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COVER STORY

Need for Electoral Reforms in INDIA

Context

Electoral process is going on in the five states of Uttar Pradesh, Uttarakhand, Goa, Punjab and Manipur.

Before Election many issues related to State funding, Election Symbol, Criminalization of Politics, etc.

Hereby, analyzing the above stated issues in the Cover Story.

India is a Socialist, Secular, Democratic Republic and the largest democracy in the World. The modern Indian nation state came into existence on 15th of August 1947. Since then free and fair elections have been held at regular intervals as per the principles enshrined in the Constitution, Electoral Laws and System.

The Constitution of India has vested in the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India.

But the election at present are not being hold in ideal conditions because of the enormous amount of money required to be spent and large muscle power needed for winning the elections. The major defects which come in the path of electoral system in India are: money power, muscle power, criminalisation of politics, poll violence, booth capturing, communalism, castism, non-serious and independent candidates, etc.

In this article, we have taken three recent issues related to electoral reforms, which were making headlines in the country in the near past:

A. State Funding of Elections

According to the recent Report, Political parties received Rs. 7,833 crore funding from unknown sources between 2004-05 and 2014-15, which is 69 per cent of their total income, among the national parties, the Congress tops the list with incomes

with 83 per cent income from unknown sources, followed by the BJP with 65 per cent. Under the Income Tax Act, political parties do not have to pay tax provided they accept all donations above Rs. 20,000 in cheque. While they are required to keep details of donations below Rs. 20,000, it has been pointed out that the option of cash donations leaves room for turning black money to white.

The law regulating election finance in India are present in the provisions of the RPA and Election Rules, the Companies Act, the IT Act, and the Foreign Contribution (Regulation) Act. This section briefly summarizes the law in a tabular form:

	Existing Regulation	Applicable Law
Limits on Expenditure	Yes ➤ Between Rs. 54-70 lakhs for Parliamentary constituencies and Rs. 20-28 lakhs for Assembly Constituencies ➤ Includes party and supporter spending towards a candidate's campaign ➤ Excludes expenditure incurred by "leaders of a political party" for travel for propagating the party's program Excludes expenditure by parties or their supporters incurred for generally propagating the party's program as long as no specific candidate is mentioned (given s. 77's focus is on "candidate" and not party)	➤ S. 77, RPA Rule 90, Election Rules, 1961 as amended by Conduct of Elections (Amendment) Rules, 2014 dated 28th February, 2014
Disclosure of Expenditure	True copy of account of election expenses of every contesting candidate lodged with the District Election Commissioner within thirty days of election of returned candidate	S. 77, 78, RPA Part VIIA, VIII, Election Rules, 1961
Limits on Contribution	None ➤ No limits on individual contributions ➤ Corporate contributions to political parties are allowed as long as the (non-government) company is three years old; its aggregate contribution in every financial year is below 7.5% of its average net profit during the three immediately	➤ S. 29B, RPA ➤ S. 182(1), Companies Act S. 3 and 4, Foreign Contribution (Regulation) Act, 2010

	preceding financial years; and it is authorized by a Board of Directors' resolution ▶ Corporate contributions to parties or electoral trusts entitled to deduction from total income. ▶ Ban on foreign contribution to candidate or political party No limits on political party accepting contribution	
Disclosure of Contribution	▶ By Party: Report detailing all contributions above Rs. 20,000 received from any person or company submitted in each financial year to the Election Commission. ▶ By company: Profit and Loss account will detail the total amount contributed and the name of the party to which contribution made in every financial year	▶ S. 29C, RPA ▶ S. 182(3), Companies Act S. 13A, S. 80GGB and 80GGC, IT Act
Public Funding of Election Campaigns	Partial ▶ No direct State subsidy ▶ Partial in kind subsidy in the form of free allocated air time on state owned electronic media (since 1996) to parties based on their past performance. Free supply of copies of electoral rolls and identity slips of electors to candidates	S. 39A, 78A and 78B, RPA (introduced by the 2003 amendment)
Penalties	Both civil and criminal in nature and affect: ▶ The Candidate: disqualification from being a voter or standing in elections if convicted of corrupt practices or failure to lodge election expenses (3 years) ▶ The party: loses IT exemptions Company: Fines and imprisonment	▶ S. 8A, 10A, 11A, 123(6), RPA ▶ S. 182(4), Companies Act S. 13A, IT Act

However, the ADR Report discloses that the political funding is not disclosed properly by the Political Parties.

A report by Delhi based think-tank 'Association for Democratic Reforms (ADR)' on 'POLITICAL FUNDING' highlights that:

- On an average, the parties receive 16 per cent of their income from known donors. Another Rs 1,835.63 crore, 16 per cent is income from other sources, like (sale of assets, membership fees, bank interest, sale of publications, party levy etc.

- National and regional political parties received Rs 11,367.34 crore of total income during this period, INC has the highest total income of Rs 3,982.09 crore between 2004-05 and 2014-15, this is 42.92 per cent of the total income of the 6 parties during the same time.

  BJP has the second highest income of Rs 3,272.63 crore which is 35.27 per cent of the total income of the 6 national parties

- Over the last 10 years, 83 per cent of Congress's income, amounting to Rs. 3,323.39 crore, and 65 per cent of BJP's income, amounting to Rs. 2,125.91 crore, came from unknown sources.

- Bahujan Samaj Party (BSP) is the only party which consistently declared receiving no donations above Rs. 20,000 in the decade. So 100 per cent of the party's income came from unknown sources.

- Next to BSP is the ruling Samajwadi Party of Uttar Pradesh - 94 per cent of its income, amounting to Rs. 766.27 crore is from unknown sources. It is followed by Punjab's ruling Shiromani Akali Dal, whose 86 per cent income (Rs. 88.06 crore) was from unknown sources.

- Over the last decade, the income of political parties has increased by a whopping 300-600 per cent. Between 2005 and 2015, political parties - national and regional -reported a total income of Rs. 11,367.34 crore.

- Total amount of donations above Rs 20,000 declared by the 6 national parties was Rs 1,405.19 crore. BJP tops the list and has declared a total of Rs 917.86 crore as received through voluntary contributions above Rs 20,000.

- Total amount of donations above Rs 20,000 declared by the regional parties was Rs 430.42 crore. DMK tops the list and has declared a total of Rs 129.83 crore as received via voluntary contributions above Rs 20,000 but the party has not filed its donations report for the financial years 2004-05 and 2005-06.

- The political parties need to be brought under the ambit of RTI so their accounts are audited every year. While they are deemed to be under the RTI Act, the parties dispute the rule.

- Political parties have been exempted from paying tax, however, to claim such exemption, they have to maintain audited accounts and comply with provisions of the Income Tax Act. Some regional parties have defaulted on this account on a regular basis. They have been openly flouting the provisions of the Income Tax Act and are not filing their annual income return which is a violation of the mandatory provisions laid down in law.

On the issue of political funding many committees have recommended for implementation of State Funding provisions. State funding basically means that government extending **financial assistance** (cash/kind) to political parties (partly/fully) for contesting elections. The objective is to control and **eliminate outside pressure** over government policies and functioning by vested interests.

It will also help in controlling the flow of unaccounted money and muscle power during elections and control the levels of corruption in public life.

Direct funding means giving funds directly to political parties (or candidates). Indirect funding takes the form of various subsidies or access. Indirect funding can take the form of subsidized or free media access, tax benefits, free access to public spaces for campaign material display, provision of utilities and travel expenses, transport, security etc. If both these types are included then very few countries in the world remain with absolutely no state funding, direct or indirect.

The recommendations are as follows:

- The **Indrajit Gupta Committee** (1998) endorsed state funding of elections, seeing "full justification constitutional, legal as well as on ground of public interest" in order to establish a fair playing field for parties with less money. The Committee recommended two limitations to state funding. Firstly, that state funds should be given only to

national and state parties allotted a symbol and not to independent candidates. Secondly, that in the short-term state funding should only be given in kind, in the form of certain facilities to the recognised political parties and their candidates. The Committee noted that at the time of the report the economic situation of the country only suited partial and not full state funding of elections.

‣ The **1999 Law Commission of India report** concluded that total state funding of elections is "desirable" so long as political parties are prohibited from taking funds from other sources. The Commission concurred with the Indrajit Gupta Committee that only partial state funding was possible given the economic conditions of the country at that time. Additionally, it strongly recommended that the appropriate regulatory framework be put in place with regard to political parties (provisions ensuring internal democracy, internal structures and maintenance of accounts, their auditing and submission to Election Commission) before state funding of elections is attempted.

‣ "**Ethics in Governance**", a report of the Second Administrative Reforms Commission (2008) also recommended partial state funding of elections for the purpose of reducing "illegitimate and unnecessary funding" of elections expenses.

‣ The **National Commission to Review the Working of the Constitution, 2001**, did not endorse state funding of elections but concurred with the 1999 Law Commission report that the appropriate framework for regulation of political parties would need to be implemented before state funding is considered.

To ensure that there is financial transparency and accountability on the part of the political parties, there must be a strict mechanism with respect to reporting of financial information. The procedures and reporting framework must be standardized to ensure that a true picture of the financial position of the political parties is revealed to the general public.

Recently the government has proposed the concept of Electoral Bonds. Electoral Bond is a financial instrument for making donations to political parties. These are issued by Scheduled Commercial banks upon authorisation from the Central Government to intending donors, but only against cheque and digital payments (it cannot be purchased by paying cash).

These bonds shall be redeemable in the designated account of a registered political party within the prescribed time limit from issuance of bond.

The bonds will likely be bearer bonds and the identity of the donor will not be known to the receiver.

The party can convert these bonds back into money via their bank accounts. The bank account used must be the one notified to the Election Commission and the bonds may have to be redeemed within a prescribed time period.

Further the threshold limit of cash donations has been put to Rs 2,000. Donations can still be made without any limit by account payee's cheque or bank draft, or e-clearing system through a bank account or electoral bonds.

Need for bringing Political Party under RTI Act

In 2013, Central Information Commission (CIC) held that National Political Parties (NPP) are public authorities within the meaning of Sec 2(h) of RTI Act and directed them to appoint public information officer to provide necessary information as required by the citizens.

However, all the 6 NPP had defied the direction of CIC on the ground that they are not public authorities within the meaning of RTI Act.

For opening up the financial transactions of the political parties, the donations they receive and the expenses they incur, public scrutiny is imperative to bring down levels of corruption and make them more accountable.

B. Electoral Symbol

An **electoral symbol** is a standardised symbol allocated to a political party. Symbols are used by parties in their campaigning, and printed on ballot papers where a voter must make a mark to vote for the associated party.

A significant number of Indian voters are illiterate, so Indian elections use symbols on ballot papers (designed such that the texts about candidates & party names are secondary). This ensures that voters to make the choice that they intended to.

The Election Commission of India, the body that runs and monitors elections in the world's largest

democracy, have made several interesting design decisions, many aimed at ensuring that as many voters as possible can participate in the process. Given India's immense diversity and the fact that many voters are still illiterate, the use of symbols to represent political parties and individual candidates on a ballot paper has been a significant choice. This removes the problem of locating a person/party's name on the ballot paper via text. The names of the party and candidate are still on the paper, but are secondary in size and stature. The candidate would then put a 'stamp' next to the symbol.
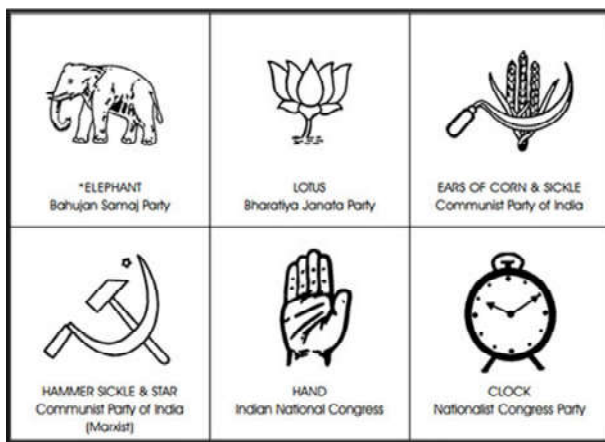

Fig. 1

India has largely moved to Electronic Voting Machines now; this makes it even more voter-friendly, for all one has to do is to push a button next to the symbol.

The use of such symbols has made elections more accessible to the most illiterate in India. Even with increasing literacy, this is unlikely to go away, given how integral this idea has become.

A secondary angle is that since India is a multi-lingual country that uses a variety of scripts for languages, it is hard to provide texts on ballot papers that cover all important scripts. Instead, by using a symbol, an Indian who reads and writes only Tamil can still vote in an election in Bengal where the text is likely to be only in Bengali and perhaps English.

Choice of Symbols by Candidates of National and State Parties and Allotment Thereof

➤ A candidate set up by a National Party at any election in any constituency in India shall choose, and shall be allotted, the symbol reserved for that party and no other symbol.

➤ A candidate set up by a State Party at an election in any constituency in a State in which such party is a State Party, shall choose, and shall be allotted the symbol reserved for that Party in that State and no other symbol.

➤ A reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a National Party for whom such symbol has been reserved or a candidate set up by a State Party for whom such symbol has been reserved in the State in which it is a State Party even if no candidate has been set up by such National or State Party in that constituency.

In case of split **and different leaders stake their claim to its symbol**

The Commission accepts representations from rival factions and takes a decision according to the merits of the case. For instance, in 1999, when the Janata Dal split, the rival factions demanded the 'wheel' symbol. But the Commission froze the symbol. Instead, it allotted 'farmer driving a tractor' to one faction and 'arrow' to the other.

The Commission has also stipulated that if a particular party or individual is contesting an election for the second time from the same constituency, that party or individual has first claim to the symbol they used the last time around.

C. Criminalization of Politics

"If we are going to spend a lot of money to deal with the problem of 200 million guns in the country owned by 650 million gun owners, we ought to have a system which will work and catch criminals."

The way our Legislature, the Lok Sabha, the Rajya Sabha and the State Legislative Assemblies function, it does not make us feel proud. One of the major problems with the Legislature is the number of unsatisfactory candidates who find their way to Legislatures.

For example, it was reported by the media that more than half of the MLAs to the present state assembly election in Uttar Pradesh had noteworthy criminal records.

Criminalisation of politics is a grave problem in India. Criminals enter into politics to gain influence and ensure that cases against them are dropped or not proceeded with. Also, the political parties field criminals in elections for fund and in return provide them with political patronage and protection.

This menace began in Bihar and gradually spread to every nook and corner of the nation. In 2003, a law was introduced to prohibit the election of criminals to the legislative bodies. However, persons with criminal background continue to hold seats in Parliament and State Assemblies. This leads to a very undesirable and embarrassing situation when law-breakers become law-makers and move around under police protection. During the 13th Lok Sabha elections candidates having criminal cases against them numbered 12 in Bihar and 17 in Uttar Pradesh. It has been rightly observed by J.P.Naik: "**Power is the spoiler of men and it is more so in a country like India, where the hungry stomachs produce power hungry politicians.**"

The EC has expressed its serious concern over the entry of anti-social and criminal persons into the electoral arena. From time to time, it has set down norms and made recommendations to the government to curb the menace of criminalisation of politics. The Commission has urged all political parties to reach a consensus that no person with a criminal background will be given the party ticket. The candidates to an election are also obliged to submit an affidavit in a prescribed form declaring their criminal records, including convictions, charges pending and cases initiated against them. The information so furnished by the candidates shall be disseminated to the public, and to the print and electronic media.

Criminalisation of politics and politicization of criminals– are like two sides of the same coin and are mainly responsible for the manifestation of muscle power at elections. Criminalization in politics has contributed towards a feeble electoral system. The representatives who stand for elections are stuffed with various criminal charges against them. It is a well known perspective from a common man's eyes that these politicians take the comfort of criminal elements to ascend the ladder.

For democracy to survive, it is essential that the best available men should be chosen as people's representatives for proper governance of the country. This can be best achieved through men of high moral and ethical values, who win the elections on a positive vote. But these days almost all candidates standing in elections are not upto to the expectations of people. So the Supreme Court in Writ Petition directed to provide a **NOTA** option on the EVM and ballot papers so that the electors who do not want to vote for any of the candidates can exercise their option in secrecy. Thus by casting this protest vote people can show their dissent and disapproval to these candidates.

Conclusion

Our Election Commission tries its best to weed out the virus of malpractices. It is optimistic of strengthening and improving the working of democracy through free and fair elections. It has always devised better systems and is using advanced scientific technologies for maintaining the high reputation of the Indian elections.

However, the success of reforms will largely depend upon the will of the political parties to adhere to and implement such reforms. An independent media and an enlightened public opinion have no substitute in pushing through reforms. If people vote according to their convictions and punish those who infract the rules, corrupt practices will automatically disappear. And this will go a long way towards enabling democracy to flourish and grow to its full capacity.

However, every system consists of merits and demerits. Evils like crime, corruption and money power have the potential to poison our democracy. The duty to deepen the democratic values lies in the electoral process of the country. Hence, Electoral Reforms in India are the need of the hour. In democracy the public is most powerful tool and if the public do not vote in favor of dishonest and corrupt politicians and criminals who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalized political system. So, though the EC is doing its duty in this regard but it cannot succeed unless all stake-holders (political parties and voters) realise their responsibility.

SPECIAL ISSUE

Slum Re-development better than Slum Removal

Context

Urbanisation in India has been increasing at high pace. The increase in the percentage of population residing in urban areas is attributable to three factors. The first factor is the rural - urban differential in the rates of natural increase. The second factor is migration from rural to urban areas. The third reason is the reclassification of villages as town. This is also leading to the rise of slums in India.

Many schemes have been initiated by the government for organised urbanisation, removal of slum areas, etc. but slum redevelopment is much better option. The redevelopment plan includes development of slum areas alongwith respecting the social structure and connection.

Kathputli Colony is the first slum in the city that will undergo in-situ redevelopment by the Delhi Development Authority (DDA) with the help of a private developer. In lieu of multi-storey flats that the developer will build for the slum dwellers, it will get to use a part of the land commercially.

This will help in integrating commercial and residential activities for the development of the region.

Slums refer to makeshift housing or shanties found especially in urban areas, and are characterised by lack of basic facilities, squalor and overcrowding. There is no regular supply of water, electricity or proper sanitation facilities. According to Census over 65 million people live in slums, up from 52 million in 2001, but slum populations have grown slower than the average urban population over the last decade. Census data also shows how a large section of the urban population lives in slums in the four metropolitan cities -- as high as 41.3% in Greater Mumbai, 29.6% in Kolkata, 28% in Chennai and about 15% in Delhi.

Given such stark realities it is important to provide affordable homes to poor and in this context **Housing for all** Schemes was launched by Government in 2015 which focuses on Slum redevelopment.

Kotputli slum in Delhi is the finest example of In Situ slum Redevelopment. This success story need to be replicated across India to make India slum free by providing housing to all by 2022.

Slums: NSSO Survey

Three types of slums have been defined in Census, namely, Notified, Recognized and Identified.

➤ All notified areas in a town or city notified as 'Slum' by State, Union territories Administration or Local Government under any Act including a 'Slum Act' may be considered as Notified slums.

➤ All areas recognised as 'Slum' by State, Union territories Administration or Local Government, Housing and Slum Boards, which may have not been formally notified as slum under any act may be considered as Recognized slums

➤ A compact area of at least 300 population or about 60-70 households of poorly built congested tenements, in unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities. Such areas should be identified personally by the Charge Officer and also inspected by an officer nominated by Directorate of Census Operations. This fact must be duly recorded in the charge register. Such areas may be considered as Identified slums.

Reasons for prevalence of slums

Migration of the poor to cities creates slums. Cultivable land in villages is limited. And it is not enough to support the landless labourers in the village. Instead of starving in villages, they along with their women folk move on to cities in search of employment. While men work as unskilled works, their women get work in households .Most people migrate to urban areas in search of employment. Once in the city, they find only underpaid unskilled jobs in the tertiary sector. Thus, with such jobs these persons cannot afford suitable housing in cities where the cost of living is quite high. Hence, they are forced to find accommodation in a settlement or slums.

Spread of education in villages is also responsible for migration of rural people to urban areas. Once a person in a village crosses the matriculation level, the agricultural profession does not interest him. He is on the lookout for an office job and hence the migration and city Life has its own charm.

However, they create several problems in cities. Perpetual flow of people from villages to cities creates many socioeconomic problems. The density of population of cities rises and civic amenities fall short of needs. Law and order situation deteriorates. Prices of essential commodities rise. Housing situation become acute and rents soar. New entrants start living on pavements and thatched huts. That way slum come up, at times, adjacent to or right in the middle of posh colonies.

Problem with Slum Removal

Slum removal by giving accommodation somewhere to slum residents else tends to create problem of job and livelihood. As most of the residents of slum have their occupation near to slums, so providing alternate accommodation in far off area create livelihood challenge. So, rehabilitated people tend to sell their allotted housing and look for housing in slums again. Secondly, selling their alternate accommodation also bring monetary benefits. So, one way to address the problem could be In-situ slum redevelopment.

Government Scheme based on In-situ slum redevelopment Principle

It has been observed that there are a number of deficiencies in the programmes launched by the GOI and their implementation suffers from several roadblocks. The problems in implementation arise both from the people living in the slums, who lack sensitivity towards the benefits of improvement on the quality of their lives and also the implementing agencies which are almost non-functional. The lack of political will to contain the problem compounds the issue manifold. All the state governments in the country are not taking this problem seriously. Many of them do not use the funds allocated to them by the central government for the specific purpose and the money, thus allocated, lapses.

There are certain practical issues also which need to be addressed, e.g., in case of many programmes/ schemes launched for slum population or their rehabilitation, the beneficiaries are required to contribute a certain percentage of cost of housing/ dwelling units, which they are not able to afford. This deprives many beneficiaries of the gain from the government effort as also they remain in the same circumstances even though a lot of public money (through budgetary allocation) is earmarked for improving their lot. Therefore, many such schemes are of no use to the target population. Many a times such funds that come to the states/ UTs as financial assistance are either mis-appropriated or are pocketed by people who are not

really the target population but enjoy political patronage and clout amongst the slum dwellers and are later 'helpful' in getting votes during the civic, state or national elections.

Despite facing several impediments, the local, state and central governments in India have been successful in partially dealing with the problems of slum dwellers.

Pradhan Mantri Awaas Yojana was launched in June 2015 with an aim to provide affordable housing to urban poor.

Under PMAY, it is proposed to build 2 crore houses for urban poor including Economically Weaker Sections and Low Income Groups in urban areas by the year 2022 through a financial assistance of Rs. 2 trillion (US$30 billion) from central government. This Mission has four components viz., **In-situ Slum Redevelopment with private sector participation using land as resource,** Affordable Housing through Credit Linked Subsidy, Affordable Housing in Partnership with private and public sector and Beneficiary led house construction/enhancement.

