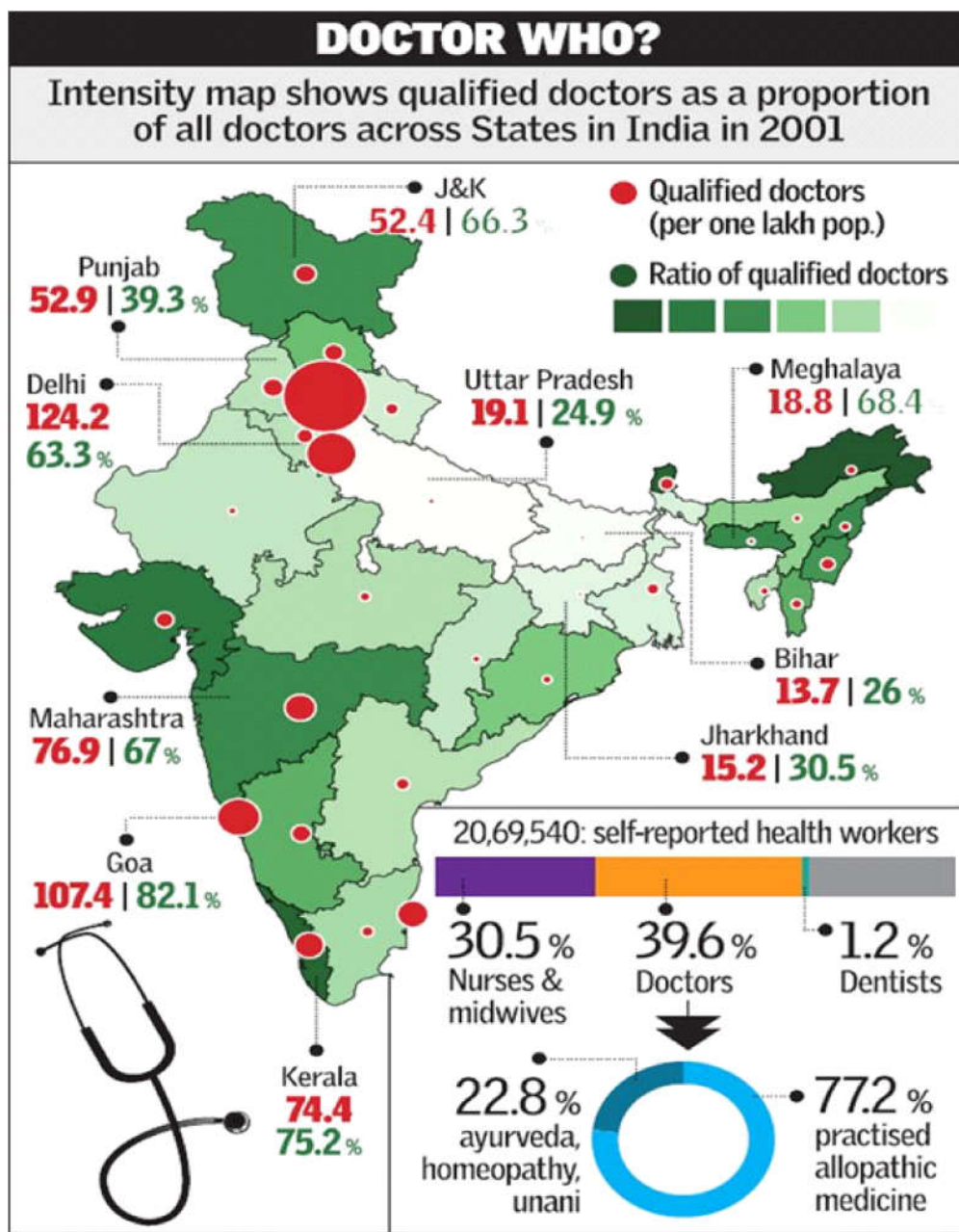


Fig. 12

Summary of data

- ▶ Only one in five doctors in rural India are qualified to practice medicine.
- ▶ Almost one-third (31 per cent) of those who claimed to be allopathic doctors in 2001 were educated only up to the secondary school level and 57 per cent did not have any medical qualification.
- ▶ In rural India only 18.8 per cent of allopathic doctors had a medical qualification.
- ▶ The density of all doctors — allopathic, ayurvedic, homoeopathic and unani — at the national level was 80 doctors per lakh population compared to 130 in China.
- ▶ India had 61 nurses and midwives workers per lakh population compared to 96 in China.
- ▶ Kerala had 38.4 per cent of the country's medically qualified nurses but constituted only 3.1 per cent of the total population. Similarly, West Bengal had 30.6 per cent of all homoeopathic doctors in the country but only 7.8% of the population.

c) **How To deal with it:** Anti-Quackery Committee set up by the Indian Medical Association.

Steps needed

- ▶ To achieve universal health care with special emphasis on the need to provide access to poorer people in rural areas and also in geographically remote areas we need to focus on addressing this mismatch through better workforce policies based on reliable and robust national and sub-national data.
- ▶ We need to adopt a goal of 500 health workers per lakh population by the end 2022 for that we would need an additional 240 medical colleges, 500 General Nursing and Midwifery (GNM)/nursing colleges and 970 ANMs training institutes.
- ▶ At the end of Twelfth Five 2017 - All doctors desirable number is 85 per lakh population, 354 health workers by 2017, Doctor to nurse ratio 1:2.4 by end of 2017.
- ▶ For a large expansion of medical schools, nursing colleges, public sector medical schools must play a major role in the process. Since the present distribution of such colleges is geographically very uneven, a special effort will be made to expand medical education in States which are at present under-served. In addition, a massive effort will be made to recruit and train para-medical and community level health workers.
