

**UPSC**

**MAIN STORMING**

**MAY - 2016**



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# MAIN STORMING

MAY 2016

Main storming - GS - I

FOREST RIGHTS ACT

EPW

- The Scheduled Tribes and Traditional Forest Dwellers Act 2006, popularly known as Forest Rights Act is known to be a contentious legislation
- It provides for individual forest rights to tribals and other forest dwellers
- Those residing for over 75 years or three generations in the respective area are eligible under it
- Three types of rights are recognized under the act
  - ✓ Land rights
  - ✓ The right to use and collect
  - ✓ The right to protect and conserve
- Reserved forests, protected forests and protected areas such as national parks and sanctuaries are also covered under it
- It received criticism from Ministry of Environment and Forests, conservationists, wildlife activists and NGOs

## THE PROBLEMS

- Considerable opacity regarding its implementation
- Lack of awareness among the beneficiaries
- Lack of awareness among the officials mandated to handle its implementation

- Rejection of claims made by the tribals and other forest dwellers on the basis of insufficient documents
- Lack of help from local political dynamics
- In many regions, the idea of granting forest rights of the forest department is in conflict with the provisions of the act. For instance
  - ✓ When the claims made by the other forest dwellers are numerous
  - ✓ Where the number of claims with the evidence of occupation of land are either recent or after 25 October, 1980
  - ✓ Where the demand for claims on the forest land is more than two and a half hectares per nuclear family ( in the act 4 hectares )
  - ✓ If the claims happen to be in the proximity of wildlife sanctuaries or parks
- The Forest Department sees FRA as a one sided decision
- According to them, it will cause a great harm to the natural environment and wildlife

## THE SOLUTIONS

- Gaps in the act with respect to conservation of forest resources need to be identified
- Review of the public debates around the provisions of the act
- Finalization of the provisions of the act
- Identify if any stakeholder's inputs were grossly ignored for any section's interest

- Analyze the patterns of implementation across different regions
- Identify possible conflicts between bureaucratic and political thinking
- Listen to the views, suggestions and recommendations of the Forest Department in a neutral environment
- La Ninos generally bring more hurricanes to the Atlantic instead of the Pacific, but doesn't have much impact on summer temperature or rain in the United States.
- It often features drier-than-normal conditions in the U.S. Southwest and wetter conditions in the Pacific Northwest.
- In the winter, La Niña often brings lots of rain to parts of Australia and Indonesia and cooler temperatures in parts of Africa, Asia, South America and Canada.

## CONCLUSION

- The trust deficiency between the forest department and the tribals should be bridged to implement the act effectively
- The government, the forest department and the stakeholders have to join hands to make this effort a success

### Main storming - GS - I

#### GLOBAL WARMING, END OF ELNINO SEASON

EPW

- The National Oceanic and Atmospheric Administration said the El Niño has ended, 15 months after its birth in March 2015.
- El Niño is a natural warming of parts of the central Pacific that changes weather worldwide.
- El Niño triggered droughts in parts of Africa and India and played a role in a record hurricane season in the Pacific.
- It also added to man-made warming, as Earth has had 12 straight record hot months and is likely to have its second straight record hot year.

### La-Ninas:

- Earth is now in the neutral part of the natural cycle of El Ninos, which includes the cooler flip side, La Niña.
- But don't expect that to last. NOAA forecasts a 50 per cent chance of La Nina by the end of the summer.

### El-Nino phenomenon:

- In normal years, trade winds blow warm water to the west, where it pools in the western tropical Pacific. Cooler water is drawn up from the depths to the surface in the Pacific's east as a result, in a process known as upwelling.
- Every two to seven years, the pool of warm water sloshes back eastwards when the trade winds weaken or even reverse; this is El Niño.
- The interaction of the Pacific Ocean and the atmosphere is part of a cycle called El Niño Southern Oscillation (ENSO).
- The warm pool across the tropical Pacific pushes up global surface temperatures. The consequent increase in atmospheric heat and moisture brings deluges to southeastern S. America and western N. America, and drought to India, Australia and Indonesia.

### BOM's statements:

- Australia's Bureau of Meteorology (BOM) declared El Niño has ended, as surface temperatures across the tropical Pacific have cooled over the past two weeks.
- BOM also says that there is a 50% chance that La Niña will form this year.
- And future El-Ninos may hold greater surprises, thanks to increasing concentrations of heat-trapping gases in the atmosphere.

- Between 1999 and 2012, 69 zettajoules of heat have been sequestered in the oceans between 300 metres and 1,500 metres down.
- Means warmer oceans in years to come will probably mean that the weather events unleashed by strong Niños will intensify.

### UN climate talks:

- America's National Academies of Science, Engineering and Medicine released a report laying out where scientists can more confidently attribute the probability or severity of weird weather to climate change.
- It says the most dependable attribution findings are for events related to an aspect of temperature.
- Warmer climate means that unusually hot days become more likely while unusually cold ones become less so.
- So, limiting global warming to less than 2°C above pre-industrial temperatures, agreed at UN climate talks last year, appears impossible.

### Global warming:

- Between 1998 and 2013, the Earth's surface temperature rose at a rate of 0.04°C a decade, rather than the 0.18°C increase of the 1990s.
- Fluctuating solar output, atmospheric pollution, incomplete data and volcanic activity were all posited as possible factors.
- Some saw the stasis as evidence that previous temperature rises were thanks to natural cycles, not man-made warming.
- Inconsistent methods of measuring ocean surface temperature or inadequate statistical analysis were to blame.
- The complexity of climate systems means temperature variations cannot be explained by a single cause.

### Main storming - GS - I

## "ON THE ROAD TO SMARTNESS"

### Smart Cities mission:

- Smart Cities Mission is an urban renewal and retrofitting program by the Government of India with a mission to develop 100 cities all over the country making them citizen friendly and sustainable.
- The Union Ministry of Urban Development is responsible for implementing the mission in collaboration with the state governments of the respective cities.

### Smart Cities:

- Smart cities are projected to be equipped with basic infrastructure will offer a good quality of life through smart solutions. Assured water and power supply, sanitation and solid waste management, efficient urban mobility and public transport, robust IT connectivity, e-governance and citizen participation along with safety of its citizens are some of the likely attributes of these smart cities.

### Developed Vs Developing countries:

- Cities in the developed world are focussed on self-driving cars, electric vehicles and smart grids.
- While those in India are yet to meaningfully address basic issues such as walkability, public transport, waste management and pollution.

### Challenges:

- City administrations have done a poor job of gathering data available from multiple sources and analysing them to make informed decisions on civic services.
- Attracting private partners to raise the massive resources needed.

**IT enabled solutions:**

- A lot of new information about what people do is now available from commercial services that use mobile phone applications, such as taxi companies, and the anonymised data with them can aid planning.
- Intelligent parking could be one way to mobilise funds and cut congestion.
- By integrating IT, motorists could be guided to available parking spaces in various locations in a city, using real-time information. Over time, it would be possible to even predict the availability of parking spaces based on usage patterns.
- A smart city should look at robust IT connectivity and digitalisation.
- All cities can become smart, if the Urban Development Ministry makes available off-the-shelf open source technology solutions for management.
- Pune, Coimbatore, Jaipur are some of the cities chosen for the mission.

**Main storming - GS - I****"CITIES AT CROSS ROADS"****Urbanisation:**

- Urbanization is a population shift from rural to urban areas, "the gradual increase in the proportion of people living in urban areas".
- The United Nations projected that half of the world's population would live in urban areas at the end of 2008.[3] It is predicted that by 2050 about 64% of the developing world and 86% of the developed world will be urbanized.
- Need for infrastructure development and how to fund it.

- Greater empowerment of cities with effective transfer of functions and greater devolution of funds for better service delivery.

**Causes:****(i) Industrialization:**

- Industrialization is a major cause of urbanization. It has expanded the employment opportunities. Rural people have migrated to cities on account of better employment opportunities.

**(ii) Social factors:**

- Many social factors such as attraction of cities, better standard of living, better educational facilities, need for status also induce people to migrate to cities.

**(iii) Employment opportunities:**

- In rural sector people have to depend mainly on agriculture for their livelihood. But Indian agriculture is depending on monsoon. In drought situations or natural calamities, rural people have to migrate to cities.

**(iv) Modernization:**

- Urban areas are characterized by sophisticated technology better infrastructure, communication, medical facilities, etc. People feel that they can lead a comfortable life in cities and migrate to cities.

**Positive effect:**

- i. Migration of rural people to urban areas.
- ii. Employment opportunities in urban centres.
- iii. Transport and communication facilities.
- iv. Educational facilities.
- v. Increase in the standard of living.

**Negative effects:****i. Problem of over population:**

- Concentration of population is a major problem of cities. It has resulted in accommodation problem, growth of slums etc.

**ii. Disintegration of Joint family:**

- Joint family can't be maintained in cities on account of high cost of living: People prefer to live in the nuclear type of families.

**iii. Cost of living:**

- High cost of living is a major problem of cities. In Metro cities like Mumbai, Bangalore etc. it is very difficult for lower income groups to maintain a decent standard of living.

**iv. Increase in Crime rates:**

- Urban centres are known for high rate of crimes. Theft, Dacoity, Murder, Cheating, Pick pocketing, rape etc. are common in urban centres.

**v. Impersonal relations:**

- Urban centres are characterised by highly secondary relations. The concept of neighbourhood, community life are almost absent in cities. Urban life is highly monotonous. This may have an adverse psychological effect on individuals. People are often self centred and they have no concern for the fellow human beings.

**vi. Problem of Pollution:**

- In industrialized cities pollution is a major problems. It may be caused by industries or by excessive movement of vehicles.

**viii. Stress:**

- Urban life is characterised by stress which may even strain family relations.

**Metropolitan region:**

- A primary city forming the core of a region and is connected by adjacent cities.
- This type of economies leads to Productivity gains, cost saving in the movement of goods, people, ideas and knowledge.

- Fosters connectivity and competitiveness.
- These regions are created by default through economic forces. Not by design through supportive government policies.
- As a result obstacles like lack of transport infra prevents from tapping the full benefits of agglomeration.

**74th Constitutional Amendment act:**

- Provides a framework for metropolitan planning and development.
- Only few states have set up the metropolitan planning committee.
- Ex. National Capital Region of Delhi does not have capacity for implementing connectivity plans for regions like Gurgoan, Noida with Delhi.
- Poor implementation.

**Factors that prevent city redevelopment:**

- Highly restrictive land use policies.
- Poor Floor Space Index.
- Stringent building regulations in the cities.

**Way Forward:**

- Financing for Metropolitan development can be made through impact fee and tax increment financing.
- Cooperative financing arrangements involving cities in the region.
- Cities must be empowered so that innovative and creative solutions could emerge.
- Political tension between the Corporator and MLA for power sharing has to be resolved.

Main storming - GS-I

**CRACKS IN A STATE****Cracks in a State**

- May 1, this year marked the completion of six decades since major Marathi-speaking territories came together administratively and politically in 1956. However, current circumstances would hardly allow the state to celebrate. Maharashtra has been in the news for the wrong reasons and it looks like the social pact that marked the basis of the coming together of Marathi-speaking people has been under severe strain.
- What is a Social Pact? Social pact, also called Social contract theory, nearly as old as philosophy itself, is the view that persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live.

**Vidarbha state question:**

- The political alignments in the state appear too fragile to be able to strengthen the social contract or even reduce the strain. The ruling coalition is on the brink. Given the political equations among parties, the political elite is unlikely to have the space to think of the long term or mend the cracks in the polity.
- Recently, the ruling coalition was under strain from the remarks of the then advocate general concerning the state's unity. He favoured the formation of a separate state of Vidarbha. He also suggested that Marathwada, too, needs to be separated from Maharashtra. His remarks represent a long-standing crack — the regional imbalance in the state.
- Marathwada may not actually demand separation but it suffers from industrial backwardness and severe drought and famine,

affecting its agrarian economy. Since the bifurcation of UP and Bihar and the formation of Telangana — has kindled hope among the proponents of a separate Vidarbha. It seems the political elite from western Maharashtra, does not have a satisfactory response to this challenge. As the state's economy moves from crisis to crisis, the issue of backwardness becomes more acute.

**The agrarian and water crises:**

- The issue of farmer suicide has assumed severe proportions. This year, it has been accompanied by a water crisis afflicting both urban and rural areas. This crisis was waiting to happen, given that Maharashtra's performance in improving irrigation facilities has been abysmal. Both farmer suicide - representing the larger malaise of agrarian crisis — and water scarcity indicate the policy vacuum in which governance has been taking place for many years. "Governance by package" has replaced "governance by policy" for the past two decades.
- In order to balance the urban industrial interests and rural agricultural interests, the state chose to often yield to the terms dictated by industry and then selectively protected only some agricultural interests. This resulted in the chaotic growth of the Mumbai-Thane belt. On the other hand, farmers from western Maharashtra benefited more. Small/marginal farmers were left in the lurch. These choices led to multiple distortions in the political economy, for which the state is paying a heavy penalty now.

**Issue of major social tension:**

- Agrarian crisis has the potential to develop into an issue of major social tension. The main agricultural community, the Marathas, is already restive and demanding OBC status. In the context of agitations by Patels and Jats, social unrest is only waiting to erupt in Maharashtra because of the economic clout of the elite from that community, on the one hand, and the

consistent economic stagnation that a majority of rural Marathas have been facing, on the other. The unrest among Marathas has less to do with social backwardness and more with the economic distortions.

- Similarly, a major nomadic community, the Dhargar, has been demanding that it be included in the ST category. Again, most political parties have indicated that they support this demand, creating expectations but not fulfilling them. Even if the state were to recommend inclusion in the ST category, it would meet with stiff opposition from Adivasis, resulting in social tension.
- While these rumblings are symptomatic of the larger issue of handling community aspirations and maintaining the delicate balance attained on the social justice front, the state-specific failures are too obvious.

### Conclusion:

- While the state is sitting on top of a political economy of chaos and a social contract that is breaking down, the political elite has lost the capacity to comprehend, leave aside handle, the situation. They would, indeed, get elected and re-elected, but their attempts to broker peace and convince people of long-term solutions are unlikely to be received with sympathy. In the absence of leaders with legitimacy, Maharashtra seems to be moving towards a politics marked by a rabid mobilisational precipice.

#### Main storming - GS - I

**WATERSHED MOMENT**

**EPW**

- The constitutional crises emerged when the Punjab Legislative Assembly passed the Punjab-Sutlej Yamuna Link Canal ( rehabilitation and re-vesting of proprietary rights ) Bill 2016

- The ruling Shiromani Akali Dal had organized peasants along the canal's route in Punjab to reclaim the land which had been taken from them to build the canal which this bill promised to return to them

### The history

- The link between the Sutlej and the Yamuna is a part of the proposed water distribution from the Bhakra Nangal Project
- Punjab refused to part with its waters after the carving out of Haryana from Punjab in November 1966
- During the emergency , the then PM Indira Gandhi divided waters equally into Haryana and Punjab but Punjab did not implement it
- Haryana finished its part of work for the canal but Punjab did not
- In 2004 , the Amrinder Singh led congress party government in Punjab passed the Punjab Termination of Agreement Act , 2004 neglecting the Supreme Court's order of finishing the work

### Conclusion

- Both economic and political will is needed to solve this issue
- If a single project cannot be completed even after 50 years , it raises a big question on our dispute redressal mechanism and cooperative federalism.

#### Main storming - GS - I

**REGIONAL DISPARITIES**

**EPW**

- Regional disparities in India are very pronounced and it has been a matter of debate since the First Five Year Plan. The reasons for regional disparities differ from level of socio-economic

development of states, availability of resources, differential impact of colonial rule, difficult terrain, and the political economy of the states.

### India's regional disparities

- (i) Agriculture workers as a proportion of total workers
  - (ii) Female literacy rate
  - (iii) Household without access to electricity
  - (iv) Household without drinking water and sanitary latrine within the premises
  - (v) Household without access to banking facility
  - (vi) Percentage of SC population
  - (vii) Percentage of ST population
- For example, out of these, six are negative indicators of development, such as the first, third, fourth, fifth, sixth and seventh, while female literacy is a positive indicator of development. Could the results have been different if all the indicators were negative, or all the indicators were positive? Instead of female literacy rate, female illiteracy would be a better indicator of accessing regional disparities in the country.

### India diverse country

- India is a very diverse country regarding socio-economic development which often leads to intra-district, inter-district and interstate disparities. For example, one of the developed districts of Jharkhand is Ranchi which is just 17–18 kilometres away from the most backward sub-district of the state, Ratu. It reflects that the growth pole does not have much spin-off effects on its periphery. In such conditions, it is required to identify backward sub-districts and formulate plans accordingly, not districts as a whole.

### Main storming - GS - II

## SOCIAL BOYCOTT ACT Constitutional Validity and Article 26

EPW

### What is Article 26 of the Indian Constitution?

- Article 26 is a Fundamental Right that provides Freedom of Religion. It states that;
- Freedom to manage religious affairs Subject to public order, morality and health, every religious denomination or any section thereof shall have the right
  - (a) to establish and maintain institutions for religious and charitable purposes;
  - (b) to manage its own affairs in matters of religion;
  - (c) to own and acquire movable and immovable property; and
  - (d) to administer such property in accordance with law.

### Social Boycott Act, 2016:

- Social boycott is a weapon used in rural and some urban communities to reinforce hierarchies and power structures. The more apt term for it may be "ostracism," where an individual is banished from a society (if not physically, then socially) on the judgment of the powers that be for a perceived breach of that society's rules. In India, it is deployed against the deprived sections of society. It is aimed at making the lives of the boycotted as difficult as possible, cutting them from all social interactions that make life meaningful.
- To address this, the Maharashtra government passed the Social boycott act. It seeks not only to criminalise a panchayat or any person who imposes or enforces a social boycott, but tries to take measures to prevent such social boycotts and give relief to victims. It also places

an obligation on the district administration to take proactive steps to prevent any body from issuing calls for social boycotts. It creates the post of a “social boycott prohibition officer,” to help the district administration and other officers in discharge of their duties.

### **Excommunication Act – A Precedent:**

- This is not the first attempt by Maharashtra to tackle the problem of social boycotts. The Excommunication Act, 1949. The law declared that excommunications would have no binding effect and would not be enforceable, at the same time imposing criminal penalties on persons who engaged in or enforced an excommunication.
- What is Excommunication? Is an institutional act of religious censure used to deprive, suspend, or limit membership of a person in a religious community.
- The excommunication act was challenged by Syedna Taher Saifuddin, the then Dai of the community, in the Bombay High Court as being unconstitutional for violating the rights under Article 26 of the Constitution. Bombay High Court turned down this challenge on the grounds that the scope of the right of a religious denomination to manage its own affairs under Article 26 could not possibly extend to interfering with the legal rights and privileges enjoyed under law.
- A fresh challenge was then filed in the Supreme Court by the Dai-ul-Mutlaq, questioning the constitutional validity of the excommunication act. The Supreme Court struck down the excommunication act as being contrary to Article 26. It held that the power of excommunication, being an exercise of the religious power of a denomination or community, was protected under Article 26. The minority judgment written by the then Chief Justice, B P Sinha, disagrees with the majority. His judgment tentatively links the act of excommunication with the practice of untouchability, abolished under Article 17.

- The minority view expressed by Sinha is clearly the better reasoned one and takes into account the true extent of the protection of the freedom of religion guaranteed under the Constitution.

### **Social Boycott Vs Excommunication:**

- There is one key distinction which has to be kept in mind while assessing the constitutional validity of the social boycott act. Whereas excommunication necessarily means that a person’s access to religious places of worship and fellow worshippers is cut off, a social boycott need not necessarily do so. A social boycott of course may involve religious places of worship as well. The fundamental difference, however, is in the nature of authority being claimed; excommunication is carried out by someone who has religious authority to do so, social boycotts do not necessarily involve anyone with “religious authority.”
- This distinction may seem narrow, but it is significant. The basis for the Court to strike down the excommunication act rests on the claim that it violated the rights of religious denominations to manage their own religious affairs. Social boycotts are imposed and enforced by caste panchayats, and such institutions are not, in general, religious institutions. Should it be challenged in court, the social boycott act is unlikely to meet the same fate as its predecessor law.

### **Conclusion:**

- The constitutional validity of the social boycott act aside, it remains to be seen how effective the law will prove. Addressing social evils through criminal law does not take into account the massive problems its enforcement will run into, given the weaknesses in the police machinery at the state level. The law’s effectiveness hinges on the ability of the police to necessarily take the side of the individual, the weaker and oppressed sections of the society, over their oppressors.

### Changing Face of Rural Nepal:

- Rural Nepal today is a complex and rapidly changing reality. One of the defining features in the political economy of rural Nepal is the relative decline of agriculture in the national economy. Rural households work in agriculture but increasingly in non-agriculture-based wage labour both within and outside the village. Although traditional forms of semi-feudal labour have not disappeared completely and some poorer households are still engaged in caste-based labour arrangements, an increasing number of households are exchanging their labour for cash, commuting to work as wage labourers in long-distance migratory labour.
- The shortage of labour in rural areas due to widespread mobility has led to increased bargaining power and the price for wage labour. This has no doubt benefited labouring households. The opening up of Nepal's countryside, through the construction of roads, transport, mobile phones, media and schooling alongside the ideas of modernity and bikas (development) has accelerated the aspiration to, as well as the practices of, mobility on a larger scale than ever before.
- Perception of new opportunities has been a key factor in attracting people outside of rural agrarian economy into urban areas. There was recognition that semi-feudal and caste-based attached labour was exploitative and increasing opportunities for wage labour had opened up significant opportunities to transcend such attachment. The labouring classes have gradually turned from being subjects of landlords to citizens of the state and more active in articulating their demands and their rights.

### Circulatory Labour:

- This movement out of agriculture and rural areas is a global phenomenon. Although there is no data on the proportion of people in Nepal

who work away from home or across the border in India, it is not difficult to spot evidence of circulatory labour.

- Those who are involved in such labour do not give up their rural habitat, which keeps them rooted in their village of origin. In this sense, they become "rurban." They are pushed not only by limited opportunity for work locally but also by the aspiration for better opportunities but most are constantly driven back to the villages because only a few make it to the cities on a more permanent basis and benefit from the opportunities in urban areas.
- Rather than to the employer, migrant workers are often tied to recruiters. It is the practice of recruitment through brokers, who act on behalf of employers, that shapes the process of labour circulation, rather than the demand and supply of labour. There is no possibility for recourse or redress once exploitative arrangements are entered into as recruiters are often drawn from the familiar village networks and are often the only source of possible employment in the context of job scarcity and erratic availability of jobs.
- While mobility of labour has offered an inflow of cash for many poorer households, these circular migrants are often faced with exploitation, insecurity, discrimination and poor working/living conditions in their workplace.
- There are gendered consequences. For women who often, but not always, end up working as domestic or casual workers, such labour mobility has paradoxically offered both freedom and "unfreedom." However, for men, while there are opportunities for increased income, erratic work does not necessarily lead to upward socio-economic mobility or economic freedom. Work also involves bodily harm, fatigue, social dislocation, and debt entrapment.

### Situation of labours in Brick Kilns:

- There are about 700 brick kilns spread over Nepal, mostly located on the outskirts of cities

and towns, each employing an average of 300–500 workers. It employs a large number of men, women, and children, almost all of them seasonal migrants from rural areas in the adjoining districts. It is a place where workers look fatigued, drenched in sweat and covered in dust. There is very little separation between private and public life in these kilns. There are no sanitation facilities and no open space for cooking. Workers and their children are exposed to the fumes of the kiln day and night.

### Importance of Labour Contractors:

- Labour contractors or naikes are important actors not only in the recruitment of the labour but also in the discipline and the supervision of the labour force in the kiln. The recruitment of the labour force through the naika is arranged through a system of advance payment called peshki. On the one hand, the labourers get money in advance that they can use to meet their daily needs; on the other hand, they fall into the trap of bondedness because of the advance payment.
- The naika can negotiate his rate of commission with the owners and he can choose the owners or the brick kiln for the following year. But the workers do not have the freedom to choose their place of work themselves as they have to work under the naika. Work in brick kilns is organised on a piece-rate basis. The piece-rate system hides the necessary labour time and also the contribution of invisible workers, particularly children.
- Overall, brick kiln workers are susceptible to exploitation and suffering. The payment structure that is organised on a piece rate per thousand forces the workers to self-exploit themselves. The work at the brick kiln does not offer any new skills or possibility of social mobility, as there is no possibility for promotion or skills improvement. And, the system of advance payment is the basis for the exploitation and bondage of the workers.

