COVER STORY

Role of Civil Society
in
Child Welfare

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NATIONAL	INTERNATIONAL RELATIONS	SOCIAL ISSUES	ECONOMY	SCIENCE	ENVIRONMENT	HEALTH

Objective

With the changing pattern of IAS and preparation methodology, now the aspirant is facing the issue of information overload. The proper articulation of information is important for penning down one's thoughts in the Mains answer.
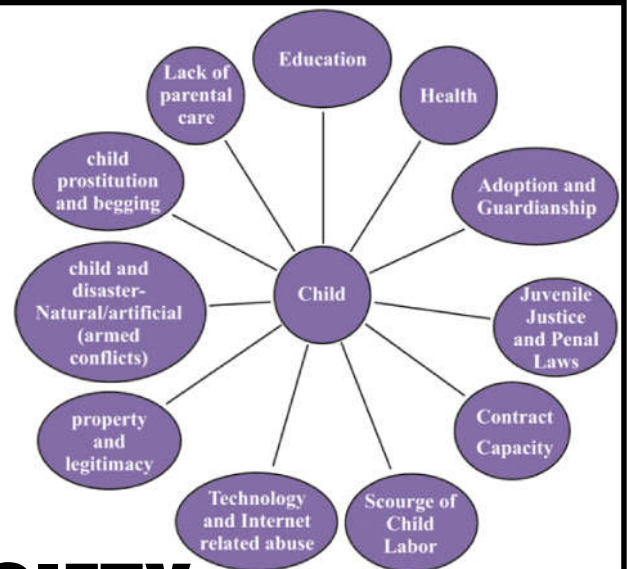
Thus GSSCORE is coming up with "CURRENT ANALYST" – a magazine that provides material on contemporary issues with complete analysis.

The material has been designed in lucid and QnA format so that an aspirant can develop thinking process from Basic to Advance while reading the topic.

This will enhance the informative and analytical knowledge of aspirants.

All the best !!!

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ROLE OF CIVIL SOCIETY IN CHILD WELFARE

Context

International Children's Peace Prize is awarded annually to a child who has made a significant contribution to advocating children's rights and improving the situation of vulnerable children.

This advocates that apart from the government, various civil societies and individuals play an important role in child welfare. Hereby, analysing the role of civil societies in child welfare through various case studies.

National Policy for Children recognizes every person below the age of eighteen years as a child and covers all children within the territory and jurisdiction of the country under it.

India with 1.21 billion people constitutes as the second most populous country in the world, while children represents 39% of total population of the country.

The United Nations Convention on the Rights of the Child (UNCRC) defines Child Rights as the minimum entitlements and freedoms that should be afforded to every citizen below the age of 18 regardless of race, national origin, colour, gender, language, religion, opinions, origin, wealth, birth status, disability, or other characteristics.

These rights encompass freedom of children and their civil rights, family environment, necessary healthcare and welfare, education, leisure and cultural activities and special protection measures.

The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. But alongwith the government civil societies are playing a major role in child welfare.

Civil society organizations continue to help promote the rights of the child in the following ways: advocating for changes in existing laws at the provincial and national levels to protect children's rights; tracking and analyzing national and provincial budgets and expenditures; collecting and assessing data related to children's rights over the years; and educating the public and raising awareness of issues related to children's rights.

CSOs work on a broad range of child-related issues. Some for example, focus on strengthening child protection systems in relation to violence and sexual abuse, while others implement strategies for improving access to basic health services for mothers and children.

CSOs also work to create community-led plans for hygiene improvement and water safety and to ensure that all children have access to education. Some CSO partners focus specifically on children whereas others address a range of issues, including poverty, climate change, health, gender equality and violence.

CSOs also work together with communities to engage in advocacy and policy reform and to promote child participation. Some partnerships focus on responding to emergencies or humanitarian crisis, providing basic services to populations in need. Others concentrate on working with governments to ensure they meet child rights obligations. Some CSOs carry out a combination of all of this work, whereas others focus exclusively on a single area.

Thus Civil society and nongovernmental organizations can:

➤ Lead grass-roots mobilization and advocate that healthy diets and physical activity for children should be placed on the public agenda;

➤ Support the wide dissemination of information on the prevention of non-communicable diseases in children through balanced, healthy diets and physical activity;

➤ Form networks and action groups to promote the availability of healthy foods and possibilities for physical activity in children;

➤ Advocate and support health-promoting programmes and health education campaigns for children;

➤ Monitor and work with other stakeholders such as private sector entities;

➤ Contribute to putting knowledge and evidence into practice.

The involvement of civil society institutions brings transparency and accountability in the system. Their voice of accountability for children issues, plays an important role in ensuring universal coverage and equitable access of progressive requirement to public domain.

Hereby, analyzing the different issues related to child in India and Role plyed by different NGOs for their development.

Issues related to Child

a) Child health and nutrition

Facts

➤ 2.7 million children under 5 die every year. At 43 deaths per 1000 live births, India's Infant Mortality Rate (IMR) is worse than many countries in Sub-Saharan Africa. One out of ten Indian children will not reach the age of 5.

➤ India has the highest number of neonatal deaths (within the first 28 days of birth) in the world. India's Neonatal Mortality Rate (NMR) of 40 per 100,000 live births (2002) amounts to 60 per cent of infant mortality and over half of all deaths of children under 5 years of age.

➤ Malnutrition contributes to over 50 per cent of child deaths.

➤ At any one time, one fifth of all children suffer from diarrhoea and nearly a third have fever.

➤ Poverty and lack of awareness prevent mothers from providing adequate care for their children. For instance, breastfeeding may be limited or weaning methods flawed, with only 23 per cent of babies breastfed within one hour of birth, and just 46 per cent exclusively breastfed for the first six months.

➤ India has the lowest child immunisation rate in South Asia. The proportion of children who have not had a BCG vaccine in India is twice as high as in Nepal, more than five times as high as in Bangladesh, and almost 30 times higher than in Sri Lanka.

➤ One in four pregnant women have not had a single antenatal checkup, and a majority of deliveries take place without the assistance of a health professional. About one-third of expectant mothers in India are not immunised against tetanus, which helps prevent both mother and child infection at birth.

➤ Urban slum dwellers including large section of children suffers from adverse health conditions

Despite accounting for 1/4th of the country's poor population, urban areas have less than 4% of government primary health care facilities.

ROLE OF CIVIL SOCIETY

➤ **Smile health camps, Smile on wheel:**

Smile Foundation provide healthcare services to meet the immediate health care needs of the marginalized community in remote rural areas and slums through standalone camps.

Customized health camps are organized extensively across the country offering comprehensive health services – curative, preventive, promotive and referral, to a large number of people in selected intervention areas.

Multi-disciplinary projects include gynae-cological, paediatric, ophthalmology and surgical services etc., whereas other interventions can be general in nature.

Duration of Smile Health Camps vary between one day and 15 days with frequencies ranging between a month and a year.

The uniqueness of the model lies in its comprehensive approach where health promotion and prevention are given equal importance while curative care is administered.

Smile Health Camp benefitted 24391 people directly, 96 multi-speciality health camps were

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conducted across India, and women amounted to 60% of the total beneficiaries, Health camps conducted in 150 schools across India.

➤ **Akshaya Patra foundation:**

Akshaya Patra is a non-profit organization that operates on a Public-Private-Partnership model. As an implementing partner of the Mid-Day Meal Scheme, there is continuous support from the Government of India, the various State Governments and associated organizations. This has enabled the programme to grow from feeding 1,500 children in the year 2000 to 1.6 million children in 2016.

Akshaya Patra, with partial support from the Government, also depends on corporate funds, philanthropic donors, volunteers and well-wishers for managing this large operation.

It acts as the implementing arm of the Government for reaching out to the children.

b) Education

Education is both the means as well as the end to a better life; means, because it empowers an individual to earn his/her livelihood and the end because it increases one's awareness on a range of issues – from healthcare to appropriate social behavior to understanding one's rights, and in the process evolve as a better citizen.

Data:

➤ 1 in 4 children of school-going age is out of school in our country – 99 million children in total have dropped out of school (Census 2011)

➤ Out of every 100 children, only 32 children finish their school education age-appropriately (District Information System for Education (DISE) 2014-15)

➤ Only 2% of the schools offer complete school education from Class 1 to Class 12 (District Information System for Education (DISE) 2014-15).

ROLE OF CIVIL SOCIETY

➤ **'Pratham' the Education Foundation:**

Pratham started its mission to educate on a large scale with the view that education facilities must reach as many children as possible and as quickly as possible.

Pratham recognized that the first step to achieving universal primary education is to achieve universal preschool education, and has worked towards this goal through the Balwadi (pre-school) programme. It began by providing preschool education to children in the slums of Mumbai. Soon, the **Pratham Balwadis** multiplied and this successful model was adopted in other states across the nation.

The **'Learn to Read' programme** was a breakthrough at Pratham. It demonstrated that learning can be improved over a short timespan and at a low cost. The model was ready to be replicated on a national scale.

It established **'The Annual Status of Education Report'** (ASER) to quantify the problems of education that could lead to focused action. The massive nationwide study is today the largest non-governmental, household survey undertaken in rural India and covers over 16,000 households and more than 600,000 children each year. It has been significant in defining a qualitative agenda in education and is widely acknowledged in government and policy circles, both inside and outside of India.

The **Second Chance programme** gives dropout students, especially girls, a chance to complete their education and acquire skills for employment. This particularly helps girls in small towns and villages.

The **Pratham InfoTech Foundation** (PIF) was started in 2004 to achieve e-education for all. The PIF works to facilitate the adoption of Information Technology (IT) in education and boost digital literacy to bridge the digital divide in India and to aid inclusive growth.

The **'Education for Education' (EFE) Programme** was developed for volunteers to teach in the Read India campaign with an aim to strengthen the capacity of volunteers by providing them with digital literacy and basic spoken English skills.

In 2012, the **'Foundation Course for Employability'** was launched to train education entrepreneurs to mobilize and train students in the course.

c) 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. Effects include a loss of potential and dignity in self, which is harmful to a child's physical and mental development. The term child labour is defined as 'the work that deprives children of their childhood, their potential, and their dignity and, that is harmful to their physical and mental development'.

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.

ROLE OF CIVIL SOCIETY

➤ **Bachapan Bachao Andolan (BBA):**

Kailash Satyarthi mass movement engaged itself in identifying, liberating, rehabilitating and educating children in servitude through direct intervention, community participation, partnerships and coalitions, promoting ethics in trade, unionizing workers, running campaigns (on issues, such as education, trafficking, forced labour, decent work, building child friendly villages) and mobilizing the masses on a common action.

BBA's vision is to create a child friendly society, where all children are free from exploitation and receive free and quality education. To this end, BBA seeks a holistic solution to eliminate the crime of child labour. BBA is actively involved at many levels- from working on the ground with communities to advocating for policy change at the decision-making level. Since its inception, BBA has always spoken out and campaigned for the total elimination of child labour and has rescued more than 82,000 child and bonded labourers.

Programmes:

Right from its beginning, **BBA organised protests and demonstrations to demand a comprehensive legislation on child labour**, including the total ban on child labour up to the age of 14 years. BBA also led a mass demonstration in front of the Indian Parliament, to challenge the regulatory aspects of The Child Labour (Prohibition and Regulation) Act of 1986. During the same period, BBA also expanded its awareness building work in Nepal and Pakistan.

In 1989, BBA formed the **South Asian Coalition on Child Servitude (SACCS)**

- a network of more than 750 Civil Society Organisations who work to end forced labour in South Asia.

BBA's unique intervention model **Child Friendly Villages (Bal Mitra Gram) is** universally accepted as an innovative development model and as one of the best tactics for combating child labour.

In 1991, BBA initiated the **'Anti-Firecracker Campaign'**, to highlight the plight of young children involved in the manufacturing of fire crackers. The campaign led to the sensitisation of around 10,000 schools and 6-7 million children.

BBA also launched the **Fairplay Campaign in 1996**, which drew attention to child labour in the manufacturing of sports goods in India.

To build public awareness on child labour, BBA has organised several long marches. This included the **5000 km long Indian March Against Child Labour from Kanyakumari to Delhi** in 1995, the South Asian March from Calcutta to Kathmandu in 1996 and the 1998 **Global March Against Child Labour**. The latter was an 80,000 km long march across 103 countries, which saw the impressive participation of 7.2 million children, women and men demanding an international ban on child labour.

With Rugmark (now known under Good Weave International), BBA was involved in the first ever social labelling of child-labour-free carpets, which has been replicated in many countries as a new Corporate Social Responsibility and ethical trade tactic.

The **Child Labour Free India Campaign organized by BBA in 2012**, was a national campaign, which comprised a series of events and activities and was directed towards the demand for a blanket ban on child labour in the country. Since 2008, BBA has also annually organised a nation-wide campaign called the India Action Week.

d) Child Marriage

Child marriage, defined as a formal marriage or informal union before age 18, disproportionately affects girls.

According to UNICEF's "State of the World's Children 2009" report, 47% of India's women aged

20–24 were married before the legal age of 18, with 56% in rural areas. The report also showed that 40% of the world's child marriages occur in India.

The implications for child marriage includes the fact pregnancy and childbirth are the leading cause of death in young women aged 15–19. There is strong evidence highlighting the correlation between early marriage pregnancy and a failure to complete formal education.

Reasons cited for child marriages include the villages located in interior areas, high illiteracy rate among the population, marriages within the families and poverty. Efforts by the officials or police to book the offenders meet with resistance as political interference makes the officers helpless. In certain cases, the victims – the girl children – turn hostile and refuse to cooperate with the investigating officers or the NGO's, who want to highlight the issue.

ROLE OF CIVIL SOCIETY

➤ **Girls Not Brides**

It is a global partnership of more than 650 civil society organisations from over 85 countries committed to ending child marriage and enabling girls to fulfil their potential. Girls Not Brides members bring child marriage to global attention; build an understanding of what it will take to end child marriage and call for the laws, policies and programmes that will make a difference in the life of millions of girls.

➤ **SARTHI Trust:**

Saarthi Trust have stopped more than 900 child marriages till date and in this continuous journey of rehabilitation they have rehabilitated more than 6000 children and around 5500 women to the extent.

In 2015- Annulled 2 minor pairs of Child Marriages in a same day and just within 3 days of court proceedings which is first ever in India which is recorded in World Records India and India Book of Records.

They have also worked in Cast Punishment cases when any child or adult came forward for the annulment of child marriage and the Cast Leaders put some punishment on them so that no other can come forward for this. These Punishments are like discrimination,

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ostracize from Caste or any type of economical Punishment. Counseled not only the families of both sides but also counseled the caste leaders with Legal Base. Meanwhile counseling was given to the main characters of the case so that they couldn't lose their motivation.

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e) Child Abuse

Child abuse has many forms: physical, emotional, sexual, neglect, and exploitation. Any of these that are potentially or actually harmful to a child's health, survival, dignity and development are abuse.

Child abuse which is termed as, physical, emotional and sexual, neglect or negligent treatment, exploitation etc. are predominantly observed in India is often a hidden phenomenon especially when it happens in the home or by family members.

The National Study reported the following:

➤ 53.18% children in the family environment not going to school reported facing sexual abuse

➤ 49.92% children in schools reported facing sexual abuse

➤ 61.61% children at work (Shop, factory or other places) reported facing sexual abuse

➤ 54.51% children on the streets reported facing sexual abuse

➤ 47.08% children in institutional care reported facing sexual abuse

➤ 20.90% of all children were subjected to severe forms of sexual abuse that included sexual assault, making the child fondle private parts, making the child exhibit private body parts and being photographed in the nude

➤ 50% abusers are persons known to the child or in a position of trust and responsibility

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ROLE OF CIVIL SOCIETY

➤ **ARPAN:**

Arpan is a registered NGO based in Mumbai and the largest in the world working on the issue of Child Sexual Abuse (CSA) with a team of dedicated and skilled professionals since the year 2006.

Arpan has reached out to over **1,21,393** children and adults directly and over **5,16,379** individuals indirectly since its inception.

Arpan empowers children, teachers, parents, NGO professionals and other care givers in multiple setting like schools, NGO set ups, institutions etc. with knowledge, skills and attitude to prevent instances of child sexual abuse and provide adequate support to children who have been victims. Along with empowering relevant stakeholders, Arpan also offers psychotherapeutic support through trained, qualified therapists to children and adult survivors of sexual abuse and their families.

Arpan is working towards evolving into a national level resource agency on Child Sexual Abuse (CSA) which will be able to reach out to millions of children and other stake holders in India through its direct work as well as through its partnerships and capacity building activities with like- minded organizations and individuals.

f) Tribal children

104 million tribal peoples, 11.5 million tribal children of 0-5 years, one of the most excluded communities in India. Every second tribal child in India is chronically undernourished. In respect to the 8 most tribal populations equated states in India (Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Rajasthan).

Dropout rates amongst ST children are very high. Majority of children drop out in class I itself. Official dropout rates of tribal children from school were as high as 78% between classes I and VIII. Stunting in tribal children, like that of all other children, is influenced by a multitude of factors including household food insecurity, maternal nutrition, poor feeding and care practices in the first two years of life and poor access to water, health and sanitation services.

ROLE OF CIVIL SOCIETY

➤ **Lokbiradari Prakalpa menas brotherhood of peoples project:**

It was started on 23 December 1973, by the social worker Baba Amte for integrated development of Madia Gond.

Baba Amte a gandhian by nature, lawyer by profession was a great humanitarian, environmentalist, social activist and a philosopher poet beyond ages, he played an active role in freedom struggles and has dedicated his entire life to the service of destitute people. The great economic and social divide between the rich and poor people encourages him.

In 1951, he set up Anandwan, which today is a self-sufficient community, followed by an agricultural project at Somnath in 1967. In 1973, he set up **'Lok Biradari Prakalp - A People's Brotherhood Project'**.

Founder initiated an unusual march and named it "Bharat Jodo" to establish peace and unity among all our fellow countrymen and dream of a complete sovereign nation and urged people to participate. The response he received was overwhelming with gratitude by the people.

They started convincing tribes through door-to-door campaign to enroll the children in school and make them aware of the benefits of the education is a challenging task. The school started under a tree, with 25 students on the initial stage. The children are provided with all essentials. The school has also produced many advocates, teachers, doctors, engineers, policemen and forest guards and many updated service section in the society.

➤ **Education City, Jawanga in Chhattisgarh:**

Dantewada, Chhatisgarh is one among the lowest literate Districts of India knowing for one of the center of the naxalism. Quality of education is very low in this area with a literacy rate of mere 30.01 %. Due to lack of money and capacity, so many school going aged children are still away from education. As the district is far away from the big educational avenues located in the big cities the poor, backward, tribe families are quite unable to provide their children proper food are education.

Government alongwith NGOs has established Education City with the creation of a 150-acre campus housing 15 schools and colleges that will cater to some 5,000 students from poor and tribal families.

There will be an Industrial Training Institute for 100 students, a residential school for girls with a hostel for 500, Kasturba Ashram with a hostel for 100 and Astha Gurukul with a hostel for 800. There will also be a tribal

ashram and a school for 50, a residential school for boys, a model school and a security guard training institute, each with hostels for 500m a scout and guides training Institute, a research institute for tribal children, a playground and a helipad.

g) Drugs and Alcohollsms amongst Children

The incidence of drug abuse among children and adolescents is higher than the general population. This is notably because youth is a time for experimentation and identity forming.

The incidence of drug abuse among children and adolescents is higher than the general population. This is notably because youth is a time for experimentation and identity forming.

The use of certain drugs such as whitener, alcohol, tobacco, hard and soft drugs is especially wide spread among street children, working children and trafficked children but there is currently a lack of reliable data on drug abuse amongst children.

ROLE OF CIVIL SOCIETY

➤ **The Joshi Foundation:**

This is an NGO spearheading a consistent campaign against drug abuse in Punjab, has released an awareness folder to educate the masses about the early signs of drug addiction.

Anti-Drug Pledge Programmes titled Nasha Mukt Punjab have also been organised as a part of the Quit & Kick Drug Movement by the Chairman of Punjab Infotech, Sardar Manjit Singh Rai, in partnership with the Joshi Foundation.

The Jyoti Foundation has also held several conferences to seek feedback from de-addiction experts working on the ground level against drug addiction. The 17 Anti-Drug programmes across Punjab have been formulated on this basis.

There is a village, Maqboolpura near Amritsar, that is agonisingly called the 'Village of Widows' because practically every household there has lost a member to drugs. The severity of the problem can somewhat be attributed to Punjab's close proximity to the Golden Crescent region covering Afghanistan,

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Pakistan and Iran. These three countries are, collectively, the world's largest producers of opium. Many schools and colleges in collaboration with the Joshi Foundation in Punjab are conducting street plays, nukkad nataks, lectures and seminars while several civil activists are coming up with documentaries, anti-pledge programmes and awareness campaigns to spread awareness on the issue.

h) Street Children

The issue of street children is considered to be an urban problem. Children can be found in railway stations, near temples and durgahs, in markets, under bridges, near bus depots and stops, etc. Hence the definition of street is not in the literal sense, but refers to those children without a stable home or shelter.

UNICEF estimated that there were 11 million street children in India. This number is said to be a drastic under-estimation. The Indian embassy estimated 314,700 street children in cities like Bombay, Calcutta, Madras, Kanpur, Bangalore and Hyderabad and around 100,000 street children in Delhi.

ROLE OF CIVIL SOCIETY

➤ **Butterflies NGO**

Butterflies is a registered voluntary organisation working with the most vulnerable groups of children, especially street and working children since 1989.

Over the years Butterflies has initiated a number of innovative interventions in the field and partnered with various government and non-government agencies to garner support for children. The main programmes are Education, Children's Development Khazana (life skills programme teaching financial management), Child Health Cooperative (CHC), Children's Media (radio, video, newspaper and theatre), Resilience Centre & Childline (1098, 24 hour helpline for children in crisis), and vocational training (includes Butterflies School Of Culinary & Catering and computer education). Butterflies also has a research, advocacy and training wing that works to support mobilization of civil society and influences policies at all levels. It is an active participant in national and international

networks for advocating and promoting policies, programmes and actions to protect rights of children.

➤ **Salaam Baalak Trust**

It is an Indian non-profit and non-governmental organisation registered as a Trust to under the Indian Trust Act (1908) provide care and protection support to street and working children in Delhi and NCR.

SBT aims to provide a sensitive and caring environment to street & working children and other children on the margins of society. It seeks to dissolve the barriers that rob children of the opportunity to realize their rights.

➤ Children with Disability

In India 1.67% of the 0-19 population has a disability. 35.29% of all people living with disabilities are children. Other estimates say that India has 12 million children living with disabilities. Only 1% of children with disabilities have access to school and one third of most disabilities are preventable. Under-nutrition is a severe problem with children who suffer from cerebral palsy. In India 80% of children with disabilities will not survive past age forty.

Many of the causes of disability are preventable by providing expecting mothers will better prenatal and post natal care as well as proper nutrition for infants and mothers.

