

## Topical Analysis

# China's 'String of Pearls' Policy & India's Response

## Contemporary Issues

### 1. International Relations (IR)

- ▶ Wassenaar Arrangement and India
- ▶ Significance of Chabahar Port for India
- ▶ FTA between China and Maldives - Warning for India
- ▶ UNSC Reform
- ▶ What does US Recognition of Jerusalem Means?
- ▶ YEMEN War and implications
- ▶ Need for Political Stability in Nepal
- ▶ Virtues of Soft Power

### 2. Economic Issues

- ▶ India and WTO: Issue of Food Security
- ▶ The Right Crop Nutrient Solution
- ▶ Bitcoin Boom

### 3. Science

- ▶ How to Reap Digital Dividend?
- ▶ Need to Understand Cyber Threats before Fighting them

### 4. Environmental Issues

- ▶ Polluters Pay Principle and NGT

### 5. Governance Issues

- ▶ Powering Rural Healthcare
- ▶ Reasons for Poor Implementation of Schemes in India
- ▶ Reforms Needed in Criminal Administration in India
- ▶ Regulating Private Healthcare

### 6. Social Issues

- ▶ Bill on Banning Triple Talaq
- ▶ Child Trafficking
- ▶ Human Rights and Indian Values
- ▶ Adultery Law Weighted in Favour of Men: SC

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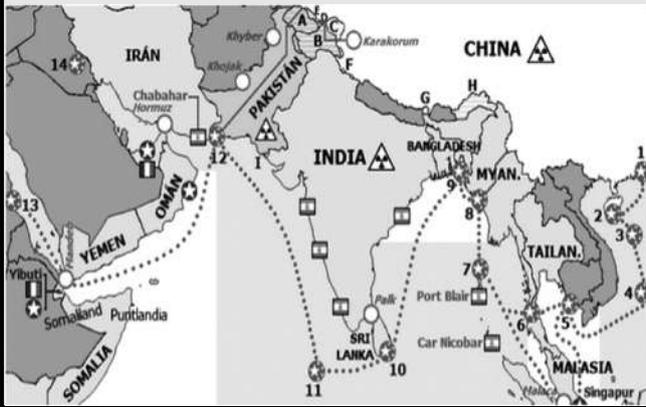
Batch Starts: **22<sup>nd</sup>** June, 2018

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### Wassenaar Arrangement Admits India As Member

The Wassenaar Arrangement, a multilateral export control regime, has decided to admit India as a member, a development that will help it acquire critical technologies and is being seen as a significant victory for the country's non-proliferation track record. The decision was taken at the two-day plenary meeting of the grouping in Vienna on Wednesday and Thursday. India is now a member of two of the four export control regimes, the other being Missile Technology Control Regime (MTCR), which the country had joined last year.

(Text by Dipanjan Roy Chaudhury)

THE WASSENAAR ARRANGEMENT was established in 1996 to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.

INDIA WILL BECOME the 42nd member of the Wassenaar Arrangement.



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### HISTORIC REFORM

LS on Thursday passed a bill making instant triple talaq illegal with up to 3 years in jail, fine for the husband. The proposed law applies to talaq-e-biddat in any form.

**100** triple talaq cases reported since SC verdict banning triple talaq in Aug.

**15** parties opposed the bill: RJD, AIMIM, BJD, AIADMK and All-India Muslim League

Muslim-majority countries have regulated triple talaq, why can't we do it? We are not interfering in Shariat  
— R.S. Prasad, Law minister

Everybody wants to support women empowerment but there are some lacunae... refer the bill to a standing committee  
— Mallikarjun Kharge, Congress

The bill does injustice to Muslim women, violates the Right to Freedom... Muslims were not consulted in its drafting  
— Asaduddin Owaisi, AIMIM

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## COVER STORY

# China's 'String of Pearls' Policy and India's Response

Context

*In the past few years, Indian Ocean region has become a geopolitical hotspot. Extra-regional nations are trying to maintain near permanent presence in the region, e.g. China. China has been sending ships to the northern Indian Ocean in the name of anti-piracy operations and over the last two to three years on average about 8-10 ships have been deployed. But this year, the number shot up to 14.*

*Apart from getting access to several ports and facilities in the Indian Ocean, China also opened its first overseas military base in Djibouti in the Horn of Africa, giving it the ability to monitor across the Gulf of Aden and the Persian Gulf too.*

*China is heavily investing in Pakistan through its OBOR & Silk Route policy. It has also signed FTA with Maldives. Hence China's growing presence in the Indian Ocean presents a challenge to India.*

*Current article looks into the fundamentals of String of Pearls theory and how far it has shaped the geopolitics of Asia in a rapidly changing world.*

## Introduction

The Indian Ocean Region (IOR) is one of the most important areas of the world in geopolitical as well as economic terms. The level of political stability, the quality of governance, demographic pressures, ethnic and sectarian tensions, and the pace of economic growth in IOR creates a different mix of opportunities and threats for each state, especially India.

In the recent times, extra-regional nations are trying to maintain near permanent presence in the region, especially China. China has been sending ships to the northern Indian Ocean in the name of anti-piracy operations and over the last two to three years on average about 8-10 ships have been deployed. But this year, the number shot up to 14.

Apart from getting access to several ports and facilities in the Indian Ocean, China recently opened its first overseas military base in Djibouti in the Horn of Africa, giving it the ability to monitor across the Gulf of Aden and the Persian Gulf too. India has already been encircled by Chinese military and commercial facilities and if Chinese naval base comes up on Pakistan soil, that's going to be the possible last step in the chain of pearls encircling India.

In reaction to these activities, the Indian Navy broadened its patrol areas in the IOR to cover all choke points in the face of increasing maritime threats recently. India had a relook at its naval deployment pattern and reached a consensus within the Navy to have a mission-based deployment so that the areas of interest can be kept under permanent surveillance. The incoming and outgoing routes of the Indian Ocean Region are being kept under surveillance so that India can have better awareness and know what is happening.

### What is “String of Pearls”?

‘String of Pearls’ refers to a geopolitical theory to the network of Chinese intentions in India Ocean Region (IOR). Precisely, it refers to the network of Chinese military and commercial facilities developed by China in countries falling on the Indian Ocean between the Chinese mainland and Port Sudan.

The doctrine has been discussed for years and now the recent initiatives of China-Pakistan Economic Corridor (CPEC) and the One Belt One Road (OBOR) are also seen as a part of China’s larger military ambition.

#### Key points of String:

##### ► Strait of Malacca

- The Indian Ocean sees nearly 60 per cent of the trade which includes the trade of oil from the oil fields of the Middle East. Also, 80 per cent of China’s oil imports pass through the Strait of Malacca. Therefore, Strait of Malacca is indispensable for China. In the recent times, China is keen to develop friendly relations with countries like Malaysia and Singapore which surround the Malacca Strait. China has also developed a naval base near Strait of Malacca on Cocos Keeling Island, which is a distant part of Australia.
- From India’s perspective, it has a strategic hold on Malacca Strait and in past India had threatened to block Malacca Strait when China was trying to help Pakistan in 1971 war. During the Kargil conflict in 1999, India had choked supply to Pakistan by using its navy blocking the Karachi port.

##### ► Myanmar

- China has the presence in Myanmar’s Kyaukpyu port situated in the Bay of Bengal region.
- It has given China access to commercial Maritime facility which can be used as a military facility at the time of conflict. China has further invested to construct 2400 km gas pipeline connecting Kyaukpyu and Kunming.
- China is also developing Sittwe Naval base in Myanmar.
- Another main Chinese presence in close vicinity to Indian shores is at Coco Islands. Coco Islands are situated north of Andaman and Nicobar islands and strategically extremely important at the times of conflict. China is reportedly having a military base there as well.

##### ► Bangladesh

- China has developed the port of Chittagong which gives it a station to be used in the heart of the Bay of Bengal. China has invested a lot in Bangladesh and both Bangladesh and Myanmar are important points of OBOR’s sub-project, Bangladesh-China-India-Myanmar (BCIM). China is also pushing Bangladesh to allow a naval base near Chittagong.

##### ► Sri Lanka

- While India has robust relations with Sri Lanka, China is also establishing its feet in Sri Lanka as well.

- The Chinese company has developed a port Hambantota, in the Southern-eastern side of Sri Lanka and the Sri Lankan government has also allowed the control of it to a Chinese company. Recently, the Sri Lankan government had rejected Chinese request of allowing one of its nuclear submarine dockings at Hambantota.
- ▶ **Maldives**
  - Port of Marao is developed by China.
  - Recently Maldives President in his visit to China signed Free Trade Agreement (FTA) between two countries. Besides the FTA, the other agreements were signed in various fields such as economy, human resources, oceans, environment, health care, and finance. It is another sign of China's success in its outreach in South Asia.
- ▶ **Pakistan**
  - China is Pakistan's all weather ally. Therefore, Pakistan has always been China's tool to keep India in check. The Gwadar Port developed by China for the purpose of CPEC is just the tip of the iceberg as China will not only assist Pakistan Navy through Gwadar port but would also launch offensive using this port in the scenario of a Sino-Indian conflict. There are also speculations that China may come up with a full-fledged naval base in Pakistan in lines with Chinese ambitions in IOR.
- ▶ **Africa and Middle-East**
  - China hasn't limited itself to lure the countries encircling India, but it has also made its presence felt on the African coast and the Middle East. China is said to have a powerful presence on the African coast of Indian Ocean in Sudan and Kenya while it's now building a military base in Djibouti to counter the increase American footprint in the Middle-East and IOR.
  - Seychelles Islands: Naval base.
  - Madagascar: Various infrastructure projects.
  - Tanzania: For development of port of Bagamoyo.
  - Several major choke points such as the Strait of Mandeb; and number of infrastructure projects.
- ▶ **China's Marine Presence**
  - China in the region has been sending warships and submarines into the IOR over the last few years. As per the report, at least three nuclear and four conventional Chinese submarines have been tracked in the IOR since December 2013.
  - China has actively deployed ships and submarines in the Indian Ocean in the name of anti-piracy measures and the frequency has steadily gone up.

### Motives behind String of Pearls Expansion by China

- ▶ *Energy Security*: Ensuring energy security and protect its sea lines of communication (SLOCs) which faces a threats from state and non-state actors.
- ▶ *New Markets*: Access to new markets
- ▶ Control over value chain and supply routes.
- ▶ Social development and internal/domestic political stability.
- ▶ Competing against other competitors, i.e. US, Japan.

- ▶ Unblocking of choke point, i.e. strait of Malacca, strait of Hormuz.
- ▶ Encirclement or to keep India strategically off-balance in the region.
- ▶ Support for its contender position of superpower by exercising hard and soft power on south Asian countries.

### India's Reaction to China's String of Pearls

India considers that its security concerns in the Indian Ocean over the long term are as important as those with Pakistan and China. India traditionally has relied on diplomacy to safeguard its Indian Ocean interests but lately is increasing its involvement in the internal affairs of Indian Ocean states.

To support Indian Ocean aspirations, India is pursuing a naval modernization and expansion program to project power more effectively. India's Indian Ocean Strategy centers on maritime defense and the assertion of its leadership over other regional states. It also includes supporting the internal stability of these states. Protecting the interests of local Indian ethnic groups and limiting foreign presence.

India is most involved in the affairs of Sri Lanka, Maldives, Seychelles, and Mauritius but also is concerned with island states farther to the South-west and the India Ocean littoral countries.

### Cooperation with Neighboring States

#### ▶ Singapore

- Recently, India and Singapore has signed an agreement to deepen cooperation in maritime security and called for ensuring freedom of navigation in critical sea lanes in the backdrop of China's increasing assertiveness in the region.
- This will give India access to the Changi naval base near the Strait of Malacca as a basing area.
- Easy access to the Singapore port, with refueling and berthing facilities, will serve to enhance the operational reach of Indian warships and aircraft east of the Malacca Strait.

#### ▶ Myanmar

- To counter Chinese influence in Myanmar, India has recently extended over USD 1.75 billion in grants and credit to Myanmar.
- In Myanmar, it is developing the Sittwe port.

#### ▶ Bangladesh

- PM Modi has recently visited Bangladesh which can be seen as move to counter China. India-Bangladesh is also likely to develop deep sea military infrastructure in Sonadia.

#### ▶ Coco Island

- Radar station on Narcondam Island in the Andaman and Nicobar islands, located opposite the Coco Island.

#### ▶ Maldives

- Air base in Maldives.

#### ▶ Iran

- In order to counter China's Gwadar move, India has made deal with Iran on developing Port Chahbahar. Chahbahar Port in Iran is more crucial than Gwadar as it's located on the mouth of Hormuz strait from where oil trade

from the oil fields in Saudi Arabia, Iran, Kuwait, Oman, Qatar and UAE takes place. Recently, the first phase of the Chabahar port on the Gulf of Oman was inaugurated, opening a new strategic route connecting Iran, India and Afghanistan bypassing Pakistan, and reflecting growing convergence of interests among the three countries.

▶ **Oman and Vietnam**

- India has also gained berthing rights in Oman and Vietnam.

▶ **Other Nations**

- India has also invested a lot diplomatically in countries like Turkmenistan, Uzbekistan, Kyrgyzstan, Kazakhstan and Mongolia - all surrounding China. Besides, India has good old friends like Japan, South Korea and Russia.
- Substantial monetary aid from India to the Tripartite Technical Expert Group (TTEG) consisting of Indonesia, Malaysia, and Singapore at choke point of Malacca Straits.

▶ **Other Extra regional States:**

- Japan and other Nations: Growing defense relationship with Japan, Taiwan, South Korea, Vietnam, and Mongolia.
- Presence in the IOR by setting up listening posts in Seychelles, Mozambique, Madagascar, and Mauritius.
- ▶ Increased co-operation with USA by joining maritime exercises.
- ▶ An air base in Tajikistan and electronic monitoring facilities in Mongolia.

### India's increasing Naval Footprints

- ▶ India has initiated deployments of warships in the IOR due to the aggressive stance adopted by China in the region. China has been sending warships and submarines into the IOR over the last few years. As per the reports, at least three nuclear and four conventional Chinese submarines have been tracked in the IOR since December 2013.
- ▶ However, the move to increase deployments has been envisaged by the Navy soon after the Doklam scuffle with China that increased tension between the two neighboring countries.
- ▶ The Indian Navy is expanding its footprint across the Indian Ocean Region (IOR) – stretching from the Persian Gulf to the Malacca Strait - by initiating its new “mission-based deployments”.

### Steps Taken

- ▶ The Navy has ramped up the area with warships on round-the-clock patrols to meet any operational emergency from conventional threats and maritime terrorism to piracy and humanitarian disaster relief.
- ▶ A fleet of 12 to 15 new destroyers, frigates, and corvettes and large patrol vessels on long-range have been deployed in the region, which is backed by naval satellite Rukmini (GSAT-7) and daily incursions by Poseidon-8I maritime patrol aircraft to keep a tight vigil over the vast region.
- ▶ Navy is also planning to “deploy mission-ready warships” and aircraft along critical *sea lanes of communications* (SLOC) and some critical points or “choke points” ranging from the Persian Gulf and the Gulf of Aden to the Malacca Strait and Sunda Strait.

- For instance, a Shivalik-class stealth frigate is currently patrolling the Bay of Bengal heading in the direction of Bangladesh and Myanmar.
- In a similar manner, INS Trishul is deployed to check piracy in the Gulf of Aden, a Kora-class corvette is positioned around the Andaman Sea.
- ▶ The Indian Navy also plans to expand its fleet of warships and submarines by 2027; it currently has 138 warships and 235 aircraft and helicopters. The Navy has plans to increase the number of warships to 212 and air strength to approximately 460.
- ▶ The Navy is pursuing the PM's vision of '**Sagar**' (Security and Growth for all in the Region) in a deliberate manner through security cooperation and capacity building initiatives with other nations in the region.
- ▶ Apart from upgrading its military setup in the strategically-located Andaman and Nicobar archipelago, which can come in handy in countering China in case of an attack, the Navy is also stepping-up cooperation with other naval forces in the region via drills and organized patrol missions.

## Conclusion

China's efforts to build 'hotspots' of influence in the Indian Ocean Region have been increasingly visible in the last few years. It is driven by China's military-strategic ends revolves around geo-political advancement by leveraging its economic prowess through fast executed infrastructure projects in South Asia region consisting of investment hungry nations.

Chinese intentions are not yet clear and string of pearls remains speculation as it is not fully supported by evidence at least in the public domain. Nonetheless, it is crucial to take into account, China's legitimate interests in the Indian Ocean because its naval presence in IOR would bear strongly upon the security and future of India in particular.

# INTERNATIONAL RELATIONS

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# Wassenaar Arrangement and India

## Context

*India joined the Wassenaar Arrangement as its 42nd member at a meeting of the group in Vienna, which aims to bring greater transparency and responsibility in the transfer of conventional arms and dual-use goods and technologies.*

*Hereby, discussing about the salient objectives of Wassenaar Arrangement and benefits for India.*

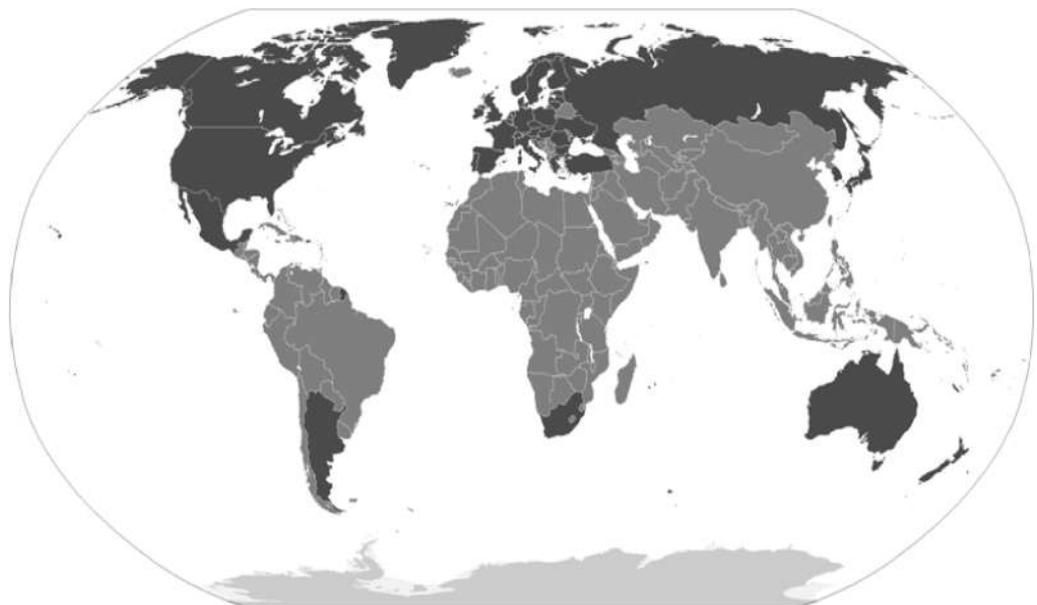
## What is Wassenaar Arrangement?

The Wassenaar Arrangement was established to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations.

It was established in 1996 in Wassenaar, the Netherlands, which is near The Hague.

**Members:** 41 member states.

**Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States.**



The Wassenaar Arrangement plays a significant role in promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies.

Its member countries are required to ensure through their national policies that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals. The aim is also to prevent the acquisition of these items by terrorists.

They periodically exchange detailed and specific information on transfer or denial of items or technology, both conventional and nuclear capable, to countries outside the grouping. This is done through maintenance and updating of detailed lists, of dual use and munitions that are considered of militarily significant.

### Other Multilateral Control Regime

Multilateral Regimes are groups that are independent of the United Nations that states may use to organize their export control programs.

#### The other three major Multilateral Non-proliferation Export Control Regimes are:

- ▶ **The Australia Group:** Ensuring would-be proliferators are not able to obtain necessary inputs for chemical and biological weapons through the development of ways to minimize export and transshipping risks. Licensing authority over a wide range of chemical weapons precursors is one way to reduce risk. Members require licenses for the export of dual-use chemical manufacturing facilities, equipment, and related technology, plant pathogens, animal pathogens, biological agents, and dual-use biological equipment. These items form the basis for the Group's common control lists.
- ▶ **Missile Technology Control Regime:** Minimizing the risk of the proliferation of WMD delivery systems through the adherence of member states to common export policies and guidelines. Specifically, the aim of the MTCR is to restrict the proliferation of missiles, complete rocket systems, unmanned air vehicles, and related technology for those systems capable of carrying a 500 kilogram payload at least to 300 kilometers, as well as systems intended for the delivery of weapons of mass destruction. It achieves its goals through export controls and licensing, relative information exchange between members, and outreach to non-members.
- ▶ **Nuclear Suppliers Group:** Contributing to the nonproliferation of nuclear weapons through the implementation of guidelines for nuclear and related exports. Forty member countries have developed export guidelines, which aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices. These guidelines cover nuclear material, technology and equipment, which may be considered of dual-use.