Case study of Kathputli Slum area

In pursuance of Housing for All, DDA has launched the "In-Situ Slum Rehabilitation Scheme" to rehabilitate slum dwellers. This is a departure from the earlier re-settlement schemes wherein they were shifted and settled in far-off places of occupation and residence leading to unemployment.

Under the scheme, re-settlement will be done on the land occupied by jhuggi-jhonpri clusters with private partnership. The land will be sold through the tender process to a private partner for construction of multi-storey houses.

Under this scheme, the 2800 families of Kathputli shall be given a new lease of life by providing them the latest modern apartments with high-end amenities like attached Bath, Toilets & Kitchens, Tiled flooring, Advanced Fire Detection & Fire Sprinter Systems. Seismic Zone 5 compliant RCC structure designed and certified by IIT/ other reputed structure MEP consultants.

All this is being allotted to the Kathputli residents and the costs are borne by the private developer, who in lieu of this will get a small portion of site for a private development which he can sell in open market to recover the massive construction costs of 2800 apartments at Kathputli colony and another 2800 independent houses at Transit Camp.

Future Reforms

The best way to deal with the problem of slums in cities would be to stop migration of landless labourer from rural to urban areas by providing employment avenues in villages. Different labour intensive industries can be started in villages. Secondly, slum community need to be involved in redevelopment work. Kathputli colony PPP project widely criticized for lack of community voice. This could be a lesson for future Slum redevelopment.

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Role of Civil Society in
Free & Fair Election

Context

Division of work among various institutions is an organizational imperative to the extent a clear delineation of their respective roles and responsibilities facilitates the achievement of higher goals of a polity. However, the reality is that no institution in modern times is capable of discharging its assigned duties autonomously without the help and cooperation of a number of other institutions who have some interest in achieving common goals. Civil societies have emerged in many countries to pursue various objectives ranging from highly charged political movements against oppressive autocratic regimes to economic and social programs for establishing good governance and eradication of hunger and alleviation of poverty. The role of civil society in a country thus could be very diverse: its role in strengthening electoral democracy is one important area of this vast field.

As the elections are coming up in different states, the role of civil society in establishing a fair and just electoral democracy has been analysed.

Democracy is government by the people. People elect candidates who they think best represent their aspiration and demands. This makes sure that these candidates make polices and bring about transformation which is inclusive of all sections of the society. However, there is a big assumption here that elections are free and fair. However, in India election have not been totally free and fair. Politicians often use unfair means to win the elections like bribing of voter, luring them with freebies (like free laptops, home appliances etc.) use of muscle and money power and seeking vote on the basis of Religion, cast, ethnicity etc. Elections won on these basis leads only to short term gain for voters and long term plunder and abuse of power by elected ones. Such unfair elections hurt the democracy. This highlights the role of civil society which could make the process more free and fair.

The civil society played a major role in recently concluded US elections. The upcoming elections in Punjab, Uttrakhand, U.P., Manipur and Goa are also a test case to see how civil society shapes the election process. However, it is important to understand meaning of fee and Fair elections and the role they could play

What is the meaning of Free and Fair Elections?

In the Universal Declaration of Human Rights, Article 21 states that elections must be periodic, genuine, organized according to universal suffrage, and be

conducted by secret ballot. This indirectly is the definition of free and fair elections i.e. Election should be based on principle of universal suffrage should be conducted by secret ballot and they should be genuine to be qualified as Free and Fair Elections.

Electoral laws must offer equal conditions and opportunities for citizens to have access to polling stations and to vote. They also must offer equal conditions and opportunities for all parties and candidates taking part in them. Such equality requires the ability of political parties and candidates to register for elections without unreasonable requirements (such as paying special fees or having a minimum income); that they have balanced access to the media; that laws governing the financing of campaigns are the same for all candidates and do not give one candidate or party an unequal advantage; and that the electoral process is fair and not skewed toward a party or candidate. Overall, political freedoms of expression, conscience, association, and assembly must be protected so that candidates and parties can campaigns without hindrance and have the opportunity to convey their political messages and platforms to the voters.

What role could Civil Society play in Free and Fair Elections?

Civil Society means the entire range of organized groups and institutions that are independent of the state, voluntary, and at least to some extent self-generating and self-reliant. This includes non-governmental organizations, independent mass media, think tanks, universities, and social and religious groups.

To be part of civil society, groups must meet some other conditions as well. In a democracy, civil society groups have respect for the law, for the rights of individuals, and for the rights of other groups to express their interests and opinions. Part of what the word "civil" implies is tolerance and the accommodation of pluralism and diversity.

The first and most basic role of civil society is to limit and control the power of the state. They should keep a check that those in power do not become dictators and authoritarian by circumventing the process of election itself.

A second function of civil society is to promote political participation. NGOs can do this by educating people about their rights and obligations as democratic citizens, and encouraging them to listen to election campaigns and vote in elections. NGOs can also help develop citizens' skills to work with one another to solve common problems, to debate public issues, and express their views.

Third, civil society organizations can help to develop the other values of democratic life: tolerance, moderation, compromise, and respect for opposing points of view. Without this deeper culture of accommodation, democracy cannot be stable and free and fair election could not take place. These values cannot simply be taught; they must also be experienced through practice.

Fourth, civil society is an arena for the expression of diverse interests, and one role for civil society organizations is to lobby for the needs and concerns of their members, as women, students, farmers, environmentalists, trade unionists, lawyers, doctors, and so on. NGOs and interest groups can present their views to political parties or individual contestants. They could ensure that Election manifesto is all inclusive and cater to the legitimate aspirations and demand of all members of whole society.

Fifth, civil society can provide a training ground for future political leaders. NGOs and other groups can help to identify and train new types of leaders who have dealt with important public issues and can be recruited to run for political office at all levels and to serve in state and national cabinets. Experience from other countries shows that civil society is a particularly important arena from which to recruit and train future leaders.

Sixth, civil society can help to inform the public about important public issues. This is not only the role of the mass media, but of NGOs which can provide forums for debating public policies and disseminating information about issues before parliament that affect the interests of different groups, or of society at large.

Seventh, civil society organizations have a vital role to play in monitoring the conduct of elections. This requires a broad coalition of organizations, unconnected to political parties or candidates, that deploys neutral monitors at all the different polling stations to ensure that the voting and vote counting is entirely free, fair, peaceful, and transparent. It is

very hard to have credible and fair elections in a new democracy unless civil society groups play this role.

Eighth, civil society also can help to develop programs for democratic civic education in the schools as well. Civil society must be involved as a constructive partner and advocate for democracy and human rights training.

Conclusion

Scholars have coined phrases like "feckless democracy," "control democracy," "illiberal democracy," and "competitive authoritarianism" to describe countries featuring semi-competitive elections and civil societies too weak or insufficiently developed to assure government accountability. This has been most evident in the post-communist states where democratic revolutions have failed - such as in Belarus (2005) and Kyrgyzstan (2008). Civil society in these countries has been highly donor-dependent, and extends only minimally beyond capital cities. As a result, when civil society activists in these nations have risen up in "free election movements," no one has followed. Other countries where a shallow or weak civil society has abetted the entrenchment of elected authoritarians include Malaysia, Russia, and Cambodia.

A democratic state cannot be stable unless it is effective and legitimate, with the respect and support of its citizens. Civil society is a check, a monitor, but also a vital partner in the quest for this kind of positive relationship between the democratic state and its citizens.

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Right Based Approach in
Policy Making

Context

The government is working on creating awareness related to the different programme and policies to establish informed citizen. It is based on the Rights based approach.

A rights-based approach is a conceptual framework for the process of human development that is operationally directed to promoting and protecting human rights.

It works towards strengthening the capacities of rights-holders to make their claims, and of duty bearers to meet their obligations.

Hereby analyzing the concept of Rights Based Approach, its importance and present scenario in India.

A right based approach is away of empowering people to know and claim their rights and increases the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.

What is Rights Based Approach?

Rights-based approach to development by stipulating an internationally agreed set of norms, backed by international law, provides a stronger basis for citizens to make claims on their states and for holding states to account for their duties to enhance the access of their citizens to the realisation of their rights.

This means raising awarness of what human rights means and giving people greater opportunities to participate in shaping the decisions than impact on their human rights. It also means increasing the ability to those with responsibility to respect, perfect and fulfil human rights.

Using this approach which is integrated into policy – making, as well as the day to day running of organisations, ensures that standards are met for everyone.

According to the Universal Declaration of Human Rights, the equal and inalienable rights of all human beings provide the foundation for freedom, justice and peace in the worlds. Achieving equality and dignity of all also underpins the rights based approach in policy making.

➤ The human rights-based approach focuses on those who are most marginalized, excluded or discriminated against. This often requires an analysis of gender norms, different forms of discrimination and power imbalances to ensure that interventions reach the most marginalized segments of the population.

➤ The rights-based approach deals not just with outcomes but also with how those outcomes are achieved.

➤ It recognizes that people are actors in their own development, rather than passive recipients of services. Informing, educating and empowering them is essential.

➤ Their participation is central, not only to ensure they have ownership over the programme, but also to sustain progress.

Thus right based approach includes:

➤ Giving rights to the people

➤ Participation of people in instituting the rights

- ➤ Creating awareness among people regarding their rights
- ➤ Strengthening the capacity of governments for fulfillment of rights.
- ➤ Establishing grievances redressal mechanisms or mechanisms for enforcing the rights
- ➤ Creating accountability mechanisms

What are the principles of Rights based approach?

In 1997, the Secretary General to the United Nations called to mainstream human rights into all work of the United Nations. Then in 2003, various organizations and agencies met to develop a "Common Understanding" of a human rights-based approach. Giving six main principles:

- ➤ Universality and Inalienability
- ➤ Indivisibility
- ➤ Inter-Dependence and Inter-Relatedness
- ➤ Equality and Non-Discrimination
- ➤ Participation and Inclusion
- ➤ Accountability and Rule of Law

Panel	Principle	What this means for impact assessment
Participation	Everyone has the right to participate in decisions which affect their human rights. Participation must be active, free, meaningful and give attention to to issues of accessibility, including access to information in a form and a language which can be understood.	Who are the groups or individuals most likely to be affected by the proposal? What methods would you use to ensure that those affected by the policy are involved in decisions that affect their human rights, in an active and meaningful way?
Accountability	Accountability requires effective monitoring of human rights standards as well as effective remedies for human rights breaches.	Who is responsible for making sure that human rights are respected, protected and fulfilled? What sources of evidence (Qualitative and quantitative) are you aware of that would help to inform the policy? Are there procedures in place for staff or service users who feel that their human rights have been or are in danger of being breached to hold the organisation to account?
Non-discrimination and equality	All forms of discrimination on grounds such as age, gender, sexual orientation, ethnicity or "other status" (such as health status or poverty) in the realisation of rights must be prohibited, prevented and eliminated, Human rights also requires the prioritisation of rights must be prohibited, prevented and eliminated, Human rights also requires the prioritisation of those in the most marginalised or vulnerable situations who face the biggest barriers to realising their rights.	Have individuals or groups who are more vulnerable to human rights breaches been identified? How might the policy impact on these individuals or groups? Can you identify any actions that you could recommend that would lessen the negative impact of the policy?

Empowernment	Individuals and communities should understand their rights, and be supported to participate in the development of policy and parctices which affect their lives. Individuals and communities should be able to claim their rights where necessary.	What information will those affected by the policy need in order to be able to effectively influence the decision?
Legality	An HRBA requires the recognition of human rights as legally enforceable entitlements and is linked in to national and international human rights law.	What are the possible human rights impacts of the proposal? (Which rights might be engaged? What is the nature of those rights (are they absolute, qualified, limited or to be fully realised progressively)? If they are qualified rights, is any interference necessary to achieve a legitimate aim, and proportionate- that is the minimum necessary interference?

Difference between Right Based Approach and Basic Needs Approach:

➤ Important distinction between 'basic needs' approach and 'rights based approach' is that latter fulfill the rights of people, rather than the needs of beneficiaries.

➤ An unfulfilled need leads to dissatisfaction, while a right that is not respected leads to a violation. Redress or reparation can be legally and legitimately claimed.

➤ A human rights-based approach also seeks to reinforce the capacities of duty bearers (usually governments) to respect, protect and guarantee these rights.

➤ Whereas a needs-based approach focuses on securing additional resources for delivery of services to marginalised groups, a rights-based approach calls for existing resources to be shared more equally, and assisting the marginalised people to assert their rights to those resources.

Right holders and duty bearers under Rights based approach

Implementation of rights based framework is a two-way street:

➤ Individuals and communities need to be fully informed about their rights and to participate in decisions that affect them.

➤ Governments and other duty bearers often need assistance to develop the capacity, the resources and the political will to fulfil their commitments to human rights.

Duty bearers:

A rights-based approach develops the capacity of duty-bearers to meet their obligations and encourages rights holders to claim their rights. Governments have three levels of obligation:

➤ To respect (refraining from interfering with the enjoyment of the right)

➤ To protect and (to prevent other parties from interfering with the enjoyment of rights)

➤ Fulfill every right (to take active steps to put in place, laws, policies, institutions and procedures, including the allocation of resources, to enable people to enjoy their rights.).

Right based approach in India

Indian Constitution incorporates right against discrimination, exploitation since its inception, which are a kind of restrictions on the behavior of others and state and were aimed at removing the discrimination from society. The focus on empowerment, tackling poverty through right to education, right to work, right to food etc of recent origin. These have been supplemented by RTI to ensure accountability on the part of government.

Inspite of these efforts there is serious need to have a relook at the Indian rights based approach, because:

➤ Awareness among the people of their rights and obligations of the state is missing.

➤ Participation of the stakeholders is minimal. There are not enough institutionalized means to ensure participation of marginalized sections of society.

➤ Grievance redressal mechanism are not efficient, judicial systems is too lethargic to meet the demands of rights based approach.

➤ The 'ethical governance' model needed to implement the rights based approachis missing.

➤ Various sections of society like 'Transgenders' are even denied basic rights, which is the grossest form of violation of the human rights.

Dr BR Ambedkar had said "Rights are protected not by law but by the social and moral conscience of the society." Thus, while legislation can be one part of social welfare, it must not be the only part.

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Section 123(3)
of People's Representation Act

Context

The Representation of People Act (RPA), 1951 is an act of Parliament of India to provide for the conduct of elections of the Houses of Parliament and to the Houses of the Legislature of each State. The Act was enacted by the provisional parliament under Article 327 of Indian Constitution, before the first general election.

It contains the provisions for the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

Section 123(3) of the Representation of the People Act, defines a corrupt electoral practice as follows: "The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community."

In a recent judgment on Jan 2, Supreme court ruled that politicians cannot seek votes on the grounds of caste, creed or religion.

This judgment could have significant impact on electoral politics. The SC of India also held that Section 123(3) of the Representation of People Act, 1951 has to be given a broad and purposive interpretation.

What is Section 123 of The Representation of the People Act, 1951?

➤ *Section 123* of the Representation of the People Act sets out certain "corrupt electoral practices". The consequences of being found guilty of engaging in a corrupt electoral practice are severe - they could range from imprisonment to having the election declared void.

➤ *Section 123 (3A) says:* "The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

What was the issue all about?

➤ The genesis of the case lies in the 1990 Assembly elections to the Maharashtra State Legislative Assembly. The appellant Abhiram Singh, a candidate of the BJP, was elected from Santa Cruz constituency.

➤ The respondent, a candidate of the Congress party came in second. It led to an election petition alleging that the appellant had appealed for votes on the basis of Hindu religion. The election petition was allowed by the Bombay High Court in 1991.

➤ Singh went to the Supreme Court in appeal.

➤ The limited question that the Court considered was the interpretation of Section 123(3) of the Act.

What was the previous SC Judgment?

➤ The earlier judgment includes the one in **1995 that equated Hindutva with Hinduism** and called it a "way of life. The "Hindutva judgment"

from 1995, where the Supreme Court had held that since "Hinduism" and "Hindutva" amounted to a "way of life", **not every election speech that invoked these words amounted to a corrupt electoral practice.**

➤ The 1995 judgment had said that "It is a fallacy and an error of law to proceed on the assumption that any reference to Hindutva or Hinduism in a speech makes it automatically a speech based on Hindu religion as opposed to other religions. Hindutva and Hinduism are used in a speech to emphasize the way of life of the Indian people and the Indian cultural ethos,".

What is the Latest Judgment about?

➤ The Supreme Court ruled that politicians cannot seek votes on the grounds of caste, creed or religion.

➤ The recent Court verdict essentially dealt with the **question whether a religious leader's appeal to "HIS" followers to vote for a particular political party would amount to electoral malpractice** under Section 123 of the Representation of People Act.

What is the Core part of the Judgment?

➤ "The appeal by a candidate to vote or refrain from voting for any person on the ground of **HIS** religion..." - Did the underlined word "his" qualify only the electoral candidate (and his agent, or persons speaking with his consent)?

➤ The question before the Court was whether the word **"HIS"** (underlined in the section) qualified only electoral candidates, or whether it qualified the voter as well.

➤ In other words, did the Section only cover statements such as "I am a Hindu, vote for me" and "My opponent is a Hindu, do not vote for him", or did it include a broader range of appeals that also encouraged electors to vote on the basis of their religion (or language, caste etc.).

What were the views and interpretation of the Judges in this case?

Majority View

➤ To justify this interpretation of Section 123(3), **the Majority delved into** the history of the various amendments to the Representation of

the People Act, and concluded that the underlying philosophy of India's election regime was that, in order to maintain the "purity" of the electoral process, certain kinds of arguments had to be taken off the table.

➤ These included appeals to religion, caste, language etc., since they were inherently divisive and contrary to constitutional values.

➤ In his concurring opinion, ex CJI Thakur also held that the secular character of the Indian republic mandated excluding religion from public life altogether.

➤ For this reason, the four judges in the majority decided that the reach of Section 123(3) had to be extended as far as its language reasonably allowed.

Dissenting Opinion

➤ Consequently, as we discuss above, the three dissenting judges held that Section 123(3) must be interpreted narrowly, and that it covered only statements of the kind "I am a Hindu, vote for me", or "My opponent is a Hindu, don't vote for him" - and not broader range of appeals that also encouraged electors to vote on the basis of their religion (or language, caste etc.).

➤ Candidates might have to speak about genuine, legitimate concerns of citizens on the basis of religion, caste language etc and holding them guilty of electoral malpractice for the same will hit at the idea of democracy.

➤ An increasingly activist Supreme Court has allegedly blurred the separation of powers between itself and the other organs of the government.

Is the SC Judgment which has different interpretation by judges logically consistent?

➤ **As a matter of law, by force of numbers, the majority has carried the day.**

➤ There is perhaps no definitive answer to this question. Perhaps it depends, rather, on each citizen's assessment of which constitutional values are paramount.

➤ The recent judgement by the supreme court has stated that 'religion is a private relationship between man and his god'. The apex court further held that "an appeal for votes during elections on the basis of religion, caste, race, community or language, even that of the electorate, will

amount to a 'corrupt practice' and call for disqualification of the candidate."

It has further stated that election is a secular exercise and therefore a process should be followed. The relationship between man an god is an individual choice and state should keep this in mind.

What extra power the SC judgment has given to Election Commission?

▶ Chief Election Commissioner (CEC) guided the law department of Election Commission to work on the modalities and instruction to implement the Supreme Court's judgment.

▶ The model code of conduct has provisions and EC will also use substantive law.

▶ With the pronouncement of this judgment by the Supreme Court the **hands of the election machinery will be further strengthened** and the most important thing is that asking the votes in the name of these categories will invite the provisions of 123 act so all candidates and parties have to be doubly careful.

Rabindranath Tagore's phrase that 'election compaians should transcend the fragmented narrow domentic walls, comes into reality and the true spirit of secular India gets strengthened'.

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One Child Policy
of China

Context

The One child policy of China had huge implication on China's demography. It is projected that by 2050, almost a quarter of China's population will be over 65 years of age, according to the Asian Development Bank. That is up from 8.2 percent of the population in 2010. This has created huge labour shortage. The aging of the population will accelerate, increasing pressure on social security and public services. At the same time, the working-age population will shrink, damaging economic growth and reducing the tax income required to support the elderly.

Due to relaxation in the One child Policy of China, Birth rates in China rose to their highest level since 2000 last year, despite a fall in the number of women of childbearing age.

As China's population approached one billion in the late 1970s, the government became concerned about what effect this would have on its ambitious plans for economic growth. Chinese economic growth rate at that point of time was modest and providing health, education, housing, employment opportunities for a fast growing population would have been a challenge.

Although other family planning programs had already been implemented, helping to reduce the birth rate, Chinese leader Deng Xiaoping decided stronger action was needed.

In the late 1970s, the Chinese government introduced a number of measures to reduce the country's birth rate and slow the population growth rate. The most important of the new measures was a **one-child policy**, which decreed that couples in China could only have one child. However concerned with increasing old age population in future and skewing sex ratio China has done away with one child policy in 2015.

What was one child policy?

The one-child policy, established in 1979, meant that each couple was allowed just one child. Benefits included increased access to education for all, plus childcare and healthcare offered to families that followed this rule.

Those who had more than one child didn't receive these benefits and were fined. State authorities even undertook forced abortion when they found second pregnancy.

Problems with enforcing the policy:

➤ In urban areas, the policy has been enforced strictly but remote rural areas have been harder to control.

➤ It was difficult to track the pregnancies and strictly implement the policy.

➤ Many people claim that some women, who became pregnant after they had already had a child, were forced to have an abortion and many women were forcibly sterilised.

Why it was started?

Chinese started one child policy because during 1970s and 1980s Chinese population was large and if allowed to grow at a greater rate it would have created various kinds of problems related to social and physical infrastructure.

Therefore they adopted it as a family planning tool.

What were its implications?

► Using this population China was able to control its population growth and efficiently utilize its available resources for directing growth. The birth rate in China has fallen since 1979, and the rate of population growth is now 0.7 per cent.

► It is said that from the time the policy was adopted and up till now China prevented 400 million births and thus controlling population growth.

Age structure	
0-14 years	17.2% (2012 est.)
15-64 years	73.4% (2012 est.)
65 and over	9.4% (2012 est.)
Sex ratio	
At birth	1.18 male(s)/female (2010 census)
Under 15	1.13 male(s)/female (2008 est.)
15-64 years	1.06 male(s)/female (2008 est.)

Negative implications:

Though through this policy China was able to control population growth and pre-empt the challenges of poverty, skill development and employment that accompany higher population growth rates, it resulted into many negative consequences for China, like:

► At present only 17% of Chinese population is below 14 years of age. This is threatening the future economic growth of China. In future China will not only have lower precent age of population in working age group but also higher dependency ratio.

► 1 Chinese child will have to take care of 2 of his parents and 4 of his grandparents and thus increasing his burden.

► China has a highly skewed sex ratio of around 847 females to 1000 males at birth. It is attributed to one child policy and greater preference for male child among Chinese parents.

► The phenomenon of gendericide has given rise to the case of missing girls and other social problems like marriage issue.