### Marginal Migrants in India:

- Estimates say, as many as two million Nepali migrants are believed to be working in India. Although the proportion of Nepali workers in India has decreased mainly due to the emergence of other migration destinations. Still, migration to India continues to remain an important destination for poorer households in the middle hills.
- This practice has been facilitated by the unique open border between Nepal and India, formalised by the Nepal–India Peace and Friendship Treaty of 1950. But, the open border is not quite open when seen from the perspective of labour migrants. Not only do the migrants have to navigate the border police who often maltreat them, they also face threats from transporters and traders who often physically force them to travel in specific transport and cheat them on the prices.
- Labour contractors are active in the far-western and mid western hills and take with them groups of 20–40 workers to Himachal or Uttarakhand to work in the construction sector or in apple orchards. Migrant workers are expected to find a “reliable” replacement before going on leave to Nepal. While some migrants may sell the job to other new migrants, others bring their close relatives as a replacement. Not all Nepali migrants in India are poor or marginal, as a few work in government, police, army, or office work in the private sector and a few others manage enterprises. Most Nepali migrants, however, work in menial and low-paid jobs in the informal service sectors, domestic work, and in the manufacturing, construction, and agricultural sectors.
- The men did not complain about their work, although they did not see domestic help or working as helpers in hotels or restaurants as a long-term job, and they hoped to find “better work” in an “office” later. In Uttarakhand and Himachal, Nepali migrants worked as porters,

while a few worked as daily wage labourers in construction sites. Often, migrants address their employer as “owner” (malik, orsahu), which signifies the nature of a relationship that contains feudal elements. The work is readily available and they “get paid on time,” which was a major concern for many if they were working in Nepal, where payment was not prompt.

### Conclusion:

- Without doubt, changes in the rural social structure, agrarian decline as well as ideas associated with bikas, modernity and economic freedom away from regimented economic and constrained life in the villages are driving the circulation of labour. Paradoxically, mobility of labour has not necessarily meant more freedom for poorer migrants. Current arrangements are self-exploitative and do not even benefit from the limited “reciprocal” responsibilities for care and support that were inherent in the old caste system. Those migrants who work in fragmented spaces in urban areas are unable to assert their demands to the state and do not benefit from it unlike former bonded labourers who have organised themselves and have engaged in negotiated with the state.

### Main storming - GS - II

#### Is NITI Aayog Even Thinking about Health?

EPW

- The NITI Aayog was against increasing investments on health and was not keen on improving the public health sector. They were not sympathetic to the idea of free medicines and diagnostics either. They said that they favoured a private sector and insurance-based health services model and that people need to pay or contribute to a sickness fund for accessing healthcare services. They went to the extent of calling free care a “chimera”

### National model

- The National Think Tank seems to have done about the health sector in India which is in the public domain. Its two working papers on health in the public domain, which are mere situational analyses of the health system and health financing in India.
- The Central Government Health Scheme as a national model for Universal Health Coverage (UHC). He concluded that its cost, which is about 17,000 per family per year, is feasible provided the large dependence on the private sector is reduced and all resources of the public system and social insurance schemes are pooled with general health services. This would make it equitable across the board and the central government employees would not have an undue advantage and claim over the public health budget. Insurance was clearly not an option in his scheme of things—it was the Thailand model with its strong primary healthcare approach that would be most appropriate for India. So apart from this, the NITI Aayog has as yet failed to put forth a concrete plan for transforming the healthcare system in India.

### Finance Commission’s Formula

- The Fourteenth Finance Commission’s (FFC) impact on state health (and other social sector) budgets became visible in the fund flows to states during 2015–16 (Ninety-third Report, 2016). The centre had drastically cut its grants in many central schemes of health, including the National Health Mission (NHM). States also witnessed huge fund flow problems because in 2014–15 the finance ministry had switched routing of funds from directly to the state health society to a mechanism which mandated routing through the treasury in the interest of transparency and accountability.
- The states soon enough realised that the proportional increase in the divisible tax pool

to 42%, that gave them a larger fiscal space to make their decisions was a chimera because the centre had responded by cutting plan grants, which for a number of states were a cut more than the gain they made through the new FFC formula (Centre for Budget and Governance Accountability 2016).

### Transforming healthcare

- Recently, one such effort at pushing an alternate model of healthcare by the Foundation for Democratic Reforms (FDR) and Loksatta Party to the NITI Aayog put the attention back on the latter's role. Since the NITI Aayog was not thinking about health and healthcare, others were trying to push them to do so.
- The alternate presented by the FDR and Loksatta was one of outsourcing primary healthcare to private providers (family physicians) by paying them a fee per contact/person (Singh 2016). This they mistakenly identified as the United Kingdom's National Health Service (NHS) model. The NHS is just the reverse—it in sources independent providers into a contract with the NHS Trust, assigns the providers to families, pays them a fixed capitation amount per family. Most importantly the contracted family physicians are required to devote their working hours full time to the NHS and generally cannot continue their private practice. The local health authorities keep a strong oversight on their functioning and accountability.
- The concept of UHC, looked at the experience of various countries, looked at the political economy context of health systems, analysed financing systems, provided calculations and costing for universal access healthcare, outlined service delivery systems, assessed possibilities of involving the private sector within a regulated framework, etc. So there is no dearth of literature on the UHC alternatives that should get the NITI Aayog to start thinking seriously about transforming healthcare in India.

### Fund allocations

- The Twelfth Plan had proposed a total of 2,68,551 crore over the five years but the final allocation was drastically reduced to 1,25,117 crore or a mere 46.6% of the original planned allocation. The Ministry of Health and Family Welfare, it would have effectively strengthened district health systems, provided the free drugs and diagnostics mandated in the plan, implemented effectively the IPHS norms and would have facilitated the roll-out of the UHC, and most importantly it would have been on track towards reaching the goal of 2.5% of GDP for health. Even for the flagship programme, NHM, instead of the original outlay of 1,93,406 crore for the plan period, only 90,023 crore of final allocations have been made for the five years. This is a mere 46.5% of the original planned allocation (93rd Report, 2016).
- The centre's share of the health budget should be at least 40% and all barriers to delays in fund flows from the centre to states should be removed so that implementation does not get affected.

#### Main storming - GS - II

### NATIONAL EDUCATIONAL GOVERNANCE

EPW

- The All India Education Survey (AIES) is a survey conducted by Union Ministry Of Education for making education policies and formulating five year plans
- Programme for International Student Assessment (PISA) is a survey conducted by Organisation for Economic Cooperation and Development (OECD) in 34 member countries by testing skills and knowledge of 15 year old students
- OECD is the arbitrator of global educational governance, simultaneously acting as diagnostician, judge and policy advisor to the world school system

**India is not a member of OECD**

- After the sixth survey, AIES got a new name, i.e., All India School Education Survey (AISES)
- Latest and eighth AISES was conducted in 2009

**AIES 1960**

The report of the first educational survey states its objectives :

- Identify and enumerate every district habitation and every elementary school
- Map out the location of schools
- Delimit the area served by existing schools
- Decide on the convenient location of the new schools and the area that would be served by the proposed new schools by suitable classification and grouping of habitations
- Prepare district wise statistical tables showing the result of the survey

**AISES 2009**

The report of the eighth educational survey states its objectives :

- Describing the current status of school education system at different levels with respect to access, enrolment, retention, participation in school process and achievement
- Assessing the progress of educational development and indirectly the success of policies, programmes and project intervention by tracking the direction and magnitude of change in the values of the indicators over time and identifying problems or deficiencies in the system for necessary intervention
- Assessing equity in educational opportunities and achievements across relevant levels and sub populations of the education system for possible interventions needed to remove disparity by administrators, policy makers and researchers

**DOUBTS ABOUT VALIDITY**

- All surveys point towards the deficiencies of the previous one
- The second AIES criticizes the first one on the grounds that its findings are inapplicable and cannot be used for future planning
- The third AIES criticizes the first and second for their incomprehensive coverage of areas
- The fourth AIES views the third one as too comprehensive and data heavy
- The fourth AIES was criticized for its methodological flaws
- The sixth AIES criticized the previous surveys for their poor institutional frameworks and inability to use computational devices for precise and accurate findings

**THE PROBLEMS**

- NCERT uses the same survey tools in states with different social, cultural, economic and power relationships
- There is uncertainty about the ability of NCERT to prescribe and monitor the professional standard maintained by diverse educational institutions from centrally funded schools to state funded schools and from state government schools to aided schools and private schools
- The teachers are theoreticians but non practicing
- Public schools no longer have the pressure of accountability and efficiency, largely due to exit of middle class
- This has increased the role of private and international market forces in the education sector loosening the governments control over it
- More remedial teaching institutions should be there which is not the case

**CONCLUSION**

- The focus has shifted from compulsory education to quality education
- There should be a system where the education system should be accountable for its performance
- Till date, the educational surveys have only helped the global market forces, not the youth of the country, so we should be following a more holistic approach

**Main storming - GS - II****NEPAL ISSUE**

- Nepal's constitutional crisis.

**History:**

- During colonial rule Nepal's Monarchy was under the guidance of British in case of foreign Policy and got protection from British against the internal and external enemies of the Monarchy.
- Later, after the British withdrawal, the Nepali congress revolted against the Monarchy.
- Constitution was written and election held. But tussle over power sharing between King and Prime Minister.
- Later, 1996 Maoist elements started armed revolt.
- In the 21st century Monarchy was abolished.
- However Constitution could not be drawn due to differences between several parties.
- So the Constituent Assembly is being reelected again and again for the purpose of framing constitution

**2007 agreement:**

- When the Monarchy was abolished, the political agreement promised several rights to the Madhesi, Tarai, Janajatis and other similar ethnic groups.
- However the new Constitution which was drawn recently has diluted the terms unfavourable to the above said ethnic groups.
- Twofold problem of "identity and representation" under the new democratic Nepal.

**Protest movement:**

- Earlier in 2016, the plain people organised an economic blockade on the route from India to Nepal, by stopping the supply of essential commodities.
- Presently they are organising rallies in Kathmandu.
- The Limbus, the Sherpas, the working class, Dalits, and the Janajatis like the Magars and the Tharus — perhaps the most influential and revolutionary of all groups in Nepal — have sent their representatives to the latest movement in Kathmandu under the banner of Samyukta Loktantrik Madhesi Morcha (SLMM).

**Core of the problem:**

- The core issue for all the groups agitating in Kathmandu today is that the new Constitution took away the benefits that were granted to the Madhesi and Janajatis under the 2007 agreement that they sealed with the government of Girija Prasad Koirala after a protracted struggle dating back to the 1980s.

**Constitutional crisis:**

- The real concern is that what will happen to the hard-earned Constitution if local elections and provincial elections are not held as per its new framework. SLMM leaders are demanding a rewriting of the Constitution and amendments.

**Impact:**

- In case the Constitution is weakened and dissolved, various traditional and constitutional bodies like the army and the anti-corruption bureau may acquire more power to keep the state running.
- As the political slugfest and protests continue, the ultimate losers are the earthquake-hit districts in central and eastern Nepal where hundreds of thousands continue to live under plastic sheets.

**Rethink the geostrategic doctrine:**

- Nepal's opening up to China should compel India to rethink its geostrategic doctrine about the Himalayan range.
- The Himalaya is no longer the barrier New Delhi strategists have long regarded it as, and there is today a churning all along the mountain range that demands a reassessment of what the stretch means for India's security, commerce and connectivity.
- New Delhi has been skittish about the 'northern rimland' of South Asia ever since the 1962 debacle at the hands of China. It is time to shed the Himalayan paranoia.
- A turnaround in New Delhi's Himalayan doctrine would lead to an easier relationship with the sovereign neighbours, helping their evolution into stable democracies.
- India understand the desires of the Himalayan societies and consider the new-found interdependence of the Indian and Chinese economies.
- Also consider ways to ensure India's security beyond then umber of boots on the ground along the mountain frontier.

**Containment policy:**

- The India is challenged today in responding to a China that is coming on strong from the shores

of Rakhine in northern Myanmar to Gwadar on the Balochistan coast.

- There is visible activism in Bangladesh, Myanmar, Sri Lanka and now Nepal, with what is touted as a goods train service specifically meant for Nepal connecting with China.
- The Chinese challenge is real, but the ground has shifted with advances in the transport, infrastructure and geopolitics of High Asia, enough to demand a policy departure.
- Connectivity is what India's foreign policy establishment has been championing for the South Asian economies, and there is no reason why it should not be extended north.
- Furthermore, the societal and economic transformations introduced by the trans-Himalayan opening may finally help pry open Beijing's grip on Tibetan society.

**The Valley kingdom:**

- The Himalayan range was never a barrier to commerce, with local societies trading through the river valleys cutting into Tibet.
- Kathmandu Valley was better linked commercially to Lhasa than to the Gangetic plain, and it was the Tibet trade that contributed to the enormous wealth and cultural achievements of the Valley kingdoms.
- It was only the colonial penetration of the subcontinent in the mid-nineteenth century that pivoted the economy southwards.
- The Newar (Lhasa) traders in Lhasa lost out further with the Chinese takeover of Tibet in the 1950s, and only now are Kathmandu's businesses actively reaching out to the Chinese mainland.

**Comfort zone in India:**

- The Chinese mainland and ports are 3,000 km away, as compared to 1,000 km to Kolkata.

- Meanwhile, the open Nepal-India border is a prize of shared history to benurtured by both countries.
- In socio-political terms, Kathmandu's civil society enjoys a comfort zone with India that the reserved Chinese state cannot match.
- Kathmandu's main port of call will remain Haldia in West Bengal as of now, and Visakhapatnam and Krishnapatnam in Andhra Pradesh and Mongla and Chittagong in Bangladesh in the future.
- But there is no doubt that new possibilities have now opened up to the north and northeast, and with relief one can say that a blockade of Nepal, devastating the economy, is now impossible.
- The march of economy, and the metaphorical reduction of the geostrategic height of the Himalaya, requires New Delhi to update its Himalayan doctrine.
- The new Nepali-Chiniya 'bhai-bhai' atmospherics, which is largely the result of New Delhi's own recent adavance, can actually be turned to advantage in formulation of the new policy.
- The Himalayan region today represents a realm of opportunity more than competition, which requires New Delhi to be able to compartmentalise the commercial and the geostrategic.

**Main storming - GS - II**

**New commercial dynamics:**

- The arrival of Qingzang Railway from the Chinese mainland to the Tibetan plateau in 2006 has been the game changer, and the line has already been extended.
- The railway makes the transfer of goods from the mainland economically feasible in away that had never before been contemplated.
- It is set to create new commercial dynamics, especially as the lacking southward highways are constructed through Nepal's mid-hills.
- Nepal and China have agreed to complete the Kyerung Highway starting north west of Kathmandu, which would allow descent from the Tibetan plateau to the Gangetic plain in less than a day.
- There is also agreement to build the Kimathanka Highway down the Kosi river valley in eastern Nepal, which would bring the Shigatse/Lhasarail heads close to Bangladeshi and Indian ports.

**Formulation of the new policy:**

- India would do well to add economics and commerce to its strategic vision of the Himalayan region.

**REFUGEE CRISIS**

**EPW**

**A leading challenge of our time:**

- The UN General Assembly will bring together world leaders to address one of the leading challenges of our time: responding to large movements of refugees and migrants.
- War, human rights violations, underdevelopment, climate change and natural disasters are leading more people to leave their homes.
- More than 60 million people — half of them children — have fled violence or persecution and are now refugees and internally displaced persons.
- An additional 225 million are migrants who have left their countries in search of better opportunities or simply for survival.
- But this is not a crisis of numbers; it is a crisis of solidarity.
- Almost 90 per cent of the world's refugees are hosted in developing countries. Eight countries host more than half the world's refugees.

**In Safety and Dignity:**

- On September 19, the General Assembly will hold a high-level meeting to strengthen our efforts for the longer term.
- To help the international community seize this opportunity, a report, — “In Safety and Dignity” has been released, with recommendations on how the world can take more effective collective action.
- Millions of people on the move have been exposed to extreme suffering. Thousands have died in the Mediterranean, on the Andaman Sea, in the Sahel and in Central America.
- Movements of people are a quintessentially global phenomenon that demands a global sharing of responsibility.

**Responsibility sharing:**

- Far from being a threat, refugees and migrants contribute to the growth and development of host countries as well as their countries of origin. The better new arrivals are integrated, the greater their contribution to society will be.
- We need more measures to promote the social and economic inclusion of refugees and migrants.
- Political and community leaders have a responsibility to speak out against discrimination and intolerance, and to counter those who seek to win votes through fear mongering and divisiveness.
- This is a time to build bridges, not walls, between people.
- The UN continues to strengthen its work to prevent conflict, resolve disputes peacefully and address violations of human rights before they escalate.

- One powerful new tool is the 2030 Agenda for Sustainable Development, a blueprint agreed last year by all 193 members of the UN that includes a strong focus on justice, institutions and peaceful societies.
- States must honour their international legal obligations, including the 1951 Refugee Convention.
- Countries where refugees arrive first should not be left to shoulder the demands alone. The report proposes — a global compact on responsibility sharing for refugees.
- There is a pressing need to do more to combat smugglers and traffickers and to ensure their safety and dignity at borders. More orderly and legal pathways for migrants and refugees will be crucial.
- The report proposes important measures to improve global governance in this area, including through a — global compact for safe, orderly and regular migration.

**Way Forward:**

- Human beings have moved from place to place across the millennia, by choice and under duress, and will continue to do so for the foreseeable future.
- Today, millions of refugees and migrants are being deprived of their basic rights, and the world is depriving itself of the full benefits of what refugees and migrants have to offer.
- The World Humanitarian Summit convening in Istanbul May 23 and 24 will seek new commitments from states and others to work together to protect people and build resilience.
- Expecting the September 19 meeting of the General Assembly to point the way toward solutions to the most immediate refugee and migration challenges, and commit world leaders to greater global cooperation on these issues.

- Only by upholding our duty to protect those fleeing persecution and violence, and by embracing the opportunities that refugees and migrants offer to their new societies, will we be able to achieve a more prosperous and fairer future for all.

### Main storming - GS - II

## INDIA - IRAN

### Importance of Iran:

- The basic point is that Iran has always potentially been the most important power in the region. It has a unique geopolitical location owing to its reach in Central Asia and Caucasus as well as in West Asia and the Persian Gulf.
- The key factor is energy. Till sanctions were imposed on Iran, it was India's second largest source of crude oil after Saudi Arabia.
- Once the Chabahar port in Iran is developed, it will offer India alternative access to landlocked Afghanistan, bypassing Pakistan.

### Synergy between India and Iran:

- Both Iran and India share the goal of a stable government in Kabul free of the Taliban's influence.
- Globally, New Delhi and Tehran are on the same page in their opposition towards groups like al-Qaeda and the Islamic State.

### Recent thorns in bilateral ties:

- India had voted against Iran at the International Atomic Energy Agency over its clandestine nuclear programme.
- Under pressure from the U.S., slashed oil imports from the country by up to 40 per cent during the period.

- New Delhi had also backed off from a pipeline project that aimed to bring natural gas from Iran to India through Pakistan.
- The agreement (Joint Comprehensive Plan of Action or JCPOA) between Iran and P5+1 on Iran's nuclear programme and the corresponding easing of sanctions, concluded last July, has provided the long-awaited opening.

### Rebooting the relationship:

- The removal of sanctions on Iran following the nuclear deal has ended its isolation, and enabled its return to the economic and diplomatic mainstream.
- Mr. Modi's trip on May 22-23 is expected to bridge the trust deficit in bilateral cooperation and boost energy and trade ties while expediting India's connectivity plans. Strong ties with Iran are vital for India.

### India's Outreach:

- While India will pursue good ties with the Sunni Gulf for energy supplies, Iran would act as a gateway to Central Asia besides enhancing India's energy security. Israel remains one of India's top defence and technology suppliers. The success of this policy depends on New Delhi's capacity to do the balancing act.

### Chabahar port:

- India and Afghanistan have failed to realise the full economic potential of their friendship owing to connectivity problems. The Pakistan link between India and landlocked Afghanistan has been an obstacle.
- The Chabahar port development project was envisaged in 2003. The project involves developing Chabahar port (barely a thousand kilometres from Kandla, Gujarat) with road and rail connectivity linking it to Zaranj, on the Afghan-Iran border, 900 km to the north.

- Once the Chabahar port is developed, Indian ships will get direct access to the Iranian coast; a rail line to the Afghan border town of Zaranj will allow India a route around Pakistan. This will surely boost trade with Iran and Afghanistan.
- Besides, the proposed free trade zone in the Chabahar area offers Indian companies a new investment destination at a well-connected port city.
- The idea of Chabahar port project is just a small part of International North-South Trade Corridor which challenges China's One Belt One Road initiative.

### Iran and China:

- China has assured Iran of a welcome in the Shanghai Cooperation Organisation and a 25-year framework for a strategic partnership.

### India and Eurasia:

- India currently negotiates with Eurasian Economic Union which could help India to enlarge its investment and trade through the region.
- The land trade routes will ease business with energy rich Central Asian countries.

### Challenges:

- The real challenge is to effectively navigate the international complexities surrounding economic and energy ties.
- Lack of institutional capacities to implement strategic projects across and beyond borders.

### Main storming - GS - II

## INDIA'S RELATIONSHIP WITH IRAN AND AFGHANISTAN

EPW

India and Iran signed a series of agreements that will allow New Delhi to use the port of Chabahar to access Central Asia and Afghanistan.

### Two terminals:

- The first agreement, a bilateral, will provide India the right to develop and operate two terminals and five berths with multipurpose cargo handling capacities in the port of Chabahar for 10 years.
- After the bilateral, PM Modi and Iranian President Dr. Rouhani were joined by Dr. Ashraf Ghani, the President of Afghanistan, who sealed the agreement for Trilateral Transport and Transit Corridor connecting Chabahar with Afghan road and rail network.
- The arc of economic benefit from this agreement could extend to the depths of the Central Asian countries.
- When linked with the International North South Transport Corridor, it would touch South Asia at one end and Europe at another.

### Pakistan circumvented:

- The agreement on Chabahar will open a new route of commerce between India, Iran, Afghanistan and Russia, feels former Foreign Secretary.
- Soon after 1947, Pakistan became an obstacle between India and Central Asia and that is why we tried repeatedly in the past to befriend Iran and open an alternative route to Central Asia.
- But the agreement on Chabahar will finally convince Pakistan that it cannot continue to play the role of an obstacle for India's plans for Central Asia.
- The agreement is a tangible sign of India-Iran cooperation, say West Asian experts who also feel that India will have to draw benefits from the newly opened Iranian economy without getting drawn into the regional rivalries.

### Tripartite agreement:

- The signing of the trilateral agreement between India, Iran and Afghanistan has been described

as a “game changer”, improving the way India can deal with both countries in its “extended neighbourhood” without having to deal with Pakistan.

- Once the Chabahar port is developed, goods from India will not only travel up to Afghanistan, but beyond, along the yet-to-be developed International North-South Transport Corridor (INSTC) to Central Asia.
- The idea isn’t new, but it has faced many challenges, including U.S. sanctions on Iran and the war against terror in Afghanistan.
- In 2003, India signed a tripartite agreement with Iran and Afghanistan for preferential trade that would eventually ply through the Chabahar port and Special Economic Zone.
- In 2009, India also handed over a \$135-million Zaranj-Delaram highway to Afghanistan that ran to the Iran border, while Iran constructed the road connecting Chabahar to Zahedan on its side.
- In 2013, we committed \$100 million for the port’s development.

### **Afghanistan – At the centre of initiatives:**

- Afghanistan has gone from being a landlocked country with limited options to a country at the centre of many plans.
- Iran involved with India and a number of other countries to develop the INSTC, while the U.S. is supporting the ‘New Silk Road Initiative’ linking Afghanistan to Central Asia.
- Turkey is planning the ‘Modern Silk Road’ with Georgia and Azerbaijan, not to mention the ‘Silk Wind initiative’.
- There are ancillary projects like the Turkmenistan-Afghanistan-Pakistan-India gas pipeline, and the CASA-1000 electricity project, not to mention the SAARC dream of seamless connectivity to the east.

- A 2007 study by the Ministry of Commerce estimated that bringing Afghanistan into a possible South Asian Free Trade Agreement would alone yield benefits of \$2 billion, of which \$606 million would go to Afghanistan.