### India and Wassenaar Arrangement

To be admitted to the Arrangement, states must meet certain criteria, including acquiescence to a range of global nonproliferation treaties, including the Nuclear Nonproliferation Treaty (NPT).

#### India meets the Membership Criteria:

- ▶ India has impeccable non-proliferation record, which stood it in good stead during the deliberations on NSG waiver.
- ▶ India had passed the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act in June 2005, fulfilling its obligations under UNSC Resolution 1540, which required UN member states to enact domestic legislation to better account for WMD materials and technology.
- ▶ In the Joint Statement issued in 2010 between India and US, the US stated that in its view, "India should qualify for membership in the Australia Group and the Wassenaar Arrangement according to existing requirements once it imposes export controls over all items on these regimes' control lists."

India approved SCOMET (Special Chemicals, Organisms, Materials, Equipment, and Technologies) items, mandatory under the Wassenaar Arrangement. Through the revised list of items, India also seeks to send a message about its larger commitment to non-proliferation.

India's admission to the Wassenaar Arrangement was in part facilitated by China's non-participation in the Arrangement. (Beijing does informally maintain export control standards largely in line with those required by the Arrangement.) In 2016, China opposed India's accession to the Nuclear Suppliers Group, frustrating New Delhi, which had invested considerable diplomatic capital into its membership campaign. Membership in the group is by consensus.

#### **Benefits of Wassenaar Arrangement's membership:**

- ▶ **Access to dual-use technologies:** Membership of the Wassenaar Arrangement would open up access to dual-use technologies - that can be used for both civil and military purposes - in aerospace, telecommunications, navigation, computing, electronics, sensors and lasers.

India will be able to more easily access dual use technologies and materials and military equipment that are proscribed for non-participating members. India will also be able to sell its nuclear reactors and other materials and equipment indigenously produced without attracting adverse reactions. It will also be in a better position to collaborate with other countries in developing such capabilities.

- ▶ **Boost to NSG membership:** India had been making efforts to be a part of the WA, Nuclear Suppliers Group (NSG), the Australia Group and the MTCR ever since India agreed to a Civil Nuclear Deal with the US in July 2005 in a joint statement by Former Indian Prime Minister Manmohan Singh and then US President George W Bush.

However, whether this membership boosts India's application at the 48-member NSG remains to be seen.

India's formal entry into this group would further boost its image in the international arena.

#### **Conclusion**

The Wassenaar Arrangement is a stepping stone for India to build up its capabilities as a counter-weight to countries such as China and its allies like Pakistan who are serious challengers to India as a power in South Asia.

# Significance of Chabahar Port for India

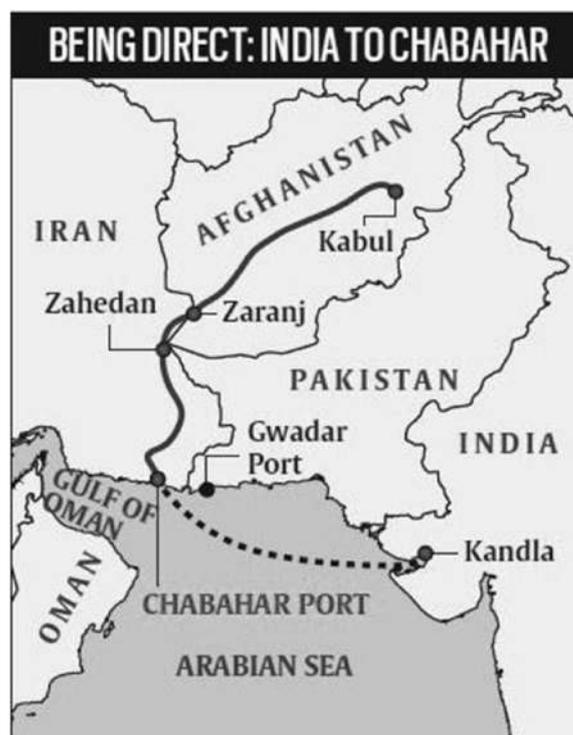


*Recently, the first phase of a strategic Iranian port which India is developing to open a trade route to Afghanistan and Central Asia was inaugurated by Iran's President Hassan Rouhani.*

## Introduction

Most of the discourses on India–Iran relations are either focused on cultural and civilizational links with Iran or its relevance as an energy-rich nation. But now with the help of formation of Chabahar port, India can use Iran’s transit potential in providing India with access to Central Asia.

It has immense role to play in the economic, strategic and political relations of India with Iran, Afghanistan and other countries of central Asia.



**Chabahar Port** is a seaport in Chabahar located in southeastern Iran, in the Gulf of Oman. It serves as Iran’s only oceanic port, and consists of two separate ports named *Shahid Kalantari* and *Shahid Beheshti*.

Chabahar Port also provides direct access to India’s Farkhor Air Base in Tajikistan.

The distance between India’s Kandla Port and Chabahar Port is quite short, thereby reducing the transportation costs of the goods.

Through the following aspects the Chabahar port could bring India and its partner a new spring:

► **International Trade:**

- **Trilateral Agreement on Transit and Trade** has been signed between three nations, India, Iran, and Afghanistan. Further US-Iran Nuclear Agreement in 2015 puts end to isolation of Iran in international economic market. Now this trilateral agreement is the golden opportunity for Iran to re-engage on economic issues and explore new avenues for cooperation. In this context the development of Chabahar port is game changer for the three countries.
- India is also Iran's largest customer hence the **memorandum of understanding to develop Chabahar Port** will help to increase economic growth and investment.
- As India was always very keen to engage with Central Asia economically and strategically, this port will provide an opportunity to establish its foothold in the region and enhance its economic interests and connectivity with the region.
- The development of Chabahar will help tap into the energy-rich Central Asia to stave off our looming energy crisis. Without a direct land access to the region, we would find it difficult to acquire stakes in the Central Asian gas fields.
- With Iranian President Hassan Rouhani announcing plans to link the port to the country's rail-road network, the economic corridor clearly widens India's market beyond CIS and Central Asia to eastern and northern Europe through Russia, a complementarity that will make us viable.
- India has already completed the **Zaranj-Delaram highway in Afghanistan**, which would facilitate the trade to Kabul and eventually beyond to Central Asia.
- India can use the Chabahar project as a lynchpin to integrate it with its larger connectivity project the **International North South Transport Corridor (INSTC)**. The INSTC, initiated in 2000 by Russia, India and Iran, is a multi-modal transportation route linking the Indian Ocean and the Persian Gulf to the Caspian Sea via Iran, and onward to northern Europe via St Petersburg in Russia.
- INSTC and Chabahar Port will complement each other **for optimizing Indian connectivity with Russia and Eurasia**. The multiple transport corridors intersecting the region can be easily accessed from the south.

► **Neutralize Pakistan:**

- Pakistan does not allow India to send goods to CIS and land-locked Central Asia for trade through its territory by land and has long blocked India from conducting bilateral trade with Afghanistan using its territory as transit.
- The Chabahar Port is in the south-eastern province of Sistan-Balochistan in Iran and will connect India with Iran, Afghanistan and Central Asian countries bypassing Pakistan.

► **Strategic location of port is also beneficial for other neighboring countries:**

- Chabahar port is located on the **Makran coast**, Chabahar in south-eastern Iran. Its location lies in the **Gulf of Oman**. This coast is a relatively underdeveloped free trade and industrial zone, especially when compared to the sprawling port of Bandar Abbas further west. Also, it is the **only Iranian port with direct access to the ocean**.

- The port has been declared a Free Trade Zone by Iran. The connectivity and trade will help to bring the economic prosperity in Middle-East region which is known for its instability in the world.
- Development of this port will set the example and it will attract the other countries in Middle-East to engage with India in different avenue of cooperation.
- Given its **proximity to the Strait of Hormuz**, it will boost oil trade.
- ▶ **Strategic response to Chinese influence:**
  - It will be beneficial to India in countering Chinese presence in the Arabian Sea. China is heavily investing in its Pakistan through its OBOR & Silk Route policy. Gwadar port in Pakistan which is being developed jointly by Pakistan and China as part of the China-Pakistan Economic Corridor (CPEC) is only 72 km east of Chabahar port.
  - In another significant development, as part of Asia Africa Growth Corridor (AAGC), Japan has shown keen interest in partnering India in the development of the Chabahar infrastructure project, primarily to protect its energy interests in West Asia, independent of the USA.
  - The Japanese assistance would reinforce the viability of Chabahar and provide it much needed money to complete the project. This factor will also play out the Sino-Japanese rivalry being witnessed in the South China Sea, since China already making investment in Pakistan's Gwadar Port as part of China – Pakistan Economic Corridor (CPEC).
  - Chabahar port will be beneficial to India in countering Chinese presence in the Arabian Sea which China is trying to ensure by helping Pakistan develop the Gwadar port. Gwadar port is less than 400 km from Chabahar by road and 100 km by sea.
  - Chabahar could be used in case China decides to flex its navy muscles by stationing ships in Gwadar port to reckon its upper hand in the Indian Ocean, Persian Gulf and Middle East.
- ▶ **Economic benefits**
  - With Chabahar port becoming functional, there will be a significant boost in the import of iron ore, sugar and rice to India. The import cost of oil to India will also see a considerable decline. India has already increased its crude purchase from Iran since the West imposed ban on Iran was lifted.
  - Chabahar port will ensure in the establishment of a politically sustainable connectivity between India and Afghanistan. This will, in turn, lead to better economic ties between the two countries.

## Challenges

- ▶ **Political turmoil** and undercurrents of economic stress continue to spread in West Asia. Moreover, global economy is yet to fully come out of uncertainty and weakness.
- ▶ **The presence of extremism in Middle-East** is also one of the major challenges in front of further investment and development in that area.

## Way Ahead

- ▶ These development projects will open numerous geo-political and economic opportunities for India. It will lead to not only increasing India's leverage in Afghanistan but will also establish its strategic presence in the region.

- ▶ Indian companies will have **opportunities to venture** into Afghanistan and explore its enormous mineral wealth. In the long term, it will act as a hub for Indian trading operations to venture into the oil and mineral-rich Central Asia.
- ▶ It has potential to **reduce freight cost by 30% and sea freight cost by almost half** in comparison to the current sea route where freight is delivered at St Petersburg on the Gulf of Finland.
- ▶ This will be **a corridor of peace and prosperity for our peoples**. Motives of economic growth, and empowerment would drive it. It will build our security without making others vulnerable. It would break barriers among nations and encourage new benchmarks of people-to-people contacts. And, help us to eventually build what we all desire and deserve - a friendly and healthy neighborhood.

### Conclusion

- ▶ Chabahar port is way to taking strategic ties between India and Iran to new level. It is key to enhancing connectivity, trade, investments, energy partnership, culture and people to people contacts as well as promoting regular consultations on peace and stability, particularly in the region and extended neighborhood.

# FTA between China and Maldives - Warning for India



*Recently, Maldives President in his visit to China signed Free Trade Agreement (FTA) between two countries. Besides the FTA, the other agreements were signed in various fields such as economy, human resources, oceans, environment, health care, and finance. It is another sign of China's success in its outreach in South Asia.*

*Hereby, discussing the provisions of the FTA signed, China and Maldives relations and implications of it on India-Maldives relations.*

## About the FTA

The first bilateral FTA has been signed by Maldives with China. The Indian Ocean nation had previously signed the South Asian Free Trade agreement in 2004.

Under the FTA agreement, China will exempt its Maldivian imports, mostly fisheries products, from taxes. Maldives, on its part, would waive tariffs on its Chinese imports. The FTA will “enable exemption of duties on fisheries products exported to the world’s largest consumer market”.

Maldivian government has extended invitations to establish free trade agreements with countries including Japan, the United States of America, the United Kingdom and countries of the European Union.

But when talking about FTA with other countries, Maldivian government didn't mention India. It creates the sign of how much India and the Maldives have drifted apart.

## India-Maldives Relations at Glance

- ▶ India and Maldives have strong historical and civilizational links and also have high engagement at people to people contact level.
- ▶ India was among the first to recognize Maldives after its independence in 1965 and to establish diplomatic relations with the country.
- ▶ Economic ties are very strong which includes the Indian Government's provision of development assistance, low interest credit and essential commodities to Maldives. India also regularly involves in high level visits with Maldives Government.
- ▶ India helped Maldivian students during Ukraine crisis to return to their home through its evacuation operation and provided **bottled water** through its helicopters to Maldives when its only water treatment plant collapsed.
- ▶ India shares very close military ties with Maldives by having two helicopter bases, integration of radars and Indian Coast Guard surveillance along Maldivian coast.

## Implications for India

Increase in presence of aggressive China in South Asia will lead to India's worry in different spheres.

▶ **Economic sphere:**

- Maldives does not have an FTA with India. It is not only Maldives first FTA with any country, but also it is China's second FTA with any country in South Asia after Pakistan. China seems to be ready to ramp up the business ties across South Asia.
- China has already ongoing negotiations with Sri Lanka, Nepal, and Bangladesh on FTA and this agreement with Maldives will help China to negotiate with other countries diplomatically.
- Chinese companies are exploring tourism prospects in the Maldives, leases to resort islands and reclamation projects.

▶ **Political sphere:**

- Maldives political leadership has expressed displeasure over India, so it will undermine the future prospects of India-Maldives relationship. China leveraged favourable economic ties for diplomatic intervention and it could make India to accept the consequences of supporting Maldives political opposition.

▶ **Strategic sphere:**

- This FTA agreement will have a bearing on India and set the tone for its future diplomatic ties with Male, because FTA will draw the Maldives more closely to China's security net. There will be enhancement in regional connectivity of China through Belt and Road initiative.
- The Chinese navy might be looking for a military base in an Island linked to projects in Djibouti, Gwadar, and Hambantota. There will be naval exercises and port projects by China and it will increase the maritime presence of China in Indian Ocean.

▶ **India-China relationship sphere:**

- Besides the FTA agreement, Maldives also pledged support for China's Maritime Silk Road (MSR). India has already expressed concerns over this road, especially because of its implications in the Indian Ocean Region (ICR).
- India and China have been engaged in a deadlock over the CPEC as its being laid through Pakistan occupied Kashmir (PoK). Although China calls the CPEC a connectivity project, India has raised its reservations about it traversing through the disputed territory. India also skipped China's Belt and Road Forum that was held in Beijing this year.

### Important security considerations of India are:

- ▶ The accessibility of the Indian Ocean to the fleets of the world's most powerful states.
- ▶ Rising religious radicalism and extremism on the shores of the ocean and in its hinterland
- ▶ The oil wealth of the Persian Gulf.
- ▶ The proliferation of conventional military power and nuclear weapons among the region's states.
- ▶ Smooth accessibility of key straits.

## Way Forward

- ▶ India must increase its investment in Maldives, the way it is investing in Afghanistan. It will help India to come out from wait and watch policy and lead to act proactively.
- ▶ By upholding our neighbor first policy, India must be committed to support development, democracy and stability in Maldives.
- ▶ The skill development capacity and service sector deliverable should be strengthened so that it will help in developing competitive advantage to counter Chinese diplomacy of economic trap.

## Conclusion

- ▶ India must be especially careful of its next step and make sure that there is an effort to rebuild the relationship between the two nations to its previous stage. As India has shown keen interest in south-east Asian countries and also is associated with them through ASEAN and Look East Policy, this type of diplomacy and platforms are also required in the Indian Ocean region. It will also help in building “Friendship” bridge with our neighbors.

# UNSC Reform



*Prestigious organs of the United Nations are the Security Council and the International Court of Justice. While Dalveer Bhandari, an incumbent who represented India at the ICJ has been re-elected, for UNSC permanent membership, India is still struggling.*

## Introduction

- ▶ The United Nations Security Council (UNSC) is one of the six principal organs of the United Nations, *charged with the maintenance of international peace and security* as well as accepting new members to the United Nations and approving any changes to its United Nations Charter.
- ▶ Basic structure: There are 15 members of the Security Council, consisting of five veto-wielding permanent members (*China, France, Russia, the United Kingdom, and the United States*) and 10 elected non-permanent members with two-year terms. India is one of the non-permanent member.
- ▶ **Non-permanent Members of UNSC:** The 10 Non-permanent members of UNSC are elected by the United Nations General Assembly for two-year terms. To be approved, a candidate must be receiving at least 2/3 of all votes cast for that seat.

## Functions of UNSC

The functions and powers of the Security Council are:

- ▶ To maintain international peace and security in accordance with the principles and purposes of the United Nations;
- ▶ To investigate any dispute or situation which might lead to international friction;
- ▶ To recommend methods of adjusting such disputes or the terms of settlement;
- ▶ To formulate plans for the establishment of a system to regulate armaments;
- ▶ To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- ▶ To call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- ▶ To take military action against an aggressor;
- ▶ To recommend the admission of new Members;
- ▶ To exercise the trusteeship functions of the United Nations in “strategic areas”;
- ▶ To recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

## Why Reforms Needed?

- ▶ The United Nations Security Council is in need of reform due to its **failure to represent the majority of the world**, as it only represents the interests of Western nations as well as those of Russia and China.
- ▶ This leads to grievous under-representation of Asian, African, and South American nations that has caused resentment to grow among these nations. Reform is needed to remove the **"Democracy Deficit"**.
- ▶ Geo political rivalry among the P5 has prevented the UNSC to come up with effective solutions for dealing with global crisis. Ex. - Syria. Ban Ki Moon, has said that UNSC has failed Syria.
- ▶ UNSC failed to play decisively to stop many of the conflicts. Its delayed actions and consequences had worsened Rwandan crisis. It is also been criticized for not taking a forceful action until a catastrophe unfolds.
- ▶ **Lack of transparency**, a failure to cooperate with the various other committees of the UN, and outstanding misuse of the veto power given to the top 5 is also the main issue. These top 5 nations use this veto power to represent their interests alone, disregarding the desires and wishes of the rest of the international community.

## Process for Security Council Reform

According to Article 108 of the United Nations Charter, the Charter can be amended by a General Assembly decision approved by two thirds of General Assembly membership and ratified by two thirds of Member States, including the permanent members of the Security Council. As changing the composition of the Security Council can be done only by amending the Charter, Article 108 applies to the issue of Security Council reform.

There are 5 issues pertaining to the reforms in the United Nations Security Council. They are as follows:

- ▶ The question of the veto held by the five permanent members
- ▶ Regional representation
- ▶ Categories of membership
- ▶ The size of an enlarged Council and its working methods
- ▶ Security Council - General Assembly relationship.

## Reforms Proposed

India, along with Brazil, Germany and Japan, has proposed an increase of six additional permanent seats, the other two being for Africa. The African group is demanding two permanent seats, recognised as reasonable by every member, but there are at least three and perhaps more claimants for the two seats. Then there is the question of the rights of the additional members.

## Opposition by P-5

The P-5 will never agree to give up their veto right, nor will they agree to accord this right to any other country. (France supports veto for additional permanent members.) Also, the general membership of the UN wants to eliminate the existing veto; they will never agree to new veto-wielding powers. Variants of the veto provision have been suggested, such as the requirement of double veto, i.e. at least two permanent members must exercise veto for it to be valid. The P-5 are not willing to dilute their self-acquired right.

**Why India should be made member of it?**

- ▶ India is world's largest and stable democracy and will soon become world's largest population.
- ▶ Nuclear status, changing economic scenario of the nation.
- ▶ She is leading contributor of troops to UN peace-keeping missions. India has over 8000 peacekeepers, which is more than twice that of the P5 group.
- ▶ On the economic side, India has maintained the state of world's 7th largest economy. Being the 3rd largest active armed force, along with nuclear weapons, India's candidature is justified.
- ▶ Permanent membership is critical for India for following reasons: To improve India's global stature; To help India reach at comparable level with its rival China; To secure its neighborhood from future combined interventions, if any; To bring equality of treatment and be the natural leader of developing countries in security council.