► Due to a traditional preference for boys, large numbers of female babies have ended up homeless or in orphanages, and in some cases killed.

► Along with this there has been large number of cases of suicides by mothers because of pressure from in laws to undergo sex determination test or for aborting girl child.

Other than these the issue of violation of human rights and personal rights of the parents in a highly atrocious manner is very important. How can a state forcibly decide about the reproductive rights of its citizen and change them without consulting them.

The ethical issues of forced abortion by state to implement one child policy, the trauma through which the parents undergo, corruption in implementation of the policy wherein rich able to bypass the law are other issues which have been continuously raised by human rights groups.

Why it has been changed?

China's one-child policy has been somewhat relaxed in recent years especially after 2013. Minorities were allowed to have two child, couples could apply to have a second child if their first child is a girl, or if both parents are themselves only-children. In 2015 **China has decided to end its decades-long one-child policy**. The decision to allow families to have two children was designed "to improve the balanced development of population" and to deal with an aging population.

Birth rates in China rose to their highest level since 2000 last year, despite a fall in the number of women of childbearing age.

There were 17.86 million births in 2016, an 7.9% increase on 2015, **according to National Health and Family Planning Commission (NHFPC) statistics.**

More than 45% of the babies born in 2016 had one or more older siblings.

Despite these welcome changes the issue of forced implementation and voluntary adoption of the policy, the question of violation of fundamental rights of the citizen by the state remains.

China's fertility rate remains below replacement level - at which a population naturally replenishes itself from one generation to the next - where it has languished for years.

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Sex Ratio in Haryana Touches 900
(Reasons for Success)

Context

Though India witnessed an increase in sex ratio from 927 to 940 during period 2001-2011, but the declining child sex ratio has been a serious issue for policy planners. Importance of balanced sex ratio in ensuring social stability, reducing sexual assaults against women and reducing trafficking etc. required that proper focus should be given to improving child sex ratio. It was as a result of this that various efforts were taken which helped in improving the sex ratio from 834 to 900 in state of Haryana which has become infamous for its lowest sex ratio. As a result of these it achieved a sex ratio of 900 girls as against 1,000 boys in 2016 according to Civil Registration System (CRS) data.

Why Sex ratio was low in Haryana

Haryana state has recorded lowest sex ratio in 2011 census. There were various reasons for the same like entrenched patriarchy resulting into preference for male child, prevalence of dowry which makes a girl child burden in family, absence of education and employment opportunities, poor implementation of PCPNDT Act etc, all of which combined to create a discriminatory environment for girls resulting into female foeticide and lower sex ratio.

Is Haryana only state with very low sex ratio?

Though Haryana has abysmally low sex ratio, the situation is not very good in other states also. Out of 36 States and UTs only 18 have sex ratio above national average with the pack lead by Kerala, Tamil Nadu, Andhra Pradesh and Chhatishgarh. All others have sex ratio less than national average with main reasons remaining generally same.

Fig. 2

What made the child sex ratio improvement in Haryana.

Since the low sex ratio was as a result of number of reasons like people attitude towards girl child (they see them as burden because of dowry, absence of employment etc), poor implementation of PCPNDT Act. Government undertook a number of initiatives to reverse the trend focusing on attitude change, providing empowerment opportunities for females and girls.

➤ **Attitude change:** PM Narender Modi launched Beti Bachao Beti Padhao campaign from Panipat District in Haryana with a strong emphasis on mindset change through training, sensitization, awareness raising and community mobilization on ground. The key elements of the scheme include Enforcement of PC & PNDT Act, nation-wide awareness and advocacy campaign and multi-sectoral action.

➤ **Focus on girl child development:** Union government launched other schemes like Sukanya Samridhi Yojana, Haryana State Government

TARGETS FOR GIRL CHILD CAMPAIGN

1. **Improve sex ratio at birth** in 100 gender critical districts by 10 points in a year (all-India CSR is 918 females to 1,000 males according to the 2011 census)

2. **Reduce gender differentials** in under-five child mortality rate from 59:51 for girls vs boys in 2011 to 55 for girls in 2017

3. **Improve nutrition status of girls** under 5 by reducing number of underweight and anaemic girls (Currently, 7 of 10 children are anaemic and 42.5% underweight)

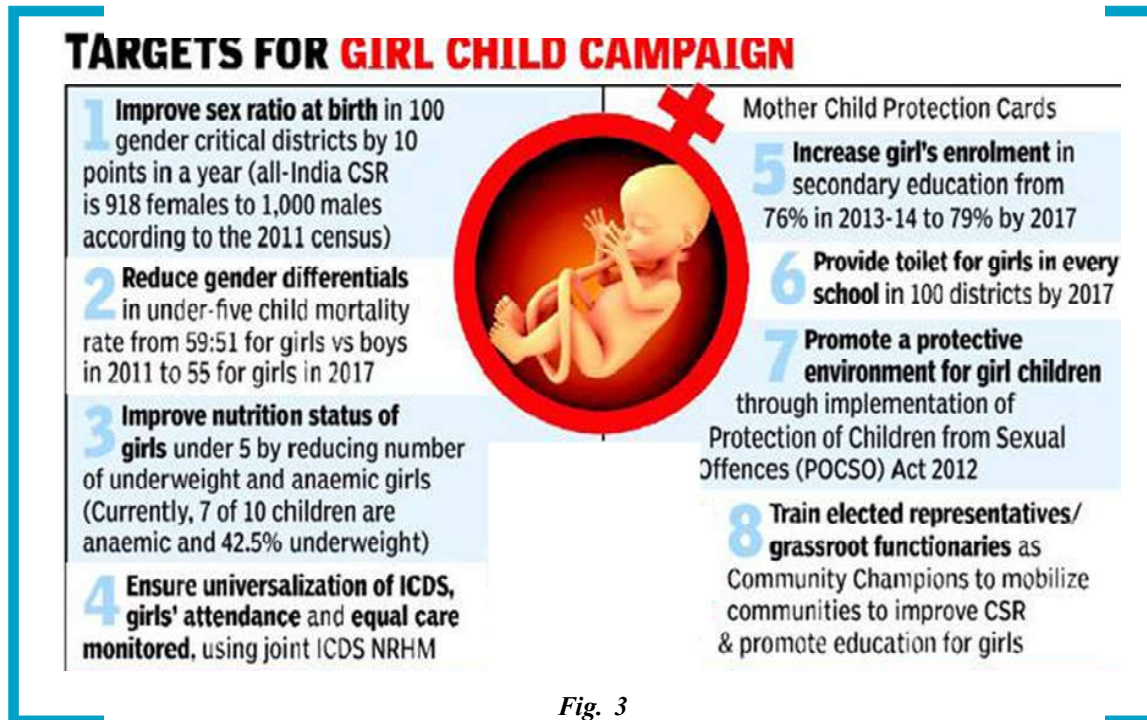4. **Ensure universalization of ICDS, girls' attendance** and **equal care monitored,** using joint ICDS NRHM

Mother Child Protection Cards

5. **Increase girl's enrolment** in secondary education from 76% in 2013-14 to 79% by 2017

6. **Provide toilet for girls in every school** in 100 districts by 2017

7. **Promote a protective environment for girl children** through implementation of Protection of Children from Sexual Offences (POCSO) Act 2012

8. **Train elected representatives/ grassroot functionaries** as Community Champions to mobilize communities to improve CSR & promote education for girls

Fig. 3

launched programmes like 'Aapki Beti Hamari Beti' to provide financial assistance for the education, empowerment of girl child.

► **Strict implementation of law:** Convergence of all departments at the district-level, coupled with strong political will and co-ordinated efforts by all districts in the State, helped achieve this goal. Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994, and the Medical Terminal of Pregnancy (MTP) Act. was strictly enforced through joint action by the administration and police department. As a result, 391 First Information Reports (FIR) were lodged in the State since May 2015 and more than 1,000 offenders arrested.

► However special focus needs to be given on inter-state raids to nab the violators and punish them.

► **People's participation:** Campaign like 'selfie with daughter' was launched so that parents feel pride in sharing their daughters picture, Khap Panahayats also supported the campaign. All these steps went a long way in improving the campaign.

► Creating awareness through regular meetings, street plays and rallies in urban and rural areas was another key aspect of the programme.

► **Female icons:** Haryana girls, including Sakshi Malik, Geeta Phogat, Babita and Deepa Malik

who had won laurels for the country in sports were roped in for BBBP campaign which helped the cause "tremendously". Kalpana chawla has sets the iconic example from the state to follow.

What else should be done?

Increase in sex ratio is a welcome sign, but governments should not stop here and efforts must continue till the imbalance in sex ratio is completely removed. This requires a lot of other areas to be focused like:

► Reducing poverty and improving the nutritional status of family (especially females members) so that the IMR, MMR and female child mortality rates are reduced.

► Increasing neighbourhood school facilities so that girls don't have to go long distance. If schools are far away parents are reluctant to send their girl to school, which effects overall development of girl child.

► Reducing the sexual crime rate against women

► Increasing employment opportunities for women.

► Focusing on inter-state co-operation to ensure strict implementation of PCPNDT Act and MTP Act.

► Steps should be taken to abolish the evil of dowry.

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Green Bond **Market**

Context

India has embarked on an ambitious target of building 175 Gigawatt of renewable energy capacity by 2022, from just over 30 Gigawatt now. This requires a massive $200 billion in funding. Green Bonds have emerged as the main source for funding.

Green bond issuance in the country witnessed a 30 per cent year-on-year increase in 2016. These green bonds have been crucial in increasing financing to sunrise sectors like renewable energy, thus contributing to India's sustainable growth.

Hereby analyzing the significance of Green Bond Market in improving the renewable energy sector.

Green bonds, which finance environmentally friendly businesses and assets, have emerged as one of the key financing mechanisms driving the global economy's transition to a greener future. Penetrating markets across developed and emerging economies, green bonds have seen extensive participation from corporates and financial institutions, including sovereign and municipal bodies and have risen to $180 billion in cumulative issuance.

What are green bonds?

A green bond is like any other regular bond but with one key difference: the money raised by the issuer are earmarked towards financing 'green' projects, i.e. business activities that are environment-friendly. Such projects could be in the areas of renewable energy, clean transportation and sustainable water management.

What are its benefits?

► It helps in showcasing the issuers commitment towards sustainable development.

► It helps in accessing finance for green projects, helps tackling climate change. It also provides issuers access to specific set of global investors who invest only in green ventures.

► With an increasing focus of foreign investors towards green investments, it could also help in reducing the cost of capital.

► Green bonds typically carry a lower interest rate than the loans offered by the commercial banks. Hence, when compared to other forms of debt, green bonds offer better returns for an independent power producers.

► It inherently carries lower risk than other bonds because proceeds are raised for specific green projects, but repayment is tied to the issuer, not the success of the projects and thus provide a safe investment opportunity.

When did the concept start?

In 2007, green bonds were launched by few development banks such as the European Investment Bank and the World Bank. Subsequently, in 2013, corporates too started participating, which led to its overall growth.

What is the performance of green bond market in India

► In India, Yes Bank was the first bank to come out with a issue worth Rs 1,000 crore in 2015. Following this, few other banks too had green bond issuances. CLP India, was the first Indian company to tap this route.

► Green bond issuance in the country witnessed a 30 per cent year-on-year increase in 2016,

cumulatively amounting to about Rs.18,131 crore (equivalent to $2.7 billion) and making India the seventh largest green bond market globally.

Green bond market in India has been greatly helped by regulators like SEBI and RBI. The extent of partial credit enhancement provided by banks has been increased to 50 per cent from 20 per cent of the bond issue size, while also permitting banks to issue masala bonds - key moves that will bolster the Indian green bond market.

Why are green bonds important for India?

India has embarked on an ambitious target of building 175 Gigawatt of renewable energy capacity by 2022. This requires a massive $200 billion in funding. A reports suggest, higher interest rates and unattractive terms under which debt is available in India raise the cost of renewable energy by 24-32 per cent compared to the U.S. and Europe.

What are the risks and challenges?

► Globally, there have been serious debates about whether the projects targeted by green bond issuers are green enough. There have been controversies too. Reuters a few months back reported how activists were claiming that the proceeds of the French utility GDF Suez's $3.4 billion green bond issue were being used to fund a dam project that hurts the Amazon rainforest in Brazil.

► The downside is that green bonds in India have a shorter tenor period of about 10 years in India whereas a typical loan would be for minimum 13 years. This is less when compared to many international issuances.

Expectations from 2017 and beyond

With increasing interest from the government and market regulators, 2017 is expected to see further developments in terms of innovations and supporting policy and regulatory frameworks aimed at bringing more clarity and impetus to the space.

► There is a need for developing a formal definition of 'green' by SEBI to ensure understanding across sectors.

► Following global trends, the upcoming year is poised to witness the first 'blue bond' issuance (bonds used to specifically finance water infrastructure) in India.

► Many standalone green projects such as roof top solar, energy efficiency and rural water supply still remain unattractive to institutional investors owing to the smaller scale and vast geographical spread. **Aggregation and Securitization** of such projects could be a welcome move in providing mainstream debt to small-scale green projects.

► The Indian government's ambitious push for smart cities has opened opportunities for private sector

> **Securitization:** Securitization is the process through which an issuer creates a financial instrument by combining other financial assets and then marketing different tiers of the repackaged instruments to investors, and this process can encompass any type of financial asset and promotes liquidity in the marketplace.
>
> The process creates liquidity by enabling smaller investors to purchase shares in a larger asset pool.
>
> Securitization provides creditors with a mechanism to lower their associated risk through the division of ownership of the debt obligations. The investors effectively take the position of lender by buying into the security. This allows a creditor to remove the associated assets from their balance sheets.

participation and may soon culminate into India's first green muni bond.

With developed countries reaffirming their $100 billion mobilisation goal per year by 2020 to support climate action in emerging nations, utilisation of green bonds as an effective vehicle to tap into climate funds is anticipated to grow. Collective participation of regulators, policy makers, corporate and financial institutions is going to be crucial in pushing frontiers of green bonds further, unleashing new opportunities in addressing climate change.

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Trump
and Emerging Economies

Context

The president-elect's promise to put "America first" has the international community on edge, sending economic shockwaves across the globe. His focus on populist measures like anti-trade pact, anti-immigration trade to revive US economy, to boost local employment opportunities has got support from Americans but has put a serious question in front of developing countries which have benefitted a lot from liberalization of trade, visa regulations and integration of value chains. However it also indicates that how economic downturn can force a super power to take a u-turn on the 'liberalization of trade' issue and adopting protectionist measures, but again showing that rules and policies are made by super powers to be followed by others.

Trumps' Economic Policies and their impact on emerging economies:

For now, discussions of the impact of a Trump administration are speculation, based on what he has said during the election campaign. But if he follows through on promises the impact of his Economic policies on emerging economies will be quite damaging in areas of employment generation, growth, poverty reduction etc.

What could be the impact of Trump's Trade policy?

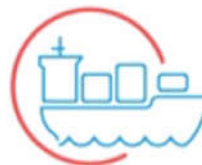▶ Trump during his election campaign has focused on reversing facts, especially TPP. It has been found that developing countries are the major beneficiaries of ftas because of cost competitiveness they enjoy on account of low cost manufacturing, labour costs etc. Any hike in import duties, reneging on trade liberalization will be harmful for developing countries of Asia-Pacific, South Asia etc. Which has significant trade relationship with USA (India has bilateral trade of nearly USD75 with USA with favourable trade balance).

▶ Calls for punitive tariffs on China may also affect manufacturing in other developing countries in Asia-Pacific because of higher degree of integration in value chains.

POLICY HIGHLIGHTS

TRUMP

FOREIGN TRADE
+ Remove support for TPP
+ Scrap existing agreements like NAFTA
+ 35% to 45% tariffs on Mexico and China

IMMIGRATION
+ Clear break from current administration's drive to remove deportation threat and facilitate work permits

Fig. 4

▶ The TPP, for example, was expected to boost economic growth among participating countries in the Asia-Pacific through 2030. Vietnam's gross domestic product was projected to grow 10 percent faster by 2030 while Malaysia's growth was predicted at 8 percent faster, according to a World Bank analysis.

- Even if the worst threats remain just that, they create an atmosphere of uncertainty about the future of US trade policy. That ambiguity alone could deter foreign investors and undermine opportunities for economic growth in developing countries.

- It will further impact the negotiations under WTO's Doha Round and other issues which are of very much importance for developing countries.

What could be the Trump immigration policy?

- Skilled people from developing countries has been the beneficiary if US liberal visa regime, with IT sector from India being the major beneficiary. With 'America First' Policy resulting into stricter visa regime. Plans to cut down on work visas, known as H-1B, that allow skilled foreign workers to work full-time in the US for at least six years can hurt Indian engineers and from other developing countries badly.

- Infosys, India's second-largest IT firm, may for instance "have to accelerate hiring of locals" in the US and "start recruiting freshers from universities there.

- It will not only impact the employment opportunities from developing countries but also the exposure these professionals got from US, the profits of companies which now will have to hire higher cost labor from US, the remittances to developing countries.

What could be the Trump Taxation Policy?

- In order to boost US economy Trump has focused on lowering tax rates. This, in combination with threat to impose higher import duties will lure mncs to setup their manufacturing units in US. The FDI's which has been flowing out of US in search of low cost manufacturing destinations will reduce. Developing countries across world, especially in Asia were the major beneficiaries of this which had helped them in becoming the part of global value chains.

- Any such stance will negatively impact economic development of developing countries, by stemming the flow of funds.

Foreign Aid Programme:

- US has long presented as itself as a leader in global development, being single largest donor in humanitarian and development efforts, having sizeable contribution to development banks like World Bank, with USAID (US Agency for International Development) committing large funds for global development efforts. Under President Barack Obama's budget proposal for 2017, foreign aid requested by the State Department, which funds USAID, tops $42.4 billion.

- With Trump focusing on 'America First' policy, this development aid could see sharp cuts effecting development efforts globally, especially in Africa in areas of food security, health, urbanization etc.

What could be the Trump Climate Change Policy?

- Mr. Trump has called the threat of climate change as a hoax and has threatened to pull out of climate talks. All this, if happens, will not only be very much harmful for global efforts to tackle climate change but also to the adaptation efforts by developing countries which need huge amount of funds, technology etc.

- The pledge for providing $100 billion as Green Climate fund appears doubtful under these circumstances.

However everything is not so bleak under Trump's economic policies. If all these policies revive US economy it will also help in global recovery which will boost growth in developing countries also as US will continue to be major importer and it is also not possible to move away from the globally distributed value chains all of a sudden.

Strengthening of US dollar with US economic recovery will also make exports from other countries more competitive.

New dynamics will emerge in various multilateral institutions like G7, G20, WTO, IMF and WB which till now has been staunch supporters of liberalization and anti-protectionists. New alignments, economic engagements among other countries will significantly change global economic landscape, trade flows etc.

In view of all these China can fill the void left by USA. RCEP at the place of TPP, AIIB and NDB

dominated loans, aid from China, greater integration under OBOR and MSR are expected to be new realities.

But in global geopolitics economics and strategic requirements can't be separated, therefore it will be very difficult for President elect Mr. Trump to walk the talk because the global strategic imperatives.

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Air Pollution
and Health Impact

Context

A new report- Ambient Air Pollution: A Global Assessment of Exposure and Burden of Diseases - by the World Health Organisation (WHO) on ambient air pollution levels shows that with very high levels of particulate matter measuring 10 microns or less, Delhi is among the most polluted cities in the world.

It seems that Air pollution is just a problem of big cities all across the world, but in India most of the cities are facing this problem. According to a recently released report by Greenpeace India, no Indian city complies with air quality standards prescribed by the World Health Organisation (WHO) and very few cities in southern India comply with the norms set by the Central Pollution Control Board (CPCB). This means that Air pollution is not a problem of big metropolitans but effects majority of cities and it is a national problem. In this context it is important to see how Indian cities do in terms of Air pollution and steps taken to curb it.

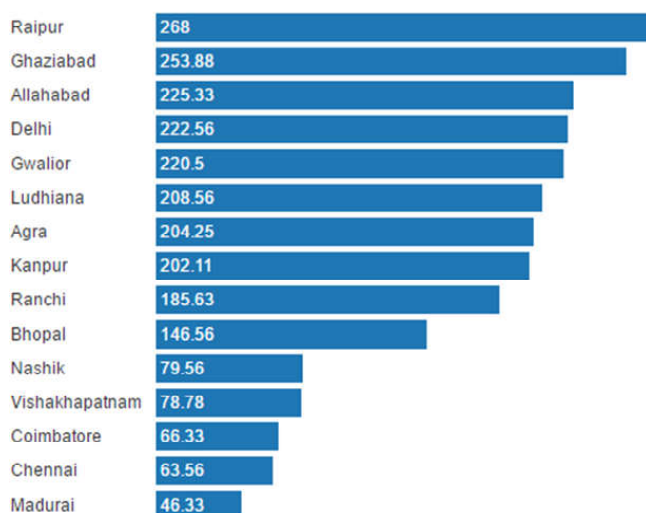## What are the causes of Air pollution?

Air pollution in India is quite a serious issue with the major sources being fuelwood and biomass burning, Industrial chimney wastes, Thermal power stations, vehicle emission and traffic congestion. In autumn and winter months, large scale crop residue burning in agriculture fields - a low cost alternative to mechanical tilling - is a major source of smoke, smog and particulate pollution. India has a low per capita emissions of greenhouse gases but the country as a whole is the third largest after China and the United States.

What are the trends in Air pollution?

Particulate matter (PM) is widely acknowledged as the most serious problem in Indian cities. PM is the most harmful to human health, and real time air quality bulletins from Central Pollution Control Board (CPCB) also show particulate matter as the predominant pollutant in almost all the Indian cities.

Statistics for PM 10 levels from 2007 onwards show that cities in southern part of the country have much cleaner air than those in the north. Cities like Ghaziabad, Allahabad, and Raipur recorded much worse PM 10 levels than Delhi in the last decade. The north-south divide manifests itself in data going back to the 1990s as well.

Annual average PM10 levels between 2007 to 2015 (micrograms per cubic metre)

City	PM10
Raipur	268
Ghaziabad	253.88
Allahabad	225.33
Delhi	222.56
Gwalior	220.5
Ludhiana	208.56
Agra	204.25
Kanpur	202.11
Ranchi	185.63
Bhopal	146.56
Nashik	79.56
Vishakhapatnam	78.78
Coimbatore	66.33
Chennai	63.56
Madurai	46.33

Data for 2007 was unavailable for Ghaziabad, Raipur, Gwalior and Ranchi

Fig. 5

What explains this north-south divide in air pollution? Both man-made and natural factors are responsible for this. With higher population density, and much larger number of vehicles on road, the amount of pollutants emitted in Northern India is much more

than in the south. The stark temperature difference between winters and summers not only changes wind patterns, it also raises energy consumption, both fossil fuel and biomass, in North India. Biomass burning, a significant contributor of PM2.5 emissions, spikes in North India during winters because of the intense cold. Topographical and meteorological conditions, mainly wind flow characteristics, control both pollutant dispersion and residence time of airborne pollutants. With Himalayas on the north acting as a barrier and limited availability of large water bodies acting as sinks, the dispersion of pollutants is limited in the Northern part of the country, particularly the Indo Gangetic Plain. In contrast, coastal regions in the south have fresh winds coming in and polluted air blown out to the sea which controls pollutant levels significantly. Educational levels being lower in the north probably account for lower environmental awareness which leads to callous attitude towards environmental issues.