### **Message for India:**

- The message for India is clear – it is no longer possible to see Afghanistan in terms of a line from Delhi to Kabul, but as a centre-point of many strands of connectivity and energy, with each strand held by a different world power or regional leader.
- “New security architecture”, suggesting an important role for the Shanghai Cooperation Organisation (SCO) in Afghan stability.
- It is not only time but also necessary for India to clearly define where it stands on all of this.
- It is equally clear that India cannot be part of either arc, or, in fact, cannot play second fiddle to any other power in the region. This is an old position, often criticised as ‘fence-sitting’, but one that has borne fruit in the goodwill India enjoys in Afghanistan.
- In finding its role, India must be clear that the only other voice it needs to hear is that of the Afghans themselves.
- In the country’s surveys, India’s popularity outranks that of every other country.
- Of the projects, the three biggest — the highway to Iran, the Parliament, and there construction of the 42MW Salma irrigation and electricity project — are now complete, and the government must begin to think of next projects in Afghanistan, given their impact.
- When the Salma dam began to fill last year, hundreds of Afghans braved security threats to build a human chain that held a 100m Indian Tricolour all the way to the Indian consulate.
- This was the product of India’s efforts to stand as a friend for decades, not interfering or exploiting Afghanistan.

## Main storming - GS - II

**“LOSING THE NEIGHBOURHOOD”****Issue:**

- Recent developments in India’s neighbourhood policy.

**India-Nepal:**

- India was unhappy with the new constitution adopted by Nepal.
- India felt that the Terai people who lives in close affinity to UP and Bihar, have been denied substantial power.
- India expressed its displeasure with Nepal’s sovereign act of Constitution-drafting; and the manner in which India allegedly abetted the Madhesi blockade of essential supplies to Nepal.
- The act showed unwarranted coercion against a friendly neighbour.
- Allegedly, playing even a minor role to topple a democratically elected regime in Nepal is unmistakably reprehensible.

**India-Sri Lanka:**

- India’s alleged role on toppling the ruling government by using its Research and Analysis Wing (RAW) because of anti-Tamil record and Pro-China tilt.
- However the winning coalition announced that SriLanka is neither Pro India nor Pro China.
- China gives liberal assistance in case of economic and infrastructure matters.

**India-Maldives:**

- India was highly critical about the manner in which former Maldivian President was deposed.
- It issued statements which was felt as meddling in the domestic politics.

- Antagonized Maldives is being given economic and infra assistance by China.

**Foreign policy with small countries:**

- India’s high handedness attitude causes ripples.
- Its statements on the domestic developments in neighbouring small countries are patronising in nature.

**Way Forward:**

- Even though India’s smaller neighbours try, to play the China card, the response to that is neither arrogance nor regime change, but creative, patient diplomacy.
- It is also important to recognise that India simply does not have the material capacity to engage in a zero-sum game with China in the region.
- That realisation alone should convince us to use sophisticated forms of diplomacy along with catering to the infrastructural needs of the region in whatever way we can.
- If we are unable to maintain strategic ties with our neighbours by catering to their economic and infrastructural requirements, let’s at least not alienate them with our undiplomatic and bullying behaviour.

## Main storming - GS - II

**“INDIA, US AND AN EASTWARD TILT”****Recent Partnership:**

- Process of establishing strategic relationship.
- Joint Strategic Vision for Asia-Pacific and Indian ocean.
- MoU on Logistics support Agreement was signed to bring two militaries together where they can operate smoothly and continuously.

**USA's point:**

- A mere existence of stronger and vibrant India could serve the interest of US.
- It wants to use India as a check for rising China in the East Asia region.

**India's point:**

- US shows eagerness in India's participation in South China Sea.
- But unenthusiastic over India's participation in Afghanistan, Persian Gulf and Saudi Peninsula.
- Both from geo economic and geostrategic view, these regions are more important for India's security.
- We source 70% of oil from there and 7 million Indians stay there and send \$30 billion in remittances.

**Military cooperation:**

- Considering the instability on the western side of India, there must be lot of drills and joint exercises between India and US, which is the major power.
- But all joint operations are concentrated in the eastern side of India, which is relatively stable enough.
- In the Saudi and Arabian peninsula India was left alone by the international communities.
- But in South East Asia, India is being encouraged by the international countries to form alliances.

**India's interest in South China sea:**

- Apart from open sea lanes, India has little or no interest in facing off China in that area.

**Way ahead:**

- India needs partnerships and coalitions to maintain a secure periphery.

**Main storming - GS - II****AFRO-PHOBIA: A BLOT ON INDIAN SOCIETY****EPW****Recent attacks:**

- The recent attacks on Africans in various parts of India has caused a huge embarrassment for the Government of India.
- The killing of Congolese national Masonda Oliver in Delhi followed by assaults on other Africans in Hyderabad and again in Delhi hit the headlines in Indian and international newspapers.
- It is more than a diplomatic issue. People both in India and abroad are asking: "Is Indian society racist?"
- The timing of the events could not have been worse with the Indian Council for Cultural Relations (ICCR) planning their annual Africa Day celebrations on May 26.
- There was the fear that the African envoys would not participate. The Government of India also acted quickly by reaching out to the envoys with suitable gestures and made sure that the event was held albeit on a lower key.
- The problem is far from being resolved and there is need for sustained action. There are three main aspects to the issue: perception, mindset and deterrence.

**Perception and sensitivity:**

- A general perception exists that there is growing Afro-phobia in India. The numerous incidents over the last few years only adds to this perception.
- It is not only the reported attacks that create the perception: add to that the unreported racial insults and slights that many Africans face on a daily basis.

- Lack of sensitivity to the events makes matters worse.
- Attempts to downplay the event with comments like these are minor scuffles or such things happen all over the world aggravate the situation.
- Some have argued that such incidents will affect our trade and economic relations and chances of becoming a Permanent Member of United Nations Security Council (UNSC). This again gives the wrong message.
- What should be stressed is that, racist attitude is very wrong and totally unacceptable, irrespective of other factors.
- Publicity about the action taken has two advantages: one, it assuages the African community, and two, it sends the right message to potential attackers.
- Let us take such cases in the last two years. Can the government make public the action taken in these cases to clear the air?

### **Need for building trust:**

### **Mindset:**

- Changing the mindset is a tougher and longer term effort. It is particularly so in a society which is becoming more and more colour conscious.
- India could arguably be the only country where even men are crazy about whitening creams and celebrities endorse the products.
- The craze for white skin by the elite and the upwardly mobile middle class is driven by the booming cosmetic industry.
- The attitude is unexplainable in a country where the most popular God, Krishna, was dark. And so was the most beautiful lady in Mahabharat, Draupadi, around whom the epic revolves.
- The media has done a remarkable job in bringing the tragic events to national attention.
- Conversations with the African envoys and the community reveal that they are very appreciative of media's efforts to keep the issue in focus.
- While the media will have to expand its good work in also educating and creating awareness.
- Indian students and faculty in universities and colleges where there are significant number of Africans have to take special efforts to reach out by having joint cultural and sports activities.
- Another way to build trust is to involve peoples' representatives. The MLAs and MPs of constituencies with a large African presence could create platforms to bring them and the Indians together.
- Historian Jacques Barzun once remarked that "to see ourselves as others see us is a rare and valuable gift, without a doubt. What is rarer and far more useful is to see others as they see themselves." Can the perpetrators of such acts do this?

### **Deterrence:**

- This is the most doable and practical tool that the government has.
- But, is it being used efficiently? After every tragic incident, promises are made, a few FIRs are registered, a few arrests are made but nothing more is known.
- Speedy trial and punishment is the only way. Certainty of punishment is as important a deterrent as the quantum of punishment.
- Regarding recent Supreme court's directives to State Governments about occupational health hazards.

**Main storming - GS - II**

**"KILLING THEM SILENTLY"**

**EPW**

### **Issue:**

**Occupational health hazard:**

- Occupational illness normally develops over a period of time because of workplace conditions. Such conditions includes exposure to chemicals, dust etc.,

**Silicosis:**

- Silicosis is one such occupational health hazard. Silicosis is a lung disease caused by the inhalation of crystalline silica dust.
- Exposure to fine silica dust in mining, construction, stone crushing, gem cutting impairs lung function.
- It leads to Tuberculosis. However it is difficult to establish relationship between early onset of silicosis and death due to TB.

**Supreme court's directive:**

- The Supreme Court ordered the Gujarat and Madhya Pradesh's Governments to pay compensation to the people who are affected by Silicosis.
- Mostly the poor people unaware of the occupational health hazard becomes victims to the silent killer.

**Legal sanction:**

- Silicosis is recognised as an occupational disease in India.
- Listed as a notified disease under Mines Act,1952 and the Factories Act,1948

**National Human Rights Commission:**

- The NHRC in its report on Silicosis to Parliament has made the following recommendations.
- Mandatory half-yearly occupational health survey
- Medical examination of workers exposed to silica dust
- Implementation of dust control methods developed by National Institute of Occupational health.

- A separate silicosis board in each state.
- Silicosis control to be integrated into the National Tuberculosis Control Programme

**Government's attitude:**

- The Gujarat govt is non sympathetic towards the silicosis victims cause by arguing that as they are casual workers, they don't come under the employees state insurance act and hence compensation could not be provided.
- But Supreme Court has strictly ordered to provide proper compensation to the victims.

**Main storming - GS - II****"NUCLEAR RETALIATION  
OPTIONS"****EPW****Issue:**

- Revision of India's current nuclear doctrine adopted in 2003 by Cabinet committee on Security.

**Disagreement over two issues:**

- Whether to retain No First Use policy (NFU)?
- In case, NFU stays then what is the best retaliation option?
- National Security advisory board approved 'retaliation only' policy

So, what are the nuclear retaliation options we have?

1. Higher order retaliation.
2. Lower order retaliation.

**1. Higher order:**

- Inflicts Massive and Unacceptable damage
- Higher order nuclear doctrine emerged during the early nuclear era, when India had only few bombs and primitive delivery systems. So

India was constrained to chose “massive and unacceptable damage “ doctrine.

- Today India has moved from defensive conventional military doctrine to offensive doctrine envisaging offensive operations.
- As both India and Pakistan have second strike capability, they are at a stage of ‘Mutual Assured Destruction (MAD)’.
- The favoured option is to replace massive/ Unacceptable damage with “retaliation with sufficient nuclear weapons that inflict destruction and punishment that the aggressor will find unacceptable”

#### Reason:

- Unacceptable massive strike in a time that lesser strike is enough will cause several other problems.
- As Pak can use ‘Tactical nuclear warhead’ in its first nuclear strike, India’s massive retaliation would be disproportionate and lead to severe loss and international pressures.

#### Disadvantage:

- India’s massive strike option pressures Pakistan to strike first, intended to set back India’s retaliatory mechanism.

#### Consequences:

- Apart from considering the economic and environmental consequences there are several socio-political consequences.
- The Muslim minorities will be a scapegoat in the event of nuclear strike by Pakistan. Further it promotes right wing policy, militarisation of society, authoritarianism etc.,

## 2. Lower order retaliation:

- The most likely nuclear first use scenario is of Pakistani TNW against India’s conventional forces.

- Low order first use action can be best answered by Low order retaliation. It is escalation control friendly. Strengthen deterrence.

#### Critics:

- Will lead to potential arms race impacting the ‘minimum’ in the India’s doctrine of ‘Credible Minimum Nuclear Deterrence’.
- Escalation Control Mechanism does not work in case of India and Pak as the two not even talk to each other.

#### Proportionate retaliation:

- It deters Higher-order nuclear first use and to Lower-order first use, enables lower retaliation.
- Proportional retaliation would increase the risk of retaliation.
- In case of Pak’s nuclear first use it would be best to follow ‘nuclear non retaliation’.
- Nuclear non retaliation by India will lead to de-escalating the situation. Further India could reach the Political and Moral high ground.
- Since international pressures would be on Pakistan, India could use its conventional military advantages.
- But severe loss will be inflicted on India if Pak persist and strikes continuously while we follow Nuclear-non retaliation.

#### Conclusion:

- Lower order retaliation combined with initial nuclear non retaliation would be the best nuclear doctrine.

**Main storming - GS - II**

## A BLOW AGAINST FREE SPEECH

- To obviate the need for duels, Englishmen began to prosecute defamation as a criminal offence in the 17th century.

- In 1860 the British applied this idea in section 499 of Indian penal code.

### International trends

- In 2009, united kingdom abolished criminal defamation.
- Zimbabwe has also taken away the status of criminal offence from defamation.
- The apex courts of united states, Canada and south Africa have transformed criminal defamation by adding defences to protect the freedom of speech and expression.

### The Decision

- The 2 dangerous moves made by the court
- To elevate “reputation” to the level of a fundamental right.
- To have it prevail over free speech.
- The court held that criminal defamation law protected the feeling of fraternity or solidarity among the members of the society.
- It made no mention of the facts that section 499 does not allow for “honest mistake “as a defence.

### Conclusion

- The decision of SC has continued the long unfortunate history of ignoring public interest.

**Main storming - GS - II**

### A Capital Punishment

- The death penalty India report (DPIR) prepared by New Delhi provides compelling evidence for the abolition of capital punishment in the country.
- It also reflects the discrepancies in the judicial system which punished only the deprived class.

### The Facts

- Nearly two thirds of the person in death row belong to the backward classes religious minorities, dalits and adivasis.
- 2/3 of the convicts facing death belong to economically backward sections. Over 50% of them didn't complete schooling.
- A large majority of councils were tortured and confessed their offence in police custody.
- Less than half could understand legal proceedings.
- Nearly 70% have hardly any interaction with their lawyers when their cases are in higher courts.
- Less than 5% of the death sentences given by the courts were confirmed by the supreme courts.
- Lower judiciary is inefficient in giving death penalty in rarest of the rare cases.
- 8% of the convicts had a criminal background.

### Conclusion

- The judicial system should either abolish death penalty or refine its process .

**Main storming - GS - II**

### A DISAPPOINTING VERDICT

- The supreme courts upheld the provisions of the Indian penal code that make defamation a criminal offence.
- Many countries, including neighbouring sri lanka have decriminalised defamation should be a civil offence alone.
- The court has sought to create an artificial balance between the fundamental rights of free speech under article 19(1)(a) and the right to reputation as part of one's right to life under article 21.

### The Shortcoming

- Defamation being a restriction to free speech envisaged, in the constitution is not an enough reason to make it a criminal offence, especially when it is also a civil offence.
- It acts as a shield for public servants, political leaders, corporations and institutions against critical scrutiny and question from the media and citizens.
- The two judge bench could have referred the matter to a constitutional bench.
- The right to reputation under article 21 should not be extended to collectives such as the govt, corporation and institutions, which have the resources to set right damage to their reputations.

### Conclusions

- It is a disappointing verdict to restore the status of defamation as a criminal offence.
- It is patently unfair to allow the states to use its legal machinery to suppress criticism.

### Main storming - GS - II

## A NATIONAL COURT OF APPEAL

- Supreme Court is the apex judicial body in India.
- It is the court of final appeal for any case.

### Role of the Supreme Court

- To determine the substantial question of law relating to the constitution or otherwise of general importance.
- To solve the dispute between the states or the centre and the states.
- To solve the case which comes from the high courts and tribunals.

- To check the error in lower courts decisions

### Working of the Supreme Court

- The courts spend 3 days in final hearing of cases, a sedate process where arguments are presented at length.
- 2 other days are meant for admission of special cases called leave petitions (SLP's)
- Each bench of 2 judges has before it 60 to 70 cases.
- A substantial portion of 4 days of the country's senior most judges goes in deciding which cases should join the appeals docket of the Supreme Court which is the waste of their time, experience and wisdom.
- It restricts the quality of Supreme Court original cases decision which needs to be drafted, crafted, refined and embellished to mark the definitive and casting pronouncements of law.

### Paucity of the Constitutional Benches

- Because of the increasing number of SLP's and ordinary appeals, the number of constitutional benches of 5 or more judges has declined to be fractional percentage.
- The cases of religious freedom, right of minorities, the right of privacy, governance and validity of statutes are not getting heard.
- The cases of importance are dealt by just a couple judges because of the lack of constitutional benches.
- The court seems out of reach for those living far from Delhi.

### The Solution

- Intermediate courts of appeals should be created where senior judges can rectify the mistakes of high courts.
- They should be located at different parts of the country.

- They can be named by senior judges retiring from the high courts at 62 years.
- They will help to bring down the cases handled by the SC.

### Conclusion

- The law minister and its legal team may like to consult bar councils of all the states on this issue.
- We can thus restore the SC to what the constitution envisages, and what an apex court should be to decide weighty issues under the constitution and other laws, with appropriate judges time and opportunity to do their best in the cases which matter most to all of us.

### Main storming - GS - II

## A TALE OF TWO JUDGEMENTS

- The earlier drafted provision in the Indian constitution was “nor shall any state deprive any person of life, liberty and property without due process of law.”
- After Rau met Felix Frankfurter of the US Supreme Court, it was changed to “no person shall be deprived of his life or personal liberty except according to the procedure established by the law”.
- In the beginning of 1970’s the activist supreme court started incorporating the US constitutional doctrines of “procedural due process” and “substantive due process in India”.
- The doctrine of procedural due process mandates that this procedural law must be fair, just and reasonable.
- The doctrine of substantive due process enables the courts to question not merely procedural laws, but the substantive value choices of the legislative branch of government as well.

### Rajbala vs state of Haryana

- In this case, a two judge bench rejected the doctrine of substantive due process in India.
- The case was questioning the constitutional validity of the Haryana panchayat raj (Amendment) act, 2015.
- Under this act, five categories of people were considered ineligible to contest panchayat elections.
- It was challenged on the ground it violated article 14 of the constitution.

### Case of Beef in Maharashtra

- According to the Maharashtra animal preservation (amendments) act, 1995 which received the assent of the president of India on march 4, 2015, eating or keeping the flesh of a cow, bull or bullock is a criminal offence in Maharashtra.
- In Shaikh Zahid mukhtar V/S State of Maharashtra section 5D and 9B of beef act was challenged.
- The petitioners contended that incorporation of Section 5D infringes upon the right to life and personal liberty under Article 21 which includes right to have food of one’s own choice and section 9B imposes a negative duty upon a person who is found in possession of the meat.
- Govt’s View: to choose food cannot be expanded to include a particular kind of food. It was further submitted that the amendment was in consonance with Article 47, 48, 48A and 51A of Directive Principles of State Policy.
- Section 5D and 9B was struck down by the courts.
- The Court adopted the principle of ‘conscious possession’ which states that ‘possession with the knowledge that the flesh is of cow, bull or bullock which is slaughtered in contravention of Section 5 of Animal Preservation Act’ and

upheld the validity of Section 5C. The Court declared Section 5D and 9B unconstitutional and not fair, just and reasonable. The Court was of the view that prohibition of possession of flesh of cow, bull or bullock which is slaughtered outside the State is an infringement of right to privacy which is embodied in Article 21 which is an integral part of personal liberty.

- The courts followed the substantive due process.

### Conclusion

- While the SC has strongly rejected the doctrine of substantive due process in Rajbala case.

#### Main storming - GS - II

### "DAYS AND NIGHTS IN KATHMANDU"

- The Supreme Court has maintained the constitutional validity of sections 499 and 500, reading the right to reputation as a right under right to life or article 21.
- It allows defamation to be a criminal offence (it is a civil offence also)

### The Concerns

- The crime of defamation is broadly defined.
- It is applied to both visible and audible communication.
- There are numerous cases of defamation in different courts of the country.
- It can be used to curb the freedom of media as it can be applied to articles, newspapers and cartoons.
- It violates the right to freedom of speech and expression.
- It is used widely by the politicians to escape the question of people.

### Conclusion

- It is indeed a disappointing verdict (from media's perspective/free speech) as defamation should be restricted to a civil offence.
- It is clear that the right to reputation is more misused than being used.

#### Main storming - GS - II

### ALL THAT'S FIT TO BE SCREENED

- A report has been submitted by the shyam benegal committee to revamp the central board of film certificate (CBFC).
- It emphasises on the fact that CBFC has a work of certifying the films rather than indiscriminately censoring them.

### The Suggestions of the Report

- CBFC's scope should be restricted to categorising the suitability of the film to audience groups on the basis of age and maturity.
- Artistic expression and creative freedom should not be curbed.
- The certification process should be responsive to rapid social change.
- Audiences should feel empowered to make informed viewing choices.
- There should be an increase in the number of film certification categories to U, UA, UA15, A and AC (adult with caution).
- The censor board including the chairperson, should only play the role of a guiding body and not to be involved in the day to day affairs of certification of films.
- There should be recertification of films for television.

- Only the original director's cut version of films should be submitted to the national film archives of India in pune.

### The Mudgal committee

- The Mudgal committee headed by mukul mudgal under the UPA regime gave a report on the same issue.
- It recommended to modify the section 5A, 5B, 6A and 6B of the cinematograph act.
- The process of selection of board members, jurisdiction of the appellate tribunal and administrative set up should be modified.
- it also gave the recommendation of increasing and diversify the categories of certification.
- It also represented a model bill to bring consistency in state and centre censorship.

### Conclusion

- The present recommendations allow the board to censor the films which contravene the provisions of section 5B(1) of cinematography act, 1952 which includes the words "integrity" "decency" and "morality" which can be misused.
- There should be a larger institutional revamp and systematic alteration.

### Main storming - GS - II

## EDUCATIONAL QUALIFICATIONS OF POLITICIANS

- The educational qualifications of ministers have become a matter of concern.
- The recent examples are the demand of degree of PM Modi by Kejriwal and scrutiny of degree of former HRD minister, Smriti Irani.
- The Examples of Haryana and Rajasthan
- Those contesting elections for Zila Parishad and Panchayat Samiti's in Rajasthan should be X pass.

- For sarpanch election a person should have passed class viii and in scheduled areas class V.
- In Haryana, a general male candidates should be X pass.
- A general women candidate should have passed class viii.
- For dalits men, the minimum educational qualification is viii pass and for dalit women is V pass.
- Those who fail to pay arrears to any primary agricultural co-operative bank and electricity bill arrears cannot contest elections in Haryana.
- In both the states, only those candidates can contest elections who have functional toilets at their home.

### Current and past situations

- While framing constitution, Dr B.R Ambedkar did not take education as a take pre-requisite for contesting election because at that time, only were off and powerful were educated who would obviously not work for the interest of the poor and suppressed.
- Parvez musharraf, made it compulsory for the candidates contesting parliament elections to be university graduates in Pakistan in 2002.
- The supreme court has systematically upheld the laws under review on 2 grounds:-
- Education has been seen by the judges as a precondition for efficiency.
- The some judges applied a moral view point to which "it is only education which gives a human being the power to discriminate between right and wrong, good and bad.

### Conclusion

- It is the need of time to have more states like Haryana and Rajasthan who set a minimum educational qualification for contesting elections.

- Whatever may be the past, the bright future lies in making education a pre-requisite for holding the post of responsibility.

### Main storming - GS - II

## THE RIGHT AND THE ISSUE

- The Supreme Court kept intact the sections 499 and 500 of Indian penal code which makes defamation a criminal offence.
- While it is facing criticism from many sections of the society, it is in itself a proof that the freedom of speech is not in danger.

### The Act and the Conflict

- The conflicts arises by the clashing of free speech, a fundamental right under 19(1)(a) and the right to reputation, a facet of the right to life and liberty under article 21.
- Defamation law protects the reputation which is the persons "estimation in the eyes of general public". It is quite necessary for maintaining social stability.
- "Reputation of one cannot be allowed to be crucified at altar of the others right of free speech" is emphasised by the court.
- Sections 499 and 500 have 4 explanations and 10 exceptions which add content and context to the offence and also chisel away at it substantially.
- The exception which requires proof of "public good" says that cannot be harmless as it can be misused to mar one's reputation.
- Protection for "legitimate criticism" or "fair comment" is available in civil law defamation and exceptions 2,3,5,6 and 9 of section 499 IPC.
- Section 199(1) safeguards the freedom of speech by placing burden on the complainant to pursue criminal complaint without involving state machinery.

### Conclusion

- No section of law can be termed as unconstitutional only on the grounds of political misuse.
- Defamation is both a civil and criminal offence as it can shatter the life of an individual.

### Main storming - GS - II

## IMPOSING ON INEQUALITY

- The Supreme Court directed parties to an ongoing civil litigation to each pay a fixed sum of money to enable them to have their cases heard and potentially disposed of at an early date.
- It is completely unfair to seek pre deposits to give priority to some cases over another.

### A Capitalistic Approach

- The imposition of a pre-deposit as a requisite fast tracked justice is aimed at thwarting corporate from approaching the courts for the settlement of mundane issues of the public consequences.
- It is a burden for those common litigants who cannot pay for an early hearing.
- It will lead to a situation where only financially sound parties can get their cases solved on priority.
- In the current case, star India and the BCCI have to Pay 50 lakh each to the court. The idea cellular, Akuate internet and on mobile global have to collectively pay 50 lakh whether they have interest in early hearing or not.