**Way forward**

As for the UN itself, reform of the Security Council is an existential requirement for the organization. If it resists all proposals for change in the years to come, there is a real risk of the UN being sidelined or rival organizations taking over its agenda. Therefore, it is likely that some changes would be accommodated on the basis of one of the two alternatives proposed by Kofi Annan in his report, 'In Larger Freedom' in March 2005. According to this plan, there would be no new permanent seats, but a new category of eight four-year renewable term seats and one new two-year non-permanent (and non-renewable) seat to be divided among the various regional groups. The plan continues to be unacceptable to India and some others, but it might well be the lowest common denominator to be tried out. But what the UN requires is not a fix like that, but a fundamental change to reflect the realities of the present century.

**Conclusion**

Composition of the UN Security Council reflects a post-World War II colonial system that is woefully outdated but still powerful. Meaningful reform of the Council to make it more representative and democratic would strengthen the UN to address the challenges of a changing world more effectively.

# What does US Recognition of Jerusalem Means?

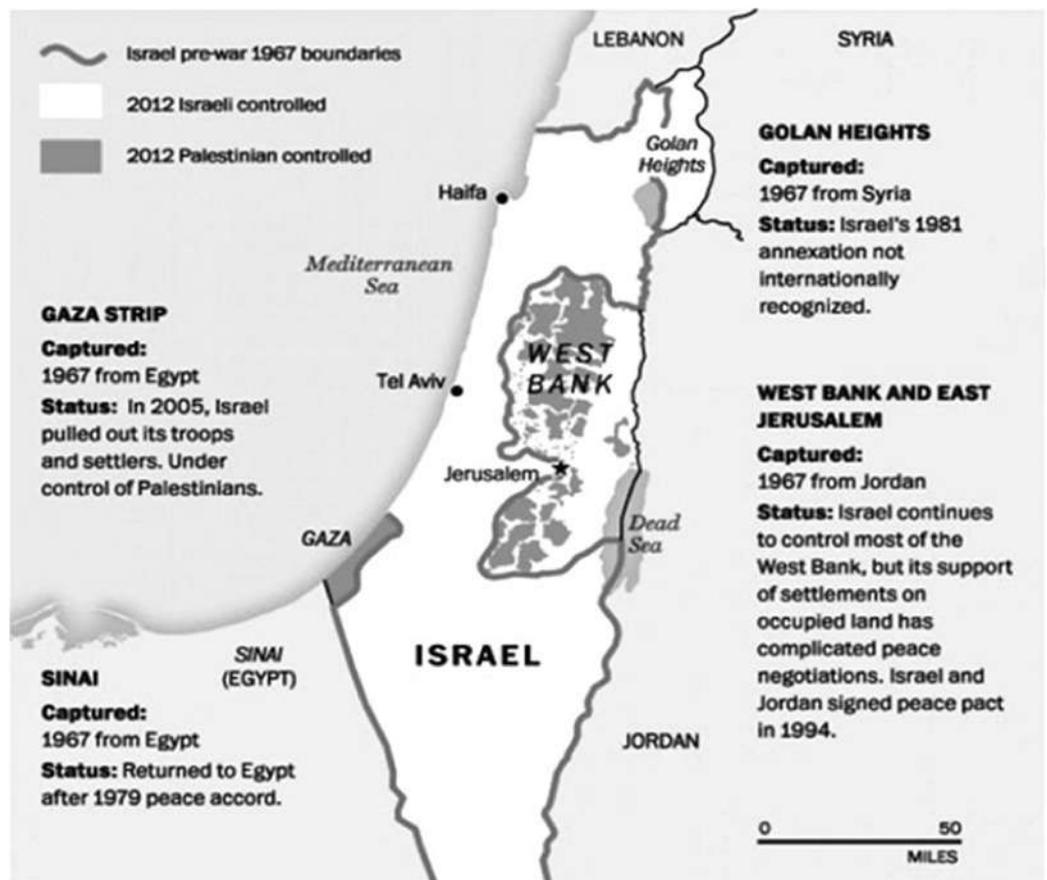


*The U.S. President Donald Trump recognized Jerusalem as the capital of Israel. But this unilateral recognition of Jerusalem as Israel's capital by U.S. denounced in the U.N. General Assembly by voting overwhelmingly against this move.*

## About conflict between Israel and Palestine

- ▶ The main source of conflict has been the decision on the border areas. The generally accepted view is that the pre 1967 war border be accepted as the dividing line. However, the things have become complicated as Israel has built settlements and borders with West Bank making it difficult to divide the territory as with time the people in these settlements would grow. The independent state of Palestine when created would thus have to be with a different border.

## Jerusalem city



- ▶ Jerusalem site is considered holy by all three religions - Christianity, Jewish and Islam. However, these sites are all close to each other and thus the city can't be effectively divided. So fight for Jerusalem is over both faith and civic space.
- ▶ Jerusalem has the Western Wall, part of the mount on which the Holy Temple stood, containing the Holy of Holies, the most sacred Jewish site where Jews believe the foundation creating the world was located.
- ▶ It also contains the Dome of the Rock and Al-Aqsa Mosque, the third holiest site in Islam where Abraham prepared to sacrifice his son and the Church of the Holy Sepulcher, where Jesus is believed to have been crucified, and where he rose again.
- ▶ Israel and Palestine both countries want to make Jerusalem their capital. A compromise had been put forward by dividing the city into an Israel west and Palestine east. However Israel has built settlements even in the eastern city.

In a move condemned by most of the world, US have announced that it will recognize Jerusalem as the capital of Israel. This move can mean different for different players as follow:

▶ **The peace process:**

- According to US, recognition of Jerusalem as the capital of Israel is the new peace mission in Israel and Palestine. But the international community by voting indicates that it is disastrous for any hopes of reviving meaningful talks. The status of Jerusalem is one of the pivotal issues so there must be agreement between the two parties in negotiations.

▶ **The state of Israel:**

- The Israeli government has welcomed this decision because since it has captured (and later annexed) East Jerusalem in 1967 six-day war and has claimed the city as its "eternal and undivided" capital, It is waiting for international recognition.
- About 200,000 Israelis living in settlements in occupied East Jerusalem which is illegal under international law will also celebrate this move of US.

▶ **The Palestinians:**

- It will end the hopes and demands of Palestinians for East Jerusalem as a capital of a future independent Palestinian state. They won't see US as a resolver rather they feels that this move by US will worsen their situation.

▶ **The region around Jerusalem:**

- This move will further destabilize an already volatile region (Middle-East region). The country like Turkey and Saudi Arabia strongly opposed US on such decision. The Arab countries that border Israel – Egypt, Jordan, Lebanon and Syria – have all condemned the move.

▶ **Europe:**

- Most western European countries will be deeply alarmed by US recognition of Jerusalem as Israel's capital. Moreover, EU may take action, such as robustly enforcing bans on imports from West Bank settlements and refusing to deal with Israeli businesses operating in occupied territory, setting itself on a clearly differentiated course from that of the US.

- ▶ **The city itself:**
  - In 2015, Palestinians made up 37% of the city's population. About three-quarters live below the poverty line and 25% live in neighborhoods cut off from the rest of the city by the separation barrier. So, this US move will increase their hardship rather than reducing. The people may become violent which will lead to more instability.

## UN Resolution

- ▶ The UN draft resolution affirmed "that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect, are null and void and must be rescinded in compliance with relevant resolutions of the Security Council".
- ▶ The draft UN resolution had also called upon all countries to refrain from establishing diplomatic missions in Jerusalem.
- ▶ The resolution reaffirmed what has been the United Nations' stand on the divided holy city since 1967- that Jerusalem's final status must be decided in direct negotiations between Israel and the Palestinians.
- ▶ 128 of the UNGA's 193 member-countries voted for the resolution, and only nine against it.
- ▶ No country has veto powers in the General Assembly, unlike in the 15-member Security Council where the United States, along with Britain, China, France and Russia, can block any resolution. While resolutions by the General Assembly are non-binding, a strong vote in support of the resolution would carry political weight.

## India's Stand

- ▶ By voting for the resolution, India has affirmed its traditional policy in favour of a negotiated settlement for Jerusalem as part of a larger two-state solution for Israel and Palestine.
- ▶ In recent months, there has been a noticeable change in the formulation of Indian statements on the Palestine problem, with the phrase 'East Jerusalem' being absent.
- ▶ This had given rise to a doubt about India's vote in the General Assembly. It is probable that India was in any case going to vote in favour of the Egyptian draft, given its need not to antagonise the entire Muslim world.
- ▶ The American ultimatums might just have tilted the balance. The government, no doubt, analysed the cost-benefit ratio.
- ▶ India's vote would have disappointed Israel and the U.S.

## Conclusion

- ▶ One state solution (only Palestine or only Israel) is not a viable option. The best solution is a "two-state solution" that would establish Palestine as an independent state in Gaza and most of the West Bank, leaving the rest of the land to Israel. Though the two-state plan is clear in theory, the two sides are still deeply divided over how to make it work in practice.
- ▶ The need of the hour is to treat this conflict as Israeli-Arab conflict rather Israel-Palestine. All stakeholders should participate in the negotiations and the final agreement should be recognized formally by each one of them along with UN General Assembly and Security Council. It is time for the international community to find a just and lasting peaceful solution to the World's most intractable conflict soon.

# YEMEN War and Implications



*Yemen's civil war, now in its third year (from 2015-2017), has brought a steady deterioration of humanitarian conditions, leaving more than 3 million displaced. Almost two-third of the population needs some kind of humanitarian or protection support, while an estimated 3.3 million children and nursing mothers are acutely malnourished.*

*But this war is not widely talked about, and being highlighted by media as case of Syria. It seems that 'World' is ignoring YEMEN war. Hereby, discussing the impact of Yemen war.*

## Introduction

Yemen, one of the Arab world's poorest countries, has been devastated by a war between forces loyal to the internationally-recognised government of President Abdrabbuh Mansour Hadi and those allied to the Houthi rebel movement.

More than 8,600 people have been killed and 49,000 injured since March 2015, many of them in air strikes by a Saudi-led multinational coalition that backs the President.

The conflict and a blockade imposed by the coalition have also left 20 million people in need of humanitarian assistance and created the world's largest food security emergency.

## Brief History:

**2011:** Ali Abdullah Saleh (Sunni) was president, and Mohsen al Ahmar was army chief. Saleh wanted to make his son (Ahmed Ali Saleh), to become army chief, Ahmer opposed this move. Thus, army gets divided into two factions and became weak.

**Abdul Malik al Haudi**, leader of Haudi people (Shia), who thinks they have been deprived for years, took advantage of weak army.

Haudi rebellion started to take over Saleh administration. Iran, which is Shia country started helping Haudis in this endeavor. Haudi started expanding in Shia majority areas like Sana'a.

Saleh took help from Saudi Arabia. As Saudi wanted to check expansion of Iran (Shia-Haudi) in Yemen. Saudi Arabia started bombing in Haudi dominated areas.

**2012:** Saleh resigned, Mansour Hadi become new president. Hadi replaced Ahmar with Ahmed Awar bin Mubarak.

**2013:** Meanwhile, Al-Qaeda was expanding in south Yemen.

**2014:** Haudi rebels had taken Sana'a (capital of Yemen). Hadi concentrated all military power in north Yemen but failed to check Haudis. So, he made peace deal with Haudis, to give political representation to Haudis.

**2015:** Hadi was under house arrest. But Hadi managed to flee to Saudi Arabia. Now Saudi Arabia started bombing all over Yemen. Proxy war started. On one side Haudis+Iran on other hand Hadi+ Saudi Arabia + Jordan, Sudan, USA, UK, France, Egypt etc.

In August 2015, port Al-Hudaydhah was bombed. All food supply to Yemen was stopped. And it became one of the largest manmade disasters in 21<sup>st</sup> century.

*April 2015 operation Raahat, led by V.K.singh was done.*

**2016, 2017:** War continues.

### **A Grave Situation of Civilians**

- ▶ By 29 October 2017, at least 5,159 civilians - more than 20% of them children - had been killed and 8,761 others injured, according to the UN. Saudi-led coalition air strikes were the leading cause of child casualties as well as overall civilian casualties.
- ▶ Two million Yemenis are currently internally displaced due to the conflict and 188,000 others have fled to neighboring countries.
- ▶ Mounting rubbish, failing sewerage and wrecked water supplies have led to the worst cholera outbreak in recent history. The country is on the brink of famine.
- ▶ The UN Office for the Coordination of Humanitarian Affairs says that there are now 1.5 million children who are acutely malnourished, with 375,000 of them suffering from severe acute malnutrition. Six million people in Yemen receive rations from the UN World Food Program, which has had to scale back its operations.
- ▶ Livelihoods have been destroyed. The price of goods has skyrocketed. Import of food, fuel and medicines are severely limited.
- ▶ Saudi aircraft have also hit two Doctors Without Borders hospitals, forcing the charity to withdraw from six other hospitals in northern Yemen. The medical system in Yemen is now in disarray.

### **Why should this matter for the rest of the world?**

Yemen is strategically important because it sits on the Bab al-Mandab strait, a narrow waterway linking the Red Sea with the Gulf of Aden, through which much of the world's oil shipments pass.

Yemen is also important for India because of the presence of Al-Qaida there. If the war in Yemen, which is essentially against the government that has already lost its control over the Capital city Sana'a, goes on for some more time, then the possibility of more involvement of Pakistan, Turkey and Iran will increase.

### **Way forward**

The war in Yemen, as has been said earlier, is essentially local in nature. It is not exactly a Sunni versus Shia war. It has multiple dimensions. Hence, Yemenis should be allowed to settle their problems of governance and tribal rivalries peacefully with the help of the UN.

### **Conclusion**

The Gulf and the Arabian Peninsula form part of the extended neighborhood of India. Any turmoil there would affect India in more ways than one; specifically, its oil imports and the presence of large workforce. Therefore, India cannot restrict its role to evacuating people from the war-affected areas alone. It has to have a broader perspective of the region including expansion of conflicts. That scenario has begun to look real in the present context.

# Need for Political Stability in Nepal



*In the last three decades, the Nepal has witnessed chronic political instability, including a 10-year violent insurgency, which badly damaged Nepal's development and economy.*

## Political instability in Nepal

- ▶ The revolution of 1951 started when dissatisfaction against the family rule of the Ranas had started emerging from among the few educated people.
- ▶ Declaring parliamentary democracy a failure, King Mahendra carried out a royal coup 18 months later, in 1960. He dismissed the elected Koirala government, declared that a “partyless” Panchayat system would govern Nepal, and promulgated another new Constitution on December 16, 1960.
- ▶ In 1992, in a situation of economic crisis and chaos, with spiraling prices as a result of the implementation of changes in policy of the new Congress government, the radical left stepped up their political agitation. A Joint People’s Agitation Committee was set up by the various groups. A general strike was called for April 6.
- ▶ In February 1996, the Communist Party of Nepal (Maoist) started a bid to replace the parliamentary monarchy with a people’s new democratic republic, through a Maoist revolutionary strategy known as the people’s war, which led to the Nepalese Civil War.
- ▶ October 2002, the king temporarily deposed the government and took complete control of it. A week later he reappointed another government, but the country was still very unstable.
- ▶ On February 1, 2005, Gyanendra dismissed the entire government and assumed full executive powers, declaring a “state of emergency” to quash the revolution. Politicians were placed under house arrest, phone and internet lines were cut, and freedom of the press was severely curtailed.
- ▶ On May 28, 2008, the newly elected Constituent Assembly declared Nepal as Federal Democratic Republic, abolishing the 240-year-old monarchy.
- ▶ Recently, Nepal’s Prime Minister KP Oli has stepped down as a key coalition partner, the Communist Party of Nepal (Maoist-Center) led by Prachanda, withdrew support for the government. Nepal’s parties are bracing to form a new government, which will be the ninth in the last eight years. The government led by Oli was of the Communist Party of Nepal (Unified Marxist–Leninist).
- ▶ At a time when Nepal should be celebrating its most awaited Constitution, people in the southern plains (known as Madhesis) who constitute almost half the population, are revolting against it.

- ▶ The Government of Nepal has mobilised the Army as well as the Armed Police Force and has declared a curfew in several parts of the southern plains as the conflict has escalated and resulted in the tragic death of more than 40 people.
- ▶ The frequent changes in government in Nepal have badly hampered the country's development and economic growth. Even after the constitution's promulgation, there is no sign of political stability in Nepal. The game of government toppling and forming still dominates the national political arena.

### **Recent Nepal Election and Implications on India**

- ▶ Nepal's Left alliance—forged between the country's former Maoist rebels and the Communists—seemed headed for a victory in elections aimed at completing the Himalayan nation's transition to democracy after the abolition of monarchy and an end of civil war there.
- ▶ They have won a majority of seats in parliamentary elections and are expected to form the next government.
- ▶ The Left alliance coming to power cannot be seen as good news for India as the alliance is seen as closer to China and the Nepali Congress seen as pro-India.
- ▶ Nepal is seen to play the role of a natural buffer between Asian giants and the outcome seems to indicate that China gets the upper hand in the battle for influence in a country with immense hydel power potential.
- ▶ Nepal signed on Beijing's One Belt, One Road plan – an ambitious project to connect the Eurasian landmass with China at its engine. The agreement would further cement Nepal-China communication links.
- ▶ The relation between India and Nepal hit a hurdle in September 2015, when Kathmandu announced a new Constitution that gave less than adequate powers to ethnic groups such as the Madhesis in the country's Terai region. The Madhesis speak Maithili, Bajjika and Bhojpuri and share close ties with Matihili, Bajjika and Bhojpuri groups across the border in the Indian states of Uttar Pradesh and Bihar.
- ▶ In response, a Madhesi border blockade stopped all essential supplies from India from reaching the hills of Nepal – a pressure tactic reportedly supported by New Delhi. The five-month blockade had a devastating effect on Nepal, which depends on India for almost all of its supplies. The country experienced severe shortages of petrol, medicines and even food.
- ▶ In 2011-2012, India-Nepal trade was USD 3 billion and the total volume of trade between Nepal and China amounted to USD 1.2 billion. To enhance these ties, China has offered zero-tariff treatment to 60 per cent products of Nepal.
- ▶ China's open diplomatic policy in Nepal remains to exploit the resources of Nepal and take advantage of Indian market.
- ▶ Another factor to increase the interest is China card which most of the south Asian countries are playing with India to gain the mileage in negotiations & counter India's Big Brother approach.
- ▶ For Nepal, China serves as a potential supplier of goods and assistance that it badly needs in order to recover its economy. Almost half the population of Nepal is unemployed and more than half is illiterate.

### **Way forward to better bilateral relations between India and Nepal**

- ▶ India needs to formulate a comprehensive and long-term Nepal policy. Shaping of perceptions should be an integral part of this strategy.

- ▶ India has to resist the temptation to micro-manage Nepalese politics. It is too messy to do so and the outcome will be just the opposite of the one that it desires.
- ▶ One cannot erase the anti-India sentiment in Nepal; however, this can be minimized considerably.
- ▶ Many people on both sides of the border do not have proper documents to prove nationality. As is the case on the Nepal-China border, where locals have border passes, a similar system can be introduced on the Indo-Nepal border also.
- ▶ The greatest change has to be in the behavior of our diplomats and officials who deal with officials and people of Nepal on a regular basis.
- ▶ Extension of educational facilities on the Indian pattern should be considered as a long-term strategy.

# Virtues of Soft Power



*The term "soft power" -- the ability of a country to persuade others to do what it wants without force or coercion -- is now widely invoked in foreign policy debates.*

*Historically, the attention to power has revolved around material capabilities such as military.*

*We are discussing the concept of soft power, its usefulness by taking the case study of Nepal. Nepal's political leadership has often felt that India uses blockades of essential supplies to discipline the smaller country.*

## Introduction

‘Soft power’ refers to the ability to persuade others to do something using neither force nor coercion. While conventional, hard power relies on the State’s military and economic resources, soft power works on persuasion, aiming at furthering a country’s ‘attractiveness’. It is based on three main categories of a country’s resources -culture, political values, and foreign policies.

A major thread that has linked India and Nepal for centuries is under stress. Some refer to it as religious, but the ties that link people to people in the two countries have a strong civilisational and cultural underpinning. However, this soft diplomacy is increasingly weakening.