How do Indian cities compare worldwide? A look at the WHO database of the world's most polluted cities show that only four Indian cities feature among the top 25 most polluted cities in the world for PM10 pollution. But for PM2.5, twelve Indian cities feature in the top 25 most polluted cities. The country that features the next highest number of cities is China, with 5 cities in the list.

> **SDG and Air pollution**
>
> **SDG Indicator 3.9.1:** Mortality rate attributed to household and ambient air pollution for the health goal (SDG 3). ·
>
> **SDG Indicator 11.6.2:** Annual mean levels of fine particulate matter (PM2.5) in cities (population-weighted) for the urban sustainable development goal (SDG 11).
>
> **SDG Indicator 7.1.2:** Proportion of population with primary reliance on clean fuels and technologies for the sustainable energy goal (SDG 3).

Impact

In India, an estimated 1.5 million people died from the effects of air pollution in 2012, according to WHO data. According to Greenpeace India report,

More people died of air pollution in India than China last year. .Globally, air pollution - both indoor and outdoor - caused nearly 7 million deaths, or 11.6% of deaths in 2012, making it the world's largest single environmental health risk, according to World health statistics 2016. Exposure to high levels of pollutants affects lung capacity and predisposes children to respiratory problems in later life. Air pollution impacts both cardiovascular and respiratory health of the population, both in long- and short-term.

Particulate matter consists of a complex mixture of solid and liquid particles of organic and inorganic substances suspended in the air. The major components of PM are sulphates, nitrates, ammonia, sodium chloride, black carbon, mineral dust and water. The most health-damaging particles are those with a diameter of 10m or less, which can penetrate and lodge deep inside the lungs. Both short- and long-term exposure to air pollutants have been associated with health impacts.

Steps taken to curb Air Pollution

Reducing the deaths and ill-health from air pollution is one of the targets of sustainable development goal. The Government has taken a series of steps to address issues related to air & vehicular pollution, industrial pollution etc. in cities, towns and metropolises. The major steps being taken by the Government to control pollution inter alia include the following:-

► Notification of National Ambient Air Quality Standards

► Formulation of environmental regulations / statutes;

► Setting up of monitoring network for assessment of ambient air quality;

► Introduction of cleaner / alternate fuels like gaseous fuel (CNG, LPG etc.), ethanol blend etc.;

► Promotion of cleaner production processes.

► Launching of National Air Quality index by the Prime Minister in April, 2015;

► Decision taken to leapfrog directly from BS-IV to BS-VI fuel standards by 1st April, 2020;

► Taxing polluting vehicles and incentivizing hybrid and electric vehicles;

- ➤ Notification of Construction and Demolition Waste Management Rules;
- ➤ Ban on burning of leaves, biomass, municipal solid waste;
- ➤ Promotion of public transport network of metro, buses, e-rickshaws and promotion of car pooling,

Pollution Under Control, lane discipline, vehicle maintenance;

- ➤ Revision of existing environmental standards and formulation of new standards for prevention and control of pollution from industries.

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Animal Poaching
International Cooperation

Context

Poaching and its potential linkages to other criminal, even terrorist, activities constitute a grave menace to sustainable peace and security.

High profit margins and weak governance provide a breeding ground for corruption along the entire illegal trade chain.

Various stakeholders from politics, civil society and the private sector need to be involved for dealing with such a menace. Recently, China stated to ban trade of ivory to effectively reduce Poaching.

Animal poaching is illegal killing of animal. The biggest reason is commercial need of animal body parts and flesh. The demand is in one end of globe but poaching takes place in jungles of Africa and Asia and America. Illegal international wildlife trade takes place across globe to match demand and supply and it is estimated to be worth billions of dollars. In this context International cooperation is necessary to address this menace. The recent announcement by china to stop Ivory trade is a step in right direction. More of such concentrated International efforts are needed to stop poaching.

What is Poaching and what are its motives?

Poaching is the illegal taking of wildlife, in violation of local, state, or international law. Activities that are considered poaching include killing an animal without a license, with a prohibited weapon, or in a prohibited manner.

The key motives for poaching are the lack of employment opportunities, poverty and a limited potential for agriculture and livestock production. This combined with commercial value of animal body parts and meat creates incentives for poaching. Body parts of wildlife are also in demand for traditional medicine and ceremonies. Another major cause of poaching is due to the cultural high demand of wildlife products, such as ivory, that are seen as symbols of status and wealth.

Deep-seated cultural beliefs also provide a motive for poaching. The body parts of many animals, such as tigers and rhinoceroses, are believed to have certain positive effects on the human body, including increasing virility and curing cancer. These parts are sold in areas where these beliefs are practiced - mostly Asian countries particularly Vietnam and China - on the black market.

Traditional Chinese medicine often incorporates ingredients from all parts of plants, the leaf, stem, flower, root, and also ingredients from animals and minerals. Rhino populations face extinction because of demand in Asia (for traditional medicine and as a luxury item) and in the Middle East (where horns are used for decoration.

Ivory, which is a natural material of several animals, plays a large part in the trade of illegal animal materials and poaching. Ivory is a material used in creating art objects and jewellery where the ivory is carved with designs. China is a consumer of the ivory trade and accounts for a significant amount of ivory sales. Fur is also a natural material which is sought after by poachers.

The existence of an international market for poached wildlife implies that well-organised gangs of professional poachers enter vulnerable areas to hunt, and crime syndicates organise the trafficking of

wildlife body parts through a complex interlinking network to markets outside the respective countries of origin.

Effects of poaching

The detrimental effects of poaching can include:

▶ Loss of forests - Predators, herbivores and fruit-eating vertebrates cannot recover as fast as they are removed from a forest; as their populations decline, the pattern of seed predation and dispersal is altered.

▶ Reduction of animal populations in the wild and possible extinction.

▶ The effective size of protected areas is reduced as poachers use the edges of these areas as open-access resources.

▶ Wildlife tourism destinations face a negative publicity and employment opportunities are reduced.

▶ Emergence of diseases caused by transmission of highly variable retrovirus chains. For ex. Outbreaks of the Ebola virus in the Congo Basin and in Gabon in the 1990s have been associated with the butchering of apes and consumption of their meat.

▶ The illegal ivory trade has been linked to terrorist organizations like Boko Haram for terror financing.

International Efforts against poaching

Globally, efforts to address poaching and wildlife trafficking have evolved over time and are focused upon reducing both the supply and demand aspects of the illegal wildlife trade. This involves both enhancing protection of wildlife on the ground (reducing supply) and increasing public awareness and education campaigns in consumer markets (reducing demand). Both governmental and non-governmental organizations are actively engaged in on the ground and overseas efforts to prevent poaching and wildlife trafficking.

Some positive steps undertaken by International community are:

CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention) is a multilateral treaty to protect endangered plants and animals. It was drafted as a result of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN). The convention was opened for signature in 1973 and CITES entered into force on 1 July 1975. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species in the wild, and it accords varying degrees of protection to more than 35,000 species of animals and plants.

The **UN Office on Drugs and Crime (UNODC) is the** lead department working on issues related to wildlife and forest crime. In 2010, UNODC and 4 other international bodies formed an **International Consortium on Combating Wildlife Crime** (ICCWC). ICCWC's mission is to strengthen criminal justice systems and provide coordinated support at national, regional and international level to combat wildlife and forest crime. The 4 other organizations are:

▶ CITES Secretariat

▶ International Criminal Police Organization (INTERPOL)

▶ World Bank

▶ World Customs Organization (WCO)

Case study - China

As highlighted in the beginning the motive behind poaching is mainly commercial, with bulk of the demand coming from Asia especially China. However, recent steps undertaken by China will reduce the demand of animal products and will effectively reduce Poaching.

African ivory is highly sought after in China where it is seen as a status symbol and prices for a kilo (2.2 pounds) can reach as much as $1,100 (£890). Conservationists estimate that more than 20,000 elephants were killed for their ivory last year, with similar tolls in previous years. The WWF campaign group says 415,000 of the animals remain.

In September 2016, United States and China agreed on working together to enact "nearly complete bans" on the import and export of ivory. It is especially significant for China because the Chinese government itself controls-and for years essentially encouraged-the ivory trade in that country.

During the recently concluded sixth Forum on China-Africa Cooperation (FOCAC) - a high-level trade

summit held in Johannesburg, South Africa - a action plan was agreed between China and Africa. The action plan announces strengthening cooperation in the area of wildlife protection, help African countries to improve their protection capabilities and jointly fight against the illegal trade of fauna. and flora products, especially addressing endangered species poached on the African continent, in particular elephant and rhino. Recently China has announced that it will shut down its domestic ivory trade by the end of 2017.This is a positive step and such steps should also be taken by other Asian Countries.

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Future Challenges to Judiciary
- New Rules, Cyber Crimes, Globalisation

Context

The cultural development of the society leads to complexity of exchanges, interactions. The socio-economic transformation based on technological developments is creating the same complexities. When new forces of globalization, technological advancements like internet, surrogacy are sweeping the world, Indian judiciary is going to face various new challenges in addition to those already present like huge pendency, vacancies, poor infrastructure. These challenges were highlighted by the retiring CJI TS Thakur alluded during his farewell speech.

The society or the social structure cannot be static. It is changing rapidly as per the changing circumstances. New scientific and technological innovations are coming up day-to-day. The implementation of new scientific innovations is accordingly affecting the social structure. The law also cannot manage to be static. It has to be implemented in the changing circumstances without violating its basic structure.

What are the future challenges that Indian Judiciary is going to face?

The advancements in technology and forces of globalization are changing the way individuals, companies and nations interact. These are creating new realities which were hitherto limited to realm of imagination. To tackle all these new laws, rules, legal education system, legal professionals are needed. How successfully all these are implemented will determine the strength, vibrancy of Indian judiciary and peace, stability, socio-economic development of Indian democratic society.

Some challenges:

A. Internet is going to present several challenges like:

➤ Cyber crimes: cyber crime has emerged as new area which is presenting threat to not only the law enforcement agencies but judiciary also. There are many areas which are not covered by IT act (eg. pornography, cyber stalking, revenge porn etc.).

➤ Move towards digital India, availability of demographic data with governments and focus on cashless economy are going to put new pressure regarding how to settle disputes in these areas.

➤ The questions arises whether the freedom of speech and expression should be extended to social media, internet, etc when there is malicious and virulent content is spread through it.

➤ The right to privacy in era of internet, how to deal with MNCs with huge amount of information on Indians but not under Indian laws.

These are some of the issues which will test the capacity of Indian judicial system. These issues become more acute when the legislature work is being delayed, the laws are not there to tackle these issues, there is paucity of legal professionals who all well versed in these areas and education system has not developed curricula for these areas.

The rate at which people are adopting latest technologies is much faster than the rate at which laws, rules, regulation and adjudication system for

them is prepared which leads to the exploitation of the poor and marginalized as happened in case of surrogacy. This also creates unpredictability and vagueness which could be very harmful for adoption of technology in long term.

B. Medico-legal cases and genetics

The advancements in medical technologies, genetics etc are creating new issues of parenthood, citizenship along with various ethical, safety issues about which rules are still not clear.

The courts' ability to handle complex science-rich cases has recently been called into question, with widespread allegations that the judicial system is increasingly unable to manage and adjudicate science and technology (S&T) issues. Critics have objected that judges cannot make appropriate decisions because they lack technical training, that jurors do not comprehend the complexity of the evidence they are supposed to analyze, and that the expert witnesses on whom the system relies are mercenaries whose biased testimony frequently produces erroneous and inconsistent determinations. If these claims go unanswered, or are not dealt with, confidence in the judiciary will be undermined as the public becomes convinced that the courts as now constituted are incapable of correctly resolving some of the most pressing legal issues of our day.

There is need to replace the current system to make it more suited to the demands of science and technology.

C. Globalization

With increasing there is an imperative need for sufficiently investment in the multilateral processes of rule-making and dispute-resolution while at the same time offer a balanced response to the resulting complexities through our domestic legal systems.

How the issues which are of very much concern of India like socio-economic justice are to be concealed with the issue of profit maximization by MNCs, ease of doing business etc, land acquisition and exploitation of natural resources needs to be thought out. Otherwise these can cause serious challenges.

The BITs (Bilateral Investment Treaties), recourse to arbitration, multilateral dispute resolution etc are the other areas which are challenging. While investors seek protections against unanticipated contingencies, they rarely undertake commitments to contribute to equitable development in the host country. Furthermore, treaties concerning trade and investment tend to be negotiated in an environment of secrecy with limited public participation. Can the DPSPs or Fundamental Rights be extended to these areas, can a farmer who loses his livelihood because of FTA with other country can take recourse to Right to life available under art.21 or under art. 19 are some of the issues which can emerge in future.

With the rise of right world over, with increasing focus on inequalities created by free-market and globalization and recognition that technological developments creates new challenges for society there is urgent need to focus on developing capabilities of Indian judiciary and legal professionals in these areas. It will help in building a just society, in which laws are respected and everyone has share in fruits of growth.

Conclusion

It is rightly said by former CJI T.S. Thakur, "We can become a superpower only when the judiciary is suitably empowered. We can achieve this task (of reducing pendency) with the cooperation of all people associated with the administration of justice."

As the society is changing very fast, thus to handle the above stated issues judiciary have to reframe its working procedure. Training should be provided to the present workforce as well as to end the backlog new recruitments should be done.

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Police Reform with Respect to

Cyber Security

Context

Over the past ten years, crime (traditionally based in the world of physical entity) has been increasingly making its way into the world of information. Crime is evolving; since the days when goods were transported by stagecoach, robbery has changed to keep up, even to our modern-day equivalent credit and debit cards. Internet credit card number theft has become a well-recognized danger. The most common forms of computer crime reported include child pornography, fraud, and e-mail abuse. Even more disturbing are new forms of cyber-terrorism.

But the number of cases solved by the cyber cell has remained consistently low. This specifies the need to bring police reform in line with respect to Cyber Security.

This is happening as Indian police force lacks the cyber crime investigation capabilities. Even the cyber crime cells of India lack expertise in fields like cyber law and cyber crimes. The truth is that police in India needs urgent cyber law training and a trained cyber police force of India is urgently needed.

Hereby, analysing the current scenario related to police reform with respect to cyber security.

The advancement of technology has made man dependent on Internet for all his needs. Internet has given man easy access to everything while sitting at one place. Social networking, online shopping, storing data, gaming, online studying, online jobs, every possible thing that man can think of can be done through the medium of internet. Internet is used in almost every sphere. With the development of the internet and its related benefits also developed the concept of cyber crimes.

Cyber crimes can be defined as the unlawful acts where the computer is used either as a tool or a target or both. The term is a general term that covers crimes like phishing, credit card frauds, bank robbery, illegal downloading, industrial espionage, child pornography, kidnapping children via chat rooms, scams, cyber terrorism, creation and/or distribution of viruses, Spam and so on.

Cyber crime is a broad term that is used to define criminal activity in which computers or computer networks are a tool, a target, or a place of criminal activity and include everything from electronic cracking to denial of service attacks. It also covers the traditional crimes in which computers or networks are used to enable the illicit activity.
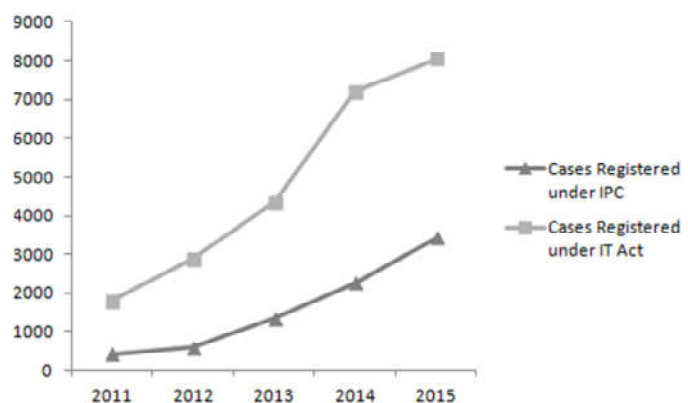

Fig. 6

With increasing internet penetration, cyber crimes have also increased in the last few years. Between 2011 and 2015, the number of cyber crimes registered in the country has gone up 5 times. Maharashtra &

Uttar Pradesh alone accounted for 1/3rd of these crimes.

What is the current Situation?

The Indian system of policing and criminal investigation is still stuck in the old ways of information gathering and beating out a confession from the suspects. The police force are completely untrained on modern methods of criminal investigation, which requires skills for managing and operating highly sophisticated technologies.

Today with the growing arms of cyber space the territorial boundaries seems to disappear but Jurisdiction remains highly debated issue till date. Police are facing this particular problem as there remains a sense of confusion as to whose jurisdiction the case will fall.

A law regulating the cyber-space has already been enacted by India thought there is lack of any operational manual which describes the methods of conducting an investigation relating to cybercrimes.

With the advent of cyber cells at various cosmopolitan cities in India, there is also an imperative need to build a high technology crime & investigation infrastructure, with highly technical staff at the other end. The current staff of cyber cells comprises of a mixture of police officers and IT experts. While additional recruitment is welcome, the effort should be to improve the technical capabilities of the police department as a whole, rather than only the cybercrime cells. Police are quite often handicapped in undertaking effective investigation for want of modern gadgets such as high-capacity data-transfer tools, software's, designed for analysis of phones, tools for recovering passwords using brute force, etc. Forensic science laboratories are scarce at the district level, which can render timely assistance to the investigating Police.

The result is that Police heavily lean towards oral evidence, instead of concentrating on scientific and circumstantial evidence.
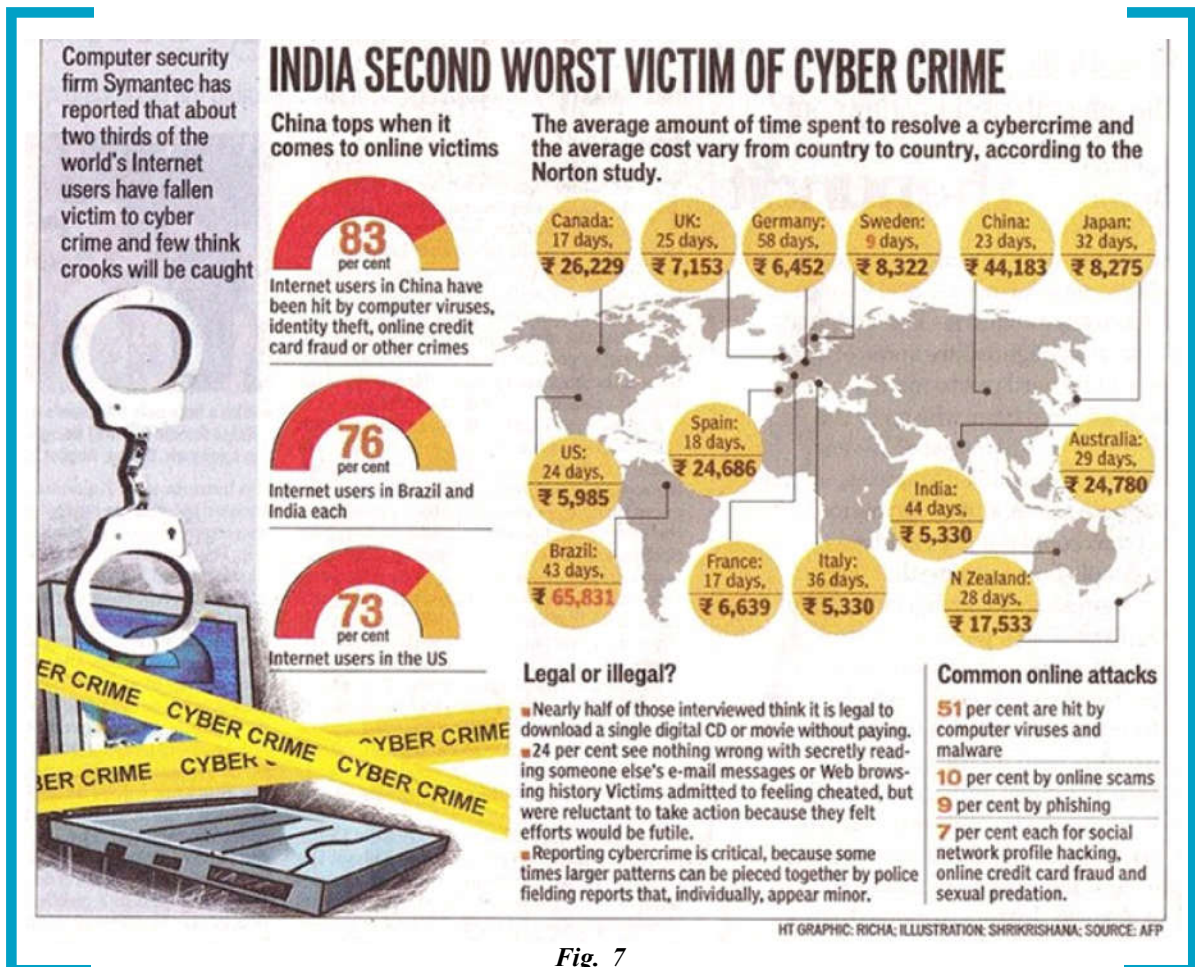

Fig. 7

What are the reforms required in Policing System?

The police force needs to keep pace with changing times. Modernization of the force has become inevitable especially in cyber security, counter-terrorism/insurgency and relying on technology for policing. This calls for more investment especially for modernization and technological and institutional upgradation.

The State need to build adequate technical capacity in handling cyber crime including technical infrastructure, cyber police stations and trained manpower for detection, registration, investigation and prosecution of cyber crimes.

There should be an e-filing system for filing of FIR keeping in mind the digitalization of many government bodies and also to reduce the burden on the victims to approach physically at the police station. Process re-engineering is required to ensure that the current cumbersome procedure of a complainant having to go to a police station to file an FIR is replaced with a single emergency response interface, which can bring the police to the doorstep of the victim in distress. There is a need of a centralized online cybercrime reporting mechanism in India, which provides victims of cybercrime, a convenient and easy reporting mechanism that alerts authorities of suspected criminal or civil violations. Also for law enforcement agencies at the national, state, and local level, there should be a central referral mechanism for complaints involving cybercrime.

A SOP (Standard Operating Procedure) which are in line with IT Act 2000, has to be set so that the present force can conduct its investigation without any ambiguity.