### The Violations

- This decision of the Supreme Court violates the article 14 of the constitution which provides all person a right to equal protection of the laws.

- It is the morally unfair to deny or delay justice to the poor because of the greater number of pending cases of the rich.

### Conclusion

- In a country like India, where there is only a handful of rich, this kind of decisions denies justice to a large section of society.
- It needs to be modified to provide equal access to justice to all.

### Main storming - GS - II

## MIND THE LIBERAL GAPS

- Contemporary democratic theory urges that democracies can be established at low level of income, but they survive mostly at the high level of income.
- India is the largest surviving low income universe franchise democracy in history.

### The Electoral Performance

- Election finance is extremely murky and much of it is illegal, hence weakening the pole process.
- Quite often, poorer parties win election defeating business financial parties.

### The Non-Electoral Performance

- The government often places restrictions on intellectuals, writers, artists, students, and NGO's on the grounds of hurting the sentiments of certain. Groups or undermining the national interest.
- When the Hindu nationalists level to power , they add 2 weakness to Indian liberal structure.
  - ✓ A Hindu centric view of the nation.
  - ✓ A narrow & muscular nationalism.
- It leads to the things like ghar wapsi campaign, disputes on eating beef and the issue of bharat mata.

### Conclusion

- India is the biggest democracy in the world but it is struggling with the non-electoral aspect of democracy.
- It is necessary that we find a way to resolve issues in our country and its system.

### Main storming - GS - II

## NATIONAL JUDICIAL APPOINTMENTS COMMISSION

- The national judicial appointment act and the 99th constitutional amendment would give politicians a final say in the appointment of judges.
- The supreme court rejected both of them and the actual power of appointment of judges still remains with the executive. Doctrine of judicial supremacy in judicial appointments was put forward.

### The Pity

- The 3 pillars of constitution are executive, legislature and judiciary.
- Executive and legislature can never be separated and judiciary seems to be dependent on them.
- There are very less number of judges compared to the pending cases.
- The police do not arrest rich and powerful people.
- Most of the arrested people belong to the economically and social backward families and released after a year of trial due to lack of evidence.

### Conclusion

- The judiciary should be given necessary freedom to increase its workforce.
- Moreover, both the executive and legislative should play their role efficiently.

## Main storming - GS - II

**POVERTY AND DEATH ROW**

- Opposition to the death penalty is often rooted in arguments about its irreversibility, its essential cruelty, the possibility of error and the false sense of justice in doing unto convicted murderers what they had done to their victims.
- In the Indian context the possibility of an offender's economic background, educational level, social status or religious identity working against his interest is ignored in the legal proceedings.

**The Facts**

- Most of those sentenced to death penalty in the country are poor and uneducated and many belong to religious minorities.
- Some may have been juveniles when they committed capital offences but lacked the documentation to prove their age.
- 54 death convicts were between 18 and 21 years of age at the time of offence.
- 7 death convicts had crossed 60 years of age.
- An average prisoner awaiting execution is likely to be from a religious minority, a dalit case, a backward class, or from an economically vulnerable family and is unlikely to have finished secondary schooling.

**Conclusion**

- A relief from death penalty often comes at a very late stage and only to those with the means to pursue legal remedies till the very end.
- The rich often escape the death penalty and the poor and unprivileged are sentenced to death.
- Law and society will be better served if the death penalty itself is abolished.

## Main storming - GS - II

**THE AMU QUESTION**

- The question of a university being a minority institution has been raised by the chief justice of India.
- NDA government has also triggered a controversy by questioning the minority status of AMU and Jamia Millia.
- According to the government, a university cannot be both, i.e., a central university and the minority institution.

**The Conflict**

- Article 30(1) of the constitution confers on religious and linguistic minorities the right to establish and administer educational institutions of their choice.
- These are no limitations on the types and nature of educational institutions they can establish.
- The earlier act says that a minority institution must be other than a university.
- The national commission for minority educational institutions act 2004 was amended in 2010 to clarify that minority educational institution means a college or an educational institution established and administered by the minority or minorities.
- Also the term minority in these institutions are not uniform.

**Conclusion**

- This conflict puts a question mark on the actual status of the universities like Integral University, Jamia Hamdard, Aliah University, Tirthankar Mahaveer University etc.
- It is really a peculiar question whether these should be included in minority institutions or not.

## Main storming - GS - II

**TURNING TO THE CORNER**

- CBI is the default agency for investigating the most complex issues of wrong doing.
- It is however notable that it can't work properly without the green signal by the government.

**The Problems**

- It has a legitimacy problem which is hindering the premier agency.
- It works under political pressure.
- Corruption makes the cases change their direction abruptly.
- The investigators are menaced with the threat of disciplinary proceedings and encouraged to commit perjury.

**Conclusion**

- Director anil sinha has taken cognisance of the matter since 2 dozen cases of wrongful process are listed.
- The CBI should re-establish its legitimacy so that it can be viewed as an unbiased and incorruptible agency.
- Bringing the CBI out of the government's ambit might be a solution.

## Main storming - GS - II

**WHERE THE ARTIST'S MIND IS WITHOUT FEAR**

- A great chaos took place between the government and the writers, artist and filmmakers.
- The government felt that the writer and filmmakers are defaming and criticizing the government and the nation.

- On the other hand, the writers and filmmakers felt that their creativity is being suppressed and curbed.

**The Issues**

- Many authors, writers and artists returned their national honours on the pretext of rising intolerance in country.
- The government was unable to engage them in a dialogue.
- Protests were answered by the protests of the political leaders.
- A film was banned just because it showed the PM in a bad light.
- Films were chopped, books were banned, and cinemas were attacked.

**Conclusion**

- India is a free country where everyone has freedom of speech and expression, which the government should understand.
- The artists should also pay respect to the honours as well as the nation.
- Safety issues of artists must be taken care of, as they are harbingers of new ideas. Killings of MM Kalburgi, Narendra Dabholkar created tension in society, government must take care that the aura of hate does not get much air.

## Main storming - GS - II

**WHY INDIAN LOVE TO VOTE**

- Increasing statistics of voter's attendance (~80%, in some recent state elections) show that Indian love to vote.
- They vote to support a particular candidate or party, not for freebies or because of intimidation.

**Reasons Of Increasing Votes**

- Cleaning up of the electoral rolls and the voter enrolment.
- Awareness drives undertaken by the election commission.
- First time voters are particularly targeted and deceased are removed from the lists.
- The recently introduced NOTA (none of the above) button.
- The secret ballot system.
- Equality at the polling booths.

**Conclusion**

- In India, voting is a process full of enthusiasm which can turn the world upside down.
- It is the only place which practices equality for all in true sense.
- Increased voting shows us the way to a new prosperous and vibrant India.

**Main storming - GS - II****“BLOCK, STOCK AND BARREL”****Issue:**

- Recently India-EU summit held at Brussels, Belgium. No significant improvement took place in the India-EU relationship.

**Background:**

- India and the European Commission (with a negotiating mandate from the European Council) initiated negotiations on a Free Trade Agreement (FTA) called the Broad-based Trade and Investment Agreement (BTIA) in 2007.
- Still now FTA has not been achieved.

**Differences in relationship:**

- ✓ Intellectual property rights (IPR)
- ✓ the levels of permissible FDI,
- ✓ market access,
- ✓ Italian Marines case,
- ✓ manufacture of generic medicines,
- ✓ anti-dumping safeguards etc.,

**Understanding EU:**

- A supranational association of countries, which has jurisdiction and decision-making power over its member states in some areas (commercial and competition policy, for instance), joint jurisdiction with members in others (for example, foreign and security policy is coordinated by the EU but the actual framing and execution is left to its members) and no jurisdiction whatsoever in others, is confusing to its external partners.
- Organisationally confusing and lacking in cohesion
- The Eurozone crisis and more recently, the migrant crisis, have strained intra-union relationships.
  - ✓ Problems in EU:
  - ✓ Migrants taking jobs,
  - ✓ a loss of sovereignty,
  - ✓ scope creep in Brussels’s jurisdiction,
  - ✓ the economy taking a beating,
  - ✓ cultural subservience etc.,

**EU’s roadmap:**

- The EU is currently engaged in doing business directly with state Governments.
- “The Agenda for Action-2020”, which emerged from the recent talks in Brussels and sets the strategic agenda between India and EU for the next five years, emphasises sub-national and business-to-business linkages.

**India's roadmap:**

- India's strong bilateral relationship with members like Britain, France and Germany clouds the relationship with the whole EU.

**Way ahead:**

- India should rethink its strategies and evaluate the India-EU relationship in a pragmatic way.
- At a time when India is balancing its relationships with the United States, Russia and China, an India-EU dynamic could be an important element in the country's multilateral approach to the world.

**Main storming - GS - II**

**TAKING STOCK, TWO YEARS ON**

**Modi government's social sector strategy:**

Two features distinguish social sector strategy of Prime Minister Narendra Modi. First, it endeavours to make the existing programs more efficient by cutting leakages. And second, it gives priority to empowerment over entitlement. Early in its tenure, the government achieved a major success in financial inclusion with empowerment through PM Jana Dhana Yojana.

**Aadhar & Direct benefit transfer:**

The PM not only took the pragmatic decision of retaining and rapidly expanding the Aadhaar biometric identification program but also accelerated its deployment for cutting wasteful expenditure in the delivery of social programs. Recently, legislation has been passed that empowers the government to require the beneficiary of services financed from the Consolidated Fund of India to provide her Aadhaar identity number. In turn, the government can link the beneficiary's Aadhaar number and bank account to which benefits are transferred. This eliminates the possibility of benefits accruing to multiple accounts of the same beneficiary or to ghost accounts.

Large social programs such as the PDS, MGNREGAS and subsidized sales of fertilizer and LPG cylinders have been subject to massive leakages. These leakages can now be plugged via DBT cum Aadhaar instrumentality. Though the coverage remains far from complete.

To-date, an estimated 3.5 crore multiple or ghost beneficiaries have been eliminated from the LPG rolls. During 2014-15 alone, this resulted in savings of Rs. 14,672 crore. In PDS, an estimated Rs. 10,000 crore has been saved by elimination of 1.6 crore fake ration cards using the Aadhaar instrumentality.

Rural electrification and Road construction: The government has brought electricity to 7,654 villages in the first two years in office. Likewise, total rural road length constructed has been 36,340 and 36,450 kilometres during 2014-15 and 2015-16, respectively.

**LPG cylinders to BPL households:** The government has launched Pradhan Mantri Ujjawal Yojana under which 5 crore below poverty line households will be provided subsidized LPG cylinders over the next three years. The target for the current fiscal year is 1.5 crore households. The scheme is being financed in part from the savings generated through voluntary surrender of LPG subsidy by existing richer households.

**Pension and Insurance:**

The government launched Atal Pension Scheme to provide a minimal insurance cover to workers in unorganized sector. Under the scheme, the central government co-contributes the lower of 50% of the total contribution and Rs. 1,000 per annum to each subscriber account for a period of 5 years.

In parallel, it has introduced Pradhan Mantri Suraksha Bima Yojana (insurance against accidental death) and Jeevan Jyoti Bima Yojana (insurance against death). The former provides cover for Rs. 2 lakh in case of death and Rs. 1 lakh in case of partial disability to individuals 18 to 70 years of age for a

premium of Rs. 12 per annum. The latter covers individuals between 18 and 50 years for Rs. 2 lakh at a premium of Rs. 330 per year.

### Health-related:

This budget has announced 3 major initiatives related to health – Insurance, Jan Aushadhi scheme and dialysis programme.

Under the health insurance scheme, coverage for Rs. 1 lakh is provided against hospitalization expenditure. For senior citizens, there is additional coverage of Rs. 30,000. Under Jan Aushadhi programme, the government will open 3,000 stores nationwide to provide low-cost generic drugs. With 2.2 lakh end stage renal disease patients added each year, the government has also announced a programme to provide dialysis services in all district hospitals.

### Improvement of MGNREGA:

It has given priority to water ponds and desilting of water ponds in asset creation. It has also taken a more liberal approach towards building of private assets such as houses, wells and toilets for the poor. This created ownership of assets by respective beneficiaries and led to better supervision.

Finally, the government has improved the convergence between MGNREGA works and schemes such as skill development, Krishi Sinchai Yojana, Housing for All and Swachh Bharat Mission.

**Higher Education:** Regulations have been liberalized to give greater flexibility to women to complete their M. Phil and Ph.D. degrees. Upon fulfilling certain conditions, women Ph.D. scholars relocating to other towns can now transfer to a university in the destination town rather than having to begin afresh. Rules have also been liberalized to give autonomy to colleges that receive the highest accreditation grade for three consecutive cycles from the National Assessment and Accreditation Council.

Furthermore, the government has committed to turning 10 private and 10 public institutions into world-class teaching and research institutions. Separately, the government has made the reform of medical education in India a higher priority, assigning the task to a high-level committee.

**Swachh Bharat Mission:** The mission is not only critical for a healthy India but is also essential to creating a modern India. Among other things, it proposes to make India open defecation free by 2 October 2019, the 150th birth anniversary of Mahatma Gandhi.

### Way Forward:

This documentation is by no means complete. There is much else being done via housing for all, Prime Minister's Krishi Sinchai Yojana, livelihood mission etc., The distinguishing feature of the policies under the present government is that they promise to sustain high growth in the GDP, revenues and social spending and deliver social services more efficiently and effectively.

### Main storming - GS - II

## A HOLISTIC PRESCRIPTION

EPW

- Even after much efforts by different governments, the condition of health services in rural areas is worse
- Medical professionals are reluctant to have a posting to rural areas
- There is an acute shortage of medical professionals in the rural areas

### THE REASONS

- Poor living and working conditions
- Insecure environment for female doctors and nurses
- Poorly equipped centers

- Lack of opportunities to interact with senior professionals
- Salaries paid in rural areas are not enough to cover the expenditure made on their studies
- Inadequate faculty in medical colleges
- The doctor-patient ratio is 1:1700 which is higher than fixed by the WHO (1:1100)
- Another thing to be understood is the pressure on students to acquire specialization (also specialization is skewed)

### THE FAILED ATTEMPTS

- UPA Government made a year's rural stint compulsory for medical students seeking admission in postgraduate courses, which faced a huge protest by the students and thus could not come into effect
- In Odisha, where doing work in rural areas is compulsory for medical students, students choose to pay fine in lakhs rather than going for a rural posting
- In 2003, the then government started a bachelor's degree in medicine and surgery for three and a half years for the students willing to work in rural areas but it failed
- Another unsuccessful proposal was to increase the duration of MBBS to six and a half years to accommodate rural posting

### THE SOLUTIONS

- Provide higher salaries
- Provide better living and working conditions
- Provide better equipment and facilities
- Provide an advantage in terms of postgraduate admissions

### CONCLUSION

- The NDA government is thinking of giving a better pay and an advantage in postgraduate admissions to students working in rural areas to improve the situation
- The irony is even the students from rural background are not willing to serve in rural areas

It is high time that we improve the situation or the gap between the urban and rural India will be increased a lot more than expected. With this in mind on ongoing health Geo-mapping project is a good initiative. This would include mapping of government and private health facilities as well as availability and distribution of chemists.

#### Main storming - GS - III

### "TRADE LIBERALISATION AND INCOME CONVERGENCE"

EPW

#### Issue:

- The article analyses the effect of liberalization on per capita income convergence between countries.

#### Income Convergence:

- The idea of convergence in economics (also sometimes known as the catch-up effect) is the hypothesis that poorer economies' per capita incomes will tend to grow at faster rates than richer economies. As a result, all economies should eventually converge in terms of per capita income.

#### Per Capita Income:

- Per capita income or average income measures the average income earned per person in a given area (city, region, country, etc.) in a specified year. It is calculated by dividing the area's total income by its total population.

#### Convergence theory and trade:

##### 1. Neoclassical growth model/ Solow's theory:

- The theory states that when a country starts out with lower levels of initial capital, it is easier

for that country to grow faster, accruing to diminishing returns to capital.

- Since returns to investment are high, coming from high marginal productivity of the worker, richer countries will invest in poorer countries, thus leading to an increase in capital generation.
- In this sense, the poor countries “catch-up” on growth with the rich countries. With free trade, Solow’s theory should gain a strong support, because lower barriers to trade encourage flow of investment.

## 2. Romer’s model:

- Rich countries may always grow faster than poor countries because of factors that are endogenous to the country like economic policy measures and investment in human capital.

## 3. Factor Price Equalisation theory:

- The factor price equalisation (FPE) theory states that given certain assumptions, free trade equalises factor prices between trading countries.

## Results based on empirical analysis:

- Study is based on import and export group countries.
- Impact on import groups:
- Except India and Guyana, per capita income was converging before trade liberalisation.
- In case of India, rate of divergence increased after trade liberalisation.
- Out of 19 countries, the import groups study suggests that only for one country, the convergence rate was significantly higher post-liberalisation. For some countries, divergence in per capita incomes is noted post-liberalisation.

## Impact on export groups:

- It can be said that for only two (India and Uganda) out of 19 countries, convergence was significantly higher after trade liberalisation.

- Both imports and exports groups indicate that trade liberalisation did not foster per capita income convergence for the developing countries between the 1970s and 2000s.

## Ben-David’s study:

- It suggested that the rate of convergence is significantly higher over time with major trading partners.

## Slaughter’s study:

- It showed that while convergence seems to exist, trade liberalisation policies, through the formation of Free Trade Agreements, do not play a significant role.

## Conclusion:

- We see that for most countries, convergence holds with their trading partners, which implies that the per capita income gaps are falling. But there is no significant change in convergence that can be attributed to trade liberalisation.
- Through a first difference analysis that estimates convergence rates between trade groups before and after liberalisation, we find no significant change in convergence for developing countries towards their major partners of trade.
- Liberalisation fosters per capita income convergence in those countries that started out with higher levels of literacy, hence justifying the need to factor human capital.

## Main storming - GS - III

**WHY NEW IPR POLICY IS  
INADEQUATE**

**EPW**

## GS3 - Issues relating to intellectual property rights.

- The National Intellectual Property Rights (IPR) Policy, announced by Department of Industrial Policy and Promotion (DIPP) on 13 May, 2016.

has been formulated at a time when India has been facing political pressure from the United States to change its IP regime primarily to serve the interests of pharmaceutical transnational corporations (TNCs). Thus it has attracted the attention of both the IP “maximalist” as well as the IP “sceptic”. The main concern that had been expressed during the policy formation was that the policy might tilt the country’s approach to IP towards a maximalist position, undermining its social and economic development needs, notably the goal of providing access to affordable medicines.

### Context of the New IPR Policy:

- While India failed to resist the inclusion of IP rights as part of the Uruguay Round of international trade negotiations (1986–94), which resulted in the conclusion of the TRIPS (or the Agreement on Trade-Related Aspects of Intellectual Property Rights), the government followed a very cautious approach towards patenting of pharmaceuticals. It incorporated and used the public interest safeguards in the Patents Act using flexibilities within the TRIPS Agreement. Pharmaceutical TNCs chose not to recognise these flexibilities and also deployed various methods to curb their use.
- These groups intensified their lobbying with the US Trade Representative (USTR) to categorise India as a “preferred” foreign country in the Special 301 Report, which carries with it the threat of trade sanctions.
- Special 301 Report: The report identifies countries that do not provide “adequate and effective” protection of IPR that is benchmarked on US industry interest.
- These pressures resulted in the creation of a high-level working group to discuss IP issues. Thus, for the first time, India agreed to formally engage with the US bilaterally on IP issues. Meanwhile, certain actions of the DIPP and the Indian Patents Office led to speculation about

the extent of US influence in shaping India’s new IP regime including the action of patent office to amend the rules to introduce fast-track patent examination for foreign applications.

- Further, the US India Business Council (USIBC) submission to USTR revealed that the government gave an oral assurance against the issuance of compulsory licences.
- **Compulsory licences:** A compulsory licence is an authorisation granted by a government without the permission of the patent holder following failure of the patent holder to agree to a voluntary licence on reasonable terms.
- The IP policy contains a vision statement, a mission statement and seven objectives. The policy, in many places, stresses the need for a “balanced approach” towards IP as well as the need to protect public interest. However, the main thrust of the policy is its unquestioning faith in the potential of IP as a development tool. The policy does not, however, provide an analysis of the role of IP in addressing the development needs of India.
- The mission statement of the policy states that it is necessary to stimulate a dynamic, vibrant and balanced IPR system in India to focus on enhancing access to healthcare, food security and environmental protection. The statement, however, fails to mention the country’s track record in achieving self-sufficiency in food production and manufacture of pharmaceuticals without patent protection. At present, a large number of patents are owned by foreigners and, therefore, any easing of rules for patent protection would benefit them much more than domestic applicants.

### Erroneous Understanding of IP:

- IP essentially operates as a monopoly and provides leverage to the IP owner to charge high prices for IP protected goods and services, while preventing competition from other manufacturers. IP protection acts as a tool to

manage competition rather than incentivise research and development. In 2014, the Max Planck Institute for Innovation and Competition in Munich, Germany came out with a declaration signed by more than 40 globally renowned experts on IP.

- **It observes:** "...the overall social benefits of innovation are reduced while an imbalance emerges between those able to cope, and those who cannot. And patents are increasingly used as strategic assets to influence the conditions of competition."
- Our IPR policy is based on an outdated notion of IP that "knowledge owned is transformed into knowledge shared."The policy also conflates the concept of innovation with invention. Patents protect inventions and not innovation and, therefore, play a very small role in innovation.
- This faulty understanding of IP directs the vision statement and its seven objectives.
- Objective 1 proposes massive campaigns on the benefit of IP, including patents, without mentioning the adverse impact of IP on accessing IP protected materials such as educational goods and services.
- Objective 2 aim at increasing the quantity of IP generation rather than improving the quality of IP. It completely ignores the lessons learned over the last two decades including those under the Council of Scientific and Industrial Research (CSIR).
- The policy thus pays mere lip service towards a balanced approach.

### **Lack of Development Orientation:**

- A quarter century after the policies of economic liberalisation were initiated, India's manufacturing sector has failed to make its presence felt in areas where high technology is

involved. According to the Economic Survey of 2012–13, the total manufacturing value added (MVA) is only about 1.8% of total value addition.

- **It stated:** "The reason is India's competitive disadvantage owing to low-level technology, higher input costs and poor quality infrastructure."
- A technology-dependent country like India cannot afford an IP regime, especially which emphasises protection of IP rights, without focusing on technology transfer and its dissemination. India needs a patents regime which will facilitate technology catch-up. This can be done only through a patent law and policy which limits the scope of patent protection and facilitates the process of technology catching up.
- The importance of a development-oriented approach to IP is very clear from India's statement at the 2015 general assembly of the World Intellectual Property Organization: "A robust Intellectual Property regime provides the bedrock for innovation. At the same time, we need to be conscious of our role as welfare States in safeguarding and providing for the needs of not only our own citizens, but also of the entire world community..."
- The new policy ostensibly makes an attempt to address some of these issues, albeit in a limited way.

### **Use of Flexibilities:**

- The new policy states: "India will continue to utilise the legislative space and flexibilities available in international treaties and the TRIPS Agreement..."It, however, completely ignores the policy measures that are required to stimulate the use of flexibilities.
- For instance, Objective 4 proposes to modernise and strengthen service-oriented IP administration. Such an orientation would compromise the role of IP offices as gatekeepers to ensure quality in IP protection. A service

orientation of IP offices would make these offices treat applicants as clients, which can lead to private interests of the clients prevailing over public interest considerations.

- Although the policy mentions the promotion of open source software and open drug discovery programmes as well as achieving self-sufficiency in the production of active pharmaceutical ingredients, these measures are contradicted by other objectives of the policy such as the generation and securitisation of IP.
- Orientation of Public-funded R&D: The policy also makes an attempt to introduce norms modelled on the US Bayh-Dole Act to facilitate the commercialisation of patents from publicly-funded R&D through various policy measures.
- **Legal Changes:** The policy recommends a review of existing laws with the purpose of updating and improving these or to remove anomalies and inconsistencies. This would expose India to the pressure to undertake “TRIPS-plus” obligations and limits public interest safeguards during free trade agreement negotiations. The new policy also recommends further studies and research on the interplay between IP laws and other laws to remove ambiguities and inconsistencies. However, the policy does not make it clear in case of inconsistency between IP law and other law, which law is going to prevail.

### Conclusion:

- Irrespective of the assurances provided on the need for a balanced approach and for upholding public interest, the new IPR policy in effect follows a maximalist agenda without recognising the limitations of IP. Even though the policy contains certain measures to protect public interest, these measures can get undermined during implementation of the policy due to the overall thrust on IP generation and commercialisation without adequately recognising India’s socio-economic imperatives.