## Soft Power

- ▶ Soft power is a concept developed by Joseph Nye of Harvard University to describe the ability to attract and co-opt, rather than by coercion (hard power), which is using force or giving money as a means of persuasion.
- ▶ Soft power is the ability to shape the preferences of others through appeal and attraction.
- ▶ A defining feature of soft power is that it is non-coercive; the currency of soft power is culture, political values, and foreign policies.
- ▶ Recently, the term has also been used in changing and influencing social and public opinion through relatively less transparent channels and lobbying through powerful political and non-political organizations.
- ▶ A country may obtain the outcomes it wants in world politics because other countries admire its values, emulate its example; aspire to its level of prosperity and openness.
- ▶ Soft power is a staple of daily democratic politics. The ability to establish preferences tends to be associated with intangible assets such as an attractive personality, culture, political values and institutions, and policies that are seen as legitimate or having moral authority.

### The interplay between hard and soft power

- ▶ Hard and soft powers are related because they are both aspects of the ability to achieve one's purpose by affecting the behavior of others. The distinction between them is one of degree, both in the nature of the behavior and in the tangibility of the resources.
- ▶ Command power- the ability to change what others do can rest on coercion or inducement. Co-optive power- the ability to shape what others want, can rest on the attractiveness of one's culture and values or the ability to manipulate the agenda of political choices in a manner that makes others fail to express some preferences because they seem to be too unrealistic.
- ▶ The types of behavior between command and co-option range along a spectrum from coercion to economic inducement to agenda-setting to pure attraction. Soft power resources tend to be associated with the co-optive end of the spectrum of behavior, whereas hard power resources are usually associated with command behavior.
- ▶ Hard and soft power sometimes reinforces and sometimes interferes with each other. A leader who courts popularity may be loath to exercise hard power when he should, but a leader who throws his weight around without regard to the effects on his soft power may find others placing obstacles in the way of his hard power.

### The limits of soft power

- ▶ Limitation or attractions do not add up to power. Some imitation or attraction does not produce much power over policy outcomes, and neither does imitation always produce desirable outcomes.
- ▶ For example, armies frequently imitate and therefore nullify the successful tactics of their opponents and make it more difficult for them to achieve the outcomes they want. But attraction often does allow you to get what you want.
- ▶ The deliberate acts of command and control are ignoring the second or "structural" face of power, the ability to get the outcomes you want without having to force people to change their behavior through threats or payments.
- ▶ All power depends on context- who relates to whom under what circumstances but soft power depends more than hard power upon the existence of willing interpreters and receivers. Moreover, attraction often has a diffuse effect of creating general influence, rather than producing an easily observable specific action.
- ▶ Goodwill may not ultimately be honored, and diffuse reciprocity, is less tangible than an immediate exchange. Nonetheless, the indirect effects of attraction and a diffuse influence can make a significant difference in obtaining favorable outcomes in bargaining situations. Otherwise leaders would insist only on immediate payoffs and specific reciprocity, and we know that is not always the way they behave.
- ▶ Soft power is also likely to be more important when power is dispersed. A dictator cannot be totally indifferent to the views of the people under his rule, but he can often ignore popularity when he calculates his interests. In settings where opinions matter, leaders have less leeway to adopt tactics and strike deals.

### Why soft power diplomacy is important?

- ▶ Soft power is the ability to influence other actors through persuasion to produce the desired behaviour as opposed to 'hard' power which relies on threats. An analogy commonly used is that of sticks- hard power and carrots- soft power.

- ▶ Growing interdependence and globalisation is a factor in 'soft' powers growing importance. Given the concept of a growing 'world without borders' this implies the increasing cross-border flows of images, information, ideas and even people. This makes it easier to achieve common goals through cooperation and working together as opposed to competition.
- ▶ Globalisation is also seen to have impacted our understanding of cultures and values of other states- cities such as London have over 300 languages being spoken. Theoretically, this increased understanding of one another which puts an emphasis on cooperation. The recent legacy of the use of 'hard' powers has made it increasingly unpopular.
- ▶ However, in most circumstances hard and soft power operates in tandem. The idea of 'smart power', is gaining importance which means soft power backed up by the possible use of hard power.

### Case study of Nepal

#### *What India has done?*

- ▶ India blocked the efforts of a large but disorganised section of the Nepali populace that wanted contentious issues like the shift from a monarchy to a republic and the adoption of secularism as state credo instead of continuing as a Hindu state to be settled through debate, and if necessary a referendum.
- ▶ While aligning with the Maoists who were waging war against the state, dispensing with the monarchy, and asking its long-term ally, the Nepali Congress to support the Maoists, India miscalculated the impact these shifts will have, not only on Nepal's politics, but also in the society.
- ▶ India is unclear about how to repair the damage which the diplomacy has done to its soft power and the resultant confusion in the bilateral relations.
- ▶ Unlike the EU and major western donor agencies which campaign for the right to conversion, China discourages these activities.
- ▶ Indian officialdom, given its past alliance with the EU in transforming Nepal into a secular republic without involving people, is obliged to maintain silence on the matter.
- ▶ Prime Minister Narendra Modi promised course correction by visiting Nepal twice after assuming office.
- ▶ However, China has gained over India in Nepal under his watch. The current anti-India sentiment in Nepal, which will also reflect in the mandate, is to a large part due to the 2015 economic blockade, the Modi government imposed on Nepal, which had yet to recover from a devastating earthquake.

#### *How China is proceeding?*

- ▶ China seems to have picked up a thread that India abandoned when it began to pursue a radical path in Nepal from 2006.
- ▶ India's preference for radical political agendas have undermined, and even demolished, the institutions that facilitated cultural linkages between the two countries. This has contributed to the distrust between Kathmandu and New Delhi.
- ▶ China's keen interest to develop Lumbini and build a railway line to Sigatse in Tibet via Kerung is an attempt on the part of Beijing to leverage soft power in bilateral relations, for it recognises that Buddhism can be a binding thread between the two countries. A trip to Lumbini is now mandatory for the ever-rising number of Chinese delegations.



## Conclusion

Soft power has always been a key element of leadership. The power to attract, to get others from what you want, to frame the issues, to set the agenda, has its roots in thousands of years of human experience. Skillful leaders have always understood that attractiveness stems from credibility and legitimacy. Power has never flowed solely from the barrel of a gun; even the most brutal dictators have relied on attraction as well as fear.



# ECONOMIC ISSUES

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1. **India & WTO: Issue of Food Security**
2. **The Right Crop Nutrient Solution**
3. **Bitcoin Boom**

# India & WTO: Issue of Food Security



*The WTO Ministerial Conference, which is the topmost decision-making body of the organization, usually meets every two years, and it brings together all members of the WTO, all of which are countries or customs unions. The Ministerial Conference can take decisions on all matters under any of the multilateral trade agreements. Participants include trade ministers and other senior officials from the organisation's 164 members, as well as accredited NGOs.*

*The WTO provides a forum for negotiating agreements aimed at reducing obstacles to international trade and ensuring a level playing field for all, thus contributing to economic growth and development. The WTO also provides a legal and institutional framework for the implementation and monitoring of these agreements, as well as for settling disputes arising from their interpretation and application.*

*Hereby, discussing the outcomes of the 11th Ministerial Conference and India's stand on food security.*

## Eleventh WTO Ministerial Conference

The Eleventh Ministerial Conference (MC11) took place from 10 to 13 December 2017 in Buenos Aires, Argentina. It was chaired by Minister Susana Malcorra of Argentina. The Conference ended with a number of ministerial decisions, including on fisheries subsidies and e-commerce duties, and a commitment to continue negotiations in all areas.

## Key takeaways

- ▶ The biggest takeaway from MC 11 was the commitment from members to secure a deal on fisheries subsidies which delivers on taking commitments for paring IUU (illegal, unregulated, unreported) subsidies by 2019.
- ▶ Members also committed to improve the reporting of existing fisheries subsidy programmes. “Buenos Aires will be remembered as the fisheries conference.
- ▶ A work programme on e-commerce was also adopted at the MC 11 with the old work programme continuing and a two year continuation of the moratorium on e-commerce linked to the continuation of one on TRIPS and non-violation complaints.
- ▶ In addition, members took a number of other ministerial decisions, including extending the practice of not imposing customs duties on electronic transmissions for another two years, and commitment to continue negotiations in all areas.

## WTO's issue related to Agriculture subsidies

The WTO Agreement on Agriculture includes rules for three pillars: Market Access (the use of trade restrictions, such as tariffs on imports), Export Competition (the use of export subsidies and other government support programmes that subsidize exports) and Domestic Support (the use of subsidies and other support programmes that directly stimulate production and distort trade).

With the backing of more than 100 countries, a joint proposal from India and China to eliminate the most trade-distorting farm subsidies worth \$160 billion in several industrialised economies. The two countries see this as a prerequisite to address the prevailing imbalance in the Agreement on Agriculture, which unfairly benefits developed countries.

### Peace clause

Under the WTO Agreement on Agriculture (AoA), developing countries can give agricultural subsidies or aggregate measurement support (AMS) up to 10% of the value of agricultural production.

The 'peace clause' said that no country would be legally barred from food security programmes even if the subsidy breached the limits specified in the WTO agreement on agriculture. This 'peace clause' was expected to be in force until 2017, by which time the protagonists were hoped to find a permanent solution to the problem.

With the peace clause expiring this year and no solution in place, India can now be dragged to the WTO dispute settlement mechanism over its domestic price support for paddy, which, as per some estimates, has breached the 10% cap.

### Farm subsidies in India

The domestic price support, or AMS, is calculated as the difference between the fixed external reference price (ERP) prevailing between 1986-88 and the minimum support price (MSP) provided by the Indian government.

Every year, India announces an MSP for as many as 23 crops but the bulk of subsidy payout goes to paddy and wheat, which are considered as staple foods for Indians.

The Indian government increases the MSP almost every year. As per some estimates, India's paddy subsidies are around 24% of the total value of paddy production, much beyond the prescribed 10% limit.

India has contended that the reference period of 1986-88 is outdated and that it needs to be given flexibility to stock enough grains to ensure food security for poor sections of its population.

For example, the WTO has fixed ERP for rice at Rs 3.52 per kg (at base 1986-88 prices), which being a non-inflation and dollar-denominated adjusted proxy for the cost of production has remained unchanged since the base year.

But the cost of production in India has jumped by manifold since then. The Indian rupee too has depreciated vs the US dollar by nearly 400% between 1986-87 and 2014-15. India has recently submitted data to the WTO on domestic price support for four years, from 2010-11 to 2013-14, to refute developed countries' allegations.

According to the Indian government, input subsidies on account of fertilisers, irrigation and electricity fell to \$22.8 billion in 2013-14 from \$29 billion in 2010-11. India's green box subsidy payout has also declined during this period. India spent \$18.3 billion in green subsidy in 2013-14, far lower than \$24.5 billion in 2010-11.

The government spent another \$14.7 billion on public stockholding for food security purposes in 2013-14, higher than \$13.8 billion in 2010-11, as per India's filing to the WTO.

**India's Stand at WTO**

- ▶ Thus in his address at the Plenary Session of the 11<sup>th</sup> WTO Ministerial Conference (MC), India's commerce and industry minister Suresh Prabhu said, "The permanent solution for public stockholding for food security purpose is a matter of survival for 800 million hungry and undernourished people in the world."
- ▶ The G-33 coalition — which includes Indonesia, China and India — seeks a complete exemption from commitments to reduce subsidies, such as minimum support prices, from this poverty-alleviation programme. New Delhi has declined to negotiate any more trade-offs on this proposal at Buenos Aires, or accept calls for stringent transparency requirements to monitor these schemes.
- ▶ On a permanent solution to public stockholding, the diplomat said a decision has to be taken by India whether to accept one that offers India only less onerous notification obligations. Other developing countries are seeking permission to introduce new food security programmes as well.
- ▶ **India's Demands:**
  - Easy workability of the peace clause than mandated.
  - Inclusion of future food security programmes.
  - A stronger legal basis.
- ▶ **On e-commerce:**
  - The European Union, which was the only entity seeking a negotiating mandate, may not now insist on it. India is proposing that e-commerce discussions should continue at various working groups without any negotiating mandate.

**What does India want?**

- ▶ India wants the WTO membership to re-endorse the centrality of development (the agenda to improve the trading prospects of developing nations) in WTO negotiations without creating new sub-categories of countries. This is in the context of attempts by certain rich countries to wreck the broad unity among developing nations on a host of issues.
- ▶ Developed countries such as U.S. have suggested that countries such as India and China are currently emerging economies and reasonably strong in trade unlike others in the developing world. Therefore, such powerful nations that are still in the 'developing' category do not deserve to gain from the favorable treatment meant only for developing nations in WTO Agreements.
- ▶ Only Unconditional Solution acceptable: India has already made it clear that it will not accept a 'permanent solution' with onerous conditions that in turn make it very difficult for the (Indian) government or other developing countries to meet the food security needs of their people.
- ▶ Inordinate delay in appointment of new members to the (WTO's) Appellate Body: This statement comes in the backdrop of criticism against the US for blocking the re-appointment of judges to the WTO's Appellate Body, a move that many say would undermine the WTO's Dispute Settlement Mechanism, which is recognised as a fundamental pillar of the organisation due to it being a fair, effective and efficient mechanism to solve trade problems.
- ▶ Asymmetry in farm subsidy norms: On agricultural domestic support, the WTO Agreement on Agriculture provides considerable flexibility to the developed members to provide huge subsidies and further, to concentrate these subsidies

on a few products. “This asymmetry needs to be addressed as a first step in agricultural reform through a post-Buenos Aires work programme without, however, shifting the burden of reduction of agricultural subsidies to developing countries.”

## Conclusion

Food security is the foundation upon which the United Nations’ Sustainable Development Goals to eradicate extreme poverty and hunger stand. Forcing developing countries and least developed countries to agree to anything which may compromise their right to food security will not only compromise basic human dignity but also go against the UN declaration to which all countries are a signatory.

The government support to farmers in developed countries are way ahead of what developing countries can even afford to provide. For example, while India provides about \$12 billion farm subsidy to its 500 million farmers, the US provides around \$120 billion to its 2 million farmers. The figures could be contested, but not the trends.

A successful resolution of this issue would fulfill our collective commitment to the global community. India has already made it clear that it will not accept a ‘permanent solution’ with onerous conditions that in turn make it very difficult for the (Indian) government or other developing countries to meet the food security needs of their people.

# The Right Crop Nutrient Solution

## Context

*Crops require a balanced diet of essential nutrients throughout their growth cycle. The profit potential for farmers depends on producing enough crop per acre to keep production costs below the selling price. Efficient application of the correct types and amounts of fertilizers for the supply of the nutrients is an important part of achieving profitable yields. However, the existing product registration and subsidy regime is heavily biased against value-added yield-enhancing fertilisers. Due to bureaucratic red-tapism, the introduction of new fertilizer in the market takes average 2-3 years.*

*Hereby, discussing the concept of crop nutrition, procedure of test trial of fertilizer and how to ease the doing business in this sector.*

## Crop Nutrition

Crops require a balanced diet of essential nutrients throughout their growth cycle. Many plant foods can be found in the soil, but often in insufficient quantities to sustain high crop yields. Soil and climatic conditions can also limit a plant's uptake of nutrients at key growth stages.

There are at least 16 elements known to be essential for plant growth. Carbon (C), Hydrogen (H), and Oxygen (O) are derived from Carbon dioxide (CO<sub>2</sub>) and Water (H<sub>2</sub>O). Nitrogen (N), Phosphorus (P), Potassium (K), Sulphur (S), Calcium (Ca), Magnesium (Mg), Boron (B), Chlorine(Cl), Copper (Cu), Iron (Fe), Manganese (Mn), Molybdenum (Mo) and Zinc (Zn) are normally derived from the soil in the form of inorganic salts. Ninety-four to 99.5 per cent of fresh plant material is made up of Carbon, Hydrogen and Oxygen. The other nutrients make up the remaining 0.5 to 6.0 per cent.

Fertilizer are placed on or incorporated into the soil or applied to directly onto plants to achieve normal growth and provide crop nutrition. The main supply sources of plant nutrients include organic manures, plant residues, biological nitrogen fixation and commercial inorganic fertilizers.

The types of fertilizers that are most commonly used for crop production are chemical fertilizers. Chemical fertilizers refer to commercially manufactured products containing a substantial amount of one or more plant nutrients.

### Specialty Nutrients:

#### ► Water-soluble Fertilisers:

- ▣ Water Soluble Fertilisers are such as calcium nitrate, potassium nitrate, mono-ammonium phosphate, mono-potassium phosphate and sulphate of potash (SOP).

- These fertilisers, are also water-soluble versions of NPK complexes like 19:19:19, 24:24:0 and 28:28:0 are suited for both drip irrigation and foliar (leaf) spray application.
- This is as against normal fertilisers, which aren't 100 per cent soluble in water; injecting them with water ("fertiligation") only ends up clogging the pipes and emitters.
- ▶ **Nutrient Based Products:**
  - Secondary nutrients (calcium, magnesium and sulphur) and micronutrients (zinc, boron, iron, manganese, copper and molybdenum) based products.
  - They include zinc sulphate, bentonite sulphur, ferrous sulphate, copper sulphate, manganese sulphate, borax acid, and molybdenum trioxide.
  - Their application is meant to address the severe deficiency of secondary nutrients and micro-nutrients in Indian soils arising from intensive cropping based on unbalanced use of primary nutrients, especially N.
- ▶ **NPK Fertilisers:**
  - There are specialty NPK fertilisers designed to meet specific crop requirements.
  - The Norwegian chemical major **Yara International** is marketing two complexes in India, the first one (12:11:18) targeting horticulture crops (banana, grapes, pomegranates, tomatoes, onions and assorted vegetables) and the second (15:09:20) mainly for coffee.

### Current Process for the Registration of the new Fertilizers

It takes averages 804 days for India to register a new fertiliser product for introducing in farmers' fields according to the World Bank's own latest "Enabling the Business of Agriculture 2017" report. The only countries taking longer are Romania (1,205 days), Nepal (1,125 days), Bangladesh (945 days) and Malawi (913 days).

- ▶ Commercialization of any new fertiliser in India requires it to be first field-tested for at least two crops over two seasons.
- ▶ The trial data has to, then, be submitted to the **Union Agriculture Ministry** (it has a joint secretary in charge of integrated nutrient management), which forwards the report for evaluation by a Technical Committee.
- ▶ The **Technical Committee's** recommendation for approval is further put up before a 14-member Central Fertiliser Committee.
- ▶ Once cleared by the **Central Fertiliser Committee**, the file goes for signing by the agriculture minister before the product gets finally notified under the **Fertiliser Control Order** as qualifying for use by farmers.
- ▶ The whole process takes 2-3 years.
- ▶ What it does is to hinder the introduction of value-added fertilisers or specialty nutrients.

### Facts:

- ▶ In 2016-17, urea sales in India amounted to 29.61 million tonnes (mt), while 8.82 mt for DAP, 8.44 mt for NPK complexes, 4.20 mt for single super phosphate and 2.82 mt for MOP (direct application).
- ▶ The Centre's entire Rs. 70,000-crore fertiliser subsidy bill barring a small Rs 15 crore component for city compost was also dedicated towards these nutrients.
- ▶ The estimated market for **specialty nutrients** was Rs. 2,500 crore, nearly half of it accounted for by water-soluble fertilisers. Total volumes, too, were reckoned at a miniscule 500,000-550,000 tonnes, including 200,000 tonnes for water-soluble fertilisers.

- ▶ Unlike common bulk fertilisers, urea, di-ammonium phosphate (DAP), muriate of potash (MOP) or even complexes containing nitrogen (N), phosphorous (P) and potash (K) in various proportions, these are products that deliver the underlying nutrients more efficiently, while making them available to the plant with least volatilisation/leaching/surface runoff losses.