It must be ensured that the system provides for stringent punishment of cyber-crime and cyber criminals so that the same acts as a deterrent for others. Presently, most of the offences committed under the Information Technology Act are Bailable with punishment up to 3 years imprisonment. This punishment should be increased to a term which would change the mindset of a cyber-criminal of committing similar and like offences again. Separate bench are required to be constituted for fast tracking of Cyber cases in an effective manner.

Cyber projects like **National Cyber Coordination Centre (NCCC) of India, Cyber Attacks Crisis Management Plan of India, Internet Spy System Network And Traffic Analysis System (NETRA) of India, Crime and Criminal Tracking Network and Systems (CCTNS) Project of India,** etc. have still not been implemented successfully by Indian government and there is an urgent need to implement these projects in India as soon as possible.

In many cases, private corporations have more experience with cybercrime investigations than local police agencies. So, there should be a proper mechanism for cooperation of Police department and Private Corporation.

Police department should form partnerships with computer science departments at local universities. These partnerships will not only provide expertise to the police, but also serve as a recruiting tool for students who have an interest in cybercrime and policing. A knowledge hub thus can be established which can also attract students to pursue a career as cyber investigators.

The cyber crime investigation capabilities of India need to be enhanced. Police officers, lawyers and judges must be given suitable techno legal trainings so that cyber criminals can be nabbed and punished. Even the cyber law of India need to be repealed and a new and strong cyber law must be enacted.

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Drought in India - NDMA Guideline

Context

The North-east monsoon, which brings rain to the Cauvery delta, failed and the South-west monsoon, which makes landfall in Kerala and drains the slopes of the Western Ghats and the Cauvery, brought much less rainfall than usual.

The government was caught unprepared. The Tamil Nadu government has declared all districts of the state drought-hit following a deficit in the northeast monsoon last year.

It moved court in a bid to force neighbouring Karnataka to release more water from the Cauvery when it became apparent that the rains would stay away.

The South-west monsoon accounts for 70 to 80 per cent of the annual rainfall over major parts of India. Its timely occurrence in normal quantity and uniform distribution over all regions determine the prospects of agricultural production and allied activities every year. However failure of rains from south west monsoon results in occurrence of drought in the Indian region. Also there seems to be a clear association between El Nino and La Nina events and weak monsoons. According to a study, during 1870-1900s, there were very few droughts, followed by droughts once in three years during 1900-1930 and once in 15 years during 1930-1950. There were 10 drought years during 1950-1990. Since 2000, there have been five drought years: 2002, 2004, 2009, 2014, 2015. The frequency is set to increase between 2020 and 2049.

Recently Tamil Nadu, comprising 32 districts, has been declared drought affected in view of poor rainfall received during the northeast monsoon. This highlights the fact that disaster management and risk mitigation should no more be Ad-hoc exercise but it should be planned well in advance. In this context, guidelines on Drought Management issued by NDMA are important and deserve a brief study.

NDMA Guidelines on Disaster Management

These guidelines place emphasis on risk management, rather than following the traditional approach of crisis management. Now there is a shift from the relief-centric approach to holistic and integrated management with emphasis on prevention, mitigation and preparedness, which has resulted in minimising loss of lives and livelihoods on account of drought. Drought management encompasses three vital components namely,

► Drought intensity assessment and monitoring

► Drought declaration and prioritization of areas for drought management and

► Development and implementation of drought management strategies. The key highlights of NDMA guidelines are

Assessment and Early Warning:

► Efforts will be made to integrate the ground based information with the space-based information for comprehensive reporting.

► Drought Monitoring Cell (DMC) will facilitate the integration of data and expertise from multiple institutions such as ICAR, NRSC, IMD, Agricultural Universities, State Departments of Irrigation, Ground Water, Revenue, Agriculture etc., to evolve a robust method for drought intensity assessment

► The Drought Management Information System of Department of Agriculture & Cooperatives will

be revamped, institutionalized and made operational with the support of State DMCs.

Prevention, Preparedness and Mitigation:

➤ Large scale research will be conducted through the university system to evolve drought resistant crop varieties.

➤ Conduct of pilot studies in all categories of drought prone areas for suggesting long term mitigation measures.

➤ Promote cultivation of crops under crop diversification through sprinklers/Drip irrigation systems and promote protective irrigation through micro irrigation systems through incentives.

➤ Afforestation with subabul, seemaruba, casurina, eucalyptus and bio diesel plantation like jetropha and pongomia will be encouraged.

➤ Insurance products will be developed for different agro-climatic zones providing coverage against drought. The Central/ State Governments will promote in these zones, agricultural insurance programmes and ensure that farmers are informed about the availability of insurance products and educate them about the need for managing their yield and income risks through insurance coverage.

Capacity Development:

➤ A realistic national training and capacity building programme for drought management to be formulated and implemented. A programme of resource enhancement encompassing all institutions/ organizations/ individuals shall also be developed.

➤ Efforts shall be made to fill the gap between the requirement and availability of qualified and experienced trainers conversant with natural hazards, especially with drought mitigation and management techniques.

➤ The National Institute of Disaster Management (NIDM) and Administrative Training Institutes (ATIs) and NDMA will take up the responsibility of training all the government personnel from all central ministries and departments and state governments on different aspects of Drought management.

➤ PRIs and ULBs will ensure capacity building of their officers and employees in DM to carry out

relief, rehabilitation and reconstruction activities in the affected areas and will prepare DM plans.

➤ UGC shall encourage universities under their new and innovative educational programmes for setting up Centres for Disaster Management to foster research in disaster management.

Relief and Response:

➤ State DMCs, State Governments/ SDMAs will therefore:

◘ Prepare a contingency plan in case of late on set of monsoon / dry spells during the season with appropriate cropping pattern.

◘ Arrange availability of seeds with short duration varieties on subsidy

◘ Stock quality seeds well in advance for immediate distribution.

◘ Create awareness among the farmers on management practices like intercropping, mulching, weed control, intercultural operations.

➤ Provision of consumption loan will also be encouraged in drought prone areas and efforts will be made to bring agricultural labours into the net of social security. To improve access to financial services, provision of support to local micro-finance institutions will be encouraged by central/ state.

➤ Vaccines for various diseases and essential medicines will be procured as required. Fodder, Cattle feed and mineral mixture will be supplied to all productive animals to prevent distress sales of cattle.

Implementation of the Guidelines - Preparation of Drought Management Plans:

➤ Prepare a National DMP, incorporating the DM plans prepared by the central ministries/ departments and state governments for drought affected States and districts.

➤ The capacity and potential of other government organisations, knowledge institutions and academic institutions will be harnessed and incorporated into the drought mitigation endeavour.

➤ The District Disaster Management Authority (DDMA) will ensure the convergence of the existing schemes for better management of

resources and will involve NGOs, CBOs, Panchayat Raj Institutions and other local bodies for dissemination and implementation

➤ The central and state ministries/departments will mainstream disaster management efforts in their developmental plans. In the annual expenditure plans, specific allocations will be made for carrying out disaster awareness programmes, maintaining preparedness and for undertaking mitigation efforts. Wherever necessary and feasible, the corporate sector should also be involved in supporting drought risk management efforts as part of CSR.

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Global Incidents and its Impact on
IT Industry

Context

The recent incidents of BREXIT and election of Trump as US president and its policies related to outsourcing may cause impact on the IT sector.

The Indian IT industry makes about 60 per cent of its $100 billion plus revenue from the US - through the jobs outsourced by companies in America. Also, if reforms in the H-1B system see minimum wages going up for foreign workers, Indian IT companies may have to shell out higher wages.

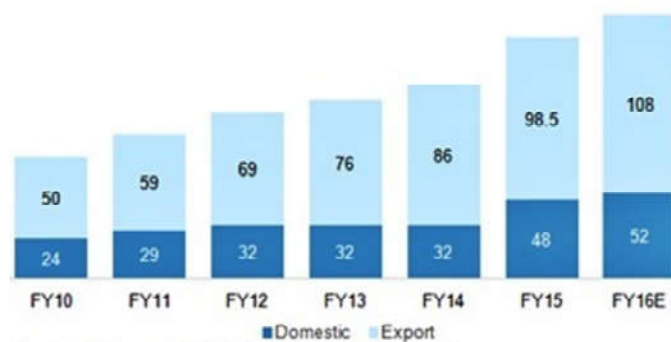Hereby, analysing the impact on Global incidents and its impact on IT industry.

The Indian IT and ITeS industry is divided into four major segments - IT services, Business Process Management (BPM), software products and engineering services, and hardware.

The market size of the IT sector has been increasing year to year. The market size has increased from US $ 74 bn in financial year 2010 to US $ 160 bn in Financial year 2016. Since 90's services sector has contributed most to the GDP growth of India. The most important factor for such contribution has been ever blooming IT industry in India.

The contribution of the IT sector to India's GDP rose to approximately 9.5 per cent in FY15 from 1.2 per cent in FY98. The industry employs about 10 million workforces. More importantly, the industry has led the economic transformation of the country and altered the perception of India in the global economy. The IT industry has also created significant

from the European market the UK contributes major portion to Indian IT companies'. IT industry body

Market size of IT industry in India (US$ billion)

	FY10	FY11	FY12	FY13	FY14	FY15	FY16E
Export	50	59	69	76	86	98.5	108
Domestic	24	29	32	32	32	48	52

■ Domestic ■ Export

Source: Nasscom, Make in India, TechSci Research

Fig. 8

demand in the Indian education sector, especially for engineering and computer science.

However, it is clear from the graph that IT industry is majorly export driven. The share of exports in total market share has been around 65%. This means any instability or change in global economy will have direct and large ramifications for IT industry. In this context two biggest challenges for IT industry is Britain decision to come out of EU and recent win of Donald trump in US elections. Both will put IT industry in tough position.

What would be the impact of Brexit on India's IT sector?

Europe is the second largest market for the Indian IT-BPM industry, constituting almost 30 per cent of the industry's export revenue. For the fiscal FY 16 overall IT exports was about $110 billion of which 62 per cent was contributed by the US, UK contributed 17 per cent and continental Europe contributed 11 per cent. Out of the total revenue

National Association of Software and Services Companies (Nasscom) termed Brexit announcement as a phase of uncertainty in the near term. However, Nasscom said it saw a mix of challenges and opportunities in the longer term.

Some of the near-term ramifications that Nasscom foresaw on the technology and services sector include - a likely decline in the value of the British Pound, which could render many existing contracts losing propositions unless they are renegotiated;

Many India IT companies use Britain as the hub of their operations in Europe and are expanding their business in continental Europe using Britain as the gateway. But now, Skilled labour mobility across EU and UK would be impacted. Hence, Indian IT companies may need to establish separate headquarters/operations for EU which may lead to some disinvestment from UK. Furthermore, any negative impact on the British economy in terms of slower growth or worse, could reduce opportunities for Indian companies in UK.

However, The UK would have two years to figure out the exact terms of the nation's departure. So the exact nature and extent of the impact - if 'Brexit' happens - will emerge over a longer period of two years or more when fine prints of exit are clear.

In the longer run some positive outcomes could happen like Brexit could lead to strengthening of India-UK economic relationship. With it exit from EU, UK less dependent on intra-EU immigration into UK, it could become more open to high-skilled immigration from other non-EU countries including India. Further, UK would be under no obligation to adopt restrictive EU data localization norms which it does not subscribe to in their entirety. All these factors could benefit India-UK bilateral economic relations.

Conclusion

The Indian IT sector is already facing multiple challenges - from a shrinking pie for its traditional services business, and increasing competition to narrowing margins.

Now, if companies in the US are forced to limit outsourcing, there may be a bigger risk for these companies.

How Trump's policy can impact Indian IT sector?

US President-elect Donald Trump campaigned fiercely over the last 18 months, pitching for several things, including a re-write of the US immigration policy and bringing back jobs lost to outsourcing. This has a direct bearing on Indian IT.

Indian IT companies have been sending tens of thousands of IT professionals to the US to work on onsite projects, utilizing the H-1B visa program that allows tech workers from foreign countries to be hired for US IT jobs. Although the H-1B visa program was initially designed to keep businesses competitive in a global economy and fill up temporary gaps in availability of tech talent, the belief is that it is now being misused through outsourcing.

The Indian IT industry makes about 60 per cent of its $110 billion plus revenue from the US - through the jobs outsourced by companies in America. Also, if reforms in the H-1B system see minimum wages going up for foreign workers, Indian IT companies may have to shell out higher wages. The other risk is that more countries may get protectionist now, for instance, the UK increased the salary threshold for visas to discourage entry-level immigration.

However, given the large contribution of the Indian IT industry to the US economy through taxes, and CSR contributions, Trump may not come down too heavily. Many are also of the view that a protectionist policy will not solve the US unemployment issue and the country would have to look inwards to fix the tech skill gap that is the real cause of job losses. According to reports, there is a skill gap of about 3.5 million STEM (Science, Technology, Engineering and Mathematics) graduates in the US. This is the reason why the country has to rely on tech professionals from India to retain their competitive edge.

The other risk is that more countries may get protectionist now, for instance, the UK has increased the salary threshold for visas to discourage entry-level immigration.

Switzerland has not increased the quota for highly skilled workers in 2016 after reducing it in the previous year. So, Indian IT companies may have to do some local hiring. Thus being based on outsourcing Indian IT industry may face pressure due to changes in global scenario.

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Post Truth **Era**

Context

It is very rare in history that political events can be summarized using an adjective. 2016 was a year in which emotions rather than facts and policy details dominated the political discourse. Voting on Brexit, US Presidential elections were the main arena of this discourse, which, according to some commentators, was witnessed by India in 2014 general elections and later in Delhi Assembly elections.

This relatively new phenomenon was captured in word "Post Truth" by Oxford Dictionary and declaring it to be the international word of the year. It has been defined by the dictionary as an adjective "relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief". But many see this "post truth era" as new challenge in front of liberal democracies testing the credibility, sustainability and stability of political systems which needs to be tackled.

What is post truth or post truth age?

- ➤ The word 'post' "rather than simply referring to the time after a specified situation or event - as in post-war or post-match", in post-truth it had taken on the meaning of "belonging to a time in which the specified concept has become unimportant or irrelevant", i.e. a time when truth has become irrelevant.

- ➤ Post truth means use of emotions rather than facts in public discourse for creating favourable public opinion. The post truth era specifically focuses on the political culture in which emotions are used to bulldoze and discredit facts, to avoid substantiative discourse and to create favorable opinion.

- ➤ A defining trait of post-truth politics is that campaigners continue to repeat their talking points, even if these are found to be untrue by the media or independent experts.

- ➤ The core message of post-truth politics can be summarized as "Facts are negative. Facts are pessimistic. Facts are unpatriotic." Post-truth politics can also include a claimed rejection of partisanship and negative campaigning. In this context, campaigners can push a Utopian "positive campaign" to which rebuttals can be dismissed as smears and scaremongering and opposition as partisan"

The PolitiFact scorecard

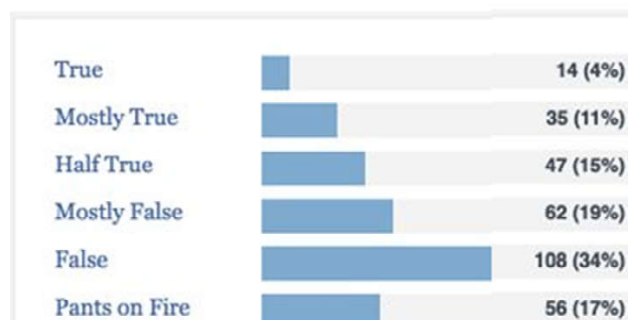|		
True		14 (4%)
Mostly True		35 (11%)
Half True		47 (15%)
Mostly False		62 (19%)
False		108 (34%)
Pants on Fire		56 (17%)

Fig. 9

What could be seen an examples of post truth era?

- ➤ For the Brexit referendum, Leave group argued that European Union membership costs Britain 350 million pounds a week, but failed to account for the money received in return.

- ➤ During US Presidential elections Trump evoked people's emotions by focusing on their emotional

fears emerging from politico-economic-social circumstances like his rhetoric against immigration, China etc. The figure shows that 70 percent of statements made by Trump were in false category (as per organization PolitiFact).

► In India also, the Jumlas, showing rosy pictures of Smart Cities, Bullet Trains during general elections, provision of free wifi and other facilities during Delhi general elections without giving any details about the timeframe, the investment required etc are examples of the same phenomenon.

What are the factors propelling post truth era

► Reaction against political correctness which failed to give representation to the valid grievances of the people and leading to disconnect between people and politically correct.

► Continuous economic and social setbacks, especially the rise of unemployment and poverty, since 2008, have exacerbated the recourse to irrational fears and reactions to a gloomy politico-economic reality.

► Politicians continuously catering to these legitimate fears of bleak future, by engineering facts exaggerating or even inventing because what matters is not objective truth, but the reality of the fear and its utilization.

Changing media ecosystem:

► Capture of the mainstream media by politically correct individuals, liberalists who failed to give representation to the views of those on other side of spectrum especially conservatives.

► This deeply ingrained mistrust towards the mainstream media by conservative circles and groups resulted into people questioning the facts and truth provided by media.

► 24X7, TRP oriented, highly competitive media where focus is on breaking news rather than responsible reporting.

► Emergence of internet giving anti-mainstream media individuals their own "public sphere" an alternative space for information sharing, networking and production of ideas and "values" that is deeply anti-mainstream.

► Emergence of internet and proliferation of 'clickbaits' wherein rumors are spread in the form of news and people believe them to be true. Eg in nano-gps chip in Rs. 2000 note indicating a new innovative step to check black money, Trump claim of shooting incidents rising by 50% from 2015-16 when they rose from 68 to 69.

► Too much facts and expert advice available leaving no time to verify the facts and instead focusing on sharing the information.

► Decline of institutions like Parliament, independent organizations, research centers which can stand against these half baked truths. Instead of challenging post truth era research institutions are aiding it by providing new facts, twisting them and thus helping to put things differently.

► Focus on 'me' only as many say "The whole post-truth phenomenon is about, 'My opinion is worth more than the facts.' It's about how I feel about things".

Is it something new to world?

Post Truth is not considered something new to the world, but its intensity has been. **Nazi Germany** was said to use Post Truth to prove their versions, in the novel ***Nineteen Eighty-Four*, George Orwell** cast a word in which the state is daily changing historic records to fit its propaganda goals of the day (he based his novel on USSR politics), **President Bush** fabrication of facts to attack Iraq etc are other examples of post truth from past.

According to Oxford Dictionaries, the term *post-truth* was first used in a 1992 essay by the late Serbian-American playwright **Steve Tesich in *The Nation***. Tesich writes that following the shameful truth of Watergate, more assuaging coverage of the Iran–Contra scandal and Persian Gulf War demonstrate that "we, as a free people, have freely decided that we want to live in some post-truth world."

Why it is a challenge:

► Facts are considered to be sacred but when they are rendered irrelevant then there are chances of people being manipulated, politicians ducking question. All the important aspects of democracy like free and fair elections, accountability; the

ethos of good governance like transparency are said good bye.

➤ It may create a situation in which only a lie is used to defeat another lie which may lead into a situation where people lose faith in political process and may revolt against it.

➤ Gives space to reactionary, right wing elements as has happened across Europe and in US which effect the issues which are of common concern like environment protection, trade liberalization etc.

➤ Threatens the noble values like universalism, humanism as xenophobic, anti-immigrant stance gains space.

➤ Degraded public discourse which is based on maligning each other, smear campaigns and to achieve short term gains rather than for the purpose of long term gains. Mistrust among people and instances of racial abuse, communal tensions can happen.

➤ Attack on institutions which stand for truth, their discrediting will dishearten, demoralize those standing for truth.

What to be done to tackle it

In post truth era at stake is not only truth, but peace, prosperity, harmony and co-operation among individuals, noble ideals of liberal democracies. So what is needed is a political discourse which gives, representation to views of all hues, which focuses on changing the attitude of those whom media consider wrong rather than ignoring them or disparaging them. Focus on economic revival is also important as history is replete with examples where economic slowdown has forced human beings to express his most animalistic tendencies.

Post Truth is a deep cultural mutation that we need to better understand if we want to avoid the horrible specters of the past, when the same rhetoric led to atrocities hitherto unknown in the history of mankind.

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Cabinet NOD to Re-issue Ordinance on
Enemy Properties

Context

�» 'Enemy property' refers to any property belonging to, held or managed on behalf of an enemy, an enemy subject or an enemy firm. After the Indo-Pakistan War of 1965, the Enemy Property Act was enacted in 1968, which regulates such properties and lists the custodian's powers.

�» According to Enemy Property Act 1968, the government takes control of these properties through the Custodian of Enemy Property for India under the central government. The act barred the Indian citizens who claimed to be the legal and rightful heirs of the original owners from inheriting those properties. The Union Home Ministry acts as the custodian of the enemy properties.

�» Recently Enemy Property Ordinance is promulgated for the fifth time to amend Enemy Property Act, 1968. Enemy Property Ordinance had failed to get Parliamentary nod as a Bill on four occasions in the past.

�» As per the amendments proposed, once an enemy property is vested in the custodian, it shall continue to be vested in him as enemy property irrespective of whether the enemy, enemy subject or enemy firm has ceased to be an enemy due to reasons such as death, etc.

Introduction

'Enemy property' refers to any property belonging to, held or managed on behalf of an enemy, an enemy subject or an enemy firm. After the Indo-Pakistan War of 1965, the Enemy Property Act was enacted in 1968, which regulates such properties and lists the custodian's powers.

According to Enemy Property Act 1968, the government takes control of these properties through the Custodian of Enemy Property for India under the central government. The Union *Home Ministry* acts as the custodian of the enemy properties.

Recently **Enemy Property Ordinance** is promulgated for the fifth time to amend the **Enemy Property Act, 1968,** *which* guards against claims of succession or transfer of properties left by people who migrated to **Pakistan and China** after **wars**.

As per the proposed amendments, once an enemy property is vested in the Custodian, it shall continue to be vested in him as enemy property irrespective of whether the enemy, enemy subject or enemy firm has ceased to be an enemy due to reasons such as death.

The amendments are aimed at plugging the loopholes in the Act.

Enemy properties are spread across many states in the country. There are 16,547 enemy properties worth Rs 1 lakh crore across India under the law. The government took over the properties of those who took Pakistani and Chinese nationalities under the law following the three wars.

> *Ordinance making powers of the President*
>
> Article 123 of the Constitution grants the President certain law making powers to

promulgate Ordinances. This technique of issuing an ordinance has been devised with a view to enabling the executive to meet any unforeseen or urgent situation arising in the Country when Parliament is not in session, and which it cannot deal with under the ordinary law.

An ordinance is only a temporary law. It may be related to any subject that the Parliament has the power to legislate on. Conversely, it has the same limitations as the Parliament to legislate, given the distribution of powers between the Union, State and Concurrent Lists. Thus, the following limitations exist with regard to the Ordinance making power of the executive:

➤ **Legislature is not in session**: The President can only promulgate an Ordinance when either of the two Houses of Parliament is not in session.