The main causes of disability in children are

➤ Communicable disease

➤ Infection in early childhood

➤ Early motherhood

➤ Nutritional deficiencies

➤ Insufficient or inaccessible health care services

➤ Inadequate sanitation

Disability in India is still functioning in the realm of social welfare instead of a rights perspective. Teachers are not trained and schools don't have the infrastructure to deal with children with disabilities. Neither are paediatric wards of hospitals equipped to deal with them. There is not enough data on the number of children living with disabilities to allow the government to provide the necessary services. Mental health disorders account for one sixth of all health disorders yet India spends 0.83% of its health budget on mental health. Child labourers are also at a higher risk of becoming disabled especially in hazardous industries.

ROLE OF CIVIL SOCIETY

Asha Bhavan Centre:

This is a registered social organization recognized by State Government, National Trust (a unit of Ministry of Social Justice and Empowerment, Govt. of India) and Ministry of Disability Affairs under MOSJ&E, Govt. of India as the best institute for dedicating services to the persons with disabilities.

It serve the underprivileged marginalized communities with different initiatives like Rehabilitation Home for Children with Disabilities, Rehabilitation Home for Mentally Ill Women, Orthopedic Workshop, Special School for Children with Special Need, Community Based Rehabilitation Programme, Community Health Department, Education and Training Division, Development of Slums and Emergency Relief and Rehabilitation Programme.

The flagship initiative of Asha Bhavan Centre is a completely barrier free residential care and cure centre for 300 Children with Disabilities special emphasized to girls with disabilities (Locomotors, Cerebral Palsy, Mental Retardation, Multiple Disability, Autism and Hearing Impaired) which provides therapeutic support, Activity of Daily Living Training, Nutritional support, Integrated and special educational support, medical services, Orthopedic aids and appliances support, co curricular activities, vocational training and recreational support to the children for their better life.

Conclusion

Child protection and welfare is the duty and responsibility of various stakeholders as - the departments of the government, police, school, civil society, who all have roles to play to ensure that a child's rights are met, and in the case that a child's rights are violated that the violator be brought to justice and care be provided to the child.

Cooperation and coordination among them is important for establishing a safe, secure and peaceful society.

SPECIAL ISSUES

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

Context

The culture of prejudices, social stigma and lack of disabled friendly infrastructure, severely restricts activity and discourage civic participation leading to isolation and discrimination of disables. This, in turn infringes upon rights of person with disability. There are many dimensions of rights provided to disables all over the world under Human Rights, Constitutional rights in India and statutory rights. But in practice rules have been failed to be implemented.

With the changing time the needs and aspirations of disabled persons have changed. To cater their needs and to enable the Persons with Disabilities to enjoy their rights equally with others, government has passed the Disabilities Act. Also being a signatory to the United Nations Convention on the Rights of Persons with Disabilities, India has to comply with the international obligation.

India is a welfare state, which is committed to establish a socialistic society. A welfare state is a "concept of government in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life.

A Nation's main strength is its people. The better the People of the Nation, better is the Nation itself. Thus government of India has passed *"The Rights of Persons with Disabilities Bill, 2016"*.

What is the meaning of disability?

The definition of disability as provided by the UN Convention on Rights of Persons with Disabilities (UNCRPD) which states that "Persons with Disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

The Bill includes the following 19 conditions under disability: autism spectrum disorder; low vision; blindness; cerebral palsy; deaf blindness; hemophilia; hearing impairment; leprosy cured person; intellectual disability; mental illness; locomotor disability; muscular dystrophy; multiple sclerosis; specific learning disabilities; speech and language disability; sickle cell disease; thalassemia; chronic neurological conditions and multiple disability. The Bill allows the central government to notify any other condition as a disability.

United Nations Convention on the Rights of People with Disabilities (UNCRPD)

The United Nations Convention on the Rights of People with Disabilities (UNCRPD) was ratified by India in October 2007. It enjoins upon India to ensure that all the rights enshrined in the Constitution, the current legislations, as well as UNCRPD, are speedily and effectively operationalized. It is now obligatory upon India to incorporate the essence of the convention in our planning, implementation, monitoring, and review processes.

The eight basic principles of the Convention are: (i) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons with disabilities; (ii) non-discrimination; (iii) full and effective participation and inclusion in society; (iv) respect for difference and acceptance of disabled people as part of human diversity and humanity; (v) equality of

opportunity; (vi) accessibility; (vii) equality between men and women; and (viii) respect for the evolving capacities of children with disabilities and respect for their right to preserve their identities. There is an urgent need to review all the four disability legislations and to amend them suitably to bring them in consonance with UNCRPD.

Present statistics on disability

The World Report on Disability published by the World Health Organization (WHO) and the World Bank states that 15 per cent of the world's population or 1 billion people live with a disability.

The country's disabled population has increased by 22.4% between 2001 and 2011. The number of disabled, which was 2.19 crore in 2001, rose in 2011 to 2.68 crore—1.5 crore males and 1.18 crore females.

Rural areas have more disabled people than urban areas. In Maharashtra, Andhra Pradesh, Odisha, Jammu and Kashmir and Sikkim, the disabled account for 2.5% of the total population, while Tamil Nadu and Assam are among those where the disabled population is less than 1.75% of the total population.

The growth rate of disabled population is more in urban areas and among urban females. The decadal growth in urban areas is 48.2% and 55% among urban females. Among scheduled castes it is 2.45%.

Most of the disabled are those with movement disability. According to the census, 20.3% of the disabled are movement disabled followed by hearing impaired (18.9%) and visually impaired (18.8%). Nearly 5.6% of the disabled population is mentally challenged, a classification introduced in the 2011 census.

Constitutional rights

➤ Indian Constitution ensures equality, freedom, justice and dignity of all citizens of the country including persons with disabilities without any discrimination, which implies an inclusive society for all **(Article-14)**.

➤ **Article-21** ensures right to life to all, which includes persons with disability also.

➤ **Article 41** of the Constitution of India relating to right to work, to education and to public assistance in certain cases, states that "the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

➤ **State subject:** Disability is mainly a state subject. "Relief of the disabled and unemployable" in the Seventh Schedule of the Constitution.

➤ "Disability" also appears in the **11th & 12th Schedules** (pertaining to Panchayats & Municipalities) of the Constitution, Panchayats and municipalities to implement schemes for economic development and social justice.

➤ Above all our **Preamble** envisages a society based on equality, justice and fraternity. Hence a society which cares for persons with disabilities is considered to be inclusive and progressive, as disability affects not only the individual and family but also society and the nation.

Legal Rights

➤ Disability rights in India are protected by **four basic legislations** namely Rehabilitation Council of India Act, 1992, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and Mental Health Act, 1997.

➤ In view of Government of India's strong commitment to the empowerment of Persons with Disabilities, the **Department of Disability Affairs** has been created in May 2012 under the Ministry of Social Justice & Empowerment to give greater emphasis on their policy issues and implementation.

➤ The **National Policy for Persons with Disabilities 2006** recognizes the

> fact that they are a valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in the society.
>
> ➤ The policies are in consonance with the basic principles of equality, freedom, justice and dignity of all individuals that are enshrined in the Constitution.

What are the proposed changes in The Rights of Persons with Disabilities Bill, 2016?

➤ Disability has been defined based on an evolving and dynamic concept.

➤ The types of disabilities have been increased from existing 7 to 21. It includes Speech and Language Disability, Specific Learning Disability, Acid Attack Victims, Dwarfism, muscular dystrophy. It also included three blood disorders: Thalassemia, Hemophilia and Sickle Cell disease have been added for the first time.

➤ It seeks reservation in vacancies in government establishments has been increased from 3% to 4% for certain persons or class of persons with benchmark disability. In addition benefits such as reservation in higher education, government jobs, reservation in allocation of land, poverty alleviation schemes etc. have been provided for disabilities.

➤ The bill claimed that every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education. The government will fund educational institutions as well as the government recognized institutions to provide inclusive education to the children with reasonable accommodation to disables.

➤ The bill will provides Special Courts will be designated in each district to handle cases concerning violation of rights of PwDs.

➤ The Bill provides for penalties for offences (imprisonment of 6 months to 2 years along with fine of 10000 to 5 lakh) committed against persons with disabilities and also violation of the provisions of the new law.

➤ The bill provides power to government to notify additional disabilities, a clear recognition of the need to factor in conditions that may arise as a result of an ageing population, an inevitable part of the demographic transition.

➤ The new law will not only enhance the Rights and Entitlements of Divyang-Jan but also provide effective mechanism for ensuring their empowerment and true inclusion into the Society in a satisfactory manner.

Challenges

➤ The Bill continues with the 1995 act's provision of having a chief commissioner and state commissioners. Neither the commissioners nor any of the members of their advisory committees are required to be Persons with Disabilities.

➤ The amending bill strangely makes the clauses of non-discrimination mandatory only in employment of government establishments.

➤ The bill does not specify the time frame for a certificate of disability to be issued.

➤ The bill has no estimates of financial resources required to meet obligation under the bill.

➤ The amended bill does not define public buildings and public facilities and services towards making such infrastructure accessible to PWDs in a "barrier-free" manner.

Example of faulty government approach:

In Union of India v. National Federation of the Blind, the court had noted the "alarming reality" that the disabled were out of jobs not because their disability came in the way, but rather due to "social and practical barriers". Even then, the court had noted that some provisions of the 2005 office memorandum were inconsistent with the 1995 Act. However, the government is yet to modify it suitably.

The Supreme Court's recent verdict, has declared two office memoranda illegal on the manner in which reservation of seats for the disabled should be handled. In Rajeev Kumar Gupta and Others v. Union of India, the disabled were denied the benefits of reservation in Group A and Group B posts in the Prasar Bharati Corporation, it is applicable across the entire spectrum of public employment in the two categories. The court ruled that limiting the disabled quota to posts filled through direct recruitment in the two groups is in contravention of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

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also, that the disabled quota will extend to promotions. It directed that vacancies among posts identified for the disabled must be filled through reservation, regardless of the mode of recruitment — be it promotion or direct recruitment. The ruling has significantly enhanced the scope for the disabled to gain employment in the higher echelons.

It is disheartening to note that numbers of persons with disabilities is much below the 3 per cent earmarked for them. The ultimate objective should be to render complete justice to the country's disabled people.

Conclusion

It will go down in history as one of the landmarks in the history of the Disability Rights Movement in India. The bill has provided some relief to all the disability rights groups that have been demanding for years. The bill is a step in right direction to provide a safe and friendly environment for divyangs and propelling them from the age of darkness of isolation to dawn of inclusive growth.

Welfare initiatives for the disabled:

➤ Deen Dayal Disabled Rehabilitation Scheme (DDRS), envisages financial assistance to NGOs for providing education, vocational training and rehabilitation of Persons with Disabilities.

➤ Scheme of Assistance to Disabled Persons for Purchase/ Fitting of Aids (ADIP Scheme) provides grant-in-aid to various implementing agencies for purchase/fitting of aids & assistive devices for the physical rehabilitation of PwDs.

➤ Scheme for Implementation of Persons with Disabilities Act (SIPDA), provides grant in-aid for creating barrier free access to their buildings; making websites accessible, and for early detection and diagnosis of hearing impaired.

➤ National scholarship schemes for students with disabilities provide financial assistance to students to pursue post matriculation, professional or technical courses for their empowerment.

➤ The 'Accessible India Campaign' for achieving universal accessibility that will enable persons with disabilities to gain access for equal opportunity and live independently and participate fully in all aspects of life in an inclusive society.

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FOREST RIGHTS ACT - ANALYSIS

Context

The Forest Rights Act recognizes and vests forest rights and occupation of forest land with Scheduled Tribes and other traditional forest dwellers. These rights include the right to collect and sell minor forest produce and the right to live in the forest land for habitation or self-cultivation for livelihood, etc.

Even on the 10th Anniversary of Forest Rights Act 2006, true legal rights have not been transferred to the tribals. Tribal resistance to defend their rights is growing.

The tribal people everywhere have lived in intimate relationship with forests and their entire existence has been linked with forests due to historical factors. Forests have been sustaining their inhabitants. In fact there existed a 'symbiotic relationship' between the tribals and the forests. Forests have been their abode and source of livelihood. Thus, it has been a unanimously held view that forest economy is tribal economy and vice versa.

Not only their economic life but the religious and religio-magical beliefs of the tribal people have been rotating round the forests. Many a flora and fauna have been their objects of worship (Totems). Thus, the tribal people were able to achieve such a harmony that has always been a matter of envy for the non-tribals.

However, the tribals have faced many issues through decades.

The most significant difference in living standards of the tribals living in forest and revenue villages in India is that the tribals of the Forest villages have lived in the state of insecurity and bondage. The dwellers of Forest Villages can't access various schemes of the state and central governments which are implemented on the basic level of revenue villages. Over 60 years after Independence, the residents of 'forest villages' and other settlements and unsurveyed villages in forests remain deprived of access to most development programmes due to the land on which these are located continuing to be recorded as 'forest'. Whereas officially there are an estimated 2500 to 3000 Forest Villages, unofficial estimates suggest their number to be over 10,000. As no agency other than forest departments can undertake any development work on forest land, most of these settlements remain outside the jurisdiction of any local government, and their residents in some states cannot obtain even domicile certificates (as only the revenue department can issue these, but it does not have jurisdiction over forest land) or even voting rights. Due to their residents lacking any legal rights over the land, they are treated like 'non-citizens' ever vulnerable to eviction or displacement without entitlement to compensation or rehabilitation.

Following is a brief chronicled narration of evolution of forest policy along with various measures taken by the state to manage the forests.

First Forest Act of 1865	Regulated the collection of forest produce by the forest dwellers.
Forest Act of 1878	Control over forests was further tightened by prohibiting certain acts such as trespass or pasturing of cattle and declaring certain activities as forest offences. Imprisonment and fines were also prescribed for these offences.
First Forest Policy, 1894	The first forest policy envisaged, for the first time, the regulation of rights and restriction of privileges of the users in the forest. These regulations and restrictions were justified only when the advantages to be gained by the general public were great and the cardinal principles observed.

Indian Forest Act, 1927	Elaborated provisions were made in the direction of further extension of 'states' authority and control over the forests. Forest offences were defined as offences punishable under the Act. This Act created an extremely powerful and adequately protected executive consisting of Forest Officers of Indian Forest Service, State Forest Service, Rangers, Foresters, and Forest Guards.
National Forest Policy, 1952	The tribal's had virtually no statutory right but enjoyed only certain concessions/privileges such as right to take water, for agricultural purposes, digging of wells and canals for agricultural purpose, free grazing in open forests, removal of timber, bamboos, reeds, canes, etc for construction and repair of houses and for agricultural implements collection of dead wood for domestic use as fuel, collection of grass for cattle and for thatching their huts, fishing and hunting excluding the protected fauna and cultivation of forest land.
National Forest Policy, 1988	It states that the principal aim of the forest policy must be to ensure environmental stability and the maintenance of ecological balance including atmospheric equilibrium, which are vital to the sustenance of all life forms human, animal and plant. The derivation of the economic benefit must be subordinated to the principal aim.

The Forest Rights Act was passed in 2006 the Lok Sabha. Its conception and passage was the result of the decades of struggles and sacrifices of millions of tribals across India, of their organisations, of numerous activists and intellectuals working on tribal issues.

Features of the Forest Rights Act-2006:

The following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling schedule Tribes and other traditional forest dwellers on all forest lands, namely:

▶ Right to hold and live on the forest land under the individual or common occupation for habitation or for self cultivation for livelihood by member or members of a forest dwelling ST/traditional forest dwellers.

▶ Community rights such as 'nistar', by whatever named called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;

▶ Right of ownership, access to collect, use, and dispose of minor forest produced which has been traditionally collected within or outside village boundaries

▶ Other community right of use or entitlements such as fish and other products of water bodies, grazing (both settle or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities.

▶ Rights including community tenure of habitat and habitation for primitive tribal groups and pre-agricultural communities

▶ Rights in or over disputed lands under any nomenclature in any state where claims are disputed

▶ Rights for conservation of 'pattas' or leases or grats issued by any local authority or any state government on forest lands to titles,

▶ Rights of settlement and conservation of all forest villages, old habitation, unsurveyed villages in forests, whether recorded, notified or not into revenue villages.

▶ Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use,

▶ Rights which are recognized under nay state laws of any autonomous district council or autonomous regional council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any state.

▶ Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity.

▶ Any other traditional right customarily enjoyed by the forest dwelling scheduled tribes or other traditional forest dwellers, as the case may be, which are not mentioned in the clause but

excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal.

▶ Right to in situ rehabilitation including alternative land in case where the scheduled tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to Dec 13, 2005.

Analysis of Forest Rights Act

Tribal and indigenous communities across the world have been asserting their rights to the mineral wealth often found under the land they own or possess or have traditional rights to. They have been historically denied even a share of that huge wealth, leave alone legal rights of ownership. Under the contemporary deregulated neo-liberal policy framework, the exploitation and plunder of natural resources, including minerals, by domestic corporates and multinational mining companies has intensified. But the resistance by affected communities across the world has also grown and is reflected, over the years, in the establishment of an international framework through ILO and U.N. Conventions, which recognise in varying degrees the rights of indigenous and tribal communities to ownership, control and management of land and resources traditionally held by them either individually or as a community; the right to a decisive role in decision making for development needs in their areas; and the right to prior, free and informed consent to any projects in their areas.

While these are encouraging advances won by the struggles and immense sacrifices of tribal communities, what is important is their translation into legal instruments in member countries. The issue has immediate relevance for India, as the UPA government has introduced a Mining and Minerals (Development and Regulation) Amendment Bill, 2011 (MMDRA), which is presently before the Parliamentary Standing Committee.

The Forest Rights Act presents immense possibilities for communities to gain recognition and respect for their conservation initiatives and customary rights. However, the practical efficacy of the legal framework of rights and empowered local authorities discussed above depends largely on how the Act, particularly its provisions on community rights, is perceived and implemented by government agencies. In terms of coverage, the Act has yet to reach the majority of forest communities in Orissa. By June, 2010, less than 44 percent of over 426 200 individual claims filed were recognized for titles.

Less than 17 percent of approximately 2 500 community claims filed were recognized. Comparing these figures to the existing forest-dependent communities in the state, which represent about 40 percent of the total population, the status shows that the implementation process has yet to achieve its mark. The national status is not promising either. As of May, 2010, only 32 percent of over 2 822 000 claims filed were distributed. Within this, less than 3 percent of nearly 49 000 community claims filed were distributed.

> In 2010, Surma, a tribal village housing around 360 'Tharu tribe' families, in Uttar Pradesh witnessed to become the first tribal village in a forest reserve area to be converted into a revenue village. This means tribals will now get all the constitutional rights given to a citizen of India.

Considering that the population of forest-dependent people in India is 275 million and the number of forest fringe villages is nearly 170 400, the claims and recognition status to date paints a discouraging picture. The Gram Sabhas, which have the authority under the Act to determine rights, arguably lack the information and capacity in the form of documents, maps, evidence, and technical support necessary for the determination and verification of claims. Ensuring that the Act is effectively utilized by forest communities will require a massive and concerted effort to raise awareness about the Act and its procedures and to develop the capacity of the implementing agencies.

Another issue is that forest communities who are not scheduled tribes remain excluded from the implementation process, due to the restrictive criteria of three generations (or 75 years) of habitation and the insistence of the authorities on documented evidence. Even though the list of evidence accepted under the Rules of the Forest Rights Act includes oral and physical evidence, authorities insist on documented evidence when considering claims, which is often not available, particularly for customary rights. In this case, the government authorities should be proactive in adhering to the existing provisions of the Act that allow for the processing of unrecorded rights with the help of oral and physical evidence.

In addition, the lack of awareness and understanding of all levels of government authorities of customary rights themselves and of the process for their recognition under the Forest Rights Act has led to their disregard. For example, in the tribal districts of Orissa, the traditional practice of shifting cultivation is not recognized by implementing agencies as a right. This is due to their faulty interpretation of the Forest Rights Act, stipulating (incorrectly) that it only recognizes rights over forest land under continuous occupation, not under seasonal occupation (which is the practice in shifting cultivation), as well as the general prejudice within government conservation agencies against the practice of shifting cultivation as being detrimental to forests. Other important community rights of the PTGs over their habitats and sacred areas are similarly ignored. This knowledge deficit can be overcome by focusing on capacity building of the authorities and implementing agencies at the federal, state, district, and sub-district levels.

Furthermore, the tendency to privatize commons and exclude rights, a legacy of past conservation policies, still arises in the implementation of the Forest Rights Act. Rights in reserve forests and protected areas (including wildlife sanctuaries, national parks, and tiger reserves), although recognized by the Act, are not considered by the authorities. Seventy-five percent of the forest lands recognized under the Act so far are located in revenue forests (forests within a village boundary) and many claims on reserve forests are rejected by the forest authorities. Rights in protected areas and tiger reserves are also not recognized in many cases.

> **In the Simlipal Tiger Reserve, tribal families were relocated, contradicting the rights of the local communities of Khadia, Mankadias, and Kolha and ignoring the fact that their traditional rights are beneficial to the conservation of the forests. This exclusionary conservation approach therefore needs to be redefined along the rights-based framework mandated by the Forest Rights Act 2006, for the benefit of local communities and conservation aims alike.**

Overall, it is evident that the potential of the Act may be lost in the narrow perspective through which it is currently viewed by many implementing agencies. Their common perception is that the

Act is for one-off settlements of cases of so-called encroachment in forest land. As a consequence, deadlines are set by governments to complete the process of recognition of rights (which is against the provisions of the Act), causing widespread confusion among the forest communities and disturbing the implementation process. This perspective needs to change to one that understands and is confident in the given rights framework's inherent potential to ensure biodiversity conservation and restoration of ecosystems.

The Forest Rights Act has to be looked at as an approach; as such, it requires a long-term plan to implement it and to ensure that the rights-based framework that underpins it informs and guides conservation governance, planning, and programmes throughout the country. The Act involves multiple disciplines in the process of determination and recognition of rights through the participation of the government departments of Tribal Affairs, Forest and Environment, and Revenue, as well as the Panchayati Raj institutions. This multidisciplinary approach should guide future institutional arrangements of forest management in order to ensure that social, cultural, environmental, and economic concerns and opportunities are adequately represented.

It is also becoming increasingly evident that in addition to the challenges facing the recognition of rights under the Act, the process of forest tenure reform demands a complete overhaul of the existing forest governance system. There are still laws, policies, programmes, and structures in place that run counter to the framework of rights and empowerment of local authorities enshrined in the Forest Rights Act. Thus, the full recognition and exercise of rights under the Act is actually constrained by other existing laws. For example, even though community forestry groups get recognition under the Forest Rights Act, the state policy of Joint Forest Management remains unchanged, causing confusion and conflicts at the community level. Similarly, development and extractive projects in forest areas have ignored the Forest Rights Act and have targeted community land and forests, which are protected under the Act as inalienable rights.