### Problems

- ▶ Unlike in urea, the N in Yara Mila Complex (the brand name for 12:11:18) is a combination of both nitrate and ammonium nitrogen. Nitrate (42 per cent) ensures rapid growth of the plant in its early stages, while ammonium nitrogen (58 per cent) prolongs the availability of N. The combination minimises volatilisation losses. Also, the source of K in our product is SOP, which is better suited than MOP for chloride-sensitive, high-value fruit and vegetable crops.
- ▶ But despite their higher nutrient use efficiency and yield benefits pushing water-soluble fertilisers are consistent with the government's own micro-irrigation and "more crop per drop" initiatives, the existing policy regime is tilted against specialty nutrients.
- ▶ The problem is the sheer time and bureaucratic procedures for bringing any new product into the market.
- ▶ **Subsidy Factor:**
  - None of the value-added fertilisers qualify for subsidy either.
  - Currently, if the plain 19:19:19, 24:24:0 and 28:28:0 are sold, the subsidy ranges from Rs. 7,437 to 8,676 per tonne. But the water-soluble grades of the same complexes aren't eligible for any subsidy.
  - Likewise, there is an additional subsidy of Rs. 300-500 per tonne when normal fertilisers are fortified / coated with boron and zinc, but none on specialty micro-nutrient or secondary nutrient-based products.
  - The ultimate loser from a subsidy-cum-registration regime that does not encourage use of value-added fertilisers is the farmer. He ends up applying more urea, DAP and other commodity fertilisers with little regard to crop requirements or soil-climate conditions.
- ▶ All this work against the government's schemes, whether relating to "more crop per drop", soil health cards or nutrient based subsidy.

### Way Forward

- ▶ The 4Rs: It stands for applying the right source at the right rate, at the right time and to the right place.
- ▶ **Making subsidy truly nutrient based** can be the effective solution. NBS has many benefits as:
  - It diversifies the fertilizer use and help to maintain NPK ratio in soil.
  - Promotion of complex fertilizers.
  - It will promote micro nutrients fortification so will reduce burden for small farmers to purchase them separately.
  - NBS will reduce subsidy burden and ensure rationality in fertilizer subsidy.
  - Reduce government regulation on fertilizer pricing.
- ▶ **Simplifying registration process** for new fertilisers' should become time and cost-efficient so that Indian farmers have timely access to new products. This will help raise productivity and make Indian agriculture globally competitive.

- ▶ **The fertiliser industry** needs to bring in more value-added fertilisers, with higher nutrient use efficiency. The benefits of balanced fertiliser practices need to be demonstrated clearly to farmers and we need to continuously upgrade their knowledge. By adopting balanced crop nutrition, there is a huge possibility to optimise yield, maximise output and farmer income, as well as minimising the negative environmental impact.
- ▶ Working together with **value-chain partners**, particularly with food companies will help in sustainable value-creation for farmers, higher yields with reduced loss and less use of resources. At the same time farmers are assured of good output prices for their produce.
- ▶ **Major lessons that India can learn from Brazil:**
  - In Brazil and India, the agricultural sector plays a crucial role in the overall economy and both countries rank high as agricultural producers with favourable climate and farmland available.
  - In Brazil, the agribusiness is part of a market economy with limited government intervention, and the growth has been driven by focus on premium offerings, creating value for farmers through close collaboration to optimise yields and quality of produce.
  - From an agribusiness perspective, the Indian agricultural sector has great potential to become more productive and more efficient by improving fertiliser application practices. Urea is the most-used fertiliser as it is considerably cheaper than other fertilisers. Crop nutrition knowledge, farmer-centric way of working and premium offerings create significant value for the Indian farmer.

## Conclusion

Crop nutrition is basic to agriculture. If farmers cannot access state-of-the-art fertilisers at affordable rates, there's no way their incomes can be doubled by 2022.

# Bitcoin Boom



*The price of Bitcoin went up by over 210% during the past year. In the eight years since its founding, Bitcoin has braved skepticism, rejection, and experienced volatility, to the present day, when it's slowly being recognized by governments and even dubbed as an emerging asset class. Bitcoin has seen a 55% increase in transaction volume in 2017, along with 30,000 new wallets created daily.*

## About Bitcoins

- ▶ **Satoshi Nakamoto** proposed Bitcoin, which was an electronic payment system based on mathematical proof.
- ▶ Bitcoin is a type of **digital currency** that enables instant payments to anyone. It was introduced in 2009.
- ▶ Bitcoin is based on an **open source protocol and is not issued by any central authority**. It is a **peer-to-peer currency**. Peer-to-peer means that no central authority issues new money or tracks transactions. These tasks are managed collectively by the network.
- ▶ This means that the fees are much lower, you can use them in every country, your account cannot be frozen and there are no prerequisites or arbitrary limits. Compared to other alternatives, Bitcoins have a number of advantages.
- ▶ Bitcoins are transferred directly from person to person via the net without going through a bank or clearing-house.

So, Bitcoin is not a coin, but a code or a virtual token that can be freely transferred from one user to another through a secured network. Bitcoin is the most popular crypto-currency.

## Reasons for Bitcoin Boom

Followings are some reasons for Bitcoin boom:

- ▶ **Its deregulated nature:**
  - Bitcoin is neither controlled nor supervised by any commercial authority, government, or financial institution. Rather, a peer-to-peer network of users controls the creation and transfer of coins. Bit-coin's independence from 3rd party intermediaries provides its users a highly desired level of privacy and convenience.
  - Crypto-currencies work for people who want anonymity and who are seeking alternative stores of value because no fiat currency can reasonably offer this combination of anonymity and store of value.
- ▶ **Very high return rate:**
  - Bitcoin has showed 300% annualized return over the 5-year period. The BSE Sensex produced a staid 11.5 % return in the same period. As it has

high return rate than any other investment more people are attracting towards Bitcoins.

► **The Worldwide Demand for Digital Currency:**

- Others see digital currencies as an asset like gold, which can hold its value amid times of government instability. Recent political upheaval in Brazil and the US, which led to drops in the dollar have contributed to the recent uptick in Bitcoin buying.
- The several countries such as Australia, Singapore and the US declared Bitcoin a commodity. On the other hand, China and Russia are still working on the legalities. Putting all this together is leading to increase the demand of Bitcoins in worldwide market.

► **Japan and China factor:**

- Recently the regulators in Japan introduced new rules that treated Bitcoin less like an outlaw currency and more as a part of the banking system. That change led to a burst of trading activity in the country and investors rushed to swap yen for Bitcoin. The effect on price has been predictable. South Korea also has rules for Bitcoin-denominated payments and transfers.
- China, where the authorities have long had a love-hate relation with Bitcoin. It appears the country is growing more tolerant once again. As Chinese investors are still trading Bitcoin and buying initial coin offerings so China has been a key source of demand. Instead, more of the buying and selling of crypto-currencies has gravitated towards the private over-the-counter market.
- This suggests Bitcoin related investments in China are less risky, in other words, a lot of Asian investment is causing Bitcoin to soar.
- Once accounting for over 90% of Bitcoin's global trading volume, the "big three" Chinese Bitcoin exchanges OK Coin, BTCC and Huobi now only account for roughly 7% of market volume.



**How to ride the Bitcoin rally in India?**

- In India, there are about 11 trading platforms to buy Bitcoins. Those include Unocoin, Zebpay, Coinsecure, Coinmama, Local Bitcoins, and Bitcoin ATMs. Bitcoins can be fragmented far more times than fiat currencies and one can buy even a fraction of a unit with a minimum of Rs 1,000.

- ▶ As of now in India one cannot make payment by using Bitcoins, but the e-commerce players like Flipkart, Amazon and Make My Trip run voucher programmes for people using Bitcoin exchanges. Many a time, exchanges convert Bitcoin into normal currency.
- ▶ RBI has been repeatedly flagging concerns on virtual currencies like Bitcoins, stating that they pose potential financial, legal, customer protection and security-related risks. Despite this a domestic Bitcoin exchange is adding over 2,500 users a day and has reached five lakh downloads of Zebpay, an app-based Bitcoin exchange.
- ▶ Indians started trading in bitcoins and other crypto-currencies enthusiastically after demonetization precisely because they became cautious about such possibilities.

### Risks associated

- ▶ Despite Bitcoin's recent boost, the Financial Conduct Authority (FCA) has raised doubts over the stability of virtual currencies in general, warning investors (really speculators) that they should be prepared for the possibility of losing all their money. Bitcoin and other crypto-currencies are accepted by initial coin offering (ICO) issuers in exchange for another form of digital currency associated with a particular project or firm, which may represent a share in the firm or prepayment for future services, but may also hold no recognizable value whatsoever.
- ▶ As such, the FCA has described ICOs as very high-risk, speculative investments' which should only be invested in by experienced investors.

### Conclusion

- ▶ Mining, buying and selling virtual currencies is not illegal in India, but it is also not recognized by law either; there is a question mark on the taxability aspect too. The government is yet to give its verdict on virtual currencies, but till then people should understand its speculative nature before investing and trade at their own risk.

# SCIENCE ISSUES

## *Index*

1. How to Reap Digital Dividend?
2. Need to Understand Cyber Threats before Fighting them

# How to Reap Digital Dividend?



*Digital technologies have gradually permeated all activities in our societies. In the next three years, India will add more than 300 million new mobile subscribers - and, by 2025, it is highly likely that the country will be the largest mobile market in the world. Like other countries in Asia, India is developing a "mobile-first" digital culture, with smartphones fuelling a boom in e-commerce and other forms of businesses.*

*Thus, India has to move for inclusive digital revolution to have an ever stronger impact on patterns of economic growth, social inclusion and environmental sustainability.*

*Hereby, discussing the concept of Digital Revolution and steps needed to make it inclusive and open for the use of the common people.*

## What is Digital Revolution?

The Digital Revolution refers to the advancement of technology from analog electronic and mechanical devices to the digital technology available today.

Digital Revolution completely transformed the way information dispersed across various sectors of the globe; providing grounds for businesses to move beyond the national markets to other markets, thereby reaching international markets, increasing the inter-connection of the world.

Digital Revolution has boosted new avenues of communication, empowering the economy and its consumers by providing them access to information at any point of time through its diverse platforms, such as, mobile internet, cloud-based technology, **big data**, IoT, **nanotechnology**, robots, and other digital technologies. While the **growth in digital transformation** continues to proliferate, it equally invokes revolution to the world of work. Therefore, digital revolution has paved the way for creation, communication, and collaboration resulting in less barriers and more efficiency for innumerable organizations.

Digital and mobile technology advances have delivered far-reaching economic and social benefits for countries, companies and citizens.

Digital Revolution in India is also significant as it promises to bring a multi-dimensional metamorphosis in almost all sectors of the society. From digitization in governance to better health care and educational services, cashless economy and digital transactions, transparency in bureaucracy, fair and quick distribution of welfare schemes, all seem achievable with the Digital India initiative of the present Government.

## Benefits of Digital Revolution

Digital technologies have had widespread and positive economic effects on the global economy as well as for individual countries. Digitalisation furthers economic growth, citizen participation and job creation. Digital technologies enable businesses to access new markets and customers and operate more efficiently, bringing new products and other innovations to consumers. Digital economies improve lives and bring more people and more businesses into the economic mainstream; they make it possible for more of them to participate in economic and social institutions. Digital technologies connect government and citizens. New technologies are also delivering more essential services to more people every day, from allowing remote diagnosis of illness to helping farmers to increase crop yields to providing safe, swift and secure financial transactions.

Digital and mobile technology advances have delivered far-reaching economic and social benefits for countries, companies and citizens. But these benefits are far from evenly distributed, there has been considerable disruption. They have to be more inclusive to provide reach of its benefits at ground level.

## How to reap Digital Dividend?

For India to reach its digital potential, two things are necessary.

### ► **Inclusive digital revolution**

First, it is vital that the digital revolution be widely diffused. Digitization will boost the economy if it includes communities and regions that may have previously been distant from the information and communication technology (ICT) advancement.

Improved telecom infrastructure as well as new affordable smartphones now give everyone the opportunity to benefit from mobile digital technologies. And that is helping to spur a revolution in how people can access services such as banking and retail that so far have been closed to them.

Government has also initiated many programmes and policies for the empowerment of people.

'SWAYAM' scheme provides an opportunity to students to access courses taught in classrooms from ninth standard to post graduation, that can be accessed by anyone, anywhere at any time. This digital scheme not only brings education at the door step of numerous students but also aims to bridge the digital divide as students who cannot join mainstream or formal education can access this application. Another digital scheme is 'ePATHSHALA' which disseminates all educational content through website and mobile app.

The Governments' Digital India initiative is also proving a number of schemes for the benefit of the farmer. Some of the schemes in the agriculture sector include, 'mkisan', 'farmer portal', 'Kisan Suvidha app', 'Pusa Krishi', 'Soil Health Card app', 'eNAM', 'Crop Insurance Mobile APP', 'Agri Market app' and 'Fertilizer Monitoring App. Keeping in mind women's safety, applications like 'Nirbhaya app' and 'Himmat app' have been launched to facilitate sending of distress calls.

### ► **Reduce regulatory restrictiveness**

Second, it is equally important that sectors be opened up to new digital business models through reductions in regulatory restrictiveness. Despite improvements, India has among the most restrictive regulations for product markets in the Asia-Pacific region. But for countries to reap the digital dividend, there must be space in the economy for new digital competition, experimentation and entrepreneurship—especially in traditionally non-digital sectors.

## Case study of Estonia

Estonia was a poor outpost in the Soviet Union, but now it is Europe's digital leader.

Europe has several digital protectionists that have protected markets from digitization because they have feared new competition. That has been the reaction from European policymakers partly because they have thought about digitization as a race between young American software firms and old European champions.

But that misconception has blocked the arteries of economic renewal in many European countries. With ideas about preventive restrictions on new technological platforms like Amazon or Uber, or regulators that chase companies for competing too successfully, the digital dividend has shrunk.

Whereas Estonia has opened its platform for digital technology and became Europe's digital leader.

## Conclusion

Government has initiated schemes in various sectors not only an attempt to revolutionise the society but also focus on utilizing the digital technologies to elevate the down trodden and bridge the gap between the different social strata. This objective can be best achieved by opening the sector for competition.

# Need to Understand Cyber Threats before Fighting them



*National Cyber Safety and Security Standards is carrying out extensive awareness, training and education campaigns, so that the public are made aware of the dangers of the internet, and how they should be careful and avoid falling into cyber traps.*

*Thus, understanding the concept of cyber threats is important to handle the issue.*

## What is Cyber Security?

Cyber security is the body of technologies, processes and practices designed to protect networks, computers, programs and data from attack, damage or unauthorized access.

## How Vulnerable is India?

India's cyber security chief Gulshan Rai told Parliament's finance standing committee in July 2017, that cyber threats had evolved swiftly from viruses and "nuisance" attacks in the early 2000s to sophisticated malware and advanced denial of service, and could pose the risk of severely destructive attacks by 2020.

With little control over the hardware used by Indian Internet users as well as the information that is carried through them, India's national security architecture faces a difficult task in cyberspace. India's infrastructure is susceptible to four kinds of digital intrusions: espionage, which involves intruding into systems to steal information of strategic or commercial value; cybercrime, referring to electronic fraud or other acts of serious criminal consequence; attacks, intended at disrupting services or systems for a temporary period; and war, caused by a large-scale and systematic digital assault on India's critical installations.

## Cyber Crimes

- ▶ **Cyber Defamation:** In simple words, it implies defamation by anything which can be read, seen or heard with the help of computers/technology.
- ▶ **Corporate Cyber Smear:** Harmful and defamatory online message has been termed as corporate cyber smear.
- ▶ **Digital Forgery:** Digital forgery implies making use of digital technology to forge a document.
- ▶ **Online Gambling:** The act of gambling is categorised as an offence in some countries and has a legal sanctity in others. The main concern with online gambling is that most virtual casinos are based offshore making them difficult to regulate.

- ▶ **Online sale of illegal articles:** There are certain articles like drugs, guns, pirated software or music that might not be permitted to be sold under the law of a particular country.
- ▶ **E-mail spamming/e-mail bombing:** Spam refers to sending of unsolicited messages in bulk. Technically, it overflows the limited-sized memory by excessively large input data. In relation to e-mail accounts, it means bombing an e-mail account with a large number of messages maybe the same or different messages.

### Cyber Warfare and its Example

Cyber warfare is Internet-based conflict involving politically motivated attacks on information and information systems. Cyber warfare attacks can disable official websites and networks, disrupt or disable essential services, steal or alter classified data, and cripple financial systems.

- ▶ **Stuxnet**, which was designed to attack industrial programmable logic controllers, was directed against the Iranian nuclear programme.
- ▶ **The Shamoon virus** is reported to have wiped off the data from 30,000 computers of the Saudi Arabian State oil company.
- ▶ **Wiper virus** was reported in April 2012 that was much more malicious, and wiped off the data on all computers that it infected.
- ▶ **Flame:** capabilities ranged from recording Skype conversations and downloading information from smart phones to more mundane activities such as recording audio, screenshots, keystroke and network traffic recording.
- ▶ **The Duqu worm** was discovered in September 2011, followed in quick succession by the Mahdi, Gauss and Flame malware. Flame, Duqu and Gauss shared similar digital DNA with Stuxnet with primary purpose seemed to be espionage (spying), with their targets ranging from banking to governmental to energy networks.

### Cyber Terrorism

Cyber terrorism is the convergence of terrorism and cyber space. It is generally understood to mean unlawful attacks and threats of attacks against computers, networks, and information stored therein when done to intimidate or coerce a government or its people in furtherance of political or social objectives.

- ▶ **Pakistan/India Conflict:** As tensions between the neighboring regions of India and Pakistan over Kashmir grew over time, Pro-Pakistan cyber-terrorists and recruited hackers began to target India's Internet Community. Groups such as G-Force and Doctor Nuker have defaced or disrupted service of several major entities in India such as the Zee TV Network, The India Institute of Science and the Bhabha Atomic Research Center which all have political ties.
- ▶ **Tamil Tiger Attempt:** In 1998, with surges of violence committed in Sri Lanka over several years, the group known as the Tamil Tigers, a violent guerrilla organization, bombarded Sri Lankan embassies with over 800 e-mails a day.
- ▶ **ISIS:** Recent activities of ISIS in Middle East and series of videos released by them are potential cyber terrors. They are using Cyber space for their propaganda and for influencing vulnerable people to join ISIS. It is threat to the world and the way they are growing needs global cooperation to check them before they create havoc.

In the last 15-20 years, with the IT revolution, the pace of radicalisation has increased by leaps and bounds. Earlier, it was confined to a particular segment of poor people

in rural areas, now propagation of ideology through social media is expanded to urban areas and educated youth are getting affected.

The rise of ISIS and Al-Qaeda should be seen in a wider perspective as growth of radical Islamic ideology or jihadi terrorists in different parts of the world. They have to be defeated militarily, financing needs to be checked. They are using latest means of communication which should be checked by intelligence organizations.

### Tools to Protect Against Cyber Threats

- ▶ **Digital Signature:** It is only a technique that can be used for different authentication purposes. For an E-record, it comes functionally very close to the traditional handwritten signatures.
- ▶ **Security Audit:** A security audit is a systematic evaluation of the security of a company's information system by measuring how well it conforms to a set of established criteria.
- ▶ **Encryption:** One of the most powerful and important methods for security in computer systems is to encrypt sensitive records and messages in transit and in storage.
- ▶ **Cyber Forensics:** Cyber Forensics is a very important ingredient in the investigation of cybercrimes. Cyber forensics is the discovery, analysis, and reconstruction of evidence extracted from any element of computer systems, computer networks, computer media, and computer peripherals that allow investigators to solve a crime.
- ▶ **E-discovery:** Investigation includes areas like money laundering, corruption, financial frauds, cybercrimes, serious frauds and white collar crimes investigation, etc. Presently e-discovery services in India are in infancy stage and this is the reason why many cases of corporate frauds and cybercrimes remain unreported.

### Cyber Security in India

- ▶ **Information Technology Act, 2000:** The Information Technology Act, 2000 intends to give legal recognition to e-commerce and e-governance and facilitate its development as an alternate to paper based traditional methods. The Act has adopted a functional equivalents approach in which paper based requirements such as documents, records and signatures are replaced with their electronic counterparts.
- ▶ **Indian Computer Emergency Response Team:** Is an office within the Ministry of Electronics and Information Technology. It is the nodal agency to deal with cyber security threats like hacking and phishing.
- ▶ Ministry of Electronics and Information Technology has launched five cyber-security tools, as part of its **Cyber Swachhta Kendra (CSK)**, to prevent users from facing threats on the web. These tools are: Bot Removal Tool, USB Pratirodh, App Samvid, M-Kavach, and Browser JS Guard.
- ▶ **National Information Infrastructure Protection Centre (NIIPC):** NIIPC is a designated agency to protect the critical information infrastructure in the country. It gathers intelligence and keeps a watch on emerging and imminent cyber threats in strategic sectors including National Defense. They would prepare threat assessment reports and facilitate sharing of such information and analysis among members of the Intelligence, Defense and Law enforcement agencies with a view to protecting these agencies' ability to collect, analyze and disseminate intelligence.