### Main storming - GS - III

## WHAT CAUSES AGGLOMERATION — POLICY OR INFRASTRUCTURE?

EPW

### What is Agglomeration?

- Agglomeration is an economic term used to refer to the phenomenon of firms being located close to one another. At its core, agglomeration’s underlying theory is that businesses and resources can take advantage of a number of efficiencies by being located close to one another. As more firms in related fields of business cluster together, their costs of production may decline significantly. Even when competing firms in the same sector cluster, there may be advantages because the cluster attracts more suppliers and customers than a single firm could achieve alone.

### Introduction:

- The localisation economies (arise from many firms in the same industry located close to each other) are a matter of concern to policy makers all over the world. This is because the regions that fail to attract dynamic industries are not only characterised by low productivity, but also by lower relative incomes and standards of living. That is why efforts have been made in both developed and developing countries to devise policies to influence firms’ location decisions. The justification for these incentives is that these regions have fundamental disadvantages in terms of resource and skill availability and market conditions etc., The incentives tend to compensate for the lack of economic fundamentals so as to increase their competitive capabilities.
- In India, units locating in these backward areas were given multiple incentives like tax rebate, excise duty rebate, cheap credit, etc., Incidentally, these efforts have not resulted in growth of underdeveloped or backward areas.

**Results of Previously done Researches:**

- Given the positive effect of agglomeration on productivity, if the determinants of agglomeration are known, enabling policies can be formulated to steer the productivity growth accordingly. A few studies that exist have looked into the causes of agglomeration in developing and developed countries. Findings of few studies in developing countries are;
- In Brazil, a study finds that the good infrastructure has positive effects, while government incentives are insignificant in influencing location decision.
- In Vietnam, a study finds that factors relating to government policy such as government institutional infrastructure, customs procedure, and intellectual property rights protection have facilitated agglomeration.
- In the Indian context, the only study that exists is by Lall and Chakravorty (2005). The analysis yields that the private industry seeks locations having good infrastructure, high labour productivity, whereas the state investment is significantly less oriented towards such locations.
- As can be seen from these studies, the role of incentive policy as a determinant of agglomeration is still inconclusive. Thus, the present study had looked into the role of industrial dispersal policy in affecting firms' locational choice for 66 manufacturing industries at the 21 Indian states.
- (Methodology, Index, Formulae and other core aspects of this research paper – Not relevant to UPSC Exam.)

**Factors Influencing Agglomeration:****Control for Natural Advantage and Transportation:**

- Industries agglomerate because of their inclination to be close to the sources of their

energy, water and natural resources. Among the earlier known factors influencing location decisions is transportation cost. Industries that produce highly perishable products face high product transportation costs per unit distance, and will hence seek to locate close to their markets.

**Control for Agglomerative Externalities:**

- Two variables are used for agglomerative externalities resulting from input sharing and labour market pooling. The gains from sharing inputs, however, are more if industries produce more manufactured inputs. A more skilled labour force in an industry engenders large spillovers.

**Control for Governance and Industrial Environment:**

- A high crime rate reflects poor governance in the agglomerated areas. This would have a dampening effect on the locational decision of the firm. Also, production activities are much higher in states which have policies to discourage unionism.

**Control for Infrastructure and Enabling Environment:**

- The availability of infrastructure, and other facilitating environment, say lower electricity tariff, induces firms to agglomerate. The presence of a large number of Industrial Training Institutes (ITIs) that are a ready source of semi-skilled and skilled workforce to Indian industry may also motivate industries to locate in a particular region. If a state has already a large number of factories per unit area, it may attract more due to spillovers and greater division of labour. However, a large agglomeration may increase costs for firms, including labour mobility and hence may deter further agglomeration.

**Agglomeration in Indian Industry:**

- The most localised four-digit industry is the services activities related to printing. This is

followed by the extractive industries where location decisions are based on the availability of the raw materials. The industries having high spill overs potential, like the pharmaceutical industries also fall in the category. This general trend of most agglomerated industries in Indian context is somewhat similar to the trends of the US.

- The least localised industries are those producing perishable products, mainly food products like fruits and vegetables, bakery products, grain mill products, soft drinks, etc. Other industries falling in this category are cutlery, ceramics, etc, for which transportation costs for a given volume are high. This too follows the pattern found in the US and the French manufacturing industries.

### **Pattern of 20 Most-agglomerated Industries:**

- The location pattern of each industry show two distinct features.
- First, the extractive or natural resource based industries like iron and steel, cement, and lime and plaster, are found in those states where the raw material is in abundance.
- Second, the localisation pattern of some traditional industries like leather, footwear, wearing apparel and carpentry, are more or less determined by the historical reasons.
- For example, the leather and footwear industry in and around Chennai (TN), Kanpur (UP) and Agra (UP) attributes its origin mainly to the preindependence era when the units were set up to supply leather goods to the British Army. The four states which house most of these industries are Maharashtra, Gujarat, TN and AP.

### **Analysis of this Study:**

- The analysis of this study indicates that the industrial dispersal policy has no impact on the location decision of firms. Other factors seem to guide the locational choice. For industries which are more agglomerated, it is the infrastructure

index, labour market pooling, and proximity to coastline that have dictated agglomeration, whereas for dispersed industries, it is the nature of the product, high electricity tariff and per capita energy gap that have induced them to disperse.

- Presence of ITIs by providing skilled and semi-skilled labour, and surfaced roads, by reducing per unit transport cost facilitates agglomeration for these industries. There are both random and non-random factors that explain location choice. The non-random local factors include local or state-level industry-specific policy initiatives to attract certain industries (tax initiatives, subsidies, reduced sales tax, etc) and some intangibles like culture, entrepreneurship and initiatives.

### **Conclusion:**

- This study attempted to see the role of industrial dispersal policy in influencing the locational choice of manufacturing firms in the Indian context. In order to do so, the study computes the degree of agglomeration for 66 organised sector manufacturing industries in 21 major states of India.
- Based on the results, one can say that the policies pursued by the Indian government to disperse the industries fail to have significant impact when other agglomerative and dispersive forces are accounted for. The results have important policy implications. Since dispersal policy has not worked, state and central governments need to look for other avenues to achieve balanced growth. Results indicate that it is not the dispersal policy, rather the availability of infrastructure, physical and human capital, which would induce firms to locate in an area. The key to reducing regional disparity is to put efforts into providing electricity, roads, investing in technical and higher education, among others.

**Issue:**

- Regarding problems in banking sector.

**Impact of Financial Liberalization on Public sector lending:**

- One, it increased the share of retail credit assets in total assets such as credit card advances, housing and personal loans
- The other, financing infrastructure through government-enforced pressure on public banks.

**Reasons for government-enforced pressure on public banks:**

- An inadequate corporate bond market and the unwillingness of private players to deploy their own capital for long-term financing of infrastructural projects; and
- The government's reluctance to invest in infrastructure given its fiscal commitments.

**Problems in banks:**

- Recent estimates by the Reserve Bank of India (RBI) show that stressed assets, that is, gross NPAs, restructured standard assets, and written-off accounts for the banking system as a whole, which stood at 9.8% at the end of March 2012, moved up to 14.5% by the end of December 2015.
- During the same period, the stressed assets of the PSBs increased from 11% to 17.7% of total advances.
- **Stressed assets:** NPAs and restructured loans together show the low asset quality of banks. These together are hence called stressed assets.

- **Standard assets:** Standard assets mean performing assets
- **Restructured loans:** When the borrower faces financial stress and cannot repay loans, it asks for relaxation of original terms and conditions. Banks then ease certain terms like reduction of interest rates, moratorium on interest repayment and so on. In banking parlance, it is called restructuring.

**RBI's move:**

- The Financial Stability Report of the RBI points to a high share of infrastructure-related debt in the stressed assets of PSBs.
- Mining, iron and steel, infrastructure and aviation in total advances of the PSBs stood at 25.1% in December 2014.
- Their share in the stressed assets held by the PSBs was a much higher 45.5% (Infrastructure – 30%)
- The RBI's push for banks to clean up their balance sheets to meet the Basel III capital adequacy norms has also increased the visibility of NPAs.
- The RBI made banks undergo asset quality reviews to clean up their books of account as a result of which it found that almost half of the lenders' stressed assets had not been reported.
- **Capital Adequacy Ratio:** Capital Adequacy Ratio (CAR), also known as Capital to Risk (Weighted) Assets Ratio (CRAR), is the ratio of a bank's capital to its risk. National regulators track a bank's CAR to ensure that it can absorb a reasonable amount of loss and complies with statutory Capital requirements. It is a measure of a bank's capital.
- **BASEL III norms:** Basel III (or the Third Basel Accord) is a global, voluntary regulatory framework on bank capital adequacy, stress

testing, and market liquidity risk. It was agreed upon by the members of the Basel Committee on Banking Supervision in 2010–11. Basel III is intended to strengthen bank capital requirements by increasing bank liquidity and decreasing bank leverage.

- Earlier, restructuring by extension of maturity, conversion of debt to equity or a cut in interest rates permitted stressed assets to be recorded as standard restructured assets, but the RBI's tightening of norms for classification of assets as nonperforming has brought into focus the magnitude of the problem.

### Privatising Banks:

- With inadequate budgetary allocations made for recapitalisation, the government's position on raising capital through equity sales for banks would in effect mean privatisation of the public banking system.
- Private banking brings with it problematic incentive structures, as the sub-prime crisis in the United States has shown, and it is still depositors and the general public who end up bearing the risks.

### Way Forward:

- It is imperative that they develop better governance practices and improve their lending strategies.
- It is also imperative that corporate pay their dues.

**Main storming - GS - III**

**MAURITIUS NO LONGER INDIA'S  
TREASURE ISLAND**

**EPW**

The Republic of Mauritius is a small clutch of islands roughly 800 kilometres east of Madagascar, Mauritius is the easternmost point of the continent of Africa. Mauritius has always shared a special and

unique 'umbilical' relationship with India: at least 60 percent of the country's population of 1.3 million are people of Indian origin, mostly descendent of indentured labour from Bihar, Uttar Pradesh and other parts of Southern India who were taken to the island in the 19th century to work on sugar plantations.

India is the largest trading partner of Mauritius, and supplies almost all of the petroleum products used on the islands, besides substantial quantities of raw materials required for the manufacture of textiles. India not only supplies pharmaceuticals to Mauritius, but also manufactures medicines there.

Mauritius has emerged as a favoured destination for those seeking tax havens for laundering black money into India and avoiding paying taxes. Over a period of two decades, approximately 40 percent of the cumulative foreign investments of various kinds that have come to India have been routed through this small clutch of islands in the Indian Ocean whose population of 1.3 million equates to 0.104 percent of the Indian population.

### India-Mauritius DTAA

The India-Mauritius Double Taxation Avoidance Agreement (DTAA) that was signed in 1982 when Indira Gandhi was prime minister. The basis of a tax treaty such as the India-Mauritius DTAA is to avoid double taxation on the income of the resident taxpayers of the treaty countries and provide tax certainty to them. India has such agreements with at least 88 countries. When a resident of one country is earning income from another, there is a question as to which of the two countries can tax that income. The tax treaties locate the right to tax incomes between the treaty countries. A spirit of reciprocity, by which each country grants some benefits to the other, is crucial to their success. Once established, tax treaties are intended to stimulate flows of investment, which are supposed to bring with it technologies and services.

Loopholes in DTAA's also allow firms to avoid paying taxes on their investments in the home

country. Money can be brought in after being 'round-tripped' without disclosing the identities of those who really control these companies. 'Treaty shopping' or 'round-tripping' is a process whereby unscrupulous individuals in India take their illegal earnings outside the country, then move the funds through different jurisdictions before bringing them back through a tax haven as clean, 'laundered' white money.

The India-Mauritius DTAA came into effect with respect to income tax and capital gains assessable for the year commencing 1 April 1983. The Agreement, however, had little impact in the pre-liberalisation era, when India remained closed to foreign direct investment (FDI). Its efficacy as a legal loophole came into play only after the economic liberalisation of the 1990s. In 1992, ten years later, opened the Mauritius route for FDI and FII [foreign institutional investors, who invest in stock exchanges] money. And as the Indian economy kept on opening more and more, there were many who used this route to bring investments into India.

### Amending DTAA

India amending the Double Taxation Avoidance Agreement (DTAA) with Mauritius. While the protocol gives India the right to tax capital gains arising from sale or transfer of shares of an Indian company acquired by a Mauritian tax resident, it proposes to exempt investments made until March 31, 2017, from such taxation. The government also said that shares acquired between April 1, 2017 and March 31, 2019 will attract capital gains tax at a 50% discount on the domestic tax rate — i.e., at 7.5% for listed equities and 20% for unlisted ones. The full tax impact of the protocol will fall on investments beginning April 1, 2019, when capital gains will attract tax at the full domestic rates of 15% and 40%.

The DTAA was a major reason for a large number of foreign portfolio investors (FPI) and foreign entities to route their investments in India through Mauritius. Between April 2000 and December 2015, Mauritius accounted for \$ 93.66 billion — or

33.7% — of the total foreign direct investment of \$ 278 billion. The imposition of capital gains tax on the acquisition of shares of Indian companies after March 31, 2017 could, however, result in a slowing of the flow of investments.

The government's initiatives to curb black money in the system, money laundering and tax avoidance. The protocol would tackle issues of treaty abuse and round-tripping of funds attributed to the India-Mauritius treaty, curb revenue loss, prevent double non-taxation, streamline the flow of investment, and stimulate the flow of exchange of information between India and Mauritius. It is also expected to discourage speculators and non-serious investors, and thereby reduce volatility in the market.

### Impact of Investments

While Mauritius has traditionally accounted for almost a third of the total FDI inflow into India, Singapore has emerged as a preferred destination over the last few years. In fact, for the 9-month period from April 2015, FDI inflows through Singapore were \$ 10.98 billion, significantly higher than the \$ 6.1 billion that came through Mauritius. In this situation, the impact of the amendment in the Mauritius DTAA on the Singapore DTAA becomes critical — and it is expected that the amended tax regime for Mauritius will be applicable to capital gains for Singapore tax residents too.

### Singapore Tax Treaty

The protocol dated July 18, 2005 to the Singapore Tax Treaty says that the capital gains exemption under the Singapore Tax Treaty would remain in force only till the time Mauritius Tax Treaty provides for capital gains exemption on alienation of shares. Therefore, the benefits accorded under the Singapore Tax Treaty would fall away, unless amended. While it is expected that benefits of the Singapore treaty would also be available until March 31, 2017, experts hope the government would provide a level playing field for investments, and

avoid arbitrage between jurisdictions. The grandfathering provisions should, therefore, be built into the Singapore Tax Treaty as well.

### Participatory Notes or P-notes

The market imposition of capital gains tax will deter investments through Participatory Notes or P-notes, there would be no change for P-notes as of now. "P-notes is a separate decision, it is not linked to the treaty. There is no change in decision with regard to taxation of P-notes because of signing of the Mauritius treaty". P-Notes are instruments issued by registered foreign institutional investors to overseas investors. While the FPIs are registered with the Securities and Exchange Board of India (SEBI), the overseas investors investing in P-Notes are not registered with the market regulator, and thus their identity is not known to the authorities. SEBI's proposal to impose curb on P-notes on September 16, 2007, resulted in a sharp correction in the markets the following day, and forced the government to issue a clarification. Over the years, however, the share of P-notes in the total FPI investment has come down from around 50% in 2007 to 10% now.

### Foreign investments

Since investments until March 31, 2017 have been exempted from capital gains tax, there is no risk of an immediate outflow of funds. However, the protocol will impact all prospective investments with effect from April 1, 2017. Also, the benefit of the two-year transition period will be limited to companies that are not regarded as a shell/conduit company, and their total expenditure on operations in Mauritius has been at least Rs 27 lakh in the preceding 12 months.

Main storming - GS - III

NEW ISSUES IN MULTILATERAL  
TRADE NEGOTIATIONS

EPW

WTO's 10th ministerial conference in Nairobi has the potential of becoming a watershed in multilateral trade negotiations. The Nairobi

Ministerial Declaration of 19 December 2015 notes "while we concur that officials should prioritize work where results have not yet been achieved, some wish to identify and discuss other new issues for negotiation." This brings to the fore the possibility of "new issues" entering the multilateral negotiations. It is therefore important to assess the new issues' likely legal and economic implications for the developing countries as well as least developed countries and small states.

### The Likely Issues:

Many of the new issues currently being discussed are actually not so new. At the ministerial conference in Singapore in December 1996, four new issues—trade and investment, trade and competition policy, transparency in government procurement, and trade facilitation—were introduced to the WTO agenda. They are called the Singapore issues.

While three of the four Singapore issues were dropped in the 2004, the fourth issue was sealed with the trade facilitation agreement at the Bali Ministerial Meeting in 2013. Thus, some of the new issues that are currently being discussed may have their origins in the Singapore issues. Bringing these issues into multilateral negotiations may pose opportunities/challenges that may vary from country to country. This article discusses four of the new potential issues: trade and investment, transparency in government procurement, SoES, and labour standards.

### 1. Trade and Investment:

- While the multilateral negotiations of 2004 rejected this issue, an investment chapter has appeared in many trade agreements and exclusive investment treaties have been signed bilaterally as well as regionally. There are three provisions around investment issues that need to be highlighted.
- Coverage of Investment: For many countries which want to encourage foreign direct investments (FDI) agreements are a way of

assuring a stable environment to foreign firms. However, the definition of “investment” can go much beyond FDI.

- An important implication of such extensive coverage of investment would imply that the provisions for investment protection such as national treatment, most favoured nations treatment, and minimum standards of treatment would apply to all the above kinds of investments, except those listed in non-conforming measures in the annexes.
- Performance Requirements: Performance requirements are mandatory conditions that investors need to perform, either as a precondition of entry into a country or to receive a specific incentive. Commonly used performance requirements are transfer of technology and local content requirements. However, TPPA have a long list of prohibited performance requirements which go beyond what is included in WTO Agreement on Trade-Related Investment Measures (TRIMS). This would imply that countries will be prohibited from relating investments of any kind to performance targets like domestic content, domestic sales and transfer of technology etc.,
- Investor–State Dispute Settlement: ISDS allows an investor to directly sue the state for violation of any of the principles of an investment treaty. The process also involves setting up of an arbitration tribunal outside the control of any government. This could open the floodgates of litigations for developing countries and make policymaking more complex. And defending cases can therefore be quite challenging.
- One of the challenges that most developing countries face is that, given their institutional frameworks and resources, these investment rules could be fairly difficult to implement. Mere adoption of rules without implementation can in fact result in increasing the vulnerability of the developing countries.

## 2. Government Procurement:

- Governments are one of the largest buyers in the domestic market and procure around 30%–40% of GDP in developing countries. Government procurement has been traditionally used as a development policy tool by the developing countries to encourage small and medium enterprises (SMEs). However, in many countries lack of transparency in government procurement has been identified as a major cause of corruption.
- The agreement was seen as an attempt to increase transparency in government procurement as well as a way of providing both domestic as well as foreign firms equal access to a growing market.
- **Benefits:** Competition resulting from the agreement can lead to a better utilisation of taxpayer’s money as the goods and supplies can be sourced from more efficient producers at lower costs; Transparency requirements control “corruption” and ensure accountability.
- But, the costs associated in acceding to the GPA (Govt procurement agreement) are mainly threefold. 1. switching over from the existing procurement regime to one that is compliant with multilateral obligations would involve new costs (150 million for a country). 2. complying with obligations related to compiling and reporting statistics on government procurement could entail huge costs. 3. could result in an adverse impact on domestic industry. This may be more acutely felt by SMEs which may not be in a position to compete with big foreign producers.
- Further, government procurement has been used as a policy tool for:
  - (i) National security, especially in case of defence-related procurement;

- (ii) Redistributive goals, for example, higher public procurement from domestic entities through local content requirements;
  - (iii) Industrial and regional development which could mean encouraging procurement from backward regions;
  - (iv) promoting SMEs; and
  - (v) supporting State Owned Enterprises.
- Coverage of Entity and Thresholds: In most trade agreements only central government entities are included; however recent mega FTAs like TPPA include sub central government entities as well.
  - **Set-asides:** GPA includes a provision for set-asides; non-discrimination rules do not apply to some of the procurement made in the member countries. While set-asides do provide some space for fulfilling social objectives of the procurement, these have to be negotiated.
  - Multilateral commitments in GPA can be useful for countries which are already party to bilateral or regional agreements but can be extremely challenging for countries which are not parties to such agreements.

### 3. State-owned Enterprises:

- It is important to note that many countries have some form of competition policy in place. But competition laws in most of the countries exclude SOEs, because such enterprises have been set up in many strategic industries to fulfil social objectives as well as to generate income for governments.
- Almost all FTAs have kept SOEs out of their ambit, except for a few such as TPPA. TPPA argue that provisions around SOE are a modest first step towards disciplining unfair advantages that such enterprises have over foreign firms and the provisions will promote competitive neutrality.
- In TPPA, all SOEs which are engaged in “commercial activities” have to operate

according to non-discriminatory commercial principles and should not harm competitors. Non-conforming measures (NCMs) can be listed. For example, Vietnam has listed all current and future activities of its Ministry of Defence as NCMs. But it should be noted that the ball has been set rolling and may gather speed.

- In many countries, especially developing countries and LDCs, a SOE has a hybrid of commercial and social or public good functions, for example in sectors such as railways and postal services. It may become extremely difficult for countries in such areas to demarcate whether an SOE is undertaking commercial activity or not. And it may become extremely difficult for governments to restore the functions of the SOEs, if the market model fails in providing necessary good quality public utilities at accessible prices. SOEs are, after all, powerful development instruments in the hands of the governments.

### 4. Labour Standards:

- Labour standards include a wide range of practices including child labour, forced labour, trade unions and strikes, minimum wages, working conditions and working hours. While all WTO members agree on the internationally recognised “core” labour standards—that is, no forced labour, no child labour and no discrimination at work—there is a raging debate on other issues.
- In general, it is perceived that trade provides a powerful tool for improving workplace conditions, the developing countries consider any further steps in this direction as enhancing protectionism and depleting comparative advantages of developing countries which have low wage labour. The first mega FTA engaging developing and developed countries to include labour standards is the TPPA. Under it, members agree to maintain laws and practices governing minimum wages, hours of work, and occupational safety and health.

- There is no doubt that small states, LDCs and developing countries need to improve their labour standards. The question, however, that arises is whether trade policy is the most “appropriate” and “effective” policy tool to do so, especially given the fact that most labour violations take place in the non-tradable sectors and in the unorganised sector.
- Ongoing research in fact suggests that ratification is endogenous—countries that already have high standards tend to ratify conventions because the cost is low.

### Conclusion:

- With the widening of the coverage and scope of 21st century trade agreements, many new provisions are being introduced and existing provisions are being tightened in order to provide a level playing field to domestic and foreign enterprises in areas which impact on international trade. It is important to note that the implications of including these provisions may differ not only between developed and developing countries, but also among developing countries. Bringing “new issues” in the ambit of multilateral negotiations may further slow down the pace of multilateral negotiations, making the conclusion of Doha Development Agenda a distant reality.

### Main storming - GS - III

## “ OFF-GRID ENERGY DEVELOPMENT ”

EPW

### Issue:

- Regarding Off-Grid energy development in India.

### Current statistics:

- According to International Energy Agency, currently 22% of World’s population don’t have access to any form of modern energy services. 37% of this people live in South Asia.

- If current trend remains then further more number of people will slip into ‘energy poverty trap in 2030’ than now.

### Conventional approach:

- Grid expansion and creating distribution networks.
- But often they are neither financially viable nor environment friendly.

### Emerging solutions:

- Off-grid solutions based on small-scale decentralised renewable energy systems.
- They are resource-efficient and less capital intensive.

### Constraints in Off-grid solutions:

- High initial advance cost.
- Thin rural markets.
- Difficulty in arranging institutional finance.
- Ambiguous government policy.
- Inadequate capacities at the Community or Village level.

### 1. The Indian context:

- The Twelfth Five year plan (2012-17) suggests going beyond the conventional approach to address the energy problem.
- 43% of rural India still uses kerosene as the source of lighting energy.
- High regional variations.
- Legislative actions: Electricity act 2003, Integrated energy policy 2006, The Gokak committee on distributed generation, Jawaharlal Nehru National Solar Mission. All suggests decentralised Off-grid power.
- Sectoral application – Agriculture, Domestic, Industry and Commercial use.