In view of these issues, it is necessary to create an enabling legal and policy environment by amending existing laws and policies to ensure that they do not counteract or negate the Forest Rights Act and instead are mutually reinforcing. For example, the National Forest Policy needs to

be amended to reflect the current discourse on and understanding of the inter-linkages between recognition of rights and effective conservation. At the same time, convergence needs to be sought with existing complementary laws and programmes (such as the Panchayat Extension to Scheduled Areas Act, Mahatma Gandhi National Rural Employment Guarantee Act, and Watershed Development Programme) in order to further strengthen legal and policy provisions to ensure the realization of community rights and empowerment and just conservation in practice.

Dilution of the Tribes in recent periods

- Government has brought a series of legislation that undermine the rights and protections given to tribals in the FRA, including the condition of "free informed consent" from gram sabhas for any government plans to remove tribals from the forests and for the resettlement or rehabilitation package.

- The laws were pushed through by the government without any consultation with tribal communities. They include the amendments to the Mines and Minerals (Development and Regulation) Act, the Compensatory Afforestation Fund Act and a host of amendments to the Rules to the FRA which undermine the FRA.

- The requirement of public hearings and gram sabha consent has been done away with for mid-sized coal mines. BJP State governments and partners in the National Democratic Alliance such as the Telugu Desam Party government in Andhra Pradesh have introduced government orders to subvert the FRA. In Telangana, in total violation of the FRA, the government has illegalised traditional methods of forest land cultivation.

- The Jharkhand government has brought amendments to the Chotanagpur and also the Santhal Pargana Tenancy Acts which eliminate rights of gram sabhas and permit tribal land to be taken over by corporates, real estate players, private educational and medical institutions in the name of development, without tribal consent.

- In Maharashtra the government has issued a notification of 'Village Rules' which gives all rights of forest management to government-promoted committees as opposed to the gram sabha. This is the law-based offensive.

- The current government has declared its commitment to ensuring 'ease of business', which translates into clearing all private sector-sponsored projects in tribal-inhabited forest areas.

- The National Board for Wildlife, chaired by the Prime Minister was reconstituted, slashing the number of independent experts from 15 members to 3, making the lack of subservient officials.

- In the first three months of assuming office, the government cleared 33 out of 41 proposals diverting over 7,000 hectares of forest land. Of this the major share was for Gujarat companies. In two years the clearances for projects have included 'diversion' or more appropriately land grab to the extent of 1.34 lakh hectares of forest land.

- In many areas this will lead to massive displacement of tribal communities. In the multipurpose 'Polavaram project' in Andhra Pradesh alone, now given a national status by the Central government, 2 lakh hectares of forest land will be submerged affecting around 85,000 families, more than half tribals, including 100 habitations of particularly vulnerable tribal communities.

- In almost all these projects, the affected tribal families have not yet received their pattas (land ownership documents), one of the conditions set by the FRA. This willful disregard and blatant violation of the legal protections given to tribals has become the cornerstone of the policy.

- There is the deliberate freeze of the actual implementation of the FRA. Neither individual pattas nor pattas for community forest resources are being given.

- During the previous government the implementation of the Act was virtually hijacked by the Ministry of Environment and Forests and rejections of claims increased. However, now the situation has worsened, and the rate of rejections has gone up during the current government regime.

- According to one analysis, between May 2015 and April 2016, 8 out of every 10 claims were rejected. The Gujarat State has one of the worst records in implementation of the FRA. Although 98 per cent of the approximately 1.9 lakh tribal claims had been approved by the gram sabhas, the bureaucrats in the sub-divisional committee and above brought the acceptance down to just 38 per cent. This is in sharp contrast to a Left-led State such as Tripura, where 98 per cent of tribal claims have been recorded and titles given.

Role of the Judiciary:

The judiciary has given tribals hope through the Samata judgment, the historic Niyamgiri judgment, has also clubbed together a number of hostile petitions to the FRA and is giving them a sympathetic hearing. In the other hand the court in an ominous intervention in a writ petition filed by Wildlife Trust of India and others issued notice to all State governments to 'file an affidavit giving data regarding the number of claims rejected within the territory of the State and the extent of land over which such claims were made and rejected and the consequent action taken up by the State after rejection of the claims'.

Further it resulted into prelude to mass evictions by the tribal communities. Maharashtra issued a notification dated April 23, 2015, directing the police to take action against 'identified encroachers', namely those whose claims have been rejected. Till 1985, the department of 'Tribal Affairs' was under the Home Ministry. Tribal rights and struggles for justice were viewed as a 'law and order issue, always a problem'. Under the present dispensation this retrograde approach seems to have been resurrected.

Conclusion

The enactment of the law is the culmination of a protracted struggle by communities for forest rights and conservation4 that spanned the greater part of the 19th and 20th centuries and continued into the 21st. This struggle emerged from issues like insecurity of land tenure and access rights, lack of recognition of community conservation initiatives in forest management, lack of recognition of traditional governance and resource ownership in tribal areas, and threats to community lands and forests from development projects. The Planning Commission of India has also highlighted the importance of resolving these issues through protective legislation such as the Forest Rights Act and the Panchayat Extension to Scheduled Areas Act to deal with the growing discontent, unrest, and extremism in tribal and forest areas.

On the tenth anniversary of the historic passage of the FRA, tribal resistance is growing all over the country to defend their rights under FRA and other related issues. Since the beginning of implementation in January, 2008, the Forest Rights Act, in particular, has enlivened the conservation debate around two contesting arguments: one is represented by the conservation orthodoxy that holds forth that rights cannot co-exist with conservation; the other echoes the otherwise marginalized voice of the forest communities, as well as the current international discourse that recognition of forest rights and forest tenure reform are an essential part of a just and effective conservation process.

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CHANGE IN COURSE OF RIVER AND ITS MANAGEMENT

Context

Shifting of course is a natural tendency of the rivers and it is a universal phenomenon. This shifting of course by the rivers lead to formation of vast alluvial plains on the surface of the earth. In fact, it is an inbuilt mechanism in the alluviation process of the valleys. However due to human induced changes, the shifting of river is frequent.

Further, due to unplanned human settlements, the impact of change in river course is very high. Hereby the example of River Yamuna has been taken to explain the impact of change in river course on human society.

Rivers represent less than 1 percent of the Earth's surface but are among the most productive and diverse ecosystems on the planet. Nearly half of all fish species on Earth can be found in rivers and hundreds of millions of people depend on food produced from rivers that are free flowing.

The characteristics of the river, or rivers, within the total basin system are related to a number of features. These features include the size, form and geological characteristics of the basin and the climatic conditions which determine the quantities of water to be drained by the river network.

The river changes course of river with time both due to natural and manmade factors.

> ➤ The upper course is characterised by large angular sediment, narrow shallow channels, vertical erosion and low velocity. Common landforms include waterfalls, gorges, V shaped valleys and interlocking spurs.
>
> ➤ Meanders are found in the middle course and the channel becomes wider and can migrate through lateral erosion.
>
> ➤ In the lower course sediment becomes smaller, rounder and smoother, channels are wide and deep and velocity is high in the channel. Common landforms are floodplains, levees and oxbow lakes.
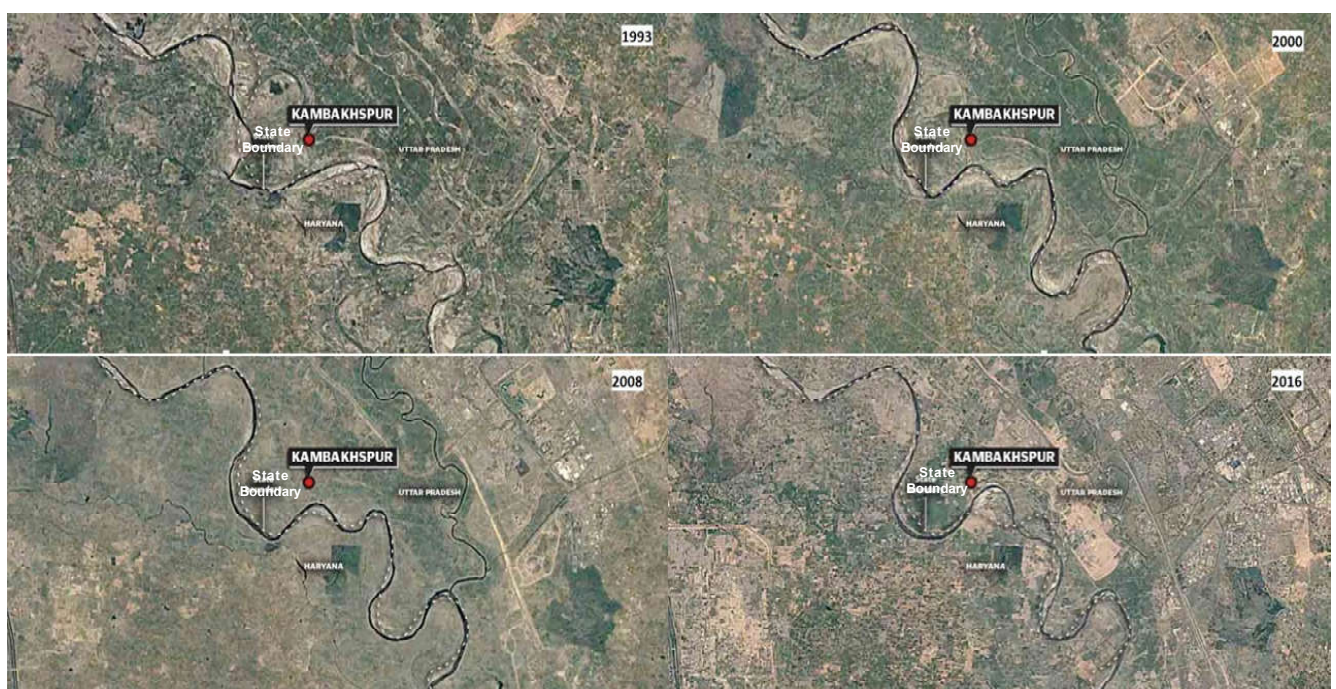

Fig. 1

A river's course can be divided into three stages; upper, middle, and lower courses.

It has been found that river Yamuna has changed its course in past few decades and due to which many villagers of Kambakspur (U.P.) which is on Uttar Pradesh – Haryana border lost their lands.

Why a river does changes its course?

Natural Process:

➤ Heavy deposition of silt due to river flow

➤ Natural calamities like earthquakes, landslides and hurricanes

Human Activities:

➤ Sand mining

➤ Unauthorized constructions on the riverbed or the floodplains

Impact

➤ Can cause floods

➤ Groundwater contamination

➤ Displacement of human settlements

Why does a river change its course?

Rivers twist and turn, shaping the environment around them just as they are shaped by the existing physical geography of the surrounding landscape. Rivers typically follow the path of least resistance- from their headwaters to their outlets in the sea they are constantly moving around rocks and eroding valleys, growing and changing as they flow and age.

Rivers function to get from their beginnings, or headwaters, to sea level through the most **efficient path** possible. In order to achieve efficient path, it changes its path. There are two broad category in which reasons behind the change of course of river can classified:

In freshwater lake and river systems, a river channel position regime shift occurs when the main channel of a river abruptly changes its course to a new river channel. Meandering and braided rivers are especially vulnerable to such shifts. The actual shift of the channel usually follows a large flood event, but other factors make the system susceptible to the shift. Most commonly, sediment buildup blocks the river flow due to changes in current and riverbed gradient. In other cases, a cutoff occurs at the meandering neck in rivers with high channel sinuosity.

Natural Process:

➤ Deposition of silt, the river's kinetic energy (or the energy that comes from the moving of the water as it flows downhill) is what causes the majority of the erosion to the geography of the river. Water moving past and over rocks, dirt, and other materials erodes them and often sweeps them along to be deposited further downstream. Rivers naturally try to create a balance between the amount of kinetic energy and water flow they have to be equal from start to finish, which greatly contributes to the erosion we see around rivers. In order to achieve this balance rivers erode their banks, change their paths, and transport and deposit sediment along their way.

➤ Natural calamities like earthquakes, landslides and hurricanes can change course of river as well. Impact of earthquakes can understand by a research in which it has been found that once Mississippi river (U.S.) changes its course so much that it flowed backward temporarily due series of earthquakes during 1811 and 1812.

Human Activities:

Human activities which changes course of river is mainly because of engineering works including channelization, dam construction, diversion and culverting, which is direct

NEED TO IMPROVE REGULATION

Current consumption of sand and gravel, known as aggregates, in India |
2.2 billion tonnes
(Exact data on consumption of 'aggregates' is not available with any source. It can be derived indirectly from the usage of cement)

➤ For each tonne of cement, the building industry needs about **6 to 7 times more tonnes of sand and gravel**

Estimated consumption of cement in India |
324 million tonnes

MAIN SOURCES OF SAND
➤ Riverbeds and flood plains
➤ Lakes and reservoirs
➤ Agricultural fields (Haryana)
➤ Coastal/marine sand
➤ Palaeo-channels (Bikaner in Rajasthan)

REVENUE (ANNUAL ROYALTY) FROM SAND IN STATES
TOP FIVE (from 2012 to 2015)
Rajasthan (Figures in ₹ cr) 559
Madhya Pradesh 537
Uttar Pradesh 432
Tamil Nadu 415
Karnataka 65
(No data with environment ministry on other major sand mining state Andhra Pradesh)

➤ Govts in most of these states have been losing revenue worth thousands of crores of rupees due to rampant illegal mining

Fig. 2

involvement and mostly well calculated and mostly impact is not in negative form.

In case of river Yamuna, none of the above reasons are there (within the stipulated region of UP-Haryana border). The reasons are manmade and destructive in nature.

➤ **Sand Mining** is one of major manmade reason in case of Yamuna. Though mining of sand from the Yamuna floodplains was banned by the National Green Tribunal in 2015, many activists say that trucks full of sand are still leaving Noida and Greater Noida at night. Instream sand mining results in the destruction of aquatic and riparian habitat through large changes in the channel morphology. Impacts include bed degradation, bed coarsening, lowered water tables near the streambed, and channel instability. These physical impacts cause degradation of riparian and aquatic biota and may lead to the undermining of bridges and other structures. Continued extraction may also cause the entire streambed to degrade to the depth of excavation.
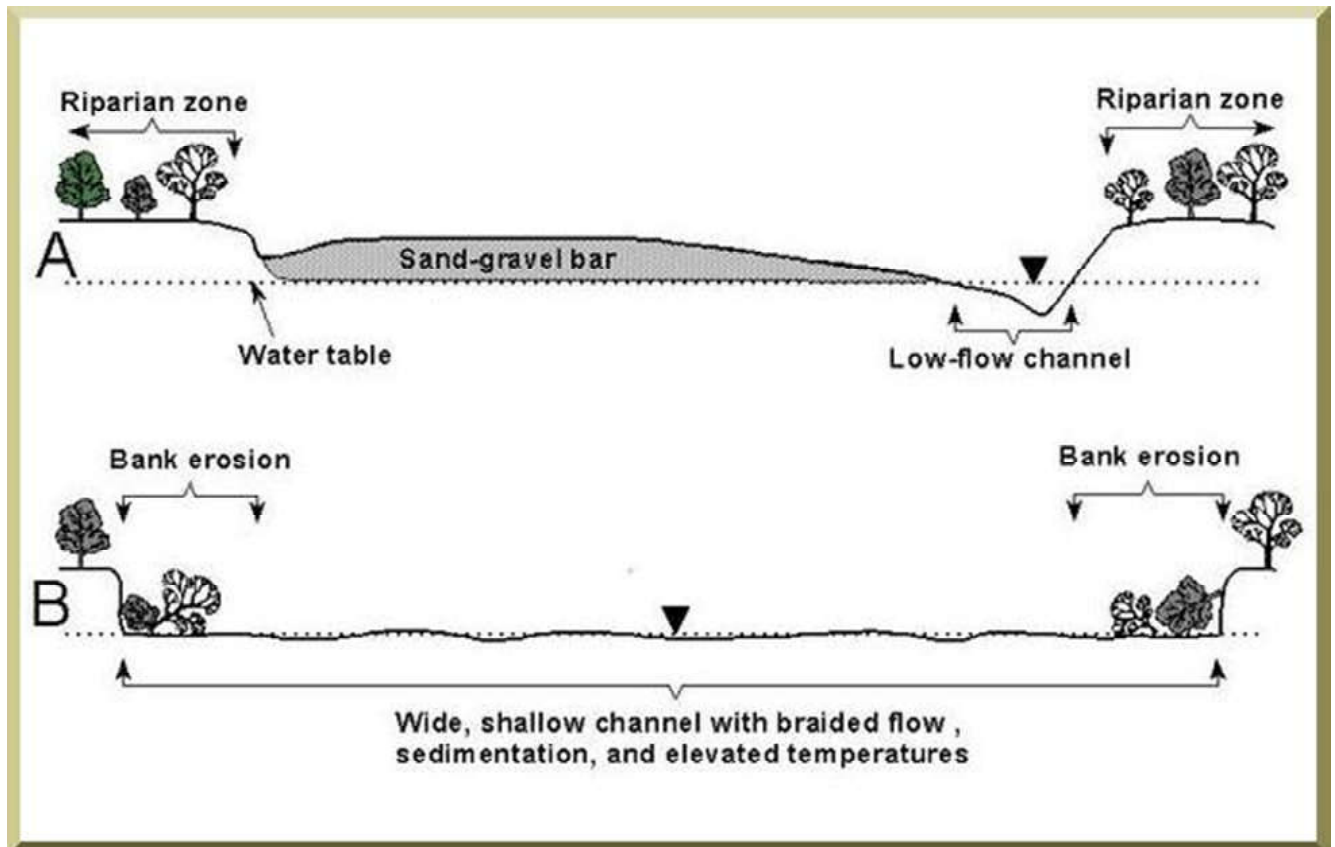

Fig. 3

➤ **Unauthorized constructions on the riverbed or the floodplains:** According to the report *'Restoration and Conservation of River Yamuna'* of Expert Committee constituted by the Ministry of Environment and Forests to National Green Tribunal, unauthorized construction on Yamuna bed is the major reason for degradation of river Yamuna. These construction had occupied the flood prints as well as catchment areas as well. According to The Hindu report major construction is from Haryana side which pushed river course towards Uttar Pradesh (Kambakshpur Village).

Impact of change of river course

A shift in river channel position has large impacts on the ecology, economy and society, especially through impacts on water availability which is important for agriculture and transportation.

Example: River Semliki has changed course several times since 1960 as rising water volumes sparked by melting mountain snow caps cause meandering and alteration of the boundary.

The changing course of a river marking the natural border between Uganda and the Democratic Republic of Congo has caused boundary confusion in an oil rich area.

The river has widened by an average of 10 meters. This can lead to conflict between the two the nations.

Example: The Kosi river in north Bihar changes its course of river. In the past 250 years, the Kosi has moved westwards by more than 100

km. Bihar has faced regular floods due to the River Kosi. The worst floods were of 1998 and 2007 which affected 13.47 million and 14.45 million people.

Conservation and strategic approach

Conservation of Yamuna is an ongoing process and requires the collective effort of the Central and State Governments. It is necessary to reduce the quantity of water being drawn from the river for irrigation. The ecology of the river is being destroyed by doing this.

Environmentalists also suggest that treatment of effluents is very essential before dumping into the river.

Steps must be taken to relocate the existing settlements and encroachments near the floodplains and no further encroachments should be allowed.

There should be a ban on construction of new barrages, roads, metro and railway bridges, embankments near Yamuna.

Since there is shortage of landfill sites in Delhi, most wastes are dumped in the river. Keeping this in mind, immediate action needs to be taken to identify more landfill sites in Delhi.

> **The River Zone:**
>
> Rivers require a certain space to carry their peak flows and sediments, and for their ecological functions. This includes the river channel(s) and the floodplains which together are often designated as river corridor or floodways or simply the river zone. In case of river Yamuna, the embankments and numerous constructions on the floodplain, especially within the 22 km stretch through urban Delhi, have already constricted the river zone to a very narrow space, 4 and at many points, the channel flows along the embankment and hence, has no floodplain left.

Last but not the least, it is high time now the Government took necessary steps to enhance public awareness.

Restoration of River Yamuna

Restoration of a river to bring back its biophysical characteristics and ecological functions requires addressing the root causes of degradation. River Yamuna is severely affected by the elimination of its natural flow (except during the rainy season), destruction of its physical characteristics (elimination of floodplains by embankments and encroachments, and solid waste dumping and reclamation), habitat fragmentation (by barrages and guide bunds of bridges/flyovers), destruction of natural floodplain biodiversity, and excessive discharge of wastewaters (untreated or partly treated sewage, and storm water).

But, some of these changes are irreversible and it will not be possible to restore the river fully to its old glory, it is possible to rehabilitate the river for many of its functions, water quality and beauty.

Mitigation Strategy:

➤ Controlled dredging is required to remove the huge accumulation of sediments and sludge which has reduced the flood carrying capacity of the main channel, silted up wetlands and floodplain water bodies, and aggraded the floodplain (partly due to solid waste dumps).

➤ Dredging of the river bed and pondage of Okhla barrage should be undertaken.

➤ Many of the spurs have lost their original purpose because the flow in the river is highly reduced and regulated. In several places these are being extended right upto the current channel and being developed as parks. This extension and development must be stopped and the length of spurs should be restricted to allow a wider space for the river channel to meander and carry more water.

➤ Existing wetlands and water bodies both upstream and downstream of Wazirabad reservoir should be deepened and enlarged.

➤ Culverts must be constructed under the existing guide bunds of roads and flyovers, which have fragmented massive wetlands, so that flood waters flow without obstruction along the river course and into the floodplain wetlands. This will also help movement of aquatic biota (e.g., fish) and enhance the groundwater recharge.

➤ A mosaic of wetlands and floodplain vegetation having native biodiversity should be developed. A cascade of treatment wetlands along the western and eastern banks (100-150 m belt) must be created and the outfall from all the major drains (after treatment in STPs) should pass through them before discharging into the river channel. These wetlands will help improve the water quality by reducing the BOD and nutrient levels through the action of the plants

and animals therein. Wetlands should also be developed along the smaller drains before they discharge their contents into main drains. The outfall from Barapulla drain should be channelized through the cascade of wetlands already existing in the area.

ON THE WATERFRONT

1 A river that is changing course can be channelized by building embankments, which should be as far away as 3.5 times its width

2 Embankmants are generally made of mud and stones, **10-12m** wide at the base and **5m** wide at the top

3 The land between the embankments and the river is not suitable for habitation because of the risk of floods

4 Such land could be suitable for farming as floodplains are generally considered very fertile

Fig. 4

➤ A greenbelt/greenway should be developed on both sides of the embankment, for controlling erosion, reducing sediment load of the main channel, reduce pollution, and beautification. Nature trails may be provided across riparian areas for recreation to the public without losing the ecological functions of the floodplains.

➤ The control of sewage pollution must be given highest priority. Besides the interceptor sewer system now being developed, the capacity of sewage treatment plants must be increased; their efficiency must be ensured and enhanced; sewerage facilities should extended to un-sewered areas, and the present sewerage systems be rehabilitated. Adoption of new technologies to reduce BOD levels from 20-30 mg/l to below 10 mg/l, together with the use of treatment wetlands as noted above, would enhance the quality of water in the river.