- ▶ **Standardization, Testing and Quality Certification (STQC) Directorate-STQC** is a part of Department of Information Technology and is an internationally recognized Assurance Service providing organization. It has also established a test/evaluation facility for comprehensive testing of IT security products as per ISO 15408 common criteria security testing standards.
- ▶ **The Cyber Regulations Appellate Tribunal:** It has been established by the Central Government in accordance with the provisions contained under Section 48(1) of the Information Technology Act, 2000.

### Conclusion

With the huge growth in the number of Internet users all over the world, the security of data and its proper management plays a vital role for future prosperity and potentiality.

# ENVIRONMENTAL ISSUE

(Polluters Pay Principle and NGT)

# Polluters Pay Principle and NGT



*The National Green Tribunal has closed the matter of the World Culture Festival held by Sri Sri Ravi Shankar's Art of Living (AoL) in March 2016, which had degraded the Yamuna floodplain in Delhi. It has held that AoL has damaged the ecosystem of the plain and that the Delhi Development Authority (DDA) had wrongfully permitted it to conduct the event. The DDA has been directed to evaluate the damage and Sri Sri Ravi Shankar's organisation must pay for the restoration of the flood plain. AoL had put up Rs 5 crore pursuant to an earlier order, but will now have to pay on actuals.*

*This raises the debate on the concept of Polluter Pay Principle. Hereby, discussing the concept of Polluter Pay Principle.*

## Introduction

*"If anyone intentionally spoils the water of another ... let him not only pay damages, but purify the stream or cistern which contains the water..." - Plato.* This old thought of Plato represents polluters pay principle.

"The 'polluter pays principle' states that whoever is responsible for damage to the environment should bear the costs associated with it." (The United Nations Environmental Programme.)

A correct interpretation of the polluter pays principle would define pollution as any byproduct of a production or consumption process that harms or otherwise violates the property rights of others. The polluter would be the person, company, or other organization whose activities are generating that by-product. And finally, payment should equal the damage and be made to the person or persons being harmed.

## History of Polluters Pays Principle

- ▶ Polluter Pays Principle's origin to the Stockholm Declaration made at the United Nations Conference on the Human Environment in June 1972. Prime Minister Indira Gandhi drew a link between environmental pollution and poverty.
- ▶ In 1987 Brundtland Commissions report 'Our Common Future' made this principle more strong. The Brundtland Commission, or the World Commission on Environment and Development, was established in 1983 to examine environmental issues resulting from rapid industrialization. For the first time, "sustainable development" was defined. Alongside, the Polluter Pays Principle was emphasised.
- ▶ The 1987 report greatly influenced the Rio Earth Summit of 1992, which, for the first time, explicitly enshrined the Polluter Pays Principle.

- ▶ The 16th principles enshrined in the Rio Declaration on Environment- “polluter should, in principle, bear the cost of pollution”.
- ▶ In Vellore Citizens’ Welfare Forum vs. Union of India and Others (1996), the Supreme Court holds, Polluter Pays Principle as, “part of the environmental law of the country”. The Principle came onto the statute books in 2010 when the National Green Tribunal Act was enacted.

**The National Green Tribunal:** It has been established on 18.10.2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues.

### Some Problems with this Principle

- ▶ Environmental pollution is not always easy to narrow down to a single source which can be strictly punished. A great deal of pollution is from non-point sources, cumulative in nature and occurs over long time spans. Thus, identifying a perpetrator is both difficult and in some cases, technically unfeasible.
- ▶ There is no clarity on how exactly the damages should be calculated. This means that a polluter may be asked to pay for the actual costs of clean-up, the damage caused to the victims of environmental damage, a fine or a penalty based on their ability to pay, a general levy aimed at a clean-up of the problem as a whole, or all of the above.
- ▶ A large number of poor households, informal sector firms, and subsistence farmers cannot bear any additional charges for energy or for waste disposal.
- ▶ Exporters in developing countries usually cannot shift the burden of cost internalization to foreign customers due to elastic demand.

### Way forward

It’s good that India has imbibed the Polluter Pays Principle (PPP) in their Law of land. And, it also had actually helped in imposing damages on the polluter but still the problem with this principle is that it hasn’t been implemented properly. We should reconsider the criteria’s laid to decide the compensation amount. At least it should deter the polluters from spreading pollution. This principle needs a strict interpretation from our judiciary with immediate effect and we just can’t afford any sort of delay in its proper implementation in developing country, like India.

### Conclusion

Polluter Pays is an important principle for environmental law and governance in India. However, rather than let the courts do all the work in cleaning the environment, it’s important for all of us to consider our environmental impact, and work towards mitigating it, however best we can.

# GOVERNANCE ISSUES

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1. Powering Rural Healthcare
2. Reasons for Poor Implementation of Schemes in India
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# Powering Rural Healthcare



*Around 38 million Indians rely on rural health facilities. PHCs are often too under-staffed, under-financed, under-equipped, or under-serviced to be able to provide round-the-clock care. Apart from that most of them are without electricity, without access to regular power supply; due to which numerous life-saving interventions cannot be undertaken. Providing solar-powered systems across primary health centres can improve health outcomes.*

*Hereby, discussing the present situation and how solar power can help in improving the health facilities.*

## Introduction

It is widely recognised that health and well-being play a vital role in development and poverty reduction. Good health is one of the most valued aspects of well-being and a critical element in the quality of life.

Good health also represents instrumental values through the enhancement of opportunities to participate in education, training, and the labour market. As a consequence, various metrics, including the Human Development Index (HDI) and the Multidimensional Poverty Index (MPI), have some parameters that reflect the status of good health of a community. HDI considers life expectancy, and MPI considers nutrition and child mortality in their respective health indicators.

The Sustainable Development Goals (SDGs), apart from setting targets for reduction in maternal and child mortality and other health risks, explicitly state the need for universal health coverage (UHC) as well as recognise the need for an affordable and robust health delivery system.

In India, about 55% of all households depend on the public health system to meet their healthcare needs. This dependence is higher in rural areas. About 58% of the rural population identifies a government or public health facility as their first point of treatment. However, only 37% of people have access to in-patient facilities within a 5-km distance.

## Significance of Electricity in Healthcare System

Electricity is an increasingly essential commodity in remote healthcare facilities. Recent improvements in the distribution of vaccines and other cold chain-dependent supplies, as well as the global push to deliver anti-retroviral drugs and services to HIV-positive patients worldwide; have introduced new demands for electricity in sites with little or no access to reliable electrical power. Refrigerators and electronic diagnostic tools are part of the standard of care in many rural clinics throughout the world.

A study, '**Powering Primary Healthcare through Solar in India: Lessons from Chhattisgarh**', published recently by the Council on Energy, Environment and Water (CEEW) and supported by Oxfam India, evaluated 147 primary healthcare centres (PHCs) across 15 districts in Chhattisgarh.

**Report Highlights**

- ▶ The report highlights the role of solar energy in bridging the gaps in electricity access in rural healthcare facilities. In rural India, PHCs provide the last-mile delivery of healthcare services.
- ▶ The Rural Health Statistics 2016 data find that India has around 25,000 PHCs, and of the functional PHCs, 4.6% are not electrified. Further, the fourth round of District Level Household and Facility Survey data indicates that one in every two PHCs in rural India is either unelectrified or suffers from irregular power supply.
- ▶ The use of renewable energy sources such as solar could help PHCs augment or even substitute traditional grid-based power systems. This would also help the transition towards a low-carbon, climate-smart healthcare system. Moreover, solar systems can facilitate reliable and uninterrupted electricity supply critical for 24/7 emergency services, deliveries and neonatal care, as well as in-patient and out-patient services.
- ▶ In order to augment electricity supply across PHCs in power-surplus Chhattisgarh, the Chhattisgarh Renewable Energy Development Agency (CREDA), between 2012 and 2016, installed off-grid solar photovoltaic (PV) systems of 2kW each in 570 PHCs.
- ▶ The CEEW study found that the solar-powered PHCs in Chhattisgarh admitted over 50% more patients and conducted almost twice the number of child deliveries in a month compared to the power-deficit PHCs without a solar system.
- ▶ The ability of solar-powered PHCs to maintain cold chains to store vaccines and drugs and operate new-born care equipment has significantly improved.
- ▶ Almost one-fourth of the power-deficit PHCs in Chhattisgarh relied exclusively on solar as a backup to run cold chain equipment.
- ▶ Continuous electricity supply must be ensured to cold chains at PHCs, especially in rural Chhattisgarh, which has an infant mortality rate that is higher than the average for rural India.
- ▶ Patients showed more willingness to get admitted for treatment at the solar-powered PHCs due to facilities like running fans.
- ▶ 90% of PHCs with solar systems reported cost savings due to lower electricity bills or reduced expenditure on diesel.

**Solar as an Opportunity**

- ▶ Solar energy has the potential to provide energy access to communities in rural and resource-constrained settings.
- ▶ In the current context, solar energy could play a vital role as an enabler of healthcare delivery in areas that have no or inadequate access to grid power.
- ▶ It can compensate for lack of regular power supply and enable uninterrupted provision of health services.
- ▶ Solar rooftop systems can meet the needs of lighting, refrigeration, water pumping, and, in many cases, permit the use of advanced medical equipment in health facilities.
- ▶ Solar-powered refrigerators are also popular for vaccine and blood storage.
- ▶ Solar power can also compensate for fluctuations in voltage that affect the working and life of medical equipment.

- ▶ Gradual reduction in the price of solar energy technologies has made it affordable for facilities to maintain and operate solar PV systems.
- ▶ Some states in India, including Chhattisgarh, Maharashtra, and Tripura, have already deployed solar PV systems to power PHCs and sub-divisional as well as district hospitals.
- ▶ The challenges in expanding solar energy in healthcare arise from the need to allocate limited resources for other infrastructural needs and from the lack of adequate recognition of the opportunities for solar-based electrification of PHCs.
- ▶ The current situation also provides unprecedented scope for solar energy to bridge the gaps in electricity access in healthcare facilities.

Scaling-up solar-powered systems across PHCs in rural India is dependent on following factors:

- ▶ To recognise the critical nature of electricity access in the entire health system infrastructure. The Indian Public Health Standards has set minimum service-level benchmarks for all activities of PHCs, indicating that every PHC should have power supply with a back-up option. The **National Health Policy 2017** reiterates the commitment to improve primary healthcare by strengthening infrastructure.
- ▶ The ability to adapt solar systems around the local needs and considerations of PHCs including the burden of disease, weather, terrain, and power availability. For example, disaster-prone areas that need blood storage units and other health services could invest in higher capacity systems or greater storage capacity.
- ▶ There must be a focus on making **'Solar for Health'** a national priority. Scaling solar systems (5kW) across PHCs to power healthcare services could contribute to about 160 MW of decentralised energy capacity. Solar power can be extended to cover sub-centres (1kW systems) and community health centres (8kW systems), where the total potential would be around 415 MW.

## Conclusion

Significant opportunities exist to simultaneously address the multi-sectoral goals of energy access, energy security, resource management, and health outcomes, often competing for resources and political attention. Solar power for healthcare in Chhattisgarh is a crucial opportunity, with evidence that scaling this initiative can meet national and regional ambitions for energy access and improved health outcomes. This analysis will provide an overview of the potential increase in electricity demand, and the effort required to ensure a standardised and fully functional primary health system.

# Reasons for Poor Implementation of Schemes in India



*Policy-making is a continuing process. It does not come to an end once a policy is set out or approved. As Anderson expresses it, "Policy is being made as it is being administered and administered as it is being made".*

*Public policies formulated by the government are of no use unless the same are executed in the manner and the spirit in which those have been made. Policy implementation is the major job obligation of the permanent executive.*

*However, in India, policy implementation is very poor. Hereby, discussing the reasons for it and steps needed.*

## Introduction

Implementation is the heart of administration as it consists of carrying out of basic policy decisions. In the policy cycle, it is critical to the successful fulfillment of policy objectives.

In India, there has been a dramatic rise in expenditure on programmes of social inclusion in the last five years but this is accompanied by growing complaints about implementation.

But implementation is not automatic. The implementation phase is faced with numerous problems. Effective implementation requires a chain of command, and the capacity to coordinate and control; often there are shortfalls in this exercise, more so in a developing country like India.

The weaker sections of the society, for whom these schemes are primarily intended, are often not able to benefit because they are not sufficiently empowered to access the benefits due to them. This is despite the fact that there have been a number of legislations aimed at securing legally guaranteed rights to the Indian people, through the Right to Information Act, the Forest Rights Act, the Right to Education Act, the Mahatma Gandhi National Rural Employment Guarantee Act and the National Food Security Act.

## Policy Implementation Flaws in some Schemes

- ▶ **Old age pension schemes** which have been designed to provide social security to those more vulnerable also suffer from corruption in several states. Surveys in Chhattisgarh, Jharkhand, etc. have shown that beneficiaries face excessive delays

in receiving their pensions. There are also cases where the pension gets disbursed to the beneficiary after his/her death and since there is nobody to claim it, that money ends up filling up pockets of the officials in charge.

- In **PDS**, problems occur largely at the stage of implementation. According to 2011 data, leakages in PDS were estimated to be 46.7%. Leakages may be of three types: (i) pilferage during transportation of food grains, (ii) diversion at fair price shops to non-beneficiaries, and (iii) exclusion of entitled beneficiaries from the list.

In 2016, the Comptroller and Auditor General (CAG) found that states had not completed the process of identifying beneficiaries, and 49% of the beneficiaries were yet to be identified. It also noted that inclusion and exclusion errors had been reported in the beneficiary lists.

In February 2017, the Ministry made it mandatory for beneficiaries under NFSA to use Aadhaar as proof of identification for receiving food grains. Through this, the government aims to remove bogus ration cards, check leakages and ensure better delivery of food grains. As of January 2017, while 100% ration cards had been digitised, the seeding of these cards with Aadhaar was at 73%.

- In implementation of Right to Education, Public schools suffer from high rates of teacher absenteeism and unfilled posts, lack of resources, deficiencies in basic infrastructure, as well as an overall decline in the number of schools being established that bears no relation to rise in population.

### Issues and Steps Needed

Part of the problem is that the enactment of right based schemes in an environment of illiteracy and lack of awareness and empowerment does not ensure that people will claim their rights. However, it is also true that the schemes continue to be implemented in a business-as-usual mode, while what is demanded by these programmes is an innovative break from the past. Without reforms in implementation structures, schemes aimed at social inclusion will continue to be afflicted by the universalization without quality ('U without Q') syndrome.

Though most of the government run schemes faces the challenge of both number and quality man power while implementing, this is most visible in implementation of MNREGA. There is the deficiency of adequate administrative and technical manpower at the Block and Grama Panchayat (GP) levels, especially at the level of programme officer, technical assistants, and Employment Guarantee Assistant level etc. The lack of manpower has adversely affected the preparation of plans, scrutiny, approval, monitoring and measurement of works, and maintenance of the stipulated records at the block and GP level. The CAG report points out that besides affecting the implementation of the scheme and the provision of employment, this also impacted on transparency adversely.

Successful implementation of development programmes requires adequate funds, appropriate policy framework, and effective delivery machinery. Past experiences suggest that availability of funds alone may be a necessary but not a sufficient condition for tackling the problems of poverty and backwardness. The determining factor seems to be the capability of the funding Governments or Ministries to formulate viable schemes, and the delivery system to optimally utilise funds and achieve sustainable growth.

There is now substantial evidence, which corroborates experiential evidence, that even though there are variations, basic public services and programmes (such as those meant for the poor and the weaker sections) function relatively inefficiently in poorer and badly performing States. This is due to lack of motivation, accountability,

absence of performance appraisal, absence of a system of incentives and penalties, understaffing and poor working conditions on the one hand, and large-scale leakages on the other.

This seems to be the case particularly for the numerous rural development programmes where studies suggest that the 'leakage' is estimated to be between 20 and 70 per cent. The weak track record of implementation of these programmes and failure to deliver intended benefits to the poor have been documented in various reports and studies including the reports of the Comptroller and Auditor General and surveys by international agencies and other independent bodies.

The implementation of development programmes by the State Governments must be more effective. Close monitoring can be organised in selected areas such as implementation of schemes relating to primary health, primary education, watershed development, empowerment of the local people to discharge their responsibilities effectively at the local level.

One way of doing so may be through a process of sampling, wherein randomly selected villages can be identified in every State for impact studies and obtaining progress reports in these sectors. These studies may be carried out either by academic institutes, approved consultants wherever possible. Incentives for improving implementation should be built into the criterion for the allocation of additional funds to the States in such a manner that the States which demonstrably perform better be entitled to more development assistance as compared to the States which do not implement these programmes effectively.

Governance reform thus needs to be at the center-stage of development planning, since without good governance and programme implementation, much of the vast quantum of resources being spent for development is wasted. It should be so designed as to bring about improved transparency, greater accountability, and streamlining of the structure of Government.

Improved transparency should have the result of improving the flow of information to the general public on the modes of decision-making, and hence lead to less arbitrariness, as decisions come under closer public scrutiny. Greater accountability implies that the decision-making (and implementing) executive is answerable for the course of action that it pursues. Since answerability is in any case implicit in the existing process, reforms should aim at improved accountability, which means that adverse results associated with wrong actions are quickly corrected and are not easily repeated. Similarly, changes in the structure and role of the Government are needed, involving a review of its role and functions, allowing it to concentrate on areas of key concern, and reducing its role in areas where it is not needed. In short, it means redesigning the structures of the Government so as to reduce distortions and allow it to optimally perform its key tasks.

# Reforms Needed in Criminal Administration in India



*Recently National Crime Records Bureau has released the annual data on crimes. According to that Uttar Pradesh and Delhi have got the dubious distinction of recording the maximum number of murders and rape cases respectively. Further, low conviction rates and a lack of a lawful definition of crime mark criminal administration in India.*

*Hereby, discussing the data released by NCRB and reforms needed in criminal administration in India.*

## About NCRB

NCRB was set-up in 1986 to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators. It was set up based on the recommendation of the Task force and National Police Commission by merging the Directorate of Coordination and Police Computer (DCPC), Statistical Branch of BPR&D, Inter State Criminals Data Branch of CBI and Central Finger Print Bureau of CBI.

## Data of NCRB Report

- ▶ **Data on crimes against children**
  - According to the NCRB data for 2016, incidents of rape of children have increased by over 82% compared to 2015.
  - The most numbers of such crimes were reported in Madhya Pradesh (2,467), Maharashtra (2,292), Uttar Pradesh (2,115), Odisha (1,258) and Tamil Nadu (1,169).
  - Among cities, Delhi and Mumbai accounted for a major chunk of the offences against children. While Delhi recorded 8,139 incidents of crime against children, Mumbai was a distant second with 1,456 incidents and Bengaluru accounted for 1,063 cases.
- ▶ **Data on cyber-crime**
  - More than 12,000 incidents of cybercrime were reported in 2016, but nearly the same number of such crimes carried forward from the previous years had not been investigated.
  - Only in 30% cases reported in 2016, the police or the investigating agency filed a charge sheet. In absolute numbers, 7,990 persons were arrested for the crimes, which included 147 women and charge sheets were filed against 4,913 accused.

- ▶ **Crimes against State**
  - Tamil Nadu topped the list when it came to booking people for committing crimes against the State, which includes cases of sedition.
  - It is followed by U.P. (1,414), Haryana (1,286) and Assam (343). While 35 cases of sedition were reported in 2016, there were 31 cases related to imputation and assertions prejudicial to national integration.
  - Meghalaya with 42 cases registered the most number of cases under Sections pertaining to sedition and waging war against the country.
- ▶ **Data on crimes against Women**
  - Rape cases shot up in 2016 by 12.4% as opposed to a 5.6% decline between 2014 and 2015.
  - Other crimes against women, including cruelty by the husband, assault, kidnapping and abduction, rose by 2.9% in 2016.
  - Uttar Pradesh had the highest number of crimes against women.
  - In urban India, Delhi accounted for 33% of the total crimes committed against women in metropolitan cities.
- ▶ **Data on kidnapping and murder**
  - Delhi reported the highest number of kidnapping and abduction – 5,453 cases (48.3 per cent) followed by Mumbai with 1,876 cases (16.6 per cent) and Bengaluru 879 cases (7.8 per cent) during 2016.
  - The city reported the highest number of murders – 479 out of 2,194 cases (21.8 per cent) followed by Bengaluru 10.4 per cent (229 cases) and Patna 8.9 per cent (195 cases).
- ▶ **Data on atrocities against SCs**
  - In all of India, 40,801 atrocities against Dalits were reported in 2016, up from 38,670 in 2015.
  - The NCRB data also brought out that most of the crimes against SCs reported were crimes against women, including assault, sexual harassment, stalking, voyeurism and insult to modesty.
- ▶ **Data on railway crimes**
  - As many as 10.68 lakh crime cases were reported by the railway protection force (RPF) in 2016, up from 9.42 lakh the previous year, according to data compiled by the National Crime Records Bureau (NCRB).
  - Maharashtra topped the list with 2,23,360 reported cases (or 20.9% of the total cases) in 2016.
  - Delhi reported 24,293 cases in 2016, a sharp surge from 15,083 in the previous year.