- Technologies – Biomass gasification, Micro hydro, wind, solar photovoltaic, aero generators, waste to energy bio-fuel gasification.
- Solar off-grid system iort.
- Non-uniformity of state policies and provisions on certain key strategic matters.

### 3.3. Building Community capabilities:

- The capacity building component of existing off-grid energy programmes need a deeper and more participatory approach to community mobilisation than is often observed in practice.

### 4. Business models:

- A meaningful business model would need to factor in the whole set of constituent elements such as choice of technology, scale of the project, type of policy support, role of community, income linkages and funding sources.

### Conclusion:

- The problem seems to lie in overemphasising the techno-economic angle of development of these systems without adequate attention to other critical determinants.

The key pointers of our analysis are that:

- ✓ Macroeconomic policy instruments must be aligned with local accountability mechanisms, specifically for government-owned and -operated projects;
- ✓ At the project level, key choices related to technology selection and scale of intervention need to emerge from an understanding of the context;
- ✓ The context itself is a variable depending on community structure and local economy; and
- ✓ Financing of a project may be linked to the nature of energy services defined by the context.

## Main storming - GS - III

### PANOPTIC AT WORK

### EPW

The Geospatial Information Regulation Bill, 2016 (GIRB) invokes the evergreen argument of national security to justify the construction of a comprehensive regulatory framework. The GIRB appears to be another step (similar to draft National Encryption Policy) in a multipronged attempt by the central government to achieve over arching regulatory and surveillance authority over data flows in Indian cyberspace.

### What does “geospatial information” mean?

According to the draft it means:

- Geospatial imagery or data acquired through space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles.
- Graphical or digital data depicting natural or man-made physical features, phenomenon or boundaries of the earth.
- Any information related thereto including surveys, charts, maps, terrestrial photos referenced to a co-ordinate system and having attributes.

With Indian Regional Navigation Satellite System, the country has gained the capacity to generate its own geospatial data, and this bill appears to be aimed at ensuring that all geospatial data (obtained from other sources too) be subject to the same level of control that the government could exert over its own data. However, the draft appears to be beset by a lack of understanding of the technological basis of geo location services and the markets in which the geospatial data generated by them are used.

**What does the Bill say?**

Under the GIRB, persons and companies are required to obtain a special or general licence to acquire by any means, disseminate, publish or distribute geospatial information or imagery of the territory of India. To this end, it constitutes a Security Vetting Authority (SVA) as the licensing regulator, and an Apex Committee to notify rules and procedures and formulate guidelines, an Enforcement Authority with the power to investigate and adjudicate on disputes and violations, and an Appellate Authority.

This structure is analogous to the regulatory environment of natural resources which are handled by the Government. However, there are, both conceptual and practical difficulties with attempting to treat geospatial data as equivalent to a resource such as coal or natural gas.

**Conceptual & Practical difficulties:**

In many applications, geospatial data is dynamic, for instance, in Google's application that provides real-time traffic data. It is unclear, under the GIRB how geospatial data that is continuously changing will be vetted by any authority.

Under the bill, the SVA can take up to three months to vet a data set, a condition that manifestly will not be able to synchronise with real-time dynamic data.

Mapping and cartography in its traditional pre-digital form was an instrument of power: a technology of governmentality. With the formation of platforms such as Google Maps, a pseudo-democratisation has taken place with non-licensed civilians acting as cartographers in producing "crowd-sourced" maps and adding value on maps.

Presently, Google enjoys a dominant position in the global geospatial market. In this context, it is not inappropriate to attempt to restore the sovereignty of the people of India over geospatial information.

However, unlike a natural resource, the government is not the custodian of this information. It is the property of the citizenry at large, individually and collectively.

The military and national security concerns with regard to data are valid. The efforts to develop an indigenous capacity for generation of geospatial data as well as to evolve a policy framework for it have emerged from a military requirement which presented itself during the Kargil war, when the United States refused to share its geospatial data with India. However, it is arguably just as much of a national security threat when multinational corporations such as Google dominate the market for geospatial data. The GIRB fails to act effectively against this, instead providing a mechanism to institutionalise such dominance.

**Conclusion:**

There is an irrefutable need to build a coherent policy framework to deal with geospatial data. But, these must be premised on an understanding of popular sovereignty over individual and collective data. These must also be premised on a technologically competent understanding of the nature of the data form and the way it is made use of. The present draft of the GIRB fails on these counts.

**Main storming - GS - III**

**INDEXATION POLICY OF THE 7TH  
CENTRAL PAY COMMISSION REPORT**

**EPW**

The 7th Pay Commission headed by justice (retired) AK Mathur was constituted in February 2014 and submitted its report in November 2015. A pay commission is constituted by the central government once every decade to revise the salary structure of its employees. In addition to revising the salary structure, each pay commission has a term of reference (ToR), which broadly defines its focus. Pay commissions also decide pension

payments. For instance, the ToR of the 7th Pay Commission said salaries will be revised keeping in mind “rationalisation” and “simplification” of pay structures and “specialised needs of various departments”.

The central government employees are all persons in the civil services of the central government and those who are paid salaries out of the consolidated fund of India, which is the account in which government collects its revenues. Employees of public sector undertakings (PSU) and autonomous bodies, and gramin dak sevaks are not under the remit of the 7th Pay Commission.

PSU employees have separate pay scales depending on the undertaking they are working for. These PSUs specify salaries, perks and allowances for executive and non-executive employees. This means that two people working in different PSUs but on similar posts may have different salaries.

### **Employees & Pensioners**

As of 2014, there were 4.7 million central government employees. Indian Railways has the highest number of employees at 1.3 million, followed by the home ministry and the defence ministry at 980,000 and 398,000 respectively. Defence ministry personnel refer to civil employees and not those engaged in the Indian Armed Forces, which employs 1.4 million persons.

As of January 1, 2014, there were 5.2 million pensioners. Out of these, 36% of the pensioners are from the Indian Armed Forces, followed by railways at 25%.

The financial implication of 7th Pay Commission was pegged at Rs 1.02 lakh crore for 2016-17. Out of this, the salaries will account for Rs 39,100 crore (38% of the total), allowance for Rs 29,300 crore (29%) and pension for Rs 33,700 crore (33%). The total financial effects of adopting the recommendations will be split between the union budget and railway, with the former footing almost 75% of the bill.

### **Use CPI - IW**

Pay commissions use the Consumer Price Index for Industrial Workers or CPI (IW), which is in place since 1958, to determine the required increase in salaries. The commission estimates the minimum pay based on the consumption figures of Indian households. This takes into account how much pulses, milk, cloth and other commodities are consumed in an average Indian household.

The rise in prices is reflected in the CPI (IW) inflation, which is used to calculate the dearness allowance (DA). Besides DA, the pay increase includes the rise in basic pay, house rent allowance and leave transport allowance among others. The final figure is the minimum pay that a central government employee gets.

### **Commission recommend**

The 7th Pay Commission recommended the present system of grade pay and pay bands be replaced with an 18 level pay matrix that integrates assured career progression even if an employee has no prospects of promotion. It also brought in parity between past and present pensioners for both civilian and defence personnel, though without explicitly correlating it to ‘one rank one pension’.

It revised the minimum pay to Rs 18,000 per month, up from Rs 7,000. Almost 90% of this increase is for the dearness allowance (DA), with the rest being made up by other allowances. The 7th Pay Commission recommended a real increase of 14.3% in pay. This excludes the hike in dearness allowance.

### **New Pay Matrix**

By doing away with the pay bands and grade pay, the new pay matrix ensures that there are no abrupt jumps in salaries upon promotion in different pay bands. It also revises the modified assured career progression (MACP) so that an employee gets an assured increase in salary throughout her tenure – a maximum of 40 years for civilian and 24 years for defence employees – in case there are no promotions. This increase has been pegged at

3%.The 7th Pay Commission assigns 18 levels for designating the functional role in an organisation's hierarchy. For instance, a promotion may shift you from level 10 to 12, with a salary depending upon your experience.

### Main storming - GS - III

## INDIA'S WATER AND POWER CRISIS

EPW

- This year roughly 50 % of the country is in the grip of drought
- Bihar, Uttar Pradesh, Jharkhand, Chhattisgarh, Punjab, Haryana, Maharashtra, Karnataka and Andhra Pradesh are in the grip of drought
- Droughts affect all the sections of society from village poor to the urban rich
- One reason for such widespread impact is the reduced generation in power plants due to low water levels (because thermal power generation requires huge amount of freshwater for generating electricity)
- This power shortage has a notable effect on agriculture, industry and commerce sector

### THE CASE OF KARNATAKA

- The state is experiencing a drought situation unprecedented in the last 40 years
- The 72 % of the state's geographical area is arid or semi arid and 52 % area is drought prone
- The Raichur Thermal Power Station is located in the northern region of the state which is drought prone
- It is regularly hamstrung due to shortage of water in river Krishna and sometimes due to the availability of coal from distant coal mines
- Two more coal power plants are under construction nearby and they will depend on the same river basin

- One ultra mega power project is under construction near Almatti reservoir across the Krishna river which is facing huge opposition
- One more power plant is there in Bellary town which depends on the river Tungabhadra
- Some more coal power plants are planned for this region
- North Karnataka, the hub of power plants itself faces a situation of water shortage
- A coal power plant is proposed in the greener area of Hassan district near western ghats
- It will cause water scarcity in area and pollution
- Freshwater is scarce here as evidenced by the use of seawater for this plant

### CONCLUSION

- The coal plants operated or planned in the water scarce regions use the water which can be used to quench the thirst of 7% of the population and used for irrigation
- 70% of the total power generated in the country is thermal power
- Despite the 172 times growth of the power supply in the country since independence, 30 % of the population still has no access to electricity
- It is a clear indication of the failure of the current model of electricity demand – supply
- When the world is moving towards sustainable energy options such as highest possible efficiencies, demand side management, careful harnessing of natural resources and renewable energy sources, India continues to rely on failed public sector policies
- As power project last for almost 40 years, assessment of possible impacts of climate change on these structures should be done

- The technical and economic viability of these options should be assessed
- It is necessary to identify the nature and effects of possible adaption options for these projects
- It is necessary for India to shift to the greener natural resources now

**Main storming - GS - III**

**WATER LITERACY ESSENTIAL**

**EPW**

- The water situation in India shows a baffling picture
- Jaisalmer , a place with 100 mm annual rainfall faces no shortage of water whereas Cherrapunji with 15000 mm annual rainfall faces acute shortage of water

**THE REASONS**

- The historical water harvesting methods are no longer in use
- Water governance is suffering from institutional paralysis at the hands of unaware and inattentive users
- Imbalance of water resources across the country
- Exploitative agricultural practices of growing two water intensive crops – rice and wheat under green revolution
- Resource illiteracy

**THE SOLUTIONS**

- Adoption of innovative and futuristic water management techniques
- Efficient use of irrigation water
- Changing of crop pattern to less water intensive crops

- Recycling and reusing water for industrial uses
- Management of water resources

**CONCLUSION**

- Despite having much agricultural land and good rainfall , India faces water crisis because of mismanagement
- Right from the school , students should be taught about the water conservation and management and it should be made a part of their curriculum
- Both the society and government should make efforts in this direction

**Main storming - GS - III**

**MARATHWADA CLIMATE CHANGE**

**EPW**

- Farmers in India could be forgiven for assuming that bureaucrats , political parties and their representatives want them to quit agriculture, the situation for them has gone to bad from worse.
- Due to the decreasing profits in agriculture and loss due to climate change , many farmers opt to take their lives
- Farmers from Maharashtra's drought prone Marathwada region have been committing suicide since 2010 , but the numbers have gone up from 2014 onwards
- It is predicted that by 2050 , South Asia would suffer the awful repercussions of climate change on the availability of food , water and electricity
- Production of major crops like rice , wheat, millets , maize and sugarcane would drop substantially and occurrence of epidemics will be repeated

**THE PROBLEM**

- Trapped amidst frequent droughts due to climate change and inaction of the government, Marathwada region is facing extreme weather events more frequently since the El Nino in 2009
- The area is affected by
  - ✓ Depleting forest lands
  - ✓ Severe droughts
  - ✓ Dry borewells
  - ✓ Starving people and animals
  - ✓ Acute shortage of water
  - ✓ Stagnant economic activity
  - ✓ Consistent migration
- The normal rainfall during monsoon has dropped from 780 mm to 260 mm
- More than 70% of the kharif crops have failed
- In the past 7 to 8 years, untimely rain and hail storms in the month of February and march have adversely affected the winter harvest
- The farmers lost nearly 4 to 5 crops one after another
- The prices of urea continue to be the same even when its price has fallen in the international market
- The central government has increased the prices of potash and phosphate fertilizers
- The MSP of agricultural produce has been increased by a mere 4 to 5 %
- The compensation given is very less compared to the cost of production, and that too either does not reach the farmers or if reached, does not reach on time
- The weather prediction is not very accurate
- As the farmers are not considered creditworthy by the nationalised banks, formal credit is very low. Farmers take loan from money lenders at an interest rate of 48 to 100 % per annum

**SOLUTIONS AND SUGGESTIONS**

- Farmers should be given loans at a simple interest of 4% with crop insurance and health insurance schemes. PMFBY is a welcome step.
- State commissions should be set up with the help of farmers' representatives and centers in disaster prone areas to help them
- There should be a special agricultural zone to cater to the needs of agriculture and farmers
- Thorough research on the weather patterns in the Indian subcontinent and preparation of a customized model that considers climate dynamics should be done
- Cloud seeding should be adopted
- Cloud seeding chemicals can be strewn by aircraft or by devices located on ground generators or through canisters fired from anti aircraft guns or rockets
- Silver iodide flares are ignited and dispersed as aircraft flies through a cloud
- When released by devices on the ground, the fine particles are carries downwind and upwards by air currents
- it is being practiced in 47 countries and China, Australia, Thailand, Canada, France, Argentina, Kansas and many other US states to augment natural rainfall by 15 to 20%
- Drought resistant wheat variety that can sustain 50 degree Celsius temperature should be brought in India ( Sudan, Ethiopia and Nigeria are using it )

- Drought resistant genetically modified maize should be used
- More genetically modified seeds should be invented and used

### CONCLUSION

- To cure the sick agriculture in India, political will should be there
- All the authorities and sections of the society should contribute the needful on their part

#### Main storming - GS - III

### “PUNJAB OVERSTAYED IN AGRICULTURE”

**Agrarian** in the state is the second highest in India at 216 kilograms per hectare.

- Simultaneously, farmers in the state have over-invested in agri-machinery, owing to intensive farm mechanisation and partly to flaunt as status symbols.
- The rising resource intensity has required farmers to invest more, while agricultural income has not increased, subsequently pushing farmers into debt. Intensive farm mechanisation, coupled with increasing input costs, has pushed many small holders out of agricultural activity.
- Per acre debt is highest among the marginal and small farmers.
- The problem is that Punjab overstayed in agriculture and other sectors could not be developed to allow the workforce to move to a high productivity-high wages economy. Industry in Punjab has remained small.

#### Way ahead:

- Substantial crop diversification (from paddy and wheat) as a solution for Punjab's agrarian crisis.

- While diversification is critical to sustain agriculture in Punjab, there is a need to think of an integrated and ecosystem-centric approach towards changing entrenched practices in the sector.

- The government should seek to reorient and align policies that affect land use, crop choices, fertiliser use, irrigation practices and energy inputs to complement each other towards the common goals of sustainability and growth.

- Simultaneously, through better regulation, the government must leverage the potential of markets and market mechanisms to promote resource use efficiency in agriculture.

#### Main storming - GS - III

### NATIONAL AGRICULTURAL MARKET

EPW

- National Agricultural Market is a unified common market platform proposed in the union budget 2014-15
- Rs. 200 crore has been allocated to integrate Agricultural Produce Marketing Committees (APMC) into a common market platform
- 8% of the total principal and sub yard APMC's are to be renovated into a technology enabled unified market in the stipulated period
- APMC's would receive Rs. 30 lakh as a subsidy for infrastructure and technology adoption such as computer, power connection, internet broadband, very small aperture terminal (VSAT) etc
- It is an infrastructural and technological improvisation of the regulated markets
- States have been allowed to introduce market reforms in a phased manner such as provisions of private market, direct marketing, forward market, electronic trading in the

spot market , single point levy and single licensing system

- Out of the 23 states and union territories , only 8 have initiated major reforms in their agricultural markets

### NEED FOR NAM

- Electronic auction platform in APMC's can bring transparency in the price discovery process
- Unified market platform will lead to real time broad based price dissemination
- Common market platform can lead to a single licensing system across the implementing states
- It will promote a single point levy of market fee
- Online portal will enable the buyer to transfer funds to the farmer's account and concerned APMC's accounts directly

### ROLE OF SFAC

- Small Farmers' Agribusiness Consortium (SFAC) was established in 1994. Its fundamental objective is to link the small farmers to agricultural value chain, which includes investments, technology and markets in association with private, corporate or cooperative sector.
- SFAC will implement the project through a formal bidding process
- NeML (NCDEX e-market limited) might anchor the project and facilitate to design the trading architecture
- It will help the concerned states to improvise their regulated markets into a software enabled trading platform
- It will try to coordinate with the concerned authorities such as SAMBs , Food and Civil

Supply Corporation and procurement agencies to speed up the project execution

- The management support group of SFAC can take the responsibility of farmer organisations' monitoring and mandi reconstruction

### THE REQUIREMENTS

- A mainframe architecture of supply chain flows – information flow , product flow and cash or payment flow should be designed
  - States should have a positive outlook towards market led agriculture that includes steady procurement , value addition to the marketable surplus , co production and profit sharing model
  - Political stability should be there
  - Consultant for implementing the project should be carefully appointed by inviting bids from competent agencies by issuing a tender
  - Synergy of network organizations like NCDEX , consultants , market agencies like warehousing and collateral management agencies , financial institutions , implementing states and the centre is needed for the success of the project
  - Interested public and private organizations could get an opportunity to customized services in mandi modernization
  - The services required are
    - ✓ Grading of the produce
    - ✓ Price polling
    - ✓ Reporting to a central database
    - ✓ Warehousing and disposal
    - ✓ Commodity based structured financing
- ### INTEGRATING VALUE CHAIN
- Creation of NAM needs a management information system for managing information

flow , product flow and payment flow in an electronic market

- Technology can help in synchronizing value chain activities into layer wise processes
- It will optimize cost benefit metrics
- It will play a key role to moderate the production and in marketing decision of agents

### **PROCESS FLOW AT MARKET YARDS**

- The process can begin with farmer lot wise entry and lot identity code creation
- Farmer's need to unload their produce at commission agent's doorstep
- Commission agent would then update the entry record and take the sample from the heap
- The APMC staff would then conduct the electronic bidding as per the unique identification number
- The auction leads to bring the best bid (buy) and ask (sell) price
- The price would then be communicated to the bidder and the farmer through call or SMS
- When the order gets matched , final weight needs to be recorded for generating a sale receipt
- The buyer should then transfer the required amount to the farmer's account and pay market fee to APMC
- Before the amount gets transferred to the farmer's account , APMC should generate the farmer receipt and record the buyer inventory

### **PARTNERSHIP MODEL**

- The public private partnership can help integrate the information flow , product flow and cash flow
- It will value the chain stability and enhance flexibility
- Private integrated markets can be constructed by licensing from the concerned state government
- NABARD can become a financial intermediary between the producer companies and the service agencies
- National spot exchange can set up an electronic auction platform and link up the system to trading terminals in remote locations to provide the people there with an access to the project

### **PHASED ROLL OUT**

- At the farmer level , the training should include
  - ✓ Understanding of the idea
  - ✓ Product specification
  - ✓ Market trends
  - ✓ Pledge financing facilities
- Traders and other market agents should be trained
  - ✓ On the adoption of grades
  - ✓ Dispute settlement and arbitration
  - ✓ Payment facilitation
  - ✓ Produce handling
- APMC secretaries and chairman should build their capacity on
  - ✓ Operation of electronic market
  - ✓ Management of electronic market
  - ✓ Change management
  - ✓ Dispute redressal

- Higher authorities should understand the importance of NAM and facilitate the reform process

### THE BENEFITS

- Creation of NAM could reduce pricing anomaly at the wholesale and primary rural markets
- Price polling exercise would be more transparent and reliable
- Real time price information can be transmitted and stored into a central database
- It will make farmers financially literate
- By optimizing transaction cost and customizing the contract, farmers can get a better price for their produce
- Organized spot markets can support future markets and settlement of future contracts
- Commodity prices tend to be less distorted
- Primary stakeholders will be able to compare the prices across the country
- A single license would be issued to traders for registering with the national online market portal by the implementing state
- It could bring the procurement activities in order

### CONCLUSION

- NAM is indeed a revolutionary step for improving the regulated markets and the income of the farmers
- Its success depends upon the political will and its acceptance by the stakeholders
- A united effort is needed at every level to make this project a beautiful reality

### Main storming - GS - III

## TUBERCULOSIS ELIMINATION IN INDIA

EPW

- Tuberculosis is a potentially serious infectious bacterial disease that mainly affects the lungs
- India has the highest number of TB patients in the world followed by China and Indonesia
- 23 % of the total cases across the globe come from India
- One big reason for it is the inadequate and inefficient expenditure on health in India

### INADEQUATE SPENDING ON HEALTH

- India was committed to spend 3% of its GDP on public health in 1993 after the report of World Bank
- However, spending remain dismal at merely 1.34 %
- Brazil, Thailand and South Africa spend 4.5 % of their GDP on public health on an average
- Rwanda, Swaziland, Lesotho, Samoa, Kiribati and Micronesia invest more than 6% of their GDP on health
- India's current expenditure on TB prevention and care is 66% less than the amount recommended by the WHO
- Central Tuberculosis Division (CTD) proposed a budget of \$881 million under the Twelfth Five Year Plan for its National Strategic Plan for the universal access of RNTCP (Revised National Tuberculosis Control Program)
- The approved budget was \$680.6 million only
- Budget released so far is \$322 million
- This financial gap is to be filled by the patients themselves which increases the poverty in the country

- Revised National Tuberculosis Control Program (RNTCP) is the state-run tuberculosis (TB) control initiative of the Government of India. As per the National Strategic Plan 2012–17, the program has a vision of achieving a “TB free India”, and aims to achieve Universal Access to TB control services. The program provides, various free of cost, quality tuberculosis diagnosis and treatment services across the country through the government health system.
- The steady growth of India will be meaningful only if we are able to ripe its benefits.
- Eradication of TB would reduce pauperization viz. EWS

**Main storming - GS - III**

**UTTARAKHAND FOREST FIRES**

**EPW**

### FUND FLOW

- Currently, the fund flow of the scheme is managed by CTD, a part of the National Health Mission under the Ministry of Health and Family Welfare
- State and district level cells manage the finance at their respective levels
- The funds are released from the state treasury in two or three installments
- Disbursals are either delayed or released to the states at the end of the financial year
- In the previous year, many contractual staff did not receive their salaries for months
- It is important to review the financial management and fund disbursement of the RNTCP

### THE SOLUTIONS

- Efficient resource allocation should be done
- Timely disbursement of funds to the states is necessary
- The wages of the staff should be timely paid
- More resources and fund should be allocated, fund flow should be managed

### CONCLUSION

- It is to be understood that growth of public health parameters is necessary for economic growth

### 2016 Uttarakhand forest fires:

- In 2016, forest fires have been noted in numerous places across the Indian state of Uttarakhand.
- These fires, set mainly in pine forests in the slopes of the sub-Himalayan region, produced clouds of smoke.
- Widespread comments in the Indian news media led to the government taking action, deploying the National Disaster Response Force and making use of Indian Air Force Mi-17 helicopters fitted with “Bambi buckets” to douse the fires with water.

### Why it happened?

- The past three years for Uttarakhand show that the area under forest fires has more than doubled this year.
- Uttarakhand has been under a dry spell this year with either scanty or no rainfall in most areas. —High temperature with no moisture was the major reason for fires this year.
- Widespread fire could also be attributed to the presence of pine trees in 18 per cent of forests here. (Monoculture of Pines was done during British period).
- Careless residents and visitors could have caused some fires, illicit timber trade too is responsible.