➤ Immediate action is required to ensure the provision of environmental flows throughout the river, and especially in the stretch downstream of Wazirabad. The sewage and stormwater generated from the city can help mitigate the flow requirement to some extent provided they are treated to an acceptable quality as per CPCB standards and then allowed to flow through wetland systems restored on the floodplain.

➤ To manage the waste water system in the NCT of Delhi, a comprehensive master plan for sewerage for complete Delhi should be prepared by DJB.

➤ Agricultural activity on the floodplain should be regulated to totally prohibit the useof agrochemicals (fertilisers and pesticides) and should be restricted to areas beyond100 m on either side of the river channel and other wetlands/water bodies.

➤ Access to the river channel for social/cultural/religious functions and recreation should be allowed in a manner that it avoids construction of paved (pucca) paths and does not cause any kind of pollution.

Conclusion

Successful restoration of the river for its ecological functions and their future sustainability will depend heavily on the provision for Environmental Flows through the entire 52-km stretch. Despite an earlier Supreme Court direction for providing 10 cumecs of freshwater flow downstream of Wazirabad, the desired flow has not yet been made available.

The Environmental Flows requirements, particularly for the lean season, may be re-assessed for the entire 52-km stretch and the required flows be ensured at the earliest.

A separate programme of promoting public awareness for the conservation of the river and for the community participation in the restoration,

management and monitoring of the river should be prepared and implemented through a separate Society / Trust.

To secure the ecological integrity of the river, to prevent encroachment and dumping of solid wastes and to prevent unauthorized constructions, river policing by a dedicated unit should be enforced by the respective states.

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HOW SRI LANKA WON MALARIA WAR & INDIA FAILED?

Context

Sri Lanka has been declared malaria-free at the 69th Session of the World Health Organization (WHO) Regional Committee for South-East Asia held in Colombo. This is another milestone in Sri Lanka's outstanding achievements in public health, also reflected in the standard health indicators such as life expectancy, infant mortality and average family size.

Hereby analyzing the steps taken by Sri Lanka for handling Malaria and why India failed in handling that?

Introduction

Malaria is a life-threatening disease caused by parasites that are transmitted to people through the bites of infected female Anopheles Mosquitoes. Malaria is caused by Plasmodium parasites. The parasites are spread to people through the bites of infected female Anopheles mosquitoes, called "malaria vectors." There are 5 parasite species that cause malaria in humans, and 2 of these species – P. falciparum and P. vivax – pose the greatest threat. P. falciparum is the most prevalent malaria parasite on the African continent. It is responsible for most malaria-related deaths globally. P. vivax is the dominant malaria parasite in most countries outside of sub-Saharan Africa.

Fig. 5

Who is at risk?

In 2015, nearly half of the world's population was at risk of malaria. Most malaria cases and deaths occur in sub-Saharan Africa. However, South-East Asia, Latin America and the Middle East, are also at risk.

➤ In 2015, 91 countries and areas had ongoing malaria transmission.

➤ Malaria is preventable and curable, and increased efforts are dramatically reducing the malaria burden in many places.

➤ Between 2010 and 2015, malaria incidence among populations at risk (the rate of new cases) fell by 21% globally. In that same period, malaria mortality rates among populations at risk fell by 29% globally among all age groups, and by 35% among children under 5.

➤ Sub-Saharan Africa carries a disproportionately high share of the global malaria burden. In 2015, the region was home to 90% of malaria cases and 92% of malaria deaths.

Some population groups are at considerably higher risk of contracting malaria, and developing severe disease, than others. These include infants, children under 5 years of age, pregnant women and patients with HIV/AIDS, as well as non-immune migrants, mobile populations and travelers.

Disease Burden Globally

According to the latest WHO estimates, released in December 2016, there were 212 million cases of malaria in 2015 and 429 000 deaths.

Malaria Elimination and Eradication

AS PER WHO:

Malaria *elimination* is the interruption of local mosquito-borne malaria transmission; continued measures are required to prevent re-establishment of transmission.

Malaria *eradication* is defined as the permanent reduction to zero of the worldwide incidence of malaria infection caused by human malaria parasites. Once eradication has been achieved, intervention measures are no longer needed.

The rate of progress in a particular country will depend on the strength of its national health system, the level of investment in malaria control, and a number of other factors, including: biological determinants, the environment, and the social, demographic, political, and economic realities of a particular country.

In countries with high or moderate rates of malaria transmission, national malaria control programmes aim to maximize the reduction of malaria cases and deaths.

As countries approach elimination, enhanced surveillance systems ensure that every infection is detected, treated and reported to a national malaria registry. Patients diagnosed with malaria should be treated promptly with effective ant malarial medicines for their own health and to prevent onward transmission of the disease in the community.

Countries that have achieved at least 3 consecutive years of NIL local cases of malaria are eligible to apply for the WHO certification of malaria elimination. In recent years, 7 countries have been certified by the WHO Director-General as having eliminated malaria: United Arab Emirates (2007), Morocco (2010), Turkmenistan (2010), Armenia (2011), Maldives (2015), *Sri Lanka (2016) and Kyrgyzstan (2016).*

Malaria Elimination: Sri Lanka (2016)

2016 was remarkable year for a small island country Sri Lanka as it was declared Malaria free at the 69th Session of the World Health Organization (WHO) Regional Committee for South East Asia held in Colombo. Sri Lanka is the second amongst the 11 countries of South East Asian region declared Malaria free, first was Maldives.

Sixty years ago, Sri Lanka was one of the most malaria affected countries. And since October 2012, indigenous cases of malaria have come down to zero.

Sri Lanka has become a malaria free country after a long history of effective public health interventions and a well-developed health infrastructure. These are the following reasons behind the Sri Lankan achievement:

➤ **DDT to Malathion:** Regular Dichloro-diphenyl-trichloroethane (DDT) spraying in malaria endemic regions began in 1945 and the number of malaria cases reported dropped from 2.7 million in 1946 to 17 in 1963 but a full-scale malaria epidemic broke out again in 1968. Vector resistance to DDT and parasitic resistance to anti-malarial were first reported in the 1970s, posing a serious threat to Sri Lanka's progress. By the 1980s, malaria infections were back to the levels seen in the pre-DDT era. The Anti-Malaria Campaign (AMC)responded to these threats by switching from DDT to Malathion.

➤ **Community Partnership:** In 2009, the Sri Lankan Ministry of Health launched a malaria elimination programme, funded in part by the Global Fund to fight AIDS, Tuberculosis and Malaria. It set itself two goals: To make the country free of P.Falciparum strain of malaria by 2012, and of P.Vivax by 2014. The strategy was to intensively target the parasite in addition to targeting the mosquito.

➤ **Health access for all:** The ministry also used adaptive strategies, such as deploying mobile malaria clinics, boosting public health awareness campaigns and insecticide-treated nets that allowed the program to work around zones of conflict and inaccessible areas as 80 per cent of the population living in rural areas.

➤ **Strict surveillance and medicines:** The government made sure to screen blood samples drawn in public clinics and hospitals for malaria infection, and officials established a nationwide electronic case-reporting system. The government also controlled all anti-malarial medicines and solely distributed it.

➤ To target the disease more intensively, the campaign also provided drugs to people who may unknowingly be carrying the parasite (because it can survive in humans for more than 10 years). The Sri Lankan government also ran 24-hour hotline to track and treat patients in isolation.

What challenges did Sri Lanka Faced?

The struggle against malaria in Sri Lanka experienced a major setback due to the civil war between the Sri Lankan security forces and the LTTE, with Vanni/Wanni (mainland area of the Northern Province of Sri Lanka), the primary theatre of war, being a malaria-endemic region

and a large civilian population in the Northern Province being displaced into this region. An epidemic broke out in Vanni from 1998 to 2002, affecting civilians, LTTE cadres and Sri Lankan security forces. Despite the raging hostilities between security forces and LTTE opted to stop fighting when anti-malaria work was being carried out by AMC.

In comparison to these situations, India is third among 15 countries having the highest cases of malaria and deaths due to the disease and while malarial deaths have fallen across the world in the last 15 years, the disease is still an acute public health problem.

In 2015 alone, there were an estimated 214 million new cases of malaria, and approximately 4.38 lakh died of the disease.

What are the important lessons for India?

India is still controlling malaria. Future projections say India will keep eliminating malaria by 2025 and eradicate it by 2035 completely. India is amongst the South East Asian Countries and her tiny neighbors have eradicated malaria and it will take more than 15 years for India to eliminate malaria, although India target to eradicate malaria by 2030.
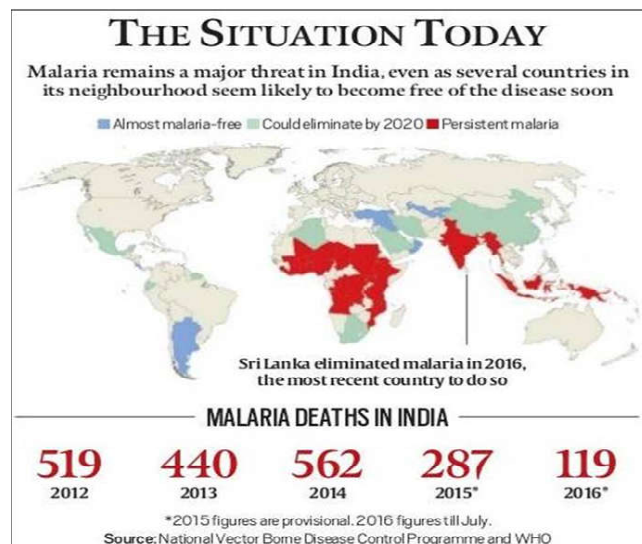

Fig. 6

Malaria in India continues to affect a large section of our population, especially those living in hilly and damp regions. 80 percent of malaria cases reported in India, according to a WHO report, are reported in sections of north and north east India where only 20 percent of the country's total population lives. 287 deaths were reported due to malaria in India last year alone. India should learn following things from Sri Lankan victory over malaria:

➤ India should learn integration of anti-malaria program with all national health missions and mission mode approach in elimination of malaria.

➤ Grass-roots community engagement and a whole-of-society approach.

➤ As more cases are from hilly regions, India also will have to reach out to marginalized societies living in inaccessible areas and in border/forest districts in the North and the North-East by taking the help of Army and global communities, just like Sri Lanka did.

➤ India should also learn the approach of mosquitos (carrier) elimination along with diseases.

Way Forward

Malaria is by and large under control in much of South Asia. The remaining hotbeds of malaria transmission in the region are in conflict-affected and frontier regions in Afghanistan, northeast India and Myanmar. It requires a long-term focal attention in the form of surveillance of the vector, parasite and human behavior conducive to malaria transmission, a multi-pronged approach inclusive of increased community participation in malaria control activities, livelihood development and poverty reduction, conflict prevention and reconciliation among rival parties.

If we are to ensure that the disease burden is to not become an obstacle to future developments in the South Asia region, efforts must be made to rollback these diseases as we seek to roll-out broad-based development in the region as a whole. In short, successful eradication of malaria calls for a shift from a narrow biomedical to a human-centric approach.

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SAGARMALA PROJECT: A GOLDEN LEAP OF INDIAN INFRASTRUCTURE DEVELOPMENT

Context

Ports act as the source of socio-economic development. Investment in seaport have impact on urban development with increment in employment and infrastructures opportunities, migration, land valuation, technology developments, economic growth, etc.

Sagarmala Project is one of the ambitious projects of the government which aims at port development. It also includes establishment of rail / road linkages with the port terminals, thus providing last mile connectivity to ports; development of linkages with new regions, enhanced multi-modal connectivity including rail, inland water, coastal and road services.

Introduction

The globalization of world economy has brought about tremendous increase in exchanges of goods across the world. The world trade also accelerated as cost of shipping has increased due to the introduction of economy of scale and the development of technology in shipping.

A seaport is the compulsory transit point for the bulk of this trade, permitting the import of goods, which the country does not itself produce in sufficient quantity and the export of items which the country has a surplus or has a competitive edge to produce contributing to the development of its economy. Besides, a port is also a place for the provision of further services, which add value to the products transported and thus helps the increasing demand of trade.

Seaports have been increased business and employment opportunities (direct and indirect), GNP, land prices etc. with their developments. Thus, population and migration towards the area have risen. Finally this area has developed economy as local, regional and national. The improvement of seaports is important, because of all these conditions. These improvements should be made for investment in seaports.

Moreover, Seaports also initiate the regional development. Investment of seaport have been increased urban development with employment and infrastructures opportunities, taking migration, land valuation, technology developments, economic growth, etc.

Let's take an example; marine cargo and vessel activity initially generate business revenue to the firms supplying marine services. This revenue is used to purchase employment (direct jobs) to provide the services, to pay stockholders and for retained earnings, and to purchase goods and services from local firms, as well as national and international firms (creating indirect jobs with these firms). Businesses also pay taxes from the business revenue.

Thus the economic impacts of the seaport can be classified in 4 different ways:

➤ Direct impact is the employment and income generated by the direct construction and operation of the port.

➤ Indirect impact is the employment and income generated by the chain of suppliers of goods and services.

➤ Induced impact is the employment and income generated by the spending of incomes by employees created by the direct and indirect effects.

➤ The catalytic impact is the employment and income generated by the role of the port as a driver of productivity growth and then as an attractor of new firms.

The seaports has an important role both trade and economy.

What the inefficiencies in present port infrastructure?

The main factors that have led to Inefficiencies in the Indian ports are:

➤ Most major ports were originally designed to handle specific categories of cargo which have declined in time while other types of cargoes gained importance. The ports have not been able to adjust to the categories of cargo which grew

the most. There are thus several berths for traditional cargo, which are under-utilised, and only a few for new cargo, which are overutilised.

► Equipment utilisation is very poor both because equipment is obsolete and poorly maintained.

► Over staffing at Indian ports remains rampant and productivity indicators in respect of cargo and equipment handling continue to be poor.

► Documentary procedures relating to cargo handling such as customs clearance requirements are unduly complicated and time consuming. Electronic document processing is still to be introduced in all the ports.

► Port access facilities and arrangements for moving inbound and outbound cargo are inadequate and unsatisfactory.

► Absence of inter-port and intra-port competition which have been conductive to substantial productivity increases in other countries is absent in Indian due to poor inland connectivity and a policy regime that protected domestic ports against competitive pressures.

The consequences of these various shortcomings for the Indian economy are severe. Few large liner ships are willing to call on Indian ports as they cannot afford to accept the long waiting times. Indian container cargo is transshipped in Colombo, Dubai or Singapore resulting in additional costs and transit times.

As a result the Indian exporter is not in a position to avail of ?fixed-day-of-the week services offered by the liner industry at a time when manufacturing and trading companies abroad are increasingly selling and buying on a just-in-time basis. Indian exporters are, therefore, operating on the basis of substantial buffer stocks which also make them less competitive.

It has been estimated that the annual incidence of these various factors such as demurrage charges, transshipment costs, pre-berthing delays and vessel turnaround time could be as high as US $ 1.5 billion per annum. These costs have ultimately to borne by the end user, raising the costs of India's exports in international markets and the prices of imports for the Indian economy.

Project Sagarmala

The Sagarmala is a series of projects to boost the country's coastline and inland waterways to drive industrial development. It was originally mooted by the then Prime Minister Atal Bihari Vajpayeein 2003 as the waterways equivalent of the Golden Quadrilateral. Sagarmala, integrated with the development of inland waterways, is expected to reduce cost and time for transporting goods, benefiting industries and export/import trade.
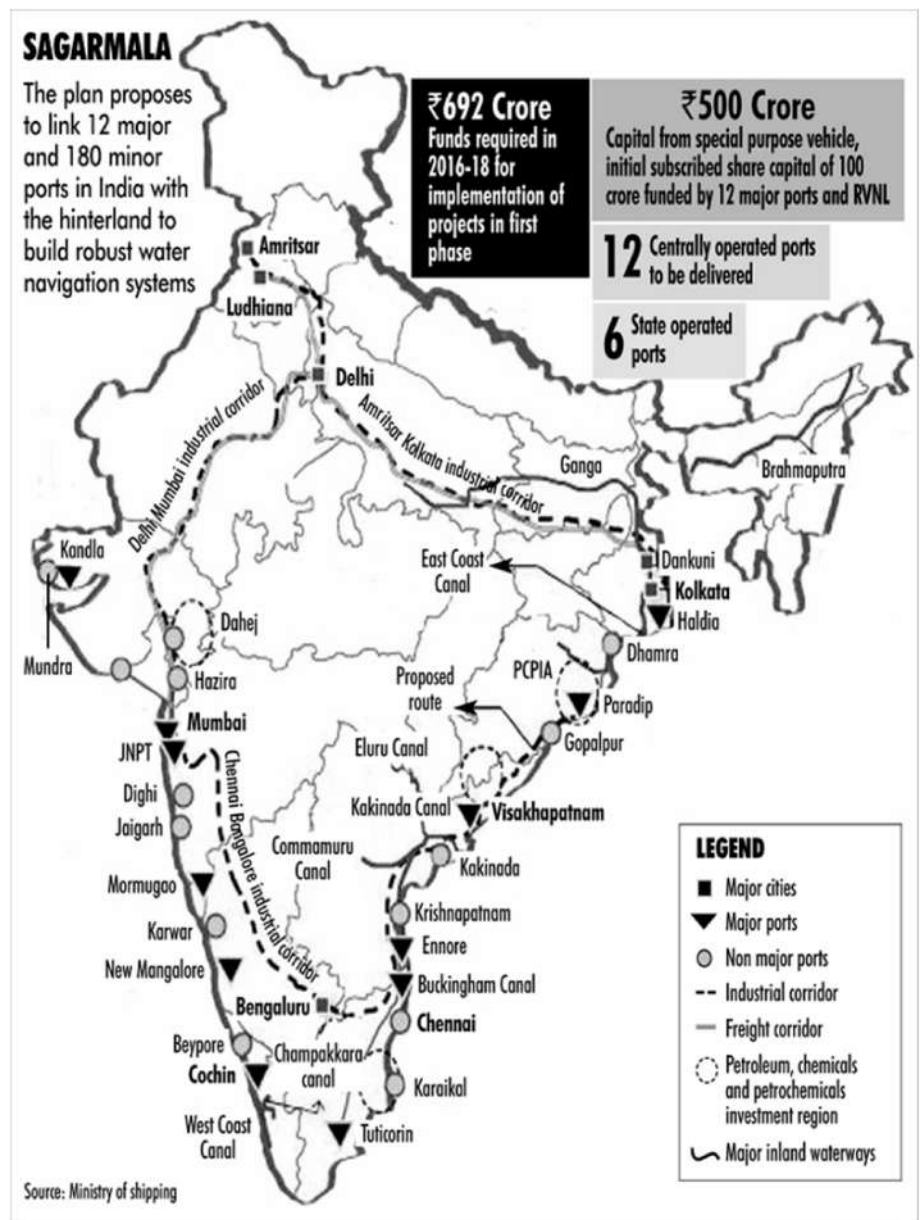
Fig. 7

The project is mammoth with 150 initiatives with a total outlay of rupees 4 lakh crore, spread across four broad areas.

➤ Modernize port infrastructure, add up to 6 new ports and enhance capacity.

➤ Improve port connectivity through rail corridors, freight-friendly expressways and inland waterways.

➤ Create 14 coastal economic zones or CEZs and a special economic zone at Jawaharlal Nehru Port Trust in Mumbai with manufacturing clusters to enable port-led industrialization.

➤ Develop skills of fishermen and other coastal and island communities.

Being in the key international trade routes in the Indian Ocean and has a long coastline of over 7,500 km, developing ports and connectivity to ports through rails, roads and inland water ways could boost India's merchandise exports to 4110 billion by 2025 and create an estimated 10 million new jobs (four million in direct employment).

Further announcement of 14 Coastal Economic Zones (CEZs) under the Sagarmala Project in July' 2016, to be aligned to relevant ports in the maritime states and will house Coastal Economic Units for setting up manufacturing facilities. The CEZs are spatial-economic regions, which could extend along 300-500 km of coastline and 200-300 km inland from the coastline. Each CEZ will be an agglomeration of coastal districts within a state.

There are three pillars were included in this project, as,

➤ Supporting and enabling port-led development,

➤ Port infrastructure enhancement, including modernization,

➤ Setting up of new port efficient evacuation to and from hinterland.

Activities undergo with Sagarmala project:

➤ Port-led industrialization

➤ Port based urbanization

➤ Port based and coastal tourism and recreational activities

➤ Short-sea shipping coastal shipping and Inland Waterways Transportation

➤ Ship building, ship repair and ship recycling

➤ Logistics parks, warehousing, maritime zones/ services

➤ Integration with hinterland hubs

➤ Offshore storage, drilling platforms

➤ Specialization of ports in certain economic activities such as energy, containers, chemicals, coal, Agro products, etc.

➤ Offshore Renewable Energy Projects with base ports for installations

➤ Modernizing the existing ports and development of new ports.

This strategy incorporates both aspects of port-led development viz. port-led direct development and port-led indirect development.

Six megaports are planned in Sagarmala project.

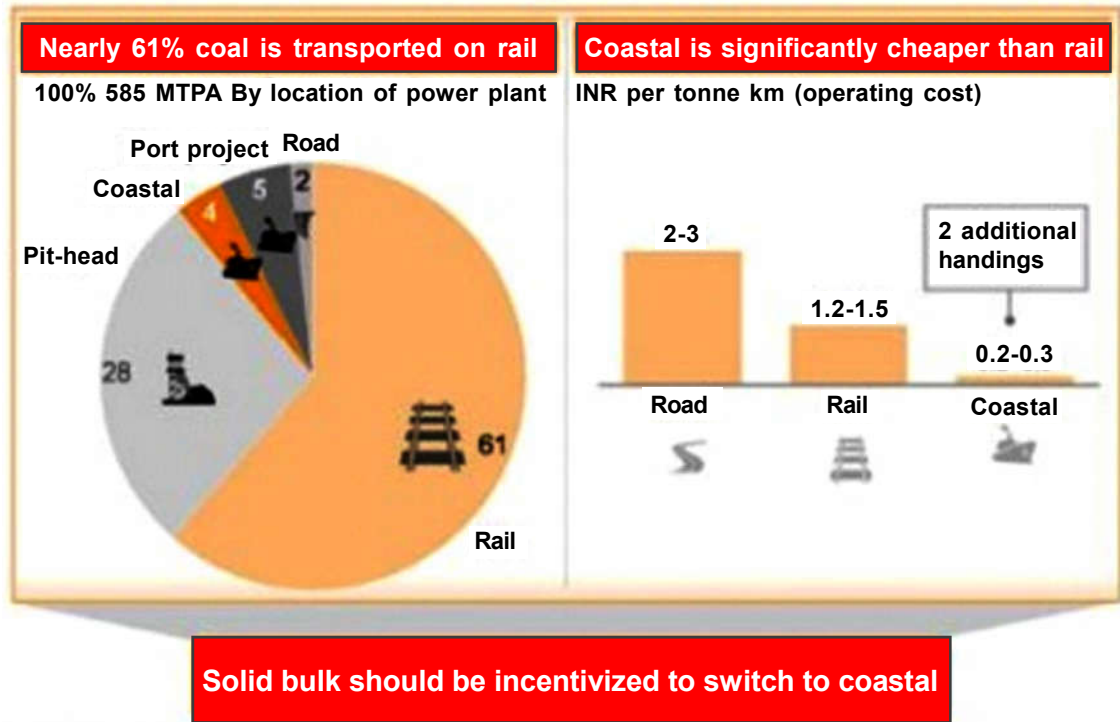| State	Place	Sea/Bay	Port
Kerala	Vizhinjam	Arabian sea	Vizhinjam International Seaport
Tamil Nadu	Colachel	Bay of Mannar	Colachel Seaport
Maharashtra	Vadhavan, Dahanu	Arabian sea	Vadhavan Port
Karnataka	Tadadi	Arabian sea	Tadadi port
Andhra Pradesh	Machilipatnam	Bay of Bengal	Machilipatnam Port
West Bengal	Sagar Island	Bay of Bengal (Mouth of Hooghly river)	Bhor Sagar Port

What are the proposed benefits of the project?