### Criminal Justice System in India

Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behaviours so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviours by apprehending and punishing transgressors or deterring their future occurrence.

## Flaws in the Criminal Justice System

There is a general perception that one can commit an offence with impunity. The proliferation of crime has generated a feeling that criminal activity has become a high return and low risk activity and thus a profitable venture.

Enforcement of even simple civic laws is so poor that it gives rise to the 'Broken Window Syndrome'. For a victim, it is an uphill task to get justice. In the first instance, it is difficult to get an FIR registered. Even after the FIR is registered, investigation proceeds in a casual and unprofessional manner. Once the case is charge-sheeted, it may take several years for the conclusion of the trial. Making repeated visits to the court is usually an unpleasant experience for the victim and the witnesses.

During trial, witnesses often resile from their original statements. Prosecution is often ineffective because of lack of coordination with investigation. The net result in many cases is the acquittal of the culprit who had actually committed the crime. This, apart from emboldening the accused, also leads to cynicism in the minds of law abiding citizens.

Currently, there are more than 2.8 crore cases pending in various courts across India, with more than 60,000 matters before the Supreme Court. The problem however, is not of too many cases coming into the system; it is of too few coming out. These undue delays, often occasioned by judicial vacancies and improper case management, are burdening the system and frustrating the average citizen's hopes for effective redressal.

## Suggestions

Criminal Justice System in India requires a strong second look.

- ▶ The criminal investigation system needs higher standards of professionalism and it should be provided adequate logistic and technological support. Serious offences should be classified for purpose of specialized investigation by specially selected, trained and experienced investigators. They should not be burdened with other duties like security, maintenance of law and order etc., and should be entrusted exclusively with investigation of serious offences.
- ▶ The number of Forensic Science Institutions with modern technologies such as DNA fingerprinting technology should be enhanced. The system of plea-bargaining (as recommended by the Law Commission of India in its Report) should be introduced as part of the process of decriminalization.
- ▶ There is a need to distinguish between accountability and operational responsibility. For example, 'the Mayor of London is responsible for setting policing priorities that will hold the Metropolitan Police Commissioner to account. Operational decision-making on day-to-day policing remains the responsibility of the Metropolitan Police Commissioner. The Police and Crime Plan 2013-2016 has clear performance measures that focus on results such as 20% reduction in key neighbourhood crimes, 20% reduction in delays in the criminal justice system, and 20% reduction in reoffending by young people leaving custody. The plan was based on extensive consultation which included town hall meetings, additional stakeholder forums, focus groups and an online survey.
- ▶ Despite the recommendations of Law Commissions and the Supreme Court, as well going by experience in the developed world, we do not have separate wings for investigation of crime and for law and order.
- ▶ The effectiveness of prisons is now being questioned. Nearly two-thirds of the prison population is awaiting trial and half the number of undertrials are normally acquitted. Over 80% of prisoners are sentenced to terms less than three months,

40% are under 30 years old, semi-literate and convicted under special and local acts. Criminologists now feel that short-term sentences expose such prisoners to criminal indoctrination in jail and social condemnation on release, with a strong case for greater reliance on compounding, probation and parole.

### Conclusion

The greatest asset of the police in investigation of crimes and maintenance of law and order is the confidence of the people. Today, such public confidence is at the lowest ebb. The police are increasingly losing the benefit of this asset of public confidence. In order that citizen's confidence in the police administration is enhanced, the police administration in the districts should periodically review the statistics of all the arrests made by the police in the district and see as to in how many of the cases in which arrests were made culminated in the filing of charge-sheets in the court and how many of the arrests were ultimately turned out to be unnecessary.

# Regulating Private Healthcare



*Private sector healthcare delivery in low- and middle-income countries is sometimes argued to be more efficient, accountable, and sustainable than public sector delivery. Conversely, the public sector is often regarded as providing more equitable and evidence-based care.*

*This raises the debate between either better service delivery or inclusive health service. Hereby, discussing the issue and how to regulate private healthcare to bring balance among the two.*

## Introduction

The private health sector consists of, on the one hand, private general practitioners and consultants of different systems (allopathy, Indian system and homeopathy) and a variety of non-qualified practitioners and on the other hand hospitals, nursing homes, maternity homes, special hospital etc. In the hospitals, nursing homes, maternity homes etc, the private sectors share is over half of all such facilities in the country. Besides this, there is the pharmaceutical and medical equipment manufacturing industry, which is overwhelmingly private and pre-dominantly multi-national. There are also laboratories, which carry tests right from blood testing to CAT scans. The share of the private health sector is between 4% to 5% of the gross domestic product (GDP).

Thus, private medical provision is an important constituent of health care delivery services in India. The quality of care provided by this sector is a critical issue. Professional organizations such as the Medical Council of India and local medical associations have remained ineffective in influencing the behaviour of private providers.

Comparative and cross-sectional studies suggest that providers in the private sector more frequently violate medical standards of practice and had poorer patient outcomes, but had greater reported timelines and hospitality to patients. Reported efficiency tended to be lower in the private than in the public sector, resulting in part from perverse incentives for unnecessary testing and treatment. Public sector services experienced more limited availability of equipments, medications, and trained healthcare workers.

## Present Regulatory System

As per existing law the health sector has provision for regulation under three different authorities.

- ▶ **The Medical Council:** The Medical Council of India and the respective state Councils have to regulate medical education and professional practice. Presently, beyond providing recognition to medical colleges the Medical Council does not concern itself with the practitioner, unless some complaint is made and a prima

facie case established. Even the list of registered practitioners is not updated properly by the Medical Councils. The national body at present concerns itself with only recognizing and de-recognizing medical colleges whereas the State bodies function only as registers for issuing a license for practicing medicine.

- ▶ **The Local Bodies (Municipalities, Zilla Parishads, Panchayat Samitis etc.)** have the authority to provide a license to set up a nursing home or hospital and regulate its functions. However, besides providing the certificate to set up a hospital or nursing home the local bodies do not perform any other function, inspite of provision in the Act.
- ▶ **The Food and Drug administration (FDA)** has the jurisdiction to control and regulate the manufacture, trading and sale of all pharmaceutical products. This is one authority which has been provided some teeth by the law. But its performance is most embarrassing. It is ridden with corruption.

Whereas the public health sector due to bureaucratic procedures is forced to maintain at least some minimum requirements (e.g. they will not employ non-qualified technical staff, follow certain set procedures of use of equipment or purchase of stores etc) and is subject to public audit, the private health sector operates without any significant controls and restrictions.

Critics charge that private regulatory bodies are often more interested in safeguarding the reputation and economic status of their industries and professions than in protecting the public. State regulators, particularly those in smaller jurisdictions, may be subject to excessive influence by those they are supposed to oversee. Federal agencies may be slow, bureaucratic, and inefficient.

Moreover, in some areas of regulation, the division of authority is not clearly outlined, a drawback that has led at times to chaotic results. The lines of responsibility are not clearly defined in the law, and they have been subject to a series of equally confusing court decisions.

### Some Examples of Regulating Private Sector from other Nations

- ▶ **Swedish Model (Competitive Bidding)**

Private and public health facilities compete for government funding and the right to provide healthcare to citizens. The winning bid, whether public or private, receives funding. There are incentives for providing the quickest and cheapest treatment. It is a level playing field, and if the government health facility does not provide quality service or acceptable hygiene standards, it stands to lose out.

In a 2008 article in the Canadian Medical Association Journal that looked at the Swedish Model (after it was cited by the Canadian Supreme Court in its 2005 decision to strike down prohibitions against private health insurance in Quebec), Swedish researcher Christopher Mason wrote: "It (the Swedish government) has allowed the nine private, fee-for-service hospitals to open for business, with little hand-wringing. But the largest role for private medicine is in the public sector, where the privately run facilities receive public funding to provide citizens much the same services they would at government hospitals. Within that system, citizens in government-funded clinics are charged user fees that account for about 5 percent of overall health funding, while the government contributes the rest. Hospital stays cost about USD 13 a day. Patients are charged about USD 20 for each doctor visit, and about twice that to see specialists. But after USD 150 in one year, visits are free, and no citizen pays more than USD 300 per year including prescription drugs."

Most drug stores were government-owned then, but private pharmacies have opened since. In India, medicines account for 70 percent of out-of-pocket medical expenditure, according to the report of the High Level Expert Group on Universal Health Coverage.

► **Canada Model (Fixed Charges, Government Reimbursement)**

Medicare, which covers all Canadians, is publicly financed and privately run. The Canadian Health Act of 1984 allows medical practitioners to only charge fees fixed by government — something that West Bengal is trying, but without the required level of public financing. General Practitioners are a very important link in the healthcare chain, much like the National Health Service of the UK. They are paid from tax revenue either by the federal or the provincial government. Government decide fees of primary care physicians and salaries of health professionals. The federal government regulates drugs and diagnostics; provincial governments regulate hospitals, private healthcare professionals and private insurance.

Dental care, eye care, prescription drugs, ambulance services, medical devices, upgraded hospital rooms and travel insurance are outside Medicare, and these are provided by the private sector. The government reimburses a portion of these costs. The CGHS set-up is similar, but delayed payments have seen some big corporate hospitals exit the scheme.

► **Germany (Insurance-Based)**

After government-funded Social Health Insurance (SHI) and private insurance, less than 1 percent are left uncovered. SHI — operated by more than 200 competing Sickness Funds (SFs), which are self-governing, non-profit, non-governmental organizations, and funded by compulsory wage-based contributions, matched by employers — covers preventive services, in-patient and out-patient hospital care, physician services, mental health and dental care, medical aids, rehabilitation and sick leave compensation. The government delegates regulation and governance to the SFs and medical providers' associations. To increase efficacy and compliance, the Federal Joint Committee was created in 2004.

The patient chooses her SF and provider, who cannot refuse her. There are 30 quality control indicators that hospitals have to report. In a paper on the German health system, researchers from the Manhattan Institute of Public Health wrote: "The Pharmaceutical Product Price Ordinance regulates the price of medications. Prescription drugs are sold at a fixed mark-up. As a result pharmacies earn a profit on both expensive and inexpensive drugs and have no economic incentive to promote sale of expensive drugs.

### Steps needed in India

- For regulation to work, the regulatory body has to be high-powered, politically independent and represent all sections of stakeholders, particularly patients and NGOs active in the field.
- The regulator should insist on transparency — hospitals clearly publicising their rates for standard treatments and procedures. Also, there should be normative rates for different types of hospitals as not all private hospitals are posh or located in costly cities.
- Health insurance companies, through third party administrators, have approved rates for procedures but the problem is patients invariably pay extra for expenses not approved by TPAs.

- ▶ Hospitals should publicise standard packages and rationale for additional charges levied recorded. The regulator should get regular data on the percentage of deviation from standard packages. For example, hospital A can report that in December 15 per cent of the patients paid 10 per cent more than the cost of packages. The regulator can then investigate the outliers.
- ▶ Many hospitals pay a commission to consultants on the bills run up by patients who are under their supervision. The code of ethics of the Medical Council of India for professionals disallows this but it seems a dead letter. One way in which hospitals can avoid paying commission to consultants is not to have outside consultants, engage them full time and pay them a salary.

In view of the existing health situation and health problems and the context of commercialized practice, regulation of those who provide the nations health care is an urgent necessity and this entire process of regulation must have the end user (consumer) represented on the regulating bodies.

# SOCIAL ISSUES

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# Bill on Banning Triple Talaq



*The Muslim Women (Protection of Rights on Marriage) Bill, 2017 has been passed by Lok Sabha. The Bill makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal.*

*Hereby, critically analyzing the Bill.*

## Introduction

Triple talaq is a unilateral system of divorce present in Muslim Personal Law that vests solely with the man. A husband may divorce his wife by simply uttering the word talaq thrice, at his will without the intervention of the court. A corresponding right does not exist for the woman. A Muslim woman has no right to divorce her husband through a triple talaq. Instead, if a woman requires a divorce, she would have to go to a Darul Quza and prove the atrocities of her husband, in order to get a divorce.

The practice of unilateral talaq has a particularly deleterious effect on Muslim women. A breaking of a marriage contract has emotional and financial concerns, which go beyond any other contractual concerns. Often it is not only the interests of women, which are at stake, but those of their children as well. The adverse consequences on women are further compounded through the existence of early marriages for women, rampant polygamy, the practice of dowry that is now practiced among Muslim communities, instantaneous talaq conveyed by phone, post card or even email (I), and the financial dependence of the wife.

Thus, government of India has introduced Muslim Women (Protection of Rights on Marriage) Bill, 2017 to ban the practice of triple talaq.

## Salient Provisions of the Bill

- ▶ The Bill makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal. It defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce. Talaq-e-biddat refers to the practice under Muslim personal laws where pronouncement of the word 'talaq' thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.
- ▶ Offence and penalty: The Bill makes declaration of talaq a cognizable and non-bailable offence. (A cognizable offence is one for which a police officer may arrest an accused person without warrant.) A husband declaring talaq can be imprisoned for up to three years along with a fine.
- ▶ Allowance: A Muslim woman against whom talaq has been declared, is entitled to seek subsistence allowance from her husband for herself and for her dependent children. The amount of the allowance will be decided by a First Class Magistrate.

- ▶ Custody of minor children: A Muslim woman against whom such talaq has been declared, is entitled to seek custody of her minor children. The determination of custody will be made by the Magistrate.

It will be applicable to the entire country except Jammu and Kashmir.

### Position in other Countries

In Egypt, Sudan, Jordan, Syria, Tunisia, Morocco, Pakistan, Saudi Arabia, Turkey, Indonesia and Bangladesh, there is an express or implied abolition of the triple talaq. Some countries have adopted innovative and gender just practices to mitigate the unilateral effect of the triple talaq. In Pakistan, a husband has to notify an arbitration council or Shariat court about the talaq immediately after its pronouncement. The effect of the notice is to freeze the talaq for 90 days during which the council tries to bring about reconciliation. After the expiry of 90 days, the talaq takes effect unless there is a patch-up. Moreover, the man has to apply to the council to marry a second time giving exact reasons why he wants to do so. In Pakistan, the woman also has the right to divorce her husband. The Supreme Court of Pakistan in 'Khurshid Bibi v Mohammed Amih' dealt with the question of the wife's right to divorce (khula), despite the unwillingness of the husband to release her from the matrimonial tie. The Court upheld her right. The establishment of the right of divorce to a married Muslim woman to obtain dissolution of her marriage from her husband, without any allegation of fault on his part, was revolutionary.

Since, the talaq practice often flourishes because of the poor status of women, several Islamic countries have also made accompanying changes to polygamy practices and most Islamic countries have replaced the old Muslim civil law. Turkey has wholly replaced the Muslim civil law with the Swiss civil law. Egypt, Lebanon, Sudan, Indonesia, Malaysia, Iran, Iraq and Pakistan have controlled polygamy. In many of these countries, the wife has the same right of divorce as the husband,

### Issues Related to the Bill

The Union government's bid to frame a law which will make triple talaq a criminal offence may be misused to harass Muslim men as it happened in case of Section 498 (A).

When an offence is non-cognizable, it is considered a private wrong and prosecuting the offender is left to the initiative of the individuals actually aggrieved by the offence.

As a matter of public policy, offences relating to marriage, as long as they do not result in any physical harm to the wife, are made non-cognizable and subject to judicial oversight to prevent third parties from seeking redressal of wrongs committed between two private parties.

The triple talaq Bill removes this much needed layer of judicial oversight when it comes to Muslim men, and by making the offence cognizable, it gives police officers the power to conduct an investigation without bringing it to the notice of the concerned magistrate forthwith.

# Child Trafficking



*According to estimates, every day 3000 children are victims of child trafficking. The profits from human trafficking, particularly that of women and children, reaches up to 10 billion US dollars per year according to estimates made by the International Organization for Migration. These victims, reduced to silence and treated like slaves, become objects of an illicit and immoral commerce.*

*Human trafficking conjures up of women being smuggled out of their deprived villages, only to land up in exploitative brothels.*

*However, the issue has various dimensions related to it. Hereby discussing different issues related to it and steps needed for that.*

## Child Trafficking

A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child. The traffic or trade of children is characterized by the recruitment, transport, transfer, and housing of any person by different methods. It may also involve resorting to force or any other forms of restraint, through kidnapping, deceit, fraud, as well as the abuse of authority. Offering, accepting payments, or benefits for obtaining the consent of the victim (or person having authority over the victim) are also illicit acts that contribute to child trafficking.

## Causes for Child Trafficking

- ▶ **Poverty:**
  - Poverty is one of the main causes of child trafficking. Poor families sometimes have no choice but to abandon their children, leaving them in the hands of traffickers. Poverty also causes a large increase in the number of street children and orphans. Vulnerable and fending for themselves, they become the ideal victims for traffickers who don't hesitate to promise a better living and working conditions in another country.
- ▶ **Humanitarian Crises:**
  - Child trafficking is particularly prominent in areas struck by natural disasters. Notably, such was the case after the earthquake in Haiti in 2010. Traffickers profited from the situation by kidnapping numerous children.
  - It can be observed that child trafficking is more frequent in countries where human rights are being violated.
- ▶ **Lack of Education:**
  - Illiteracy and the lack of education make families more vulnerable to traffickers.

- Poor school conditions discourage children from being interested in school. This is worsened by teachers who have no incentive in teaching in villages, due to these conditions and low salaries. With a rote learning-based educational system that doesn't make children employable Parents see labour a better proposition. This is why there are 8.33 lakh children trapped in child labour in India. This is a ripe environment for traffickers to lure parents with lies about the possibility of better education, domestic work, and a nurturing atmosphere, with just a small sum of money.
- ▶ **Economic factors:**
  - Forced begging is a profitable practice in which exploiters are motivated by economic incentives.
  - The business structures of major rings of children trafficked for the purpose of begging have been examined as comparable to a medium-size business enterprise.
  - A study conducted in Albania showed that a family with multiple children begging can earn up to fifteen euros a day, an amount greater than the average national teacher salary.
  - Child trafficking is extremely lucrative. For example, a Serbian woman sold her child, a minor, for 2900 Euros to Croatian traffickers. This trafficking is so profitable that there is an increase in intermediaries, drawn to the easy gain.
- ▶ **International Adoption:**
  - International adoption is more and more solicited by couples. Traffickers and dishonest adoption agencies don't have much trouble finding potential clients.
  - According to UNICEF, the number of infants and children from Guatemala sold to couples wishing to adopt in the United States and Europe is between 1000 and 1500 per year. While mothers receive 30 dollars for a child, couples spend between 15,000 and 20,000 dollars to adopt.
- ▶ **Girls as objects of desire:**
  - Indian society finds sons more 'valuable' than their daughters, simply because they carry on the family name, aren't subjected to dowry and are obliged to take care of them in their old age. Since girls are also seen as weak and only objects of desire.
  - It is clear why most girl victims of child labour end up in prostitution or some kind of sexual slavery.
- ▶ **Political instability:**
  - Child traffickers generally run few risks because laws are insufficient or often unenforced. Also to be noted is the absence of criminal provisions against child trafficking in the domestic laws of many countries.
  - India has seen a series of political parties coming to power. There has been a general lack of will amongst the political class to pass a strong anti-child trafficking legislation.

### Legal Framework to Address Trafficking in India

India has a fairly wide framework of laws enacted by the Parliament as well as some State legislatures, apart from provisions of the Constitution which is the basic law of the country.