➤ **Immediate action is required**: The President cannot promulgate an Ordinance unless he is satisfied that there are circumstances that require taking 'immediate action'.

➤ **Parliamentary approval during session**: Ordinances must be approved by Parliament within six weeks of reassembling or they shall cease to operate. They will also cease to operate in case resolutions disapproving the Ordinance are passed by both the Houses.

The Enemy Property Act 1968

➤ After the Chinese aggression in 1962, specific properties of Chinese nationals in India were vested in the **Custodian (GoI)** as per the *Defence of India Rules, 1962*.

➤ Subsequently, after the Indo-Pak conflict of 1965, the movable and immovable properties of Pakistani nationals automatically got vested in the **Custodian (GoI)** and their vesting was continued under the **1968 Act**

The Enemy Property (Amendment and Validation) Bill, 2016

Highlights of the Bill

➤ The Bill amends the provision of *Enemy Property Act, 1968,* to vest all rights, titles and interests over enemy property to the Custodian.

➤ The Bill declares transfer of enemy property by the enemy to other persons, to be void. This applies retrospectively to all the transfers that have occurred before or after 1968.

➤ The Bill prohibits civil courts and other authorities from entertaining disputes related to enemy property.

Key Issues and Analysis

➤ The provision of transfer of enemy property from the enemy to other persons as void may be "arbitrary" and in violation of "Article 14" of the Constitution.

➤ The Bill prohibits civil courts from entertaining any disputes with regard to enemy property. It does not provide any alternative judicial remedy (e.g. tribunals). Therefore, it limits judicial recourse or access to courts available to aggrieved persons.

Timeline of Ordinances Promulgated

➤ **First Time** - The ordinance was first promulgated on January 7, 2016, for the first time. It was passed by the Lok Sabha on March 9, 2016. Subsequently, it was referred to a select committee of the Rajya Sabha.

➤ **Second Time** - While it was being considered by the committee, the ordinance was re-promulgated for the second time on April 2, 2016. The committee submitted its report to the Rajya Sabha on May 6, 2016.

➤ **Third Time** - The ordinance was then reissued for the third time on May 31, 2016, incorporating the amendments recommended by the committee.

➤ **Fourth Time** - The government could not pass the amendment in Rajya Sabha as many lawmakers labeled it as an anti-people legislation. As the Bill could not be considered in Rajya Sabha, the ordinance was re-promulgated for the fourth time on August 28, 2016.

➤ **Fifth Time** – Because of the continuous disruption of the winter session of parliament due to repeated adjournments over the demonetization issue, ordinance was again promulgated for the fifth time.

> ➤ *Note: An ordinance lapses after 42 days from the day a session begins unless a bill to replace it is approved by Parliament.*

What will be the outcome if the Ordinance is passed?

The properties vested in the custodian of enemy property for India includes both moveable and immovable properties. The immovable properties are valued at more than Rs 1 lakh crore, while the movable property is valued at more than Rs 3,000 crore.

In the initial stages of the custodian's functioning, courts supported the government's action and upheld automatic vesting of enemy properties in the custodian and restrained themselves from interfering in the orders passed by the custodian. However, courts began to pass judgments that affected the CEPI's powers under the Act.

The government moved amendments (2016 Bill) to the 1968 Act after Uttar Pradesh's Raja M A M Khan approached the Supreme Court to reclaim his property. In Union of India v Raja MAM Khan, the Supreme Court on October 21, 2005, held that on the death of an enemy, the property devolves in succession and ceases to be enemy property if the successor is a citizen of India.

The select committee appointed to review the 2016 Bill, endorsed the Bill, after recommending some minor changes. The committee's report reveals that initially 2,100 enemy properties were identified. Now it has risen to 16,000 which cast doubt on the mechanism of identification of the enemy properties and its continued vesting in the custodian.

The crucial vesting period was 1962 to 1977, but the process of identification is still going on. A property in West Bengal was declared as enemy property as late as February 2016. There are 5,000 pending cases affecting more than 1,000 persons.

The proposed amendments will plug the loopholes in the Act to ensure that the enemy properties that have been vested in the Custodian remain so and do not revert to the enemy subject or enemy firm.

Misuse of Ordinance Route

The Supreme Court in famously known as 'Ordinance Raj' Case emphasized that "the power to promulgate an ordinance is essentially a power to be used to meet an extraordinary situation and it cannot be allowed to be perverted to serve political ends". It is the function of the Legislature which is a representative body to make law; the Executive cannot continue the provisions of an ordinance in force without, going to the Legislature. "If the Executive were permitted to continue the provisions of an ordinance in force by adopting the methodology of re-promulgation without submitting to the voice of the Legislature, it would be nothing short of usurpation by the Executive of the law-making function of the Legislature".

There is thus a repeated and deliberate attempt to push through policy prerogatives by taking the ordinance route. Sometimes this has been justified on the grounds of delays by parliamentary committees and at others by giving reasons that do not seem to meet the "*necessary… to take immediate action*" test.

Conclusion

Our Constitution is based on the principle of separation of powers and the legislature's primary task is to make laws for good governance. In theory, our parliamentarians are expected to discuss debate and deliberate on various bills introduced before them and after suitable changes, enact them into law. The legislative role should be maintained for healthy democracy, executive should not bypass it.

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India-Portugal Relation

Context

India-Portugal Relations remain close, friendly and devoid of irritants in the present times. Diplomatic relations between India and Portugal were established in 1949 but following problems on negotiations over Goa, all diplomatic and consular links were severed in 1955. Goa was liberated in 1961.

India and Portugal signed a Treaty re-establishing diplomatic relations in 1974, following which Embassies of the two countries were reopened.

For the last few decades, Portugal has consistently supported India at multilateral fora, including for a permanent seat at the UNSC. It also supported India for a non-permanent seat for 2011-12.

Recently, Portugal PM Antonio Costa along with his delegation visited India on a Seven day visit. A total of six Memorandum of Understandings (MoUs) between India and Portugal were signed, including one on defence cooperation. The Portuguese PM had also accepted the invitation to become the Chief Guest at the Pravasi Bharatiya Divas.

The two leaders also called for eliminating terrorist safe havens and infrastructure, disrupting terrorist networks and their financing, and sought adoption of the Comprehensive Convention on International Terrorism by the UN.

With the conclusion of this visit, India and Portugal have built a solid partnership on the basis of shared economic interests and global issues.

Introduction

➤ Relations between India and Portugal began amicably in 1947 when the former achieved independence. Relations went into decline after 1950 over Portugal's refusal to surrender its exclaves of Goa, Daman and Diu on India's west coast.

➤ By 1955, the two nations had cut off diplomatic relations, triggering a crisis which precipitated in the Indian annexation of Portuguese India in 1961.

➤ Portugal refused to recognize Indian sovereignty over the annexed territories until 1974.

➤ In 1974, the new government in Lisbon recognized Indian sovereignty and restored diplomatic relations.

➤ For the last few decades, Portugal has consistently supported India at multilateral fora, including for a permanent seat at the UNSC. It also supported India for a non-permanent seat for 2011-12.

Recently, Portugal counterpart Antonio Costa and along with his delegation visited India. A total of six Memorandum of Understandings (MoUs) between India and Portugal were signed, including one on defence cooperation. The Portuguese PM had also accepted the invitation to become the Chief Guest at the Pravasi Bharatiya Divas.

Fig. 10

What are the 6 MOUs signed between India and Portugal?

Six agreements signed are -

- MoU on Defence.
- MoU on Renewable Energy.
- MoU on Marine Research and Resources.
- MoU in the Agriculture and Allied Sectors.
- MoU in the field of Information Technology and Electronics.
- MoU on the establishment of an ICCR Chair of Indian Studies in University of Lisbon.

MoU on Defence Cooperation

- The defence agreement between both countries aims to boost joint production and development of niche weapons systems.
- It was signed following Portugal's support to India's multilateral plans in various technology regimes including Missile Technology Control Regime **(MTCR)** in which India secured membership in 2016.
- The MoU on Defence cooperation will help us harness each other's respective strengths in this field for mutual benefit
- India thanked Portugal for supporting India's efforts to get a membership in the elite **Nuclear Suppliers Group**.
- Both the Nations called for tough global action against terror networks and states harboring them stressing that there should not be any double standards in combating terrorism.
- India also thanked for Portugal's consistent support and assistance to Indian defence delegations transiting Portugal.
- India invited Portuguese companies to 'Make in India' and set up Joint Ventures and commercial partnerships based on joint production and technology transfer.

Other Key updates

- Besides, an agreement on **visa** waiver for holders of diplomatic passports was also signed. It allows visa free travel for diplomatic passport holders of India and Portugal to each other's countries for short term visits.

- India's programme to produce 175 Gigawatt of renewable energy by 2022 offered immense opportunities for mutually beneficial collaboration between India and Portugal, including commercial partnerships, research and development (R&D), exchange of experts/information, online monitoring of wind turbines and off-shore wind energy platforms.
- India welcomed the anchoring of future editions of the annual event in Portugal and hoped that Portugal would become a Gateway to Europe and the Lusophone world, for Indian Start-ups. To facilitate this shared objective, PM Costa made a strong commitment to an expeditious processing of visas to Indian startups and businesses keen to set up operations in Portugal, within the framework of applicable law.
- Recognizing the important steps taken by both countries to leverage ICT for economic growth and development, boost digitization and e-governance, the two PMs welcomed the MoU signed in the area of Information Technology, Electronics and Communications and looked forward to early conclusion of the MoU on Public Administration and Governance Reforms.

What is the relevance of The India-Portugal joint statement against global terrorism?

- The India-Portugal joint statement called for strengthening cooperation in **combating terrorism** in a spirit of 'zero tolerance', underlining that countries should **not support** any terror entity including **'non-State actors' on any grounds**.
- The two leaders also called for eliminating terrorist safe havens and infrastructure, disrupting terrorist networks and their financing, and sought adoption of the **Comprehensive Convention on International Terrorism** by the UN.

Why the Joint Statement assumes importance in current context?

- Recognizing the importance of the Central role of UN in combating terrorism, they exhorted the international community to effectively implement the measures enumerated **by the 1267 UN Security Council Resolution.**

➤ The statement comes days after China blocked India's move to list Pakistan-based Maulana Masood Azhar as a global terrorist, at the 1267 Sanctions Committee of the UN Security Council.

➤ China was the only member on the 15-nation committee to have opposed India's move.

Way Forward - future plans for strengthening Bilateral Relationship

➤ The two nations decided to exchange sector-specific trade and investment delegations and agreed to convene the 4th session of the Joint Economic Committee meeting on 11-12 April 2017 in Lisbon to chart a roadmap for enhancing trade and investment.

➤ The two nations expressed satisfaction at the on-going science and technology cooperation between the two countries, including joint research projects in areas like biotechnology and human health, marine science and technology, material sciences and renewable energy.

➤ Both sides recognized the importance of scientific and technological cooperation in contributing to the knowledge economy of the 21st century and sustainable development of both countries. They decided that the 5th session of the Joint Science and Technology Committee will meet on 13-14 March 2017 in Portugal to announce new research projects and programmes of cooperation.

➤ With the conclusion of this visit, India and Portugal have built a solid partnership on the basis of shared economic interests and global issues.

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Parallel Cinema

Context

Cinema as an art form is considered an art with purpose, is associated with bringing reality to reel and focusing on content and context rather than entertainment only. Death of a renowned actor Om Puri, who began his career through Parallel Cinema has again brought focus to it and raises the question about the purpose of cinema, its impact on society and societal impact on cinema along with many other issues.

Parallel cinema is a word used to define those film which deviate from the conventions of mainstream popular cinema. It is also known to film critics as "New Indian Cinema" or sometimes "The Indian New Wave".

One of the major features of the films classified under Parallel Cinema is their fixation on social critique, so much so that some filmmakers have called it "Complaint Box Cinema". Many of these films are first and foremost screeds against feudalism, corruption, nepotism, patriarchy and religious intolerance. More radical, politically-engaged ones deal with modernisation and class warfare and regularly lean towards the left of centre.

Through the years, these films have almost always been funded by state-owned institutions.

Parallel cinema is identified with raising the issues which otherwise are pushed behind the curtain because of absence of courage to challenge the status quo, to question social institutions; because of efforts it takes to find out the ground realities and develop a perspective of the issues faced by India and fear of being left behind in highly commercialized arena.

When did the parallel cinema rise?

Parallel cinema originated in the state of West Bengal in the 1950s as an alternative to the mainstream commercial Indian cinema.

Inspired by Italian Neorealism, Parallel Cinema began just before the French New Wave and Japanese New Wave, and was a precursor to the Indian New Wave of the 1960s.

➤ Parallel Cinema in India has assumed various forms through the years, starting from the Neorealism-influenced films of Nehruvian India, through the more politically radical films of the Seventies and the liberal humanist films that are called independent cinema.

➤ Major names affiliated with Parallel Cinema include Satyajit Ray, Ritwik Ghatak, Mrinal Sen, Shyam Benegal, M. S. Sathyu, Adoor Gopalakrishnan, Girish Kasaravalli and G. Aravindan.

Why the rise of parallel cinema?

The rise of parallel cinema was as a result of backlash against the mainstream cinema which focused on entertainment and commerce. There were individuals who believed that the purpose of cinema is not only entertainment but presenting the realities of society, giving voice to the unheard. They belived that cinema has to be rooted into the socio-economic realities of the nation.

What is the importance of parallel cinema?

➤ Parallel cinema is a cinema with higher order purpose of serving the society rather than self by throwing light on the plight of the marginalized sections of society like women, lower caste people, caste wars etc.

- It helps in changing the attitude of people by making available to them the issues which otherwise are ignored, or taken as normal. It helps in bringing the perspective of exploited or marginalized.

- It gives recognition to the artists, help in keeping their moral high, provide them with livelihood and self-actualization opportunities. It is parallel cinema which instead of giving importance to the looks or marketability of the actor gives importance to his talent. It was because of parallel cinema that an actor like Om Puri, about whom a well known cinema artist said that there is no place in cinema for person with such bad face, was not only able to find place but also reach the pinnacle.

- Parallel cinema provides an important link for the theatre artists who want to join the cinema and thus helping in survival of theaters which are becoming a threatened entity.

- Indian Parallel cinema helped Indian to gain place in the world cinema. It were generally the artists like Om Puri, Nasiruddin Shah who were roped for some of the well acclaimed roles by foreign directors and Nandita Das who was appointed as a jurist in Cannes.

- Parallel cinema is also closely linked to Indian literature, by taking themes or stories from them and then bringing life to them.

- It is generally the films from the parallel cinema which are used to for teaching the students of theater of cinema the different nuances of art forms and thus helping in creation of knowledge in the nation and society.

- It helps in creation of a rich heritage of art and culture in India which the future generations can cherish, study and analyze.

Parallel Cinema in recent times:

Commercialization and liberalization of 1990s led to the decline of parallel cinema because the financial returns were not assured and government started taking back financial support. But however the production of off-beat films like Satya, Dhobi Ghat, Matribhumi is seen as emergence of parallel cinema in new form.

The line between Parallel Cinema and mainstream cinema has progressively been blurring as we witness certain mainstream filmmakers experimenting with form and ideas and with socially-engaged cinema reducing itself to a formula. Nevertheless, Parallel Cinema will always be cherished as a source of intellectual cinema.

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Military Doctrine:
Cold Start

Context

In response to the perceived inability of the Indian military to leverage its conventional superiority to end Pakistan's "proxy war" in Kashmir, the Indian Army announced a new offensive doctrine in 2004 intended to allow it to mobilize quickly and undertake limited retaliatory attacks on its neighbor, without crossing Pakistan's nuclear threshold. This Cold Start doctrine marks a break with the fundamentally defensive military doctrines that India has employed since gaining independence in 1947.

Recently, Chief of Army Staff, General Bipin Rawat started a controversy on Cold Start Doctrine. Hereby analysing what is the meaning of Cold Start doctrine and its significance.

Since independence, India's military posture had been fundamentally defensive. Former Defense Minister George Fernandes described it as "a nonaggressive, non-provocative defense policy based on the philosophy of defensive defense." Under the so-called Sundarji doctrine, pursued by India between 1981 and 2004, seven defensive "holding corps" of the Indian Army were deployed near the border region with Pakistan. The units consisted of infantry divisions for static defense, mobile mechanized divisions that could respond to enemy penetrations, and a small number of armored units. Although possessing limited offensive power, as their name implies, the holding corps' primary role during a war was to check an enemy advance.

India's offensive power consisted of three "strike corps," each of which was built around an armored division with mechanized infantry and extensive artillery support. Unlike the holding corps that were deployed close to the border, the strike corps were based in central India, a significant distance from the international border.

Flaws in the doctrine

First, the enormous size of the strike corps made them difficult to deploy and maneuver. By the time the strike corps had reached their forward concentration areas, President Musharraf had given his "about turn" speech, and the United States was putting significant pressure on India to restrain its response. In the eyes of many senior Indian officers, Pakistan had outplayed them. It had managed to inflict a high-profile attack on the Indian capital via its proxies and then exploited the Indian Army's long deployment time to internationalize the crisis in a manner that allowed Pakistan to escape retribution.

Further, the holding corps lack offensive power. These units were forward deployed in the border regions, yet could carry out only limited offensive tasks.

To correct the perceived deficiencies in India's conventional war-fighting doctrine, the chief of army staff unveiled the new Cold Start concept.

Cold Start is a military doctrine which is a limited war strategy against terrorist strike originating from Pakistan. Being secretive to surprise the enemy, the doctrine has never been admitted by Political and military leaders. But the new Army Chief appeared to drop a bombshell by acknowledging the existence of the army's Cold Start strategy. In this context it is important to understand the meaning of Cold start and the way it has evolved.

What is Cold Start Doctrine?

A military doctrine helps standardize operations, facilitating readiness by establishing common ways of accomplishing military tasks. Its objective is to foster initiative and creative thinking and links theory, history, experimentation and practice.

Cold Start is a military doctrine developed by the Indian Armed Forces to put to use in case of a war with Pakistan. The main objective of the Cold Start Doctrine is to launch a retaliatory conventional strike against Pakistan inflicting significant harm on the Pakistan Army before any international community could intercede, but not in way Pakistan would be provoked to make a nuclear attack. At heart, it is part of the army's attempt to develop a useable, conventional retaliatory option that punishes Pakistan for terrorist attacks against India without triggering wider conventional or nuclear escalation.

The crux of Cold Start is:

► Pakistan must not enjoy the luxury of time. Cold Start aims for eight "Battle Groups", comprising independent armoured and mechanised brigades that would launch counterattacks within hours.

► These Battle Groups will be fully integrated with the Indian Air Force and naval aviation, and launch multiple strikes round the clock into Pakistan.

► Each Battle Group will be the size of a division (30,000-50,000 troops) and highly mobile unlike the strike corps.

► Ominously for Pakistan, the Battle Groups will be well forward from existing garrisons. India's elite strike forces will no longer sit idle waiting for the opportune moment, which never came in the last wars.

The development of Cold Start doctrine represents a significant change in Indian defence planning exercises aimed at reducing mobilisation time.

In May 2011, India launched Operation Vijayee Bhava ("Be Victorious"), a defence exercise in Bikaner and Suratgarh near the border with Pakistan in order to boost the synergy between the various branches of the armed forces. The main objective of the operation was to cut down the mobilisation time of the military, which took 27 days to mobilise during Operation Parakram. The Indian Army confirmed that the exercise was successful, reducing mobilisation time drastically to 48 hours.

In July 2011, India tested the Prahaar, a new solid-fuel tactical ballistic missile with a short range designed to provide invading Indian Army battle groups with lethal fire support.

Later that year, the Indian Army conducted its largest war games in the last two decades, titled Operation Sudarshan Shakti. The desert exercise was based on the Integrated Theatre Battle concept, where various defence wings and military elements have to participate in a single cohesive format during war. The focus of Sudarshan Shakti was to practice synergy and integration between ground and air forces.

The threat of the Indian Cold Start doctrine and increase in Indian Defence Budget from $24 Billion to $40 Billion between 2007 and 2009 has apparently prompted the Pakistan government to sharply increase its defence budget to 32% of their federal government's net revenue receipts, further increasing the strain on that country's already tenuous economy.

What steps should be taken to effectively execute this doctrine?

The army simply lacks the materiel and organisation to implement the more aggressive versions of Cold Start.

The large number of obsolete tanks and artillery pieces, critical shortages of ammunition and air-defence assets could be a hindrance. India needs to technologically upgrade its army to effectively execute such strategy.

Secondly, Cooperation between various forces is critical but army-air force and navy cooperation is also beset by inter-service dysfunction. Establishing a permanent post of Chief of Defence Staff (CDS), The CDS will be a single-point military advisor to the defence ministers on military matters with authority over the three chiefs.

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NCRB Report on
Farmer Suicide

Context

According to the NCRB Report Farmer suicides in the country rose by 42% between 2014 and 2015.

Hereby, analyzing the reasons for farmers suicide and steps taken by the government to handle the crisis.

India is an agrarian country with around 48.9%* of its people depending directly or indirectly upon agriculture. Nowadays the problem of farmers' suicides is one of the vital concerns that need to be addressed by the Government.

Considering the paramount importance of this issue, the NCRB, for the first time, has collected detailed data on farmers' suicides. Farmers include those who own and work on field (viz. cultivators) as well as those who employ/hire workers for field work/farming activities. It excludes agricultural labourers.

Farmer suicides in the country rose by 42% between 2014 and 2015, according to newly released data from the National Crime Records Bureau (NCRB). It recorded 5,650 suicides by farmers and cultivators in 2014. The figure rose to 8,007 in the latest data.

Both 2014 and 2015 were drought years, triggering farm distress across several states, and the data shows that just seven states accounted for 87.5% of the suicides in the farming sector in 2015.

Maharashtra (with 4,291 suicides) fared the worst, the data shows, followed by Karnataka (1,569), Telangana (1,400), Madhya Pradesh (1,290), Chhattisgarh (954), Andhra Pradesh (916) and Tamil Nadu (606).

Going by landholding status, the data shows that nearly 73% of farmers who committed suicide were small and marginal cultivators owning less than 2 hectares. Apart from marginal cultivators, those that grow cash crops such as coffee and cotton and those with high monetary debt are more vulnerable.