➤ According to Ministry of Shipping, "The ambitious programme for port-led development in the country will help in reducing the logistics cost for both domestic and EXIM (Export & Import) cargo with optimized infrastructure investment. An overall cost savings of Rs. 35,000 to 40,000 crore per annum by 2025 is estimated from the same."

➤ According to a study conducted under the Sagarmala programme, there lies a significant potential for moving raw materials and finished products using coastal shipping and inland waterways which is 60-80 percent cheaper than road or rail transport.

➤ There will be reduction in Rs. 0.50 per unit of power as 30 to 35% of cost is due to transportation of coal and The programme aims to increase movement of coal through coastal route from 27 MTPA in FY 2016 to 129 MTPA by 2025 and increase the share of inland waterways and coastal shipping in modal mix to increase from 6 percent to 12 percent.

➤ In addition, up to 50 million tonnes (MT) of coal can be moved via coastal shipping for non-power thermal coal users (for example steel plants). Other commodities such as steel, cement, fertilizers, POL and food grains could also be moved via coastal shipping to the extent of about 80-85 MT by 2025.

Share of coastal shipping in freight mix of bulk cargo

Nearly 61% coal is transported on rail — 100% 585 MTPA By location of power plant — Port project, Road, Coastal, Pit-head, Rail (28, 61, 5, 4, 2)

Coastal is significantly cheaper than rail — INR per tonne km (operating cost) — Road 2-3, Rail 1.2-1.5, Coastal 0.2-0.3, 2 additional handings

Solid bulk should be incentivized to switch to coastal

SOURCE: Sigma insights

Fig. 8

➤ Addition of 14 CEZs are expected to cater to the food processing, steel, cement, leather processing, petrochemicals, ship building, electronics and automotive industries.

FROM COAST TO COAST

CEZ	Port	Potential industries
Kutch, Gujarat	Kandla, Mundra	Petrochemical, cement, furniture
Saurashtra, Gujarat	Pipavav, Sikka	Apparel, automotive
Suryapur, Gujarat	Dahej, Hazira	Marine clusters
North Konkan, Maharashtra	JNPT, Mumbai	Power, electronics, apparel
South Konkan, Maharashtra	Dighi, Jaigarh, Mormugao	Refining, steel, food processing
Dakshina Kannada, Karnataka	Mangaluru	Petrochemical
Malabar, Kerala	Kochi	Furniture
Mannar, Tamil Nadu	Tuticorin	Apparel, refining
Poompuhar, Tamil Nadu	Cuddalore	Leather processing, power
VCIC South, Tamil Nadu	Chennai, Ennore, Kattupalli	Steel, petrochemical, electronics, shipbuilding
VCIC South, Tamil Nadu	Chennai, Ennore, Kattupalli	Steel, petrochemical, electronics, shipbuilding
VCIC Central, Andhra Pradesh	Krishnapatnam	Electronics
VCIC North, Andhra Pradesh	Vizag, Kakinada	Food processing, cement, petrochemical, apparel
Kalinga, Odisha	Paradip, Dhamra	Petrochemical, marine processing
Gauda, West Bengal	Kolkata, Haldia	Leather processing

Source: Shipping ministry

Conclusion

Sagarmala project aims at holistic port infrastructure development along the 7,500-km-long coastline through modernisation, mechanisation and computerization as change the way logistics evacuation happens in India, save logistics costs nationwide for cargo handled and evacuated through seaports, boost overall economic development through ports and empower coastal communities.

Under this port-led development framework government hopes to increase its cargo traffic

three-fold in next 5 years. It will benefit around 14 per cent of country's overall population from at least 13 States and Union Territories. If inland waterways programme is included in it will benefit at least 55 per cent of all population.

Two ports Kandla (Gujarat) and Paradip (Odisha) are being developed into Green Smart Cities and the Government is eyeing at 4,500 rupees profit from ports this fiscal. At Navi Mumbai Special Economic Zone, government is investing 4,000 crore rupees which will provide employment to 1.5 lakh youth.

The project includes modernization of India's ports and islands, setting up of coastal economic zones, new major ports and fish harbors. We expect that the total investment in the project would be to the tune of 700 billion. Sagarmala project may lead to saving in logistics amounting to RS. 40,000 cr. by 2025.

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COMBINATION DRUGS: FDCS

Context

Government of India has banned Fixed Dose Combination Drugs based on recommendation of Kakote Committee Report in early 2016. Reacting to ban Pharma companies opposed the ban and resorted to High Court for verdict. After months of deliberation Recently, the Delhi high court set aside the Government's Centre's decision to ban 344 FDC drugs.

Hereby, analysing the meaning of Fixed Dose Combination Drugs, its advantages and disadvantages and latest controversy related to its banning.

Introduction

Fixed-dose combination drugs are produced when two or more active drugs combine in a fixed ratio into a single dosage.

➤ For example, a combination of Nimesulide and Paracetamol that is prescribed as an anti-pyretic (used to prevent or reduce fever).

➤ Cough syrups, Phensedyl and Corex, the widely advertised Vicks Action 500, antibiotic combination Zimnic AZ are some of the popular FDCs, which involve commonly used medications such as Paracetamol and Nimesulide.

It is popular in India because of its increased efficacy, better compliance, reduced cost and simpler logistics.

Earlier this year, Government of India banned 344 fixed dose combinations as it was found that the available FDCs in India are without any therapeutic use. There were also concerns about developing resistance against FDCs and decrease in physical immunity in the long run.

Recently, the Delhi high court set aside the Centre's decision to ban 344 FDC drugs , including well known brands like Corex cough syrup, Vicks Action 500 extra and D'Cold. High Court noted that the government had not consulted the Drugs

Fig. 9

Technical Advisory Board or the Drugs Consultative Committee but had acted on the advice of a 'technical committee' that violated the provisions of the Drugs and Cosmetics Act.

What are the advantages of FDCs?

The development of fixed-dose combinations (FDCs) is becoming increasingly important from a public health perspective.

➤ FDCs are used in the treatment of a wide range of conditions and are particularly useful in the management of HIV/AIDS, malaria and tuberculosis, which are considered to be the foremost infectious disease threats in the world today.

➤ FDCs have advantages when there is an identifiable patient population for whom treatment with a particular combination of actives in a fixed ratio of doses has been shown to be safe and effective and when all of the actives contribute to the overall therapeutic effect.

➤ In addition there can be real clinical benefits in the form of increased efficacy.

➤ Potentially lower costs of manufacturing compared to the costs of producing separate products administered concurrently.

➤ Simpler logistics of distribution.

➤ Improved patient adherence.

Why did the Indian Government Ban them?

In India, approval by Central Drugs Standard Control Organisation (CDSCO) has been made mandatory for FDCs since 1961.

Earlier this year, Government appointed panel of experts under the Kakote committee to look

into the issue. Committee recommended the Ban on some of the FDCs and Based on the recommendations the Health Ministry banned 344 such combination drugs, in March 2016.

The ban was prompted because:

➤ These drugs have dangerous side-effects and that many of these combinations do not have any advantage over the individual drugs.

➤ The degree of safety has been long under scanner. **They pose a risk to humans and there are safer alternatives available in the market.** The combination is not approved for sale in major pharmaceutical markets, including the United States, United Kingdom, Germany, France and Japan.

➤ Despite, it was made mandatory for FDCs to get an approval from the Central Drugs Standard Control Organisation (CDSCO) since 1961; there are still a huge proportion of unapproved FDC drugs often sold over the counter in the country.

➤ Such medicines are also found causing **anti microbial resistance.**

➤ Many drug manufacturers have continued to make and sell FDCs **after obtaining state licenses, even when CDSCO approval for the drug was pending.** A 2010 study on FDC drugs in India found that over 1,356 unsafe FDC formulations were being sold under 4,559 pharmaceutical brands. Centre had argued that the FDC medicines are "new drugs" and thus, require licence from Drugs Controller General of India (DCGI) not the state drugs licensing authorities for sale and manufacture. It also said there were no valid licences for making any of the banned FDCs.

What was the reaction of Pharma Companies?

For Pharma Firms, huge Loss of finances gone into production. Such loss affected other activities like Research and development. It gave way to litigation as the ban had not been announced after due consultations. They argued that the ban order was passed **without considering clinical data.** For ex. Pfizer said that its Corex syrup had been granted approval by the Drug Controller in 1995, which implied that there was therapeutic justification for the ingredients.

The Pharma companies had also highlighted the fact that the central government had targeted FDCs while allowing the same drugs in combination to be prescribed to patients individually.

Recent Delhi High Court's Order

Recently, the Delhi high court set aside the Centre's decision to ban 344 FDC drugs, including well known brands like Corex cough syrup, Vicks Action 500 extra and D'Cold.

➤ High Court noted that the government had not consulted the Drugs Technical Advisory Board or the Drugs Consultative Committee but had acted on the advice of a 'technical committee' that violated the provisions of the Drugs and Cosmetics Act.

➤ Under Section 26A of the Drugs and Cosmetics Act, a drug can be banned only after the licence holder of that drug is given a three-month notice.

➤ The manner in which the proceedings till the issuance of the Notification have gone, does not suggest any such grave urgency to ban the drugsince most of these FDCs had been available for long.

➤ Noting that the power cannot be exercised in public interest for any reason other than the drug being risky or not having any therapeutic value, the Bench said the same had to be decided based on scientific technical reasons on the advice of the Drugs Technical Advisory Body (DTAB) and the Drugs Consultative Committee (DCC) constituted under the Drugs Act not the Kakote committee.

➤ The court said the Kakote committee report could not substitute the functions of the Drugs Controller. And, there had been lack of discussion on the panel's report. This further vitiated the breach, though the Centre might have acted for the public good.

➤ The Delhi high court clarified that the verdict did not decide on the issue of the FDC drugs being risky to consumers. It only found that proper procedure had not been followed for imposing the ban.

➤ The quashing of the notification does not imply that the drugs will now be available in the market. The Centre may challenge the judgment in the Supreme Court or take the steps prescribed under the Drugs Act.

Conclusion

Ban is not the solution, implementation is the key. Banning drugs won't be sufficient, it has to be reminded that a similar ban was imposed way back in 2007 but it was recalled due to the pressure of the Pharma companies. Also, doctors state that instead of banning FDC's, an enumerated list of permissible drug combinations would suffice in regulating the unapproved drugs.

IBSA - INDIA - BRAZIL - SOUTH AFRICA

Context

IBSA meet has been proposed to be held in 2017. It is a group of three developing nations, placed at similar socio-economic perspective and improvement in their relation may help in tackling the issues such as poverty, unemployment, environmental degradation, etc. They can also get involve in trade pacts between India and the two separate customs unions involving Brazil and South Africa - MERCOSUR and SACU respectively - to boost trade and investment ties.

Hereby, analyzing about the IBSA, its inter-linkages and future prospect for improving ties.

What is IBSA?

India -Brazil-South Africa (IBSA) forum brings together three large democracies and major economies from three different continents, facing similar challenges.

➤ The grouping was formalized and named the IBSA Dialogue Forum when the Foreign Ministers of the three countries met in Brasilia in June 2003 and issued the "Brasilia Declaration".

➤ It represents three important poles for galvanizing *"South-South co-operation"*, build consensus on issues of international importance and greater understanding between three important continents of the developing world namely, Africa, Asia and South America. It's purely a South-South grouping of like-minded countries, committed to inclusive sustainable development, in pursuit of the well-being for their peoples and those of the developing world.

➤ Its creation recognized the necessity of a process of dialogue among developing nations

Fig. 10

of the South to counter their marginalization. The principles, norms and values underpinning the IBSA Dialogue Forum are participatory democracy, respect for human rights, the Rule of Law and the strengthening of multilateralism.

Cooperation in IBSA is on Three Fronts

➤ As a forum for consultation and coordination on global and regional political issues, such as, the reform of the global institutions of political and economic governance, WTO/Doha Development Agenda, climate change, terrorism etc.

➤ Trilateral collaboration on concrete areas/projects, through fourteen working groups and six People-to-People Forums, for the common benefit of three countries. There are now 16 working groups on issues such as agriculture, defense and public administration, made up of policy makers from each country's ministries. They are considered to be the centerpiece of the grouping.

➤ Assisting other developing countries by taking up projects in the latter through IBSA Fund.

How far IBSA has been successful?

The main objectives of the IBSA Dialogue Forum include South-South Co-operation, promotion of trade and investment, trilateral exchange of information and best practices, and co-operation in a broad range of areas for mutual benefit. Though conceived as a Dialogue Forum, IBSA is rapidly moving into becoming a "strategic partnership."

The success of IBSA reflects an important demonstration effect. It demonstrates, most vividly, the desirability and feasibility of South-South cooperation beyond the conventional areas of exchange of experts and training.

Key Highlights

➤ Trade between IBSA partners has increased significantly since the Forum's inception and indications are that the target of US$ 25 billion by 2015 will be readily achieved.

➤ IBSA keeps an open and flexible structure. IBSA does not have a headquarters or a permanent executive secretariat. At the highest level, it counts on the Summits of Heads of State and Government. The Summits have been held as follows:

   ◘ 1st IBSA Summit - 13 September 2006 - Brasilia, Brazil

   ◘ 2nd IBSA Summit - 17 October, 2007 - Tshwane, South Africa

   ◘ 3rd IBSA Summit - 15 October 2008, New Delhi, India

   ◘ 4th IBSA Summit - 15 April 2010 - Brasilia, Brazil

   ◘ 5th IBSA Summit - 18 October 2011 - Tshwane, South Africa

➤ Over the years, IBSA has become an umbrella for various initiatives, both in the diplomatic field on the international stage and through sector cooperation in priority areas in numerous Working Groups. In summary, the progress of the activities can be divided into four tracks:

   ◘ Political Coordination

   ◘ Sector Cooperation, through 14 Working Groups

   ◘ IBSA Facility for Poverty and Hunger Alleviation (IBSA Fund)

   ◘ People-to-People forum (Involvement of other actors beyond the Executive, e.g. civil society)

➤ The joint declaration issued at the summits reflects the member states' perceptions of global governance, social dimensions of globalization, climate change, disarmament and non proliferation among others.

➤ On UN Security Council reform they have tried to speak with one voice.

➤ Regarding the Doha round and the climate change, IBSA prefers to speak after adequate internal coordination.

➤ It has innovatively developed people to people contacts encompassing business, media, women, academics and parliamentarians.

➤ Maritime exercise IBSAMAR II was held in Indian Ocean off the South African coast involving 11 ships of three member states recently.

➤ The recent launch of a fellowship programme by an Indian think-tank with support from the Ministry of External Affairs- IBSA Visiting Fellowship Programme will have two scholars each from Brazil and South Africa conducting research in India for three-to-six months.

➤ All three IBSA members are multiparty democracies and are thus able to freely debate how to implement difficult reforms necessary to boost growth in a messy and complex political context. These matters cannot be discussed openly at BRICS Summits.

➤ In the same way, issues related to human rights and civil societies are not mentioned when the BRICS meet.

Concerns raised about IBSA

➤ As a **contribution to the IBSA fund,** the three countries promised that each of them will pitch in an annual contribution of $1 million to the fund. Though operational from 2006, the fund has received contributions of only about $18 million.

➤ Though five IBSA summits have been held till date, the **last one was held way back in 2011** in South Africa.

➤ IBSA countries face similar **internal challenges** ranging from socio economic inequality, low levels of public education and rapid urbanization.

➤ The **large time difference** in particular between India and Brazil was mentioned several times as an additional complicating factor.

➤ Also the **working group** counterparts lacked the authority to take any decisions which severely slowed down cooperation. Some policy makers privately concede that the working groups have yet to produce any tangible results, largely because they lack high-level political support.

➤ IBSA has faced even **greater challenges in its attempts to influence international affairs and shift the global balance of power**. Joint initiatives have been few and far between and largely fallen short of expectations.

How will India benefit from IBSA?

➤ **Energy** has often been cited as an ideal field where each country has special expertise which is of benefit to others: Brazil in Bio-fuels, South Africa in coal liquid technology and India in renewable sources of energy.

➤ The **South American** political and business leaders view India as a new, large and growing

market for their exports. Conscious of the perils of overdependence on China, they are keen to diversify and cultivate India as a trade partner.

◘ South Americans also appreciate the fact that the Indian IT companies in the region provide jobs and training for their young people.

◘ As South America is emerging as a significant trade partner, India should deepen and widen the Preferential Trade Agreement with Chile and Mercosur and consider upgrading them to FTAs and also sign FTAs with Colombia and Peru, the second and third largest destinations of India's exports to South America.

◘ India should increase Lines of Credit to South- South American countries and sign the Double Taxation Avoidance Agreements with major countries to facilitate investment and trade.

What should IBSA focus on?

➤ IBSA should dramatically raise its profiles as a **partner of LDCs**.

➤ Intra IBSA cooperation **now needs to move beyond the phase of Trans Continental travels, meetings, studies and MoUs to viable and demonstrable projects**. Let IBSA establish effective maritime and civil aviation connectivity, develop a liberal visa scheme and strive to operationalize India-SACU-Mercosur trade arrangements soon.

➤ While on key financial and development issues, the IBSA countries may go along with Russia and China .On political and security questions they would need to strike proximity with US and EU.

➤ All three have coastlines which can be leveraged for maritime development. India is in Indian Ocean, Brazil in southern Atlantic and South Africa in between the two.

What is the future of IBSA, considering these countries are also involved in BRICS?

➤ BRICS accounts for 26% of the world's area, 40% of its population and 22/5 of global GDP. Therefore when BRICS speaks, its views are bound to receive much greater notice than those of IBSA. It also helps that those drafting BRICS declarations are far more concise and self disciplined than their colleagues in IBSA.

➤ Most noteworthy aspect of development of BRICS is the focus placed on promoting internal

cooperation. Their Foreign ministers have been meeting regularly since 2006.

➤ BRICS has a broad consensus of views not only on key international economic and financial issues but also on certain global political issues.

So, the future of IBSA is certainly under test after the rapid emergence of BRICS. IBSA is more about 'democratic' societies and India would like to capitalize on IBSA. The Chinese have recently urged informally for a merger of IBSA with BRICS, therefore, it will remain a challenge for India and other countries on how to sustain the future of IBSA.

What can be expected from the next summit in India 2017?

➤ The members are planning to enhance contribution to the IBSA fund to support more developmental projects across the world.

➤ The summit could also see the three major emerging economies strengthening trilateral cooperation on renewable energy projects.

➤ The proposal for a CEPA between India and two separate customs unions involving Brazil and SA-Mercosur and SACU respectively to boost trade and investment ties. The CEPA can help boost intra IBSA trade.

Conclusion

The IBSA Forum provides an opportunity to the three countries to discuss regional and international issues. They have exchanged views on almost all contemporary issues and developed common positions which have been enshrined in their joint declarations. This has helped them to enhance mutual co-operation in multilateral fora and speak in a common voice representing the views of developing countries. They have also been invited regularly to the outreach meetings of G-8 where they have taken up issues of developing countries in a forceful manner.

IBSA has a large potential but converting it into results beneficial to the common man is the real challenge. It should move beyond merely being a dialogue forum. It needs to create a critical mass so that its voice is heard in global affairs. In particular, it needs to enhance co-operation in trade, skills, investments, technology, energy, defence and environment sectors.

In the thirteen years of its existence, IBSA has come a long way. There are many more milestones to be crossed. IBSA will grow if it shows quick and visible results in the areas that affect the common man in the three countries.

SC MAKES NATIONAL ANTHEM MANDATORY

Context

The Supreme Court has ordered cinema halls to mandatorily play the national anthem before every screening even as all those present have to "stand up to show respect." The practice, according to the court, will "instil a feeling of committed patriotism and nationalism." However, the question arises whether the feeling of patriotism can be inserted by outer activities (it is more an internal feeling related to the nation).

Fig. 11

In an order Supreme Court of India said the National Anthem should be played or sung in cinema halls across the country before the start of a feature film. The apex court said that there should be National Flag on the screen when the National Anthem is played. The order also clarified the protocol to be followed when the National Anthem is played or sung in cinema halls.

The order came on a writ petition by Shyam Narayan Chouksey has filed under Article 32 of constitution in October. The petition, which referred to the Prevention of Insults to National Honour Act of 1971, claimed that the "national anthem is sung in various circumstances which are not permissible and can never be countenanced in law."

However, the petition had not asked the court to direct the anthem to be played in movie halls. Instead, it had focused on the commercial exploitation of the anthem.

Summary of Judgment

➤ There shall be no commercial exploitation of national anthem to give financial advantage or any kind of benefit.

➤ There shall not be dramatization of the National Anthem and it should not be included as a part of any variety show.

➤ National Anthem or a part of it shall not be printed on any object and also never be displayed in such a manner at such places which may be disgraceful to its status and tantamount to disrespect.

➤ All the cinema halls in India shall play the National Anthem before the feature film starts and all present in the hall are obliged to stand up to show respect to the National Anthem.

➤ Prior to the National Anthem is played or sung in the cinema hall on the screen, the entry and exit doors shall remain closed to avoid disturbances.

(However, this part has been evoked and relief is also granted for physically disabled.)

➤ When the National Anthem shall be played in the Cinema Halls, it shall be with the National Flag on the screen.

➤ The abridge version of the National Anthem made by any one for whatever reason shall not be played or displayed.

What are the reasons behind the judgment?

While hearing SC along with Attorney General (Mukul Rohatgi) has observed that there was a time, years ago, when the anthem was played in schools and before film shows in theatres as the flag fluttered on the screen.

Petition referred two legal frames along with the historical importance of national symbols viz. national anthem and flag as these were the symbol of nationalism during war of independence. Even, fluttering flag and recitation of Jan Gan Man were seen as mark independence/ anti British rule.

Legal referrals were,

➤ Section 3 of The Prevention of Insult to National Honour Act, 1971 which states, *"Whoever intentionally prevents the singing of*

the Indian National Anthem or causes disturbances to any assembly engaged in such singing shall be punished with imprisonment for a term, which may extend to three years, or with fine, or with both."