- ▶ The Government shall take the lead role in creating teaching capacity in health, while private sector colleges would also be allowed. Initiatives would be taken to upgrade existing District hospitals and CHCs into knowledge centres, where medical, nursing and para-medical teaching and refresher courses can be held side-by-side with patient care. States shall be encouraged to take this up through the incentive fund of the NHM. The existing state level teaching institutions such as the State Institutes of Health and Family Welfare would also be strengthened. Simultaneously, the existing Government medical colleges and central Government institutions would be strengthened so that the seats could be increased to the maximum level of 250. Efforts to support the existing institutions to create more Post-graduate seats would continue. The long term goal would be to build at least one training centre in each District, and one para-medical training centre in each sub-division/block.
- ▶ District hospitals which cannot be converted to teaching institutions can be accredited with the National Board of Examinations for training Post-

Reasons for poor state of Health workforce

- ▶ As often happens with government programmes, much of the focus was on how to provide the additional financial resources needed, since it was well known that India was not spending enough public money on health. Available data showed that the total expenditure on health (public and private expenditure combined) was about 4% of GDP which was comparable to that in other countries at a similar level of development. However, in India the share of public sector expenditure was only 25 percent of the total whereas in other countries it was 50 percent.
- ▶ The production of human resource in health is a time consuming process, taking as long as nine years for a specialist, to eighteen months for an ANM.
- ▶ Presence of quacks in the system.
 - a) **What is Quackery:** In general, any person practising allopathic medicine that does not have a registered medical qualification comes under quackery.
 - b) **Problem:** It is a well-known fact that across the country, quacks are operating in large numbers. Laws are so weak that even if the frauds are caught, they get bail on the following day and start practising again.

Graduate candidates in the Diplome of National Board (DNB) programme, in courses such as Family Medicine. This is a low cost measure which will help increase production of specialists, bring professionalism and also help improve standards of patient care in district hospitals.