**The Grassy Hillsides:**

- The Western Himalaya was experiencing warmer winters and overall, humidity had increased, enabling eastern Himalayan species to colonise the western Himalaya.
- There is a considerable increase in greenery – Sixties and seventies were the dry decades when hillsides would turn brown during winter.
- Ideally then, the incidents of fires should have reduced as the hills got greener and more humid. Unfortunately, this was not the case.
- Grassy hillsides were traditionally set afire during the dry period immediately preceding the monsoon, so that a new flush of nutritious grass would be put out with the first rains.
- Today, forests are being set on fire with the objective of drying up trees, to keep wood contractors in business, to stock up fuel wood for winter etc.,

**Depletion of Broadleaf forests & its effects:**

- The regular burning of forests has wiped out communities of insects, birds, amphibians and reptiles, besides, of course, most mammals.
  - Broadleaf trees tend to dry up in the wake of regular forest fires.
  - These are rapidly replaced by the fire-resistant chir pine, which has very little to offer in the way of food for wildlife
  - As a result, the only mammals that still survive in any numbers in Uttarakhand are rhesus macaques and wild boar, which are highly adaptable omnivores.
  - They now depend almost entirely on humans for their food, relying on raiding crops and even houses.
- In a knee-jerk response, the State Forest Department permitted the culling of wild boar.
  - The rapid depletion of broadleaf forest also led to the drying of springs. Water that used to percolate into the soil, now flows off within hours of reaching the ground.
  - **What needs to be done?** To address this disaster effectively in the long term, a large-scale increase in the area under broadleaf forests throughout the western Himalaya is the only way forward.

**Impact of forest fires:**

- On insects – Cannot withstand the high temperatures and are unable to escape fires. The loss of insects of all kinds has a significant impact on the forest ecosystem. Most importantly, the process of pollination is hampered.
- Soil – It reduces moisture, increases acidity, and reduces humus, the nutrient-rich top layer of soil. Because of the loss of insects, the soil is not porous enough. Fires also burn away the thick layer of litter on the forest floor.
- Non-timber produce – Forest fires deplete the non-timber produce that locals take from forests for various purposes. This loss increases the alienation of the people from their surrounding forests, encouraging migration.
- Animals – Their habitats gets destroyed. Because of that, they couldn't raise the young until the forest is rejuvenated. The loss of insects, trees and the lack of pollination affects the entire food chain.
- **Glacier Melting?** There is some speculation about glaciers melting, although no scientific study has been carried out in this regard. The idea is that soot from the fires can deposit on the glaciers, increasing their capacity to absorb heat.

**‘Creating a movement for change’:**

- The Niti Aayog has placed on the internet a 25-slide presentation entitled — ‘Creating a movement for change’. It has set out a thematic roadmap for quintupling the GDP from the current \$2 trillion to \$10 trillion and for removing poverty by 2032.
- As usual, the thrust is on – “Minimum Government, Maximum Governance”. It also included —Energy and Environment as a core theme.
- It doesn’t, however, mention the word — ‘Environment’ even once. It does contain suggestions that have positive environmental implications. But these suggestions are subsets of a broader theme.
- There’s no focused theme on managing the environmental consequences of 10 per cent annual growth.

**Accepting the hard truth:**

- India must accept certain hard truths. It will remain dependent on relatively polluting fossil fuels for the foreseeable future.
- Its electricity demand will be met predominantly from thermal power plants.
- Solar and wind will no doubt make distributed inroads but their contribution will account for a relatively small percentage.
- Similarly, hydro and nuclear will show robust growth but won’t reduce the dependence on fossil fuels.
- In consequence, India will face two sharp vulnerabilities. The first will be because of the growing import dependence on a geopolitically

volatile Middle East for crude oil supplies and the second because of environmental stress.

- Unless and until we tackle these two vulnerabilities, we will not come close to the projected targets of the presentation.

**Public-Private Investment:**

- The issue of oil supply security will require creative energy diplomacy.
- India will need to leverage its — ‘monopsonistic’ bargaining leverage to get the best commercial terms and, at the same time, it will have to navigate the antagonisms that divide two of our most important strategic suppliers, Saudi Arabia and Iran.
- [Note: Monopsony – A market in which goods or services are offered by several sellers but there is only one buyer.]
- The issue of environmental damage will require the creation of an ecosystem that incentivises collaborative public-private investment in — greening fossil fuels and clean-energy innovation. This could be spearheaded by the Niti Aayog.
- Investment in clean energy is not a slam-dunk economic proposition. (The recent bankruptcy of the solar company, Sun Edison is an example).
- Governments and public-sector entities have to provide the catalyst. This is what the US government has done for years and the Chinese government has begun recently.

**Lessons from the US:**

- The Pentagon wanted to develop robotic vehicles. To harness the scientific and technical talent towards this goal, it sponsored a race in 2004 between 15 driverless vehicles in the Mojave Desert in California.
- They offered \$1 million prize money. But, the results were underwhelming. No vehicle completed the race.

- The following year, they sponsored a second race with \$2 million prize money but with a more difficult route. Now, the results were impressive. Five cars completed the race.
- This success triggered private-sector interest and, today, Google and almost every major auto company is investing in the development of robotic, autonomous and semi-autonomous vehicles.

### Lessons from China:

- The China experience is also worth examining.
- Beijing had acquired the dubious ranking of being among the most polluted cities in the world.
- Three years back, the government shifted its energy gears. It put a break on thermal power plants and provided subsidies for investment in solar, wind and clean energy.

### India – Must learn the lessons:

- India cannot read from the same script as the US or China. Our developmental model is different. But it can draw appropriate lessons.
- Sustainable growth will require the catalytic impetus of government for investments in clean energy and innovation.
- The Niti Aayog's movement for change requires a sharp focus on weakening the connect between energy demand and environmental degradation. It must develop the road map for doing so.

Main storming - GS - III

CLIMATE CHANGE

EPW

### UN environment report:

- Nearly 40 million Indians will be at risk from rising sea levels by 2050, with people in Mumbai

and Kolkata having the maximum exposure to coastal flooding in future due to rapid urbanisation and economic growth.

- The 'Global Environmental Outlook (GEO-6): Regional Assessments' said the worst impacts of climate change are projected to occur in the Pacific and South and South-East Asia.
- The population at risk from sea-level rise by 2050, seven of the 10 most vulnerable countries worldwide are in the Asia Pacific region.

### India tops the chart:

- India tops the chart with nearly 40 million people in the country projected to be at risk from rising sea levels.
- The changes in settlement patterns, urbanisation and socioeconomic status in Asia have influenced observed trends in vulnerability and exposure to climate extremes.
- Many coastal areas, growing urban settlements have also affected the ability of natural coastal systems to respond effectively to extreme climate events, rendering them more vulnerable.

### Most populated cities at risk:

- Many of the cities (including Mumbai, Shanghai & Bangkok) are already exposed to coastal flooding, but have limited capacity to adapt due to their fixed location.
- In 2011, six of the ten countries most vulnerable to climate change worldwide were in Asia and the Pacific. Livelihoods can be impacted negatively by the natural disasters.
- UN report says global urban populations are projected to increase by 2.5 billion by 2050, with nearly 90 per cent of the increase in Asia and Africa.
- Coastal areas are highly exposed to cyclones and typhoons, the poor tend to be more exposed to natural disasters because they live on land open to hazards.

- This climate change, climate variability and sea-level rise will exacerbate multi-dimensional poverty in most developing countries.

### Models and Observations:

- The water vapour concentration increase in the atmosphere, per degree Celsius rise in temperature, is 7 per cent according to the Clausius-Clapeyron theory.
- Over the ocean, where evaporation is greater than precipitation, the atmosphere will get drier with increased global warming as the evaporated water, in the form of vapour, is carried away by winds.
- And where the precipitation is greater than evaporation, such as in wet areas, the areas will get much wetter.
- Over the land masses it has been less clear as to how the rainfall patterns change with global warming. Based on models, it has been found that global average precipitation increases only about 2 per cent.
- The heat released by the condensation of water itself tends to pull more moisture into a precipitating system.
- As the atmosphere's capacity to evaporate moisture from arid regions and to transport it away will increase, arid regions are expected to become drier still.
- The sea ice forms and builds up early in the sea ice growth season, it gets pushed offshore and northward by winds, forming a protective shield of older, thicker ice that circulates around the continent.
- The persistent winds, which flow down slope off the continent and are shaped by Antarctica's topography, pile ice up against the massive ice shield, enhancing its thickness.
- This band of ice, which varies in width from roughly 100 to 1,000 km, encapsulates and protects younger, thinner ice in the ice pack behind it from being reduced by winds and waves.
- A research team used QuikScat radar data to classify the different types of Antarctic sea ice. Older, thicker sea ice returns a stronger radar signal than younger, thinner ice does.
- They found the sea ice within the protective shield was older and rougher (due to longer exposure to wind and waves) and thicker (due to more snow accumulation).

### Main storming - GS - III

## THE ENVIRONMENT LAWS BILL, 2015

EPW

### Antarctic Sea Ice:

- The topography of Antarctica and the depth of the ocean surrounding it — are influencing winds and ocean currents, respectively, to drive the formation and evolution of Antarctica's sea ice cover and help sustain it.
- The behaviour of Antarctic sea ice is entirely consistent with the geophysical characteristics found in the southern polar region, which differ sharply from those present in the Arctic.

- The bill attempts to introduce a monetary penalties for environmental damage caused
- It proposes amendments to the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010

### CIVIL LIABILITY LEGAL FRAMEWORK

- Section 14 of the act provides that any case contravening this legislation would be "punishable with imprisonment for a term which may extend to five years"
- The civil monetary penalty mentioned in the Act is a maximum of Rs. 1 lakh

- The main contravention envisaged in the legislation relates to discharging of effluents and environmental pollutants in excess of the standard stipulated
- The industry has to adhere to stipulated norms regarding the hazardous substance
- The central government has sweeping powers to make rules, appoint authorities and lay down standards for the quality of the environment

### WHAT DOES THE BILL ENVISAGE ?

- The bill envisages that substantial damage caused to the environment will lead to a monetary penalty of Rs. 5 crore, which may extend to Rs. 10 crore in the case of continuing damage
- In the case of substantial damage caused to the environment, having an impact beyond 5 km and within 10 km radius of the project area, the monetary penalty is Rs. 10 crore, which may be extended to 15 crore in case of continuing damage
- In the case of substantial damage to the environment, having an impact beyond 10 km of the project area, the monetary penalty will be Rs. 15 crore, which may be extended to Rs. 25 crore in case of continuing damage
- It also envisages an adjudicatory body which would determine
  - ✓ Amount of damage caused to environment
  - ✓ The amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the danger
  - ✓ The repetitive nature of the damage
  - ✓ The continuance of default
  - ✓ The extent of injury caused or likely to be caused to the public or the other

living creatures or plants and micro organisms or property or public health

- It also envisages monetary penalty for non substantial and minor damages to the environment
- The National Green Tribunal would entertain appeals from the adjudicatory body envisaged in the bill

### THE DEFICIENCIES

- The maximum liability of Rs. 25 crore is not enough to stop the harmful activities
- It lacks the clear guidelines for the restoration of the environment to its prior condition
- It does not provide for compensating for the harm caused to the human life
- The proposed adjudicatory body will fragment the existing dispute resolution process
- The maximum fine Rs. 1 lakh provided in section 14 of the bill is a mere amount
- Lack of prosecution due to higher threshold of evidence requirement
- Intention to do principle ( mens rea ) saves the criminals
- Absence of separate environmental courts at district and state levels

### CONCLUSION

- The bill fails in bringing any structural change to the institutional mechanism for enforcement of the law
- There is a need for an independent regulatory body free from any political influence
- Some more solid modifications are required to make this bill a success

### Wetland (Conservation and Management) Rules, 2010:

- The MoEF has announced draft guidelines for amendment to Wetland (Conservation and Management) Rules, 2010 that will fall under the provisions of the Environment (Protection) Act, 1986.
- Creation of a state level authority is a major change.
- After it emerged that states were yet to notify wetlands under the 2010 Rules, the NGT directed them to do so in at least 5-10 districts in a time-bound fashion.
- The draft 2016 Rules seek to decentralise wetlands management to states, with the Centre having a say only in — exceptional cases — a provision that could potentially weaken conservation efforts in these eco-sensitive zones.

### What is a Wetland?

- Wetland encompass a broad range of ecosystems characterised by bodies of water like lakes, ponds, rivers or marshes, and their surrounding bio-networks.
- They are breeding grounds for fish and fowl, they store and recharge groundwater, and act as buffers against storms and floods.
- Despite their vital importance to humans, across India, wetlands are seriously threatened by reclamation and degradation through processes of discharge of domestic and industrial effluents, disposal of solid waste, and over exploitation.

### Indian Wetlands:

- There are 2,241 Ramsar sites across the world, including 26 spread across India from Wular Lake in Jammu and Kashmir to Ashtamudi Wetland in Kerala, and from Deepor Beel in Assam to Nal Sarovar in Gujarat.
- India is one of the 169 signatories to the Ramsar Convention on Wetlands, signed in Ramsar, Iran, in 1971, an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

### The new draft rule:

- The power to identify and notify wetlands would be vested in the Chief Minister, who as chief executive of the state government as well as of the state wetland authority, will propose and notify wetlands after accepting or rejecting recommendations.
- The draft has left out powers such as the one to periodically review the list of wetlands and the activities prohibited in them, and the power to issue — whatever directions necessary for conservation, preservation and wise use of wetlands.
- The new rules simply ask the state authorities to take — necessary directions for conservation and sustainable management of wetlands.
- The provision for wetland complexes removed — stating that the identification of the water body will be done by the state, the new draft has ignored involvement of stakeholders and other citizens.
- The way for stakeholders to approach the wetland authority in case the state fails to identify a threatened water body, is not clear.
- It does define a penalty for the people who do not abide by these rules.

**The CSE draft:**

- In December 2013, Delhi based non-profit Centre for Science and Environment drafted a Framework Legislation for Conservation and Protection of Wetlands in South Asia that focused on decentralisation of management of the wetlands.
- CSE's draft suggests that there should be authorities at three levels: central, state/provincial and district. This point is completely missing in the new notification.
- The non-profit's draft gives parameters for identification of wetlands. It also notes the involvement of public, civil society and scientific institutions to be critical in the mapping process.
- It adds that an open-to-public data bank should be created at the state level.
- It also adds that wetlands should not be leased to private companies. Their conservation should be incentive-based. These include tax benefits, rights to local communities, giving back reclaimed wetland back to the public and other measures.
- CSE's draft says that offences should be compounded on the basis of damage to the wetland. The punishment should be up to three years and fine up to Rs 100,000. The draft adds that the offences should cognisable and non-bailable.

Main storming - GS - III

"THE SHE IN SCIENCE"

EPW

**Issue:**

- A project to collect and disseminate information about the rewards and challenges faced by Women in scientific research community.

**Project name – The Life of Science**

- To build a digital resource for students and the general public to have an idea of what a life in science and technology research would be.
- Disseminate knowledge to people to decide if a career in research is possible for them.

**Focus on Women:**

- 25-30% of Ph.D students are women.
- Does not result into proportionate research or holding faculty positions.
- Only 16/500 recipients of Shanti Swaroop Bhatnagar Prize for S&T are Women.
- Difficulty in accessing information:
- Many of the websites of most scientific institutions continue to be out-of-date and uninformative.

**Emerging trends:**

- Around 17 of the women scientists and researchers were interviewed in this project. The outcomes are
- Almost all Women boast about their family support through their journey as a Scientist.
- Most of their Husbands also in the scientific research field. The Women felt that this Wife-Husband Scientist team combination aided to understand the pressures faced by each other and managing the family.
- Raising children and child care support substantially influences the career choices in Women.
- Most of the interviewed Women hail from the family background that gave high priority to women's education.

**Challenges:**

- Bureaucratic hurdles to set up a functional laboratory.

- Accusing of questionable relationship with Superior.
- Riskiness for Women in accepting help from strangers.
- Family pressures and responsibilities are the prime challenges for gender equity in Science.

### Conclusion:

- Overall, the scientific research in India is little democratic than that in Social Sciences, where research is skewed towards well known central institutions. Optimum work-life balance plays a major role in the success of Women in their research career.

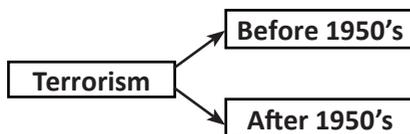
Main storming - GS - III

"OLD AND NEW TERRORISM"

EPW

### Issue

- The article is about the historical evolution and changes in terrorism.



### Before 1950's :

- ✓ During the course of struggle for independence India saw the revolutionary activities young Indians.
- ✓ Their violent action was devalued due to success of non-violence principle of Mahatma.
- ✓ However many parts of the world witnessed the handiworks of revolutionaries.
- ✓ Ex. At Ireland by Irish Republican Army.
- ✓ The actions of the revolutionaries targeted the representatives of the Imperial power. Not the civilian population.
- ✓ Had territorial limits.

### After 1950's:

- ✓ Terrorist activity became sectarian and civilians are targeted.
- ✓ No territorial limits.
- ✓ Ex. Jihadist groups.
- ✓ Their goal is not against imperialist powers but the conversion of all into wahabi fold.

### Terrorism and India:

- India had witnessed Khalistan movement and proxy Tamil Elam movement.

### Terrorism and USA:

- America after 9/11 attack made active promotion in branding terrorism as the most important threat against the nations.

Main storming - GS - III

"BY INHUMANE MEANS"

### Issue:

- Maoists uses Improvised Explosive Devices and land mines to kill the security forces.
- Deliberate violation of humanitarian law.

### Background:

- Naxalites are a group of far-left radical communists, supportive of Maoist political sentiment and ideology. Their origin can be traced to the splitting in 1967 of the Communist Party of India (Marxist), leading to the formation of the Communist Party of India (Marxist–Leninist). Initially the movement had its centre in West Bengal. In recent years, it has spread into less developed areas of rural central and eastern India, such as Chhattisgarh and Andhra Pradesh through the activities of underground groups like the Communist Party of India (Maoist).

- In 2007, it was estimated that Naxalites were active across “half of the India’s 28 states” who account for about 40 percent of India’s geographical area an area known as the “Red Corridor”.
- Salwa Judum (meaning “Peace March” or “Purification Hunt” in Gondi language) is a militia mobilised and deployed as part of anti-insurgency operations in Chhattisgarh, India, aimed at countering Naxalite violence in the region. The militia, consisting of local tribal youth, received support and training from the Chhattisgarh state government.[1][2]
- On 5 July 2011, the Supreme Court of India declared the militia to be illegal and unconstitutional, and ordered its disbanding.

### International protocol and conventions:

- Use of land mines are internationally banned as they are nondiscriminatory , lacking precision and causes unnecessary sufferings.
- Geneva and Hague conventions regulate the means used in the warfare so that unnecessary casualties could be reduced.
- India is a signatory of these conventions.
- They provide minimum protection to the victims of armed conflict. These treaties became customary and all nations are bound to implement.

### Maoist’s stance:

- Peace talks can be initiated on the following conditions.
  1. Their movement must be considered as a political one.
  2. The ban on Maoists by the Government should be lifted.
  3. Releasing of their comrades etc.,

### Government’s stance:

- Peace talks could be pursued only if the maoists shun violence and lay down their arms.

### Way ahead:

- If the maoists really wish their movement to be treated as a political one, they should abjure violence and act in conformity with international humanitarian laws and join the political mainstream to achieve their ambitions.

**Main storming - GS - III**

**“NATIONAL INSECURITY”**

### Questions for the Government:

- What’s wrong in India’s counter-terror security establishment ?
- How the border is easily penetrated ?
- Why the perimeter of the Pathankot Air Base was poorly guarded ?

### Solution:

- Need for effective Police action to check cross border trafficking, better intelligence and operational coordination - “Parliamentary standing committee on Home Affairs.”

### Problem :

- Lack of resources, fund shortfalls even for vehicle fuel and maintenance needs.
- Lack of man power in BSF, IB and RAW.
- Short supply of specialized skills .
- Dilution of training standards.
- Lack of accountability in security management.
- Poor quality of general intelligence alerts.
- Autocratic decision making at high command without professional participants.

- Lack of operational synergy by security forces incase of terror attacks.

### Way ahead:

- Functional autonomy for security forces.
- Creating additional resources.
- Evolving a national security doctrine.
- Fixing accountability.
- Upgrading existing protocols.
- Making the Intelligence services well competent and perfectly professional.
- Cut down the nexus between Politicians and Security apparatus that aids in unethical practices.

### Main storming - GS - III

## INSURE FARMERS AGAINST CLIMATE CHANGE

### India, a climate change hotspot:

India ranks in the top 20 in the Climate Change Vulnerability Index. Our average surface temperature, over the past four decades, has risen by 0.3° Celsius, accompanied by a rising incidence of floods, droughts and cyclones. Climate change would impact soil health, with increasing surface temperatures leading to higher CO<sub>2</sub> emissions and reducing natural nitrogen availability. With the majority of all landholdings in India measuring less than a hectare, marginal farmers face a steep decline in household income and a concomitant rise in household poverty.

### Situation in Rainfed Areas:

Bundelkhand, the arid region, occupying districts of Uttar Pradesh and Madhya Pradesh, has experienced drastic variation in climate in recent times. It faced a drought from 2003 to 2010, then floods in 2011, delayed monsoons in 2012 and

2013, and drought again since 2014. Farmers tried everything to adapt — growing a mix of dry crops during the kharif season, while interspersing the winter rabi wheat with cash crops like chickpea and mustard. They invested heavily in borewells, seeds, fertilizers etc., through formal and informal credit.

The past two winters, with hailstorms and unseasonal rain, destroyed crops, leading to farmer suicides (3,500 since 2003) and mass migration. Mitigation has been lacking; contractors benefiting, and instead of providing crop insurance, warehouses are built.

### Climate change on crop production:

Rain-fed agriculture is practised in the majority of our total cropped area supporting a significant proportion of the national food basket (55 per cent of rice, 90 per cent of pulses, 91 per cent of all coarse grain). India's flood-affected area has doubled since Independence, despite generous state spending on flood protection schemes.

Research has highlighted the deleterious impact of climate change on crop production. By 2100, the kharif season will face a varying temperature rise (0.7-3.3° Celsius) with rainfall significantly impacted. Limited temperature rises could lead to a 22 per cent decline in wheat yield in the rabi season, while rice yield could decline by 15 per cent. It is estimated that without rising temperatures and rain variability, India's rice production over the past four decades could have been 8 per cent higher.

### Some policy suggestions:

#### 1. Agricultural Productivity.

- Our low agricultural productivity remains a key constraint. According to the Swaminathan Committee on Farmers (2006), for rice, we produce 2,929 kg per hectare, while China produces twice as much. We produce 913 kg of groundnut per hectare, while Indonesia produces nearly half as much more. As suggested by the National Commission on Farmers, a rural spending plan, focussed on investments

in agriculture infrastructure, particularly in irrigation, rainwater harvesting and a national network of soil-testing laboratories is needed.

- Intergovernmental Panel on Climate Change, 2013 says, simple water harvesting and conservation measures (micro-irrigation, watershed management and insurance coverage) can reduce the majority of the potential loss due to drought. Drought strategies should be extended to the village level — each village should have a village pond, created under the MGNREGS.

## 2. Indian Agricultural Policy.

- Indian agricultural policy has made us structurally vulnerable to climate change. As suggested often by the National Commission on Farmers, conservation farming and dry land agriculture should be promoted. Each village should be provided timely rainfall forecasts, weather-based fore warnings regarding crop pests and epidemics. Afforestation should be encouraged to help modify regional climates and prevent soil erosion.
- Our agricultural research programmes need to be retooled towards dry land research. Changing planting dates could have a significant impact; research highlights that planting wheat earlier than usual can help reduce climate change-induced damage. Zero tillage and laser-based levelling can also help conserve water and land resources. Crop planning can be conducted as per the climatic zones of different regions, while utilising better genotypes for rain-fed conditions.

## 3. Expanding Formal Credit System.

- We should focus on expanding our formal credit system to reach all marginal farmers. Insurance coverage should be expanded to all crops while reducing the rate of interest, with government support and an expanded Rural Insurance Development Fund. A debt moratorium policy

on drought-distressed hotspots should be announced, waiving interest on loans till farming incomes are restored. The Centre and States should launch an integrated crop, livestock and family health insurance package and Agriculture Credit Risk Fund to provide relief in the aftermath of successive natural disasters.

### Way Forward:

Climate change will impact the entire food production chain, affecting our food security. Livestock would face reduced fodder supplies given a decline in crop area or production. With rising population, demand for diversified crops will be hard to square with diminishing yields. Agricultural investments in food crops, along with systemic support for irrigation, infrastructure and rural institutions can help move India beyond climate change-induced food insecurity, strengthening our stressed food production systems.