➤ It also referred to Article 51 (A) of the Indian Constitution to contend that it was the duty of every person to show respect when the anthem was played.It reads as follows: *"51A. Fundamental duties – It shall be the duty of every citizen of India – (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem".*

Reasoning given by the SC for the Judgments includes:

➤ The National Anthem is the pride of nation and should not be utilized by which the person involved with it either directly or indirectly shall have any commercial benefit or any other benefit.

➤ Dramatization is prohibited because when the National Anthem is sung or played it is imperative on the part of every one present to show due respect and honour. To think of a dramatized exhibition of the National Anthem isabsolutely inconceivable.

➤ Disgraceful printing is prohibited because when the National Anthem is sung, the concept of protocol associated with it has its inherent roots in National identity, National integrity and Constitutional Patriotism.

Government Stand and Contemporary Laws

In the 1960s, the national anthem would be played at the end of the film. But as people simply filed out after the movie, this practice was stopped. After that The Prevention of Insult to National Honour Act, 1971 was passed by government.

The most famous case of punishing someone for not singing the national anthem was Bijoe Emmanuel vs State of Kerala. In that case three children from Kerala were expelled for not singing the national anthem, although they remained standing. At the time, the Supreme Court had observed, "There is no provision of law which obliges anyone to sing the National Anthem nor is it disrespectful to the National Anthem if a person who stands up respectfully when the National Anthem is sung does not join the singing."

The Central government's stand on the issue was made clear by the General Provision of Order of January 5, 2015 when it said, "Whenever the National Anthem is sung or played, and the audience shall stand to attention. However, when in the course of a newsreel or documentary, the Anthem is played as a part of the film, it is not expected of the audience to stand as standing is bound to interrupt the exhibition of the film and would create disorder and confusion rather than add to the dignity of the Anthem."

While America even tolerates burning the flag and the United Kingdom allows individuals to make a fashion statement of the Union Jack; in India it will become matter of hue and cry.

Implication of Judgment

It has been observed in previous cases, when people went beyond the social media outrage and a family had to leave theater in Mumbai. Further, it become matter of forced patriotism, when it is associated with minority (especially in case of Muslims) or regionalist (in case of J&K).

When Vice-President Hamid Ansari, mindful of the protocol befitting his office, did not salute the national flag on Republic Day this year, "Why didn't Hamid Ansari salute the national flag?" started trending on Twitter. Some offensively trolled that the Vice-President was a jihadi sympathizer. More outrage followed and someone even advised Mr. Ansari to join the IS. The Vice-President's office was forced to issue a statement explaining the position of the Vice-President and the protocol of the office he holds.

When chair of vice-president is under question in public opinion just because of his religion, this judgment can act in two ways. First, as a safety valve, when everyone knows that they have to show respect to national anthem, otherwise they will get punished and public will not take matter in their own hands. Second, as draconian, it will become forced patriotism without any feelings and not good in situation when minorities have to prove their patriotism through showing off nationalistic customs.

Patriotism can't be forceful

The patriot values the country, although the people's respective depictions of the evaluative attitudes involved in patriotism. These forms of attitude may not be important for every situation and concerns. But there may be significant differences, at least when it comes to the matter

of criticizing one's country may be associated with the vigorous protest as it moral decline. One may no longer think it good even though he valued it; as a loyal opposition one pledges it to return it to what that person thinks he should be.

The essence of human progress through history is the shift from being controlled by external forces (including taunts, threats and provocations) to the human spirit controlling external forces and circumstances. That was how one developed resources of imagination and inventiveness. In contrast, forceful patriotism requires no play of imagination or effort of mind or spirit. It is a crude, mechanistic and instinct-driven reaction.

The SC has not made it mandatory for everyone to go to the theaters and watch a movie. The SC has also not said that one has to be present when the Anthem is played or can't watch the movie. Persons have a choice. A choice to not watch a movie in the theater or a choice to stand outside the hall while the Anthem is played and then go in and watch the movie. This is not the same as a Beef Ban where the basic rights of a person are infringed upon leaving him with no choice but to opt for some other food as the choice of one food is taken off the table completely.

One can't say that they all feel same patriotism for country. This is not only for India but for all countries. Some think that religion is more important than country, some think that humanity is more important than patriotism. But we can't say that they are Anti-national and neutral person. This is something inside in Indian. May be they will not react on patriotic Art, Music or films. May be they will not react on our national anthem or Emblem but when they see that other Country or terrorist attacking India or Indians an Amazing Patriotism arise.

Devoting 52 seconds in a school assembly or in the movie theater- singing National Anthem forcefully and unwillingly is definitely not a fulfilled patriotism act.

The first task of true patriotism is, therefore, to propagate a culture of pan-Indian unity, transcending divisive labels and barriers. People go to a movie theatre to be entertained. It is hardly the right place for their national feeling to be displayed or tested. In fact, the kind of content that appears in some of our films, and whether it was really appropriate to have the national anthem sung in such a different way of the context.

SC order, albeit weird and unnecessary, not regressive as it leaves enough options open to those who don't want to stand up for the National Anthem. Standing to attention during the movie, however, depends on ones will power, taste and deep willingness to react.

In conclusion may be said, that, therefore, some may call it a false sense of Nationalism or a Symbolic Patriotism but one should never felt suffocated whenever opportunity occurs for stood to attention as the Anthem played.

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AUTONOMY OF CBI

Context

After retirement of CBI Director Anil Sinha, Rakesh Asthana, a Gujarat cadre officer has been made the interim chief of the CBI.

It is the first time in last 10 years that no new CBI chief has been named to succeed an incumbent. This raises the issue related to the powers of CBI and its autonomy.

The strength of a country is determined by the credibility of its institutions and not so much by the numerical strength of its institutions. The founding fathers of the Indian Constitution took great care to establish certain institutions which would work as the bulwark of democracy and ensure justice, liberty, equality and fraternity to citizens. These institutions are unfortunately under attack by a predatory executive.

About the Central Bureau of Investigation (CBI):

CBI derives power to investigate from the Delhi Special Police Establishment Act, 1946. Later on, the Government of India set up Central Bureau of Investigation by a resolution dated 1st April, 1963. Hence, CBI is not a statutory body as it was created by executive resolution.

The CBI is subject to three ministries of the Government of India and two Constitutional bodies:

◘ Ministry of Home Affairs: Cadre Clearance

◘ DoPT: Administration, Budget and Induction of non IPS officers

◘ Union Public Service Commission: Officers of and above the rank of Deputy SP

◘ Law and Justice Ministry: Public prosecutors

◘ Central Vigilance Commission: Anti-corruption cases.

➤ Special Cells were created to take up investigations in important & sensational cases of conventional nature.

➤ Over a period of time, some of the work originally allotted to the CBI was transferred to other organizations. Part of the work relating to Crime Records and Statistics Division was transferred to NCRB and that relating to Research Division was transferred to BPR&D.

➤ In the last 65 years, the organization has evolved from an anti corruption agency to a multi faceted, multi disciplinary central police law enforcement agency.

➤ Director, CBI as Inspector General of Police, Delhi Special Police Establishment, is responsible for the administration of the organization. With enactment of CVC Act, 2003, the Superintendence of Delhi Special Police Establishment vests with the Central Government except investigations of offences under the Prevention of Corruption Act, 1988, in which, the superintendence vests with the Central Vigilance Commission.

➤ CBI has been provided security of two year tenure in CBI by the CVC Act, 2003. The CVC Act also provides mechanism for selection of Director, CBI and other officers of the rank of SP and above in CBI.

At Present CBI has following divisions:

◘ Anti Corruption Division

◘ Economic Offences Division

◘ Special Crimes Division

◘ Directorate of Prosecution

◘ Administration Division

◘ Policy & Coordination Division

◘ Central Forensic Science Laboratory

In its initial years the organization was widely respected on account of the high calibre and integrity of its directors like D P Kohli, F V Arul and others backed by the high degree of professionalism of its investigating officers and inbuilt multi-layered decision making procedures and strict internal vigilance mechanism.

It was also able to maintain a much more impressive track record of securing convictions, as compared to the state anti-corruption bureaus which perform a similar function in respect of the state government employees, largely by being selective in registering offences and the expertise and professionalism of its investigating officers built over years.

Over the years, its charter was expanded to not only investigate cases of bribery against central government employees but also serious fiscal crimes, including hawala transactions, trans-border offences having national security ramifications, anti-terrorism cases etc, thus transgressing into the State List under the Constitution.

Present scenario

A. Political pressure

➤ It is widely known that CBI is vulnerable to political pressure. Though less than 10 % of the cases handed over to the CBI have political overtones, there is still some truth in charge of politicisation in investigations.

➤ Thus, there is a need of team of reliable people who are insulated from external pressures whenever conducting high profile investigations. This will go a long way to boost CBI's credibility.

➤ Though, even after maintaining utmost care, there are full chances of allegations and counter allegations. But this should not deter or disturb the organisation or leadership effectiveness of CBI chief.

➤ For e.g. even the most credible institution such as the Federal Bureau of Investigation was recently under fire while investigating cyber misconduct by Democratic presidential candidate Hillary Clinton. Hence, such events will occur but it shouldn't affect the organisational targets.

B. Delayed closures

➤ The closure of investigation takes enormous time which has severely dented its effectiveness.

➤ As a former CVC had put it in light-heartedness, CBI is like a black hole. Nothing that goes in ever comes out of it. But, this should not be taken casually.

➤ This is the current system which is prevailing totally in entire criminal justice system.

➤ There is an obligation on the part of every CBI director to explore all possible avenues to speed up investigation but it is more easily said than done.

➤ To make good of it, the CBI can take up less cases. But then there is no another professional investigative agency at centre which can take the less important case can be delivered.

➤ Hence, the appropriate alternate is to work towards expanding CBI's infrastructure, especially the manpower by requesting the Department of Personnel and Training (DoPT) headed by PM, which provides administrative support to the CBI, to look into this matter.

C. Unpopular as medium of employment - The Image Building

➤ Attracting new talent and youth into CBI is a tough job as it is not much popular amongst them in the central government jobs.

➤ Thus, there is need for looking at service conditions for direct recruitment to the CBI with a fresh and updated mindset.

➤ Traditional thinking and red-tapism have to go in order to recruit more and generously improve emoluments (outside the rigid government pay structure) of the eternally demoralized direct recruits.

➤ One can be on the lines of Central Intelligence Agency wherein CBI goes to campuses and promotes the idea of working in a rewarding as well as challenging environment. Capable but unaware candidates can take this as an opportunity.

D. Compulsory State co-ordination

➤ One of the great constraints on CBI is that it is dependent on state governments for invoking its authority to investigate cases in a State, even if a central government employee is a target.

➤ As CBI acts per the procedure prescribed by the Code of Criminal Procedure (CrPC), it becomes a police agency. And because police is a state subject under Constitution of India, CBI needs the consent of the State government before it starts its investigation in the state.

➤ In such a condition, there is a case by case consent or authorization to be taken or a blanket approval of a class of offences which makes it a cumbersome and time taking clerical procedure which ultimately affects the investigation.

Analysis of its working

To deal with 'innovative and complex' crime likely to take place with growth in the economy, the premier investigation agency- Central Bureau of Investigation (CBI) has unveiled the roadmap.
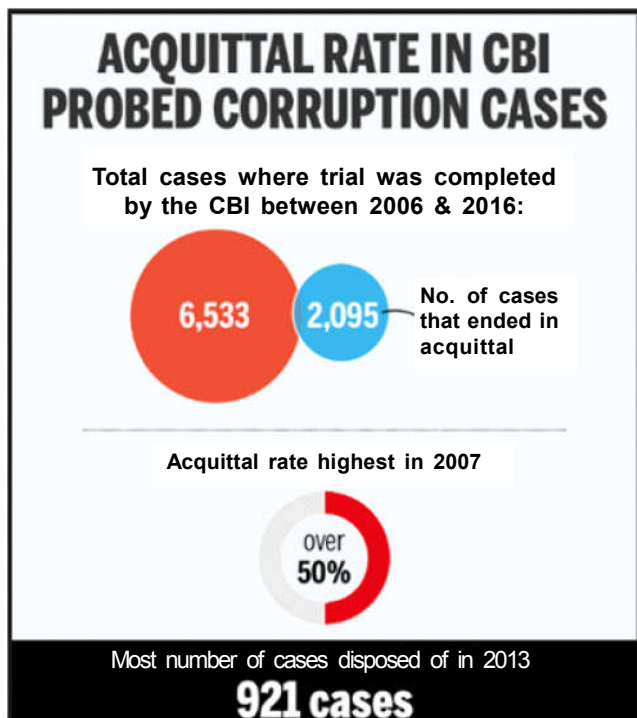

ACQUITTAL RATE IN CBI PROBED CORRUPTION CASES

Total cases where trial was completed by the CBI between 2006 & 2016:

6,533   2,095   No. of cases that ended in acquittal

Acquittal rate highest in 2007

over 50%

Most number of cases disposed of in 2013

921 cases

Fig. 12

A road map for future is expected to substantially upgrade investigation and prosecution capacity.

➤ Over a period of 3 years, 555 CBI officers shall be trained in investigation of financial crimes and other new and emerging crimes in partnership with IIM, Bangalore and National Law School.

➤ The agency has proposed to the Government to set up an International Centre of Excellence in Investigation at CBI Academy to train not only CBI and other State and Central officers but also officers from ASEAN and SAARC countries.

➤ The other aspect of roadmap is proposal for setting up a Centralized Technology Vertical. This will provide real-time support to investigation.

➤ The agency has also proposed to the Home Ministry to set up first of its kind state-of-art Forensic Science Lab. This would include emerging and futuristic disciplines such as chemical, biological, radiological and nuclear forensics besides Disaster Victim Identification.

Conclusion

Though the police infrastructure is in critical condition, there are minimal chances of any constitutional amendments pertaining to police reforms in India. But it is equally important for CBI to work efficiently in order to sustain its credibility.

Hence, as suggested by many former CBI directors, there should be a promulgation of a CBI Act which is on par with the Customs Act or the Income Tax Act. This will allow CBI officers to enjoy and efficiently utilise independent powers of investigation outside the CrPC without being at the mercy of State governments.

There are concerns about CBI becoming far too autonomous and powerful but they are irrational given the fact that there always will be checks and balances to maintain the accountability of the institution.

To reduce the load on the CBI, it is imperative to help the state CIDS to acquire the requisite infrastructure, training and manpower resources to obtain higher marks from the trial criminal courts in terms of convictions and also retain a semblance of insulation from political and bureaucratic interference.

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ONE CHINA POLICY

Context

The One-China policy underscores recognition of China's sovereignty over Taiwan - a position that has been held by the United States since 1979. Recently China's Foreign Ministry warned that any change in the one-China policy, if pursued by U.S. President-elect Donald Trump, will impair ties between Beijing and Washington.

Why was it in the news?

Recently, the president Elect of US Mr. Donald Trump suggested that he may scrap the One China Policy, the central pillar of Sino-US relations since 1972. He engaged in an official phone call with Taiwanese president a first for US after this policy surfaced in 70s.

One China Policy

It is the diplomatic acknowledgement of the Chinese position that **there is only one China in the world and Taiwan is a part of that China**. Under this policy, the US has formal ties with China rather than the Island of Taiwan, which China sees as a breakaway province to be reunified with the mainland one day.

The policy of acknowledging China's position on this issue is not only a key cornerstone of Sino-US relations, but also fundamental bedrock of Chinese policy-making and diplomacy.

Although Taiwan's government claims it is an independent country officially called the "Republic of China", if any country wants diplomatic relations with mainland China, it must break official ties with Taipei. This has resulted in Taiwan's diplomatic isolation from the international community.

How did the One China Policy evolve?

➤ In 1949, after losing the civil war to Mao Zedong's Communist party, Nationalist party, retreated to the island of Taiwan and made it their seat of government while the victorious Communists declared the People's Republic of China. Both sides said they represented all of China. Ever Since, China has insisted that Taiwan is simply a province of China.

➤ Initially, many governments including the US recognized Taiwan as they shied away from Communist China. But the diplomatic winds shifted as China and the United States saw a mutual need to develop relations beginning in the 1970s, with countries cutting ties with Taipei in favor of Beijing.

➤ Taiwan is not recognized as an independent country by much of the world nor even the United Nations.

US stand on One-China policy

After the US established formal diplomatic ties with Beijing in 1979 it had to sever ties with Taiwan and closed its Taipei embassy.

But that same year it also passed the Taiwan Relations Act which guarantees support for the island. Crucially, this act states that the US must help Taiwan defend itself which is why the US continues to sell arms to Taiwan.

It maintains an unofficial presence in Taipei via the American Institute in Taiwan, a private corporation through which it carries out diplomatic activities.

The diplomatic relationship

The One-China Principle is also a requirement for any political entity to establish diplomatic relations with the People's Republic of China. The PRC has traditionally attempted to get nations to recognize that **the Government of the People's Republic of China is the sole legal government of China and Taiwan is an inalienable part of the territory of the People's Republic of China**. However, many nations are unwilling to make this particular statement and there was often a protracted effort to find language regarding one China that is acceptable to both sides. Some countries use terms like 'respects', 'acknowledge', 'understand', 'take note of', while others explicitly use the term 'support' or 'recognize' for Beijing's position on the status of Taiwan.

PRC government policy mandates that any country that wishes to establish diplomatic relationship with the PRC must first discontinue any formal relationship with the ROC. According to The Fletcher Forum of World Affairs, 'non-recognition of the Taiwanese government is a prerequisite for conducting formal diplomatic relations with the PRC in effect forcing other governments to choose between Beijing and Taipei.' In order to compete for other countries' recognition, each Chinese government has given money to a certain few small countries. Both the PRC and ROC governments have accused each other of monetary diplomacy. Several small African and Caribbean countries have established and discontinued diplomatic relationships with both sides several times in exchange for huge financial support from each side.

The name **'Chinese Taipei'** is used in some international arenas since **'Taiwan' suggests that Taiwan is a separate country and "Republic of China"** suggests that there are two Chinas, and thus both violate the One-China Principle. Taiwan could also be used as shorthand for the Customs Union between Taiwan, Penghu, Kinmen and Matsu. For example, in Common Foreign and Security Policy (CFSP) Declaration on the March 2007 elections, issued on behalf of the European Union and with support of **37 countries, express mention is made of 'Taiwan.'**

Most countries that recognize Beijing circumvent the diplomatic language by establishing 'Trade Offices' that represent their interests on Taiwanese soil, while the ROC government represents its interests abroad with TECRO, Taipei Economic and Cultural Representative Office. The United States (and any other nation having diplomatic relations with the People's Republic of China) does not have formal diplomatic relations with the ROC. Instead, external relations are handled via nominally private organizations such as the American Institute in Taiwan or the Canadian Trade Office in Taipei.

As for the Philippines, the unofficial Embassy is called the Manila Economic and Cultural Office. Though it is an **'cultural and economic'** office, the website explicitly says that it is the **'Philippine Representative Office in Taiwan'**. It also offers various consular services, such as granting visa and processing passport.

Impact of this policy

➤ **On China:** One China policy benefits the People's Republic of China because it virtually rules out the possibility of Taiwan independence. And despite the policy's ambiguity, it enabled China to claim political legitimacy in the United Nations and other world bodies while rendering Taiwan to be an outsider, even before China's miraculous economic success took root.

➤ **On US:** The One China policy is a delicate balancing act that the US has perfected over the decades. As a part of the policy, US maintain a robust, non-official relationship with Taiwan, including continued arms sales to the island. US remain Taiwan's most important security ally. As for the US, it can benefit from formal relations with China - its biggest foreign lender and a top trade partner - while quietly continuing to promote support for Taiwan. By adhering to the policy, the United States is not forced to have a position on what "One China" means and how reunification could be accomplished, and can continue to engage with Taiwan economically as well. On the other hand, challenging the One China policy would give China a reason to resist United States' military presence in the Asia Pacific. Upholding the 'one China' principle is the political basis of developing China-US relations, and is the cornerstone of peace and stability in the Taiwan Strait.

➤ **On Taiwan:** Taiwan benefits from the One China policy because unity with mainland China is but a theory, while the Republic of China is de facto self-ruled without interference from Beijing. Most Taiwanese and political parties support the status quo.

Economical: More than 2 million people from Taiwan, one-tenth of Taiwan's population, live in mainland China because of economic opportunities, facilitated by language and cultural affinity. Any threats of Taiwan independence, on the other hand, would jeopardize such healthy interactions and heighten military tension across the Taiwan Strait. Bilateral trade between China and Taiwan in 2014 reached $198.31 billion, up from $8 billion in 1991.China is Taiwan's largest trading partner, accounting for almost 30 percent of the island's total trade (including the mainland, Hong Kong, and Macao), according to Taiwan's bureau of foreign trade. Likewise, Taiwan ranked seventh among China's top ten trading partners in 2015.

Recent protest in Taiwan

In the recent times there is strong awareness against the One China policy there because of the Democratic environment in Taiwan. The regular elections and the system of democracy in Taiwan made Taiwanese people do not want to be part o the Communist China.