KILLING FIELDS

Maharashtra
2012 — 3,786
2013 — 3,146
2014 — 2,568
Telangana
2,572*
2,014*
898
Madhya Pradesh
1,172
1,090
826

ALL INDIA
2012 — 13,754
2013 — 11,772
2014 — 5,650

*In 2012 and 2013, Telangana was part of Andhra Pradesh

➤ For the first time Chhattisgarh with **443** suicides enters top five. Replaces Karnataka (321) on the fourth spot

➤ 'Bankruptcy or Indebtedness' and 'Family Problems' reason behind **40%** of farmer suicides

➤ Rajasthan, Bihar, Jharkhand, West Bengal and Uttarkhand have recorded zero farmer suicides

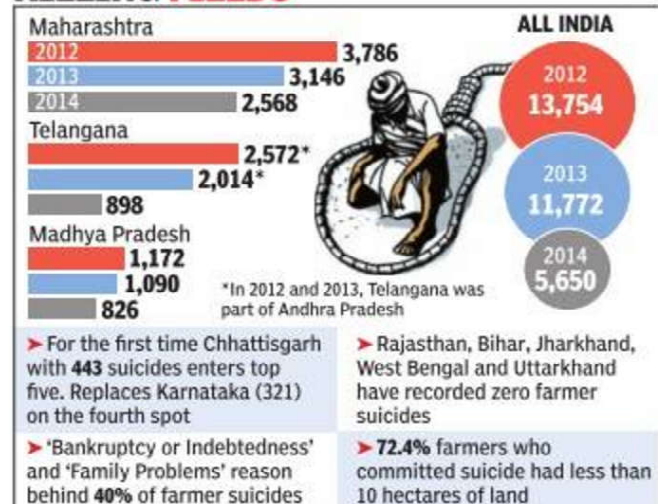➤ **72.4%** farmers who committed suicide had less than 10 hectares of land

Fig. 11

The actual count may be higher, but the police follow a strict definition of farmer which limits official data on the extent of cases. Only those farmers who have a land title to their name are considered. So if a farmer working on his father's plot or a woman working on her husband's land kill themselves, they are not counted as farm suicides. Add agricultural labourers and tenant farmers, and the total will surely increase.

Reasons for Farmer Suicide

➤ **Government economic policies -** For increasing productivity government policies encourage use of new technology (like tractors), Pesticides and Chemical fertilizer. These factors make agriculture

REASONS FOR FARMER SUICIDES IN INDIA

Reason	Number
BANKRUPTCY OR INDEBTEDNESS	1,163
FAMILY PROBLEMS	1,135
FARMING RELATED ISSUES	969
OTHER CAUSES	835
ILLNESS	745
DRUG ABUSE/ALCHOHOLIC ADDCITION	250
CAUSES NOT KNOWN	231
POVERTY	149
MARIAGE RELATED ISSUES	121
PROPERTY DISPUTE	52
FALL IN SOCIAL REPUTATION	7

■ Number of farmer suicides in India in the year 2014

Data Source: National Crime Records Bureau

rediffLABS

Fig. 12

relatively capital intensive. In turn, risk also increases because in case of crop failure debt burden is high.

➤ **Natural reasons -** Floods, Drought, and difficulty of farming semi-arid regions are some of the natural reasons. Due to increasing global warming there have been more incidences of flood and drought. For example 2014 and 2015 were both drought hit years. These factors lead to more suicide cases.

➤ **Insufficient or risky credit systems -** The access to formal credit system though has increased but there are still significant gaps. Marginal and small farmers still depend on private money lenders. The cost of funds from informal channels is high and increase debt burden.

➤ **Use of genetically modified seed -** A number of social activist groups and studies proposed a link between genetically modified crops and farmer suicides. Bt cotton was claimed to be

responsible for farmer suicides. The Bt cotton seeds cost nearly twice as much as ordinary ones. The higher costs forced many farmers into taking ever larger loans, often from private moneylenders charging exorbitant interest rates.

➤ **Suicide idea -** Suicidal ideation is as culturally accepted in south India as in some high-income countries. The high suicide rates in southern states of India may be, in part because of social acceptance of suicide as a method to deal with difficulties.

➤ **Public health issues -** Chronic illness, alcohol addiction and the absence of suitable counselling services.

➤ **Social reasons -** Stress and family responsibilities including marriage of female child.

➤ **Other reasons -** Poor agricultural income, absence of alternative income opportunities, a downturn in the urban economy which forced non-farmers into farming.

➤ **Post liberalisation -** The cutbacks in agricultural subsidies combined with the necessity to meet the international standards of quality increased the costs of input. There was also a demand for cash crops like cotton in the global market. Hence, a considerable part of the sector saw a government encouraged shift from foodgrain to cash crop cultivation. However, due to an excess of such products in the market, prices fell making cash crops uneconomical. This was the late 1990's - the time from when farmer suicides began to be recorded on a large scale. Production costs have steadily risen in the years since but market prices have not seen a corresponding increase.

Responses to farmers' suicides

The government appointed a number of inquiries to look into the causes of farmers' suicide and farm related distress in general. Various responses include:

➤ **2006 relief package -** A special rehabilitation package was launched to mitigate the distress of these farmers in four states of Andhra Pradesh, Maharashtra, Karnataka, and Kerala with high relative incidence of farmers suicides.

The package provided debt relief to farmers, improved supply of institutional credit.

▶ **Agricultural debt waiver and debt relief scheme, 2008** The Government of India next implemented the Agricultural debt Waiver and Debt Relief Scheme in 2008 to benefit over 36 million farmers at a cost of [1] 653 billion (US$9.7 billion). This spending was aimed at writing of part of loan principal as well as the interest owed by the farmers.

The government's response and relief packages have generally been ineffective, misdirected and flawed. It has focused on credit and loan, rather than income, productivity and farmer prosperity.

Assistance in paying off outstanding principal and interest helps the money lenders, but has failed to create reliable and good sources of income for the farmer going forward. The usurious moneylenders continue to offer loans at interest rates between 24 and 50 percent, while income generating potential of the land the farmer works on has remained low and subject to weather conditions.

Debt relief just postpones the problem and a more lasting answer to farmer distress can only come from reliable income sources, higher crop yields per hectare, irrigation and other infrastructure.

The recent initiatives in agriculture particularly target increasing productivity in agriculture by increasing area under irrigation, improved supply of fertilizers and improving infrastructure from farm gate to market and providing security against risk through insurance. Some specific schemes are:

▶ **Pradhan Mantri Krishi Sinchayee Yojana (2015)** - The scheme has been formulated with the vision of extending the coverage of irrigation 'Har Khet ko pani' and improving water use efficiency 'More crop per drop' in a focused manner with end to end solution on source creation, distribution, management, field application and extension activities.

▶ **Pradhan Mantri Fasal Bima Yojana (2016)** - The aim of the scheme is to provide insurance coverage and financial support to the farmers in the event of failure of any of the notified crop as a result of natural calamities, pests & diseases.

▶ **Unified Agricultural Marketing e-platform** - A common e-market platform for farmers will remove inter-state barriers in moving farm produce. The initiative could benefit farmers and consumers alike by ensuring fair prices through eliminating the role of middlemen and unfair trade practices.

Conclusion

Successive governments have focused more on control rather than prevention. It will take more than short-term measures and disproportionately implemented programmes to wade through the crisis. This can be avoided if there was a proper irrigation system, weather forecast information, competent crop insurance and buffer stocks in cold storage facilities to distribute to the families in their time of need.

A concrete reorientation of policy is crucial to stopping this depressing trend.

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Model Code of Conduct & Budget Timing
(MCCS Applicability on Centre)

Context

Given that Assembly elections to five states are to be held between February 4 and March 8, the scheduled presentation of Union government's Budget on February 1 raises an issue. Whether the presentation of budget is an issue of propriety or a fundamental violation of the Election Commission's model code of conduct? Whether it vitiates the electoral process or is an fulfillment of a Constitutional obligation or exercise of legitimate right of government to present the budget and right of people from other 21 states and UTs to know government policies? All these concerns need to be addressed to ensure free and fair elections for the benefit of Indian democracy.

What is Model Code of Conduct?

MCC is voluntary and of moral nature without any statutory backing devised in the 1960s and 1970s with the consensus of political parties to ensure peaceful, free and fair elections with a level-playing field.

The Model Code of Conduct comes into force immediately on announcement of the election schedule by the commission for the need of ensuring free and fair elections.

Since it is a moral code of conduct, morality warrants that Union government postpones the budget not only to uphold the sanctity of electoral process, but to continue a healthy tradition which started in 2012, respect for the opposition's views and as answer to apprehensions.

Is it applicable to Union government in case of state elections?

MCC apply on political parties and state governments concerned, besides the Central government in terms of announcements in these states.

What kind of activities are covered by MCC?

It is a set of guidelines issued by the Election Commission of India for conduct of political parties and candidates mainly with respect to speeches, polling day, polling booths, election manifestos, processions and general conduct.

Chapter 7 of the Model Code of Conduct is specifically aimed at denying the party in power the incumbency advantage. It says the party in power will not misuse official machinery, men and material, and will not make any new announcements of schemes or giving financial incentives.

Does the presentation of budget by Union government should fall within the ambit of MCC?

TS Krishnamurthy and N Gopalaswami, who have served as former CECs, believe that since the Union Budget is a central activity, any sops announced in it for the citizens of the country, without being specific to the poll-bound states should be not be seen as a violation of the code.

Apart from these expert opinions there are certain other valid points which can be raised against postponing of union budget because of state election.

➤ It is the right of Union government to present the budget and the date of presentation has been decided in advance. Election Commission should

have taken not of the date of budget while announcing the poll schedule.

► What if every year some states have elections during March-April. Would it be possible to shift budget every year. It will further lead to demand of concurrent elections in states and center.

► Delay in presentation of budget will not be seen as a good sign in globalized era when economic policies are used to attract foreign investment etc. Foreign investors may see it as hindrance in governance and decision making.

► What if Government announces policies through Presidential Address, will that also be considered as violation of MCC?

► Why to prejudge the government and to preclude that it will announce sops to attract votes.

► While making any announcement union government can't have all eyes on state elections only, because any un-pragmatic announcements may affect them economically in form low investments by private players, foreigners, low GDP growth and less employment in long term. All this may affect the government chances in other state elections in near future and in long term in general elections. So always to think that governments think of short term gains is wrong and if they do so they have suffered in long term which is the beauty of democracy.

► If government is announcing any policy to take undue favour in elections and without any rational or on unsound economic principles opposition may raise these issues with public because it is not necessary that every decision that is made with intention to garner vote will result into increased votes.

► It is also an irony that no research regarding how much effect the poll eve announcements have on the voter behavior which can help in decision making by Election Commission and the demand of shifting of budget is not made only on the basis of apprehensions.

Reasons in favour of postponing the elections:

► Since there are valid apprehensions of vitiation of the electoral process in view the recent trends wherein MCC in general elections was violated through telecast of speeches through news channels, through social media.

► Various groups are saying that Democratic Institutions are under threat. It was visible during the demonization where the central government failed to consult all parties on such important decision and Prime Minister failed to inform the Parliament on the issue.

► Imposition of President Rule in Arunachal Pradesh, Uttarakhand are also examples where the actions by Constitutional authorities were questioned.

► To say that the Indian voter is very discerning, or that a populist measure doesn't matter significantly, is a fallacious argument. Even if one person is influenced by a populist announcement, it matters. Not very long ago (in the 2008 Rajasthan Assembly elections), the Congress leader CP Joshi lost by a single vote.

Does Election Commission have powers to ask Union government to postpone the budget?

The Constitution and electoral laws are silent on this issue. Though art 324 of Constitution gives wide powers to EC to ensure free and fair elections, it is still a question of debate whether these powers can be used to direct union government to postpone the budget.

What if Union government does not abide by the direction? It will result into a Consitutional crisis.

What should be done?

► Since free and fair elections forms the basis of healthy democracy, every effort must be made that justice is not only done but seems to be done. To ensure this Election Commission and Union government must build consensus on certain issues like, EC can ask government to refrain from making any specific announcements related to the states going to elections.

► EC can after presentation of budget ask the government to refrain from implementing certain decisions to uphold the sanctity of elections.

► Or government can voluntarily decide to postpone the budget.

Inspite of these solutions some questions remain. Shouldn't state and central elections be clubbed together in view of the threats to violations of MCC, effect on governance and parties looking for short term gains through elections.

► Whether our democracy is graduating or not? Because with every day the rules, codes established since decades are being violated to the detriment of democracy.

► How far is our election process is really free and fair when there are apprehensions that few beneficial decisions in recent can shadow the malfeasance of past?

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India's
Nuclear Deterrence Capability

Context

India is one of the world's greatest emerging powers today. Its economy is growing rapidly and its military is one of the largest in the world, with over a million soldiers.

India sees its nuclear weapons capacity to be an integral part of its vision as a great power, and its nuclear program is important for both its prestige and security doctrine.

India's nuclear weapons program has not been free of controversy and criticism. India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT), and is not one of the five nuclear weapons powers the treaty recognizes. India's nuclear tests in 1974 and 1998 led to criticism and even sanctions.

However, Nuclear Deterrence Capability of India is needed to handle the vibrant scenario in the Asia mainly with respect to volatile neighbours and China.

Recently India made a successful test of the nuclear-capable long-range surface to surface ballistic missile, Agni-V. The missile is indigenously designed and developed by state-owned Defence Research and Development Organisation.

India is also designing platform for testing the indigenously developed submarine INS Arihant as it is capable of carrying 12 K-5 Sagarika missiles and 4 K-4 SLBMs.

In the light of volatile neighborhood and global arms race, the importance of having nuclear weapons for India and India's nuclear capacity has been analyzed.

Introduction

India's nuclear weapon program is a cornerstone of New Delhi's security strategy for the 21st century. For most of the post-independence period, India badly trailed the established nuclear powers in weapon quality, quantity, and the sophistication of delivery systems. In recent years, however, India has taken the steps necessary to becoming a first rate nuclear power.

Fig. 13

Indian work on nuclear technology began even prior to independence from the United Kingdom, but a period of instability and insecurity beginning in 1960 accelerated development. Indian defeat in the Sino-Indian War demonstrated conventional vulnerability, which the inconclusive 1965 Indo-Pakistani exacerbated. US efforts to intimidate New Delhi during the 1971 war with Pakistan also played a role.

After the Pokhran tests of May 1998, a **Draft Nuclear Doctrine** was prepared by India. The government

spelled out India's nuclear doctrine and expressed satisfaction with the operationalisation of its nuclear deterrance.

Salient features of the India's Nuclear Doctrine

➤ India will build and maintain a Credible minimum deterrance.

➤ Follow a no-first-use posture.

➤ Will use nuclear weapons only "in retaliation against a nuclear attack on Indian territory or on Indian forces anywhere."

➤ It was also affirmed that nuclear retaliation to a first strike will be massive and designed to inflict unacceptable damage.

➤ Retaliatory attacks will be authorized only by the civilian political leadership through the Nuclear Command Authority.

➤ Nuclear weapons will not be used against nonnuclear weapon states and

➤ India will retain the option of retaliating with nuclear weapons in the event of a major attack against it with biological or chemical weapons.

➤ Continuance of strict controls on export of nuclear and missile-related materials and technologies, participation in FMCT negotiations, continued moratorium on nuclear testing.

➤ Continued commitment to the goal of a nuclear weapons-free world, through global, verifiable and non-discriminatory disarmament.

Criticism of the nuclear doctrine has mainly been centered on the following key issues:

➤ Several organizations and individuals have commented critically on the No-First-Use (NFU) posture. NFU posture has been consistently questioned. It has been said that NFU may be useful as political rhetoric and make for stability in situations short of war. But as a serious war-planning predicate, it is a liability.

➤ NFU is not in the least credible, because it requires India to first absorb a nuclear attack before responding in kind.

➤ The NFU posture is likely to result in unacceptably high initial casualties and damage to Indian cities and infrastructure.

➤ The threat of nuclear retaliation against chemical and biological attack should be dropped from the doctrine as it is impractical.

Recently India made a successful test of the nuclear-capable long-range surface to surface ballistic missile, Agni-V. The missile is indigenously designed and developed by state-owned Defence Research and Development Organisation.

India is also designing platform for testing the indigenously developed submarine INS Arihant as it is capable of carrying 12 K-5 Sagarika missiles and 4 K-4 SLBMs.

This shows though India follows No First Use Policy but it is equally working on enhancing one's nuclear capabilities.

India's Nuclear DETERRENCE Capabilities

➤ India, along with China, the United States, and Russia, possesses a full nuclear triad consisting of extensive air, sea, and land capabilities.

➤ India maintains multiple nuclear capable aircraft, including the Sukhoi Su-30MKI, the Mikoyan MiG-29, and the Dassault Mirage 2000, among others.

➤ India has around 110 nuclear weapons, which is actually slightly less than how many Pakistan has (120).

➤ India also operates nuclear submarines and has recently produced the indigenous INS Arihant. However, India's submarine-launched ballistic missiles (SLBMs) have limited range, and Indian submarines would therefore have to creep fairly close to Chinese shores before they would be able to deliver a nuclear weapon to the mainland.

➤ The Indian missile arsenal is large and will soon include an intercontinental ballistic missile (ICBM). In fact, earlier this India successfully tested its Agni-V for the third time. Its range could be extended in later variants, and it is already able to reach all of China. India is also developing the Agni-VI, which may have a range of up to 10,000 kilometers.

What are the recent steps taken towards India's strategic nuclear deterrence?

➤ **Successful test launch of its Agni-V nuclear-capable, three-stage, solid fuel intercontinental**

ballistic missile - The capability conferred on India's Strategic Forces Command by the Agni-IV and Agni-V missiles are primarily intended to bolster India's strategic nuclear deterrent against China. India deploys the short-to-medium-range Agni-I, Agni-II, Agni-III, and Prithvi series of shorter-range missiles for its strategic deterrent against Pakistan.

➤ **Arihant-class ballistic missile nuclear submarine -** With its land-based ballistic missiles, a limited free-falling unguided air delivery method, and a recently acquired sea-based ballistic missile capability with the launch of the first of the Arihant-class ballistic missile nuclear submarine, India joins the United States, Russia, and China as a triad power.

Do the successive developments towards enhancing India's nuclear deterrent amount to India being in an arms race?

➤ India is building and testing the systems, which had been declared by the country in its Draft Nuclear Doctrine of 1999. The developments taking place now are only translating the vision of the doctrine to build "sufficient, survivable and operationally prepared nuclear forces".

➤ If India remains **true to the doctrine of *CREDIBLE MINIMUM DETERRENCE*,** it is unlikely that it will feel the need to enter into a nuclear arms race with others. The same, however, **cannot be said about Pakistan and China.**

➤ **Pakistan** appears to be in an **arms race** that it claims is **with India**. But the race to acquire more fissile material capacities and stockpiles, nuclear warheads, types of weapons, and delivery systems, would be better attributed to its own vision of full spectrum deterrence.

➤ Motivated by the need to deter a conventionally superior India, Pakistan is engaged in an open-ended nuclear build up.

➤ **China,** meanwhile, is in an **arms race with the US**. Having stayed with a minimalist vision of deterrence for about four decades after 1964, it has been over the last 10-15 years been engaged in building newer and more modern nuclear capabilities with an eye on the US ballistic missile defence. Fearing a degradation of its nuclear deterrent if the US could defend itself against incoming missiles, China is keen to flaunt a bigger and better (BMD-penetrating) nuclear weapons capability.

➤ **The US,** meanwhile, after having been in a nuclear weapons reduction mode for sometimes, appears to have stopped the trend. Nuclear modernization is the principle of the present moment. **Russia** has already been engaged in modernizing its nuclear capabilities over the last few years.

Importance of having nuclear weapons for India with respect to volatile neighbors

➤ India faces two near term nuclear threats. Against Pakistan, India has a huge conventional advantage, but has struggled to meet the irregular challenge. Conversely, China continues to have a significant military advantage over India, although India's position along China's primary energy supply route ameliorates this problem.

➤ This places India in the unusual position of needing to deter a more powerful nuclear adversary, while intimidating a weaker opponent. Pakistan's apparent decision to press forward with a major nuclear weapons acquisition program, along with its long-term commitment to using terrorist groups to destabilize the border regions, make it difficult for India to formulate a cogent response.

➤ Because of the stability-instability paradox, nuclear parity benefits Pakistan, allowing the smaller state to undertake risky moves without fear of escalation. At the same time, however, a larger Indian nuclear program could incur a reaction from China, which has long been satisfied with a moderate deterrent arsenal.

➤ Finally, while India does not at this time envision serious conflict with either Russia or the United States, the nuclear weapons capability effectively insures India against great power intervention in its region, or its wars.

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Conclusion

➤ Deterrence is ultimately a mind game. The essence of deterrence is that it must not be allowed to break down. India's nuclear doctrine must enhance and not undermine nuclear deterrence.

➤ **In the past** fourteen years India's nuclear doctrine and nuclear deterrence capabilities have been evolved gradually.

➤ Pakistan seems to have determined to rely on nuclear weapons for external defense, conventional military forces for internal integrity, and terror groups for the pursuit of foreign security policy. If Pakistan continues to build up its nuclear forces, India will answer, and as India's answer brings New Delhi's arsenal within range of China's, Beijing may respond with its own buildup.

➤ In the light of south Asian critical situation - the government should initiate the process to review the nuclear doctrine further. It should include a wider debate with participation by think-tanks and individual analysts. Each facet pertaining to the doctrine must be discussed.

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Pravasi Bharatiya Diwas:

Brain Drain to Brain Gain

Context

The Indian Diaspora is a generic term to describe the people who migrated from territories that are currently within the borders of the Republic of India. The Diaspora is very special to India.

Pravasi Bharatiya Divas (PBD) is celebrated on **9 January** every year with an aim to provide a platform to overseas Indians to engage with the government on issues of concern to the Diaspora and to explore opportunities for investment in India and contribution to the country of their origin.

Recently, the three-day *14th Pravasi Bharatiya Divas* saw its largest convergence in the IT City Bengaluru. PBD engagement in the recent years has been extremely substantive, outcome oriented, with wide ranging issues been discussed.

Take away from the PBD 2017, for the coming years is that greater emphasis will be given on ensuring that government schemes, programmes, outreach programmes of the Govt goes out in a bigger manner to all the countries.

The PM called the Indian Diaspora a 'valuable partner in India's journey of development', and the Govt objective is to turn *'brain drain' into 'brain gain'*.

Introduction

Pravasi Bharatiya Divas (PBD) is celebrated on 9 January every year to mark the contribution of Overseas Indian community in the development of India. January 9 was chosen as the day to celebrate this occasion since it was on this day in 1915 that Mahatma Gandhi, the Greatest Pravasi, returned to India from South Africa.

PBD conventions are being held every year since 2003. These conventions provide a platform to the overseas Indian community to engage with the government and people of the land of their ancestors for mutually beneficial activities. These conventions are also very useful in networking among the overseas Indian community residing in various parts of the world and enable them to share their experiences in various fields

During the recent PBD held in Bengaluru on January 9, 2017, PM appealed to NRIs to invest in the country and delineated the government's effort to convert **'brain drain' into 'brain gain'.** PM invited the Diaspora to contribute in making India strong and self-reliant.

Brain Drain vs Brain Gain

The movement of skilled workers internationally represents brain gain for the countries that reap their skills and experience and brain drain for their countries of origin.

Brain Drain is referred to as Human capital flight. Reasons for brain drain can be put into two broad categories: (i) push factor, these cause people to leave their place of residence or origin; and (ii) pull factors, which attract the people from different places.