- ▶ **Article 23 of the Constitution Guarantees right against exploitation:** prohibits traffic in human beings and forced labour and makes their practice punishable under law.
- ▶ **Article 24 of the Constitution:** Prohibits employment of children below 14 years of age in factories, mines or other hazardous employment.
- ▶ **Indian Penal Code, 1860:** There are 25 provisions relevant to trafficking. Significant among them are:
  - **Section 366A** – Procurement of a minor girl (below 18 years of age) from one part of the country to another is punishable.
  - **Section 366B** – Importation of a girl below 21 years of age is punishable.
  - **Section 374** – Provides punishment for compelling any person to labour against his will.
- ▶ **Juvenile Justice (Care and Protection of Children) Act, 2015:**
  - It addresses children in conflict with law and children in need of care and protection.
  - Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC) have been constituted in each district.
  - The JJB conducts a preliminary inquiry to determine whether a juvenile offender is to be sent for rehabilitation or be tried as an adult.
  - The CWC determines institutional care for children in need of care and protection.
  - Special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years.
- ▶ **Child Labour (Prohibition and Regulation) Amendment Act, 2016:**
  - Extends the ban on employment of children under 14 across all sectors,
  - Prohibits the employment of adolescents aged 14-18 years in hazardous occupations, and
  - Introduces more stringent jail term and fines for offenders: a jail term of six months to two years and a fine up to Rs 50,000.
- ▶ **The Prohibition of Child Marriage Act, 2006:**
  - Makes it illegal for girls to marry under 18 years and for boys under 21 years.
  - Child marriage is a punishable offence with a fine up to Rs 100,000, or up to two years of imprisonment, or both. It is a non-cognizable and non-bailable offence.
- ▶ **POCSO Act 2012:**
  - It deal with sexual assault, sexual harassment against children while safeguarding the interests of the child at every stage of judicial process.
  - It enjoins the National and State Commissions under the Commissions for Protection of Child Rights, 2005 to ensure the effective implementation of its provisions.
  - It gives exclusive definition to the crime of sexual offences against children and fulfils the mandatory obligations of India as a signatory to the United Nations Convention on the Rights of The Child, acceded to on December 11, 1992.

## Programms and Initiative for Preventing Child Trafficking in India

▶ **Aarambh Initiative:**

- It is the country's first-ever hotline to curb sexual abuse of children through the Internet and to remove child pornographic content online unveiled.
- To eliminate the scourge of online child pornography and further the cause of child protection in online spaces.
- It is a network of organizations and individuals working on child protection in the country, and has collaborated with the U.K.-based Internet Watch Foundation (IWF).

▶ **National Child Labour Project:**

- It is a project of Ministry of Labour with aim to suitably rehabilitate the children withdrawn from employment thereby reducing the incidence of child labour in areas of known concentration of child labour.
- To contribute to the withdrawal of all adolescent workers from hazardous occupations and their skilling and integration in appropriate occupations through facilitating vocational training opportunities through existing scheme of skill developments.
- Raising awareness amongst stakeholders and target communities, and orientation of NCLP and other functionaries on the issues of Child Labour and employment of adolescent workers in hazardous occupations/processes.

▶ **100 Million for 100 Million:**

- The Campaign organized by the Kailash Satyarthi Children's Foundation aims to mobilise 100 million youth for 100 million underprivileged children across the world, to end child labour, child slavery, violence against children and promote the right of every child to be safe, free, and educated, over the next 5 years.

▶ **Childline India Foundation:**

- CHILDLINE India Foundation (CIF) is the nodal agency of the Union Ministry of Women and Child Development acting as the parent organisation for setting up, managing and monitoring the 'CHILDLINE 1098' service all over the country.

## Way forward to Combat Child Trafficking

Prevention of child trafficking requires several types of interventions. Prevention as a strategy to combat trafficking has to focus on areas of sensitization and awareness among the public, especially those vulnerable pockets of trafficking at source areas as well as convergence of a development services to forestall conditions responsible for it.

▶ **Role of Government:**

- Government should produce relevant IEC materials; promote sensitization programmes for teachers in government schools, parents and community workers.
- Government should include gender centered education curricula in schools and introduce subjects of child sexual abuse and trafficking.
- The government of different nations must share the information with each other to evolve a programme that will help the countries in preventing trafficking.

► **Role of NGOs:**

- The community should be sensitized about trafficking and the community members should be motivated to keep a watch in the community for irregular movement of child victims to and from area, their possible traffickers and hideouts.
- NGOs working in the rural areas should ensure that parents are aware of safe migration practices.

► **Role of Media:**

Media attention reaches several hundred thousand viewers and should therefore serve the following important functions:

- The media should transmit appropriate message to ensure that the victims learn that they are not alone.
- Victims can be made aware of places and institutions where they can seek help.
- Create awareness that human trafficking is inappropriate and illegal and has negative consequences.
- Wide publicity should be given regarding the legal, penal provisions against trafficking and the modus operandi of the traffickers through radio, television etc.

► **Awareness and Advocacy:**

- Awareness and advocacy is required at the policy level, i.e. National Planning Commission, bureaucrats, politicians and the elites of the society. Awareness at the local level, in the community through workshops, songs, drama, poems, meetings, leaflets and posters especially in the rural areas is also required.
- The role of gender in daily life and training programmes and activities for gender sensitization must be conducted by NGOs. The key to prevent trafficking of children and their exploitation in prostitution is awareness among the children, parents and school teachers.

## Conclusion

Trafficking in human beings, especially children, is a form of modern day slavery and requires a holistic, multi-sectorial approach to address the complex dimension of the problem. It is a problem that violates the rights and dignity of the victims and therefore requires essentially a child rights perspective while working on its eradication.

In the fight against trafficking, government organizations, non-governmental organizations, civil society, pressure groups, international bodies, all have to play an important role. Law cannot be the only instrument to take care of all problems.

# Human Rights and Indian Values



**India celebrated Human Rights Day on December 10. Dec 10 is the anniversary of the adoption of the Universal Declaration of Human Rights by the UN General Assembly.**

**As an early supporter of the UN movement and a constant participant in its deliberations, India has, in international fora, constantly endorsed the charter of rights that the declaration unfurled.**

**At Delhi's Vigyan Bhavan Vice-President Venkaiah Naidu:**

- ▶ **Affirmed India's commitment to human rights emphasizing the duty of governments to ensure them to individuals.**
- ▶ **Observed that human rights existed in India not due to some constitutional morality but because of the DNA of Indian civilization.**

**However, the incidents of violation of human rights have risen and neither civilizational ethos nor the mere enshrining of constitutional morality is enough to deliver on basic rights.**

**Hereby, discussing the link between Human Rights, Fundamental Rights and Indian Values.**

## Introduction

India is a pluralistic and multi-cultural society where many faiths and belief systems regulate the life of individuals. India is not a Hindu society even though Hinduism is the religion of the vast majority of the people. In this part of the globe many religious traditions, both indigenous and foreign, have been established over the years.

We have Buddhism, Sikhism, Bhakti cult, Sufi tradition as well as Islam and Christianity. Many religious gurus, law-givers, social reformers and statesmen have come to guide and influence the life and culture of Indians. The Mahabharata, the Ramayana, the Bhagvat Gita as well as the Quran, the Bible, the Guru Bani, etc., have molded the thinking pattern and consciousness of Indians.

Today, human rights permeate national and international spheres. Indian society being one of the oldest civilisations has all along recognised certain basic rights of the individuals. The modern normative protection to human rights in India has evolved from the time of freedom struggle and developed subsequently.

However, the widely reported hate crimes committed in our country has raised question on our constitutional values and human value system.

## Distinction between Fundamental Rights and Human Rights Standards

The Fundamental Rights are limited to what is prescribed by the Constitution. On the other hand, human rights are universal in nature and they are more to do with natural rights and natural duties. Human rights are for all human beings with no requirement as to citizenship or nationality.

### Causes for Communal Divide

Communal forces flourish in an environment of mutual mistrust and feeds for its survival on hatred for other communities. Some of the reasons are:

- ▶ **Growing Intolerance Levels:**
  - The social insecurities arising out of a life of deprivation and mistrust for everyone around has made the common man edgy, irritable and intolerant and he lets go at the smallest provocation.
- ▶ **Reports of Threat to Religious Ideologies:**
  - The examples of these are: Burning down of Churches in Delhi and other parts of India, Hindu-Muslim riots in Muzaffarnagar, Uttar Pradesh in 2013, etc; Hindu groups were accused of forcibly converting several Muslims and Christians to Hinduism (Ghar Wapisi); Ethnic clashes over the disputed Nagaland-Assam border; Rumours of beef consumption, i.e. Dadri lynching; Sacrilege of holy book, Guru Granth Sahib in Punjab; Caste-based violence was also reported in several states including Uttar Pradesh, Bihar, Karnataka and Tamil Nadu.
- ▶ **Vote Bank Politics:**
  - The politicians use the communal card to align themselves to a particular community or for the purpose of breaking up the vote bank of another party and often indulges in instigating a communal riot.
- ▶ **Struggle for Identity or Class Conflict:**
  - In order to ensure their relevance in a system that appears to be highly biased, various classes of people, like the dalit's, the tribal's and other minorities tend to cling together to project a collective front. Any threat to their class is furiously opposed, so as to make their voices heard in this oblivion.
- ▶ **Irresponsible Reporting by Print and Social Media:**
  - Many a times media broadcasts unconfirmed, sensitive and often biased reports on national television, just to sensationalise the issue and improve their TRP.
  - This often adds fuel to the fire and increases animosity between the two communities, as the minority community feels threatened and the majority community feels victimised.
- ▶ **Conflict of Interests:**
  - Communal conflicts are a means for communities to assert their communal identities and to demand their share in economic, educational and job opportunities.
  - Especially in the present times of economic down turn the struggle for ensuring that the interests of their community is appropriately safeguarded is very firmly contested.

▶ **Resource Crunch:**

- As the availability of natural resources like land, water, minerals, etc is reducing due to an exponentially growing population, the clamour for ownership of the available resources, which are there at the disposal of various communities is also increasing.

▶ **War for Dominance by Religious Heads:**

- The religious leaders belonging to different religions and many a time different sects from the same religion wage a so called holy war to protect their religious practices.

### Consequences of Communal Violence

- ▶ The social fabric of the society gets irreparably damaged and the conditions of mistrust serve as a catalyst for future conflicts.
- ▶ There is a loss of life and essential public property gets damaged. It lends to hooliganism, and the situation is often exploited by anti-social elements by plundering and indulging in activities only for their personal gains.
- ▶ The anti-national elements get adequate opportunity to fan anti-national feelings and work on creating an atmosphere to break the cohesiveness of the society.
- ▶ The greatest sufferers of communal violence are the innocent common people who get caught inextricably into circumstances beyond their control.
- ▶ Deployment of large scale security forces dissipates the state exchequer and may result in occasional Human Rights abuses. The Human Development Index of the society is adversely affected by these hampering restrictions that are laid on the basic right to freedom of people.

### Constitutional Provisions related to Secularism

- ▶ Under the chapter on fundamental rights, Article 15 prohibits the state from discriminating between citizens on the ground of religion.
- ▶ Article 16 prohibits the state from discriminating between citizens in matters of public employment on the basis of religion.
- ▶ Under the “Right to Freedom of Religion” from Article 25 to 28, various provisions can be seen which again reinforce the ideal of secularism.
- ▶ Article 25 gives all persons in the country freedom of conscience and free profession, practice and propagation of religion.
- ▶ Article 26 provides freedom to all religious denominations to establish and maintain institutions for religious purposes, manage their own religious affairs, acquire and administer movable or immovable property.
- ▶ Under Article 27, no person can be compelled by the government to pay taxes for promotion of any particular religion.
- ▶ Finally, under Article 28, religious instruction is banned from being given in educational institutions maintained wholly out of state funds.
- ▶ Last but not the least, under Part 15 relating to conduct of elections, Article 325 provides that no person can be ineligible for inclusion in an electoral roll or can claim inclusion in a special roll on the grounds of religion.

### Challenges

- ▶ The constitutional provisions are inadequate by themselves and the role of government is fundamental in advancing them. It is because we cannot rely on

civilisational values that may or may not be enshrined in the constitution to deliver us rights that we adopt democracy as the form of government.

- ▶ The history of caste and gender inequality in India and Islamic societies, respectively, show that they have been neither inclusive nor egalitarian. It is clear that civilisational values are far from sufficient to deliver us the rights that we seek.
- ▶ As India has managed to shed some of the centuries old practices that maintained social distance due to caste and economic differentiation, newer axes of power have emerged. We have begun to see an unimaginable rise of violence against women and Muslims. Hardening patriarchy and Hindu chauvinism are India's unanticipated demons. These have taken us by surprise, and as a society we appear to be incapable of handling them.

### **Solutions to ensure Peace and Harmony**

- ▶ Adequate training and awareness programmes about religion and religious harmony for young leaders at all levels and government officials, particularly the police and other law enforcement agencies, judges, teachers and social workers.
- ▶ Specific attention to development of vulnerable groups such as tribals and other weaker sections, and those who suffer discrimination on different grounds.
- ▶ Combating all forms of expression which incite sectarian hatred and take action against dissemination of such material in the media.
- ▶ Organized drives for conversion and re-conversion should stop. They violate the Constitution of India. Government should promote an agreement among the religious heads of all the major faiths in the country to stop proselytism. Given the positive mindset of theologians belonging to the different religions prevailing in India, this is very much possible.
- ▶ Assuring all victims of religious intolerance adequate support and speedy administrative and judicial remedies.
- ▶ Countering social exclusion and marginalisation in particular by providing adequate access to all citizens to education, health and employment.
- ▶ Providing effective access to all citizens, including religious minorities, to the decision making process in society.
- ▶ Introducing inter-religious education in schools as part of the curriculum so as to promote communal harmony.

### **Way Forward**

- ▶ Our task of ensuring human rights in India is, however, made no easier after rejecting the potential of civilisational values and of the instrumentality of economic growth combined with constitutional morality in achieving such a state.
- ▶ The efficacy of constitutional provisions is entirely dependent on the government machinery entrusted to our elected representatives.
- ▶ An effective protection of individuals, in this case women and minorities, from acts of violence requires the power of the state to weigh in on their side. In too many cases of violence against women, Muslims and Dalits, the Indian state is distinguished by its absence.

## Conclusion

The Indian sense of human rights can be seen from the time immemorial in the form of non-violence, love, peace, mutual co-existence, social harmony, fraternity and religious unity throughout the different ages of Indian life. The richer Indian culture has embedded the concepts of human rights greatly.

# Adultery Law Weighted in Favour of Men: SC



*The Supreme Court recently said that dusty Victorian provision of adultery in the Indian Penal Code treats a married woman as her husband's "subordinate." The court admitted a petition to drop adultery as a criminal offence from the statute book. Section 497 of the IPC treats only the man as the offender and the married woman as a victim.*

## Section 497 of IPC

- ▶ **Adultery meaning-** Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offense of rape, is guilty of the offense of adultery,
- ▶ Shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.
- ▶ In such case the wife shall not be punishable as an abettor.
- ▶ Section 497 is a kind of “romantic paternalism,” which stemmed from the assumption that women, like chattels, are the property of men.
- ▶ Section 497 gave husbands the exclusive right as an aggrieved party to prosecute the adulterer in a case involving his wife, a similar right has not been conferred on a wife to prosecute the woman with whom her husband has committed adultery.

## Supreme Court Judgment on Adultery Law

- ▶ Supreme Court said that “The dusty Victorian provision of adultery in the Indian Penal Code treats a married woman as her husband’s “subordinate.”
- ▶ Time has come when the society must realize that a woman is equal to a man in every respect.
- ▶ Why does Section 497 treat the man as the adulterer and the married woman as a victim?
- ▶ The offence of adultery ceases the moment it is established that the husband connived or consented to the adulterous act. So, is a married woman the “property” of her husband or a passive object without a mind of her own?
- ▶ IPC is the creation of England when they ruled over India for nearly 200 years and it is they who inserted Section 497 as a penal offence. What is more surprising is that England itself has decriminalized adultery and does not treat it as a criminal offence.

- ▶ That is adultery law suffers from gender bias. Supreme Court previously noted that protection to woman comes from Art 15(3) of the Constitution.
- ▶ The Supreme Court had in 2011 said that the adultery law is biased against men. The provision reduces a married woman to a property of the husband.

### Adultery Law Favored to Men

- ▶ The provision does not confer any right on the wife to prosecute her husband for adultery. The law also does not take into account cases where the husband has sexual relations with an unmarried woman.
- ▶ The provision deems that “husbands have a free license under the law to have extra-marital relationships with unmarried women.
- ▶ If husband approves with that particular relationship then it do not come under adultery.
- ▶ It only regulates the seemingly sordid conduct of the man who commits such a crime, all the while exonerating the voluntary conduct of the wife involved. The benefit of such a law has not been extended to the wife whose husband engages in such an offence with another woman.
- ▶ Law on adultery as it is today in the IPC is discriminatory on the ground of sex, the very existence of adultery in the criminal statute violates the fundamental right to life and to live with dignity.
- ▶ Section 497 (adultery) of the Indian Penal Code was sometimes taunted as a “flagrant instance of gender discrimination, legislative despotism and male chauvinism”.

### Previous Supreme Court Judgments on Adultery

- ▶ The recent petitions challenged the previous decisions by Supreme Court in the case of Yusuf Abdul Aziz v The State of Bombay where the court decided that Section 497 did not violate the right to equality enshrined in Articles 14 and 15 of the Constitution.
- ▶ In the case of Sowmithri Vishnu v Union of India, petitioner argued that Section 497 does not take in cases where the husband has sexual relations with an unmarried woman with the result that husbands have a free licence under the law to have extra-marital relationships with unmarried women. Petitioner labelled Section 497 a flagrant instance of gender discrimination and contended that the provision represents a kind of romantic paternalism. However, Supreme Court defied the arguments of petitioner.
- ▶ In case of V. Revathi v. Union of India the court held that that Section 497 of the Indian Penal Code does not permit the husband to file a case against the wife who has performed adultery nor does it permit the wife to bring a case of adultery against the husband, and thus, the law is not biased towards anyone. The perspective to be adopted for looking into an adultery matter was clarified by the verdict of this case. The law only punishes the “outsider” in a marriage and does not envisage punishment of any of the spouses at the instance of each other.

### Should Adultery be a Criminal Offence?

- ▶ In India adultery shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.
- ▶ Supreme Court argued that criminalization of adultery laws have led to more stability in marriages. It observed there was a decrease in the adultery cases across India.

- ▶ However, currently only 20 countries in the world criminalize adultery. Majority of these nations are governed by Islamic law. This includes Pakistan, where adultery is punishable with death. The only industrialized country to criminalize adultery is the United States of America, where it remains an offence in 18 states.
- ▶ The question remains whether it should be a criminal offence in the first place let alone whether it should be a gender-neutral offence. This is because in 2012 a United Nations Working Group on laws that discriminate against women wanted countries that treat adultery as a crime to repeal such laws. It is one thing for adultery to be a ground for divorce, a civil proceeding, and quite another for it to be a basis for imprisonment.

### **Why Women are not Punished for Adultery**

- ▶ Merely because we have been able to give women the attention they deserve from their husbands does not mean women are being treated equally in every aspect socially.
- ▶ In case women are made punishable for adultery Section 497 would become haven for all husbands and in-laws wanting to get rid of their wives and daughter in-laws at the cost the woman's social status.
- ▶ Once a woman's reputation is ruined, she will become an easy prey for abuse by other men.
- ▶ Making a provision which makes a woman lose her reputation in Indian society is like killing the soul of the person while keeping only the body alive.
- ▶ The offence of adultery did not punish women but still existed in the code because at the time the enforced law was enacted polygamy was deep rooted in the society. Women were treated as victims of the offence of adultery.
- ▶ The legislative intent behind the enactment of Section 497 is quite different from what is perceived. In 1847, the Law Commission of India was given the responsibility of drafting a new penal code. The Commission rendered liable only the male offender, keeping in mind "the condition of the women in this country" and the law's duty to protect it.
- ▶ The provision was therefore made to restrict men from having sexual relations with the wives of other men and at the same time to restrict their extra marital relations to unmarried women alone.

### **Conclusion**

Most countries in the West have decriminalized adultery. India should follow their example rather than split hairs over making it gender just. The apex court's re-visit signals a paradigm shift in the way the apex court views the modern Indian women. The time has come for the society to realize that a woman is equal to her husband in every respect.