Though most people across the Taiwan Strait speak Mandarin as their first language, more than a century of separation has led a growing number of Taiwanese to feel they deserve the right to continue a separate existence. Nearly 60 percent of the island's residents regard themselves as exclusively Taiwanese.
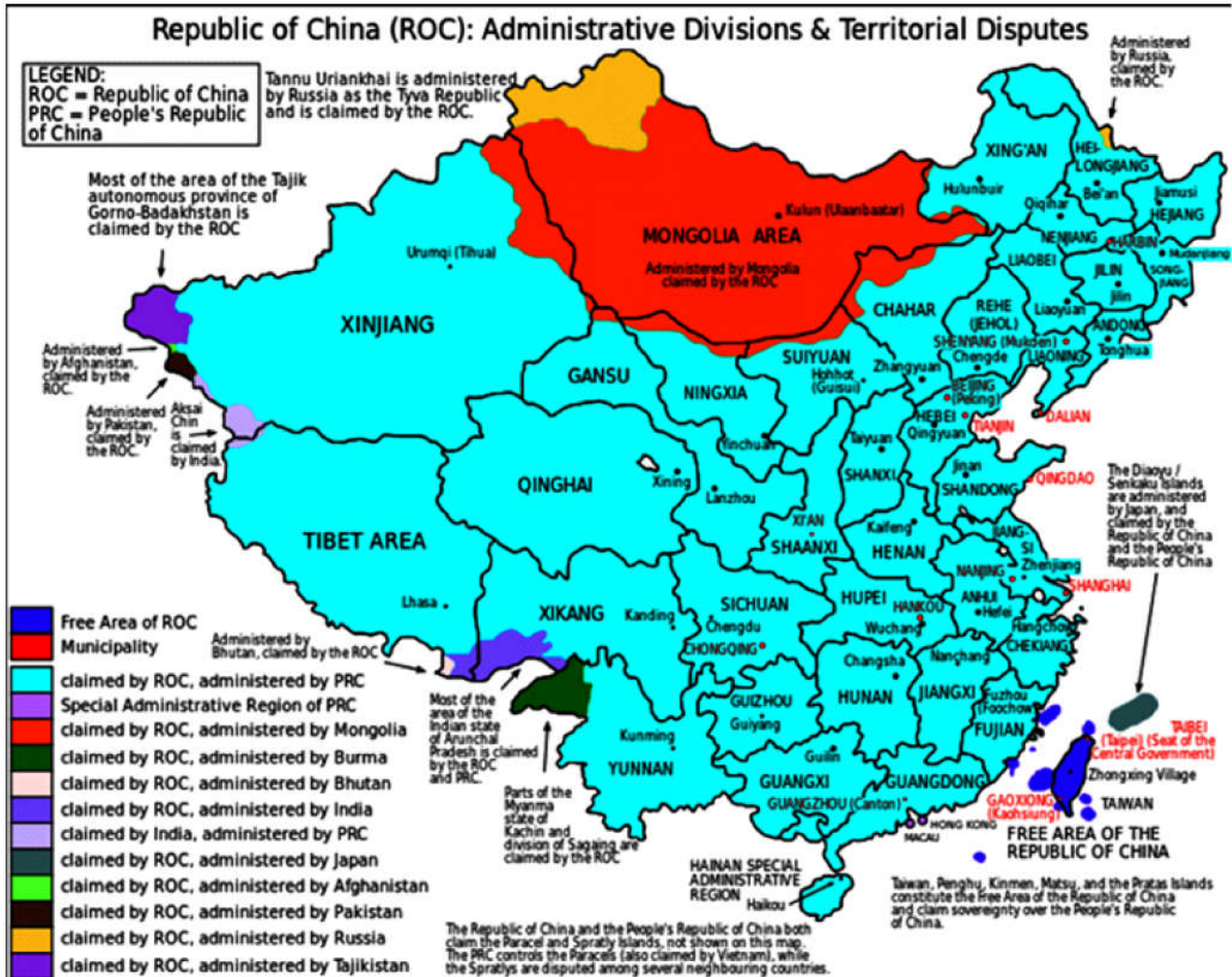

Fig. 13

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MIGRANTS OF ENVIRONMENTAL DISASTERS

Context

People Migrating Due To Environmental Disasters are not recognized as refugees under International Law. There are many vulnerable areas globally which are prone to Environmental Disasters and the provisions for their securities are not adequate. In the given context the scope and role of UN refugee Convention, UNHCR and the recently concluded Paris Agreement has been analyzed.

Who are Environmental Refugees?

An increasing number of people globally are facing displacement due to droughts, famines, rising sea levels and other natural disasters caused by climate change. This class of migrants has been labeled as 'environmental refugees' in popular literature. According to the Internal Displacement Monitoring Centre, an international body reviewing trends of internal displacement, an estimated **24 million people** are being displaced annually by natural disasters since 2008. This crisis will make almost half a billion people worldwide "environmental refugees" by the end of the century.

Which International Law governs the Environmental Refugees?

The **UN Refugee Convention (1951)** grants certain rights to people fleeing persecution because of race, religion, nationality, affiliation to a particular social group, or political opinion. The rights they are entitled to follow principles of non-discrimination, non-penalization, and non-refoulement. However, people migrating due to environmental disasters have no such recognition of their 'refugee' status in international law, leaving them without any basic rights of rehabilitation and compensation.

What is the United Nations High Commissioner for Refugees (UNHCR)?

The UNHCR has been protecting the rights and well-being of refugees all over the world. The office the (UNHCR) was created in 1950, during the aftermath of the Second World War, to help millions of Europeans who had fled or lost their homes.

UNHCR is governed by the UN General Assembly and the Economic and Social Council (ECOSOC).

What Paris Agreement says on Environmental Refugees?

The Paris Agreement presented a unique opportunity to set the record straight by addressing the challenge of increasing environmental refugees. Before the negotiations commenced, numerous demands were made to incorporate ways to tackle climate migration in the final agreement. These included

➤ Recognizing the threat posed by climate change to livelihoods and human safety, and environmental refugees or migrants affected by climate change;

➤ Providing technical and capacity building support to national and local initiatives tackling such displacement; and

➤ Developing suitable policies to manage loss and damage by addressing climate change-induced displacement.

However, the Paris Agreement fell considerably short of these expectations. While some hail this agreement for alluding to the rights of 'migrants' in its Preamble, it was an anemic attempt at appreciating the gravity of this crisis. There is also little follow-up in the text of the agreement to address this problem.

Who are most affected by the Climate change and can become environmental refugees?

➤ *Island Nations:* Low-lying island nations may become wholly uninhabitable if sea-levels continue to rise. People in Micronesia, the Caribbean, the Seychelles, Mauritius, and others, may require outright relocation.

➤ *Coastal Areas:* Larger countries with significant coastal populations, such as India and Bangladesh, may be able to accommodate internal migration from areas affected by sea

rise but will need significant assistance in doing so.

➤ *Cyclones affected Areas:* Rapid-onset natural disasters, such as hurricanes and typhoons, will force people to seek temporary shelter elsewhere in the country or across borders.

➤ *Areas of Eroded Natural Resources:* Slowly unfolding disasters, including desertification and water shortages, will harm economic development and force people out of climate-sensitive livelihoods.

➤ *Areas of resource lacking societies:* Climate change may exacerbate—if not directly cause—violent conflict within and between states by intensifying competition for resources, prompting people to flee their homes.

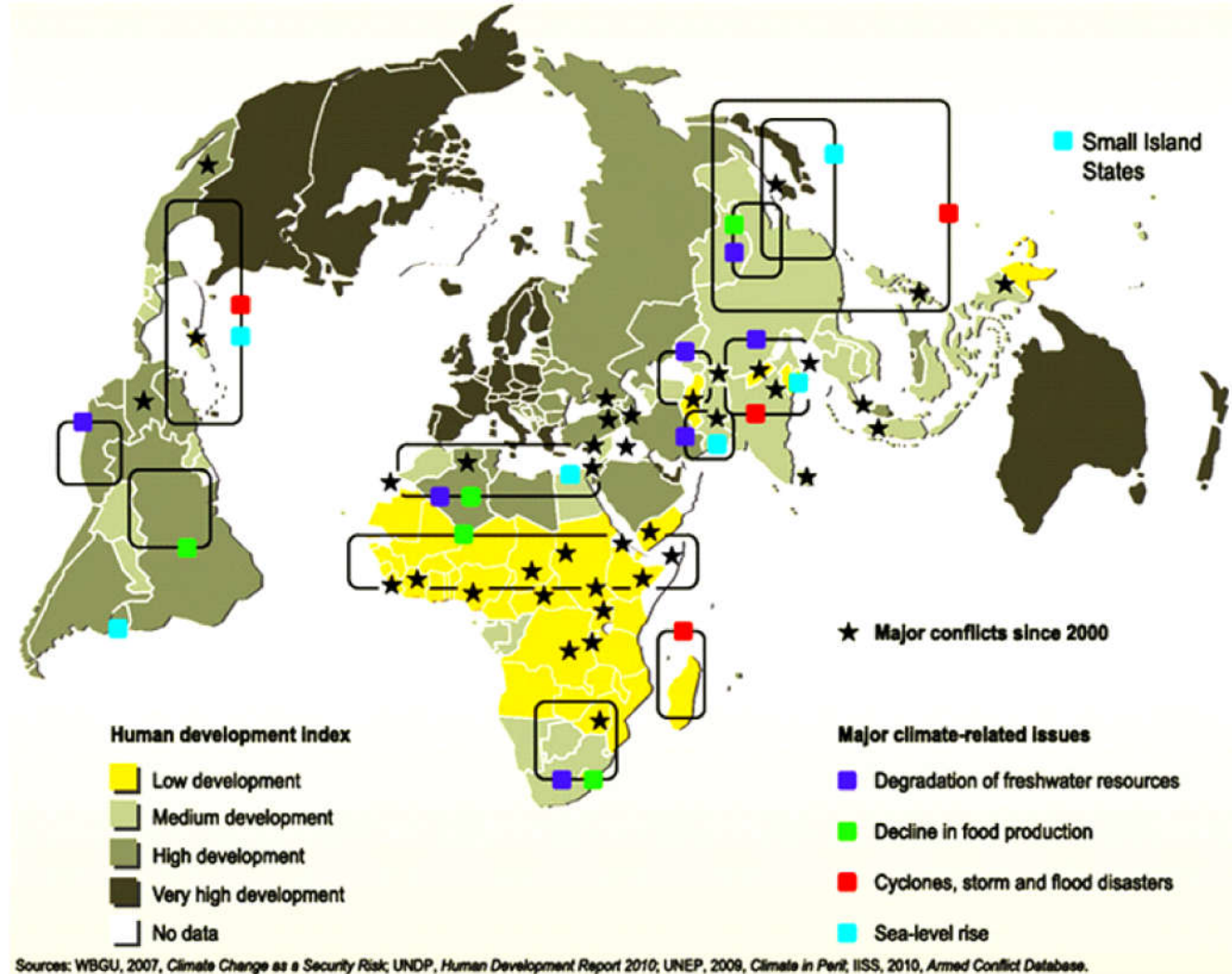## Environmental factors and conflicts possibly causing migration

Fig. 14

What can be the possible Solution and Steps needed for solving the issue?

Paris Agreement's significance in displaying collective political will to take meaningful action against climate change cannot be undermined. However, this should not excuse its deficiencies in addressing a burgeoning population of environmental refugees.

The draft of the Paris Agreement discussed before COP 21 provided for approval:

➤ **Climate Change Displacement Coordination Facility.** This facility was intended to target organized migration and planned relocation of displaced persons, securing emergency relief, and arranging compensation for those displaced — actions more meaningful than those of the task force in the Paris Agreement. Unfortunately, this coordination facility did not make it to the final text of the agreement, but it may be worthwhile to **reconsider its establishment.**

➤ A permanent solution requires an international treaty framework that **recognizes 'environmental refugees'** and the obligations of nation states in accommodating them within their territories. We are already witnessing a world that is reactionary towards

political refugees. BREXIT and the recently concluded US Elections are two events that testify to the underlying paranoia towards immigrants. Ignoring environmental refugees or their status under international law keeps them in legal limbo and endangers their survival.

➤ This scenario can be averted by **either expanding the ambit of the existing UN Refugee Convention** to include climate migration, or by creating an independent treaty framework addressing the challenges of climate change-induced migration comprehensively.

➤ It is also pertinent to mention that while India, the U.S., and China have all ratified the Paris Agreement, there is little discussion on steps to be taken by the three largest emitters of greenhouse gases. The absence of such discourse is ironic given that the three countries are predicted to suffer tremendously from climate change-induced migration, resulting in large-scale displacement of their own populations. Therefore, it should be in their collective interest to lead efforts on finding an international resolution to this problem before the ensuing harm becomes irreparable.

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HEART OF ASIA CONFERENCE

Context

At the 6th Heart of Asia Ministerial Conference held at Amritsar Punjab, the menace of terrorism dominated the discussions. India and Afghanistan launched a stinging attack on a virtually isolated Islamabad for sponsoring and supporting terrorism. The conference's declaration adopted a regional approach to eliminate terrorism and named Pakistan-based terrorist groups including the JeM and LeT, as grave threats to regional peace and security.

The meet also highlighted the relation between India and Afghanistan.

What is Heart of Asia Istanbul Process?

The Heart of Asia-Istanbul Process (HoA) was founded on November 2nd, 2011 in Istanbul, Turkey **to address the shared challenges and interests of Afghanistan and its neighbours and regional partners**. It will also contribute to the stability and prosperity to Afghanistan's extended neighbourhood in South Asia, Central Asia and West Asia.

Three pillars of this conference process are:

➤ **Political Consultations:** Political consultation involving Afghanistan and its near and extended neighbours

➤ **Confidence Building Measures (CBMs):** Areas for CBMs identified in the Istanbul Process document are Disaster management, Counter-terrorism, Counter-narcotics, Trade, Commerce and Investment, Regional infrastructure, and Education.

➤ **Cooperation with Regional Organizations**

Fig. 15

Which countries are involved in the Heart of Asia-Istanbul Process?

Fourteen member countries are supported by 17 other countries and 13 regional and international organisations.

The **Islamic Republic of Afghanistan is the permanent 'Chair'** for the Heart of Asia Process. Each year, a participating country accepts the Co-Chair position and hosts the yearly Ministerial Conference in their home country. India is the co-chair for the year 2016.

What is the need for this process and what is its relation with Afghanistan?

The main elements behind establishment of Istanbul Process and making Afghanistan the centre of this process are:

➤ The withdrawal of foreign troops, reduced international engagement and aid after 2014 had put a question mark on future of Afghanistan.

➤ This necessitated the integration of Afghanistan in the regional economy and improving its relations with neighbours and extended neighbours.

➤ Allowing Afghanistan to set its own agenda in regional perspective. Afghan problems are not just product of its own and they affect other nations in the region.

➤ So this conference provides a platform for regional cooperation by placing Afghanistan at its centre, in recognition of the fact that a secure and stable Afghanistan is vital to the prosperity of the Heart of Asia region.

Geo-economic reasons:

➤ One of the main goals of this process is to galvanise regional cooperation for peace, security, development in Afghanistan and for enhancing Afghanistan's connectivity with the entire Heart of Asia region

➤ Afghanistan lies at the junction of Central, South and East Asia, and also of the ancient trading routes from China and India to Europe.

➤ Today Afghanistan is also a focal point for the region's biggest challenge of terrorism; some of the far-reaching battles against al-Qaeda, Islamic State, etc. will be decided on the battlegrounds of Afghanistan.

➤ The process remains critical to forging cooperation to realise Afghanistan's potential to be a vibrant Asian "hub".

Ministerial conferences:

➤ The previous five Ministerial Conferences in Istanbul (2011), Kabul (2012), Almaty (2013), Beijing (2014), and Islamabad (2015) have facilitated both bilaterally and multilateral aid and developmental assistance worth billions of dollars.

➤ Recently the sixth ministerial conference was held at Amritsar, India from Dec 3-4.

SIXTH HEART OF ASIA CONFERENCE

Why chose Amritsar as Venue?

India has chosen Amritsar the seat of the sikh religion and a city bordering Pakistan - as the venue.

➤ The choice of Amritsar is in line with government policy to move international conferences out of national capital and showcase other cities in India.

➤ But the choice of Amritsars based on the connectivity which is central to the heart of Asia conference and having been a stop on the old Grand Trunk (GT) Road. That once seamlessly connected Bangladesh to Peshawar in Pakistan, close to the border with Afghanistan.

➤ Moreover this choice seems aimed at sending out a message to Pakistan which has been seen as the main deal breaker when it comes to integrating South-Asia.

Key Highlights of the Conference are

➤ **Menace of terrorism dominated the Amritsar meet**

◻ Amritsar Declaration named the terrorist organisations that are jeopardising the security situation in Afghanistan:

◉ This was a big blow to Pakistan as almost all the terrorist organisations which are named in the declaration are based in Pakistan.

◉ The declaration mentions two groups targeting India, Lashkar-e-Taiba and the Jaish-e-Mohammad, in addition to the Haqqani network, among the organisations causing a "high level of violence" in Afghanistan and the region.

➤ **A regional approach to eliminate terrorism is suggested:**

◻ It included dismantling of terrorist sanctuaries and safe havens in the Heart of Asia region, as well as disrupting all financial, tactical and logistical support for terrorism.

◻ It also includes tapping the capacities of political and religious leaders, civil society, mass media and social networks in the fight against terror.

➤ The declaration asks for early finalisation of the Comprehensive Convention on International Terrorism with consensus.

➤ For the first time, a Heart of Asia declaration has expressed concern at the violence caused in Afghanistan and the region by groups like al-Qaeda and Daesh, Lashkar-e-Taiba, Jaish-e-Mohammad etc.

➤ The declaration has spoken of the dangers emanating from the increase in production and cultivation of opium in Afghanistan, the volume of drug trafficking and demand in the HoA Region and beyond.

➤ Afghanistan rejected Pakistan's offer of $500 million for reconstruction of Afghanistan, and advised it to use the money to counter terrorist activities emanating from Pakistan.

Future concerns

➤ **Peace and stability of Afghanistan remain elusive:**

◻ The nascent Afghan democracy continues to be attacked by the religious extremists.

◻ Afghan soldiers continue to die on the battlefields and the Afghan people continue to be victims of terror attacks.

◻ As long as this remains the state of affairs, there cannot be any secure development in Afghanistan

➤ **Performance has been slow** and tardy due to unclear foreign policy of the Afghan government and lack of political will at highest levels in the administration

➤ **Conflicting agendas of the participating members**

◘ While Pakistan was not happy with India's inclusion, China, Russia, and Iran view the process as a way of US dominance in the region.

➤ **Pakistan wants Afghanistan to be a weaker economy**

◘ There are many reasons for this, including the strategic depth that Afghanistan provides to Pakistan in its war against India.

◘ The most important is the fact that once Afghanistan becomes strong, secure and stable, it will demand the return of its territories, particularly Waziristan (even Peshawar region).

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MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT

Context

A community is known by the way it treats vulnerable sections of society such as the elderly. In India, it has been a part of our culture, for society and the family to take care of older persons. Senior Citizens are held in high esteem and are given priority and respect in all matters.

Recently a 70-year-old woman from Shahdara, Delhi, was allegedly beaten brutally by her son. The son always trashed her to take a rental income, abused and beat her every day. These cases pose serious threat to life of elders are on a rise in the recent times.

In the current pretext there is a need to analyze the condition of elderly and the various constitutional legal and institutional provisions for their wellbeing in India.
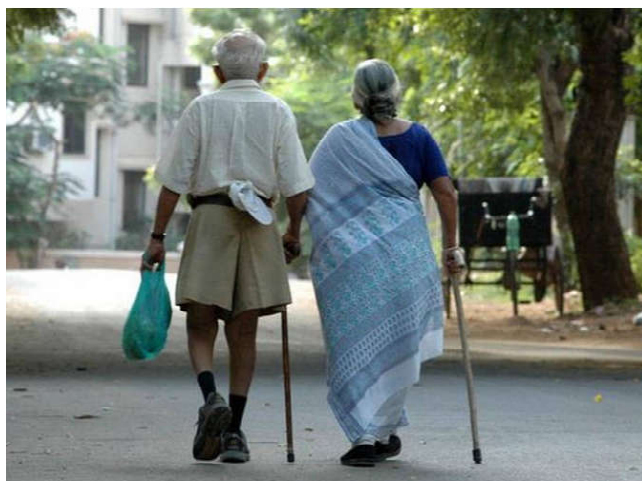

Fig. 16

Old Age Citizens and Their Conditions

Growing Population

With better medical facilities and increased longevity, India's success in increasing life expectancy has led to a larger number of the elderly in the country. The Registrar General of India forecasts the share of older persons (age 60 years and above) in the total population to rise from 6.9% in 2001 to 12.4% in 2026. Of the 90 million seniors, 30 million are living alone, and 90 per cent work for livelihood. Parents and Senior Citizens form a physically and mentally active segment of society with twin strengths of consumers and voters.

There are 87.6 million people aged above 60 in India, but India is totally concerned with its 'demographic dividend'. India is expected to be home to 300 million elderly people by 2050, it is time it paid heed to the problems of those who are old.

Problems of Old Age Persons

➤ **Economic problems** include such problems as loss of employment, income deficiency and economic insecurity.

➤ **Physical and physiological problems**, include health and medical problems, nutritional deficiency, and the problem of adequate housing etc.

➤ **Psycho-social problems** which cover problems related with their psychological and social maladjustment as well as the problem of elder abuse etc.

➤ **Loneliness and Isolation:** Rapid urbanization and the compulsions of modern working conditions have lead to a breakdown of the traditional joint family system resulting in the growth of nuclear families. As their children settled down in other cities or the countries, many parents, who had conventionally enjoyed a place of pride in the family, found themselves living alone.

Constitutional and Government Initiatives

Constitutional Protection: The provision are included in the Chapter IV i.e., Directive Principles of the Indian Constitution.

➤ Art. 41: Right to work, to education and to public assistance in certain cases : The State shall, within the limits of economic capacity

and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

➤ Art. 46: Promotion of educational and economic interests of and other weaker sections : The State shall promote with special care the educational and economic interests of the weaker sections of the people and shall protect them from social injustice and all forms of exploitation.

The Directive Principles, as stated in Article 37, are not enforceable by any court of law. But Directive Principles impose positive obligations on the state.

Legal Protections

Under Personal Laws:

The moral duty to maintain parents is recognized by all people. However, so far as law is concerned, the position and extent of such liability varies from community to community.

Hindu Law: Amongst the Hindus, the obligation of sons to maintain their aged parents, who were not able to maintain themselves out of their own earning and property, was recognized even in early texts. And this obligation was not dependent upon, or in any way qualified, by a reference to the possession of family property.

Hindu Adoption and Maintenance Act, 1956: It requires Hindu sons and daughters to maintain their elderly parents when parents are unable to maintain themselves.

(II) Muslim Law: Children have a duty to maintain their aged parents even under the Muslim law.

(III) Christian And Parsi Law: The Christians and Parsis have no personal laws providing for maintenance for the parents. Parents who wish to seek maintenance have to apply under provisions of the Criminal Procedure Code.

Code of Criminal Procedure (Chapter IX, Section 125(1) (2))

It requires persons who have sufficient means to take care of his or her parents if they are unable to take care of themselves. It facilitates monthly maintenance of Rs. 500 to the beneficiaries.

Senior Citizen Act 2007

The Government enacted the Senior Citizen Act in 2007 as an answer to the insecurities faced

by older persons of the country. It's an initiative of the Ministry of Social Justice and Empowerment, this Act accords prime responsibility for the maintenance of parents on

➤ Children

➤ Grand children or

➤ Even relatives who may possibly inherit the property of a Senior Citizen.

➤ It also calls upon the State to provide facilities for poor and destitute older persons.

Governmental Protections:

➤ The Government of India approved the National Policy for Older Persons on January 13, 1999 in order to accelerate welfare measures and empowering the elderly in ways beneficial for them. This policy included the following major steps:

◻ Setting up of a pension fund for ensuring security for those persons who have been serving in the unorganized sector,

◻ Construction of old age homes and day care centers for every 3-4 districts,

◻ Establishment of resource centers and re-employment bureaus for people above 60 years,

◻ Concessional rail/air fares for travel within and between cities, i.e.30% discount in train and 50% in Indian Airlines.

◻ Enacting legislation for ensuring compulsory geriatric care in all the public hospitals.

➤ The Ministry of Justice and Empowerment has announced regarding the setting up of a National Council for Older Person, called agewell Foundation. It will seek opinion of aged on measures to make life easier for them.

➤ Attempts to sensitize school children to live and work with the elderly. Setting up of a round the clock help line and discouraging social ostracism of the older persons are being taken up.

➤ The government policy encourages a prompt settlement of pension, provident fund (PF), gratuity, etc. in order to save the superannuated persons from any hardships. It also encourages to make the taxation policies elder sensitive.

➤ The policy also accords high priority to their health care needs.