Push factors - Lack of employment opportunities, poverty, high population pressure on the land, lack of basic infrastructural facilities like health care, education, etc.

Pull factors - Better opportunities, availability of regular work and relatively higher wages. Better opportunities for education, better health facilities.

Brain Gain - On the brain gain side of the divide, countries increasingly are looking to position their immigration policies to attract the types of international workers and students whose skills they desire.

Brain Drain -Trends

► During colonial period (British period) millions of the indentured labourers were sent to Mauritius, Caribbean islands, Fiji and South Africa by British to work as plantation workers.

► The second wave of migrants ventured out into the neighbouring countries in recent times as professionals, artisans, traders and factory workers, in search of economic opportunities to Thailand, Malaysia, Singapore, Indonesia etc.

► There was a steady out flow of India's semi-skilled and skilled labour in the wake of the oil boom in West Asia in the 1970s. There was also some outflow of entrepreneurs, storeowners, professionals, businessmen to Western Countries.

► Third wave, of migrant was comprised professionals like doctors, engineers (1960s onwards), software engineers, management consultants, financial experts, media persons in 1980s. These professional enjoy the distinction of being one of highly educated, the highest earning and prospering groups.

► After liberalisation, in the 90s Education and knowledge-based Indian migration has made Indian Diaspora one of the most powerful Diasporas in the world.

Case of Brain Gain for India

India is one of the fastest growing economies which have recently outperformed China in terms of growth rates. According to IMF, India is really the 'Shining Spot' in a global economy that is otherwise a little bit gloomy and where growth is unfortunately too fragile and too uneven for the job creation.

For going forward it is very crucial to make gain out of professional experience and technical expertise which Indians have gained abroad.

Over 30 million Indians are living in various countries across the world, whose remittances bring over $69 billion annually to the country. It is not just the quantum of money, but the type of it is even more enriching. The remittances are in the form of dollars and thus substantially reducing India's currency risks.

Is India ready for Brain Gain?

► First, there are no constraints of money in India if you have a good science project.

► Secondly, there are better research opportunities in India and the environment to do scientific research has improved tremendously.

► India is looking to tap Non Resident Indians to work on short term research projects in technology and science to solve local problems

► India is also looking at enabling Indian scientists and technocrats living abroad to engage in short term R&D projects in the country.

► India's "service" capabilities in the global perspective are huge. India has vast potential to meet the skilled manpower needs of the entire world

► Sectors such as nursing, high-end financial services, arbitration, tourism, music and vegetarian cooking are examples of what India had to offer to the world, besides the already established IT and other core sectors.

Other ways in which Indian Diaspora helps in India's development

► NRIs bring the best practices of the rest of the world back home.

► Overseas Indians shape foreign policy of their respective countries towards India.

► NRIs help non-Indians understand Indian culture in a positive way.

► Overseas Indians bring new business to India. They often take up top assignments in the Indian offices of major MNCs.

► They invest heavily in Indian start-up and mentor them.

► Diaspora can also contribute to India by sparing their time and energy on implementing government flagship programmes.

► Telecom and IT services are the biggest services exports from India, and in that period those

amounted to $49.6 billion so at $48.5 billion, remittances are almost as big as IT exports.

The Reserve Bank of India has directed the Indian banks to attract NRI deposits and there are numerous short and long term investment plan option for them. Besides, NRIs are encouraged to establish business and educational institution in India. As a result of all this there is greater involvement of NRIs in India.

Even though NRI's contribution is not visible but they are helping their country through varied activities in India. Many reports reveal that NRI's are major source of Direct Foreign Investment, market development (outsourcing), technology transfer, charity, tourism, political contributions and more substantial flows of knowledge, in India.

The NRIs have came forward with several non-governmental organizations in India helping in array of developmental, educational and social projects. It has been observed that large number of NRIs is actively taking part in several welfare programs in India. They have registered many NGOs to encourage education, health care and developmental activities such as water management, rural development and self-help programs etc. They are also assisting in social and environmental problems in India.

But for economic development continuous effort is needed, thus Brain Gain is must for the establishment of peaceful and stable India.

Conclusion

Migration works to partially moderate international differences in the balance between the demand for and supply of specialized skills. In the short tenth migratory movements support positively the adjustment process of the economy, the inflow of workers under the assumption of full employment has shown to increase, or at least not to decrease per capita income in the receiving countries.

Although remittances back home can be an important element of the economy, the lack of skilled workers may lead to sector malfunction, compromising the development of the society and consequently its economic growth. On the other hand, emigration can bring opportunities, as happened with India which from being a sending country in the 1980's became a destination for outsourcing by the turn of the Century.

The fact is that migratory movements of human capital is inevitable, due to the simplest rule of economics that says "supply follows demand", and therefore the human capital as any other scarce resource will be available where is most valuable and not necessarily, where just most needed.

Thus the steps need to be taken for retaining the skilled resource within India, rather than moving to other region.

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Significance
of Public Accounts Committee

Context

RBI Governor was called before Public Account Committee to answer questions on the decision making process ahead of the demonetisation announcement, the RBI's involvement, and its many policy "flip-flops". Holding the Executive to account for its use of public money is one the key roles of Parliament's PAC, the "mother of all Parliamentary Committees". Its job is to keep a vigil on the spending and performance of the government, to bring to light inefficiencies, wasteful expenditure, and indiscretion in the implementation of policies and programmes approved by Parliament, and to make recommendations to streamline the administration for efficient, speedy and economical implementation of policy.

What is the composition of PAC?

➤ 22-member Committee comprises 15 members and 7 members from Lok Sabha and Rajya Sabha, respectively. The committee is headed by a member of the opposition.

➤ No Minister is allowed to be a member of this panel. The objective behind this standard practice is to eliminate the chance of ruling party influencing or manipulating PAC's decisions.

What are the Roles & Responsibilities of the PAC?

PAC is considered watchdog of government spending. The panel performs a crucial exercise, which is to prepare and submit a report to the Lok Sabha on the basis of the irregularities observed while scrutinizing the government accounts. The report is then tabled in the Parliament for discussions and future recommendations. However, before the PAC starts working on the accounts details of any particular ministry, it interrogates the representative. In the process, the committee is assisted by the CAG.

While scrutinizing the Appropriation Accounts of the Government of India and the Reports of the Comptroller and Auditor General thereon, it is the duty of the Committee to satisfy itself—

➤ That the money shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged;

➤ That the expenditure conforms to the authority which governs it; and

➤ That every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.

How PAC Functions?

➤ *Selection of Subject for Examination:* As soon as the Committee for a year is constituted, it selects paragraphs from the reports of the Comptroller and Auditor General that were presented after the last selection of subjects by the Committee for in-depth examination during its term of office.

➤ *Calling for Information from Government:* The Committee calls for, in the first instance, background note and advance information from the Ministries/Departments concerned in regard to subjects selected by it for examination.

➤ *Study Tours:* The Committee undertakes on the spot study tours/visits of various departments/establishments connected with the subjects taken

up for examination and hold discussions with the representatives of the concerned official/non-official organisations located at the place of visit. Each study tour is undertaken with the specific approval of the Speaker.

➤ *Evidence of Officials*: The Committee later takes oral evidence of the representatives of the Ministries/Departments concerned with the subjects under examination.

➤ *Ministers not called before Committee*: A Minister is not called before the Committee either to give evidence or for consultation in connection with the examination of Accounts by the Committee.

The Chairman of the Committee may, however, when considered necessary but after its deliberations are concluded, have an informal talk with the Minister concerned to apprise him of

➤ Any matters of policy laid down by the Ministry with which the Committee does not fully agree; and

➤ Any matters of secret and confidential nature which the Committee would not like to bring on record in its report.

◘ *Report and Minutes*: The conclusions of the Committee on a subject are contained in its Report, which, after its adoption by the Committee, is presented by the Chairman to the Lok Sabha. The Reports of the Committee are adopted by consensus among members. Accordingly, there is no system of appending minute of dissent to the Report.

◘ *Action Taken on Reports*: After presentation to the Lok Sabha, copies of the Report are forwarded to the Ministry or Department concerned which is required to take action on the recommendations and furnish action taken replies thereon within six months from the presentation of the Report.

Action taken notes received from the Ministries/Departments are examined by the Action Taken Sub-Committee/Committee and Action Taken Reports of the Committee are presented to the House.

➤ *Statements of action taken on Action Taken Reports*: Replies received from Government in respect of recommendations contained in the Action Taken Reports after approval by the

Chairman are also laid on the Table of Lok Sabha/Rajya Sabha in the form of Statements.

How effective PAC is?

The committee's job of scrutinising accounts is a continuous process and it enjoys the prerogative of looking at the present as well as the future,

➤ The very fact there is someone who will scrutinise what has been done is a great check on the slackness, or negligence of the executive,

➤ When properly carried out, leads to general efficiency of the administration, and also serves as a guide for both future estimates and policies.

➤ Committee has kept the executive accountable to Parliament, thereby lending an additional dimension to the nation's fiscal policies and programmes.

➤ Committee has been able to bring to light certain cases where parliamentary authority on the administration of tax laws had been diluted by the executive fiat and other cases of the government not carrying out the intentions of Parliament as expressed in laws.

➤ "It had also drawn attention to differing interpretations given by officers to tax provisions which had led to citizens being taxed differently under the same statute."

However the PAC has been reduced to being a toothless watchdog. Politician in power and the acquiescent bureaucrat have together developed a vested interest for secrecy, shying away from accountability to Parliament and the people.

➤ Most of the times the recommendations of the committee are not looked into or given importance.

➤ The Action taken reports do not contain full information of the action taken or the answers are obfuscating.

➤ The committees work is of post mortem nature with no much significance.

➤ Because of continuous neglect of the recommendations of the committee, bureaucracy has developed a thick skin against the recommendations.

➤ The committee is reconstituted every time; which prevents effective follow up of the issues and

scrutiny. It also prevents building of expertise among the members.

► The members selected by parties for selection to Committee are not chosen on the basis of merit, which hampers effective functioning of the committee.

► the lack of technical expertise hinders the PAC's examinations.

► Officers are sometimes able to dodge PAC summons, which has prompted suggestions that it should have the power to hand out harsher punishments.

► Many of the PPP projects are out of purview of Committee.

What Can be done?

There is demand for providing more teeth to the Committee so that it can efficiently perform the oversight function.

► It should be given powers to punish officials who fail to turn up in front of Committee.

► Committee should be provided with experts to help it better scrutinize accounts.

► The Action taken report by the government should have clear deadlines, missing of those deadlines should bring censure.

PAC inspite of its weaknesses helps in bringing important issues to public and creating a public discourse. This in itself acts as most effective measure ensuring accountability from executive. As working of committee has evolved over times in response to new issues, there is time to give a fresh look to the challenges faced by committee and find out solutions so that Parliamentary oversight over legislature is ensured in a better manner.

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Mining Incidents:
Safety Rules Violation

Context

The recent death of 18 workers in Lalmatia open cast mine in Jharkhand, which NDRF described as 'manmade' has reopened the debate over safety of mining operation. About one million people on an average are employed on a daily basis at these mines, with the sector contributing about 5 per cent to the country's GDP, but still the safety is neglected because the lives at stake are of poor, is out of the gaze of Supreme Court which otherwise on finding it poor air quality in Delhi issues a slew of directions and because profits matter most than lives.

Thousands of miners die from mining accidents each year, especially from underground coal mining, although hard rock mining is not immune from accidents.

Mining accidents and disasters are preventable. It is a tragedy that history is often repeated and the lessons from previous accidents and disasters seem to be forgotten or ignored.

Where does India stand in terms of fatalities or accidents related to mines?

➤ India's statistics indicate coal mining has become safer over the past few decades. Between 1990 and 2015, the average number of serious injuries per metric tonne of coal mined has fallen from 2.7 to 0.27. The average number of fatalities has also fallen from 0.69 to 0.07.

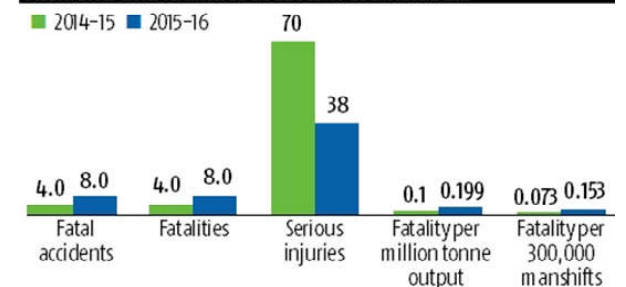➤ But much of this is because of the greater mechanization of mining which massively increases output per miner.

LURKING DANGER

Accidents and fatalities at Coal India

Timeframe	Total number of accidents	Total fatalities	Average fatality rate per mn tonne output	300,000 manshifts
2000–2004	567	82	0.28	0.22
2005–2009	388	80	0.22	0.25
2010–2014	275	62	0.14	0.23
2015	172	38	0.07	0.15

Source: Coal India

Source: Eastern Coalfields

Fig. 14

Though Coal India has better as compared to US mining operations, but the two are uncomparabe because most of Indian mines are open cast mines whereas in US most of mining is deep undercast.

India's safety record in underground mining is extremely poor.

There are also questions about the validity of Indian numbers given the large number of illegal wildcat mines where accidents, let alone fatalities, never make it to the official statistics.

Major accidents:

➤ May 28 at the Turamdih Uranium Mine near Jamshedpur, run by the State-owned Uranium Corporation of India Ltd (UCIL), killing three miners

➤ April 14, three workers of Singareni Collieries Company Ltd (SCCL) were crushed to death at Shanthikhani main site near Mandamarri, Telangana,

▶ Lalmatia accident in Rajmahal (Jharkhand) killing 18.

Why India has poor safety records?

Mining accidents can have a variety of causes, including leaks of poisonous gases such as hydrogen sulfide or explosive natural gases, especially firedamp or methane, dust explosions, collapsing of mine slopes, mining-induced seismicity, flooding, or general mechanical errors from improperly used or malfunctioning mining equipment (such as safety lamps or electrical equipment). Use of improper explosives underground can also cause methane and coal dust explosions.

One of the reasons why the Coal Mines (Nationalization) Act was enacted in 1973, taking over private sector mines, was the poor safety record of mines, but that has not changed the picture much.

The reasons for poor safety standards are:

▶ Lack of investment in coal mines, accidents during surface transport by heavy machinery in open-cast mines, apart from the use of explosives, are the other key reasons.

▶ Improvement in safety measures requires capital expenditure. This, in turn, requires a genuine corporatization and streamlining of these inefficient public sector units. That sort of reform remains outside the pale, ensuring that both increases in capital expenditure and mining safety remain vestigial concerns.

▶ Although, the Directorate General of Mines Safety prescribes a set of protocols for operations in various types of mines, experts at the Indian Institute of Technology (Indian School of Mines), Dhanbad, says that those are blatantly violated.

▶ R.M. Bhattacharjee, another IIT (ISM) professor, said safety considerations towards open cast mines are very poor, though CIL mines 94% of its coal from open cast mines.

▶ Even the statutory rules of the government are not binding on open cast mining. For underground mining, there are several rules and regulations in place. However, there aren't many measures listed for open cast mining, apart from very basic ones.

▶ India's coal industry has administrative lacunas. It has among the highest rates of fatalities and injuries from the collapse of roofs, walls in the world, inundation fatalities, accidents caused by the surface movement of heavy machinery. All these are not as a consequence of actual mining activity but a clear sign of administrative failings.

▶ Safety concerns raised by activists and locals were rubbished by authorities. In the present case the allegations made by activists were termed as false. It is claimed that no proper investigation was done which resulted into collapse because of overburdened dump over de-coaled area.

▶ Alerts in form of minor mud slides were ignored in Lalmatia mining tragedy.

The **Human Rights Watch report "Out of Control: Mining, Regulatory Failure and Human Rights in India,"** published in 2012 looks at iron ore mining in Goa and Karnataka to show "how even mines operating with the approval of government regulators are able to violate the law with complete impunity." It adds that a mix of bad policies, weak institutions and corruption, government oversight and ineffectual regulation of the country's mining industry has resulted in "chaos."

What are other issues associated with mine safety?

There are two other serious issues associated with mine safety. One, that though employees of State-owned coal firms are governed by the same set of rules as, say, those of Air India, payout rates in case of accidents are low. The compensation for injuries or death ranges between Rs 5.4 lakh and Rs 8.5 lakh, rarely crosses Rs 10 lakh, and is under process for long.

The other is that a number of those who perish are contract workers who, or their immediate families, have practically no safety net apart from this payout.

Measures to reduce mining accidents

▶ **Documenting the Safety Procedures:** Describing the various incidents that might occur, what needs to be done and whom to contact.

These should be displayed prominently in locations that can be easily accessed.

▶ **Professional Training:** Sessions containing theory and practical components can be very helpful.

➤ **Planning and Communication:** Alloting extra time and money for safety requirements.

All risks should be assessed, including the popssibilities of accidents.

Where a risk still exists providing clear instructions and educating on how to mitigate it.

➤ **Wearing Safety Equipments:** It is essential that all workers wear the necessary safety equipments at all times, like helmets, safety glasses and gloves.

➤ **Following the Latest Safety Standards:** Ensuring all safety equipments serviced regularly.

Never allowing staff to use outdated safety equipment.

What should be done?

➤ There is urgent need to carry out a safety audit of the mining operations. Those violating the norms must be punished.

➤ Since most of mining operations in India are related to open cast mining, new set of rules must be framed for such operations.

➤ Early warning systems must be installed as they help in avoiding causalities.

➤ The compensation for the effected must be increased and certain sum of revenues must be kept aside for compensation and implementation of safety measure.

This accident, which is by no means unusual in an industry that is considered along with shipbuilding to be the most hazardous, draws attention to a host of serious issues related to mining in India.

These include: abysmal safety conditions for workers, outsourcing by public sector companies of work contracts to private companies that are lax in following rules and regulations, environmental degradation, violation of human rights of local residents who are predominantly tribal, hiring of contract labourers from outside the area to circumvent protests by locals, outright corruption in sanctioning projects that exploit the minerals, "illegal" mining that employs a large number of the marginalized, and employ. All these issues must be tackled because every Indian life is important.

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Impact of War
on Women

Context

Women and girls suffered dispropor-tionately during and after war as the existing inequalities get magnified, and social networks broke down, making them more vulnerable to sexual violence and exploitation.

Increasingly, modern warfare is wreaking havoc on the lives of women and girls, and on the health and educational services that are key to family and community survival and development.

Hereby analysing the impact of war on women.

There is no doubt that war affects women and men differently. Whenever there has been conflict, women have been known to receive the hard end of the stick. Women are often the most vulnerable and prone to being hit the hardest. It is one of the unspoken facts of militarism that women often become the spoils of war, their deaths are considered collateral damage and their bodies are frequently used as battlegrounds and as commodities that can be traded.

It is very important to understand the nature of violence against women in general to completely understand how violence culminates during war. The **1993 UN general assembly Declaration on the Elimination of Violence against Women** has defined violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

Women and girls are not just killed in war, they are raped, sexually attacked, mutilated and humiliated. Custom, culture and religion have built an image of women as bearing the 'honour' of their communities.

Disparaging a woman's sexuality and destroying her physical integrity have become a means by which to terrorize, demean and 'defeat' entire communities, as well as to punish, intimidate and humiliate women.

Sexual violence as a tool of war has left hundreds of thousands of women raped, brutalized, impregnated and infected with HIV/AIDS. And hundreds of thousands of women are trafficked annually for forced labor and sexual slavery. The effects of war continue for years after the fighting ends. Many women are left widowed and many children are orphaned. Women struggle to sustain livelihoods for their children after conflict.

Conflict in Syria and its socio-economic impact on women

As the war in Syria approaches its sixth year, the toll it has taken on the country's women has been particularly brutal. With men largely either engaged in fighting or prevented from leaving conflict zones, the majority of displaced Syrians are women. Fleeing the war does not mean that they have escaped violence and degradation.

Women must pass through areas controlled by armed groups, negotiating checkpoints where rape and sexual assault are commonplace. When they arrive in poorly-resourced camps, they face enormous difficulties in accessing basic services - particularly reproductive healthcare.

Displacement also amplifies the economic and security factors that drive early marriage, leaving girls even more vulnerable to this form of abuse, and seeing the rate of child marriage among Syrians in Jordan doubling between 2011 and 2012.

Much of Syria remains under the control of extremists like ISIS and al-Nusra. The atrocities of these groups are well documented, but a more pernicious aspect of life under their rule is the repression that seeps into women's daily life.

Prior to the war, state secularism meant that women enjoyed a degree of personal freedom in their dress, but in extremist-controlled areas they now are forced to cover their faces. Even then women are not permitted to leave their homes without being escorted by a male relative. With thousands of men away fighting, wounded or killed, this sees many women effectively living under house arrest.

The economic burden can be even heavier for those who flee to neighboring countries. According to the UNHCR, more than a quarter of refugee households are headed by women.

Access to work permits is very limited for Syrian refugees. In Turkey for example only 0.1% of Syrians stand to gain the right to work according to Turkish labor laws.

In Lebanon, according to **Amnesty International**, the government has introduced restrictions which prohibit Syrians from working in occupations other than agriculture, hygiene and construction.

The International Labor Organization (ILO) reported that 70% of Syrian refugee women who are employed work in agriculture or as domestic workers in Lebanon. This means they work in occupations which have low pay and little job security. A lot of women have been forced into the informal sector which makes them more vulnerable to exploitation and sexual harassment.

Dire economic conditions have given rise to human trafficking in refugee camps in Jordan and Lebanon. In Jordan and Turkey, human trafficking takes the form of child marriage. There are many cases of wealthy men approaching families to marry their underage girls in return for money. Child marriage is seen as a coping strategy by some families to help these girls get out of the miserable life in camps.

Poor living conditions may also force women into prostitution. In April 2016, the largest ever human trafficking network was uncovered in Lebanon in which 75 Syrian women were forced into sexual slavery.

Access to health services has been largely interrupted both in Syria and in surrounding countries. These conditions affect women gravely. They limit women's and girls' access to all healthcare, as well as to necessary reproductive health services.

Unfortunately, war more often discourages girls from attending school because it is unsafe for them to leave home.

In some wars, particularly religious conflicts, certain factions may believe that girls should not be educated.

The decline in schooling for females during periods of armed conflict has implications for a nation's post-conflict recovery: the World Bank says that education is the single most important factor contributing to national economic growth. Education, or lack of it, also has implications for sustainable population growth on a global scale. Girls and women who are educated will have fewer children and those they have are more likely to survive and thrive.

Sometimes armed conflict promotes development of new abilities in women and girls. During the Eritrean struggle, those fighting for national independence established a school curriculum which reflected a commitment to socialist equality and the rights of women. Classes were coeducational and girls were encouraged to fully participate in all fields, particularly the technical ones.

According to the World Health Organization (WHO), "gender-based inequity is usually exacerbated during situations of extreme violence such as armed conflict."

Thus steps need to be taken to provide safe and secure space for the vulnerable section.

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