- ▶ Centres of Excellence for Nursing and Allied Health Sciences also need to be established in every State. These Centres would impart higher education in specialised fields, offer continued professional education and have provisions for faculty development and research. Centres for paramedical education would be set up in 149 Government medical colleges, in addition to initiating paramedical institutions in 26 States. Initiatives already taken to upgrade and strengthen the existing Nursing Schools into Colleges of Nursing would continue. Establishment of ANM/GNM schools in under-served areas would also be accorded priority. A road-map would be prepared for strengthening of pre-service, mid-wifery training and career development.
- ▶ In the Pharmacy sector, strengthening and up-gradation of Pharmacy Colleges and setting up of Colleges of pharmacy attached to Government

medical colleges would be initiated, wherever possible. There are other categories of skilled health workers, such as Physician assistants, who increase the productivity of the medical team, and should be encouraged.

- ▶ A peculiar feature of India's healthcare system is the presence of a large number of non-qualified practitioners, such as traditional birth attendants (dais), compounders and RMPs. The challenge is to get them into the formal system.
- ▶ Another opportunity lies in utilising the services of AYUSH graduates for providing primary care. There are two pre-requisites before this can be done—first by amendment of the legal framework to authorise the practice of modern medicine for primary care by practitioners of Indian Systems of Medicine; and secondly by supplementing skills of AYUSH graduates by imparting training in modern Medicine through bridge courses
- ▶ The NHM will encourage the States to modify the designation and job profiles of human resource created under various central and externally funded programmes into generic, multi-functional categories whose services can be used as per local need.

SOUTH CHINA SEA RULING

Context

The Hague-based Permanent Court of Arbitration (PCA) ruled that China's claims over the waters enclosed by the 'Nine-Dash Line' had no legal basis under the United Nations Convention on the Law of the Sea (UNCLOS).

About the dispute

The three million square kilometers South China Sea is the maritime heart of Southeast Asia but also a disputable property. Maritime boundaries in the South China Sea are particularly problematic because they involve six separate claimants in a mostly enclosed body of water with a large number of disputed land features. The South China Sea is ringed by Brunei, China, Indonesia, Malaysia, Philippines, Taiwan, and Vietnam, and dotted with hundreds of small islands, shoals and reefs, many of them occupied by the disputants.

The fundamental issue in the South China Sea is one of territorial sovereignty, that is, which state has sovereignty over the islands and their adjacent waters. UNCLOS has no provisions on how to determine sovereignty over offshore islands. As there is no treaty that governs the issue of sovereignty, states have to look for guidance to the rules of customary international law on the acquisition and loss of territory.

The main disputes are:

- ▶ The **Spratly Islands** are claimed in their entirety by China, Taiwan, and Vietnam, while some islands and other features are claimed by Malaysia and the Philippines.
- ▶ The **Paracel Islands** are claimed by China, Taiwan and Vietnam. China forcibly ejected South Vietnamese troops from the Paracels in 1974, and they are now occupied exclusively by China. Woody Island, the largest island in the Paracels, is 2.1 km², which is about the same land area as all of the Spratly Islands combined. Woody Island is the location of Sansha City, a prefecture-level city established by China in June 2012 as its administrative centre for its claims in the South China Sea.
- ▶ **Scarborough Reef** is a major source of tension between China and Philippines since the Philippines attempted arrest of Chinese fishermen in June 2012.

- ▶ The **Pratas Islands** are located just over 200 miles Southwest of Hong Kong. They are occupied by Taiwan, and are also claimed by China.
- ▶ **Macclesfield Bank**, a large sunken reef that is completely submerged at low tide, is located between Scarborough Reef and the Paracels. It is claimed by China and Taiwan.

Why South China Sea (SCS) is considered so important?

The SCS is a busy international waterway, being one of the main arteries of the global economy and trade. More than **\$5 trillion of world trade ships** pass through the SCS every year.

The SCS is also resource rich, with numerous offshore oil and gas blocks.