➤ According to Sec.88-B, 88-D and 88-DDB of Income Tax Act there are discount in tax for the elderly persons.

➤ Life Insurance Corporation of India (LIC) has also been providing several scheme for the

benefit of aged persons, i.e., Jeevan Dhara Yojana, Jeevan Akshay Yojana, Senior Citizen Unit Yojana, Medical Insurance Yojana.

➤ Former Prime Minister A.B.Bajpai was also launch 'Annapurana Yojana' for the benefit of aged persons. Under this yojana unattended aged persons are being given 10 kg food for every month

➤ It is proposed to allot 10 percent of the houses constructed under government schemes for the urban and rural lower income segments to the older persons on easy loan.

➤ **National Portal of India:** The National Portal of India has a Senior Citizen Corner that offers information of special help to older persons in the country. It provides details about health ailments, old age homes, government schemes, travel concessions, loans, benefits and a lot more. The main aim of this section is to make the lives of Senior Citizens safer, securer and financially sound.

Budgetary provisions for the senior citizens

➤ A government announced the health protection scheme with the cover of the Rs. 1 lakhs for the citizens, and senior citizen would be applicable for an additional top up of Rs. 30,000.

➤ With a focus on people in rural areas, the government will provide for setting up 3,000 'Jan Aushadhi' stores where one can purchase generic medicines.

➤ A National Dialysis programme has also been devised, given the high costs of renal dialysis. Under the programme, every district hospital will be equipped to treat rural people who need to travel to metro cities for treatment. As many as 2,000 new centres are expected to be set up across the country.

➤ Individuals who are above the age of 60 years, but less than 80 years at any time during the respective year will be eligible for tax benefits under income tax act.

➤ The National Pension System, where up to 40 per cent, of the corpus is exempt is a good option for retired individuals. Under the NPS once can invest a sum of money each year, if the individual is between the ages of 18 to 60 years. The minimum amount an individual can contribute is Rs. 500 per contribution, while the total contribution must be at least Rs. 6000 every year.

➤ On retirement an individual who has attained the age of 60 years, has to invest at least 40 per cent of the pension fund so accumulated in an annuity and the remaining 60 per cent can be redeemed as a lump sum.

Analysis of Maintenance and Welfare of Parents and Senior Citizens Act, 2007

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeks to make it a legal obligation for children and heirs to provide sufficient maintenance to senior citizens, and proposes to make provisions for state governments to establish old age homes in every district.

Definition of Senior citizen:

The Act defines 'senior citizen' as (a) Indian citizens 60 years of age or older and (b) all parents with children above the age of 18 years. For example, the provisions of this Bill would be applicable to even a 40-year-old parent of a 20-year-old person. This definition differs from that in the National Policy on Older People, which sets the age at 60 years or older.

Provision of the maintenance and welfare of parents and senior citizens Act- 2007:

This Act extends to all of India, except the state of Jammu and Kashmir. It also applies to citizens of India residing outside the country. The Act talks about maintenance and welfare of the elderly and also their property rights.

➤ Parents who are unable to maintain themselves through their own earnings or out of their own property may apply for maintenance from their adult children. This maintenance includes the provision of proper food, shelter, clothing and medical treatment.

➤ Parents include biological, adoptive and step mothers and fathers, whether senior citizens or not.

➤ A childless Senior Citizen who is 60 years and above, can also claim maintenance from relatives who are in possession of or are likely to inherit their property.

➤ This application for maintenance may be made by Senior Citizens themselves or they may authorize a person or voluntary organization to do so. The Tribunal may also take action on its own.

➤ It is a legal obligation for children/legal heirs to provide for the maintenance of a senior citizen. Children/heirs are obligated to take of care of their elderly parents in such a way that they can lead a normal life.

➤ Any person who is in possession or stands to inherit a senior citizen's property and has sufficient means is liable to look after and provide for the senior citizen.

➤ If a senior citizen is not able to look after himself/herself, he/she can apply to a State Tribunal requesting for a monthly allowance from their children/heir

➤ Punishment for not paying the monthly allowance could be a fine of Rupees 5000 or imprisonment of up to 3 months or both.

➤ Tribunals on receiving these applications may hold an enquiry or order the children/ relatives to pay an interim monthly allowance for the maintenance of their Parents or Senior Citizen.

➤ If the Tribunal is satisfied that children or relatives have neglected or refused to take care of their parents or Senior Citizen, it shall order them to provide a monthly maintenance amount, up to a maximum of Rs. 10,000 per month.

➤ The State Government is required to set up one or more tribunals in every sub-division. It shall also set up Appellate Tribunals in every district to hear the appeals of Senior Citizens against the decision of the Tribunals.

➤ No legal practitioner is required or permitted for this process.

➤ Erring persons are punishable with imprisonment up to three months or a fine of up to rupees five thousand or with both.

➤ State Governments should set up at least one Old Age Home for every 150 beneficiaries in a district. These homes are to provide Senior Citizens with minimum facilities such as food, clothing and recreational activities.

➤ All Government hospitals or those funded by the Government must provide beds for Senior Citizens as far as possible. Also, special queues to access medical facilities should be arranged for them.

Implementation of the Act: Currently, 11 states have notified this Act. They are Nagaland, Karnataka, Jharkhand, Andhra Pradesh, Rajasthan, Assam, Kerala, Tripura, Madhya Pradesh, Delhi and Orissa. Other States are in the process of framing appropriate Rules for this Act.

Comparative Analysis International Experience

Some other countries have enacted laws related to the protection and security of the elderly. Sri Lanka and China require children to take care of their elderly parents, and the State to take care of childless senior citizens. Malaysia, Singapore, US, UK, South Africa and Canada do have a legal provisions to safeguard and protect the elder citizens.

In India, existing schemes for old age pension include the Employees' Provident Fund and the New Pension Scheme, which cover roughly 13% of the working population (10% as government servants and 3% from the formal private sector). In addition, the National Old Age Pension Scheme provides for destitute persons of 65 years and above.

Conclusion

The frailty of old age combined with health problems, crimes by anti social elements and insufficient income has left them with a feeling of rising insecurity. Children, being busy with their new lives, are unable to visit regularly. Parents have to cope single handedly, which is quite difficult considering their limited earnings.

Urgent measures on the part of Government and civil society is needed, otherwise the country will be faced with a large incidence of degenerative diseases, accompanied with serious gaps in the geriatric medical ecosystem, a changing joint family structure, the lack of 'grey-friendliness' in public spaces, transport, housing, and a virtually non-existing policy framework to tackle these issues.

By bringing out the Maintenance and Welfare of Parents and Senior Citizens Act, the Government has taken a small step towards bringing a smile to the faces of the elders of our society but, proper implementation of the policy is much needed thing in current scenario. As a nation, it is every citizen's duty to ensure that Senior Citizens live a happy, healthy and secure life. They took care of children in their youth and helped them grow; children owe them a better tomorrow. While there is a law, as each of one needs to take up the responsibility of caring for those 'valuable asset of the country'.

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MAN AND ANIMAL CONFLICT

Context

Some residents of Mandawar village near Gurugram clubbed a leopard to death. This shows the frequent occurring of Man-animal conflict. This is due to encroachment of human activities in the animal arena.

Human-wildlife conflict is steadily rising and unless addressed well with specific measures, it could lead to retaliatory killing of animals by mobs.

Fig. 17

Man-Animal conflict refers to the interaction between wild animals and people and the resultant negative impact on people or their resources, or wild animals or their habitat. It occurs when growing human populations overlap with established wildlife territory, creating reduction of resources or life to some people and/or wild animals. The conflict takes many forms ranging from loss of life or injury to humans, and animals both wild and domesticated, to competition for scarce resources to loss and degradation of habitat.

As per the review made by United States Geological Survey defines human-wildlife conflict in two contexts;

➤ Actions by wildlife conflict with human goals, i.e. life, livelihood and life-style,

➤ Human activities threaten the safety and survival of wildlife.

However, in both cases, outcomes are decided by human responses to the interactions.

Data related to Man-animal conflict

Data presented in Parliament showed that 1,360 people were killed by tigers and elephants in the last three years, higher than human fatalities in Maoist red zones.

This was about a 20-25% increase in human deaths by the two dominant species compared to the previous three years (2010-2013), as the conflict zone spread to new areas in Madhya Pradesh, Maharashtra, Chhattisgarh, Tamil Nadu and Odisha.

While conflict with tigers and elephants is restricted to smaller towns and villages, it is the leopards that reach the bigger cities faster. This year, they have been spotted in residential areas in Gurgaon, Mumbai, Nainital, Meerut and Bhopal, to name a few.

It is not that only people are getting killed. Animals, too, are at the receiving end of this conflict. Data shows that for every four people killed, an endangered animal is also lost. As many as 189 elephants and around 110 tigers were killed in man-conflict zones between 2012 and 2015, according to latest government data. Many animals were captured and summarily sentenced to a life inside enclosures, which animal activists say is the cruelest form of punishment to be given to animals born free.

FIGHTING FOR SURVIVAL

In recent years, encounters between men and animals have become more bloody

1,360
people killed by tigers and elephants between April, 2013-March, 2016

769
people killed by tigers and elephants between 2010-2013

631
people killed by tigers and elephants between 2007-2010
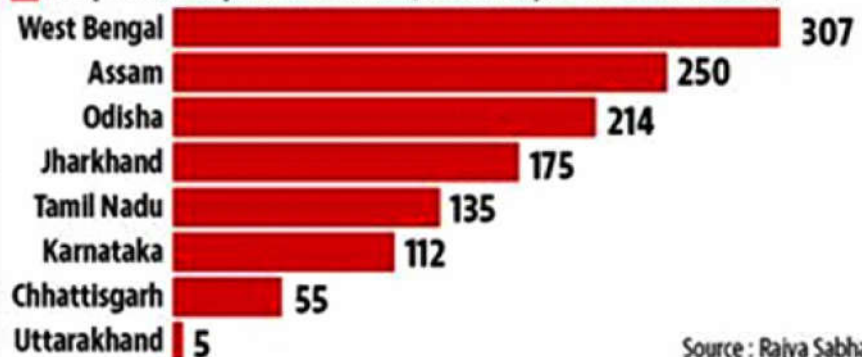
140
leopards declared man-eaters in Uttarakhand since 2000

393
elephants killed in conflict zones in Odisha in last 5 years

States with high rates of death

■ People killed by wild animals (Between April 2013 to March 2016)

State	Deaths
West Bengal	307
Assam	250
Odisha	214
Jharkhand	175
Tamil Nadu	135
Karnataka	112
Chhattisgarh	55
Uttarakhand	5

Source : Rajya Sabha

FLASH POINTS

November 14, a village near Ranthambore National Park
A tiger known as T-83 fell into a dry well in a village near Ranthambore National Park. A rescue operation was launched and the big cat rescued.

November 24: Leopard clubbed to death in Gurgaon
A leopard was beaten to death by villagers in front of police and wildlife officials after it strayed to Mandawar village in Sohna, Gurgaon.

November 25, Bangmara, Assam
A tigress strayed out of the Kaziranga National Park to Bangmara area in Assam's Jorhat district. The villagers spotted her, killed her and chopped off her body parts.

November 30: Deer attacks people in Mayur Vihar, east Delhi.
A full-grown male sambar damaged a few vehicles and injured a person near Mayur Vihar after a crowd assembled around him.

Fig. 18

Causes of Man-animal conflict

The primary cause of wildlife-human conflicts is the loss, degradation and fragmentation of many wildlife habitats, thereby increasing the chances of wild animals moving out of natural habitat and encountering cultivation and people.

Habitat loss and fragmentation have been clearly shown to enhance conflict between Asian elephants and agriculture.

Land-use change outside forest areas, with irrigation from tube wells and canals aiding the cultivation of crops for longer time periods may also attract animals such as elephants. Highly productive crop fields that provide more palatable and nutritious forage also promote conflicts with herbivores.

Adverse climatic events such as droughts have been implicated in increased conflicts between lions and people as well an elephants and people. Interestingly many wildlife species have adapted to the changing landscape through behavioural changes for crop raiding.

The inviolate tiger area where animals can move freely without human interference has shrunk to 31,207 sq km in 37 tiger reserves, as compared to over one lakh sq kms in 1970s, when Project Tiger was launched.

The Tiger Estimation report, 2014, states that around 60% of 2,226 tigers reside outside the most protected core areas, bringing them in direct conflict with around 6,000 villages still in the reserves.

Official data also shows that around 14,000 of the 26,000 elephants in India live close to human habitats in West Bengal, Odisha, Jharkhand, Karnataka, Chhattisgarh and Assam states that reported most deaths by elephants between 2013 and 2016.

Such conflict situations generally lead to growing antipathy among the people towards wildlife conservation resulting in retaliatory killings or injuries to animals. Wildlife species are also impacted by accidental deaths due to development of infrastructures, such as railway lines, roads, etc. Conflict-related mortality of wildlife does not bode well for conservation.

In a landmark decision of a case Animal Welfare Board of India v. A. Nagaraja, Supreme Court held that "animal has also honour and dignity which cannot be arbitrarily deprived of and its rights and privacy have to be respected and protected from unlawful attacks."

Unfortunately, ignoring the very same rights accorded by the court, a leopard was beaten to death by some residents of Mandawar village near Gurugram. Few Days back; the leopard which was spotted in November at the Yamuna Biodiversity Park was caught.

Impact of Man-animal conflict

This conflict occurs with the various negative results and described as a two sided impact of this conflict. From one side, the source of conflict is the restriction on the local people to access forest resources. On the other side, the source of conflict is the damage incurred to them by wild animals.

The major outcomes of the man-animal conflict are:

➤ Injury and loss of life of humans and wildlife.

➤ Crop damage, livestock depredation, predation of managed wildlife stock.

➤ Damage to human property.

➤ Trophic cascades.

➤ Destruction of habitat.

➤ Collapse of wildlife populations and reduction of geographic ranges.

Human wildlife conflict also has a range of 'hidden' dimensions that are not typically factored in when the focus is on visible impacts. These can include health impacts, opportunity and transaction costs. Case studies include work on elephants in northeast India, where elephant-man interactions are seen to lead to cases of increased imbibing of alcohol by crop guardians with resultant enhanced mortality in encounters and issues related to gender in northern India.

In efforts to reduce human-wildlife conflict, World Wide Fund for Nature (WWF) has partnered with a number of organizations to provide solutions around the globe. Their solutions are tailored to the community and species involved. To address the elephant gaze, communities started to grow more chili pepper plants after making the discovery that elephants dislike and avoid plants containing capsaicin. This creative and effective method prevents elephants from trampling community farmers' fields as well as protects the species.

Legal & Ethical issue

These incidents raise a question about the legal and ethical issues associated with encroachment of wild animals into human dominated landscapes and human encroachment into nearby wild life.
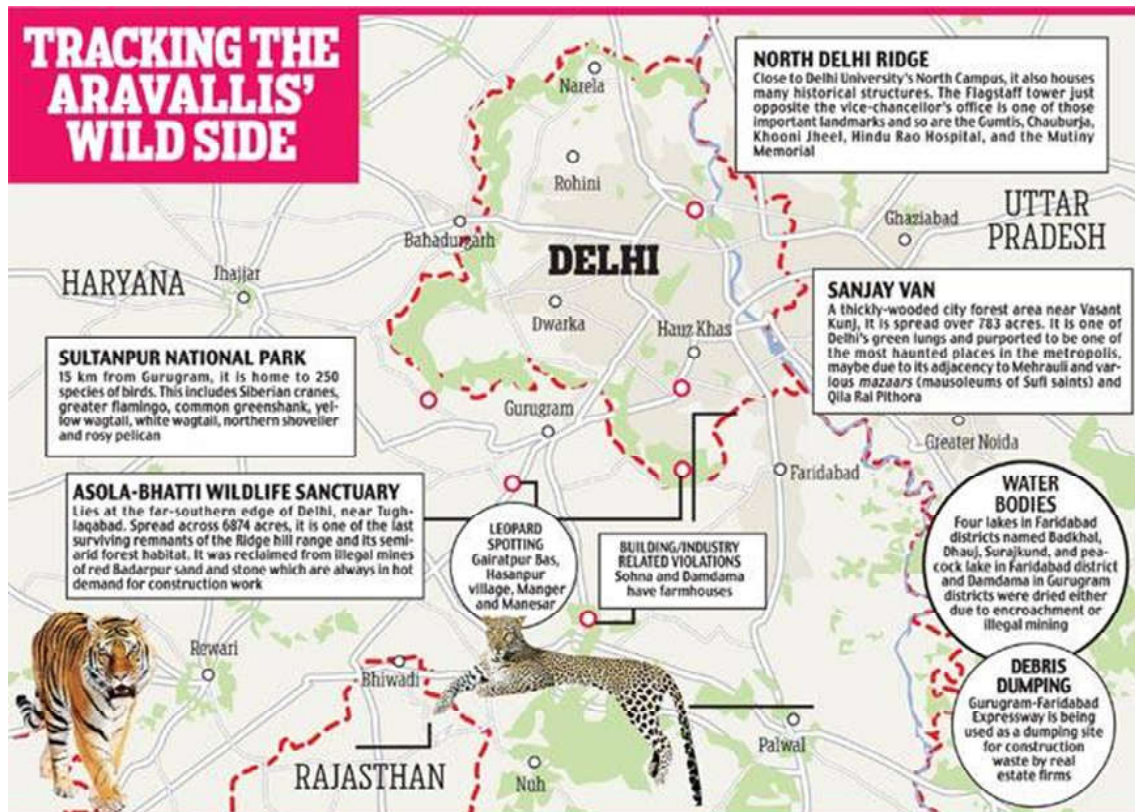

Fig. 19

According to the Wildlife (Protection) Act, 1972, a wild animal can also be deprived of its life and personal liberty just like Article 21 of the Constitution, which states that "no person shall be deprived of his life or personal liberty except according to procedure established by law."

Unfortunately, in India due process is not even followed for human being it's difficult to expect for a wild animal. It is same like 'encounter killings' of suspected terrorists. Same was observed in this case, as villagers did not allowed to tranquilize the leopard and celebrated as victorious after killing.

As human populations expand into wild animal habitats, natural wildlife territory is displaced. Reduction in the availability of natural prey/food sources leads to wild animals seeking alternate sources. Alternately, new resources created by humans draw wildlife resulting in conflict. The population density of wildlife and humans increase with overlaps in geographical areas used increasing their interaction thus resulting in increased physical conflict. Byproducts of human existence offer un-natural opportunity for wildlife in the form of food and sheltered interference and potentially destructive threat for both man and animals. Competition for food resources also occurs when humans attempt to harvest natural resources such as fish and grassland pasture.

Case Study:

In February'2016, the Haryana government demarcated a large part of the Mangarbani groves as a 'no construction zone.' Around 677 acre in Mangar (Faridabad) and Bandhwari (Gurgaon) were demarcated as 'bani', as the core area of the deemed forest, while 1,266 acre, which fall under the revenue villages of Mangar and Kot in Faridabad district and Bandhwari in Gurgaon district, were demarcated as its buffer zone.

The builder and farmhouse lobby has eyed it for decades, going ahead to set up residential complexes on the foothills which are critical for south Delhi and Haryana groundwater replenishment.

Over the years, the Aravalli mountain range has been encroached upon and people have rampantly chopped trees despite Section 4/5 of 1992 Forest Land Act being implemented in the region. In order to protect the Aravalli mountain range in Gurugram and Faridabad districts, several environmentalists and nature lovers seeking the declaration of the entire range as a national asset and the imposition of Section 144 of CrPC to stop encroachment.

Now, in this situation, if we see the approach of forest department which was quick to conclude, without any scientific basis, that the leopard had "strayed" from either the Kalesar National Park in Haryana or the Hastinapur Wildlife Sanctuary in Uttar Pradesh. This approach is based on the convention that only a protected area is the "authorized" home of the wild animal, and if a wild animal is found outside the protected area, it must be "rescued" and sent back to the protected area. This faulty approach also view all tribal and forest dwellers as "encroachers" on forest land, requiring them to be relocated to their presumed natural home cities and urban dwellings and to be linked to the so called "civilised" world.

This approach wants to create a boundary line between human and wild. However, the law governing the subject of wildlife, the Wildlife (Protection) Act, 1972, does not discriminate between animals found in protected areas and outside.

As per the Wildlife (Protection) Act, 1972

Equal protection for wild animals irrespective of where they are found.

Wild animals are not the property of the government, and an animal which is wild in nature and free cannot be in the ownership of either the government or a private party.

Only if the wild animal becomes a danger to human life or is diseased or disabled beyond recovery can it be allowed to be captured or killed by the competent authority, the Chief Wildlife Warden of the State.

This provision is applicable to wild animals listed in Schedule I of the Wildlife (Protection) Act, 1972, which includes leopards.

Mere apprehension or fear that a wild animal could endanger human life is not a ground for capture or killing.

Actions required

▶ Identify and document the wide range of wildlife species that regularly come into conflict with humans, and prioritize the species that cause maximum damage to humans and are most adversely impacted due to conflict. Develop a national level database to document frequencies of conflicts, quantum of damage to human life and property and wildlife deaths due to conflict.

► Draw up comprehensive, species and region specific, conflict-mitigation plans that can cater to prevention of HWC situations and reduce the adverse impacts on both humans and wildlife. These should focus primarily on scientific management of wildlife populations as well as land-use practices that aid and abet HWC.

► Constitute a well-trained and adequately equipped workforce in the State Forest Departments (SFDs) to actively address HWC situations in situ, especially those involving dangerous large mammals.

► Arrest further escalation of already present negative interactions by ensuring that all development projects, in key wildlife habitats, do not turn out to be drivers of conflict, in future.

► Create a Centre of Excellence (CoE) on HWC mitigation, under the aegis of the MoEFCC, to address, develop and implement long-term and short term measures to reduce the adverse impacts of HWC.

► Formulate and implement extensive education and awareness programmes to reduce the growing animosity among people towards wild animals involved in conflict situations, as well as to enlist their help in mitigating HWC.

► Encourage community participation.

Conclusion

Conflict resolution aim to reduce the potential for human-wildlife conflicts in order to protect life and limb, safety and security of animal populations, habitat and general biodiversity, and also to minimise damage to property. The preference is always for passive, non-intrusive prevention measures but often active intervention is required to be carried out in conjunction.

As a traditional management techniques aim to stop, reduce or minimize conflict by controlling animal populations in different ways. Lethal control has the longest history but has major drawbacks. Other measures, less costly in terms of life, are trans-location, regulation and preservation of animal populations. Modern methods depend upon the understanding of ecological and ethological understanding of the wildlife and its environment to prevent or minimize conflict; examples being behavioural modification and measures to reduce interaction between humans and wildlife.

Potential solutions to these conflicts include electric fencing, land use planning, community-based natural resource management (CBNRM), compensation, and payment for environmental services, ecotourism, wildlife friendly products, or other field solutions.

Being the humanistic society which is at top position amongst living organisms, our behavior should be human and we should understand that wild animal is born free and should remain free. Scientifically, a wild animal never enter into human lands until it lost its food resources. So, it is our duty towards nature to intact their resources by keeping wild life alive.

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