**Main storming - GS - III**

**ALL UP IN SMOKE?**

### Pictorial Warning in Cigarette – An Introduction:

The Ministry of Health and Family Welfare in February 2016 issued a notification to tobacco manufacturers, distributors and retailers to notify health warnings “covering 85% of the principle display area” from April 1, 2016. Till then, cigarette packs were required to carry graphical warning covering 40% on only one side. Expectably, tobacco companies are resisting the new regulation. The legal challenge to the new rule is likely to be finally settled in the weeks ahead, but till then, as per the Supreme Court’s directives, the larger warnings must be printed.

**SCs view:** The Supreme Court had told tobacco makers of their ‘duty to society’ and to carry pictorial warnings spread over 85% of both sides of their packaging as mandated by the government. Tobacco

Institute of India's view: They argue that these rules were "unreasonable", "arbitrary", "unforceable" and violative of the 2003 Act. They also said that, no consultations were made with the industry before enacting rules which made it mandatory to carry such "gruesome" warnings.

### Global happenings over Pictorial Warning:

Having lost the argument on the health effects of cigarette consumption, as well as passive smoking, cigarette-makers are pleading that tobacco-growers will be adversely affected. Experience in other countries suggests that they are fighting a losing battle.

- Australia in 2012, pioneered a move to have cigarettes sold in logo-free plain cartons to deter smokers.
- The European Court of Justice backed a measure to cover two-thirds of a cigarette packet with health cautions in the 28 member-states of the European Union.
- Earlier, the ECJ had prohibited the use of descriptive terms such as "light" and "mild" to differentiate among cigarettes. This was in addition to the mandatory disclosure on cigarette packs of the ingredients.
- In the U.S., e-cigarettes cannot be sold to people under 18 years of age. Because, e-cigarettes could sooner or later lure consumers to take up the real thing.
- The smoking habit is often picked up by suggestive nudges — through advertising, peer pressure, and cultural signals that associate smoking with hipness, attitude, stress-busting, and so on. Indeed, Canberra's post-implementation report shows that there has been a statistically significant drop in the prevalence of smoking since packages have gone logo-less.

- Industry lobbies, however, continue to pin their hopes on a challenge at the WTO, which they are fighting together with countries that have strong interests in the tobacco crop.

### Way Forward:

- The public health campaign must continue rapidly with the enforcement of extensive curbs on smoking in public spaces. This is an effective way to help break the smoking habit, besides protecting innocent bystanders from second-hand smoke. India have already enforced rules that warnings be affixed in films whenever someone lights up on screen. Having temporarily won its battle in the Supreme Court on packaging, it is time New Delhi did more to discourage smoking.

#### SOME FACTS:

The industry association claimed that the new warnings would prevent tobacco makers from appropriately displaying their trademarks and would cause the market to be flooded with counterfeit products. The Indian legal cigarette industry has been facing a continuous drop in demand because of high taxation and the growth of duty evaded illegal cigarettes that do not carry pictorial warnings.

Since 2012-13, the excise duty on cigarettes, at a per unit level, has gone up cumulatively by 118% with increase in taxation in every successive year. As a result, legal cigarettes today represent only 11% of tobacco consumption in India. As per estimates, the industry is down from 110 billion.

It said that the tobacco crop directly and indirectly supports 38 million people engaged in production, processing, marketing and exports, including six million farmers.

Main storming - GS - III

**ENTER THE SUPERBUG ?****What is the super bug?**

It is an informal term for a bacterium that has become resistant to antibiotics usually used to treat it. One common superbug increasingly seen outside hospitals is methicillin-resistant *Staphylococcus aureus* (MRSA). These bacteria don't respond to methicillin and related antibiotics.

**Recent Issue:**

The 49 year old U.S. woman was carrying *E. coli* bearing a new gene, *mcr-1*, which is resistant to even colistin (the last available antibiotic), that works against strains that have acquired protection against all other medication. This is the first reported case of the *mcr-1* gene in an *E. coli* strain found in a person living in America, but it raises worries about how far it may have spread.

**Why the worry?**

Though resistance to colistin has been detected for about 10 years in several countries, the danger from this has been somewhat played down since such resistance was brought about by gene mutations that cannot spread easily between bacteria. But *mcr-1* poses a threat of an entirely different order; in this case a small piece of DNA (plasmid) found outside the chromosome carries a gene responsible for antibiotic resistance – it can spread easily among different types of bacteria, as well as among patients.

In the case of *E. coli*, the colistin resistance is not insurmountable as it is still treatable by other known drugs. But, were the gene to spread to bugs treatable by only last-resort antibiotics, we could be facing the dreaded superbug. Thus, the discovery of *mcr-1* in more countries and settings increases the chances of the emergence and spread of resistance against all available antibiotics.

The *mcr-1* gene was first identified in China in November 2015. The unchecked use of antibiotics (colistin) in livestock is a major reason for the development of drug resistance.

**Way Forward:**

Significantly higher proportion of *mcr-1* positive samples was found in animals compared with humans, suggesting that the *mcr-1* gene had emerged in animals before spreading to humans. Besides being administered for veterinary purposes, colistin is used in agriculture. The global community needs to urgently address the indiscriminate use of antibiotics, and fast-track research on the next generation of drugs.

Main storming - GS - III

**TWO YEARS OF REFORM****On Agriculture:**

With nearly 80 per cent of the poor living in rural areas, the government has rightly given the highest priority to reviving agriculture.

- A major initiative to create a genuine national agricultural market through e-auctions in mandis across the breadth and length of the nation has been launched.
- The government has permitted 100 per cent FDI in the food chain as long as the produce originates domestically.
- To boost productivity in agriculture, the Pradhan Mantri Krishi Sinchai Yojana (PMKSY) is being implemented in mission mode.
- The government has given high priority to drip and sprinkler irrigation.
- It is creating soil- and seed-testing facilities at 2,000 retail outlets of fertiliser companies.
- The Prime Minister's Crop Insurance Programme, with much of the cost covered by the government, has also been launched.

- The NITI Aayog will soon unveil a model land-leasing law to help modernise tenancy laws across states.

### On the external and other fronts:

- The cap on FDI in insurance has finally been raised to 49 per cent.
- Defence has been opened to FDI with the cap through the automatic route recently raised to 49 per cent. A 100 per cent FDI in defence is permitted through the approval route.
- FDI up to 100 per cent has also been permitted in marketing of food products produced in India; high-tech and capital-intensive activities in railways;
- 100 per cent FDI also in coffee, rubber, cardamom, palm and olive plantations; manufacturing of medical devices; e-commerce marketplace; and non-bank ATMs.
- The government introduced legislation to auction coal and other natural resources. The reform brought increased transparency to the process with several auctions conducted in quick succession.

### On Business & Labour fronts:

- The government has introduced the Shram Suvidha portal to curtail inspector raj. The portal allows firms to self-certify compliance with Central labour laws with inspections conducted via a random selection of enterprises.
- The government has amended the Factories Act, 1948 to allow women to work night shifts and increase overtime hours per week.
- It has also amended the Apprenticeship Act, 1961 to encourage firms to take more apprentices.
- Improved ease of doing business has led to a simplification of procedures. Telangana now gives its entrepreneurs the right to time-bound clearance of business proposals.

- Encouraged by the Central government's liberal approach, several states have amended several Central labour laws.

- The government has enacted the Insolvency and Bankruptcy Act, 2015. Act that amalgamates all existing laws on corporate and individual insolvency and bankruptcy and provides a time-bound process of exit through professionals.

### On Taxation front:

- The present government announced its commitment not to initiate any new cases under the draconian retrospective tax law.
- Firms charged under the law now have a one-time opportunity to settle the cases by paying the assessed tax with no interest or penalty applied. Negotiations with Vodafone are already underway.
- As a further step towards reducing tax uncertainty, Budget 2016-17 offers to settle the cases involving less than Rs 10 lakh in dues without penalty as long as the dues are paid.
- The government has announced its intention to reform the corporate profit tax by eliminating myriad exemptions and reducing the tax rate to 25 per cent.
- As a first concrete step, Budget 2016-17 offers the option of 25 per cent tax plus surcharge and cess to companies incorporated beginning March 1.
- There has been a total absence of any allegations of corruption during the two-year tenure of the government. Often overlooked, this is a major achievement. According to rankings by the Economist magazine, the wealth of crony capitalists in India has fallen to 3 per cent of the GDP in 2016 from 18 per cent of the GDP in 2008.

### Way Forward:

This reform initiatives of the government is by no means complete. These reforms, within a span of two years, represent substantial progress

towards restoring the momentum of the economy. But given the large volume of counter-productive laws, regulations and rules that exist, much remains to be done.

Main storming - GS - III

## BAND-AID SOLUTIONS

### Excessive government intervention:

Indian agriculture suffers from a major weakness – overweening government intervention. Be it inputs such as fertilisers – governed by one of the most complicated subsidy regimes ever devised, or outputs, our government has laid out a complicated mesh of regulations. There is enough evidence to show that excessive regulation has hurt not just agricultural productivity but also farmers and, eventually, consumers. Last week saw yet another round of regulations, purportedly unleashed in the name of protecting the interests of the common man.

### Recent happenings:

Responding to an increase in the prices of pulses, the Maharashtra cabinet adopted a draft legislation aimed at regulating and capping them. On the same day, the Centre asked states to crack down on hoarding by imposing stockholding limits for traders on all varieties of pulses.

### What is Hoarding in Economics?

In economics, hoarding is the practice of obtaining and holding scarce resources, with the intention to sell to customers on a high profit in future.

A day later, the Centre issued a similar decision on sugar, empowering Central agencies and state governments to control prices by imposing stock limits, and regulating its supply, distribution, storage and trade.

### Why hoarding might not be bad?

It is easy to characterise hoarding as an unjust activity that robs the farmer, increases prices for consumers, and benefits only the middlemen. Think of the government's buffer stock policy – essentially, the government is the biggest hoarder in the agricultural market. Indeed, timely hoarding of commodities, enabled by proper warehousing facilities in the country, can go a long way in stabilising price fluctuations.

**Case of onions:** Because of fluctuations in the government's arbitrarily set minimum export price, there is, at present, a glut in the market for onions. Prices have crashed to below Re 1 per kg and farmers are justifiably hopeless.

This is when hoarding, or creating a buffer stock, helps the farmer and smooths prices, both for consumers and producers.

### Way Forward:

Instead of cracking down on hoarding and arbitrarily controlling prices, the government should allow greater play of market forces in agriculture. Prices signal the direction in which farmers must move to remain profitable. Government band-aid is a poor alternative.

Main storming - GS - III

## FROM PLATE TO PLOUGH: DROP BY CAREFUL DROP

### Water picture in the country:

- India has almost 18 percent of global population but only 4 percent of fresh water resources.
- On per capita water availability basis, India falls in the category of "water stressed" nations, defined as those with less than 1700 cubic metre water per capita, per year.
- In 2011, its average water availability hovered around 1545 cubic metre, down from 1816 cubic metres in 2001.

- But at several places it is already less than even 1000 cubic metres, making them “water scarce.”
- In any case, the whole nation is expected to be “water scarce” by 2050.

### **Irrigation Potential:**

- Almost 78 percent of India’s water is being used for irrigation. The ultimate irrigation potential (UIP) in the country, at current levels of technology, is 139.9 million hectares (m ha). Of this, almost 54 per cent comes from surface irrigation and 46 percent from groundwater resources. Surface irrigation comprises of major and medium irrigation schemes (42 per cent) and minor surface irrigation schemes (12 per cent).
- Overall irrigation potential can go up from 139.9 m ha today to 170 m ha, if we tap the potential of inter-linking of rivers. Our gross cropped area (GCA) hovers around 195 m ha. This needs to be seen in context of the “per drop, more crop” under PM’s Krishi Sinchayee Yojana.
- What is GCA? Gross Cropped Area (GCA) is the total area sown once as well as more than once in a particular year. When the crop is sown on a piece of land for twice, the area is counted twice in GCA.
- **Converting the crisis to opportunity:** IMD’s forecast of above normal monsoon rains had given some hope. Yet, a sizeable part of India is still smouldering under the grip of a drought. Marathwada is just a sample, but in reality more than 250 of India’s 680 plus odd districts have experienced severe drought, where even drinking water became a major problem. Wisdom lies in converting this water crisis into an opportunity to change policies and programs, so that masses don’t have to suffer again like this.

### **Irrigation schemes and their problems:**

Much of government expenditure on irrigation goes for major and medium irrigation schemes. But the bane of this sector is that there are too many

projects compared to resources allocated for them, and they linger on for decades, making them very expensive. Large leakages make it even worse.

The other bane is the widening gap between irrigation potential created (IPC) and potential utilised (IPU). While overall IPC so far is around 113 m ha, only about 91 m ha has been utilised. This gives only 47 per cent irrigation cover to gross cropped area (of 195 m ha). Anyone who gets access to water first, goes for water intensive crops like sugarcane, paddy, bananas, etc. as water is highly subsidised. As a result, not much water is left for tail-enders. No wonder IPU falls much short of IPC.

What is IPC & IPU? The total gross area proposed to be irrigated under different crops during a year by a scheme is IPC. The gross area actually irrigated during reference year out of the gross proposed area to be irrigated by the scheme during the year is IPU.

- Problems of Groundwater utilization: In groundwater, the problem is over-exploitation and falling water tables. More than 80 per cent of administrative units in Punjab, Haryana, Rajasthan and Delhi are overexploited, and water table is depleting by one foot each year. And one of the key factors behind this is the highly subsidised power supplied to rural areas.

### **So where do we go from here?**

- Installing meters to measure power consumption, and also canal waters, and then incentivising farmers to save their consumption by rewarding them with monetary value. Estimates suggest that about 30 per cent savings in water and power is feasible.
- Ration power and water supplies on per ha basis, and let farmers choose cropping patterns based on that allocation. If any farmer wants more of these beyond their rationed quantity, they will have to pay full cost pricing.

- Replace inefficient pump sets by more energy efficient ones at government cost. Estimates suggest that almost 30 per cent power can be saved.
- But to save water, we need to promote drip and sprinklers, especially for sugarcane and banana, saving 40-50 per cent water.
- Flooding of rice fields needs to be replaced by System of Rice Intensification technique, which can save about 30 per cent water.
- Last but not least, stop protecting water intensive crops.

Currently import duty on sugar is 40 per cent and on rice 70-80 percent. In fact, India is a net exporter of "virtual water" as 1 kg of rice requires 3000 to 5000 litres of water and 1 kg of sugar about 2000 litres of water, and both are being exported. In brief, we need to shift from supply side augmentation to demand side management, and incentivising peasantry to save water by rewarding them, and making imports of water guzzler crops liberal.

### What is SRI?

- System of Rice Intensification (SRI) emerged in the 1980's in Madagascar.
- It is a combination of several practices those include changes in nursery management, time of transplanting, water and weed management.
- It is just a different way of cultivating rice crop though the fundamental practices remain more or less same like in the conventional method.
- It emphasizes altering of certain agronomic practices of the conventional way of rice cultivation.

## Main storming - GS - III

### STANDING UP TO PATENT BULLYING

#### Standing up to patent bullying.

#### Copyright Vs. Trademark Vs. Patent:

Patent, copyright and trademark are all types of intellectual property rights that provide the creator an exclusive right over the use of his/her creation of mind for a limited amount of time.

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works et., It does not protect brands or names, short word combinations, slogans, plots or factual information. It also does not protect ideas or concepts.

Trademark is a visual symbol which may be a word signature, name, device, label, numerals or combination of colours used by an Enterprise on goods or services or other articles of commerce to distinguish it from other similar items originate from a different undertaking. Hence, it is mostly used to protect brand names, business names, slogans etc.,

Patent is an exclusive right for an invention provided by the law for a limited time to the Patentee. By patenting an invention, the patentee is able to control the making, using, selling or importing of the patented product or process for producing that product without his/her consent.

#### 1. India's National Intellectual Property Rights (IPR) Policy:

- The National IPR Policy is keenly concerned with generating "awareness" of intellectual property (IP) in the country. The policy calls for a new rush towards IP — roping in everyone from university professors to people in "rural and remote areas".

#### IP and innovation:

- On the face of it, a policy to grow IP, commercialise it, and thus drive economic growth sounds

plausible. Unfortunately for us, it is not. Because of the following reasons:

- Innovation thrives in an environment where access to knowledge is real and substantial. A key driver of access is openness. The Indian government, as the largest funder of research, could have mandated that this research be made accessible to scholars through open copyright licensing, but has chosen to abdicate this responsibility
- While innovation is a desirable economic goal for any society, the academic consensus is that IP is not a good measure of innovation. Innovation is largely driven by forces other than IP law, and the policy shows no signs of understanding this tenuous connection.
- Conflating IP with innovation can be dangerous. IP signifies activity. For this activity to be useful, it must generate value in a society, by being commercially or otherwise licensed and brought to market.

### **The Case of CSIR:**

- What does a reckless policy of confusing IP for innovation lead to? Something like the situation with the Council for Scientific and Industrial Research (CSIR) today: lots of patents, lots of money spent on those patents, and little to show beyond the noise.
- CSIR have a lot of patents (over 4500) and it claims that many of these patents have been licensed, but refuses to reveal if it has earned anything from these licensees. While we do not know if CSIR has earned anything from patenting, we do know what CSIR spent on patenting: Rs.74 crore over a period of 10 years. On paper, the institution is considered a remarkable success story of innovation. In practice, however, it is hard to see how CSIR's senseless patent quest can be considered anything other than a massive waste of public money.

### **The traditional knowledge trap:**

- If there is one thing the National IPR Policy is more concerned with than awareness, it is traditional knowledge. Our Geographical Indications law has been in force for 15 years, and government initiatives to increase registrations have been reasonably successful. The Biological Diversity Act is of similar vintage, but has only been enforced with seriousness in the present decade.
- Have these laws resulted in substantial benefits to any community which originated a form of traditional knowledge? Has legal protection spurred the regeneration of traditional knowledge? In the absence of concrete evidence that either objective has been satisfied, it is unclear why India should carve out larger property protections in this domain. In our quest to protect traditional knowledge, the rich countries will ensure that we remain enthralled by the IP myth, thereby allowing their own IP to lucratively flourish here.

### **Other aspects:**

- The National IPR Policy makes it clear that we will not roll back any aspects of Indian patent law, which was amended in 2005 to comply with WTO rules. It is perfectly correct to assert that our laws are compliant with the WTO.
- Unfortunately, almost every other assertion in the policy contradicts the principles espoused in our patent law. The Indian patent law extols a philosophy of minimalism — less is more. With the new IPR policy, this minimalism is now inexplicably shrouded in a cloak of maximalism, the lesson apparently having been revised to mean more is more.

### **Conclusion:**

The Indian system of supporting both innovation and access to medicines was an innovation in law-making, and it has inspired South Africa, Brazil and other countries to make law on similar lines. To

follow through, what these countries require is the unwavering confidence of the Indian government in its own patent law. This is a shame, for we could have used our patent law to take a bold, strong leadership position across the world.

India's National IPR Policy fails to grasp this opportunity. Instead, it trots out a policy where IP means innovation and encourages the pointless privatisation of indigenous knowledge, and egregiously fails innovation by doing nothing to make public research accessible to the people who pay for it.

**Main storming - GS - III**

## STANDING UP TO PATENT BULLYING

Access to low-cost quality medicines plays a critical role in public health systems. In the last decade, the public health challenges facing developing countries have expanded beyond infectious diseases to non-communicable diseases ("NCDs") in large part due to changing lifestyles and environmental risks. Affordable prices for medicines are vital to ensure that governments can progressively realise the sustainable development goal of universal access to health care. In particular, low-cost, quality generic medicines have played and continue to play a critical role.

### Generic Medicines:

Generic medicines are essentially identical versions of a branded medicine which can be manufactured without a licence from the innovating company and are marketed after the stipulated time under the patent laws. Generic drugs cost a fraction of the monopoly prices charged in countries like the United States, and the presence of multiple generic competitors in India has reduced the price of cancer and HIV treatment by as much as 90 to 1,000 per cent.

Access to quality generic treatment is particularly important for households that pay for medicines

out-of-pocket. When poor households lack access to affordable generics, they must make difficult choices between paying for medicines and other basic necessities like food, clothing and children's education.

India – the centre of the world's generic drug production: India is one of the few countries with the technical capacity to produce raw materials, also known as Active Pharmaceutical Ingredients (API), and formulations of newer medicines as generics. Medicines produced by generics companies in India are among the most affordable in the world. When generic substitutes are not available in India – due to patent monopoly – they become inaccessible to manufacturers and their high prices place them out of reach for the majority of patients who need them.

### Section 3(d) of the Patents Act:

Parliament's inclusion of public health safeguards in its patent law through an amendment in 2005 set a progressive precedent for the entire world. Section 3(d) of the Patents Act states that frivolous changes which did not increase the efficacy of a medicine would not make it eligible for a patent. Through this, it protected generics from the deadly practice of 'ever greening', where pharmaceutical companies endlessly extend patents based on frivolous modifications to their drugs that have little to no effect.

The use of these safeguards by patient groups, courts and the patent office has now become a target of the multinational pharmaceutical lobby which seeks to get rid of them so it can pursue its goal of profiting from higher medicine prices.

### Special 301 Report:

The U.S. Trade Representative operates under the office of the American President prepares a report known as the 'Special 301 Report' where it has a 'Priority Watch List' where it lists countries whose intellectual property laws it dislikes. This is generally used to threaten and intimidate countries and is a pressure tactic to get them to change

their laws to U.S.'s liking. This year's report has put India on the 'Priority Watch List'. This move is to create pressure on the Ministry of Commerce and Industry and force it to comply with its demands on Intellectual Property (IP) enforcement so U.S.-based pharmaceutical companies can reap super profits.

The Indian government should reject such blatant interference in our internal policies on intellectual property. Commerce Minister has rightly pointed out that the Special 301 Report is inconsistent with the WTO's norms which clearly state that any dispute between two countries needs to be referred to its Dispute Settlement Body and unilateral actions such as the Report are not tenable.

### **Unprecedented health crisis in the U.S:**

India must clearly reject the intellectual property laws which the United States is trying to force on us. These have led to an unprecedented health crisis in the U.S. itself, with spiralling prices of medicines under lengthy and multiple IP monopolies, with American insurance companies struggling to manage the cost of reimbursing expensive new medicines, all of which threaten people's access to treatment.

This has made health care simply out of reach for the vast majority of Americans and the issue of affordable health care has dominated the primaries in the ongoing American presidential elections.

### **Way Forward:**

India's laws and policies on the other hand are entirely compliant with the World Trade Organisation's trade rules on intellectual property (TRIPS), promote generic competition and limit abusive pharmaceutical industry practices including patent ever greening. They follow a middle path between granting monopoly patent rights and public health imperatives. Our pharmaceutical sector that has become the 'pharmacy of the developing world' supplying affordable, life-saving medicines to many developing countries.

## **Main storming - GS - III**

### **ISRO'S NEW FRONTIERS**

#### **What is a Reusable Launch Vehicle?**

It is a launch system which is capable of launching a payload into space more than once. This contrasts with expendable launch systems, where each launch vehicle is launched once and then discarded. No completely reusable orbital launch system is currently in use. However, several at least partially reusable systems are currently under development, such as the Falcon 9 full thrust (from Space X) is in first stage.

#### **India's RLV:**

On 23 May 2016, ISRO successfully performed test flight of India's first reusable launch vehicle Reusable Launch Vehicle – Technology Demonstrator (RLV-TD) that operates at hypersonic speed (HEX – Hypersonic Flight Experiment). The hypersonic flight, that lasted about 770 seconds from lift-off to splashdown in the Bay of Bengal, reached an altitude of about 65 km before re-entering the atmosphere at nearly five times the speed of sound. Many more such successful launches have to be undertaken before the RLV becomes a reusable launch system to put satellites into orbit.

#### **Objectives of this week's launch:**

- The ultimate objective is to test the vehicle's performance when it travels at a speed of Mach 25 using air-breathing propulsion.
- And to test the aero-thermodynamic characterisation of the vehicle with wings when it re-enters the atmosphere at hypersonic speed;
- the control and guidance system;

- the control system to land the vehicle at a specific location; and the hot structure, the basic body-carrying part of the vehicle with heat protecting tiles.
  - It will take 10 to 15 years, and several more launches, before ISRO readies a reusable launch vehicle for commercial use.
- much as 80 per cent the cost of launching satellites into orbit. Learning from the mistakes of the NASA in its space shuttle programme, ISRO will not use the same reusable vehicle to launch satellites and carry. ISRO will also use cutting-edge technology to shield the launch vehicle from intense heat to reduce, if not completely eliminate, refurbishment expenses. Getting this right, ISRO should be able to break even after 25 to 50 launches, bringing down the cost of further launches on the same vehicle.

**Way Forward:**

Building a fully and rapidly reusable launch vehicle will play a pivotal role in cutting down by as