Fishing presents another potential source of conflict. The South China Sea is the largest source of fish, an important foodstock, in each of the claimant countries. The fishing industries of each of the disputants include large numbers of vessels which travel increasingly farther from their home coasts due to overfishing in coastal waters, bringing them into disputed waters. This has led to frequent incidents of harassment of vessels, confiscation of catches and equipment, and sometimes imprisonment of fishermen.

What is the Hague-ruling?

The arbitration was between the Republic of the Philippines and the People's Republic of China.

The Hague-based Permanent Court of Arbitration (PCA) ruled that China's claims over the waters enclosed by the 'Nine-Dash Line' had no legal basis under the United Nations Convention on the Law of the Sea (UNCLOS).

It ruled that China had no claim to historic rights to resources there, and that it had aggravated the dispute by building an artificial island on Mischief Reef, besides violating the Philippines's sovereign rights within its Exclusive Economic Zone (EEZ), including its fisheries and petroleum exploitation.

The (PCA) further held that entitlement to islands and the EEZ must be based on natural conditions, and not as the result of artificial augmentation by building and reclaiming land.

The tribunal further ruled that the disputed Spratly islands “cannot generate maritime zones collectively as unit” as claimed by China.

What is the ‘nine-dash’ line?

The ‘nine-dash line’ stretches hundreds of kilometers south and east of its southerly Hainan Island, covering the strategic Paracel and Spratly island chains. China buttresses its claims by citing 2,000 years of history when the two island chains were regarded as its integral parts.

Significance of the ruling

The ruling has comprehensively rejected China’s territorial and sovereignty claims in the disputed area. The ruling is dismissive of China’s activity in turning reefs, rocks and low-tide elevations into artificial islands, replete with military structures such as airstrips and fortifications in waters that belong to the Philippines.

Is the ruling legally binding?

Yes, The ruling is legally binding. Yet China insisted from the start that the tribunal does not have jurisdiction over the issue. China would neither participate in the tribunal nor accept the ruling. Unsurprisingly, China declared that the tribunal’s award was “null and void.”

What international factors made China’s dismiss the ruling?

Chinese commentators have cited the U.S. dismissal of the 1986 judgment of the International Court of Justice awarding reparations to Nicaragua for “Military and Paramilitary Activities in and against Nicaragua” by the U.S.

China also cited the U.K.’s rejection of this year’s ruling by an expert group under the UN Commission on the Limits of the Continental Shelf in favour of Argentina in the context of Malvinas.

What are the enforcement mechanisms for the ruling?

Although the provisions of the UNCLOS make the Award “final and binding,” the absence of any enforcement mechanism limits the choice for the Philippines.



Fig. 13

What implications does this ruling have in South China Sea for Japan?

While this arbitration was between the Republic of the Philippines and the People’s Republic of China, it has significant implications for Japan. Japan’s interest in the South China Sea is multi-dimensional. About \$5.3 trillion in trade is conducted through South China Sea per annum, globally.

Japan being a trading and resource dependent country, freedom of navigation along the sea lanes is extremely crucial for Japanese economy and security.

What is India’s stance?

India has a strong interest in keeping sea lanes open in the South China Sea. The South China Sea is not only a strategic maritime link between the Pacific and the Indian Oceans, but also a vital gateway for shipping in East Asia. Almost, 55% of India’s trade with

the Asia Pacific transits through the South China Sea. Apart from helping secure energy supplies for countries like Japan and Korea, India has the unique distinction of shipping oil from Sakhalin to Mangalore through sea routes of the region. Therefore, it is vital for India to have access to the region. If China continues to assert dominance over these waters, it will be difficult for India to continue with its activities through this channel.

But India follows the policy of not involving in disputes between sovereign nations. India, too, has commercial interest in the region. Vietnam has offered India seven oil blocks in its territory of SCS, a move that didn't get down well with China. India has signed energy deals with Brunei too.

Territorial sovereignty disputes cannot be resolved unless the claimant states reach agreement among themselves.
